LAWS
OF THE
STATE OF ILLINOIS
NINETY SECOND
GENERAL ASSEMBLY

2002

PUBLIC ACT 92-533
THRU
PUBLIC ACT 92-886
The Session Laws of Illinois are compiled, printed and distributed annually by the Secretary of State pursuant to Sections 10(f) and 10(g) of an Act entitled, "General Assembly Operation Act", effective September 6, 1990. (25 Illinois Compiled Statutes, 10/10(f) and 10/10(g))

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

JESSE WHITE
Secretary of State

(PRT3331888-750-3/04)

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

1970 CONSTITUTION, ARTICLE IV

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

5 ILLINOIS COMPILED STATUTES CHAPTER 75

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

(b) A bill passed prior to July 1 of a calendar year that does provide for an effective date in the terms of the bill shall become effective on that date if that date is the same as or subsequent to the date the bill becomes a law; provided that if the effective date provided in the terms of the bill is prior to the date the bill becomes a law then the date the bill becomes a law shall be the effective date."

75/2. Special Effective Dates
"§2 A bill passed after June 30 of a calendar year shall become effective on July 1 of the next calendar year unless the General Assembly by a vote of three-fifths of the members elected to each house provides for an earlier effective date in the terms of the bill or unless the General Assembly provides for a later effective date in the terms of the bill; provided that if the effective date provided in the terms of the bill is prior to the date the bill becomes a law then the date the bill becomes a law shall be the effective date.
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VIP - Approved with appropriation items vetoed.
IR - Approved with appropriation items reduced.
AV - Amendatory veto (returned to G.A. with recommendations for change.)
P - General Assembly action pending.
O - Governor's action overridden by General Assembly.
CERT - AV accepted by the G.A. and certified by the Governor.
NPA - No positive action by the G.A.
* - Generally effective this date, some sections other dates.
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## 2002 Session

**MARCH 14, 2002 THROUGH MARCH 12, 2003**

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**VIP** - Approved with appropriation items vetoed.

**IR** - Approved with appropriation items reduced.

**AV** - Amendatory veto (returned to G.A. with recommendations for change.)

**P** - General Assembly action pending.

**O** - Governor's action overridden by General Assembly.

**CERT** - AV accepted by the G.A. and certified by the Governor.

**NPA** - No positive action by the G.A.

**_** - Generally effective this date, some sections other dates.
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AN ACT concerning police officers.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Police Training Act is amended by changing Section 8.2 and by adding Section 10.2 as follows:

(50 ILCS 705/8.2)
Sec. 8.2. Part-time police officers.
(a) A person hired to serve as a part-time police officer must obtain from the Board a certificate (i) attesting to his or her successful completion of the part-time police training course; (ii) attesting to his or her satisfactory completion of a training program of similar content and number of hours that has been found acceptable by the Board under the provisions of this Act; or (iii) attesting to the Board’s determination that the part-time police training course is unnecessary because of the person’s extensive prior law enforcement experience. A person hired on or after the effective date of this amendatory Act of the 92nd General Assembly must obtain this certificate within 18 months after the initial date of hire as a probationary part-time police officer in the State of Illinois. The probationary part-time police officer must be enrolled and accepted into a Board-approved course within 6 months after active employment by any department in the State. A person hired on or after January 1, 1996 and before the effective date of this amendatory Act of the 92nd General Assembly must obtain this certificate within 18 months after the date of hire. A person hired before January 1, 1996 must obtain this certificate within 24 months after the effective date of this amendatory Act of 1995.

The employing agency may seek a waiver from the Board extending the period for compliance. A waiver shall be issued only for good and justifiable reasons, and the probationary part-time police officer may not practice as a part-time police officer during the waiver period and may not extend the initial period by more than 90 days. If training is required and not completed within the applicable time period, as extended by any waiver that may be granted, then the officer must forfeit his or her position.

(b) (Blank).

(c) The part-time police training course referred to in this Section shall be of similar content and the same number of hours as the courses for full-time officers and shall be provided by Mobile Team In-Service Training Units under the Intergovernmental Law Enforcement Officer’s In-Service Training Act or by another approved program or facility in a manner prescribed by the Board.

(d) For the purposes of this Section, the Board shall adopt rules defining what constitutes employment on a part-time basis.

(Source: P.A. 89-170, eff. 1-1-96; 90-271, eff. 7-30-97.)

(50 ILCS 705/10.2 new)
Sec. 10.2. Criminal background investigations.

New matter indicated by italics - deletions by strikeout.
(a) On and after the effective date of this amendatory Act of the 92nd General Assembly, an applicant for employment as a peace officer shall authorize an investigation to determine if the applicant has been convicted of any criminal offense that disqualifies the person as a peace officer.

(b) No law enforcement agency may knowingly employ a person unless (i) a criminal background investigation of that person has been completed and (ii) that investigation reveals no convictions of offenses specified in subsection (a) of Section 6.1 of this Act.

Section 10. The Illinois Municipal Code is amended by changing Section 10-2.1-6 as follows:

(65 ILCS 5/10-2.1-6) (from Ch. 24, par. 10-2.1-6)
Sec. 10-2.1-6. Examination of applicants; disqualifications.

(a) All applicants for a position in either the fire or police department of the municipality shall be under 35 years of age, shall be subject to an examination that shall be public, competitive, and open to all applicants (unless the council or board of trustees by ordinance limit applicants to electors of the municipality, county, state or nation) and shall be subject to reasonable limitations as to residence, health, habits, and moral character. The municipality may not charge or collect any fee from an applicant who has met all prequalification standards established by the municipality for any such position.

(b) Residency requirements in effect at the time an individual enters the fire or police service of a municipality (other than a municipality that has more than 1,000,000 inhabitants) cannot be made more restrictive for that individual during his period of service for that municipality, or be made a condition of promotion, except for the rank or position of Fire or Police Chief.

(c) No person with a record of misdemeanor convictions except those under Sections 11-6, 11-7, 11-9, 11-14, 11-15, 11-17, 11-18, 11-19, 12-2, 12-6, 12-15, 14-4, 16-1, 21.1-3, 24-3.1, 24-5, 25-1, 28-3, 31-1, 31-4, 31-6, 31-7, 32-1, 32-2, 32-3, 32-4, 32-8, and subsections (1), (6) and (8) of Section 24-1 of the Criminal Code of 1961 or arrested for any cause but not convicted on that cause shall be disqualified from taking the examination to qualify for a position in the fire department on grounds of habits or moral character.

(d) The age limitation in subsection (a) does not apply (i) to any person previously employed as a policeman or fireman in a regularly constituted police or fire department of (I) any municipality or (II) a fire protection district whose obligations were assumed by a municipality under Section 21 of the Fire Protection District Act, (ii) to any person who has served a municipality as a regularly enrolled volunteer fireman for 5 years immediately preceding the time that municipality begins to use full time firemen to provide all or part of its fire protection service, or (iii) to any person who has served as an auxiliary policeman under Section 3.1-30-20 for at least 5 years and is under 40 years of age, or (iv) to any person who has served as a deputy under Section 3-6008 of the Counties Code and otherwise meets necessary training requirements.

(e) Applicants who are 20 years of age and who have successfully completed 2 years of law enforcement studies at an accredited college or university may be considered for appointment to active duty with the police department. An applicant described in this

New matter indicated by italics - deletions by strikeout.
subsection (e) who is appointed to active duty shall not have power of arrest, nor shall the applicant be permitted to carry firearms, until he or she reaches 21 years of age.

(f) Applicants who are 18 years of age and who have successfully completed 2 years of study in fire techniques, amounting to a total of 4 high school credits, within the cadet program of a municipality may be considered for appointment to active duty with the fire department of any municipality.

(g) The council or board of trustees may by ordinance provide that persons residing outside the municipality are eligible to take the examination.

(h) The examinations shall be practical in character and relate to those matters that will fairly test the capacity of the persons examined to discharge the duties of the positions to which they seek appointment. No person shall be appointed to the police or fire department if he or she does not possess a high school diploma or an equivalent high school education. A board of fire and police commissioners may, by its rules, require police applicants to have obtained an associate's degree or a bachelor's degree as a prerequisite for employment. The examinations shall include tests of physical qualifications and health. No person shall be appointed to the police or fire department if he or she has suffered the amputation of any limb unless the applicant's duties will be only clerical or as a radio operator. No applicant shall be examined concerning his or her political or religious opinions or affiliations. The examinations shall be conducted by the board of fire and police commissioners of the municipality as provided in this Division 2.1.

(i) No person who is classified by his local selective service draft board as a conscientious objector, or who has ever been so classified, may be appointed to the police department.

(j) No person shall be appointed to the police or fire department unless he or she is a person of good character and not an habitual drunkard, gambler, or a person who has been convicted of a felony or a crime involving moral turpitude. No person, however, shall be disqualified from appointment to the fire department because of his or her record of misdemeanor convictions except those under Sections 11-6, 11-7, 11-9, 11-14, 11-15, 11-17, 11-18, 11-19, 12-2, 12-6, 12-15, 14-4, 16-1, 21.1-3, 24-3.1, 24-5, 25-1, 28-3, 31-1, 31-4, 31-6, 31-7, 32-1, 32-2, 32-3, 32-4, 32-8, and subsections (1), (6) and (8) of Section 24-1 of the Criminal Code of 1961 or arrest for any cause without conviction on that cause. Any such person who is in the department may be removed on charges brought and after a trial as provided in this Division 2.1.

(Source: P.A. 89-52, eff. 6-30-95; 90-445, eff. 8-16-97; 90-481, eff. 8-17-97; 90-655, eff. 7-30-98.)

Section 90. The State Mandates Act is amended by adding Section 8.25 as follows:

Sec. 8.25. Exempt mandate. Notwithstanding Sections 6 and 8 of this Act, no reimbursement by the State is required for the implementation of any mandate created by this amendatory Act of the 92nd General Assembly.

Section 99. Effective date. This Act takes effect upon becoming law.
AN ACT concerning hospitals.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Hospital District Law is amended by changing Sections 3 and 15 and by adding Section 15.3 as follows:

(70 ILCS 910/3) (from Ch. 23, par. 1253)

Sec. 3. (a) "Hospital" means any hospital for in-patient and out-patient medical or surgical care of persons in need thereof.

(b) "Public Hospital" means a hospital owned by a Hospital District or other public agency which is used or is intended for use by the public including paupers.

(c) "Facilities" means and includes real estate and any and all forms of tangible and intangible personal property and services used or useful as an aid, or constituting an advantage or convenience to the safe and efficient operation or maintenance of a public hospital. "Facilities" shall also include, but not be limited to, any clinics, dispensaries, physician offices, surgery centers, diagnostic facilities, and congregate housing units, assisted living units, sheltered care facilities, and ambulance facilities.

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

(e) "Hospital District" means a municipal corporation created and established under Section 4 of this Act. "District" and "Hospital District" are synonymous.

(f) "Board of Directors" and "Board" mean the board of directors of an established District or a District proposed to be established.

(g) "Public Agency" means any municipality, county, township, tuberculosis sanitarium district, or political subdivision that maintains a public hospital.

(Source: P.A. 89-104, eff. 7-7-95.)

(70 ILCS 910/15) (from Ch. 23, par. 1265)

Sec. 15. A Hospital District shall constitute a municipal corporation and body politic separate and apart from any other municipality, the State of Illinois or any other public or governmental agency and shall have and exercise the following governmental powers, and all other powers incidental, necessary, convenient, or desirable to carry out and effectuate such express powers.

1. To establish and maintain a hospital and hospital facilities within or outside its corporate limits, and to construct, acquire, develop, expand, extend and improve any such hospital or hospital facility. If a Hospital District utilizes its authority to levy a tax pursuant to Section 20 of this Act for the purpose of establishing and maintaining hospitals or hospital facilities, such District shall be prohibited from establishing and maintaining hospitals or

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hospital facilities located outside of its district unless so authorized by referendum. To approve the provision of any service and to approve any contract or other arrangement not prohibited by a hospital licensed under the Hospital Licensing Act, incorporated under the General Not-For-Profit Corporation Act, and exempt from taxation under paragraph (3) of subsection (c) of Section 501 of the Internal Revenue Code.

2. To acquire land in fee simple, rights in land and easements upon, over or across land and leasehold interests in land and tangible and intangible personal property used or useful for the location, establishment, maintenance, development, expansion, extension or improvement of any such hospital or hospital facility. Such acquisition may be by dedication, purchase, gift, agreement, lease, use or adverse possession or by condemnation.

3. To operate, maintain and manage such hospital and hospital facility, and to make and enter into contracts for the use, operation or management of and to provide rules and regulations for the operation, management or use of such hospital or hospital facility.

Such contracts may include the lease by the District of all or any portion of its facilities to a not-for-profit corporation organized by the District's board of directors. The rent to be paid pursuant to any such lease shall be in an amount deemed appropriate by the board of directors. Any of the remaining assets which are not the subject of such a lease may be conveyed and transferred to the not-for-profit corporation organized by the District's board of directors provided that the not-for-profit corporation agrees to discharge or assume such debts, liabilities, and obligations of the District as determined to be appropriate by the District's board of directors.

4. To fix, charge and collect reasonable fees and compensation for the use or occupancy of such hospital or any part thereof, or any hospital facility, and for nursing care, medicine, attendance, or other services furnished by such hospital or hospital facilities, according to the rules and regulations prescribed by the board from time to time.

5. To borrow money and to issue general obligation bonds, revenue bonds, notes, certificates, or other evidences of indebtedness for the purpose of accomplishing any of its corporate purposes, subject to compliance with any conditions or limitations set forth in this Act or the Health Facilities Planning Act or otherwise provided by the constitution of the State of Illinois.

6. To employ or enter into contracts for the employment of any person, firm, or corporation, and for professional services, necessary or desirable for the accomplishment of the corporate objects of the District or the proper administration, management, protection or control of its property.

7. To maintain such hospital for the benefit of the inhabitants of the area comprising the District who are sick, injured, or maimed regardless of race, creed, religion, sex, national origin or color, and to adopt such reasonable rules and regulations as may be necessary to render the use of the hospital of the greatest benefit to the greatest number; to exclude from the use of the hospital all persons who wilfully disregard any of the rules and regulations so established; to extend the privileges and use of the hospital to persons residing outside the area of the District upon such terms and conditions as the board of directors prescribes by its rules and regulations.

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8. To police its property and to exercise police powers in respect thereto or in respect to the enforcement of any rule or regulation provided by the ordinances of the District and to employ and commission police officers and other qualified persons to enforce the same.

The use of any such hospital or hospital facility of a District shall be subject to the reasonable regulation and control of the District and upon such reasonable terms and conditions as shall be established by its board of directors.

A regulatory ordinance of a District adopted under any provision of this Section may provide for a suspension or revocation of any rights or privileges within the control of the District for a violation of any such regulatory ordinance.

Nothing in this Section or in other provisions of this Act shall be construed to authorize the District or board to establish or enforce any regulation or rule in respect to hospitalization or in the operation or maintenance of such hospital or any hospital facilities within its jurisdiction which is in conflict with any federal or state law or regulation applicable to the same subject matter.

9. To provide for the benefit of its employees group life, health, accident, hospital and medical insurance, or any combination of such types of insurance, and to further provide for its employees by the establishment of a pension or retirement plan or system; to effectuate the establishment of any such insurance program or pension or retirement plan or system, a Hospital District may make, enter into or subscribe to agreements, contracts, policies or plans with private insurance companies. Such insurance may include provisions for employees who rely on treatment by spiritual means alone through prayer for healing in accord with the tenets and practice of a well-recognized religious denomination. The board of directors of a Hospital District may provide for payment by the District of a portion of the premium or charge for such insurance or for a pension or retirement plan for employees with the employee paying the balance of such premium or charge. If the board of directors of a Hospital District undertakes a plan pursuant to which the Hospital District pays a portion of such premium or charge, the board shall provide for the withholding and deducting from the compensation of such employees as consent to joining such insurance program or pension or retirement plan or system, the balance of the premium or charge for such insurance or plan or system.

If the board of directors of a Hospital District does not provide for a program or plan pursuant to which such District pays a portion of the premium or charge for any group insurance program or pension or retirement plan or system, the board may provide for the withholding and deducting from the compensation of such employees as consent thereto the premium or charge for any group life, health, accident, hospital and medical insurance or for any pension or retirement plan or system.

A Hospital District deducting from the compensation of its employees for any group insurance program or pension or retirement plan or system, pursuant to this Section, may agree to receive and may receive reimbursement from the insurance company for the cost of withholding and transferring such amount to the company.

10. Except as provided in Section 15.3, to sell at public auction or by sealed bid and convey any real estate held by the District which the board of directors, by ordinance adopted
by at least 2/3rds of the members of the board then holding office, has determined to be no longer necessary or useful to, or for the best interests of, the District.

An ordinance directing the sale of real estate shall include the legal description of the real estate, its present use, a statement that the property is no longer necessary or useful to, or for the best interests of, the District, the terms and conditions of the sale, whether the sale is to be at public auction or sealed bid, and the date, time, and place the property is to be sold at auction or sealed bids opened.

Before making a sale by virtue of the ordinance, the board of directors shall cause notice of the proposal to sell to be published once each week for 3 successive weeks in a newspaper published, or, if none is published, having a general circulation, in the district, the first publication to be not less than 30 days before the day provided in the notice for the public sale or opening of bids for the real estate.

The notice of the proposal to sell shall include the same information included in the ordinance directing the sale and shall advertise for bids therefor. A sale of property by public auction shall be held at the property to be sold at a time and date determined by the board of directors. The board of directors may accept the high bid or any other bid determined to be in the best interests of the district by a vote of 2/3rds of the board then holding office, but by a majority vote of those holding office, they may reject any and all bids.

The chairman and secretary of the board of directors shall execute all documents necessary for the conveyance of such real property sold pursuant to the foregoing authority.

11. To establish and administer a program of loans for postsecondary students pursuing degrees in accredited public health-related educational programs at public institutions of higher education. If a student is awarded a loan, the individual shall agree to accept employment within the hospital district upon graduation from the public institution of higher education. For the purposes of this Act, "public institutions of higher education" means the University of Illinois; Southern Illinois University; Chicago State University; Eastern Illinois University; Governors State University; Illinois State University; Northeastern Illinois University; Northern Illinois University; Western Illinois University; the public community colleges of the State; and any other public colleges, universities or community colleges now or hereafter established or authorized by the General Assembly. The district's board of directors shall by resolution provide for eligibility requirements, award criteria, terms of financing, duration of employment accepted within the district and such other aspects of the loan program as its establishment and administration may necessitate.

12. To establish and maintain congregate housing units; to acquire land in fee simple and leasehold interests in land for the location, establishment, maintenance, and development of those housing units; to borrow funds and give debt instruments, real estate mortgages, and security interests in personal property, contract rights, and general intangibles; and to enter into any contract required for participation in any federal or State programs.

(Source: P.A. 89-4, eff. 1-1-96; 89-104, eff. 7-7-95; 89-626, eff. 8-9-96.)

(70 ILCS 910/15.3 new)

Sec. 15.3. Disposition of facilities.

(a) Notwithstanding any other provisions of this Act, the board of directors of a

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Hospital District, by public or private offer, may provide for the transfer, sale, lease, or other disposition of a public hospital and its facilities, in whole or in part, as provided in this Section.

(b) The board of directors, by resolution, may authorize a Hospital District to enter into contracts and agreements for the transfer, sale, lease, or other disposition, in whole or in part, at one time or from time to time of the public hospital and its facilities to a public or private corporation or other entity, hospital, health care facility, unit of local government, or institution of higher education, provided, unless the board of directors in the resolution expressly finds and determines otherwise, that the transfer, sale, lease, or other disposition does not adversely affect access to the hospital by inhabitants of the Hospital District. At least 10 days before the adoption of a resolution under this subsection, the board of directors shall make the proposed resolution conveniently available for public inspection and shall hold at least one public hearing on the proposed resolution. At least 10 days before the time of the public hearing, notice of the hearing shall be published in one or more newspapers having general circulation in the Hospital District. The notice shall state the date, time and place of the public hearing and the place where copies of the proposed resolution will be available for examination.

(c) After entering into and giving effect to the contracts and agreements with respect to any transfer, sale, lease, or other disposition under subsection (b), the Hospital District may continue to exist and to own, operate, and maintain facilities, whether or not a public hospital of the Hospital District continues to exist after the transfer, sale, lease, or other disposition. In addition, the Hospital District may continue to exist and to exercise powers, functions, and authority under this Act as the board of directors may find desirable or necessary, for up to 3 years, to give effect to such transfer, sale, lease, or other disposition and, as applicable, related to the facilities to continue to be owned, operated, and maintained by the Hospital District. The board of directors of the Hospital District may continue the Hospital District for up to 3 years to initiate the ownership, operations, and maintenance of other facilities and thereafter to continue to own, operate, and maintain the other facilities.

(d) If, before a transfer, sale, lease, or disposition of the public hospital under subsection (b), a labor organization has been recognized by the Hospital District as the exclusive representative of the majority of employees in a bargaining unit for purposes of collective bargaining, and if a transferee, purchaser, or lessor subject to the National Labor Relations Act retains or hires a majority of the employees in the bargaining unit, the purchaser or lessor shall recognize the labor organization as the exclusive representative of the majority of employees in that bargaining unit for purposes of collective bargaining, provided the labor organization makes a timely written assertion of its representational capacity to the transferee, purchaser or lessor.


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AN ACT in relation to elections.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Election Code is amended by changing Section 29C-10 as follows:

Sec. 29C-10. Terms of Senators in each group. Senators shall be elected from districts in each group of legislative districts on the dates and for terms as follows:

First group - 2002 and 2006 for 4 years each, and in 2010 for 2 years;
Second group - 2002 and 2006 for 4 years, 2006 and 2008 for 4 years, and in 2008 for 4 years; and
Third group - 2002 and 2006 for 2 years, and in 2004 for 2 years and 2008 and 2012 for 4 years each.

All 59 Senators, one from each of the 59 districts, shall be elected at the first general election of representatives next occurring after each decennial redistricting.

(Source: P.A. 87-827; 87-1052.)

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


Approved May 31, 2002.

Effective May 31, 2002.

AN ACT concerning taxation.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Cigarette Tax Act is amended by changing Sections 2 and 3 as follows:

Sec. 2. Tax imposed; rate; collection, payment, and distribution; discount.

(a) A tax is imposed upon any person engaged in business as a retailer of cigarettes in this State at the rate of 5 1/2 mills per cigarette sold, or otherwise disposed of in the course of such business in this State. In addition to any other tax imposed by this Act, a tax is imposed upon any person engaged in business as a retailer of cigarettes in this State at a rate of 1/2 mill per cigarette sold or otherwise disposed of in the course of such business in this State on and after January 1, 1947, and shall be paid into the Metropolitan Fair and Exposition Authority Reconstruction Fund. On and after December 1, 1985, in addition to
any other tax imposed by this Act, a tax is imposed upon any person engaged in business as a retailer of cigarettes in this State at a rate of 4 mills per cigarette sold or otherwise disposed of in the course of such business in this State. Of the additional tax imposed by this amendatory Act of 1985, $9,000,000 of the moneys received by the Department of Revenue pursuant to this Act shall be paid each month into the Common School Fund. On and after the effective date of this amendatory Act of 1989, in addition to any other tax imposed by this Act, a tax is imposed upon any person engaged in business as a retailer of cigarettes at the rate of 5 mills per cigarette sold or otherwise disposed of in the course of such business in this State. On and after the effective date of this amendatory Act of 1993, in addition to any other tax imposed by this Act, a tax is imposed upon any person engaged in business as a retailer of cigarettes at the rate of 7 mills per cigarette sold or otherwise disposed of in the course of such business in this State. On and after December 15, 1997, in addition to any other tax imposed by this Act, a tax is imposed upon any person engaged in business as a retailer of cigarettes at the rate of 7 mills per cigarette sold or otherwise disposed of in the course of such business. All of the moneys received by the Department of Revenue pursuant to this Act and the Cigarette Use Tax Act from the additional taxes imposed by this amendatory Act of 1997, shall be paid each month into the Common School Fund. On and after July 1, 2002, in addition to any other tax imposed by this Act, a tax is imposed upon any person engaged in business as a retailer of cigarettes at the rate of 20.0 mills per cigarette sold or otherwise disposed of in the course of such business in this State. The payment of such taxes shall be evidenced by a stamp affixed to each original package of cigarettes, or an authorized substitute for such stamp imprinted on each original package of such cigarettes underneath the sealed transparent outside wrapper of such original package, as hereinafter provided. However, such taxes are not imposed upon any activity in such business in interstate commerce or otherwise, which activity may not under the Constitution and statutes of the United States be made the subject of taxation by this State.

Beginning on the effective date of this amendatory Act of the 92nd General Assembly 1998, all of the moneys received by the Department of Revenue pursuant to this Act and the Cigarette Use Tax Act, other than the moneys that are dedicated to the Metropolitan Fair and Exposition Authority Reconstruction Fund and the Common School Fund, shall be distributed each month as follows: first, there shall be paid into the General Revenue Fund an amount which, when added to the amount paid into the Common School Fund for that month, equals $33,300,000; then, from the moneys remaining, if any amounts required to be paid into the General Revenue Fund in previous months remain unpaid, those amounts shall be paid into the General Revenue Fund; then, beginning on April 1, 2003, from the moneys remaining, $5,000,000 per month shall be paid into the School Infrastructure Fund; then, if any amounts required to be paid into the School Infrastructure Fund in previous months remain unpaid, those amounts shall be paid into the School Infrastructure Fund; then the moneys remaining, if any, shall be paid into the Long-Term Care Provider Fund. To the extent that more than $25,000,000 has been paid into the General Revenue Fund and Common School Fund per month for the period of July 1, 1993 through the effective date of this amendatory Act of 1994 from combined receipts of the Cigarette Tax Act and the

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Cigarette Use Tax Act, notwithstanding the distribution provided in this Section, the Department of Revenue is hereby directed to adjust the distribution provided in this Section to increase the next monthly payments to the Long Term Care Provider Fund by the amount paid to the General Revenue Fund and Common School Fund in excess of $25,000,000 per month and to decrease the next monthly payments to the General Revenue Fund and Common School Fund by that same excess amount.

When any tax imposed herein terminates or has terminated, distributors who have bought stamps while such tax was in effect and who therefore paid such tax, but who can show, to the Department's satisfaction, that they sold the cigarettes to which they affixed such stamps after such tax had terminated and did not recover the tax or its equivalent from purchasers, shall be allowed by the Department to take credit for such absorbed tax against subsequent tax stamp purchases from the Department by such distributor.

The impact of the tax levied by this Act is imposed upon the retailer and shall be prepaid or pre-collected by the distributor for the purpose of convenience and facility only, and the amount of the tax shall be added to the price of the cigarettes sold by such distributor. Collection of the tax shall be evidenced by a stamp or stamps affixed to each original package of cigarettes, as hereinafter provided.

Each distributor shall collect the tax from the retailer at or before the time of the sale, shall affix the stamps as hereinafter required, and shall remit the tax collected from retailers to the Department, as hereinafter provided. Any distributor who fails to properly collect and pay the tax imposed by this Act shall be liable for the tax. Any distributor having cigarettes to which stamps have been affixed in his possession for sale on the effective date of this amendatory Act of 1989 shall not be required to pay the additional tax imposed by this amendatory Act of 1989 on such stamped cigarettes. Any distributor having cigarettes to which stamps have been affixed in his possession for sale at 12:01 a.m. on the effective date of this amendatory Act of 1993, is required to pay the additional tax imposed by this amendatory Act of 1993 on such stamped cigarettes. This payment, less the discount provided in subsection (b), shall be due when the distributor first makes a purchase of cigarette tax stamps after the effective date of this amendatory Act of 1993, or on the first due date of a return under this Act after the effective date of this amendatory Act of 1993, whichever occurs first. Any distributor having cigarettes to which stamps have been affixed in his possession for sale on December 15, 1997 shall not be required to pay the additional tax imposed by this amendatory Act of 1997 on such stamped cigarettes.

Any distributor having cigarettes to which stamps have been affixed in his or her possession for sale on July 1, 2002 shall not be required to pay the additional tax imposed by this amendatory Act of the 92nd General Assembly on those stamped cigarettes.

The amount of the Cigarette Tax imposed by this Act shall be separately stated, apart from the price of the goods, by both distributors and retailers, in all advertisements, bills and sales invoices.

(b) The distributor shall be required to collect the taxes provided under paragraph (a) hereof, and, to cover the costs of such collection, shall be allowed a discount during any year commencing July 1st and ending the following June 30th in accordance with the schedule

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set out hereinbelow, which discount shall be allowed at the time of purchase of the stamps when purchase is required by this Act, or at the time when the tax is remitted to the Department without the purchase of stamps from the Department when that method of paying the tax is required or authorized by this Act. Prior to December 1, 1985, a discount equal to 1 2/3% of the amount of the tax up to and including the first $700,000 paid hereunder by such distributor to the Department during any such year; 1 1/3% of the next $700,000 of tax or any part thereof, paid hereunder by such distributor to the Department during any such year; 1% of the next $700,000 of tax, or any part thereof, paid hereunder by such distributor to the Department during any such year, and 2/3 of 1% of the amount of any additional tax paid hereunder by such distributor to the Department during any such year shall apply. On and after December 1, 1985, a discount equal to 1.75% of the amount of the tax payable under this Act up to and including the first $3,000,000 paid hereunder by such distributor to the Department during any such year and 1.5% of the amount of any additional tax paid hereunder by such distributor to the Department during any such year shall apply.

Two or more distributors that use a common means of affixing revenue tax stamps or that are owned or controlled by the same interests shall be treated as a single distributor for the purpose of computing the discount.

(c) The taxes herein imposed are in addition to all other occupation or privilege taxes imposed by the State of Illinois, or by any political subdivision thereof, or by any municipal corporation.

(Source: P.A. 90-548, eff. 12-4-97; 90-587, eff. 7-1-98.)
(35 ILCS 130/3) (from Ch. 120, par. 453.3)

Sec. 3. Affixing tax stamp; remitting tax to the Department. Payment of the taxes imposed by Section 2 of this Act shall (except as hereinafter provided) be evidenced by revenue tax stamps affixed to each original package of cigarettes. Each distributor of cigarettes, before delivering or causing to be delivered any original package of cigarettes in this State to a purchaser, shall firmly affix a proper stamp or stamps to each such package, or (in case of manufacturers of cigarettes in original packages which are contained inside a sealed transparent wrapper) shall imprint the required language on the original package of cigarettes beneath such outside wrapper, as hereinafter provided.

No stamp or imprint may be affixed to, or made upon, any package of cigarettes unless that package complies with all requirements of the federal Cigarette Labeling and Advertising Act, 15 U.S.C. 1331 and following, for the placement of labels, warnings, or any other information upon a package of cigarettes that is sold within the United States. Under the authority of Section 6, the Department shall revoke the license of any distributor that is determined to have violated this paragraph. A person may not affix a stamp on a package of cigarettes, cigarette papers, wrappers, or tubes if that individual package has been marked for export outside the United States with a label or notice in compliance with Section 290.185 of Title 27 of the Code of Federal Regulations. It is not a defense to a proceeding for violation of this paragraph that the label or notice has been removed, mutilated, obliterated, or altered in any manner.

The Department, or any person authorized by the Department, shall sell such stamps

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only to persons holding valid licenses as distributors under this Act. The Department may refuse to sell stamps to any person who does not comply with the provisions of this Act. Beginning on the effective date of this amendatory Act of the 92nd General Assembly and through June 30, 2002, persons holding valid licenses as distributors may purchase cigarette tax stamps up to an amount equal to 115% of the distributor's average monthly cigarette tax stamp purchases over the 12 calendar months prior to the effective date of this amendatory Act of the 92nd General Assembly.

Prior to December 1, 1985, the Department shall allow a distributor 21 days in which to make final payment of the amount to be paid for such stamps, by allowing the distributor to make payment for the stamps at the time of purchasing them with a draft which shall be in such form as the Department prescribes, and which shall be payable within 21 days thereafter: Provided that such distributor has filed with the Department, and has received the Department's approval of, a bond, which is in addition to the bond required under Section 4 of this Act, payable to the Department in an amount equal to 80% of such distributor's average monthly tax liability to the Department under this Act during the preceding calendar year or $500,000, whichever is less. The Bond shall be joint and several and shall be in the form of a surety company bond in such form as the Department prescribes, or it may be in the form of a bank certificate of deposit or bank letter of credit. The bond shall be conditioned upon the distributor's payment of amount of any 21-day draft which the Department accepts from that distributor for the delivery of stamps to that distributor under this Act. The distributor's failure to pay any such draft, when due, shall also make such distributor automatically liable to the Department for a penalty equal to 25% of the amount of such draft.

On and after December 1, 1985, the Department shall allow a distributor 30 days in which to make final payment of the amount to be paid for such stamps, by allowing the distributor to make payment for the stamps at the time of purchasing them with a draft which shall be in such form as the Department prescribes, and which shall be payable within 30 days thereafter, and beginning on January 1, 2003 and thereafter, the draft shall be payable by means of electronic funds transfer: Provided that such distributor has filed with the Department, and has received the Department's approval of, a bond, which is in addition to the bond required under Section 4 of this Act, payable to the Department in an amount equal to 150% of such distributor's average monthly tax liability to the Department under this Act during the preceding calendar year or $750,000, whichever is less, except that as to bonds filed on or after January 1, 1987, such additional bond shall be in an amount equal to 100% of such distributor's average monthly tax liability under this Act during the preceding calendar year or $750,000, whichever is less. The bond shall be joint and several and shall be in the form of a surety company bond in such form as the Department prescribes, or it may be in the form of a bank certificate of deposit or bank letter of credit. The bond shall be conditioned upon the distributor's payment of the amount of any 30-day draft which the Department accepts from that distributor for the delivery of stamps to that distributor under this Act. The distributor's failure to pay any such draft, when due, shall also make such distributor automatically liable to the Department for a penalty equal to 25% of the amount

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of such draft.

Every prior continuous compliance taxpayer shall be exempt from all requirements under this Section concerning the furnishing of such bond, as defined in this Section, as a condition precedent to his being authorized to engage in the business licensed under this Act. This exemption shall continue for each such taxpayer until such time as he may be determined by the Department to be delinquent in the filing of any returns, or is determined by the Department (either through the Department's issuance of a final assessment which has become final under the Act, or by the taxpayer's filing of a return which admits tax to be due that is not paid) to be delinquent or deficient in the paying of any tax under this Act, at which time that taxpayer shall become subject to the bond requirements of this Section and, as a condition of being allowed to continue to engage in the business licensed under this Act, shall be required to furnish bond to the Department in such form as provided in this Section. Such taxpayer shall furnish such bond for a period of 2 years, after which, if the taxpayer has not been delinquent in the filing of any returns, or delinquent or deficient in the paying of any tax under this Act, the Department may reinstate such person as a prior continuance compliance taxpayer. Any taxpayer who fails to pay an admitted or established liability under this Act may also be required to post bond or other acceptable security with the Department guaranteeing the payment of such admitted or established liability.

Any person aggrieved by any decision of the Department under this Section may, within the time allowed by law, protest and request a hearing, whereupon the Department shall give notice and shall hold a hearing in conformity with the provisions of this Act and then issue its final administrative decision in the matter to such person. In the absence of such a protest filed within the time allowed by law, the Department's decision shall become final without any further determination being made or notice given.

The Department shall discharge any surety and shall release and return any bond or security deposited, assigned, pledged, or otherwise provided to it by a taxpayer under this Section within 30 days after:

(1) Such taxpayer becomes a prior continuous compliance taxpayer; or

(2) Such taxpayer has ceased to collect receipts on which he is required to remit tax to the Department, has filed a final tax return, and has paid to the Department an amount sufficient to discharge his remaining tax liability as determined by the Department under this Act. The Department shall make a final determination of the taxpayer's outstanding tax liability as expeditiously as possible after his final tax return has been filed. If the Department cannot make such final determination within 45 days after receiving the final tax return, within such period it shall so notify the taxpayer, stating its reasons therefor.

The Department may authorize distributors to affix revenue tax stamps by imprinting tax meter stamps upon original packages of cigarettes. The Department shall adopt rules and regulations relating to the imprinting of such tax meter stamps as will result in payment of the proper taxes as herein imposed. No distributor may affix revenue tax stamps to original packages of cigarettes by imprinting tax meter stamps thereon unless such distributor has first obtained permission from the Department to employ this method of affixation. The Department shall regulate the use of tax meters and may, to assure the proper collection of

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the taxes imposed by this Act, revoke or suspend the privilege, theretofore granted by the Department to any distributor, to imprint tax meter stamps upon original packages of cigarettes.

Illinois cigarette manufacturers who place their cigarettes in original packages which are contained inside a sealed transparent wrapper, and similar out-of-State cigarette manufacturers who elect to qualify and are accepted by the Department as distributors under Section 4b of this Act, shall pay the taxes imposed by this Act by remitting the amount thereof to the Department by the 5th day of each month covering cigarettes shipped or otherwise delivered in Illinois to purchasers during the preceding calendar month. Such manufacturers of cigarettes in original packages which are contained inside a sealed transparent wrapper, before delivering such cigarettes or causing such cigarettes to be delivered in this State to purchasers, shall evidence their obligation to remit the taxes due with respect to such cigarettes by imprinting language to be prescribed by the Department on each original package of such cigarettes underneath the sealed transparent outside wrapper of such original package, in such place thereon and in such manner as the Department may designate. Such imprinted language shall acknowledge the manufacturer's payment of or liability for the tax imposed by this Act with respect to the distribution of such cigarettes. (Source: P.A. 91-246, eff. 7-22-99; 92-322, eff. 1-1-02.)

Section 10. The Cigarette Use Tax Act is amended by changing Sections 2 and 3 as follows:

(35 ILCS 135/2) (from Ch. 120, par. 453.32)
Sec. 2. A tax is imposed upon the privilege of using cigarettes in this State, at the rate of 6 mills per cigarette so used. On and after December 1, 1985, in addition to any other tax imposed by this Act, a tax is imposed upon the privilege of using cigarettes in this State at a rate of 4 mills per cigarette so used. On and after the effective date of this amendatory Act of 1989, in addition to any other tax imposed by this Act, a tax is imposed upon the privilege of using cigarettes in this State at the rate of 5 mills per cigarette so used. On and after the effective date of this amendatory Act of 1993, in addition to any other tax imposed by this Act, a tax is imposed upon the privilege of using cigarettes in this State at a rate of 7 mills per cigarette so used. On and after December 15, 1997, in addition to any other tax imposed by this Act, a tax is imposed upon the privilege of using cigarettes in this State at a rate of 7 mills per cigarette so used. On and after July 1, 2002, in addition to any other tax imposed by this Act, a tax is imposed upon the privilege of using cigarettes in this State at a rate of 20.0 mills per cigarette so used. The taxes herein imposed shall be in addition to all other occupation or privilege taxes imposed by the State of Illinois or by any political subdivision thereof or by any municipal corporation.

When any tax imposed herein terminates or has terminated, distributors who have bought stamps while such tax was in effect and who therefore paid such tax, but who can show, to the Department's satisfaction, that they sold the cigarettes to which they affixed such stamps after such tax had terminated and did not recover the tax or its equivalent from purchasers, shall be allowed by the Department to take credit for such absorbed tax against subsequent tax stamp purchases from the Department by such distributors.

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When the word "tax" is used in this Act, it shall include any tax or tax rate imposed by this Act and shall mean the singular of "tax" or the plural "taxes" as the context may require.

Any distributor having cigarettes to which stamps have been affixed in his possession for sale on the effective date of this amendatory Act of 1989 shall not be required to pay the additional tax imposed by this amendatory Act of 1989 on such stamped cigarettes. Any distributor having cigarettes to which stamps have been affixed in his or her possession for sale at 12:01 a.m. on the effective date of this amendatory Act of 1993, is required to pay the additional tax imposed by this amendatory Act of 1993 on such stamped cigarettes. This payment shall be due when the distributor first makes a purchase of cigarette tax stamps after the effective date of this amendatory Act of 1993, or on the first due date of a return under this Act after the effective date of this amendatory Act of 1993, whichever occurs first. Once a distributor tenders payment of the additional tax to the Department, the distributor may purchase stamps from the Department. Any distributor having cigarettes to which stamps have been affixed in his possession for sale on December 15, 1997 shall not be required to pay the additional tax imposed by this amendatory Act of 1997 on such stamped cigarettes.

Any distributor having cigarettes to which stamps have been affixed in his or her possession for sale on July 1, 2002 shall not be required to pay the additional tax imposed by this amendatory Act of the 92nd General Assembly on those stamped cigarettes.

(Source: P.A. 90-548, eff. 12-4-97.)

(35 ILCS 135/3) (from Ch. 120, par. 453.33)

Sec. 3. Stamp payment. The tax hereby imposed shall be collected by a distributor maintaining a place of business in this State or a distributor authorized by the Department pursuant to Section 7 hereof to collect the tax, and the amount of the tax shall be added to the price of the cigarettes sold by such distributor. Collection of the tax shall be evidenced by a stamp or stamps affixed to each original package of cigarettes or by an authorized substitute for such stamp imprinted on each original package of such cigarettes underneath the sealed transparent outside wrapper of such original package, except as hereinafter provided. Each distributor who is required or authorized to collect the tax herein imposed, before delivering or causing to be delivered any original packages of cigarettes in this State to any purchaser, shall firmly affix a proper stamp or stamps to each such package, or (in the case of manufacturers of cigarettes in original packages which are contained inside a sealed transparent wrapper) shall imprint the required language on the original package of cigarettes beneath such outside wrapper as hereinafter provided. Such stamp or stamps need not be affixed to the original package of any cigarettes with respect to which the distributor is required to affix a like stamp or stamps by virtue of the Cigarette Tax Act, however, and no tax imprint need be placed underneath the sealed transparent wrapper of an original package of cigarettes with respect to which the distributor is required or authorized to employ a like tax imprint by virtue of the Cigarette Tax Act.

No stamp or imprint may be affixed to, or made upon, any package of cigarettes unless that package complies with all requirements of the federal Cigarette Labeling and Advertising Act, 15 U.S.C. 1331 and following, for the placement of labels, warnings, or any

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other information upon a package of cigarettes that is sold within the United States. Under the authority of Section 6, the Department shall revoke the license of any distributor that is determined to have violated this paragraph. A person may not affix a stamp on a package of cigarettes, cigarette papers, wrappers, or tubes if that individual package has been marked for export outside the United States with a label or notice in compliance with Section 290.185 of Title 27 of the Code of Federal Regulations. It is not a defense to a proceeding for violation of this paragraph that the label or notice has been removed, mutilated, obliterated, or altered in any manner.

Stamps, when required hereunder, shall be purchased from the Department, or any person authorized by the Department, by distributors. The Department may refuse to sell stamps to any person who does not comply with the provisions of this Act. Beginning on the effective date of this amendatory Act of the 92nd General Assembly and through June 30, 2002, persons holding valid licenses as distributors may purchase cigarette tax stamps up to an amount equal to 115% of the distributor's average monthly cigarette tax stamp purchases over the 12 calendar months prior to the effective date of this amendatory Act of the 92nd General Assembly.

Prior to December 1, 1985, the Department shall allow a distributor 21 days in which to make final payment of the amount to be paid for such stamps, by allowing the distributor to make payment for the stamps at the time of purchasing them with a draft which shall be in such form as the Department prescribes, and which shall be payable within 21 days thereafter: Provided that such distributor has filed with the Department, and has received the Department's approval of, a bond, which is in addition to the bond required under Section 4 of this Act, payable to the Department in an amount equal to 80% of such distributor's average monthly tax liability to the Department under this Act during the preceding calendar year or $500,000, whichever is less. The bond shall be joint and several and shall be in the form of a surety company bond in such form as the Department prescribes, or it may be in the form of a bank certificate of deposit or bank letter of credit. The bond shall be conditioned upon the distributor's payment of the amount of any 21-day draft which the Department accepts from that distributor for the delivery of stamps to that distributor under this Act. The distributor's failure to pay any such draft, when due, shall also make such distributor automatically liable to the Department for a penalty equal to 25% of the amount of such draft.

On and after December 1, 1985, the Department shall allow a distributor 30 days in which to make final payment of the amount to be paid for such stamps, by allowing the distributor to make payment for the stamps at the time of purchasing them with a draft which shall be in such form as the Department prescribes, and which shall be payable within 30 days thereafter, and beginning on January 1, 2003 and thereafter, the draft shall be payable by means of electronic funds transfer: Provided that such distributor has filed with the Department, and has received the Department's approval of, a bond, which is in addition to the bond required under Section 4 of this Act, payable to the Department in an amount equal to 150% of such distributor's average monthly tax liability to the Department under this Act during the preceding calendar year or $750,000, whichever is less, except that as to bonds

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filed on or after January 1, 1987, such additional bond shall be in an amount equal to 100% of such distributor's average monthly tax liability under this Act during the preceding calendar year or $750,000, whichever is less. The bond shall be joint and several and shall be in the form of a surety company bond in such form as the Department prescribes, or it may be in the form of a bank certificate of deposit or bank letter of credit. The bond shall be conditioned upon the distributor's payment of the amount of any 30-day draft which the Department accepts from that distributor for the delivery of stamps to that distributor under this Act. The distributor's failure to pay any such draft, when due, shall also make such distributor automatically liable to the Department for a penalty equal to 25% of the amount of such draft.

Every prior continuous compliance taxpayer shall be exempt from all requirements under this Section concerning the furnishing of such bond, as defined in this Section, as a condition precedent to his being authorized to engage in the business licensed under this Act. This exemption shall continue for each such taxpayer until such time as he may be determined by the Department to be delinquent in the filing of any returns, or is determined by the Department (either through the Department's issuance of a final assessment which has become final under the Act, or by the taxpayer's filing of a return which admits tax to be due that is not paid) to be delinquent or deficient in the paying of any tax under this Act, at which time that taxpayer shall become subject to the bond requirements of this Section and, as a condition of being allowed to continue to engage in the business licensed under this Act, shall be required to furnish bond to the Department in such form as provided in this Section. Such taxpayer shall furnish such bond for a period of 2 years, after which, if the taxpayer has not been delinquent in the filing of any returns, or delinquent or deficient in the paying of any tax under this Act, the Department may reinstate such person as a prior continuance compliance taxpayer. Any taxpayer who fails to pay an admitted or established liability under this Act may also be required to post bond or other acceptable security with the Department guaranteeing the payment of such admitted or established liability.

Any person aggrieved by any decision of the Department under this Section may, within the time allowed by law, protest and request a hearing, whereupon the Department shall give notice and shall hold a hearing in conformity with the provisions of this Act and then issue its final administrative decision in the matter to such person. In the absence of such a protest filed within the time allowed by law, the Department's decision shall become final without any further determination being made or notice given.

The Department shall discharge any surety and shall release and return any bond or security deposited, assigned, pledged, or otherwise provided to it by a taxpayer under this Section within 30 days after:

1. such Taxpayer becomes a prior continuous compliance taxpayer; or
2. such taxpayer has ceased to collect receipts on which he is required to remit tax to the Department, has filed a final tax return, and has paid to the Department an amount sufficient to discharge his remaining tax liability as determined by the Department under this Act. The Department shall make a final determination of the taxpayer's outstanding tax liability as expeditiously as possible.
after his final tax return has been filed. If the Department cannot make such final determination within 45 days after receiving the final tax return, within such period it shall so notify the taxpayer, stating its reasons therefor.

At the time of purchasing such stamps from the Department when purchase is required by this Act, or at the time when the tax which he has collected is remitted by a distributor to the Department without the purchase of stamps from the Department when that method of remitting the tax that has been collected is required or authorized by this Act, the distributor shall be allowed a discount during any year commencing July 1 and ending the following June 30 in accordance with the schedule set out hereinbelow, from the amount to be paid by him to the Department for such stamps, or to be paid by him to the Department on the basis of monthly remittances (as the case may be), to cover the cost, to such distributor, of collecting the tax herein imposed by affixing such stamps to the original packages of cigarettes sold by such distributor or by placing tax imprints underneath the sealed transparent wrapper of original packages of cigarettes sold by such distributor (as the case may be): (1) Prior to December 1, 1985, a discount equal to 1-2/3% of the amount of the tax up to and including the first $700,000 paid hereunder by such distributor to the Department during any such year; 1-1/3% of the next $700,000 of tax or any part thereof, paid hereunder by such distributor to the Department during any such year; 1% of the next $700,000 of tax, or any part thereof, paid hereunder by such distributor to the Department during any such year; and 2/3 of 1% of the amount of any additional tax paid hereunder by such distributor to the Department during any such year or (2) On and after December 1, 1985, a discount equal to 1.75% of the amount of the tax payable under this Act up to and including the first $3,000,000 paid hereunder by such distributor to the Department during any such year and 1.5% of the amount of any additional tax paid hereunder by such distributor to the Department during any such year.

Two or more distributors that use a common means of affixing revenue tax stamps or that are owned or controlled by the same interests shall be treated as a single distributor for the purpose of computing the discount.

Cigarette manufacturers who are distributors under this Act, and who place their cigarettes in original packages which are contained inside a sealed transparent wrapper, shall be required to remit the tax which they are required to collect under this Act to the Department by remitting the amount thereof to the Department by the 5th day of each month, covering cigarettes shipped or otherwise delivered to points in Illinois to purchasers during the preceding calendar month, but a distributor need not remit to the Department the tax so collected by him from purchasers under this Act to the extent to which such distributor is required to remit the tax imposed by the Cigarette Tax Act to the Department with respect to the same cigarettes. All taxes upon cigarettes under this Act are a direct tax upon the retail consumer and shall conclusively be presumed to be precollected for the purpose of convenience and facility only. Distributors who are manufacturers of cigarettes in original packages which are contained inside a sealed transparent wrapper, before delivering such cigarettes or causing such cigarettes to be delivered in this State to purchasers, shall evidence their obligation to collect and remit the tax due with respect to such cigarettes by imprinting
language to be prescribed by the Department on each original package of such cigarettes underneath the sealed transparent outside wrapper of such original package, in such place thereon and in such manner as the Department may prescribe; provided (as stated hereinbefore) that this requirement does not apply when such distributor is required or authorized by the Cigarette Tax Act to place the tax imprint provided for in the last paragraph of Section 3 of that Act underneath the sealed transparent wrapper of such original package of cigarettes. Such imprinted language shall acknowledge the manufacturer's collection and payment of or liability for the tax imposed by this Act with respect to such cigarettes.

The Department shall adopt the design or designs of the tax stamps and shall procure the printing of such stamps in such amounts and denominations as it deems necessary to provide for the affixation of the proper amount of tax stamps to each original package of cigarettes.

Where tax stamps are required, the Department may authorize distributors to affix revenue tax stamps by imprinting tax meter stamps upon original packages of cigarettes. The Department shall adopt rules and regulations relating to the imprinting of such tax meter stamps as will result in payment of the proper taxes as herein imposed. No distributor may affix revenue tax stamps to original packages of cigarettes by imprinting meter stamps thereon unless such distributor has first obtained permission from the Department to employ this method of affixation. The Department shall regulate the use of tax meters and may, to assure the proper collection of the taxes imposed by this Act, revoke or suspend the privilege, theretofore granted by the Department to any distributor, to imprint tax meter stamps upon original packages of cigarettes.

The tax hereby imposed and not paid pursuant to this Section shall be paid to the Department directly by any person using such cigarettes within this State, pursuant to Section 12 hereof.

(Source: P.A. 91-246, eff. 7-22-99; 92-322, eff. 1-1-02.)

Section 15. The Property Tax Code is amended by changing Section 31-35 as follows:

(35 ILCS 200/31-35)

Sec. 31-35. Deposit of tax revenue. Beginning on the effective date of this amendatory Act of the 92nd General Assembly July 1, 1994, 50% of the moneys collected under Section 31-15, 50% shall be deposited into the Illinois Affordable Housing Trust Fund, 20% 35% into the Open Space Lands Acquisition and Development Fund, 5% and 15% into the Natural Areas Acquisition Fund, and 25% into the General Revenue Fund.

(Source: P.A. 91-555, eff. 1-1-00.)

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

Passed in the General Assembly June 2, 2002.

Approved June 6, 2002.

Effective June 6, 2002.

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AN ACT concerning public utilities.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Public Utilities Act is amended by changing Sections 9-220, 16-102, and 16-111 and adding Section 16-111.3 as follows:

Sec. 9-220. Rate changes based on changes in fuel costs.
(a) Notwithstanding the provisions of Section 9-201, the Commission may authorize the increase or decrease of rates and charges based upon changes in the cost of fuel used in the generation or production of electric power, changes in the cost of purchased power, or changes in the cost of purchased gas through the application of fuel adjustment clauses or purchased gas adjustment clauses. The Commission may also authorize the increase or decrease of rates and charges based upon expenditures or revenues resulting from the purchase or sale of emission allowances created under the federal Clean Air Act Amendments of 1990, through such fuel adjustment clauses, as a cost of fuel. For the purposes of this paragraph, cost of fuel used in the generation or production of electric power shall include the amount of any fees paid by the utility for the implementation and operation of a process for the desulfurization of the flue gas when burning high sulfur coal at any location within the State of Illinois irrespective of the attainment status designation of such location; but shall not include transportation costs of coal (i) except to the extent that for contracts entered into on and after the effective date of this amendatory Act of 1997, the cost of the coal, including transportation costs, constitutes the lowest cost for adequate and reliable fuel supply reasonably available to the public utility in comparison to the cost, including transportation costs, of other adequate and reliable sources of fuel supply reasonably available to the public utility, or (ii) except as otherwise provided in the next 3 sentences of this paragraph. Such costs of fuel shall, when requested by a utility or at the conclusion of the utility's next general electric rate proceeding, whichever shall first occur, include transportation costs of coal purchased under existing coal purchase contracts. For purposes of this paragraph "existing coal purchase contracts" means contracts for the purchase of coal in effect on the effective date of this amendatory Act of 1991, as such contracts may thereafter be amended, but only to the extent that any such amendment does not increase the aggregate quantity of coal to be purchased under such contract. Nothing herein shall authorize an electric utility to recover through its fuel adjustment clause any amounts of transportation costs of coal that were included in the revenue requirement used to set base rates in its most recent general rate proceeding. Cost shall be based upon uniformly applied accounting principles. Annually, the Commission shall initiate public hearings to determine whether the clauses reflect actual costs of fuel, gas, power, or coal transportation purchased to determine whether such purchases were prudent, and to reconcile any amounts collected with the actual costs of fuel, power, gas, or coal transportation.

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prudently purchased. In each such proceeding, the burden of proof shall be upon the utility to establish the prudence of its cost of fuel, power, gas, or coal transportation purchases and costs. The Commission shall issue its final order in each such annual proceeding for an electric utility by December 31 of the year immediately following the year to which the proceeding pertains, provided, that the Commission shall issue its final order with respect to such annual proceeding for the years 1996 and earlier by December 31, 1998.

(b) A public utility providing electric service, other than a public utility described in subsections (e) or (f) of this Section, may at any time during the mandatory transition period file with the Commission proposed tariff sheets that eliminate the public utility's fuel adjustment clause and adjust the public utility's base rate tariffs by the amount necessary for the base fuel component of the base rates to recover the public utility's average fuel and power supply costs per kilowatt-hour for the 2 most recent years for which the Commission has issued final orders in annual proceedings pursuant to subsection (a), where the average fuel and power supply costs per kilowatt-hour shall be calculated as the sum of the public utility's prudent and allowable fuel and power supply costs as found by the Commission in the 2 proceedings divided by the public utility's actual jurisdictional kilowatt-hour sales for those 2 years. Notwithstanding any contrary or inconsistent provisions in Section 9-201 of this Act, in subsection (a) of this Section or in any rules or regulations promulgated by the Commission pursuant to subsection (g) of this Section, the Commission shall review and shall by order approve, or approve as modified, the proposed tariff sheets within 60 days after the date of the public utility's filing. The Commission may modify the public utility's proposed tariff sheets only to the extent the Commission finds necessary to achieve conformance to the requirements of this subsection (b). During the 5 years following the date of the Commission's order, but in any event no earlier than January 1, 2007 2005, a public utility whose fuel adjustment clause has been eliminated pursuant to this subsection shall not file proposed tariff sheets seeking, or otherwise petition the Commission for, reinstatement of a fuel adjustment clause.

(c) Notwithstanding any contrary or inconsistent provisions in Section 9-201 of this Act, in subsection (a) of this Section or in any rules or regulations promulgated by the Commission pursuant to subsection (g) of this Section, a public utility providing electric service, other than a public utility described in subsection (e) or (f) of this Section, may at any time during the mandatory transition period file with the Commission proposed tariff sheets that establish the rate per kilowatt-hour to be applied pursuant to the public utility's fuel adjustment clause at the average value for such rate during the preceding 24 months, provided that such average rate results in a credit to customers' bills, without making any revisions to the public utility's base rate tariffs. The proposed tariff sheets shall establish the fuel adjustment rate for a specific time period of at least 3 years but not more than 5 years, provided that the terms and conditions for any reinstatement earlier than 5 years shall be set forth in the proposed tariff sheets and subject to modification or approval by the Commission. The Commission shall review and shall by order approve the proposed tariff sheets if it finds that the requirements of this subsection are met. The Commission shall not conduct the annual hearings specified in the last 3 sentences of subsection (a) of this Section.

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for the utility for the period that the factor established pursuant to this subsection is in effect.

(d) A public utility providing electric service, or a public utility providing gas service may file with the Commission proposed tariff sheets that eliminate the public utility's fuel or purchased gas adjustment clause and adjust the public utility's base rate tariffs to provide for recovery of power supply costs or gas supply costs that would have been recovered through such clause; provided, that the provisions of this subsection (d) shall not be available to a public utility described in subsections (e) or (f) of this Section to eliminate its fuel adjustment clause. Notwithstanding any contrary or inconsistent provisions in Section 9-201 of this Act, in subsection (a) of this Section, or in any rules or regulations promulgated by the Commission pursuant to subsection (g) of this Section, the Commission shall review and shall by order approve, or approve as modified in the Commission's order, the proposed tariff sheets within 240 days after the date of the public utility's filing. The Commission's order shall approve rates and charges that the Commission, based on information in the public utility's filing or on the record if a hearing is held by the Commission, finds will recover the reasonable, prudent and necessary jurisdictional power supply costs or gas supply costs incurred or to be incurred by the public utility during a 12 month period found by the Commission to be appropriate for these purposes, provided, that such period shall be either (i) a 12 month historical period occurring during the 15 months ending on the date of the public utility's filing, or (ii) a 12 month future period ending no later than 15 months following the date of the public utility's filing. The public utility shall include with its tariff filing information showing both (1) its actual jurisdictional power supply costs or gas supply costs for a 12 month historical period conforming to (i) above and (2) its projected jurisdictional power supply costs or gas supply costs for a future 12 month period conforming to (ii) above. If the Commission's order requires modifications in the tariff sheets filed by the public utility, the public utility shall have 7 days following the date of the order to notify the Commission whether the public utility will implement the modified tariffs or elect to continue its fuel or purchased gas adjustment clause in force as though no order had been entered. The Commission's order shall provide for any reconciliation of power supply costs or gas supply costs, as the case may be, and associated revenues through the date that the public utility's fuel or purchased gas adjustment clause is eliminated. During the 5 years following the date of the Commission's order, a public utility whose fuel or purchased gas adjustment clause has been eliminated pursuant to this subsection shall not file proposed tariff sheets seeking, or otherwise petition the Commission for, reinstatement or adoption of a fuel or purchased gas adjustment clause. Nothing in this subsection (d) shall be construed as limiting the Commission's authority to eliminate a public utility's fuel adjustment clause or purchased gas adjustment clause in accordance with any other applicable provisions of this Act.

(e) Notwithstanding any contrary or inconsistent provisions in Section 9-201 of this Act, in subsection (a) of this Section, or in any rules promulgated by the Commission pursuant to subsection (g) of this Section, a public utility providing electric service to more than 1,000,000 customers in this State may, within the first 6 months after the effective date of this amendatory Act of 1997, file with the Commission proposed tariff sheets that

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eliminate, effective January 1, 1997, the public utility's fuel adjustment clause without adjusting its base rates, and such tariff sheets shall be effective upon filing. To the extent the application of the fuel adjustment clause had resulted in net charges to customers after January 1, 1997, the utility shall also file a tariff sheet that provides for a refund stated on a per kilowatt-hour basis of such charges over a period not to exceed 6 months; provided however, that such refund shall not include the proportional amounts of taxes paid under the Use Tax Act, Service Use Tax Act, Service Occupation Tax Act, and Retailers' Occupation Tax Act on fuel used in generation. The Commission shall issue an order within 45 days after the date of the public utility's filing approving or approving as modified such tariff sheet. If the fuel adjustment clause is eliminated pursuant to this subsection, the Commission shall not conduct the annual hearings specified in the last 3 sentences of subsection (a) of this Section for the utility for any period after December 31, 1996 and prior to any reinstatement of such clause. A public utility whose fuel adjustment clause has been eliminated pursuant to this subsection shall not file a proposed tariff sheet seeking, or otherwise petition the Commission for, reinstatement of the fuel adjustment clause prior to January 1, 2007.

(f) Notwithstanding any contrary or inconsistent provisions in Section 9-201 of this Act, in subsection (a) of this Section, or in any rules or regulations promulgated by the Commission pursuant to subsection (g) of this Section, a public utility providing electric service to more than 500,000 customers but fewer than 1,000,000 customers in this State may, within the first 6 months after the effective date of this amendatory Act of 1997, file with the Commission proposed tariff sheets that eliminate, effective January 1, 1997, the public utility's fuel adjustment clause and adjust its base rates by the amount necessary for the base fuel component of the base rates to recover 91% of the public utility's average fuel and power supply costs for the 2 most recent years for which the Commission, as of January 1, 1997, has issued final orders in annual proceedings pursuant to subsection (a), where the average fuel and power supply costs per kilowatt-hour shall be calculated as the sum of the public utility's prudent and allowable fuel and power supply costs as found by the Commission in the 2 proceedings divided by the public utility's actual jurisdictional kilowatt-hour sales for those 2 years, provided, that such tariff sheets shall be effective upon filing. To the extent the application of the fuel adjustment clause had resulted in net charges to customers after January 1, 1997, the utility shall also file a tariff sheet that provides for a refund stated on a per kilowatt-hour basis of such charges over a period not to exceed 6 months. Provided however, that such refund shall not include the proportional amounts of taxes paid under the Use Tax Act, Service Use Tax Act, Service Occupation Tax Act, and Retailers' Occupation Tax Act on fuel used in generation. The Commission shall issue an order within 45 days after the date of the public utility's filing approving or approving as modified such tariff sheet. If the fuel adjustment clause is eliminated pursuant to this subsection, the Commission shall not conduct the annual hearings specified in the last 3 sentences of subsection (a) of this Section for the utility for any period after December 31, 1996 and prior to any reinstatement of such clause. A public utility whose fuel adjustment clause has been eliminated pursuant to this subsection shall not file a proposed tariff sheet seeking, or otherwise petition the Commission for, reinstatement of the fuel adjustment

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(g) The Commission shall have authority to promulgate rules and regulations to carry out the provisions of this Section.

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

(220 ILCS 5/16-102)

Sec. 16-102. Definitions. For the purposes of this Article the following terms shall be defined as set forth in this Section.

"Alternative retail electric supplier" means every person, cooperative, corporation, municipal corporation, company, association, joint stock company or association, firm, partnership, individual, or other entity, their lessees, trustees, or receivers appointed by any court whatsoever, that offers electric power or energy for sale, lease or in exchange for other value received to one or more retail customers, or that engages in the delivery or furnishing of electric power or energy to such retail customers, and shall include, without limitation, resellers, aggregators and power marketers, but shall not include (i) electric utilities (or any agent of the electric utility to the extent the electric utility provides tariffed services to retail customers through that agent), (ii) any electric cooperative or municipal system as defined in Section 17-100 to the extent that the electric cooperative or municipal system is serving retail customers within any area in which it is or would be entitled to provide service under the law in effect immediately prior to the effective date of this amendatory Act of 1997, (iii) a public utility that is owned and operated by any public institution of higher education of this State, or a public utility that is owned by such public institution of higher education and operated by any of its lessees or operating agents, within any area in which it is or would be entitled to provide service under the law in effect immediately prior to the effective date of this amendatory Act of 1997, (iv) a retail customer to the extent that customer obtains its electric power and energy from that customer's own cogeneration or self-generation facilities, (v) an entity that owns, operates, sells, or arranges for the installation of a customer's own cogeneration or self-generation facilities, but only to the extent the entity is engaged in owning, selling or arranging for the installation of such facility, or operating the facility on behalf of such customer, provided however that any such third party owner or operator of a facility built after January 1, 1999, complies with the labor provisions of Section 16-128(a) as though such third party were an alternative retail electric supplier, or (vi) an industrial or manufacturing customer that owns its own distribution facilities, to the extent that the customer provides service from that distribution system to a third-party contractor located on the customer's premises that is integrally and predominantly engaged in the customer's industrial or manufacturing process; provided, that if the industrial or manufacturing customer has elected delivery services, the customer shall pay transition charges applicable to the electric power and energy consumed by the third-party contractor unless such charges are otherwise paid by the third party contractor, which shall be calculated based on the usage of, and the base rates or the contract rates applicable to, the third-party contractor in accordance with Section 16-102.

"Base rates" means the rates for those tariffed services that the electric utility is required to offer pursuant to subsection (a) of Section 16-103 and that were identified in a

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rate order for collection of the electric utility's base rate revenue requirement, excluding (i) separate automatic rate adjustment riders then in effect, (ii) special or negotiated contract rates, (iii) delivery services tariffs filed pursuant to Section 16-108, (iv) real-time pricing, or (v) tariffs that were in effect prior to October 1, 1996 and that based charges for services on an index or average of other utilities' charges, but including (vi) any subsequent redesign of such rates for tariffed services that is authorized by the Commission after notice and hearing.

"Competitive service" includes (i) any service that has been declared to be competitive pursuant to Section 16-113 of this Act, (ii) contract service, and (iii) services, other than tariffed services, that are related to, but not necessary for, the provision of electric power and energy or delivery services.

"Contract service" means (1) services, including the provision of electric power and energy or other services, that are provided by mutual agreement between an electric utility and a retail customer that is located in the electric utility's service area, provided that, delivery services shall not be a contract service until such services are declared competitive pursuant to Section 16-113; and also means (2) the provision of electric power and energy by an electric utility to retail customers outside the electric utility's service area pursuant to Section 16-116. Provided, however, contract service does not include electric utility services provided pursuant to (i) contracts that retail customers are required to execute as a condition of receiving tariffed services, or (ii) special or negotiated rate contracts for electric utility services that were entered into between an electric utility and a retail customer prior to the effective date of this amendatory Act of 1997 and filed with the Commission.

"Delivery services" means those services provided by the electric utility that are necessary in order for the transmission and distribution systems to function so that retail customers located in the electric utility's service area can receive electric power and energy from suppliers other than the electric utility, and shall include, without limitation, standard metering and billing services.

"Electric utility" means a public utility, as defined in Section 3-105 of this Act, that has a franchise, license, permit or right to furnish or sell electricity to retail customers within a service area.

"Mandatory transition period" means the period from the effective date of this amendatory Act of 1997 through January 1, 2007.

"Municipal system" shall have the meaning set forth in Section 17-100.

"Real-time pricing" means charges for delivered electric power and energy that vary on an hour-to-hour basis for nonresidential retail customers and that vary on a periodic basis during the day for residential retail customers.

"Retail customer" means a single entity using electric power or energy at a single premises and that (A) either (i) is receiving or is eligible to receive tariffed services from an electric utility, or (ii) that is served by a municipal system or electric cooperative within any area in which the municipal system or electric cooperative is or would be entitled to provide service under the law in effect immediately prior to the effective date of this amendatory Act of 1997, or (B) an entity which on the effective date of this Act was receiving electric service from a public utility and (i) was engaged in the practice of resale and redistribution of such

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electricity within a building prior to January 2, 1957, or (ii) was providing lighting services to tenants in a multi-occupancy building, but only to the extent such resale, redistribution or lighting service is authorized by the electric utility's tariffs that were on file with the Commission on the effective date of this Act.

"Service area" means (i) the geographic area within which an electric utility was lawfully entitled to provide electric power and energy to retail customers as of the effective date of this amendatory Act of 1997, and includes (ii) the location of any retail customer to which the electric utility was lawfully providing electric utility services on such effective date.

"Small commercial retail customer" means those nonresidential retail customers of an electric utility consuming 15,000 kilowatt-hours or less of electricity annually in its service area.

"Tariffed service" means services provided to retail customers by an electric utility as defined by its rates on file with the Commission pursuant to the provisions of Article IX of this Act, but shall not include competitive services.

"Transition charge" means a charge expressed in cents per kilowatt-hour that is calculated for a customer or class of customers as follows for each year in which an electric utility is entitled to recover transition charges as provided in Section 16-108:

(1) the amount of revenue that an electric utility would receive from the retail customer or customers if it were serving such customers' electric power and energy requirements as a tariffed service based on (A) all of the customers' actual usage during the 3 years ending 90 days prior to the date on which such customers were first eligible for delivery services pursuant to Section 16-104, and (B) on (i) the base rates in effect on October 1, 1996 (adjusted for the reductions required by subsection (b) of Section 16-111, for any reduction resulting from a rate decrease under Section 16-101(b), for any restatement of base rates made in conjunction with an elimination of the fuel adjustment clause pursuant to subsection (b), (d), or (f) of Section 9-220 and for any removal of decommissioning costs from base rates pursuant to Section 16-114) and any separate automatic rate adjustment riders (other than a decommissioning rate as defined in Section 16-114) under which the customers were receiving or, had they been customers, would have received electric power and energy from the electric utility during the year immediately preceding the date on which such customers were first eligible for delivery service pursuant to Section 16-104, or (ii) to the extent applicable, any contract rates, including contracts or rates for consolidated or aggregated billing, under which such customers were receiving electric power and energy from the electric utility during such year;

(2) less the amount of revenue, other than revenue from transition charges and decommissioning rates, that the electric utility would receive from such retail customers for delivery services provided by the electric utility, assuming such customers were taking delivery services for all of their usage, based on the delivery services tariffs in effect during the year for which the transition charge is being calculated and on the usage identified in paragraph (1);

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(3) less the market value for the electric power and energy that the electric utility would have used to supply all of such customers' electric power and energy requirements, as a tariffed service, based on the usage identified in paragraph (1), with such market value determined in accordance with Section 16-112 of this Act;

(4) less the following amount which represents the amount to be attributed to new revenue sources and cost reductions by the electric utility through the end of the period for which transition costs are recovered pursuant to Section 16-108, referred to in this Article XVI as a "mitigation factor":

(A) for nonresidential retail customers, an amount equal to the greater of (i) 0.5 cents per kilowatt-hour during the period October 1, 1999 through December 31, 2004, 0.6 cents per kilowatt-hour in calendar year 2005, and 0.9 cents per kilowatt-hour in calendar year 2006, multiplied in each year by the usage identified in paragraph (1), or (ii) an amount equal to the following percentages of the amount produced by applying the applicable base rates (adjusted as described in subparagraph (1)(B)) or contract rate to the usage identified in paragraph (1): 8% for the period October 1, 1999 through December 31, 2002, 10% in calendar years 2003 and 2004, 11% in calendar year 2005 and 12% in calendar year 2006; and

(B) for residential retail customers, an amount equal to the following percentages of the amount produced by applying the base rates in effect on October 1, 1996 (adjusted as described in subparagraph (1)(B)) to the usage identified in paragraph (1): (i) 6% from May 1, 2002 through December 31, 2002, (ii) 7% in calendar years 2003 and 2004, (iii) 8% in calendar year 2005, and (iv) 10% in calendar year 2006;

(5) divided by the usage of such customers identified in paragraph (1), provided that the transition charge shall never be less than zero.

"Unbundled service" means a component or constituent part of a tariffed service which the electric utility subsequently offers separately to its customers.

(3) less the market value for the electric power and energy that the electric utility would have used to supply all of such customers' electric power and energy requirements, as a tariffed service, based on the usage identified in paragraph (1), with such market value determined in accordance with Section 16-112 of this Act;

(4) less the following amount which represents the amount to be attributed to new revenue sources and cost reductions by the electric utility through the end of the period for which transition costs are recovered pursuant to Section 16-108, referred to in this Article XVI as a "mitigation factor":

(A) for nonresidential retail customers, an amount equal to the greater of (i) 0.5 cents per kilowatt-hour during the period October 1, 1999 through December 31, 2004, 0.6 cents per kilowatt-hour in calendar year 2005, and 0.9 cents per kilowatt-hour in calendar year 2006, multiplied in each year by the usage identified in paragraph (1), or (ii) an amount equal to the following percentages of the amount produced by applying the applicable base rates (adjusted as described in subparagraph (1)(B)) or contract rate to the usage identified in paragraph (1): 8% for the period October 1, 1999 through December 31, 2002, 10% in calendar years 2003 and 2004, 11% in calendar year 2005 and 12% in calendar year 2006; and

(B) for residential retail customers, an amount equal to the following percentages of the amount produced by applying the base rates in effect on October 1, 1996 (adjusted as described in subparagraph (1)(B)) to the usage identified in paragraph (1): (i) 6% from May 1, 2002 through December 31, 2002, (ii) 7% in calendar years 2003 and 2004, (iii) 8% in calendar year 2005, and (iv) 10% in calendar year 2006;

(5) divided by the usage of such customers identified in paragraph (1), provided that the transition charge shall never be less than zero.

"Unbundled service" means a component or constituent part of a tariffed service which the electric utility subsequently offers separately to its customers.

(Source: P.A. 90-561, eff. 12-16-97; 91-50, eff. 6-30-99.)

(220 ILCS 5/16-111)

Sec. 16-111. Rates and restructuring transactions during mandatory transition period.

(a) During the mandatory transition period, notwithstanding any provision of Article IX of this Act, and except as provided in subsections (b), (d), (e), and (f) of this Section, the Commission shall not (i) initiate, authorize or order any change by way of increase (other than in connection with a request for rate increase which was filed after September 1, 1997 but prior to October 15, 1997, by an electric utility serving less than 12,500 customers in this State), (ii) initiate or, unless requested by the electric utility, authorize or order any change by way of decrease, restructuring or unbundling (except as provided in Section 16-109A), in the rates of any electric utility that were in effect on October 1, 1996, or (iii) in any order approving any application for a merger pursuant to Section 7-204 that was pending as of May 16, 1997, impose any condition requiring any filing for an increase, decrease, or change in, or other review of, an electric utility's rates or enforce any such condition of any such order;

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provided, however, that this subsection shall not prohibit the Commission from:

(1) approving the application of an electric utility to implement an alternative to rate of return regulation or a regulatory mechanism that rewards or penalizes the electric utility through adjustment of rates based on utility performance, pursuant to Section 9-244;

(2) authorizing an electric utility to eliminate its fuel adjustment clause and adjust its base rate tariffs in accordance with subsection (b), (d), or (f) of Section 9-220 of this Act, to fix its fuel adjustment factor in accordance with subsection (c) of Section 9-220 of this Act, or to eliminate its fuel adjustment clause in accordance with subsection (e) of Section 9-220 of this Act;

(3) ordering into effect tariffs for delivery services and transition charges in accordance with Sections 16-104 and 16-108, for real-time pricing in accordance with Section 16-107, or the options required by Section 16-110 and subsection (n) of 16-112, allowing a billing experiment in accordance with Section 16-106, or modifying delivery services tariffs in accordance with Section 16-109; or

(4) ordering or allowing into effect any tariff to recover charges pursuant to Sections 9-201.5, 9-220.1, 9-221, 9-222 (except as provided in Section 9-222.1), 16-108, and 16-114 of this Act, Section 5-5 of the Electricity Infrastructure Maintenance Fee Law, Section 6-5 of the Renewable Energy, Energy Efficiency, and Coal Resources Development Law of 1997, and Section 13 of the Energy Assistance Act of 1989.

After December 31, 2004, the provisions of this subsection (a) shall not apply to an electric utility whose average residential retail rate was less than or equal to 90% of the average residential retail rate for the "Midwest Utilities", as that term is defined in subsection (b) of this Section, based on data reported on Form 1 to the Federal Energy Regulatory Commission for calendar year 1995, and which served between 150,000 and 250,000 retail customers in this State on January 1, 1995 unless the electric utility or its holding company has been acquired by or merged with an affiliate of another electric utility subsequent to January 1, 2002. This exemption shall be limited to this subsection (a) and shall not extend to any other provisions of this Act.

(b) Notwithstanding the provisions of subsection (a), each Illinois electric utility serving more than 12,500 customers in Illinois shall file tariffs (i) reducing, effective August 1, 1998, each component of its base rates to residential retail customers by 15% from the base rates in effect immediately prior to January 1, 1998 and (ii) if the public utility provides electric service to (A) more than 500,000 customers but less than 1,000,000 customers in this State on January 1, 1999, reducing, effective May 1, 2002, each component of its base rates to residential retail customers by an additional 5% from the base rates in effect immediately prior to January 1, 1998, or (B) at least 1,000,000 customers in this State on January 1, 1999, reducing, effective October 1, 2001, each component of its base rates to residential retail customers by an additional 5% from the base rates in effect immediately prior to January 1, 1998. Provided, however, that (A) if an electric utility's average residential retail rate is less than or equal to the average residential retail rate for a group of Midwest Utilities (consisting

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of all investor-owned electric utilities with annual system peaks in excess of 1000 megawatts in the States of Illinois, Indiana, Iowa, Kentucky, Michigan, Missouri, Ohio, and Wisconsin, based on data reported on Form 1 to the Federal Energy Regulatory Commission for calendar year 1995, then it shall only be required to file tariffs (i) reducing, effective August 1, 1998, each component of its base rates to residential retail customers by 5% from the base rates in effect immediately prior to January 1, 1998, (ii) reducing, effective October 1, 2000, each component of its base rates to residential retail customers by the lesser of 5% of the base rates in effect immediately prior to January 1, 1998 or the percentage by which the electric utility's average residential retail rate exceeds the average residential retail rate of the Midwest Utilities, based on data reported on Form 1 to the Federal Energy Regulatory Commission for calendar year 1999, and (iii) reducing, effective October 1, 2002, each component of its base rates to residential retail customers by an additional amount equal to the lesser of 5% of the base rates in effect immediately prior to January 1, 1998 or the percentage by which the electric utility's average residential retail rate exceeds the average residential retail rate of the Midwest Utilities, based on data reported on Form 1 to the Federal Energy Regulatory Commission for calendar year 2001; and (B) if the average residential retail rate of an electric utility serving between 150,000 and 250,000 retail customers in this State on January 1, 1995 is less than or equal to 90% of the average residential retail rate for the Midwest Utilities, based on data reported on Form 1 to the Federal Energy Regulatory Commission for calendar year 1995, then it shall only be required to file tariffs (i) reducing, effective August 1, 1998, each component of its base rates to residential retail customers by 2% from the base rates in effect immediately prior to January 1, 1998; (ii) reducing, effective October 1, 2000, each component of its base rates to residential retail customers by 2% from the base rate in effect immediately prior to January 1, 1998; and (iii) reducing, effective October 1, 2002, each component of its base rates to residential retail customers by 1% from the base rates in effect immediately prior to January 1, 1998. Provided, further, that any electric utility for which a decrease in base rates has been or is placed into effect between October 1, 1996 and the dates specified in the preceding sentences of this subsection, other than pursuant to the requirements of this subsection, shall be entitled to reduce the amount of any reduction or reductions in its base rates required by this subsection by the amount of such other decrease. The tariffs required under this subsection shall be filed 45 days in advance of the effective date. Notwithstanding anything to the contrary in Section 9-220 of this Act, no restatement of base rates in conjunction with the elimination of a fuel adjustment clause under that Section shall result in a lesser decrease in base rates than customers would otherwise receive under this subsection had the electric utility's fuel adjustment clause not been eliminated.

(c) Any utility reducing its base rates by 15% on August 1, 1998 pursuant to subsection (b) shall include the following statement on its bills for residential customers from August 1 through December 31, 1998: "Effective August 1, 1998, your rates have been reduced by 15% by the Electric Service Customer Choice and Rate Relief Law of 1997 passed by the Illinois General Assembly.". Any utility reducing its base rates by 5% on August 1, 1998, pursuant to subsection (b) shall include the following statement on its bills

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for residential customers from August 1 through December 31, 1998: "Effective August 1, 1998, your rates have been reduced by 5% by the Electric Service Customer Choice and Rate Relief Law of 1997 passed by the Illinois General Assembly.".

Any utility reducing its base rates by 2% on August 1, 1998 pursuant to subsection (b) shall include the following statement on its bills for residential customers from August 1 through December 31, 1998: "Effective August 1, 1998, your rates have been reduced by 2% by the Electric Service Customer Choice and Rate Relief Law of 1997 passed by the Illinois General Assembly.".

(d) During the mandatory transition period, but not before January 1, 2000, and notwithstanding the provisions of subsection (a), an electric utility may request an increase in its base rates if the electric utility demonstrates that the 2-year average of its earned rate of return on common equity, calculated as its net income applicable to common stock divided by the average of its beginning and ending balances of common equity using data reported in the electric utility's Form 1 report to the Federal Energy Regulatory Commission but adjusted to remove the effects of accelerated depreciation or amortization or other transition or mitigation measures implemented by the electric utility pursuant to subsection (g) of this Section and the effect of any refund paid pursuant to subsection (e) of this Section, is below the 2-year average for the same 2 years of the monthly average yields of 30-year U.S. Treasury bonds published by the Board of Governors of the Federal Reserve System in its weekly H.15 Statistical Release or successor publication. The Commission shall review the electric utility's request, and may review the justness and reasonableness of all rates for tariffed services, in accordance with the provisions of Article IX of this Act, provided that the Commission shall consider any special or negotiated adjustments to the revenue requirement agreed to between the electric utility and the other parties to the proceeding. In setting rates under this Section, the Commission shall exclude the costs and revenues that are associated with competitive services and any billing or pricing experiments conducted under Section 16-106.

(e) For the purposes of this subsection (e) all calculations and comparisons shall be performed for the Illinois operations of multijurisdictional utilities. During the mandatory transition period, notwithstanding the provisions of subsection (a), if the 2-year average of an electric utility's earned rate of return on common equity, calculated as its net income applicable to common stock divided by the average of its beginning and ending balances of common equity using data reported in the electric utility's Form 1 report to the Federal Energy Regulatory Commission but adjusted to remove the effect of any refund paid under this subsection (e), and further adjusted to include the annual amortization of any difference between the consideration received by an affiliated interest of the electric utility in the sale of an asset which had been sold or transferred by the electric utility to the affiliated interest subsequent to the effective date of this amendatory Act of 1997 and the consideration for which such asset had been sold or transferred to the affiliated interest, with such difference to be amortized ratably from the date of the sale by the affiliated interest to December 31, 2006, exceeds the 2-year average of the Index for the same 2 years by 1.5 or more percentage points, the electric utility shall make refunds to customers beginning the first billing day of
April in the following year in the manner described in paragraph (3) of this subsection. For purposes of this subsection (e), the "Index" shall be the sum of (A) the average for the 12 months ended September 30 of the monthly average yields of 30-year U.S. Treasury bonds published by the Board of Governors of the Federal Reserve System in its weekly H.15 Statistical Release or successor publication for each year 1998 through 2006, and (B) (i) 4.00 percentage points for each of the 12-month periods ending September 30, 1998 through September 30, 1999 or 8.00 percentage points if the electric utility's average residential retail rate is less than or equal to 90% of the average residential retail rate for the "Midwest Utilities", as that term is defined in subsection (b) of this Section, based on data reported on Form 1 to the Federal Energy Regulatory Commission for calendar year 1995, and the electric utility served between 150,000 and 250,000 retail customers on January 1, 1995, (ii) 7.00 percentage points for each of the 12-month periods ending September 30, 2000 through September 30, 2006 if the electric utility was providing service to at least 1,000,000 customers in this State on January 1, 1999, or 9.00 percentage points if the electric utility's average residential retail rate is less than or equal to 90% of the average residential retail rate for the "Midwest Utilities", as that term is defined in subsection (b) of this Section, based on data reported on Form 1 to the Federal Energy Regulatory Commission for calendar year 1995 and the electric utility served between 150,000 and 250,000 retail customers in this State on January 1, 1995, (iii) 11.00 percentage points for each of the 12-month periods ending September 30, 2000 through September 30, 2006, but only if the electric utility's average residential retail rate is less than or equal to 90% of the average residential retail rate for the "Midwest Utilities", as that term is defined in subsection (b) of this Section, based on data reported on Form 1 to the Federal Energy Regulatory Commission for calendar year 1995, the electric utility served between 150,000 and 250,000 retail customers in this State on January 1, 1995, and the electric utility offers delivery services on or before June 1, 2000 to retail customers whose annual electric energy use comprises 33% of the kilowatt hour sales to that group of retail customers that are classified under Division D, Groups 20 through 39 of the Standard Industrial Classifications set forth in the Standard Industrial Classification Manual published by the United States Office of Management and Budget, excluding the kilowatt hour sales to those customers that are eligible for delivery services pursuant to Section 16-104(a)(1)(i), and, provided further, that the electric utility commits not to petition pursuant to Section 16-108(f) for entry of an order by the Commission authorizing the electric utility to implement transition charges for an additional period after December 31, 2006, or (iv) 5.00 percentage points for each of the 12-month periods ending September 30, 2000 through September 30, 2006 for all other electric utilities or 7.00 percentage points for such utilities for each of the 12-month periods ending September 30, 2000 through September 30, 2006 for any such utility that commits not to petition pursuant to Section 16-108(f) for entry of an order by the Commission authorizing the electric utility to implement transition charges for an additional period after December 31, 2006 or 11.00 percentage points for each of the 12-month periods ending September 30, 2005 and September 30, 2006 for each
electric utility providing service to fewer than 6,500, or between 75,000 and 150,000, electric retail customers in this State on January 1, 1995 if such utility commits not to petition pursuant to Section 16-108(f) for entry of an order by the Commission authorizing the electric utility to implement transition charges for an additional period after December 31, 2006.

(1) For purposes of this subsection (e), "excess earnings" means the difference between (A) the 2-year average of the electric utility's earned rate of return on common equity, less (B) the 2-year average of the sum of (i) the Index applicable to each of the 2 years and (ii) 1.5 percentage points; provided, that "excess earnings" shall never be less than zero.

(2) On or before March 31 of each year 2000 through 2005 each electric utility shall file a report with the Commission showing its earned rate of return on common equity, calculated in accordance with this subsection, for the preceding calendar year and the average for the preceding 2 calendar years.

(3) If an electric utility has excess earnings, determined in accordance with paragraphs (1) and (2) of this subsection, the refunds which the electric utility shall pay to its customers beginning the first billing day of April in the following year shall be calculated and applied as follows:

(i) The electric utility's excess earnings shall be multiplied by the average of the beginning and ending balances of the electric utility's common equity for the 2-year period in which excess earnings occurred.

(ii) The result of the calculation in (i) shall be multiplied by 0.50 and then divided by a number equal to 1 minus the electric utility's composite federal and State income tax rate.

(iii) The result of the calculation in (ii) shall be divided by the sum of the electric utility's projected total kilowatt-hour sales to retail customers plus projected kilowatt-hours to be delivered to delivery services customers over a one year period beginning with the first billing date in April in the succeeding year to determine a cents per kilowatt-hour refund factor.

(iv) The cents per kilowatt-hour refund factor calculated in (iii) shall be credited to the electric utility's customers by applying the factor on the customer's monthly bills to each kilowatt-hour sold or delivered until the total amount calculated in (ii) has been paid to customers.

(f) During the mandatory transition period, an electric utility may file revised tariffs reducing the price of any tariffed service offered by the electric utility for all customers taking that tariffed service, which shall be effective 7 days after filing.

(g) During the mandatory transition period, an electric utility may, without obtaining any approval of the Commission other than that provided for in this subsection and notwithstanding any other provision of this Act or any rule or regulation of the Commission that would require such approval:

(1) implement a reorganization, other than a merger of 2 or more public utilities as defined in Section 3-105 or their holding companies;

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(2) retire generating plants from service;
(3) sell, assign, lease or otherwise transfer assets to an affiliated or unaffiliated entity and as part of such transaction enter into service agreements, power purchase agreements, or other agreements with the transferee; provided, however, that the prices, terms and conditions of any power purchase agreement must be approved or allowed into effect by the Federal Energy Regulatory Commission; or
(4) use any accelerated cost recovery method including accelerated depreciation, accelerated amortization or other capital recovery methods, or record reductions to the original cost of its assets.

In order to implement a reorganization, retire generating plants from service, or sell, assign, lease or otherwise transfer assets pursuant to this Section, the electric utility shall comply with subsections (c) and (d) of Section 16-128, if applicable, and subsection (k) of this Section, if applicable, and provide the Commission with at least 30 days notice of the proposed reorganization or transaction, which notice shall include the following information:

(i) a complete statement of the entries that the electric utility will make on its books and records of account to implement the proposed reorganization or transaction together with a certification from an independent certified public accountant that such entries are in accord with generally accepted accounting principles and, if the Commission has previously approved guidelines for cost allocations between the utility and its affiliates, a certification from the chief accounting officer of the utility that such entries are in accord with those cost allocation guidelines;
(ii) a description of how the electric utility will use proceeds of any sale, assignment, lease or transfer to retire debt or otherwise reduce or recover the costs of services provided by such electric utility;
(iii) a list of all federal approvals or approvals required from departments and agencies of this State, other than the Commission, that the electric utility has or will obtain before implementing the reorganization or transaction;
(iv) an irrevocable commitment by the electric utility that it will not, as a result of the transaction, impose any stranded cost charges that it might otherwise be allowed to charge retail customers under federal law or increase the transition charges that it is otherwise entitled to collect under this Article XVI; and
(v) if the electric utility proposes to sell, assign, lease or otherwise transfer a generating plant that brings the amount of net dependable generating capacity transferred pursuant to this subsection to an amount equal to or greater than 15% of the electric utility's net dependable capacity as of the effective date of this amendatory Act of 1997, and enters into a power purchase agreement with the entity to which such generating plant is sold, assigned, leased, or otherwise transferred, the electric utility also agrees, if its

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fuel adjustment clause has not already been eliminated, to eliminate its fuel adjustment clause in accordance with subsection (b) of Section 9-220 for a period of time equal to the length of any such power purchase agreement or successor agreement, or until January 1, 2005, whichever is longer; if the capacity of the generating plant so transferred and related power purchase agreement does not result in the elimination of the fuel adjustment clause under this subsection, and the fuel adjustment clause has not already been eliminated, the electric utility shall agree that the costs associated with the transferred plant that are included in the calculation of the rate per kilowatt-hour to be applied pursuant to the electric utility's fuel adjustment clause during such period shall not exceed the per kilowatt-hour cost associated with such generating plant included in the electric utility's fuel adjustment clause during the full calendar year preceding the transfer, with such limit to be adjusted each year thereafter by the Gross Domestic Product Implicit Price Deflator.

(vi) In addition, if the electric utility proposes to sell, assign, or lease, (A) either (1) an amount of generating plant that brings the amount of net dependable generating capacity transferred pursuant to this subsection to an amount equal to or greater than 15% of its net dependable capacity on the effective date of this amendatory Act of 1997, or (2) one or more generating plants with a total net dependable capacity of 1100 megawatts, or (B) transmission and distribution facilities that either (1) bring the amount of transmission and distribution facilities transferred pursuant to this subsection to an amount equal to or greater than 15% of the electric utility's total depreciated original cost investment in such facilities, or (2) represent an investment of $25,000,000 in terms of total depreciated original cost, the electric utility shall provide, in addition to the information listed in subparagraphs (i) through (v), the following information: (A) a description of how the electric utility will meet its service obligations under this Act in a safe and reliable manner and (B) the electric utility's projected earned rate of return on common equity, calculated in accordance with subsection (d) of this Section, for each year from the date of the notice through December 31, 2006 2004 both with and without the proposed transaction. If the Commission has not issued an order initiating a hearing on the proposed transaction within 30 days after the date the electric utility's notice is filed, the transaction shall be deemed approved. The Commission may, after notice and hearing, prohibit the proposed transaction if it makes either or both of the following findings: (1) that the proposed transaction will render the electric utility unable to provide its tariffed services in a safe and reliable manner, or (2) that there is a strong likelihood that consummation of the proposed transaction will result in the electric utility being entitled to request an increase in its base rates during the mandatory transition period pursuant to

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subsection (d) of this Section. Any hearing initiated by the Commission into the proposed transaction shall be completed, and the Commission's final order approving or prohibiting the proposed transaction shall be entered, within 90 days after the date the electric utility's notice was filed. Provided, however, that a sale, assignment, or lease of transmission facilities to an independent system operator that meets the requirements of Section 16-126 shall not be subject to Commission approval under this Section.

In any proceeding conducted by the Commission pursuant to this subparagraph (vi), intervention shall be limited to parties with a direct interest in the transaction which is the subject of the hearing and any statutory consumer protection agency as defined in subsection (d) of Section 9-102.1. Notwithstanding the provisions of Section 10-113 of this Act, any application seeking rehearing of an order issued under this subparagraph (vi), whether filed by the electric utility or by an intervening party, shall be filed within 10 days after service of the order.

The Commission shall not in any subsequent proceeding or otherwise, review such a reorganization or other transaction authorized by this Section, but shall retain the authority to allocate costs as stated in Section 16-111(i). An entity to which an electric utility sells, assigns, leases or transfers assets pursuant to this subsection (g) shall not, as a result of the transactions specified in this subsection (g), be deemed a public utility as defined in Section 3-105. Nothing in this subsection (g) shall change any requirement under the jurisdiction of the Illinois Department of Nuclear Safety including, but not limited to, the payment of fees. Nothing in this subsection (g) shall exempt a utility from obtaining a certificate pursuant to Section 8-406 of this Act for the construction of a new electric generating facility. Nothing in this subsection (g) is intended to exempt the transactions hereunder from the operation of the federal or State antitrust laws. Nothing in this subsection (g) shall require an electric utility to use the procedures specified in this subsection for any of the transactions specified herein. Any other procedure available under this Act may, at the electric utility's election, be used for any such transaction.

(h) During the mandatory transition period, the Commission shall not establish or use any rates of depreciation, which for purposes of this subsection shall include amortization, for any electric utility other than those established pursuant to subsection (c) of Section 5-104 of this Act or utilized pursuant to subsection (g) of this Section. Provided, however, that in any proceeding to review an electric utility's rates for tariffed services pursuant to Section 9-201, 9-202, 9-250 or 16-111(d) of this Act, the Commission may establish new rates of depreciation for the electric utility in the same manner provided in subsection (d) of Section 5-104 of this Act. An electric utility implementing an accelerated cost recovery method including accelerated depreciation, accelerated amortization or other capital recovery methods, or recording reductions to the original cost of its assets, pursuant to subsection (g) of this Section, shall file a statement with the Commission describing the accelerated cost recovery method to be implemented or the reduction in the original cost of its assets to be recorded. Upon the filing of such statement, the accelerated cost recovery method or the

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reduction in the original cost of assets shall be deemed to be approved by the Commission as though an order had been entered by the Commission.

(i) Subsequent to the mandatory transition period, the Commission, in any proceeding to establish rates and charges for tariffed services offered by an electric utility, shall consider only (1) the then current or projected revenues, costs, investments and cost of capital directly or indirectly associated with the provision of such tariffed services; (2) collection of transition charges in accordance with Sections 16-102 and 16-108 of this Act; (3) recovery of any employee transition costs as described in Section 16-128 which the electric utility is continuing to incur, including recovery of any unamortized portion of such costs previously incurred or committed, with such costs to be equitably allocated among bundled services, delivery services, and contracts with alternative retail electric suppliers; and (4) recovery of the costs associated with the electric utility's compliance with decommissioning funding requirements; and shall not consider any other revenues, costs, investments or cost of capital of either the electric utility of or of any affiliate of the electric utility that are not associated with the provision of tariffed services. In setting rates for tariffed services, the Commission shall equitably allocate joint and common costs and investments between the electric utility's competitive and tariffed services. In determining the justness and reasonableness of the electric power and energy component of an electric utility's rates for tariffed services subsequent to the mandatory transition period and prior to the time that the provision of such electric power and energy is declared competitive, the Commission shall consider the extent to which the electric utility's tariffed rates for such component for each customer class exceed the market value determined pursuant to Section 16-112, and, if the electric power and energy component of such tariffed rate exceeds the market value by more than 10% for any customer class, may establish such electric power and energy component at a rate equal to the market value plus 10%. In any such case, the Commission may also elect to extend the provisions of Section 16-111(e) for any period in which the electric utility is collecting transition charges, using information applicable to such period.

(j) During the mandatory transition period, an electric utility may elect to transfer to a non-operating income account under the Commission's Uniform System of Accounts either or both of (i) an amount of unamortized investment tax credit that is in addition to the ratable amount which is credited to the electric utility's operating income account for the year in accordance with Section 46(f)(2) of the federal Internal Revenue Code of 1986, as in effect prior to P.L. 101-508, or (ii) "excess tax reserves", as that term is defined in Section 203(e)(2)(A) of the federal Tax Reform Act of 1986, provided that (A) the amount transferred may not exceed the amount of the electric utility's assets that were created pursuant to Statement of Financial Accounting Standards No. 71 which the electric utility has written off during the mandatory transition period, and (B) the transfer shall not be effective until approved by the Internal Revenue Service. An electric utility electing to make such a transfer shall file a statement with the Commission stating the amount and timing of the transfer for which it intends to request approval of the Internal Revenue Service, along with a copy of its proposed request to the Internal Revenue Service for a ruling. The Commission shall issue an order within 14 days after the electric utility's filing approving,
subject to receipt of approval from the Internal Revenue Service, the proposed transfer.

(k) If an electric utility is selling or transferring to a single buyer 5 or more generating plants located in this State with a total net dependable capacity of 5000 megawatts or more pursuant to subsection (g) of this Section and has obtained a sale price or consideration that exceeds 200% of the book value of such plants, the electric utility must provide to the Governor, the President of the Illinois Senate, the Minority Leader of the Illinois Senate, the Speaker of the Illinois House of Representatives, and the Minority Leader of the Illinois House of Representatives no later than 15 days after filing its notice under subsection (g) of this Section or 5 days after the date on which this subsection (k) becomes law, whichever is later, a written commitment in which such electric utility agrees to expend $2 billion outside the corporate limits of any municipality with 1,000,000 or more inhabitants within such electric utility's service area, over a 6-year period beginning with the calendar year in which the notice is filed, on projects, programs, and improvements within its service area relating to transmission and distribution including, without limitation, infrastructure expansion, repair and replacement, capital investments, operations and maintenance, and vegetation management.

(Source: P.A. 90-561, eff. 12-16-97; 90-563, eff. 12-16-97; 91-50, eff. 6-30-99.)

(220 ILCS 5/16-111.3 new)

Sec. 16-111.3. Transition period earnings calculations. At such time as the Board of Governors of the Federal Reserve System ceases to include the monthly average yields of 30-year U.S. Treasury bonds in its weekly H.15 Statistical Release or successor publication, the Monthly Treasury Long-Term Average Rates (25 years and above) published by the Board of Governors of the Federal Reserve System in its weekly H.15 Statistical Release or successor publication shall instead be used to establish a rate for the purpose of calculating the Index defined in subsection (e) of Section 16-111 of this Act, and at such time, such Monthly Treasury Long-Term Average Rates (25 years and above) shall also be used in place of the monthly average yields of 30-year U.S. Treasury bonds in the rate of return calculation required by subsection (d) of Section 16-111. An electric utility shall also remove the effects, if any, of any impairment due to the application of Statement of Financial Accounting Standards No. 142, which was issued in June 2001, when making the calculations required by this Section or by subsections (d) and (e) of Section 16-111.

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


Approved June 6, 2002.

Effective June 6, 2002.
ARTICLE 1

Section 5. The following amounts, or so much of those amounts as may be necessary, respectively, for the objects and purposes named, are appropriated from federal funds to the Illinois State Board of Education for the fiscal year beginning July 1, 2002:

From National Center for Education Statistics Fund (National Cooperative Education Statistics Systems and National Assessment of Educational Progress):

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>$80,000</td>
</tr>
<tr>
<td>For Employee Retirement Paid by Employer</td>
<td>4,000</td>
</tr>
<tr>
<td>For Retirement Contributions</td>
<td>9,000</td>
</tr>
<tr>
<td>For Social Security Contributions</td>
<td>2,000</td>
</tr>
<tr>
<td>For Insurance</td>
<td>9,100</td>
</tr>
<tr>
<td>For Contractual</td>
<td>8,000</td>
</tr>
<tr>
<td>For Travel</td>
<td>43,000</td>
</tr>
<tr>
<td>For Commodities</td>
<td>1,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$156,100</strong></td>
</tr>
</tbody>
</table>

From Federal Department of Education Fund (Title VII Bilingual):

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>$80,000</td>
</tr>
<tr>
<td>For Employee Retirement Paid by Employer</td>
<td>4,000</td>
</tr>
<tr>
<td>For Retirement Contributions</td>
<td>9,000</td>
</tr>
<tr>
<td>For Social Security Contributions</td>
<td>2,000</td>
</tr>
<tr>
<td>For Insurance</td>
<td>9,100</td>
</tr>
<tr>
<td>For Contractual</td>
<td>50,000</td>
</tr>
<tr>
<td>For Travel</td>
<td>60,000</td>
</tr>
<tr>
<td>For Commodities</td>
<td>1,000</td>
</tr>
<tr>
<td>For Printing</td>
<td>1,000</td>
</tr>
<tr>
<td>For Equipment</td>
<td>2,000</td>
</tr>
<tr>
<td>For Telecommunications</td>
<td>1,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$219,100</strong></td>
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</tbody>
</table>

From Federal Department of Education Fund (Emergency Immigrant Education):

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>$30,000</td>
</tr>
<tr>
<td>For Employee Retirement Paid by Employer</td>
<td>1,000</td>
</tr>
<tr>
<td>For Retirement Contributions</td>
<td>2,800</td>
</tr>
<tr>
<td>For Social Security Contributions</td>
<td>2,000</td>
</tr>
<tr>
<td>For Insurance</td>
<td>9,100</td>
</tr>
<tr>
<td>For Contractual</td>
<td>150,000</td>
</tr>
<tr>
<td>For Travel</td>
<td>50,000</td>
</tr>
<tr>
<td>For Commodities</td>
<td>5,000</td>
</tr>
<tr>
<td>For Equipment</td>
<td>5,000</td>
</tr>
<tr>
<td>For Telecommunications</td>
<td>2,000</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout.
For Grants................................. 12,000,000
Total                                   $12,256,900

From Department of Health and Human Services Fund  
(Training School Health Personnel):
For Personal Services.....................  $70,000
For Employee Retirement Paid by Employer....  3,000
For Retirement Contributions...............  8,000
For Social Security Contributions.........  3,000
For Insurance.............................  9,100
For Contractual ............................  150,000
For Travel ................................  8,000
For Commodities ...........................  8,000
For Printing ................................  4,500
For Equipment .............................  5,000
For Telecommunications .....................  2,000
Total                                   $270,600

From Department of Health and Human  
Services Fund (Refugee):
For Personal Services.....................  $58,000
For Employee Retirement Paid by Employer....  2,500
For Retirement Contributions...............  6,000
For Social Security Contributions.........  1,000
For Insurance.............................  9,100
For Contractual ............................  97,000
For Travel ................................  97,000
For Commodities ...........................  20,000
For Equipment .............................  20,000
For Telecommunications .....................  5,000
For Telecommunications .....................  1,000
For Grants.................................  2,500,000
Total                                   $2,719,600

From ISBE Federal National Community Service  
Fund (Learn and Serve America):
For Personal Services.....................  $26,000
For Employee Retirement Paid by Employer....  1,000
For Retirement Contributions...............  2,700
For Social Security Contributions.........  1,000
For Insurance.............................  4,600
For Contractual ............................  4,000
For Travel ................................  15,000
For Printing ................................  15,000
For Equipment .............................  1,000
For Telecommunications .....................  1,000

New matter indicated by italics - deletions by strikeout.
For Grants.................................  2,000,000
Total                                   $2,058,300

From Federal Department of Agriculture
Fund (Child Nutrition):
For Personal Services................................. $2,700,000
For Employee Retirement Paid by Employer........ 110,000
For Retirement Contributions.......................  310,000
For Social Security Contributions...................  110,000
For Insurance..................................  460,000
For Contractual .................................  1,875,000
For Travel ..................................  350,000
For Commodities .................................  100,000
For Printing ..................................  150,000
For Equipment .................................  175,000
For Telecommunications .......................... 75,000
For Grants..................................  425,000,000
Total                                      $431,415,000

From Federal Department of Education Fund for Title I
Programs, including but not limited to Title I Basic,
Even Start, Migrant, School Improvement & Accountability,
Comprehensive School Reform, Capital Expenses, Even
Start Partnerships, Improvement Expenses, and
Neglected and Delinquent:
For Personal Services.................................  $2,860,000
For Employee Retirement Paid by Employer........ 113,000
For Retirement Contributions.......................  304,200
For Social Security Contributions...................  122,000
For Insurance..................................  404,300
For Contractual .................................  2,170,000
For Travel ..................................  127,000
For Commodities .................................  26,500
For Printing ..................................  57,500
For Equipment .................................  95,000
For Telecommunications .......................... 158,000
For Grants..................................  500,189,400
Total                                      $506,626,900

From Federal Department of Education Fund
(Title IV Safe and Drug Free Schools):
For Personal Services.........................  $325,000
For Employee Retirement Paid by Employer......  15,000
For Retirement Contributions....................  40,000

New matter indicated by italics - deletions by strikeout.
<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
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</thead>
<tbody>
<tr>
<td>For Social Security Contributions</td>
<td>15,000</td>
</tr>
<tr>
<td>For Insurance</td>
<td>58,000</td>
</tr>
<tr>
<td>For Contractual</td>
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<tr>
<td>For Travel</td>
<td>60,000</td>
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<tr>
<td>For Commodities</td>
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<tr>
<td>For Printing</td>
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<tr>
<td>For Equipment</td>
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<tr>
<td>For Telecommunications</td>
<td>28,000</td>
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<tr>
<td>For Grants</td>
<td>25,000,000</td>
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<tr>
<td><strong>Total</strong></td>
<td><strong>$25,692,500</strong></td>
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From Federal Department of Education Fund (Title II Eisenhower Professional Development):

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
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</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>$380,000</td>
</tr>
<tr>
<td>For Employee Retirement Paid by Employer</td>
<td>17,000</td>
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<tr>
<td>For Retirement Contributions</td>
<td>43,000</td>
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<tr>
<td>For Social Security Contributions</td>
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</tr>
<tr>
<td>For Insurance</td>
<td>58,000</td>
</tr>
<tr>
<td>For Contractual</td>
<td>100,000</td>
</tr>
<tr>
<td>For Travel</td>
<td>100,000</td>
</tr>
<tr>
<td>For Commodities</td>
<td>3,000</td>
</tr>
<tr>
<td>For Printing</td>
<td>2,500</td>
</tr>
<tr>
<td>For Equipment</td>
<td>20,000</td>
</tr>
<tr>
<td>For Telecommunications</td>
<td>25,000</td>
</tr>
<tr>
<td>For Grants</td>
<td>20,000,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$20,763,500</strong></td>
</tr>
</tbody>
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From Federal Department of Education Fund (McKinney Homeless Assistance):

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
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</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>$115,000</td>
</tr>
<tr>
<td>For Employee Retirement Paid by Employer</td>
<td>5,000</td>
</tr>
<tr>
<td>For Retirement Contributions</td>
<td>12,000</td>
</tr>
<tr>
<td>For Social Security Contributions</td>
<td>7,000</td>
</tr>
<tr>
<td>For Insurance</td>
<td>20,000</td>
</tr>
<tr>
<td>For Contractual</td>
<td>360,000</td>
</tr>
<tr>
<td>For Travel</td>
<td>15,000</td>
</tr>
<tr>
<td>For Commodities</td>
<td>3,000</td>
</tr>
<tr>
<td>For Printing</td>
<td>10,000</td>
</tr>
<tr>
<td>For Equipment</td>
<td>10,000</td>
</tr>
<tr>
<td>For Telecommunications</td>
<td>2,000</td>
</tr>
<tr>
<td>For Grants</td>
<td>3,000,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$3,559,000</strong></td>
</tr>
</tbody>
</table>

From Federal Department of Education Fund (Pre-School):

New matter indicated by italics - deletions by strikeout.
<table>
<thead>
<tr>
<th>Category</th>
<th>Amount</th>
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</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>$435,000</td>
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<tr>
<td>For Employee Retirement Paid by Employer</td>
<td>19,000</td>
</tr>
<tr>
<td>For Retirement Contributions</td>
<td>48,000</td>
</tr>
<tr>
<td>For Social Security Contributions</td>
<td>20,000</td>
</tr>
<tr>
<td>For Insurance</td>
<td>65,000</td>
</tr>
<tr>
<td>For Contractual</td>
<td>375,000</td>
</tr>
<tr>
<td>For Travel</td>
<td>40,000</td>
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<tr>
<td>For Commodities</td>
<td>20,000</td>
</tr>
<tr>
<td>For Printing</td>
<td>26,000</td>
</tr>
<tr>
<td>For Equipment</td>
<td>10,000</td>
</tr>
<tr>
<td>For Telecommunications</td>
<td>30,000</td>
</tr>
<tr>
<td>For Grants</td>
<td>25,000,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$26,088,000</strong></td>
</tr>
</tbody>
</table>

From Federal Department of Education Fund (Individuals with Disabilities Education Act - IDEA):

<table>
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<th>Category</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>$3,500,000</td>
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<tr>
<td>For Employee Retirement Paid by Employer</td>
<td>142,000</td>
</tr>
<tr>
<td>For Retirement Contributions</td>
<td>365,000</td>
</tr>
<tr>
<td>For Social Security Contributions</td>
<td>90,000</td>
</tr>
<tr>
<td>For Insurance</td>
<td>491,400</td>
</tr>
<tr>
<td>For Contractual</td>
<td>1,975,000</td>
</tr>
<tr>
<td>For Travel</td>
<td>380,000</td>
</tr>
<tr>
<td>For Commodities</td>
<td>50,000</td>
</tr>
<tr>
<td>For Printing</td>
<td>120,000</td>
</tr>
<tr>
<td>For Equipment</td>
<td>75,000</td>
</tr>
<tr>
<td>For Telecommunications</td>
<td>100,000</td>
</tr>
<tr>
<td>For Grants</td>
<td>400,000,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$407,288,400</strong></td>
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</tbody>
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From Federal Department of Education Fund (Deaf-Blind):

<table>
<thead>
<tr>
<th>Category</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>$20,000</td>
</tr>
<tr>
<td>For Employee Retirement Paid by Employer</td>
<td>1,000</td>
</tr>
<tr>
<td>For Retirement Contributions</td>
<td>1,900</td>
</tr>
<tr>
<td>For Social Security Contributions</td>
<td>500</td>
</tr>
<tr>
<td>For Insurance</td>
<td>3,000</td>
</tr>
<tr>
<td>For Contractual</td>
<td>1,000</td>
</tr>
<tr>
<td>For Travel</td>
<td>1,000</td>
</tr>
<tr>
<td>For Telecommunications</td>
<td>1,000</td>
</tr>
<tr>
<td>For Grants</td>
<td>305,000</td>
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<tr>
<td><strong>Total</strong></td>
<td><strong>$334,400</strong></td>
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From Federal Department of Education Fund (Vocational and Applied Technology Education - Title I):

<table>
<thead>
<tr>
<th>Category</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>$2,200,000</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout.
For Employee Retirement Paid by Employer...... 90,000
For Retirement Contributions................... 230,000
For Social Security Contributions............... 100,000
For Insurance.................................. 325,000
For Contractual ................................ 1,575,000
For Travel .................................... 160,000
For Commodities ............................... 10,000
For Printing ................................... 25,000
For Equipment ................................ 50,000
For Telecommunications ......................... 50,000
For Grants for Vocational Education - Basic.... 46,500,000
Total $51,315,000

From Federal Department of Education Fund (Vocational Education - Title II):
For Personal Services........................... $160,000
For Employee Retirement Paid by Employer...... 8,000
For Retirement Contributions................... 18,000
For Social Security Contributions............... 10,000
For Insurance.................................. 21,000
For Contractual ................................ 35,000
For Travel .................................... 15,000
For Commodities ............................... 1,000
For Equipment ................................ 10,000
For Telecommunications ......................... 2,000
For Grants for Vocational Education - Tech Prep........................................ 5,000,000
Total $5,280,000

From Federal Department of Education Fund (Title VI):
For Personal Services........................... $650,000
For Employee Retirement Paid by Employer...... 28,000
For Retirement Contributions................... 75,000
For Social Security Contributions............... 30,000
For Insurance.................................. 95,000
For Contractual ................................ 1,070,000
For Travel .................................... 100,000
For Commodities ............................... 12,000
For Printing ................................... 42,000
For Equipment ................................ 50,000
For Telecommunications ......................... 56,000
For Grants...................................... 18,600,000
Total $20,808,000

New matter indicated by italics - deletions by strikeout.
| From Federal Department of Education Fund:          |          |
| For the Christa McAuliffe Fellowship Program:      |          |
| For Contractual Services........................... | $2,000   |
| For Grants........................................... | 73,000   |
| Total                                          | $75,000  |
| For the Technology Literacy Program:              |          |
| For Personal Services.............................. | $225,000 |
| For Employee Retirement Paid by Employer...........| 12,000   |
| For Retirement Contributions....................... | 25,000   |
| For Social Security Contributions...................| 7,000    |
| For Insurance....................................... | 30,000   |
| For Contractual .................................... | 1,600,000|
| For Travel ......................................... | 15,000   |
| For Commodities ..................................... | 2,500    |
| For Equipment ....................................... | 30,000   |
| For Telecommunications ................................| 25,000   |
| For Grants.......................................... | 38,284,400|
| Total                                          | $40,255,900|
| For the Illinois Purchased Care Review Board:      |          |
| For Personal Services.............................. | $118,000 |
| For Employee Retirement Paid by Employer...........| 4,700    |
| For Retirement Contributions....................... | 14,000   |
| For Social Security Contributions...................| 3,000    |
| For Insurance....................................... | 19,000   |
| For Contractual .................................... | 13,300   |
| For Commodities ..................................... | 1,000    |
| For Telecommunications ................................| 2,000    |
| Total                                          | $175,000 |
| For the Charter Schools Program:                  |          |
| For Personal Services.............................. | $75,000  |
| For Employee Retirement Paid by Employer...........| 3,500    |
| For Retirement Contributions....................... | 9,000    |
| For Social Security Contributions...................| 1,000    |
| For Insurance....................................... | 9,100    |
| For Contractual .................................... | 82,000   |
| For Travel ......................................... | 20,000   |
| For Commodities ..................................... | 1,000    |
| For Printing ........................................ | 3,000    |
| For Telecommunications ................................| 10,000   |
| For Grants.......................................... | 2,286,400|
| Total                                          | $2,500,000|
| For the Reading Excellence Program:               |          |

New matter indicated by italics - deletions by strikeout.
For Personal Services.......................... $208,000  
For Employee Retirement Paid by Employer...... 8,500  
For Retirement Contributions..................... 25,000  
For Social Security Contributions.................. 5,000  
For Insurance...................................... 29,000  
For Contractual .................................. 1,900,000  
For Travel ......................................... 5,000  
For Commodities .................................. 1,000  
For Telecommunications ............................ 2,000  
For Grants......................................... 17,830,000  
Total.............................................. $20,013,500  

For the Department of Defense Troops to Teachers Program:  
For Personal Services............................ $88,000  
For Employee Retirement Paid by Employer...... 4,000  
For Retirement Contributions..................... 10,000  
For Social Security Contributions.................. 4,000  
For Insurance...................................... 18,200  
For Contractual .................................. 37,300  
For Travel ......................................... 5,000  
For Commodities .................................. 500  
For Printing ...................................... 1,000  
For Telecommunications ............................ 2,000  
Total............................................... $170,000  

For the Advanced Placement Fee Payment Program:  
For Personal Services............................. $38,000  
For Employee Retirement Paid by Employer...... 1,500  
For Retirement Contributions..................... 4,000  
For Social Security Contributions.................. 2,000  
For Insurance...................................... 8,000  
For Contractual .................................. 450,000  
For Grants......................................... 700,000  
Total.............................................. $1,203,500  

For the Building Linkages Project:  
For Personal Services............................ $30,000  
For Employee Retirement Paid by Employer...... 1,500  
For Retirement Contributions..................... 3,000  
For Social Security Contributions.................. 4,000  
For Insurance...................................... 5,000  
For Contractual .................................. 300,000  
For Travel ......................................... 40,000  
For Commodities .................................. 1,000  
For Printing ...................................... 3,000  

New matter indicated by italics - deletions by strikeout.
<table>
<thead>
<tr>
<th>Program</th>
<th>Equipment</th>
<th>Telecommunications</th>
<th>Grants</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Transition to Teaching Program</td>
<td>10,000</td>
<td>2,500</td>
<td>300,000</td>
<td>$700,000</td>
</tr>
<tr>
<td>IDEA Improvement Program</td>
<td>10,000</td>
<td>20,000</td>
<td>531,500</td>
<td>$1,000,000</td>
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<tr>
<td>Title VI - Renovation, Special Education and Technology</td>
<td>450,000</td>
<td></td>
<td></td>
<td>$35,000,000</td>
</tr>
<tr>
<td>Title VII Foreign Language Assistance</td>
<td>150,000</td>
<td></td>
<td></td>
<td>$150,000</td>
</tr>
<tr>
<td>Character Education</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout.
For Grants........................................ $1,000,000
For Class Size Reduction:
For Grants........................................ 50,000,000
For GEAR-UP Program:
For Grants........................................ 6,000,000
Total........................................... $57,000,000

From the Federal Department of Labor Fund:
For the School-to-Work Program:
For Personal Services.......................... $250,000
For Employee Retirement Paid by Employer..... 11,000
For Retirement Contributions..................... 30,000
For Social Security Contributions................. 6,000
For Insurance.................................... 36,500
For Contractual ................................. 200,000
For Travel........................................ 50,000
For Commodities ................................ 2,500
For Printing ..................................... 1,000
For Equipment ................................... 11,000
For Telecommunications ......................... 2,000
For Grants........................................ 13,400,000
Total........................................... $14,000,000

Total, This Section, $1,691,294,200

Section 10. The following amounts, or so much of those amounts as may be necessary, respectively, for the objects and purposes named, are appropriated from the Federal Department of Education Fund to the Illinois State Board of Education for the fiscal year beginning July 1, 2002:
For all cost associated with P.L. 107-110, Title I - Improving the Academic Achievement of the Disadvantaged, including, but not limited to, Early Reading First and Reading First.............. $38,000,000
For all cost associated with P.L. 107-110, Title II - Preparing, Training and Recruiting High Quality Teachers and Principals, including, but not limited to: Teacher and Principal Training and Recruiting ................................. 120,000,000
For all costs associated with P.L. 107-110, Title III - Language Instruction for Limited English

New matter indicated by italics - deletions by strikeout.
Proficient, including, but not
to: English Language Acquisition............ 20,000,000
For all costs associated with P.L.
107-110, Title IV - 21st Century
Schools, including, but not limited
to, 21st Century Community Learning
Centers and Community Services ............. 42,100,000
For costs associated with P.L.
107-110, Title V - Innovative
Programs, including, but not
limited to, Innovative Programs and
Fund for the Improvement of Education,
Comprehensive School Reform ................. 21,000,000
For costs associated with P.L. 107-
110, Title VI - Flexibility and
Accountability, including, but not
limited to, Rural Education
Achievement and State
Assessments .................................. 14,500,000
Total ........................................ $255,600,000

Section 15. The amount of $5,190,000, or so much of that amount as may be
necessary, is appropriated for all costs associated with special federal congressional
projects from the Federal Department of Education Fund to the State Board of Education.

Section 20. The following amounts, or so much of those amounts as may be
necessary, respectively, for the objects and purposes named, are appropriated from State
funds to the Illinois State Board of Education for the fiscal year beginning July 1, 2002:

-GENERAL OFFICE-
From General Revenue Fund:
For Personal Services....................... $5,734,800
For Employee Retirement Paid by Employer..... 201,500
For Retirement Contributions.................. 234,000
For Social Security Contributions............. 232,100
For Contractual............................... 693,000
For Travel.................................... 105,500
For Commodities............................. 9,500
Total ...................................... $7,210,400

-EDUCATION SERVICES-
For Personal Services....................... $4,418,800
For Employee Retirement Paid by Employer..... 177,700
For Retirement Contributions.................. 166,200
For Social Security Contributions............. 161,400
For Contractual............................... 96,000

New matter indicated by italics - deletions by strikeout.
For Travel........................................ 101,200
For Commodities.............................. 10,000
Total .............................................. 5,131,300

-FINANCE AND ADMINISTRATION-

From General Revenue Fund:
For Personal Services............................ 9,630,200
For Employee Retirement Paid by Employer...... 362,900
For Retirement Contributions..................... 315,200
For Social Security Contributions............... 320,000
For Contractual.................................... 2,425,700
For Travel........................................... 153,000
For Commodities................................. 95,500
For Printing....................................... 178,000
For Equipment.................................... 134,000
For Telecommunications.......................... 386,700
For Operation of Auto............................ 15,200
Total ................................................ 14,016,400

From Driver Education Fund:
For Personal Services............................ $250,000
For Employee Retirement Paid by Employer...... 12,000
For Retirement Contributions..................... 5,000
For Social Security Contributions............... 5,000
For Insurance............................... 40,000
For Contractual ................................. 253,200
For Travel ...................................... 30,000
For Commodities ............................... 10,100
For Printing ................................. 22,000
For Equipment ............................. 57,700
For Telecommunications......................... 15,000
For Grants.............................. 15,750,000
Total ............................................ 16,450,000

From General Revenue Fund:
For the Technology for Success Program
for the purpose of implementing
the use of computer technology in
the classroom as follows:
For Personal Services............................ $600,000
For Employee Retirement Paid by Employer...... 25,000
For Retirement Contributions..................... 18,000
For Social Security Contributions............... 19,000
For Other Operations............................ 7,100,000
For Grants..................................... 17,263,000

New matter indicated by italics - deletions by strikeout.
Total $25,025,000

For Mathematics Statewide:
- For Personal Services $188,100
- For Employee Retirement Paid by Employer 8,700
- For Retirement Contributions 6,300
- For Social Security Contributions 6,300
- For Other Mathematics Statewide Operations 610,600
Total $820,000

For the Academic Early Warning List (AEWL) and Other At-Risk Schools:
- For Personal Services $168,800
- For Employee Retirement Paid by Employer 7,700
- For Retirement Contributions 1,400
- For Social Security Contributions 1,400
- For Other AEWL Operations 350,000
- For Grants 3,088,300
Total $3,617,600

For the Reading Improvement Statewide Program:
- For Personal Services $193,000
- For Employee Retirement Paid by Employer 7,700
- For Retirement Contributions 6,800
- For Social Security Contributions 6,800
- For Other Reading Improvement Statewide Program Operations 3,210,400
Total $3,424,700

For Family Literacy:
- For Operations $241,200
Total $241,200

For Regional and Local Optional Education Programs for Dropouts, those at Risk of Dropping Out, and Alternative Education Programs for Chronic Truants:
- For Personal Services $73,000
- For Employee Retirement Paid by Employer 3,400
- For Retirement Contributions 1,000
- For Social Security Contributions 2,000
- For Other Truants/Alternative/Optional Operations 249,000
- For Grants 18,628,100
Total $18,956,500

For the Summer Bridge Program:
- For Personal Services $135,000

New matter indicated by italics - deletions by strikeout.
<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Employee Retirement Paid by Employer........................................</td>
<td>7,700</td>
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<tr>
<td>For Retirement Contributions................................................................</td>
<td>7,300</td>
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<tr>
<td>For Social Security Contributions.....................................................</td>
<td>7,700</td>
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<tr>
<td>For Other Summer Bridge Program Operations........................................</td>
<td>131,100</td>
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<td>For Grants.........................................................................................</td>
<td>24,764,600</td>
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<tr>
<td>Total.................................................................................................</td>
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<tr>
<td>For the Parental Involvement/Solid Foundation Program:</td>
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<td>For Personal Services.........................................................................</td>
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<td>For Employee Retirement Paid by Employer........................................</td>
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<tr>
<td>For Retirement Contributions................................................................</td>
<td>3,900</td>
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<tr>
<td>For Social Security Contributions.....................................................</td>
<td>2,900</td>
</tr>
<tr>
<td>For Other Parental Involvement/Solid Foundation Operations....................</td>
<td>5,800</td>
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<tr>
<td>For Grants.........................................................................................</td>
<td>916,300</td>
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<td>Total.................................................................................................</td>
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<td>For Career Awareness and Development Programs:</td>
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<td>For Personal Services.........................................................................</td>
<td>$115,000</td>
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<tr>
<td>For Employee Retirement Paid by Employer........................................</td>
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<td>13,000</td>
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<td>For Social Security Contributions.....................................................</td>
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<td>For Other Career Awareness and Development Operations...........................</td>
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<td>For Grants.........................................................................................</td>
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<td>For Teacher Education Programs:</td>
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<td>For Other Teacher Education Operations............................................</td>
<td>$1,405,000</td>
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<td>For Grants.........................................................................................</td>
<td>3,335,000</td>
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<td>Total.................................................................................................</td>
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<td>For Standards, Assessment, and Accountability Programs:</td>
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<td>For Personal Services.........................................................................</td>
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<td>For Employee Retirement Paid by Employer........................................</td>
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<td>For Retirement Contributions................................................................</td>
<td>46,300</td>
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<tr>
<td>For Social Security Contributions.....................................................</td>
<td>47,800</td>
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<tr>
<td>For Other Standards, Assessment, and Accountability Operations..............</td>
<td>17,650,000</td>
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<tr>
<td>For Grants.........................................................................................</td>
<td>7,009,700</td>
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<td>Total.................................................................................................</td>
<td>$26,915,200</td>
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<td>For Student At-Risk Programs:</td>
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<tr>
<td>For Contractual Services......................................................................</td>
<td>$100,000</td>
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<tr>
<td>For Grants.........................................................................................</td>
<td>2,432,000</td>
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<tr>
<td>Total.................................................................................................</td>
<td>$2,532,000</td>
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New matter indicated by italics - deletions by strikeout.
For Illinois State Board of Education
(ISBE) Regional Services:

<table>
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<tr>
<th>Item</th>
<th>Amount</th>
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<tbody>
<tr>
<td>For Personal Services</td>
<td>$413,600</td>
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<tr>
<td>For Employee Retirement Paid by Employer</td>
<td>17,300</td>
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<td>For Retirement Contributions</td>
<td>10,400</td>
</tr>
<tr>
<td>For Social Security Contributions</td>
<td>9,000</td>
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<tr>
<td>For Other ISBE Regional Services Operations...</td>
<td>821,300</td>
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<tr>
<td>For Grants</td>
<td>1,344,300</td>
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<tr>
<td>Total</td>
<td>$2,615,900</td>
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For Reading Improvement Block Grant:

<table>
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<tr>
<th>Item</th>
<th>Amount</th>
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</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>$217,000</td>
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<tr>
<td>For Employee Retirement Paid by Employer</td>
<td>9,700</td>
</tr>
<tr>
<td>For Retirement Contributions</td>
<td>6,300</td>
</tr>
<tr>
<td>For Social Security Contributions</td>
<td>7,700</td>
</tr>
<tr>
<td>For Other Reading Improvement Block Grant Operations...</td>
<td>132,300</td>
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<tr>
<td>For Grants</td>
<td>80,025,100</td>
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<tr>
<td>Total</td>
<td>$80,398,100</td>
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</table>

For Scientific Literacy, Mathematics, and the Center for Scientific Literacy:

<table>
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<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>$300,000</td>
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<tr>
<td>For Employee Retirement Paid by Employer</td>
<td>13,500</td>
</tr>
<tr>
<td>For Retirement Contributions</td>
<td>12,000</td>
</tr>
<tr>
<td>For Social Security Contributions</td>
<td>9,700</td>
</tr>
<tr>
<td>For Other Scientific Literacy Operations...</td>
<td>1,208,900</td>
</tr>
<tr>
<td>For Grants</td>
<td>5,385,400</td>
</tr>
<tr>
<td>Total</td>
<td>$6,929,500</td>
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</tbody>
</table>

For the Substance Abuse and Violence Prevention Programs:

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
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</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>$154,400</td>
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<tr>
<td>For Employee Retirement Paid by Employer</td>
<td>9,700</td>
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<tr>
<td>For Retirement Contributions</td>
<td>20,300</td>
</tr>
<tr>
<td>For Social Security Contributions</td>
<td>12,600</td>
</tr>
<tr>
<td>For Substance Abuse and Violence Prevention Operations...</td>
<td>68,400</td>
</tr>
<tr>
<td>For Grants</td>
<td>2,146,400</td>
</tr>
<tr>
<td>Total</td>
<td>$2,411,800</td>
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</table>

For the Early Childhood Block Grant:

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>$428,000</td>
</tr>
<tr>
<td>For Employee Retirement Paid by Employer</td>
<td>19,800</td>
</tr>
<tr>
<td>For Retirement Contributions</td>
<td>13,500</td>
</tr>
<tr>
<td>For Social Security Contributions</td>
<td>14,000</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout.
For Other Early Childhood Block
Grant Operations......................... 190,800
For Grants................................. 183,505,700
Total $184,171,800
For the Board of Education
Technology Program:
For ISBE Technology Operations............. $245,000
Total $245,000
For Parental Guardian Programs under the transportation provisions of Section 29-5.2 of the School Code:
For Personal Services........................ $97,500
For Employee Retirement Paid by Employer..... 5,300
For Retirement Contributions................. 2,900
For Social Security Contributions............. 3,400
For Other Parental Guardian Operations....... 6,800
Grants........................................ 14,470,400
Total $14,586,300
For Alternative Learning Opportunities Programs:
For Travel................................. $14,500
For Grants................................. 950,000
Total $964,500
For Alternative Education/Regional Safe Schools:
For Personal Services........................ $65,600
For Employee Retirement Paid by Employer..... 2,000
For Retirement Contributions................. 6,800
For Social Security Contributions............. 5,800
For Other Early Childhood Block
Grant Operations......................... 16,300
For Grants................................. 16,160,900
Total $16,257,400
For Residential Services Authority (RSA) for Behavior Disorders and Severely Emotionally Disturbed Children and Adolescents:
For Personal Services........................ $352,100
For Employee Retirement Paid by Employer..... 15,500
For Retirement Contributions................. 20,000
For Social Security Contributions............. 16,400
For Other RSA Operations..................... 68,700
Total $472,700
For the Charter Schools Program:
For Personal Services........................ $159,200

New matter indicated by italics - deletions by strikeout.
For Employee Retirement Paid by Employer......  6,800
For Retirement Contributions.................  12,100
For Social Security Contributions.............  8,700
For Other Charter Schools Operations........  319,600
For deposit into the Charter Schools
Revolving Loan Fund..........................  650,000
For Grants....................................  6,271,800
Total                                     $7,428,200

For all costs associated with career and
Technical education programs.................  $51,834,500
Total                                     $51,834,500

For all costs associated with providing
the loan of textbooks to Students under
Section 18-17 of the School Code.............  $29,126,500
For all costs associated with Mentoring,
Induction and Recruitment Program............  8,100,000
For all costs associated with a mentoring
and induction initiative for school
administrators ..............................  450,000
For payment to the Early Intervention
Revolving Fund for costs associated
with Early Intervention Program at the
Department of Human Services.
Payments shall be made in 12 equal
amounts on or about the 15th
of each month..............................  65,098,300
Total                                     $103,724,800

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

From Teacher Certificate Fee Revolving Fund:
For costs associated with the issuing
of teachers' certificates:
For Personal Services.........................  175,000
For Employee Retirement Paid by Employer....  7,500
For Retirement Contributions..................  20,000
For Social Security Contributions.............  9,000
For Insurance................................  37,000
For Other Teacher Certificate Operations.....  951,500
Total                                     $3,200,000

From the Private Business and Vocational Schools Fund:
For administrative costs associated with the Private
Business and Vocational Schools Act:

New matter indicated by italics - deletions by strikeout.
<table>
<thead>
<tr>
<th>Object/Operation</th>
<th>Amount</th>
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<tbody>
<tr>
<td>For Personal Services...</td>
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<tr>
<td>For Employee Retirement Paid by Employer...</td>
<td>1,800</td>
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<tr>
<td>For Retirement Contributions...</td>
<td>5,000</td>
</tr>
<tr>
<td>For Social Security Contributions...</td>
<td>5,000</td>
</tr>
<tr>
<td>For Other Private Business and Vocational Schools Operations...</td>
<td>148,200</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$200,000</strong></td>
</tr>
</tbody>
</table>

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

From the General Revenue Fund:

<table>
<thead>
<tr>
<th>Object/Operation</th>
<th>Amount</th>
</tr>
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<tbody>
<tr>
<td>For orphanage tuition claims and State owned housing claims as provided under Section 18-3 of the School Code...</td>
<td>$13,988,200</td>
</tr>
<tr>
<td>For financial assistance to Local Education Agencies for the Philip J. Rock Center and School as provided by Section 14-11.02 of the School Code...</td>
<td>2,855,500</td>
</tr>
<tr>
<td>For financial assistance to Local Education Agencies for the purpose of maintaining an educational materials coordinating unit as provided for by Section 14-11.01 of the School Code...</td>
<td>1,121,000</td>
</tr>
<tr>
<td>For Reimbursement to School Districts for Services and Materials for Programs Under Section 14A-5 of the School Code...</td>
<td>19,000,600</td>
</tr>
<tr>
<td>For tuition of disabled children attending schools under Section 14-7.02 of the School Code...</td>
<td>47,134,400</td>
</tr>
<tr>
<td>For reimbursement to school districts for extraordinary special education and facilities under Section 14-7.02a of the School Code...</td>
<td>225,712,000</td>
</tr>
<tr>
<td>For reimbursement to school districts for services and materials used in programs for disabled children under Section 14-13.01 of the School Code...</td>
<td>303,506,900</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout.
that provide for education of handicapped orphans from residential institutions as well as foster children who are mentally impaired or behaviorally disordered as provided under Section 14-7.03 of the School Code................. 104,763,200

For Financial Assistance to Local Education Agencies with over 500,000 Population to Meet the Needs of those Children who come from Environments where the Dominant Language is other than English under Section 34-18.2 of the School Code..................... 33,792,800

For Financial Assistance to Local Education Agencies with under 500,000 Population to meet the Needs of those Children who come from Environments where the Dominant Language is other than English under Section 10-22.38a of the School Code.................... 26,551,500

For reimbursement to school districts qualifying under Section 29-5 of the School Code for a portion of the cost of transporting common school pupils................................. 219,908,500

For reimbursement to school districts for a portion of the cost of transporting disabled students under subsection (b) of Section 14-13.01 of the School Code................................. 218,097,000

For reimbursement to school districts for providing free lunch and breakfast programs under the provision of the School Breakfast and Lunch Program Act................................. 20,741,200

For the Tax-equivalent Grants pursuant to Section 18-4.4 of the School Code ....................... 222,600

For the Block Grants to School Districts for School Safety and Educational Improvement Programs Pursuant to Section 2-3.51.5 of the School Code........... 67,529,400

For Grants Associated with the School Breakfast

New matter indicated by italics - deletions by strikeout.
Incentive Program................................. 723,500
For grants for Reading for blind and
dyslexic persons for programs
and services in support of
Illinois citizens with visual and
reading impairments............................ 168,800
For Grants to the Local Education
Agencies to Conduct Agricultural
Education Programs............................ 1,881,200
For grants associated with the Illinois
Economic Education program................. 144,700
For a grant to the Illinois Learning
Partnership program............................ 385,900
For the Association of Illinois Middle-Level
Schools Program............................... 72,400
For Metro East Consortium for
Child Advocacy................................. 217,100
For the Regional Offices of Education,
including, but not limited to, ROE
School Bus Driver Training, ROE School
Services, and ROE Supervisory Expense..... 12,070,400
For the Transition of Minority Students..... 578,800
For the Golden Apple/Illinois
Scholars Program.............................. 2,914,300
For Teachers’ Academy for Math and Science.... 5,307,700
For Supplementary Payments (General State Aid -
Hold Harmless) to School Districts under
Subsection (J) of Section 18-8.05 of the
School Code................................... 65,700,000
For summer school payments as provided
by Section 18-4.3 of the
School Code................................... 5,830,400
For costs associated with Teach for
America .......................................... 450,000
For all costs associated with
the supplementary payments to
school districts as provided in
Section 18-8.2, Section 18-8.3,
Section 18-8.5, and Section
18-8.05(I) of the School Code............. 1,669,400
For all costs associated with a
Universal preschool program ............... 5,220,000

New matter indicated by italics - deletions by strikeout.
From the Common School Fund:
  For compensation of Regional
  Superintendents of Schools
  and Assistants under Section
  18-5 of the School Code............... 7,850,000
  For payment of one-time employer's
  contribution to Teachers' 
  Retirement system as provided 
  in the Early Retirement Option 
  under Section 16-133.2 of the 
  Illinois Pension Code, 
  including prior year claims ............... 300,000
  For general apportionment (General State 
  Aid) as provided by Section 18-8.05 
  of the School Code...................... 2,635,300,000
From the School District Emergency Financial 
Assistance Fund:
  For emergency financial assistance 
  pursuant to Section 1B-8 
  of the School Code............... 805,000
From the Education Assistance Fund:
  For general apportionment (General State 
  Aid) as provided by Section 
  18-8.05 of the School Code ............. 485,000,000
From the School Technology Revolving Fund:
  For the Statewide Educational Network..... 500,000
From the Temporary Relocation Expenses Revolving Grant Fund:
  For temporary relocation expenses as provided 
  in Section 2-3.77 of the School Code..... 1,130,000
From the State Board of Education Fund:
  For expenses as provided in Section 
  2-3.126 of the School Code............. 800,000
From the State Board of Education Special Purpose Trust Fund:
  For expenses as provided in Section 2-3.127 
  of the School Code..................... 700,000
In addition to the amount appropriated in Section 25 of this Act, the sum of $33,428,200, or 
so much thereof as may be necessary, is appropriated to the State Board of Education for 
additional expenses incurred in connection with the following purposes: for orphanage 
tuition claims and State owned housing claims as provided under Section 18-3 of the School 
Code, for tuition of disabled children attending schools under Section 14-7.02 of the School 
Code, for reimbursement to school districts for extraordinary special education and facilities 
under Section 14-7.02a of the School Code, for reimbursement to school districts for services
and materials used in programs for disabled children under Section 14-13.01 of the School Code, for reimbursement on a current basis only to school districts that provide for education of handicapped orphans from residential institutions as well as foster children who are mentally impaired or behaviorally disordered as provided under Section 14-7.03 of the School Code, for reimbursement to school districts qualifying under Section 29-5 of the School Code for a portion of the cost of transporting common school pupils, for reimbursement to school districts for a portion of the cost of transporting disabled students under subsection (b) of Section 14-13.01 of the School Code, for reimbursement to school districts for providing free lunch and breakfast programs under the provision of the School Breakfast and Lunch Program Act, and for summer school payments as provided by Section 18-4.3 of the School Code.

Section 35. The sum of $150,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the State Board of Education for a grant to the Chicago Public Schools for the Summer Institute at the American Educational Institute.

Section 40. The following named amounts, or so much of those amounts as may be necessary, are appropriated to the Illinois State Board of Education for the School Construction Program as follows:

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

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

Total, this Section $50,800,000

Section 45. The amount of $30,192,100, or so much of that amount as may be necessary and remains unexpended on June 30, 2002, from an appropriation heretofore made for such purposes in Article 1, Section 35 of Public Act 92-8, is reappropriated from the General Revenue Fund to the Illinois State Board of Education for all costs associated with providing the loan of textbooks to students under Section 18-17 of the School Code.

Section 50. The sum of $5,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from reappropriations heretofore made for such purposes in Article 1, Section 145 of Public Act 92-8, is reappropriated from the Fund for Illinois' Future to the Illinois State Board of Education for all costs associated with grants to various units of government, community, civic, not-for-profit, educational facilities and business development organizations for the purpose of grants which include but are not limited to one time operating assistance, construction, rehabilitation, equipment purchase, and any other necessary costs.

ARTICLE 2

Section 5. The amount of $65,044,700, or so much thereof as may be necessary, is
appropriated from the General Revenue Fund to the Public School Teachers' Pension and Retirement Fund of Chicago for the State's Contribution, as provided by law and pursuant to Public Act 90-548.

ARTICLE 3

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

- Payable from the Common School Fund........... $550,000,000
- Payable from the Education Assistance Fund.... 300,000,000
- Payable from the General Revenue Fund ........ 12,595,000

Total, this Section $862,595,000

Section 10. The amount of $56,856,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Teachers' Retirement System of the State of Illinois for transfer into the Teachers' Health Insurance Security Fund as the State's Contribution for teachers' health benefits.

ARTICLE 4

Section 5. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the General Revenue Fund to the Board of Higher Education to meet ordinary and contingent expenses for the fiscal year ending June 30, 2003:

- For Personal Services........................... $ 1,942,700
- For State Contributions to Social Security, for Medicare.............. 21,000
- For Contractual Services......................... 581,000
- For Travel...................................... 80,000
- For Commodities................................. 15,000
- For Printing.................................... 13,000
- For Equipment................................... 37,000
- For Telecommunications......................... 53,000
- For Operation of Automotive Equipment........... 2,500

Total $2,745,200

Section 10. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the Education Assistance Fund to the Board of Higher Education to meet ordinary and contingent expenses for the fiscal year ending June 30, 2003:

- For Personal Services........................... $391,400
- For State Contributions to Social Security, for Medicare.............. 5,700

Total $397,100

Section 15. The sum of $14,753,800, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Board of Higher Education for payment into the Health Insurance Reserve Fund.

New matter indicated by italics - deletions by strikeout.
Section 20. The sum of $2,000,000, or so much thereof as may be necessary, is appropriated from the Tobacco Settlement Recovery Fund to the Board of Higher Education for a grant to the Board of Trustees of the University of Illinois to support veterinary medicine research.

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

- Teaching, Learning & Quality .................. $2,750,000
- Access and Diversity ........................... 2,881,200
- Quad-Cities Graduate Study Center ............. 220,000
- Advanced Photon Source Project at Argonne National Laboratory ..................... 2,100,000
- Workforce and Economic Development .......... 2,550,400

Total $10,501,600

Section 30. The following named amount, or so much thereof as may be necessary, is appropriated from the Education Assistance Fund to the Board of Higher Education for distribution as grants authorized by the Higher Education Cooperation Act:

- Access and Diversity ........................... $2,406,100

Total $2,406,100

Section 35. The following named amount, or so much thereof as may be necessary, is appropriated from the Tobacco Settlement Recovery Fund to the Board of Higher Education for distribution as grants authorized by the Higher Education Cooperation Act:

- Fermi National Accelerator Laboratory Accelerator Research .................. $2,500,000

Total $2,500,000

Section 40. The sum of $1,000,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Board of Higher Education for a grant to the Board of Trustees of the University Center of Lake County for the ordinary and contingent expenses of the Center.

Section 45. The sum of $9,500,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Board of Higher Education for distribution as incentive grants to Illinois higher education institutions in the competition for external grants and contracts.

Section 50. The sum of $780,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Board of Higher Education for distribution as grants authorized by Section 3 of the Illinois Financial Assistance Act for Nonpublic Institutions of Higher Learning.

Section 55. The sum of $20,616,700, or so much thereof as may be necessary, is appropriated from the Education Assistance Fund to the Board of Higher Education for distribution as grants authorized by Section 3 of the Illinois Financial Assistance Act for Nonpublic Institutions of Higher Learning.

New matter indicated by italics - deletions by strikeout.
Section 60. The sum of $13,966,200, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Board of Higher Education for distribution as grants authorized by the Health Services Education Grants Act.

Section 65. The sum of $3,033,800, or so much thereof as may be necessary, is appropriated from the Education Assistance Fund to the Board of Higher Education for distribution as grants authorized by the Health Services Education Grants Act.

Section 70. The sum of $2,600,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Board of Higher Education for distribution as engineering equipment grants authorized by Section 9.13 of the Board of Higher Education Act.

Section 75. The sum of $4,700,000, or so much thereof as may be necessary, is appropriated from the BHE Federal Grants Fund to the Board of Higher Education for grants from funds provided under the Preparing, Training, and Recruiting High Quality Teachers and Principals Program.

Section 80. The sum of $2,750,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Public Health for distribution of medical education scholarships authorized by an Act to provide grants for family practice residency programs and medical student scholarships through the Illinois Department of Public Health.

Section 85. The sum of $2,000,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Board of Higher Education for distribution as grants authorized by the Illinois Consortium for Educational Opportunity Act.

Section 90. The sum of $25,000, or so much thereof as may be necessary, is appropriated from the Education Assistance Fund to the Board of Higher Education for the Illinois Occupational Information Coordinating Committee.

Section 95. The sum of $10,110,000, or so much thereof as may be necessary, is appropriated from the BHE Federal Grants Fund to the Board of Higher Education to be expended under the terms and conditions associated with the federal contracts and grants moneys received.

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

Section 105. The sum of $25,500,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Board of Higher Education for costs related to the Illinois Century Network backbone, costs for connecting colleges, universities, and others to the backbone, and other costs related to development, use, and maintenance of the Illinois Century Network.

Section 110. The sum of $100,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Board of Higher Education for graduation incentives grants.

Section 115. The sum of $1,427,000, or so much thereof as may be necessary, is

New matter indicated by italics - deletions by strikeout.
appropriated from the General Revenue Fund to the Board of Higher Education for grants for the Career Academies, including the Public Policy High School, the Economic and Finance High School, and the International High School.

Section 125. The sum of $25,000,000, or so much thereof as may be necessary, is appropriated from the Illinois Century Network Special Purposes Fund to the Board of Higher Education for costs related to the Illinois Century Network backbone, costs for connecting community colleges, universities, and others to the backbone, and other costs related to the development, use, and maintenance of the backbone.

Section 130. In addition to any amounts previously or elsewhere appropriated, the sum of $1,600,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Board of Higher Education for a grant to the State Geological Survey for ordinary and contingent expenses, in addition to amounts appropriated elsewhere for this purpose.

Section 135. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the General Revenue Fund to the Illinois Mathematics and Science Academy to meet ordinary and contingent expenses for the fiscal year ending June 30, 2003:

For Personal Services......................... $ 10,658,390
For State Contributions to Social Security, for Medicare............. 156,900
For Contractual Services....................... 2,204,950
For Travel..................................... 112,280
For Commodities................................. 377,380
For Equipment................................. 400,000
For Telecommunications....................... 234,100
For Operation of Automotive Equipment....... 30,600
For Electronic Data Processing............... 121,900
Total........................................... $14,296,500

Section 140. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the Education Assistance Fund to the Illinois Mathematics and Science Academy to meet ordinary and contingent expenses for the fiscal year ending June 30, 2003:

For Contractual Services....................... $1,299,000
For Travel..................................... 14,100
For Commodities............................... 3,700
For Equipment................................. 30,900
For Telecommunications....................... 15,000
Total........................................... $1,362,700

Section 145. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the Illinois Mathematics and Science Academy Income Fund to the Illinois Mathematics and Science Academy to meet ordinary and contingent expenses for the fiscal year ending June

New matter indicated by italics - deletions by strikeout.
30, 2003:
For Personal Services......................... $ 1,165,500
For State Contributions to Social
Security, for Medicare....................... 21,200
For Contractual Services..................... 514,500
For Travel........................................ 51,500
For Commodities.............................. 203,500
For Equipment................................. 5,000
For Telecommunications..................... 80,000
For Operation of Automotive Equipment..... 1,000
For Awards and Grants....................... -0-
For Permanent Improvements................ -0-
For Refunds.................................... 7,800
Total $2,050,000

Section 150. The sum of $300,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois Mathematics and Science Academy for the Excellence 2000 Program in Mathematics and Science.

ARTICLE 5

Section 5. The sum of $41,012,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Board of Trustees of Chicago State University to meet the ordinary and contingent expenses of the Board and its educational institution, including reimbursement to the University for personal services and related costs incurred for the fiscal year ending June 30, 2003.

Section 10. The sum of $1,433,300, or so much thereof as may be necessary, is appropriated from the Education Assistance Fund to the Board of Trustees of Chicago State University to meet the ordinary and contingent expenses of the Board and its educational institution, including reimbursement to the university for personal services and related costs incurred for the fiscal year ending June 30, 2003.

Section 15. The sum of $250,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Board of Trustees of Chicago State University for all costs required to match the Federal Title II Teacher Quality Enhancement State Grant, including payment to the University for personal services and related costs incurred for the year ending June 30, 2003.

Section 20. The sum of $400,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Board of Trustees of Chicago State University to support a financial assistance center.

Section 25. The sum of $400,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Board of Trustees of Chicago State University for the ordinary and contingent expenses related to the School of Pharmacy.

ARTICLE 6

Section 5. The following named amount, or so much thereof as may be necessary, for the purpose hereinafter named, is appropriated from the General Revenue Fund to the Board

New matter indicated by italics - deletions by strikeout.
of Trustees of Eastern Illinois University to meet the ordinary and contingent expenses of the University, including payment or reimbursement to the University for personal services and related costs incurred during the fiscal year ending June 30, 2003 and for salaries accrued but unpaid to academic personnel for personal services rendered during the FY 2002 academic year........................ $46,293,900
  Total $46,293,900

Section 10. The following named amount, or so much thereof as may be necessary, for the purpose hereinafter named, is appropriated from the Education Assistance Fund to the Board of Trustees of Eastern Illinois University to meet the ordinary and contingent expenses of the University, including payment or reimbursement to the University for personal services and related costs incurred during the fiscal year ending June 30, 2003 and for salaries accrued but unpaid to academic personnel for personal services rendered during the FY 2002 academic year....... $7,154,200
  Total $7,154,200

Section 15. The sum of $800,631, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made for such purpose in Article 6, Section 15 of Public Act 92-8, is reappropriated from the Capital Development Fund to Eastern Illinois University for digitalization infrastructure for WEIU-TV.

Section 20. The sum of $814,444, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made for such purpose in Article 6, Section 20 of Public Act 92-8, is reappropriated from the Capital Development Fund to the Board of Trustees of Eastern Illinois University for digitalization infrastructure for WEIU-TV, in addition to amounts previously appropriated for such purpose. No contract shall be entered into or obligation incurred for any expenditure from the appropriation made in this Section until after the purposes and amounts have been approved in writing by the Governor.

Section 25. The sum of $814,444 or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made for such purpose in Article 6, Section 12 of Public Act 92-8, is reappropriated from the Capital Development Fund to the Board of Trustees of Eastern Illinois University for digitalization infrastructure for WEIU-TV, in addition to amounts previously appropriated for such purpose. No contract shall be entered into or obligation incurred for any expenditure from the appropriation made in this Section until after the purposes and amounts have been approved in writing by the Governor.

Section 30. The sum of $3,829,909, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made for such purpose in Article 6, Section 25 of Public Act 92-8, is reappropriated from the Capital Development Fund to the Board of Trustees of Eastern Illinois University to purchase equipment for the renovation and expansion of Booth Library. No contract shall be entered into or obligation incurred for any expenditure from the appropriation made in this Section until after the purposes and amounts have been approved

New matter indicated by italics - deletions by strikeout.
in writing by the Governor.

Section 35. The sum of $15,000, or so much thereof as may be necessary, is appropriated from the State College and University Trust Fund to the Board of Trustees of Eastern Illinois University for scholarship grant awards, in accordance with Public Act 91-0083.

ARTICLE 7

Section 5. The sum of $22,870,500, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Board of Trustees of Governors State University to meet the ordinary and contingent expenses of the University, including payment or reimbursement to the University for personal service and related costs, incurred during the fiscal year ending June 30, 2003.

Section 10. The sum of $4,253,200, or so much thereof as may be necessary, is appropriated from the Education Assistance Fund to the Board of Trustees of Governors State University to meet the ordinary and contingent expenses of the University, including payment or reimbursement to the University for personal service and related costs, incurred during the fiscal year ending June 30, 2003.

ARTICLE 8

Section 5. The sum of $37,008,600, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Board of Trustees of Northeastern Illinois University to meet the ordinary and contingent expenses of the University, including payment or reimbursement to the University for personal service and related costs incurred.

Section 10. The sum of $250,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Board of Trustees of Northeastern Illinois University for all costs required to match the Federal Title II Teacher Quality Enhancement State Grant, including payment or reimbursement to the University for personal service and related costs incurred.

Section 15. The sum of $6,586,300, or so much thereof as may be necessary, is appropriated from the Education Assistance Fund to the Board of Trustees of Northeastern Illinois University to meet the ordinary and contingent expenses of the University, including payment or reimbursement to the University for personal service and related costs incurred.

Section 20. The sum of $342,652, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made for such purpose in Article 11, Section 15 of Public Act 92-8, is reappropriated from the Capital Development Fund to the Board of Trustees of Northeastern Illinois University for purchasing equipment for the Fine Arts Complex.

ARTICLE 9

Section 5. The sum of $53,274,700, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Board of Trustees of Western Illinois University for any expenditures or purposes authorized by law, including payment to the University for personal services and related costs incurred.

Section 10. The sum of $9,652,400, or so much thereof as may be necessary, is appropriated from the Education Assistance Fund to the Board of Trustees of Western

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Illinois University for any expenditures or purposes authorized by law, including payment to the University for personal services and related costs incurred.

Section 15. The amount of $29,600, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made for such purposes in Article 17, Section 15 of Public Act 92-8, is reappropriated from the Fund for Illinois' Future to the Board of Trustees of Western Illinois University for all costs associated with the repair, rehabilitation, and replacement of the roof on Sherman Hall.

Section 20. The amount of $116,200, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made for such purposes in Article 17, Section 25 of Public Act 92-8, is reappropriated from the Capital Development Fund to the Board of Trustees of Western Illinois University for technology infrastructure improvements at Western Illinois University. No contract shall be entered into or obligation incurred for any expenditures from the reappropriation made in this Section until after the purposes and amounts have been approved in writing by the Governor.

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

ARTICLE 10

Section 5. The sum of $75,843,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Board of Trustees of Illinois State University for any expenditures or purposes authorized by law, including payment to the University for personal services and related costs incurred during the fiscal year ending June 30, 2003 and for salaries accrued but unpaid to academic personnel for personal services rendered during the academic year 2001-2002.

Section 10. The sum of $14,394,700, or so much thereof as may be necessary, is appropriated from the Education Assistance Fund to the Board of Trustees of Illinois State University for any expenditures or purposes authorized by law, including payment to the University for personal services and related costs incurred during the fiscal year ending June 30, 2003 and for salaries accrued but unpaid to academic personnel for personal services rendered during the academic year 2001-2002.

Section 15. The sum of $6,390, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made for that purpose in Article 9, Section 20 of Public Act 92-8, is reappropriated from the Capital Development Fund to the Board of Trustees of Illinois State University for technology infrastructure improvements at Illinois State University.

Section 20. The sum of $45,350, or so much thereof as may be necessary, is appropriated from the State College and University Trust Fund to Illinois State University for student financial assistance.

ARTICLE 11

New matter indicated by italics - deletions by strikeout.
Section 5. The sum of $95,894,100, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Board of Trustees of Northern Illinois University to meet the ordinary and contingent expenses of the University, including payment or reimbursement to the University for personal services and related costs, incurred during the fiscal year ending June 30, 2003.

Section 10. The sum of $18,284,500, or so much thereof as may be necessary, is appropriated from the Education Assistance Fund to the Board of Trustees of Northern Illinois University to meet the ordinary and contingent expenses of the University, including payment or reimbursement to the University for personal services and related costs, incurred during the fiscal year ending June 30, 2003.

Section 15. The sum of $626,033, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made for that purpose in Article 12, Section 15 of Public Act 92-8, is reappropriated from the Capital Development Fund to the Board of Trustees of Northern Illinois University for technology infrastructure improvements at Northern Illinois University. No contract shall be entered into or obligation incurred for any expenditures from the reappropriation made in this Section until after the purposes and amounts have been approved in writing by the Governor.

Section 20. The sum of $55,621, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made for that purpose in Article 12, Section 20 of Public Act 92-8, is reappropriated from the Capital Development Fund to the Board of Trustees of Northern Illinois University for purchasing Engineering Building equipment.

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

ARTICLE 12

Section 5. The sum of $207,721,100, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Board of Trustees of Southern Illinois University for any expenditures or purposes authorized by law, including payment to the University for personal services and related costs incurred.

Section 10. The sum of $31,796,200, or so much thereof as may be necessary, is appropriated from the Education Assistance Fund to the Board of Trustees of Southern Illinois University for any expenditures or purposes authorized by law, including payment to the University for personal services and related costs incurred.

Section 15. The sum of $1,800,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Board of Trustees of Southern Illinois University for the operations of the Regional Cancer Center of Springfield.

Section 20. The sum of $250,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Board of Trustees of Southern Illinois University for all costs required to match the Federal Title II Teacher Quality Enhancement

New matter indicated by italics - deletions by strikeout.
State Grant for Southern Illinois University at Carbondale, including payment to the University for personal services and related costs incurred.

Section 25. The sum of $250,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Board of Trustees of Southern Illinois University for all costs required to match the Federal Title II Teacher Quality Enhancement State Grant for Southern Illinois University at Edwardsville, including payment to the University for personal services and related costs incurred.

Section 30. The amount of $814,444, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made for such purpose in Article 13, Section 15 of Public Act 92-8, is reappropriated to Southern Illinois University from the Capital Development Fund for digitalization infrastructure for WSIU-TV (Carbondale).

Section 35. The amount of $814,444, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made for such purpose in Article 13, Section 20 of Public Act 92-8, is reappropriated to Southern Illinois University from the Capital Development Fund for digitalization infrastructure for WUSI-TV (Olney).

Section 40. The amount of $814,444, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made for such purpose in Article 13, Section 30 of Public Act 92-8, is reappropriated to Southern Illinois University from the Capital Development Fund for digitalization infrastructure for WSIU-TV (Carbondale).

Section 45. The amount of $814,444, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made for such purpose in Article 13, Section 35 of Public Act 92-8, is reappropriated to Southern Illinois University from the Capital Development Fund for digitalization infrastructure for WUSI-TV (Olney).

Section 50. The amount of $814,444, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made for such purpose in Article 13, Section 40 of Public Act 92-8, is reappropriated to Southern Illinois University from the Capital Development Fund for digitalization infrastructure for WSIU-TV (Carbondale).

Section 55. The amount of $814,444, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made for such purpose in Article 13, Section 45 of Public Act 92-8, is reappropriated to Southern Illinois University from the Capital Development Fund for digitalization infrastructure for WUSI-TV (Olney).

ARTICLE 13

Section 5. The sum of $690,708,200, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Board of Trustees of the University of Illinois for any expenditures or purposes authorized by law, including payment to the University for personal services and related costs incurred.

New matter indicated by italics - deletions by strikeout.
Section 10. The sum of $87,439,500, or so much thereof as may be necessary, is appropriated from the Education Assistance Fund to the Board of Trustees of the University of Illinois for any expenditures or purposes authorized by law, including payment to the University for personal services and related costs incurred.

Section 15. The sum of $1,500,000, or so much thereof as may be necessary, is appropriated from the Presidential Library and Museum Operating Fund to the Board of Trustees of the University of Illinois to meet the ordinary and contingent expenses of the Abraham Lincoln Presidential Center for Governmental Studies at the University of Illinois at Springfield.

Section 20. The sum of $1,190,900, or so much thereof as may be necessary, is appropriated from the Fire Prevention Fund to the Board of Trustees of the University of Illinois for the purpose of maintaining the Illinois Fire Service Institute, paying the Institute's expenses, and providing the facilities and structures incident thereto, including payment to the University for personal services and related costs incurred.

Section 25. The sum of $150,000, or so much thereof as may be necessary, is appropriated from the State College and University Trust Fund to the Board of Trustees of the University of Illinois for scholarship grant awards, in accordance with Public Act 91-0083.

Section 30. The sum of $1,085,000, or so much thereof as may be necessary and remains unexpended on June 30, 2002, from a reappropriation heretofore made for such purpose in Article 16, Section 25 of Public Act 92-0008, is reappropriated from the Capital Development Fund to the Board of Trustees of the University of Illinois to acquire and develop land for expansion of the Chicago campus, including demolition, landscaping and site improvements, planning, construction, remodeling, extension and modification of campus utility systems, and such other expenses as may be necessary to construct a public safety and transportation facility and to develop student recreational areas.

Section 35. The sum of $2,325,891, or so much thereof as may be necessary and remains unexpended on June 30, 2002, from a reappropriation heretofore made for such purpose in Article 16, Section 30 of Public Act 92-0008, is reappropriated from the Capital Development Fund to the Board of Trustees of the University of Illinois to plan for all aspects of construction and to acquire and develop land, including demolition, landscaping, site improvements, extension and modification of campus utility systems, relocation of programs, and such other expenses as may be necessary to construct a College of Medicine building in Chicago.

Section 45. The sum of $60,283,333, or so much thereof as may be necessary and remains unexpended on June 30, 2002, from a reappropriation heretofore made for such purpose in Article 16, Section 40 of Public Act 92-0008, is reappropriated from the Capital Development Fund to the Board of Trustees of the University of Illinois to construct an education and research facility for the College of Medicine in Chicago, including planning, land acquisition, demolition, construction, remodeling, landscaping, site improvements, equipment, extension or modification of campus utility systems, relocation of programs, and such expenses as may be necessary to complete the facility.

New matter indicated by italics - deletions by strikeout.
Section 50. The following named amounts, or so much thereof as may be necessary and remain unexpended on June 30, 2002, respectively, from a reappropriation heretofore made for such purpose in Article 16, Section 45 of Public Act 92-0008, are reappropriated from the Capital Development Fund to the Board of Trustees of the University of Illinois for the following projects:

For planning and beginning construction of a computer science in engineering facility.................... $6,425,643

For land acquisition to expand the College of Agricultural, Consumer and Environmental Science..... $500,000

Section 55. The sum of $32,000,000, or so much thereof as may be necessary and remains unexpended on June 30, 2002, from an appropriation heretofore made for such purpose in Article 56, Section 19 of Public Act 92-0008, is reappropriated from the Capital Development Fund to the University of Illinois for planning, construction, and equipment for a computer science in engineering facility.

Section 60. The sum of $15,000,000, or so much thereof as may be necessary and remains unexpended on June 30, 2002, from an appropriation heretofore made for such purpose in Article 56, Section 25 of Public Act 92-0008 is reappropriated from the Capital Development Fund to the University of Illinois at Springfield for constructing a classroom and office building, in addition to funds previously appropriated.

Section 65. The sum of $814,444, or so much thereof as may be necessary and remains unexpended on June 30, 2002, from a reappropriation heretofore made for such purpose in Article 16, Section 50 of Public Act 92-0008, is reappropriated from the Capital Development Fund to the University of Illinois for digitalization infrastructure for WILL-TV (Urbana-Champaign).

Section 70. The sum of $630,725, or so much thereof as may be necessary and remains unexpended on June 30, 2002, from a reappropriation heretofore made for such purpose in Article 16, Section 55 of Public Act 92-0008, is reappropriated from the Capital Development Fund to the University of Illinois for digitalization infrastructure for WILL-TV (Urbana-Champaign).

Section 75. The sum of $814,444, or so much thereof as may be necessary and remains unexpended on June 30, 2002, from an appropriation heretofore made for such purpose in Article 16, Section 60 of Public Act 92-0008, is reappropriated from the Capital Development Fund to the University of Illinois for digitalization infrastructure for WILL-TV (Urbana-Champaign).

Section 80. The sum of $504,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made for such purpose in Article 16, Section 65 of Public Act 92-0008, is reappropriated from the Capital Development Fund to the Board of Trustees of the University of Illinois for technology infrastructure improvements at the University of Illinois. No contract shall be entered into or obligation incurred for any expenditure from the reappropriation made in this Section until after the purposes and amounts have been approved in writing by the Governor.

New matter indicated by italics - deletions by strikeout.
Section 85. The sum of $100,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made for such purposes in Article 16, Section 70 of Public Act 92-0008, is reappropriated from the Capital Development Fund to the Board of Trustees of the University of Illinois for technology infrastructure improvements at the University of Illinois. No contract shall be entered into or obligation incurred for any expenditure from the reappropriation made in this Section until after the purposes and amounts have been approved in writing by the Governor.

Section 90. The sum of $1,000,000, or so much thereof as may be necessary, is appropriated from the Tobacco Settlement Recovery Fund to the Board of Trustees of the University of Illinois for the ordinary and contingent expenses of the Office of Technology Transfer.

Section 100. The sum of $125,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Board of Trustees of the University of Illinois for the University Cooperative Extension for the Urban Leadership Center.

ARTICLE 14

Section 5. The sum of $143,525, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation made for such purpose in Article 8, Section 5 of Public Act 92-8, is reappropriated from the Capital Development Fund to the Illinois Community College Board for distribution as grants to community colleges for technology infrastructure improvements. No contract shall be entered into or obligation incurred for any expenditures from the appropriation made in this Section until after the purposes and amounts have been approved in writing by the Governor.

Section 10. The sum of $73,396, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation made for such purpose in Article 8, Section 10 of Public Act 92-8, is reappropriated from the Capital Development Fund to the Illinois Community College Board for distribution as grants to community colleges for technology infrastructure improvements. No contract shall be entered into or obligation incurred for any expenditures from the appropriation made in this Section until after the purposes and amounts have been approved in writing by the Governor.

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

For Personal Services........................... $  1,404,000
For State Contributions to Social Security, for Medicare....................... 14,300
For Contractual Services......................... 382,500
For Travel.................................... 67,000
For Commodities............................... 11,500

New matter indicated by italics - deletions by strikeout.
For Printing.............................. 15,000
For Equipment........................... 3,400
For Electronic Data Processing.......... 473,700
For Telecommunications.................. 38,000
For Operation of Automotive
   Equipment.................................. 4,000
East St. Louis Operations ............... 1,500
Total ........................................ $2,414,900

Section 20. The sum of $53,500, or so much thereof as may be necessary, is
appropriated from the Education Assistance Fund to the Illinois Community College
Board for the contractual services of the Central Office.

Section 25. The sum of $150,000, or so much thereof as may be necessary, is
appropriated from the General Revenue Fund to the Illinois Community College Board for
the development of core values and leadership initiatives.

Section 30. The sum of $25,000,000, or so much thereof as may be necessary, is
appropriated from the Illinois Community College Board Contracts and Grants Fund
to the Illinois Community College Board to be expended under the terms and conditions
associated with the moneys being received.

Section 35. The sum of $2,500,000, or so much thereof as may be necessary, is
appropriated from the ICCB Adult Education Fund to the Illinois Community College
Board for operational expenses associated with administration of adult education and
literacy activities.

Section 40. The sum of $625,000, or so much thereof as may be necessary, is
appropriated from the Career and Technical Education Fund to the Illinois Community
College Board for operational expenses associated with the administration of career and
technical education activities and grants to colleges.

Section 45. The following named amounts, or so much thereof as may be
necessary, respectively, are appropriated from the General Revenue Fund to the Illinois
Community College Board for distribution to qualifying public community colleges for the
purposes specified:
Base Operating Grants..................... $152,751,100
Small College Grants....................... 900,000
Equalization Grants......................... 77,391,500
Special Population Grants............... 11,308,000
Workforce Development Grants............ 16,473,000
Advanced Technology
Grants...................................... 12,456,800
Retirees Health
Insurance Grants......................... 626,600
P-16 Initiative Grants..................... 1,279,000
Deferred Maintenance Grants............. 2,984,600
Total ........................................ $276,170,600

New matter indicated by italics - deletions by strikeout.
Section 50. The sum of $2,089,100, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois Community College Board for grants to operate an educational facility in the former community college district #541 in East St. Louis.

Section 55. The sum of $610,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois Community College Board for special initiative grants.

Section 60. The sum of $5,000,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois Community College Board for educational-related expenses.

Section 65. The sum of 0, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois Community College Board for matching grants to Illinois public community college foundations.

Section 70. The sum of $41,023,900, or so much thereof as may be necessary, is appropriated from the Education Assistance Fund to the Illinois Community College Board for distribution as Base Operating Grants.

Section 75. The sum of $2,000,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois Community College Board for all costs associated with the CORE program at the City Colleges of Chicago.

Section 80. The sum of $5,000,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois Community College Board for community college districts located in home rule municipalities with less than 2,000,000 inhabitants for educational-related expenses.

Section 85. The sum of $0, or so much thereof as may be necessary, is appropriated from the Education Assistance Fund to the Illinois Community College Board for a grant for expenses associated with the former Illinois Occupational Information Coordinating Committee.

Section 90. The sum of $120,100, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois Community College Board for awarding scholarships to qualifying graduates of the Lincoln's Challenge Program.

Section 95. The sum of $910,000, or so much thereof as may be necessary, is appropriated from the AFDC Opportunities Fund to the Illinois Community College Board for grants to colleges for workforce training and technology and operating costs of the Board for those purposes.

Section 100. The sum of $10,000 or so much thereof as may be necessary, is appropriated from the Video Conferencing User Fund to the Illinois Community College Board for video conferencing expenses.

Section 105. The following named amounts, or so much of those amounts as may be necessary, for the objects and purposes named, are appropriated to the Illinois Community College Board for adult education and literacy activities:
From the General Revenue Fund:
For payment of costs associated

New matter indicated by italics - deletions by strikeout.
with education and educational-related services to local eligible providers for adult education and literacy.......................... $15,829,600

For payment of costs associated with education and educational-related services to local eligible providers for performance-based awards.............. 10,491,800

For operational expenses of and for payment of costs associated with education and educational-related services to recipients of Public Assistance, and, if any funds remain, for costs associated with education and educational-related services to local eligible providers for adult education and literacy........... 7,922,100

From the ICCB Adult Education Fund:
For payment of costs associated with education and educational-related services to local eligible providers and to Support Leadership Activities, as Defined by U.S.D.O.E. for adult education and literacy as provided by the United States Department of Education.................... 25,616,000

Total, this Section $59,859,500

Section 110. The following named amounts, or so much thereof as may be necessary, for the objects and purposes hereinafter named, are appropriated to the Illinois Community College Board for career and technical education activities:

From the Career and Technical Education Fund:
For payment for all costs associated with Career and Technical Education Programs...... $16,000,000

Total, this Section $16,000,000

Section 115. The sum of $1,550,000, or so much thereof as may be necessary, is appropriated from the Career and Technical Education Fund to the Illinois Community College Board for support of leadership activities, as defined by the U.S. Department of Education, for Perkins post secondary education programs.

Section 120. The amount of $50,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made for such purpose in Article 8, Section 115 of Public Act 92-8, is reappropriated from the Fund for Illinois' Future to the Illinois Community College Board

New matter indicated by italics - deletions by strikeout.
Section 125. The sum of $814,444, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made for such purpose in Article 8, Section 120 of Public Act 92-8, is reappropriated from the Capital Development Fund to the Illinois Community College Board for digitalization infrastructure for Black Hawk College television station WQPT-TV (Moline-Sterling), in addition to amounts previously appropriated. No contract shall be entered into or obligation incurred for any expenditures from the appropriation made in this Section until after the purposes and amounts have been approved in writing by the Governor.

ARTICLE 15

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

For Administration

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>$2,811,900</td>
</tr>
<tr>
<td>For Employee Retirement Contributions</td>
<td></td>
</tr>
<tr>
<td>Paid by Employer</td>
<td>112,400</td>
</tr>
<tr>
<td>For State Contributions to State</td>
<td></td>
</tr>
<tr>
<td>Employees Retirement System</td>
<td>282,300</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>214,800</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>2,350,800</td>
</tr>
<tr>
<td>For Travel</td>
<td>31,300</td>
</tr>
<tr>
<td>For Commodities</td>
<td>38,600</td>
</tr>
<tr>
<td>For Printing</td>
<td>110,600</td>
</tr>
<tr>
<td>For Equipment</td>
<td>20,000</td>
</tr>
<tr>
<td>For Telecommunications</td>
<td>130,000</td>
</tr>
<tr>
<td>For Operation of Auto Equipment</td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>$6,109,200</td>
</tr>
</tbody>
</table>

Section 10. The sum of $75,000, or so much thereof as may be necessary, is appropriated to the Illinois Student Assistance Commission from the General Revenue Fund for costs associated with federal costs allocation requirements.

Section 15. The sum of $65,000, or so much thereof as may be necessary, is appropriated to the Illinois Student Assistance Commission from the Higher EdNet Fund for costs associated with administration of the Illinois Higher EdNet, a clearinghouse for post-secondary education financial aid information.

Section 20. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Illinois Student Assistance Commission from the Student Loan Operating Fund for its ordinary and contingent expenses:

For Administration

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>$ 13,226,400</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout.
For Employee Retirement Contributions  
  Paid by Employer..........................  529,100
For State Contributions to State  
  Employees Retirement System.............  1,324,000
For State Contributions to  
  Social Security...........................  1,011,900
For State Contributions for  
  Employees Group Insurance................  2,549,500
For Contractual Services...............  11,742,000
For Travel..................................  191,000
For Commodities.........................  234,700
For Printing..............................  558,000
For Equipment............................  525,000
For Telecommunications..................  1,733,500
For Operation of Auto Equipment...........  31,500
Total $33,656,600

Section 25. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated from the General Revenue Fund to the Illinois Student Assistance Commission for the following purposes:
Grants and Scholarships
For payment of grant awards to students eligible to receive such awards, as provided by law, including up to $7,000,000 for transfer into the Monetary Award Program Reserve Fund ..............................  229,449,000
For payment of extra costs of grant awards resulting from extending eligibility to students receiving a baccalaureate degree or the equivalent of 10 semesters or 15 quarters of award payments ......................  20,000,000
For payments of grant awards to additional students eligible to receive such awards, as provided by law .............................  15,000,000
Total $264,449,000

Section 30. The sum of $6,677,000, or so much thereof as may be necessary, is appropriated to the Illinois Student Assistance Commission from the Monetary Award Program Reserve Fund for payment of grant awards to full-time and part-time students eligible to receive such awards, as provided by law.

Section 35. The following named amounts, or so much thereof as may be

New matter indicated by italics - deletions by strikeout.
necessary, respectively, are appropriated from the General Revenue Fund to the Illinois Student Assistance Commission for the following purposes:

Grants and Scholarships

For payment of matching grants to Illinois institutions to supplement scholarship programs, as provided by law............ $950,000

For payment of Merit Recognition Scholarships to undergraduate students under the Merit Recognition Scholarship Program provided for in Section 31 of the Higher Education Student Assistance Act.................... 5,400,000

For the payment of scholarships to students who are children of policemen or firemen killed in the line of duty, or who are dependents of correctional officers killed or permanently disabled in the line of duty, as provided by law................... 275,000

For payment of Illinois National Guard and Naval Militia Scholarships at State-controlled universities and public community colleges in Illinois to students eligible to receive such awards, as provided by law................... 4,500,000

For payment of military Veterans' scholarships at State-controlled universities and at public community colleges for students eligible, as provided by law........... 19,250,000

For college savings bond grants to students eligible to receive such awards........... 650,000

For payment of Minority Teacher Scholarships.. 3,100,000

For payment of David A. DeBolt Teacher Shortage Scholarships.................. 2,900,000

For payment of Illinois Incentive for Access grants, as provided by law.............. 7,200,000

For payment of Information Technology Grants.. 0

Total $44,225,000

Section 40. The sum of $2,700,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois Student Assistance Commission for the Loan Repayment for Teachers Program.

Section 45. The following named amount, or so much thereof as may be necessary, is appropriated from the Education Assistance Fund to the Illinois Student Assistance Commission for the following purpose:

New matter indicated by italics - deletions by strikeout.
Grants and Scholarships
For payment of grant awards to full-time and part-time students eligible to receive such awards, as provided by law................. $103,402,300

Section 50. The following sum, or so much thereof as may be necessary, is appropriated from the Federal Student Incentive Trust Fund for the Educational Assistance and Supplemental Leveraging Educational Assistance Programs to the Illinois Student Assistance Commission for the following purpose:

Grants
For payment of grant awards to full-time and part-time students eligible to receive such Awards, as provided by law................. $3,700,000

Section 55. The sum of $0, or so much thereof as may be necessary, is appropriated to the Illinois Student Assistance Commission from the General Revenue Fund for purposes of supporting costs required to re-engineer and redesign certain scholarship and grant information systems.

Section 60. The sum of $150,000, or so much thereof as may be necessary, is appropriated to the Illinois Student Assistance Commission from the General Revenue Fund for support of new initiatives to increase awareness of educational and financial aid opportunities among underserved or underrepresented populations.

Section 65. The sum of $190,000,000, or so much thereof as may be necessary, is appropriated from the Federal Student Loan Fund to the Illinois Student Assistance Commission for distribution when necessary as a result of the following: for guarantees of loans that are uncollectable, for collection payments to the Student Loan Operating Fund as required under agreements with the United States Secretary of Education, for payment to the Student Loan Operating Fund for Default Aversion Fees, and for other distributions as necessary and provided for under the Federal Higher Education Act.

Section 70. The sum of $24,000,000, or so much thereof as may be necessary, is appropriated to the Illinois Student Assistance Commission from the Student Loan Operating Fund for distribution as necessary for the following: for payment of collection agency fees associated with collection activities for Federal Family Education Loans, for Default Aversion Fee reversals, and for distributions as necessary and provided for under the Federal Higher Education Act.

Section 75. The sum of $5,000,000, or so much thereof as may be necessary, is appropriated to the Illinois Student Assistance Commission from the Student Loan Operating Fund for costs associated with Federal Loan System Development and Maintenance.

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

Section 85. The sum of $1,500,000, or so much thereof as may be necessary, is

New matter indicated by italics - deletions by strikeout.
appropriated from the Federal Reserve Recall Fund to the Illinois Student Assistance Commission for default prevention activities.

Section 90. The sum of $300,000, or so much of that amount as may be necessary, is appropriated from the Accounts Receivable Fund to the Illinois Student Assistance Commission for costs associated with the collection of delinquent scholarship awards pursuant to the Illinois State Collection Act of 1986.

Section 95. The following named amount, or so much thereof as may be necessary, is appropriated from the Federal Student Assistance Scholarship Fund to the Illinois Student Assistance Commission for the following purpose:
For payment of Robert C. Byrd Honors Scholarships........................... $1,800,000

Section 100. The sum of $70,000, or so much thereof as may be necessary, is appropriated to the Illinois Student Assistance Commission from the University Grant Fund for payment of grants for the Higher Education License Plate Program, as provided by law.

Section 105. The sum of $0, or so much thereof as may be necessary, is appropriated to the Illinois Student Assistance Commission from the Contract and Grants Fund to support outreach and training activities.

Section 110. The sum of $20,000,000, or so much thereof as may be necessary, is appropriated to the Illinois Student Assistance Commission from the Federal Reserve Recall Fund for student loan reserves recalled by the Secretary of Education, United States Department of Education, for payment to the U.S. Treasury.

ARTICLE 16

Section 1. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the General Revenue Fund to the State Universities Civil Service System to meet its ordinary and contingent expenses for the fiscal year ending June 30, 2003:
For Personal Services...................... $830,500
For Social Security......................... 6,000
For Contractual Services................... 279,600
For Travel.................................. 8,800
For Commodities......................... 8,500
For Printing.............................. 8,200
For Equipment............................ 40,900
For Telecommunications Services........... 25,500
For Operation of Automotive Equipment..... 2,600

Total.................................. $1,210,600

Section 2. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the Education Assistance Fund to the State Universities Civil Service System to meet its ordinary and contingent expenses for the fiscal year ending June 30, 2003.
For Personal Services...................... $134,600

New matter indicated by italics - deletions by strikeout.
For Social Security........................... 1,100
For Contractual Services..................... 41,100
For Travel.................................. 100
For Commodities.............................. 100
For Equipment................................ 5,100
For Telecommunications Services............. 200
Total                                      $182,300

ARTICLE 16a
Section 5. The sum of $252,986,000, or so much thereof as may be necessary, is appropriated to the Board of Trustees of the State Universities Retirement System for the State's contribution, as provided by law.

Section 10. The sum of $2,960,315, or so much thereof as may be necessary, is appropriated to the Community College Health Insurance Security Fund for the State's contribution, as required by law.

ARTICLE 17
Section 5. The following named amounts, or so much of those amounts as may be necessary, respectively, are appropriated to the Auditor General to meet the ordinary and contingent expenses of the Office of the Auditor General, as provided in the Illinois State Auditing Act:
For Personal Services:
For Regular Positions........................ $3,775,000
Employee Contribution to Retirement
  System by Employer......................... 151,000
For State Contribution to
  State Employees' Retirement System..... 389,600
For State Contribution to Social
  Security.................................. 288,800
For Contractual Services.................... 475,000
For Travel.................................. 50,600
For Commodities............................ 12,000
For Printing................................ 15,000
For Equipment.............................. 10,000
For Electronic Data Processing............. 25,000
For Telecommunications...................... 70,000
For Operation of Auto Equipment............ 5,000
Total                                      $5,267,000

Section 7. The sum of $701,800, or so much of that amount as may be necessary, is appropriated to the Auditor General for Regional Offices of Education audits.

Section 10. The sum of $13,472,300, or so much of that amount as may be necessary, is appropriated to the Auditor General from the Audit Expense Fund for audits, studies, and investigations.

ARTICLE 18

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

To the President of the Senate................. $ 4,470,700
To the Speaker of the House of Representatives................................................. 7,471,500
Total........................................... $11,942,200

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

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

For the ordinary and incidental expenses of legislative leadership and legislative staff assistants:
President................................... $ 4,700,900
Minority Leader............................ 4,700,900

For the ordinary and incidental expenses of committees, the general staff and operations, per diem employees, special and standing committees of the Senate and expenses incurred in transcribing and printing of Senate debate....................... 3,681,800

For the ordinary and incidental expenses of the Senate, also including the purchasing on contract as required by law of printing, binding, printing paper, stationery and office supplies................................. 195,400

For allowances for the particular and additional services appertaining to or entailed by the respective officers of the Senate named in and in accordance with the following schedule:
President................................... 76,200
Minority Leader............................ 76,200

For travel, including expenses to Springfield of members on official legislative business

New matter indicated by italics - deletions by strikeout.
during weeks when the General Assembly is not in session.............................. 52,700
Total                                $13,484,100

Section 20. The sum of $630,400, or so much thereof as may be necessary, is appropriated for the use of the Senate standing committees for expert witnesses, technical services, consulting assistance and other research assistance associated with special studies and long range research projects which may be requested by the standing committees.

Section 22. The following named sums, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from an appropriation heretofore made for such purposes in Article 53 of Public Act 91-706 as amended by this Act, are appropriated for expenses in connection with the planning and preparation of redistricting of legislative and representative districts as required by Article IV, Section 3 of the Illinois Constitution of 1970:
For the Senate President ............... $ 1,500,000
For the Senate Minority Leader ......... 1,500,000
Total                                $3,000,000

Section 25. The sum of $250,000, or so much thereof as may be necessary, is appropriated from the General Assembly Operations Revolving Fund to the Office of the President, to meet the ordinary and contingent expenses of the Senate.

Section 30. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the ordinary, incidental and contingent expenses of the House Majority and Minority Leadership Staff and Office operations:
For the Speaker.......................... $ 4,209,600
For the Minority Leader...............   4,209,600
Total                                $8,419,200

Section 35. The following named sums, or so much thereof as may be necessary, are appropriated to meet the ordinary, incidental and contingent expenses of the House Majority and Minority Leadership Staff and the general staff:
For the Speaker.......................... $ 326,300
For the Minority Leader...............   148,000
Total                                $474,300

Section 40. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, relating to the operation of the House of Representatives, are appropriated to meet its ordinary and contingent expenses:
For the ordinary and incidental expenses of the general staff, operations, and special and standing committees of the House, for per diem employees and for expenses incurred in transcribing and printing of House debates.. $4,872,600
For the ordinary and incidental expenses of the

New matter indicated by italics - deletions by strikeout.
House, also including the purchasing on contract as required by law of printing, binding, printing paper, stationery and office supplies, no part of which shall be expended for expenses of purchasing, handling or distributing such supplies and against which no indebtedness shall be incurred without the written approval of the Speaker of the House of Representatives.

Pursuant to the Legislative Commission Reorganization Act of 1984, to the Speaker of the House for
Standing House Committees.................... 2,173,100
Total $7,136,700

Section 45. The following named sum, or so much thereof as may be necessary, for the objects and purposes hereinafter named, relating to House membership, is appropriated to meet the ordinary and contingent expenses of the House:
For travel, including expenses to Springfield of members on official legislative business during weeks when the General Assembly is not in session ............... $27,700

Section 47. The following named sums, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from an appropriation heretofore made for such purposes in Article 53 of Public Act 91-706 as amended by this Act, are appropriated for expenses in connection with the planning and preparation of redistricting of legislative and representative districts as required by Article IV, Section 3 of the Illinois Constitution of 1970:
For the Speaker ................... $ 1,500,000
For the Minority Leader ............... 1,500,000
Total $3,000,000

Section 50. The sum of $250,000, or so much thereof as may be necessary, is appropriated from the General Assembly Operations Revolving Fund to the Office of the Speaker, to meet the ordinary and contingent expenses of the House.

Section 52. The amount of $311,600, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the General Assembly to meet ordinary and contingent expenses. Any use of funds appropriated under this Section must be approved jointly by the Clerk of the House of Representatives and the Secretary of the Senate.

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

**ARTICLE 19**

Section 5. The following named amounts, or so much of those amounts as may be necessary, respectively, are appropriated for the objects and purposes hereinafter named to meet the ordinary and contingent expenses of the Economic and Fiscal Commission:

<table>
<thead>
<tr>
<th>Object Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>$625,950</td>
</tr>
<tr>
<td>For Employee Retirement Contributions Paid by Employer</td>
<td>25,038</td>
</tr>
<tr>
<td>For State Contributions to State Employees’ Retirement System</td>
<td>62,845</td>
</tr>
<tr>
<td>For State Contribution to Social Security</td>
<td>47,885</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>50,136</td>
</tr>
<tr>
<td>For Travel</td>
<td>2,100</td>
</tr>
<tr>
<td>For Commodities</td>
<td>2,363</td>
</tr>
<tr>
<td>For Printing</td>
<td>2,783</td>
</tr>
<tr>
<td>For Equipment</td>
<td>1,400</td>
</tr>
<tr>
<td>For Electronic Data Processing</td>
<td>2,000</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>8,300</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$830,800</strong></td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th>Object Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>$521,000</td>
</tr>
<tr>
<td>For Employee Retirement Contributions Paid by Employer</td>
<td>20,840</td>
</tr>
<tr>
<td>For State Contribution to State Employees’ Retirement System</td>
<td>53,772</td>
</tr>
<tr>
<td>For State Contribution to Social Security</td>
<td>39,857</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>541,000</td>
</tr>
<tr>
<td>For Model Illinois Government Activities</td>
<td>1,000</td>
</tr>
<tr>
<td>For Travel</td>
<td>5,000</td>
</tr>
<tr>
<td>For Commodities</td>
<td>3,200</td>
</tr>
<tr>
<td>For Printing</td>
<td>2,731</td>
</tr>
<tr>
<td>For Equipment</td>
<td>100</td>
</tr>
<tr>
<td>For Electronic Data Processing</td>
<td>500</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>9,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$1,198,000</strong></td>
</tr>
</tbody>
</table>

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

For Personal Services.................................. $ 1,740,000
For Employee Retirement Contributions
   Paid by Employer.................................. 69,600
For State Contribution to State Employees’ Retirement System......................... 179,600
For State Contribution to Social Security...................................... 133,100
For Contractual Services......................... 433,300
For Travel...................................... 4,000
For Commodities....................................... 5,200
For Printing.................................... 10,000
For Equipment................................... 3,200
For Electronic Data Processing............... 947,100
For Purchase, Maintenance, and Rental of Legislative Electronic Data Processing
   Equipment, Contractual Procurement of Copying Equipment, and Printing ........... 702,000
For Telecommunications Services................. 156,000
For Refunds..................................... 600
Total ........................................... $4,383,700

Section 20. The following amount, or so much of that amount as may be necessary, is appropriated to the Legislative Information System:
For Purchase, Maintenance, and Rental of Electronic Data Processing Equipment and Software relating to the development and implementation of legislative systems, and for consulting, technical, and design services related thereto................................. $2,200,000

Section 25. The following amount, or so much of that amount as may be necessary, is appropriated from the General Assembly Computer Equipment Revolving Fund to the Legislative Information System:
For Purchase, Maintenance, and Rental of General Assembly Electronic Data Processing Equipment and for other operational purposes of the General Assembly............................. $1,600,000

Section 35. The following named amounts, or so much of those amounts as may be necessary, respectively, are appropriated for the objects and purposes hereinafter named to meet the ordinary and contingent expenses of the Legislative Audit

New matter indicated by italics - deletions by strikeout.
Commission:

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>$159,400</td>
</tr>
<tr>
<td>For Employee Retirement Contributions</td>
<td></td>
</tr>
<tr>
<td>Paid by Employer</td>
<td>6,420</td>
</tr>
<tr>
<td>For State Contributions to State Employees'</td>
<td></td>
</tr>
<tr>
<td>Retirement System</td>
<td>16,555</td>
</tr>
<tr>
<td>For State Contribution to Social Security</td>
<td>12,270</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>4,655</td>
</tr>
<tr>
<td>For Travel</td>
<td>7,500</td>
</tr>
<tr>
<td>For Commodities</td>
<td>1,000</td>
</tr>
<tr>
<td>For Printing</td>
<td>2,000</td>
</tr>
<tr>
<td>For Equipment</td>
<td>1,000</td>
</tr>
<tr>
<td>For Electronic Data Processing</td>
<td>3,000</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>$215,800</td>
</tr>
</tbody>
</table>

Section 40. The following named amounts, or so much of those amounts as may be necessary, respectively, are appropriated for the objects and purposes hereinafter named to meet the ordinary and contingent expenses of the Legislative Printing Unit:

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>$1,181,500</td>
</tr>
<tr>
<td>For Employee Retirement Contributions</td>
<td></td>
</tr>
<tr>
<td>Paid by Employer</td>
<td>47,260</td>
</tr>
<tr>
<td>For State Contributions to State Employees'</td>
<td></td>
</tr>
<tr>
<td>Retirement System</td>
<td>118,610</td>
</tr>
<tr>
<td>For State Contribution to Social Security</td>
<td>90,380</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>231,000</td>
</tr>
<tr>
<td>For Travel</td>
<td>0</td>
</tr>
<tr>
<td>For Commodities</td>
<td>180,000</td>
</tr>
<tr>
<td>For Printing</td>
<td>101,400</td>
</tr>
<tr>
<td>For Equipment</td>
<td>241,200</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>3,450</td>
</tr>
<tr>
<td>Total</td>
<td>$2,198,800</td>
</tr>
</tbody>
</table>

Section 45. The following named amounts, or so much of those amounts as may be necessary, respectively, are appropriated for the objects and purposes hereinafter named to meet the ordinary and contingent expenses of the Legislative Research Unit:

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>$934,000</td>
</tr>
<tr>
<td>For Employee Retirement Contributions</td>
<td></td>
</tr>
<tr>
<td>Paid by Employer</td>
<td>37,400</td>
</tr>
<tr>
<td>For State Contribution to State Employees'</td>
<td></td>
</tr>
<tr>
<td>Retirement System</td>
<td>96,400</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout.
Security......................................  71,500
For Contractual Services......................  85,000
For Travel.....................................  4,600
For Commodities..................................  10,000
For Printing.....................................  19,450
For Equipment...................................  55,000
For Telecommunications Services...............  17,600
For New Member Conference.....................  46,500
Total............................................. $1,377,450

Section 50. The following named amounts, or so much of those amounts as may be necessary, respectively, are appropriated to the Illinois Legislative Research Unit for the following purposes:

For payment of expenses of the
Legislative Staff Intern program,
including stipends, tuition, and administration for 20 persons.............. $ 522,000
For payment of expenses of the Zeke Giorgi Memorial Intern Program, including stipends, tuition, and administration for 4 persons.................... 101,700
Total............................................. $623,700

Section 55. The following named amounts, or so much of those amounts as may be necessary, respectively, are appropriated for the objects and purposes hereinafter named, to meet the ordinary and contingent expenses of the Legislative Reference Bureau:

For Personal Services......................... $ 1,625,000
For Employee Retirement Contributions
  Paid by Employer..............................  65,000
For State Contributions to State Employees'
  Retirement System..................  167,800
For State Contribution to Social Security.......................... 125,700
For Contractual Services......................  178,800
For Travel.....................................  15,000
For Commodities..................................  13,800
For Printing.....................................  140,000
For Equipment...................................  180,500
For Telecommunications Services.............  16,000
Total............................................. $2,527,600

Section 60. The amount of $350,500, or so much of that amount as may be necessary, is appropriated to the Pension Laws Commission for its ordinary and contingent expenses.

New matter indicated by italics - deletions by strikeout.
Section 65. The following named amounts, or so much of those amounts as may be necessary, respectively, are appropriated for the objects and purposes hereinafter named to meet the ordinary and contingent expenses of the Legislative Space Needs Commission:

For Personal Services ....................... $350,000
For Employee Retirement Contributions
  Paid by Employer .......................... 14,000
For State Contributions to State Employees’
  Retirement System ........................ 35,200
For State Contribution to Social Security .................. 26,800
For Contractual Services ...................... 99,000
For Travel .................................. 3,500
For Commodities ............................ 1,500
For Printing ................................. 500
For Equipment ............................... 2,300
For Electronic Data Processing ............. 9,700
For Telecommunications Services .......... 6,500
Total .................................... $549,000

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

For Personal Services ....................... $ 776,000
For Employee Retirement Contributions
  Paid by Employer .......................... 30,000
For State Contributions to State Employees’
  Retirement System ........................ 75,000
For State Contribution to Social Security .................. 55,000
For Contractual Services ...................... 45,000
For Travel .................................. 16,000
For Commodities ............................ 16,000
For Equipment ............................... 19,000
For Telecommunications Services .......... 10,000
Total .................................... $1,042,000

Section 75. The sum of $103,700, or so much thereof as may be necessary, is appropriated for the ordinary and contingent expenses of the Senate Operations Commission including the planning costs, construction costs, moving expenses and all other costs associated with the construction and reconstruction of Senate offices in the Capitol Complex area.

Section 80. The following amount, or so much of this amount as may be

New matter indicated by italics - deletions by strikeout.
necessary, is appropriated to the Legislative Space Needs Commission for plans, specifications, and continuation of work pursuant to the report and recommendations of the architectural, structural, and mechanical surveys of the State Capitol Building. This is for the continuation of the rehabilitation of the Capitol Building:

From Capital Development Fund ............ $1,250,000

Section 85. The amount of $205,000, or so much of this amount as may be necessary and remains unexpended on June 30, 2002 from an appropriation heretofore made for such purpose in Section 85 of Article 26 of Public Act 92-8, is reappropriated from the Capital Development Fund to the Legislative Space Needs Commission for plans, specifications, and continuation of work pursuant to the report and recommendations of the architectural, structural, and mechanical surveys of the State Capitol Building. This is for the continuation of the rehabilitation of the Capitol Building.

Section 90. The sum of $830,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from appropriations heretofore made for such purposes in Section 90 of Article 26 of Public Act 92-8, is reappropriated from the Capital Development Fund to the Legislative Space Needs Commission for remodeling, planning, relocation, permanent equipment, and other related expenses, including architectural and engineering fees associated with construction, for the remodeling of office space and other support areas under the jurisdiction of the House of Representatives and the Senate.

ARTICLE 20

Section 5. The following named sums, or so much thereof as may be necessary, respectively, are appropriated to the Supreme Court to pay the ordinary and contingent expenses of certain officers of the court system of Illinois as follows:

For Personal Services:
Judges' Salaries......................... $122,862,300

For Travel:
Judges of the Supreme Court............ 28,500
Judges of the Appellate Court......... 143,400
Judges of the Circuit Court............ 737,900
Judicial Conference and
Supreme Court Committees............... 699,800

For State Contributions
to Social Security..................... 1,814,700
Total, this Section ..................... $126,286,600

Section 10. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent expenses of the Supreme Court:

For Personal Services..................... $ 6,296,400
For Extra Help.......................... 0
For State Contributions
to State Employees' Retirement........... 649,900

New matter indicated by italics - deletions by strikeout.
For State Contributions  
- to Social Security: $481,700  
- for Contractual Services: $949,400  
- for Travel: $19,200  
- for Commodities: $54,900  
- for Printing: $382,200  
- for Equipment: $733,300  
- for Electronic Data Processing: $125,600  
- for Telecommunications: $130,800  
- for Operation of Automotive Equipment: $1,500  

For Permanent Improvements: $106,100  
Total, this Section: $9,931,000

Section 15. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to the Supreme Court to meet the ordinary and contingent expenses of the Judges of the Appellate Courts, and the Clerks of the Appellate Courts, and the Appellate Judges Research Projects:

### Administration of the First Appellate District

- For Personal Services: $6,455,400  
- for State Contributions  
  - to State Employees' Retirement: $666,200  
- for State Contributions  
  - to Social Security: $493,900  
- for Contractual Services: $426,300  
- for Travel: $2,100  
- for Commodities: $56,000  
- for Printing: $39,800  
- for Equipment: $84,000  
- for Telecommunications: $122,000  

Total: $8,345,700

### Administration of the Second Appellate District

- For Personal Services: $2,629,900  
- for State Contributions  
  - to State Employees' Retirement: $271,400  
- for State Contributions  
  - to Social Security: $201,300  
- for Contractual Services: $618,700  
- for Travel: $4,800  
- for Commodities: $25,800  
- for Printing: $12,900  

New matter indicated by italics - deletions by strikeout.
For Equipment................................. 159,200  
For Operation of  
  Automotive Equipment........................ 800  
For Telecommunications......................... 52,300  
  Total ........................................... $3,977,100  

Administration of the Third Appellate District  
For Personal Services........................ $ 1,790,900  
For Extra Help................................ 0  
For State Contributions to  
  State Employees' Retirement............... 184,800  
For State contributions  
  to Social Security......................... 137,000  
For Contractual Services...................... 418,700  
For Travel.................................. 3,600  
For Commodities.............................. 21,400  
For Printing.................................. 18,100  
For Equipment............................... 216,400  
For Telecommunications....................... 50,600  
  Total ........................................... 50,600  

Total ........................................... $2,841,500  

Administration of the Fourth Appellate District  
For Personal Services........................ $ 1,993,200  
For State Contributions  
  to State Employees' Retirement....... 205,700  
For State Contributions  
  to Social Security......................... 152,500  
For Contractual Services...................... 500,000  
For Travel.................................. 5,800  
For Commodities.............................. 12,200  
For Printing.................................. 9,400  
For Equipment............................... 125,600  
For Telecommunications....................... 53,800  
  Total ........................................... 53,800  

Total ........................................... $3,058,200  

Administration of the Fifth Appellate District  
For Personal Services........................ $ 2,017,700  
For Extra Help................................ 0  
For State Contributions to  
  State Employees' Retirement............... 208,200  
For State Contributions to  
  Social Security......................... 154,300  
For Contractual Services...................... 390,600  
For Travel.................................. 5,200  
For Commodities.............................. 23,100  

New matter indicated by italics - deletions by strikeout.
For Printing..................................... 15,700
For Equipment.................................... 168,600
For Telecommunications.......................... 40,000
For Operation of
Automotive Equipment.......................... 1,200
Total ........................................... $3,024,600

Section 20. The following named sums, or so much thereof as may be necessary, respectively, are appropriated to the Supreme Court for ordinary and contingent expenses of the Circuit Court:

For Circuit Clerks' Additional Duties........... $ 663,000
For Circuit Clerks' Notification Costs......... 0
For Mandatory Arbitration................. 548,400
For Grants-in-Aid............................. 48,644,800
For Sexually Violent Persons Commitment Act.... 1,000,000
For Payment of Juvenile and Adult
Probation Officers' Salary Subsidies........... 15,100,000
For Pretrial Services Programs............... 3,887,500
For Personal Services:
Official Court Reporting...................... 29,229,000
Circuit Court Personnel....................... 1,583,100
For State Contribution
to State Employees' Retirement.............. 3,180,100
For State Contribution
to Social Security......................... 2,357,200
For Travel:
Official Court Reporting...................... 155,800
Circuit Court Personnel...................... 11,300
For Contractual Services: Transcript Fees
for Official Court Reporting............... 3,741,400
For Contractual Services..................... 237,500
For Equipment............................... 190,000
For Electronic Data Processing................. 4,832,400
Total, this Section ................................ $115,361,500

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

For Personal Services........................ $ 5,469,900
For Retirement - Paid by Employer........... 2,111,000
For State Contributions to
State Employees' Retirement............... 564,500
For State Contributions to

New matter indicated by italics - deletions by strikeout.
<table>
<thead>
<tr>
<th>Category</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Social Security</td>
<td>418,500</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>1,441,200</td>
</tr>
<tr>
<td>For Travel</td>
<td>176,300</td>
</tr>
<tr>
<td>For Commodities</td>
<td>73,600</td>
</tr>
<tr>
<td>For Printing</td>
<td>100,900</td>
</tr>
<tr>
<td>For Equipment</td>
<td>118,700</td>
</tr>
<tr>
<td>For Electronic Data Processing</td>
<td>3,619,200</td>
</tr>
<tr>
<td>For Telecommunications</td>
<td>194,600</td>
</tr>
<tr>
<td>For Operation of Automotive Equipment</td>
<td>10,200</td>
</tr>
<tr>
<td>For Probation Training</td>
<td>376,200</td>
</tr>
<tr>
<td>For Contractual Services: Judicial Conference</td>
<td>698,400</td>
</tr>
<tr>
<td>and Supreme Court Committees</td>
<td></td>
</tr>
<tr>
<td>For Judges' Out-of-State Educational Programs</td>
<td>77,000</td>
</tr>
<tr>
<td>and Personnel</td>
<td></td>
</tr>
<tr>
<td>Total, this Section</td>
<td>59,100</td>
</tr>
<tr>
<td><strong>Total, this Section</strong></td>
<td><strong>$15,509,300</strong></td>
</tr>
</tbody>
</table>

Section 30. The sum of $62,400, or so much thereof as may be necessary, is appropriated to the Supreme Court for the contingent expenses of the Illinois Courts Commission.

Section 35. The sum of $9,358,800, or so much thereof as may be necessary, is appropriated from the Mandatory Arbitration Fund to the Supreme Court for Mandatory Arbitration Programs.

Section 40. The sum of $112,300, or so much thereof as may be necessary, is appropriated from the Foreign Language Interpreter Fund to the Supreme Court for the Foreign Language Interpreter Program.

Section 45. The sum of $700,000, or so much thereof as may be necessary, is appropriated from the Lawyers' Assistance Program Fund to the Supreme Court for lawyers' assistance programs.

ARTICLE 21

Section 5. The following amounts, or so much of those amounts as may be necessary, respectively, are appropriated for the objects and purposes named, to meet the ordinary and contingent expenses of the Judicial Inquiry Board:

<table>
<thead>
<tr>
<th>Category</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>$276,431</td>
</tr>
<tr>
<td>For State Contribution to State Employees' Retirement System</td>
<td>27,230</td>
</tr>
<tr>
<td>For Retirement - Pension Pick-Up</td>
<td>10,554</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>20,184</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>237,624</td>
</tr>
<tr>
<td>For Travel</td>
<td>18,677</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout.
For Commodities.......................... 2,500
For Printing.............................. 8,700
For Equipment............................ 500
For EDP ..................................... 1,000
For Telecommunications................... 14,000
For Operation of Auto Equipment .......... 2,500
Total 619,900

ARTICLE 22

Section 1. The following named amounts, or so much of those amounts as may be necessary, respectively, for the objects and purposes named, are appropriated to meet the ordinary and contingent expenses of the Office of the State Appellate Defender.

For Personal Services.................. $11,013,297
For Employee Retirement Contributions
  Paid by Employer....................... 399,947
For State Contribution to State Employees’ Retirement System............. 1,136,682
For State Contributions to Social Security.................. 842,517
For Contractual Services............... 2,110,778
For Travel............................... 94,000
For Commodities........................ 74,200
For Printing............................. 36,750
For Equipment........................... 261,032
For Telecommunications................. 251,299
For Intern Program..................... 121,971
For Training Program................... 0
Total 16,342,473

Section 5. The following named amounts, or so much of those amounts as may be necessary, respectively, are appropriated to the Office of the State Appellate Defender for the ordinary and contingent expenses of the Capital Litigation Division.

For Personal Services.................. $1,002,500
For Employee Retirement Contributions
  Paid by Employer....................... 40,100
For State Contribution to State Employees’ Retirement System............. 103,468
For State Contributions to Social Security.................. 76,691
For Contractual Services............... 720,956
For Travel............................... 34,000
For Commodities........................ 8,400
For Printing............................. 5,800
For Equipment........................... 14,900

New matter indicated by italics - deletions by strikeout.
Section 10. The following named amounts, so much of those amounts as may be necessary, respectively, for the objects and purposes names, are appropriated to the Office of the State Appellate Defender for expenses related to federally assisted program to work on drug and violent crimes appeals cases to which the agency is appointed and to provide statewide training and services to Illinois Public Defenders.

Payable from State Appellate Defender Federal Trust Fund............. 600,000

For State matching purposes:
Payable from Special State Projects Fund.............................. 200,000

Section 15. The following named amount of $2,627,675, or such much thereof as may be necessary, is appropriated from the Capital Litigation Trust Fund to the Office of the State Appellate Defender for expenses incurred in providing assistance to trial attorneys under item (c) (5) of Section 10 of the State Appellate Defender Act.

ARTICLE 23

Section 5. The following named amounts, or so much of those amounts as may be necessary, respectively, are appropriated to the Office of the State's Attorneys Appellate Prosecutor for the objects and purposes hereinafter named to meet its ordinary and contingent expenses for the fiscal year ending June 30, 2003:

For Personal Services:
Payable from General Revenue Fund for Collective Bargaining Unit.................. $2,217,579
Payable from General Revenue Fund for Administrative Unit............................. $775,150
Payable from State's Attorneys Appellate Prosecutor's County Fund.................. $619,024

For State Contribution to the State Employees' Retirement System Pick Up:
Payable from General Revenue Fund for Collective Bargaining Unit.................. $88,703
Payable from General Revenue Fund for Administrative Unit............................. $31,006
Payable from State's Attorneys Appellate Prosecutor's County Fund.................. $24,761

For State Contribution to the State Employees' Retirement System:
Payable from General Revenue Fund for Collective Bargaining Unit.................. $235,063
Payable from General Revenue Fund for Administrative Unit............................. $82,166
Payable from State's Attorneys Appellate Prosecutor's County Fund $65,616
For State Contribution to Social Security:
  Payable from General Revenue Fund for Collective Bargaining Unit $169,645
  Payable from General Revenue Fund for Administrative Unit $59,299
  Payable from State's Attorneys Appellate Prosecutor's County Fund $47,355
For County Reimbursement to State for Group Insurance:
  Payable from State's Attorneys Appellate Prosecutor's County Fund $89,125
For Contractual Services:
  Payable from General Revenue Fund $300,355
  Payable from State's Attorneys Appellate Prosecutor's County Fund $514,689
For Contractual Services for Tax Objection Casework:
  Payable from General Revenue Fund $66,100
  Payable from State's Attorneys Appellate Prosecutor's County Fund $33,334
For Contractual Services for Rental of Real Property:
  Payable from General Revenue Fund $213,200
  Payable from State's Attorneys Appellate Prosecutor's County Fund $121,253
For Travel:
  Payable from General Revenue Fund $16,720
  Payable from State's Attorneys Appellate Prosecutor's County Fund $9,122
For Commodities:
  Payable from General Revenue Fund $14,915
  Payable from State's Attorneys Appellate Prosecutor's County Fund $9,363
For Printing:
  Payable from General Revenue Fund $4,560
  Payable from State's Attorneys Appellate Prosecutor's County Fund $3,582
For Equipment:
  Payable from General Revenue Fund $20,900
  Payable from State's Attorneys Appellate

New matter indicated by italics - deletions by strikeout.
Prosecutor's County Fund........................ $15,884
For Electronic Data Processing:
    Payable from General Revenue Fund.......... $16,150
    Payable from State's Attorneys Appellate
Prosecutor's County Fund........................ $31,387
For Telecommunications:
    Payable from General Revenue Fund.......... $20,900
    Payable from State's Attorneys Appellate
Prosecutor's County Fund........................ $34,716
For Operation of Automotive Equipment:
    Payable from General Revenue Fund.......... $10,640
    Payable from State's Attorneys Appellate
Prosecutor's County Fund........................ $8,307
For Law Intern Program:
    Payable from General Revenue Fund.......... $0
    Payable from State's Attorneys Appellate
Prosecutor's County Fund........................ $27,419
For Continuing Legal Education:
    Payable from General Revenue Fund.......... $100
    Payable from Continuing Legal Education Trust Fund............................... $150,000
For Legal Publications:
    Payable from General Revenue Fund.......... $3,515
    Payable from State's Attorneys Appellate
Prosecutor's County Fund........................ $13,924
For expenses for assisting County State's Attorneys for services provided under the Illinois Public Labor Relations Act:
For Personal Services:
    Payable from General Revenue Fund.......... $77,462
    Payable from State's Attorneys Appellate
Prosecutor's County Fund........................ $44,401
For State Contribution to the State Employees' Retirement System Pick Up:
    Payable from General Revenue Fund.......... $3,099
    Payable from State's Attorneys Appellate
Prosecutor's County Fund........................ $1,776
For State Contribution to the State Employees' Retirement System:
    Payable from General Revenue Fund.......... $8,211
    Payable from State's Attorneys Appellate
Prosecutor's County Fund........................ $4,706

New matter indicated by italics - deletions by strikeout.
For Contribution to Social Security:
   Payable from General Revenue Fund:........... $5,926
   Payable from State's Attorneys Appellate Prosecutor's County Fund:............... $3,396
For County Reimbursement to State for Group Insurance:
   Payable from State's Attorneys Appellate Prosecutor's County Fund:............... $7,750
For Contractual Services:
   Payable from General Revenue Fund:........... $6,316
   Payable from State's Attorneys Appellate Prosecutor's County Fund:............... $306,310
For Travel:
   Payable from General Revenue Fund:........... $1,160
   Payable from State's Attorneys Appellate Prosecutor's County Fund:............... $1,153
For Commodities:
   Payable from General Revenue Fund:........... $570
   Payable from State's Attorneys Appellate Prosecutor's County Fund:............... $781
For Equipment:
   Payable from General Revenue Fund:........... $570
   Payable from State's Attorneys Appellate Prosecutor's County Fund:............... $1,194
For Operation of Automotive Equipment:
   Payable from General Revenue Fund:........... $1,140
   Payable from State's Attorneys Appellate Prosecutor's County Fund:............... $1,107
For expenses pursuant to Narcotics Profit Forfeiture Act:
   Payable from Narcotics Profit Forfeiture Fund:................................. $0
For Expenses Pursuant to Drug Asset Forfeiture Procedure Act:
   Payable from Narcotics Profit Forfeiture Fund:................................. $1,350,000
For Expenses Pursuant to P.A. 84-1340, which requires the Office of the State's Attorneys Appellate Prosecutor to conduct training programs for Illinois State's Attorneys, Assistant State's Attorneys and Law Enforcement Officers on techniques and

New matter indicated by italics - deletions by strikeout.
methods of eliminating or reducing the trauma of testifying in criminal proceedings for children who serve as witnesses in such proceedings; and other authorized criminal justice training programs:

Payable from General Revenue Fund........... $80,000

For Expenses Related to federally assisted Programs to assist local State's Attorneys including violent crimes, drug related cases and cases arising under the Narcotics Profit Forfeiture Act on the request of the State's Attorney:

Payable from Special Federal Grant Project Fund................................. $2,800,000

For Local Matching Purposes:

Payable from State's Attorneys Appellate Prosecutor's County Fund...................... $0

For State Matching Purposes:

Payable from General Revenue Fund........... $0

For Expenses Pursuant to Grant Agreements for Training Grant Programs:

Payable from Continuing Legal Education Trust Fund.................................. $200,000

For Expenses Pursuant to the Capital Crimes Litigation Act:

Payable from the Capital Litigation Trust Fund. $400,000

For Appropriation to the State Treasurer for Expenses Incurred by State's Attorneys other than Cook County:

Payable from the Capital Litigation Trust Fund................................. $1,000,000

(Total, $12,472,535; General Revenue Fund, $4,531,100; Office of the State's Attorneys Appellate Prosecutor's County Fund, $2,041,435; Continuing Legal Education Trust Fund, $350,000; Narcotics Profit Forfeiture Fund, $1,350,000; Special Federal Grant Project Funds, $2,800,000; Capital Litigation Trust Fund, $1,400,000)

ARTICLE 24

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

EXECUTIVE OFFICE

Payable from the General Revenue Fund:

For Personal Services ......................... $ 6,814,400

New matter indicated by italics - deletions by strikeout.
For Employee Retirement Contributions
Paid by Employer ............................ 272,600
For State Contributions to State
Employees' Retirement System ................. 703,300
For State Contributions to
Social Security .................................. 500,500
For Contractual Services ....................... 852,000
For Travel ..................................... 200,000
For Commodities ................................ 85,000
For Printing .................................... 50,000
For Equipment ................................. 5,000
For Electronic Data Processing ............... 150,000
For Telecommunications Services ............ 350,000
For Repairs and Maintenance .................... 32,000
For Expenses Related to Ethnic Celebrations,
Special Receptions, and Other Events ....... 110,000
For Expenses Related to Transition .......... 250,000
Total ........................................ $10,374,800

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

ARTICLE 25

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

GENERAL OFFICE

For Personal Services ........................ $ 1,385,000
For Employee Retirement Contributions
Paid by Employer ............................. 55,400
For State Contributions to State
Employees' Retirement System ............... 142,600
For State Contributions to
Social Security ............................... 105,200
For Contractual Services .................... 510,000
For Travel .................................... 85,000
For Commodities ............................. 26,500
For Printing .................................. 26,000
For Equipment ............................... 8,000
For Electronic Data Processing ............. 55,000

New matter indicated by italics - deletions by strikeout.
For Telecommunications Services .............. 75,000  
For Operational and Grant Expenses of the Rural Affairs Council .................... 307,000  
Total ........................................... $2,780,700  

The amount of $200,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Office of the Lieutenant Governor for the ordinary and contingent expenses of the Illinois River Coordination Council.

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

Section 3. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the Lieutenant Governor's Grant Fund to the Office of Lieutenant Governor to be expended in accordance with the terms and conditions upon which such funds were received and in the exercise of the powers or performance of the duties of the Office of the Lieutenant Governor.

Section 4. The sum of $150,000, or so much thereof as may be necessary, is appropriated to the Office of the Lieutenant Governor from the General Revenue Fund for expenses related to transition in the event there is a change in the officeholder in the Office of the Lieutenant Governor.

ARTICLE 26

Section 5. The following named sums, or so much thereof as may be necessary, respectively, are appropriated to the Attorney General to meet the ordinary and contingent expenses of the following division of the Office of the Attorney General:

GENERAL OFFICE

For Personal Services ......................... $27,900,000  
For State Contribution to State Employees' Retirement System ................. 2,790,000  
For State Contribution to Social Security .... 2,022,000  
For Employees' Retirement Contributions Paid by Employer .................... 1,103,000  
For Contractual Services ..................... 2,500,000  
For Travel ...................................... 350,000  
For Commodities .............................. 130,000  
For Printing ................................. 110,000  
For Equipment ............................... 250,000  
For Electronic Data Processing ............ 1,400,000  
For Telecommunications ...................... 680,000  
For Operation of Auto Equipment ............ 75,000  
For Expenses Incurred in Gang Crime Prevention ................................. 1,400,000  
Total ........................................... $40,710,000  

New matter indicated by italics - deletions by strikeout.
Section 10. The sum of $1,050,000, or so much thereof as is available for use by the Attorney General, is appropriated to the Attorney General from the Illinois Gaming Law Enforcement Fund for State law enforcement purposes.

Section 15. The following named sums, or so much thereof as may be necessary, respectively, are appropriated from the Asbestos Abatement Fund to the Attorney General to meet the ordinary and contingent expenses of the Asbestos Litigation Division:

**ASBESTOS LITIGATION DIVISION**

<table>
<thead>
<tr>
<th>For Personal Services</th>
<th>$1,090,000</th>
</tr>
</thead>
<tbody>
<tr>
<td>For State Contribution to State</td>
<td></td>
</tr>
<tr>
<td>Employees' Retirement System</td>
<td>109,000</td>
</tr>
<tr>
<td>For State Contribution to Social Security</td>
<td>79,800</td>
</tr>
<tr>
<td>For Employees' Retirement Contributions</td>
<td></td>
</tr>
<tr>
<td>Paid by the Employer</td>
<td>43,600</td>
</tr>
<tr>
<td>For Group Insurance</td>
<td>189,000</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>229,700</td>
</tr>
<tr>
<td>For Travel</td>
<td>25,600</td>
</tr>
<tr>
<td>For Operational Expenses, Asbestos Litigation</td>
<td>42,600</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$1,809,300</strong></td>
</tr>
</tbody>
</table>

Section 4. The amount of $3,500,000, or so much thereof as may be necessary, is appropriated from the Attorney General Court Ordered and Voluntary Compliance Payment Projects Fund to the Office of the Attorney General for use, subject to pertinent court order or agreement, in the performance of any function pertaining to the exercise of the duties of the Attorney General, including State law enforcement and public education.

Section 5. The amount of $960,000, or so much thereof as may be necessary, is appropriated from the Illinois Charity Bureau Fund to the Office of the Attorney General to enforce the provisions of the Solicitation for Charity Act and to gather and disseminate information about charitable trustees and organizations to the public.

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

Section 7. The amount of $500,000, or so much thereof as may be necessary, is appropriated from the Capital Litigation Trust Fund to the Attorney General for financial support under the Attorney General Act for the several county State's Attorneys outside of Cook County.

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

Section 9. The amount of $3,500,000, or so much thereof as may be necessary, is appropriated from the Attorney General’s State Projects and Court Ordered Distribution Fund to the Attorney General for payment of interagency agreements, for court-ordered distributions to third parties, and, subject to pertinent court order, for performance of any function pertaining to the exercise of the duties of the Attorney General, including State law enforcement and public education.

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

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

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

Section 12. The amount of $200,000, or so much thereof as may be necessary, is appropriated from the Child Support Administrative Fund to the Office of the Attorney General for child support enforcement purposes.

Section 13. The amount of $3,700,000, or so much thereof as may be necessary, is appropriated from the Attorney General Federal Grant Fund to the Office of the Attorney General for funding for federal grants.

Section 14. The amount of $250,000, or so much thereof as may be necessary, is appropriated from the Sex Offender Management Board Fund to the Sex Offender Management Board for the purposes of planning, research, and operations. Funding received from private sources is to be expended in accordance with the terms and conditions placed upon the funding.

New matter indicated by italics - deletions by strikeout.
Section 15. The amount of $30,000, or so much thereof as may be necessary, is appropriated from the Statewide Grand Jury Prosecution Fund to the Office of the Attorney General for expenses incurred in criminal prosecutions arising under the Statewide Grand Jury Act.

Section 16. The sum of $150,000, or so much thereof as may be necessary, is appropriated to the Office of the Attorney General from the General Revenue Fund for expenses related to transition in the event there is a change in the officeholder in the Office of the Attorney General.

ARTICLE 27

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

EXECUTIVE GROUP

For Personal Services:
For Regular Positions:
  Payable from General Revenue Fund.......................... $4,586,200
For Extra Help:
  Payable from General Revenue Fund.......................... 39,100
For Employee Contribution to State Employees' Retirement System:
  Payable from General Revenue Fund.......................... 2,595,000
  Payable from Road Fund.......................... 3,450,100
Payable from Vehicle Inspection Fund.......................... 48,300
For State Contribution to State Employees' Retirement System:
  Payable from General Revenue Fund.......................... 477,400
For State Contribution to Social Security:
  Payable from General Revenue Fund.......................... 365,600
For Contractual Services:
  Payable from General Revenue Fund.......................... 640,300
For Travel Expenses:
  Payable from General Revenue Fund.......................... New matter indicated by italics - deletions by strikeout.
For Commodities:
Payable from General Revenue Fund............................... 113,000

For Printing:
Payable from General Revenue Fund............................... 42,300

For Equipment:
Payable from General Revenue Fund............................... 12,700

For Telecommunications:
Payable from General Revenue Fund............................... 172,000

GENERAL ADMINISTRATIVE GROUP

For Personal Services:

For Regular Positions:
Payable from General Revenue Fund............................... $49,550,700
Payable from Road Fund............................... 0
Payable from Securities Audit and Enforcement Fund............................... 2,907,600
Payable from Division of Corporations Special Operations Fund............................... 1,172,700
Payable from Lobbyist Registration Fund............................... 228,200
Payable from Registered Limited Liability Partnership Fund............................... 74,200

For Extra Help:
Payable from General Revenue Fund............................... 922,700
Payable from Road Fund............................... 0
Payable from Securities Audit and Enforcement Fund............................... 13,800
Payable from Division of Corporations Special Operations Fund............................... 140,600

For Employee Contribution to State Employees' Retirement System:
Payable from Securities Audit and Enforcement Fund............................... 116,300
Payable from Division of Corporations Special Operations Fund............................... 52,500
Payable from Lobbyist Registration Fund............................... 0

New matter indicated by italics - deletions by strikeout.
For State Contribution to
State Employees' Retirement System:
Payable from General Revenue Fund................................. 9,100
Payable from Registered Limited Liability Partnership Fund........... 3,000

Payable from Road Fund................................. 0
Payable from Securities Audit and Enforcement Fund.................... 301,500
Payable from Division of Corporations Special Operations Fund......... 135,600
Payable from Lobbyist Registration Fund.................................. 23,500
Payable from Registered Limited Liability Partnership Fund............ 7,700

For State Contribution to Social Security:
Payable from General Revenue Fund.......................................... 3,839,200
Payable from Road Fund.......................................... 0
Payable from Securities Audit and Enforcement Fund........................ 223,000
Payable from Division of Corporations Special Operations Fund.......... 128,800
Payable from Lobbyist Registration Fund.................................. 25,100
Payable from Registered Limited Liability Partnership Fund............ 5,700

For Group Insurance
Payable from Securities Audit and Enforcement Fund.................... 567,300
Payable from Division of Corporations Special Operations Fund......... 405,500
Payable from Lobbyist Registration Fund.................................. 55,800
Payable from Registered Limited Liability Partnership Fund............ 18,600

For Contractual Services:
Payable from General Revenue Fund......................................... 15,251,900
Payable from Road Fund......................................... 1,315,500

New matter indicated by italics - deletions by strikeout.
Payable from Securities Audit
and Enforcement Fund............... 1,792,700
Payable from Division of Corporations
Special Operations Fund............... 1,059,600
Payable from Motor Fuel Tax Fund....... 475,700
Payable from Lobbyist Registration
Fund.................................... 110,100
Payable from Registered Limited
Liability Partnership Fund............. 500

For Travel Expenses:
Payable from General Revenue
Fund..................................... 425,700
Payable from Road Fund............... 0
Payable from Securities Audit
and Enforcement Fund............... 74,500
Payable from Division of Corporations
Special Operations Fund............... 12,400
Payable from Lobbyist Registration
Fund..................................... 4,000

For Commodities:
Payable from General Revenue
Fund..................................... 1,045,400
Payable from Road Fund............... 0
Payable from Securities Audit
and Enforcement Fund............... 21,400
Payable from Division of Corporations
Special Operations Fund............... 46,700
Payable from Lobbyist Registration
Fund..................................... 4,500
Payable from Registered Limited
Liability Partnership Fund............. 1,100

For Printing:
Payable from General Revenue
Fund..................................... 555,700
Payable from Road Fund............... 0
Payable from Securities Audit
and Enforcement Fund............... 35,500
Payable from Division of Corporations
Special Operations Fund............... 50,000
Payable from Lobbyist Registration
Fund..................................... 5,000

For Equipment:

New matter indicated by italics - deletions by strikeout.
Payable from General Revenue Fund................................. 725,800
Payable from Road Fund................................. 0
Payable from Securities Audit and Enforcement Fund............... 178,300
Payable from Division of Corporations Special Operations Fund................ 44,200
Payable from Lobbyist Registration Fund............................... 30,000
Payable from Registered Limited Liability Partnership Fund........... 0

For Electronic Data Processing:
Payable from General Revenue Fund................... 479,700
Payable from Road Fund................................. 0
Payable from the Secretary of State Special Services Fund............... 7,400,000

For Telecommunications:
Payable from General Revenue Fund................................. 538,200
Payable from Road Fund................................. 0
Payable from Securities Audit and Enforcement Fund............... 96,500
Payable from Division of Corporations Special Operations Fund................ 48,300
Payable from Lobbyist Registration Fund............................... 5,000
Payable from Registered Limited Liability Partnership Fund........... 800

For Operation of Automotive Equipment:
Payable from General Revenue Fund................................. 396,500
Payable from Securities Audit and Enforcement Fund............... 21,000
Payable from Division of Corporations Special Operations Fund................ 4,500

For Refund of Fees and Taxes:
Payable from General Revenue Fund................................. 15,000
Payable from Road Fund................................. 2,875,500

MOTOR VEHICLE GROUP

For Personal Services:
For Regular Positions:

New matter indicated by italics - deletions by strikeout.
Payable from General Revenue Fund $9,523,700
Payable from Road Fund 78,700,900
Payable from Vehicle Inspection Fund 1,160,700
Payable from the Secretary of State Special License Plate Fund 458,700
Payable from Motor Vehicle Review Board Fund 171,900

For Extra Help:
Payable from General Revenue Fund 126,400
Payable from Road Fund 5,813,300
Payable From Vehicle Inspection Fund 47,500

For Employees Contribution to State Employees' Retirement System:
Payable from the Secretary of State Special License Plate Fund 18,300
Payable from Motor Vehicle Review Board Fund 6,900

For State Contribution to State Employees' Retirement System:
Payable from General Revenue Fund 995,900
Payable from Road Fund 8,722,700
Payable From Vehicle Inspection Fund 124,700
Payable from the Secretary of State Special License Plate Fund 47,300
Payable from Motor Vehicle Review Board Fund 17,800

For State Contribution to Social Security:
Payable from General Revenue Fund 745,100
Payable from Road Fund 5,840,100
Payable From Vehicle Inspection Fund 97,800
Payable from the Secretary of State Special License Plate Fund 34,600
Payable from Motor Vehicle Review Board Fund 13,200

New matter indicated by italics - deletions by strikeout.
For Group Insurance:
- Payable From Vehicle Inspection Fund................................. 355,300
- Payable from the Secretary of State Special License Plate Fund................. 139,500
- Payable From Motor Vehicle Review Board Fund.......................... 9,300

For Contractual Services:
- Payable from General Revenue Fund..................................... 2,613,500
- Payable from Road Fund.......................... 13,762,900
- Payable from Vehicle Inspection Fund................................. 952,700
- Payable from CDLIS AAMVANET Trust Fund.............................. 575,000
- Payable from the Secretary of State Special License Plate Fund................. 1
- Payable from Motor Vehicle Review Board Fund.......................... 105,100

For Travel Expenses:
- Payable from General Revenue Fund..................................... 135,800
- Payable from Road Fund.......................... 733,500
- Payable from Vehicle Inspection Fund................................. 2,500
- Payable from the Secretary of State Special License Plate Fund................. 700
- Payable from Motor Vehicle Review Board Fund.......................... 2,500

For Commodities:
- Payable from General Revenue Fund..................................... 100,200
- Payable from Road Fund.......................... 3,901,300
- Payable from Vehicle Inspection Fund................................. 28,700
- Payable from the Secretary of State Special License Plate Fund................. 503,900
- Payable from Motor Vehicle Review Board Fund.......................... 500

For Printing:
- Payable from General Revenue Fund..................................... 866,800

New matter indicated by italics - deletions by strikeout.
Payable from Road Fund....................... 2,604,000
Payable from Vehicle Inspection
Fund........................................... 69,300
Payable from the Secretary of State
Special License Plate Fund............... 1

For Equipment:
Payable from General Revenue
Fund........................................... 0
Payable from Road Fund....................... 169,600
Payable from Vehicle Inspection
Fund........................................... 7,000
Payable from the Secretary of State
Special License Plate Fund............... 1
Payable from Motor Vehicle Review
Board Fund.................................. 400
Payable from CDLIS AAMVANET Fund....... 575,000

For Telecommunications:
Payable from General Revenue
Fund........................................... 113,100
Payable from Road Fund....................... 2,160,600
Payable from Vehicle Inspection
Fund........................................... 4,300

Payable from the Secretary of State
Special License Plate Fund............... 0

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

Section 10. The following amount, or so much of this amount as may be necessary, respectively, is appropriated to the Office of the Secretary of State for alterations, rehabilitation, and nonrecurring repairs and maintenance of the interior and exterior of the various buildings and facilities under the jurisdiction of the Office of the Secretary of State, including sidewalks, terraces, and grounds and all labor, materials, and other costs incidental to the above work:
From General Revenue Fund............... $550,000

Section 20. The following amounts, or so much of these amounts as may be necessary, respectively, are appropriated to the Office of the Secretary of State for the following purposes:
For annual equalization grants, per capita and area grants, and per capita grants to public libraries, under Section 8 of the Illinois Library System Act. This amount is in addition to any amount otherwise appropriated to the Office of the Secretary of State:
From General Revenue Fund............... $18,720,700
From Live and Learn Fund............... $16,004,200

Section 25. The following amounts, or so much of these amounts as may be necessary, respectively, are appropriated to the Office of the Secretary of State for the following purposes:

New matter indicated by italics - deletions by strikeout.
necessary, respectively, are appropriated to the Office of the Secretary of State for library services for the blind and physically handicapped:

From General Revenue Fund.......................  $2,427,200  
From Live and Learn Fund.........................   $ 300,000

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

From General Revenue Fund.......................   $45,000

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

From Federal Library Services Fund:
For LSTA Title IA...............................  8,454,500

Section 40. The following amounts, or so much of these amounts as may be necessary, respectively, are appropriated to the Office of the Secretary of State for support and expansion of the Literacy Programs administered by education agencies, libraries, volunteers, or community based organizations or a coalition of any of the above:

From General Revenue Fund.................   $4,950,000  
From Secretary of State Special Service Fund. $1,000,000  
From Live and Learn Fund.......................   $500,000  
From Federal Library Services Fund:
For LSTA Title IA ...............................   $1,000,000

Section 45. The amount of $52,000, or so much of this amount as may be necessary and remains unexpended on June 30, 2002 from appropriations heretofore made for such purposes in Section 45 of Article 21 of Public Act 92-8, is reappropriated from the Capital Development Fund to the Office of the Secretary of State, as State Librarian, for the purpose of making grants to the Brainerd Branch Public Library for construction and renovation as provided in Section 8 of the Illinois Library System Act.

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

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

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

- From General Revenue Fund: $375,000
- From Live and Learn Fund: $1,025,000

Section 65. The amount of $295,700, or so much of this amount as may be necessary, is appropriated to the Office of the Secretary of State from the Securities Investors Education Fund for nonsalaried expenses used to promote public awareness of the dangers of securities fraud.

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

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

- From Live and Learn Fund: $500,000

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

- From Live and Learn Fund: $370,800

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

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

Section 105. The amount of $6,064,200, or so much of this amount as may be necessary and remains unexpended on June 30, 2002 from appropriations heretofore made for such purposes in Section 95 and Section 105 of Article 21 of Public Act 92-8, is reappropriated from the Live and Learn Fund to the Office of the Secretary of State for the purpose of making grants to libraries for construction and renovation as provided by Section 8 of the Illinois Library System Act.

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

Section 125. The following amounts, or so much of these amounts as may be necessary, are appropriated to the Office of the Secretary of State for annual library

New matter indicated by italics - deletions by strikeout.
technology grants and for direct purchase of equipment and services that support library development and technology advancement in libraries statewide:

From Secretary of State Special Services Fund
$1,600,000
From Live and Learn Fund
700,000
From General Revenue Fund
814,200
Total
$2,114,200

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

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

Section 155. The amount of $75,000, or so much of this amount as may be necessary, is appropriated to the Office of the Secretary of State from the Master Mason Fund to provide grants to the Illinois Masonic Foundation for the Prevention of Drug and Alcohol Abuse Among Children, Inc., a not-for-profit corporation, for the purpose of providing Model Student Assistance Programs in public and private schools in Illinois.

Section 160. The amount of $15,000,000, or so much of this amount as may be necessary, is appropriated from the Motor Vehicle License Plate Fund to the Office of the Secretary of State for the cost incident to providing new or replacement plates for motor vehicles.

Section 185. The sum of $100,000, or so much of this amount as may be necessary and remains unexpended on June 30, 2002 from appropriations heretofore made for such purposes in Section 185 of Article 21 of Public Act 92-8, is reappropriated from the Capital Development Fund to the Office of the Secretary of State for a grant to the Chicago Public Library for planning a new library for Grand Crossing.

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

Section 195. The sum of $25,000, or so much of this amount as may be necessary and remains unexpended on June 30, 2002 from appropriation heretofore made for such purposes in Section 195 of Article 21 of Public Act 92-8, is reappropriated from the Capital Development Fund to the Office of the Secretary of State for a grant to York Township for an addition to the York Township Public Library.

Section 200. The sum of $250,000, or so much of this amount as may be

New matter indicated by italics - deletions by strikeout.
necessary, is appropriated from the General Revenue Fund to the Office of the Secretary of State for the Penny Severns Summer Family Literacy Grants.

Section 205. The sum of $225,000, or so much of this amount as may be necessary, is appropriated from the Secretary of State Special License Plate Fund to the Office of the Secretary of State for grants to benefit Illinois Veterans Home libraries.

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

Section 220. The sum of $75,000, or so much of this amount as may be necessary, is appropriated from the Mammogram Fund to the Office of the Secretary of State for grants to the Susan G. Komen Foundation for breast cancer research, education, screening, and treatment.

Section 230. The sum of $2,067,800, or so much of this amount as may be necessary, is appropriated from the Secretary of State DUI Administration Fund to the Office of Secretary of State for operation of the Department of Administrative Hearings of the Office of Secretary of State and for no other purpose.

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

Section 245. The amount of $500,000 is appropriated from the Secretary of State Police Services Fund to the Secretary of State for purposes as indicated by the grantor or contractor or, in the case of money bequeathed or granted for no specific purpose, for any purpose as deemed appropriate by the Director of Police, Secretary of State in administering the responsibilities of the Secretary of State Department of Police.

Section 250. The following amounts, or so much of these amounts as may be necessary, respectively, are appropriated to the Office of the Secretary of State for such purposes in Section 3-646 of the Illinois Vehicle Code (625 ILCS 5), for grants to the Regional Organ Bank of Illinois and to Mid-America Transplant Services for the purpose of promotion of organ and tissue donation awareness. These amounts are in addition to any amounts otherwise appropriated to the Office of the Secretary of State:

From Organ Donor Awareness Fund............... $250,000

Section 255. The amount of $50,000 is appropriated from the Secretary of State Police DUI Fund to the Secretary of State for the purchase of law enforcement equipment that will assist in the prevention of alcohol related criminal violence throughout the State.

Section 260. The sum of $700,000, or so much of this amount as may be necessary and remains unexpended on June 30, 2002 from appropriations heretofore made for such purposes in Section 190 of Article 21 of Public Act 92-8, is reappropriated from the Capital Development Fund to the Office of the Secretary of State for new construction and alterations, and maintenance of the interiors and exteriors of the following facilities under the jurisdiction of the Secretary of State: Chicago West Facility, 5301 N. Lexington Ave., Chicago, Illinois 60644; Roger McAuliffe Facility, 5401 N. Elston Ave., Chicago,

New matter indicated by italics - deletions by strikeout.

Section 265. The sum of $75,000, or so much of this amount as may be necessary, is appropriated from the Pet Overpopulation Fund to the Office of the Secretary of State for grants to humane societies to be used solely for the humane sterilization of dogs and cats in the State of Illinois.

Section 270. The sum of $75,000, or so much of this amount as may be necessary, is appropriated from the Police Memorial Committee Fund to the Office of the Secretary of State for grants to the Police Memorial Committee for maintaining a memorial statue, holding an annual memorial commemoration, and giving scholarships to children to police officers killed in the line of duty.

Section 275. The sum of $150,000, or so much thereof as may be necessary, is appropriated to the Office of the Secretary of State from the General Revenue Fund for expenses related to transition in the event there is a change in the officeholder in the Office of the Secretary of State.

ARTICLE 28

Section 5. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent expenses of the following divisions of the State Comptroller for the Fiscal Year ending June 30, 2003:

<table>
<thead>
<tr>
<th>Division</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Administration</td>
<td>$4,075,900</td>
</tr>
<tr>
<td>For Personal Services</td>
<td></td>
</tr>
<tr>
<td>For Employee Retirement</td>
<td>$4,890,400</td>
</tr>
<tr>
<td>Contributions Paid by the</td>
<td></td>
</tr>
<tr>
<td>Employer</td>
<td>195,600</td>
</tr>
<tr>
<td>For State Contribution</td>
<td></td>
</tr>
<tr>
<td>to State Employees' Retirement</td>
<td>$8,900</td>
</tr>
<tr>
<td>System</td>
<td></td>
</tr>
<tr>
<td>For State Contribution to</td>
<td></td>
</tr>
<tr>
<td>Social Security</td>
<td>$4,075,900</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>$4,890,400</td>
</tr>
<tr>
<td>For Travel</td>
<td>$1,652,400</td>
</tr>
<tr>
<td>For Commodities</td>
<td>60,300</td>
</tr>
<tr>
<td>For Printing</td>
<td>66,700</td>
</tr>
<tr>
<td>For Electronic Data Processing</td>
<td>35,000</td>
</tr>
<tr>
<td>For Telecommunications</td>
<td>12,800</td>
</tr>
<tr>
<td>For Operation of Auto</td>
<td>241,000</td>
</tr>
<tr>
<td>Equipment</td>
<td>0</td>
</tr>
<tr>
<td>Total</td>
<td>$7,048,700</td>
</tr>
</tbody>
</table>

Statewide Fiscal Operations

<table>
<thead>
<tr>
<th>Division</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>$4,075,900</td>
</tr>
<tr>
<td>For Employee Retirement</td>
<td>$4,890,400</td>
</tr>
<tr>
<td>Contributions Paid by the</td>
<td></td>
</tr>
<tr>
<td>Employer</td>
<td>195,600</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout.
For State Contribution to State
  Employees' Retirement System...............  504,800
For State Contribution to
  Social Security............................  374,200
For Contractual Services.....................  389,400
For Travel....................................  4,300
For Commodities................................  20,300
For Printing..................................  0
For Equipment..................................  0
For Electronic Data Processing...............  0
Total                                       $6,379,000

Electronic Data Processing
For Personal Services........................  $4,530,900
For Employee Retirement Contributions
  Paid by the Employer .......................  181,200
For State Contribution to State
  Employees' Retirement System ..............  467,700
For State Contribution to
  Social Security............................  346,700
For Contractual Services .....................  2,369,100
For Travel....................................  14,500
For Commodities................................  184,400
For Printing..................................  240,000
For Equipment..................................  0
For Telecommunications........................  0
For Electronic Data Processing .............  2,011,200
Total                                       2,011,200

Special Audits
For Personal Services........................  $1,813,200
For Employee Retirement Contributions
  Paid by the Employer .......................  72,500
For State Contribution to State
  Employees' Retirement System ..............  187,100
For State Contribution to
  Social Security............................  138,800
For Contractual Services .....................  75,400
For Travel....................................  90,500
For Commodities................................  2,300
For Printing..................................  0
For Equipment..................................  0
For Electronic Data Processing .............  0

New matter indicated by italics - deletions by strikeout.
For Expenses of Local Government
Officials Training.......................... 12,500
For Contractual Services for auditing and assisting local governments......... 25,000
Total $2,417,300

Merit Commission
For Merit Commission Expenses....................... $93,000

Section 7. The sum of $1,100,000, or so much thereof as may be necessary, is appropriated to the State Comptroller from the Comptroller's Administrative Fund for the discharge of duties of the office, pursuant to Public Act 89-511.

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

Section 15. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the State Comptroller to pay the elected State officers of the Executive Branch of the State Government, at various rates prescribed by law:
For the Governor.............................. $ 150,700
For the Lieutenant Governor.................... 115,300
For the Secretary of State..................... 133,000
For the Attorney General...................... 133,000
For the Comptroller........................... 115,300
For the State Treasurer....................... 115,300
Total $762,600

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

From General Revenue Fund
Department on Aging
For the Director.............................. $ 98,200
Department of Agriculture
For the Director.............................. 113,200
For the Assistant Director.................... 96,100
Department of Central Management Services
For the Director.............................. 120,900
For two Assistant Directors................... 205,600
Department of Children and Family Services
For the Director.............................. 127,600
Department of Corrections
For the Director.............................. 127,600
For 2 Assistant Directors.................... 217,000

New matter indicated by italics - deletions by strikeout.
Department of Commerce and Community Affairs
For the Director.............................. 120,900
For the Assistant Director................... 102,800

Environmental Protection Agency
For the Director.............................. 113,200

Department of Financial Institutions
For the Director.............................. 98,200
For the Assistant Director................... 83,700

Department of Human Services
For the Secretary............................ 127,600
For 2 Assistant Secretaries.................. 217,000

Department of Insurance
For the Director.............................. 113,200
For the Assistant Director................... 98,100

Department of Labor
For the Director.............................. 105,400
For the Assistant Director................... 96,100
For the Chief Factory Inspector............. 44,400
For the Superintendent of Safety Inspection
and Education................................. 48,800

Department of State Police
For the Director.............................. 112,600
For the Assistant Director................... 96,100

Department of Military Affairs
For the Adjutant General..................... 98,200
For two Chief Assistants to the
Adjutant General............................. 167,400

Department of Natural Resources
For the Director.............................. 113,200
For the Assistant Director................... 96,100
For six Mine Officers......................... 79,800
For four Miners' Examining Officers........ 43,900

Department of Nuclear Safety
For the Director.............................. 98,200

Illinois Labor Relations Board
For the Chairman............................. 88,700
For four State Labor Relations Board
members........................................ 319,200
For two Local Labor Relations Board
members......................................... 159,600

Department of Public Aid
For the Director.............................. 120,900

New matter indicated by italics - deletions by strikeout.
<table>
<thead>
<tr>
<th>Agency</th>
<th>Director</th>
<th>Assistant Director</th>
<th>Chairman</th>
<th>Members</th>
</tr>
</thead>
<tbody>
<tr>
<td>Department of Public Health</td>
<td>127,600</td>
<td>108,500</td>
<td>55,000</td>
<td>173,900</td>
</tr>
<tr>
<td>Department of Professional Regulation</td>
<td>105,400</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Department of Revenue</td>
<td>120,900</td>
<td>102,800</td>
<td>55,000</td>
<td>173,900</td>
</tr>
<tr>
<td>Property Tax Appeal Board</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Department of Veterans' Affairs</td>
<td>98,200</td>
<td>83,700</td>
<td>25,900</td>
<td>72,700</td>
</tr>
<tr>
<td>Civil Service Commission</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Commerce Commission</td>
<td>113,900</td>
<td></td>
<td></td>
<td>390,000</td>
</tr>
<tr>
<td>Court of Claims</td>
<td>55,200</td>
<td></td>
<td></td>
<td>305,400</td>
</tr>
<tr>
<td>State Board of Elections</td>
<td>49,700</td>
<td>40,800</td>
<td>191,500</td>
<td></td>
</tr>
<tr>
<td>Illinois Emergency Management Agency</td>
<td>98,200</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Department of Human Rights</td>
<td>98,200</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Human Rights Commission</td>
<td>44,400</td>
<td></td>
<td></td>
<td>478,700</td>
</tr>
<tr>
<td>Industrial Commission</td>
<td>106,400</td>
<td></td>
<td></td>
<td>610,800</td>
</tr>
<tr>
<td>Liquor Control Commission</td>
<td>33,100</td>
<td></td>
<td></td>
<td>156,600</td>
</tr>
<tr>
<td></td>
<td>32,000</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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

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

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

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

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

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

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

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

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

Total, General Revenue Fund $10,933,600

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

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

Department of the Lottery
For the Director:

New matter indicated by italics - deletions by strikeout.
From State Lottery Fund............................. 105,400

Office of Banks and Real Estate
Payable from Bank and Trust Company Fund:
For the Commissioner......................... 115,700
For the Deputy Commissioner............... 93,400
Payable from Savings and Residential
Finance Regulatory Fund:
For the first Deputy Commissioner........... 106,500
Payable from Real Estate License Administrative Fund:
For the Deputy Commissioner............... 93,400
Total........................................... $507,200

Department of Employment Security
Payable from Title III Social Security
and Employment Service Fund:
For the Director................................ 120,900
For five members of the Board
of Review..................................... 75,000
Total                                                                 $195,900

Subtotals:
General Revenue................................ $10,933,600
Fire Prevention................................ 98,200
Horse Racing................................. 115,900
State Lottery................................. 105,400
Bank and Trust Company Fund............... 209,100
Title III Social Security and
Employment Service Fund..................... 195,900
Savings and Residential
Finance Regulatory Fund...................... 106,500
Real Estate License Administration.......... 93,400
Total                                                                 $11,858,000

Section 25. The following named amounts, or so much thereof as may be
necessary, respectively, are appropriated to the State Comptroller to pay certain officers
of the Legislative Branch of the State Government, at the various rates prescribed by law:
Office of Auditor General
For the Auditor General....................... $ 112,600
For two Deputy Auditor Generals............. 209,300
Total                                                                 $321,900

Officers and Members of General Assembly
For salaries of the 118 members
of the House of Representatives............. $ 6,914,300
For salaries of the 59 members of the Senate.... 3,514,800
Total                                                                 $10,429,100

New matter indicated by italics - deletions by strikeout.
For additional amounts, as prescribed by law, for party leaders in both chambers as follows:

<table>
<thead>
<tr>
<th>Position</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For the Speaker of the House, the President of the Senate and Minority Leaders of both Chambers</td>
<td>$93,600</td>
</tr>
<tr>
<td>For the Majority Leader of the House</td>
<td>$19,800</td>
</tr>
<tr>
<td>For the eleven assistant majority and minority leaders in the Senate</td>
<td>$193,000</td>
</tr>
<tr>
<td>For the twelve assistant majority and minority leaders in the House</td>
<td>$184,200</td>
</tr>
<tr>
<td>For the majority and minority caucus chairmen in the Senate</td>
<td>$35,100</td>
</tr>
<tr>
<td>For the majority and minority conference chairmen in the House</td>
<td>$30,700</td>
</tr>
<tr>
<td>For the two Deputy Majority and the two Deputy Minority leaders in the House</td>
<td>$67,300</td>
</tr>
<tr>
<td>For chairmen and minority spokesmen of standing committees in the Senate except the Rules Committee, the Committee on Committees and the Committee on the Assignment of Bills</td>
<td>$298,300</td>
</tr>
<tr>
<td>For chairmen and minority spokesmen of standing and select committees in the House</td>
<td>$894,700</td>
</tr>
</tbody>
</table>

Total: $1,816,700

For per diem allowances for the members of the Senate, as provided by law: $401,400

For per diem allowances for the members of the House, as provided by law: $802,800

For mileage for all members of the General Assembly, as provided by law: $420,000

Total: $1,624,200

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

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For State Contribution to State Employees' Retirement System:</td>
<td></td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout.
From General Revenue Fund.................... $ 1,125,600
From Horse Racing Fund....................... 11,600
From Fire Prevention Fund..................... 9,900
From State Lottery Fund....................... 10,600
From Bank and Trust Company Fund............. 20,900
From Title III Social Security and Employment Service Fund................. 19,600
Savings and Residential Finance
Regulatory Fund............................... 10,700
Real Estate License
Administration Fund.......................... 9,400
Total........................................ $1,218,300

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

For Group Insurance:
From Fire Prevention Fund..................... $ 9,300
From State Lottery Fund....................... 9,300
From Bank and Trust Company Fund............. 18,600
From Title III Social Security and Employment Service Fund.................. 55,800
Savings and Residential Finance
Regulatory Fund............................... 9,300
Real Estate License Administration Fund........ 9,300
Total........................................ $111,600

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

Section 40. The sum of $150,000, or so much thereof as may be necessary, is appropriated to the Office of the State Comptroller from the General Revenue Fund for expenses related to transition in the event there is a change in the officeholder in the Office of the State Comptroller.

New matter indicated by italics - deletions by strikeout.
ARTICLE 29

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

For Personal Services
- From General Revenue Fund: $4,985,300
- From State Pensions Fund: $2,810,000

For Employee Retirement Contribution (pickup)
- From General Revenue Fund: 199,400
- From State Pensions Fund: 112,400

For State Contributions to State
  - Employees' Retirement System
    - From General Revenue Fund: 528,400
    - From State Pensions Fund: 297,900
  - Social Security
    - From General Revenue Fund: 370,900
    - From State Pensions Fund: 214,300
  - Group Insurance
    - From State Pensions Fund: 613,800

For Contractual Services
- From General Revenue Fund: 1,116,600
- From State Pensions Fund: 3,192,200

For Travel
- From General Revenue Fund: 133,100
- From State Pensions Fund: 117,000

For Commodities
- From General Revenue Fund: 52,300
- From State Pensions Fund: 37,600

For Printing
- From General Revenue Fund: 28,500
- From State Pensions Fund: 20,000

For Equipment
- From General Revenue Fund: 61,800
- From State Pensions Fund: 20,000

For Electronic Data Processing
- From General Revenue Fund: 1,021,100
- From State Pensions Fund: 1,109,000

For Telecommunications Services
- From General Revenue Fund: 175,900
- From State Pensions Fund: 70,000

New matter indicated by italics - deletions by strikeout.
For Operation of Automotive Equipment
   From General Revenue Fund...............  8,100
Total, This Section                                           $17,295,600

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

Section 15. The amount of $7,129,500, or so much of that amount as may be necessary, is appropriated to the State Treasurer from the General Revenue Fund for the purpose of making refunds of overpayments of estate tax and accrued interest on those overpayments, if any, and payment of certain statutory costs of assessment.

Section 20. The amount of $2,851,800, or so much of that amount as may be necessary, is appropriated to the State Treasurer from the General Revenue Fund for the purpose of making refunds of accrued interest on protested tax cases.

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

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

Section 35. The following named amounts, or so much of those amounts as may be necessary, respectively, for the objects and purposes named in this Section, are appropriated to the State Treasurer for the payment of interest on and retirement of State bonded indebtedness: For payment of principal and interest on any and all bonds issued pursuant to the Anti-Pollution Bond Act, the Transportation Bond Act, the Capital Development Bond Act of 1972, the School Construction Bond Act, the Illinois Coal and Energy Development Bond Act, and the General Obligation Bond Act:
   From the General Bond Retirement and Interest Fund:
   Principal..................................... $519,793,600
   Interest.................................  460,000,000
Total                                      $979,793,600

Section 37. The amount of $445,000, or so much thereof as may be necessary, is appropriated to the State Treasurer from the General Obligation Bond Rebate Fund for the purpose of making arbitrage rebate payments to the U.S. government.

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

Section 45. The amount of $2,191,200, or so much thereof as may be necessary, is appropriated from the Capital Litigation Trust Fund to the State Treasurer for a block

New matter indicated by italics - deletions by strikeout.
grant to the Cook County Treasurer for the separate account for payment of expenses of the Cook County State's Attorney in capital cases in Cook County in accordance with the Capital Crimes Litigation Act.

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

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

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

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

Section 70. The sum of $150,000, or so much thereof as may be necessary, is appropriated to the Office of the State Treasurer from the General Revenue Fund for expenses related to transition in the event there is a change in the officeholder in the Office of the State Treasurer.

ARTICLE 30

Section 1. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated for the ordinary and contingent expenses of the Department on Aging:

DIVISION OF OLDER AMERICAN SERVICES

Payable from Services for Older Americans Fund:

For Personal Services ......................... $ 1,026,900
For State Contributions to State Employees' Retirement System .......... 108,900
For State Contributions to Social Security ... 78,500
For Group Insurance ......................... 154,700
For Travel .................................. 55,700

New matter indicated by italics - deletions by strikeout.
Section 2. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated for the ordinary and contingent expenses of the Department on Aging:

DIVISION OF LONG TERM CARE

Payable from General Revenue Fund:
For Personal Services ...................... $ 1,187,300
For State Contributions to State
  Employees' Retirement System .............. 125,800
  For State Contributions to Social Security ...
  For Travel ....................................
  For the Alzheimer's Disease
  Task Force and Conference ................. 12,700
Total ........................................ 1,482,700

Section 3. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated for the ordinary and contingent expenses of the Department on Aging:

DIVISION OF ADMINISTRATIVE SUPPORT

Payable from General Revenue Fund:
For Personal Services ...................... $ 1,584,800
For Employee Retirement Contributions
  Paid by Employer .......................... 134,200
For State Contributions to State
  Employees' Retirement System .............. 167,900
  For State Contributions to Social Security ...
  For Contractual Services ................... 173,100
  For Travel ...................................
  For Commodities ............................
  For Printing .................................
  For Equipment ..............................
  For Telecommunications ....................
  For Operation of Auto Equipment .......... 3,500
Total ........................................ 2,350,900

Payable from Services for Older Americans Fund:
For Personal Services ...................... $ 743,600
For Employee Retirement Contributions
  Paid by Employer .......................... 70,800
For State Contributions to State
  Employees' Retirement System .............. 78,800
  For State Contributions to Social Security ...
  For Group Insurance ........................ 149,300

New matter indicated by italics - deletions by strikeout.
For Contractual Services .................... 107,400
For Travel ................................... 26,400
For Commodities .............................. 7,200
For Printing ................................. 12,800
For Equipment ............................... 1,100
For Telecommunications ..................... 15,500
For Operations of Auto Equipment .......... 2,400
Total $1,272,200

Section 4. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated for the ordinary and contingent expenses of the Department on Aging:

BUREAU OF INFORMATION SERVICES SECTION

Payable from General Revenue Fund:
For Personal Services ....................... $ 583,700
For State Contributions to State
  Employees' Retirement System ............. 61,900
  For State Contributions to Social Security ...
    For Contractual Services .................. 123,700
    For Travel ................................ 4,700
    For Commodities ......................... 5,900
    For Printing .............................. 12,500
    For Electronic Data Processing .......... 133,200
    For Telecommunications Services ......... 14,400
    Total $984,400

Section 5. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated for the ordinary and contingent expenses of the Department on Aging:

DISTRIBUTIVE ITEMS
OPERATIONS

Payable from General Revenue Fund:
For Expenses of the Provisions of
  the Elder Abuse and Neglect Act ............ $ 7,375,800
For Expenses of the Intergenerational
  Programs .................................. 125,200
For Expenses of the Illinois Department
  on Aging for Monitoring and Support
  Services ................................. 293,400
For Expenses of the Illinois
  Council on Aging .......................... 12,500
For Expenses of the Senior Employment
  Specialist Program ......................... 270,400
For Expenses of the Grandparents

New matter indicated by italics - deletions by strikeout.
Raising Grandchildren Program ............ 137,300
For Administrative Expenses of Senior Meal Program ...................... 35,300
For Administrative Expenses of the Red Tape Cutter Program ........... 25,000
For Expenses of the Senior Helpline.................. 436,700
For Expenses of the Talented Older Persons in Schools Program .......... 100,000
Total ........................................ 8,811,600

Payable from Services for Older Americans Fund:
For Administrative Expenses of Senior Meal Program ..................... $ 40,300
For Expenses for Senior Caregivers of Adult Disabled Children .......... 214,500
For Purchase of Training Services ............ 148,300
For Expenses of the Discretionary Government Projects.................. 120,000
Total ........................................ 523,100

Payable from the Department on Aging’s Special Projects Fund:
For Expenses of Private Partnership Projects.............................. $ 50,000

Section 6. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated for the ordinary and contingent expenses of the Department on Aging:

**DISTRIBUTIVE ITEMS**

<table>
<thead>
<tr>
<th>GRANTS-IN-AID</th>
</tr>
</thead>
<tbody>
<tr>
<td>Payable from General Revenue Fund:</td>
</tr>
<tr>
<td>For the purchase of Illinois Community Care Program homemaker and Senior Companion Services ............. $185,860,300</td>
</tr>
<tr>
<td>For Case Management .......................... 25,220,800</td>
</tr>
<tr>
<td>For Grants for distribution to the 13 Area Agencies on Aging for costs for home delivered meals and mobile food equipment ... 6,618,500</td>
</tr>
<tr>
<td>Grants for Community Based Services including information and referral services, transportation and delivered meals ......................... 3,107,200</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout.
Area Agencies on Aging ......................  2,000,000
For Grants for Adult Day Care Services ......  12,755,300
For Purchase of Services in connection with
Alzheimer's Initiative and Related
Programs ....................................  107,100
For Grants for Retired Senior
Volunteer Program ...........................  800,000
For Planning and Service Grants to
Area Agencies on Aging ......................  2,293,300
For Grants for the Foster
Grandparent Program .......................  350,000
For Expenses to the Area Agencies
on Aging for Long-Term Care Systems
Development ..............................  282,400
For Grants for Suburban Area Agency
on Aging for the Red
Tape Cutter Program ......................  257,500
For Grants for Chicago Department on Aging
for the Red Tape Cutter Program ...........  617,500
For the Ombudsman Program ...............  400,000
Total $240,669,900
Payable from Services for Older Americans Fund:
For Grants for Social Services ............... $ 27,164,000
For Grants for Nutrition Services .............  24,475,800
For Grants for Employment Services ..........  3,397,000
For Grants for USDA Adult Day Care ..........  1,200,000
For Grants for the USDA Elderly
Feeding Program ..........................  8,000,000
Total $64,236,800

ARTICLE 31

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

FOR OPERATIONS

ADMINISTRATIVE SERVICES

Payable from General Revenue Fund:
For Personal Services ...................... $ 2,024,300
For Employee Retirement Contributions
Paid by Employer ..........................  81,200
For State Contributions to State
Employees' Retirement System ............  214,700

New matter indicated by italics - deletions by strikeout.
For Contractual Services ........................................... 230,000
For Travel ........................................................................ 43,700
For Commodities .............................................................. 52,300
For Printing ...................................................................... 23,900
For Equipment .................................................................. 53,500
For Telecommunications Services ................................. 50,100
For Operation of Auto Equipment ................................. 15,700
For Refunds ..................................................................... 32,000
For Expenses of the Divisional Advisory Boards ......................... 1,900
Total ............................................................................... 1,900

Payable from Wholesome Meat Fund:
For Personal Services ....................................................... $  656,700
For Employee Retirement Contributions
  Paid by Employer .......................................................... 26,400
For State Contributions to State Employees' Retirement System ............ 69,800
For State Contributions to Social Security ............................ 49,200
For Group Insurance ....................................................... 111,700
For Contractual Services ................................................... 20,400
For Travel ..................................................................... 20,100
For Commodities .............................................................. 1,100
For Printing ...................................................................... 1,100
For Equipment .................................................................. 28,000
For Telecommunications Services ................................. 1,100
For Operation of Auto Equipment ................................. 1,100
Total ............................................................................... 986,700

Payable from the Illinois Rural Rehabilitation Fund:
For Illinois' part in administration of Titles I and II of the federal Bankhead-Jones Farm Tenant Act:
For Operations ................................................................. $  26,900

Section 1A. The sum of $10,865,000, or so much thereof as may be necessary, is appropriated from the Agricultural Premium Fund to the Department of Agriculture for deposit into the State Cooperative Extension Service Trust Fund.

Section 1B. The sum of $3,209,600, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Agriculture for deposit into the State Cooperative Extension Service Trust Fund.

Section 2. The following named amounts, or so much thereof as may be

New matter indicated by italics - deletions by strikeout.
necessary, respectively, are appropriated to the Department of Agriculture for:

COMPUTER SERVICES

Payable from General Revenue Fund:
For Personal Services ..................          $ 865,700
For Employee Retirement Contributions
   Paid by Employer .................. 34,900
For State Contributions to State
   Employees' Retirement System ....... 91,800
For State Contributions to
   Social Security .................... 66,300
For Contractual Services ............... 165,900
For Commodities .....................  8,200
For Printing .......................... 11,500
For Equipment .......................  94,600
For Telecommunications Services .......  50,100
Total $1,389,000

Payable from Agricultural Premium Fund:
For Personal Services ..................          $ 172,900
For Employee Retirement Contributions
   Paid by Employer ..................  7,000
For State Contributions to State
   Employees' Retirement System ....... 18,400
For State Contributions to
   Social Security .................... 13,300
For Contractual Services ...............  697,400
For Equipment ....................... 131,700
For Telecommunications Services ....... 18,400
Total $1,059,100

Section 3. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named are appropriated to meet the ordinary and contingent expenses of the Department of Agriculture:

FOR OPERATIONS
AGRICULTURE REGULATION

Payable from General Revenue Fund:
For Personal Services ..................          $ 3,062,700
For Employee Retirement Contributions
   Paid by Employer .................. 122,600
For State Contributions to State
   Employees' Retirement System ....... 324,800
For State Contributions to
   Social Security .................... 234,500
For Contractual Services ...............  57,200

New matter indicated by italics - deletions by strikeout.
For Travel ................................... 242,600
For Commodities ......................... 48,200
For Printing .............................. 5,500
For Equipment ......................... 53,400
For Telecommunications Services .... 21,800
For Operation of Auto Equipment .... 31,000
Total ..................................... 4,204,300

Section 3A. The sum of $525,000, or so much thereof as may be necessary, is appropriated from the Fertilizer Control Fund to the Department of Agriculture for Fertilizer Research.

Section 3B. The sum of $1,000,000, or so much thereof as may be necessary, is appropriated from the Feed Control Fund to the Department of Agriculture for Feed Control.

Section 4. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent expenses of the Department of Agriculture:

MARKETING

Payable from General Revenue Fund:
For Personal Services ...................... $ 766,200
For Employee Retirement Contributions
  Paid by Employer ....................... 30,800
For State Contributions to State
  Employees' Retirement System ........ 81,300
For State Contributions to Social Security ................. 58,800
For Contractual Services ................ 11,200
For Travel ................................ 7,100
For Commodities ......................... 3,000
For Printing .............................. 6,900
For Equipment ......................... 9,700
For Telecommunications Services .... 22,700
For Operation of Auto Equipment .... 8,100
Total ..................................... $1,005,800

Payable from Agricultural Premium Fund:
For Expenses Connected With the Promotion
  and Marketing of Illinois Agriculture
  and Agriculture Exports ................ $ 1,956,000
For Implementation of programs
  and activities to promote, develop
  and enhance the biotechnology
  industry in Illinois .................... $ 140,000

Payable from Agricultural Marketing

New matter indicated by italics - deletions by strikeout.
Services Fund:
For administering Illinois' part under Public Law No. 733, "An Act to provide for further research into basic laws and principles relating to agriculture and to improve and facilitate the marketing and distribution of agricultural products" ........... $ 12,000

Payable from Agriculture Federal Projects Fund:
For expenses of various Federal Projects........ $ 1,000,000

Section 4A. The sum of $145,500, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Agriculture for the Agriculture Assembly.

Section 4B. The sum of $1,455,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Agriculture for the Illinois AgriFIRST Program.

Section 5. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Agriculture for:

ANIMAL INDUSTRIES

Payable from General Revenue Fund:
For Personal Services ......................... $ 3,299,200
For Employee Retirement Contributions
  Paid by Employer ......................... 132,100
For State Contributions to State Employees' Retirement System ............ 349,800
For State Contributions to Social Security .................. 252,000
For Contractual Services .................... 756,200
For Travel .................................. 58,200
For Commodities ............................ 436,500
For Printing ............................... 12,900
For Equipment ............................. 97,000
For Telecommunications Services ............ 58,200
For Operation of Auto Equipment ............. 50,500
For Swine Disease Research ................. 41,400
For Bovine Disease Research ............... 19,600
Total .................................. $5,563,600

Payable from the Illinois Department of Agriculture Laboratory Services Revolving Fund:
For Expenses Authorized by the Animal Disease

New matter indicated by italics - deletions by strikeout.
Laboratories Act .........................  $ 700,000
Payable from the Agriculture Federal Projects Fund:
For Expenses of Various Federal Projects ......................... $ 300,000

Section 6. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Agriculture for:

MEAT AND POULTRY INSPECTION
Payable from the General Revenue Fund
For Personal Services ......................... $ 2,777,600
For Employee Retirement Contributions
Paid by Employer ............................... 111,200
For State Contributions to State
Employees' Retirement System ............... 294,400
For State Contributions to
Social Security ............................... 212,500
For Contractual Services ..................... 100
For Travel ..................................... 3,800
For Commodities ............................. 100
For Printing ................................. 100
For Equipment ............................... 1,000
For Telecommunications Services .......... 11,300
For Operation of Auto Equipment .......... 12,300
Total $3,424,400

Payable from Wholesome Meat Fund:
For Personal Services ......................... $ 2,638,800
For Employee Retirement Contributions
Paid by Employer ............................... 105,700
For State Contributions to State
Employees' Retirement System .......... 279,800
For State Contributions to
Social Security ............................... 202,100
For Group Insurance ......................... 595,300
For Contractual Services ..................... 135,800
For Travel ..................................... 344,300
For Commodities ......................... 24,900
For Printing ................................. 8,100
For Equipment ......................... 235,600
For Telecommunications Services .......... 70,700
For Operation of Auto Equipment .......... 69,300
Total $4,710,400

Section 7. The following named amounts, or so much thereof as may be

New matter indicated by italics - deletions by strikeout.
necessary, respectively, are appropriated to the Department of Agriculture for:

**WEIGHTS AND MEASURES**

Payable from the General Revenue Fund:

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>$780,800</td>
</tr>
<tr>
<td>For Employee Retirement Contributions Paid by Employer</td>
<td>31,300</td>
</tr>
<tr>
<td>For State Contributions to Employees' Retirement System</td>
<td>82,900</td>
</tr>
<tr>
<td>Social Security</td>
<td>59,900</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>11,300</td>
</tr>
<tr>
<td>For Travel</td>
<td>23,600</td>
</tr>
<tr>
<td>For Commodities</td>
<td>4,000</td>
</tr>
<tr>
<td>For Printing</td>
<td>8,300</td>
</tr>
<tr>
<td>For Equipment</td>
<td>19,000</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>8,200</td>
</tr>
<tr>
<td>For Operation of Auto Equipment</td>
<td>50,400</td>
</tr>
<tr>
<td>For Expenses of a Motor Fuel and Petroleum Standards Program pursuant to P.A. 86-0232</td>
<td>82,500</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$1,162,200</strong></td>
</tr>
</tbody>
</table>

Payable from the Agriculture Federal Projects Fund:

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Expenses of various Federal Projects</td>
<td>$100,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$100,000</strong></td>
</tr>
</tbody>
</table>

Payable from the Weights and Measures Fund:

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>$1,219,100</td>
</tr>
<tr>
<td>For Employee Retirement Contributions Paid by Employer</td>
<td>48,900</td>
</tr>
<tr>
<td>For State Contributions to Employees' Retirement System</td>
<td>129,400</td>
</tr>
<tr>
<td>Social Security</td>
<td>93,300</td>
</tr>
<tr>
<td>For Group Insurance</td>
<td>260,500</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>184,500</td>
</tr>
<tr>
<td>For Travel</td>
<td>98,700</td>
</tr>
<tr>
<td>For Commodities</td>
<td>25,900</td>
</tr>
<tr>
<td>For Printing</td>
<td>5,300</td>
</tr>
<tr>
<td>For Equipment</td>
<td>456,700</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>19,600</td>
</tr>
<tr>
<td>For Operation of Auto Equipment</td>
<td>95,300</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$1,162,200</strong></td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout.
Section 8. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Agriculture for:

**ENVIRONMENTAL PROGRAMS**

Payable from the General Revenue Fund:
- For Personal Services: $600,000
- For Employee Retirement Contributions:
  - Paid by Employer: 24,200
- For State Contributions to State Employees' Retirement System: 63,800
- For Social Security: 45,900
- For Contractual Services: 1,800
- For Travel: 23,000
- For Commodities: 800
- For Printing: 1,000
- For Equipment: 900
- For Telecommunications Services: 12,500
- For Operation of Auto Equipment: 8,600
- For Administration of the Livestock Management Facilities Act: 705,000
- For the Detection, Eradication, and Control of Exotic Pests, such as the Asian Long-Horned Beetle and Gypsy Moth: 237,400
- Total: $1,724,900

Payable from Agriculture Pesticide Control Act Fund:
- For Expenses of Pesticide Enforcement Program: $770,000

Payable from Pesticide Control Fund:
- For Administration and Enforcement of the Pesticide Act of 1979: $2,450,000

Payable from the Agriculture Federal Projects Fund:
- For Expenses of Various Federal Projects: $787,000

Payable from the Used Tire Management Fund:

New matter indicated by italics - deletions by strikeout.
For Mosquito Control .............................. $40,000

Section 9. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Agriculture for:

LAND AND WATER RESOURCES

Payable from the Agricultural Premium Fund:
For Personal Services ......................... $ 922,900
For Employee Retirement Contributions
Paid by Employer ............................... 37,100
For State Contributions to State
Employees' Retirement System ............... 98,000
For State Contributions to Social Security .... 70,700
For Contractual Services ....................... 110,100
For Travel .................................... 30,500
For Commodities ............................... 7,000
For Printing .................................. 7,900
For Equipment ................................. 39,900
For Telecommunications Services ............. 20,500
For Operation of Auto Equipment ............. 20,000
For the Ordinary and Contingent Expenses of the Natural Resources Advisory Board ..... 4,200
Total ........................................ $1,368,800

Payable from the Agriculture Federal Projects Fund:
For Expenses Relating to Various Federal Projects ..................... $ 1,650,000

Section 9A. The sum of $6,000,000, or so much thereof as may be necessary, is appropriated to the Department of Agriculture from the Conservation 2000 Fund for the Conservation 2000 Program to implement agricultural resource enhancement programs for Illinois' natural resources, including operational expenses, consisting of the following elements at the approximate costs set forth below:

Conservation Practices
Cost Sharing Program ............... $ 2,500,000
Sustainable Agriculture Programs ...... 750,000
Soil and Water Conservation Grants .. 1,950,000
Streambank Restoration ............... 800,000

Section 9B. The amount of $2,750,000 is appropriated from the Capital Development Fund to the Department of Agriculture for deposit into the Conservation 2000 Projects Fund.

Section 9C. The amount of $2,750,000 or so much thereof as may be necessary, is appropriated from the Conservation 2000 Projects Fund to the Department of Agriculture for the following project at the approximate costs set forth below:

New matter indicated by italics - deletions by strikeout.
Conservation Practices Cost-Share program...... $ 2,750,000

Section 10. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent expenses of the Department of Agriculture for:

SPRINGFIELD BUILDINGS AND GROUNDS

Payable from General Revenue Fund:
For Personal Services......................... $ 2,971,700
For Employee Retirement Contributions
  Paid by Employer .............................. 97,900
For State Contributions to State
  Employees' Retirement System ............... 315,100
For State Contributions to
  Social Security ............................... 244,100
For Contractual Services ..................... 2,054,900
For Payment to the City of Springfield
  for Fire Protection Services at the
  Illinois State Fairgrounds.................. 145,500
For Commodities .............................. 82,500
For Equipment ................................. 183,100
For Telecommunications Services .......... 60,300
For Operation of Auto Equipment .......... 16,600
Total ........................................ $6,171,700

Section 10A. The sum of $1,400,000, or so much thereof as may be necessary, is appropriated from the Illinois State Fair Fund to the Department of Agriculture to satisfy obligations related to the development, use, and operation of a multi-purpose outdoor theater, and to promote and conduct activities at the Illinois State Fairgrounds at Springfield other than the Illinois State Fair, including administrative expenses. No expenditures from the appropriation shall be authorized until revenues from fairground uses sufficient to offset such expenditures have been collected and deposited into the Illinois State Fair Fund.

Section 10B. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Agriculture for:

DUQUOIN BUILDINGS AND GROUNDS

Payable from General Revenue Fund:
For Personal Services......................... $ 1,065,800
For Employee Retirement Contributions
  Paid by Employer .............................. 27,700
For State Contributions to State
  Employees' Retirement System .............. 113,200
For State Contributions to
  Social Security ............................. 82,200
For Contractual Services ........................ 339,300

New matter indicated by italics - deletions by strikeout.
For Travel .............................. 7,200  
For Commodities .......................  63,000  
For Equipment ........................... 102,900  
For Telecommunications Services ...... 17,600  
For Operation of Auto Equipment ...... 12,400  
Total $1,831,300

Section 10C. The sum of $300,000, or so much thereof as may be necessary, is appropriated from the Agricultural Premium Fund to the Department of Agriculture to conduct activities at the Illinois State Fairgrounds at Du Quoin other than the Illinois State Fair, including administrative expenses. No expenditures from the appropriation shall be authorized until revenues from fairgrounds uses sufficient to offset such expenditures have been collected and deposited into the Agricultural Premium Fund.

Section 11. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Agriculture for:

DUQUOIN STATE FAIR

Payable from General Revenue Fund:
- For Personal Services .................. $  299,600  
- For Employee Retirement Contributions
  Paid by Employer ....................... 6,700  
- For State Contributions to State Employees' Retirement System .......... 31,900  
- For State Contributions to Social Security .............................. 23,900  
- For Contractual Services .................. 425,600  
- For Travel .............................. 5,800  
- For Commodities ....................... 23,700  
- For Printing ............................. 8,400  
- For Equipment ........................... 6,800  
- For Telecommunications Services ...... 34,600  
- For Operation of Auto Equipment ...... 2,100  
- For Entertainment at the DuQuoin State Fair ............................. 479,600  
Total $1,348,700

Payable from the Agricultural Premium Fund:
- For Financial Assistance for the DuQuoin State Fair ....................... $455,200

Section 11A. The following named amounts, or so much thereof as may be necessary, are appropriated to the Department of Agriculture for:

ILLINOIS STATE FAIR

Payable from the Illinois State Fair Fund:
- For Operations of the Illinois State Fair Including Entertainment and the Percentage

New matter indicated by italics - deletions by strikeout.
Portion of Entertainment Contracts............ $4,320,900

Section 12. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Agriculture for:

**COUNTY FAIRS AND HORSE RACING**

Payable from the Agricultural Premium Fund:

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<thead>
<tr>
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<th>Amount</th>
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<tr>
<td>For Employee Retirement Contributions</td>
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<td>Paid by Employer</td>
<td>10,200</td>
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<tr>
<td>For State Contributions to State</td>
<td></td>
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<tr>
<td>Employees' Retirement System</td>
<td>27,100</td>
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<tr>
<td>For State Contributions to</td>
<td></td>
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<tr>
<td>Social Security</td>
<td>19,500</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>6,300</td>
</tr>
<tr>
<td>For Travel</td>
<td>3,500</td>
</tr>
<tr>
<td>For Commodities</td>
<td>2,000</td>
</tr>
<tr>
<td>For Printing</td>
<td>3,500</td>
</tr>
<tr>
<td>For Equipment</td>
<td>11,300</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>4,900</td>
</tr>
<tr>
<td>For Operation of Auto Equipment</td>
<td>2,000</td>
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<td><strong>Total</strong></td>
<td><strong>$344,100</strong></td>
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Payable from Illinois Standardbred Breeders Fund:

<table>
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<tr>
<th>Item</th>
<th>Amount</th>
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<tbody>
<tr>
<td>For Personal Services</td>
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<tr>
<td>For Employee Retirement Contributions</td>
<td></td>
</tr>
<tr>
<td>Paid by Employer</td>
<td>4,300</td>
</tr>
<tr>
<td>For State Contributions to State</td>
<td></td>
</tr>
<tr>
<td>Employees' Retirement System</td>
<td>11,300</td>
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<tr>
<td>For State Contributions to</td>
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<tr>
<td>Social Security</td>
<td>8,200</td>
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<tr>
<td>For Contractual Services</td>
<td>21,900</td>
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<tr>
<td>For Travel</td>
<td>5,000</td>
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<td>For Commodities</td>
<td>2,000</td>
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<tr>
<td>For Printing</td>
<td>3,000</td>
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<tr>
<td>For Operation of Auto Equipment</td>
<td>6,500</td>
</tr>
<tr>
<td><strong>Total</strong></td>
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Payable from Illinois Thoroughbred Breeders Fund:

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<th>Amount</th>
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<td>For Employee Retirement Contributions</td>
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<tr>
<td>Paid by Employer</td>
<td>12,900</td>
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<tr>
<td>For State Contributions to State</td>
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</tr>
<tr>
<td>Employees' Retirement System</td>
<td>34,000</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout.
For State Contributions to
Social Security ......................... 24,600
For Contractual Services ................. 27,600
For Travel ............................... 6,000
For Commodities ....................... 2,000
For Printing ............................. 2,100
For Equipment ........................... 28,400
For Telecommunications Services ......... 15,600
For Operation of Auto Equipment ........... 6,500
Total $478,800

Section 13. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Agriculture for:

ADMINISTRATIVE SERVICES PROGRAMS

Payable from the Illinois Rural Rehabilitation Fund:
For Illinois' part in administration of Titles I and II of the federal Bankhead-Jones Farm Tenant Act:
For Programs, Loans and Grants ............. $95,000

Payable from the General Revenue Fund:
For the Agricultural Leadership Foundation ... 38,800
For distribution of institutional agricultural research grants to public universities authorized by the Food and Agriculture Research Act to include administrative costs incurred by the Department of Agriculture pursuant to Section 15 of the Food and Agriculture Research Act (Public Act 89-182) ...................... 8,968,000
Total $9,101,800

Section 14. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Agriculture for:

MARKETING PROGRAMS

Payable from the Illinois Aquaculture Development Fund:
For Grants to Aquaculture Cooperatives ...... $1,000,000

Section 15. The following named amount, or so much thereof as may be necessary, is appropriated to the Department of Agriculture for:

ANIMAL INDUSTRIES PROGRAMS

Payable from General Revenue Fund:
For awards for destruction of livestock, as provided by law ....................... $4,900

Section 16. The following named amounts, or so much thereof as may be

New matter indicated by italics - deletions by strikeout.
necessary, respectively, are appropriated to the Department of Agriculture for:

**LAND AND WATER RESOURCES PROGRAMS**

Payable from the General Revenue Fund:
For Soil Surveys in Mapping Illinois
Soil and operational expenses .................. $411,100
For grants to Soil and Water Conservation
Districts for clerical and other personnel,
for education and promotional assistance,
and for expenses of Water Conservation
District Boards and administrative
expenses ........................................ 6,310,900
Total $6,722,000

Section 17. The following named amounts, or so much thereof as may be
necessary, are appropriated to the Department of Agriculture for:

**ILLINOIS STATE FAIR PROGRAMS**

Payable from the General Revenue Fund:
For Awards to Livestock Breeders
and related expenses......................... $167,200
For Awards and Premiums at the
Illinois State Fair
and related expenses......................... 309,400
For Awards and Premiums for Grand
Circuit Horse Racing at the
Illinois State Fairgrounds
and related expenses......................... 143,700
Total $620,300
Payable from the Illinois State Fair Fund:
For Awards to Livestock Breeders
and related expenses......................... $157,400
For Awards and Premiums at the
Illinois State Fair
and related expenses......................... 443,200
For Awards and Premiums for Grand
Circuit Horse Racing at the
Illinois State Fairgrounds
and related expenses......................... 79,400
Total $680,000

Section 18. The following named amounts, or so much thereof as may be
necessary, respectively, are appropriated to the Department of Agriculture for:

**DUQUOIN STATE FAIR PROGRAMS**

Payable from General Revenue Fund:
For awards and premiums to the

New matter indicated by italics - deletions by strikeout.
DuQuoin State Fair and related expenses...... $ 145,000
For harness racing at the
DuQuoin State Fair and related expenses...... 30,700
Total $175,700

Section 19. The following named amounts, or so much thereof as may be necessary is appropriated to the Department of Agriculture for:

COUNTY FAIRS AND HORSE RACING PROGRAMS

Payable from the General Revenue Fund:
For promotion of the Illinois horse racing and breeding industry .................. 960,700
Payable from the Illinois Racing Quarterhorse Breeders Fund:
For promotion of the Illinois horse racing and breeding industry .................. 75,000
Payable from Illinois Standardbred Breeders Fund:
For grants and other purposes.................. 1,517,000
Payable from Illinois Thoroughbred Breeders Fund:
For grants and other purposes.................. 2,041,500
Total $4,594,200
Payable from the Agricultural Premium Fund:
For distribution to encourage and aid county fairs and other agricultural societies. This distribution shall be prorated and approved by the Department of Agriculture: .................. $ 2,209,100
For premiums to agricultural extension or 4-H clubs to be distributed at a uniform rate .................. 762,000
For premiums to vocational agriculture fairs .................. 179,500
For rehabilitation of county fairgrounds...... 2,739,000
For county fair incentive grants .................. 42,700
For grants and other purposes for county fair and state fair horse racing ............ 425,000
Total $6,357,300
Payable from the General Revenue Fund:
For distribution to county fairs for premiums and rehabilitation as set forth in the Agriculture Fair Act ........... $ 693,700
For grants to the International

New matter indicated by italics - deletions by strikeout.
Livestock Exposition for the
Solid Gold Futurity

<p>| | |</p>
<table>
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<tr>
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</thead>
<tbody>
<tr>
<td>Total</td>
<td>$693,700</td>
</tr>
</tbody>
</table>

Payable from Fair and Exposition Fund:

For distribution to County Fairs and Fair and Exposition Authorities $1,428,900

Section 19A. The sum of $13,152,300, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Agriculture for payment into the Thoroughbred and Standardbred Horse Racing Purse Accounts at Illinois Pari-mutuel Tracks. The amount paid to each Account shall be the amount certified by the Illinois Racing Board in January 2001 to be transferred from each Account to each eligible racing facility.

Section 20. The following named amounts, or so much thereof as may be necessary, are appropriated to the Department of Agriculture for repairs, maintenance, and capital improvements including construction, reconstruction, improvement, repair and installation of capital facilities, cost of planning, supplies, materials, equipment, services and all other expenses required to complete the work:

Payable from Agricultural Premium Fund:

For various projects at the State Fairgrounds $600,000
For various projects at the DuQuoin State Fairgrounds $225,000

Total $825,000

Section 21. The amount of $250,505, or so much as may be necessary, and as remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore, made for such purpose in Article 32, Section 21 of Public Act 92-8, as amended, is reappropriated from the General Revenue Fund to the Department of Agriculture for a biosecurity laboratory, carcass disposal, tanks, and other costs associated with homeland security.

ARTICLE 32

Section 1. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named are appropriated to the Department of Central Management Services:

BUREAU OF ADMINISTRATIVE OPERATIONS PAYABLE FROM GENERAL REVENUE FUND

<p>| | |</p>
<table>
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<tbody>
<tr>
<td>For Personal Services</td>
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<tr>
<td>For Employee Retirement Contributions Paid by Employer</td>
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<tr>
<td>For State Contributions to State Employees' Retirement System</td>
<td>321,500</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout.
For State Contributions to Social Security ....................... 227,600
For Contractual Services ...................... 306,400
For Travel ...................................... 56,900
For Commodities.................................. 20,500
For Printing .................................... 30,200
For Equipment .................................... 16,000
For Electronic Data Processing ................. 654,200
For Telecommunications Services .............. 57,100
For Operation of Auto Equipment ............... 2,200
For Refunds ..................................... 2,000
Total ........................................ $4,847,300

PAYABLE FROM STATE GARAGE REVOLVING FUND
For Personal Services ....................... $ 409,900
For Employee Retirement Contributions
   Paid by Employer .............................. 16,400
For State Contributions to State
   Employees' Retirement System .............. 43,500
For State Contribution to Social Security ...................... 31,400
For Group Insurance ................................ 102,300
For Contractual Services ..................... 16,600
For Travel ...................................... 1,000
For Commodities................................. 5,000
For Printing ..................................... 2,900
For Equipment .................................... 5,800
For Electronic Data Processing ............... 860,000
For Telecommunications Services ............ 7,900
Total .......................................... $1,502,700

PAYABLE FROM STATISTICAL SERVICES REVOLVING FUND
For Personal Services ......................... $ 781,100
For Employee Retirement Contributions
   Paid by Employer ............................. 31,300
For State Contribution to State
   Employees' Retirement Fund ............... 82,800
For State Contributions to Social Security .................. 59,800
For Group Insurance ............................ 148,800
For Contractual Services ..................... 16,100
For Travel ..................................... 4,000
For Commodities............................... 4,300
For Printing ................................... 3,900

New matter indicated by italics - deletions by strikeout.
For Equipment ................................ 5,300
For Electronic Data Processing .......... 13,600
For Telecommunications Services .......... 8,900
Total                                $1,159,900

PAYABLE FROM PAPER AND PRINTING REVOLVING FUND
For Personal Services ...................... $ 47,600
For Employee Retirement Contributions
Paid by Employer .......................... 2,000
For State Contributions to State
Employees' Retirement System ............. 5,100
For State Contribution to
Social Security ............................ 3,700
For Group Insurance ....................... 9,300
For Contractual Services ................. 500
For Commodities ......................... 300
For Printing .............................. 200
For Equipment ............................. 1,000
For Electronic Data Processing ........... 93,000
For Telecommunications Services ........ 800
Total                                $163,500

PAYABLE FROM COMMUNICATIONS REVOLVING FUND
For Personal Services ...................... $ 565,500
For Employee Retirement Contributions
Paid by Employer .......................... 22,700
For State Contributions to State
Employees' Retirement System ............. 60,000
For State Contribution to
Social Security ............................ 43,300
For Group Insurance ....................... 130,200
For Contractual Services ................. 29,800
For Travel ................................ 1,200
For Commodities ......................... 4,800
For Printing .............................. 7,000
For Equipment ............................. 5,900
For Electronic Data Processing ........... 4,854,700
For Telecommunications Services ........ 6,400
Total                                $5,731,500

Section 2. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to the Department of Central Management Services:

ILLINOIS INFORMATION SERVICES

New matter indicated by italics - deletions by strikeout.
PAYABLE FROM GENERAL REVENUE FUND

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<th>Category</th>
<th>Amount</th>
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<td>For Employee Retirement Contributions</td>
<td></td>
</tr>
<tr>
<td>Paid by Employer</td>
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<td>For State Contributions to State</td>
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<tr>
<td>Employees' Retirement System</td>
<td>119,500</td>
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<tr>
<td>For State Contributions to Social Security</td>
<td>86,400</td>
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<td>For Contractual Services</td>
<td>63,600</td>
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<td>For Travel</td>
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<td>For Commodities</td>
<td>18,500</td>
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<td>For Printing</td>
<td>9,300</td>
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<tr>
<td>For Equipment</td>
<td>78,000</td>
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<tr>
<td>For Telecommunications Services</td>
<td>49,000</td>
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<tr>
<td>For Operation of Auto Equipment</td>
<td>3,400</td>
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<tr>
<td><strong>Total</strong></td>
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PAYABLE FROM PAPER AND PRINTING REVOLVING FUND

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<td>For Personal Services</td>
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<tr>
<td>For Employee Retirement Contributions</td>
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<tr>
<td>Paid by Employer</td>
<td>5,100</td>
</tr>
<tr>
<td>For State Contributions to State</td>
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</tr>
<tr>
<td>Employees' Retirement System</td>
<td>13,400</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>9,700</td>
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<tr>
<td>For Group Insurance</td>
<td>27,900</td>
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<td>For Contractual Services</td>
<td>113,300</td>
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<td>For Travel</td>
<td>6,600</td>
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<td>For Commodities</td>
<td>31,000</td>
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<td>For Printing</td>
<td>5,000</td>
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<tr>
<td>For Equipment</td>
<td>70,000</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>3,700</td>
</tr>
<tr>
<td>For Operation of Auto Equipment</td>
<td>12,600</td>
</tr>
<tr>
<td>For Warehouse Stock for all State Agencies and For Printing and Distribution of Wall Certificates</td>
<td>2,274,800</td>
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<tr>
<td>For Refunds</td>
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PAYABLE FROM COMMUNICATIONS REVOLVING FUND

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<td>Paid by Employer</td>
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<tr>
<td>For State Contributions to State</td>
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</table>
Section 3. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated for the objects and purposes hereinafter named, to the Department of Central Management Services:

**BUREAU OF SUPPORT SERVICES**

**PAYABLE FROM GENERAL REVENUE FUND**

For Personal Services ......................... $  1,592,200
For Employee Retirement Contributions
   Paid by Employer .......................... 63,700
For State Contributions to State
   Employees' Retirement System .......... 168,800
For State Contributions to Social
   Security ................................. 119,200
For Contractual Services .................... 132,100
For Travel ................................... 26,900
For Commodities............................. 29,500
For Printing ................................ 58,800
For Equipment .............................. 20,900
For Telecommunications Services ......... 38,000
For Operation of Auto Equipment ........... 7,300
For Expenses Related to the
   Procurement Policy Board ............... 239,800
Total ...................................... $2,497,200

**PAYABLE FROM STATE GARAGE REVOLVING FUND**

For Personal Services ......................... $10,466,400
For Employee Retirement Contributions
   Paid by Employer ........................ 418,700
For State Contributions to State
   Employees' Retirement System .......... 1,109,500
For State Contributions to Social
   Security ................................. 800,700

New matter indicated by italics - deletions by strikeout.
For Group Insurance ......................... 2,129,700
For Contractual Services ...................... 1,112,500
For Travel .................................. 39,900
For Commodities ............................. 136,900
For Printing .............................. 35,000
For Equipment ............................. 1,137,700
For Telecommunications Services .......... 156,200
For Operation of Auto Equipment .......... 27,476,000
For Refunds ............................. 10,000
Total ................................ $45,029,200

PAYABLE FROM STATISTICAL SERVICES REVOLVING FUND

For Personal Services ....................... $ 299,700
For Employee Retirement Contributions
    Paid by Employer .......................... 12,000
For State Contributions to State
    Employees' Retirement System .......... 31,800
For State Contributions to Social Security ........................ ....... 45,000
For Group Insurance ........................ 74,400
For Contractual Services ................... 229,200
For Travel ................................ 600
For Commodities ........................... 6,700
For Printing .............................. 3,100
For Equipment ............................. 1,100
For Telecommunications Services .......... 3,500
Total ................................ $685,100

Section 4. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named are appropriated to the Department of Central Management Services:

BUREAU OF BENEFITS

PAYABLE FROM GENERAL REVENUE FUND

For Personal Services ....................... $ 579,200
For Employee Retirement Contributions
    Paid by Employer .......................... 23,300
For State Contributions to Social Security ........................ ....... 45,000
For Group Insurance and for Payment of Workers’ Compensation Act Claims for First Aid, Medical, Surgical and Hospital Services........ 776,448,400

New matter indicated by italics - deletions by strikeout.
For Contractual Services ................. 111,700
For Travel ................................. 9,600
For Commodities........................... 9,900
For Printing ............................... 4,300
For Equipment ............................. 1,700
For Telecommunications Services ........... 13,900
For Operation of Auto Equipment .......... 900
For payment of claims under the Representation and Indemnification in Civil Lawsuits Act .................. 1,620,000
For payment of Workers' Compensation Act claims and contractual services in connection with said claims payments ......................................... 15,738,100
For auto liability, adjusting and administration of claims, loss control and prevention services, and auto liability claims .......... 1,846,900
Total ........................................ $796,514,400

The sum of $413,700, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Central Management Services for payment of attorneys' fees plus interest in the Hope Clinic, et al. v. James Ryan, et al., No 97 C 8702 (U.S.D.C., Northern District of Illinois.

**PAYABLE FROM LOCAL GOVERNMENT HEALTH INSURANCE RESERVE FUND**

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<th>Amount</th>
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<tr>
<td>For Employee Retirement Contributions</td>
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<td>Paid by Employer .......................... ..............................</td>
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<tr>
<td>For State Contributions to State Employees' Retirement System ..........</td>
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<td>For Contractual Services ...................................................</td>
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<tr>
<td>For Telecommunications Services ...........................................</td>
<td>18,400</td>
</tr>
<tr>
<td>For Operation of Auto Equipment ..........................................</td>
<td>6,500</td>
</tr>
<tr>
<td>Total ........................................ $1,188,800</td>
<td></td>
</tr>
</tbody>
</table>

For the Local Governments Contribution

Under Program of Group Life, Dental, Hospital,

New matter indicated by italics - deletions by strikeout.
And Surgical And Medical Insurance For Persons Serving Local Governments $147,000,000

PAYABLE FROM ROAD FUND

For Group Insurance $92,194,600
For payment of claims and claims administration under the Workers' Compensation Act $4,864,400

PAYABLE FROM GROUP INSURANCE PREMIUM FUND

For expenses of Cost Containment Program $288,000
For Life Insurance Coverage As Elected By Members Per The State Employees Group Insurance Act $73,710,800

PAYABLE FROM HEALTH INSURANCE RESERVE FUND

For Expenses of a Cost Containment Program $158,900
For Provisions of Health Care Coverage As Elected by Eligible Members Per State Employees Group Insurance Act $1,281,781,200

PAYABLE FROM WORKERS' COMPENSATION REVOLVING FUND

For administrative costs of claims services and payment of temporary total disability claims of any state agency or university employee $650,000

Expenditures from appropriations for treatment and expense may be made after the Department of Central Management Services has certified that the injured person was employed and that the nature of the injury is compensable in accordance with the provisions of the Workers' Compensation Act or the Workers' Occupational Diseases Act, and then has determined the amount of such compensation to be paid to the injured person.

Expenditures for this purpose may be made by the Department of Central Management Services without regard to the fiscal year in which benefit or service was rendered or cost incurred as allowable or provided by the Workers' Compensation Act or the Workers' Occupational Diseases Act.

PAYABLE FROM STATE EMPLOYEES DEFERRED COMPENSATION FUND

For expenses related to the administration of the State Employees Deferred Compensation Plan $1,856,900

Section 5. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named are appropriated to the Department of Central Management Services:

BUREAU OF PERSONNEL

PAYABLE FROM GENERAL REVENUE FUND

For Personal Services $5,193,700
For Employee Retirement Contributions

New matter indicated by italics - deletions by strikeout.
Paid by Employer ............................ 207,700
For State Contributions to State
  Employees' Retirement System .......... 550,500
For State Contributions to Social
  Security .............................. 371,800
For Contractual Services ............... 197,900
For Travel ............................... 54,100
For Commodities ......................... 37,600
For Printing ............................. 51,000
For Equipment ........................... 30,300
For Telecommunications Services ....... 75,400
For Operation of Auto Equipment ....... 5,900
For Awards to Employees and
  Expenses of Employees' Suggestion
  Award Board .......................... 10,500
For Wage Claims ........................ 1,053,900
For Expenses of Compensation Review Board  ....... 8,500
For Expenses of the Upward Mobility Program .. 5,411,800
For Expenses of the Ethics Commission
  of the Governor ........................ 379,200
For Expenses of the Governor's Commission
  on the Status of Women in Illinois .... 249,300
For Veterans' Job Assistance Program .... 364,500
For Governor's and Vito Marzullo's
  Internship programs .................. 913,300
For Nurses' Tuition ........................ 150,000

Total ........................................ $15,316,900

Section 6. The following named amounts, or so much thereof as may be
necessary, respectively, are appropriated for the objects and purposes hereinafter named to
meet the ordinary and contingent expenses of the Department of Central Management Services:

**BUSINESS ENTERPRISE PROGRAM**
**PAYABLE FROM GENERAL REVENUE FUND**

For Personal Services ..................... $ 296,300
For Employee Retirement Contributions
  Paid by Employer ......................... 11,900
For State Contributions to State
  Employees' Retirement System .......... 31,400
For State Contributions to Social
  Security .............................. 24,900
For Contractual Services ............... 104,900

New matter indicated by italics - deletions by strikeout.
For Travel ................................... 20,900
For Commodities......................... 6,500
For Printing ............................... 12,000
For Equipment ......................... 1,500
For Telecommunications Services .............. 11,000
For Operation of Auto Equipment .............. 3,400
Total ...................................... $524,700

PAYABLE FROM MINORITY AND FEMALE BUSINESS ENTERPRISE FUND

For Expenses of the Business
Enterprise Program .................. $ 100,000

Section 7. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated for the objects and purposes hereinafter named, to the Department of Central Management Services:

BUREAU OF PROPERTY MANAGEMENT

PAYABLE FROM GENERAL REVENUE FUND

For Personal Services .................... $ 7,453,400
For Employee Retirement Contributions
Paid by Employer ....................... 298,300
For State Contributions to State
Employees’ Retirement System ............ 790,100
For State Contributions to Social Security ....................... 579,700
For Contractual Services ................. 12,919,900
For Travel ................................... 30,600
For Commodities......................... 147,200
For Printing ............................... 13,300
For Equipment ......................... 44,100
For Telecommunications Services .............. 114,100
For Operation of Auto Equipment .............. 28,200
For Permanent Improvements to State
Owned Buildings ......................... 120,000
For Surplus Real Property .................... 214,000
Total ...................................... $22,752,900

PAYABLE FROM STATISTICAL SERVICES REVOLVING FUND

For Personal Services .................... $ 729,500
For Employee Retirement Contributions
Paid by Employer ....................... 29,200
For State Contributions to State
Employees’ Retirement System ............ 77,400
For State Contributions to Social Security ....................... 55,900
For Group Insurance ....................... 102,300

New matter indicated by italics - deletions by strikeout.
For Contractual Services .................... 438,400
For Commodities............................ 19,800
For Equipment ................................ 1,100
For Telecommunications Services .......... 10,300
Total $1,463,900

PAYABLE FROM STATE SURPLUS PROPERTY REVOLVING FUND
For Personal Services ...................... $ 1,039,000
For Employee Retirement Contributions
Paid by Employer ............................. 41,600
For State Contributions to State
Employees' Retirement System ............ 110,200
For State Contributions to Social
Security ........................................ 79,500
For Group Insurance ......................... 204,600
For Contractual Services .................... 667,500
For Travel ...................................... 39,700
For Commodities .............................. 8,300
For Printing ................................... 5,000
For Equipment ................................ 124,900
For Electronic Data Processing .......... 85,000
For Telecommunications Services ........... 26,000
For Operation of Auto Equipment .......... 137,700
For Expenses of a Recycling
Program ....................................... 150,000
For Refunds ................................... 5,000
Total $2,724,000

Section 8. The sum of $200,000, or so much thereof as may be necessary, is appropriated from the Facilities Management Revolving Fund to the Department of Central Management Services for expenses related to the management of facilities operated by the Department.

Section 9. The sum of $250,000, or so much thereof as may be necessary, is appropriated from the Special Events Revolving Fund to the Department of Central Management Services for expenses related to the lease or rental of buildings subject to the jurisdictions of the Department of Central Management Services to individuals or organizations, pursuant to Public Act 84-0961.

Section 10. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated for the objects and purposes hereinafter named to the Department of Central Management Services:

BUREAU OF COMMUNICATION AND COMPUTER SERVICES
PAYABLE FROM STATISTICAL SERVICES REVOLVING FUND
For Personal Services ...................... $18,818,500
For Employee Retirement Contributions
Paid by Employer ............................ 752,800
For State Contributions to State Employees' Retirement System ................ 1,994,800
For State Contributions to Social Security ............................... 1,439,700
For Group Insurance .............................. 2,994,600
For Contractual Services .......................... 2,666,600
For Travel ....................................... 137,100
For Commodities ................................. 124,200
For Printing .................................... 235,800
For Equipment ................................. 206,300
For Electronic Data Processing ................... 98,409,400
For Telecommunications Services ............ 3,891,100
For Operation of Auto Equipment .............. 6,300
For Refunds ................................. 8,000,000
Total ........................................... 8,000,000

PAYABLE FROM COMMUNICATIONS REVOLVING FUND
For Personal Services .......................... $  6,397,400
For Employee Retirement Contributions
Paid by Employer .............................. 255,900
For State Contributions to State Employees' Retirement System ................ 678,200
For State Contributions to Social Security ............................... 489,500
For Group Insurance .............................. 1,171,800
For Contractual Services .......................... 2,267,100
For Travel ....................................... 55,000
For Commodities ................................. 22,900
For Printing .................................... 67,700
For Equipment ................................. 32,300
For Telecommunications Services ............ 156,640,700
For Operation of Auto Equipment .............. 15,000
For Refunds ................................. 50,000
Total ........................................... 168,143,500

Section 11. The sum of $40,000,000, or so much thereof as may be necessary, is appropriated from the Wireless Service Emergency Fund to the Department of Central Management Services for grants to emergency telephone system boards, qualified government entities, or the Department of State Police for the design, implementation, operation, maintenance, or upgrade of wireless 9-1-1 or E9-1-1 emergency services and public safety answering points and for reimbursement of the Communications Revolving Fund for administrative costs incurred by the Department of Central Management Services related to administering the program.

New matter indicated by italics - deletions by strikeout.
Section 12. The sum of $30,000,000, or so much thereof as may be necessary, is appropriated from the Wireless Carrier Reimbursement Fund to the Department of Central Management Services for reimbursement of wireless carriers for costs incurred in complying with the applicable provisions of Federal Communications Commission wireless enhanced 9-1-1 services mandates and for reimbursement of the Communications Revolving Fund for administrative costs incurred by the Department of Central Management Services related to administering the program.

Section 13. The amount of $4,500,000, or so much thereof as may be necessary, is appropriated from the Statistical Services Revolving Fund to the Department of Central Management Services for expenses related to the study, development and implementation of technology standards including related administrative expenses.

Section 14. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated for the objects and purposes hereinafter named, to meet the ordinary and contingent expenses of the Department of Central Management Services:

OFFICE OF INTERNAL SECURITY AND INVESTIGATIONS
PAYABLE FROM GENERAL REVENUE FUND

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>$2,380,600</td>
</tr>
<tr>
<td>For Employee Retirement Contributions</td>
<td></td>
</tr>
<tr>
<td>Paid by Employer</td>
<td>$131,000</td>
</tr>
<tr>
<td>For State Contributions to State Employees' Retirement System</td>
<td>$252,400</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>$39,500</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>$901,200</td>
</tr>
<tr>
<td>For Travel</td>
<td>$13,900</td>
</tr>
<tr>
<td>For Commodities</td>
<td>$37,000</td>
</tr>
<tr>
<td>For Equipment</td>
<td>$3,100</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>$34,700</td>
</tr>
<tr>
<td>For Operation of Auto Equipment</td>
<td>$51,500</td>
</tr>
<tr>
<td>Total</td>
<td>$3,844,900</td>
</tr>
</tbody>
</table>

ARTICLE 33

Section 1. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to the Department of Children and Family Services:

CENTRAL ADMINISTRATION
PAYABLE FROM GENERAL REVENUE FUND

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>$8,264,100</td>
</tr>
<tr>
<td>For Employee Retirement Contributions</td>
<td></td>
</tr>
<tr>
<td>Paid by Employer</td>
<td>$7,448,700</td>
</tr>
<tr>
<td>For State Contributions to State Employees' Retirement System</td>
<td>$852,900</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout.
For State Contributions to
Social Security .......................... 630,000
For Contractual Services ................ 3,615,700
For Travel ............................... 181,900
For Commodities ......................... 25,000
For Printing ............................. 14,000
For Equipment ........................... 35,700
For Telecommunications .................. 213,000
For Attorney General Representation
on Child Welfare Litigation Issues .... 600,600
Total $21,881,600

PAYABLE FROM C&FS FEDERAL PROJECTS FUND
For Adoption Improvement Legacy Project ..... $ 325,000
For Adoption Improvement Opportunities ..... 600,000
For AmeriCorps ........................... 300,000
For Abandoned Infant Assistance .......... 870,000
For Vista Transportation .................. 11,500
For Integrated Community Services ........ 150,000
For Safe Kids and Safe Communities ...... 150,000
For Self Sufficiency Intervention ........ 150,000
For Chicago Family Resource HIV Respite Center ....................... 50,000
For Personal Best Program ................. 357,200
For Illinois Family Support Enhancement ... 75,000
For Project Cornerstone Respite Care .... 70,000
Total $3,108,700

PAYABLE FROM C&FS SPECIAL PURPOSES TRUST FUND
For Chicago Community Trust ............... 157,800
Total $157,800

Section 2. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Children and Family Services:

INSPECTOR GENERAL
PAYABLE FROM GENERAL REVENUE FUND
For Personal Services .................... $ 1,149,300
For State Contributions to State
Employees' Retirement System .......... 118,600
For State Contributions to
Social Security ......................... 87,600
For Contractual Services ............... 933,800
For Travel ............................. 20,000
For Commodities ....................... 9,000

New matter indicated by italics - deletions by strikeout.
Section 3. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to the Department of Children and Family Services:

**ADMINISTRATIVE CASE REVIEW**

PAYABLE FROM GENERAL REVENUE FUND

<table>
<thead>
<tr>
<th>Object</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>$6,548,800</td>
</tr>
<tr>
<td>For State Contributions to Employees' Retirement System</td>
<td>675,900</td>
</tr>
<tr>
<td>Social Security</td>
<td>675,900</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>499,000</td>
</tr>
<tr>
<td>For Travel</td>
<td>164,000</td>
</tr>
<tr>
<td>For Commodities</td>
<td>3,000</td>
</tr>
<tr>
<td>For Printing</td>
<td>17,700</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>16,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$7,998,700</strong></td>
</tr>
</tbody>
</table>

Section 4. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to the Department of Children and Family Services:

**OFFICE OF QUALITY ASSURANCE**

PAYABLE FROM GENERAL REVENUE FUND

<table>
<thead>
<tr>
<th>Object</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>$1,908,900</td>
</tr>
<tr>
<td>For State Contributions to Employees' Retirement System</td>
<td>197,000</td>
</tr>
<tr>
<td>Social Security</td>
<td>145,600</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>274,900</td>
</tr>
<tr>
<td>For Travel</td>
<td>142,800</td>
</tr>
<tr>
<td>For Commodities</td>
<td>2,400</td>
</tr>
<tr>
<td>For Printing</td>
<td>500</td>
</tr>
<tr>
<td>For Equipment</td>
<td>5,800</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>18,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$2,695,900</strong></td>
</tr>
</tbody>
</table>

Section 5. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Children and Family Services:

New matter indicated by italics - deletions by strikeout.
### OPERATIONS AND COMMUNITY SERVICES
#### PAYABLE FROM GENERAL REVENUE FUND

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>$3,344,400</td>
</tr>
<tr>
<td>For State Contributions to State</td>
<td></td>
</tr>
<tr>
<td>Employees' Retirement System</td>
<td>345,100</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>255,000</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>251,000</td>
</tr>
<tr>
<td>For Travel</td>
<td>217,100</td>
</tr>
<tr>
<td>For Commodities</td>
<td>4,500</td>
</tr>
<tr>
<td>For Printing</td>
<td>1,500</td>
</tr>
<tr>
<td>For Equipment</td>
<td>7,100</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>80,000</td>
</tr>
<tr>
<td>For Targeted Case Management</td>
<td>8,569,500</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>$13,075,200</td>
</tr>
</tbody>
</table>

#### PAYABLE FROM C&FS FEDERAL PROJECTS FUND

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Independent Living Initiative</td>
<td>$12,128,900</td>
</tr>
<tr>
<td>For LAN State Board of Education</td>
<td>1,700,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>$13,828,900</td>
</tr>
</tbody>
</table>

#### PAYABLE FROM C&FS REFUGEE ASSISTANCE FUND

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Administrative Expenses Related to Refugee Assistance</td>
<td>$3,000</td>
</tr>
</tbody>
</table>

Section 6. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Children and Family Services:

### CHILD WELFARE - DOWNSTATE REGIONS
#### PAYABLE FROM GENERAL REVENUE FUND

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>$45,079,800</td>
</tr>
<tr>
<td>For State Contributions to State</td>
<td></td>
</tr>
<tr>
<td>Employees' Retirement System</td>
<td>4,652,600</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>3,436,200</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>9,312,800</td>
</tr>
<tr>
<td>For Travel</td>
<td>2,145,000</td>
</tr>
<tr>
<td>For Commodities</td>
<td>250,000</td>
</tr>
<tr>
<td>For Printing</td>
<td>175,000</td>
</tr>
<tr>
<td>For Equipment</td>
<td>136,500</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>2,000,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>$67,187,900</td>
</tr>
</tbody>
</table>

Section 7. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Children and Family Services:

New matter indicated by italics - deletions by strikeout.
CHILD WELFARE - COOK REGION
PAYABLE FROM GENERAL REVENUE FUND

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>$32,991,000</td>
</tr>
<tr>
<td>For State Contributions to State Employees' Retirement System</td>
<td>3,405,100</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>2,514,700</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>12,751,400</td>
</tr>
<tr>
<td>For Travel</td>
<td>1,343,300</td>
</tr>
<tr>
<td>For Commodities</td>
<td>273,000</td>
</tr>
<tr>
<td>For Printing</td>
<td>157,000</td>
</tr>
<tr>
<td>For Equipment</td>
<td>119,300</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>1,880,000</td>
</tr>
<tr>
<td>Total</td>
<td>$55,434,800</td>
</tr>
</tbody>
</table>

The amount of $2,000,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Children and Family Services for the operating expenses of the Central Cook County Child Welfare Office at 4909 West Division Street, Chicago.

Section 8. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Children and Family Services:

CHILD PROTECTION ADMINISTRATION
PAYABLE FROM GENERAL REVENUE FUND

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>$5,817,300</td>
</tr>
<tr>
<td>For State Contributions to State</td>
<td>600,400</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>443,400</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>569,400</td>
</tr>
<tr>
<td>For Travel</td>
<td>48,400</td>
</tr>
<tr>
<td>For Commodities</td>
<td>14,000</td>
</tr>
<tr>
<td>For Printing</td>
<td>2,000</td>
</tr>
<tr>
<td>For Equipment</td>
<td>11,200</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>615,000</td>
</tr>
<tr>
<td>For Child Death Review Teams</td>
<td>125,000</td>
</tr>
<tr>
<td>Total</td>
<td>$8,246,100</td>
</tr>
</tbody>
</table>

PAYABLE FROM C&FS FEDERAL PROJECTS FUND

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Children's Justice Act</td>
<td>$773,000</td>
</tr>
<tr>
<td>For Community Based Family Resource Program</td>
<td>1,607,000</td>
</tr>
<tr>
<td>For Costs under the Child Abuse Act</td>
<td>1,000,000</td>
</tr>
<tr>
<td>For Child Abuse Triage</td>
<td>350,000</td>
</tr>
</tbody>
</table>
Section 9. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Children and Family Services:

**CHILD PROTECTION - DOWNSTATE REGIONS**

**PAYABLE FROM GENERAL REVENUE FUND**

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>$23,851,800</td>
</tr>
<tr>
<td>For State Contributions to State</td>
<td>2,461,700</td>
</tr>
<tr>
<td>Employees' Retirement System</td>
<td>1,818,100</td>
</tr>
<tr>
<td>For Travel</td>
<td>1,074,700</td>
</tr>
<tr>
<td>For Equipment</td>
<td>50,700</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>$29,257,000</td>
</tr>
</tbody>
</table>

Section 10. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Children and Family Services:

**CHILD PROTECTION - COOK REGION**

**PAYABLE FROM GENERAL REVENUE FUND**

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>$26,310,200</td>
</tr>
<tr>
<td>For State Contributions to State</td>
<td>2,715,500</td>
</tr>
<tr>
<td>Employees' Retirement System</td>
<td>2,005,400</td>
</tr>
<tr>
<td>For Travel</td>
<td>495,700</td>
</tr>
<tr>
<td>For Equipment</td>
<td>87,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>$31,613,800</td>
</tr>
</tbody>
</table>

Section 11. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Children and Family Services:

**SUPPORT SERVICES**

**PAYABLE FROM GENERAL REVENUE FUND**

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>$8,353,400</td>
</tr>
<tr>
<td>For State Contributions to State</td>
<td>862,200</td>
</tr>
<tr>
<td>Employees' Retirement System</td>
<td>636,800</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>5,715,300</td>
</tr>
<tr>
<td>For Travel</td>
<td>120,900</td>
</tr>
<tr>
<td>For Commodities</td>
<td>297,000</td>
</tr>
<tr>
<td>For Printing</td>
<td>545,000</td>
</tr>
<tr>
<td>For Equipment</td>
<td>21,000</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout.
For Electronic Data Processing ............ 8,250,000
For Telecommunications Services .......... 1,364,300
For Operation of Automotive Equipment ...... 50,100
For Refunds .............................. 5,900
For Planet Electronic Vacancy
Monitoring System ..................... 252,900
For Payment of Administrative Costs and
Collection Fees Related to Parental
Payments and for Payment for Services
Provided by the Department .............. 241,700
Total .................................. $26,716,500

PAYABLE FROM DCFS CHILDREN'S SERVICES FUND
For Title IV-E Reimbursement
Enhancement .............................. $ 4,541,800
For SSI Reimbursement .................. 1,804,300
For AFCARS/SACWIS Information
System ................................. 28,275,000
Total .................................. $34,621,100

Section 12. The following named amounts, or so much thereof as may be
necessary, respectively, are appropriated to the Department of Children and Family
Services:

CLINICAL SERVICES
PAYABLE FROM GENERAL REVENUE FUND
For Personal Services .................... $ 2,599,100
For State Contributions to State
Employees' Retirement System .......... 268,300
For State Contributions to
Social Security .......................... 198,100
For Contractual Services ............... 187,200
For Travel .............................. 80,300
For Commodities ........................ 3,000
For Printing ............................. 1,500
For Equipment ........................... 4,800
For Telecommunications Services ....... 63,000
Total .................................. $3,405,300

PAYABLE FROM DCFS CHILDREN'S SERVICES FUND
For Training Department Staff ............ $ 1,600,000

OFFICE OF THE GUARDIAN
PAYABLE FROM GENERAL REVENUE FUND
For Personal Services .................... $ 3,192,900
For State Contributions to State
Employees' Retirement System .......... 329,500

New matter indicated by italics - deletions by strikeout.
For State Contribution to
Social Security ......................... 243,300
For Contractual Services ............... 478,900
For Travel ................................. 60,200
For Commodities ......................... 8,100
For Printing .............................. 1,000
For Equipment ............................ 4,300
For Telecommunications .................. 115,000
Total $4,433,200

PURCHASE OF SERVICE MONITORING
PAYABLE FROM GENERAL REVENUE FUND

Personal Services ....................... $16,808,600
For State Contributions to State
Employees' Retirement System ........... 1,734,800
For State Contribution to
Social Security ......................... 1,281,300
For Contractual Services ............... 2,475,900
For Travel ................................. 50,900
For Commodities ......................... 11,000
For Printing .............................. 1,000
For Equipment ............................ 30,300
For Telecommunications .................. 133,000
Total $22,526,800

Section 13. The following named amounts, or so much thereof as may be necessary, respectively, for payments for care of children served by the Department of Children and Family Services:

GRANTS-IN-AID
REGIONAL OFFICES
PAYABLE FROM GENERAL REVENUE FUND

For Foster Homes and Specialized
Foster Care and Prevention .............. $191,490,800
For Counseling and Auxiliary Services .... 10,140,900
For Institution and Group Home Care and
Prevention ............................... 122,564,500
For Services Associated with the Foster
Care Initiative ........................... 8,139,100
For Purchase of Adoption and
Guardianship Services .................... 155,048,600
For Health Care Network ................. 4,657,900
For Cash Assistance and Housing
Locator Service to Families in the
Class Defined in the Norman Consent Order ... 3,715,600

New matter indicated by italics - deletions by strikeout.
For Youth in Transition Program .......... 827,000
For Children's Personal and Physical Maintenance ................. 5,132,300
For MCO Technical Assistance and Program Development ................. 1,701,800
For Pre Admission/Post Discharge Psychiatric Screening ................. 8,257,600
For Assisting in the Development of Children's Advocacy Centers .......... 1,881,800
For Psychological Assessments including Operations and Administrative Expenses ................. 4,211,900
Total $517,769,800

PAYABLE FROM DCFS CHILDREN’S SERVICES FUND

For Foster Homes and Specialized Foster Care and Prevention .......... $157,041,300
For Counseling and Auxiliary Services ....... 19,263,600
For Institution and Group Home Care and Prevention ................. 108,594,500
For Assisting in the development of Children's Advocacy Centers .......... 1,540,000
For Services Associated with the Foster Care Initiative ................. 1,958,000
For Purchase of Adoption and Guardianship Services ................. 119,008,100
For Family Preservation Services.......... 24,433,500
For Purchase of Children’s Services........... 726,300
For Family Centered Services Initiative ...... 13,200,000
Total $445,765,300

In addition to any amounts heretofore appropriated, the amount of $5,000,000, or so much thereof as may be necessary, is appropriated to the Department of Children and Family Services from the DCFS Children's Services Fund for family centered services.

Section 14. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to the Department of Children and Family Services:

CENTRAL ADMINISTRATION
PAYABLE FROM GENERAL REVENUE FUND
For Department Scholarship Program .......... $ 861,900
Total $861,900

PAYABLE FROM DCFS CHILDREN’S SERVICES FUND
For Marriage and Dissolution of Marriage Home Studies/Visitations .......... $ 41,400

New matter indicated by italics - deletions by strikeout.
Section 15. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Children and Family Services for:

**OPERATION AND COMMUNITY SERVICES**

**PAYABLE FROM GENERAL REVENUE FUND**

For Purchase of Treatment Services for the Governor's Youth Services
Initiative .................. $ 50,000
For Reimbursing Counties ............ 346,300
Total ................................ $396,300

**PAYABLE FROM C&FS REFUGEE ASSISTANCE FUND**

For Services for Refugee and Cuban/Haitian Entrant
Unaccompanied Minors ......................... $ 12,000

Section 16. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Children and Family Services for:

**GRANTS-IN-AID**

**SUPPORT SERVICES**

**PAYABLE FROM GENERAL REVENUE FUND**

For Payment of Claims for Damage or Loss of Personal Property ............ $ 2,800
For Tort Claims .................... 239,200
Adoption Listing Service................. 1,505,600
Total ................................ $1,747,600

**CHILD PROTECTION ADMINISTRATION**

Payable from the General Revenue Fund:
For Treatment & Research of Child Abuse ...... $ 794,400
For Protective/Family Maintenance
Day Care .................................. 23,825,400
For Day Care Infant Mortality .............. 1,280,100
Total ................................ $25,899,900

Payable from the Child Abuse Prevention Fund:
For Child Abuse Prevention .................. $ 600,000

**CLINICAL SERVICES**

Payable from the DCFS Training Fund:
For Foster Care and Adoption
Care Training Services ...................... $ 30,000,000

**ARTICLE 34**

Section 1. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Commerce and Community

New matter indicated by italics - deletions by strikeout.
Affairs:

**GENERAL ADMINISTRATION OPERATIONS**

Payable from the General Revenue Fund:
- For Personal Services $5,608,600
- For Retirement Contributions Paid by Employer 224,300
- For Extra Help 9,900
- For State Contributions to State Employees' Retirement System 594,400
- For State Contributions to Social Security 429,100
- For Contractual Services 2,999,700
- For Travel 150,800
- For Commodities 63,000
- For Printing 53,700
- For Equipment 84,300
- For Electronic Data Processing 837,000
- For Telecommunications Services 177,000
- For Operation of Automotive Equipment 49,500
Total $11,281,300

Payable from the Tourism Promotion Fund:
- For Personal Services $1,052,200
- For Retirement Contributions Paid by Employer 42,100
- For State Contributions to State Employees' Retirement System 111,600
- For State Contributions to Social Security 80,500
- For Group Insurance 195,300
- For Contractual Services 667,000
- For Travel 14,100
- For Commodities 16,200
- For Printing 30,000
- For Equipment 72,900
- For Electronic Data Processing 194,300
- For Telecommunications Services 31,300
- For Operation of Automotive Equipment 10,000
Total $2,517,500

Payable from the Intra-Agency Services Fund:
- For Personal Services $910,700
- For Retirement Contributions Paid

New matter indicated by italics - deletions by strikeout.
Section 1.1. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Commerce and Community Affairs:

GENERAL ADMINISTRATION
GRANTS-IN-AID

Payable from the General Revenue Fund:
For the State's Share of State's
   Attorneys' and Assistant State's
   Attorneys' salaries, including
   prior year costs ....................... $ 11,165,000
For the Annual Stipend for Sheriffs as
   Provided in subsection (d) of Section
   4-6003 and Section 4-8002 of the
   Counties Code......................... 663,000
For the Annual Stipend to County
   Coroners Pursuant to 55 ILCS 5/4-6002,
   including prior year costs............ 663,000
Total .................................. $12,491,000

Section 2. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Commerce and Community Affairs:

BUREAU OF TOURISM
OPERATIONS

Payable from the Tourism Promotion Fund:
For Personal Services .................. $ 1,134,500
For Retirement Contributions Paid

New matter indicated by italics - deletions by strikeout.
by Employer ............................ 45,400
For State Contributions to State
  Employees' Retirement System .......... 120,300
For State Contributions to
  Social Security .......................... 86,800
For Group Insurance ...................... 200,000
For Contractual Services ................. 423,600
For Travel ................................ 70,000
For Commodities......................... 14,300
For Printing............................... 484,600
For Equipment............................ 19,300
For Telecommunications Services ......... 35,000
For Statewide Tourism Promotion ........ 6,314,100
For Advertising and Promotion of Tourism
  Throughout Illinois Under Subsection (2)
  of Section 4a of the Illinois Promotion
  Act ........................................ 12,578,700
For Advertising and Promotion of Illinois
  Tourism in International Markets ...... 2,816,600
For Sports Marketing Partnerships, Events
  and other Promotional Efforts .......... 250,000
For Illinois State Fair Ethnic
  Village Expenses ........................ 61,000
Total .................................... 61,000
$24,654,200

Section 2.1. The following named amounts, or so much thereof as may be
necessary, respectively, are appropriated to the Department of Commerce and Community
Affairs:

BUREAU OF TOURISM
GRANTS-IN-AID

Payable from the General Revenue Fund:
  For a grant to the Illinois Health and Sports
    Foundation for costs associated with
    Southwestern Senior Olympics............. 100,000
  For a grant to the Illinois Health and Sports
    Foundation for the Prairie State Games... 100,000
Payable from the Grape and Wine Resource Fund:
  For a grant to the Grape and Wine Resources
    Council for Operational Expenses, Pursuant
    to 235 ILCS 5/12-4 ....................... 500,000
Payable from the International Tourism Fund:
  For Grants, Contracts and Administrative
  Expenses Pursuant to 20 ILCS

New matter indicated by italics - deletions by strikeout.
605/605-707, Including Prior Year Costs  
Payable from the Tourism Attraction Development Matching Grant Fund:
For Grants and Loans Pursuant to  
20 ILCS 665/8a  
Total  
Payable from Local Tourism Fund:
For grants to Convention and Tourism Bureaus--  
Chicago Convention and Tourism Bureau  
Chicago Tourism Council  
Balance of State  
Total  

<table>
<thead>
<tr>
<th>Section 2.2. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Commerce and Community Affairs:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Payable from the Tourism Promotion Fund:</td>
</tr>
<tr>
<td>For the Tourism Matching Grant Program Pursuant to 20 ILCS 665/8-1 for Counties under 1,000,000</td>
</tr>
<tr>
<td>For the Tourism Matching Grant Program Pursuant to 20 ILCS 665/8-1 for Counties over 1,000,000</td>
</tr>
<tr>
<td>For Grants and Loans Pursuant to 20 ILCS 665/8a</td>
</tr>
<tr>
<td>For Purposes Pursuant to the Illinois Promotion Act, 20 ILCS 665/4a-1 to Match Funds from Sources in the Private Sector</td>
</tr>
<tr>
<td>For Grants to Regional Tourism Development Organizations</td>
</tr>
<tr>
<td>For Grants Pursuant to 605-710 of the Department of Commerce and Community Affairs Law of the Civil Administrative Code of Illinois</td>
</tr>
</tbody>
</table>

The Department, with the consent in writing from the Governor, may reapportion not more than ten percent of the total appropriation of Tourism Promotion Fund, in Section 2.2 above, among the various purposes therein recommended.

Section 2.3. The sum of $2,000,000, or so much thereof as may be necessary, is appropriated from the International Tourism Fund from revenues received prior to January 1, 2000, to the Department of Commerce and Community Affairs for grants, contracts, New matter indicated by italics - deletions by strikeout.
and administrative expenses associated with the Abraham Lincoln Presidential Library and Museum, including prior year costs.

Section 2.4. The sum of $50,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from reappropriations heretofore made for such purpose in Article 35, Section 25 of Public Act 92-8, as amended, is reappropriated from the General Revenue Fund to the Department of Commerce and Community Affairs for grants to local governments and not-for-profit entities.

Section 3. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Commerce and Community Affairs:

BUREAU OF TECHNOLOGY AND INDUSTRIAL COMPETITIVENESS OPERATIONS

Payable from the General Revenue Fund:
- For Personal Services ..................... $ 946,200
- For Retirement Contributions Paid
  by Employer ................................ 38,000
- For State Contributions to State Employees' Retirement System ............. 100,300
- For State Contributions to Social Security .................. 72,400
- For Contractual Services .................. 57,300
- For Travel .................................. 28,500
- For Commodities............................ 1,300
- For Printing................................. 800
- For Equipment.............................. 5,000
- For Telecommunications Services ............. 16,200
- For Operation of Automotive Equipment .... 1,000
- For Administration and Related Expenses of the Illinois Coalition ........... 0
Total........................................... $1,267,000

Payable from the Federal Industrial Services Fund:
- For Personal Services ..................... $ 862,600
- For Retirement Contributions Paid
  by Employer ................................ 34,600
- For State Contributions to State Employees' Retirement System ............. 91,500
- For State Contributions to Social Security .................. 66,000
- For Group Insurance ....................... 167,400
- For Contractual Services .................. 274,800
- For Travel.................................. 67,900
- For Commodities............................ 12,700

New matter indicated by italics - deletions by strikeout.
For Printing ..................................  20,000
For Equipment ...............................  237,000
For Telecommunications Services ..........  30,000
For Operation of Automotive Equipment ....  9,500
For Other Expenses of the Occupational Safety and Health Administration Program ....  451,000
Total ........................................  2,325,000

Payable from the Tobacco Settlement Recovery Fund:
For Administration and Grant Expenses of the Marketing Technology Initiative ...... $ 2,000,000

Section 3.1. The amounts of $1,188,873 and $23,716, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2002, from an appropriation and reappropriation heretofore made in Article 35, Section 4 and Section 4a, respectively, of Public Act 92-8, as amended, are reappropriated from the Tobacco Settlement Recovery Fund to the Department of Commerce and Community Affairs for administration and grant expenses of the Marketing Technology Initiative.

Section 3.2. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Commerce and Community Affairs:

**BUREAU OF TECHNOLOGY AND INDUSTRIAL COMPETITIVENESS**

**GRANTS-IN-AID**

Payable from General Revenue Fund:
For the Job Training and Economic Development Grant Program Act of 1997, as amended, including grants, contracts, and administrative expenses, including prior year costs ........ $ 1,450,000
For Grants, Contracts and Administrative Expenses for the Industrial Training Program, Pursuant to 20 ILCS 605/605-800 and 20 ILCS 605/605-802, Including Prior Year Costs .................. 25,121,500
For Technology Related Grants, Loans, Investments, and Administrative Expenses Pursuant to the Technology Advancement and Development Act, Including prior year costs ....................... 4,481,900
For Grants and Administrative Expenses Pursuant to the High Technology School-to-Work Act, Including Prior Year Costs ............................. 1,000,000
For Grants and Administrative Expenses for the Illinois Technology

New matter indicated by italics - deletions by strikeout.
Enterprise Corporation Program, 
including prior year costs ................. 490,000
For a Grant to the Chicago Manufacturing 
Center for the Manufacturing 
Extension Program ....................... 539,200
For all costs relating to the Center 
for Safe Food for Small Businesses 
at the Illinois Institute of Technology..... 300,000
For a Grant to the City of Chicago for the 
Jobs for Summer Youth Program........... 1,000,000
Total .................................. $34,382,600

Payable from the New Technology Recovery Fund:
For Technology Related Grants, Loans, 
Investments, and Administrative 
Expenses Pursuant to the Technology 
Advancement and Development Act, 
Including Prior Year Costs ............... $ 6,655,400

Payable from the Workforce, Technology, and 
Economic Development Fund:
For Grants, Contracts, and Administrative 
Expenses Pursuant to 20 ILCS 605/ 
605-420, Including Prior Year Costs....... $ 12,000,000

Payable from the Tobacco Settlement Recovery Fund:
For Grants and Administrative Expenses 
For the Illinois Technology Enterprise 
Corporation Program, Including Prior 
Year Costs ............................. $ 1,500,000

Payable from the Technology Innovation 
and Commercialization Fund:
For Grants Pursuant to 20 ILCS 
605/605-365, Including Prior 
Year Costs ............................. $ 575,000

Payable from the Illinois Equity Fund:
For Grants, Loans, and Investments in 
Accordance with the Provisions of 
Public Act 84-0109, as amended .......... $ 3,000,000

Payable from the Digital Divide Elimination Fund:
For Grants, Contracts, and Administrative 
Expenses Pursuant to 30 ILCS 780, 
Including Prior Year Costs ............. $ 5,000,000

Section 3.3. The amount of $500,000, or so much thereof as may be necessary and 
remains unexpended at the close of business on June 30, 2002, from an appropriation

New matter indicated by italics - deletions by strikeout.
heretofore made in Article 35, Section 283 of Public Act 92-8, as amended, is reappropriated from the General Revenue Fund to the Department of Commerce and Community Affairs for a grant to Third World Press.

Section 3.4. The sum of $4,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 35, Section 286 of Public Act 92-8, is appropriated from the General Revenue Fund to the Department of Commerce and Community Affairs for a grant to the City Colleges of Chicago for all costs associated with technology improvements, including, but not limited to the purchase of equipment, software and administration.

Section 3.5. The sum of $1,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 35, Section 287 of Public Act 92-8, is reappropriated from the General Revenue Fund to the Department of Commerce and Community Affairs for a grant to the City of Chicago for the Jobs for Summer Youth Program.

Section 3.6. The sum of $490,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 35, Section 33 of Public Act 92-8, is reappropriated from the General Revenue Fund to the Department of Commerce and Community Affairs for grants and administrative expenses related to the Illinois Technology Enterprise Corporation Program, including prior year costs.

Section 3.7. The amount of $29,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 35, Section 36 of Public Act 92-8, as amended, is reappropriated from the Capital Development Fund to the Department of Commerce and Community Affairs for a grant to the DuPage Airport Authority for planning, design and access infrastructure related to the hi-tech business campus.

Section 3.8. The amount of $6,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 35, Section 37 of Public Act 92-8, as amended, is reappropriated from the Capital Development Fund to the Department of Commerce and Community Affairs for a grant for planning, design, construction, and all other costs associated with a new Ford Technical Training Center.

Section 3.9. The amount of $1,500,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 35, Section 33 of Public Act 92-8, as amended, is reappropriated from the Tobacco Settlement Recovery Fund to the Department of Commerce and Community Affairs for grants and administrative expenses for the Illinois Technology Enterprise Corporation Program, including prior year costs.

BUREAU OF TECHNOLOGY AND INDUSTRIAL COMPETITIVENESS
REFUNDS

Section 3.10. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the Federal Industrial Services Fund to the Department of Commerce

New matter indicated by italics - deletions by strikeout.
and Community Affairs for refunds to the federal government and other refunds.

Section 4. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Commerce and Community Affairs:

**BUREAU OF BUSINESS DEVELOPMENT OPERATIONS**

<table>
<thead>
<tr>
<th>Payable from General Revenue Fund:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>$3,065,400</td>
</tr>
<tr>
<td>For Retirement Contributions Paid by Employer</td>
<td>122,500</td>
</tr>
<tr>
<td>For State Contributions to State Employees' Retirement System</td>
<td>324,900</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>234,500</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>481,900</td>
</tr>
<tr>
<td>For Travel</td>
<td>132,300</td>
</tr>
<tr>
<td>For Commodities</td>
<td>18,200</td>
</tr>
<tr>
<td>For Printing</td>
<td>4,700</td>
</tr>
<tr>
<td>For Equipment</td>
<td>14,000</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>106,600</td>
</tr>
<tr>
<td>For Operation of Automotive Equipment</td>
<td>2,000</td>
</tr>
<tr>
<td>For Advertising and Promotion</td>
<td>980,000</td>
</tr>
<tr>
<td>For Administrative and Related Support for the First-Stop Business Information Center of Illinois</td>
<td>680,000</td>
</tr>
<tr>
<td>For Transfer to the Illinois Capital Revolving Loan Fund</td>
<td>2,250,000</td>
</tr>
<tr>
<td>For Administrative and Related Expenses of the Illinois Women’s Business Ownership Council</td>
<td>15,000</td>
</tr>
<tr>
<td>Total</td>
<td>$8,432,000</td>
</tr>
</tbody>
</table>

Payable from Economic Research and Information Fund:

| For Purposes Set Forth in Section 605-20 of the Civil Administrative Code of Illinois (20 ILCS 605/605-20) | $250,000 |

Payable from the Commerce and Community Assistance Fund:

| For Personal Services             | $931,600  |
| For Retirement Contributions Paid by Employer | 37,300 |

New matter indicated by italics - deletions by strikeout.
For State Contributions to State
   Employees' Retirement System ............... 98,800
For State Contributions to
   Social Security ............................ 71,300
For Group Insurance......................... 167,400
For Contractual Services ................. 236,800
For Travel ................................... 76,000
For Commodities......................... 14,800
For Printing ................................. 19,100
For Equipment ............................... 15,600
For Telecommunications Services ......... 45,400
Total ........................................ $1,714,100

Payable from Illinois Capital Revolving Loan Fund:
For Administration and Related
   Support Pursuant to Public
   Act 84-0109, as amended .................... $ 1,303,000

Section 4.1. The following named amounts, or so much thereof as may be
necessary, respectively, are appropriated to the Department of Commerce and Community
Affairs:

BUREAU OF BUSINESS DEVELOPMENT
GRANTS-IN-AID

Payable from General Revenue Fund:
For Small Business Development Centers,
   Including Prior Year Costs .................. $ 2,612,000
For the Purpose of Providing Grants
to Existing Procurement Centers to
Expand Participation in the
Government Contracting Process and
to Increase the Opportunities for
Purchasing Outsourcing Among
   Illinois Suppliers .......................... 545,800
Total ........................................ $3,157,800

Payable from the Small Business Environmental
   Assistance Fund:
   For Expenses of the Small Business
   Environmental Assistance Program ....... $ 1,008,300

Payable from the Urban Planning Assistance Fund:
For the U.S. Department of Defense
   Procurement Assistance Program, including
   Prior Year Costs ............................ $ 405,300

Payable from Commerce and Community Assistance Fund:
For Small Business Development

New matter indicated by italics - deletions by strikeout.
Centers, Including Prior Year Costs .................................. $ 1,800,000

For Administration and Grant Expenses of the National Institute of Standards and Technology and State Technology Extension Program, Including Prior Year Costs .................. 1,400,000

For Administration and Grant Expenses Relating to Small Business Development, Labor Management Programs for New and Expanding Businesses, and Economic and Technological Assistance to Illinois Communities and Units of Local Government, Including Prior Year Costs .................. 4,000,000

Total ........................................ 4,000,000

Payable From the Illinois Capital Revolving Loan Fund: For the Purpose of Grants, Loans, and Investments in Accordance with the Provisions of Public Act 84-0109, as amended .................. $ 13,000,000

Payable from the Large Business Attraction Fund: For the purpose of Grants, Loans, Investments, and Administrative Expenses in Accordance with Article 10 of the Build Illinois Act ............ $ 15,000,000

Payable from the Public Infrastructure Construction Loan Revolving Fund: For the Purpose of Grants, Loans, Investments, and Administrative Expenses in Accordance with Article 8 of the Build Illinois Act ............ $ 20,015,200

Payable from the Corporate Headquarters Relocation Assistance Fund: For Grants Pursuant to the Corporate Headquarters Relocation Act, including prior year costs .................. $ 8,600,000

Section 4.2. The sum of $10,000, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2002, from reappropriations heretofore made for such purpose in Article 35, Section 50 of Public Act 92-8, as amended, is reappropriated from the General Revenue Fund to the Department of Commerce and

New matter indicated by italics - deletions by strikeout.
Community Affairs for a grant to the Village of Smithboro for the purchase and installation of street signs and sidewalk replacement.

Section 4.3. The sum of $171,700, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 35, Section 290 of Public Act 92-8, is reappropriated from the General Revenue Fund to the Department of Commerce and Community Affairs for a grant to the Lincoln Foundation for Business Excellence to administer the Lincoln Awards for Excellence Program.

Section 4.4. The sum of $500,000, or so much thereof as may be necessary, is appropriated from the Capital Development Fund to the Department of Commerce and Community Affairs for a grant to Argonne National Laboratory for the "TRUE GRID I-WIRE" Program.

Section 4.5. The amounts of $2,500,000, and $1,701,305, or so much thereof as may be necessary and as remain unexpended at the close of business on June 30, 2002, from an appropriation and reappropriation heretofore made for such purpose in Article 35, Section 51 of Public Act 92-8, as amended, are reappropriated from the Capital Development Fund to the Department of Commerce and Community Affairs for a grant to Argonne National Laboratory for the "TRUE GRID I-WIRE" Program.

Section 4.6. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Commerce and Community Affairs:

**BUREAU OF BUSINESS DEVELOPMENT**

**REFUNDS**

Payable from Urban Planning Assistance Fund:
For Refunds to the Federal Government and other refunds ........................................ $ 50,000

Payable from Commerce and Community Assistance Fund:
For Refunds to the Federal Government and other refunds ........................................ $ 50,000

Section 5. The following named amounts, or so much thereof as may be necessary, are appropriated to the Department of Commerce and Community Affairs:

**OFFICE OF COAL DEVELOPMENT AND MARKETING**

**GRANTS-IN-AID**

Payable from the Coal Technology Development Assistance Fund:
For Grants, Contracts, and Administrative Expenses Under the Provisions of the Illinois Coal Technology Development Assistance Act, Including Prior Years Costs ........................................ $ 24,092,600

Payable the Institute of Natural Resources Special Projects Fund:

New matter indicated by italics - deletions by strikeout.
For the Purpose of Disbursing Federal Grant Funds for Coal Related Projects, Including Coal Desulfurization Research and Development, including Refunds and Prior Year Costs $ 2,500,000

Payable from the Coal Development Fund:
For the Coal Demonstration Program $ 6,000,000

Section 5.1. The sum of $6,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 35, Section 53 of Public Act 92-8, is reappropriated from the Coal Development Fund to the Department of Commerce and Community Affairs for the Coal Demonstration Program.

Section 5.2. The amounts of $22,000,000 and $851,947, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2002, from an appropriation and reappropriation heretofore made in Article 35, Section 54 of Public Act 92-8, as amended, are reappropriated from the Coal Development Fund to the Department of Commerce and Community Affairs for the purpose of providing partial funds for planning, design, engineering and testing, and construction of a low emissions boiler system for Illinois high-sulfur coals.

No contract shall be entered into or obligation incurred for any expenditure from appropriations made in this Section of this Article until after the purpose and amounts have been approved in writing by the Governor.

COAL DEVELOPMENT AND MARKETING - PERMANENT IMPROVEMENTS

Section 5.3. The amount of $16,695, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2002 from appropriations and reappropriations heretofore made in Article 35, Section 91 of Public Act 92-8, as amended, is reappropriated from the Coal Development Fund to the Department of Commerce and Community Affairs for capital development of coal resources.

No contract shall be entered into or obligation incurred from any expenditures from appropriations made in Section 108 of this Article until after the purposes and amounts have been approved in writing by the Governor.

Section 6. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Commerce and Community Affairs:

ILLINOIS FILM OFFICE

Payable from Tourism Promotion Fund:
For Personal Services $ 464,100
For Employee Retirement Contributions Paid by Employer 18,600
For State Contributions to State Employees' Retirement System 49,200

New matter indicated by italics - deletions by strikeout.
For State Contributions to Social Security ... 35,500
For Group Insurance ......................... 74,400
For Contractual Services ....................... 180,300
For Travel .................................... 25,000
For Commodities ................................ 8,500
For Printing .................................... 24,500
For Equipment .................................. 5,000
For Telecommunications Services .......... 19,000
For Operation of Automotive Equipment ...... 2,500
Total $906,600

Section 7. The following named amounts, or so much thereof as may be
necessary, are appropriated to the Department of Commerce and Community Affairs:

ILLINOIS TRADE OFFICE
OPERATIONS

Payable from General Revenue Fund:
For Personal Services ....................... $ 973,200
For Employee Retirement Contributions
Paid by Employer ............................ 39,000
For State Contributions to State Employees'
Retirement System .......................... 103,200
For State Contributions to Social Security .... 74,500
For Contractual Services ...................... 1,347,800
For Travel .................................... 50,200
For Commodities .............................. 9,900
For Printing .................................. 24,000
For Equipment ................................. 11,000
For Telecommunications Services ........... 111,200
For Administrative and Related Expenses
of the NAFTA Opportunity Centers .......... 210,500
For Expenses Relating to the Illinois
Export and Reverse Investment
Promotion Program ........................... 50,000
For Expenses Relating to Compliance
with the Belgium Social Security
System ....................................... 115,500
For all costs Associated with New
and Expanding International Markets
to Increase Export and Reverse
Investment Opportunities for Illinois
Business and Industries, Including
Prior Year Costs ............................. 1,721,900
Total ...................................... $4,841,900

New matter indicated by italics - deletions by strikeout.
Payable from the International and Promotional Fund:
For Grants, Contracts and Administrative Expenses Pursuant to Section 605-25 of the Department of Community and Community Affairs Law of the Civil Administrative Code of Illinois, Including prior year costs $725,000

ILLINOIS TRADE OFFICE REFUNDS

Section 7.1. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the International and Promotional Fund to the Department of Commerce and Community Affairs for refunds.

Section 8. The following named amounts, or so much thereof as may be necessary, are appropriated to the Department of Commerce and Community Affairs:

Payable from the General Revenue Fund:
For Personal Services $1,382,600
For Retirement Contributions Paid by Employer 55,400
For State Contributions to State Employees' Retirement System 146,400
For State Contributions to Social Security 105,700
For Contractual Services 159,000
For Travel 55,200
For Commodities 6,300
For Printing 3,500
For Equipment 7,600
For Telecommunications Services 46,400
For Operation of Automotive Equipment 3,900
For Administration and Grant Expenses for the Mainstreet Program 1,000,000
For Administrative and Grant Expenses Relating to Research, Planning, Technical Assistance, Technological Assistance and Other Financial Assistance to Assist Businesses, Communities, Regions and Other Economic Development Purposes 450,000
Total $2,422,000

Payable from the Rural Diversification

New matter indicated by italics - deletions by strikeout.
Revolving Fund:
For Administrative Grant, and Loan Expenses relating to the Rural Diversification Program $ 300,000

Payable from the Energy Administration Fund:
For Personal Services 232,300
For Retirement Contributions Paid by Employer 9,300
For State Contributions to Employees' Retirement System 24,700
For State Contributions to Social Security 17,800
For Group Insurance 37,200
For Contractual Services 45,300
For Travel 40,100
For Commodities 2,000
For Equipment 8,700
For Telecommunications Services 6,100
For Operation of Automotive Equipment 1,000
For Administrative and Grant Expenses Relating to Training, Technical Assistance, and Administration of the Weatherization Programs 250,000
Total 674,500

Payable from the Federal Moderate Rehabilitation Housing Fund:
For Personal Services 110,600
For Retirement Contributions Paid by Employer 4,500
For State Contributions to Employees' Retirement System 11,800
For State Contributions to Social Security 8,500
For Group Insurance 27,900
For Contractual Services 12,400
For Travel 8,300
For Commodities 1,700
For Printing 300
For Equipment 6,000
For Telecommunications Services 4,700
For Operation of Automotive Equipment 500
Total 197,200

New matter indicated by italics - deletions by strikeout.
Payable from Low Income Home Energy Assistance Block Grant Fund:
For Personal Services ....................... $ 1,392,800
For Retirement Contributions Paid
by Employer .................................. 55,700
For State Contributions to State
Employees' Retirement System ............. 147,700
For State Contributions to
Social Security ............................. 106,600
For Group Insurance ......................... 251,100
For Contractual Services ................... 278,600
For Travel ................................... 117,400
For Commodities ............................ 8,100
For Printing .................................. 65,000
For Equipment ............................... 145,000
For Telecommunications Services ........... 36,000
For Operation of Automotive Equipment .... 2,900
For Expenses Related to the
Development and Maintenance of
the LIHEAP System ......................... 1,000,000
Total ....................................... 3,606,900

Payable from the Community Services Block Grant Fund:
For Personal Services ....................... $  722,700
For Retirement Contributions Paid
by Employer .................................. 28,900
For State Contributions to State
Employees' Retirement System ............. 76,600
For State Contributions to
Social Security ............................. 55,300
For Group Insurance ......................... 120,900
For Contractual Services ................... 45,700
For Travel ................................... 43,000
For Commodities ............................ 2,800
For Printing .................................. 1,000
For Equipment ............................... 22,500
For Telecommunications Services ........... 11,500
For Operation of Automotive Equipment .... 1,300
Total ....................................... $1,132,200

Payable from Community Development/Small
Cities Block Grant Fund:
For Personal Services ....................... $  710,500
For Retirement Contributions Paid

New matter indicated by italics - deletions by strikeout.
Section 8.1. The amount of $750,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 35, Section 9a of Public Act 92-8, as amended, is reappropriated from the General Revenue Fund to the Department of Commerce and Community Affairs for administrative and grant expenses relating to research, planning, technical assistance, and other financial assistance to assist businesses, communities, regions and other economic development purposes.

Section 8.2. The amount of $450,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 35, Section 9 of Public Act 92-8, as amended, is reappropriated from the General Revenue Fund to the Department of Commerce and Community Affairs for administrative and grant expenses relating to research, planning, technical assistance, technological assistance, and other financial assistance to assist businesses, communities, regions and other economic development purposes.

Section 8.3. The following named amounts, or so much thereof as may be necessary, respectively are appropriated to the Department of Commerce and Community Affairs:

**BUREAU OF COMMUNITY DEVELOPMENT**
**GRANTS-IN-AID**

Payable from the General Revenue Fund:
For Grants, Contracts and Administrative Expenses Associated with the Illinois Tomorrow Program, Including Prior

New matter indicated by italics - deletions by strikeout.
Year Costs .................................. $500,000
Total $500,000

Payable from the Agricultural Premium Fund:
For the Ordinary and Contingent Expenses
of the Rural Affairs Institute at
Western Illinois University .................. $160,000

Payable from the Supplemental Low-Income Energy Assistance Fund:
For Grants and Administrative Expenses
Pursuant to Section 13 of the Energy Assistance Act of 1989, as Amended,
Including Prior Year Costs ................. $90,126,500

Payable from the Energy Assistance Contribution Fund:
For the Administration and Grants Expenses
for Energy Assistance Programs, Including
Prior Year Costs ......................... $2,000,000

Payable from the Energy Administration Fund:
For Grants and Technical Assistance
Services for Nonprofit Community Organizations Including Reimbursement
For Costs in Prior Years ................... $17,500,000

Payable from the Federal Moderate Rehabilitation Housing Fund:
For Housing Assistance Payments
Including Reimbursement of Prior Year Costs ......................... $4,000,000

Payable from the Low Income Home Energy Assistance Block Grant Fund:
For Grants to Eligible Recipients
Under the Low Income Home Energy Assistance Act of 1981, Including Reimbursement for Costs in Prior Years ......................... $200,000,000

Payable from the Community Development Small Cities Block Grant Fund:
For Grants to Local Units of Government or Other Eligible Recipients as Defined in the Community Development Amendments of 1981 for Illinois Cities with Populations Under 50,000, Including Reimbursements for Costs in Prior Years .. $160,000,000

Section 8.4. The amount of $75,000,000, or so much thereof as may be

New matter indicated by italics - deletions by strikeout.
necessary, is appropriated to the Department of Commerce and Community Affairs from the Community Services Block Grant Fund for grants to eligible recipients as defined in the Community Services Block Grant Act, including reimbursement for costs in prior years.

No more than 15% of the funds allocated to Community Action Agencies and other local recipients under the Community Services Block Grant, may be required by the Department to be utilized to implement programs established by the Department.

Section 8.5. The sum of $321,800, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 35, Section 291 of Public Act 92-8, is reappropriated from the General Revenue Fund to the Department of Commerce and Community Affairs for a grant to the Northeastern Illinois Planning Commission for projects designed to assist with regional planning issues.

Section 8.7. The sum of $869,000, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 35, Section 293 of Public Act 92-8, is reappropriated from the General Revenue Fund to the Department of Commerce and Community Affairs for a grant to the YouthBuild Coalition.

Section 8.8. The amounts of $600,000 and $5,465,500, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2002, from appropriations and reappropriations heretofore made for such purposes in Article 35, Section 63 and 75, respectively, of Public Act 92-8, as amended, is reappropriated from the General Revenue Fund to the Department of Commerce and Community Affairs for the purpose of making grants to community organizations, not-for-profit corporations, or local governments linked to the development of job creation projects that would increase economic development in economically depressed areas within the state.

Section 8.9. The sum of $500,000, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made for such purpose in Article 35, Section 57 of Public Act 92-8, as amended, is reappropriated from the General Revenue Fund to the Department of Commerce and Community Affairs for grants, contracts, and administrative expenses associated with the Illinois Tomorrow Program, including prior year costs.

Section 8.10. The sum of $200,000, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made for such purpose in Article 35, Section 64 of Public Act 92-8, as amended, is reappropriated from the General Revenue Fund to the Department of Commerce and Community Affairs for the purpose of making grants to community organizations and units of local government.

Section 8.11. The following named amounts, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2001, from reappropriations heretofore made for such purposes in Article 35, Section 76 of Public Act 91-706, as amended, are reappropriated from the General Revenue Fund to the Department

New matter indicated by italics - deletions by strikeout.
of Commerce and Community Affairs for grants to the following:

- Illinois Hispanic Scholarship Fund for General Operations and Freshman Educational Programs $30,000
- Family Outreach and Education Center for General Operations and Educational Programs 20,000
- Old Wicker Park Committee for General Operations and Community Services 15,000
- West Town Leadership United for Humboldt Elementary School and Related Community Program at the School 15,000
- Total $80,000

Section 8.12. The sum of $296,307, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made for such purpose in Article 35, Section 78 of Public Act 92-8, as amended, is reappropriated from the General Revenue Fund to the Department of Commerce and Community Affairs for the purpose of various improvements for local governments and educational facilities.

Section 8.12a. The sum of $68,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 35, Section 78a of Public Act 92-8, as amended, is reappropriated from the General Revenue Fund to the Department of Commerce and Community Affairs for the purpose of various improvements for local governments and educational facilities.

Section 8.13. The sum of $25,000, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made for such purpose in Article 35, Section 80 of Public Act 92-8, as amended, is reappropriated from the General Revenue Fund to the Department of Commerce and Community Affairs for the purpose of a grant to the Village of Harwood Heights for the purchase of equipment and infrastructure improvements.

Section 8.16. The amount of $1,000,000, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made for such purpose in Article 35, Section 58 of Public Act 92-8, as amended, is reappropriated from the Capital Development Fund to the Department of Commerce and Community Affairs for a grant to the city of Freeport for construction of a new municipal library.

Section 8.17. The amount of $750,000, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made for such purpose in Article 35, Section 59 of Public Act 92-8, as amended,

New matter indicated by italics - deletions by strikeout.
is reappropriated from the Capital Development Fund to the Department of Commerce and Community Affairs for a grant to the city of Galena for sewer system improvements.

Section 8.18. The sum of $2,000,000, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made for such purpose in Article 35, Section 60 of Public Act 92-8, as amended, is reappropriated from the Capital Development Fund to the Department of Commerce and Community Affairs for all costs associated with the construction of Vision Home.

Section 8.19. The sum of $20,223,748, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made for such purpose in Article 35, Section 61 of Public Act 92-8, as amended, is reappropriated from the Capital Development Fund to the Department of Commerce and Community Affairs for a grant to the Cook County Forest Preserve for infrastructure improvements.

Section 8.20. The sum of $375,000, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made for such purpose in Article 35, Section 62 of Public Act 92-8, as amended, is reappropriated from the Capital Development Fund to the Department of Commerce and Community Affairs for a grant to the City of Savanna to provide infrastructure for a lodge to be constructed adjacent to Mississippi Palisades State Park.

Section 8.21. The following named amount of $173,200, or so much thereof as may be necessary, and as remains unexpended at the close of business on June 30, 2002 from reappropriations heretofore made in Article 35, Section 69 of Public Act 92-8, as amended, is reappropriated from the Illinois Civic Center Bond Fund to the Department of Commerce and Community Affairs for the payment of grants on projects certified under the Metropolitan Civic Center Support Act for construction of civic centers.

Section 8.22. The sum of $500,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Community Affairs for projects to assist with regional planning issues.

Section 8.23. The sum of $450,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Community Affairs for a grant to the Haymarket Center of Chicago.

Section 8.24. The sum of $250,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Community Affairs for a grant to the MidAmerica Intermodal Port Authority Port District.

Section 8.25. The sum of $250,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Community Affairs for a grant to the Northeast DuPage Special Recreation Association.

Section 8.26. The sum of $75,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Community Affairs for a grant to the YWCA Addison Child Development Center.

Section 8.27. The sum of $100,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and
Community Affairs for a grant to AAIM Mobile Education and High School Prevention.

Section 8.28. The sum of $500,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Community Affairs for a grant to the DuPage Easter Seals.

Section 8.29. The sum of $200,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Community Affairs for a grant to Elmhurst Hospital.

Section 8.30. The sum of $250,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Community Affairs for a grant to the Plainfield YMCA.

Section 8.31. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Community Affairs for a grant to the Will County Children's Advocacy Center.

Section 8.32. The sum of $100,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Community Affairs for a grant to Blessing Hospital in Quincy.

Section 8.33. The sum of $150,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Community Affairs for a grant to the Quincy Area Community Foundation.

Section 8.34. The sum of $300,000, or so much thereof as may be necessary is appropriated from the General Revenue Fund to the Department of Commerce and Community Affairs for a grant to the Lincoln Park Zoo.

Section 8.35. The sum of $135,000, or so much thereof as may be necessary is appropriated from the General Revenue Fund to the Department of Commerce and Community Affairs for a grant to the Chicago Lakefront Partners for Economic Empowerment for Lakefront Development Project.

Section 8.36. The sum of $250,000, or so much thereof as may be necessary is appropriated from the General Revenue Fund to the Department of Commerce and Community Affairs for a grant to the Southland Chamber of Commerce.

Section 8.37. The sum of $50,000, or so much thereof as may be necessary is appropriated from the General Revenue Fund to the Department of Commerce and Community Affairs for a grant to Christian County for courthouse renovations.

Section 8.38. The sum of $2,000,000, or so much thereof as may be necessary is appropriated from the General Revenue Fund to the Department of Commerce and Community Affairs for grants to organizations to produce videos for use in Illinois schools to guide students in selecting careers in the high tech sector.

Section 8.39. The sum of $100,000, or so much thereof as may be necessary is appropriated from the General Revenue Fund to the Department of Commerce and Community Affairs for the North Litchfield Township for a grant for the Clark Street road extension.

Section 8.40. The sum of $6,000,000, or so much thereof as may be necessary is appropriated from the General Revenue Fund to the Department of Commerce and

New matter indicated by italics - deletions by strikeout.
Community Affairs for the purpose of making grants to community organizations, for not-for-profit corporations, or local governments linked to the development of job creation projects that would increase economic development in economically depressed areas within the state.

COMMUNITY DEVELOPMENT DEBT SERVICE

Section 8.41. The following named amount of $14,418,700, or so much thereof as may be necessary, is appropriated from the Illinois Civic Center Bond Retirement and Interest Fund to the Department of Commerce and Community Affairs for the payment of principal and interest and premium, if any, on Limited Obligation Revenue Bonds issued pursuant to the Metropolitan Civic Center Support Act.

Section 8.42. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Commerce and Community Affairs:

COMMUNITY DEVELOPMENT REFUNDS

For refunds to the Federal Government and other refunds:
Payable from Energy Administration Fund ......................... 300,000
Payable from Federal Moderate Rehabilitation Housing Fund ............ 500,000
Payable from Low Income Home Energy Assistance Block Grant Fund ......................... 600,000
Payable from Community Services Block Grant Fund .................. 170,000
Payable from Community Development/ Small Cities Block Grant Fund .............. 300,000
Total $1,870,000

Section 9. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Commerce and Community Affairs:

ENERGY CONSERVATION GRANTS-IN-AID

Payable from the Alternative Fuels Fund:
For Administration and Grant Expenses of the Ethanol Fuel Research Program, Including Prior Year Costs.................. $1,000,000
Payable from the Renewable Energy Resources Trust Fund:
For Grants, Loans, Investments and Administrative Expenses of the Renewable Energy Resources Program, Including

New matter indicated by italics - deletions by strikeout.
Prior Year Costs .......................... $10,000,000
Payable from the Energy Efficiency Trust Fund:
For Grants and Administrative Expenses
Relating to Projects that Promote Energy
Efficiency, Including Prior Year Costs ..... $5,000,000
Payable from Institute of Natural Resources Federal
Projects Grant Fund:
For Expenses and Grants Connected with
Energy Programs, Including Prior Year
Costs ........................................ $2,002,200
Payable from the Federal Energy Fund:
For Expenses and Grants Connected with
the State Energy Program, Including
Prior Year Costs ........................... $3,472,000
Payable from the Petroleum Violation Fund:
For Expenses and Grants Connected with
Energy Programs, Including Prior Year
Costs ........................................ $7,305,800
Payable from the Energy Efficiency Investment Fund:
For Grants, Contracts, and Administrative
Expenses Associated with the Development
of Technologies for Wind, Biomass, and Solar
Power in Illinois Pursuant to 20 ILCS 687/
6-3(g), Including Prior Year Costs........... $10,000,000

ENERGY CONSERVATION - PERMANENT IMPROVEMENTS

Section 9.1. The amount of $2,239,300, or so much thereof as may be necessary,
and as remains unexpended at the close of business on June 30, 2002 from a reappropriation
heretofore made in Article 35, Section 92 of Public Act 92-8, as amended, is reappropriated
from the Coal Development Fund to the Department of Commerce and Community Affairs
for the development of other forms of energy.

No contract shall be entered into or obligation incurred for any expenditures from
appropriations made in Section 9.2 of this Article until after the purposes and amounts
have been approved in writing by the Governor.

Section 10. The following named amounts, so so much thereof as may be
necessary, are appropriated to the Department of Commerce and Community Affairs:

RECYCLING AND WASTE MANAGEMENT
OPERATIONS

Payable from the Solid Waste Management Fund:
For Deposit in the Keep Illinois
Beautiful Fund ............................... $75,000
Payable from the Solid Waste Management
Revolving Loan Fund:

New matter indicated by italics - deletions by strikeout.
For Solid Waste Loans .................... $1,335,000

Section 10.1. The following named amounts, or so much thereof as may be necessary, are appropriated to the Department of Commerce and Community Affairs:

RECYCLING AND WASTE MANAGEMENT

GRANTS-IN-AID

Payable from the Keep Illinois Beautiful Fund:
For Grants to Approved Communities .......... $75,000

Payable from the Solid Waste Management Fund:
For Grants, Contracts and Administrative
Expenses Associated with Providing Financial
Assistance for Recycling and Reuse in
Accordance with Section 22.15 of the
Environmental Protection Act, the Illinois
Solid Waste Management Act and the Solid
Waste Planning and Recycling Act,
including prior year costs .................. 9,670,500

Payable from the Used Tire Management Fund:
For Grants, Contracts and Administrative
Expenses Associated with the Purposes as
Provided for in Section 55.6 of the
Environmental Protection Act, Including
Prior Year Costs ........................... $4,773,100

Section 11. The sum of $125,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made for such purposes in Article 35, Section 94 of Public Act 92-8, as amended, is reappropriated from the Capital Development Fund to the Department of Commerce and Community Affairs for a grant to the Village of Arlington Heights for land acquisition.

Section 12. The sum of $97,992, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made for such purposes in Article 35, Section 95 of Public Act 92-8, as amended, is reappropriated from the Capital Development Fund to the Department of Commerce and Community Affairs for a grant to the Village of Lemont for land acquisition and improvements.

Section 13. The sum of $250,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made for such purposes in Article 35, Section 97 of Public Act 92-8, as amended, is reappropriated from the Capital Development Fund to the Department of Commerce and Community Affairs for a grant to Leyden Township for firehouse/civic center land acquisition/development.

Section 14. The amount of $10,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation

New matter indicated by italics - deletions by strikeout.
heretofore made for such purposes in Article 35, Section 101 of Public Act 92-8, as amended, is reappropriated from the Capital Development Fund to the Department of Commerce and Community Affairs for a grant to the Village of Hoyleton for the purpose of infrastructure improvements.

Section 15. The amount of $43,787, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made for such purposes in Article 35, Section 111 of Public Act 92-8, as amended, is reappropriated from the Capital Development Fund to the Department of Commerce and Community Affairs for a grant to the Village of Hoyleton for the purpose of infrastructure improvements.

Section 16. The amount of $5,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made for such purposes in Article 35, Section 113 of Public Act 92-8, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Community Affairs for a grant to the City of Moline for all costs associated with construction and improving the Library/Learning Center.

Section 17. The amount of $28,510, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made for such purposes in Article 35, Section 121 of Public Act 92-8, as amended, is reappropriated from the Capital Development Fund to the Department of Commerce and Community Affairs for a grant to the Hardin County Sheriff Department for the purpose of jail repair and equipment.

Section 18. The amount of $2,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made for such purposes in Article 35, Section 122 of Public Act 92-8, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Community Affairs for grants to the following organization:

Southern Illinois Cancer Survivors
for assistance to cancer patients .......... $ 2,000

Section 20. The amount of $2,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made in Article 35, Section 131 of Public Act 92-8, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Community Affairs for a one-time grant to the Montrose-Irving Chamber of Commerce for all costs associated with Business Programs.

Section 22. The amount of $37,500, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made for such purposes in Article 35, Section 134 of Public Act 92-8, as amended, is reappropriated from the Capital Development Fund to the Department of Commerce and Community Affairs for a grant to the Village of Worth for all costs associated with a recreation complex and ball fields.

Section 23. The amount of $25,000, or so much thereof as may be necessary and

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remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made for such purposes in Article 35, Section 140 of Public Act 92-8, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Community Affairs for a grant to the Village of Sauk Village for all costs associated with field improvements.

Section 24. The amount of $62,500, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made for such purposes in Article 35, Section 142 of Public Act 92-8, as amended, is reappropriated from the Capital Development Fund to the Department of Commerce and Community Affairs for a grant to the Village of Glenwood for the purpose of constructing a new field house and baseball diamond.

Section 26. The amount of $250,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made for such purposes in Article 35, Section 144 of Public Act 92-8, as amended, is reappropriated from the Capital Development Fund to the Department of Commerce and Community Affairs for a grant to the Chicago Public Building Commission for the purpose of all costs associated with the construction of a community center in Rogers Park.

Section 27. The amount of $50,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made for such purposes in Article 35, Section 147 of Public Act 92-8, as amended, is reappropriated from the Capital Development Fund to the Department of Commerce and Community Affairs for a grant to the New City YMCA for the purpose of all costs associated with building expansion.

Section 28. The amount of $25,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made in Article 35, Section 150 of Public Act 92-8, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Community Affairs for a one-time grant to the Office of Puerto Rican Affairs.

Section 29. The amount of $10,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made in Article 35, Section 153 of Public Act 92-8, as amended, is reappropriated from the Fund for Illinois' Future to the Time Dollar Cross-Age Peer Tutoring Program for all costs associated with computers in every household in Chicago.

Section 30. The amount of $2,500, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made in Article 35, Section 154 of Public Act 92-8, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Community Affairs for a one-time grant to the Monroe County Tourism Committee.

Section 31. The amount of $3,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made in Article 35, Section 155 of Public Act 92-8, as amended, is

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reappropriated from the Fund for Illinois' Future to the Department of Commerce and Community Affairs for a grant to the Eugene Field Civil Organization for the purpose of capital projects, and equipment.

Section 34. The amount of $220,770, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made for such purposes in Article 35, Section 161 of Public Act 92-8, as amended, is reappropriated from the Capital Development Fund to the Department of Commerce and Community Affairs for a grant to Johnston County for the purpose of all costs associated with infrastructure improvements.

Section 36. The amount of $35,553, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made for such purposes in Article 35, Section 165 of Public Act 92-8, as amended, is reappropriated from the Capital Development Fund to the Department of Commerce and Community Affairs for a grant to Fulton County for the purpose of restoration of the Courthouse's 100 year old clocktower.

Section 37. The amount of $12,800, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made in Article 35, Section 166 of Public Act 92-8, as amended, is reappropriated from the Capital Development Fund to the Department of Commerce and Community Affairs for a grant to the Village of Bull Valley for the purpose of the renovation of Stickney House and for equipment purchases.

Section 38. The amount of $25,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made for such purposes in Article 35, Section 167 of Public Act 92-8, as amended, is reappropriated from the Capital Development Fund to the Department of Commerce and Community Affairs for a grant to McHenry County for all costs associated with constructing a children's waiting room in the courthouse.

Section 39. The amount of $27,500, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made for such purposes in Article 35, Section 169 of Public Act 92-8, as amended, is reappropriated from the Capital Development Fund to the Department of Commerce and Community Affairs for a grant to East St. Louis Township for the purpose of all costs associated with rehabilitation and renovation for old buildings.

Section 40. The amount of $40,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made for such purposes in Article 35, Section 171 of Public Act 92-8, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Community Affairs for a grant to the Little Village Chamber of Commerce for the purpose of all costs associated with business initiatives promotion.

Section 41. The amount of $23,020, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made for such purposes in Article 35, Section 175 of Public Act 92-8, as

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amended, is reappropriated from the Capital Development Fund to the Department of Commerce and Community Affairs for a grant to the City of Pana for the purpose of all costs associated with infrastructure improvements.

Section 42. The amount of $20,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made in Article 35, Section 177 of Public Act 92-8, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Community Affairs for a grant to the Chicago Ridge Park District for the purpose of all costs associated with repairs to public swimming pool.

Section 43. The amount of $1,500, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made in Article 35, Section 178 of Public Act 92-8, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Community Affairs for a grant to Lathrop Resident Management Corporation for all costs associated with Lathrop Safe Summer Fun Day.

Section 44. The amount of $50,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made in Article 35, Section 179 of Public Act 92-8, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Community Affairs for a grant to the Dolton Park District for all costs associated with playground equipment for the Dolton Park District.

Section 45. The amount of $50,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made in Article 35, Section 180 of Public Act 92-8, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Community Affairs for a grant to Dolton Park District for the purpose of a matching grant for a bicycle path for Dolton Park District.

Section 46. The amount of $10,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made in Article 35, Section 182 of Public Act 92-8, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Community Affairs for a grant to North Pullman Development Association for all costs associated with a feasibility study.

Section 47. The amount of $20,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made in Article 35, Section 184 of Public Act 92-8, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Community Affairs for a grant to the Village of Steger for the purpose of infrastructure improvements.

Section 48. The amount of $450,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made for such purposes in Article 35, Section 187 of Public Act 92-8, as

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amended, is reappropriated from the Capital Development Fund to the Department of Commerce and Community Affairs for a grant to the Little Village YMCA of Pilsen for all costs associated with construction of a new building.

Section 49. The amount of $25,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made in Article 35, Section 189 of Public Act 92-8, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Community Affairs for a grant to the City of Carlyle for all costs associated with infrastructure improvements and capital projects.

Section 50. The amount of $25,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made in Article 35, Section 190 of Public Act 92-8, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Community Affairs for a grant to the City of Carlyle for all costs associated with infrastructure improvements and capital projects.

Section 51. The amount of $7,500, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made in Article 35, Section 196 of Public Act 92-8, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Community Affairs for a grant to the Huey Ferrin Shatte Volunteer Fire Department for equipment purchase.

Section 53. The amount of $10,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made in Article 35, Section 200 of Public Act 92-8, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Community Affairs for a grant to the National Polish Alliance.

Section 57. The amount of $350,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made for such purposes in Article 35, Section 208 of Public Act 92-8, as amended, is reappropriated from the Capital Development Fund to the Department of Commerce and Community Affairs for a grant to the Chicago Park District for all costs associated with West Chatham Park expansion.

Section 58. The sum of $1,079,121, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made for such purposes in Article 35, Section 214 of Public Act 92-8, as amended, is reappropriated from the Capital Development Fund to the Department of Commerce and Community Affairs for a grant to the DuPage County Board for all costs associated with the expansion of the Sheriff's Administration Building in DuPage County.

Section 59. The sum of $69,632, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made in Article 35, Section 215 of Public Act 92-8, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Community Affairs for a grant to the DuPage County Board for all costs associated with the expansion of the Sheriff's Administration Building in DuPage County.

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Community Affairs for a grant to the DuPage County Board for all costs associated with the completion of the DuPage Veterans' Memorial.

Section 60. The sum of $2,659,699, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made in Article 35, Section 216 of Public Act 92-8, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Community Affairs for grants to units of local government, educational facilities and not-for-profit organizations for infrastructure improvements including but not limited to planning, construction, reconstruction, equipment, utilities and vehicles, and all costs associated with economic development, community programs, educational programs, public health, and public safety.

Section 61. The sum of $1,824,125, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made for such purposes in Article 35, Section 217 of Public Act 92-8, as amended, is reappropriated from the Capital Development Fund to the Department of Commerce and Community Affairs for grants to units of local government and educational facilities for all costs associated with infrastructure improvements and capital projects, including equipment and vehicles.

Section 62. The sum of $2,000, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made in Article 35, Section 219 of Public Act 92-8, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Community Affairs for a grant to the Indo-American Center for the purpose of promoting relations within the community.

Section 63. The sum of $250,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made in Article 35, Section 228 of Public Act 92-8, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Community Affairs for a grant to the City of East St. Louis for the rehabilitation of the fire station at 18th and Broadway and the purchase of a fire truck.

Section 64. The sum of $1,039,788, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made for such purposes in Article 35, Section 229 of Public Act 92-8, as amended, is reappropriated from the Capital Development Fund to the Department of Commerce and Community Affairs for a grant to the City of Carlinville for construction of an indoor sports facility.

Section 65. The sum of $25,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made for such purposes in Article 35, Section 232 of Public Act 92-8, as amended, is reappropriated from the Capital Development Fund to the Department of Commerce and Community Affairs for a grant to the Chicago Park District for all costs associated with the acquisition and development of property to expand Leland Giants
Section 66. The sum of $50,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made for such purposes in Article 35, Section 236 of Public Act 92-8, as amended, is reappropriated from the Capital Development Fund to the Department of Commerce and Community Affairs for a grant to the Chicago Park District for a running track.

Section 67. The sum of $425,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made for such purposes in Article 35, Section 238 of Public Act 92-8, as amended, is reappropriated from the Capital Development Fund to the Department of Commerce and Community Affairs for a grant to the Boys & Girls Club of Greater Peoria, Inc. for capital improvements.

Section 68. The sum of $38,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made for such purposes in Article 35, Section 240 of Public Act 92-8, as amended, is reappropriated from the Capital Development Fund to the Department of Commerce and Community Affairs for a grant to the Cook County Forest Preserve for capital improvements at LaBagh Woods.

Section 69. The sum of $250,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made for such purposes in Article 35, Section 241 of Public Act 92-8, as amended, is reappropriated from the Capital Development Fund to the Department of Commerce and Community Affairs for costs associated with pool reconstruction at Hegler Park in the City of LaSalle.

Section 70. The sum of $172,950, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made in Article 35, Section 243 of Public Act 92-8, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Community Affairs for grants to various community, civic, not-for-profit and business development organizations.

Section 71. The sum of $30,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made in Article 35, Section 244 of Public Act 92-8, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Community Affairs for a grant to the Community Youth Organization for funding for after school programs.

Section 72. The sum of $38,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made in Article 35, Section 245 of Public Act 92-8, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Community Affairs for grants to various units of local government, not-for-profit

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organizations, and educational facilities.

Section 73. The sum of $100,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made in Article 35, Section 246 of Public Act 92-8, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Community Affairs for grants to units of local government and not-for-profit organizations for infrastructure improvements including but not limited to planning, construction, reconstruction, renovation, equipment, vehicles for senior citizen services, and for all costs associated with economic development programs, educational training and programs, public health programs and public safety programs.

Section 74. The sum of $340,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made in Article 35, Section 247 of Public Act 92-8, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Community Affairs for grants to units of local government and not-for-profit organizations for infrastructure improvements including but not limited to planning, construction, reconstruction, renovation, equipment, supplies and all costs associated with economic development programs, educational training and programs, community services, public health programs, and public safety programs.

Section 75. The sum of $332,151, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made in Article 35, Section 248 of Public Act 92-8, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Community Affairs for grants to units of local government, educational facilities and not-for-profit organizations for municipal, recreational, educational, and public safety infrastructure improvements and other expenses, including but not limited to training, planning, construction, reconstruction, renovation, utilities, and equipment, and all costs associated with economic development programs, educational training and programs, community services, public health programs, and public safety programs.

Section 76. The sum of $741,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made in Article 35, Section 249 of Public Act 92-8, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Community Affairs for grants to units of local government, educational facilities and not-for-profit organizations for infrastructure improvements including, but not limited to salaries, miscellaneous operational expenses, program expenses, and material and printing costs, and planning, construction, reconstruction, renovation, utilities and equipment.

Section 76a. The sum of $151,000, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 35, Section 249a of Public Act 92-8, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and

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Community Affairs for grants to units of local government, educational facilities and not-for-profit organizations for infrastructure improvements including, but not limited to salaries, miscellaneous operational expenses, program expenses, and material and printing costs, and planning, construction, reconstruction, renovation, utilities and equipment.

Section 77. The amount of $20,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made in Article 35, Section 250 of Public Act 92-8, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Community Affairs for a one-time grant to the Southland Chamber of Commerce.

Section 78. The sum of $7,701,201, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made for such purposes in Article 35, Section 252 of Public Act 92-8, as amended, is reappropriated from the Capital Development Fund to the Department of Commerce and Community Affairs for grants to governmental units and educational facilities for all costs associated with infrastructure improvements.

Section 79. The sum of $1,972,552, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made in Article 35, Section 253 of Public Act 92-8, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Community Affairs for the administrative costs associated with the Department's facilitation of infrastructure improvements, or for grants to governmental units and educational facilities and not-for-profit organizations for all costs associated with infrastructure improvements, miscellaneous purchases, and operating expenses.

Section 80. The sum of $449,846, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made for such purposes in Article 35, Section 254 of Public Act 92-8, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Community Affairs for grants to units of local government, educational facilities and not-for-profit organizations for education and training, infrastructure improvements and other capital projects, including but not limited to planning, construction, reconstruction, equipment, utilities and vehicles, and all costs associated with economic development programs, community service programs, public health programs, public safety programs, and other programs and activities.

Section 81. The amount of $50,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made for such purposes in Article 35, Section 255 of Public Act 92-8, as amended, is reappropriated from the Capital Development Fund to the Department of Commerce and Community Affairs for grants to local governments for infrastructure improvements.

Section 82. The sum of $1,200,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation

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heretofore made for such purposes in Article 35, Section 256 of Public Act 92-8, as amended, is reappropriated from the Capital Development Fund to the Department of Commerce and Community Affairs for all costs associated with construction of a pool at Wolf Lake in the City of Chicago.

Section 83. The sum of $30,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made for such purposes in Article 35, Section 257 of Public Act 92-8, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Community Affairs for a grant to the Little Village Chamber of Commerce.

Section 84. The amount of $26,159,096, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made in Article 35, Section 261 of Public Act 92-8, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Community Affairs for the administrative costs associated with the Department's facilitation of infrastructure improvements, or for grants to governmental units, educational facilities, and not-for-profit organizations for all costs associated with but not limited to infrastructure improvements, miscellaneous purchases, and operating expenses.

Section 85. The amount of $22,504,390, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made in Article 35, Section 262 of Public Act 92-8, as amended, is reappropriated from the Capital Development Fund to the Department of Commerce and Community Affairs for grants to governmental units, educational facilities and not-for-profit organizations for all costs associated with but not limited to infrastructure improvements.

Section 86. The amount of $17,493,196, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made in Article 35, Section 263 of Public Act 92-8, as amended is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Community Affairs for grants to units of government, educational facilities and not-for-profit organizations for education and training, infrastructure improvements and other capital projects, including but not limited to planning, construction, reconstruction, equipment, utilities and vehicles, and all costs associated with economic development programs, community service programs, public health programs, public safety programs, and other programs and activities.

Section 87. The amount of $11,258,849, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made in Article 35, Section 264 of Public Act 92-8, as amended is reappropriated from the Capital Development Fund to the Department of Commerce and Community Affairs for grants to units of local government and educational facilities for all costs associated with infrastructure improvements and capital projects, including equipment and vehicles.
Section 87a. The amount of $253,471, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 35, Section 264a of Public Act 92-8, as amended, is reappropriated from the Capital Development Fund to the Department of Commerce and Community Affairs for grants to units of local government and educational facilities for all costs associated with infrastructure improvements and capital projects, including equipment and vehicles.

Section 88. The amount of $1,354,435, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made in Article 35, Section 265 of Public Act 92-8, as amended, is reappropriated from the Fund for Illinois’ Future to the Department of Commerce and Community Affairs for all costs associated with grants to various units of local government, community, civic, not-for-profit, educational facilities and business development organizations for the purpose of grants which include, but are not limited to, one-time operating assistance, construction, rehabilitation, equipment purchases, and any other necessary costs.

Section 89. The sum of $13,317,569, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made in Article 35, Section 266 of Public Act 92-8, as amended is reappropriated from the Capital Development Fund to the Department of Commerce and Community Affairs for grants to units of local government, and educational facilities for all costs associated with infrastructure improvements and capital projects, including equipment and vehicles.

Section 90. The sum of $21,869,682, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made in Article 35, Section 267 of Public Act 92-8, as amended is reappropriated from the Fund for Illinois’ Future to the Department of Commerce and Community Affairs for grants to units of local government, educational facilities, and not-for-profit organizations for infrastructure improvements including, but not limited to planning, construction, reconstruction, equipment, utilities, vehicles and all costs associated with economic development, community programs, educational programs, public health and public safety.

Section 91. The amount of $7,892,000, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made in Article 35, Section 268 of Public Act 92-8, as amended is reappropriated from the Fund for Illinois’ Future to the Department of Commerce and Community Affairs for grants to units of local government, educational facilities and not-for-profit organizations for expenses and infrastructure improvements, including but not limited to planning, construction, reconstruction, renovation, utilities and equipment.

Section 92. The amount of $2,998,305, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made in Article 35, Section 269 of Public Act 92-8, as amended, is

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Section 93. The amount of $15,772,000, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made in Article 35, Section 270 of Public Act 92-8, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Community Affairs for all costs associated with grants to governmental units, community, civic, not-for-profit, educational facilities and business development organizations for the purpose of grants which include, but are not limited to, one-time operating assistance, construction, rehabilitation, equipment purchases, and any other necessary costs.

Section 93a. The amount of $2,572,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 35, Section 270a of Public Act 92-8, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Community Affairs for all costs associated with grants to various units of local government, community, civic, not-for-profit, educational facilities and business development organizations for the purpose of grants which include, but are not limited to, one-time operating assistance, construction, rehabilitation, equipment purchases, and any other necessary costs.

Section 94. The amount of $8,408,500, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made in Article 35, Section 271 of Public Act 92-8, as amended, is reappropriated from the Capital Development Fund to the Department of Commerce and Community Affairs for all costs associated with various construction and/or rehabilitation projects, and equipment purchases for various units of local government, educational facilities and other eligible entities.

Section 95. The amount of $75,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made in Article 35, Section 272 of Public Act 92-8, as amended, is reappropriated to the Department of Commerce and Community Affairs from the Fund for Illinois’ Future for a grant to the Illinois Youth Advocate Program.

Section 96. The amount of $15,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made in Article 35, Section 273 of Public Act 92-8, as amended, is reappropriated to the Department of Commerce and Community Affairs from the Fund for Illinois' Future for a grant to the Tri-City Girls' Softball League.

Section 97. The amount of $150,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation

New matter indicated by italics - deletions by strikeout.
Section 98. The amount of $100,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 35, Section 274 of Public Act 92-8, as amended, is reappropriated to the Department of Commerce and Community Affairs from the Fund for Illinois’ Future for a grant to the Pastors Network of Illinois.

Section 99. The amount of $35,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 35, Section 276 of Public Act 92-8, as amended, is reappropriated to the Department of Commerce and Community Affairs from the Fund for Illinois’ Future for a grant to the Pastors Network of Illinois.

Section 101. The sum of $1,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 35, Section 299 of Public Act 92-8, as amended, is reappropriated from the Capital Development Fund to the Department of Commerce and Community Affairs for a grant to the City of Springfield for bondable infrastructure expenses associated with the Old Capitol Plaza and related improvements.

Section 102. The sum of $22,400,000, or so much thereof as may be necessary, is appropriated from the Capital Development Fund to the Department of Commerce and Community Affairs for miscellaneous capital improvements.

Section 103. The sum of $52,000, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 35, Section 305 of Public Act 92-8, as amended, is reappropriated from the General Revenue Fund to the Department of Commerce and Community Affairs for a grant to the Macon County Chapter of the American Red Cross for all costs associated with upgrading the First Aid trailer to a motorized vehicle and for the purchase of equipment.

Section 104. The sum of $9,880, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 35, Section 310 of Public Act 92-8, as amended, is reappropriated from the General Revenue Fund to the Department of Commerce and Community Affairs for a grant to the South Macon Township for all costs associated with the purchase of the Right of Way for Ridlen Road.

Section 105. The sum of $30,000, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 35, Section 315 of Public Act 92-8, as amended, is reappropriated from the General Revenue Fund to the Department of Commerce and Community Affairs for a grant to the Decatur Park District for costs associated with the acquisition of a mobile stage.

Section 317. The amount of $150,000, or so much thereof as may be necessary and
remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 35, Section 317 of Public Act 92-8, as amended, is reappropriated from the Capital Development Fund to the Department of Commerce and Community Affairs for the purpose of a grant to Grayville CUSD #1 for building an addition on the high school.

Section 318. The amount of $60,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 35, Section 318 of Public Act 92-8, as amended, is reappropriated from the Capital Development Fund to the Department of Commerce and Community Affairs for the purpose of a grant to the Village of Niles for all costs associated with the resurfacing of Jonquil Terrace from Harlem to Milwaukee Avenue.

Section 319. The amount of $205,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 35, Section 319 of Public Act 92-8, as amended, is reappropriated from the Capital Development Fund to the Department of Commerce and Community Affairs for the purpose of a grant to the Village of Niles for watermain improvements.

Section 320. The amount of $100,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 35, Section 320 of Public Act 92-8, as amended, is reappropriated from the Capital Development Fund to the Department of Commerce and Community Affairs for the purpose of a grant to Staunton High School for the repair and/or construction of a running track.

Section 321. The amount of $100,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 35, Section 321 of Public Act 92-8, as amended, is reappropriated from the Capital Development Fund to the Department of Commerce and Community Affairs for the purpose of a grant to Gillespie High School for the repair and/or construction of a running track.

Section 322. The amount of $100,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 35, Section 322 of Public Act 92-8, as amended, is reappropriated from the Capital Development Fund to the Department of Commerce and Community Affairs for the purpose of a grant to Girard High School for the repair and/or construction of a running track.

Section 323. The amount of $100,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 35, Section 323 of Public Act 92-8, as amended, is reappropriated from the Capital Development Fund to the Department of Commerce and Community Affairs for the purpose of a grant to Virden High School for the repair and/or construction of a running track.

Section 324. The amount of $150,000, or so much thereof as may be necessary and

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remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 35, Section 324 of Public Act 92-8, as amended, is reappropriated from the Capital Development Fund to the Department of Commerce and Community Affairs for the purpose of a grant to Morrisonville-Palmer Fire Protection District for the repair and/or construction of a fire house.

Section 325. The amount of $50,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 35, Section 325 of Public Act 92-8, as amended, is reappropriated from the Capital Development Fund to the Department of Commerce and Community Affairs for the purpose of a grant to the Village of Sawyerville for the repair of water lines.

Section 326. The amount of $225,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 35, Section 326 of Public Act 92-8, as amended, is reappropriated from the Capital Development Fund to the Department of Commerce and Community Affairs for the purpose of a grant to the Pana Fire Department to purchase a fire truck and equipment.

Section 327. The amount of $225,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 35, Section 327 of Public Act 92-8, as amended, is reappropriated from the Capital Development Fund to the Department of Commerce and Community Affairs for the purpose of a grant to the City of Hillsboro to upgrade a sports complex.

Section 328. The amount of $150,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 35, Section 328 of Public Act 92-8, as amended, is reappropriated from the Capital Development Fund to the Department of Commerce and Community Affairs for the purpose of a grant to the Village of Livingston for the construction, repair, or renovation of a public recreational facility.

Section 329. The amount of $67,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 35, Section 329 of Public Act 92-8, as amended, is reappropriated from the Capital Development Fund to the Department of Commerce and Community Affairs for the purpose of a grant to Litchfield Park District for park improvements.

Section 330. The amount of $50,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 35, Section 330 of Public Act 92-8, as amended, is reappropriated from the Capital Development Fund to the Department of Commerce and Community Affairs for the purpose of a grant to the Village of Morrisonville for sidewalk upgrades.

Section 331. The amount of $200,000, or so much thereof as may be necessary and

New matter indicated by italics - deletions by strikeout.
remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 35, Section 331 of Public Act 92-8, as amended, is reappropriated from the Capital Development Fund to the Department of Commerce and Community Affairs for the purpose of a grant to the City of Taylorville for the construction, repair, or renovation of an emergency services building.

Section 332. The amount of $25,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 35, Section 332 of Public Act 92-8, as amended, is reappropriated from the Capital Development Fund to the Department of Commerce and Community Affairs for the purpose of a grant to the City of Taylorville for the construction, repair, or renovation of an emergency services building.

Section 333. The amount of $75,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 35, Section 333 of Public Act 92-8, as amended, is reappropriated from the Capital Development Fund to the Department of Commerce and Community Affairs for the purpose of a grant to the Village of Harvel for the repair of various buildings.

Section 334. The amount of $50,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 35, Section 334 of Public Act 92-8, as amended, is reappropriated from the Capital Development Fund to the Department of Commerce and Community Affairs for the purpose of a grant to Montgomery County for courthouse improvements.

Section 335. The amount of $100,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 35, Section 335 of Public Act 92-8, as amended, is reappropriated from the Capital Development Fund to the Department of Commerce and Community Affairs for the purpose of a grant to Dolton School District 148 to replace the furnace and air conditioner at Franklin Elementary School.

Section 336. The amount of $300,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 35, Section 336 of Public Act 92-8, as amended, is reappropriated from the Capital Development Fund to the Department of Commerce and Community Affairs for the purpose of a grant to Advocate Illinois Masonic Medical Center for the purchase of a negative pressure exhaust system.

Section 337. The amount of $40,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 35, Section 337 of Public Act 92-8, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Community Affairs for the purpose of a grant to Thornton Township for the purchase of a senior van.

Section 338. The amount of $300,000, or so much thereof as may be necessary and

New matter indicated by italics - deletions by strikeout.
remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 35, Section 338 of Public Act 92-8, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Community Affairs for the purpose of a grant to the Springfield Convention and Visitors Center.

Section 339. The amount of $20,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 35, Section 339 of Public Act 92-8, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Community Affairs for the purpose of a grant to St. Bede the Venerable School for the purpose of constructing a playground facility.

Section 340. The amount of $175,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 35, Section 340 of Public Act 92-8, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Community Affairs for the purpose of a grant to PAC-CY for all costs associated with operating expenses and/or program expenses.

Section 341. The amount of $1,755,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 35, Section 341 of Public Act 92-8, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Community Affairs for the purpose of a grant to Holy Cross Hospital for general operating expenses.

Section 342. The amount of $158,850, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 35, Section 342 of Public Act 92-8, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Community Affairs for the purpose of a grant to Calumet City Fire Department for the purchase of a new ambulance.

Section 343. The amount of $125,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 35, Section 343 of Public Act 92-8, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Community Affairs for the purpose of a grant to Mt. Olive Fire Protection District for the purchase of equipment.

Section 344. The amount of $38,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 35, Section 344 of Public Act 92-8, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Community Affairs for the purpose of a grant to Calumet City Public Library for the purchase of computer workstations.

Section 345. The amount of $25,000, or so much thereof as may be necessary and

New matter indicated by italics - deletions by strikeout.
remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 35, Section 345 of Public Act 92-8, as amended, is reappropriated from the Fund for Illinois’ Future to the Department of Commerce and Community Affairs for the purpose of a grant to Sertoma Center to assist in the purchase of Community Integrated Living Arrangements.

Section 346. The amount of $15,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 35, Section 346 of Public Act 92-8, as amended, is reappropriated from the Fund for Illinois’ Future to the Department of Commerce and Community Affairs for the purpose of a grant to the Wit and Wisdom Senior Center for repair of the roof and air conditioning system.

Section 347. The amount of $6,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 35, Section 347 of Public Act 92-8, as amended, is reappropriated from the Fund for Illinois’ Future to the Department of Commerce and Community Affairs for the purpose of a grant to Immaculate Heart of Mercy School for the purchase of new computers.

Section 348. The amount of $7,500, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 35, Section 348 of Public Act 92-8, as amended, is reappropriated from the Fund for Illinois’ Future to the Village of Mulberry Grove for the purchase of property and plants, demolition and cleanup of buildings, and replacement of a concrete drive on Main Street.

Section 349. The amount of $25,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 35, Section 349 of Public Act 92-8, as amended, is reappropriated from the Fund for Illinois’ Future to the Village of Park Lawn for capital expenditures associated with information technology.

Section 350. The amount of $25,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 35, Section 350 of Public Act 92-8, as amended, is reappropriated from the Fund for Illinois’ Future to the Village of Sun River Terrace for the purchase of a public works vehicle.

Section 351. The amount of $20,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 35, Section 351 of Public Act 92-8, as amended, is reappropriated from the Fund for Illinois’ Future to Papineau Township Fire Protection District for the purchase of fire equipment.

New matter indicated by italics - deletions by strikeout.
Section 352. The amount of $20,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 35, Section 352 of Public Act 92-8, as amended, is reappropriated from the Fund for Illinois’ Future to the Department of Commerce and Community Affairs for the purpose of a grant to the Village of Martinton for the purchase of playground equipment.

Section 353. The amount of $25,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 35, Section 353 of Public Act 92-8, as amended, is reappropriated from the Fund for Illinois’ Future to the Department of Commerce and Community Affairs for the purpose of a grant to the Village of Manteno for the purchase of a senior citizen van.

Section 354. The amount of $270,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 35, Section 354 of Public Act 92-8, as amended, is reappropriated from the Fund for Illinois’ Future to the Department of Commerce and Community Affairs for the purpose of a grant to the Village of Skokie for the purchase of an emergency vehicle and a hazardous national rescue vehicle.

Section 355. The amount of $197,337, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 35, Section 355 of Public Act 92-8, as amended, is reappropriated from the Fund for Illinois’ Future to the Department of Commerce and Community Affairs for the purpose of a grant to the Village of Skokie for all costs associated with the purchase of equipment, software, vehicles, computers, defibrillators and program expenses.

Section 356. The sum of $250,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Community Affairs for grants to the Lincoln Foundation.

Section 357. The sum of $250,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Community Affairs for a grant to the United Business Association of Midway to develop and support a strong business community in the Midway Airport area.

Section 358. The sum of $300,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Community Affairs for grants to the Dupage County Area Project for costs associated with the Italian Language Project.

Section 359. The amount of $175,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 35, Section 359 of Public Act 92-8, as amended, is reappropriated from the Fund for Illinois’ Future to the Department of Commerce and Community Affairs for a grant to the Leadership Council of Southwestern Illinois for activities associated with the retention of Scott Air Force Base.

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ARTICLE 35
CONSERVATION 2000 PROGRAM

Section 1. The amount of $5,250,000 is appropriated from the Capital Development Fund to the Department of Natural Resources for deposit into the Conservation 2000 Projects Fund.

Section 2. The sum of $2,400,000, new appropriation, is appropriated, and the sum of $9,563,200, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2002, from appropriations heretofore made in Article 44, Section 2 of Public Act 92-8, as amended, is reappropriated from the Conservation 2000 Fund to the Department of Natural Resources for the Conservation 2000 Program to implement ecosystem-based management for Illinois' natural resources.

Section 3. The sum of $5,250,000, or so much thereof as may be necessary, is appropriated from the Conservation 2000 Projects Fund to the Department of Natural Resources for the acquisition of land and long-term easements, and cost-shared natural resource management practices for ecosystem-based management of Illinois' natural resources, including grants for such purposes.

Section 4. The sum of $13,660,200 or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2002, from appropriations heretofore made for such purposes in Article 44, Sections 3 and 4 of Public Act 92-8, as amended, is reappropriated from the Conservation 2000 Projects Fund to the Department of Natural Resources for the following projects at the approximate costs set forth below:

<table>
<thead>
<tr>
<th>Project Description</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Site M planning and development</td>
<td>$3,876,500</td>
</tr>
<tr>
<td>Acquisition of land and long-term easements, and cost-shared natural resource management practices for ecosystem-based management of Illinois' natural resources, including grants for such purposes</td>
<td>$9,783,700</td>
</tr>
<tr>
<td>Total</td>
<td>$13,660,200</td>
</tr>
</tbody>
</table>

Section 5. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent expenses of the Department of Natural Resources:

GENERAL OFFICE

For Personal Services:
- Payable from General Revenue Fund ............ $9,751,500
- Payable from State Boating Act Fund .......... 695,900
- Payable from Wildlife and Fish Fund .......... 1,236,700

For Employee Retirement Contributions
- Payable from General Revenue Fund ............ 389,900
- Payable from State Boating Act Fund .......... 27,900
- Payable from Wildlife and Fish Fund .......... 49,400

New matter indicated by italics - deletions by strikeout.
For State Contributions to State Employees' Retirement System:
   Payable from General Revenue Fund .......... 1,033,500
   Payable from State Boating Act Fund ..........    73,800
   Payable from Wildlife and Fish Fund ..........   131,000
For State Contributions to Social Security:
   Payable from General Revenue Fund ..........    739,900
   Payable from State Boating Act Fund ..........    53,300
   Payable from Wildlife and Fish Fund ..........    94,600
For Group Insurance:
   Payable from State Boating Act Fund .......... 147,900
   Payable from Wildlife and Fish Fund .......... 271,800
For Contractual Services:
   Payable from General Revenue Fund .......... 2,023,100
   Payable from State Boating Act Fund .......... 292,300
   Payable from Wildlife and Fish Fund .......... 1,169,400
For Travel:
   Payable from General Revenue Fund .......... 135,100
   Payable from Wildlife and Fish Fund .......... 10,100
For Commodities:
   Payable from General Revenue Fund ..........   72,800
   Payable from Wildlife and Fish Fund ..........   64,800
For Printing:
   Payable from General Revenue Fund ..........    83,000
   Payable from State Boating Act Fund .......... 163,400
   Payable from Wildlife and Fish Fund .......... 285,600
For Equipment:
   Payable from General Revenue Fund ..........   76,200
   Payable from Wildlife and Fish Fund .......... 132,300
For Electronic Data Processing:
   Payable from General Revenue Fund .......... 225,400
   Payable from State Boating Act Fund ..........  86,500
   Payable from Wildlife and Fish Fund ..........  51,500
For Telecommunications Services:
   Payable from General Revenue Fund .......... 357,300
   Payable from Wildlife and Fish Fund ..........  34,900
For Operation of Auto Equipment:
   Payable from General Revenue Fund ..........  44,600
   Payable from Wildlife and Fish Fund ..........  23,600
For expenses associated with patent and copyright discoveries, inventions or copyrightable works or supporting

New matter indicated by italics - deletions by strikeout.
programs:
Payable from Patent and Copyright Fund ....... 25,000

For expenses incurred in acquiring salmon stamp designs and printing salmon stamps:
Payable from Salmon Fund ...................... 10,000

For the purpose of publishing and distributing a bulletin or magazine and for purchasing, marketing and distributing conservation related products for resale, and refunds for such purposes:
Payable from Wildlife and Fish Fund .......... 550,000

For expenses incurred in producing and distributing site brochures, public information literature and other printed materials from revenues received from the sale of advertising:
Payable from State Boating Act Fund .......... 25,000
Payable from State Parks Fund ................. 50,000
Payable from Wildlife and Fish Fund .......... 50,000

For the coordination of public events and promotions from activity fees, donations and vendor revenue:
Payable from State Parks Fund .................. 50,000
Payable from Wildlife and Fish Fund ........... 50,000

For the purpose of remitting funds collected from the sale of Federal Duck Stamps to the U.S. Fish and Wildlife Service:
Payable from Wildlife and Fish Fund ........... 25,000

For expenses of the OSLAD Program:
Payable from Open Space Lands Acquisition and Development Fund ....................... 1,054,800

For furniture, fixtures, equipment, displays, telecommunications, cabling, network hardware, software, relays and switches and related expenses for new DNR Headquarters:
Payable from the General Revenue Fund....... 1,493,600

For expenses of the Natural Areas Acquisition Program:
Payable from the Natural Areas Acquisition Fund ......................... 148,300

New matter indicated by italics - deletions by strikeout.
For expenses of the Park and Conservation program:
   Payable from Park and Conservation Fund ............................ 4,514,500

For expenses of the Bikeways Program:
   Payable from Park and Conservation Fund ............................ 545,700

For Natural Resources Trustee Program:
   Payable from Natural Resources Restoration Trust Fund ............ 1,000,000

Total ............................................................................... 29,620,900

ILLINOIS RIVER INITIATIVES

Section 6. The sum of $3,700,000, new appropriation, is appropriated and the sum of $10,208,200, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2002, from appropriations heretofore made in Article 44, Section 6 of Public Act 92-8, as amended, is reappropriated from the General Revenue Fund to the Department of Natural Resources for the non-federal cost share of a Conservation Reserve Enhancement Program to establish long-term contracts and permanent conservation easements in the Illinois River Basin; to fund cost-share assistance to landowners to encourage approved conservation practices in environmentally sensitive and highly erodible areas of the Illinois River Basin; and to fund the monitoring of long term improvements of these conservation practices as required in the Memorandum of Agreement between the State of Illinois and the United States Department of Agriculture.

Section 7. The sum of $4,800,000, or so much thereof as may be necessary, is appropriated from the Capital Development Fund to the Department of Natural Resources for the non-federal cost share of a Conservation Reserve Enhancement Program to establish long-term contracts and permanent conservation easements in the Illinois River Basin; to fund cost-share assistance to landowners to encourage approved conservation practices in environmentally sensitive and highly erodible areas of the Illinois River Basin; and to fund the monitoring of long term improvements of these conservation practices as required in the Memorandum of Agreement between the State of Illinois and the United States Department of Agriculture.

Section 8. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent expenses of the Department of Natural Resources:

OFFICE OF RESOURCE CONSERVATION

For Personal Services:
   Payable from General Revenue Fund ............ $ 5,280,100
   Payable from Wildlife and Fish Fund ............ 9,326,900
   Payable from Salmon Fund ...................... 167,900
   Payable from Natural Areas Acquisition Fund ........................................ 1,431,300

New matter indicated by italics - deletions by strikeout.
For Employee Retirement Contributions
Paid by State:
  Payable from General Revenue Fund ............ 212,300
  Payable from Wildlife and Fish Fund ............ 374,600
  Payable from Salmon Fund ..................... 6,700
  Payable from Natural Areas Acquisition
      Fund ..................................... 57,300
For State Contributions to State
Employees' Retirement System:
  Payable from General Revenue Fund ............ 559,600
  Payable from Wildlife and Fish Fund ............ 988,700
  Payable from Salmon Fund ..................... 17,800
  Payable from Natural Areas Acquisition
      Fund ..................................... 151,700
For State Contributions to Social Security:
  Payable from General Revenue Fund ............ 397,700
  Payable from Wildlife and Fish Fund ............ 705,500
  Payable from Salmon Fund ..................... 12,800
  Payable from Natural Areas Acquisition
      Fund ..................................... 109,500
For Group Insurance:
  Payable from Wildlife and Fish Fund ............ 1,804,900
  Payable from Salmon Fund ...................... 40,600
  Payable from Natural Areas Acquisition
      Fund ..................................... 270,200
For Contractual Services:
  Payable from General Revenue Fund ............ 1,451,500
  Payable from Wildlife and Fish Fund ............ 1,803,000
  Payable from Salmon Fund ..................... 3,100
  Payable from Natural Areas Acquisition
      Fund ..................................... 82,500
  Payable from Natural Heritage Fund ............ 62,700
For Travel:
  Payable from General Revenue Fund ............ 46,500
  Payable from Wildlife and Fish Fund ............ 155,000
  Payable from Natural Areas Acquisition
      Fund ..................................... 32,200
For Commodities:
  Payable from General Revenue Fund ............ 310,500
  Payable from Wildlife and Fish Fund ............ 1,351,500
  Payable from Natural Areas Acquisition
      Fund ..................................... 40,200

New matter indicated by italics - deletions by strikeout.
Payable from the Natural Heritage Fund ...... 17,300

For Printing:
Payable from General Revenue Fund .......... 20,000
Payable from Wildlife and Fish Fund .......... 218,700
Payable from Natural Areas Acquisition Fund ........................................ 11,600

For Equipment:
Payable from General Revenue Fund .......... 20,000
Payable from Wildlife and Fish Fund .......... 576,900
Payable from Natural Areas Acquisition Fund ........................................ 143,600
Payable from Illinois Forestry Development Fund ........................................ 129,600

For Telecommunications Services:
Payable from General Revenue Fund .......... 84,100
Payable from Wildlife and Fish Fund .......... 222,100
Payable from Natural Areas Acquisition Fund ........................................ 34,200

For Operation of Auto Equipment:
Payable from General Revenue Fund .......... 74,900
Payable from Wildlife and Fish Fund .......... 347,000
Payable from Natural Areas Acquisition Fund ........................................ 57,700

For the Purposes of the "Illinois Non-Game Wildlife Protection Act":
Payable from Illinois Wildlife Preservation Fund ........................................ 1,000,000

For programs beneficial to advancing forests and forestry in this State as provided for in Section 7 of the "Illinois Forestry Development Act", as now or hereafter amended:
Payable from Illinois Forestry Development Fund ........................................ 1,062,500

For Administration of the "Illinois Endangered Species Protection Act":
Payable from General Revenue Fund .......... 700

For Administration of the "Illinois Natural Areas Preservation Act":
Payable from Natural Areas Acquisition Fund ........................................ 1,181,400

For payment of the expenses of the Illinois

New matter indicated by italics - deletions by strikeout.
Forestry Development Council:
Payable from Illinois Forestry Development Fund .................................... 125,000

For an Urban Fishing Program in conjunction with the Chicago Park District to provide fishing and resource management at the park district lagoons:
Payable from Wildlife and Fish Fund .............. 226,200

For workshops, training and other activities to improve the administration of fish and wildlife federal aid programs from federal aid administrative grants received for such purposes:
Payable from Wildlife and Fish Fund .............. 12,000

For wildlife conservation and restoration plans and programs from Federal Funds provided for such purposes:
Payable from Wildlife and Fish Fund............. 1,651,800

For expenses of the Natural Areas Stewardship Program:
Payable from Natural Areas Acquisition Fund ........................................ 1,016,800

For expenses of the Urban Forestry Program:
Payable from Illinois Forestry Development Fund ......................... 318,200

For deposit into the General Obligation Bond Retirement and Interest Fund to retire bonds sold for the Conservation Reserve Enhancement Program:
Payable from General Revenue Fund................................. 383,000

Total .......................... $36,190,100

Section 9. The sum of $2,651,800, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 44, Section 7, on page 396, lines 3-5 of Public Act 92-8, as amended, is reappropriated from the Wildlife and Fish Fund to the Department of Natural Resources for wildlife conservation and restoration plans and programs from federal funds provided for such purposes.

Section 10. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent expenses of the Department of Natural Resources:

New matter indicated by italics - deletions by strikeout.
OFFICE OF LAW ENFORCEMENT

For Personal Services:
For Employee Retirement Contributions
For State Contributions to State Employees' Retirement System:
For State Contributions to Social Security:
For Group Insurance:
For Contractual Services:
For Travel:
For Commodities:
For Printing:
For Equipment:

Payable from General Revenue Fund ............  $ 6,360,100
Payable from State Boating Act Fund ............  2,255,500
Payable from State Parks Fund ..................  597,200
Payable from Wildlife and Fish Fund ............  2,563,100
Payable from General Revenue Fund ............  351,300
Payable from State Boating Act Fund ............  123,500
Payable from State Parks Fund ..................  32,500
Payable from Wildlife and Fish Fund ............  140,700
Payable from General Revenue Fund ............  684,400
Payable from State Boating Act Fund ............  239,100
Payable from State Parks Fund ..................  63,300
Payable from Wildlife and Fish Fund ............  271,700
Payable from General Revenue Fund ............  90,000
Payable from State Boating Act Fund ............  19,100
Payable from State Parks Fund ..................  8,600
Payable from Wildlife and Fish Fund ............  8,400
Payable from General Revenue Fund ............  359,800
Payable from State Boating Act Fund ............  89,000
Payable from State Parks Fund ..................  421,000
Payable from General Revenue Fund ............  168,400
Payable from State Boating Act Fund ............  80,600
Payable from Wildlife and Fish Fund ............  169,400
Payable from General Revenue Fund ............  174,500
Payable from Wildlife and Fish Fund ............  11,000
Payable from General Revenue Fund ............  116,500
Payable from State Boating Act Fund ............  15,500
Payable from Wildlife and Fish Fund ............  47,600
Payable from General Revenue Fund ............  20,900
Payable from Wildlife and Fish Fund ............  5,800

New matter indicated by italics - deletions by strikeout.
Payable from General Revenue Fund .......... 530,400
Payable from State Boating Act Fund ........ 120,000
Payable from State Parks Fund .............. 130,000
Payable from Wildlife and Fish Fund ........ 132,300

For Telecommunications Services:
Payable from General Revenue Fund .......... 370,500
Payable from State Boating Act Fund ........ 155,700
Payable from Wildlife and Fish Fund .......... 214,700

For Operation of Auto Equipment:
Payable from General Revenue Fund .......... 370,500
Payable from State Boating Act Fund ........ 254,000
Payable from Wildlife and Fish Fund .......... 116,700

For Snowmobile Programs:
Payable from State Boating Act Fund ........ 35,000

For Payment of Timber Buyers bond
forfeitures:
Payable from Illinois Forestry
Development Fund ............................. 25,000

Total $17,758,200

Section 11. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent expenses of the Department of Natural Resources:

OFFICE OF LAND MANAGEMENT AND EDUCATION

For Personal Services:
Payable from General Revenue Fund .......... $ 21,304,800
Payable from State Boating Act Fund ........ 1,431,600
Payable from State Parks Fund .............. 1,366,000
Payable from Wildlife and Fish Fund ........ 2,324,600

For Employee Retirement Contributions
Paid by State:
Payable from General Revenue Fund .......... 796,200
Payable from State Boating Act Fund ........ 57,300
Payable from State Parks Fund .............. 54,600
Payable from Wildlife and Fish Fund ......... 92,300

For State Contributions to State
Employee's Retirement System:
Payable from General Revenue Fund .......... 2,258,300
Payable from State Boating Act Fund ........ 151,700
Payable from State Parks Fund .............. 144,800
Payable from Wildlife and Fish Fund ......... 246,400

For State Contributions to Social Security:
Payable from General Revenue Fund .......... 1,625,600

New matter indicated by italics - deletions by strikeout.
Payable from State Boating Act Fund .......... 109,500
Payable from State Parks Fund ............... 104,500
Payable from Wildlife and Fish Fund .......... 177,800

For Group Insurance:
Payable from State Boating Act Fund .......... 377,800
Payable from State Parks Fund ............... 331,800
Payable from Wildlife and Fish Fund .......... 494,300

For Contractual Services:
Payable from General Revenue Fund .......... 2,990,300
Payable from State Boating Act Fund .......... 492,000
Payable from State Parks Fund ............... 2,627,000
Payable from Wildlife and Fish Fund .......... 111,100

For Travel:
Payable from General Revenue Fund .......... 8,300
Payable from State Boating Act Fund .......... 6,100
Payable from State Parks Fund ............... 51,000
Payable from Wildlife and Fish Fund .......... 15,100

For Commodities:
Payable from General Revenue Fund .......... 996,400
Payable from State Boating Act Fund .......... 55,000
Payable from State Parks Fund ............... 478,000
Payable from Wildlife and Fish Fund .......... 166,000

For Printing:
Payable from General Revenue Fund .......... 15,200

For Equipment:
Payable from General Revenue Fund .......... 118,800
Payable from State Parks Fund ............... 757,500
Payable from Wildlife and Fish Fund .......... 305,700

For Telecommunications Services:
Payable from General Revenue Fund .......... 74,200
Payable from State Parks Fund ............... 332,200
Payable from Wildlife and Fish Fund .......... 35,400

For Operation of Auto Equipment:
Payable from General Revenue Fund .......... 475,000
Payable from State Parks Fund ............... 265,800
Payable from Wildlife and Fish Fund .......... 52,100

For Illinois-Michigan Canal:
Payable from State Parks Fund ............... 125,000

For Union County and Horseshoe Lake
Conservation Areas, Farming and Wildlife
Operations:
Payable from Wildlife and Fish Fund .......... 500,000

New matter indicated by italics - deletions by strikeout.
For operations and maintenance from revenues derived from the sale of surplus crops and timber harvest:
   Payable from the State Parks Fund ............ 350,000
   Payable from the Wildlife and Fish Fund ............ 600,000

For Snowmobile Programs:
   Payable from State Boating Act Fund ............ 50,000

For operating expenses of the North Point Marina at Winthrop Harbor:
   Payable from the Illinois Beach Marina Fund ............ 1,811,000

For expenses of the Park and Conservation program:
   Payable from Park and Conservation Fund .................. 4,814,200

For expenses of the Bikeways program:
   Payable from Park and Conservation Fund .................. 1,375,000

For Wildlife Prairie Park Operations and Improvements:
   Payable from General Revenue Fund ............ 913,700

For expenses of the Environment and Nature Training Institute for Conservation Education (E.N.T.I.C.E.)
   Payable from General Revenue Fund ............ 300,000

For operations and maintenance, including costs associated with operating new sites and facilities:
   Payable from the General Revenue Fund ............ 750,000

Total $55,467,000

Section 12. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent expenses of the Department of Natural Resources:

OFFICE OF MINES AND MINERALS

For Personal Services:
   Payable from General Revenue Fund ............ $ 2,833,000
   Payable from Mines and Minerals Underground Injection Control Fund .................. 259,300
   Payable from Plugging and Restoration Fund .... 276,500
   Payable from Underground Resources Conservation Enforcement Fund ............ 325,100

New matter indicated by italics - deletions by strikeout.
Payable from Federal Surface Mining Control and Reclamation Fund .................. 1,593,700
Payable from Abandoned Mined Lands Reclamation Council Federal Trust Fund ............................. 1,795,000

For Employee Retirement Contributions
Paid by State:
Payable from General Revenue Fund .............. 113,400
Payable from Mines and Minerals Underground Injection Control Fund ................. 10,400
Payable from Plugging and Restoration Fund ... 11,100
Payable from Underground Resources Conservation Enforcement Fund ............. 13,000
Payable from Federal Surface Mining Control and Reclamation Fund .................. 63,700
Payable from Abandoned Mined Lands Reclamation Council Federal Trust Fund ............................. 71,800

For State Contributions to State Employees' Retirement System:
Payable from General Revenue Fund .............. 300,400
Payable from Mines and Minerals Underground Injection Control Fund ................. 27,500
Payable from Plugging and Restoration Fund ... 29,300
Payable from Underground Resources Conservation Enforcement Fund ............. 34,500
Payable from Federal Surface Mining Control and Reclamation Fund .................. 168,900
Payable from Abandoned Mined Lands Reclamation Council Federal Trust Fund ............................. 190,300

For State Contributions to Social Security:
Payable from General Revenue Fund .............. 216,700
Payable from Mines and Minerals Underground Injection Control Fund ................. 19,800
Payable from Plugging and Restoration Fund ... 21,100
Payable from Underground Resources Conservation Enforcement Fund ............. 24,800
Payable from Federal Surface Mining Control and Reclamation Fund .................. 121,800
Payable from Abandoned Mined Lands Reclamation Council Federal Trust Fund .............................

New matter indicated by italics - deletions by strikeout.
Fund ........................................ 137,400
For Group Insurance:
  Payable from Mines and Minerals Underground Injection Control Fund ............... 65,000
  Payable from Plugging and Restoration Fund ... 57,700
  Payable from Underground Resources Conservation Enforcement Fund ............. 80,800
  Payable from Federal Surface Mining Control and Reclamation Fund ......................... 289,900
  Payable from Abandoned Mined Lands Reclamation Council Federal Trust Fund ......................... 321,000
For Contractual Services:
  Payable from General Revenue Fund ............ 314,500
  Payable from Mines and Minerals Underground Injection Control Fund ............... 29,300
  Payable from Plugging and Restoration Fund ... 13,900
  Payable from Underground Resources Conservation Enforcement Fund ............. 120,100
  Payable from Federal Surface Mining Control and Reclamation Fund ......................... 372,300
  Payable from Abandoned Mined Lands Reclamation Council Federal Trust Fund ......................... 278,900
For Travel:
  Payable from General Revenue Fund ............ 34,900
  Payable from Mines and Minerals Underground Injection Control Fund ............... 1,000
  Payable from Plugging and Restoration Fund ... 1,400
  Payable from Underground Resources Conservation Enforcement Fund ............. 6,200
  Payable from Federal Surface Mining Control and Reclamation Fund ......................... 31,400
  Payable from Abandoned Mined Lands Reclamation Council Federal Trust Fund ......................... 30,700
For Commodities:
  Payable from General Revenue Fund ............ 30,200
  Payable from Mines and Minerals Underground Injection Control Fund ............... 2,400
  Payable from Plugging and Restoration Fund ... 2,700
Payable from Underground Resources

New matter indicated by italics - deletions by strikeout.
Conservation Enforcement Fund ................ 10,400
Payable from Federal Surface Mining Control
and Reclamation Fund ...................... 15,400
Payable from Abandoned Mined Lands
Reclamation Council Federal Trust
Fund ........................................ 27,300
For Printing:
Payable from General Revenue Fund .......... 4,400
Payable from Mines and Minerals Underground
Injection Control Fund ...................... 500
Payable from Plugging and Restoration Fund ... 500
Payable from Underground Resources
Conservation Enforcement Fund ............ 3,300
Payable from Federal Surface Mining Control
and Reclamation Fund ...................... 11,200
Payable from Abandoned Mined Lands
Reclamation Council Federal Trust
Fund ........................................ 12,800
For Equipment:
Payable from General Revenue Fund .......... 82,700
Payable from Mines and Minerals Underground
Injection Control Fund ...................... 16,200
Payable from Plugging and Restoration Fund ... 37,600
Payable from Underground Resources
Conservation Enforcement Fund ............ 9,900
Payable from Federal Surface Mining Control
and Reclamation Fund ...................... 118,400
Payable from Abandoned Mined Lands
Reclamation Council Federal Trust
Fund ........................................ 109,200
For Electronic Data Processing:
Payable from General Revenue Fund .......... 21,900
Payable from Mines and Minerals Underground
Injection Control Fund ...................... 4,000
Payable from Plugging and Restoration Fund ... 20,400
Payable from Underground Resources
Conservation Enforcement Fund ............ 13,100
Payable from Federal Surface Mining Control
and Reclamation Fund ...................... 131,500
Payable from Abandoned Mined Lands
Reclamation Council Federal Trust
Fund ........................................ 114,800

New matter indicated by italics - deletions by strikeout.
For Telecommunications Services:
Payable from General Revenue Fund .......... 58,100
Payable from Mines and Minerals Underground Injection Control Fund ................. 2,900
Payable from Plugging and Restoration Fund ... 10,400
Payable from Underground Resources Conservation Enforcement Fund .......... 17,000
Payable from Federal Surface Mining Control and Reclamation Fund ................. 29,900
Payable from Abandoned Mined Lands Reclamation Council Federal Trust Fund ........................... 45,100

For Operation of Auto Equipment:
Payable from General Revenue Fund .......... 47,900
Payable from Mines and Minerals Underground Injection Control Fund ................. 13,900
Payable from Plugging and Restoration Fund ........................................ 19,600
Payable from Underground Resources Conservation Enforcement Fund .......... 33,100
Payable from Federal Surface Mining Control and Reclamation Fund ................. 30,800
Payable from Abandoned Mined Lands Reclamation Council Federal Trust Fund ........................... 40,200

For the purpose of coordinating training and education programs for miners and laboratory analysis and testing of coal samples and mine atmospheres:
Payable from the General Revenue Fund ........ 15,000
Payable from the Coal Mining Regulatory Fund ........................................ 32,800
Payable from Federal Surface Mining Control and Reclamation Fund ................. 394,100

For expenses associated with Aggregate Mining Regulation:
Payable from Aggregate Operations Regulatory Fund ........................................ 337,700

For expenses associated with Explosive Regulation:
Payable from Explosives Regulatory Fund ...... 151,900

For expenses associated with Environmental

New matter indicated by italics - deletions by strikeout.
Mitigation Projects, Studies, Research, and Administrative Support:
Payable from Abandoned Mined Lands Reclamation Council Federal Trust Fund ........................ 500,000

For the purpose of reclaiming surface mined lands, with respect to which a bond has been forfeited:
Payable from Land Reclamation Fund .......... 350,000

For expenses associated with Surface Coal Mining Regulation:
Payable from Coal Mining Regulatory Fund ..... 309,800

For the State of Illinois' share of expenses of Interstate Oil Compact Commission created under the authority of "An Act ratifying and approving an Interstate Compact to Conserve Oil and Gas", approved July 10, 1935, as amended:
Payable from General Revenue Fund .......... 6,900

For State expenses in connection with the Interstate Mining Compact:
Payable from General Revenue Fund ............ 20,100

For expenses associated with litigation of Mining Regulatory actions:
Payable from Federal Surface Mining Control and Reclamation Fund ............... 15,000

For Small Operators' Assistance Program:
Payable from Federal Surface Mining Control and Reclamation Fund ............... 210,000

For Plugging & Restoration Projects:
Payable from Plugging & Restoration Fund ..... 350,000

For Interest Penalty Escrow:
Payable from General Revenue Fund .......... 500
Payable from Underground Resources Conservation Enforcement Fund .......... 500

For the purpose of carrying out the Illinois Petroleum Education and Marketing Act:
Payable from the Petroleum Resources Revolving Fund ......................... 375,000

Total ........................................ 14,926,500

Section 13. The sum of $626,800, less $150,000 to be lapsed from the unexpended

New matter indicated by italics - deletions by strikeout.
balance, or so much thereof as may be necessary and as remains unexpended, at the close of business on June 30, 2002, from appropriations heretofore made in Article 44, Sections 10 and 11 of Public Act 92-8, as amended, is reappropriated from the Plugging and Restoration Fund to the Department of Natural Resources for plugging and restoration projects.

Section 14. The following named sums, or so much thereof as may be necessary, for the objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent expenses of the Department of Natural Resources:

**OFFICE OF WATER RESOURCES**

<table>
<thead>
<tr>
<th>For Personal Services:</th>
<th>$ 4,931,900</th>
</tr>
</thead>
<tbody>
<tr>
<td>Payable from General Revenue Fund ............</td>
<td></td>
</tr>
<tr>
<td>Payable from State Boating Act Fund ..........</td>
<td>279,500</td>
</tr>
</tbody>
</table>

For Employee Retirement Contributions

<table>
<thead>
<tr>
<th>Paid by State:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Payable from General Revenue Fund ............</td>
<td>204,200</td>
</tr>
<tr>
<td>Payable from State Boating Act Fund ..........</td>
<td>11,100</td>
</tr>
</tbody>
</table>

For State Contributions to State Employees' Retirement System:

| Payable from General Revenue Fund ............ | 523,200     |

<table>
<thead>
<tr>
<th>Payable from State Boating Act Fund ..........</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Payable from General Revenue Fund ............</td>
<td></td>
</tr>
<tr>
<td>Payable from State Boating Act Fund ..........</td>
<td></td>
</tr>
<tr>
<td>Payable from State Boating Act Fund ..........</td>
<td></td>
</tr>
</tbody>
</table>

For State Contributions to Social Security:

| Payable from General Revenue Fund ............ | 354,500     |
| Payable from State Boating Act Fund .......... | 21,400      |

For Group Insurance:

| Payable from State Boating Act Fund .......... | 71,800      |

For Contractual Services:

| Payable from General Revenue Fund ............ | 662,900     |
| Payable from State Boating Act Fund .......... | 24,400      |

For Travel:

| Payable from General Revenue Fund ............ | 163,800     |
| Payable from State Boating Act Fund .......... | 6,700       |

For Commodities:

| Payable from General Revenue Fund ............ | 25,700      |
| Payable from State Boating Act Fund .......... | 18,500      |

For Printing:

| Payable from General Revenue Fund ............ | 4,800       |

For Equipment:

| Payable from General Revenue Fund ............ | 81,500      |
| Payable from State Boating Act Fund .......... | 52,600      |

For Telecommunications Services:

| Payable from General Revenue Fund ............ | 101,700     |

New matter indicated by italics - deletions by strikeout.
Payable from State Boating Act Fund .............. 8,500
For Operation of Auto Equipment:
  Payable from General Revenue Fund .............. 99,600
  Payable from State Boating Act Fund .............. 7,900
For execution of state assistance programs to improve the administration of the National Flood Insurance Program (NFIP) and National Dam Safety Program as approved by the Federal Emergency Management Agency (82 Stat. 572):
  Payable from National Flood Insurance Program Fund ......................... 325,000
For Repairs and Modifications to Facilities:
  Payable from State Boating Act Fund .............. 20,000
Total ......................................................... $8,030,900

Section 15. The sum of $1,013,400, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Natural Resources for expenditure by the Office of Water Resources for the objects, uses, and purposes specified, including grants for such purposes and electronic data processing expenses, at the approximate costs set forth below:

<table>
<thead>
<tr>
<th>Description</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Corps of Engineers Studies - To jointly plan local flood protection projects with the U.S. Army Corps of Engineers and to share planning expenses as required by Section 203 of the U.S. Water Resources Development Act of 1996 (P.L. 104-303)</td>
<td>81,000</td>
</tr>
<tr>
<td>Federal Facilities - For payment of the State’s share of operation and maintenance costs as local sponsor of the federal Rend Lake Reservoir and the federal projects on the Kaskaskia River</td>
<td>0</td>
</tr>
<tr>
<td>Lake Michigan Management - For studies carrying out the provisions of the Level of Lake Michigan Act, 615 ILCS 50 and the Lake Michigan Shoreline Act, 615 ILCS 55</td>
<td>99,000</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout.
membership in regional and national associations, commissions and compacts ........ 146,800

River Basin Studies - For purchase of necessary mapping, surveying, test boring, field work, equipment, studies, legal fees, hearings, archaeological and environmental studies, data, engineering, technical services, appraisals and other related expenses to make water resources reconnaissance and feasibility studies of river basins, to identify drainage and flood problem areas, to determine viable alternatives for flood damage reduction and drainage improvement, and to prepare project plans and specifications .................. 140,000

Design Investigations - For purchase of necessary mapping, equipment test boring, field work for Geotechnical investigations and other design and construction related studies ............................. 10,000

Rivers and Lakes Management - For purchase of necessary surveying, equipment, obtaining data, field work studies, publications, legal fees, hearings and other expenses to carry out the provisions of the 1911 Act in relation to the "Regulation of Rivers, Lakes and Streams Act", 615 ILCS 5/4.9 et seq. ........... 25,600

State Facilities - For materials, equipment, supplies, services, field vehicles, and heavy construction equipment required to operate, maintain repair, construct, modify or rehabilitate facilities controlled or constructed by the Office of Water Resources, and to assist local governments for

New matter indicated by italics - deletions by strikeout.
flood control and to preserve the streams
of the State ............................... 74,000
State Water Supply and Planning - For
data collection, studies, equipment
and related expenses for analysis
and management of the water resources
of the State, implementation of the
State Water Plan, and management
of state-owned water resources .......... 70,000
USGS Cooperative Program - For
payment of the Department's
share of operation and
maintenance of statewide
stream gauging network,
water data storage and
retrieval system, preparation
of topography mapping, and
water related studies; all
in cooperation with the U.S.
Geological Survey .......................... 367,000
Total ................................................ $1,013,400

Section 16. The following named sums, or so much thereof as may be necessary,
respectively, for the objects and purposes hereinafter named, are appropriated to the
Department of Natural Resources:

WASTE MANAGEMENT AND RESEARCH CENTER
For Ordinary and Contingent Expenses:
Payable from General Revenue Fund .......... 2,799,100
Payable from Toxic Pollution Prevention
Fund ............................................. 90,000
Payable from Hazardous Waste Research
Fund ............................................. 500,000
Payable from Natural Resources Information
Fund ............................................. 25,000
Total ........................................... $3,414,100

STATE GEOLOGICAL SURVEY
For Ordinary and Contingent Expenses:
Payable from General Revenue Fund .......... $ 7,284,400
Payable from Natural Resources Information
Fund ............................................. 277,200
Total ........................................... $7,561,600

STATE NATURAL HISTORY SURVEY
For Ordinary and Contingent Expenses:

New matter indicated by italics - deletions by strikeout.
Payable from General Revenue Fund .......... $  4,567,800
Payable from Natural Resources Information
Fund .................................................. 15,000
For Mosquito Research and Abatement:
Payable from Used Tire Management Fund ...... 200,000
Total ............................................... $4,782,800

STATE WATER SURVEY
For Ordinary and Contingent Expenses:
Payable from General Revenue Fund .......... $  4,289,100
Payable from Natural Resources Information
Fund .................................................. 6,000
Total ............................................... $4,295,100

STATE MUSEUMS
For Ordinary and Contingent Expenses:
Payable from General Revenue Fund ....... $  5,630,300

FOR REFUNDS

Section 17. The following named sums, or so much thereof as may be necessary, are appropriated to the Department of Natural Resources:
For Payment of Refunds:
Payable from General Revenue Fund .......... $  1,600
Payable from State Boating Act Fund .......... 30,000
Payable from State Parks Fund ............... 25,000
Payable from Wildlife and Fish Fund ........ 1,150,000
Payable from Plugging and Restoration Fund .. 25,000
Payable from Underground Resources
Conservation Enforcement Fund .............. 25,000
Payable from Natural Resources Information
Fund .................................................. 1,000
Payable from Illinois Beach Marina Fund ..... 25,000
Total ............................................... $1,282,600

FOR STATE FURBEARER PROGRAM

Section 18. The sum of $110,000, new appropriation, is appropriated, and the sum of $199,000, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2002, from appropriations heretofore made in Article 44, Section 16 of Public Act 92-8, as amended, is reappropriated to the Department of Natural Resources from the State Furbearer Fund for the conservation of fur bearing mammals in accordance with the provisions of Section 5/1.32 of the "Wildlife Code", as now or hereafter amended.

FOR STATE PHEASANT PROGRAM

Section 19. The sum of $550,000, new appropriation, is appropriated, and the sum of $811,900, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2002, from appropriations heretofore made in Article 44,

New matter indicated by italics - deletions by strikeout.
Section 17 of Public Act 92-8, as amended, is reappropriated from the State Pheasant Fund to the Department of Natural Resources for the conservation of pheasants in accordance with the provisions of Section 5/1.31 of the "Wildlife Code", as now or hereafter amended.

FOR ILLINOIS HABITAT FUND PROGRAM

Section 20. The sum of $900,000, new appropriation, is appropriated, and the sum of $838,400, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2002, from appropriations heretofore made in Article 44, Section 18 of Public Act 92-8, as amended, is reappropriated from the Illinois Habitat Fund to the Department of Natural Resources for the conservation of pheasants in accordance with the provisions of Section 5/1.31 of the "Wildlife Code", as now or hereafter amended.

Section 21. The sum of $350,000, new appropriation, is appropriated, and the sum of $408,900, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2002 from appropriations heretofore made in Article 44, Section 19 of Public Act 92-8, as amended, is reappropriated from the Illinois Habitat Fund to the Department of Natural Resources for the preservation and maintenance of high quality habitat lands in accordance with the provisions of the "Habitat Endowment Act", as now or hereafter amended.

FOR ILLINOIS OPEN LAND TRUST PROGRAM

Section 22. The sum of $36,000,000, new appropriation, is appropriated, and the sum of $100,798,600, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002 from appropriations heretofore made in Article 44, Section 20 of Public Act 92-8, as amended, is reappropriated from the Capital Development Fund to the Department of Natural Resources to acquire, protect and preserve open space and natural lands.

FOR PARK AND CONSERVATION PROGRAM

Section 23. The sum of $1,000,000, new appropriation, is appropriated, and the sum of $3,719,700, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2002, from appropriations heretofore made in Article 44, Section 21 of Public Act 92-8, as amended, is reappropriated to the Department of Natural Resources from the Park and Conservation Fund for multiple use facilities and programs for conservation purposes provided by the Department of Natural Resources, including repairing, maintaining, reconstructing, rehabilitating, replacing fixed assets, construction and development, marketing and promotions, all costs for supplies, materials, labor, land acquisition and its related costs, services, studies, and all other expenses required to comply with the intent of this appropriation.

FOR PARK AND CONSERVATION II PROGRAM

Section 24. The sum of $1,223,400, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 44, Section 22 of Public Act 92-8, as amended, is reappropriated from the Park and Conservation Fund to the Department of Natural Resources for

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multiple use facilities and programs for conservation purposes provided by the Department of Natural Resources, including repairing, maintaining, reconstructing, rehabilitating, replacing fixed assets, construction and development, marketing and promotions, all costs for supplies, materials, labor, land acquisition and its related costs, services, studies, and all other expenses required to comply with the intent of this appropriation.

FOR BIKEWAYS PROGRAMS

Section 25. The following named sums, or so much thereof as may be necessary, and is available for expenditure as provided herein, are appropriated from the Park and Conservation Fund to the Department of Natural Resources for the following purposes:

The sum of $1,000,000, new appropriation, is appropriated and the sum of $5,363,400, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2002, from appropriations heretofore made in Article 44, Section 23 on page 417, lines 5 and 6 of Public Act 92-8, as amended, is reappropriated for land acquisition, development and maintenance of bike paths and all other related expenses connected with the acquisition, development and maintenance of bike paths.

The sum of $108,700 or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 44, Section 23, on page 417, lines 14-20 of Public Act 92-8, as amended, is reappropriated for land acquisition, development and grants, for the following bike paths at the approximate costs set forth below:

- Great River Road/Vadalabene Bikeway through Grafton ................................... $1,700
- Super Trail between the Quad Cities and Savannah ...................................... 92,500
- Illinois Prairie Path in Cook County ............................................... 14,500

The sum of $3,000,000, new appropriation, is appropriated, and the sum of $16,045,500, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2002, from appropriations heretofore made in Article 44, Section 23, on page 418, lines 1-8 of Public Act 92-8, as amended, is reappropriated for grants to units of local government for the acquisition and development of bike paths.

The sum of $56,800, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2001, from an appropriation heretofore made in Article 44, Section 23, on page 418, line 9-15 of Public Act 92-8, as amended, is reappropriated for land acquisition, development, grants and all other related expenses connected with the acquisition and development of bike paths.

No funds in this Section may be expended in excess of the revenues deposited in the Park and Conservation Fund as provided for in Section 2-119 of the Illinois Vehicle Code.

FOR TRAILS

Section 26. The sum of $1,500,000, new appropriation, is appropriated, and the sum of $4,373,500, or so much thereof as may be necessary and as remains unexpended at the
close of business on June 30, 2002, from appropriations heretofore made in Article 44, Section 24 of Public Act 92-8, as amended, is reappropriated from the Park and Conservation Fund to the Department of Natural Resources for the development and maintenance of recreational trails and trail-related projects authorized under the Intermodal Surface Transportation Efficiency Act of 1991, provided such amount shall not exceed funds to be made available for such purposes from state or federal sources.

FOR WATERFOWL AREAS

Section 27. The sum of $500,000, new appropriation, is appropriated and the sum of $2,414,600, or so much thereof as may be necessary, and as remains unexpended at the close of business on June 30, 2002, from appropriations heretofore made in Article 44, Section 25 of Public Act 92-8, as amended, is reappropriated from the State Migratory Waterfowl Stamp Fund to the Department of Natural Resources for the purpose of attracting waterfowl and improving public migratory waterfowl areas within the State.

FOR PERMANENT IMPROVEMENTS

Section 28. The following named sums, or so much thereof as may be necessary, respectively, and as remains unexpended at the close of business on June 30, 2001, from appropriations heretofore made for such purposes, are reappropriated to the Department of Natural Resources for the objects and purposes set forth below:

Payable from General Revenue Fund:

(From Article 44, Section 26 on page 419, lines 21-26 of Public Act 92-8)
For multiple use facilities and programs for planning, construction, rehabilitation and all other expenses required to comply with this appropriation, including grants to local governments for similar purposes ........................................ $ 93,600

(From Article 44, Section 26, on page 419, lines 30-33 and on page 420, lines 1-5, and on page 422, lines 6-14 of Public Act 92-8)
For multiple use facilities and programs for conservation purposes provided by the Department of Natural Resources, including construction and development, all costs for supplies, material, labor, land acquisition, services, studies and all other expenses required to comply with the intent of this appropriation .............................. 1,401,100

Payable from State Boating Act Fund:

(From Article 44, Section 26 on

New matter indicated by italics - deletions by strikeout.
For multiple use facilities and programs for boating purposes provided by the Department of Natural Resources including construction and development, all costs for supplies, materials, labor, land acquisition, services, studies and all other expenses required to comply with the intent of this appropriation .......................... 2,394,000

Payable from the Illinois Beach Marina Fund:
(From Article 44, Section 26 on page 420, lines 23-27, and Section 27 on page 422, lines 25-29 of Public Act 92-8)
For rehabilitation, reconstruction, repair, replacing, fixed assets, and improvement of facilities at North Point Marina at Winthrop Harbor ........................................... 281,700

Payable from Wildlife and Fish Fund:
(From Article 44, Section 26 on page 420, lines 32-34, and page 421, lines 1-7 of Public Act 92-8)
For multiple use facilities and programs for wildlife and fish purposes provided by the Department of Natural Resources, including construction and development, all costs for supplies, materials, labor, land acquisition, services, studies, cooperative efforts with non-profit organizations, and all other expenses required to comply with the intent of this appropriation .......................... 37,900

Payable from Natural Areas Acquisition Fund:
(From Article 44, Section 26 on page 421, lines 13-19, and Section 27 on page 422, lines 30-34, and on page 423, lines 1-2 of Public Act 92-8)
For the acquisition, preservation and stewardship of natural areas,

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including habitats for endangered and threatened species, high quality natural communities, wetlands and other areas with unique or unusual natural heritage qualities .......................... 7,038,000

Payable from the State Parks Fund:
(From Article 44, Section 26 on page 421, lines 26-33, and Section 27 on page 423, lines 4-11 of Public Act 92-8)
For multiple use facilities and programs for park and trail purposes provided by the Department of Natural Resources, including construction and development, all costs for supplies, materials, labor, land acquisition, services, studies, and all other expenses required to comply with the intent of this appropriation ................ 388,000
Total ........................................... $11,770,800

Section 29. The following named sums, new appropriations, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to the Department of Natural Resources:

Payable from General Revenue Fund:
For multiple use facilities and programs for conservation purposes provided by the Department of Natural Resources, including construction and development, all costs for supplies, materials, labor, land acquisition, services, studies and all other expenses required to comply with the intent of this appropriation .................. $ 1,123,800

Payable from State Boating Act Fund:
For multiple use facilities and programs for boating purposes provided by the Department of Natural Resources, including construction and development, all costs for supplies, materials, labor, land acquisition, services, studies and all other expenses required to comply with the intent of this appropriation ................. 1,200,000

New matter indicated by italics - deletions by strikeout.
Payable from the Illinois Beach Marina Fund:
For rehabilitation, reconstruction, repair, replacing, fixed assets, and improvement of facilities at North Point Marina at Winthrop Harbor ...................... 250,000

Payable from Natural Areas Acquisition Fund:
For the acquisition, preservation and stewardship of natural areas, including habitats for endangered and threatened species, high quality natural communities, wetlands and other areas with unique or unusual natural heritage qualities ............... 5,400,000

Payable from State Parks Fund:
For multiple use facilities and programs for park and trail purposes provided by the Department of Natural Resources, including construction and development, all costs for supplies, materials, labor, land acquisition, services, studies, and all other expenses required to comply with the intent of this appropriation ............ 150,000

Total $8,123,800

Section 30. The sum of $2,000,000, new appropriation is appropriated, and the sum of $2,905,000, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 44, Section 28 of Public Act 92-8, is reappropriated from the Capital Development Fund to the Department of Natural Resources for planning, design and construction of ecosystem rehabilitation, habitat restoration and associated development in cooperation with the U.S. Army Corps of Engineers.

Section 31. The sum of $472,300, or so much thereof as may be necessary, and as remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 44, Section 29 of Public Act 92-8, as amended, is reappropriated from the Capital Development Fund to the Department of Natural Resources for construction and development to complete Tunnel Hill State Trail from Harrisburg to Karnak.

Section 32. The sum of $820,000, or so much thereof as may be necessary, and as remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 44, Section 30 of Public Act 92-8, as amended, is reappropriated from the Capital Development Fund to the Department of Natural Resources for purchase of easements or land to preserve the Momence Wetlands and for conservation practices to stabilize and restore Iroquois and Kankakee River Basins.

Section 33. The sum of $244,800, or so much thereof as may be necessary, and as

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remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 44, Section 31 of Public Act 92-8, as amended, is reappropriated from the Capital Development Fund to the Department of Natural Resources for habitat improvements and associated development under the Environmental Management Program in cooperation with the U.S. Army Corps of Engineers.

Section 34. The sum of $4,675,400, or so much thereof as may be necessary, and as remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 44, Section 32 of Public Act 92-8, as amended, is reappropriated from the Capital Development Fund to the Department of Natural Resources for habitat improvements and associated development under the Environmental Management Program in cooperation with the U.S. Army Corps of Engineers.

Section 35. The sum of $99,100, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 44, Section 34 of Public Act 92-8, as amended, is reappropriated from the Capital Development Fund to the Department of Natural Resources for all costs associated with planning and construction of a visitor center/office complex, exhibits, supporting infrastructure, site development, land acquisition and related costs of the Tri-County Park in DuPage, Cook and Kane Counties.

Section 36. The sum of $13,200, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 44, Section 35 of Public Act 92-8, as amended, is reappropriated from the General Revenue Fund to the Department of Natural Resources for the construction and repair of levees at Carlyle Lake.

Section 37. The sum of $852,700, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 44, Section 37 of Public Act 92-8, as amended, is reappropriated from the General Revenue Fund to the Department of Natural Resources for all costs associated with the planning, construction, and infrastructure for resort development at South Shore State Park in Carlyle.

Section 38. The sum of $2,750,000, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 44, Section 38 of Public Act 92-8, as amended, is reappropriated from the General Revenue Fund to the Department of Natural Resources for planning and construction of the Natural History Research Center for the space needs of the Illinois Natural History Survey on the campus of the University of Illinois in Champaign. No funds in this Section may be expended in excess of the revenues deposited in the General Revenue Fund from the sale of property formerly known as Burnham Hospital.

Section 39. The sum of $20,700, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 44, Section 39 of Public Act 92-8, as amended, is reappropriated from the Capital Development Fund to the Department of Natural Resources for all

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costs associated with the construction of a new concession building at Carlyle Lake.

Section 40. The sum of $68,100, or so much thereof as may be necessary, and as remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 44, Section 40 of Public Act 92-8, as amended, is reappropriated from the General Revenue Fund to the Department of Natural Resources to conduct feasibility studies on new river dredging technologies.

FOR WATERWAY IMPROVEMENTS

Section 41. The following named sum, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 44, Section 41 of Public Act 92-8, as amended, is reappropriated from the Capital Development Fund to the Department of Natural Resources for expenditure by the Office of Water Resources for the same purposes:

- Lower Des Plaines River and Tributaries - Cook, DuPage and Lake Counties .......... $ 421,700

Section 42. The sum of $44,517,300, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from appropriations heretofore made in Article 44, Sections 42 and 46 of Public Act 92-8, as amended, is reappropriated from the Capital Development Fund to the Department of Natural Resources for expenditure by the Office of Water Resources for the following projects at the approximate costs set forth below:

- Addison Creek Watershed - Cook and DuPage Counties ......................... $ 739,700
- Chandlerville/Panther Creek - Cass County ........................................ 500,000
- Chicago Harbor Leakage Control - Cook County - For implementation of a project to identify, measure, control, and eliminate leakage flows through controlling structures at the mouth of the Chicago River in cooperation with federal agencies and units of local government ..................... 1,602,600
- Crisenberry Dam - Jackson County: For complete rehabilitation of the dam and spillway, including the required geotechnical investigation, the preparation of plans and specifications, and the construction of the proposed rehabilitation .................... 2,271,500
- Crystal Creek - Cook County .............. 3,627,900
- East Chicago (Ford Heights) - Cook County - For partial payment of the

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non-federal cost requirements of the
Deer Creek federal flood control and
ecosystem restoration project in
cooperation with the Village of East
Chicago .................................. 1,000,000
East Peoria - Tazewell County .............. 2,017,000
East St. Louis and Vicinity Flood Control -
Madison and St. Clair Counties - For
partial payment of the non-federal cost
requirements of an interior flood protection
project and ecosystem restoration at
East St. Louis and Vicinity area ........... 500,000
Flood Mitigation - Disaster
Declaration Areas .......................... 3,780,800
Fox Chain O'Lakes - Lake and McHenry
Counties ................................. 2,835,200
Fox River Dams - Kane, Kendall
and McHenry Counties ..................... 3,649,300
Granite City - Area Groundwater-
Madison County .......................... 538,500
Havana Facilities - Mason County ........... 183,000
Hickory Hills - Cook County............... 268,700
Hickory/Spring Creeks Watershed -
Cook and Will Counties .................... 4,599,300
Illinois River Mitigation - Calhoun,
Jersey, Peoria and Woodford
Counties .................................. 128,100
Indian Creek - Kane County ............... 119,500
Kaskaskia River System - Randolph,
Monroe and St. Clair Counties ............. 63,900
Kyte River - Rochelle, Ogle County ....... 1,950,000
Lake Michigan Artificial Reef -
Cook County ............................. 128,000
Little Calumet Watershed -
Cook County ............................. 1,563,900
Loves Park - Winnebago County ......... 1,246,500
Lower Des Plaines River Watershed -
Cook and Lake Counties .................. 975,000
Metro-East Sanitary District -
Madison and St. Clair Counties ........... 310,600
North Branch Chicago River Watershed -
Cook and Lake Counties .................. 325,700

New matter indicated by italics - deletions by strikeout.
Prairie du Rocher - Randolph County:
For partial payment to implement the federal flood protection project for the Village of Prairie du Rocher in cooperation with local units of government .......................... 10,000

Prairie/Farmers Creek - Cook County ............ 5,750,000

Rock River Dams - Rock Island and Whiteside Counties .................. 2,138,500

Small Drainage and Flood Control Projects - Statewide (not to exceed $100,000 at any locality) .................... 704,900

Union - McHenry County ...................... 30,000

Village of Justice - Cook County ............... 500,000

W. B. Stratton (McHenry) Lock and Dam - McHenry County .................. 459,200

Total .................................. $44,517,300

Section 43. The sum of $745,900, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 44, Section 43 of Public Act 92-8, as amended, is reappropriated from the Capital Development Fund to the Department of Natural Resources for expenditure by the Office of Water Resources in cooperation with federal agencies, state agencies and units of local government in the implementation of flood hazard mitigation plans in counties that received a Presidential Disaster Declaration as a result of flooding in calendar years 1993 and thereafter, in accordance with reports filed under Section 5 of the "Flood Control Act of 1945".

Section 44. The sum of $142,800, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from an appropriation made for state assistance in implementing flood control projects, including floodplain land acquisition, as part of approved and adopted county storm water management plans other than the Village of Rosemont in Article 44, Section 44 of Public Act 92-8, as amended, is reappropriated from the Capital Development Fund to the Department of Natural Resources for expenditure by the Office of Water Resources for the same purpose.

Section 45. The sum of $4,785,200, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 44, Section 45 of Public Act 92-8, as amended, is reappropriated from the Capital Development Fund to the Department of Natural Resources for expenditure by the Office of Water Resources for the acquisition of lands, buildings, and structures, including easements and other property interests, located in the 100-year floodplain in counties or portions of counties authorized to prepare stormwater management plans and for removing such buildings and structures and preparing the site for

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open space use.

Section 46. The sum of $11,000,000, or so much thereof as may be necessary, is appropriated from the Capital Development Fund to the Department of Natural Resources for expenditure by the Office of Water Resources for water development projects at the approximate cost set forth below:

Chandlerville-Panther Creek-Cass County
For a project to protect Chandlerville from Panther Creek flooding by upgrading the existing levees and related channel works, in cooperation with the Village of Chandlerville $ 300,000

Flood Hazard Mitigation - For implementation of flood hazard mitigation plans, in cooperation with federal agencies, state agencies, and units of local government, in various counties 1,000,000

Fox Chain of Lakes - Lake and McHenry Counties - For the state cost share in implementation of the comprehensive Dredging and Disposal Plan, including beneficial use of dredge material and island creation, for the Fox River and Chain of Lakes 2,000,000

Fox River Dams - Kane County - For rehabilitation, modification, and reconstruction of Batavia Dam 2,500,000

Hickory/Spring Creek - Will County - For implementation of Stage IIIb of channel construction of Hickory/Spring Creeks flood control project in cooperation with the City of Joliet 4,000,000

East St. Louis & Vicinity Flood Control - Madison and St. Clair Counties - For partial payment of the non-federal cost requirement of an interior flood protection project and ecosystem restoration at East St. Louis and Vicinity area 500,000

Prairie/Farmers Creeks - Cook County - For costs associated with the implementation of flood damage reduction measures along Prairie/Farmers Creeks and the Des Plaines River, including for partial payment of the

New matter indicated by italics - deletions by strikeout.
non-federal cost requirements of the U.S. Army Corps of Engineers' Upper Des Plaines River Flood Control Project ........................ 600,000
Small Drainage and Flood Control Projects - For implementation of small drainage and flood control improvements in accordance with plans developed in cooperation with local governments and school districts, not to exceed $100,000 at any single locality ........................................ 100,000
Total $11,000,000

WATERWAY IMPROVEMENTS

Section 47. The sum of $200,000, or so much of that amount as may be necessary and as remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 44, Section 47 of Public Act 92-8, as amended, is reappropriated to the Department of Natural Resources from the General Revenue Fund for expenditure by the Division of Water Resources to dredge the Wabash River at Grayville, Illinois.

Section 49. The sum of $500,000, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 44, Section 49 of Public Act 92-8, as amended, is reappropriated from the General Revenue Fund to the Department of Natural Resources for all activities relating to the design and implementation of channel restoration, channel maintenance and flood control work on Farmers and Prairie Creeks in Des Plaines and Maine Township.

Section 50. The sum of $244,700, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 44, Section 50 of Public Act 92-8, as amended, is reappropriated from the General Revenue Fund to the Office of Water Resources for the City of Des Plaines for all activities relating to the design and implementation of channel restoration, channel maintenance and flood control work on Farmers and Prairie Creeks in Des Plaines and Maine Township.

Section 51. The sum of $331,600, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 44, Section 51 of Public Act 92-8, as amended, is reappropriated to the Illinois Department of Natural Resources from the General Revenue Fund to build a detention pond for Deer Creek in Ford Heights.

Section 52. In addition to any amounts previously or elsewhere appropriated, the sum of $2,593,500, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2002, from appropriations heretofore made in Article 44, Section 52 of Public Act 92-8, as amended, is reappropriated from the Capital
Development Fund to the Department of Natural Resources for the purpose of carrying out Phase IV of the Willow-Higgins Creek improvement.

Section 53. The sum of $2,000, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 44, Section 53 of Public Act 92-8, as amended, is reappropriated from the General Revenue Fund to the Department of Natural Resources for Illinois River cleanup and dredging at Ballard's Island Harbor.

GRANTS AND REIMBURSEMENTS - GENERAL OFFICE

Section 54. The amount of $2,914,300, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Natural Resources for contributions of funds to park districts and other entities as provided by the "Illinois Horse Racing Act of 1975" and to public museums and aquariums located in park districts, as provided by "AN ACT concerning aquariums and museums in public parks" and the "Illinois Horse Racing Act of 1975" as now or hereafter amended.

Section 55. The sum of $100,000, new appropriation, is appropriated from the Wildlife and Fish Fund to the Department of Natural Resources for acquisition and development, including grants, for the implementation of the North American Waterfowl Management Plan within the Dominion of Canada or the United States which specifically provides waterfowl for the Mississippi Flyway.

Section 56. The sum of $160,000, new appropriation, is appropriated from the State Migratory Waterfowl Stamp Fund to the Department of Natural Resources for the payment of grants for the implementation of the North American Waterfowl Management Plan within the Dominion of Canada or the United States which specifically provides waterfowl to the Mississippi Flyway as provided in the "Wildlife Code", as amended.

Section 57. The sum of $150,000, new appropriation, is appropriated from the State Boating Act Fund to the Department of Natural Resources for a grant to the Chain O'Lakes - Fox River Waterway Management Agency for the Agency’s operational expenses.

Section 58. The sum of $1,000,000, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 44, Section 58 of Public Act 92-8, as amended, is reappropriated from the General Revenue Fund to the Department of Natural Resources for a grant to Tri-County Park for operational expenses.

Section 59. The amount of $220,700, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 44, Section 59 of Public Act 92-8, as amended, is reappropriated from the Capital Development Fund to the Department of Natural Resources for land acquisition and development grants to units of local government in conjunction with a flood hazard mitigation plan along Butterfield Creek in cooperation with units of government.

Section 60. The sum of $725,000, new appropriation, is appropriated and the sum of $2,916,800 or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2002, from appropriations heretofore made in Article 44,
Section 60 of Public Act 92-8, as amended, is reappropriated from the State Boating Act Fund to the Department of Natural Resources for the administration and payment of grants to local governmental units for the construction, maintenance, and improvement of boat access areas.

Section 61. The amount of $300,000, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 44, Section 62 of Public Act 92-8, as amended, is reappropriated from the Capital Development Fund to the Department of Natural Resources for a grant to the Lake County Forest Preserve District for all costs associated with construction and improvements on the Des Plaines River Trail.

Section 62. The sum of $1,250,000, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 44, Section 63 of Public Act 92-8, as amended, is reappropriated from the General Revenue Fund to the Department of Natural Resources for a grant to the DuPage County Forest Preserve for all costs associated with the Salt Creek Greenway.

Section 63. The sum of $3,000,000, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 44, Section 64 of Public Act 92-8, as amended, is reappropriated from the General Revenue Fund to the Department of Natural Resources for a grant to the Forest Preserve District of DuPage County for all costs associated with Phase III of the Salt Creek Greenway Development project.

Section 64. The sum of $194,300, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 44, Section 65 of Public Act 92-8, as amended, is reappropriated from the Capital Development Fund to the Department of Natural Resources for a bike trail connecting the Elgin bike path/trail to the McHenry bike path/trail.

Section 65. The sum of $200,000, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 44, Section 66 of Public Act 92-8, as amended, is reappropriated from the General Revenue Fund to the Department of Natural Resources for a grant to the Village of Justice for bike paths.

Section 66. The sum of $750,000, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 44, Section 67 of Public Act 92-8, as amended, is reappropriated from the Capital Development Fund to the Department of Natural Resources for a grant to the Chicago Park District for all costs associated with the acquisition, development, renovation, repair or construction, and equipment for a regional indoor youth athletic facility.

Section 67. The sum of $55,000, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 44, Section 71 of Public Act 92-8, as amended, is reappropriated from the Capital Development Fund to the Department of Natural Resources for a grant to the Chicago Park District for all costs associated with acquisition, construction,

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development, and purchase of equipment for the planned park at the corner of Roscoe and Racine.

Section 67a. The sum of $21,800, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 44, Section 213d of Public Act 92-8, as amended, is reappropriated from the Capital Development Fund to the Department of Natural Resources for a grant to the Lakeview Citizens Council for all costs associated with infrastructure improvements at Gil Park.

Section 68. The sum of $300,000, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 44, Section 72 of Public Act 92-8, as amended, is reappropriated from the Capital Development Fund to the Department of Natural Resources for a grant to the Chicago Park District for all costs of developing, planning, and constructing recreational facilities at Fosco Park.

Section 69. The sum of $600,000, new appropriation, is appropriated and the sum of $704,300, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2002, from appropriations heretofore made in Article 44, Section 74 of Public Act 92-8, as amended, is reappropriated from the Off Highway Vehicle Trails Fund to the Department of Natural Resources for grants to units of local governments, not-for-profit organization, and other groups to operate, maintain and acquire land for off-highway vehicle trails and parks as provided for in the Recreational Trails of Illinois Act, including administration, enforcement, planning and implementation of this Act.

Section 70. The sum of $160,000, new appropriation, is appropriated from the State Migratory Waterfowl Stamp Fund to the Department of Natural Resources for the payment of grants for the development of waterfowl propagation areas within the Dominion of Canada or the United States which specifically provide waterfowl for the Mississippi Flyway as provided in the "Wildlife Code", as amended.

Section 71. To the extent federal funds including reimbursements are available for such purposes, the sum of $100,000, new appropriation, is appropriated, and the sum of $193,200 or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2002, from appropriations heretofore made in Article 44, Section 76 of Public Act 92-8, as amended, is reappropriated from the Wildlife and Fish Fund to the Department of Natural Resources for construction and renovation of waste reception facilities for recreational boaters, including grants for such purposes authorized under the Clean Vessel Act.

Section 72. To the extent federal funds including reimbursements are available for such purposes, the sum of $1,600,000, new appropriation, is appropriated, and the sum of $200,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 44, Section 77 of Public Act 92-8, as amended, is reappropriated from the State Boating Act Fund to the Department of Natural Resources for all costs for construction and development

New matter indicated by italics - deletions by strikeout.
of facilities for transient, non-trailerable recreational boats, including grants for such
purposes and authorized under the Boating Infrastructure Grant Program.

Section 73. The sum of $1,270,500, or so much thereof as may be necessary, and
as remains unexpended at the close of business on June 30, 2001, from an appropriation
heretofore made in Article 44, Section 78 of Public Act 92-8, as amended, is reappropriated
from the Capital Development Fund to the Department of Natural Resources for a grant
to the Illinois International Port District in Chicago for a marina, associated recreational
facilities, and necessary auxiliary infrastructure improvements.

Section 74. The sum of $22,000,000, new appropriation, is appropriated, and the
sum of $64,348,900, or so much thereof as may be necessary and as remains unexpended
at the close of business on June 30, 2002, from appropriations heretofore made in Article
44, Section 79 of Public Act 92-8, as amended, is reappropriated from the Open Space
Lands Acquisition and Development Fund to the Department of Natural Resources for
expenses connected with and to make grants to local governments as provided in the
"Open Space Lands Acquisition and Development Act".

Section 75. The following named sums, or so much thereof as may be necessary and
as remains unexpended at the close of business on June 30, 2002, from appropriations
heretofore made in Article 44, Sections 80 and 81 of Public Act 92-8, as amended, made
either independently or in cooperation with the Federal Government or any agency thereof,
any municipal corporation, or political subdivision of the State, or with any public or
private corporation, organization, or individual, are reappropriated to the Department of
Natural Resources for refunds and the purposes stated:

Payable from Land and Water Recreation Fund:
(From Article 44, Section 80
on page 442, line 31, and Section
81, page 443, line 18 of Public
Act 92-8)
For Outdoor Recreation Programs .............. $ 6,603,800
Payable from Federal Title IV Fire
Protection Assistance Fund:
(From Article 44, Section 80 on page
443, lines 2-7, and Section 81
on page 443, lines 21-24 of Public
Act 92-8)
For Rural Community Fire
Protection Program ......................... 306,700
Total $6,910,500

Section 76. The following named sums, or so much thereof as may be necessary,
respectively, herein made either independently or in cooperation with the Federal
Government or any agency thereof, any municipal corporation, or political subdivision
of the State, or with any public or private corporation, organization, or individual, are
appropriated to the Department of Natural Resources for refunds and the purposes stated:

New matter indicated by italics - deletions by strikeout.
| Payable from Land and Water Recreation Fund: |  
| For Outdoor Recreation Programs .............. | $6,200,000 |
| Payable from Forest Reserve Fund: |  
| For U.S. Forest Service Program .............. | 500,000 |
| Payable from Federal Title IV Fire Protection Assistance Fund: |  
| For Rural Community Fire Protection Programs .......................... | 325,000 |
| Total | $7,025,000 |

Section 77. The sum of $120,000, new appropriation, is appropriated and the sum of $371,300, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2002, from appropriations heretofore made in Article 44, Section 82, of Public Act 92-8, as amended, is reappropriated from the State Boating Act Fund to the Department of Natural Resources for the purposes of the Snowmobile Registration and Safety Act and for the administration and payment of grants to local governmental units for the construction, land acquisition, lease, maintenance and improvement of snowmobile trails and access areas.

Section 78. The sum of $120,000, new appropriation, is appropriated and the sum of $118,000, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2002, from appropriations heretofore made in Article 44, Section 83 of Public Act 92-8, as amended, is reappropriated from the Snowmobile Trail Establishment Fund to the Department of Natural Resources for the administration and payment of grants to nonprofit snowmobile clubs and organizations for construction, maintenance, and rehabilitation of snowmobile trails and areas for the use of snowmobiles.

**GRANTS AND REIMBURSEMENTS - RESOURCE CONSERVATION**

Section 79. The sum of $625,000, new appropriation, is appropriated, and the sum of $985,000, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2002, from appropriations heretofore made in Article 44, Section 84 of Public Act 92-8, as amended, is reappropriated from the Illinois Forestry Development Fund to the Department of Natural Resources for the payment of grants to timber growers for implementation of acceptable forestry management practices as provided in the "Illinois Forestry Development Act" as now or hereafter amended.

Section 80. To the extent Federal Funds including reimbursements are made available for such purposes, the sum of $300,000, new appropriation, is appropriated and the sum of $460,300, less $152,300 to be lapsed from the unexpended balance, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2002, from appropriations heretofore made in Article 44, Section 85 of Public Act 92-8, as amended, is reappropriated from the Illinois Forestry Development Fund to the Department of Natural Resources for Forest Stewardship Technical Assistance.

Section 81. To the extent federal funds including reimbursements are made available for such purposes, the sum of $302,500, or so much thereof as may be necessary and as remains unexpended, at the close of business on June 30, 2002, from appropriations

New matter indicated by italics - deletions by strikeout.
heretofore made in Article 44, Section 86 of Public Act 92-8, as amended, is reappropriated from the Illinois Forestry Development Fund to the Department of Natural Resources for Urban Forestry programs, including technical assistance, education and grants.

GRANTS AND REIMBURSEMENTS - MINES AND MINERALS

Section 82. The sum of $110,000, or so much thereof as may be necessary, is appropriated from the Plugging and Restoration Fund to the Department of Natural Resources, Office of Mines and Minerals for the Landowner Grant Program authorized under the Oil and Gas Act, as amended by Public Act 90-0260.

Section 83. The sum of $6,000,000, new appropriation, is appropriated and the sum of $12,673,300, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2002, from appropriations heretofore made in Article 44, Section 88 of Public Act 92-8, as amended, is reappropriated to the Department of Natural Resources from the Abandoned Mined Lands Reclamation Council Federal Trust Fund for grants and contracts to conduct research, planning and construction to eliminate hazards created by abandoned mines, and any other expenses necessary for emergency response.

Section 84. The sum of $1,500,000, new appropriation, or so much thereof as may be necessary, is appropriated to the Department of Natural Resources from the Abandoned Mined Lands Set Aside Fund for grants and contracts to conduct research, planning and construction to eliminate hazards created by abandoned mines and any other expenses necessary for emergency response.

GRANTS AND REIMBURSEMENTS - WATER RESOURCES

Section 85. The sum of $600,000, or so much thereof as may be necessary, is appropriated to the Department of Natural Resources for expenditure by the Office of Water Resources from the Flood Control Land Lease Fund for disbursement of monies received pursuant to Act of Congress dated September 3, 1954 (68 Statutes 1266, same as appears in Section 701c-3, Title 33, United States Code Annotated), provided such disbursement shall be in compliance with 15 ILCS 515/1 Illinois Compiled Statutes.

Section 86. In addition to any other amounts, the sum of $819,800, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made in Article 11, Section 91 of Public Act 92-8, as amended, is reappropriated to the Department of Natural Resources from the General Revenue Fund for a grant to the Village of Midlothian for all costs associated with the planning, construction, and development of the Midlothian Retention Basin.

Section 87. The sum of $904,400, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made in Article 44, Section 92 of Public Act 92-8, as amended, is reappropriated from the General Revenue Fund to the Department of Natural Resources for a grant to the Chicago Park District for all costs associated with lagoon rehabilitation activities.

Section 88. The sum of $19,300, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made in Article 44, Section 93 of Public Act 92-8, as amended, is reappropriated.
from the General Revenue Fund to the Department of Natural Resources for a grant to the City of Lockport for flood control.

Section 89. The sum of $37,900, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made in Article 44, Section 95 of Public Act 92-8, as amended, is reappropriated from the General Revenue Fund to the Department of Natural Resources for a grant to Peoria County for flood hazard mitigation and land acquisition.

GRANTS - STATE MUSEUM

Section 90. The amount of $42,400, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made in Article 44, Section 96 of Public Act 92-8, as amended, is reappropriated from the Capital Development Fund to the Department of Natural Resources for grants to public museums for permanent improvements.

Section 91. The sum of $18,000,000, new appropriation, is appropriated and the sum of $17,771,200, or so much thereof as may be necessary, and as remains unexpended at the close of business on June 30, 2002, from reappropriations heretofore made in Article 44, Section 97 of Public Act 92-8, as amended, is reappropriated from the Capital Development Fund to the Department of Natural Resources for grants to public museums for permanent improvements.

Section 92. The sum of $1,112,400, less $1,000,000 to be lapsed from the unexpended balance, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2002, from reappropriations heretofore made in Article 44, Section 98 of Public Act 92-8, as amended, is reappropriated from the General Revenue Fund to the Department of Natural Resources for education and technology partnerships between museums and schools and expenses connected with the administration of grants to museums.

Section 93. The sum of $100,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002 from reappropriations heretofore made for such purposes in Article 44, Section 99 of Public Act 92-8, as amended, is reappropriated from the General Revenue Fund to the Department of Natural Resources for a grant to the City of Waukegan for the Waukegan Harbor clean-up.

Section 94. The sum of $100,000, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made in Article 44, Section 100 of Public Act 92-8, as amended, is reappropriated from the General Revenue Fund to the Department of Natural Resources for a grant to the Deerfield Park District.

Section 95. The following sums, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made in Article 44, Section 101 of Public Act 92-8, as amended, is reappropriated from the General Revenue Fund to the Department of Natural Resources for grants to the following park district for recreational equipment and improvements:

New matter indicated by italics - deletions by strikeout.
Streeterville Community Substance Abuse Treatment Program ........1,000
Section 96. The sum of $114,500, or so much thereof as may be necessary and as
remains unexpended at the close of business on June 30, 2002 from a reappropriation
heretofore made in Article 44, Section 105 of Public Act 92-8, as amended, is
reappropriated to the Illinois Department of Natural Resources from the General Revenue
Fund for the Joliet Arsenal Development Authority.

Section 97. The sum of $93,300, or so much thereof as may be necessary and as
remains unexpended at the close of business on June 30, 2002 from a reappropriation
heretofore made in Article 44, Section 108 of Public Act 92-8, as amended, is reappropriated
from the General Revenue Fund to the Department of Natural Resources for a grant to the
Kane County Forest Preserve for restoration of the Frank Lloyd Wright Pavilion.

Section 98. The sum of $50,000, or so much thereof as may be necessary and as
remains unexpended at the close of business on June 30, 2002, from a reappropriation
heretofore made in Article 44, Section 109 of Public Act 92-8, as amended, is reappropriated
from the General Revenue Fund to the Department of Natural Resources for a grant to the
Village of Glen Ellyn for Prairie Path pedestrian bridge.

Section 99. The sum of $75,000, or so much thereof as may be necessary and as
remains unexpended at the close of business on June 30, 2002, from a reappropriation
heretofore made in Article 44, Section 110 of Public Act 92-8, as amended, is reappropriated
from the General Revenue Fund to the Department of Natural Resources for a grant to the
City of East Moline for the park garage and ravine flood repair in the City of East Moline.

Section 100. The sum of $10,000, or so much thereof as may be necessary and as
remains unexpended at the close of business on June 30, 2002, from a reappropriation
heretofore made in Article 44, Section 111 of Public Act 92-8, as amended, is reappropriated
from the General Revenue Fund to the Department of Natural Resources for a grant to the
Village of St. Rose for construction of bicycle paths.

Section 101. The sum of $50,000, or so much thereof as may be necessary and as
remains unexpended at the close of business on June 30, 2002 from a reappropriation
heretofore made in Article 44, Section 112 of Public Act 92-8, as amended, is reappropriated
from the General Revenue Fund to the Department of Natural Resources for a grant to the
Village of Ashland for all costs associated with water diversion activities.

Section 102. The sum of $500,000, or so much thereof as may be necessary and as
remains unexpended at the close of business on June 30, 2002 from a reappropriation
heretofore made in Article 44, Section 114 of Public Act 92-8, as amended, is reappropriated
from the General Revenue Fund to the Department of Natural Resources for land
acquisition and related cost for the Tri-County Park in DuPage, Cook and Kane Counties.

Section 103. The sum of $207,900, or so much thereof as may be necessary and as
remains unexpended at the close of business on June 30, 2002, from a reappropriation
heretofore made in Article 44, Section 115 of Public Act 92-8, as amended, is reappropriated
from the General Revenue Fund to the Department of Natural Resources for a grant to the
DuPage County Board for all costs associated with the acquisition, rehabilitation, and
maintenance of Fawell Dam in McDowell Woods.

New matter indicated by italics - deletions by strikeout.
Section 104. The sum of $17,300, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made for such purposes in Article 44, Section 117 of Public Act 92-8, as amended, is reappropriated from the General Revenue Fund to the Department of Natural Resources for the purpose of detection, control, eradication, tree planting replacement and reforestation for damages of exotic pests such as the Asian Longhorn Beetle and Gypsy Moth.

Section 105. The sum of $150,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Natural Resources for a grant to the Kankakee River Conservancy District for operations expenses.

Section 106. The sum of $12,900, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2002, from reappropriations heretofore made for such purpose in Article 44, Section 119 of Public Act 92-8, as amended, is reappropriated from the Capital Development Fund to the Department of Natural Resources for a grant to Evanston Park District for rehabilitating James Park facilities.

Section 107. The sum of $750,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made for such purposes in Article 44, Section 120 of Public Act 92-8, approved June 11, 2001, as amended, is reappropriated from the Capital Development Fund to the Department of Natural Resources for a grant to the Elmhurst Park District for land acquisition for Eldridge Park.

Section 108. The sum of $127,500, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made for such purposes in Article 44, Section 121 of Public Act 92-8, approved June 11, 2001, as amended, is reappropriated from the Capital Development Fund to the Department of Natural Resources for a grant to the Chicago Botanical Gardens for shoreline restoration.

Section 109. The sum of $70,800, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made for such purposes in Article 44, Section 122 of Public Act 92-8, as amended, is reappropriated from the Capital Development Fund to the Department of Natural Resources for a grant to Wood Dale Salt Creek for land acquisition for flood control.

Section 110. The sum of $500,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made for such purposes in Article 44, Section 124 of Public Act 92-8, as amended, is reappropriated from the Capital Development Fund to the Department of Natural Resources for a grant to the Arlington Heights Park District to renovate the administrative center.

Section 111. The sum of $1,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made for such purposes in Article 44, Section 125 of Public Act 92-8, as

New matter indicated by italics - deletions by strikeout.
amended, is reappropriated from the Capital Development Fund to the Department of Natural Resources for a grant to the Village of Mount Prospect for channel stabilization.

Section 112. The amount of $11,700, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made in Article 44, Section 127 of Public Act 92-8, approved June 11, 2001, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Natural Resources for a grant to the Village of Patoka for the purpose of park improvements.

Section 113. The amount of $5,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made in Article 44, Section 131 of Public Act 92-8, approved June 11, 2001, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Natural Resources for a grant to the Village of Arlington for the purpose of improving parks and creating recreational opportunities.

Section 114. The amount of $50,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made for such purposes in Article 44, Section 132 of Public Act 92-8, approved June 11, 2001, as amended, is reappropriated from the Capital Development Fund to the Department of Natural Resources for a grant to the City of Peru for the purpose of constructing a park and recreation center.

Section 115. The amount of $50,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made for such purposes in Article 44, Section 133 of Public Act 92-8, approved June 11, 2001, as amended, is reappropriated from the Capital Development Fund to the Department of Natural Resources for a grant to the City of Chicago for the purpose of redeveloping Burton Place Park.

Section 116. The amount of $25,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made in Article 44, Section 134 of Public Act 92-8, approved June 11, 2001, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Natural Resources for a grant to the City of Chicago for the purpose of funding Lakefront Trolley from the "North Museum Campus" to Lincoln Park Zoo.

Section 117. The amount of $10,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made in Article 44, Section 136 of Public Act 92-8, approved June 11, 2001, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Natural Resources for a grant to the Chicago Park District for the purpose of landscaping and restoration of a field house at McKiernan Park.

Section 118. The amount of $20,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made in Article 44, Section 137 of Public Act 92-8, approved June 11, 2001, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Natural Resources for a grant to the Chicago Park District for the purpose of landscaping and

New matter indicated by italics - deletions by strikeout.
restoration of a field house at Palmer Park.

Section 119. The amount of $29,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made in Article 44, Section 140 of Public Act 92-8, approved June 11, 2001, as amended, is reappropriated from the Fund for Illinois’ Future to the Department of Natural Resources for a grant to Peoria County for the purpose of enforcing erosion control ordinance.

Section 120. The amount of $65,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made for such purposes in Article 44, Section 141 of Public Act 92-8, approved June 11, 2001, as amended, is reappropriated from the Capital Development Fund to the Department of Natural Resources for a grant to Peoria County for the purpose of acquiring flood prone property.

Section 121. The amount of $60,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made in Article 44, Section 149 of Public Act 92-8, approved June 11, 2001, as amended, is reappropriated from the Fund for Illinois’ Future to the Department of Natural Resources for a grant to Friends of Chicago River for the purpose of river enhancement.

Section 122. The amount of $68,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made in Article 44, Section 150 of Public Act 92-8, approved June 11, 2001, as amended, is reappropriated from the Fund for Illinois’ Future to the Department of Natural Resources for a grant to the Village of Spring Grove for the purpose of constructing a bike and walking path.

Section 123. The amount of $14,400, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made in Article 44, Section 151 of Public Act 92-8, approved June 11, 2001, as amended, is reappropriated from the Fund for Illinois’ Future to the Department of Natural Resources for a grant to the Village of Lincolnshire for the purpose of restoration of Lincolnshire Creek.

Section 124. The amount of $2,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made in Article 44, Section 154 of Public Act 92-8, approved June 11, 2001, as amended, is reappropriated from the Fund for Illinois’ Future to the Department of Natural Resources for a grant to the City of Chicago Heights Park District for the purpose of improvements to King Park.

Section 125. The amount of $16,800, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made in Article 44, Section 158 of Public Act 92-8, approved June 11, 2001, as amended, is reappropriated from the Fund for Illinois’ Future to the Department of Natural Resources for a grant to the City of Wamac for the purpose of park improvements.

Section 126. The amount of $40,000, or so much thereof as may be necessary and

New matter indicated by italics - deletions by strikeout.
remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made in Article 44, Section 162 of Public Act 92-8, approved June 11, 2001, as amended, is reappropriated from the Fund for Illinois’ Future to the Department of Natural Resources for a grant to South Lakeview Neighbors for the purpose of all costs associated with the South Lakeview playground.

Section 127. The amount of $300,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made in Article 44, Section 163 of Public Act 92-8, approved June 11, 2001, as amended, is reappropriated from the Fund for Illinois’ Future to the Department of Natural Resources for a grant to the Village of Orland Park for the purpose of connecting bike paths.

Section 128. The amount of $10,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made in Article 44, Section 165 of Public Act 92-8, approved June 11, 2001, as amended, is reappropriated from the Fund for Illinois’ Future to the Department of Natural Resources for a grant to the City of Chicago for the purpose of redeveloping a bus turnaround into a public park at Clark and Wisconsin in the 43rd Ward.

Section 129. The amount of $55,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made in Article 44, Section 166 of Public Act 92-8, approved June 11, 2001, as amended, is reappropriated from the Fund for Illinois’ Future to the Department of Natural Resources for a grant to F.P.D. of Cook County for the purpose of capital improvements for Edgebrook Community Center.

Section 130. The amount of $51,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made in Article 44, Section 172 of Public Act 92-8, approved June 11, 2001, as amended, is reappropriated from the Fund for Illinois’ Future to the Department of Natural Resources for the operation and support of the Department of Natural Resources Damage Assessment Program.

Section 131. The sum of $883,300, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made for such purposes in Article 44, Section 173 of Public Act 92-8, approved June 11, 2001, as amended, is reappropriated from the Capital Development Fund to the Department of Natural Resources for a grant to the Forest Preserve District of DuPage County for all costs associated with Lyman Woods.

Section 132. The sum of $2,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made for such purposes in Article 44, Section 174 of Public Act 92-8, approved June 11, 2001, as amended, is reappropriated from the Capital Development Fund to the Department of Natural Resources for a grant to the Forest Preserve District of DuPage County for all costs associated with the West Branch Regional Trail.

Section 133. The sum of $3,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation

New matter indicated by italics - deletions by strikeout.
heretofore made for such purposes in Article 44, Section 175 of Public Act 92-8, approved June 11, 2001, as amended, is reappropriated from the Capital Development Fund to the Department of Natural Resources for a grant to the Forest Preserve District of DuPage County for all costs associated with Salt Creek Greenway.

Section 134. The sum of $3,320,500, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made for such purposes in Article 44, Section 176 of Public Act 92-8, approved June 11, 2001, as amended, is reappropriated from the Capital Development Fund to the Department of Natural Resources for a grant to the Forest Preserve District of DuPage County for all costs associated with Oak Meadows and Maple Meadows and Green Meadows.

Section 135. The sum of $30,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made in Article 44, Section 178 of Public Act 92-8, approved June 11, 2001, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Natural Resources for a grant to the Friends of Chicago River for improvement projects.

Section 136. The sum of $1,167,400, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made in Article 44, Section 179 of Public Act 92-8, approved June 11, 2001, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Natural Resources for a grant to Bronzeville Children's Museum for land acquisition and construction of a new museum.

Section 137. The sum of $150,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made in Article 44, Section 183 of Public Act 92-8, approved June 11, 2001, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Natural Resources for a grant to the Chicago Park District for Marquette Park for a running track rehabilitation and fencing.

Section 138. The sum of $150,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made in Article 44, Section 184 of Public Act 92-8, approved June 11, 2001, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Natural Resources for a grant to the City of Pekin for Pekin Lake.

Section 139. The sum of $100,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made in Article 44, Section 186 of Public Act 92-8, approved June 11, 2001, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Natural Resources for a grant to the Waukegan Park District.

Section 140. The sum of $100,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made in Article 44, Section 187 of Public Act 92-8, approved June 11, 2001, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Natural Resources for a grant to the City of Pekin for Pekin Lake.
Resources for a grant to the Dolton Park District for the purpose of a playground and maintenance equipment.

Section 141. The sum of $125,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made in Article 44, Section 189 of Public Act 92-8, approved June 11, 2001, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Natural Resources for a grant to the Illinois Valley YMCA to construct a walking/biking path, toboggan run, ice hockey rink and rollerblade park.

Section 142. The sum of $127,800, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made in Article 44, Section 190 of Public Act 92-8, approved June 11, 2001, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Natural Resources for a grant to the City of Chicago for costs associated with reforestation necessitated by Asian long-horned beetle infestation.

Section 143. The sum of $200,000, or so much thereof as may be necessary is and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made in Article 44, Section 191 of Public Act 92-8, approved June 11, 2001, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Natural Resources for a grant to the Illinois Valley YMCA in Peru for establishing a recreational park.

Section 144. The sum of $50,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made in Article 44, Section 192 of Public Act 92-8, approved June 11, 2001, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Natural Resources for a grant to the City of Marseilles for acquisition of property on Illinois' River for parks and recreation.

Section 145. The sum of $200,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made for such purposes in Article 44, Section 195 of Public Act 92-8, approved June 11, 2001, as amended, is reappropriated from the Capital Development Fund to the Department of Natural Resources for a grant to the City of Ottawa for downtown renovation.

Section 146. The sum of $125,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made in Article 44, Section 196 of Public Act 92-8, approved June 11, 2001, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Natural Resources for a grant to the City of Peru for park construction and roller blade facilities at various parks.

Section 147. The sum of $1,281,200, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made in Article 44, Section 199 of Public Act 92-8, approved June 11, 2001, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Natural Resources for a grant to the City of Peru for maintenance equipment.
Resources for grants to units of local government for infrastructure improvements including but not limited to park and recreational projects, facilities, bike paths, and equipment.

Section 148. The sum of $205,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made for such purposes in Article 44, Section 213b of Public Act 92-8, approved June 11, 2001, as amended, is reappropriated from the General Revenue Fund to the Department of Natural Resources for grants to governmental units and not-for-profit and educational entities for various capital improvements related to storm damage in various communities.

Section 149. The amount of $4,589,500, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made in Article 44, Section 201 of Public Act 92-8, approved June 11, 2001, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Natural Resources for grants to units of local government and not-for-profit entities for park and recreational projects, museums, facilities, infrastructure improvements and equipment.

Section 150. In addition to any amounts heretofore appropriated for such purposes, the sum of $1,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made for such purposes in Article 44, Section 202 of Public Act 92-8, approved June 11, 2001, as amended, is reappropriated from the Capital Development Fund to the Department of Natural Resources for the purpose of carrying out Phase IV of the Willow-Higgins Creek improvement.

Section 151. The sum of $256,300, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made in Article 44, Section 203 of Public Act 92-8, approved June 11, 2001, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Natural Resources for all costs associated with a showerhouse at Nauvoo State Park.

Section 152. The amount of $700,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made for such purposes in Article 17, Section 204 of Public Act 92-8, approved June 11, 2001, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Natural Resources (formerly to the Department of Transportation) for a grant to the Chicago Park District for facilities improvements at the Washington Park Fieldhouse.

Section 153. The sum of $400,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made in Article 44, Section 205 of Public Act 92-8, as amended, is reappropriated from the Capital Development Fund to the Illinois Department of Natural Resources (formerly to the Environmental Protection Agency) for a grant to the Village of Justice for planning, construction, reconstruction and improvement of sewers.

New matter indicated by italics - deletions by strikeout.
Section 154. The sum of $837,758, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 44, Section 206 of Public Act 92-8, as amended, is reappropriated to the Department of Natural Resources from the General Revenue Fund for a grant to the Fox Waterway Agency for costs associated with dredging.

Section 155. The sum of $5,980,800, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 44, Section 207 of Public Act 92-8, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Natural Resources for all costs associated with grants to various governmental units and not-for-profit entities for infrastructure improvements including but not limited to park and recreational projects, facilities, bike paths, equipment and any other necessary costs.

Section 156. The sum of $671,800, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 44, Section 208 of Public Act 92-8, as amended, is reappropriated from the Capital Development Fund to the Department of Natural Resources for a grant to the Forest Preserve District of DuPage County for various costs associated with Danda Preserve.

Section 157. The sum of $3,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 44, Section 209 of Public Act 92-8, as amended, is reappropriated from the Capital Development Fund to the Department of Natural Resources for a grant to the Forest Preserve District of DuPage County for all costs associated with Salt Creek Greenway.

Section 158. The sum of $2,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 44, Section 210 of Public Act 92-8, as amended, is reappropriated from the Capital Development Fund to the Department of Natural Resources for a grant to the Forest Preserve District of DuPage County for all costs associated with Oak Meadows, Maple Meadows and Green Meadows.

Section 159. The sum of $300,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 44, Section 212 of Public Act 92-8, as amended, is reappropriated from the Capital Development Fund to the Department of Natural Resources for a grant to the Forest Preserve District of DuPage County for all costs associated with Fullersburg Woods.

Section 160. The sum of $115,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 44, Section 213 of Public Act 92-8, as amended, is reappropriated to the Department of Natural Resources from the General Revenue Fund for a grant to the City of Ottawa for acquisition of Harper's Farm.

Section 161. The sum of $250,000, or so much thereof as may be necessary and

New matter indicated by italics - deletions by strikeout.
remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 44, Section 213c of Public Act 92-8, as amended, is reappropriated from the Capital Development Fund to the Department of Natural Resources for the purpose of a grant to the Village of Cahokia for the Lewis and Clark Visitors Center.

Section 162. The sum of $3,500,000, or so much thereof as may be necessary, is appropriated from the Capital Development Fund to the Department of Natural Resources for development, planning and construction of a lodge at Kankakee River State Park.

Section 163. No contract shall be entered into or obligation incurred or any expenditure made from an appropriation herein made in Sections 1, 2, 3, 4, 6, 7, 22, 23, 24, 25, 26, 30, 31, 32, 33, 34, 38, 39, 41, 42, 43, 44, 45, 46, 52, 59, 61, 66, 67, 68, 73, 90, 91, 106, 107, 108, 109, 110, 111, 114, 115, 120, 131, 132, 133, 134, 145, 150, 153, 156, 157, 158, 159, 160 and 161 until after the purpose and amount of such expenditure has been approved in writing by the Governor.

ARTICLE 36

Section 1. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent expenses of the following divisions of the Department of Corrections.

FOR OPERATIONS
GENERAL OFFICE

For Personal Services ......................... $ 20,956,400
For Employee Retirement Contributions
Paid by Employer ........................... 1,059,700
For State Contributions to State
Employees' Retirement System ............... 2,138,200
For State Contributions to Social Security .......................... 1,529,400
For Contractual Services ..................... 11,806,000
For Travel .................................... 595,000
For Commodities ............................. 733,900
For Printing .................................. 143,400
For Equipment ................................ 441,500
For Electronic Data Processing ............. 10,006,000
For Telecommunications Services .......... 3,327,200
For Operation of Auto Equipment .......... 223,200
For Sheriffs' Fees for Conveying Prisoners ... 390,500
For support costs associated with the
Criminal Law and Corrections Task Force...... 500,000
For payment of claims as provided by the
"Workers' Compensation Act" or the "Workers'

New matter indicated by italics - deletions by strikeout.
Occupational Diseases Act", including
Treatment, Expenses and Benefits Payable
for Total Temporary Incapacity for Work ..... 7,939,600
Expenditures from appropriations for treatment and expense may be made after the
Department of Corrections has certified that the injured person was employed and that the
nature of the injury is compensable in accordance with the provisions of the Workers' Compensation Act or the Workers' Occupational Diseases Act, and then has determined the
amount of such compensation to be paid to the injured person. Expenditures for this
purpose may be made by the Department of Corrections without regard to the fiscal year in
which benefit or service was rendered or cost incurred as allowable or provided by the
Workers' Compensation Act or the Workers' Occupational Diseases Act.

For Tort Claims ......................... 490,000
For the State's share of Assistant
State's Attorneys' salaries -
reimbursement to counties pursuant
to Chapter 53 of the Illinois
Revised Statutes ....................... 435,600
For Repairs, Maintenance and Other
Capital Improvements .................. 3,412,800
Total $66,128,400

SCHOOL DISTRICT
For Personal Services .................. $26,396,500
For Employee Retirement Contributions
Paid by Employer ..................... 1,326,800
For Student, Member and Inmate
Compensation ......................... 59,400
For State Contributions to State
Employees' Retirement System ....... 2,625,900
For State Contributions to Teachers'
Retirement System .................... 6,500
For State Contributions to Social Security ...
1,623,400
For Contractual Services .............. 7,584,700
For Travel .......................... 88,500
For Commodities .................... 949,400
For Printing .......................... 107,200
For Equipment ....................... 1,156,400
For Telecommunications Services ..... 6,500
For Operation of Auto Equipment ..... 13,800
Total $41,945,000

FIELD SERVICES
For Personal Services .................. $44,248,400
For Employee Retirement Contributions

New matter indicated by italics - deletions by strikeout.
Paid by Employer ............................ 2,228,600  
For Student, Member and Inmate  
Compensation ............................... 174,200  
For State Contributions to State  
Employees' Retirement System .......... 4,513,700  
For State Contributions to  
Social Security ............................ 3,259,300  
For Contractual Services ............... 29,919,300  
For Travel ................................. 627,100  
Travel and Allowance for Prisoners..... 1,600  
For Commodities ........................... 1,292,000  
For Printing ............................... 20,800  
For Equipment ............................. 1,686,700  
For Telecommunications Services ...... 7,989,200  
For Operation of Auto Equipment ...... 1,730,200  
Total ...................................... $97,691,100

Section 2. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Corrections for:

**STATEVILLE CORRECTIONAL CENTER**

For Personal Services .................... $ 66,591,000  
For Employee Retirement Contributions  
Paid by Employer .......................... 3,515,600  
For Student, Member and Inmate  
Compensation ............................... 376,400  
For State Contributions to State  
Employees' Retirement System .......... 6,869,900  
For State Contributions to  
Social Security ............................ 4,981,900  
For Contractual Services ............... 20,906,500  
For Travel ................................. 153,000  
For Travel and Allowances for Committed,  
Paroled and Discharged Prisoners ..... 36,600  
For Commodities ........................... 3,339,200  
For Printing ............................... 87,200  
For Equipment ............................. 340,200  
For Telecommunications Services ...... 398,700  
For Operation of Auto Equipment ...... 545,800  
Total ...................................... $108,142,000

**THOMSON CORRECTIONAL CENTER**

For Personal Services .................... $ 10,472,500  
For Employee Retirement Contributions  
Paid by Employer .......................... 618,800

New matter indicated by italics - deletions by strikeout.
For Student, Member and Inmate
Compensation ............................... 32,100
For State Contributions to State
Employees' Retirement System .......... 1,191,700
For State Contributions to
Social Security ............................. 839,700
For Contractual Services ................. 1,056,300
For Travel ................................. 16,500
For Travel and Allowances for
Committed, Paroled and
Discharged Prisoners ..................... 3,300
For Commodities .......................... 291,800
For Printing ............................... 10,700
For Equipment ............................. 355,000
For Telecommunications Services ......... 93,500
For Operation of Auto Equipment ......... 18,100
Total ...................................... $15,000,000

DECATUR WOMEN'S CORRECTIONAL CENTER
For Personal Services ....................... $ 12,373,900
For Employee Retirement Contributions
Paid by Employer .......................... 621,300
For Student, Member and Inmate
Compensation ............................... 90,400
For State Contributions to State
Employees' Retirement System .......... 1,270,300
For State Contributions to
Social Security ............................. 924,000
For Contractual Services ................. 3,452,700
For Travel ................................. 36,000
For Travel and Allowances for
Committed, Paroled and
Discharged Prisoners ..................... 25,900
For Commodities .......................... 351,500
For Printing ............................... 25,000
For Equipment ............................. 237,100
For Telecommunications Services ......... 62,700
For Operation of Auto Equipment ......... 37,500
Total ...................................... $19,508,300

DWIGHT CORRECTIONAL CENTER
For Personal Services ....................... $ 18,904,800
For Employee Retirement Contributions
Paid by Employer .......................... 986,400

New matter indicated by italics - deletions by strikeout.
<table>
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<tr>
<th>Description</th>
<th>Amount</th>
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</thead>
<tbody>
<tr>
<td>For Student, Member and Inmate Compensation</td>
<td>194,400</td>
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<tr>
<td>For State Contributions to State Employees' Retirement System</td>
<td>1,955,500</td>
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<td>For State Contributions to Social Security</td>
<td>1,403,100</td>
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<td>For Contractual Services</td>
<td>8,626,800</td>
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<td>For Travel</td>
<td>87,900</td>
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<td>For Travel and Allowances for Committed, Paroled and Discharged Prisoners</td>
<td>66,100</td>
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<td>For Commodities</td>
<td>1,153,000</td>
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<td>For Printing</td>
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<td>For Equipment</td>
<td>220,800</td>
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<tr>
<td>For Telecommunications Services</td>
<td>175,600</td>
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<td>For Operation of Auto Equipment</td>
<td>233,700</td>
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<td><strong>Total</strong></td>
<td><strong>$34,043,900</strong></td>
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**LINCOLN CORRECTIONAL CENTER**

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<th>Description</th>
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<td>For Employee Retirement Contributions</td>
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<td>For Student, Member and Inmate Compensation</td>
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<td>For State Contributions to State Employees' Retirement System</td>
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<td>For State Contributions to Social Security</td>
<td>819,700</td>
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<td>For Contractual Services</td>
<td>5,611,600</td>
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<td>For Travel</td>
<td>13,600</td>
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<tr>
<td>For Travel and Allowances for Committed, Paroled and Discharged Prisoners</td>
<td>60,100</td>
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<tr>
<td>For Commodities</td>
<td>582,000</td>
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<tr>
<td>For Printing</td>
<td>15,100</td>
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<tr>
<td>For Equipment</td>
<td>65,700</td>
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<tr>
<td>For Telecommunications Services</td>
<td>61,200</td>
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<tr>
<td>For Operation of Auto Equipment</td>
<td>81,000</td>
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<td><strong>Total</strong></td>
<td><strong>$20,306,800</strong></td>
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**DIXON CORRECTIONAL CENTER**

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<th>Description</th>
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<tr>
<td>For Employee Retirement Contributions</td>
<td>1,338,500</td>
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<tr>
<td>For Student, Member and Inmate Compensation</td>
<td>553,100</td>
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</tbody>
</table>

New matter indicated by italics - deletions by strikeout.
For State Contributions to State
   Employees' Retirement System ..........  2,582,300
For State Contributions to
   Social Security .....................  1,847,100
For Contractual Services ..........  10,570,200
For Travel .........................  46,400
For Travel and Allowances for Committed,
   Paroled and Discharged Prisoners ......  39,200
For Commodities ...................  772,000
For Printing .......................  39,900
For Equipment .....................  142,600
For Telecommunications Services ......  190,800
For Operation of Auto Equipment .......  218,500
Total ................................  $43,066,000

EAST MOLINE CORRECTIONAL CENTER
For Personal Services ................  $12,978,400
For Employee Retirement Contributions
   Paid by Employer .....................  711,800
For Student, Member and Inmate
   Compensation ........................  300,000
For State Contributions to State
   Employees' Retirement System .......  1,354,100
For State Contributions to
   Social Security .....................  945,200
For Contractual Services ..........  4,732,100
For Travel ...........................  33,000
For Travel and Allowances for Committed,
   Paroled and Discharged Prisoners ......  41,800
For Commodities ...................  379,700
For Printing .......................  13,600
For Equipment .....................  124,300
For Telecommunications Services ......  108,400
For Operation of Auto Equipment .......  95,200
Total ................................  $21,817,600

HILL CORRECTIONAL CENTER
For Personal Services ................  $14,268,200
For Employee Retirement Contributions
   Paid by Employer .....................  789,700
For Student, Member and Inmate
   Compensation ........................  371,500
For State Contributions to State
   Employees' Retirement System .......  1,494,300

New matter indicated by italics - deletions by strikeout.
For State Contributions to Social Security ... 1,066,800
For Contractual Services .................. 6,424,800
For Travel ......................................... 34,700
For Travel and Allowance for Committed, Paroled
and Discharged Prisoners ................. 29,300
For Commodities .............................. 770,500
For Printing ....................................... 26,300
For Equipment ................................. 70,000
For Telecommunications Services .......... 48,600
For Operation of Auto Equipment .......... 61,800
Total $25,456,500

ILLINOIS RIVER CORRECTIONAL CENTER

For Personal Services ....................... $16,820,400
For Employee Retirement Contributions
Paid by Employer .............................. 898,300
For Student, Member and Inmate
Compensation ................................. 536,200
For State Contributions to State
Employees' Retirement System .......... 1,774,900
For State Contributions to Social Security ...
1,266,500
For Contractual Services ................. 5,124,000
For Travel ....................................... 34,700
For Travel and Allowance for Committed, Paroled
and Discharged Prisoners ................. 82,500
For Commodities .............................. 614,200
For Printing ....................................... 24,300
For Equipment ................................. 92,500
For Telecommunications Services ......... 98,100
For Operation of Auto Equipment ......... 25,000
For the Hanna City work camp .......... 5,794,000
Total $33,185,600

DANVILLE CORRECTIONAL CENTER

For Personal Services ....................... $17,770,000
For Employee Retirement Contributions
Paid by Employer .............................. 936,900
For Student, Member and Inmate
Compensation ................................. 486,900
For State Contributions to State
Employees' Retirement System .......... 1,843,500
For State Contributions to
Social Security .............................. 1,319,000
For Contractual Services ................. 6,689,800

New matter indicated by italics - deletions by strikeout.
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<th>J'Jacksonville Correctional Center</th>
<th>Total</th>
<th>Logan Correctional Center</th>
<th>Total</th>
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<tbody>
<tr>
<td>For Travel</td>
<td>58,400</td>
<td>For Personal Services</td>
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<tr>
<td>For Travel and Allowances for Committed, Paroled and Discharged Prisoners</td>
<td>37,100</td>
<td>For Employee Retirement Contributions</td>
<td>1,031,900</td>
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<tr>
<td>For Commodities</td>
<td>911,000</td>
<td>For State Contributions to State Employees' Retirement System</td>
<td>2,005,100</td>
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<tr>
<td>For Printing</td>
<td>36,600</td>
<td>For Contractual Services</td>
<td>3,425,800</td>
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<tr>
<td>For Equipment</td>
<td>114,100</td>
<td>For Travel</td>
<td>39,400</td>
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<tr>
<td>For Telecommunications Services</td>
<td>97,100</td>
<td>For Travel and Allowance for Committed, Paroled and Discharged Prisoners</td>
<td>77,600</td>
</tr>
<tr>
<td>For Operation of Auto Equipment</td>
<td>175,800</td>
<td>For Commodities</td>
<td>679,600</td>
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<tr>
<td>For the Ed Jenison work camp in Paris</td>
<td>5,263,100</td>
<td>For Printing</td>
<td>32,100</td>
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<td>Total</td>
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<td>For Equipment</td>
<td>72,200</td>
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<td>For Telecommunications Services</td>
<td>98,900</td>
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<td></td>
<td></td>
<td>For Operation of Auto Equipment</td>
<td>123,300</td>
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<td>For the Greene County Impact</td>
<td>4,795,800</td>
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<td>Incarceration Program</td>
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<td>Total</td>
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<tr>
<td>New matter indicated by italics - deletions by strikeout.</td>
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<td></td>
</tr>
</tbody>
</table>
For Travel .................................. 26,400
For Travel and Allowances for Committed,
Paroled and Discharged Prisoners ........ 103,000
For Commodities .......................... 1,064,400
For Printing ............................... 36,600
For Equipment ............................. 113,700
For Telecommunications Services ........ 167,400
For Operation of Auto Equipment .......... 256,500
Total ........................................ 32,638,500

PONTIAC CORRECTIONAL CENTER

For Personal Services ...................... $32,044,400
For Employee Retirement Contributions
  Paid by Employer .......................... 1,668,900
For Student, Member and Inmate
  Compensation ............................ 189,800
For State Contributions to State
  Employees' Retirement System ........... 3,319,100
For State Contributions to
  Social Security .......................... 2,358,100
For Contractual Services .................. 9,446,400
For Travel .................................. 74,600
For Travel and Allowances for Committed,
Paroled and Discharged Prisoners ......... 19,500
For Commodities .......................... 1,042,700
For Printing ............................... 49,800
For Equipment ............................. 157,900
For Telecommunications Services ........ 200,000
For Operation of Auto Equipment .......... 86,900
Total ........................................ 50,658,100

WESTERN ILLINOIS CORRECTIONAL CENTER

For Personal Services ...................... $17,348,500
For Employee Retirement Contributions
  Paid by Employer .......................... 944,800
For Student, Member and Inmate
  Compensation ............................ 406,600
For State Contributions to State
  Employees' Retirement System ........... 1,812,800
For State Contributions to
  Social Security .......................... 1,293,100
For Contractual Services .................. 6,687,500
For Travel .................................. 33,300
For Travel and Allowances for Committed,

New matter indicated by italics - deletions by strikeout.
Paroled and Discharged Prisoners .......... 70,200
For Commodities ......................... 727,400
For Printing .............................. 29,800
For Equipment ............................ 113,100
For Telecommunications Services .......... 58,400
For Operation of Auto Equipment .......... 110,800
Total $29,636,300

CENTRALIA CORRECTIONAL CENTER
For Personal Services ...................... $ 18,119,200
For Employee Retirement Contributions
  Paid by Employer ....................... 966,400
For Student, Member and Inmate
  Compensation .......................... 318,700
For State Contributions to State
  Employees' Retirement System ............ 1,884,100
For State Contributions to
  Social Security ........................ 1,342,200
For Contractual Services .................... 5,829,100
For Travel .................................. 55,400
For Travel and Allowances for Committed,
  Paroled and Discharged Prisoners .......... 97,500
For Commodities .......................... 431,400
For Printing .............................. 26,500
For Equipment ............................ 133,500
For Telecommunications Services .......... 66,600
For Operation of Auto Equipment .......... 87,900
Total $29,358,500

GRAHAM CORRECTIONAL CENTER
For Personal Services ...................... $ 20,610,100
For Employee Retirement Contributions
  Paid by Employer ....................... 1,068,000
For Student, Member and Inmate
  Compensation .......................... 312,100
For State Contributions to State
  Employees' Retirement System ............ 2,143,600
For State Contributions to
  Social Security ........................ 1,534,700
For Contractual Services .................... 8,517,800
For Travel .................................. 55,700
For Travel and Allowances for Committed,
  Paroled and Discharged Prisoners .......... 41,700
For Commodities .......................... 637,200

New matter indicated by italics - deletions by strikeout.
For Printing .............................. 40,800  
For Equipment ............................ 196,000  
For Telecommunications Services .......... 99,000  
For Operation of Auto Equipment ........... 101,400  
  Total .................................. $35,358,100

MENARD CORRECTIONAL CENTER
For Personal Services ...................... $41,261,500  
For Employee Retirement Contributions Paid by Employer ......................... 2,195,800  
For Student, Member and Inmate Compensation ................................. 475,900  
For State Contributions to State Employees' Retirement System ............ 4,294,300  
For State Contributions to Social Security .................................. 3,051,100  
For Contractual Services .................... 12,857,100  
For Travel .................................. 84,400  
For Travel and Allowances for Committed, Paroled and Discharged Prisoners ....... 69,800  
For Commodities ............................ 1,478,200  
For Printing ............................... 34,200  
For Equipment ............................. 183,900  
For Telecommunications Services .......... 179,000  
For Operation of Auto Equipment ........... 167,700  
  Total .................................. $66,332,900

PINCKNEYVILLE CORRECTIONAL CENTER
For Personal Services ...................... $18,486,100  
For Employee Retirement Contributions Paid by Employer ......................... 980,100  
For Student, Member and Inmate Compensation ................................. 377,800  
For State Contributions to State Employees' Retirement System ............ 1,925,800  
For State Contributions to Social Security .................................. 1,369,700  
For Contractual Services .................... 7,695,600  
For Travel .................................. 37,300  
For Travel and Allowances for Committed, Paroled and Discharged Prisoners ....... 84,300  
For Commodities ............................ 560,000  
For Printing ............................... 27,100  
For Equipment ............................. 61,700

New matter indicated by italics - deletions by strikeout.
For Telecommunications Services .......... 97,800
For Operation of Auto Equipment .......... 51,300
Total $31,754,600

SOUTHWESTERN ILLINOIS CORRECTIONAL CENTER
For Personal Services ....................... $ 10,858,100
For Employee Retirement Contributions
Paid by Employer ......................... 582,700
For Student, Member and Inmate Compensation ................. 160,300
For State Contributions to State
Employees' Retirement System ............. 1,134,800
For State Contributions to
Social Security ................................ 809,200
For Contractual Services .................... 4,772,400
For Travel ................................. 15,900
For Travel and Allowances for Committed, Paroled and Discharged Prisoners .......... 11,100
For Commodities ......................... 309,900
For Printing ................................ 11,600
For Equipment .............................. 50,000
For Telecommunications Services .......... 36,500
For Operation of Auto Equipment .......... 51,000
Total $18,803,500

TAYLORVILLE CORRECTIONAL CENTER
For Personal Services ....................... $11,675,900
For Employee Retirement Contributions
Paid by Employer ......................... 601,900
For Student, Member and Inmate Compensation .................. 251,500
For State Contributions to State
Employees' Retirement System ............. 1,219,300
For State Contribution to
Social Security ................................ 869,400
For Contractual Services .................... 4,981,000
For Travel ................................. 20,400
For Travel and Allowance for Committed, Paroled and Discharged Prisoners .................. 43,500
For Commodities ......................... 400,100
For Printing ................................ 14,700
For Equipment .............................. 34,700
For Telecommunications Services ............. 68,500
For Operation of Automotive Equipment .......... 80,600

New matter indicated by italics - deletions by strikeout.
Total

VANDALIA CORRECTIONAL CENTER
For Personal Services ......................... $ 20,676,400
For Employee Retirement Contributions
  Paid by Employer ........................... 1,108,900
For Student, Member and Inmate
  Compensation ............................... 415,700
For State Contributions to State
  Employees' Retirement System ............... 2,154,300
For State Contributions to
  Social Security ........................... 1,532,300
For Contractual Services ...................... 6,317,200
For Travel ................................... 26,200
For Travel and Allowances for Committed,
  Paroled and Discharged Prisoners .......... 80,400
For Commodities .............................. 787,000
For Printing ................................. 23,900
For Equipment ................................. 126,400
For Telecommunications Services .......... 102,400
For Operation of Auto Equipment .......... 132,700
Total ........................................ 33,483,800

BIG MUDDY RIVER CORRECTIONAL CENTER
For Personal Services ......................... $ 17,894,600
For Employee Retirement Contributions
  Paid by Employer ........................... 961,800
For Student, Member and Inmate
  Compensation ............................... 411,900
For State Contributions to State
  Employees' Retirement System ............... 1,844,100
For State Contributions to
  Social Security ........................... 1,336,100
For Contractual Services ...................... 8,655,100
For Travel ................................... 40,200
For Travel and Allowances for Committed,
  Paroled and Discharged Prisoners .......... 77,100
For Commodities .............................. 757,900
For Printing ................................. 24,700
For Equipment ................................. 176,600
For Telecommunications Services .......... 141,500
For Operation of Auto Equipment .......... 108,100
Total ........................................ 32,429,700

LAWRENCE CORRECTIONAL CENTER

New matter indicated by italics - deletions by strikeout.
For Personal Services ......................... $ 26,176,800
For Employee Retirement Contributions
  Paid by Employer .............................. 1,189,000
For Student, Member and Inmate Compensation .................. 241,900
For State Contributions to State Employees' Retirement System ........ 2,704,900
For State Contributions to Social Security .................. 1,945,100
For Contractual Services ...................... 7,181,200
For Travel .................................. 50,200
For Travel and Allowances for Committed, Paroled and Discharged Prisoners .......... 43,100
For Commodities ............................ 479,100
For Printing ................................ 29,800
For Equipment ................................ 364,300
For Telecommunications Services ............. 133,400
For Operation of Auto Equipment ............ 46,300
Total  .................................. $40,585,100

ROBINSON CORRECTIONAL CENTER
For Personal Services ....................... $ 9,365,600
For Employee Retirement Contributions
  Paid by Employer .............................. 493,100
For Student, Member and Inmate Compensation .................. 241,600
For State Contributions to State Employees' Retirement System ........ 955,100
For State Contribution to Social Security .................. 678,200
For Contractual Services ...................... 2,419,000
For Travel .................................. 43,500
For Travel and Allowances for Committed, Paroled and Discharged Prisoners .......... 31,300
For Commodities ............................ 516,500
For Printing ................................ 23,300
For Equipment ................................ 61,100
For Telecommunications Services ............. 53,200
For Operation of Automotive Equipment ........ 71,800
Total .................................. $14,953,300

SHAWNEE CORRECTIONAL CENTER
For Personal Services ....................... $ 17,225,100

New matter indicated by italics - deletions by strikeout.
For Employee Retirement Contributions
Paid by Employer ....................... 911,800
For Student, Member and
Inmate Compensation .................... 433,600
For State Contributions to State
Employees' Retirement System .......... 1,803,000
For State Contributions to
Social Security ......................... 1,287,900
For Contractual Services ............. 7,471,400
For Travel ............................. 42,800
For Travel and Allowances for Committed,
Paroled and Discharged Prisoners ..... 152,400
For Commodities ..................... 852,600
For Printing ........................... 25,600
For Equipment ......................... 139,000
For Telecommunications Services ...... 107,100
For Operation of Auto Equipment ..... 115,900
Total $30,568,200

TAMMS CORRECTIONAL CENTER
For Personal Services .................. $ 17,734,500
For Employee Retirement Contributions
Paid by Employer ....................... 927,900
For Student, Member and Inmate
Compensation ......................... 140,300
For State Contributions to State
Employees' Retirement System ........ 1,831,800
For State Contributions to
Social Security ....................... 1,305,300
For Contractual Services .......... 5,543,200
For Travel ........................... 50,700
For Travel and Allowance for Committed,
Paroled and Discharged Prisoners ..... 5,400
For Commodities ..................... 247,700
For Printing .......................... 14,500
For Equipment ........................ 184,200
For Telecommunications Services ..... 140,600
For Operation of Auto Equipment ..... 81,900
Total $28,208,000

VIENNA CORRECTIONAL CENTER
For Personal Services .................. $ 15,659,100
For Employee Retirement Contributions
Paid by Employer ....................... 799,100

New matter indicated by italics - deletions by strikeout.
For Student, Member and Inmate
Compensation .......................... 243,400
For State Contributions to State
Employees' Retirement System ........... 1,642,600
For State Contributions to
Social Security .......................... 1,278,800
For Contractual Services ................. 4,503,900
For Travel ............................... 20,300
For Travel and Allowances for Committed,
Paroled and Discharged Prisoners ....... 75,700
For Commodities ...................... 1,056,200
For Printing ............................ 17,100
For Equipment ........................... 148,400
For Telecommunications Services ....... 89,900
For Operation of Auto Equipment ....... 112,600
Total $25,647,100

SHERIDAN CORRECTIONAL CENTER
For Personal Services ................. $ 17,334,200
For Employee Retirement Contributions
Paid by Employer ....................... 953,400
For Student, Member and Inmate
Compensation .......................... 306,200
For State Contributions to State
Employees' Retirement System ........... 1,837,400
For State Contributions to
Social Security .......................... 1,255,000
For Contractual Services ............... 5,477,500
For Travel ............................... 34,300
For Travel and Allowances for Committed,
Paroled and Discharged Prisoners ....... 41,100
For Commodities ...................... 883,700
For Printing ............................ 25,900
For Equipment ........................... 147,300
For Telecommunications Services ....... 112,000
For Operation of Auto Equipment ....... 177,300
For Ordinary and Contingent Expenses .... 2,608,000
Total $31,193,300

Section 4. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Corrections:

ILLINOIS YOUTH CENTER - CHICAGO
For Personal Services .................. $ 4,079,000
For Employee Retirement Contributions

New matter indicated by italics - deletions by strikeout.
 Paid by Employer ............................ 202,900
For Student, Member and Inmate
Compensation .............................. 11,400
For State Contributions to State
Employees' Retirement System .......... 421,100
For State Contributions to
Social Security ............................ 304,600
For Contractual Services ................. 3,051,100
For Travel ................................. 24,000
For Travel and Allowances for Committed,
Paroled and Discharged Prisoners ..... 1,000
For Commodities ............................ 83,500
For Printing ............................... 3,400
For Equipment .............................. 64,800
For Telecommunications Services ........ 29,800
For Operation of Auto Equipment ...... 20,000
Total $8,296,600

ILLINOIS YOUTH CENTER - HARRISBURG
For Personal Services ...................... $ 12,596,000
For Employee Retirement Contributions
Paid by Employer .......................... 665,700
For Student, Member and Inmate
Compensation .............................. 88,800
For State Contributions to State
Employees' Retirement System .......... 1,298,900
For State Contributions to
Social Security ............................ 921,100
For Contractual Services ................. 3,309,800
For Travel ................................. 15,300
For Travel and Allowances for Committed,
Paroled and Discharged Prisoners ..... 2,800
For Commodities ............................ 287,000
For Printing ............................... 17,700
For Equipment .............................. 86,200
For Telecommunications Services ........ 68,200
For Operation of Auto Equipment ...... 68,600
Total $19,426,100

ILLINOIS YOUTH CENTER - JOLIET
For Personal Services ...................... $ 11,437,500
For Employee Retirement Contributions
Paid by Employer .......................... 582,300
For Student, Member and Inmate

New matter indicated by italics - deletions by strikeout.
Compensation ................................. 58,200
For State Contributions to State
   Employees' Retirement System ............ 1,179,000
For State Contributions to
   Social Security ........................... 853,200
For Contractual Services .................... 2,584,700
For Travel ................................... 14,200
For Travel and Allowances for Committed,
   Paroled and Discharged Prisoners ......... 800
For Commodities .............................. 117,900
For Printing .................................. 12,000
For Equipment ................................ 48,600
For Telecommunications Services .......... ... 47,800
For Operation of Auto Equipment ............ 52,600
Total                                      $16,988,800

ILLINOIS YOUTH CENTER - KEWANEE
For Personal Services ......................... $13,355,200
For Employee Retirement Contributions
   Paid by Employer ............................ 542,100
For Student Member and Inmate
   Compensation ............................... 33,000
For State Contributions to State
   Employees' Retirement System ............ 1,372,900
For State Contributions to
   Social Security ............................ 999,200
For Contractual Services .................... 3,888,200
For Travel .................................... 24,300
For Travel Allowances for Committed,
   Paroled and Discharged Prisoners ......... 900
For Commodities .............................. 330,400
For Printing .................................. 15,000
For Equipment ................................. 301,400
For Telecommunications Services .......... ... 72,000
For Operation of Auto Equipment ............ 60,700
Total                                      $20,995,300

ILLINOIS YOUTH CENTER - MURPHYSBORO
For Personal Services ......................... $5,709,600
For Employee Retirement Contributions
   Paid by Employer ............................ 301,200
For Student Member and Inmate
   Compensation ............................... 33,100
For State Contributions to State

New matter indicated by italics - deletions by strikeout.
<table>
<thead>
<tr>
<th>Item</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Employees' Retirement System</td>
<td>598,400</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>431,600</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>1,664,100</td>
</tr>
<tr>
<td>For Travel</td>
<td>20,200</td>
</tr>
<tr>
<td>For Travel Allowances for Committed, Paroled and Discharged Prisoners</td>
<td>5,200</td>
</tr>
<tr>
<td>For Commodities</td>
<td>157,900</td>
</tr>
<tr>
<td>For Printing</td>
<td>9,000</td>
</tr>
<tr>
<td>For Equipment</td>
<td>29,600</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>42,400</td>
</tr>
<tr>
<td>For Operation of Auto Equipment</td>
<td>21,100</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$9,023,400</strong></td>
</tr>
</tbody>
</table>

**ILLINOIS YOUTH CENTER - PERE MARQUETTE**

<table>
<thead>
<tr>
<th>Item</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>$ 2,129,200</td>
</tr>
<tr>
<td>For Employee Retirement Contributions</td>
<td>115,100</td>
</tr>
<tr>
<td>For Student, Member, and Inmate Compensation</td>
<td>18,100</td>
</tr>
<tr>
<td>For State Contributions to State Employees' Retirement System</td>
<td>223,400</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>156,700</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>677,800</td>
</tr>
<tr>
<td>For Travel</td>
<td>8,700</td>
</tr>
<tr>
<td>For Travel and Allowances for Committed, Paroled and Discharged Prisoners</td>
<td>1,700</td>
</tr>
<tr>
<td>For Commodities</td>
<td>66,100</td>
</tr>
<tr>
<td>For Printing</td>
<td>5,600</td>
</tr>
<tr>
<td>For Equipment</td>
<td>16,700</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>36,000</td>
</tr>
<tr>
<td>For Operation of Auto Equipment</td>
<td>17,900</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$3,473,000</strong></td>
</tr>
</tbody>
</table>

**ILLINOIS YOUTH CENTER - RUSHVILLE**

<table>
<thead>
<tr>
<th>Item</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>$ 2,956,100</td>
</tr>
<tr>
<td>For Employee Retirement Contributions</td>
<td>$167,400</td>
</tr>
<tr>
<td>For Student, Member, and Inmate Compensation</td>
<td>5,500</td>
</tr>
<tr>
<td>For State Contribution to State Employees' Retirement System</td>
<td>314,300</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout.
For State Contributions to
Social Security.......................... 233,300
For Contractual Services............... 1,535,900
For Travel................................. 6,900
For Travel Allowance for Committed,
Paroled and Discharged Prisoners...... 200
For Commodities......................... 167,800
For Printing.............................. 6,900
For Equipment........................... 301,400
For Telecommunications............... 7,800
For Operation of Auto Equipment ...... 10,900
For Deposit into Travel and Allowance Revolving Fund......................... 10,000
Total.................................... $5,724,400

ILLINOIS YOUTH CENTER - ST. CHARLES
For Personal Services ................. $ 15,656,700
For Employee Retirement Contributions
Paid by Employer ....................... 810,300
For Student, Member and Inmate
Compensation .......................... 71,200
For State Contributions to State
Employees' Retirement System ....... 1,628,800
For State Contributions to
Social Security ......................... 1,170,200
For Contractual Services ............. 4,014,100
For Travel ............................... 73,000
For Travel and Allowances for Committed,
Paroled and Discharged Prisoners..... 600
For Commodities ...................... 440,800
For Printing ............................ 20,000
For Equipment .......................... 46,700
For Telecommunications Services .... 126,000
For Operation of Auto Equipment .... 148,400
Total.................................... $24,206,800

ILLINOIS YOUTH CENTER - VALLEY VIEW
For Personal Services ................. $ 8,061,000
For Employee Retirement Contributions
Paid by Employer ....................... 443,400
For Student, Member and Inmate
Compensation .......................... 460,000
For State Contributions to State

New matter indicated by italics - deletions by strikeout.
Employees' Retirement System ............... 854,500  
For State Contributions to Social Security .................. 580,400  
For Contractual Services ................... 1,690,900  
For Travel ................................ 17,200  
For Travel and Allowances for Committed, Paroled and Discharged Prisoners ....... 700  
For Commodities ............................ 133,300  
For Printing ................................. 9,500  
For Equipment ............................... 76,700  
For Telecommunications Services .......... 72,600  
For Operation of Auto Equipment ............ 72,500  
For Ordinary and Contingent Expenses ....... 1,781,800  
Total $14,244,500

ILLINOIS YOUTH CENTER - WARRENVILLE
For Personal Services ......................... $  5,152,700  
For Employee Retirement Contributions Paid by Employer ...................... 268,400  
For Student, Member and Inmate Compensation .................. 27,400  
For State Contributions to State Employees' Retirement System ................ 535,600  
For State Contributions to Social Security .................. 387,300  
For Contractual Services ................... 1,648,500  
For Travel ................................ 30,000  
For Travel and Allowances for Committed, Paroled and Discharged Prisoners ....... 100  
For Commodities ............................ 137,300  
For Printing ................................. 11,000  
For Equipment ............................... 21,700  
For Telecommunications Services .......... 42,900  
For Operation of Auto Equipment ............ 41,900  
Total $8,304,800

Section 5. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Corrections:

ILLINOIS CORRECTIONAL INDUSTRIES
For Personal Services ......................... $ 10,950,000  
For Employee Retirement Contributions Paid by Employer ...................... 602,200  
For the Student, Member and Inmate Compensation .................. 2,800,000  

New matter indicated by italics - deletions by strikeout.
For State Contributions to State
Employees’ Retirement System .................. 1,159,800
For State Contributions to
Social Security ................................. 837,700
For Group Insurance ............................. 1,999,500
For Contractual Services ......................... 3,900,000
For Travel ...................................... 154,500
For Commodities ................................. 35,000,000
For Printing .................................... 51,000
For Equipment ................................... 3,200,000
For Telecommunications Services ............... 75,000
For Operation of Auto Equipment ............... 800,000
For Repairs, Maintenance and Other
Capital Improvements ........................... 750,000
For Refunds ..................................... 20,000
Total $62,299,700

Section 6. The sum of $86,200,000, or so much thereof as may be necessary, is appropriated from the Department of Corrections Reimbursement and Education Fund to meet the ordinary and contingent expenses of the Department of Corrections described below and having the estimated cost as follows:
For payment of expenses associated
with School District Programs ............... $ 8,000,000
For payment of expenses associated
with federal programs, including,
but not limited to, construction of
additional beds, treatment programs,
and juvenile supervision ...................... 57,200,000
For payment of expenses associated
with miscellaneous programs, including,
but not limited to, medical costs,
food expenditures, and various
construction costs ................. 21,000,000
Total $86,200,000

Section 7. The sum of $68,100, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002 from the appropriation heretofore made in Article 36, Section 6 of Public Act 92-8, is reappropriated from the General Revenue Fund to the Department of Corrections for repair and maintenance projects and planning.

Section 8. The amounts appropriated for repairs and maintenance, and other capital improvements in Sections 1, 5 and 7 for repairs and maintenance, roof repairs and/or replacements, and miscellaneous capital improvements at the Department’s various institutions, and are to include construction, reconstruction, improvements, repairs and
installation of capital facilities, costs of planning, supplies, materials and all other expenses required for roof and other types of repairs and maintenance, capital improvements, and purchase of land.

No contract shall be entered into or obligation incurred for repairs and maintenance and other capital improvements from appropriations made in Sections 1, 5 and 7 of this Article until after the purposes and amounts have been approved in writing by the Governor.

Section 9. The sum of $7,500,000, or so much thereof as may be necessary, is appropriated to the Department of Corrections from the General Revenue Fund for a grant to the Cook County Sheriff's Office for expenses associated with the operations of the Cook County Juvenile Detention Center.

Section 10. The amount of $1,000,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Corrections for a grant to the Cook County Sheriff's Office for the expenses of the Cook County Boot Camp.

Section 15. In addition to amounts previously appropriated for this purpose, the sum of $25,000,000 is appropriated from the General Revenue Fund to the Illinois Department of Corrections for ordinary and contingent expenses.

ARTICLE 37

Section 1. The following named amounts, or so much thereof as may be necessary, respectively, for the purposes hereinafter named, are appropriated to meet the ordinary and contingent expenses of the Department of Employment Security:

OFFICE OF THE DIRECTOR

Payable from Title III Social Security and Employment Service Fund:

For Personal Services ..................... $ 6,902,900
For Employee Retirement Contributions
   Paid by Employer ......................... 6,245,600
For State Contributions to State
   Employees' Retirement System ............. 731,700
For State Contributions to Social Security ................. 528,100
For Group Insurance ......................... 1,088,100
For Contractual Services ..................... 611,000
For Travel ................................... 127,300
For Telecommunications Services ............. 237,700
Total ..................................... $16,472,400

FINANCE AND ADMINISTRATION BUREAU

Payable from Title III Social Security and Employment Service Fund:

For Personal Services ..................... $13,947,700
For State Contributions to State
   Employees' Retirement System ............. 1,478,500

New matter indicated by italics - deletions by strikeout.
For State Contributions to  
Social Security ..................... 1,067,000  
For Group Insurance .................. 2,473,800  
For Contractual Services .................. 13,278,600  
For Travel .......................... 132,600  
For Commodities .......................... 1,164,300  
For Printing .......................... 1,962,600  
For Equipment .......................... 922,400  
For Telecommunications Services .......... 547,300  

For Operation of Auto Equipment ........... 106,900  
Total $37,081,700  

Payable from Title III Social Security  
and Employment Service Fund:  
For expenses related to America's  
Labor Market Information System .............. $ 4,500,000  
Potential Relocation of Central  
Office ...................................... $ 500,000  

INFORMATION SERVICE BUREAU  
Payable from Title III Social Security  
and Employment Service Fund:  
For Personal Services .......................... $ 6,823,800  
For State Contributions to State  
Employees' Retirement System ..................... 723,300  
For State Contributions to Social  
Security ..................................... 522,000  
For Group Insurance ..................... 1,088,100  
For Contractual Services ..................... 16,728,000  
For Travel ................................ 22,800  
For Equipment ............................ 3,147,300  
For Electronic Data Processing ............... 1,500,000  
For Telecommunications Services ............ 2,107,200  
Total $32,662,500  

Section 2. The following named sums, or so much thereof as may be necessary, are  
appropriated to the Department of Employment Security:  

OPERATIONS  
Payable from Title III Social Security and  
Employment Service Fund:  
For Personal Services ..................... $ 4,852,900  
For State Contributions to State  
Employees' Retirement System ..................... 514,400  
For State Contributions to Social  

New matter indicated by italics - deletions by strikeout.
Security ................................. 371,300
For Group Insurance ...................... 725,400
For Contractual Services .................. 8,123,400
For Travel .............................. 70,000
For Telecommunications Services ......... 91,200
For Permanent Improvements ............. 85,000
For Refunds ............................. 300,000
Total .................................. $15,133,600

Of the sum appropriated above, $4,888,648 is appropriated pursuant to the provisions governing federal fiscal year 2002 found in Sections 903(a), 903(b), and 903(c) of the Federal Social Security Act.

Payable from Title III Social Security and Employment Service Fund:
For the expenses related to the development of Training Programs .......... 100,000
For the expenses related to Employment Security Automation .................. 3,500,000
For expenses related to a Benefit Information System Redefinition ............ 8,000,000
Total ................................... $11,600,000

Payable from the Unemployment Compensation Special Administration Fund:
For expenses related to Legal Assistance as required by law ............... $ 2,000,000
For deposit into the Title III Social Security and Employment Service Fund .................. 10,000,000
For Interest on Refunds of Erroneously Paid Contributions, Penalties and Interest .................................... 100,000
Total ................................... $12,100,000

Section 3. The sum of $1,500,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from reappropriations heretofore made for such purposes in Article 37, Section 3 of Public Act 92-8, is reappropriated to the Department of Employment Security from the Employment Security Administration Fund for the purposes authorized by Public Act 87-1178.

Section 4. The following named sums, or so much thereof as may be necessary, are appropriated to the Department of Employment Security:

WORKFORCE DEVELOPMENT

Payable from Title III Social Security and Employment Service Fund:
For Personal Services ..................... $ 57,765,200

New matter indicated by italics - deletions by strikeout.
For State Contributions to State
  Employees' Retirement System .......... 6,123,100
For State Contributions to Social
  Security ................................. 4,419,000
For Group Insurance ...................... 11,764,500
For Contractual Services .................. 9,635,700
For Travel .................................. 1,219,800
For Telecommunications Services .......... 5,547,800
For Refunds ............................... 650,000
Total                                 $97,125,100

Payable from the Title III Social Security
and Employment Service Fund:
  For Expenses of the Illinois Human
  Resource Investment Council
  or successor ............................. 70,000
  For Administration, Training and
  Technical Assistance for Federal
  Workforce Development Programs,
  Including Job Training Partnership
  Act and Workforce Investment Act ......... 10,331,900
Total                                 $10,401,900

Section 5. The following named sums, or so much thereof as may be necessary,
are appropriated to the Department of Employment Security:

  UNEMPLOYMENT INSURANCE REVENUE

Payable from Title III Social Security and
Employment Service Fund:
  For Personal Services ................... $23,264,500
  For State Contributions to State
    Employees' Retirement System .......... 2,466,000
  For State Contributions to Social
    Security ............................... 1,779,700
  For Group Insurance ..................... 4,119,900
  For Contractual Services ................ 2,917,000
  For Travel .............................. 200,000
  For Telecommunications Services ........ 700,000
Total                                 $35,447,100

Section 6. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Employment Security:

  OPERATIONS
  Grants-In-Aid

Payable from Title III Social Security
and Employment Service Fund:

  New matter indicated by italics - deletions by strikeout.
For Grants ......................... $ 8,500,000
For Tort Claims ..................... 715,000
Total $9,215,000

Section 7. The amount of $772,600, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Employment Security for the purpose of making grants to community non-profit agencies or organizations for the operation of a statewide network of outreach services for veterans, as provided for in the Vietnam Veterans' Act.

Section 8. The following named amounts, or so much thereof as may be necessary, are appropriated to the Department of Employment Security, for unemployment compensation benefits, other than benefits provided for in Section 3, to Former State Employees as follows:

TRUST FUND UNIT
Grants-In-Aid

Payable from the Road Fund:
For benefits paid on the basis of wages paid for insured work for the Department of Transportation............... $ 2,000,000
Payable from the Illinois Mathematics and Science Academy Income Fund .......... 17,600
Payable from Title III Social Security and Employment Service Fund .................. 1,734,300
Payable from the General Revenue Fund.......... 8,148,000
Total $11,899,900

Section 9. The amount of $220,000,000, or so much thereof as may be necessary, is appropriated to the Department of Employment Security from the Title III Social Security and Employment Service Fund for grants for Federal Workforce Development Programs including Job Training Partnership Act and Workforce Investment Act.

Section 10. The amount of $84,000,000, or so much thereof as may be necessary, is appropriated to the Department of Employment Security from the Title III Social Security and Employment Service Fund for administration and grant expenses of the Welfare to Work Grant Programs, or other job training, education, or employment programs.

ARTICLE 38

Section 1. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated for the objects and purposes hereinafter named, to the Department of Financial Institutions:

ADMINISTRATIVE

Payable from Financial Institution Fund:
For Personal Services ...................... $ 930,800
For Employee Retirement Contributions

New matter indicated by italics - deletions by strikeout.
Paid by Employer ............................ 37,300
For State Contributions to the State
  Employees' Retirement System ................. 98,700
For State Contributions to
  Social Security ............................... 71,300
For Group Insurance .............................. 167,400
For Contractual Services ........................ 414,600
For Travel ....................................... 37,500
For Commodities ................................. 19,400
For Printing ..................................... 15,500
For Equipment ................................... 12,500
For Telecommunications Services ............... 51,400
For Operation of Auto Equipment ...............  7,100
Total  ........................................... $1,863,500

Section 2. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated for the objects and purposes hereinafter named, to the Department of Financial Institutions:

CONSUMER CREDIT

Payable from Financial Institution Fund:
  For Personal Services .......................... $ 1,408,800
  For Employee Retirement Contributions
    Paid by Employer ............................. 56,400
  For State Contributions to the State
    Employees' Retirement System ............... 149,400
  For State Contributions to
    Social Security .............................. 107,800
  For Group Insurance ............................ 269,700
  For Contractual Services ........................ 103,400
  For Travel ..................................... 116,500
  For Commodities ...............................  6,400
  For Printing .................................... 11,100
  For Equipment .................................  3,000
  For Electronic Data Processing ...............  0
  For Refunds ....................................  2,500
  Total ........................................... $2,235,000

CREDIT UNION

Payable from Credit Union Fund:
  For Personal Services .......................... $ 2,379,600
  For Employee Retirement Contributions
    Paid by Employer ............................. 95,300
  For State Contributions to State
    Employees' Retirement System ............... 247,300

New matter indicated by italics - deletions by strikeout.
For State Contributions to
Social Security ............................ 182,100
For Group Insurance .......................... 418,500
For Contractual Services .................... 100,000
For Travel ................................. 275,000
For Commodities ............................ 6,900
For Printing ................................. 2,900
For Equipment ............................... 5,000
For Electronic Data Processing .......... 0
For Telecommunications Services ....... 20,000
For Refunds ................................. 1,000
Total                                  $3,733,600

CURRENCY EXCHANGE
Payable from Financial Institution Fund:
For Personal Services ...................... $ 925,400
For Employee Retirement Contributions
Paid by Employer ............................ 37,000
For State Contributions to the State
Employees' Retirement System .......... 98,200
For State Contributions to
Social Security ............................ 70,800
For Group Insurance ......................... 148,800
For Contractual Services ................. 20,100
For Travel ................................. 31,000
For Commodities ............................ 5,000
For Printing ................................. 4,400
For Equipment ............................... 7,500
For Electronic Data Processing .......... 0
For Refunds ................................. 1,000
Total                                  $1,349,200

Section 3. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated for the objects and purposes hereinafter named, to the Department of Financial Institutions:

ELECTRONIC DATA PROCESSING
Payable from State Pensions Fund:
For Personal Services ...................... $ 394,100
For Employee Retirement Contributions
Paid by Employer ............................ 16,000
For State Contributions to State
Employees’ Retirement System .......... 41,800
For State Contributions to
Social Security ............................. 30,200

New matter indicated by italics - deletions by strikeout.
For Group Insurance ..........................  65,100
For Contractual Services ....................  159,000
For Travel ...................................  6,400
For Commodities ..............................  19,000
For Equipment ...............................  15,000
For Electronic Data Processing .............  413,000
For Telecommunications Services ..........  65,000
For Expenses Relating to the
Development and Implementation
of a Short-Term Lending Web Database .......  0
Total ........................................... $1,224,600

ARTICLE 39

Section 1. The following named amounts, or so much thereof as may
be necessary, respectively, are appropriated to the Department of Human Rights for the
objects and purposes hereinafter enumerated:

ADMINISTRATION

Payable from General Revenue Fund:
For Personal Services ....................... $ 514,200
For Employee Retirement Contributions
Paid by Employer ............................  20,500
For State Contributions to State
Employees' Retirement System ..........  53,500
For State Contributions to
Social Security ..............................  39,300
For Contractual Services .................  63,000
For Travel .................................  16,500
For Commodities ...........................  15,800
For Printing ................................  4,700
For Equipment ...............................  24,800
For Telecommunications Services .......  27,100
For Operation of Auto Equipment .......  11,600
Total ......................................... $791,000

The sum of $234,400, or so much thereof as may be necessary, is appropriated
from the General Revenue Fund to the Department of Human Rights for the purpose of
funding expenses associated with the Commission on Discrimination and Hate Crimes.

Section 2. The following named amounts, or so much thereof as may
be necessary, respectively, are appropriated to the Department of Human Rights for the
objects and purposes hereinafter enumerated:

DIVISION OF CHARGE PROCESSING

Payable from General Revenue Fund:
For Personal Services ...................... $ 3,801,900
For Employee Retirement Contributions

New matter indicated by italics - deletions by strikeout.
Paid by Employer ............................ 135,300
For State Contributions to State
Employees' Retirement System .......... 395,100
For State Contributions to
Social Security ............................ 282,000
For Contractual Services ................. 282,000
For Travel ................................... 22,800
For Commodities ............................ 6,800
For Printing ................................. 1,300
For Equipment ............................... 11,900
For Telecommunications Services ........ 67,700
Total  ...................................... 4,758,200

Payable from Special Projects Division Fund:
For Personal Services ....................... $ 1,495,300
For Employee Retirement Contributions
Paid by Employer ............................ 59,900
For State Contributions to State
Employees' Retirement System .......... 155,600
For State Contributions to
Social Security ............................ 114,500
For Group Insurance ........................ 316,200
For Contractual Services ................. 161,700
For Travel ................................... 41,500
For Commodities ............................ 13,300
For Printing ................................. 9,300
For Equipment ............................... 9,600
For Telecommunications Services ........ 88,000
Total  ...................................... 2,464,900

Section 3. The following named amounts, or so much thereof as may be
necessary, respectively, are appropriated to the Department of Human Rights for the
objects and purposes hereinafter enumerated:

COMPLIANCE

Payable from General Revenue Fund:
For Personal Services ....................... $ 857,400
For Employee Retirement Contributions
Paid by Employer ............................ 34,300
For State Contributions to State
Employees' Retirement System .......... 89,300
For State Contributions to
Social Security ............................ 65,500
For Contractual Services ................. 3,600
For Travel ................................... 12,900

New matter indicated by italics - deletions by strikeout.
For Commodities .............................. 2,100
For Printing ................................. 1,000
For Telecommunications Services .......... 14,000
Total  ..................................... $1,080,100

ARTICLE 40

Section 1. The following named amounts, or so much thereof as may be
necessary, respectively, for the objects and purposes hereinafter named are appropriated
to the Department of Human Services for income assistance and related distributive
purposes, including such Federal funds as are made available by the Federal
Government for the following purposes:

DISTRIBUTIVE ITEMS
OPERATIONS

Payable from the Special Purposes Trust Fund:
For Personal Services ....................... $ 362,200
For Employee Retirement Contributions
   Paid by Employer ......................... 14,500
For Retirement Contributions ............. 37,700
For State Contributions to
   Social Security ........................ 27,700
For Group Insurance ....................... 65,100
For Contractual Services ................. 26,200
For Travel ................................. 31,500
For Commodities ......................... 9,000
For Printing ............................... 1,000
For Equipment ............................. 6,000
Total  .................................... $580,900

The following named sums, or so much thereof as may be necessary, respectively, for
the objects and purposes hereinafter named are appropriated to meet the ordinary and
contingent expenditures of the Department of Human Services:

Payable from General Revenue Fund:
For deposit into the Illinois
   Equal Justice Fund ....................... $ 490,000

DISTRIBUTIVE ITEMS
GRANTS-IN-AID

Payable from General Revenue Fund:
For Aid to Aged, Blind or Disabled
   under Article III ....................... $ 28,344,400
For Temporary Assistance for Needy
   Families under Article IV
   and other social services ............. 157,172,400
For Grants Associated with Child Care
   Services, Including Operating and

New matter indicated by italics - deletions by strikeout.
Administrative Costs ...................... 334,141,900
For Emergency Assistance for Families with Dependent Children ........ 980,000
For Funeral and Burial Expenses under Articles III, IV, and V .............. 6,343,100
For Refugees ............................. 2,492,500
For State Family and Children Assistance ......................... 1,460,600
For State Transitional Assistance ........ 9,633,400
For Services to Non-Citizens pursuant to 305 ILCS 5/12-4.34 .............. 4,150,000
For Project Reality........................ $1,000,000
Payable from Illinois Equal Justice Fund:
For costs related to the Illinois Equal Justice Act........................ 490,000
Total .......................... $546,208,300

The Department, with the consent in writing from the Governor, may reapportion not more than ten percent of the total appropriation of General Revenue Funds in Section 1 above "For Income Assistance and Related Distributive Purposes” among the various purposes therein enumerated, excluding Emergency Assistance for Families with Dependent Children.

The Department, with the consent in writing from the Governor, may reapportion not more than six percent of the appropriation "For Temporary Assistance for Needy Families under Article IV” representing savings attributable to not increasing grants due to the births of additional children to the appropriation from the General Revenue Fund in Section 39.1 in this Article for Employability Development Services.

Section 1.1. The following named sums, or so much thereof as may be necessary, are appropriated to the Department of Human Services for the following purposes:
Payable from the General Revenue Fund:
For Grants Associated with Child Care Services, Including Operating and Administrative Costs ....................... $157,802,500
For Grants Associated with the Great START Program, Including Operation and Administrative Costs ....................... 1,960,000
Payable from the Special Purposes Trust Fund:
For Grants Associated with Child Care Services, Including Operation and administrative Costs ....................... 113,983,600
For Grants Associated with the Great START Program, Including Operation

New matter indicated by italics - deletions by strikeout.
and Administrative Costs .................... 5,200,000
For Grants Associated with Migrant Child Care Services ..................... 2,500,000
Total ........................................ $281,446,100

Section 1.2. The sum of $780,400, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Human Services for a grant to Children's Place for costs associated with specialized child care for families affected by HIV/AIDS.

Section 2. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Human Services:

FIELD LEVEL OPERATIONS

Payable from General Revenue Fund:
For Personal Services .................. $183,696,500
For Employee Retirement Contributions
  Paid by Employer ..................... 7,254,700
  For Retirement Contributions ...... 18,934,200
For State Contributions to
  Social Security ...................... 13,337,000
For Contractual Services ............ 45,940,650
For Travel ............................. 1,285,400
For Commodities ..................... 16,200
For Equipment ........................ 1,117,300
For Telecommunications Services ....... 3,513,600
Total ..................................... $275,095,550

Section 3. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Human Services:

ATTORNEY GENERAL REPRESENTATION

Payable from General Revenue Fund:
For Personal Services ............... 236,700
For Employee Retirement Contributions
  Paid by Employer ................... 9,500
  For Retirement Contributions ...... 24,600
For State Contributions to
  Social Security .................... 18,100
For Contractual Services ............ 52,600
For Travel ............................. 2,300
For Equipment ........................ 4,300
Total ..................................... $348,100

Section 4. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Human Services:

TRAINING PERSONNEL

Payable from General Revenue Fund:

New matter indicated by italics - deletions by strikeout.
For Personal Services ................. $ 1,433,100
For Employee Retirement Contributions
  Paid by Employer ...................... 57,300
  For Retirement Contributions ........ 148,900
For State Contributions to
  Social Security ...................... 109,500
For Contractual Services .............. 334,000
For Travel ................................ 167,900
For Equipment .......................... 2,500
For Expenses Related to Training
  Department Staff ...................... 490,000
Total                                $2,743,200

Section 5. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the General Revenue Fund to meet the ordinary and contingent expenses of the Department of Human Services:

TINLEY PARK MENTAL HEALTH CENTER
For Personal Services ................. $ 18,316,200
For Employee Retirement Contributions
  Paid by Employer ...................... 710,900
  For Retirement Contributions ........ 1,897,600
For State Contributions to Social
  Security .............................. 1,400,000
For Contractual Services .............. 1,051,350
For Travel ................................ 33,400
For Commodities ...................... 2,654,700
For Printing ........................... 11,700
For Equipment .......................... 77,800
For Telecommunications Services ....... 186,400
For Operation of Auto Equipment ...... 33,300
For Expenses Related to Living
  Skills Program ....................... 21,400
For Costs Associated with Behavioral
  Health Services - Tinley Park Network .... 182,500
Total                                $26,577,250

Section 6. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent expenditures of the Department of Human Services:

ADMINISTRATIVE AND PROGRAM SUPPORT
Payable from General Revenue Fund:
For Personal Services ................ $ 24,509,900
For Employee Retirement Contributions

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<th>Description</th>
<th>Amount</th>
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<tbody>
<tr>
<td>Paid by Employer</td>
<td>970,700</td>
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<tr>
<td>For Retirement Contributions</td>
<td>2,547,100</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>1,873,700</td>
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<tr>
<td>For Contractual Services</td>
<td>15,835,300</td>
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<tr>
<td>For Travel</td>
<td>377,300</td>
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<td>For Commodities</td>
<td>1,611,600</td>
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<tr>
<td>For Printing</td>
<td>1,564,000</td>
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<tr>
<td>For Equipment</td>
<td>66,700</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>1,994,500</td>
</tr>
<tr>
<td>For Operation of Auto Equipment</td>
<td>68,700</td>
</tr>
<tr>
<td>For In-Service Training</td>
<td>18,200</td>
</tr>
<tr>
<td>For Settlement of Appeal of Audit Disallowances for Prior Fiscal Years</td>
<td>3,371,200</td>
</tr>
<tr>
<td>For Indirect Cost Principles/Interfund Transfer Payable to the Vocational Rehabilitation Fund</td>
<td>3,332,000</td>
</tr>
<tr>
<td>Total</td>
<td>58,140,900</td>
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Payable from the DHS Recoveries Trust Fund:

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<th>Description</th>
<th>Amount</th>
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<tbody>
<tr>
<td>For Personal Services</td>
<td>2,555,600</td>
</tr>
<tr>
<td>For Employee Retirement Contributions Paid by Employer</td>
<td>102,200</td>
</tr>
<tr>
<td>For Retirement Contributions</td>
<td>265,800</td>
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<tr>
<td>For State Contributions to Social Security</td>
<td>195,600</td>
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<td>For Group Insurance</td>
<td>511,500</td>
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<td>For Contractual Services</td>
<td>1,531,500</td>
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<tr>
<td>For Travel</td>
<td>50,000</td>
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<tr>
<td>For Commodities</td>
<td>16,800</td>
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<td>For Printing</td>
<td>7,600</td>
</tr>
<tr>
<td>For Equipment</td>
<td>2,900</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>15,000</td>
</tr>
<tr>
<td>Total</td>
<td>5,254,500</td>
</tr>
</tbody>
</table>

Payable from Vocational Rehabilitation Fund:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>6,098,600</td>
</tr>
<tr>
<td>For Employee Retirement Contributions Paid by Employer</td>
<td>243,900</td>
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<tr>
<td>For Retirement Contributions</td>
<td>634,300</td>
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<tr>
<td>For State Contributions to Social Security</td>
<td>466,500</td>
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<tr>
<td>For Group Insurance</td>
<td>1,111,400</td>
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<tr>
<td>For Contractual Services</td>
<td>2,714,000</td>
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<tr>
<td>For Travel</td>
<td>136,000</td>
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<tr>
<td>For Commodities</td>
<td>136,500</td>
</tr>
<tr>
<td>For Printing</td>
<td>37,000</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout.
For Equipment ................................ 198,600
For Telecommunications Services .......... 226,500
For Operation of Auto Equipment .......... 28,500
For In-Service Training.................... 366,700
Total                                     $12,398,500

Payable from Mental Health Accounts
Receivable Trust Fund:
For Expenses Related to the Establishment,
Maintenance, and Collection of
Accounts Receivable........................... $ 1,049,800

Payable from DMH/DD Private Resources Fund:
For Costs associated with the Health
and Human Services Reform Activities
funded by Private Donations from the
Annie E. Casey Foundation .................... $ 2,750,000

**ADMINISTRATIVE AND PROGRAM SUPPORT**

**GRANTS-IN-AID**

Section 6.1. The sum of $2,305,000, or so much thereof as may be necessary,
respectively, is appropriated from the General Revenue Fund and the sum of $16,723,400,
or so much thereof as may be necessary, respectively, is appropriated from the Mental
Health Fund to the Department of Human Services for payment of workers' compensation
claims.

Expenditures from appropriations for treatment and expense may be made after
the Department of Human Services has certified that the injured person was employed and
that the nature of the injury is compensable in accordance with the provisions of the
Workers' Compensation Act or the Workers' Occupational Diseases Act, and then has
determined the amount of such compensation to be paid to the injured person.
Expenditures for this purpose may be made by the Department of Human Services
without regard to the fiscal year in which benefit or service was rendered or cost
incurred as allowable or provided by the Workers' Compensation Act or the Workers'
Occupational Diseases Act.

Section 6.2. The following named sums, or so much thereof as may be
necessary, respectively, are appropriated to the Department of Human Services for the
purposes hereinafter named:

**GRANTS-IN-AID**

For Tort Claims:
Payable from General Revenue Fund ........ $  750
Payable from Vocational Rehabilitation
Fund ................................................ 10,000
Total                                      $10,750

For Reimbursement of Employees for
Work-Related Personal Property Damages:

New matter indicated by italics - deletions by strikeout.
Payable from General Revenue Fund ............... $13,100
For Episcopal Charities:
  Payable from General Revenue Fund............... $980,000
For Grants Associated with Systems Change Including Operating and Administrative Costs
  Payable from the DHS Federal Projects Fund....... $450,000

PERMANENT IMPROVEMENTS

Section 6.3. The following named sums, or so much thereof as may be necessary, are appropriated from the General Revenue Fund to the Department of Human Services for repairs and maintenance, roof repairs and/or replacements and miscellaneous at the Department’s various facilities and are to include capital improvements including construction, reconstruction, improvements, repairs and installation of capital facilities, cost of planning, supplies, materials, and all other expenses required for roof and other types of repairs and maintenance, capital improvements and demolition.

No contract shall be entered into or obligations incurred for any expenditures from appropriations made in this Section of the Article until after the purposes and amounts have been approved in writing by the Governor.

For Repair, Maintenance and other Capital Improvements at various facilities ........ $1,828,800
For Miscellaneous Permanent Improvements ...... 259,800
Total $2,088,600

Section 6.4. The following named sums, or so much thereof as may be necessary, are appropriated to the Department of Human Services as follows:

REFUNDS

Payable from General Revenue Fund ............... $ 9,300
Payable from Vocational Rehabilitation Fund ... 5,000
Payable from Youth Drug Abuse Prevention Fund ......................... 30,000
Payable from DHS Federal Projects Fund ......................... 25,000
Payable from USDA Women, Infants and Children Fund ........... 200,000
Payable from Maternal and Child Health Services Block Grant Fund ........... 5,000
Payable from Mental Health Fund ......................... 100,000
Payable from the Early Intervention Services Revolving Fund ......................... 100,000
Payable from Drug Treatment Fund .............. 5,000
Total $479,300

Section 7. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to the Department of Human Services for ordinary and contingent expenses:

New matter indicated by italics - deletions by strikeout.
MANAGEMENT INFORMATION SERVICES

Payable from General Revenue Fund:
For Personal Services .................. $ 12,144,900
For Employee Retirement Contributions
   Paid by Employer .................... 481,100
For Retirement Contributions .......... 1,262,100
For State Contributions to Social Security ...
For Contractual Services ............... 19,918,900
For Travel .............................. 43,000
For Commodities ........................ 800
For Printing ............................ 16,400
For Equipment .......................... 1,618,800
For Electronic Data Processing ........... 2,600,500
For Telecommunications Services ........... 9,660,300
For Expenses Related to a
   New Computer System ............... 4,627,600
Total .................................. $53,302,700

Payable from Vocational Rehabilitation Fund:
For Personal Services .................. $ 2,049,000
For Employee Retirement Contributions
   Paid by Employer .................... 82,000
For Retirement Contributions .......... 213,100
For State Contributions to Social Security ...
For Group Insurance ........................ 306,900
For Contractual Services ............... 2,669,800
For Travel .............................. 50,000
For Commodities ........................ 60,600
For Printing ............................ 65,800
For Equipment .......................... 1,854,000
For Telecommunications Services ........... 2,443,200
For Operation of Auto Equipment ........... 2,800
Total .................................. $9,953,900

Payable from USDA Women, Infants and Children Fund:
For Personal Services .................. $ 851,400
For Employee Retirement Contributions
   Paid by Employer .................... 34,100
For Retirement Contributions .......... 88,500
For State Contributions to Social Security ...
For Group Insurance ........................ 130,200
For Contractual Services ............... 325,400
For Electronic Data Processing ........... 150,000
Total .................................. $1,644,700

New matter indicated by italics - deletions by strikeout.
Payable from Maternal and Child Health Services Block Grant Fund:
For Operational Expenses Associated with Support of Maternal and Child Health Programs $ 200,000
Payable from the Mental Health Fund:
For Services Provided Under Contract to Maximize Cost Recovery $ 526,800

Section 8. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the General Revenue Fund for the ordinary and contingent expenditures of the Department of Human Services:

JACK MABLEY DEVELOPMENT CENTER
For Personal Services $ 6,598,800
For Employee Retirement Contributions Paid by Employer 256,200
For Retirement Contributions 680,400
For State Contributions to Social Security 468,700
For Contractual Services 1,253,100
For Travel 16,200
For Commodities 416,200
For Printing 3,900
For Equipment 27,300
For Telecommunications Services 50,200
For Operation of Automotive Equipment 26,200
Total $9,797,200

Section 9. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the General Revenue Fund to meet the ordinary and contingent expenditures of the Department of Human Services:

ALTON MENTAL HEALTH CENTER
For Personal Services $ 13,278,200
For Employee Retirement Contributions Paid by Employer 716,200
For Retirement Contributions 1,380,900
For State Contributions to Social Security 1,015,100
For Contractual Services 1,689,300
For Travel 33,600
For Commodities 434,600
For Printing 16,100

New matter indicated by italics - deletions by strikeout.
For Equipment ................................ 90,100
For Telecommunications Services .......... 200,700
For Operation of Auto Equipment .......... 78,400
For Expenses Related to Living Skills Program .......... 3,400
For Costs Associated with Behavioral Health Services - Alton Network .......... 3,880,200
Total ................................ $22,816,800

Section 10. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Human Services:

BUREAU OF DISABILITY DETERMINATION SERVICES
Payable from Old Age Survivors' Insurance Fund:
For Personal Services ....................... $ 27,536,100
For Employee Retirement Contributions
  Paid by Employer .......................... 1,101,400
For Retirement Contributions .............. 2,863,800
For State Contributions to Social Security ...
For Group Insurance .......................... 5,538,200
For Contractual Services .................... 13,812,000
For Travel ................................... 198,000
For Commodities .............................. 379,100
For Printing ................................ 165,000
For Equipment .............................. 1,819,900
For Telecommunications Services ............ 1,404,700
For Operation of Auto Equipment ............ 100
Total ................................ $56,924,800

Section 10.1. The following named amounts, or so much thereof as may be necessary, are appropriated to the Department of Human Services:

BUREAU OF DISABILITY DETERMINATION SERVICES
GRANTS-IN-AID
For Services to Disabled Individuals:
Payable from Old Age Survivors' Insurance .... $ 21,000,000
For SSI Advocacy Services:
Payable from General Revenue Fund .......... $ 1,945,000
Payable from the Special Purposes
Trust Fund ................................... $ 606,000

Section 11. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Human Services:

HOME SERVICES PROGRAM
Payable from General Revenue Fund:
For Personal Services ....................... $ 5,032,500
For Employee Retirement Contributions

New matter indicated by italics - deletions by strikeout.
Paid by Employer ............................ 199,300
For Retirement Contributions ................. 523,000
For State Contribution to Social Security .... 384,600
For Contractual Services ..................... 146,800
For Travel ................................... 127,700
For Commodities .............................. 2,000
For Printing ................................. 3,700
For Equipment ................................ 1,000
For Telecommunications Services .......... 6,100
For Operation of Auto Equipment ........... 500
Total $6,427,200

Section 11.1. The following named amount, or so much thereof as may be necessary, is appropriated to the Department of Human Services:

HOME SERVICES PROGRAM
GRANTS-IN-AID

For Purchase of Services of the Home Services Program, pursuant to 20 ILCS 2405/3:

| Payable from General Revenue Fund | $265,067,000 |

Section 12. The following named sums, or so much thereof as may be necessary, respectively, for the purposes hereinafter named, are appropriated to the Department of Human Services for Grants-In-Aid and Purchased Care in its various regions pursuant to Sections 3 and 4 of the Community Services Act and the Community Mental Health Act:

MENTAL HEALTH/DEVELOPMENTAL DISABILITIES
GRANTS-IN-AID AND PURCHASED CARE

For Community Service Grant Programs for Persons with Mental Illness:

| Payable from General Revenue Fund | $166,336,000 |
| Payable from Community Mental Health Services Block Grant Fund | 13,025,400 |
| Payable from the DHS Federal Projects Fund | 10,000,000 |

For Costs Associated With The Purchase and Disbursement of Psychotropic Medications for Mentally Ill Clients in the Community:

| Payable from General Revenue Fund | 3,000,000 |

For Costs Associated with Emergency Expenses for Services to Individuals with Mental Illness:

| Payable from General Revenue Fund | 8,934,700 |

New matter indicated by italics - deletions by strikeout.
For Community Integrated Living
Arrangements for Persons with Mental Illness:
Payable from General Revenue Fund ........... 35,618,700

For Medicaid Services for Persons with Mental Illness and KidCare Clients:
Payable from General Revenue Fund ........... 5,000,000
Payable from Community Mental Health Medicaid Trust Fund ............. 59,689,900

For Emergency Psychiatric Services:
Payable from General Revenue Fund .......... 10,020,700

For Community Service Grant Programs for Children and Adolescents with Mental Illness:
Payable from General Revenue Fund ........... 23,872,000
Payable from Community Mental Health Services Block Grant Fund ........... 4,341,800

For Purchase of Care for Children and Adolescents with Mental Illness approved through the Individual Care Grant Program:
Payable from General Revenue Fund ........... 18,976,800

For Costs Associated with Children and Adolescent Mental Health Programs:
Payable from General Revenue Fund ........... 11,040,800

For Teen Suicide Prevention Including Provisions Established in Public Act 85-0928:
Payable from Community Mental Health Services Block Grant Fund ............. 206,400
Total $370,063,200

For Community Based Services for Persons with Developmental Disabilities at the approximate cost set forth below:
Payable from the General Revenue Fund ...... $485,718,500
Payable from the Mental Health Fund ...... 9,965,600
Total $495,684,100

For Community Integrated Living Arrangements for Persons with Developmental Disabilities .......... 273,543,500
For Day Training Programs and Supported Employment .............. 132,844,600

New matter indicated by italics - deletions by strikeout.
For Other Community Residential Services ........................ 37,700,800
For Client and Family Support Programs ............................. 37,490,600
For Case Coordination and Pre-Screening Services .................. 14,104,600
Total .............................. $495,684,100

For costs associated with the provision of Specialized Services to Persons with Developmental Disabilities, Payable from General Revenue Fund ............ 9,438,200

For Family Assistance Program, the Home Based Support Services Program, and for costs associated with services for individuals with Developmental Disabilities to enable them to reside in their homes, at the approximate costs set forth below:
Payable from the General Revenue Fund ............ 26,380,900
For the Family Assistance Program ............................ 8,191,300
For the Home Based Support Services Program ......... 11,721,300
For the Supported Living Services Program ............... 6,468,300
Total .............................. $35,819,100

Section 12a. The sum of $8,800,000, or so much thereof as may be necessary, in addition to any other amounts appropriated for these purposes, is appropriated from the General Revenue Fund to the Department of Human Services for expenses to providers of services to individuals with developmental disabilities.

Section 12b. The sum of $20,500,000, or so much thereof as may be necessary, in addition to any other amounts appropriated for this purpose, is appropriated from the General Revenue Fund to the Department of Human Services for a 2.0 percent cost of living adjustment retroactive to April 1, 2002 for providers serving individuals with developmental disabilities.

Section 12c. The sum of $7,500,000, or so much thereof as may be necessary, in addition to any other amounts appropriated for these purposes, is appropriated from the General Revenue Fund to the Department of Human Services for a 2.0 percent cost of living adjustment retroactive to April 1, 2002 for providers serving individuals with mental illness.

Section 12.1. In addition to any amounts previously appropriated, the sum of $722,000, or so much thereof as may be necessary is appropriated from the General Revenue

New matter indicated by italics - deletions by strikeout.
Section 12.1a. In addition to any amounts previously appropriated, the sum of $100,000, or so much thereof as may be necessary is appropriated from the General Revenue Fund to the Department of Human Services for a grant to Elim Christian School.

Section 12.1b. In addition to any amounts previously appropriated, the sum of $220,000, or so much thereof as may be necessary is appropriated from the General Revenue Fund to the Department of Human Services for a grant to Sequin Services.

Section 12.2. In addition to any amounts previously appropriated, the sum of $700,000, or so much thereof as may be necessary is appropriated from the General Revenue Fund to the Department of Human Services for a grant to Lewis and Clark Community College.

Section 12.3. In addition to any amounts previously appropriated, the sum of $328,000, or so much thereof as may be necessary is appropriated from the General Revenue Fund to the Department of Human Services for a grant to the Ray Graham Association.

Section 12.5. In addition to any amounts previously appropriated, the sum of $500,000, or so much thereof as may be necessary is appropriated from the General Revenue Fund to the Department of Human Services for a grant to Lifelink.

Section 12.6. The sum of $240,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Human Services for a grant to the Ecker Center.

Section 12.7. The sum of $350,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Human Services for a grant to the Association for Individual Development.

Section 12.8 The sum of $300,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Human Services for the Farm Resource Center.

Section 13. The following named sums, or so much thereof as may be necessary, are appropriated to the Department of Human Services for the following purposes:

For costs related to Developmental Disability Community Transitions, Including Operations and Administration ..... $ 2,450,000

For Intermediate Care Facilities for the Mentally Retarded and Alternative Community Programs in fiscal year 2003 and in all prior fiscal years:

   Payable from the General Revenue Fund ..... 371,263,600
   Payable from the Care Provider Fund for Persons With A Developmental Disability ..... 36,000,000

For Costs Associated with Mental Health Services for Youths in the Juvenile Justice System
   Payable from the General Revenue Fund ..... 2,000,000

New matter indicated by italics - deletions by strikeout.
Section 13.1. The following named amount, or so much thereof as may be necessary, is appropriated to the Department of Human Services for Payments to Community Providers and Administrative Expenditures, including such Federal funds as are made available by the Federal Government for the following purpose:

Payable from the Community Mental Health and Developmental Disabilities Services Provider Participation Fee Trust Fund:
For Community Mental Health and Developmental Services Costs Regarding Medicaid Services $ 500,000

Section 13.2. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent expenditures of the Department of Human Services:

INSPECTOR GENERAL

Payable from General Revenue Fund:
For Personal Services $ 4,415,300
For Employee Retirement Contributions
Paid by Employer 174,900
For Retirement Contributions 458,800
For State Contributions to Social Security 337,400
For Contractual Services 323,900
For Travel 236,500
For Commodities 47,000
For Printing 15,000
For Equipment 146,600
For Telecommunications Services 88,500
For Operation of Auto Equipment $6,244,000

Section 14. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated for the objects and purposes hereinafter named, to the Department of Human Services:

ADDITION PREVENTION GRANTS-IN-AID

For Addiction Prevention and Related Services:
Payable from General Revenue Fund $ 5,459,100
Payable from the Youth Alcoholism and Substance Abuse Fund 1,050,000
Payable from Alcoholism and Substance Abuse Fund 6,509,300

New matter indicated by italics - deletions by strikeout.
Payable from Prevention and Treatment of Alcoholism and Substance Abuse Block Grant Fund ......................... $16,000,000 Total $29,018,400

Section 15. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated for the objects and purposes hereinafter named, to the Department of Human Services:

**ADDICTION TREATMENT GRANTS-IN-AID**

Payable from the General Revenue Fund:
For Costs Associated with Addiction Treatment Services For Special Populations ................... $8,820,000 For costs associated with Community Based Addiction Treatment to Medicaid eligible and KidCare clients ................. 37,058,900 For Addiction Treatment Services for Medicaid eligible DCFS clients ......................... 3,643,900 For costs associated with Community Based Addiction Treatment Services .............. 82,306,800 For Addiction Treatment Services for DCFS clients .................................... 11,688,300 For Grants and Administrative Expenses Related to the Welfare Reform Pilot Project .............................. 2,809,000 For Costs Associated with Treatment of Individuals who are Compulsive Gamblers ......................... 960,000 Total ........................................... $147,286,900

For Addiction Treatment and Related Services:
Payable from Prevention and Treatment of Alcoholism and Substance Abuse Block Grant Fund ....................... 58,000,000 Payable from Drug Treatment Fund ............... 3,000,000 Payable from Youth Drug Abuse Prevention Fund ....................... 530,000 Total ........................................... $61,530,000

For underwriting the cost of housing for groups of recovering individuals:
Payable from Group Home Loan Revolving Fund ....................... $100,000

For Grants and Administrative Expenses

New matter indicated by italics - deletions by strikeout.
Related to the Domestic Violence and Substance Abuse Demonstration Project:
Payable from General Revenue Fund $661,500

For Grants and Administrative Expenses Related to Addiction Treatment and Related Services:
Payable from Drunk and Drugged Driving Prevention Fund 3,595,200
Payable from Alcoholism and Substance Abuse Fund 10,111,600

The Department, with the consent in writing from the Governor, may reapportion not more than two percent of the total appropriation of General Revenue Funds in Section 15 above "Addiction Treatment" among the purposes therein enumerated.

Section 15.1. The sum of $8,186,800, or so much thereof as may be necessary, and as remains unexpended at the close of business on June 30, 2002, from appropriations heretofore made for such purposes in Article 40, Section 15 of Public Act 92-8 is reappropriated from the General Revenue Fund to the Department of Human Services for the purpose of Community Based Addiction Treatment Services to Medicaid-Eligible and KidCare Clients.

Section 16. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the General Revenue Fund to meet the ordinary and contingent expenditures of the Department of Human Services:

LINCOLN DEVELOPMENTAL CENTER
For Personal Services $ 7,670,600
For Employee Retirement Contributions
   Paid by Employer 297,700
   For Retirement Contributions 797,100
For State Contributions to Social Security 586,300
For Contractual Services 826,500
For Travel 8,200
For Commodities 521,500
For Printing 3,500
For Equipment 34,700
For Telecommunications Services 44,500
For Operation of Auto Equipment 22,100
For Expenses Related to Living Skills Program 2,400
For operational expenses associated with Lincoln Developmental Center 5,000,000

New matter indicated by italics - deletions by strikeout.
operate at FY02 levels .......................... 19,499,000
Total .......................... $35,314,100

Section 17. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the General Revenue Fund to meet the ordinary and contingent expenditures of the Department of Human Services:

CLYDE L. CHOATE MENTAL HEALTH AND DEVELOPMENTAL CENTER
For Personal Services ......................... $ 23,193,200
For Employee Retirement Contributions
Paid by Employer .............................. 916,200
For Retirement Contributions .................. 2,404,700
For State Contributions to Social Security .................. 1,686,400
For Contractual Services ....................... 2,012,850
For Travel .................................... 24,800
For Commodities .............................. 1,267,400
For Printing ................................... 14,500
For Equipment ................................ 90,600
For Telecommunications Services .............. 194,200
For Operation of Auto Equipment .............. 67,500
For Expenses Related to Living
Skills Program ............................... 38,800
For Costs Associated with Behavioral Health Services - Choate Network .......... 43,300
Total ...................................... $31,954,450

Section 18. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Human Services:

REHABILITATION SERVICES BUREAUS
Payable from Illinois Veterans' Rehabilitation Fund:
For Personal Services ......................... $ 1,240,600
For Employee Retirement Contributions
Paid by Employer .............................. 49,600
For Retirement Contributions ................. 129,000
For State Contributions to Social Security ...
For Group Insurance .......................... 94,900
For Travel .................................... 12,200
For Commodities .............................. 5,600
For Equipment ................................. 7,000
For Telecommunications Services .......... 19,500
Total ...................................... $1,763,000
Payable from Vocational Rehabilitation Fund:
For Personal Services ......................... $ 30,097,000

New matter indicated by italics - deletions by strikeout.
For Employee Retirement Contributions
Paid by Employer ............................ 1,203,900
For Retirement Contributions ................ 3,130,100
For State Contributions to Social Security ... 2,302,400
For Group Insurance ........................ 5,961,300
For Contractual Services ........................ 7,013,300
For Travel ................................... 1,200,000
For Commodities .............................. 306,900
For Printing ................................ 145,100
For Equipment ................................ 419,900
For Telecommunications Services .......... 1,676,300
For Operation of Auto Equipment .......... 5,700
For Administrative Expenses of the
Statewide Deaf Evaluation Center ............ 211,900
Total ........................................ 53,673,800

Section 18.1. The following named amounts, or so much thereof as may be
necessary, respectively, are appropriated to the Department of Human Services:

REHABILITATION SERVICES BUREAUS
GRANTS-IN-AID

For Case Services to Individuals:
Payable from General Revenue Fund .......... $ 9,513,300
Payable from Illinois Veterans' Rehabilitation Fund ............... 2,413,700
Payable from State Projects Fund .............. 100,000
Payable from Vocational Rehabilitation Fund .. 46,110,700

For Implementation of Title VI, Part C of the Vocational Rehabilitation Act of 1973 as Amended--Supported Employment:
Payable from General Revenue Fund .......... 2,325,300
Payable from Vocational Rehabilitation Fund .. 1,900,000

For Small Business Enterprise Program:
Payable from Vocational Rehabilitation Fund .. 3,619,100

For Case Services to Migrant Workers:
Payable from General Revenue Fund .......... 20,000
Payable from Vocational Rehabilitation Fund .. 210,000

For Grants to Independent Living Centers:
Payable from General Revenue Fund .......... 4,480,500
Payable from Vocational Rehabilitation Fund ... 2,000,000

For the Illinois Coalition for Citizens with Disabilities:
Payable from General Revenue Fund.......... 122,800
Payable from Vocational Rehabilitation Fund... 77,200

New matter indicated by italics - deletions by strikeout.
For Lekotek Services for Children with Disabilities:
   Payable from the General Revenue Fund ...........  600,000
For Independent Living Older Blind Grant:
   Payable from the Vocational Rehabilitation Fund .............  245,500
   Payable from General Revenue Fund .............  68,000
For Independent Living Older Blind Formula
   Payable from Vocational Rehabilitation Fund...  1,000,000
For Technology Related Assistance
   Project for Individuals of All Ages with Disabilities:
   Payable from the Vocational Rehabilitation Fund .............  1,050,000
Total $75,856,100

Section 18.2. The sum of $17,000,000, or so much thereof as may be necessary, and as remains unexpended at the close of business on June 30, 2002, from appropriations heretofore made for such purposes in Article 40, Section 18 of Public Act 92-8 is reappropriated from the Vocational Rehabilitation Fund to the Department of Human Services for Case Services to Individuals.

Section 19. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Human Services:

   CLIENT ASSISTANCE PROJECT
   Payable from Vocational Rehabilitation Fund:
      For Personal Services .........................  $ 506,000
      For Employee Retirement Contributions
         Paid by Employer .............................  20,200
         For Retirement Contributions ...................  52,600
      For State Contributions to Social Security ...  38,700
      For Group Insurance ............................  93,000
      For Contractual Services .......................  43,000
      For Travel .....................................  38,200
      For Commodities ...............................  2,700
      For Printing ...................................  400
      For Equipment .................................  21,400
      For Telecommunications Services ..............  12,800
   Total ................................................  829,000

Section 19.1. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the Vocational Rehabilitation Fund to the Department of Human Services for a grant relating to a Client Assistance Project.

Section 21. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the

New matter indicated by italics - deletions by strikeout.
General Revenue Fund to meet the ordinary and contingent expenses of the Department of Human Services:

**CHICAGO-READ MENTAL HEALTH CENTER**

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>$26,019,700</td>
</tr>
<tr>
<td>For Employee Retirement Contributions Paid by Employer</td>
<td>$1,009,800</td>
</tr>
<tr>
<td>For Retirement Contributions</td>
<td>$2,687,100</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>$1,943,700</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>$2,754,350</td>
</tr>
<tr>
<td>For Travel</td>
<td>$39,700</td>
</tr>
<tr>
<td>For Commodities</td>
<td>$761,700</td>
</tr>
<tr>
<td>For Printing</td>
<td>$15,100</td>
</tr>
<tr>
<td>For Equipment</td>
<td>$66,600</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>$223,700</td>
</tr>
<tr>
<td>For Operation of Auto Equipment</td>
<td>$36,000</td>
</tr>
<tr>
<td>For Costs Associated with Behavioral Health Services - Chicago-Read Network</td>
<td>$387,900</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>$35,945,350</td>
</tr>
</tbody>
</table>

Section 22. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent expenditures of the Department of Human Services:

**PROGRAM ADMINISTRATION - DISABILITIES AND BEHAVIORAL HEALTH**

Payable from General Revenue Fund:

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>$8,087,500</td>
</tr>
<tr>
<td>For Employee Retirement Contributions Paid by Employer</td>
<td>$316,000</td>
</tr>
<tr>
<td>For Retirement Contributions</td>
<td>$827,500</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>$613,000</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>$1,770,000</td>
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<tr>
<td>For Travel</td>
<td>$301,600</td>
</tr>
<tr>
<td>For Commodities</td>
<td>$13,581,900</td>
</tr>
<tr>
<td>For Printing</td>
<td>$29,100</td>
</tr>
<tr>
<td>For Equipment</td>
<td>$654,000</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>$196,700</td>
</tr>
<tr>
<td>For Operation of Auto Equipment</td>
<td>$2,500</td>
</tr>
<tr>
<td>For Contractual Services:</td>
<td></td>
</tr>
<tr>
<td>For Private Hospitals for Recipients of State Facilities</td>
<td>$959,500</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>$27,339,300</td>
</tr>
</tbody>
</table>

Payable from the Prevention/Treatment -

New matter indicated by italics - deletions by strikeout.
Alcoholism and Substance Abuse Block
Grant Fund:
For Personal Services ...................... $ 1,904,400
For Employee Retirement Contributions Paid
by Employer .................................. 76,200
For Retirement Contributions .............. 198,100
For State Contributions to Social Security ...
For Group Insurance ...................... 145,700
For Contractual Services .................. 1,415,900
For Contractual Services .................. 1,415,900
For Contractual Services .................. 1,415,900
For Travel .................................. 200,000
For Commodities ......................... 53,800
For Printing .............................. 35,000
For Equipment ............................ 14,300
For Electronic Data Processing .......... 300,000
For Telecommunications Services ........... 117,800
For Operation of Auto Equipment ........... 20,000
For Expenses Associated with the
Administration of the Alcohol and
Substance Abuse Prevention and
Treatment Programs ...................... 215,000
For Deposit into the Group Home
Loan Revolving Fund ..................... 100,000
Total $5,103,100
Payable from the Vocational Rehabilitation Fund:
For Personal Services ...................... $ 715,000
For Employee Retirement Contributions Paid
by Employer .................................. 28,600
For Retirement Contributions .............. 74,400
For State Contributions to Social Security ...
For Group Insurance ...................... 54,700
For Contractual Services .................. 116,300
For Contractual Services .................. 116,300
For Contractual Services .................. 116,300
For Travel .................................. 50,000
For Commodities ......................... 300
For Equipment ............................ 40,000
For Telecommunications Services ........... 16,900
Total $1,157,200
Payable from the Community Mental Health Services
Block Grant Fund:
For Personal Services ...................... $ 514,600
For Employee Retirement Contributions Paid
by Employer .................................. 19,600
For Retirement Contributions ................ 53,500

New matter indicated by italics - deletions by strikeout.
For State Contributions to Social Security    ...    39,400
For Group Insurance ..........................    93,000
For Contractual Services ....................  180,100
For Travel ....................................  10,000
For Commodities .............................    5,000
For Equipment ...............................    5,000
Total ........................................ $920,200

Payable from the DHS Federal Projects Fund:
For Federally Assisted Programs .............  $ 5,949,200

Payable from the Mental Health Fund:
For Costs Related to Provision of Support
  Services Provided to Departmental and Non-
  Departmental Organizations ................  $3,720,400

Payable from the Youth Alcoholism and Substance
Abuse Prevention Fund:
For Deposit into the Fund Which Receives All
  Payments Under Section 5-3 of Act for
  Alcoholic Liquors ..........................  $ 150,000

Payable from the Rehabilitation Services
Elementary and Secondary Education Act Fund:
For Federally Assisted Programs .............  $ 1,350,000

Section 23. The following named sums, or so much thereof as may be necessary,
respectively, for the objects and purposes hereinafter named, are appropriated to meet
the ordinary and contingent expenses of the Department of Human Services:

SEXUALLY VIOLENT PERSONS PROGRAM
Payable from General Revenue Fund:
For Sexually Violent Persons
  Program .....................................  $19,798,700

Section 24. The following named sums, or so much thereof as may be necessary,
respectively, for the objects and purposes hereinafter named, are appropriated from the
General Revenue Fund for the ordinary and contingent expenditures of the Department of
Human Services:

H. DOUGLAS SINGER MENTAL HEALTH AND DEVELOPMENTAL CENTER
For Personal Services ........................ $9,972,900
For Employee Retirement Contributions
  Paid by Employer ............................ 399,300
For Retirement Contributions ................ 1,037,300
For State Contributions to
  Social Security ............................ 761,600
For Contractual Services .................... 2,349,600
For Travel ....................................  7,900
For Commodities .............................  401,700

New matter indicated by italics - deletions by strikeout.
Section 25. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the General Revenue Fund to meet the ordinary and contingent expenditures of the Department of Human Services:

ANN M. KILEY DEVELOPMENTAL CENTER

For Personal Services ................... $ 18,310,500
For Employee Retirement Contributions
Paid by Employer ...................... 710,700
For Retirement Contributions ........ 1,891,700
For State Contributions to Social Security ...................... 1,376,300
For Contractual Services ............. 2,113,400
For Travel .............................. 26,800
For Commodities ...................... 950,600
For Printing ........................... 21,200
For Equipment ....................... 47,600
For Telecommunications Services .... 143,800
For Operation of Auto Equipment .... 83,500
For Expenses Related to Living
Skills Program ....................... 40,000
Total ................................ $25,690,100

Section 26. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Human Services:

ILLINOIS SCHOOL FOR THE DEAF

Payable from General Revenue Fund:
For Personal Services ................... $ 11,166,600
For Student, Member or Inmate Compensation ...
For Employee Retirement Contributions
Paid by Employer ...................... 442,300
For Retirement Contributions ........ 886,000
For State Contributions to Social Security ...................... 580,200
For Contractual Services ............. 1,644,100

New matter indicated by italics - deletions by strikeout.
For Personal Services $ 6,264,600
For Student, Member or Inmate Compensation ... 16,700
For Employee Retirement Contributions
Paid by Employer  248,200
For Retirement Contributions  525,200
For State Contributions to Social Security  363,000
For Contractual Services  652,500
For Travel  13,800
For Commodities  227,500
For Printing  2,500
For Equipment  80,000
For Telecommunications Services  59,700
For Operation of Auto Equipment  13,600
Total  $8,467,300

Payable from Vocational Rehabilitation Fund:
For Secondary Transitional Experience Program $ 42,900

Section 28. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the General Revenue Fund to meet the ordinary and contingent expenses of the Department of Human Services:

JOHN J. MADDEN MENTAL HEALTH CENTER

For Personal Services $ 19,599,500
For Employee Retirement Contributions
Paid by Employer  760,800
For Retirement Contributions  2,026,000
For State Contributions to Social Security

New matter indicated by italics - deletions by strikeout.
Section 29. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the General Revenue Fund to meet the ordinary and contingent expenditures of the Department of Human Services:

WARREN G. MURRAY DEVELOPMENTAL CENTER

For Personal Services $ 21,196,800
For Employee Retirement Contributions
Paid by Employer 822,700
For Retirement Contributions 2,165,300
For State Contributions to Social Security 1,528,300
For Contractual Services 1,737,200
For Travel 10,300
For Commodities 1,431,200
For Printing 10,400
For Equipment 126,700
For Telecommunications Services 70,000
For Operation of Auto Equipment 37,500
For Expenses Related to Living Skills Program 19,900
For Costs Associated with Behavioral Health Services - Madden Network 150,000
Total $26,745,880

Section 30. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the General Revenue Fund to meet the ordinary and contingent expenditures of the Department of Human Services:

ELGIN MENTAL HEALTH CENTER

For Personal Services $ 44,255,800
For Employee Retirement Contributions
Paid by Employer 2,059,000

New matter indicated by italics - deletions by strikeout.
For Retirement Contributions ................. 4,564,900
For State Contributions to Social Security .................. 3,191,900
For Contractual Services ....................... 4,311,800
For Travel .................................... 47,200
For Commodities ............................... 1,198,400
For Printing .................................. 36,000
For Equipment .................................. 136,240
For Telecommunications Services .............. 386,700
For Operation of Auto Equipment .............. 169,900
For Expenses Related to Living Skills Program ....................... 32,300
For Costs Associated with Behavioral Health Services - Elgin Network ............ 7,656,300

Total $68,046,440

Section 31. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Human Services:

COMMUNITY AND RESIDENTIAL SERVICES
FOR THE BLIND AND VISUALLY IMPAIRED

Payable from General Revenue Fund:
For Personal Services ......................... $ 1,505,100
For Employee Retirement Contributions
Paid by Employer ......................... 60,200
For Retirement Contributions .................. 156,400
For State Contributions to Social Security .... 82,400
For Contractual Services .................. 34,000
For Travel .................................. 79,000
For Commodities .......................... 6,500
For Printing ......................... 200
For Equipment ......................... 200
For Telecommunications Services ........ 2,700

Total $1,926,700

Section 32. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the General Revenue Fund for the ordinary and contingent expenditures of the Department of Human Services:

GEORGE A. ZELLER MENTAL HEALTH CENTER

For Personal Services ......................... $ 12,796,200
For Employee Retirement Contributions
Paid by Employer ......................... 496,400
For Retirement Contributions .................. 1,330,800

New matter indicated by italics - deletions by strikeout.
Security ................................. 978,900
For Contractual Services ................. 1,388,500
For Travel ................................ 25,300
For Commodities .......................... 306,300
For Printing .............................. 15,900
For Equipment ............................ 89,500
For Telecommunications Services ......... 109,300
For Operation of Auto Equipment ......... 17,400
For Expenses Related to Living
Skills Program ............................ 1,200
Total$17,555,700

For Costs Associated with Behavioral Health Services - Zeller Network ............ 530,900
Total$18,086,600

Section 33. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the General Revenue Fund to meet the ordinary and contingent expenditures of the Department of Human Services:

CHESTER MENTAL HEALTH CENTER

For Personal Services .................... $24,715,900
For Employee Retirement Contributions
Paid by Employer .......................... 1,330,100
For Retirement Contributions ............. 2,516,700
For State Contributions to Social Security ................................. 1,889,100
For Contractual Services .................. 2,219,600
For Travel ................................ 72,000
For Commodities .......................... 649,300
For Printing .............................. 10,700
For Equipment ............................ 52,100
For Telecommunications Services ......... 127,500
For Operation of Auto Equipment ......... 17,400
For Expenses Related to Living
Skills Program ............................ 4,800
Total$33,605,200

Section 34. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the General Revenue Fund to meet the ordinary and contingent expenditures of the Department of Human Services:

JACKSONVILLE DEVELOPMENTAL CENTER

For Personal Services .................... $19,689,300
For Employee Retirement Contributions

New matter indicated by italics - deletions by strikeout.
Paid by Employer ......................... 764,200
For Retirement Contributions .............. 2,035,100
For State Contributions to Social Security ......................... 1,441,900
For Contractual Services ................. 1,469,400
For Travel .................................. 15,100
For Commodities ......................... 1,612,800
For Printing ................................. 13,400
For Equipment ............................... 92,900
For Telecommunications Services ......... 99,500
For Operation of Auto Equipment .......... 51,600
For Expenses Related to Living Skills Program ................. 16,800
Total ........................................ $27,302,000

Section 35. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Human Services:

ILLINOIS CENTER FOR REHABILITATION AND EDUCATION

Payable from General Revenue Fund:
For Personal Services ........................ $ 4,267,600
For Student, Member or Inmate Compensation ... 2,100
For Employee Retirement Contributions
  Paid by Employer ............................ 166,500
  For Retirement Contributions ............... 426,300
  For State Contributions to Social Security ... 296,800
  For Contractual Services .................... 852,100
  For Travel ................................... 10,200
  For Commodities ......................... 86,600
  For Printing ................................. 6,000
  For Equipment ............................... 47,600
  For Telecommunications Services ........... 61,900
  For Operation of Auto Equipment .......... 9,400
Total ........................................ $6,233,100

Payable from Vocational Rehabilitation Fund:
For Secondary Transitional Experience Program ................................. $ 60,000

Section 36. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the General Revenue Fund to meet the ordinary and contingent expenditures of the Department of Human Services:

ANDREW McFARLAND MENTAL HEALTH CENTER
For Personal Services ........................ $12,599,200
For Employee Retirement Contributions

New matter indicated by italics - deletions by strikeout.
New matter indicated by italics - deletions by strikeout.

Paid by Employer ............................ 510,600
For Retirement Contributions ............... 1,332,300
For State Contributions to
Social Security ............................. 978,200
For Contractual Services .................... 1,616,830
For Travel .................................... 14,000
For Commodities ............................. 357,600
For Printing ................................. 7,000
For Equipment ............................... 65,900
For Telecommunications Services .......... 107,700
For Operation of Auto Equipment .......... 26,500
For Expenses Related to Living
Skills Program .............................. 11,800
For Costs Associated with Behavioral Health
Services - McFarland Network ............ 153,800
Total $17,781,430

Section 37. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Human Services:

REFUGEE SOCIAL SERVICE PROGRAM

Payable from the Special Purposes Trust Fund:
For Personal Services ...................... $ 472,900
For Employee Retirement Contributions
Paid by Employer ........................... 18,900
For Retirement Contributions .............. 49,200
For State Contributions to
Social Security ............................. 36,200
For Group Insurance ......................... 74,400
For Contractual Services ................... 46,400
For Travel .................................... 9,500
For Commodities ........................... 33,000
For Printing ................................. 37,600
For Equipment ............................... 7,100
Total $785,200

Section 37.1. The following named sum, or so much thereof as may be necessary, respectively, is appropriated to the Department of Human Services for the purposes hereinafter named:

REFUGEE SOCIAL SERVICE PROGRAM
GRANTS-IN-AID

Payable from Special Purposes Trust Fund:
For Refugee Resettlement Purchase
of Service ................................. $10,128,200

Section 38. The following named sums, or so much thereof as may be necessary,
respectively, for the objects and purposes hereinafter named, are appropriated from the General Revenue Fund to meet the ordinary and contingent expenses of the Department of Human Services:

GOVERNOR SAMUEL H. SHAPIRO DEVELOPMENTAL CENTER
For Personal Services ......................... $ 47,943,900
For Employee Retirement Contributions
   Paid by Employer ............................. 1,860,800
   For Retirement Contributions ............. 4,816,400
For State Contributions to Social Security .................................. 3,664,400
For Contractual Services .................... 3,992,600
For Travel ................................... 12,200
For Commodities .............................. 3,085,600
For Printing .................................. 35,000
For Equipment ................................ 179,400
For Telecommunications Services .......... 153,700
For Operation of Auto Equipment ............ 126,100
Total .............................................. $65,870,100

Section 39. The following named sums, or so much thereof as may be necessary, respectively, are appropriated to the Department of Human Services for the purposes hereinafter named:

EMPLOYMENT AND SOCIAL SERVICE PROGRAMS
Payable from General Revenue Fund:
   For Personal Services ......................... $  6,561,100
   For Employee Retirement Contributions
      Paid by Employer ......................... 262,500
      For Retirement Contributions .......... 681,800
   For State Contributions to Social Security .................................. 501,500
   For Contractual Services .................... 119,200
   For Travel ................................... 98,700
   For Equipment .............................. 4,600
   For Deposit into the Homelessness Prevention Fund ..................... 1,000,000
Total .............................................. $9,229,400

Payable from the Special Purposes Trust Fund:
   For Operation of Federal Employment Programs ............................ $ 15,034,100

Section 39a. The amount of $4,000,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Human Services for operating and administrative costs and related distributive purposes for the Workforce Advantage Program.

New matter indicated by italics - deletions by strikeout.
Section 39b. The sum of $2,500,000, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2002 from appropriations heretofore made for such purposes in Article 40, Section 39a of Public Act 92-8 is reappropriated from the General Revenue Fund to the Department of Human Services for operating and administrative costs and related distributive purposes for the Workforce Advantage Program.

Section 39.1. The following named amounts, or so much thereof as may be necessary, respectively, for the objects hereinafter named, are appropriated to the Department of Human Services for Employment and Social Services and related distributive purposes, including such Federal funds as are made available by the Federal government for the following purposes:

EMPLOYMENT AND SOCIAL SERVICE PROGRAMS
GRANTS-IN-AID

Payable from General Revenue Fund:
For Employability Development Services
Including Operating and Administrative
Costs and Related Distributive Purposes ... $15,830,200
For Emergency Food and Shelter Program ..... 9,708,100
For Emergency Food Program ............... 276,700
For Grants for Crisis Nurseries .......... 490,000
For Food Stamp Employment and Training
including Operating and Administrative
Costs and Related Distributive Purposes ... 11,617,900
For Illinois Community Action Association
for the Family and Community Development
Grant Program............................. 325,000
For Grants for Supportive
Housing Services ......................... 3,616,900
Total $41,864,800

Payable from the Special Purposes Trust Fund:
For Federal/State Employment Programs and
Related Services ......................... $ 5,000,000
For Emergency Food Program
Transportation and Distribution,
including grants and operations ........... 5,000,000
For Homeless Assistance through the
McKinney Block Grant ...................... 4,000,000
For the development and implementation
of the Federal Title XX Empowerment
Zone and Enterprise Community
initiatives .............................. 57,751,600
For Grants Associated with the Head Start

New matter indicated by italics - deletions by strikeout.
State Collaboration, Including
Operating and Administrative Costs 300,000
Total $72,051,600

Payable from Local Initiative Fund:
For Purchase of Services under the
Donated Funds Initiative Program $22,391,700
Funds appropriated from the Local Initiative
Fund in Section 39.1, above, shall be expended only
for purposes authorized by the Department of
Human Services in written agreements.

Payable from Assistance to
the Homeless Fund:
For Costs Related to Providing
Assistance to the Homeless
Including Operating and
Administrative Costs and Grants $300,000

Payable from Employment and Training Fund:
For Costs Related to Employment and
Training Programs Including Operating
and Administrative Costs and Grants
to Qualified Public and Private Entities
for Purchase of Employment and Training
Services $50,000,000

Payable from Homelessness Prevention Fund:
For costs related to the Homelessness
Prevention Act $1,000,000

Section 40. The following named amounts, or so much thereof as may be
necessary, respectively, are appropriated to the Department of Human Services:

**JUVENILE JUSTICE PROGRAMS**

Payable from General Revenue Fund:
For Personal Services $203,300
For Employee Retirement Contributions
Paid by Employer 8,100
For Retirement Contributions 21,100
For State Contributions to
Social Security 15,500
For Contractual Services 63,800
For Travel 6,700
For Equipment 100
For Telecommunications Services 3,300
Total $321,900

Payable from Juvenile Justice Trust Fund:

New matter indicated by italics - deletions by strikeout.
For Personal Services                      $ 181,600
For Employee Retirement Contributions
  Paid by Employer                      7,200
For Retirement Contributions           19,000
For State Contributions to
  Social Security                        13,900
For Group Insurance                    27,900
For Contractual Services               66,900
For Travel                             26,500
For Commodities                        4,600
For Printing                           3,500
For Telecommunications Services        11,900
For Detention Monitoring               75,000
Total                                  $438,000

Section 40.1. The following named amounts, or so much thereof as may be
necessary, respectively, are appropriated to the Department of Human Services for the
purposes hereinafter named:

**JUVENILE JUSTICE PROGRAMS**

**GRANTS-IN-AID**

Payable from Juvenile Justice Trust Fund:
For Juvenile Justice Planning and Action
Grants for Local Units of Government
and Non-Profit Organizations including
Prior Fiscal Years Costs                        $ 12,600,000
For Grants to State Agencies, including
Prior Fiscal Years                                370,000
Total                                                12,970,000

Section 41. The following named amounts, or so much thereof as may be
necessary, are appropriated to the Department of Human Services for the objects and
purposes hereinafter named:

**COMMUNITY HEALTH**

Payable from the General Revenue Fund:
For Personal Services                        $ 4,267,300
For Employee Retirement Contributions
  Paid by Employer                          170,800
For Retirement Contributions               443,500
For State Contributions to Social Security
                                         326,200
For Contractual Services                   454,100
For Travel                                  127,800
For Commodities                             20,300
For Printing                                5,700
For Equipment                               33,700

New matter indicated by italics - deletions by strikeout.
For Telecommunications Services .......... 52,000
For Operation of Auto Equipment .......... 400
For Expenses for the Development and Implementation of Cornerstone .......... 2,234,200
Total $8,136,000

Payable from the DHS Federal Projects Fund:
For Personal Services ....................... $ 613,600
For Employee Retirement Contributions
Paid by Employer ............................. 24,600
For Retirement Contributions .............. 63,900
For State Contributions to Social Security ... 46,900
For Group Insurance .......................... 102,300
For Contractual Services .................... 1,405,200
For Travel ................................... 155,500
For Commodities ............................. 36,000
For Printing ................................. 22,000
For Equipment ............................... 568,000
For Telecommunications Services ........... 246,800
For Expenses Related to Public Health Programs .............................. 256,200
For Operational Expenses for Maternal and Child Health Special Projects of Regional and National Significance ....... 226,300
Total $3,767,300

Payable from the USDA Women, Infants and Children Fund:
For Personal Services ....................... $ 3,267,100
For Employee Retirement Contributions
Paid by Employer ............................. 130,700
For Retirement Contributions .............. 339,800
For State Contributions to Social Security ... 249,900
For Group Insurance .......................... 558,000
For Contractual Services .................... 633,500
For Travel ................................... 239,000
For Commodities ............................. 54,200
For Printing ................................. 184,500
For Equipment ............................... 279,000
For Telecommunications Services ........... 250,000
For Operation of Auto Equipment .......... 17,600
For Operational Expenses of the Women, Infants and Children (WIC) Program, Including Investigations .......................... 1,600,000

New matter indicated by italics - deletions by strikeout.
For Operational Expenses of Banking Services for Food Instruments Verification and Vendor Payment under the Women, Infants and Children (WIC) Program ........................................ 1,000,000
For Operational Expenses of the Federal Commodity Supplemental Food Program ......................... 42,500
For Operational Expenses Associated with Support of the USDA Women, Infants and Children Program .............. 150,000
Total ................................................................ 8,995,800
Payable from the Maternal and Child Health Services Block Grant Fund:
For Operational Expenses of Maternal and Child Health Programs................................. $ 4,223,300
Payable from the Preventive Health and Health Services Block Grant Fund:
For Expenses of Preventive Health and Health Services Programs................................. $ 55,000
Payable from the DHS State Projects Fund:
For Operational Expenses for Public Health Programs................................. $ 368,000

Section 41.1. The following named amounts, or so much thereof as may be necessary, are appropriated to the Department of Human Services for the objects and purposes hereinafter named:

COMMUNITY HEALTH GRANTS-IN-AID

Payable from the General Revenue Fund:
For Grants to Public and Private Agencies for Problem Pregnancies ....................... $ 257,800
For Grants for the Extension and Provision of Perinatal Services for Premature and High-Risk Infants and Their Mothers .............. 1,184,300
For Grants to Provide Assistance to Sexual Assault Victims and for Sexual Assault Prevention Activities ....................... 5,542,000
For Grants for Programs to Reduce Infant Mortality and to Provide Case Management and Outreach Services ...... 17,447,300

New matter indicated by italics - deletions by strikeout.
For Grants for Programs to Reduce Infant Mortality and to Provide Case Management and Outreach Services for Medicaid Eligible Families .................. 28,599,600
For Grants for the Intensive Prenatal Performance Project..................... 2,500,000
For Grants to the Chicago Department of Health for Maternal and Child Health Services ....................... 305,700
For Grants and Administrative Expenses Related to the Healthy Families Program................................. 9,686,700
For Costs Associated with the Domestic Violence Shelters and Services Program .................. 22,009,200
For Grants for After School Youth Support Programs ....................... 19,925,900
For Costs Associated with Teen Parent Services ......................... 7,698,300
For Grants to Family Planning Programs For Contraceptive Services ............... 750,000
Payable from the Sexual Assault Services Fund:
  For Grants Related to the Sexual Assault Services Program............... 100,000
Total  $116,006,800
Payable from the Special Purposes Trust Fund:
  For Costs Associated with Family Violence Prevention Services ............ $ 5,000,000
Payable from the DHS Federal Projects Fund:
  For Grants for Public Health Programs ........................................... 2,830,000
  For Grants for Maternal and Child Health Special Projects of Regional and National Significance .................. 1,300,000
  For Grants for Family Planning Programs Pursuant to Title X of the Public Health Service Act ............... 8,000,000
  For Grants for the Federal Healthy Start Program ............................. 4,000,000
Total  $21,130,000
Payable from the Special Purposes

New matter indicated by italics - deletions by strikeout.
Trust Fund:
For Community Grants $ 5,698,100
Payable from the Domestic Violence Abuser Services Fund:
For Domestic Violence Abuser Services $ 100,000
Payable from the Federal National Community Services Grant Fund:
For Payment for Community Activities, Including Prior Years' Costs $ 23,000,000
Payable from the USDA Women, Infants and Children Fund:
For Grants to Public and Private Agencies for Costs of Administering the USDA Women, Infants, and Children (WIC) Nutrition Program $ 39,000,000
For Grants for the Federal Commodity Supplemental Food Program 1,400,000
For Grants for Free Distribution of Food Supplies under the USDA Women, Infants, and Children (WIC) Nutrition Program 168,000,000
For Grants for Administering USDA Women, Infants, and Children (WIC) Nutrition Program Food Centers 24,000,000
For Grants for USDA Farmer's Market Nutrition Program 1,500,000
Total $233,900,000
Payable from the Maternal and Child Health Services Block Grant Fund:
For Grants for Maternal and Child Health Programs, Including Programs Appropriated Elsewhere in this Section $ 10,867,000
For Grants to the Chicago Department of Health for Maternal and Child Health Services 5,000,000
For Grants to the Board of Trustees of the University of Illinois, Division of Specialized Care for Children 7,800,000
For Grants for an Abstinence Education Program including operating and administrative costs 3,500,000
Total $27,167,000
Payable from the Preventive Health and Health Services Block Grant Fund:

New matter indicated by italics - deletions by strikeout.
For Grants to Provide Assistance to Sexual Assault Victims and for Sexual Assault Prevention Activities $ 500,000
For Grants for Rape Prevention Education Programs, including operating and administrative costs $ 3,000,000
Total $ 3,500,000
Payable from the DHS State Projects Fund:
For Grants to Establish Health Care Systems for DCFS Wards $ 3,376,400
Payable from Domestic Violence Shelter and Service Fund:
For Domestic Violence Shelters and Services Program $1,000,000
For Grants in Children's Cancer Research:
Payable from Children's Cancer Fund $2,500
For Grants for Diabetes Research:
Payable from American Diabetes Association Fund $ 74,000
For Children's Health Programs:
Payable from Tobacco Settlement Recovery Fund 2,000,000
For a Grant to the Coalition for Technical Assistance and Training:
Payable from Tobacco Settlement Recovery Fund 250,000

Section 41.2. The sum of $140,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Human Services for a grant to Youth Guidance.

Section 42. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Human Services:

COMMUNITY YOUTH SERVICES
Payable from General Revenue Fund:
For Personal Services $ 157,000
For Employee Retirement Contributions Paid by Employer 6,300
For Retirement Contributions 16,300
For State Contributions to Social Security 12,100
Total $2,518,200

Section 42.1. The following named amounts, or so much thereof as may be

New matter indicated by italics - deletions by strikeout.
necessary, respectively, are appropriated to the Department of Human Services:

COMMUNITY YOUTH SERVICES
GRANTS-IN-AID

Payable from General Revenue Fund:
For Community Services ....................... $ 7,343,200
For Youth Services Grants Associated with
Juvenile Justice Reform ....................... 3,500,000
For Comprehensive Community-Based
Service to Youth ............................. 13,699,700
For Unified Delinquency Intervention
Services ....................................... 3,187,900
For Homeless Youth Services ................. 4,276,600
For Parents Too Soon Program ............... 7,235,000
For Delinquency Prevention ................... 1,634,200
Total .................................. $40,876,600

Payable from the Special Purposes Trust Fund:
For Parents Too Soon Program,
including grants and operations ............... $ 3,665,200

Payable from the Early Intervention
Services Revolving Fund:
For Grants Associated with the
Early Intervention Services
Program, including operating
and administrative costs ..................... 150,000,000
Total .................................. $153,665,200

Section 42.3. The sum of $15,000,000, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2002 from appropriations and reappropriations heretofore made for such purposes in Article 40, Section 42.1 of Public Act 92-8, is reappropriated from the Early Intervention Services Revolving Fund to the Department of Human Services for grants associated with the Early Intervention Program, including operating and administrative costs.

Section 43. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the General Revenue Fund to meet the ordinary and contingent expenditures of the Department of Human Services:

WILLIAM W. FOX DEVELOPMENTAL CENTER
For Personal Services ......................... $ 12,104,700
For Employee Retirement Contributions
Paid by Employer ........................... 469,800
For Retirement Contributions ............... 1,234,900
For State Contributions to Social
Security ...................................... 891,800
New matter indicated by italics - deletions by strikeout.
For Contractual Services .................... 1,110,400
For Travel .................................. 10,100
For Commodities ............................. 807,200
For Printing ................................. 6,000
For Equipment ............................... 34,300
For Telecommunications Services .......... 27,400
For Operation of Auto Equipment .......... 12,800
For Expenses Related to Living
Skills Program .............................. 1,000

Total $16,710,400

Section 44. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the General Revenue Fund to meet the ordinary and contingent expenses of the Department of Human Services:

ELISABETH LUDEMAN DEVELOPMENTAL CENTER

For Personal Services ....................... $ 24,841,200
For Employee Retirement Contributions
  Paid by Employer ............................ 964,100
For Retirement Contributions .............. 2,564,100
For State Contributions to Social
  Security ..................................... 1,833,000
For Contractual Services .................... 2,636,600
For Travel .................................. 3,600
For Commodities ............................. 605,900
For Printing ................................. 9,500
For Equipment ............................... 100,400
For Telecommunications Services .......... 154,000
For Operation of Auto Equipment .......... 46,400
For Expenses Related to Living
Skills Program .............................. 25,600

Total $33,784,400

Section 45. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the General Revenue Fund to meet the ordinary and contingent expenses of the Department of Human Services:

WILLIAM A. HOWE DEVELOPMENTAL CENTER

For Personal Services ....................... $ 33,094,300
For Employee Retirement Contributions
  Paid by Employer ............................ 1,284,500
For Retirement Contributions .............. 3,406,600
For State Contributions to Social
  Security ..................................... 2,443,200

New matter indicated by italics - deletions by strikeout.
ARTICLE 41

Section 1. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent expenses of the Department of Insurance:

ADMINISTRATIVE AND SUPPORT DIVISION

Payable from Insurance Producer Administration Fund:
For Personal Services .................... $ 933,700
For Employee Retirement Contributions
  Paid by Employer ......................... 37,300
For State Contributions to the State Employees' Retirement System ....... 99,000
For State Contributions to Social Security .................. 71,400
For Group Insurance ....................... 204,600
For Contractual Services ................. 1,680,800
For Travel .................................. 2,100
For Commodities ............................ 51,000
For Printing ............................... 113,100
For Equipment ...................... 117,700
For Telecommunications Services ........ 15,900
For Operation of Auto Equipment ....... 10,900
Total .................................. $3,337,500

Payable from Insurance Financial Regulation Fund:
For Personal Services .................... $ 803,800
For Employee Retirement Contributions
  Paid by Employer ......................... 32,200
For State Contributions to the State Employees' Retirement System ....... 85,200
For State Contributions to Social Security .................. 61,500
For Group Insurance ....................... 195,300

Total .................................. $46,186,000

New matter indicated by italics - deletions by strikeout.
For Contractual Services................. 1,874,200
For Travel.................................. 2,100
For Commodities ............................ 61,300
For Printing................................. 47,900
For Equipment ............................... 62,400
For Telecommunications Services.......... 12,800
For Operation of Auto Equipment......... 7,300
Total $3,246,000

Section 2. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent expenses of the Department of Insurance:

CONSUMER DIVISION

Payable from Insurance Producer Administration Fund:
For Personal Services ....................... $ 5,670,200
For Employee Retirement Contributions
Paid by Employer ............................ 226,800
For State Contributions to the State Employees' Retirement System .......... 601,000
For State Contributions to Social Security ............................ 433,800
For Group Insurance .......................... 1,246,200
For Travel ................................... 340,900
For Telecommunications Services .......... 122,800
For Refunds ................................. 77,300
Total $8,719,000

Payable from Insurance Financial Regulation Fund:
For Personal Services ....................... $ 445,100
For Employee Retirement Contributions
Paid by Employer ............................ 17,800
For Retirement .............................. 47,200
For State Contributions to Social Security ............................ 34,100
For Group Insurance .......................... 83,700
For Travel ................................... 32,000
For Telecommunications Services ........... 9,300
Total $669,200

Section 3. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent expenses of the Department of Insurance:

FINANCIAL CORPORATE REGULATION

Payable from Insurance Financial Regulation Fund:

New matter indicated by italics - deletions by strikeout.
For Personal Services ...................... $ 8,062,200
For Employee Retirement Contributions
   Paid by Employer ......................... 322,500
For State Contributions to the State
   Employees' Retirement System .......... 854,600
For State Contributions to
   Social Security ......................... 616,800
For Group Insurance ....................... 1,460,100
For Travel .................................. 666,600
For Telecommunications Services ......... 67,700
For Refunds ................................ 100,000
Total $12,150,500

Section 4. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent expenses of the Department of Insurance:

PENSION DIVISION

Payable from General Revenue Fund:
   For Personal Services ................... $ 186,600
   For Employee Retirement Contributions
      Paid by Employer ....................... 7,500
   For State Contributions to the State
      Employees' Retirement System ........ 19,800
   For State Contributions to
      Social Security ...................... 14,300
   For Travel ............................... 26,200
   For Printing ............................ 10,500
   For Equipment .......................... 5,000
   For Telecommunications Services ...... 8,100
   Total $278,000

Payable from Public Pension Regulation Fund:
   For Personal Services .................. $ 549,000
   For Employee Retirement Contributions
      Paid by Employer ....................... 22,000
   For State Contributions to the State
      Employees' Retirement System ........ 58,200
   For State Contributions to
      Social Security ...................... 42,000
   For Group Insurance ................... 107,000
   For Contractual Services ............... 20,600
   For Travel ............................... 27,600
   For Equipment .......................... 10,300
   For Telecommunications Services ...... 1,000

New matter indicated by italics - deletions by strikeout.
Section 5. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named are appropriated to meet the ordinary and contingent expenses of the Department of Insurance:

**STAFF SERVICES DIVISION**

Payable from Insurance Producer Administration Fund:
- For Personal Services ....................... $ 735,800
- For Employee Retirement Contributions
  - Paid by Employer .......................... 29,400
- For State Contributions to the State
  - Employees' Retirement System ............. 78,000
- For State Contributions to
  - Social Security ............................ 56,300
- For Group Insurance ......................... 111,600
- For Travel ................................... 40,500
- For Telecommunications Services .......... 25,800
  Total $1,077,400

Payable from Insurance Financial Regulation Fund:
- For Personal Services ....................... $ 1,145,800
- For Employee Retirement Contributions
  - Paid by Employer .......................... 45,800
- For State Contributions to the State
  - Employees' Retirement System ............. 121,500
- For State Contributions to
  - Social Security ............................ 87,700
- For Group Insurance ......................... 176,700
- For Travel ................................... 37,300
- For Telecommunications Services .......... 18,400
  Total $1,633,200

Section 6. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent expenses of the Department of Insurance:

**ELECTRONIC DATA PROCESSING DIVISION**

Payable from Insurance Producer Administration Fund:
- For Personal Services ....................... $ 549,200
- For Employee Retirement Contributions
  - Paid by Employer .......................... 22,000
- For State Contributions to the State
  - Employees' Retirement System ............. 58,200

New matter indicated by italics - deletions by strikeout.
Social Security ............................ 42,000
For Group Insurance ........................ 83,700
For Contractual Services ..................... 304,100
For Travel ................................... 8,800
For Commodities .............................. 6,700
For Printing .................................. 6,700
For Equipment ................................ 170,000
For Telecommunications Services .......... 74,900
Total $1,326,300

Payable From Insurance Financial Regulation Fund:
For Personal Services ........................ $ 843,000
For Employee Retirement Contributions
 Paid by Employer .............................. 33,700
For State Contributions to the State
 Employees' Retirement System............... 89,400
For State Contributions to
 Social Security ............................. 64,500
For Group Insurance .......................... 139,500
For Contractual Services ..................... 282,500
For Travel ................................... 8,800
For Commodities .............................. 8,800
For Printing .................................. 3,600
For Equipment ................................. 210,600
For Telecommunications Services ..... 63,300
Total $1,747,700

Section 7. The following named sums, or so much thereof as may be necessary, are
appropriated to the Department of Insurance for the administration of the Senior
Health Insurance Program:
Payable from the Insurance Producer
 Administration Fund .............................. $ 323,500
Payable from the Senior Health
 Insurance Program Fund ........................ 700,000
Total $1,023,500

ARTICLE 42

Section 1. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent expenses of the Department of Labor:

FOR OPERATIONS - GENERAL OFFICE

Payable from General Revenue Fund:
For Personal Services......................... $ 743,400
For Employee Retirement Contributions
 Paid by Employer .............................. 29,800

New matter indicated by italics - deletions by strikeout.
For State Contributions to State
   Employees' Retirement System.................  78,800
For State Contributions to
   Social Security..........................  56,500
For Contractual Services.................  208,600
For Travel..............................  32,000
For Commodities...........................  11,900
For Printing...............................  18,200
For Equipment.............................  100
For Electronic Data Processing.............  90,700
For Telecommunications Services..........  25,700
For Operation of Auto Equipment..........  2,600
For Administration and operations of
   Displaced Homemaker Grant Program ........  50,000
For Refunds ................................  100
Total                                     $1,348,400

Section 2. The following named amount of $831,000, or so much thereof as may be necessary, is appropriated to the Department of Labor for Displaced Homemaker Grants.

Section 3. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent expenses of the Department of Labor:

PUBLIC SAFETY

Payable from General Revenue Fund:
   For Personal Services....................... $ 969,000
   For Employee Retirement Contributions
      Paid by Employer .......................  38,800
   For State Contributions to State
      Employees' Retirement System.........  102,700
   For State Contributions to
      Social Security......................  73,900
   For Contractual Services...............  36,900
   For Travel...........................  111,800
   For Commodities......................  5,200
   For Printing..........................  7,300
   For Telecommunications Services.......  18,100
   For Equipment.........................  100
Total                                      $1,363,800

The sum of $23,300, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Labor for all costs associated with the Workplace Initiative for Safe Employment.

Section 5. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet

New matter indicated by italics - deletions by strikeout.
the ordinary and contingent expenses of the Department of Labor:

FAIR LABOR STANDARDS

Payable from General Revenue Fund:
- For Personal Services: $2,177,700
- For Employee Retirement Contributions
  Paid by Employer: $87,200
- For State Contributions to State Employees' Retirement System: $230,800
- For State Contributions to Social Security: $166,400
- For Contractual Services: $75,200
- For Travel: $122,900
- For Commodities: $6,400
- For Printing: $21,700
- For Equipment: $100
- For Telecommunications Services: $41,500
  Total: $2,929,900

Payable from Child Labor Enforcement Fund:
- For Administration of the Child Labor Law: $158,700

Section 6. In addition to any other funds appropriated for that purpose, the sum of $201,300 is appropriated from the General Revenue Fund to the Department of Labor for all costs associated with conducting the study mandated by P.A. 87-405, regarding the employment progress of women and minorities.

ARTICLE 43

Section 1. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the State Lottery Fund to meet the ordinary and contingent expenses of the Department of the Lottery, including operating expenses related to Multi-State Lottery games pursuant to the Illinois Lottery Law:

OPERATIONS

Payable from State Lottery Fund:
- For Personal Services: $9,956,200
- For Employee Retirement Contributions
  Paid by Employer: $398,200
- For State Contributions for the State Employees' Retirement System: $1,055,300
- For State Contributions to Social Security: $761,700
- For Group Insurance: $2,241,300
- For Contractual Services: $29,383,400
- For Travel: $145,000

New matter indicated by italics - deletions by strikeout.
For Commodities ......................... 74,000
For Printing ............................ 32,000
For Equipment ......................... 388,000
For Electronic Data Processing ........ 4,048,400
For Telecommunications Services ...... 9,791,200
For Operation of Auto Equipment ..... 275,600
For Expenses of Developing and
Promoting Lottery Games .............. 12,100,000
For Refunds ............................ 50,000
Total $70,700,300

LOTTERY BOARD
Payable from State Lottery Fund:
For Personal Services - Per Diem
For Board Members ........................ $ 5,200
For State Contributions to State
employees' Retirement System .......... 800
For State Contributions to
Social Security .......................... 600
For Contractual Services ............... 500
For Travel ............................... 1,500
Total $8,600

Section 2. The sum of $290,000,000, or so much thereof as may be necessary, is
appropriated from the State Lottery Fund to the Department of the Lottery, for payment of
prizes to holders of winning lottery tickets or shares, including prizes related to Multi-State
Lottery games, and payment of promotional or incentive prizes associated with the sale
of lottery tickets, pursuant to the provisions of the "Illinois Lottery Law".

Section 3. The sum of $35,000, or so much thereof as may be necessary, is
appropriated from the State Lottery Fund to the Illinois Department of the Lottery, for
payment to the Illinois State Police for investigatory services.

ARTICLE 44

FOR OPERATIONS
OFFICE OF THE ADJUTANT GENERAL
Payable from General Revenue Fund:
For Personal Services .................... $ 1,597,300
For Employee Retirement Contributions
Paid By Employer ....................... 63,900
For State Contributions to State

New matter indicated by italics - deletions by strikeout.
Employees' Retirement System ................. 169,300
For State Contributions to
Social Security ............................ 122,300
For Contractual Services ......................... 34,000
For Travel ..................................... 17,400
For Commodities ............................... 15,200
For Printing .................................... 6,300
For Equipment ................................. 30,500
For Electronic Data Processing .................. 62,100
For Telecommunications Services ................. 41,200
For Operation of Auto Equipment ................. 19,400
For State Officer's Candidate School ............ 2,100
For Lincoln's Challenge ......................... 3,268,700
Total ........................................... $5,449,700

Payable from Federal Support Agreement Revolving Fund:
Army/Air Reimbursable Positions ................. $ 6,126,100
Lincoln's Challenge ............................. 4,889,700
Lincoln's Challenge Stipend Payments ............. 1,200,000
Total ........................................... $12,215,800

FACILITIES OPERATIONS

Payable from General Revenue Fund:
For Personal Services ............................ $ 5,269,200
For Employee Retirement Contributions
Paid by Employer .................................. 210,700
For State Contributions to State
Employees' Retirement System ................. 558,500
For State Contributions to
Social Security .................................. 403,200
For Contractual Services ......................... 2,064,300
For Commodities ............................... 108,700
For Equipment ................................. 42,700
Total ........................................... $8,657,300

Section 2. The sum of $3,500,000, or so much thereof as may be necessary, is appropriated from the Federal Support Agreement Revolving Fund to the Department of Military Affairs for expenses related to Army National Guard Facilities operations and maintenance as provided for in the Cooperative Funding Agreements, including costs in prior years.

Section 3. The sum of $285,000, or so much thereof as may be necessary, is appropriated from the Federal Support Agreement Revolving Fund to the Department of Military Affairs for expenses related to the Bartonville and Kankakee armories for operations and maintenance according to the Joint-Use Agreement, including costs in prior years.

New matter indicated by italics - deletions by strikeout.
Section 4. The sum of $47,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Military Affairs for rehabilitation and minor construction at armories and camps.

Section 5. The sum of $136,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Military Affairs for expenses related to the care and preservation of historic artifacts.

Section 6. The sum of $1,500,000, or so much thereof as may be necessary, is appropriated from the Military Affairs Trust Fund to the Department of Military Affairs to support youth and other programs, provided such amounts shall not exceed funds to be made available from public or private sources.

Section 7. The sum of $43,354, or so much of that sum as may be necessary and remains unexpended at the close of business on June 30, 2002, from reappropriations heretofore made in Article 43, Section 7 of Public Act 92-8, as amended, is reappropriated from the Illinois National Guard Armory Construction Fund to the Department of Military Affairs to provide the State's share in the costs of planning a new armory in Danville.

Section 8. The sum of $250,000, or so much thereof as may be necessary, is appropriated from the Illinois National Guard Armory Construction Fund to the Department of Military Affairs for land acquisition and construction of parking facilities at armories.

Section 9. The sum of $146,131, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2002, from appropriations heretofore made in Article 43, Section 9 of Public Act 92-8, as amended, is reappropriated from the Illinois National Guard Armory Construction Fund for land acquisition and construction of parking facilities at armories.

Section 10. The sum of $15,640, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2002, from appropriations heretofore made in Article 43, Section 10 of Public Act 92-8, as amended, is reappropriated from the Illinois National Guard Armory Construction Fund for land acquisition and construction of parking facilities at armories.

Section 11. No contract shall be entered into or obligation incurred for any expenditures made from an appropriation herein made in Sections 4, 7, 8, and 9 until after the purpose and amounts have been approved in writing by the Governor.

ARTICLE 45

Section 1. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Nuclear Safety for the objects and purposes hereinafter enumerated:

MANAGEMENT AND ADMINISTRATIVE SUPPORT

Payable from Nuclear Safety Emergency Preparedness Fund:
For Personal Services ......................... $ 1,194,900
For Employee Retirement Contributions
Paid by Employer .............................. 47,800

New matter indicated by italics - deletions by strikeout.
For State Contributions to State
Employees' Retirement System .......... 126,700
For State Contributions to
Social Security ......................... 89,600
For Group Insurance ....................... 171,400
For Contractual Services ................. 1,413,100
For Travel ................................ 35,600
For Commodities ......................... 52,000
For Printing ............................. 20,000
For Equipment ............................ 15,600
For Electronic Data Processing .......... 744,300
For Telecommunications Services ....... 267,800
For Operation of Auto Equipment ....... 123,400
Total .................................. $4,302,200

Payable from Radiation Protection Fund:
For Personal Services ..................... 223,500
For Employee Retirement Contributions
Paid by Employer ......................... 8,900
For State Contributions to State
Employees' Retirement System .......... 23,700
For State Contributions to
Social Security ......................... 17,000
For Group Insurance ..................... 40,800
For Contractual Services ............... 334,700
For Commodities ....................... 22,200
For Printing ............................ 51,500
For Electronic Data Processing ........ 126,200
For Telecommunications Services ...... 65,100
For Operation of Auto Equipment ....... 11,700
Total .................................. $925,300

Payable from the General Revenue Fund
For Contractual Services ................. $ 149,500

Section 2. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Nuclear Safety for the objects and purposes hereinafter enumerated:

NUCLEAR FACILITY SAFETY

Payable from Nuclear Safety Emergency Preparedness Fund:
For Personal Services ................... $ 3,626,300
For Employee Retirement Contributions
Paid by Employer ....................... 145,100
For State Contributions to State

New matter indicated by italics - deletions by strikeout.
Employees' Retirement System ............... 384,400
For State Contributions to
Social Security .............................. 275,600
For Group Insurance .......................... 453,200
For Contractual Services .................... 475,500
For Travel ................................. 90,600
For Commodities ............................ 135,700
For Equipment ............................... 72,000
For Electronic Data Processing ............... 493,000
For Telecommunications Services .......... 321,000
Total $6,472,400

Section 3. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Nuclear Safety for the objects and purposes hereinafter enumerated:

MITIGATION AND RESPONSE

Payable from Nuclear Safety Emergency Preparedness Fund:
For Personal Services....................... 1,878,200
For Employee Retirement Contributions
Paid by Employer............................ 75,100
For State Contributions to State
Employees' Retirement System .......... 199,100
For State Contributions to
Social Security.............................. 143,100
For Group Insurance......................... 285,600
For Contractual Services.................... 165,200
For Travel................................... 60,400
For Commodities............................ 76,800
For Equipment............................... 265,900
For Electronic Data Processing.......... 40,000
For Telecommunications Services....... 234,400
For Compensation to local governments for expenses attributable to implementation and maintenance of plans and programs authorized by the Nuclear Safety Preparedness Act including expenses incurred prior to July 1, 1997 .......... 650,000
Total $4,073,800

Section 4. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Nuclear Safety for the objects and purposes hereinafter enumerated:

RADIATION SAFETY

New matter indicated by italics - deletions by strikeout.
Payable from General Revenue Fund:
  For Personal Services ....................... $ 120,600
  For Employee Retirement Contributions
    Paid by Employer ......................... 4,800
  For State Contributions to State
    Employees’ Retirement System ............ 12,800
  For State Contributions to
    Social Security .......................... 9,100
  Total ...................................... $147,300

Payable from Radiation Protection Fund:
  For Personal Services ....................... $ 2,602,000
  For Employee Retirement Contributions
    Paid by Employer ......................... 104,000
  For State Contributions to State
    Employees’ Retirement System ............ 275,900
  For State Contributions to
    Social Security .......................... 197,700
  For Group Insurance ........................ 342,800
  For Contractual Services ................... 61,800
  For Travel ................................. 110,000
  For Commodities ......................... 2,000
  For Equipment ................................ 61,700
  For Refunds ............................... 100,000
  Total ...................................... $3,857,900

Section 5. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Nuclear Safety for the objects and purposes hereinafter enumerated:

ENVIRONMENTAL SAFETY

Payable from Nuclear Safety Emergency Preparedness Fund:
  For Personal Services ....................... $ 2,337,000
  For Employee Retirement Contributions
    Paid by Employer ......................... 93,500
  For State Contributions to State
    Employees’ Retirement System ............ 247,700
  For State Contributions to
    Social Security .......................... 178,100
  For Group Insurance ........................ 350,900
  For Contractual Services ................... 269,700
  For Travel ................................. 55,500
  For Commodities ......................... 76,200
  For Equipment ................................ 181,600

New matter indicated by italics - deletions by strikeout.
Total  Payable from Low-Level Radioactive Waste Facility Development and Operation Fund: For Refunds for Overpayments made by Low-Level Waste Generators  5,000
Total  5,000

Section 6. The amount of $400,000, or so much thereof as may be necessary, is appropriated from the Indoor Radon Mitigation Fund to the Department of Nuclear Safety for expenses relating to the federally funded State Indoor Radon Abatement Program.

Section 7. The sum of $1,500,000, or so much thereof as may be necessary, is appropriated from the Low-Level Radioactive Waste Facility Development and Operation Fund to the Department of Nuclear Safety for use in accordance with Section 14(a) of the Illinois Low-Level Radioactive Waste Management Act for costs related to establishing a low-level radioactive waste disposal facility.

Section 8. The sum of $3,700,000, or so much thereof as may be necessary, is appropriated from the Radiation Protection Fund to the Department of Nuclear Safety for licensing facilities where radioactive uranium and thorium mill tailings are generated or located, and related costs for regulating the decontamination and decommissioning of such facilities and for identification, decontamination and environmental monitoring of unlicensed properties contaminated with such radioactive mill tailings.

Section 9. The sum of $100,000, or so much thereof as may be necessary, is appropriated from the Radiation Protection Fund to the Department of Nuclear Safety for reimbursing other governmental agencies for their assistance in responding to radiological emergencies.

Section 10. The sum of $250,000, or so much thereof as may be necessary, is appropriated from the Radiation Protection Fund to the Department of Nuclear Safety for recovery and remediation of radioactive materials and contaminated facilities or properties when such expenses cannot be paid by a responsible person or an available surety.

Section 11. The sum of $100,000, or so much thereof as may be necessary, is appropriated from the Nuclear Safety Emergency Preparedness Fund to the Illinois Department of Nuclear Safety for related training and travel expenses and to reimburse the Illinois State Police and the Illinois Commerce Commission for costs incurred for activities related to inspecting and escorting shipments of spent nuclear fuel, high-level radioactive waste, and transuranic waste in Illinois as provided under the rules of the Department.

Section 12. The sum of $100,000, or so much thereof as may be necessary, is appropriated from the Sheffield Agreed Order Fund to the Department of Nuclear Safety for the care, maintenance, monitoring, testing, remediation and insurance of the low-level radioactive waste disposal site near Sheffield, Illinois.

Section 13. The sum of $250,000, or so much thereof as may be necessary, is appropriated from the Radiation Protection Fund to the Department of Nuclear Safety to conduct studies, investigations, training, research and demonstrations relating to the

New matter indicated by italics - deletions by strikeout.
control or measurement of radiation, the effects on health of exposure to radiation, and related problems under funding agreements with the Federal Government, interstate agencies or other sources.

Section 14. The sum of $1,500,000, or so much thereof as may be necessary, is appropriated from the Nuclear Safety Emergency Preparedness Fund to the Department of Nuclear Safety for a grant to the Department of State Police for costs associated with patrolling nuclear power plants.

Section 15. The sum of $1,500,000, or so much thereof as may be necessary, is appropriated from the Radiation Protection Fund to the Department of Nuclear Safety for the purpose of funding costs related to environmental cleanup of the Ottawa Radiation Areas Superfund Project under cooperative agreements with the Federal Government.

ARTICLE 46

Section 1. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated from the General Revenue Fund to meet the ordinary and contingent expenses of the Department of Professional Regulation:

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<thead>
<tr>
<th>GENERAL OPERATIONS</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>$310,900</td>
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<tr>
<td>For Personal Services - Per Diem Personnel</td>
<td>37,500</td>
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<tr>
<td>For Employee Retirement Contributions</td>
<td></td>
</tr>
<tr>
<td>Paid by Employer</td>
<td>12,400</td>
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<tr>
<td>For State Contributions to State</td>
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</tr>
<tr>
<td>Employees' Retirement System</td>
<td>33,000</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>23,800</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>15,000</td>
</tr>
<tr>
<td>For Travel</td>
<td>20,000</td>
</tr>
<tr>
<td>For Operation of Auto Equipment</td>
<td>4,000</td>
</tr>
<tr>
<td>For Refunds</td>
<td>1,000</td>
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<tr>
<td><strong>Total</strong></td>
<td><strong>$457,600</strong></td>
</tr>
</tbody>
</table>

Section 1a. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated from the General Professions Dedicated Fund to meet the ordinary and contingent expenses of the Department of Professional Regulation:

<table>
<thead>
<tr>
<th>GENERAL PROFESSIONS</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>$2,198,200</td>
</tr>
<tr>
<td>For Personal Services - Per Diem Personnel</td>
<td>50,000</td>
</tr>
<tr>
<td>For Employee Retirement Contributions</td>
<td></td>
</tr>
<tr>
<td>Paid by Employer</td>
<td>88,000</td>
</tr>
<tr>
<td>For State Contributions to State</td>
<td></td>
</tr>
<tr>
<td>Employees' Retirement System</td>
<td>233,000</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td></td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout.
### Section 2

The following named amounts, or so much thereof as may be necessary, respectively, are appropriated from the Illinois State Dental Disciplinary Fund to meet the ordinary and contingent expenses of the Illinois State Dental Examining Committee in the Department of Professional Regulation:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>$485,700</td>
</tr>
<tr>
<td>For Personal Services - Per Diem</td>
<td>27,500</td>
</tr>
<tr>
<td>For Employee Retirement Contributions</td>
<td></td>
</tr>
<tr>
<td>Paid by Employer</td>
<td>22,900</td>
</tr>
<tr>
<td>For State Contributions to State Employees' Retirement System</td>
<td>51,500</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>29,200</td>
</tr>
<tr>
<td>For Group Insurance</td>
<td>93,000</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>12,500</td>
</tr>
<tr>
<td>For Travel</td>
<td>25,000</td>
</tr>
<tr>
<td>For Refunds</td>
<td>5,000</td>
</tr>
</tbody>
</table>

**Total** $752,300

### Section 3

The following named amounts, or so much thereof as may be necessary, respectively, are appropriated from the Illinois State Medical Disciplinary Fund to meet the ordinary and contingent expenses of the Illinois State Medical Disciplinary Board in the Department of Professional Regulation:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>$2,688,000</td>
</tr>
<tr>
<td>For Personal Services:</td>
<td></td>
</tr>
<tr>
<td>Per Diem</td>
<td>90,000</td>
</tr>
<tr>
<td>For Employee Retirement Contributions</td>
<td></td>
</tr>
<tr>
<td>Paid by Employer</td>
<td>121,000</td>
</tr>
<tr>
<td>For State Contributions to State Employees' Retirement System</td>
<td>285,000</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>161,300</td>
</tr>
<tr>
<td>For Group Insurance</td>
<td>483,600</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>325,000</td>
</tr>
<tr>
<td>For Travel</td>
<td>67,500</td>
</tr>
<tr>
<td>For Refunds</td>
<td>15,000</td>
</tr>
</tbody>
</table>

**Total** $4,236,400

### Section 4

The following named amounts, or so much thereof as may be necessary,

New matter indicated by italics - deletions by strikeout.
respectively, are appropriated from the Optometric Licensing and Disciplinary Committee Fund to meet the ordinary and contingent expenses of the Optometric Licensing and Disciplinary Committee and Technical Review Board in the Department of Professional Regulation:

<table>
<thead>
<tr>
<th>Service</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>$230,500</td>
</tr>
</tbody>
</table>
| For Personal Services:
  Per Diem                               | $12,500  |
| For Employee Retirement Contributions
  Paid by Employer                      | $11,300  |
| For State Contributions to State
  Employees' Retirement System          | $24,500  |
| For State Contributions to Social Security | $17,300 |
| For State Contributions to Group Insurance | $46,500 |
| For Contractual Services               | $80,000  |
| For Travel                             | $15,000  |
| For Refunds                            | $2,500   |
| Total                                  | $440,100 |

Section 5. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated from the Design Professionals Administration and Investigation Fund to meet the ordinary and contingent expenses of the Design Professionals Examining Committee in the Department of Professional Regulation:

<table>
<thead>
<tr>
<th>Service</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>$467,100</td>
</tr>
</tbody>
</table>
| For Personal Services:
  Per Diem                               | $60,000  |
| For Employee Retirement Contributions
  Paid by Employer                      | $18,700  |
| For State Contributions to State
  Employees' Retirement System          | $49,600  |
| For State Contributions to Social Security | $35,800 |
| For Group Insurance                    | $111,600 |
| For Contractual Services               | $50,000  |
| For Travel                             | $62,500  |
| For Refunds                            | $2,500   |
| Total                                  | $857,800 |

Section 6. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated from the Illinois State Pharmacy Disciplinary Fund to meet the ordinary and contingent expenses of the State Board of Pharmacy in the Department of Professional Regulation:

<table>
<thead>
<tr>
<th>Service</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>$929,800</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout.
Per Diem Personnel .......................... 20,000
For Employee Retirement Contributions
   Paid by Employer .......................... 41,600
For State Contributions to State
   Employees' Retirement System .............. 98,600
For State Contributions to
   Social Security ............................ 56,700
For Group Insurance .......................... 138,000
For Contractual Services ..................... 120,000
For Travel ................................... 42,500
For Refunds ................................. 7,500
Total ....................................... $1,454,700

Section 7. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated from the Illinois State Podiatric Disciplinary Fund to meet the ordinary and contingent expenses of the Podiatric Medical Licensing Board in the Department of Professional Regulation:
   For Personal Services:
      Per Diem .................................. 7,500
      For Contractual Services ................. 5,000
      For Travel ................................ 5,000
      Refunds .................................. 1,000
      Total ..................................... $18,500

Section 8. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated from the Registered CPA Administration and Disciplinary Fund to meet the ordinary and contingent expenses of the Public Accountant Board in the Department of Professional Regulation:
   For Personal Services:
      Per Diem .................................. 7,500
      For Contractual Services ................. 75,000
      For Travel ................................ 7,500
      For Refunds ................................ 2,000
      Total ..................................... $92,000

Section 9. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated from the Nursing Dedicated and Professional Fund to meet the ordinary and contingent expenses of the Committee on Nursing in the Department of Professional Regulation:
   For Personal Services ........................ $ 1,015,100
   For Personal Services: Per Diem ............ 30,000
   For Employee Retirement Contributions
      Paid by Employer .......................... 43,700
   For State Contributions to State
      Employees' Retirement System ............ 107,700

New matter indicated by italics - deletions by strikeout.
For State Contribution to
Social Security ......................... 61,000
For Group Insurance ...................... 213,900
For Contractual Services .................. 100,000
For Travel ............................... 37,500
For Refunds ..............................  6,000
Total $1,614,900

Section 10. The sum of $100,000, or so much thereof as may be necessary, is appropriated from the Professional Regulation Evidence Fund to the Department of Professional Regulation for the purchase of evidence and equipment to conduct covert activities.

Section 11. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated from the Professions Indirect Cost Fund to meet the ordinary and contingent expenses of the Department of Professional Regulation:
For Personal Services ....................... $ 7,208,800
For Employee Retirement Contributions
Paid by Employer .......................... 288,400
For State Contributions to State
Employees' Retirement System ............. 764,200
For State Contributions to
Social Security ........................... 532,400
For Group Insurance ....................... 1,376,400
For Contractual Services ................... 2,139,000
For Travel ................................ 90,000
For Commodities ........................... 72,500
For Printing ................................ 135,000
For Equipment ............................ 195,000
For Electronic Data Processing ............ 1,050,000
For Telecommunications Services .......... 420,000
For Operation of Auto Equipment .......... 175,000
Total $14,446,700

ARTICLE 47

Section 1. The following named sums, or so much thereof as may be necessary, respectively, are appropriated to the Department of Public Aid for the purposes hereinafter named:

PROGRAM ADMINISTRATION
Payable from General Revenue Fund:
For Personal Services ..................... $ 22,076,300
For Employee Retirement Contributions
Paid by Employer ........................ 883,000
For State Contributions to State
Employees' Retirement System .......... 2,340,100

New matter indicated by italics - deletions by strikeout.
For State Contributions to
Social Security ....................... 1,644,600
For Contractual Services .............. 18,590,200
For Travel ............................. 232,200
For Commodities ....................... 993,900
For Printing ........................... 1,056,700
For Equipment .......................... 1,054,500
For Telecommunications Services ...... 1,296,100
For Operation of Auto Equipment ....... 85,000
Total $50,252,600

OFFICE OF INSPECTOR GENERAL
Payable from General Revenue Fund:
For Personal Services .................. $ 14,109,300
For Employee Retirement Contributions Paid by Employer ............... 564,300
For State Contributions to State Employees' Retirement System .......... 1,495,600
For State Contributions to Social Security .......................... 1,051,200
For Contractual Services .............. 3,411,700
For Travel ............................. 389,900
For Equipment .......................... 323,100
Total $21,345,100
Payable from Public Aid Recoveries Trust Fund:
For Personal Services ................... 747,900
For Employee Retirement Contributions Paid by Employer .................. 29,900
For State Contributions to State Employees' Retirement System .......... 79,300
For State Contributions to Social Security .......................... 55,700
For Group Insurance ..................... 268,300
Total $1,181,100
Payable from Long Term Care Provider Fund:
For Administrative Expenses ............. $ 211,600

CHILD SUPPORT ENFORCEMENT
Payable from Child Support Administrative Fund:
For Personal Services ................... 52,995,900
For Employee Retirement Contributions Paid by Employer .................. 2,119,900
For State Contributions to State Employees' Retirement System .......... 5,617,600

New matter indicated by italics - deletions by strikeout.
For State Contributions to
  Social Security ...................... 3,948,200
  For Group Insurance ................... 10,504,500
  For Contractual Services .............. 90,096,300
  For Travel ............................ 681,500
  For Commodities ........................ 960,300
  For Printing ........................... 243,700
  For Equipment .......................... 3,055,400
  For Telecommunications Services ........... 5,027,000
  For Administrative Costs Related to
    Enhanced Collection Efforts including
    Paternity Adjudication Demonstration ...... 11,347,900
  For Child Support Enforcement
    Demonstration Projects .................. 1,500,000
  Total .................................. $188,098,200

  The amount of $38,000,000, or so much thereof as may be necessary, is appropriated to the Department of Public Aid from the General Revenue Fund for deposit into the Child Support Administrative Fund.

ATTORNEY GENERAL REPRESENTATION

Payable from General Revenue Fund:
  For Personal Services ................... $ 1,717,500
  For Employee Retirement Contributions
    Paid by Employer ...................... 68,700
  For State Contributions to State
    Employees' Retirement System ........... 182,100
  For State Contributions to
    Social Security ...................... 128,000
  For Contractual Services ................ 309,800
  For Travel ............................. 11,400
  For Equipment ........................... 30,800
  Total .................................. $2,448,300

MEDICAL

Payable from General Revenue Fund:
  For Personal Services ................... $ 25,415,800
  For Employee Retirement Contributions
    Paid by Employer ...................... 1,016,600
  For State Contributions to State
    Employees' Retirement System ........... 2,694,100
  For State Contributions to
    Social Security ...................... 1,893,500
  For Contractual Services ................ 5,430,600
  For Travel ............................. 587,300

New matter indicated by italics - deletions by strikeout.
For Equipment .............................. 276,400
For Telecommunications Services .......... 1,791,200
For Purchase of Medical Management Services .......................... 10,177,100
For Purchase of Services Relating to and costs associated with the development and implementation of an electronic Medicaid client eligibility verification system .......................... 2,042,700
For Costs Associated with the Development, Implementation and Operation of a Medical Data Warehouse .......................... 3,681,200
For Refunds of Premium Payments Received Pursuant to Section 25(a)(2) of the Children’s Health Insurance Program Act .......................... 100,000
Total .......................... $55,106,500

Payable from Provider Inquiry Trust Fund:
For expenses associated with providing access and utilization of IDPA eligibility files .......................... $ 1,500,000

The amount of $2,000,000, or so much thereof as may be necessary, is appropriated to the Department of Public Aid from the Tobacco Settlement Recovery Fund for senior help-lines.

PUBLIC AID RECOVERIES
Payable from Public Aid Recoveries Trust Fund:
For Personal Services .................. $ 7,013,500
For Employee Retirement Contributions Paid by Employer .......................... 286,200
For State Contributions to State Employees' Retirement System ............ 743,200
For State Contributions to Social Security .......................... 525,200
For Group Insurance ........................ 1,270,000
For Contractual Services .......................... 10,363,300
For Travel .......................... 141,800
For Commodities .......................... 70,900
For Printing .......................... 29,400
For Equipment .......................... 805,100
For Telecommunications Services .......................... 122,700
Total ................................ $21,371,300

New matter indicated by italics - deletions by strikeout.
Section 2. In addition to any amounts heretofore appropriated, the following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Public Aid for Medical Assistance:

FOR MEDICAL ASSISTANCE UNDER THE ILLINOIS PUBLIC AID CODE AND THE CHILDREN'S HEALTH INSURANCE PROGRAM ACT

Payable from General Revenue Fund:

For Physicians........................................ $491,750,800
For Dentists........................................ 71,574,000
For Optometrists................................. 8,558,200
For Podiatrists................................. 2,071,900
For Chiropractors............................... 980,100
For Hospital In-Patient, Disproportionate Share and Ambulatory Care............. 1,911,850,000
For Prescribed Drugs ......................... 30,000,000
For Skilled, Intermediate, and Other Related Long Term Care Services .......... 842,055,800
For Community Health Centers............. 99,731,800
For Hospice Care ............................... 24,919,900
For Independent Laboratories................. 21,440,000
For Home Health Care, Therapy, and Nursing Services............................ 72,760,700
For Appliances..................................... 42,089,600
For Transportation............................. 52,015,900
For Other Related Medical Services and for development, implementation, and operation of managed care and children's health programs including operating and administrative costs and related distributive purposes.......... 72,430,800
For Medicare Part A Premiums................ 9,580,800
For Medicare Part B Premiums................. 107,058,200
For Medicare Part B Premiums for Qualified Individuals under the Federal Balanced Budget Act of 1997 ...... 6,440,600
For Health Maintenance Organizations and Managed Care Entities ............... 219,577,800

Total........................................ $4,086,886,900

In addition to any amounts heretofore appropriated, the following named amounts, or so much thereof as may be necessary, are appropriated to the Department of Public Aid for Medical Assistance under the Illinois Public Aid Code and the Children's Health Insurance Program Act for Prescribed Drugs, including costs associated with the

New matter indicated by italics - deletions by strikeout.
implementation and operation of the SeniorCare program:
Payable from:
  General Revenue Fund ...................... $875,943,500
  Drug Rebate Fund ......................... 249,300,000
  Tobacco Settlement Recovery Fund .......... 220,652,900
  Medicaid Buy-In Program Revolving Fund .... 100,000
  Total ........................................ $1,345,996,400

The following named amounts, or so much thereof as may be necessary, are
appropriated to the Department of Public Aid for the purposes hereinafter named:

FOR MEDICAL ASSISTANCE
Payable from General Revenue Fund:
  For Grants for Medical Care for Persons
    Suffering from Chronic Renal Disease ...... $ 2,163,200
  For Grants for Medical Care for Persons
    Suffering from Hemophilia .................. 4,000,500
  For Grants for Medical Care for Sexual
    Assault Victims ............................ 606,900
  Total ........................................ $6,770,600

In addition to any amounts heretofore appropriated, the amount of $7,158,300, or
so much thereof as may be necessary, is appropriated to the Department of Public Aid
from the General Revenue Fund for expenses relating to the Children's Health Insurance
Program Act, including payments under Section 25 (a)(1) of that Act, and related
operating and administrative costs.

Section 3. In addition to any amounts heretofore appropriated, the amount of
$40,000,000, or so much thereof as may be necessary, is appropriated to the Department
of Public Aid from the FamilyCare Fund for Medical Assistance payments on behalf of
individuals eligible for Medical Assistance services under federally approved waivers
pursuant to the Social Security Act and other associated costs necessary for implementation
and operation of a FamilyCare Program.

Section 4. The following named amounts, or so much thereof as may be
necessary, respectively, are appropriated to the Department of Public Aid for the purposes
hereinafter named:
Payable from Tobacco Settlement Recovery Fund:
  For Deposit into the Medical Research
    and Development Fund ...................... $ 6,400,000
  For Deposit into the Post-Tertiary
    Clinical Services Fund ..................... 6,400,000
  For Deposit into the Independent Academic
    Medical Center Fund ...................... 1,000,000

New matter indicated by italics - deletions by strikeout.
Section 5. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Public Aid for the purposes hereinafter named:

FOR THE PURPOSES ENUMERATED IN THE EXCELLENCE IN ACADEMIC MEDICINE ACT

Payable from:
Independent Academic Medical Center Fund.......................... $ 2,000,000
Medical Research and Development Fund .... 12,800,000
Post-Tertiary Clinical Services Fund ..... 12,800,000
Total $27,600,000

Section 6. In addition to any amounts heretofore appropriated, the following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Public Aid for Medical Assistance and Administrative Expenditures:

FOR MEDICAL ASSISTANCE UNDER THE ILLINOIS PUBLIC AID CODE

Payable from the General Revenue Fund:
For Skilled and Intermediate Long Term Care ...................... $ 30,000,000
Payable from Care Provider Fund for Persons With A Developmental Disability:
For Administrative Expenditures .......... $ 137,400
Payable from Long Term Care Provider Fund:
For Skilled and Intermediate Long Term Care ...................... $643,228,300
For Administrative Expenditures .......... 1,536,700
Total $644,765,000

Section 7. In addition to any amounts heretofore appropriated, the following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Public Aid for Medical Assistance and Administrative Expenditures:

FOR MEDICAL ASSISTANCE UNDER THE ILLINOIS PUBLIC AID CODE
AND THE CHILDREN'S HEALTH INSURANCE PROGRAM ACT

Payable from County Provider Trust Fund:
For Distributive Hospitals .............. $1,509,619,000
For Administrative Expenditures .......... 500,000
Total $1,510,119,000

Section 8. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Public Aid for the purposes hereinafter named:

For Refunds of Overpayments of Assessments or Inter-Governmental Transfers Made by Providers

New matter indicated by italics - deletions by strikeout.
During the Period From July 1, 1991 through June 30, 2002:

Payable from:

- Care Provider Fund for Persons
  - With A Developmental Disability $1,000,000
  - Long Term Care Provider Fund 2,750,000
  - County Provider Trust Fund 1,000,000
- Total 4,750,000

Section 9. The amount of $15,000,000, or so much thereof as may be necessary, is appropriated to the Department of Public Aid from the Trauma Center Fund for adjustment payments to certain Level I and Level II trauma centers.

Section 10. The amount of $173,400,000, or so much thereof as may be necessary, is appropriated to the Department of Public Aid from the University of Illinois Hospital Services Fund to reimburse the University of Illinois Hospital for hospital services.

Section 11. The amount of $8,500,000, or so much thereof as may be necessary, is appropriated to the Department of Public Aid from the Juvenile Rehabilitation Services Medicaid Matching Fund for grants to the Department of Corrections and counties for court-ordered juvenile behavioral health services under the Medicaid Rehabilitation Option and the Children's Health Insurance Program Act.

Section 12. The amount of $8,835,500, or so much thereof as may be necessary, is appropriated to the Department of Public Aid from the Medical Special Purposes Trust Fund for medical demonstration projects and costs associated with the implementation of federal Health Insurance Portability and Accountability Act mandates.

Section 13. The amount of $370,000,000, or so much thereof as may be necessary, is appropriated to the Department of Public Aid from the Special Education Medicaid Matching Fund for grants to local education agencies for medical services eligible for federal reimbursement under Title XIX or Title XXI of the federal Social Security Act.

ARTICLE 48

Section 1. The following named amounts, or so much thereof as may be necessary, are appropriated to the Department of Public Health for the objects and purposes hereinafter named:

**DIRECTOR'S OFFICE**

Payable from the General Revenue Fund:

- For Personal Services $2,259,000
- For Employee Retirement Contributions Paid by Employer 90,400
- For State Contributions to State Employees' Retirement System 235,000
- For State Contributions to Social Security 172,800
- For Contractual Services 3,362,000

New matter indicated by italics - deletions by strikeout.
For Travel ...................................... 64,200
For Commodities .............................. 5,200
For Printing .................................. 1,800
For Equipment ................................. 400
For Telecommunications Services .......... 62,000
For Operation of Auto Equipment .......... 700
Total ........................................... $6,253,500

Payable from the Public Health Services Fund:
For Operational Expenses Associated with Support of Federally Funded Public Health Programs .............. 150,000
For Operational Expenses to Support Refugee Health Care .................. 514,000
Total, Public Health Services Fund ........................... $664,000

Section 1.1. The following named amounts, or so much thereof as may be necessary, are appropriated to the Department of Public Health from the Public Health Services Fund for the objects and purposes hereinafter named:

DIRECTOR’S OFFICE
For Grants for the Development of Refugee Health Care .................. $1,186,000

OFFICE OF FINANCE AND ADMINISTRATION
Payable from the General Revenue Fund:
For Personal Services ......................... $6,883,400
For Employee Retirement Contributions
Paid by Employer .............................. 275,400
For State Contributions to State Employees’ Retirement System .............. 716,300
For State Contributions to Social Security .... 526,200
For Contractual Services ...................... 4,340,200
For Travel ..................................... 61,500
For Commodities .............................. 107,600
For Printing ................................. 216,500
For Equipment .............................. 5,600
For Telecommunications Services .......... 335,000
For Operation of Auto Equipment .......... 55,100
For Expenses of the Public Health Information Network .................. 220,300
For Expenses of the Adoption Registry

New matter indicated by italics - deletions by strikeout.
and Medical Information Exchange.............. 155,000
For Operational Expenses of Maintaining
the Vital Records System ..................... 324,200
For Operational Expenses of the Regional
Data Base System ............................ 69,300
Total........................................ $14,291,600

Payable from the Public Health Services Fund:
For Personal Services .......................... $ 194,500
For Employee Retirement Contributions
  Paid by Employer .............................  7,800
For State Contributions to State
  Employees' Retirement System ...............  20,300
For State Contributions to Social Security ...
  Insurance .................................  14,900
For Contractual Services .......................  285,000
For Travel ....................................  20,000
For Commodities ...............................  6,000
For Printing ..................................  1,000
For Equipment .................................  300,000
For Telecommunications Services ..............  400,000
For Operational Expenses of Maintaining
  the Vital Records System ....................  400,000
Total........................................ $1,681,900

Payable from the Lead Poisoning
Screening, Prevention and
Abatement Fund:
For Operational Expenses for
Maintaining Billings and Receivables
  for Lead Testing ........................... $ 110,000

Payable from Death Certificate
Surcharge Fund:
For Expenses of Statewide Database
  of Death Certificates and Distributions
  of Funds to Governmental Units,
  Pursuant to Public Act 91-0382 ............. $ 2,200,000

Payable from the Metabolic Screening
and Treatment Fund:
For Operational Expenses for Maintaining
Laboratory Billings and Receivables ........... $ 80,000

Section 2.1. The following named amount, or so much thereof as may be
necessary, is appropriated to the Department of Public Health for the objects and
purposes hereinafter named:

New matter indicated by italics - deletions by strikeout.
OFFICE OF FINANCE AND ADMINISTRATION

Payable from the General Revenue Fund:
For Grants for Development of Local Health Departments and the Public Health Workforce, including Operational Expenses ..... $ 262,000

Section 2.2. The following named amounts, or so much thereof as may be necessary, are appropriated to the Department of Public Health for the objects and purposes hereinafter named:

OFFICE OF FINANCE AND ADMINISTRATION

For Other Refunds, Payable from the General Revenue Fund ................................ $     40,000
For Refunds, Payable from the Public Health Services Fund .................. 75,000
For Refunds, Payable from the Maternal and Child Health Services Block Grant Fund....... 5,000
For Refunds, Payable from the Preventive Health and Health Services Block Grant Fund .................. 5,000
Total...................................................................................................................... $125,000

Section 3. The following named amounts, or so much thereof as may be necessary, are appropriated to the Department of Public Health for the objects and purposes hereinafter named:

DIVISION OF INFORMATION TECHNOLOGY

Payable from the General Revenue Fund:
For Personal Services ................................ $  2,321,200
For Employee Retirement Contributions
Paid by Employer ...................................... 92,900
For State Contributions to State Employees' Retirement System ............... 241,300
For State Contributions to Social Security ... 177,600
For Contractual Services ........................................ 242,800
For Travel ........................................... 5,400
For Commodities ........................................ 4,900
For Printing ......................................... 16,400
For Electronic Data Processing ................. 658,400
For Telecommunications Services .............. 60,700
For Operational Expenses for Health Information Systems Targeted for Health Screening Programs ................. 224,500
For Expenses for Public Health Prevention Systems ...................................... 1,095,700
For Expenses Associated with the Childhood

New matter indicated by italics - deletions by strikeout.
Immunization Program ............... 781,000
Total ..................................... $5,922,800
Payable from the Lead Poisoning Screening, Prevention and Abatement Fund:
For Operational Expenses of the Lead Poisoning Screening and Prevention Program .................. $250,000
Payable from the Metabolic Screening and Treatment Fund:
For Operational Expenses of the Metabolic Screening Program .................... $390,000
Payable from the Public Health Services Fund:
For Expenses Associated with Support of Federally Funded Public Health Programs ........... $1,250,000
Payable from the Maternal and Child Health Services Block Grant Fund:
For Operational Expenses Associated with Support of Maternal and Child Health Programs ........... $200,000
Payable from the Public Health Special State Projects Fund:
For Expenses of EPSDT ...................... $150,000

Section 4. The following named amounts, or so much thereof as may be necessary, are appropriated to the Department of Public Health for the objects and purposes hereinafter named:

OFFICE OF EPIDEMIOLOGY AND HEALTH SYSTEMS DEVELOPMENT

Payable from the General Revenue Fund:
For Personal Services ..................... $1,836,300
For Employee Retirement Contributions
Paid by Employer .......................... 73,400
For State Contributions to State Employees' Retirement System ............... 190,900
For State Contributions to Social Security .................. 140,500
For Contractual Services .................. 28,500
For Travel .................................. 33,400
For Commodities .......................... 2,700
For Printing ............................... 300
For Equipment ............................. 4,900
For Telecommunications Services ........... 30,600
For Expenses of the Adverse

New matter indicated by italics - deletions by strikeout.
Pregnancy Outcomes Reporting
System (APORS) Program ...................... 415,800
For Expenses Associated with the
Telemedicine Networks Development Program.... 500,000
For Operational Expenses of the Center
for Rural Health ............................. 524,600
For Expenses Associated with Establishing
a Program to Provide Scholarships
to Allied Health Professionals .............. 149,900
For Expenses of State Cancer Registry,
Including Matching Funds for National
Cancer Institute Grants ..................... 300,000
Total, General Revenue Fund $4,231,800
Payable from the Rural/Downstate Health
Access Fund:
For Expenses Associated with the Rural/
Downstate Health Access Program .......... $ 525,000
Payable from the Public Health Services Fund:
For Expenses Related to Epidemiological
Health Outcome Investigations and
Database Development ...................... $ 2,528,000
For Expenses of the Center for Rural
Health to Expand the Availability
of Primary Health Care ...................... $ 925,000
For Operational Expenses to Develop a
Cooperative Health Care Provider
Recruitment and Retention Program ....... $ 300,000
Payable from the Illinois Health
Facilities Planning Fund:
For Personal Services ..................... $ 900,000
For Employee Retirement Contributions
Paid by Employer ......................... 36,000
For State Contributions to State
Employees' Retirement System ............ 93,600
For State Contributions to
Social Security .......................... 68,900
For Group Insurance ...................... 108,000
For Contractual Services .................. 500,000
For Travel .............................. 45,000
For Commodities .......................... 6,000
For Printing ............................. 1,000
For Equipment ......................... 30,000

New matter indicated by italics - deletions by strikeout.
For Telecommunications Services.................. 10,000
Total                                            $1,798,500

Payable from the Community Health Center Care Fund:
Expenses for the Access to Primary
Health Care Services Program
Authorized by the Family Practice
Residency Act ...................................... $1,200,000

Payable from the Nursing Dedicated and
Professional Fund:
For Expenses of the Nursing Education
Scholarship Law.................................... $ 750,000

Payable from the Illinois State Podiatric
Disciplinary Fund:
For Expenses of the Podiatric Scholar-
ship and Residency Act............................. $ 65,000

Payable from the Regulatory Evaluation
and Basic Enforcement Fund:
For Expenses of the Alternative Health Care
Delivery Systems Program........................ $ 75,000

Payable from the Public Health
Federal Projects Fund:
For Expenses of Health Outcomes,
Research, Policy and Surveillance.............. $ 800,000

Payable from the Preventive Health and
Health Services Block Grant Fund:
For Expenses of Preventive Health
and Health Services Needs
Assessment.......................................... $ 990,000

Payable from the Public Health Special
State Projects Fund:
For Expenses Associated with Health
Outcomes Investigations .......................... $ 965,000

Section 4.1. The following amount, or so much thereof as may be necessary, is
appropriated to the Department of Public Health for the objects and purposes hereinafter
named:

OFFICE OF EPIDEMIOLOGY AND HEALTH
SYSTEMS DEVELOPMENT

Payable from the General Revenue Fund:
For Grants to Public and Private Agencies
for Residency Programs Pursuant to the
Family Practice Residency Act .................... $807,400
To Provide Matching Grants to Community

New matter indicated by italics - deletions by strikeout.
Based Organizations for Comprehensive Primary Care .......... 409,000
To Provide Grants to Assist Existing Community and Migrant Health Centers to Expand Service Capacity and Develop Additional Sites .............. 409,000
To Provide Grants to Hospitals to Diversify Services and Convert to Facilities that are Less Dependent on Acute Care Bed Capacity .................. 409,000
Total ........................................ 409,000
Payable from the Public Health Services Fund:
For Grants to Develop a Health Care Provider and Recruitment Program .......... $450,000
For Grants to Develop a Health Professional Educational Loan Repayment Program ......... 900,000
Total ........................................ 1,350,000
Payable from the Tobacco Settlement Recovery Fund:
For Grants for the Community Health Center Expansion Program .................. 3,000,000
Total ........................................ 3,000,000

Section 5. The following named amounts, or so much thereof as may be necessary, are appropriated to the Department of Public Health for the objects and purposes hereinafter named:

OFFICE OF HEALTH PROMOTION

Payable from the General Revenue Fund:
For Personal Services ...................... 1,200,400
For Employee Retirement Contributions Paid by Employer ....................... 48,100
For State Contributions to State Employees' Retirement System .................. 124,900
For State Contributions to Social Security ... 91,800
For Contractual Services .................... 29,800
For Travel ................................. 54,100
For Commodities ......................... 8,500
For Printing ............................... 2,600
For Telecommunications Services .......... 31,200
For Operation of Auto Equipment ......... 400
For Operational Expenses of Legacy Public Health Programs .................... 408,100

New matter indicated by italics - deletions by strikeout.
For Deposit into the Lead Poisoning, Screening, Prevention, and Abatement Fund............................ 900,000
For Expenses of the Governor's Health and Physical Fitness Advisory Committee ........ 7,500
For Expenses of the Prostate Cancer Awareness and Screening Program................. 300,000
For Expenses Related to Services Provided to Children with Sickling Diseases, including Sickle Cell Anemia ..................................... 250,000
For Deposit into the Organ Transplant Fund .................................................. 100,000
Total ........................................................... $3,557,400

Payable from the Public Health Services Fund:
For Personal Services ................................. $ 875,200
For Employee Retirement Contributions Paid by Employer ................................ 35,000
For State Contributions to State Employees' Retirement System ......................... 91,000
For State Contributions to Social Security ...................................................... 67,000
For Group Insurance ........................................... 115,200
For Contractual Services ....................... 650,000
For Travel ................................................. 160,000
For Commodities .......................................... 10,000
For Printing ................................................. 44,000
For Equipment .............................................. 50,000
For Telecommunications Services ........... 65,000
Total .......................................................... $2,162,400

Payable from the Lead Poisoning Screening, Prevention and Abatement Fund:
For Expenses, Including Refunds, of the Lead Poisoning Screening and Prevention Program ................... $ 683,100
Payable from the Maternal and Child Health Services Block Grant Fund:
For Operational Expenses of Maternal and Child Health Programs ...................... $ 440,000
Payable from the Preventive Health and Health Services Block Grant Fund:
For Expenses of Preventive Health and

New matter indicated by italics - deletions by strikeout.
Section 5.1. The following named amounts, or so much thereof as may be necessary, are appropriated to the Department of Public Health for the objects and purposes hereinafter named:

OFFICE OF HEALTH PROMOTION

Payable from the General Revenue Fund:
For Grants Pursuant to the Alzheimer's Disease Assistance Act .............. 3,300,000
For Grants for Vision and Hearing Screening Programs ....................... 690,300
For Grants Associated with Donated Dental Services ....................... 75,000
For Grant to SIU Parkinson Disease Center for Research, Diagnostic Services, Treatment and Counseling ........... 375,000
Total $4,440,300

Payable from the Alzheimer's Disease Research Fund:
For Grants Pursuant to the Alzheimer's Disease Research Act .................. $ 200,000

Payable from the Public Health Services Fund:
For Grants for Public Health Programs, Including Operational Expenses ........ $ 6,000,000

Payable from the Lead Poisoning Screening,

New matter indicated by italics - deletions by strikeout.
Prevention and Abatement Fund:
For Grants for the Lead Poisoning Screening and Prevention Program ...................... $2,000,000
Payable from the Maternal and Child Health Services Block Grant Fund:
For Grants for Maternal and Child Health Programs ....................................... $495,000
Payable from the Preventive Health and Health Services Block Grant Fund:
For Grants for Prevention Initiative Programs ........................................ $3,000,000
Payable from the Metabolic Screening and Treatment Fund:
For Grants for Metabolic Screening Follow-up Services ............................... $1,950,000
For Grants for Free Distribution of Medical Preparations and Food Supplies .............. 1,000,000
Total ................................................................. $2,950,000
Payable from the Tobacco Settlement Recovery Fund:
For Grants and Administrative Expenses for the Tobacco Use Prevention Program ....................... 5,000,000
For Certified Local Health Department Grants for Anti-Smoking Programs ............... 5,000,000
For Grants to the University of Chicago for Juvenile Diabetes Research .................. $2,200,000
Total ................................................................. $12,200,000

Section 5(a). In addition to any amounts previously appropriated, the sum of $1,000,000, or so much thereof as may be necessary is appropriated from the Tobacco Settlement Recovery Fund to the American Lung Association for operations of the Quitline.

Section 5(b). In addition to any amounts previously appropriated, the sum of $1,000,000, or so much thereof as may be necessary, is appropriated from the Tobacco Settlement Recovery Fund for the research, evaluation, and assessment of tobacco control programs.

Payable from the Prostate Cancer Research Fund:
For Grants to Public and Private Entities In Illinois for Prostate Cancer Research ...... $100,000

Section 6. The following named amounts, or so much thereof as may be necessary, are appropriated to the Department of Public Health for the objects and purposes hereinafter named:

OFFICE OF HEALTH CARE REGULATION

Payable from the General Revenue Fund:

New matter indicated by italics - deletions by strikeout.
For Personal Services ....................... $ 14,639,900
For Employee Retirement Contributions
   Paid by Employer .......................  585,500
For State Contributions to State Employees' Retirement System ............ 1,522,400
For State Contributions to Social Security ... 1,119,800
For Contractual Services .................... 228,400
For Travel ....................................  871,500
For Commodities .............................  18,900
For Printing ..................................  6,300
For Equipment .................................  300
For Telecommunications Services ............. 145,600
For Operation of Auto Equipment .............  1,600
For Expenses to Develop and Operate Regional Ambulance Systems .......... 200,000
For Operational Expenses of Three First Aid Stations............... 102,300
For Expenses of the Assisted Living and Shared Housing Program ..........  700,000
Total ........................................... $20,142,500

Payable from the Public Health Services Fund:
For Personal Services ........................ $ 6,500,000
For Employee Retirement Contributions
   Paid by Employer .......................  260,000
For State Contributions to State Employees' Retirement System ............  676,000
For State Contributions to Social Security ...  497,000
For Group Insurance ......................... 1,050,000
For Contractual Services ....................  200,000
For Travel .................................... 1,100,000
For Commodities .............................  8,200
For Equipment .................................  300,000
For Telecommunications .......................  50,000
For Expenses of Monitoring in Long Term Care Facilities...................  600,000
Total ........................................... $11,241,200

Payable from Assisted Living and Shared Housing Regulatory Fund:
For operational expenses of the Assisted Living and Shared Housing Program, pursuant to Public Act 91-0656 ......................... $ 100,000

New matter indicated by italics - deletions by strikeout.
Payable from the Long Term Care Monitor/Receiver Fund:
For Expenses, Including Refunds, Related to Appointment of Long Term Care Monitors and Receivers............... $ 845,300

Payable from the Regulatory Evaluation and Basic Enforcement Fund:
For Expenses of the Alternative Health Care Delivery Systems Program............... $ 75,000

Payable from the Trauma Center Fund:
For Expenses of Administering the Distribution of Payments to Trauma Centers......................... $ 5,500,000

Payable from the EMS Assistance Fund:
For Expenses of Administering the Distribution of Payments from the EMS Assistance Fund, Including Refunds ........................................ $ 500,000

Payable from the Health Facility Plan Review Fund:
For Expenses of Health Facility Plan Review Program and Hospital Network System, including refunds ......................................... $ 3,397,000

Section 7. The following named amounts, or so much thereof as may be necessary, are appropriated to the Department of Public Health for the objects and purposes hereinafter named:

OFFICE OF HEALTH PROTECTION

Payable from the General Revenue Fund:
For Personal Services ......................... $ 7,008,700
For Employee Retirement Contributions Paid by Employer ....................... 280,300
For State Contributions to State Employees' Retirement System ......................... 729,500
For State Contributions to Social Security ... 536,600
For Contractual Services ....................... 120,400
For Travel ....................................... 278,700
For Commodities .............................. 16,300
For Printing ................................. 9,400
For Telecommunications Services .......... 93,500
For Operation of Auto Equipment .......... 7,100
For Expenses of Implementing Federal

New matter indicated by italics - deletions by strikeout.
Awards, Including Services Performed by
Local Health Providers .......................... 10,000
For Expenses of Immunization Promotion,
Awareness, and Outreach ........................ 1,219,000
For Expenses Incurred for the Rapid
Investigation and Control of
Disease or Injury ............................... 645,000
For Expenses of Environmental Health
Surveillance and Prevention
Activities, Including Mercury
Hazards and West Nile Virus ................... 574,200
For Expenses for Expanded Lab Capacity
and Enhanced Statewide Communication
Capabilities Associated with
Homeland Security ............................ 847,400
Total $12,376,100

Payable from the Public Health Services Fund:
For Personal Services .......................... $3,747,000
For Employee Retirement Contributions
Paid by Employer ............................ 149,900
For State Contributions to State
Employees’ Retirement System ............... 397,200
For State Contributions to Social Security ...
For Group Insurance ........................... 600,000
For Contractual Services ........................ 2,652,800
For Travel .................................... 332,800
For Commodities .............................. 230,000
For Printing ................................. 70,800
For Equipment ............................... 875,000
For Telecommunications Services .......... 289,800
For Operation of Auto Equipment ......... 10,000
For Expenses of Implementing Federal
Awards, Including Services Performed
by Local Health Providers ..................... 4,425,700
For Expenses Related to the Summer Food
Inspection Program ............................ 45,000
For Expenses of Federally Funded
Bioterrorism Preparedness Activities....... 35,000,000
Total $49,112,600

Payable from the Food and Drug
Safety Fund:
For Expenses of Administering

New matter indicated by italics - deletions by strikeout.
the Food and Drug Safety  
Program, including Refunds.................  $ 1,800,000
Payable from the Illinois School Asbestos  
Abatement Fund:  
For Expenses, Including Refunds, of  
Administering and Executing  
the Asbestos Abatement Act and  
the Federal Asbestos Hazard Emergency  
Response Act of 1986 (AHERA)............  $ 1,000,000
Payable from the Public Health Water  
Permit Fund:  
For Expenses, Including Refunds,  
of Administering the Groundwater  
Protection Act..............................  $ 200,000
Payable from the Used Tire Management  
Fund:  
For Expenses of Vector Control Programs,  
including Mosquito Abatement............  $ 500,000
Payable from the Lead Poisoning Screening,  
Prevention and Abatement Fund:  
For Expenses of the Lead Poisoning  
Screening, and Prevention Program,  
Including Refunds......................  $ 600,000
Payable from the Tanning Facility  
Permit Fund:  
For Expenses to Administer the  
Tanning Facility Permit Act,  
Including Refunds.......................  $ 500,000
Payable from the Plumbing Licensure  
and Program Fund:  
For Expenses to Administer and Enforce  
the Illinois Plumbing License Law,  
including Refunds.......................  $1,400,000
Payable from the Pesticide Control Fund:  
For Public Education, Research,  
and Enforcement of the Structural  
Pest Control Act.........................  $ 200,000
Payable from the Facility Licensing Fund:  
For Expenses, including Refunds, of  
Environmental Health Programs ..........  $ 676,000
Payable from the Public Health Special  
State Projects Fund:

New matter indicated by italics - deletions by strikeout.
For Expenses of Conducting EPSDT and other Health Protection Programs ........ $1,200,000

Section 7.1. The following named amounts, or so much thereof as may be necessary, are appropriated to the Department of Public Health for expenses of programs related to Acquired Immunodeficiency Syndrome (AIDS) and Human Immunodeficiency Virus (HIV):

OFFICE OF HEALTH PROTECTION: AIDS/HIV

Payable from the General Revenue Fund:
For Personal Services ............... $ 556,200
For Employee Retirement Contributions
  Paid by Employer ................. 22,300
For State Contributions to State Employees' Retirement System .......... 57,800
For State Contributions to Social Security ... 42,600
For Contractual Services ............. 27,100
For Travel ........................... 12,700
For Expenses of an AIDS Hotline ........... 230,500
For Expenses of AIDS/HIV Education, Drugs, Services, Counseling, Testing, Referral and Partner Notification (CTRPN), and Patient and Worker Notification pursuant to Public Act 87-763 .. 12,609,600
For Expenses of the AIDS Advisory Council .... 11,600
Total  $13,570,400

Payable from the Public Health Services Fund:
For Expenses of Programs for Prevention of AIDS/HIV ......................... $ 4,651,600
For Expenses for Surveillance Programs and Seroprevalence Studies of AIDS/HIV ........ 1,500,000
For Expenses Associated with the Ryan White Comprehensive AIDS Resource Emergency Act of 1990 (CARE) and other AIDS/HIV services...... 27,300,000
Total  $33,451,600

Section 7.2. The sum of $748,150, or so much thereof as may be necessary, is appropriated from the Tobacco Settlement Recovery Fund to the Department of Public Health for grants to the Human Resource Development Institute.

Section 7.3. The sum of $2,251,850, or so much thereof as may be necessary, is appropriated from the Tobacco Settlement Recovery Fund to the Department of Public Health for expenses of AIDS/HIV prevention outreach and treatment focusing on minority cases.

Section 7.4. The following named amounts, or so much thereof as may be

New matter indicated by italics - deletions by strikeout.
necessary, are appropriated to the Department of Public Health for the objects and purposes hereinafter named:

**OFFICE OF HEALTH PROTECTION**

Payable from the General Revenue Fund:
- For Grants for Free Distribution of Medical Preparations ...................... $ 4,410,700
- For Grants for Sexually Transmitted Disease Medical Services to Individuals ........ 11,000
- For Grants to Metro Chicago Hospital Council for support of the Illinois Poison Control Center ...................... 1,460,000
- For Local Health Protection Grants to Certified Local Health Departments for Health Protection Programs including, But Not Limited To, Infectious Diseases, Food Sanitation, Potable Water and Private Sewage.............. 13,981,400

**Total** $19,863,100

Payable from the Tobacco Settlement Recovery Fund:
- For a Grant for the University of Illinois for Sickle Cell Research .................... 1,900,000

**Total** $1,900,000

Section 8. The following named amounts, or so much thereof as may be necessary, are appropriated to the Department of Public Health for the objects and purposes hereinafter named:

**SPRINGFIELD LABORATORY**

Payable from the General Revenue Fund:
- For Personal Services ...................... $ 1,275,700
- For Employee Retirement Contributions Paid by Employer ...................... 51,000
- For State Contributions to State Employees' Retirement System .................. 132,700
- For State Contributions to Social Security ...................... 97,600

**CARBONDALE LABORATORY**

Payable from the General Revenue Fund:
- For Personal Services ...................... 332,200
- For Employee Retirement Contributions Paid by Employer ...................... 13,300
- For State Contributions to State Employees' Retirement System .................. 34,600

New matter indicated by italics - deletions by strikeout.
For State Contributions to Social Security ... 25,400

CHICAGO LABORATORY

Payable from the General Revenue Fund:
For Personal Services ..................... 1,819,200
For Employee Retirement Contributions
Paid by Employer ............................ 72,800
For State Contributions to State Employees' Retirement System ................ 189,200
For State Contributions to Social Security ... 139,200

PUBLIC HEALTH LABORATORIES

Payable from the General Revenue Fund:
For Contractual Services .................. 282,500
For Travel ................................. 23,500
For Commodities ......................... 328,000
For Printing .............................. 18,000
For Equipment ............................. 171,900
For Telecommunications Services ........... 67,000
For Operation of Auto Equipment .......... 1,700
For Expenses of Increasing and Maintaining Laboratory Capacity for the Rapid Response to Outbreaks or Incidence of Infectious Diseases or Injury ......................... 130,000
For Operational Expenses to Provide Clinical and Environmental Public Health Laboratory Services .......... 4,874,600
Total, General Revenue Fund ............. $10,080,100

Payable from the Public Health Services Fund:
For Personal Services ..................... $ 200,000
For Employee Retirement Contributions
Paid by Employer ............................ 8,000
For State Contributions to State Employee's Retirement System ............ 21,200
For State Contributions to Social Security ... 15,000
For Group Insurance ........................ 35,000
For Contractual Services ................. 200,000
For Travel ................................. 20,000
For Commodities ......................... 340,000
For Printing .............................. 10,000
For Equipment ............................. 115,000
For Telecommunications Services ........... 7,000
Total, Public Health Services Fund ......... $971,200

New matter indicated by italics - deletions by strikeout.
Payable from the Public Health Laboratory Services Revolving Fund:
  For Expenses, Including Refunds, to Administer Public Health Laboratory Programs and Services .................................... $ 3,078,000
Payable from the Lead Poisoning Screening, Prevention and Abatement Fund:
  For Expenses, Including Refunds, of Lead Poisoning Screening, Prevention and Abatement Program............ $ 1,600,000
Payable from the Metabolic Screening and Treatment Fund:
  For Expenses, Including Refunds, of Testing and Screening for Metabolic Diseases............... $ 3,285,100

Section 9. The following named amounts, or as much thereof as may be necessary, are appropriated to the Department of Public Health for the objects and purposes hereinafter named:

OFFICE OF WOMEN'S HEALTH
Payable from the General Revenue Fund:
  For Personal Services ...................... $ 354,900
  For Employee Retirement Contributions
     Paid by Employer ............................ 14,200
  For State Contributions to State
     Employees' Retirement System ............. 36,900
  For State Contribution to Social Security .................... 27,100
  For Contractual Services .................. 61,700
  For Travel ................................... 24,000
  For Commodities ............................ 3,400
  For Printing ................................. 15,000
  For Equipment ............................... 700
  For Telecommunications Services ........... 13,000
  For Operational Expenses of State-wide Women's Healthline ..................... 100,000
  For Operational Expenses for Educational Programs to Reduce Breast Cancer .......... 29,100
  For Expenses for Breast and Cervical Cancer Screenings and other Related Activities.................. 2,000,000

New matter indicated by italics - deletions by strikeout.
For payment into the Penny Severns Breast and Cervical Cancer Research Fund ........................................ 250,000
For Expenses of the Women's Health Promotion Programs............................... 1,000,000
Total ........................................ $3,930,000
Payable from the Public Health Services Fund:
For Personal Services ......................... $ 430,000
For Employee Retirement Contributions
Paid by Employer ........................... 17,200
For State Contributions to State Employees' Retirement System ............... 45,600
For State Contribution to Social Security ............................ 32,900
For Group Insurance .......................... 68,000
For Contractual Services ..................... 300,000
For Travel ................................... 50,000
For Commodities .............................. 53,200
For Printing .................................. 34,500
For Equipment .............................. 50,000
For Telecommunications Services .............. 10,000
For Expenses of Federally Funded Women's Health Program ...................... 1,500,000
Total ........................................ $2,591,400
Payable from the Public Health Special State Projects Fund:
For Expenses of Women's Health Programs ........................................ $ 200,000
Section 9.1. The following named amounts, or so much thereof as may be necessary, are appropriated to the Department of Public Health for the objects and purposes hereinafter named:

OFFICE OF WOMEN'S HEALTH
Payable from the General Revenue Fund:
For Grants Pursuant to the Promotion of Women's Health ........................... 1,175,000
Total ........................................ $1,175,000
Payable from the Public Health Services Fund:
For Grants for Breast and Cervical Cancer Screenings in Fiscal year 2003 and all prior fiscal years .................. $4,800,000
Payable from the Penny Severns Breast and Cervical Cancer Research Fund:

New matter indicated by italics - deletions by strikeout.
For Grants for Breast and Cervical Cancer Research $ 600,000

Section 10. The sum of $600,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Public Health for all expenses associated with the Save a Life Program.

Section 11. The sum of $1,250,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Public Health for grants to Area Health Education Centers (AHEC).

Section 12. The sum of $250,000, or so much thereof as may be necessary, is appropriated from the Tobacco Settlement Recovery Fund to the Department of Public Health for all costs associated with the Hepatitis C Awareness Program in Cook County.

ARTICLE 49

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

OPERATIONS

GOVERNMENT SERVICES

For Personal Services:
- Payable from General Revenue Fund $ 5,959,100
- Payable from Motor Fuel Tax Fund 622,200
- Payable from Illinois Tax Increment Fund 194,000
- Payable from Personal Property Tax Replacement Fund 836,700

For Extra Help:
- Payable from the General Revenue Fund 191,400

For Employee Retirement Contributions
- Paid by Employer:
  - Payable from General Revenue Fund 244,000
  - Payable from Motor Fuel Tax Fund 24,900
  - Payable from Illinois Tax Increment Fund 7,800
  - Payable from Personal Property Tax Replacement Fund 33,500

For State Contributions to State Employees' Retirement System:
- Payable from General Revenue Fund 651,900
- Payable from Motor Fuel Tax Fund 66,000
- Payable from Illinois Tax Increment Fund 20,600
- Payable from Personal Property Tax Replacement Fund 88,700

New matter indicated by italics - deletions by strikeout.
For State Contributions to Social Security:
Payable from General Revenue Fund .......... 457,500
Payable from Motor Fuel Tax Fund .......... 45,500
Payable from Illinois Tax Increment Fund ................ 14,600
Payable from Personal Property Tax Replacement Fund ............ 60,000
For Group Insurance:
Payable from Motor Fuel Tax Fund .......... 120,900
Payable from Illinois Tax Increment Fund ................ 37,200
Payable from Personal Property Tax Replacement Fund ............ 176,700
For Contractual Services:
Payable from General Revenue Fund .......... 117,100
Payable from Motor Fuel Tax Fund .......... 32,600
Payable from Personal Property Tax Replacement Fund ............ 10,000
For Travel:
Payable from General Revenue Fund .......... 53,000
Payable from Motor Fuel Tax Fund .......... 19,000
Payable from Personal Property Tax Replacement Fund ............ 24,200
For Commodities:
Payable from General Revenue Fund .......... 9,000
Payable from Personal Property Tax Replacement Fund ............ 4,000
For Equipment:
Payable from General Revenue Fund .......... 12,500
Payable from Motor Fuel Tax Fund .......... 139,600
Payable from Personal Property Tax Replacement Fund ............ 100,000
For Administration of the Illinois Affordable Housing Act:
Payable from Illinois Affordable Housing Trust Fund ............ 2,150,000
For Transfer from the General Revenue Fund into the Senior Citizens Real Estate Deferred Tax Revolving Fund ............ 1,000,000
Total $13,524,200

Section 2. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated

New matter indicated by italics - deletions by strikeout.
to meet the ordinary and contingent expenses of the Department of Revenue:

OPERATIONS
TAX ENFORCEMENT

For Personal Services:
Payable from General Revenue Fund ............ $ 31,888,900
Payable from Motor Fuel Tax Fund ............ 5,688,600
Payable from Underground
Storage Tank Fund ....................... 180,300
Payable from Illinois Gaming
Law Enforcement Fund ....................... 998,800
Payable from Home Rule Municipal
Retailers Occupation Tax Fund .............. 179,300
Payable from County Option Motor
Fuel Tax Fund ......................... 159,800
Payable from Personal Property Tax
Replacement Fund ...................... 387,700

For Employee Retirement Contributions
Paid by Employer:
Payable from General Revenue Fund ............ 1,267,500
Payable from Motor Fuel Tax Fund ............ 227,500
Payable from Underground Storage
Tank Fund ....................... 7,200
Payable from Illinois Gaming
Law Enforcement Fund ....................... 44,300
Payable from Home Rule Municipal
Retailers Occupation Tax Fund ............ 7,200
Payable from County Option Motor
Fuel Tax Fund ...................... 6,400
Payable from Personal Property Tax
Replacement Fund .................... 15,500

For State Contributions to State
Employees' Retirement System:
Payable from General Revenue Fund ............ 3,380,200
Payable from Motor Fuel Tax Fund ............ 603,000
Payable from Underground
Storage Tank Fund ..................... 19,100
Payable from Illinois Gaming
Law Enforcement Fund ..................... 105,800
Payable from Home Rule Municipal
Retailers Occupation Tax Fund .......... 19,000
Payable from County Option Motor
Fuel Tax Fund ...................... 16,900

New matter indicated by italics - deletions by strikeout.
Payable from Personal Property Tax Replacement Fund ......................... 41,100

For State Contributions to Social Security:
Payable from General Revenue Fund .......... 2,259,000
Payable from Motor Fuel Tax Fund .......... 426,100
Payable from Underground Storage Tank Fund ......................... 13,500
Payable from Illinois Gaming Law Enforcement Fund ......................... 54,000
Payable from Home Rule Municipal Retailers Occupation Tax Fund .......... 11,100
Payable from County Option Motor Fuel Tax Fund ......................... 12,000
Payable from Personal Property Tax Replacement Fund ......................... 29,000

For Group Insurance:
Payable from Motor Fuel Tax Fund .......... 930,000
Payable from Underground Storage Tank Fund ......................... 27,900
Payable from Illinois Gaming Law Enforcement Fund ......................... 176,700
Payable from Home Rule Municipal Retailers Occupation Tax Fund .......... 37,200
Payable from County Option Motor Fuel Tax Fund ......................... 27,900
Payable from Personal Property Tax Replacement Fund ......................... 74,400

For Contractual Services:
Payable from General Revenue Fund .......... 408,300
Payable from Motor Fuel Tax Fund .......... 393,400
Payable from Illinois Gaming Law Enforcement Fund ......................... 4,300

For Travel:
Payable from General Revenue Fund .......... 667,400
Payable from Motor Fuel Tax Fund .......... 897,500
Payable from Underground Storage Tank Fund ......................... 4,200
Payable from Illinois Gaming Law Enforcement Fund ......................... 26,400
Payable from Home Rule Municipal Retailers Occupation Tax Fund .......... 27,500
Payable from County Option Motor

New matter indicated by italics - deletions by strikeout.
Fuel Tax Fund ............................... 14,200
Payable from Personal Property Tax
Replacement Fund ............................ 109,500

For Commodities:
Payable from General Revenue Fund .......... 8,300
Payable from Motor Fuel Tax Fund ............ 4,100
Payable from Underground
Storage Tank Fund ............................ 800
Payable from Illinois Gaming
Law Enforcement Fund ........................ 6,500
Payable from Personal Property Tax
Replacement Fund ............................. 1,900

For Administration of the
Dyed Diesel Fuel Roadside
Enforcement Plan per PA 91-173,
including prior year costs:
Payable from Tax Compliance
And Administration Fund ...................... 112,100
Total $52,009,300

Section 3. The following named amounts, or so much thereof as may be
necessary, respectively, for the objects and purposes hereinafter named, are appropriated
to meet the ordinary and contingent expenses of the Department of Revenue:

OPERATIONS
TAX OPERATIONS

For Personal Services:
Payable from General Revenue Fund ........... $ 52,300,100
Payable from Motor Fuel Tax Fund ............. 8,607,900
Payable from Underground
Storage Tank Fund ............................ 410,400
Payable from Illinois Gaming
Law Enforcement Fund ........................ 57,200
Payable from County Option Motor
Fuel Tax Fund ................................. 230,200

Payable from Tax Compliance and
Administration Fund .......................... 317,700
Payable from Personal Property Tax
Replacement Fund ............................. 4,162,400
Payable from Child Support Administrative
Fund ............................................ 1,405,200

For Extra Help:
Payable from General Revenue Fund .......... 244,100

New matter indicated by italics - deletions by strikeout.
Payable from Motor Fuel Tax Fund .......... 107,000

For Employee Retirement Contributions

Paid by Employer:
Payable from General Revenue Fund .......... 2,090,800
Payable from Motor Fuel Tax Fund .......... 348,600
Payable from Underground Storage Tank Fund ... 16,300
Payable from Illinois Gaming
Law Enforcement Fund ......................... 2,300
Payable from County Option Motor
Fuel Tax Fund .................. 9,200
Payable from Tax Compliance and
Administration Fund ...................... 12,700
Payable from Personal Property Tax
Replacement Fund .................. 166,500
Payable from Child Support Administrative
Fund ............................. 56,300

For State Contributions to State
Employees' Retirement System:
Payable from General Revenue Fund .......... 5,569,700
Payable from Motor Fuel Tax Fund .......... 923,800
Payable from Underground Storage Tank Fund ... 43,300
Payable from Illinois Gaming
Law Enforcement Fund ......................... 6,100
Payable from County Option Motor
Fuel Tax Fund .................. 24,400
Payable from Tax Compliance and
Administration Fund ...................... 33,700
Payable from Personal Property Tax
Replacement Fund .................. 441,200
Payable from Child Support Administrative
Fund ............................. 149,000

For State Contributions to Social Security:
Payable from General Revenue Fund .......... 3,878,200
Payable from Motor Fuel Tax Fund .......... 643,400
Payable from Underground Storage Tank Fund ... 30,600
Payable from Illinois Gaming
Law Enforcement Fund ......................... 4,300
Payable from County Option Motor
Fuel Tax Fund .................. 17,300
Payable from Tax Compliance and
Administration Fund ...................... 19,600

Payable from Personal Property Tax

New matter indicated by italics - deletions by strikeout.
Replacement Fund ......................... 308,000
Payable from Child Support Administrative
Fund ................................. 105,900

For Group Insurance:
Payable from Motor Fuel Tax Fund......... 1,720,500
Payable from Underground
Storage Tank Fund ....................... 102,300
Payable from Illinois Gaming
Law Enforcement Fund ................. 9,300
Payable from County Option Motor
Fuel Tax Fund ......................... 65,100
Payable from Tax Compliance and
Administration Fund ................. 65,100
Payable from Personal Property
Tax Replacement Fund ................ 1,032,300
Payable from Child Support Administrative
Fund ................................. 279,000

For Contractual Services:
Payable from General Revenue Fund ....... 6,255,400
Payable from Motor Fuel Tax Fund ........ 1,022,100
Payable from Underground
Storage Tank Fund ....................... 1,700
Payable from Tax Compliance and
Administration Fund ................... 5,100
Payable from Personal Property Tax
Replacement Fund ..................... 52,800

For Travel:
Payable from General Revenue Fund ....... 313,900
Payable from Motor Fuel Tax Fund ........ 29,200
Payable from Underground
Storage Tank Fund ....................... 10,300
Payable from County Option Motor
Fuel Tax Fund .......................... 400
Payable from Tax Compliance and
Administration Fund ................... 10,500
Payable from Personal Property Tax
Replacement Fund ..................... 25,800
Payable from Child Support Administrative
Fund ................................. 7,500

For Commodities:
Payable from General Revenue Fund ....... 562,600
Payable from Motor Fuel Tax Fund ........ 144,000

New matter indicated by italics - deletions by strikeout.
Payable from Underground Storage Tank Fund ... 1,300
Payable from Illinois Gaming Law Enforcement Fund ................. 2,000
Payable from County Option Motor Fuel Tax Fund ....................... 2,400
Payable from Tax Compliance and Administration Fund ............... 2,000
Payable from Personal Property Tax Replacement Fund ............... 88,700

For Printing:
Payable from General Revenue Fund ........... 1,138,600
Payable from Motor Fuel Tax Fund ............. 562,700
Payable from Underground Storage Tank Fund ............ 1,500
Payable from Illinois Gaming Law Enforcement Fund ................. 4,500
Payable from Personal Property Tax Replacement Fund ............... 86,900
Payable from Child Support Administration For Equipment .................. 21,600

For Electronic Data Processing:
Payable from General Revenue Fund .......... 3,647,400
Payable from Motor Fuel Tax Fund ............. 1,759,500
Payable from Underground Storage Tank Fund ............ 6,300
Payable from Illinois Gaming Law Enforcement Fund ................. 231,400
Payable from Home Rule Municipal Retailers Occupation Tax Fund ......... 132,300
Payable from County Option Motor Fuel Tax Fund ....................... 27,500
Payable from Illinois Tax Increment Fund ......................... 250,300
Payable from Tax Compliance and Administration Fund ............... 128,800
Payable from Personal Property Tax Replacement Fund ............... 473,900
Payable from Child Support Administrative Fund ....................... 13,100
Payable from Transportation Regulatory Fund .. 75,000

For Telecommunications Services:
Payable from General Revenue Fund ........... 2,290,900

New matter indicated by italics - deletions by strikeout.
Payable from Motor Fuel Tax Fund .......... 89,000
Payable from Underground
Storage Tank Fund ......................... 10,000
Payable from Illinois Gaming
Law Enforcement Fund ..................... 10,500
Payable from Home Rule Municipal
Retailers Occupation Tax Fund ........... 3,600
Payable from County Option Motor
Fuel Tax Fund ............................ 13,400
Payable from Illinois Tax
Increment Fund ............................. 15,900
Payable from Tax Compliance and
Administration Fund ....................... 5,700
Payable from Personal Property Tax
Replacement Fund .......................... 17,800
Payable from Child Support Administrative
Fund ....................................... 33,000
For Operation of Auto Equipment:
Payable from General Revenue Fund....... 25,900
Payable from Motor Fuel Tax Fund........... 35,000
Payable from Illinois Gaming
Law Enforcement Fund ..................... 19,500
Payable from Personal Property Tax
Replacement Fund ......................... 26,000
For Administration of the Illinois Petroleum Education
and Marketing Act:
Payable from the Tax Compliance
and Administration Fund .................. 9,000
For Administration of the Dry Cleaners Environmental
Response Trust Fund Act:
Payable from the Tax Compliance
and Administration Fund .................. 95,000
For Administration of the Simplified Telecommunications Act:
Payable from the Tax Compliance and
Administration Fund ...................... 954,700
Total  
$106,770,900

GOVERNMENT SERVICES GRANTS

Section 4. The following named amounts, or so much thereof as may be necessary, are appropriated to the Department of Revenue as follows:
Payable from General Revenue Fund:
For the State's Share of County
Supervisors of Assessments' or

New matter indicated by italics - deletions by strikeout.
County Assessors' salaries, as provided by law ....................... $ 2,300,000
For additional compensation for local assessors, as provided by Sections 2.3 and 2.6 of the "Revenue Act of 1939", as amended .............................. 600,000
For additional compensation for local assessors, as provided by Section 2.7 of the "Revenue Act of 1939", as amended .............................. 800,000
For additional compensation for county treasurers, pursuant to Public Act 84-1432, as amended ......................... 663,000
Total ........................................... $4,363,000
Payable from State and Local Sales Tax Reform Fund:
For Allocation to Chicago for additional 1.25% Use Tax Pursuant to P.A. 86-0928 .............................. $ 48,342,700
Payable from Local Government Distributive Fund:
For Allocation of the .4% Sales Tax to Units of Local Government Pursuant to P.A. 86-0928 .................. $ 31,185,300
For Allocation to Local Governments of additional 1.25% Use Tax Pursuant to P.A. 86-0928 ....................... $ 122,882,400
Payable from Tobacco Settlement Recovery Fund:
For Payments under Senior Citizen and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act, including prior year costs ......................... $ 138,500,000
Payable from R.T.A. Occupation and Use Tax Replacement Fund:
For Allocation to RTA for 10% of the 1.25% Use Tax Pursuant to P.A. 86-0928 ........ $ 23,330,200
Payable from Senior Citizens' Real Estate Deferred Tax Revolving Fund:
For Payments to Counties as Required by the Senior Citizens Real Estate Tax Deferral Act .................. $ 4,700,000
Payable from Illinois Tax Increment Fund:

New matter indicated by italics - deletions by strikeout.
For Distribution to Local Tax Increment Finance Districts .................. $ 20,022,100

GOVERNMENT SERVICE REFUNDS
Payable from General Revenue Fund:
For payment of refunds pursuant to the provisions of the Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act ................ $150,000

TAX ENFORCEMENT GRANTS
Section 5. The following named sums, or so much thereof as may be necessary, are appropriated to the Department of Revenue for the purposes as follows:
Payable from the Illinois Gaming Law Enforcement Fund:
For a Grant for Allocation to Local Law Enforcement Agencies for joint state and local efforts in Administration of the Charitable Games, Pull Tabs and Jar Games Act ....................... $ 1,400,000

TAX OPERATIONS GRANTS
Section 6. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Revenue for:
Payable from the Motor Fuel Tax Fund:
For Reimbursement to International Fuel Tax Agreement Member States.............................. $ 48,000,000

TAX OPERATIONS REFUNDS
For Refunds and Repayment to persons as provided by law:
Payable from Motor Fuel Tax Fund .............. $ 23,000,000
For Refund of certain taxes in lieu of credit memoranda, where such refunds are authorized by law:
Payable from General Revenue Fund .............. $ 21,590,200
For Refunds provided for in Section 13a.8 of the Motor Fuel Tax Act:
Payable from the Underground Storage Tank Fund .............................................. $ 100,000
For Refunds associated with the Simplified Municipal Telecommunications Act:
Payable from the Municipal Telecommunications Fund ....................... $ 100,000

GOVERNMENT SERVICE GRANTS

New matter indicated by italics - deletions by strikeout.
Section 7. The sum of $60,000,000 is appropriated from the Illinois Affordable Housing Trust Fund to the Department of Revenue for Grants, (down payment assistance, rental subsidies, security deposit subsidies, technical assistance, outreach, building an organization's capacity to develop affordable housing projects and other related purposes), Mortgages, Loans, or for the purpose of securing bonds pursuant to the Illinois Affordable Housing Act, administered by the Illinois Housing Development Authority.

Section 7A. The sum of $17,250,200, new appropriation, is appropriated and the sum of $41,922,800, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2002, from appropriations and reappropriations heretofore made in Article 49, Section 7A of Public Act 92-8 is reappropriated from the Federal HOME Investment Trust Fund to the Department of Revenue for the Illinois HOME Investment Partnerships Program administered by the Illinois Housing Development Authority.

ILLINOIS GAMING BOARD

Section 8. The sum of $110,000,000, or so much thereof as may be necessary, is appropriated from the State Gaming Fund to the Department of Revenue for distributions to local governments for admissions and wagering tax.

Section 9. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Revenue for the ordinary and contingent expenses of the Illinois Gaming Board:

Payable from State Gaming Fund:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>$5,732,400</td>
</tr>
<tr>
<td>For Employee Retirement Contributions Paid by Employer</td>
<td>290,900</td>
</tr>
<tr>
<td>For State Contributions to the</td>
<td></td>
</tr>
<tr>
<td>State Employees' Retirement System</td>
<td>607,700</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>145,700</td>
</tr>
<tr>
<td>For Group Insurance</td>
<td>838,100</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>6,875,700</td>
</tr>
<tr>
<td>For Travel</td>
<td>116,000</td>
</tr>
<tr>
<td>For Commodities</td>
<td>21,000</td>
</tr>
<tr>
<td>For Printing</td>
<td>13,000</td>
</tr>
<tr>
<td>For Equipment</td>
<td>97,200</td>
</tr>
<tr>
<td>For Electronic Data Processing</td>
<td>200,800</td>
</tr>
<tr>
<td>For Telecommunications</td>
<td>319,000</td>
</tr>
<tr>
<td>For Operation of Auto Equipment</td>
<td>46,500</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$15,304,000</strong></td>
</tr>
</tbody>
</table>

REFUNDS

Section 10. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Revenue for:

New matter indicated by italics - deletions by strikeout.
ILLINOIS GAMING BOARD
Payable from State Gaming Fund:
For Refunds ........................................ $ 50,000

ARTICLE 50
Section 1. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of State Police for the following purposes:

DIVISION OF ADMINISTRATION
Payable from General Revenue Fund:
For Personal Services ......................... $ 9,062,100
For Employee Retirement Contributions
  Paid by Employer .............................. 370,500
For State Contributions to State
  Employees' Retirement System .............. 925,900
For State Contributions to
  Social Security .............................. 593,000
For Contractual Services ..................... 4,208,200
For Travel ........................................ 177,600
For Commodities ............................... 629,900
For Printing ...................................... 117,700
For Equipment ................................. 146,700
For Telecommunications Services .......... 231,900
For Operation of Auto Equipment .......... 232,400
For Repairs and Maintenance and
  Permanent Improvements ................... 60,000
For Expenses of Apprehension of
  Fugitives ...................................... 50,000
For Contractual Services:
  For Payment of Tort Claims .............. 110,500
  For Refunds .................................. 57,400
  For Expenses regarding implementation
    of the Juvenile Justice Reform
    provisions ............................... 548,000
  Total ...................................... $17,521,800
Payable from Missing and Exploited Children
Trust Fund:
For the Administration and fulfillment
  of its responsibilities under the
  Intergovernmental Missing Child
  Recovery Act of 1984 ....................... 50,000
Payable from the State Police Wireless
Service Emergency Fund:

New matter indicated by italics - deletions by strikeout.
For costs associated with the administration and fulfillment of its responsibilities under the Wireless Emergency Telephone Safety Act

$1,300,000

Payable from the State Police Vehicle Fund:

For equipment:

Purchase of Police Cars - FY02

$200,000

Section 1a. The sum of $820,700, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made for such purposes in Article 50, Section 1a, of Public Act 92-8, as amended, is reappropriated from the General Revenue Fund to the Department of State Police for all costs associated with Permanent Improvements for the CODIS Building.

Section 2. The sum of $23,846,200, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from appropriations heretofore made for such purposes in Article 50, Section 2 of Public Act 92-8, as amended, is reappropriated from the Capital Development Fund to the Department of State Police for the cost associated with a statewide voice communication system.

Section 3. The sum of $3,500,000, or so much thereof as may be necessary, is appropriated from the State Asset Forfeiture Fund to the Department of State Police for payment of their expenditures as outlined in the Illinois Drug Asset Forfeiture Procedure Act, the Cannabis Control Act, the Controlled Substances Act, and the Environmental Safety Act.

Section 4. The sum of $2,500,000, or so much thereof as may be necessary, is appropriated from the Federal Asset Forfeiture Fund to the Department of State Police for payment of their expenditures in accordance with the Federal Equitable Sharing Guidelines.

Section 5. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of State Police for the following purposes:

**INFORMATION SERVICES BUREAU**

Payable from General Revenue Fund:

For Personal Services

$ 6,403,500

For Employee Retirement Contributions

Paid by Employer

255,100

For State Contributions to State Employees' Retirement System

654,200

For State Contributions to Social Security

476,300

For Contractual Services

987,700

For Travel

39,600

For Commodities

39,700

New matter indicated by italics - deletions by strikeout.
Div. 6. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of State Police for the following purposes:

**DIVISION OF OPERATIONS**

Payable from General Revenue Fund:
- For Personal Services ................... $64,925,500
- For Employee Retirement Contributions
  - Paid by Employer ....................... 3,209,400
- For State Contributions to State
  - Employees' Retirement System .......... 6,582,800
- For State Contributions to Social Security ........... 2,112,100
- For Contractual Services ............... 5,658,400
- For Travel .................................. 997,600
- For Commodities ........................... 900,700
- For Printing ................................. 146,800
- For Equipment ............................... 676,900
- For Electronic Data Processing .......... 95,500
- For Telecommunications Services ....... 2,815,900
- For Expenses Regarding Implementation of the Statewide Radio Communication System .. 109,500
  - For Operation of Auto Equipment ..... 7,475,400
Total ........................................ $95,706,500

Payable from the Road Fund:
- For Personal Services ................... $81,568,600
- For Employee Retirement Contributions
  - Paid by Employer ....................... 4,403,300
- For State Contributions to State
  - Employees' Retirement System .......... 8,486,400
- For State Contributions to Social Security ........... 551,700
Total ......................................... $95,010,000

Payable from the State Police Services Fund:

New matter indicated by italics - deletions by strikeout.
For Payment of Expenses:
   Fingerprint Program....................... $ 7,500,000
For Payment of Expenses:
   Federal & IDOT Programs.................... 3,930,000
For Payment of Expenses:
   Riverboat Gambling......................... 7,000,000
For Payment of Expenses:
   Miscellaneous Programs..................... 4,070,000
Total $22,500,000

Payable from the Illinois State Police
Federal Projects Fund:
   For Payment of Expenses.................... $ 12,500,000

Payable from the Motor Carrier Safety Inspection Fund:
   For expenses associated with the
      enforcement of Federal Motor Carrier
      Safety Regulations and related
      Illinois Motor Carrier
   Safety Laws.................................. $2,400,000

Section 7. The following amounts, or so much thereof as may be necessary for
the objects and purposes hereinafter named, are appropriated from the General Revenue Fund
and the Drug Traffic Prevention Fund to the Department of State Police, Division of
Operations, pursuant to the provisions of the "Intergovernmental Drug Laws Enforcement
Act" for Grants to Metropolitan Enforcement Groups.
For Grants to Metropolitan
   Enforcement Groups:
      Payable from General Revenue Fund .......... $ 740,000
      Payable from Drug Traffic Prevention Fund .... $ 500,000

Section 8. In the event of the receipt of funds from the Motor Vehicle Theft
Prevention Council, through a grant from the Criminal Justice Information Authority, the
amount of $1,500,000, or so much thereof as may be necessary, is appropriated from
the State Police Motor Vehicle Theft Prevention Trust Fund to the Department of State
Police for payment of expenses.

Section 9. The sum of $1,500,000 or so much thereof as may be necessary, is
appropriated from the State Police Whistleblower Reward and Prevention Fund to the
Department of State Police for payment of their expenditures for state law enforcement
purposes in accordance with the State Whistleblower Protection Act.

Section 11. The following amounts, or so much thereof as may be necessary,
respectively, are appropriated from the General Revenue Fund to the Department of State
Police for expenses of Racetrack Investigative Services under the "Illinois Horse Racing
Act of 1975":

DIVISION OF OPERATIONS
RACETRACK INVESTIGATION UNIT

New matter indicated by italics - deletions by strikeout.
For Personal Services ....................... $ 544,100
For Employee Retirement Contributions
   Paid by Employer .......................... 27,800
For State Contributions to State
   Employees' Retirement System .............. 55,600
For State Contributions to Social Security .............. 12,000
Total ........................................ $639,500

Section 12. The following amounts, or so much thereof as may be necessary, respectively, are appropriated from the General Revenue Fund to the Department of State Police for the expenses of Fraud Investigations:

DIVISION OF OPERATIONS
FINANCIAL FRAUD AND FORGERY UNIT
For Personal Services ....................... $ 4,179,000
For Employee Retirement Contributions
   Paid by Employer .......................... 220,300
For State Contributions to State
   Employees' Retirement System .............. 427,000
For State Contributions to Social Security .............. 44,200
Total ........................................ $4,870,500

Section 13. The sum of $250,000, or so much thereof as may be necessary, is appropriated from the Medicaid Fraud and Abuse Prevention Fund to the Department of State Police, Division of Operations - Financial Fraud and Forgery Unit for the detection, investigation or prosecution of recipient or vendor fraud.

Section 14. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of State Police for the following purposes:

DIVISION OF FORENSIC SERVICES AND IDENTIFICATION
Payable from the General Revenue Fund:
For Personal Services ....................... $ 36,312,400
For Employee Retirement Contributions
   Paid by Employer .......................... 1,454,900
For State Contributions to State
   Employees' Retirement System .............. 3,712,300
For State Contributions to Social Security .............. 2,517,100
For Contractual Services ...................... 6,300,700
For Travel ................................... 286,700
For Commodities ............................. 2,592,900
For Printing .................................. 83,200
For Equipment ............................... 2,872,300

New matter indicated by italics - deletions by strikeout.
For Electronic Data Processing.............. 2,821,100
For Telecommunications Services .......... 641,000
For Operation of Auto Equipment .......... 171,000
For Administration of a Statewide Sexual Assault Evidence Collection Program ........ 101,200
Total $59,866,800

For Administration and Operation of State Crime Laboratories:
Payable from State Crime Laboratory Fund ........ $550,000
Payable from State Police DUI Fund ...................... $550,000
Payable from State Offender DNA Identification System Fund .................... $300,000

Section 15. In addition to any other amount appropriated, the sum of $2,300,000, or so much thereof as may be necessary, is appropriated from the Road Fund to the Department of State Police for the purpose of processing DNA cases.

Section 16. The sum of $350,000, or so much thereof as may be necessary, is appropriated to the Department of State Police, Division of Forensic Services and Identification, from the Firearm Owner's Notification Fund for the administration and operation of the Firearm Owner's Identification Card Program.

Section 18. The following amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of State Police for Internal Investigation expenses as follows:

DIVISION OF INTERNAL INVESTIGATION

Payable from the General Revenue Fund:
For Personal Services ...................... $ 1,633,800
For Employee Retirement Contributions Paid by Employer ...................... 80,100
For State Contributions to State Employees' Retirement System .............. 167,000
For State Contributions to Social Security ...................... 51,800
For Contractual Services ...................... 128,800
For Travel ...................... 29,600
For Commodities ...................... 26,100
For Printing ...................... 3,700
For Equipment ...................... 42,900
For Telecommunications Services .............. 101,100
For Operation of Auto Equipment .............. 94,600
Total $2,359,500

ARTICLE 51

Section 1. The following named sums, or so much thereof as may be necessary, for

New matter indicated by italics - deletions by strikeout.
the objects and purposes hereinafter named, are appropriated from the Road Fund to meet the ordinary and contingent expenses of the Department of Transportation:

**CENTRAL OFFICES, ADMINISTRATION AND PLANNING OPERATIONS**

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>$26,110,700</td>
</tr>
<tr>
<td>For Employee Retirement Contributions</td>
<td></td>
</tr>
<tr>
<td>Paid by State</td>
<td>1,000,000</td>
</tr>
<tr>
<td>For State Contributions to State</td>
<td></td>
</tr>
<tr>
<td>Employees’ Retirement System</td>
<td>2,758,700</td>
</tr>
<tr>
<td>For State Contributions to Social Security ...</td>
<td>1,913,200</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>4,673,200</td>
</tr>
<tr>
<td>For Travel</td>
<td>647,100</td>
</tr>
<tr>
<td>For Commodities</td>
<td>543,400</td>
</tr>
<tr>
<td>For Printing</td>
<td>931,300</td>
</tr>
<tr>
<td>For Equipment</td>
<td>516,200</td>
</tr>
<tr>
<td>For Equipment:</td>
<td></td>
</tr>
<tr>
<td>Purchase of Cars &amp; Trucks</td>
<td>200,000</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>530,600</td>
</tr>
<tr>
<td>For Operation of Automotive Equipment</td>
<td>194,000</td>
</tr>
<tr>
<td>Total</td>
<td>$40,018,400</td>
</tr>
</tbody>
</table>

**LUMP SUMS**

Section 1a. The following named amounts, or so much thereof as may be necessary, are appropriated from the Road Fund to the Department of Transportation for the objects and purposes hereinafter named:

<table>
<thead>
<tr>
<th>Purpose</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Planning, Research and Development Purposes</td>
<td>$500,000</td>
</tr>
<tr>
<td>For costs associated with asbestos abatement</td>
<td>575,400</td>
</tr>
<tr>
<td>For metropolitan planning and research purposes as provided by law, provided such amount shall not exceed funds to be made available from the federal government or local sources</td>
<td>15,000,000</td>
</tr>
<tr>
<td>For metropolitan planning and research purposes as provided by law</td>
<td>1,300,000</td>
</tr>
<tr>
<td>For federal reimbursement of planning activities as provided by the Transportation Equity Act for the 21st Century</td>
<td>1,750,000</td>
</tr>
<tr>
<td>For the federal share of the IDOT ITS Program, provided expenditures do not exceed funds to be made available by the Federal Government</td>
<td>2,350,000</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout.
For the state share of the IDOT
ITS Corridor Program ......................... 4,000,000
For the Department's share of costs
with the Illinois Commerce
Commission for monitoring railroad
crossing safety ............................... 300,000
Total  ...................................... $25,775,400

AWARDS AND GRANTS

Section 1b. The following named amounts, or so much thereof as may be
necessary, are appropriated from the Road Fund to the Department of Transportation for the
objects and purposes hereinafter named:

For Tort Claims, including payment
pursuant to P.A. 80-1078 ....................... $ 515,000
For representation and indemnification
for the Department of Transportation,
the Illinois State Police and the
Secretary of State provided that the
representation required resulted from
the Road Fund portion of their normal
operations .................................... 260,000
For Transportation Enhancement, Congestion
Mitigation, Air Quality, High Priority and
Scenic By-way Projects not Eligible for
Inclusion in the Highway Improvement
Program Appropriation....................... 10,000,000
For auto liability payments for the
Department of Transportation, the
Illinois State Police and the
Secretary of State provided that
the liability resulted from the
Road Fund portion of their
normal operations ......................... 1,932,200
For grants to Illinois Universities
for applied research on transportation....... 520,000
For payment of claims as provided by the
"Workers' Compensation Act" or the "Workers'
Occupational Diseases Act", including
Treatment, Expenses and Benefits Payable
for Total Temporary Incapacity for Work
for State Employees whose salaries are paid
from the Road Fund:
For Awards and Grants ...................... 10,600,000

New matter indicated by italics - deletions by strikeout.
Total $23,827,200

Expenditures from appropriations for treatment and expense may be made after the Department of Transportation has certified that the injured person was employed and that the nature of the injury is compensable in accordance with the provisions of the Workers' Compensation Act or the Workers' Occupational Diseases Act, and then has determined the amount of such compensation to be paid to the injured person. Expenditures for this purpose may be made by the Department of Transportation without regard to the fiscal year in which benefit or service was rendered or cost incurred as allowable or provided by the Workers' Compensation Act or the Workers' Occupational Diseases Act.

CAPITAL IMPROVEMENTS, HIGHWAYS
PERMANENT IMPROVEMENTS

Section 2. The sum of $7,500,000, or so much thereof as may be necessary, is appropriated from the Road Fund to the Department of Transportation for the purchase of land, construction, repair, alterations and improvements to maintenance and traffic facilities, district and central headquarters facilities, storage facilities, grounds, parking areas and facilities, fencing and underground drainage, including plans, specifications, utilities and fixed equipment installed and all costs and charges incident to the completion thereof at various locations.

BUREAU OF INFORMATION PROCESSING OPERATIONS

Section 3. The following named amounts, or so much thereof as may be necessary, are appropriated from the Road Fund to the Department of Transportation for the objects and purposes hereinafter named:

- For Personal Services $5,735,300
- For Employee Retirement Contributions Paid by State 219,500
- For State Contributions to State Employees' Retirement System 607,700
- For State Contributions to Social Security 432,000
- For Contractual Services 5,797,200
- For Travel 51,200
- For Commodities 24,600
- For Equipment 6,300
- For Electronic Data Processing 1,240,100
- For Telecommunications 1,127,200

Total $15,241,100

Section 4. The following named amounts, or so much thereof as may be necessary, are appropriated from the Road Fund to the Department of Transportation for the objects and purposes hereinafter named:

CENTRAL OFFICES, DIVISION OF HIGHWAYS OPERATIONS

For Personal Services $31,724,900

New matter indicated by italics - deletions by strikeout.
For Extra Help ......................... 872,900
For Employee Retirement Contributions
Paid by State ............................ 1,249,400
For State Contributions to State
Employees’ Retirement System .......... 3,459,200
For State Contributions to Social Security ... 2,414,900
For Contractual Services .................... 5,065,500
For Travel ................................ 535,800
For Commodities .............................. 385,400
For Equipment ............................... 706,800
For Equipment:
Purchase of Cars and Trucks .............. 145,800
For Telecommunications Services .............. 2,728,400
For Operation of Automotive Equipment ........ 317,000
Total $49,606,000

LUMP SUM
Section 4a. The sum of $500,000, or so much thereof as may be necessary, is appropriated from the Road Fund to the Department of Transportation for repair of damages by motorists to state vehicles and equipment or replacement of state vehicles and equipment, provided such amount shall not exceed funds to be made available from collections from claims filed by the Department to recover the costs of such damages.

AWARDS AND GRANTS
Section 4b. The sum of $1,821,800, or so much thereof as may be necessary, is appropriated from the Road Fund to the Department of Transportation for reimbursement to participating counties in the County Engineers Compensation Program, providing those reimbursements do not exceed funds to be made available from their federal highway allocations retained by the Department.

Section 4b1. The following named sums, or so much thereof as may be necessary, are appropriated from the Road Fund to the Department of Transportation for grants to local governments for the following purposes:
For reimbursement of eligible expenses
arising from local Traffic Signal
Maintenance Agreements created by Part
468 of the Illinois Department of
Transportation Rules and Regulations....... $ 3,000,000
For reimbursement of eligible expenses
arising from City, County, and other
State Maintenance Agreements............... 8,522,000
Total $11,522,000

Section 4c. The following named amounts, or so much thereof as may be necessary, are appropriated from the Road Fund to the Department of Transportation for the objects and purposes hereinafter named:

New matter indicated by italics - deletions by strikeout.
CONSTRUCTION

For Maintenance, Traffic and Physical Research Purposes (A) $ 24,812,600
For Maintenance, Traffic and Physical Research Purposes (B) 9,890,300
For costs associated with the identification and disposal of hazardous materials at storage facilities 1,158,600
For repair of damages by motorists to highway guardrails, fencing, lighting units, bridges, underpasses, signs, traffic signals, crash attenuators, landscaping, roadside shelters, rest areas, fringe parking facilities, sanitary facilities, maintenance facilities including salt storage buildings, vehicle weight enforcement facilities including scale houses, and other highway appurtenances, provided such amount shall not exceed funds to be made available from collections from claims filed by the Department to recover the costs of such damages 5,500,000
Total $41,361,500

REFUNDS

Section 4d. The following named amount, or so much thereof as may be necessary, is appropriated from the Road Fund to the Department of Transportation for the objects and purposes hereinafter named:
For Refunds $ 28,000

Section 5. The following named sums, or so much thereof as may be necessary, for the objects and purposes hereinafter named, are appropriated from the Road Fund to the Department of Transportation for the ordinary and contingent expenses of the Division of Traffic Safety:

TRAFFIC SAFETY OPERATIONS

For Personal Services $ 6,744,000
For Employee Retirement Contributions Paid by State 254,800
For State Contributions to State Employees' Retirement System 710,400

New matter indicated by italics - deletions by strikeout.
For State Contributions to Social Security ... 493,100
For Contractual Services ...................... 1,298,200
For Travel ....................................... 60,600
For Commodities ................................. 84,400
For Printing ...................................... 279,700
For Equipment .................................... 84,300
For Equipment:
  Purchase of Cars and Trucks ................. 60,400
For Telecommunications Services .............. 122,700
For Operation of Automotive Equipment ...... 84,300
Total $10,276,900

REFUNDS

Section 5a. The following named amount, or so much thereof as may be necessary, is appropriated from the Road Fund to the Department of Transportation for the objects and purposes hereinafter named:
For Refunds..................................... $ 9,200

Section 5b. The following named sums, or so much thereof as may be necessary, for the objects and purposes hereinafter named, are appropriated from the Cycle Rider Safety Training Fund, as authorized by Public Act 82-0649, to the Department of Transportation for the administration of the Cycle Rider Safety Training Program by the Division of Traffic Safety:
For Personal Services .......................... $ 142,800
For Employee Contribution to
  Retirement System by Employer .............. 5,700
For State Contributions to State
  Employees’ Retirement System ............... 15,100
For State Contributions to Social Security ... 10,800
For Group Insurance ............................. 27,900
For Contractual Services ....................... 10,400
For Travel ....................................... 13,700
For Commodities ............................... 1,000
For Printing ................................... 2,300
For Equipment ................................. 2,400
For Operation of Automotive Equipment ...... 4,900
Total ........................................... $237,000

AWARDS AND GRANTS

Section 5b1. The sum of $2,600,000, or so much thereof as may be necessary, is appropriated from the Cycle Rider Safety Training Fund, as authorized by Public Act 82-0649, to the Department of Transportation for reimbursement to State and local universities and colleges for Cycle Rider Safety Training Programs.

Section 6. The following named amounts, or so much thereof as may be necessary, are appropriated from the Road Fund to the Department of Transportation for the

New matter indicated by italics - deletions by strikeout.
objects and purposes hereinafter named:

**DAY LABOR OPERATIONS**

For Personal Services ......................... $ 4,912,800
For Employee Retirement Contributions
   Paid by State .............................. 141,000
For State Contributions to State
   Employees' Retirement System .............. 518,200
For State Contributions to Social Security ... 375,600
For Contractual Services ..................... 987,100
For Travel .................................. 251,700
For Commodities ............................... 102,700
For Equipment ............................... 208,300
For Equipment:
   Purchase of Cars and Trucks .............. 86,800
For Telecommunications Services .............. 24,600
For Operation of Automotive Equipment ....... 292,800
Total $7,901,600

Section 7. The following named amounts, or so much thereof as may be necessary, are appropriated from the Road Fund to the Department of Transportation for the objects and purposes hereinafter named:

**DISTRICT 1, SCHAUMBURG OFFICE OPERATIONS**

For Personal Services ......................... $ 86,098,600
For Extra Help ............................... 4,906,200
For Employee Retirement Contributions
   Paid by State .............................. 3,986,700
For State Contributions to State
   Employees' Retirement System .............. 9,666,900
For State Contributions to Social Security ... 6,927,300
For Contractual Services ..................... 15,093,500
For Travel .................................. 219,000
For Commodities ............................... 4,591,000
For Equipment ............................... 1,396,800
For Equipment:
   Purchase of Cars and Trucks .............. 3,880,200
For Telecommunications Services .............. 1,610,400
For Operation of Automotive Equipment ....... 7,167,700
Total $145,544,300

Section 8. The following named amounts, or so much thereof as may be necessary, are appropriated from the Road Fund to the Department of Transportation for the objects and purposes hereinafter named:

New matter indicated by italics - deletions by strikeout.
DISTRICT 2, DIXON OFFICE
OPERATIONS

For Personal Services ....................... $ 26,786,400
For Extra Help ............................... 1,726,400
For Employee Retirement Contributions
   Paid by State .............................. 1,244,300
For State Contributions to State
   Employees' Retirement System .......... 3,031,800
For State Contributions to Social Security ...
   2,175,200
For Contractual Services .................... 3,403,500
For Travel .................................. 223,800
For Commodities ............................ 1,814,000
For Equipment ............................... 825,800
For Equipment:
   Purchase of Cars and Trucks ............ 1,255,600
For Telecommunications Services .......... 224,800
For Operation of Automotive Equipment .... 2,535,500
Total ...................................... $45,247,100

Section 9. The following named amounts, or so much thereof as may be necessary, are appropriated from the Road Fund to the Department of Transportation for the objects and purposes hereinafter named:

DISTRICT 3, OTTAWA OFFICE
OPERATIONS

For Personal Services ....................... $ 24,678,400
For Extra Help ............................... 1,573,100
For Employee Retirement Contributions
   Paid by State .............................. 1,154,900
For State Contributions to State
   Employees' Retirement System .......... 2,791,100
For State Contributions to Social Security ...
   1,975,800
For Contractual Services .................... 2,822,600
For Travel .................................. 116,400
For Commodities ............................ 2,041,300
For Equipment ............................... 979,000
For Equipment:
   Purchase of Cars and Trucks ............ 1,302,500
For Telecommunications Services .......... 214,200
For Operation of Automotive Equipment .... 2,506,800
Total ...................................... $42,156,100

Section 10. The following named amounts, or so much thereof as may be necessary, are appropriated from the Road Fund to the Department of Transportation for the objects and purposes hereinafter named:

New matter indicated by italics - deletions by strikeout.
DISTRICT 4, PEORIA OFFICE
OPERATIONS

For Personal Services ....................... $ 20,581,200
For Extra Help ................................ 1,763,200
For Employee Retirement Contributions
  Paid by State ............................... 977,800
For State Contributions to State
  Employees' Retirement System ......... 2,381,900
For State Contributions to Social Security ...
For Contractual Services ................. 3,771,400
For Travel ................................. 128,200
For Commodities ......................... 1,008,000
For Equipment ............................ 1,039,500
For Equipment:
  Purchase of Cars and Trucks .......... 1,072,300
For Telecommunications Services ........ 219,400
For Operation of Automotive Equipment ... 1,721,800
Total ..................................... $36,355,300

Section 11. The following named amounts, or so much thereof as may be necessary, are appropriated from the Road Fund to the Department of Transportation for the objects and purposes hereinafter named:

DISTRICT 5, PARIS OFFICE
OPERATIONS

For Personal Services ....................... $ 23,025,600
For Extra Help ............................. 1,328,200
For Employee Retirement Contributions
  Paid by State ............................. 1,055,400
For State Contributions to State
  Employees' Retirement System ....... 2,587,500
For State Contributions to Social Security ...
For Contractual Services ............... 2,763,000
For Travel .............................. 83,100
For Commodities ....................... 1,198,100
For Equipment ......................... 669,700
For Equipment:
  Purchase of Cars and Trucks ....... 951,200
For Telecommunications Services ...... 151,000
For Operation of Automotive Equipment .... 2,082,200
Total .................................... $37,726,600

Section 12. The following named amounts, or so much thereof as may be necessary, are appropriated from the Road Fund to the Department of Transportation for the

New matter indicated by italics - deletions by strikeout.
objects and purposes hereinafter named:

DISTRICT 6, SPRINGFIELD OFFICE
OPERATIONS

For Personal Services ....................... $ 24,285,200
For Extra Help .............................. 1,311,800
For Employee Retirement Contributions
Paid by State .............................. 1,109,900
For State Contributions to State
Employees' Retirement System ............. 2,718,300
For State Contributions to Social Security ...
For Contractual Services ................. 3,101,200
For Travel ................................. 113,000
For Commodities ....................... 1,461,300
For Equipment ......................... 683,600
For Equipment:
Purchase of Cars and Trucks .......... 1,110,900
For Telecommunications Services .......
For Operation of Automotive Equipment .... 2,274,000
Total ................................  $40,329,000

Section 13. The following named amounts, or so much thereof as may be necessary, are appropriated from the Road Fund to the Department of Transportation for the objects and purposes hereinafter named:

DISTRICT 7, EFFINGHAM OFFICE
OPERATIONS

For Personal Services ....................... $ 16,098,000
For Extra Help .............................. 779,300
For Employee Retirement Contributions
Paid by State .............................. 734,800
For State Contributions to State
Employees' Retirement System ............. 1,791,100
For State Contributions to Social Security ...
For Contractual Services ................. 1,267,900
For Travel ................................. 137,800
For Commodities ....................... 755,100
For Equipment ......................... 704,200
For Equipment:
Purchase of Cars and Trucks .......... 892,900
For Telecommunications Services .......
For Operation of Automotive Equipment .... 1,024,500
Total ................................  $26,197,400

Section 14. The following named amounts, or so much thereof as may be necessary, are appropriated from the Road Fund to the Department of Transportation for the

New matter indicated by italics - deletions by strikeout.
objects and purposes hereinafter named:

DISTRICT 8, COLLINSVILLE OFFICE
OPERATIONS

For Personal Services .................. $ 30,542,700
For Extra Help ......................... 1,538,500
For Employee Retirement Contributions
Paid by State ......................... 1,377,800
For State Contributions to State
Employees' Retirement System ........ 3,387,200
For State Contributions to Social Security ...
For Contractual Services ............. 5,427,800
For Travel ............................. 199,000
For Commodities ..................... 1,228,800
For Equipment ......................... 1,227,700
For Equipment:
Purchase of Cars and Trucks .......... 1,508,100
For Telecommunications Services ...... 592,400
For Operation of Automotive Equipment .... 2,053,200
Total .................................. $51,459,700

Section 15. The following named amounts, or so much thereof as may be necessary, are appropriated from the Road Fund to the Department of Transportation for the objects and purposes hereinafter named:

DISTRICT 9, CARBONDALE OFFICE
OPERATIONS

For Personal Services .................. $ 14,826,900
For Extra Help ......................... 1,232,400
For Employee Retirement Contributions
Paid by State ......................... 697,800
For State Contributions to State
Employees' Retirement System ........ 1,711,300
For State Contributions to Social Security ...
For Contractual Services ............. 2,121,000
For Travel ............................. 68,500
For Commodities ..................... 779,700
For Equipment ......................... 648,400
For Equipment:
Purchase of Cars and Trucks .......... 1,054,500
For Telecommunications Services ...... 110,900
For Operation of Automotive Equipment .... 1,227,300
Total .................................. $25,662,300

Section 16. The following named amounts, or so much thereof as may be necessary, are appropriated from the Road Fund to the Department of Transportation for the

New matter indicated by italics - deletions by strikeout.
objects and purposes hereinafter named:

**CONSTRUCTION DIVISION**

**AWARDS AND GRANTS**

For apportionment to counties for construction of township bridges 20 feet or more in length as provided in Section 6-901 through 6-906 of the "Illinois Highway Code" $15,000,000

For apportionment to counties under 1,000,000 in population, $8,000,000 of the total apportioned in equal amounts to each eligible county, and $13,800,000 apportioned to each eligible county in proportion to the amount of motor vehicle license fees received from the residents of eligible counties $21,800,000

For apportionment to needy Townships and Road Districts, as determined by the Department in consultation with the County Superintendents of Highways, Township Highway Commissioners, or Road District Highway Commissioners $10,014,300

For apportionment to high-growth cities over 5,000 in population, as determined by the Department in consultation with the Illinois Municipal League $4,000,000

**Total** $50,814,300

**CONSTRUCTION**

Section 16b. The following sums, or so much thereof as may be necessary, are appropriated from the Road Fund to the Department of Transportation for preliminary engineering and construction engineering and contract costs of construction, including reconstruction, extension and improvement of State highways, arterial highways, roads, access areas, roadside shelters, rest areas, fringe parking facilities and sanitary facilities, and such other purposes as provided by the "Illinois Highway Code"; for purposes allowed or required by Title 23 of the U.S. Code; for bikeways as provided by Public Act 78-0850; and for land acquisition and signboard removal and control, junkyard removal and control and preservation of natural beauty; and for capital improvements which directly facilitate an effective vehicle weight enforcement program, such as scales (fixed and portable), scale pits and scale installations, and scale houses, in accordance with applicable laws and regulations as follows:

District 1, Schaumburg $652,750,000

New matter indicated by italics - deletions by strikeout.
District 2, Dixon ................. 57,550,000
District 3, Ottawa .................. 35,000,000
District 4, Peoria .................... 36,750,000
District 5, Paris .................... 46,150,000
District 6, Springfield ............... 62,050,000
District 7, Effingham ............... 44,450,000
District 8, Collinsville .......... 85,750,000
District 9, Carbondale ............... 30,050,000
Statewide .......................... 129,700,000
Engineering .......................... 184,000,000
Total .................................. $1,364,200,000

Section 16b1. The following sums, or so much thereof as may be necessary, are appropriated from the State Construction Account Fund to the Department of Transportation for preliminary engineering and construction engineering and contract costs of construction, including reconstruction, extension and improvement of State highways, arterial highways, roads, access areas, roadside shelters, rest areas, fringe parking facilities and sanitary facilities, and such other purposes as provided by the "Illinois Highway Code"; for purposes allowed or required by Title 23 of the U.S. Code; for bikeways as provided by Public Act 78-0850; and for land acquisition and signboard removal and control, junkyard removal and control and preservation of natural beauty; and for capital improvements which directly facilitate an effective vehicle weight enforcement program, such as scales (fixed and portable), scale pits and scale installations, and scale houses, in accordance with applicable laws and regulations as follows:

<table>
<thead>
<tr>
<th>District 1, Schaumburg</th>
<th>$162,100,000</th>
</tr>
</thead>
<tbody>
<tr>
<td>District 2, Dixon</td>
<td>24,100,000</td>
</tr>
<tr>
<td>District 3, Ottawa</td>
<td>15,100,000</td>
</tr>
<tr>
<td>District 4, Peoria</td>
<td>17,100,000</td>
</tr>
<tr>
<td>District 5, Paris</td>
<td>22,100,000</td>
</tr>
<tr>
<td>District 6, Springfield</td>
<td>30,400,000</td>
</tr>
<tr>
<td>District 7, Effingham</td>
<td>16,400,000</td>
</tr>
<tr>
<td>District 8, Collinsville</td>
<td>39,900,000</td>
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<tr>
<td>District 9, Carbondale</td>
<td>14,500,000</td>
</tr>
<tr>
<td>Statewide</td>
<td>43,300,000</td>
</tr>
<tr>
<td>Total</td>
<td>385,000,000</td>
</tr>
</tbody>
</table>

Section 16b2. The sum of $500,000,000, or so much thereof as may be necessary, for statewide use pursuant to Section 4(a)(1) of the General Obligation Bond Act, is appropriated from the Transportation Bond Series A Fund to the Department of Transportation for land acquisition, engineering (including environmental studies and archaeological activities and other studies and activities necessary or appropriate to secure federal participation in the project), and construction, including reconstruction, extension and improvement of State highways, arterial highways, roads, structures separating highways and railroads and bridges and for purposes allowed or required by Title 23 of the

New matter indicated by italics - deletions by strikeout.
U.S. Code as provided by law in order to implement a portion of the Fiscal Year 2000 road improvements program.

GRADE CROSSING PROTECTION CONSTRUCTION

Section 17. The sum of $36,000,000, or so much thereof as may be necessary, is appropriated from the Grade Crossing Protection Fund to the Department of Transportation for the installation of grade crossing protection or grade separations at places where a public highway crosses a railroad at grade, as ordered by the Illinois Commerce Commission, as provided by law.

Section 18. The following named sums, or so much thereof as may be necessary, for the objects and purposes hereinafter named, are appropriated to the Department of Transportation for the ordinary and contingent expenses of Aeronautics Operations:

AERONAUTICS DIVISION OPERATIONS

For Personal Services:
   Payable from the Road Fund ................... $ 5,407,100

For Employee Retirement Contributions
   Paid by State:
      Payable from the Road Fund ................... 225,700

For State Contributions to State Employees' Retirement System:
   Payable from the Road Fund ................... 569,400

For State Contributions to Social Security:
   Payable from the Road Fund ................... 399,200

For Contractual Services:
   Payable from the Road Fund ................... 3,087,700
   Payable from Air Transportation Revolving Fund ................... 1,000,000

For Travel:
   Payable from the Road Fund ................... 109,300
   Payable from the General Revenue Fund ........... 190,100

For Commodities:
   Payable from Aeronautics Fund ................... 149,500
   Payable from the Road Fund ................... 422,700

For Equipment:
   Payable from the General Revenue Fund ........... 3,080,900
   Payable from the Road Fund ................... 160,100

New matter indicated by italics - deletions by strikeout.
For Equipment; Purchase of Cars and Trucks:
Payable from the Road Fund ................... 36,000

For Telecommunications Services:
Payable from the Road Fund ................... 104,900

For Operation of Automotive Equipment:
Payable from the Road Fund ................... 23,800
Total .............................................. $15,076,500

REFUNDS

Section 18a. The following named amount, or so much thereof as may be necessary, is appropriated from the Aeronautics Fund to the Department of Transportation for the objects and purposes hereinafter named:
For Refunds ........................................ $ 500

Section 18a1. The following named amount, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Transportation for the objects and purposes hereinafter named:
For Refunds ........................................ $ 35,000

AWARDS AND GRANTS

Section 18b. The sum of $140,370,000, or so much thereof as may be necessary, is appropriated from the Federal/Local Airport Fund to the Department of Transportation for funding the local or federal share of airport improvement projects undertaken pursuant to pertinent state or federal laws, provided such amounts shall not exceed funds available from federal and/or local sources.

Section 18b1. The sum of $20,072,600, or so much thereof as may be necessary, is appropriated from Transportation Bond Series B Fund to the Department of Transportation for financial assistance to airports pursuant to Section 34 of the Illinois Aeronautics Act, as amended, for such purposes as are described in that Section and for airport acquisition and development pursuant to Section 72 of the Illinois Aeronautics Act, as amended, for such purposes as are described in that Section and for making deposits into the Airport Land Loan Revolving Fund for loans pursuant to Section 34b of The Illinois Aeronautics Act, as amended, for such purposes as are described in that Section.

Section 18b1a. The sum of $15,000,000 or so much thereof as may be necessary, is appropriated from the Transportation Bond Series B Fund to the Department of Transportation pursuant to Section 4(c) of the General Obligation Bond Act, for expenses associated with land acquisition for the third Chicago area major airport.

Section 18b2. The sum of $400,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Transportation for such purposes as are described in Sections 31 and 34 of the Illinois Aeronautics Act, as amended.

Section 18b3. The sum of $5,600,000, or so much thereof as may be necessary, is appropriated from the Airport Land Loan Revolving Fund to the Department of Transportation for loans to airport sponsors for all costs associated with land acquisition.

Section 19. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the

New matter indicated by italics - deletions by strikeout.
General Revenue Fund to the Department of Transportation for the ordinary and contingent expenses incident to Public Transportation and Railroads Operations:

PUBLIC TRANSPORTATION DIVISION

OPERATIONS

For Personal Services .................... $ 1,720,500
For Employee Retirement
Contributions .................. 70,000
For State Contributions to State
Employees' Retirement System ......... 185,600
For State Contributions to Social
Security .......................... 132,600
For Contractual Services .............. 21,300
For Travel ......................... 16,600
For Commodities ..................... 2,400
For Equipment ...................... 15,300
For Telecommunications Services ....... 21,200
For Operation of Automotive Equipment . 8,200
Total ........................... $2,193,700

LUMP SUMS

Section 19a. The sum of $90,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Transportation for public transportation technical studies.

Section 19a1. The sum of $551,900, or so much thereof as may be necessary, is appropriated from the Federal Mass Transit Trust Fund to the Department of Transportation for federal reimbursement of transit studies as provided by the Transportation Equity Act for the 21st Century.

Section 19a2. The sum of $433,500, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Transportation for administrative expenses incurred in connection with the purposes of Section 18 of the Federal Transit Act (Section 5311 of the USC), as amended, provided such amount shall not exceed funds available from the Federal government under that Act.

AWARDS AND GRANTS

Section 19b. The sum of $350,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Transportation for making grants to eligible recipients of funding under Article II of the Downstate Public Transportation Act for the purpose of reimbursing the recipients which provide reduced fares for mass transportation services for students, handicapped persons and the elderly.

Section 19b1. The sum of $40,000,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Transportation for making grants to the Regional Transportation Authority for the purpose of reimbursing the Service Boards for providing reduced fares for mass transportation services for students, handicapped persons, and the elderly to be allocated proportionately among the

New matter indicated by italics - deletions by strikeout.
Service Boards based upon actual costs incurred by each Service Board for such reduced fares.

Section 19b2. The following named sums, or so much thereof as may be necessary, are appropriated from the Transportation Bond Series B Fund to the Department of Transportation for construction costs, making grants and providing project assistance to municipalities, special transportation districts, private non-profit carriers, mass transportation carriers, and the Intercity Rail Program for the acquisition, construction, extension, reconstruction, and improvement of mass transportation facilities, including rapid transit, intercity rail, bus and other equipment used in connection therewith, as provided by law, as follows:
Pursuant to Section 4(b)(1) of the
General Obligation Bond Act,
as amended ...................... $ 76,000,000
For the counties of the state outside
the counties of Cook, DuPage, Kane,
McHenry, and Will pursuant to
Section 4(b)(1) of the General
Obligation Bond Act, as amended .......... 5,000,000
For Operation Green Light Program.............. 15,000,000
Total $96,000,000

Section 19b3. The sum of $186,000,000, or so much thereof as may be necessary, is appropriated from the Public Transportation Fund to the Department of Transportation for the purpose stated in Section 4.09 of the "Regional Transportation Authority Act", as amended.

Section 19b4. The sum of $55,000,000, or so much thereof as may be necessary, is appropriated from the Public Transportation Fund to the Department of Transportation for making a grant to the Regional Transportation Authority for Additional State Assistance to be used for its purposes as provided in the "Regional Transportation Authority Act", but in no event shall this amount exceed the amount provided for in Sections 4.09 (c) and 4.09 (d) with respect to Strategic Capital Improvement bonds issued by the Regional Transportation Authority pursuant to the Regional Transportation Authority Act as amended in 1989.

Section 19b5. The sum of $54,000,000, or so much thereof as may be necessary, is appropriated from the Public Transportation Fund to the Department of Transportation for making a grant to the Regional Transportation Authority for Additional Financial Assistance to be used for its purposes as provided in the "Regional Transportation Authority Act", but in no event shall this amount exceed the amount provided for in Sections 4.09 (c-5) and 4.09 (d) with respect to Strategic Capital Improvement bonds issued by the Regional Transportation Authority pursuant to the Regional Transportation Authority Act as amended in 1999.

Section 19b6. The following named sums, or so much thereof as may be necessary, are appropriated from the Downstate Public Transportation Fund to the

New matter indicated by italics - deletions by strikeout.
Department of Transportation for operating assistance grants to provide a portion of the eligible operating expenses for the following carriers for the purposes stated in Article II of Public Act 78-1109, as amended:

**URBANIZED AREAS**

<table>
<thead>
<tr>
<th>Carrier</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Champaign-Urbana Mass Transit District</td>
<td>$9,432,000</td>
</tr>
<tr>
<td>Greater Peoria Mass Transit District</td>
<td>7,851,700</td>
</tr>
<tr>
<td>Rock Island County Metropolitan Mass Transit District</td>
<td>5,446,900</td>
</tr>
<tr>
<td>Rockford Mass Transit District</td>
<td>5,576,700</td>
</tr>
<tr>
<td>Springfield Mass Transit District</td>
<td>5,423,200</td>
</tr>
<tr>
<td>Bloomington-Normal Public Transit System</td>
<td>2,593,900</td>
</tr>
<tr>
<td>City of Decatur</td>
<td>2,593,400</td>
</tr>
<tr>
<td>City of Pekin</td>
<td>389,400</td>
</tr>
<tr>
<td>River Valley Metro Mass Transit District</td>
<td>878,500</td>
</tr>
<tr>
<td>City of South Beloit</td>
<td>35,300</td>
</tr>
<tr>
<td><strong>Total, Urbanized Areas</strong></td>
<td><strong>$40,221,000</strong></td>
</tr>
</tbody>
</table>

**NON-URBANIZED AREAS**

<table>
<thead>
<tr>
<th>Carrier</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>City of Danville</td>
<td>$943,300</td>
</tr>
<tr>
<td>City of Quincy</td>
<td>1,296,800</td>
</tr>
<tr>
<td>RIDES Mass Transit District</td>
<td>1,200,300</td>
</tr>
<tr>
<td>South Central Illinois Mass Transit District</td>
<td>1,223,000</td>
</tr>
<tr>
<td>City of Galesburg</td>
<td>589,600</td>
</tr>
<tr>
<td>Jackson County Mass Transit District</td>
<td>100,000</td>
</tr>
<tr>
<td><strong>Total, Non-Urbanized Areas</strong></td>
<td><strong>$5,353,000</strong></td>
</tr>
</tbody>
</table>

Section 19b7. The sum of $17,500,000, or so much thereof as may be necessary, is appropriated from the Metro East Public Transportation Fund to the Department of Transportation for operating assistance grants subject to the provisions of the "Downstate Public Transportation Act", as amended by the 81st General Assembly.

Section 19b8. The sum of $15,000,000, or so much thereof as may be necessary, is appropriated from the Federal Mass Transit Trust Fund to the Department of Transportation for the federal share of capital, operating, consultant services, and technical assistance grants, as well as state administration and interagency agreements, provided such amounts shall not exceed funds to be made available from the Federal Government.

Section 19b9. The sum of $300,000, or so much thereof as may be necessary, is appropriated from the Downstate Public Transportation Fund to the Department of Transportation for audit adjustments in accordance with Section 15.1 of the "Downstate Public Transportation Act", approved August 9, 1974, as amended.

**RAIL PASSENGER AND RAIL FREIGHT AWARDS AND GRANTS**

Section 20a. The sum of $10,633,000, or so much thereof as may be necessary, is
appropriated from the General Revenue Fund to the Department of Transportation for funding the State's share of intercity rail passenger service and making necessary expenditures for services and other program improvements.

Section 20a1. The sum of $1,250,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Transportation for the Rail Freight Services Assistance Program, created by Section 49.25a through 49.25g-1 of the Civil Administrative Code of Illinois.

Section 20a2. The sum of $5,077,000, or so much thereof as may be necessary, is appropriated from the State Rail Freight Loan Repayment Fund for funding the State Rail Freight Loan Repayment Program created by Section 49.25g-1 of the Civil Administrative Code of Illinois.

Section 20a3. The sum of $1,300,000, or so much thereof as may be necessary, is appropriated from the Rail Freight Loan Repayment Fund to the Department of Transportation for the Rail Freight Service Assistance Program, created by Section 49.25a through 49.25g-1 of the Civil Administrative Code of Illinois.

Section 20a4. The sum of $356,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Transportation for funding the State's share of the Rail Freight Loan Repayment Program created by Section 49.25a through 49.25g-1 of the Civil Administrative Code of Illinois.

Section 20a5. The sum of $7,000,000, or so much thereof as may be necessary, is appropriated from the Federal High Speed Rail Trust Fund to the Department of Transportation for the federal share of the High Speed Rail Project.

Section 20a6. The sum of $20,000,000 or so much thereof as may be necessary is appropriated from the Transportation Bond Series B Fund to the Department of Transportation, pursuant to Section 4(b)(1) of the General Obligation Bond Act, for track and signal improvements, AMTRAK station improvements, rail passenger equipment, and rail freight facility improvements.

Section 21. The following named sums, or so much thereof as may be necessary, are appropriated from the Motor Fuel Tax Fund to the Department of Transportation for the ordinary and contingent expenses incident to the operations and functions of administering the provisions of the "Illinois Highway Code", relating to use of Motor Fuel Tax Funds by the counties, municipalities, road districts and townships:

MOTOR FUEL TAX ADMINISTRATION
OPERATIONS

For Personal Services ......................... $ 8,006,100
For Employee Retirement
Contributions Paid by State..................... 320,200
For State Contributions to State
Employees' Retirement System .................. 848,600
For State Contributions to Social Security ...
For Group Insurance ......................... 1,199,700
For Contractual Services ..................... 38,200

New matter indicated by italics - deletions by strikeout.
For Travel ........................................ 88,800
For Commodities ............................. 7,200
For Printing .................................... 31,600
For Equipment ................................. 41,800
For Telecommunications Services ......... 22,800
For Operation of Automotive Equipment.... 5,500
Total $11,192,700

AWARDS AND GRANTS

Section 21a. The following named sums, or so much thereof as are available for distribution in accordance with Section 8 of the Motor Fuel Tax Law, are appropriated from the Motor Fuel Tax Fund to the Department of Transportation for the purposes stated:

DISTRIBUTIVE ITEMS

For apportioning, allotting, and paying as provided by law:
    To Counties .......................... $225,100,000
    To Municipalities .................. 315,700,000
    To Counties for Distribution to Road Districts .................. 102,200,000
Total $643,000,000

Section 22. The following named sums, or so much thereof as may be necessary for the agencies hereinafter named, are appropriated from the Road Fund to the Department of Transportation for implementation of the Commercial Motor Vehicle Safety Program under provisions of Title IV of the Surface Transportation Assistance Act of 1982, as amended by the Transportation Equity Act for the 21st Century:

FOR THE DIVISION OF TRAFFIC SAFETY

For Personal Services .................... $ 672,300
For Employee Retirement Contributions
    Paid by the State ..................... 25,700
For State Contributions to State
    Employees' Retirement System ........ 70,900
For State Contributions to Social Security ...
For Contractual Services .................. 325,300
For Travel ................................... 72,500
For Commodities ........................... 23,600
For Printing ............................... 33,700
For Equipment .............................. 46,600
For Telecommunications Services........... 1,900
For Operation of Automotive Equipment.... 4,800
Total $1,328,200

FOR THE DEPARTMENT OF STATE POLICE

For Personal Services .................... $ 4,210,400
For Employee Retirement Contributions

New matter indicated by italics - deletions by strikeout.
Paid by the State ......................... 227,100
For State Contributions to State
   Employees' Retirement System .......... 446,300
   For State Contributions to Social Security ... 62,100
   For Contractual Services ............... 444,400
   For Travel ................................ 319,900
   For Commodities .......................... 246,800
   For Printing .............................. 89,100
   For Equipment ............................ 624,300
   For Equipment:
      Purchase of Cars and Trucks.......... 500,000
      For Telecommunications Services..... 283,900
      For Operation of Automotive Equipment.... 309,000
      Total ................................. $7,763,300

FOR THE SECRETARY OF STATE

For Personal Services ........................ $ 261,000
For Employee Retirement Contributions
   Paid by the State ......................... 10,500
For State Contributions to State
   Employees' Retirement System ........... 27,700
   For State Contributions to Social Security ... 10,300
   For Contractual Services .................. 66,000
   For Travel ................................ 2,200
   For Commodities .......................... 11,400
   For Printing .............................. 3,500
   For Equipment ............................ 38,900
   For Operation of Automotive Equipment.... 22,000
   Total .................................... $321,000

Section 23. The following named sums, or so much thereof as may be necessary for
the agencies hereinafter named, are appropriated from the Road Fund to the Department
of Transportation for implementation of the Illinois Highway Safety Program under
provisions of the National Highway Safety Act of 1966, as amended:

FOR THE SECRETARY OF STATE

For Personal Services ........................ $ 155,000
For Employee Retirement Contributions
   Paid by the State ......................... 8,600
For State Contributions to State
   Employees' Retirement System ........... 16,400
   For State Contributions to Social Security ... 10,300
   For Contractual Services .................. 66,000
   For Travel ................................ 2,200
   For Commodities .......................... 11,400
   For Printing .............................. 3,500
   For Equipment ............................ 38,900
   For Operation of Automotive Equipment.... 22,000
   Total .................................... $334,300

FOR THE DEPARTMENT OF STATE POLICE

For Personal Services ........................ $ 2,907,900

New matter indicated by italics - deletions by strikeout.
For Employee Retirement Contributions
Paid by the State ........................... 174,400
For State Contributions to State
Employees' Retirement System ............ 308,200
For State Contributions to Social Security ...
For Contractual Services ....................
For Travel ...................................
For Commodities ............................
For Equipment ............................... 31,800
For Operation of Auto Equipment.......... 210,400
Total ........................................ $3,812,400

FOR THE DEPARTMENT OF TRANSPORTATION
For Contractual Services ................... $ 50,000
For Equipment ............................... 40,500
For Equipment: Purchase of Cars and Trucks................. 40,000
Total ........................................ $130,500

FOR THE DIVISION OF TRAFFIC SAFETY
For Personal Services ....................... $ 1,239,400
For Employee Retirement Contributions
Paid by the State ........................... 47,400
For State Contributions to State Employees' Retirement System .................. 130,700
For State Contributions to Social Security ...
For Contractual Services .................... 1,499,200
For Travel ...................................
For Commodities ............................ 878,700
For Printing ................................. 170,800
For Equipment ............................... 15,200
For Telecommunications Services ........... 2,200
Total ........................................ $3,466,800

FOR THE DEPARTMENT OF PUBLIC HEALTH
For Contractual Services ................... $ 118,500
For Travel ...................................
For Commodities ............................ 8,000
Total ........................................ $127,500

FOR THE ILLINOIS LAW ENFORCEMENT STANDARDS TRAINING BOARD
For Contractual Services ................... $ 80,000
For Printing ................................. 5,000
Total ........................................ $85,000

FOR THE STATE FIRE MARSHALL

New matter indicated by italics - deletions by strikeout.
For Contractual Services .................... $ 30,000
For Commodities ............................. 77,000
For Printing ................................. 15,000
For Travel .................................... $3,000
Total ........................................ $125,000

FOR THE STATE BOARD OF EDUCATION
For Contractual Services ...................... $ 87,000
For Travel ..................................... 15,000
For Printing .................................... 150,000
Total ......................................... $252,000

FOR LOCAL GOVERNMENTS
For Local Government Projects by
Municipalities and Counties .................... $6,041,000

Section 24. The following named sums, or so much thereof as may be necessary for
the agencies hereafter named, are appropriated from the Road Fund to the Department
of Transportation for implementation of the Alcohol Traffic Safety Programs of Title
XXIII of the Surface Transportation Assistance Act of 1982, as amended by the
Transportation Equity Act for the 21st Century:

FOR THE ADMINISTRATIVE OFFICE OF THE ILLINOIS COURTS (410)
For Contractual Services ....................... $ 12,000
For Travel ...................................... 19,000
Total ........................................... $31,000

FOR THE DIVISION OF TRAFFIC SAFETY (410)
For Contractual Services ....................... $ 500,000
For Travel ...................................... 3,100
For Commodities .............................. 139,700
For Printing .................................... 106,900
For Equipment ................................. 75,800
Total ........................................... $825,500

FOR THE SECRETARY OF STATE (410)
For Personal Services .......................... $ 20,000
For Employee Retirement Contributions
Paid by the State .............................. 1,100
For the State Contribution to State
Employees' Retirement System ............... 2,100
For the State Contribution to Social
Security ......................................... 1,600
For Contractual Services ..................... 24,500
For Travel ..................................... 7,500
For Commodities .............................. 53,000
For Printing .................................... 16,500
For Equipment ................................. 13,600

New matter indicated by italics - deletions by strikeout.
For Telecommunication Services ............ 1,000
Total $140,900

FOR THE DEPARTMENT OF STATE POLICE (410)
For Personal Services ..................... $ 590,000
For Employee Retirement Contributions
Paid by the State .......................... 32,300
For the State Contribution to State
Employees’ Retirement System ........... 62,500
For the State Contribution to Social
Security ...................................... 7,800
For Commodities ............................ 6,600
For Equipment ............................... 12,900
For Operation of Auto Equipment........... 59,400
Total $771,500

FOR THE ILLINOIS LAW ENFORCEMENT
STANDARDS TRAINING BOARD (410)
For Contractual Services .................... $ 120,000
For Printing ................................. 5,000
Total $125,000

FOR LOCAL GOVERNMENTS
For Local Government Projects by
Municipalities and Counties ................ $1,468,000

Section 25. The following named sums or so much thereof as may be necessary for the agencies hereafter named, are appropriated from the Road Fund to the Department of Transportation for implementation of the Section 163 Impaired Driving Incentive Grant Program (.08 Alcohol) as authorized by the Transportation Equity Act for the 21st Century:

FOR THE DIVISION OF TRAFFIC SAFETY (.08)
For Contractual Services .................... $ 2,206,300
For Equipment ............................... 301,600
For Telecommunications ..................... 1,000
Total $2,508,900

FOR THE DEPARTMENT OF STATE POLICE (.08)
For Equipment ............................... $ 258,000
Total $258,000

FOR THE SECRETARY OF STATE (.08)
For Personal Services ....................... $ 98,900
For Employee Retirement Contributions
Paid by the State ......................... 4,000
For the State Contribution to State
Employees’ Retirement System .......... 10,500
For the State Contribution to Social
Security ..................................... 7,700

New matter indicated by italics - deletions by strikeout.
<table>
<thead>
<tr>
<th>Service</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Contractual Services</td>
<td>42,000</td>
</tr>
<tr>
<td>For Travel</td>
<td>39,000</td>
</tr>
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<td>For Commodities</td>
<td>500</td>
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<tr>
<td>For Printing</td>
<td>8,000</td>
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<tr>
<td>For Equipment</td>
<td>22,000</td>
</tr>
<tr>
<td>Telecommunications Services</td>
<td>12,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$244,600</strong></td>
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</table>

**FOR THE ILLINOIS LIQUOR CONTROL COMMISSION (.08)**

<table>
<thead>
<tr>
<th>Service</th>
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</thead>
<tbody>
<tr>
<td>For Contractual Services</td>
<td>$62,000</td>
</tr>
<tr>
<td>For Travel</td>
<td>3,000</td>
</tr>
<tr>
<td>For Commodities</td>
<td>500</td>
</tr>
<tr>
<td>For Printing</td>
<td>35,500</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$101,000</strong></td>
</tr>
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</table>

**FOR THE DEPARTMENT OF PUBLIC HEALTH (.08)**

<table>
<thead>
<tr>
<th>Service</th>
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</tr>
</thead>
<tbody>
<tr>
<td>For Contractual Services</td>
<td>$375,000</td>
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<tr>
<td><strong>Total</strong></td>
<td><strong>$375,000</strong></td>
</tr>
</tbody>
</table>

**FOR LOCAL GOVERNMENTS (.08)**

<table>
<thead>
<tr>
<th>Projects</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>by Municipalities and Counties</td>
<td>$2,307,200</td>
</tr>
</tbody>
</table>

Section 26. The sum of $465,000, or so much thereof as may be necessary is appropriated from the General Revenue Fund to the Department of Transportation for the expenses of an emissions testing/inspection program for diesel powered vehicles in the counties of Cook, DuPage, Lake, Kane, Mc Henry, Will, Madison, St. Clair and Monroe and the townships of Aux Sable, Goose Lake and Oswego.

Section 30. No contract shall be entered into or obligation incurred or any expenditure made from an appropriation herein made in

Section 2 Permanent Improvements
Section 16b2 Series A Road Program
Section 18b1 Series B (Aeronautics)
Section 18b1a Series B Land Acquisition Third Airport
Section 18b2 GRF Capital (Aeronautics)
Section 18b3 Airport Land Loan Revolving Fund
Section 19b GRF Reduced Fares Downstate
Section 19b1 GRF Reduced Fares RTA
Section 19b2 Series B (Transit)
Section 19b4 SCIP Debt Service I
Section 19b5 SCIP Debt Service II
Section 19b9 GRF Capital (Transit)
Section 20a GRF Rail Passenger
Section 20a1 GRF Rail Freight Program
Section 20a2 State Rail Freight Loan Repayment
Section 20a3 Fed Rail Freight Loan Repayment

New matter indicated by italics - deletions by strikeout.
Section 20a4  GRF Rail Freight Match
Section 20a5  Fed High Speed Rail Trust
Section 20a6  Series B Rail

of this Article until after the purpose and the amount of such expenditure has been approved in writing by the Governor.

ARTICLE 52
CENTRAL ADMINISTRATION AND PLANNING
LUMP SUMS

Section 1a. The sum of $996,600, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2002, from the appropriation and reappropriation heretofore made in the line item, "For Planning, Research and Development Purposes" for the Central Offices, Administration and Planning in Article 52, Section 1a and Article 52a, Section 1a of Public Act 92-8, as amended, is reappropriated from the Road Fund to the Department of Transportation for the same purposes.

Section 1a1. The sum of $1,626,800, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2002, from the appropriation and reappropriation concerning Asbestos Abatement heretofore made in Article 52, Section 1a and Article 52a, Section 1a1 of Public Act 92-8, as amended, is reappropriated from the Road Fund to the Department of Transportation for the same purposes.

Section 1a2. The sum of $50,644,200, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2002, from the appropriation and reappropriation heretofore made for metropolitan planning in Article 52, Section 1a and Article 52a, Section 1a2 of Public Act 92-8, as amended, is reappropriated from the Road Fund to the Department of Transportation for the same purposes.

Section 1a3. The sum of $3,334,300, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2002, from the appropriation and reappropriation heretofore made in Article 52, Section 1a and Article 52a, Section 1a3 of Public Act 92-8, as amended, is reappropriated from the Road Fund to the Department of Transportation for metropolitan planning and research purposes.

Section 1a4. The sum of $3,115,600, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2002, from the reappropriation heretofore made in Article 52a, Section 1a4 of Public Act 92-8, as amended, is reappropriated from the Road Fund to the Department of Transportation for Phase II of the ADVANCE demonstration project for the state share as provided by law.

Section 1a5. The sum of $5,901,900, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2002, from the reappropriation heretofore made in Article 52a, Section 1a5 of Public Act 92-8, as amended, is reappropriated from the Road Fund to the Department of Transportation for Phase II of the ADVANCE demonstration project for the federal and private share as provided by law.

Section 1a6. The sum of $18,162,000, or so much thereof as may be necessary, and

New matter indicated by italics - deletions by strikeout.
remains unexpended at the close of business on June 30, 2002, from the appropriation and reappropriation heretofore made in Article 52, Section 1a and Article 52a, Section 1a6 of Public Act 92-8, as amended, is reappropriated from the Road Fund to the Department of Transportation for the federal share of the IDOT ITS Program.

Section 1a7. The sum of $10,905,800, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2002, from the appropriation and reappropriation heretofore made in Article 52, Section 1a and Article 52a, Section 1a7 of Public Act 92-8, as amended, is reappropriated from the Road Fund to the Department of Transportation for the state share of the IDOT ITS Program.

AWARDS AND GRANTS

Section 1b. The sum of $58,803,700, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2002, from the appropriation and reappropriation heretofore made in Article 52, Section 1b and Article 52a, Section 1b of Public Act 92-8, as amended, is reappropriated from the Road Fund to the Department of Transportation for Enhancement and Congestion Mitigation and Air Quality Projects.

Section 1b1. The sum of $84,900, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2002, from the reappropriation concerning the Interstate 355 Southern Extension Corridor Planning Council heretofore made in Article 52a, Section 1b1 of Public Act 92-8, as amended, is reappropriated from the General Revenue Fund to the Department of Transportation for the same purposes.

Section 1b2. The sum of $1,595,700, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2002, from the appropriation and reappropriation heretofore made in Article 52, Section 1b and Article 52a, Section 1b2 of Public Act 92-8, as amended, is reappropriated from the Road Fund to the Department of Transportation for grants to Illinois Universities for applied research on Transportation.

CAPITAL IMPROVEMENTS, HIGHWAYS
PERMANENT IMPROVEMENTS

Section 2. The sum of $17,409,000, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2002, from the appropriation and reappropriation concerning Permanent Improvements heretofore made in Article 52, Section 2 and Article 52a, Section 2 of Public Act 92-8, as amended, is reappropriated from the Road Fund to the Department of Transportation for the same purposes.

CENTRAL OFFICE, DIVISION OF HIGHWAYS
LUMP SUM

Section 3. The sum of $425,700, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2002, from the appropriation and reappropriation concerning vehicle damages heretofore made in Article 52, Section 4a and Article 52a, Section 3 of Public Act 92-8, as amended, is reappropriated from the Road Fund to the Department of Transportation for the same purposes.

AWARDS AND GRANTS

New matter indicated by italics - deletions by strikeout.
Section 3a. The sum of $5,397,700, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2002, from the reappropriation concerning railroad relocation demonstration projects heretofore made in Article 52a, Section 3a of Public Act 92-8, as amended, is reappropriated from the Road Fund to the Department of Transportation for the same purposes, provided such amount does not exceed funds to be made available from the federal government.

Section 3a1. The sum of $21,286,100, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2002, from the appropriations and reappropriations heretofore made for Local Traffic Signal Maintenance Agreements and City, County and other State Maintenance Agreements in Article 52, Section 4b1 and Article 52a, Section 3a1 of Public Act 92-8, as amended, is reappropriated from the Road Fund to the Department of Transportation for the same purposes.

Section 3a2. The sum of $155,600, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2002, from the reappropriation concerning the State share of railroad relocation demonstration projects heretofore made in Article 52a, Section 3a2 of Public Act 92-8, as amended, is reappropriated from the Road Fund to the Department of Transportation for the same purposes.

CONSTRUCTION

Section 3b. The sum of 206,656,700, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2002, from the appropriations heretofore made in Article 52, Section 16b of Public Act 92-0008, as amended, for Engineering and Consultant Contracts only, is reappropriated from the Road Fund to the Department of Transportation for the same purposes.

Section 3b1. The sum of $50,799,400, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2002, from the reappropriations heretofore made in Article 52a, Section 3b of Public Act 92-8, as amended, for Engineering and Consultant Contracts only, is reappropriated from the Road Fund to the Department of Transportation for the same purposes.

Section 3b2. The sum of $11,526,100, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2002, from the reappropriation heretofore made for "Engineering and Consultant Contracts" in Article 52a, Section 3b1 of Public Act 92-8, as amended, is reappropriated from the Road Fund to the Department of Transportation for the same purposes.

Section 3b3. The sum of $500,000, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2002, from the reappropriations heretofore made in Article 52a, Section 3b2 of Public Act 92-8, as amended, for preliminary engineering for western access to O'Hare Airport, is reappropriated from the Road Fund to the Department of Transportation for the same purposes.

Section 3b4. The sum of $5,110,300, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2002, from the appropriation and reappropriation concerning hazardous materials made in Article 52, Section 4c and Article 52a, Section 3b3 of Public Act 92-8, as amended, is reappropriated from the Road
Fund to the Department of Transportation for the same purposes.

Section 3b5. The sum of $24,889,600, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2002, from the appropriation and reappropriation heretofore made for Formal Contracts in the line item, "For Maintenance, Traffic and Physical Research Purposes (A)" for the Central Offices, Division of Highways, in Article 52, Section 4c and Article 52a, Section 3b4 of Public Act 92-8, as amended, is reappropriated from the Road Fund to the Department of Transportation for the same purposes.

Section 3b6. The sum of $4,776,500, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2002, from the appropriation and reappropriation concerning Highway Damage Claims heretofore made in Article 52, Section 4c and Article 52a, Section 3b5 of Public Act 92-8, as amended, is reappropriated from the Road Fund to the Department of Transportation for the same purposes.

DIVISION OF TRAFFIC SAFETY
AWARDS AND GRANTS

Section 4. The sum of $3,275,000 or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2002, from the appropriation and reappropriation made in Article 52, Section 5b1 and Article 52a, Section 4 of Public Act 92-8, as amended, is reappropriated from the Cycle Rider Safety Training Fund to the Department of Transportation for the same purposes.

CONSTRUCTION DIVISION
AWARDS AND GRANTS

Section 5a. The sum of $18,884,500, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2002, from the appropriation and reappropriation made for township bridges in Article 52, Section 16 and Article 52a, Section 5a of Public Act 92-8, as amended, is reappropriated from the Road Fund to the Department of Transportation for the same purposes.

CONSTRUCTION

Section 5b1. The following named sums, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2002, from the appropriations made in Article 52, Section 16b of Public Act 92-0008, as amended, are reappropriated from the Road Fund to the Department of Transportation for preliminary engineering and constructions engineering and contract costs of construction, including reconstruction, extension and improvement of State highways, arterial highways, roads, access areas, roadside shelters, rest areas, fringe parking facilities and sanitary facilities, and such other purposes as provided by the "Illinois Highway Code"; for purposes allowed or required by Title 23 of the U.S. Code, for bikeways as provided by Public Act 78-850; and for land acquisition and signboard removal and control, junkyard removal and control and preservation of natural beauty; and for capital improvements which directly facilitate an effective vehicle weight enforcement program; such as scales (fixed and portable), scale pits and scale installations and scale houses, in accordance with applicable laws and regulations as follows:

New matter indicated by italics - deletions by strikeout.
District 1, Schaumburg ....................... $439,885,200
District 2, Dixon ......................... 22,423,700
District 3, Ottawa ......................... 17,920,500
District 4, Peoria ......................... 13,313,500
District 5, Paris ......................... 12,934,800
District 6, Springfield .................... 25,944,400
District 7, Effingham ...................... 20,762,300
District 8, Collinsville .................... 32,811,000
District 9, Carbondale .................... 16,937,700
Statewide .................................. 128,923,400
Total ...................................... $731,856,500

Section 5b2. The sum of $544,207,200, or so much thereof as may be necessary, and
remains unexpended at the close of business on June 30, 2002, from the reappropriations
heretofore made in Article 52a, Section 5b1 of Public Act 92-0008, as amended, is
reappropriated from the Road Fund to the Department of Transportation for the same
purposes.

Section 5b3. The sum of $127,428,500, or so much thereof as may be necessary, and
remains unexpended at the close of business on June 30, 2002, from the reappropriations
heretofore made in Article 52a, Section 5b2 of Public Act 92-8, as amended, is
reappropriated from the Road Fund to the Department of Transportation for the same
purposes.

Section 5b4. The sum of $47,045,200, or so much thereof as may be necessary, and
remains unexpended at the close of business on June 30, 2002, from the reappropriations
heretofore made in Article 52a, Section 5b3 of Public Act 92-8, as amended, is
reappropriated from the Road Fund to the Department of Transportation for the same
purposes.

Section 5b5. The sum of $136,654,300, or so much thereof as may be necessary, and
remains unexpended at the close of business on June 30, 2002, from the reappropriations
heretofore made in Article 52a, Section 5b4 and 5b5 of Public Act of Public Act 92-8,
as amended, is reappropriated from the Road Fund to the Department of Transportation
for the same purposes.

Section 5b6. The sum of $600,900, or so much thereof as may be necessary, and
remains unexpended at the close of business on June 30, 2002 from the reappropriations
heretofore made in Article 52a, Section 5b6 of Public Act 92-8, as amended, is
reappropriated from the Capital Development Fund to the Department of Transportation
for use as matching funds for the Illinois Transportation Enhancement program for the
Historic Preservation Agency.

Section 5b7. The sum of $27,200, or so much thereof as may be necessary, and
remains unexpended at the close of business on June 30, 2002, from the reappropriations
heretofore made in Article 52a, Section 5b7 of Public Act 92-8, as amended, is
reappropriated from the Capital Development Fund to the Department of Transportation
for use as matching funds for the Illinois Transportation Enhancement program for the

New matter indicated by italics - deletions by strikeout.
Department of Natural Resources.

Section 5b8. The following named sums, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2002, from the appropriations heretofore made in Article 52, Section 16b1 of Public Act 92-0008, as amended, are reappropriated from the State Construction Account Fund to the Department of Transportation for preliminary engineering and construction engineering and contract costs of construction, including reconstruction, extension and improvement of state highways, arterial highways, roads, access areas, roadside shelters, rest areas, fringe parking facilities and sanitary facilities, and such other purposes as provided by the "Illinois Highway Code"; for purposes allowed or required by Title 23 of the U.S. Code; for bikeways as provided by Public Act 78-0850; and for land acquisition and signboard removal and control, junkyard removal and control and preservation of natural beauty; and for capital improvements which directly facilitate an effective vehicle weight enforcement program, such as scales (fixed and portable), scale pits and scale installations, and scale houses, in accordance with applicable laws and regulations as follows:

District 1, Schaumburg ......................... $220,278,100
District 2, Dixon ............................... 125,577,500
District 3, Ottawa ............................. 88,625,900
District 4, Peoria .............................. 65,506,400
District 5, Paris ............................... 23,144,300
District 6, Springfield ....................... 59,869,800
District 7, Effingham ......................... 48,437,100
District 8, Collinsville ....................... 57,961,800
District 9, Carbondale ....................... 38,146,100
Statewide ...................................... 43,279,200
Total ........................................... $770,826,200

Section 5b9. The sum of $318,773,800, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2002, from the reappropriations heretofore made in Article 52a, Section 5b8 of Public Act 92-8, as amended, is reappropriated from the State Construction Account Fund to the Department of Transportation for the same purposes.

Section 5b10. The sum of $41,818,500 or so much thereof as may be necessary, and remain unexpended at the close of business on June 30, 2002, from the appropriations heretofore made in Article 52a, Section 5b9 of Public Act 92-8, as amended, is reappropriated from the State Construction Account Fund to the Department of Transportation for the same purposes.

Section 5b11. The sum of $10,113,300, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2002, from the reappropriations heretofore made in Article 52a, Section 5b10 of Public Act 92-8, as amended, is reappropriated from the State Construction Account Fund to the Department of Transportation for the same purposes.

Section 5b12. The sum of $27,938,300, or so much thereof as may be necessary, and
remains unexpended at the close of business on June 30, 2002, from the reappropriation heretofore made in Article 52a, Sections 5b11 and 5b12 of Public Act 92-8, as amended, is reappropriated from the State Construction Account Fund to the Department of Transportation for the same purposes.

Section 5b13. The sum of $146,360,200, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from the reappropriation heretofore made in Article 52a, Section 5b13 of Public Act 92-8, as amended, for statewide purposes, is reappropriated from the Transportation Bond Series A Fund to the Department of Transportation for the same purposes.

Section 5b13a. The sum of $394,276,600, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from the appropriation heretofore made in Article 52, Section 16b2 of Public Act 92-8, as amended, for statewide purposes, is reappropriated from the Transportation Bond Series A Fund to the Department of Transportation for the same purposes.

Section 5b14. The sum of $72,500,500, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2002, from the appropriation and reappropriation heretofore made for grade crossing protection or grade separation in Article 52, Section 17 and Article 52a, Section 5b14 of Public Act 92-8, as amended, is reappropriated from the Grade Crossing Protection Fund to the Department of Transportation for the same purpose.

AERONAUTICS DIVISION

AWARDS AND GRANTS

Section 6a. The sum of $351,433,200, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2002, from the appropriation and reappropriation heretofore made in Article 52, Section 18b and Article 52a, Section 6a of Public Act 92-8, as amended, is reappropriated from the Federal/Local Airport Fund to the Department of Transportation for the same purposes.

Section 6a1. The sum of $39,951,900, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2002, from the appropriation and reappropriation concerning airport improvements heretofore made in Article 52, Section 18b1 and Article 52a, Section 6a1 of Public Act 92-8, as amended, is reappropriated from the Transportation Bond Series B Fund to the Department of Transportation for the same purposes.

Section 6a2. The sum of $1,036,900, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2002, from the appropriation and reappropriation concerning airport improvements heretofore made in Article 52, Section 18b2 and Article 52a, Section 6a2 of Public Act 92-8, as amended, is reappropriated from the General Revenue Fund to the Department of Transportation for the same purposes.

Section 6b. The sum of $43,385,700, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from the reappropriation heretofore made in Article 52, Section 18b1a and Article 52a, Section 6b of Public Act 92-8,
as amended, is reappropriated from the Transportation Bond Series B Fund to the Department of Transportation for the same purposes.

HIGHWAY SAFETY PROGRAM - DIVISION OF TRAFFIC SAFETY

AWARDS AND GRANTS

Section 7a. The sum of $11,198,700, or so much thereof as may be necessary, and remains unexpended, less $1,800,000, to be lapsed from the unexpended balance at the close of business on June 30, 2002, from the appropriation and reappropriation concerning Highway Safety Grants heretofore made in Article 52, Section 23 and Article 52a, Section 7a of Public Act 92-8, as amended, is reappropriated from the Road Fund to the Department of Transportation for the purpose of Local Government Projects by Municipalities and Counties.

Section 7a1. The sum of $3,409,500, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2002, from the appropriation and reappropriation concerning Section 163 Impaired Driving Incentive Grants (.08 alcohol) heretofore made in Article 52, Section 25 and Article 52a, Section 7a1 of Public Act 92-8, as amended, is reappropriated from the Road Fund to the Department of Transportation for the purpose of Local Government Projects by Municipalities and Counties.

Section 7a2. The sum of $9,507,600, or so much thereof as may be necessary, and remains unexpended, less $6,000,000, to be lapsed from the expended balance at the close of business on June 30, 2002, from the appropriation and reappropriation concerning Alcohol Traffic Safety Grants (410) heretofore made in Article 52, Section 24 and Article 52a, Section 7a2 of Public Act 92-8, as amended, is reappropriated from the Road Fund to the Department of Transportation for the purpose of Local Government Projects by Municipalities and Counties.

PUBLIC TRANSPORTATION DIVISION

LUMP SUMS

Section 8a. The sum of $403,900, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2002, from the appropriation and reappropriation heretofore made for public transportation technical studies in Article 52, Section 19a and Article 52a, Section 8a of Public Act 92-8, as amended, is reappropriated from the General Revenue Fund to the Department of Transportation for the same purposes.

Section 8a1. The sum of $2,056,900, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2002, from the appropriation and reappropriation heretofore made in Article 52, Section 19a1 and Article 52a, Section 8a1 of Public Act 92-8, as amended, is reappropriated from the Federal Mass Transit Trust Fund to the Department of Transportation for federal reimbursement of transit studies as provided by the Transportation Equity Act for the 21st Century.

AWARDS AND GRANTS

Section 8b. The following named sums, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2002, from the

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appropriations and reappropriations heretofore made in Article 52, Section 19b2 and Article 52a, Section 8b of Public Act 92-8, as amended, are reappropriated from the Transportation Bond Series B Fund to the Department of Transportation for the same purposes as follows:

Pursuant to Section 4(b)(1) of the General Obligation Bond Act, as amended .................................................. $235,716,500

For the counties of the State outside the counties of Cook, DuPage, Kane, McHenry, and Will, pursuant to Section 4(b)(1) of the General Obligation Bond Act, as amended ............... 24,387,200

For the Department of Transportation’s Greenlight Program pursuant to Section 4(b)(1) of the General Obligation Bond Act, as amended............. 62,494,700

To extend the metrolink rail line to Mid-America Airport....................... 32,510,100

Total .......................................................... $355,108,500

Section 8b1. The following named sums, or so much thereof as may be necessary, and remain unexpended at the close of business on June 30, 2002, from the reappropriations heretofore made in Article 52a, Section 8b1 of Public Act 92-8, as amended, are reappropriated from the Transportation Bond Series B Fund to the Department of Transportation for the same purposes as follows:

Pursuant to Section 4(b)(1) of the General Obligation Bond Act, as amended...... $ 3,861,500

For the counties of Cook, DuPage, Kane, Lake, McHenry and Will, pursuant to Section 4(b)(2) of the General Obligation Bond Act, as amended ............... 3,857,000

For the counties of the State outside the counties of Cook, DuPage, Kane, Lake, McHenry and Will, pursuant to Section 4(b)(3) of the General Obligation Bond Act, as amended ......................... 1,261,100

Total .......................................................... $8,979,600

Section 8b2. The sum of $5,876,800, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2002, from the reappropriation heretofore made in Article 52a, Section 8b2 of Public Act 92-8, as amended, is reappropriated from the Transportation Bond Series B Fund to the Department of Transportation for the same purposes.

Section 8b3. The sum of $18,354,500, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from the appropriation

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and reappropriation concerning Public Transportation heretofore made in Article 52, Section 19b9 and Article 52a, Section 8b3 of Public Act 92-8, as amended, is reappropriated from the General Revenue Fund to the Department of Transportation for the same purposes.

Section 8b4. The sum of $71,657,200, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2002, from the appropriations and reappropriations heretofore made in Article 52, Section 19b8 and Article 52a, Section 8b4 of Public Act 92-8, as amended, is reappropriated from the Federal Mass Transit Trust Fund to the Department of Transportation for the federal share of capital, operating, consultant services, and technical assistance grants, as well as state administration and interagency agreements, provided such amounts shall not exceed funds to be made available from the Federal Government.

RAIL PASSENGER AND RAIL FREIGHT
AWARDS AND GRANTS

Section 9a. The sum of $7,117,400, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2002, from the appropriation and reappropriation concerning Rail Freight Service Assistance Program heretofore made in Article 52, Section 20a1 and Article 52a, Section 9a of Public Act 92-8, as amended, is reappropriated from the General Revenue Fund to the Department of Transportation for the same purposes.

Section 9a1. The sum of $9,839,600, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2002, from the appropriation and reappropriation heretofore made in Article 52, Section 20a2 and Article 52a, Section 9a1 of Public Act 92-8, as amended, is reappropriated from the State Rail Freight Loan Repayment Fund to the Department of Transportation for the same purposes.

Section 9a2. The sum of $2,439,300, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2002, from the appropriation and reappropriation concerning the federal share of the Rail Freight Loan Repayment Program heretofore made in Article 52, Section 20a3 and Article 52a, Section 9a2 of Public Act 92-8, as amended, is reappropriated from the Rail Freight Loan Repayment Fund to the Department of Transportation for the same purposes.

Section 9a3. The sum of $1,384,400, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2002, from the appropriation and reappropriation concerning the State's share of the Rail Freight Loan Repayment Program heretofore made in Article 52, Section 20a4 and Article 52a, Section 9a3 of Public Act 92-8, as amended, is reappropriated from the General Revenue Fund to the Department of Transportation for the same purposes.

Section 9a4. The sum of $21,800, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2002, from the reappropriation heretofore made in Article 52a, Section 9a4 of Public Act 92-8, as amended, is reappropriated from the General Revenue Fund to the Department of Transportation for the federal share of the High Speed Rail Project.

Section 9a5. The sum of $20,478,000, or so much thereof as may be necessary, and

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remains unexpended at the close of business on June 30, 2002, from the appropriation and reappropriation heretofore made in Article 52, Section 20a5 and Article 52a, Section 9a5 of Public Act 92-8, as amended, is reappropriated from the Federal High Speed Rail Trust Fund to the Department of Transportation for the federal share of the High Speed Rail Project.

Section 9a6. The sum of $632,500, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2002, from the reappropriation heretofore made in Article 52a, Section 9a6 of Public Act 92-8, as amended, is reappropriated from the General Revenue Fund to the Department of Transportation for the state share of the High Speed Rail Project.

Section 9a7. The sum of $43,479,700, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from the appropriation and reappropriation heretofore made in Article 52, Section 20a6 and Article 52a, Section 9a7 of Public Act 92-8, as amended, is reappropriated from the Transportation Bond Series B Fund to the Department of Transportation for the same purposes.

GA PROJECT ADD-ONS

Section 10. The sum of $10,000,000, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2002, from the appropriation heretofore made in Article 52, Section 40 of Public Act 92-0008, as amended is reappropriated from the Road Fund to the Department of Transportation for preliminary engineering and construction and contract costs of construction, including, but not limited to, reconstruction, extension and improvement of highways, arterial highways, roads, access areas, roadside shelters, rest areas, fringe parking facilities, storage and sanitary facilities, equipment, traffic control, sidewalks, pedestrian overpasses and such other purposes as provided by the "Illinois Highway Code"; for purposes allowed or required by Title 23 of the U.S. Code; for bikeways as provided by Public Act 78-0500; and for land acquisition and signboard removal and control, junkyard removal and control and preservation of natural beauty; for signage and warning lights; and for capital improvements which directly facilitate an effective vehicle weight enforcement program, such as scales (fixed and portable), scale pits and scale installations, and scale houses, in accordance with applicable laws and regulations; and for any grants to units of local government to undertake any of the aforementioned activities.

Section 11. The sum of $10,000,000, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2002, from the appropriation heretofore made in Article 52, Section 41 of Public Act 92-0008, as amended is reappropriated from the Road Fund to the Department of Transportation for preliminary engineering and construction and contract costs of construction, including, but not limited to, reconstruction, extension and improvement of highways, arterial highways, roads, access areas, roadside shelters, rest areas, fringe parking facilities, storage and sanitary facilities, equipment, traffic control, sidewalks, pedestrian overpasses and such other purposes as provided by the "Illinois Highway Code"; for purposes allowed or required by Title 23 of the U.S. Code; for bikeways as provided by Public Act 78-0500; and for land acquisition

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and signboard removal and control, junkyard removal and control and preservation of natural beauty; for signage and warning lights; and for capital improvements which directly facilitate an effective vehicle weight enforcement program, such as scales (fixed and portable), scale pits and scale installations, and scale houses, in accordance with applicable laws and regulations; and for any grants to units of local government to undertake any of the aforementioned activities.

Section 12. The sum of $10,000,000, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2002, from the appropriation heretofore made in Article 52, Section 42 of Public Act 92-0008, as amended is reappropriated from the Road Fund to the Department of Transportation for preliminary engineering and construction and contract costs of construction, including, but not limited to, reconstruction, extension and improvement of highways, arterial highways, roads, access areas, roadside shelters, rest areas, fringe parking facilities, storage and sanitary facilities, equipment, traffic control, sidewalks, pedestrian overpasses and such other purposes as provided by the "Illinois Highway Code"; for purposes allowed or required by Title 23 of the U.S. Code; for bikeways as provided by Public Act 78-0500; and for land acquisition and signboard removal and control, junkyard removal and control and preservation of natural beauty; for signage and warning lights; and for capital improvements which directly facilitate an effective vehicle weight enforcement program, such as scales (fixed and portable), scale pits and scale installations, and scale houses, in accordance with applicable laws and regulations; and for any grants to units of local government to undertake any of the aforementioned activities.

Section 13. The sum of $10,000,000, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2002, from the appropriation heretofore made in Article 52, Section 43 of Public Act 92-0008, as amended is reappropriated from the Road Fund to the Department of Transportation for all costs

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associated with streetscaping and other improvements to the entrance of Oak Ridge Cemetery in Springfield.

Section 14a2. The sum of $26,700, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2002, from the reappropriation heretofore made in Article 52a, Section 10a2 of Public Act 92-8, as amended, is reappropriated from the Road Fund to the Department of Transportation for the widening of Route 1 south of Paris.

Section 14a3. The sum of $325,800, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2002, from the reappropriation heretofore made in Article 52a, Section 10a3 of Public Act 92-8, as amended, is reappropriated from the Road Fund to the Department of Transportation for all costs associated with infrastructure improvements including replacement of, or closure of the Gaumer bridge near Alvin.

Section 14a4. The sum of $157,700, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2002, from the reappropriation heretofore made in Article 52a, Section 10a4 of Public Act 92-8, as amended, is reappropriated from the Road Fund to the Department of Transportation for Phase II planning and engineering of improvements to East Main Street in Danville.

Section 14a5. The sum of $735,200, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2002, from the reappropriation heretofore made in Article 52a, Section 10a5 of Public Act 92-8, as amended, is reappropriated from the Road Fund to the Department of Transportation for Phases I and II environmental studies and engineering for the Lynch Road beltline.

Section 14a6. The sum of $1,060,200, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2002, from the reappropriation heretofore made in Article 52a, Section 10a6 of Public Act 92-8, as amended, is reappropriated from the Road Fund to the Department of Transportation for all costs associated with the upgrade of roads accessing the Catlin Coal Company to make the roads accessible to vehicles up to 80,000 pounds.

Section 14a7. The sum of $39,600, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2002, from the reappropriation heretofore made in Article 52a, Section 10a7 of Public Act 92-8, as amended, is reappropriated from the Road Fund to the Department of Transportation for traffic improvements at Morton West High School.

Section 14a8. The sum of $278,400, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2002, from the reappropriation heretofore made in Article 52a, Section 10a8 of Public Act 92-8, is reappropriated from the Road Fund to the Department of Transportation for the resurfacing of Route 25 from Bluff City Boulevard to Congdon Avenue in Elgin.

Section 14a9. The sum of $284,400, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2002, from the reappropriation

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heretofore made in Article 52a, Section 10a9 of Public Act 92-8, as amended, is reappropriated from the Road Fund to the Department of Transportation for all costs associated with stop light synchronization in the City of Springfield.

Section 14a10. The sum of $142,200, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2002, from the reappropriation heretofore made in Article 52a, Section 10a10 of Public Act 92-8, as amended, is reappropriated from the Road Fund to the Department of Transportation for all costs associated with the reconstruction of Broadway Avenue in Rockford.

Section 14a11. The sum of $200, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2002, from the reappropriation heretofore made in Article 52a, Section 10a11 of Public Act 92-8, as amended, is reappropriated from the General Revenue Fund to the Illinois Department of Transportation for a grant to the University of Illinois at Chicago's Urban Transportation Center to study the PACE bus system in DuPage County.

Section 14a12. The sum of $50,000, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2002, from the reappropriation heretofore made in Article 52a, Section 10a12 of Public Act 92-8, as amended, is reappropriated from the General Revenue Fund to the Illinois Department of Transportation for a grant to the Village of Morrison for road improvements for the Morrison Industrial Spur.

GA PROJECT ADD-ONS

Section 15. The sum of $3,602,800, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2002 from the reappropriation heretofore made in Article 52a, Section 11 of Public Act 92-8, as amended, is reappropriated from the Road Fund to the Department of Transportation for the same purposes.

GA PROJECT ADD-ONS

Section 16s1. The sum of $12,500, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2002, from the reappropriation heretofore made in Article 52a, Section 12s1 of Public Act 92-8, is reappropriated from the Road Fund to the Illinois Department of Transportation for all costs associated with rehabilitation of the Old State Capitol Square in Springfield.

Section 16s2. The sum of $354,500, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2002, from the reappropriation heretofore made in Article 52a, Section 12s2 of Public Act 92-8, as amended, is reappropriated from the Road Fund to the Department of Transportation for expenses associated with work on the US 20 by-pass at Elgin.

Section 17. The sum of $168,700, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2002, from the reappropriation heretofore made in Article 52a, Section 13 of Public Act 92-8, as amended, is reappropriated from the General Revenue Fund to the Department of Transportation for the Village of Berkeley for all costs associated with the resurfacing, rebuilding, reconstruction, and replacement of St. Charles Road between Interstate 290 and Wolf Road.

New matter indicated by italics - deletions by strikeout.
Section 18. The sum of $25,300, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2002, from the reappropriation heretofore made in Article 52a, Section 14 of Public Act 92-8, as amended, is reappropriated from the General Revenue Fund to the Illinois Department of Transportation for the City of Darien for all costs associated with the rebuilding, reconstruction, resurfacing, removal, and replacement of the south frontage road of Interstate 55.

Section 20. The sum of $2,336,600, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2002, from the reappropriation heretofore made in Article 52a, Section 16 of Public Act 92-8, as amended, is reappropriated from the Road Fund to the Illinois Department of Transportation, for the same purposes.

Section 22. The sum of $5,000, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2002, from the reappropriation heretofore made in Article 52a, Section 18 of Public Act 92-8, as amended, is reappropriated from the General Revenue Fund to the Illinois Department of Transportation for the Village of Libertyville for signalization at Route 21 and Condell Drive.

Section 23. The sum of $247,900, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2002, from the reappropriation heretofore made in Article 52a, Section 19 of Public Act 92-8, as amended, is reappropriated from the General Revenue Fund to the Illinois Department of Transportation for the Village of LaGrange to resurface LaGrange Road from Ogden to I-55.

Section 25. The sum of $15,000, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2002, from the reappropriation heretofore made in Article 52a, Section 21 of Public Act 92-8, as amended, is reappropriated from the General Revenue Fund to the Illinois Department of Transportation for Phase I engineering for an overpass on Veteran's Memorial Drive over I-57 to Wells Bypass Road in the City of Mt. Vernon.

Section 26. The sum of $165,500, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2002, from the reappropriation heretofore made in Article 52a, Section 23 of Public Act 92-8, as amended, is reappropriated from the General Revenue Fund to the Illinois Department of Transportation for a study of the expansion of Route 23 to four lanes from Streator to Ottawa.

Section 27. The sum of $12,600, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2002, from the reappropriation heretofore made in Article 52a, Section 24 of Public Act 92-8, as amended, is reappropriated from the General Revenue Fund to the Illinois Department of Transportation for topical resurfacing of existing roadway from Kedzie Avenue to Bell Avenue.

Section 28. The sum of $908,800, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2002, from the reappropriation heretofore made in Article 52a, Section 26 of Public Act 92-8, as amended, is reappropriated from the Road Fund to the Illinois Department of Transportation for the City of Chicago for the same purposes.

New matter indicated by italics - deletions by strikeout.
Section 29. The sum of $379,100, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2002, from the reappropriation heretofore made in Article 52a, Section 27 of Public Act 92-8, as amended, is reappropriated from the General Revenue Fund to the Illinois Department of Transportation for intersection improvements and traffic lights installation at 94th and Kedzie Avenue in Evergreen Park.

Section 30. The sum of $27,700, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2002, from the reappropriation heretofore made in Article 52a, Section 28 of Public Act 92-8, as amended, is reappropriated from the General Revenue Fund to the Illinois Department of Transportation for the City of Chicago for curbs and roadway improvements on Foster Avenue.

Section 31. The sum of $75,000, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2002, from the reappropriation heretofore made in Article 52a, Section 29 of Public Act 92-8, as amended, is reappropriated from the General Revenue Fund to the Illinois Department of Transportation for the City of Chicago for curbs and roadway improvements along Elston Avenue between Central and Milwaukee Avenues.

Section 32. The sum of $26,500, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2002, from the reappropriation heretofore made in Article 52a, Section 30 of Public Act 92-8, as amended, is reappropriated from the Capital Development Fund to the Illinois Department of Transportation for the City of Chicago for preliminary engineering for a pedestrian crossing over the Canadian National Railroad tracks at West 79th Street and South Central Park Avenue.

Section 33. The sum of $233,800, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2002, from the reappropriation heretofore made in Article 52a, Section 31 of Public Act 92-8, as amended, is reappropriated from the General Revenue Fund to the Illinois Department of Transportation for the City of Chicago for resurfacing Pulaski Road from 79th to 87th.

Section 34. The sum of $903,900, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2002, from the reappropriation heretofore made in Article 52a, Section 32 of Public Act 92-8, as amended, is reappropriated from the Road Fund to the Illinois Department of Transportation for all costs associated with preliminary planning, design, engineering and construction of the system of access roads parallel to I-190 between Mannheim Road and the Tri-State Tollway.

Section 35. The sum of $204,100, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2002, from the reappropriation heretofore made in Article 52a, Section 33 of Public Act 92-8, as amended, is reappropriated from the General Revenue Fund to the Illinois Department of Transportation to resurface or repair Martin Luther King Drive between 67th and 79th Streets.

Section 36. In addition to any other funds that may be appropriated for the same purpose, the sum of $4,800, or so much thereof as may be necessary, and remains

New matter indicated by italics - deletions by strikeout.
unexpended at the close of business on June 30, 2002, from the reappropriation heretofore made in Article 52a, Section 34 of Public Act 92-8, as amended, is reappropriated from the General Revenue Fund to the Illinois Department of Transportation for necessary, studies for sound barriers along I-90/94 Dan Ryan Expressway between 35th and 95th.

Section 37. The sum of $175,700, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2002, from the reappropriation heretofore made in Article 52a, Section 35 of Public Act 92-8, as amended, is reappropriated from the General Revenue Fund to the Illinois Department of Transportation for necessary, studies for sound barriers along I-90/94 Dan Ryan Expressway between 35th and 95th.

Section 38. The sum of $5,000, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2002, from the reappropriation heretofore made in Article 52a, Section 37 of Public Act 92-8, as amended, is reappropriated from the General Revenue Fund to the Illinois Department of Transportation for resurfacing and cold milling on Illinois River Bridge in Morris.

Section 39. The sum of $870,000, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2002, from the reappropriation heretofore made in Article 52a, Section 38 of Public Act 92-8, as amended, is reappropriated from the General Revenue Fund to the Illinois Department of Transportation for resurfacing and cold milling on Illinois River Bridge in Morris.

Section 40. The sum of $46,300, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2002, from the reappropriation heretofore made in Article 52a, Section 39 of Public Act 92-8, as amended, is reappropriated from the General Revenue Fund to the Illinois Department of Transportation for resurfacing and cold milling on Illinois River Bridge in Morris.

Section 41. The sum of $40,700, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2002, from the reappropriation heretofore made in Article 52a, Section 40 of Public Act 92-8, as amended, is reappropriated from the Road Fund to the Department of Transportation for an engineering study for an interchange of I-80 at Mile Marker 101 in LaSalle County.

Section 42. The sum of $100,000, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2002, from the reappropriation heretofore made in Article 52a, Section 42 of Public Act 92-8, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Transportation for a grant to the Village of Olympia Fields for the purpose of completing Phase I of Transit Oriented Development.

Section 43. The sum of $4,086,100, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2002, from the reappropriation heretofore made in Article 52a, Section 43 of Public Act 92-8, as amended by this Act, is reappropriated from the Fund for Illinois' Future to the Department of Transportation for preliminary engineering and construction engineering and contract costs of construction, including, but not limited to, reconstruction, extension and improvement of highways.

New matter indicated by italics - deletions by strikeout.
arterial highways, roads, access areas, roadside shelters, rest areas, fringe parking facilities, storage and sanitary facilities, equipment, traffic control, sidewalks, pedestrian overpasses, and such other purposes as provided by the "Illinois Highway Code"; for purposes allowed or required by Title 23 of the U.S. Code; for bikeways as provided by Public Act 78-850; and for land acquisition and signboard removal and control, junkyard removal and control and preservation of natural beauty; for signage and warning lights; and for capital improvements which directly facilitate an effective vehicle weight enforcement program, such as scales (fixed and portable), scale pits and scale installations, and scale houses, in accordance with applicable laws and regulations; and for any grants to units of local government to undertake any of the aforementioned activities.

Section 44. The sum of $373,400, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2002, from the reappropriation heretofore made in Article 52a, Section 45 of Public Act 92-8, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Transportation for a grant to the Madison County Transit District for the construction of the Collinsville Transit Center.

Section 45. The sum of $100,000, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2002, from the reappropriation heretofore made in Article 52a, Section 46 of Public Act 92-8, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Transportation for the installation of crossing gates at Westleigh Road and the installation of crossing gates at Old Elm Road grade crossing.

Section 46. The sum of $300,000, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2002, from the reappropriation heretofore made in Article 52a, Section 48 of Public Act 92-8, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Transportation for a grant to Metra for the purpose of landscaping, remodeling, and repairing of the embankments and viaducts from 47th to 57th Streets.

Section 47. The sum of $23,800, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2002, from the reappropriation heretofore made in Article 52a, Section 49 of Public Act 92-8, as amended, is reappropriated from the Capital Development Fund to the Department of Transportation for costs associated with the reconstruction of Industrial Drive.

Section 48. The sum of $10,100, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2002, from the reappropriation heretofore made in Article 52a, Section 50 of Public Act 92-8, as amended, is reappropriated from the Capital Development Fund to the Department of Transportation for costs associated with the reconstruction of Airport Road and Chartres Street.

Section 49. The sum of $75,000, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2002, from the reappropriation heretofore made in Article 52a, Section 51 of Public Act 92-8, as amended, is reappropriated from the Capital Development Fund to the Department of Transportation.
for a traffic signal at 51st Street West in Rock Island.

Section 50. The sum of $23,000, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2002, from the reappropriation heretofore made in Article 52a, Section 52 of Public Act 92-8, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Transportation for repair of 1st Street from Water Street and Brunner Street to Bucklin Street in LaSalle.

Section 51. The sum of $623,400, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2002, from the reappropriation heretofore made in Article 52a, Section 53 of Public Act 92-8, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Transportation for infrastructure improvements, including but not limited to engineering and construction, extension and improvements of highways, roads, access areas, roadside shelters, rest areas, fringe parking facilities, storage and sanitary facilities, equipment, traffic controls, sidewalks, signage.

Section 52. The sum of $50,000, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2002, from the reappropriation heretofore made in Article 52a, Section 54 of Public Act 92-8, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Transportation for renovation of the Wood Dale METRA station.

Section 53. The sum of $759,700, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2002, from the reappropriation heretofore made in Article 52a, Section 56 of Public Act 92-8, as amended, is reappropriated from the Capital Development Fund to the Department of Transportation for the contract or intergovernmental agreement costs associated with the projects described below and having the estimated costs as follows:

For a pedestrian overpass and other transportation related activities in the Village of Buffalo Grove...$253,500
For improvements to St. Clair Avenue and drainage improvements in Granite City...$12,500
For improvements to streets, sewers and sidewalks in Washington Park...$450,000
For traffic signal intersection improvements at Manhattan Road, Route 52 and Foxford Drive in the Village of Manhattan...$36,100
For improvements to Matherville Road in Mercer County...$7,600

Section 54. The sum of $2,509,400, or so much thereof as may be necessary, and

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remains unexpended at the close of business on June 30, 2002, from the reappropriation heretofore made in Article 52a, Section 57 of Public Act 92-8, as amended, is reappropriated from the Road Fund to the Department of Transportation for the same purposes.

Section 55. The sum of $414,000, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2002, from the reappropriation heretofore made in Article 52a, Section 58 of Public Act 92-8, as amended, is reappropriated from the Capital Development Fund to the Department of Transportation for a grant to McLean County for all costs associated with the resurfacing, reconstruction, and replacement of the Towanda-Barnes Road and its related infrastructure funds.

Section 56. The sum of $474,000, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2002, from the reappropriation heretofore made in Article 52, Section 60 of Public Act 92-8, as amended by this Act, is reappropriated from the Fund for Illinois' Future to the Department of Transportation for preliminary engineering and construction engineering and contract costs of construction, including, but not limited to, reconstruction, extension and improvement of highways, arterial highways, roads, access areas, roadside shelters, rest areas, fringe parking facilities, storage and sanitary facilities, equipment, traffic control, sidewalks, pedestrian overpasses, and such other purposes as provided by the "Illinois Highway Code"; for purposes allowed or required by Title 23 of the U.S. Code; for bikeways as provided by Public Act 78-850; and for land acquisition and signboard removal and control, junkyard removal and control and preservation of natural beauty; for signage and warning lights; and for capital improvements which directly facilitate an effective vehicle weight enforcement program, such as scales (fixed and portable), scale pits and scale installations, and scale houses, in accordance with applicable laws and regulations; and for any grants to units of local government to undertake any of the aforementioned activities.

Section 57. The amount of $500,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 52, Section 44 of Public Act 92-8, as amended, is reappropriated from the Road Fund to the Department of Transportation for the purpose of a grant to the City of Rockford for all costs associated with the construction of a road around the Rockford airport.

Section 58. The amount of $200,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 52, Section 45 of Public Act 92-8, as amended, is reappropriated from the Road Fund to the Department of Transportation for the purpose of a grant to the Chicago Department of Transportation for installation of a traffic light at 103rd and Corliss Street.

Section 59. The amount of $200,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 52, Section 46 of Public Act 92-8, as amended, is reappropriated from the Road Fund to the Department of Transportation for the purpose of a grant to

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the Chicago Department of Transportation for installation of a traffic light at 127th and Stewart Street.

Section 60. The amount of $1,320,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 52, Section 47 of Public Act 92-8, as amended, is reappropriated from the Road Fund to the Department of Transportation for the purpose of a grant to the Chicago Department of Transportation for street resurfacing, sidewalks, curbs, and gutters on Michigan Avenue from 103rd Street to 127th Street.

Section 61. The amount of $800,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 52, Section 48 of Public Act 92-8, as amended, is reappropriated from the Road Fund to the Department of Transportation for the purpose of a grant to the Chicago of Transportation for street resurfacing, sidewalks, curbs, and gutters on King Drive from 100th Street to 115th Street.

Section 62. The amount of $1,350,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 52, Section 49 of Public Act 92-8, as amended, is reappropriated from the Road Fund to the Department of Transportation for the purpose of a grant to the Chicago Department of Transportation for street resurfacing, sidewalks, curbs, and gutters on 111th Street from Bishop Ford Expressway to State Street.

Section 63. No contract shall be entered into or obligation incurred or any expenditure made from a reappropriation herein made in
Section 9a7 Series B (Rail)
Section 32 Canadian National Railroad Tracks
Section 47 Reconstruction of Industrial Drive
Section 48 Reconstruction of Airport Rd and Chartres St
Section 49 Traffic signal at 51st St West in Rock Island
Section 53 Various Improvement Projects
Section 55 Reconstruction of Towanda-Barnes Road of this Article until after the purpose and the amount of such expenditure has been approved in writing by the Governor.

ARTICLE 53

Section 1. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the General Revenue Fund to the Department of Veterans’ Affairs:

CENTRAL OFFICE

For Personal Services....................... $1,744,200
For Employee Retirement Contributions
   Paid by Employer......................... 69,800
For State Contributions to the State Employees’ Retirement System........... 184,900
For State Contributions to Social Security.......................... 133,300
For Contractual Services................... 386,100
For Travel.................................. 13,100
For Commodities......................... 10,100
For Printing................................. 7,400
For Equipment............................. 2,000
For Electronic Data Processing............ 717,100
For Telecommunications Services............ 34,000
For Operation of Auto Equipment............ 6,400
Total........................................ $3,308,400

Section 1A. The sum of $10,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Veterans’ Affairs for the purchase of items of a patriotic promotional nature.

Section 1B. The following named sums, or so much thereof as may be necessary, are appropriated to the Department of Veterans’ Affairs for the objects and purposes and in the amounts set forth as follows:

GRANTS-IN-AID

For Bonus Payments to War Veterans and Peacetime Crisis Survivors .................... $125,000
For Providing Educational Opportunities for Children of Certain Veterans, as provided by law.......................... 177,500
For Specially Adapted Housing for

New matter indicated by italics - deletions by strikeout.
Veterans................................. 129,000
For Cartage and Erection of Veterans' Headstones......................... 680,000
For Cartage and Erection of Veterans' Headstones/Prior Years Claims .......... 55,000
Total $1,166,500

Section 1C. The sum of $844,900, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Veterans' Affairs for the payment of scholarships to students who are dependents of Illinois resident military personnel declared to be prisoners of war, missing in action, killed or permanently disabled, as provided by law.

Section 1D. The sum of $350,000, or so much thereof as may be necessary, is appropriated from the National World War II Memorial Fund to the Department of Veterans' Affairs for a grant to the American Battle Monuments Commission for expenses associated with the construction and maintenance of a national World War II Memorial.

Section 2. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Veterans' Affairs for objects and purposes hereinafter named:

VETERANS' FIELD SERVICES

Payable from the General Revenue Fund:
For Personal Services......................... $ 2,864,700
For Employee Retirement Contributions
Paid by Employer............................. 114,600
For State Contributions to the State Employees' Retirement system............. 303,700
For State Contributions to Social Security................................. 219,200
For Contractual Services...................... 338,900
For Travel................................... 50,700
For Commodities.............................. 11,400
For Printing................................. 8,000
For Equipment............................... 9,700
For Electronic Data Processing .......... 37,700
For Telecommunications Services......... 73,100
For Operation of Auto Equipment......... 13,900
Total $4,045,600

Section 3. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Veterans' Affairs for the objects and purposes hereinafter named:

ILLINOIS VETERANS' HOME AT ANNA

Payable from General Revenue Fund:
For Personal Services ..................... $ 181,500

New matter indicated by italics - deletions by strikeout.
<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Employee Retirement Contributions Paid by Employer</td>
<td>7,200</td>
</tr>
<tr>
<td>For State Contributions to the State Employees' Retirement System</td>
<td>19,200</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>13,900</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>1,431,100</td>
</tr>
<tr>
<td>For Travel</td>
<td>100</td>
</tr>
<tr>
<td>For Commodities</td>
<td>100</td>
</tr>
<tr>
<td>For Printing</td>
<td>100</td>
</tr>
<tr>
<td>For Equipment</td>
<td>100</td>
</tr>
<tr>
<td>For Electronic Data Processing</td>
<td>100</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>100</td>
</tr>
<tr>
<td>For Operation of Auto Equipment</td>
<td>100</td>
</tr>
<tr>
<td>Total</td>
<td>$1,653,600</td>
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Payable from the Anna Veterans' Home Fund:

<table>
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<tr>
<th>Description</th>
<th>Amount</th>
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<tbody>
<tr>
<td>For Contractual Services</td>
<td>$1,910,400</td>
</tr>
<tr>
<td>For Travel</td>
<td>4,100</td>
</tr>
<tr>
<td>For Commodities</td>
<td>500</td>
</tr>
<tr>
<td>For Printing</td>
<td>300</td>
</tr>
<tr>
<td>For Equipment</td>
<td>10,000</td>
</tr>
<tr>
<td>For Electronic Data Processing</td>
<td>1,400</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>10,400</td>
</tr>
<tr>
<td>For Operation of Auto Equipment</td>
<td>1,800</td>
</tr>
<tr>
<td>For Refunds</td>
<td>13,000</td>
</tr>
<tr>
<td>Total</td>
<td>$1,951,900</td>
</tr>
</tbody>
</table>

Section 4. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Veterans' Affairs for the objects and purposes hereinafter named:

**ILLINOIS VETERANS' HOME AT QUINCY**

Payable from General Revenue Fund:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
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<tbody>
<tr>
<td>For Personal Services</td>
<td>$12,761,700</td>
</tr>
<tr>
<td>For Employee Retirement Contributions Paid by Employer</td>
<td>510,400</td>
</tr>
<tr>
<td>For State Contributions to the State Employees' Retirement System</td>
<td>1,352,700</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>976,300</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>5,100</td>
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<td>For Commodities</td>
<td>100</td>
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<tr>
<td>For Electronic Data Processing</td>
<td>100</td>
</tr>
<tr>
<td>For Maintenance and Travel for</td>
<td></td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout.
Aided Persons .................................... 1,300
Total ............................................ 15,607,700

Payable from Quincy Veterans' Home Fund:
For Personal Services ............................ $11,040,200
For Member Compensation ....................... 25,000
For Employee Retirement Contributions
   Paid by Employer .............................. 441,600
For State Contributions to the State
   Employees' Retirement System .............. 1,170,300
For State Contributions to Social Security ...... 844,600
For Contractual Services ....................... 2,008,000
For Contractual Services - Repair and
   Maintenance .................................... 200,000
For Travel ........................................... 9,000
For Commodities .................................. 3,953,700
For Printing ....................................... 23,700
For Equipment ..................................... 172,500
For Electronic Data Processing .................. 110,000
For Telecommunications Services .............. 71,000
For Operation of Auto Equipment .............. 60,000
For Refunds ....................................... 42,200
Total ............................................ 20,171,800

Section 5. The following named amounts, or so much thereof as may be
necessary, respectively, are appropriated to the Department of Veterans' Affairs for the
objects and purposes hereinafter named:

ILLINOIS VETERANS' HOME AT LASALLE

Payable from General Revenue Fund:
For Personal Services ............................ $3,058,900
For Employee Retirement Contributions
   Paid by Employer .............................. 122,200
For State Contributions to the State
   Employees' Retirement System .............. 335,800
For State Contributions to Social Security ... 222,500
For Contractual Services ....................... 100
For Commodities ................................. 100
For Electronic Data Processing .................. 100
Total ............................................. 3,739,700

Payable from LaSalle Veterans' Home Fund:
For Personal Services ............................ $2,131,900
For Employee Retirement Contributions
   Paid by Employer .............................. 85,300

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<table>
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<tr>
<th>Item</th>
<th>Amount</th>
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<tr>
<td>For State Contributions to the State</td>
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</tr>
<tr>
<td>Employees' Retirement System</td>
<td>214,500</td>
</tr>
<tr>
<td>For State Contributions to</td>
<td></td>
</tr>
<tr>
<td>Social Security</td>
<td>174,600</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>1,025,700</td>
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<tr>
<td>For Travel</td>
<td>5,000</td>
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<tr>
<td>For Commodities</td>
<td>525,000</td>
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<tr>
<td>For Printing</td>
<td>11,200</td>
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<tr>
<td>For Equipment</td>
<td>24,000</td>
</tr>
<tr>
<td>For Electronic Data Processing</td>
<td>40,000</td>
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<tr>
<td>For Telecommunications</td>
<td>25,000</td>
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<tr>
<td>For Operation of Auto Equipment</td>
<td>6,000</td>
</tr>
<tr>
<td>For Permanent Improvements</td>
<td>0</td>
</tr>
<tr>
<td>For Refunds</td>
<td>10,800</td>
</tr>
<tr>
<td>Total</td>
<td>$4,279,000</td>
</tr>
</tbody>
</table>

Section 6. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Veterans' Affairs for the objects and purposes hereinafter named:

**ILLINOIS VETERANS' HOME AT MANTENO**

Payable from General Revenue Fund:

- For Personal Services: $8,550,500
- For Employee Retirement Contributions:
  - Paid by Employer: 342,000
  - For State Contributions to the State Employees' Retirement System: 923,600
- For State Contributions to Social Security: 637,000
- For Contractual Services: 5,000
- Total: $10,458,100

Payable from Manteno Veterans' Home Fund:

- For Personal Services: $4,504,600
- For Member Compensation: 5,000
- For Employee Retirement Contributions:
  - Paid by Employer: 180,200
  - For State Contributions to the State Employees' Retirement System: 460,300
- For State Contributions to Social Security: 361,700
- For Contractual Services: 3,491,100
- For Travel: 9,000
- For Commodities: 1,144,400

New matter indicated by italics - deletions by strikeout.
For Printing .................................. 19,500
For Equipment .............................. 175,000
For Electronic Data Processing ............ 125,000
For Telecommunications Services .......... 58,800
For Operation of Auto Equipment .......... 48,400
For Refunds ................................. 25,900
Total ......................................... $10,608,900

Section 7. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Veterans' Affairs for the objects and purposes hereinafter named:

STATE APPROVING AGENCY

Payable from GI Education Fund:
For Personal Services ........................ $ 457,300
For Employee Retirement Contributions
  Paid by Employer .......................... 18,300
For State Contributions to the State
  Employees' Retirement System .......... 48,500
For State Contributions to
  Social Security ........................... 35,000
For Group Insurance ....................... 65,100
For Contractual Services ................... 33,500
For Travel .................................. 32,100
For Commodities ............................ 2,700
For Printing ................................. 2,500
For Equipment .............................. 18,000
For Electronic Data Processing ............ 4,000
For Telecommunications Services .......... 6,300
For Operation of Auto Equipment .......... 3,800
Total ......................................... $727,100

ARTICLE 54

Section 1. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent expenses of the Illinois Arts Council:

Payable from the General Revenue Fund:
For Personal Services ....................... $1,157,000
For Employee Retirement Contributions
  Paid by Employer .......................... 47,300
For State Contributions to State
  Employees' Retirement Contributions .... 125,300
For State Contributions to
  Social Security ........................... 90,400
For Contractual Services ................... 265,400

New matter indicated by italics - deletions by strikeout.
For Travel ..................................  27,400
For Commodities ..........................  9,900
For Printing ...............................  58,000
For Equipment .............................  1,900
For Electronic Data Processing ..........  20,700
For Telecommunications Services ........  27,300
For Travel and Meeting Expenses of Arts Council and Panel Members .........  40,000
Total ..................................................  $1,870,600

Section 2. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to the Illinois Arts Council to enhance the cultural environment in Illinois:

Payable from General Revenue Fund:

For Grants and Financial Assistance for Arts Organizations ....................... $6,293,100
For Grants and Financial Assistance for Special Constituencies .................  2,611,000
For Grants and Financial Assistance for Arts Education ..........................  1,566,300
Total .................................................. $10,470,400

Payable from Illinois Arts Council Federal Grant Fund:

For Grants and Programs to Enhance the Cultural Environment ................ $  675,000

Section 3. The sum of $1,050,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois Arts Council for the purpose of funding administrative and grant expenses associated with humanities programs and related activities.

Section 4. The amount of $384,500, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois Arts Council for grants to certain public radio and television stations for operating costs.

Section 5. The amount of $5,181,800, or so much thereof as may be necessary is appropriated from the General Revenue Fund to the Illinois Arts Council for grants to certain public radio and television stations and related administrative expenses, pursuant to the Public Radio and Television Grant Act.

ARTICLE 55

Section 1. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the Bank and Trust Company Fund to the Office of Banks and Real Estate:

For Personal Services .......................... $11,921,100
For Employee Retirement Contributions Paid by Employer .........................  476,900

New matter indicated by italics - deletions by strikeout.
For State Contribution to State
   Employees' Retirement System .................. $1,263,600
For State Contributions to
   Social Security .................................. $912,000
   For Group Insurance ......................... $1,674,500
   For Contractual Services .................... $1,379,300
   For Legal Services ........................... $100,000
   For Travel .................................... $1,067,700
   For Commodities .............................. $103,700
For Contractual Services ............... $1,379,300
   For Legal Services ........................... $100,000
   For Travel .................................... $1,067,700
   For Commodities .............................. $103,700
For Legal Services ........................... $100,000
   For Travel .................................... $1,067,700
   For Commodities .............................. $103,700
For Travel .................................... $1,067,700
   For Commodities .............................. $103,700
For Commodities .............................. $52,200
   For Printing .................................. $47,000
   For Equipment ................................ $103,700
For Equipment ................................ $103,700
   For Printing .................................. $47,000
   For Equipment ................................ $103,700
For Equipment ................................ $103,700
   For Printing .................................. $47,000
For Electronic Data Processing ........... $1,161,200
   For Telecommunications Services .......... $230,700
For Telecommunications Services ......... $230,700
   For Operation of Auto Equipment ............ $5,000
For Operation of Auto Equipment .......... $5,000
   For Corporate Fiduciary Receivership ..... $900,000
For Corporate Fiduciary Receivership .... $900,000
   For Refunds .................................. $1,000
For Refunds .................................. $1,000
Total ........................................... $21,295,900

Section 2. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the Pawnbroker Regulation Fund to the Office of Banks and Real Estate:

For Personal Services ......................... $ 81,700
   For Employee Retirement Contributions
      Paid by Employer ......................... $ 3,300
For State Contributions to State
   Employees' Retirement System ............. $ 8,700
For State Contributions to
   Social Security ................................ $ 6,200
   For Group Insurance ........................ $ 9,300
   For Contractual Services ................... $61,900
   For Travel ................................... $ 7,100
   For Commodities ............................ $ 1,000
   For Printing .................................. $ 3,000
For Electronic Data Processing ........... $ 4,300
   For Telecommunications Services ........... $ 6,800
For Telecommunications Services .......... $ 6,800
Total .......................................... $193,300

Section 3. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated from the Savings and Residential Finance Regulatory Fund to the Office of Banks and Real Estate for the objects and purposes hereinafter named:

FOR EXAMINATION AND SUPERVISION

For Personal Services ......................... $ 2,896,400
   For Employee Retirement Contributions
New matter indicated by italics - deletions by strikeout.
Paid by Employer ......................... 115,900
For State Contributions to State
Employees' Retirement System .......... 307,200
For State Contributions to
Social Security ......................... 221,600
For Group Insurance ..................... 447,700
For Contractual Services ............... 685,600
For Travel ............................. 149,500
For Commodities ....................... 50,400
For Printing ............................ 61,900
For Equipment ......................... 101,800
For Electronic Data Processing ...... 319,000
For Telecommunications Services ...... 50,500
For Operation of Automotive Equipment .... 3,500
For Savings and Loan and Mortgage Board
Meeting Expenses ...................... 3,500
For Refunds .......................... 500
Total ................................ $5,415,000

Section 4. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated from the Real Estate License Administration Fund to the Office of Banks and Real Estate to meet the ordinary and contingent expenses of the Office of Banks and Real Estate and the Real Estate Administration and Disciplinary Board in the Office of Banks and Real Estate:

For Personal Services ................ $ 2,717,100
For Personal Services:
Per Diem .............................. 56,000
For Employee Retirement Contributions
Paid by Employer ...................... 108,700
For State Contributions to State
Employees' Retirement System .......... 288,000
For State Contributions to
Social Security ......................... 207,800
For Group Insurance ..................... 453,900
For Contractual Services ............... 807,200
For Travel ............................. 116,600
For Commodities ....................... 39,200
For Printing ............................ 57,000
For Equipment ........................ 99,600
For Electronic Data Processing ..... 252,100
For Telecommunications Services ..... 67,100
For Operation of Auto Equipment ..... 10,000
For Refunds ........................... 3,000

New matter indicated by italics - deletions by strikeout.
Total $5,283,300

Section 5. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated from the Appraisal Administration Fund to the Office of Banks and Real Estate to meet the ordinary and contingent expenses of the Office of Banks and Real Estate and the Appraisal Administration and Disciplinary Board in the Office of Banks and Real Estate:

For Personal Services ......................... $ 524,300
For Personal Services:
  Per Diem ...................................... 30,000
For Employee Retirement Contributions
  Paid by Employer .............................. 21,000
For State Contributions to State
  Employees' Retirement System ............... 55,600
For State Contributions to
  Social Security ............................. 40,100
For Group Insurance ............................ 93,000
For Contractual Services ...................... 232,300
For Travel .................................... 40,000
For Commodities .............................. 8,000
For Printing ................................. 8,000
For Equipment ............................... 3,100
For Electronic Data Processing .............. 63,500
For Telecommunications Services .......... 15,700
For forwarding real estate appraisal fees
to the federal government ............... 30,000
For Refunds .................................. 3,000
Total ........................................... $1,167,600

Section 6. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated from the Auction Regulation Administration Fund to the Office of Banks and Real Estate to meet the ordinary and contingent expenses of the Office of Banks and Real Estate and the Auctioneer Advisory Board in the Office of Banks and Real Estate:

For Personal Services ......................... $ 132,300
For Personal Services:
  Per Diem ...................................... 24,800
For Employee Retirement Contributions
  Paid by Employer .............................. 5,300
For State Contributions to State
  Employees' Retirement System ............. 14,000
For State Contributions to
  Social Security ............................ 10,100
For Group Insurance .......................... 27,900

New matter indicated by italics - deletions by strikeout.
Section 7. The sum of $130,000, or so much thereof as may be necessary, is appropriated from the Real Estate Research and Education Fund to the Office of Banks and Real Estate for research and education in accordance with Section 25-25 of the Real Estate License Act of 2000.

Section 8. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the Home Inspector Administration Fund to the Office of Banks and Real Estate:

For Personal Services: ........................................... $ 147,000
Per Diem.......................................................... 4,200
For Employee Retirement Contributions
Paid by Employer............................................. 5,880
For State Contributions to State
Employees' Retirement System......................... 15,582
For State Contributions to
Social Security.............................................. 11,246
For Group Insurance........................................... 46,500
For Contractual Services................................. 18,000
For Travel...................................................... 13,500
For Commodities............................................. 2,000
For Equipment................................................. 25,000
For Electronic Data Processing......................... 25,000
For Telecommunications Services...................... 3,150
For Refunds.................................................... 1,000
Total ..................................................................... $318,058

Section 9. The sum of $200,000, or so much thereof as may be necessary, is appropriated from the Real Estate Audit Fund to the Office of Banks and Real Estate for operating expenses for Real Estate audits.

ARTICLE 56

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

New matter indicated by italics - deletions by strikeout.
GENERAL OFFICE

For Personal Services ......................... $  2,779,400
For Employee Retirement Contributions
  Paid by Employer ............................. 103,300
For State Contributions to the State
  Employees' Retirement System .............. 287,400
For State Contributions to Social Security .... 211,700
For Contractual Services .................... 75,000
For Travel ..................................... 42,000
For Commodities ...............................  6,800
For Printing ...................................  29,000
For Equipment ..................................  16,000
For Electronic Data Processing ...............  57,000
For Telecommunications Services .............  45,000
  Total ........................................ $3,652,600

Section 2. The amount of $1,000,000, or so much thereof as may be necessary, is appropriated from the Capital Development Fund to the Bureau of the Budget for ordinary and contingent expenses associated with the sale and administration of General Obligation bonds.

Section 3. The amount of $425,000, or so much thereof as may be necessary, is appropriated from the Build Illinois Bond Fund to the Bureau of the Budget for ordinary and contingent expenses associated with the sale and administration of Build Illinois bonds.

Section 4. The amount of $262,000,000, or so much thereof as may be necessary, is appropriated from the Build Illinois Bond Retirement and Interest Fund to the Bureau of the Budget for the purpose of making payments to the Trustee under the Master Indenture as defined by and pursuant to the Build Illinois Bond Act.

Section 5. No contract shall be entered into or obligation incurred for any expenditures from the appropriations made in Sections 2, 3, and 4 until after the purposes and amounts have been approved in writing by the Governor.

ARTICLE 57

Section 1. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to the Capital Development Board:

GENERAL OFFICE

Payable from General Revenue Fund:
  For Personal Services ....................... $  4,393,600
  For Employee Retirement Contributions
    Paid by Employer ............................ 179,100
  For State Contributions to State
    Employees' Retirement System .......... 456,400

New matter indicated by italics - deletions by strikeout.
For State Contributions to
Social Security .......................... 296,500
For Contractual Services ................. 328,700
For Travel .................................. 51,800
For Commodities ........................... 30,800
For Equipment .............................. 37,800
For Telecommunications Services ......... 95,800
For Operation of Auto Equipment ......... 22,300
For Expenses of the Illinois Building Commission .................................... 361,200
Total .................................... $6,254,000

Payable from Capital Development Board Revolving Fund:
For Personal Services ...................... $ 3,936,700
For State Contributions to State Employees' Retirement System .......... 409,400
For State Contributions to Social Security ... 295,300
For Group Insurance .......................... 618,200
For Contractual Services ................. 346,000
For Travel ................................. 295,700
For Commodities ........................... 30,600
For Printing ................................. 60,700
For Equipment ............................. 44,700
For Electronic Data Processing ........... 257,000
For operational purposes ................. 850,000
For Telecommunications Services ...... 128,300

Payable from the School Infrastructure Fund:
For operational purposes relating to the School Infrastructure Program ....... 600,000

Payable from the Illinois Building Commission Revolving Fund:
For Expenses to Administer the Illinois Building Commission Act, including Refunds .................. 0
Total .................................... $8,030,100

ARTICLE 60

Section 1. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the General Revenue Fund to meet the ordinary and contingent expenses of the State Civil Service Commission:
For Personal Services .................. $ 303,600
For Employee Retirement Contributions

New matter indicated by italics - deletions by strikeout.
Paid by Employer ......................... 12,400
For State Contributions to State
Employees' Retirement System .......... 32,500
For State Contributions to
Social Security ......................... 21,300
For Contractual Services ............... 43,600
For Travel ............................... 15,400
For Commodities ....................... 1,000
For Printing ............................. 500
For Equipment ........................... 0
For Telecommunications Services ...... 4,900
Total  ................................ $435,200

ARTICLE 61

Section 1. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated for the ordinary and contingent expenses to the Illinois Commerce Commission:

CHAIRMAN AND COMMISSIONER'S OFFICE

Payable from Transportation Regulatory Fund:

For Personal Services .................... $ 75,600
For Employee Retirement Contributions
Paid by Employer ......................... 3,000
For State Contributions to State
Employees' Retirement System ............ 8,000
For State Contributions to
Social Security .......................... 5,800
For Group Insurance ........................ 9,300
For Contractual Services .................. 400
For Travel ............................... 2,100
For Equipment ........................... 5,800
For Telecommunications .................... 9,200
For Operation of Auto Equipment ......... 1,100
Total  ................................ $120,300

Payable from Public Utility Fund:

For Personal Services .................... $ 789,300
For Employee Retirement Contributions
Paid by Employer ......................... 31,600
For State Contributions to State
Employees' Retirement System ............ 83,700
For State Contributions to
Social Security .......................... 60,400
For Group Insurance ........................ 130,200
For Contractual Services ................ 22,700

New matter indicated by italics - deletions by strikeout.
For Travel........................................ 64,900
For Commodities............................... 2,100
For Equipment.................................. 2,300
For Telecommunications ....................... 30,000
For Operation of Auto Equipment .............. 700
Total.................................................. $1,217,900

Section 2. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated for ordinary and contingent expenses to the Illinois Commerce Commission, as follows:

**PUBLIC UTILITIES**

Payable from Public Utility Fund:
- For Personal Services......................... $13,593,400
- For Employee Retirement Contributions
  - Paid by Employer........................... 543,700
- For State Contributions to State
  - Employees' Retirement System............. 1,440,400
- For State Contributions to
  - Social Security........................... 1,027,100
  - Group Insurance........................... 2,148,300
  - Contractual Services...................... 1,645,400
  - Travel....................................... 412,700
  - Commodities................................ 49,100
  - Printing ..................................... 50,500
- Payable from General Revenue Fund:
  - For legal costs associated with the passage of "An Act to abolish incinerator subsidies under the retail rate law" ....................... 408,200
- Total.......................................... $22,996,600

Section 3. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Illinois Commerce Commission:

**TRANSPORTATION**

Payable from Transportation Regulatory Fund:
- For Personal Services....................... $5,449,500
- For Employee Retirement Contributions
  - Paid by Employer.......................... 218,000
- For State Contributions to State

New matter indicated by italics - deletions by strikeout.
Employees' Retirement System................. 577,900
For State Contributions to
Social Security......................... 414,200
For Group Insurance.................... 837,000
For Contractual Services.............. 547,600
For Travel............................ 207,000
For Commodities...................... 51,300
For Printing ......................... 27,800
For Equipment......................... 187,200
For Electronic Data Processing........... 925,500
For Telecommunications............... 266,500
For Operation of Auto Equipment........ 121,000
For Refunds........................... 45,000
Total ................................ 9,875,500

Section 4. The sum of $8,000,000, or so much thereof as may be necessary, is appropriated from the Transportation Regulatory Fund to the Illinois Commerce Commission for disbursing funds collected for the Single State Insurance Registration Program to be distributed to: (1) participating states, provided that no distributions exceed funds made available from registration collections; and (2) for refunds for overpayments.

Section 5. The sum of $635,000, or so much thereof as may be necessary, is appropriated from the Transportation Regulatory Fund to assist the Illinois Commerce Commission in monitoring railroad crossing safety.

Section 6. The sum of $1,545,400, or so much thereof as may be necessary, is appropriated from the Public Utility Fund to assist the Illinois Commerce Commission in implementing the Electric Service Customer Choice and Rate Relief Law of 1997.

Section 7. The sum of $584,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to assist the Illinois Commerce Commission in implementing the Electric Service Customer Choice and Rate Relief Law of 1997, including costs in prior years.

Section 8. The sum of $382,500, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to assist the Illinois Commerce Commission in implementing a consumer education program regarding the Electric Service Customer Choice and Rate Relief Law of 1997.

Section 9. The sum of $600,000, or so much thereof as may be necessary, is appropriated from the Transportation Regulatory Fund to assist the Illinois Commerce Commission in planning, developing, and implementing a multi-agency "one stop" electronic credentialing system for commercial vehicles operating to, from, and through Illinois.

Section 10. The sum of $205,000, or so much thereof as may be necessary, is appropriated from the Transportation Regulatory Fund to the Illinois Commerce Commission in support of grade crossing education and enforcement programs, including awards and grants to units of local government.

New matter indicated by italics - deletions by strikeout.
Section 11. The sum of $5,000,000, or so much thereof as may be necessary, is appropriated from the Digital Divide Elimination Infrastructure Fund to the Illinois Commerce Commission for grants and awards for the construction of high-speed data transmission facilities.

ARTICLE 62

Section 1. The sum of $3,000,000, or so much thereof as may be necessary, is appropriated from the Drycleaner Environmental Response Trust Fund to the Drycleaner Environmental Response Trust Fund Council for use in accordance with the Drycleaner Environmental Response Trust Fund Act.

Section 2. The sum of $2,996,200, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2002, from appropriations heretofore made for such purposes in Article 64, Section 1 of Public Act 92-8, as amended, is reappropriated from the Drycleaner Environmental Response Trust Fund to the Drycleaner Environmental Response Trust Fund Council for use in accordance with the Drycleaner Environmental Response Trust Fund Act.

ARTICLE 63

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

- For Personal Services ......................... $ 358,400
- For Employee Retirement Contributions
  Paid by Employer .............................. 14,500
- For State Contributions to State
  Employees' Retirement System.............. 38,400
- For State Contributions to Social Security ............................... 28,600
- For Contractual Services ..................... 113,500
- For Travel .................................... 23,000
- For Commodities ............................... 15,500
- For Printing .................................. 8,000
- For Equipment ................................. 1,500
- For Telecommunications Services .......... 19,000
- For Operation of Automotive Equipment...... 3,000
- For Expenses relative to the operation of the Commission .................. 65,000
- Total ........................................... $688,400

ARTICLE 64

Section 5. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Court of Claims for its ordinary and contingent expenses:

CLAIMS ADJUDICATION

New matter indicated by italics - deletions by strikeout.
Payable from the General Revenue Fund:
For Personal Services........................... $ 892,700
For State Contribution to State
   Employees' Retirement System................. 92,100
   For Employee Retirement Contributions
      Paid by Employer............................ 35,700
For State Contribution to Social
   Security...................................... 68,300
For Contractual Services....................... 20,000
For Travel...................................... 13,000
For Commodities................................ 7,500
For Printing..................................... 4,300
For Equipment................................... 5,200
For Telecommunications Services.............. 4,400
For Reimbursement for Incidental
   Expenses Incurred by Judges................... 35,300
Total............................................. $1,178,500

Section 10. The amount of $239,000, or so much thereof as may be necessary, is
appropriated from the Court of Claims Administration and Grant Fund to the Court of
Claims for administrative expenses under the Crime Victims Compensation Act.

Section 13. The amount of $500,000, or so much of that amount as may be
necessary, is appropriated from the General Revenue Fund to the Court of Claims for
payment of awards solely as a result of the lapsing of an appropriation originally made
from any funds held by the State Treasurer.

Section 15. The following named amounts, or so much thereof as may be necessary,
are appropriated to the Court of Claims for payment of claims as follows:
For claims under the Crime Victims Compensation Act:
   Payable from General Revenue
Fund............................................. $24,000,000
For claims other than Crime Victims:
   Payable from the General
Revenue Fund................................. 10,000,000
   Payable from the Road Fund............... 1,000,000
   Payable from the DCFS Children's
   Services Fund............................... 1,500,000
   Payable from the State Garage
   Revolving Fund............................. 50,000
   Payable from the Traffic and
   Criminal Conviction Surcharge Fund....... 100,000
   Payable from the Vocational
   Rehabilitation Fund........................ 125,000
Total............................................ $36,775,000

New matter indicated by italics - deletions by strikeout.
ARTICLE 65

Section 5. The following named amounts are appropriated from the General Revenue Fund to the Court of Claims to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

No. 90-CC-1298, Estate of Leroy Porter, by his Administrator Ernest Nelson, on behalf of his heirs, Josie Mae Porter, Robert Jerome Porter, Ernest Nelson and Mary Louise James. Wrongful Death, against the Department of Human Services.......................... $200,000.00

No. 92-CC-0635, Robert Keller, Special Administrator of the Estate of Carol Keller, Deceased and Kristina Keller. Wrongful Death, against the Department of Human Services........ $140,000.00

No. 93-CC-3018, Vitas Corporation. Debt, against the Department of Public Aid............ $119,080.44

No. 95-CC-3380, CPC Hospital. Debt, against the Department of Public Aid................ $365,749.84

No. 95-CC-3830, Paris Fields. Personal Injury, against the Department of Human Services. $20,525.50

No. 96-CC-1019, Northwestern Memorial Hospital. Debt, against the Department of Public Aid...................................... $1,317,102.00

No. 96-CC-3143, Adetunji Akande. Back wage, against the Department of Corrections......... $25,422.09

No. 96-CC-4150, Michael Greer. Personal Injury, against the Department of Corrections... $25,000.00

No. 96-CC-4233, Kenwood, Franklin Grove, Oregon and Shabbona Healthcare Centers. Debt, against the Department of Public Aid.............. $117,917.73

No. 97-CC-0797, Royal Elm and Oak Park Convalescent & Geriatric Centers, Edgewater, Chicago Ridge and Metropolitan Nursing Centers and Sterling Care Center. Debt, against the Department of Public Aid........................ $2,041,063.56

No. 97-CC0995, Beata Luberda, As Guardian for Julia Luberda. Personal Injury, against the Department of Human Services.................. $80,000.00

No. 99-CC-1253, Kyle Mitchell, a minor by his mother and next friend, Deidre Mitchell. Personal Injury, against the Department of Public Health................................. $20,000.00

New matter indicated by italics - deletions by strikeout.
No. 99-CC-1623, Philip V. Martino as trustee for the bankruptcy estate of Monroe Development Agency and Phillip Levey as trustee for the bankruptcy estate of Tracy L. Jones. Contract, against the Department of Children and Family Services........................................ $72,200.00

No. 00-CC-0868, Forest Health Systems, Inc. Debt, against the Department of Children and Family Services......................... $300,000.00

No. 00-CC-4107, Central Baptist Children's Home. Debt, against the Department of Children and Family Services......................... $113,264.12

No. 01-CC-0198, Don Wilson. Property Damage, against the Department of State Police.......... $7,120.00

No. 01-CC-0508, City of Crest Hill. Debt, against the Department of Corrections........ $36,388.11

No. 01-CC-3450, Cornerstone Services, Inc. Personal Injury, against the Department of Human Services............................... $50,000.00

No. 01-CC-4123, Illinois Bell d/b/a Ameritech. Tort, against the Department of State Police................ $5,181.84

No. 02-CC-1574, SBC Datacomm. Debt, against the Department of State Police................ $247,102.00

No. 02-CC-1644, Chicago Department of Public Health. Debt, against the Department of Human Services............................... $127,642.42

No. 02-CC-1666, Thresholds. Debt, against the Department of Human Services................ $165,128.33

No. 02-CC-2271, Petro Family Investment Limited Partnership As Successor in Interest to Mary Anne Petro. Debt, against the Department of Public Aid............................... $17,880.37

No. 02-CC-2377, Southwestern Illinois College. Debt, against the Illinois Community College Board................................. $250,000.00

No. 02-CC-2496, DePaul University. Debt, against the Illinois Student Assistance Commission................................. $145,360.00

No. 02-CC-2497, DePaul University. Debt, against the Illinois Student Assistance Commission................................. $134,030.00

New matter indicated by italics - deletions by strikeout.
No. 02-CC-2498, DePaul University. Debt, against the Illinois Student Assistance Commission...................................... $134,123.00

No. 02-CC-2499, DePaul University. Debt, against the Illinois Student Assistance Commission...................................... $170,640.00

No. 02-CC-2500, DePaul University. Debt, against the Illinois Student Assistance Commission...................................... $165,027.00

No. 02-CC-2501, DePaul University. Debt, against the Illinois Student Assistance Commission...................................... $163,792.00

No. 02-CC-2636, Aunt Martha's Youth Service Center, Inc. Debt, against the Department of Children and Family Services.................... $123,973.00

No. 02-CC-2905, The Youth Campus. Debt, against the Department of Human Services....... $57,312.86

No. 02-CC-3113, Cellmark Diagnostics. Debt, against the Department of State Police......... $222,852.50

No. 02-CC-3302, University of Chicago. Debt, against the Department of Human Services....... $863,616.00

No. 02-CC-3377, Misericordia Home. Debt, against the Department of Human Services....... $87,014.79

No. 02-CC-3649, Edelberg-Shiffman's Associated Agents. Debt, against the Departments of Public Health and Human Services.......... $65,151.35

No. 02-CC-3701, Egyptian Health Department. Debt, against the Department of Human Services.. $99,879.19

No. 02-CC-3787, Thresholds. Debt, against the Department of Human Services.............. $81,262.14

No. 02-CC-4096, Human Resources Development, Institute, Inc. Debt, against the Department of Human Services.......................... $51,438.44

No. 02-CC-4331, Renee Hildebrandt. Damages, against the Department of Natural Resources..... $136,612.13

No. 02-CC-4439, Lutheran Social Services. Debt, against the Department of Aging........... $130,683.19

For payments of awards for lapsed appropriation claims less than $50,000............. $392,366.16

Section 10. The following named amounts are appropriated to the Court of Claims from the Education Assistance Fund 007, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

New matter indicated by italics - deletions by strikeout.
For payments of awards for lapsed appropriation claims less than $50,000........ $4,250.00

Section 15. The following named amounts are appropriated to the Court of Claims from the Road Fund 011, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

No. 99-CC-0327, Tikita Chatman and Cynthis Chatman. Personal Injury, against the Department of Transportation...................... $35,000.00

No. 95-CC-1681, Joseph Sobolak. Personal Injury, against the Department of Transportation. $100,000.00

Section 20. The following named amounts are appropriated to the Court of Claims from State Fund 012, Motor Fuel Tax Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000........ $1,122.80

Section 25. The following named amounts are appropriated to the Court of Claims from State Fund 013, Alcoholism and Substance Abuse Block Grant Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000........ $9,280.08

Section 30. The following named amounts are appropriated to the Court of Claims from State Fund 015, Penny Severns Breast and Cervical Cancer Research Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000........ $13,023.69

Section 35. The following named amounts are appropriated to the Court of Claims from State Fund 018, Transportation Regulatory Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000........ $16.00

Section 40. The following named amounts are appropriated to the Court of Claims from State Fund 022, General Professions Dedicated Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000........ $179.40

Section 45. The following named amounts are appropriated to the Court of Claims from State Fund 026, Live and Learn Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000........ $2,739.84

Section 50. The following named amounts are appropriated to the Court of Claims

New matter indicated by italics - deletions by strikeout.
from State Fund 040, State Parks Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000........... $1,425.00

Section 55. The following named amounts are appropriated to the Court of Claims from State Fund 041, Wildlife and Fish Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000........... $81,746.50

Section 60. The following named amounts are appropriated to the Court of Claims from State Fund 045, Agricultural Premium Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000........... $345.33

Section 65. The following named amounts are appropriated to the Court of Claims from State Fund 047, Fire Prevention Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000........... $1,038.08

Section 70. The following named amounts are appropriated to the Court of Claims from Federal Fund 052, Title III Social Security and Employment Service Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000........... $38,914.85

Section 75. The following named amounts are appropriated to the Court of Claims from State Fund 054, State Pensions Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000........... $570.45

Section 80. The following named amounts are appropriated to the Court of Claims from Federal Fund 055, Unemployment Compensation Special Administration Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000........... $2,386.50

Section 85. The following named amounts are appropriated to the Court of Claims from State Fund 059, Public Utility Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000........... $177.10

Section 90. The following named amounts are appropriated to the Court of Claims

New matter indicated by italics - deletions by strikeout.
from State Fund 060, Alzheimer's Disease Research Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000...........

   Section 95. The following named amounts are appropriated to the Court of Claims from Federal Fund 063, Public Health Services Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000...........

   Section 100. The following named amounts are appropriated to the Court of Claims from Federal Fund 065, Environmental Protection Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000...........

   Section 105. The following named amounts are appropriated to the Court of Claims from State Fund 067, Radiation Protection Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000...........

   Section 110. The following named amounts are appropriated to the Court of Claims from State Fund 072, Underground Storage Tank Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000...........

   Section 115. The following named amounts are appropriated to the Court of Claims from Federal Fund 081, Vocational Rehabilitation Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000...........

   Section 120. The following named amounts are appropriated to the Court of Claims from State Fund 091, Clean Air Act Permit Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000...........

   Section 125. The following named amounts are appropriated to the Court of Claims from State Fund 093, Illinois State Medical Disciplinary Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000...........

   Section 130. The following named amounts are appropriated to the Court of Claims from State Fund 094, DCFS Training Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

New matter indicated by italics - deletions by strikeout.
For payments of awards for lapsed appropriation claims less than $50,000........... $21,538.60

Section 135. The following named amounts are appropriated to the Court of Claims from State Fund 129, State Gaming Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000........... $2,037.53

Section 140. The following named amounts are appropriated to the Court of Claims from Federal Fund 131, Council on Developmental Disabilities Federal Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000........... $4,253.18

Section 145. The following named amounts are appropriated to the Court of Claims from State Fund 141, Capital Development Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000........... $9,607.70

Section 150. The following named amounts are appropriated to the Court of Claims from State Fund 151, Registered CPA Administration and Disciplinary Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000........... $1,862.00

Section 155. The following named amounts are appropriated to the Court of Claims from State Fund 156, Motor Vehicle Theft Prevention Trust Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000........... $290.20

Section 160. The following named amounts are appropriated to the Court of Claims from State Fund 163, Weights and Measures Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000........... $287.18

Section 165. The following named amounts are appropriated to the Court of Claims from State Fund 207, Pollution Control Board State Trust Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000........... $165.65

Section 170. The following named amounts are appropriated to the Court of Claims from State Fund 215, Capital Development Board Revolving Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

New matter indicated by italics - deletions by strikeout.
For payments of awards for lapsed appropriation claims less than $50,000........... $466.01

Section 175. The following named amounts are appropriated to the Court of Claims from State Fund 218, Professional Indirect Cost Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
For payments of awards for lapsed appropriation claims less than $50,000........... $863.54

Section 180. The following named amounts are appropriated to the Court of Claims from State Fund 243, Credit Union Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
For payments of awards for lapsed appropriation claims less than $50,000........... $54.00

Section 185. The following named amounts are appropriated to the Court of Claims from State Fund 244, Savings and Residential Finance Regulatory Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
For payments of awards for lapsed appropriation claims less than $50,000........... $210.57

Section 190. The following named amounts are appropriated to the Court of Claims from State Fund 270 Water Pollution Control Revolving Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
For payments of awards for lapsed appropriation claims less than $50,000........... $1,093.61

Section 195. The following named amounts are appropriated to the Court of Claims from State Fund 272 LaSalle Veterans' Home Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
For payments of awards for lapsed appropriation claims less than $50,000........... $2,026.30

Section 200. The following named amounts are appropriated to the Court of Claims from State Fund 288, Community Water Supply Laboratory Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
For payments of awards for lapsed appropriation claims less than $50,000........... $929.91

Section 205. The following named amounts are appropriated to the Court of Claims from State Fund 294 Used Tire Management Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
For payments of awards for lapsed appropriation claims less than $50,000........... $8,717.58

Section 210. The following named amounts are appropriated to the Court of Claims from State Fund 297 Guardianship and Advocacy Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
For payments of awards for lapsed appropriation claims less than $50,000........... $172.54

New matter indicated by italics - deletions by strikeout.
Section 215. The following named amounts are appropriated to the Court of Claims from State Fund 301, Working Capital Revolving Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000.......

$5,277.68

Section 220. The following named amounts are appropriated to the Court of Claims from State Fund 304, Statistical Services Revolving Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000.......

$25,592.07

Section 225. The following named amounts are appropriated to the Court of Claims from State Fund 312, Communications Revolving Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

No. 02-CC-1308, SBC Data Com. Debt, against the Department of Central Management Services...

$285,904.62

For payments of awards for lapsed appropriation claims less than $50,000.......

$42,011.83

Section 230. The following named amounts are appropriated to the Court of Claims from State Fund 335, Criminal Justice Information Projects Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000.......

$6,858.95

Section 235. The following named amounts are appropriated to the Court of Claims from State Fund 344, Care Provider Fund for Persons with a Developmental Disability, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000.......

$374,217.30

Section 240. The following named amounts are appropriated to the Court of Claims from State Fund 360, Lead Poisoning, Screening, Prevention and Abatement Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000.......

$9,717.00

Section 245. The following named amounts are appropriated to the Court of Claims from State Fund 372, Plumbing Licensure and Program Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000.......

$22.95

Section 250. The following named amounts are appropriated to the Court of Claims from Federal Fund 408 Special Purposes Trust Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

New matter indicated by italics - deletions by strikeout.
For payments of awards for lapsed appropriation claims less than $50,000........ $3,564.50

Section 255. The following named amounts are appropriated to the Court of Claims from State Fund 421 Public Aid Recoveries Trust Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
For payments of awards for lapsed appropriation claims less than $50,000........ $651.00

Section 260. The following named amounts are appropriated to the Court of Claims from State Fund 438, Illinois State Fair Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
For payments of awards for lapsed appropriation claims less than $50,000........ $58.00

Section 265. The following named amounts are appropriated to the Court of Claims from Federal Fund 476 Wholesome Meat Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
For payments of awards for lapsed appropriation claims less than $50,000........ $122.75

Section 270. The following named amounts are appropriated to the Court of Claims from State Fund 479 State Employees' Retirement System Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
For payments of awards for lapsed appropriation claims less than $50,000........ $315.65

Section 280. The following named amounts are appropriated to the Court of Claims from State Fund 483, SOS Special Services Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
For payments of awards for lapsed appropriation claims less than $50,000........ $15,261.82

Section 285. The following named amounts are appropriated to the Court of Claims from Federal Fund 488, Criminal Justice Trust Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
For payments of awards for lapsed appropriation claims less than $50,000........ $20,899.28

Section 290. The following named amounts are appropriated to the Court of Claims from Federal Fund 495, Old Age Survivors Insurance Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
For payments of awards for lapsed appropriation claims less than $50,000........ $1,599.00

Section 295. The following named amounts are appropriated to the Court of Claims from Federal Fund 497, Federal Civil Preparedness Administrative Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
For payments of awards for lapsed appropriation claims less than $50,000........ $1,405.71

New matter indicated by italics - deletions by strikeout.
Section 300. The following named amounts are appropriated to the Court of Claims from State Fund 502, Early Intervention Services Revolving Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000........... $4,284.85

Section 305. The following named amounts are appropriated to the Court of Claims from State Fund 514, State Asset Forfeiture Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000........... $757.18

Section 310. The following named amounts are appropriated to the Court of Claims from State Fund 536, LEADS Maintenance Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000........... $43,000.00

Section 315. The following named amounts are appropriated to the Court of Claims from Federal Fund 561, SBE Federal Department of Education Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000........... $4,053.50

Section 320. The following named amounts are appropriated to the Court of Claims from State Fund 568, School Infrastructure Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000........... $5,216.00

Section 325. The following named amounts are appropriated to the Court of Claims from State Fund 581, Juvenile Accountability Incentive Block Grant Trust Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

No. 02-CC-1637, Champaign County Court Services. Debt, against the Criminal Justice Information Authority....................... $50,329.46

No. 02-CC-1725, Cook County State's Attorney's Office. Debt, against the Criminal Justice Information Authority....................... $491,379.80

For payments of awards for lapsed appropriation claims less than $50,000........... $6,996.00

Section 330. The following named amounts are appropriated to the Court of Claims from Federal Fund 592, DHS Federal Projects Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed

New matter indicated by italics - deletions by strikeout.
appropriation claims less than $50,000........... $10,000.00

Section 335. The following named amounts are appropriated to the Court of Claims from State Fund 614, Capital Litigation Trust Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
   For payments of awards for lapsed appropriation claims less than $50,000........... $12,432.68

Section 340. The following named amounts are appropriated to the Court of Claims from State Fund 622, Motor Vehicle License Plate Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
   For payments of awards for lapsed appropriation claims less than $50,000........... $328.52

Section 345. The following named amounts are appropriated to the Court of Claims from State Fund 632, Horse Racing Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
   For payments of awards for lapsed appropriation claims less than $50,000........... $17,509.02

Section 350. The following named amounts are appropriated to the Court of Claims from Federal Fund 664, Student Loan Operating Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
   For payments of awards for lapsed appropriation claims less than $50,000........... $6,785.34

Section 355. The following named amounts are appropriated to the Court of Claims from Federal Fund 689, Agriculture Pesticide Control Act Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
   For payments of awards for lapsed appropriation claims less than $50,000........... $136.45

Section 360. The following named amounts are appropriated to the Court of Claims from Federal Fund 700, USDA Women, Infants and Children Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
   For payments of awards for lapsed appropriation claims less than $50,000........... $14,615.00

Section 365. The following named amounts are appropriated to the Court of Claims from State Fund 711, State Lottery Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
   For payments of awards for lapsed appropriation claims less than $50,000........... $2,349.50

Section 370. The following named amounts are appropriated to the Court of Claims from Federal Fund 726, Federal Industrial Services Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
   For payments of awards for lapsed appropriation claims less than $50,000........... $24.94

Section 375. The following named amounts are appropriated to the Court of

New matter indicated by italics - deletions by strikeout.
Claims from State Fund 733, Tobacco Settlement Recovery Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

No. 02-CC-3903, Rock Island County Health Department. Debt, against the Department of Human Services.............................. $60,000.00

For payments of awards for lapsed appropriation claims less than $50,000......... $396.50

Section 380. The following named amounts are appropriated to the Court of Claims from State Fund 739, Group Worker's Compensation Pool Insolvency Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000............ $39,590.30

Section 385. The following named amounts are appropriated to the Court of Claims from State Fund 795, Bank and Trust Company Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000............ $13,154.00

Section 390. The following named amounts are appropriated to the Court of Claims from State Fund 796, Nuclear Safety Emergency Preparedness Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000............ $82.59

Section 395. The following named amounts are appropriated to the Court of Claims from Federal Fund 826, Agriculture Federal Projects Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000............ $43.67

Section 400. The following named amounts are appropriated to the Court of Claims from State Fund 828, Hazardous Waste Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000............ $838.35

Section 405. The following named amounts are appropriated to the Court of Claims from State Fund 840, Hazardous Waste Research Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000............ $7,500.00

Section 410. The following named amounts are appropriated to the Court of Claims from State Fund 850, Real Estate License Administration Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed

New matter indicated by italics - deletions by strikeout.
appropriation claims less than $50,000........... $14.08

Section 415. The following named amounts are appropriated to the Court of Claims from Federal Fund 872, Maternal and Child Health Services Block Grant Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed
appropriation claims less than $50,000........... $45,777.18

Section 420. The following named amounts are appropriated to the Court of Claims from Federal Fund 873, Preventive Health and Health Services Block Grant Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed
appropriation claims less than $50,000........... $12,662.36

Section 425. The following named amounts are appropriated to the Court of Claims from State Fund 884, DNR Special Projects Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed
appropriation claims less than $50,000........... $79,556.41

Section 430. The following named amounts are appropriated to the Court of Claims from State Fund 888, Design Professionals Administration and Investigation Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed
appropriation claims less than $50,000........... $70.55

Section 435. The following named amounts are appropriated to the Court of Claims from State Fund 903, State Surplus Property Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed
appropriation claims less than $50,000........... $891.77

Section 440. The following named amounts are appropriated to the Court of Claims from State Fund 906, State Police Services Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed
appropriation claims less than $50,000........... $1,630.32

Section 445. The following named amounts are appropriated to the Court of Claims from Federal Fund 911, Juvenile Justice Trust Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed
appropriation claims less than $50,000........... $289.22

Section 450. The following named amounts are appropriated to the Court of Claims from State Fund 922, Insurer Producer Administration Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

New matter indicated by italics - deletions by strikeout.
No. 02-CC-2617, Michael B. Nash, Esq. Debt, against the Department of Insurance............ $149,817.03
For payments of awards for lapsed appropriation claims less than $50,000............ $6,404.45

Section 455. The following named amounts are appropriated to the Court of Claims from State Fund 925, Coal Technology Development Assistance Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
For payments of awards for lapsed appropriation claims less than $50,000............ $4.88

Section 460. The following named amounts are appropriated to the Court of Claims from State Fund 944, Environmental Protection Permit and Inspection Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
For payments of awards for lapsed appropriation claims less than $50,000............ $2,122.99

Section 465. The following named amounts are appropriated to the Court of Claims from State Fund 957, Child Support Enforcement Trust Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
For payments of awards for lapsed appropriation claims less than $50,000............ $16,052.63

Section 470. The following named amounts are appropriated to the Court of Claims from State Fund 962, Park and Conservation Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
For payments of awards for lapsed appropriation claims less than $50,000............ $394.55

Section 475. The following named amounts are appropriated to the Court of Claims from State Fund 980, Manteno Veterans' Home Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
For payments of awards for lapsed appropriation claims less than $50,000............ $2,280.00

Section 480. The following named amounts are appropriated to the Court of Claims from State Fund 997, Insurance Financial Regulation Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
No. 02-CC-2616, Royal B. Martin, Esq. Debt, against the Department of Insurance............ $145,206.05

ARTICLE 66
Section 1. The amount of $298,400, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the East St. Louis Financial Advisory Authority for the operating expenses of the City of East St. Louis Financial Advisory Authority.

ARTICLE 67
Section 1. The following named sums, or so much thereof as may be necessary, are

New matter indicated by italics - deletions by strikeout.
appropriated from the Environmental Protection Trust Fund to the Environmental Protection Trust Fund Commission for grants to the Illinois Environmental Protection Agency as follows:

To Support Enhanced Environmental Protection and Enforcement Activities $ 700,000
For Support of the Illinois Environmental Regulatory Review Commission $ 170,000

Section 2. The following named sums, or so much thereof as may be necessary, are appropriated from the Environmental Protection Trust Fund to the Environmental Protection Trust Fund Commission for grants to the Department of Natural Resources as follows:

For projects relating to natural resources research, protection, and educational activities $ 700,000

Section 3. The following named sums, or so much thereof as may be necessary, are appropriated from the Environmental Protection Trust Fund to the Environmental Protection Trust Fund Commission for grants to the Pollution Control Board as follows:

For Funding Expenses of Case Processing and Other Activities $ 700,000
For Support of the Illinois Environmental Regulatory Review Commission $ 25,000

Section 4. The following named sum, or so much thereof as may be necessary, is appropriated from the Environmental Protection Trust Fund to the Environmental Protection Trust Fund Commission for grants to the Office of the Attorney General as follows:

For Enhanced Environmental Enforcement Activities $ 700,000

ARTICLE 68

Section 1. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the General Revenue Fund to the Environmental Protection Agency:

ADMINISTRATION

For Personal Services $ 3,356,100
For Employee Retirement Contributions Paid by Employer 134,200
For State Contributions to State Employees' Retirement System 348,900
For State Contributions to Social Security 247,100
For Contractual Services 2,313,000
For Travel 29,800
For Commodities 62,200
For Printing 12,500

New matter indicated by italics - deletions by strikeout.
For Equipment ................................ 108,500
For Telecommunications Services .......... 129,800
For Operation of Auto Equipment .......... 12,500
Total ........................................ 6,754,600

Section 2. The following named amounts, or so much thereof as may be necessary, respectively, for objects and purposes hereinafter named, are appropriated to the Environmental Protection Agency.

Payable from U.S. Environmental Protection Fund:
   For Contractual Services .................... $ 1,638,600

Payable from Underground Storage Tank Fund:
   For Contractual Services .................... 152,600

Payable from Solid Waste Management Fund:
   For Contractual Services .................... 167,700

Payable from Subtitle D Management Fund:
   For Contractual Services .................... 61,000

Payable from Clean Air Act Permit Fund:
   For Contractual Services .................... 795,200

Payable from Water Revolving Fund:
   For Contractual Services .................... 595,600

Payable from Community Water Supply Laboratory Fund:
   For Contractual Services .................... 74,400

Payable from Used Tire Management Fund:
   For Contractual Services .................... 80,500

Payable from Conservation 2000 Fund:
   For Contractual Services .................... 20,200

Payable from Hazardous Waste Fund:
   For Contractual Services .................... 224,800

Payable from Environmental Protection Permit and Inspection Fund:
   For Contractual Services .................... 279,900

Payable from Vehicle Inspection Fund:
   For Contractual Services .................... 338,800
Total ........................................ 4,429,300

Section 3. The sum of $972,300, or so much thereof as may be necessary, is appropriated from the U.S. Environmental Protection Fund to the Environmental Protection Agency for pollution prevention activities.

Section 4. The sum of $275,000, or so much thereof as may be necessary, is appropriated to the Environmental Protection Agency from the EPA Special States Projects Trust Fund for the purpose of funding the planning, administration, and operation of environmental intern programs to be funded by advance contributions.

Section 5. The sum of $500,000, or so much thereof as may be necessary, is
appropriated from the U.S. Environmental Protection Fund to the Environmental Protection Agency for all costs associated with the development and implementation of Illinois Environmental Facts On-Line.

Section 6. The sum of $542,800, new appropriation, is appropriated and the sum of $1,486,976, or so much thereof as may be necessary and as remains unexpended at the close of business on June 20, 2002, from appropriations heretofore made in Article 67, Section 6 of Public Act 92-8, as amended, is reappropriated from the General Revenue Fund to the Environmental Protection Agency for funding the Green Illinois program.

Section 7. The sum of $642,900, or so much thereof as may be necessary, is appropriated from the U.S. Environmental Protection Fund to the Environmental Protection Agency for the purpose of administering the toxic and hazardous materials program and the regulatory innovation program.

Section 8. The sum of $21,100, or so much thereof as may be necessary, is appropriated from the Industrial Hygiene Regulatory and Enforcement Fund to the Environmental Protection Agency for the purpose of administering the industrial hygiene licensing program.

Section 9. The sum of $230,700, or so much thereof as may be necessary, is appropriated from the Environmental Protection Permit and Inspection Fund to the Environmental Protection Agency for development of environmental planning activities.

Section 10. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to the Environmental Protection Agency:

AIR POLLUTION CONTROL

Payable from the General Revenue Fund:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>$ 2,194,500</td>
</tr>
<tr>
<td>For Employee Retirement Contributions Paid by Employer</td>
<td>87,700</td>
</tr>
<tr>
<td>For State Contributions to State Employees' Retirement System</td>
<td>232,600</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>167,900</td>
</tr>
<tr>
<td>For Travel</td>
<td>8,500</td>
</tr>
<tr>
<td>For Commodities</td>
<td>1,900</td>
</tr>
<tr>
<td>For Equipment</td>
<td>15,500</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>20,000</td>
</tr>
<tr>
<td>For Operation of Auto Equipment</td>
<td>1,000</td>
</tr>
<tr>
<td>Total</td>
<td>$2,729,600</td>
</tr>
</tbody>
</table>

Section 11. The sum of $97,500, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Environmental Protection Agency for the purpose of funding the State's share of the cost of a photochemically reactive grid model to prepare an ozone plan for the Chicago metropolitan area.

Section 12. The following named amounts, or so much thereof as may be

New matter indicated by italics - deletions by strikeout.
necessary, respectively, for the objects and purposes hereinafter named, are appropriated to the Environmental Protection Agency.

Payable from U.S. Environmental Protection Fund:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>$ 2,978,700</td>
</tr>
<tr>
<td>For Employee Retirement Contributions Paid by Employer</td>
<td>119,100</td>
</tr>
<tr>
<td>For State Contributions to State Employees' Retirement System</td>
<td>315,700</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>227,900</td>
</tr>
<tr>
<td>For Group Insurance</td>
<td>535,200</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>1,425,700</td>
</tr>
<tr>
<td>For Travel</td>
<td>165,800</td>
</tr>
<tr>
<td>For Commodities</td>
<td>132,000</td>
</tr>
<tr>
<td>For Printing</td>
<td>43,900</td>
</tr>
<tr>
<td>For Equipment</td>
<td>638,300</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>195,300</td>
</tr>
<tr>
<td>For Operation of Auto Equipment</td>
<td>41,800</td>
</tr>
<tr>
<td>For Use by the City of Chicago</td>
<td>374,600</td>
</tr>
<tr>
<td>For Expenses Related to the Development and Implementation of a Targeted Clean Air Information and Education Program</td>
<td>600,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$7,794,000</strong></td>
</tr>
</tbody>
</table>

Payable from the Environmental Protection Permit and Inspection Fund for Air Permit and Inspection Activities:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>$ 802,300</td>
</tr>
<tr>
<td>For Other Expenses</td>
<td>678,900</td>
</tr>
<tr>
<td>For Deposit into the Clean Air Act Permit Fund</td>
<td>50,000</td>
</tr>
<tr>
<td>For Refunds</td>
<td>100,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$1,631,200</strong></td>
</tr>
</tbody>
</table>

Payable from the Vehicle Inspection Fund:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>$ 5,298,600</td>
</tr>
<tr>
<td>For Employee Retirement Contributions Paid by Employer</td>
<td>211,900</td>
</tr>
<tr>
<td>For State Contributions to State Employees' Retirement System</td>
<td>561,700</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>405,300</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout.
For Group Insurance .......................... 1,227,600
For Vehicle Inspections ...................... 50,575,300
For Contractual Services .................... 1,689,900
For Travel ................................. 85,000
For Commodities ............................ 33,000
For Printing ............................... 409,000
For Equipment ............................. 100,000
For Telecommunications ..................... 125,000
For Operation of Auto Equipment ........... 27,900
For Expenses Related to the Implementation and Operation of a Market Based Pollution Reduction Program .......... 281,700
Total $61,031,900

Section 13. The following named amounts, or so much thereof as may be necessary, is appropriated from the Clean Air Act Permit Fund to the Environmental Protection Agency for the purpose of funding Clean Air Act Title V activities in accordance with Clean Air Act Amendments of 1990:
For Personal Services and Other Expenses of the Program ................... $ 11,640,700
For Deposit into the Environmental Protection Permit and Inspection Fund ........................ 50,000
For Refunds ................................ 100,000
Total $11,790,700

Section 14. The sum of $120,000, or so much thereof as may be necessary, is appropriated from the EPA Special State Projects Trust Fund to the Environmental Protection Agency for the purpose of funding an air monitoring network at the Robbins Resource Recovery Incinerator, Robbins, Illinois, and for expenses relating to clean air education.

Section 15. The sum of $117,000, or so much thereof as may be necessary, is appropriated from the Environmental Protection Trust Fund to the Environmental Protection Agency for the purpose of funding an on-site monitor at the Robbins Resource Recovery Incinerator, Robbins, Illinois.

Section 16. The named amounts, or so much thereof as may be necessary, is appropriated from the Alternate Fuels Fund to the Environmental Protection Agency for the purpose of administering the Alternate Fuels Rebate Program and the Ethanol Fuel Research Program:
For Personal Services and Other Expenses ........................................... $ 100,000
For Grants and Rebates ....................... 7,000,000
Total 7,100,000

Section 17. The sum of $150,000, or so much thereof as may be necessary, is
appropriated from the Alternate Compliance Market Account Fund to the Environmental Protection Agency for all costs associated with the emissions reduction market program.

Section 18. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to the Environmental Protection Agency:

LABORATORY SERVICES

Payable from General Revenue Fund:
For Personal Services ...................... $2,062,800
For Employee Retirement Contributions
  Paid by Employer .......................... 82,600
For State Contributions to State
  Employees' Retirement System ............ 218,700
For State Contributions to
  Social Security .......................... 156,300
For Contractual Services .................... 231,200
For Travel .................................. 5,100
For Commodities ............................ 157,000
For Printing ................................. 9,400
For Equipment ............................... 152,600
For Telecommunications Services......... 6,600
For Operation of Auto Equipment .......... 1,600
For Permanent Improvements ............... 11,300
Total $3,095,200

Section 19. The named amounts, or so much thereof as may be necessary, are appropriated from the Community Water Supply Laboratory Fund to the Environmental Protection Agency for the purpose of performing laboratory testing of samples from community water supplies and for administrative costs of the Agency and the Community Water Supply Testing Council.
For Personal Services and Other
  Expenses of the Program .................. $4,686,100
  For Permanent Improvements ............. 8,400
Total $4,694,500

Section 20. The sum of $682,800, or so much thereof as may be necessary, is appropriated from the Environmental Laboratory Certification Fund to the Environmental Protection Agency for the purpose of administering the environmental laboratories certification program.

Section 21. The sum of $250,000, or so much thereof as may be necessary, is appropriated from the EPA Special State Projects Trust Fund to the Environmental Protection Agency for the purpose of performing laboratory analytical services for government entities.

Section 22. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated

New matter indicated by italics - deletions by strikeout.
to the Environmental Protection Agency:

**LAND POLLUTION CONTROL**

Payable from General Revenue Fund:
- For Personal Services: $1,470,100
- For Employee Retirement Contributions
  - Paid by Employer: 58,800
- For State Contributions to State Employees' Retirement System: 155,800
- For State Contributions to Social Security: 109,500
- Total: $1,794,200

Payable from General Revenue Fund for Expenses Related to the Illinois Hazardous Waste Site Cleanup Program:
- For Personal Services: $1,417,500
- For Employee Retirement Contributions
  - Paid by Employer: 56,700
- For State Contributions to State Employees' Retirement System: 150,300
- For State Contributions to Social Security: 105,600
- For Contractual Services: 22,400
- For Travel: 32,300
- For Commodities: 7,700
- For Equipment: 34,000
- For Telecommunications Services: 11,600
- For Operation of Auto Equipment: 4,300
- Total: $1,842,400

Payable from the General Revenue Fund for Expenses Related to the Solid Waste Program:
- For Personal Services: $748,000
- For Employee Retirement Contributions
  - Paid by Employer: 30,000
- For State Contributions to State Employees' Retirement System: 77,800
- For State Contributions to Social Security: 56,200
- For Contractual Services: 2,200
- For Travel: 6,400
- For Telecommunications Services: 5,700
- Total: $926,300

Payable from U.S. Environmental

New matter indicated by italics - deletions by strikeout.
Protection Fund:
- For Personal Services ..................  $ 2,912,800
- For Employee Retirement Contributions
  Paid by Employer ......................  116,500
- For State Contributions to State
  Employees' Retirement System ..........  308,800
- For State Contributions to Social Security ............  222,800
- For Group Insurance .....................  579,700
- For Contractual Services ...............  841,000
- For Travel ................................  58,600
- For Commodities .......................  68,600
- For Printing ............................  59,000
- For Equipment .........................  106,000
- For Telecommunications Services .........  211,600
- For Operation of Auto Equipment .........  37,700
- For Use by the Office of the Attorney General 25,000
- For Underground Storage Tank Program ....  2,268,500
  Total ..................................  $7,816,600

Section 23. The following named sums, or so much thereof as may be necessary, including prior year costs, are appropriated to the Environmental Protection Agency, payable from the U. S. Environmental Protection Fund, for use of remedial, preventive or corrective action in accordance with the Federal Comprehensive Environmental Response Compensation and Liability Act of 1980 as amended:
- For Personal Services ..................  $ 2,288,200
- For Employee Retirement Contributions
  Paid by Employer ......................  91,500
- For State Contributions to State
  Employees' Retirement System ..........  242,600
- For State Contributions to Social Security ............  175,100
- For Group Insurance .....................  418,500
- For Contractual Services ...............  270,000
- For Travel ................................  90,000
- For Commodities .......................  100,000
- For Printing ............................  5,000
- For Equipment .........................  150,000
- For Telecommunications Services .........  65,000
- For Operation of Auto Equipment .........  53,800
- For Contractual Expenses Related to Remedial, Preventive or Corrective Actions in Accordance with the

New matter indicated by italics - deletions by strikeout.
Federal Comprehensive and Liability Act of 1980, including Costs in Prior Years ................................................. 6,100,000 
Total $10,049,700

Section 24. The following named sums, or so much thereof as may be necessary, are appropriated to the Environmental Protection Agency for the purpose of funding the Underground Storage Tank Program.

Payable from the Underground Storage Tank Fund:

For Personal Services ...................... $ 2,538,900
For Employee Retirement Contributions
Paid by Employer ........................... 101,600
For State Contributions to State
Employees' Retirement System .............. 269,100
For State Contributions to
Social Security ............................. 194,200
For Group Insurance ........................ 483,600
For Contractual Services .................... 489,900
For Travel ................................ 40,000
For Commodities ........................... 15,400
For Equipment ............................... 100,400
For Telecommunications Services.......... 21,300
For Operation of Auto Equipment ........... 6,200
For Reimbursements to Eligible Owners/
Operators of Leaking Underground Storage Tanks, including claims submitted in prior years and for costs associated with site remediation....... 77,000,000
Total $81,260,600

Section 25. The sum of $30,405,300, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from reappropriations made in Article 67, Section 28 of Public Act 92-8, as amended is reappropriated to the Environmental Protection Agency from the Anti-Pollution Fund for payment of claims submitted, including claims submitted in prior years, to the state and approved for payment under the Leaking Underground Storage Tank Program established in Title XVI of the Environmental Protection Act.

Section 26. The following named sums, or so much thereof as may be necessary, are appropriated to the Environmental Protection Agency for use in accordance with Section 22.2 of the Environmental Protection Act:

Payable from the Hazardous Waste Fund:

For Personal Services ...................... $ 328,800
For Employee Retirement Contributions
Paid by Employer ........................... 13,100

New matter indicated by italics - deletions by strikeout.
For State Contributions to State
  Employees’ Retirement System ..............  34,900
For State Contributions to
  Social Security ............................  25,200
For Group Insurance .........................  55,800
For Contractual Services ....................  440,000
For Travel ...................................  4,000
For Commodities ..............................  20,000
For Printing ................................  2,000
For Equipment .................................  110,000
For Telecommunications Services ..............  15,000
For Operation of Auto Equipment ..............  18,000
For Personal Services and Other
  Expenses Related to Removal or
  Remedial Actions and for Expenses
  Related to Reviewing the Performance
  of Response Actions Pursuant
  to Title XVII of the Environmental
  Protection Act .............................  4,035,300
For Contractual Services for Site
  Remediations, including costs
  in Prior Years .............................  28,966,800
Total ....................................... $34,068,900

Section 27. The following named sums, or so much thereof as may be necessary, are
appropriated from the Environmental Protection Permit and Inspection Fund to the
Environmental Protection Agency for land permit and inspection activities:
For Personal Services ....................... $  1,117,600
For Employee Retirement Contributions
  Paid by Employer ...........................  44,700
For State Contributions to State
  Employees’ Retirement System ..............  118,500
For State Contributions to
  Social Security ............................  85,500
For Group Insurance .........................  195,300
For Contractual Services ....................  561,900
For Travel ...................................  19,800
For Commodities ..............................  22,900
For Printing ................................  71,200
For Equipment .................................  100,000
For Telecommunications Services ..............  24,500
For Operation of Auto Equipment ..............  11,400
Total ....................................... $2,373,300

New matter indicated by italics - deletions by strikeout.
Section 28. The following named sums, or so much thereof as may be necessary, are appropriated from the Solid Waste Management Fund to the Environmental Protection Agency for use in accordance with Section 22.15 of the Environmental Protection Act:

For Personal Services.......................... $ 1,478,600
For Employee Retirement Contributions
   Paid by Employer ......................... 59,100
For State Contributions to State
   Employees' Retirement System .......... 156,700
For State Contributions to
   Social Security ........................... 113,100
For Group Insurance ........................ 316,200
For Contractual Services ..................... 280,000
For Travel ................................. 50,000
For Commodities .............................. 6,000
For Equipment ............................... 60,000
For Telecommunications Services .......... 33,900
For Operation of Auto Equipment .......... 14,500
For Refunds ................................. 20,000
For financial assistance to units of
   local government for operations under
delegation agreements ..................... 750,000
Total ...................................... $3,338,100

Section 29. The following named sums, or so much therefore as may be necessary, are appropriated to the Environmental Protection Agency for conducting a household hazardous waste collection program, including costs from prior years:

Payable from the Solid Waste
   Management Fund.......................... $1,200,000
Payable from the General Revenue Fund...... $858,000
Payable from the Special State
   Projects Trust Fund....................... $250,000

Section 30. The following named amounts, or so much thereof as may be necessary, are appropriated from the Used Tire Management Fund to the Environmental Protection Agency for purposes as provided for in Section 55.6 of the Environmental Protection Act.

For Personal Services ....................... $1,300,300
For Employee Retirement Contributions
   Paid by Employer ......................... 52,000
For State Contributions to State
   Employees' Retirement System .......... 137,800
For State Contributions to
   Social Security ........................... 99,500
For Group Insurance ......................... 232,500
For Contractual Services ....................  2,089,400
For Travel ....................................  32,000
For Commodities .............................  15,000
For Printing .................................  2,000
For Equipment ...............................  100,000
For Telecommunications Services ..........  14,700
For Operation of Auto Equipment ..........  8,000
Total $4,083,200

Section 31. The following named amounts, or so much thereof as may be necessary, are appropriated from the Subtitle D Management Fund to the Environmental Protection Agency for the purpose of funding the Subtitle D permit program in accordance with Section 22.44 of the Environmental Protection Act:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>$926,100</td>
</tr>
<tr>
<td>For Employee Retirement Contributions</td>
<td></td>
</tr>
<tr>
<td>Paid by Employer</td>
<td>37,000</td>
</tr>
<tr>
<td>For State Contributions to Social</td>
<td></td>
</tr>
<tr>
<td>Security</td>
<td>70,900</td>
</tr>
<tr>
<td>For Group Insurance</td>
<td>158,100</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>222,100</td>
</tr>
<tr>
<td>For Travel</td>
<td>27,000</td>
</tr>
<tr>
<td>For Commodities</td>
<td>12,000</td>
</tr>
<tr>
<td>For Equipment</td>
<td>50,000</td>
</tr>
<tr>
<td>For Telecommunications</td>
<td>16,800</td>
</tr>
<tr>
<td>For Operation of Auto Equipment</td>
<td>9,100</td>
</tr>
<tr>
<td>Total $1,627,300</td>
<td></td>
</tr>
</tbody>
</table>

Section 32. The sum of $750,000, or so much thereof as may be necessary, is appropriated from the Landfill Closure and Post Closure Fund to the Environmental Protection Agency for the purpose of funding closure activities in accordance with Section 22.17 of the Environmental Protection Act.

Section 33. The sum of $200,000, or so much thereof as may be necessary, is appropriated from the Hazardous Waste Occupational Licensing Fund to the Environmental Protection Agency for expenses related to the licensing of Hazardous Waste Laborers and Crane and Hoisting Equipment Operators, as mandated by Public Act 85-1195.

Section 34. The sum of $200,000, or so much thereof as may be necessary, is appropriated from the Environmental Protection Trust Fund to the Environmental Protection Agency for oversight of site development at solid waste management facilities in accordance with the purposes specified or contributed funds.

Section 35. The named amounts, or so much thereof as may be necessary, are appropriated to the Environmental Protection Agency for use in accordance with the Brownfields Redevelopment program:

New matter indicated by italics - deletions by strikeout.
Payable from General Revenue Fund:
For Personal Services and Other Expenses of the Program $778,500

Payable from the Brownfields Redevelopment Fund:
For Personal Services and Other Expenses of the Program $387,700
For Brownfields Redevelopment Loans for local governments in accordance with Section 58.15(A) of the Environmental Protection Act, including costs in prior years 5,000,000
For Brownfields Redevelopment Loans for recipients other than local governments in accordance with Section 58.15(A) of the Environmental Protection Act, including costs in prior years 1,000,000
For financial assistance in accordance with Section 58.3(5) of the Environmental Protection Act, including costs in prior years 3,000,000
For Reimbursements of site restoration costs in accordance with Section 58.15(B) of the Environmental Protection Act, including costs in prior years 2,000,000

Section 36. The sum of $3,000,000, new appropriation, is appropriated, and the sum of $5,906,700, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2002, from appropriations and reappropriations heretofore made in Article 67, Section 40 of Public Act 92-8, as amended, is reappropriated from the Brownfields Redevelopment Fund to the Environmental Protection Agency for grants to local governments in accordance with Section 58.13 of the Environmental Protection Act.

Section 37. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to the Environmental Protection Agency:

BUREAU OF WATER

Payable from General Revenue Fund:
For Personal Services $ 4,610,700
For Employee Retirement Contributions Paid by Employer 184,400

New matter indicated by italics - deletions by strikeout.
For State Contributions to State
   Employees' Retirement System .......... 488,700
For State Contributions to
   Social Security ......................... 344,200
   For Contractual Services ................. 92,100
   For Travel ................................ 40,100
   For Commodities .......................... 28,600
   For Equipment ............................. 30,200
   For Telecommunications Services ......... 28,100
   For Operation of Auto Equipment ........ 30,400
Total                                         $5,877,500

Payable from U.S. Environmental Protection Fund:
   For Personal Services .................... $  6,421,000
   For Employee Retirement Contributions
      Paid by Employer ....................... 256,800
   For State Contributions to State
      Employees' Retirement System .......... 680,600
   For State Contributions to
      Social Security ......................... 491,200
   For Group Insurance ........................ 1,162,500
   For Contractual Services ................. 2,337,000
   For Travel .................................. 113,900
   For Commodities ........................... 67,600
   For Printing ............................... 58,200
   For Equipment ............................. 436,500
   For Telecommunications Services ........ 178,600
   For Operation of Auto Equipment ......... 61,500
   For Use by the Department of
      Public Health ........................... 653,000
   For non-point source pollution management
      and special water pollution studies
      including costs in prior years........... 9,750,000
   For all costs associated with
      the Drinking Water Operator
   Certification Program ..................... 2,300,000
   For Water Quality Planning,
      including costs in prior years.......... 350,000
   For Use by the Department of
      Agriculture ............................. 80,000
Total                                         $25,398,400

Section 38. The following named sums, or so much thereof as may be necessary,

New matter indicated by italics - deletions by strikeout.
are appropriated from the Hazardous Waste Fund to the Environmental Protection Agency for use in accordance with Section 22.2 of the Environmental Protection Act:

- For Personal Services: $390,000
- For Employee Retirement Contributions:
  - Paid by Employer: 15,600
- For State Contribution to State Employees' Retirement System: 41,300
- For State Contribution to Social Security: 29,800
- For Group Insurance: 83,700
- For Contractual Services: 36,100
- For Travel: 6,000
- For Commodities: 6,000
- For Printing: 4,000
- For Equipment: 30,000
- For Telecommunications: 10,000
- For Operation of Automotive Equipment: 2,000

Total: $654,500

Section 39. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to the Environmental Protection Agency:

Payable from the Environmental Protection Permit and Inspection Fund:
- For Personal Services: $727,700
- For Employee Retirement Contributions:
  - Paid by Employer: 29,100
- For State Contribution to State Employees' Retirement System: 77,100
- For State Contribution to Social Security: 55,700
- For Group Insurance: 130,200
- For Contractual Services: 31,600
- For Travel: 10,000
- For Commodities: 7,000
- For Printing: 4,000
- For Equipment: 62,000
- For Telecommunications Services: 11,200
- For Operation of Automotive Equipment: 10,000

Total: $1,155,600

Section 40. The named amounts, or so much thereof as may be necessary, are appropriated from the Conservation 2000 Fund to the Environmental Protection Agency for the purpose of funding lake management activities required by the Illinois Lake...
Management Program:

For Personal Services and Other Expenses of the Program ...................... $579,800
For Financial Assistance ...................... 1,000,000
Total $1,579,800

Section 41. The sum of $3,360,927, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2002, from appropriations and reappropriations heretofore made for such purpose in article 67, Sections 45 and 46 of Public Act 92-8, as amended is reappropriated from the Conservation 2000 Fund to the Environmental Protection Agency for financial assistance under the Illinois Lake Management Program.

Section 42. The following named amounts, or so much thereof as may be necessary, respectively, for the object and purposes hereinafter named, are appropriated to the Environmental Protection Agency:

Payable from the Water Revolving Fund:

For Administrative Costs of Water Pollution Control Revolving Loan Program ...................... $2,333,900
For Program Support Costs of Water Pollution Control Revolving Loan Program ...................... 6,240,400
For Administrative Costs of the Drinking Water Revolving Loan Program ...................... 1,356,200
For Program Support Costs of the Drinking Water Revolving Loan Program ...................... 420,700
For Federal Safe Drinking Water Act Source Water Assessments ...................... 1,600,000
Total $11,951,200

Section 43. The sum of $252,000,000, new appropriation, is appropriated, and the sum of $439,433,362, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2002, from appropriations and reappropriations heretofore made in Article 67, Section 48 of Public Act 92-8, as amended, is reappropriated from the Water Revolving Fund to the Environmental Protection Agency for financial assistance to units of local government for sewer systems and wastewater treatment facilities pursuant to rules defining the Water Pollution Control Revolving Loan program and for transfer of funds to establish reserve accounts, construction accounts or any other necessary funds or accounts in order to implement a leveraged loan program.

Section 44. The sum of $98,000,000, new appropriation, is appropriated, and the sum of $180,622,292, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2002, from appropriations and reappropriations heretofore made in Article 67, Section 49 of Public Act 92-8, as amended, is reappropriated from the Water Revolving Fund to the Environmental Protection Agency for financial assistance to
units of local government and privately owned community water supplies for drinking water infrastructure projects pursuant to the Safe Drinking Water Act, as amended, and for transfer of funds to establish reserve accounts, construction accounts or any other necessary funds or accounts in order to implement a leveraged program.

Section 45. The sum of $19,000,000, new appropriation, is appropriated, and the sum of $38,200,000, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2002, from appropriations and reappropriations heretofore made for such purpose in Article 67, Section 50 of Public Act 92-8, as amended, is reappropriated from the Anti-Pollution Fund to the Environmental Protection Agency for deposit into the Water Revolving Fund.

Section 46. The sum of $5,848,400, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made in Article 67, Section 51 of Public Act 92-8, as amended, is reappropriated from the Anti-Pollution Fund to the Environmental Protection Agency for grants to units of local government for wastewater facilities, pursuant to provisions of the "Anti-Pollution Bond Act."

Section 47. The sum of $200,000, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made in Article 67, Section 52 of Public Act 92-8, as amended, is reappropriated from the Capital Development Fund to the Environmental Protection Agency for a grant to the Village of Green Oaks to rehabilitate and upgrade the sewer system.

Section 48. The sum of $70,000, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made in Article 67, Section 53 of Public Act 92-8, as amended, is reappropriated from the Capital Development Fund to the Environmental Protection Agency for a grant to Crete Township for construction of a new sewer system.

Section 49. The amount of $25,000, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2002, from reappropriations heretofore made in Article 67, Section 55 of Public Act 92-8, as amended, is reappropriated from the Fund for Illinois' Future to the Environmental Protection Agency for a grant to the Village of Sauk Village for all costs associated with improvements to the Lincoln Lansing Drainage Ditch.

Section 50. The amount of $600,000, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2002, from reappropriations heretofore made in Article 67, Section 56 of Public Act 92-8, as amended, is reappropriated from the Fund for Illinois' Future to the Environmental Protection Agency for a grant to the City of Centralia for the purpose of all costs associated with Texaco water pipeline improvements and/or additions.

Section 51. The sum of $515,000, or so much thereof as may be necessary, and as remains unexpended at the close of business on June 30, 2002 from reappropriations heretofore made in Article 67, Section 58 of Public Act 92-8, as amended, is reappropriated from the Fund for Illinois' Future to the Environmental Protection Agency for grants to units

New matter indicated by italics - deletions by strikeout.
of local government, educational facilities, and not-for-profit organizations for infrastructure improvements including, but not limited to, planning, construction, reconstruction, renovation, equipment, utilities and vehicles.

Section 52. The sum of $1,000,000, or so much thereof as may be necessary, and as remains unexpended at the close of business on June 30, 2002 from appropriations heretofore made in Article 67, Section 47a of Public Act 92-8, as amended, is reappropriated from the Water Revolving Fund to the Environmental Protection Agency for all costs associated with providing assistance to public water supplies for wellhead protection, capacity development and technical assistance.

Section 53. The sum of $750,000, or so much thereof as may be necessary, is appropriated from the Special State Projects Trust Fund to the Environmental Protection Agency for all costs associated with environmental studies and activities relating to the Great Lakes.

ARTICLE 69

Section 1. The following named sums, or so much thereof as may be necessary, respectively, are appropriated from the General Revenue Fund to the Guardianship and Advocacy Commission for the purposes hereinafter named:

For Personal Services.......................... $  6,302,000
For Employee Retirement Contributions
Paid by Employer...............................  252,100
For State Contributions to the State
Employees' Retirement System ...............  655,400
For State Contributions to Social Security..............  479,000
For Contractual Services.......................  334,100
For Travel....................................  169,200
For Commodities...............................  15,700
For Printing..................................  13,600
For Equipment.................................  9,700
For Electronic Data Processing...............  22,300
For Telecommunications Services..............  253,000
For Operation of Auto Equipment..............  8,200
Total ........................................ $8,514,300

Section 2. The sum of $210,000, or so much thereof as may be necessary, is appropriated from the Guardianship and Advocacy Fund to the Guardianship and Advocacy Commission for services pursuant to Section 5 of the Guardianship and Advocacy Act.

ARTICLE 70

Section 1. The sum of $250,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois Farm Development Authority for the purpose of interest buy-back as authorized under the Illinois Farm Development Act.

ARTICLE 71

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

**FOR OPERATIONS**

**FOR PUBLIC AFFAIRS AND DEVELOPMENT**

**PAYABLE FROM GENERAL REVENUE FUND**

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>$922,500</td>
</tr>
<tr>
<td>For Employee Retirement Contributions</td>
<td>36,800</td>
</tr>
<tr>
<td>Employees' Retirement System</td>
<td>97,800</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>68,800</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>136,000</td>
</tr>
<tr>
<td>For Travel</td>
<td>30,300</td>
</tr>
<tr>
<td>For Commodities</td>
<td>5,800</td>
</tr>
<tr>
<td>For Printing</td>
<td>110,200</td>
</tr>
<tr>
<td>For Equipment</td>
<td>1,700</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>20,500</td>
</tr>
<tr>
<td>For Lincoln Legals</td>
<td>190,800</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$1,621,200</strong></td>
</tr>
</tbody>
</table>

**PAYABLE FROM ILLINOIS HISTORIC SITES FUND**

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Contractual Services</td>
<td>$55,000</td>
</tr>
<tr>
<td>For Commodities</td>
<td>1,000</td>
</tr>
<tr>
<td>For Printing</td>
<td>16,300</td>
</tr>
<tr>
<td>For Equipment</td>
<td>1,000</td>
</tr>
<tr>
<td>For historic preservation programs</td>
<td>225,000</td>
</tr>
<tr>
<td>administered by the Executive Office, only to the extent that funds are received through grants, and awards, or gifts</td>
<td>225,000</td>
</tr>
<tr>
<td>For research projects associated with</td>
<td>200,000</td>
</tr>
<tr>
<td>Abraham Lincoln</td>
<td></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$498,300</strong></td>
</tr>
</tbody>
</table>

Section 1a. The sum of $70,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Historic Preservation Agency for a grant to the Illinois Executive Mansion Association.

Section 2. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent expenses of the Historic Preservation Agency:

**FOR OPERATIONS**

**HISTORICAL LIBRARY DIVISION**

**PAYABLE FROM GENERAL REVENUE FUND**

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>$803,000</td>
</tr>
<tr>
<td>For Employee Retirement Contributions</td>
<td></td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout.
Paid by Employer ......................... 32,200
For State Contributions to State
   Employees’ Retirement System .......... 85,200
   For State Contributions to Social Security ...
   For Contractual Services ................. 19,600
   For Travel ............................... 4,600
   For Commodities .......................... 12,600
   For Printing ............................. 1,200
   For Equipment ............................ 46,400
   For Telecommunications Services ......... 9,700
   For On-Line Computer Library Center (OCLC).... 72,600
   For Purchase and Care of Lincolniana ..... 19,400
   Total $1,167,500

    Section 2a. The sum of $225,000 or so much thereof as may be necessary, is appropriated from the Illinois Historic Sites Fund to the Historic Preservation Agency for the ordinary and contingent expenses of the Historical Library including microfilming Illinois newspapers and manuscripts and performing genealogical research.

    Section 3. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent expenses of the Historic Preservation Agency:

    FOR OPERATIONS
    PRESERVATION SERVICES DIVISION
    PAYABLE FROM GENERAL REVENUE FUND
For Personal Services ......................... $ 562,400
For Employee Retirement Contributions
   Paid by Employer ......................... 22,500
For State Contributions to State
   Employees’ Retirement System .......... 59,600
   For State Contributions to Social Security ...
   For Contractual Services ................. 141,800
   For Travel ............................... 9,600
   For Commodities .......................... 2,400
   For Telecommunications .................... 12,100
   Total $851,700

    PAYABLE FROM ILLINOIS HISTORIC SITES FUND
For Personal Services ......................... $ 394,100
For Employee Retirement Contributions
   Paid by Employer ......................... 15,800
For State Contributions to State
   Employees’ Retirement System .......... 41,800
   For State Contributions to Social Security ...
   For Group Insurance ........................ 83,700

New matter indicated by italics - deletions by strikeout.
For Contractual Services .................... 73,000
For Travel ................................. 26,000
For Commodities ........................... 3,000
For Printing ............................... 1,000
For Equipment ............................. 2,000
For Electronic Data Processing .......... 5,000
For Telecommunications Services ........ 13,000
For historic preservation programs
made either independently or in
cooperation with the Federal Government
or any agency thereof, any municipal
corporation, or political subdivision
of the State, or with any public or private
corporation, organization, or individual,
or for refunds .............................. 750,000
Total  .................................... $1,438,300

Section 3a. The sum of $150,000, or so much thereof as may be necessary, is
appropriated from the Illinois Historic Sites Fund to the Historic Preservation Agency for
awards and grants for historic preservation programs made either independently or in
cooperation with the Federal Government or any agency thereof, any municipal
corporation, or political subdivision of the State, or with any public or private corporation,
organization, or individual.

Section 3b. The sum of $253,324, or so much thereof as may be necessary and
as remains unexpended at the close of business on June 30, 2002, from an appropriation
and reappropriation heretofore made in Article 70, Sections 3b and 3c of Public Act 92-8,
as amended, is reappropriated from the Illinois Historic Sites Fund to the Historic
Preservation Agency for awards and grants for historic preservation programs made
either independently or in cooperation with the Federal Government or any agency thereof,
any municipal corporation, or political subdivision of the State, or with any public or private
corporation, organization, or individual.

Section 3c. The sum of $250,000, or so much thereof as may be necessary, is
appropriated from the General Revenue Fund to the Historic Preservation Agency to
make Illinois Heritage Grants for the purpose of planning, survey, rehabilitation,
restoration, reconstruction, landscaping and acquisition of Illinois properties designated on
the National Register of Historic Places or as a landmark based on a county or municipal
ordinance or those located within certain historic districts deemed historically significant.

Section 3d. The sum of $696,000, or so much thereof as may be necessary and as
remains unexpended at the close of business on June 30, 2002, from an appropriation
and reappropriation heretofore made in Article 70, Sections 3d and 3e of Public Act 92-8,
as amended, is reappropriated from the General Revenue Fund to the Historic Preservation
Agency to make Illinois Heritage Grants for the purpose of planning, survey, rehabilitation,
restoration, reconstruction, landscaping and acquisition of Illinois properties designated on

New matter indicated by italics - deletions by strikeout.
the National Register of Historic Places or as a landmark based on a county or municipal ordinance or those located within certain historic districts deemed historically significant.

Section 3e. The sum of $275,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Historic Preservation Agency for the operational expenses of the Lewis and Clark Historic Site in Madison County.

Section 4. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated for the objects and purposes hereinafter named, to meet the ordinary and contingent expenses of the Historic Preservation Agency:

**FOR OPERATIONS**

**ADMINISTRATIVE SERVICES DIVISION**

**PAYABLE FROM GENERAL REVENUE FUND**

For Personal Services ......................... $ 1,299,700
For Employee Retirement Contributions
   Paid by Employer ............................... 51,900
For State Contributions to State
   Employees' Retirement System ............... 137,900
   For State Contributions to Social Security ... 98,700
   For Contractual Services ....................... 372,500
For Travel ........................................ 2,200
For Commodities ............................... 21,900
For Printing ..................................... 1,400
For Equipment ................................... 8,300
For Electronic Data Processing ............... 63,100
For Telecommunications Services ............. 23,800
For Operation of Auto Equipment ............. 13,600
Total ........................................... $2,095,000

Section 4a. The sum of $200,000 or so much thereof as may be necessary is appropriated from the Illinois Historic Sites Fund to the Historic Preservation Agency for the ordinary and contingent expenses of the Administrative Services division for costs associated with but not limited to Union Station, the Old State Capitol and the Old Journal Register Building.

Section 5. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated for the objects and purposes hereinafter named, to meet the ordinary and contingent expenses of the Historic Preservation Agency:

**FOR OPERATIONS**

**HISTORIC SITES DIVISION**

**PAYABLE FROM GENERAL REVENUE FUND**

For Personal Services ........................ $ 5,416,000
For Employee Retirement Contributions
   Paid by Employer ............................... 207,300
For State Contributions to State
   Employees' Retirement System ............... 574,500

New matter indicated by italics - deletions by strikeout.
For State Contributions to Social Security ... 412,200
For Contractual Services ..................... 899,400
For Travel ..................................... 17,400
For Commodities ............................. 151,400
For Printing ................................. 11,800
For Equipment ............................... 117,900
For Telecommunications Services .......... 65,200
For Operation of Auto Equipment .......... 43,700
Total ....................................... $7,916,800

PAYABLE FROM ILLINOIS HISTORIC SITES FUND
For Personal Services .................. $ 33,600
For Employee Retirement Contributions
   Paid by Employer ....................... 1,400
For State Contributions to State
   Employees' Retirement System .......... 3,600
For State Contributions to Social Security ...
For Group Insurance ..................... 9,300
For Contractual Services ................ 150,000
For Travel ................................. 5,000
For Commodities .......................... 35,000
For Equipment ............................ 25,000
For Telecommunications Services ........ 5,000
For Operation of Auto Equipment ........ 10,000
For Historic Preservation Programs Administered
   by the Historic Sites Division, Only to the
   Extent that Funds are Received Through
   Grants, Awards, or Gifts ................ 100,000
For Permanent Improvements ............. 75,000
Total ...................................... $455,500

Section 5a. The sum of $600,000, or so much thereof as may be necessary, is appropriated from the Illinois Historic Sites Fund to the Historic Preservation Agency for operations, maintenance, repairs, permanent improvements, special events, and all other costs related to the operation of Illinois Historic Sites and only to the extent which donations are received at Illinois State Historic Sites.

Section 5b. The sum of $500,000, or so much thereof as may be necessary, is appropriated to the Historic Preservation Agency from the General Revenue Fund for programs and purposes including repairing, maintaining, reconstructing, rehabilitating, replacing, fixed assets, construction and development, studies, all costs for supplies, materials, labor, land acquisition and its related costs, services and other expenses at historic sites.

Section 5c. The sum of $1,600,000, or so much thereof as may be necessary, and
as remains unexpended at the close of business on June 30, 2002, from appropriations heretofore made in Article 70, Section 5c of Public Act 92-8, as amended, is reappropriated from the Capital Development Fund to the Historic Preservation Agency for a grant to the Lake County Forest Preserve District for planning, construction and renovation of the Adlai Stevenson Home State Historic Site.

Section 6. The sum of $70,490, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2002, from appropriations heretofore made in Article 70, Section 7 of Public Act 92-8, as amended, is reappropriated from the General Revenue Fund to the Historic Preservation Agency for the restoration of the Jarrot Mansion.

Section 7. The amount of $31,400, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made for such purpose in Article 70, Section 8 of Public Act 92-8, as amended, is reappropriated from the General Revenue Fund to the Historic Preservation Agency for planning a new historical library and Lincoln Center.

Section 8. The amounts appropriated for repairs and maintenance and other capital improvements in Section 5b of this Article for repairs and/or replacements, and miscellaneous capital improvements at the agency's various historical sites, and are to include construction, reconstruction, improvements, repairs and installation of capital facilities, costs of planning, supplies, materials, and all other types of repairs and maintenance, and capital improvements.

No contract shall be entered into or obligation incurred for repairs and maintenance and other capital improvements from appropriations made in Section 5c of this Article until after the purposes and amounts have been approved in writing by the Governor.

Section 9. The sum of $46,867, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 70, Section 12 of Public Act 92-8, as amended, is reappropriated from the Capital Development Fund to the Historic Preservation Agency for improvements to the Galena State Historic Sites for the Ulysses S. Grant Visitors Center.

Section 10. The sum of $171,551, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 70, Section 13 of Public Act 92-8, as amended, is reappropriated from the Fund for Illinois' Future to the Historic Preservation Agency for grants to units of local government, educational facilities, and not-for-profit organizations for infrastructure improvements, including but not limited to planning, construction, reconstruction, renovation, equipment, utilities and vehicles.

Section 11. The sum of $15,000, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 70, Section 15 of Public Act 92-8, as amended, is reappropriated from the Fund for Illinois' Future to the Historic Preservation Agency for grants to units of local government and not-for-profit organizations for infrastructure improvements, including but not limited to planning, construction, renovation, restoration and

New matter indicated by italics - deletions by strikeout.
Section 12. The sum of $437,800, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 70, Section 16 of Public Act 92-8, as amended, is reappropriated from the Capital Development Fund to the Historic Preservation Agency for costs associated with the acquisition of Sugar Loaf and/or Fox Mounds.

Section 13. The sum of $460,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 70, Section 17 of Public Act 92-8, as amended, is reappropriated from the Capital Development Fund to the Historic Preservation Agency for support facilities for Sugar Loaf and/or Fox Mounds.

Section 14. The sum of $1,500,000, or so much thereof as may be necessary, is appropriated from the Presidential Library and Museum Operating Fund to the Historic Preservation Agency to meet the ordinary and contingent expenses of the Abraham Lincoln Presidential Library and Museum in Springfield.

Section 15. The sum of $205,000, or so much thereof as may be necessary and remains unexpended from an appropriation heretofore made in Article 70, Section 18 of Public Act 92-8, as amended, is reappropriated from the General Revenue Fund to Historic Preservation Agency for the purchase of furnishings, operation and maintenance of the Crenshaw House.

ARTICLE 72

Section 1. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Human Rights Commission for the objects and purposes hereinafter enumerated:

**GENERAL OFFICE**

Payable from General Revenue Fund:
- For Personal Services ....................... $ 1,001,900
- For Employee Retirement Contributions
  - Paid by Employer ............................ 40,100
- For State Contributions to State
  - Employees' Retirement System .............. 104,200
- For State Contributions to Social Security ................ 76,600
- For Contractual Services ................... 113,900
- For Travel ................................. 42,000
- For Commodities .......................... 15,000
- For Printing ............................... 4,500
- For Equipment ............................. 13,900
- For Electronic Data Processing ............. 13,600
- For Telecommunications Services.......... 26,900
- Total .................................... $1,452,600

**ARTICLE 73**

New matter indicated by italics - deletions by strikeout.
Section 1. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent expenses of the Illinois Criminal Justice Information Authority:

**OPERATIONS**

Payable from General Revenue Fund:
- For Personal Services .................. $ 1,663,900
- For Employee Retirement Contributions
  - Paid by Employer ...................... 67,100
- For State Contributions to State Employees' Retirement System ............ 177,900
- For State Contributions to
  - Social Security ....................... 128,500
  - For Contractual Services .............. 673,000
  - For Travel ................................ 18,400
  - For Commodities ...................... 14,900
  - For Printing ............................ 17,500
  - For Equipment ......................... 3,400
  - For Electronic Data Processing ...... 388,300
  - For Telecommunications Services ..... 78,900
  - For Operation of Auto Equipment ....... 4,400
  Total .................................. $3,236,200

Payable from Criminal Justice Information Systems Trust Fund:
- For Personal Services .................. $ 775,300
- For Employee Retirement Contributions
  - Paid by Employer ...................... 31,000
- For State Contributions to State Employees' Retirement System ............ 82,200
- For State Contributions to
  - Social Security ....................... 59,300
  - For Group Insurance .................... 139,500
  - For Contractual Services .............. 300,200
  - For Travel ................................ 14,000
  - For Commodities ...................... 6,100
  - For Printing ............................ 4,000
  - For Equipment ......................... 4,500
  - For Electronic Data Processing ...... 2,220,000
  - For Telecommunications Services ..... 226,000
  - For Operation of Auto Equipment ....... 7,400
  Total .................................. $3,869,500

Section 2. The sum of $39,579,300, or so much thereof as may be necessary, is
appropriated from the Criminal Justice Trust Fund to the Illinois Criminal Justice Information Authority for awards and grants to local units of government and non-profit organizations.

Section 3. The following named sums, or so much thereof as may be necessary, are appropriated to the Illinois Criminal Justice Information Authority for awards and grants to state agencies:

Payable from the General Revenue Fund ........... $ 1,759,600
Payable from the Criminal Justice Trust Fund ................... 13,359,600
Total $15,119,200

Section 4. The following named sums, or so much thereof as needed, are appropriated to the Illinois Criminal Justice Information Authority for activities undertaken in support of federal assistance programs administered by units of state and local government and non-profit organizations:

Payable from the General Revenue Fund ........... $ 876,200
Payable from the Criminal Justice Trust Fund ................... 5,600,000
Total $6,476,200

Section 5. The following named amounts, or so much thereof as may be necessary, are appropriated to the Illinois Criminal Justice Information Authority for awards and grants and other monies received from federal agencies, from other units of government, and from private/not-for-profit organizations for activities undertaken in support of investigating issues in criminal justice and for undertaking other criminal justice information projects:

Payable from the Criminal Justice Trust Fund ................... $ 1,700,000
Payable from the Criminal Justice Information Projects Fund ................... 1,000,000
Total $2,700,000

Section 6. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to the Illinois Criminal Justice Information Authority for awards, grants and operational support to implement the Motor Vehicle Theft Prevention Act:

Payable from the Motor Vehicle Theft Prevention Trust Fund:
For Personal Services ...................... $ 206,200
For other Ordinary and Contingent Expenses ... 208,900
For Awards and Grants to federal and state agencies, units of local government, corporations, and neighborhood, community and business organizations to include operational operations.

New matter indicated by italics - deletions by strikeout.
activities and programs undertaken
by the Authority in support of the
Motor Vehicle Theft Prevention Act ..........  7,000,000
For Refunds.................................  100,000
Total .................................. $7,515,100

Section 7. The sum of $40,000,000, or so much thereof as may be necessary, is
appropriated from the Criminal Justice Trust Fund to the Illinois Criminal Justice
Information Authority for awards and grants to state agencies and units of local
government, to include operational activities and programs undertaken by the Authority,
in support of Federal Crime Bill Initiatives.

Section 8. The following amounts, or so much thereof as may be necessary, are
appropriated to the Illinois Criminal Justice Information Authority for awards and grants to
state agencies and units of local government, including operational expenses of the
Authority in support of the Juvenile Accountability Incentive Block Grant program:
Payable from the Juvenile Accountability
Incentive Block Grant Trust Fund ..............  17,540,800

Section 9. The sum of $97,000, or so much thereof as may be necessary, is
appropriated from the General Revenue Fund to the Illinois Criminal Justice Information
Authority for awards and grants and operational costs in support of the Sexual Assault
Nurse Examiner Pilot Program.

ARTICLE 74

Section 1. The following named amounts, or so much thereof as may be necessary,
respectively, are appropriated from the General Revenue Fund to the Illinois Educational
Labor Relations Board for the objects and purposes hereinafter named:

OPERATIONS

For Personal Services ....................... $  1,174,800
For Employee Retirement Contributions
Paid by Employer ............................  47,000
For State Contributions to State
Employees' Retirement System .................  124,500
For State Contributions to
Social Security ............................  89,900
For Contractual Services ....................  150,000
For Travel .................................  25,000
For Commodities ............................  5,000
For Printing ...............................  2,900
For Equipment .............................  33,900
For Electronic Data Processing ...............  35,700
For Telecommunications Services ............  32,500
For Operation of Auto Equipment ..........  4,000
Total ................................ $1,725,200

New matter indicated by italics - deletions by strikeout.
ARTICLE 75

Section 1. The sum of $33,425,000, or so much thereof as may be necessary, is appropriated from the Illinois Sports Facilities Fund to the Illinois Sports Facilities Authority for its corporate purposes.

ARTICLE 76

Section 1. The amount of $275,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois Rural Bond Bank for ordinary and contingent expenses.

ARTICLE 77

Section 1. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated for the objects and purposes hereinafter named, to meet the ordinary and contingent expenses of the Illinois Council on Developmental Disabilities:

Payable from Council on Developmental Disabilities Federal Fund:
- For Personal Services $678,500
- For Employee Retirement Contributions Paid By Employer 27,100
- For State Contributions to the State Employees' Retirement System 71,900
- For State Contributions to Social Security 51,900
- For Group Insurance 130,200
- For Contractual Services 469,700
- For Travel 43,000
- For Commodities 30,000
- For Printing 37,500
- For Equipment 15,000
- For Electronic Data Processing 25,000
- For Telecommunications Services 45,000

Total $1,624,800

Section 2. The amount of $2,500,000, or so much thereof as may be necessary, is appropriated from the Council on Developmental Disabilities Federal Fund to the Illinois Council on Developmental Disabilities for awards and grants to community agencies and other State agencies.

ARTICLE 78

Section 1. The following amounts, or so much thereof as may be necessary, respectively, are appropriated for the objects and purposes named, to meet the ordinary and contingent expenses of Illinois Violence Prevention Authority:

Payable from the Violence Prevention Fund:
- For Personal Services $503,300

New matter indicated by italics - deletions by strikeout.
Paid by Employer ............................ 20,200
For State Contributions to State
Employees' Retirement System ............... 53,400
For State Contribution to
Social Security .............................. 41,700
For Group Insurance .......................... 93,000
For Contractual Services .................... 93,000
For Travel ................................... 25,000
For Commodities .............................. 5,000
For Printing ................................ 10,000
For Equipment ................................ 2,000
For Electronic Data Processing ............... 2,000
For Telecommunications Services .......... 10,000
Total  ....................................... $858,600

Payable from the General Revenue Fund:
For Contractual Services .................... 69,700
Total  ....................................... $69,700

Section 2. The sum of $1,200,000, or so much thereof as may be necessary, is
appropriated from the Violence Prevention Fund to the Illinois Violence Prevention
Authority for the purpose of awarding grants under the provisions of the Violence

Section 3. The sum of $2,380,400, or so much thereof as may be necessary, is
appropriated from the General Revenue Fund to the Illinois Violence Prevention
Authority for the purpose of awarding grants under the provisions of the Violence Prevention Act of 1995.

Section 4. The amount of $950,600, or so much of that amount as may be
necessary, is appropriated from the General Revenue Fund to the Illinois Violence
Prevention Authority for the Illinois Family Violence Coordinating Council Program.

Section 5. The amount of $13,900,000, or so much thereof as may be necessary, is
appropriated from the General Revenue Fund to the Illinois Violence Prevention
Authority for its Safe to Learn program.

ARTICLE 79

Section 1. The following named amounts, or so much thereof as may be
necessary, respectively, for the objects and purposes hereinafter named, are appropriated
from the General Revenue Fund to the Industrial Commission:

GENERAL OFFICE

For Personal Services:
Regular Positions ......................... $ 3,915,000
Arbitrators ................................. 2,391,200
Court Reporters .......................... 927,400
For Employee Retirement Contributions
Paid by Employer .......................... 310,200

New matter indicated by italics - deletions by strikeout.
For State Contributions to State
   Employees' Retirement System ................ 404,900
   For Arbitrators' Retirement System ........ 247,400
   For Court Reporters' Retirement System .... 95,900
   For State Contributions to
   Social Security ............................. 525,300
   For Contractual Services ..................... 339,400
   For Travel ..................................... 135,800
   For Commodities .............................. 30,600
   For Equipment .................................. 16,500
   For Telecommunications Services .......... 67,900
   Total ......................................... $9,438,100

ELECTRONIC DATA PROCESSING
For Personal Services ......................... $  545,200
For State Contributions to State
   Employees' Retirement System ................ 56,200
   For State Contributions to
   Social Security ............................. 41,800
   For Contractual Services ..................... 135,800
   For Travel ..................................... 2,000
   For Commodities .............................. 1,000
   For Equipment .................................. 2,400
   For Printing ................................... 2,000
   For Telecommunications Services .......... 26,200
   Total ......................................... $812,600

Section 2. In addition to the amounts heretofore appropriated, the following
named amount, or so much thereof as may be necessary, is appropriated from the General
Revenue Fund to the Industrial Commission for the project hereinafter enumerated:
   PEORIA OFFICE
For rent, staffing and equipment to operate
an office in Peoria............................... $84,900

Section 3. The amount of $101,300, or so much thereof as may be necessary, is
appropriated from the General Revenue Fund to the Industrial Commission for printing
and distribution of Workers' Compensation handbooks containing information as to the
rights and obligations of employers.

Section 4. The amount of $216,200, or so much thereof as may be necessary, is
appropriated from the General Revenue Fund to the Industrial Commission for the
implementation and operation of an accident reporting system.

Section 5. The sum of $80,500, or so much thereof as may be necessary, is
appropriated from the General Revenue Fund to the Industrial Commission for all costs
associated with the establishment and operation of a satellite office in the Metro East area.

New matter indicated by italics - deletions by strikeout.
ARTICLE 80

Section 1. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the Dram Shop Fund to the Liquor Control Commission:

For Personal Services ....................... $ 2,377,700
For Employee Retirement Contributions
  Paid by Employer ......................... 94,600
For State Contributions to State
  Employees' Retirement System .......... 247,200
For State Contributions to Social Security .... 179,300
For Group Insurance ....................... 492,900
For Contractual Services ................... 291,400
For Travel ................................... 115,300
For Commodities ............................ 18,700
For Printing ................................ 6,000
For Equipment .............................. 39,500
For Electronic Data Processing .......... 81,200
For Telecommunications Services ......... 65,000
For Operation of Automotive Equipment ..... 38,000
For Refunds ................................. 2,000
Total ........................................ 4,048,800

Section 2. The amount of $300,000, or so much thereof as may be necessary, is appropriated from the Dram Shop Fund to the Liquor Control Commission to conduct a study to determine the extent of enforcement of laws relating to access by minors to tobacco products.

Section 3. The sum of $150,000, or so much thereof as may be necessary, is appropriated from the Tobacco Settlement Recovery Fund to the Liquor Control Commission for the purpose of operating the local government tobacco enforcement grant program.

Section 4. The sum of $1,000,000, or so much thereof as may be necessary, is appropriated from the Tobacco Settlement Recovery Fund to the Liquor Control Commission for grants to local governmental units to establish enforcement programs that will reduce youth access to tobacco products.

Section 5. The following amounts, or so much thereof as may be necessary, respectively, are appropriated for the Retailer Education Program from the Dram Shop Fund to the Liquor Control Commission, for the objects and purposes hereinafter named:

For Personal Services ....................... $ 112,300
For Employee Retirement Contributions
  Paid by Employer ......................... 4,400
For State Contributions to State

New matter indicated by italics - deletions by strikeout.
PUBLIC ACT 92-0538

Employees' Retirement System .......... 11,300
For State Contributions to
Social Security ......................... 9,000
For Group Insurance .................... 18,600
For Contractual Services ................. 65,300
For Travel ................................ 4,300
For Commodities ....................... 2,400
For Printing ............................ 21,000
For Equipment .......................... 1,000
For Electronic Data Processing ........... 6,000
For Telecommunications Services ........ 4,100
Total $259,700

Section 7. The sum of $630,000, or so much thereof as may be necessary, is
appropriated from the Dram Shop Fund to the Liquor Control Commission for the purpose
of operating the Beverage Alcohol Sellers and Servers Education and Training
(BASSET) Program.

Section 8. In addition to any other amount appropriated, the sum of $331,700, or so
much thereof as may be necessary, is appropriated from the General Revenue Fund to the
Illinois Liquor Control Commission for the continuation of a statewide tobacco inspection
program.

ARTICLE 81

Section 1. The following named amounts, or so much thereof as may be
necessary, respectively, for the objects and purposes hereinafter named, are appropriated to
meet the ordinary and contingent expenses of the Law Enforcement Training Standards
Board:

OPERATIONS

Payable from the Traffic and Criminal
Conviction Surcharge Fund:
For Personal Services .................... $ 1,219,900
For Employee Retirement Contributions
Paid by Employer .......................... 48,800
For State Contributions to State
Employees' Retirement System ............ 129,300
For State Contributions to
Social Security ............................ 99,000
For Group Insurance ..................... 241,800
For Contractual Services ................. 380,400
For Travel ............................... 35,200
For Commodities ....................... 12,000
For Printing ............................ 15,000
For Equipment .......................... 39,000
For Electronic Data Processing .......... 69,000

New matter indicated by italics - deletions by strikeout.
For Telecommunications Services .................. 37,700
For Operation of Auto Equipment .................. 17,000
For Expenses Related to the Audit of
Assessment Collection and Remittance To
and Expenditures From the Traffic and
Criminal Conviction Surcharge Fund ............ 22,000
Total ........................................ $2,366,100

Payable from the Police Training Board Services Fund:
For payment of and/or services
related to law enforcement training
in accordance with statutory provisions
of the Law Enforcement Intern
Training Act ................................... $500,000

Section 1a. The following named amount, or so much thereof as may be
necessary, respectively, for the objects and purposes hereinafter named, is appropriated to
the Law Enforcement Training Standards Board as follows:

GRANTS-IN-AID

Payable from the Traffic and Criminal
Conviction Surcharge Fund:
For payment of and/or reimbursement
of training and training services
in accordance with statutory provisions ...... $12,000,000

ARTICLE 82

Section 1. The following named amounts, or so much thereof as may be
necessary, respectively, for the objects and purposes hereinafter named, are appropriated
to the Illinois Medical District Commission:
Payable from General Revenue Fund:
For Personal Services............................... $305,800
For Employee Retirement Contributions
Paid by Employer ...................................... 12,300
For State Contributions to the State
Employees' Retirement System ............... 31,600
For State Contributions to
Social Security...................................... 23,400
For Contractual Services ....................... 290,000
For Operation of Chicago Technology
Park Research Center and for
Development and Operation of the
Chicago Technology Park within the
Medical Center District ......................... 116,900
Total ........................................ $780,000

Section 2. The sum of $138,800, or so much thereof as may be necessary, is

New matter indicated by italics - deletions by strikeout.
appropriated from the General Revenue Fund to the Illinois Medical District Commission for repairs, maintenance, and site improvements within the Medical Center District, City of Chicago.

Section 3. The sum of $200,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois Medical District Commission for site development and maintenance of the Illinois Medical District Development Area.

Section 4. The sum of $4,000,000, or so much thereof as may be necessary, is appropriated from the Capital Development Fund to the Illinois Medical District Commission for acquisition of property, demolition and site improvements, and related costs within the Medical Center District, City of Chicago for Phase IV of District Development Initiative.

Section 5. The sum of $3,138,328, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002 from appropriations heretofore made in Article 86, Sections 4 and 5 of Public Act 92-8, is reappropriated from the Capital Development Fund to the Illinois Medical District Commission for acquisition of property, demolition and site improvements, and related costs within the Medical Center District, City of Chicago for Phase III and IV of District Development Initiative.

Section 6. No contract shall be entered into or obligation incurred for any expenditures from appropriations in Sections 2, 3, 4 and 5 of this Article until the purposes and amounts have been approved in writing by the Governor.

ARTICLE 83

Section 1. The sum of $31,597,000, or so much thereof as may be necessary, is appropriated from the Metropolitan Fair and Exposition Authority Improvement Bond Fund to the Metropolitan Pier and Exposition Authority for debt service on the Authority's Dedicated State Tax Revenue Bonds, issued pursuant to the "Metropolitan Fair and Exposition Authority Act", as amended.

Section 2. The sum of $99,000,000, or so much thereof as may be necessary, is appropriated from the McCormick Place Expansion Project Fund to the Metropolitan Pier and Exposition Authority for debt service on the Authority's McCormick Place Expansion Project Bonds, issued pursuant to the "Metropolitan Pier and Exposition Authority Act", as amended.

ARTICLE 84

Section 1. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the General Revenue Fund to meet the ordinary and contingent expenses of the Prairie State 2000 Authority:

For Personal Services ...................... $ 269,700
For Employee Retirement Contributions
   Paid by Employer .......................... 10,800
For State Contributions to State

New matter indicated by italics - deletions by strikeout.
Employees' Retirement System.................  28,100
For State Contributions to Social Security ..................  20,500
For Contractual Services .....................  153,100
For Travel ..................................  11,500
For Commodities .........................  3,000
For Printing ...............................  5,000
For Equipment .............................  2,000
For Electronic Data Processing .............  13,800
For Telecommunications Services ..........  10,000
For Operation of Auto Equipment ..........  1,100
Total ................................. $528,600

Section 2. The amount of $1,210,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Prairie State 2000 Authority for tuition and educational fee vouchers on behalf of individuals.

Section 3. The amount of $2,250,000, new appropriation, is appropriated from the General Revenue Fund to the Prairie State 2000 Authority for training grants and loans to eligible employers.

Section 3a. The amount of $2,123,200, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from the appropriation made in Public Act 92-8, Article 91, Section 3, approved June 11, 2001, is reappropriated from the General Revenue Fund to the Prairie State 2000 Authority for training grants and loans to eligible employers entered into during the 2002 fiscal year.

Section 3b. The amount of $659,100, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from the reappropriation heretofore made in Public Act 92-8, Article 91, Section 3a approved June 11, 2001, as amended, is reappropriated from the General Revenue Fund to the Prairie State 2000 Authority for training grants and loans to eligible employers entered into during the 2001 fiscal year.

Section 3c. The amount of $392,430, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from the reappropriation made in Public Act 92-8, Article 91, Section 3b, approved June 11, 2001, is reappropriated from the General Revenue Fund to the Prairie State 2000 Authority for training grants and loans to eligible employers entered into during the 2000 fiscal year.

ARTICLE 85

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

Payable from General Revenue Fund:
For Personal Services ....................... $  715,400
For Employee Retirement Contributions

New matter indicated by italics - deletions by strikeout.
Paid by Employer ......................... 28,600
For State Contributions to State Employees’
  Retirement System ....................... 75,800
For State Contributions to Social Security ..... 54,800
For Contractual Services ..................  8,300
For Travel ...................................  1,300
For Commodities ...........................  1,000
For Printing .................................  1,000
For Electronic Data Processing .............  1,000
For Telecommunications Services ..........  4,900
  Total  $892,100

Payable from the Pollution Control Board Fund:
  For Contractual Services ................ $ 15,000
  For Printing ...............................  3,000
  For Telecommunications ...................  4,000
  For Refunds ................................  1,000
  Total  $23,000

Payable from the Environmental Protection Permit
and Inspection Fund:
  For Personal Services .................... $ 590,200
  For Employee Retirement Contributions
  Paid by Employer ..........................  23,800
  For State Contributions to State Employees’
    Retirement System ....................... 64,900
  For State Contributions to Social Security .... 45,200
  For Group Insurance ....................... 141,400
  For Contractual Services ..................  7,900
  For Court Reporting Costs .................  5,200
  For Travel ...................................  8,000
  For Electronic Data Processing ..........  10,000
  For Telecommunications Services .........  15,000
  Total  $911,600

Payable from the Clean Air Act Permit Fund:
  For Personal Services ................... $ 566,800
  For Employee Retirement Contributions
  Paid by Employer ..........................  22,900
  For State Contributions to State Employees’
    Retirement System ....................... 62,200
  For State Contributions to Social Security .... 43,600
  For Group Insurance .......................  93,000
  Total  $788,500

Section 2. The amount of $40,000, or so much thereof as may be necessary, is

New matter indicated by italics - deletions by strikeout.
appropriated from the Used Tire Management Fund to the Pollution Control Board for the purposes as provided for in Section 55.6 of the Environmental Protection Act.

Section 3. The amount of $30,000, or so much thereof as may be necessary, is appropriated from the Clean Air Act Permit Fund to the Pollution Control Board for activities relating to the Clean Air Act Permit Program.

ARTICLE 86

Section 1. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to meet the ordinary and contingent expenses of the Prisoner Review Board:

**PAYABLE FROM GENERAL REVENUE FUND**

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>$868,900</td>
</tr>
<tr>
<td>For Employee Retirement Contributions</td>
<td></td>
</tr>
<tr>
<td>Paid by Employer</td>
<td>42,300</td>
</tr>
<tr>
<td>For State Contributions to State</td>
<td></td>
</tr>
<tr>
<td>Employees' Retirement System</td>
<td>86,400</td>
</tr>
<tr>
<td>For State Contributions to</td>
<td></td>
</tr>
<tr>
<td>Social Security</td>
<td>66,100</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>169,800</td>
</tr>
<tr>
<td>For Travel</td>
<td>131,000</td>
</tr>
<tr>
<td>For Commodities</td>
<td>30,100</td>
</tr>
<tr>
<td>For Printing</td>
<td>11,600</td>
</tr>
<tr>
<td>For Equipment</td>
<td>1,000</td>
</tr>
<tr>
<td>For Electronic Data Processing</td>
<td>19,400</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>21,300</td>
</tr>
<tr>
<td>For Operation of Auto Equipment</td>
<td>38,900</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>$1,486,800</td>
</tr>
</tbody>
</table>

ARTICLE 87

Section 1. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the Horse Racing Fund for the ordinary and contingent expenses of the Illinois Racing Board:

**OPERATIONS**

**GENERAL OFFICE**

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>$1,374,200</td>
</tr>
<tr>
<td>For Employee Retirement Contributions</td>
<td></td>
</tr>
<tr>
<td>Paid by Employer</td>
<td>55,000</td>
</tr>
<tr>
<td>For State Contributions to State</td>
<td></td>
</tr>
<tr>
<td>Employees' Retirement System</td>
<td>145,700</td>
</tr>
<tr>
<td>For State Contributions to</td>
<td></td>
</tr>
<tr>
<td>Social Security</td>
<td>103,200</td>
</tr>
<tr>
<td>For Group Insurance</td>
<td>241,800</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout.
For Contractual Services ................. 171,700
For Contractual Services:
  Hearing Officers ......................... 10,800
  For Travel ................................ 33,500
  For Commodities .......................... 13,700
  For Printing .............................. 12,800
  For Equipment ............................ 39,800
  For Telecommunications Services .......... 96,700
  For Operation of Auto Equipment .......... 17,100
  Total .................................... $2,316,000

LABORATORY PROGRAM

For Personal Services ..................... $ 726,500
For Employee Retirement Contributions
  Paid by Employer .......................... 29,100
For State Contributions to State
  Employees' Retirement System .......... 77,000
For State Contributions to
  Social Security .......................... 54,200
For Group Insurance ........................ 148,800
For Contractual Services .................. 496,700
For Travel .................................. 6,000
For Commodities ........................... 496,900
For Printing ................................ 7,500
For Equipment .............................. 75,000
For Telecommunications Services .......... 7,000
For Operation of Auto Equipment .......... 1,800
  Total .................................... $2,126,500

REGULATION OF RACING PROGRAM

For Personal Services:
For Per Diem Expenses for the Regulation
  of Race Days .............................. $ 2,805,600
For Employee Retirement Contributions
  Paid by Employer .......................... 112,200
For State Contributions to State
  Employees' Retirement System .......... 297,400
For State Contributions to
  Social Security .......................... 214,600
For Group Insurance ........................ 697,500
For Contractual Services .................. 65,900
For Travel .................................. 36,100
For Commodities ........................... 17,800
For Printing ............................... 500

New matter indicated by italics - deletions by strikeout.
Section 2. The sum of $10,000,000, or so much thereof as may be necessary, is appropriated from the Horse Racing Equity Fund to the Illinois Racing Board for grants pursuant to the Illinois Racing Act of 1975, Section 54, Subparagraph b(1).

Section 3. The sum of $10,000,000, or so much thereof as may be necessary, is appropriated from the Horse Racing Equity Fund to the Illinois Racing Board for grants pursuant to the Illinois Horse Racing Act of 1975, Section 54, Subparagraph b(2).

ARTICLE 88

Section 1. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated for the objects and purposes hereinafter named, to meet the ordinary and contingent expenses of the Property Tax Appeal Board:

Payable from the General Revenue Fund:

<table>
<thead>
<tr>
<th>Object</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>$2,096,300</td>
</tr>
<tr>
<td>For Employee Retirement Contributions</td>
<td>83,900</td>
</tr>
<tr>
<td>Paid by Employer</td>
<td></td>
</tr>
<tr>
<td>For State Contributions to State Employees' Retirement System</td>
<td>222,200</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>160,400</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>95,100</td>
</tr>
<tr>
<td>For Travel</td>
<td>44,000</td>
</tr>
<tr>
<td>For Commodities</td>
<td>17,000</td>
</tr>
<tr>
<td>For Printing</td>
<td>3,000</td>
</tr>
<tr>
<td>For Equipment</td>
<td>10,900</td>
</tr>
<tr>
<td>For Electronic Data Processing</td>
<td>61,100</td>
</tr>
<tr>
<td>For Telecommunication Services</td>
<td>64,000</td>
</tr>
<tr>
<td>For Operation of Auto Equipment</td>
<td>15,000</td>
</tr>
<tr>
<td>For Refunds</td>
<td>200</td>
</tr>
<tr>
<td>Total</td>
<td>$2,873,100</td>
</tr>
</tbody>
</table>

ARTICLE 89

Section 5. The following amounts, or so much of those amounts as may be necessary, respectively, are appropriated to the State Board of Elections for its ordinary and contingent expenses as follows:

The Board

<table>
<thead>
<tr>
<th>Object</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Contractual Services</td>
<td>$17,600</td>
</tr>
<tr>
<td>For Travel</td>
<td>15,600</td>
</tr>
<tr>
<td>For Equipment</td>
<td>500</td>
</tr>
<tr>
<td>TOTAL</td>
<td>33,700</td>
</tr>
</tbody>
</table>

Administration

New matter indicated by italics - deletions by strikeout.
For Personal Services........................... 526,200
For Employee Retirement Contributions
  Paid By Employer.............................. 21,000
For State Contributions to State Employees' Retirement System.............. 54,300
For State Contributions to
  Social Security.............................. 38,300
For Contractual Services....................... 347,300
For Travel..................................... 13,300
For Commodities............................... 16,200
For Printing.................................... 10,500
For Equipment................................... 1,900
For Telecommunications......................... 81,200
Operation of Automotive Equipment.............. 2,900
  TOTAL...................................... 1,113,100

Elections
For Personal Services......................... 1,231,700
For Employee Retirement Contributions
  Paid By Employer.............................. 49,300
For State Contributions to State
  Employees' Retirement System............. 127,100
For State Contributions to
  Social Security.............................. 93,500
For Contractual Services....................... 20,400
For Travel..................................... 42,900
For Printing.................................... 28,600
For Equipment................................... 2,800
For Software Development and
  implementation of the Statewide Voter Registration System............... 328,300
  TOTAL...................................... 1,924,600

General Counsel
For Personal Services......................... 221,900
For Employee Retirement Contributions
  Paid By Employer.............................. 8,900
For State Contributions to State
  Employees' Retirement System............. 22,900
For State Contributions to
  Social Security.............................. 16,300
For Contractual Services....................... 138,400
For Travel..................................... 4,800
For Equipment................................... 500

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

For Employee Retirement Contributions
  Paid By Employer

For State Contributions to State Employees' Retirement System

For State Contributions to Social Security

For Contractual Services

For Travel

For Printing

For Equipment

TOTAL

EDP

For Personal Services

For Employee Retirement Contributions
  Paid By Employer

For State Contributions to State Employees' Retirement System

For State Contributions to Social Security

For Contractual Services

For Travel

For Commodities

For Printing

For Equipment

TOTAL

(Total, this Section $5,114,200)

Section 10. The following amounts, or so much of those amounts as may be necessary, respectively, are appropriated to the State Board of Elections for grants to local governments as follows:

For Reimbursement to Counties for increased Compensation to Judges and other Election Officials, as provided in Public Acts 81-850, 81-1149, and 90-672..... $1,364,100

For Payment of Lump Sum Awards to County Clerks, County Recorders, and Chief Election Clerks as Compensation for Additional Duties required of such officials by consolidation of elections law, as provided in Public Acts 82-691 and 90-713............... 812,500

New matter indicated by italics - deletions by strikeout.
For Payment to Election Authorities for expenses in supplying voter registration tapes to the State Board of Elections pursuant to Public Act 85-958........................... 12,400

(Total, this Section $2,189,000)

ARTICLE 90

Section 1. The following named amounts, or so much thereof as may be necessary, are appropriated to the Illinois Emergency Management Agency for the objects and purposes hereinafter named:

OFFICE OF ADMINISTRATION,
FISCAL AND COMMUNICATIONS

Payable from General Revenue Fund:
For Personal Services ...................... $  1,263,700
For Employee Retirement Contributions
   Paid by Employer .......................... 50,500
For State Contributions to State Employees' Retirement System .............. 134,000
For State Contributions to Social Security .......................... 96,700
For Contractual Services .................... 314,000
For Travel .................................. 9,000
For Commodities .............................. 11,900
For Printing .................................. 8,000
For Equipment ................................. 24,900
For Electronic Data Processing ............... 22,900
For Telecommunications ..................... 199,300
For Operation of Auto Equipment .............. 21,700
For Activities as a result of the Illinois Emergency Planning and Community Right to Know Act:
   Payable from Emergency Planning and Training Fund ...................... 150,000
Total ........................................ $2,306,600

Section 2. The following named amounts, or so much thereof as may be necessary, are appropriated to the Illinois Emergency Management Agency for the objects and purposes hereinafter named:

PLANNING AND FIELD OPERATIONS

For Personal Services:
Payable from General Revenue Fund ............ $ 1,490,900
Payable from Nuclear Safety Emergency Preparedness Fund .................. 393,100

New matter indicated by italics - deletions by strikeout.
Paid by Employer:
Payable from General Revenue Fund .......... 59,600
Payable from Nuclear Safety Emergency Preparedness Fund .................. 15,800

For State Contributions to State Employees’ Retirement System:
Payable from General Revenue Fund .......... 158,100
Payable from Nuclear Safety Emergency Preparedness Fund .................. 41,500

For State Contributions to Social Security:
Payable from General Revenue Fund .......... 114,200
Payable from Nuclear Safety Emergency Preparedness Fund .................. 30,000

For Group Insurance:
Payable from Nuclear Safety Emergency Preparedness Fund .................. 102,300

For Contractual Services:
Payable from the General Revenue Fund ...... 61,200
Payable from Nuclear Safety Emergency Preparedness Fund .................. 34,000

For Travel:
Payable from General Revenue Fund .......... 13,900
Payable from Nuclear Safety Emergency Preparedness Fund .................. 24,300

For Commodities:
Payable from the General Revenue Fund ...... 3,600
Payable from Nuclear Safety Emergency Preparedness Fund .................. 4,600

For Printing:
Payable from the General Revenue Fund ...... 6,400
Payable from Nuclear Safety Emergency Preparedness Fund .................. 2,500

For Equipment:
Payable from the General Revenue Fund ...... 26,500
Payable from Nuclear Safety Emergency Preparedness Fund .................. 4,500

For Electronic Data Processing:
Payable from the General Revenue Fund ...... 35,500
Payable from Nuclear Safety Emergency Preparedness Fund .................. 49,100

For Telecommunications:
Payable from the General Revenue Fund ...... 52,800

New matter indicated by italics - deletions by strikeout.
Payable from Nuclear Safety Emergency Preparedness Fund ....................... 60,300

For Operation of Auto Equipment:
Payable from the General Revenue Fund .......... 16,100
Payable from Nuclear Safety Emergency Preparedness Fund .................. 13,000
Total $2,813,800

Section 3. The following named amounts, or so much thereof as may be necessary, are appropriated to the Illinois Emergency Management Agency for the objects and purposes hereinafter named:

OPERATIONS
Federally-Assisted Programs

Payable from General Revenue Fund:
For Training and Education ..................... $ 142,100
For Planning and Analysis ...................... 72,800
Total $214,900

Payable from Nuclear Civil Protection Planning Fund:
For Clean Air ................................ 100,000
For Federal Projects .......................... 700,000
For Flood Mitigation .......................... 7,500,000
Total $8,300,000

Payable from Federal Civil Preparedness Administrative Fund:
For Training and Education ..................... $ 2,261,300
For Terrorism Preparedness and Training .................. 17,000,000

Payable from the Emergency Management Preparedness Fund:
For an Emergency Management Preparedness Program ..................... 8,000,000
Total $27,261,300

Section 4. The following named amounts, or so much thereof as may be necessary, are appropriated to the Illinois Emergency Management Agency for the objects and purposes hereinafter named:

DISASTER RELIEF, PUBLIC

Whenever it becomes necessary for the State or any governmental unit to furnish in a disaster area emergency services directly related to or required by a disaster and existing funds are insufficient to provide such services, the Governor may, when he considers such action in the best interest of the State, release funds from the General Revenue disaster relief appropriation in order to provide such services or to reimburse local governmental bodies furnishing such services. Such appropriation may be used for

New matter indicated by italics - deletions by strikeout.
payment of the Illinois National Guard when called to active duty in case of disaster, and for the emergency purchase or renting of equipment and commodities. Such appropriation shall be used for emergency services and relief to the disaster area as a whole and shall not be used to provide private relief to persons sustaining property damages or personal injury as a result of a disaster.

Payable from General Revenue Fund $ 2,376,500
Payable from General Revenue Fund:
For costs incurred in prior years $ 1,937,700
Total $4,314,200

Payable from General Revenue Fund to provide State Matching Funds for Federal Disaster Assistance:
In Fiscal Year 2003 $194,000
In prior years 426,200
Total $620,200

Payable from the Federal Aid Disaster Fund:
In Prior Years $45,000,000
Federal Disaster Declarations:
In Fiscal Year 2003 30,000,000
For State administration of the Federal Disaster Relief Program 1,000,000
For State administration of the Hazard Mitigation Program 1,000,000
Disaster Relief - Hazard Mitigation 8,000,000
in Prior Years 35,000,000
Total $120,000,000

Section 5. The following named amounts, or so much thereof as may be necessary, are appropriated to the Illinois Emergency Management Agency for the objects and purposes hereinafter named:

DISASTER RELIEF, INDIVIDUAL

Payable from General Revenue Fund:
State Share of Individual and Family Grant Program for Disaster Declarations:
In Fiscal Year 2003 $ 5,090,000
In prior years 485,000

Payable from the Federal Aid Disaster Fund:
Federal Share of Individual and Family Grant Program for Disaster Declarations:

New matter indicated by italics - deletions by strikeout.
In Fiscal Year 2003........................ 21,000,000
In prior years ............................. 1,500,000
For State administration of the
Individual and Family Grant Program ....... 1,000,000
Total ........................................ $29,075,000

Section 6. The following named amounts, or so much thereof as may be necessary, are appropriated to the Illinois Emergency Management Agency for grants to local emergency organizations for objects and purposes hereinafter named:

LOCAL ESDA ASSISTANCE

Payable from the Federal Hardware Assistance Fund:
  For Communications and Warning Systems ........ $ 500,000
  For Emergency Operating Centers .................. 500,000

Payable from the General Revenue Fund:
  For Communications and Warning Systems .......... 145,500

Payable from the Federal Civil Preparedness Administrative Fund:
  For Emergency Management Assistance ............ 3,000,000
  For Urban Search and Rescue ...................... 2,000,000
  Total ....................................... $6,145,500

Section 6a. The sum of $9,092,710, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from the appropriation and reappropriation heretofore made in Article 75, Sections 3 and 6a of Public Act 92-8, as amended, is reappropriated from the Federal Civil Preparedness Administrative Fund for terrorism preparedness and training.

Section 7. Certain Federal receipts shall be placed in the General Revenue Fund, pursuant to law and regulation, as reimbursement for the Federal share of expenditures made from General Revenue appropriations in Sections 1, 2, 3, 4, 5, 6, and 6a of this Article. Other Federal receipts shall be paid into the proper trust fund and shall be available for expenditure only pursuant to the trust fund appropriations in Sections 1, 2, 3, 4, 5, 6, and 6a of this Article or suitable appropriation made by the General Assembly.

Section 8. The amount of $370,000, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Public Act 92-8, Article 75, Section 8, as amended, is reappropriated from the General Revenue Fund to the Illinois Emergency Management Agency for additional equipment for the State Interagency Response Team for costs associated with homeland security.

Section 9. The amount of $7,000,000, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Public Act 92-8, Article 75, Section 9, as amended, is reappropriated from the General Revenue Fund to the Illinois Emergency Management Agency for providing services and for costs associated with Homeland Security and for grants to

New matter indicated by italics - deletions by strikeout.
the Department of State Police, the Department of Military Affairs, the Office of the State Fire Marshal and other state agencies for such purposes.

Section 10. The sum of $10,000,000, or so much thereof as may be necessary, is appropriated from the Statewide Economic Development Fund to the Illinois Emergency Management Agency for matching grants to hospitals and health care facilities for costs associated with programs or projects related to homeland security and emergency preparedness.

ARTICLE 91

Section 1.1. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated for the objects and purposes hereinafter named to meet the ordinary and contingent expenses of the State Employees' Retirement System:

FOR OPERATIONS

FOR THE SOCIAL SECURITY ENABLING ACT

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>$41,900</td>
</tr>
<tr>
<td>For Employee Retirement Contributions</td>
<td></td>
</tr>
<tr>
<td>Paid by Employer</td>
<td>1,700</td>
</tr>
<tr>
<td>For State Contributions to the State</td>
<td></td>
</tr>
<tr>
<td>Employees' Retirement System</td>
<td>4,400</td>
</tr>
<tr>
<td>For Social Security</td>
<td>3,200</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>24,700</td>
</tr>
<tr>
<td>For Travel</td>
<td>2,300</td>
</tr>
<tr>
<td>For Commodities</td>
<td>400</td>
</tr>
<tr>
<td>For Printing</td>
<td>100</td>
</tr>
<tr>
<td>For Equipment</td>
<td>100</td>
</tr>
<tr>
<td>For Electronic Data Processing</td>
<td>700</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>500</td>
</tr>
<tr>
<td>Total</td>
<td>$80,000</td>
</tr>
</tbody>
</table>

CENTRAL OFFICE

For Employee Retirement Contributions

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Payable from General Revenue Fund</td>
<td>$45,000</td>
</tr>
</tbody>
</table>

Section 1.2. The sum of $17,195,000, minus the amount transferred to the State Employees' Retirement System pursuant to continuing appropriation authorized by the State Pensions Fund Continuing Appropriation Act, is appropriated from the State Pensions Fund to the Board of Trustees of the State Employees' Retirement System pursuant to the provisions of Section 8.12 of "An Act in relation to State finance", approved June 10, 1919, as amended.

Section 2.1. The sum of $29,148,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Board of Trustees of the Judges' Retirement System for the State's Contribution, as provided by law.

Section 2.2. The sum of $2,225,000, minus the amount transferred to the Judges'
Retirement System pursuant to continuing appropriation authorized by the State Pensions Fund Continuing Appropriation Act, is appropriated from the State Pensions Fund to the Board of Trustees of the Judges' Retirement System pursuant to the provisions of Section 8.12 of "An Act in relation to State finance", approved June 10, 1919, as amended.

Section 3.1. The sum of $4,698,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Board of Trustees of the General Assembly Retirement System for the State's Contribution, as provided by law.

Section 3.2. The sum of $465,000, minus the amount transferred to the General Assembly Retirement System pursuant to continuing appropriation authorized by the State Pensions Fund Continuing Appropriation Act, is appropriated from the State Pensions Fund to the Board of Trustees of the General Assembly Retirement System, pursuant to the provisions of Section 8.12 of "An Act in relation to State finance", approved June 10, 1919, as amended.

Section 4.1. The following named amount, or so much thereof as may be necessary, respectively, is appropriated from the General Revenue Fund to the Teachers' Retirement System for the objects and purposes hereinafter named:

For additional costs due to the establishment of minimum retirement allowances pursuant to Sections 16-136.2 and 16-136.3 of the "Illinois Pension Code", as amended.................... $4,000,000
Total $4,000,000

Section 4.1a. The sum of $63,455,000, minus the amount transferred to the Teachers' Retirement System pursuant to continuing appropriation authorized by the State Pensions Fund Continuing Appropriation Act, is appropriated from the State Pensions Fund to the Board of Trustees of the Teachers' Retirement System pursuant to the provisions of Section 8.12 of "AN ACT in relation to State finance", approved June 10, 1919, as amended.

Section 5.1. The sum of $50,000, or so much thereof as may be necessary, is appropriated to the Public School Teachers' Pension and Retirement Fund of Chicago, for supplementary payments as set forth in Sections 17-154, 17-155 and 17-156 of the "Illinois Pension Code", approved March 18, 1963, as amended.

Section 6.1. The sum of $16,660,000, minus the amount transferred to the State Universities Retirement System pursuant to continuing appropriation authorized by the State Pensions Fund Continuing Appropriation Act, is appropriated from the State Pensions Fund to the Board of Trustees of the State Universities Retirement System of Illinois pursuant to the provisions of Section 8.12 of "AN ACT in relation to State finance", approved June 10, 1919, as amended.

ARTICLE 92

Section 1. The following named amounts, or so much thereof as may be necessary, are appropriated from the General Revenue Fund to the Illinois Labor Relations Board for the objects and purposes hereinafter named:

New matter indicated by italics - deletions by strikeout.
OPERATIONS

For Personal Services ....................... $ 1,489,100
For Employee Retirement Contributions
  Paid by Employer ............................ 59,600
For State Contributions to State
  Employees' Retirement System .............. 157,800
For State Contributions to
  Social Security ........................... 110,400
For Contractual Services .................... 228,900
For Travel .................................. 30,000
For Commodities ............................ 5,900
For Printing ................................ 5,900
For Equipment ................................ 33,000
For Electronic Data Processing ............. 55,000
For Telecommunications Services .......... 66,700
Total ........................................ $2,242,300

ARTICLE 93

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

For Personal Services ........................ $ 330,800
For Employee Retirement Contributions
  Paid by Employer ............................ 13,200
For State Contributions to State
  Employees' Retirement System .............. 35,100
For State Contribution to
  Social Security ............................ 27,100
For Contractual Services .................... 347,900
For Travel .................................. 11,500
For Commodities ............................ 8,000
For Printing ................................ 6,000
For Equipment ............................... 4,900
For Electronic Data Processing ............. 20,000
For Telecommunications Services .......... 12,000
For Operation of Automotive Equipment .... 2,700
Total ........................................ $819,200

ARTICLE 94

Section 1. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated for the ordinary and contingent expenses of the Office of the State Fire Marshal, as follows:

GENERAL OFFICE

New matter indicated by italics - deletions by strikeout.
Payable from the Fire Prevention Fund:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>$6,712,400</td>
</tr>
<tr>
<td>For Employee Retirement Contributions</td>
<td></td>
</tr>
<tr>
<td>Paid by Employer</td>
<td>$284,200</td>
</tr>
<tr>
<td>For State Contributions to the State</td>
<td></td>
</tr>
<tr>
<td>Employees’ Retirement System</td>
<td>$711,600</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>$436,400</td>
</tr>
<tr>
<td>For Group Insurance</td>
<td>$1,153,200</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>$701,400</td>
</tr>
<tr>
<td>For Travel</td>
<td>$130,000</td>
</tr>
<tr>
<td>For Commodities</td>
<td>$64,500</td>
</tr>
<tr>
<td>For Printing</td>
<td>$40,900</td>
</tr>
<tr>
<td>For Equipment</td>
<td>$180,000</td>
</tr>
<tr>
<td>For Electronic Data Processing</td>
<td>$383,000</td>
</tr>
<tr>
<td>For Telecommunications</td>
<td>$170,500</td>
</tr>
<tr>
<td>For Operation of Auto Equipment</td>
<td>$210,000</td>
</tr>
<tr>
<td>For Refunds</td>
<td>$4,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$11,182,100</strong></td>
</tr>
</tbody>
</table>

Payable from the Underground Storage Tank Fund:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>$1,414,200</td>
</tr>
<tr>
<td>For Employee Retirement Contributions</td>
<td></td>
</tr>
<tr>
<td>Paid by Employer</td>
<td>$56,600</td>
</tr>
<tr>
<td>For State Contributions to the State</td>
<td></td>
</tr>
<tr>
<td>Employees’ Retirement System</td>
<td>$149,900</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>$108,200</td>
</tr>
<tr>
<td>For Group Insurance</td>
<td>$288,300</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>$235,300</td>
</tr>
<tr>
<td>For Travel</td>
<td>$24,500</td>
</tr>
<tr>
<td>For Commodities</td>
<td>$8,300</td>
</tr>
<tr>
<td>For Printing</td>
<td>$2,600</td>
</tr>
<tr>
<td>For Equipment</td>
<td>$96,500</td>
</tr>
<tr>
<td>For Electronic Data Processing</td>
<td>$222,700</td>
</tr>
<tr>
<td>For Telecommunications</td>
<td>$34,200</td>
</tr>
<tr>
<td>For Operation of Auto Equipment</td>
<td>$55,000</td>
</tr>
<tr>
<td>For Refunds</td>
<td>$121,500</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$2,817,800</strong></td>
</tr>
</tbody>
</table>

Payable from the General Revenue Fund:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For operating expenses for arson investigators</td>
<td>$211,600</td>
</tr>
<tr>
<td>For expenses for conducting fire protection plan reviews for Illinois schools</td>
<td>$100,000</td>
</tr>
</tbody>
</table>

Section 2. The sum of $100,000, or so much thereof as may be necessary, is

New matter indicated by italics - deletions by strikeout.
appropriated from the Underground Storage Tank Fund to the Office of the State Fire Marshal for the purpose of funding expenses associated with processing backlogged files pursuant to the Leaking Underground Storage Tank Program.

Section 3. The sum of $200,000, or so much thereof as may be necessary, is appropriated from the Underground Storage Tank Fund to the Office of the State Fire Marshal for costs associated with compliance certification of underground storage tanks.

Section 4. The sum of $200,000, or so much thereof as may be necessary, is appropriated from the Illinois Firefighters' Memorial Fund to the Office of the State Fire Marshal for expenses related to the maintenance of the Illinois Firefighters' Memorial, holding the annual Fallen Firefighter and Firefighter Medal of Honor Ceremonies, and other expenses as allowed under Public Act 91-0832.

Section 5. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Office of the State Fire Marshal as follows:

Payable from the Fire Prevention Fund:
- For Fire Prevention Training: $75,000
- For Expenses of Life Safety Code Inspection Program: $50,000
- For Expenses of Fire Prevention Awareness Program: $100,000
- For Expenses of Arson Education and Seminars: $30,000

Payable from the Fire Prevention Division Fund:
- For Expenses of the U.S. Resource Conservation and Recovery Act Underground Storage Program: $186,000

Payable from the Emergency Response Reimbursement Fund:
- For Hazardous Material Emergency Response Reimbursement: $25,000

Section 6. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated for the ordinary and contingent expenses of the Office of the State Fire Marshal, as follows:

**GRANTS**

Payable from the Fire Prevention Fund:
- For Chicago Fire Department Training Program: $1,223,400
- For payment to local governmental agencies which participate in the State Training Programs: $350,000
- For Regional Training Grants: $300,000

Total: $1,873,400

New matter indicated by italics - deletions by strikeout.
Section 7. The sum of $550,000, or so much thereof as may be necessary, is appropriated from the Underground Storage Tank Fund to the Office of the State Fire Marshal for a grant to the City of Chicago for Administrative Costs incurred as a result of the State's Underground Storage Program.

Section 8. The sum of $2,000, or so much thereof as may be necessary, is appropriated from the Fire Prevention Fund to the Office of the State Fire Marshal for grants available for the development of new fire districts.

Section 9. The amount of $40,000, or so much thereof as may be necessary, and as remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made for such purpose in Article 89, Section 10 of Public Act 92-8, as amended, is reappropriated from the Fund for Illinois’ Future to the Office of the State Fire Marshal for a grant to the City of Granite City for the purpose of purchasing fire equipment.

Section 10. The amount of $606,400, or so much thereof as may be necessary, and as remains unexpended at the close of business on June 30, 2002, from appropriations heretofore made for such purpose in Article 89, Section 13 of Public Act 92-8, as amended, is reappropriated from the General Revenue Fund to the Office of the State Fire Marshal for radios, computers, generators, and other costs associated with homeland security.

Section 11. The amount of $2,000,000, or so much thereof as may be necessary, and as remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made for such purpose in Article 89, Section 14 of Public Act 92-8, as amended, is reappropriated from the General Revenue Fund to the Office of the State Fire Marshal for Fire Service Institute training costs associated with homeland security.

ARTICLE 100

Section 1. "AN ACT making appropriations," Public Act 92-8, approved June 11, 2001, is amended by changing Section 6 of Article 31 as follows:

(P.A. 92-8, Art. 31, Sec. 6)
Sec. 6. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated for the ordinary and contingent expenses of the Department on Aging:

**DISTRIBUTIVE ITEMS**

**GRANTS-IN-AID**

Payable from General Revenue Fund:
For the purchase of Illinois Community Care Program homemaker and Senior Companion Services ..... 175,574,800 468,274,800
For Case Management ............................................ 24,120,000
For Grants for distribution to the 13 Area Agencies on Aging for costs for home delivered meals and mobile food equipment ... 6,618,500
Grants for Community Based Services including information and referral

New matter indicated by italics - deletions by strikeout.
services, transportation and delivered
meals ....................................... 3,107,200
Grants for Community Based Services for
equal distribution to each of the 13
Area Agencies on Aging .................. 2,000,000
For Grants for Adult Day Care Services .... 13,078,700
For Purchase of Services in connection with
Alzheimer's Initiative and Related
Programs ................................... 107,100
For Grants for Retired Senior
Volunteer Program ........................ 800,000
For Planning and Service Grants to
Area Agencies on Aging .................. 2,293,300
For Grants for the Foster
Grandparent Program ..................... 350,000
For Expenses to the Area Agencies
on Aging for Long-Term Care Systems
Development ............................. 282,400
For Grants for Suburban Area Agency
on Aging for the Red
Tape Cutter Program ..................... 257,500
For Grants for Chicago Department on Aging
for the Red Tape Cutter Program ....... 617,500
For the Ombudsman Program .......... 400,000
For Grants for Prior Year Court of
Claims Payments for the Community
Care Program ......................... 100,000
Total $222,407,000

Payable from Services for Older Americans Fund:
For Grants for Social Services ............ $ 23,330,100
For Grants for Nutrition Services ........ 23,542,700
For Grants for Employment Services ...... 3,397,000
For Grants for USDA Adult Day Care ...... 1,200,000
For Grants for the USDA Elderly
Feeding Program ....................... 6,437,400
Total $57,907,200

Payable from the Tobacco Settlement Recovery Fund:
For Grants for Senior Health
Assistance Programs ..................... $ 1,000,000

Section 2. "AN ACT making appropriations," Public Act 92-8, approved June 11,
2001, is amended by changing Section 4 of Article 33 as follows:
(P.A. 92-8, Art. 33, Sec. 4)

New matter indicated by italics - deletions by strikeout.
Sec. 4. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named are appropriated to the Department of Central Management Services:

**BUREAU OF BENEFITS**

**PAYABLE FROM GENERAL REVENUE FUND**

For Personal Services ....................... $ 587,800
For Employee Retirement Contributions
Paid by Employer ............................ 23,600
For State Contributions to State
Employees' Retirement System ............... 61,200
For State Contributions to Social
Security ........................................ 43,600
For Group Insurance .......................... 685,067,100
For Contractual Services .................... 111,700
For Travel ..................................... 9,600
For Commodities ............................. 9,900
For Printing .................................. 4,300
For Equipment ............................... 1,700
For Telecommunications Services .......... 13,900
For Operation of Auto Equipment ......... 900
For payment of claims under the
Representation and Indemnification
in Civil Lawsuits Act ....................... 1,300,000
For payment of Workers' Compensation
Act claims and contractual services in
connection with said claims
payments ....................................... 19,238,100
For auto liability, adjusting and administration
of claims, loss control and prevention
services, and auto liability claims ....... 1,200,000
Total ........................................ $709,973,400

**PAYABLE FROM LOCAL GOVERNMENT HEALTH INSURANCE RESERVE FUND**

For Personal Services ....................... $ 509,100
For Employee Retirement Contributions
Paid by Employer ............................ 20,400
For State Contributions to State
Employees' Retirement System ............. 53,000
For State Contributions to Social
Security ........................................ 39,000
For Group Insurance .......................... 100,800
For Contractual Services .................... 169,500
For Travel ..................................... 19,000

New matter indicated by italics - deletions by strikeout.
For Commodities............................ 10,000
For Printing ............................... 140,000
For Equipment ............................. 17,700
For Electronic Data Processing.......... 47,000
For Telecommunications Services ....... 18,400
For Operation of Auto Equipment ....... 6,500
Total .................................. $1,150,400

For the Local Governments Contribution
Under Program of Group Life, Dental, Hospital,
And Surgical And Medical Insurance For
Persons Serving Local Governments ........ $ 127,534,200
PAYABLE FROM ROAD FUND

For Group Insurance .................... $85,870,800 $79,551,400
For payment of claims and claims
administration under the
Workers' Compensation Act ............... $ 4,722,700
PAYABLE FROM GROUP INSURANCE PREMIUM FUND

For expenses of Cost Containment Program .... $ 288,000
For Life Insurance Coverage As Elected
By Members Per The State Employees
Group Insurance Act ..................... $ 86,188,100
PAYABLE FROM HEALTH INSURANCE RESERVE FUND

For Expenses of a Cost Containment Program ...... $ 158,900
For Provisions of Health Care Coverage
As Elected by Eligible Members Per State
Employees Group
Insurance Act ....................... $1,176,087,800 $1,117,318,800
PAYABLE FROM WORKERS' COMPENSATION REVOLVING FUND

For administrative costs of claims services
and payment of temporary total
disability claims of any state agency
or university employee ...................... $ 650,000

Expenditures from appropriations for treatment and expense may be made after
the Department of Central Management Services has certified that the injured person was
employed and that the nature of the injury is compensable in accordance with the
provisions of the Workers' Compensation Act or the Workers' Occupational Diseases Act,
and then has determined the amount of such compensation to be paid to the injured person.

Expenditures for this purpose may be made by the Department of Central
Management Services without regard to the fiscal year in which benefit or service was
rendered or cost incurred as allowable or provided by the Workers' Compensation Act
or the Workers' Occupational Diseases Act.

PAYABLE FROM STATE EMPLOYEES DEFERRED COMPENSATION FUND

New matter indicated by italics - deletions by strikeout.
For expenses related to the administration of the State Employees Deferred Compensation Plan............................ $  1,856,900


(P.A. 92-8, Art. 35, Sec. 25) Sec. 25. The sum of $50,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from reappropriations herefore made for such purpose in Article 75, Section 27 of Public Act 91-706, as amended, is reappropriated from the General Revenue Fund to the Department of Commerce and Community Affairs for grants to local governments and not-for-profit entities a study of the Convention and Sports Arena in Joliet.

(P.A. 92-8, Art. 35, Sec. 50) Sec. 50. The sum of $10,000, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2001, from reappropriations herefore made for such purpose in Article 75, Section 49 of Public Act 91-706, as amended, is reappropriated from the General Revenue Fund to the Department of Commerce and Community Affairs for a grant to the Village of Smithboro for the purchase and installation of street signs and sidewalk replacement expenses related to economic development programs.

(P.A. 92-8, Art. 35, Sec. 58) Sec. 58. The amount of $1,000,000, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2001, from an appropriation herefore made for such purpose in Article 75, Section 1255 of Public Act 91-706, as amended, is reappropriated from the Capital Development Fund to the Department of Commerce and Community Affairs for a grant to the city of Freeport for construction of a new municipal library to rehabilitate and reconstruct Freeport Municipal Library.

(P.A. 92-8, Art. 35, Sec. 76) Sec. 76. The following named amounts, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2001, from reappropriations herefore made for such purposes in Article 75, Section 78 of Public Act 91-706, as amended, are reappropriated from the General Revenue Fund to the Department of Commerce and Community Affairs for grants to the following:

Illinois Hispanic Scholarship Fund for General Operations and Freshman Educational Programs ......................... $  30,000

Family Outreach and Education Center

New matter indicated by italics - deletions by strikeout.
Humboldt Park Youth Development Program
for General Operations and Educational Programs .................................. 20,000
Old Wicker Park Community Committee
Council for General Operations
and Community Services ....................... 15,000
West Town Leadership United for
Association House of Chicago for
Direct Support for Programs at Humboldt
Elementary School and Related Community Programs at the School ..................... 15,000
Total  .................................................................. $80,000

(P.A. 92-8, Art. 35, new Sec. 78a)
Sec. 78a. The sum of $68,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Community Affairs for the purpose of various improvements for local governments and educational facilities.

(P.A. 92-8, Art. 35, Sec. 216)
Sec. 216. The sum of $12,844,200, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, less the amount of $151,000 from a reappropriation heretofore made in Article 75, Section 988 of Public Act 91-706, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Community Affairs for grants to units of local government, educational facilities and not-for-profit organizations for infrastructure improvements including but not limited to planning, construction, reconstruction, equipment, utilities and vehicles, and all costs associated with economic development, community programs, educational programs, public health, and public safety.

(P.A. 92-8, Art. 35, new Sec. 249a)
Sec. 249a. The sum of $151,000, or so much thereof as may be necessary, is appropriated from the Fund for Illinois' Future to the Department of Commerce and Community Affairs for grants to units of local government, educational facilities and not-for-profit organizations for infrastructure improvements including, but not limited to salaries, miscellaneous operational expenses, program expenses, and material and printing costs, and planning, construction, reconstruction, renovation, utilities and equipment.

(P.A. 92-8, Art. 35, Sec. 252)
Sec. 252. The sum of $9,776,500, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, less the amount of $807,000 from reappropriations heretofore made for such purposes in Article 75, Section 1216 of Public Act 91-706, as amended, is reappropriated from the Capital Development Fund to the Department of Commerce and Community Affairs for grants to governmental units and educational facilities for all costs associated with infrastructure improvements.

New matter indicated by italics - deletions by strikeout.
Sec. 253. The sum of $7,288,600, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, less the amount of $60,000 from a reappropriation heretofore made in Article 75, Section 1217 of Public Act 91-706, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Community Affairs for the administrative costs associated with the Department's facilitation of infrastructure improvements, or for grants to governmental units and educational facilities and not-for-profit organizations for all costs associated with infrastructure improvements, miscellaneous purchases, and operating expenses.

Sec. 261. The amount of $56,377,900, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2001, less the amount of $1,309,190 from an appropriation heretofore made in Article 75, Section 1241 of Public Act 91-706, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Community Affairs for the administrative costs associated with the Department's facilitation of infrastructure improvements, or for grants to governmental units, educational facilities, and not-for-profit organizations for all costs associated with but not limited to infrastructure improvements, miscellaneous purchases, and operating expenses.

Sec. 262. The amount of $29,902,500, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2001, less the amount of $1,360,000 from an appropriation heretofore made in Article 75, Section 1242 of Public Act 91-706, as amended, is reappropriated from the Capital Development Fund to the Department of Commerce and Community Affairs for grants to governmental units, educational facilities and not-for-profit organizations for all costs associated with but not limited to infrastructure improvements.

Sec. 264a. The amount of $253,471, or so much thereof as may be necessary, is appropriated from the Capital Development Fund to the Department of Commerce and Community Affairs for grants to units of local government and educational facilities for all costs associated with infrastructure improvements and capital projects, including equipment and vehicles.

Sec. 269. The amount of $17,356,000, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2001, from an appropriation heretofore made in Article 75, Section 1264 of Public Act 91-706, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Community Affairs for all costs associated with grants to governmental units various units of local government, community, civic, not-for-profit, educational facilities and business development organizations for the purpose of grants which include, but are not limited to, one-time operating assistance, construction, rehabilitation, equipment

New matter indicated by italics - deletions by strikeout.
purchases, and any other necessary costs.

(P.A. 92-8, Art. 35, new Sec. 270a)

Sec. 270a. The amount of $2,572,000, or so much thereof as may be necessary, is appropriated from the Fund for Illinois' Future to the Department of Commerce and Community Affairs for all costs associated with grants to various units of local government, community, civic, not-for-profit, educational facilities and business development organizations for the purpose of grants which include, but are not limited to, one-time operating assistance, construction, rehabilitation, equipment purchases, and any other necessary costs.

(P.A. 92-8, Art. 35, Sec. 288)

Sec. 288. The sum of $100,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Community Affairs for a grant to the Illinois Health and Sports Physical Fitness Foundation for costs associated with Southwestern Senior Olympics the State Games of America.

(P.A. 92-8, Art. 35, Sec. 289)

Sec. 289. The sum of $100,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Community Affairs for a grant to the Illinois Health and Sports Physical Fitness Foundation for the Prairie State Games.

(P.A. 92-8, Art. 35, new Sec. 305)

Sec. 305. The sum of $52,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Community Affairs for a grant to the Macon County Chapter of the American Red Cross for the purchase of equipment.

(P.A. 92-8, Art. 35, new Sec. 310)

Sec. 310. The sum of $9,880, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Community Affairs for a grant to the South Macon Township for all costs associated with the Right of Way for Ridlen Road.

(P.A. 92-8, Art. 35, new Sec. 315)

Sec. 315. The sum of $30,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Community Affairs for a grant to the Decatur Park District for costs associated with the acquisition of a mobile stage.

(P.A. 92-8, Art. 35, new Sec. 317)

New matter indicated by italics - deletions by strikeout.
Sec. 317. The amount of $150,000, or so much thereof as may be necessary, is appropriated from the Capital Development Fund to the Department of Commerce and Community Affairs for the purpose of a grant to Grayville CUSD #1 for building an addition on the high school.

(P.A. 92-8, Art. 35, new Sec. 318)

Sec. 318. The amount of $60,000, or so much thereof as may be necessary, is appropriated from the Capital Development Fund to the Department of Commerce and Community Affairs for the purpose of a grant to the Village of Niles for all costs associated with the resurfacing of Jonquil Terrace from Harlem to Milwaukee Avenue.

(P.A. 92-8, Art. 35, new Sec. 319)

Sec. 319. The amount of $205,000, or so much thereof as may be necessary, is appropriated from the Capital Development Fund to the Department of Commerce and Community Affairs for the purpose of a grant to the Village of Niles for watermain improvements.

(P.A. 92-8, Art. 35, new Sec. 320)

Sec. 320. The amount of $100,000, or so much thereof as may be necessary, is appropriated from the Capital Development Fund to the Department of Commerce and Community Affairs for the purpose of a grant to Staunton High School for the repair and/or construction of a running track.

(P.A. 92-8, Art. 35, new Sec. 321)

Sec. 321. The amount of $100,000, or so much thereof as may be necessary, is appropriated from the Capital Development Fund to the Department of Commerce and Community Affairs for the purpose of a grant to Gillespie High School for the repair and/or construction of a running track.

(P.A. 92-8, Art. 35, new Sec. 322)

Sec. 322. The amount of $100,000, or so much thereof as may be necessary, is appropriated from the Capital Development Fund to the Department of Commerce and Community Affairs for the purpose of a grant to Girard High School for the repair and/or construction of a running track.

(P.A. 92-8, Art. 35, new Sec. 323)

Sec. 323. The amount of $100,000, or so much thereof as may be necessary, is appropriated from the Capital Development Fund to the Department of Commerce and Community Affairs for the purpose of a grant to Virden High School for the repair and/or construction of a running track.

(P.A. 92-8, Art. 35, new Sec. 324)

Sec. 324. The amount of $150,000, or so much thereof as may be necessary, is appropriated from the Capital Development Fund to the Department of Commerce and Community Affairs for the purpose of a grant to Morrisonville-Palmer Fire Protection District for the repair and/or construction of a fire house.

(P.A. 92-8, Art. 35, new Sec. 325)

Sec. 325. The amount of $50,000, or so much thereof as may be necessary, is appropriated from the Capital Development Fund to the Department of Commerce and Community Affairs for...
Community Affairs for the purpose of a grant to the Village of Sawyerville for the repair of water lines.

(P.A. 92-8, Art. 35, new Sec. 326)
Sec. 326. The amount of $225,000, or so much thereof as may be necessary, is appropriated from the Capital Development Fund to the Department of Commerce and Community Affairs for the purpose of a grant to the Pana Fire Department to purchase a fire truck and equipment.

(P.A. 92-8, Art. 35, new Sec. 327)
Sec. 327. The amount of $225,000, or so much thereof as may be necessary, is appropriated from the Capital Development Fund to the Department of Commerce and Community Affairs for the purpose of a grant to the City of Hillsboro to upgrade a sports complex.

(P.A. 92-8, Art. 35, new Sec. 328)
Sec. 328. The amount of $150,000, or so much thereof as may be necessary, is appropriated from the Capital Development Fund to the Department of Commerce and Community Affairs for the purpose of a grant to the Village of Livingston for the construction, repair, or renovation of a public recreational facility.

(P.A. 92-8, Art. 35, new Sec. 329)
Sec. 329. The amount of $67,000, or so much thereof as may be necessary, is appropriated from the Capital Development Fund to the Department of Commerce and Community Affairs for the purpose of a grant to Litchfield Park District for park improvements.

(P.A. 92-8, Art. 35, new Sec. 330)
Sec. 330. The amount of $50,000, or so much thereof as may be necessary, is appropriated from the Capital Development Fund to the Department of Commerce and Community Affairs for the purpose of a grant to the Village of Morrisonville for sidewalk upgrades.

(P.A. 92-8, Art. 35, new Sec. 331)
Sec. 331. The amount of $200,000, or so much thereof as may be necessary, is appropriated from the Capital Development Fund to the Department of Commerce and Community Affairs for the purpose of a grant to the City of Taylorville for the construction, repair, or renovation of an emergency services building.

(P.A. 92-8, Art. 35, new Sec. 332)
Sec. 332. The amount of $25,000, or so much thereof as may be necessary, is appropriated from the Capital Development Fund to the Department of Commerce and Community Affairs for the purpose of a grant to the Village of Harvel for the repair of various buildings.

(P.A. 92-8, Art. 35, new Sec. 333)
Sec. 333. The amount of $75,000, or so much thereof as may be necessary, is appropriated from the Capital Development Fund to the Department of Commerce and Community Affairs for the purpose of a grant to Montgomery County for courthouse improvements.

New matter indicated by italics - deletions by strikeout.
Sec. 334. The amount of $50,000, or so much thereof as may be necessary, is appropriated from the Capital Development Fund to the Department of Commerce and Community Affairs for the purpose of a grant to Calumet Park Library for roof construction and repairs.

Sec. 335. The amount of $100,000, or so much thereof as may be necessary, is appropriated from the Capital Development Fund to the Department of Commerce and Community Affairs for the purpose of a grant to Dolton School District 148 to replace the furnace and air conditioner at Franklin Elementary School.

Sec. 336. The amount of $100,000, or so much thereof as may be necessary, is appropriated from the Capital Development Fund to the Department of Commerce and Community Affairs for the purpose of a grant to Advocate Illinois Masonic Medical Center for the purchase of a negative pressure exhaust system.

Sec. 337. The amount of $40,000, or so much thereof as may be necessary, is appropriated from the Fund for Illinois' Future to the Department of Commerce and Community Affairs for the purpose of a grant to Thornton Township for the purchase of a senior van.

Sec. 338. The amount of $300,000, or so much thereof as may be necessary, is appropriated from the Fund for Illinois' Future to the Department of Commerce and Community Affairs for the purpose of a grant to St. Bede the Venerable School for the purpose of constructing a playground facility.

Sec. 339. The amount of $20,000, or so much thereof as may be necessary, is appropriated from the Fund for Illinois' Future to the Department of Commerce and Community Affairs for the purpose of a grant to Holy Cross Hospital for general operating expenses.

Sec. 340. The amount of $175,000, or so much thereof as may be necessary, is appropriated from the Fund for Illinois' Future to the Department of Commerce and Community Affairs for the purpose of a grant to PAC-CY for all costs associated with operating expenses and/or program expenses.

Sec. 341. The amount of $1,755,000, or so much thereof as may be necessary, is appropriated from the Fund for Illinois' Future to the Department of Commerce and Community Affairs for the purpose of a grant to Holy Cross Hospital for general operating expenses.

Sec. 342. The amount of $158,850, or so much thereof as may be necessary, is
appropriated from the Fund for Illinois’ Future to the Department of Commerce and Community Affairs for the purpose of a grant to Calumet City Fire Department for the purchase of a new ambulance.

(P.A. 92-8, Art. 35, new Sec. 343)

Sec. 343. The amount of $125,000, or so much thereof as may be necessary, is appropriated from the Fund for Illinois’ Future to the Department of Commerce and Community Affairs for the purpose of a grant to Mt. Olive Fire Protection District for the purchase of equipment.

(P.A. 92-8, Art. 35, new Sec. 344)

Sec. 344. The amount of $38,000, or so much thereof as may be necessary, is appropriated from the Fund for Illinois’ Future to the Department of Commerce and Community Affairs for the purpose of a grant to Calumet City Public Library for the purchase of computer workstations.

(P.A. 92-8, Art. 35, new Sec. 345)

Sec. 345. The amount of $25,000, or so much thereof as may be necessary, is appropriated from the Fund for Illinois’ Future to the Department of Commerce and Community Affairs for the purpose of a grant to Sertoma Center to assist in the purchase of Community Integrated Living Arrangements.

(P.A. 92-8, Art. 35, new Sec. 346)

Sec. 346. The amount of $15,000, or so much thereof as may be necessary, is appropriated from the Fund for Illinois’ Future to the Department of Commerce and Community Affairs for the purpose of a grant to the Wit and Wisdom Senior Center for repair of the roof and air conditioning system.

(P.A. 92-8, Art. 35, new Sec. 347)

Sec. 347. The amount of $6,000, or so much thereof as may be necessary, is appropriated from the Fund for Illinois’ Future to the Department of Commerce and Community Affairs for the purpose of a grant to Immaculate Heart of Mercy School for the purchase of new computers.

(P.A. 92-8, Art. 35, new Sec. 348)

Sec. 348. The amount of $7,500, or so much thereof as may be necessary, is appropriated from the Fund for Illinois’ Future to the Department of Commerce and Community Affairs for the purpose of a grant to the Village of Mulberry Grove for purchase of property and plants, demolition and cleanup of buildings, and replacement of a concrete drive on Main Street.

(P.A. 92-8, Art. 35, new Sec. 349)

Sec. 349. The amount of $25,000, or so much thereof as may be necessary, is appropriated from the Fund for Illinois’ Future to the Department of Commerce and Community Affairs for the purpose of a grant to the Village of Park Lawn for capital expenditures associated with information technology.

(P.A. 92-8, Art. 35, new Sec. 350)

Sec. 350. The amount of $25,000, or so much thereof as may be necessary, is appropriated from the Fund for Illinois’ Future to the Department of Commerce and

New matter indicated by italics - deletions by strikeout.
Community Affairs for the purpose of a grant to the Village of Sun River Terrace for the purchase of a public works vehicle.

(P.A. 92-8, Art. 35, new Sec. 351)

Sec. 351. The amount of $20,000, or so much thereof as may be necessary, is appropriated from the Fund for Illinois’ Future to the Department of Commerce and Community Affairs for the purpose of a grant to Papineau Township Fire Protection District for the purchase of fire equipment.

(P.A. 92-8, Art. 35, new Sec. 352)

Sec. 352. The amount of $20,000, or so much thereof as may be necessary, is appropriated from the Fund for Illinois’ Future to the Department of Commerce and Community Affairs for the purpose of a grant to the Village of Martinton for the purchase of playground equipment.

(P.A. 92-8, Art. 35, new Sec. 353)

Sec. 353. The amount of $25,000, or so much thereof as may be necessary, is appropriated from the Fund for Illinois’ Future to the Department of Commerce and Community Affairs for the purpose of a grant to the Village of Manteno for the purchase of a senior citizen van.

(P.A. 92-8, Art. 35, new Sec. 354)

Sec. 354. The amount of $270,000, or so much thereof as may be necessary, is appropriated from the Fund for Illinois’ Future to the Department of Commerce and Community Affairs for the purpose of a grant to the Village of Skokie for the purchase of an emergency vehicle and a hazardous national rescue vehicle.

(P.A. 92-8, Art. 35, new Sec. 355)

Sec. 355. The amount of $197,337, or so much thereof as may be necessary, is appropriated from the Fund for Illinois’ Future to the Department of Commerce and Community Affairs for the Village of Skokie for all costs associated with the purchase of equipment, software, vehicles, computers, defibrillators and program expenses.

(P.A. 92-8, Art. 35, new Sec. 359)

Sec. 359. The amount of $175,000, or so much thereof as may be necessary, is appropriated from the Fund for Illinois’ Future to the Department of Commerce and Community Affairs for a grant to the Leadership Council of Southwestern Illinois for activities associated with the retention of Scott Air Force Base.


(P.A. 92-8, Art. 40, Sec. 12)

Sec. 12. The following named sums, or so much thereof as may be necessary, respectively, for the purposes hereinafter named, are appropriated to the Department of Human Services for Grants-In-Aid and Purchased Care in its various regions pursuant to Sections 3 and 4 of the Community Services Act and the Community Mental Health Act:

MENTAL HEALTH/DEVELOPMENTAL DISABILITIES
GRANTS-IN-AID AND PURCHASED CARE

For Community Service Grant Programs for

New matter indicated by italics - deletions by strikeout.
Persons with Mental Illness:
Payable from General Revenue Fund ........... $167,226,800
Payable from Community Mental Health Services Block Grant Fund..... 12,093,300
Payable from the DHS Federal Projects Fund ......................... 10,000,000

For Costs Associated With The Purchase and Disbursement of Psychotropic Medications for Mentally Ill Clients in the Community:
Payable from General Revenue Fund........... 3,000,000

For Community Integrated Living Arrangements for Persons with Mental Illness:
Payable from General Revenue Fund.......... 35,796,800

For Medicaid Services for Persons with Mental Illness/and KidCare Clients:
Payable from General Revenue Fund........... 44,689,000
Payable from Community Mental Health Medicaid Trust Fund ................. 16,000,000

For Emergency Psychiatric Services:
Payable from General Revenue Fund ......... 10,070,800

For Community Service Grant Programs for Children and Adolescents with Mental Illness:
Payable from General Revenue Fund ........... 24,012,600
Payable from Community Mental Health Services Block Grant Fund .... 4,125,000 4,036,400

For Purchase of Care for Children and Adolescents with Mental Illness approved through the Individual Care Grant Program:
Payable from General Revenue Fund ........... 19,071,700

For Costs Associated with Children and Adolescent Mental Health Programs:
Payable from General Revenue Fund ........... 11,096,000

For Teen Suicide Prevention Including Provisions Established in Public Act 85-0928:
Payable from Community Mental Health Services Block Grant Fund .......... 206,400

Total $341,033,900

New matter indicated by italics - deletions by strikeout.
For Community Service Grant Programs for Persons with Developmental Disabilities:
Payable from General Revenue Fund: ........... $105,229,600

For Community Integrated Living Arrangements for the Persons with Developmental Disabilities:
Payable from General Revenue Fund ............ 258,665,500

For Purchase of Care for Persons with Developmental Disabilities:
Payable from General Revenue Fund ............ 79,986,800
            Payable from the Mental Health Fund ......... 9,965,600

For Medicaid Services for Persons with Developmental Disabilities:
Payable from General Revenue Fund ............ 14,867,200

For costs associated with the provision of Specialized Services to Persons with Developmental Disabilities,
Payable from General Revenue Fund ............ 10,651,200

Total $479,065,900

Section 5. "AN ACT making appropriations," Public Act 92-8, approved June 11, 2001, is amended by repealing Section 200 and adding new Sections 213b, 213c and 213d, and changing Sections 20, 71 and 207 of Article 44 as follows:

(P.A. 92-8, Art. 44, Sec. 20)
Sec. 20. The sum of $79,750,000 $80,000,000, new appropriation, is appropriated, and the sum of $61,831,900, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from appropriations heretofore made in Article 11, Section 20 of Public Act 91-706, as amended, is reappropriated from the Capital Development Fund to the Department of Natural Resources to acquire, protect and preserve open space and natural lands.

(P.A. 92-8, Art. 44, Sec. 71)
Sec. 71. The sum of $75,000, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2001, less the amount of $21,800 from an appropriation heretofore made in Article 11, Section 81 of Public Act 91-706, as amended, is reappropriated from the Capital Development Fund to the Department of Natural Resources for a grant to the Chicago Park District for all costs associated with acquisition, construction, development, and purchase of equipment for the planned park at the corner of Roscoe and Racine.

(P.A. 92-8, Art. 44, Sec. 207)
Sec. 207. The sum of $7,500,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, less the amount of $2,572,000 from an appropriation heretofore made in Article 11, Section 268 of Public Act 91-706, as amended, is reappropriated from the Fund for Illinois' Future to the Department

New matter indicated by italics - deletions by strikeout.
of Natural Resources for all costs associated with grants to various governmental units, units of local government and not-for-profit entities for infrastructure improvements including but not limited to park and recreational projects, facilities, bike paths, equipment and any other necessary costs.

(P.A. 92-8, Art. 44, new Sec. 213b)

Sec. 213b. The sum of $205,000 or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Natural Resources for a grant to governmental units and not-for-profit and educational entities for various capital improvements related to storm damage in various communities.

(P.A. 92-8, Art. 44, new Sec. 213c)

Sec. 213c. The sum of $250,000, or so much thereof as may be necessary, is appropriated from the Capital Development Fund to the Department of Natural Resources for the purpose of a grant to the Village of Cahokia for the Lewis and Clark Visitors Center.

(P.A. 92-8, Art. 44, new Sec. 213d)

Sec. 213d. The sum of $21,800, or so much thereof as may be necessary, is appropriated from the Capital Development Fund to the Department of Natural Resources for a grant to the Lakeview Citizens Council for improvements at Gil Park.

Section 6. "AN ACT making appropriations," Public Act 92-8, approved June 11, 2001, is amended by adding new Sections 44, 45, 46, 47, 48, and 49, and changing Section 40 of Article 52 as follows:

(P.A. 92-8, Art. 52, Sec. 40)

Sec. 40. The sum of $5,630,000 or $10,000,000, or so much thereof as may be necessary, is appropriated from the Road Fund to the Department of Transportation for preliminary engineering and construction engineering and contract costs of construction, including, but not limited to, reconstruction, extension and improvement of highways, arterial highways, roads, access areas, roadside shelters, rest areas, fringe parking facilities, storage and sanitary facilities, equipment, traffic control, sidewalks, pedestrian overpasses and such other purposes as provided by the "Illinois Highway Code"; for purposes allowed or required by Title 23 of the U.S. Code; for bikeways as provided by Public Act 78-0500; and for land acquisition and signboard removal and control, junkyard removal and control and preservation of natural beauty; for signage and warning lights; and for capital improvements which directly facilitate an effective vehicle weight enforcement program, such as scales (fixed and portable), scale pits and scale installations, and scale houses, in accordance with applicable laws and regulations; and for any grants to units of local government to undertake any of the aforementioned activities.

(P.A. 92-8, Art. 52, new Sec. 44)

Sec. 44. The amount of $500,000, or so much thereof as may be necessary, is appropriated from the Road Fund to the Department of Transportation for the purpose of a grant to the City of Rockford for all costs associated with the construction of a road around the Rockford airport.

(P.A. 92-8, Art. 52, new Sec. 45)
Sec. 45. The amount of $200,000, or so much thereof as may be necessary, is appropriated from the Road Fund to the Department of Transportation for the purpose of a grant to the Chicago Department of Transportation for installation of a traffic light at 103rd and Corliss Street.

(P.A. 92-8, Art. 52, new Sec. 46)

Sec. 46. The amount of $200,000, or so much thereof as may be necessary, is appropriated from the Road Fund to the Department of Transportation for the purpose of a grant to the Chicago Department of Transportation for installation of a traffic light at 127th and Stewart Street.

(P.A. 92-8, Art. 52, new Sec. 47)

Sec. 47. The amount of $1,320,000, or so much thereof as may be necessary, is appropriated from the Road Fund to the Department of Transportation for the purpose of a grant to the Chicago Department of Transportation for street resurfacing, sidewalks, curbs, and gutters on Michigan Avenue from 103rd Street to 127th Street.

(P.A. 92-8, Art. 52, new Sec. 48)

Sec. 48. The amount of $800,000, or so much thereof as may be necessary, is appropriated from the Road Fund to the Department of Transportation for the purpose of a grant to the Chicago Department of Transportation for street resurfacing, sidewalks, curbs, and gutters on King Drive from 100th Street to 115th Street.

(P.A. 92-8, Art. 52, new Sec. 49)

Sec. 49. The amount of $1,350,000, or so much thereof as may be necessary, is appropriated from the Road Fund to the Department of Transportation for the purpose of a grant to the Chicago Department of Transportation for street resurfacing, sidewalks, curbs, and gutters on 111th Street from Bishop Ford Expressway to State Street.

Section 7. "AN ACT making appropriations," Public Act 92-8, approved June 11, 2001, is amended by changing Section 56 and repealing Section 15 of Article 52a as follows:

(P.A. 92-8, Art. 52a, Sec. 56)

Sec. 56. The sum of $1,832,000, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2001 less the amount of $253,471, from the reappropriation herefore made in Article 17, Section 80 of Public Act 91-706, as amended, is reappropriated from the Capital Development Fund to the Department of Transportation for the contract or intergovernmental agreement costs associated with the projects described below and having the estimated costs as follows:

For a pedestrian overpass and other transportation related activities in the Village of Buffalo Grove less the amount of $253,471 ................................. $632,000

For improvements to St. Clair Avenue and drainage improvements in Granite City................................. $450,000

New matter indicated by italics - deletions by strikeout.
For improvements to streets, sewers and sidewalks in
Washington Park................................. $450,000
For traffic signal intersection improvements at Manhattan Road,
Route 52 and Foxford Drive in the Village of Manhattan...................... $150,000
For improvements to Matherville Road in Mercer County ...................... $150,000

Section 8. "AN ACT making appropriations," Public Act 92-8, approved June 11, 2001, is amended by changing Sections 1B and 3 of Article 53 as follows:

(P.A. 92-8, Art. 53, Sec. 1B)
Sec. 1B. The sum of $3,254,800 $3,421,500, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Veterans' Affairs to contract with a U.S. veterans' hospital for long-term care beds and related operating and administrative costs.

(P.A. 92-8, Art. 53, Sec. 3)
Sec. 3. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Veterans' Affairs for the objects and purposes hereinafter named:

ILLINOIS VETERANS' HOME AT ANNA
Payable from General Revenue Fund:
For Personal Services ...................... $ 176,300
For Employee Retirement Contributions
Paid by Employer ..................... 7,100
For State Contributions to the State Employees' Retirement System .......... 18,300
For State Contributions to Social Security ...................... 13,500
For Contractual Services ...... 1,278,200 1,111,500
For Travel ................................ 100
For Commodities ...................... 100
For Printing .............................. 100
For Equipment ...................... 100
For Electronic Data Processing .............. 100
For Telecommunications Services .............. 100
For Operation of Auto Equipment .............. 100
Total $1,327,400

Payable from the Anna Veterans' Home Fund:
For Contractual Services .............. $ 1,628,900
For Travel ................................ 4,100
For Commodities ...................... 500

New matter indicated by italics - deletions by strikeout.
For Printing ................................. 300  
For Equipment ............................... 30,000  
For Electronic Data Processing ............. 1,400  
For Telecommunications Services ............ 10,400  
For Operation of Auto Equipment .......... 1,800  
For Refunds ................................ 13,000  
Total 1,690,400  

Section 9. "AN ACT making appropriations," Public Act 92-8, approved June 11, 2001, is amended by changing Sections 2 and 7 of Article 72 as follows:

(P.A. 92-8, Art. 72, Sec. 2)
Sec. 2. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated for ordinary and contingent expenses to the Illinois Commerce Commission, as follows:

PUBLIC UTILITIES
Payable from Public Utility Fund:
For Personal Services........................ $12,802,300  
For Employee Retirement Contributions
Paid by Employer............................... 512,300  
For State Contributions to State Employees' Retirement System............. 1,331,600  
For State Contributions to Social Security.................. 964,800  
For Group Insurance........................... 1,915,200  
For Contractual Services....................... 1,546,300  
For Travel........................................ 324,400  
For Commodities............................... 54,400  
For Printing ...................................... 36,000  
For Equipment................................. 46,400  
For Electronic Data Processing .............. 2,975,000  
For Telecommunications ....................... 480,000  
For Operation of Auto Equipment .......... 18,100  
For Refunds .................................... 70,000  

Payable from General Revenue Fund:
For legal costs associated with the passage of "An Act to abolish incinerator subsidies under the retail rate law" ............... 750,000 250,000  
Total $23,326,800  

(P.A. 92-8, Art. 72, Sec. 7)
Sec. 7. The sum of $84,000 $84,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to assist the Illinois Commerce Commission in implementing the Electric Service Customer Choice and Rate Relief Law of 1997,
including costs in prior years.

Section 10. "AN ACT making appropriations," Public Act 92-8, approved June 11, 2001, is amended by adding new Section 31 and changing Sections 13, 16, 17, 18 and 23 of Article 56 as follows:

(P.A. 92-8, Art. 56, new Sec. 31)

Sec. 31. The sum of $13,761,948, or so much thereof as may be necessary, is appropriated from the Capital Development Fund for the Board of Trustees of the University of Illinois for all costs associated with the space needs of the Department of Natural Resources, Illinois Natural History Survey Division and State Water Survey Division on the campus of the University of Illinois in Champaign, including construction, capital facilities, planning, relocation, renovation and rehabilitation, mechanical systems, materials, services and all other costs required to complete the work.

(P.A. 92-8, Art. 56, Sec. 13)

Sec. 13. The following named amounts, or so much thereof as may be necessary, are appropriated from the Capital Development Fund to the Capital Development Board for the Office of the Secretary of State for the projects hereinafter enumerated:

**STATEWIDE**

For replacing windows at the following locations at the approximate cost set forth below: ........................................ $1,750,000

Lexington Avenue Motor Vehicle Facility $583,000

Martin Luther King, Jr. Dr. Motor Vehicle Facility $583,000

North Elston Motor Vehicle Facility $584,000

**CAPITOL COMPLEX - SPRINGFIELD**

For completing the stone restoration, in addition to funds previously appropriated: ........................................ 3,000,000

For the planning, design, reconstruction, and construction to renovate or replace the Stratton Office Building, in addition to funds previously appropriated: ........................................ 11,582,631

**STATE POWER PLANT - SPRINGFIELD**

For installing new water service and repairing power plant systems: ........................................ 80,000

Total, Section 13: ........................................ $4,830,000

(P.A. 92-8, Art. 56, Sec. 16)

Sec. 16. The following named amounts, or so much thereof as may be necessary, are appropriated from the Capital Development Fund to the Capital Development Board for the Illinois Board of Higher Education for the projects hereinafter enumerated:

New matter indicated by italics - deletions by strikeout.
STATEWIDE

For miscellaneous capital improvements including construction, capital facilities, cost of planning, supplies, equipment, materials, services and all other expenses required to complete the work at the various universities
This appropriated amount shall be in addition to any other appropriated amounts which can be expended for these purposes......

$13,928,300

Chicago State University ............ 322,700
Eastern Illinois University ........... 515,500
Governors State University .......... 189,700
Illinois State University .......... 1,021,300
Northeastern Illinois University ........... 383,700
Northern Illinois University ...... 1,159,000
Western Illinois University ....... 792,200
Southern Illinois University - Carbondale ............... 1,624,700
Southern Illinois University - Edwardsville ............... 763,100
University of Illinois - Chicago ...................... 2,777,300
University of Illinois - Springfield ............... 229,100
University of Illinois - Urbana/Champaign .......... 4,150,000

CHICAGO STATE UNIVERSITY
For constructing a new library facility, site improvements, utilities, and purchasing equipment, in addition to funds previously appropriated ............ 16,000,000
For technology improvements and deferred maintenance ............... 3,000,000

EASTERN ILLINOIS UNIVERSITY
For renovating and expanding the Fine Arts Center, in addition to funds previously appropriated ............... 40,003,000

NORTHEASTERN ILLINOIS UNIVERSITY
For renovating Building "C" and remodeling and expanding Building "E"

New matter indicated by italics - deletions by strikeout.
For improvements to Memorial
Hall ........................................ 12,000,000

**ILLINOIS STATE UNIVERSITY**

For the upgrade and remodeling
of Schroeder Hall ......................... 17,500,000

**CITY COLLEGES OF CHICAGO**

For various bondable capital
improvements for infrastructure
and technology associated with the Student
Administration System ..................... 9,000,000

Total, Section 16 $120,495,600

(P.A. 92-8, Art. 56, Sec. 17)

Sec. 17. The following named amounts, or so much thereof as may be necessary, are appropriated from the Capital Development Fund Tobacco Settlement Recovery Fund to the Capital Development Board for the projects hereinafter enumerated:

**SOUTHERN ILLINOIS UNIVERSITY**

For planning, construction and equipment
for a cancer center .......................... $14,500,000

**SOUTHERN ILLINOIS UNIVERSITY - EDWARDSVILLE**

For planning, construction and equipment
for an advanced technical worker
training facility ............................. 1,100,000

**UNIVERSITY OF ILLINOIS - CHICAGO**

For planning, construction and equipment
for a chemical sciences building ............ 6,400,000

**UNIVERSITY OF ILLINOIS - URBANA/CHAMPAIGN**

For planning, construction and equipment
for a biotechnology genomic facility ....... 67,500,000
For planning, construction and equipment
for a supercomputing application facility .... 27,000,000
For planning, construction and equipment
for a technology transfer incubator
facility ........................................ 5,000,000

Total, Section 17 $121,500,000

(P.A. 92-8, Art. 56, Sec. 18)

Sec. 18. The amount of $10,000,000, or so much thereof as may be necessary, is appropriated from the Build Illinois Bond Fund Tobacco Settlement Recovery Fund to the Capital Development Board for a grant to Northwestern University for planning, construction and equipment for a biomedical research facility.

(P.A. 92-8, Art. 56, Sec. 23)

New matter indicated by italics - deletions by strikeout.
Sec. 23. The amount of $2,000,000, or so much thereof as may be necessary, is appropriated from the Build Illinois Bond Fund Tobacco Settlement Recovery Fund to the Capital Development Board for a grant to Northwestern University for planning, construction and equipment for a nanofabrication and molecular center.

Section 11. "AN ACT making appropriations," Public Act 92-8, approved June 11, 2001, is amended by repealing Section 91 and changing Sections 3, 5, 5.3, 16, 24.1 and 54 of Article 56a as follows:

(P.A. 92-8, Art. 56a, Sec. 3)

Sec. 3. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2001, from appropriations and reappropriations heretofore made in Article 1, Section 14 and Article 2, Section 3 of Public Act 91-708, approved May 17, 2000, are reappropriated from the Capital Development Fund to the Capital Development Board for the Office of the Secretary of State for the projects hereinafter enumerated:

WILLIAM G. STRATTON BUILDING - SPRINGFIELD
(From Article 1, Section 14 of Public Act 91-708)
For replacing windows and tuckpointing ............... $5,925,000

CAPITOL COMPLEX - SPRINGFIELD
(From Article 2, Section 3 of Public Act 91-708)
For upgrading electrical lighting and replacing ceilings - Stratton Office Building ............... 5,416,239
For replacing mechanical piping - Klein and Mason Warehouse ......................... 278,100
For renovating the exterior of the Capitol and Howlett Buildings ......................... 1,337,174
For demolition of 222 S. College, and landscaping of Capitol Complex in addition to funds previously appropriated ......................... 1,200,000
For demolition of 222 South College Building and landscaping of Capitol Complex ......................... 2,387,894
Total, Section 3 $16,544,407

(P.A. 92-8, Art. 56a, Sec. 5)

Sec. 5. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2001, from appropriations and reappropriations heretofore made for such purposes in Article 1, Section 7, and Article 2, Section 5 of Public Act 91-708, are reappropriated from the Capital Development Fund to the Capital Development Board for the Department of Natural Resources for the projects hereinafter enumerated:

BABE WOODYARD STATE NATURAL AREA - VERMILION COUNTY

New matter indicated by italics - deletions by strikeout.
(From Article 2, Section 5 of Public Act 91-708)
For developing the site and associated
land acquisition $ \text{2,828,451}

BEALL WOODS STATE CONSERVATION AREA -
WABASH COUNTY
For replacing a visitors center $ \text{228,012}

BEAVER DAM STATE PARK - MACOUPIN COUNTY
For rehabilitating dams, spillway, and
boat access facilities $ \text{402,632}

CARLYLE LAKE STATE PARKS
For cabin construction and site
improvements at Eldon
Hazlet State Park, Phase II $ \text{1,463,185}
For road and site improvements at
Carlyle Lake $ \text{1,500,000}
For infrastructure and site
improvements at Carlyle Lake $ \text{2,776,997}

CASTLE ROCK STATE PARK - OGLE COUNTY
(From Article 1, Section 7 of Public Act 91-708)
For replacing maintenance building $ \text{413,803}

CAVE-IN-ROCK STATE PARK - HARDIN COUNTY
(From Article 2, Section 5 of Public Act 91-708)
For constructing a shower building
and upgrading the campground $ \text{51,259}

CHAIN O’ LAKES STATE PARK - MCHENRY COUNTY
For upgrading sewage treatment system $ \text{1,049,219}
For construction of a concession building
and upgrading the horse concession, in
addition to funds previously appropriated $ \text{25,954}
For planning and beginning the replacement
of concession buildings $ \text{10,180}

EAGLE CREEK STATE PARK - SHELBY COUNTY
For rehabilitation of the sewage treatment system, in addition to funds previously
appropriated $ \text{175,281}

FORT MASSAC STATE PARK - MASSAC COUNTY
(From Article 1, Section 7 of Public Act 91-708)
For reconstructing the fort $ \text{4,300,000}
(From Article 2, Section 5 of Public Act 91-708)
For planning and beginning the
reconstruction of the fort $ \text{35,314}

GEOLOGICAL SURVEY-CHAMPAIGN

New matter indicated by italics - deletions by strikeout.
PUBLIC ACT 92-0538

(From Article 1, Section 7 of Public Act 91-708)
For constructing two pole storage buildings ......................... 312,500

HENNEPIN CANAL PARKWAY STATE PARK AND ACCESS AREA
For rehabilitating aqueducts
#3, #4 and #8 ........................................ 750,000
(From Article 2, Section 5 of Public Act 91-708)
For stabilizing the feeder canal bank ............ 44,484
For replacement and rehabilitation
of arch culverts and canal ................... 261,190

HORSESHOE LAKE CONSERVATION AREA - ALEXANDER COUNTY
For dam rehabilitation and the State's share
to implement the ecological restoration
plan in cooperation with the U.S. Army Corps of Engineers, and
land acquisition ......................... 858,655
For construction of a pole building
and hunter check station .................... 41,284

ILLINOIS-MICHIGAN CANAL STATE TRAIL
For stabilization of the aqueduct ............. 173,139

ILLINOIS BEACH STATE PARK - LAKE COUNTY
(From Article 1, Section 7 of Public Act 91-708)
For replacing sanitary sewer line ............... 545,300
(From Article 2, Section 5 of Public Act 91-708)
For rehabilitating lodge entrance .............. 73,463
For constructing an office building .......... 45,626
For replacing sanitary sewer lines .......... 474,347

JOHNSON SAUK TRAIL STATE PARK - HENRY COUNTY
For upgrading campground electrical .......... 209,574
For rehabilitation of the concession building, in addition to funds
previously appropriated .................... 85,499
For rehabilitation of the concession building .. 40,558

KANKAKEE RIVER STATE PARK - KANKAKEE/WILL COUNTIES
For constructing sanitary sewer system, in
addition to funds previously appropriated .... 5,000,000

KANKAKEE STATE PARK - KANKAKEE COUNTY
For planning and constructing a
sanitary sewer system ...................... 80,854

KASKASKIA RIVER FISH & WILDLIFE AREA
(From Article 1, Section 7 of Public Act 91-708)
For providing electrical service ............ 106,000

New matter indicated by italics - deletions by strikeout.
KICKAPOO STATE PARK - VERMILION COUNTY
For rehabilitating the water system and day-use areas ..................... 1,041,000

LAKE LE-AQUA-NA STATE PARK - STEPHENSON COUNTY
(From Article 2, Section 5 of Public Act 91-708)
For replacing sewage treatment plant .............. 539,270

LAKE MURPHYSBORO STATE PARK - JACKSON COUNTY
(From Article 1, Section 7 of Public Act 91-708)
For replacing the district office building ....................... 485,299

LINCOLN TRAIL STATE RECREATION AREA - CLARK COUNTY
For renovating the concession building .................... 815,000
For upgrading campground electrical and drainage .................. 460,000
(From Article 2, Section 5 of Public Act 91-708)
For rehabilitating the day use area and site ....................... 1,183,776

LITTLE GRASSY FISH HATCHERY - WILLIAMSON COUNTY
(From Article 1, Section 7 of Public Act 91-708)
For improving drainage discharge .................. 250,000

MASSACHUSETTS STATE FOREST TREE NURSERY
For expanding the cold storage facility ........... 638,000
For expanding the seed cleaning facility ........... 662,000

MERMET LAKE CONSERVATION AREA - MASSAC COUNTY
(From Article 2, Section 5 of Public Act 91-708)
For rehabilitating levee and well, in addition to funds previously appropriated .... 2,404,021

MORRAINE HILLS STATE PARK - MCHENRY COUNTY
For renovation of the trail ......................... 89,337
For replacement of restrooms and upgrading the water system ..................... 139,731

MORRISON-ROCKWOOD STATE PARK
(From Article 1, Section 7 of Public Act 91-708)
For improving the water system and rehabilitating the campground water ........ 418,000

NATURAL HISTORY SURVEY - HAVANA
For renovating Forbes Biological Station ........ 683,000

NORTH POINT MARINA - LAKE COUNTY
(From Article 2, Section 5 of Public Act 91-708)
For construction of a breakwater structure ....... 1,012,492

New matter indicated by italics - deletions by strikeout.
For modifying the marina's docking system ...... 1,471,710

NAUVOO STATE PARK - HANCOCK COUNTY

For replacing water distribution system .......................... 128,990

PERE MARQUETTE STATE PARK - JERSEY COUNTY

For replacing the lodge HVAC condensing unit, in addition to funds previously appropriated ... 158,475

PRAIRIE RIDGE SANCTUARY NATURAL AREA

(From Article 1, Section 7 of Public Act 91-708)

For replacing the Service & Hazardous Materials buildings and installing a fuel tank ................................. 366,000

RESEARCH & COLLECTIONS CENTER - SPRINGFIELD

(From Article 1, Section 7 of Public Act 91-708)

For renovating the interior .................. 991,000

ROCK CUT STATE PARK - WINNEBAGO COUNTY

For upgrading the sewage system ............... 2,365,300

NEW OFFICE BUILDING - SPRINGFIELD

For completing construction of an office building, in addition to funds previously appropriated ......................... 2,000,000

SANGANOIS CONSERVATION AREA - CASS, MASON AND SCHUYLER COUNTIES

(From Article 2, Section 5 of Public Act 91-708)

For rehabilitating the levee system .............. 197,895

SANGCHRIS STATE PARK - SANGAMON COUNTY

For upgrading campground electrical system ........................................... 180,111

SPRING GROVE FISHERIES CENTER - MCHENRY COUNTY

For planning and beginning renovation of hatchery ................................. 442,608

SPRINGFIELD

For constructing an office building and interpretive center .................... 12,332,481

STARVED ROCK STATE PARK - LASALLE COUNTY

For construction of a visitors center, in addition to funds previously appropriated ... 3,978,987

For rehabilitating the sewer system ............ 1,038,833

For rehabilitating trails, in addition to funds previously appropriated ........... 500,000

For upgrading the HVAC system .................. 93,704

For construction of a Visitors'

New matter indicated by italics - deletions by strikeout.
Center, in addition to funds previously appropriated .................
For rehabilitation of trails, in addition to funds previously appropriated ........
For rehabilitation of the sewer system - Phase I .........................

TRI-COUNTY PARK - COOK/KANE/DUPAGE COUNTIES
For planning and beginning construction of a park ......................

WASTE MANAGEMENT & RESEARCH CENTER
(From Article 1, Section 7 of Public Act 91-708)
For constructing a garage and storage area ..............................

WAYNE FITZGERRELL STATE PARK - FRANKLIN COUNTY
(From Article 2, Section 5 of Public Act 91-708)
For rehabilitation of the sewage treatment plant ......................

WHITE PINES FOREST STATE PARK - OGLE COUNTY
For planning and beginning lodge and cabin restoration ..............

WILDLIFE PRAIRIE PARK
(From Article 1, Section 7 of Public Act 91-708)
For planning and beginning the upgrade of the park ...................

TUNNEL HILL-CACHE RIVER STATE NATURAL AREA
(From Article 2, Section 5 of Public Act 91-708)
For constructing a visitor center and purchasing land .................

NATURAL HISTORY SURVEY - NATURAL HISTORY RESEARCH CENTER
(FORMERLY BURNHAM HOSPITAL)
For construction of a Natural History Research Center for the space needs of the Illinois Natural History Survey on the campus of the University of Illinois..........
For planning and construction of the Natural History Research Center for the space needs of the Illinois Natural History Survey on the campus of the University of Illinois in Champaign .....................

STATE WATER SURVEY - CHAMPAIGN
(From Article 1, Section 7 of Public Act 91-708)

New matter indicated by italics - deletions by strikeout.
For constructing a vehicle maintenance
and shop building ....................... 3,568,000

(From Article 2, Section 5 of Public Act 91-708)
For upgrading and replacing the mechanical
system, in addition to funds
previously appropriated ................... 2,090,148
For planning and replacement of vehicle
storage/shop facilities ...................... 21,150

DICKSON MOUNDS - LEWISTOWN
For renovating Canton Liverpool
Toll Booth ................................. 28,902

STATE MUSEUM RESEARCH AND COLLECTION CENTER - SPRINGFIELD
For the completion of site improvements .... 190,582

STATE MUSEUM - SPRINGFIELD
For renovating or replacing exhibits, in
addition to funds previously appropriated .... 5,500,000
For planning and beginning replacement
of the state museum ...................... 469,146
For planning and replacement of the main
museum exhibits, in addition to funds
previously appropriated .................... 351,000
For planning renovation of main museum
exhibits and for renovation of basement
galleries ................................. 24,350

STATEWIDE
(From Article 1, Section 7 of Public Act 91-708)
For fabrication of visitors centers
exhibit ................................. 700,000
For replacing and constructing vault
toilets at the following locations,
at the approximate cost set forth
below ..................................... 1,805,000
Wayne Fitzgerrell State Park ....... 414,000
Goose Lake Prairie State Park ...... 71,000
Wolf Creek State Park ............ 805,000
Hennepin Canal Parkway
State Trail ............................. 435,000
Kaskaskia River Fish &
Wildlife Area ......................... 80,000
For providing dump stations ............ 200,000
For rehabilitating bridges at the
following locations, at the approximate

New matter indicated by italics - deletions by strikeout.
cost set forth below .......................... 1,056,060
Rock Island Trail ...................... 661,060
Frank Holten State Park .......... 300,000
Horseshoe Lake State Park ...... 70,000
Castle Rock State Park .......... 25,000
For rehabilitating dams at the
following locations, at the
approximate cost set forth below ............ 1,421,887
Ramsey Lake State Park .......... 521,887
Rock Cut State Park ............ 450,000
Snakeden Hollow State Park ...... 450,000
For replacing roofs at the following
locations, at the approximate
cost set forth below .......................... 1,384,000
Southern IL Arts &
Crafts Center ....................... 290,000
Frank Holten State Park .......... 28,000
DNR Geological Survey-
Champaign ......................... 124,000
Sangchris Lake State
Park .................................. 50,000
Illini State Park ................. 125,000
Shelbyville Fish &
Wildlife Area ..................... 100,000
Trail of Tears State
Forest .............................. 219,000
Sanganois Conservation Area ..... 48,000
Rice Lake State Park .......... 125,000
Hidden Spring State Park ........ 67,000
Siloam Springs State Park ...... 48,000
Mississippi Palisades
State Park ......................... 160,000
(From Article 2, Section 5 of Public Act 91-708)
For replacing roofing systems at the
following locations, at the approximate
cost set forth below ....................... 1,684,260
Beall Woods Conservation Area -
Wabash County .................... 30,000
Eagle Creek State Park -
Shelby County ..................... 100
Eldon Hazlet State Park -
Clinton County ................... 61,296

New matter indicated by italics - deletions by strikeout.
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<thead>
<tr>
<th>Name of State Park</th>
<th>County or Counties</th>
<th>Acres</th>
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<tbody>
<tr>
<td>Fox Ridge State Park</td>
<td>Coles County</td>
<td>34,000</td>
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<td>Giant City State Park</td>
<td>Jackson/Union Counties</td>
<td>89,969</td>
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<td>Goose Lake Prairie State Park</td>
<td>Grundy County</td>
<td>109,519</td>
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<tr>
<td>Hennepin Canal Parkway State Trail</td>
<td>Lake County</td>
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<td>Illinois Beach State Park</td>
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<td>Illinois Caverns Natural Area</td>
<td>Monroe County</td>
<td>74,000</td>
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<td>Kankakee River State Park</td>
<td></td>
<td>74,000</td>
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<td>Kickapoo State Park</td>
<td>Vermilion County</td>
<td>36,320</td>
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<tr>
<td>Kankakee/Will Counties</td>
<td></td>
<td>12,900</td>
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<td>Kankakee State Park</td>
<td>McHenry County</td>
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<td>McLean County</td>
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<td>Lego Lake State Park</td>
<td>Fayette County</td>
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<td>Randolph County Conservation Area</td>
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<td>Red Hills State Park</td>
<td>Lawrence County</td>
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<td>Saline County Conservation Area</td>
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<td>Sam Dale Lake Conservation Area</td>
<td>Wayne County</td>
<td>100</td>
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<td>Spitler Woods State Natural Area</td>
<td>Macon County</td>
<td>425</td>
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<td>Stephen A. Forbes State Park</td>
<td>Marion County</td>
<td>36,547</td>
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<td>Ten Mile Creek State Fish &amp; Wildlife</td>
<td>Jefferson/Hamilton Counties</td>
<td>76,000</td>
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<td>Waste Management &amp; Research Center</td>
<td>Champaign</td>
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<td>Washington County Conservation Area</td>
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<tr>
<td>William W. Powers Conservation Area</td>
<td>Cook County</td>
<td>37,841</td>
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New matter indicated by italics - deletions by strikeout.
Wolf Creek State Park -
Shelby County .................... 46,000

For replacing vault toilets at the following
locations, at the approximate cost set forth
below ................................. 613,343
  Anderson Lake Conservation Area -
    Fulton/Schuyler Counties ......... 156,000
  Giant City State Park -
    Jackson/Union Counties .......... 294,498
  Randolph County Conservation Area ...
  Silver Springs State Park -
    Kendall County ................... 12,215

For replacing roofing systems at the
following locations at the approximate
costs set forth below .................. 91,146
  Silver Springs State Park, Three
    Buildings ......................... 76,146
  Weldon Springs State Park, Nine
    Buildings ........................ 15,000

For constructing vault toilets at the following
locations at the approximate costs set forth
below ................................. 443,507
  Cave-In-Rock State Park ...........
  Golconda/Rauchfuss Hill ...........
  I&M Canal - Gebhard Woods State
    Park ............................. 5,000
  Prophetstown State Park .........
  William W. Powers State Park ..... 106,000

For constructing hazardous material storage
buildings ................................ 262,324

For replacing concession buildings and
upgrading support facilities at the following
locations at the approximate costs set
forth below: ........................... 1,261,749
  Kickapoo State Park .............
  Rock Cut State Park ............
  Stephen A. Forbes State Park ...

For constructing vault toilets at the
following locations at the approximate
cost set forth below: ............... 519,925
  Apple River Canyon State Park ....
  Des Plaines Conservation Area .... 66,000

New matter indicated by italics - deletions by strikeout.
Kankakee River State Park .......... 31,780
Lake Le-Aqua-Na State Park .......... 115,000
Marshall County Conservation Area .... 30,000
Morrison-Rockwood State Park .......... 12,000
Rice Lake Conservation Area .......... 37,000

For replacing roofing systems and structural repairs at the following locations at the approximate costs set forth below: 40,452
Mine Rescue Station, One building ..... 13,858
Castle Rock State Park,
One building ......................... 2,120
Dixon Springs State Park,
Three buildings ....................... 1,060
Cave-In-Rock State Park,
One building ......................... 1,060
Ferne Clyffe State Park,
One building ......................... 1,060
Hamilton County Conservation
Area, One building .................... 15,370
Lake Murphysboro State Park
Two buildings ......................... 1,060
Red Hills State Park, Two buildings .................. 1,060
Fox Ridge State Park, Six buildings .................. 1,060
Shelbyville Fish and Wildlife
Area, Two buildings ................... 1,060
Newton Lake Fish and Wildlife
Area, One building .................... 1,684

For repair or replacement of roofs and parapet walls and reconstruction of chimneys at the following locations at the approximate costs set forth below ..... 517,905
Geological Survey - Applied Lab ..... 186,375
Water Survey - Eight Buildings ........ 46,000
Natural History Survey - Natural Resources Studies Annex ........... 67,000
Geological Survey - Natural Resources Building ................
Water Survey - Parapet walls at Buildings No. 4, 5 and 6 ............ 10,000
Dickson Mounds - Exterior restroom

New matter indicated by italics - deletions by strikeout.
and picnic shelter ................. 14,530
Jake Wolf Fish Hatchery ............ 130,000
For land acquisition .................... 490,648
For maintaining the lodge and concession facilities .................. 12,106
For construction of hazardous material storage buildings .............. 67,557
For abating hazards caused by the presence of asbestos-containing materials ........... 51,622
For planning, construction, reconstruction, land acquisition and related costs, utilities, site improvements, and all other expenses necessary for various capital improvements at parks, conservation areas, and other facilities under the jurisdiction of the Department of Natural Resources ........ 3,408,548
Total, Section 5 $103,291,135

(P.A. 92-8, Art. 56a, Sec. 5.3)

Sec. 5.3. The sum of $200,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from an appropriation heretofore made in Article 1, Section 7.2 of Public Act 91-708, is reappropriated from the Capital Development Fund to the Capital Development Board for a grant to the City of Carlyle for all costs associated with the development of a health center in association with resort development at Carlyle Lake.

(P.A. 92-8, Art. 56a, Sec. 16)

Sec. 16. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2001, from appropriations and reappropriations heretofore made for such purposes in Article 1, Section 15, and Article 2, Section 15 of Public Act 91-708, are reappropriated from the Capital Development Fund to the Capital Development Board for the projects hereinafter enumerated:

ATTORNEY GENERAL BUILDING - SPRINGFIELD
(From Article 2, Section 15 of Public Act 91-708)
For planning an annex or addition and beginning construction of parking facilities .................. $ 35,932

SPRINGFIELD - CAPITOL COMPLEX
For upgrading HVAC system at the Archives Building, in addition to funds previously appropriated .................. 155,380
For installing fire/security alarm system .................. 149,841
For upgrading environmental equipment

New matter indicated by italics - deletions by strikeout.
and HVAC, in addition to funds previously appropriated - Archives Building .......... 1,465,755
For planning and beginning the rehabilitation of the Power Plant ................. 309,009
For upgrading sewer system - Capitol Complex, in addition to funds previously appropriated .................. 234,869
For upgrading the life/safety and security systems - Capitol Building ............... 1,854,816
For upgrading the refrigeration equipment - Capitol Complex ...................... 149,540
For renovating mechanical system - Capitol Complex, in addition to funds previously appropriated ............... 81,315
For providing a parking facility for the Bloom and Harris Buildings, including land acquisition ...................... 98,175
For all costs associated with the design and planning for asbestos abatement, window replacement, energy conservation improvements, replacement of carpeting and ceiling tiles, handicap accessibility improvements, and rehabilitation of the water and air distribution systems in the Stratton Office Building .................. 91,892
For renovation of the Waterways Building for the Fourth District of the Appellate Court ... 1,088,200

SPRINGFIELD - SIU CONSOLIDATED LABORATORIES
For construction of an addition to the laboratory facility for Southern Illinois University, Environmental Protection Agency and Department of Public Health .............. 21,690

STATE CAPITOL BUILDING
For upgrading the life/safety and security systems, in addition to funds previously appropriated ............... 2,600,000

STRATTON OFFICE BUILDING - SPRINGFIELD
For installing fire alarm system .................. 149,500

STATEWIDE
(From Article 1, Section 15 of Public Act 91-708)
For surveys and modifications to buildings to meet requirements of the federal

New matter indicated by italics - deletions by strikeout.
Americans with Disabilities Act (ADA) .......... 4,000,000
For upgrading and remediating aboveground and underground storage tanks ............... 1,000,000
For abating hazardous materials .............. 1,000,000
For retrofitting or upgrading mechanized refrigeration equipment (CFCs) ............... 4,000,000
(From Article 2, Section 15 of Public Act 91-708)
For surveys and modifications to buildings to meet requirements of the federal Americans with Disabilities Act .......... 9,000,000
For abating hazardous materials .............. 4,763,216
For retrofitting or upgrading mechanized refrigeration equipment (CFCs) ............... 7,000,000
For upgrading and remediating aboveground and underground storage tanks ............... 3,500,000
For surveys and modifications to buildings to meet requirements of the federal Americans With Disabilities Act .......... 3,536,848
For retrofitting or upgrading mechanized refrigeration equipment (CFCs) ............... 6,641,045
For abating hazardous materials .............. 3,558,384
For upgrading and remediating underground storage tanks ......................... 7,429,552
For surveys and modifications to buildings to meet requirements of the federal Americans with Disabilities Act ...... 1,748,241
For abatement of hazardous materials ....... 950,052
For upgrading/retrofitting mechanized refrigeration equipment (CFC's) ............... 229,956
For upgrade and remediation of underground storage tanks ......................... 686,324
For renovation to meet the requirements of the Americans with Disabilities Act ...... 303,263
For abatement of hazardous materials ....... 622,607
For upgrade and remediation of underground storage tanks ......................... 505,804
For survey for and abatement of asbestos-containing materials ............... 234,485
For upgrade/retrofit of mechanized refrigeration equipment (CFC's) ............... 324,514
For abatement of hazardous conditions, including underground storage tanks,

New matter indicated by italics - deletions by strikeout.
in addition to funds previously
appropriated ............................ 337,181
For surveys and modifications to buildings
to meet requirements of the federal
Americans with Disabilities Act ............... 8,168,045
For demolition of buildings ................... 283,579
For retrofitting/upgrading mechanical
refrigeration equipment ...................... 110,991
For planning and beginning construction of
quick chill food factories ...................... 51,211
For abating hazardous conditions, including
underground storage tanks, in addition to
funds previously appropriated ................ 47,897
For the planning, upgrade and replacement of
potentially hazardous underground storage
tanks ........................................ 172,657
For surveys and abatement of asbestos-
containing materials ........................ 222,090
For asbestos abatement located during
Asbestos Abatement Authority and other
surveys to eliminate significant health
hazards ...................................... 97,506
For planning and abatement of asbestos,
and replenishment of initial project
construction costs in bondable projects
at various state owned facilities ............ 47,003
Total, Section 16 $79,058,365
(P.A. 92-8, Art. 56a, Sec. 24.1)

Sec. 24.1. The following named amounts, or so much thereof as may be
necessary and remain unexpended at the close of business on June 30, 2001, from
appropriations heretofore made for such purposes in Article 1, Section 19.2 of Public Act
91-708, are reappropriated from the Capital Development Fund Tobacco Settlement
Recovery Fund to the Capital Development Board for the projects hereinafter enumerated:

UNIVERSITY OF ILLINOIS - CHICAGO
To plan and begin construction of
a medical imaging research/clinical
facility ......................................... $10,000,000

UNIVERSITY OF ILLINOIS - URBANA/CHAMPAIGN
To plan and begin construction of a
biotechnology/genomic facility .......... 7,500,000
To plan and begin construction of a

New matter indicated by italics - deletions by strikeout.
supercomputing application facility ........................................ 3,000,000
To plan and begin construction of a technology transfer incubator facility ........................................ 3,000,000
Total ........................................................................... $23,500,000

(P.A. 92-8, Art. 56a, Sec. 54)
Sec. 54. The amount of $10,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from an appropriation heretofore made in Article 1, Section 26 of Public Act 91-708, is reappropriated from the Build Illinois Bond Fund Tobacco Settlement Recovery Fund to the Capital Development Board for a grant to Northwestern University for the planning and construction of a biomedical research facility.

Section 12. "AN ACT making appropriations," Public Act 92-8, approved June 11, 2001, is amended by changing Sections 13, 50 and 51 in Division FY02, Sections 37, 42, 47 and 52 in Division FY01, and Sections 2-45, 2-53, 3-2 and 4-1 in Division FY00, and adding new Sections 55, 56, 57, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132 and 133 in Division FY02, and repealing Section 35 in Division FY01 and Section 2-94 in Division FY00 of Article 57 as follows:

(P.A. 92-8, Art. 57, Div. FY02, Sec. 13)
Sec. 13. The sum of $101,970,869 \$101,900,000, or so much thereof as may be necessary, is appropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for miscellaneous capital improvements and grants including construction, capital facilities, cost of planning, supplies, equipment, materials and other expenses required to complete the work at the various facilities. This appropriated amount shall be in addition to any other appropriated amount which can be expended for these purposes.

(P.A. 92-8, Art. 57, Div. FY02, Sec. 51)
Sec. 51. The amount of $56,000,000 \$55,000,000, or so much thereof as may be necessary, is appropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for grants to units of government, educational facilities, and not-for-profit organizations for infrastructure improvements, including but not limited to planning, construction, reconstruction, renovation, utilities and equipment.

(P.A. 92-8, Art. 57, Div. FY02, new Sec. 55)
Sec. 55. The sum of $814,444, or so much thereof as may be necessary, is appropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for a grant to WTTW-TV in Chicago for digitalization infrastructure.

(P.A. 92-8, Art. 57, Div. FY02, new Sec. 56)
Sec. 56. The sum of $814,444, or so much thereof as may be necessary, is

New matter indicated by italics - deletions by strikeout.
appropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for a grant to WTVP-TV in Peoria for digitalization infrastructure.

(P.A. 92-8, Art. 57, Div. FY02, new Sec. 57)

Sec. 57. The sum of $814,444, or so much thereof as may be necessary, is appropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for a grant to WMEC-WQEC-WSEC in Macomb-Quincy-Jacksonville-Springfield for digitalization infrastructure.

(P.A. 92-8, Art. 57, Div. FY02, new Sec. 60)

Sec. 60. The sum of $500,000, or so much thereof as may be necessary, is appropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for a grant to the City of Quincy for the renovation of a performing arts center.

(P.A. 92-8, Art. 57, Div. FY02, new Sec. 61)

Sec. 61. The sum of $295,960, or so much thereof as may be necessary, is appropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for a grant to the Village of Orland Park for miscellaneous bondable capital improvements.

(P.A. 92-8, Art. 57, Div. FY02, new Sec. 62)

Sec. 62. The amount of $10,000,000, or so much thereof as may be necessary, is appropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for the purpose of a grant to the Chicago Park District for various capital improvements.

(P.A. 92-8, Art. 57, Div. FY02, new Sec. 63)

Sec. 63. The amount of $1,500,000, or so much thereof as may be necessary, is appropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for the purpose of a grant to Justice Park District for the purpose of land acquisition and construction of a multi-purpose facility.

(P.A. 92-8, Art. 57, Div. FY02, new Sec. 64)

Sec. 64. The amount of $350,000, or so much thereof as may be necessary, is appropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for the purpose of a grant to the Progress Center for Independent Living for all costs associated with the construction of a center for independent living in Lansing.

(P.A. 92-8, Art. 57, Div. FY02, new Sec. 65)

Sec. 65. The amount of $10,000,000, or so much thereof as may be necessary, is appropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for the purpose of a grant to the Misericordia Home for all costs associated with the construction of a new skilled nursing pediatric facility.

(P.A. 92-8, Art. 57, Div. FY02, new Sec. 66)

Sec. 66. The amount of $750,000, or so much thereof as may be necessary, is appropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for the purpose of a grant to the Village of Dixmoor for all costs

New matter indicated by italics - deletions by strikeout.
associated with building repairs for the city hall and public works buildings.

(P.A. 92-8, Art. 57, Div. FY02, new Sec. 67)

Sec. 67. The amount of $90,000, or so much thereof as may be necessary, is appropriated from the Build Illinois Bond to the Department of Commerce and Community Affairs for the purpose of a grant to El Hogar del Nino for capital improvements.

(P.A. 92-8, Art. 57, Div. FY02, new Sec. 68)

Sec. 68. The amount of $50,000, or so much thereof as may be necessary, is appropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for the purpose of a grant to the City of Highland Park for the expansion of the Northern Illinois Police Crime Laboratory.

(P.A. 92-8, Art. 57, Div. FY02, new Sec. 69)

Sec. 69. The amount of $25,000, or so much thereof as may be necessary, is appropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for the purpose of a grant to the Lake County Health Department for construction of a new clinic.

(P.A. 92-8, Art. 57, Div. FY02, new Sec. 70)

Sec. 70. The amount of $20,000, or so much thereof as may be necessary, is appropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for the purpose of a grant to the City of Lake Forest for all costs associated with the purchase and installation of an elevator at the new senior center located in Dickinson Hall.

(P.A. 92-8, Art. 57, Div. FY02, new Sec. 71)

Sec. 71. The amount of $2,000,000, or so much thereof as may be necessary, is appropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for the purpose of a grant to Episcopal Charities and Community Services for various capital expenditures.

(P.A. 92-8, Art. 57, Div. FY02, new Sec. 72)

Sec. 72. The amount of $1,750,000, or so much thereof as may be necessary, is appropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for the purpose of a grant to the Summit Park District for various capital expenditures.

(P.A. 92-8, Art. 57, Div. FY02, new Sec. 73)

Sec. 73. The amount of $50,000, or so much thereof as may be necessary, is appropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for the purpose of a grant to the Village of University Park for road improvements.

(P.A. 92-8, Art. 57, Div. FY02, new Sec. 74)

Sec. 74. The amount of $30,000, or so much thereof as may be necessary, is appropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for the purpose of a grant to Pembroke Township for community center improvements.

(P.A. 92-8, Art. 57, Div. FY02, new Sec. 75)

New matter indicated by italics - deletions by strikeout.
Sec. 75. The amount of $50,000, or so much thereof as may be necessary, is appropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for the purpose of a grant to the City of Momence for expenditures associated with a community center.

(P.A. 92-8, Art. 57, Div. FY02, new Sec. 76)

Sec. 76. The amount of $3,878,000, or so much thereof as may be necessary, is appropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for the purpose of a grant to the City of Rockford for repairs and improvements of the Metro Center to enhance it as a major downtown venue.

(P.A. 92-8, Art. 57, Div. FY02, new Sec. 77)

Sec. 77. The amount of $3,000,000, or so much thereof as may be necessary, is appropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for the purpose of a grant to the City of Rockford for extension of city water main connections on the city’s west and northwest boundary.

(P.A. 92-8, Art. 57, Div. FY02, new Sec. 78)

Sec. 78. The amount of $2,500,000, or so much thereof as may be necessary, is appropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for the purpose of a grant to the City of Rockford for the addition of two levels to the Pioneer parking deck.

(P.A. 92-8, Art. 57, Div. FY02, new Sec. 79)

Sec. 79. The amount of $250,000, or so much thereof as may be necessary, is appropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for the purpose of a grant to the City of Rockford for the purchase of approximately 25 acres of undeveloped land for the city to improve and market for major industrial development along the Illinois 251 corridor and immediately adjacent to the Greater Rockford Airport.

(P.A. 92-8, Art. 57, Div. FY02, new Sec. 80)

Sec. 80. The amount of $750,000, or so much thereof as may be necessary, is appropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for the purpose of a grant to the City of Rockford for reconstruction of neighborhood streets in blighted areas where the city is constructing new single-family homes through its West Side Alive Program.

(P.A. 92-8, Art. 57, Div. FY02, new Sec. 81)

Sec. 81. The amount of $800,000, or so much thereof as may be necessary, is appropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for the purpose of a grant to the City of Rockford to purchase and demolish the Brown Building parking deck.

(P.A. 92-8, Art. 57, Div. FY02, new Sec. 82)

Sec. 82. The amount of $300,000, or so much thereof as may be necessary, is appropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for the purpose of a grant to the City of Rockford to construct an 11th Street fire station.
Sec. 83. The amount of $150,000, or so much thereof as may be necessary, is appropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for the purpose of a grant to the City of Rockford to erect a 150-foot radio communication tower to expand public safety communication throughout the city.

Sec. 84. The sum of $19,000,000, or so much thereof as may be necessary, is appropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for grants to units of government, educational facilities, and not-for-profit organizations for infrastructure improvements, including but not limited to planning, construction, reconstruction, renovation, utilities and equipment.

Sec. 85. The sum of $330,000, or so much thereof as may be necessary, is appropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for the Jewish Council Youth Services Family Center for all costs associated with various repairs, renovations, improvements to the interior and exterior of the building, as well as furniture purchase.

Sec. 86. The sum of $55,000, or so much thereof as may be necessary, is appropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for the Counseling Center of Lakeview for a HVAC System.

Sec. 87. The sum of $250,000, or so much thereof as may be necessary, is appropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for the Jewish Federation of Metropolitan Chicago to renovate the third floor of the Ezra Multi-Purpose Center.

Sec. 88. The sum of $150,000, or so much thereof as may be necessary, is appropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for the Weissbourd-Holmes Family Focus Center for the purchase-installation of an elevator and other building improvements to make the facility ADA compliant.

Sec. 89. The sum of $500,000, or so much thereof as may be necessary, is appropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for traffic signal modernization in the Ridge Avenue Historic District.

Sec. 90. The sum of $100,000, or so much thereof as may be necessary, is appropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for the North Shore Senior Center for construction and renovation costs at the House of Welcome Alzheimer facility.
Sec. 91. The sum of $2,000,000, or so much thereof as may be necessary, is appropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for METRA for redevelopment of the Jefferson Park Terminal.

(P.A. 92-8, Art. 57, Div. FY02, new Sec. 92)

Sec. 92. The sum of $200,000, or so much thereof as may be necessary, is appropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for the Village of Morton Grove for costs associated with engineering costs for the Dempster Street Improvement Project.

(P.A. 92-8, Art. 57, Div. FY02, new Sec. 93)

Sec. 93. The sum of $250,000, or so much thereof as may be necessary, is appropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for the Village of Skokie for a street resurfacing project.

(P.A. 92-8, Art. 57, Div. FY02, new Sec. 94)

Sec. 94. The sum of $700,000, or so much thereof as may be necessary, is appropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for the Village of Skokie for a sidewalk replacement program.

(P.A. 92-8, Art. 57, Div. FY02, new Sec. 95)

Sec. 95. The sum of $250,000, or so much thereof as may be necessary, is appropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for the Township of Niles for construction costs associated with various renovations.

(P.A. 92-8, Art. 57, Div. FY02, new Sec. 96)

Sec. 96. The sum of $1,000,000, or so much thereof as may be necessary, is appropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for the Village of Lincolnwood for a flood control program.

(P.A. 92-8, Art. 57, Div. FY02, new Sec. 97)

Sec. 97. The sum of $1,795,500, or so much thereof as may be necessary, is appropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for the Jewish Federation of Metropolitan Chicago for capital projects at various facilities.

(P.A. 92-8, Art. 57, Div. FY02, new Sec. 98)

Sec. 98. The sum of $77,000, or so much thereof as may be necessary, is appropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for the Indo-American Center for computer lab construction.

(P.A. 92-8, Art. 57, Div. FY02, new Sec. 99)

Sec. 99. The sum of $15,000, or so much thereof as may be necessary, is appropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for Niles Township Sheltered Workshop for costs associated with constructing a kitchen.

(P.A. 92-8, Art. 57, Div. FY02, new Sec. 100)

Sec. 100. The sum of $100,000, or so much thereof as may be necessary, is appropriated from the Build Illinois Bond Fund to the Department of Commerce and

New matter indicated by italics - deletions by strikeout.
Community Affairs for the Jewish Council for Youth Services for construction projects at Camp Red Leaf.

(P.A. 92-8, Art. 57, Div. FY02, new Sec. 101)

Sec. 101. The sum of $150,000, or so much thereof as may be necessary, is appropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for Agudath Israel of America for the construction of a youth center.

(P.A. 92-8, Art. 57, Div. FY02, new Sec. 102)

Sec. 102. The sum of $100,000, or so much thereof as may be necessary, is appropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for Chicago House for the restoration of residences.

(P.A. 92-8, Art. 57, Div. FY02, new Sec. 103)

Sec. 103. The sum of $700,000, or so much thereof as may be necessary, is appropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for the Village of Markham for all costs associated with the repair and renovation of the Old McClury School Building.

(P.A. 92-8, Art. 57, Div. FY02, new Sec. 104)

Sec. 104. The sum of $250,000, or so much thereof as may be necessary, is appropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for the Palliative CareCenter and Hospice of the North Shore for the construction of a new Clinical and Administrative Facility.

(P.A. 92-8, Art. 57, Div. FY02, new Sec. 105)

Sec. 105. The sum of $1,225,000, or so much thereof as may be necessary, is appropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for the City of Rockford for the purchase of land.

(P.A. 92-8, Art. 57, Div. FY02, new Sec. 106)

Sec. 106. The sum of $100,000, or so much thereof as may be necessary, is appropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for the establishment of a 3-1-1 system.

(P.A. 92-8, Art. 57, Div. FY02, new Sec. 107)

Sec. 107. The sum of $400,000, or so much thereof as may be necessary, is appropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for the Chicago Public Schools for a grant to Mozart Elementary School for construction of a connector.

(P.A. 92-8, Art. 57, Div. FY02, new Sec. 108)

Sec. 108. The sum of $850,000, or so much thereof as may be necessary, is appropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for the construction or repair of an elevated water tank.

(P.A. 92-8, Art. 57, Div. FY02, new Sec. 109)

Sec. 109. The sum of $225,000, or so much thereof as may be necessary, is appropriated from the Build Illinois Bond Fund to the Department of Commerce and

New matter indicated by italics - deletions by strikeout.
Community Affairs for the Village of Ford Heights for the construction of a multi-purpose center.

(P.A. 92-8, Art. 57, Div. FY02, new Sec. 110)

Sec. 110. The sum of $200,000, or so much thereof as may be necessary, is appropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for the Lake County Health Department for the construction of a clinic in Highwood/Highland Park.

(P.A. 92-8, Art. 57, Div. FY02, new Sec. 111)

Sec. 111. The sum of $1,800,000, or so much thereof as may be necessary, is appropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for the Regional Emergency Dispatch Center to retire debt for the capital costs of the building.

(P.A. 92-8, Art. 57, Div. FY02, new Sec. 112)

Sec. 112. The sum of $100,000, or so much thereof as may be necessary, is appropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for the Puerto Rican Parade Committee for building rehabilitation.

(P.A. 92-8, Art. 57, Div. FY02, new Sec. 113)

Sec. 113. The sum of $100,000, or so much thereof as may be necessary, is appropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for Esperanza School for building construction.

(P.A. 92-8, Art. 57, Div. FY02, new Sec. 114)

Sec. 114. The sum of $100,000, or so much thereof as may be necessary, is appropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for Erie House for building rehabilitation.

(P.A. 92-8, Art. 57, Div. FY02, new Sec. 115)

Sec. 115. The sum of $100,000, or so much thereof as may be necessary, is appropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for the Segundo Ruiz Belvis Cultural Center for building rehabilitation.

(P.A. 92-8, Art. 57, Div. FY02, new Sec. 116)

Sec. 116. The sum of $100,000, or so much thereof as may be necessary, is appropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for the Noble Street Charter School for building rehabilitation/construction.

(P.A. 92-8, Art. 57, Div. FY02, new Sec. 117)

Sec. 117. The sum of $100,000, or so much thereof as may be necessary, is appropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for the Unward House for building rehabilitation.

(P.A. 92-8, Art. 57, Div. FY02, new Sec. 118)

Sec. 118. The sum of $400,000, or so much thereof as may be necessary, is appropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for the Puerto Rican Chamber of Commerce for building purchase and/or rehabilitation.

New matter indicated by italics - deletions by strikeout.
Sec. 119. The sum of $250,000, or so much thereof as may be necessary, is appropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for the Village of Tinley Park for sewer projects.

Sec. 120. The sum of $250,000, or so much thereof as may be necessary, is appropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for the Village of Orland Park for sewer projects.

Sec. 121. The sum of $500,000, or so much thereof as may be necessary, is appropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for the South Suburban Special Recreation Association for the construction of an administration and training building.

Sec. 122. The sum of $1,200,000, or so much thereof as may be necessary, is appropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for the Roseland Community Hospital for emergency room construction.

Sec. 123. The sum of $2,000,000, or so much thereof as may be necessary, is appropriated from the Build Illinois Bond Fund to the Department of Natural Resources for the purpose of carrying out Phase 7 of the Willow-Higgins Creek improvement.

Sec. 124. The sum of $800,000, or so much thereof as may be necessary, is appropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for a grant to the City of East St. Louis for the repair of the Mary Brown Community Center.

Sec. 125. The sum of $925,000, or so much thereof as may be necessary, is appropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for a grant to Open Hand of Chicago, Inc. to purchase a building.

Sec. 126. The sum of $800,000, or so much thereof as may be necessary, is appropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for a grant to the Village of Broadview to replace an alley.

New matter indicated by italics - deletions by strikeout.
Sec. 128. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for a grant to the Village of Bellwood to repave an alley.
(P.A. 92-8, Art. 57, Div. FY02, new Sec. 129)

Sec. 129. The sum of $88,000, or so much thereof as may be necessary, is appropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for a grant to the Village of Forest Park for parking lot construction.
(P.A. 92-8, Art. 57, Div. FY02, new Sec. 130)

Sec. 130. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for a grant to the Village of Oak Park for village hall renovation.
(P.A. 92-8, Art. 57, Div. FY02, new Sec. 131)

Sec. 131. The sum of $135,000, or so much thereof as may be necessary, is appropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for a grant to the Village of Maywood for infrastructure improvements.
(P.A. 92-8, Art. 57, Div. FY02, new Sec. 132)

Sec. 132. The sum of $33,000, or so much thereof as may be necessary, is appropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for a grant to the Village of Hillside for water tower refurbishing.
(P.A. 92-8, Art. 57, Div. FY02, new Sec. 133)

Sec. 133. The sum of $75,000, or so much thereof as may be necessary, is appropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for a grant to the Village of River Forest for streetscape projects.
(P.A. 92-8, Art. 57, Div. FY01, Sec. 37)

Sec. 37. The amount of $20,950,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, less the amount of $17,030,000 from an appropriation heretofore made in Article 3, Division FY01, Section 37 of Public Act 91-708, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for grants to governmental units, educational facilities, and not-for-profit organizations for all costs associated with infrastructure improvements.
(P.A. 92-8, Art. 57, Div. FY01, Sec. 42)

Sec. 42. The amount of $1,700,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from an appropriation heretofore made in Article 3, Division FY01, Section 42 of Public Act 91-708, is reappropriated from the Build Illinois Bond Fund to the Capital Development Board for a grant to the Village of Rantoul for all costs associated with the construction of a wastewater pretreatment plant and other infrastructure development for American Premium Foods, Inc., for planning and construction of a cooperative pork slaughtering and processing plant.

New matter indicated by italics - deletions by strikeout.
Sec. 47. The sum of $50,000,000, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2001, from an appropriation heretofore made in Article 3, Division FY01, Section 47 of Public Act 91-708, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for grants to governmental units of local government, educational facilities and not-for-profit organizations for all costs associated with infrastructure improvements, including, but not limited to planning, construction, reconstruction, renovation, utilities and equipment.

Sec. 52. The sum of $2,000,000, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2001, from an appropriation heretofore made in Article 3, Division FY01, Section 52 of Public Act 91-708, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for a grant to Adkins Energy LLC Cooperative for bondable equipment and other costs related to the establishment and operation of an Ethanol plant.

Sec. 2-45. The sum of $80,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made for such purpose in Article 4, Division FY00, Section 2-45 of Public Act 91-708, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for a grant to the City of Neoga for improvements to a submersible lift station and/or improvements to their industrial park.

Sec. 2-53. The sum of $500,000, less the amount of $225,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, less the amount of $275,000 from a reappropriation heretofore made for such purpose in Article 4, Division FY00, Section 2-53 of Public Act 91-708, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for a grant to the Village of Glendale Heights for water system infrastructure and other community improvements.

Sec. 3-2. The sum of $50,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made for such purpose in Article 4, Division FY00, Section 3-2 of Public Act 91-708, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for grants to governmental units of local government, educational facilities and not-for-profit organizations for all costs associated with infrastructure improvements, including, but not limited to planning, construction, reconstruction, renovation, utilities and equipment.
Sec. 4-1. The sum of $71,275,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, less the amount of $43,241,500 from a reappropriation heretofore made for such purpose in Article 4, Division FY00, Section 4-1 of Public Act 91-708, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for grants to governmental units and educational facilities and non-profit organizations for all costs associated with but not limited to infrastructure improvements.

Section 13. "AN ACT making appropriations," Public Act 92-8, approved June 11, 2001, is amended by add new Section 18 to Article 70 as follows:

(P.A. 92-8, Art. 70, new Sec. 18)

Sec. 18. The sum of $205,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to Historic Preservation Agency for the purchase of furnishings, operation and maintenance of the Crenshaw House.


Section 15. "AN ACT making appropriations," Public Act 92-8, approved June 11, 2001, is amended by changing Sections 25, 30, 80 and 110 of Article 1 as follows:

(P.A. 92-8, Art. 1, Sec. 25)

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

From the Common School Fund:
For compensation of Regional Superintendents of Schools and Assistants under Section 18-5 of the School Code........ $7,630,000 $7,575,000
For payment of one-time employer's contribution to Teachers' Retirement system as provided in the Early Retirement Option under Section 16-133.2 of the Illinois Pension Code, including prior year claims ... $245,000 $300,000
Total $7,875,000

(P.A. 92-8, Art. 1, Sec. 30)

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

From the General Revenue Fund:
For orphanage tuition claims and State-owned housing claims as provided under Section 18-3

New matter indicated by italics - deletions by strikeout.
of the School Code.............. $14,500,000 $17,300,000
For financial assistance to
Local Education Agencies for
the Philip J. Rock Center and
School as provided by Section
14-11.02 of the School Code .... $2,960,000
For financial assistance to
Local Education Agencies for
the purpose of maintaining
an educational materials
coordinating unit as provided
for by Section 14-11.01
of the School Code.............. $1,162,000
For reimbursement to school
districts for services and
materials for programs
under Section 14A-5 of the
School Code................. $19,695,800
For tuition of disabled children
attending schools under Section
14-7.02 of the School Code...... $48,858,900 $42,500,000
For reimbursement to school
districts for extraordinary
special education and facilities
under Section 14-7.02a of the
School Code.................. $233,969,900 $230,800,000
For reimbursement to school
districts for services and
materials used in programs
for the use of disabled
children under Section 14-13.01
of the School Code......... $314,611,000 $318,200,000
For reimbursement on a current
basis only to school districts
that provide for education
of handicapped orphans from
residential institutions
as well as foster children
who are mentally impaired or
behaviorally disordered as
provided under Section 14-7.03
of the School Code............ $108,596,400 $113,000,000

New matter indicated by italics - deletions by strikeout.
For financial assistance to Local Education Agencies with over 500,000 population to meet the needs of those children who come from environments where the dominant language is other than English under Section 34-18.2 of the School Code...... $35,333,200

For financial assistance to Local Education Agencies with under 500,000 population to meet the needs of those children who come from environments where the dominant language is other than English under Section 10-22.38a of the School Code............ $27,218,800

For distribution to eligible recipients for establishing and/or maintaining educational programs for Low Incidence Disabilities.. $1,500,000

For reimbursement to school districts qualifying under Section 29-5 of the School Code for a portion of the cost of transporting common school pupils................. $227,954,100 $234,000,000

For reimbursement to school districts for a portion of the cost of transporting disabled students under subsection (b) of Section 14-13.01 of the School Code.............. $226,076,300 $223,800,000

For reimbursement to school districts and for providing free lunch and breakfast programs under the provision of the School Free Lunch Program Act............... $ 21,500,000

Total, this Section $1,301,469,800

(P.A. 92-8, Art. 1, Sec. 80)

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

New matter indicated by italics - deletions by strikeout.
objects and purposes:
Payable from the Common School Fund:
For general apportionment
as provided by Section
18-8 of the School Code.....  $2,746,977,600  $2,740,250,000
Payable from the General Revenue Fund:
For summer school payments
as provided by Section
18-4.3 of the School Code...  $6,043,700  $5,400,000
For all costs associated with
the supplementary payments to school
districts as provided in Section
18-8.2, Section 18-8.3, Section 18-8.5,
and Section 18-8A(5) (m) of
the School Code.........................  $4,200,000
Total, this Section  $2,670,850,000
(P.A. 92-8, Art. 1, Sec. 110)
Sec. 110. The amount of $34,662,100  $37,000,000, or so much of this amount as
may be necessary, is appropriated from the General Revenue Fund to the State Board of
Education for supplementary payments to school districts under subsection (J) of Section
18-8.05 of the School Code.
Section 16. "AN ACT making appropriations," Public Act 92-8, approved June 11,
2001, is amended by changing Section 35 of Article 10 as follows:
(P.A. 92-8, Art. 10, Sec. 35)
Sec. 35. The following named amounts, or so much thereof as may be
necessary, respectively, are appropriated from the General Revenue Fund to the Illinois
Student Assistance Commission for the following purposes:
Grants and Scholarships
For payment of matching grants to Illinois
institutions to supplement scholarship
programs, as provided by law..............  $1,000,000
For payment of Merit Recognition Scholarships
to undergraduate students under the Merit
Recognition Scholarship Program provided
for in Section 31 of the Higher
Education Student Assistance
Act ........................................  5,800,000  6,600,000
For the payment of scholarships to students
who are children of policemen or firemen
killed in the line of duty, or who are
dependents of correctional officers
killed or permanently disabled in the line

New matter indicated by italics - deletions by strikeout.
of duty, as provided by law.................... 250,000
For payment of Illinois National Guard and Naval Militia Scholarships at State-controlled universities and public community colleges in Illinois to students eligible to receive such awards, as provided by law.................. 4,500,000
For payment of military Veterans' scholarships at State-controlled universities and at public community colleges for students eligible, as provided by law.......................... 20,000,000
For college savings bond grants to students eligible to receive such awards................................ 620,000
For payment of minority teacher scholarships.......................... 3,100,000
For payment of David A. DeBolt Teacher Shortage Scholarships......................... 2,900,000
For payment of Illinois Incentive for Access grants, as provided by law.... 8,000,000 7,200,000
For payment of Information Technology Grants............................. 3,000,000
Total $49,170,000

ARTICLE 101
Section 1. In addition to any amounts previously appropriated for such purposes, the amount of $2,000,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Court of Claims to pay claims under the Crime Victims Compensation Act.
Section 2. The following named amounts are appropriated from the General Revenue Fund to the Court of Claims to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
   No. 91-CC-0952, Kenneth Carter. Personal Injury, against the Department of Corrections... $10,060.00
   No. 93-CC-2145, Boyd Brothers, Inc. Contract, against the Department of Natural Resources........................ $1,942,529.33
   No. 96-CC-0283, Lauren Ederle, a Minor, By her mother and next friend, Janet Ederle. Personal Injury, against the Department of Public Health........................... $25,000.00
   No. 97-CC-1095, Kay J. Jevitz. Personal

New matter indicated by italics - deletions by strikeout.
Injury, against Illinois State University....... $55,000.00
   No. 97-CC-2277, Michael Risty. Personal Injury, against University of Illinois at Chicago................. $65,000.00
   No. 98-CC-0036, Johnnie Lassiter. Debt, against the Department of Children and Family Services.................. $61,622.25
   No. 98-CC-5179, Lake Environmental, INC. Legal Expenses, against the Department of Public Health....................... $12,767.19
   No. 98-CC-5231, David Burrill, as Independent Administrator of the Estate of Duane P. Burrill. Personal Injury, against the Department of Human Services........................ $90,000.00
   No. 00-CC-0131, Salvation Army Family Services. Debt, against the Department of Children and Family Services........... $90,705.36
   No. 00-CC-3669, Yvonne Cockrell. Personal Injury, against Chicago State University........ $35,000.00
   No. 00-CC-4626, Department of Public Health. Debt, against the Department of Human Services . $151,094.39
   No. 01-CC-4050, Mental Health Centers Central Illinois. Debt against DMHDD................. $123,756.18
   No. 01-CC-4374, Pioneer Center of McHenry County. Debt, against the Department of Human Services........................ $189,846.03
   No. 01-CC-4535, Community Mental Health Council. Debt, against the Department of Human Services........................ $122,380.80
   No. 01-CC-4660, The Hope School, INC. Debt, against the Department of Human Services....... $213,732.33
   No. 02-CC-0150, Victor Perez. Illegal Incarceration, against the Department of Corrections................................. $127,786.76

Section 3. The following named amounts are appropriated to the Court of Claims from the Education Assistance Fund 007, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
   Reimburse the General Revenue Fund for payments of awards pursuant to PA 92-357....... $250.00

New matter indicated by italics - deletions by strikeout.
Section 4. The following named amounts are appropriated to the Court of Claims from State Fund 011, Road Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

No. 94-CC-0077, Michael Kling. Personal Injury, against the Department of Transportation. $48,000.00
No. 97-CC-2602, Consolidated Freightways Corp. of Delaware. Property Damage, against the Department of Transportation. $175,780.77
No. 00-CC-0989, Susan M. Pugh. Personal Injury, against the Department of Transportation. $70,000.00
No. 00-CC-1401, Westport Insurance Corporation. Property Damage, against the Department of Transportation. $29,758.30

Section 5. The following named amounts are appropriated to the Court of Claims from State Fund 013, Alcoholism and Substance Abuse Block Grant Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000. $41,733.00

Section 6. The following named amounts are appropriated to the Court of Claims from State Fund 018, Transportation Regulatory Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to PA 92-357. $1,667.72

Section 7. The following named amounts are appropriated to the Court of Claims from State Fund 041, Wildlife and Fish Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to PA 92-357. $339.52

Section 8. The following named amounts are appropriated to the Court of Claims from State Fund 045, Agricultural Premium Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to PA 92-357. $96.26

Section 9. The following named amounts are appropriated to the Court of Claims from State Fund 047, Fire Prevention Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to PA 92-357. $39.71

Section 10. The following named amounts are appropriated to the Court of Claims from Federal Fund 052, Title III Social Security and Employment Service Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

New matter indicated by italics - deletions by strikeout.
For payments of awards for lapsed appropriation claims less than $50,000......... $27,460.12

Reimburse the General Revenue Fund for payments of awards pursuant to PA 92-357........ $60,042.82

Section 11. The following named amounts are appropriated to the Court of Claims from State Fund 054, State Pensions Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to PA 92-357........ $4,576.00

Section 12. The following named amounts are appropriated to the Court of Claims from State Fund 057, Illinois State Pharmacy Disciplinary Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to PA 92-357........ $525.00

Section 13. The following named amounts are appropriated to the Court of Claims from State Fund 059, Public Utility Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000......... $35,000.00

Reimburse the General Revenue Fund for payments of awards pursuant to PA 92-357........ $13,518.72

Section 14. The following named amounts are appropriated to the Court of Claims from Federal Fund 063, Public Health Services Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to PA 92-357........ $2,862.49

Section 15. The following named amounts are appropriated to the Court of Claims from Federal Fund 065, Environmental Protection Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to PA 92-357........ $9,800.00

Section 16. The following named amounts are appropriated to the Court of Claims from State Fund 078, Solid Waste Management Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000......... $1,560.00

Section 17. The following named amounts are appropriated to the Court of Claims from State Fund 091, Clean Air Act Permit Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

New matter indicated by italics - deletions by strikeout.
from State Fund 129, State Gaming Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for
payments of awards pursuant to PA 92-357 $36.43

Section 19. The following named amounts are appropriated to the Court of Claims from Federal Fund 131, Planning Council on Developmental Disabilities Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for
payments of awards pursuant to PA 92-357 $5,660.00

Section 20. The following named amounts are appropriated to the Court of Claims from State Fund 163, Weights and Measures Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for
payments of awards pursuant to PA 92-357 $808.53

Section 21. The following named amounts are appropriated to the Court of Claims from State Fund 215, Capital Development Board Revolving Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for
payments of awards pursuant to PA 92-357 $168.68

Section 22. The following named amounts are appropriated to the Court of Claims from State Fund 218, Professional Indirect Cost Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for
payments of awards pursuant to PA 92-357 $1,260.26

Section 23. The following named amounts are appropriated to the Court of Claims from State Fund 244, Savings and Residential Finance Regulatory Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for
payments of awards pursuant to PA 92-357 $712.50

Section 24. The following named amounts are appropriated to the Court of Claims from State Fund 270 Water Pollution Control Revolving Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for
payments of awards pursuant to PA 92-357 $870.00

Section 25. The following named amounts are appropriated to the Court of Claims from State Fund 294, Used Tire Management Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for
payments of awards pursuant to PA 92-357 $3,034.00

Section 26. The following named amounts are appropriated to the Court of Claims from State Fund 295, SOS Interagency Grant Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for
payments of awards pursuant to PA 92-357 $7,361.44

New matter indicated by italics - deletions by strikeout.
awards and recommendations made by the Court of Claims as follows:

Section 27. The following named amounts are appropriated to the Court of Claims from State Fund 298, SOS Natural Areas Acquisition Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards pursuant to PA 92-357........ $13,536.00

Section 28. The following named amounts are appropriated to the Court of Claims from State Fund 301, Working Capital Revolving Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000........ $19,160.00

Reimburse the General Revenue Fund for payments of awards pursuant to PA 92-357........ $22,865.00

Section 29. The following named amounts are appropriated to the Court of Claims from State Fund 304, Statistical Services Revolving Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000........ $24,420.05

No. 02-CC-0064, Entrust Technologies, INC. Debt, against the Department of Central Management Services........................ $183,424.31

Reimburse the General Revenue Fund for payments of awards pursuant to PA 92-357........ $11,005.09

Section 30. The following named amounts are appropriated to the Court of Claims from State Fund 312, Communications Revolving Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

No. 02-CC-0065, Motorola INC. Debt, against the Department of Central Management Services... $122,226.75

Reimburse the General Revenue Fund for payments of awards pursuant to PA 92-357........ $12,657.76

Section 31. The following named amounts are appropriated to the Court of Claims from Federal Fund 343, Federal National Community Services Grant Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to PA 92-357........ $17,582.00

Section 32. The following named amounts are appropriated to the Court of Claims from State Fund 344, Care Provider Fund for Persons with a Developmental Disability, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000........ $22,816.48

Reimburse the General Revenue Fund for

New matter indicated by italics - deletions by strikeout.
Section 33. The following named amounts are appropriated to the Court of Claims from State Fund 369, Feed Control Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to PA 92-357........ $61,804.54

Section 34. The following named amounts are appropriated to the Court of Claims from State Fund 386, Appraisal Administration Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to PA 92-357........ $42.82

Section 35. The following named amounts are appropriated to the Court of Claims from Federal Fund 408, DHS Special Purposes Trust Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to PA 92-357........ $4,100.00

Section 36. The following named amounts are appropriated to the Court of Claims from Federal Fund 410, SBE Federal Department of Agriculture Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to PA 92-357........ $433.55

Section 37. The following named amounts are appropriated to the Court of Claims from State Fund 421, Public Aid Recoveries Trust Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000........ $23,182.70

Section 38. The following named amounts are appropriated to the Court of Claims from State Fund 438, Illinois State Fair Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to PA 92-357........ $98.09

Section 39. The following named amounts are appropriated to the Court of Claims from Federal Fund 476, Wholesome Meat Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to PA 92-357........ $30.80

Section 40. The following named amounts are appropriated to the Court of Claims from State Fund 483, SOS Special Services Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to PA 92-357........ $3,360.90

Section 41. The following named amounts are appropriated to the Court of Claims

New matter indicated by italics - deletions by strikeout.
from Federal Fund 488, Criminal Justice Trust Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

No. 01-CC-4133, Cook County State's Attorney's Office. Debt, against the Illinois Criminal Justice Information Authority. $112,017.32

For payments of awards for lapsed appropriation claims less than $50,000. $16,211.00

Reimburse the General Revenue Fund for payments of awards pursuant to PA 92-357. $11,347.83

Section 42. The following named amounts are appropriated to the Court of Claims from Federal Fund 495, Old Age Survivors Insurance Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to PA 92-357. $3,431.13

Section 43. The following named amounts are appropriated to the Court of Claims from Federal Fund 497, Federal Civil Preparedness Administrative Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to PA 92-357. $97.25

Section 44. The following named amounts are appropriated to the Court of Claims from State Fund 502, Early Intervention Services Revolving Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to PA 92-357. $466.60

Section 45. The following named amounts are appropriated to the Court of Claims from State Fund 514, State Asset Forfeiture Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000. $102.56

Section 46. The following named amounts are appropriated to the Court of Claims from State Fund 536, LEADS Maintenance Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

No. 01-CC-4580, IBM Corporation. Debt, against the Department of State Police. $76,990.03

Section 47. The following named amounts are appropriated to the Court of Claims from Federal Fund 561, SBE Federal Department of Education Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to PA 92-357. $344.40

Section 48. The following named amounts are appropriated to the Court of Claims from State Fund 576, Pesticide Control Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

New matter indicated by italics - deletions by strikeout.
Reimburse the General Revenue Fund for payments of awards pursuant to PA 92-357........ $200.26

Section 49. The following named amounts are appropriated to the Court of Claims from Federal Fund 592, DHS Federal Projects Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

No.  01-CC-4463, Thresholds. Debt, against the Department of Human Services............ $70,353.00

Reimburse the General Revenue Fund for payments of awards pursuant to PA 92-357........ $18,048.12

Section 50. The following named amounts are appropriated to the Court of Claims from State Fund 614, Capital Litigation Trust Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to PA 92-357........ $15,203.16

Section 51. The following named amounts are appropriated to the Court of Claims from State Fund 711, State Lottery Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to PA 92-357........ $73.48

Section 52. The following named amounts are appropriated to the Court of Claims from Federal Fund 726, Federal Industrial Services Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to PA 92-357........ $304.58

Section 53. The following named amounts are appropriated to the Court of Claims from State Fund 762, Local Initiative Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000.......... $15,095.69

Reimburse the General Revenue Fund for payments of awards pursuant to PA 92-357....... $1,627.89

Section 54. The following named amounts are appropriated to the Court of Claims from State Fund 763, Tourism Promotion Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to PA 92-357....... $357.74

Section 55. The following named amounts are appropriated to the Court of Claims from State Fund 795, Bank and Trust Company Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to PA 92-357....... $395.00

Section 56. The following named amounts are appropriated to the Court of Claims

New matter indicated by italics - deletions by strikeout.
Section 57. The following named amounts are appropriated to the Court of Claims from Federal Fund 798, Rehabilitation Services Elementary & Secondary Education Act Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to PA 92-357........ $249.62

Section 58. The following named amounts are appropriated to the Court of Claims from Federal Fund 826, Agriculture Federal Projects Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to PA 92-357........ $831.20

Section 59. The following named amounts are appropriated to the Court of Claims from State Fund 828, Hazardous Waste Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to PA 92-357........ $945.50

Section 60. The following named amounts are appropriated to the Court of Claims from State Fund 835, State Fair Promotional Activities Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to PA 92-357........ $2,707.04

Section 61. The following named amounts are appropriated to the Court of Claims from State Fund 850, Real Estate License Administration Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to PA 92-357........ $472.00

Section 62. The following named amounts are appropriated to the Court of Claims from Federal Fund 872, Maternal and Child Health Services Block Grant Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to PA 92-357........ $8,933.23

Section 63. The following named amounts are appropriated to the Court of Claims from State Fund 886, Criminal Justice Information Systems Trust Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to PA 92-357........ $14,400.00

New matter indicated by italics - deletions by strikeout.
Section 64. The following named amounts are appropriated to the Court of Claims from State Fund 909, Illinois Wildlife Preservation Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

- Reimburse the General Revenue Fund for payments of awards pursuant to PA 92-357........ $34,877.00

Section 65. The following named amounts are appropriated to the Court of Claims from State Fund 920, Metabolic Screening and Treatment Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

- For payments of awards for lapsed appropriation claims less than $50,000........ $7,422.86
- Reimburse the General Revenue Fund for payments of awards pursuant to PA 92-357........ $15,474.43

Section 66. The following named amounts are appropriated to the Court of Claims from State Fund 922, Insurance Producer Administration Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

- Reimburse the General Revenue Fund for payments of awards pursuant to PA 92-357........ $13,498.49

Section 67. The following named amounts are appropriated to the Court of Claims from State Fund 925, Coal Technology Development Assistance Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

- Reimburse the General Revenue Fund for payments of awards pursuant to PA 92-357........ $398.83

Section 68. The following named amounts are appropriated to the Court of Claims from State Fund 957, Child Support Enforcement Trust Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

- For payments of awards for lapsed appropriation claims less than $50,000........ $31,201.18
- Reimburse the General Revenue Fund for payments of awards pursuant to PA 92-357........ $9,074.54

Section 69. The following named amounts are appropriated to the Court of Claims from State Fund 962, Park and Conservation Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

- Reimburse the General Revenue Fund for payments of awards pursuant to PA 92-357........ $53,901.38

Section 70. The following named amounts are appropriated to the Court of Claims from State Fund 963, Vehicle Inspection Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

- Reimburse the General Revenue Fund for payments of awards pursuant to PA 92-357........ $2,115.00

Section 71. The following named amounts are appropriated to the Court of Claims from State Fund 980, Manteno Veterans' Home Fund, to pay claims in conformity with payments of awards pursuant to PA 92-357........ $34,877.00

New matter indicated by italics - deletions by strikeout.
awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to PA 92-357........ $400.00

Section 72. The following named amounts are appropriated to the Court of Claims from State Fund 997, Insurance Financial Regulation Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to PA 92-357........ $295.50

ARTICLE 102

Section 99. Effective Date. Articles 1 through 94 of this Act take effect on July 1, 2002. Articles 100, 101, and 102 take effect upon becoming law.

Sent to the Governor June 5, 2002.
Governor Item/Reduction Veto June 10, 2002.
Effective June 10, 2002 and July 1, 2002.

PUBLIC ACT 92-0539
(House Bill No. 3771)

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

Section 5. The Township Code is amended by changing Section 255-5 as follows:

(60 ILCS 1/255-5)

Sec. 255-5. Transfer from road and bridge fund. Whenever the road and bridge fund of any township in a county with a population of 50,000 or more contains a balance no longer needed for road and bridge purposes, occasioned by the fact that the township no longer has any roads or bridges under its jurisdiction, the voters of the township at an annual township meeting or at a special township meeting called for the purpose may, by resolution by a majority vote of the voters present and voting on the resolution, transfer the balance to the general township fund or to any other township fund or funds. For a period of one year after the effective date of this amendatory Act of the 92nd General Assembly, the voters of a township at an annual township meeting or at a special township meeting called for the purpose may, by resolution by a majority vote of the voters present and voting on the resolution, distribute funds from the road and bridge fund to any township fund used for construction or maintenance of sewage or water treatment facilities.
(Source: Laws 1949, p. 1608; P.A. 88-62.)

Passed in the General Assembly April 18, 2002.
Approved June 12, 2002.
AN ACT concerning civil procedure.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Code of Civil Procedure is amended by changing Sections 9-111 and 12-903 as follows:

(735 ILCS 5/9-111) (from Ch. 110, par. 9-111)
Sec. 9-111. Condominium property.
(a) As to property subject to the provisions of the "Condominium Property Act", approved June 20, 1963, as amended, when the action is based upon the failure of an owner of a unit therein to pay when due his or her proportionate share of the common expenses of the property, or of any other expenses lawfully agreed upon or the amount of any unpaid fine, and if the court finds that the expenses or fines are due to the plaintiff, the plaintiff shall be entitled to the possession of the whole of the premises claimed, and judgment in favor of the plaintiff shall be entered for the possession thereof and for the amount found due by the court including interest and late charges, if any, together with reasonable attorney's fees, if any, and for the plaintiff's costs. The awarding of reasonable attorney's fees shall be pursuant to the standards set forth in subsection (b) of this Section 9-111. The court shall, by order, stay the enforcement of the judgment for possession for a period of not less than 60 days from the date of the judgment and may stay the enforcement of the judgment for a period not to exceed 180 days from such date. Any judgment for money or any rent assignment under subsection (b) of Section 9-104.2 is not subject to this stay. The judgment for possession is not subject to an exemption of homestead under Part 9 of Article XII of this Code. If at any time, either during or after the period of stay, the defendant pays such expenses found due by the court, and costs, and reasonable attorney's fees as fixed by the court, and the defendant is not in arrears on his or her share of the common expenses for the period subsequent to that covered by the judgment, the defendant may file a motion to vacate the judgment in the court in which the judgment was entered, and, if the court, upon the hearing of such motion, is satisfied that the default in payment of the proportionate share of expenses has been cured, and if the court finds that the premises are not presently let by the board of managers as provided in Section 9-111.1 of this Act, the judgment shall be vacated. If the premises are being let by the board of managers as provided in Section 9-111.1 of this Act, when any judgment is sought to be vacated, the court shall vacate the judgment effective concurrent with the expiration of the lease term. Unless defendant files such motion to vacate in the court or the judgment is otherwise stayed, enforcement of the judgment may proceed immediately upon the expiration of the period of stay and all rights of the defendant to possession of his or her unit shall cease and determine until the date that the judgment may thereafter be vacated in accordance with the foregoing provisions, and notwithstanding payment of the amount of any money judgment if the unit owner or occupant is in arrears for the period after the date of entry of the judgment as provided in this Section. Nothing herein

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contained shall be construed as affecting the right of the board of managers, or its agents, to any lawful remedy or relief other than that provided by Part 1 of Article IX of this Act.

This amendatory Act of the 92nd General Assembly is intended as a clarification of existing law and not as a new enactment.

(b) For purposes of determining reasonable attorney's fees under subsection (a), the court shall consider:
   (i) the time expended by the attorney;
   (ii) the reasonableness of the hourly rate for the work performed;
   (iii) the reasonableness of the amount of time expended for the work performed; and
   (iv) the amount in controversy and the nature of the action.

(Source: P.A. 91-196, eff. 7-20-99.)

(735 ILCS 5/12-903) (from Ch. 110, par. 12-903)

Sec. 12-903. Extent of exemption. No property shall, by virtue of Part 9 of Article XII of this Act, be exempt from sale for nonpayment of taxes or assessments, or for a debt or liability incurred for the purchase or improvement thereof, or for enforcement of a lien thereon for nonpayment of common expenses pursuant to paragraph (g)(1) of Section 9 of the "Condominium Property Act", approved June 20, 1963, as amended, or be exempt from enforcement of a judgment for possession pursuant to paragraph (a)(7) or (a)(8) of Section 9-102 of this Code.

This amendatory Act of the 92nd General Assembly is intended as a clarification of existing law and not as a new enactment.

(Source: P.A. 83-707.)

Section 99. Effective date. This Act takes effect upon becoming law.
Approved June 12, 2002.
Effective June 12, 2002.

PUBLIC ACT 92-0541
(House Bill No. 5607)

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

Section 5. The Illinois Insurance Code is amended by changing Section 229.4 as follows:

(215 ILCS 5/229.4) (from Ch. 73, par. 841.4)

Sec. 229.4. Standard Non-forfeiture Law for Individual Deferred Annuities.

(1) No contract of annuity issued on or after the operative date of this Section except as stated in subsection (11) shall be delivered or issued for delivery in this State unless it contains in substance the following provisions or corresponding provisions which in the opinion of the Director are at least as favorable to the contract holder upon cessation of

New matter indicated by italics - deletions by strikeout.
payment of considerations under the contract:

(a) That upon cessation of payment of considerations under a contract, the company will grant a paid-up annuity benefit on a plan stipulated in the contract of such value as is specified in subsections (3), (4), (5), (6) and (8).

(b) If a contract provides for a lump sum settlement at maturity, or at any other time, that upon surrender of the contract at or prior to the commencement of any annuity payments, the company will pay in lieu of any paid-up annuity benefit a cash surrender benefit of such amount as is specified in subsections (3), (4), (6) and (8). The company shall reserve the right to defer the payment of such cash surrender benefit for a period of 6 months after demand therefor with surrender of the contract.

(c) A statement of the mortality table, if any, and interest rates used in calculating any minimum paid-up annuity, cash surrender or death benefits that are guaranteed under the contract, together with sufficient information to determine the amount of such benefits.

(d) A statement that any paid-up annuity, cash surrender or death benefits that may be available under the contract are not less than the minimum benefits required by any statute of the state in which the contract is delivered and an explanation of the manner in which such benefits are altered by the existence of any additional amounts credited by the company to the contract, any indebtedness to the company on the contract or any prior withdrawals from or partial surrenders of the contract.

Notwithstanding the requirements of this subsection, any deferred annuity contract may provide that if no considerations have been received under a contract for a period of 2 full years and the portion of the paid-up annuity benefit at maturity on the plan stipulated in the contract arising from considerations paid prior to such period would be less than $20.00 monthly, the company may at its option terminate such contract by payment in cash of the present value of such portion of the paid-up annuity benefit, calculated on the basis of the mortality table, if any, and interest rate specified in the contract for determining the paid-up annuity benefit, and by such payment shall be relieved of any further obligation under such contract.

(2) The minimum values as specified in subsections (3), (4), (5), (6) and (8) of any paid-up annuity, cash surrender or death benefits available under an annuity contract shall be based upon minimum nonforfeiture amounts as defined in this subsection.

(a) With respect to contracts providing for flexible considerations, the minimum nonforfeiture amount at any time at or prior to the commencement of any annuity payments shall be equal to an accumulation up to such time at a rate of interest of 3% per annum of percentages of the net considerations, as hereinafter defined, paid prior to such time, decreased by the sum of (i) any prior withdrawals from or partial surrenders of the contract accumulated at a rate of interest of 3% per annum and (ii) the amount of any indebtedness to the company on the contract, including interest due and accrued, and increased by any existing additional amounts credited by the company to the contract.

The net considerations for a given contract year used to define the minimum

New matter indicated by italics - deletions by strikeout.
nonforfeiture amount shall be an amount not less than zero and shall be equal to the corresponding gross considerations credited to the contract during that contract year less an annual contract charge of $30.00 and less a collection charge of $1.25 per consideration credited to the contract during that contract year. The percentages of net considerations shall be 65% of the net consideration for the first contract year and 87 1/2% of the net considerations for the second and later contract years. Notwithstanding the provisions of the preceding sentence, the percentage shall be 65% of the portion of the total net consideration for any renewal contract year which exceeds by not more than two times the sum of those portions of the net considerations in all prior contract years for which the percentage was 65%.

(a-5) Notwithstanding the provisions of paragraph (a) of this subsection, the minimum nonforfeiture amount for any contract issued on or after July 1, 2002 and before July 1, 2005 shall be based on a rate of interest of 1.5% per annum.

(b) With respect to contracts providing for fixed scheduled considerations, minimum nonforfeiture amounts shall be calculated on the assumption that considerations are paid annually in advance and shall be defined as for contracts with flexible considerations which are paid annually, with two exceptions:

(i) The portion of the net consideration for the first contract year to be accumulated shall be the sum of 65% of the net consideration for the first contract year plus 22 1/2% of the excess of the net consideration for the first contract year over the lesser of the net considerations for the second and third contract years.

(ii) The annual contract charge shall be the lesser of (A) $30.00 or (B) 10% of the gross annual consideration.

(c) With respect to contracts providing for a single consideration, minimum nonforfeiture amounts shall be defined as for contracts with flexible considerations except that the percentage of net consideration used to determine the minimum nonforfeiture amount shall be equal to 90% and the net consideration shall be the gross consideration less a contract charge of $75.00.

(3) Any paid-up annuity benefit available under a contract shall be such that its present value on the date annuity payments are to commence is at least equal to the minimum nonforfeiture amount on that date. Such present value shall be computed using the mortality table, if any, and the interest rate specified in the contract for determining the minimum paid-up annuity benefits guaranteed in the contract.

(4) For contracts which provide cash surrender benefits, such cash surrender benefits available prior to maturity shall not be less than the present value as of the date of surrender of that portion of the maturity value of the paid-up annuity benefit which would be provided under the contract at maturity arising from considerations paid prior to the time of cash surrender reduced by the amount appropriate to reflect any prior withdrawals from or partial surrenders of the contract, such present value being calculated on the basis of an interest rate not more than 1% higher than the interest rate specified in the contract for accumulating the net considerations to determine such maturity value, decreased by the amount of any

New matter indicated by italics - deletions by strikeout.
indebtedness to the company on the contract, including interest due and accrued, and increased by any existing additional amounts credited by the company to the contract. In no event shall any cash surrender benefit be less than the minimum nonforfeiture amount at that time. The death benefit under such contracts shall be at least equal to the cash surrender benefit.

(5) For contracts which do not provide cash surrender benefits, the present value of any paid-up annuity benefit available as a nonforfeiture option at any time prior to maturity shall not be less than the present value of that portion of the maturity value of the paid-up benefit provided under the contract arising from considerations paid prior to the time of the contract is surrendered in exchange for, or changed to, a deferred paid-up annuity, such present value being calculated for the period prior to the maturity date on the basis of the interest rate specified in the contract for accumulating the net considerations to determine such maturity value, and increased by any existing additional amounts credited by the company to the contract. For contracts which do not provide any death benefits prior to the commencement of any annuity payments, such present values shall be calculated on the basis of such interest rate and the mortality table specified in the contract for determining the maturity value of the paid-up annuity benefit. However, in no event shall the present value of a paid-up annuity benefit be less than the minimum nonforfeiture amount at that time.

(6) For the purpose of determining the benefits calculated under subsections (4) and (5), in the case of annuity contracts under which an election may be made to have annuity payments commence at optional maturity dates, the maturity date shall be deemed to be the latest date for which election shall be permitted by the contract, but shall not be deemed to be later than the anniversary of the contract next following the annuitant’s seventieth birthday or the tenth anniversary of the contract, whichever is later.

(7) Any contract which does not provide cash surrender benefits or does not provide death benefits at least equal to the minimum nonforfeiture amount prior to the commencement of any annuity payments shall include a statement in a prominent place in the contract that such benefits are not provided.

(8) Any paid-up annuity, cash surrender or death benefits available at any time, other than on the contract anniversary under any contract with fixed scheduled considerations, shall be calculated with allowance for the lapse of time and the payment of any scheduled considerations beyond the beginning of the contract year in which cessation of payment of considerations under the contract occurs.

(9) For any contract which provides, within the same contract by rider or supplemental contract provision, both annuity benefits and life insurance benefits that are in excess of the greater of cash surrender benefits or a return of the gross considerations with interest, the minimum nonforfeiture benefits shall be equal to the sum of the minimum nonforfeiture benefits for the annuity portion and the minimum nonforfeiture benefits, if any, for the life insurance portion computed as if each portion were a separate contract. Notwithstanding the provisions of subsections (3), (4), (5), (6) and (8), additional benefits payable (a) in the event of total and permanent disability, (b) as reversionary annuity or deferred reversionary annuity benefits, or (c) as other policy benefits additional to life benefits.
insurance, endowment, and annuity benefits, and considerations for all such additional benefits, shall be disregarded in ascertaining the minimum nonforfeiture amounts, paid-up annuity, cash surrender and death benefits that may be required by this section. The inclusion of such additional benefits shall not be required in any paid-up benefits, unless such additional benefits separately would require minimum nonforfeiture amounts, paid-up annuity, cash surrender and death benefits.

(10) After the effective date of this Section, any company may file with the Director a written notice of its election to comply with the provisions of this Section after a specified date before the second anniversary of the effective date of this Section. After the filing of such notice, then upon such specified date, which shall be the operative date of this section for such company, this Section shall become operative with respect to annuity contracts thereafter issued by such company. If a company makes no such election, the operative date of this section for such company shall be the second anniversary of the effective date of this Section.

(11) This Section shall not apply to any reinsurance, group annuity purchased under a retirement plan or plan of deferred compensation established or maintained by an employer (including a partnership or sole proprietorship) or by an employee organization, or by both, other than a plan providing individual retirement accounts or individual retirement annuities under Section 408 of the Internal Revenue Code, as now or hereafter amended, premium deposit fund, variable annuity, investment annuity, immediate annuity, any deferred annuity contract after annuity payments have commenced, or reversionary annuity, nor to any contract which shall be delivered outside this State through an agent or other representative of the company issuing the contract.

(Source: P.A. 90-655, eff. 7-30-98.)

Section 99. Effective date. This Act takes effect on July 1, 2002.
Passed in the General Assembly April 18, 2002.
Approved June 12, 2002.
Effective July 1, 2002.

PUBLIC ACT 92-0542
(House Bill No. 5627)

AN ACT concerning land conveyances.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. Upon the payment of the sum of $10 to the State of Illinois, the easement for highway purposes acquired by the People of the State of Illinois is released over and through the following described land in Lake County, Illinois:

Parcel 1: That part of Lot 18 in School Trustees' Subdivision in Section 16, Township 43 North, Range 12, East of the Third Principal Meridian, lying Easterly of the Easterly right-of-way line of Route 41 (known as Skokie Highway), in Lake County, Illinois.

New matter indicated by italics - deletions by strikeout.
Parcel 2: That part of the Northeast Quarter of Section 21, Township 43 North, Range 12, East of the Third Principal Meridian, lying Easterly of the Easterly right-of-way line of Route 41 (known as Skokie Highway), in Lake County, Illinois. Excepting therefrom the following described parcel:

That part of Lot 18 in School Trustees Subdivision in the Southeast Quarter of Section 16, Township 43 North, Range 12 East and part of the Northwest Quarter of Section 21, Township 43 North, Range 12 East of the Third Principal Meridian, described as commencing at the Northeast corner of said Section 21; thence North 00 degrees, 00 minutes, 00 Seconds East (assumed) 1230.27 feet along the East line of the Southeast Quarter of said Section 16 to the point of beginning; thence North 89 degrees, 23 minutes, 17 seconds West 338.05 feet; thence South 00 degrees, 36 minutes, 43 seconds West 10.00 feet; thence North 89 degrees, 23 minutes, 17 seconds West 250.00 feet; thence South 00 degrees, 36 minutes, 43 seconds West 225.98 feet; thence South 40 degrees, 49 minutes, 13 seconds West 384.20 feet; thence South 25 degrees, 32 minutes, 30 seconds East 1923.89 feet along a line lying 150.00 feet Northeasterly and parallel with the existing Northeast right-of-way line of U.S. Route 41 (Recorded as Document No. 385225) to the East line of said Northeast Quarter of Section 21; thence South 00 degrees, 40 minutes, 47 seconds West 339.48 feet to said easterly right-of-way line; thence North 25 degrees, 32 minutes, 30 seconds West 2995.93 feet along said right-of-way line to the North line of said Lot 18; thence South 89 degrees, 26 minutes, 59 seconds East 1308.00 feet to the East line of the Southeast Quarter of said Section 16; thence South 00 degrees, 00 minutes, 00 seconds East 94.81 feet along said east line to said point of beginning.

Access Control Line:

That part of the Northeast Quarter of Section 21, Township 43 North, Range 12 East of the Third Principal Meridian and the Southeast Quarter of Section 16, Township 43 North, Range 12 East of the Third Principal Meridian described as beginning on the East line of the Northeast Quarter of said Section 21, 339.46 feet North (as measured along said East line) of the Northeasterly right-of-way line of U.S. Route 41 (Skokie Highway) per Document No. 385225; thence North 25 degrees, 32 minutes, 30 seconds West 1923.92 feet parallel with and 150.00 feet Easterly of said right-of-way; thence North 40 degrees, 49 minutes, 13 seconds East 384.20 feet; thence North 00 degrees, 36 minutes, 43 seconds East 225.98 feet; thence South 89 degrees, 23 minutes, 17 seconds East 250.00 feet to the point of terminus, in Lake County, Illinois.

Section 7. The release of easement under Section 5 is subject to the City of Highland Park owning all other right, title, and interest in the real estate underlying the easement.

Section 8. If the real estate underlying the easement is ever used for anything other than conservation and recreational purposes, then the State of Illinois, with respect to the easement only, has a right of re-entry for breach of condition subsequent.

Section 9. The purpose of this Act is to ensure that the subject property shall be used as open space solely for conservation and recreational purposes.

New matter indicated by italics - deletions by strikeout.
The release of easement contemplated by this Act shall be accomplished pursuant to an intergovernmental agreement among the State of Illinois, the Department of Transportation, the Department of Natural Resources, and the City of Highland Park in which the City shall be required to provide assurances satisfactory to the Departments that the property shall be used only for the purposes of this Act.

Section 10. The Secretary of Transportation shall obtain a certified copy of this Act within 60 days after its effective date and, upon receipt of the required payment and full execution of the required intergovernmental agreement, shall record the certified document in the Recorder's Office of Lake County, Illinois.

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

Passed in the General Assembly May 7, 2002.
Approved June 12, 2002.
Effective June 12, 2002.

PUBLIC ACT 92-0543
(Senate Bill No. 0119)

AN ACT in relation to financial regulation.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Banking Act is amended by changing Section 48.1 as follows:

(205 ILCS 5/48.1) (from Ch. 17, par. 360)

Sec. 48.1. Customer financial records; confidentiality.

(a) For the purpose of this Section, the term "financial records" means any original, any copy, or any summary of:

(1) a document granting signature authority over a deposit or account;
(2) a statement, ledger card or other record on any deposit or account, which shows each transaction in or with respect to that account;
(3) a check, draft or money order drawn on a bank or issued and payable by a bank; or
(4) any other item containing information pertaining to any relationship established in the ordinary course of a bank's business between a bank and its customer, including financial statements or other financial information provided by the customer.

(b) This Section does not prohibit:

(1) The preparation, examination, handling or maintenance of any financial records by any officer, employee or agent of a bank having custody of the records, or the examination of the records by a certified public accountant engaged by the bank to perform an independent audit.

(2) The examination of any financial records by, or the furnishing of financial records by a bank to, any officer, employee or agent of (i) the Commissioner of Banks and Real Estate, (ii) after May 31, 1997, a state regulatory authority authorized

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to examine a branch of a State bank located in another state, (iii) the Comptroller of the Currency, (iv) the Federal Reserve Board, or (v) the Federal Deposit Insurance Corporation for use solely in the exercise of his duties as an officer, employee, or agent.

(3) The publication of data furnished from financial records relating to customers where the data cannot be identified to any particular customer or account.

(4) The making of reports or returns required under Chapter 61 of the Internal Revenue Code of 1986.

(5) Furnishing information concerning the dishonor of any negotiable instrument permitted to be disclosed under the Uniform Commercial Code.

(6) The exchange in the regular course of business of (i) credit information between a bank and other banks or financial institutions or commercial enterprises, directly or through a consumer reporting agency or (ii) financial records or information derived from financial records between a bank and other banks or financial institutions or commercial enterprises for the purpose of conducting due diligence pursuant to a purchase or sale involving the bank or assets or liabilities of the bank.

(7) The furnishing of information to the appropriate law enforcement authorities where the bank reasonably believes it has been the victim of a crime.

(8) The furnishing of information under the Uniform Disposition of Unclaimed Property Act.


(10) The furnishing of information under the federal Currency and Foreign Transactions Reporting Act Title 31, United States Code, Section 1051 et seq.

(11) The furnishing of information under any other statute that by its terms or by regulations promulgated thereunder requires the disclosure of financial records other than by subpoena, summons, warrant, or court order.

(12) The furnishing of information about the existence of an account of a person to a judgment creditor of that person who has made a written request for that information.

(13) The exchange in the regular course of business of information between commonly owned banks in connection with a transaction authorized under paragraph (23) of Section 5 and conducted at an affiliate facility.

(14) The furnishing of information in accordance with the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996. Any bank governed by this Act shall enter into an agreement for data exchanges with a State agency provided the State agency pays to the bank a reasonable fee not to exceed its actual cost incurred. A bank providing information in accordance with this item shall not be liable to any account holder or other person for any disclosure of information to a State agency, for encumbering or surrendering any assets held by the bank in response to a lien or order to withhold and deliver issued by a State agency, or for any

New matter indicated by italics - deletions by strikeout.
other action taken pursuant to this item, including individual or mechanical errors, provided the action does not constitute gross negligence or willful misconduct. A bank shall have no obligation to hold, encumber, or surrender assets until it has been served with a subpoena, summons, warrant, court or administrative order, lien, or levy.

(15) The exchange in the regular course of business of information between a bank and any commonly owned affiliate of the bank, subject to the provisions of the Financial Institutions Insurance Sales Law.

(16) The furnishing of information to law enforcement authorities, the Illinois Department on Aging and its regional administrative and provider agencies, the Department of Human Services Office of Inspector General, or public guardians, if the bank suspects that a customer who is an elderly or disabled person has been or may become the victim of financial exploitation. For the purposes of this item (16), the term: (i) "elderly person" means a person who is 60 or more years of age, (ii) "disabled person" means a person who has or reasonably appears to the bank to have a physical or mental disability that impairs his or her ability to seek or obtain protection from or prevent financial exploitation, and (iii) "financial exploitation" means tortious or illegal use of the assets or resources of an elderly or disabled person, and includes, without limitation, misappropriation of the elderly or disabled person's assets or resources by undue influence, breach of fiduciary relationship, intimidation, fraud, deception, extortion, or the use of assets or resources in any manner contrary to law. A bank or person furnishing information pursuant to this item (16) shall be entitled to the same rights and protections as a person furnishing information under the Elder Abuse and Neglect Act and the Illinois Domestic Violence Act of 1986.

(17) The disclosure of financial records or information as necessary to effect, administer, or enforce a transaction requested or authorized by the customer, or in connection with:

(A) servicing or processing a financial product or service requested or authorized by the customer;
(B) maintaining or servicing a customer's account with the bank; or
(C) a proposed or actual securitization or secondary market sale (including sales of servicing rights) related to a transaction of a customer.

Nothing in this item (17), however, authorizes the sale of the financial records or information of a customer without the consent of the customer.

(18) The disclosure of financial records or information as necessary to protect against actual or potential fraud, unauthorized transactions, claims, or other liability.

(19)(a) The disclosure of financial records or information related to a private label credit program between a financial institution and a private label party in connection with that private label credit program. Such information is limited to outstanding balance, available credit, payment and performance and account history, product references, purchase information, and information related to the

New matter indicated by italics - deletions by strikeout.
identity of the customer.

(b) (1) For purposes of this paragraph (19) of subsection (b) of Section 48.1, a "private label credit program" means a credit program involving a financial institution and a private label party that is used by a customer of the financial institution and the private label party primarily for payment for goods or services sold, manufactured, or distributed by a private label party.

(2) For purposes of this paragraph (19) of subsection (b) of Section 48.1, a "private label party" means, with respect to a private label credit program, any of the following: a retailer, a merchant, a manufacturer, a trade group, or any such person's affiliate, subsidiary, member, agent, or service provider.

(c) Except as otherwise provided by this Act, a bank may not disclose to any person, except to the customer or his duly authorized agent, any financial records or financial information obtained from financial records relating to that customer of that bank unless:

(1) the customer has authorized disclosure to the person;

(2) the financial records are disclosed in response to a lawful subpoena, summons, warrant or court order which meets the requirements of subsection (d) of this Section; or

(3) the bank is attempting to collect an obligation owed to the bank and the bank complies with the provisions of Section 2I of the Consumer Fraud and Deceptive Business Practices Act.

(d) A bank shall disclose financial records under paragraph (2) of subsection (c) of this Section under a lawful subpoena, summons, warrant, or court order only after the bank mails a copy of the subpoena, summons, warrant, or court order to the person establishing the relationship with the bank, if living, and, otherwise his personal representative, if known, at his last known address by first class mail, postage prepaid, unless the bank is specifically prohibited from notifying the person by order of court or by applicable State or federal law. A bank shall not mail a copy of a subpoena to any person pursuant to this subsection if the subpoena was issued by a grand jury under the Statewide Grand Jury Act.

(e) Any officer or employee of a bank who knowingly and willfully furnishes financial records in violation of this Section is guilty of a business offense and, upon conviction, shall be fined not more than $1,000.

(f) Any person who knowingly and willfully induces or attempts to induce any officer or employee of a bank to disclose financial records in violation of this Section is guilty of a business offense and, upon conviction, shall be fined not more than $1,000.

(g) A bank shall be reimbursed for costs that are reasonably necessary and that have been directly incurred in searching for, reproducing, or transporting books, papers, records, or other data of a customer required or requested to be produced pursuant to a lawful subpoena, summons, warrant, or court order. The Commissioner shall determine the rates and conditions under which payment may be made.

(Source: P.A. 91-330, eff. 7-29-99; 91-929, eff. 12-15-00; 92-483, eff. 8-23-01.)

Section 10. The Illinois Savings and Loan Act of 1985 is amended by changing Section 3-8 as follows:

New matter indicated by italics - deletions by strikeout.
(205 ILCS 105/3-8) (from Ch. 17, par. 3303-8)

Sec. 3-8. Access to books and records; communication with members.

(a) Every member or holder of capital shall have the right to inspect the books and records of the association that pertain to his account. Otherwise, the right of inspection and examination of the books and records shall be limited as provided in this Act, and no other person shall have access to the books and records or shall be entitled to a list of the members.

(b) For the purpose of this Section, the term "financial records" means any original, any copy, or any summary of (i) a document granting signature authority over a deposit or account; (ii) a statement, ledger card, or other record on any deposit or account that shows each transaction in or with respect to that account; (iii) a check, draft, or money order drawn on an association or issued and payable by an association; or (iv) any other item containing information pertaining to any relationship established in the ordinary course of an association's business between an association and its customer, including financial statements or other financial information provided by the member or holder of capital.

(c) This Section does not prohibit:

(1) The preparation, examination, handling, or maintenance of any financial records by any officer, employee, or agent of an association having custody of those records or the examination of those records by a certified public accountant engaged by the association to perform an independent audit.

(2) The examination of any financial records by, or the furnishing of financial records by an association to, any officer, employee, or agent of the Commissioner of Banks and Real Estate, Federal Savings and Loan Insurance Corporation and its successors, Federal Deposit Insurance Corporation, Resolution Trust Corporation and its successors, Federal Home Loan Bank Board and its successors, Office of Thrift Supervision, Federal Housing Finance Board, Board of Governors of the Federal Reserve System, any Federal Reserve Bank, or the Office of the Comptroller of the Currency for use solely in the exercise of his duties as an officer, employee, or agent.

(3) The publication of data furnished from financial records relating to members or holders of capital where the data cannot be identified to any particular member, holder of capital, or account.

(4) The making of reports or returns required under Chapter 61 of the Internal Revenue Code of 1986.

(5) Furnishing information concerning the dishonor of any negotiable instrument permitted to be disclosed under the Uniform Commercial Code.

(6) The exchange in the regular course of business of (i) credit information between an association and other associations or financial institutions or commercial enterprises, directly or through a consumer reporting agency or (ii) financial records or information derived from financial records between an association and other associations or financial institutions or commercial enterprises for the purpose of conducting due diligence pursuant to a purchase or sale involving the association or assets or liabilities of the association.

(7) The furnishing of information to the appropriate law enforcement
authorities where the association reasonably believes it has been the victim of a crime.

(8) The furnishing of information pursuant to the Uniform Disposition of Unclaimed Property Act.


(10) The furnishing of information pursuant to the federal "Currency and Foreign Transactions Reporting Act", (Title 31, United States Code, Section 1051 et seq.).

(11) The furnishing of information pursuant to any other statute that by its terms or by regulations promulgated thereunder requires the disclosure of financial records other than by subpoena, summons, warrant, or court order.

(12) The exchange of information between an association and an affiliate of the association; as used in this item, "affiliate" includes any company, partnership, or organization that controls, is controlled by, or is under common control with an association.

(13) The furnishing of information in accordance with the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996. Any association governed by this Act shall enter into an agreement for data exchanges with a State agency provided the State agency pays to the association a reasonable fee not to exceed its actual cost incurred. An association providing information in accordance with this item shall not be liable to any account holder or other person for any disclosure of information to a State agency, for encumbering or surrendering any assets held by the association in response to a lien or order to withhold and deliver issued by a State agency, or for any other action taken pursuant to this item, including individual or mechanical errors, provided the action does not constitute gross negligence or willful misconduct. An association shall have no obligation to hold, encumber, or surrender assets until it has been served with a subpoena, summons, warrant, court or administrative order, lien, or levy.

(14) The furnishing of information to law enforcement authorities, the Illinois Department on Aging and its regional administrative and provider agencies, the Department of Human Services Office of Inspector General, or public guardians, if the association suspects that a customer who is an elderly or disabled person has been or may become the victim of financial exploitation. For the purposes of this item (14), the term: (i) "elderly person" means a person who is 60 or more years of age, (ii) "disabled person" means a person who has or reasonably appears to the association to have a physical or mental disability that impairs his or her ability to seek or obtain protection from or prevent financial exploitation, and (iii) "financial exploitation" means tortious or illegal use of the assets or resources of an elderly or disabled person, and includes, without limitation, misappropriation of the elderly or disabled person's assets or resources by undue influence, breach of fiduciary relationship, intimidation, fraud, deception, extortion, or the use of assets or

New matter indicated by italics - deletions by strikeout.
resources in any manner contrary to law. An association or person furnishing information pursuant to this item (14) shall be entitled to the same rights and protections as a person furnishing information under the Elder Abuse and Neglect Act and the Illinois Domestic Violence Act of 1986.

(15) The disclosure of financial records or information as necessary to effect, administer, or enforce a transaction requested or authorized by the member or holder of capital, or in connection with:

(A) servicing or processing a financial product or service requested or authorized by the member or holder of capital;
(B) maintaining or servicing an account of a member or holder of capital with the association; or
(C) a proposed or actual securitization or secondary market sale (including sales of servicing rights) related to a transaction of a member or holder of capital.

Nothing in this item (15), however, authorizes the sale of the financial records or information of a member or holder of capital without the consent of the member or holder of capital.

(16) The disclosure of financial records or information as necessary to protect against or prevent actual or potential fraud, unauthorized transactions, claims, or other liability.

(17) (a) The disclosure of financial records or information related to a private label credit program between a financial institution and a private label party in connection with that private label credit program. Such information is limited to outstanding balance, available credit, payment and performance and account history, product references, purchase information, and information related to the identity of the customer.

(b) (1) For purposes of this paragraph (17) of subsection (c) of Section 3-8, a "private label credit program" means a credit program involving a financial institution and a private label party that is used by a customer of the financial institution and the private label party primarily for payment for goods or services sold, manufactured, or distributed by a private label party.

(2) For purposes of this paragraph (17) of subsection (c) of Section 3-8, a "private label party" means, with respect to a private label credit program, any of the following: a retailer, a merchant, a manufacturer, a trade group, or any such person's affiliate, subsidiary, member, agent, or service provider.

(d) An association may not disclose to any person, except to the member or holder of capital or his duly authorized agent, any financial records relating to that member or holder of capital of that association unless:

(1) The member or holder of capital has authorized disclosure to the person; or
(2) The financial records are disclosed in response to a lawful subpoena, summons, warrant, or court order that meets the requirements of subsection (e) of
this Section.

(e) An association shall disclose financial records under subsection (d) of this Section pursuant to a lawful subpoena, summons, warrant, or court order only after the association mails a copy of the subpoena, summons, warrant, or court order to the person establishing the relationship with the association, if living, and, otherwise, his personal representative, if known, at his last known address by first class mail, postage prepaid, unless the association is specifically prohibited from notifying that person by order of court.

(f) (1) Any officer or employee of an association who knowingly and willfully furnishes financial records in violation of this Section is guilty of a business offense and, upon conviction, shall be fined not more than $1,000.

(2) Any person who knowingly and willfully induces or attempts to induce any officer or employee of an association to disclose financial records in violation of this Section is guilty of a business offense and, upon conviction, shall be fined not more than $1,000.

(g) However, if any member desires to communicate with the other members of the association with reference to any question pending or to be presented at a meeting of the members, the association shall give him upon request a statement of the approximate number of members entitled to vote at the meeting and an estimate of the cost of preparing and mailing the communication. The requesting member then shall submit the communication to the Commissioner who, if he finds it to be appropriate and truthful, shall direct that it be prepared and mailed to the members upon the requesting member's payment or adequate provision for payment of the expenses of preparation and mailing.

(h) An association shall be reimbursed for costs that are necessary and that have been directly incurred in searching for, reproducing, or transporting books, papers, records, or other data of a customer required to be reproduced pursuant to a lawful subpoena, warrant, or court order.

(Source: P.A. 91-929, eff. 12-15-00; 92-483, eff. 8-23-01.)

Section 15. The Savings Bank Act is amended by changing Section 4013 as follows:

Sec. 4013. Access to books and records; communication with members and shareholders.

(a) Every member or shareholder shall have the right to inspect books and records of the savings bank that pertain to his accounts. Otherwise, the right of inspection and examination of the books and records shall be limited as provided in this Act, and no other person shall have access to the books and records nor shall be entitled to a list of the members or shareholders.

(b) For the purpose of this Section, the term "financial records" means any original, any copy, or any summary of (1) a document granting signature authority over a deposit or account; (2) a statement, ledger card, or other record on any deposit or account that shows each transaction in or with respect to that account; (3) a check, draft, or money order drawn on a savings bank or issued and payable by a savings bank; or (4) any other item containing information pertaining to any relationship established in the ordinary course of a savings bank's business between a savings bank and its customer, including financial statements or

New matter indicated by italics - deletions by strikeout.
other financial information provided by the member or shareholder.

(c) This Section does not prohibit:

(1) The preparation examination, handling, or maintenance of any financial
records by any officer, employee, or agent of a savings bank having custody of
records or examination of records by a certified public accountant engaged by the
savings bank to perform an independent audit.

(2) The examination of any financial records by, or the furnishing of financial
records by a savings bank to, any officer, employee, or agent of the Commissioner
of Banks and Real Estate or the Federal Deposit Insurance Corporation for use solely
in the exercise of his duties as an officer, employee, or agent.

(3) The publication of data furnished from financial records relating to
members or holders of capital where the data cannot be identified to any particular
member, shareholder, or account.

(4) The making of reports or returns required under Chapter 61 of the Internal

(5) Furnishing information concerning the dishonor of any negotiable
instrument permitted to be disclosed under the Uniform Commercial Code.

(6) The exchange in the regular course of business of (i) credit information
between a savings bank and other savings banks or financial institutions or
commercial enterprises, directly or through a consumer reporting agency or (ii)
financial records or information derived from financial records between a savings
bank and other savings banks or financial institutions or commercial enterprises for
the purpose of conducting due diligence pursuant to a purchase or sale involving the
savings bank or assets or liabilities of the savings bank.

(7) The furnishing of information to the appropriate law enforcement
authorities where the savings bank reasonably believes it has been the victim of a
crime.

(8) The furnishing of information pursuant to the Uniform Disposition of
Unclaimed Property Act.

(9) The furnishing of information pursuant to the Illinois Income Tax Act and

(10) The furnishing of information pursuant to the federal "Currency and
Foreign Transactions Reporting Act", (Title 31, United States Code, Section 1051 et
seq.).

(11) The furnishing of information pursuant to any other statute which by its
terms or by regulations promulgated thereunder requires the disclosure of financial
records other than by subpoena, summons, warrant, or court order.

(12) The furnishing of information in accordance with the federal Personal
governed by this Act shall enter into an agreement for data exchanges with a State
agency provided the State agency pays to the savings bank a reasonable fee not to
exceed its actual cost incurred. A savings bank providing information in accordance

New matter indicated by italics - deletions by strikeout.
with this item shall not be liable to any account holder or other person for any
disclosure of information to a State agency, for encumbering or surrendering any
assets held by the savings bank in response to a lien or order to withhold and deliver
issued by a State agency, or for any other action taken pursuant to this item, including
individual or mechanical errors, provided the action does not constitute gross
negligence or willful misconduct. A savings bank shall have no obligation to hold,
encumber, or surrender assets until it has been served with a subpoena, summons,
warrant, court or administrative order, lien, or levy.

(13) The furnishing of information to law enforcement authorities, the Illinois
Department on Aging and its regional administrative and provider agencies, the
Department of Human Services Office of Inspector General, or public guardians, if
the savings bank suspects that a customer who is an elderly or disabled person has
been or may become the victim of financial exploitation. For the purposes of this
item (13), the term: (i) "elderly person" means a person who is 60 or more years of
age, (ii) "disabled person" means a person who has or reasonably appears to the
savings bank to have a physical or mental disability that impairs his or her ability to
seek or obtain protection from or prevent financial exploitation, and (iii) "financial
exploitation" means tortious or illegal use of the assets or resources of an elderly or
disabled person, and includes, without limitation, misappropriation of the elderly or
disabled person's assets or resources by undue influence, breach of fiduciary
relationship, intimidation, fraud, deception, extortion, or the use of assets or
resources in any manner contrary to law. A savings bank or person furnishing
information pursuant to this item (13) shall be entitled to the same rights and
protections as a person furnishing information under the Elder Abuse and Neglect

(14) The disclosure of financial records or information as necessary to effect,
administer, or enforce a transaction requested or authorized by the member or holder
of capital, or in connection with:

(A) servicing or processing a financial product or service requested
or authorized by the member or holder of capital;

(B) maintaining or servicing an account of a member or holder of
capital with the savings bank; or

(C) a proposed or actual securitization or secondary market sale
(including sales of servicing rights) related to a transaction of a member or
holder of capital.

Nothing in this item (14), however, authorizes the sale of the financial records
or information of a member or holder of capital without the consent of the member
or holder of capital.

(15) The exchange in the regular course of business of information between
a savings bank and any commonly owned affiliate of the savings bank, subject to the
provisions of the Financial Institutions Insurance Sales Law.

(16) The disclosure of financial records or information as necessary to protect

New matter indicated by italics - deletions by strikeout.
against or prevent actual or potential fraud, unauthorized transactions, claims, or other liability.

17. (a) The disclosure of financial records or information related to a private label credit program between a financial institution and a private label party in connection with that private label credit program. Such information is limited to outstanding balance, available credit, payment and performance and account history, product references, purchase information, and information related to the identity of the customer.

(b) For purposes of this paragraph (17) of subsection (c) of Section 4013, a "private label credit program" means a credit program involving a financial institution and a private label party that is used by a customer of the financial institution and the private label party primarily for payment for goods or services sold, manufactured, or distributed by a private label party.

(2) For purposes of this paragraph (17) of subsection (c) of Section 4013, a "private label party" means, with respect to a private label credit program, any of the following: a retailer, a merchant, a manufacturer, a trade group, or any such person's affiliate, subsidiary, member, agent, or service provider.

(d) A savings bank may not disclose to any person, except to the member or holder of capital or his duly authorized agent, any financial records relating to that member or shareholder of the savings bank unless:

(1) the member or shareholder has authorized disclosure to the person; or
(2) the financial records are disclosed in response to a lawful subpoena, summons, warrant, or court order that meets the requirements of subsection (e) of this Section.

(e) A savings bank shall disclose financial records under subsection (d) of this Section pursuant to a lawful subpoena, summons, warrant, or court order only after the savings bank mails a copy of the subpoena, summons, warrant, or court order to the person establishing the relationship with the savings bank, if living, and otherwise, his personal representative, if known, at his last known address by first class mail, postage prepaid, unless the savings bank is specifically prohibited from notifying the person by order of court.

(f) Any officer or employee of a savings bank who knowingly and willfully furnishes financial records in violation of this Section is guilty of a business offense and, upon conviction, shall be fined not more than $1,000.

(g) Any person who knowingly and willfully induces or attempts to induce any officer or employee of a savings bank to disclose financial records in violation of this Section is guilty of a business offense and, upon conviction, shall be fined not more than $1,000.

(h) If any member or shareholder desires to communicate with the other members or shareholders of the savings bank with reference to any question pending or to be presented at an annual or special meeting, the savings bank shall give that person, upon request, a statement of the approximate number of members or shareholders entitled to vote at the meeting and an estimate of the cost of preparing and mailing the communication. The requesting member shall submit the communication to the Commissioner who, upon finding
it to be appropriate and truthful, shall direct that it be prepared and mailed to the members upon the requesting member's or shareholder's payment or adequate provision for payment of the expenses of preparation and mailing.

(i) A savings bank shall be reimbursed for costs that are necessary and that have been directly incurred in searching for, reproducing, or transporting books, papers, records, or other data of a customer required to be reproduced pursuant to a lawful subpoena, warrant, or court order.

(j) Notwithstanding the provisions of this Section, a savings bank may sell or otherwise make use of lists of customers' names and addresses. All other information regarding a customer's account are subject to the disclosure provisions of this Section. At the request of any customer, that customer's name and address shall be deleted from any list that is to be sold or used in any other manner beyond identification of the customer's accounts.

(Source: P.A. 91-929, eff. 12-15-00; 92-483, eff. 8-23-01.)

Section 20. The Illinois Credit Union Act is amended by changing Section 10 as follows:

(205 ILCS 305/10) (from Ch. 17, par. 4411)
Sec. 10. Credit union records; member financial records.

(1) A credit union shall establish and maintain books, records, accounting systems and procedures which accurately reflect its operations and which enable the Department to readily ascertain the true financial condition of the credit union and whether it is complying with this Act.

(2) A photostatic or photographic reproduction of any credit union records shall be admissible as evidence of transactions with the credit union.

(3) (a) For the purpose of this Section, the term "financial records" means any original, any copy, or any summary of (1) a document granting signature authority over an account, (2) a statement, ledger card or other record on any account which shows each transaction in or with respect to that account, (3) a check, draft or money order drawn on a financial institution or other entity or issued and payable by or through a financial institution or other entity, or (4) any other item containing information pertaining to any relationship established in the ordinary course of business between a credit union and its member, including financial statements or other financial information provided by the member.

(b) This Section does not prohibit:

(1) The preparation, examination, handling or maintenance of any financial records by any officer, employee or agent of a credit union having custody of such records, or the examination of such records by a certified public accountant engaged by the credit union to perform an independent audit.

(2) The examination of any financial records by or the furnishing of financial records by a credit union to any officer, employee or agent of the Department, the National Credit Union Administration, Federal Reserve board or any insurer of share accounts for use solely in the exercise of his

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duties as an officer, employee or agent.

(3) The publication of data furnished from financial records relating to members where the data cannot be identified to any particular customer of account.

(4) The making of reports or returns required under Chapter 61 of the Internal Revenue Code of 1954.

(5) Furnishing information concerning the dishonor of any negotiable instrument permitted to be disclosed under the Uniform Commercial Code.

(6) The exchange in the regular course of business of (i) credit information between a credit union and other credit unions or financial institutions or commercial enterprises, directly or through a consumer reporting agency or (ii) financial records or information derived from financial records between a credit union and other credit unions or financial institutions or commercial enterprises for the purpose of conducting due diligence pursuant to a merger or a purchase or sale of assets or liabilities of the credit union.

(7) The furnishing of information to the appropriate law enforcement authorities where the credit union reasonably believes it has been the victim of a crime.

(8) The furnishing of information pursuant to the Uniform Disposition of Unclaimed Property Act.


(10) The furnishing of information pursuant to the federal "Currency and Foreign Transactions Reporting Act", Title 31, United States Code, Section 1051 et sequentia.

(11) The furnishing of information pursuant to any other statute which by its terms or by regulations promulgated thereunder requires the disclosure of financial records other than by subpoena, summons, warrant or court order.

(12) The furnishing of information in accordance with the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996.

Any credit union governed by this Act shall enter into an agreement for data exchanges with a State agency provided the State agency pays to the credit union a reasonable fee not to exceed its actual cost incurred. A credit union providing information in accordance with this item shall not be liable to any account holder or other person for any disclosure of information to a State agency, for encumbering or surrendering any assets held by the credit union in response to a lien or order to withhold and deliver issued by a State agency, or for any other action taken pursuant to this item, including individual or mechanical errors, provided the action does not constitute gross negligence or willful misconduct. A credit union shall have no obligation to hold, encumber, or surrender assets until it has been served with a subpoena,
summons, warrant, court or administrative order, lien, or levy.

(13) The furnishing of information to law enforcement authorities, the Illinois Department on Aging and its regional administrative and provider agencies, the Department of Human Services Office of Inspector General, or public guardians, if the credit union suspects that a member who is an elderly or disabled person has been or may become the victim of financial exploitation. For the purposes of this item (13), the term: (i) "elderly person" means a person who is 60 or more years of age, (ii) "disabled person" means a person who has or reasonably appears to have a physical or mental disability that impairs his or her ability to seek or obtain protection from or prevent financial exploitation, and (iii) "financial exploitation" means tortious or illegal use of the assets or resources of an elderly or disabled person, and includes, without limitation, misappropriation of the elderly or disabled person's assets or resources by undue influence, breach of fiduciary relationship, intimidation, fraud, deception, extortion, or the use of assets or resources in any manner contrary to law. A credit union or person furnishing information pursuant to this item (13) shall be entitled to the same rights and protections as a person furnishing information under the Elder Abuse and Neglect Act and the Illinois Domestic Violence Act of 1986.

(14) The disclosure of financial records or information as necessary to effect, administer, or enforce a transaction requested or authorized by the member, or in connection with:

(A) servicing or processing a financial product or service requested or authorized by the member;
(B) maintaining or servicing a member's account with the credit union; or
(C) a proposed or actual securitization or secondary market sale (including sales of servicing rights) related to a transaction of a member.

Nothing in this item (14), however, authorizes the sale of the financial records or information of a member without the consent of the member.

(15) The disclosure of financial records or information as necessary to protect against or prevent actual or potential fraud, unauthorized transactions, claims, or other liability.

(16) (a) The disclosure of financial records or information related to a private label credit program between a financial institution and a private label party in connection with that private label credit program. Such information is limited to outstanding balance, available credit, payment and performance and account history, product references, purchase information, and information related to the identity of the customer.
(b) For purposes of this paragraph (16) of subsection (b) of Section 10, a "private label credit program" means a credit program

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involving a financial institution and a private label party that is used by a
customer of the financial institution and the private label party primarily for
payment for goods or services sold, manufactured, or distributed by a private
label party.

(2) For purposes of this paragraph (16) of subsection (b) of Section
10, a "private label party" means, with respect to a private label credit
program, any of the following: a retailer, a merchant, a manufacturer, a
trade group, or any such person's affiliate, subsidiary, member, agent, or
service provider.

(c) Except as otherwise provided by this Act, a credit union may not disclose
to any person, except to the member or his duly authorized agent, any financial
records relating to that member of the credit union unless:

   (1) the member has authorized disclosure to the person;

   (2) the financial records are disclosed in response to a lawful
subpoena, summons, warrant or court order that meets the requirements of
subparagraph (d) of this Section; or

   (3) the credit union is attempting to collect an obligation owed to the
credit union and the credit union complies with the provisions of Section 2I
of the Consumer Fraud and Deceptive Business Practices Act.

(d) A credit union shall disclose financial records under subparagraph (c)(2)
of this Section pursuant to a lawful subpoena, summons, warrant or court order only
after the credit union mails a copy of the subpoena, summons, warrant or court order
to the person establishing the relationship with the credit union, if living, and
otherwise his personal representative, if known, at his last known address by first
class mail, postage prepaid unless the credit union is specifically prohibited from
notifying the person by order of court or by applicable State or federal law. In the
case of a grand jury subpoena, a credit union shall not mail a copy of a subpoena to
any person pursuant to this subsection if the subpoena was issued by a grand jury
under the Statewide Grand Jury Act or notifying the person would constitute a

(e) (1) Any officer or employee of a credit union who knowingly and
wilfully furnishes financial records in violation of this Section is guilty of a
business offense and upon conviction thereof shall be fined not more than
$1,000.

   (2) Any person who knowingly and wilfully induces or attempts to
induce any officer or employee of a credit union to disclose financial records
in violation of this Section is guilty of a business offense and upon conviction
thereof shall be fined not more than $1,000.

(f) A credit union shall be reimbursed for costs which are reasonably
necessary and which have been directly incurred in searching for, reproducing or
transporting books, papers, records or other data of a member required or requested
to be produced pursuant to a lawful subpoena, summons, warrant or court order. The

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Director may determine, by rule, the rates and conditions under which payment shall be made. Delivery of requested documents may be delayed until final reimbursement of all costs is received.

(Source: P.A. 91-929, eff. 12-15-00; 92-293, eff. 8-9-01; 92-483, eff. 8-23-01.)

Section 99. Effective date. This Act takes effect upon becoming law.
Passed in the General Assembly April 18, 2002.
Approved June 12, 2002.
Effective June 12, 2002.

PUBLIC ACT 92-0544
(Senate Bill No. 1534)

AN ACT relating to education.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The School Code is amended by changing Sections 2-3.17a and 3-6.1 as follows:

(105 ILCS 5/2-3.17a) (from Ch. 122, par. 2-3.17a)
Sec. 2-3.17a. Financial audits by Auditor General. The Auditor General State Board of Education shall annually cause an audit to be made, as of June 30, 1986 and as of June 30th of each year thereafter, of the financial statements of all accounts, funds and other moneys in the care, custody or control of the regional superintendent of schools of each educational service region in the State and of each educational service center established under Section 2-3.62 of this Code Act other than an educational service center serving a school district in a city having a population exceeding 500,000. The audit shall be conducted in accordance with Generally Accepted Governmental Auditing Standards and shall include an examination of supporting books and records and a representative sample of vouchers for distributions and expenditures. On February 15, 1991, and on February 15 of each year thereafter, the Auditor General State Board of Education shall notify the Legislative Audit Commission in writing of the completion or of the reasons for the noncompletion of each audit required by this Section to be made as of the preceding June 30. An audit report shall be prepared for each audit made pursuant to this Section, and all such audit reports shall be kept on file in the office of the Auditor General State Board of Education. Within 60 days after each audit report required to be prepared under this Section is completed, the Auditor General State Board of Education: (i) shall furnish a copy of such audit report to each member of the General Assembly whose legislative or representative district includes any part of the educational service region served by the regional superintendent of schools with respect to whose financial statements that audit report was prepared or any part of the area served by the educational service center that is the subject of the audit; and (ii) shall publish in a newspaper published in that educational service region or area served by the educational service center that is the subject of the audit a notice that the audit report has been prepared and is available for inspection during regular business hours at the office of the regional

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superintendent of schools of that educational service region or at the administrative office of the educational service center. Each audit shall be made in such manner as to determine, and each audit report shall be prepared in such manner as to state:

(1) (a) The balances on hand of all accounts, funds and other moneys in the care, custody or control of the regional superintendent of schools or educational service center at the beginning of the fiscal year being audited;

(2) (b) the amount of funds received during the fiscal year by source;

(3) (c) the amount of funds distributed or otherwise paid by the regional superintendent of schools or educational service center to each school treasurer in his or her educational service region or area, including the purpose of such distribution or payment and the fund or account from which such distribution or payment is made;

(4) (d) the amounts paid or otherwise disbursed by the regional superintendent of schools or educational service center -- other than the amounts distributed or paid by the regional superintendent of schools or educational service center to school treasurers as described in paragraph (3) (c) above -- for all other purposes and expenditures, including the fund or account from which such payments or disbursements are made and the purpose thereof; and

(5) (e) the balances on hand of all accounts, funds and other moneys in the care, custody or control of the regional superintendent of schools or educational service center at the end of the fiscal year being audited.

The Auditor General State Board of Education shall adopt rules and regulations relative to the time and manner by which the regional superintendent of schools or educational service center shall present for inspection or make available to the Auditor General State Board of Education, or to the agents designated by the Auditor General such Board, to make an audit and prepare an audit report pursuant to this Section, all financial statements, books, records, vouchers for distributions and expenditures, and records of accounts, funds and other moneys in the care, custody or control of the regional superintendent of schools or educational service center and required for purposes of making such audit and preparing an audit report. All rules and regulations adopted by the State Board of Education under this Section before the effective date of this amendatory Act of the 92nd General Assembly shall continue in effect as the rules and regulations of the Auditor General, until they are modified or abolished by the Auditor General.

(f) The Auditor General State Board of Education shall require the regional superintendent of schools of each educational service region or administrator of each educational service center to promptly implement all recommendations based on audit findings resulting from a violation of law made in audits prepared pursuant to this Section, unless the Auditor General State Board of Education, upon review, determines, with regard to any such finding, that implementation of the recommendation is not appropriate.

(Source: P.A. 90-802, eff. 12-15-98.)

(105 ILCS 5/3-6.1) (from Ch. 122, par. 3-6.1)

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Sec. 3-6.1. Presentation of records for financial audit. Each regional superintendent of schools, whether for a multicounty or for a single county educational service region, shall present for inspection or otherwise make available to the Auditor General State Board of Education, or to the agents designated by the Auditor General such Board, all financial statements, books, vouchers and other records required to be so presented or made available pursuant to Section 2-3.17a and the rules and regulations adopted by the Auditor General State Board of Education pursuant to that Section.

(Source: P.A. 84-965; 84-920.)

Section 99. Effective date. This Act takes effect upon becoming law.
Passed in the General Assembly April 11, 2002.
Approved June 12, 2002.
Effective June 12, 2002.

PUBLIC ACT 92-0545
(Senate Bill No. 1550)

AN ACT in relation to vehicles.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Illinois Vehicle Code is amended by changing Sections 3-609.1, 3-620, 3-621, 3-622, 3-624, 3-625, 3-626, 3-628, 3-638, 3-642, 3-645, 3-647, 3-648 as added by Public Act 92-79, and 3-648 as added by Public Act 92-467 as follows:
(625 ILCS 5/3-609.1) (from Ch. 95 1/2, par. 3-609.1)
Sec. 3-609.1. Congressional Medal of Honor plates. Any resident of the State of Illinois who has been awarded the Congressional Medal of Honor may make application for the registration of a motor vehicle owned solely or in part by such recipient, to the Secretary of State without the payment of any registration fee. Registration shall be for a multi-year period effective from issuance. The Secretary of State shall furnish at his office at no cost to such Congressional Medal of Honor recipients, plates bearing up to 3 letters designating the recipient's initials followed by the letters C M H signifying the Congressional Medal of Honor. The plate shall be suitable for attachment to a motor vehicle or motorcycle registered under this Code.
(Source: P.A. 82-117.)
(625 ILCS 5/3-620) (from Ch. 95 1/2, par. 3-620)
Sec. 3-620. The Secretary, upon receipt of an application made on the form prescribed by the Secretary of State, may issue special registration plates to United States citizens, who are present or former members of the United States armed forces or any of its allies, and who were prisoners of war of World War I, World War II, the Korean Conflict, and the Vietnamese conflict, or to the widowed spouse of a former member of the United States armed forces, providing that widowed spouse was married to the POW at the time of death, and is a single person at the time of application. The special plates issued pursuant to this Section shall be affixed only to passenger vehicles of the first division subject to the New matter indicated by italics - deletions by strikeout.
staggered registration system, motorcycles, and vehicles of the second division having a gross weight of 8,000 pounds or less and shall be issued without charge. Only one set of plates may be issued at no fee.

The design and color of the prisoner of war plates shall be wholly within the discretion of the Secretary of State.

(Source: P.A. 84-1308.)

(625 ILCS 5/3-621) (from Ch. 95 1/2, par. 3-621)

Sec. 3-621. The Secretary, upon receipt of an application, made in the form prescribed by the Secretary of State, may issue to members of the Illinois National Guard, special registration plates. The special plates issued pursuant to this Section shall be affixed only to passenger vehicles of the first division, motorcycles, or motor vehicles of the second division weighing not more than 8,000 pounds subject to the staggered registration system. The design and color of such plates shall be wholly within the discretion of the Secretary of State.

(Source: P.A. 84-986.)

(625 ILCS 5/3-622) (from Ch. 95 1/2, par. 3-622)

Sec. 3-622. The Secretary, upon receipt of an application made in the form prescribed by the Secretary of State, may issue to members of the United States Armed Forces Reserves who reside in Illinois, special registration plates. The special plates issued pursuant to this Section shall be affixed only to passenger vehicles of the first division, motorcycles, or motor vehicles of the second division weighing not more than 8,000 pounds subject to the staggered registration system. The design and color of such plates shall be wholly within the discretion of the Secretary of State.

(Source: P.A. 84-986.)

(625 ILCS 5/3-624) (from Ch. 95 1/2, par. 3-624)

Sec. 3-624. The Secretary, upon receipt of an application made in the form prescribed by the Secretary of State, may issue to retired members of the United States Armed Forces who reside in Illinois, special registration plates. The special plates issued pursuant to this Section shall be affixed only to passenger vehicles of the first division, motorcycles, or motor vehicles of the second division weighing not more than 8,000 pounds and subject to the staggered registration system. The design and color of such plates shall be wholly within the discretion of the Secretary of State.

(Source: P.A. 86-165.)

(625 ILCS 5/3-625) (from Ch. 95 1/2, par. 3-625)

Sec. 3-625. Pearl Harbor Plates. The Secretary, upon receipt of an application made in the form prescribed by the Secretary of State, may issue special registration plates to any Illinois resident who, while a member of the armed forces of the United States, participated in the battle of Pearl Harbor on December 7, 1941, or to the widowed spouse of any Illinois resident who, while a member of the armed forces of the United States, participated in the battle of Pearl Harbor on December 7, 1941, provided that the widowed spouse was married to the battle of Pearl Harbor participant at the time of the participant's death and is a single person at the time of application. The special plates issued pursuant to this Section should

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be affixed only to passenger vehicles of the 1st division, *motorcycles*, or motor vehicles of the 2nd division weighing not more than 8,000 pounds.

The design and color of such plates shall be wholly within the discretion of the Secretary of State. Appropriate documentation, as determined by the Secretary, and the standard registration fee shall accompany the application.

(Source: P.A. 89-571, eff. 7-26-96; 89-620, eff. 1-1-97.)

(625 ILCS 5/3-626)

Sec. 3-626. Korean War Veteran license plates.

(a) In addition to any other special license plate, the Secretary, upon receipt of all applicable fees and applications made in the form prescribed by the Secretary of State, may issue special registration plates designated as Korean War Veteran license plates to residents of Illinois who participated in the United States Armed Forces during the Korean War. The special plate issued under this Section shall be affixed only to passenger vehicles of the first division, *motorcycles*, motor vehicles of the second division weighing not more than 8,000 pounds, and recreational vehicles as defined by Section 1-169 of this Code. Plates issued under this Section shall expire according to the staggered multi-year procedure established by Section 3-414.1 of this Code.

(b) The design, color, and format of the plates shall be wholly within the discretion of the Secretary of State. The Secretary may, in his or her discretion, allow the plates to be issued as vanity plates or personalized in accordance with Section 3-405.1 of this Code. The plates are not required to designate "Land Of Lincoln", as prescribed in subsection (b) of Section 3-412 of this Code. The Secretary shall prescribe the eligibility requirements and, in his or her discretion, shall approve and prescribe stickers or decals as provided under Section 3-412.

(c) An applicant shall be charged a $15 fee for original issuance in addition to the applicable registration fee. Of this additional fee, $13 shall be deposited into the Secretary of State Special License Plate Fund and $2 shall be deposited into the Korean War Memorial Construction Fund. For each registration renewal period, a $2 fee, in addition to the appropriate registration fee, shall be charged and shall be deposited into the Secretary of State Special License Plate Fund.

(d) The Korean War Memorial Construction Fund is created as a special fund in the State treasury. All moneys in the Korean War Memorial Construction Fund shall, subject to appropriation, be used by the Department of Veteran Affairs to provide grants for construction of the Korean War Memorial to be located at Oak Ridge Cemetery in Springfield, Illinois. Upon the completion of the Memorial, the Department of Veteran Affairs shall certify to the State Treasurer that the construction of the Memorial has been completed. Upon the certification by the Department of Veteran Affairs, the State Treasurer shall transfer all moneys in the Fund and any future deposits into the Fund into the Secretary of State Special License Plate Fund.

(e) An individual who has been issued Korean War Veteran license plates for a vehicle and who has claimed and received a grant under the Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act shall pay the original

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issuance and the regular annual fee for the registration of the vehicle as provided in Section 3-806.3 of this Code in addition to the fees specified in subsection (c) of this Section.
(Source: P.A. 91-679, eff. 1-26-00.)
(625 ILCS 5/3-628)
Sec. 3-628. Bronze Star plates.
(a) Beginning January 1, 1996, in addition to any other special license plate, the Secretary, upon receipt of all applicable fees and applications made in the form prescribed by the Secretary of State, may issue special registration plates to residents of Illinois who have been awarded the Bronze Star by the United States Armed Forces. The special plate issued under this Section shall be affixed only to passenger vehicles of the first division, motorcycles, or motor vehicles of the second division weighing not more than 8,000 pounds. Plates issued under this Section shall expire according to the staggered multi-year procedure established by Section 3-414.1 of this Code.

(b) The design, color, and format of the plates shall be wholly within the discretion of the Secretary of State. The Secretary may, in his or her discretion, allow the plates to be issued as vanity plates or personalized in accordance with Section 3-405.1 of this Code. The plates are not required to designate "Land Of Lincoln", as prescribed in subsection (b) of Section 3-412 of this Code. The Secretary shall prescribe the eligibility requirements and, in his or her discretion, shall approve and prescribe stickers or decals as provided under Section 3-412.

(c) An applicant shall be charged a $15 fee for original issuance in addition to the appropriate registration fee.
This additional fee shall be deposited into the Secretary of State Special License Plate Fund. For each registration renewal period, a $2 fee, in addition to the appropriate registration fee, shall be charged and deposited into the Secretary of State Special License Plate Fund.
(Source: P.A. 88-589, eff. 8-14-94; 89-282, eff. 8-10-95.)
(625 ILCS 5/3-638)
Sec. 3-638. U.S. Veteran License Plates.
(a) In addition to any other special license plate, the Secretary, upon receipt of all applicable fees and applications made in the form prescribed by the Secretary of State, may issue U.S. Veteran license plates to residents of Illinois who meet eligibility requirements prescribed by the Secretary of State. The special U.S. Veteran plate issued under this Section shall be affixed only to passenger vehicles of the first division, motorcycles, and motor vehicles of the second division weighing not more than 8,000 pounds. Plates issued under this Section shall expire according to the staggered multi-year procedure established by Section 3-414.1 of this Code.

(b) The design, color, and format of the plates shall be wholly within the discretion of the Secretary of State. The Secretary may, in his or her discretion, allow the plates to be issued as vanity plates or personalized in accordance with Section 3-405.1 of this Code. The plates are not required to designate "Land Of Lincoln", as prescribed in subsection (b) of Section 3-412 of this Code. The Secretary shall prescribe the eligibility requirements and,

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in his or her discretion, shall approve and prescribe stickers or decals as provided under Section 3-412.

(c) An applicant shall be charged a $15 fee for original issuance in addition to the applicable registration fee. This additional fee shall be deposited into the Secretary of State Special License Plate Fund. For each registration renewal period, a $2 fee, in addition to the appropriate registration fee, shall be charged and shall be deposited into the Secretary of State Special License Plate Fund.

(Source: P.A. 89-639, eff. 1-1-97; 90-14, eff. 7-1-97.)

(625 ILCS 5/3-642)
Sec. 3-642. Silver Star plates.

(a) The Secretary, upon receipt of all applicable fees and applications made in the form prescribed by the Secretary, may issue special registration plates to residents of Illinois who have been awarded the Silver Star by the United States Armed Forces. The special plate issued under this Section shall be affixed only to passenger vehicles of the first division, motorcycles, or motor vehicles of the second division weighing not more than 8,000 pounds. Plates issued under this Section shall expire according to the staggered multi-year procedure established by Section 3-414.1 of this Code.

(b) The design, color, and format of the plates shall be wholly within the discretion of the Secretary. The Secretary may, in his or her discretion, allow the plates to be issued as vanity plates or personalized in accordance with Section 3-405.1 of this Code. The plates are not required to designate "Land Of Lincoln", as prescribed in subsection (b) of Section 3-412 of this Code. The Secretary shall prescribe the eligibility requirements and, in his or her discretion, shall approve and prescribe stickers or decals as provided under Section 3-412.

(c) An applicant shall be charged a $15 fee for original issuance in addition to the applicable registration fee. This additional fee shall be deposited into the Secretary of State Special License Plate Fund. For each registration renewal period, a $2 fee, in addition to the appropriate registration fee, shall be charged and deposited into the Secretary of State Special License Plate Fund.

(Source: P.A. 90-533, eff. 11-14-97; 90-655, eff. 7-30-98.)

(625 ILCS 5/3-645)
Sec. 3-645. Vietnam Veteran License Plates.

(a) In addition to any other special license plate, the Secretary, upon receipt of all applicable fees and applications made in the form prescribed by the Secretary of State, may issue Vietnam Veteran license plates to residents of Illinois who meet eligibility requirements prescribed by the Secretary of State. The special Vietnam Veteran plate issued under this Section shall be affixed only to passenger vehicles of the first division, motorcycles, and motor vehicles of the second division weighing not more than 8,000 pounds. Plates issued under this Section shall expire according to the staggered multi-year procedure established by Section 3-414.1 of this Code.

(b) The design, color, and format of the plates shall be wholly within the discretion of the Secretary of State. The Secretary may, in his or her discretion, allow the plates to be issued as vanity plates or personalized in accordance with Section 3-405.1 of this Code.

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plates are not required to designate "Land Of Lincoln", as prescribed in subsection (b) of Section 3-412 of this Code. The Secretary shall prescribe the eligibility requirements and, in his or her discretion, shall approve and prescribe stickers or decals as provided under Section 3-412.

(c) An applicant shall be charged a $15 fee for original issuance in addition to the applicable registration fee. This additional fee shall be deposited into the Secretary of State Special License Plate Fund. For each registration renewal period, a $2 fee, in addition to the appropriate registration fee, shall be charged and shall be deposited into the Secretary of State Special License Plate Fund.

(Source: P.A. 91-805, eff. 1-1-01.)

(625 ILCS 5/3-647)
Sec. 3-647. World War II Veteran License Plates.

(a) In addition to any other special license plate, the Secretary, upon receipt of all applicable fees and applications made in the form prescribed by the Secretary of State, may issue World War II Veteran license plates to residents of Illinois who meet eligibility requirements prescribed by the Secretary of State. The special World War II Veteran plate issued under this Section shall be affixed only to passenger vehicles of the first division, motorcycles, and motor vehicles of the second division weighing not more than 8,000 pounds. Plates issued under this Section shall expire according to the staggered multi-year procedure established by Section 3-414.1 of this Code.

(b) The design, color, and format of the plates shall be wholly within the discretion of the Secretary of State. The Secretary may, in his or her discretion, allow the plates to be issued as vanity plates or personalized in accordance with Section 3-405.1 of this Code. The plates are not required to designate "Land Of Lincoln", as prescribed in subsection (b) of Section 3-412 of this Code. The Secretary shall prescribe the eligibility requirements and, in his or her discretion, shall approve and prescribe stickers or decals as provided under Section 3-412.

(c) An applicant shall be charged a $15 fee for original issuance in addition to the applicable registration fee. This additional fee shall be deposited into the Secretary of State Special License Plate Fund. For each registration renewal period, a $2 fee, in addition to the appropriate registration fee, shall be charged and shall be deposited into the Secretary of State Special License Plate Fund.

(Source: P.A. 91-805, eff. 1-1-01.)

(625 ILCS 5/3-650)
Sec. 3-650. Army Combat Veteran license plates.

(a) In addition to any other special license plate, the Secretary, upon receipt of all applicable fees and applications made in the form prescribed by the Secretary of State, may issue Army Combat Veteran license plates to residents of Illinois who meet eligibility requirements prescribed by the Secretary of State. The special Army Combat Veteran plate issued under this Section shall be affixed only to passenger vehicles of the first division, motorcycles, and motor vehicles of the second division weighing not more than 8,000 pounds. Plates issued under this Section shall expire according to the staggered multi-year
procedure established by Section 3-414.1 of this Code.

(b) The plates shall display the Army Combat Infantry Badge. In all other respects, the design, color, and format of the plates shall be within the discretion of the Secretary of State. The Secretary may, in his or her discretion, allow the plates to be issued as vanity plates or personalized in accordance with Section 3-405.1 of this Code. The plates are not required to designate "Land Of Lincoln", as prescribed in subsection (b) of Section 3-412 of this Code. The Secretary shall prescribe the eligibility requirements and, in his or her discretion, shall approve and prescribe stickers or decals as provided under Section 3-412.

(c) An applicant shall be charged a $15 fee for original issuance in addition to the applicable registration fee. This additional fee shall be deposited into the Secretary of State Special License Plate Fund. For each registration renewal period, a $2 fee, in addition to the appropriate registration fee, shall be charged and shall be deposited into the Secretary of State Special License Plate Fund.

(Source: P.A. 92-79, eff. 1-1-02; revised 10-17-01.)

(625 ILCS 5/3-651)
Sec. 3-651. U.S. Marine Corps license plates.

(a) In addition to any other special license plate, the Secretary, upon receipt of all applicable fees and applications made in the form prescribed by the Secretary of State, may issue special registration plates designated as U.S. Marine Corps license plates to residents of Illinois who meet eligibility requirements prescribed by the Secretary of State. The special plate issued under this Section shall be affixed only to passenger vehicles of the first division, motorcycles, motor vehicles of the second division weighing not more than 8,000 pounds, and recreational vehicles as defined by Section 1-169 of this Code. Plates issued under this Section shall expire according to the staggered multi-year procedure established by Section 3-414.1 of this Code.

(b) The design, color, and format of the plates shall be wholly within the discretion of the Secretary of State, except that the U.S. Marine Corps emblem shall appear on the plates. The Secretary may, in his or her discretion, allow the plates to be issued as vanity or personalized plates in accordance with Section 3-405.1 of this Code. The plates are not required to designate "Land Of Lincoln", as prescribed in subsection (b) of Section 3-412 of this Code. The Secretary shall prescribe the eligibility requirements and, in his or her discretion, shall approve and prescribe stickers or decals as provided under Section 3-412.

(c) An applicant shall be charged a $20 fee for original issuance in addition to the applicable registration fee. Of this additional fee, $15 shall be deposited into the Secretary of State Special License Plate Fund and $5 shall be deposited into the Marine Corps Scholarship Fund. For each registration renewal period, a $20 fee, in addition to the appropriate registration fee, shall be charged. Of this additional fee, $2 shall be deposited into the Secretary of State Special License Plate Fund and $18 shall be deposited into the Marine Corps Scholarship Fund.

(d) The Marine Corps Scholarship Fund is created as a special fund in the State treasury. All moneys in the Marine Corps Scholarship Fund shall, subject to appropriation by the General Assembly and approval by the Secretary, be used by the Marine Corps
Scholarship Foundation, Inc., a recognized charitable organization that meets the requirements of Title 26, Section 501(c)(3) of the United States Code, to provide grants for scholarships for higher education. The scholarship recipients must be the children of current or former members of the United States Marine Corps who meet the academic, financial, and other requirements established by the Marine Corps Scholarship Foundation. In addition, the recipients must be Illinois residents and must attend a college or university located within the State of Illinois.

The State Treasurer shall require the Marine Corps Scholarship Foundation to establish a separate account for receipt of the proceeds of the Marine Corps Scholarship Fund. That account shall be subject to audit either annually or at another interval, as determined by the State Treasurer. Proceeds from the Marine Corps Scholarship Fund shall be transferred on a quarterly basis by the State Treasurer's office to this separate account.

(Source: P.A. 92-467, eff. 1-1-02; revised 10-17-01.)

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

Passed in the General Assembly April 11, 2002.
Approved June 12, 2002.
Effective June 12, 2002.

PUBLIC ACT 92-0546
(House Bill No. 4159)

AN ACT in relation to the investment of public funds.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

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

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

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

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

The State Treasurer may, with the approval of the Governor, invest or reinvest any

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

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

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

The State Treasurer may, with the approval of the Governor, invest or reinvest, at a price not to exceed par, any State money in the treasury that is not needed for current expenditure due or about to become due, or any money in the State Treasury that has been set aside and held for the payment of the principal of and interest on any State bonds, in bonds issued by counties or municipal corporations of the State of Illinois.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(iii) the Commodity Credit Corporation; and

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

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

(Source: P.A. 90-655, eff. 7-30-98.)

Approved June 13, 2002.

PUBLIC ACT 92-0547
(House Bill No. 5734)

AN ACT in relation to education.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 3. The Freedom of Information Act is amended by changing Section 2 as follows:

(5 ILCS 140/2) (from Ch. 116, par. 202)
Sec. 2. Definitions. As used in this Act:
(a) "Public body" means any legislative, executive, administrative, or advisory bodies of the State, state universities and colleges, counties, townships, cities, villages, incorporated towns, school districts and all other municipal corporations, boards, bureaus, committees, or commissions of this State, and any subsidiary bodies of any of the foregoing including but not limited to committees and subcommittees which are supported in whole or in part by tax revenue, or which expend tax revenue, and a School Finance Authority created under Article 1E of the School Code. "Public body" does not include a child death review team or the Illinois Child Death Review Teams Executive Council established under the Child Death Review Team Act.

(b) "Person" means any individual, corporation, partnership, firm, organization or association, acting individually or as a group.

(c) "Public records" means all records, reports, forms, writings, letters, memoranda, books, papers, maps, photographs, microfilms, cards, tapes, recordings, electronic data processing records, recorded information and all other documentary materials, regardless of physical form or characteristics, having been prepared, or having been or being used, received, possessed or under the control of any public body. "Public records" includes, but is expressly not limited to: (i) administrative manuals, procedural rules, and instructions to staff, unless exempted by Section 7(p) of this Act; (ii) final opinions and orders made in the adjudication of cases, except an educational institution's adjudication of student or employee grievance or disciplinary cases; (iii) substantive rules; (iv) statements and interpretations of

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policy which have been adopted by a public body; (v) final planning policies, recommendations, and decisions; (vi) factual reports, inspection reports, and studies whether prepared by or for the public body; (vii) all information in any account, voucher, or contract dealing with the receipt or expenditure of public or other funds of public bodies; (viii) the names, salaries, titles, and dates of employment of all employees and officers of public bodies; (ix) materials containing opinions concerning the rights of the state, the public, a subdivision of state or a local government, or of any private persons; (x) the name of every official and the final records of voting in all proceedings of public bodies; (xi) applications for any contract, permit, grant, or agreement except as exempted from disclosure by subsection (g) of Section 7 of this Act; (xii) each report, document, study, or publication prepared by independent consultants or other independent contractors for the public body; (xiii) all other information required by law to be made available for public inspection or copying; (xiv) information relating to any grant or contract made by or between a public body and another public body or private organization; (xv) waiver documents filed with the State Superintendent of Education or the president of the University of Illinois under Section 30-12.5 of the School Code, concerning nominees for General Assembly scholarships under Sections 30-9, 30-10, and 30-11 of the School Code; (xvi) complaints, results of complaints, and Department of Children and Family Services staff findings of licensing violations at day care facilities, provided that personal and identifying information is not released; and (xvii) records, reports, forms, writings, letters, memoranda, books, papers, and other documentary information, regardless of physical form or characteristics, having been prepared, or having been or being used, received, possessed, or under the control of the Illinois Sports Facilities Authority dealing with the receipt or expenditure of public funds or other funds of the Authority in connection with the reconstruction, renovation, remodeling, extension, or improvement of all or substantially all of an existing "facility" as that term is defined in the Illinois Sports Facilities Authority Act.

(d) "Copying" means the reproduction of any public record by means of any photographic, electronic, mechanical or other process, device or means.

(e) "Head of the public body" means the president, mayor, chairman, presiding officer, director, superintendent, manager, supervisor or individual otherwise holding primary executive and administrative authority for the public body, or such person's duly authorized designee.

(f) "News media" means a newspaper or other periodical issued at regular intervals whether in print or electronic format, a news service whether in print or electronic format, a radio station, a television station, a television network, a community antenna television service, or a person or corporation engaged in making news reels or other motion picture news for public showing.

(Source: P.A. 91-935, eff. 6-1-01; 92-335, eff. 8-10-01; 92-468, eff. 8-22-01; revised 10-10-01.)

Section 5. The Property Tax Code is amended by changing Section 18-185 and adding Sections 18-190.5 and 18-241 as follows:

(35 ILCS 200/18-185)

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Sec. 18-185. Short title; definitions. This Division 5 may be cited as the Property Tax Extension Limitation Law. As used in this Division 5:

"Consumer Price Index" means the Consumer Price Index for All Urban Consumers for all items published by the United States Department of Labor.

"Extension limitation" means (a) the lesser of 5% or the percentage increase in the Consumer Price Index during the 12-month calendar year preceding the levy year or (b) the rate of increase approved by voters under Section 18-205.

"Affected county" means a county of 3,000,000 or more inhabitants or a county contiguous to a county of 3,000,000 or more inhabitants.

"Taxing district" has the same meaning provided in Section 1-150, except as otherwise provided in this Section. For the 1991 through 1994 levy years only, "taxing district" includes only each non-home rule taxing district having the majority of its 1990 equalized assessed value within any county or counties contiguous to a county with 3,000,000 or more inhabitants. Beginning with the 1995 levy year, "taxing district" includes only each non-home rule taxing district subject to this Law before the 1995 levy year and each non-home rule taxing district not subject to this Law before the 1995 levy year having the majority of its 1994 equalized assessed value in an affected county or counties. Beginning with the levy year in which this Law becomes applicable to a taxing district as provided in Section 18-213, "taxing district" also includes those taxing districts made subject to this Law as provided in Section 18-213.

"Aggregate extension" for taxing districts to which this Law applied before the 1995 levy year means the annual corporate extension for the taxing district and those special purpose extensions that are made annually for the taxing district, excluding special purpose extensions: (a) made for the taxing district to pay interest or principal on general obligation bonds that were approved by referendum; (b) made for any taxing district to pay interest or principal on general obligation bonds issued before October 1, 1991; (c) made for any taxing district to pay interest or principal on bonds issued before October 1, 1991; (d) made for any taxing district to pay interest or principal on bonds issued after October 1, 1991 that were approved by referendum; (e) made for any taxing district to pay interest or principal on revenue bonds issued before October 1, 1991 for payment of which a property tax levy or the full faith and credit of the unit of local government is pledged; however, a tax for the payment of interest or principal on those bonds shall be made only after the governing body of the unit of local government finds that all other sources for payment are insufficient to make those payments; (f) made for payments under a building commission lease when the lease payments are for the retirement of bonds issued by the commission before October 1, 1991, to pay for the building project; (g) made for payments due under installment contracts entered into before October 1, 1991; (h) made for payments of principal and interest on bonds issued under the Metropolitan Water Reclamation District Act to finance construction projects initiated before October 1, 1991; (i) made for payments of principal and interest on limited bonds, as defined in Section 3 of the Local Government Debt Reform Act, in an amount not to exceed the debt service extension base less the amount in items (b), (c), (e),

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and (h) of this definition for non-referendum obligations, except obligations initially issued pursuant to referendum; (j) made for payments of principal and interest on bonds issued under Section 15 of the Local Government Debt Reform Act; and (k) made by a school district that participates in the Special Education District of Lake County, created by special education joint agreement under Section 10-22.31 of the School Code, for payment of the school district's share of the amounts required to be contributed by the Special Education District of Lake County to the Illinois Municipal Retirement Fund under Article 7 of the Illinois Pension Code; the amount of any extension under this item (k) shall be certified by the school district to the county clerk.

"Aggregate extension" for the taxing districts to which this Law did not apply before the 1995 levy year (except taxing districts subject to this Law in accordance with Section 18-213) means the annual corporate extension for the taxing district and those special purpose extensions that are made annually for the taxing district, excluding special purpose extensions: (a) made for the taxing district to pay interest or principal on general obligation bonds that were approved by referendum; (b) made for any taxing district to pay interest or principal on general obligation bonds issued before March 1, 1995; (c) made for any taxing district to pay interest or principal on bonds issued to refund or continue to refund those bonds issued before March 1, 1995; (d) made for any taxing district to pay interest or principal on bonds issued to refund or continue to refund bonds issued after March 1, 1995 that were approved by referendum; (e) made for any taxing district to pay interest or principal on revenue bonds issued before March 1, 1995 for payment of which a property tax levy or the full faith and credit of the unit of local government is pledged; however, a tax for the payment of interest or principal on those bonds shall be made only after the governing body of the unit of local government finds that all other sources for payment are insufficient to make those payments; (f) made for payments under a building commission lease when the lease payments are for the retirement of bonds issued by the commission before March 1, 1995 to pay for the building project; (g) made for payments due under installment contracts entered into before March 1, 1995; (h) made for payments of principal and interest on bonds issued under the Metropolitan Water Reclamation District Act to finance construction projects initiated before October 1, 1991; (i) made for payments of principal and interest on limited bonds, as defined in Section 3 of the Local Government Debt Reform Act, in an amount not to exceed the debt service extension base less the amount in items (b), (c), and (e) of this definition for non-referendum obligations, except obligations initially issued pursuant to referendum and bonds described in subsection (h) of this definition; (j) made for payments of principal and interest on bonds issued under Section 15 of the Local Government Debt Reform Act; (k) made for payments of principal and interest on bonds authorized by Public Act 88-503 and issued under Section 20a of the Chicago Park District Act for aquarium or museum projects; and (l) made for payments of principal and interest on bonds authorized by Public Act 87-1191 and issued under Section 42 of the Cook County Forest Preserve District Act for zoological park projects; and (m) made pursuant to Section 34-53.5 of the School Code, whether levied annually or not.

"Aggregate extension" for all taxing districts to which this Law applies in accordance
with Section 18-213, except for those taxing districts subject to paragraph (2) of subsection (e) of Section 18-213, means the annual corporate extension for the taxing district and those special purpose extensions that are made annually for the taxing district, excluding special purpose extensions: (a) made for the taxing district to pay interest or principal on general obligation bonds that were approved by referendum; (b) made for any taxing district to pay interest or principal on general obligation bonds issued before the date on which the referendum making this Law applicable to the taxing district is held; (c) made for any taxing district to pay interest or principal on bonds issued to refund or continue to refund those bonds issued before the date on which the referendum making this Law applicable to the taxing district is held; (d) made for any taxing district to pay interest or principal on bonds issued to refund or continue to refund bonds issued after the date on which the referendum making this Law applicable to the taxing district is held if the bonds were approved by referendum after the date on which the referendum making this Law applicable to the taxing district is held; (e) made for any taxing district to pay interest or principal on revenue bonds issued before the date on which the referendum making this Law applicable to the taxing district is held for payment of which a property tax levy or the full faith and credit of the unit of local government is pledged; however, a tax for the payment of interest or principal on those bonds shall be made only after the governing body of the unit of local government finds that all other sources for payment are insufficient to make those payments; (f) made for payments under a building commission lease when the lease payments are for the retirement of bonds issued by the commission before the date on which the referendum making this Law applicable to the taxing district is held to pay for the building project; (g) made for payments due under installment contracts entered into before the date on which the referendum making this Law applicable to the taxing district is held; (h) made for payments of principal and interest on limited bonds, as defined in Section 3 of the Local Government Debt Reform Act, in an amount not to exceed the debt service extension base less the amount in items (b), (c), and (e) of this definition for non-referendum obligations, except obligations initially issued pursuant to referendum; (i) made for payments of principal and interest on bonds issued under Section 15 of the Local Government Debt Reform Act; and (j) made for a qualified airport authority to pay interest or principal on general obligation bonds issued for the purpose of paying obligations due under, or financing airport facilities required to be acquired, constructed, installed or equipped pursuant to, contracts entered into before March 1, 1996 (but not including any amendments to such a contract taking effect on or after that date).

"Aggregate extension" for all taxing districts to which this Law applies in accordance with paragraph (2) of subsection (e) of Section 18-213 means the annual corporate extension for the taxing district and those special purpose extensions that are made annually for the taxing district, excluding special purpose extensions: (a) made for the taxing district to pay interest or principal on general obligation bonds that were approved by referendum; (b) made for any taxing district to pay interest or principal on general obligation bonds issued before the effective date of this amendatory Act of 1997; (c) made for any taxing district to pay interest or principal on bonds issued to refund or continue to refund those bonds issued with Section 18-213, except for those taxing districts subject to paragraph (2) of subsection (e) of Section 18-213, means the annual corporate extension for the taxing district and those special purpose extensions that are made annually for the taxing district, excluding special purpose extensions: (a) made for the taxing district to pay interest or principal on general obligation bonds that were approved by referendum; (b) made for any taxing district to pay interest or principal on general obligation bonds issued before the date on which the referendum making this Law applicable to the taxing district is held; (c) made for any taxing district to pay interest or principal on bonds issued to refund or continue to refund those bonds issued before the date on which the referendum making this Law applicable to the taxing district is held; (d) made for any taxing district to pay interest or principal on bonds issued to refund or continue to refund bonds issued after the date on which the referendum making this Law applicable to the taxing district is held if the bonds were approved by referendum after the date on which the referendum making this Law applicable to the taxing district is held; (e) made for any taxing district to pay interest or principal on revenue bonds issued before the date on which the referendum making this Law applicable to the taxing district is held for payment of which a property tax levy or the full faith and credit of the unit of local government is pledged; however, a tax for the payment of interest or principal on those bonds shall be made only after the governing body of the unit of local government finds that all other sources for payment are insufficient to make those payments; (f) made for payments under a building commission lease when the lease payments are for the retirement of bonds issued by the commission before the date on which the referendum making this Law applicable to the taxing district is held to pay for the building project; (g) made for payments due under installment contracts entered into before the date on which the referendum making this Law applicable to the taxing district is held; (h) made for payments of principal and interest on limited bonds, as defined in Section 3 of the Local Government Debt Reform Act, in an amount not to exceed the debt service extension base less the amount in items (b), (c), and (e) of this definition for non-referendum obligations, except obligations initially issued pursuant to referendum; (i) made for payments of principal and interest on bonds issued under Section 15 of the Local Government Debt Reform Act; and (j) made for a qualified airport authority to pay interest or principal on general obligation bonds issued for the purpose of paying obligations due under, or financing airport facilities required to be acquired, constructed, installed or equipped pursuant to, contracts entered into before March 1, 1996 (but not including any amendments to such a contract taking effect on or after that date).
before the effective date of this amendatory Act of 1997; (d) made for any taxing district to pay interest or principal on bonds issued to refund or continue to refund bonds issued after the effective date of this amendatory Act of 1997 if the bonds were approved by referendum after the effective date of this amendatory Act of 1997; (e) made for any taxing district to pay interest or principal on revenue bonds issued before the effective date of this amendatory Act of 1997 for payment of which a property tax levy or the full faith and credit of the unit of local government is pledged; however, a tax for the payment of interest or principal on those bonds shall be made only after the governing body of the unit of local government finds that all other sources for payment are insufficient to make those payments; (f) made for payments under a building commission lease when the lease payments are for the retirement of bonds issued by the commission before the effective date of this amendatory Act of 1997 to pay for the building project; (g) made for payments due under installment contracts entered into before the effective date of this amendatory Act of 1997; (h) made for payments of principal and interest on limited bonds, as defined in Section 3 of the Local Government Debt Reform Act, in an amount not to exceed the debt service extension base less the amount in items (b), (c), and (e) of this definition for non-referendum obligations, except obligations initially issued pursuant to referendum; (i) made for payments of principal and interest on bonds issued under Section 15 of the Local Government Debt Reform Act; and (j) made for a qualified airport authority to pay interest or principal on general obligation bonds issued for the purpose of paying obligations due under, or financing airport facilities required to be acquired, constructed, installed or equipped pursuant to, contracts entered into before March 1, 1996 (but not including any amendments to such a contract taking effect on or after that date).

"Debt service extension base" means an amount equal to that portion of the extension for a taxing district for the 1994 levy year, or for those taxing districts subject to this Law in accordance with Section 18-213, except for those subject to paragraph (2) of subsection (e) of Section 18-213, for the levy year in which the referendum making this Law applicable to the taxing district is held, or for those taxing districts subject to this Law in accordance with paragraph (2) of subsection (e) of Section 18-213 for the 1996 levy year, constituting an extension for payment of principal and interest on bonds issued by the taxing district without referendum, but not including (i) bonds authorized by Public Act 88-503 and issued under Section 20a of the Chicago Park District Act for aquarium and museum projects; (ii) bonds issued under Section 15 of the Local Government Debt Reform Act; or (iii) refunding obligations issued to refund or to continue to refund obligations initially issued pursuant to referendum. The debt service extension base may be established or increased as provided under Section 18-212.

"Special purpose extensions" include, but are not limited to, extensions for levies made on an annual basis for unemployment and workers' compensation, self-insurance, contributions to pension plans, and extensions made pursuant to Section 6-601 of the Illinois Highway Code for a road district's permanent road fund whether levied annually or not. The extension for a special service area is not included in the aggregate extension.

"Aggregate extension base" means the taxing district's last preceding aggregate
extension as adjusted under Sections 18-215 through 18-230.

"Levy year" has the same meaning as "year" under Section 1-155.

"New property" means (i) the assessed value, after final board of review or board of appeals action, of new improvements or additions to existing improvements on any parcel of real property that increase the assessed value of that real property during the levy year multiplied by the equalization factor issued by the Department under Section 17-30 and (ii) the assessed value, after final board of review or board of appeals action, of real property not exempt from real estate taxation, which real property was exempt from real estate taxation for any portion of the immediately preceding levy year, multiplied by the equalization factor issued by the Department under Section 17-30. In addition, the county clerk in a county containing a population of 3,000,000 or more shall include in the 1997 recovered tax increment value for any school district, any recovered tax increment value that was applicable to the 1995 tax year calculations.

"Qualified airport authority" means an airport authority organized under the Airport Authorities Act and located in a county bordering on the State of Wisconsin and having a population in excess of 200,000 and not greater than 500,000.

"Recovered tax increment value" means, except as otherwise provided in this paragraph, the amount of the current year's equalized assessed value, in the first year after a municipality terminates the designation of an area as a redevelopment project area previously established under the Tax Increment Allocation Development Act in the Illinois Municipal Code, previously established under the Industrial Jobs Recovery Law in the Illinois Municipal Code, or previously established under the Economic Development Area Tax Increment Allocation Act, of each taxable lot, block, tract, or parcel of real property in the redevelopment project area over and above the initial equalized assessed value of each property in the redevelopment project area. For the taxes which are extended for the 1997 levy year, the recovered tax increment value for a non-home rule taxing district that first became subject to this Law for the 1995 levy year because a majority of its 1994 equalized assessed value was in an affected county or counties shall be increased if a municipality terminated the designation of an area in 1993 as a redevelopment project area previously established under the Tax Increment Allocation Development Act in the Illinois Municipal Code, previously established under the Industrial Jobs Recovery Law in the Illinois Municipal Code, or previously established under the Economic Development Area Tax Increment Allocation Act, by an amount equal to the 1994 equalized assessed value of each taxable lot, block, tract, or parcel of real property in the redevelopment project area over and above the initial equalized assessed value of each property in the redevelopment project area.

In the first year after a municipality removes a taxable lot, block, tract, or parcel of real property from a redevelopment project area established under the Tax Increment Allocation Development Act in the Illinois Municipal Code, the Industrial Jobs Recovery Law in the Illinois Municipal Code, or the Economic Development Area Tax Increment Allocation Act, "recovered tax increment value" means the amount of the current year's equalized assessed value of each taxable lot, block, tract, or parcel of real property removed from the redevelopment project area over and above the initial equalized assessed value of that real

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property before removal from the redevelopment project area.

Except as otherwise provided in this Section, "limiting rate" means a fraction the numerator of which is the last preceding aggregate extension base times an amount equal to one plus the extension limitation defined in this Section and the denominator of which is the current year's equalized assessed value of all real property in the territory under the jurisdiction of the taxing district during the prior levy year. For those taxing districts that reduced their aggregate extension for the last preceding levy year, the highest aggregate extension in any of the last 3 preceding levy years shall be used for the purpose of computing the limiting rate. The denominator shall not include new property. The denominator shall not include the recovered tax increment value.

(Source: P.A. 90-485, eff. 1-1-98; 90-511, eff. 8-22-97; 90-568, eff. 1-1-99; 90-616, eff. 7-10-98; 90-655, eff. 7-30-98; 91-357, eff. 7-29-99; 91-478, eff. 11-1-99.)

(35 ILCS 200/18-190.5 new)

Sec. 18-190.5. School districts. The requirements of Section 18-190 of this Code for a direct referendum on the imposition of a new or increased tax rate do not apply to tax levies that are not included in the aggregate extension for those taxing districts to which this Law did not apply before the 1995 levy year (except taxing districts subject to this Law in accordance with Section 18-213 of this Code) pursuant to clause (m) of Section 18-185 of this Code.

(35 ILCS 200/18-241 new)

Sec. 18-241. School Finance Authority.

(a) A School Finance Authority established under Article 1E of the School Code shall not be a taxing district for purposes of this Law.

(b) This Law shall not apply to the extension of taxes for a school district for the levy year in which a School Finance Authority for the district is created pursuant to Article 1E of the School Code.

Section 7. The Local Government Debt Limitation Act is amended by adding Section 1.23 as follows:

(50 ILCS 405/1.23 new)

Sec. 1.23. Indebtedness of Downstate School Finance Authority. The limitation prescribed in Section 1 of this Act does not apply to any indebtedness of a School Finance Authority created pursuant to Article 1E of the School Code.

Section 10. The School Code is amended by adding Article 1E and Section 34-53.5 as follows:

(105 ILCS 5/Art. 1E heading new)

ARTICLE 1E. DOWNSTATE SCHOOL FINANCE AUTHORITY

(105 ILCS 5/1E-1 new)

Sec. 1E-1. Short title. This Article may be cited as the Downstate School Finance Authority Law.

(105 ILCS 5/1E-5 new)

Sec. 1E-5. Findings; purpose; intent.

(a) The General Assembly finds all of the following:

New matter indicated by italics - deletions by strikeout.
Public Act 92-0547

(1) A fundamental goal of the people of this State, as expressed in Section 1 of Article X of the Illinois Constitution, is the educational development of all persons to the limits of their capacities. When a board of education faces financial difficulties, continued operation of the public school system is threatened.

(2) A sound financial structure is essential to the continued operation of any school system. It is vital to commercial, educational, and cultural interests that public schools remain in operation. To achieve that goal, public school systems must have effective access to the private market to borrow short and long term funds.

(3) To promote the financial integrity of districts, as defined in this Article, it is necessary to provide for the creation of school finance authorities with the powers necessary to promote sound financial management and to ensure the continued operation of the public schools.

(b) It is the purpose of this Article to provide a secure financial basis for the continued operation of public schools. The intention of the General Assembly, in creating this Article, is to establish procedures, provide powers, and impose restrictions to ensure the financial and educational integrity of the public schools, while leaving principal responsibility for the educational policies of public schools to the boards of education within the State, consistent with the requirements for satisfying the public policy and purpose set forth in this Article.

(105 ILCS 5/1E-10 new)
Sec. 1E-10. Definitions. As used in this Article:
"Authority" means a School Finance Authority created under this Article.
"Bonds" means bonds authorized to be issued by the Authority under Section 1E-65 of this Code.
"Budget" means the annual budget of the district required under Section 17-1 of this Code, as in effect from time to time.
"Chairperson" means the Chairperson of the Authority.
"District" means any school district having a population of not more than 500,000 that prior to the effective date of this amendatory Act of the 92nd General Assembly has had a Financial Oversight Panel established for the district under Section 1B-4 of this Code following the district's petitioning of the State Board of Education for the creation of the Financial Oversight Panel and for which the Financial Oversight Panel has been in existence for at least one year.
"Financial plan" means the financial plan of the district to be developed pursuant to this Article, as in effect from time to time.
"Fiscal year" means the fiscal year of the district.
"State Board" means the State Board of Education.
"State Superintendent" means the State Superintendent of Education.
"Obligations" means bonds and notes of the Authority.

(105 ILCS 5/1E-15 new)
Sec. 1E-15. Establishment of Authority; duties of district.
(a) A Financial Oversight Panel created under Article 1B of this Code for a district

New matter indicated by italics - deletions by strikeout.
may petition the State Board for the establishment of a School Finance Authority for the district. The petition shall cite the reasons why the creation of a School Finance Authority for the district is necessary. The State Board may grant the petition upon determining that the approval of the petition is in the best educational and financial interests of the district.

(b) Upon approval of the petition by the State Board all of the following shall occur:

(1) There is established a body both corporate and politic to be known as the "(Name of School District) School Finance Authority", which in this name shall exercise all authority vested in an Authority by this Article.

(2) The Financial Oversight Panel is abolished, and all of its rights, property, assets, contracts, and liabilities shall pass to and be vested in the Authority.

(3) The duties and obligations of the district under Article 1B of this Code shall be transferred and become duties and obligations owed by the district to the School Finance Authority.

(c) In the event of a conflict between the provisions of this Article and the provisions of Article 1B of this Code, the provisions of this Article control.

(105 ILCS 5/1E-20 new)
Sec. 1E-20. Members of Authority; meetings.
(a) When a petition for a School Finance Authority is allowed by the State Board under Section 1E-15 of this Code, the State Superintendent shall within 10 days thereafter appoint 5 members to serve on a School Finance Authority for the district. Of the initial members, 2 shall be appointed to serve a term of 2 years and 3 shall be appointed to serve a term of 3 years. Thereafter, each member shall serve for a term of 3 years and until his or her successor has been appointed. The State Superintendent shall designate one of the members of the Authority to serve as its Chairperson. In the event of vacancy or resignation, the State Superintendent shall, within 10 days after receiving notice, appoint a successor to serve out that member's term. The State Superintendent may remove a member for incompetence, malfeasance, neglect of duty, or other just cause.

Members of the Authority shall be selected primarily on the basis of their experience and education in financial management, with consideration given to persons knowledgeable in education finance. Two members of the Authority shall be residents of the school district that the Authority serves. A member of the Authority may not be a member of the district's school board or an employee of the district nor may a member have a direct financial interest in the district.

Authority members shall serve without compensation, but may be reimbursed by the State Board for travel and other necessary expenses incurred in the performance of their official duties. Unless paid from bonds issued under Section 1E-65 of this Code, the amount reimbursed members for their expenses shall be charged to the school district as part of any emergency financial assistance and incorporated as a part of the terms and conditions for repayment of the assistance or shall be deducted from the district's general State aid as provided in Section 1B-8 of this Code.

The Authority may elect such officers as it deems appropriate.

(b) The first meeting of the Authority shall be held at the call of the Chairperson. The
Authority shall prescribe the times and places for its meetings and the manner in which regular and special meetings may be called and shall comply with the Open Meetings Act.

Three members of the Authority shall constitute a quorum. When a vote is taken upon any measure before the Authority, a quorum being present, a majority of the votes of the members voting on the measure shall determine the outcome.

(105 ILCS 5/1E-25 new)

Sec. 1E-25. General powers. The purposes of the Authority shall be to exercise financial control over the district and to furnish financial assistance so that the district can provide public education within the district’s jurisdiction while permitting the district to meet its obligations to its creditors and the holders of its debt. Except as expressly limited by this Article, the Authority shall have all powers granted to a voluntary or involuntary Financial Oversight Panel and to a Financial Administrator under Article 1B of this Code and all other powers necessary to meet its responsibilities and to carry out its purposes and the purposes of this Article, including without limitation all of the following powers, provided that the Authority shall have no power to violate any statutory provision, to impair any contract or obligation of the district, or to terminate any employee without following the statutory procedures for such terminations set forth in this Code:

1. To sue and to be sued.
2. To make and execute contracts, leases, subleases and all other instruments or agreements necessary or convenient for the exercise of the powers and functions granted by this Article.
3. To purchase real or personal property necessary or convenient for its purposes; to execute and deliver deeds for real property held in its own name; and to sell, lease, or otherwise dispose of such of its property as, in the judgment of the Authority, is no longer necessary for its purposes.
4. To appoint officers, agents, and employees of the Authority, including a chief executive officer, a chief fiscal officer, and a chief educational officer; to define their duties and qualifications; and to fix their compensation and employee benefits.
5. To transfer to the district such sums of money as are not required for other purposes.
6. To borrow money and to issue obligations pursuant to this Article; to fund, refund, or advance refund the same; to provide for the rights of the holders of its obligations; and to repay any advances.
7. Subject to the provisions of any contract with or for the benefit of the holders of its obligations, to purchase or redeem its obligations.
8. To procure all necessary goods and services for the Authority in compliance with the purchasing laws and requirements applicable to the district.
9. To do any and all things necessary or convenient to carry out its purposes and exercise the powers given to it by this Article.

(105 ILCS 5/1E-30 new)

Sec. 1E-30. Chief executive officer. The Authority may appoint a chief executive officer who, under the direction of the Authority, shall supervise the Authority's staff,
including the chief educational officer and the chief fiscal officer, and shall have ultimate responsibility for implementing the policies, procedures, directives, and decisions of the Authority.

(105 ILCS 5/1E-35 new)

Sec. 1E-35. Chief educational officer. Upon expiration of the contract of the school district's superintendent who is serving at the time the Authority is established, the Authority shall, following consultation with the district, employ a chief educational officer for the district. The chief educational officer shall report to the Authority or the chief executive officer appointed by the Authority.

The chief educational officer shall have all of the powers and duties of a school district superintendent under this Code and such other duties as may be assigned by the Authority, in accordance with this Code. The district shall not thereafter employ a superintendent during the period that a chief educational officer is serving in the district. The chief educational officer shall hold a certificate with a superintendent endorsement issued under Article 21 of this Code.

(105 ILCS 5/1E-40 new)

Sec. 1E-40. Chief fiscal officer. The Authority may appoint a chief fiscal officer who, under the direction of the Authority, shall have all of the powers and duties of the district's chief school business official and any other duties regarding budgeting, accounting, and other financial matters that are assigned by the Authority, in accordance with this Code. The district may not employ a chief school business official during the period that the chief fiscal officer is serving in the district. The chief fiscal officer may but is not required to hold a certificate with a chief school business official endorsement issued under Article 21 of this Code.

(105 ILCS 5/1E-45 new)

Sec. 1E-45. Collective bargaining agreements. The Authority shall have the power to negotiate collective bargaining agreements with the district's employees in lieu of and on behalf of the district. Upon concluding bargaining, the district shall execute the agreements negotiated by the Authority, and the district shall be bound by and shall administer the agreements in all respects as if the agreements had been negotiated by the district itself.

(105 ILCS 5/1E-50 new)

Sec. 1E-50. Deposits and investments.

(a) The Authority shall have the power to establish checking and whatever other banking accounts it may deem appropriate for conducting its affairs.

(b) Subject to the provisions of any contract with or for the benefit of the holders of its obligations, the Authority may invest any funds not required for immediate use or disbursement, as provided in the Public Funds Investment Act.

(105 ILCS 5/1E-55 new)

Sec. 1E-55. Cash accounts and bank accounts.

(a) The Authority shall require the district or any officer of the district, including the district's treasurer, to establish and maintain separate cash accounts and separate bank accounts in accordance with such rules, standards, and procedures as the Authority may

New matter indicated by italics - deletions by strikeout.
(b) The Authority shall have the power to assume exclusive administration of the cash accounts and bank accounts of the district, to establish and maintain whatever new cash accounts and bank accounts it may deem appropriate, and to withdraw funds from these accounts for the lawful expenditures of the district.

(105 ILCS 5/1E-60 new)

Sec. 1E-60. Financial, management, and budgetary structure. Upon direction of the Authority, the district shall reorganize the financial accounts, management, and budgetary systems of the district in whatever manner the Authority deems appropriate to achieve greater financial responsibility and to reduce financial inefficiency.

(105 ILCS 5/1E-65 new)

Sec. 1E-65. Power to issue bonds.

(a) The Authority may incur indebtedness by the issuance of negotiable full faith and credit general obligation bonds of the Authority in an outstanding amount not to exceed at any time, including existing indebtedness, 13.8% of the district's most recent equalized assessed valuation, excluding Bonds of the Authority that have been refunded, for (i) the purpose of providing the district with moneys for ordinary and necessary expenditures and other operational needs of the district; (ii) payment or refunding of outstanding debt obligations or tax anticipation warrants of the district, the proceeds of which were used to provide financing for the district; (iii) payment of fees for arrangements as provided in subsection (b) of Section 1E-70 of this Code; (iv) payment of interest on Bonds; (v) establishment of reserves to secure Bonds; (vi) the payment of costs of issuance of Bonds; (vii) payment of principal of or interest or redemption premium on any Bonds or notes of the Authority; and (viii) all other expenditures of the Authority incidental to and necessary or convenient for carrying out its corporate purposes and powers.

(b) The Authority may from time to time (i) issue Bonds to refund any outstanding Bonds or notes of the Authority, whether the Bonds or notes to be refunded have or have not matured or become redeemable, and (ii) issue Bonds partly to refund Bonds or notes then outstanding and partly for any other purpose set forth in this Section.

(c) Bonds issued in accordance with subsection (a) of this Section are not subject to any other statutory limitation as to debt, including without limitation that established by the Local Government Debt Limitation Act, and may be issued without referendum.

(105 ILCS 5/1E-70 new)

Sec. 1E-70. Terms of bonds.

(a) Whenever the Authority desires or is required to issue Bonds as provided in this Article, it shall adopt a resolution designating the amount of the Bonds to be issued, the purposes for which the proceeds of the Bonds are to be used, and the manner in which the proceeds shall be held pending the application thereof. The Bonds shall be issued in the corporate name of the Authority and shall bear such date or dates and shall mature at such time or times, not exceeding 20 years from their date, as the resolution may provide. The Bonds may be issued as serial bonds payable in installments, as term bonds with sinking fund installments, or as a combination of these as the Authority may determine in the

New matter indicated by italics - deletions by strikeout.
The Bonds shall be in such denominations as the Authority may determine. The Bonds shall be in such form, carry such registration privileges, be executed in such manner, be payable at such place or places, and be subject to such terms of redemption at such redemption prices, including premium, as the resolution may provide. The Bonds shall be sold by the Authority at public or private sale, as determined by the Authority.

(b) In connection with the issuance of its Bonds, the Authority may enter into arrangements to provide additional security and liquidity for the Bonds. These may include without limitation municipal bond insurance, letters of credit, lines of credit by which the Authority may borrow funds to pay or redeem its Bonds, and purchase or remarketing arrangements for ensuring the ability of owners of the Authority's Bonds to sell their Bonds or to have their Bonds redeemed. The Authority may enter into contracts and may agree to pay fees to persons providing the arrangements, including from Bond proceeds, but only under circumstances in which the total interest paid or to be paid on the Bonds, together with the fees for the arrangements (being treated as if interest), would not, taken together, cause the Bonds to bear interest, calculated to their absolute maturity, at a rate in excess of the maximum rate allowed by law.

The resolution of the Authority authorizing the issuance of its Bonds may provide that interest rates may vary from time to time depending upon criteria established by the Authority, which may include without limitation a variation in interest rates as may be necessary to cause the Bonds to be remarketable from time to time at a price equal to their principal amount, and may provide for appointment of a national banking association, bank, trust company, investment banker, or other financial institution to serve as a remarketing agent in that connection. The resolution of the Authority authorizing the issuance of its Bonds may provide that alternative interest rates or provisions shall apply during such times as the Bonds are held by a person providing a letter of credit or other credit enhancement arrangement for those Bonds.

(105 ILCS 5/1E-75 new)

Sec. 1E-75. Tax levy.

(a) Before or at the time of issuing any Bonds, the Authority shall provide by resolution for the levy and collection of a direct annual tax upon all the taxable property located within the district without limit as to rate or amount sufficient to pay and discharge the principal thereof at maturity or on sinking fund installment dates and to pay the interest thereon as it falls due. The taxes as levied shall also include additional amounts to the extent that the collections in the prior years were insufficient to pay and discharge the principal thereof at maturity, sinking fund installments, if any, and interest thereon as it fell due, and the amount so collected shall be placed in the debt service reserve fund. The tax shall be in addition to and exclusive of the maximum of all taxes that the Authority or the district is authorized by law to levy for any and all school purposes. The resolution shall be in force upon its adoption.

(b) The levy shall be for the sole benefit of the holders of the Bonds, and the holders of the Bonds shall have a security interest in and lien upon all rights, claims, and interests of the Authority arising pursuant to the levy and all present and future proceeds of the levy

New matter indicated by italics - deletions by strikeout.
until the principal of and sinking fund installments and interest on the Bonds are paid in full. All proceeds from the levy shall be deposited by each county collector directly in the debt service fund established pursuant to Section 1E-80 of this Code, shall be applied solely for the payment of principal of and sinking fund installments and interest on the Bonds, and shall not be used for any other purpose.

(c) Upon the filing in the office of the county clerk of each county where the school district is located of a duly certified copy of the resolution, it shall be the duty of each county clerk to extend the tax provided for in the resolution, including an amount determined by the Authority to cover loss and cost of collection and also deferred collections and abatements in the amount of the taxes as extended on the collectors' books. The tax shall be separate and apart from all other taxes of the Authority or the district and shall be separately identified by the collectors.

(105 ILCS 5/1E-80 new)

Sec. 1E-80. Debt service fund. The Authority shall establish a debt service fund for the Bonds to be maintained by a paying agent, escrow agent, depository, or corporate trustee, which may be any trust company or bank having the power of a trust company within this State, separate and segregated from all other funds and accounts of the Authority and the district. All moneys on deposit in the debt service fund shall be held in trust in the debt service fund for the benefit of the holders of the Bonds, shall be applied solely for the payment of the principal of and sinking fund installment, redemption premium, if any, and interest on the Bonds, and shall not be used for any other purpose. The holders of the Bonds shall have a security interest in and lien upon all such moneys.

(105 ILCS 5/1E-85 new)

Sec. 1E-85. Debt service reserve fund.

(a) The Authority may create and establish a debt service reserve fund to be maintained by a paying agent, escrow agent, depository, or corporate trustee, which may be any trust company or bank having the power of a trust company within the State, separate and segregated from all other funds and accounts of the Authority. The Authority may pay the following into the debt service reserve fund:

(1) any proceeds from the sale of Bonds to the extent provided in the resolution authorizing the issuance of the Bonds; and

(2) any other moneys that may be available to the Authority for the purpose of the fund.

(b) The amount to be accumulated in the debt service reserve fund shall be determined by the Authority but shall not exceed the maximum amount of interest, principal, and sinking fund installments due in any succeeding calendar year.

(c) All moneys on deposit in the debt service reserve fund shall be held in trust for the benefit of the holders of the Bonds, shall be applied solely for the payment of principal of and sinking fund installments and interest on the Bonds to the extent not paid from the debt service fund, and shall not be used for any other purpose.

(d) Any moneys in the debt service reserve fund in excess of the amount determined by the Authority pursuant to a resolution authorizing the issuance of Bonds may be

New matter indicated by italics - deletions by strikeout.
withdrawn by the Authority and used for any of its lawful purposes.

(e) In computing the amount of the debt service reserve fund, investments shall be valued as the Authority provides in the resolution authorizing the issuance of the Bonds.

(105 ILCS 5/1E-90 new)

Sec. 1E-90. Bond anticipation notes.

(a) After the issuance of Bonds has been authorized, the Authority shall have power to issue from time to time, pursuant to a resolution or resolutions of the Authority, negotiable bond anticipation notes of the Authority in anticipation of the issuance of Bonds.

(b) Bond anticipation notes shall mature not later than 2 years after the date of issuance, may be made redeemable prior to their maturity, and may be sold in such manner, in such denominations, and at such price or prices and shall bear interest at such rate or rates not to exceed the maximum annual rate authorized by law, as a resolution authorizing the issuance of the bond anticipation notes may provide.

(c) The bond anticipation notes may be made payable as to both principal and interest from the proceeds of the Bonds. The Authority may provide for payment of interest on the bond anticipation notes from direct annual taxes upon all the taxable property located within the district that are authorized to be levied annually for that purpose without limit as to rate or amount sufficient to pay the interest as it falls due, in the manner, subject to the security interest and lien, and with the effect provided in Section 1E-75 of this Code.

(d) The Authority is authorized to issue renewal notes in the event it is unable to issue Bonds to pay outstanding bond anticipation notes, on terms the Authority deems reasonable.

(e) A debt service fund shall be established in the manner provided in Section 1E-80 of this Code by the Authority for the bond anticipation notes, and the proceeds of any tax levy made pursuant to this Section shall be deposited in the fund upon receipt.

(105 ILCS 5/1E-95 new)

Sec. 1E-95. Vesting powers in trustee or other authorized agent. The resolution authorizing issuance of the Bonds shall vest in a trustee, paying agent, escrow agent, or depository such rights, powers, and duties in trust as the Authority may determine and may contain such provisions for protecting and enforcing the rights and remedies of the holders of the Bonds and limiting such rights and remedies as may be reasonable and proper and not in violation of law, including covenants setting forth the duties of the Authority in relation to the exercise of its corporate powers and the custody, safeguarding, and application of all moneys. The resolution shall provide for the manner in which moneys in the various funds and accounts of the Authority may be invested and the disposition of the earnings on the investments.

(105 ILCS 5/1E-100 new)

Sec. 1E-100. Discharge of bonds.

(a) If the Authority pays or causes to be paid to the holders of all Bonds then outstanding the principal, redemption price, if any, and interest to become due on the Bonds, at the times and in the manner stipulated therein and in the resolution authorizing the issuance of the Bonds, then the covenants, agreements, and other obligations of the Authority to the Bondholders shall be discharged and satisfied.
(b) Bonds or interest installments for the payment or redemption of which moneys have been set aside and held in trust by the trustee or other authorized agent provided for in Section 1E-95 of this Code, through deposit by the Authority of funds for the payment, redemption, or otherwise, at the maturity or redemption date, are deemed to have been paid within the meaning and with the effect expressed in subsection (a) of this Section. All outstanding Bonds of any series, prior to the maturity or redemption date, are deemed to have been paid within the meaning and with the effect expressed in subsection (a) of this Section if (1) there has been deposited with the trustee or other authorized agent either (A) moneys in an amount that is sufficient or (B) direct obligations of the United States of America the principal of and the interest on which, when due, will provide moneys that, together with the moneys, if any, deposited with the trustee or other authorized agent at the same time, are sufficient to pay, when due, the principal, sinking fund installment, or redemption price, if applicable, of and interest due and to become due on the Bonds on and prior to the redemption date, sinking fund installment date, or maturity date, as the case may be, and (2) the Authority has given the trustee or other authorized agent, in form satisfactory to it, irrevocable instructions to give notice to the effect and in accordance with the procedures provided in the resolution authorizing the issuance of the Bonds. Neither direct obligations of the United States of America, moneys deposited with the trustee or other authorized agent, or principal or interest payments on the securities shall be withdrawn or used for any purpose other than, and shall be held in trust for, the payment of the principal or redemption price, if applicable, and interest on the Bonds.

(105 ILCS 5/1E-105 new)

Sec. 1E-105. Pledge of the State. The State of Illinois pledges to and agrees with the holders of Bonds that the State will not limit or alter the rights and powers vested in the Authority by this Article with respect to the issuance of obligations so as to impair the terms of any contract made by the Authority with these holders or in any way impair the rights and remedies of these holders until the Bonds, together with interest on the Bonds, interest on any unpaid installments of interest, and all costs and expenses in connection with any action or proceedings by or on behalf of these holders, are fully met and discharged or provisions made for their payment. The Authority is authorized to include this pledge and agreement of the State in any resolution or contract with the holders of Bonds.

(105 ILCS 5/1E-110 new)

Sec. 1E-110. Statutory lien. Any pledge, assignment, lien, or security interest for the benefit of the holders of Bonds or bond anticipation notes, if any, created pursuant to this Article are valid and binding from the time the Bonds are issued, without any physical delivery or further act, and are valid and binding as against and prior to any claims of all other parties having claims of any kind in tort, contract, or otherwise against the State, the Authority, the district, or any other person, irrespective of whether the other parties have notice.

(105 ILCS 5/1E-115 new)

Sec. 1E-115. State or district not liable on obligations. Obligations shall not be deemed to constitute (i) a debt or liability of the State, the district, or any political New matter indicated by italics - deletions by strikeout.
subdivision of the State or district other than the Authority or (ii) a pledge of the full faith and credit of the State, the district, or any political subdivision of the State or district other than the Authority but shall be payable solely from the funds and revenues provided for in this Article. The issuance of obligations shall not directly, indirectly, or contingently obligate the State, the district, or any political subdivision of the State or district other than the Authority to levy any form of taxation therefor or to make any appropriation for their payment. Nothing in this Section shall prevent or be construed to prevent the Authority from pledging its full faith and credit to the payment of obligations. Nothing in this Article shall be construed to authorize the Authority to create a debt of the State or the district within the meaning of the Constitution or laws of Illinois, and all obligations issued by the Authority pursuant to the provisions of this Article are payable and shall state that they are payable solely from the funds and revenues pledged for their payment in accordance with the resolution authorizing their issuance or any trust indenture executed as security therefor. The State or the district shall not in any event be liable for the payment of the principal of or interest on any obligations of the Authority or for the performance of any pledge, obligation, or agreement of any kind whatsoever that may be undertaken by the Authority. No breach of any such pledge, obligation, or agreement may impose any liability upon the State or the district or any charge upon their general credit or against their taxing power.

(105 ILCS 5/1E-120 new)

Sec. 1E-120. Obligations as legal investments. The obligations issued under the provisions of this Article are hereby made securities in which all public officers and bodies of this State, all political subdivisions of this State, all persons carrying on an insurance business, all banks, bankers, trust companies, saving banks, and savings associations (including savings and loan associations, building and loan associations, investment companies, and other persons carrying on a banking business), and all credit unions, pension funds, administrators, and guardians who are or may be authorized to invest in bonds or in other obligations of the State may properly and legally invest funds, including capital, in their control or belonging to them. The obligations are also hereby made securities that may be deposited with and may be received by all public officers and bodies of the State, all political subdivisions of the State, and public corporations for any purpose for which the deposit of bonds or other obligations of the State is authorized.

(105 ILCS 5/1E-125 new)

Sec. 1E-125. Complete authority. This Article, without reference to any other law, shall be deemed full and complete authority for the issuance of Bonds and bond anticipation notes as provided in this Article.

(105 ILCS 5/1E-130 new)

Sec. 1E-130. Reports.

(a) The Authority, upon taking office and annually thereafter, shall prepare and submit to the Governor, General Assembly, and State Superintendent a report that includes the audited financial statement for the preceding fiscal year, an approved financial plan, and a statement of the major steps necessary to accomplish the objectives of the financial plan.

(b) Annual reports shall be submitted on or before March 1 of each year.

New matter indicated by italics - deletions by strikeout.
(c) The requirement for reporting to the General Assembly shall be satisfied by filing copies of the report as provided in Section 3.1 of the General Assembly Organization Act and by filing additional copies with the State Government Report Distribution Center for the General Assembly as required under subdivision (t) of Section 7 of the State Library Act.

(105 ILCS 5/1E-135 new)

Sec. 1E-135. Audit of Authority. The Authority shall be subject to audit in the manner provided for the audit of State funds and accounts. A copy of the audit report shall be submitted to the State Superintendent, the Governor, the Speaker and Minority Leader of the House of Representatives, and the President and Minority Leader of the Senate.

(105 ILCS 5/1E-140 new)

Sec. 1E-140. Assistance by State agencies, units of local government, and school districts. The district shall render such services to and permit the use of its facilities and resources by the Authority at no charge as may be requested by the Authority. Any State agency, unit of local government, or school district may, within its lawful powers and duties, render such services to the Authority as may be requested by the Authority. Upon request of the Authority, any State agency, unit of local government, or school district is authorized and empowered to loan to the Authority such officers and employees as the Authority may deem necessary in carrying out its functions and duties. Officers and employees so transferred shall not lose or forfeit their employment status or rights.

(105 ILCS 5/1E-145 new)

Sec. 1E-145. Property of Authority exempt from taxation. The property of the Authority is exempt from taxation.

(105 ILCS 5/1E-150 new)

Sec. 1E-150. Sanctions.

(a) No member, officer, employee, or agent of the district may commit the district to any contract or other obligation or incur any liability on behalf of the district for any purpose if the amount of the contract, obligation, or liability is in excess of the amount authorized for that purpose then available under the financial plan and budget then in effect.

(b) No member, officer, employee, or agent of the district may commit the district to any contract or other obligation on behalf of the district for the payment of money for any purpose required to be approved by the Authority unless the contract or other obligation has been approved by the Authority.

(c) No member, officer, employee, or agent of the district may take any action in violation of any valid order of the Authority, may fail or refuse to take any action required by any such order, may prepare, present, certify, or report any information, including any projections or estimates, for the Authority or any of its agents that is false or misleading, or, upon learning that any such information is false or misleading, may fail promptly to advise the Authority or its agents.

(d) In addition to any penalty or liability under any other law, any member, officer, employee, or agent of the district who violates subsection (a), (b), or (c) of this Section is subject to appropriate administrative discipline as may be imposed by the Authority, including, if warranted, suspension from duty without pay, removal from office, or

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termination of employment.

(105 ILCS 5/1E-155 new)

Sec. 1E-155. Abolition of Authority. The Authority shall be abolished 10 years after its creation or one year after all its obligations issued under the provisions of this Article have been fully paid and discharged, whichever comes later. However, the State Board, upon recommendation of the Authority and if no obligations are outstanding, may abolish the Authority at any time after the Authority has been in existence for 3 years. Upon the abolition of the Authority, all of its records shall be transferred to the State Board and any property of the Authority shall pass to and be vested in the State Board.

(105 ILCS 5/1E-160 new)

Sec. 1E-160. Limitations of actions after abolition; indemnification; legal representation.

(a) Abolition of the Authority pursuant to Section 1E-155 of this Code shall bar any remedy available against the Authority, its members, employees, or agents for any right or claim existing or any liability incurred prior to the abolition unless the action or other proceeding is commenced prior to the expiration of 2 years after the date of the abolition.

(b) The Authority may indemnify any member, officer, employee, or agent who was or is a party or is threatened to be made a party to any threatened, pending, or completed action, suit, or proceeding, whether civil, criminal, administrative, or investigative, by reason of the fact that he or she was a member, officer, employee, or agent of the Authority, against expenses (including attorney's fees, judgments, fines, and amounts paid in settlement actually and reasonably incurred by him or her in connection with the action, suit, or proceeding) if he or she acted in good faith and in a manner that he or she reasonably believed to be in or not opposed to the best interests of the Authority and, with respect to any criminal action or proceeding, had no reasonable cause to believe his or her conduct was unlawful. The termination of any action, suit, or proceeding by judgment, order, settlement, or conviction or upon a plea of nolo contendere or its equivalent, shall not, of itself, create a presumption that the person did not act in good faith in a manner that he or she reasonably believed to be in or not opposed to the best interest of the Authority and, with respect to any criminal action or proceeding, had reasonable cause to believe that his or her conduct was unlawful.

To the extent that a member, officer, employee, or agent of the Authority has been successful, on the merits or otherwise, in the defense of any such action, suit, or proceeding referred to in this subsection (b) or in defense of any claim, issue, or matter therein, he or she shall be indemnified against expenses, including attorney's fees, actually and reasonably incurred by him or her in connection therewith. Any such indemnification shall be made by the Authority only as authorized in the specific case, upon a determination that indemnification of the member, officer, employee, or agent is proper in the circumstances because he or she has met the applicable standard of conduct. The determination shall be made (i) by the Authority by a majority vote of a quorum consisting of members who are not parties to the action, suit, or proceeding or (ii) if such a quorum is not obtainable or, even if obtainable, a quorum of disinterested members so directs, by independent legal counsel

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in a written opinion.

Reasonable expenses incurred in defending an action, suit, or proceeding shall be paid by the Authority in advance of the final disposition of the action, suit, or proceeding, as authorized by the Authority in the specific case, upon receipt of an undertaking by or on behalf of the member, officer, employee, or agent to repay the amount, unless it is ultimately determined that he or she is entitled to be indemnified by the Authority as authorized in this Section.

Any member, officer, employee, or agent against whom any action, suit, or proceeding is brought may employ his or her own attorney to appear on his or her behalf.

The right to indemnification accorded by this Section shall not limit any other right to indemnification to which the member, officer, employee, or agent may be entitled. Any rights under this Section shall inure to the benefit of the heirs, executors, and administrators of any member, officer, employee, or agent of the Authority.

The Authority may purchase and maintain insurance on behalf of any person who is or was a member, officer, employee, or agent of the Authority against any liability asserted against him or her and incurred by him or her in any such capacity or arising out of his or her status as such, whether or not the Authority would have the power to indemnify him or her against the liability under the provisions of this Section.

The Authority shall be considered a State agency for purposes of receiving representation by the Attorney General. Members, officers, employees, and agents of the Authority shall be entitled to representation and indemnification under the State Employee Indemnification Act.

(105 ILCS 5/34-53.5 new)

Sec. 34-53.5. Capital improvement tax levy; purpose; maximum amount.

(a) For the purpose of providing a reliable source of revenue for capital improvement purposes, including without limitation (i) the construction and equipping of a new school building or buildings or an addition or additions to an existing school building or buildings, (ii) the purchase of school grounds on which any new school building or an addition to an existing school building is to be constructed or located, (iii) both items (i) and (ii) of this subsection (a), or (iv) the rehabilitation, renovation, and equipping of an existing school building or buildings, the board may levy, upon all taxable property of the school district, in calendar year 2003, a capital improvement tax to produce, when extended, an amount not to exceed the product attained by multiplying (1) the percentage increase, if any, in the Consumer Price Index for All Urban Consumers for all items published by the United States Department of Labor for the 12 months ending 2 months prior to the month in which the levy is adopted by (2) $142,500,000. For example, if the percentage increase in the Consumer Price Index is 2.5%, then the computation would be $142,500,000 x 0.025 = $3,562,500.

(b) In each calendar year from 2004 through 2030, the board may levy a capital improvement tax to produce, when extended, an amount not to exceed the sum of (1) the maximum amount that could have been levied by the board in the preceding calendar year pursuant to this Section and (2) the product obtained by multiplying (A) the sum of (i) the maximum amount that could have been levied by the board in the preceding calendar year

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pursuant to this Section and (ii) $142,500,000 by (B) the percentage increase, if any, in the Consumer Price Index for All Urban Consumers for all items published by the United States Department of Labor for the 12 months ending 2 months prior to the month in which the levy is adopted.

(c) In calendar year 2031, the board may levy a capital improvement tax to produce, when extended, an amount not to exceed the sum of (1) the maximum amount that could have been levied by the board in calendar year 2030 pursuant to this Section, (2) $142,500,000, and (3) the product obtained by multiplying (A) the sum of (i) the maximum amount that could have been levied by the board in calendar year 2030 pursuant to this Section and (ii) $142,500,000 by (B) the percentage increase, if any, in the Consumer Price Index for All Urban Consumers for all items published by the United States Department of Labor for the 12 months ending 2 months prior to the month in which the levy is adopted.

(d) In calendar year 2032 and each calendar year thereafter, the board may levy a capital improvement tax to produce, when extended, an amount not to exceed the sum of (1) the maximum amount that could have been levied by the board in the preceding calendar year pursuant to this Section and (2) the product obtained by multiplying (A) the maximum amount that could have been levied by the board in the preceding calendar year pursuant to this Section by (B) the percentage increase, if any, in the Consumer Price Index for All Urban Consumers for all items published by the United States Department of Labor for the 12 months ending 2 months prior to the month in which the levy is adopted.

(e) An initial tax levy made by the board under this Section must have the approval of the Chicago City Council, by resolution, before the levy may be extended. The board shall communicate its adoption of the initial tax levy by delivering a certified copy of the levy resolution to the Clerk of the City of Chicago. The Chicago City Council shall have 60 days after receipt, by the Clerk of the City of Chicago, of the certified resolution to approve or disapprove the levy. The failure of the Chicago City Council to take action to approve or disapprove the initial tax levy within the 60-day period shall be deemed disapproval of the initial tax levy. Upon the adoption of each subsequent levy by the board under this Section, the board must notify the Chicago City Council that the board has adopted the levy.

(f) The board may issue bonds, in accordance with the Local Government Debt Reform Act, including Section 15 of that Act, against any revenues to be collected from the capital improvement tax in any year or years and may pledge, pursuant to Section 13 of the Local Government Debt Reform Act, those revenues as security for the payment of any such bonds.

Section 15. The Illinois Educational Labor Relations Act is amended by changing Section 2 as follows:

(115 ILCS 5/2) (from Ch. 48, par. 1702)
Sec. 2. Definitions. As used in this Act:

(a) "Educational employer" or "employer" means the governing body of a public school district, combination of public school districts, including the governing body of joint agreements of any type formed by 2 or more school districts, public community college district or State college or university, and any State agency whose major function is
providing educational services. "Educational employer" or "employer" does not include a Financial Oversight Panel created pursuant to Section 1A-8 of the School Code due to a district violating a financial plan but does include a School Finance Authority created under Article 1E of the School Code.

(b) "Educational employee" or "employee" means any individual, excluding supervisors, managerial, confidential, short term employees, student, and part-time academic employees of community colleges employed full or part time by an educational employer, but shall not include elected officials and appointees of the Governor with the advice and consent of the Senate, firefighters as defined by subsection (g-1) of Section 3 of the Illinois Public Labor Relations Act, and peace officers employed by a State university. For the purposes of this Act, part-time academic employees of community colleges shall be defined as those employees who provide less than 6 credit hours of instruction per academic semester.

(c) "Employee organization" or "labor organization" means an organization of any kind in which membership includes educational employees, and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, employee-employer disputes, wages, rates of pay, hours of employment, or conditions of work, but shall not include any organization which practices discrimination in membership because of race, color, creed, age, gender, national origin or political affiliation.

(d) "Exclusive representative" means the labor organization which has been designated by the Illinois Educational Labor Relations Board as the representative of the majority of educational employees in an appropriate unit, or recognized by an educational employer prior to January 1, 1984 as the exclusive representative of the employees in an appropriate unit or, after January 1, 1984, recognized by an employer upon evidence that the employee organization has been designated as the exclusive representative by a majority of the employees in an appropriate unit.

(e) "Board" means the Illinois Educational Labor Relations Board.

(f) "Regional Superintendent" means the regional superintendent of schools provided for in Articles 3 and 3A of The School Code.

(g) "Supervisor" means any individual having authority in the interests of the employer to hire, transfer, suspend, lay off, recall, promote, discharge, reward or discipline other employees within the appropriate bargaining unit and adjust their grievances, or to effectively recommend such action if the exercise of such authority is not of a merely routine or clerical nature but requires the use of independent judgment. The term "supervisor" includes only those individuals who devote a preponderance of their employment time to such exercising authority.

(h) "Unfair labor practice" or "unfair practice" means any practice prohibited by Section 14 of this Act.

(i) "Person" includes an individual, educational employee, educational employer, legal representative, or employee organization.

(j) "Wages" means salaries or other forms of compensation for services rendered.

(k) "Professional employee" means, in the case of a public community college, State
college or university, State agency whose major function is providing educational services, the Illinois School for the Deaf, and the Illinois School for the Visually Impaired, (1) any employee engaged in work (i) predominantly intellectual and varied in character as opposed to routine mental, manual, mechanical, or physical work; (ii) involving the consistent exercise of discretion and judgment in its performance; (iii) of such character that the output produced or the result accomplished cannot be standardized in relation to a given period of time; and (iv) requiring knowledge of an advanced type in a field of science or learning customarily acquired by a prolonged course of specialized intellectual instruction and study in an institution of higher learning or a hospital, as distinguished from a general academic education or from an apprenticeship or from training in the performance of routine mental, manual, or physical processes; or (2) any employee, who (i) has completed the courses of specialized intellectual instruction and study described in clause (iv) of paragraph (1) of this subsection, and (ii) is performing related work under the supervision of a professional person to qualify himself or herself to become a professional as defined in paragraph (l).

(1) "Professional employee" means, in the case of any public school district, or combination of school districts pursuant to joint agreement, any employee who has a certificate issued under Article 21 or Section 34-83 of the School Code, as now or hereafter amended.

(m) "Unit" or "bargaining unit" means any group of employees for which an exclusive representative is selected.

(n) "Confidential employee" means an employee, who (i) in the regular course of his or her duties, assists and acts in a confidential capacity to persons who formulate, determine and effectuate management policies with regard to labor relations or who (ii) in the regular course of his or her duties has access to information relating to the effectuation or review of the employer's collective bargaining policies.

(o) "Managerial employee" means an individual who is engaged predominantly in executive and management functions and is charged with the responsibility of directing the effectuation of such management policies and practices.

(p) "Craft employee" means a skilled journeyman, craft person, and his or her apprentice or helper.

(q) "Short-term employee" is an employee who is employed for less than 2 consecutive calendar quarters during a calendar year and who does not have a reasonable assurance that he or she will be rehired by the same employer for the same service in a subsequent calendar year. Nothing in this subsection shall affect the employee status of individuals who were covered by a collective bargaining agreement on the effective date of this amendatory Act of 1991.

(Source: P.A. 89-409, eff. 11-15-95; 89-572, eff. 7-30-96.)


New matter indicated by italics - deletions by strikeout.
AN ACT in relation to forest preserve districts.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Forest Preserve Zoological Parks Act is amended by changing Sections 1 and 2 as follows:

(70 ILCS 835/1) (from Ch. 96 1/2, par. 6801)

Sec. 1. The corporate authorities of forest preserve districts, containing a population of 140,000 or more located in counties of less than 3,000,000 inhabitants, having the control or supervision of any forest preserves, may erect and maintain within such forest preserves, under the control or supervision of such corporate authorities, edifices to be used for the collection and display of animals as customary in zoological parks, and may collect and display such animals, or permit the directors or trustees of any zoological society devoted to the purposes aforesaid to erect and maintain a zoological park and to collect and display zoological collections within any forest preserve now or hereafter under the control or supervision of such forest preserve district, out of funds belonging to such zoological society, or to contract with the directors or trustees of any zoological society on such terms and conditions as may to such corporate authorities seem best, relative to the erection, operation and maintenance of a zoological park and the collection and display of such animals within such forest preserve, out of the tax hereinafter in this Act provided.

This Act applies to any forest preserve district that maintains a zoological park that was established under this Act prior to 1964, regardless of whether the population requirements continue to be met.

Such a forest preserve district, or the directors or trustees of such zoological society when so authorized by the forest preserve district, may (a) police the property of the zoological park, (b) employ, establish, maintain and equip a security force for fire and police protection of the zoological park and (c) provide that the personnel of the security force shall perform other tasks relating to the maintenance and operation of the zoological park. Members of the security force shall be conservators of the peace with all the powers of policemen in cities and of sheriffs, other than to serve or execute civil processes, but such powers may be exercised only within the area comprising the zoological park when required to protect the zoological park's property and interests, its personnel and persons using the facilities or at the specific request of appropriate federal, State or local law enforcement officials.

Such forest preserve district may charge, or permit such zoological society to charge an admission fee. The proceeds of such admission fee shall be devoted exclusively to the operation and maintenance of such zoological park and the collections therein. All such zoological parks shall be open to the public without charge for at least one day each week and to the children in actual attendance upon any of the schools in the State at all times, except that charges may be made at any time for special services and for admission to special

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facilities within any zoological park for the education, entertainment or convenience of visitors.
(Source: P.A. 91-817, eff. 6-13-00.)
(70 ILCS 835/2) (from Ch. 96 1/2, par. 6802)
Sec. 2. For the purpose of constructing and maintaining and caring for any such zoological park and the buildings and grounds thereof and of securing and displaying zoological collections thereon the corporate authorities of any forest preserve district containing a population of 150,000 or more but less than 3,000,000 are authorized to levy annually a tax of not to exceed .0058% of value as equalized or assessed by the Department of Revenue, upon all the taxable property in the district; provided however, in a forest preserve district located in a county with a population in excess of 140,000 but less than 200,000 and contiguous to the Mississippi River, the annual tax may be at a rate not to exceed .01%. This tax shall be levied and collected in the same manner as the general taxes of the forest preserve district and shall be in addition to the maximum of all other taxes and tax rates which the district is now or may hereafter be authorized to levy upon the aggregate valuation of all taxable property within the district and shall be exclusive of and in addition to the maximum amount and rate of taxes the district is now or may hereafter be authorized to levy for general purposes under Section 13 of "An Act to provide for the creation and management of forest preserve districts and repealing certain Acts therein named", approved June 27, 1913, as amended, or under any other law which may limit the amount of tax which the district may levy for general purposes. The proceeds of the tax herein authorized shall be kept as a separate fund.
(Source: P.A. 85-1352.)
Section 99. Effective date. This Act takes effect upon becoming law.
Passed in the General Assembly April 18, 2002.
Approved June 24, 2002.
Effective June 24, 2002.

PUBLIC ACT 92-0549
(House Bill No. 3734)

AN ACT concerning public funds.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Public Funds Accounting Act is amended by changing Section 4 as follows:
(30 ILCS 20/4) (from Ch. 102, par. 23)
Sec. 4. No funds, monies, or other things of value, in the hands of the treasurer of any public or municipal corporation, shall be paid out, disbursed or delivered, except upon warrant, draft, electronic funds transfer, or order signed and countersigned by the officers of the public or municipal corporation authorized to sign and countersign the same. Such funds may be disbursed by the treasurer, by check issued or signed by him or his authorized
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deputy. If required by statute, ordinance or resolution such check shall be countersigned by an officer or agent of the public or municipal corporation on whose behalf such disbursement is made. This provision shall apply to all treasurers, including county treasurers and ex-officio county collectors of taxes and special assessments, and to all payments, disbursements or deliveries, whether under the order of a court or otherwise.
(Source: Laws 1937, p. 937.)

Section 99. Effective date. This Act takes effect upon becoming law.
Passed in the General Assembly April 18, 2002.
Approved June 24, 2002.
Effective June 24, 2002.

PUBLIC ACT 92-0550
(House Bill No. 3768)

AN ACT concerning the environment.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The MTBE Elimination Act is amended by changing Sections 10 and 15 as follows:
(415 ILCS 122/10)
Sec. 10. Definitions. As used in this Act:
"MTBE" means methyl tertiary butyl ether.
"Agency" means the Illinois Environmental Protection Agency.
"Trace amount" means an amount not exceeding 0.5% by volume of the motor fuel.
(Source: P.A. 92-132, eff. 7-24-01.)
(415 ILCS 122/15)
Sec. 15. MTBE Prohibitions. Beginning 3 years after the effective date of this Act, no person shall use, sell, offer for sale, distribute, blend, or manufacture MTBE as a fuel additive in Illinois. It is not a violation of this Act for a person to sell, offer for sale, distribute, or blend a motor fuel in Illinois containing a trace amount of MTBE.
(Source: P.A. 92-132, eff. 7-24-01.)
Section 99. Effective date. This Act takes effect upon becoming law.
Passed in the General Assembly April 25, 2002.
Approved June 24, 2002.
Effective June 24, 2002.

PUBLIC ACT 92-0551
(House Bill No. 3773)

AN ACT concerning public graveyards.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

New matter indicated by italics - deletions by strikeout.
Section 5. The Public Graveyards Act is amended by changing Section 2c as follows:

(50 ILCS 610/2c) (from Ch. 21, par. 14c)

Sec. 2c. Use of township funds.

(a) The board of trustees of any township may appropriate funds from the township treasury to be used for the purpose of putting any old, neglected graves and cemeteries controlled, managed, and owned by the township in a cleaner and more respectable condition. The amount so appropriated shall not exceed, in any one year, the sum of $300, unless a larger sum is authorized by the township electors at an annual or special town meeting:

(b) The board of trustees of any township may appropriate funds from the township treasury to be used for the maintenance of a cemetery owned by the State or another unit of local government. The board of trustees of any township may appropriate funds from the township treasury to be used for the maintenance of non-profit cemeteries, but not for religious or sectarian purposes.

(Source: P.A. 87-747; 87-1208.)

Section 97. Severability. The provisions of this Act are severable under Section 1.31 of the Statute on Statutes.

Passed in the General Assembly April 18, 2002.

Approved June 24, 2002.


PUBLIC ACT 92-0552

(Conference Bill No. 4170)

AN ACT in relation to mental health.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Community Mental Health Act is amended by changing Section 3e as follows:

(405 ILCS 20/3e) (from Ch. 91 1/2, par. 303e)

Sec. 3e. Board's powers and duties.

(1) Every community mental health board shall, immediately after appointment, meet and organize, by the election of one of its number as president and one as secretary and such other officers as it may deem necessary. It shall make rules and regulations concerning the rendition or operation of services and facilities which it directs, supervises or funds, not inconsistent with the provisions of this Act or with the rules and regulations of the Department of Human Services. It shall:

(a) Hold a meeting prior to July 1 of each year at which officers shall be elected for the ensuing year beginning July 1;

(b) Hold meetings at least quarterly;

(c) Hold special meetings upon a written request signed by at least 2 members and filed with the secretary;

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(d) Review and evaluate community mental health services and facilities, including services and facilities for the treatment of alcoholism, drug addiction, developmental disabilities and mental retardation;

(e) Submit to the appointing officer, the members of the governing body, the Department of Human Services, and the Health Systems Agency a written plan for a program of community mental health services and facilities including programs for persons adjudicated delinquent minors under the Juvenile Court Act or the Juvenile Court Act of 1987 who are found to be persons with mental illness, for persons with a developmental disability and for the substance abuser. Such plan shall be for the ensuing 12 month period. In addition, a plan shall be developed for the ensuing 3 year period and such plan shall be reviewed at the end of every 12 month period and shall be modified as deemed advisable. The basic components of such plans shall be consistent with the regulations of the Department of Human Services.

(f) Within amounts appropriated therefor, execute such programs and maintain such services and facilities as may be authorized under such appropriations, including amounts appropriated under bond issues, if any;

(g) The board shall cause the publication of its annual budget and report within 60 days after the end of the fiscal year in a newspaper published within the jurisdiction of the board, or, if no newspaper is published within the jurisdiction of the board, then one published in the county, or, if no newspaper is published in the county, then in a newspaper having general circulation within the jurisdiction of the board. The report shall show the condition of its trust of that year, the sums of money received from all sources, giving the name of any donor, how all monies have been expended and for what purpose, and such other statistics and program information in regard to the work of the board as it may deem of general interest. A copy of the budget and the annual report shall also be sent to the Department of Human Services and to the regional Health Systems Agency and to members of the General Assembly whose districts include any part of the jurisdiction of such board. The names of all employees, consultants, and other personnel shall be set forth along with the amounts of money received;

(h) Consult with other appropriate local private and public agencies and the Department of Human Services in the development of local plans for the most efficient delivery of mental health, alcoholism and substance abuse services. The Board is authorized to join and to participate in the activities of associations organized for the purpose of promoting more efficient and effective services and programs;

(i) Review and comment on all applications for grants by any person, corporation, or governmental unit providing services within the geographical area of the board which provides mental health facilities and services, when such facilities and services are included in the board’s one-year and 3-year plans, including services for the person with a developmental disability and the substance abuser. Grant applicants shall send a copy of their grant application to the board at the time such

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application is submitted to the Department of Human Services or to any other local, State or federal funding source or governmental agency. Within 60 days of the receipt of any application, the board shall submit its review and comments to the Department of Human Services or to any other appropriate local, State or federal funding source or governmental agency. A copy of the review and comments shall be submitted both to the grant applicant and to the regional Health Systems Agency. Within 60 days thereafter, the Department of Human Services or any other appropriate local or State governmental agency shall issue a written response to the board, to the grant applicant and to the federal Health Systems Agency. The Department of Human Services shall supply any community mental health board such information about purchase-of-care funds, State facility utilization, and costs in its geographical area as the board may request provided that the information requested is for the purpose of the Community Mental Health Board complying with the requirements of Section 3e, subsection (e) of this Act;

(j) Perform such other acts as may be necessary or proper to carry out the purposes of this Act, if not inconsistent with the regulations of the Department of Human Services.

(2) The community mental health board has the following powers may:

(a) The board may enter into multiple-year contracts for rendition or operation of services, facilities and educational programs;

(b) The board may arrange for the rendition of services and operation of facilities by other agencies of the governmental unit or county in which the governmental unit is located with the approval of the governing body;

(c) The board may employ such personnel, including legal counsel, as may be necessary to carry out the purposes of this Act and prescribe the duties of and establish salaries and provide other compensation for such personnel. The board may enter into multiple-year employment contracts as may be necessary for the recruitment and retention of personnel and the proper functioning of the board;

(d) The board may enter into multiple-year joint agreements, which shall be written, with other contiguous mental health boards and boards of health to provide jointly agreed upon community mental health facilities and services and to pool such funds as may be deemed necessary and available for this purpose.

(e) The board may organize a not-for-profit corporation for the purpose of providing direct recipient services. Such corporations shall have, in addition to all other lawful powers, the power to contract with persons to furnish services for recipients of the corporation’s facilities, including psychiatrists and other physicians licensed in this State to practice medicine in all of its branches. Such physicians shall be considered independent contractors, and liability for any malpractice shall not extend to such corporation, nor to the community mental health board, except for gross negligence in entering into such a contract.

(f) The board shall not operate any direct recipient services for more than a 2-year period when such services are being provided in the governmental unit, but

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shall encourage, by financial support, the development of private agencies to deliver
such needed services, pursuant to regulations of the board.

(g) Where there are multiple boards within the same planning area, as
established by the Department of Human Services, services may be purchased
through a single delivery system. In such areas, a coordinating body with
representation from each board shall be established to carry out the service functions
of this Act. In the event any such coordinating body purchases or improves real
property, such body shall first obtain the approval of the governing bodies of the
governmental units in which the coordinating body is located.

(h) The board may enter into multiple-year joint agreements with other
governmental units located within the geographical area of the board. Such
agreements shall be written and shall provide for the rendition of services by the
board to the residents of such governmental units. For this purpose, the board is
authorized to accept local tax funds and funds made available to units of government
through the Federal, State and Local Fiscal Assistance Act of 1972:

(i) The board may enter into multiple-year joint agreements with the
Department of Human Services whereby the board will provide certain services, the
costs of which shall be negotiated between the Department and the board. This
provision shall not be construed to limit the authority of the board to contract with
other federal, State and local agencies. All such joint agreements must provide for the
exchange of relevant data. However, nothing in this Act shall be construed to permit
the abridgement of the confidentiality of patient records.

(j) The board may receive gifts from private sources for purposes not
inconsistent with the provisions of this Act.

(k) The board may receive Federal, State and local funds for purposes not
inconsistent with the provisions of this Act.

(l) The board may establish scholarship programs. Such programs shall
require equivalent service or reimbursement pursuant to regulations of the board.

(m) The board may sell, rent, or lease real property for purposes consistent
with this Act.

(n) The board may: (i) own real property, lease real property as lessee, or
acquire real property by purchase, construction, lease-purchase agreement, or
otherwise; (ii) take title to the property in the board’s name; (iii) borrow money and
issue debt instruments, mortgages, purchase-money mortgages, and other security
instruments with respect to the property; and (iv) maintain, repair, remodel, or
improve the property. All of these activities must be for purposes consistent with this
Act as may be reasonably necessary for the housing and proper functioning of the
board. The board may use moneys in the Community Mental Health Fund for these
purposes. Within amounts appropriated by the governing body for such purpose, own
or purchase real property for purposes consistent with this Act and borrow money not
to exceed the real value of the property.

(o) The board may organize a not-for-profit corporation (i) for the purpose

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of raising money to be distributed by the board for providing community mental health services and facilities for the treatment of alcoholism, drug addiction, developmental disabilities, and mental retardation or (ii) for other purposes not inconsistent with this Act.

(Source: P.A. 88-380; 89-507, eff. 7-1-97.)

Section 99. Effective date. This Act takes effect upon becoming law.
Passed in the General Assembly April 18, 2002.
Approved June 24, 2002.
Effective June 24, 2002.

PUBLIC ACT 92-0553
(House Bill No. 4257)

AN ACT concerning aquariums and museums.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Park District Aquarium and Museum Act is amended by changing Section 1 as follows:

(70 ILCS 1290/1) (from Ch. 105, par. 326)

Sec. 1. The corporate authorities of cities and park districts having the control or supervision of any public park or parks, are hereby authorized to purchase, erect and maintain within any public park or parks under the control or supervision of such corporate authorities, edifices to be used as aquariums or as museums of art, industry, science or natural or other history, or to permit the directors or trustees of any corporation or society organized for the construction or maintenance and operation of an aquarium or museum as hereinabove described to erect, enlarge, ornament, build, rebuild, rehabilitate, improve, maintain and operate its aquarium or museum or museums within any public park now or hereafter under the control or supervision of any city or park district, and to contract with any such directors or trustees of any such aquarium, museum or museums relative to the erection, enlargement, ornamentation, building, rebuilding, rehabilitation, improvement, maintenance and operation thereof. Any city or park district may charge, or permit such an aquarium or museum to charge, an admission fee. Provided, that Any such aquarium or museum, however, shall be open to the public without charge for at least one day each week, and, when accompanied by a teacher, to the children in actual attendance upon grades kindergarten through twelve in any of the schools in this State at all times. During a 2-year period beginning on the effective date of this amendatory Act of the 91st General Assembly, Any such aquarium or museum, however, must be open to the public without charge for a period equivalent to 52 days, at least 6 of which must be during the period from June through August, each year, instead of at least one day each week. Notwithstanding said provisions, charges may be made at any time for special services and for admission to special facilities within any aquarium or museum for the education, entertainment or convenience of visitors.

The proceeds of such admission fees and charges for special services and special facilities

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shall be devoted exclusively to the purposes for which the tax authorized by Section 2 hereof may be used. If any owner or owners of any lands or lots abutting or fronting on any such public park, or adjacent thereto, have any private right, easement, interest or property in such public park appurtenant to their lands or lots or otherwise, which would be interfered with by the erection and maintenance of any aquarium or museum as hereinbefore provided, or any right to have such public park remain open or vacant and free from buildings, the corporate authorities of the city or park district having control of such park, may condemn the same in the manner prescribed for the exercise of the right of eminent domain under Article VII of the Code of Civil Procedure, as now or hereafter amended.

(Source: P.A. 91-918, eff. 7-7-00.)

Passed in the General Assembly April 18, 2002.
Approved June 24, 2002.

PUBLIC ACT 92-0554
(House Bill No. 4471)

AN ACT concerning environmental protection.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Environmental Protection Act is amended by changing Sections 57.1, 57.2, 57.5, 57.6, 57.7, 57.8, 57.10, and 57.13 and adding Section 57.14A as follows:

(415 ILCS 5/57.1)
Sec. 57.1. Applicability.
   (a) An owner or operator of an underground storage tank who meets the definition of this Title shall be required to conduct tank removal, abandonment and, repair, site investigation, and physical soil classification, groundwater investigation, site classification or corrective action in accordance with the requirements of the Leaking Underground Storage Tank Program.
   (b) An owner or operator of a heating oil tank as defined by this Title may elect to perform tank removal, abandonment or, repair, site investigation, or corrective action, unless the provisions of subsection (g) of Section 57.5 are applicable.
   (c) All owners or operators who conduct tank removal, repair or, abandonment, site investigation, physical soil classification, groundwater investigation, site classification or corrective action may be eligible for the relief provided for under Section 57.10 of this Title.
   (d) The owners or operators, or both, of underground storage tanks containing regulated substances other than petroleum shall undertake corrective action in conformance with regulations promulgated by the Illinois Pollution Control Board.

(Source: P.A. 88-496; 89-428, eff. 1-1-96; 89-457, eff. 5-22-96.)

(415 ILCS 5/57.2)
Sec. 57.2. Definitions. As used in this Title:
"Audit" means a systematic inspection or examination of plans, reports, records, or
documents to determine the completeness and accuracy of the data and conclusions contained therein.

"Bodily injury" means bodily injury, sickness, or disease sustained by a person, including death at any time, resulting from a release of petroleum from an underground storage tank.

"Release" means any spilling, leaking, emitting, discharging, escaping, leaching or disposing of petroleum from an underground storage tank into groundwater, surface water or subsurface soils.

"Fill material" means non-native or disturbed materials used to bed and backfill around an underground storage tank.

"Fund" means the Underground Storage Tank Fund.

"Heating Oil" means petroleum that is No. 1, No. 2, No. 4 - light, No. 4 - heavy, No. 5 - light, No. 5 - heavy or No. 6 technical grades of fuel oil; and other residual fuel oils including Navy Special Fuel Oil and Bunker C.

"Indemnification" means indemnification of an owner or operator for the amount of any judgment entered against the owner or operator in a court of law, for the amount of any final order or determination made against the owner or operator by an agency of State government or any subdivision thereof, or for the amount of any settlement entered into by the owner or operator, if the judgment, order, determination, or settlement arises out of bodily injury or property damage suffered as a result of a release of petroleum from an underground storage tank owned or operated by the owner or operator.

"Corrective action" means activities associated with compliance with the provisions of Sections 57.6 and 57.7 of this Title.

"Occurrence" means an accident, including continuous or repeated exposure to conditions, that results in a sudden or nonsudden release from an underground storage tank.

When used in connection with, or when otherwise relating to, underground storage tanks, the terms "facility", "owner", "operator", "underground storage tank", "(UST)", "petroleum" and "regulated substance" shall have the meanings ascribed to them in Subtitle I of the Hazardous and Solid Waste Amendments of 1984 (P.L. 98-616), of the Resource Conservation and Recovery Act of 1976 (P.L. 94-580); provided however that the term "underground storage tank" shall also mean an underground storage tank used exclusively to store heating oil for consumptive use on the premises where stored and which serves other than a farm or residential unit.

"Licensed Professional Engineer" means a person, corporation, or partnership licensed under the laws of the State of Illinois to practice professional engineering.

"Site" means any single location, place, tract of land or parcel of property including contiguous property not separated by a public right-of-way.

"Site investigation" means activities associated with compliance with the provisions of subsection (a) of Section 57.7.

classification may include review of soil borings, well logs, physical soil analyses, regional geologic maps, or other scientific publications.

"Property damage" means physical injury to, destruction of, or contamination of tangible property, including all resulting loss of use of that property; or loss of use of tangible property that is not physically injured, destroyed, or contaminated, but has been evacuated, withdrawn from use, or rendered inaccessible because of a release of petroleum from an underground storage tank.


"Class III Groundwater" means groundwater that meets the Class III: Special Resource Groundwater criteria set forth in the Board regulations adopted pursuant to the Illinois Groundwater Protection Act.

(Source: P.A. 88-496; 89-428, eff. 1-1-96; 89-457, eff. 5-22-96.)

(415 ILCS 5/57.5)  
Sec. 57.5. Underground Storage Tanks; removal; repair; abandonment.  
(a) Notwithstanding the eligibility or the level of deductibility of an owner or operator under the Underground Storage Tank Fund, any owner or operator of an Underground Storage Tank may seek to remove or abandon such tank under the provisions of this Title. In order to be reimbursed under Section 57.8, the owner or operator must comply with the provisions of this Title. In no event will an owner or operator be reimbursed for any costs which exceed the minimum requirements necessary to comply with this Title.  
(b) Removal or abandonment of an Underground Storage Tank must be carried out in accordance with regulations adopted by the Office of State Fire Marshal.  
(c) The Office of the State Fire Marshal or a designated agent shall have an inspector on site at the time of removal, abandonment, or such other times the Office of State Fire Marshal deems appropriate. At such time, the inspector shall, upon preliminary excavation of the tank site, render an opinion as to whether a release of petroleum has occurred and, if so, the owner or operator shall report the known or suspected release to the Illinois Emergency Management Agency. The owner or operator shall determine whether or not a release has occurred in conformance with the regulations adopted by the Board and the Office of the State Fire Marshal. Except that if the opinion of the Office of the State Fire Marshal inspector is that a release of petroleum has occurred and the owner or operator has reported the release to the Illinois Emergency Management Agency within 24 hours of removal of the tank, no such determination is required under this subsection. In the event the owner or operator confirms the presence of a release of petroleum, the owner or operator shall comply with Section 57.6. The inspector shall provide the owner or operator, or a designated agent, with an "Eligibility and Deductibility Determination" form. The Office of the State Fire Marshal shall provide on-site assistance to the owner or operator or a designated agent with regard to the eligibility and deductibility procedures as provided in Section 57.9. If the Office of the State Fire Marshal is not on site, the Office of the State Fire Marshal shall provide the owner or operator with an "Eligibility and Deductibility
Determination” form within 15 days after receiving notice that the confirmed release was reported by the owner or operator.

(d) In the event that a release of petroleum is confirmed under subsection (c) of this Section, the owner or operator may elect to backfill the preliminary excavation and proceed under Section 57.6.

(e) In the event that an Underground Storage Tank is found to be ineligible for payment from the Underground Storage Tank Fund, the owner or operator shall proceed under Sections 57.6 and 57.7.

(f) In the event that no release of petroleum is confirmed, the owner or operator shall proceed to complete the removal of the underground storage tank, and when appropriate, dispose of the tank and backfill the excavation or, in the alternate, abandon the underground storage tank in place. Either option shall be in accordance with regulations adopted by the Office of the State Fire Marshal. The owner or operator shall certify to the Office of the State Fire Marshal that the tank removal or abandonment was conducted in accordance with all applicable rules and regulations, and the Office of the State Fire Marshal shall then issue a certificate of removal or abandonment to the owner or operator. If the Office of the State Fire Marshal fails to issue a certificate of removal or abandonment within 30 days of receipt of the certification, the certification shall be considered rejected by operation of law and a final action appealable to the Board. Nothing in this Title shall prohibit the Office of the State Fire Marshal from making an independent inspection of the site and challenging the veracity of the owner or operator certification.

(g) The owner or operator of an underground storage tank taken out of operation before January 2, 1974, or an underground storage tank used exclusively to store heating oil for consumptive use on the premises where stored and which serves other than a farm or residential unit shall not be required to remove or abandon in place such underground storage tank except in the case in which the Office of the State Fire Marshal has determined that a release from the underground storage tank poses a current or potential threat to human health and the environment. In that case, and upon receipt of an order from the Office of the State Fire Marshal, the owner or operator of such underground storage tank shall conduct removal and, if necessary, site investigation and corrective action in accordance with this Title and regulations promulgated by the Office of State Fire Marshal and the Board.

(h) In the event that a release of petroleum occurred between September 13, 1993, and August 1, 1994, for which the Office of the State Fire Marshal issued a certificate of removal or abandonment based on its determination of "no release" or "minor release," and the Office of the State Fire Marshal subsequently has rescinded that determination and required a report of a confirmed release to the Illinois Emergency Management Agency, the owner or operator may be eligible for reimbursement for the costs of site investigation and corrective action incurred on or after the date of the release but prior to the notification of the Illinois Emergency Management Agency. The date of the release shall be the date of the initial inspection by the Office of the State Fire Marshal as recorded in its inspection log. Eligibility and deductibility shall be determined in accordance with this Title, the owner or operator must comply with the provisions of this Act and its rules, and in no case shall the
owner or operator be reimbursed for costs exceeding the minimum requirements of this Act and its rules.

(Source: P.A. 88-496; 89-428, eff. 1-1-96; 89-457, eff. 5-22-96.)

(415 ILCS 5/57.6)
Sec. 57.6. Underground storage tanks; early action.

(a) Owners and operators of underground storage tanks shall, in response to all confirmed releases, comply with all applicable statutory and regulatory reporting and response requirements.

(b) Notwithstanding any other corrective action taken, an owner or operator may, at a minimum, and prior to submission of any plans to the Agency, remove the tank system or abandon the underground storage tank in place, in accordance with the regulations promulgated by the Office of the State Fire Marshal. The owner or operator may also remove visibly contaminated fill material and any groundwater in the excavation which exhibits a sheen. For purposes of payment for early action costs, however, fill material shall not be removed in an amount in excess of 4 feet from the outside dimensions of the tank.

(Source: P.A. 88-496; 89-428, eff. 1-1-96; 89-457, eff. 5-22-96.)

(415 ILCS 5/57.7)
Sec. 57.7. Leaking underground storage tanks; site investigation physical soil classification, groundwater investigation, site classification, and corrective action.

(a) Site investigation.

(1) For any site investigation activities required by statute or rule, the owner or operator shall submit to the Agency for approval a site investigation plan designed to determine the nature, concentration, direction of movement, rate of movement, and extent of the contamination as well as the significant physical features of the site and surrounding area that may affect contaminant transport and risk to human health and safety and the environment.

(2) Any owner or operator intending to seek payment from the Fund shall submit to the Agency for approval a site investigation budget that includes, but is not limited to, an accounting of all costs associated with the implementation and completion of the site investigation plan.

(3) Remediation objectives for the applicable indicator contaminants shall be determined using the tiered approach to corrective action objectives rules adopted by the Board pursuant to this Title and Title XVII of this Act. For the purposes of this Title, "Contaminant of Concern" or "Regulated Substance of Concern" in the rules means the applicable indicator contaminants set forth in subsection (d) of this Section and the rules adopted thereunder.

(4) Upon the Agency's approval of a site investigation plan, or as otherwise directed by the Agency, the owner or operator shall conduct a site investigation in accordance with the plan.

(5) Within 30 days after completing the site investigation, the owner or operator shall submit to the Agency for approval a site investigation completion report. At a minimum the report shall include all of the following:

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(A) Executive summary.
(B) Site history.
(C) Site-specific sampling methods and results.
(D) Documentation of all field activities, including quality assurance.
(E) Documentation regarding the development of proposed remediation objectives.
(F) Interpretation of results.
(G) Conclusions.

(b) Corrective action.

(1) If the site investigation confirms none of the applicable indicator contaminants exceed the proposed remediation objectives, within 30 days after completing the site investigation the owner or operator shall submit to the Agency for approval a corrective action completion report in accordance with this Section.

(2) If any of the applicable indicator contaminants exceed the remediation objectives approved for the site, within 30 days after the Agency approves the site investigation completion report the owner or operator shall submit to the Agency for approval a corrective action plan designed to mitigate any threat to human health, human safety, or the environment resulting from the underground storage tank release. The plan shall describe the selected remedy and evaluate its ability and effectiveness to achieve the remediation objectives approved for the site. At a minimum, the report shall include all of the following:
(A) Executive summary.
(B) Statement of remediation objectives.
(C) Remedial technologies selected.
(D) Confirmation sampling plan.
(E) Current and projected future use of the property.
(F) Applicable preventive, engineering, and institutional controls including long-term reliability, operating, and maintenance plans, and monitoring procedures.
(G) A schedule for implementation and completion of the plan.

(3) Any owner or operator intending to seek payment from the Fund shall submit to the Agency for approval a corrective action budget that includes, but is not limited to, an accounting of all costs associated with the implementation and completion of the corrective action plan.

(4) Upon the Agency's approval of a corrective action plan, or as otherwise directed by the Agency, the owner or operator shall proceed with corrective action in accordance with the plan.

(5) Within 30 days after the completion of a corrective action plan that achieves applicable remediation objectives the owner or operator shall submit to the Agency for approval a corrective action completion report. The report shall demonstrate whether corrective action was completed in accordance with the approved corrective action plan and whether the remediation objectives approved

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for the site, as well as any other requirements of the plan, have been achieved.

(6) If within 4 years after the approval of any corrective action plan the applicable remediation objectives have not been achieved and the owner or operator has not submitted a corrective action completion report, the owner or operator must submit a status report for Agency review. The status report must include, but is not limited to, a description of the remediation activities taken to date, the effectiveness of the method of remediation being used, the likelihood of meeting the applicable remediation objectives using the current method of remediation, and the date the applicable remediation objectives are expected to be achieved.

(7) If the Agency determines any approved corrective action plan will not achieve applicable remediation objectives within a reasonable time, based upon the method of remediation and site specific circumstances, the Agency may require the owner or operator to submit to the Agency for approval a revised corrective action plan. If the owner or operator intends to seek payment from the Fund, the owner or operator must also submit a revised budget.

(a) Physical soil classification and groundwater investigation:

(1) Prior to conducting any physical soil classification and groundwater investigation activities required by statute or regulation, the owner or operator shall prepare and submit to the Agency for the Agency's approval or modification:

(A) a physical soil classification and groundwater investigation plan designed to determine site classification, in accordance with subsection (b) of this Section, as High Priority, Low Priority, or No Further Action;

(B) a request for payment of costs associated with eligible early action costs as provided in Section 57.6(b). However, for purposes of payment for early action costs, fill materials shall not be removed in an amount in excess of 4 feet from the outside dimensions of the tank;

(2) If the owner or operator intends to seek payment from the Fund, prior to conducting any physical soil classification and groundwater investigation activities required by statute or regulation, the owner or operator shall submit to the Agency for the Agency's approval or modification a physical soil classification and groundwater investigation budget which includes, but is not limited to, an accounting of all costs associated with the implementation and completion of the physical soil classification and groundwater investigation plan:

(3) Within 30 days of completion of the physical soil classification or groundwater investigation report the owner or operator shall submit to the Agency:

(A) all physical soil classification and groundwater investigation results; and

(B) a certification by a Licensed Professional Engineer of the site's classification as High Priority, Low Priority, or No Further Action in accordance with subsection (b) of this Section as High Priority, Low Priority,
or No Further Action.

(b) Site Classification:

(1) After evaluation of the physical soil classification and groundwater investigation results, when required, and general site information, the site shall be classified as "No Further Action", "Low Priority", or "High Priority" based on the requirements of this Section. Site classification shall be determined by a Licensed Professional Engineer in accordance with the requirements of this Title and the Licensed Professional Engineer shall submit a certification to the Agency of the site classification. The Agency has the authority to audit site classifications and reject or modify any site classification inconsistent with the requirements of this Title.

(2) Sites shall be classified as No Further Action if the criteria in subparagraph (A) are satisfied:


(iii) The conditions identified in subsections (b)(3)(B), (C), (D), and (E) do not exist.

(B) Groundwater investigation monitoring may be required to confirm that a site meets the criteria of a No Further Action site. The Board shall adopt rules setting forth the criteria under which the Agency may exercise its discretionary authority to require investigations and the minimum field requirements for conducting investigations.

(3) Sites shall be classified as High Priority if any of the following are met:

(A) The site is located in an area designated A1, A2, A3, A4, A5, AX, B1, B2, BX, C1, C2, C3, C4, or C5 on the Illinois Geological Survey Circular (1984) titled "Potential for Contamination of Shallow Aquifers in Illinois," by Berg, Richard C., et al.; a site evaluation under the direction of a Licensed Professional Engineer verifies the physical soil classification conditions are consistent with those indicated on the Illinois Geological Survey Circular (1984) titled "Potential for Contamination of Shallow Aquifers in Illinois," by Berg, Richard C., et al.; and the results of the physical soil classification and groundwater investigation—indicate—that an applicable indicator contaminant groundwater quality standard or groundwater objective has been exceeded at the property boundary line or 200 feet from the excavation, whichever is less as a consequence of the underground storage tank release.

(B) The underground storage tank is within the minimum or maximum setback zone of a potable water supply well or regulated recharge...
area of a potable water supply well.

(C) There is evidence that, through natural or manmade pathways, migration of petroleum or vapors threaten human health or human safety or may cause explosions in basements, crawl spaces, utility conduits, storm or sanitary sewers, vaults or other confined spaces.

(D) Class III special resource groundwater exists within 200 feet of the excavation.

(E) A surface water body is adversely affected by the presence of a visible sheen or free product layer as the result of an underground storage tank release.

(4) Sites shall be classified as Low Priority if all of the following are met:

(A) The site does not meet any of the criteria for classification as a High Priority Site.


(ii) a site evaluation under the direction of a Licensed Professional Engineer verifies the physical soil classification conditions are consistent with those indicated on the Illinois Geological Survey Circular (1984) titled "Potential for Contamination of Shallow Aquifers in Illinois," by Berg, Richard C., et al.; and

(iii) the results of the physical soil classification and groundwater investigation do not indicate an applicable indicator contaminant groundwater quality standard or groundwater objective has been exceeded at the property boundary line or 200 feet from the underground storage tank, whichever is less.

(5) In the event the results of the physical soil classification and any required groundwater investigation reveal that the actual site geologic characteristics are different than those indicated by the Illinois Geological Survey Circular (1984) titled "Potential for Contamination of Shallow Aquifers in Illinois" by Berg, Richard C., et al., classification of the site shall be determined using the actual site geologic characteristics.


(c) Corrective Action:

(1) High Priority Site:

(A) Prior to performance of any corrective action, beyond that required by Section 57.6 and subsection (a) of Section 57.7 of this Act, the owner or operator shall prepare and submit to the Agency for the Agency's

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approval or modification a corrective action plan designed to mitigate any threat to human health, human safety or the environment resulting from the underground storage tank release:

(B) If the owner or operator intends to seek payment from the Fund, prior to performance of any corrective action beyond that required by Section 57.6 and subsection (a) of Section 57.7, the owner or operator shall submit to the Agency for the Agency’s approval or modification a corrective action plan budget which includes, but is not limited to, an accounting of all costs associated with the implementation and completion of the corrective action plan:

(C) The corrective action plan shall do all of the following:

(i) Provide that applicable indicator contaminant groundwater quality standards or groundwater objectives will not be exceeded in groundwater at the property boundary line or 200 feet from the excavation, whichever is less, or other level if approved by the Agency, for any contaminant identified in the groundwater investigation after complete performance of the corrective action plan:

(ii) Provide that Class III special resource groundwater quality standards for Class III special resource groundwater within 200 feet of the excavation will not be exceeded as a result of the underground storage tank release for any indicator contaminant identified in the groundwater investigation after complete performance of the corrective action plan:

(iii) Remediate threats due to the presence or migration, through natural or manmade pathways, of petroleum in concentrations sufficient to harm human health or human safety or to cause explosions in basements, crawl spaces, utility conduits, storm or sanitary sewers, vaults or other confined spaces:

(iv) Remediate threats to a potable water supply:

(v) Remediate threats to a surface water body:

(D) Within 30 days of completion of the corrective action, the owner or operator shall submit to the Agency such a completion report that includes a description of the corrective action plan and a description of the corrective action work performed and all analytical or sampling results derived from performance of the corrective action plan:

(E) The Agency shall issue to the owner or operator a no further remediation letter in accordance with Section 57.10 if all of the following are met:

(i) The corrective action completion report demonstrates that:

(a) applicable indicator contaminant groundwater quality standards or groundwater objectives are not exceeded at the property boundary

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line or 200 feet from the excavation, whichever is less, as a result of
the underground storage tank release for any indicator contaminant
identified in the groundwater investigation; (b) Class III special use
resource groundwater quality standards, for Class III special use
resource groundwater within 200 feet of the underground storage
tank, are not exceeded as a result of the underground storage tank
release for any contaminant identified in the groundwater
investigation; (c) the underground storage tank release does not
threaten human health or human safety due to the presence or
migration, through natural or manmade pathways, of petroleum or
hazardous substances in concentrations sufficient to harm human
health or human safety or to cause explosions in basements, crawl
spaces, utility conduits, storm or sanitary sewers, vaults or other
confined spaces; (d) the underground storage tank release does not
threaten any surface water body; and (e) the underground storage tank
release does not threaten any potable water supply.

(ii) The owner or operator submits to the Agency a
certification from a Licensed Professional Engineer that the work
described in the approved corrective action plan has been completed
and that the information presented in the corrective action completion
report is accurate and complete.

(2) Low Priority Site:

(A) Corrective action at a low priority site must include groundwater
monitoring consistent with part (B) of this paragraph (2).

(B) Prior to implementation of groundwater monitoring, the owner or
operator shall prepare and submit to the Agency a groundwater monitoring
plan and, if the owner or operator intends to seek payment under this Title,
an associated budget which includes, at a minimum, all of the following:

(i) Placement of groundwater monitoring wells at the property
line, or at 200 feet from the excavation which ever is closer, designed
to provide the greatest likelihood of detecting migration of
groundwater contamination:

(ii) Quarterly groundwater sampling for a period of one year,
semi-annual sampling for the second year and annual groundwater
sampling for one subsequent year for all indicator contaminants
identified during the groundwater investigation:

(iii) The annual submittal to the Agency of a summary of
groundwater sampling results:

(C) If at any time groundwater sampling results indicate a confirmed
exceedence of applicable indicator contaminant groundwater quality
standards or groundwater objectives as a result of the underground storage
tank release, the site may be reclassified as a High Priority Site by the Agency

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at any time before the Agency's final approval of a Low Priority groundwater monitoring completion report. Agency review and approval shall be in accordance with paragraph (4) of subsection (c) of this Section. If the owner or operator elects to appeal an Agency action to disapprove, modify, or reject by operation of law a Low Priority groundwater monitoring completion report, the Agency shall indicate to the Board in conjunction with such appeal whether it intends to reclassify the site as High Priority. If a site is reclassified as a High Priority Site, the owner or operator shall submit a corrective action plan and budget to the Agency within 120 days of the confirmed exceedence and shall initiate compliance with all corrective action requirements for a High Priority Site.

(D) If, throughout the implementation of the groundwater monitoring plan, the groundwater sampling results do not confirm an exceedence of applicable indicator contaminant groundwater quality standards or groundwater objectives as a result of the underground storage tank release, the owner or operator shall submit to the Agency a certification of a Licensed Professional Engineer so stating:

(E) Unless the Agency takes action under subsection (b)(2)(C) to reclassify a site as high priority, upon receipt of a certification by a Licensed Professional Engineer submitted pursuant to paragraph (2) of subsection (c) of this Section, the Agency shall issue to the owner or operator a no further remediation letter in accordance with Section 57.10.

(3) No Further Action Site:

(A) No Further Action sites require no remediation beyond that required in Section 57.6 and subsection (a) of this Section if the owner or operator has submitted to the Agency a certification by a Licensed Professional Engineer that the site meets all of the criteria for classification as No Further Action in subsection (b) of this Section.

(B) Unless the Agency takes action to reject or modify a site classification under subsection (b) of this Section or the site classification is rejected by operation of law under item (4)(B) of subsection (c) of this Section, upon receipt of a certification by a Licensed Professional Engineer submitted pursuant to part (A) of paragraph (3) of subsection (c) of this Section, the Agency shall issue to the owner or operator a no further remediation letter in accordance with Section 57.10.

(c) (4) Agency review and approval.

(1) (A) Agency approval of any plan and associated budget, as described in this subsection (c) item (4), shall be considered final approval for purposes of seeking and obtaining payment from the Underground Storage Tank Fund if the costs associated with the completion of any such plan are less than or equal to the amounts approved in such budget.

(2) (B) In the event the Agency fails to approve, disapprove, or modify any
plan or report submitted pursuant to this Title in writing within 120 days of the receipt by the Agency, the plan or report shall be considered to be rejected by operation of law for purposes of this Title and rejected for purposes of payment from the Leaking Underground Storage Tank Fund.

(A) (i) For purposes of those plans as identified in paragraph (5) subparagraph (E) of this subsection (c)(c)(4), the Agency's review may be an audit procedure. Such review or audit shall be consistent with the procedure for such review or audit as promulgated by the Board under item (7) of subsection (b) of Section 57.14. The Agency has the authority to establish an auditing program to verify compliance of such plans with the provisions of this Title.

(B) (ii) For purposes of corrective action those plans submitted pursuant to subsection (b) of this Section Part (E) (iii) of this paragraph (4) for which payment from the Fund is not being sought, the Agency need not take action on such plan until 120 days after it receives the corrective action completion report required under subsection (b) of this Section Section 57(c)(1)(D). In the event the Agency approved the plan, it shall proceed under the provisions of this subsection (c) Section 57(c)(4).

(3) (c) In approving any plan submitted pursuant to subsection (a) or (b) of this Section Part (E) of this paragraph (4), the Agency shall determine, by a procedure promulgated by the Board under item (7) of subsection (b) of Section 57.14, that the costs associated with the plan are reasonable, will be incurred in the performance of site investigation or corrective action, and will not be used for site investigation or corrective action activities in excess of those required to meet the minimum requirements of this Title.

(4) (D) For any plan or report received after the effective date of this amendatory Act of 2002 1993, any action by the Agency to disapprove or modify a plan submitted pursuant to this Title shall be provided to the owner or operator in writing within 120 days of the receipt by the Agency or, in the case of a site investigation plan or corrective action plan for which payment is not being sought, within 120 days of receipt of the site investigation completion report or corrective action completion report, respectively, and shall be accompanied by:

(A) (i) an explanation of the Sections of this Act which may be violated if the plans were approved;

(B) (ii) an explanation of the provisions of the regulations, promulgated under this Act, which may be violated if the plan were approved;

(C) (iii) an explanation of the specific type of information, if any, which the Agency deems the applicant did not provide the Agency; and

(D) (iv) a statement of specific reasons why the Act and the regulations might not be met if the plan were approved.

Any action by the Agency to disapprove or modify a plan or report or the

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rejection of any plan or report by operation of law shall be subject to appeal to the Board in accordance with the procedures of Section 40. If the owner or operator elects to incorporate modifications required by the Agency rather than appeal, an amended plan shall be submitted to the Agency within 35 days of receipt of the Agency's written notification.

(5) For purposes of this Title, the term "plan" shall include:

(A) Any site investigation plan submitted pursuant to subsection (a) of this Section;

(B) Any site investigation budget submitted pursuant to subsection (a) of this Section;

(i) Any physical soil classification and groundwater investigation plan submitted pursuant to item (1)(A) of subsection (a) of this Section, or budget under item (2) of subsection (a) of this Section;

(ii) Any groundwater monitoring plan or budget submitted pursuant to subsection (c)(2)(B) of this Section;

(C) Any corrective action plan submitted pursuant to subsection (b) (e)(1)(A) of this Section; or

(D) Any corrective action plan budget submitted pursuant to subsection (b) (e)(1)(B) of this Section.

(d) For purposes of this Title, the term "indicator contaminant" shall mean, unless and until the Board promulgates regulations to the contrary, the following: (i) if an underground storage tank contains gasoline, the indicator parameter shall be BTEX and Benzene; (ii) if the tank contained petroleum products consisting of middle distillate or heavy ends, then the indicator parameter shall be determined by a scan of PNA's taken from the location where contamination is most likely to be present; and (iii) if the tank contained used oil, then the indicator contaminant shall be those chemical constituents which indicate the type of petroleum stored in an underground storage tank. All references in this Title to groundwater objectives shall mean Class I groundwater standards or objectives as applicable.

(e) (1) Notwithstanding the provisions of this Section, an owner or operator may proceed to conduct site investigation or physical soil classification, groundwater investigation, site classification or other corrective action prior to the submittal or approval of an otherwise required plan. If the owner or operator elects to so proceed, an applicable plan shall be filed with the Agency at any time. Such plan shall detail the steps taken to determine the type of site investigation or corrective action which was necessary at the site along with the site investigation or corrective action taken or to be taken, in addition to costs associated with activities to date and anticipated costs.

(2) Upon receipt of a plan submitted after activities have commenced at a site, the Agency shall proceed to review in the same manner as required under this Title. In the event the Agency disapproves all or part of the costs, the owner or operator may appeal such decision to the Board. The owner or operator shall not be eligible
to be reimbursed for such disapproved costs unless and until the Board determines that such costs were eligible for payment.

(f) All investigations, plans, and reports conducted or prepared under this Section shall be conducted or prepared under the supervision of a licensed professional engineer and in accordance with the requirements of this Title.

(Source: P.A. 88-496; 88-668, eff. 9-16-94; 89-428, eff. 1-1-96; 89-457, eff. 5-22-96.)

Sec. 57.8. Underground Storage Tank Fund; payment; options for State payment; deferred correction election to commence corrective action upon availability of funds. If an owner or operator is eligible to access the Underground Storage Tank Fund pursuant to an Office of State Fire Marshal eligibility/deductible final determination letter issued in accordance with Section 57.9, the owner or operator may submit a complete application for final or partial payment to the Agency for activities taken in response to a confirmed release. An owner or operator may submit a request for partial or final payment regarding a site no more frequently than once every 90 days.

(a) Payment after completion of corrective action measures. The owner or operator may submit an application for payment for activities performed at a site after completion of the requirements of Sections 57.6 and 57.7, or after completion of any other required activities at the underground storage tank site.

(1) In the case of any approved plan and budget for which payment is being sought, the Agency shall make a payment determination within 120 days of receipt of the application. Such determination shall be considered a final decision. The Agency's review shall be limited to generally accepted auditing and accounting practices. In no case shall the Agency conduct additional review of any plan which was completed within the budget, beyond auditing for adherence to the corrective action measures in the proposal. If the Agency fails to approve the payment application within 120 days, such application shall be deemed approved by operation of law and the Agency shall proceed to reimburse the owner or operator the amount requested in the payment application. However, in no event shall the Agency reimburse the owner or operator an amount greater than the amount approved in the plan.

(2) If sufficient funds are available in the Underground Storage Tank Fund, the Agency shall, within 60 days, forward to the Office of the State Comptroller a voucher in the amount approved under the payment application.

(3) In the case of insufficient funds, the Agency shall form a priority list for payment and shall notify persons in such priority list monthly of the availability of funds and when payment shall be made. Payment shall be made to the owner or operator at such time as sufficient funds become available for the costs associated with site investigation and corrective action and costs expended for activities performed where no proposal is required, if applicable. Such priority list shall be available to any owner or operator upon request. Priority for payment shall be determined by the date the Agency receives a complete request for partial or final payment.

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payment. Upon receipt of notification from the Agency that the requirements of this Title have been met, the Comptroller shall make payment to the owner or operator of the amount approved by the Agency, if sufficient money exists in the Fund. If there is insufficient money in the Fund, then payment shall not be made. If the owner or operator appeals a final Agency payment determination and it is determined that the owner or operator is eligible for payment or additional payment, the priority date for the payment or additional payment shall be the same as the priority date assigned to the original request for partial or final payment.

(4) Any deductible, as determined pursuant to the Office of the State Fire Marshal's eligibility and deductibility final determination in accordance with Section 57.9, shall be subtracted from any payment invoice paid to an eligible owner or operator. Only one deductible shall apply per underground storage tank site.

(5) In the event that costs are or will be incurred in addition to those approved by the Agency, or after payment, the owner or operator may submit successive plans containing amended budgets. The requirements of Section 57.7 shall apply to any amended plans.

(6) For purposes of this Section, a complete application shall consist of:

(A) A certification from a Licensed Professional Engineer as required under this Title and acknowledged by the owner or operator.

(B) A statement of the amounts approved in the budget plan and the amounts actually sought for payment along with a certified statement by the owner or operator that the amounts so sought were expended in conformance with the approved budget.

(C) A copy of the Office of the State Fire Marshal's eligibility and deductibility determination.

(D) Proof that approval of the payment requested will not result in the limitations set forth in subsection (g) of this Section being exceeded.

(E) A federal taxpayer identification number and legal status disclosure certification on a form prescribed and provided by the Agency.

(b) Commencement of site investigation or corrective action upon availability of funds. The Board shall adopt regulations setting forth procedures based on risk to human health or the environment under which the owner or operator who has received approval for any budget plan submitted pursuant to Section 57.7, and who is eligible for payment from the Underground Storage Tank Fund pursuant to an Office of the State Fire Marshal eligibility and deductibility determination, may elect to defer site investigation or corrective action classification, low priority groundwater monitoring, or remediation activities until funds are available in an amount equal to the amount approved in the budget plan. The regulations shall establish criteria based on risk to human health or the environment to be used for determining on a site-by-site basis whether deferral is appropriate. The regulations also shall establish the minimum investigatory requirements for determining whether the risk based criteria are present at a site considering deferral and procedures for the notification of owners or operators of insufficient funds, Agency review of request for deferral, notification

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of Agency final decisions, returning deferred sites to active status, and earmarking of funds for payment.

(c) When the owner or operator requests indemnification for payment of costs incurred as a result of a release of petroleum from an underground storage tank, if the owner or operator has satisfied the requirements of subsection (a) of this Section, the Agency shall forward a copy of the request to the Attorney General. The Attorney General shall review and approve the request for indemnification if:

(1) there is a legally enforceable judgment entered against the owner or operator and such judgment was entered due to harm caused by a release of petroleum from an underground storage tank and such judgment was not entered as a result of fraud; or

(2) a settlement with a third party due to a release of petroleum from an underground storage tank is reasonable.

(d) Notwithstanding any other provision of this Title, the Agency shall not approve payment to an owner or operator from the Fund for costs of corrective action or indemnification incurred during a calendar year in excess of the following aggregate amounts based on the number of petroleum underground storage tanks owned or operated by such owner or operator in Illinois.

<table>
<thead>
<tr>
<th>Amount</th>
<th>Number of Tanks</th>
</tr>
</thead>
<tbody>
<tr>
<td>$2,000,000 + $1,000,000</td>
<td>fewer than 101</td>
</tr>
<tr>
<td>$3,000,000 + $2,000,000</td>
<td>101 or more</td>
</tr>
</tbody>
</table>

(1) Costs incurred in excess of the aggregate amounts set forth in paragraph (1) of this subsection shall not be eligible for payment in subsequent years.

(2) For purposes of this subsection, requests submitted by any of the agencies, departments, boards, committees or commissions of the State of Illinois shall be acted upon as claims from a single owner or operator.

(3) For purposes of this subsection, owner or operator includes (i) any subsidiary, parent, or joint stock company of the owner or operator and (ii) any company owned by any parent, subsidiary, or joint stock company of the owner or operator.

(e) Costs of corrective action or indemnification incurred by an owner or operator which have been paid to an owner or operator under a policy of insurance, another written agreement, or a court order are not eligible for payment under this Section. An owner or operator who receives payment under a policy of insurance, another written agreement, or a court order shall reimburse the State to the extent such payment covers costs for which payment was received from the Fund. Any monies received by the State under this subsection (e) shall be deposited into the Fund.

(f) Until the Board adopts regulations pursuant to Section 57.14, handling charges are eligible for payment only if they are equal to or less than the amount determined by the following table:

| Subcontract or field Purchase Cost | Eligible Handling Charges as a Percentage of Cost |

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(g) The Agency shall not approve any payment from the Fund to pay an owner or operator:

1. for costs of corrective action incurred by such owner or operator in an amount in excess of $1,500,000 per occurrence; and

2. for costs of indemnification of such owner or operator in an amount in excess of $1,500,000 per occurrence.

(h) Payment of any amount from the Fund for corrective action or indemnification shall be subject to the State acquiring by subrogation the rights of any owner, operator, or other person to recover the costs of corrective action or indemnification for which the Fund has compensated such owner, operator, or person from the person responsible or liable for the release.

(i) If the Agency refuses to pay or authorizes only a partial payment, the affected owner or operator may petition the Board for a hearing in the manner provided for the review of permit decisions in Section 40 of this Act.

(j) Costs of corrective action or indemnification incurred by an owner or operator prior to July 28, 1989, shall not be eligible for payment or reimbursement under this Section.

(k) The Agency shall not pay costs of corrective action or indemnification incurred before providing notification of the release of petroleum in accordance with the provisions of this Title.

(l) Corrective action does not include legal defense costs. Legal defense costs include legal costs for seeking payment under this Title unless the owner or operator prevails before the Board in which case the Board may authorize payment of legal fees.

(m) The Agency may apportion payment of costs for plans submitted under Section 57.7(c)(4)(E)(iii) if:

1. the owner or operator was deemed eligible to access the Fund for payment of corrective action costs for some, but not all, of the underground storage tanks at the site; and

2. the owner or operator failed to justify all costs attributable to each underground storage tank at the site.

(n) The Agency shall not pay costs associated with a corrective action plan incurred after the Agency provides notification to the owner or operator pursuant to item (7) of subsection (b) of Section 57.7 that a revised corrective action plan is required. Costs associated with any subsequently approved corrective action plan shall be eligible for reimbursement if they meet the requirements of this Title.

(Source: P.A. 91-357, eff. 7-29-99.)

(415 ILCS 5/57.10)

Sec. 57.10. Professional Engineer certification; presumptions against liability.

New matter indicated by italics - deletions by strikeout.
(a) Within 120 days of the Agency's receipt of a No Further Action site classification report, a Low Priority groundwater monitoring report, or a High Priority corrective action completion report, the Agency shall issue to the owner or operator a "no further remediation letter" unless the Agency has requested a modification, issued a rejection under subsection (d) of this Section, or the report has been rejected by operation of law.

(b) By certifying such a statement, a Licensed Professional Engineer shall in no way be liable thereon, unless the engineer gave such certification despite his or her actual knowledge that the performed measures were not in compliance with applicable statutory or regulatory requirements or any plan submitted to the Agency.

(c) The Agency's issuance of a no further remediation letter shall signify, based on the certification of the Licensed Professional Engineer, that:

   (1) all statutory and regulatory corrective action requirements applicable to the occurrence have been complied with;
   (2) all corrective action concerning the remediation of the occurrence has been completed; and
   (3) no further corrective action concerning the occurrence is necessary for the protection of human health, safety and the environment.

(d) The no further remediation letter issued under this Section shall apply in favor of the following parties:

   (1) The owner or operator to whom the letter was issued.
   (2) Any parent corporation or subsidiary of such owner or operator.
   (3) Any co-owner or co-operator, either by joint tenancy, right-of-survivorship, or any other party sharing a legal relationship with the owner or operator to whom the letter is issued.
   (4) Any holder of a beneficial interest of a land trust or inter vivos trust whether revocable or irrevocable.
   (5) Any mortgagee or trustee of a deed of trust of such owner or operator.
   (6) Any successor-in-interest of such owner or operator.
   (7) Any transferee of such owner or operator whether the transfer was by sale, bankruptcy proceeding, partition, dissolution of marriage, settlement or adjudication of any civil action, charitable gift, or bequest.
   (8) Any heir or devisee or such owner or operator.

(e) If the Agency notifies the owner or operator that the "no further remediation" letter has been rejected, the grounds for such rejection shall be described in the notice. Such a decision shall be a final determination which may be appealed by the owner or operator.

(f) The Board shall adopt rules setting forth the criteria under which the Agency may require an owner or operator to conduct further investigation or remediation related to a release for which a no further remediation letter has been issued.

(g) Holders of security interests in sites subject to the requirements of this Title XVI shall be entitled to the same protections and subject to the same responsibilities provided under general regulations promulgated under Subtitle I of the Hazardous and Solid Waste Amendments of 1984 (P.L. 98-616) of the Resource Conservation and Recovery Act of 1976.
(P.L. 94-580).
(Source: P.A. 88-496; 89-428, eff. 1-1-96; 89-457, eff. 5-22-96.)
(415 ILCS 5/57.13)
Sec. 57.13. Underground Storage Tank Program; transition.
(a) If a release is reported to the proper State authority on or after the effective date of this amendatory Act of 2002 §993, the owner or operator shall comply with the requirements of this Title.
(b) If a release is reported to the proper State authority prior to the effective date of this amendatory Act of 2002 §993, the owner or operator of an underground storage tank may elect to proceed in accordance with the requirements of this Title by submitting a written statement to the Agency of such election. If the owner or operator elects to proceed under the requirements of this Title all costs incurred in connection with the incident prior to notification shall be reimbursable in the same manner as was allowable under the then existing law. Completion of corrective action shall then follow the provisions of this Title. Owners and operators who have not elected to proceed in accordance with the requirements of this Title shall proceed in accordance with the law in effect prior to the effective date of this amendatory Act of 2002.
(Source: P.A. 88-496.)
(415 ILCS 5/57.14A new)
Sec. 57.14A. Rules.
(a) The Agency shall propose and the Board shall adopt amendments to the rules governing the administration of this Title to make the rules consistent with the provisions herein.
(b) Until such time as the amended rules required under this Section take effect, the Agency shall administer this Title in accordance with the provisions herein.


PUBLIC ACT 92-0555
(House Bill No. 4531)

AN ACT in relation to unemployment insurance.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Unemployment Insurance Act is amended by changing Sections 205, 211.1, 220, and 1405 and by adding Section 205.1 as follows:
(820 ILCS 405/205) (from Ch. 48, par. 315)
Sec. 205. "Employer" means:
A. With respect to the years 1937, 1938, and 1939, any employing unit which has or had in employment eight or more individuals on some portion of a day, but not necessarily

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simultaneously, and irrespective of whether the same individuals are or were employed on each such day within each of twenty or more calendar weeks, whether or not such weeks are or were consecutive, within either the current or preceding calendar year;

B. 1. With respect to the years 1940 through 1955, inclusive, any employing unit which has or had in employment six or more individuals within each of twenty or more calendar weeks (but not necessarily simultaneously and irrespective of whether the same individuals are or were employed in each such week), whether or not such weeks are or were consecutive, within either the current or preceding calendar year;

2. With respect to the years 1956 through 1971, inclusive, any employing unit which has or had in employment four or more individuals within each of twenty or more calendar weeks (but not necessarily simultaneously and irrespective of whether the same individuals are or were employed in each such week), whether or not such weeks are or were consecutive, within either the current or preceding calendar year;

3. With respect to the years 1972 and thereafter, except as provided in subsection K and in Section 301, any employing unit which (1) pays or paid, for services in employment, wages of at least $1500 within any calendar quarter in either the current or preceding calendar year; or (2) has or had in employment at least one individual on some portion of a day, irrespective of whether the same individual is or was employed on each such day, within each of twenty or more calendar weeks, whether or not such weeks are or were consecutive, within either the current or preceding calendar year;

4. With respect to the years 1972 and thereafter, any nonprofit organization as defined in Section 211.2, except as provided in subsection K and in Section 301;

5. With respect to the years 1972 and thereafter, the State of Illinois and each of its instrumentalities; and with respect to the years 1978 and thereafter, each governmental entity referred to in clause (B) of Section 211.1, except as provided in Section 301;

6. With respect to the years 1978 and thereafter, any employing unit for which service in agricultural labor is performed in employment as defined in Section 211.4, except as provided in subsection K and in Section 301;

7. With respect to the years 1978 and thereafter, any employing unit for which domestic service is performed in employment as defined in Section 211.5, except as provided in subsection K and in Section 301;

C. Any individual or employing unit which succeeded to the organization, trade, or business of another employing unit which at the time of such succession was an employer, and any individual or employing unit which succeeded to the organization, trade, or business of any distinct severable portion of another employing unit, which portion, if treated as a separate employing unit, would have been, at the time of the succession, an employer under subsections A or B of this Section;

D. Any individual or employing unit which succeeded to any of the assets of an employer or to any of the assets of a distinct severable portion thereof, if such portion, when treated as a separate employing unit would be an employer under subsections A or B of this Section, by any means whatever, otherwise than in the ordinary course of business, unless and until it is proven in any proceeding where such issue is involved that all of the following

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exist:

1. The successor unit has not assumed a substantial amount of the predecessor unit's obligations; and
2. The successor unit has not acquired a substantial amount of the predecessor unit's good will; and
3. The successor unit has not continued or resumed a substantial part of the business of the predecessor unit in the same establishment;

E. Any individual or employing unit which succeeded to the organization, trade, or business, or to any of the assets of a predecessor unit (unless and until it is proven in any proceeding where such issue is involved that all the conditions enumerated in subsection D of this Section exist), if the experience of the successor unit subsequent to such succession plus the experience of the predecessor unit prior to such succession, both within the same calendar year, would equal the experience necessary to constitute an employing unit an employer under subsections A or B of this Section;

For the purposes of this subsection, the term "predecessor unit" shall include any distinct severable portion of an employing unit.

F. With respect to the years 1937 through 1955, inclusive, any employing unit which together with one or more other employing units is owned or controlled, directly or indirectly, by legally enforceable means or otherwise, by the same interests, or which owns or controls one or more other employing units directly or indirectly, by legally enforceable means or otherwise, and which if treated as a single unit with such other employing units or interests or both would be an employer under subsections A or B of this Section;

G. Any employing unit which, having become an employer under subsections A, B, C, D, E, or F of this Section, has not, under Section 301, ceased to be an employer;

H. For the effective period of its election pursuant to Section 302, any other employing unit which has elected to become fully subject to this Act;

I. Any employing unit which is an employer under Section 245; or

J. Any employing unit which, having become an employer under Section 245, has not, with respect to the year 1960 or thereafter, ceased to be an employer under Section 301; or:

J-1. On and after December 21, 2000, any Indian tribe for which service in "employment" as defined under this Act is performed.

K. In determining whether or not an employing unit for which service other than domestic service is also performed is an employer under paragraphs 3, 4, or 6 of subsection B, the domestic service of an individual and the wages paid therefor shall not be taken into account. In determining whether or not an employing unit for which service other than agricultural labor is also performed is an employer under paragraphs 4 or 7 of subsection B, the service of an individual in agricultural labor and the wages paid therefor shall not be taken into account. An employing unit which is an employer under paragraph 6 of subsection B is an employer under paragraph 3 of subsection B.

(Source: P.A. 87-1178.)

(820 ILCS 405/205.1 new)
Sec. 205.1. Indian tribe. "Indian tribe" has the meaning given to that term by Section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450(e)), and includes any subdivision, subsidiary, or business enterprise wholly owned by such an Indian tribe.

(820 ILCS 405/211.1) (from Ch. 48, par. 321.1)

Sec. 211.1. Except as provided in Section 220, the term "employment" shall include (A) service performed after December 31, 1971, by an individual in the employ of this State or any of its instrumentalities (and by an individual in the employ of this State or any of its instrumentalities and one or more other States or their instrumentalities for a hospital or institution of higher education located in this State), provided that such service is excluded from the definition of "employment" in the Federal Unemployment Tax Act solely by reason of Section 3306(c)(7) of that Act; and (B) service performed after December 31, 1977 by an individual in the employ of this State or any of its instrumentalities, or any political subdivision or municipal corporation thereof or any of their instrumentalities, or any instrumentality of more than one of the foregoing, or any instrumentality of any of the foregoing and one or more other States or political subdivisions, provided that such service is excluded from the definition of "employment" in the Federal Unemployment Tax Act by Section 3306(c)(7) of that Act; and (C) service performed after December 20, 2000, by an individual in the employ of an Indian tribe.

(Source: P.A. 80-2dSS-1.)

(820 ILCS 405/220) (from Ch. 48, par. 330)

Sec. 220. A. The term "employment" shall not include service performed prior to 1972 in the employ of this State, or of any political subdivision thereof, or of any wholly owned instrumentality of this State or its political subdivisions.

B. The term "employment" shall not include service, performed after 1971 and before 1978, in the employ of this State or any of its instrumentalities:

1. In an elective position;
2. Of a professional or consulting nature, compensated on a per diem or retainer basis;
3. For a State prison or other State correctional institution, by an inmate of the prison or correctional institution;
4. As part of an unemployment work-relief or work-training program assisted or financed in whole or in part by any Federal agency or an agency of this State, by an individual receiving such work-relief or work-training;
5. In a facility conducted for the purpose of carrying out a program of rehabilitation for individuals whose earning capacity is impaired by age or physical or mental deficiency or injury or providing remunerative work for individuals who because of their impaired physical or mental capacity cannot be readily absorbed in the competitive labor market, by an individual receiving such rehabilitation or remunerative work;
6. Directly for the Illinois State Fair during its active duration (including the week immediately preceding and the week immediately following the Fair);

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7. Directly and solely in connection with an emergency, in fire-fighting, snow removal, flood control, control of the effects of wind or flood, and the like, by an individual hired solely for the period of such emergency;

8. In the Illinois National Guard, directly and solely in connection with its summer training camps or during emergencies, by an individual called to duty solely for such purposes.

C. Except as provided in Section 302, the term "employment" shall not include service performed in the employ of a political subdivision or a municipal corporation, or an instrumentality of one or more of the foregoing or of this State and one or more of the foregoing. This subsection shall not apply to service performed after December 31, 1977.

D. The term "employment" shall not include service performed after December 31, 1977:

1. In the employ of a governmental entity referred to in clause (B) of Section 211.1 if such service is performed in the exercise of duties
   a. As an elected official;
   b. As a member of a legislative body, or a member of the judiciary, of this State or a political subdivision or municipal corporation;
   c. As a member of the Illinois National Guard or Air National Guard;
   d. As a worker serving on a temporary basis in case of fire, storm, snow, earthquake, flood, or similar emergency;
   e. In a position which, under or pursuant to the laws of this State, is designated as a major nontenured policymaking or advisory position, or as a policymaking position the performance of the duties of which ordinarily does not require more than 8 hours per week.

2. As part of an unemployment work-relief or work-training program assisted or financed in whole or in part by any Federal agency or an agency of this State, or a political subdivision or municipal corporation, by an individual receiving such work-relief or work-training.

3. In a facility conducted for the purpose of carrying out a program of rehabilitation for individuals whose earning capacity is impaired by age or physical or mental deficiency or injury or providing remunerative work for individuals who because of their impaired physical or mental capacity cannot be readily absorbed in the competitive labor market, by an individual receiving such rehabilitation or remunerative work.

4. By an inmate of a custodial or penal institution.

E. The term "employment" shall not include service performed on or after January 1, 2002 in the employ of a governmental entity referred to in clause (B) of Section 211.1 if the service is performed in the exercise of duties as an election official or election worker and the amount of remuneration received by the individual during the calendar year for service as an election official or election worker is less than $1,000.

F. The term "employment" shall not include service performed in the employ of an Indian tribe if such service is performed in the exercise of duties:

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1. as an elected official;
2. as a member of a legislative body, or a member of the judiciary, of that Indian tribe;
3. as a worker serving on a temporary basis in case of fire, storm, snow, earthquake, flood, or similar emergency;
4. in a position which, under or pursuant to tribal law, is designated as a major nontenured policymaking or advisory position, or as a policymaking position the performance of the duties of which ordinarily does not require more than 8 hours per week;
5. as part of an unemployment work-relief or work-training program assisted or financed in whole or in part by any federal agency or an agency of this State, or a political subdivision or municipal corporation, or an Indian tribe, by an individual receiving such work-relief or work training;
6. in a facility conducted for the purpose of carrying out a program of rehabilitation for individuals whose earning capacity is impaired by age or physical or mental deficiency or injury or providing remunerative work for individuals who because of their impaired physical or mental capacity cannot be readily absorbed in the competitive labor market, by an individual receiving such rehabilitation or remunerative work;
7. by an inmate of a custodial or penal institution.

(Source: P.A. 92-441, eff. 1-1-02.)

Sec. 1405. Financing Benefits for Employees of Local Governments. A. 1. For the year 1978 and for each calendar year thereafter, contributions shall accrue and become payable, pursuant to Section 1400, by each governmental entity (other than the State of Illinois and its wholly owned instrumentalities) referred to in clause (B) of Section 211.1, upon the wages paid by such entity with respect to employment after 1977, unless the entity elects to make payments in lieu of contributions pursuant to the provisions of subsection B. Notwithstanding the provisions of Sections 1500 to 1510, inclusive, a governmental entity which has not made such election shall, for liability for contributions incurred prior to January 1, 1984, pay contributions equal to 1 percent with respect to wages for insured work paid during each such calendar year or portion of such year as may be applicable. As used in this subsection, the word "wages", defined in Section 234, is subject to all of the provisions of Section 235.

2. An Indian tribe for which service is exempted from the federal unemployment tax under Section 3306(c)(7) of the Federal Unemployment Tax Act may elect to make payments in lieu of contributions in the same manner and subject to the same conditions as provided in this Section with regard to governmental entities, except as otherwise provided in paragraphs 7, 8, and 9 of subsection B.

B. Any governmental entity subject to subsection A may elect to make payments in lieu of contributions, in amounts equal to the amounts of regular and extended benefits paid to individuals, for any weeks which begin on or after the effective date of the election, on the

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basis of wages for insured work paid to them by the entity during the effective period of such election. Notwithstanding the preceding provisions of this subsection and the provisions of subsection D of Section 1404, with respect to benefit years beginning prior to July 1, 1989, any adjustment after September 30, 1989 to the base period wages paid to the individual by any employer shall not affect the ratio for determining payments in lieu of contributions of a governmental entity which has elected to make payments in lieu of contributions. Provided, however, that with respect to benefit years beginning on or after July 1, 1989, the governmental entity shall be required to make payments equal to 100% of regular benefits, including dependents' allowances, and 100% of extended benefits, including dependents' allowances, paid to an individual with respect to benefit years beginning during the effective period of the election, but only if the governmental entity: (a) is the last employer as provided in Section 1502.1 and (b) paid to the individual receiving benefits, wages for insured work during his base period. If the governmental entity described in this paragraph meets the requirements of (a) but not (b), with respect to benefit years beginning on or after July 1, 1989, it shall be required to make payments in an amount equal to 50% of regular benefits, including dependents' allowances, and 50% of extended benefits, including dependents' allowances, paid to an individual with respect to benefit years beginning during the effective period of the election.

1. Any such governmental entity which becomes an employer on January 1, 1978 pursuant to Section 205 may elect to make payments in lieu of contributions for not less than one calendar year beginning with January 1, 1978, provided that it files its written election with the Director not later than January 31, 1978.

2. A governmental entity newly created after January 1, 1978, may elect to make payments in lieu of contributions for a period of not less than one calendar year beginning as of the first day with respect to which it would, in the absence of its election, incur liability for the payment of contributions, provided that it files its written election with the Director not later than 30 days immediately following the end of the calendar quarter in which it has been created.

3. A governmental entity which has incurred liability for the payment of contributions for at least 2 calendar years, and is not delinquent in such payment and in the payment of any interest or penalties which may have accrued, may elect to make payments in lieu of contributions beginning January 1 of any calendar year, provided that it files its written election with the Director prior to such January 1, and provided, further, that such election shall be for a period of not less than 2 calendar years.

4. An election to make payments in lieu of contributions shall not terminate any liability incurred by a governmental entity for the payment of contributions, interest or penalties with respect to any calendar quarter which ends prior to the effective period of the election.

5. The termination by a governmental entity of the effective period of its election to make payments in lieu of contributions, and the filing of and subsequent action upon written notices of termination of election, shall be governed by the provisions of paragraphs 5 and 6 of Section 1404A, pertaining to nonprofit organizations.

New matter indicated by italics - deletions by strikeout.
6. With respect to benefit years beginning prior to July 1, 1989, wages paid to an individual during his base period by a governmental entity which elects to make payments in lieu of contributions for less than full time work, performed during the same weeks in the base period during which the individual had other insured work, shall not be subject to payments in lieu of contribution (upon such employer's request pursuant to the regulation of the Director) so long as the employer continued after the end of the base period, and continues during the applicable benefit year, to furnish such less than full time work to the individual on the same basis and in substantially the same amount as during the base period. If the individual is paid benefits with respect to a week (in the applicable benefit year) after the employer has ceased to furnish the work hereinabove described, the governmental entity shall be liable for payments in lieu of contributions with respect to the benefits paid to the individual after the date on which the governmental entity ceases to furnish the work.

7. An Indian tribe may elect to make payments in lieu of contributions for calendar year 2003, provided that it files its written election with the Director not later than January 31, 2003, and provided further that it is not delinquent in the payment of any contributions, interest, or penalties.

8. Failure of an Indian tribe to make a payment in lieu of contributions, or a payment of interest or penalties due under this Act, within 90 days after the Department serves notice of the finality of a determination and assessment shall cause the Indian tribe to lose the option of making payments in lieu of contributions, effective as of the calendar year immediately following the date on which the Department serves the notice. Notice of the loss of the option to make payments in lieu of contributions may be protested in the same manner as a determination and assessment under Section 2200 of this Act.

9. An Indian tribe that, pursuant to paragraph 8, loses the option of making payments in lieu of contributions may again elect to make payments in lieu of contributions for a calendar year if: (a) the Indian tribe has incurred liability for the payment of contributions for at least one calendar year since losing the option pursuant to paragraph 8, (b) the Indian tribe is not delinquent in the payment of any liabilities under the Act, including interest or penalties, and (c) the Indian tribe files its written election with the Director not later than January 31 of the year with respect to which it is making the election.

C. As soon as practicable following the close of each calendar quarter, the Director shall mail to each governmental entity which has elected to make payments in lieu of contributions a Statement of the amount due from it for all the regular and extended benefits paid during the calendar quarter, together with the names of its workers or former workers and the amounts of benefits paid to each of them during the calendar quarter with respect to benefit years beginning prior to July 1, 1989, on the basis of wages for insured work paid to them by the governmental entity; or, with respect to benefit years beginning after June 30, 1989, if such governmental entity was the last employer as provided in Section 1502.1 with respect to a benefit year beginning during the effective period of the election. All of the provisions of subsection B of Section 1404 pertaining to nonprofit organizations, not inconsistent with the preceding sentence, shall be applicable to payments in lieu of contributions by a governmental entity.

New matter indicated by italics - deletions by strikeout.
D. The provisions of subsections C through F, inclusive, of Section 1404, pertaining to nonprofit organizations, shall be applicable to each governmental entity which has elected to make payments in lieu of contributions.

E. 1. If an Indian tribe fails to pay any liability under this Act (including assessments of interest or penalty) within 90 days after the Department issues a notice of the finality of a determination and assessment, the Director shall immediately notify the United States Internal Revenue Service and the United States Department of Labor.

2. Notices of payment and reporting delinquencies to Indian tribes shall include information that failure to make full payment within the prescribed time frame:
   a. will cause the Indian tribe to lose the exemption provided by Section 3306(c)(7) of the Federal Unemployment Tax Act with respect to the federal unemployment tax;
   b. will cause the Indian tribe to lose the option to make payments in lieu of contributions.

(Source: P.A. 86-3.)

Section 99. Effective date. This Act takes effect upon becoming law.
Passed in the General Assembly April 24, 2002.
Approved June 24, 2002.
Effective June 24, 2002.

PUBLIC ACT 92-0556
(House Bill No. 4989)

AN ACT relating to insurance.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Insurance Code is amended by changing Section 1001 and adding Section 1023.5 as follows:

(215 ILCS 5/1001) (from Ch. 73, par. 1065.701)

Sec. 1001. Purpose. The purpose of this Article is to establish standards for the collection, use and disclosure of information gathered in connection with insurance transactions by insurance institutions, agents or insurance-support organizations; to maintain a balance between the need for information by those conducting the business of insurance and the public's need for fairness in insurance information practices, including the need to minimize intrusiveness; to establish a regulatory mechanism to enable natural persons to ascertain what information is being or has been collected about them in connection with insurance transactions; and to enable insurance applicants and policyholders to obtain the reasons for any adverse underwriting decision. Further, this Article shall grant the Director the authority to enforce Title V of the Gramm-Leach-Bliley Act (Public Law 106-102, 106th Congress).

New matter indicated by italics - deletions by strikeout.
Sec. 1023.5. Federal privacy protections.

(A) In addition to the requirements of this Article, licensees shall comply with the privacy protection provisions of Title V of the federal Gramm-Leach-Bliley Act (Public Law 106-102, 106th Congress).

(B) The Director shall have authority to enforce the requirements of the privacy protection provisions of Title V of the federal Gramm-Leach-Bliley Act, employing powers granted to him under this Article and this Code.

(C) The Director shall make reasonable rules as may be necessary to make effective the privacy provisions of Title V of the federal Gramm-Leach-Bliley Act (Public Law 106-102, 106th Congress).

(D) For purposes of this Section, "licensee" means all insurers, insurance producers, and other persons licensed or required to be licensed, authorized or required to be authorized, registered or required to be registered, or domiciled, pursuant to this Code or any other insurance law of this State administered by the Department. "Licensee" also includes unauthorized insurers who accept business placed through a licensed surplus line producer in this State, but only in regard to the surplus line placements placed pursuant to Section 445 of this Code. However, this Section does not apply to "service contract providers" as defined by the Service Contract Act.

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

Passed in the General Assembly April 18, 2002.

Approved June 24, 2002.

Effective June 24, 2002.
Emergency Telephone System if one existed.

(b) For the purposes of this Act, no telecommunications carrier providing facilities-based local exchange telecommunications service prior to January 1, 1986 shall be required to offer or provide sophisticated 9-1-1 system features such as selective call routing in any area where that carrier's local switching facility does not have the capability to do so.

(c) For the purposes of this Act, "telecommunication carrier" does not include a cellular or other mobile communication carrier.

(d) Where multiple voice grade communication channels are connected to a telecommunication carrier's public switched network through a private branch exchange service (PBX), there shall be determined to be one network connection for each trunk line capable of transporting either the subscriber's inter-premises traffic to the public switched network or the subscriber's 9-1-1 calls to the public agency. Where multiple voice grade communication channels are connected to a telecommunication carrier's public switched network through centrex type service, the number of network connections shall be equal to the number of PBX trunk equivalents for the subscriber's service, as determined by reference to any generally applicable exchange access service tariff filed by the subscriber's telecommunications carrier with the Commission. This subsection is not intended to make any change in the meaning of this Section, but is intended to remove possible ambiguity, thereby confirming the intent of paragraph (a) as it existed prior to and following the effective date of this amendatory Act of 2002.

(Source: P.A. 86-101; 87-167.)

(50 ILCS 750/15.3) (from Ch. 134, par. 45.3)

(50 ILCS 750/15.3) (from Ch. 134, par. 45.3)

Sec. 15.3. (a) The corporate authorities of any municipality or any county may, subject to the limitations of subsections (c), (d), and (h), and in addition to any tax levied pursuant to Section 8-11-2 of the Illinois Municipal Code, impose a monthly surcharge on billed subscribers of network connection provided by telecommunication carriers engaged in the business of transmitting messages by means of electricity originating within the corporate limits of the municipality or county imposing the surcharge at a rate per network connection determined in accordance with subsection (c). Provided, however, that where multiple voice grade communications channels are connected between the subscriber's premises and a public switched network through private branch exchange (PBX) or centrex type service, a municipality imposing a surcharge at a rate per network connection, as determined in accordance with this Act, shall impose 5 such surcharges per network connection, as determined in accordance with subsections (a) and (d) of Section 2.12 of this Act. A municipality may enter into an intergovernmental agreement with any county in which it is partially located, when the county has adopted an ordinance to impose a surcharge as provided in subsection (c), to include that portion of the municipality lying outside the county in that county's surcharge referendum. If the county's surcharge referendum is approved, the portion of the municipality identified in the intergovernmental agreement shall automatically be disconnected from the county in which it lies and connected to the county which approved the referendum for purposes of a surcharge on telecommunications carriers.

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(b) For purposes of computing the surcharge imposed by subsection (a), the network connections to which the surcharge shall apply shall be those in-service network connections, other than those network connections assigned to the municipality or county, where the service address for each such network connection or connections is located within the corporate limits of the municipality or county levying the surcharge. The "service address" shall mean the location of the primary use of the network connection or connections. With respect to network connections provided for use with pay telephone services for which there is no billed subscriber, the telecommunications carrier providing the network connection shall be deemed to be its own billed subscriber for purposes of applying the surcharge.

(c) Upon the passage of an ordinance to impose a surcharge under this Section the clerk of the municipality or county shall certify the question of whether the surcharge may be imposed to the proper election authority who shall submit the public question to the electors of the municipality or county in accordance with the general election law, provided that such question shall not be submitted at a consolidated primary election. The public question shall be in substantially the following form:

-------------------------------------------------------------
Shall the county (or city, village or incorporated town) of.....impose a surcharge of up to... per month per network connection, which surcharge will be added to the monthly bill you receive for telephone or telecommunications charges, for the purpose of installing (or improving) a 9-1-1 Emergency Telephone System?
-------------------------------------------------------------

If a majority of the votes cast upon the public question are in favor thereof, the surcharge shall be imposed.

However, if a Joint Emergency Telephone System Board is to be created pursuant to an intergovernmental agreement under Section 15.4, the ordinance to impose the surcharge shall be subject to the approval of a majority of the total number of votes cast upon the public question by the electors of all of the municipalities or counties, or combination thereof, that are parties to the intergovernmental agreement.

The referendum requirement of this subsection (c) shall not apply to any municipality with a population over 500,000 or to any county in which a proposition as to whether a sophisticated 9-1-1 Emergency Telephone System should be installed in the county, at a cost not to exceed a specified monthly amount per network connection, has previously been approved by a majority of the electors of the county voting on the proposition at an election conducted before the effective date of this amendatory Act of 1987.

(d) A county may not impose a surcharge, unless requested by a municipality, in any incorporated area which has previously approved a surcharge as provided in subsection (c) or in any incorporated area where the corporate authorities of the municipality have

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previously entered into a binding contract or letter of intent with a telecommunications carrier to provide sophisticated 9-1-1 service through municipal funds.

(e) A municipality or county may at any time by ordinance change the rate of the surcharge imposed under this Section if the new rate does not exceed the rate specified in the referendum held pursuant to subsection (c).

(f) The surcharge authorized by this Section shall be collected from the subscriber by the telecommunications carrier providing the subscriber the network connection as a separately stated item on the subscriber's bill.

(g) The amount of surcharge collected by the telecommunications carrier shall be paid to the particular municipality or county or Joint Emergency Telephone System Board not later than 30 days after the surcharge is collected, net of any network or other 9-1-1 or sophisticated 9-1-1 system charges then due the particular telecommunications carrier, as shown on an itemized bill. The telecommunications carrier collecting the surcharge shall also be entitled to deduct 3% of the gross amount of surcharge collected to reimburse the telecommunications carrier for the expense of accounting and collecting the surcharge.

(h) Except as expressly provided in subsection (a) of this Section, a municipality with a population over 500,000 may not impose a monthly surcharge in excess of $1.25 per network connection.

(i) Any municipality or county or joint emergency telephone system board that has imposed a surcharge pursuant to this Section prior to the effective date of this amendatory Act of 1990 shall hereafter impose the surcharge in accordance with subsection (b) of this Section.

(j) The corporate authorities of any municipality or county may issue, in accordance with Illinois law, bonds, notes or other obligations secured in whole or in part by the proceeds of the surcharge described in this Section. Notwithstanding any change in law subsequent to the issuance of any bonds, notes or other obligations secured by the surcharge, every municipality or county issuing such bonds, notes or other obligations shall be authorized to impose the surcharge as though the laws relating to the imposition of the surcharge in effect at the time of issuance of the bonds, notes or other obligations were in full force and effect until the bonds, notes or other obligations are paid in full. The State of Illinois pledges and agrees that it will not limit or alter the rights and powers vested in municipalities and counties by this Section to impose the surcharge so as to impair the terms of or affect the security for bonds, notes or other obligations secured in whole or in part with the proceeds of the surcharge described in this Section.

(k) Any surcharge collected by or imposed on a telecommunications carrier pursuant to this Section shall be held to be a special fund in trust for the municipality, county or Joint Emergency Telephone Board imposing the surcharge. Except for the 3% deduction provided in subsection (g) above, the special fund shall not be subject to the claims of creditors of the telecommunications carrier.

(Source: P.A. 86-101; 86-1344.)

(Text of Section after amendment by P.A. 92-474)

Sec. 15.3. (a) The corporate authorities of any municipality or any county may,

New matter indicated by italics - deletions by strikeout.
subject to the limitations of subsections (c), (d), and (h), and in addition to any tax levied pursuant to Section 8-11-2 of the Illinois Municipal Code, impose a monthly surcharge on billed subscribers of network connection provided by telecommunication carriers engaged in the business of transmitting messages by means of electricity originating within the corporate limits of the municipality or county imposing the surcharge at a rate per network connection determined in accordance with subsection (c). Provided, however, that where multiple voice grade communications channels are connected between the subscriber's premises and a public switched network through private branch exchange (PBX) or centrex type service, a municipality imposing a surcharge at a rate per network connection, as determined in accordance with this Act, shall impose 5 such surcharges per network connection, as determined in accordance with subsections (a) and (d) of Section 2.12 of this Act. For mobile telecommunications services, if a surcharge is imposed it shall be imposed based upon the municipality or county that encompasses the customer's place of primary use as defined in the Mobile Telecommunications Sourcing Conformity Act. A municipality may enter into an intergovernmental agreement with any county in which it is partially located, when the county has adopted an ordinance to impose a surcharge as provided in subsection (c), to include that portion of the municipality lying outside the county in that county's surcharge referendum. If the county's surcharge referendum is approved, the portion of the municipality identified in the intergovernmental agreement shall automatically be disconnected from the county in which it lies and connected to the county which approved the referendum for purposes of a surcharge on telecommunications carriers.

(b) For purposes of computing the surcharge imposed by subsection (a), the network connections to which the surcharge shall apply shall be those in-service network connections, other than those network connections assigned to the municipality or county, where the service address for each such network connection or connections is located within the corporate limits of the municipality or county levying the surcharge. Except for mobile telecommunication services, the "service address" shall mean the location of the primary use of the network connection or connections. For mobile telecommunication services, "service address" means the customer's place of primary use as defined in the Mobile Telecommunications Sourcing Conformity Act. With respect to network connections provided for use with pay telephone services for which there is no billed subscriber, the telecommunications carrier providing the network connection shall be deemed to be its own billed subscriber for purposes of applying the surcharge.

(c) Upon the passage of an ordinance to impose a surcharge under this Section the clerk of the municipality or county shall certify the question of whether the surcharge may be imposed to the proper election authority who shall submit the public question to the electors of the municipality or county in accordance with the general election law; provided that such question shall not be submitted at a consolidated primary election. The public question shall be in substantially the following form:

Shall the county (or city, village or incorporated town) of.....impose YES

New matter indicated by italics - deletions by strikeout.
a surcharge of up to...> per month per
network connection, which surcharge will
be added to the monthly bill you receive
for telephone or telecommunications
charges, for the purpose of installing
(or improving) a 9-1-1 Emergency
Telephone System?

If a majority of the votes cast upon the public question are in favor thereof, the
surcharge shall be imposed.

However, if a Joint Emergency Telephone System Board is to be created pursuant to
an intergovernmental agreement under Section 15.4, the ordinance to impose the surcharge
shall be subject to the approval of a majority of the total number of votes cast upon the public
question by the electors of all of the municipalities or counties, or combination thereof, that
are parties to the intergovernmental agreement.

The referendum requirement of this subsection (c) shall not apply to any municipality
with a population over 500,000 or to any county in which a proposition as to whether a
sophisticated 9-1-1 Emergency Telephone System should be installed in the county, at a cost
not to exceed a specified monthly amount per network connection, has previously been
approved by a majority of the electors of the county voting on the proposition at an election
conducted before the effective date of this amendatory Act of 1987.

(d) A county may not impose a surcharge, unless requested by a municipality, in any
incorporated area which has previously approved a surcharge as provided in subsection (c)
or in any incorporated area where the corporate authorities of the municipality have
previously entered into a binding contract or letter of intent with a telecommunications
carrier to provide sophisticated 9-1-1 service through municipal funds.

(e) A municipality or county may at any time by ordinance change the rate of the
surcharge imposed under this Section if the new rate does not exceed the rate specified in the
referendum held pursuant to subsection (c).

(f) The surcharge authorized by this Section shall be collected from the subscriber by
the telecommunications carrier providing the subscriber the network connection as a
separately stated item on the subscriber's bill.

(g) The amount of surcharge collected by the telecommunications carrier shall be paid
to the particular municipality or county or Joint Emergency Telephone System Board not
later than 30 days after the surcharge is collected, net of any network or other 9-1-1 or
sophisticated 9-1-1 system charges then due the particular telecommunications carrier, as
shown on an itemized bill. The telecommunications carrier collecting the surcharge shall also
be entitled to deduct 3% of the gross amount of surcharge collected to reimburse the
telecommunications carrier for the expense of accounting and collecting the surcharge.

(h) Except as expressly provided in subsection (a) of this Section, a municipality with
a population over 500,000 may not impose a monthly surcharge in excess of $1.25 per
network connection.

New matter indicated by italics - deletions by strikeout.
(i) Any municipality or county or joint emergency telephone system board that has imposed a surcharge pursuant to this Section prior to the effective date of this amendatory Act of 1990 shall hereafter impose the surcharge in accordance with subsection (b) of this Section.

(j) The corporate authorities of any municipality or county may issue, in accordance with Illinois law, bonds, notes or other obligations secured in whole or in part by the proceeds of the surcharge described in this Section. Notwithstanding any change in law subsequent to the issuance of any bonds, notes or other obligations secured by the surcharge, every municipality or county issuing such bonds, notes or other obligations shall be authorized to impose the surcharge as though the laws relating to the imposition of the surcharge in effect at the time of issuance of the bonds, notes or other obligations were in full force and effect until the bonds, notes or other obligations are paid in full. The State of Illinois pledges and agrees that it will not limit or alter the rights and powers vested in municipalities and counties by this Section to impose the surcharge so as to impair the terms of or affect the security for bonds, notes or other obligations secured in whole or in part with the proceeds of the surcharge described in this Section.

(k) Any surcharge collected by or imposed on a telecommunications carrier pursuant to this Section shall be held to be a special fund in trust for the municipality, county or Joint Emergency Telephone Board imposing the surcharge. Except for the 3% deduction provided in subsection (g) above, the special fund shall not be subject to the claims of creditors of the telecommunication carrier.

(Source: P.A. 92-474, eff. 8-1-02.)

Section 95. No acceleration or delay. Where this Act makes changes in a statute that is represented in this Act by text that is not yet or no longer in effect (for example, a Section represented by multiple versions), the use of that text does not accelerate or delay the taking effect of (i) the changes made by this Act or (ii) provisions derived from any other Public Act.

Passed in the General Assembly April 18, 2002.
Approved June 24, 2002.

PUBLIC ACT 92-0558
(House Bill No. 5785)

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

Section 5. The Township Code is amended by changing Section 235-20 as follows:

(60 ILCS 1/235-20)
Sec. 235-20. General assistance tax.
(a) The township board may raise money by taxation deemed necessary to be expended to provide general assistance in the township to persons needing that assistance as

New matter indicated by italics - deletions by strikeout.
provided in the Illinois Public Aid Code, including persons eligible for assistance under the Military Veterans Assistance Act, where that duty is provided by law. The tax for each fiscal year shall not be more than 0.10% of value, or more than an amount approved at a referendum held under this Section, as equalized or assessed by the Department of Revenue, and shall in no case exceed the amount needed in the township for general assistance. The board may decrease the maximum tax rate by ordinance.

(b) Except as otherwise provided in this subsection, if the board desires to increase the maximum tax rate, it shall order a referendum on that proposition to be held at an election in accordance with the general election law. The board shall certify the proposition to the proper election officials, who shall submit the proposition to the voters at an election in accordance with the general election law. If a majority of the votes cast on the proposition is in favor of the proposition, the board may annually levy the tax at a rate not exceeding the higher rate approved by the voters at the election. If, however, the board has decreased the maximum tax rate under subsection (a), then it may, at any time after the decrease, increase the maximum tax rate, by ordinance, to a rate less than or equal to the maximum tax rate immediately prior to the board's ordinance to decrease the rate.

(c) If a city, village, or incorporated town having a population of more than 500,000 is located within or partially within a township, then the entire amount of the tax levied by the township for the purpose of providing general assistance under this Section on property lying within that city, village, or incorporated town, less the amount allowed for collecting the tax, shall be paid over by the treasurer of the township to the treasurer of the city, village, or incorporated town to be appropriated and used by the city, village, or incorporated town for the relief and support of persons needing general assistance residing in that portion of the city, village, or incorporated town located within the township in accordance with the Illinois Public Aid Code.

(d) Any taxes levied for general assistance before or after this Section takes effect may also be used for the payment of warrants issued against and in anticipation of those taxes and accrued interest on those warrants and may also be used to pay the cost of administering that assistance.

(e) In any township with a population of less than 500,000 that receives no State funding for the general assistance program and that has not issued anticipation warrants or otherwise borrowed monies for the administration of the general assistance program during the township's previous 3 fiscal years of operation, a one time transfer of monies from the township's general assistance fund may be made to the general township fund pursuant to action by the township board. This transfer may occur only to the extent that the amount of monies remaining in the general assistance fund after the transfer is equal to the greater of (i) the amount of the township's expenditures in the previous fiscal year for general assistance or (ii) an amount equal to 0.10% of the last known total equalized value of all taxable property in the township. The transfer shall be completed no later than the end of fiscal year 1992. No township that has certified a new levy or an increase in the levy under this Section during calendar year 1990 may transfer monies under this subsection. No action on the transfer of monies under this subsection shall be taken by the township board except at a
t township board meeting. No monies transferred under this subsection shall be considered in determining whether the township qualifies for State funds to supplement local funds for public aid purposes under Section 12-21.13 of the Illinois Public Aid Code.  
(Source: P.A. 86-1379; 86-1480; 87-14; 87-895; 88-62.)

Section 99. Effective date. This Act takes effect upon becoming law.  
Passed in the General Assembly April 18, 2002.  
Approved June 24, 2002.  
Effective June 24, 2002.

PUBLIC ACT 92-0559  
(Senate Bill No. 1638)

AN ACT in relation to drug courts.  
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 1. Short title. This Act may be cited as the Juvenile Drug Court Treatment Act.  

Section 5. Purposes. The General Assembly recognizes that the use and abuse of drugs has a dramatic effect on the juvenile justice system in the State of Illinois. There is a critical need for a juvenile justice system program that will reduce the incidence of drug use, drug addiction, and crimes committed as a result of drug use and drug addiction. It is the intent of the General Assembly to create specialized drug courts with the necessary flexibility to meet the drug problems in the State of Illinois.  

Section 10. Definitions. As used in this Act:

"Drug court", "drug court program", or "program" means an immediate and highly structured judicial intervention process for substance abuse treatment of eligible minors that brings together substance abuse professionals, local social programs, and intensive judicial monitoring in accordance with the nationally recommended 10 key components of drug courts.  

"Drug court professional" means a judge, prosecutor, defense attorney, probation officer, or treatment provider involved with the drug court program.  

"Pre-adjudicatory drug court program" means a program that allows the minor, with the consent of the prosecution, to expedite the minor's delinquency case and requires successful completion of the drug court program as part of the agreement.  

"Post-adjudicatory drug court program" means a program in which the minor has admitted guilt or has been found guilty and agrees, along with the prosecution, to enter a drug court program as part of the minor's disposition.  

"Combination drug court program" means a drug court program that includes a pre-adjudicatory drug court program and a post-adjudicatory drug court program.  

Section 15. Authorization. The Chief Judge of each judicial circuit may establish a drug court program for minors including the format under which it operates under this Act.  

Section 20. Eligibility.  

New matter indicated by italics - deletions by strikeout.
(a) A minor may be admitted into a drug court program only upon the agreement of the prosecutor and the minor and with the approval of the court.

(b) A minor shall be excluded from a drug court program if any of one of the following apply:

(1) The crime is a crime of violence as set forth in clause (4) of this subsection (b).

(2) The minor denies his or her use of or addiction to drugs.

(3) The minor does not demonstrate a willingness to participate in a treatment program.

(4) The minor has been adjudicated delinquent for a crime of violence within the past 10 years excluding incarceration time, including but not limited to: first degree murder, second degree murder, predatory criminal sexual assault of a child, criminal sexual assault, armed robbery, aggravated arson, arson, aggravated kidnapping, kidnapping, aggravated battery resulting in great bodily harm or permanent disability, stalking, aggravated stalking, or any offense involving the discharge of a firearm.

Section 25. Procedure.

(a) The court shall order an eligibility screening and an assessment of the minor by an agent designated by the State of Illinois to provide assessment services for the Illinois Courts. An assessment need not be ordered if the court finds a valid assessment related to the present charge pending against the minor has been completed within the previous 60 days.

(b) The judge shall inform the minor that if the minor fails to meet the conditions of the drug court program, eligibility to participate in the program may be revoked and the minor may be sentenced or the prosecution continued as provided in the Juvenile Court Act of 1987 for the crime charged.

(c) The minor shall execute a written agreement as to his or her participation in the program and shall agree to all of the terms and conditions of the program, including but not limited to the possibility of sanctions or incarceration for failing to abide or comply with the terms of the program.

(d) In addition to any conditions authorized under Sections 5-505, 5-710, and 5-715, the court may order the minor to complete substance abuse treatment in an outpatient, inpatient, residential, or detention-based custodial treatment program. Any period of time a minor shall serve in a detention-based treatment program may not be reduced by the accumulation of good time or other credits and may be for a period of up to 120 days.

(e) The drug court program shall include a regimen of graduated requirements and rewards and sanctions, including but not limited to: fines, costs, restitution, public service employment, incarceration of up to 120 days, individual and group therapy, drug analysis testing, close monitoring by the court at a minimum of once every 30 days and supervision of progress, educational or vocational counseling as appropriate, and other requirements necessary to fulfill the drug court program.

Section 30. Substance abuse treatment.

(a) The drug court program shall maintain a network of substance abuse treatment
programs representing a continuum of graduated substance abuse treatment options commensurate with the needs of minors.

(b) Any substance abuse treatment program to which minors are referred must meet all of the rules and governing programs in Parts 2030 and 2060 of Title 77 of the Illinois Administrative Code.

(c) The drug court program may, at its discretion, employ additional services or interventions, as it deems necessary on a case by case basis.

Section 35. Violation; termination; discharge.

(a) If the court finds from the evidence presented including but not limited to the reports or proffers of proof from the drug court professionals that:

1. the minor is not performing satisfactorily in the assigned program;
2. the minor is not benefitting from education, treatment, or rehabilitation;
3. the minor has engaged in criminal conduct rendering him or her unsuitable for the program; or
4. the minor has otherwise violated the terms and conditions of the program or his or her dispositional order or is for any reason unable to participate;

the court may impose reasonable sanctions under prior written agreement of the minor, including but not limited to imprisonment or dismissal of the minor from the program and the court may reinstate juvenile proceedings against him or her or proceed under Section 5-720 of the Juvenile Court Act of 1987 for a violation of probation, conditional discharge, or supervision hearing.

(b) Upon successful completion of the terms and conditions of the program by the minor, the court may dismiss the original charges against the minor or successfully terminate the minor's sentence or otherwise discharge him or her from any further proceedings against him or her in the original prosecution.

Section 105. The Juvenile Court Act of 1987 is amended by changing Section 1-5 as follows:

(705 ILCS 405/1-5) (from Ch. 37, par. 801-5)

Sec. 1-5. Rights of parties to proceedings.

1. Except as provided in this Section and paragraph (2) of Sections 2-22, 3-23, 4-20, 5-610 or 5-705, the minor who is the subject of the proceeding and his parents, guardian, legal custodian or responsible relative who are parties respondent have the right to be present, to be heard, to present evidence material to the proceedings, to cross-examine witnesses, to examine pertinent court files and records and also, although proceedings under this Act are not intended to be adversary in character, the right to be represented by counsel. At the request of any party financially unable to employ counsel, with the exception of a foster parent permitted to intervene under this Section, the court shall appoint the Public Defender or such other counsel as the case may require. Counsel appointed for the minor and any indigent party shall appear at all stages of the trial court proceeding, and such appointment shall continue through the permanency hearings and termination of parental rights proceedings subject to withdrawal or substitution pursuant to Supreme Court Rules or the Code of Civil Procedure. Following the dispositional hearing, the court may require

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appointed counsel, other than counsel for the minor or counsel for the guardian ad litem, to withdraw his or her appearance upon failure of the party for whom counsel was appointed under this Section to attend any subsequent proceedings.

No hearing on any petition or motion filed under this Act may be commenced unless the minor who is the subject of the proceeding is represented by counsel. Each adult respondent shall be furnished a written "Notice of Rights" at or before the first hearing at which he or she appears.

(1.5) The Department shall maintain a system of response to inquiry made by parents or putative parents as to whether their child is under the custody or guardianship of the Department; and if so, the Department shall direct the parents or putative parents to the appropriate court of jurisdiction, including where inquiry may be made of the clerk of the court regarding the case number and the next scheduled court date of the minor’s case. Effective notice and the means of accessing information shall be given to the public on a continuing basis by the Department.

(2) (a) Though not appointed guardian or legal custodian or otherwise made a party to the proceeding, any current or previously appointed foster parent or relative caregiver, or representative of an agency or association interested in the minor has the right to be heard by the court, but does not thereby become a party to the proceeding.

In addition to the foregoing right to be heard by the court, any current foster parent or relative caregiver of a minor and the agency designated by the court or the Department of Children and Family Services as custodian of the minor who is alleged to be or has been adjudicated an abused or neglected minor under Section 2-3 or a dependent minor under Section 2-4 of this Act has the right to and shall be given adequate notice at all stages of any hearing or proceeding under this Act.

Any foster parent or relative caregiver who is denied his or her right to be heard under this Section may bring a mandamus action under Article XIV of the Code of Civil Procedure against the court or any public agency to enforce that right. The mandamus action may be brought immediately upon the denial of those rights but in no event later than 30 days after the foster parent has been denied the right to be heard.

(b) If after an adjudication that a minor is abused or neglected as provided under Section 2-21 of this Act and a motion has been made to restore the minor to any parent, guardian, or legal custodian found by the court to have caused the neglect or to have inflicted the abuse on the minor, a foster parent may file a motion to intervene in the proceeding for the sole purpose of requesting that the minor be placed with the foster parent, provided that the foster parent (i) is the current foster parent of the minor or (ii) has previously been a foster parent for the minor for one year or more, has a foster care license or is eligible for a license, and is not the subject of any findings of abuse or neglect of any child. The juvenile court may only enter orders placing a minor with a specific foster parent under this subsection (2)(b) and nothing in this Section shall be construed to confer any jurisdiction or authority on the juvenile court to issue any other orders requiring the appointed guardian or custodian of a minor to place the minor in a designated foster home or facility. This Section is not intended to encompass any matters that are within the scope or determinable under the
administrative and appeal process established by rules of the Department of Children and Family Services under Section 5(o) of the Children and Family Services Act. Nothing in this Section shall relieve the court of its responsibility, under Section 2-14(a) of this Act to act in a just and speedy manner to reunify families where it is the best interests of the minor and the child can be cared for at home without endangering the child's health or safety and, if reunification is not in the best interests of the minor, to find another permanent home for the minor. Nothing in this Section, or in any order issued by the court with respect to the placement of a minor with a foster parent, shall impair the ability of the Department of Children and Family Services, or anyone else authorized under Section 5 of the Abused and Neglected Child Reporting Act, to remove a minor from the home of a foster parent if the Department of Children and Family Services or the person removing the minor has reason to believe that the circumstances or conditions of the minor are such that continuing in the residence or care of the foster parent will jeopardize the child's health and safety or present an imminent risk of harm to that minor's life.

(c) If a foster parent has had the minor who is the subject of the proceeding under Article II in his or her home for more than one year on or after July 3, 1994 and if the minor's placement is being terminated from that foster parent's home, that foster parent shall have standing and intervenor status except in those circumstances where the Department of Children and Family Services or anyone else authorized under Section 5 of the Abused and Neglected Child Reporting Act has removed the minor from the foster parent because of a reasonable belief that the circumstances or conditions of the minor are such that continuing in the residence or care of the foster parent will jeopardize the child's health or safety or presents an imminent risk of harm to the minor's life.

(d) The court may grant standing to any foster parent if the court finds that it is in the best interest of the child for the foster parent to have standing and intervenor status.

(3) Parties respondent are entitled to notice in compliance with Sections 2-15 and 2-16, 3-17 and 3-18, 4-14 and 4-15 or 5-525 and 5-530, as appropriate. At the first appearance before the court by the minor, his parents, guardian, custodian or responsible relative, the court shall explain the nature of the proceedings and inform the parties of their rights under the first 2 paragraphs of this Section.

If the child is alleged to be abused, neglected or dependent, the court shall admonish the parents that if the court declares the child to be a ward of the court and awards custody or guardianship to the Department of Children and Family Services, the parents must cooperate with the Department of Children and Family Services, comply with the terms of the service plans, and correct the conditions that require the child to be in care, or risk termination of their parental rights.

Upon an adjudication of wardship of the court under Sections 2-22, 3-23, 4-20 or 5-705, the court shall inform the parties of their right to appeal therefrom as well as from any other final judgment of the court.

When the court finds that a child is an abused, neglected, or dependent minor under Section 2-21, the court shall admonish the parents that the parents must cooperate with the Department of Children and Family Services, comply with the terms of the service plans, and

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correct the conditions that require the child to be in care, or risk termination of their parental rights.

When the court declares a child to be a ward of the court and awards guardianship to the Department of Children and Family Services under Section 2-22, the court shall admonish the parents, guardian, custodian, or responsible relative that the parents must cooperate with the Department of Children and Family Services, comply with the terms of the service plans, and correct the conditions that require the child to be in care, or risk termination of their parental rights.

(4) No sanction may be applied against the minor who is the subject of the proceedings by reason of his refusal or failure to testify in the course of any hearing held prior to final adjudication under Section 2-22, 3-23, 4-20 or 5-705.

(5) In the discretion of the court, the minor may be excluded from any part or parts of a dispositional hearing and, with the consent of the parent or parents, guardian, counsel or a guardian ad litem, from any part or parts of an adjudicatory hearing.

(6) The general public except for the news media and the victim shall be excluded from any hearing and, except for the persons specified in this Section only persons, including representatives of agencies and associations, who in the opinion of the court have a direct interest in the case or in the work of the court shall be admitted to the hearing. However, the court may, for the minor's safety and protection and for good cause shown, prohibit any person or agency present in court from further disclosing the minor's identity. Nothing in this subsection (6) prevents the court from allowing other juveniles to be present or to participate in a court session being held under the Juvenile Drug Court Treatment Act.

(7) A party shall not be entitled to exercise the right to a substitution of a judge without cause under subdivision (a)(2) of Section 2-1001 of the Code of Civil Procedure in a proceeding under this Act if the judge is currently assigned to a proceeding involving the alleged abuse, neglect, or dependency of the minor's sibling or half sibling and that judge has made a substantive ruling in the proceeding involving the minor's sibling or half sibling.

(Source: P.A. 90-27, eff. 1-1-98; 90-28, eff. 1-1-98; 90-590, eff. 1-1-99; 90-608, eff. 6-30-98; 91-357, eff. 7-29-99.)
Passed in the General Assembly April 17, 2002.
Approved June 24, 2002.

PUBLIC ACT 92-0560
(Senate Bill No. 1707)

AN ACT relating to education.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The School Code is amended by changing Section 21-11.3 as follows:
(105 ILCS 5/21-11.3) (from Ch. 122, par. 21-11.3)
Sec. 21-11.3. Resident teacher certificate. A resident teacher certificate shall be valid

New matter indicated by italics - deletions by strikeout.
for 4 ≥ 2 years for employment as a resident teacher in a public school. It shall be issued only to persons who have graduated from a regionally accredited institution of higher education with a bachelor's degree, who are enrolled in a program of preparation approved by the State Superintendent of Education in consultation with the State Teacher Certification Board, and who have passed the appropriate tests as required in Section 21-1a and as determined by the State Board of Education. A resident teacher certificate may be issued for teaching children through grade 3 or for grades K-9, 6-12, or K-12 in a special subject area and may not be renewed. A resident teacher may teach only in conjunction with and under the direction of a certified teacher as the resident teacher's mentor and shall not teach in place of a certified teacher. The holder of a resident teacher certificate shall be deemed to have satisfied the requirements for the issuance of a Standard Teaching Certificate if he or she has completed 4 years of successful teaching, has passed all appropriate tests, and has earned a master's degree in education.

(Source: P.A. 90-548, eff. 1-1-98; 91-102, eff. 7-12-99.)

Section 99. Effective date. This Act takes effect upon becoming law.
Passed in the General Assembly April 17, 2002.
Approved June 24, 2002.
Effective June 24, 2002.

PUBLIC ACT 92-0561
(Senate Bill No. 1717)

AN ACT concerning immunizations.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Department of Public Health Act is amended by changing Section 8.4 as follows:

(20 ILCS 2305/8.4)

Sec. 8.4. Immunization Advisory Committee. The Director of Public Health shall appoint an Immunization Advisory Committee to advise the Director on immunization issues. The Director shall take into consideration any comments or recommendations made by the Advisory Committee. The Immunization Advisory Committee shall be composed of the following members with knowledge of immunization issues: a pediatrician, a physician licensed to practice medicine in all its branches, a family physician, an infectious disease specialist from a university based center, 2 representatives of a local health department, a registered nurse, a school nurse, a public health provider, a public health officer or administrator, a representative of a children's hospital, 2 representatives of immunization advocacy organizations, a representative from the State Board of Education, a person with expertise in bioterrorism issues, and any other individuals or organization representatives designated by the Director. The Director shall designate one of the Advisory Committee members to serve as the Chairperson of the Advisory Committee.

(Source: P.A. 90-607, eff. 6-30-98.)

New matter indicated by italics - deletions by strikeout.
Section 99. Effective date. This Act takes effect upon becoming law.
Passed in the General Assembly April 17, 2002.
Approved June 24, 2002.
Effective June 24, 2002.

PUBLIC ACT 92-0562
(Senate Bill No. 1794)

AN ACT concerning health facilities.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. Amends the Assisted Living and Shared Housing Act by adding Section 76 as follows:
(210 ILCS 9/76 new)
Sec. 76. Pneumonia shots. Before a prospective resident's admission to an assisted living establishment or a shared housing establishment, the establishment shall advise the prospective resident to consult a physician to determine whether the prospective resident should obtain a vaccination against pneumococcal pneumonia.

Section 99. Effective date. This Act shall take effect upon becoming law.
Passed in the General Assembly April 17, 2002.
Approved June 24, 2002.
Effective June 24, 2002.

PUBLIC ACT 92-0563
(Senate Bill No. 2004)

AN ACT concerning health facilities.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Hospital Licensing Act is amended by changing Section 8 as follows:
(210 ILCS 85/8) (from Ch. 111 1/2, par. 149)
Sec. 8. Facility plan review; fees.
(a) Before commencing construction of new facilities or specified types of alteration or additions to an existing hospital involving major construction, as defined by rule by the Department, with an estimated cost greater than $100,000, architectural plans and specifications therefor shall be submitted by the licensee to the Department for review and approval. A hospital may submit architectural drawings and specifications for other construction projects for Department review according to subsection (b) that shall not be subject to fees under subsection (d). Review of drawings and specifications shall be conducted by an employee of the Department meeting the qualifications established by the Department of Central Management Services class specifications for such an individual's position or by a person contracting with the Department who meets those class

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specifications. Final approval of the plans and specifications for compliance with design and construction standards shall be obtained from the Department before the alteration, addition, or new construction is begun.

(b) The Department shall inform an applicant in writing within 10 working days after receiving drawings and specifications and the required fee, if any, from the applicant whether the applicant's submission is complete or incomplete. Failure to provide the applicant with this notice within 10 working days shall result in the submission being deemed complete for purposes of initiating the 60-day review period under this Section. If the submission is incomplete, the Department shall inform the applicant of the deficiencies with the submission in writing. If the submission is complete and the required fee, if any, has been paid, the Department shall approve or disapprove drawings and specifications submitted to the Department no later than 60 days following receipt by the Department. The drawings and specifications shall be of sufficient detail, as provided by Department rule, to enable the Department to render a determination of compliance with design and construction standards under this Act. If the Department finds that the drawings are not of sufficient detail for it to render a determination of compliance, the plans shall be determined to be incomplete and shall not be considered for purposes of initiating the 60-day review period. If a submission of drawings and specifications is incomplete, the applicant may submit additional information. The 60-day review period shall not commence until the Department determines that a submission of drawings and specifications is complete or the submission is deemed complete. If the Department has not approved or disapproved the drawings and specifications within 60 days, the construction, major alteration, or addition shall be deemed approved. If the drawings and specifications are disapproved, the Department shall state in writing, with specificity, the reasons for the disapproval. The entity submitting the drawings and specifications may submit additional information in response to the written comments from the Department or request a reconsideration of the disapproval. A final decision of approval or disapproval shall be made within 45 days of the receipt of the additional information or reconsideration request. If denied, the Department shall state the specific reasons for the denial.

(c) The Department shall provide written approval for occupancy pursuant to subsection (g) and shall not issue a violation to a facility as a result of a licensure or complaint survey based upon the facility's physical structure if:

(1) the Department reviewed and approved or deemed approved the drawing and specifications for compliance with design and construction standards;
(2) the construction, major alteration, or addition was built as submitted;
(3) the law or rules have not been amended since the original approval; and
(4) the conditions at the facility indicate that there is a reasonable degree of safety provided for the patients.

(d) The Department shall charge the following fees in connection with its reviews conducted before June 30, 2004 under this Section:

(1) (Blank).
(2) (Blank).

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(3) If the estimated dollar value of the major alteration, addition, or new construction is greater than $100,000 but less than $500,000, the fee shall be established by the Department pursuant to rules that reflect the reasonable and direct cost of the Department in conducting the architectural reviews required under this Section. The estimated dollar value of the major construction subject to review under this Section shall be annually readjusted to reflect the increase in construction costs due to inflation, the greater of $2,400 or 1.2% of that value.

(4) If the estimated dollar value of the alteration, addition, or new construction is $500,000 or more but less than $1,000,000, the fee shall be the greater of $6,000 or 0.96% of that value.

(5) If the estimated dollar value of the alteration, addition, or new construction is $1,000,000 or more but less than $5,000,000, the fee shall be the greater of $9,600 or 0.22% of that value.

(6) If the estimated dollar value of the alteration, addition, or new construction is $5,000,000 or more, the fee shall be the greater of $11,000 or 0.11% of that value, but shall not exceed $40,000.

The fees provided in this subsection (d) shall not apply to major construction projects involving facility changes that are required by Department rule amendments.

The fees provided in this subsection (d) shall also not apply to major construction projects if 51% or more of the estimated cost of the project is attributed to capital equipment. For major construction projects where 51% or more of the estimated cost of the project is attributed to capital equipment, the Department shall by rule establish a fee that is reasonably related to the cost of reviewing the project.

The Department shall not commence the facility plan review process under this Section until the applicable fee has been paid.

(e) All fees received by the Department under this Section shall be deposited into the Health Facility Plan Review Fund, a special fund created in the State treasury. All fees paid by hospitals under subsection (d) shall be used only to cover the direct and reasonable costs relating to the Department’s review of hospital projects under this Section. Moneys shall be appropriated from that Fund to the Department only to pay the costs of conducting reviews under this Section. None of the moneys in the Health Facility Plan Review Fund shall be used to reduce the amount of General Revenue Fund moneys appropriated to the Department for facility plan reviews conducted pursuant to this Section.

(f) (Blank). (1) The provisions of this amendatory Act of 1997 concerning drawings and specifications shall apply only to drawings and specifications submitted to the Department on or after October 1, 1997.

(2) On and after the effective date of this amendatory Act of 1997 and before October 1, 1997, an applicant may submit or resubmit drawings and specifications to the Department and pay the fees provided in subsection (d). If an applicant pays the fees provided in subsection (d) under this paragraph (2), the provisions of subsection (b) shall apply with regard to those drawings and specifications.

(g) The Department shall conduct an on-site inspection of the completed project no
later than 30 days after notification from the applicant that the project has been completed and all certifications required by the Department have been received and accepted by the Department. The Department shall provide written approval for occupancy to the applicant within 5 working days of the Department's final inspection, provided the applicant has demonstrated substantial compliance as defined by Department rule. Occupancy of new major construction is prohibited until Department approval is received, unless the Department has not acted within the time frames provided in this subsection (g), in which case the construction shall be deemed approved. Occupancy shall be authorized after any required health inspection by the Department has been conducted.

(h) The Department shall establish, by rule, a procedure to conduct interim on-site review of large or complex construction projects.

(i) The Department shall establish, by rule, an expedited process for emergency repairs or replacement of like equipment.

(j) Nothing in this Section shall be construed to apply to maintenance, upkeep, or renovation that does not affect the structural integrity of the building, does not add beds or services over the number for which the facility is licensed, and provides a reasonable degree of safety for the patients.

(Source: P.A. 90-327, eff. 8-8-97; 90-600, eff. 6-25-98; 91-712, eff. 7-1-00.)

Section 99. Effective date. This Act takes effect upon becoming law.
Passed in the General Assembly April 17, 2002.
Approved June 24, 2002.
Effective June 24, 2002.

PUBLIC ACT 92-0564
(Senate Bill No. 2195)

AN ACT in relation to criminal law.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Unified Code of Corrections is amended by changing Section 3-7-6 as follows:

(730 ILCS 5/3-7-6) (from Ch. 38, par. 1003-7-6)
Sec. 3-7-6. Reimbursement for expenses.
(a) Responsibility of committed persons. For the purposes of this Section, "committed persons" mean those persons who through judicial determination have been placed in the custody of the Department on the basis of a conviction as an adult. Committed Convicted persons committed to the Department correctional institutions or facilities shall be responsible to reimburse the Department for the expenses incurred by their incarceration at a rate to be determined by the Department in accordance with this Section.

(1) Committed persons shall fully cooperate with the Department by providing complete financial information for the purposes under this Section.

(2) The failure of a committed person to fully cooperate as provided for in

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Clauses (3) and (4) of subsection (a-5) shall be considered for purposes of a parole determination. Any committed person who willfully refuses to cooperate with the obligations set forth in this Section may be subject to the loss of good conduct credit towards his or her sentence of up to 180 days.

(a-5) Assets information form.

(1) The Department shall develop a form, which shall be used by the Department to obtain information from all committed persons regarding assets of the persons.

(2) In order to enable the Department to determine the financial status of the committed person, the form shall provide for obtaining the age and marital status of a committed person, the number and ages of children of the person, the number and ages of other dependents, the type and value of real estate, the type and value of personal property, cash and bank accounts, the location of any lock boxes, the type and value of investments, pensions and annuities and any other personality of significant cash value, including but not limited to jewelry, artwork and collectables, and all medical or dental insurance policies covering the committed person. The form may also provide for other information deemed pertinent by the Department in the investigation of a committed person's assets.

(3) Upon being developed, the form shall be submitted to each committed person as of the date the form is developed and to every committed person who thereafter is sentenced to imprisonment under the jurisdiction of the Department. The form may be resubmitted to a committed person by the Department for purpose of obtaining current information regarding the assets of the person.

(4) Every committed person shall complete the form or provide for completion of the form and the committed person shall swear under oath or affirm that to the best of his or her knowledge the information provided is complete and accurate.

(b) Expenses. The rate at which sums to be charged for the expenses incurred by a committed convicted person committed to Department correctional institutions or facilities for his or her confinement incarceration shall be computed by the Department as the average per capita cost per day for all inmates of that institution or facility for that fiscal year. The average per capita cost per day shall be computed by the Department based on the average per capita cost per day for the operation of that institution or facility for the fiscal year immediately preceding the period of incarceration for which the rate is being calculated. The Department shall establish rules and regulations providing for the computation of the above costs, and shall determine the average per capita cost per day for each of its institutions or facilities for each fiscal year. The Department shall have the power to modify its rules and regulations, so as to provide for the most accurate and most current average per capita cost per day computation. Where the committed convicted person is placed in a facility outside the Department, the Department may pay the actual cost of services in that facility, and may collect reimbursement for the entire amount paid from the committed convicted person receiving those services.

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(c) Records. The records of the Department, including, but not limited to, those relating to: the average per capita cost per day for a particular institution or facility for a particular year, and the calculation of the average per capita cost per day; the average daily population of a particular Department correctional institution or facility for a particular year; the specific placement of a particular committed convicted person in various Department correctional institutions or facilities for various periods of time; and the record of transactions of a particular committed convicted person's trust account under Section 3-4-3 of this Act; may be proved in any legal proceeding, by a reproduced copy thereof or by a computer printout of Department records, under the certificate of the Director. If reproduced copies are used, the Director must certify that those are true and exact copies of the records on file with the Department. If computer printouts of records of the Department are offered as proof, the Director must certify that those computer printouts are true and exact representations of records properly entered into standard electronic computing equipment, in the regular course of the Department's business, at or reasonably near the time of the occurrence of the facts recorded, from trustworthy and reliable information. The reproduced copy or computer printout shall, without further proof, be admitted into evidence in any legal proceeding, and shall be prima facie correct and prima facie evidence of the accuracy of the information contained therein.

(d) Authority. The Director, or the Director's designee, may, when he or she knows or reasonably believes that a committed convicted person committed to the Department correctional institutions or facilities, or the estate of that person, has assets which may be used to satisfy all or part of a judgment rendered under this Act, or when he or she knows or reasonably believes that a committed convicted person committed to the Department correctional institutions or facilities is engaged in gang-related activity and has a substantial sum of money or other assets, provide for the forwarding to the Attorney General of a report on the committed person and that report shall contain a completed form under subsection (a-5) together with all other information available concerning the assets of the committed person and an estimate of the total expenses for that committed person, and authorize the Attorney General to institute proceedings to require the persons, or the estates of the persons, to reimburse the Department for the expenses incurred by their incarceration. The Attorney General, upon authorization of the Director, or the Director's designee, shall institute actions on behalf of the Department and pursue claims on the Department's behalf in probate and bankruptcy proceedings, to recover from committed convicted persons committed to Department correctional facilities the expenses incurred by their confinement. For purposes of this subsection (d), "gang-related" activity has the meaning ascribed to it in Section 10 of the Illinois Streetgang Terrorism Omnibus Prevention Act.

(e) Scope and limitations.

(1) No action under this Section shall be initiated more than 2 years after the release or death of the committed convicted person in question.

(2) The death of a convicted person, by execution or otherwise, while committed to a Department correctional institution or facility shall not act as a bar to any action or proceeding under this Section.

New matter indicated by italics - deletions by strikeout.
(3) The assets of a committed convicted person, for the purposes of this Section, shall include any property, tangible or intangible, real or personal, belonging to or due to a committed or formerly committed person including income or payments to the person from social security, worker's compensation, veteran's compensation, pension benefits, or from any other source whatsoever and any and all assets and property of whatever character held in the name of the person, held for the benefit of the person, or payable or otherwise deliverable to the person. Any trust, or portion of a trust, of which a convicted person is a beneficiary, shall be construed as an asset of the person, to the extent that benefits thereunder are required to be paid to the person, or shall in fact be paid to the person. At the time of a legal proceeding by the Attorney General under this Section, if it appears that the committed person has any assets which ought to be subjected to the claim of the Department under this Section, the court may issue an order requiring any person, corporation, or other legal entity possessed or having custody of those assets to appropriate any of the assets or a portion thereof toward reimbursing the Department as provided for under this Section. No provision of this Section shall be construed in violation of any State or federal limitation on the collection of money judgments.

(4) Nothing in this Section shall preclude the Department from applying federal benefits that are specifically provided for the care and treatment of a committed convicted person toward the cost of care provided by a State facility or private agency.

(Source: P.A. 89-428, eff. 12-13-95; 89-688, eff. 6-1-97; 90-85, eff. 7-10-97.)
Passed in the General Assembly April 17, 2002.
Approved June 24, 2002.

PUBLIC ACT 92-0565
(Senate Bill No. 2206)

AN ACT concerning the Department of Professional Regulation.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Department of Professional Regulation Law of the Civil Administrative Code of Illinois is amended by adding Section 2105-60 as follows:

(20 ILCS 2105/2105-60 new)

Sec. 2105-60. Payment by credit card or third-party payment agent.
(a) For the purposes of this Section, "credit card" has the meaning given to it in Section 10 of the Local Government Acceptance of Credit Cards Act.
(b) The Department may, but need not, accept payment by credit card for any fee, fine, or other charge that it is authorized by law to collect. The Department may adopt rules and procedures governing the acceptance of payment by credit card and may enter into such agreements as may be necessary to accept payment by credit card.

New matter indicated by italics - deletions by strikeout.
(c) The Department may, but need not, accept payment through a third-party payment agent of any fee, fine, or other charges to the Department. The Department may adopt rules and procedures governing the acceptance of payments through third-party payment agents. The Department may enter into agreements with one or more financial institutions, internet companies, or other business entities to act as third-party payment agents for the payment of fees, fines, or other charges to the Department. These agreements may authorize the third-party payment agent to retain a service fee out of the payments collected.

(d) Receipt by the Department of the amount of a fee, fine, or other charge paid by credit card or through a third-party payment agent authorized by the Department, less the amount of any service fee retained under the Department's agreement with the credit card service provider or the third-party payment agent, shall be deemed receipt of the full amount of the fee or other charge and shall discharge the payment obligation in full.

(e) In the event of a conflict between this Section and a provision of any other Act administered by the Department, this Section controls.

Section 99. Effective date. This Act takes effect upon becoming law.
Passed in the General Assembly April 17, 2002.
Approved June 24, 2002.
Effective June 24, 2002.

PUBLIC ACT 92-0566

(House Bill No. 2671)

AN ACT in relation to public employee benefits.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The State Finance Act is amended by changing Section 15a as follows:
(30 ILCS 105/15a) (from Ch. 127, par. 151a)
Sec. 15a. Contractual services. The item "contractual services", when used in an appropriation act, means and includes:

(a) Expenditures incident to the current conduct and operation of an office, department, board, commission, institution or agency for postage and postal charges, surety bond premiums, publications, subscriptions, office conveniences and services, exclusive of commodities as herein defined;

(b) Expenditures for rental of property or equipment, repair or maintenance of property or equipment including related supplies, equipment, materials, services, replacement fixtures and repair parts, utility services, professional or technical services, moving expenses incident to a new State employment, and transportation charges exclusive of "travel" as herein defined;

(c) Expenditures for the rental of lodgings in Springfield, Illinois and for the payment of utilities used in connection with such lodgings for all elected State officials, who are required by Section 1, Article V of the Constitution of the State of Illinois to reside at the seat of government during their term of office;

New matter indicated by italics - deletions by strikeout.
(d) Expenditures pursuant to multi-year lease, lease-purchase or installment purchase contracts for duplicating equipment authorized by Section 5.1 of the Illinois Purchasing Act;

(e) Expenditures of $5,000 or less per project for improvements to real property which, except for the operation of this Section, would be classified as "permanent improvements" as defined in Section 21;

(f) Expenditures pursuant to multi-year lease, lease-purchase or installment purchase contracts for land, permanent improvements or fixtures.

The item "contractual services" does not, however, include any expenditures included in "operation of automotive equipment" as defined in Section 24.2.

The item "contractual services" does not include any expenditures for professional, technical, or other services performed for a State agency under a contract executed after July 1, the effective date of this amendatory Act of 1992 by a person who was formerly employed by that agency and has received any early retirement incentive under Section 14-108.3 or 16-133.3 of the Illinois Pension Code based on retirement before 1993, unless the official or employee executing the contract on behalf of the agency has certified that the person performing the services either (i) possesses unique expertise, or (ii) is essential to the operation of the agency. This certification must be filed with the Office of the Auditor General prior to the execution of the contract, and shall be made available by that Office for public inspection and copying. The item "contractual services" does not include any expenditures for professional, technical, or other services performed for a State agency under a contract executed after the effective date of this amendatory Act of the 92nd General Assembly by a person who has received any early retirement incentive under Section 14-108.3 or 16-133.3 of the Illinois Pension Code based on retirement in 2002 or later. A contract not payable from the contractual services item because of this paragraph shall not be payable from any other item of appropriation. For the purposes of this paragraph, the term "agency" includes all offices, boards, commissions, departments, agencies, and institutions of State government.

(Source: P.A. 91-357, eff. 7-29-99.)

Section 10. The Illinois Pension Code is amended by changing Sections 14-105, 14-108.3 and 16-133.3 as follows:

(40 ILCS 5/14-105) (from Ch. 108 1/2, par. 14-105)
Sec. 14-105. Service credit for which contributions are not required.

(a) Each employee in service on December 31, 1943, or then on leave of absence not in conflict with Civil Service rules, if such leave had not extended for more than one year continuously, or who is otherwise entitled to prior service credit, who becomes a member shall file with the board on a form supplied by it, a detailed statement of all service rendered prior to January 1, 1944, for which credit is claimed.

Upon verification thereof, the board shall issue a prior service certificate certifying length of prior service. A prior service certificate shall be conclusive so long as membership continues, provided, that a member may, within one year from the date of original issuance of the certificate or modification thereof, request the board to modify or correct the

New matter indicated by italics - deletions by strikeout.
When membership ceases, a prior service certificate shall become void, and shall be revived only under the conditions specified in this Article.

In the computation of prior service, the following schedule shall govern: 9 months of service or more during any fiscal year constitutes a year of service; 6 to 9 months, 3/4 of a year; 3 to 6 months, 1/2 year; less than 3 months shall not be considered. Credit shall not be allowed for any period of absence without compensation or for less than 15 days service in any month, nor shall more than one year of service be creditable for all service rendered in any one fiscal year.

(b) Any member shall receive credit for military service provided all of the following conditions are met:

(1) the member was a State employee within 6 months immediately prior to entry into military service;
(2) the member returns as a State employee within 15 months after his unconditional discharge other than by dishonorable discharge; and
(3) the member establishes creditable service for State employment immediately prior to and following the military service.

The total amount of creditable military service for any member during his entire term of service shall not exceed 5 years in the aggregate, except that any member who on July 1, 1963, had accrued more than 5 years of such credit shall be entitled to the total amount of such accrued credit.

(c) Any active member of the System who (1) was earning eligible creditable service under subdivision (b)(12) of Section 14-110 on January 1, 1992, and (2) has at least 17 years of creditable service under Article 5, and (3) is eligible to transfer that creditable service to this System under subsection (c) of Section 5-236 of this Code, and (4) applies in writing for transfer of that creditable service to this System within 30 days after the effective date of this amendatory Act of 1993, shall receive eligible creditable service in this System for that creditable service upon receipt by this System of the amounts transferred under Section 5-236. No additional contributions shall be required for the transferred service.

(d) Any active member of the system who (1) was earning eligible creditable service under subdivision (b)(5) of Section 14-110 on January 1, 1992, and (2) has no more than 7 years of creditable service as a municipal conservator of the peace under Article 7, and (3) is eligible to transfer that creditable service to this System under subsection (a) of Section 7-139.7 of this Code, and (4) makes written notification to this System by January 31, 1994, shall receive eligible creditable service in this System for that service upon receipt by this System of the amounts transferred under Section 7-139.7. No additional contributions shall be required for the transferred service.

(e) Any member may establish creditable service and earnings credit for a period of voluntary or involuntary furlough, not exceeding 5 days, beginning on or after December 1, 2001 and ending before January 1, 2003, that is utilized as a means of addressing a State fiscal emergency. To receive this credit, the member must apply in writing to the System or the member's employer before July 1, 2005. No additional contribution is required for this...
(Source: P.A. 87-1265.)

(40 ILCS 5/14-108.3)

Sec. 14-108.3. Early retirement incentives.

(a) To be eligible for the benefits provided in this Section, a person must:

(1) be a member of this System who, on any day during June, 2002, is (i) in active payroll status in a position of employment with a department and an active contributor to this System with respect to that employment, and terminates that employment before the retirement annuity under this Article begins, or (ii) on layoff status from such a position with a right of re-employment or recall to service, or (iii) receiving benefits under Section 14-123, 14-123.1 or 14-124, but only if the member has not been receiving those benefits for a continuous period of more than 2 years as of the date of application;

(2) not have received any retirement annuity under this Article beginning earlier than August 1, 2002;

(3) file with the Board on or before December 31, 2002 a written application requesting the benefits provided in this Section;

(4) terminate employment under this Article no later than December 31, 2002 (or the date established under subsection (d), if applicable);

(5) by the date of termination of service, have at least 8 years of creditable service under this Article, without the use of any creditable service established under this Section;

(6) by the date of termination of service, have at least 5 years of membership service earned while an employee under this Article, which may include military service for which credit is established under Section 14-105(b), service during the qualifying period for which credit is established under Section 14-104(a), and service for which credit has been established by repaying a refund under Section 14-130, but shall not include service for which any other optional service credit has been established; and

(7) not receive any early retirement benefit under Section 16-133.3 of this Code.

(b) An eligible person may establish up to 5 years of creditable service under this Article, in increments of one month, by making the contributions specified in subsection (c). In addition, for each month of creditable service established under this Section, a person's age at retirement shall be deemed to be one month older than it actually is.

The creditable service established under this Section may be used for all purposes under this Article and the Retirement Systems Reciprocal Act, except for the computation of final average compensation under Section 14-103.12 or the determination of compensation under this or any other Article of this Code.

The age enhancement established under this Section may not be used to enable any person to begin receiving a retirement annuity calculated under Section 14-110 before actually attaining age 50 (without any age enhancement under this Section). The age

New matter indicated by italics - deletions by strikeout.
enhancement established under this Section may be used for all other purposes under this Article (including calculation of a proportionate annuity payable by this System under the Retirement Systems Reciprocal Act), except for purposes of the level income option in Section 14-112, the reversionary annuity under Section 14-113, and the required distributions under Section 14-121.1.

The age enhancement established under this Section may be used in determining benefits payable under Article 16 of this Code under the Retirement Systems Reciprocal Act, if the person has at least 5 years of service credit in the Article 16 system that was earned while participating in that system as a teacher (as defined in Section 16-106) employed by a department (as defined in Section 14-103.04). Age enhancement established under this Section shall not otherwise be used in determining benefits payable under other Articles of this Code under the Retirement Systems Reciprocal Act.

(c) For all creditable service established under this Section, a person must pay to the System an employee contribution to be determined by the System, based on the member's rate of compensation on June 1, 2002 (or the last date before June 1, 2002 for which a rate can be determined) and the retirement contribution rate in effect on June 1, 2002 for the member (or for members with the same social security and alternative formula status as the member).

If the member receives a lump sum payment for accumulated vacation, sick leave and personal leave upon withdrawal from service, and the net amount of that lump sum payment is at least as great as the amount of the contribution required under this Section, the entire contribution must be paid by the employee by payroll deduction. If there is no such lump sum payment, or if it is less than the contribution required under this Section, the member shall make an initial payment by payroll deduction, equal to the net amount of the lump sum payment for accumulated vacation, sick leave, and personal leave, and have the remaining amount due treated as a reduction from the retirement annuity in 24 equal monthly installments beginning in the month in which the retirement annuity takes effect. The required contribution may be paid as a pre-tax deduction from earnings. For federal and Illinois tax purposes, the monthly amount by which the annuitant's benefit is reduced shall not be treated as a contribution by the annuitant, but rather as a reduction of the annuitant's monthly benefit.

(c-5) The reduction in retirement annuity provided in subsection (c) of Section 14-108 does not apply to the annuity of a person who retires under this Section. A person who has received any age enhancement or creditable service under this Section may begin to receive an unreduced retirement annuity upon attainment of age 55 with at least 25 years of creditable service (including any age enhancement and creditable service established under this Section).

(d) In order to ensure that the efficient operation of State government is not jeopardized by the simultaneous retirement of large numbers of key personnel, the director or other head of a department may, for key employees of that department, extend the December 31, 2002 deadline for terminating employment under this Article established in subdivision (a)(4) of this Section to a date not later than April 30, 2003 by so notifying the System in writing by December 31, 2002.

New matter indicated by italics - deletions by strikeout.
(e) Notwithstanding Section 14-111, a person who has received any age enhancement or creditable service under this Section and who reenters service under this Article (or as an employee of a department under Article 16) other than as a temporary employee thereby forfeits that age enhancement and creditable service and is entitled to a refund of the contributions made pursuant to this Section.

(f) The System shall determine the amount of the increase in unfunded accrued liability resulting from the granting of early retirement incentives under this Section and shall report that amount to the Governor and the Pension Laws Commission on or before November 15, 2003. The increase in liability reported under this subsection (f) shall not be included in the calculation of the required State contribution under Section 14-131.

(g) The System shall determine the amount of the annual State contribution necessary to amortize on a level dollar-payment basis, over a period of 10 years at 8.5% interest, compounded annually, an amount equal to the increase in unfunded accrued liability determined under subsection (f) minus $70,000,000. The System shall certify the amount of this annual State contribution to the Governor, the State Comptroller, the Bureau of the Budget, and the Pension Laws Commission on or before November 15, 2003.

In addition to the contributions otherwise required under this Article, the State shall appropriate and pay to the System (1) an amount equal to $70,000,000 in State fiscal year 2004 and (2) in each of State fiscal years 2005 through 2013, an amount equal to the annual State contribution certified by the System under this subsection (g).

(h) The Pension Laws Commission shall determine and report to the General Assembly, on or before January 1, 2004 and annually thereafter through the year 2013, its estimate of (1) the annual amount of payroll savings likely to be realized by the State as a result of the early retirement of persons receiving early retirement incentives under this Section and (2) the net annual savings or cost to the State from the program of early retirement incentives created under this Section.

The System, the Department of Central Management Services, the Bureau of the Budget, and all other departments shall provide to the Commission any assistance that the Commission may request with respect to its reports under this Section. The Commission may require departments to provide it with any information that it deems necessary or useful with respect to its reports under this Section, including without limitation information about (1) the final earnings of former department employees who elected to receive benefits under this Section, (2) the earnings of current department employees holding the positions vacated by persons who elected to receive benefits under this Section, and (3) positions vacated by persons who elected to receive benefits under this Section that have not yet been refilled.

(i) The changes made to this Section by this amendatory Act of the 92nd General Assembly do not apply to persons who retired under this Section on or before May 1, 1992.

(a) To be eligible for the benefits provided in this Section, a person must:

(1) be a member of this System who, on any day during May, 1991, is (i) in active payroll status in a position of employment with a department, or (ii) on layoff status from such a position with a right of re-employment or recall to service, or (iii) on leave of absence from such a position, but only if the member on leave has not

New matter indicated by italics - deletions by strikeout.
been receiving benefits under Section 14-123, 14-123.1 or 14-124 for a continuous period of 2 years or more as of the date of application;

(2) have not retired under this Article;

(3) file with the Board before December 1, 1991, a written application requesting the benefits provided in this Section;

(4) establish eligibility to receive a retirement annuity under this Article (for which purpose any age enhancement or creditable service received under this Section may be used) and elect to receive the retirement annuity beginning not earlier than the first day of the month following the month in which this amendatory Act of 1991 takes effect, and not later than January 1, 1992 (or the date established under subsection (c) if applicable);

(5) have attained age 50 or accumulated 30 or more years of creditable service (without the use of any age enhancement or creditable service received under this Section) by December 31, 1991.

(b) An eligible person may establish up to 5 years of creditable service under this Article, in increments of one month, by making the contributions specified in subsection (c). In addition, for each month of creditable service established under this Section, a person's age at retirement shall be deemed to be one month older than it actually is.

The creditable service established under this Section may be used for all purposes under this Article and the Retirement Systems Reciprocal Act, except for the computation of final average compensation under Section 14-103.12, or the determination of compensation under this or any other Article of this Code.

The age enhancement established under this Section may be used for all purposes under this Article (including calculation of a proportionate annuity payable by this System under the Retirement Systems Reciprocal Act), except for purposes of the level income option in Section 14-112, the reversionary annuity under Section 14-113, and the required distributions under Section 14-121.1. However, age enhancement established under this Section shall not be used in determining benefits payable under other Articles of this Code under the Retirement Systems Reciprocal Act.

(c) For all creditable service established under this Section, a person must pay to the System an employee contribution to be determined by the System, based on the member's final rate of compensation and one-half of the retirement contribution rate in effect for the member on the date of withdrawal.

If the member receives a lump sum payment for accumulated vacation, sick leave and personal leave upon withdrawal from service, and the net amount of that lump sum payment is at least as great as the amount of the contribution required under this Section, the entire contribution (or so much of it as does not exceed the contribution limitations of Section 415 of the Internal Revenue Code of 1986) must be paid by the employee before the retirement annuity may become payable. If there is no such lump sum payment, or if it is less than the contribution required under this Section the member may either pay the entire contribution before the retirement annuity becomes payable, or may instead make an initial payment before the retirement annuity becomes payable, equal to the net amount of the lump sum...
payment for accumulated vacation, sick leave and personal leave (or so much of it as does not exceed the contribution limitations of Section 415 of the Internal Revenue Code of 1986), and have the remaining amount due deducted from the retirement annuity in 24 equal monthly installments beginning in January of 1992 or in the month in which the retirement annuity takes effect, whichever is later.

However, if the net amount of the lump sum payment for accumulated vacation, sick leave and personal leave equals or exceeds the contribution required under this Section, but the required contribution exceeds an applicable contribution limitation contained in Section 415 of the Internal Revenue Code of 1986, then the amount of the contribution in excess of the Section 415 limitation shall instead be paid by the annuitant in January of 1992 or in the month in which the retirement annuity takes effect, whichever is later. If this additional amount is not paid as required, the retirement annuity shall be suspended until the required contribution is received.

(d) In the event that the age enhancement or creditable service received under this Section result in a retirement benefit that exceeds any applicable benefit limitation contained in Section 415 of the Internal Revenue Code of 1986, the amount of the retirement benefit that exceeds the Section 415 limitation shall not be paid for any period to which the limitation is applicable. If no contributions are otherwise due in 1992 and 1993 under subsection (c) from an annuitant whose retirement benefits are subject to limitation under this subsection, then 10% of the contribution otherwise required under subsection (e) to be paid before the retirement annuity becomes payable shall instead be contributed to the System by the annuitant in January of 1993.

(e) In order to ensure that the public health and safety are not jeopardized by the simultaneous retirement of large numbers of critical personnel, the Director of State Police (for State police officers under the Department of State Police) and the Director of Corrections (for security staff at adult and juvenile institutions under the Department of Corrections) may extend the January 1, 1992 deadline for the effective date of a retirement annuity established in subdivision (a)(4) of this Section to a date not later than May 1, 1992, by so notifying the System in writing no later than December 31, 1991.

In order to ensure that the efficient operation of the courts of this State is not jeopardized by the simultaneous retirement of large numbers of court reporters, the Chief Justice of the Illinois Supreme Court may, for official court reporters employed in the courts of this State, extend the January 1, 1992 deadline for the effective date of a retirement annuity established in subdivision (a)(4) of this Section to a date not later than May 1, 1992, by so notifying the System in writing no later than December 31, 1991.

(f) Notwithstanding Section 14-111, an annuitant who has received any age enhancement or creditable service under this Section and who reenters service under this Article other than as a temporary employee shall thereby forfeit such age enhancement and creditable service, and become entitled to a refund of the contributions made pursuant to this Section.

(Source: P.A. 87-14.)

(40 ILCS 5/16-133.3) (from Ch. 108 1/2, par. 16-133.3)

New matter indicated by italics - deletions by strikeout.
Sec. 16-133.3. Early retirement incentives for State employees.
(a) To be eligible for the benefits provided in this Section, a person must:
   (1) be a member of this System who, on any day during June, 2002, is (i) in active payroll status as a full-time teacher employed by a department and an active contributor to this System with respect to that employment, or (ii) on layoff status from such a position with a right of re-employment or recall to service, or (iii) receiving a disability benefit under Section 16-149 or 16-149.1, but only if the member has not been receiving that benefit for a continuous period of more than 2 years as of the date of application;
   (2) not have received any retirement annuity under this Article beginning earlier than August 1, 2002;
   (3) file with the Board on or before December 31, 2002 a written application requesting the benefits provided in this Section;
   (4) terminate employment under this Article no later than December 31, 2002 (or the date established under subsection (d), if applicable);
   (5) by the date of termination of service, have at least 8 years of creditable service under this Article, without the use of any creditable service established under this Section;
   (6) by the date of termination of service, have at least 5 years of service credit earned while participating in the System as a teacher employed by a department; and
   (7) not receive any early retirement benefit under Section 14-108.3 of this Code.

For the purposes of this Section, "department" means a department as defined in Section 14-103.04 that employs a teacher as defined in this Article.

(b) An eligible person may establish up to 5 years of creditable service under this Article by making the contributions specified in subsection (c). In addition, for each period of creditable service established under this Section, a person's age at retirement shall be deemed to be enhanced by an equivalent period.

The creditable service established under this Section may be used for all purposes under this Article and the Retirement Systems Reciprocal Act, except for the computation of final average salary, the determination of salary or compensation under this Article or any other Article of this Code, or the determination of eligibility for or the computation of benefits under Section 16-133.2.

The age enhancement established under this Section may be used for all purposes under this Article (including calculation of a proportionate annuity payable by this System under the Retirement Systems Reciprocal Act), except for purposes of a retirement annuity under Section 16-133(a)(A), a reversionary annuity under Section 16-136, the required distributions under Section 16-142.3, and the determination of eligibility for or the computation of benefits under Section 16-133.2. Age enhancement established under this Section may be used in determining benefits payable under Article 14 of this Code under the Retirement Systems Reciprocal Act (subject to the limitations on the use of age enhancement provided in Section 14-108.3); age enhancement established under this Section shall not be
used in determining benefits payable under other Articles of this Code under the Retirement Systems Reciprocal Act.

(c) For all creditable service established under this Section, a person must pay to the System an employee contribution to be determined by the System, equal to 9.0% of the member’s highest annual salary rate that would be used in the determination of the average salary for retirement annuity purposes if the member retired immediately after withdrawal, for each year of creditable service established under this Section.

If the member receives a lump sum payment for accumulated vacation, sick leave, and personal leave upon withdrawal from service, and the net amount of that lump sum payment is at least as great as the amount of the contribution required under this Section, the entire contribution must be paid by the employee by payroll deduction. If there is no such lump sum payment, or if it is less than the contribution required under this Section, the member shall make an initial payment by payroll deduction, equal to the net amount of the lump sum payment for accumulated vacation, sick leave, and personal leave, and have the remaining amount due treated as a reduction from the retirement annuity in 24 equal monthly installments beginning in the month in which the retirement annuity takes effect. The required contribution may be paid as a pre-tax deduction from earnings.

(d) In order to ensure that the efficient operation of State government is not jeopardized by the simultaneous retirement of large numbers of key personnel, the director or other head of a department may, for key employees of that department, extend the December 31, 2002 deadline for terminating employment under this Article established in subdivision (a)(4) of this Section to a date not later than April 30, 2003 by so notifying the System in writing by December 31, 2002.

(e) A person who has received any age enhancement or creditable service under this Section and who reenters contributing service under this Article or Article 14 shall thereby forfeit that age enhancement and creditable service, and become entitled to a refund of the contributions made pursuant to this Section.

(f) The System shall determine the amount of the increase in unfunded accrued liability resulting from the granting of early retirement incentives under this Section and shall report that amount to the Governor and the Pension Laws Commission on or before November 15, 2003. The increase in liability reported under this subsection (f) shall not be included in the calculation of the required State contribution under Section 16-158.

(g) The System shall determine the amount of the annual State contribution necessary to amortize on a level dollar-payment basis, over a period of 10 years at 8.5% interest, compounded annually, an amount equal to the increase in unfunded accrued liability determined under subsection (f) minus $1,000,000. The System shall certify the amount of this annual State contribution to the Governor, the State Comptroller, the Bureau of the Budget, and the Pension Laws Commission on or before November 15, 2003.

In addition to the contributions otherwise required under this Article, the State shall appropriate and pay to the System (1) an amount equal to $1,000,000 in State fiscal year 2004 and (2) in each of State fiscal years 2005 through 2013, an amount equal to the annual State contribution certified by the System under this subsection (g).
(h) The Pension Laws Commission shall determine and report to the General Assembly, on or before January 1, 2004 and annually thereafter through the year 2013, its estimate of (1) the annual amount of payroll savings likely to be realized by the State as a result of the early retirement of persons receiving early retirement incentives under this Section and (2) the net annual savings or cost to the State from the program of early retirement incentives created under this Section.

The System, the Department of Central Management Services, the Bureau of the Budget, and all other departments shall provide to the Commission any assistance that the Commission may request with respect to its reports under this Section. The Commission may require departments to provide it with any information that it deems necessary or useful with respect to its reports under this Section, including without limitation information about (1) the final earnings of former department employees who elected to receive benefits under this Section, (2) the earnings of current department employees holding the positions vacated by persons who elected to receive benefits under this Section, and (3) positions vacated by persons who elected to receive benefits under this Section that have not yet been refilled.

(i) The changes made to this Section by this amendatory Act of the 92nd General Assembly do not apply to persons who retired under this Section on or before May 1, 1992.

(a) To be eligible for the benefits provided in this Section, a member must:

(1) be a member of this System who, on any day during May, 1991, is (i) in active payroll status as a full-time teacher employed by the Department of Rehabilitation Services, the Department of Corrections, the Department of Mental Health and Developmental Disabilities, the Teachers' Retirement System of the State of Illinois, the State Board of Education, or the Illinois Purchased Care Review Board, or (ii) on layoff status from such a position with a right of re-employment or recall to service, or (iii) on a leave of absence from such a position, but only if the member on leave has not been receiving benefits under Section 16-149 or 16-149.1 for a continuous period of 2 years or more as of the date of application;

(2) have never previously received a retirement annuity under this Article or Article 14, 15 or 17;

(3) file with the Board before December 1, 1991, a written application requesting the benefits provided in this Section;

(4) be eligible no later than January 1, 1992, to receive a retirement annuity under this Article (for which purpose any age enhancement or creditable service received under this Section may be used) and elect to receive the retirement annuity beginning not earlier than the first day of the month following the month in which this amendatory Act of 1991 takes effect, and not later than January 1, 1992;

(5) have attained age 50 (without the use of any age enhancement received under this Section) by December 31, 1991;

(6) have at least 5 years of creditable service under this System or any of the participating systems under the Retirement Systems Reciprocal Act (without the use of any creditable service received under this Section) by the effective date of the retirement annuity; and

New matter indicated by italics - deletions by strikeout.
(7) have paid all applicable contributions as required by this Section; however, the date such contributions are received by the System shall not be considered in determining the effective date of retirement.

(b) An eligible person may establish up to 5 years of creditable service under this Article by making the contributions specified in subsection (c). In addition, for each period of creditable service established under this Section a person shall have his or her age at retirement deemed enhanced by an equivalent period.

The creditable service established under this Section may be used for all purposes under this Article and the Retirement Systems Reciprocal Act, except for the computation of final average salary, the determination of salary or compensation under this or any other Article of the Code, or the determination of eligibility for and the computation of benefits under Section 16-133.2 of this Article.

The age enhancement established under this Section may be used for all purposes under this Article (including calculation of a proportionate annuity payable by this System under the Retirement Systems Reciprocal Act), except for purposes of a reversionary annuity under Section 16-136, the retirement annuity under Section 16-133(a)(A), the required distributions under Section 16-142.3, and the determination of eligibility for and the computation of benefits under Section 16-133.2 of this Article. However, age enhancement established under this Section shall not be used in determining benefits payable under other Articles of this Code under the Retirement Systems Reciprocal Act.

(c) For all creditable service established under this Section, a member must pay to the System an employee contribution consisting of 4% of the member's highest annual salary rate used in the determination of the average salary for retirement annuity purposes for each year creditable service has been increased under this Section.

If the member receives a lump sum payment for accumulated vacation, sick leave and personal leave upon withdrawal from service, and the net amount of that lump sum payment is at least as great as the amount of the contribution required under this Section, the entire contribution must be paid by the employee before the retirement annuity may become payable. If there is no such lump sum payment, or if it is less than the contribution required under this Section, the member may either pay the entire contribution before the retirement annuity becomes payable, or may instead make an initial payment before the retirement annuity becomes payable, equal to the net amount of the lump sum payment for accumulated vacation, sick leave and personal leave, and have the remaining amount due deducted from the retirement annuity in 24 equal monthly installments beginning in January of 1992.

(d) An annuitant who has received any age enhancement or creditable service under this Section and who re-enters contributing service under this Article or Article 14, 15 or 17, shall thereby forfeit such age enhancement and creditable service, and upon re-retirement the annuity shall be recomputed. Upon forfeiting creditable service under this subsection, a person shall be entitled to a refund of the contribution paid under this Section.

(Source: P.A. 89-21, eff. 7-1-95.)

Section 15. The State Pension Funds Continuing Appropriation Act is amended by adding Section 1.6 as follows:

New matter indicated by italics - deletions by strikeout.
(40 ILCS 15/1.6 new)

Sec. 1.6. Appropriations for early retirement programs.

(a) There is hereby appropriated from the General Revenue Fund to the State Employees’ Retirement System of Illinois, on a continuing annual basis in each of State fiscal years 2004 through 2013, the amount, if any, by which the total available amount of all other appropriations to that retirement system for the payment of State contributions under subsection (g) of Section 14-108.3 of the Illinois Pension Code in that fiscal year is less than the total amount of State contributions required for that fiscal year under that subsection (g).

(b) There is hereby appropriated from the General Revenue Fund to the Teachers’ Retirement System of the State of Illinois, on a continuing annual basis in each of State fiscal years 2004 through 2013, the amount, if any, by which the total available amount of all other appropriations to that retirement system for the payment of State contributions under subsection (g) of Section 16-133.3 of the Illinois Pension Code in that fiscal year is less than the total amount of State contributions required for that fiscal year under that subsection (g).

Section 99. Effective date. This Act takes effect upon becoming law.
Passed in the General Assembly June 2, 2002.
Approved June 25, 2002.
Effective June 25, 2002.

PUBLIC ACT 92-0567
(House Bill No. 3119)

AN ACT concerning fiscal notes.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Fiscal Note Act is amended by changing Sections 1, 2, and 7 as follows:

(25 ILCS 50/1) (from Ch. 63, par. 42.31)

Sec. 1. Every bill, except those bills making a direct appropriation, (1) the purpose or effect of which is (i) to expend any State funds or to increase or decrease the revenues of the State, either directly or indirectly, or (ii) to require the expenditure of their own funds by, or to increase or decrease the revenues of, units of local government, school districts or community college districts, or to revise the distribution of State funds among units of local government, school districts, or community college districts, either directly or indirectly, or (2) that amends the Mental Health and Developmental Disabilities Code or the Developmental Disability and Mental Disability Services Act shall have prepared for it prior to second reading in the house of introduction a brief explanatory statement or note which, for a bill under item (1), shall include a reliable estimate of the anticipated change in State, local governmental, school district, or community college district expenditures or revenues under its provisions and, for a bill under item (2), shall include a reliable estimate of the fiscal impact of its provisions upon community agencies. For purposes of this Act, indirect revenues include, but are not limited to, increased tax revenues or other increased revenues

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resulting from economic development, job creation, or cost reduction. The statement or note shall also include an explanation of the methodology used to determine the estimated direct and indirect costs or estimated impact on community agencies. Any notes for bills having a fiscal impact on units of local government, school districts or community college districts shall include such cost estimates as may be required under the State Mandates Act.

If a bill authorizes capital expenditures or appropriates funds for capital expenditures, a statement shall be prepared by the Bureau of the Budget specifying by year any principal and interest payments required to finance such capital expenditures.

These statements or notes shall be known as "fiscal notes".

(Source: P.A. 87-847; 88-535.)

(25 ILCS 50/2) (from Ch. 63, par. 42.32)

Sec. 2. The sponsor of each bill, referred to in Section 1, shall present a copy of the bill, with his request for a fiscal note, to the board, commission, department, agency, or other entity of the State which is to receive or expend the appropriation proposed or which is responsible for collection of the revenue proposed to be increased or decreased, or to be levied or provided for. The sponsor of a bill that amends the Mental Health and Developmental Disabilities Code or the Developmental Disability and Mental Disability Services Act shall present a copy of the bill, with his or her request for a fiscal note, to the Department of Human Services. The fiscal note shall be prepared by such board, commission, department, agency, or other entity and furnished to the sponsor of the bill within 5 calendar days thereafter; except that whenever, because of the complexity of the measure, additional time is required for preparation of the fiscal note, the board, commission, department, agency, or other entity may so inform the sponsor of the bill and he may approve an extension of the time within which the note is to be furnished, not to extend, however, beyond June 15, following the date of the request. Whenever any measure for which a fiscal note is required affects more than one State board, commission, department, agency, or other entity, the board, commission, department, agency, or other entity most affected by its provisions according to the sponsor shall be responsible for preparation of the fiscal note. Whenever any measure for which a fiscal note is required does not affect a specific board, commission, department, agency or other such entity, or does not amend the Mental Health and Developmental Disabilities Code or the Developmental Disability and Mental Disability Services Act, the sponsor of the measure shall be responsible for preparation of the fiscal note.

In the case of bills having a potential fiscal impact on units of local government, the fiscal note shall be prepared by the Department of Commerce and Community Affairs. In the case of bills having a potential fiscal impact on school districts, the fiscal note shall be prepared by the State Superintendent of Education. In the case of bills having a potential fiscal impact on community college districts, the fiscal note shall be prepared by the Illinois Community College Board.

(Source: P.A. 81-1562.)

(25 ILCS 50/7) (from Ch. 63, par. 42.37)

Sec. 7. Whenever any committee of either house reports any bill with an amendment

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of such nature as will substantially affect the costs to or the revenues of the State, units of local government, school districts, or community college districts, as stated in the fiscal note attached to the measure at the time of its referral to the committee, there shall be included with the report of the committee a statement of the effect of the change proposed by the amendment reported if desired by a majority of the committee. In like manner, whenever any measure is amended on the floor of either house in such manner as to substantially affect the costs thereof or the revenues to be derived thereunder as stated in the fiscal note attached to the measure prior to such amendment, a majority of such house may propose that no action shall be taken upon the amendment until the sponsor of the amendment presents to the members a statement of the fiscal effect of his proposed amendment. Whenever an amendment to a bill, whether reported by a committee of either house or proposed upon the floor of either house, amends the Mental Health and Developmental Disabilities Code or the Developmental Disability and Mental Disability Services Act, no action shall be taken upon the amendment until the sponsor of the amendment presents to the members a statement prepared by the Department of Human Services of the fiscal effect of his or her proposed amendment upon community agencies.

(Source: P.A. 81-650.)

Passed in the General Assembly April 25, 2002.
Approved June 26, 2002.

PUBLIC ACT 92-0568
(House Bill No. 3776)

AN ACT concerning education.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The School Code is amended by changing Sections 1D-1, 14-7.02, 14-7.02a, 14-13.01, and 29-5 as follows:
(105 ILCS 5/1D-1)
Sec. 1D-1. Block grant funding.
(a) For fiscal year 1996 and each fiscal year thereafter, the State Board of Education shall award to a school district having a population exceeding 500,000 inhabitants a general education block grant and an educational services block grant, determined as provided in this Section, in lieu of distributing to the district separate State funding for the programs described in subsections (b) and (c). The provisions of this Section, however, do not apply to any federal funds that the district is entitled to receive. In accordance with Section 2-3.32, all block grants are subject to an audit. Therefore, block grant receipts and block grant expenditures shall be recorded to the appropriate fund code for the designated block grant.
(b) The general education block grant shall include the following programs: REI Initiative, Summer Bridges, Preschool At Risk, K-6 Comprehensive Arts, School Improvement Support, Urban Education, Scientific Literacy, Substance Abuse Prevention,
Second Language Planning, Staff Development, Outcomes and Assessment, K-6 Reading Improvement, Truants' Optional Education, Hispanic Programs, Agriculture Education, Gifted Education, Parental Education, Prevention Initiative, Report Cards, and Criminal Background Investigations. Notwithstanding any other provision of law, all amounts paid under the general education block grant from State appropriations to a school district in a city having a population exceeding 500,000 inhabitants shall be appropriated and expended by the board of that district for any of the programs included in the block grant or any of the board's lawful purposes.

(c) The educational services block grant shall include the following programs: Bilingual, Regular and Vocational Transportation, State Lunch and Free Breakfast Program, Special Education (Personnel, Extraordinary, Transportation, Orphanage, Private Tuition), Summer School, Educational Service Centers, and Administrator's Academy. This subsection (c) does not relieve the district of its obligation to provide the services required under a program that is included within the educational services block grant. It is the intention of the General Assembly in enacting the provisions of this subsection (c) to relieve the district of the administrative burdens that impede efficiency and accompany single-program funding. The General Assembly encourages the board to pursue mandate waivers pursuant to Section 2-3.25g.

(d) For fiscal year 1996 and each fiscal year thereafter, the amount of the district's block grants shall be determined as follows: (i) with respect to each program that is included within each block grant, the district shall receive an amount equal to the same percentage of the current fiscal year appropriation made for that program as the percentage of the appropriation received by the district from the 1995 fiscal year appropriation made for that program, and (ii) the total amount that is due the district under the block grant shall be the aggregate of the amounts that the district is entitled to receive for the fiscal year with respect to each program that is included within the block grant that the State Board of Education shall award the district under this Section for that fiscal year. In the case of the Summer Bridges program, the amount of the district's block grant shall be equal to 44% of the amount of the current fiscal year appropriation made for that program.

(e) The district is not required to file any application or other claim in order to receive the block grants to which it is entitled under this Section. The State Board of Education shall make payments to the district of amounts due under the district's block grants on a schedule determined by the State Board of Education.

(f) A school district to which this Section applies shall report to the State Board of Education on its use of the block grants in such form and detail as the State Board of Education may specify.

(g) This paragraph provides for the treatment of block grants under Article 1C for purposes of calculating the amount of block grants for a district under this Section. Those block grants under Article 1C are, for this purpose, treated as included in the amount of appropriation for the various programs set forth in paragraph (b) above. The appropriation in each current fiscal year for each block grant under Article 1C shall be treated for these purposes as appropriations for the individual program included in that block grant. The
proportion of each block grant so allocated to each such program included in it shall be the proportion which the appropriation for that program was of all appropriations for such purposes now in that block grant, in fiscal 1995.

Payments to the school district under this Section with respect to each program for which payments to school districts generally, as of the date of this amendatory Act of the 92nd General Assembly, are on a reimbursement basis shall continue to be made to the district on a reimbursement basis, pursuant to the provisions of this Code governing those programs.

(h) Notwithstanding any other provision of law, any school district receiving a block grant under this Section may classify all or a portion of the funds that it receives in a particular fiscal year from any block grant authorized under this Code or from general State aid pursuant to Section 18-8.05 of this Code (other than supplemental general State aid) as funds received in connection with any funding program for which it is entitled to receive funds from the State in that fiscal year (including, without limitation, any funding program referred to in subsection (c) of this Section), regardless of the source or timing of the receipt. The district may not classify more funds as funds received in connection with the funding program than the district is entitled to receive in that fiscal year for that program. Any classification by a district must be made by a resolution of its board of education. The resolution must identify the amount of any block grant or general State aid to be classified under this subsection (h) and must specify the funding program to which the funds are to be treated as received in connection therewith. This resolution is controlling as to the classification of funds referenced therein. A certified copy of the resolution must be sent to the State Superintendent of Education. The resolution shall still take effect even though a copy of the resolution has not been sent to the State Superintendent of Education in a timely manner. No classification under this subsection (h) by a district shall affect the total amount or timing of money the district is entitled to receive under this Code. No classification under this subsection (h) by a district shall affect any requirements that otherwise would apply with respect to the block grant as provided in this Section, including any accounting of funds by source, reporting expenditures by original source and purpose, reporting requirements, or requirements of provision of services.

(Source: P.A. 90-566, eff. 1-2-98; 90-653, eff. 7-29-98; 91-711, eff. 7-1-00; revised 12-04-01.)

(105 ILCS 5/14-7.02) (from Ch. 122, par. 14-7.02)

Sec. 14-7.02. Children attending private schools, public out-of-state schools, public school residential facilities or private special education facilities. The General Assembly recognizes that non-public schools or special education facilities provide an important service in the educational system in Illinois.

If because of his or her disability the special education program of a district is unable to meet the needs of a child and the child attends a non-public school or special education facility, a public out-of-state school or a special education facility owned and operated by a county government unit that provides special educational services required by the child and is in compliance with the appropriate rules and regulations of the State Superintendent of

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Education, the school district in which the child is a resident shall pay the actual cost of tuition for special education and related services provided during the regular school term and during the summer school term if the child's educational needs so require, excluding room, board and transportation costs charged the child by that non-public school or special education facility, public out-of-state school or county special education facility, or $4,500 per year, whichever is less, and shall provide him any necessary transportation. "Nonpublic special education facility" shall include a residential facility, within or without the State of Illinois, which provides special education and related services to meet the needs of the child by utilizing private schools or public schools, whether located on the site or off the site of the residential facility.

The State Board of Education shall promulgate rules and regulations for determining when placement in a private special education facility is appropriate. Such rules and regulations shall take into account the various types of services needed by a child and the availability of such services to the particular child in the public school. In developing these rules and regulations the State Board of Education shall consult with the Advisory Council on Education of Children with Disabilities and hold public hearings to secure recommendations from parents, school personnel, and others concerned about this matter.

The State Board of Education shall also promulgate rules and regulations for transportation to and from a residential school. Transportation to and from home to a residential school more than once each school term shall be subject to prior approval by the State Superintendent in accordance with the rules and regulations of the State Board.

A school district making tuition payments pursuant to this Section is eligible for reimbursement from the State for the amount of such payments actually made in excess of the district per capita tuition charge for students not receiving special education services. Such reimbursement shall be approved in accordance with Section 14-12.01 and each district shall file its claims, computed in accordance with rules prescribed by the State Board of Education, on forms prescribed by the State Superintendent of Education. Data used as a basis of reimbursement claims shall be for the preceding regular school term and summer school term. Each school district shall transmit its claims to the State Board of Education on or before August 15. The State Board of Education, before approving any such claims, shall determine their accuracy and whether they are based upon services and facilities provided under approved programs. Upon approval the State Board shall cause vouchers to be prepared showing the amount due for payment of reimbursement claims to school districts, for transmittal to the State Comptroller on the 30th day of September, December, and March, respectively, and the final voucher, no later than June 20. If the money appropriated by the General Assembly for such purpose for any year is insufficient, it shall be apportioned on the basis of the claims approved.

No child shall be placed in a special education program pursuant to this Section if the tuition cost for special education and related services increases more than 10 percent over the tuition cost for the previous school year or exceeds $4,500 per year unless such costs have been approved by the Illinois Purchased Care Review Board. The Illinois Purchased Care Review Board shall consist of the following persons, or their designees: the Directors

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of Children and Family Services, Public Health, Public Aid, and the Bureau of the Budget; the Secretary of Human Services; the State Superintendent of Education; and such other persons as the Governor may designate. The Review Board shall establish rules and regulations for its determination of allowable costs and payments made by local school districts for special education, room and board, and other related services provided by non-public schools or special education facilities and shall establish uniform standards and criteria which it shall follow.

The Review Board shall establish uniform definitions and criteria for accounting separately by special education, room and board and other related services costs. The Board shall also establish guidelines for the coordination of services and financial assistance provided by all State agencies to assure that no otherwise qualified disabled child receiving services under Article 14 shall be excluded from participation in, be denied the benefits of or be subjected to discrimination under any program or activity provided by any State agency.

The Review Board shall review the costs for special education and related services provided by non-public schools or special education facilities and shall approve or disapprove such facilities in accordance with the rules and regulations established by it with respect to allowable costs.

The State Board of Education shall provide administrative and staff support for the Review Board as deemed reasonable by the State Superintendent of Education. This support shall not include travel expenses or other compensation for any Review Board member other than the State Superintendent of Education.

The Review Board shall seek the advice of the Advisory Council on Education of Children with Disabilities on the rules and regulations to be promulgated by it relative to providing special education services.

If a child has been placed in a program in which the actual per pupil costs of tuition for special education and related services based on program enrollment, excluding room, board and transportation costs, exceed $4,500 and such costs have been approved by the Review Board, the district shall pay such total costs which exceed $4,500. A district making such tuition payments in excess of $4,500 pursuant to this Section shall be responsible for reimbursement from the State for the amount of such payments actually made in excess of the districts per capita tuition charge for students not receiving special education services.

If a child has been placed in an approved individual program and the tuition costs including room and board costs have been approved by the Review Board, then such room and board costs shall be paid by the appropriate State agency subject to the provisions of Section 14-8.01 of this Act. Room and board costs not provided by a State agency other than the State Board of Education shall be provided by the State Board of Education on a current basis. In no event, however, shall the State's liability for funding of these tuition costs begin until after the legal obligations of third party payors have been subtracted from such costs. If the money appropriated by the General Assembly for such purpose for any year is

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insufficient, it shall be apportioned on the basis of the claims approved. Each district shall submit estimated claims to the State Superintendent of Education. Upon approval of such claims, the State Superintendent of Education shall direct the State Comptroller to make payments on a monthly basis. The frequency for submitting estimated claims and the method of determining payment shall be prescribed in rules and regulations adopted by the State Board of Education. Such current state reimbursement shall be reduced by an amount equal to the proceeds which the child or child's parents are eligible to receive under any public or private insurance or assistance program. Nothing in this Section shall be construed as relieving an insurer or similar third party from an otherwise valid obligation to provide or to pay for services provided to a disabled child.

If it otherwise qualifies, a school district is eligible for the transportation reimbursement under Section 14-13.01 and for the reimbursement of tuition payments under this Section whether the non-public school or special education facility, public out-of-state school or county special education facility, attended by a child who resides in that district and requires special educational services, is within or outside of the State of Illinois. However, a district is not eligible to claim transportation reimbursement under this Section unless the district certifies to the State Superintendent of Education that the district is unable to provide special educational services required by the child for the current school year.

Nothing in this Section authorizes the reimbursement of a school district for the amount paid for tuition of a child attending a non-public school or special education facility, public out-of-state school or county special education facility unless the school district certifies to the State Superintendent of Education that the special education program of that district is unable to meet the needs of that child because of his disability and the State Superintendent of Education finds that the school district is in substantial compliance with Section 14-4.01.

Any educational or related services provided, pursuant to this Section in a non-public school or special education facility or a special education facility owned and operated by a county government unit shall be at no cost to the parent or guardian of the child. However, current law and practices relative to contributions by parents or guardians for costs other than educational or related services are not affected by this amendatory Act of 1978.

Reimbursement for children attending public school residential facilities shall be made in accordance with the provisions of this Section.

**Notwithstanding any other provision of law, any school district receiving a payment under this Section or under Section 14-7.02a, 14-13.01, or 29-5 of this Code may classify all or a portion of the funds that it receives in a particular fiscal year or from general State aid pursuant to Section 18-8.05 of this Code as funds received in connection with any funding program for which it is entitled to receive funds from the State in that fiscal year (including, without limitation, any funding program referenced in this Section), regardless of the source or timing of the receipt. The district may not classify more funds as funds received in connection with the funding program than the district is entitled to receive in that fiscal year for that program. Any classification by a district must be made by a resolution of its board of education. The resolution must identify the amount of any payments or**
general State aid to be classified under this paragraph and must specify the funding program to which the funds are to be treated as received in connection therewith. This resolution is controlling as to the classification of funds referenced therein. A certified copy of the resolution must be sent to the State Superintendent of Education. The resolution shall still take effect even though a copy of the resolution has not been sent to the State Superintendent of Education in a timely manner. No classification under this paragraph by a district shall affect the total amount or timing of money the district is entitled to receive under this Code. No classification under this paragraph by a district shall in any way relieve the district from or affect any requirements that otherwise would apply with respect to that funding program, including any accounting of funds by source, reporting expenditures by original source and purpose, reporting requirements, or requirements of providing services.

(Source: P.A. 91-764, eff. 6-9-00.)

(105 ILCS 5/14-7.02a) (from Ch. 122, par. 14-7.02a)
Sec. 14-7.02a. Children requiring extraordinary special education services and facilities. A school district providing for a child requiring extraordinary special education services because of the nature of his disability is eligible for reimbursement from the State if the cost of educating that child is computed, as set forth in Section 14-7.01, to be in excess of one and one-half times the district per capita tuition charge for the prior year. Such costs beyond one per capita tuition charge shall be reimbursed, up to a maximum of $2,000.

A child is deemed to require extraordinary special education services and facilities under the following conditions:

1) the school district has determined that the child requires extraordinary special education facilities pursuant to the multidisciplinary case study and the individualized education program;

2) the school district maintains adequate cost accounting to document the per capita cost of special education; and

3) the school district submits approval and claim data annually for each eligible child.

Extraordinary special education services provided on a one-half day basis shall only be reimbursed at a rate of one-half the amount otherwise provided herein.

Notwithstanding any other provision of law, any school district receiving a payment under this Section or under Section 14-7.02, 14-13.01, or 29-5 of this Code may classify all or a portion of the funds that it receives in a particular fiscal year or from general State aid pursuant to Section 18-8.05 of this Code as funds received in connection with any funding program for which it is entitled to receive funds from the State in that fiscal year (including, without limitation, any funding program referenced in this Section), regardless of the source or timing of the receipt. The district may not classify more funds as funds received in connection with the funding program than the district is entitled to receive in that fiscal year for that program. Any classification by a district must be made by a resolution of its board of education. The resolution must identify the amount of any payments or general State aid to be classified under this paragraph and must specify the funding program to which the funds are to be treated as received in connection therewith. This resolution is controlling as

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to the classification of funds referenced therein. A certified copy of the resolution must be sent to the State Superintendent of Education. The resolution shall still take effect even though a copy of the resolution has not been sent to the State Superintendent of Education in a timely manner. No classification under this paragraph by a district shall affect the total amount or timing of money the district is entitled to receive under this Code. No classification under this paragraph by a district shall in any way relieve the district from or affect any requirements that otherwise would apply with respect to that funding program, including any accounting of funds by source, reporting expenditures by original source and purpose, reporting requirements, or requirements of providing services. (Source: P.A. 88-16.)

(105 ILCS 5/14-13.01) (from Ch. 122, par. 14-13.01)

Sec. 14-13.01. Reimbursement payable by State; Amounts. Reimbursement for furnishing special educational facilities in a recognized school to the type of children defined in Section 14-1.02 shall be paid to the school districts in accordance with Section 14-12.01 for each school year ending June 30 by the State Comptroller out of any money in the treasury appropriated for such purposes on the presentation of vouchers by the State Board of Education.

The reimbursement shall be limited to funds expended for construction and maintenance of special education facilities designed and utilized to house instructional programs, diagnostic services, other special education services for children with disabilities and reimbursement as provided in Section 14-13.01. There shall be no reimbursement for construction and maintenance of any administrative facility separated from special education facilities designed and utilized to house instructional programs, diagnostic services and other special education services for children with disabilities.

(a) For children who have not been identified as eligible for special education and for eligible children with physical disabilities, including all eligible children whose placement has been determined under Section 14-8.02 in hospital or home instruction, 1/2 of the teacher's salary but not more than $1,000 annually per child or $8,000 per teacher for the 1985-1986 school year and thereafter, whichever is less. Children to be included in any reimbursement under this paragraph must regularly receive a minimum of one hour of instruction each school day, or in lieu thereof a minimum of 5 hours of instruction in each school week in order to qualify for full reimbursement under this Section. If the attending physician for such a child has certified that the child should not receive as many as 5 hours of instruction in a school week, however, reimbursement under this paragraph on account of that child shall be computed proportionate to the actual hours of instruction per week for that child divided by 5.

(b) For children described in Section 14-1.02, 4/5 of the cost of transportation for each such child, whom the State Superintendent of Education determined in advance requires special transportation service in order to take advantage of special educational facilities. Transportation costs shall be determined in the same fashion as provided in Section 29-5. For purposes of this subsection (b), the dates for processing claims specified in Section 29-5 shall apply.

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(c) For each professional worker excluding those included in subparagraphs (a), (d), (e), and (f) of this Section, the annual sum of $8,000 for the 1985-1986 school year and thereafter.

(d) For one full time qualified director of the special education program of each school district which maintains a fully approved program of special education the annual sum of $8,000 for the 1985-1986 school year and thereafter. Districts participating in a joint agreement special education program shall not receive such reimbursement if reimbursement is made for a director of the joint agreement program.

(e) For each school psychologist as defined in Section 14-1.09 the annual sum of $8,000 for the 1985-1986 school year and thereafter.

(f) For each qualified teacher working in a fully approved program for children of preschool age who are deaf or hard-of-hearing the annual sum of $8,000 for the 1985-1986 school year and thereafter.

(g) For readers, working with blind or partially seeing children 1/2 of their salary but not more than $400 annually per child. Readers may be employed to assist such children and shall not be required to be certified but prior to employment shall meet standards set up by the State Board of Education.

(h) For necessary non-certified employees working in any class or program for children defined in this Article, 1/2 of the salary paid or $2,800 annually per employee, whichever is less.

The State Board of Education shall set standards and prescribe rules for determining the allocation of reimbursement under this section on less than a full time basis and for less than a school year.

When any school district eligible for reimbursement under this Section operates a school or program approved by the State Superintendent of Education for a number of days in excess of the adopted school calendar but not to exceed 235 school days, such reimbursement shall be increased by 1/185 of the amount or rate paid hereunder for each day such school is operated in excess of 185 days per calendar year.

Notwithstanding any other provision of law, any school district receiving a payment under this Section or under Section 14-7.02, 14-7.02a, or 29-5 of this Code may classify all or a portion of the funds that it receives in a particular fiscal year or from general State aid pursuant to Section 18-8.05 of this Code as funds received in connection with any funding program for which it is entitled to receive funds from the State in that fiscal year (including, without limitation, any funding program referenced in this Section), regardless of the source or timing of the receipt. The district may not classify more funds as funds received in connection with the funding program than the district is entitled to receive in that fiscal year for that program. Any classification by a district must be made by a resolution of its board of education. The resolution must identify the amount of any payments or general State aid to be classified under this paragraph and must specify the funding program to which the funds are to be treated as received in connection therewith. This resolution is controlling as to the classification of funds referenced therein. A certified copy of the resolution must be sent to the State Superintendent of Education. The resolution shall still take effect even
though a copy of the resolution has not been sent to the State Superintendent of Education in a timely manner. No classification under this paragraph by a district shall affect the total amount or timing of money the district is entitled to receive under this Code. No classification under this paragraph by a district shall in any way relieve the district from or affect any requirements that otherwise would apply with respect to that funding program, including any accounting of funds by source, reporting expenditures by original source and purpose, reporting requirements, or requirements of providing services.

(Source: P.A. 88-555, eff. 7-27-94; 88-641, eff. 9-9-94; 89-235, eff. 8-4-95; 89-397, eff. 8-20-95.)

(105 ILCS 5/29-5) (from Ch. 122, par. 29-5)

Sec. 29-5. Reimbursement by State for transportation. Any school district, maintaining a school, transporting resident pupils to another school district's vocational program, offered through a joint agreement approved by the State Board of Education, as provided in Section 10-22.22 or transporting its resident pupils to a school which meets the standards for recognition as established by the State Board of Education which provides transportation meeting the standards of safety, comfort, convenience, efficiency and operation prescribed by the State Board of Education for resident pupils in kindergarten or any of grades 1 through 12 who: (a) reside at least 1 1/2 miles as measured by the customary route of travel, from the school attended; or (b) reside in areas where conditions are such that walking constitutes a hazard to the safety of the child when determined under Section 29-3; and (c) are transported to the school attended from pick-up points at the beginning of the school day and back again at the close of the school day or transported to and from their assigned attendance centers during the school day, shall be reimbursed by the State as hereinafter provided in this Section.

The State will pay the cost of transporting eligible pupils less the assessed valuation in a dual school district maintaining secondary grades 9 to 12 inclusive times a qualifying rate of .05%; in elementary school districts maintaining grades K to 8 times a qualifying rate of .06%; in unit districts maintaining grades K to 12 times a qualifying rate of .07%. To be eligible to receive reimbursement in excess of 4/5 of the cost to transport eligible pupils, a school district shall have a Transportation Fund tax rate of at least .12%. If a school district does not have a .12% Transportation Fund tax rate, the amount of its claim in excess of 4/5 of the cost of transporting pupils shall be reduced by the sum arrived at by subtracting the Transportation Fund tax rate from .12% and multiplying that amount by the districts equalized or assessed valuation, provided, that in no case shall said reduction result in reimbursement of less than 4/5 of the cost to transport eligible pupils.

The minimum amount to be received by a district is $16 times the number of eligible pupils transported.

Any such district transporting resident pupils during the school day to an area vocational school or another school district's vocational program more than 1 1/2 miles from the school attended, as provided in Sections 10-22.20a and 10-22.22, shall be reimbursed by the State for 4/5 of the cost of transporting eligible pupils.

School day means that period of time which the pupil is required to be in attendance.
If a pupil is at a location within the school district other than his residence for child care purposes at the time for transportation to school, that location may be considered for purposes of determining the 1 1/2 miles from the school attended.

Claims for reimbursement that include children who attend any school other than a public school shall show the number of such children transported.

Claims for reimbursement under this Section shall not be paid for the transportation of pupils for whom transportation costs are claimed for payment under other Sections of this Act.

The allowable direct cost of transporting pupils for regular, vocational, and special education pupil transportation shall be limited to the sum of the cost of physical examinations required for employment as a school bus driver; the salaries of full or part-time drivers and school bus maintenance personnel; employee benefits excluding Illinois municipal retirement payments, social security payments, unemployment insurance payments and workers' compensation insurance premiums; expenditures to independent carriers who operate school buses; payments to other school districts for pupil transportation services; pre-approved contractual expenditures for computerized bus scheduling; the cost of gasoline, oil, tires, and other supplies necessary for the operation of school buses; the cost of converting buses' gasoline engines to more fuel efficient engines or to engines which use alternative energy sources; the cost of travel to meetings and workshops conducted by the regional superintendent or the State Superintendent of Education pursuant to the standards established by the Secretary of State under Section 6-106 of the Illinois Vehicle Code to improve the driving skills of school bus drivers; the cost of maintenance of school buses including parts and materials used; expenditures for leasing transportation vehicles, except interest and service charges; the cost of insurance and licenses for transportation vehicles; expenditures for the rental of transportation equipment; plus a depreciation allowance of 20% for 5 years for school buses and vehicles approved for transporting pupils to and from school and a depreciation allowance of 10% for 10 years for other transportation equipment so used.

In addition to the above allowable costs school districts shall also claim all transportation supervisory salary costs, including Illinois municipal retirement payments, and all transportation related building and building maintenance costs without limitation.

Special education allowable costs shall also include expenditures for the salaries of attendants or aides for that portion of the time they assist special education pupils while in transit and expenditures for parents and public carriers for transporting special education pupils when pre-approved by the State Superintendent of Education.

Indirect costs shall be included in the reimbursement claim for districts which own and operate their own school buses. Such indirect costs shall include administrative costs, or any costs attributable to transporting pupils from their attendance centers to another school building for instructional purposes. No school district which owns and operates its own school buses may claim reimbursement for indirect costs which exceed 5% of the total allowable direct costs for pupil transportation.

The State Board of Education shall prescribe uniform regulations for determining the

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above standards and shall prescribe forms of cost accounting and standards of determining reasonable depreciation. Such depreciation shall include the cost of equipping school buses with the safety features required by law or by the rules, regulations and standards promulgated by the State Board of Education, and the Department of Transportation for the safety and construction of school buses provided, however, any equipment cost reimbursed by the Department of Transportation for equipping school buses with such safety equipment shall be deducted from the allowable cost in the computation of reimbursement under this Section in the same percentage as the cost of the equipment is depreciated.

On or before July 10, annually, the board clerk or the secretary of the district shall certify to the regional superintendent of schools upon forms prescribed by the State Superintendent of Education the district's claim for reimbursement for the year ended on June 30 next preceding. The regional superintendent of schools shall check all transportation claims to ascertain compliance with the prescribed standards and upon his approval shall certify not later than July 25 to the State Superintendent of Education the regional report of claims for reimbursements. The State Superintendent of Education shall check and approve the claims and prepare the vouchers showing the amounts due for district reimbursement claims. Beginning with the 1977 fiscal year, the State Superintendent of Education shall prepare and transmit the first 3 vouchers to the Comptroller on the 30th day of September, December and March, respectively, and the final voucher, no later than June 15.

If the amount appropriated for transportation reimbursement is insufficient to fund total claims for any fiscal year, the State Board of Education shall reduce each school district's allowable costs and flat grant amount proportionately to make total adjusted claims equal the total amount appropriated.

For purposes of calculating claims for reimbursement under this Section for any school year beginning July 1, 1998, or thereafter, the equalized assessed valuation for a school district used to compute reimbursement shall be computed in the same manner as it is computed under paragraph (2) of subsection (G) of Section 18-8.05.

All reimbursements received from the State shall be deposited into the district's transportation fund or into the fund from which the allowable expenditures were made.

Notwithstanding any other provision of law, any school district receiving a payment under this Section or under Section 14-7.02, 14-7.02a, or 14-13.01 of this Code may classify all or a portion of the funds that it receives in a particular fiscal year or from general State aid pursuant to Section 18-8.05 of this Code as funds received in connection with any funding program for which it is entitled to receive funds from the State in that fiscal year (including, without limitation, any funding program referenced in this Section), regardless of the source or timing of the receipt. The district may not classify more funds as funds received in connection with the funding program than the district is entitled to receive in that fiscal year for that program. Any classification by a district must be made by a resolution of its board of education. The resolution must identify the amount of any payments or general State aid to be classified under this paragraph and must specify the funding program to which the funds are to be treated as received in connection therewith. This resolution is

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controlling as to the classification of funds referenced therein. A certified copy of the resolution must be sent to the State Superintendent of Education. The resolution shall still take effect even though a copy of the resolution has not been sent to the State Superintendent of Education in a timely manner. No classification under this paragraph by a district shall affect the total amount or timing of money the district is entitled to receive under this Code. No classification under this paragraph by a district shall in any way relieve the district from or affect any requirements that otherwise would apply with respect to that funding program, including any accounting of funds by source, reporting expenditures by original source and purpose, reporting requirements, or requirements of providing services.

Any school district with a population of not more than 500,000 must deposit all funds received under this Article into the transportation fund and use those funds for the provision of transportation services.

(Source: P.A. 91-96, eff. 7-9-99.)

Section 99. Effective date. This Act takes effect upon becoming law.
Passed in the General Assembly April 25, 2002.
Approved June 26, 2002.
Effective June 26, 2002.

PUBLIC ACT 92-0569
(House Bill No. 4037)

AN ACT concerning higher education student assistance.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Higher Education Student Assistance Act is amended by adding Section 65.70 as follows:

(110 ILCS 947/65.70 new)

Sec. 65.70. Optometric Education Scholarship Program.

(a) The General Assembly finds and declares that the provision of graduate education leading to a doctoral degree in optometry for persons of this State who desire such an education is important to the health and welfare of this State and Nation and, consequently, is an important public purpose. Many qualified potential optometrists are deterred by financial considerations from pursuing their optometric education with consequent irreparable loss to the State and Nation of talents vital to health and welfare. A program of scholarships, repayment of which may be excused if the individual practices professional optometry in this State, will enable such individuals to attend qualified public or private institutions of their choice in the State.

(b) Beginning with the 2003-2004 academic year, the Commission shall, each year, consider applications for scholarship assistance under this Section. An applicant is eligible for a scholarship under this Section if the Commission finds that the applicant is:

1) a United States citizen or eligible noncitizen;
2) a resident of Illinois; and

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(3) enrolled on a full-time basis in a public or private college of optometry located in this State that awards a doctorate degree in optometry and is approved by the Department of Professional Regulation.

(c) Each year the Commission shall award 10 scholarships under this Section among applicants qualified pursuant to subsection (b). Two of these scholarships each shall be awarded to eligible applicants enrolled in their first year, second year, third year, and fourth year. The remaining 2 scholarships shall be awarded to any level of student. The Commission shall receive funding for the scholarships through appropriations from the Optometric Licensing and Disciplinary Board Fund. If in any year the number of qualified applicants exceeds the number of scholarships to be awarded, the Commission shall give priority in awarding scholarships to students demonstrating exceptional merit and who are in financial need. A scholarship shall be in the amount of $5,000 each year applicable to tuition and fees.

(d) The total amount of scholarship assistance awarded by the Commission under this Section to an individual in any given fiscal year, when added to other financial assistance awarded to that individual for that year, shall not exceed the cost of attendance at the institution at which the student is enrolled.

(e) A recipient may receive up to 8 semesters or 12 quarters of scholarship assistance under this Section.

(f) Subject to a separate appropriation made for such purposes, payment of any scholarship awarded under this Section shall be determined by the Commission. All scholarship funds distributed in accordance with this Section shall be paid to the institution on behalf of the recipients. Scholarship funds are applicable toward 2 semesters or 3 quarters of enrollment within an academic year.

(g) The Commission shall administer the Optometric Education Scholarship Program established by this Section and shall make all necessary and proper rules not inconsistent with this Section for its effective implementation.

(h) Prior to receiving scholarship assistance for any academic year, each recipient of a scholarship awarded under this Section shall be required by the Commission to sign an agreement under which the recipient pledges that, within the one-year period following the termination of the academic program for which the recipient was awarded a scholarship, the recipient shall practice in this State as a licensed optometrist under the Illinois Optometric Practice Act of 1987 for a period of not less than one year for each year of scholarship assistance awarded under this Section. Each recipient shall, upon request of the Commission, provide the Commission with evidence that he or she is fulfilling or has fulfilled the terms of the practice agreement provided for in this subsection.

(i) If a recipient of a scholarship awarded under this Section fails to fulfill the practice obligation set forth in subsection (h) of this Section, the Commission shall require the recipient to repay the amount of the scholarships received, prorated according to the fraction of the obligation not completed, plus interest at a rate of 5% and, if applicable, reasonable collection fees. The Commission is authorized to establish rules relating to its collection activities for repayment of scholarships under this Section.
(j) A recipient of a scholarship awarded by the Commission under this Section shall not be in violation of the agreement entered into pursuant to subsection (h) if the recipient (i) is serving as a member of the armed services of the United States; (ii) is enrolled in a residency program following graduation at an approved institution; (iii) is temporarily totally disabled, as established by sworn affidavit of a qualified physician; or (iii) cannot fulfill the employment obligation due to his or her death, disability, or incompetency, as established by sworn affidavit of a qualified physician. No claim for repayment may be filed against the estate of such a decedent or incompetent. Any extension of the period during which the employment requirement must be fulfilled shall be subject to limitations of duration as established by the Commission.

Section 10. The Illinois Optometric Practice Act of 1987 is amended by changing Section 20 as follows:

(225 ILCS 80/20) (from Ch. 111, par. 3920)
(Section scheduled to be repealed on January 1, 2007)
Sec. 20. Fund. All moneys received by the Department pursuant to this Act shall be deposited in the Optometric Licensing and Disciplinary Board Fund, which is hereby created as a special fund in the State Treasury, and shall be used only for the administration of this Act, including: (a) by the Board in the exercise of its powers and performance of its duties, as such use is made by the Department with full consideration of all recommendations of the Board; (b) for costs directly related to license renewal of persons licensed under this Act; and (c) for direct and allocable indirect costs related to the public purposes of the Department of Professional Regulation. Subject to appropriation, moneys in the Optometric Licensing and Disciplinary Board Fund may be used for the Optometric Education Scholarship Program administered by the Illinois Student Assistance Commission pursuant to Section 65.70 of the Higher Education Student Assistance Act.

Moneys in the Fund may be transferred to the Professions Indirect Cost Fund as authorized under Section 2105-300 of the Department of Professional Regulation Law (20 ILCS 2105/2105-300).

Money in the Optometric Licensing and Disciplinary Board Fund may be invested and reinvested, with all earnings received from such investment to be deposited in the Optometric Licensing and Disciplinary Board Fund and used for the same purposes as fees deposited in such fund.

Any monies in the Optometric Examining and Disciplinary Board Fund on the effective date of this Act shall be transferred to the Optometric Licensing and Disciplinary Board Fund.

Any obligations of the Optometric Examining and Disciplinary Board Fund unpaid on the effective date of this Act shall be paid from the Optometric Licensing and Disciplinary Board Fund.

(Source: P.A. 91-239, eff. 1-1-00.)

Section 99. Effective date. This Act takes effect upon becoming law.
Passed in the General Assembly May 7, 2002.
Approved June 26, 2002.

New matter indicated by italics - deletions by strikeout.
Effective June 26, 2002.

PUBLIC ACT 92-0570
(House Bill No. 4465)

AN ACT in relation to public aid.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Illinois Public Aid Code is amended by changing Sections 12-10.2 and 12-10.2a as follows:
(305 ILCS 5/12-10.2) (from Ch. 23, par. 12-10.2)
Sec. 12-10.2. The Child Support Enforcement Trust Fund.
(a) The Child Support Enforcement Trust Fund, to be held by the State Treasurer as ex-officio custodian outside the State Treasury, pursuant to the Child Support Enforcement Program established by Title IV-D of the Social Security Act, shall consist of the following, through June 30, 2002:

(1) all support payments assigned to the Illinois Department under Article X of this Code and rules promulgated by the Illinois Department that are disbursed to the Illinois Department by the State Disbursement Unit established under Section 10-26,

(2) all support payments received by the Illinois Department as a result of the Child Support Enforcement Program established by Title IV-D of the Social Security Act that are not required or directed to be paid to the State Disbursement Unit established under Section 10-26,

(3) all federal grants received by the Illinois Department funded by Title IV-D of the Social Security Act, except those federal funds received under the Title IV-D program as reimbursement for expenditures from the General Revenue Fund,

(4) incentive payments received by the Illinois Department from other states or political subdivisions of other states for the enforcement and collection by the Department of an assigned child support obligation in behalf of such other states or their political subdivisions pursuant to the provisions of Title IV-D of the Social Security Act,

(5) incentive payments retained by the Illinois Department from the amounts which otherwise would be paid to the federal government to reimburse the federal government's share of the support collection for the Department's enforcement and collection of an assigned support obligation on behalf of the State of Illinois pursuant to the provisions of Title IV-D of the Social Security Act,

(6) all fees charged by the Department for child support enforcement services, as authorized under Title IV-D of the Social Security Act and Section 10-1 of this Code, and any other fees, costs, fines, recoveries, or penalties provided for by State or federal law and received by the Department under the Child Support Enforcement Program established by Title IV-D of the Social Security Act, and

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(7) all amounts appropriated by the General Assembly for deposit into the Fund, and

(8) any gifts, grants, donations, or awards from individuals, private businesses, nonprofit associations, and governmental entities.

(a-5) On and after July 1, 2002, the Child Support Enforcement Trust Fund shall consist of the following:

1. all support payments assigned to the Illinois Department under Article X of this Code and rules adopted by the Illinois Department that are disbursed to the Illinois Department by the State Disbursement Unit established under Section 10-26, regardless of the fiscal year in which the payments were receipted;

2. all support payments received by the Illinois Department as a result of the Child Support Enforcement Program established by Title IV-D of the Social Security Act that are not required or directed to be paid to the State Disbursement Unit established under Section 10-26, regardless of the fiscal year in which the payments were receipted;

3. all federal grants received by the Illinois Department funded by Title IV-D of the Social Security Act, except those federal funds received under the Title IV-D program as reimbursement for expenditures from the General Revenue Fund, and receipted on or before June 30, 2002;

4. incentive payments received by the Illinois Department from other states or political subdivisions of other states for the enforcement and collection by the Department of an assigned child support obligation in behalf of those other states or their political subdivisions pursuant to the provisions of Title IV-D of the Social Security Act, and receipted on or before June 30, 2002;

5. incentive payments retained by the Illinois Department from the amounts that otherwise would be paid to the federal government to reimburse the federal government’s share of the support collection for the Department’s enforcement and collection of an assigned support obligation on behalf of the State of Illinois pursuant to the provisions of Title IV-D of the Social Security Act, and receipted on or before June 30, 2002;

6. all fees charged by the Department for child support enforcement services, as authorized under Title IV-D of the Social Security Act and Section 10-1 of this Code, and any other fees, costs, fines, recoveries, or penalties provided for by State or federal law and received by the Department under the Child Support Enforcement Program established by Title IV-D of the Social Security Act, and receipted on or before June 30, 2002;

7. all amounts appropriated by the General Assembly for deposit into the Child Support Enforcement Trust Fund; and

8. any gifts, grants, donations, or awards from individuals, private businesses, nonprofit associations, and governmental entities, receipted on or before June 30, 2002.

(b) Disbursements from this Fund shall be only for the following purposes:

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(1) for the reimbursement of funds received by the Illinois Department through error or mistake,

(2) for payments to non-recipients, current recipients, and former recipients of financial aid of support payments received on their behalf under Article X of this Code that are not required to be disbursed by the State Disbursement Unit established under Section 10.26,

(3) for any other payments required by law to be paid by the Illinois Department to non-recipients, current recipients, and former recipients,

(4) for payment of any administrative expenses incurred through fiscal year 2002 and for payment of any administrative expenses by transfer to the Child Support Administrative Fund under Section 12-10.2a, but not thereafter, including payment to the Health Insurance Reserve Fund for group insurance costs at the rate certified by the Department of Central Management Services, except those required to be paid from the General Revenue Fund, including personal and contractual services, incurred in performing the Title IV-D activities authorized by Article X of this Code,

(5) for the reimbursement of the Public Assistance Emergency Revolving Fund for expenditures made from that Fund for payments to former recipients of public aid for child support made to the Illinois Department when the former public aid recipient is legally entitled to all or part of the child support payments, pursuant to the provisions of Title IV-D of the Social Security Act,

(6) for the payment of incentive amounts owed to other states or political subdivisions of other states that enforce and collect an assigned support obligation on behalf of the State of Illinois pursuant to the provisions of Title IV-D of the Social Security Act,

(7) for the payment of incentive amounts owed to political subdivisions of the State of Illinois that enforce and collect an assigned support obligation on behalf of the State pursuant to the provisions of Title IV-D of the Social Security Act, and

(8) for payments of any amounts which are reimbursable to the Federal government which are required to be paid by State warrant by either the State or Federal government.

Disbursements from this Fund shall be by warrants drawn by the State Comptroller on receipt of vouchers duly executed and certified by the Illinois Department or any other State agency that receives an appropriation from the Fund.

(c) The Illinois Department's child support administrative expenses, as defined in Section 12-10.2a, that are incurred after fiscal year 2002 shall be paid only as provided in that Section.

(Source: P.A. 91-212, eff. 7-20-99; 91-400, eff. 7-30-99; 91-712, eff. 7-1-00; 92-44, eff. 7-1-01; revised 7-24-01.)

(305 ILCS 5/12-10.2a)
Sec. 12-10.2a. Child Support Administrative Fund.
(a) Beginning July 1, 2002, the Child Support Administrative Fund is created as a

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special fund in the State treasury. Moneys in the Fund may be used, subject to appropriation, only for the Department of Public Aid's child support administrative expenses, as defined in this Section.

(a-5) Moneys in the Child Support Administrative Fund shall consist of the following:
(1) all federal grants received by the Illinois Department funded by Title IV-D of the Social Security Act, except those federal funds received under the Title IV-D program as reimbursement for expenditures from the General Revenue Fund;
(2) incentive payments received by the Illinois Department from other states or political subdivisions of other states for the enforcement and collection by the Department of an assigned child support obligation in behalf of those other states or their political subdivisions pursuant to the provisions of Title IV-D of the Social Security Act;
(3) incentive payments retained by the Illinois Department from the amounts that otherwise would be paid to the federal government to reimburse the federal government's share of the support collection for the Department's enforcement and collection of an assigned support obligation on behalf of the State of Illinois pursuant to the provisions of Title IV-D of the Social Security Act;
(4) all fees charged by the Department for child support enforcement services, as authorized under Title IV-D of the Social Security Act and Section 10-1 of this Code, and any other fees, costs, fines, recoveries, or penalties provided for by State or federal law and received by the Department under the Child Support Enforcement Program established by Title IV-D of the Social Security Act;
(5) all amounts appropriated by the General Assembly for deposit into the Child Support Administrative Fund; and
(6) any gifts, grants, donations, or awards from individuals, private businesses, nonprofit associations, and governmental entities.

(a-10) The moneys identified in subsection (a-5) of this Section shall include moneys receipted on or after July 1, 2002, regardless of the fiscal year in which the moneys were earned.

(b) As used in this Section, "child support administrative expenses" means administrative expenses, including payment to the Health Insurance Reserve Fund for group insurance costs at the rate certified by the Department of Central Management Services, except those required to be paid from the General Revenue Fund, including personal and contractual services, incurred by the Department of Public Aid, either directly or under its contracts with SDU contractors as defined in Section 10-26.2, in performing activities authorized by Article X of this Code, and including appropriations to other State agencies or offices. The term includes expenses incurred by the Department of Public Aid in administering the Child Support Enforcement Trust Fund and the State Disbursement Unit Revolving Fund.

(c) Child support administrative expenses incurred in fiscal year 2003 or thereafter shall be paid only from moneys appropriated to the Department from the Child Support Administrative Fund.

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(d) Before April 1, 2003 and before April 1 of each year thereafter, the Department of Public Aid shall provide notification to the General Assembly of the amount of the Department's child support administrative expenses expected to be incurred during the fiscal year beginning on the next July 1, including the estimated amount required for the operation of the State Disbursement Unit, which shall be separately identified in the annual administrative appropriation.

(e) For the fiscal year beginning July 1, 2002 and for each fiscal year thereafter, the State Comptroller and the State Treasurer shall transfer from the Child Support Enforcement Trust Fund to the Child Support Administrative Fund amounts as determined by the Department necessary to enable the Department to meet its child support administrative expenses for the then-current fiscal year. For any fiscal year, the State Comptroller and the State Treasurer may not transfer more than the total amount appropriated to the Department from the Child Support Administrative Fund for the Department's child support administrative expenses for that fiscal year.

(f) By December 1, 2001, the Illinois Department shall provide a corrective action plan to the General Assembly regarding the establishment of accurate accounts in the Child Support Enforcement Trust Fund. The plan shall include those tasks that may be required to establish accurate accounts, the estimated time for completion of each of those tasks and the plan, and the estimated cost for completion of each of the tasks and the plan.

(Source: P.A. 92-44, eff. 7-1-01.)

Section 99. Effective date. This Act takes effect upon becoming law.
Passed in the General Assembly April 25, 2002.
Approved June 26, 2002.
Effective June 26, 2002.

PUBLIC ACT 92-0571
(House Bill No. 4936)

AN ACT in relation to criminal law.

Whereas: The interstate compact for the supervision of Parolees and Probationers was established in 1937, it is the earliest corrections "compact" established among the states and has not been amended since its adoption over 62 years ago;

Whereas: This compact is the only vehicle for the controlled movement of adult parolees and probationers across state lines, and it currently has jurisdiction over more than a quarter of a million offenders;

Whereas: The complexities of the compact have become more difficult to administer, and many jurisdictions have expanded supervision expectations to include currently unregulated practices such as victim input, victim notification requirements and sex offender registration;

Whereas: After hearings, national surveys, and a detailed study by a task force appointed by the National Institute of Corrections, the overwhelming recommendation has been to amend the document to bring about an effective management capacity that addresses

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public safety concerns and offender accountability;

Whereas: Upon the adoption of this Interstate Compact for Adult Offender Supervision, it is the intention of the legislature to repeal the previous Interstate Compact for the Supervision of Parolees and Probationers on the effective date of this Compact; therefore

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 1. Short title. This Act may be cited as the Interstate Compact for Adult Offender Supervision.

Section 5. Interstate Compact for Adult Offender Supervision. The Governor of this State is hereby authorized and directed to enter into a compact on behalf of this State with any of the United States legally joining therein in the form substantially as follows:

ARTICLE I: PURPOSE

(a) The compacting states to this Interstate Compact recognize that each state is responsible for the supervision of adult offenders in the community who are authorized pursuant to the Bylaws and Rules of this compact to travel across state lines both to and from each compacting state in such a manner as to: track the location of offenders, transfer supervision authority in an orderly and efficient manner, and when necessary return offenders to the originating jurisdictions. The compacting states also recognize that Congress, by enacting the Crime Control Act, 4 U.S.C. Section 112 (1965), has authorized and encouraged compacts for cooperative efforts and mutual assistance in the prevention of crime.

(b) It is the purpose of this compact and the Interstate Commission created hereunder, through means of joint and cooperative action among the compacting states: to provide the framework for the promotion of public safety and protect the rights of victims through the control and regulation of the interstate movement of offenders in the community; to provide for the effective tracking, supervision, and rehabilitation of these offenders by the sending and receiving states; and to equitably distribute the costs, benefits and obligations of the compact among the compacting states.

(c) In addition, this compact will: create an Interstate Commission which will establish uniform procedures to manage the movement between states of adults placed under community supervision and released to the community under the jurisdiction of courts, paroling authorities, corrections or other criminal justice agencies which will promulgate rules to achieve the purpose of this compact; ensure an opportunity for input and timely notice to victims and to jurisdictions where defined offenders are authorized to travel or to relocate across state lines; establish a system of uniform data collection, access to information on active cases by authorized criminal justice officials, and regular reporting of Compact activities to heads of state councils, state executive, judicial, and legislative branches and criminal justice administrators; monitor compliance with rules governing interstate movement of offenders and initiate interventions to address and correct non-compliance; and coordinate training and education regarding regulations of interstate movement of offenders for officials involved in such activity.

(d) The compacting states recognize that there is no "right" of any offender to live in
another state and that duly accredited officers of a sending state may at all times enter a receiving state and there apprehend and retake any offender under supervision subject to the provisions of this compact and Bylaws and Rules promulgated hereunder. It is the policy of the compacting states that the activities conducted by the Interstate Commission created herein are the formation of public policies and are therefore public business.

ARTICLE II:
DEFINITIONS

As used in this compact, unless the context clearly requires a different construction:

(1) "Adult" means both individuals legally classified as adults and juveniles treated as adults by court order, statute, or operation of law.

(2) "By-laws" mean those by-laws established by the Interstate Commission for its governance, or for directing or controlling the Interstate Commission's actions or conduct.

(3) "Compact Administrator" means the individual in each compacting state appointed pursuant to the terms of this compact responsible for the administration and management of the state's supervision and transfer of offenders subject to the terms of this compact, the rules adopted by the Interstate Commission and policies adopted by the State Council under this compact.

(4) "Compacting state" means any state which has enacted the enabling legislation for this compact.

(5) "Commissioner" means the voting representative of each compacting state appointed pursuant to Article III of this compact.

(6) "Interstate Commission" means the Interstate Commission for Adult Offender Supervision established by this compact.

(7) "Member" means the commissioner of a compacting state or designee, who shall be a person officially connected with the commissioner.

(8) "Non Compacting state" means any state which has not enacted the enabling legislation for this compact.

(9) "Offender" means an adult placed under, or subject to, supervision as the result of the commission of a criminal offense and released to the community under the jurisdiction of courts, paroling authorities, corrections, or other criminal justice agencies.

(10) "Person" means any individual, corporation, business enterprise, or other legal entity, either public or private.

(11) "Rules" means acts of the Interstate Commission, duly promulgated pursuant to Article VII of this compact, substantially affecting interested parties in addition to the Interstate Commission, which shall have the force and effect of law in the compacting states.

(12) "State" means a state of the United States, the District of Columbia and any other territorial possessions of the United States.

(13) "State Council" means the resident members of the State Council for Interstate Adult Offender Supervision created by each state under Article III of this

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ARTICLE III:
THE COMPACT COMMISSION

(a) The compacting states hereby create the "Interstate Commission for Adult Offender Supervision." The Interstate Commission shall be a body corporate and joint agency of the compacting states. The Interstate Commission shall have all the responsibilities, powers and duties set forth herein, including the power to sue and be sued, and such additional powers as may be conferred upon it by subsequent action of the respective legislatures of the compacting states in accordance with the terms of this compact.

(b) The Interstate Commission shall consist of Commissioners selected and appointed by resident members of a State Council for Interstate Adult Offender Supervision for each state.

(c) In addition to the Commissioners who are the voting representatives of each state, the Interstate Commission shall include individuals who are not commissioners but who are members of interested organizations; such non-commissioner members must include a member of the national organizations of governors, legislators, state chief justices, attorneys general and crime victims. All non-commissioner members of the Interstate Commission shall be ex-officio (nonvoting) members. The Interstate Commission may provide in its by-laws for such additional, ex-officio, non-voting members as it deems necessary.

(d) Each compacting state represented at any meeting of the Interstate Commission is entitled to one vote. A majority of the compacting states shall constitute a quorum for the transaction of business, unless a larger quorum is required by the by-laws of the Interstate Commission. The Interstate Commission shall meet at least once each calendar year. The chairperson may call additional meetings and, upon the request of 27 or more compacting states, shall call additional meetings. Public notice shall be given of all meetings and meetings shall be open to the public.

(e) The Interstate Commission shall establish an Executive Committee which shall include commission officers, members and others as shall be determined by the By-laws. The Executive Committee shall have the power to act on behalf of the Interstate Commission during periods when the Interstate Commission is not in session, with the exception of rulemaking and/or amendment to the Compact. The Executive Committee oversees the day-to-day activities managed by the Executive Director and Interstate Commission staff; administers enforcement and compliance with the provisions of the compact, its by-laws and as directed by the Interstate Commission and performs other duties as directed by Commission or set forth in the By-laws.

ARTICLE IV:
THE STATE COUNCIL

(a) Each member state shall create a State Council for Interstate Adult Offender Supervision which shall be responsible for the appointment of the commissioner who shall serve on the Interstate Commission from that state.

(b) Each state council shall appoint as its commissioner the Compact Administrator from the state to serve on the Interstate Commission in such capacity under or pursuant to
applicable law of the member state. While each member state may determine the membership of its own state council, its membership must include at least one representative from the legislative, judicial, and executive branches of government, victims groups, and compact administrators. Each compacting state retains the right to determine the qualifications of the Compact Administrator who shall be appointed by the state council or by the Governor in consultation with the Legislature and the Judiciary.

(c) In addition to appointment of its commissioner to the National Interstate Commission, each state council shall exercise oversight and advocacy concerning its participation in Interstate Commission activities and other duties as may be determined by each member state including but not limited to, development of policy concerning operations and procedures of the compact within that state.

ARTICLE V: POWERS AND DUTIES OF THE INTERSTATE COMMISSION

(a) The Interstate Commission shall have the following powers:

(1) To adopt a seal and suitable by-laws governing the management and operation of the Interstate Commission.

(2) To promulgate rules which shall have the force and effect of statutory law and shall be binding in the compacting states to the extent and in the manner provided in this compact.

(3) To oversee, supervise and coordinate the interstate movement of offenders subject to the terms of this compact and any by-laws adopted and rules promulgated by the compact commission.

(4) To enforce compliance with compact provisions, Interstate Commission rules, and by-laws, using all necessary and proper means, including but not limited to, the use of judicial process.

(5) To establish and maintain offices.

(6) To purchase and maintain insurance and bonds.

(7) To borrow, accept, or contract for services of personnel, including, but not limited to, members and their staffs.

(8) To establish and appoint committees and hire staff which it deems necessary for the carrying out of its functions including, but not limited to, an executive committee as required by Article III which shall have the power to act on behalf of the Interstate Commission in carrying out its powers and duties hereunder.

(9) To elect or appoint such officers, attorneys, employees, agents, or consultants, and to fix their compensation, define their duties and determine their qualifications; and to establish the Interstate Commission's personnel policies and programs relating to, among other things, conflicts of interest, rates of compensation, and qualifications of personnel.

(10) To accept any and all donations and grants of money, equipment, supplies, materials, and services, and to receive, utilize, and dispose of same.

(11) To lease, purchase, accept contributions or donations of, or otherwise to own, hold, improve or use any property, real, personal, or mixed.

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(12) To sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property, real, personal or mixed.

(13) To establish a budget and make expenditures and levy dues as provided in Article IX of this compact.

(14) To sue and be sued.

(15) To provide for dispute resolution among Compacting States.

(16) To perform such functions as may be necessary or appropriate to achieve the purposes of this compact.

(17) To report annually to the legislatures, governors, judiciary, and state councils of the compacting states concerning the activities of the Interstate Commission during the preceding year. Such reports shall also include any recommendations that may have been adopted by the Interstate Commission.

(18) To coordinate education, training and public awareness regarding the interstate movement of offenders for officials involved in such activity.

(19) To establish uniform standards for the reporting, collecting, and exchanging of data.

ARTICLE VI:
ORGANIZATION AND OPERATION OF THE INTERSTATE COMMISSION

(a) By-laws. The Interstate Commission shall, by a majority of the Members, within twelve months of the first Interstate Commission meeting, adopt By-laws to govern its conduct as may be necessary or appropriate to carry out the purposes of the Compact, including, but not limited to:

(1) establishing the fiscal year of the Interstate Commission;

(2) establishing an executive committee and such other committees as may be necessary;

(3) providing reasonable standards and procedures:

   (i) for the establishment of committees, and

   (ii) governing any general or specific delegation of any authority or function of the Interstate Commission;

(4) providing reasonable procedures for calling and conducting meetings of the Interstate Commission, and ensuring reasonable notice of each such meeting;

(5) establishing the titles and responsibilities of the officers of the Interstate Commission;

(6) providing reasonable standards and procedures for the establishment of the personnel policies and programs of the Interstate Commission. Notwithstanding any civil service or other similar laws of any Compacting State, the By-laws shall exclusively govern the personnel policies and programs of the Interstate Commission;

(7) providing a mechanism for winding up the operations of the Interstate Commission and the equitable return of any surplus funds that may exist upon the termination of the Compact after the payment and/or reserving of all of its debts and liabilities.
obligations;
(8) providing transition rules for "start up" administration of the compact;
(9) establishing standards and procedures for compliance and technical assistance in carrying out the compact.
(b) Officers and Staff.
(1) The Interstate Commission shall, by a majority of the Members, elect from among its Members a chairperson and a vice chairperson, each of whom shall have such authorities and duties as may be specified in the By-laws. The chairperson or, in his or her absence or disability, the vice chairperson, shall preside at all meetings of the Interstate Commission. The Officers so elected shall serve without compensation or remuneration from the Interstate Commission; PROVIDED THAT, subject to the availability of budgeted funds, the officers shall be reimbursed for any actual and necessary costs and expenses incurred by them in the performance of their duties and responsibilities as officers of the Interstate Commission.
(2) The Interstate Commission shall, through its executive committee, appoint or retain an executive director for such period, upon such terms and conditions and for such compensation as the Interstate Commission may deem appropriate. The executive director shall serve as secretary to the Interstate Commission, and hire and supervise such other staff as may be authorized by the Interstate Commission, but shall not be a member.
(c) Corporate Records of the Interstate Commission. The Interstate Commission shall maintain its corporate books and records in accordance with the By-laws.
(d) Qualified Immunity, Defense and Indemnification.
(1) The Members, officers, executive director and employees of the Interstate Commission shall be immune from suit and liability, either personally or in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused or arising out of any actual or alleged act, error or omission that occurred within the scope of Interstate Commission employment, duties or responsibilities; PROVIDED, that nothing in this paragraph shall be construed to protect any such person from suit and/or liability for any damage, loss, injury or liability caused by the intentional or willful and wanton misconduct of any such person.
(2) The Interstate Commission shall defend the Commissioner of a Compacting State, or his or her representatives or employees, or the Interstate Commission's representatives or employees, in any civil action seeking to impose liability, arising out of any actual or alleged act, error or omission that occurred within the scope of Interstate Commission employment, duties or responsibilities, or that the defendant had a reasonable basis for believing occurred within the scope of Interstate Commission employment, duties or responsibilities; PROVIDED, that the actual or alleged act, error or omission did not result from intentional wrongdoing on the part of such person.
(3) The Interstate Commission shall indemnify and hold the Commissioner
of a Compacting State, the appointed designee or employees, or the Interstate Commission's representatives or employees, harmless in the amount of any settlement or judgment obtained against such persons arising out of any actual or alleged act, error or omission that occurred within the scope of Interstate Commission employment, duties or responsibilities, or that such persons had a reasonable basis for believing occurred within the scope of Interstate Commission employment, duties or responsibilities, provided, that the actual or alleged act, error or omission did not result from gross negligence or intentional wrongdoing on the part of such person.

ARTICLE VII:

ACTIVITIES OF THE INTERSTATE COMMISSION

(a) The Interstate Commission shall meet and take such actions as are consistent with the provisions of this Compact.

(b) Except as otherwise provided in this Compact and unless a greater percentage is required by the By-laws, in order to constitute an act of the Interstate Commission, such act shall have been taken at a meeting of the Interstate Commission and shall have received an affirmative vote of a majority of the members present.

(c) Each Member of the Interstate Commission shall have the right and power to cast a vote to which that Compacting State is entitled and to participate in the business and affairs of the Interstate Commission. A member shall vote in person on behalf of the state and shall not delegate a vote to another member state. However, a State Council shall appoint another authorized representative, in the absence of the commissioner from that state, to cast a vote on behalf of the member state at a specified meeting. The By-laws may provide for Members' participation in meetings by telephone or other means of telecommunication or electronic communication. Any voting conducted by telephone, or other means of telecommunication or electronic communication shall be subject to the same quorum requirements of meetings where members are present in person.

(d) The Interstate Commission shall meet at least once during each calendar year. The chairperson of the Interstate Commission may call additional meetings at any time and, upon the request of a majority of the Members, shall call additional meetings.

(e) The Interstate Commission's By-laws shall establish conditions and procedures under which the Interstate Commission shall make its information and official records available to the public for inspection or copying. The Interstate Commission may exempt from disclosure any information or official records to the extent they would adversely affect personal privacy rights or proprietary interests. In promulgating such Rules, the Interstate Commission may make available to law enforcement agencies records and information otherwise exempt from disclosure, and may enter into agreements with law enforcement agencies to receive or exchange information or records subject to non-disclosure and confidentiality provisions.

(f) Public notice shall be given of all meetings and all meetings shall be open to the public, except as set forth in the Rules or as otherwise provided in the Compact. The Interstate Commission shall promulgate Rules consistent with the principles contained in the "Government in Sunshine Act," 5 U.S.C. Section 552(b), as may be amended. The Interstate

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Commission and any of its committees may close a meeting to the public where it determines by two-thirds vote that an open meeting would be likely to:

(1) relate solely to the Interstate Commission's internal personnel practices and procedures;
(2) disclose matters specifically exempted from disclosure by statute;
(3) disclose trade secrets or commercial or financial information which is privileged or confidential;
(4) involve accusing any person of a crime, or formally censuring any person;
(5) disclose information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;
(6) disclose investigatory records compiled for law enforcement purposes;
(7) disclose information contained in or related to examination, operating or condition reports prepared by, or on behalf of or for the use of, the Interstate Commission with respect to a regulated entity for the purpose of regulation or supervision of such entity;
(8) disclose information, the premature disclosure of which would significantly endanger the life of a person or the stability of a regulated entity;
(9) specifically relate to the Interstate Commission's issuance of a subpoena, or its participation in a civil action or proceeding.

(g) For every meeting closed pursuant to this provision, the Interstate Commission's chief legal officer shall publicly certify that, in his or her opinion, the meeting may be closed to the public, and shall reference each relevant exemptive provision. The Interstate Commission shall keep minutes which shall fully and clearly describe all matters discussed in any meeting and shall provide a full and accurate summary of any actions taken, and the reasons therefor, including a description of each of the views expressed on any item and the record of any roll call vote (reflected in the vote of each Member on the question). All documents considered in connection with any action shall be identified in such minutes.

(h) The Interstate Commission shall collect standardized data concerning the interstate movement of offenders as directed through its By-laws and Rules which shall specify the data to be collected, the means of collection and data exchange and reporting requirements.

ARTICLE VIII:
RULEMAKING FUNCTIONS OF THE INTERSTATE COMMISSION
(a) The Interstate Commission shall promulgate Rules in order to effectively and efficiently achieve the purposes of the Compact including transition rules governing administration of the compact during the period in which it is being considered and enacted by the states.

(b) Rulemaking shall occur pursuant to the criteria set forth in this Article and the By-laws and Rules adopted pursuant thereto. Such rulemaking shall substantially conform to the principles of the federal Administrative Procedure Act, 5 U.S.C.S. section 551 et seq., and the Federal Advisory Committee Act, 5 U.S.C.S. app. 2, section 1 et seq., as may be amended (hereinafter "APA"). All Rules and amendments shall become binding as of the
date specified in each Rule or amendment.

(c) If a majority of the legislatures of the Compacting States rejects a Rule, by enactment of a statute or resolution in the same manner used to adopt the compact, then such Rule shall have no further force and effect in any Compacting State.

(d) When promulgating a Rule, the Interstate Commission shall:

(1) publish the proposed Rule stating with particularity the text of the Rule which is proposed and the reason for the proposed Rule;
(2) allow persons to submit written data, facts, opinions and arguments, which information shall be publicly available;
(3) provide an opportunity for an informal hearing; and
(4) promulgate a final Rule and its effective date, if appropriate, based on the rulemaking record.

(e) Not later than sixty days after a Rule is promulgated, any interested person may file a petition in the United States District Court for the District of Columbia or in the Federal District Court where the Interstate Commission's principal office is located for judicial review of such Rule. If the court finds that the Interstate Commission's action is not supported by substantial evidence (as defined in the APA), in the rulemaking record, the court shall hold the Rule unlawful and set it aside. Subjects to be addressed within 12 months after the first meeting must at a minimum include:

(1) notice to victims and opportunity to be heard;
(2) offender registration and compliance;
(3) violations/returns;
(4) transfer procedures and forms;
(5) eligibility for transfer;
(6) collection of restitution and fees from offenders;
(7) data collection and reporting;
(8) the level of supervision to be provided by the receiving state;
(9) transition rules governing the operation of the compact and the Interstate Commission during all or part of the period between the effective date of the compact and the date on which the last eligible state adopts the compact;
(10) Mediation, arbitration and dispute resolution.

(f) The existing rules governing the operation of the previous compact superseded by this Act shall be null and void twelve (12) months after the first meeting of the Interstate Commission created hereunder.

(g) Upon determination by the Interstate Commission that an emergency exists, it may promulgate an emergency rule which shall become effective immediately upon adoption, provided that the usual rulemaking procedures provided hereunder shall be retroactively applied to said rule as soon as reasonably possible, in no event later than 90 days after the effective date of the rule.

ARTICLE IX:

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OVERSIGHT, ENFORCEMENT, AND DISPUTE RESOLUTION BY THE INTERSTATE COMMISSION

(a) Oversight.

(1) The Interstate Commission shall oversee the interstate movement of adult offenders in the compacting states and shall monitor such activities being administered in Non-compacting States which may significantly affect Compacting States.

(2) The courts and executive agencies in each Compacting State shall enforce this Compact and shall take all actions necessary and appropriate to effectuate the Compact's purposes and intent. In any judicial or administrative proceeding in a Compacting State pertaining to the subject matter of this Compact which may affect the powers, responsibilities or actions of the Interstate Commission, the Interstate Commission shall be entitled to receive all service of process in any such proceeding, and shall have standing to intervene in the proceeding for all purposes.

(b) Dispute Resolution.

(1) The Compacting States shall report to the Interstate Commission on issues or activities of concern to them, and cooperate with and support the Interstate Commission in the discharge of its duties and responsibilities.

(2) The Interstate Commission shall attempt to resolve any disputes or other issues which are subject to the Compact and which may arise among Compacting States and Non-compacting States.

(3) The Interstate Commission shall enact a By-law or promulgate a Rule providing for both mediation and binding dispute resolution for disputes among the Compacting States.

(c) Enforcement. The Interstate Commission, in the reasonable exercise of its discretion, shall enforce the provisions of this compact using any or all means set forth in Article XII, Section (b), of this compact.

ARTICLE X:
FINANCE

(a) The Interstate Commission shall pay or provide for the payment of the reasonable expenses of its establishment, organization and ongoing activities.

(b) The Interstate Commission shall levy on and collect an annual assessment from each Compacting State to cover the cost of the internal operations and activities of the Interstate Commission and its staff which must be in a total amount sufficient to cover the Interstate Commission's annual budget as approved each year. The aggregate annual assessment amount shall be allocated based upon a formula to be determined by the Interstate Commission, taking into consideration the population of the state and the volume of interstate movement of offenders in each Compacting State and shall promulgate a Rule binding upon all Compacting States which governs said assessment.

(c) The Interstate Commission shall not incur any obligations of any kind prior to securing the funds adequate to meet the same; nor shall the Interstate Commission pledge the credit of any of the compacting states, except by and with the authority of the compacting

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state.

(d) The Interstate Commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the Interstate Commission shall be subject to the audit and accounting procedures established under its By-laws. However, all receipts and disbursements of funds handled by the Interstate Commission shall be audited yearly by a certified or licensed public accountant and the report of the audit shall be included in and become part of the annual report of the Interstate Commission.

ARTICLE XI:

COMPACTING STATES, EFFECTIVE DATE AND AMENDMENT

(a) Any state, as defined in Article II of this compact, is eligible to become a Compacting State.

(b) The Compact shall become effective and binding upon legislative enactment of the Compact into law by no less than 35 of the States. The initial effective date shall be the later of July 1, 2001, or upon enactment into law by the 35th jurisdiction. Thereafter it shall become effective and binding, as to any other Compacting State, upon enactment of the Compact into law by that State. The governors of Non-member states or their designees will be invited to participate in Interstate Commission activities on a non-voting basis prior to adoption of the compact by all states and territories of the United States.

(c) Amendments to the Compact may be proposed by the Interstate Commission for enactment by the Compacting States. No amendment shall become effective and binding upon the Interstate Commission and the Compacting States unless and until it is enacted into law by unanimous consent of the Compacting States.

ARTICLE XII:

WITHDRAWAL, DEFAULT, TERMINATION, AND JUDICIAL ENFORCEMENT

(a) Withdrawal.

(1) Once effective, the Compact shall continue in force and remain binding upon each and every Compacting State; PROVIDED, that a Compacting State may withdraw from the Compact ("Withdrawing State") by enacting a statute specifically repealing the statute which enacted the Compact into law.

(2) The effective date of withdrawal is the effective date of the repeal.

(3) The Withdrawing State shall immediately notify the Chairperson of the Interstate Commission in writing upon the introduction of legislation repealing this Compact in the Withdrawing State. The Interstate Commission shall notify the other Compacting States of the Withdrawing State's intent to withdraw within sixty days of its receipt thereof.

(4) The Withdrawing State is responsible for all assessments, obligations and liabilities incurred through the effective date of withdrawal, including any obligations, the performance of which extend beyond the effective date of withdrawal.

(5) Reinstatement following withdrawal of any Compacting State shall occur upon the Withdrawing State reenacting the Compact or upon such later date as

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determined by the Interstate Commission.

(b) Default.

(1) If the Interstate Commission determines that any Compacting State has at any time defaulted ("Defaulting State") in the performance of any of its obligations or responsibilities under this Compact, the By-laws or any duly promulgated Rules, the Interstate Commission may impose any or all of the following penalties:

   (i) Fines, fees and costs in such amounts as are deemed to be reasonable as fixed by the Interstate Commission;
   (ii) Remedial training and technical assistance as directed by the Interstate Commission;
   (iii) Suspension and termination of membership in the compact. Suspension shall be imposed only after all other reasonable means of securing compliance under the By-laws and Rules have been exhausted. Immediate notice of suspension shall be given by the Interstate Commission to the Governor, the Chief Justice or Chief Judicial Officer of the state, the majority and minority leaders of the defaulting state's legislature, and the State Council.

(2) The grounds for default include, but are not limited to, failure of a Compacting State to perform such obligations or responsibilities imposed upon it by this compact, Interstate Commission By-laws, or duly promulgated Rules. The Interstate Commission shall immediately notify the Defaulting State in writing of the penalty imposed by the Interstate Commission on the Defaulting State pending a cure of the default. The Interstate Commission shall stipulate the conditions and the time period within which the Defaulting State must cure its default. If the Defaulting State fails to cure the default within the time period specified by the Interstate Commission, in addition to any other penalties imposed herein, the Defaulting State may be terminated from the Compact upon an affirmative vote of a majority of the Compacting States and all rights, privileges and benefits conferred by this Compact shall be terminated from the effective date of suspension. Within sixty days of the effective date of termination of a Defaulting State, the Interstate Commission shall notify the Governor, the Chief Justice or Chief Judicial Officer and the Majority and Minority Leaders of the Defaulting State's legislature and the state council of such termination.

(3) The Defaulting State is responsible for all assessments, obligations and liabilities incurred through the effective date of termination including any obligations, the performance of which extends beyond the effective date of termination.

(4) The Interstate Commission shall not bear any costs relating to the Defaulting State unless otherwise mutually agreed upon between the Interstate Commission and the Defaulting State.

(5) Reinstatement following termination of any Compacting State requires both a reenactment of the Compact by the Defaulting State and the approval of the

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Interstate Commission pursuant to the Rules.

(c) Judicial Enforcement. The Interstate Commission may, by majority vote of the Members, initiate legal action in the United States District Court for the District of Columbia or, at the discretion of the Interstate Commission, in the Federal District where the Interstate Commission has its offices to enforce compliance with the provisions of the Compact, its duly promulgated Rules and By-laws, against any Compacting State in default. In the event judicial enforcement is necessary the prevailing party shall be awarded all costs of such litigation including reasonable attorneys fees.

(d) Dissolution of Compact.

(1) The Compact dissolves effective upon the date of the withdrawal or default of the Compacting State which reduces membership in the Compact to one Compacting State.

(2) Upon the dissolution of this Compact, the Compact becomes null and void and shall be of no further force or effect, and the business and affairs of the Interstate Commission shall be wound up and any surplus funds shall be distributed in accordance with the By-laws.

ARTICLE XIII:
SEVERABILITY AND CONSTRUCTION

(a) The provisions of this Compact shall be severable, and if any phrase, clause, sentence or provision is deemed unenforceable, the remaining provisions of the Compact shall be enforceable.

(b) The provisions of this Compact shall be liberally constructed to effectuate its purposes.

ARTICLE XIV:
BINDING EFFECT OF COMPACT AND OTHER LAWS

(a) Other Laws.

(1) Nothing herein prevents the enforcement of any other law of a Compacting State that is not inconsistent with this Compact.

(2) All Compacting States’ laws conflicting with this Compact are superseded to the extent of the conflict.

(b) Binding Effect of the Compact.

(1) All lawful actions of the Interstate Commission, including all Rules and By-laws promulgated by the Interstate Commission, are binding upon the Compacting States.

(2) All agreements between the Interstate Commission and the Compacting States are binding in accordance with their terms.

(3) Upon the request of a party to a conflict over meaning or interpretation of Interstate Commission actions, and upon a majority vote of the Compacting States, the Interstate Commission may issue advisory opinions regarding such meaning or interpretation.

(4) In the event any provision of this Compact exceeds the constitutional limits imposed on the legislature of any Compacting State, the obligations, duties,
powers or jurisdiction sought to be conferred by such provision upon the Interstate Commission shall be ineffective and such obligations, duties, powers or jurisdiction shall remain in the Compacting State and shall be exercised by the agency thereof to which such obligations, duties, powers or jurisdiction are delegated by law in effect at the time this Compact becomes effective.

Section 105. The Illinois Administrative Procedure Act is amended by changing Section 1-5 as follows:

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

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

(b) The provisions of this Act do not apply to (i) preliminary hearings, investigations, or practices where no final determinations affecting State funding are made by the State Board of Education, (ii) legal opinions issued under Section 2-3.7 of the School Code, (iii) as to State colleges and universities, their disciplinary and grievance proceedings, academic irregularity and capricious grading proceedings, and admission standards and procedures, and (iv) the class specifications for positions and individual position descriptions prepared and maintained under the Personnel Code. Those class specifications shall, however, be made reasonably available to the public for inspection and copying. The provisions of this Act do not apply to hearings under Section 20 of the Uniform Disposition of Unclaimed Property Act.

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

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

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

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

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

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

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

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

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

(Source: P.A. 90-9, eff. 7-1-97; 90-185, eff. 7-23-97; 90-655, eff. 7-30-98.)

Section 110. The Unified Code of Corrections is amended by changing Sections 3-3-11.1, 3-3-11.4, 3-3-11.5, 3-3-12, 5-4-3, and 5-6-3 and adding Section 3-3-11.05 as follows:

(730 ILCS 5/3-3-11.05 new)
Sec. 3-3-11.05. State Council for the State of Illinois.
(a) Membership and appointing authority.
   (1) A State Compact Administrator shall be appointed by the Governor. The Compact Administrator shall be a representative of the Illinois Department of Corrections and shall serve as Chairperson of the State Council, as well as act as the day-to-day administrator for the Interstate Compact for Adult Offender Supervision. The State Compact Administrator shall serve as the State's Commissioner to the Interstate Commission as provided in Article IV of the Compact.
   (2) A Deputy Compact Administrator from probation shall be appointed by the Supreme Court.
   (3) A representative shall be appointed by the Speaker of the House of Representatives.
   (4) A representative shall be appointed by the Minority Leader of the House of Representatives.
   (5) A representative shall be appointed by the President of the Senate.
   (6) A representative shall be appointed by the Minority Leader of the Senate.

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(7) A judicial representative shall be appointed by the Supreme Court.
(8) A representative from a crime victims' advocacy group shall be appointed by the Governor.
(9) A parole representative shall be appointed by the Director of Corrections.
(10) A probation representative shall be appointed by the Director of the Administrative Office of the Illinois Courts.

(11) The persons appointed under clauses (1) through (10) of this subsection (a) shall be voting members of the State Council. With the approval of the State Council, persons representing other organizations that may have an interest in the Compact may also be appointed to serve as non-voting members of the State Council by those interested organizations. Those organizations may include, but are not limited to, the Illinois Sheriffs' Association, the Illinois Association of Chiefs of Police, the Illinois State's Attorneys Association, and the Office of Attorney General.

(b) Terms of appointment.

(1) The Compact Administrator and the Deputy Compact Administrator from Probation shall serve at the will of their respective appointing authorities.
(2) The crime victims' advocacy group representative and the judicial representative shall each serve an initial term of 2 years. Thereafter, they shall each serve for a term of 4 years.
(3) The representatives appointed by the Speaker of the House of Representatives, the President of the Senate, the Minority Leader of the House of Representatives, and the Minority Leader of the Senate shall each serve for a term of 4 years. If one of these representatives shall not be able to fulfill the completion of his or her term, then another representative shall be appointed by his or her respective appointing authority for the remainder of his or her term.
(4) The probation representative and the parole representative shall each serve a term of 2 years.

(c) Duties and responsibilities.

(1) The duties and responsibilities of the State Council shall be:
   (A) To appoint the State Compact Administrator as Illinois' Commissioner on the Interstate Commission.
   (B) To develop by-laws for the operation of the State Council.
   (C) To establish policies and procedures for the Interstate Compact operations in Illinois.
   (D) To monitor and remediate Compact compliance issues in Illinois.
   (E) To promote system training and public awareness regarding the Compact's mission and mandates.
   (F) To meet at least twice a year and otherwise as called by the Chairperson.
   (G) To allow for the appointment of non-voting members as deemed appropriate.
   (H) To issue rules in accordance with Article 5 of the Illinois
Administrative Procedure Act.

(I) To publish Interstate Commission rules.

(d) Funding. The State shall appropriate funds to the Department of Corrections to support the operations of the State Council and its membership dues to the Interstate Commission.

(e) Penalties. Procedures for assessment of penalties imposed pursuant to Article XII of the Compact shall be established by the State Council.

(f) Notification of ratification of Compact. The State Compact Administrator shall notify the Governor and Secretary of State when 35 States have enacted the Compact.

(730 ILCS 5/3-3-11.1) (from Ch. 38, par. 1003-3-11.1)

Sec. 3-3-11.1. State defined. As used in Sections 3-3-11.05 through 3-3-11.4, unless the context clearly indicates otherwise, the term "State" means a state of the United States, the District of Columbia, and any other territorial possessions of the United States any of the several states of the United States and the Commonwealth of Puerto Rico, the Virgin Islands, and the District of Columbia.

(Source: P.A. 77-2097.)

(730 ILCS 5/3-3-11.4) (from Ch. 38, par. 1003-3-11.4)

Sec. 3-3-11.4. Where supervision of an offender a parolee or probationer is being administered pursuant to the Interstate Compact for Adult Offender Supervision of Parolees and Probationers (Section 3-3-11), the appropriate judicial or administrative authorities in this State shall notify the Compact Administrator of the sending State whenever, in their view, consideration should be given to retaking or reincarceration for a parole or probation violation. Prior to the giving of any such notification, a hearing shall be held within a reasonable time as to whether there is probable cause to believe that the offender parolee or probationer has violated a condition of his parole or probation, unless such hearing is waived by the offender by way of an admission of guilt parolee or probationer. The appropriate officer or officers of this State shall as soon as practicable, following termination of any such hearing, report to the sending State, furnish a copy of the hearing record, and make recommendations regarding the disposition to be made of the offender parolee or probationer.

(Source: P.A. 78-939.)

(730 ILCS 5/3-3-11.5)

Sec. 3-3-11.5. Sex offender restrictions.

(a) Definition. For purposes of this Act, a "sex offender" is any person who has ever been convicted of a sexual offense or attempt to commit a sexual offense, and sentenced to a term of imprisonment, periodic imprisonment, fine, probation, conditional discharge or any other form of sentence, or given a disposition of court supervision for the offense; or adjudicated or found to be a sexually dangerous person under any law substantially similar to the Sexually Dangerous Persons Act.

(b) Residency restrictions. No sex offender shall be accepted for supervised or conditioned residency in Illinois under the Interstate Compact for Adult Offender the Supervision of Parolees and Probationers unless he or she:

New matter indicated by italics - deletions by strikeout.
(1) Complies with any registration requirements imposed by the Sex Offender Registration Act within the times prescribed and with law enforcement agencies designated under that Act;

(2) Complies with the requirements of paragraph (a)(5) of Section 5-4-3 of the Unified Code of Corrections relating to the submission of blood specimens for genetic marker grouping by persons seeking transfer to or residency in Illinois; and

(3) Signs a written form approved by the Department of Corrections which, at a minimum, includes the substance of this Section or a summary of it and an acknowledgement that he or she agrees to abide by the conditions set forth in that document and this Section.

(Source: P.A. 89-8, eff. 1-1-96.)

(730 ILCS 5/3-3-12) (from Ch. 38, par. 1003-3-12)

Sec. 3-3-12. Parole Outside State. The Prisoner Review Board may assign a non-resident person or a person whose family, relatives, friends or employer reside outside of this State, to a person, firm or company in some state other than Illinois, to serve his parole or mandatory supervised release pursuant to the Interstate Compact for Adult Offender Supervision. An inmate so released shall make regular monthly reports in writing to the Department or supervising authority, obey the rules of the Board, obey the laws of such other state, and in all respects keep faithfully his parole or mandatory supervised release agreement until discharged. Should such person violate his agreement, he shall from the date of such violation be subject to the provisions of Section 3-3-9.

(Source: P.A. 80-1099.)

(730 ILCS 5/5-4-3) (from Ch. 38, par. 1005-4-3)

Sec. 5-4-3. Persons convicted of, or found delinquent for, qualifying offenses or institutionalized as sexually dangerous; blood specimens; genetic marker groups.

(a) Any person convicted of, found guilty under the Juvenile Court Act of 1987 for, or who received a disposition of court supervision for, a qualifying offense or attempt of a qualifying offense, or institutionalized as a sexually dangerous person under the Sexually Dangerous Persons Act, or committed as a sexually violent person under the Sexually Violent Persons Commitment Act shall, regardless of the sentence or disposition imposed, be required to submit specimens of blood to the Illinois Department of State Police in accordance with the provisions of this Section, provided such person is:

(1) convicted of a qualifying offense or attempt of a qualifying offense on or after the effective date of this amendatory Act of 1989, and sentenced to a term of imprisonment, periodic imprisonment, fine, probation, conditional discharge or any other form of sentence, or given a disposition of court supervision for the offense, or

(1.5) found guilty or given supervision under the Juvenile Court Act of 1987 for a qualifying offense or attempt of a qualifying offense on or after the effective date of this amendatory Act of 1996, or

(2) ordered institutionalized as a sexually dangerous person on or after the effective date of this amendatory Act of 1989, or

(3) convicted of a qualifying offense or attempt of a qualifying offense before

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the effective date of this amendatory Act of 1989 and is presently confined as a result of such conviction in any State correctional facility or county jail or is presently serving a sentence of probation, conditional discharge or periodic imprisonment as a result of such conviction, or

(4) presently institutionalized as a sexually dangerous person or presently institutionalized as a person found guilty but mentally ill of a sexual offense or attempt to commit a sexual offense; or

(4.5) ordered committed as a sexually violent person on or after the effective date of the Sexually Violent Persons Commitment Act; or

(5) seeking transfer to or residency in Illinois under Sections 3-3-11.05 through 3-3-11.5 of the Unified Code of Corrections and the Interstate Compact for Adult Offender the Supervision of Parolees and Probationers or the Interstate Agreements on Sexually Dangerous Persons Act.

(a-5) Any person who was otherwise convicted of or received a disposition of court supervision for any other offense under the Criminal Code of 1961 or any offense classified as a felony under Illinois law or who was found guilty or given supervision for such a violation under the Juvenile Court Act of 1987, may, regardless of the sentence imposed, be required by an order of the court to submit specimens of blood to the Illinois Department of State Police in accordance with the provisions of this Section.

(b) Any person required by paragraphs (a)(1), (a)(1.5), (a)(2), and (a-5) to provide specimens of blood shall provide specimens of blood within 45 days after sentencing or disposition at a collection site designated by the Illinois Department of State Police.

(c) Any person required by paragraphs (a)(3), (a)(4), and (a)(4.5) to provide specimens of blood shall be required to provide such samples prior to final discharge, parole, or release at a collection site designated by the Illinois Department of State Police.

(c-5) Any person required by paragraph (a)(5) to provide specimens of blood shall, where feasible, be required to provide the specimens before being accepted for conditioned residency in Illinois under the interstate compact or agreement, but no later than 45 days after arrival in this State.

(d) The Illinois Department of State Police shall provide all equipment and instructions necessary for the collection of blood samples. The collection of samples shall be performed in a medically approved manner. Only a physician authorized to practice medicine, a registered nurse or other qualified person trained in venipuncture may withdraw blood for the purposes of this Act. The samples shall thereafter be forwarded to the Illinois Department of State Police, Division of Forensic Services, for analysis and categorizing into genetic marker groupings.

(e) The genetic marker groupings shall be maintained by the Illinois Department of State Police, Division of Forensic Services.

(f) The genetic marker grouping analysis information obtained pursuant to this Act shall be confidential and shall be released only to peace officers of the United States, of other states or territories, of the insular possessions of the United States, of foreign countries duly authorized to receive the same, to all peace officers of the State of Illinois and to all

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prosecutorial agencies. Notwithstanding any other statutory provision to the contrary, all information obtained under this Section shall be maintained in a single State data base, which may be uploaded into a national database, and may not be subject to expungement.

(g) For the purposes of this Section, "qualifying offense" means any of the following:


(1.1) Any violation or inchoate violation of Section 9-1, 9-2, 10-1, 10-2, 12-11, 12-11.1, 18-1, 18-2, 18-3, 18-4, 19-1, or 19-2 of the Criminal Code of 1961 for which persons are convicted on or after July 1, 2001, or

(2) Any former statute of this State which defined a felony sexual offense, or

(3) Any violation of paragraph (10) of subsection (b) of Section 10-5 of the Criminal Code of 1961 when the sentencing court, upon a motion by the State's Attorney or Attorney General, makes a finding that the child luring involved an intent to commit sexual penetration or sexual conduct as defined in Section 12-12 of the Criminal Code of 1961, or


(g-5) The Department of State Police is not required to provide equipment to collect or to accept or process blood specimens from individuals convicted of any offense listed in paragraph (1.1) or (4) of subsection (g), until acquisition of the resources necessary to process such blood specimens, or in the case of paragraph (1.1) of subsection (g) until July 1, 2003, whichever is earlier.

Upon acquisition of necessary resources, including an appropriation for the purpose of implementing this amendatory Act of the 91st General Assembly, but in the case of paragraph (1.1) of subsection (g) no later than July 1, 2003, the Department of State Police shall notify the Department of Corrections, the Administrative Office of the Illinois Courts, and any other entity deemed appropriate by the Department of State Police, to begin blood specimen collection from individuals convicted of offenses enumerated in paragraphs (1.1) and (4) of subsection (g) that the Department is prepared to provide collection equipment and receive and process blood specimens from individuals convicted of offenses enumerated in paragraph (1.1) of subsection (g).

Until the Department of State Police provides notification, designated collection agencies are not required to collect blood specimen from individuals convicted of offenses enumerated in paragraphs (1.1) and (4) of subsection (g).

(h) The Illinois Department of State Police shall be the State central repository for all genetic marker grouping analysis information obtained pursuant to this Act. The Illinois Department of State Police may promulgate rules for the form and manner of the collection of blood samples and other procedures for the operation of this Act. The provisions of the Administrative Review Law shall apply to all actions taken under the rules so promulgated.

(i) A person required to provide a blood specimen shall cooperate with the collection

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of the specimen and any deliberate act by that person intended to impede, delay or stop the collection of the blood specimen is a Class A misdemeanor.

(j) Any person required by subsection (a) to submit specimens of blood to the Illinois Department of State Police for analysis and categorization into genetic marker grouping, in addition to any other disposition, penalty, or fine imposed, shall pay an analysis fee of $500. Upon verified petition of the person, the court may suspend payment of all or part of the fee if it finds that the person does not have the ability to pay the fee.

(k) All analysis and categorization fees provided for by subsection (j) shall be regulated as follows:

(1) The State Offender DNA Identification System Fund is hereby created as a special fund in the State Treasury.

(2) All fees shall be collected by the clerk of the court and forwarded to the State Offender DNA Identification System Fund for deposit. The clerk of the circuit court may retain the amount of $10 from each collected analysis fee to offset administrative costs incurred in carrying out the clerk's responsibilities under this Section.

(3) Fees deposited into the State Offender DNA Identification System Fund shall be used by Illinois State Police crime laboratories as designated by the Director of State Police. These funds shall be in addition to any allocations made pursuant to existing laws and shall be designated for the exclusive use of State crime laboratories. These uses may include, but are not limited to, the following:

(A) Costs incurred in providing analysis and genetic marker categorization as required by subsection (d).

(B) Costs incurred in maintaining genetic marker groupings as required by subsection (e).

(C) Costs incurred in the purchase and maintenance of equipment for use in performing analyses.

(D) Costs incurred in continuing research and development of new techniques for analysis and genetic marker categorization.

(E) Costs incurred in continuing education, training, and professional development of forensic scientists regularly employed by these laboratories.

(l) The failure of a person to provide a specimen, or of any person or agency to collect a specimen, within the 45 day period shall in no way alter the obligation of the person to submit such specimen, or the authority of the Illinois Department of State Police or persons designated by the Department to collect the specimen, or the authority of the Illinois Department of State Police to accept, analyze and maintain the specimen or to maintain or upload results of genetic marker grouping analysis information into a State or national database.

(Source: P.A. 91-528, eff. 1-1-00; 92-16, eff. 6-28-01; 92-40, eff. 6-29-01.)

(730 ILCS 5/5-6-3) (from Ch. 38, par. 1005-6-3)
Sec. 5-6-3. Conditions of Probation and of Conditional Discharge.
(a) The conditions of probation and of conditional discharge shall be that the person:
(1) not violate any criminal statute of any jurisdiction;
(2) report to or appear in person before such person or agency as directed by the court;
(3) refrain from possessing a firearm or other dangerous weapon;
(4) not leave the State without the consent of the court or, in circumstances in which the reason for the absence is of such an emergency nature that prior consent by the court is not possible, without the prior notification and approval of the person's probation officer. *Transfer of a person's probation or conditional discharge supervision to another state is subject to acceptance by the other state pursuant to the Interstate Compact for Adult Offender Supervision;*
(5) permit the probation officer to visit him at his home or elsewhere to the extent necessary to discharge his duties;
(6) perform no less than 30 hours of community service and not more than 120 hours of community service, if community service is available in the jurisdiction and is funded and approved by the county board where the offense was committed, where the offense was related to or in furtherance of the criminal activities of an organized gang and was motivated by the offender's membership in or allegiance to an organized gang. The community service shall include, but not be limited to, the cleanup and repair of any damage caused by a violation of Section 21-1.3 of the Criminal Code of 1961 and similar damage to property located within the municipality or county in which the violation occurred. When possible and reasonable, the community service should be performed in the offender's neighborhood. For purposes of this Section, "organized gang" has the meaning ascribed to it in Section 10 of the Illinois Streetgang Terrorism Omnibus Prevention Act;
(7) if he or she is at least 17 years of age and has been sentenced to probation or conditional discharge for a misdemeanor or felony in a county of 3,000,000 or more inhabitants and has not been previously convicted of a misdemeanor or felony, may be required by the sentencing court to attend educational courses designed to prepare the defendant for a high school diploma and to work toward passing the high school level Test of General Educational Development (GED) or to work toward completing a vocational training program approved by the court. The person on probation or conditional discharge must attend a public institution of education to obtain the educational or vocational training required by this clause (7). The court shall revoke the probation or conditional discharge of a person who wilfully fails to comply with this clause (7). The person on probation or conditional discharge shall be required to pay for the cost of the educational courses or GED test, if a fee is charged for those courses or test. The court shall resentence the offender whose probation or conditional discharge has been revoked as provided in Section 5-6-4. This clause (7) does not apply to a person who has a high school diploma or has successfully passed the GED test. This clause (7) does not apply to a person who is determined by the court to be developmentally

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disabled or otherwise mentally incapable of completing the educational or vocational program;

(8) if convicted of possession of a substance prohibited by the Cannabis Control Act or Illinois Controlled Substances Act after a previous conviction or disposition of supervision for possession of a substance prohibited by the Cannabis Control Act or Illinois Controlled Substances Act or after a sentence of probation under Section 10 of the Cannabis Control Act or Section 410 of the Illinois Controlled Substances Act and upon a finding by the court that the person is addicted, undergo treatment at a substance abuse program approved by the court; and

(9) if convicted of a felony, physically surrender at a time and place designated by the court, his or her Firearm Owner's Identification Card and any and all firearms in his or her possession.

(b) The Court may in addition to other reasonable conditions relating to the nature of the offense or the rehabilitation of the defendant as determined for each defendant in the proper discretion of the Court require that the person:

(1) serve a term of periodic imprisonment under Article 7 for a period not to exceed that specified in paragraph (d) of Section 5-7-1;
(2) pay a fine and costs;
(3) work or pursue a course of study or vocational training;
(4) undergo medical, psychological or psychiatric treatment; or treatment for drug addiction or alcoholism;
(5) attend or reside in a facility established for the instruction or residence of defendants on probation;
(6) support his dependents;
(7) and in addition, if a minor:
   (i) reside with his parents or in a foster home;
   (ii) attend school;
   (iii) attend a non-residential program for youth;
   (iv) contribute to his own support at home or in a foster home;
   (v) with the consent of the superintendent of the facility, attend an educational program at a facility other than the school in which the offense was committed if he or she is convicted of a crime of violence as defined in Section 2 of the Crime Victims Compensation Act committed in a school, on the real property comprising a school, or within 1,000 feet of the real property comprising a school;
(8) make restitution as provided in Section 5-5-6 of this Code;
(9) perform some reasonable public or community service;
(10) serve a term of home confinement. In addition to any other applicable condition of probation or conditional discharge, the conditions of home confinement shall be that the offender:
   (i) remain within the interior premises of the place designated for his confinement during the hours designated by the court;

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(ii) admit any person or agent designated by the court into the offender's place of confinement at any time for purposes of verifying the offender's compliance with the conditions of his confinement; and

(iii) if further deemed necessary by the court or the Probation or Court Services Department, be placed on an approved electronic monitoring device, subject to Article 8A of Chapter V;

(iv) for persons convicted of any alcohol, cannabis or controlled substance violation who are placed on an approved monitoring device as a condition of probation or conditional discharge, the court shall impose a reasonable fee for each day of the use of the device, as established by the county board in subsection (g) of this Section, unless after determining the inability of the offender to pay the fee, the court assesses a lesser fee or no fee as the case may be. This fee shall be imposed in addition to the fees imposed under subsections (g) and (i) of this Section. The fee shall be collected by the clerk of the circuit court. The clerk of the circuit court shall pay all monies collected from this fee to the county treasurer for deposit in the substance abuse services fund under Section 5-1086.1 of the Counties Code; and

(v) for persons convicted of offenses other than those referenced in clause (iv) above and who are placed on an approved monitoring device as a condition of probation or conditional discharge, the court shall impose a reasonable fee for each day of the use of the device, as established by the county board in subsection (g) of this Section, unless after determining the inability of the defendant to pay the fee, the court assesses a lesser fee or no fee as the case may be. This fee shall be imposed in addition to the fees imposed under subsections (g) and (i) of this Section. The fee shall be collected by the clerk of the circuit court. The clerk of the circuit court shall pay all monies collected from this fee to the county treasurer who shall use the monies collected to defray the costs of corrections. The county treasurer shall deposit the fee collected in the county working cash fund under Section 6-27001 or Section 6-29002 of the Counties Code, as the case may be.

(11) comply with the terms and conditions of an order of protection issued by the court pursuant to the Illinois Domestic Violence Act of 1986, as now or hereafter amended, or an order of protection issued by the court of another state, tribe, or United States territory. A copy of the order of protection shall be transmitted to the probation officer or agency having responsibility for the case;

(12) reimburse any "local anti-crime program" as defined in Section 7 of the Anti-Crime Advisory Council Act for any reasonable expenses incurred by the program on the offender's case, not to exceed the maximum amount of the fine authorized for the offense for which the defendant was sentenced;

(13) contribute a reasonable sum of money, not to exceed the maximum amount of the fine authorized for the offense for which the defendant was sentenced, to a "local anti-crime program", as defined in Section 7 of the Anti-Crime Advisory

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Council Act;

(14) refrain from entering into a designated geographic area except upon such terms as the court finds appropriate. Such terms may include consideration of the purpose of the entry, the time of day, other persons accompanying the defendant, and advance approval by a probation officer, if the defendant has been placed on probation or advance approval by the court, if the defendant was placed on conditional discharge;

(15) refrain from having any contact, directly or indirectly, with certain specified persons or particular types of persons, including but not limited to members of street gangs and drug users or dealers;

(16) refrain from having in his or her body the presence of any illicit drug prohibited by the Cannabis Control Act or the Illinois Controlled Substances Act, unless prescribed by a physician, and submit samples of his or her blood or urine or both for tests to determine the presence of any illicit drug.

(c) The court may as a condition of probation or of conditional discharge require that a person under 18 years of age found guilty of any alcohol, cannabis or controlled substance violation, refrain from acquiring a driver's license during the period of probation or conditional discharge. If such person is in possession of a permit or license, the court may require that the minor refrain from driving or operating any motor vehicle during the period of probation or conditional discharge, except as may be necessary in the course of the minor's lawful employment.

(d) An offender sentenced to probation or to conditional discharge shall be given a certificate setting forth the conditions thereof.

(e) Except where the offender has committed a fourth or subsequent violation of subsection (c) of Section 6-303 of the Illinois Vehicle Code, the court shall not require as a condition of the sentence of probation or conditional discharge that the offender be committed to a period of imprisonment in excess of 6 months. This 6 month limit shall not include periods of confinement given pursuant to a sentence of county impact incarceration under Section 5-8-1.2. This 6 month limit does not apply to a person sentenced to probation as a result of a conviction of a fourth or subsequent violation of subsection (c-4) of Section 11-501 of the Illinois Vehicle Code or a similar provision of a local ordinance.

Persons committed to imprisonment as a condition of probation or conditional discharge shall not be committed to the Department of Corrections.

(f) The court may combine a sentence of periodic imprisonment under Article 7 or a sentence to a county impact incarceration program under Article 8 with a sentence of probation or conditional discharge.

(g) An offender sentenced to probation or to conditional discharge and who during the term of either undergoes mandatory drug or alcohol testing, or both, or is assigned to be placed on an approved electronic monitoring device, shall be ordered to pay all costs incidental to such mandatory drug or alcohol testing, or both, and all costs incidental to such approved electronic monitoring in accordance with the defendant's ability to pay those costs. The county board with the concurrence of the Chief Judge of the judicial circuit in which the

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county is located shall establish reasonable fees for the cost of maintenance, testing, and incidental expenses related to the mandatory drug or alcohol testing, or both, and all costs incidental to approved electronic monitoring, involved in a successful probation program for the county. The concurrence of the Chief Judge shall be in the form of an administrative order. The fees shall be collected by the clerk of the circuit court. The clerk of the circuit court shall pay all moneys collected from these fees to the county treasurer who shall use the moneys collected to defray the costs of drug testing, alcohol testing, and electronic monitoring. The county treasurer shall deposit the fees collected in the county working cash fund under Section 6-27001 or Section 6-29002 of the Counties Code, as the case may be.

(h) Jurisdiction over an offender may be transferred from the sentencing court to the court of another circuit with the concurrence of both courts, or to another state under an Interstate Probation Reciprocal Agreement as provided in Section 3-3-11. Further transfers or retransfers of jurisdiction are also authorized in the same manner. The court to which jurisdiction has been transferred shall have the same powers as the sentencing court.

(i) The court shall impose upon an offender sentenced to probation after January 1, 1989 or to conditional discharge after January 1, 1992, as a condition of such probation or conditional discharge, a fee of $25 for each month of probation or conditional discharge supervision ordered by the court, unless after determining the inability of the person sentenced to probation or conditional discharge to pay the fee, the court assesses a lesser fee. The court may not impose the fee on a minor who is made a ward of the State under the Juvenile Court Act of 1987 while the minor is in placement. The fee shall be imposed only upon an offender who is actively supervised by the probation and court services department. The fee shall be collected by the clerk of the circuit court. The clerk of the circuit court shall pay all monies collected from this fee to the county treasurer for deposit in the probation and court services fund under Section 15.1 of the Probation and Probation Officers Act.

(j) All fines and costs imposed under this Section for any violation of Chapters 3, 4, 6, and 11 of the Illinois Vehicle Code, or a similar provision of a local ordinance, and any violation of the Child Passenger Protection Act, or a similar provision of a local ordinance, shall be collected and disbursed by the circuit clerk as provided under Section 27.5 of the Clerks of Courts Act.

(Source: P.A. 91-325, eff. 7-29-99; 91-696, eff. 4-13-00; 91-903, eff. 1-1-01; 92-282, eff. 8-7-01; 92-340, eff. 8-10-01; 92-418, eff. 8-17-01; 92-442, eff. 8-17-01; revised 10-11-01.)

Section 110. The Unified Code of Corrections is amended by repealing Section 3-3-11.

Section 999. Effective date. This Act takes effect upon the enactment of the Interstate Compact for Adult Offender Supervision by 35 States, except that this Section, Article IV of Section 5, and Section 3-3-11.05 of the Unified Code of Corrections take effect upon becoming law.

Passed in the General Assembly April 24, 2002.
Approved June 26, 2002.
Effective some parts June 26, 2002. Also effective see Section 999.

New matter indicated by italics - deletions by strikeout.
AN ACT concerning corporations.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The General Not For Profit Corporation Act of 1986 is amended by changing Section 101.80 as follows:

(805 ILCS 105/101.80) (from Ch. 32, par. 101.80)

Sec. 101.80. Definitions. As used in this Act, unless the context otherwise requires, the words and phrases defined in this Section shall have the meanings set forth herein.

(a) "Anniversary" means that day each year exactly one or more years after:

(1) The date of filing the articles of incorporation prescribed by Section 102.10 of this Act, in the case of a domestic corporation;

(2) The date of filing the application for authority prescribed by Section 113.15 of this Act in the case of a foreign corporation;

(3) The date of filing the statement of acceptance prescribed by Section 101.75 of this Act, in the case of a corporation electing to accept this Act; or

(4) The date of filing the articles of consolidation prescribed by Section 111.25 of this Act in the case of a consolidation.

(b) "Anniversary month" means the month in which the anniversary of the corporation occurs.

(c) "Articles of incorporation" means the original articles of incorporation including the articles of incorporation of a new corporation set forth in the articles of consolidation or set forth in a statement of election to accept this Act, and all amendments thereto, whether evidenced by articles of amendment, articles of merger or statement of correction affecting articles. Restated articles of incorporation shall supersede the original articles of incorporation and all amendments thereto prior to the effective date of filing the articles of amendment incorporating the restated articles of incorporation. In the case of a corporation created by a Special Act of the Legislature, "Articles of incorporation" means the special charter and any amendments thereto made by Special Act of the Legislature or pursuant to general laws.

(d) "Board of directors" means the group of persons vested with the management of the affairs of the corporation irrespective of the name by which such group is designated.

(e) "Bylaws" means the code or codes of rules adopted for the regulation or management of the affairs of the corporation irrespective of the name or names by which such rules are designated.

(f) "Corporation" or "domestic corporation" means a domestic not-for-profit corporation subject to the provisions of this Act, except a foreign corporation.

(g) "Delivered," for the purpose of determining if any notice required by this Act is effective, means:

(1) Transferred or presented to someone in person;

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(2) Deposited in the United States mail addressed to the person at his, her or its address as it appears on the records of the corporation, with sufficient first-class postage prepaid thereon; or

(3) Posted at such place and in such manner or otherwise transmitted to the person's premises as may be authorized and set forth in the articles of incorporation or the bylaws; or

(4) Transmitted by electronic means to the address that appears on the records of the corporation as may be authorized and set forth in the articles of incorporation or the bylaws.

(h) "Foreign corporation" means a not-for-profit corporation as defined and organized under the laws other than the laws of this State, for a purpose or purposes for which a corporation may be organized under this Act.

(i) "Incorporator" means one of the signers of the original articles of incorporation.

(j) "Insolvent" means that a corporation is unable to pay its debts as they become due in the usual course of the conduct of its affairs.

(k) "Member" means a person or any organization, whether not for profit or otherwise, having membership rights in a corporation in accordance with the provisions of its articles of incorporation or bylaws.

(l) "Net assets," for the purpose of determining the authority of a corporation to make distributions, is equal to the difference between the assets of the corporation and the liabilities of the corporation.

(m) "Not-for-profit corporation" means a corporation subject to this Act and organized solely for one or more of the purposes authorized by Section 103.05 of this Act.

(n) "Registered office" means that office maintained by the corporation in this State, the address of which is on file in the office of the Secretary of State, at which any process, notice or demand required or permitted by law may be served upon the registered agent of the corporation.

(o) "Special charter" means the charter granted to a corporation created by special act of the Legislature whether or not the term "charter" or "special charter" is used in such special act.

(p) To the extent permitted in the articles of incorporation or the bylaws of the corporation, actions required to be "written", to be "in writing", to have "written consent", to have "written approval" and the like by or of members, directors, or committee members shall include any communication transmitted or received by electronic means.

(Source: P.A. 92-33, eff. 7-1-01.)

Section 99. Effective date. This Act takes effect upon becoming law.
Passed in the General Assembly April 25, 2002.
Approved June 26, 2002.
Effective June 26, 2002.
AN ACT concerning banks.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Banking Act is amended by changing Sections 32 and 35.1 as follows:

(205 ILCS 5/32) (from Ch. 17, par. 339)

Sec. 32. Basic loaning limits. The liabilities outstanding at one time to a state bank of a person for money borrowed, including the liabilities of a partnership or joint venture in the liabilities of the several members thereof, shall not exceed 25% of the amount of the unimpaired capital and unimpaired surplus of the bank.

The liabilities to any state bank of a person may exceed 25% of the unimpaired capital and unimpaired surplus of the bank, provided that (i) the excess amount from time to time outstanding is fully secured by readily marketable collateral having a market value, as determined by reliable and continuously available quotations, at least equal to the excess amount outstanding; and (ii) the total liabilities shall not exceed 30% of the unimpaired capital and unimpaired surplus of the bank.

The following shall not be considered as money borrowed within the meaning of this Section:

(1) The purchase or discount of bills of exchange drawn in good faith against actually existing values.

(2) The purchase or discount of commercial or business paper actually owned by the person negotiating the same.

(3) The purchase of or loaning money in exchange for evidences of indebtedness which shall be secured by mortgage or trust deed upon productive real estate the value of which, as ascertained by the oath of 2 qualified appraisers, neither of whom shall be an officer, director, or employee of the bank or of any subsidiary or affiliate of the bank, is double the amount of the principal debt secured at the time of the original purchase of evidence of indebtedness or loan of money and which is still double the amount of the principal debt secured at the time of any renewal of the indebtedness or loan, and which mortgage or trust deed is shown, either by a guaranty policy of a title guaranty company approved by the Commissioner or by a registrar's certificate of title in any county having adopted the provisions of the Registered Titles (Torrens) Act, or by the opinion of an attorney-at-law, to be a first lien upon the real estate therein described, and real estate shall not be deemed to be encumbered within the meaning of this subsection (3) by reason of the existence of instruments reserving rights-of-way, sewer rights and rights in wells, building restrictions or other restrictive covenants, nor by reason of the fact it is subject to lease under which rents or profits are reserved by the owners.

(4) The purchase of marketable investment securities.

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(5) The liability to a state bank of a person who is an accommodation party to, or guarantor of payment for, any evidence of indebtedness of another person who obtains a loan from or discounts paper with or sells paper to the state bank; but the total liability to a state bank of a person as an accommodation party or guarantor of payment in respect of such evidences of indebtedness shall not exceed 25% of the amount of the unimpaired capital and unimpaired surplus of the bank; provided however that the liability of an accommodation party to paper excepted under subsection 2 of this Section shall not be included in the computation of this limitation.

(6) The liability to a state bank of a person, who as a guarantor, guarantees collection of the obligation or indebtedness of another person.

The total liabilities of any one person, for money borrowed, or otherwise, shall not exceed 25% of the deposits of the bank, and those total liabilities shall at no time exceed 50% of the amount of the unimpaired capital and unimpaired surplus of the bank. Absent an actual unremedied breach, the obligation or responsibility for breach of warranties or representations, express or implied, of a person transferring negotiable or non-negotiable paper to a bank without recourse and without guaranty of payment, shall not be included in determining the amount of liabilities of the person to the bank for borrowed money or otherwise; and in the event of and to the extent of an unremedied breach, the amount remaining unpaid for principal and interest on the paper in respect of which the unremedied breach exists shall thereafter for the purpose of determining whether subsequent transactions giving rise to additional liability of the person to the state bank for borrowed money or otherwise are within the limitations of Sections 32 through 34 of this Act, be included in computing the amount of liabilities of the person for borrowed money or otherwise.

The liability of a person to a state bank on account of acceptances made or issued by the state bank on behalf of the person shall be included in the computation of the total liabilities of the person for money borrowed except to the extent the acceptances grow out of transactions of the character described in subsection (6) of Section 34 of this Act and are otherwise within the limitations of that subsection; provided nevertheless that any such excepted acceptances acquired by the state bank which accepted the same shall be included in the computation of the liabilities of the person to the state bank for money borrowed.

(Source: P.A. 92-336, eff. 8-10-01.)

(205 ILCS 5/35.1) (from Ch. 17, par. 344)

Sec. 35.1. Lease limitations. In exercise of the power conferred by paragraph (14) of Section 5 of this Act to own and lease personal property, a state bank shall be subject to the following limitations and restrictions in addition to those contained in that paragraph:

(a) The unamortized investment of the bank in personal property subject to any lease or series of leases which is or are the responsibility of a person shall not, when added to any liability of such person for money borrowed, exceed 25% of the unimpaired capital and unimpaired surplus of the bank. The term "unamortized investment" means the total cost of such property to the bank less so much of the payments theretofore received by the bank from the lessee and other sources, which under generally accepted principles of accounting are

New matter indicated by italics - deletions by strikeout.
applicable to amortization of the investment.

(b) The amount of unamortized investment of the bank in personal property subject to a lease or leases which are the responsibility of a person shall for the purpose of computing the total permitted amount of liability of such person to the bank for money borrowed or otherwise under Section 32 of this Act be treated as the liability of such person.

(c) No such lease or related agreement shall obligate the bank to maintain, repair or service the personal property, or unconditionally obligate the bank to restore or replace the same, or in effect unconditionally place on the bank the risk of such restoration or replacement, in the event of loss, theft or destruction of or damage to such property from any cause other than a wilful act of the bank.

The limitations and restrictions set forth in paragraphs (a), (b) and (c) above shall apply and be complied with even though such owning and leasing is carried on by the bank, in whole or in part, through the medium of a subsidiary as permitted by paragraph (12) of Section 5 of this Act.

In the event a state bank acquires by purchase or discount a lease, or the sums due and to become due thereunder, of personal property made by a lessor other than the bank or such a subsidiary, paragraph (b) of this Section 35.1 shall also apply to the obligation of the lessee under such lease.

(Source: P.A. 88-546.)

Section 99. Effective date. This Act takes effect upon becoming law.
Passed in the General Assembly April 25, 2002.
Approved June 26, 2002.
Effective June 26, 2002.

PUBLIC ACT 92-0574
(House Bill No. 5557)

AN ACT to implement recommendations of the Illinois Environmental Regulatory Review Commission.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Environmental Protection Act is amended by changing Sections 3, 3.32, 3.53, 4, 5, 7, 9.2, 9.3, 9.4, 12, 13.1, 14.1, 14.2, 14.3, 14.4, 14.6, 17, 19.10, 21, 21.3, 21.5, 22.2, 22.2b, 22.9, 22.15, 22.16, 22.16a, 22.22, 22.23, 22.23a, 22.27, 22.33, 22.40, 22.43, 22.44, 22.45, 22.47, 22.48, 25b-5, 28.5, 30, 31, 39, 39.2, 39.3, 40, 40.1, 40.2, 45, 49, 55, 56.1, 56.2, 57.7, 57.8, 57.13, 58.7, 58.8, 58.14, and 58.17 and renumbering Sections 3.01 through 3.94 as follows:

(415 ILCS 5/3) (from Ch. 111 1/2, par. 1003)
Sec. 3. Definitions.

(a) For the purposes of this Act, the words and terms defined in the Sections which follow this Section and precede Section 4 shall have the meaning therein given, unless the context otherwise clearly requires.
(b) This amendatory Act of the 92nd General Assembly renumbers the definition Sections formerly included in this Act as Sections 3.01 through 3.94. The new numbering scheme is intended to alphabetize the defined terms and to leave room for additional terms to be added in alphabetical order in the future. It does not reuse any of the original numbers.

In the bill for this amendatory Act, the renumbered Sections are shown in the manner commonly used to show renumbering in revisory bills. The Sections being renumbered are shown as existing (rather than new) text; only the changes being made to the existing text are shown with striking and underscoring. The original source lines have been retained.

(c) In a statute, rule, permit, or other document in existence on the effective date of this amendatory Act of the 92nd General Assembly, a reference to one of the definition Sections renumbered by this amendatory Act shall be deemed to refer to the corresponding Section as renumbered by this amendatory Act.

(415 ILCS 5/3.01) (was 415 ILCS 5/3.01)
Sec. 3.01. "Agency " is the Environmental Protection Agency established by this Act.

(415 ILCS 5/3.02) (was 415 ILCS 5/3.02)
Sec. 3.02. "Air pollution" is the presence in the atmosphere of one or more contaminants in sufficient quantities and of such characteristics and duration as to be injurious to human, plant, or animal life, to health, or to property, or to unreasonably interfere with the enjoyment of life or property.

(415 ILCS 5/3.03) (was 415 ILCS 5/3.03)
Sec. 3.03. "Air pollution control equipment" means any equipment or facility of a type intended to eliminate, prevent, reduce or control the emission of specified air contaminants to the atmosphere. Air pollution control equipment includes, but is not limited to, landfill gas recovery facilities.

(415 ILCS 5/3.04) (was 415 ILCS 5/3.04)
Sec. 3.04. "Biodeterioration", when used in connection with recycling or composting, means the biologically mediated loss of utilitarian or physical characteristics of a plastic or hybrid
material containing plastic as a major component.

(b) "Biodegradation", when used in connection with recycling, means the conversion of all constituents of a plastic or hybrid material containing plastic as a major component to carbon dioxide, inorganic salts, microbial cellular components and miscellaneous by-products characteristically formed from the breakdown of natural materials such as corn starch.

(Source: P.A. 85-1429.)

(415 ILCS 5/3.130 new) (was 415 ILCS 5/3.04)

Sec. 3.130. Board. 3.04: "Board" is the Pollution Control Board established by this Act.

(Source: P.A. 84-1308.)

(415 ILCS 5/3.135 new) (was 415 ILCS 5/3.94)

Sec. 3.135. Coal combustion by-product; CCB. 3.94: "Coal combustion by-product" (CCB) means coal combustion waste when used beneficially for any of the following purposes:

(1) The extraction or recovery of material compounds contained within CCB.

(2) The use of CCB as a raw ingredient or mineral filler in the manufacture of cement; concrete and concrete mortars; concrete products including block, pipe and precast/prestressed components; asphalt or cement based roofing shingles; plastic products including pipes and fittings; paints and metal alloys.

(3) CCB used in conformance with the specifications and under the approval of the Department of Transportation.

(4) Bottom ash used as antiskid material, athletic tracks, or foot paths.

(5) Use as a substitute for lime (CaO and MgO) in the lime modification of soils providing the CCB meets the Illinois Department of Transportation ("IDOT") specifications for byproduct limes.

(6) CCB used as a functionally equivalent substitute for agricultural lime as a soil conditioner.

(7) Bottom ash used in non-IDOT pavement base, pipe bedding, or foundation backfill.

(8) Structural fill, when used in an engineered application or combined with cement, sand, or water to produce a controlled strength fill material and covered with 12 inches of soil unless infiltration is prevented by the material itself or other cover material.

(9) Mine subsidence, mine fire control, mine sealing, and mine reclamation.

(10) Except to the extent that the uses are otherwise authorized by law without such restrictions, uses (7) through (9) shall be subject to the following conditions:

(A) CCB shall not have been mixed with hazardous waste prior to use;

(B) CCB shall not exceed Class I Groundwater Standards for metals when tested utilizing test method ASTM D3987-85;

(C) Unless otherwise exempted, users of CCB shall provide notification to the Agency for each project utilizing CCB documenting the quantity of CCB utilized and certification of compliance with conditions (A) and (B). Notification shall not
be required for pavement base, parking lot base, or building base projects utilizing less than 10,000 tons, flowable fill/grout projects utilizing less than 1,000 cubic yards or other applications utilizing less than 100 tons;

(D) Fly ash shall be applied in a manner that minimizes the generation of airborne particles and dust using techniques such as moisture conditioning, granulating, inground application, or other demonstrated method; and

(E) CCB is not to be accumulated speculatively. CCB is not accumulated speculatively if during the calendar year, the CCB used is equal to 75% of the CCB by weight or volume accumulated at the beginning of the period.

To encourage and promote the utilization of CCB in productive and beneficial applications, the Agency may make a written determination that coal-combustion waste is CCB when used in a manner other than that specified in this Section if the use has been shown to have no adverse environmental impact greater than the beneficial uses specified, in consultation with the Department of Mines and Minerals, the Illinois Clean Coal Institute, the Department of Transportation, and such other agencies as may be appropriate.

(Source: P.A. 89-93, eff. 7-6-95.)

(415 ILCS 5/3.140 new) (was 415 ILCS 5/3.76)
Sec. 3.140. Coal combustion waste. 3.76. "Coal combustion waste" means any fly ash, bottom ash, slag, or flue gas or fluid bed boiler desulfurization by-products generated as a result of the combustion of:

(1) coal, or

(2) coal in combination with: (i) fuel grade petroleum coke, (ii) other fossil fuel, or (iii) both fuel grade petroleum coke and other fossil fuel, or

(3) coal (with or without: (i) fuel grade petroleum coke, (ii) other fossil fuel, or (iii) both fuel grade petroleum coke and other fossil fuel) in combination with no more than 20% of tire derived fuel or wood or other materials by weight of the materials combusted; provided that the coal is burned with other materials, the Agency has made a written determination that the storage or disposal of the resultant wastes in accordance with the provisions of item (r) of Section 21 would result in no environmental impact greater than that of wastes generated as a result of the combustion of coal alone, and the storage disposal of the resultant wastes would not violate applicable federal law.

(Source: P.A. 88-668, eff. 9-16-94; 89-93, eff. 7-6-95.)

(415 ILCS 5/3.145 new) (was 415 ILCS 5/3.05)
Sec. 3.145. Community water supply. 3.05. "Community water supply" means a public water supply which serves or is intended to serve at least 15 service connections used by residents or regularly serves at least 25 residents.

"Non-community water supply" means a public water supply that is not a community water supply. The requirements of this Act shall not apply to non-community water supplies. (Source: P.A. 84-1308.)

(415 ILCS 5/3.150 new) (was 415 ILCS 5/3.69)
Sec. 3.150. Compost. 3.69. "Compost" is defined as the humus-like product of the process of composting waste, which may be used as a soil conditioner.

New matter indicated by italics - deletions by strikeout.
Sec. 3.155. Composting. "Composting" means the biological treatment process by which microorganisms decompose the organic fraction of waste, producing compost.

Sec. 3.160. Construction or demolition debris. (a) "General construction or demolition debris" means non-hazardous, uncontaminated materials resulting from the construction, remodeling, repair, and demolition of utilities, structures, and roads, limited to the following: bricks, concrete, and other masonry materials; soil; rock; wood, including non-hazardous painted, treated, and coated wood and wood products; wall coverings; plaster; drywall; plumbing fixtures; non-asbestos insulation; roofing shingles and other roof coverings; reclaimed asphalt pavement; glass; plastics that are not sealed in a manner that conceals waste; electrical wiring and components containing no hazardous substances; and piping or metals incidental to any of those materials. General construction or demolition debris does not include uncontaminated soil generated during construction, remodeling, repair, and demolition of utilities, structures, and roads provided the uncontaminated soil is not commingled with any general construction or demolition debris or other waste.

(b) Sec. 3.160a. "Clean construction or demolition debris" means uncontaminated broken concrete without protruding metal bars, bricks, rock, stone, reclaimed asphalt pavement, or soil generated from construction or demolition activities. Clean construction or demolition debris does not include uncontaminated soil generated during construction, remodeling, repair, and demolition of utilities, structures, and roads provided the uncontaminated soil is not commingled with any clean construction or demolition debris or other waste. To the extent allowed by federal law, clean construction or demolition debris shall not be considered "waste" if it is (i) used as fill material below grade outside of a setback zone if covered by sufficient uncontaminated soil to support vegetation within 30 days of the completion of filling or if covered by a road or structure, or (ii) separated or processed and returned to the economic mainstream in the form of raw materials or products, if it is not speculatively accumulated and, if used as a fill material, it is used in accordance with item (i), or (iii) solely broken concrete without protruding metal bars used for erosion control, or (iv) generated from the construction or demolition of a building, road, or other structure and used to construct, on the site where the construction or demolition has taken place, an above-grade area shaped so as to blend into an extension of the surrounding topography or an above-grade manmade functional structure not to exceed 20 feet in height, provided that the area or structure shall be covered with sufficient soil materials to sustain vegetation or by a road or structure, and further provided that no such area or structure shall be constructed within a home rule municipality with a population over 500,000.

(Source: P.A. 90-475, eff. 8-17-97; 90-761, eff. 8-14-98; 91-909, eff. 7-7-00.)
Sec. 3.165. Contaminant. Contaminant is any solid, liquid, or gaseous matter, any odor, or any form of energy, from whatever source. (Source: P.A. 84-1308.)

Sec. 3.170. Contamination; contaminate. Contamination or contaminate, when used in connection with groundwater, means water pollution of such groundwater. (Source: P.A. 85-863.)

Sec. 3.175. Criterion. Criterion means the numerical concentration of one or more toxic substances calculated by the Agency as a basis for establishing a permit limitation or violation of a water quality standard pursuant to standards and procedures provided for in board regulations. (Source: P.A. 86-1409.)

Sec. 3.180. Department. Department, when a particular entity is not specified, means (i) in the case of a function to be performed on or after July 1, 1995 (the effective date of the Department of Natural Resources Act), either the Department of Natural Resources or the Department of Commerce and Community Affairs, whichever, in the specific context, is the successor to the Department of Energy and Natural Resources under the Department of Natural Resources Act; or (ii) in the case of a function performed before July 1, 1995, the former Illinois Department of Energy and Natural Resources. (Source: P.A. 89-445, eff. 2-7-96.)

Sec. 3.185. Disposal. Disposal means the discharge, deposit, injection, dumping, spilling, leaking or placing of any waste or hazardous waste into or on any land or water or into any well so that such waste or hazardous waste or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including ground waters. (Source: P.A. 84-1308.)

Sec. 3.190. Existing fuel combustion stationary emission source. Existing fuel combustion stationary emission source means any stationary furnace, boiler, oven, or similar equipment used for the primary purpose of producing heat or power, of a type capable of emitting specified air contaminants to the atmosphere, the construction or modification of which commenced prior to April 13, 1972. (Source: P.A. 84-1308.)

Sec. 3.195. Fluid. Fluid means material or substance which flows or moves whether in a semi-solid, liquid, sludge, gas or any other form or state. (Source: P.A. 84-1308.)
Sec. 3.200. Garbage. "Garbage" is waste resulting from the handling, processing, preparation, cooking, and consumption of food, and wastes from the handling, processing, storage, and sale of produce. (Source: P.A. 84-1308.)

(415 ILCS 5/3.205 new) (was 415 ILCS 5/3.12)

Sec. 3.205. Generator. "Generator" means any person whose act or process produces waste. (Source: P.A. 87-650.)

(415 ILCS 5/3.210 new) (was 415 ILCS 5/3.14)

Sec. 3.210. Groundwater. "Groundwater" means underground water which occurs within the saturated zone and geologic materials where the fluid pressure in the pore space is equal to or greater than atmospheric pressure. (Source: P.A. 85-863.)

(415 ILCS 5/3.215 new) (was 415 ILCS 5/3.14)

Sec. 3.215. Hazardous substance. "Hazardous substance" means: (A) any substance designated pursuant to Section 311(b)(2)(A) of the Federal Water Pollution Control Act (P.L. 92-500), as amended, (B) any element, compound, mixture, solution, or substance designated pursuant to Section 102 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (P.L. 96-510), as amended, (C) any hazardous waste, (D) any toxic pollutant listed under Section 307(a) of the Federal Water Pollution Control Act (P.L. 92-500), as amended, (E) any hazardous air pollutant listed under Section 112 of the Clean Air Act (P.L. 95-95), as amended, (F) any imminently hazardous chemical substance or mixture with respect to which the Administrator of the U.S. Environmental Protection Agency has taken action pursuant to Section 7 of the Toxic Substances Control Act (P.L. 94-469), as amended. The term does not include petroleum, including crude oil or any fraction thereof which is not otherwise specifically listed or designated as a hazardous substance under subparagraphs (A) through (F) of this paragraph, and the term does not include natural gas, natural gas liquids, liquefied natural gas, or synthetic gas usable for fuel or mixtures of natural gas and such synthetic gas. (Source: P.A. 84-1308.)

(415 ILCS 5/3.220 new) (was 415 ILCS 5/3.15)

Sec. 3.220. Hazardous waste. "Hazardous waste" means a waste, or combination of wastes, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause or significantly contribute to an increase in mortality or an increase in serious, irreversible, or incapacitating reversible, illness; or pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed, and which has been identified, by characteristics or listing, as hazardous pursuant to Section 3001 of the Resource Conservation and Recovery Act of 1976, P.L. 94-580, or pursuant to Board regulations. Potentially infectious medical waste is not a hazardous waste, except for those potentially infectious medical wastes identified by characteristics or listing as hazardous under Section 3001 of the Resource Conservation and Recovery Act of 1976, P.L. 94-580,
or pursuant to Board regulations.
(Source: P.A. 87-752.)

(415 ILCS 5/3.225 new) (was 415 ILCS 5/3.16)
Sec. 3.225. Hazardous waste disposal site. 3.16. "Hazardous waste disposal site" is a site at which hazardous waste is disposed.
(Source: P.A. 84-1308.)

(415 ILCS 5/3.230 new) (was 415 ILCS 5/3.89)
Sec. 3.230. Household waste. 3.89. "Household waste" means any solid waste (including garbage, trash, and sanitary waste in septic tanks) derived from households (including single and multiple residences, hotels and motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds, and day-use recreation areas).
(Source: P.A. 88-496.)

(415 ILCS 5/3.235 new) (was 415 ILCS 5/3.17)
Sec. 3.235. Industrial process waste. 3.17. "Industrial process waste" means any liquid, solid, semi-solid, or gaseous waste generated as a direct or indirect result of the manufacture of a product or the performance of a service. Any such waste which would pose a present or potential threat to human health or to the environment or with inherent properties which make the disposal of such waste in a landfill difficult to manage by normal means is an industrial process waste. "Industrial Process Waste" includes but is not limited to spent pickling liquors, cutting oils, chemical catalysts, distillation bottoms, etching acids, equipment cleanings, paint sludges, incinerator ashes (including but not limited to ash resulting from the incineration of potentially infectious medical waste), core sands, metallic dust sweepings, asbestos dust, and off-specification, contaminated or recalled wholesale or retail products. Specifically excluded are uncontaminated packaging materials, uncontaminated machinery components, general household waste, landscape waste and construction or demolition debris.
(Source: P.A. 87-752.)

(415 ILCS 5/3.240 new) (was 415 ILCS 5/3.18)
Sec. 3.240. Intermittent control system. 3.18. "Intermittent control system" is a system which provides for the planned reduction of source emissions of sulfur dioxide during periods when meteorological conditions are such, or are anticipated to be such, that sulfur dioxide ambient air quality standards may be violated unless such reductions are made.
(Source: P.A. 84-1308.)

(415 ILCS 5/3.245 new) (was 415 ILCS 5/3.72)
Sec. 3.245. Label. 3.72. "Label" means the written, printed or graphic matter on or attached to the pesticide or device or any of its containers or wrappings.
(Source: P.A. 86-820.)

(415 ILCS 5/3.250 new) (was 415 ILCS 5/3.73)
Sec. 3.250. Labeling. 3.73. "Labeling" means the label and all other written, printed or graphic matters: (a) on the pesticide or device or any of its containers or wrappings, (b) accompanying the pesticide or device or referring to it in any other media used to disseminate information to the public, (c) to which reference is made to the pesticide or device except New matter indicated by italics - deletions by strikeout.
when references are made to current official publications of the U. S. Environmental Protection Agency, Departments of Agriculture, Health and Human Services or other Federal Government institutions, the state experiment station or colleges of agriculture or other similar state institution authorized to conduct research in the field of pesticides.
(Source: P.A. 86-820.)

(415 ILCS 5/3.255 new) (was 415 ILCS 5/3.79)
Sec. 3.255. Land form. 3-79: "Land form" means a manmade above-grade mound, less than 50 feet in height, covered with sufficient soil materials to sustain vegetation.
(Source: P.A. 86-633; 86-1028.)

(415 ILCS 5/3.260 new) (was 415 ILCS 5/3.19)
Sec. 3.260. Landfill gas recovery facility. 3-49: "Landfill gas recovery facility" means any facility which recovers and processes landfill gas from a sanitary landfill or waste disposal site.
(Source: P.A. 84-1308.)

(415 ILCS 5/3.265 new) (was 415 ILCS 5/3.75)
Sec. 3.265. Landfill waste. 3-75: "Landfill waste" is waste from a closed pollution control facility, closed dumping site, closed sanitary landfill, or a closed waste disposal site; provided however, "landfill waste" shall not include waste removed by or pursuant to the authority of the State or a unit of local government from the public way or household waste removed by or pursuant to the authority of the State or a unit of local government from any unauthorized open dumping site.
(Source: P.A. 88-681, eff. 12-22-94.)

(415 ILCS 5/3.270 new) (was 415 ILCS 5/3.20)
Sec. 3.270. Landscape waste. 3-20: "Landscape waste" means all accumulations of grass or shrubbery cuttings, leaves, tree limbs and other materials accumulated as the result of the care of lawns, shrubbery, vines and trees.
(Source: P.A. 84-1308.)

(415 ILCS 5/3.275 new) (was 415 ILCS 5/3.88)
Sec. 3.275. Lateral expansion. 3-88: "Lateral expansion" means a horizontal expansion of the actual waste boundaries of an existing MSWLF unit occurring on or after October 9, 1993. For purposes of this Section, a horizontal expansion is any area where solid waste is placed for the first time directly upon the bottom liner of the unit, excluding side slopes, on or after October 9, 1993.
(Source: P.A. 88-496.)

(415 ILCS 5/3.280 new) (was 415 ILCS 5/3.92)
Sec. 3.280. Lawncare wash water containment area. 3-92: "Lawncare wash water containment area" means an area utilized for the capture of spills or washing or rinsing of pesticide residues from vehicles, application equipment, mixing equipment, floors, loading areas, or other items used for the storage, handling, preparation for use, transport, or application of pesticides to land areas covered with turf kept closely mown or land area covered with turf and trees or shrubs.
(Source: P.A. 88-474; 88-670, eff. 12-2-94.)

New matter indicated by italics - deletions by strikeout.
Sec. 3.285. Municipal Solid Waste Landfill Unit; MSWLF unit. 3.85. "Municipal Solid Waste Landfill Unit" or "MSWLF unit" means a contiguous area of land or an excavation that receives household waste, and that is not a land application unit, surface impoundment, injection well, or any pile of noncontainerized accumulations of solid, nonflowing waste that is used for treatment or storage. A MSWLF unit may also receive other types of RCRA Subtitle D wastes, such as commercial solid waste, nonhazardous sludge, small quantity generator waste and industrial solid waste. Such a landfill may be publicly or privately owned. A MSWLF unit may be a new MSWLF unit, an existing MSWLF unit, or a lateral expansion. A sanitary landfill is subject to regulation as a MSWLF unit if it receives household waste.

Sec. 3.86. "New MSWLF unit" means any municipal solid waste landfill unit that receives household waste on or after October 9, 1993, for the first time.

Sec. 3.87. "Existing MSWLF unit" means any municipal solid waste landfill unit that has received solid waste before October 9, 1993.

(Source: P.A. 88-496; 88-670, eff. 12-2-94.)

Sec. 3.290. Municipal waste. 3.21. "Municipal waste" means garbage, general household and commercial waste, industrial lunchroom or office waste, landscape waste, and construction or demolition debris.

(Source: P.A. 87-650.)

Sec. 3.295. Municipality. 3.22. "Municipality" means any city, village or incorporated town.

(Source: P.A. 84-1308.)

Sec. 3.300. Open burning. 3.23. "Open burning" is the combustion of any matter in the open or in an open dump.

(Source: P.A. 84-1308.)

Sec. 3.305. Open dumping. 3.24. "Open dumping" means the consolidation of refuse from one or more sources at a disposal site that does not fulfill the requirements of a sanitary landfill.

(Source: P.A. 84-1308.)

Sec. 3.310. Organized amateur or professional sporting activity. 3.25. "Organized amateur or professional sporting activity" means an activity or event carried out at a facility by persons who engaged in that activity as a business or for education, charity or entertainment for the general public, including all necessary actions and activities associated with such an activity. This definition includes, but is not limited to, (i) rifle and pistol ranges, licensed shooting preserves, and skeet, trap or shooting sports clubs in existence prior to January 1, 1994, (ii) public hunting areas operated by a governmental entity, (iii) organized

New matter indicated by italics - deletions by strikeout.
motor sports, and (iv) sporting events organized or controlled by school districts, units of local government, state agencies, colleges, universities, or professional sports clubs offering exhibitions to the public.
(Source: P.A. 88-598, eff. 8-31-94.)

Sec. 3.315. Person. 3.26. "Person" is any individual, partnership, co-partnership, firm, company, limited liability company, corporation, association, joint stock company, trust, estate, political subdivision, state agency, or any other legal entity, or their legal representative, agent or assigns.
(Source: P.A. 88-480.)

Sec. 3.320. Pesticide. 3.71. "Pesticide" means any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest or any substance or mixture of substances intended for use as a plant regulator, defoliant or desiccant.
(Source: P.A. 86-820.)

Sec. 3.325. Pesticide release. 3.74. "Pesticide release" or "release of a pesticide" means any release resulting in a concentration of pesticides in waters of the State which exceeds levels for which: (1) a Maximum Contaminant Level (MCL) has been promulgated by the U. S. Environmental Protection Agency or a Maximum Allowable Concentration (MAC) has been promulgated by the Board pursuant to the Safe Drinking Water Act (P.L. 93-523), as amended; or (2) a Health Advisory used on an interim basis has been issued by the U. S. Environmental Protection Agency; or (3) a standard has been adopted by the Board pursuant to the Illinois Groundwater Protection Act; or (4) in the absence of such advisories or standards, an action level has been developed by the Agency using guidance or procedures issued by the federal government for developing health based levels.
(Source: P.A. 86-820.)

Sec. 3.330. 3.32. Pollution control facility.
(a) "Pollution control facility" is any waste storage site, sanitary landfill, waste disposal site, waste transfer station, waste treatment facility, or waste incinerator. This includes sewers, sewage treatment plants, and any other facilities owned or operated by sanitary districts organized under the Metropolitan Water Reclamation District Act.

The following are not pollution control facilities:
(1) (Blank);
(2) waste storage sites regulated under 40 CFR, Part 761.42;
(3) sites or facilities used by any person conducting a waste storage, waste treatment, waste disposal, waste transfer or waste incineration operation, or a combination thereof, for wastes generated by such person's own activities, when such wastes are stored, treated, disposed of, transferred or incinerated within the site or facility owned, controlled or operated by such person, or when such wastes are transported within or between sites or facilities owned, controlled or operated by such

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person;

(4) sites or facilities at which the State is performing removal or remedial action pursuant to Section 22.2 or 55.3;

(5) abandoned quarries used solely for the disposal of concrete, earth materials, gravel, or aggregate debris resulting from road construction activities conducted by a unit of government or construction activities due to the construction and installation of underground pipes, lines, conduit or wires off of the premises of a public utility company which are conducted by a public utility;

(6) sites or facilities used by any person to specifically conduct a landscape composting operation;

(7) regional facilities as defined in the Central Midwest Interstate Low-Level Radioactive Waste Compact;

(8) the portion of a site or facility where coal combustion wastes are stored or disposed of in accordance with subdivision (r)(2) or (r)(3) of Section 21;

(9) the portion of a site or facility used for the collection, storage or processing of waste tires as defined in Title XIV;

(10) the portion of a site or facility used for treatment of petroleum contaminated materials by application onto or incorporation into the soil surface and any portion of that site or facility used for storage of petroleum contaminated materials before treatment. Only those categories of petroleum listed in paragraph (5) of subsection (a) of Section 57.9(a)(3) are exempt under this subdivision (10);

(11) the portion of a site or facility where used oil is collected or stored prior to shipment to a recycling or energy recovery facility, provided that the used oil is generated by households or commercial establishments, and the site or facility is a recycling center or a business where oil or gasoline is sold at retail;

(12) the portion of a site or facility utilizing coal combustion waste for stabilization and treatment of only waste generated on that site or facility when used in connection with response actions pursuant to the federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980, the federal Resource Conservation and Recovery Act of 1976, or the Illinois Environmental Protection Act or as authorized by the Agency;

(13) the portion of a site or facility accepting exclusively general construction or demolition debris, located in a county with a population over 700,000, and operated and located in accordance with Section 22.38 of this Act.

(b) A new pollution control facility is:

(1) a pollution control facility initially permitted for development or construction after July 1, 1981; or

(2) the area of expansion beyond the boundary of a currently permitted pollution control facility; or

(3) a permitted pollution control facility requesting approval to store, dispose of, transfer or incinerate, for the first time, any special or hazardous waste.

(Source: P.A. 89-93, eff. 7-6-95; 90-475, eff. 8-17-97.)

New matter indicated by italics - deletions by strikeout.
Sec. 3.335. Pollution control waste. "Pollution control waste" means any liquid, solid, semi-solid or gaseous waste generated as a direct or indirect result of the removal of contaminants from the air, water or land, and which pose a present or potential threat to human health or to the environment or with inherent properties which make the disposal of such waste in a landfill difficult to manage by normal means. "Pollution control waste" includes but is not limited to water and wastewater treatment plant sludges, baghouse dusts, landfill waste, scrubber sludges and chemical spill cleanings.

(Source: P.A. 85-1428.)

Sec. 3.340. Potable. "Potable" means generally fit for human consumption in accordance with accepted water supply principles and practices.

(Source: P.A. 85-863.)

Sec. 3.345. Potential primary source. "Potential primary source" means any unit at a facility or site not currently subject to a removal or remedial action which:

(1) is utilized for the treatment, storage, or disposal of any hazardous or special waste not generated at the site; or

(2) is utilized for the disposal of municipal waste not generated at the site, other than landscape waste and construction and demolition debris; or

(3) is utilized for the landfilling, land treating, surface impounding or piling of any hazardous or special waste that is generated on the site or at other sites owned, controlled or operated by the same person; or

(4) stores or accumulates at any time more than 75,000 pounds above ground, or more than 7,500 pounds below ground, of any hazardous substances. A new potential primary source is:

(i) a potential primary source which is not in existence or for which construction has not commenced at its location as of January 1, 1988; or

(ii) a potential primary source which expands laterally beyond the currently permitted boundary or, if the primary source is not permitted, the boundary in existence as of January 1, 1988; or

(iii) a potential primary source which is part of a facility that undergoes major reconstruction. Such reconstruction shall be deemed to have taken place where the fixed capital cost of the new components constructed within a 2-year period exceed 50% of the fixed capital cost of a comparable entirely new facility. Construction shall be deemed commenced when all necessary federal, State and local approvals have been obtained, and work at the site has been initiated and proceeds in a reasonably continuous manner to completion.

(Source: P.A. 85-863.)

Sec. 3.350. Potential route. "Potential route" means abandoned and improperly plugged wells of all kinds, drainage wells, all injection wells, including closed loop heat

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pump wells, and any excavation for the discovery, development or production of stone, sand or gravel.

A new potential route is:

(1) a potential route which is not in existence or for which construction has not commenced at its location as of January 1, 1988, or

(2) a potential route which expands laterally beyond the currently permitted boundary or, if the potential route is not permitted, the boundary in existence as of January 1, 1988.

Construction shall be deemed commenced when all necessary federal, State and local approvals have been obtained, and work at the site has been initiated and proceeds in a reasonably continuous manner to completion.

(Source: P.A. 85-863.)

(415 ILCS 5/3.355 new) (was 415 ILCS 5/3.60)

Sec. 3.355. Potential secondary source. 3.60: "Potential secondary source" means any unit at a facility or a site not currently subject to a removal or remedial action, other than a potential primary source, which:

(1) is utilized for the landfilling, land treating, or surface impounding of waste that is generated on the site or at other sites owned, controlled or operated by the same person, other than livestock and landscape waste, and construction and demolition debris; or

(2) stores or accumulates at any time more than 25,000 but not more than 75,000 pounds above ground, or more than 2,500 but not more than 7,500 pounds below ground, of any hazardous substances; or

(3) stores or accumulates at any time more than 25,000 gallons above ground, or more than 500 gallons below ground, of petroleum, including crude oil or any fraction thereof which is not otherwise specifically listed or designated as a hazardous substance; or

(4) stores or accumulates pesticides, fertilizers, or road oils for purposes of commercial application or for distribution to retail sales outlets; or

(5) stores or accumulates at any time more than 50,000 pounds of any de-icing agent; or

(6) is utilized for handling livestock waste or for treating domestic wastewaters other than private sewage disposal systems as defined in the "Private Sewage Disposal Licensing Act".

A new potential secondary source is:

(i) a potential secondary source which is not in existence or for which construction has not commenced at its location as of July 1, 1988; or

(ii) a potential secondary source which expands laterally beyond the currently permitted boundary or, if the secondary source is not permitted, the boundary in existence as of July 1, 1988, other than an expansion for handling of livestock waste or for treating domestic wastewaters; or

(iii) a potential secondary source which is part of a facility that undergoes

New matter indicated by italics - deletions by strikeout.
major reconstruction. Such reconstruction shall be deemed to have taken place where the fixed capital cost of the new components constructed within a 2-year period exceed 50% of the fixed capital cost of a comparable entirely new facility. Construction shall be deemed commenced when all necessary federal, State and local approvals have been obtained, and work at the site has been initiated and proceeds in a reasonably continuous manner to completion.

(Source: P.A. 85-863.)

(415 ILCS 5/3.360 new) (was 415 ILCS 5/3.84)

Sec. 3.360. Potentially infectious medical waste. 3.84:

(a) "Potentially infectious medical waste" means the following types of waste generated in connection with the diagnosis, treatment (i.e., provision of medical services), or immunization of human beings or animals; research pertaining to the provision of medical services; or the production or testing of biologicals:

(1) Cultures and stocks. This waste shall include but not be limited to cultures and stocks of agents infectious to humans, and associated biologicals; cultures from medical or pathological laboratories; cultures and stocks of infectious agents from research and industrial laboratories; wastes from the production of biologicals; discarded live or attenuated vaccines; or culture dishes and devices used to transfer, inoculate, or mix cultures.

(2) Human pathological wastes. This waste shall include tissue, organs, and body parts (except teeth and the contiguous structures of bone and gum); body fluids that are removed during surgery, autopsy, or other medical procedures; or specimens of body fluids and their containers.

(3) Human blood and blood products. This waste shall include discarded human blood, blood components (e.g., serum and plasma), or saturated material containing free flowing blood or blood components.

(4) Used sharps. This waste shall include but not be limited to discarded sharps used in animal or human patient care, medical research, or clinical or pharmaceutical laboratories; hypodermic, intravenous, or other medical needles; hypodermic or intravenous syringes; Pasteur pipettes; scalpel blades; or blood vials. This waste shall also include but not be limited to other types of broken or unbroken glass (including slides and cover slips) in contact with infectious agents.

(5) Animal waste. Animal waste means discarded materials, including carcasses, body parts, body fluids, blood, or bedding originating from animals inoculated during research, production of biologicals, or pharmaceutical testing with agents infectious to humans.

(6) Isolation waste. This waste shall include discarded materials contaminated with blood, excretions, exudates, and secretions from humans that are isolated to protect others from highly communicable diseases. "Highly communicable diseases" means those diseases identified by the Board in rules adopted under subsection (e) of Section 56.2 of this Act.

(7) Unused sharps. This waste shall include but not be limited to the
following unused, discarded sharps: hypodermic, intravenous, or other needles; hypodermic or intravenous syringes; or scalp bladess.

(b) Potentially infectious medical waste does not include:
   (1) waste generated as general household waste;
   (2) waste (except for sharps) for which the infectious potential has been eliminated by treatment; or
   (3) sharps that meet both of the following conditions:
       (A) the infectious potential has been eliminated from the sharps by treatment; and
       (B) the sharps are rendered unrecognizable by treatment.

(Source: P.A. 87-752; 87-895; 87-1097.)

(415 ILCS 5/3.365 new) (was 415 ILCS 5/3.28)
Sec. 3.365. Public water supply. 3-28. "Public water supply" means all mains, pipes and structures through which water is obtained and distributed to the public, including wells and well structures, intakes and cribs, pumping stations, treatment plants, reservoirs, storage tanks and appurtenances, collectively or severally, actually used or intended for use for the purpose of furnishing water for drinking or general domestic use and which serve at least 15 service connections or which regularly serve at least 25 persons at least 60 days per year. A public water supply is either a "community water supply" or a "non-community water supply".

(Source: P.A. 84-1308.)

(415 ILCS 5/3.370 new) (was 415 ILCS 5/3.29)
Sec. 3.370. RCRA permit. 3-29. "RCRA permit" means a permit issued by the Agency pursuant to authorization received by the Agency from the United States Environmental Protection Agency under Subtitle C of the Resource Conservation and Recovery Act of 1976, (P.L. 94-580) (RCRA) and which meets the requirements of Section 3005 of RCRA and of this Act.

(Source: P.A. 84-1308.)

(415 ILCS 5/3.375 new) (was 415 ILCS 5/3.81)
Sec. 3.375. Recycling center. 3-81. "Recycling center" means a site or facility that accepts only segregated, nonhazardous, nonspecial, homogeneous, nonputrescible materials, such as dry paper, glass, cans or plastics, for subsequent use in the secondary materials market.

(Source: P.A. 87-650.)

(415 ILCS 5/3.380 new) (was 415 ILCS 5/3.30)
Sec. 3.380. Recycling, reclamation or reuse. 3-30. "Recycling, reclamation or reuse" means a method, technique, or process designed to remove any contaminant from waste so as to render such waste reusable, or any process by which materials that would otherwise be disposed of or discarded are collected, separated or processed and returned to the economic mainstream in the form of raw materials or products.

(Source: P.A. 87-650.)

(415 ILCS 5/3.385 new) (was 415 ILCS 5/3.31)

New matter indicated by italics - deletions by strikeout.
Sec. 3.385. *Refuse.* 3-34. "Refuse" means waste.  
(Source: P.A. 84-1308.)

(415 ILCS 5/3.390 new) (was 415 ILCS 5/3.67)

Sec. 3.390. *Regulated recharge area.* 3-67. "Regulated recharge area" means a compact geographic area, as determined by the Board, the geology of which renders a potable resource groundwater particularly susceptible to contamination.  
(Source: P.A. 85-863.)

(415 ILCS 5/3.395 new) (was 415 ILCS 5/3.33)

Sec. 3.395. *Release.* 3-33: "Release" means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, but excludes (a) any release which results in exposure to persons solely within a workplace, with respect to a claim which such persons may assert against the employer of such persons; (b) emissions from the engine exhaust of a motor vehicle, rolling stock, aircraft, vessel, or pipeline pumping station engine; (c) release of source, byproduct, or special nuclear material from a nuclear incident, as those terms are defined in the Atomic Energy Act of 1954, if such release is subject to requirements with respect to financial protection established by the Nuclear Regulatory Commission under Section 170 of such Act; and (d) the normal application of fertilizer.  
(Source: P.A. 84-1308.)

(415 ILCS 5/3.400 new) (was 415 ILCS 5/3.34)

Sec. 3.400. *Remedial action.* 3-34: "Remedial action" means those actions consistent with permanent remedy taken instead of or in addition to removal actions in the event of a release or threatened release of a hazardous substance into the environment, to prevent or minimize the release of hazardous substances so that they do not migrate to cause substantial danger to present or future public health or welfare or the environment. The term includes, but is not limited to, such actions at the location of the release as storage, confinement, perimeter protection using dikes, trenches, or ditches, clay cover, neutralization, cleanup of released hazardous substances or contaminated materials, recycling or reuse, diversion destruction, segregation of reactive wastes, dredging or excavations, repair or replacement of leaking containers, collection of leachate and runoff, onsite treatment or incineration, provision of alternative water supplies, and any monitoring reasonably required to assure that such actions protect the public health and welfare and the environment. The term includes the costs of permanent relocation of residents and businesses and community facilities where the Governor and the Director determine that, alone or in combination with other measures, such relocation is more cost-effective than and environmentally preferable to the transportation, storage, treatment, destruction, or secure disposition offsite of hazardous substances, or may otherwise be necessary to protect the public health or welfare. The term includes offsite transport of hazardous substances, or the storage, treatment, destruction, or secure disposition offsite of such hazardous substances or contaminated materials.  
(Source: P.A. 86-671.)

(415 ILCS 5/3.405 new) (was 415 ILCS 5/3.35)

Sec. 3.405. *Remove; removal.* 3-35: "Remove" or "removal" means the cleanup or
removal of released hazardous substances from the environment, actions as may be necessary taken in the event of the threat of release of hazardous substances into the environment, actions as may be necessary to monitor, assess, and evaluate the release or threat of release of hazardous substances, the disposal of removed material, or the taking of other actions as may be necessary to prevent, minimize, or mitigate damage to the public health or welfare or the environment, that may otherwise result from a release or threat of release. The term includes, in addition, without being limited to, security fencing or other measures to limit access, provision of alternative water supplies, temporary evacuation and housing of threatened individuals, and any emergency assistance that may be provided under the Illinois Emergency Management Agency Act or any other law.

(Source: P.A. 87-168.)

(415 ILCS 5/3.410 new) (was 415 ILCS 5/3.36)
Sec. 3.410. Re-refined oil. 3.36: "Re-refined oil" means any oil which has been refined from used oil meeting substantially the same standards as new oil.

(Source: P.A. 84-1308.)

(415 ILCS 5/3.415 new) (was 415 ILCS 5/3.37)
Sec. 3.415. Resident. 3.37: "Resident" means a person who dwells or has a place of abode which is occupied by that person for 60 days or more each calendar year.

(Source: P.A. 84-1308.)

(415 ILCS 5/3.420 new) (was 415 ILCS 5/3.38)
Sec. 3.420. Resource conservation. 3.38: "Resource conservation" means reduction of the amounts of waste that are generated, reduction of overall resource consumption and the utilization of recovered resources.

(Source: P.A. 84-1308.)

(415 ILCS 5/3.425 new) (was 415 ILCS 5/3.39)

(Source: P.A. 88-496.)

(415 ILCS 5/3.430 new) (was 415 ILCS 5/3.66)
Sec. 3.430. Resource groundwater. 3.66: "Resource groundwater" means groundwater that is presently being or in the future capable of being put to beneficial use by reason of being of suitable quality.

(Source: P.A. 85-863.)

(415 ILCS 5/3.435 new) (was 415 ILCS 5/3.39)
Sec. 3.435. Resource recovery. 3.39: "Resource recovery" means the recovery of material or energy from waste.

(Source: P.A. 84-1308.)

(415 ILCS 5/3.440 new) (was 415 ILCS 5/3.40)
Sec. 3.440. Respond; response. 3.40: "Respond" or "response" means remove, removal, remedy, and remedial action.

(Source: P.A. 84-1308.)

New matter indicated by italics - deletions by strikeout.
(415 ILCS 5/3.445 new) (was 415 ILCS 5/3.41)
Sec. 3.445. Sanitary landfill. 3.445. "Sanitary landfill" means a facility permitted by the Agency for the disposal of waste on land meeting the requirements of the Resource Conservation and Recovery Act, P.L. 94-580, and regulations thereunder, and without creating nuisances or hazards to public health or safety, by confining the refuse to the smallest practical volume and covering it with a layer of earth at the conclusion of each day's operation, or by such other methods and intervals as the Board may provide by regulation. (Source: P.A. 84-1308.)

(415 ILCS 5/3.450 new) (was 415 ILCS 5/3.61)
Sec. 3.450. Setback zone. 3.61: "Setback zone" means a geographic area, designated pursuant to this Act, containing a potable water supply well or a potential source or potential route, having a continuous boundary, and within which certain prohibitions or regulations are applicable in order to protect groundwaters. (Source: P.A. 85-863.)

(415 ILCS 5/3.455 new) (was 415 ILCS 5/3.42)
Sec. 3.455. Sewage works. 3.42. "Sewage works" means individually or collectively those constructions or devices used for collecting, pumping, treating, and disposing of sewage, industrial waste or other wastes or for the recovery of by-products from such wastes. (Source: P.A. 84-1308.)

(415 ILCS 5/3.460 new) (was 415 ILCS 5/3.43)
Sec. 3.460. Site. 3.43. "Site" means any location, place, tract of land, and facilities, including but not limited to buildings, and improvements used for purposes subject to regulation or control by this Act or regulations thereunder. (Source: P.A. 84-1308.)

(415 ILCS 5/3.465 new) (was 415 ILCS 5/3.44)
Sec. 3.465. Sludge. 3.44. "Sludge" means any solid, semi-solid, or liquid waste generated from a municipal, commercial, or industrial wastewater treatment plant, water supply treatment plant, or air pollution control facility or any other such waste having similar characteristics and effects. (Source: P.A. 84-1308.)

(415 ILCS 5/3.470 new) (was 415 ILCS 5/3.82)
Sec. 3.470. Solid waste. 3.82. "Solid waste" means waste. (Source: P.A. 87-650.)

(415 ILCS 5/3.475 new) (was 415 ILCS 5/3.45)
Sec. 3.475. Special waste. "Special waste" means any of the following:
(a) potentially infectious medical waste;
(b) hazardous waste, as determined in conformance with RCRA hazardous waste determination requirements set forth in Section 722.111 of Title 35 of the Illinois Administrative Code, including a residue from burning or processing hazardous waste in a boiler or industrial furnace unless the residue has been tested in accordance with Section 726.212 of Title 35 of the Illinois Administrative Code and proven to be nonhazardous;
(c) industrial process waste or pollution control waste, except:

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(1) any such waste certified by its generator, pursuant to Section 22.48 of this Act, not to be any of the following:

   (A) a liquid, as determined using the paint filter test set forth in subdivision (3)(A) of subsection (m) of Section 811.107 of Title 35 of the Illinois Administrative Code;

   (B) regulated asbestos-containing waste materials, as defined under the National Emission Standards for Hazardous Air Pollutants in 40 CFR Section 61.141;

   (C) polychlorinated biphenyls (PCB's) regulated pursuant to 40 CFR Part 761;

   (D) an industrial process waste or pollution control waste subject to the waste analysis and recordkeeping requirements of Section 728.107 of Title 35 of the Illinois Administrative Code under the land disposal restrictions of Part 728 of Title 35 of the Illinois Administrative Code; and

   (E) a waste material generated by processing recyclable metals by shredding and required to be managed as a special waste under Section 22.29 of this Act;

(2) any empty portable device or container, including but not limited to a drum, in which a special waste has been stored, transported, treated, disposed of, or otherwise handled, provided that the generator has certified that the device or container is empty and does not contain a liquid, as determined pursuant to item (A) of subdivision (1) of this subsection. For purposes of this subdivision, "empty portable device or container" means a device or container in which removal of special waste, except for a residue that shall not exceed one inch in thickness, has been accomplished by a practice commonly employed to remove materials of that type. An inner liner used to prevent contact between the special waste and the container shall be removed and managed as a special waste; or

(3) as may otherwise be determined under Section 22.9 of this Act.

"Special waste" does not mean fluorescent and high intensity discharge lamps as defined in subsection (a) of Section 22.23a of this Act, waste that is managed in accordance with the universal waste requirements set forth in Title 35 of the Illinois Administrative Code, Subtitle G, Chapter I, Subchapter c, Part 733, or waste that is subject to rules adopted pursuant to subsection (c)(2) of Section 22.23a of this Act.

(Source: P.A. 89-619, eff. 1-1-97; 90-502, eff. 8-19-97.)

Sec. 3.480. Storage. "Storage" means the containment of waste, either on a temporary basis or for a period of years, in such a manner as not to constitute disposal.

(Source: P.A. 87-650.)

Sec. 3.485. Storage site. "Storage site" is a site at which waste is stored. "Storage site" includes transfer stations but does not include (i) a site that accepts or receives waste in transfer containers unless the waste is removed from the transfer container or unless

New matter indicated by italics - deletions by strikeout.
the transfer container becomes stationary, en route to a disposal, treatment, or storage facility for more than 5 business days, or (ii) a site that accepts or receives open top units containing only clean construction and demolition debris, or (iii) a site that stores waste on a refuse motor vehicle or in the vehicle's detachable refuse receptacle for no more than 24 hours, excluding Saturdays, Sundays, and holidays, but only if the detachable refuse receptacle is completely covered or enclosed and is stored on the same site as the refuse motor vehicle that transported the receptacle to the site.

Nothing in this Section shall be construed to be less stringent than or inconsistent with the provisions of the federal Resource Conservation and Recovery Act of 1976 (P.L. 94-480) or regulations adopted under it.

(Source: P.A. 89-122, eff. 7-7-95.)

(415 ILCS 5/3.490 new) (was 415 ILCS 5/3.48)

Sec. 3.490. Trade secret. "Trade secret" means the whole or any portion or phase of any scientific or technical information, design, process (including a manufacturing process), procedure, formula or improvement, or business plan which is secret in that it has not been published or disseminated or otherwise become a matter of general public knowledge, and which has competitive value. A trade secret is presumed to be secret when the owner thereof takes reasonable measures to prevent it from becoming available to persons other than those selected by the owner to have access thereto for limited purposes.

(Source: P.A. 84-1308.)

(415 ILCS 5/3.495 new) (was 415 ILCS 5/3.48-5)

Sec. 3.495. Transfer container. "Transfer container" means a reusable transportable shipping container that is completely covered or enclosed, that has a volume of not less than 250 cubic feet based on the external dimensions, and that is constructed and maintained to protect the container contents (which may include smaller containers that are or are not transfer containers) from water, rain, and wind, to prevent the free movement of rodents and vectors into or out of the container, and to prevent leaking from the container.

(Source: P.A. 89-122, eff. 7-7-95.)

(415 ILCS 5/3.500 new) (was 415 ILCS 5/3.83)

Sec. 3.500. Transfer station. "Transfer station" means a site or facility that accepts waste for temporary storage or consolidation and further transfer to a waste disposal, treatment or storage facility. "Transfer station" includes a site where waste is transferred from (1) a rail carrier to a motor vehicle or water carrier; (2) a water carrier to a rail carrier or motor vehicle; (3) a motor vehicle to a rail carrier, water carrier or motor vehicle; (4) a rail carrier to a rail carrier, if the waste is removed from a rail car; or (5) a water carrier to a water carrier, if the waste is removed from a vessel.

"Transfer station" does not include (i) a site where waste is not removed from the transfer container, or (ii) a site that accepts or receives open top units containing only clean construction and demolition debris, or (iii) a site that stores waste on a refuse motor vehicle or in the vehicle's detachable refuse receptacle for no more than 24 hours, excluding Saturdays, Sundays, and holidays, but only if the detachable refuse receptacle is completely covered or enclosed and is stored on the same site as the refuse motor vehicle that

New matter indicated by italics - deletions by strikeout.
transported the receptacle to the site.

Nothing in this Section shall be construed to be less stringent than or inconsistent with the provisions of the federal Resource Conservation and Recovery Act of 1976 (P.L. 94-480) or regulations adopted under it.

(Source: P.A. 89-122, eff. 7-7-95.)

Sec. 3.505. Treatment. "Treatment" means any method, technique or process, including neutralization, designed to change the physical, chemical, or biological character or composition of any waste so as to neutralize it or render it nonhazardous, safer for transport, amenable for recovery, amenable for storage, or reduced in volume. Such term includes any activity or processing designed to change the physical form or chemical composition of hazardous waste so as to render it nonhazardous.

(Source: P.A. 87-650.)

Sec. 3.510. Underground injection. "Underground injection" means the subsurface emplacement of fluids by well injection.

(Source: P.A. 84-1308.)

Sec. 3.515. Unit. "Unit" means any device, mechanism, equipment, or area (exclusive of land utilized only for agricultural production). This term includes secondary containment structures and their contents at agrichemical facilities.

(Source: P.A. 87-1108.)

Sec. 3.520. Used oil. "Used oil" means any oil which has been refined from crude oil or refined from used oil, has been used, and as a result of such use has been contaminated by physical or chemical impurities, except that "used oil" shall not include that type of oil generated on farmland property devoted to agricultural use and used on that property for heating or burning.

(Source: P.A. 84-1308.)

Sec. 3.525. Vegetable by-products. "Vegetable by-products" means any waste consisting solely of the unused portion of fruits and vegetables, associated solids, and process water resulting from any commercial canning, freezing, preserving or other processing of fruits and vegetables. Vegetable by-products are not special wastes.

(Source: P.A. 88-454; 88-670, eff. 12-2-94.)

Sec. 3.530. Virgin oil. "Virgin oil" means any oil which has been refined from crude oil which may or may not contain additives and has not been used.

(Source: P.A. 84-1308.)

Sec. 3.535. Waste. "Waste" means any garbage, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility or other discarded
material, including solid, liquid, semi-solid, or contained gaseous material resulting from industrial, commercial, mining and agricultural operations, and from community activities, but does not include solid or dissolved material in domestic sewage, or solid or dissolved materials in irrigation return flows, or coal combustion by-products as defined in Section 3.135 3.94, or industrial discharges which are point sources subject to permits under Section 402 of the Federal Water Pollution Control Act, as now or hereafter amended, or source, special nuclear, or by-product materials as defined by the Atomic Energy Act of 1954, as amended (68 Stat. 921) or any solid or dissolved material from any facility subject to the Federal Surface Mining Control and Reclamation Act of 1977 (P.L. 95-87) or the rules and regulations thereunder or any law or rule or regulation adopted by the State of Illinois pursuant thereto.

(Source: P.A. 89-93, eff. 7-6-95.)

(415 ILCS 5/3.540 new) (was 415 ILCS 5/3.54)
Sec. 3.540. Waste disposal site. 3.54: "Waste disposal site" is a site on which solid waste is disposed.

(Source: P.A. 84-1308.)

(415 ILCS 5/3.545 new) (was 415 ILCS 5/3.55)
Sec. 3.545. Water pollution. 3.55: "Water pollution" is such alteration of the physical, thermal, chemical, biological or radioactive properties of any waters of the State, or such discharge of any contaminant into any waters of the State, as will or is likely to create a nuisance or render such waters harmful or detrimental or injurious to public health, safety or welfare, or to domestic, commercial, industrial, agricultural, recreational, or other legitimate uses, or to livestock, wild animals, birds, fish, or other aquatic life.

(Source: P.A. 84-1308.)

(415 ILCS 5/3.550 new) (was 415 ILCS 5/3.56)
Sec. 3.550. Waters. 3.56: "Waters" means all accumulations of water, surface and underground, natural, and artificial, public and private, or parts thereof, which are wholly or partially within, flow through, or border upon this State.

(Source: P.A. 84-1308.)

(415 ILCS 5/3.555 new) (was 415 ILCS 5/3.57)
Sec. 3.555. Well. 3.57: "Well" means a bored, drilled or driven shaft, or dug hole, the depth of which is greater than the largest surface dimension.

(Source: P.A. 84-1308.)

(415 ILCS 5/4) (from Ch. 111 1/2, par. 1004)
Sec. 4. Environmental Protection Agency; establishment; duties.
(a) There is established in the Executive Branch of the State Government an agency to be known as the Environmental Protection Agency. This Agency shall be under the supervision and direction of a Director who shall be appointed by the Governor with the advice and consent of the Senate. The term of office of the Director shall expire on the third Monday of January in odd numbered years, provided that he or she shall hold his office until a successor is appointed and has qualified. The Director shall receive an annual salary as set by the Governor from time to time or as set by the Compensation Review Board,

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whichever is greater. If set by the Governor, the Director's annual salary may not exceed 85% of the Governor's annual salary. The Director, in accord with the Personnel Code, shall employ and direct such personnel, and shall provide for such laboratory and other facilities, as may be necessary to carry out the purposes of this Act. In addition, the Director may by agreement secure such services as he or she may deem necessary from any other department, agency, or unit of the State Government, and may employ and compensate such consultants and technical assistants as may be required.

(b) The Agency shall have the duty to collect and disseminate such information, acquire such technical data, and conduct such experiments as may be required to carry out the purposes of this Act, including ascertainment of the quantity and nature of discharges from any contaminant source and data on those sources, and to operate and arrange for the operation of devices for the monitoring of environmental quality.

(c) The Agency shall have authority to conduct a program of continuing surveillance and of regular or periodic inspection of actual or potential contaminant or noise sources, of public water supplies, and of refuse disposal sites.

(d) In accordance with constitutional limitations, the Agency shall have authority to enter at all reasonable times upon any private or public property for the purpose of:
   (1) Inspecting and investigating to ascertain possible violations of the Act or of regulations thereunder, or of permits or terms or conditions thereof; or
   (2) In accordance with the provisions of this Act, taking whatever preventive or corrective action, including but not limited to removal or remedial action, that is necessary or appropriate whenever there is a release or a substantial threat of a release of (A) a hazardous substance or pesticide or (B) petroleum from an underground storage tank.

(e) The Agency shall have the duty to investigate violations of this Act or of regulations adopted thereunder, or of permits or terms or conditions thereof, to issue administrative citations as provided in Section 31.1 of this Act, and to take such summary enforcement action as is provided for by Section 34 of this Act.

(f) The Agency shall appear before the Board in any hearing upon a petition for variance, the denial of a permit, or the validity or effect of a rule or regulation of the Board, and shall have the authority to appear before the Board in any hearing under the Act.

(g) The Agency shall have the duty to administer, in accord with Title X of this Act, such permit and certification systems as may be established by this Act or by regulations adopted thereunder. The Agency may enter into written delegation agreements with any department, agency, or unit of State or local government under which all or portions of this duty may be delegated for public water supply storage and transport systems, sewage collection and transport systems, air pollution control sources with uncontrolled emissions of 100 tons per year or less and application of algicides to waters of the State. Such delegation agreements will require that the work to be performed thereunder will be in accordance with Agency criteria, subject to Agency review, and shall include such financial and program auditing by the Agency as may be required.

(h) The Agency shall have authority to require the submission of complete plans and specifications from any applicant for a permit required by this Act or by regulations

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thereunder, and to require the submission of such reports regarding actual or potential violations of the Act or of regulations thereunder, or of permits or terms or conditions thereof, as may be necessary for purposes of this Act.

(i) The Agency shall have authority to make recommendations to the Board for the adoption of regulations under Title VII of the Act.

(j) The Agency shall have the duty to represent the State of Illinois in any and all matters pertaining to plans, procedures, or negotiations for interstate compacts or other governmental arrangements relating to environmental protection.

(k) The Agency shall have the authority to accept, receive, and administer on behalf of the State any grants, gifts, loans, indirect cost reimbursements, or other funds made available to the State from any source for purposes of this Act or for air or water pollution control, public water supply, solid waste disposal, noise abatement, or other environmental protection activities, surveys, or programs. Any federal funds received by the Agency pursuant to this subsection shall be deposited in a trust fund with the State Treasurer and held and disbursed by him in accordance with Treasurer as Custodian of Funds Act, provided that such monies shall be used only for the purposes for which they are contributed and any balance remaining shall be returned to the contributor.

The Agency is authorized to promulgate such regulations and enter into such contracts as it may deem necessary for carrying out the provisions of this subsection.

(l) The Agency is hereby designated as water pollution agency for the state for all purposes of the Federal Water Pollution Control Act, as amended; as implementing agency for the State for all purposes of the Safe Drinking Water Act, Public Law 93-523, as now or hereafter amended, except Section 1425 of that Act; as air pollution agency for the state for all purposes of the Clean Air Act of 1970, Public Law 91-604, approved December 31, 1970, as amended; and as solid waste agency for the state for all purposes of the Solid Waste Disposal Act, Public Law 89-272, approved October 20, 1965, and amended by the Resource Recovery Act of 1970, Public Law 91-512, approved October 26, 1970, as amended, and amended by the Resource Conservation and Recovery Act of 1976, (P.L. 94-580) approved October 21, 1976, as amended; as noise control agency for the state for all purposes of the Noise Control Act of 1972, Public Law 92-574, approved October 27, 1972, as amended; and as implementing agency for the State for all purposes of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (P.L. 96-510), as amended; and otherwise as pollution control agency for the State pursuant to federal laws integrated with the foregoing laws, for financing purposes or otherwise. The Agency is hereby authorized to take all action necessary or appropriate to secure to the State the benefits of such federal Acts, provided that the Agency shall transmit to the United States without change any standards adopted by the Pollution Control Board pursuant to Section 5(c) of this Act. This subsection (l) of Section 4 shall not be construed to bar or prohibit the Environmental Protection Trust Fund Commission from accepting, receiving, and administering on behalf of the State any grants, gifts, loans or other funds for which the Commission is eligible pursuant to the Environmental Protection Trust Fund Act. The Agency is hereby designated as the State agency for all purposes of administering the requirements of Section 313 of the

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Any municipality, sanitary district, or other political subdivision, or any Agency of the State or interstate Agency, which makes application for loans or grants under such federal Acts shall notify the Agency of such application; the Agency may participate in proceedings under such federal Acts.

(m) The Agency shall have authority, consistent with Section 5(c) and other provisions of this Act, and for purposes of Section 303(e) of the Federal Water Pollution Control Act, as now or hereafter amended, to engage in planning processes and activities and to develop plans in cooperation with units of local government, state agencies and officers, and other appropriate persons in connection with the jurisdiction or duties of each such unit, agency, officer or person. Public hearings shall be held on the planning process, at which any person shall be permitted to appear and be heard, pursuant to procedural regulations promulgated by the Agency.

(n) In accordance with the powers conferred upon the Agency by Sections 10(g), 13(b), 19, 22(d) and 25 of this Act, the Agency shall have authority to establish and enforce minimum standards for the operation of laboratories relating to analyses and laboratory tests for air pollution, water pollution, noise emissions, contaminant discharges onto land and sanitary, chemical, and mineral quality of water distributed by a public water supply. The Agency may enter into formal working agreements with other departments or agencies of state government under which all or portions of this authority may be delegated to the cooperating department or agency.

(o) The Agency shall have the authority to issue certificates of competency to persons and laboratories meeting the minimum standards established by the Agency in accordance with Section 4(n) of this Act and to promulgate and enforce regulations relevant to the issuance and use of such certificates. The Agency may enter into formal working agreements with other departments or agencies of state government under which all or portions of this authority may be delegated to the cooperating department or agency.

(p) Except as provided in Section 17.7, the Agency shall have the duty to analyze samples as required from each public water supply to determine compliance with the contaminant levels specified by the Pollution Control Board. The maximum number of samples which the Agency shall be required to analyze for microbiological quality shall be 6 per month, but the Agency may, at its option, analyze a larger number each month for any supply. Results of sample analyses for additional required bacteriological testing, turbidity, residual chlorine and radionuclides are to be provided to the Agency in accordance with Section 19. Owners of water supplies may enter into agreements with the Agency to provide for reduced Agency participation in sample analyses.

(q) The Agency shall have the authority to provide notice to any person who may be liable pursuant to Section 22.2(f) of this Act for a release or a substantial threat of a release of a hazardous substance or pesticide. Such notice shall include the identified response action and an opportunity for such person to perform the response action.

(r) The Agency may enter into written delegation agreements with any unit of local government under which it may delegate all or portions of its inspecting, investigating and
enforcement functions. Such delegation agreements shall require that work performed thereunder be in accordance with Agency criteria and subject to Agency review. Notwithstanding any other provision of law to the contrary, no unit of local government shall be liable for any injury resulting from the exercise of its authority pursuant to such a delegation agreement unless the injury is proximately caused by the willful and wanton negligence of an agent or employee of the unit of local government, and any policy of insurance coverage issued to a unit of local government may provide for the denial of liability and the nonpayment of claims based upon injuries for which the unit of local government is not liable pursuant to this subsection (r).

(s) The Agency shall have authority to take whatever preventive or corrective action is necessary or appropriate, including but not limited to expenditure of monies appropriated from the Build Illinois Bond Fund and the Build Illinois Purposes Fund for removal or remedial action, whenever any hazardous substance or pesticide is released or there is a substantial threat of such a release into the environment. The State, the Director, and any State employee shall be indemnified for any damages or injury arising out of or resulting from any action taken under this subsection. The Director of the Agency is authorized to enter into such contracts and agreements as are necessary to carry out the Agency's duties under this subsection.

(t) The Agency shall have authority to distribute grants, subject to appropriation by the General Assembly, for financing and construction of municipal wastewater facilities. With respect to all monies appropriated from the Build Illinois Bond Fund and the Build Illinois Purposes Fund for wastewater facility grants, the Agency shall make distributions in conformity with the rules and regulations established pursuant to the Anti-Pollution Bond Act, as now or hereafter amended.

(u) Pursuant to the Illinois Administrative Procedure Act, the Agency shall have the authority to adopt such rules as are necessary or appropriate for the Agency to implement Section 31.1 of this Act.

(v) (Blank.)

(w) Neither the State, nor the Director, nor the Board, nor any State employee shall be liable for any damages or injury arising out of or resulting from any action taken under subsection (s) or subsection (v).

(x)(1) The Agency shall have authority to distribute grants, subject to appropriation by the General Assembly, to units of local government for financing and construction of public water supply facilities. With respect to all monies appropriated from the Build Illinois Bond Fund or the Build Illinois Purposes Fund for public water supply grants, such grants shall be made in accordance with rules promulgated by the Agency. Such rules shall include a requirement for a local match of 30% of the total project cost for projects funded through such grants.

(2) The Agency shall not terminate a grant to a unit of local government for the financing and construction of public water supply facilities unless and until the Agency adopts rules that set forth precise and complete standards, pursuant to Section 5-20 of the Illinois Administrative Procedure Act, for the termination of such grants. The Agency shall

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not make determinations on whether specific grant conditions are necessary to ensure the integrity of a project or on whether subagreements shall be awarded, with respect to grants for the financing and construction of public water supply facilities, unless and until the Agency adopts rules that set forth precise and complete standards, pursuant to Section 5-20 of the Illinois Administrative Procedure Act, for making such determinations. The Agency shall not issue a stop-work order in relation to such grants unless and until the Agency adopts precise and complete standards, pursuant to Section 5-20 of the Illinois Administrative Procedure Act, for determining whether to issue a stop-work order.

(y) The Agency shall have authority to release any person from further responsibility for preventive or corrective action under this Act following successful completion of preventive or corrective action undertaken by such person upon written request by the person.

(Source: P.A. 91-25, eff. 6-9-99.)

(415 ILCS 5/5) (from Ch. 111 1/2, par. 1005)

Sec. 5. Pollution Control Board.

(a) There is hereby created an independent board to be known as the Pollution Control Board, consisting of 7 technically qualified members, no more than 4 of whom may be of the same political party, to be appointed by the Governor with the advice and consent of the Senate. One of the members of the Board first appointed shall be appointed for an initial term expiring July 1, 1971; two members shall be appointed for initial terms expiring July 1, 1972; two members shall be appointed for initial terms expiring July 1, 1973; and the two members appointed pursuant to this amendatory Act of 1983 shall be appointed for initial terms expiring on July 1, 1986.

Notwithstanding any provision of this Section to the contrary, the term of office of each member of the Board is abolished on the effective date of this amendatory Act of 1985, but the incumbent members shall continue to exercise all of the powers and be subject to all of the duties of members of the Board until their respective successors are appointed and qualified. Thereafter, 3 members of the Board shall be appointed to initial terms expiring July 1, 1986; 2 members of the Board shall be appointed to initial terms expiring July 1, 1987; and 2 members of the Board shall be appointed to initial terms expiring July 1, 1988.

All members successors shall hold office for 3 years from the first day of July in the year in which they were appointed, except in case of an appointment to fill a vacancy. In case of a vacancy in the office when the Senate is not in session, the Governor may make a temporary appointment until the next meeting of the Senate, when he or she shall nominate some person to fill such office; and any person so nominated, who is confirmed by the Senate, shall hold the his office during the remainder of the term. If the Senate is not in session at the time this Act takes effect, the Governor shall make temporary appointments as in case of vacancies.

Members of the Board shall hold office until their respective successors have been appointed and qualified. Any member may resign from his office, such resignation to take effect when a his successor has been appointed and has qualified.

Board members shall be paid $30,000 per year until July 1, 1979; $33,000 from July

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1, 1979 to July 1, 1980, $34,900 from July 1, 1980 to July 1, 1981, and $37,000 per year thereafter, or an amount set by the Compensation Review Board, whichever is greater, and the Chairman shall be paid $35,000 per year until July 1, 1979, $38,500 from July 1, 1979 to July 1, 1980, $40,800 from July 1, 1980 to July 1, 1981 and $43,000 per year thereafter, or an amount set by the Compensation Review Board, whichever is greater. Each member shall be reimbursed for expenses necessarily incurred, shall devote full time to the performance of his or her duties and shall make a financial disclosure upon appointment. Each Board member may employ one secretary and one assistant, and the Chairman one secretary and 2 two assistants. The Board also may employ and compensate hearing officers to preside at hearings under this Act, and such other personnel as may be necessary. Hearing officers shall be attorneys licensed to practice law in Illinois.

The Governor shall designate one Board member to be Chairman, who shall serve at the pleasure of the Governor.

The Board shall hold at least one meeting each month and such additional meetings as may be prescribed by Board rules. In addition, special meetings may be called by the Chairman or by any 2 two Board members, upon delivery of 24 hours written notice to the office of each member. All Board meetings shall be open to the public, and public notice of all meetings shall be given at least 24 hours in advance of each meeting. In emergency situations in which a majority of the Board certifies that exigencies of time require the requirements of public notice and of 24 hour written notice to members may be dispensed with, and Board members shall receive such notice as is reasonable under the circumstances.

Four members of the Board shall constitute a quorum, and 4 votes shall be required for any final determination by the Board, except in a proceeding to remove a seal under paragraph (d) of Section 34 of this Act. The Board shall keep a complete and accurate record of all its meetings.

(b) The Board shall determine, define and implement the environmental control standards applicable in the State of Illinois and may adopt rules and regulations in accordance with Title VII of this Act.

(c) The Board shall have authority to act for the State in regard to the adoption of standards for submission to the United States under any federal law respecting environmental protection. Such standards shall be adopted in accordance with Title VII of the Act and upon adoption shall be forwarded to the Environmental Protection Agency for submission to the United States pursuant to subsections (l) and (m) of Section 4 of this Act. Nothing in this paragraph shall limit the discretion of the Governor to delegate authority granted to the Governor him under any federal law.

(d) The Board shall have authority to conduct proceedings hearings upon complaints charging violations of this Act, any rule or regulation adopted under this Act, or any permit or term or condition of a permit; upon administrative citations or of regulations thereunder; upon petitions for variances or adjusted standards; upon petitions for review of the Agency's final determinations on denial of a permit applications in accordance with Title X of this Act; upon petitions petition to remove seals a seal under Section 34 of this Act; and upon other petitions for review of final determinations which are made pursuant to this the Act or

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Board rule and which involve a subject which the Board is authorized to regulate. The Board may also conduct; and such other proceedings as may be provided by this Act or any other statute or rule.

(e) In connection with any proceeding pursuant to subsection (b) or (d) of this Section, the Board may subpoena and compel the attendance of witnesses and the production of evidence reasonably necessary to resolution of the matter under consideration. The Board shall issue such subpoenas upon the request of any party to a proceeding under subsection (d) of this Section or upon its own motion.

(f) The Board may prescribe reasonable fees for permits required pursuant to this Act. Such fees in the aggregate may not exceed the total cost to the Agency for its inspection and permit systems. The Board may not prescribe any permit fees which are different in amount from those established by this Act.

(Source: P.A. 84-1308.)

(415 ILCS 5/7) (from Ch. 111 1/2, par. 1007)

Sec. 7. Public inspection; fees.

(a) All files, records, and data of the Agency, the Board, and the Department shall be open to reasonable public inspection and may be copied upon payment of reasonable fees to be established where appropriate by the Agency, the Board, or the Department, except for the following:

(i) information which constitutes a trade secret;
(ii) information privileged against introduction in judicial proceedings;
(iii) internal communications of the several agencies;
(iv) information concerning secret manufacturing processes or confidential data submitted by any person under this Act.

(b) Notwithstanding subsection (a) above, as to information from or concerning persons subject to NPDES permit requirements:

(i) effluent data may under no circumstances be kept confidential; and

(ii) the Agency, the Board, and the Department may make available to the public for inspection and copying any required records, reports, information, permits, and permit applications obtained from contaminant sources subject to the provisions of Section 12 (f) of this Act; provided that upon a showing satisfactory to the Agency, the Board or the Department, as the case may be, by any person that such information, or any part thereof (other than effluent data) would, if made public, divulge methods or processes entitled to protection as trade secrets of such person, the Agency, the Board, or the Department, as the case may be, shall treat such information as confidential.

(c) Notwithstanding any other provision of this Title or any other law to the contrary, all emission data reported to or otherwise obtained by the Agency, the Board or the Department in connection with any examination, inspection or proceeding under this Act shall be available to the public to the extent required by the federal Clean Air Act, Amendments of 1977 (P.L. 95-95) as amended.

(d) Notwithstanding subsection (a) above, the quantity and identity of substances

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being placed or to be placed in landfills or hazardous waste treatment, storage or disposal facilities, and the name of the generator of such substances may under no circumstances be kept confidential.

(e) Notwithstanding any other provisions of this Title, or any other law to the contrary, any information accorded confidential treatment may be disclosed or transmitted to other officers, employees or authorized representatives of this State or of the United States concerned with or for the purposes of carrying out this Act or federal environmental statutes and regulations; provided, however, that such information shall be identified as confidential by the Agency, the Board, or the Department, as the case may be. Any confidential information disclosed or transmitted under this provision shall be used for the purposes stated herein.

(f) Except as provided in this Act neither the Agency, the Board, nor the Department shall charge any fee for the performance of its respective duties under this Act.

(g) All files, records and data of the Agency, the Board and the Department shall be made available to the Department of Public Health pursuant to the Illinois Health and Hazardous Substances Registry Act. Expenses incurred in the copying and transmittal of files, records and data requested pursuant to this subsection (g) shall be the responsibility of the Department of Public Health.

(Source: P.A. 85-1331.)

(415 ILCS 5/9.2) (from Ch. 111 1/2, par. 1009.2)
Sec. 9.2. Sulfur dioxide emission standards.
(a) (Blank.) The Agency shall review all Illinois sulfur dioxide emission standards for existing fuel combustion stationary emission sources located within the Chicago, St. Louis (Illinois), and Peoria major metropolitan areas and, if appropriate following such review, propose amendments to such standards to the Board by July 1, 1980, or within 90 days of receipt of the initial reports required pursuant to Section 6.1 of this Act, whichever is later. The standards proposed by the Agency shall be designed to enhance the use of Illinois coal, consistent with the need to attain and maintain the National Ambient Air Quality Standards for sulfur dioxide and particulate matter.

(b) In granting any alternative emission standard or variance relating to sulfur dioxide emissions from a coal-burning stationary source, the Board may require the use of Illinois coal as a condition of such alternative standard or variance, provided that the Board determines that Illinois coal of the proper quality is available and competitive in price; such determination shall include consideration of the cost of pollution control equipment and the economic impact on the Illinois coal mining industry.

(Source: P.A. 84-585.)

(415 ILCS 5/9.3) (from Ch. 111 1/2, par. 1009.3)
Sec. 9.3. Alternative control strategies.
(a) The General Assembly finds that control strategies, including emission limitations, alternative but environmentally equivalent to those required by Board regulations or the terms of this Act, can assure equivalent protection of the environment and that the use of such alternative control strategies can encourage technological innovation, reduce the

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likelihood of shutdown of older sources, and can result in decreased costs of compliance and increased availability of resources for use in productive capital investments.

(b) (Blank.) Within 120 days after the effective date of this amendatory Act of 1981, the Board shall adopt interim rules pursuant to the Illinois Administrative Procedure Act for the standards of issuance of permits to sources under Section 39.1, provided, that processing of permits under Section 39.1 is of vital benefit to the State, and may proceed immediately upon the effective date of this amendatory Act of 1981. Such interim rules shall be in effect until the effective date of Board regulations promulgated pursuant to subsection (c), below.

(c) On or before December 31, 1982, the Board shall adopt regulations establishing a permit program pursuant to Section 39.1 in accordance with Title VII of this Act.

(d) Board rules pursuant to this Section 9.3 shall set forth reasonable requirements for issuance of an alternative control strategy permit, provided that the Board may not impose any condition or requirement more stringent than required by the Clean Air Act or for compliance with this Act or other Board regulations thereunder. The Agency shall promptly adopt any necessary procedures for the administration of such permit programs. The burden of establishing that any procedure, condition or requirement imposed by the Agency in or for the issuance of a permit is more stringent than required by applicable law shall be upon the permit applicant.

(Source: P.A. 88-45.)

(415 ILCS 5/9.4) (from Ch. 111 1/2, par. 1009.4)

Sec. 9.4. Municipal waste incineration emission standards.

(a) The General Assembly finds:

(1) That air pollution from municipal waste incineration may constitute a threat to public health, welfare and the environment. The amounts and kinds of pollutants depend on the nature of the waste stream, operating conditions of the incinerator, and the effectiveness of emission controls. Under normal operating conditions, municipal waste incinerators produce pollutants such as organic compounds, metallic compounds and acid gases which may be a threat to public health, welfare and the environment.

(2) That a combustion and flue-gas control system, which is properly designed, operated and maintained, can substantially reduce the emissions of organic materials, metallic compounds and acid gases from municipal waste incineration.

(b) It is the purpose of this Section to insure that emissions from new municipal waste incineration facilities which burn a total of 25 tons or more of municipal waste per day are adequately controlled.

Such facilities shall be subject to emissions limits and operating standards based upon the application of Best Available Control Technology, as determined by the Agency, for emissions of the following categories of pollutants:

(1) particulate matter, sulfur dioxide and nitrogen oxides;
(2) acid gases;
(3) heavy metals; and
(4) organic materials.

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(c) The Agency shall issue permits, pursuant to Section 39, to new municipal waste incineration facilities only if the Agency finds that such facilities are designed, constructed and operated so as to comply with the requirements prescribed by this Section.

Prior to adoption of Board regulations under subsection (d) of this Section the Agency may issue permits for the construction of new municipal waste incineration facilities. The Agency determination of Best Available Control Technology shall be based upon consideration of the specific pollutants named in subsection (d), and emissions of particulate matter, sulfur dioxide and nitrogen oxides.

Nothing in this Section shall limit the applicability of any other Sections of this Act, or of other standards or regulations adopted by the Board, to municipal waste incineration facilities. In issuing such permits, the Agency may prescribe those conditions necessary to assure continuing compliance with the emission limits and operating standards determined pursuant to subsection (b); such conditions may include the monitoring and reporting of emissions.

(d) Within one year after July 1, 1986 the effective date of this amendatory Act of 1985, the Board shall adopt regulations pursuant to Title VII of this Act, which define the terms in items (2), (3) and (4) of subsection (b) of this Section which are to be used by the Agency in making its determination pursuant to this Section. The provisions of Section 27(b) of this Act shall not apply to this rulemaking.

Such regulations shall be written so that the categories of pollutants include, but need not be limited to, the following specific pollutants:

(1) hydrogen chloride in the definition of acid gases;
(2) arsenic, cadmium, mercury, chromium, nickel and lead in the definition of heavy metals; and
(3) polychlorinated dibenzo-p-dioxins, polychlorinated dibenzofurans and polynuclear aromatic hydrocarbons in the definition of organic materials.

(e) For the purposes of this Section, the term "Best Available Control Technology" means an emission limitation (including a visible emission standard) based on the maximum degree of pollutant reduction which the Agency, on a case-by-case basis, taking into account energy, environmental and economic impacts, determines is achievable through the application of production processes or available methods, systems and techniques, including fuel cleaning or treatment or innovative fuel combustion techniques. If the Agency determines that technological or economic limitations on the application of measurement methodology to a particular class of sources would make the imposition of an emission standard not feasible, it may instead prescribe a design, equipment, work practice or operational standard, or combination thereof, to require the application of best available control technology. Such standard shall, to the degree possible, set forth the emission reduction achievable by implementation of such design, equipment, work practice or operation and shall provide for compliance by means which achieve equivalent results.

(f) "Municipal waste incineration" means the burning of municipal waste or fuel derived therefrom in a combustion apparatus designed to burn municipal waste that may produce electricity or steam as a by-product. A "new municipal waste incinerator" is an
incinerator initially permitted for development or construction after January 1, 1986.

(g) The provisions of this Section shall not apply to industrial incineration facilities that burn waste generated at the same site.

(Source: P.A. 91-357, eff. 7-29-99.)

Sec. 12. Actions prohibited. No person shall:

(a) Cause or threaten or allow the discharge of any contaminants into the environment in any State so as to cause or tend to cause water pollution in Illinois, either alone or in combination with matter from other sources, or so as to violate regulations or standards adopted by the Pollution Control Board under this Act.

(b) Construct, install, or operate any equipment, facility, vessel, or aircraft capable of causing or contributing to water pollution, or designed to prevent water pollution, of any type designated by Board regulations, without a permit granted by the Agency, or in violation of any conditions imposed by such permit.

(c) Increase the quantity or strength of any discharge of contaminants into the waters, or construct or install any sewer or sewage treatment facility or any new outlet for contaminants into the waters of this State, without a permit granted by the Agency.

(d) Deposit any contaminants upon the land in such place and manner so as to create a water pollution hazard.

(e) Sell, offer, or use any article in any area in which the Board has by regulation forbidden its sale, offer, or use for reasons of water pollution control.

(f) Cause, threaten or allow the discharge of any contaminant into the waters of the State, as defined herein, including but not limited to, waters to any sewage works, or into any well or from any point source within the State, without an NPDES permit for point source discharges issued by the Agency under Section 39(b) of this Act, or in violation of any term or condition imposed by such permit, or in violation of any NPDES permit filing requirement established under Section 39(b), or in violation of any regulations adopted by the Board or of any order adopted by the Board with respect to the NPDES program.

No permit shall be required under this subsection and under Section 39(b) of this Act for any discharge for which a permit is not required under the Federal Water Pollution Control Act, as now or hereafter amended, and regulations pursuant thereto.

For all purposes of this Act, a permit issued by the Administrator of the United States Environmental Protection Agency under Section 402 of the Federal Water Pollution Control Act, as now or hereafter amended, shall be deemed to be a permit issued by the Agency pursuant to Section 39(b) of this Act. However, this shall not apply to the exclusion from the requirement of an operating permit provided under Section 13(b)(i).

Compliance with the terms and conditions of any permit issued under Section 39(b) of this Act shall be deemed compliance with this subsection except that it shall not be deemed compliance with any standard or effluent limitation imposed for a toxic pollutant injurious to human health.

In any case where a permit has been timely applied for pursuant to Section 39(b) of this Act but final administrative disposition of such application has not been made, it shall
not be a violation of this subsection to discharge without such permit unless the complainant proves that final administrative disposition has not been made because of the failure of the applicant to furnish information reasonably required or requested in order to process the application. For purposes of this provision, until implementing requirements have been established by the Board and the Agency, all applications deemed filed with the Administrator of the United States Environmental Protection Agency pursuant to the provisions of the Federal Water Pollution Control Act, as now or hereafter amended, shall be deemed filed with the Agency.

(g) Cause, threaten or allow the underground injection of contaminants without a UIC permit issued by the Agency under Section 39(d) of this Act, or in violation of any term or condition imposed by such permit, or in violation of any regulations or standards adopted by the Board or of any order adopted by the Board with respect to the UIC program.

No permit shall be required under this subsection and under Section 39(d) of this Act for any underground injection of contaminants for which a permit is not required under Part C of the Safe Drinking Water Act (P.L. 93-523), as amended, unless a permit is authorized or required under regulations adopted by the Board pursuant to Section 13 of this Act.

(h) Introduce contaminants into a sewage works from any nondomestic source except in compliance with the regulations and standards adopted by the Board under this Act.

(Source: P.A. 86-671.)

(415 ILCS 5/13.1) (from Ch. 111 1/2, par. 1013.1)


(a) (Blank.) The Department, in cooperation with the Environmental Protection Agency and the Department of Public Health, shall complete a study of groundwater quality in Illinois. Such study, at a minimum, shall include a compilation of currently available data on groundwater quality and a limited amount of taking of new water samples from existing wells to fill in major data gaps to provide a preliminary assessment of current levels of contamination of the groundwaters in the State by hazardous substances, and an identification of the location of critical underground resources such as recharge zones and high water tables. Such study shall give priority to the assessment of groundwater quality near hazardous waste facilities and shall include recommendations on priorities for future studies and research necessary to administer a groundwater protection program. The Agency and the Department of Public Health and any other State agency shall provide to the Department any information relating to groundwater quality necessary to complete the study. The Department shall complete its study by July 1, 1985 and shall report its findings to the Pollution Control Board, the Agency, the General Assembly and the Governor.

(b) The Agency shall establish a Statewide groundwater monitoring network. Such network shall include a sufficient number of testing wells to assess the current levels of contamination in the groundwaters of the State and to detect any future degradation of groundwater resources. The monitoring network shall give special emphasis to critical groundwater areas and to locations near hazardous waste disposal facilities. To the extent possible, the network shall utilize existing publicly or privately operated drinking water or monitoring wells.
(c) (Blank.) By January 1, 1986, the Agency shall formulate a groundwater protection plan. Such plan shall identify critical groundwaters that have been or are particularly susceptible to contamination by hazardous substances and probable sources of such contamination, and shall recommend the steps to be taken to prevent the degradation of the water quality of such areas. Such plan may also recommend the establishment of a system of classifying groundwaters based on their quality and use and for the establishment of groundwater quality standards. The Agency shall hold at least 3 public hearings, each at a different location within the State, before finalizing the plan. By January 1, 1986, the Agency shall report on its plan to the Governor, the General Assembly and the Pollution Control Board, along with recommendations for any legislation, regulations or administrative changes necessary to implement the groundwater protection plan.

(d) (Blank.) Following the completion of the groundwater quality study and the groundwater protection plan, the Pollution Control Board shall conduct public hearings on the results and recommendations as provided in Title VII of this Act. Upon conclusion of such hearings, the Board shall publish its findings and conclusions on the areas covered by the study and the plan and the testimony received.

(415 ILCS 5/14.1) (from Ch. 111 1/2, par. 1014.1)
Sec. 14.1. Community water supply; minimum setback zone. A minimum setback zone is established for the location of each new community water supply well as follows:
(a) No new community water supply well may be located within 200 feet of any potential primary or potential secondary source or any potential route.
(b) No new community water supply well deriving water from fractured or highly permeable bedrock or from an unconsolidated and unconfined sand and gravel formation may be located within 400 feet of any potential primary or potential secondary source or any potential route. Such 400 foot setback is not applicable to any new community water supply well where the potential primary or potential secondary source is located within a site for which certification is currently in effect pursuant to Section 14.5.
(c) Nothing in this Section shall affect any location and construction requirement imposed in Section 6 of the "Illinois Water Well Construction Code", approved August 20, 1965, as amended, and the regulations promulgated thereunder.
(d) For the purposes of this Section, a community water supply well is "new" if it is constructed after September 24, 1987, the effective date of this Section.
(e) Nothing in this Section shall affect the minimum distance requirements for new community water supply wells relative to common sources of sanitary pollution as specified by rules adopted under Section 17 of this Act.

(415 ILCS 5/14.2) (from Ch. 111 1/2, par. 1014.2)
Sec. 14.2. New potential source or route; minimum setback zone. A minimum setback zone is established for the location of each new potential source or new potential route as follows:
(a) Except as provided in subsections (b), (c) and (h) of this Section, no new potential

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route or potential primary source or potential secondary source may be placed within 200 feet of any existing or permitted community water supply well or other potable water supply well.

(b) The owner of a new potential primary source or a potential secondary source or a potential route may secure a waiver from the requirement of subsection (a) of this Section for a potable water supply well other than a community water supply well. A written request for a waiver shall be made to the owner of the water well and the Agency. Such request shall identify the new or proposed potential source or potential route, shall generally describe the possible effect of such potential source or potential route upon the water well and any applicable technology-based controls which will be utilized to minimize the potential for contamination, and shall state whether, and under what conditions, the requestor will provide an alternative potable water supply. Waiver may be granted by the owner of the water well no less than 90 days after receipt of the request unless prior to such time the Agency notifies the well owner that it does not concur with the request.

The Agency shall not concur with any such request which fails to accurately describe reasonably foreseeable effects of the potential source or potential route upon the water well or any applicable technology-based controls. Such notification by the Agency shall be in writing, and shall include a statement of reasons for the nonconcurrency. Waiver of the minimum setback zone established under subsection (a) of this Section shall extinguish the water well owner's rights under Section 6b of the Illinois Water Well Construction Code but shall not preclude enforcement of any law regarding water pollution. If the owner of the water well has not granted a waiver within 120 days after receipt of the request or the Agency has notified the owner that it does not concur with the request, the owner of a potential source or potential route may file a petition for an exception with the Board and the Agency pursuant to subsection (c) of this Section.

No waiver under this Section is required where the potable water supply well is part of a private water system as defined in the Illinois Groundwater Protection Act, and the owner of such well will also be the owner of a new potential secondary source or a potential route. In such instances, a prohibition of 75 feet shall apply and the owner shall notify the Agency of the intended action so that the Agency may provide information regarding the potential hazards associated with location of a potential secondary source or potential route in close proximity to a potable water supply well.

(c) The Board may grant an exception from the setback requirements of this Section and subsection (e) of Section 14.3 to the owner of a new potential route, a new potential primary source other than landfilling or land treating, or a new potential secondary source. The owner seeking an exception with respect to a community water supply well shall file a petition with the Board and the Agency. The owner seeking an exception with respect to a potable water supply well other than a community water supply well shall file a petition with the Board and the Agency, and set forth therein the circumstances under which a waiver has been sought but not obtained pursuant to subsection (b) of this Section. A petition shall be accompanied by proof that the owner of each potable water supply well for which setback requirements would be affected by the requested exception has been notified and been provided with a copy of the petition. A petition shall set forth such facts as may be required

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to support an exception, including a general description of the potential impacts of such potential source or potential route upon groundwaters and the affected water well, and an explanation of the applicable technology-based controls which will be utilized to minimize the potential for contamination of the potable water supply well.

The Board shall grant an exception, whenever it is found upon presentation of adequate proof, that compliance with the setback requirements of this Section would pose an arbitrary and unreasonable hardship upon the petitioner, that the petitioner will utilize the best available technology controls economically achievable to minimize the likelihood of contamination of the potable water supply well, that the maximum feasible alternative setback will be utilized, and that the location of such potential source or potential route will not constitute a significant hazard to the potable water supply well.

Not later than January 1, 1988, the Board shall adopt procedural rules governing requests for exceptions under this subsection. The rulemaking provisions of Title VII of this Act and of Section 5-35 of the Illinois Administrative Procedure Act shall not apply to such rules. A decision made by the Board pursuant to this subsection shall constitute a final determination.

The granting of an exception by the Board shall not extinguish the water well owner’s rights under Section 6b of the Illinois Water Well Construction Code in instances where the owner has elected not to provide a waiver pursuant to subsection (b) of this Section.

(d) Except as provided in subsections (c) and (h) of this Section, and Section 14.5, no new potential route or potential primary source or potential secondary source may be placed within 400 feet of any existing or permitted community water supply well deriving water from an unconfined shallow fractured or highly permeable bedrock formation or from an unconsolidated and unconfined sand and gravel formation. The Agency shall notify, not later than January 1, 1988, the owner and operator of each existing well which is afforded this setback protection and shall maintain a directory of all community water supply wells to which the 400 foot minimum setback zone applies.

(e) The minimum setback zones established under subsections (a) and (b) of this Section shall not apply to new common sources of sanitary pollution as specified pursuant to Section 17 and the regulations adopted thereunder by the Agency; however, no such common sources may be located within the applicable minimum distance from a community water supply well specified by such regulations.

(f) Nothing in this Section shall be construed as limiting the power of any county or municipality to adopt ordinances which are consistent with but not more stringent than the prohibitions herein.

(g) Nothing in this Section shall preclude any arrangement under which the owner or operator of a new source or route does the following:

1. purchases an existing water supply well and attendant property with the intent of eventually abandoning or totally removing the well;

2. replaces an existing water supply well with a new water supply of substantially equivalent quality and quantity as a precondition to locating or constructing such source or route;

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(3) implements any other arrangement which is mutually agreeable with the owner of a water supply well; or

(4) modifies the on-site storage capacity at an agrichemical facility such that the volume of pesticide storage does not exceed 125% of the available capacity in existence on April 1, 1990, or the volume of fertilizer storage does not exceed 150% of the available capacity in existence on April 1, 1990; provided that a written endorsement for an agrichemical facility permit is in effect under Section 39.4 of this Act and the maximum feasible setback is maintained. This on-site storage capacity includes mini-bulk pesticides, package agrichemical storage areas, liquid or dry fertilizers, and liquid or dry pesticides.

(h) A new potential route, which is an excavation for stone, sand or gravel and which becomes active on lands which were acquired or were being held as mineral reserves prior to September 24, 1987, shall only be subject to the setback requirements of subsections (a) and (d) of this Section with respect to any community water supply well, non-community water system well, or semi-private water system well in existence prior to January 1, 1988. (Source: P.A. 90-14, eff. 7-1-97.)

(415 ILCS 5/14.3) (from Ch. 111 1/2, par. 1014.3)

Sec. 14.3. Community water supply; maximum setback zone. A maximum setback zone may be established for a community water supply well as follows:

(a) Owners of community water supplies which utilize any water well, or any county or municipality served by any community water supply well, may determine the lateral area of influence of the well under normal operational conditions. The Agency shall adopt procedures by which such determinations may be made including, where appropriate, pumping tests and estimation techniques.

(b) Where the results of any determination made pursuant to subsection (a) of this Section disclose that the distance from the well to the outermost boundary of the lateral area of influence of the well under normal operational conditions exceeds the radius of the minimum setback zone established for that well pursuant to Section 14.2, any county or municipality served by such water supply may in writing request the Agency to review and confirm the technical adequacy of such determination. The Agency shall, within 90 days of the request, notify the county or municipality whether the determination is technically adequate for describing the outer boundary of drawdown of the affected groundwater by the well under normal operational conditions. Any action by the Agency hereunder shall be in writing and shall constitute a final determination of the Agency.

(c) Upon receipt of Agency confirmation of the technical adequacy of such determination, the county or municipality may, after notice and opportunity for comment, adopt an ordinance setting forth the location of each affected well and specifying the boundaries of a maximum setback zone, which boundaries may be irregular. In no event, however, shall any portion of such a boundary be in excess of 1,000 feet from the wellhead, except as provided by subsection (f) of this Section. Such ordinance shall include the area within the applicable minimum setback zone and shall incorporate requirements which are consistent with but not more stringent than the prohibitions of this Act and the regulations.
promulgated by the Board under Section 14.4, except as provided by subsection (f) of this Section. Upon adoption, the county or municipality shall provide a copy of the ordinance to the Agency. Any county or municipality which fails to adopt such an ordinance within 2 years of receipt of Agency confirmation of technical adequacy may not proceed under the authority of this Section without obtaining a new confirmation of the technical adequacy pursuant to subsection (b) of this Section.

(d) After July 1, 1989, and upon written notice to the county or municipality, the Agency may propose to the Board a regulation establishing a maximum setback zone for any well subject to this Section. Such proposal shall be based upon all reasonably available hydrogeologic information, include the justification for expanding the zone of wellhead protection, and specify the boundaries of such zone, no portion of which boundaries shall be in excess of 1,000 feet from the wellhead. Such justification may include the need to protect a sole source of public water supply or a highly vulnerable source of groundwater, or an Agency finding that the presence of potential primary or potential secondary sources or potential routes represents a significant hazard to the public health or the environment. The Agency may proceed with the filing of such a proposal unless the county or municipality, within 30 days of the receipt of the written notice, files a written request for a conference with the Agency. Upon receipt of such a request, the Agency shall schedule a conference to be held within 90 days thereafter. At the conference, the Agency shall inform the county or municipality regarding the proposal. Within 30 days after the conference, the affected unit of local government may provide written notice to the Agency of its intent to establish a maximum setback zone in lieu of the Agency acting on a proposal. Upon receipt of such a notice of intent, the Agency may not file a proposal with the Board for a period of 6 months. Rulemaking proceedings initiated by the Agency under this subsection shall be conducted by the Board pursuant to Title VII of this Act, except that subsection (b) of Section 27 shall not apply.

Nothing in this Section shall be construed as limiting the general authority of the Board to promulgate regulations pursuant to Title VII of this Act. Nothing in this subsection shall limit the right of any person to participate in rulemaking proceedings conducted by the Board under this subsection.

(e) Except as provided in subsection (c) of Section 14.2, no new potential primary source shall be placed within the maximum setback zone established for any community water supply well pursuant to subsection (c) or (d) of this Section. Nothing in this subsection shall be construed as limiting the power of any county or municipality to adopt ordinances which are consistent with but not more stringent than the prohibition as stated herein.

(f) If an active community water supply well is withdrawing groundwater from within the alluvial deposits and is located within 1000 feet of public waters, the boundaries of a maximum setback zone adopted by ordinance pursuant to subsection (c) may be established to a distance of 2,500 feet from the wellhead. No new potential route shall be placed, operated or utilized within the maximum setback zone established for any community water supply well pursuant to this subsection. Restrictions provided in subsection (e) shall not be applied beyond 1,000 feet from the wellhead for maximum setback zones adopted pursuant

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to this subsection. An ordinance which creates a maximum setback zone as described by this subsection shall also be consistent with subsections (a), (b) and (c) of this Section, including incorporation of requirements which are consistent with but no more stringent than the prohibitions of this amendatory Act of 1989. For purposes of this subsection, the term "public waters" means public waters as defined in Section 18 of the Rivers, Lakes, and Streams Act, An Act in relation to the regulation of the rivers, lakes and streams of the State of Illinois, approved June 10, 1911, as now or hereafter amended. 

(Source: P.A. 86-125.)

(415 ILCS 5/14.4) (from Ch. 111 1/2, par. 1014.4)

(a) No later than January 1, 1989, the Agency, after consultation with the Interagency Coordinating Committee on Groundwater and the Groundwater Advisory Council, shall propose regulations to the Board prescribing standards and requirements for the following activities:

(1) landfilling, land treating, surface impounding or piling of special waste and other wastes which could cause contamination of groundwater and which are generated on the site, other than hazardous, livestock and landscape waste, and construction and demolition debris;

(2) storage of special waste in an underground storage tank for which federal regulatory requirements for the protection of groundwater are not applicable;

(3) storage and related handling of pesticides and fertilizers at a facility for the purpose of commercial application;

(4) storage and related handling of road oils and de-icing agents at a central location; and

(5) storage and related handling of pesticides and fertilizers at a central location for the purpose of distribution to retail sales outlets.

In preparing such regulation, the Agency shall provide as it deems necessary for more stringent provisions for those activities enumerated in this subsection which are not already in existence. Any activity for which such standards and requirements are proposed may be referred to as a new activity. For the purposes of this Section, the term "commercial application" shall not include the use of pesticides or fertilizers in a manner incidental to the primary business activity.

(b) No later than October 1, 1993, the Board shall promulgate appropriate regulations for existing activities. In promulgating these regulations, the Board shall, in addition to the factors set forth in Title VII of this Act, consider the following:

(1) appropriate programs for water quality monitoring;

(2) reporting, recordkeeping and remedial response measures;

(3) appropriate technology-based measures for pollution control; and

(4) requirements for closure or discontinuance of operations.

Such regulations as are promulgated pursuant to this subsection shall be for the express purpose of protecting groundwaters. The applicability of such regulations shall be limited to any existing activity which is located:

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(A) within a setback zone regulated by this Act, other than an activity located on the same site as a non-community water system well and for which the owner is the same for both the activity and the well; or
(B) within a regulated recharge area as delineated by Board regulation, provided that:
   (i) the boundary of the lateral area of influence of a community water supply well located within the recharge area includes such activity therein;
   (ii) the distance from the wellhead of the community water supply to the activity does not exceed 2500 feet; and
   (iii) the community water supply well was in existence prior to January 1, 1988.

In addition, the Board shall ensure that the promulgated regulations are consistent with and not pre-emptive of the certification system provided by Section 14.5. Pursuant to this amendatory Act of 1992, the Board shall modify the regulations adopted under this subsection to provide an exception for existing activities subject to Section 14.6. In taking this action, the Board shall proceed in an expeditious manner to prevent affected activities from being in noncompliance on or after January 1, 1993.

(c) Concurrently with the action mandated by subsection (a), the Agency shall evaluate, with respect to the protection of groundwater, the adequacy of existing federal and State regulations regarding the disposal of hazardous waste and the offsite disposal of special and municipal wastes. The Agency shall then propose, as it deems necessary, additional regulations for such new disposal activities as may be necessary to achieve a level of groundwater protection that is consistent with the regulations proposed under subsection (a) of this Section.

(d) Following receipt of proposed regulations submitted by the Agency pursuant to subsection (a) of this Section, the Board shall promulgate appropriate regulations for new activities. In promulgating these regulations, the Board shall, in addition to the factors set forth in Title VII of this Act, consider the following:
   (1) appropriate programs for water quality monitoring, including, where appropriate, notification limitations to trigger preventive response activities;
   (2) design practices and technology-based measures appropriate for minimizing the potential for groundwater contamination;
   (3) reporting, recordkeeping and remedial response measures; and
   (4) requirements for closure or discontinuance of operations.

Such regulations as are promulgated pursuant to this subsection shall be for the express purpose of protecting groundwaters. The applicability of such regulations shall be limited to any new activity which is to be located within a setback zone regulated by this Act, or which is to be located within a regulated recharge area as delineated by Board regulation. In addition, the Board shall ensure that the promulgated regulations are consistent with and not pre-emptive of the certification system provided by Section 14.5. Pursuant to this amendatory Act of 1992, the Board shall modify the regulations adopted under this subsection to provide an exception for new activities subject to Section 14.6. In taking this

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action, the Board shall proceed in an expeditious manner to prevent affected activities from being in noncompliance on or after January 1, 1993.

(e) Nothing in this Section shall be construed as prohibiting any person for whom regulations are promulgated by the Board pursuant to subsection (b) or (c) of this Section, from proposing and obtaining, concurrently with the regulations proposed by the Agency pursuant to subsection (a) of this Section, a rule specific to individual persons or sites pursuant to Title VII of this Act which codifies alternative groundwater protection methods that provide substantially equivalent protection for community water supplies.

(f) Nothing in this Section shall be construed as limiting the power of any county or municipality to adopt ordinances, which are consistent with but not more stringent than the regulations adopted by the Board pursuant to this Section, for application of standards and requirements within such setback zones as are provided by this Act.

(g) The Agency shall prepare a groundwater protection regulatory agenda for submittal to the Interagency Coordinating Committee on Groundwater and the Groundwater Advisory Council. In preparing this agenda, the Agency shall consider situations where gaps may exist in federal or State regulatory protection for groundwater, or where further refinements could be necessary to achieve adequate protection of groundwater.

(h) Nothing in this Section shall be construed as limiting the general authority of the Board to promulgate regulations pursuant to Title VII of this Act.

(i) The Board's rulemaking with respect to subsection (a)(3) of this Section shall take into account the relevant aspects of the Department of Agriculture's Part 255 regulations which specify containment rules for agrichemical facilities.

(Source: P.A. 87-1108.)

(415 ILCS 5/14.6) (from Ch. 111 1/2, par. 1014.6)

Sec. 14.6. Agrichemical facilities.

(a) Notwithstanding the provisions of Section 14.4, groundwater protection for storage and related handling of pesticides and fertilizers at a facility for the purpose of commercial application or at a central location for the purpose of distribution to retail sales outlets may be provided by adherence to the provisions of this Section. For any such activity to be subject to this Section, the following action must be taken by an owner or operator:

(1) with respect to agrichemical facilities, as defined by the Illinois Pesticide Act, the Illinois Fertilizer Act and regulations adopted thereunder, file a written notice of intent to be subject to the provisions of this Section with the Department of Agriculture by January 1, 1993, or within 6 months after the date on which a maximum setback zone is established or a regulated recharge area regulation is adopted that affects such a facility;

(2) with respect to lawn care facilities that are subject to the containment area provisions of the Lawn Care Products Application and Notice Act and its regulations, file a written notice of intent to be subject to the provisions of this Section with the Department of Agriculture by January 1, 1993, or within 6 months after the date on which a maximum setback zone is established or a regulated recharge area regulation is adopted that affects such a facility;

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(3) with respect to a central distribution location that is not an agrichemical facility, certify intent to be subject to the provisions of this Section on the appropriate license or renewal application form submitted to the Department of Agriculture; or
(4) with respect to any other affected facility, certify intent to be subject to the provisions of this Section on the appropriate renewal application forms submitted to the Department of Agriculture or other appropriate agency.

An owner or operator of a facility that takes the action described in this subsection shall be subject to the provisions of this Section and shall not be regulated under the provisions of Section 14.4, except as provided in subsection (d) of this Section and unless a regulatory program is not in effect by January 1, 1994, pursuant to subsection (b) or (c) of this Section. The Department of Agriculture or other appropriate agency shall provide copies of the written notices and certifications to the Agency. For the purposes of this subsection, the term "commercial application" shall not include the use of pesticides or fertilizers in a manner incidental to the primary business activity.

(b) The Agency and Department of Agriculture shall cooperatively develop a program for groundwater protection for designated facilities or sites consistent with the activities specified in subsection (a) of this Section. In developing such a program, the Agency and the Department of Agriculture shall consult with affected interests and take into account relevant information. Based on such agreed program, the Department of Agriculture shall adopt appropriate regulatory requirements by January 1, 1994, for the designated facilities or sites and administer a program. At a minimum, the following considerations must be adequately addressed as part of such program:

(1) a facility review process, using available information when appropriate, to determine those sites where groundwater monitoring will be implemented;
(2) requirements for groundwater quality monitoring for sites identified under item (1);
(3) reporting, response, and operating practices for the types of designated facilities; and
(4) requirements for closure or discontinuance of operations.

(c) The Agency may enter into a written agreement with any State agency to operate a cooperative program for groundwater protection for designated facilities or sites consistent with the activities specified in subparagraph (4) of subsection (a) of this Section. Such State agency shall adopt appropriate regulatory requirements for the designated facilities or sites and necessary procedures and practices to administer the program.

(d) The Agency shall ensure that any facility that is subject to this Section is in compliance with applicable provisions as specified in subsection (b) or (c) of this Section. To fulfill this responsibility, the Agency may rely on information provided by another State agency or other information that is obtained on a direct basis. If a facility is not in compliance with the applicable provisions, or a deficiency in the execution of a program affects such a facility, the Agency may so notify the facility of this condition and shall provide 30 days for a written response to be filed. The response may describe any actions taken by the owner which relate to the condition of noncompliance. If the response is

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deficient or untimely, the Agency shall serve notice upon the owner that the facility is subject to the applicable provisions of Section 14.4 of this Act and regulations adopted thereunder.

(e) (Blank.) After January 1, 1993, and before January 1, 1994, an owner or operator of a facility that is subject to the provisions of this Section may withdraw the notice given under subsection (a) of this Section by filing a written withdrawal statement with the Department of Agriculture. Within 45 days after such filing and after consultation with the Agency, the Department of Agriculture shall provide written confirmation to the owner or operator that the facility is no longer subject to the provisions of this Section and must comply with the applicable provisions of Section 14.4 within 90 days after receipt of the confirmation. The Department of Agriculture shall provide copies of the written confirmations to the Agency.

(f) After January 1, 1994, and before one year after the date on which a maximum setback zone is established or a regulated recharge area regulation is adopted that affects a facility subject to the provisions of this Section, an owner or operator of such a facility may withdraw the notice given under subsection (a) of this Section by filing a written withdrawal statement with the Department of Agriculture. Within 45 days after such filing and after consultation with the Agency, the Department of Agriculture shall provide written confirmation to the owner or operator that the facility is no longer subject to the provisions of this Section and must comply with the applicable provisions of Section 14.4 within 90 days after receipt of the confirmation. The Department of Agriculture shall provide copies of the written confirmations to the Agency.

(g) On or after August 11, the effective date of this amendatory Act of 1994, an owner or operator of an agrichemical facility that is subject to the provisions of Section 14.4 and regulations adopted thereunder solely because of the presence of an on-site potable water supply well that is not a non-community water supply may file a written notice with the Department of Agriculture by January 1, 1995 declaring the facility to be subject to the provisions of this Section. When that action is taken, the regulatory requirements of subsection (b) of this Section shall be applicable beginning January 1, 1995. During the period from January 1, 1993 through December 31, 1994, any facility described in this subsection shall not be subject to regulation under Section 14.4 of this Act. Beginning on January 1, 1995, such facilities shall be subject to either Section 14.4 or this Section depending on the action taken under this subsection. An owner or operator of an agrichemical facility that is subject to this Section because a written notice was filed under this subsection shall do all of the following:

(1) File a facility review report with the Department of Agriculture on or before February 28, 1995 consistent with the regulatory requirements of subsection (b) of this Section.

(2) Implement an approved monitoring program within 120 days of receipt of the Department of Agriculture's determination or a notice to proceed from the Department of Agriculture. The monitoring program shall be consistent with the requirements of subsection (b) of this Section.

(3) Implement applicable operational and management practice requirements
and submit a permit application or modification to meet applicable structural provisions consistent with those in subsection (b) of this Section on or before July 1, 1995 and complete construction of applicable structural requirements on or before January 1, 1996.

Notwithstanding the provisions of this subsection, an owner or operator of an agrichemical facility that is subject to the provisions of Section 14.4 and regulations adopted thereunder solely because of the presence of an on-site private potable water supply well may file a written notice with the Department of Agriculture before January 1, 1995 requesting a release from the provisions of Section 14.4 and this Section. Upon receipt of a request for release, the Department of Agriculture shall conduct a site visit to confirm the private potable use of the on-site well. If private potable use is confirmed, the Department shall provide written notice to the owner or operator that a release cannot be given. No action in this subsection shall be precluded by the on-site non-potable use of water from an on-site private potable water supply well.

(Source: P.A. 92-113, eff. 7-20-01.)

(415 ILCS 5/17) (from Ch. 111 1/2, par. 1017)

Sec. 17. Rules; chlorination requirements.

(a) The Board may adopt regulations governing the location, design, construction, and continuous operation and maintenance of public water supply installations, changes or additions which may affect the continuous sanitary quality, mineral quality, or adequacy of the public water supply, pursuant to Title VII of this Act.

(b) The Agency shall exempt from any mandatory chlorination requirement of the Board any community water supply which meets all of the following conditions:

1. The population of the community served is not more than 5,000;
2. Has as its only source of raw water one or more properly constructed wells into confined geologic formations not subject to contamination;
3. Has no history of persistent or recurring contamination, as indicated by sampling results which show violations of finished water quality requirements, for the most recent five-year period;
4. Does not provide any raw water treatment other than fluoridation;
5. Has an active program approved by the Agency to educate water supply consumers on preventing the entry of contaminants into the water system;
6. Has a certified operator of the proper class, or if it is an exempt community public water supply, has a registered person responsible in charge of operation of the public water supply;
7. Submits samples for microbiological analysis at twice the frequency specified in the Board regulations; and
8. A unit of local government seeking to exempt its public water supply from the chlorination requirement under this subsection (b) on or after September 9, the effective date of this amendatory Act of 1983 shall be required to receive the approval of the voters of such unit.

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local government. The proposition to exempt the community water supply from the mandatory chlorination requirement shall be placed on the ballot if the governing body of the local government adopts an ordinance or resolution directing the clerk of the local government to place such question on the ballot. The clerk shall cause the election officials to place the proposition on the ballot at the next election at which such proposition may be voted upon if a certified copy of the adopted ordinance or resolution is filed in his office at least 90 days before such election. The proposition shall also be placed on the ballot if a petition containing the signatures of at least 10% of the eligible voters residing in the local government is filed with the clerk at least 90 days before the next election at which the proposition may be voted upon. The proposition shall be in substantially the following form:

--------------------------------------------------------------------------------------------
Shall the community water supply of ..... (specify the unit of local government) be exempt from the mandatory chlorination requirement of the State of Illinois?
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If the majority of the voters of the local government voting therein vote in favor of the proposition, the community water supply of that local government shall be exempt from the mandatory chlorination requirement, provided that the other requirements under this subsection (b) are met. If the majority of the vote is against such proposition, the community water supply may not be exempt from the mandatory chlorination requirement.

Agency decisions regarding exemptions under this subsection may be appealed to the Board pursuant to the provisions of Section 40(a) of this Act.

(c) Any supply showing contamination in its distribution system (including finished water storage) may be required to chlorinate until the Agency has determined that the source of contamination has been removed and all traces of contamination in the distribution system have been eliminated. Standby chlorination equipment may be required by the Agency if a supply otherwise exempt from chlorination shows frequent or gross episodes of contamination.

(Source: P.A. 83-273.)

(415 ILCS 5/19.10)
Sec. 19.10. Re-enactment of Title IV-A; findings; purpose; validation.
(a) The General Assembly finds and declares that:

(1) Title IV-A (consisting of Sections 19.1 through 19.9) was first added to the Environmental Protection Act by Article III of Public Act 85-1135, effective September 1, 1988. In its original form, Title IV-A created the Water Pollution Control Revolving Fund and authorized the Illinois Environmental Protection Agency to establish a program for providing units of local government with low-cost loans to be used to construct wastewater treatment works. The loans are paid from the Revolving Fund, which consists primarily of a combination of federal grant...

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money, State matching money, and money that has been repaid on past loans.

(2) In 1995, Title IV-A was amended by Public Act 89-27, effective January 1, 1997, which created the Loan Support Program and made other changes. The Loan Support Program provides financing for certain administrative costs of the Agency. It specifically includes the costs of developing a loan program for public water supply projects.

(3) Title IV-A was amended by Public Act 90-121, effective July 17, 1997, which changed the name of the Water Pollution Control Revolving Fund to the Water Revolving Fund and created the Public Water Supply Loan Program. Under this program, the Agency is authorized to make low-interest loans to units of local government for the construction of public water supply facilities.

(4) Title IV-A has also been amended by Public Act 86-671, effective September 1, 1989; P.A. 86-820, effective September 7, 1989; and P.A. 90-372, effective July 1, 1998.

(5) Article III, Section 6, of Public Act 85-1135 amended the Build Illinois Bond Act. Among other changes to that Act, P.A. 85-1135 authorized the deposit of up to $70,000,000 into the Water Pollution Control Revolving Fund to be used for the Title IV-A loan program.

(6) Article III of Public Act 85-1135 also added Section 5.237 to the State Finance Act. This Section added the Water Pollution Control Revolving Fund to the list of special funds in the State Treasury. The Section was renumbered as Section 5.238 by a revisory bill, Public Act 85-1440, effective February 1, 1989. Although the name of the Fund was changed by Public Act 90-121, that Act did not make the corresponding change in Section 5.238.

(7) Over the 10 years that it has administered Title IV-A programs, the Agency has entered into loan agreements with hundreds of units of local government and provided hundreds of millions of dollars of financial assistance for water pollution control projects. There are currently many active Title IV-A loans in the disbursement phase and many more that are in the process of being repaid. The Agency continues to receive many new applications each year.

(8) Public Act 85-1135, which created Title IV-A, also contained provisions relating to tax reform and State bonds.

(9) On August 26, 1998, the Cook County Circuit Court entered an order in the case of Oak Park Arms Associates v. Whitley (No. 92 L 51045), in which it found that Public Act 85-1135 violates the single subject clause of the Illinois Constitution (Article IV, Section 8(d)). As of the time this amendatory Act of 1999 was prepared, the order declaring P.A. 85-1135 invalid has been vacated but the case is subject to appeal.

(10) The projects funded under Title IV-A affect the vital areas of wastewater and sewage disposal and drinking water supply and are important for the continued health, safety, and welfare of the people of this State.

(b) It is the purpose of this amendatory Act of 1999 (Public Act 91-52) to prevent or
minimize any disruption to the programs administered under Title IV-A that may result from challenges to the constitutional validity of Public Act 85-1135.

(c) This amendatory Act of 1999 (P.A. 91-52) re-enacts Title IV-A of the Environmental Protection Act as it has been amended. This re-enactment is intended to ensure the continuation of the programs administered under that Title and, if necessary, to recreate them. The material in Sections 19.1 through 19.9 is shown as existing text (i.e., without underscoring) because, as of the time this amendatory Act of 1999 was prepared, the order declaring P.A. 85-1135 invalid has been vacated. Section 19.7 has been omitted because it was repealed by Public Act 90-372, effective July 1, 1998.

Section 4.1 is added to the Build Illinois Bond Act to re-authorize the deposit of funds into the Water Pollution Control Revolving Fund.

Section 5.238 of the State Finance Act is both re-enacted and amended to reflect the current name of the Water Revolving Fund.

(d) The re-enactment of Title IV-A of the Environmental Protection Act by this amendatory Act of 1999 (P.A. 91-52) is intended to remove any question as to the validity or content of Title IV-A; it is not intended to supersede any other Public Act that amends the text of a Section as set forth in this amendatory Act. This re-enactment is not intended, and shall not be construed, to imply that Public Act 85-1135 is invalid or to limit or impair any legal argument concerning (1) whether the Agency has express or implied authority to administer loan programs in the absence of Title IV-A, or (2) whether the provisions of Title IV-A were substantially re-enacted by P.A. 89-27 or 90-121.

(e) All otherwise lawful actions taken before June 30, 1999 (the effective date of P.A. 91-52) this amendatory Act of 1999 by any employee, officer, agency, or unit of State or local government or by any other person or entity, acting in reliance on or pursuant to Title IV-A of the Environmental Protection Act, as set forth in Public Act 85-1135 or as subsequently amended, are hereby validated.

(f) All otherwise lawful obligations arising out of loan agreements entered into before June 30, 1999 (the effective date of P.A. 91-52) this amendatory Act of 1999 by the State or by any employee, officer, agency, or unit of State or local government, acting in reliance on or pursuant to Title IV-A of the Environmental Protection Act, as set forth in Public Act 85-1135 or as subsequently amended, are hereby validated and affirmed.

(g) All otherwise lawful deposits into the Water Pollution Control Revolving Fund made before June 30, 1999 (the effective date of P.A. 91-52) this amendatory Act of 1999 in accordance with Section 4 of the Build Illinois Bond Act, as set forth in Public Act 85-1135 or as subsequently amended, and the use of those deposits for the purposes of Title IV-A of the Environmental Protection Act, are hereby validated.

(h) This amendatory Act of 1999 (P.A. 91-52) applies, without limitation, to actions pending on or after the effective date of this amendatory Act.

(Source: P.A. 91-52, eff. 6-30-99.)

(415 ILCS 5/21) (from Ch. 111 1/2, par. 1021)

Sec. 21. Prohibited acts. No person shall:

(a) Cause or allow the open dumping of any waste.
(b) Abandon, dump, or deposit any waste upon the public highways or other public property, except in a sanitary landfill approved by the Agency pursuant to regulations adopted by the Board.

(c) Abandon any vehicle in violation of the "Abandoned Vehicles Amendment to the Illinois Vehicle Code", as enacted by the 76th General Assembly.

(d) Conduct any waste-storage, waste-treatment, or waste-disposal operation:

(1) without a permit granted by the Agency or in violation of any conditions imposed by such permit, including periodic reports and full access to adequate records and the inspection of facilities, as may be necessary to assure compliance with this Act and with regulations and standards adopted thereunder; provided, however, that, except for municipal solid waste landfill units that receive waste on or after October 9, 1993, no permit shall be required for (i) any person conducting a waste-storage, waste-treatment, or waste-disposal operation for wastes generated by such person's own activities which are stored, treated, or disposed within the site where such wastes are generated, or (ii) a facility located in a county with a population over 700,000, operated and located in accordance with Section 22.38 of this Act, and used exclusively for the transfer, storage, or treatment of general construction or demolition debris;

(2) in violation of any regulations or standards adopted by the Board under this Act; or

(3) which receives waste after August 31, 1988, does not have a permit issued by the Agency, and is (i) a landfill used exclusively for the disposal of waste generated at the site, (ii) a surface impoundment receiving special waste not listed in an NPDES permit, (iii) a waste pile in which the total volume of waste is greater than 100 cubic yards or the waste is stored for over one year, or (iv) a land treatment facility receiving special waste generated at the site; without giving notice of the operation to the Agency by January 1, 1989, or 30 days after the date on which the operation commences, whichever is later, and every 3 years thereafter. The form for such notification shall be specified by the Agency, and shall be limited to information regarding: the name and address of the location of the operation; the type of operation; the types and amounts of waste stored, treated or disposed of on an annual basis; the remaining capacity of the operation; and the remaining expected life of the operation.

Item (3) of this subsection (d) shall not apply to any person engaged in agricultural activity who is disposing of a substance that constitutes solid waste, if the substance was acquired for use by that person on his own property, and the substance is disposed of on his own property in accordance with regulations or standards adopted by the Board.

This subsection (d) shall not apply to hazardous waste.

(e) Dispose, treat, store or abandon any waste, or transport any waste into this State for disposal, treatment, storage or abandonment, except at a site or facility which meets the requirements of this Act and of regulations and standards thereunder.

(f) Conduct any hazardous waste-storage, hazardous waste-treatment or hazardous
waste-disposal operation:

(1) without a RCRA permit for the site issued by the Agency under subsection (d) of Section 39 of this Act, or in violation of any condition imposed by such permit, including periodic reports and full access to adequate records and the inspection of facilities, as may be necessary to assure compliance with this Act and with regulations and standards adopted thereunder; or

(2) in violation of any regulations or standards adopted by the Board under this Act; or

(3) in violation of any RCRA permit filing requirement established under standards adopted by the Board under this Act; or

(4) in violation of any order adopted by the Board under this Act.

Notwithstanding the above, no RCRA permit shall be required under this subsection or subsection (d) of Section 39 of this Act for any person engaged in agricultural activity who is disposing of a substance which has been identified as a hazardous waste, and which has been designated by Board regulations as being subject to this exception, if the substance was acquired for use by that person on his own property and the substance is disposed of on his own property in accordance with regulations or standards adopted by the Board.

(g) Conduct any hazardous waste-transportation operation:

(1) without registering with and obtaining a permit from the Agency in accordance with the Uniform Program implemented under subsection (l-5) of Section 22.2; or

(2) in violation of any regulations or standards adopted by the Board under this Act.

(h) Conduct any hazardous waste-recycling or hazardous waste-reclamation or hazardous waste-reuse operation in violation of any regulations, standards or permit requirements adopted by the Board under this Act.

(i) Conduct any process or engage in any act which produces hazardous waste in violation of any regulations or standards adopted by the Board under subsections (a) and (c) of Section 22.4 of this Act.

(j) Conduct any special waste transportation operation in violation of any regulations, standards or permit requirements adopted by the Board under this Act. However, sludge from a water or sewage treatment plant owned and operated by a unit of local government which (1) is subject to a sludge management plan approved by the Agency or a permit granted by the Agency, and (2) has been tested and determined not to be a hazardous waste as required by applicable State and federal laws and regulations, may be transported in this State without a special waste hauling permit, and the preparation and carrying of a manifest shall not be required for such sludge under the rules of the Pollution Control Board. The unit of local government which operates the treatment plant producing such sludge shall file a semiannual report with the Agency identifying the volume of such sludge transported during the reporting period, the hauler of the sludge, and the disposal sites to which it was transported. This subsection (j) shall not apply to hazardous waste.

(k) Fail or refuse to pay any fee imposed under this Act.

New matter indicated by italics - deletions by strikeout.
(l) Locate a hazardous waste disposal site above an active or inactive shaft or tunneled mine or within 2 miles of an active fault in the earth's crust. In counties of population less than 225,000 no hazardous waste disposal site shall be located (1) within 1 1/2 miles of the corporate limits as defined on June 30, 1978, of any municipality without the approval of the governing body of the municipality in an official action; or (2) within 1000 feet of an existing private well or the existing source of a public water supply measured from the boundary of the actual active permitted site and excluding existing private wells on the property of the permit applicant. The provisions of this subsection do not apply to publicly-owned sewage works or the disposal or utilization of sludge from publicly-owned sewage works.

(m) Transfer interest in any land which has been used as a hazardous waste disposal site without written notification to the Agency of the transfer and to the transferee of the conditions imposed by the Agency upon its use under subsection (g) of Section 39.

(n) Use any land which has been used as a hazardous waste disposal site except in compliance with conditions imposed by the Agency under subsection (g) of Section 39.

(o) Conduct a sanitary landfill operation which is required to have a permit under subsection (d) of this Section, in a manner which results in any of the following conditions:

(1) refuse in standing or flowing waters;
(2) leachate flows entering waters of the State;
(3) leachate flows exiting the landfill confines (as determined by the boundaries established for the landfill by a permit issued by the Agency);
(4) open burning of refuse in violation of Section 9 of this Act;
(5) uncovered refuse remaining from any previous operating day or at the conclusion of any operating day, unless authorized by permit;
(6) failure to provide final cover within time limits established by Board regulations;
(7) acceptance of wastes without necessary permits;
(8) scavenging as defined by Board regulations;
(9) deposition of refuse in any unpermitted portion of the landfill;
(10) acceptance of a special waste without a required manifest;
(11) failure to submit reports required by permits or Board regulations;
(12) failure to collect and contain litter from the site by the end of each operating day;
(13) failure to submit any cost estimate for the site or any performance bond or other security for the site as required by this Act or Board rules.

The prohibitions specified in this subsection (o) shall be enforceable by the Agency either by administrative citation under Section 31.1 of this Act or as otherwise provided by this Act. The specific prohibitions in this subsection do not limit the power of the Board to establish regulations or standards applicable to sanitary landfills.

(p) In violation of subdivision (a) of this Section, cause or allow the open dumping of any waste in a manner which results in any of the following occurrences at the dump site:

(1) litter;

New matter indicated by italics - deletions by strikeout.
(2) scavenging;
(3) open burning;
(4) deposition of waste in standing or flowing waters;
(5) proliferation of disease vectors;
(6) standing or flowing liquid discharge from the dump site;
(7) deposition of:
   (i) general construction or demolition debris as defined in Section 3.160(a) of this Act; or
   (ii) clean construction or demolition debris as defined in Section 3.160(b) of this Act.

The prohibitions specified in this subsection (p) shall be enforceable by the Agency either by administrative citation under Section 31.1 of this Act or as otherwise provided by this Act. The specific prohibitions in this subsection do not limit the power of the Board to establish regulations or standards applicable to open dumping.

(q) Conduct a landscape waste composting operation without an Agency permit, provided, however, that no permit shall be required for any person:
   (1) conducting a landscape waste composting operation for landscape wastes generated by such person's own activities which are stored, treated or disposed of within the site where such wastes are generated; or
   (2) applying landscape waste or composted landscape waste at agronomic rates; or
   (3) operating a landscape waste composting facility on a farm, if the facility meets all of the following criteria:
      (A) the composting facility is operated by the farmer on property on which the composting material is utilized, and the composting facility constitutes no more than 2% of the property's total acreage, except that the Agency may allow a higher percentage for individual sites where the owner or operator has demonstrated to the Agency that the site's soil characteristics or crop needs require a higher rate;
      (B) the property on which the composting facility is located, and any associated property on which the compost is used, is principally and diligently devoted to the production of agricultural crops and is not owned, leased or otherwise controlled by any waste hauler or generator of nonagricultural compost materials, and the operator of the composting facility is not an employee, partner, shareholder, or in any way connected with or controlled by any such waste hauler or generator;
      (C) all compost generated by the composting facility is applied at agronomic rates and used as mulch, fertilizer or soil conditioner on land actually farmed by the person operating the composting facility, and the finished compost is not stored at the composting site for a period longer than 18 months prior to its application as mulch, fertilizer, or soil conditioner;
      (D) the owner or operator, by January 1, 1990 (or the January 1

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following commencement of operation, whichever is later) and January 1 of
each year thereafter, (i) registers the site with the Agency, (ii) reports to
the Agency on the volume of composting material received and used at the site,
(iii) certifies to the Agency that the site complies with the requirements set
forth in subparagraphs (A), (B) and (C) of this paragraph (q)(3), and (iv)
certifies to the Agency that all composting material was placed more than 200
feet from the nearest potable water supply well, was placed outside the
boundary of the 10-year floodplain or on a part of the site that is
floodproofed, was placed at least 1/4 mile from the nearest residence (other
than a residence located on the same property as the facility) and there are not
more than 10 occupied non-farm residences within 1/2 mile of the boundaries
of the site on the date of application, and was placed more than 5 feet above
the water table.

For the purposes of this subsection (q), "agronomic rates" means the application of
not more than 20 tons per acre per year, except that the Agency may allow a higher rate for
individual sites where the owner or operator has demonstrated to the Agency that the site's
soil characteristics or crop needs require a higher rate.

(r) Cause or allow the storage or disposal of coal combustion waste unless:
   (1) such waste is stored or disposed of at a site or facility for which a permit
       has been obtained or is not otherwise required under subsection (d) of this Section;
or
   (2) such waste is stored or disposed of as a part of the design and reclamation
       of a site or facility which is an abandoned mine site in accordance with the
       Abandoned Mined Lands and Water Reclamation Act; or
   (3) such waste is stored or disposed of at a site or facility which is operating
       under NPDES and Subtitle D permits issued by the Agency pursuant to regulations
       adopted by the Board for mine-related water pollution and permits issued pursuant
to the Federal Surface Mining Control and Reclamation Act of 1977 (P.L. 95-87) or
the rules and regulations thereunder or any law or rule or regulation adopted by the
State of Illinois pursuant thereto, and the owner or operator of the facility agrees to
accept the waste; and either
       (i) such waste is stored or disposed of in accordance with requirements applicable to refuse disposal under regulations adopted by the
           Board for mine-related water pollution and pursuant to NPDES and Subtitle
           D permits issued by the Agency under such regulations; or
       (ii) the owner or operator of the facility demonstrates all of the
           following to the Agency, and the facility is operated in accordance with the
demonstration as approved by the Agency: (1) the disposal area will be
           covered in a manner that will support continuous vegetation, (2) the facility
           will be adequately protected from wind and water erosion, (3) the pH will be
           maintained so as to prevent excessive leaching of metal ions, and (4)
           adequate containment or other measures will be provided to protect surface

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water and groundwater from contamination at levels prohibited by this Act, the Illinois Groundwater Protection Act, or regulations adopted pursuant thereto.

Notwithstanding any other provision of this Title, the disposal of coal combustion waste pursuant to item (2) or (3) of this subdivision (r) shall be exempt from the other provisions of this Title V, and notwithstanding the provisions of Title X of this Act, the Agency is authorized to grant experimental permits which include provision for the disposal of wastes from the combustion of coal and other materials pursuant to items (2) and (3) of this subdivision (r).

(s) After April 1, 1989, offer for transportation, transport, deliver, receive or accept special waste for which a manifest is required, unless the manifest indicates that the fee required under Section 22.8 of this Act has been paid.

(t) Cause or allow a lateral expansion of a municipal solid waste landfill unit on or after October 9, 1993, without a permit modification, granted by the Agency, that authorizes the lateral expansion.

(u) Conduct any vegetable by-product treatment, storage, disposal or transportation operation in violation of any regulation, standards or permit requirements adopted by the Board under this Act. However, no permit shall be required under this Title V for the land application of vegetable by-products conducted pursuant to Agency permit issued under Title III of this Act to the generator of the vegetable by-products. In addition, vegetable by-products may be transported in this State without a special waste hauling permit, and without the preparation and carrying of a manifest.

(v) (Blank).

(w) Conduct any generation, transportation, or recycling of construction or demolition debris, clean or general, or uncontaminated soil generated during construction, remodeling, repair, and demolition of utilities, structures, and roads that is not commingled with any waste, without the maintenance of documentation identifying the hauler, generator, place of origin of the debris or soil, the weight or volume of the debris or soil, and the location, owner, and operator of the facility where the debris or soil was transferred, disposed, recycled, or treated. This documentation must be maintained by the generator, transporter, or recycler for 3 years. This subsection (w) shall not apply to (1) a permitted pollution control facility that transfers or accepts construction or demolition debris, clean or general, or uncontaminated soil for final disposal, recycling, or treatment, (2) a public utility (as that term is defined in the Public Utilities Act) or a municipal utility, or (3) the Illinois Department of Transportation; but it shall apply to an entity that contracts with a public utility, a municipal utility, or the Illinois Department of Transportation. The terms "generation" and "recycling" as used in this subsection do not apply to clean construction or demolition debris when (i) used as fill material below grade outside of a setback zone if covered by sufficient uncontaminated soil to support vegetation within 30 days of the completion of filling or if covered by a road or structure, (ii) solely broken concrete without protruding metal bars is used for erosion control, or (iii) milled asphalt or crushed concrete is used as aggregate in construction of the shoulder of a roadway. The terms "generation" and

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"recycling", as used in this subsection, do not apply to uncontaminated soil that is not commingled with any waste when (i) used as fill material below grade or contoured to grade, or (ii) used at the site of generation.

(Source: P.A. 90-219, eff. 7-25-97; 90-344, eff. 1-1-98; 90-475, eff. 8-17-97; 90-655, eff. 7-30-98; 90-761, eff. 8-14-98; 91-72, eff. 7-9-99.)

(415 ILCS 5/21.3) (from Ch. 111 1/2, par. 1021.3)
Sec. 21.3. Environmental reclamation lien.
(a) All costs and damages for which a person is liable to the State of Illinois under Section 22.2 and Section 22.18 shall constitute an environmental reclamation lien in favor of the State of Illinois upon all real property and rights to such property which:

(1) belong to such person; and

(2) are subject to or affected by a removal or remedial action under Section 22.2 or preventive action, corrective action or enforcement action under Section 22.18.

(b) An environmental reclamation lien shall continue until the liability for the costs and damages, or a judgment against the person arising out of such liability, is satisfied.

(c) An environmental reclamation lien shall be effective upon the filing by the Agency of a Notice of Environmental Reclamation Lien with the recorder or the registrar of titles of the county in which the real property lies. The Agency shall not file an environmental reclamation lien, and no such lien shall be valid, unless the Agency has sent notice pursuant to subsection (q) or (v) of Section 4 of this Act to owners of the real property. Nothing in this Section shall be construed to give the Agency's lien a preference over the rights of any bona fide purchaser or mortgagee or other lienholder (not including the United States when holding an unfiled lien) arising prior to the filing of a notice of environmental reclamation lien in the office of the recorder or registrar of titles of the county in which the property subject to the lien is located. For purposes of this Section, the term "bona fide" shall not include any mortgage of real or personal property or any other credit transaction that results in the mortgagee or the holder of the security acting as trustee for unsecured creditors of the liable person mentioned in the notice of lien who executed such chattel or real property mortgage or the document evidencing such credit transaction. Such lien shall be inferior to the lien of general taxes, special assessments and special taxes heretofore or hereafter levied by any political subdivision of this State.

(d) The environmental reclamation lien shall not exceed the amount of expenditures as itemized on the Affidavit of Expenditures attached to and filed with the Notice of Environmental Reclamation Lien. The Affidavit of Expenditures may be amended if additional costs or damages are incurred.

(e) Upon filing of the Notice of Environmental Reclamation Lien a copy with attachments shall be served upon the owners of the real property. Notice of such service shall be served on all lienholders of record as of the date of filing.

(f) Within 120 days after the effective date of this Section or within 60 days after initiating response or remedial action at the site under Section 22.2 or 22.18, the Agency shall file a Notice of Response Action in Progress. The Notice shall be filed with the recorder...
or registrar of titles of the county in which the real property lies.

(g) In addition to any other remedy provided by the laws of this State, the Agency may foreclose in the circuit court an environmental reclamation lien on real property for any costs or damages imposed under Section 22.2 or Section 22.18 to the same extent and in the same manner as in the enforcement of other liens. The process, practice and procedure for such foreclosure shall be the same as provided in Article XV of the Code of Civil Procedure. Nothing in this Section shall affect the right of the State of Illinois to bring an action against any person to recover all costs and damages for which such person is liable under Section 22.2 or Section 22.18.

(h) Any liability to the State under Section 22.2 or Section 22.18 shall constitute a debt to the State. Interest on such debt shall begin to accrue at a rate of 12% per annum from the date of the filing of the Notice of Environmental Reclamation Lien under paragraph (c). Accrued interest shall be included as a cost incurred by the State of Illinois under Section 22.2 or Section 22.18.

(i) "Environmental reclamation lien" means a lien established under this Section.

(Source: P.A. 90-655, eff. 7-30-98.)

(415 ILCS 5/21.5) (from Ch. 111 1/2, par. 1021.5)

Sec. 21.5. Toxic packaging reduction.

(a) For the purposes of this Section, the following terms have the meanings ascribed to them in this subsection:

"Distributor" means any person, firm, or corporation that takes title to goods purchased for resale.

"Package" means a container providing a direct means of marketing, protecting, or handling a product, and includes a product unit package, an intermediate package, or a shipping container as defined by ASTM D996. "Package" shall also include such unsealed consumer product receptacles as carrying cases, crates, cups, pails, rigid foil and other trays, wrappers and wrapping films, bags, and tubs.

"Packaging component" means any individual assembled part of a package including, but not limited to, any interior or exterior blocking, bracing, cushioning, weatherproofing, coatings, closure, ink, and labeling; except that coatings shall not include a thin tin layer applied to base steel or sheet steel during manufacturing of the steel or package.

(b) Beginning July 1, 1994, no package or packaging component may be offered for sale or promotional purposes in this State, by its manufacturer or distributor, if the package itself or any packaging component includes any ink, dye, pigment, adhesive, stabilizer, or other additive that contains lead, cadmium, mercury or hexavalent chromium that has been intentionally introduced during manufacturing or distribution.

(c) Beginning July 1, 1994, no product may be offered for sale or for promotional purposes in this State by its manufacturer or distributor in Illinois in a package that includes, in the package itself or in any of its packaging components, any ink, dye, pigment, adhesive, stabilizer, or other additive that contains lead, cadmium, mercury or hexavalent chromium
that has been intentionally introduced during manufacturing or distribution.

(d) No package or packaging component, and no product in a package, may be offered for sale or promotional purposes in this State if the sum of the concentration levels of lead, cadmium, mercury, or hexavalent chromium present in the package or packaging component, but not intentionally introduced by the manufacturer or distributor, exceeds the following limits:

1. 600 parts per million by weight (0.06%) beginning July 1, 1994.
2. 250 parts per million by weight (0.025%) beginning July 1, 1995.
3. 100 parts per million by weight (0.01%) beginning July 1, 1996.

(e) The following packages and packaging components are not subject to this Section:

1. Those packages or packaging components with a code indicating a date of manufacture before July 1, 1994.
2. Those packages or packaging components for which an exemption has been granted by the Agency under subsection (f).
3. Until July 1, 1998, packages and packaging components that would not exceed the maximum contaminant levels set forth in subsection (d) of this Section but for the addition of post consumer materials.
4. Those packages or packaging components used to contain wine or distilled spirits that have been bottled before July 1, 1994.
5. Packaging components, including but not limited to strapping, seals, fasteners, and other industrial packaging components intended to protect, secure, close, unitize or provide pilferage protection for any product destined for commercial use.
6. Those packages used in transporting, protecting, safe handling or functioning of radiographic film.

(f) The Agency may grant an exemption from the requirements of this Section for a package or packaging component to which lead, cadmium, mercury, or hexavalent chromium has been added in the manufacturing, forming, printing, or distribution process in order to comply with health or safety requirements of federal law or because there is not a feasible alternative. These exemptions shall be granted, upon application of the manufacturer of the package or packaging component, for a period of 2 years and are renewable for periods of 2 years. If the Agency denies a request for exemption, or fails to take final action on a request within 180 days, the applicant may seek review from the Board in the same manner as in the case of a permit denial. Any other party to the Agency proceeding may seek review in the manner provided in subsection (c) of Section 40.

For the purposes of this subsection, a use for which there is no feasible alternative is one in which the regulated substance is essential to the protection, safe handling, or function of the package's contents.

The Agency may enter into reciprocal agreements with other states that have adopted similar restrictions on toxic packaging and may accept exemptions to those restrictions granted by such states. Prior to taking such action, the Agency shall provide for public notice in the Environmental Register and for a 30-day comment period.

New matter indicated by italics - deletions by strikeout.
(g) Beginning July 1, 1994, a certificate of compliance stating that a package or packaging component is in compliance with the requirements of this Section shall be furnished by its manufacturer or supplier to its distributor, or shall be maintained by the manufacturer in Illinois if the manufacturer is also the distributor. If compliance is achieved only under the exemption provided in subdivision (e)(2) or (e)(3), the certificate shall state the specific basis upon which the exemption is claimed. The certificate of compliance shall be signed by an authorized official of the manufacturer or supplier. The certificate can be for the entire class, type, or category of packaging or a particular product regulated under this Act, and a certificate need not be provided or maintained for each individual package, packaging component, or packaging for a product. The manufacturer or distributor in Illinois shall retain the certificate of compliance for as long as the package or packaging component is in use. A copy of the certificate of compliance shall be kept on file by the manufacturer or supplier of the package or packaging component. Certificates of compliance, or copies thereof, shall be furnished to the Agency upon its request and to members of the public in accordance with subsection (i).

If the manufacturer or supplier of the package or packaging component reformulates or creates a new package or packaging component, the manufacturer or supplier shall provide an amended or new certificate of compliance for the reformulated or new package or packaging component.

(h) (Blank.) The Agency shall review the effectiveness of this Section no later than January 1, 1996, and shall provide a report based upon that review to the Governor and the General Assembly. The report shall contain a recommendation whether to continue the recycling exemption provided in subdivision (e)(3) of this Section and a description of the nature of the substitutes used in lieu of lead, mercury, cadmium, and hexavalent chromium.

(i) Any request from a member of the public for any certificate of compliance from the manufacturer or supplier of a package or packaging component shall be:

(1) made in writing and transmitted by registered mail with a copy provided to the Agency;

(2) specific as to the package or packaging component information requested; and

(3) responded to by the manufacturer or supplier within 60 days.

(j) The provisions of this Section shall not apply to any glass or ceramic product used as packaging that is intended to be reusable or refillable, and where the lead and cadmium from the product do not exceed the Toxicity Characteristic Leachability Procedures of leachability of lead and cadmium as set forth by the U.S. Environmental Protection Agency.

(Source: P.A. 89-79, eff. 6-30-95.)

(415 ILCS 5/22.2) (from Ch. 111 1/2, par. 1022.2)

Sec. 22.2. Hazardous waste; fees; liability.

(a) There are hereby created within the State Treasury 2 special funds to be known respectively as the "Hazardous Waste Fund" and the "Hazardous Waste Research Fund", constituted from the fees collected pursuant to this Section. In addition to the fees collected under this Section, the Hazardous Waste Fund shall include other moneys made available

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from any source for deposit into the Fund.

(b) (1) On and after January 1, 1989, the Agency shall collect from the owner or operator of each of the following sites a fee in the amount of:

(A) 6 cents per gallon or $12.12 per cubic yard of hazardous waste disposed for 1989, 7.5 cents per gallon or $15.15 per cubic yard for 1990 and 9 cents per gallon or $18.18 per cubic yard thereafter, if the hazardous waste disposal site is located off the site where such waste was produced. The maximum amount payable under this subdivision (A) with respect to the hazardous waste generated by a single generator and deposited in monofills is $20,000 for 1989, $25,000 for 1990, and $30,000 per year thereafter. If, as a result of the use of multiple monofills, waste fees in excess of the maximum are assessed with respect to a single waste generator, the generator may apply to the Agency for a credit.

(B) 6 cents per gallon or $12.12 per cubic yard of hazardous waste disposed for 1989, 7.5 cents per gallon or $15.15 per cubic yard for 1990 and 9 cents or $18.18 per cubic yard thereafter, if the hazardous waste disposal site is located on the site where such waste was produced, provided however the maximum amount of fees payable under this paragraph (B) is $20,000 for 1989, $25,000 for 1990 and $30,000 per year thereafter for each such hazardous waste disposal site.

(C) If the hazardous waste disposal site is an underground injection well, $6,000 per year if not more than 10,000,000 gallons per year are injected, $15,000 per year if more than 10,000,000 gallons but not more than 50,000,000 gallons per year are injected, and $27,000 per year if more than 50,000,000 gallons per year are injected.

(D) 2 cents per gallon or $4.04 per cubic yard for 1989, 2.5 cents per gallon or $5.05 per cubic yard for 1990, and 3 cents per gallon or $6.06 per cubic yard thereafter of hazardous waste received for treatment at a hazardous waste treatment site, if the hazardous waste treatment site is located off the site where such waste was produced and if such hazardous waste treatment site is owned, controlled and operated by a person other than the generator of such waste. After treatment at such hazardous waste treatment site, the waste shall not be subject to any other fee imposed by this subsection (b). For purposes of this subsection (b), the term "treatment" is defined as in Section 3.505 but shall not include recycling, reclamation or reuse.

(2) The General Assembly shall annually appropriate to the Fund such amounts as it deems necessary to fulfill the purposes of this Act.

(3) The Agency shall have the authority to accept, receive, and administer on behalf of the State any moneys made available to the State from any source for the purposes of the Hazardous Waste Fund set forth in subsection (d) of this Section.

(4) Of the amount collected as fees provided for in this Section, the Agency shall manage the use of such funds to assure that sufficient funds are available for

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match towards federal expenditures for response action at sites which are listed on the National Priorities List; provided, however, that this shall not apply to additional monies appropriated to the Fund by the General Assembly, nor shall it apply in the event that the Director finds that revenues in the Hazardous Waste Fund must be used to address conditions which create or may create an immediate danger to the environment or public health or to the welfare of the people of the State of Illinois.

(5) Notwithstanding the other provisions of this subsection (b), sludge from a publicly-owned sewage works generated in Illinois, coal mining wastes and refuse generated in Illinois, bottom boiler ash, flyash and flue gas desulphurization sludge from public utility electric generating facilities located in Illinois, and bottom boiler ash and flyash from all incinerators which process solely municipal waste shall not be subject to the fee.

(6) For the purposes of this subsection (b), "monofill" means a facility, or a unit at a facility, that accepts only wastes bearing the same USEPA hazardous waste identification number, or compatible wastes as determined by the Agency.

(c) The Agency shall establish procedures, not later than January 1, 1984, relating to the collection of the fees authorized by this Section. Such procedures shall include, but not be limited to: (1) necessary records identifying the quantities of hazardous waste received or disposed; (2) the form and submission of reports to accompany the payment of fees to the Agency; and (3) the time and manner of payment of fees to the Agency, which payments shall not be more often than quarterly.

(d) Beginning July 1, 1996, the Agency shall deposit all such receipts in the State Treasury to the credit of the Hazardous Waste Fund, except as provided in subsection (e) of this Section. All monies in the Hazardous Waste Fund shall be used by the Agency for the following purposes:

(1) Taking whatever preventive or corrective action is necessary or appropriate, in circumstances certified by the Director, including but not limited to removal or remedial action whenever there is a release or substantial threat of a release of a hazardous substance or pesticide; provided, the Agency shall expend no more than $1,000,000 on any single incident without appropriation by the General Assembly.

(2) To meet any requirements which must be met by the State in order to obtain federal funds pursuant to the Comprehensive Environmental Response, Compensation and Liability Act of 1980, (P.L. 96-510).

(3) In an amount up to 30% of the amount collected as fees provided for in this Section, for use by the Agency to conduct groundwater protection activities, including providing grants to appropriate units of local government which are addressing protection of underground waters pursuant to the provisions of this Act.

(4) To fund the development and implementation of the model pesticide collection program under Section 19.1 of the Illinois Pesticide Act.

(5) To the extent the Agency has received and deposited monies in the Fund other than fees collected under subsection (b) of this Section, to pay for the cost of

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Agency employees for services provided in reviewing the performance of response actions pursuant to Title XVII of this Act.

(6) In an amount up to 15% of the fees collected annually under subsection (b) of this Section, for use by the Agency for administration of the provisions of this Section.

(e) The Agency shall deposit 10% of all receipts collected under subsection (b) of this Section, but not to exceed $200,000 per year, in the State Treasury to the credit of the Hazardous Waste Research Fund established by this Act. Pursuant to appropriation, all monies in such Fund shall be used by the Department of Natural Resources for the purposes set forth in this subsection.

The Department of Natural Resources may enter into contracts with business, industrial, university, governmental or other qualified individuals or organizations to assist in the research and development intended to recycle, reduce the volume of, separate, detoxify or reduce the hazardous properties of hazardous wastes in Illinois. Monies in the Fund may also be used by the Department of Natural Resources for technical studies, monitoring activities, and educational and research activities which are related to the protection of underground waters. Monies in the Hazardous Waste Research Fund may be used to administer the Illinois Health and Hazardous Substances Registry Act. Monies in the Hazardous Waste Research Fund shall not be used for any sanitary landfill or the acquisition or construction of any facility. This does not preclude the purchase of equipment for the purpose of public demonstration projects. The Department of Natural Resources shall adopt guidelines for cost sharing, selecting, and administering projects under this subsection.

(f) Notwithstanding any other provision or rule of law, and subject only to the defenses set forth in subsection (j) of this Section, the following persons shall be liable for all costs of removal or remedial action incurred by the State of Illinois or any unit of local government as a result of a release or substantial threat of a release of a hazardous substance or pesticide:

(1) the owner and operator of a facility or vessel from which there is a release or substantial threat of release of a hazardous substance or pesticide;

(2) any person who at the time of disposal, transport, storage or treatment of a hazardous substance or pesticide owned or operated the facility or vessel used for such disposal, transport, treatment or storage from which there was a release or substantial threat of a release of any such hazardous substance or pesticide;

(3) any person who by contract, agreement, or otherwise has arranged with another party or entity for transport, storage, disposal or treatment of hazardous substances or pesticides owned, controlled or possessed by such person at a facility owned or operated by another party or entity from which facility there is a release or substantial threat of a release of such hazardous substances or pesticides; and

(4) any person who accepts or accepted any hazardous substances or pesticides for transport to disposal, storage or treatment facilities or sites from which there is a release or a substantial threat of a release of a hazardous substance or pesticide.

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Any monies received by the State of Illinois pursuant to this subsection (f) shall be deposited in the State Treasury to the credit of the Hazardous Waste Fund.

In accordance with the other provisions of this Section, costs of removal or remedial action incurred by a unit of local government may be recovered in an action before the Board brought by the unit of local government under subsection (i) of this Section. Any monies so recovered shall be paid to the unit of local government.

(g)(1) No indemnification, hold harmless, or similar agreement or conveyance shall be effective to transfer from the owner or operator of any vessel or facility or from any person who may be liable for a release or substantial threat of a release under this Section, to any other person the liability imposed under this Section. Nothing in this Section shall bar any agreement to insure, hold harmless or indemnify a party to such agreements for any liability under this Section.

(2) Nothing in this Section, including the provisions of paragraph (g)(1) of this Section, shall bar a cause of action that an owner or operator or any other person subject to liability under this Section, or a guarantor, has or would have, by reason of subrogation or otherwise against any person.

(h) For purposes of this Section:

(1) The term "facility" means:

(A) any building, structure, installation, equipment, pipe or pipeline including but not limited to any pipe into a sewer or publicly owned treatment works, well, pit, pond, lagoon, impoundment, ditch, landfill, storage container, motor vehicle, rolling stock, or aircraft; or

(B) any site or area where a hazardous substance has been deposited, stored, disposed of, placed, or otherwise come to be located.

(2) The term "owner or operator" means:

(A) any person owning or operating a vessel or facility;

(B) in the case of an abandoned facility, any person owning or operating the abandoned facility or any person who owned, operated, or otherwise controlled activities at the abandoned facility immediately prior to such abandonment;

(C) in the case of a land trust as defined in Section 2 of the Land Trustee as Creditor Act, the person owning the beneficial interest in the land trust;

(D) in the case of a fiduciary (other than a land trustee), the estate, trust estate, or other interest in property held in a fiduciary capacity, and not the fiduciary. For the purposes of this Section, "fiduciary" means a trustee, executor, administrator, guardian, receiver, conservator or other person holding a facility or vessel in a fiduciary capacity;

(E) in the case of a "financial institution", meaning the Illinois Housing Development Authority and that term as defined in Section 2 of the Illinois Banking Act, that has acquired ownership, operation, management, or control of a vessel or facility through foreclosure or under the terms of a

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security interest held by the financial institution or under the terms of an
extension of credit made by the financial institution only if the financial institution takes possession of the vessel or facility and the financial institution exercises actual, direct, and continual or recurrent managerial control in the operation of the vessel or facility that causes a release or substantial threat of a release of a hazardous substance or pesticide resulting in removal or remedial action;

(F) In the case of an owner of residential property, the owner if the
owner is a person other than an individual, or if the owner is an individual who owns more than 10 dwelling units in Illinois, or if the owner, or an agent, representative, contractor, or employee of the owner, has caused, contributed to, or allowed the release or threatened release of a hazardous substance or pesticide. The term "residential property" means single family residences of one to 4 dwelling units, including accessory land, buildings, or improvements incidental to those dwellings that are exclusively used for the residential use. For purposes of this subparagraph (F), the term "individual" means a natural person, and shall not include corporations, partnerships, trusts, or other non-natural persons.

(G) In the case of any facility, title or control of which was conveyed
due to bankruptcy, foreclosure, tax delinquency, abandonment, or similar means to a unit of State or local government, any person who owned, operated, or otherwise controlled activities at the facility immediately beforehand.

(H) The term "owner or operator" does not include a unit of State or
local government which acquired ownership or control through bankruptcy, tax delinquency, abandonment, or other circumstances in which the government acquires title by virtue of its function as sovereign. The exclusion provided under this paragraph shall not apply to any State or local government which has caused or contributed to the release or threatened release of a hazardous substance from the facility, and such a State or local government shall be subject to the provisions of this Act in the same manner and to the same extent, both procedurally and substantively, as any nongovernmental entity, including liability under Section 22.2(f).

(i) The costs and damages provided for in this Section may be imposed by the Board in an action brought before the Board in accordance with Title VIII of this Act, except that Section 33(c) of this Act shall not apply to any such action.

(j) (1) There shall be no liability under this Section for a person otherwise liable who can establish by a preponderance of the evidence that the release or substantial threat of release of a hazardous substance and the damages resulting therefrom were caused solely by:

(A) an act of God;
(B) an act of war;
(C) an act or omission of a third party other than an employee or agent of the

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defendant, or other than one whose act or omission occurs in connection with a contractual relationship, existing directly or indirectly, with the defendant (except where the sole contractual arrangement arises from a published tariff and acceptance for carriage by a common carrier by rail), if the defendant establishes by a preponderance of the evidence that (i) he exercised due care with respect to the hazardous substance concerned, taking into consideration the characteristics of such hazardous substance, in light of all relevant facts and circumstances, and (ii) he took precautions against foreseeable acts or omissions of any such third party and the consequences that could foreseeably result from such acts or omissions; or

(D) any combination of the foregoing paragraphs.

(2) There shall be no liability under this Section for any release permitted by State or federal law.

(3) There shall be no liability under this Section for damages as a result of actions taken or omitted in the course of rendering care, assistance, or advice in accordance with this Section or the National Contingency Plan pursuant to the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (P.L. 96-510) or at the direction of an on-scene coordinator appointed under such plan, with respect to an incident creating a danger to public health or welfare or the environment as a result of any release of a hazardous substance or a substantial threat thereof. This subsection shall not preclude liability for damages as the result of gross negligence or intentional misconduct on the part of such person. For the purposes of the preceding sentence, reckless, willful, or wanton misconduct shall constitute gross negligence.

(4) There shall be no liability under this Section for any person (including, but not limited to, an owner of residential property who applies a pesticide to the residential property or who has another person apply a pesticide to the residential property) for response costs or damages as the result of the storage, handling and use, or recommendation for storage, handling and use, of a pesticide consistent with:

(A) its directions for storage, handling and use as stated in its label or labeling;

(B) its warnings and cautions as stated in its label or labeling; and

(C) the uses for which it is registered under the Federal Insecticide, Fungicide and Rodenticide Act and the Illinois Pesticide Act.

(4.5) There shall be no liability under subdivision (f)(1) of this Section for response costs or damages as the result of a release of a pesticide from an agrichemical facility site if the Agency has received notice from the Department of Agriculture pursuant to Section 19.3 of the Illinois Pesticide Act, the owner or operator of the agrichemical facility is proceeding with a corrective action plan under the Agrichemical Facility Response Action Program implemented under that Section, and the Agency has provided a written endorsement of a corrective action plan.

(4.6) There shall be no liability under subdivision (f)(1) of this Section for response costs or damages as the result of a substantial threat of a release of a pesticide from an agrichemical facility site if the Agency has received notice from the Department of...
Agriculture pursuant to Section 19.3 of the Illinois Pesticide Act and the owner or operator of the agrichemical facility is proceeding with a corrective action plan under the Agrichemical Facility Response Action Program implemented under that Section.

(5) Nothing in this subsection (j) shall affect or modify in any way the obligations or liability of any person under any other provision of this Act or State or federal law, including common law, for damages, injury, or loss resulting from a release or substantial threat of a release of any hazardous substance or for removal or remedial action or the costs of removal or remedial action of such hazardous substance.

(6)(A) The term "contractual relationship", for the purpose of this subsection includes, but is not limited to, land contracts, deeds or other instruments transferring title or possession, unless the real property on which the facility concerned is located was acquired by the defendant after the disposal or placement of the hazardous substance on, in, or at the facility, and one or more of the circumstances described in clause (i), (ii), or (iii) of this paragraph is also established by the defendant by a preponderance of the evidence:

(i) At the time the defendant acquired the facility the defendant did not know and had no reason to know that any hazardous substance which is the subject of the release or threatened release was disposed of on, in or at the facility.

(ii) The defendant is a government entity which acquired the facility by escheat, or through any other involuntary transfer or acquisition, or through the exercise of eminent domain authority by purchase or condemnation.

(iii) The defendant acquired the facility by inheritance or bequest.

In addition to establishing the foregoing, the defendant must establish that he has satisfied the requirements of subparagraph (C) of paragraph (l) of this subsection (j).

(B) To establish the defendant had no reason to know, as provided in clause (i) of subparagraph (A) of this paragraph, the defendant must have undertaken, at the time of acquisition, all appropriate inquiry into the previous ownership and uses of the property consistent with good commercial or customary practice in an effort to minimize liability. For purposes of the preceding sentence, the court shall take into account any specialized knowledge or experience on the part of the defendant, the relationship of the purchase price to the value of the property if uncontaminated, commonly known or reasonably ascertainable information about the property, the obviousness of the presence or likely presence of contamination at the property, and the ability to detect such contamination by appropriate inspection.

(C) Nothing in this paragraph (6) or in subparagraph (C) of paragraph (1) of this subsection shall diminish the liability of any previous owner or operator of such facility who would otherwise be liable under this Act. Notwithstanding this paragraph (6), if the defendant obtained actual knowledge of the release or threatened release of a hazardous substance at such facility when the defendant owned the real property and then subsequently transferred ownership of the property to another person without disclosing such knowledge, such defendant shall be treated as liable under subsection (f) of this Section and no defense under subparagraph (C) of paragraph (1) of this subsection shall be available to such defendant.
(D) Nothing in this paragraph (6) shall affect the liability under this Act of a defendant who, by any act or omission, caused or contributed to the release or threatened release of a hazardous substance which is the subject of the action relating to the facility.

(E) (i) Except as provided in clause (ii) of this subparagraph (E), a defendant who has acquired real property shall have established a rebuttable presumption against all State claims and a conclusive presumption against all private party claims that the defendant has made all appropriate inquiry within the meaning of subdivision (6)(B) of this subsection (j) if the defendant proves that immediately prior to or at the time of the acquisition:

(I) the defendant obtained a Phase I Environmental Audit of the real property that meets or exceeds the requirements of this subparagraph (E), and the Phase I Environmental Audit did not disclose the presence or likely presence of a release or a substantial threat of a release of a hazardous substance or pesticide at, on, to, or from the real property; or

(II) the defendant obtained a Phase II Environmental Audit of the real property that meets or exceeds the requirements of this subparagraph (E), and the Phase II Environmental Audit did not disclose the presence or likely presence of a release or a substantial threat of a release of a hazardous substance or pesticide at, on, to, or from the real property.

(ii) No presumption shall be created under clause (i) of this subparagraph (E), and a defendant shall be precluded from demonstrating that the defendant has made all appropriate inquiry within the meaning of subdivision (6)(B) of this subsection (j), if:

(I) the defendant fails to obtain all Environmental Audits required under this subparagraph (E) or any such Environmental Audit fails to meet or exceed the requirements of this subparagraph (E);

(II) a Phase I Environmental Audit discloses the presence or likely presence of a release or a substantial threat of a release of a hazardous substance or pesticide at, on, to, or from real property, and the defendant fails to obtain a Phase II Environmental Audit;

(III) a Phase II Environmental Audit discloses the presence or likely presence of a release or a substantial threat of a release of a hazardous substance or pesticide at, on, to, or from the real property;

(IV) the defendant fails to maintain a written compilation and explanatory summary report of the information reviewed in the course of each Environmental Audit under this subparagraph (E); or

(V) there is any evidence of fraud, material concealment, or material misrepresentation by the defendant of environmental conditions or of related information discovered during the course of an Environmental Audit.

(iii) For purposes of this subparagraph (E), the term "environmental professional" means an individual (other than a practicing attorney) who, through academic training, occupational experience, and reputation (such as engineers, industrial hygienists, or geologists) can objectively conduct one or more aspects of an Environmental Audit and who either:

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(I) maintains at the time of the Environmental Audit and for at least one year thereafter at least $500,000 of environmental consultants' professional liability insurance coverage issued by an insurance company licensed to do business in Illinois; or

(II) is an Illinois licensed professional engineer or an Illinois licensed industrial hygienist.

An environmental professional may employ persons who are not environmental professionals to assist in the preparation of an Environmental Audit if such persons are under the direct supervision and control of the environmental professional.

(iv) For purposes of this subparagraph (E), the term "real property" means any interest in any parcel of land, and shall not be limited to the definition of the term "real property" contained in the Responsible Property Transfer Act of 1988. For purposes of this subparagraph (E), the term "real property" includes, but is not limited to, buildings, fixtures, and improvements.

(v) For purposes of this subparagraph (E), the term "Phase I Environmental Audit" means an investigation of real property, conducted by environmental professionals, to discover the presence or likely presence of a release or a substantial threat of a release of a hazardous substance or pesticide at, on, or from real property, and whether a release or a substantial threat of a release of a hazardous substance or pesticide has occurred or may occur at, on, or from the real property. The investigation shall include a review of at least each of the following sources of information concerning the current and previous ownership and use of the real property:

(I) Recorded chain of title documents regarding the real property, including all deeds, easements, leases, restrictions, and covenants for a period of 50 years.

(II) Aerial photographs that may reflect prior uses of the real property and that are reasonably obtainable through State, federal, or local government agencies or bodies.

(III) Recorded environmental cleanup liens, if any, against the real property that have arisen pursuant to this Act or federal statutes.

(IV) Reasonably obtainable State, federal, and local government records of sites or facilities at, on, or near the real property to discover the presence or likely presence of a hazardous substance or pesticide, and whether a release or a substantial threat of a release of a hazardous substance or pesticide has occurred or may occur at, on, or from the real property. Such government records shall include, but not be limited to: reasonably obtainable State, federal, and local government investigation reports for those sites or facilities; reasonably obtainable State, federal, and local government records of activities likely to cause or contribute to a release or a threatened release of a hazardous substance or pesticide at, on, or from the real property, including landfill and other treatment, storage, and disposal location records, underground storage tank records, hazardous waste transporter and generator records, and spill reporting records; and other reasonably obtainable State, federal, and local government environmental records that report incidents or activities that

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are likely to cause or contribute to a release or a threatened release of a hazardous substance or pesticide at, on, to, or from the real property. In order to be deemed "reasonably obtainable" as required herein, a copy or reasonable facsimile of the record must be obtainable from the government agency by request and upon payment of a processing fee, if any, established by the government agency. The Agency is authorized to establish a reasonable fee for processing requests received under this subparagraph (E) for records. All fees collected by the Agency under this clause (v)(IV) shall be deposited into the Environmental Protection Permit and Inspection Fund in accordance with Section 22.8.

Notwithstanding any other law, if the fee is paid, commencing on the effective date of this amendatory Act of 1993 and until one year after the effective date of this amendatory Act of 1993, the Agency shall use its best efforts to process a request received under this subparagraph (E) as expeditiously as possible. Notwithstanding any other law, commencing one year after the effective date of this amendatory Act of 1993, if the fee is paid, the Agency shall process a request received under this subparagraph (E) for records within 30 days of the receipt of such request.

(V) A visual site inspection of the real property and all facilities and improvements on the real property and a visual inspection of properties immediately adjacent to the real property, including an investigation of any use, storage, treatment, spills from use, or disposal of hazardous substances, hazardous wastes, solid wastes, or pesticides. If the person conducting the investigation is denied access to any property adjacent to the real property, the person shall conduct a visual inspection of that adjacent property from the property to which the person does have access and from public rights-of-way.

(VI) A review of business records for activities at or on the real property for a period of 50 years.

(vi) For purposes of subparagraph (E), the term "Phase II Environmental Audit" means an investigation of real property, conducted by environmental professionals, subsequent to a Phase I Environmental Audit. If the Phase I Environmental Audit discloses the presence or likely presence of a hazardous substance or a pesticide or a release or a substantial threat of a release of a hazardous substance or pesticide:

(I) In or to soil, the defendant, as part of the Phase II Environmental Audit, shall perform a series of soil borings sufficient to determine whether there is a presence or likely presence of a hazardous substance or pesticide and whether there is or has been a release or a substantial threat of a release of a hazardous substance or pesticide at, on, to, or from the real property.

(II) In or to groundwater, the defendant, as part of the Phase II Environmental Audit, shall: review information regarding local geology, water well locations, and locations of waters of the State as may be obtained from State, federal, and local government records, including but not limited to the United States Geological Service, the State Geological Survey Division of the Department of Natural

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Resources, and the State Water Survey Division of the Department of Natural Resources; and perform groundwater monitoring sufficient to determine whether there is a presence or likely presence of a hazardous substance or pesticide, and whether there is or has been a release or a substantial threat of a release of a hazardous substance or pesticide at, on, to, or from the real property.

(III) On or to media other than soil or groundwater, the defendant, as part of the Phase II Environmental Audit, shall perform an investigation sufficient to determine whether there is a presence or likely presence of a hazardous substance or pesticide, and whether there is or has been a release or a substantial threat of a release of a hazardous substance or pesticide at, on, to, or from the real property.

(vii) The findings of each Environmental Audit prepared under this subparagraph (E) shall be set forth in a written audit report. Each audit report shall contain an affirmation by the defendant and by each environmental professional who prepared the Environmental Audit that the facts stated in the report are true and are made under a penalty of perjury as defined in Section 32-2 of the Criminal Code of 1961. It is perjury for any person to sign an audit report that contains a false material statement that the person does not believe to be true.

(viii) The Agency is not required to review, approve, or certify the results of any Environmental Audit. The performance of an Environmental Audit shall in no way entitle a defendant to a presumption of Agency approval or certification of the results of the Environmental Audit.

The presence or absence of a disclosure document prepared under the Responsible Property Transfer Act of 1988 shall not be a defense under this Act and shall not satisfy the requirements of subdivision (6)(A) of this subsection (j).

(7) No person shall be liable under this Section for response costs or damages as the result of a pesticide release if the Agency has found that a pesticide release occurred based on a Health Advisory issued by the U.S. Environmental Protection Agency or an action level developed by the Agency, unless the Agency notified the manufacturer of the pesticide and provided an opportunity of not less than 30 days for the manufacturer to comment on the technical and scientific justification supporting the Health Advisory or action level.

(8) No person shall be liable under this Section for response costs or damages as the result of a pesticide release that occurs in the course of a farm pesticide collection program operated under Section 19.1 of the Illinois Pesticide Act, unless the release results from gross negligence or intentional misconduct.

(k) If any person who is liable for a release or substantial threat of release of a hazardous substance or pesticide fails without sufficient cause to provide removal or remedial action upon or in accordance with a notice and request by the Agency or upon or in accordance with any order of the Board or any court, such person may be liable to the State for punitive damages in an amount at least equal to, and not more than 3 times, the amount of any costs incurred by the State of Illinois as a result of such failure to take such removal or remedial action. The punitive damages imposed by the Board shall be in addition to any costs recovered from such person pursuant to this Section and in addition to any other
penalty or relief provided by this Act or any other law.

Any monies received by the State pursuant to this subsection (k) shall be deposited in the Hazardous Waste Fund.

(l) Beginning January 1, 1988, the Agency shall annually collect a $250 fee for each Special Waste Hauling Permit Application and, in addition, shall collect a fee of $20 for each waste hauling vehicle identified in the annual permit application and for each vehicle which is added to the permit during the annual period. The Agency shall deposit 85% of such fees collected under this subsection in the State Treasury to the credit of the Hazardous Waste Research Fund; and shall deposit the remaining 15% of such fees collected in the State Treasury to the credit of the Environmental Protection Permit and Inspection Fund. The majority of such receipts which are deposited in the Hazardous Waste Research Fund pursuant to this subsection shall be used by the Department of Natural Resources for activities which relate to the protection of underground waters. Persons engaged in the offsite transportation of hazardous waste by highway and participating in the Uniform Program under subsection (l-5) are not required to file a Special Waste Hauling Permit Application.

(l-5) (1) As used in this subsection:

"Base state" means the state selected by a transporter according to the procedures established under the Uniform Program.

"Base state agreement" means an agreement between participating states electing to register or permit transporters.

"Participating state" means a state electing to participate in the Uniform Program by entering into a base state agreement.

"Transporter" means a person engaged in the offsite transportation of hazardous waste by highway.

"Uniform application" means the uniform registration and permit application form prescribed under the Uniform Program.

"Uniform Program" means the Uniform State Hazardous Materials Transportation Registration and Permit Program established in the report submitted and amended pursuant to 49 U.S.C. Section 5119(b), as implemented by the Agency under this subsection.

"Vehicle" means any self-propelled motor vehicle, except a truck tractor without a trailer, designed or used for the transportation of hazardous waste subject to the hazardous waste manifesting requirements of 40 U.S.C. Section 6923(a)(3).

(2) Beginning July 1, 1998, the Agency shall implement the Uniform State Hazardous Materials Transportation Registration and Permit Program. On and after that date, no person shall engage in the offsite transportation of hazardous waste by highway without registering and obtaining a permit under the Uniform Program. A transporter with its principal place of business in Illinois shall register with and obtain a permit from the Agency. A transporter that designates another participating state in the Uniform Program as its base state shall likewise register with and obtain a permit from that state before transporting hazardous waste in Illinois.

(3) Beginning July 1, 1998, the Agency shall annually collect no more than
a $250 processing and audit fee from each transporter of hazardous waste who has filed a uniform application and, in addition, the Agency shall annually collect an apportioned vehicle registration fee of $20. The amount of the apportioned vehicle registration fee shall be calculated consistent with the procedures established under the Uniform Program.

All moneys received by the Agency from the collection of fees pursuant to the Uniform Program shall be deposited into the Hazardous Waste Transporter account hereby created within the Environmental Protection Permit and Inspection Fund. Moneys remaining in the account at the close of the fiscal year shall not lapse to the General Revenue Fund. The State Treasurer may receive money or other assets from any source for deposit into the account. The Agency may expend moneys from the account, upon appropriation, for the implementation of the Uniform Program, including the costs to the Agency of fee collection and administration. In addition, funds not expended for the implementation of the Uniform Program may be utilized for emergency response and cleanup activities related to hazardous waste transportation that are initiated by the Agency.

Whenever the amount of the Hazardous Waste Transporter account exceeds by 115% the amount annually appropriated by the General Assembly, the Agency shall credit participating transporters an amount, proportionately based on the amount of the vehicle fee paid, equal to the excess in the account, and shall determine the need to reduce the amount of the fee charged transporters in the subsequent fiscal year by the amount of the credit.

(4) (A) The Agency may propose and the Board shall adopt rules as necessary to implement and enforce the Uniform Program. The Agency is authorized to enter into agreements with other agencies of this State as necessary to carry out administrative functions or enforcement of the Uniform Program.

(B) The Agency shall recognize a Uniform Program registration as valid for one year from the date a notice of registration form is issued and a permit as valid for 3 years from the date issued or until a transporter fails to renew its registration, whichever occurs first.

(C) The Agency may inspect or examine any motor vehicle or facility operated by a transporter, including papers, books, records, documents, or other materials to determine if a transporter is complying with the Uniform Program. The Agency may also conduct investigations and audits as necessary to determine if a transporter is entitled to a permit or to make suspension or revocation determinations consistent with the standards of the Uniform Program.

(5) The Agency may enter into agreements with federal agencies, national repositories, or other participating states as necessary to allow for the reciprocal registration and permitting of transporters pursuant to the Uniform Program. The agreements may include procedures for determining a base state, the collection and distribution of registration fees, dispute resolution, the exchange of information for reporting and enforcement purposes, and other provisions necessary to fully implement, administer, and enforce the Uniform Program.

New matter indicated by italics - deletions by strikeout.
Sec. 22.2b. Limit of liability for prospective purchasers of real property.

(a) The State of Illinois may grant a release of liability that provides that a person is not potentially liable under subsection (f) of Section 22.2 of this Act as a result of a release or a threatened release of a hazardous substance or pesticide if:

1. The person performs the response actions to remove or remedy all releases or threatened releases of a hazardous substance or pesticide at an identified area or at identified areas of the property in accordance with a response action plan approved by the Agency under this Section;
2. The person did not cause, allow, or contribute to the release or threatened release of a hazardous substance or pesticide through any act or omission;
3. The person requests, in writing, that the Agency provide review and evaluation services under subsection (m) of Section 22.2 of this Act and the Agency agrees to provide the review and evaluation services; and
4. The person is not otherwise liable under subsection (f) of Section 22.2 under, and complies with, regulations adopted by the Agency under subsection (e).

(b) The Agency may approve a response action plan under this Section, including but not limited to a response action plan that does not require the removal or remedy of all releases or threatened releases of hazardous substances or pesticides, if the person described under subsection (a) proves:

1. The response action will prevent or mitigate immediate and significant risk of harm to human life and health and the environment;
2. Activities at the property will not cause, allow, contribute to, or aggravate the release or threatened release of a hazardous substance or pesticide;
3. Due consideration has been given to the effect that activities at the property will have on the health of those persons likely to be present at the property;
4. Irrevocable access to the property is given to the State of Illinois and its authorized representatives;
5. The person is financially capable of performing the proposed response action; and
6. The person complies with regulations adopted by the Agency under subsection (e).

(c) The limit of liability granted by the State of Illinois under this Section does not apply to any person:

1. Who is potentially liable under subsection (f) of Section 22.2 of this Act for any costs of removal or remedial action incurred by the State of Illinois or any unit of local government as a result of the release or substantial threat of a release of a hazardous substance or pesticide that was the subject of the response action plan.
approved by the Agency under this Section.

(2) Who agrees to perform the response action contained in a response action plan approved by the Agency under this Section and fails to perform in accordance with the approved response action plan.

(3) Whose willful and wanton conduct contributes to a release or threatened release of a hazardous substance or pesticide.

(4) Whose negligent conduct contributes to a release or threatened release of a hazardous substance or pesticide.

(5) Who is seeking a construction or development permit for a new municipal waste incinerator or other new waste-to-energy facility.

(d) If a release or threatened release of a hazardous substance or pesticide occurs within the area identified in the response action plan approved by the Agency under this Section and such release or threatened release is not specifically identified in the response action plan, for any person to whom this Section applies, the numeric cleanup level established by the Agency in the response action plan shall also apply to the release or threatened release not specifically identified in the response action plan if the response action plan has a numeric cleanup level for the hazardous substance or pesticide released or threatened to be released. Nothing in this subsection (d) shall limit the authority of the Agency to require, for any person to whom this Section does not apply, a numeric cleanup level that differs from the numeric cleanup level established in the response action plan approved by the Agency under this Section.

(e) The Agency may adopt regulations relating to this Section. The regulations may include, but are not limited to, both of the following:

(1) Requirements and procedures for a response action plan.

(2) Additional requirements that a person must meet in order not to be liable under subsection (f) of Section 22.2.

(Source: P.A. 89-101, eff. 7-7-95; 90-655, eff. 7-30-98.)

(415 ILCS 5/22.9) (from Ch. 111 1/2, par. 1022.9)

Sec. 22.9. Special waste determinations.

(a) (Blank.) The Department shall complete a study of the benefits and feasibility of establishing a system of classifying and regulating special wastes according to their degree of hazard. Such study shall include, at a minimum, an assessment of the degree of hazard of the special waste streams produced in the State, alternative systems for classifying these wastes according to their degree of hazard and an evaluation of the benefits of assessing hazardous waste fees and developing storage, treatment and disposal standards based on such classes of wastes. The Department shall report to the Governor, the General Assembly and the Pollution Control Board with the results of such study no later than July 1, 1985.

(b) Following the completion of the Department's study, but Not later than December 1, 1990, the Pollution Control Board shall, pursuant to Title VII of the Act, adopt regulations that establish standards and criteria for classifying special wastes according to the degree of hazard or an alternative method.

(c) The Board shall adopt regulations by December 1, 1990, establishing the

New matter indicated by italics - deletions by strikeout.
standards and criteria by which the Agency may determine upon written request by any
person that a waste or class of waste is not special waste.

(d) (Blank.) Until such time as the regulations required in subsection (c) of this
Section are effective, any person may request the Agency to determine that a waste is not a
special waste. Within 60 days of receipt of a written request, the Agency shall make a final
determination, which shall be based on whether the waste would pose a present or potential
threat to human health or to the environment or if such waste has inherent properties which
make disposal of such waste in a landfill difficult to manage by normal means:

(e) (Blank.) If the Agency denies a request made pursuant to subsection (c) or (d) of
this Section or if the Agency fails to act within 60 days after receipt of such request, the
requestor may seek review before the Board pursuant to Section 40 as if the Agency had
denied an application for a permit.

(f) The determinations to be made under subsection (c) subsections (c), (d) and (e)
of this Section shall not apply to hazardous waste.
(Source: P.A. 89-445, eff. 2-7-96.)

(415 ILCS 5/22.15) (from Ch. 111 1/2, par. 1022.15)
Sec. 22.15. Solid Waste Management Fund; fees.
(a) There is hereby created within the State Treasury a special fund to be known as
the "Solid Waste Management Fund" constituted from the fees collected by the State
pursuant to this Section and from repayments of loans made from the Fund for solid waste
projects. Moneys received by the Department of Commerce and Community Affairs in
repayment of loans made pursuant to the Illinois Solid Waste Management Act shall be
deposited into the Solid Waste Management Revolving Loan Fund.

(b) On and after January 1, 1987, the Agency shall assess and collect a fee in the
amount set forth herein from the owner or operator of each sanitary landfill permitted or
required to be permitted by the Agency to dispose of solid waste if the sanitary landfill is
located off the site where such waste was produced and if such sanitary landfill is owned,
controlled, and operated by a person other than the generator of such waste. The Agency
shall deposit all fees collected into the Solid Waste Management Fund. If a site is contiguous
to one or more landfills owned or operated by the same person, the volumes permanently
disposed of by each landfill shall be combined for purposes of determining the fee under this
subsection.

1 If more than 150,000 cubic yards of non-hazardous solid waste is
permanently disposed of at a site in a calendar year, the owner or operator shall either
pay a fee of 45 cents per cubic yard (60› per cubic yard from January 1, 1989 through
December 31, 1993); or, alternatively, the owner or operator may weigh the quantity
of the solid waste permanently disposed of with a device for which certification has
been obtained under the Weights and Measures Act and pay a fee of 95 cents per ton
($1.27 per ton from January 1, 1989 through December 31, 1993) of solid waste
permanently disposed of. An owner or operator that is subject to any fee, tax, or
surcharge imposed under the authority of subsection (j) of this Section on September
26, 1991, with respect to fees due to the Agency under this paragraph after December

New matter indicated by italics - deletions by strikeout.
31, 1991 and before January 1, 1994, shall deduct from the amount paid to the Agency the amount by which the fee paid under subsection (j) exceeds 45 cents per cubic yard or 95 cents per ton. In no case shall the fee collected or paid by the owner or operator under this paragraph exceed $1.05 per cubic yard or $2.22 per ton.

(2) If more than 100,000 cubic yards of non-hazardous waste is permanently disposed of at a site in a calendar year, the owner or operator shall pay a fee of $25,000 ($33,350 in 1989, 1990 and 1991).

(3) If more than 50,000 cubic yards of non-hazardous solid waste is permanently disposed of at a site in a calendar year, the owner or operator shall pay a fee of $11,300 ($15,500 in 1989, 1990 and 1991).

(4) If more than 10,000 cubic yards of non-hazardous solid waste is permanently disposed of at a site in a calendar year, the owner or operator shall pay a fee of $3,450 ($4,650 in 1989, 1990 and 1991).

(5) If not more than 10,000 cubic yards of non-hazardous solid waste is permanently disposed of at a site in a calendar year, the owner or operator shall pay a fee of $500 ($650 in 1989, 1990 and 1991).

(c) (Blank.) From January 1, 1987 through December 31, 1988, the fee set forth in this Section shall not apply to:

(1) Solid waste which is hazardous waste;
(2) Any landfill which is permitted by the Agency to receive only demolition or construction debris or landscape waste; or
(3) The following wastes:
   (A) Foundry sand;
   (B) Coal combustion by-product, including scrubber waste and fluidized bed boiler waste which does not contain metal cleaning waste;
   (C) Slag from the manufacture of iron and steel;
   (D) Pollution Control Waste;
   (E) Wastes from recycling, reclamation or reuse processes designed to remove any contaminant from wastes so as to render such wastes reusable, provided that the process renders at least 50% of the waste reusable;
   (F) Non-hazardous solid waste that is received at a sanitary landfill after January 1, 1987 and recycled through a process permitted by the Agency.

(d) The Agency shall establish rules relating to the collection of the fees authorized by this Section. Such rules shall include, but not be limited to:

(1) necessary records identifying the quantities of solid waste received or disposed;
(2) the form and submission of reports to accompany the payment of fees to the Agency;
(3) the time and manner of payment of fees to the Agency, which payments shall not be more often than quarterly; and
(4) procedures setting forth criteria establishing when an owner or operator

New matter indicated by italics - deletions by strikeout.
may measure by weight or volume during any given quarter or other fee payment period.

(e) Pursuant to appropriation, all monies in the Solid Waste Management Fund shall be used by the Agency and the Department of Commerce and Community Affairs for the purposes set forth in this Section and in the Illinois Solid Waste Management Act, including for the costs of fee collection and administration, and through June 30, 1989, by the University of Illinois for research consistent with the Illinois Solid Waste Management Act.

(f) The Agency is authorized to enter into such agreements and to promulgate such rules as are necessary to carry out its duties under this Section and the Illinois Solid Waste Management Act.

(g) On the first day of January, April, July, and October of each year, beginning on July 1, 1996, the State Comptroller and Treasurer shall transfer $500,000 from the Solid Waste Management Fund to the Hazardous Waste Fund. Moneys transferred under this subsection (g) shall be used only for the purposes set forth in item (1) of subsection (d) of Section 22.2.

(h) The Agency is authorized to provide financial assistance to units of local government for the performance of inspecting, investigating and enforcement activities pursuant to Section 4(r) at nonhazardous solid waste disposal sites.

(i) The Agency is authorized to support the operations of an industrial materials exchange service, and to conduct household waste collection and disposal programs.

(j) A unit of local government, as defined in the Local Solid Waste Disposal Act, in which a solid waste disposal facility is located may establish a fee, tax, or surcharge with regard to the permanent disposal of solid waste. All fees, taxes, and surcharges collected under this subsection shall be utilized for solid waste management purposes, including long-term monitoring and maintenance of landfills, planning, implementation, inspection, enforcement and other activities consistent with the Solid Waste Management Act and the Local Solid Waste Disposal Act, or for any other environment-related purpose, including but not limited to an environment-related public works project, but not for the construction of a new pollution control facility other than a household hazardous waste facility. However, the total fee, tax or surcharge imposed by all units of local government under this subsection (j) upon the solid waste disposal facility shall not exceed:

1. $45 per cubic yard ($60 per cubic yard beginning January 1, 1992) if more than 150,000 cubic yards of non-hazardous solid waste is permanently disposed of at the site in a calendar year, unless the owner or operator weighs the quantity of the solid waste received with a device for which certification has been obtained under the Weights and Measures Act, in which case the fee shall not exceed $95 per ton ($127 per ton beginning January 1, 1992) of solid waste permanently disposed of.
2. $25,000 ($33,350 beginning in 1992) if more than 100,000 cubic yards, but not more than 150,000 cubic yards, of non-hazardous waste is permanently disposed of at the site in a calendar year.
3. $11,300 ($15,500 beginning in 1992) if more than 50,000 cubic yards, but not more than 100,000 cubic yards, of non-hazardous solid waste is permanently disposed of at the site in a calendar year.

New matter indicated by italics - deletions by strikeout.
disposed of at the site in a calendar year.

(4) $3,450 ($4,650 beginning in 1992) if more than 10,000 cubic yards, but not more than 50,000 cubic yards, of non-hazardous solid waste is permanently disposed of at the site in a calendar year.

(5) $500 ($650 beginning in 1992) if not more than 10,000 cubic yards of non-hazardous solid waste is permanently disposed of at the site in a calendar year.

The corporate authorities of the unit of local government may use proceeds from the fee, tax, or surcharge to reimburse a highway commissioner whose road district lies wholly or partially within the corporate limits of the unit of local government for expenses incurred in the removal of nonhazardous, nonfluid municipal waste that has been dumped on public property in violation of a State law or local ordinance.

A county or Municipal Joint Action Agency that imposes a fee, tax, or surcharge under this subsection may use the proceeds thereof to reimburse a municipality that lies wholly or partially within its boundaries for expenses incurred in the removal of nonhazardous, nonfluid municipal waste that has been dumped on public property in violation of a State law or local ordinance.

If the fees are to be used to conduct a local sanitary landfill inspection or enforcement program, the unit of local government must enter into a written delegation agreement with the Agency pursuant to subsection (r) of Section 4. The unit of local government and the Agency shall enter into such a written delegation agreement within 60 days after the establishment of such fees, or August 23, 1988, whichever is later. For the year commencing January 1, 1989, and thereafter, the Agency shall conduct an audit of the expenditures made by units of local government from the funds granted by the Agency to the units of local government for purposes of local sanitary landfill inspection and enforcement programs, to ensure that the funds have been expended for the prescribed purposes under the grant.

The fees, taxes or surcharges collected under this subsection (j) shall be placed by the unit of local government in a separate fund, and the interest received on the moneys in the fund shall be credited to the fund. The monies in the fund may be accumulated over a period of years to be expended in accordance with this subsection.

A unit of local government, as defined in the Local Solid Waste Disposal Act, shall prepare and distribute to the Agency, in April of each year, a report that details spending plans for monies collected in accordance with this subsection. The report will at a minimum include the following:

(1) The total monies collected pursuant to this subsection.
(2) The most current balance of monies collected pursuant to this subsection.
(3) An itemized accounting of all monies expended for the previous year pursuant to this subsection.
(4) An estimation of monies to be collected for the following 3 years pursuant to this subsection.
(5) A narrative detailing the general direction and scope of future expenditures for one, 2 and 3 years.

New matter indicated by italics - deletions by strikeout.
The exemptions granted under Sections 22.16 and 22.16a, and under subsections (c) and (k) of this Section, shall be applicable to any fee, tax or surcharge imposed under this subsection (j); except that the fee, tax or surcharge authorized to be imposed under this subsection (j) may be made applicable by a unit of local government to the permanent disposal of solid waste after December 31, 1986, under any contract lawfully executed before June 1, 1986 under which more than 150,000 cubic yards (or 50,000 tons) of solid waste is to be permanently disposed of, even though the waste is exempt from the fee imposed by the State under subsection (b) of this Section pursuant to an exemption granted under Section 22.16.

(k) In accordance with the findings and purposes of the Illinois Solid Waste Management Act, beginning January 1, 1989 the fee under subsection (b) and the fee, tax or surcharge under subsection (j) shall not apply to:

1. Waste which is hazardous waste; or
2. Waste which is pollution control waste; or
3. Waste from recycling, reclamation or reuse processes which have been approved by the Agency as being designed to remove any contaminant from wastes so as to render such wastes reusable, provided that the process renders at least 50% of the waste reusable; or
4. Non-hazardous solid waste that is received at a sanitary landfill and composted or recycled through a process permitted by the Agency; or
5. Any landfill which is permitted by the Agency to receive only demolition or construction debris or landscape waste.

(Source: P.A. 89-93, eff. 7-6-95; 89-443, eff. 7-1-96; 89-445, eff. 2-7-96; 90-14, eff. 7-1-97; 90-475, eff. 8-17-97.)

Sec. 22.16. Fee exemptions.
(a) The Agency shall grant exemptions from the fee requirements of Section 22.15 of this Act for permanent disposal or transport of solid waste meeting all of the following criteria:

1. permanent disposal of the solid waste is pursuant to a written contract between the owner or operator of the sanitary landfill and some other person, or transport of the solid waste is pursuant to a written contract between the transporter and some other person;
2. the contract for permanent disposal or transport of solid waste was lawfully executed on or before December 31, 1986, and by its express terms continues beyond January 1, 1987, or was lawfully executed during 1987 or 1988 and by its express terms continues beyond January 1, 1989;
3. the contract for permanent disposal or transport of solid waste establishes a fixed fee or compensation, does not allow the operator or transporter to pass the fee through to another party, and does not allow voluntary cancellation or re-negotiation of the compensation or fee during the term of the contract; and
4. the contract was lawfully executed on or before December 31, 1986 and

New matter indicated by italics - deletions by strikeout.
has not been amended at any time after that date, or was lawfully executed during 1987 or 1988 and has not been amended on or after January 1, 1989.

(b) Exemptions granted under this Section shall cause the solid waste received by an owner or operator of a sanitary landfill pursuant to a contract exempted under this Section to be disregarded in calculating the volume or weight of solid waste permanently disposed of during a calendar year under Section 22.15 of this Act.

(c) (Blank.) Applications for exemptions under this Section may be granted retroactively. Applications for retroactive or prospective exemptions must be submitted with proof of satisfaction of all criteria for granting the exemption, and must be received by the Agency before March 1, 1989.

(d) It shall be the duty of an owner or operator of a sanitary landfill to keep accurate records and to prove to the satisfaction of the Agency the volume or weight of solid waste received under an exemption during a calendar year.

(e) Exemptions under this Section shall expire upon the expiration, renewal or amendment of the exempted contract, whichever occurs first.

(Source: P.A. 85-1195.)

(415 ILCS 5/22.16a) (from Ch. 111 1/2, par. 1022.16a)
Sec. 22.16a. Additional fee exemptions.

(a) In accordance with the findings and purposes of the Illinois Solid Waste Management Act, the Agency shall grant exemptions from the fee requirements of Section 22.15 of this Act for solid waste meeting all of the following criteria:

(1) the waste is non-putrescible and homogeneous and does not contain free liquids;

(2) combustion of the waste would not provide practical energy recovery or practical reduction in volume; and

(3) the applicant for exemption demonstrates that it is not technologically and economically reasonable to recycle or reuse the waste.

(b) Exemptions granted under this Section shall cause the solid waste exempted under subsection (a) which is permanently disposed of by an owner or operator of a sanitary landfill to be disregarded in calculating the volume or weight of solid waste permanently disposed of during a calendar year under Section 22.15 of this Act.

(c) Applications for exemptions under this Section must be submitted on forms provided by the Agency for such purpose, together with proof of satisfaction of all criteria for granting the exemption. For applications received before March 1, 1989, exemptions issued under subsection (a) shall be effective as of January 1, 1989. For applications received on or after March 1, 1989, exemptions issued under subsection (a) shall be effective beginning with the next calendar quarter following issuance of the exemption.

(d) If the Agency denies a request made pursuant to subsection (a), the applicant may seek review before the Board pursuant to Section 40 as if the Agency had denied an application for a permit. If the Agency fails to act within 90 days after receipt of an application, the request shall be deemed granted until such time as the Agency has taken final action.
(e) It shall be the duty of an owner or operator of a sanitary landfill to keep accurate records and to prove to the satisfaction of the Agency the volume or weight of solid waste received under an exemption during a calendar year.

(Source: P.A. 85-1195.)

(415 ILCS 5/22.22) (from Ch. 111 1/2, par. 1022.22)

Sec. 22.22. Landscape waste.

(a) Beginning July 1, 1990, no person may knowingly mix landscape waste that is intended for collection or for disposal at a landfill with any other municipal waste.

(b) Beginning July 1, 1990, no person may knowingly put landscape waste into a container intended for collection or disposal at a landfill, unless such container is biodegradable.

(c) Beginning July 1, 1990, no owner or operator of a sanitary landfill shall accept landscape waste for final disposal, except that landscape waste separated from municipal waste may be accepted by a sanitary landfill if (1) the landfill provides and maintains for that purpose separate landscape waste composting facilities and composts all landscape waste, and (2) the composted waste is utilized, by the operators of the landfill or by any other person, as part of the final vegetative cover for the landfill or for such other uses as soil conditioning material, or the landfill has received an Agency permit to use source separated and processed landscape waste as an alternative daily cover and the landscape waste is processed at a site, other than the sanitary landfill, that has received an Agency permit before July 30, the effective date of this amendatory Act of 1997 to process landscape waste. For purposes of this Section, (i) "source separated" means divided into its component parts at the point of generation and collected separately from other solid waste and (ii) "processed" means shredded by mechanical means to reduce the landscape waste to a uniform consistency.

(d) The requirements of this Section shall not apply (i) to landscape waste collected as part of a municipal street sweeping operation where the intent is to provide street sweeping service rather than leaf collection, nor (ii) to landscape waste collected by bar screens or grates in a sewage treatment system.

(Source: P.A. 90-266, eff. 7-30-97.)

(415 ILCS 5/22.23) (from Ch. 111 1/2, par. 1022.23)

Sec. 22.23. Batteries.

(a) Beginning September 1, 1990, any person selling lead-acid batteries at retail or offering lead-acid batteries for retail sale in this State shall:

(1) accept for recycling used lead-acid batteries from customers, at the point of transfer, in a quantity equal to the number of new batteries purchased; and

(2) post in a conspicuous place a written notice at least 8.5 by 11 inches in size that includes the universal recycling symbol and the following statements: "DO NOT put motor vehicle batteries in the trash."; "Recycle your used batteries."; and "State law requires us to accept motor vehicle batteries for recycling, in exchange for new batteries purchased.".

(b) Any person selling lead-acid batteries at retail in this State may either charge a
recycling fee on each new lead-acid battery sold for which the customer does not return a used battery to the retailer, or provide a recycling credit to each customer who returns a used battery for recycling at the time of purchasing a new one.

(c) Beginning September 1, 1990, no lead-acid battery retailer may dispose of a used lead-acid battery except by delivering it (1) to a battery wholesaler or its agent, (2) to a battery manufacturer, (3) to a collection or recycling facility, or (4) to a secondary lead smelter permitted by either a state or federal environmental agency.

(d) Any person selling lead-acid batteries at wholesale or offering lead-acid batteries for sale at wholesale shall accept for recycling used lead-acid batteries from customers, at the point of transfer, in a quantity equal to the number of new batteries purchased. Such used batteries shall be disposed of as provided in subsection (c).

(e) A person who accepts used lead-acid batteries for recycling pursuant to subsection (a) or (d) shall not allow such batteries to accumulate for periods of more than 90 days.

(f) Beginning September 1, 1990, no person may knowingly cause or allow:

1. the placing of a lead-acid battery into any container intended for collection and disposal at a municipal waste sanitary landfill; or
2. the disposal of any lead-acid battery in any municipal waste sanitary landfill or incinerator.

(g) The Department of Commerce and Community Affairs shall identify and assist in developing alternative processing and recycling options for used batteries.

(h) For the purpose of this Section:

"Lead-acid battery" means a battery containing lead and sulfuric acid that has a nominal voltage of at least 6 volts and is intended for use in motor vehicles.

"Motor vehicle" includes automobiles, vans, trucks, tractors, motorcycles and motorboats.

(i) (Blank.) The Department shall study the problems associated with household batteries that are processed or disposed of as part of mixed solid waste, and shall develop and implement a pilot project to collect and recycle used household batteries. The Department shall report its findings to the Governor and the General Assembly, together with any recommendations for legislation, by November 1, 1991.

(j) Knowing violation of this Section shall be a petty offense punishable by a fine of $100.

(Source: P.A. 89-445, eff. 2-7-96.)

(415 ILCS 5/22.23a)

Sec. 22.23a. Fluorescent and high intensity discharge lamps.

(a) As used in this Section, "fluorescent or high intensity discharge lamp" means a lighting device that contains mercury and generates light through the discharge of electricity either directly or indirectly through a fluorescent coating, including a mercury vapor, high pressure sodium, or metal halide lamp containing mercury, lead, or cadmium.

(b) No person may knowingly cause or allow the disposal of any fluorescent or high intensity discharge lamp in any municipal waste incinerator beginning July 1, 1997. This Section does not apply to lamps generated by households.

New matter indicated by italics - deletions by strikeout.
(c) (1) Hazardous fluorescent and high intensity discharge lamps are hereby designated as a category of universal waste subject to the streamlined hazardous waste rules set forth in Title 35 of the Illinois Administrative Code, Subtitle G, Chapter I, Subchapter c, Part 733 ("Part 733"). Within 60 days of August 19, 1997 (the effective date of Public Act 90-502) this amendatory Act of 1997 the Agency shall propose, and within 180 days of receipt of the Agency's proposal the Board shall adopt, rules that reflect this designation and that prescribe procedures and standards for the management of hazardous fluorescent and high intensity discharge lamps as universal waste.

(2) If the United States Environmental Protection Agency adopts streamlined hazardous waste regulations pertaining to the management of fluorescent and high intensity discharge lamps, or otherwise exempts those lamps from regulation as hazardous waste, the Board shall adopt an equivalent rule in accordance with Section 7.2 of this Act within 180 days of adoption of the federal regulation. The equivalent Board rule may serve as an alternative to the rules adopted under subdivision (1) of this subsection.

(d) (Blank.) Until the Board adopts rules pursuant to subsection (c), fluorescent and high intensity discharge lamps shall be managed in accordance with existing laws and regulations or under the following conditions:

(1) after being removed from service, the generator stores the lamps in a safe manner that minimizes the chance of breakage;

(2) no lamps are stored longer than 6 months from the time they are removed from service;

(3) the generator delivers the lamps to a licensed hauler that will deliver the lamps to a recycler; and

(4) the lamps are transported in a safe manner that minimizes the chance of breakage.

(e) (Blank.) The Agency shall study the problem associated with used fluorescent and high intensity discharge lamps that are processed or disposed of as part of mixed solid waste; and shall identify possible collection and recycling systems for used fluorescent and high intensity discharge lamps. The Agency shall report its findings to the General Assembly and the Governor by January 1, 1998.

(Source: P.A. 89-619, eff. 1-1-97; 90-502, eff. 8-19-97.)

(415 ILCS 5/22.27) (from Ch. 111 1/2, par. 1022.27)

Sec. 22.27. Alternative Daily Cover for Sanitary Landfills.

(a) The Agency shall investigate alternative materials to soil as daily cover at sanitary landfills, including chemical foam, grit and nonputrescible residuals from solid waste recycling facilities, shredded tire material, hydromulch produced from newsprint or other wastepaper, and finished compost. The investigation shall include a comparative cost analysis of each alternative material to soil, environmental suitability of each material, and any potential savings in landfill capacity resulting from the use of an alternative cover material. The Agency shall report to the General Assembly by September 1, 1992, on the
feasibility of alternative materials for daily cover at sanitary landfills. If the Agency determines that any or all chemical foams provides a cover material that is as good as, or better than, the traditional soil cover commonly used in this State, the Agency shall certify that material as meeting the requirements of this Section. If the Agency determines that any alternative materials other than chemical foams adequately satisfies daily cover requirements at sanitary landfills, it shall permit use of such materials at such facilities. The Department shall cooperate with the Agency in the conduct of the investigation and report required by this subsection (a) of this Section.

(b) In complying with the daily cover requirements imposed on sanitary landfills by Board regulation, the operator of a sanitary landfill may use any foam that has been certified by the Agency under this Section in place of a soil cover.

(Source: P.A. 87-727.)

(415 ILCS 5/22.33)
Sec. 22.33. Compost quality standards.

(a) By January 1, 1994, the Agency shall develop and make recommendations to the Board concerning (i) performance standards for landscape waste compost facilities and (ii) testing procedures and standards for the end-product compost produced by landscape waste compost facilities.

The Agency, in cooperation with the Department, shall appoint a Technical Advisory Committee for the purpose of developing these recommendations. Among other things, the Committee shall evaluate environmental and safety considerations, compliance costs, and regulations adopted in other states and countries. The Committee shall have balanced representation and shall include members representing academia, the composting industry, the Department of Agriculture, the landscaping industry, environmental organizations, municipalities, and counties.

Performance standards for landscape waste compost facilities shall at a minimum include:

(1) the management of odor;
(2) the management of surface water;
(3) contingency planning for handling end-product compost material that does not meet requirements of subsection (b);
(4) plans for intended purposes of end-use product; and
(5) a financial assurance plan necessary to restore the site as specified in Agency permit.

(b) By December 1, 1997, the Board shall adopt:

(1) performance standards for landscape waste compost facilities; and
(2) testing procedures and standards for the end-product compost produced by landscape waste compost facilities.

The Board shall evaluate the merits of different standards for end-product compost applications.

(c) On-site composting that is used solely for the purpose of composting landscape waste generated on-site and that will not be offered for off-site sale or use is exempt from
any standards promulgated under subsections (a) and (b). Subsection (b)(2) shall not apply
to end-product compost used as daily cover or vegetative amendment in the final layer.
Subsection (b) applies to any end-product compost offered for sale or use in Illinois.
(Source: P.A. 87-1227; 88-690, eff. 1-24-95.)
(415 ILCS 5/22.40)
Sec. 22.40. Municipal solid waste landfill rules.
(a) In accordance with Sec. 7.2, the Board shall adopt rules that are identical in
substance to federal regulations or amendments thereto promulgated by the Administrator
of the United States Environmental Protection Agency to implement Sections 4004 and 4010
of the Resource Conservation and Recovery Act of 1976 (P.L. 94-580) insofar as those
regulations relate to a municipal solid waste landfill unit program. The Board may
consolidate into a single rulemaking under this Section all such federal regulations adopted
within a period of time not to exceed 6 months. Where the federal regulations authorize the
State to adopt alternative standards, schedules, or procedures to the standards, schedules, or
procedures contained in the federal regulations, the Board may adopt alternative standards,
schedules, or procedures under subsection (b) or retain existing Board rules that establish
alternative standards, schedules, or procedures that are not inconsistent with the federal
regulations. The Board may consolidate into a single rulemaking under this Section all such
federal regulations adopted within a period of time not to exceed 6 months.

The provisions and requirements of Title VII of this Act shall not apply to rules
adopted under this subsection (a). Section 5-35 of the Illinois Administrative Procedure Act
relating to the procedures for rulemaking shall not apply to regulations adopted under this
subsection (a).

(b) The Board may adopt regulations relating to a State municipal solid waste landfill
program that are not inconsistent with the Resource Conservation and Recovery Act of 1976
(P.L. 94-580), or regulations adopted thereunder. Rules adopted under this subsection shall
be adopted in accordance with the provisions and requirements of Title VII of this Act and
the procedures for rulemaking in Section 5-35 of the Illinois Administrative Procedure Act.

(c) (Blank.) Notwithstanding action by the Board, and effective October 9, 1993, only
for those facilities meeting the conditions of 40 C.F.R. 258.1(e)(2) or 40 C.F.R. 258.1(e)(3),
the deadlines established in subsections (d)(1) and (t), as added by Public Act 88-496, of
Section 21 and subsections (a.5), (a.10), and (b) of Section 22.17 of this Act are extended to
those new dates established in regulations promulgated by the United States Environmental
Protection Agency at 58 Federal Register 51536 (October 1, 1993); provided, however, no
deadline for receipt of solid waste is extended past October 9, 1994.

With respect to those facilities that qualify for an extension in accordance with the
provisions of 40 C.F.R. 258.1(e)(3), the Agency shall determine that the facilities are needed
to receive flood related waste from a federally designated area within a major disaster area
declared by the President during the summer of 1993 pursuant to 42 U.S.C. 5121 et seq.
(Source: P.A. 88-496; 88-512; 88-540.)
(415 ILCS 5/22.43)
Sec. 22.43. Permit modifications for lateral expansions. The Agency may issue a

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permit modification for a lateral expansion, as defined in Section 3.275 Sec. 3.88 of this Act, for an existing MSWLF unit under Section Sec. 39 of this Act on or after the effective date of this amendatory Act of 1993 to a person required to obtain such a permit modification under subsection (t) of Section 21 of this Act.
(Source: P.A. 88-496.)

(415 ILCS 5/22.44)
Sec. 22.44. Subtitle D management fees.
(a) There is created within the State treasury a special fund to be known as the "Subtitle D Management Fund" constituted from the fees collected by the State under this Section.
(b) On and after January 1, 1994, the Agency shall assess and collect a fee in the amount set forth in this subsection from the owner or operator of each sanitary landfill permitted or required to be permitted by the Agency to dispose of solid waste if the sanitary landfill is located off the site where the waste was produced and if the sanitary landfill is owned, controlled, and operated by a person other than the generator of the waste. The Agency shall deposit all fees collected under this subsection into the Subtitle D Management Fund. If a site is contiguous to one or more landfills owned or operated by the same person, the volumes permanently disposed of by each landfill shall be combined for purposes of determining the fee under this subsection.

(1) If more than 150,000 cubic yards of non-hazardous solid waste is permanently disposed of at a site in a calendar year, the owner or operator shall either pay a fee of 5.5 cents per cubic yard or, alternatively, the owner or operator may weigh the quantity of the solid waste permanently disposed of with a device for which certification has been obtained under the Weights and Measures Act and pay a fee of 12 cents per ton of waste permanently disposed of.

(2) If more than 100,000 cubic yards, but not more than 150,000 cubic yards, of non-hazardous waste is permanently disposed of at a site in a calendar year, the owner or operator shall pay a fee of $3,825.

(3) If more than 50,000 cubic yards, but not more than 100,000 cubic yards, of non-hazardous solid waste is permanently disposed of at a site in a calendar year, the owner or operator shall pay a fee of $1,700.

(4) If more than 10,000 cubic yards, but not more than 50,000 cubic yards, of non-hazardous solid waste is permanently disposed of at a site in a calendar year, the owner or operator shall pay a fee of $530.

(5) If not more than 10,000 cubic yards of non-hazardous solid waste is permanently disposed of at a site in a calendar year, the owner or operator shall pay a fee of $110.

(c) The fee under subsection (b) shall not apply to any of the following:

(1) Hazardous waste.

(2) Pollution control waste.

(3) Waste from recycling, reclamation, or reuse processes that have been approved by the Agency as being designed to remove any contaminant from wastes

New matter indicated by italics - deletions by strikeout.
so as to render the wastes reusable, provided that the process renders at least 50% of the waste reusable.

(4) Non-hazardous solid waste that is received at a sanitary landfill and composted or recycled through a process permitted by the Agency.

(5) Any landfill that is permitted by the Agency to receive only demolition or construction debris or landscape waste.

(d) The Agency shall establish rules relating to the collection of the fees authorized by this Section. These rules shall include, but not be limited to the following:

(1) Necessary records identifying the quantities of solid waste received or disposed.

(2) The form and submission of reports to accompany the payment of fees to the Agency.

(3) The time and manner of payment of fees to the Agency, which payments shall not be more often than quarterly.

(4) Procedures setting forth criteria establishing when an owner or operator may measure by weight or volume during any given quarter or other fee payment period.

(e) Fees collected under this Section shall be in addition to any other fees collected under any other Section.

(f) The Agency shall not refund any fee paid to it under this Section.

(g) Pursuant to appropriation, all moneys in the Subtitle D Management Fund shall be used by the Agency to administer the United States Environmental Protection Agency's Subtitle D Program provided in Sections 4004 and 4010 of the Resource Conservation and Recovery Act of 1976 (P.L. 94-580) as it relates to a municipal solid waste landfill program in Illinois and to fund a delegation of inspecting, investigating, and enforcement functions, within the municipality only, pursuant to subsection (r) of Section 4 of this Act to a municipality having a population of more than 1,000,000 inhabitants. The Agency shall execute a delegation agreement pursuant to subsection (r) of Section 4 of this Act with a municipality having a population of more than 1,000,000 inhabitants within 90 days of September 13, the effective date of this amendatory Act of 1993 and shall on an annual basis distribute from the Subtitle D Management Fund to that municipality no less than $150,000.

(Source: P.A. 90-655, eff. 7-30-98.)

(415 ILCS 5/22.45)

Sec. 22.45. Subtitle D management fee exemptions; pre-existing contracts.

(a) The Agency shall grant exemptions from the fee requirements of Section 22.44 of this Act for permanent disposal or transport of solid waste meeting all of the following criteria:

(1) Permanent disposal of the solid waste is pursuant to a written contract between the owner or operator of the sanitary landfill and some other person, or transport of the solid waste is pursuant to a written contract between the transporter and some other person.

(2) The contract for permanent disposal or transport of solid waste was

New matter indicated by italics - deletions by strikeout.
lawfully executed on or before September 13, the effective date of this amendatory Act of 1993 and by its express terms continues beyond January 1, 1994.

(3) The contract for permanent disposal or transport of solid waste establishes a fixed fee or compensation, does not allow the operator or transporter to pass the fee through to another party, and does not allow voluntary cancellation or renegotiation of the compensation or fee during the term of the contract.

(4) The contract was lawfully executed on or before September 13, the effective date of this amendatory Act of 1993 and has not been amended at any time after that date.

(b) Exemptions granted under this Section shall cause the solid waste received by an owner or operator of a sanitary landfill pursuant to a contract exempted under this Section to be disregarded in calculating the volume or weight of solid waste permanently disposed of during a calendar year under Section 22.44 of this Act.

(c) An owner or operator of a sanitary landfill shall keep accurate records and prove, to the satisfaction of the Agency, the volume or weight of solid waste received under an exemption during a calendar year.

(d) Exemptions under this Section shall expire upon the expiration, renewal, or amendment of the exempted contract, whichever occurs first.

(e) For the purposes of this Section, the term "some other person" shall only include persons that are independent operating entities. For purposes of this Section, a person is not an independent operating entity if:

   (1) the person has any officers or directors that are also officers or directors of the sanitary landfill or transporter;

   (2) the person is a parent corporation, subsidiary, or affiliate of the owner or operator of the sanitary landfill or transporter; or

   (3) the person and the owner or operator of the sanitary landfill or transporter are owned by the same entity.

(Source: P.A. 88-496.)

415 ILCS 5/22.47
Sec. 22.47. School district hazardous educational waste collection.

(a) The Agency shall develop, implement, and fund (through appropriations for that purpose from the General Revenue Fund) a program to collect school district hazardous educational waste from school districts and schools in the State. The program shall provide for the availability for collection, transportation, and appropriate management of hazardous educational wastes for each school district or school by private contractors at least every 3 years.

(b) A school district or school may participate in a hazardous educational waste collection program by:

   (1) Notifying the Agency of the hazardous educational wastes used by the school district or school and including the following information:

      (A) Waste types.

      (B) Waste volumes.

New matter indicated by italics - deletions by strikeout.
(C) Number of containers.
(D) Condition of containers.
(E) Location of containers.

(2) Maintaining wastes in the original containers, if practical.
(3) Labeling each container if contents are known.
(4) Following Agency instructions on waste segregation, preparation, or delivery for subsequent handling.

(c) The Agency shall accept applications from school districts or schools throughout the year. The Agency shall designate waste haulers throughout the State qualified to remove school district hazardous waste at the request of a school district or school. By March 1 and September 1 of each year the Agency shall prepare a schedule of school districts or schools that have been selected for collections over the next 6 months. The selections shall be based on the waste types and volumes, geographic distribution, order of application, and expected costs balanced by available resources. The Agency shall notify each selected school or school district of the date of collection and instruction on waste preparation.

(d) For purposes of this Section "hazardous educational waste" means a waste product that could pose a hazard during normal storage, transportation, or disposal generated from an instructional curriculum including laboratory wastes, expired chemicals, unstable compounds, and toxic or flammable materials. "Hazardous educational waste" does not include wastes generated as a result of building, grounds, or vehicle maintenance, asbestos abatement, lead paint abatement, or other non-curriculum activities.

(e) (Blank.) By January 1, 1997, the agency shall submit a report to the General Assembly on the status of the school district hazardous educational waste collection program detailing the amounts, types, and locations of wastes collected, costs of the program, evaluation of the program, and recommendations for future legislative actions.

(f) The Agency is authorized to use funds from the Solid Waste Management Fund to implement this Section.

(Source: P.A. 89-300, eff. 1-1-96.)

(415 ILCS 5/22.48)

Sec. 22.48. Non-special waste certification; effect on permit.

(a) An industrial process waste or pollution control waste not within the exception set forth in subdivision (2) of subsection (c) of Section 3.475 of this Act must be managed as special waste unless the generator first certifies in a signed, dated, written statement that the waste is outside the scope of the categories listed in subdivision (1) of subsection (c) of Section 3.475 of this Act.

(b) All information used to determine that the waste is not a special waste shall be attached to the certification. The information shall include but not be limited to:

1. the means by which the generator has determined that the waste is not a hazardous waste;
2. the means by which the generator has determined that the waste is not a liquid;
3. if the waste undergoes testing, the analytic results obtained from testing,
signed and dated by the person responsible for completing the analysis;
(4) if the waste does not undergo testing, an explanation as to why no testing is needed;
(5) a description of the process generating the waste; and
(6) relevant Material Data Safety Sheets.

(c) Certification made pursuant to this Section shall be effective from the date signed until there is a change in the generator, in the raw materials used, or in the process generating the waste.

(d) Certification made pursuant to this Section, with the requisite attachments, shall be maintained by the certifying generator while effective and for at least 3 years following a change in the generator, a change in the raw materials used, or a change in or termination of the process generating the waste. The generator shall provide a copy of the certification, upon request by the Agency, the waste hauler, or the operator of the facility receiving the waste for storage, treatment, or disposal, to the party requesting the copy. If the Agency believes that the waste that is the subject of the certification has been inaccurately certified to, the Agency may require the generator to analytically test the waste for the constituent believed to be present and provide the Agency with a copy of the analytic results.

(e) A person who knowingly and falsely certifies that a waste is not special waste is subject to the penalties set forth in subdivision (6) of subsection (h) of Section 44 of this Act.

(f) To the extent that a term or condition of an existing permit requires the permittee to manage as special waste a material that is made a non-special waste under Public Act 90-502 this amendatory Act of 1997, that term or condition is hereby superseded, and the permittee may manage that material as a non-special waste, even if the material is identified in the permit as part of a particular waste stream rather than identified specifically as a special waste.

(Source: P.A. 90-502, eff. 8-19-97.)

(415 ILCS 5/25b-5) (from Ch. 111 1/2, par. 1025b-5)
Sec. 25b-5. Review of toxic chemical status. The Agency shall periodically review the status of toxic chemicals and types of facilities covered under the reporting requirements of Section 313 of the federal Emergency Planning and Community Right-to-Know Act of 1986. On or before January 1, 1989, and after providing an opportunity for public comment, the Agency shall submit to the Governor a list of toxic chemicals and facilities not currently covered under that Act which it believes may pose a threat to public health and the environment in Illinois. Within 60 days thereafter, the Governor shall either petition the Administrator of the United States Environmental Protection Agency to modify the lists of chemicals and facilities currently covered pursuant to Section 313 according to the Agency’s recommendations, or refer the matter back to the Agency for further consideration in accordance with his written recommendations for change.

(Source: P.A. 85-927.)

(415 ILCS 5/28.5) (from Ch. 111 1/2, par. 1028.5)
(Section scheduled to be repealed on December 31, 2002.)
Sec. 28.5. Clean Air Act rules; fast-track.

New matter indicated by italics - deletions by strikeout.
(a) This Section shall apply solely to the adoption of rules proposed by the Agency and required to be adopted by the State under the Clean Air Act as amended by the Clean Air Act Amendments of 1990 (CAAA).

(b) This Section is repealed on December 31, 2007.

(c) For purposes of this Section, a "fast-track" rulemaking proceeding is a proceeding to promulgate a rule that the CAAA requires to be adopted. For purposes of this Section, "requires to be adopted" refers only to those regulations or parts of regulations for which the United States Environmental Protection Agency is empowered to impose sanctions against the State for failure to adopt such rules. All fast-track rules must be adopted under procedures set forth in this Section, unless another provision of this Act specifies the method for adopting a specific rule.

(d) When the CAAA requires rules other than identical in substance rules to be adopted, upon request by the Agency, the Board shall adopt rules under fast-track rulemaking requirements.

(e) The Agency shall submit its fast-track rulemaking proposal in the following form:

(1) The Agency shall file the rule in a form that meets the requirements of the Illinois Administrative Procedure Act and regulations promulgated thereunder.

(2) The cover sheet of the proposal shall prominently state that the rule is being proposed under this Section.

(3) The proposal shall clearly identify the provisions and portions of the federal statute, regulations, guidance, policy statement, or other documents upon which the rule is based.

(4) The supporting documentation for the rule shall summarize the basis of the rule.

(5) The Agency shall describe in general the alternative selected and the basis for the alternative.

(6) The Agency shall file a summary of economic and technical data upon which it relied in drafting the rule.

(7) The Agency shall provide a list of any documents upon which it directly relied in drafting the rule or upon which it intends to rely at the hearings and shall provide such documents to the Board. Additionally, the Agency shall make such documents available at an appropriate location for inspection and copying at the expense of the interested party.

(8) The Agency shall include in its submission a description of the geographical area to which the rule is intended to apply, a description of the process or processes affected, an identification by classes of the entities expected to be affected, and a list of sources expected to be affected by the rule to the extent known to the Agency.

(f) Within 14 days of receipt of the proposal, the Board shall file the rule for first notice under the Illinois Administrative Procedure Act and shall schedule all required hearings on the proposal and cause public notice to be given in accordance with the Illinois Administrative Procedure Act and the CAAA.

New matter indicated by italics - deletions by strikeout.
(g) The Board shall set 3 hearings on the proposal, each of which shall be scheduled to continue from day to day, excluding weekends and State and federal holidays, until completed. The Board shall require the written submission of all testimony at least 10 days before a hearing, with simultaneous service to all participants of record in the proceeding as of 15 days prior to hearing, unless a waiver is granted by the Board for good cause. In order to further expedite the hearings, presubmitted testimony shall be accepted into the record without the reading of the testimony at hearing, provided that the witness swears to the testimony and is available for questioning, and the Board shall make every effort to conduct the proceedings expeditiously and avoid duplication and extraneous material.

(1) The first hearing shall be held within 55 days of receipt of the rule and shall be confined to testimony by and questions of the Agency's witnesses concerning the scope, applicability, and basis of the rule. Within 7 days after the first hearing, any person may request that the second hearing be held.

(A) If, after the first hearing, the Agency and affected entities are in agreement on the rule, the United States Environmental Protection Agency has not informed the Board of any unresolved objection to the rule, and no other interested party contests the rule or asks for the opportunity to present additional evidence, the Board may cancel the additional hearings. When the Board adopts the final order under these circumstances, it shall be based on the Agency's proposal as agreed to by the parties.

(B) If, after the first hearing, the Agency and affected entities are in agreement upon a portion of the rule, the United States Environmental Protection Agency has not informed the Board of any unresolved objections to that agreed portion of the rule, and no other interested party contests that agreed portion of the rule or asks for the opportunity to present additional evidence, the Board shall proceed to the second hearing, as provided in paragraph (2) of subsection (g) of this Section, but the hearing shall be limited in scope to the unresolved portion of the proposal. When the Board adopts the final order under these circumstances, it shall be based on such portion of the Agency's proposal as agreed to by the parties.

(2) The second hearing shall be scheduled to commence within 30 days of the first day of the first hearing and shall be devoted to presentation of testimony, documents, and comments by affected entities and all other interested parties.

(3) The third hearing shall be scheduled to commence within 14 days after the first day of the second hearing and shall be devoted solely to any Agency response to the material submitted at the second hearing and to any response by other parties. The third hearing shall be cancelled if the Agency indicates to the Board that it does not intend to introduce any additional material.

(h) In any fast-track rulemaking proceeding, the Board shall accept evidence and comments on the economic impact of any provision of the rule and shall consider the economic impact of the rule based on the record. The Board may order an economic impact study in a manner that will not prevent adoption of the rule within the time required by

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subsection (o) of this Section.

(i) In all fast-track rulemakings under this Section, the Board shall take into account factors set forth in subsection (a) of Section 27 of this Act.

(j) The Board shall adopt rules in the fast-track rulemaking docket under the requirements of this Section that the CAAA requires to be adopted, and may consider a non-required rule in a second docket that shall proceed under Title VII of this Act.

(k) The Board is directed to take whatever measures are available to it to complete fast-track rulemaking as expeditiously as possible consistent with the need for careful consideration. These measures shall include, but not be limited to, having hearings transcribed on an expedited basis.

(l) Following the hearings, the Board shall close the record 14 days after the availability of the transcript.

(m) The Board shall not revise or otherwise change an Agency fast-track rulemaking proposal without agreement of the Agency until after the end of the hearing and comment period. Any revisions to an Agency proposal shall be based on the record of the proceeding.

(n) All rules adopted by the Board under this Section shall be based solely on the record before it.

(o) The Board shall complete a fast-track rulemaking by adopting a second notice order no later than 130 days after receipt of the proposal if no third hearing is held and no later than 150 days if the third hearing is held. If the order includes a rule, the Illinois Board shall file the rule for second notice under the Illinois Administrative Procedure Act within 5 days after adoption of the order.

(p) Upon receipt of a statement of no objection to the rule from the Joint Committee on Administrative Rules, the Board shall adopt the final order and submit the rule to the Secretary of State for publication and certification within 21 days.

(Source: P.A. 90-265, eff. 7-30-97.)

(415 ILCS 5/30) (from Ch. 111 1/2, par. 1030)

Sec. 30. Investigations. The Agency shall cause investigations to be made upon the request of the Board or upon receipt of information concerning an alleged violation of this Act or of any rule or regulation promulgated thereunder, or of any permit granted by the Agency or any term or condition of any such permit, and may cause to be made such other investigations as it shall deem advisable.

(Source: P.A. 78-862.)

(415 ILCS 5/31) (from Ch. 111 1/2, par. 1031)

Sec. 31. Notice; complaint; hearing.

(a) (1) Within 180 days of becoming aware of an alleged violation of the Act or any rule adopted under the Act or of a permit granted by the Agency or condition of the permit, the Agency shall issue and serve, by certified mail, upon the person complained against a written notice informing that person that the Agency has evidence of the alleged violation. At a minimum, the written notice shall contain:

(A) notification to the person complained against of the requirement to submit a written response addressing the violations alleged and the option

New matter indicated by italics - deletions by strikeout.
to meet with appropriate agency personnel to resolve any alleged violations that could lead to the filing of a formal complaint;

(B) a detailed explanation by the Agency of the violations alleged;

(C) an explanation by the Agency of the actions that the Agency believes may resolve the alleged violations, including an estimate of a reasonable time period for the person complained against to complete the suggested resolution; and

(D) an explanation of any alleged violation that the Agency believes cannot be resolved without the involvement of the Office of the Illinois Attorney General or the State's Attorney of the county in which the alleged violation occurred and the basis for the Agency's belief.

(2) A written response to the violations alleged shall be submitted to the Agency, by certified mail, within 45 days of receipt of notice by the person complained against, unless the Agency agrees to an extension. The written response shall include:

(A) information in rebuttal, explanation or justification of each alleged violation;

(B) a proposed Compliance Commitment Agreement that includes specified times for achieving each commitment and which may consist of a statement indicating that the person complained against believes that compliance has been achieved; and

(C) a request for a meeting with appropriate Agency personnel if a meeting is desired by the person complained against.

(3) If the person complained against fails to respond in accordance with the requirements of subdivision (2) of this subsection (a), the failure to respond shall be considered a waiver of the requirements of this subsection (a) and nothing in this Section shall preclude the Agency from proceeding pursuant to subsection (b) of this Section.

(4) A meeting requested pursuant to subdivision (2) of this subsection (a) shall be held without a representative of the Office of the Illinois Attorney General or the State's Attorney of the county in which the alleged violation occurred, within 60 days of receipt of notice by the person complained against, unless the Agency agrees to a postponement. At the meeting, the Agency shall provide an opportunity for the person complained against to respond to each alleged violation, suggested resolution, and suggested implementation time frame, and to suggest alternate resolutions.

(5) If a meeting requested pursuant to subdivision (2) of this subsection (a) is held, the person complained against shall, within 21 days following the meeting or within an extended time period as agreed to by the Agency, submit by certified mail to the Agency a written response to the alleged violations. The written response shall include:

(A) additional information in rebuttal, explanation or justification of
each alleged violation;

(B) a proposed Compliance Commitment Agreement that includes specified times for achieving each commitment and which may consist of a statement indicating that the person complained against believes that compliance has been achieved; and

(C) a statement indicating that, should the person complained against so wish, the person complained against chooses to rely upon the initial written response submitted pursuant to subdivision (2) of this subsection (a).

(6) If the person complained against fails to respond in accordance with the requirements of subdivision (5) of this subsection (a), the failure to respond shall be considered a waiver of the requirements of this subsection (a) and nothing in this Section shall preclude the Agency from proceeding pursuant to subsection (b) of this Section.

(7) Within 30 days of the Agency's receipt of a written response submitted by the person complained against pursuant to subdivision (2) of this subsection (a), if a meeting is not requested, or subdivision (5) of this subsection (a), if a meeting is held, or within a later time period as agreed to by the Agency and the person complained against, the Agency shall issue and serve, by certified mail, upon the person complained against a written notice informing the person of its acceptance, rejection, or proposed modification to the proposed Compliance Commitment Agreement as contained within the written response.

(8) Nothing in this subsection (a) is intended to require the Agency to enter into Compliance Commitment Agreements for any alleged violation that the Agency believes cannot be resolved without the involvement of the Office of the Attorney General or the State's Attorney of the county in which the alleged violation occurred, for, among other purposes, the imposition of statutory penalties.

(9) The Agency's failure to respond to a written response submitted pursuant to subdivision (2) of this subsection (a), if a meeting is not requested, or subdivision (5) of this subsection (a), if a meeting is held, within 30 days, or within the time period otherwise agreed to in writing by the Agency and the person complained against, shall be deemed an acceptance by the Agency of the proposed Compliance Commitment Agreement for the violations alleged in the written notice issued under subdivision (1) of this subsection (a) as contained within the written response.

(10) If the person complained against complies with the terms of a Compliance Commitment Agreement accepted pursuant to this subsection (a), the Agency shall not refer the alleged violations which are the subject of the Compliance Commitment Agreement to the Office of the Illinois Attorney General or the State's Attorney of the county in which the alleged violation occurred. However, nothing in this subsection is intended to preclude the Agency from continuing negotiations with the person complained against or from proceeding pursuant to the provisions of subsection (b) of this Section for alleged violations which remain the subject of disagreement between the Agency and the person complained against following
fulfillment of the requirements of this subsection (a).

(11) Nothing in this subsection (a) is intended to preclude the person complained against from submitting to the Agency, by certified mail, at any time, notification that the person complained against consents to waiver of the requirements of subsections (a) and (b) of this Section.

(b) For alleged violations that remain the subject of disagreement between the Agency and the person complained against following fulfillment of the requirements of subsection (a) of this Section, and as a precondition to the Agency's referral or request to the Office of the Illinois Attorney General or the State's Attorney of the county in which the alleged violation occurred for legal representation regarding an alleged violation that may be addressed pursuant to subsection (c) or (d) of this Section or pursuant to Section 42 of this Act, the Agency shall issue and serve, by certified mail, upon the person complained against a written notice informing that person that the Agency intends to pursue legal action. Such notice shall notify the person complained against of the violations to be alleged and offer the person an opportunity to meet with appropriate Agency personnel in an effort to resolve any alleged violations that could lead to the filing of a formal complaint. The meeting with Agency personnel shall be held within 30 days of receipt of notice served pursuant to this subsection upon the person complained against, unless the Agency agrees to a postponement or the person notifies the Agency that he or she will not appear at a meeting within the 30 day time period. Nothing in this subsection is intended to preclude the Agency from following the provisions of subsection (c) or (d) of this Section or from requesting the legal representation of the Office of the Illinois Attorney General or the State's Attorney of the county in which the alleged violations occurred for alleged violations which remain the subject of disagreement between the Agency and the person complained against after the provisions of this subsection are fulfilled.

(c) (1) For alleged violations which remain the subject of disagreement between the Agency and the person complained against following waiver, pursuant to subdivision (10) of subsection (a) of this Section, or fulfillment of the requirements of subsections (a) and (b) of this Section, the Office of the Illinois Attorney General or the State's Attorney of the county in which the alleged violation occurred shall issue and serve upon the person complained against a written notice, together with a formal complaint, which shall specify the provision of the Act or the rule or regulation or permit or term or condition thereof under which such person is said to be in violation, and a statement of the manner in, and the extent to which such person is said to violate the Act or such rule or regulation or permit or term or condition thereof and shall require the person so complained against to answer the charges of such formal complaint at a hearing before the Board at a time not less than 21 days after the date of notice by the Board, except as provided in Section 34 of this Act. Such complaint shall be accompanied by a notification to the defendant that financing may be available, through the Illinois Environmental Facilities Financing Act, to correct such violation. A copy of such notice of such hearings shall also be sent to any person that has complained to the Agency respecting the respondent
within the six months preceding the date of the complaint, and to any person in the county in which the offending activity occurred that has requested notice of enforcement proceedings; 21 days notice of such hearings shall also be published in a newspaper of general circulation in such county. The respondent may file a written answer, and at such hearing the rules prescribed in Sections 32 and 33 of this Act shall apply. In the case of actual or threatened acts outside Illinois contributing to environmental damage in Illinois, the extraterritorial service-of-process provisions of Sections 2-208 and 2-209 of the Code of Civil Procedure shall apply.

With respect to notices served pursuant to this subsection (c)(1) which involve hazardous material or wastes in any manner, the Agency shall annually publish a list of all such notices served. The list shall include the date the investigation commenced, the date notice was sent, the date the matter was referred to the Attorney General, if applicable, and the current status of the matter.

(2) Notwithstanding the provisions of subdivision (1) of this subsection (c), whenever a complaint has been filed on behalf of the Agency or by the People of the State of Illinois, the parties may file with the Board a stipulation and proposal for settlement accompanied by a request for relief from the requirement of a hearing pursuant to subdivision (1). Unless the Board, in its discretion, concludes that a hearing will be held, the Board shall cause notice of the stipulation, proposal and request for relief to be published and sent in the same manner as is required for hearing pursuant to subdivision (1) of this subsection. The notice shall include a statement that any person may file a written demand for hearing within 21 days after receiving the notice. If any person files a timely written demand for hearing, the Board shall deny the request for relief from a hearing and shall hold a hearing in accordance with the provisions of subdivision (1).

(3) Notwithstanding the provisions of subdivision (1) of this subsection (c), if the Agency becomes aware of a violation of this Act arising from, or as a result of, voluntary pollution prevention activities, the Agency shall not proceed with the written notice required by subsection (a) of this Section unless:

(A) the person fails to take corrective action or eliminate the reported violation within a reasonable time; or

(B) the Agency believes that the violation poses a substantial and imminent danger to the public health or welfare or the environment. For the purposes of this item (B), "substantial and imminent danger" means a danger with a likelihood of serious or irreversible harm.

(d) Any person may file with the Board a complaint, meeting the requirements of subsection (c) of this Section, against any person allegedly violating this Act or any rule or regulation thereunder or any permit or term or condition thereof. The complainant shall immediately serve a copy of such complaint upon the person or persons named therein. Unless the Board determines that such complaint is duplicative or frivolous, it shall schedule a hearing and serve written notice thereof upon the person or persons named therein, in accord with subsection (c) of this Section.

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(e) In hearings before the Board under this Title the burden shall be on the Agency or other complainant to show either that the respondent has caused or threatened to cause air or water pollution or that the respondent has violated or threatens to violate any provision of this Act or any rule or regulation of the Board or permit or term or condition thereof. If such proof has been made, the burden shall be on the respondent to show that compliance with the Board's regulations would impose an arbitrary or unreasonable hardship.

(f) The provisions of this Section shall not apply to administrative citation actions commenced under Section 31.1 of this Act.

(Source: P.A. 88-145; 89-596, eff. 8-1-96.)

Sec. 39. Issuance of permits; procedures.

(a) When the Board has by regulation required a permit for the construction, installation, or operation of any type of facility, equipment, vehicle, vessel, or aircraft, the applicant shall apply to the Agency for such permit and it shall be the duty of the Agency to issue such a permit upon proof by the applicant that the facility, equipment, vehicle, vessel, or aircraft will not cause a violation of this Act or of regulations hereunder. The Agency shall adopt such procedures as are necessary to carry out its duties under this Section. In granting permits the Agency may impose such conditions as may be necessary to accomplish the purposes of this Act, and as are not inconsistent with the regulations promulgated by the Board hereunder. Except as otherwise provided in this Act, a bond or other security shall not be required as a condition for the issuance of a permit. If the Agency denies any permit under this Section, the Agency shall transmit to the applicant within the time limitations of this Section specific, detailed statements as to the reasons the permit application was denied. Such statements shall include, but not be limited to the following:

(i) the Sections of this Act which may be violated if the permit were granted;
(ii) the provision of the regulations, promulgated under this Act, which may be violated if the permit were granted;
(iii) the specific type of information, if any, which the Agency deems the applicant did not provide the Agency; and
(iv) a statement of specific reasons why the Act and the regulations might not be met if the permit were granted.

If there is no final action by the Agency within 90 days after the filing of the application for permit, the applicant may deem the permit issued; except that this time period shall be extended to 180 days when (1) notice and opportunity for public hearing are required by State or federal law or regulation, (2) the application which was filed is for any permit to develop a landfill subject to issuance pursuant to this subsection, or (3) the application that was filed is for a MSWLF unit required to issue public notice under subsection (p) of Section 39. The 90-day and 180-day time periods for the Agency to take final action do not apply to NPDES permit applications under subsection (b) of this Section, to RCRA permit applications under subsection (d) of this Section, or to UIC permit applications under subsection (e) of this Section.

The Agency shall publish notice of all final permit determinations for development

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permits for MSWLF units and for significant permit modifications for lateral expansions for existing MSWLF units one time in a newspaper of general circulation in the county in which the unit is or is proposed to be located.

After January 1, 1994 and until July 1, 1998, operating permits issued under this Section by the Agency for sources of air pollution permitted to emit less than 25 tons per year of any combination of regulated air pollutants, as defined in Section 39.5 of this Act, shall be required to be renewed only upon written request by the Agency consistent with applicable provisions of this Act and regulations promulgated hereunder. Such operating permits shall expire 180 days after the date of such a request. The Board shall revise its regulations for the existing State air pollution operating permit program consistent with this provision by January 1, 1994.

After June 30, 1998, operating permits issued under this Section by the Agency for sources of air pollution that are not subject to Section 39.5 of this Act and are not required to have a federally enforceable State operating permit shall be required to be renewed only upon written request by the Agency consistent with applicable provisions of this Act and its rules. Such operating permits shall expire 180 days after the date of such a request. Before July 1, 1998, the Board shall revise its rules for the existing State air pollution operating permit program consistent with this paragraph and shall adopt rules that require a source to demonstrate that it qualifies for a permit under this paragraph.

(b) The Agency may issue NPDES permits exclusively under this subsection for the discharge of contaminants from point sources into navigable waters, all as defined in the Federal Water Pollution Control Act, as now or hereafter amended, within the jurisdiction of the State, or into any well.

All NPDES permits shall contain those terms and conditions, including but not limited to schedules of compliance, which may be required to accomplish the purposes and provisions of this Act.

The Agency may issue general NPDES permits for discharges from categories of point sources which are subject to the same permit limitations and conditions. Such general permits may be issued without individual applications and shall conform to regulations promulgated under Section 402 of the Federal Water Pollution Control Act, as now or hereafter amended.

The Agency may include, among such conditions, effluent limitations and other requirements established under this Act, Board regulations, the Federal Water Pollution Control Act, as now or hereafter amended, and regulations pursuant thereto, and schedules for achieving compliance therewith at the earliest reasonable date.

The Agency shall adopt filing requirements and procedures which are necessary and appropriate for the issuance of NPDES permits, and which are consistent with the Act or regulations adopted by the Board, and with the Federal Water Pollution Control Act, as now or hereafter amended, and regulations pursuant thereto.

The Agency, subject to any conditions which may be prescribed by Board regulations, may issue NPDES permits to allow discharges beyond deadlines established by this Act or by regulations of the Board without the requirement of a variance, subject to the Federal

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Water Pollution Control Act, as now or hereafter amended, and regulations pursuant thereto.

(c) Except for those facilities owned or operated by sanitary districts organized under the Metropolitan Water Reclamation District Act, no permit for the development or construction of a new pollution control facility may be granted by the Agency unless the applicant submits proof to the Agency that the location of the facility has been approved by the County Board of the county if in an unincorporated area, or the governing body of the municipality when in an incorporated area, in which the facility is to be located in accordance with Section 39.2 of this Act.

In the event that siting approval granted pursuant to Section 39.2 has been transferred to a subsequent owner or operator, that subsequent owner or operator may apply to the Agency for, and the Agency may grant, a development or construction permit for the facility for which local siting approval was granted. Upon application to the Agency for a development or construction permit by that subsequent owner or operator, the permit applicant shall cause written notice of the permit application to be served upon the appropriate county board or governing body of the municipality that granted siting approval for that facility and upon any party to the siting proceeding pursuant to which siting approval was granted. In that event, the Agency shall conduct an evaluation of the subsequent owner or operator's prior experience in waste management operations in the manner conducted under subsection (i) of Section 39 of this Act.

Beginning August 20, 1993, if the pollution control facility consists of a hazardous or solid waste disposal facility for which the proposed site is located in an unincorporated area of a county with a population of less than 100,000 and includes all or a portion of a parcel of land that was, on April 1, 1993, adjacent to a municipality having a population of less than 5,000, then the local siting review required under this subsection (c) in conjunction with any permit applied for after that date shall be performed by the governing body of that adjacent municipality rather than the county board of the county in which the proposed site is located; and for the purposes of that local siting review, any references in this Act to the county board shall be deemed to mean the governing body of that adjacent municipality; provided, however, that the provisions of this paragraph shall not apply to any proposed site which was, on April 1, 1993, owned in whole or in part by another municipality.

In the case of a pollution control facility for which a development permit was issued before November 12, 1981, if an operating permit has not been issued by the Agency prior to August 31, 1989 for any portion of the facility, then the Agency may not issue or renew any development permit nor issue an original operating permit for any portion of such facility unless the applicant has submitted proof to the Agency that the location of the facility has been approved by the appropriate county board or municipal governing body pursuant to Section 39.2 of this Act.

After January 1, 1994, if a solid waste disposal facility, any portion for which an operating permit has been issued by the Agency, has not accepted waste disposal for 5 or more consecutive calendars years, before that facility may accept any new or additional waste for disposal, the owner and operator must obtain a new operating permit under this Act for that facility unless the owner and operator have applied to the Agency for a permit

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authorizing the temporary suspension of waste acceptance. The Agency may not issue a new operation permit under this Act for the facility unless the applicant has submitted proof to the Agency that the location of the facility has been approved or re-approved by the appropriate county board or municipal governing body under Section 39.2 of this Act after the facility ceased accepting waste.

Except for those facilities owned or operated by sanitary districts organized under the Metropolitan Water Reclamation District Act, and except for new pollution control facilities governed by Section 39.2, and except for fossil fuel mining facilities, the granting of a permit under this Act shall not relieve the applicant from meeting and securing all necessary zoning approvals from the unit of government having zoning jurisdiction over the proposed facility.

Before beginning construction on any new sewage treatment plant or sludge drying site to be owned or operated by a sanitary district organized under the Metropolitan Water Reclamation District Act for which a new permit (rather than the renewal or amendment of an existing permit) is required, such sanitary district shall hold a public hearing within the municipality within which the proposed facility is to be located, or within the nearest community if the proposed facility is to be located within an unincorporated area, at which information concerning the proposed facility shall be made available to the public, and members of the public shall be given the opportunity to express their views concerning the proposed facility.

The Agency may issue a permit for a municipal waste transfer station without requiring approval pursuant to Section 39.2 provided that the following demonstration is made:

(1) the municipal waste transfer station was in existence on or before January 1, 1979 and was in continuous operation from January 1, 1979 to January 1, 1993;
(2) the operator submitted a permit application to the Agency to develop and operate the municipal waste transfer station during April of 1994;
(3) the operator can demonstrate that the county board of the county, if the municipal waste transfer station is in an unincorporated area, or the governing body of the municipality, if the station is in an incorporated area, does not object to resumption of the operation of the station; and
(4) the site has local zoning approval.

(d) The Agency may issue RCRA permits exclusively under this subsection to persons owning or operating a facility for the treatment, storage, or disposal of hazardous waste as defined under this Act.

All RCRA permits shall contain those terms and conditions, including but not limited to schedules of compliance, which may be required to accomplish the purposes and provisions of this Act. The Agency may include among such conditions standards and other requirements established under this Act, Board regulations, the Resource Conservation and Recovery Act of 1976 (P.L. 94-580), as amended, and regulations pursuant thereto, and may include schedules for achieving compliance therewith as soon as possible. The Agency shall require that a performance bond or other security be provided as a condition for the issuance of a RCRA permit.

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In the case of a permit to operate a hazardous waste or PCB incinerator as defined in subsection (k) of Section 44, the Agency shall require, as a condition of the permit, that the operator of the facility perform such analyses of the waste to be incinerated as may be necessary and appropriate to ensure the safe operation of the incinerator.

The Agency shall adopt filing requirements and procedures which are necessary and appropriate for the issuance of RCRA permits, and which are consistent with the Act or regulations adopted by the Board, and with the Resource Conservation and Recovery Act of 1976 (P.L. 94-580), as amended, and regulations pursuant thereto.

The applicant shall make available to the public for inspection all documents submitted by the applicant to the Agency in furtherance of an application, with the exception of trade secrets, at the office of the county board or governing body of the municipality. Such documents may be copied upon payment of the actual cost of reproduction during regular business hours of the local office. The Agency shall issue a written statement concurrent with its grant or denial of the permit explaining the basis for its decision.

(e) The Agency may issue UIC permits exclusively under this subsection to persons owning or operating a facility for the underground injection of contaminants as defined under this Act.

All UIC permits shall contain those terms and conditions, including but not limited to schedules of compliance, which may be required to accomplish the purposes and provisions of this Act. The Agency may include among such conditions standards and other requirements established under this Act, Board regulations, the Safe Drinking Water Act (P.L. 93-523), as amended, and regulations pursuant thereto, and may include schedules for achieving compliance therewith. The Agency shall require that a performance bond or other security be provided as a condition for the issuance of a UIC permit.

The Agency shall adopt filing requirements and procedures which are necessary and appropriate for the issuance of UIC permits, and which are consistent with the Act or regulations adopted by the Board, and with the Safe Drinking Water Act (P.L. 93-523), as amended, and regulations pursuant thereto.

The applicant shall make available to the public for inspection, all documents submitted by the applicant to the Agency in furtherance of an application, with the exception of trade secrets, at the office of the county board or governing body of the municipality. Such documents may be copied upon payment of the actual cost of reproduction during regular business hours of the local office. The Agency shall issue a written statement concurrent with its grant or denial of the permit explaining the basis for its decision.

(f) In making any determination pursuant to Section 9.1 of this Act:

(1) The Agency shall have authority to make the determination of any question required to be determined by the Clean Air Act, as now or hereafter amended, this Act, or the regulations of the Board, including the determination of the Lowest Achievable Emission Rate, Maximum Achievable Control Technology, or Best Available Control Technology, consistent with the Board's regulations, if any.

(2) The Agency shall, after conferring with the applicant, give written notice to the applicant of its proposed decision on the application including the terms and

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conditions of the permit to be issued and the facts, conduct or other basis upon which the Agency will rely to support its proposed action.

(3) Following such notice, the Agency shall give the applicant an opportunity for a hearing in accordance with the provisions of Sections 10-25 through 10-60 of the Illinois Administrative Procedure Act.

(g) The Agency shall include as conditions upon all permits issued for hazardous waste disposal sites such restrictions upon the future use of such sites as are reasonably necessary to protect public health and the environment, including permanent prohibition of the use of such sites for purposes which may create an unreasonable risk of injury to human health or to the environment. After administrative and judicial challenges to such restrictions have been exhausted, the Agency shall file such restrictions of record in the Office of the Recorder of the county in which the hazardous waste disposal site is located.

(h) A hazardous waste stream may not be deposited in a permitted hazardous waste site unless specific authorization is obtained from the Agency by the generator and disposal site owner and operator for the deposit of that specific hazardous waste stream. The Agency may grant specific authorization for disposal of hazardous waste streams only after the generator has reasonably demonstrated that, considering technological feasibility and economic reasonableness, the hazardous waste cannot be reasonably recycled for reuse, nor incinerated or chemically, physically or biologically treated so as to neutralize the hazardous waste and render it nonhazardous. In granting authorization under this Section, the Agency may impose such conditions as may be necessary to accomplish the purposes of the Act and are consistent with this Act and regulations promulgated by the Board hereunder. If the Agency refuses to grant authorization under this Section, the applicant may appeal as if the Agency refused to grant a permit, pursuant to the provisions of subsection (a) of Section 40 of this Act. For purposes of this subsection (h), the term "generator" has the meaning given in Section 3.205 3.12 of this Act, unless: (1) the hazardous waste is treated, incinerated, or partially recycled for reuse prior to disposal, in which case the last person who treats, incinerates, or partially recycles the hazardous waste prior to disposal is the generator; or (2) the hazardous waste is from a response action, in which case the person performing the response action is the generator. This subsection (h) does not apply to any hazardous waste that is restricted from land disposal under 35 Ill. Adm. Code 728.

(i) Before issuing any RCRA permit or any permit for a waste storage site, sanitary landfill, waste disposal site, waste transfer station, waste treatment facility, waste incinerator, or any waste-transportation operation, the Agency shall conduct an evaluation of the prospective owner's or operator's prior experience in waste management operations. The Agency may deny such a permit if the prospective owner or operator or any employee or officer of the prospective owner or operator has a history of:

(1) repeated violations of federal, State, or local laws, regulations, standards, or ordinances in the operation of waste management facilities or sites; or

(2) conviction in this or another State of any crime which is a felony under the laws of this State, or conviction of a felony in a federal court; or

(3) proof of gross carelessness or incompetence in handling, storing,
processing, transporting or disposing of waste.

(j) The issuance under this Act of a permit to engage in the surface mining of any resources other than fossil fuels shall not relieve the permittee from its duty to comply with any applicable local law regulating the commencement, location or operation of surface mining facilities.

(k) A development permit issued under subsection (a) of Section 39 for any facility or site which is required to have a permit under subsection (d) of Section 21 shall expire at the end of 2 calendar years from the date upon which it was issued, unless within that period the applicant has taken action to develop the facility or the site. In the event that review of the conditions of the development permit is sought pursuant to Section 40 or 41, or permittee is prevented from commencing development of the facility or site by any other litigation beyond the permittee's control, such two-year period shall be deemed to begin on the date upon which such review process or litigation is concluded.

(l) No permit shall be issued by the Agency under this Act for construction or operation of any facility or site located within the boundaries of any setback zone established pursuant to this Act, where such construction or operation is prohibited.

(m) The Agency may issue permits to persons owning or operating a facility for composting landscape waste. In granting such permits, the Agency may impose such conditions as may be necessary to accomplish the purposes of this Act, and as are not inconsistent with applicable regulations promulgated by the Board. Except as otherwise provided in this Act, a bond or other security shall not be required as a condition for the issuance of a permit. If the Agency denies any permit pursuant to this subsection, the Agency shall transmit to the applicant within the time limitations of this subsection specific, detailed statements as to the reasons the permit application was denied. Such statements shall include but not be limited to the following:

1. the Sections of this Act that may be violated if the permit were granted;
2. the specific regulations promulgated pursuant to this Act that may be violated if the permit were granted;
3. the specific information, if any, the Agency deems the applicant did not provide in its application to the Agency; and
4. a statement of specific reasons why the Act and the regulations might be violated if the permit were granted.

If no final action is taken by the Agency within 90 days after the filing of the application for permit, the applicant may deem the permit issued. Any applicant for a permit may waive the 90 day limitation by filing a written statement with the Agency.

The Agency shall issue permits for such facilities upon receipt of an application that includes a legal description of the site, a topographic map of the site drawn to the scale of 200 feet to the inch or larger, a description of the operation, including the area served, an estimate of the volume of materials to be processed, and documentation that:

1. the facility includes a setback of at least 200 feet from the nearest potable water supply well;
2. the facility is located outside the boundary of the 10-year floodplain or the

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site will be floodproofed;

(3) the facility is located so as to minimize incompatibility with the character of the surrounding area, including at least a 200 foot setback from any residence, and in the case of a facility that is developed or the permitted composting area of which is expanded after November 17, 1991, the composting area is located at least 1/8 mile from the nearest residence (other than a residence located on the same property as the facility);

(4) the design of the facility will prevent any compost material from being placed within 5 feet of the water table, will adequately control runoff from the site, and will collect and manage any leachate that is generated on the site;

(5) the operation of the facility will include appropriate dust and odor control measures, limitations on operating hours, appropriate noise control measures for shredding, chipping and similar equipment, management procedures for composting, containment and disposal of non-compostable wastes, procedures to be used for terminating operations at the site, and recordkeeping sufficient to document the amount of materials received, composted and otherwise disposed of; and

(6) the operation will be conducted in accordance with any applicable rules adopted by the Board.

The Agency shall issue renewable permits of not longer than 10 years in duration for the composting of landscape wastes, as defined in Section 3.155 of this Act, based on the above requirements.

The operator of any facility permitted under this subsection (m) must submit a written annual statement to the Agency on or before April 1 of each year that includes an estimate of the amount of material, in tons, received for composting.

(n) The Agency shall issue permits jointly with the Department of Transportation for the dredging or deposit of material in Lake Michigan in accordance with Section 18 of the Rivers, Lakes, and Streams Act.

(o) (Blank.) From September 4, 1990 until December 31, 1993, no permit shall be issued by the Agency for the development or construction of any new facility intended to be used for the incineration of any hazardous waste. This subsection shall not apply to facilities intended for use for combustion of potentially infectious medical waste, for use as part of a State or federally designated clean-up action, or for use solely for the conduct of research and the development and demonstration of technologies for the incineration of hazardous waste.

(p) (1) Any person submitting an application for a permit for a new MSWLF unit or for a lateral expansion under subsection (t) of Section 21 of this Act for an existing MSWLF unit that has not received and is not subject to local siting approval under Section 39.2 of this Act shall publish notice of the application in a newspaper of general circulation in the county in which the MSWLF unit is or is proposed to be located. The notice must be published at least 15 days before submission of the permit application to the Agency. The notice shall state the name and address of the applicant, the location of the MSWLF unit or proposed MSWLF unit, the nature and size of the MSWLF unit or proposed MSWLF unit, the nature of the activity proposed, the probable life of the proposed activity, the date the permit
application will be submitted, and a statement that persons may file written comments with the Agency concerning the permit application within 30 days after the filing of the permit application unless the time period to submit comments is extended by the Agency.

When a permit applicant submits information to the Agency to supplement a permit application being reviewed by the Agency, the applicant shall not be required to reissue the notice under this subsection.

(2) The Agency shall accept written comments concerning the permit application that are postmarked no later than 30 days after the filing of the permit application, unless the time period to accept comments is extended by the Agency.

(3) Each applicant for a permit described in part (1) of this subsection shall file a copy of the permit application with the county board or governing body of the municipality in which the MSWLF unit is or is proposed to be located at the same time the application is submitted to the Agency. The permit application filed with the county board or governing body of the municipality shall include all documents submitted to or to be submitted to the Agency, except trade secrets as determined under Section 7.1 of this Act. The permit application and other documents on file with the county board or governing body of the municipality shall be made available for public inspection during regular business hours at the office of the county board or the governing body of the municipality and may be copied upon payment of the actual cost of reproduction.

(415 ILCS 5/39.2) (from Ch. 111 1/2, par. 1039.2)
Sec. 39.2. Local siting review.
(a) The county board of the county or the governing body of the municipality, as determined by paragraph (c) of Section 39 of this Act, shall approve or disapprove the request for local siting approval for each pollution control facility which is subject to such review. An applicant for local siting approval shall submit sufficient details describing the proposed facility to demonstrate compliance, and local siting approval shall be granted only if the proposed facility meets the following criteria:

(i) the facility is necessary to accommodate the waste needs of the area it is intended to serve;

(ii) the facility is so designed, located and proposed to be operated that the public health, safety and welfare will be protected;

(iii) the facility is located so as to minimize incompatibility with the character of the surrounding area and to minimize the effect on the value of the surrounding property;

(iv) (A) for a facility other than a sanitary landfill or waste disposal site, the facility is located outside the boundary of the 100 year flood plain or the site is flood-proofed; (B) for a facility that is a sanitary landfill or waste disposal site, the facility is located outside the boundary of the 100-year floodplain, or if the facility is a facility described in subsection (b)(3) of Section 22.19a, the site is flood-proofed;

(v) the plan of operations for the facility is designed to minimize the danger
to the surrounding area from fire, spills, or other operational accidents;

(vi) the traffic patterns to or from the facility are so designed as to minimize the impact on existing traffic flows;

(vii) if the facility will be treating, storing or disposing of hazardous waste, an emergency response plan exists for the facility which includes notification, containment and evacuation procedures to be used in case of an accidental release;

(viii) if the facility is to be located in a county where the county board has adopted a solid waste management plan consistent with the planning requirements of the Local Solid Waste Disposal Act or the Solid Waste Planning and Recycling Act, the facility is consistent with that plan; and

(ix) if the facility will be located within a regulated recharge area, any applicable requirements specified by the Board for such areas have been met.

The county board or the governing body of the municipality may also consider as evidence the previous operating experience and past record of convictions or admissions of violations of the applicant (and any subsidiary or parent corporation) in the field of solid waste management when considering criteria (ii) and (v) under this Section.

(b) No later than 14 days prior to a request for site location approval, the applicant shall cause written notice of such request to be served either in person or by registered mail, return receipt requested, on the owners of all property within the subject area not solely owned by the applicant, and on the owners of all property within 250 feet in each direction of the lot line of the subject property, said owners being such persons or entities which appear from the authentic tax records of the County in which such facility is to be located; provided, that the number of all feet occupied by all public roads, streets, alleys and other public ways shall be excluded in computing the 250 feet requirement; provided further, that in no event shall this requirement exceed 400 feet, including public streets, alleys and other public ways.

Such written notice shall also be served upon members of the General Assembly from the legislative district in which the proposed facility is located and shall be published in a newspaper of general circulation published in the county in which the site is located.

Such notice shall state the name and address of the applicant, the location of the proposed site, the nature and size of the development, the nature of the activity proposed, the probable life of the proposed activity, the date when the request for site approval will be submitted, and a description of the right of persons to comment on such request as hereafter provided.

(c) An applicant shall file a copy of its request with the county board of the county or the governing body of the municipality in which the proposed site is located. The request shall include (i) the substance of the applicant's proposal and (ii) all documents, if any, submitted as of that date to the Agency pertaining to the proposed facility, except trade secrets as determined under Section 7.1 of this Act. All such documents or other materials on file with the county board or governing body of the municipality shall be made available for public inspection at the office of the county board or the governing body of the

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municipality and may be copied upon payment of the actual cost of reproduction.

Any person may file written comment with the county board or governing body of the municipality concerning the appropriateness of the proposed site for its intended purpose. The county board or governing body of the municipality shall consider any comment received or postmarked not later than 30 days after the date of the last public hearing.

(d) At least one public hearing is to be held by the county board or governing body of the municipality no sooner than 90 days but no later than 120 days after the date on which it received from receipt of the request for site approval. No later than 14 days prior to such hearing, notice shall be published in a newspaper of general circulation published in the county of the proposed site, and delivered by certified mail to all members of the General Assembly from the district in which the proposed site is located, to the governing authority of every municipality contiguous to the proposed site or contiguous to the municipality in which the proposed site is to be located, to the county board of the county where the proposed site is to be located, if the proposed site is located within the boundaries of a municipality, and to the Agency. Members or representatives of the governing authority of a municipality contiguous to the proposed site or contiguous to the municipality in which the proposed site is to be located and, if the proposed site is located in a municipality, members or representatives of the county board of a county in which the proposed site is to be located may appear at and participate in public hearings held pursuant to this Section. The public hearing shall develop a record sufficient to form the basis of appeal of the decision in accordance with Section 40.1 of this Act. The fact that a member of the county board or governing body of the municipality has publicly expressed an opinion on an issue related to a site review proceeding shall not preclude the member from taking part in the proceeding and voting on the issue.

(e) Decisions of the county board or governing body of the municipality are to be in writing, specifying the reasons for the decision, such reasons to be in conformance with subsection (a) of this Section. In granting approval for a site the county board or governing body of the municipality may impose such conditions as may be reasonable and necessary to accomplish the purposes of this Section and as are not inconsistent with regulations promulgated by the Board. Such decision shall be available for public inspection at the office of the county board or governing body of the municipality and may be copied upon payment of the actual cost of reproduction. If there is no final action by the county board or governing body of the municipality within 180 days after the date on which it received filing of the request for site approval, the applicant may deem the request approved.

At any time prior to completion by the applicant of the presentation of the applicant's factual evidence and an opportunity for cross-questioning by the county board or governing body of the municipality and any participants, the applicant may file not more than one amended application upon payment of additional fees pursuant to subsection (k); in which case the time limitation for final action set forth in this subsection (e) shall be extended for an additional period of 90 days.

If, prior to making a final local siting decision, a county board or governing body of a municipality has negotiated and entered into a host agreement with the local siting

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applicant, the terms and conditions of the host agreement, whether written or oral, shall be
disclosed and made a part of the hearing record for that local siting proceeding. In the case
of an oral agreement, the disclosure shall be made in the form of a written summary jointly
prepared and submitted by the county board or governing body of the municipality and the
siting applicant and shall describe the terms and conditions of the oral agreement.

(e-5) Siting approval obtained pursuant to this Section is transferable and may be
transferred to a subsequent owner or operator. In the event that siting approval has been
transferred to a subsequent owner or operator, that subsequent owner or operator assumes
and takes subject to any and all conditions imposed upon the prior owner or operator by the
county board of the county or governing body of the municipality pursuant to subsection (e).
However, any such conditions imposed pursuant to this Section may be modified by
agreement between the subsequent owner or operator and the appropriate county board or
governing body. Further, in the event that siting approval obtained pursuant to this Section
has been transferred to a subsequent owner or operator, that subsequent owner or operator
assumes all rights and obligations and takes the facility subject to any and all terms and
conditions of any existing host agreement between the prior owner or operator and the
appropriate county board or governing body.

(f) A local siting approval granted under this Section shall expire at the end of 2
calendar years from the date upon which it was granted, unless the local siting approval
granted under this Section is for a sanitary landfill operation, in which case the approval shall
expire at the end of 3 calendar years from the date upon which it was granted, and unless
within that period the applicant has made application to the Agency for a permit to develop
the site. In the event that the local siting decision has been appealed, such expiration period
shall be deemed to begin on the date upon which the appeal process is concluded.

Except as otherwise provided in this subsection, upon the expiration of a
development permit under subsection (k) of Section 39, any associated local siting approval
granted for the facility under this Section shall also expire.

If a first development permit for a municipal waste incineration facility expires under
subsection (k) of Section 39 after September 30, 1989 due to circumstances beyond the
control of the applicant, any associated local siting approval granted for the facility under this
Section may be used to fulfill the local siting approval requirement upon application for a
second development permit for the same site, provided that the proposal in the new
application is materially the same, with respect to the criteria in subsection (a) of this
Section, as the proposal that received the original siting approval, and application for the
second development permit is made before January 1, 1990.

(g) The siting approval procedures, criteria and appeal procedures provided for in this
Act for new pollution control facilities shall be the exclusive siting procedures and rules and
appeal procedures for facilities subject to such procedures. Local zoning or other local land
use requirements shall not be applicable to such siting decisions.

(h) Nothing in this Section shall apply to any existing or new pollution control facility
located within the corporate limits of a municipality with a population of over 1,000,000.

(i) (Blank.) The Department shall make a study of technical considerations relating

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to the siting of new pollution control facilities. Such study shall include, but need not be limited to, a determination of the geologic and hydrologic conditions in the State most suitable for the siting of such facilities, the establishment of a data base on such conditions in Illinois, and recommendations for the establishment of technical guidelines and criteria to be used in making such siting decisions. The Department shall report such study and recommendations to the General Assembly, the Governor, the Board and the public no later than October 1, 1984.

The Board shall adopt regulations establishing the geologic and hydrologic siting criteria necessary to protect usable groundwater resources which are to be followed by the Agency in its review of permit applications for new pollution control facilities. Such regulations, insofar as they apply to new pollution control facilities authorized to store, treat or dispose of any hazardous waste, shall be at least as stringent as the requirements of the Resource Conservation and Recovery Act and any State or federal regulations adopted pursuant thereto.

(j) Any new pollution control facility which has never obtained local siting approval under the provisions of this Section shall be required to obtain such approval after a final decision on an appeal of a permit denial.

(k) A county board or governing body of a municipality may charge applicants for siting review under this Section a reasonable fee to cover the reasonable and necessary costs incurred by such county or municipality in the siting review process.

(l) The governing Authority as determined by subsection (c) of Section 39 of this Act may request the Department of Transportation to perform traffic impact studies of proposed or potential locations for required pollution control facilities.

(m) An applicant may not file a request for local siting approval which is substantially the same as a request which was disapproved pursuant to a finding against the applicant under any of criteria (i) through (ix) of subsection (a) of this Section within the preceding 2 years.

(n) In any review proceeding of a decision of the county board or governing body of a municipality made pursuant to the local siting review process, the petitioner in the review proceeding shall pay to the county or municipality the cost of preparing and certifying the record of proceedings. Should the petitioner in the review proceeding fail to make payment, the provisions of Section 3-109 of the Code of Civil Procedure shall apply.

In the event the petitioner is a citizens' group that participated in the siting proceeding and is so located as to be affected by the proposed facility, such petitioner shall be exempt from paying the costs of preparing and certifying the record.

(o) Notwithstanding any other provision of this Section, a transfer station used exclusively for landscape waste, where landscape waste is held no longer than 24 hours from the time it was received, is not subject to the requirements of local siting approval under this Section, but is subject only to local zoning approval.

(Source: P.A. 90-217, eff. 1-1-98; 90-409, eff. 8-15-97; 90-503, eff. 8-19-97; 90-537, eff. 11-26-97; 90-655, eff. 7-30-98; 91-588, eff. 8-14-99.)

(415 ILCS 5/39.3) (from Ch. 111 1/2, par. 1039.3)
Sec. 39.3. Hazardous waste facilities.

(a) The provisions of this Section apply to any application for a permit under the Solid Waste Rules of the Board's Rules and Regulations to develop a new pollution control facility for the disposal of hazardous waste, and to any application to modify the development of an existing site or facility which would allow the disposal of hazardous waste for the first time. The requirements of this Section are in addition to any other procedures as may be required by law.

(b) Any application for a permit under this Section shall be made to the Agency, and shall be accompanied by proof that notice of the application has been served upon the Attorney General, the State's Attorney and the Chairman of the County Board of the county in which the facility is proposed to be located, each member of the General Assembly from the legislative district in which the facility is proposed to be located, and the clerk of each municipality, any portion of which is within three miles of the boundary of the facility. Upon the request of any person upon whom notice is required to be served, the applicant shall promptly furnish a copy of the application to the person making the request.

(c) (i) Not more than 90 days after receipt of a complete application for a permit under this Section, the Agency shall give public notice of its preliminary determination to either issue or deny the permit, and shall give notice of the opportunity for a public hearing on that preliminary determination under this Section. Upon the request of the permit applicant, or of any other person who is admitted as a party pursuant to subsection (d), the Agency shall schedule a public hearing pursuant to subsection (e).

(ii) The Agency notice shall be published in a newspaper of general circulation in the county in which the site is proposed to be located, and shall be served upon the Attorney General, the State's Attorney and the Chairman of the County Board of the county in which the facility is proposed to be located, each member of the General Assembly from the legislative district in which the facility is proposed to be located, and the clerk of each municipality, any portion of which is within three miles of the boundary of the facility.

(iii) The contents, form, and manner of service of the Agency notice shall conform to the requirements of Section 10-25 of the Illinois Administrative Procedure Act.

(d) Within 60 days after the date of the Agency notice required by subsection (c) of this Section, any person who may be adversely affected by an Agency decision on the permit application may petition the Agency to intervene before the Agency as a party. The petition to intervene shall contain a short and plain statement identifying the petitioner and stating the petitioner's interest. The petitioner shall serve the petition upon the applicant for the permit and upon any other persons who have petitioned to intervene. Unless the Agency determines that the petition is duplicative or frivolous, it shall admit the petitioner as a party.

(e) (i) Not less than 60 days nor more than 180 days after the date of the Agency notice required by subsection (c) of this Section, the Agency shall commence the public hearing required by this Section.

(ii) The public hearing and other proceedings required by this Section shall be conducted in accordance with the provisions concerning contested cases of the Illinois

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Administrative Procedure Act.

(iii) The public hearing required by this Section may, with the concurrence of the Agency, the permit applicant and the County Board of the county or the governing body of the municipality, be conducted jointly with the public hearing required by Section 39.2 of this Act.

(iv) All documents submitted to the Agency in connection with the public hearing shall be reproduced and filed at the office of the county board or governing body of the municipality and may be copied upon payment of the actual cost of reproduction.

(f) Within sixty days of the completion of the public hearing required by this Section the Agency shall render a final decision either granting or denying the permit.

(g) The Agency shall adopt such procedural rules as may be necessary and appropriate to carry out its duties under this Section which are not inconsistent with the requirements of this Section. In adopting such procedural rules the Agency shall follow the requirements concerning rulemaking of the Illinois Administrative Procedure Act.

(h) This Section shall not apply to permits issued by the Agency pursuant to authority delegated from the United States pursuant to the Resource Conservation and Recovery Act of 1976, P.L. 94-580, as amended, or the Safe Drinking Water Act, P.L. 93-523, as amended.

(Source: P.A. 90-655, eff. 7-30-98.)

(415 ILCS 5/40) (from Ch. 111 1/2, par. 1040)

Sec. 40. Appeal of permit denial.

(a) (1) If the Agency refuses to grant or grants with conditions a permit under Section 39 of this Act, the applicant may, within 35 days after the date on which the Agency served its decision on the applicant, petition for a hearing before the Board to contest the decision of the Agency. However, the 35-day period for petitioning for a hearing may be extended for an additional period of time not to exceed 90 days by written notice provided to the Board from the applicant and the Agency within the initial appeal period. The Board shall give 21 day notice to any person in the county where is located the facility in issue who has requested notice of enforcement proceedings and to each member of the General Assembly in whose legislative district that installation or property is located; and shall publish that 21 day notice in a newspaper of general circulation in that county. The Agency shall appear as respondent in such hearing. At such hearing the rules prescribed in Section 32 and subsection (a) of Section 33 of this Act shall apply, and the burden of proof shall be on the petitioner. If, however, the Agency issues an NPDES permit that imposes limits which are based upon a criterion or denies a permit based upon application of a criterion, then the Agency shall have the burden of going forward with the basis for the derivation of those limits or criterion which were derived under the Board's rules.

(2) Except as provided in paragraph (a)(3), if there is no final action by the Board within 120 days after the date on which it received the petition, the petitioner may deem the permit issued under this Act, provided, however, that that period of 120 days shall not run for any period of time, not to exceed 30 days, during which the Board is without sufficient membership to constitute the quorum required by subsection (a) of Section 5 of this Act, and provided further that such 120 day period shall not be stayed for lack of quorum beyond 30
days regardless of whether the lack of quorum exists at the beginning of such 120 day period or occurs during the running of such 120 day period.

(3) Paragraph (a)(2) shall not apply to any permit which is subject to subsection (b), (d) or (e) of Section 39. If there is no final action by the Board within 120 days after the date on which it received the petition, the petitioner shall be entitled to an Appellate Court order pursuant to subsection (d) of Section 41 of this Act.

(b) If the Agency grants a RCRA permit for a hazardous waste disposal site, a third party, other than the permit applicant or Agency, may, within 35 days after the date on which the Agency issued its decision, petition the Board for a hearing to contest the issuance of the permit. Unless the Board determines that such petition is duplicative or frivolous, or that the petitioner is so located as to not be affected by the permitted facility, the Board shall hear the petition in accordance with the terms of subsection (a) of this Section and its procedural rules governing denial appeals, such hearing to be based exclusively on the record before the Agency. The burden of proof shall be on the petitioner. The Agency and the permit applicant shall be named co-respondents.

The provisions of this subsection do not apply to the granting of permits issued for the disposal or utilization of sludge from publicly-owned sewage works.

(c) Any party to an Agency proceeding conducted pursuant to Section 39.3 of this Act may petition as of right to the Board for review of the Agency's decision within 35 days from the date of issuance of the Agency's decision, provided that such appeal is not duplicative or frivolous. However, the 35-day period for petitioning for a hearing may be extended by the applicant for a period of time not to exceed 90 days by written notice provided to the Board from the applicant and the Agency within the initial appeal period. If another person with standing to appeal wishes to obtain an extension, there must be a written notice provided to the Board by that person, the Agency, and the applicant, within the initial appeal period. The decision of the Board shall be based exclusively on the record compiled in the Agency proceeding. In other respects the Board's review shall be conducted in accordance with subsection (a) of this Section and the Board's procedural rules governing permit denial appeals.

(d) In reviewing the denial or any condition of a permit issued by the Agency pursuant to rules and regulations adopted under subsection (c) of Section 9.1 of this Act, the decision of the Board shall be based exclusively on the record before the Agency including the record of the hearing, if any, held pursuant to paragraph (f)(3) of Section 39 unless the parties agree to supplement the record. The Board shall, if it finds the Agency is in error, make a final determination as to the substantive limitations of the permit including a final determination of Lowest Achievable Emission Rate or Best Available Control Technology.

(e) (1) If the Agency grants or denies a permit under subsection (b) of Section 39 of this Act, a third party, other than the permit applicant or Agency, may petition the Board within 35 days from the date of issuance of the Agency's decision, for a hearing to contest the decision of the Agency.

(2) A petitioner shall include the following within a petition submitted under subdivision (1) of this subsection:

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(A) a demonstration that the petitioner raised the issues contained within the petition during the public notice period or during the public hearing on the NPDES permit application, if a public hearing was held; and
(B) a demonstration that the petitioner is so situated as to be affected by the permitted facility.
(3) If the Board determines that the petition is not duplicative or frivolous and contains a satisfactory demonstration under subdivision (2) of this subsection, the Board shall hear the petition (i) in accordance with the terms of subsection (a) of this Section and its procedural rules governing permit denial appeals and (ii) exclusively on the basis of the record before the Agency. The burden of proof shall be on the petitioner. The Agency and permit applicant shall be named co-respondents.
(f) Any person who files a petition to contest the issuance of a permit by the Agency shall pay a filing fee.
(Source: P.A. 90-274, eff. 7-30-97.)
(415 ILCS 5/40.1) (from Ch. 111 1/2, par. 1040.1)
Sec. 40.1. Appeal of siting approval.
(a) If the county board or the governing body of the municipality, as determined by paragraph (c) of Section 39 of this Act, refuses to grant or grants with conditions approval under Section 39.2 of this Act, the applicant may, within 35 days after the date on which the local siting authority disapproved or conditionally approved siting, petition for a hearing before the Board to contest the decision of the county board or the governing body of the municipality. The Board shall publish 21 day notice of the hearing on the appeal in a newspaper of general circulation published in that county. The county board or governing body of the municipality shall appear as respondent in such hearing, and such hearing shall be based exclusively on the record before the county board or the governing body of the municipality. At such hearing the rules prescribed in Sections 32 and 33 (a) of this Act shall apply, and the burden of proof shall be on the petitioner; however, no new or additional evidence in support of or in opposition to any finding, order, determination or decision of the appropriate county board or governing body of the municipality shall be heard by the Board. In making its orders and determinations under this Section the Board shall include in its consideration the written decision and reasons for the decision of the county board or the governing body of the municipality, the transcribed record of the hearing held pursuant to subsection (d) of Section 39.2, and the fundamental fairness of the procedures used by the county board or the governing body of the municipality in reaching its decision. The Board shall transmit a copy of its decision to the office of the county board or governing body of the municipality where it shall be available for public inspection and copied upon payment of the actual cost of reproduction. If there is no final action by the Board within 120 days after the date on which it received the petition, the petitioner may deem the site location approved; provided, however, that that period of 120 days shall not run for any period of time, not to exceed 30 days, during which the Board is without sufficient membership to constitute the quorum required by subsection (a) of Section 5 of this Act, and provided

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further, that such 120 day period shall not be stayed for lack of quorum beyond 30 days regardless of whether the lack of quorum exists at the beginning of such 120 day period or occurs during the running of such 120 day period.

(b) If the county board or the governing body of the municipality as determined by paragraph (c) of Section 39 of this Act, grants approval under Section 39.2 of this Act, a third party other than the applicant who participated in the public hearing conducted by the county board or governing body of the municipality may, within 35 days after the date on which the local siting authority granted siting approval, petition the Board for a hearing to contest the approval of the county board or the governing body of the municipality. Unless the Board determines that such petition is duplicative or frivolous, or that the petitioner is so located as to not be affected by the proposed facility, the Board shall hear the petition in accordance with the terms of subsection (a) of this Section and its procedural rules governing denial appeals, such hearing to be based exclusively on the record before county board or the governing body of the municipality. The burden of proof shall be on the petitioner. The county board or the governing body of the municipality and the applicant shall be named as co-respondents.

The Board shall transmit a copy of its decision to the office of the county board or governing body of the municipality where it shall be available for public inspection and may be copied upon payment of the actual cost of reproduction.

(c) Any person who files a petition to contest a decision of the county board or governing body of the municipality shall pay a filing fee.

(Source: P.A. 85-1331.)

(415 ILCS 5/40.2) (from Ch. 111 1/2, par. 1040.2)

Sec. 40.2. Application of review process.

(a) Subsection (a) of Section 40 does not apply to any permit which is subject to Section 39.5. If the Agency refuses to grant or grants with conditions a CAAPP permit, makes a determination of incompleteness regarding a submitted CAAPP application, or fails to act on an application for a CAAPP permit, permit renewal, or permit revision within the time specified in paragraph 5(j) of Section 39.5 of this Act, the applicant, any person who participated in the public comment process pursuant to subsection 8 of Section 39.5 of this Act, or any other person who could obtain judicial review of a hearing before the Board pursuant to Section 41(a) of this Act, may, within 35 days after final permit action, petition for a hearing before the Board to contest the decision of the Agency. However, the 35-day period for petitioning for a hearing may be extended by the applicant for an additional period of time not to exceed 90 days by written notice provided to the Board from the applicant and the Agency within the initial appeal period. If another person with standing to appeal wishes to obtain an extension, there must be a written notice provided to the Board by that person, the Agency, and the applicant, within the initial appeal period. Notwithstanding the preceding requirements, petitions for a hearing before the Board under this subsection may be filed after the 35-day period, only if such petitions are based solely on grounds arising after the 35-day period expires. Such petitions shall be filed within 35 days after the new grounds for review arise. If the final permit action being challenged is the
Agency's failure to take final action, a petition for a hearing before the Board shall be filed before the Agency denies or issues the final permit.

The Agency shall appear as respondent in such hearing. At such hearing the rules prescribed in Sections 32 and 33(a) of this Act shall apply, and the burden of proof shall be on the petitioner.

(b) The Agency's failure to take final action within 90 days of receipt of an application requesting minor permit modification procedures (or 180 days for modifications subject to group processing requirements), pursuant to subsection 14 of Section 39.5, will be subject to this Section and Section 41 of this Act.

(c) If there is no final action by the Board within 120 days after the date on which it received the petition, the permit shall not be deemed issued; rather, the petitioner shall be entitled to an Appellate Court order pursuant to Section 41(d) of this Act. The period of 120 days shall not run for any period of time, not to exceed 30 days, during which the Board is without sufficient membership to constitute the quorum required by subsection (a) of Section 5 of this Act; the 120 day period shall not be stayed for lack of quorum beyond 30 days, regardless of whether the lack of quorum exists at the beginning of the 120 day period or occurs during the running of the 120 day period.

(d) Any person who files a petition to contest the final permit action by the Agency under this Section shall pay a filing fee.

(e) The Agency shall notify USEPA, in writing, of any petition for hearing brought under this Section involving a provision or denial of a Phase II acid rain permit within 30 days of the filing of the petition. USEPA may intervene as a matter of right in any such hearing. The Agency shall notify USEPA, in writing, of any determination or order in a hearing brought under this Section that interprets, voids, or otherwise relates to any portion of a Phase II acid rain permit.

(Source: P.A. 91-357, eff. 7-29-99.)

(415 ILCS 5/45) (from Ch. 111 1/2, par. 1045)

Sec. 45. Injunctive and other relief.

(a) No existing civil or criminal remedy for any wrongful action shall be excluded or impaired by this Act. Nothing in this Act shall be construed to limit or supersede the provisions of the Illinois Oil and Gas Act and the powers therein granted to prevent the intrusion of water into oil, gas or coal strata and to prevent the pollution of fresh water supplies by oil, gas or salt water or oil field wastes, except that water quality standards as set forth by the Pollution Control Board apply to and are effective within the areas covered by and affected by permits issued by the Department of Natural Resources. However, if the Department of Natural Resources fails to act upon any complaint within a period of 10 working days following the receipt of a complaint by the Department, the Environmental Protection Agency may proceed under the provisions of this Act.

(b) Any person adversely affected in fact by a violation of this Act, any rule or regulation adopted under this Act, or any permit or term or condition of a permit, or of regulations adopted thereunder or of any rules or regulations made or adopted under this Act, may sue for injunctive relief against such violation. However, except as provided in subsection (d), no action shall be brought under this Section until 30

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days after the plaintiff has been denied relief by the Board in a proceeding brought under subsection (d) of Section 31 of this Act. The prevailing party shall be awarded costs and reasonable attorneys' fees.

(c) Nothing in Section 39.4 of this Act shall limit the authority of the Agency to proceed with enforcement under the provisions of this Act for violations of terms and conditions of an endorsed agrichemical facility permit, an endorsed lawncare containment permit, or this Act or regulations hereunder caused or threatened by an agrichemical facility or a lawncare wash water containment area, provided that prior notice is given to the Department of Agriculture which provides that Department an opportunity to respond as appropriate.

(d) If the State brings an action under this Act against a person with an interest in real property upon which the person is alleged to have allowed open dumping or open burning by a third party in violation of this Act, which action seeks to compel the defendant to remove the waste or otherwise clean up the site, the defendant may, in the manner provided by law for third-party complaints, bring in as a third-party defendant a person who with actual knowledge caused or contributed to the illegal open dumping or open burning, or who is or may be liable for all or part of the removal and cleanup costs. The court may include any of the parties which it determines to have, with actual knowledge, allowed, caused or contributed to the illegal open dumping or open burning in any order that it may issue to compel removal of the waste and cleanup of the site, and may apportion the removal and cleanup costs among such parties, as it deems appropriate. However, a person may not seek to recover any fines or civil penalties imposed upon him under this Act from a third-party defendant in an action brought under this subsection.

(Source: P.A. 91-357, eff. 7-29-99.)

(415 ILCS 5/49) (from Ch. 111 1/2, par. 1049)

Sec. 49. Proceedings governed by Act; compliance as defense.

(a) (Blank.) Until the Board and the Agency established by this Act has been appointed and taken office, the functions assigned to the Board and to the Agency shall be performed by the members of the existing Air Pollution Control Board and Sanitary Water Board and by the Department of Public Health.

(b) All proceedings respecting acts done before the effective date of this Act shall be determined in accordance with the law and regulations in force at the time such acts occurred. All proceedings instituted for actions taken after the effective date of this Act (July 1, 1970) shall be governed by this Act.

(c) (Blank.) All rules and regulations of the Air Pollution Control Board, the Sanitary Water Board, or the Department of Public Health relating to subjects embraced within this Act shall remain in full force and effect until repealed, amended, or superseded by regulations under this Act.

(d) (Blank.) All orders entered, permits or certifications granted, and pending proceedings instituted by the Air Pollution Control Board, the Sanitary Water Board, or the Department of Public Health relating to subjects embraced within this Act shall remain in full force and effect until superseded by actions taken under this Act.

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(e) Compliance with the rules and regulations promulgated by the Board under this Act shall constitute a prima facie defense to any action, legal, equitable, or criminal, or an administrative proceeding for a violation of this Act, brought by any person.
(Source: P.A. 76-2429.)

(415 ILCS 5/55) (from Ch. 111 1/2, par. 1055)
Sec. 55. Prohibited activities.
(a) No person shall:
(1) Cause or allow the open dumping of any used or waste tire.
(2) Cause or allow the open burning of any used or waste tire.
(3) Except at a tire storage site which contains more than 50 used tires, cause or allow the storage of any used tire unless the tire is altered, reprocessed, converted, covered, or otherwise prevented from accumulating water.
(4) Cause or allow the operation of a tire storage site except in compliance with Board regulations.
(5) Abandon, dump or dispose of any used or waste tire on private or public property, except in a sanitary landfill approved by the Agency pursuant to regulations adopted by the Board.
(6) Fail to submit required reports, tire removal agreements, or Board regulations.
(b) (Blank.) Beginning July 1, 1994 through December 31, 1994, no person shall knowingly mix any whole used or waste tire with municipal waste, and no owner or operator of a sanitary landfill shall accept any whole used or waste tire for final disposal, except that such tires when separated from other waste may be accepted if: (1) the sanitary landfill provides and maintains a means for shredding, slitting or chopping such tires and so treats all such tires prior to disposal; and (2) the sanitary landfill implements a program to actively seek alternative uses for the tire scraps so as to minimize the need for on-site disposal, including at a minimum participation in the Illinois Industrial Materials Exchange Service to communicate the availability of the tire scraps, and consultation with the Department of Commerce and Community Affairs regarding the status of regional marketing of tire scraps to facilities for reuse, reprocessing, or converting. Such alternative uses may also include on-site practices such as lining of roadways with tire scraps.
(b-1) Beginning January 1, 1995, no person shall knowingly mix any used or waste tire, either whole or cut, with municipal waste, and no owner or operator of a sanitary landfill shall accept any used or waste tire for final disposal; except that used or waste tires, when separated from other waste, may be accepted if: (1) the sanitary landfill provides and maintains a means for shredding, slitting, or chopping whole tires and so treats whole tires and, if approved by the Agency in a permit issued under this Act, uses the used or waste tires for alternative uses, which may include on-site practices such as lining of roadways with tire scraps, alternative daily cover, or use in a leachate collection system or (2) the sanitary landfill, by its notification to the Illinois Industrial Materials Exchange Service, makes available the used or waste tire to an appropriate facility for reuse, reprocessing, or converting, including use as an alternate energy fuel. If, within 30 days after notification to
the Illinois Industrial Materials Exchange Service of the availability of waste tires, no specific request for the used or waste tires is received by the sanitary landfill, and the sanitary landfill determines it has no alternative use for those used or waste tires, the sanitary landfill may dispose of slit, chopped, or shredded used or waste tires in the sanitary landfill. In the event the physical condition of a used or waste tire makes shredding, slitting, chopping, reuse, reprocessing, or other alternative use of the used or waste tire impractical or infeasible, then the sanitary landfill, after authorization by the Agency, may accept the used or waste tire for disposal.

Sanitary landfills and facilities for reuse, reprocessing, or converting, including use as alternative fuel, shall (i) notify the Illinois Industrial Materials Exchange Service of the availability of and demand for used or waste tires and (ii) consult with the Department of Commerce and Community Affairs regarding the status of marketing of waste tires to facilities for reuse.

(c) On or before January 1, 1990, any person who operates a tire storage site or a tire disposal site which contains more than 50 used or waste tires shall give notice of such activity to the Agency. Any person engaging in such activity for the first time after January 1, 1990, shall give notice to the Agency within 30 days after the date of commencement of the activity. The form of such notice shall be specified by the Agency and shall be limited to information regarding the following:

1. the name and address of the owner and operator;
2. the name, address and location of the operation;
3. the type of operations involving used and waste tires (storage, disposal, conversion or processing); and
4. the number of used and waste tires present at the location.

(d) Beginning January 1, 1992, no person shall cause or allow the operation of:

1. a tire storage site which contains more than 50 used tires, unless the owner or operator, by January 1, 1992 (or the January 1 following commencement of operation, whichever is later) and January 1 of each year thereafter, (i) registers the site with the Agency, (ii) certifies to the Agency that the site complies with any applicable standards adopted by the Board pursuant to Section 55.2, (iii) reports to the Agency the number of tires accumulated, the status of vector controls, and the actions taken to handle and process the tires, and (iv) pays the fee required under subsection (b) of Section 55.6; or
2. a tire disposal site, unless the owner or operator (i) has received approval from the Agency after filing a tire removal agreement pursuant to Section 55.4, or (ii) has entered into a written agreement to participate in a consensual removal action under Section 55.3.

The Agency shall provide written forms for the annual registration and certification required under this subsection (d).

(e) No person shall cause or allow the storage, disposal, treatment or processing of any used or waste tire in violation of any regulation or standard adopted by the Board.

(f) No person shall arrange for the transportation of used or waste tires away from the

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site of generation with a person known to openly dump such tires.

(g) No person shall engage in any operation as a used or waste tire transporter except in compliance with Board regulations.

(h) No person shall cause or allow the combustion of any used or waste tire in an enclosed device unless a permit has been issued by the Agency authorizing such combustion pursuant to regulations adopted by the Board for the control of air pollution and consistent with the provisions of Section 9.4 of this Act.

(i) No person shall cause or allow the use of pesticides to treat tires except as prescribed by Board regulations.

(j) No person shall fail to comply with the terms of a tire removal agreement approved by the Agency pursuant to Section 55.4.

(Source: P.A. 88-690, eff. 1-24-95; 89-445, eff. 2-7-96.)

(415 ILCS 5/56.1) (from Ch. 111 1/2, par. 1056.1)

Sec. 56.1. Acts prohibited.

(A) No person shall:

(a) Cause or allow the disposal of any potentially infectious medical waste. Sharps may be disposed in any landfill permitted by the Agency under Section 21 of this Act to accept municipal waste for disposal, if both:

1. the infectious potential has been eliminated from the sharps by treatment; and

2. the sharps are packaged in accordance with Board regulations:
   (A) Board regulations; or
   (B) subsection (b)(2), until Board regulations relating to the packaging of potentially infectious medical waste are adopted and effective.

(b) Cause or allow the delivery of any potentially infectious medical waste for transport, storage, treatment, or transfer except in accordance with Board regulations:

1. Board regulations; or
2. the following, until Board regulations relating to the packaging of potentially infectious medical waste are adopted and effective:

   (A) All potentially infectious medical waste shall be placed in a container or containers that are (i) rigid; (ii) leak-resistant; (iii) impervious to moisture; (iv) of a strength sufficient to prevent tearing or bursting under normal conditions of use and handling; and (v) sealed to prevent leakage during transport.

   (B) In addition to the requirements of subsection (b)(2)(A), sharps and sharps with residual fluids shall be packaged in packaging that is puncture-resistant.

   (C) Oversized potentially infectious medical waste need not be placed in containers.

(c) Beginning July 1, 1992, cause or allow the delivery of any potentially infectious medical waste to a person or facility for storage, treatment, or transfer that does not have a permit issued by the agency to receive potentially infectious medical waste, unless no permit

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is required under subsection (g)(1).

(d) Beginning July 1, 1992, cause or allow the delivery or transfer of any potentially infectious medical waste for transport unless:

(1) the transporter has a permit issued by the Agency to transport potentially infectious medical waste, or the transporter is exempt from the permit requirement set forth in subsection (f)(1).

(2) a potentially infectious medical waste manifest is completed for the waste if a manifest is required under subsection (h).

(e) Cause or allow the acceptance of any potentially infectious medical waste for purposes of transport, storage, treatment, or transfer except in accordance with Board regulations:

(1) Board regulations; or

(2) The following, until Board regulations relating to the packaging and storage of potentially infectious medical waste are adopted and effective:

(A) All potentially infectious medical waste shall be placed in a container or containers that are (i) rigid; (ii) leak-resistant; (iii) impervious to moisture; (iv) of a strength sufficient to prevent tearing or bursting under normal conditions of use and handling; and (v) sealed to prevent leakage during transport.

(B) In addition to the requirements of subsection (b)(2)(A), sharps and sharps with residual fluids shall be packaged in packaging that is puncture-resistant.

(C) Oversized potentially infectious medical waste need not be placed in containers.

(D) Any person who stores potentially infectious medical waste prior to treatment or disposal on-site or transport off-site must comply with all of the following storage requirements:

(i) Store the potentially infectious medical waste in a manner and location that maintains the integrity of the packaging and provides protection from water, rain, and wind.

(ii) Maintain the potentially infectious medical waste in a nonputrescent state, using refrigeration when necessary.

(iii) Lock the outdoor storage areas containing potentially infectious medical waste to prevent unauthorized access.

(iv) Limit access to on-site storage areas to authorized employees.

(v) Store the potentially infectious medical waste in a manner that affords protection from animals and does not provide a breeding place or a food source for insects and rodents.

(f) Beginning July 1, 1992, conduct any potentially infectious medical waste transportation operation:

(1) Without a permit issued by the Agency to transport potentially infectious
medical waste. No permit is required under this provision (f)(1) for:

(A) a person transporting potentially infectious medical waste generated solely by that person's activities;

(B) noncommercial transportation of less than 50 pounds of potentially infectious medical waste at any one time; or

(C) the U.S. Postal Service.

(2) In violation of any condition of any permit issued by the Agency under this Act.

(3) In violation of any regulation adopted by the Board.

(4) In violation of any order adopted by the Board under this Act.

(g) Beginning July 1, 1992, conduct any potentially infectious medical waste treatment, storage, or transfer operation:

(1) without a permit issued by the Agency that specifically authorizes the treatment, storage, or transfer of potentially infectious medical waste. No permit is required under this subsection (g) for any:

(A) Person conducting a potentially infectious medical waste treatment, storage, or transfer operation for potentially infectious medical waste generated by the person's own activities that are treated, stored, or transferred within the site where the potentially infectious medical waste is generated.

(B) Hospital that treats, stores, or transfers only potentially infectious medical waste generated by its own activities or by members of its medical staff.

(2) in violation of any condition of any permit issued by the Agency under this Act.

(3) in violation of any regulation adopted by the Board.

(4) In violation of any order adopted by the Board under this Act.

(h) Transport potentially infectious medical waste unless the transporter carries a completed potentially infectious medical waste manifest. No manifest is required for the transportation of:

(1) potentially infectious medical waste being transported by generators who generated the waste by their own activities, when the potentially infectious medical waste is transported within or between sites or facilities owned, controlled, or operated by that person;

(2) less than 50 pounds of potentially infectious medical waste at any one time for a noncommercial transportation activity; or

(3) potentially infectious medical waste by the U.S. Postal Service.

(i) Offer for transportation, transport, deliver, receive or accept potentially infectious medical waste for which a manifest is required, unless the manifest indicates that the fee required under Section 56.4 of this Act has been paid.

(j) Beginning January 1, 1994, conduct a potentially infectious medical waste treatment operation at an incinerator in existence on the effective date of this Title in

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violation of emission standards established for these incinerators under Section 129 of the Clean Air Act (42 USC 7429), as amended.

(B) (k) In making its orders and determinations relative to penalties, if any, to be imposed for violating subdivision (A)(a) of this Section 56.1(a) of this Act, the Board, in addition to the factors in Sections 33(c) and 42(h) of this Act, or the Court shall take into consideration whether the owner or operator of the landfill reasonably relied on written statements from the person generating or treating the waste that the waste is not potentially infectious medical waste.

(Source: P.A. 87-752; 87-1097.)

(415 ILCS 5/56.2) (from Ch. 111 1/2, par. 1056.2)

Sec. 56.2. Regulations.

(a) No later than July 1, 1993, the Board shall adopt regulations in accordance with Title VII of this Act prescribing design and operating standards and criteria for all potentially infectious medical waste treatment, storage, and transfer facilities. At a minimum, these regulations shall require treatment of potentially infectious medical waste at a facility that:

(1) eliminates the infectious potential of the waste;
(2) prevents compaction and rupture of containers during handling operations;
(3) disposes of treatment residuals in accordance with this Act and regulations adopted thereunder;
(4) provides for quality assurance programs;
(5) provides for periodic testing using biological testing, where appropriate, that demonstrate proper treatment of the waste;
(6) provides for assurances that clearly demonstrate that potentially infectious medical waste has been properly treated; and
(7) is in compliance with all Federal and State laws and regulations pertaining to environmental protection.

(b) Until the effective date of the Board regulations adopted under subsection (a), each applicant for a potentially infectious medical waste treatment permit shall prove that the facility will not cause a violation of the Act or of regulations adopted thereunder, and prove that the facility meets the requirements set forth in subsections (a)(1) through (a)(7). After the effective date of the Board regulations adopted under subsection (a), each applicant for a potentially infectious medical waste treatment permit shall prove that the facility will not cause a violation of the Act or of regulations adopted thereunder.

(c) No later than July 1, 1993, the Board shall adopt regulations in accordance with Title VII of this Act prescribing standards and criteria for transporting, packaging, segregating, labeling, and marking potentially infectious medical waste.

(d) In accord with Title VII of this Act, no later than January 1, 1992, the Board shall repeal Subpart I of 35 Ill. Adm. Code 809.

(e) No later than January 1, 1992, the Board shall adopt rules that are identical in substance to the list of etiologic agents identified as Class 4 agents as set forth in "Classification of Etiological Agents on the Basis of Hazard, 1974", published by the Centers for Disease Control. If the Centers for Disease Control amends the listing of etiologic agents

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identified as Class 4 agents as set forth in "Classification of Etiological Agents on the Basis of Hazard, 1974", the Board shall adopt rules that are identical in substance to the amended list within 180 days after the Centers for Disease Control's amendment. The provisions and requirements of Title VII of this Act shall not apply to rules adopted under this subsection (e). Section 5 of the Illinois Administrative Procedure Act relating to the procedures for rulemaking shall not apply to rules adopted under this subsection (e).

(f) In accord with Title VII of this Act, the Board may adopt regulations to promote the purposes of this Title. The regulations prescribed in subsection (a), (c), and (e) shall not limit the generality of this authority.

(Source: P.A. 87-752; 87-1097.)

(415 ILCS 5/57.7)
Sec. 57.7. Leaking underground storage tanks; physical soil classification, groundwater investigation, site classification, and corrective action.

(a) Physical soil classification and groundwater investigation.

(1) Prior to conducting any physical soil classification and groundwater investigation activities required by statute or regulation, the owner or operator shall prepare and submit to the Agency for the Agency's approval or modification:

(A) a physical soil classification and groundwater investigation plan designed to determine site classification, in accordance with subsection (b) of this Section, as High Priority, Low Priority, or No Further Action.

(B) a request for payment of costs associated with eligible early action costs as provided in Section 57.6(b). However, for purposes of payment for early action costs, fill materials shall not be removed in an amount in excess of 4 feet from the outside dimensions of the tank.

(2) If the owner or operator intends to seek payment from the Fund, prior to conducting any physical soil classification and groundwater investigation activities required by statute or regulation, the owner or operator shall submit to the Agency for the Agency's approval or modification a physical soil classification and groundwater investigation budget which includes, but is not limited to, an accounting of all costs associated with the implementation and completion of the physical soil classification and groundwater investigation plan.

(3) Within 30 days of completion of the physical soil classification or groundwater investigation report the owner or operator shall submit to the Agency:

(A) all physical soil classification and groundwater investigation results; and

(B) a certification by a Licensed Professional Engineer of the site's classification as High Priority, Low Priority, or No Further Action in accordance with subsection (b) of this Section as High Priority, Low Priority, or No Further Action.

(b) Site Classification.
(1) After evaluation of the physical soil classification and groundwater investigation results, when required, and general site information, the site shall be classified as "No Further Action", "Low Priority", or "High Priority" based on the requirements of this Section. Site classification shall be determined by a Licensed Professional Engineer in accordance with the requirements of this Title and the Licensed Professional Engineer shall submit a certification to the Agency of the site classification. The Agency has the authority to audit site classifications and reject or modify any site classification inconsistent with the requirements of this Title.

(2) Sites shall be classified as No Further Action if the criteria in subparagraph (A) are satisfied:


(iii) The conditions identified in subsections (b)(3)(B), (C), (D), and (E) do not exist.

(B) Groundwater investigation monitoring may be required to confirm that a site meets the criteria of a No Further Action site. The Board shall adopt rules setting forth the criteria under which the Agency may exercise its discretionary authority to require investigations and the minimum field requirements for conducting investigations.

(3) Sites shall be classified as High Priority if any of the following are met:

(A) The site is located in an area designated A1, A2, A3, A4, A5, AX, B1, B2, BX, C1, C2, C3, C4, or C5 on the Illinois Geological Survey Circular (1984) titled "Potential for Contamination of Shallow Aquifers in Illinois," by Berg, Richard C., et al.; a site evaluation under the direction of a Licensed Professional Engineer verifies the physical soil classification conditions are consistent with those indicated on the Illinois Geological Survey Circular (1984) entitled "Potential for Contamination of Shallow Aquifers in Illinois," by Berg, Richard C., et al.; and the results of the physical soil classification and groundwater investigation indicate that an applicable indicator contaminant groundwater quality standard or groundwater objective has been exceeded at the property boundary line or 200 feet from the excavation, whichever is less as a consequence of the underground storage tank release.

(B) The underground storage tank is within the minimum or maximum setback zone of a potable water supply well or regulated recharge area of a potable water supply well.

(C) There is evidence that, through natural or manmade pathways,
migration of petroleum or vapors threaten human health or human safety or may cause explosions in basements, crawl spaces, utility conduits, storm or sanitary sewers, vaults or other confined spaces.

(D) Class III special resource groundwater exists within 200 feet of the excavation.

(E) A surface water body is adversely affected by the presence of a visible sheen or free product layer as the result of an underground storage tank release.

(4) Sites shall be classified as Low Priority if all of the following are met:
   (A) The site does not meet any of the criteria for classification as a High Priority Site.
   (ii) a site evaluation under the direction of a Licensed Professional Engineer verifies the physical soil classification conditions are consistent with those indicated on the Illinois Geological Survey Circular (1984) titled "Potential for Contamination of Shallow Aquifers in Illinois," by Berg, Richard C., et al.; and
   (iii) the results of the physical soil classification and groundwater investigation do not indicate an applicable indicator contaminant groundwater quality standard or groundwater objective has been exceeded at the property boundary line or 200 feet from the underground storage tank, whichever is less.

(5) In the event the results of the physical soil classification and any required groundwater investigation reveal that the actual site geologic characteristics are different than those indicated by the Illinois Geological Survey Circular (1984) titled "Potential for Contamination of Shallow Aquifers in Illinois" by Berg, Richard C., et al., classification of the site shall be determined using the actual site geologic characteristics.


(c) Corrective Action.

(1) High Priority Site.

   (A) Prior to performance of any corrective action, beyond that required by Section 57.6 and subsection (a) of Section 57.7 of this Act, the owner or operator shall prepare and submit to the Agency for the Agency's approval or modification a corrective action plan designed to mitigate any threat to human health, human safety or the environment resulting from the
underground storage tank release.

(B) If the owner or operator intends to seek payment from the Fund, prior to performance of any corrective action beyond that required by Section 57.6 and subsection (a) of Section 57.7, the owner or operator shall submit to the Agency for the Agency's approval or modification a corrective action plan budget which includes, but is not limited to, an accounting of all costs associated with the implementation and completion of the corrective action plan.

(C) The corrective action plan shall do all of the following:

(i) Provide that applicable indicator contaminant groundwater quality standards or groundwater objectives will not be exceeded in groundwater at the property boundary line or 200 feet from the excavation, whichever is less, or other level if approved by the Agency, for any contaminant identified in the groundwater investigation after complete performance of the corrective action plan.

(ii) Provide that Class III special resource groundwater quality standards for Class III special resource groundwater within 200 feet of the excavation will not be exceeded as a result of the underground storage tank release for any indicator contaminant identified in the groundwater investigation after complete performance of the corrective action plan.

(iii) Remediate threats due to the presence or migration, through natural or manmade pathways, of petroleum in concentrations sufficient to harm human health or human safety or to cause explosions in basements, crawl spaces, utility conduits, storm or sanitary sewers, vaults or other confined spaces.

(iv) Remediate threats to a potable water supply.

(v) Remediate threats to a surface water body.

(D) Within 30 days of completion of the corrective action, the owner or operator shall submit to the Agency such a completion report that includes a description of the corrective action plan and a description of the corrective action work performed and all analytical or sampling results derived from performance of the corrective action plan.

(E) The Agency shall issue to the owner or operator a no further remediation letter in accordance with Section 57.10 if all of the following are met:

(i) The corrective action completion report demonstrates that:

(a) applicable indicator contaminant groundwater quality standards or groundwater objectives are not exceeded at the property boundary line or 200 feet from the excavation, whichever is less, as a result of the underground storage tank release for any indicator contaminant

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identified in the groundwater investigation; (b) Class III special use resource groundwater quality standards, for Class III special use resource groundwater within 200 feet of the underground storage tank, are not exceeded as a result of the underground storage tank release for any contaminant identified in the groundwater investigation; (c) the underground storage tank release does not threaten human health or human safety due to the presence or migration, through natural or manmade pathways, of petroleum or hazardous substances in concentrations sufficient to harm human health or human safety or to cause explosions in basements, crawl spaces, utility conduits, storm or sanitary sewers, vaults or other confined spaces; (d) the underground storage tank release does not threaten any surface water body; and (e) the underground storage tank release does not threaten any potable water supply.

(ii) The owner or operator submits to the Agency a certification from a Licensed Professional Engineer that the work described in the approved corrective action plan has been completed and that the information presented in the corrective action completion report is accurate and complete.

(2) Low Priority Site.

(A) Corrective action at a low priority site must include groundwater monitoring consistent with part (B) of this paragraph (2).

(B) Prior to implementation of groundwater monitoring, the owner or operator shall prepare and submit to the Agency a groundwater monitoring plan and, if the owner or operator intends to seek payment under this Title, an associated budget which includes, at a minimum, all of the following:

(i) Placement of groundwater monitoring wells at the property line, or at 200 feet from the excavation which ever is closer, designed to provide the greatest likelihood of detecting migration of groundwater contamination.

(ii) Quarterly groundwater sampling for a period of one year, semi-annual sampling for the second year and annual groundwater sampling for one subsequent year for all indicator contaminants identified during the groundwater investigation.

(iii) The annual submittal to the Agency of a summary of groundwater sampling results.

(C) If at any time groundwater sampling results indicate a confirmed exceedence of applicable indicator contaminant groundwater quality standards or groundwater objectives as a result of the underground storage tank release, the site may be reclassified as a High Priority Site by the Agency at any time before the Agency's final approval of a Low Priority groundwater monitoring completion report. Agency review and approval shall be in

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accordance with paragraph (4) of subsection (c) of this Section. If the owner or operator elects to appeal an Agency action to disapprove, modify, or reject by operation of law a Low Priority groundwater monitoring completion report, the Agency shall indicate to the Board in conjunction with such appeal whether it intends to reclassify the site as High Priority. If a site is reclassified as a High Priority Site, the owner or operator shall submit a corrective action plan and budget to the Agency within 120 days of the confirmed exceedence and shall initiate compliance with all corrective action requirements for a High Priority Site.

(D) If, throughout the implementation of the groundwater monitoring plan, the groundwater sampling results do not confirm an exceedence of applicable indicator contaminant groundwater quality standards or groundwater objectives as a result of the underground storage tank release, the owner or operator shall submit to the Agency a certification of a Licensed Professional Engineer so stating.

(E) Unless the Agency takes action under subsection (b)(2)(C) to reclassify a site as high priority, upon receipt of a certification by a Licensed Professional Engineer submitted pursuant to paragraph (2) of subsection (c) of this Section, the Agency shall issue to the owner or operator a no further remediation letter in accordance with Section 57.10.

(3) No Further Action Site.

(A) No Further Action sites require no remediation beyond that required in Section 57.6 and subsection (a) of this Section if the owner or operator has submitted to the Agency a certification by a Licensed Professional Engineer that the site meets all of the criteria for classification as No Further Action in subsection (b) of this Section.

(B) Unless the Agency takes action to reject or modify a site classification under subsection (b) of this Section or the site classification is rejected by operation of law under item (4)(B) of subsection (c) of this Section, upon receipt of a certification by a Licensed Professional Engineer submitted pursuant to part (A) of paragraph (3) of subsection (c) of this Section, the Agency shall issue to the owner or operator a no further remediation letter in accordance with Section 57.10.

(4) Agency review and approval.

(A) Agency approval of any plan and associated budget, as described in this item (4), shall be considered final approval for purposes of seeking and obtaining payment from the Underground Storage Tank Fund if the costs associated with the completion of any such plan are less than or equal to the amounts approved in such budget.

(B) In the event the Agency fails to approve, disapprove, or modify any plan or report submitted pursuant to this Title in writing within 120 days of the receipt by the Agency, the plan or report shall be considered to be

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rejected by operation of law for purposes of this Title and rejected for purposes of payment from the Leaking Underground Storage Tank Fund.

(i) For purposes of those plans as identified in subparagraph (E) of this subsection (c)(4), the Agency’s review may be an audit procedure. Such review or audit shall be consistent with the procedure for such review or audit as promulgated by the Board under item (7) of subsection (b) of Section 57.14. The Agency has the authority to establish an auditing program to verify compliance of such plans with the provisions of this Title.

(ii) For purposes of those plans submitted pursuant to Part (E) (iii) of this paragraph (4) for which payment from the Fund is not being sought, the Agency need not take action on such plan until 120 days after it receives the corrective action completion report required under Section 57(c)(1)(D). In the event the Agency approved the plan, it shall proceed under the provisions of Section 57(c)(4).

(C) In approving any plan submitted pursuant to Part (E) of this paragraph (4), the Agency shall determine, by a procedure promulgated by the Board under item (7) of subsection (b) of Section 57.14, that the costs associated with the plan are reasonable, will be incurred in the performance of corrective action, and will not be used for corrective action activities in excess of those required to meet the minimum requirements of this title.

(D) For any plan or report received after September 13, the effective date of this amendatory Act of 1993, any action by the Agency to disapprove or modify a plan submitted pursuant to this Title shall be provided to the owner or operator in writing within 120 days of the receipt by the Agency or, in the case of a corrective action plan for which payment is not being sought, within 120 days of receipt of the corrective action completion report, and shall be accompanied by:

(i) an explanation of the Sections of this Act which may be violated if the plans were approved;

(ii) an explanation of the provisions of the regulations, promulgated under this Act, which may be violated if the plan were approved;

(iii) an explanation of the specific type of information, if any, which the Agency deems the applicant did not provide the Agency; and

(iv) a statement of specific reasons why the Act and the regulations might not be met if the plan were approved.

Any action by the Agency to disapprove or modify a plan or report or the rejection of any plan or report by operation of law shall be subject to appeal to the Board in accordance with the procedures of Section 40. If the owner or operator elects to incorporate modifications required by the Agency

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rather than appeal, an amended plan shall be submitted to the Agency within 35 days of receipt of the Agency's written notification.

(E) For purposes of this Title, the term "plan" shall include:

(i) Any physical soil classification and groundwater investigation plan submitted pursuant to item (1)(A) of subsection (a) of this Section, or budget under item (2) of subsection (a) of this Section;

(ii) Any groundwater monitoring plan or budget submitted pursuant to subsection (c)(2)(B) of this Section;

(iii) Any corrective action plan submitted pursuant to subsection (c)(1)(A) of this Section; or

(iv) Any corrective action plan budget submitted pursuant to subsection (c)(1)(B) of this Section.

(d) For purposes of this Title, the term "indicator contaminant" shall mean, unless and until the Board promulgates regulations to the contrary, the following: (i) if an underground storage tank contains gasoline, the indicator parameter shall be BTEX and Benzene; (ii) if the tank contained petroleum products consisting of middle distillate or heavy ends, then the indicator parameter shall be determined by a scan of PNA's taken from the location where contamination is most likely to be present; and (iii) if the tank contained used oil, then the indicator contaminant shall be those chemical constituents which indicate the type of petroleum stored in an underground storage tank. All references in this Title to groundwater objectives shall mean Class I groundwater standards or objectives as applicable.

(e) (1) Notwithstanding the provisions of this Section, an owner or operator may proceed to conduct physical soil classification, groundwater investigation, site classification or other corrective action prior to the submittal or approval of an otherwise required plan. If the owner or operator elects to so proceed, an applicable plan shall be filed with the Agency at any time. Such plan shall detail the steps taken to determine the type of corrective action which was necessary at the site along with the corrective action taken or to be taken, in addition to costs associated with activities to date and anticipated costs.

(2) Upon receipt of a plan submitted after activities have commenced at a site, the Agency shall proceed to review in the same manner as required under this Title. In the event the Agency disapproves all or part of the costs, the owner or operator may appeal such decision to the Board. The owner or operator shall not be eligible to be reimbursed for such disapproved costs unless and until the Board determines that such costs were eligible for payment.

(Source: P.A. 88-496; 88-668, eff. 9-16-94; 89-428, eff. 1-1-96; 89-457, eff. 5-22-96.)

Sec. 57.8. Underground Storage Tank Fund; payment; options for State payment; deferred correction election to commence corrective action upon availability of funds. If an owner or operator is eligible to access the Underground Storage Tank Fund pursuant to an Office of State Fire Marshal eligibility/deductible final determination letter issued in

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accordance with Section 57.9, the owner or operator may submit a complete application for final or partial payment to the Agency for activities taken in response to a confirmed release. An owner or operator may submit a request for partial or final payment regarding a site no more frequently than once every 90 days.

(a) Payment after completion of corrective action measures. The owner or operator may submit an application for payment for activities performed at a site after completion of the requirements of Sections 57.6 and 57.7, or after completion of any other required activities at the underground storage tank site.

(1) In the case of any approved plan and budget for which payment is being sought, the Agency shall make a payment determination within 120 days of receipt of the application. Such determination shall be considered a final decision. The Agency's review shall be limited to generally accepted auditing and accounting practices. In no case shall the Agency conduct additional review of any plan which was completed within the budget, beyond auditing for adherence to the corrective action measures in the proposal. If the Agency fails to approve the payment application within 120 days, such application shall be deemed approved by operation of law and the Agency shall proceed to reimburse the owner or operator the amount requested in the payment application. However, in no event shall the Agency reimburse the owner or operator an amount greater than the amount approved in the plan.

(2) If sufficient funds are available in the Underground Storage Tank Fund, the Agency shall, within 60 days, forward to the Office of the State Comptroller a voucher in the amount approved under the payment application.

(3) In the case of insufficient funds, the Agency shall form a priority list for payment and shall notify persons in such priority list monthly of the availability of funds and when payment shall be made. Payment shall be made to the owner or operator at such time as sufficient funds become available for the costs associated with corrective action and costs expended for activities performed where no proposal is required, if applicable. Such priority list shall be available to any owner or operator upon request. Priority for payment shall be determined by the date the Agency receives a complete request for partial or final payment. Upon receipt of notification from the Agency that the requirements of this Title have been met, the Comptroller shall make payment to the owner or operator of the amount approved by the Agency, if sufficient money exists in the Fund. If there is insufficient money in the Fund, then payment shall not be made. If the owner or operator appeals a final Agency payment determination and it is determined that the owner or operator is eligible for payment or additional payment, the priority date for the payment or additional payment shall be the same as the priority date assigned to the original request for partial or final payment.

(4) Any deductible, as determined pursuant to the Office of the State Fire Marshal's eligibility and deductibility final determination in accordance with Section 57.9, shall be subtracted from any payment invoice paid to an eligible owner or

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operator. Only one deductible shall apply per underground storage tank site.

(5) In the event that costs are or will be incurred in addition to those approved by the Agency, or after payment, the owner or operator may submit successive plans containing amended budgets. The requirements of Section 57.7 shall apply to any amended plans.

(6) For purposes of this Section, a complete application shall consist of:

(A) A certification from a Licensed Professional Engineer as required under this Title and acknowledged by the owner or operator.

(B) A statement of the amount approved in the plan and the amount actually sought for payment along with a certified statement that the amount so sought shall be expended in conformance with the approved budget.

(C) A copy of the Office of the State Fire Marshal's eligibility and deductibility determination.

(D) Proof that approval of the payment requested will not result in the limitations set forth in subsection (g) of this Section being exceeded.

(E) A federal taxpayer identification number and legal status disclosure certification on a form prescribed and provided by the Agency.

(b) Commencement of corrective action upon availability of funds. The Board shall adopt regulations setting forth procedures based on risk to human health or the environment under which the owner or operator who has received approval for any budget plan submitted pursuant to Section 57.7, and who is eligible for payment from the Underground Storage Tank Fund pursuant to an Office of the State Fire Marshal eligibility and deductibility determination, may elect to defer site classification, low priority groundwater monitoring, or remediation activities until funds are available in an amount equal to the amount approved in the budget plan. The regulations shall establish criteria based on risk to human health or the environment to be used for determining on a site-by-site basis whether deferral is appropriate. The regulations also shall establish the minimum investigatory requirements for determining whether the risk based criteria are present at a site considering deferral and procedures for the notification of owners or operators of insufficient funds, Agency review of request for deferral, notification of Agency final decisions, returning deferred sites to active status, and earmarking of funds for payment.

(c) When the owner or operator requests indemnification for payment of costs incurred as a result of a release of petroleum from an underground storage tank, if the owner or operator has satisfied the requirements of subsection (a) of this Section, the Agency shall forward a copy of the request to the Attorney General. The Attorney General shall review and approve the request for indemnification if:

(1) there is a legally enforceable judgment entered against the owner or operator and such judgment was entered due to harm caused by a release of petroleum from an underground storage tank and such judgment was not entered as a result of fraud; or

(2) a settlement with a third party due to a release of petroleum from an underground storage tank is reasonable.

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(d) Notwithstanding any other provision of this Title, the Agency shall not approve payment to an owner or operator from the Fund for costs of corrective action or indemnification incurred during a calendar year in excess of the following aggregate amounts based on the number of petroleum underground storage tanks owned or operated by such owner or operator in Illinois.

<table>
<thead>
<tr>
<th>Amount</th>
<th>Number of Tanks</th>
</tr>
</thead>
<tbody>
<tr>
<td>$1,000,000</td>
<td>fewer than 101</td>
</tr>
<tr>
<td>$2,000,000</td>
<td>101 or more</td>
</tr>
</tbody>
</table>

(1) Costs incurred in excess of the aggregate amounts set forth in paragraph (1) of this subsection shall not be eligible for payment in subsequent years.

(2) For purposes of this subsection, requests submitted by any of the agencies, departments, boards, committees or commissions of the State of Illinois shall be acted upon as claims from a single owner or operator.

(3) For purposes of this subsection, owner or operator includes (i) any subsidiary, parent, or joint stock company of the owner or operator and (ii) any company owned by any parent, subsidiary, or joint stock company of the owner or operator.

(e) Costs of corrective action or indemnification incurred by an owner or operator which have been paid to an owner or operator under a policy of insurance, another written agreement, or a court order are not eligible for payment under this Section. An owner or operator who receives payment under a policy of insurance, another written agreement, or a court order shall reimburse the State to the extent such payment covers costs for which payment was received from the Fund. Any monies received by the State under this subsection (e) shall be deposited into the Fund.

(f) (Blank.) Until the Board adopts regulations pursuant to Section 57.14, handling charges are eligible for payment only if they are equal to or less than the amount determined by the following table:

<table>
<thead>
<tr>
<th>Subcontract or field</th>
<th>Eligible Handling Charges</th>
</tr>
</thead>
<tbody>
<tr>
<td>Purchase Cost as a Percentage of Cost</td>
<td></td>
</tr>
<tr>
<td>$0 – $5,000</td>
<td>$600 + 10% of amt. over $5,000</td>
</tr>
<tr>
<td>$5,001 – $15,000</td>
<td>$1,600 + 8% of amt. over $15,000</td>
</tr>
<tr>
<td>$15,001 – $50,000</td>
<td>$4,400 + 5% of amt. over $50,000</td>
</tr>
<tr>
<td>$50,001 – $100,000</td>
<td>$6,900 + 2% of amt. over $100,000</td>
</tr>
</tbody>
</table>

(g) The Agency shall not approve any payment from the Fund to pay an owner or operator:

(1) for costs of corrective action incurred by such owner or operator in an amount in excess of $1,000,000 per occurrence; and

(2) for costs of indemnification of such owner or operator in an amount in excess of $1,000,000 per occurrence.

(h) Payment of any amount from the Fund for corrective action or indemnification shall be subject to the State acquiring by subrogation the rights of any owner, operator, or
other person to recover the costs of corrective action or indemnification for which the Fund has compensated such owner, operator, or person from the person responsible or liable for the release.

(i) If the Agency refuses to pay or authorizes only a partial payment, the affected owner or operator may petition the Board for a hearing in the manner provided for the review of permit decisions in Section 40 of this Act.

(j) Costs of corrective action or indemnification incurred by an owner or operator prior to July 28, 1989, shall not be eligible for payment or reimbursement under this Section.

(k) The Agency shall not pay costs of corrective action or indemnification incurred before providing notification of the release of petroleum in accordance with the provisions of this Title.

(l) Corrective action does not include legal defense costs. Legal defense costs include legal costs for seeking payment under this Title unless the owner or operator prevails before the Board in which case the Board may authorize payment of legal fees.

(m) The Agency may apportion payment of costs for plans submitted under Section 57.7(c)(4)(E)(iii) if:

(1) the owner or operator was deemed eligible to access the Fund for payment of corrective action costs for some, but not all, of the underground storage tanks at the site; and

(2) the owner or operator failed to justify all costs attributable to each underground storage tank at the site.

(Source: P.A. 91-357, eff. 7-29-99.)

(415 ILCS 5/57.13)

Sec. 57.13. Underground Storage Tank Program; transition.

(a) If a release is reported to the proper State authority on or after September 13, the effective date of this amendatory Act of 1993, the owner or operator shall comply with the requirements of this Title.

(b) If a release is reported to the proper State authority prior to September 13, the effective date of this amendatory Act of 1993, the owner or operator of an underground storage tank may elect to proceed in accordance with the requirements of this Title by submitting a written statement to the Agency of such election. If the owner or operator elects to proceed under the requirements of this Title all costs incurred in connection with the incident prior to notification shall be reimbursable in the same manner as was allowable under the then existing law. Completion of corrective action shall then follow the provisions of this Title.

(Source: P.A. 88-496.)

(415 ILCS 5/58.7)

Sec. 58.7. Review and approvals.

(a) Requirements. All plans and reports that are submitted pursuant to this Title shall be submitted for review or approval in accordance with this Section.

(b) Review and evaluation by the Agency.

(1) Except for sites excluded under subdivision (a)(2) of Section 58.1, the
Agency shall, subject to available resources, agree to provide review and evaluation services for activities carried out pursuant to this Title for which the RA requested the services in writing. As a condition for providing such services, the Agency may require that the RA for a site:

(A) Conform with the procedures of this Title;
(B) Allow for or otherwise arrange site visits or other site evaluation by the Agency when so requested;
(C) Agree to perform the Remedial Action Plan work plan as approved under this Title;
(D) Agree to pay any reasonable costs incurred and documented by the Agency in providing such services;
(E) Make an advance partial payment to the Agency for such anticipated services in an amount, acceptable to the Agency, but not to exceed $5,000 or one-half of the total anticipated costs of the Agency, whichever sum is less; and
(F) Demonstrate, if necessary, authority to act on behalf of or in lieu of the owner or operator.

(2) Any moneys received by the State for costs incurred by the Agency in performing review or evaluation services for actions conducted pursuant to this Title shall be deposited in the Hazardous Waste Fund.

(3) An RA requesting services under subdivision (b)(1) of this Section may, at any time, notify the Agency, in writing, that Agency services previously requested are no longer wanted. Within 180 days after receipt of the notice, the Agency shall provide the RA with a final invoice for services provided until the date of such notifications.

(4) The Agency may invoice or otherwise request or demand payment from a RA for costs incurred by the Agency in performing review or evaluation services for actions by the RA at sites only if:

(A) The Agency has incurred costs in performing response actions, other than review or evaluation services, due to the failure of the RA to take response action in accordance with a notice issued pursuant to this Act;
(B) The RA has agreed in writing to the payment of such costs;
(C) The RA has been ordered to pay such costs by the Board or a court of competent jurisdiction pursuant to this Act; or
(D) The RA has requested or has consented to Agency review or evaluation services under subdivision (b)(1) of this Section.

(5) The Agency may, subject to available resources, agree to provide review and evaluation services for response actions if there is a written agreement among parties to a legal action or if a notice to perform a response action has been issued by the Agency.

(c) Review and evaluation by a Licensed Professional Engineer. A RA may elect to contract with a Licensed Professional Engineer who will perform review and evaluation

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services on behalf of and under the direction of the Agency relative to the site activities.

(1) Prior to entering into the contract with the Review and Evaluation Licensed Professional Engineer (RELPE), the RA shall notify the Agency of the RELPE to be selected. The Agency and the RA shall discuss the potential terms of the contract.

(2) At a minimum, the contract with the RELPE shall provide that the RELPE will submit any reports directly to the Agency, will take his or her directions for work assignments from the Agency, and will perform the assigned work on behalf of the Agency.

(3) Reasonable costs incurred by the Agency shall be paid by the RA directly to the Agency in accordance with the terms of the review and evaluation services agreement entered into under subdivision (b)(1) of Section 58.7.

(4) In no event shall the RELPE acting on behalf of the Agency be an employee of the RA or the owner or operator of the site or be an employee of any other person the RA has contracted to provide services relative to the site.

(d) Review and approval. All reviews required under this Title shall be carried out by the Agency or a RELPE, both under the direction of a Licensed Professional Engineer.

(1) All review activities conducted by the Agency or a RELPE shall be carried out in conformance with this Title and rules promulgated under Section 58.11.

(2) Specific plans, reports, and activities which the Agency or a RELPE may review include:

(A) Site Investigation Reports and related activities;
(B) Remediation Objectives Reports;
(C) Remedial Action Plans and related activities; and
(D) Remedial Action Completion Reports and related activities.

(3) Only the Agency shall have the authority to approve, disapprove, or approve with conditions a plan or report as a result of the review process including those plans and reports reviewed by a RELPE. If the Agency disapproves a plan or report or approves a plan or report with conditions, the written notification required by subdivision (d)(4) of this Section shall contain the following information, as applicable:

(A) An explanation of the Sections of this Title that may be violated if the plan or report was approved;
(B) An explanation of the provisions of the rules promulgated under this Title that may be violated if the plan or report was approved;
(C) An explanation of the specific type of information, if any, that the Agency deems the applicant did not provide the Agency;
(D) A statement of specific reasons why the Title and regulations might not be met if the plan or report were approved; and
(E) An explanation of the reasons for conditions if conditions are required.

(4) Upon approving, disapproving, or approving with conditions a plan or report,
report, the Agency shall notify the RA in writing of its decision. In the case of approval or approval with conditions of a Remedial Action Completion Report, the Agency shall prepare a No Further Remediation Letter that meets the requirements of Section 58.10 and send a copy of the letter to the RA.

(5) All reviews undertaken by the Agency or a RELPE shall be completed and the decisions communicated to the RA within 60 days of the request for review or approval. The RA may waive the deadline upon a request from the Agency. If the Agency disapproves or approves with conditions a plan or report or fails to issue a final decision within the 60 day period and the RA has not agreed to a waiver of the deadline, the RA may, within 35 days, file an appeal to the Board. Appeals to the Board shall be in the manner provided for the review of permit decisions in Section 40 of this Act.

(e) Standard of review. In making determinations, the following factors, and additional factors as may be adopted by the Board in accordance with Section 58.11, shall be considered by the Agency when reviewing or approving plans, reports, and related activities, or the RELPE, when reviewing plans, reports, and related activities:

(1) Site Investigation Reports and related activities: Whether investigations have been conducted and the results compiled in accordance with the appropriate procedures and whether the interpretations and conclusions reached are supported by the information gathered. In making the determination, the following factors shall be considered:

(A) The adequacy of the description of the site and site characteristics that were used to evaluate the site;

(B) The adequacy of the investigation of potential pathways and risks to receptors identified at the site; and

(C) The appropriateness of the sampling and analysis used.

(2) Remediation Objectives Reports: Whether the remediation objectives are consistent with the requirements of the applicable method for selecting or determining remediation objectives under Section 58.5. In making the determination, the following factors shall be considered:

(A) If the objectives were based on the determination of area background levels under subsection (b) of Section 58.5, whether the review of current and historic conditions at or in the immediate vicinity of the site has been thorough and whether the site sampling and analysis has been performed in a manner resulting in accurate determinations;

(B) If the objectives were calculated on the basis of predetermined equations using site specific data, whether the calculations were accurately performed and whether the site specific data reflect actual site conditions; and

(C) If the objectives were determined using a site specific risk assessment procedure, whether the procedure used is nationally recognized and accepted, whether the calculations were accurately performed, and whether the site specific data reflect actual site conditions.

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(3) Remedial Action Plans and related activities: Whether the plan will result in compliance with this Title, and rules adopted under it and attainment of the applicable remediation objectives. In making the determination, the following factors shall be considered:

(A) The likelihood that the plan will result in the attainment of the applicable remediation objectives;

(B) Whether the activities proposed are consistent with generally accepted engineering practices; and

(C) The management of risk relative to any remaining contamination, including but not limited to, provisions for the long-term enforcement, operation, and maintenance of institutional and engineering controls, if relied on.

(4) Remedial Action Completion Reports and related activities: Whether the remedial activities have been completed in accordance with the approved Remedial Action Plan and whether the applicable remediation objectives have been attained.

(f) All plans and reports submitted for review shall include a Licensed Professional Engineer's certification that all investigations and remedial activities were carried out under his or her direction and, to the best of his or her knowledge and belief, the work described in the plan or report has been completed in accordance with generally accepted engineering practices, and the information presented is accurate and complete.

(g) In accordance with Section 58.11, the Agency shall propose and the Board shall adopt rules to carry out the purposes of this Section. At a minimum, the rules shall detail the types of services the Agency may provide in response to requests under subdivision (b)(1) of this Section and the recordkeeping it will utilize in documenting to the RA the costs incurred by the Agency in providing such services. Until the Board adopts the rules, the Agency may continue to offer services of the type offered under subsections (m) and (n) of Section 22.2 of this Act prior to their repeal.

(h) Public participation.

(1) The Agency shall develop guidance to assist RA's in the implementation of a community relations plan to address activity at sites undergoing remedial action pursuant to this Title.

(2) The RA may elect to enter into a services agreement with the Agency for Agency assistance in community outreach efforts.

(3) The Agency shall maintain a registry listing those sites undergoing remedial action pursuant to this Title.

(4) Notwithstanding any provisions of this Section, the RA of a site undergoing remedial activity pursuant to this Title may elect to initiate a community outreach effort for the site.

(Source: P.A. 89-431, eff. 12-15-95; 89-443, eff. 7-1-96; 89-626, eff. 8-9-96.)

(415 ILCS 5/58.8)
Sec. 58.8. Duty to record.

(a) The RA receiving a No Further Remediation Letter from the Agency pursuant to New matter indicated by italics - deletions by strikeout.
Section 58.10, shall submit the letter to the Office of the Recorder or the Registrar of Titles of the county in which the site is located within 45 days of receipt of the letter. The Office of the Recorder or the Registrar of Titles shall accept and record that letter in accordance with Illinois law so that it forms a permanent part of the chain of title for the site.

(b) A No Further Remediation Letter shall not become effective until officially recorded in accordance with subsection (a) of this Section. The RA shall obtain and submit to the Agency a certified copy of the No Further Remediation Letter as recorded.

(c) At no time shall any site for which a land use limitation has been imposed as a result of remediation activities under this Title be used in a manner inconsistent with the land use limitation unless further investigation or remedial action has been conducted that documents the attainment of objectives appropriate for the new land use and a new No Further Remediation Letter obtained and recorded in accordance with this Title.

(d) In the event that a No Further Remediation Letter issues by operation of law pursuant to Section 58.10, the RA may, for purposes of this Section, file an affidavit stating that the letter issued by operation of law. Upon receipt of the No Further Remediation Letter from the Agency, the RA shall comply with the requirements of subsections (a) and (b) of this Section.

(Source: P.A. 89-431, eff. 12-15-95; 89-443, eff. 7-1-96.)

(415 ILCS 5/58.14)
Sec. 58.14. Environmental Remediation Tax Credit review.
(a) Prior to applying for the Environmental Remediation Tax Credit under Section 201 of the Illinois Income Tax Act, Remediation Applicants shall first submit to the Agency an application for review of remediation costs. The application and review process shall be conducted in accordance with the requirements of this Section and the rules adopted under subsection (g). A preliminary review of the estimated remediation costs for development and implementation of the Remedial Action Plan may be obtained in accordance with subsection (d).

(b) No application for review shall be submitted until a No Further Remediation Letter has been issued by the Agency and recorded in the chain of title for the site in accordance with Section 58.10. The Agency shall review the application to determine whether the costs submitted are remediation costs, and whether the costs incurred are reasonable. The application shall be on forms prescribed and provided by the Agency. At a minimum, the application shall include the following:

(1) information identifying the Remediation Applicant and the site for which the tax credit is being sought and the date of acceptance of the site into the Site Remediation Program;

(2) a copy of the No Further Remediation Letter with official verification that the letter has been recorded in the chain of title for the site and a demonstration that the site for which the application is submitted is the same site as the one for which the No Further Remediation Letter is issued;

(3) a demonstration that the release of the regulated substances of concern for which the No Further Remediation Letter was issued were not caused or contributed

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to in any material respect by the Remediation Applicant. After the Pollution Control Board rules are adopted pursuant to the Illinois Administrative Procedure Act for the administration and enforcement of Section 58.9 of the Environmental Protection Act, determinations as to credit availability shall be made consistent with those rules;

(4) an itemization and documentation, including receipts, of the remediation costs incurred;

(5) a demonstration that the costs incurred are remediation costs as defined in this Act and its rules;

(6) a demonstration that the costs submitted for review were incurred by the Remediation Applicant who received the No Further Remediation Letter;

(7) an application fee in the amount set forth in subsection (e) for each site for which review of remediation costs is requested and, if applicable, certification from the Department of Commerce and Community Affairs that the site is located in an enterprise zone;

(8) any other information deemed appropriate by the Agency.

(c) Within 60 days after receipt by the Agency of an application meeting the requirements of subsection (b), the Agency shall issue a letter to the applicant approving, disapproving, or modifying the remediation costs submitted in the application. If the remediation costs are approved as submitted, the Agency's letter shall state the amount of the remediation costs to be applied toward the Environmental Remediation Tax Credit. If an application is disapproved or approved with modification of remediation costs, the Agency's letter shall set forth the reasons for the disapproval or modification and state the amount of the remediation costs, if any, to be applied toward the Environmental Remediation Tax Credit.

If a preliminary review of a budget plan has been obtained under subsection (d), the Remediation Applicant may submit, with the application and supporting documentation under subsection (b), a copy of the Agency's final determination accompanied by a certification that the actual remediation costs incurred for the development and implementation of the Remedial Action Plan are equal to or less than the costs approved in the Agency's final determination on the budget plan. The certification shall be signed by the Remediation Applicant and notarized. Based on that submission, the Agency shall not be required to conduct further review of the costs incurred for development and implementation of the Remedial Action Plan and may approve costs as submitted.

Within 35 days after receipt of an Agency letter disapproving or modifying an application for approval of remediation costs, the Remediation Applicant may appeal the Agency's decision to the Board in the manner provided for the review of permits in Section 40 of this Act.

(d) (1) A Remediation Applicant may obtain a preliminary review of estimated remediation costs for the development and implementation of the Remedial Action Plan by submitting a budget plan along with the Remedial Action Plan. The budget plan shall be set forth on forms prescribed and provided by the Agency and shall include but shall not be limited to line item estimates of the costs associated

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with each line item (such as personnel, equipment, and materials) that the Remediation Applicant anticipates will be incurred for the development and implementation of the Remedial Action Plan. The Agency shall review the budget plan along with the Remedial Action Plan to determine whether the estimated costs submitted are remediation costs and whether the costs estimated for the activities are reasonable.

(2) If the Remedial Action Plan is amended by the Remediation Applicant or as a result of Agency action, the corresponding budget plan shall be revised accordingly and resubmitted for Agency review.

(3) The budget plan shall be accompanied by the applicable fee as set forth in subsection (e).

(4) Submittal of a budget plan shall be deemed an automatic 60-day waiver of the Remedial Action Plan review deadlines set forth in this Section and its rules.

(5) Within the applicable period of review, the Agency shall issue a letter to the Remediation Applicant approving, disapproving, or modifying the estimated remediation costs submitted in the budget plan. If a budget plan is disapproved or approved with modification of estimated remediation costs, the Agency's letter shall set forth the reasons for the disapproval or modification.

(6) Within 35 days after receipt of an Agency letter disapproving or modifying a budget plan, the Remediation Applicant may appeal the Agency's decision to the Board in the manner provided for the review of permits in Section 40 of this Act.

(e) The fees for reviews conducted under this Section are in addition to any other fees or payments for Agency services rendered pursuant to the Site Remediation Program and shall be as follows:

(1) The fee for an application for review of remediation costs shall be $1,000 for each site reviewed.

(2) The fee for the review of the budget plan submitted under subsection (d) shall be $500 for each site reviewed.

(3) In the case of a Remediation Applicant submitting for review total remediation costs of $100,000 or less for a site located within an enterprise zone (as set forth in paragraph (i) of subsection (l) of Section 201 of the Illinois Income Tax Act), the fee for an application for review of remediation costs shall be $250 for each site reviewed. For those sites, there shall be no fee for review of a budget plan under subsection (d).

The application fee shall be made payable to the State of Illinois, for deposit into the Hazardous Waste Fund.

Pursuant to appropriation, the Agency shall use the fees collected under this subsection for development and administration of the review program.

(f) The Agency shall have the authority to enter into any contracts or agreements that may be necessary to carry out its duties and responsibilities under this Section.

(g) Within 6 months after July 21, the effective date of this amendatory Act of 1997,
the Agency shall propose rules prescribing procedures and standards for its administration of this Section. Within 6 months after receipt of the Agency's proposed rules, the Board shall adopt on second notice, pursuant to Sections 27 and 28 of this Act and the Illinois Administrative Procedure Act, rules that are consistent with this Section. Prior to the effective date of rules adopted under this Section, the Agency may conduct reviews of applications under this Section and the Agency is further authorized to distribute guidance documents on costs that are eligible or ineligible as remediation costs.

(Source: P.A. 90-123, eff. 7-21-97; 90-792, eff. 1-1-99.)

(415 ILCS 5/58.17)

Sec. 58.17. Environmental Land Use Control. No later than 2 months after July 7, 2000, the effective date of this amendatory Act of the 91st General Assembly, the Agency, after consideration of the recommendations of the Regulations and Site Remediation Advisory Committee, shall propose rules creating an instrument to be known as the Environmental Land Use Control (ELUC). Within 6 months after receipt of the Agency's proposed rules, the Board shall adopt, pursuant to Sections 27 and 28 of this Act, rules creating the ELUC that establish land use limitations or obligations on the use of real property when necessary to manage risk to human health or the environment arising from contamination left in place pursuant to the procedures set forth in Section 58.5 of this Act or 35 Ill. Adm. Code 742. The rules shall include provisions addressing establishment, content, recording, duration, and enforcement of ELUCs.

(Source: P.A. 91-909, eff. 7-7-00.)

(415 ILCS 5/4.1 rep.)
(415 ILCS 5/5.1 rep.)
(415 ILCS 5/12.1 rep.)
(415 ILCS 5/22.20 rep.)
(415 ILCS 5/22.41 rep.)
(415 ILCS 5/22.42 rep.)
(415 ILCS 5/50 rep.)

Section 10. The Environmental Protection Act is amended by repealing Sections 4.1, 5.1, 12.1, 22.20, 22.41, 22.42, and 50.

Section 15. The Employment of Illinois Workers on Public Works Act is amended by changing Section 1 as follows:

(30 ILCS 570/1) (from Ch. 48, par. 2201)

Sec. 1. For the purposes of Article 2 of this Act, the following words have the meanings ascribed to them in this Section.

(1) "Illinois laborer" refers to any person who has resided in Illinois for at least 30 days and intends to become or remain an Illinois resident.

(2) "A period of excessive unemployment" means any month immediately following 2 consecutive calendar months during which the level of unemployment in the State of Illinois has exceeded 5% as measured by the United States Bureau of Labor Statistics in its monthly publication of employment and unemployment figures.

(3) "Hazardous waste" has the definition ascribed to it in Section 3.220 3.15 of the

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Illinois Environmental Protection Act, approved June 29, 1970, as amended.
(Source: P.A. 86-1015.)

Section 20. The Counties Code is amended by changing Section 5-15002 as follows:

Sec. 5-15002. Definitions. When used in this Division the term "waterworks system" means and includes a waterworks system in its entirety, or any integral part thereof, including mains, hydrants, meters, valves, standpipes, storage tanks, pumps, tanks, intakes, wells, impounding reservoirs, machinery, purification plants, softening apparatus, and all other elements useful in connection with a water supply or water distribution system.

The term "sewerage system" means and includes any or all of the following: Sewerage treatment plant or plants, collecting, intercepting, and outlet sewers, lateral sewers and drains, including combined storm water and sanitary drains, force mains, conduits, pumping stations, ejector stations, and all other appurtenances, extensions and improvements necessary, useful or convenient for the collection, treatment and disposal in a sanitary manner of storm water, sanitary sewage and industrial wastes.

The term "combined waterworks and sewerage system" means and includes a waterworks and sewerage system, as hereinabove defined, which any county shall determine to operate in combination.

The term "waste management" means the process of storage, treatment or disposal, but not the hauling or transport, of "waste" as defined in Section 3.53-3.535 of the Environmental Protection Act, but excluding "hazardous waste" as defined in that Act.
(Source: P.A. 86-962; 87-650.)

Section 25. The Illinois Municipal Code is amended by changing Section 11-31-1 as follows:

Sec. 11-31-1. Demolition, repair, enclosure, or remediation.
(a) The corporate authorities of each municipality may demolish, repair, or enclose or cause the demolition, repair, or enclosure of dangerous and unsafe buildings or uncompleted and abandoned buildings within the territory of the municipality and may remove or cause the removal of garbage, debris, and other hazardous, noxious, or unhealthy substances or materials from those buildings. In any county having adopted by referendum or otherwise a county health department as provided by Division 5-25 of the Counties Code or its predecessor, the county board of that county may exercise those powers with regard to dangerous and unsafe buildings or uncompleted and abandoned buildings within the territory of any city, village, or incorporated town having less than 50,000 population.

The corporate authorities shall apply to the circuit court of the county in which the building is located (i) for an order authorizing action to be taken with respect to a building if the owner or owners of the building, including the lien holders of record, after at least 15 days' written notice by mail so to do, have failed to put the building in a safe condition or to demolish it or (ii) for an order requiring the owner or owners of record to demolish, repair, or enclose the building or to remove garbage, debris, and other hazardous, noxious, or unhealthy substances or materials from the building. It is not a defense to the cause of action

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that the building is boarded up or otherwise enclosed, although the court may order the
defendant to have the building boarded up or otherwise enclosed. Where, upon diligent
search, the identity or whereabouts of the owner or owners of the building, including the lien
holders of record, is not ascertainable, notice mailed to the person or persons in whose name
the real estate was last assessed is sufficient notice under this Section.

The hearing upon the application to the circuit court shall be expedited by the court
and shall be given precedence over all other suits. Any person entitled to bring an action
under subsection (b) shall have the right to intervene in an action brought under this Section.

The cost of the demolition, repair, enclosure, or removal incurred by the municipality,
by an intervenor, or by a lien holder of record, including court costs, attorney's fees, and other
costs related to the enforcement of this Section, is recoverable from the owner or owners of
the real estate or the previous owner or both if the property was transferred during the 15 day
notice period and is a lien on the real estate; the lien is superior to all prior existing liens and
encumbrances, except taxes, if, within 180 days after the repair, demolition, enclosure, or
removal, the municipality, the lien holder of record, or the intervenor who incurred the cost
and expense shall file a notice of lien for the cost and expense incurred in the office of the
recorder of the county in which the real estate is located or in the office of the registrar of
titles of the county if the real estate affected is registered under the Registered Titles
(Torrens) Act.

The notice must consist of a sworn statement setting out (1) a description of the real
estate sufficient for its identification, (2) the amount of money representing the cost and
expense incurred, and (3) the date or dates when the cost and expense was incurred by the
municipality, the lien holder of record, or the intervenor. Upon payment of the cost and
expense by the owner of or persons interested in the property after the notice of lien has been
filed, the lien shall be released by the municipality, the person in whose name the lien has
been filed, or the assignee of the lien, and the release may be filed of record as in the case of
filing notice of lien. Unless the lien is enforced under subsection (c), the lien may be
enforced by foreclosure proceedings as in the case of mortgage foreclosures under Article
XV of the Code of Civil Procedure or mechanics' lien foreclosures. An action to foreclose
this lien may be commenced at any time after the date of filing of the notice of lien. The costs
of foreclosure incurred by the municipality, including court costs, reasonable attorney's fees,
advances to preserve the property, and other costs related to the enforcement of this
subsection, plus statutory interest, are a lien on the real estate and are recoverable by the
municipality from the owner or owners of the real estate.

All liens arising under this subsection (a) shall be assignable. The assignee of the lien
shall have the same power to enforce the lien as the assigning party, except that the lien may
not be enforced under subsection (c).

If the appropriate official of any municipality determines that any dangerous and
unsafe building or uncompleted and abandoned building within its territory fulfills the
requirements for an action by the municipality under the Abandoned Housing Rehabilitation
Act, the municipality may petition under that Act in a proceeding brought under this
subsection.

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(b) Any owner or tenant of real property within 1200 feet in any direction of any dangerous or unsafe building located within the territory of a municipality with a population of 500,000 or more may file with the appropriate municipal authority a request that the municipality apply to the circuit court of the county in which the building is located for an order permitting the demolition, removal of garbage, debris, and other noxious or unhealthy substances and materials from, or repair or enclosure of the building in the manner prescribed in subsection (a) of this Section. If the municipality fails to institute an action in circuit court within 90 days after the filing of the request, the owner or tenant of real property within 1200 feet in any direction of the building may institute an action in circuit court seeking an order compelling the owner or owners of record to demolish, remove garbage, debris, and other noxious or unhealthy substances and materials from, repair or enclose or to cause to be demolished, have garbage, debris, and other noxious or unhealthy substances and materials removed from, repaired, or enclosed the building in question. A private owner or tenant who institutes an action under the preceding sentence shall not be required to pay any fee to the clerk of the circuit court. The cost of repair, removal, demolition, or enclosure shall be borne by the owner or owners of record of the building. In the event the owner or owners of record fail to demolish, remove garbage, debris, and other noxious or unhealthy substances and materials from, repair, or enclose the building within 90 days of the date the court entered its order, the owner or tenant who instituted the action may request that the court join the municipality as a party to the action. The court may order the municipality to demolish, remove materials from, repair, or enclose the building, or cause that action to be taken upon the request of any owner or tenant who instituted the action or upon the municipality's request. The municipality may file, and the court may approve, a plan for rehabilitating the building in question. A court order authorizing the municipality to demolish, remove materials from, repair, or enclose a building, or cause that action to be taken, shall not preclude the court from adjudging the owner or owners of record of the building in contempt of court due to the failure to comply with the order to demolish, remove garbage, debris, and other noxious or unhealthy substances and materials from, repair, or enclose the building.

If a municipality or a person or persons other than the owner or owners of record pay the cost of demolition, removal of garbage, debris, and other noxious or unhealthy substances and materials, repair, or enclosure pursuant to a court order, the cost, including court costs, attorney's fees, and other costs related to the enforcement of this subsection, is recoverable from the owner or owners of the real estate and is a lien on the real estate; the lien is superior to all prior existing liens and encumbrances, except taxes, if, within 180 days after the repair, removal, demolition, or enclosure, the municipality or the person or persons who paid the costs of demolition, removal, repair, or enclosure shall file a notice of lien of the cost and expense incurred in the office of the recorder in the county in which the real estate is located or in the office of the registrar of the county if the real estate affected is registered under the Registered Titles (Torrens) Act. The notice shall be in a form as is provided in subsection (a). An owner or tenant who institutes an action in circuit court seeking an order to compel the owner or owners of record to demolish, remove materials from, repair, or enclose any dangerous or unsafe building, or to cause that action to be taken under this subsection may
recover court costs and reasonable attorney's fees for instituting the action from the owner or owners of record of the building. Upon payment of the costs and expenses by the owner of or a person interested in the property after the notice of lien has been filed, the lien shall be released by the municipality or the person in whose name the lien has been filed or his or her assignee, and the release may be filed of record as in the case of filing a notice of lien. Unless the lien is enforced under subsection (c), the lien may be enforced by foreclosure proceedings as in the case of mortgage foreclosures under Article XV of the Code of Civil Procedure or mechanics' lien foreclosures. An action to foreclose this lien may be commenced at any time after the date of filing of the notice of lien. The costs of foreclosure incurred by the municipality, including court costs, reasonable attorneys' fees, advances to preserve the property, and other costs related to the enforcement of this subsection, plus statutory interest, are a lien on the real estate and are recoverable by the municipality from the owner or owners of the real estate.

All liens arising under the terms of this subsection (b) shall be assignable. The assignee of the lien shall have the same power to enforce the lien as the assigning party, except that the lien may not be enforced under subsection (c).

(c) In any case where a municipality has obtained a lien under subsection (a), (b), or (f), the municipality may enforce the lien under this subsection (c) in the same proceeding in which the lien is authorized.

A municipality desiring to enforce a lien under this subsection (c) shall petition the court to retain jurisdiction for foreclosure proceedings under this subsection. Notice of the petition shall be served, by certified or registered mail, on all persons who were served notice under subsection (a), (b), or (f). The court shall conduct a hearing on the petition not less than 15 days after the notice is served. If the court determines that the requirements of this subsection (c) have been satisfied, it shall grant the petition and retain jurisdiction over the matter until the foreclosure proceeding is completed. The costs of foreclosure incurred by the municipality, including court costs, reasonable attorneys' fees, advances to preserve the property, and other costs related to the enforcement of this subsection, plus statutory interest, are a lien on the real estate and are recoverable by the municipality from the owner or owners of the real estate. If the court denies the petition, the municipality may enforce the lien in a separate action as provided in subsection (a), (b), or (f).

All persons designated in Section 15-1501 of the Code of Civil Procedure as necessary parties in a mortgage foreclosure action shall be joined as parties before issuance of an order of foreclosure. Persons designated in Section 15-1501 of the Code of Civil Procedure as permissible parties may also be joined as parties in the action.

The provisions of Article XV of the Code of Civil Procedure applicable to mortgage foreclosures shall apply to the foreclosure of a lien under this subsection (c), except to the extent that those provisions are inconsistent with this subsection. For purposes of foreclosures of liens under this subsection, however, the redemption period described in subsection (b) of Section 15-1603 of the Code of Civil Procedure shall end 60 days after the date of entry of the order of foreclosure.

(d) In addition to any other remedy provided by law, the corporate authorities of any
municipality may petition the circuit court to have property declared abandoned under this subsection (d) if:

1. the property has been tax delinquent for 2 or more years or bills for water service for the property have been outstanding for 2 or more years;
2. the property is unoccupied by persons legally in possession; and
3. the property contains a dangerous or unsafe building.

All persons having an interest of record in the property, including tax purchasers and beneficial owners of any Illinois land trust having title to the property, shall be named as defendants in the petition and shall be served with process. In addition, service shall be had under Section 2-206 of the Code of Civil Procedure as in other cases affecting property.

The municipality, however, may proceed under this subsection in a proceeding brought under subsection (a) or (b). Notice of the petition shall be served by certified or registered mail on all persons who were served notice under subsection (a) or (b).

If the municipality proves that the conditions described in this subsection exist and the owner of record of the property does not enter an appearance in the action, or, if title to the property is held by an Illinois land trust, if neither the owner of record nor the owner of the beneficial interest of the trust enters an appearance, the court shall declare the property abandoned.

If that determination is made, notice shall be sent by certified or registered mail to all persons having an interest of record in the property, including tax purchasers and beneficial owners of any Illinois land trust having title to the property, stating that title to the property will be transferred to the municipality unless, within 30 days of the notice, the owner of record enters an appearance in the action, or unless any other person having an interest in the property files with the court a request to demolish the dangerous or unsafe building or to put the building in safe condition.

If the owner of record enters an appearance in the action within the 30 day period, the court shall vacate its order declaring the property abandoned. In that case, the municipality may amend its complaint in order to initiate proceedings under subsection (a).

If a request to demolish or repair the building is filed within the 30 day period, the court shall grant permission to the requesting party to demolish the building within 30 days or to restore the building to safe condition within 60 days after the request is granted. An extension of that period for up to 60 additional days may be given for good cause. If more than one person with an interest in the property files a timely request, preference shall be given to the person with the lien or other interest of the highest priority.

If the requesting party proves to the court that the building has been demolished or put in a safe condition within the period of time granted by the court, the court shall issue a quitclaim judicial deed for the property to the requesting party, conveying only the interest of the owner of record, upon proof of payment to the municipality of all costs incurred by the municipality in connection with the action, including but not limited to court costs, attorney's fees, administrative costs, the costs, if any, associated with building enclosure or removal, and receiver's certificates. The interest in the property so conveyed shall be subject to all liens and encumbrances on the property. In addition, if the interest is conveyed to a person

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holding a certificate of purchase for the property under the Property Tax Code, the conveyance shall be subject to the rights of redemption of all persons entitled to redeem under that Act, including the original owner of record.

If no person with an interest in the property files a timely request or if the requesting party fails to demolish the building or put the building in safe condition within the time specified by the court, the municipality may petition the court to issue a judicial deed for the property to the municipality. A conveyance by judicial deed shall operate to extinguish all existing ownership interests in, liens on, and other interest in the property, including tax liens, and shall extinguish the rights and interests of any and all holders of a bona fide certificate of purchase of the property for delinquent taxes. Any such bona fide certificate of purchase holder shall be entitled to a sale in error as prescribed under Section 21-310 of the Property Tax Code.

(e) Each municipality may use the provisions of this subsection to expedite the removal of certain buildings that are a continuing hazard to the community in which they are located.

If a residential or commercial building is 3 stories or less in height as defined by the municipality's building code, and the corporate official designated to be in charge of enforcing the municipality's building code determines that the building is open and vacant and an immediate and continuing hazard to the community in which the building is located, then the official shall be authorized to post a notice not less than 2 feet by 2 feet in size on the front of the building. The notice shall be dated as of the date of the posting and shall state that unless the building is demolished, repaired, or enclosed, and unless any garbage, debris, and other hazardous, noxious, or unhealthy substances or materials are removed so that an immediate and continuing hazard to the community no longer exists, then the building may be demolished, repaired, or enclosed, or any garbage, debris, and other hazardous, noxious, or unhealthy substances or materials may be removed, by the municipality.

Not later than 30 days following the posting of the notice, the municipality shall do all of the following:

(1) Cause to be sent, by certified mail, return receipt requested, a Notice to Remediate to all owners of record of the property, the beneficial owners of any Illinois land trust having title to the property, and all lienholders of record in the property, stating the intent of the municipality to demolish, repair, or enclose the building or remove any garbage, debris, or other hazardous, noxious, or unhealthy substances or materials if that action is not taken by the owner or owners.

(2) Cause to be published, in a newspaper published or circulated in the municipality where the building is located, a notice setting forth (i) the permanent tax index number and the address of the building, (ii) a statement that the property is open and vacant and constitutes an immediate and continuing hazard to the community, and (iii) a statement that the municipality intends to demolish, repair, or enclose the building or remove any garbage, debris, or other hazardous, noxious, or unhealthy substances or materials if the owner or owners or lienholders of record fail to do so. This notice shall be published for 3 consecutive days.
(3) Cause to be recorded the Notice to RemEDIATE mailed under paragraph (1) in the office of the recorder in the county in which the real estate is located or in the office of the registrar of titles of the county if the real estate is registered under the Registered Title (Torrens) Act.

Any person or persons with a current legal or equitable interest in the property objecting to the proposed actions of the corporate authorities may file his or her objection in an appropriate form in a court of competent jurisdiction.

If the building is not demolished, repaired, or enclosed, or the garbage, debris, or other hazardous, noxious, or unhealthy substances or materials are not removed, within 30 days of mailing the notice to the owners of record, the beneficial owners of any Illinois land trust having title to the property, and all lienholders of record in the property, or within 30 days of the last day of publication of the notice, whichever is later, the corporate authorities shall have the power to demolish, repair, or enclose the building or to remove any garbage, debris, or other hazardous, noxious, or unhealthy substances or materials.

The municipality may proceed to demolish, repair, or enclose a building or remove any garbage, debris, or other hazardous, noxious, or unhealthy substances or materials under this subsection within a 120-day period following the date of the mailing of the notice if the appropriate official determines that the demolition, repair, enclosure, or removal of any garbage, debris, or other hazardous, noxious, or unhealthy substances or materials is necessary to remedy the immediate and continuing hazard. If, however, before the municipality proceeds with any of the actions authorized by this subsection, any person with a legal or equitable interest in the property has sought a hearing under this subsection before a court and has served a copy of the complaint on the chief executive officer of the municipality, then the municipality shall not proceed with the demolition, repair, enclosure, or removal of garbage, debris, or other substances until the court determines that that action is necessary to remedy the hazard and issues an order authorizing the municipality to do so.

Following the demolition, repair, or enclosure of a building, or the removal of garbage, debris, or other hazardous, noxious, or unhealthy substances or materials under this subsection, the municipality may file a notice of lien against the real estate for the cost of the demolition, repair, enclosure, or removal within 180 days after the repair, demolition, enclosure, or removal occurred, for the cost and expense incurred, in the office of the recorder in the county in which the real estate is located or in the office of the registrar of titles of the county if the real estate affected is registered under the Registered Titles (Torrens) Act; this lien has priority over the interests of those parties named in the Notice to RemEDIATE mailed under paragraph (1), but not over the interests of third party purchasers or encumbrancers for value who obtained their interests in the property before obtaining actual or constructive notice of the lien. The notice of lien shall consist of a sworn statement setting forth (i) a description of the real estate, such as the address or other description of the property, sufficient for its identification; (ii) the expenses incurred by the municipality in undertaking the remedial actions authorized under this subsection; (iii) the date or dates the expenses were incurred by the municipality; (iv) a statement by the corporate official responsible for enforcing the building code that the building was open and vacant and

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constituted an immediate and continuing hazard to the community; (v) a statement by the corporate official that the required sign was posted on the building, that notice was sent by certified mail to the owners of record, and that notice was published in accordance with this subsection; and (vi) a statement as to when and where the notice was published. The lien authorized by this subsection may thereafter be released or enforced by the municipality as provided in subsection (a).

(f) The corporate authorities of each municipality may remove or cause the removal of, or otherwise environmentally remediate hazardous substances and petroleum products on, in, or under any abandoned and unsafe property within the territory of a municipality. In addition, where preliminary evidence indicates the presence or likely presence of a hazardous substance or a petroleum product or a release or a substantial threat of a release of a hazardous substance or a petroleum product on, in, or under the property, the corporate authorities of the municipality may inspect the property and test for the presence or release of hazardous substances and petroleum products. In any county having adopted by referendum or otherwise a county health department as provided by Division 5-25 of the Counties Code or its predecessor, the county board of that county may exercise the above-described powers with regard to property within the territory of any city, village, or incorporated town having less than 50,000 population.

For purposes of this subsection (f):

(1) "property" or "real estate" means all real property, whether or not improved by a structure;
(2) "abandoned" means;

(A) the property has been tax delinquent for 2 or more years;
(B) the property is unoccupied by persons legally in possession; and
(3) "unsafe" means property that presents an actual or imminent threat to public health and safety caused by the release of hazardous substances; and
(4) "hazardous substances" means the same as in Section 3.215 of the Environmental Protection Act.

The corporate authorities shall apply to the circuit court of the county in which the property is located (i) for an order allowing the municipality to enter the property and inspect and test substances on, in, or under the property; or (ii) for an order authorizing the corporate authorities to take action with respect to remediation of the property if conditions on the property, based on the inspection and testing authorized in paragraph (i), indicate the presence of hazardous substances or petroleum products. Remediation shall be deemed complete for purposes of paragraph (ii) above when the property satisfies Tier I, II, or III remediation objectives for the property's most recent usage, as established by the Environmental Protection Act, and the rules and regulations promulgated thereunder. Where, upon diligent search, the identity or whereabouts of the owner or owners of the property, including the lien holders of record, is not ascertainable, notice mailed to the person or persons in whose name the real estate was last assessed is sufficient notice under this Section.

The court shall grant an order authorizing testing under paragraph (i) above upon a
showing of preliminary evidence indicating the presence or likely presence of a hazardous substance or a petroleum product or a release of or a substantial threat of a release of a hazardous substance or a petroleum product on, in, or under abandoned property. The preliminary evidence may include, but is not limited to, evidence of prior use, visual site inspection, or records of prior environmental investigations. The testing authorized by paragraph (i) above shall include any type of investigation which is necessary for an environmental professional to determine the environmental condition of the property, including but not limited to performance of soil borings and groundwater monitoring. The court shall grant a remediation order under paragraph (ii) above where testing of the property indicates that it fails to meet the applicable remediation objectives. The hearing upon the application to the circuit court shall be expedited by the court and shall be given precedence over all other suits.

The cost of the inspection, testing, or remediation incurred by the municipality or by a lien holder of record, including court costs, attorney's fees, and other costs related to the enforcement of this Section, is a lien on the real estate; except that in any instances where a municipality incurs costs of inspection and testing but finds no hazardous substances or petroleum products on the property that present an actual or imminent threat to public health and safety, such costs are not recoverable from the owners nor are such costs a lien on the real estate. The lien is superior to all prior existing liens and encumbrances, except taxes and any lien obtained under subsection (a) or (e), if, within 180 days after the completion of the inspection, testing, or remediation, the municipality or the lien holder of record who incurred the cost and expense shall file a notice of lien for the cost and expense incurred in the office of the recorder in the county in which the real estate is located or in the office of the registrar of titles of the county if the real estate affected is registered under the Registered Titles (Torrens) Act.

The notice must consist of a sworn statement setting out (i) a description of the real estate sufficient for its identification, (ii) the amount of money representing the cost and expense incurred, and (iii) the date or dates when the cost and expense was incurred by the municipality or the lien holder of record. Upon payment of the lien amount by the owner of or persons interested in the property after the notice of lien has been filed, a release of lien shall be issued by the municipality, the person in whose name the lien has been filed, or the assignee of the lien, and the release may be filed of record as in the case of filing notice of lien.

The lien may be enforced under subsection (c) or by foreclosure proceedings as in the case of mortgage foreclosures under Article XV of the Code of Civil Procedure or mechanics' lien foreclosures; provided that where the lien is enforced by foreclosure under subsection (c) or under either statute, the municipality may not proceed against the other assets of the owner or owners of the real estate for any costs that otherwise would be recoverable under this Section but that remain unsatisfied after foreclosure except where such additional recovery is authorized by separate environmental laws. An action to foreclose this lien may be commenced at any time after the date of filing of the notice of lien. The costs of foreclosure incurred by the municipality, including court costs, reasonable attorney's fees,
advances to preserve the property, and other costs related to the enforcement of this subsection, plus statutory interest, are a lien on the real estate.

All liens arising under this subsection (f) shall be assignable. The assignee of the lien shall have the same power to enforce the lien as the assigning party, except that the lien may not be enforced under subsection (c).

(g) In any case where a municipality has obtained a lien under subsection (a), the municipality may also bring an action for a money judgment against the owner or owners of the real estate in the amount of the lien in the same manner as provided for bringing causes of action in Article II of the Code of Civil Procedure and, upon obtaining a judgment, file a judgment lien against all of the real estate of the owner or owners and enforce that lien as provided for in Article XII of the Code of Civil Procedure.

(Source: P.A. 91-162, eff. 7-16-99; 91-177, eff. 1-1-00; 91-357, eff. 7-29-99; 91-542, eff. 1-1-00; 91-561, eff. 1-1-00; 92-16, eff. 6-28-01.)

Section 30. The Conservation District Act is amended by changing Section 19 as follows:

(70 ILCS 410/19) (from Ch. 96 1/2, par. 7129)
Sec. 19. Landfills.
(a) No land that is owned or acquired by a conservation district may be used for the development or operation of any new pollution control facility, as those terms are defined in Section 3.330 3.32 of the Environmental Protection Act.

(b) A conservation district may not transfer any land or interest in land owned or acquired by the district to any other entity which the district has reason to know intends to construct, expand or operate thereon any sanitary landfill or regulated waste treatment, disposal or storage facility or develop or operate thereon any new pollution control facility, as that term is defined in Section 3.330 3.32 of the Environmental Protection Act. A conservation district that wishes to transfer any land or interest in land owned or acquired by the district to any other entity must impose, as a condition of the transfer, a covenant prohibiting the development thereon or operation of any new pollution control facility, as that term is defined in Section 3.330 3.32 of the Environmental Protection Act.

(Source: P.A. 87-554; 88-681, eff. 12-22-94.)

Section 35. The Downstate Forest Preserve District Act is amended by changing Section 18.6c as follows:

(70 ILCS 805/18.6c) (from Ch. 96 1/2, par. 6340c)
Sec. 18.6c. Landfills.
(a) No land that is owned or acquired by a forest preserve district may be used for the development or operation of any new pollution control facility, as that term is defined in Section 3.330 3.32 of the Environmental Protection Act.

(b) A forest preserve district may not transfer any land or interest in land owned or acquired by the district to any other entity which the district has reason to know intends to construct, expand or operate thereon any sanitary landfill or regulated waste treatment, disposal or storage facility or develop or operate thereon any new pollution control facility, as that term is defined in Section 3.330 3.32 of the Environmental Protection Act.

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A forest preserve district that wishes to transfer any land or interest in land owned or acquired by the district to any other entity must impose, as a condition of the transfer, a covenant prohibiting the development thereon or operation of any new pollution control facility, as that term is defined in Section 3.330 of the Environmental Protection Act. (Source: P.A. 87-554; 88-681, eff. 12-22-94.)

Section 40. The Public Utilities Act is amended by changing Section 8-403.1 as follows:

(220 ILCS 5/8-403.1) (from Ch. 111 2/3, par. 8-403.1)
Sec. 8-403.1. Electricity purchased from qualified solid waste energy facility; tax credit; distributions for economic development.

(a) It is hereby declared to be the policy of this State to encourage the development of alternate energy production facilities in order to conserve our energy resources and to provide for their most efficient use.

(b) For the purpose of this Section and Section 9-215.1, "qualified solid waste energy facility" means a facility determined by the Illinois Commerce Commission to qualify as such under the Local Solid Waste Disposal Act, to use methane gas generated from landfills as its primary fuel, and to possess characteristics that would enable it to qualify as a cogeneration or small power production facility under federal law.

(c) In furtherance of the policy declared in this Section, the Illinois Commerce Commission shall require electric utilities to enter into long-term contracts to purchase electricity from qualified solid waste energy facilities located in the electric utility's service area, for a period beginning on the date that the facility begins generating electricity and having a duration of not less than 10 years in the case of facilities fueled by landfill-generated methane, or 20 years in the case of facilities fueled by methane generated from a landfill owned by a forest preserve district. The purchase rate contained in such contracts shall be equal to the average amount per kilowatt-hour paid from time to time by the unit or units of local government in which the electricity generating facilities are located, excluding amounts paid for street lighting and pumping service.

(d) Whenever a public utility is required to purchase electricity pursuant to subsection (c) above, it shall be entitled to credits in respect of its obligations to remit to the State taxes it has collected under the Electricity Excise Tax Law equal to the amounts, if any, by which payments for such electricity exceed (i) the then current rate at which the utility must purchase the output of qualified facilities pursuant to the federal Public Utility Regulatory Policies Act of 1978, less (ii) any costs, expenses, losses, damages or other amounts incurred by the utility, or for which it becomes liable, arising out of its failure to obtain such electricity from such other sources. The amount of any such credit shall, in the first instance, be determined by the utility, which shall make a monthly report of such credits to the Illinois Commerce Commission and, on its monthly tax return, to the Illinois Department of Revenue. Under no circumstances shall a utility be required to purchase electricity from a qualified solid waste energy facility at the rate prescribed in subsection (c) of this Section if such purchase would result in estimated tax credits that exceed, on a monthly basis, the utility's estimated obligation to remit to the State taxes it has collected under the Electricity

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Excise Tax Law. The owner or operator shall negotiate facility operating conditions with the purchasing utility in accordance with that utility's posted standard terms and conditions for small power producers. If the Department of Revenue disputes the amount of any such credit, such dispute shall be decided by the Illinois Commerce Commission. Whenever a qualified solid waste energy facility has paid or otherwise satisfied in full the capital costs or indebtedness incurred in developing and implementing the qualified facility, the qualified facility shall reimburse the Public Utility Fund and the General Revenue Fund in the State treasury for the actual reduction in payments to those Funds caused by this subsection (d) in a manner to be determined by the Illinois Commerce Commission and based on the manner in which revenues for those Funds were reduced.

(e) The Illinois Commerce Commission shall not require an electric utility to purchase electricity from any qualified solid waste energy facility which is owned or operated by an entity that is primarily engaged in the business of producing or selling electricity, gas, or useful thermal energy from a source other than one or more qualified solid waste energy facilities.

(f) This Section does not require an electric utility to construct additional facilities unless those facilities are paid for by the owner or operator of the affected qualified solid waste energy facility.

(g) The Illinois Commerce Commission shall require that: (1) electric utilities use the electricity purchased from a qualified solid waste energy facility to displace electricity generated from nuclear power or coal mined and purchased outside the boundaries of the State of Illinois before displacing electricity generated from coal mined and purchased within the State of Illinois, to the extent possible, and (2) electric utilities report annually to the Commission on the extent of such displacements.

(h) Nothing in this Section is intended to cause an electric utility that is required to purchase power hereunder to incur any economic loss as a result of its purchase. All amounts paid for power which a utility is required to purchase pursuant to subparagraph (c) shall be deemed to be costs prudently incurred for purposes of computing charges under rates authorized by Section 9-220 of this Act. Tax credits provided for herein shall be reflected in charges made pursuant to rates so authorized to the extent such credits are based upon a cost which is also reflected in such charges.

(i) Beginning in February 1999 and through January 2009, each qualified solid waste energy facility that sells electricity to an electric utility at the purchase rate described in subsection (c) shall file with the Department of Revenue on or before the 15th of each month a form, prescribed by the Department of Revenue, that states the number of kilowatt hours of electricity for which payment was received at that purchase rate from electric utilities in Illinois during the immediately preceding month. This form shall be accompanied by a payment from the qualified solid waste energy facility in an amount equal to six-tenths of a mill ($0.0006) per kilowatt hour of electricity stated on the form. Beginning on the effective date of this amendatory Act of the 92nd General Assembly, a qualified solid waste energy facility must file the form required under this subsection (i) before the 15th of each month regardless of whether the facility received any payment in the previous month. Payments

New matter indicated by italics - deletions by strikeout.
received by the Department of Revenue shall be deposited into the Municipal Economic Development Fund, a trust fund created outside the State treasury. The State Treasurer may invest the moneys in the Fund in any investment authorized by the Public Funds Investment Act, and investment income shall be deposited into and become part of the Fund. Moneys in the Fund shall be used by the State Treasurer as provided in subsection (j). The obligation of a qualified solid waste energy facility to make payments into the Municipal Economic Development Fund shall terminate upon either: (1) expiration or termination of a facility's contract to sell electricity to an electric utility at the purchase rate described in subsection (c); or (2) entry of an enforceable, final, and non-appealable order by a court of competent jurisdiction that Public Act 89-448 is invalid. Payments by a qualified solid waste energy facility into the Municipal Economic Development Fund do not relieve the qualified solid waste energy facility of its obligation to reimburse the Public Utility Fund and the General Revenue Fund for the actual reduction in payments to those Funds as a result of credits received by electric utilities under subsection (d).

A qualified solid waste energy facility that fails to timely file the requisite form and payment as required by this subsection (i) shall be subject to penalties and interest in conformance with the provisions of the Illinois Uniform Penalty and Interest Act.

Every qualified solid waste energy facility subject to the provisions of this subsection (i) shall keep and maintain records and books of its sales pursuant to subsection (c), including payments received from those sales and the corresponding tax payments made in accordance with this subsection (i), and for purposes of enforcement of this subsection (i) all such books and records shall be subject to inspection by the Department of Revenue or its duly authorized agents or employees.

When a qualified solid waste energy facility fails to file the form or make the payment required under this subsection (i), the Department of Revenue, to the extent that it is practical, may enforce the payment obligation in a manner consistent with Section 5 of the Retailers' Occupation Tax Act, and if necessary may impose and enforce a tax lien in a manner consistent with Sections 5a, 5b, 5c, 5d, 5e, 5f, 5g, and 5i of the Retailers' Occupation Tax Act. No tax lien may be imposed or enforced, however, unless a qualified solid waste energy facility fails to make the payment required under this subsection (i). Only to the extent necessary and for the purpose of enforcing this subsection (i), the Department of Revenue may secure necessary information from a qualified solid waste energy facility in a manner consistent with Section 10 of the Retailers' Occupation Tax Act.

All information received by the Department of Revenue in its administration and enforcement of this subsection (i) shall be confidential in a manner consistent with Section 11 of the Retailers' Occupation Tax Act. The Department of Revenue may adopt rules to implement the provisions of this subsection (i).

For purposes of implementing the maximum aggregate distribution provisions in subsections (j) and (k), when a qualified solid waste energy facility makes a late payment to the Department of Revenue for deposit into the Municipal Economic Development Fund, that payment and deposit shall be attributed to the month and corresponding quarter in which the payment should have been made, and the Treasurer shall make retroactive distributions.

New matter indicated by italics - deletions by strikeout.
or refunds, as the case may be, whenever such late payments so require.

(j) The State Treasurer, without appropriation, must make distributions immediately after January 15, April 15, July 15, and October 15 of each year, up to maximum aggregate distributions of $500,000 for the distributions made in the 4 quarters beginning with the April distribution and ending with the January distribution, from the Municipal Economic Development Fund to each city, village, or incorporated town that has within its boundaries an incinerator that: (1) uses or, on the effective date of Public Act 90-813, used municipal waste as its primary fuel to generate electricity; (2) was determined by the Illinois Commerce Commission to qualify as a qualified solid waste energy facility prior to the effective date of Public Act 89-448; and (3) commenced operation prior to January 1, 1998. Total distributions in the aggregate to all qualified cities, villages, and incorporated towns in the 4 quarters beginning with the April distribution and ending with the January distribution shall not exceed $500,000. The amount of each distribution shall be determined pro rata based on the population of the city, village, or incorporated town compared to the total population of all cities, villages, and incorporated towns eligible to receive a distribution. Distributions received by a city, village, or incorporated town must be held in a separate account and may be used only to promote and enhance industrial, commercial, residential, service, transportation, and recreational activities and facilities within its boundaries, thereby enhancing the employment opportunities, public health and general welfare, and economic development within the community, including administrative expenditures exclusively to further these activities. These funds, however, shall not be used by the city, village, or incorporated town, directly or indirectly, to purchase, lease, operate, or in any way subsidize the operation of any incinerator, and these funds shall not be paid, directly or indirectly, by the city, village, or incorporated town to the owner, operator, lessee, shareholder, or bondholder of any incinerator. Moreover, these funds shall not be used to pay attorneys fees in any litigation relating to the validity of Public Act 89-448. Nothing in this Section prevents a city, village, or incorporated town from using other corporate funds for any legitimate purpose. For purposes of this subsection, the term "municipal waste" has the meaning ascribed to it in Section 3.290 of the Environmental Protection Act.

(k) If maximum aggregate distributions of $500,000 under subsection (j) have been made after the January distribution from the Municipal Economic Development Fund, then the balance in the Fund shall be refunded to the qualified solid waste energy facilities that made payments that were deposited into the Fund during the previous 12-month period. The refunds shall be prorated based upon the facility's payments in relation to total payments for that 12-month period.

(l) Beginning January 1, 2000, and each January 1 thereafter, each city, village, or incorporated town that received distributions from the Municipal Economic Development Fund, continued to hold any of those distributions, or made expenditures from those distributions during the immediately preceding year shall submit to a financial and compliance and program audit of those distributions performed by the Auditor General at no cost to the city, village, or incorporated town that received the distributions. The audit should be completed by June 30 or as soon thereafter as possible. The audit shall be submitted to the

New matter indicated by italics - deletions by strikeout.
State Treasurer and those officers enumerated in Section 3-14 of the Illinois State Auditing Act. If the Auditor General finds that distributions have been expended in violation of this Section, the Auditor General shall refer the matter to the Attorney General. The Attorney General may recover, in a civil action, 3 times the amount of any distributions illegally expended. For purposes of this subsection, the terms "financial audit," "compliance audit", and "program audit" have the meanings ascribed to them in Sections 1-13 and 1-15 of the Illinois State Auditing Act.

(Source: P.A. 91-901, eff. 1-1-01; 92-435, eff. 8-17-01.)

Section 45. The Hazardous Waste Crane and Hoisting Equipment Operators Licensing Act is amended by changing Section 3 as follows:

(225 ILCS 220/3) (from Ch. 111, par. 7703)

Sec. 3. For the purposes of this Act, unless the context otherwise requires:

(a) "Agency" means the Environmental Protection Agency.

(b) "Crane" means any hoisting equipment that lifts and rotates or moves a load horizontally or vertically, including: hydraulic back hoes, hydraulic cranes, friction cranes, derricks, jib hoists, gantry, bridge cranes, floating cranes of any type and air-borne hoisting equipment.

(c) "Hoist" includes, but is not limited to, a material hoist (construction elevator), air tugger (one drum), multi-drum hoist, overhead hoist, sideboom, A-Frame boom truck or behind the cab truck mounted boom.

(d) "Director" means the Director of the Environmental Protection Agency.

(e) "Hazardous waste" means a hazardous waste as defined in Section 3.220 3.15 of the Environmental Protection Act, except asbestos.

(f) "Facility" means a pollution control facility as defined in Section 3.330 3.32 of the Environmental Protection Act, or a site undergoing cleanup pursuant to either the federal Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended, or Section 22.2 of the Illinois Environmental Protection Act.

(Source: P.A. 88-681, eff. 12-22-94.)

Section 50. The Hazardous Waste Laborers Licensing Act is amended by changing Section 3 as follows:

(225 ILCS 221/3) (from Ch. 111, par. 7803)

Sec. 3. For the purposes of this Act, unless the context otherwise requires:

(a) "Agency" means the Environmental Protection Agency.

(b) "Director" means the Director of the Environmental Protection Agency.

(c) "Laborer" means a person who (1) erects, moves, services and dismantles scaffolds and barricades at a facility; (2) constructs, erects, removes and dismantles enclosures, chambers or decontamination units required for the removal or containment of hazardous waste at a facility; (3) labels, bags, cartons or otherwise packages hazardous waste for disposal; and (4) cleans up the work site and performs other work incidental to the removal, abatement or encapsulation of hazardous waste.

(d) "Hazardous waste" means a hazardous waste as defined in Section 3.220 3.15 of the Environmental Protection Act, except asbestos.

New matter indicated by italics - deletions by strikeout.
(e) "Facility" means a pollution control facility as defined in Section 3.330 of the Environmental Protection Act, or a site undergoing cleanup pursuant to either the federal Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended, or Section 22.2 of the Illinois Environmental Protection Act.
(Source: P.A. 88-681, eff. 12-22-94.)

Section 55. The Environmental Toxicology Act is amended by changing Section 3 as follows:

(415 ILCS 75/3) (from Ch. 111 1/2, par. 983)
Sec. 3. Definitions. As used in this Act, unless the context otherwise requires;
(a) "Department" means the Illinois Department of Public Health;
(b) "Director" means the Director of the Illinois Department of Public Health;
(c) "Program" means the Environmental Toxicology program as established by this Act;
(d) "Exposure" means contact with a hazardous substance;
(e) "Hazardous Substance" means chemical compounds, elements, or combinations of chemicals which, because of quantity concentration, physical characteristics or toxicological characteristics may pose a substantial present or potential hazard to human health and includes, but is not limited to, any substance defined as a hazardous substance in Section 3.215 of the "Environmental Protection Act", approved June 29, 1970, as amended;
(f) "Initial Assessment" means a review and evaluation of site history and hazardous substances involved, potential for population exposure, the nature of any health related complaints and any known patterns in disease occurrence;
(g) "Comprehensive Health Study" means a detailed analysis which may include: a review of available environmental, morbidity and mortality data; environmental and biological sampling; detailed review of scientific literature; exposure analysis; population surveys; or any other scientific or epidemiologic methods deemed necessary to adequately evaluate the health status of the population at risk and any potential relationship to environmental factors;
(h) "Superfund Site" means any hazardous waste site designated for cleanup on the National Priorities List as mandated by the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (P.L. 96-510), as amended;
(i) "State Remedial Action Priority List" means a list compiled by the Illinois Environmental Protection Agency which identifies sites that appear to present significant risk to the public health, welfare or environment.
(Source: P.A. 84-987.)

Section 60. The Toxic Pollution Prevention Act is amended by changing Section 3 as follows:

(415 ILCS 85/3) (from Ch. 111 1/2, par. 7953)
Sec. 3. Definitions. As used in this Act:
"Agency" means the Illinois Environmental Protection Agency.
"Center" means the Waste Management and Research Center.

New matter indicated by italics - deletions by strikeout.
"Person" means any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, political subdivision, State agency, or any other legal entity, or its legal representative, agent or assigns.

"Release" means emission to the air, discharge to surface waters or off-site wastewater treatment facilities, or on-site release to the land, including but not limited to landfills, surface impoundments and injection wells.

"Toxic substance" means any substance listed by the Agency pursuant to Section 4 of this Act.

"Toxic pollution prevention" means in-plant practices that reduce, avoid or eliminate: (i) the use of toxic substances, (ii) the generation of toxic constituents in wastes, (iii) the disposal or release of toxic substances into the environment, or (iv) the development or manufacture of products with toxic constituents, through the application of any of the following techniques:

  1. input substitution, which refers to replacing a toxic substance or raw material used in a production process with a nontoxic or less toxic substance;
  2. product reformulation, which refers to substituting for an existing end product an end product which is nontoxic or less toxic upon use, release or disposal;
  3. production process redesign or modification, which refers to developing and using production processes of a different design than those currently used;
  4. production process modernization, which refers to upgrading or replacing existing production process equipment or methods with other equipment or methods based on the same production process;
  5. improved operation and maintenance of existing production process equipment and methods, which refers to modifying or adding to existing equipment or methods, including but not limited to such techniques as improved housekeeping practices, system adjustments, product and process inspections, and production process control equipment or methods;
  6. recycling, reuse or extended use of toxic substances by using equipment or methods which become an integral part of the production process, including but not limited to filtration and other closed loop methods.

However, "toxic pollution prevention" shall not include or in any way be inferred to promote or require incineration, transfer from one medium of release to another, off-site or out of process waste recycling, or end of pipe treatment of toxic substances.

"Trade secret" means any information concerning production processes employed or substances manufactured, processed or otherwise used within a facility which the Agency determines to satisfy the criteria established under Section 3.490 of the Environmental Protection Act, and to which specific trade secret status has been granted by the Agency.

(Source: P.A. 90-490, eff. 8-17-97.)

Section 65. The Litter Control Act is amended by changing Sections 3 and 4 as follows

(415 ILCS 105/3) (from Ch. 38, par. 86-3)

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

New matter indicated by italics - deletions by strikeout.
(a) "Litter" means any discarded, used or unconsumed substance or waste. "Litter" may include, but is not limited to, any garbage, trash, refuse, debris, rubbish, grass clippings or other lawn or garden waste, newspaper, magazines, glass, metal, plastic or paper containers or other packaging construction material, abandoned vehicle (as defined in the Illinois Vehicle Code), motor vehicle parts, furniture, oil, carcass of a dead animal, any nauseous or offensive matter of any kind, any object likely to injure any person or create a traffic hazard, potentially infectious medical waste as defined in Section 3.360 3.84 of the Environmental Protection Act, or anything else of an unsightly or unsanitary nature, which has been discarded, abandoned or otherwise disposed of improperly.

(b) "Motor vehicle" has the meaning ascribed to that term in Section 1-146 of the Illinois Vehicle Code.

(c) "Person" means any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, or any other legal entity, or their legal representative, agent or assigns.

(Source: P.A. 90-89, eff. 1-1-98.)

(415 ILCS 105/4) (from Ch. 38, par. 86-4)

Sec. 4. No person shall dump, deposit, drop, throw, discard, leave, cause or permit the dumping, depositing, dropping, throwing, discarding or leaving of litter upon any public or private property in this State, or upon or into any river, lake, pond, or other stream or body of water in this State, unless:

(a) the property has been designated by the State or any of its agencies, political subdivisions, units of local government or school districts for the disposal of litter, and the litter is disposed of on that property in accordance with the applicable rules and regulations of the Pollution Control Board;

(b) the litter is placed into a receptacle or other container intended by the owner or tenant in lawful possession of that property for the deposit of litter;

(c) the person is the owner or tenant in lawful possession of the property or has first obtained the consent of the owner or tenant in lawful possession, or unless the act is done under the personal direction of the owner or tenant and does not create a public health or safety hazard, a public nuisance, or a fire hazard;

(d) the person is acting under the direction of proper public officials during special cleanup days; or

(e) the person is lawfully acting in or reacting to an emergency situation where health and safety is threatened, and removes and properly disposes of such litter, including, but not limited to, potentially infectious medical waste as defined in Section 3.360 3.84 of the Environmental Protection Act, when the emergency situation no longer exists.

(Source: P.A. 88-415; 88-670, eff. 12-2-94.)

Section 70. The Illinois Vehicle Code is amended by changing Sections 11-1413 and 12-606 as follows:

(625 ILCS 5/11-1413) (from Ch. 95 1/2, par. 11-1413)
Sec. 11-1413. Depositing material on highway prohibited.
(a) No person shall throw, spill or deposit upon any highway any bottle, glass, nails,
tacks, wire, cans, or any litter (as defined in Section 3 of the Litter Control Act).

(b) Any person who violates subsection (a) upon any highway shall immediately remove such material or cause it to be removed.

c) Any person removing a wrecked or damaged vehicle from a highway shall remove any glass or other debris, except any hazardous substance as defined in Section 3.215 of the Environmental Protection Act, hazardous waste as defined in Section 3.220 of the Environmental Protection Act, and potentially infectious medical waste as defined in Section 3.360 of the Environmental Protection Act, dropped upon the highway from such vehicle.

(Source: P.A. 87-190; 88-415; 88-670, eff. 12-2-94.)

(625 ILCS 5/12-606) (from Ch. 95 1/2, par. 12-606)

Sec. 12-606. Tow-trucks; identification; equipment; insurance.

(a) Every tow-truck, except those owned by governmental agencies, shall have displayed on each side thereof, a sign with letters not less than 2 inches in height, contrasting in color to that of the background, stating the full legal name, complete address (including street address and city), and telephone number of the owner or operator thereof. This information shall be permanently affixed to the sides of the tow truck.

(b) Every tow-truck shall be equipped with:

   (1) One or more brooms and shovels;
   (2) One or more trash cans of at least 5 gallon capacity; and
   (3) One fire extinguisher. This extinguisher shall be either:

      (i) of the dry chemical or carbon dioxide type with an aggregate rating of at least 4-B, C units, and bearing the approval of a laboratory qualified by the Division of Fire Prevention for this purpose; or

      (ii) One that meets the requirements of the Federal Motor Carrier Safety Regulations of the United States Department of Transportation for fire extinguishers on commercial motor vehicles.

(c) Every owner or operator and driver of a tow-truck shall comply with Section 11-1413 of this Act and shall remove or cause to be removed all glass and debris, except any hazardous substance as defined in Section 3.215 of the Environmental Protection Act, hazardous waste as defined in Section 3.220 of the Environmental Protection Act, and medical samples or waste, including but not limited to any blood samples, used syringes, other used medical supplies, or any other potentially infectious medical waste as defined in Section 3.360 of the Environmental Protection Act, deposited upon any street or highway by the disabled vehicle being serviced, and shall in addition, spread dirt or sand or oil absorbent upon that portion of any street or highway where oil or grease has been deposited by the disabled vehicle being serviced.

(d) Every tow-truck operator shall in addition file an indemnity bond, insurance policy, or other proof of insurance in a form to be prescribed by the Secretary for: garagekeepers liability insurance, in an amount no less than a combined single limit of $500,000, and truck (auto) liability insurance in an amount no less than a combined single limit of $500,000, on hook coverage or garagekeepers coverage in an amount of no less than $500,000.
$25,000 which shall indemnify or insure the tow-truck operator for the following:

(1) Bodily injury or damage to the property of others.
(2) Damage to any vehicle towed by the tower.
(3) In case of theft, loss of, or damage to any vehicle stored, garagekeepers legal liability coverage in an amount of no less than $25,000.
(4) In case of injury to or occupational illness of the tow truck driver or helper, workers compensation insurance meeting the minimum requirements of the Workers' Compensation Act.

Any such bond or policy shall be issued only by a bonding or insuring firm authorized to do business as such in the State of Illinois, and a certificate of such bond or policy shall be carried in the cab of each tow-truck.

(e) The bond or policy required in subsection (d) shall provide that the insurance carrier may cancel it by serving previous notice, as required by Sections 143.14 and 143.16 of the Illinois Insurance Code, in writing, either personally or by registered mail, upon the owner or operator of the motor vehicle and upon the Secretary of State. Whenever any such bond or policy shall be so cancelled, the Secretary of State shall mark the policy "Cancelled" and shall require such owner or operator either to furnish a new bond or policy, in accordance with this Act.

(Source: P.A. 88-415; 88-670, eff. 12-2-94; 89-433, eff. 12-15-95.)

Section 99. Effective date. This Act takes effect upon becoming law.
Passed in the General Assembly May 7, 2002.
Approved June 26, 2002.
Effective June 26, 2002.

PUBLIC ACT 92-0575
(House Bill No. 5648)

AN ACT in relation to criminal law.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Criminal Code of 1961 is amended by adding Section 21-8 as follows:
(720 ILCS 5/21-8 new)

Sec. 21-8. Criminal trespass to a nuclear facility.
(a) A person commits the offense of criminal trespass to a nuclear facility if he or she knowingly and without lawful authority:

(1) enters or remains within a nuclear facility or on the grounds of a nuclear facility, after receiving notice before entry that entry to the nuclear facility is forbidden; or

(2) remains within the facility or on the grounds of the facility after receiving notice from the owner or manager of the facility or other person authorized by the owner or manager of the facility to give that notice to depart from the facility or grounds of the facility.

New matter indicated by italics - deletions by strikeout.
(b) A person has received notice from the owner or manager of the facility or other person authorized by the owner or manager of the facility within the meaning of subsection (a) if he or she has been notified personally, either orally or in writing, or if a printed or written notice forbidding the entry has been conspicuously posted or exhibited at the main entrance to the facility or grounds of the facility or the forbidden part of the facility.

(c) In this Section, "nuclear facility" has the meaning ascribed to it in Section 3 of the Illinois Nuclear Safety Preparedness Act.

(d) Sentence. Criminal trespass to a nuclear facility is a Class 4 felony.

Passed in the General Assembly April 24, 2002.

Approved June 26, 2002.


PUBLIC ACT 92-0576

(AN ACT concerning nuclear safety.)

AN ACT concerning nuclear safety.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Nuclear Safety Preparedness Act is amended by changing Sections 4 and 7 as follows:

(420 ILCS 5/4) (from Ch. 111 1/2, par. 4304)

Sec. 4. Nuclear accident plans; fees. Persons engaged within this State in the production of electricity utilizing nuclear energy, the operation of nuclear test and research reactors, the chemical conversion of uranium, or the transportation, storage or possession of spent nuclear fuel or high-level radioactive waste shall pay fees to cover the cost of establishing plans and programs to deal with the possibility of nuclear accidents. Except as provided below, the fees shall be used exclusively to fund those Departmental and local government activities defined as necessary by the Director to implement and maintain the plans and programs authorized by this Act. Local governments incurring expenses attributable to implementation and maintenance of the plans and programs authorized by this Act may apply to the Department for compensation for those expenses, and upon approval by the Director of applications submitted by local governments, the Department shall compensate local governments from fees collected under this Section. Compensation for local governments shall include $250,000 in any year through fiscal year 1993, $275,000 in fiscal year 1994 and fiscal year 1995, $300,000 in fiscal year 1996, $400,000 in fiscal year 1997, and $450,000 in fiscal year 1998 and thereafter. Appropriations to the Department of Nuclear Safety for compensation to local governments from the Nuclear Safety Emergency Preparedness Fund provided for in this Section shall not exceed $650,000 per State fiscal year. Expenditures from these appropriations shall not exceed, in a single State fiscal year, the annual compensation amount made available to local governments under this Section, unexpended funds made available for local government compensation in the previous fiscal year, and funds recovered under the Illinois Grant Funds Recovery Act during previous fiscal years.
Notwithstanding any other provision of this Act, the expenditure limitation for fiscal year 1998 shall include the additional $100,000 made available to local governments for fiscal year 1997 under this amendatory Act of 1997. Any funds within these expenditure limitations, including the additional $100,000 made available for fiscal year 1997 under this amendatory Act of 1997, that remain unexpended at the close of business on June 30, 1997, and on June 30 of each succeeding year, shall be excluded from the calculations of credits under subparagraph (3) of this Section. The Department shall, by rule, determine the method for compensating local governments under this Section. In addition, a portion of the fees collected may be appropriated to the Illinois Emergency Management Agency for activities associated with preparing and implementing plans to deal with the effects of nuclear accidents. The appropriation shall not exceed $500,000 in any year preceding fiscal year 1996; the appropriation shall not exceed $625,000 in fiscal year 1996, $725,000 in fiscal year 1997, and $775,000 in fiscal year 1998 and thereafter. The fees shall consist of the following:

1. A one-time charge of $590,000 per nuclear power station in this State to be paid by the owners of the stations.

2. An additional charge of $240,000 per nuclear power station for which a fee under subparagraph (1) was paid before June 30, 1982.

3. Through June 30, 1982, an annual fee of $75,000 per year for each nuclear power reactor for which an operating license has been issued by the NRC, and after June 30, 1982, and through June 30, 1984 an annual fee of $180,000 per year for each nuclear power reactor for which an operating license has been issued by the NRC, and after June 30, 1984, and through June 30, 1991, an annual fee of $400,000 for each nuclear power reactor for which an operating license has been issued by the NRC, to be paid by the owners of nuclear power reactors operating in this State. After June 30, 1991, the owners of nuclear power reactors in this State for which operating licenses have been issued by the NRC shall pay the following fees for each such nuclear power reactor: for State fiscal year 1992, $925,000; for State fiscal year 1993, $975,000; for State fiscal year 1994; $1,010,000; for State fiscal year 1995, $1,060,000; for State fiscal years 1996 and 1997, $1,110,000; for State fiscal year 1998, $1,314,000; for State fiscal year 1999, $1,368,000; for State fiscal year 2000, $1,404,000; for State fiscal year 2001, $1,696,455; for State fiscal year 2002, $1,730,636; for State fiscal year 2003 and subsequent fiscal years, $1,757,727. Within 120 days after the end of the State fiscal year, the Department shall determine, from the records of the Office of the Comptroller, the balance in the Nuclear Safety Emergency Preparedness Fund. When the balance in the fund, less any fees collected under this Section prior to their being due and payable for the succeeding fiscal year or years, exceeds $400,000 at the close of business on June 30, 1993, 1994, 1995, 1996, 1997, and 1998, or exceeds $500,000 at the close of business on June 30, 1999 and June 30 of each succeeding year, the excess shall be credited to the owners of nuclear power reactors who are assessed fees under this subparagraph. Credits shall be applied against the fees to be collected under this subparagraph for the subsequent fiscal year. Each owner shall receive as a credit that amount of the excess which corresponds proportionately to the amount the owner contributed to all fees collected under this subparagraph in the fiscal year that produced the excess.
(3.5) The owner of a nuclear power reactor that notifies the Nuclear Regulatory Commission that the nuclear power reactor has permanently ceased operations during State fiscal year 1998 shall pay the following fees for each such nuclear power reactor: $1,368,000 for State fiscal year 1999 and $1,404,000 for State fiscal year 2000.

(4) A capital expenditure surcharge of $1,400,000 per nuclear power station in this State, whether operating or under construction, shall be paid by the owners of the station.

(5) An annual fee of $25,000 per year for each site for which a valid operating license has been issued by NRC for the operation of an away-from-reactor spent nuclear fuel or high-level radioactive waste storage facility, to be paid by the owners of facilities for the storage of spent nuclear fuel or high-level radioactive waste for others in this State.

(6) A one-time charge of $280,000 for each facility in this State housing a nuclear test and research reactor, to be paid by the operator of the facility. However, this charge shall not be required to be paid by any tax-supported institution.

(7) A one-time charge of $50,000 for each facility in this State for the chemical conversion of uranium, to be paid by the owner of the facility.

(8) An annual fee of $150,000 per year for each facility in this State housing a nuclear test and research reactor, to be paid by the operator of the facility. However, this annual fee shall not be required to be paid by any tax-supported institution.

(9) An annual fee of $15,000 per year for each facility in this State for the chemical conversion of uranium, to be paid by the owner of the facility.

(10) A fee assessed at the rate of $2,500 per truck for each truck shipment and $4,500 for the first cask and $3,000 for each additional cask for each rail shipment of spent nuclear fuel, high-level radioactive waste, or transuranic waste received at or departing from any nuclear power station or away-from-reactor spent nuclear fuel, high-level radioactive waste, or transuranic waste storage facility in this State to be paid by the owner of the facility.

(11) In each of the State fiscal years 1988 through 1991, in addition to the annual fee provided for in subparagraph (3), a fee of $400,000 for each nuclear power reactor for which an operating license has been issued by the NRC, to be paid by the owners of nuclear power reactors operating in this State. Within 120 days after the end of the State fiscal years ending

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June 30, 1988, June 30, 1989, June 30, 1990, and June 30, 1991, the Department shall
determine the expenses of the Illinois Nuclear Safety Preparedness Program paid from funds
appropriated for those fiscal years. When the aggregate of all fees, charges, and surcharges
collected under this Section during any fiscal year exceeds the total expenditures under this
Act from appropriations for that fiscal year, the excess shall be credited to the owners of
nuclear power reactors who are assessed fees under this subparagraph, and the credits shall
be applied against the fees to be collected under this subparagraph for the subsequent fiscal
year. Each owner shall receive as a credit that amount of the excess that corresponds
proportionately to the amount the owner contributed to all fees collected under this
subparagraph in the fiscal year that produced the excess.

(Source: P.A. 90-34, eff. 6-27-97; 90-601, eff. 6-26-98; 91-47, eff. 6-30-99; 91-857, eff.
6-22-00.)

(420 ILCS 5/7) (from Ch. 111 1/2, par. 4307)

Sec. 7. All monies received by the Department under this Act shall be deposited in
the State Treasury and shall be set apart in a special fund to be known as the "Nuclear Safety
Emergency Preparedness Fund". All monies within the Nuclear Safety Emergency
Preparedness Fund shall be invested by the State Treasurer in accordance with established
investment practices. Interest earned by such investment shall be returned to the Nuclear
Safety Emergency Preparedness Fund. Monies deposited in this fund shall be expended by
the Director only to support the activities of the Illinois Nuclear Safety Preparedness
Program, including activities of the Illinois State Police and the Illinois Commerce
Commission under Section 8(a)(9) as provided under rules of the Department.

(Source: P.A. 90-601, eff. 6-26-98.)

Section 99. Effective date. This Act takes effect upon becoming law.
Passed in the General Assembly April 24, 2002.
Approved June 26, 2002.
Effective June 26, 2002.

PUBLIC ACT 92-0577
(House Bill No. 5742)

AN ACT concerning reverse mortgage loans.

Be it enacted by the People of the State of Illinois, represented in the General
Assembly:

Section 5. The Illinois Banking Act is amended by adding Section 6.2 as follows:

(205 ILCS 5/6.2 new)

Sec. 6.2. Reverse mortgage; disclosure. At the time a reverse mortgage loan is made,
the lender must provide to the mortgagor a separate document that informs the mortgagor
that by obtaining the reverse mortgage the mortgagor's eligibility to obtain a tax deferral
under the Senior Citizens Real Estate Tax Deferral Act may be adversely affected. The
mortgagor must sign the disclosure document as part of the reverse mortgage transaction.

Section 10. The Illinois Savings and Loan Act of 1985 is amended by adding Section

New matter indicated by italics - deletions by strikeout.
1-6e as follows:

(205 ILCS 105/1-6e new)

Sec. 1-6e. Reverse mortgage; disclosure. At the time a reverse mortgage loan is made, the lender must provide to the mortgagor a separate document that informs the mortgagor that by obtaining the reverse mortgage the mortgagor's eligibility to obtain a tax deferral under the Senior Citizens Real Estate Tax Deferral Act may be adversely affected. The mortgagor must sign the disclosure document as part of the reverse mortgage transaction.

Section 15. The Savings Bank Act is amended by adding Section 1010 as follows:

(205 ILCS 205/1010 new)

Sec. 1010. Reverse mortgage; disclosure. At the time a reverse mortgage loan is made, the lender must provide to the mortgagor a separate document that informs the mortgagor that by obtaining the reverse mortgage the mortgagor's eligibility to obtain a tax deferral under the Senior Citizens Real Estate Tax Deferral Act may be adversely affected. The mortgagor must sign the disclosure document as part of the reverse mortgage transaction.

Section 20. The Illinois Credit Union Act is amended by adding Section 46.2 as follows:

(205 ILCS 305/46.2 new)

Sec. 46.2. Reverse mortgage; disclosure. At the time a reverse mortgage loan is made, the lender must provide to the mortgagor a separate document that informs the mortgagor that by obtaining the reverse mortgage the mortgagor's eligibility to obtain a tax deferral under the Senior Citizens Real Estate Tax Deferral Act may be adversely affected. The mortgagor must sign the disclosure document as part of the reverse mortgage transaction.

Section 25. The Residential Mortgage License Act of 1987 is amended by adding Section 5-5 as follows:

(205 ILCS 635/5-5 new)

Sec. 5-5. Reverse mortgage; disclosure. At the time a reverse mortgage loan is made or brokered, a licensee must provide to the mortgagor a separate document that informs the mortgagor that by obtaining the reverse mortgage the mortgagor's eligibility to obtain a tax deferral under the Senior Citizens Real Estate Tax Deferral Act may be adversely affected. The mortgagor must sign the disclosure document as part of the reverse mortgage transaction.

Section 99. Effective date. This Act takes effect upon becoming law.
Passed in the General Assembly April 25, 2002.
Approved June 26, 2002.
Effective June 26, 2002.
AN ACT in relation to certain financial service providers.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Banking Act is amended by adding Section 5f as follows:

(205 ILCS 5/5f new)

Sec. 5f. Non-English language transactions. A bank may conduct transactions in a language other than English through an employee or agent acting as interpreter or through an interpreter provided by the customer.

Section 10. The Illinois Bank Holding Company Act of 1957 is amended by adding Section 3.10 as follows:

(205 ILCS 10/3.10 new)

Sec. 3.10. Non-English language transactions. A bank holding company may conduct transactions in a language other than English through an employee or agent acting as interpreter or through an interpreter provided by the customer.

Section 15. The Illinois Savings and Loan Act of 1985 is amended by adding Section 1-6e as follows:

(205 ILCS 105/1-6e new)

Sec. 1-6e. Non-English language transactions. An association may conduct transactions in a language other than English through an employee or agent acting as interpreter or through an interpreter provided by the customer.

Section 20. The Savings Bank Act is amended by adding Section 1008.05 as follows:

(205 ILCS 205/1008.05 new)

Sec. 1008.05. Non-English language transactions. A savings bank may conduct transactions in a language other than English through an employee or agent acting as interpreter or through an interpreter provided by the customer.

Section 25. The Illinois Credit Union Act is amended by adding Section 13a as follows:

(205 ILCS 305/13a new)

Sec. 13a. Non-English language transactions. A credit union may conduct transactions in a language other than English through an employee or agent acting as interpreter or through an interpreter provided by the customer.

Section 30. The Corporate Fiduciary Act is amended by adding Section 1-6a as follows:

(205 ILCS 620/1-6a new)

Sec. 1-6a. Non-English language transactions. A corporate fiduciary may conduct transactions in a language other than English through an employee or agent acting as interpreter or through an interpreter provided by the customer.

Section 35. The Foreign Banking Office Act is amended by adding Section 3.5 as follows:

New matter indicated by italics - deletions by strikeout.
(205 ILCS 645/3.5 new)
Sec. 3.5. Non-English language transactions. A foreign banking corporation may conduct transactions in a language other than English through an employee or agent acting as interpreter or through an interpreter provided by the customer.

Section 40. The Foreign Bank Representative Office Act is amended by adding Section 7.5 as follows:
(205 ILCS 650/7.5 new)
Sec. 7.5. Non-English language transactions. A foreign bank representative office may conduct transactions in a language other than English through an employee or agent acting as interpreter or through an interpreter provided by the customer.

Section 45. The Consumer Installment Loan Act is amended by adding Section 16c as follows:
(205 ILCS 670/16c new)
Sec. 16c. Non-English language transactions. A licensee may conduct transactions in a language other than English through an employee or agent acting as interpreter or through an interpreter provided by the customer.

Section 50. The Illinois Insurance Code is amended by changing Section 155.32 as follows:
(215 ILCS 5/155.32)
Sec. 155.32. Policy explanations; language other than English.
(a) A company, as defined in Section 132.2 of this Code, may conduct transactions in a language other than English through an employee or agent acting as interpreter or through an interpreter provided by the customer.

(b) An insurance carrier licensed to provide insurance as defined in subsections (a) and (b) of Section 143.13 of this Code may provide insurance policies, endorsements, riders, and any explanatory or advertising material in a language other than English. In the event of a dispute or complaint regarding the insurance or advertising material, the English language version of the insurance coverage shall control the resolution of the dispute or complaint.
(Source: P.A. 90-401, eff. 1-1-98.)

Section 55. The Title Insurance Act is amended by adding Section 24.5 as follows:
(215 ILCS 155/24.5 new)
Sec. 24.5. Non-English language transactions. A title insurance company, title insurance agent, or independent escrowee may conduct transactions in a language other than English through an employee or agent acting as interpreter or through an interpreter provided by the customer.

Section 60. The Illinois Securities Law of 1953 is amended by adding Section 8c as follows:
(815 ILCS 5/8c new)
Sec. 8c. Non-English language transactions. A person subject to registration under Section 8 of this Act may conduct transactions in a language other than English through an employee or agent acting as interpreter or through an interpreter provided by the customer.

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

New matter indicated by italics - deletions by strikeout.
AN ACT in relation to insurance.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Insurance Code is amended by changing Section 370i and adding Section 356z.2 as follows:

(215 ILCS 5/356z.2 new)

Sec. 356z.2. Disclosure of limited benefit. An insurer that issues, delivers, amends, or renews an individual or group policy of accident and health insurance in this State after the effective date of this amendatory Act of the 92nd General Assembly and arranges, contracts with, or administers contracts with a provider whereby beneficiaries are provided an incentive to use the services of such provider must include the following disclosure on its contracts and evidences of coverage: "WARNING, LIMITED BENEFITS WILL BE PAID WHEN NON-PARTICIPATING PROVIDERS ARE USED. You should be aware that when you elect to utilize the services of a non-participating provider for a covered service in non-emergency situations, benefit payments to such non-participating provider are not based upon the amount billed. The basis of your benefit payment will be determined according to your policy’s fee schedule, usual and customary charge (which is determined by comparing charges for similar services adjusted to the geographical area where the services are performed), or other method as defined by the policy. YOU CAN EXPECT TO PAY MORE THAN THE COINSURANCE AMOUNT DEFINED IN THE POLICY AFTER THE PLAN HAS PAID ITS REQUIRED PORTION. Non-participating providers may bill members for any amount up to the billed charge after the plan has paid its portion of the bill. Participating providers have agreed to accept discounted payments for services with no additional billing to the member other than co-insurance and deductible amounts. You may obtain further information about the participating status of professional providers and information on out-of-pocket expenses by calling the toll free telephone number on your identification card."

(215 ILCS 5/370i) (from Ch. 73, par. 982i)

Sec. 370i. Policies, agreements or arrangements with incentives or limits on reimbursement authorized.

(a) Policies, agreements or arrangements issued under this Article may not contain terms or conditions that would operate unreasonably to restrict the access and availability of health care services for the insured.

(b) An insurer or administrator may:

(1) enter into agreements with certain providers of its choice relating to health care

New matter indicated by italics - deletions by strikeout.
services which may be rendered to insureds or beneficiaries of the insurer or administrator, including agreements relating to the amounts to be charged the insureds or beneficiaries for services rendered;

(2) issue or administer programs, policies or subscriber contracts in this State that include incentives for the insured or beneficiary to utilize the services of a provider which has entered into an agreement with the insurer or administrator pursuant to paragraph (1) above.

(c) After the effective date of this amendatory Act of the 92nd General Assembly, any insurer that arranges, contracts with, or administers contracts with a provider whereby beneficiaries are provided an incentive to use the services of such provider must include the following disclosure on its contracts and evidences of coverage: "WARNING, LIMITED BENEFITS WILL BE PAID WHEN NON-PARTICIPATING PROVIDERS ARE USED. You should be aware that when you elect to utilize the services of a non-participating provider for a covered service in non-emergency situations, benefit payments to such non-participating provider are not based upon the amount billed. The basis of your benefit payment will be determined according to your policy’s fee schedule, usual and customary charge (which is determined by comparing charges for similar services adjusted to the geographical area where the services are performed), or other method as defined by the policy. YOU CAN EXPECT TO PAY MORE THAN THE COINSURANCE AMOUNT DEFINED IN THE POLICY AFTER THE PLAN HAS PAID ITS REQUIRED PORTION. Non-participating providers may bill members for any amount up to the billed charge after the plan has paid its portion of the bill. Participating providers have agreed to accept discounted payments for services with no additional billing to the member other than co-insurance and deductible amounts. You may obtain further information about the participating status of professional providers and information on out-of-pocket expenses by calling the toll free telephone number on your identification card.".

(Source: P.A. 84-618.)

Section 10. The Health Maintenance Organization Act is amended by changing Section 4.5-1 as follows:

(215 ILCS 125/4.5-1)
Sec. 4.5-1. Point-of-service health service contracts.
(a) A health maintenance organization that offers a point-of-service contract:

(1) must include as in-plan covered services all services required by law to be provided by a health maintenance organization;

(2) must provide incentives, which shall include financial incentives, for enrollees to use in-plan covered services;

(3) may not offer services out-of-plan without providing those services on an in-plan basis;

(4) may include annual out-of-pocket limits and lifetime maximum benefits allowances for out-of-plan services that are separate from any limits or allowances applied to in-plan services;

(5) may not consider emergency services, authorized referral services, or

New matter indicated by italics - deletions by strikeout.
(6) may treat as out-of-plan services those services that an enrollee obtains from a participating provider, but for which the proper authorization was not given by the health maintenance organization; and:

(7) after the effective date of this amendatory Act of the 92nd General Assembly, must include the following disclosure on its point-of-service contracts and evidences of coverage: "WARNING, LIMITED BENEFITS WILL BE PAID WHEN NON-PARTICIPATING PROVIDERS ARE USED. You should be aware that when you elect to utilize the services of a non-participating provider for a covered service in non-emergency situations, benefit payments to such non-participating provider are not based upon the amount billed. The basis of your benefit payment will be determined according to your policy's fee schedule, usual and customary charge (which is determined by comparing charges for similar services adjusted to the geographical area where the services are performed), or other method as defined by the policy. YOU CAN EXPECT TO PAY MORE THAN THE COINSURANCE AMOUNT DEFINED IN THE POLICY AFTER THE PLAN HAS PAID ITS REQUIRED PORTION. Non-participating providers may bill members for any amount up to the billed charge after the plan has paid its portion of the bill. Participating providers have agreed to accept discounted payments for services with no additional billing to the member other than co-insurance and deductible amounts. You may obtain further information about the participating status of professional providers and information on out-of-pocket expenses by calling the toll free telephone number on your identification card."

(b) A health maintenance organization offering a point-of-service contract is subject to all of the following limitations:

(1) The health maintenance organization may not expend in any calendar quarter more than 20% of its total expenditures for all its members for out-of-plan covered services.

(2) If the amount specified in item (1) of this subsection is exceeded by 2% in a quarter, the health maintenance organization must effect compliance with item (1) of this subsection by the end of the following quarter.

(3) If compliance with the amount specified in item (1) of this subsection is not demonstrated in the health maintenance organization's next quarterly report, the health maintenance organization may not offer the point-of-service contract to new groups or include the point-of-service option in the renewal of an existing group until compliance with the amount specified in item (1) of this subsection is demonstrated or until otherwise allowed by the Director.

(4) A health maintenance organization failing, without just cause, to comply with the provisions of this subsection shall be required, after notice and hearing, to pay a penalty of $250 for each day out of compliance, to be recovered by the Director. Any penalty recovered shall be paid into the General Revenue Fund. The

New matter indicated by italics - deletions by strikeout.
Director may reduce the penalty if the health maintenance organization demonstrates to the Director that the imposition of the penalty would constitute a financial hardship to the health maintenance organization.

(c) A health maintenance organization that offers a point-of-service product must do all of the following:

1. File a quarterly financial statement detailing compliance with the requirements of subsection (b).
2. Track out-of-plan, point-of-service utilization separately from in-plan or non-point-of-service, out-of-plan emergency care, referral care, and urgent care out of the service area utilization.
3. Record out-of-plan utilization in a manner that will permit such utilization and cost reporting as the Director may, by rule, require.
4. Demonstrate to the Director's satisfaction that the health maintenance organization has the fiscal, administrative, and marketing capacity to control its point-of-service enrollment, utilization, and costs so as not to jeopardize the financial security of the health maintenance organization.
5. Maintain, in addition to any other deposit required under this Act, the deposit required by Section 2-6.
6. Maintain cash and cash equivalents of sufficient amount to fully liquidate 10 days' average claim payments, subject to review by the Director.
7. Maintain and file with the Director, reinsurance coverage protecting against catastrophic losses on out of network point-of-service services. Deductibles may not exceed $100,000 per covered life per year, and the portion of risk retained by the health maintenance organization once deductibles have been satisfied may not exceed 20%. Reinsurance must be placed with licensed authorized reinsurers qualified to do business in this State.

(d) A health maintenance organization may not issue a point-of-service contract until it has filed and had approved by the Director a plan to comply with the provisions of this Section. The compliance plan must, at a minimum, include provisions demonstrating that the health maintenance organization will do all of the following:

1. Design the benefit levels and conditions of coverage for in-plan covered services and out-of-plan covered services as required by this Article.
2. Provide or arrange for the provision of adequate systems to:
   A. process and pay claims for all out-of-plan covered services;
   B. meet the requirements for point-of-service contracts set forth in this Section and any additional requirements that may be set forth by the Director; and
   C. generate accurate data and financial and regulatory reports on a timely basis so that the Department of Insurance can evaluate the health maintenance organization's experience with the point-of-service contract and monitor compliance with point-of-service contract provisions.
3. Comply with the requirements of subsections (b) and (c).
AN ACT concerning schools.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The School Code is amended by adding Sections 10-20.35 and 34-18.23 as follows:

(105 ILCS 5/10-20.35 new)

Sec. 10-20.35. Medical information form for bus drivers and emergency medical technicians. School districts are encouraged to create and use an emergency medical information form for bus drivers and emergency medical technicians for those students with special needs or medical conditions. The form may include without limitation information to be provided by the student's parent or legal guardian concerning the student's relevant medical conditions, medications that the student is taking, the student's communication skills, and how a bus driver or an emergency medical technician is to respond to certain behaviors of the student. If the form is used, the school district is encouraged to notify parents and legal guardians of the availability of the form. The parent or legal guardian of the student may fill out the form and submit it to the school that the student is attending. The school district is encouraged to keep one copy of the form on file at the school and another copy on the student's school bus in a secure location.

(105 ILCS 5/34-18.23 new)

Sec. 34-18.23. Medical information form for bus drivers and emergency medical technicians. The school district is encouraged to create and use an emergency medical information form for bus drivers and emergency medical technicians for those students with special needs or medical conditions. The form may include without limitation information to be provided by the student's parent or legal guardian concerning the student's relevant medical conditions, medications that the student is taking, the student's communication skills, and how a bus driver or an emergency medical technician is to respond to certain behaviors of the student. If the form is used, the school district is encouraged to notify parents and legal guardians of the availability of the form. The parent or legal guardian of the student may fill out the form and submit it to the school that the student is attending. The school district is encouraged to keep one copy of the form on file at the school and another copy on the student's school bus in a secure location.

Section 99. Effective date. This Act takes effect on July 1, 2002.

Passed in the General Assembly May 7, 2002.
AN ACT in relation to public aid.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Public Aid Code is amended by adding Section 5-23 as follows:

(305 ILCS 5/5-23 new)

Sec. 5-23. Transplant procedures; non-citizen children; study.
(a) The Department of Public Aid shall gather and report the following data:
   (1) The number of children under 19 years of age who, because of their immigration status, received medical coverage from the Department only for emergency services during the State fiscal years 1999, 2000, and 2001.
   (2) The total payments, charges, categories of service, and diagnoses of the children under 19 years of age who, because of their immigration status, received medical coverage from the Department only for emergency services during the State fiscal years 1999, 2000, and 2001.
(b) The Department shall report the data to the Governor and the General Assembly by January 1, 2003.
(c) This Section is repealed on July 1, 2003.

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

Passed in the General Assembly April 25, 2002.
Approved June 26, 2002.
Effective June 26, 2002.
required to be published, and other than a treasurer of a city, village or incorporated town, who is required to file an account with the municipal clerk, which account is published as required by "An Act in relation to the preparation, publication and filing of annual accounts of certain municipalities, the payment of tax monies to treasurers of certain municipalities, and providing penalties for violations thereof", approved August 15, 1961, as heretofore and hereafter amended), who, by virtue of his office receives for disbursement and disburses public funds in the discharge of governemental or municipal debts and liabilities, shall, at the expiration of each fiscal year, prepare a statement:

(1) Of all moneys received and from what sources received, giving items, particulars and details;
(2) Except as provided in paragraph (3) of this Section, of all moneys paid out where the total amount paid during the fiscal year exceeds $2,500 in the aggregate, giving the name of each individual to whom paid and the amount paid to each person;
(3) Of all monies paid out as compensation for personal services, giving the name of each individual to whom paid and the total amount paid to each person, except that any public officer may elect to report the compensation for personal services of all personnel by name, listing each employee in one of the following categories:
   (A) under $25,000.00;
   (B) $25,000.00 to $49,999.99;
   (C) $50,000.00 to $74,999.99;
   (D) $75,000.00 to $99,999.99;
   (E) $100,000.00 to $124,999.99; or
   (F) $125,000.00 and over; and

(4) A summary statement of operations for all funds and account groups, as excerpted from the annual financial report as filed with the appropriate State agency of the State of Illinois.

Such statement shall be subscribed and sworn to by the public officer making such statement, and, within 6 months after the expiration of such fiscal year shall be filed in the office of the county clerk of the county in which such public officer resides.

(Source: P.A. 92-354, eff. 8-15-01.)

Section 10. The Governmental Account Audit Act is amended by changing Sections 1, 3, and 6 as follows:

(50 ILCS 310/1) (from Ch. 85, par. 701)
Sec. 1. Definitions. As used in this Act, unless the context otherwise indicates:
"Governmental unit" or "unit" includes all municipal corporations in and political subdivisions of this State that appropriate more than $5,000 for a fiscal year, with the amount to increase or decrease by the amount of the Consumer Price Index (CPI) as reported on January 1 of each year, except the following:
(1) School districts.
(2) Cities, villages, and incorporated towns subject to the Municipal Auditing

(3) Counties with a population of 1,000,000 or more.
(4) Counties subject to the County Auditing Law.
(5) Any other municipal corporations in or political subdivisions of this State, the accounts of which are required by law to be audited by or under the direction of the Auditor General.
(6) (Blank).
(7) A drainage district, established under the Illinois Drainage Code (70 ILCS 605), that did not receive or expend any moneys during the immediately preceding fiscal year or obtains approval for assessments and expenditures through the circuit court.

(8) Public housing authorities that submit financial reports to the U.S. Department of Housing and Urban Development.

"Governing body" means the board or other body or officers having authority to levy taxes, make appropriations, authorize the expenditure of public funds or approve claims for any governmental unit.

"Comptroller" means the Comptroller of the State of Illinois.

"Consumer Price Index" means the Consumer Price Index for All Urban Consumers for all items published by the United States Department of Labor.

"Licensed public accountant" means the holder of a valid certificate as a public accountant under the Illinois Public Accounting Act.

"Audit report" means the written report of the licensed public accountant and all appended statements and schedules relating to that report, presenting or recording the findings of an examination or audit of the financial transactions, affairs, or conditions of a governmental unit.

"Report" includes both audit reports and reports filed instead of an audit report by a governmental unit receiving revenue of less than $850,000 appropriating less than $200,000 during any fiscal year to which the reports relate.

(Source: P.A. 92-191, eff. 8-1-01.)

(50 ILCS 310/3) (from Ch. 85, par. 703)

Sec. 3. Any governmental unit receiving revenue of less than $850,000 appropriating less than $200,000 for any fiscal year shall, in lieu of complying with the requirements of Section 2 for audits and audit reports, file with the Comptroller a financial report containing information required by the Comptroller. In addition, a governmental unit receiving revenue of less than $850,000 appropriating less than $200,000 may file with the Comptroller any audit reports which may have been prepared under any other law. Any governmental unit receiving revenue of $850,000 appropriating $200,000 or more for any fiscal year shall, in addition to complying with the requirements of Section 2 for audits and audit reports, file with the Comptroller the financial report required by this Section. Such financial reports shall be on forms so designed by the Comptroller as not to require professional accounting services for its preparation.

New matter indicated by italics - deletions by strikeout.
Sec. 6. When the audit is completed the licensed public accountant making such audit shall make and sign at least 3 copies of the report of the audit and immediately file them with the governmental unit audited. Governmental units receiving revenue of $850,000 appropriating $200,000 or more for any fiscal year shall immediately make one copy of the audit report and one copy of the financial report required by Section 3 of this Act a part of its public record. Governmental units receiving revenue of less than $850,000 appropriating less than $200,000 shall immediately make one copy of the audit report, or one copy of the report authorized by Section 3 of this Act to be filed instead of the audit report, a part of its public record. These copies shall be open to public inspection. In addition, the governmental unit shall file one copy of the report with the Comptroller and with the county clerk of the county in which the principal office of the governmental unit is located. A governmental unit may, in filing its audit report with the Comptroller, transmit with such report any comment or explanation that it wishes to make concerning the report.

Section 15. The Township Code is amended by changing Section 80-20 as follows:

(a) All accounts audited under this Article (and those rejected, if any) shall be delivered with the certificate of the trustees (or a majority of them) to the township clerk, who shall keep them on file for the inspection of any of the inhabitants of the township. They shall also be produced by the township clerk at the next annual meeting and shall be read at the meeting by the clerk.

(b) In townships that receive revenue of $850,000 appropriate $200,000 or more during any fiscal year, exclusive of road funds, the township board shall have the accounts and all records of the township thoroughly audited by a certified public accountant within 6 months after the close of each fiscal year. The board shall have a copy of the accountant's report and recommendations filed with the township clerk and another copy filed with the county clerk for public inspection.

(c) In townships that receive revenue of less than $850,000 appropriate less than $200,000 during any fiscal year, exclusive of road funds, the township board shall have the accounts and all records of the township audited and inspected by an independent auditing committee composed of 3 township electors chosen by the board. The audit shall be completed within 6 months after the close of each fiscal year. A copy of the auditing committee's report and recommendations shall be filed with the township clerk and another copy shall be filed with the county clerk for public inspection. The auditing committee shall not contain any member of the township board or any person related to a trustee. Members of the auditing committee shall be proficient in accounting principles and practices and shall be compensated at a rate determined by the township board but not to exceed $50 per day.

New matter indicated by italics - deletions by strikeout.
thoroughly audited by a certified public accountant within 6 months after (i) the end of each term of office of the township supervisor and (ii) a vacancy occurs in the office of township supervisor. A copy of the accountant's report and recommendations shall be filed with the township clerk and another copy shall be filed with the county clerk for public inspection.

(Source: P.A. 90-210, eff. 7-25-97.)

Section 99. Effective date. This Act takes effect on July 1, 2002.
Approved June 26, 2002.
Effective July 1, 2002.

PUBLIC ACT 92-0583
(Senate Bill No. 1282)

AN ACT concerning units of local government.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Election Code is amended by changing Section 25-11 as follows:

(10 ILCS 5/25-11) (from Ch. 46, par. 25-11)

Sec. 25-11. When a vacancy occurs in any elective county office, or in a county of less than 3,000,000 population in the office of clerk of the circuit court, in a county which is not a home rule unit, the county board or board of county commissioners shall declare that such vacancy exists and notification thereof shall be given to the county central committee or the appropriate county board or board of county commissioners district committee of each established political party within 3 days of the occurrence of the vacancy. The vacancy shall be filled within 60 days by appointment of the chairman of the county board or board of county commissioners with the advice and consent of the county board or board of county commissioners. In counties in which forest preserve district commissioners are elected by districts and are not also members of the county board, however, vacancies in the office of forest preserve district commissioner shall be filled within 60 days by appointment of the president of the forest preserve district board of commissioners with the advice and consent of the forest preserve district board of commissioners. In counties in which the forest preserve district president is not also a member of the county board, vacancies in the office of forest preserve district president shall be filled within 60 days by the forest preserve district board of commissioners by appointing one of the commissioners to serve as president. The appointee shall be a member of the same political party as the person he succeeds was at the time of his election and shall be otherwise eligible to serve. The appointee shall serve the remainder of the unexpired term. However, if more than 28 months remain in the term, the appointment shall be until the next general election at which time the vacated office shall be filled by election for the remainder of the term. In the case of a vacancy in a seat on a county board or board of county commissioners which has been divided into districts under Section 2-3003 or 2-4006.5 of the Counties Code, the appointee must also be a resident of the county board or county commission district. If a county

New matter indicated by italics - deletions by strikeout.
commissioner ceases to reside in the district that he or she represents, a vacancy in that office exists.

Except as otherwise provided by county ordinance or by law, in any county which is a home rule unit, vacancies in elective county offices, other than the office of chief executive officer, and vacancies in the office of clerk of the circuit court in a county of less than 3,000,000 population, shall be filled by the county board or board of county commissioners.
(Source: P.A. 92-189, eff. 8-1-01.)

Section 10. The Downstate Forest Preserve District Act is amended by changing Section 3c as follows:

(70 ILCS 805/3c)

Sec. 3c. Elected board of commissioners in certain counties. If the boundaries of a district are co-extensive with the boundaries of a county having a population of more than 800,000 but less than 3,000,000, all commissioners of the forest preserve district shall be elected from the same districts as members of the county board beginning with the general election held in 2002 and each succeeding general election. One commissioner shall be elected from each district. At their first meeting after their election in 2002 and following each subsequent decennial reapportionment of the county under Division 2-3 of the Counties Code, the elected commissioners shall publicly by lot divide themselves into 2 groups, as equal in size as possible. Commissioners from the first group shall serve for terms of 2, 4, and 4 years; and commissioners from the second group shall serve terms of 4, 4, and 2 years. Commissioners elected under this Section shall take office at the first meeting of commissioners following an election of commissioners. Beginning with the general election in 2002, the president of the board of commissioners of the forest preserve district shall be elected by the voters of the county, rather than by the commissioners. The president shall be a resident of the county and shall be elected throughout the county for a 4-year term without having been first elected as commissioner of the forest preserve district. Each commissioner shall be a resident of the county board district from which he or she was elected not later than the date of the commencement of the term of office. The term of office for the president and commissioners elected under this Section shall commence on the first Monday of the month following the month of election. Neither a commissioner nor the president of the board of commissioners of that forest preserve district shall serve simultaneously as member or chairman of the county board. No person shall seek election to both the forest preserve commission and the county board at the same election. The compensation for the president shall be an amount equal to 85% of the annual salary of the county board chairman. The president, with the advice and consent of the board of commissioners shall appoint a secretary, treasurer, and such other officers as deemed necessary by the board of commissioners, which officers need not be members of the board of commissioners. The president shall have the powers and duties as specified in Section 12 of this Act.

Candidates for president and commissioner shall be candidates of established political parties.

If a vacancy in the office of president or commissioner occurs, other than by expiration of the president's or a commissioner's term, the forest preserve district board of

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commissioners shall declare that a vacancy exists and notification of the vacancy shall be given to the county central committee of each established political party within 3 business days after the occurrence of the vacancy. If the vacancy occurs in the office of forest preserve district commissioner, the president of the board of commissioners shall, within 60 days after the date of the vacancy, with the advice and consent of other commissioners then serving, appoint a person to serve for the remainder of the unexpired term. If a vacancy in the office of president occurs, other than by expiration of the president's term, the remaining members of the board of commissioners shall, within 60 days after the vacancy, appoint one of the commissioners to serve as president for the remainder of the unexpired term. In that case, the office of the commissioner who is appointed to serve as president shall be deemed vacant and shall be filled within 60 days by appointment of the president with the advice and consent of the other forest preserve district commissioners. The commissioner who is appointed to fill a vacancy in the office of president shall be affiliated with the same political party as the person who occupied the office of president prior to the vacancy. A person appointed to fill a vacancy in the office of president or commissioner shall establish his or her political party affiliation by his or her record of voting in primary elections or by having held an office in an established political party organization before the appointment.

If the appointee has not voted in a party primary election or is not holding or has not held an office in an established political party organization before the appointment, the appointee shall establish his or her political party affiliation by his or her record of participating in an established political party's nomination or election caucus. If, however, more than 28 months remain in the unexpired term of a commissioner or the president, the appointment shall be until the next general consolidated election, at which time the vacated office of commissioner or president shall be filled by election for the remainder of the term. Notwithstanding any law to the contrary, if a vacancy occurs after the last day provided in Section 7-12 of the Election Code for filing nomination papers for the office of president of a forest preserve district where that office is elected as provided for in this Section, or as set forth in Section 7-61 of the Election Code, a vacancy in nomination shall be filled by the passage of a resolution by the nominating committee of the affected political party within the time periods specified in the Election Code. The nominating committee shall consist of the chairman of the county central committee and the township chairmen of the affected political party. All other vacancies in nomination shall be filled in accordance with the provisions of the Election Code.

The president and commissioners elected under this Section may be reimbursed for their reasonable expenses actually incurred in performing their official duties under this Act in accordance with the provisions of Section 3a. The reimbursement paid under this Section shall be paid by the forest preserve district.

Compensation for forest preserve commissioners elected under this Section shall be the same as that of county board members of the county with which the forest preserve district's boundaries are co-extensive.
(Source: P.A. 91-933, eff. 12-30-00.)

Section 15. The Liquor Control Act of 1934 is amended by changing Section 6-15 as follows:

(235 ILCS 5/6-15) (from Ch. 43, par. 130)

Sec. 6-15. No alcoholic liquors shall be sold or delivered in any building belonging to or under the control of the State or any political subdivision thereof except as provided in this Act. The corporate authorities of any city, village, incorporated town or township may provide by ordinance, however, that alcoholic liquor may be sold or delivered in any specifically designated building belonging to or under the control of the municipality or township, or in any building located on land under the control of the municipality; provided that such township complies with all applicable local ordinances in any incorporated area of the township. Alcoholic liquors may be delivered to and sold at any airport belonging to or under the control of a municipality of more than 25,000 inhabitants, or in any building or on any golf course owned by a park district organized under the Park District Code, subject to the approval of the governing board of the district, or in any building or on any golf course owned by a forest preserve district organized under the Downstate Forest Preserve District Act, subject to the approval of the governing board of the district, or on the grounds within 500 feet of any building owned by a forest preserve district organized under the Downstate Forest Preserve District Act during times when food is dispensed for consumption within 500 feet of the building from which the food is dispensed, subject to the approval of the governing board of the district, or in a building owned by a Local Mass Transit District organized under the Local Mass Transit District Act, subject to the approval of the governing Board of the District, or in Bicentennial Park, or on the premises of the City of Mendota Lake Park located adjacent to Route 51 in Mendota, Illinois, or on the premises of Camden Park in Milan, Illinois, or in the community center owned by the City of Loves Park that is located at 1000 River Park Drive in Loves Park, Illinois, or, in connection with the operation of an established food serving facility during times when food is dispensed for consumption on the premises, and at the following aquarium and museums located in public parks: Art Institute of Chicago, Chicago Academy of Sciences, Chicago Historical Society, Field Museum of Natural History, Museum of Science and Industry, DuSable Museum of African American History, John G. Shedd Aquarium and Adler Planetarium, or at Lakeview Museum of Arts and Sciences in Peoria, or in connection with the operation of the facilities of the Chicago Zoological Society or the Chicago Horticultural Society on land owned by the Forest Preserve District of Cook County, or on any land used for a golf course or for recreational purposes owned by the Forest Preserve District of Cook County, subject to the control of the Forest Preserve District Board of Commissioners and applicable local law, provided that dram shop liability insurance is provided at maximum coverage limits so as to hold the District harmless from all financial loss, damage, and harm, or in any building located on land owned by the Chicago Park District if approved by the Park District Commissioners, or on any land used for a golf course or for recreational purposes and owned by the Illinois International Port District if approved by the District's governing board, or at any airport, golf course, faculty center, or facility in which conference and convention type

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activities take place belonging to or under control of any State university or public community college district, provided that with respect to a facility for conference and convention type activities alcoholic liquors shall be limited to the use of the convention or conference participants or participants in cultural, political or educational activities held in such facilities, and provided further that the faculty or staff of the State university or a public community college district, or members of an organization of students, alumni, faculty or staff of the State university or a public community college district are active participants in the conference or convention, or in Memorial Stadium on the campus of the University of Illinois at Urbana–Champaign during games in which the Chicago Bears professional football team is playing in that stadium during the renovation of Soldier Field, not more than one and a half hours before the start of the game and not after the end of the third quarter of the game, or by a catering establishment which has rented facilities from a board of trustees of a public community college district, or, if approved by the District board, on land owned by the Metropolitan Sanitary District of Greater Chicago and leased to others for a term of at least 20 years. Nothing in this Section precludes the sale or delivery of alcoholic liquor in the form of original packaged goods in premises located at 500 S. Racine in Chicago belonging to the University of Illinois and used primarily as a grocery store by a commercial tenant during the term of a lease that predates the University's acquisition of the premises; but the University shall have no power or authority to renew, transfer, or extend the lease with terms allowing the sale of alcoholic liquor; and the sale of alcoholic liquor shall be subject to all local laws and regulations. After the acquisition by Winnebago County of the property located at 404 Elm Street in Rockford, a commercial tenant who sold alcoholic liquor at retail on a portion of the property under a valid license at the time of the acquisition may continue to do so for so long as the tenant and the County may agree under existing or future leases, subject to all local laws and regulations regarding the sale of alcoholic liquor. Each facility shall provide dram shop liability in maximum insurance coverage limits so as to save harmless the State, municipality, State university, airport, golf course, faculty center, facility in which conference and convention type activities take place, park district, Forest Preserve District, public community college district, aquarium, museum, or sanitary district from all financial loss, damage or harm. Alcoholic liquors may be sold at retail in buildings of golf courses owned by municipalities in connection with the operation of an established food serving facility during times when food is dispensed for consumption upon the premises. Alcoholic liquors may be delivered to and sold at retail in buildings owned by a fire protection district organized under the Fire Protection District Act, provided that such delivery and sale is approved by the board of trustees of the district, and provided further that such delivery and sale is limited to fundraising events and to a maximum of 6 events per year.

Alcoholic liquor may be delivered to and sold at retail in the Dorchester Senior Business Center owned by the Village of Dolton if the alcoholic liquor is sold or dispensed only in connection with organized functions for which the planned attendance is 20 or more persons, and if the person or facility selling or dispensing the alcoholic liquor has provided dram shop liability insurance in maximum limits so as to hold harmless the Village of Dolton and the State from all financial loss, damage and harm.
Alcoholic liquors may be delivered to and sold at retail in any building used as an Illinois State Armory provided:

(i) the Adjutant General's written consent to the issuance of a license to sell alcoholic liquor in such building is filed with the Commission;
(ii) the alcoholic liquor is sold or dispensed only in connection with organized functions held on special occasions;
(iii) the organized function is one for which the planned attendance is 25 or more persons; and
(iv) the facility selling or dispensing the alcoholic liquors has provided dram shop liability insurance in maximum limits so as to save harmless the facility and the State from all financial loss, damage or harm.

Alcoholic liquors may be delivered to and sold at retail in the Chicago Civic Center, provided that:

(i) the written consent of the Public Building Commission which administers the Chicago Civic Center is filed with the Commission;
(ii) the alcoholic liquor is sold or dispensed only in connection with organized functions held on special occasions;
(iii) the organized function is one for which the planned attendance is 25 or more persons;
(iv) the facility selling or dispensing the alcoholic liquors has provided dram shop liability insurance in maximum limits so as to save harmless the Civic Center, the City of Chicago and the State from all financial loss, damage or harm; and
(v) all applicable local ordinances are complied with.

Alcoholic liquors may be delivered or sold in any building belonging to or under the control of any city, village or incorporated town where more than 75% of the physical properties of the building is used for commercial or recreational purposes, and the building is located upon a pier extending into or over the waters of a navigable lake or stream or on the shore of a navigable lake or stream. Alcoholic liquor may be sold in buildings under the control of the Department of Natural Resources when written consent to the issuance of a license to sell alcoholic liquor in such buildings is filed with the Commission. Notwithstanding any other provision of this Act, alcoholic liquor sold by a United States Army Corps of Engineers or Department of Natural Resources concessionaire who was operating on June 1, 1991 for on-premises consumption only is not subject to the provisions of Articles IV and IX. Beer and wine may be sold on the premises of the Joliet Park District Stadium owned by the Joliet Park District when written consent to the issuance of a license to sell beer and wine is filed with the local liquor commissioner by the Joliet Park District. Beer and wine may be sold in buildings on the grounds of State veterans' homes when written consent to the issuance of a license to sell beer and wine in such buildings is filed with the Commission. Notwithstanding any other provision of this Act, alcoholic liquor sold by a United States Army Corps of Engineers or Department of Natural Resources concessionaire who was operating on June 1, 1991 for on-premises consumption only is not subject to the provisions of Articles IV and IX. Beer and wine may be sold in buildings on the grounds of State veterans' homes when written consent to the issuance of a license to sell beer and wine in such buildings is filed with the Commission. Notwithstanding any other provision of this Act, alcoholic liquor sold by a United States Army Corps of Engineers or Department of Natural Resources concessionaire who was operating on June 1, 1991 for on-premises consumption only is not subject to the provisions of Articles IV and IX.
Beer and wine may be sold and dispensed at professional sporting events and at professional concerts and other entertainment events conducted on premises owned by the Forest Preserve District of Kane County, subject to the control of the District Commissioners and applicable local law, provided that dram shop liability insurance is provided at maximum coverage limits so as to hold the District harmless from all financial loss, damage and harm.

Nothing in this Section shall preclude the sale or delivery of beer and wine at a State or county fair or the sale or delivery of beer or wine at a city fair in any otherwise lawful manner.

Alcoholic liquors may be sold at retail in buildings in State parks under the control of the Department of Natural Resources, provided:

a. the State park has overnight lodging facilities with some restaurant facilities or, not having overnight lodging facilities, has restaurant facilities which serve complete luncheon and dinner or supper meals,

b. consent to the issuance of a license to sell alcoholic liquors in the buildings has been filed with the commission by the Department of Natural Resources, and

c. the alcoholic liquors are sold by the State park lodge or restaurant concessionaire only during the hours from 11 o'clock a.m. until 12 o'clock midnight.

Notwithstanding any other provision of this Act, alcoholic liquor sold by the State park or restaurant concessionaire is not subject to the provisions of Articles IV and IX.

Alcoholic liquors may be sold at retail in buildings on properties under the control of the Historic Preservation Agency provided:

a. the property has overnight lodging facilities with some restaurant facilities or, not having overnight lodging facilities, has restaurant facilities which serve complete luncheon and dinner or supper meals,

b. consent to the issuance of a license to sell alcoholic liquors in the buildings has been filed with the commission by the Historic Preservation Agency, and

c. the alcoholic liquors are sold by the lodge or restaurant concessionaire only during the hours from 11 o'clock a.m. until 12 o'clock midnight.

The sale of alcoholic liquors pursuant to this Section does not authorize the establishment and operation of facilities commonly called taverns, saloons, bars, cocktail lounges, and the like except as a part of lodge and restaurant facilities in State parks or golf courses owned by Forest Preserve Districts with a population of less than 3,000,000 or municipalities or park districts.

Alcoholic liquors may be sold at retail in the Springfield Administration Building of the Department of Transportation and the Illinois State Armory in Springfield; provided, that the controlling government authority may consent to such sales only if

a. the request is from a not-for-profit organization;

b. such sales would not impede normal operations of the departments involved;

c. the not-for-profit organization provides dram shop liability in maximum

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insurance coverage limits and agrees to defend, save harmless and indemnify the State of Illinois from all financial loss, damage or harm;

d. no such sale shall be made during normal working hours of the State of Illinois; and

e. the consent is in writing.

Alcoholic liquors may be sold at retail in buildings in recreational areas of river conservancy districts under the control of, or leased from, the river conservancy districts. Such sales are subject to reasonable local regulations as provided in Article IV; however, no such regulations may prohibit or substantially impair the sale of alcoholic liquors on Sundays or Holidays.

Alcoholic liquors may be sold in long term care facilities owned or operated by a county under Division 5-21 or 5-22 of the Counties Code, when approved by the facility operator and not in conflict with the regulations of the Illinois Department of Public Health, to residents of the facility who have had their consumption of the alcoholic liquors provided approved in writing by a physician licensed to practice medicine in all its branches.

Alcoholic liquors may be delivered to and dispensed in State housing assigned to employees of the Department of Corrections. No person shall furnish or allow to be furnished any alcoholic liquors to any prisoner confined in any jail, reformatory, prison or house of correction except upon a physician's prescription for medicinal purposes.

Alcoholic liquors may be sold at retail or dispensed at the Willard Ice Building in Springfield, at the State Library in Springfield, and at Illinois State Museum facilities by (1) an agency of the State, whether legislative, judicial or executive, provided that such agency first obtains written permission to sell or dispense alcoholic liquors from the controlling government authority, or by (2) a not-for-profit organization, provided that such organization:

a. Obtains written consent from the controlling government authority;

b. Sells or dispenses the alcoholic liquors in a manner that does not impair normal operations of State offices located in the building;

c. Sells or dispenses alcoholic liquors only in connection with an official activity in the building;

d. Provides, or its catering service provides, dram shop liability insurance in maximum coverage limits and in which the carrier agrees to defend, save harmless and indemnify the State of Illinois from all financial loss, damage or harm arising out of the selling or dispensing of alcoholic liquors.

Nothing in this Act shall prevent a not-for-profit organization or agency of the State from employing the services of a catering establishment for the selling or dispensing of alcoholic liquors at authorized functions.

The controlling government authority for the Willard Ice Building in Springfield shall be the Director of the Department of Revenue. The controlling government authority for Illinois State Museum facilities shall be the Director of the Illinois State Museum. The controlling government authority for the State Library in Springfield shall be the Secretary of State.

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Alcoholic liquors may be delivered to and sold at retail or dispensed at any facility, property or building under the jurisdiction of the Historic Preservation Agency where the delivery, sale or dispensing is by (1) an agency of the State, whether legislative, judicial or executive, provided that such agency first obtains written permission to sell or dispense alcoholic liquors from a controlling government authority, or by (2) a not-for-profit organization provided that such organization:

a. Obtains written consent from the controlling government authority;

b. Sells or dispenses the alcoholic liquors in a manner that does not impair normal workings of State offices or operations located at the facility, property or building;

c. Sells or dispenses alcoholic liquors only in connection with an official activity of the not-for-profit organization in the facility, property or building;

d. Provides, or its catering service provides, dram shop liability insurance in maximum coverage limits and in which the carrier agrees to defend, save harmless and indemnify the State of Illinois from all financial loss, damage or harm arising out of the selling or dispensing of alcoholic liquors.

The controlling government authority for the Historic Preservation Agency shall be the Director of the Historic Preservation Agency.

Alcoholic liquors may be sold at retail or dispensed at the James R. Thompson Center in Chicago and 222 South College Street in Springfield, Illinois by (1) a commercial tenant or subtenant conducting business on the premises under a lease made pursuant to Section 405-315 of the Department of Central Management Services Law (20 ILCS 405/405-315), provided that such tenant or subtenant who sells or dispenses alcoholic liquors shall procure and maintain dram shop liability insurance in maximum coverage limits and in which the carrier agrees to defend, indemnify and save harmless the State of Illinois from all financial loss, damage or harm arising out of the sale or dispensing of alcoholic liquors, or by (2) an agency of the State, whether legislative, judicial or executive, provided that such agency first obtains written permission to sell or dispense alcoholic liquors from the Director of Central Management Services, or by (3) a not-for-profit organization, provided that such organization:

a. Obtains written consent from the Department of Central Management Services;

b. Sells or dispenses the alcoholic liquors in a manner that does not impair normal operations of State offices located in the building;

c. Sells or dispenses alcoholic liquors only in connection with an official activity in the building;

d. Provides, or its catering service provides, dram shop liability insurance in maximum coverage limits and in which the carrier agrees to defend, save harmless and indemnify the State of Illinois from all financial loss, damage or harm arising out of the selling or dispensing of alcoholic liquors.

Nothing in this Act shall prevent a not-for-profit organization or agency of the State from employing the services of a catering establishment for the selling or dispensing of alcoholic liquors.

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alcoholic liquors at functions authorized by the Director of Central Management Services. Alcoholic liquors may be sold or delivered at any facility owned by the Illinois Sports Facilities Authority provided that dram shop liability insurance has been made available in a form, with such coverage and in such amounts as the Authority reasonably determines is necessary.

Alcoholic liquors may be sold at retail or dispensed at the Rockford State Office Building by (1) an agency of the State, whether legislative, judicial or executive, provided that such agency first obtains written permission to sell or dispense alcoholic liquors from the Department of Central Management Services, or by (2) a not-for-profit organization, provided that such organization:

a. Obtains written consent from the Department of Central Management Services;

b. Sells or dispenses the alcoholic liquors in a manner that does not impair normal operations of State offices located in the building;

c. Sells or dispenses alcoholic liquors only in connection with an official activity in the building;

d. Provides, or its catering service provides, dram shop liability insurance in maximum coverage limits and in which the carrier agrees to defend, save harmless and indemnify the State of Illinois from all financial loss, damage or harm arising out of the selling or dispensing of alcoholic liquors.

Nothing in this Act shall prevent a not-for-profit organization or agency of the State from employing the services of a catering establishment for the selling or dispensing of alcoholic liquors at functions authorized by the Department of Central Management Services.

Alcoholic liquors may be sold or delivered in a building that is owned by McLean County, situated on land owned by the county in the City of Bloomington, and used by the McLean County Historical Society if the sale or delivery is approved by an ordinance adopted by the county board, and the municipality in which the building is located may not prohibit that sale or delivery, notwithstanding any other provision of this Section. The regulation of the sale and delivery of alcoholic liquor in a building that is owned by McLean County, situated on land owned by the county, and used by the McLean County Historical Society as provided in this paragraph is an exclusive power and function of the State and is a denial and limitation under Article VII, Section 6, subsection (h) of the Illinois Constitution of the power of a home rule municipality to regulate that sale and delivery.

Alcoholic liquors may be sold or delivered in any building situated on land held in trust for any school district organized under Article 34 of the School Code, if the building is not used for school purposes and if the sale or delivery is approved by the board of education.

Alcoholic liquors may be sold or delivered in buildings owned by the Community Building Complex Committee of Boone County, Illinois if the person or facility selling or dispensing the alcoholic liquor has provided dram shop liability insurance with coverage and in amounts that the Committee reasonably determines are necessary.

Alcoholic liquors may be sold or delivered in the building located at 1200 Centerville

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Avenue in Belleville, Illinois and occupied by either the Belleville Area Special Education District or the Belleville Area Special Services Cooperative.
(Source: P.A. 91-239, eff. 1-1-00; 91-922, eff. 7-7-00; 92-512, eff. 1-1-02.)

Section 99. Effective date. This Act takes effect upon becoming law.
Passed in the General Assembly June 2, 2002.
Approved June 26, 2002.
Effective June 26, 2002.

PUBLIC ACT 92-0584
(Senate Bill No. 1553)

AN ACT concerning commemorative dates.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The State Commemorative Dates Act is amended by adding Section 2 as follows:

(5 ILCS 490/2 new)
Sec. 2. Ronald Reagan Day. February 6th of each year is designated as Ronald Reagan Day, to be observed throughout the State as a day set apart to honor the 40th President of the United States of America who came from humble beginnings in Illinois and worked throughout his life serving the cause of freedom and advancing the public good.

Section 99. Effective date. This Act takes effect upon becoming law.
Passed in the General Assembly April 17, 2002.
Approved June 26, 2002.
Effective June 26, 2002.

PUBLIC ACT 92-0585
(Senate Bill No. 1569)

AN ACT concerning public utilities.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Public Utilities Act is amended by changing Sections 16-120 and 16-122 as follows:

(220 ILCS 5/16-120)
Sec. 16-120. Development of competitive market; Commission study and reports; investigation.
(a) On or before December 31, 1999 and once every 3 years thereafter, the Commission shall monitor and analyze patterns of entry and exit, applications for entry and exit, and any barriers to entry or participation that may exist, for services provided under this Article; shall analyze any impediments to the establishment of a fully competitive energy and power market in Illinois; and shall include its findings together with appropriate

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recommendations for legislative action in a report to the General Assembly.

(b) Beginning in 2001, and ending in 2006, the Commission shall prepare an annual report regarding the development of electricity markets in Illinois which shall be filed by April 1 of each year with the Joint Committee on Legislative Support Services of the General Assembly and the Governor and which shall be publicly available. Such report shall include, at a minimum, the following information:

(1) the aggregate annual peak demand of retail customers in the State of Illinois in the preceding calendar year;

(2) the total annual kilowatt-hours delivered and sold to retail customers in the State of Illinois by each electric utility within its own service territory, each electric utility outside its service territory, and alternative retail electric suppliers in the preceding calendar year;

(3) the percentage of the total kilowatt-hours delivered and sold to retail customers in the State of Illinois in the preceding calendar year by each electric utility within its service territory, each electric utility outside its service territory, and each alternative retail electric supplier; and

(4) any other information the Commission considers significant in assessing the development of Illinois electricity markets, which may include, to the extent available, information similar to that described in items 1, 2 and 3 with respect to cogeneration, self-generation and other sources of electric power and energy provided to customers that do not take delivery services or bundled electric utility services. The Commission may also include such other information as it deems to be necessary or beneficial in describing or explaining the results of its Report. The Report required by this Section shall be adopted by a vote of the full Commission prior to filing. Proprietary or confidential information shall not be disclosed publicly. Nothing contained in this Section shall prohibit the Commission from taking actions that would otherwise be allowed under this Act.

(c) The Commission shall prepare a report on the value of municipal aggregation of electricity customers. The report shall be filed with the General Assembly and the Governor no later than January 15, 2003 and shall be publicly available. The report shall, at a minimum, include:

(1) a description and analysis of actual and potential forms of aggregation of electricity customers in Illinois and in the other states, including aggregation through municipal, affinity, and other organizations and through aggregation of consumer purchases of electricity from renewable energy sources;

(2) estimates of the potential benefits of municipal aggregation to Illinois electricity customers in at least 5 specific municipal examples comparing their costs under bundled rates and unbundled rates, including real-time prices;

(3) a description of the barriers to municipal and other forms of aggregation in Illinois, including legal, economic, informational, and other barriers; and

(4) options for legislative action to foster municipal and other forms of aggregation of electricity customers.

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In preparing the report, the Commission shall consult with persons involved in aggregation or the study of aggregation of electricity customers in Illinois, including municipalities, utilities, aggregators, and non-profit organizations. The provisions of Section 16-122 notwithstanding, the Commission may request and utilities shall provide such aggregated load data as may be necessary to perform the analyses required by this subsection; provided, however, proprietary or confidential information shall not be disclosed publicly.

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

(220 ILCS 5/16-122)
Sec. 16-122. Customer information.
(a) Upon the request of a retail customer, or a person who presents verifiable authorization and is acting as the customer's agent, and payment of a reasonable fee, electric utilities shall provide to the customer or its authorized agent the customer's billing and usage data.

(b) Upon request from any alternative retail electric supplier and payment of a reasonable fee, an electric utility serving retail customers in its service area shall make available generic information concerning the usage, load shape curve or other general characteristics of customers by rate classification. Provided however, no customer specific billing, usage or load shape data shall be provided under this subsection unless authorization to provide such information is provided by the customer pursuant to subsection (a) of this Section.

(c) Upon request from a unit of local government and payment of a reasonable fee, an electric utility shall make available information concerning the usage, load shape curves, and other characteristics of customers by customer classification and location within the boundaries of the unit of local government, however, no customer specific billing, usage, or load shape data shall be provided under this subsection unless authorization to provide that information is provided by the customer.

(d) All such customer information shall be made available in a timely fashion in an electronic format, if available.

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

Section 99. Effective date. This Act takes effect upon becoming law.
Approved June 26, 2002.
Effective June 26, 2002.

PUBLIC ACT 92-0586
(Senate Bill No. 1685)

AN ACT concerning the regulation of professions.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Regulatory Sunset Act is amended by changing Section 4.13 and

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adding Section 4.23 as follows:

(5 ILCS 80/4.13) (from Ch. 127, par. 1904.13)
Sec. 4.13. Acts repealed on December 31, 2002. The following Acts are repealed on December 31, 2002:

The Environmental Health Practitioner Licensing Act.
The Naprapathic Practice Act.
The Dietetic and Nutrition Services Practice Act.
The Funeral Directors and Embalmers Licensing Code.
The Professional Counselor and Clinical Professional Counselor Licensing Act.

(Source: P.A. 88-45; 89-61, eff. 6-30-95; revised 8-22-01.)

(5 ILCS 80/4.23 new)
Sec. 4.23. Act repealed on January 1, 2013. The following Act is repealed on January 1, 2013:


Section 10. The Wholesale Drug Distribution Licensing Act is amended by changing Sections 25 and 35 as follows:

(225 ILCS 120/25) (from Ch. 111, par. 8301-25)
(Section scheduled to be repealed on December 31, 2002)
Sec. 25. Wholesale drug distributor licensing requirements. All wholesale distributors and pharmacy distributors, wherever located, who engage in wholesale distribution into, out of, or within the State shall be subject to the following requirements:

(a) No person or distribution outlet shall act as a wholesale drug distributor without first obtaining a license to do so from the Department and paying any reasonable fee required by the Department, the fee not to exceed $200 per year.

(b) The Department may grant a temporary license when a wholesale drug distributor first applies for a license to operate within this State. A temporary license shall remain valid until the Department finds that the applicant meets or fails to meet the requirements for regular licensure. Nevertheless, no temporary license shall be valid for more than 90 days from the date of issuance. Any temporary license issued under this subsection shall be renewable for a similar period of time not to exceed 90 days under policies and procedures prescribed by the Department.

(c) No license shall be issued or renewed for a wholesale drug distributor to operate unless the wholesale drug distributor shall operate in a manner prescribed by law and according to the rules and regulations promulgated by the Department.

(d) The Department may require a separate license for each facility directly or indirectly owned or operated by the same business entity within this State, or for a parent entity with divisions, subsidiaries, and affiliate companies within this State when operations are conducted at more than one location and there exists joint ownership and control among all the entities.

(e) As a condition for receiving and renewing any wholesale drug distributor license issued under this Act, each applicant shall satisfy the Department that it has and will

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continuously maintain:

(1) acceptable storage and handling conditions plus facilities standards;
(2) minimum liability and other insurance as may be required under any applicable federal or State law;
(3) a security system that includes after hours, central alarm or comparable entry detection capability; restricted premises access; adequate outside perimeter lighting; comprehensive employment applicant screening; and safeguards against employee theft;
(4) an electronic, manual, or any other reasonable system of records, describing all wholesale distributor activities governed by this Act for the 2 year period following disposition of each product and reasonably accessible during regular business hours as defined by the Department's rules in any inspection authorized by the Department;
(5) officers, directors, managers, and other persons in charge of wholesale drug distribution, storage, and handling who must at all times demonstrate and maintain their capability of conducting business according to sound financial practices as well as State and federal law;
(6) complete, updated information, to be provided the Department as a condition for obtaining and renewing a license, about each wholesale distributor to be licensed under this Act, including all pertinent licensee ownership and other key personnel and facilities information deemed necessary for enforcement of this Act. Any changes in this information shall be submitted at the time of license renewal or within 45 days from the date of the change;
(7) written policies and procedures that assure reasonable wholesale distributor preparation for, protection against and handling of any facility security or operation problems, including, but not limited to, those caused by natural disaster or government emergency; inventory inaccuracies or product shipping and receiving; outdated product or other unauthorized product control; appropriate disposition of returned goods; and product recalls;
(8) sufficient inspection procedures for all incoming and outgoing product shipments; and
(9) operations in compliance with all federal legal requirements applicable to wholesale drug distribution.

(f) The Department shall consider, at a minimum, the following factors in reviewing the qualifications of persons who engage in wholesale distribution of prescription drugs in this State:

(1) any conviction of the applicant under any federal, State, or local laws relating to drug samples, wholesale or retail drug distribution, or distribution of controlled substances;
(2) any felony convictions of the applicant under federal, State, or local laws;
(3) the applicant's past experience in the manufacture or distribution of prescription drugs, including controlled substances;

New matter indicated by italics - deletions by strikeout.
(4) the furnishing by the applicant of false or fraudulent material in any application made in connection with drug manufacturing or distribution;

(5) suspension or revocation by federal, State, or local government of any license currently or previously held by the applicant for the manufacture or distribution of any drug, including controlled substances;

(6) compliance with licensing requirements under previously granted licenses, if any;

(7) compliance with requirements to maintain and make available to the Department or to federal, State, or local law enforcement officials those records required by this Act; and

(8) any other factors or qualifications the Department considers relevant to and consistent with the public health and safety, including whether the granting of the license would not be in the public interest.

(9) All requirements set forth in this subsection shall conform to wholesale drug distributor licensing guidelines formally adopted by the U.S. Food and Drug Administration (FDA). In case of conflict between any wholesale drug distributor licensing requirement imposed by the Department and any FDA wholesale drug distributor licensing guideline, the FDA guideline shall control.

(g) An agent or employee of any licensed wholesale drug distributor need not seek licensure under this Section and may lawfully possess pharmaceutical drugs when the agent or employee is acting in the usual course of business or employment.

(h) The issuance of a license under this Act shall not change or affect tax liability imposed by the State on any wholesale drug distributor.

(i) A license issued under this Act shall not be sold, transferred, or assigned in any manner.

(Source: P.A. 87-594.)

(225 ILCS 120/35) (from Ch. 111, par. 8301-35)

(Section scheduled to be repealed on December 31, 2002)

Sec. 35. Fees; Illinois State Pharmacy Disciplinary Fund.

(a) The Department shall provide by rule for a schedule of fees for the administration and enforcement of this Act, including but not limited to original licensure, renewal, and restoration. The fees shall be nonrefundable. The following fees shall be imposed by the Department and are not refundable.

1. The fee for application for a certificate of registration as a wholesale drug distributor is $200.

2. The fee for the renewal of a certificate of registration as a wholesale drug distributor is $200 per year.

3. The fee for the change of person responsible for drugs is $50.

4. The fee for the issuance of a duplicate license to replace a license that has been lost or destroyed is $25.

5. The fee for certification of a registrant's record for any purpose is $25.

6. The fee for a roster of licensed wholesale drug distributors shall be the
actual cost of producing the roster.

(7) The fee for wholesale drug distributor licensing, disciplinary, or investigative records obtained under subpoena is $1 per page.

(b) All fees collected under this Act shall be deposited into the Illinois State Pharmacy Disciplinary Fund and shall be appropriated to the Department for the ordinary and contingent expenses of the Department in the administration of this Act. All moneys received by the Department under this Act shall be deposited into the Illinois State Pharmacy Disciplinary Fund in the State Treasury and shall be used only for the following purposes: (i) by the State Board of Pharmacy in the exercise of its powers and performance of its duties, as such use is made by the Department upon the recommendations of the State Board of Pharmacy, (ii) for costs directly related to license renewal of persons licensed under this Act, and (iii) for direct and allocable indirect costs related to the public purposes of the Department of Professional Regulation. Moneys in the Fund may be transferred to the Professions Indirect Cost Fund as authorized by Section 2105-300 of the Department of Professional Regulation Law (20 ILCS 2105/2105-300).

The moneys deposited into the Illinois State Pharmacy Disciplinary Fund shall be invested to earn interest which shall accrue to the Fund.

The Department shall present to the Board for its review and comment all appropriation requests from the Illinois State Pharmacy Disciplinary Fund. The Department shall give due consideration to any comments of the Board in making appropriation requests.

(c) Any person who delivers a check or other payment to the Department that is returned to the Department unpaid by the financial institution upon which it is drawn shall pay to the Department, in addition to the amount already owed to the Department, a fine of $50. The fines imposed by this Section are in addition to any other discipline provided under this Act for unlicensed practice or practice on a nonrenewed license. The Department shall notify the person that payment of fees and fines shall be paid to the Department by certified check or money order within 30 calendar days of the notification. If, after the expiration of 30 days from the date of the notification, the person has failed to submit the necessary remittance, the Department shall automatically terminate the license or certificate or deny the application, without hearing. If, after termination or denial, the person seeks a license or certificate, he or she shall apply to the Department for restoration or issuance of the license or certificate and pay all fees and fines due to the Department. The Department may establish a fee for the processing of an application for restoration of a license or certificate to pay all expenses of processing this application. The Director may waive the fines due under this Section in individual cases where the Director finds that the fines would be unreasonable or unnecessarily burdensome.

(d) The Department shall maintain a roster of the names and addresses of all registrants and of all persons whose licenses have been suspended or revoked. This roster shall be available upon written request and payment of the required fee.

(Source: P.A. 91-239, eff. 1-1-00; 92-146, eff. 1-1-02.)

Section 99. Effective date. This Act takes effect upon becoming law.
Passed in the General Assembly April 24, 2002.

New matter indicated by italics - deletions by strikeout.
AN ACT concerning insurance.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Insurance Code is amended by changing Section 500-80 as follows:

(215 ILCS 5/500-80)
Sec. 500-80. Commissions.
(a) An insurer or insurance producer may not pay a commission, service fee, brokerage, or other valuable consideration to a person for selling, soliciting, or negotiating insurance in this State if that person is required to be licensed under this Article and is not so licensed at the time of selling, soliciting, or negotiating the insurance.
(b) A person may not accept a commission, service fee, brokerage, or other valuable consideration for selling, soliciting, or negotiating insurance in this State if that person is required to be licensed under this Article and is not so licensed.
(c) Renewal or other deferred commissions may be paid to a person for selling, soliciting, or negotiating insurance in this State if the person was required to be licensed under this Article at the time of the sale, solicitation, or negotiation and was so licensed at that time.
(d) An insurer or insurance producer may pay or assign commissions, service fees, brokerages, or other valuable consideration to an insurance agency or to persons who do not sell, solicit, or negotiate insurance in this State, unless the payment would violate Section 151 of this Code.
(e) When an insurance producer or business entity charges any fee or compensation separate from commissions deductible from, or directly attributable to, premiums on insurance policies or contracts, it must comply with all of the following:

(1) It must provide written disclosure to the consumer or contracting party that clearly specifies the amount or extent of the compensation or fee prior to the delivery of the corresponding policy. A copy of the written disclosure must be maintained by the producer or business entity that collects the compensation or fee for a period of 7 years.

(2) If the combined compensation or fee exceeds 10% of a directly attributable premium amount of a corresponding contract or policy, the disclosure must also include the signature of the consumer or contracting party acknowledging the compensation or fee.

(3) If an insurance policy or contract is cancelled for any reason within 90 days following the inception date, the producer or business entity shall refund to the

New matter indicated by italics - deletions by strikeout.
consumer a prorated portion of the fee or compensation within 30 days after the producer or business entity receives proper documentation that the corresponding insurance policy or contract has been cancelled. At no time shall a producer or business entity charge the consumer a fee or compensation for cancellation of any insurance policy or contract.

(4) If the policy file contains documentation that the producer performed a service corresponding to the applicable coverage or policy and the written disclosure stated that the fees were fully earned, then those fees shall be fully earned at inception of the disclosure's execution. Except as to commissions deductible from premiums on insurance policies or contracts for insurance, an insurance producer or business entity does not have any right to compensation from an insured or prospective insured for or on account of the transaction of insurance business unless the right to compensation is stated on a separate written memorandum that clearly specifies the amount or extent of the service fee and that is provided to the applicant or insured before the performance of the service or the issuance of the policy, whichever is first. A copy of the memorandum must be maintained by any producer who collects or receives the service fee or any portion of the service fee. If the compensation or service fee exceeds 10% of the premium amount or potential premium amount of the contract or policy, the memorandum shall include the signature of the insured or prospective insured acknowledging the compensation or service fee.

(f) Any compensation or service fee received on a contract or policy that is later canceled, within the first half of the contract or policy period, for any reason must be returned to the insured by the insurance producer or business entity at a prorated amount. The prorated amount shall be based on the length of the term of the policy or contract compared to the time that contract or policy was in force such that the amount returned reflects the portion of the term of the contract or policy during which the contract was not in force. There shall be no compensation or service fee assessed or received on a contract or policy by the insurance producer or business entity for processing such cancellation.

(Source: P.A. 92-386, eff. 1-1-02.)

Section 99. Effective date. This Act takes effect upon becoming law.
Approved June 26, 2002.
Effective June 26, 2002.

PUBLIC ACT 92-0588
(Senate Bill No. 2198)

AN ACT creating the Illinois Workforce Investment Board.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Human Resource Investment Council Act is amended by

New matter indicated by italics - deletions by strikeout.
changing Sections 1, 2.5, 3, 4.5, 5, 6, 7, and 8 as follows:
(20 ILCS 3975/1) (from Ch. 48, par. 2101)
Sec. 1. Short title. This Act may be cited as the Illinois Workforce Investment Board Human Resource Investment Council Act.
(Source: P.A. 89-382, eff. 8-18-95.)
(20 ILCS 3975/2.5)
Sec. 2.5. Purpose.
(a) Beginning on the effective date of this amendatory Act of the 92nd General Assembly, the Illinois Human Resource Investment Council shall be known as the Illinois Workforce Investment Board. The Illinois Workforce Investment Board Human Resource Investment Council is created as the State advisory board pertaining to workforce preparation policy. The Board Council shall ensure that Illinois’ workforce preparation services and programs are coordinated and integrated and shall measure and evaluate the overall performance and results of these programs. The Board Council shall further cooperation between government and the private sector to meet the workforce preparation needs of employers and workers in Illinois. The Board Council shall provide ongoing oversight of programs and needed information about the functioning of labor markets in Illinois.
(b) The Board Council shall promote a flexible, client-centered, equitable, and cost effective workforce preparation system within the State to maximize the investment in human capital development and to help Illinois create and maintain a workforce with the skills and abilities that will keep the economy productive.
(c) The Board Council shall meet the requirements of the federal Workforce Investment Act of 1998 Section 701 of Title VII of the federal Job Training Partnership Act.
(Source: P.A. 89-382, eff. 8-18-95.)
(20 ILCS 3975/3) (from Ch. 48, par. 2103)
Sec. 3. Illinois Workforce Investment Board. The Council shall consist of members appointed by the Governor with the advice and consent of the Senate in accordance with the requirements of Section 701 of Title VII of the federal Job Training Partnership Act:
(a) The Illinois Workforce Investment Board shall include:
(1) the Governor;
(2) 2 members of the House of Representatives appointed by the Speaker of the House and 2 members of the Senate appointed by the President of the Senate; and
(3) persons appointed by the Governor, with the advice and consent of the Senate (except in the case of a person holding an office or employment described in subparagraph (F) when appointment to the office or employment requires the advice and consent of the Senate), from among the following:
(A) representatives of business in this State who (i) are owners of businesses, chief executives or operating officers of businesses, or other business executives or employers with optimum policymaking or hiring authority, including members of local boards described in Section 117(b)(2)(A)(i) of the federal Workforce Investment Act of 1998; (ii) represent businesses with employment opportunities that reflect the
employment opportunities in the State; and (iii) are appointed from among
individuals nominated by State business organizations and business trade
associations;

(B) chief elected officials from cities and counties;
(C) representatives of labor organizations who have been nominated
by State labor federations;
(D) representatives of individuals or organizations that have
experience with youth activities;
(E) representatives of individuals or organizations that have
experience and expertise in the delivery of workforce investment activities,
including chief executive officers of community colleges and
community-based organizations within the State;
(F) the lead State agency officials with responsibility for the
programs and activities that are described in Section 121(b) of the federal
Workforce Investment Act of 1998 and carried out by one-stop partners and,
in any case in which no lead State agency official has responsibility for such
a program, service, or activity, a representative in the State with expertise in
such program, service, or activity; and

(G) any other representatives and State agency officials that the
Governor may appoint, including, but not limited to, one or more
representatives of local public education, post-secondary institutions,
secondary or post-secondary vocational education institutions, and
community-based organizations. At least 15% but not more than 60% of the
members shall be representatives of business, industry and agriculture,
including persons who are representatives of business and industry on Private
Industry Councils in the State.

(b) Members of the Board that represent organizations, agencies, or other entities
must be individuals with optimum policymaking authority within the organization, agency,
or entity. The members of the Board must represent diverse regions of the State, including
urban, rural, and suburban areas. The following State officials shall serve on the Council
but shall not constitute more than 60% of the Council's membership: the Director of
Commerce and Community Affairs (administering agency for the Job Training Partnership
Act and the National and Community Service Act), the Secretary of Human Services
(administering agency for part F of Title IV of the Social Security Act and the employment
program established under Section 6(d)(4) of the Food Stamp Act of 1977), the Director of
the Department of Employment Security (administrator of the Wagner-Peyser Act), the State
Superintendent of Education (administrator of the Carl D. Perkins Vocational and Applied
Technology Education Act and the Adult Education Act), and the Executive Director of the
Illinois Community College Board, or their designees. Each member shall serve during the
term of his office or employment.

(c) A majority of the members of the Board must be representatives described in
subparagraph (A) of paragraph (3) of subsection (a). There must be at least 2 members from

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each of the categories described in subparagraphs (D) and (E) of paragraph (3) of subsection (a). There must be at least 3 members from the category described in subparagraph (C) of paragraph (3) of subsection (a). A majority of any committee the Board may establish for the purpose of general oversight, control, supervision, or management of the Board's business must be representatives described in subparagraph (A) of paragraph (3) of subsection (a); any such committee must also include at least one representative from each of the categories described in subparagraphs (C) through (E) of paragraph (3) of subsection (a) and may include one or more representatives from any other categories described in paragraph (3) of subsection (a). At least 15%, but no more than 60% of the members shall be representatives of organized labor. These members shall be selected from among individuals nominated by recognized State labor federations.

(d) The Governor shall select a chairperson for the Board from among the representatives described in subparagraph (A) of paragraph (3) of subsection (a). The Human Resource Investment Council shall include one or more representatives from each of the following:

1. local public education;
2. a postsecondary institution;
3. a secondary or postsecondary vocational education institution; and
4. a community based organization.

Representatives from these entities shall constitute no more than 60% of the Council. The total number of representatives appointed under (1), (2), and (3) shall not constitute less than 15% of the membership of the Human Resource Investment Council.

(d-5) (Blank). The Human Resource Investment Council may also include additional qualified members who may be selected from the following, but who shall not constitute more than 60% of the Council:

1. representatives from local welfare agencies;
2. representatives from units of local government or consortia of units of local government appointed from nominations by the chief elected officials of the units of local government or consortia;
3. representatives from public housing agencies;
4. representatives from the State legislature;
5. representatives from any State or local program that receives funding under an applicable federal human resource program that the Governor has determined has a direct interest in the utilization of human resources within the State; and
6. individuals who have special knowledge and qualifications in special education and career development needs of hard-to-serve individuals.

(e) Except as otherwise provided in this subsection, this amendatory Act of the 92nd General Assembly does not affect the tenure of any member appointed to and serving on the Illinois Human Resource Investment Council on the effective date of this amendatory Act of the 92nd General Assembly. Members of the Board nominated for appointment in 2000, 2001, or 2002 shall serve for fixed and staggered terms, as designated by the Governor.
expiring no later than July 1 of the second calendar year succeeding their respective appointments or until their successors are appointed and qualified. In reconstructing the membership of the Council pursuant to subsections (a), (b), (c), (d), and (d-5), as mandated in Section 701 of Title VII of the federal Job Training Partnership Act, as amended, appointments made effective on July 1, 1995 will be given fixed and staggered terms of no less than 2 years. Thereafter, Members of the Board nominated for appointment after 2002 shall be appointed for terms of two years expiring on July 1 of the second calendar year succeeding their respective appointments, or until their successors are appointed and qualified. A State official or employee serving on the Board under subparagraph (F) of paragraph (3) of subsection (a) by virtue of his or her State office or employment shall serve during the term of that office or employment. A vacancy is created in situations including, but not limited to, those in which an individual serving on the Board ceases to satisfy all of the requirements for appointment under the provision under which he or she was appointed. The Governor may at any time make appointments to fill vacancies for the balance of an unexpired term. Vacancies shall be filled in the same manner as the original appointment. Members shall serve without compensation, but shall be reimbursed for necessary expenses incurred in the performance of their duties.

(f) The Board shall meet at least four times per calendar year at such times and in such places that it deems necessary. The Board shall be subject to the “Open Meetings Act” and, to the extent required by that law, its meetings shall be publicly announced and open and accessible to the general public. The Board shall adopt any such rules and operating procedures that it deems necessary to carry out its responsibilities under this Act and under the federal Workforce Investment Act of 1998.

(Source: P.A. 89-382, eff. 8-18-95; 89-507, eff. 7-1-97.)

(20 ILCS 3975/4.5)
Sec. 4.5. Duties.

(a) The Board must perform all the functions of a state workforce investment board under the federal Workforce Investment Act of 1998, any amendments to that Act, and any other applicable federal statutes. The Board must also perform all other functions that are not inconsistent with the federal Workforce Investment Act of 1998 or this Act and that are assumed by the Board under its bylaws or assigned to it by the Governor. The Council shall recommend a comprehensive set of workforce preparation and development goals and implementation strategies for the development and coordination of the human resource system within the State to the General Assembly and the Governor. The Council shall annually review these priority goals and strategies and recommend revisions as may be necessary. Any goals or strategies adopted by the Council prior to the effective date of this amendatory Act of 1997 shall be deemed temporarily adopted until such time as the General Assembly ratifies such goals and strategies with the passage of a joint resolution. Any such temporarily adopted goals and strategies that are not ratified by the General Assembly by joint resolution within 7 months after the effective date of this amendatory Act of 1997 are deemed revoked:

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(b) The Board must cooperate with the General Assembly and make recommendations to the Governor and the General Assembly concerning legislation necessary to improve upon statewide and local workforce investment systems in order to increase occupational skill attainment, employment, retention, or earnings of participants and thereby improve the quality of the workforce, reduce welfare dependency, and enhance the productivity and competitiveness of the State. The Board must annually submit a report to the General Assembly on the progress of the State in achieving state performance measures under the federal Workforce Investment Act of 1998, including information on the levels of performance achieved by the State with respect to the core indicators of performance and the customer satisfaction indicator under that Act. The report must include any other items that the Governor may be required to report to the Secretary of the United States Department of Labor under Section 136(d) of the federal Workforce Investment Act of 1998. The Council shall advise the General Assembly and the Governor on the development, implementation, and coordination of State and local standards and measures relating to applicable federal human resource programs. For these purposes, applicable federal human resource programs means any program from among the following that the General Assembly, the Governor, and the head of the State agency responsible for the administration of the program jointly agree to include within the jurisdiction of the Human Resource Investment Council: the Job Training Partnership Act, the Carl D. Perkins Vocational and Applied Technology Education Act, the National and Community Service Act of 1990, the Adult Education Act, the Wagner-Peyser Act, part F of Title IV of the Social Security Act, and the employment program established under Section 6(d)(4) of the Food Stamp Act of 1977 or subsequent federal programs or block grants designed for education and employment related services.

(c) The Council shall be responsible for the overall identification of human investment needs and priorities for workforce preparation in the State and shall recommend to the General Assembly and the Governor the goals for meeting these needs. The Council shall coordinate the establishment of advisory statewide performance goals for workforce preparation programs as well as a statewide framework for workforce preparation program evaluation.

(d) The Council shall continuously monitor and evaluate new federal and State legislative proposals and shall make recommendations concerning their implementation: Newly enacted laws shall be evaluated and recommendations made concerning their integration within the existing workforce preparation system.

(e) The Council shall advocate the establishment of standard terms to promote understanding, planning, coordination, and evaluation of workforce preparation programs and services at the State and federal levels.

(f) Other duties of the Council shall include recommending to relevant agencies and to the General Assembly and the Governor, with respect to applicable Federal human resource programs and others, the provision of services and the use of funds and resources for workforce preparation services.

(g) Nothing in this Act shall be construed to require or allow the Board Council to
assume or supersede the statutory authority granted to, or impose any duties or requirements on, the State Board of Education, the Board of Higher Education, the Illinois Community College Board, any State agencies created under the Civil Administrative Code of Illinois, or any local education agencies.

(h) The Human Resource Investment Council shall assume the duties of a State job training coordinating council pursuant to Sections 121 and 317 of the federal Job Training Partnership Act.

(i) The Human Resource Investment Council is further charged with the task of deliberating the desirability of establishing itself as a body independent of any other State agency or organization. Issues to be considered in those deliberations include, but are not limited to, the costs associated with establishing a new organization, staffing and other personnel issues, and consolidation of other councils into the Human Resource Investment Council. The Council shall issue a report on its discussions and make recommendations to the General Assembly and the Governor on whether and how to proceed.

(d) No actions taken by the Illinois Human Resource Investment Council before the effective date of this amendatory Act of the 92nd General Assembly and no rights, powers, duties, or obligations from those actions are impaired solely by this amendatory Act of the 92nd General Assembly. All actions taken by the Illinois Human Resource Investment Council before the effective date of this amendatory Act of the 92nd General Assembly are ratified and validated.

(Source: P.A. 89-382, eff. 8-18-95; 90-528, eff. 1-1-98.)

(20 ILCS 3975/5) (from Ch. 48, par. 2105)

Sec. 5. Plans; expenditures. The plans and decisions of the Board Council shall be subject to approval by the Governor. All funds received by the State pursuant to the federal Job Training Partnership Act or the federal Workforce Investment Act of 1998 shall be expended only pursuant to appropriation.

(Source: P.A. 83-1288.)

(20 ILCS 3975/6) (from Ch. 48, par. 2106)

Sec. 6. Programs and services, conflict of interest. In order to assure objective management and oversight, the Board Council shall not operate programs or provide services directly to eligible participants, but shall exist solely to plan, coordinate and monitor the provisions of such programs and services.

A member of the Board may not (1) vote on a matter under consideration by the Board that (a) regards the provision of services by the member or by an entity that the member represents or (b) would provide direct financial benefit to the member or the immediate family of the member or (2) engage in any other activity determined by the Governor to constitute a conflict of interest as specified in the State plan established under the federal Workforce Investment Act of 1998.

(Source: P.A. 83-1288.)

(20 ILCS 3975/7) (from Ch. 48, par. 2107)

Sec. 7. Personnel. The Board Council is authorized to obtain the services of any such professional, technical and clerical personnel that may be necessary to carry out its

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functions under this Act and under the federal Workforce Investment Act of 1998 Job Training Partnership Act. Funding for the Council shall be provided pursuant to Section 202(b)(4) of the federal Job Training Partnership Act.
(Source: P.A. 83-1288.)

(20 ILCS 3975/8) (from Ch. 48, par. 2108)
Sec. 8. Audits. The Illinois Workforce Investment Board Department of Commerce and Community Affairs, the Job Training Coordinating Council, and any recipient of funds under this Act shall be subject to audits conducted by the Auditor General with respect to all funds appropriated for the purposes of this Act.
(Source: P.A. 83-1288.)

Section 99. Effective date. This Act takes effect on July 1, 2002.
Passed in the General Assembly May 9, 2002.
Approved June 26, 2002.
Effective July 1, 2002.

PUBLIC ACT 92-0589
(Senate Bill No. 2204)

AN ACT concerning higher education.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Higher Education Student Assistance Act is amended by changing Section 45 as follows:

(110 ILCS 947/45)
Sec. 45. Illinois National Guard grant program.
(a) As used in this Section:
"State controlled university or community college" means those institutions under the administration of the Chicago State University Board of Trustees, the Eastern Illinois University Board of Trustees, the Governors State University Board of Trustees, the Illinois State University Board of Trustees, the Northeastern Illinois University Board of Trustees, the Northern Illinois University Board of Trustees, the Western Illinois University Board of Trustees, Southern Illinois University Board of Trustees, University of Illinois Board of Trustees, or the Illinois Community College Board.
"Tuition and fees" shall not include expenses for any sectarian or denominational instruction, the construction or maintenance of sectarian or denominational facilities, or any other sectarian or denominational purposes or activity.
"Fees" means matriculation, graduation, activity, term, or incidental fees. Exemption shall not be granted from any other fees, including book rental, service, laboratory, supply, and union building fees, hospital and medical insurance fees, and any fees established for the operation and maintenance of buildings, the income of which is pledged to the payment of interest and principal on bonds issued by the governing board of any university or community college.

New matter indicated by italics - deletions by strikeout.
(b) Any enlisted person or any company grade officer, including warrant officers, First and Second Lieutenants, and Captains in the Army and Air National Guard, who has served at least one year in the Illinois National Guard and who possesses all necessary entrance requirements shall, upon application and proper proof, be awarded a grant to the State-controlled university or community college of his or her choice, consisting of exemption from tuition and fees for not more than the equivalent of 4 years of full-time enrollment in relation to his or her course of study at that State controlled university or community college while he or she is a member of the Illinois National Guard. If the recipient of any grant awarded under this Section ceases to be a member of the Illinois National Guard while enrolled in a course of study under that grant, the grant shall be terminated as of the date membership in the Illinois National Guard ended, and the recipient shall be permitted to complete the school term in which he or she is then enrolled only upon payment of tuition and other fees allocable to the part of the term then remaining. If the recipient of the grant fails to complete his or her military service obligations or requirements for satisfactory participation, the Department of Military Affairs shall require the recipient to repay the amount of the grant received, prorated according to the fraction of the service obligation not completed, and, if applicable, reasonable collection fees. The Department of Military Affairs may adopt rules relating to its collection activities for repayment of the grant under this Section. Unsatisfactory participation shall be defined by rules adopted by the Department of Military Affairs. Repayments shall be deposited in the National Guard Grant Fund. The National Guard Grant Fund is created as a special fund in the State treasury. All money in the National Guard Grant Fund shall be used, subject to appropriation, by the Department of Military Affairs for the purposes of this Section.

A grant awarded under this Section shall be considered an entitlement which the State-controlled university or community college in which the holder is enrolled shall honor without any condition other than the holder's maintenance of minimum grade levels and a satisfactory student loan repayment record pursuant to subsection (c) of Section 20 of this Act.

(c) Subject to a separate appropriation for such purposes, the Commission may reimburse the State-controlled university or community college for grants authorized by this Section.

(Source: P.A. 89-4, eff. 1-1-96.)

Section 10. The State Finance Act is amended by adding Section 5.570 as follows:

(30 ILCS 105/5.570 new)

Sec. 5.570. The National Guard Grant Fund.

Section 99. Effective date. This Act takes effect on July 1, 2002.
Passed in the General Assembly May 9, 2002.
Approved June 26, 2002.
Effective July 1, 2002.

New matter indicated by italics - deletions by strikeout.
AN ACT in relation to child support.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 2. The Children and Family Services Act is amended by changing Section 9.1 as follows:

(20 ILCS 505/9.1) (from Ch. 23, par. 5009.1)

Sec. 9.1. The parents or guardians of the estates of children accepted for care and training under the Juvenile Court Act or the Juvenile Court Act of 1987, or through a voluntary placement agreement with the parents or guardians shall be liable for the payment to the Department, or to a licensed or approved child care facility designated by the Department of sums representing charges for the care and training of those children at a rate to be determined by the Department. The Department shall establish a standard by which shall be measured the ability of parents or guardians to pay for the care and training of their children, and shall implement the standard by rules governing its application. The standard and the rules shall take into account ability to pay as measured by annual income and family size. Medical or other treatment provided on behalf of the family may also be taken into account in determining ability to pay if the Department concludes that such treatment is appropriate.

In addition, the Department may provide by rule for referral of Title IV-E foster care maintenance cases to the Department of Public Aid for child support enforcement services under Title IV-D of the Social Security Act. The Department shall consider "good cause" as defined in regulations promulgated under Title IV-A of the Social Security Act, among other criteria, when determining whether to refer a case and, upon referral, the parent or guardian of the estate of a child who is receiving Title IV-E foster care maintenance payments shall be deemed to have made an assignment to the Department of any and all rights, title and interest in any support obligation on behalf of a child. The rights to support assigned to the Department shall constitute an obligation owed the State by the person who is responsible for providing the support, and shall be collectible under all applicable processes.

The acceptance of children for services or care shall not be limited or conditioned in any manner on the financial status or ability of parents or guardians to make such payments.

(Source: P.A. 85-1209; 86-1311.)

Section 5. The Illinois Public Aid Code is amended by changing Sections 9-6, 10-1, 10-3, 10-3.1, 10-4, 10-7, 10-8, 10-8.1, 10-10, 10-10.1, 10-10.4, 10-11, 10-11.1, 10-12.1, 10-13, 10-14, 10-14.1, 10-15, 10-17.2, 10-17.7, 10-26, and 12-8 as follows:

(305 ILCS 5/9-6) (from Ch. 23, par. 9-6)

Sec. 9-6. Job Search, Training and Work Programs. The Illinois Department and local governmental units shall initiate, promote and develop job search, training and work programs which will provide employment for and contribute to the training and experience of persons receiving aid under Articles III, V, and VI.

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The job search, training and work programs shall be designed to preserve and improve the work habits and skills of recipients for whom jobs are not otherwise immediately available and to provide training and experience for recipients who lack the skills required for such employment opportunities as are or may become available. The Illinois Department and local governmental unit shall determine by rule those classes of recipients who shall be subject to participation in such programs. If made subject to participation, every applicant for or recipient of public aid who is determined to be "able to engage in employment", as defined by the Department or local governmental unit pursuant to rules and regulations, for whom unsubsidized jobs are not otherwise immediately available shall be required to participate in any program established under this Section.

The Illinois Department shall establish with the Director of Central Management Services an outreach and training program designed to encourage and assist recipients participating in job search, training and work programs to participate in open competitive examinations for trainee and other entry level positions to maximize opportunities for placement on open competitive eligible listings and referral to State agencies for employment consideration.

The Department shall provide payment for transportation, day-care and Workers' Compensation costs which occur for recipients as a result of participating in job search, training and work programs as described in this Section. The Department may decline to initiate such programs in areas where eligible recipients would be so few in number as to not economically justify such programs; and in this event the Department shall not require persons in such areas to participate in any job search, training, or work programs whatsoever as a condition of their continued receipt of, or application for, aid.

The programs may include, but shall not be limited to, service in child care centers, in preschool programs as teacher aides and in public health programs as home visitors and health aides; the maintenance of or services required in connection with public offices, buildings and grounds; state, county and municipal hospitals, forest preserves, parks, playgrounds, streets and highways, and other governmental maintenance or construction directed toward environmental improvement; and similar facilities.

The Illinois Department or local governmental units may enter into agreements with local taxing bodies and private not-for-profit organizations, agencies and institutions to provide for the supervision and administration of job search, work and training projects authorized by this Section. Such agreements shall stipulate the requirements for utilization of recipients in such projects. In addition to any other requirements dealing with the administration of these programs, the Department shall assure, pursuant to rules and regulations, that:

(a) Recipients may not displace regular employees.
(b) The maximum number of hours of mandatory work is 8 hours per day and 40 hours per week, not to exceed 120 hours per month.
(c) The maximum number of hours per month shall be determined by dividing the recipient's benefits by the federal minimum wage, rounded to the lowest full hour. "Recipient's benefits" in this subsection includes: (i) both cash assistance and food

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stamps provided to the entire assistance unit or household by the Illinois Department where the job search, work and training program is administered by the Illinois Department and, where federal programs are involved, includes all such cash assistance and food stamps provided to the greatest extent allowed by federal law; or
(ii) includes only cash assistance provided to the entire assistance unit by the local governmental unit where the job search, work and training program is administered by the local governmental unit.

(d) The recipient shall be provided or compensated for transportation to and from the work location.

(e) Appropriate terms regarding recipient compensation are met.

Local taxing bodies and private not-for-profit organizations, agencies and institutions which utilize recipients in job search, work and training projects authorized by this Section are urged to include such recipients in the formulation of their employment policies.

Unless directly paid by an employing local taxing body or not-for-profit agency, a recipient participating in a work project who meets all requirements set forth by the Illinois Department shall receive credit towards his or her monthly assistance benefits for work performed based upon the applicable minimum wage rate. Where a recipient is paid directly by an employing agency, the Illinois Department or local governmental unit shall provide for payment to such employing entity the appropriate amount of assistance benefits to which the recipient would otherwise be entitled under this Code.

The Illinois Department or its designee, including local governmental units, may enter into agreements with the agencies or institutions providing work under programs established hereunder for payment to each such employer (hereinafter called "public service employer") of all or a portion of the wages to be paid to persons for the work performed and other appropriate costs.

If the number of persons receiving aid under Article VI is insufficient to justify the establishment of job search, training and work programs on a local basis by a local governmental unit, or if for other good cause the establishment of a local program is impractical or unwarranted, the local governmental unit shall cooperate with other local governmental units, with civic and non-profit community agencies, and with the Illinois Department in developing a program or programs which will jointly serve the participating governmental units and agencies.

A local governmental unit receiving State funds shall refer all recipients able to engage in employment to such job search, training and work programs as are established, whether within or without the governmental unit, and as are accessible to persons receiving aid from the governmental unit. The Illinois Department shall withhold allocation of state funds to any governmental unit which fails or refuses to make such referrals.

Participants in job search, training and work programs shall be required to maintain current registration for regular employment under Section 11-10 and to accept any bona fide offer of regular employment. They shall likewise be required to accept education, work and training opportunities available to them under other provisions of this Code or Federal law. The Illinois Department or local governmental unit shall provide by rule for periodic review
of the circumstances of each participant to determine the feasibility of his placement in regular employment or other work, education and training opportunities.

Moneys made available for public aid purposes under Articles IV and VI may be expended to pay public service employers all or a portion of the wages of public service employees and other appropriate costs, to provide necessary supervisory personnel and equipment, to purchase Workers' Compensation Insurance or to pay Workers' Compensation claims, and to provide transportation to and from work sites.

The Department shall provide through rules and regulations for sanctions against applicants and recipients of aid under this Code who fail to cooperate with the regulations and requirements established pursuant to this Section. Such sanctions may include the loss of eligibility to receive aid under Article VI of this Code for up to 3 months.

The Department, in cooperation with a local governmental unit, may maintain a roster of persons who are required to participate in a local job search, training and work program. In such cases, the roster shall be available for inspection by employers for the selection of possible workers.

In addition to the programs authorized by this Section, the Illinois Department is authorized to administer any job search, training or work projects in conjunction with the Federal Food Stamp Program, either under this Section or under other regulations required by the Federal government.

The Illinois Department may also administer pilot programs to provide job search, training and work programs to unemployed parents of children receiving child support enforcement services under Article X of this Code.

(Source: P.A. 92-111, eff. 1-1-02.)

(305 ILCS 5/10-1) (from Ch. 23, par. 10-1)

Sec. 10-1. Declaration of Public Policy - Persons Eligible for Child and Spouse Support Enforcement Services - Fees for Non-Applicants and Non-Recipients.) It is the intent of this Code that the financial aid and social welfare services herein provided supplement rather than supplant the primary and continuing obligation of the family unit for self-support to the fullest extent permitted by the resources available to it. This primary and continuing obligation applies whether the family unit of parents and children or of husband and wife remains intact and resides in a common household or whether the unit has been broken by absence of one or more members of the unit. The obligation of the family unit is particularly applicable when a member is in necessitous circumstances and lacks the means of a livelihood compatible with health and well-being.

It is the purpose of this Article to provide for locating an absent parent or spouse, for determining his financial circumstances, and for enforcing his legal obligation of support, if he is able to furnish support, in whole or in part. The Illinois Department of Public Aid shall give priority to establishing, enforcing and collecting the current support obligation, and then to past due support owed to the family unit, except with respect to collections effected through the intercept programs provided for in this Article.

The child and spouse support enforcement services provided hereunder shall be furnished dependents of an absent parent or spouse who are applicants for or recipients of

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financial aid under this Code. It is not, however, a condition of eligibility for financial aid that there be no responsible relatives who are reasonably able to provide support. Nor, except as provided in Sections 4-1.7 and 10-8, shall the existence of such relatives or their payment of support contributions disqualify a needy person for financial aid.

By accepting financial aid under this Code, a spouse or a parent or other person having custody of a child shall be deemed to have made assignment to the Illinois Department for aid under Articles III, IV, V and VII or to a local governmental unit for aid under Article VI of any and all rights, title, and interest in any support obligation up to the amount of financial aid provided. The rights to support assigned to the Illinois Department of Public Aid or local governmental unit shall constitute an obligation owed the State or local governmental unit by the person who is responsible for providing the support, and shall be collectible under all applicable processes.

The Illinois Department of Public Aid shall also furnish the child and spouse support enforcement services established under this Article in behalf of persons who are not applicants for or recipients of financial aid under this Code in accordance with the requirements of Title IV, Part D of the Social Security Act. The Department may establish a schedule of reasonable fees, to be paid for the services provided and may deduct a collection fee, not to exceed 10% of the amount collected, from such collection. The Illinois Department of Public Aid shall cause to be published and distributed publications reasonably calculated to inform the public that individuals who are not recipients of or applicants for public aid under this Code are eligible for the child and spouse support enforcement services under this Article X. Such publications shall set forth an explanation, in plain language, that the child and spouse support enforcement services program is independent of any public aid program under the Code and that the receiving of child and spouse support enforcement services in no way implies that the person receiving such services is receiving public aid.

(Source: P.A. 90-18, eff. 7-1-97.)

(305 ILCS 5/10-3) (from Ch. 23, par. 10-3)

Sec. 10-3. Standard and Regulations for Determining Ability to Support. The Illinois Department shall establish a standard by which shall be measured the ability of responsible relatives to provide support, and shall implement the standard by rules governing its application. The standard and the rules shall take into account the buying and consumption patterns of self-supporting persons of modest income, present or future contingencies having direct bearing on maintenance of the relative's self-support status and fulfillment of his obligations to his immediate family, and any unusual or exceptional circumstances including estrangement or other personal or social factors, that have a bearing on family relationships and the relative's ability to meet his support obligations. The standard shall be recomputed periodically to reflect changes in the cost of living and other pertinent factors.

In addition to the standard, the Illinois Department may establish guidelines to be used exclusively to measure the ability of responsible relatives to provide support on behalf of applicants for or recipients of financial aid under Article IV of this Act and other persons who are given access to the child and spouse support enforcement services of this Article as

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provided in Section 10-1. In such case, the Illinois Department shall base the guidelines upon the applicable provisions of Sections 504, 505 and 505.2 of the Illinois Marriage and Dissolution of Marriage Act, as amended, and shall implement such guidelines by rules governing their application.

The term "administrative administration enforcement unit", when used in this Article, means local governmental units or the Child and Spouse Support Unit established under Section 10-3.1 when exercising the powers designated in this Article. The administrative enforcement unit shall apply the standard or guidelines, rules and procedures provided for by this Section and Sections 10-4 through 10-8 in determining the ability of responsible relatives to provide support for applicants for or recipients of financial aid under this Code, except that the administrative enforcement unit may apply such standard or guidelines, rules and procedures at its discretion with respect to those applicants for or recipients of financial aid under Article IV and other persons who are given access to the child and spouse support enforcement services of this Article as provided by Section 10-1.

(Source: P.A. 86-649; revised 12-13-01.)

(305 ILCS 5/10-3.1) (from Ch. 23, par. 10-3.1)

Sec. 10-3.1. Child and Spouse Support Unit. The Illinois Department shall establish within its administrative staff a Child and Spouse Support Unit to search for and locate absent parents and spouses liable for the support of persons resident in this State and to exercise the support enforcement powers and responsibilities assigned the Department by this Article. The unit shall cooperate with all law enforcement officials in this State and with the authorities of other States in locating persons responsible for the support of persons resident in other States and shall invite the cooperation of these authorities in the performance of its duties.

In addition to other duties assigned the Child and Spouse Support Unit by this Article, the Unit may refer to the Attorney General or units of local government with the approval of the Attorney General, any actions under Sections 10-10 and 10-15 for judicial enforcement of the support liability. The Child and Spouse Support Unit shall act for the Department in referring to the Attorney General support matters requiring judicial enforcement under other laws. If requested by the Attorney General to so act, as provided in Section 12-16, attorneys of the Unit may assist the Attorney General or themselves institute actions in behalf of the Illinois Department under the Revised Uniform Reciprocal Enforcement of Support Act; under the Illinois Parentage Act of 1984; under the Non-Support of Spouse and Children Act; under the Non-Support Punishment Act; or under any other law, State or Federal, providing for support of a spouse or dependent child.

The Illinois Department shall also have the authority to enter into agreements with local governmental units or individuals, with the approval of the Attorney General, for the collection of moneys owing because of the failure of a parent to make child support payments for any child receiving services under this Article. Such agreements may be on a contingent fee basis, but such contingent fee shall not exceed 25% of the total amount collected.

An attorney who provides representation pursuant to this Section shall represent the Illinois Department exclusively. Regardless of the designation of the plaintiff in an action

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brought pursuant to this Section, an attorney-client relationship does not exist for purposes of that action between that attorney and (i) an applicant for or recipient of child and spouse support enforcement services or (ii) any other party to the action other than the Illinois Department. Nothing in this Section shall be construed to modify any power or duty (including a duty to maintain confidentiality) of the Child and Spouse Support Unit or the Illinois Department otherwise provided by law.

The Illinois Department may also enter into agreements with local governmental units for the Child and Spouse Support Unit to exercise the investigative and enforcement powers designated in this Article, including the issuance of administrative orders under Section 10-11, in locating responsible relatives and obtaining support for persons applying for or receiving aid under Article VI. Payments for defrayment of administrative costs and support payments obtained shall be deposited into the DHS Recoveries Trust Fund. Support payments shall be paid over to the General Assistance Fund of the local governmental unit at such time or times as the agreement may specify.

With respect to those cases in which it has support enforcement powers and responsibilities under this Article, the Illinois Department may provide by rule for periodic or other review of each administrative and court order for support to determine whether a modification of the order should be sought. The Illinois Department shall provide for and conduct such review in accordance with any applicable federal law and regulation.

As part of its process for review of orders for support, the Illinois Department, through written notice, may require the responsible relative to disclose his or her Social Security Number and past and present information concerning the relative's address, employment, gross wages, deductions from gross wages, net wages, bonuses, commissions, number of dependent exemptions claimed, individual and dependent health insurance coverage, and any other information necessary to determine the relative's ability to provide support in a case receiving child and spouse support enforcement services under this Article X.

The Illinois Department may send a written request for the same information to the relative's employer. The employer shall respond to the request for information within 15 days after the date the employer receives the request. If the employer willfully fails to fully respond within the 15-day period, the employer shall pay a penalty of $100 for each day that the response is not provided to the Illinois Department after the 15-day period has expired. The penalty may be collected in a civil action which may be brought against the employer in favor of the Illinois Department.

A written request for information sent to an employer pursuant to this Section shall consist of (i) a citation of this Section as the statutory authority for the request and for the employer's obligation to provide the requested information, (ii) a returnable form setting forth the employer's name and address and listing the name of the employee with respect to whom information is requested, and (iii) a citation of this Section as the statutory authority authorizing the employer to withhold a fee of up to $20 from the wages or income to be paid to each responsible relative for providing the information to the Illinois Department within the 15-day period. If the employer is withholding support payments from the responsible

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relative's income pursuant to an order for withholding, the employer may withhold the fee provided for in this Section only after withholding support as required under the order. Any amounts withheld from the responsible relative’s income for payment of support and the fee provided for in this Section shall not be in excess of the amounts permitted under the federal Consumer Credit Protection Act.

In a case receiving child and spouse support enforcement services, the Illinois Department may request and obtain information from a particular employer under this Section no more than once in any 12-month period, unless the information is necessary to conduct a review of a court or administrative order for support at the request of the person receiving child and spouse support enforcement services.

The Illinois Department shall establish and maintain an administrative unit to receive and transmit to the Child and Spouse Support Unit information supplied by persons applying for or receiving child and spouse support enforcement services under Section 10-1. In addition, the Illinois Department shall address and respond to any alleged deficiencies that persons receiving or applying for services from the Child and Spouse Support Unit may identify concerning the Child and Spouse Support Unit's provision of child and spouse support enforcement services. Within 60 days after an action or failure to act by the Child and Spouse Support Unit that affects his or her case, a recipient of or applicant for child and spouse support enforcement services under Article X of this Code may request an explanation of the Unit's handling of the case. At the requestor's option, the explanation may be provided either orally in an interview, in writing, or both. If the Illinois Department fails to respond to the request for an explanation or fails to respond in a manner satisfactory to the applicant or recipient within 30 days from the date of the request for an explanation, the applicant or recipient may request a conference for further review of the matter by the Office of the Administrator of the Child and Spouse Support Unit. A request for a conference may be submitted at any time within 60 days after the explanation has been provided by the Child and Spouse Support Unit or within 60 days after the time for providing the explanation has expired.

The applicant or recipient may request a conference concerning any decision denying or terminating child or spouse support enforcement services under Article X of this Code, and the applicant or recipient may also request a conference concerning the Unit's failure to provide services or the provision of services in an amount or manner that is considered inadequate. For purposes of this Section, the Child and Spouse Support Unit includes all local governmental units or individuals with whom the Illinois Department has contracted under Section 10-3.1.

Upon receipt of a timely request for a conference, the Office of the Administrator shall review the case. The applicant or recipient requesting the conference shall be entitled, at his or her option, to appear in person or to participate in the conference by telephone. The applicant or recipient requesting the conference shall be entitled to be represented and to be afforded a reasonable opportunity to review the Illinois Department's file before or at the conference. At the conference, the applicant or recipient requesting the conference shall be afforded an opportunity to present all relevant matters in support of his or her claim.

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Conferences shall be without cost to the applicant or recipient requesting the conference and shall be conducted by a representative of the Child or Spouse Support Unit who did not participate in the action or inaction being reviewed.

The Office of the Administrator shall conduct a conference and inform all interested parties, in writing, of the results of the conference within 60 days from the date of filing of the request for a conference.

In addition to its other powers and responsibilities established by this Article, the Child and Spouse Support Unit shall conduct an annual assessment of each institution's program for institution based paternity establishment under Section 12 of the Vital Records Act.

(Source: P.A. 91-24, eff. 7-1-99; 91-613, eff. 10-1-99; 92-16, eff. 6-28-01.)

(305 ILCS 5/10-4) (from Ch. 23, par. 10-4)

Sec. 10-4. Notification of Support Obligation. The administrative enforcement unit within the authorized area of its operation shall notify each responsible relative of an applicant or recipient, or responsible relatives of other persons given access to the child support enforcement services of this Article, of his legal obligation to support and shall request such information concerning his financial status as may be necessary to determine whether he is financially able to provide such support, in whole or in part. In cases involving a child born out of wedlock, the notification shall include a statement that the responsible relative has been named as the biological father of the child identified in the notification.

In the case of applicants, the notification shall be sent as soon as practical after the filing of the application. In the case of recipients, the notice shall be sent at such time as may be established by rule of the Illinois Department.

The notice shall be accompanied by the forms or questionnaires provided in Section 10-5. It shall inform the relative that he may be liable for reimbursement of any support furnished from public aid funds prior to determination of the relative's financial circumstances, as well as for future support. In the alternative, when support is sought on behalf of applicants for or recipients of financial aid under Article IV of this Code and other persons who are given access to the child and spouse support enforcement services of this Article as provided in Section 10-1, the notice shall inform the relative that the relative may be required to pay support for a period before the date an administrative support order is entered, as well as future support.

Neither the mailing nor receipt of such notice shall be deemed a jurisdictional requirement for the subsequent exercise of the investigative procedures undertaken by an administrative enforcement unit or the entry of any order or determination of paternity or support or reimbursement by the administrative enforcement unit; except that notice shall be served by certified mail addressed to the responsible relative at his or her last known address, return receipt requested, or by any method provided by law for service of summons, in cases where a determination of paternity or support by default is sought on behalf of applicants for or recipients of financial aid under Article IV of this Act and other persons who are given access to the child and spouse support enforcement services of this Article as provided in Section 10-1.

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Sec. 10-7. Notice of support due.

(a) When an administrative enforcement unit has determined that a responsible relative is financially able to contribute to the support of an applicant or recipient, the responsible relative shall be notified by mailing him a copy of the determination by United States registered or certified mail, advising him of his legal obligation to make support payments for such period or periods of time, definite in duration or indefinite, as the circumstances require. The notice shall direct payment as provided in Section 10-8. Where applicable, the determination and notice may include a demand for reimbursement for emergency aid granted an applicant or recipient during the period between the application and determination of the relative’s obligation for support and for aid granted during any subsequent period the responsible relative was financially able to provide support but failed or refused to do so.

(b) In the alternative, when support is sought on behalf of applicants for or recipients of financial aid under Article IV of this Act and other persons who are given access to the child and spouse support enforcement services of this Article as provided in Section 10-1, the administrative enforcement unit shall not be required to send the notice and may enter an administrative order immediately under the provisions of Section 10-11. The order shall be based upon the determination made under the provisions of Section 10-6 or, in instances of default, upon the needs of the persons for whom support is sought. In addition to requiring payment of future support, the administrative order may require payment of support for a period before the date the order is entered. The amount of support to be paid for the prior period shall be determined under the guidelines established by the Illinois Department pursuant to Section 10-3. The order shall direct payment as provided in Section 10-10.

Sec. 10-8. Support Payments - Partial Support - Full Support. The notice to responsible relatives issued pursuant to Section 10-7 shall direct payment (a) to the Illinois Department in cases of applicants and recipients under Articles III, IV, V and VII, (b) except as provided in Section 10-3.1, to the local governmental unit in the case of a applicants and recipients under Article VI, and (c) to the Illinois Department in cases of non-applicants and non-recipients given access to the child and spouse support enforcement services of this Article, as provided by Section 10-1. However, if the support payments by responsible relatives are sufficient to meet needs of a recipient in full, including current and anticipated medical needs, and the Illinois Department or the local governmental unit, as the case may be, has reasonable grounds to believe that such needs will continue to be provided in full by the responsible relatives, the relatives may be directed to make subsequent support payments to the needy person or to some person or agency in his behalf and the recipient shall be removed from the rolls. In such instance the recipient also shall be notified by registered or certified mail of the action taken. If a recipient removed from the rolls requests the Illinois Department to continue to collect the support payments in his behalf, the Department, at its
option, may do so and pay amounts so collected to the person. The Department may provide for deducting any costs incurred by it in making the collection from the amount of any recovery made and pay only the net amount to the person.

Payments under this Section to the Illinois Department pursuant to the Child Support Enforcement Program established by Title IV-D of the Social Security Act shall be paid into the Child Support Enforcement Trust Fund. All payments under this Section to the Illinois Department of Human Services shall be deposited in the DHS Recoveries Trust Fund. Disbursements from these funds shall be as provided in Sections 12-9.1 and 12-10.2 of this Code. Payments received by a local governmental unit shall be deposited in that unit’s General Assistance Fund.

To the extent the provisions of this Section are inconsistent with the requirements pertaining to the State Disbursement Unit under Sections 10-10.4 and 10-26 of this Code, the requirements pertaining to the State Disbursement Unit shall apply.

(Source: P.A. 91-24, eff. 7-1-99; 91-212, eff. 7-20-99; 92-16, eff. 6-28-01.)

(305 ILCS 5/10-8.1)

Sec. 10-8.1. Temporary order for child support. Notwithstanding any other law to the contrary, pending the outcome of an administrative determination of parentage, the Illinois Department shall issue a temporary order for child support, upon motion by a party and a showing of clear and convincing evidence of paternity. In determining the amount of the temporary child support award, the Illinois Department shall use the guidelines and standards set forth in subsection (a) of Section 505 and in Section 505.2 of the Illinois Marriage and Dissolution of Marriage Act.

Any new or existing support order entered by the Illinois Department under this Section shall be deemed to be a series of judgments against the person obligated to pay support thereunder, each such judgment to be in the amount of each payment or installment of support and each judgment to be deemed entered as of the date the corresponding payment or installment becomes due under the terms of the support order. Each such judgment shall have the full force, effect, and attributes of any other judgment of this State, including the ability to be enforced. Any such judgment is subject to modification or termination only in accordance with Section 510 of the Illinois Marriage and Dissolution of Marriage Act. A lien arises by operation of law against the real and personal property of the noncustodial parent for each installment of overdue support owed by the noncustodial parent.

All orders for support entered or modified in a case in which a party is receiving child and spouse support enforcement services under this Article X shall include a provision requiring the non-custodial parent to notify the Illinois Department, within 7 days, (i) of the name, address, and telephone number of any new employer of the non-custodial parent, (ii) whether the non-custodial parent has access to health insurance coverage through the employer or other group coverage, and, if so, the policy name and number and the names of persons covered under the policy, and (iii) of any new residential or mailing address or telephone number of the non-custodial parent.

In any subsequent action to enforce a support order, upon sufficient showing that diligent effort has been made to ascertain the location of the non-custodial parent, service of

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process or provision of notice necessary in that action may be made at the last known address of the non-custodial parent, in any manner expressly provided by the Code of Civil Procedure or this Act, which service shall be sufficient for purposes of due process.

An order for support shall include a date on which the current support obligation terminates. The termination date shall be no earlier than the date on which the child covered by the order will attain the age of majority or is otherwise emancipated. The order for support shall state that the termination date does not apply to any arrearage that may remain unpaid on that date. Nothing in this paragraph shall be construed to prevent the Illinois Department from modifying the order.

(Source: P.A. 90-18, eff. 7-1-97.)

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

Sec. 10-10. Court enforcement; applicability also to persons who are not applicants or recipients. Except where the Illinois Department, by agreement, acts for the local governmental unit, as provided in Section 10-3.1, local governmental units shall refer to the State's Attorney or to the proper legal representative of the governmental unit, for judicial enforcement as herein provided, instances of non-support or insufficient support when the dependents are applicants or recipients under Article VI. The Child and Spouse Support Unit established by Section 10-3.1 may institute in behalf of the Illinois Department any actions under this Section for judicial enforcement of the support liability when the dependents are (a) applicants or recipients under Articles III, IV, V or VII; (b) applicants or recipients in a local governmental unit when the Illinois Department, by agreement, acts for the unit; or (c) non-applicants or non-recipients who are receiving child support enforcement services under this Article X, as provided in Section 10-1. Where the Child and Spouse Support Unit has exercised its option and discretion not to apply the provisions of Sections 10-3 through 10-8, the failure by the Unit to apply such provisions shall not be a bar to bringing an action under this Section.

Action shall be brought in the circuit court to obtain support, or for the recovery of aid granted during the period such support was not provided, or both for the obtainment of support and the recovery of the aid provided. Actions for the recovery of aid may be taken separately or they may be consolidated with actions to obtain support. Such actions may be brought in the name of the person or persons requiring support, or may be brought in the name of the Illinois Department or the local governmental unit, as the case requires, in behalf of such persons.

The court may enter such orders for the payment of moneys for the support of the person as may be just and equitable and may direct payment thereof for such period or periods of time as the circumstances require, including support for a period before the date the order for support is entered. The order may be entered against any or all of the defendant responsible relatives and may be based upon the proportionate ability of each to contribute to the person's support.

The Court shall determine the amount of child support (including child support for a period before the date the order for child support is entered) by using the guidelines and standards set forth in subsection (a) of Section 505 and in Section 505.2 of the Illinois

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Marriage and Dissolution of Marriage Act. For purposes of determining the amount of child support to be paid for a period before the date the order for child support is entered, there is a rebuttable presumption that the responsible relative's net income for that period was the same as his or her net income at the time the order is entered.

If (i) the responsible relative was properly served with a request for discovery of financial information relating to the responsible relative's ability to provide child support, (ii) the responsible relative failed to comply with the request, despite having been ordered to do so by the court, and (iii) the responsible relative is not present at the hearing to determine support despite having received proper notice, then any relevant financial information concerning the responsible relative's ability to provide child support that was obtained pursuant to subpoena and proper notice shall be admitted into evidence without the need to establish any further foundation for its admission.

An order entered under this Section shall include a provision requiring the obligor to report to the obligee and to the clerk of court within 10 days each time the obligor obtains new employment, and each time the obligor's employment is terminated for any reason. The report shall be in writing and shall, in the case of new employment, include the name and address of the new employer. Failure to report new employment or the termination of current employment, if coupled with nonpayment of support for a period in excess of 60 days, is indirect criminal contempt. For any obligor arrested for failure to report new employment bond shall be set in the amount of the child support that should have been paid during the period of unreported employment. An order entered under this Section shall also include a provision requiring the obligor and obligee parents to advise each other of a change in residence within 5 days of the change except when the court finds that the physical, mental, or emotional health of a party or that of a minor child, or both, would be seriously endangered by disclosure of the party's address.

The Court shall determine the amount of maintenance using the standards set forth in Section 504 of the Illinois Marriage and Dissolution of Marriage Act.

Any new or existing support order entered by the court under this Section shall be deemed to be a series of judgments against the person obligated to pay support thereunder, each such judgment to be in the amount of each payment or installment of support and each such judgment to be deemed entered as of the date the corresponding payment or installment becomes due under the terms of the support order. Each such judgment shall have the full force, effect and attributes of any other judgment of this State, including the ability to be enforced. Any such judgment is subject to modification or termination only in accordance with Section 510 of the Illinois Marriage and Dissolution of Marriage Act. A lien arises by operation of law against the real and personal property of the noncustodial parent for each installment of overdue support owed by the noncustodial parent.

When an order is entered for the support of a minor, the court may provide therein for reasonable visitation of the minor by the person or persons who provided support pursuant to the order. Whoever willfully refuses to comply with such visitation order or willfully interferes with its enforcement may be declared in contempt of court and punished therefor.
Except where the local governmental unit has entered into an agreement with the Illinois Department for the Child and Spouse Support Unit to act for it, as provided in Section 10-3.1, support orders entered by the court in cases involving applicants or recipients under Article VI shall provide that payments thereunder be made directly to the local governmental unit. Orders for the support of all other applicants or recipients shall provide that payments thereunder be made directly to the Illinois Department. In accordance with federal law and regulations, the Illinois Department may continue to collect current maintenance payments or child support payments, or both, after those persons cease to receive public assistance and until termination of services under Article X. The Illinois Department shall pay the net amount collected to those persons after deducting any costs incurred in making the collection or any collection fee from the amount of any recovery made. In both cases the order shall permit the local governmental unit or the Illinois Department, as the case may be, to direct the responsible relative or relatives to make support payments directly to the needy person, or to some person or agency in his behalf, upon removal of the person from the public aid rolls or upon termination of services under Article X.

If the notice of support due issued pursuant to Section 10-7 directs that support payments be made directly to the needy person, or to some person or agency in his behalf, and the recipient is removed from the public aid rolls, court action may be taken against the responsible relative hereunder if he fails to furnish support in accordance with the terms of such notice.

Actions may also be brought under this Section in behalf of any person who is in need of support from responsible relatives, as defined in Section 2-11 of Article II who is not an applicant for or recipient of financial aid under this Code. In such instances, the State’s Attorney of the county in which such person resides shall bring action against the responsible relatives hereunder. If the Illinois Department, as authorized by Section 10-1, extends the child support enforcement services provided by this Article to spouses and dependent children who are not applicants or recipients under this Code, the Child and Spouse Support Unit established by Section 10-3.1 shall bring action against the responsible relatives hereunder and any support orders entered by the court in such cases shall provide that payments thereunder be made directly to the Illinois Department.

Whenever it is determined in a proceeding to establish or enforce a child support or maintenance obligation that the person owing a duty of support is unemployed, the court may order the person to seek employment and report periodically to the court with a diary, listing or other memorandum of his or her efforts in accordance with such order. Additionally, the court may order the unemployed person to report to the Department of Employment Security for job search services or to make application with the local Job Training Partnership Act provider for participation in job search, training or work programs and where the duty of support is owed to a child receiving child support enforcement services under this Article X, the court may order the unemployed person to report to the Illinois Department for participation in job search, training or work programs established under Section 9-6 and Article IXA of this Code.

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Whenever it is determined that a person owes past-due support for a child receiving assistance under this Code, the court shall order at the request of the Illinois Department:

1. that the person pay the past-due support in accordance with a plan approved by the court; or
2. if the person owing past-due support is unemployed, is subject to such a plan, and is not incapacitated, that the person participate in such job search, training, or work programs established under Section 9-6 and Article IXA of this Code as the court deems appropriate.

A determination under this Section shall not be administratively reviewable by the procedures specified in Sections 10-12, and 10-13 to 10-13.10. Any determination under these Sections, if made the basis of court action under this Section, shall not affect the de novo judicial determination required under this Section.

A one-time charge of 20% is imposable upon the amount of past-due child support owed on July 1, 1988 which has accrued under a support order entered by the court. The charge shall be imposed in accordance with the provisions of Section 10-21 of this Code and shall be enforced by the court upon petition.

All orders for support, when entered or modified, shall include a provision requiring the non-custodial parent to notify the court and, in cases in which a party is receiving child and spouse support enforcement services under this Article X, the Illinois Department, within 7 days, (i) of the name, address, and telephone number of any new employer of the non-custodial parent, (ii) whether the non-custodial parent has access to health insurance coverage through the employer or other group coverage and, if so, the policy name and number and the names of persons covered under the policy, and (iii) of any new residential or mailing address or telephone number of the non-custodial parent. In any subsequent action to enforce a support order, upon a sufficient showing that a diligent effort has been made to ascertain the location of the non-custodial parent, service of process or provision of notice necessary in the case may be made at the last known address of the non-custodial parent.

An order for support shall include a date on which the current support obligation terminates. The termination date shall be no earlier than the date on which the child covered by the order will attain the age of majority or is otherwise emancipated. The order for support shall state that the termination date does not apply to any arrearage that may remain unpaid on that date. Nothing in this paragraph shall be construed to prevent the court from modifying the order.

Upon notification in writing or by electronic transmission from the Illinois Department to the clerk of the court that a person who is receiving support payments under this Section is receiving services under the Child Support Enforcement Program established by Title IV-D of the Social Security Act, any support payments subsequently received by the clerk of the court shall be transmitted in accordance with the instructions of the Illinois Department until the Illinois Department gives notice to the clerk of the court to cease the transmittal. After providing the notification authorized under this paragraph, the Illinois Department shall not issue or renew a support order for the child covered by a support order entered by the Illinois Department that is being enforced under this Section.

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Department shall be entitled as a party to notice of any further proceedings in the case. The clerk of the court shall file a copy of the Illinois Department's notification in the court file. The clerk's failure to file a copy of the notification in the court file shall not, however, affect the Illinois Department's right to receive notice of further proceedings.

Payments under this Section to the Illinois Department pursuant to the Child Support Enforcement Program established by Title IV-D of the Social Security Act shall be paid into the Child Support Enforcement Trust Fund. All payments under this Section to the Illinois Department of Human Services shall be deposited in the DHS Recoveries Trust Fund. Disbursements from these funds shall be as provided in Sections 12-9.1 and 12-10.2 of this Code. Payments received by a local governmental unit shall be deposited in that unit's General Assistance Fund.

To the extent the provisions of this Section are inconsistent with the requirements pertaining to the State Disbursement Unit under Sections 10-10.4 and 10-26 of this Code, the requirements pertaining to the State Disbursement Unit shall apply.

(305 ILCS 5/10-10.1) (from Ch. 23, par. 10-10.1)

Sec. 10-10.1. Public Aid Collection Fee. In all cases instituted by the Illinois Department on behalf of a child or spouse, other than one receiving a grant of financial aid under Article IV, on whose behalf an application has been made and approved for child support enforcement services as provided by Section 10-1, the court shall impose a collection fee on the individual who owes a child or spouse support obligation in an amount equal to 10% of the amount so owed as long as such collection is required by federal law, which fee shall be in addition to the support obligation. The imposition of such fee shall be in accordance with provisions of Title IV, Part D, of the Social Security Act and regulations duly promulgated thereunder. The fee shall be payable to the clerk of the circuit court for transmittal to the Illinois Department and shall continue until child support enforcement services are terminated by the Department.

(305 ILCS 5/10-10.4)  
Sec. 10-10.4. Payment of Support to State Disbursement Unit.  
(a) As used in this Section:  
"Order for support", "obligor", "obligee", and "payor" mean those terms as defined in the Income Withholding for Support Act, except that "order for support" shall not mean orders providing for spousal maintenance under which there is no child support obligation.  
(b) Notwithstanding any other provision of this Code to the contrary, each court or administrative order for support entered or modified on or after October 1, 1999 shall require that support payments be made to the State Disbursement Unit established under Section 10-26 if:  
(1) a party to the order is receiving child and spouse support enforcement services under this Article X; or  
(2) no party to the order is receiving child and spouse support enforcement

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services, but the support payments are made through income withholding.

(c) Support payments shall be made to the State Disbursement Unit if:

(1) the order for support was entered before October 1, 1999, and a party to the order is receiving child support enforcement services under this Article X; or

(2) no party to the order is receiving child support enforcement services, and the support payments are being made through income withholding.

(c-5) If no party to the order is receiving child support enforcement services under this Article X, and the support payments are not being made through income withholding, then support payments shall be made as directed in the order for support.

(c-10) At any time, and notwithstanding the existence of an order directing payments to be made elsewhere, the Department of Public Aid may provide notice to the obligor and, where applicable, to the obligor’s payor:

(1) to make support payments to the State Disbursement Unit if:

   (A) a party to the order for support is receiving child support enforcement services under this Article X; or
   (B) no party to the order for support is receiving child support enforcement services under this Article X, but the support payments are made through income withholding; or

(2) to make support payments to the State Disbursement Unit of another state upon request of another state’s Title IV-D child support enforcement agency, in accordance with the requirements of Title IV, Part D of the Social Security Act and regulations promulgated under that Part D. Within 15 days after the effective date of this amendatory Act of the 91st General Assembly, the Illinois Department shall provide written notice to the clerk of the circuit court, the obligor, and, where applicable, the obligor’s payor to make payments to the State Disbursement Unit if:

   (1) the order for support was entered before October 1, 1999, and a party to the order is receiving child and spouse support enforcement services under this Article X; or
   (2) no party to the order is receiving child and spouse support services, and the support payments are being made through income withholding.

(c-15) Within 15 days after the effective date of this amendatory Act of the 91st General Assembly, the clerk of the circuit court shall provide written notice to the obligor to make payments directly to the clerk of the circuit court if no party to the order is receiving child and spouse support enforcement services under this Article X, the support payments are not made through income withholding, and the order for support requires support payments to be made directly to the clerk of the circuit court.

(c-20) If the State Disbursement Unit receives a support payment that was not appropriately made to the Unit under this Section, the Unit shall immediately return the payment to the sender, including, if possible, instructions detailing where to send the support payments.

(d) The notices required under subsections (c-10) and (c-15) may be sent by ordinary mail, certified mail, return receipt requested, facsimile transmission, or other electronic

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process, or may be served upon the obligor or payor using any method provided by law for service of a summons. A copy of the notice shall be provided to the obligee and, when the order for support was entered by the court, to the clerk of the court.

(Source: P.A. 91-212, eff. 7-20-99; 91-677, eff. 1-5-00.)

(305 ILCS 5/10-11) (from Ch. 23, par. 10-11)

Sec. 10-11. Administrative Orders. In lieu of actions for court enforcement of support under Section 10-10, the Child and Spouse Support Unit of the Illinois Department, in accordance with the rules of the Illinois Department, may issue an administrative order requiring the responsible relative to comply with the terms of the determination and notice of support due, determined and issued under Sections 10-6 and 10-7. The Unit may also enter an administrative order under subsection (b) of Section 10-7. The administrative order shall be served upon the responsible relative by United States registered or certified mail. In cases in which the responsible relative appeared at the office of the Child and Spouse Support Unit in response to the notice of support obligation issued under Section 10-4, however, or in cases of default in which the notice was served on the responsible relative by certified mail, return receipt requested, or by any method provided by law for service of summons, the administrative determination of paternity or administrative support order may be sent to the responsible relative by ordinary mail addressed to the responsible relative's last known address.

If a responsible relative or a person receiving child and spouse support enforcement services under this Article fails to petition the Illinois Department for release from or modification of the administrative order, as provided in Section 10-12 or Section 10-12.1, the order shall become final and there shall be no further administrative or judicial remedy. Likewise a decision by the Illinois Department as a result of an administrative hearing, as provided in Sections 10-13 to 10-13.10, shall become final and enforceable if not judicially reviewed under the Administrative Review Law, as provided in Section 10-14.

Any new or existing support order entered by the Illinois Department under this Section shall be deemed to be a series of judgments against the person obligated to pay support thereunder, each such judgment to be in the amount of each payment or installment of support and each such judgment to be deemed entered as of the date the corresponding payment or installment becomes due under the terms of the support order. Each such judgment shall have the full force, effect and attributes of any other judgment of this State, including the ability to be enforced. Any such judgment is subject to modification or termination only in accordance with Section 510 of the Illinois Marriage and Dissolution of Marriage Act. A lien arises by operation of law against the real and personal property of the noncustodial parent for each installment of overdue support owed by the noncustodial parent.

An order entered under this Section shall include a provision requiring the obligor to report to the obligee and to the clerk of court within 10 days each time the obligor obtains new employment, and each time the obligor's employment is terminated for any reason. The report shall be in writing and shall, in the case of new employment, include the name and address of the new employer. Failure to report new employment or the termination of current employment, if coupled with nonpayment of support for a period in excess of 60 days, is

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indirect criminal contempt. For any obligor arrested for failure to report new employment bond shall be set in the amount of the child support that should have been paid during the period of unreported employment. An order entered under this Section shall also include a provision requiring the obligor and obligee parents to advise each other of a change in residence within 5 days of the change except when the court finds that the physical, mental, or emotional health of a party or that of a minor child, or both, would be seriously endangered by disclosure of the party’s address.

A one-time charge of 20% is imposable upon the amount of past-due child support owed on July 1, 1988, which has accrued under a support order entered by the Illinois Department under this Section. The charge shall be imposed in accordance with the provisions of Section 10-21 and shall be enforced by the court in a suit filed under Section 10-15.

(Source: P.A. 90-18, eff. 7-1-97; 90-539, eff. 6-1-98; 90-655, eff. 7-30-98; 90-790, eff. 8-14-98; 91-212, eff. 7-20-99.)

(305 ILCS 5/10-11.1) (from Ch. 23, par. 10-11.1)

Sec. 10-11.1. (a) Whenever it is determined in a proceeding under Sections 10-6, 10-7, 10-11 or 10-17.1 that the responsible relative is unemployed, and support is sought on behalf of applicants for or recipients of financial aid under Article IV of this Code or other persons who are given access to the child support enforcement services of this Article as provided in Section 10-1, the administrative enforcement unit may order the responsible relative to report to the Illinois Department for participation in job search, training or work programs established under Section 9-6 and Article IXA of this Code or to the Illinois Department of Employment Security for job search services or to make application with the local Job Training Partnership Act provider for participation in job search, training or work programs.

(b) Whenever it is determined that a responsible relative owes past-due support for a child under an administrative support order entered under subsection (b) of Section 10-7 or under Section 10-11 or 10-17.1 and the child is receiving assistance under this Code, the administrative enforcement unit shall order the following:

(1) that the responsible relative pay the past-due support in accordance with a plan approved by the administrative enforcement unit; or

(2) if the responsible relative owing past-due support is unemployed, is subject to such a plan, and is not incapacitated, that the responsible relative participate in job search, training, or work programs established under Section 9-6 and Article IXA of this Code.

(Source: P.A. 92-16, eff. 6-28-01.)

(305 ILCS 5/10-12.1)

Sec. 10-12.1. Petition by person receiving child support enforcement services for release from or modification of administrative support order or administrative determination of paternity. Any person receiving child support enforcement services under this Article who is aggrieved by an administrative order entered under Section 10-11 or 10-11.1 or an administrative determination of paternity entered under Section 10-12.1 may file a petition with the administrative enforcement unit for relief from such an order or for modification of such an order.

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10-17.7 who has been duly notified of the order or determination may, within 30 days after the date of mailing of the order or determination, petition the Illinois Department for release from or modification of the order or determination. The day immediately subsequent to the mailing of the order or determination shall be considered as the first day and the day the petition is received by the Illinois Department shall be considered as the last day in computing the 30-day appeal period. Upon receiving a petition within the 30-day appeal period, the Illinois Department shall provide for a hearing to be held on the petition.

(Source: P.A. 90-790, eff. 8-14-98.)

(305 ILCS 5/10-13) (from Ch. 23, par. 10-13)

Sec. 10-13. Hearing on Petition. The Illinois Department, or any officer or employee thereof designated in writing by the Illinois Department, shall conduct hearings and investigations in connection with petitions filed pursuant to Section 10-12 or Section 10-12.1. Responsible relatives and persons receiving child support and spouse support enforcement services under this Article shall be entitled to appear in person, to be represented by counsel at the hearing and to present all relevant matter in support of their petitions. The provisions of Sections 10-13.1 through 10-13.10 shall govern the hearing.

The hearing shall be de novo and the Illinois Department's determination of liability or non-liability shall be independent of the determination of the administrative enforcement unit.

(See source)

(305 ILCS 5/10-14) (from Ch. 23, par. 10-14)

Sec. 10-14. Review of Illinois department decision on petition for hearing. Any responsible relative or person receiving child support and spouse support enforcement services under this Article affected by a final administrative decision of the Illinois Department in a hearing, conducted pursuant to Sections 10-13 through 10-13.10 in which such relative or person receiving services was a party, may have the decision reviewed only under and in accordance with the Administrative Review Law, as amended. The provisions of the Administrative Review Law, and the rules adopted pursuant thereto, shall apply to and govern all proceedings for the judicial review of such final administrative decisions of the Illinois Department. The term "administrative decision" is defined as in Section 3-101 of the Code of Civil Procedure.

Appeals from all final orders and judgments entered by a court upon review of the Illinois Department's order in any case may be taken by either party to the proceeding and shall be governed by the rules applicable to appeals in civil cases.

The remedy herein provided for appeal shall be exclusive, and no court shall have jurisdiction to review the subject matter of any order made by the Illinois Department except as herein provided.

(See source)

(305 ILCS 5/10-14.1)

Sec. 10-14.1. Relief from administrative orders. Notwithstanding the 30-day appeal period provided in Sections 10-12 and 10-12.1 and the limitation on review of final administrative decisions contained in Section 10-14, a responsible relative or a person

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receiving child and spouse support enforcement services under this Article who is aggrieved by an administrative order entered under Section 10-11 or 10-11.1 or an administrative determination of paternity entered under Section 10-17.7 and who did not petition within the 30-day appeal period may petition the Illinois Department for relief from the administrative order or determination on the same grounds as are provided for relief from judgments under Section 2-1401 of the Code of Civil Procedure. The petition must be filed not later than 2 years after the entry of the order or determination by the Illinois Department. The day immediately subsequent to the mailing of the order or determination shall be considered as the first day and the day the petition is received by the Illinois Department shall be considered as the last day in computing the 2-year period. Any period during which the person seeking relief is under a legal disability or duress or during which the grounds for relief are fraudulently concealed shall be excluded in computing the period of 2 years.

Upon receiving a petition within the 2-year period, the Illinois Department shall provide for a hearing to be held on the petition.

(Source: P.A. 90-790, eff. 8-14-98.)

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

Sec. 10-15. Enforcement of administrative order; costs and fees. If a responsible relative refuses, neglects, or fails to comply with a final administrative support or reimbursement order of the Illinois Department entered by the Child and Spouse Support Unit pursuant to Sections 10-11 or 10-11.1 or registered pursuant to Section 10-17.1, the Child and Spouse Support Unit may file suit against the responsible relative or relatives to secure compliance with the administrative order.

Suits shall be instituted in the name of the People of the State of Illinois on the relation of the Department of Public Aid of the State of Illinois and the spouse or dependent children for whom the support order has been issued.

The court shall order the payment of the support obligation, or orders for reimbursement of moneys for support provided, directly to the Illinois Department but the order shall permit the Illinois Department to direct the responsible relative or relatives to make payments of support directly to the spouse or dependent children, or to some person or agency in his or their behalf, as provided in Section 10-8 or 10-10, as applicable.

Whenever it is determined in a proceeding to enforce an administrative order that the responsible relative is unemployed, and support is sought on behalf of applicants for or recipients of financial aid under Article IV of this Code or other persons who are given access to the child and spouse support enforcement services of this Article as provided in Section 10-1, the court may order the responsible relative to seek employment and report periodically to the court with a diary, listing or other memorandum of his or her efforts in accordance with such order. In addition, the court may order the unemployed responsible relative to report to the Illinois Department for participation in job search, training or work programs established under Section 9-6 of this Code or to the Illinois Department of Employment Security for job search services or to make application with the local Job Training Partnership Act provider for participation in job search, training or work programs.

Charges imposed in accordance with the provisions of Section 10-21 shall be
enforced by the Court in a suit filed under this Section.

To the extent the provisions of this Section are inconsistent with the requirements pertaining to the State Disbursement Unit under Sections 10-10.4 and 10-26 of this Code, the requirements pertaining to the State Disbursement Unit shall apply.

(Source: P.A. 91-212, eff. 7-20-99; 92-16, eff. 6-28-01.)

(305 ILCS 5/10-17.2) (from Ch. 23, par. 10-17.2)

Sec. 10-17.2. Income Withholding By Administrative Order. The Illinois Department may provide by rule for entry of an administrative support order containing income withholding provisions and for service and enforcement of an income withholding notice and a National Medical Support Notice, by the Child and Spouse Support Unit based upon and in the same manner as prescribed by the Income Withholding for Support Act. The penalties provided in the Income Withholding for Support Act shall apply hereto and shall be enforced by filing an action under that Act. The rule shall provide for notice to and an opportunity to be heard by the responsible relative affected and any final administrative decision rendered by the Department shall be reviewed only under and in accordance with the Administrative Review Law.

(Source: P.A. 90-18, eff. 7-1-97; 90-673, eff. 1-1-99.)

(305 ILCS 5/10-17.7)

Sec. 10-17.7. Administrative determination of paternity. The Illinois Department may provide by rule for the administrative determination of paternity by the Child and Spouse Support Unit in cases involving applicants for or recipients of financial aid under Article IV of this Act and other persons who are given access to the child and spouse support enforcement services of this Article as provided in Section 10-1, including persons similarly situated and receiving similar services in other states. The rules shall extend to cases in which the mother and alleged father voluntarily acknowledge paternity in the form required by the Illinois Department or agree to be bound by the results of genetic testing or in which the alleged father has failed to respond to a notification of support obligation issued under Section 10-4 and to cases of contested paternity. Any presumption provided for under the Illinois Parentage Act of 1984 shall apply to cases in which paternity is determined under the rules of the Illinois Department. The rules shall provide for notice and an opportunity to be heard by the responsible relative and the person receiving child and spouse support enforcement services under this Article if paternity is not voluntarily acknowledged, and any final administrative decision rendered by the Illinois Department shall be reviewed only under and in accordance with the Administrative Review Law. Determinations of paternity made by the Illinois Department under the rules authorized by this Section shall have the full force and effect of a court judgment of paternity entered under the Illinois Parentage Act of 1984.

In determining paternity in contested cases, the Illinois Department shall conduct the evidentiary hearing in accordance with Section 11 of the Parentage Act of 1984, except that references in that Section to "the court" shall be deemed to mean the Illinois Department's hearing officer in cases in which paternity is determined administratively by the Illinois Department.

New matter indicated by italics - deletions by strikeout.
Notwithstanding any other provision of this Article, a default determination of paternity may be made if service of the notice under Section 10-4 was made by publication under the rules for administrative paternity determination authorized by this Section. The rules as they pertain to service by publication shall (i) be based on the provisions of Section 2-206 and 2-207 of the Code of Civil Procedure, (ii) provide for service by publication in cases in which the whereabouts of the alleged father are unknown after diligent location efforts by the Child and Spouse Support Unit, and (iii) provide for publication of a notice of default paternity determination in the same manner that the notice under Section 10-4 was published.

The Illinois Department may implement this Section through the use of emergency rules in accordance with Section 5-45 of the Illinois Administrative Procedure Act. For purposes of the Illinois Administrative Procedure Act, the adoption of rules to implement this Section shall be considered an emergency and necessary for the public interest, safety, and welfare.

(Source: P.A. 89-6, eff. 3-6-95; 89-641, eff. 8-9-96; 90-790, eff. 8-14-98.)

(305 ILCS 5/12-8) (from Ch. 23, par. 12-8)

Sec. 12-8. Public Assistance Emergency Revolving Fund - Uses. The Public Assistance Emergency Revolving Fund, established by Act approved July 8, 1955 shall be held by the Illinois Department and shall be used for the following purposes:

1. To provide immediate financial aid to applicants in acute need who have been determined eligible for aid under Articles III, IV, or V.

2. To provide emergency aid to recipients under said Articles who have failed to receive their grants because of mail box or other thefts, or who are victims of a burnout, eviction, or other circumstances causing privation, in which cases the delays incident to the issuance of grants from appropriations would cause hardship and suffering.

3. To provide emergency aid for transportation, meals and lodging to applicants who are referred to cities other than where they reside for physical examinations to establish blindness or disability, or to determine the incapacity of the parent of a dependent child.

4. To provide emergency transportation expense allowances to recipients engaged in vocational training and rehabilitation projects.

5. To assist public aid applicants in obtaining copies of birth certificates, death certificates, marriage licenses or other similar legal documents which may facilitate the verification of eligibility for public aid under this Code.

6. To provide immediate payments to current or former recipients of child support enforcement services, or refunds to responsible relatives, for child support made to the Illinois Department under Title IV-D of the Social Security Act when such recipients of services or responsible relatives are legally entitled to all or part of such child support payments under applicable State or federal law.

7. To provide payments to individuals or providers of transportation to and from medical care for the benefit of recipients under Articles III, IV, V, and VI.

New matter indicated by italics - deletions by strikeout.
Disbursements from the Public Assistance Emergency Revolving Fund shall be made by the Illinois Department.

Expenditures from the Public Assistance Emergency Revolving Fund shall be for purposes which are properly chargeable to appropriations made to the Illinois Department, or, in the case of payments under subparagraph 6, to the Child Support Enforcement Trust Fund, except that no expenditure shall be made for purposes which are properly chargeable to appropriations for the following objects: personal services; extra help; state contributions to retirement system; state contributions to Social Security; state contributions for employee group insurance; contractual services; travel; commodities; printing; equipment; electronic data processing; operation of auto equipment; telecommunications services; library books; and refunds. The Illinois Department shall reimburse the Public Assistance Emergency Revolving Fund by warrants drawn by the State Comptroller on the appropriation or appropriations which are so chargeable, or, in the case of payments under subparagraph 6, by warrants drawn on the Child Support Enforcement Trust Fund, payable to the Revolving Fund.

The Illinois Department shall consult, in writing, with the Citizens Assembly/Council on Public Aid with respect to the investment of funds from the Public Assistance Emergency Revolving Fund outside the State Treasury in certificates of deposit or other interest-bearing accounts.  
(Source: P.A. 92-111, eff. 1-1-02.)

Section 7. The Vital Records Act is amended by changing Section 12 as follows:

(410 ILCS 535/12) (from Ch. 111 1/2, par. 73-12)
Sec. 12. Live births; place of registration.
(1) Each live birth which occurs in this State shall be registered with the local or subregistrar of the district in which the birth occurred as provided in this Section, within 7 days after the birth. When a birth occurs on a moving conveyance, the city, village, township, or road district in which the child is first removed from the conveyance shall be considered the place of birth and a birth certificate shall be filed in the registration district in which the place is located.
(2) When a birth occurs in an institution, the person in charge of the institution or his designated representative shall obtain and record all the personal and statistical particulars relative to the parents of the child that are required to properly complete the live birth certificate; shall secure the required personal signatures on the hospital worksheet; shall prepare the certificate from this worksheet; and shall file the certificate with the local registrar. The institution shall retain the hospital worksheet permanently or as otherwise specified by rule. The physician in attendance shall verify or provide the date of birth and medical information required by the certificate, within 24 hours after the birth occurs.
(3) When a birth occurs outside an institution, the certificate shall be prepared and filed by one of the following in the indicated order of priority:
(a) The physician in attendance at or immediately after the birth, or in the absence of such a person,
(b) Any other person in attendance at or immediately after the birth, or in the

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absence of such a person,

(c) The father, the mother, or in the absence of the father and the inability of the mother, the person in charge of the premises where the birth occurred.

(4) Unless otherwise provided in this Act, if the mother was not married to the father of the child at either the time of conception or the time of birth, the name of the father shall be entered on the child's birth certificate only if the mother and the person to be named as the father have signed an acknowledgment of parentage in accordance with subsection (5).

Unless otherwise provided in this Act, if the mother was married at the time of conception or birth and the presumed father (that is, the mother's husband) is not the biological father of the child, the name of the biological father shall be entered on the child's birth certificate only if, in accordance with subsection (5), (i) the mother and the person to be named as the father have signed an acknowledgment of parentage and (ii) the mother and presumed father have signed a denial of paternity.

(5) Upon the birth of a child to an unmarried woman, or upon the birth of a child to a woman who was married at the time of conception or birth and whose husband is not the biological father of the child, the institution at the time of birth and the local registrar or county clerk after the birth shall do the following:

(a) Provide (i) an opportunity for the child's mother and father to sign an acknowledgment of parentage and (ii) if the presumed father is not the biological father, an opportunity for the mother and presumed father to sign a denial of paternity. The signing and witnessing of the acknowledgment of parentage or, if the presumed father of the child is not the biological father, the acknowledgment of parentage and denial of paternity conclusively establishes a parent and child relationship in accordance with Sections 5 and 6 of the Illinois Parentage Act of 1984.

The Illinois Department of Public Aid shall furnish the acknowledgment of parentage and denial of paternity form to institutions, county clerks, and State and local registrars' offices. The form shall include instructions to send the original signed and witnessed acknowledgment of parentage and denial of paternity to the Illinois Department of Public Aid.

(b) Provide the following documents, furnished by the Illinois Department of Public Aid, to the child's mother, biological father, and (if the person presumed to be the child's father is not the biological father) presumed father for their review at the time the opportunity is provided to establish a parent and child relationship:

(i) An explanation of the implications of, alternatives to, legal consequences of, and the rights and responsibilities that arise from signing an acknowledgment of parentage and, if necessary, a denial of paternity, including an explanation of the parental rights and responsibilities of child support, visitation, custody, retroactive support, health insurance coverage, and payment of birth expenses.

(ii) An explanation of the benefits of having a child's parentage established and the availability of parentage establishment and child support

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enforcement services.

(iii) A request for an application for child support enforcement services from the Illinois Department of Public Aid.

(iv) Instructions concerning the opportunity to speak, either by telephone or in person, with staff of the Illinois Department of Public Aid who are trained to clarify information and answer questions about paternity establishment.

(v) Instructions for completing and signing the acknowledgment of parentage.

(c) Provide an oral explanation of the documents and instructions set forth in subdivision (5)(b), including an explanation of the implications of, alternatives to, legal consequences of, and the rights and responsibilities that arise from signing an acknowledgment of parentage and, if necessary, a denial of paternity. The oral explanation may be given in person or through the use of video or audio equipment.

(6) The institution, State or local registrar, or county clerk shall provide an opportunity for the child's father or mother to sign a rescission of parentage. The signing and witnessing of the rescission of parentage voids the acknowledgment of parentage and nullifies the presumption of paternity if executed and filed with the Illinois Department of Public Aid within the time frame contained in Section 5 of the Illinois Parentage Act of 1984. The Illinois Department of Public Aid shall furnish the rescission of parentage form to institutions, county clerks, and State and local registrars' offices. The form shall include instructions to send the original signed and witnessed rescission of parentage to the Illinois Department of Public Aid.

(7) An acknowledgment of paternity signed pursuant to Section 6 of the Illinois Parentage Act of 1984 may be challenged in court only on the basis of fraud, duress, or material mistake of fact, with the burden of proof upon the challenging party. Pending outcome of a challenge to the acknowledgment of paternity, the legal responsibilities of the signatories shall remain in full force and effect, except upon order of the court upon a showing of good cause.

(8) When the process for acknowledgment of parentage as provided for under subsection (5) establishes the paternity of a child whose certificate of birth is on file in another state, the Illinois Department of Public Aid shall forward a copy of the acknowledgment of parentage, the denial of paternity, if applicable, and the rescission of parentage, if applicable, to the birth record agency of the state where the child's certificate of birth is on file.

(9) In the event the parent-child relationship has been established in accordance with subdivision (a)(1) of Section 6 of the Parentage Act of 1984, the names of the biological mother and biological father so established shall be entered on the child's birth certificate, and the names of the surrogate mother and surrogate mother's husband, if any, shall not be on the birth certificate.

(Source: P.A. 90-18, eff. 7-1-97; 90-790, eff. 8-14-98; 91-308, eff. 7-29-99.)

Section 10. The Illinois Marriage and Dissolution of Marriage Act is amended by
changing Sections 505.1, 506, 507.1, 510, 516, 709, and 710 as follows:

(750 ILCS 5/505.1) (from Ch. 40, par. 505.1)

Sec. 505.1. (a) Whenever it is determined in a proceeding to establish or enforce a child support or maintenance obligation that the person owing a duty of support is unemployed, the court may order the person to seek employment and report periodically to the court with a diary, listing or other memorandum of his or her efforts in accordance with such order. Additionally, the court may order the unemployed person to report to the Department of Employment Security for job search services or to make application with the local Job Training Partnership Act provider for participation in job search, training or work programs and where the duty of support is owed to a child receiving child support enforcement services under Article X of the Illinois Public Aid Code, as amended, the court may order the unemployed person to report to the Illinois Department of Public Aid for participation in job search, training or work programs established under Section 9-6 and Article IXA of that Code.

(b) Whenever it is determined that a person owes past-due support for a child or for a child and the parent with whom the child is living, and the child is receiving assistance under the Illinois Public Aid Code, the court shall order at the request of the Illinois Department of Public Aid:

(1) that the person pay the past-due support in accordance with a plan approved by the court; or

(2) if the person owing past-due support is unemployed, is subject to such a plan, and is not incapacitated, that the person participate in such job search, training, or work programs established under Section 9-6 and Article IXA of the Illinois Public Aid Code as the court deems appropriate.

(Source: P.A. 90-18, eff. 7-1-97; 91-357, eff. 7-29-99.)

(750 ILCS 5/506) (from Ch. 40, par. 506)

Sec. 506. Representation of child.

(a) Duties. In any proceedings involving the support, custody, visitation, education, parentage, property interest, or general welfare of a minor or dependent child, the court may, on its own motion or that of any party, and subject to the terms or specifications the court determines, appoint an attorney to serve in one of the following capacities:

(1) as an attorney to represent the child;

(2) as a guardian ad litem to address issues the court delineates;

(3) as a child's representative whose duty shall be to advocate what the representative finds to be in the best interests of the child after reviewing the facts and circumstances of the case. The child's representative shall have the same power and authority to take part in the conduct of the litigation as does an attorney for a party and shall possess all the powers of investigation and recommendation as does a guardian ad litem. The child's representative shall consider, but not be bound by, the expressed wishes of the child. A child's representative shall have received training in child advocacy or shall possess such experience as determined to be equivalent to such training by the chief judge of the circuit where the child's

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representative has been appointed. The child's representative shall not disclose confidential communications made by the child, except as required by law or by the Rules of Professional Conduct. The child's representative shall not be called as a witness regarding the issues set forth in this subsection.

During the proceedings the court may appoint an additional attorney to serve in another of the capacities described in subdivisions (a)(1), (a)(2), or (a)(3) on its own motion or that of a party only for good cause shown and when the reasons for the additional appointment are set forth in specific findings.

(b) Fees and costs. The court shall enter an order as appropriate for costs, fees, and disbursements, including a retainer, when the attorney, guardian ad litem, or child's representative is appointed, and thereafter as necessary. Such orders shall require payment by either or both parents, by any other party or source, or from the marital estate or the child's separate estate. The court may not order payment by the Illinois Department of Public Aid in cases in which the Department is providing child and spouse support enforcement services under Article X of the Illinois Public Aid Code. Unless otherwise ordered by the court at the time fees and costs are approved, all fees and costs payable to an attorney, guardian ad litem, or child's representative under this Section are by implication deemed to be in the nature of support of the child and are within the exceptions to discharge in bankruptcy under 11 U.S.C.A. 523. The provisions of Sections 501 and 508 of this Act shall apply to fees and costs for attorneys appointed under this Section.

(Source: P.A. 90-309, eff. 1-1-98; 91-410, eff. 1-1-00.)

(750 ILCS 5/507.1)
Sec. 507.1. Payment of Support to State Disbursement Unit.
(a) As used in this Section:
"Order for support", "obligor", "obligee", and "payor" mean those terms as defined in the Income Withholding for Support Act, except that "order for support" shall not mean orders providing for spousal maintenance under which there is no child support obligation.

(b) notwithstanding any other provision of this Act to the contrary, each order for support entered or modified on or after October 1, 1999 shall require that support payments be made to the State Disbursement Unit established under Section 10-26 of the Illinois Public Aid Code if:

(1) a party to the order is receiving child and spouse support enforcement services under Article X of the Illinois Public Aid Code; or

(2) no party to the order is receiving child and spouse support enforcement services, but the support payments are made through income withholding.

(c) Support payments shall be made to the State Disbursement Unit if:

(1) the order for support was entered before October 1, 1999, and a party to the order is receiving child and spouse support enforcement services under Article X of the Illinois Public Aid Code; or

(2) no party to the order is receiving child and spouse support enforcement services, and the support payments are being made through income withholding.

(c-5) If no party to the order is receiving child and spouse support enforcement services.

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services under Article X of the Illinois Public Aid Code, and the support payments are not made through income withholding, then support payments shall be made as directed by the order for support.

(c-10) At any time, and notwithstanding the existence of an order directing payments to be made elsewhere, the Department of Public Aid may provide notice to the obligor and, where applicable, to the obligor's payor:

(1) to make support payments to the State Disbursement Unit if:

   (A) a party to the order for support is receiving child support enforcement services under Article X of the Illinois Public Aid Code; or

   (B) no party to the order for support is receiving child support enforcement services under Article X of the Illinois Public Aid Code, but the support payments are made through income withholding; or

(2) to make support payments to the State Disbursement Unit of another state upon request of another state's Title IV-D child support enforcement agency, in accordance with the requirements of Title IV, Part D of the Social Security Act and regulations promulgated under that Part D.

The Department of Public Aid shall provide a copy of the notice to the obligee and to the clerk of the circuit court. Within 15 days after the effective date of this amendatory Act of the 91st General Assembly, the Illinois Department shall provide written notice to the clerk of the circuit court, the obligor, and, where applicable, the obligor's payor to make payments to the State Disbursement Unit if:

(1) the order for support was entered before October 1, 1999, and a party to the order is receiving child and spouse support services under Article X of the Illinois Public Aid Code; or

(2) no party to the order is receiving child and spouse support services, and the support payments are being made through income withholding.

(c-15) Within 15 days after the effective date of this amendatory Act of the 91st General Assembly, the clerk of the circuit court shall provide written notice to the obligor to make payments directly to the clerk of the circuit court if no party to the order is receiving child and spouse support enforcement services under Article X of the Illinois Public Aid Code, the support payments are not made through income withholding, and the order for support requires support payments to be made directly to the clerk of the circuit court. The clerk shall provide a copy of the notice to the obligee.

(c-20) If the State Disbursement Unit receives a support payment that was not appropriately made to the Unit under this Section, the Unit shall immediately return the payment to the sender, including, if possible, instructions detailing where to send the support payment.

(d) The notices required under subsections (c-10) and (c-15) may be sent by ordinary mail, certified mail, return receipt requested, facsimile transmission, or other electronic process, or may be served upon the obligor or payor using any method provided by law for service of a summons. The Illinois Department of Public Aid shall provide a copy of the notice to the obligee and to the clerk of the court.
Sec. 510. Modification and termination of provisions for maintenance, support, educational expenses, and property disposition.

(a) Except as otherwise provided in paragraph (f) of Section 502 and subsection (b)(3), clause (3) of Section 505.2, the provisions of any judgment respecting maintenance or support may be modified only as to installments accruing subsequent to due notice by the moving party of the filing of the motion for modification and, with respect to maintenance, only upon a showing of a substantial change in circumstances. An order for child support may be modified as follows:

(1) upon a showing of a substantial change in circumstances; and

(2) without the necessity of showing a substantial change in circumstances, as follows:

(A) upon a showing of an inconsistency of at least 20%, but no less than $10 per month, between the amount of the existing order and the amount of child support that results from application of the guidelines specified in Section 505 of this Act unless the inconsistency is due to the fact that the amount of the existing order resulted from a deviation from the guideline amount and there has not been a change in the circumstances that resulted in that deviation; or

(B) Upon a showing of a need to provide for the health care needs of the child under the order through health insurance or other means. In no event shall the eligibility for or receipt of medical assistance be considered to meet the need to provide for the child's health care needs.

The provisions of subparagraph (a)(2)(A) shall apply only in cases in which a party is receiving child and spouse support enforcement services from the Illinois Department of Public Aid under Article X of the Illinois Public Aid Code, and only when at least 36 months have elapsed since the order for child support was entered or last modified.

(b) The provisions as to property disposition may not be revoked or modified, unless the court finds the existence of conditions that justify the reopening of a judgment under the laws of this State.

(c) Unless otherwise agreed by the parties in a written agreement set forth in the judgment or otherwise approved by the court, the obligation to pay future maintenance is terminated upon the death of either party, or the remarriage of the party receiving maintenance, or if the party receiving maintenance cohabits with another person on a resident, continuing conjugal basis.

(d) Unless otherwise agreed in writing or expressly provided in a judgment, provisions for the support of a child are terminated by emancipation of the child, except as otherwise provided herein, but not by the death of a parent obligated to support or educate the child. An existing obligation to pay for support or educational expenses, or both, is not terminated by the death of a parent. When a parent obligated to pay support or educational expenses, or both, dies, the amount of support or educational expenses, or both, may be

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enforced, modified, revoked or commuted to a lump sum payment, as equity may require, and that determination may be provided for at the time of the dissolution of the marriage or thereafter.

(e) The right to petition for support or educational expenses, or both, under Sections 505 and 513 is not extinguished by the death of a parent. Upon a petition filed before or after a parent's death, the court may award sums of money out of the decedent's estate for the child's support or educational expenses, or both, as equity may require. The time within which a claim may be filed against the estate of a decedent under Sections 505 and 513 and subsection (d) and this subsection shall be governed by the provisions of the Probate Act of 1975, as a barrable, noncontingent claim.

(f) A petition to modify or terminate child support, custody, or visitation shall not delay any child support enforcement litigation or supplementary proceeding on behalf of the obligee, including, but not limited to, a petition for a rule to show cause, for non-wage garnishment, or for a restraining order.

(Source: P.A. 92-289, eff. 8-9-01; revised 12-07-01.)

(750 ILCS 5/516) (from Ch. 40, par. 516)
Sec. 516. Public Aid collection fee. In all cases instituted by the Illinois Department of Public Aid on behalf of a child or spouse, other than one receiving a grant of financial aid under Article IV of The Illinois Public Aid Code, on whose behalf an application has been made and approved for child support enforcement services as provided by Section 10-1 of that Code, the court shall impose a collection fee on the individual who owes a child or spouse support obligation in an amount equal to 10% of the amount so owed as long as such collection is required by federal law, which fee shall be in addition to the support obligation. The imposition of such fee shall be in accordance with provisions of Title IV, Part D, of the Social Security Act and regulations duly promulgated thereunder. The fee shall be payable to the clerk of the circuit court for transmittal to the Illinois Department of Public Aid and shall continue until child support enforcement services are terminated by that Department.

(Source: P.A. 82-979.)

(750 ILCS 5/709) (from Ch. 40, par. 709)
Sec. 709. Mandatory child support payments to clerk.
(a) As of January 1, 1982, child support orders entered in any county covered by this subsection shall be made pursuant to the provisions of Sections 709 through 712 of this Act. For purposes of these Sections, the term "child support payment" or "payment" shall include any payment ordered to be made solely for the purpose of the support of a child or children or any payment ordered for general support which includes any amount for support of any child or children.

The provisions of Sections 709 through 712 shall be applicable to any county with a population of 2 million or more and to any other county which notifies the Supreme Court of its desire to be included within the coverage of these Sections and is certified pursuant to Supreme Court Rules.

The effective date of inclusion, however, shall be subject to approval of the application for reimbursement of the costs of the support program by the Department of

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Public Aid as provided in Section 712.

(b) In any proceeding for a dissolution of marriage, legal separation, or declaration of invalidity of marriage, or in any supplementary proceedings in which a judgment or modification thereof for the payment of child support is entered on or after January 1, 1982, in any county covered by Sections 709 through 712, and the person entitled to payment is receiving a grant of financial aid under Article IV of the Illinois Public Aid Code or has applied and qualified for child support enforcement services under Section 10-1 of that Code, the court shall direct: (1) that such payments be made to the clerk of the court and (2) that the parties affected shall each thereafter notify the clerk of any change of address or change in other conditions that may affect the administration of the order, including the fact that a party who was previously not on public aid has become a recipient of public aid, within 10 days of such change. All notices sent to the obligor's last known address on file with the clerk shall be deemed sufficient to proceed with enforcement pursuant to the provisions of Sections 709 through 712.

In all other cases, the court may direct that payments be made to the clerk of the court.

(c) Except as provided in subsection (d) of this Section, the clerk shall disburse the payments to the person or persons entitled thereto under the terms of the order or judgment.

(d) The court shall determine, prior to the entry of the support order, if the party who is to receive the support is presently receiving public aid or has a current application for public aid pending and shall enter the finding on the record.

If the person entitled to payment is a recipient of aid under the Illinois Public Aid Code, the clerk, upon being informed of this fact by finding of the court, by notification by the party entitled to payment, by the Illinois Department of Public Aid or by the local governmental unit, shall make all payments to: (1) the Illinois Department of Public Aid if the person is a recipient under Article III, IV, or V of the Code or (2) the local governmental unit responsible for his or her support if the person is a recipient under Article VI or VII of the Code. In accordance with federal law and regulations, the Illinois Department of Public Aid may continue to collect current maintenance payments or child support payments, or both, after those persons cease to receive public assistance and until termination of services under Article X of the Illinois Public Aid Code. The Illinois Department of Public Aid shall pay the net amount collected to those persons after deducting any costs incurred in making the collection or any collection fee from the amount of any recovery made. Upon termination of public aid payments to such a recipient or termination of services under Article X of the Illinois Public Aid Code, the Illinois Department of Public Aid or the appropriate local governmental unit shall notify the clerk in writing or by electronic transmission that all subsequent payments are to be sent directly to the person entitled thereto.

Upon notification in writing or by electronic transmission from the Illinois Department of Public Aid to the clerk of the court that a person who is receiving support payments under this Section is receiving services under the Child Support Enforcement Program established by Title IV-D of the Social Security Act, any support payments subsequently received by the clerk of the court shall be transmitted in accordance with the
instructions of the Illinois Department of Public Aid until the Department gives notice to the clerk of the court to cease the transmittal. After providing the notification authorized under this paragraph, the Illinois Department of Public Aid shall be entitled as a party to notice of any further proceedings in the case. The clerk of the court shall file a copy of the Illinois Department of Public Aid's notification in the court file. The failure of the clerk to file a copy of the notification in the court file shall not, however, affect the Illinois Department of Public Aid's right to receive notice of further proceedings.

Payments under this Section to the Illinois Department of Public Aid pursuant to the Child Support Enforcement Program established by Title IV-D of the Social Security Act shall be paid into the Child Support Enforcement Trust Fund. All payments under this Section to the Illinois Department of Human Services shall be deposited in the DHS Recoveries Trust Fund. Disbursements from these funds shall be as provided in the Illinois Public Aid Code. Payments received by a local governmental unit shall be deposited in that unit's General Assistance Fund.

(e) Any order or judgment may be amended by the court, upon its own motion or upon the motion of either party, to conform with the provisions of Sections 709 through 712, either as to the requirement of making payments to the clerk or, where payments are already being made to the clerk, as to the statutory fees provided for under Section 711.

(f) The clerk may invest in any interest bearing account or in any securities, monies collected for the benefit of a payee, where such payee cannot be found; however, the investment may be only for the period until the clerk is able to locate and present the payee with such monies. The clerk may invest in any interest bearing account, or in any securities, monies collected for the benefit of any other payee; however, this does not alter the clerk's obligation to make payments to the payee in a timely manner. Any interest or capital gains accrued shall be for the benefit of the county and shall be paid into the special fund established in subsection (b) of Section 711.

(g) The clerk shall establish and maintain a payment record of all monies received and disbursed and such record shall constitute prima facie evidence of such payment and non-payment, as the case may be.

(h) For those cases in which child support is payable to the clerk of the circuit court for transmittal to the Illinois Department of Public Aid by order of court or upon notification by the Illinois Department of Public Aid, the clerk shall transmit all such payments, within 4 working days of receipt, to insure that funds are available for immediate distribution by the Department to the person or entity entitled thereto in accordance with standards of the Child Support Enforcement Program established under Title IV-D of the Social Security Act. The clerk shall notify the Department of the date of receipt and amount thereof at the time of transmittal. Where the clerk has entered into an agreement of cooperation with the Department to record the terms of child support orders and payments made thereunder directly into the Department's automated data processing system, the clerk shall account for, transmit and otherwise distribute child support payments in accordance with such agreement in lieu of the requirements contained herein.

(i) To the extent the provisions of this Section are inconsistent with the requirements
pertaining to the State Disbursement Unit under Section 507.1 of this Act and Section 10-26 of the Illinois Public Aid Code, the requirements pertaining to the State Disbursement Unit shall apply.

(Source: P.A. 91-24, eff. 7-1-99; 91-212, eff. 7-20-99; 92-16, eff. 6-28-01.)

(750 ILCS 5/710) (from Ch. 40, par. 710)
Sec. 710. Enforcement; Penalties.

(a) In counties certified as included under the provisions of Sections 709 through 712 and whose application for reimbursement is approved, there shall be instituted a child support enforcement program to be conducted by the clerk of the circuit court and the state's attorney of the county. The program is to be limited to enforcement of child support orders entered pursuant to this Act.

The child support enforcement program is to be conducted only on behalf of dependent children included in a grant of financial aid under Article IV of The Illinois Public Aid Code and parties who apply and qualify for child support enforcement services pursuant to Section 10-1 of such Code.

Nothing in this Section shall be construed to prohibit the establishment of a child support enforcement program by the clerk of the circuit court in cooperation with the State's Attorney of the county.

(b) In the event of a delinquency in payment, as determined from the record maintained by the clerk in a county covered by the child support enforcement program, such clerk shall notify both the party obligated to make the payment, hereinafter called the payor, and the recipient of such payment, hereinafter called the payee, of such delinquency and that if the amount then due and owing is not remitted in the time period required by circuit court rules, the matter will be referred to the state's attorney for enforcement proceedings. Upon failure of the payor to remit as required, the clerk shall refer the matter to the state's attorney, except as provided by rule of the circuit court.

(c) Upon referral from the clerk, the state's attorney shall promptly initiate enforcement proceedings against the payor. Legal representation by the state's attorney shall be limited to child support and shall not extend to visitation, custody, property or other matters; however, if the payor properly files pleadings raising such matters during the course of the child support hearing and the court finds that it has jurisdiction of such matters, the payee shall be granted the opportunity to obtain a continuance in order to secure representation for those other matters, and the court shall not delay entry of an appropriate support order pending the disposition of such other matters.

If the state's attorney does not commence enforcement proceedings within 30 days, the clerk shall inform the court which, upon its own motion, shall appoint counsel for purposes of enforcement. The fees and expenses of such counsel shall be paid by the payor and shall not be paid by the State.

Nothing in this Section shall be construed to prevent a payee from instituting independent enforcement proceedings or limit the remedies available to payee in such proceedings. However, absent the exercise under this provision of a private right of enforcement, enforcement shall be as otherwise provided in this Section.

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(d) At the time any support order is entered, the payee shall be informed of the procedure used for enforcement and shall be given the address and telephone number both of the clerk and of the Child and Spouse Support Unit as provided in Section 712. The payee shall be informed that, if no action is taken within 2 months of any complaint to the clerk, payee may contact the Unit to seek assistance in obtaining enforcement.

(e) Upon a finding that payor is in default and that such non-payment is for a period of two months and that such non-payment is without good cause, the court shall order the payor to pay a sum equal to 2% of the arrearage as a penalty along with his payment. The court may further assess against the payor any fees and expenses incurred in the enforcement of any order or the reasonable value thereof and may impose any penalty otherwise available to it in a case of contempt.

All penalties, fees and expenses assessed against the payor pursuant to this subsection are to cover the expenses of enforcement, are to be paid to the clerk and are to be placed by him in the special fund provided for in Section 711.

(f) Any person not covered by the child support enforcement program may institute private and independent proceedings to enforce payment of support.

(Source: P.A. 88-284.)

Section 15. The Non-Support Punishment Act is amended by changing Sections 7, 20, 25, 35, and 60 as follows:

(750 ILCS 16/7)
Sec. 7. Prosecutions by Attorney General. In addition to enforcement proceedings by the several State's Attorneys, a proceeding for the enforcement of this Act may be instituted and prosecuted by the Attorney General in cases referred by the Illinois Department of Public Aid involving persons receiving child and spouse support enforcement services under Article X of the Illinois Public Aid Code. Before referring a case to the Attorney General for enforcement under this Act, the Department of Public Aid shall notify the person receiving child and spouse support enforcement services under Article X of the Illinois Public Aid Code of the Department's intent to refer the case to the Attorney General under this Section for prosecution.

(Source: P.A. 91-613, eff. 10-1-99.)

(750 ILCS 16/20)
Sec. 20. Entry of order for support; income withholding.
(a) In a case in which no court or administrative order for support is in effect against the defendant:

(1) at any time before the trial, upon motion of the State's Attorney, or of the Attorney General if the action has been instituted by his office, and upon notice to the defendant, or at the time of arraignment or as a condition of postponement of arraignment, the court may enter such temporary order for support as may seem just, providing for the support or maintenance of the spouse or child or children of the defendant, or both, pendente lite; or

(2) before trial with the consent of the defendant, or at the trial on entry of a

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plea of guilty, or after conviction, instead of imposing the penalty provided in this Act, or in addition thereto, the court may enter an order for support, subject to modification by the court from time to time as circumstances may require, directing the defendant to pay a certain sum for maintenance of the spouse, or for support of the child or children, or both.

(b) The court shall determine the amount of child support by using the guidelines and standards set forth in subsection (a) of Section 505 and in Section 505.2 of the Illinois Marriage and Dissolution of Marriage Act.

If (i) the non-custodial parent was properly served with a request for discovery of financial information relating to the non-custodial parent's ability to provide child support, (ii) the non-custodial parent failed to comply with the request, despite having been ordered to do so by the court, and (iii) the non-custodial parent is not present at the hearing to determine support despite having received proper notice, then any relevant financial information concerning the non-custodial parent's ability to provide support that was obtained pursuant to subpoena and proper notice shall be admitted into evidence without the need to establish any further foundation for its admission.

(c) The court shall determine the amount of maintenance using the standards set forth in Section 504 of the Illinois Marriage and Dissolution of Marriage Act.

(d) The court may, for violation of any order under this Section, punish the offender as for a contempt of court, but no pendente lite order shall remain in effect longer than 4 months, or after the discharge of any panel of jurors summoned for service thereafter in such court, whichever is sooner.

(e) Any order for support entered by the court under this Section shall be deemed to be a series of judgments against the person obligated to pay support under the judgments, each such judgment to be in the amount of each payment or installment of support and each judgment to be deemed entered as of the date the corresponding payment or installment becomes due under the terms of the support order. Each judgment shall have the full force, effect, and attributes of any other judgment of this State, including the ability to be enforced. Each judgment is subject to modification or termination only in accordance with Section 510 of the Illinois Marriage and Dissolution of Marriage Act. A lien arises by operation of law against the real and personal property of the noncustodial parent for each installment of overdue support owed by the noncustodial parent.

(f) An order for support entered under this Section shall include a provision requiring the obligor to report to the obligee and to the clerk of the court within 10 days each time the obligor obtains new employment, and each time the obligor's employment is terminated for any reason. The report shall be in writing and shall, in the case of new employment, include the name and address of the new employer.

Failure to report new employment or the termination of current employment, if coupled with nonpayment of support for a period in excess of 60 days, is indirect criminal contempt. For any obligor arrested for failure to report new employment, bond shall be set in the amount of the child support that should have been paid during the period of unreported employment.
An order for support entered under this Section shall also include a provision requiring the obligor and obligee parents to advise each other of a change in residence within 5 days of the change except when the court finds that the physical, mental, or emotional health of a party or of a minor child, or both, would be seriously endangered by disclosure of the party's address.

(g) An order for support entered or modified in a case in which a party is receiving child and spouse support enforcement services under Article X of the Illinois Public Aid Code shall include a provision requiring the noncustodial parent to notify the Illinois Department of Public Aid, within 7 days, of the name and address of any new employer of the noncustodial parent, whether the noncustodial parent has access to health insurance coverage through the employer or other group coverage and, if so, the policy name and number and the names of persons covered under the policy.

(h) In any subsequent action to enforce an order for support entered under this Act, upon sufficient showing that diligent effort has been made to ascertain the location of the noncustodial parent, service of process or provision of notice necessary in that action may be made at the last known address of the noncustodial parent, in any manner expressly provided by the Code of Civil Procedure or in this Act, which service shall be sufficient for purposes of due process.

(i) An order for support shall include a date on which the current support obligation terminates. The termination date shall be no earlier than the date on which the child covered by the order will attain the age of majority or is otherwise emancipated. The order for support shall state that the termination date does not apply to any arrearage that may remain unpaid on that date. Nothing in this subsection shall be construed to prevent the court from modifying the order.

(j) A support obligation, or any portion of a support obligation, which becomes due and remains unpaid for 30 days or more shall accrue simple interest at the rate of 9% per annum. An order for support entered or modified on or after January 1, 2002 shall contain a statement that a support obligation required under the order, or any portion of a support obligation required under the order, that becomes due and remains unpaid for 30 days or more shall accrue simple interest at the rate of 9% per annum. Failure to include the statement in the order for support does not affect the validity of the order or the accrual of interest as provided in this Section.

(Source: P.A. 91-613, eff. 10-1-99; 91-767, eff. 6-9-00; 92-374, eff. 8-15-01.)

Sec. 25. Payment of support to State Disbursement Unit; clerk of the court.

(a) As used in this Section, "order for support", "obligor", "obligee", and "payor" mean those terms as defined in the Income Withholding for Support Act.

(b) Each order for support entered or modified under Section 20 of this Act shall require that support payments be made to the State Disbursement Unit established under the Illinois Public Aid Code, under the following circumstances:

(1) when a party to the order is receiving child and spouse support enforcement services under Article X of the Illinois Public Aid Code; or
(2) when no party to the order is receiving child and spouse support enforcement services, but the support payments are made through income withholding.

(c) When no party to the order is receiving child and spouse support enforcement services, and payments are not being made through income withholding, the court shall order the obligor to make support payments to the clerk of the court.

(d) At any time, and notwithstanding the existence of an order directing payments to be made elsewhere, the Department of Public Aid may provide notice to the obligor and, where applicable, to the obligor's payor:

(1) to make support payments to the State Disbursement Unit if:

(A) a party to the order for support is receiving child support enforcement services under Article X of the Illinois Public Aid Code; or

(B) no party to the order for support is receiving child support enforcement services under Article X of the Illinois Public Aid Code, but the support payments are made through income withholding; or

(2) to make support payments to the State Disbursement Unit of another state upon request of another state's Title IV-D child support enforcement agency, in accordance with the requirements of Title IV, Part D of the Social Security Act and regulations promulgated under that Part D.

The Department of Public Aid shall provide a copy of the notice to the obligee and to the clerk of the circuit court. In the case of an order for support entered by the court under this Act before a party commenced receipt of child and spouse support services, upon receipt of these services by a party the Illinois Department of Public Aid shall provide notice to the obligor to send any support payments he or she makes personally to the State Disbursement Unit until further direction of the Department. The Department shall provide a copy of the notice to the obligee and to the clerk of the court.

(e) If a State Disbursement Unit as specified by federal law has not been created in Illinois upon the effective date of this Act, then, until the creation of a State Disbursement Unit as specified by federal law, the following provisions regarding payment and disbursement of support payments shall control and the provisions in subsections (a), (b), (c), and (d) shall be inoperative. Upon the creation of a State Disbursement Unit as specified by federal law, this subsection (e) shall be inoperative and the payment and disbursement provisions of subsections (a), (b), (c), and (d) shall control, and this subsection (e) shall be inoperative to the extent that it conflicts with those subsections.

(1) In cases in which an order for support is entered under Section 20 of this Act, the court shall order that maintenance and support payments be made to the clerk of the court for remittance to the person or agency entitled to receive the payments. However, the court in its discretion may direct otherwise where exceptional circumstances so warrant.

(2) The court shall direct that support payments be sent by the clerk to (i) the Illinois Department of Public Aid if the person in whose behalf payments are made is receiving aid under Articles III, IV, or V of the Illinois Public Aid Code, or child
and spouse support enforcement services under Article X of the Code, or (ii) to the local governmental unit responsible for the support of the person if he or she is a recipient under Article VI of the Code. In accordance with federal law and regulations, the Illinois Department of Public Aid may continue to collect current maintenance payments or child support payments, or both, after those persons cease to receive public assistance and until termination of services under Article X of the Illinois Public Aid Code. The Illinois Department shall pay the net amount collected to those persons after deducting any costs incurred in making the collection or any collection fee from the amount of any recovery made. The order shall permit the Illinois Department of Public Aid or the local governmental unit, as the case may be, to direct that support payments be made directly to the spouse, children, or both, or to some person or agency in their behalf, upon removal of the spouse or children from the public aid rolls or upon termination of services under Article X of the Illinois Public Aid Code; and upon such direction, the Illinois Department or the local governmental unit, as the case requires, shall give notice of such action to the court in writing or by electronic transmission.

(3) The clerk of the court shall establish and maintain current records of all moneys received and disbursed and of delinquencies and defaults in required payments. The court, by order or rule, shall make provision for the carrying out of these duties.

(4) Upon notification in writing or by electronic transmission from the Illinois Department of Public Aid to the clerk of the court that a person who is receiving support payments under this Section is receiving services under the Child Support Enforcement Program established by Title IV-D of the Social Security Act, any support payments subsequently received by the clerk of the court shall be transmitted in accordance with the instructions of the Illinois Department of Public Aid until the Department gives notice to cease the transmittal. After providing the notification authorized under this paragraph, the Illinois Department of Public Aid shall be a party and entitled to notice of any further proceedings in the case. The clerk of the court shall file a copy of the Illinois Department of Public Aid's notification in the court file. The failure of the clerk to file a copy of the notification in the court file shall not, however, affect the Illinois Department of Public Aid's rights as a party or its right to receive notice of further proceedings.

(5) Payments under this Section to the Illinois Department of Public Aid pursuant to the Child Support Enforcement Program established by Title IV-D of the Social Security Act shall be paid into the Child Support Enforcement Trust Fund. All other payments under this Section to the Illinois Department of Public Aid shall be deposited in the Public Assistance Recoveries Trust Fund. Disbursements from these funds shall be as provided in the Illinois Public Aid Code. Payments received by a local governmental unit shall be deposited in that unit's General Assistance Fund.

(6) For those cases in which child support is payable to the clerk of the circuit court for transmittal to the Illinois Department of Public Aid by order of court or

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upon notification by the Illinois Department of Public Aid, the clerk shall transmit all such payments, within 4 working days of receipt, to insure that funds are available for immediate distribution by the Department to the person or entity entitled thereto in accordance with standards of the Child Support Enforcement Program established under Title IV-D of the Social Security Act. The clerk shall notify the Department of the date of receipt and amount thereof at the time of transmittal. Where the clerk has entered into an agreement of cooperation with the Department to record the terms of child support orders and payments made thereunder directly into the Department's automated data processing system, the clerk shall account for, transmit and otherwise distribute child support payments in accordance with such agreement in lieu of the requirements contained herein.

(Source: P.A. 91-613, eff. 10-1-99.)

(750 ILCS 16/35)
Sec. 35. Fine; release of defendant on probation; violation of order for support; forfeiture of recognizance.
(a) Whenever a fine is imposed it may be directed by the court to be paid, in whole or in part, to the spouse, ex-spouse, or if the support of a child or children is involved, to the custodial parent, to the clerk, probation officer, or to the Illinois Department of Public Aid if a recipient of child and spouse support enforcement services under Article X of the Illinois Public Aid Code is involved as the case requires, to be disbursed by such officers or agency under the terms of the order.

(b) The court may also relieve the defendant from custody on probation for the period fixed in the order or judgment upon his or her entering into a recognizance, with or without surety, in the sum as the court orders and approves. The condition of the recognizance shall be such that if the defendant makes his or her personal appearance in court whenever ordered to do so by the court, during such period as may be so fixed, and further complies with the terms of the order for support, or any subsequent modification of the order, then the recognizance shall be void; otherwise it will remain in full force and effect.

(c) If the court is satisfied by testimony in open court, that at any time during the period of one year the defendant has violated the terms of the order for support, it may proceed with the trial of the defendant under the original charge, or sentence him or her under the original conviction, or enforce the suspended sentence, as the case may be. In case of forfeiture of recognizance, and enforcement of recognizance by execution, the sum so recovered may, in the discretion of the court, be paid, in whole or in part, to the spouse, ex-spouse, or if the support of a child or children is involved, to the custodial parent, to the clerk, or to the Illinois Department of Public Aid if a recipient of child and spouse support enforcement services under Article X of the Illinois Public Aid Code is involved as the case requires, to be disbursed by the clerk or the Department under the terms of the order.

(Source: P.A. 91-613, eff. 10-1-99.)

(750 ILCS 16/60)
Sec. 60. Unemployed persons owing duty of support.
(a) Whenever it is determined in a proceeding to establish or enforce a child support

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or maintenance obligation that the person owing a duty of support is unemployed, the court may order the person to seek employment and report periodically to the court with a diary, listing or other memorandum of his or her efforts in accordance with such order. Additionally, the court may order the unemployed person to report to the Department of Employment Security for job search services or to make application with the local Job Training Partnership Act provider for participation in job search, training, or work programs and where the duty of support is owed to a child receiving child support enforcement services under Article X of the Illinois Public Aid Code the court may order the unemployed person to report to the Illinois Department of Public Aid for participation in job search, training, or work programs established under Section 9-6 and Article IXA of that Code.

(b) Whenever it is determined that a person owes past due support for a child or for a child and the parent with whom the child is living, and the child is receiving assistance under the Illinois Public Aid Code, the court shall order at the request of the Illinois Department of Public Aid:

(1) that the person pay the past-due support in accordance with a plan approved by the court; or
(2) if the person owing past-due support is unemployed, is subject to such a plan, and is not incapacitated, that the person participate in such job search, training, or work programs established under Section 9-6 and Article IXA of the Illinois Public Aid Code as the court deems appropriate.

(Source: P.A. 91-613, eff. 10-1-99; 92-16, eff. 6-28-01.)

Section 20. The Uniform Interstate Family Support Act is amended by changing Section 320 as follows:

(750 ILCS 22/320)
Sec. 320. Payment of Support to State Disbursement Unit.
(a) As used in this Section:
"Order for support", "obligor", "obligee", and "payor" mean those terms as defined in the Income Withholding for Support Act, except that "order for support" means an order entered by any tribunal of this State but shall not mean orders providing for spousal maintenance under which there is no child support obligation.

(b) Notwithstanding any other provision of this Act to the contrary, each order for support entered or modified on or after October 1, 1999 shall require that support payments be made to the State Disbursement Unit established under Section 10-26 of the Illinois Public Aid Code if:

(1) a party to the order is receiving child and spouse support enforcement services under Article X of the Illinois Public Aid Code; or
(2) no party to the order is receiving child and spouse support enforcement services, but the support payments are made through income withholding.

(c) Support payments shall be made to the State Disbursement Unit if:

(1) the order for support was entered before October 1, 1999, and a party to the order is receiving child and spouse support enforcement services under Article X of the Illinois Public Aid Code; or

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(2) no party to the order is receiving child and spouse support enforcement services, and the support payments are being made through income withholding.

(c-5) If no party to the order is receiving child and spouse support enforcement services under Article X of the Illinois Public Aid Code, and the support payments are not made through income withholding, then support payments shall be made as directed by the order for support.

(c-10) At any time, and notwithstanding the existence of an order directing payments to be made elsewhere, the Department of Public Aid may provide notice to the obligor and, where applicable, to the obligor's payor:

(1) to make support payments to the State Disbursement Unit if:
   (A) a party to the order for support is receiving child support enforcement services under Article X of the Illinois Public Aid Code; or
   (B) no party to the order for support is receiving child support enforcement services under Article X of the Illinois Public Aid Code, but the support payments are made through income withholding; or

(2) to make support payments to the State Disbursement Unit of another state upon request of another state's Title IV-D child support enforcement agency, in accordance with the requirements of Title IV, Part D of the Social Security Act and regulations promulgated under that Part D.

The Department of Public Aid shall provide a copy of the notice to the obligee and to the clerk of the circuit court. Within 15 days after the effective date of this amendatory Act of the 91st General Assembly, the Illinois Department shall provide written notice to the clerk of the circuit court, the obligor, and, where applicable, the obligor's payor to make payments to the State Disbursement Unit if:

(1) the order for support was entered before October 1, 1999, and a party to the order is receiving child and spouse support services under Article X of the Illinois Public Aid Code; or

(2) no party to the order is receiving child and spouse support services, and the support payments are being made through income withholding.

(c-15) Within 15 days after the effective date of this amendatory Act of the 91st General Assembly, the clerk of the circuit court shall provide written notice to the obligor to make payments directly to the clerk of the circuit court if no party to the order is receiving child and spouse support enforcement services under Article X of the Illinois Public Aid Code, the support payments are not made through income withholding, and the order for support requires support payments to be made directly to the clerk of the circuit court. The clerk shall provide a copy of the notice to the obligee.

(c-20) If the State Disbursement Unit receives a support payment that was not appropriately made to the Unit under this Section, the Unit shall immediately return the payment to the sender, including, if possible, instructions detailing where to send the support payments.

(d) The notices required under subsections (c-10) and (c-15) may be sent by ordinary mail, certified mail, return receipt requested, facsimile transmission, or other electronic

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process, or may be served upon the obligor or payor using any method provided by law for service of a summons. The Illinois Department of Public Aid shall provide a copy of the notice to the obligee and to the clerk of the court.
(Source: P.A. 91-677, eff. 1-5-00.)

Section 22. The Expedited Child Support Act of 1990 is amended by changing Section 6 as follows:

(750 ILCS 25/6) (from Ch. 40, par. 2706)
Sec. 6. Authority of hearing officers.
(a) With the exception of judicial functions exclusively retained by the court in Section 8 of this Act and in accordance with Supreme Court rules promulgated pursuant to this Act, Administrative Hearing Officers shall be authorized to:

(1) Accept voluntary agreements reached by the parties setting the amount of child support to be paid and medical support liability and recommend the entry of orders incorporating such agreements.

(2) Accept voluntary acknowledgments of parentage and recommend entry of an order establishing parentage based on such acknowledgement. Prior to accepting such acknowledgment, the Administrative Hearing Officer shall advise the putative father of his rights and obligations in accordance with Supreme Court rules promulgated pursuant to this Act.

(3) Manage all stages of discovery, including setting deadlines by which discovery must be completed; and directing the parties to submit to appropriate tests pursuant to Section 11 of the Illinois Parentage Act of 1984.

(4) Cause notices to be issued requiring the Obligor to appear either before the Administrative Hearing Officer or in court.

(5) Administer the oath or affirmation and take testimony under oath or affirmation.

(6) Analyze the evidence and prepare written recommendations based on such evidence, including but not limited to: (i) proposed findings as to the amount of the Obligor's income; (ii) proposed findings as to the amount and nature of appropriate deductions from the Obligor's income to determine the Obligor's net income; (iii) proposed findings as to the existence of relevant factors as set forth in subsection (a)(2) of Section 505 of the Illinois Marriage and Dissolution of Marriage Act, which justify setting child support payment levels above or below the guidelines; (iv) recommended orders for temporary child support; (v) recommended orders setting the amount of current child support to be paid; (vi) proposed findings as to the existence and amount of any arrearages; (vii) recommended orders reducing any arrearages to judgement and for the payment of amounts towards such arrearages; (viii) proposed findings as to whether there has been a substantial change of circumstances since the entry of the last child support order, or other circumstances justifying a modification of the child support order; and (ix) proposed findings as to whether the Obligor is employed.

(7) With respect to any unemployed Obligor who is not making child support

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payments or is otherwise unable to provide support, recommend that the Obligor be ordered to seek employment and report periodically of his or her efforts in accordance with such order. Additionally, the Administrative Hearing Officer may recommend that the Obligor be ordered to report to the Department of Employment Security for job search services or to make application with the local Job Training Partnership Act provider for participation in job search, training or work programs and, where the duty of support is owed to a child receiving child support enforcement services under Article X of the Illinois Public Aid Code, the Administrative Hearing Officer may recommend that the Obligor be ordered to report to the Illinois Department of Public Aid for participation in the job search, training or work programs established under Section 9-6 of the Public Aid Code.

(8) Recommend the registration of any foreign support judgments or orders as the judgments or orders of Illinois.

(b) In any case in which the Obligee is not participating in the IV-D program or has not applied to participate in the IV-D program, the Administrative Hearing Officer shall:

(1) inform the Obligee of the existence of the IV-D program and provide applications on request; and

(2) inform the Obligee and the Obligor of the option of requesting payment to be made through the Clerk of the Circuit Court.

If a request for payment through the Clerk is made, the Administrative Hearing Officer shall note this fact in the recommendations to the court.

(c) The Administrative Hearing Officer may make recommendations in addition to the proposed findings of fact and recommended order to which the parties have agreed.

(Source: P.A. 92-16, eff. 6-28-01.)

Section 25. The Income Withholding for Support Act is amended by changing Sections 15 and 35 and adding Section 22 as follows:

(750 ILCS 28/15)
Sec. 15. Definitions.
(a) "Order for support" means any order of the court which provides for periodic payment of funds for the support of a child or maintenance of a spouse, whether temporary or final, and includes any such order which provides for:

(1) modification or resumption of, or payment of arrearage accrued under, a previously existing order;

(2) reimbursement of support;

(3) payment or reimbursement of the expenses of pregnancy and delivery (for orders for support entered under the Illinois Parentage Act of 1984 or its predecessor the Paternity Act); or

(4) enrollment in a health insurance plan that is available to the obligor through an employer or labor union or trade union.

(b) "Arrearage" means the total amount of unpaid support obligations as determined by the court and incorporated into an order for support.

(b-5) "Business day" means a day on which State offices are open for regular

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business.

(c) "Delinquency" means any payment under an order for support which becomes due and remains unpaid after entry of the order for support.

(d) "Income" means any form of periodic payment to an individual, regardless of source, including, but not limited to: wages, salary, commission, compensation as an independent contractor, workers' compensation, disability, annuity, pension, and retirement benefits, lottery prize awards, insurance proceeds, vacation pay, bonuses, profit-sharing payments, interest, and any other payments, made by any person, private entity, federal or state government, any unit of local government, school district or any entity created by Public Act; however, "income" excludes:

(1) any amounts required by law to be withheld, other than creditor claims, including, but not limited to, federal, State and local taxes, Social Security and other retirement and disability contributions;
(2) union dues;
(3) any amounts exempted by the federal Consumer Credit Protection Act;
(4) public assistance payments; and
(5) unemployment insurance benefits except as provided by law.

Any other State or local laws which limit or exempt income or the amount or percentage of income that can be withheld shall not apply.

(e) "Obligor" means the individual who owes a duty to make payments under an order for support.

(f) "Obligee" means the individual to whom a duty of support is owed or the individual's legal representative.

(g) "Payor" means any payor of income to an obligor.

(h) "Public office" means any elected official or any State or local agency which is or may become responsible by law for enforcement of, or which is or may become authorized to enforce, an order for support, including, but not limited to: the Attorney General, the Illinois Department of Public Aid, the Illinois Department of Human Services, the Illinois Department of Children and Family Services, and the various State's Attorneys, Clerks of the Circuit Court and supervisors of general assistance.

(i) "Premium" means the dollar amount for which the obligor is liable to his employer or labor union or trade union and which must be paid to enroll or maintain a child in a health insurance plan that is available to the obligor through an employer or labor union or trade union.

(j) "State Disbursement Unit" means the unit established to collect and disburse support payments in accordance with the provisions of Section 10-26 of the Illinois Public Aid Code.

(k) "Title IV-D Agency" means the agency of this State charged by law with the duty to administer the child support enforcement program established under Title IV, Part D of the Social Security Act and Article X of the Illinois Public Aid Code.

(l) "Title IV-D case" means a case in which an obligee or obligor is receiving child support enforcement services under Title IV, Part D of the Social Security Act and Article

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X of the Illinois Public Aid Code.

(m) "National Medical Support Notice" means the notice required for enforcement of orders for support providing for health insurance coverage of a child under Title IV, Part D of the Social Security Act, the Employee Retirement Income Security Act of 1974, and federal regulations promulgated under those Acts.

(n) "Employer" means a payor or labor union or trade union with an employee group health insurance plan and, for purposes of the National Medical Support Notice, also includes but is not limited to:

(1) any State or local governmental agency with a group health plan; and
(2) any payor with a group health plan or "church plan" covered under the Employee Retirement Income Security Act of 1974.

(Source: P.A. 90-673, eff. 1-1-99; incorporates P.A. 90-790, eff. 8-14-98; 91-212, eff. 7-20-99; 91-357, eff. 7-29-99.)

(750 ILCS 28/22 new)
Sec. 22. Use of National Medical Support Notice to enforce health insurance coverage.

(a) Notwithstanding the provisions of subdivision (c)(4) of Section 20, when an order for support is being enforced by the Title IV-D Agency under this Act, any requirement for health insurance coverage to be provided through an employer, including withholding of premiums from the income of the obligor, shall be enforced through use of a National Medical Support Notice instead of through provisions in an income withholding notice.

(b) A National Medical Support Notice may be served on the employer in the manner and under the circumstances provided for serving an income withholding notice under this Act, except that an order for support that requires an income withholding notice on the obligor becoming delinquent in paying the order for support, as provided under subdivision (a)(2) of Section 20, shall not prevent immediate service of a National Medical Support Notice by the Title IV-D Agency. The Title IV-D Agency may serve a National Medical Support Notice on an employer in conjunction with service of an income withholding notice. Service of an income withholding notice is not a condition for service of a National Medical Support Notice, however.

(c) At the time of service of a National Medical Support Notice on the employer, the Title IV-D Agency shall serve a copy of the Notice on the obligor by ordinary mail addressed to the obligor's last known address. The Title IV-D Agency shall file a copy of the National Medical Support Notice, together with proofs of service on the employer and the obligor, with the clerk of the circuit court.

(d) Within 20 business days after the date of a National Medical Support Notice, an employer served with the Notice shall transfer the severable notice to plan administrator to the appropriate group health plan providing any health insurance coverage for which the child is eligible. As required in the part of the National Medical Support Notice directed to the employer, the employer shall withhold any employee premium necessary for coverage of the child and shall send any amount withheld directly to the plan. The employer shall commence the withholding no later than the next payment of income that occurs 14 days after the date of the Notice.
following the date the National Medical Support Notice was mailed, sent by facsimile or other electronic means, or placed for personal delivery to or service on the employer.

Notwithstanding the requirement to withhold premiums from the obligor's income, if the plan administrator informs the employer that the child is enrolled in an option under the plan for which the employer has determined that the obligor's premium exceeds the amount that may be withheld from the obligor's income due to the withholding limitation or prioritization contained in Section 35 of this Act, the employer shall complete the appropriate item in the part of the National Medical Support Notice directed to the employer according to the instructions in the Notice and shall return that part to the Title IV-D Agency.

(e) If one of the following circumstances exists, an employer served with a National Medical Support Notice shall complete the part of the Notice directed to the employer in accordance with the instructions in the Notice and shall return that part to the Title IV-D Agency within 20 business days after the date of the Notice:

(1) The employer does not maintain or contribute to plans providing dependent or family health insurance coverage.

(2) The obligor is among a class of employees that is not eligible for family health insurance coverage under any group health plan maintained by the employer or to which the employer contributes.

(3) Health insurance coverage is not available because the obligor is no longer employed by the employer.

(f) The administrator of a health insurance plan to whom an employer has transferred the severable notice to plan administrator part of a National Medical Support Notice shall complete that part with the health insurance coverage information required under the instructions in the Notice and shall return that part to the Title IV-D Agency within 40 business days after the date of the Notice.

(g) The obligor may contest withholding under this Section based only on a mistake of fact and may contest withholding by filing a petition with the clerk of the circuit court within 20 days after service of a copy of the National Medical Support Notice on the obligor. The obligor must serve a copy of the petition on the Title IV-D Agency at the address stated in the National Medical Support Notice. The National Medical Support Notice, including the requirement to withhold any required premium, shall continue to be binding on the employer until the employer is served with a court order resolving the contest or until notified by the Title IV-D Agency.

(h) Whenever the obligor is no longer receiving income from the employer, the employer shall return a copy of the National Medical Support Notice to the Title IV-D Agency and shall provide information for the purpose of enforcing health insurance coverage under this Section.

(i) The Title IV-D Agency shall promptly notify the employer when there is no longer a current order for health insurance coverage in effect which the Title IV-D Agency is responsible for enforcing.

(j) Unless stated otherwise in this Section, all of the provisions of this Act relating

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to income withholding for support shall pertain to income withholding for health insurance coverage under a National Medical Support Notice, including but not limited to the duties of the employer and obligor, and the penalties contained in Section 35 and Section 50. In addition, an employer who willfully fails to transfer the severable notice to plan administrator part of a National Medical Support Notice to the appropriate group health plan providing health insurance coverage for which the child is eligible, within 20 business days after the date of the Notice, is liable for the full amount of medical expenses incurred by or on behalf of the child which would have been paid or reimbursed by the health insurance coverage had the severable notice to plan administrator part of the Notice been timely transferred to the group health insurance plan. This penalty may be collected in a civil action that may be brought against the employer in favor of the obligee or the Title IV-D Agency.

(k) To the extent that any other State or local law may be construed to limit or prevent compliance by an employer or health insurance plan administrator with the requirements of this Section and federal law and regulations pertaining to the National Medical Support Notice, that State or local law shall not apply.

(l) As the Title IV-D Agency, the Department of Public Aid shall adopt any rules necessary for use of and compliance with the National Medical Support Notice.

(750 ILCS 28/35)
Sec. 35. Duties of payor.

(a) It shall be the duty of any payor who has been served with an income withholding notice to deduct and pay over income as provided in this Section. The payor shall deduct the amount designated in the income withholding notice, as supplemented by any notice provided pursuant to subsection (f) of Section 45, beginning no later than the next payment of income which is payable or creditable to the obligor that occurs 14 days following the date the income withholding notice was mailed, sent by facsimile or other electronic means, or placed for personal delivery to or service on the payor. The payor may combine all amounts withheld for the benefit of an obligee or public office into a single payment and transmit the payment with a listing of obligors from whom withholding has been effected. The payor shall pay the amount withheld to the State Disbursement Unit within 7 business days after the date the amount would (but for the duty to withhold income) have been paid or credited to the obligor. If the payor knowingly fails to pay any amount withheld to the State Disbursement Unit within 7 business days after the date the amount would have been paid or credited to the obligor, the payor shall pay a penalty of $100 for each day that the withheld amount is not paid to the State Disbursement Unit after the period of 7 business days has expired. The failure of a payor, on more than one occasion, to pay amounts withheld to the State Disbursement Unit within 7 business days after the date the amount would have been paid or credited to the obligor creates a presumption that the payor knowingly failed to pay over the amounts. This penalty may be collected in a civil action which may be brought against the payor in favor of the obligee or public office. A finding of a payor's nonperformance within the time required under this Act must be documented by a certified mail return receipt showing the date the income withholding notice was served on the payor. For purposes of

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this Act, a withheld amount shall be considered paid by a payor on the date it is mailed by
the payor, or on the date an electronic funds transfer of the amount has been initiated by the
payor, or on the date delivery of the amount has been initiated by the payor. For each
deduction, the payor shall provide the State Disbursement Unit, at the time of transmittal,
with the date the amount would (but for the duty to withhold income) have been paid or
credited to the obligor.

After June 30, 2000, every payor that has 250 or more employees shall use electronic
funds transfer to pay all amounts withheld under this Section. During the year 2001 and
during each year thereafter, every payor that has fewer than 250 employees and that withheld
income under this Section pursuant to 10 or more income withholding notices during
December of the preceding year shall use electronic funds transfer to pay all amounts
withheld under this Section.

Upon receipt of an income withholding notice requiring that a minor child be named
as a beneficiary of a health insurance plan available through an employer or labor union or
trade union, the employer or labor union or trade union shall immediately enroll the minor
child as a beneficiary in the health insurance plan designated by the income withholding
notice. The employer shall withhold any required premiums and pay over any amounts so
withheld and any additional amounts the employer pays to the insurance carrier in a timely
manner. The employer or labor union or trade union shall mail to the obligee, within 15 days
of enrollment or upon request, notice of the date of coverage, information on the dependent
coverage plan, and all forms necessary to obtain reimbursement for covered health expenses,
such as would be made available to a new employee. When an order for dependent coverage
is in effect and the insurance coverage is terminated or changed for any reason, the employer
or labor union or trade union shall notify the obligee within 10 days of the termination or
change date along with notice of conversion privileges.

For withholding of income, the payor shall be entitled to receive a fee not to exceed
$5 per month to be taken from the income to be paid to the obligor.

(b) Whenever the obligor is no longer receiving income from the payor, the payor
shall return a copy of the income withholding notice to the obligee or public office and shall
provide information for the purpose of enforcing this Act.

(c) Withholding of income under this Act shall be made without regard to any prior
or subsequent garnishments, attachments, wage assignments, or any other claims of creditors.
Withholding of income under this Act shall not be in excess of the maximum amounts
permitted under the federal Consumer Credit Protection Act. Income available for
withholding shall be applied first to the current support obligation, then to any premium
required for employer, labor union, or trade union-related health insurance coverage
ordered under the order for support, and then to payments required on past-due support
obligations. If there is insufficient available income remaining to pay the full amount of the
required health insurance premium after withholding of income for the current support
obligation, then the remaining available income shall be applied to payments required on
past-due support obligations. If the payor has been served with more than one income
withholding notice pertaining to the same obligor, the payor shall allocate income available

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for withholding on a proportionate share basis, giving priority to current support payments. If there is any income available for withholding after withholding for all current support obligations, the payor shall allocate the income to past due support payments ordered in cases in which cash assistance under the Illinois Public Aid Code is not being provided to the obligee and then to past due support payments ordered in cases in which cash assistance under the Illinois Public Aid Code is being provided to the obligee, both on a proportionate share basis. A payor who complies with an income withholding notice that is regular on its face shall not be subject to civil liability with respect to any individual, any agency, or any creditor of the obligor for conduct in compliance with the notice.

(d) No payor shall discharge, discipline, refuse to hire or otherwise penalize any obligor because of the duty to withhold income.

(Source: P.A. 90-673, eff. 1-1-99; 91-212, eff. 7-20-99; 91-677, eff. 1-5-00.)

Section 30. The Illinois Parentage Act of 1984 is amended by changing Sections 13.1, 14, 15.1, 18, 21.1, and 22 as follows:

(750 ILCS 45/13.1)

Sec. 13.1. Temporary order for child support. Notwithstanding any other law to the contrary, pending the outcome of a judicial determination of parentage, the court shall issue a temporary order for child support, upon motion by a party and a showing of clear and convincing evidence of paternity. In determining the amount of the temporary child support award, the court shall use the guidelines and standards set forth in subsection (a) of Section 505 and in Section 505.2 of the Illinois Marriage and Dissolution of Marriage Act.

Any new or existing support order entered by the court under this Section shall be deemed to be a series of judgments against the person obligated to pay support thereunder, each such judgment to be in the amount of each payment or installment of support and each judgment to be deemed entered as of the date the corresponding payment or installment becomes due under the terms of the support order. Each such judgment shall have the full force, effect, and attributes of any other judgment of this State, including the ability to be enforced. Any such judgment is subject to modification or termination only in accordance with Section 510 of the Illinois Marriage and Dissolution of Marriage Act. A lien arises by operation of law against the real and personal property of the noncustodial parent for each installment of overdue support owed by the noncustodial parent.

All orders for support, when entered or modified, shall include a provision requiring the non-custodial parent to notify the court, and in cases in which a party is receiving child and spouse support enforcement services under Article X of the Illinois Public Aid Code, the Illinois Department of Public Aid, within 7 days, (i) of the name, address, and telephone number of any new employer of the non-custodial parent, (ii) whether the non-custodial parent has access to health insurance coverage through the employer or other group coverage, and, if so, the policy name and number and the names of persons covered under the policy, and (iii) of any new residential or mailing address or telephone number of the non-custodial parent.

In any subsequent action to enforce a support order, upon sufficient showing that diligent effort has been made to ascertain the location of the non-custodial parent, service of

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An order for support shall include a date on which the current support obligation terminates. The termination date shall be no earlier than the date on which the child covered by the order will attain the age of majority or is otherwise emancipated. The order for support shall state that the termination date does not apply to any arrearage that may remain unpaid on that date. Nothing in this paragraph shall be construed to prevent the court from modifying the order.

(Source: P.A. 90-18, eff. 7-1-97.)

(750 ILCS 45/14) (from Ch. 40, par. 2514)

(a) (1) The judgment shall contain or explicitly reserve provisions concerning any duty and amount of child support and may contain provisions concerning the custody and guardianship of the child, visitation privileges with the child, the furnishing of bond or other security for the payment of the judgment, which the court shall determine in accordance with the relevant factors set forth in the Illinois Marriage and Dissolution of Marriage Act and any other applicable law of Illinois, to guide the court in a finding in the best interests of the child. In determining custody, joint custody, or visitation, the court shall apply the relevant standards of the Illinois Marriage and Dissolution of Marriage Act. Specifically, in determining the amount of any child support award, the court shall use the guidelines and standards set forth in subsection (a) of Section 505 and in Section 505.2 of the Illinois Marriage and Dissolution of Marriage Act. For purposes of Section 505 of the Illinois Marriage and Dissolution of Marriage Act, "net income" of the non-custodial parent shall include any benefits available to that person under the Illinois Public Aid Code or from other federal, State or local government-funded programs. The court shall, in any event and regardless of the amount of the non-custodial parent's net income, in its judgment order the non-custodial parent to pay child support to the custodial parent in a minimum amount of not less than $10 per month. In an action brought within 2 years after a child's birth, the judgment or order may direct either parent to pay the reasonable expenses incurred by either parent related to the mother's pregnancy and the delivery of the child. The judgment or order shall contain the father's social security number, which the father shall disclose to the court; however, failure to include the father's social security number on the judgment or order does not invalidate the judgment or order.

(2) If a judgment of parentage contains no explicit award of custody, the establishment of a support obligation or of visitation rights in one parent shall be considered a judgment granting custody to the other parent. If the parentage judgment contains no such provisions, custody shall be presumed to be with the mother; however, the presumption shall not apply if the father has had physical custody for at least 6 months prior to the date that the mother seeks to enforce custodial rights.

(b) The court shall order all child support payments, determined in accordance with such guidelines, to commence with the date summons is served. The level of current periodic

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support payments shall not be reduced because of payments set for the period prior to the date of entry of the support order. The Court may order any child support payments to be made for a period prior to the commencement of the action. In determining whether and the extent to which the payments shall be made for any prior period, the court shall consider all relevant facts, including the factors for determining the amount of support specified in the Illinois Marriage and Dissolution of Marriage Act and other equitable factors including but not limited to:

(1) The father's prior knowledge of the fact and circumstances of the child's birth.
(2) The father's prior willingness or refusal to help raise or support the child.
(3) The extent to which the mother or the public agency bringing the action previously informed the father of the child's needs or attempted to seek or require his help in raising or supporting the child.
(4) The reasons the mother or the public agency did not file the action earlier.
(5) The extent to which the father would be prejudiced by the delay in bringing the action.

For purposes of determining the amount of child support to be paid for any period before the date the order for current child support is entered, there is a rebuttable presumption that the father's net income for the prior period was the same as his net income at the time the order for current child support is entered.

If (i) the non-custodial parent was properly served with a request for discovery of financial information relating to the non-custodial parent's ability to provide child support, (ii) the non-custodial parent failed to comply with the request, despite having been ordered to do so by the court, and (iii) the non-custodial parent is not present at the hearing to determine support despite having received proper notice, then any relevant financial information concerning the non-custodial parent's ability to provide child support that was obtained pursuant to subpoena and proper notice shall be admitted into evidence without the need to establish any further foundation for its admission.

(c) Any new or existing support order entered by the court under this Section shall be deemed to be a series of judgments against the person obligated to pay support thereunder, each judgment to be in the amount of each payment or installment of support and each such judgment to be deemed entered as of the date the corresponding payment or installment becomes due under the terms of the support order. Each judgment shall have the full force, effect and attributes of any other judgment of this State, including the ability to be enforced. A lien arises by operation of law against the real and personal property of the noncustodial parent for each installment of overdue support owed by the noncustodial parent.

(d) If the judgment or order of the court is at variance with the child's birth certificate, the court shall order that a new birth certificate be issued under the Vital Records Act.

(e) On request of the mother and the father, the court shall order a change in the child's name. After hearing evidence the court may stay payment of support during the period of the father's minority or period of disability.

(f) If, upon a showing of proper service, the father fails to appear in court, or

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otherwise appear as provided by law, the court may proceed to hear the cause upon testimony of the mother or other parties taken in open court and shall enter a judgment by default. The court may reserve any order as to the amount of child support until the father has received notice, by regular mail, of a hearing on the matter.

(g) A one-time charge of 20% is imposable upon the amount of past-due child support owed on July 1, 1988 which has accrued under a support order entered by the court. The charge shall be imposed in accordance with the provisions of Section 10-21 of the Illinois Public Aid Code and shall be enforced by the court upon petition.

(h) All orders for support, when entered or modified, shall include a provision requiring the non-custodial parent to notify the court and, in cases in which party is receiving child and spouse support enforcement services under Article X of the Illinois Public Aid Code, the Illinois Department of Public Aid, within 7 days, (i) of the name and address of any new employer of the non-custodial parent, (ii) whether the non-custodial parent has access to health insurance coverage through the employer or other group coverage and, if so, the policy name and number and the names of persons covered under the policy, and (iii) of any new residential or mailing address or telephone number of the non-custodial parent. In any subsequent action to enforce a support order, upon a sufficient showing that a diligent effort has been made to ascertain the location of the non-custodial parent, service of process or provision of notice necessary in the case may be made at the last known address of the non-custodial parent in any manner expressly provided by the Code of Civil Procedure or this Act, which service shall be sufficient for purposes of due process.

(i) An order for support shall include a date on which the current support obligation terminates. The termination date shall be no earlier than the date on which the child covered by the order will attain the age of majority or is otherwise emancipated. The order for support shall state that the termination date does not apply to any arrearage that may remain unpaid on that date. Nothing in this subsection shall be construed to prevent the court from modifying the order.

(j) An order entered under this Section shall include a provision requiring the obligor to report to the obligee and to the clerk of court within 10 days each time the obligor obtains new employment, and each time the obligor's employment is terminated for any reason. The report shall be in writing and shall, in the case of new employment, include the name and address of the new employer. Failure to report new employment or the termination of current employment, if coupled with nonpayment of support for a period in excess of 60 days, is indirect criminal contempt. For any obligor arrested for failure to report new employment bond shall be set in the amount of the child support that should have been paid during the period of unreported employment. An order entered under this Section shall also include a provision requiring the obligor and obligee parents to advise each other of a change in residence within 5 days of the change except when the court finds that the physical, mental, or emotional health of a party or that of a minor child, or both, would be seriously endangered by disclosure of the party's address.

(Source: P.A. 90-18, eff. 7-1-97; 90-539, eff. 6-1-98; 90-655, eff. 7-30-98; 91-767, eff. 6-9-00.)

New matter indicated by italics - deletions by strikeout.
Sec. 15.1. (a) Whenever it is determined in a proceeding to establish or enforce a child support obligation that the person owing a duty of support is unemployed, the court may order the person to seek employment and report periodically to the court with a diary, listing or other memorandum of his or her efforts in accordance with such order. Additionally, the court may order the unemployed person to report to the Department of Employment Security for job search services or to make application with the local Job Training Partnership Act provider for participation in job search, training or work programs and where the duty of support is owed to a child receiving child support enforcement services under Article X of the Illinois Public Aid Code, as amended, the court may order the unemployed person to report to the Illinois Department of Public Aid for participation in job search, training or work programs established under Section 9-6 and Article IXA of that Code.

(b) Whenever it is determined that a person owes past-due support for a child, and the child is receiving assistance under the Illinois Public Aid Code, the court shall order the following at the request of the Illinois Department of Public Aid:

(1) that the person pay the past-due support in accordance with a plan approved by the court; or
(2) if the person owing past-due support is unemployed, is subject to such a plan, and is not incapacitated, that the person participate in such job search, training, or work programs established under Section 9-6 and Article IXA of the Illinois Public Aid Code as the court deems appropriate.

(750 ILCS 45/18) (from Ch. 40, par. 2518)
Sec. 18. Right to Counsel; Free Transcript on Appeal.
(a) Any party may be represented by counsel at all proceedings under this Act.
(a-5) In any proceedings involving the support, custody, visitation, education, parentage, property interest, or general welfare of a minor or dependent child, the court may, on its own motion or that of any party, and subject to the terms or specifications the court determines, appoint an attorney to serve in one of the following capacities:
(1) as an attorney to represent the child;
(2) as a guardian ad litem to address issues the court delineates;
(3) as a child's representative whose duty shall be to advocate what the representative finds to be in the best interests of the child after reviewing the facts and circumstances of the case. The child's representative shall have the same power and authority to take part in the conduct of the litigation as does an attorney for a party and shall possess all the powers of investigation and recommendation as does a guardian ad litem. The child's representative shall consider, but not be bound by, the expressed wishes of the child. A child's representative shall have received training in child advocacy or shall possess such experience as determined to be equivalent to such training by the chief judge of the circuit where the child's representative has been appointed. The child's representative shall not disclose...
confidential communications made by the child, except as required by law or by the Rules of Professional Conduct. The child's representative shall not be called as a witness regarding the issues set forth in this subsection.

During the proceedings the court may appoint an additional attorney to serve in another of the capacities described in subdivisions (1), (2), or (3) of the preceding paragraph on its own motion or that of a party only for good cause shown and when the reasons for the additional appointment are set forth in specific findings.

The court shall enter an order as appropriate for costs, fees, and disbursements, including a retainer, when the attorney, guardian ad litem, or child's representative is appointed, and thereafter as necessary. Such orders shall require payment by either or both parents, by any other party or source, or from the marital estate or the child's separate estate. The court may not order payment by the Illinois Department of Public Aid in cases in which the Department is providing child and spouse support enforcement services under Article X of the Illinois Public Aid Code. Unless otherwise ordered by the court at the time fees and costs are approved, all fees and costs payable to an attorney, guardian ad litem, or child's representative under this Section are by implication deemed to be in the nature of support of the child and are within the exceptions to discharge in bankruptcy under 11 U.S.C.A. 523. The provisions of Sections 501 and 508 of this Act shall apply to fees and costs for attorneys appointed under this Section.

(b) Upon the request of a mother or child seeking to establish the existence of a father and child relationship, the State's Attorney shall represent the mother or child in the trial court. If the child is an applicant for or a recipient of assistance as defined in Section 2-6 of "The Illinois Public Aid Code", approved April 11, 1967, as amended, or has applied to the Illinois Department of Public Aid for services under Article X of such Code, the Department may file a complaint in the child's behalf under this Act. The Department shall refer the complaint to the Public Aid Claims Enforcement Division of the Office of the Attorney General as provided in Section 12-16 of "The Illinois Public Aid Code" for enforcement by the Attorney General. Legal representation by the State's Attorney or the Attorney General shall be limited to the establishment and enforcement of an order for support, and shall not extend to visitation, custody, property or other matters. If visitation, custody, property or other matters are raised by a party and considered by the court in any proceeding under this Act, the court shall provide a continuance sufficient to enable the mother or child to obtain representation for such matters.

(c) The Court may appoint counsel to represent any indigent defendant in the trial court, except that this representation shall be limited to the establishment of a parent and child relationship and an order for support, and shall not extend to visitation, custody, property, enforcement of an order for support, or other matters. If visitation, custody, property or other matters are raised by a party and considered by the court in any proceeding under this Act, the court shall provide a continuance sufficient to enable the defendant to obtain representation for such matters.

(d) The court shall furnish on request of any indigent party a transcript for purposes of appeal.

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Sec. 21.1. Payment of Support to State Disbursement Unit.

(a) As used in this Section:
"Order for support", "obligor", "obligee", and "payor" mean those terms as defined in the Income Withholding for Support Act, except that "order for support" shall not mean orders providing for spousal maintenance under which there is no child support obligation.

(b) Notwithstanding any other provision of this Act to the contrary, each order for support entered or modified on or after October 1, 1999 shall require that support payments be made to the State Disbursement Unit established under Section 10-26 of the Illinois Public Aid Code if:

(1) a party to the order is receiving child and spouse support enforcement services under Article X of the Illinois Public Aid Code; or
(2) no party to the order is receiving child and spouse support enforcement services, but the support payments are made through income withholding.

(c) Support payments shall be made to the State Disbursement Unit if:

(1) the order for support was entered before October 1, 1999, and a party to the order is receiving child and spouse support enforcement services under Article X of the Illinois Public Aid Code; or
(2) no party to the order is receiving child and spouse support enforcement services, and the support payments are being made through income withholding.

(c-5) If no party to the order is receiving child and spouse support enforcement services under Article X of the Illinois Public Aid Code, and the support payments are not made through income withholding, then support payments shall be made as directed by the order for support.

(c-10) At any time, and notwithstanding the existence of an order directing payments to be made elsewhere, the Department of Public Aid may provide notice to the obligor and, where applicable, to the obligor's payor:

(1) to make support payments to the State Disbursement Unit if:
   (A) a party to the order for support is receiving child support enforcement services under Article X of the Illinois Public Aid Code; or
   (B) no party to the order for support is receiving child support enforcement services under Article X of the Illinois Public Aid Code, but the support payments are made through income withholding; or
(2) to make support payments to the State Disbursement Unit of another state upon request of another state's Title IV-D child support enforcement agency, in accordance with the requirements of Title IV, Part D of the Social Security Act and regulations promulgated under that Part D.

The Department of Public Aid shall provide a copy of the notice to the obligee and to the clerk of the circuit court. Within 15 days after the effective date of this amendatory Act of the 91st General Assembly, the Illinois Department shall provide written notice to the clerk of the circuit court, the obligor, and, where applicable, the obligor's payor to make

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payments to the State Disbursement Unit if:

(1) the order for support was entered before October 1, 1999, and a party to the order is receiving child and spouse support services under Article X of the Illinois Public Aid Code; or

(2) no party to the order is receiving child and spouse support services, and the support payments are being made through income withholding.

(c-15) Within 15 days after the effective date of this amendatory Act of the 91st General Assembly, the clerk of the circuit court shall provide written notice to the obligor to directly to the clerk of the circuit court if no party to the order is receiving child and spouse support enforcement services under Article X of the Illinois Public Aid Code, the support payments are not made through income withholding, and the order for support requires support payments to be made directly to the clerk of the circuit court. The clerk shall provide a copy of the notice to the obligee.

(c-20) If the State Disbursement Unit receives a support payment that was not appropriately made to the Unit under this Section, the Unit shall immediately return the payment to the sender, including, if possible, instructions detailing where to send the support payments.

(d) The notices required under subsections (c-10) and (c-15) may be sent by ordinary mail, certified mail, return receipt requested, facsimile transmission, or other electronic process, or may be served upon the obligor or payor using any method provided by law for service of a summons. The Illinois Department of Public Aid shall provide a copy of the notice to the obligee and to the clerk of the court.

(750 ILCS 45/22) (from Ch. 40, par. 2522)

Sec. 22. In all cases instituted by the Illinois Department of Public Aid on behalf of a child or spouse, other than one receiving a grant of financial aid under Article IV of The Illinois Public Aid Code, on whose behalf an application has been made and approved for child support enforcement services as provided by Section 10-1 of that Code, the court shall impose a collection fee on the individual who owes a child or spouse support obligation in an amount equal to 10% of the amount so owed as long as such collection is required by federal law, which fee shall be in addition to the support obligation. The imposition of such fee shall be in accordance with provisions of Title IV, Part D, of the Social Security Act and regulations duly promulgated thereunder. The fee shall be payable to the clerk of the circuit court for transmittal to the Illinois Department of Public Aid and shall continue until support services are terminated by that Department.

(820 ILCS 405/1300) (from Ch. 48, par. 540)

Sec. 1300. Waiver or transfer of benefit rights - Partial exemption.

(A) Except as otherwise provided herein any agreement by an individual to waive, release or commute his rights under this Act shall be void.

New matter indicated by italics - deletions by strikeout.
(B) Benefits due under this Act shall not be assigned, pledged, encumbered, released or commuted and shall be exempt from all claims of creditors and from levy, execution and attachment or other remedy for recovery or collection of a debt. However, nothing in this Section shall prohibit a specified or agreed upon deduction from benefits by an individual, or a court or administrative order for withholding of income, for payment of past due child support from being enforced and collected by the Department of Public Aid on behalf of persons receiving a grant of financial aid under Article IV of the Illinois Public Aid Code, persons for whom an application has been made and approved for child support enforcement services under Section 10-1 of such Code, or persons similarly situated and receiving like support services in other states. It is provided that:

(1) The aforementioned deduction of benefits and order for withholding of income apply only if appropriate arrangements have been made for reimbursement to the Director by the Department of Public Aid for any administrative costs incurred by the Director under this Section.

(2) The Director shall deduct and withhold from benefits payable under this Act, or under any arrangement for the payment of benefits entered into by the Director pursuant to the powers granted under Section 2700 of this Act, the amount specified or agreed upon. In the case of a court or administrative order for withholding of income, the Director shall withhold the amount of the order.

(3) Any amount deducted and withheld by the Director shall be paid to the Department of Public Aid or the State Disbursement Unit established under Section 10-26 of the Illinois Public Aid Code, as directed by the Department of Public Aid, on behalf of the individual.

(4) Any amount deducted and withheld under subsection (3) shall for all purposes be treated as if it were paid to the individual as benefits and paid by such individual to the Department of Public Aid or the State Disbursement Unit in satisfaction of the individual's child support obligations.

(5) For the purpose of this Section, child support is defined as those obligations which are being enforced pursuant to a plan described in Title IV, Part D, Section 454 of the Social Security Act and approved by the Secretary of Health and Human Services.

(6) The deduction of benefits and order for withholding of income for child support shall be governed by Titles III and IV of the Social Security Act and all regulations duly promulgated thereunder.

(C) Nothing in this Section prohibits an individual from voluntarily electing to have federal income tax deducted and withheld from his or her unemployment insurance benefit payments.

(1) The Director shall, at the time that an individual files his or her claim for benefits that establishes his or her benefit year, inform the individual that:

(a) unemployment insurance is subject to federal, State, and local income taxes;

(b) requirements exist pertaining to estimated tax payments;

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(c) the individual may elect to have federal income tax deducted and withheld from his or her payments of unemployment insurance in the amount specified in the federal Internal Revenue Code; and

(d) the individual is permitted to change a previously elected withholding status.

(2) Amounts deducted and withheld from unemployment insurance shall remain in the unemployment fund until transferred to the federal taxing authority as a payment of income tax.

(3) The Director shall follow all procedures specified by the United States Department of Labor and the federal Internal Revenue Service pertaining to the deducting and withholding of income tax.

(4) Amounts shall be deducted and withheld in accordance with the priorities established in rules promulgated by the Director.

(D) Nothing in this Section prohibits an individual from voluntarily electing to have State of Illinois income tax deducted and withheld from his or her unemployment insurance benefit payments if such deduction and withholding is provided for pursuant to rules promulgated by the Director.

(1) If pursuant to rules promulgated by the Director, an individual may voluntarily elect to have State of Illinois income tax deducted and withheld from his or her unemployment insurance benefit payments, the Director shall, at the time that an individual files his or her claim for benefits that establishes his or her benefit year, in addition to providing the notice required under subsection C, inform the individual that:

   (a) the individual may elect to have State of Illinois income tax deducted and withheld from his or her payments of unemployment insurance in the amount specified pursuant to rules promulgated by the Director; and

   (b) the individual is permitted to change a previously elected withholding status.

(2) Amounts deducted and withheld from unemployment insurance shall remain in the unemployment fund until transferred to the Department of Revenue as a payment of State of Illinois income tax.

(3) Amounts shall be deducted and withheld in accordance with the priorities established in rules promulgated by the Director.

(E) Nothing in this Section prohibits the deduction and withholding of an uncollected overissuance of food stamp coupons from unemployment insurance benefits pursuant to this subsection (E).

(1) At the time that an individual files a claim for benefits that establishes his or her benefit year, that individual must disclose whether or not he or she owes an uncollected overissuance (as defined in Section 13(c)(1) of the federal Food Stamp Act of 1977) of food stamp coupons. The Director shall notify the State food stamp agency enforcing such obligation of any individual who discloses that he or she owes an uncollected overissuance of food stamp coupons and who meets the monetary

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Eligibility requirements of subsection E of Section 500.

(2) The Director shall deduct and withhold from any unemployment insurance benefits payable to an individual who owes an uncollected overissuance of food stamp coupons:

(a) the amount specified by the individual to the Director to be deducted and withheld under this subsection (E);

(b) the amount (if any) determined pursuant to an agreement submitted to the State food stamp agency under Section 13(c)(3)(A) of the federal Food Stamp Act of 1977; or

(c) any amount otherwise required to be deducted and withheld from unemployment insurance benefits pursuant to Section 13(c)(3)(B) of the federal Food Stamp Act of 1977.

(3) Any amount deducted and withheld pursuant to this subsection (E) shall be paid by the Director to the State food stamp agency.

(4) Any amount deducted and withheld pursuant to this subsection (E) shall for all purposes be treated as if it were paid to the individual as unemployment insurance benefits and paid by the individual to the State food stamp agency as repayment of the individual's uncollected overissuance of food stamp coupons.

(5) For purposes of this subsection (E), "unemployment insurance benefits" means any compensation payable under this Act including amounts payable by the Director pursuant to an agreement under any federal law providing for compensation, assistance, or allowances with respect to unemployment.

(6) This subsection (E) applies only if arrangements have been made for reimbursement by the State food stamp agency for the administrative costs incurred by the Director under this subsection (E) which are attributable to the repayment of uncollected overissuances of food stamp coupons to the State food stamp agency.

(Source: P.A. 90-425, eff. 8-15-97; 90-554, eff. 12-12-97; 91-212, eff. 7-20-99; 91-712, eff. 7-1-00.)

Section 99. Effective date. This Act takes effect on July 1, 2002.
Passed in the General Assembly May 9, 2002.
Approved June 26, 2002.
Effective July 1, 2002.

Public Act 92-0591
(House Bill No. 4194)

An Act in relation to criminal law.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Unified Code of Corrections is amended by changing Section 5-8-2 as follows:

(730 ILCS 5/5-8-2) (from Ch. 38, par. 1005-8-2)

New matter indicated by italics - deletions by strikeout.
Sec. 5-8-2. Extended Term.

(a) A judge shall not sentence an offender to a term of imprisonment in excess of the maximum sentence authorized by Section 5-8-1 for the class of the most serious offense of which the offender was convicted unless the factors in aggravation set forth in paragraph (b) of Section 5-5-3.2 were found to be present. If the pre-trial and trial proceedings were conducted in compliance with subsection (c-5) of Section 111-3 of the Code of Criminal Procedure of 1963, where a trier of fact finds beyond a reasonable doubt that such factors were present, the judge may sentence an offender to the following:

1. for first degree murder, a term shall be not less than 60 years and not more than 100 years;
2. for a Class X felony, a term shall be not less than 30 years and not more than 60 years;
3. for a Class 1 felony, a term shall be not less than 15 years and not more than 30 years;
4. for a Class 2 felony, a term shall be not less than 7 years and not more than 14 years;
5. for a Class 3 felony, a term shall not be less than 5 years and not more than 10 years;
6. for a Class 4 felony, a term shall be not less than 3 years and not more than 6 years.

(b) If the conviction was by plea, it shall appear on the record that the plea was entered with the defendant's knowledge that a sentence under this Section was a possibility. If it does not so appear on the record, the defendant shall not be subject to such a sentence unless he is first given an opportunity to withdraw his plea without prejudice.

(Source: P.A. 91-953, eff. 2-23-01.)

Section 99. Effective date. This Act takes effect upon becoming law.
Passed in the General Assembly April 24, 2002.
Approved June 27, 2002.
Effective June 27, 2002.
is met:

(1) The parent or guardian of the minor who is officiating shall be responsible for being present at the youth sports activity while the minor is officiating. Failure of the parent or guardian to be present may result in the revocation of the employment certificate.

(2) The employer must obtain certification as provided for in Section 9 of this Act.

(3) The minor may work as a sports official for a maximum of 3 hours per day on school days and a maximum of 4 hours per day on non-school days, may not exceed 10 hours of officiating in any week, and may not work later than 9 p.m.

(4) The participants in the youth sports activity must be at least 3 years younger than the officiating minor, or an adult must be officiating the same youth sports activity. For the purposes of this subdivision (4), "adult" means an individual 16 years of age or older.

(820 ILCS 205/3) (from Ch. 48, par. 31.3)

Sec. 3. Except as hereinafter provided, no minor under 16 years of age shall be employed, permitted, or allowed to work in any gainful occupation mentioned in Section 1 of this Act for more than 6 consecutive days in any one week, or more than 48 hours in any one week, or more than 8 hours in any one day, or be so employed, permitted or allowed to work between 7 p.m. and 7 a.m. from Labor Day until June 1 or between 9 p.m. and 7 a.m. from June 1 until Labor Day.

The hours of work of minors under the age of 16 years employed outside of school hours shall not exceed 3 a day on days when school is in session, nor shall the combined hours of work outside and in school exceed a total of 8 a day; except that a minor under the age of 16 may work both Saturday and Sunday for not more than 8 hours each day if the following conditions are met: (1) the minor does not work outside school more than 6 consecutive days in any one week, and (2) the number of hours worked by the minor outside school in any week does not exceed 24.

A minor 14 or more years of age who is employed in a recreational or educational activity by a park district, not-for-profit youth club, or municipal parks and recreation department while school is in session may work up to 3 hours per school day twice a week no later than 9 p.m. if the number of hours worked by the minor outside school in any week does not exceed 24 or between 10 p.m. and 7 a.m. during that school district's summer vacation, or if the school district operates on a 12 month basis, the period during which school is not in session for the minor.

(Source: P.A. 90-410, eff. 1-1-98.)

Section 99. Effective date. This Act takes effect upon becoming law.
Passed in the General Assembly June 1, 2002.
Approved June 27, 2002.
Effective June 27, 2002.
AN ACT concerning schools.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The School Code is amended by changing Sections 2-3.12 and 3-14.20 as follows:

(105 ILCS 5/2-3.12) (from Ch. 122, par. 2-3.12)

Sec. 2-3.12. School building code. To prepare for school boards with the advice of the Department of Public Health, the Capital Development Board, and the State Fire Marshal a school building code that will conserve the health and safety and general welfare of the pupils and school personnel and others who use public school facilities.

The document known as "Efficient and Adequate Standards for the Construction of Schools" applies only to temporary school facilities, new school buildings, and additions to existing schools whose construction contracts are awarded after July 1, 1965. On or before July 1, 1967, each school board shall have its school district buildings that were constructed prior to January 1, 1955, surveyed by an architect or engineer licensed in the State of Illinois as to minimum standards necessary to conserve the health and safety of the pupils enrolled in the school buildings of the district. Buildings constructed between January 1, 1955 and July 1, 1965, not owned by the State of Illinois, shall be surveyed by an architect or engineer licensed in the State of Illinois beginning 10 years after acceptance of the completed building by the school board. Buildings constructed between January 1, 1955 and July 1, 1955 and previously exempt under the provisions of Section 35-27 shall be surveyed prior to July 1, 1977 by an architect or engineer licensed in the State of Illinois. The architect or engineer, using the document known as "Building Specifications for Health and Safety in Public Schools" as a guide, shall make a report of the findings of the survey to the school board, giving priority in that report to fire safety problems and recommendations thereon if any such problems exist. The school board of each district so surveyed and receiving a report of needed recommendations to be made to improve standards of safety and health of the pupils enrolled has until July 1, 1970, or in case of buildings not owned by the State of Illinois and completed between January 1, 1955 and July 1, 1965 or in the case of buildings previously exempt under the provisions of Section 35-27 has a period of 3 years after the survey is commenced, to effectuate those recommendations, giving first attention to the recommendations in the survey report having priority status, and is authorized to levy the tax provided for in Section 17-2.11, according to the provisions of that Section, to make such improvements. School boards unable to effectuate those recommendations prior to July 1, 1970, on July 1, 1980 in the case of buildings previously exempt under the provisions of Section 35-27, may petition the State Superintendent of Education upon the recommendation of the Regional Superintendent for an extension of time. The extension of time may be granted by the State Superintendent of Education for a period of one year, but may be extended from year to year provided substantial progress, in the opinion of the State

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Superintendent of Education, is being made toward compliance. However, for fire protection issues, only one one-year extension may be made, and no other provision of this Code or an applicable code may supersede this requirement. For routine inspections, fire officials shall provide written notice to the principal of the school to schedule a mutually agreed upon time for the fire safety check. However, no more than 2 routine inspections may be made in a calendar year.

Within 2 years after the effective date of this amendatory Act of 1983, and every 10 years thereafter, or at such other times as the State Board of Education deems necessary or the regional superintendent so orders, each school board subject to the provisions of this Section shall again survey its school buildings and effectuate any recommendations in accordance with the procedures set forth herein. An architect or engineer licensed in the State of Illinois is required to conduct the surveys under the provisions of this Section and shall make a report of the findings of the survey titled "safety survey report" to the school board. The school board shall approve the safety survey report, including any recommendations to effectuate compliance with the code, and submit it to the Regional Superintendent. The Regional Superintendent shall render a decision regarding approval or denial and submit the safety survey report to the State Superintendent of Education. The State Superintendent of Education shall approve or deny the report including recommendations to effectuate compliance with the code and, if approved, issue a certificate of approval. Upon receipt of the certificate of approval, the Regional Superintendent shall issue an order to effect any approved recommendations included in the report. Items in the report shall be prioritized. Urgent items shall be considered as those items related to life safety problems that present an immediate hazard to the safety of students. Required items shall be considered as those items that are necessary for a safe environment but present less of an immediate hazard to the safety of students. Urgent and required items shall reference a specific rule in the code authorized by this Section that is currently being violated or will be violated within the next 12 months if the violation is not remedied. The school board of each district so surveyed and receiving a report of needed recommendations to be made to maintain standards of safety and health of the pupils enrolled shall effectuate the correction of urgent items as soon as achievable to ensure the safety of the students, but in no case more than one year after the date of the State Superintendent of Education's approval of the recommendation. Required items shall be corrected in a timely manner, but in no case more than 5 years from the date of the State Superintendent of Education's approval of the recommendation. Once each year the school board shall submit a report of progress on completion of any recommendations to effectuate compliance with the code. For each year that the school board does not effectuate any or all approved recommendations, it shall petition the Regional Superintendent and the State Superintendent of Education detailing what work was completed in the previous year and a work plan for completion of the remaining work. If in the judgement of the Regional Superintendent and the State Superintendent of Education substantial progress has been made and just cause has been shown by the school board, the petition for a one year extension of time may be approved.

As soon as practicable, but not later than 2 years after the effective date of this
amendatory Act of 1992, the State Board of Education shall combine the document known as "Efficient and Adequate Standards for the Construction of Schools" with the document known as "Building Specifications for Health and Safety in Public Schools" together with any modifications or additions that may be deemed necessary. The combined document shall be known as the "Health/Life Safety Code for Public Schools" and shall be the governing code for all facilities that house public school students or are otherwise used for public school purposes, whether such facilities are permanent or temporary and whether they are owned, leased, rented, or otherwise used by the district. Facilities owned by a school district but that are not used to house public school students or are not used for public school purposes shall be governed by separate provisions within the code authorized by this Section.

The 10 year survey cycle specified in this Section shall continue to apply based upon the standards contained in the "Health/Life Safety Code for Public Schools", which shall specify building standards for buildings that are constructed prior to the effective date of this amendatory Act of 1992 and for buildings that are constructed after that date.

The "Health/Life Safety Code for Public Schools" shall be the governing code for public schools; however, the provisions of this Section shall not preclude inspection of school premises and buildings pursuant to Section 9 of the Fire Investigation Act, provided that the provisions of the "Health/Life Safety Code for Public Schools", or such predecessor document authorized by this Section as may be applicable are used, and provided that those inspections are coordinated with the Regional Superintendent having jurisdiction over the public school facility. Nothing in this Section shall be construed to prohibit a local fire department, fire protection district, or the Office of the State Fire Marshal from conducting a fire safety check in a public school. Upon being notified by a fire official that corrective action must be taken to resolve a violation, the school board shall take corrective action within one year. However, violations that present imminent danger must be addressed immediately.

Any agency having jurisdiction beyond the scope of the applicable document authorized by this Section may issue a lawful order to a school board to effectuate recommendations, and the school board receiving the order shall certify to the Regional Superintendent and the State Superintendent of Education when it has complied with the order.

The State Board of Education is authorized to adopt any rules that are necessary relating to the administration and enforcement of the provisions of this Section. The code authorized by this Section shall apply only to those school districts having a population of less than 500,000 inhabitants. (Source: P.A. 89-397, eff. 8-20-95; 90-811, eff. 1-26-99.)

(105 ILCS 5/3-14.20) (from Ch. 122, par. 3-14.20)

Sec. 3-14.20. Building plans and specifications. To inspect the building plans and specifications, including but not limited to plans and specifications for the heating, ventilating, lighting, seating, water supply, toilets and safety against fire of public school rooms and buildings submitted to him by school boards, and to approve all those which comply substantially with the building code authorized in Section 2-3.12. The local fire
department or fire protection district where the school is being constructed or altered may request a review of the plans and specifications. The regional superintendent of schools shall submit a copy of the plans and specifications within 10 business days after the request. The fire department or fire protection district may comment on the plans and specifications based on the building code authorized in Section 2-3.12 of the Code and, if any corrective action must be taken, shall respond to the regional superintendent of schools within 15 days after receipt of the plans and specifications. The Office of the State Fire Marshal may review the plans and specifications at the request of the fire department or fire protection district. The review must be conducted at no cost to the school district.

If such plans and specifications are not approved or denied approval by the regional superintendent of schools within 3 months after the date on which they are submitted to him or her, the school board may submit such plans and specifications directly to the State Superintendent of Education for approval or denial.

(Source: P.A. 86-1312; 87-984.)

Approved June 27, 2002.

PUBLIC ACT 92-0594
(Senate Bill No. 2098)

AN ACT concerning citizen assistance.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 1. Short title. This Act may be cited as the Senior Pharmaceutical Assistance Act.

Section 5. Findings. The General Assembly finds:

(1) Senior citizens identify pharmaceutical assistance as the single most critical factor to their health, well-being, and continued independence.

(2) The State of Illinois currently operates 2 pharmaceutical assistance programs that benefit seniors: (i) the program of pharmaceutical assistance under the Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act and (ii) the Aid to the Aged, Blind, or Disabled program under the Illinois Public Aid Code. The State has been given authority to establish a third program, SeniorRx Care, through a federal Medicaid waiver.

(3) Each year, numerous pieces of legislation are filed seeking to establish additional pharmaceutical assistance benefits for seniors or to make changes to the existing programs.

(4) Establishment of a pharmaceutical assistance review committee will ensure proper coordination of benefits, diminish the likelihood of duplicative benefits, and ensure that the best interests of seniors are served.

(5) In addition to the State pharmaceutical assistance programs, several private entities, such as drug manufacturers and pharmacies, also offer prescription drug discount

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or coverage programs.

(6) Many seniors are unaware of the myriad of public and private programs available to them.

(7) Establishing a pharmaceutical clearinghouse with a toll-free hot-line and local outreach workers will educate seniors about the vast array of options available to them and enable seniors to make an educated and informed choice that is best for them.

(8) Estimates indicate that almost one-third of senior citizens lack prescription drug coverage. The federal government, states, and the pharmaceutical industry each have a role in helping these uninsured seniors gain access to life-saving medications.

(9) The State of Illinois has recognized its obligation to assist Illinois' neediest seniors in purchasing prescription medications, and it is now time for pharmaceutical manufacturers to recognize their obligation to make their medications affordable to seniors.

Section 10. Definitions. In this Act:

"Manufacturer" includes:

(1) An entity that is engaged in (a) the production, preparation, propagation, compounding, conversion, or processing of prescription drug products (i) directly or indirectly by extraction from substances of natural origin, (ii) independently by means of chemical synthesis, or (iii) by combination of extraction and chemical synthesis; or (b) the packaging, repackaging, labeling or re-labelling, or distribution of prescription drug products.

(2) The entity holding legal title to or possession of the national drug code number for the covered prescription drug.

The term does not include a wholesale distributor of drugs, drugstore chain organization, or retail pharmacy licensed by the State.

"Prescription drug" means a drug that may be dispensed only upon prescription by an authorized prescriber and that is approved for safety and effectiveness as a prescription drug under Section 505 or 507 of the Federal Food, Drug and Cosmetic Act.

"Senior citizen" or "senior" means a person 65 years of age or older.

Section 15. Senior Pharmaceutical Assistance Review Committee.

(a) The Senior Pharmaceutical Assistance Review Committee is created. The Committee shall consist of 17 members as follows:

(1) Twelve members appointed as follows: 2 members of the General Assembly and 1 member of the general public, appointed by the President of the Senate; 2 members of the General Assembly and 1 member of the general public, appointed by the Minority Leader of the Senate; 2 members of the General Assembly and 1 member of the general public, appointed by the Speaker of the House of Representatives; and 2 members of the General Assembly and 1 member of the general public, appointed by the Minority Leader of the House of Representatives. These members shall serve at the pleasure of the appointing authority.

(2) The Director of Aging or his or her designee.

(3) The Director of Revenue or his or her designee.

(4) The Director of Public Aid or his or her designee.

(5) The Secretary of Human Services or his or her designee.

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(6) The Director of Public Health or his or her designee.

(b) Members appointed from the general public shall represent the following associations, organizations, and interests: statewide membership-based senior advocacy organizations, pharmaceutical manufacturers, pharmacists, dispensing pharmacies, physicians, and providers of services to senior citizens. No single organization may have more than one representative appointed as a member from the general public.

c) The President of the Senate and Speaker of the House of Representatives shall each designate one member of the Committee to serve as co-chairs.

d) Committee members shall serve without compensation or reimbursement for expenses.

e) The Committee shall meet at the call of the co-chairs, but at least quarterly.

(f) The Committee may conduct public hearings to gather testimony from interested parties regarding pharmaceutical assistance for Illinois seniors, including changes to existing and proposed programs.

g) The Committee may advise appropriate State agencies regarding the establishment of proposed programs or changes to existing programs. The State agencies shall take into consideration any recommendations made by the Committee.

(h) The Committee shall report to the General Assembly and the Governor annually or as it deems necessary regarding proposed or recommended changes to pharmaceutical assistance programs that benefit Illinois seniors and any associated costs of those changes.

Section 20. Senior Health Assistance Program.

(a) The Senior Health Assistance Program is created within the Department on Aging, to become operational within 90 days after the effective date of this Act. The Senior Health Assistance Program shall provide outreach and education to senior citizens on available prescription drug coverage and discount programs.

(b) The Senior Health Assistance Program shall operate a Clearinghouse for all information regarding prescription drug coverage programs available to senior citizens in Illinois. The Clearinghouse shall operate in conjunction with the Department's toll-free senior information program.

c) The purposes of the Clearinghouse include, but are not limited to:

(1) Maintaining information on public and private prescription assistance programs for Illinois seniors.

(2) Educating citizens on available public and private prescription assistance programs.

(3) Educating seniors on how to make an informed decision about participation in prescription drug assistance programs.

d) The Clearinghouse has the following duties:

(1) Provide a one-stop resource for all information for seniors regarding public and private prescription drug discount and coverage programs.

(2) Perform outreach and education activities on public and private prescription drug discount and coverage programs.

(3) Maintain a toll-free telephone number staffed by trained customer service representatives.

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representatives.

(4) Maintain measurable data to identify the progress and success of the program, including, but not limited to, the number of individuals served, the type of assistance received, and overall program evaluation.

(e) The Department shall work cooperatively with other Departments that fund senior health assistance, including assistance with prescription drugs, to ensure maximum coordination.

Section 25. Study of catastrophic pharmaceutical assistance coverage.

(a) The Illinois Comprehensive Health Insurance Board shall study a catastrophic pharmaceutical assistance coverage option. The Board may contract with a private entity for the completion of all or part of the study. Specifically, the study shall:

(1) Assess the need for a catastrophic pharmaceutical assistance coverage option, including information on the number of individuals in need of such a benefit.

(2) Estimate the cost of providing a catastrophic pharmaceutical assistance coverage option through the Illinois Comprehensive Health Insurance Plan or another public or private entity.

(3) Recommend ways to create a catastrophic pharmaceutical assistance coverage option.

(b) The Board may accept donations, in trust, from any legal source, public or private, for deposit into a specially created trust account and for expenditure, without the necessity of being appropriated, solely for the purpose of conducting all or part of the study.

(c) The Board may enter into intergovernmental agreements with other State agencies for the purpose of conducting all or part of the study.

(d) The Board shall issue a report with recommendations to the Governor and the General Assembly by January 1, 2003.

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

Passed in the General Assembly June 2, 2002.

Approved June 27, 2002.

Effective June 27, 2002.

PUBLIC ACT 92-0595
(House Bill No. 2381)

AN ACT in relation to taxation.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Riverboat Gambling Act is amended by changing Sections 12 and 13 as follows:

(230 ILCS 10/12) (from Ch. 120, par. 2412)
Sec. 12. Admission tax; fees.

(a) A tax is hereby imposed upon admissions authorized pursuant to this Act. Until July 1, 2002, the rate is at a rate of $2 per person admitted. Beginning July 1, 2002, the rate

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is $3 per person admitted. This admission tax is imposed upon the licensed owner conducting gambling.

(1) The admission tax shall be paid for each admission.
(2) (Blank).
(3) The riverboat licensee may issue tax-free passes to actual and necessary officials and employees of the licensee or other persons actually working on the riverboat.
(4) The number and issuance of tax-free passes is subject to the rules of the Board, and a list of all persons to whom the tax-free passes are issued shall be filed with the Board.

(b) From the $2 tax imposed under subsection (a), a municipality shall receive from the State $1 for each person embarking on a riverboat docked within the municipality, and a county shall receive $1 for each person embarking on a riverboat docked within the county but outside the boundaries of any municipality. The municipality's or county's share shall be collected by the Board on behalf of the State and remitted quarterly by the State, subject to appropriation, to the treasurer of the unit of local government for deposit in the general fund.
(c) The licensed owner shall pay the entire admission tax to the Board. Such payments shall be made daily. Accompanying each payment shall be a return on forms provided by the Board which shall include other information regarding admissions as the Board may require. Failure to submit either the payment or the return within the specified time may result in suspension or revocation of the owners license.
(d) The Board shall administer and collect the admission tax imposed by this Section, to the extent practicable, in a manner consistent with the provisions of Sections 4, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5i, 5j, 6, 6a, 6b, 6c, 8, 9 and 10 of the Retailers' Occupation Tax Act and Section 3-7 of the Uniform Penalty and Interest Act.
(Source: P.A. 91-40, eff. 6-25-99.)
(230 ILCS 10/13) (from Ch. 120, par. 2413)
Sec. 13. Wagering tax; rate; distribution.
(a) Until January 1, 1998, a tax is imposed on the adjusted gross receipts received from gambling games authorized under this Act at the rate of 20%.

From Beginning January 1, 1998 until July 1, 2002, a privilege tax is imposed on persons engaged in the business of conducting riverboat gambling operations, based on the adjusted gross receipts received by a licensed owner from gambling games authorized under this Act at the following rates:

15% of annual adjusted gross receipts up to and including $25,000,000;
20% of annual adjusted gross receipts in excess of $25,000,000 but not exceeding $50,000,000;
25% of annual adjusted gross receipts in excess of $50,000,000 but not exceeding $75,000,000;
30% of annual adjusted gross receipts in excess of $75,000,000 but not exceeding $100,000,000;
35% of annual adjusted gross receipts in excess of $100,000,000.

New matter indicated by italics - deletions by strikeout.
Beginning July 1, 2002, a privilege tax is imposed on persons engaged in the business of conducting riverboat gambling operations, based on the adjusted gross receipts received by a licensed owner from gambling games authorized under this Act at the following rates:

- 15% of annual adjusted gross receipts up to and including $25,000,000;
- 22.5% of annual adjusted gross receipts in excess of $25,000,000 but not exceeding $50,000,000;
- 27.5% of annual adjusted gross receipts in excess of $50,000,000 but not exceeding $75,000,000;
- 32.5% of annual adjusted gross receipts in excess of $75,000,000 but not exceeding $100,000,000;
- 37.5% of annual adjusted gross receipts in excess of $100,000,000 but not exceeding $150,000,000;
- 45% of annual adjusted gross receipts in excess of $150,000,000 but not exceeding $200,000,000;
- 50% of annual adjusted gross receipts in excess of $200,000,000.

The taxes imposed by this Section shall be paid by the licensed owner to the Board not later than 3:00 o'clock p.m. of the day after the day when the wagers were made.

(b) Until January 1, 1998, 25% of the tax revenue deposited in the State Gaming Fund under this Section shall be paid, subject to appropriation by the General Assembly, to the unit of local government which is designated as the home dock of the riverboat. Beginning January 1, 1998, from the tax revenue deposited in the State Gaming Fund under this Section, an amount equal to 5% of adjusted gross receipts generated by a riverboat shall be paid monthly, subject to appropriation by the General Assembly, to the unit of local government that is designated as the home dock of the riverboat.

(c) Appropriations, as approved by the General Assembly, may be made from the State Gaming Fund to the Department of Revenue and the Department of State Police for the administration and enforcement of this Act.

(c-5) After the payments required under subsections (b) and (c) have been made, an amount equal to 15% of the adjusted gross receipts of a riverboat (1) that relocates pursuant to Section 11.2, or (2) for which an owners license is initially issued after the effective date of this amendatory Act of 1999, whichever comes first, shall be paid from the State Gaming Fund into the Horse Racing Equity Fund.

(c-10) Each year the General Assembly shall appropriate from the General Revenue Fund to the Education Assistance Fund an amount equal to the amount paid into the Horse Racing Equity Fund pursuant to subsection (c-5) in the prior calendar year.

(c-15) After the payments required under subsections (b), (c), and (c-5) have been made, an amount equal to 2% of the adjusted gross receipts of a riverboat (1) that relocates pursuant to Section 11.2, or (2) for which an owners license is initially issued after the effective date of this amendatory Act of 1999, whichever comes first, shall be paid, subject to appropriation from the General Assembly, from the State Gaming Fund to each home rule county with a population of over 3,000,000 inhabitants for the purpose of enhancing the...
county's criminal justice system.

(c-20) Each year the General Assembly shall appropriate from the General Revenue Fund to the Education Assistance Fund an amount equal to the amount paid to each home rule county with a population of over 3,000,000 inhabitants pursuant to subsection (c-15) in the prior calendar year.

(c-25) After the payments required under subsections (b), (c), (c-5) and (c-15) have been made, an amount equal to 2% of the adjusted gross receipts of a riverboat (1) that relocates pursuant to Section 11.2, or (2) for which an owners license is initially issued after the effective date of this amendatory Act of 1999, whichever comes first, shall be paid from the State Gaming Fund into the State Universities Athletic Capital Improvement Fund.

(d) From time to time, the Board shall transfer the remainder of the funds generated by this Act into the Education Assistance Fund, created by Public Act 86-0018, of the State of Illinois.

(e) Nothing in this Act shall prohibit the unit of local government designated as the home dock of the riverboat from entering into agreements with other units of local government in this State or in other states to share its portion of the tax revenue.

(f) To the extent practicable, the Board shall administer and collect the wagering taxes imposed by this Section in a manner consistent with the provisions of Sections 4, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5i, 5j, 6, 6a, 6b, 6c, 8, 9, and 10 of the Retailers' Occupation Tax Act and Section 3-7 of the Uniform Penalty and Interest Act.

(Source: P.A. 90-548, eff. 12-4-97; 91-40, eff. 6-25-99.)

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

Passed in the General Assembly June 2, 2002.

Approved June 28, 2002.

Effective June 28, 2002.

PUBLIC ACT 92-0596
(House Bill No. 2828)

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

Section 5. The State Finance Act is amended by changing Section 6z-43 as follows:

(30 ILCS 105/6z-43)

Sec. 6z-43. Tobacco Settlement Recovery Fund.

(a) There is created in the State Treasury a special fund to be known as the Tobacco Settlement Recovery Fund, into which shall be deposited all monies paid to the State pursuant to (1) the Master Settlement Agreement entered in the case of People of the State of Illinois v. Philip Morris, et al. (Circuit Court of Cook County, No. 96-L13146) and (2) any settlement with or judgment against any tobacco product manufacturer other than one participating in the Master Settlement Agreement in satisfaction of any released claim as defined in the Master Settlement Agreement, as well as any other monies as provided by law.

New matter indicated by italics - deletions by strikeout.
All earnings on Fund investments shall be deposited into the Fund. Upon the creation of the Fund, the State Comptroller shall order the State Treasurer to transfer into the Fund any monies paid to the State as described in item (1) or (2) of this Section before the creation of the Fund plus any interest earned on the investment of those monies. The Treasurer may invest the moneys in the Fund in the same manner, in the same types of investments, and subject to the same limitations provided in the Illinois Pension Code for the investment of pension funds other than those established under Article 3 or 4 of the Code.

(b) As soon as may be practical after June 30, 2001, upon notification from and at the direction of the Governor, the State Comptroller shall direct and the State Treasurer shall transfer the unencumbered balance in the Tobacco Settlement Recovery Fund as of June 30, 2001, as determined by the Governor, into the Budget Stabilization Fund. The Treasurer may invest the moneys in the Budget Stabilization Fund in the same manner, in the same types of investments, and subject to the same limitations provided in the Illinois Pension Code for the investment of pension funds other than those established under Article 3 or 4 of the Code.

(c) In addition to any other deposits authorized by law, after any delivery of any bonds as authorized by Section 7.5 of the General Obligation Bond Act for deposits to the General Revenue Fund and the Budget Stabilization Fund (referred to as "tobacco securitization general obligation bonds"), the Governor shall certify, on or before June 30, 2003 and June 30 of each year thereafter, to the State Comptroller and State Treasurer the total amount of principal of, interest on, and premium, if any, due on those bonds in the next fiscal year beginning with amounts due in fiscal year 2004. As soon as practical after the annual payment of tobacco settlement moneys to the Tobacco Settlement Recovery Fund as described in item (1) of subsection (a), the State Treasurer and State Comptroller shall transfer from the Tobacco Settlement Recovery Fund to the General Obligation Bond Retirement and Interest Fund the amount certified by the Governor, plus any cumulative deficiency in those transfers for prior years.

(30 ILCS 330/2) (from Ch. 127, par. 652)
Sec. 2. Authorization for Bonds. The State of Illinois is authorized to issue, sell and provide for the retirement of General Obligation Bonds of the State of Illinois for the categories and specific purposes expressed in Sections 2 through 8 of this Act, in the total amount of $16,015,007,500 $15,265,007,500.

The bonds authorized in this Section 2 and in Section 16 of this Act are herein called "Bonds".

Of the total amount of Bonds authorized in this Act, up to $2,200,000,000 in aggregate original principal amount may be issued and sold in accordance with the Baccalaureate Savings Act in the form of General Obligation College Savings Bonds.

Of the total amount of Bonds authorized in this Act, up to $300,000,000 in aggregate original principal amount may be issued and sold in accordance with the Retirement Savings

New matter indicated by italics - deletions by strikeout.
Act in the form of General Obligation Retirement Savings Bonds.

The issuance and sale of Bonds pursuant to the General Obligation Bond Act is an economical and efficient method of financing the capital and general operating needs of the State. This Act will permit the issuance of a multi-purpose General Obligation Bond with uniform terms and features. This will not only lower the cost of registration but also reduce the overall cost of issuing debt by improving the marketability of Illinois General Obligation Bonds.

(Source: P.A. 91-39, eff. 6-15-99; 91-53, eff 6-30-99; 91-710, eff. 5-17-00; 92-13, eff. 6-22-01.)

(30 ILCS 330/7.5 new)

Sec. 7.5. Tobacco securitization general obligation bonds. The amount of $750,000,000 is authorized to be issued only during fiscal year 2003 for the making of deposits of 50% of net proceeds to the General Revenue Fund to build the fiscal year ending general funds cash balance and to meet the ordinary and contingent expenses of the State and 50% of net proceeds to the Budget Stabilization Fund.

(30 ILCS 330/12) (from Ch. 127, par. 662)

Sec. 12. Allocation of Proceeds from Sale of Bonds.

(a) Proceeds from the sale of Bonds, authorized by Section 3 of this Act, shall be deposited in the separate fund known as the Capital Development Fund.

(b) Proceeds from the sale of Bonds, authorized by paragraph (a) of Section 4 of this Act, shall be deposited in the separate fund known as the Transportation Bond, Series A Fund.

(c) Proceeds from the sale of Bonds, authorized by paragraphs (b) and (c) of Section 4 of this Act, shall be deposited in the separate fund known as the Transportation Bond, Series B Fund.

(d) Proceeds from the sale of Bonds, authorized by Section 5 of this Act, shall be deposited in the separate fund known as the School Construction Fund.

(e) Proceeds from the sale of Bonds, authorized by Section 6 of this Act, shall be deposited in the separate fund known as the Anti-Pollution Fund.

(f) Proceeds from the sale of Bonds, authorized by Section 7 of this Act, shall be deposited in the separate fund known as the Coal Development Fund.

(f-5) Proceeds from the sale of Bonds, authorized by Section 7.5 of this Act, shall be deposited as set forth in Section 7.5.

(g) Proceeds from the sale of Bonds, authorized by Section 8 of this Act, shall be deposited in the Capital Development Fund.

(h) Subsequent to the issuance of any Bonds for the purposes described in Sections 2 through 8 of this Act, the Governor and the Director of the Bureau of the Budget may provide for the reallocation of unspent proceeds of such Bonds to any other purposes authorized under said Sections of this Act, subject to the limitations on aggregate principal amounts contained therein. Upon any such reallocation, such unspent proceeds shall be transferred to the appropriate funds as determined by reference to paragraphs (a) through (g) of this Section.

New matter indicated by italics - deletions by strikeout.
AN ACT in relation to budget implementation.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 1. Short title. This Act may be cited as the FY2003 Budget Implementation Act.

Section 5. Purpose. It is the purpose of this Act to make certain changes in State programs that are necessary to implement the State's FY2003 budget.

Section 10. The Illinois Administrative Procedure Act is amended by changing Section 5-45 as follows:

(5 ILCS 100/5-45) (from Ch. 127, par. 1005-45)
Sec. 5-45. Emergency rulemaking.
(a) "Emergency" means the existence of any situation that any agency finds reasonably constitutes a threat to the public interest, safety, or welfare.
(b) If any agency finds that an emergency exists that requires adoption of a rule upon fewer days than is required by Section 5-40 and states in writing its reasons for that finding, the agency may adopt an emergency rule without prior notice or hearing upon filing a notice of emergency rulemaking with the Secretary of State under Section 5-70. The notice shall include the text of the emergency rule and shall be published in the Illinois Register. Consent orders or other court orders adopting settlements negotiated by an agency may be adopted under this Section. Subject to applicable constitutional or statutory provisions, an emergency rule becomes effective immediately upon filing under Section 5-65 or at a stated date less than 10 days thereafter. The agency's finding and a statement of the specific reasons for the finding shall be filed with the rule. The agency shall take reasonable and appropriate measures to make emergency rules known to the persons who may be affected by them.
(c) An emergency rule may be effective for a period of not longer than 150 days, but the agency's authority to adopt an identical rule under Section 5-40 is not precluded. No emergency rule may be adopted more than once in any 24 month period, except that this limitation on the number of emergency rules that may be adopted in a 24 month period does not apply to (i) emergency rules that make additions to and deletions from the Drug Manual under Section 5-5.16 of the Illinois Public Aid Code or the generic drug formulary under Section 3.14 of the Illinois Food, Drug and Cosmetic Act or (ii) emergency rules adopted by the Pollution Control Board before July 1, 1997 to implement portions of the Livestock Management Facilities Act. Two or more emergency rules having substantially the same

New matter indicated by italics - deletions by strikeout.
purpose and effect shall be deemed to be a single rule for purposes of this Section.

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

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

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

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

(h) In order to provide for the expeditious and timely implementation of the State's fiscal year 2003 budget, emergency rules to implement any provision of this amendatory Act of the 92nd General Assembly or any other budget initiative for fiscal year 2003 may be adopted in accordance with this Section by the agency charged with administering that provision or initiative, except that the 24-month limitation on the adoption of emergency rules and the provisions of Sections 5-115 and 5-125 do not apply to rules adopted under this subsection (h). The adoption of emergency rules authorized by this subsection (h) shall be deemed to be necessary for the public interest, safety, and welfare.

(Source: P.A. 91-24, eff. 7-1-99; 91-357, eff. 7-29-99; 91-712, eff. 7-1-00; 92-10, eff.

New matter indicated by italics - deletions by strikeout.
Section 15. The Illinois Act on the Aging is amended by changing Section 4.02 as follows:

(20 ILCS 105/4.02) (from Ch. 23, par. 6104.02)

Sec. 4.02. The Department shall establish a program of services to prevent unnecessary institutionalization of persons age 60 and older in need of long term care or who are established as persons who suffer from Alzheimer's disease or a related disorder under the Alzheimer's Disease Assistance Act, thereby enabling them to remain in their own homes or in other living arrangements. Such preventive services, which may be coordinated with other programs for the aged and monitored by area agencies on aging in cooperation with the Department, may include, but are not limited to, any or all of the following:

(a) home health services;
(b) home nursing services;
(c) homemaker services;
(d) chore and housekeeping services;
(e) day care services;
(f) home-delivered meals;
(g) education in self-care;
(h) personal care services;
(i) adult day health services;
(j) habilitation services;
(k) respite care;
(l) other nonmedical social services that may enable the person to become self-supporting; or
(m) clearinghouse for information provided by senior citizen home owners who want to rent rooms to or share living space with other senior citizens.

The Department shall establish eligibility standards for such services taking into consideration the unique economic and social needs of the target population for whom they are to be provided. Such eligibility standards shall be based on the recipient's ability to pay for services; provided, however, that in determining the amount and nature of services for which a person may qualify, consideration shall not be given to the value of cash, property or other assets held in the name of the person's spouse pursuant to a written agreement dividing marital property into equal but separate shares or pursuant to a transfer of the person's interest in a home to his spouse, provided that the spouse's share of the marital property is not made available to the person seeking such services.

Beginning July 1, 2002, the Department shall require as a condition of eligibility that all applicants and recipients apply for medical assistance under Article V of the Illinois Public Aid Code in accordance with rules promulgated by the Department.

The Department shall, in conjunction with the Department of Public Aid, seek appropriate amendments under Sections 1915 and 1924 of the Social Security Act. The purpose of the amendments shall be to extend eligibility for home and community based services under Sections 1915 and 1924 of the Social Security Act to persons who transfer to
or for the benefit of a spouse those amounts of income and resources allowed under Section 1924 of the Social Security Act. Subject to the approval of such amendments, the Department shall extend the provisions of Section 5-4 of the Illinois Public Aid Code to persons who, but for the provision of home or community-based services, would require the level of care provided in an institution, as is provided for in federal law. Those persons no longer found to be eligible for receiving noninstitutional services due to changes in the eligibility criteria shall be given 60 days notice prior to actual termination. Those persons receiving notice of termination may contact the Department and request the determination be appealed at any time during the 60 day notice period. With the exception of the lengthened notice and time frame for the appeal request, the appeal process shall follow the normal procedure. In addition, each person affected regardless of the circumstances for discontinued eligibility shall be given notice and the opportunity to purchase the necessary services through the Community Care Program. If the individual does not elect to purchase services, the Department shall advise the individual of alternative services. The target population identified for the purposes of this Section are persons age 60 and older with an identified service need. Priority shall be given to those who are at imminent risk of institutionalization. The services shall be provided to eligible persons age 60 and older to the extent that the cost of the services together with the other personal maintenance expenses of the persons are reasonably related to the standards established for care in a group facility appropriate to the person's condition. These non-institutional services, pilot projects or experimental facilities may be provided as part of or in addition to those authorized by federal law or those funded and administered by the Department of Human Services. The Departments of Human Services, Public Aid, Public Health, Veterans' Affairs, and Commerce and Community Affairs and other appropriate agencies of State, federal and local governments shall cooperate with the Department on Aging in the establishment and development of the non-institutional services. The Department shall require an annual audit from all chore/housekeeping and homemaker vendors contracting with the Department under this Section. The annual audit shall assure that each audited vendor’s procedures are in compliance with Department’s financial reporting guidelines requiring a 27% administrative cost split and a 73% employee wages and benefits cost split. The audit is a public record under the Freedom of Information Act. The Department shall execute, relative to the nursing home prescreening project, written inter-agency agreements with the Department of Human Services and the Department of Public Aid, to effect the following: (1) intake procedures and common eligibility criteria for those persons who are receiving non-institutional services; and (2) the establishment and development of non-institutional services in areas of the State where they are not currently available or are undeveloped. On and after July 1, 1996, all nursing home prescreenings for individuals 60 years of age or older shall be conducted by the Department.

The Department is authorized to establish a system of recipient copayment for services provided under this Section, such copayment to be based upon the recipient's ability to pay but in no case to exceed the actual cost of the services provided. Additionally, any portion of a person's income which is equal to or less than the federal poverty standard shall not be considered by the Department in determining the copayment. The level of such copayment shall be based upon the need for those persons age 60 and older who are assessed as being at imminent risk of institutionalization.
copayment shall be adjusted whenever necessary to reflect any change in the officially
designated federal poverty standard.

The Department, or the Department's authorized representative, shall recover the
amount of moneys expended for services provided to or in behalf of a person under this
Section by a claim against the person's estate or against the estate of the person's surviving
spouse, but no recovery may be had until after the death of the surviving spouse, if any, and
then only at such time when there is no surviving child who is under age 21, blind, or
permanently and totally disabled. This paragraph, however, shall not bar recovery, at the
death of the person, of moneys for services provided to the person or in behalf of the person
under this Section to which the person was not entitled; provided that such recovery shall not
be enforced against any real estate while it is occupied as a homestead by the surviving
spouse or other dependent, if no claims by other creditors have been filed against the estate,
or, if such claims have been filed, they remain dormant for failure of prosecution or failure
of the claimant to compel administration of the estate for the purpose of payment. This
paragraph shall not bar recovery from the estate of a spouse, under Sections 1915 and 1924
of the Social Security Act and Section 5-4 of the Illinois Public Aid Code, who precedes a
person receiving services under this Section in death. All moneys for services paid to or in
behalf of the person under this Section shall be claimed for recovery from
the deceased spouse's
estate.

"Homestead", as used in this paragraph, means the dwelling house and
contiguous real estate occupied by a surviving spouse or relative, as defined
by the rules and regulations of the Illinois Department of Public Aid, regardless
of the value of the property.

The Department shall develop procedures to enhance availability of services on
evenings, weekends, and on an emergency basis to meet the respite needs of caregivers.
Procedures shall be developed to permit the utilization of services in successive blocks of
24 hours up to the monthly maximum established by the Department. Workers providing
these services shall be appropriately trained.

Beginning on the effective date of this Amendatory Act of 1991, no person may
perform chore/housekeeping and homemaker services under a program authorized by this
Section unless that person has been issued a certificate of pre-service to do so by his or her
employing agency. Information gathered to effect such certification shall include (i) the
person’s name, (ii) the date the person was hired by his or her current employer, and (iii) the
training, including dates and levels. Persons engaged in the program authorized by this
Section before the effective date of this amendatory Act of 1991 shall be issued a certificate
of all pre- and in-service training from his or her employer upon submitting the necessary
information. The employing agency shall be required to retain records of all staff pre- and
in-service training, and shall provide such records to the Department upon request and upon
termination of the employer's contract with the Department. In addition, the employing
agency is responsible for the issuance of certifications of in-service training completed to
their employees.

The Department is required to develop a system to ensure that persons working as
homemakers and chore housekeepers receive increases in their wages when the federal
minimum wage is increased by requiring vendors to certify that they are meeting the federal

New matter indicated by italics - deletions by strikeout.
minimum wage statute for homemakers and chore housekeepers. An employer that cannot ensure that the minimum wage increase is being given to homemakers and chore housekeepers shall be denied any increase in reimbursement costs.

The Department on Aging and the Department of Human Services shall cooperate in the development and submission of an annual report on programs and services provided under this Section. Such joint report shall be filed with the Governor and the General Assembly on or before September 30 each year.

The requirement for reporting to the General Assembly shall be satisfied by filing copies of the report with the Speaker, the Minority Leader and the Clerk of the House of Representatives and the President, the Minority Leader and the Secretary of the Senate and the Legislative Research Unit, as required by Section 3.1 of the General Assembly Organization Act and filing such additional copies with the State Government Report Distribution Center for the General Assembly as is required under paragraph (t) of Section 7 of the State Library Act.

Those persons previously found eligible for receiving non-institutional services whose services were discontinued under the Emergency Budget Act of Fiscal Year 1992, and who do not meet the eligibility standards in effect on or after July 1, 1992, shall remain ineligible on and after July 1, 1992. Those persons previously not required to cost-share and who were required to cost-share effective March 1, 1992, shall continue to meet cost-share requirements on and after July 1, 1992. Beginning July 1, 1992, all clients will be required to meet eligibility, cost-share, and other requirements and will have services discontinued or altered when they fail to meet these requirements.

(Source: P.A. 91-303, eff. 1-1-00; 91-798, eff. 7-9-00.)

Section 20. The Mental Health and Developmental Disabilities Administrative Act is amended by adding Section 18.4 as follows:

(20 ILCS 1705/18.4 new)
Sec. 18.4. Community Mental Health Medicaid Trust Fund; reimbursement.
(a) The Community Mental Health Medicaid Trust Fund is hereby created in the State Treasury.
(b) Any funds paid to the State by the federal government under Title XIX or Title XXI of the Social Security Act for services delivered by community mental health services providers, and any interest earned thereon, shall be deposited directly into the Community Mental Health Medicaid Trust Fund.
(c) The Department shall reimburse community mental health services providers for Medicaid-reimbursed mental health services provided to eligible individuals. Moneys in the Community Mental Health Medicaid Trust Fund may be used for that purpose.
(d) As used in this Section:
"Medicaid-reimbursed mental health services" means services provided by a community mental health provider under an agreement with the Department that is eligible for reimbursement under the federal Title XIX program or Title XXI program.
"Provider" means a community agency that is funded by the Department to provide a Medicaid-reimbursed service.
"Services" means mental health services provided under one of the following programs:

(1) Medicaid Clinic Option;
(2) Medicaid Rehabilitation Option;
(3) Targeted Case Management.

Section 25. The Illinois Health Finance Reform Act is amended by changing Sections 2-1, 4-1, 4-2, and 4-4 as follows:

(20 ILCS 2215/2-1) (from Ch. 111 1/2, par. 6502-1)
Sec. 2-1. Council abolished. Authorized. There is hereby created The Illinois Health Care Cost Containment Council is abolished at the close of business on June 30, 2002. Its successor agency, for purposes of the Successor Agency Act and Section 9b of the State Finance Act, is the Illinois Department of Public Health. It shall consist of 13 members appointed by the Governor with the advice and consent of the Senate as follows: 5 members to represent providers as follows: 2 members to represent Illinois hospitals at least one of which must represent a small rural hospital, 2 members to represent physicians licensed to practice medicine in all its branches, and 1 member to represent ambulatory surgical treatment centers; 3 members to represent consumers; 2 members to represent insurance companies; and 3 members to represent businesses.

The members of the Council shall be appointed for 3-year terms.

No more than 7 members may be from the same political party.

Members shall be appointed within 30 days after the effective date of this Act. The additional members appointed under the amendatory Act of the 91st General Assembly must be appointed within 30 days after the effective date of this amendatory Act of the 91st General Assembly. The members of the Council shall receive reimbursement of their actual expenses incurred in connection with their service; in addition, each member shall receive compensation of $150 a day for each day served at regular or special meetings of the Council, except that such compensation shall not exceed $20,000 in any one year for any member. The Council shall elect a Chairman from among its members, and shall have the power to organize and appoint such other officers as it may deem necessary.

All appointments shall be made in writing and filed with the Secretary of State as a public record.

(20 ILCS 2215/4-1) (from Ch. 111 1/2, par. 6504-1)
Sec. 4-1. Illinois Health Finance Data Collection. The General Assembly finds that public sector and private sector purchasers of health care need health care cost and utilization data to enable them to make informed choices among health care providers in the marketplace. The General Assembly finds it necessary to create a mandated uniform system in Illinois for the collection, analysis, and distribution of health care cost and utilization data.

The purpose of this Article is to insure that data are available to make valid comparisons among health care providers of prices and utilization of services provided and to support ongoing analysis of the health care delivery system so that the Council can fulfill its mandate.

New matter indicated by italics - deletions by strikeout.
Sec. 4-2. Powers and duties.

(a) (Blank). The Illinois Health Care Cost Containment Council may enter into any agreement with any corporation, association or other entity it deems appropriate to undertake the process described in this Article for the compilation and analysis of data collected by the Council and to conduct or contract for studies on health-related questions carried out in pursuance of the purposes of this Article. The agreement may provide for the corporation, association or entity to prepare and distribute or make available data to health care providers, health care subscribers, third-party payors, government and the general public, in accordance with the rules of confidentiality and review to be developed under this Act.

(b) (Blank). The input data collected by and furnished to the Council or designated corporation, association or entity pursuant to this Section shall not be a public record under the Illinois Freedom of Information Act. It is the intent of this Act and of the regulations written pursuant to it to protect the confidentiality of individual patient information and the proprietary information of commercial insurance carriers and health care providers. Data specified in subsections (c) and (e-5) shall be released on a hospital specific and licensed ambulatory surgical treatment center specific basis to facilitate comparisons among hospitals and licensed ambulatory surgical treatment centers by purchasers.

(c) (Blank). The Council shall require the Departments of Public Health and Public Aid and hospitals located in the State to assist the Council in gathering and submitting the following hospital-specific financial information, and the Council is authorized to share this data with both Departments to reduce the burden on hospitals by avoiding duplicate data collection:

**OPERATING REVENUES**

1. Net patient service revenue
2. Other revenue
3. Total operating revenue

**OPERATING EXPENSES**

4. Bad debt expense
5. Total operating expenses

**NON-OPERATING GAINS/LOSSES**

6. Total non-operating gains
7. Total non-operating losses

**PATIENT CARE REVENUES**

8. Gross inpatient revenue
9. Gross outpatient revenue
10. Other Patient care revenue
11. Total patient revenue
12. Total gross patient care revenue
13. Medicare gross revenue
14. Medicaid gross revenue

New matter indicated by italics - deletions by strikeout.
(15) Total other gross revenue

DEDUCTIONS FROM REVENUE

(16) Charity care
(17) Medicare allowance
(18) Medicaid allowance
(19) Other contractual allowances
(20) Other allowances
(21) Total Deductions

ASSETS

(22) Operating cash and short-term investments
(23) Estimated patient accounts receivable
(24) Other current assets
(25) Total current assets
(26) Total other assets
(27) Total Assets

LIABILITIES AND FUND BALANCES

(28) Total current liabilities
(29) Long Term Debt
(30) Other liabilities
(31) Total liabilities
(32) Total liabilities and fund balances

All financial data collected by the Council from publicly available sources such as the HCFA is releasable by the Council on a hospital specific basis when appropriate.

(d) Uniform Provider Utilization and Charge Information. The Council shall require that:

(1) The Department of Public Health shall require that hospitals licensed to operate in the State of Illinois adopt a uniform system for submitting patient charges for payment from public and private payors effective January 1, 1985. This system shall be based upon adoption of the uniform hospital billing form (UB-92) or its successor form developed by the National Uniform Billing Committee.

(2) (Blank).

(3) The Department of Insurance shall require all third-party payors, including but not limited to, licensed insurers, medical and hospital service corporations, health maintenance organizations, and self-funded employee health plans, to accept the uniform billing form, without attachment as submitted by hospitals pursuant to paragraph (1) of subsection (d) above, effective January 1, 1985; provided, however, nothing shall prevent all such third party payors from requesting additional information necessary to determine eligibility for benefits or liability for reimbursement for services provided.

(e) (Blank). The Council, in cooperation with the State Departments of Public Aid, Insurance, and Public Health, shall establish a system for the collection of the following information from hospitals utilizing the raw data available on the uniform billing forms:

New matter indicated by italics - deletions by strikeout.
Such data shall include the following elements and other elements contained on the uniform billing form or its successor form determined as necessary by the Council:

1. Patient date of birth
2. Patient sex
3. Patient zip code
4. Third-party coverage
5. Date of admission
6. Source of admission
7. Type of admission
8. Discharge date
9. Principal and up to 8 other diagnoses
10. Principal procedure and date
11. Patient status
12. Other procedures and dates
13. Total charges and components of those charges
14. Attending and consulting physician identification numbers
15. Hospital identification number
16. An alphanumeric number based on the information to identify the payor
17. Principal source of payment

(e-5) The Council, in cooperation with the Department of Public Aid, the Department of Insurance, and the Department of Public Health, shall establish a system for the collection of the following information for each outpatient surgery performed at hospitals and licensed ambulatory surgical treatment centers using the raw data available on outpatient billing forms submitted by hospitals and licensed ambulatory surgical treatment centers to payors. The data must include the following elements, if available on the billing forms, and other elements contained on the billing forms that the Council determines are necessary:

1. Patient date of birth;
2. Patient sex;
3. Patient zip code;
4. Third-party coverage;
5. Date of admission;
6. Source of admission;
7. Type of admission;
8. Discharge date;
9. Principal diagnosis and up to 8 other diagnoses;
10. Principal procedure and the date of the procedure;
11. Patient status;
12. Other procedures and the dates of those procedures;
13. Attending and consulting physician identification numbers;
14. Hospital or licensed ambulatory surgical treatment center identification number;
15. An alphanumeric number based on the information needed to identify the payor.

New matter indicated by italics - deletions by strikeout.
payor; and

(16) principal source of payment.

(f) Extracts of the UB-92 transactions shall be prepared by hospitals according to regulations promulgated by the Council and submitted in electronic format to the Council or the corporation, association or entity designated by the Council. For hospitals unable to submit extracts in electronic format, the Council shall determine an alternate method for submission of data. Such extract reporting systems shall be in operation before January 1, 1987; however, the Council may grant time extensions to individual hospitals.

(f-5) Extracts of the billing forms shall be prepared by licensed ambulatory surgical treatment centers according to rules adopted by the Council and submitted to the Council or a corporation, association, or entity designated by the Council. Electronic submissions shall be encouraged. For licensed ambulatory surgical treatment centers unable to submit extracts in an electronic format the Council must determine an alternate method for submission of data.

(g) Under no circumstances shall patient name and social security number appear on the extracts.

(h) Hospitals and licensed ambulatory surgical treatment centers shall be assigned a standard identification number by the Council to be used in the submission of all data.

(i) The Council shall collect a 100% inpatient sample from hospitals annually. The Council shall require each hospital in the State to submit the UB-92 data extracts required in subsection (e) to the Council, except that hospitals with fewer than 50 beds may be exempted by the Council from the filing requirements if they prove to the Council's satisfaction that the requirements would impose undue economic hardship and if the Council determines that the data submitted from these hospitals are not essential to its data base and its concomitant health care cost comparison efforts.

(i-5) The Council shall collect up to a 100% outpatient sample annually from hospitals and licensed ambulatory surgical treatment centers. The Council shall require each hospital and licensed ambulatory surgical treatment center in the State to submit the data extracts required under subsection (e-5) to the Council, except that hospitals and licensed ambulatory surgical treatment centers may be exempted by the Council from the filing requirements if the hospitals or licensed ambulatory surgical treatment centers prove to the Council's satisfaction that the requirements would impose undue economic hardship and if the Council determines that the data submitted from those hospitals and licensed ambulatory surgical treatment centers are not essential to the Council's database and its concomitant health care comparison efforts.


(j) The information submitted to the Council pursuant to subsections (e) and (e-5) shall be reported for each primary payor category, including Medicare, Medicaid, other government programs, private insurance, health maintenance organizations, self-insured;

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private pay patients, and others. Preferred provider organization reimbursement shall also be reported for each primary third party payor category.

(k) The Council shall require and the designated corporation, association or entity, if applicable, shall prepare quarterly basic reports in the aggregate on health care cost and utilization trends in Illinois. The Council shall provide these reports to the public, if requested. These shall include, but not be limited to, comparative information on average charges, total and ancillary charge components, length of stay on diagnosis-specific and procedure specific cases, and number of discharges, compiled in aggregate by hospital and licensed ambulatory surgical treatment center, by diagnosis, and by primary payor category.

(l) The Council shall, from information submitted pursuant to subsection (e), prepare an annual report in the aggregate by hospital containing the following:

1. the ratio of caesarean section deliveries to total deliveries;
2. the average length of stay for patients who undergo caesarean sections;
3. the average total charges for patients who have normal deliveries without any significant complications;
4. the average total charges for patients who deliver by caesarean section.

The Council shall provide this report to the public, if requested:

(1-5) (Blank).

(m) Prior to the release or dissemination of these reports, the Council or the designated corporation shall permit providers the opportunity to verify the accuracy of any information pertaining to the provider. The providers may submit to the Council any corrections or errors in the compilation of the data with any supporting evidence and documents the providers may submit. The Council or corporation shall correct data found to be in error and include additional commentary as requested by the provider for major deviations in the charges from the average charges. For purposes of this subsection (m), "providers" includes physicians licensed to practice medicine in all of its branches.

(n) In addition to the reports indicated above, the Council shall respond to requests by agencies of government and organizations in the private sector for data products, special studies and analysis of data collected pursuant to this Section. Such reports shall be undertaken only by the agreement of a majority of the members of the Council who shall designate the form in which the information shall be made available. The Council or the corporation, association or entity in consultation with the Council shall also determine a fee to be charged to the requesting agency or private sector organization to cover the direct and indirect costs for producing such a report, and shall permit affected providers the rights to review the accuracy of the report before it is released. Such reports shall not be subject to The Freedom of Information Act.

(Source: P.A. 91-756, eff. 6-2-00.)

(20 ILCS 2215/4-4) (from Ch. 111 1/2, par. 6504-4)

Sec. 4-4. (a) Hospitals shall make available to prospective patients information on the normal charge incurred for any procedure or operation the prospective patient is considering.

(b) The Department of Public Health Council shall require hospitals to post in letters
no more than one inch in height the established charges for services, where applicable, including but not limited to the hospital's private room charge, semi-private room charge, charge for a room with 3 or more beds, intensive care room charges, emergency room charge, operating room charge, electrocardiogram charge, anesthesia charge, chest x-ray charge, blood sugar charge, blood chemistry charge, tissue exam charge, blood typing charge and Rh factor charge. The definitions of each charge to be posted shall be determined by the Department Council.

(Source: P.A. 90-655, eff. 7-30-98.)

(20 ILCS 2215/1-2 rep.)
(20 ILCS 2215/2-2 rep.)
(20 ILCS 2215/2-3 rep.)
(20 ILCS 2215/2-4 rep.)
(20 ILCS 2215/2-5 rep.)
(20 ILCS 2215/2-6 rep.)
(20 ILCS 2215/4-3 rep.)
(20 ILCS 2215/4-5 rep.)
(20 ILCS 2215/5-2 rep.)

Section 26. The Illinois Health Finance Reform Act is amended by repealing Sections 1-2, 2-2, 2-3, 2-4, 2-5, 2-6, 4-3, 4-5, and 5-2.

Section 30. The Department of Public Health Powers and Duties Law of the Civil Administrative Code of Illinois is amended by adding Section 2310-57 as follows:

(20 ILCS 2310/2310-57 new)

Sec. 2310-57. Collecting information regarding hospital discharges and surgery. The Department of Public Health shall establish a system for the collection of data regarding hospital discharges and inpatient and outpatient surgery performed at hospitals and licensed ambulatory surgical treatment centers.

The Department may establish a system to provide data to hospitals required for accreditation, including data required by the Joint Commission on Accreditation of Healthcare Organizations.

The Department may adopt any rules necessary to carry out this function, including reasonable fees for providing accreditation data. The Department may contract with a vendor to collect any data required to be submitted to the Department under this Section.

Section 35. The Illinois Emergency Management Agency Act is amended by changing Section 5 as follows:

(20 ILCS 3305/5) (from Ch. 127, par. 1055)

Sec. 5. Illinois Emergency Management Agency.

(a) There is created within the executive branch of the State Government an Illinois Emergency Management Agency and a Director of the Illinois Emergency Management Agency, herein called the "Director" who shall be the head thereof. The Director shall be appointed by the Governor, with the advice and consent of the Senate, and shall serve for a term of 2 years beginning on the third Monday in January of the odd-numbered year, and until a successor is appointed and has qualified; except that the term of the first Director

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appointed under this Act shall expire on the third Monday in January, 1989. The Director shall not hold any other remunerative public office. The Director shall receive an annual salary as set by the Governor from time to time or the amount set by the Compensation Review Board, whichever is higher. If set by the Governor, the Director’s annual salary may not exceed 85% of the Governor’s annual salary.

(b) The Illinois Emergency Management Agency shall obtain, under the provisions of the Personnel Code, technical, clerical, stenographic and other administrative personnel, and may make expenditures within the appropriation therefor as may be necessary to carry out the purpose of this Act. The agency created by this Act is intended to be a successor to the agency created under the Illinois Emergency Services and Disaster Agency Act of 1975 and the personnel, equipment, records, and appropriations of that agency are transferred to the successor agency as of the effective date of this Act.

(c) The Director, subject to the direction and control of the Governor, shall be the executive head of the Illinois Emergency Management Agency and the State Emergency Response Commission and shall be responsible under the direction of the Governor, for carrying out the program for emergency management of this State. The Director shall also maintain liaison and cooperate with the emergency management organizations of this State and other states and of the federal government.

(d) The Illinois Emergency Management Agency shall take an integral part in the development and revision of political subdivision emergency operations plans prepared under paragraph (f) of Section 10. To this end it shall employ or otherwise secure the services of professional and technical personnel capable of providing expert assistance to the emergency services and disaster agencies. These personnel shall consult with emergency services and disaster agencies on a regular basis and shall make field examinations of the areas, circumstances, and conditions that particular political subdivision emergency operations plans are intended to apply.

(e) The Illinois Emergency Management Agency and political subdivisions shall be encouraged to form an emergency management advisory committee composed of private and public personnel representing the emergency management phases of mitigation, preparedness, response, and recovery. The Local Emergency Planning Committee, as created under the Illinois Emergency Planning and Community Right to Know Act, shall serve as an advisory committee to the emergency services and disaster agency or agencies serving within the boundaries of that Local Emergency Planning Committee planning district for:

(1) the development of emergency operations plan provisions for hazardous chemical emergencies; and
(2) the assessment of emergency response capabilities related to hazardous chemical emergencies.

(f) The Illinois Emergency Management Agency shall:

(1) Coordinate the overall emergency management program of the State.
(2) Cooperate with local governments, the federal government and any public or private agency or entity in achieving any purpose of this Act and in implementing emergency management programs for mitigation, preparedness, response, and

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recovery.

2.5 Cooperate with the Department of Nuclear Safety in development of the comprehensive emergency preparedness and response plan for any nuclear accident in accordance with Section 2005-65 of the Department of Nuclear Safety Law of the Civil Administrative Code of Illinois and in development of the Illinois Nuclear Safety Preparedness program in accordance with Section 8 of the Illinois Nuclear Safety Preparedness Act.

3 Prepare, for issuance by the Governor, executive orders, proclamations, and regulations as necessary or appropriate in coping with disasters.

4 Promulgate rules and requirements for political subdivision emergency operations plans that are not inconsistent with and are at least as stringent as applicable federal laws and regulations.

5 Review and approve, in accordance with Illinois Emergency Management Agency rules, emergency operations plans for those political subdivisions required to have an emergency services and disaster agency pursuant to this Act.

5.5 Promulgate rules and requirements for the political subdivision emergency management exercises, including, but not limited to, exercises of the emergency operations plans.

5.10 Review, evaluate, and approve, in accordance with Illinois Emergency Management Agency rules, political subdivision emergency management exercises for those political subdivisions required to have an emergency services and disaster agency pursuant to this Act.

6 Determine requirements of the State and its political subdivisions for food, clothing, and other necessities in event of a disaster.

7 Establish a register of persons with types of emergency management training and skills in mitigation, preparedness, response, and recovery.

8 Establish a register of government and private response resources available for use in a disaster.

9 Expand the Earthquake Awareness Program and its efforts to distribute earthquake preparedness materials to schools, political subdivisions, community groups, civic organizations, and the media. Emphasis will be placed on those areas of the State most at risk from an earthquake. Maintain the list of all school districts, hospitals, airports, power plants, including nuclear power plants, lakes, dams, emergency response facilities of all types, and all other major public or private structures which are at the greatest risk of damage from earthquakes under circumstances where the damage would cause subsequent harm to the surrounding communities and residents.

10 Disseminate all information, completely and without delay, on water levels for rivers and streams and any other data pertaining to potential flooding supplied by the Division of Water Resources within the Department of Natural Resources to all political subdivisions to the maximum extent possible.

11 Develop agreements, if feasible, with medical supply and equipment

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firms to supply resources as are necessary to respond to an earthquake or any other disaster as defined in this Act. These resources will be made available upon notifying the vendor of the disaster. Payment for the resources will be in accordance with Section 7 of this Act. The Illinois Department of Public Health shall determine which resources will be required and requested.

(12) Out of funds appropriated for these purposes, award capital and non-capital grants to Illinois hospitals or health care facilities located outside of a city with a population in excess of 1,000,000 to be used for purposes that include, but are not limited to, preparing to respond to mass casualties and disasters, maintaining and improving patient safety and quality of care, and protecting the confidentiality of patient information. No single grant for a capital expenditure shall exceed $300,000. No single grant for a non-capital expenditure shall exceed $100,000. In awarding such grants, preference shall be given to hospitals that serve a significant number of Medicaid recipients, but do not qualify for disproportionate share hospital adjustment payments under the Illinois Public Aid Code. To receive such a grant, a hospital or health care facility must provide funding of at least 50% of the cost of the project for which the grant is being requested. In awarding such grants the Illinois Emergency Management Agency shall consider the recommendations of the Illinois Hospital Association.

(13) Do all other things necessary, incidental or appropriate for the implementation of this Act.

(Source: P.A. 91-25, eff. 6-9-99; 92-73, eff. 1-1-02.)

Section 40. The State Finance Act is amended by changing Sections 5.19, 6z-12, and 6z-43, changing and renumbering Section 6z-51 (as added by Public Act 92-208), and adding Sections 5.570 and 5.571 as follows:

(30 ILCS 105/5.198) (from Ch. 127, par. 141.198)
Sec. 5.198. The Illinois Health Care Cost Containment Council Special Studies Fund. This Section is repealed on October 15, 2002.
(Source: P.A. 84-1240; 84-1438.)
(30 ILCS 105/5.570 new)
Sec. 5.570. The Illinois Student Assistance Commission Contracts and Grants Fund.
(30 ILCS 105/5.571 new)
Sec. 5.571. The Career and Technical Education Fund.
(30 ILCS 105/6z-12) (from Ch. 127, par. 142z-12)
(Sec. scheduled to be repealed on October 15, 2002.)
Sec. 6z-12. Funds received by the Illinois Health Care Cost Containment Council for special studies pursuant to the Illinois Health Finance Reform Act shall be deposited in the Illinois Health Care Cost Containment Council Special Studies Fund. The General Assembly shall from time to time make appropriations from the Illinois Health Care Cost Containment Council Special Studies Fund for the payment of the direct and indirect costs of special studies. The Illinois Health Care Cost Containment Council shall by rule, adopted pursuant

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to the Illinois Administrative Procedure Act, provide for the allocation of the direct and
direct costs of producing special studies pursuant to the Illinois Health Finance Reform
Act.

In addition to any other permitted use of moneys in the Fund, moneys in the Illinois Health Care Cost Containment Council Special Studies Fund may be used by the Council, subject to appropriation, to provide services to the Illinois Health Care Reform Task Force created under Section 6-4 of the Medicaid Revenue Act and to support Council operations.

The Illinois Health Care Cost Containment Council Special Studies Fund is abolished on October 15, 2002. Any balance remaining in the Fund on that date shall be transferred to the Public Health Special State Projects Fund.

This Section is repealed on October 15, 2002.

(Source: P.A. 87-838; 87-1248.)

(30 ILCS 105/6z-43)
Sec. 6z-43. Tobacco Settlement Recovery Fund.

(a) There is created in the State Treasury a special fund to be known as the Tobacco Settlement Recovery Fund, into which shall be deposited all moneys paid to the State pursuant to (1) the Master Settlement Agreement entered in the case of People of the State of Illinois v. Philip Morris, et al. (Circuit Court of Cook County, No. 96-L13146) and (2) any settlement with or judgment against any tobacco product manufacturer other than one participating in the Master Settlement Agreement in satisfaction of any released claim as defined in the Master Settlement Agreement, as well as any other monies as provided by law. All earnings on Fund investments shall be deposited into the Fund. Upon the creation of the Fund, the State Comptroller shall order the State Treasurer to transfer into the Fund any monies paid to the State as described in item (1) or (2) of this Section before the creation of the Fund plus any interest earned on the investment of those monies. The Treasurer may invest the moneys in the Fund in the same manner, in the same types of investments, and subject to the same limitations provided in the Illinois Pension Code for the investment of pension funds other than those established under Article 3 or 4 of the Code.

(b) As soon as may be practical after June 30, 2001, upon notification from and at the direction of the Governor, the State Comptroller shall direct and the State Treasurer shall transfer the unencumbered balance in the Tobacco Settlement Recovery Fund as of June 30, 2001, as determined by the Governor, into the Budget Stabilization Fund. The Treasurer may invest the moneys in the Budget Stabilization Fund in the same manner, in the same types of investments, and subject to the same limitations provided in the Illinois Pension Code for the investment of pension funds other than those established under Article 3 or 4 of the Code.

(c) All federal financial participation moneys received pursuant to expenditures from the Fund shall be deposited into the Fund.

(Source: P.A. 91-646, eff. 11-19-99; 91-704, eff. 7-1-00; 91-797, eff. 6-9-00; 92-11, eff. 6-11-01; 92-16, eff. 6-28-01.)

(30 ILCS 105/6z-55)
Sec. 6z-55. 6z-51. Statewide Economic Development Fund. (a) The Statewide Economic Development Fund is created as a special fund in the State treasury. Moneys in
the Fund shall be used, subject to appropriation, for the purpose of statewide economic development activities or by the Illinois Emergency Management Agency for awarding grants to Illinois hospitals and health care facilities to provide for the health and security of Illinois residents.

(Source: P.A. 92-208, eff. 8-2-01; revised 10-17-01.)

Section 45. The School Code is amended by changing Sections 14-7.03 and 18-3 as follows:

(105 ILCS 5/14-7.03) (from Ch. 122, par. 14-7.03)

Sec. 14-7.03. Special Education Classes for Children from Orphanages, Foster Family Homes, Children's Homes, or in State Housing Units. If a school district maintains special education classes on the site of orphanages and children's homes, or if children from the orphanages, children's homes, foster family homes, other State agencies, or State residential units for children attend classes for children with disabilities in which the school district is a participating member of a joint agreement, or if the children from the orphanages, children's homes, foster family homes, other State agencies, or State residential units attend classes for the children with disabilities maintained by the school district, then reimbursement shall be paid to eligible districts in accordance with the provisions of this Section by the Comptroller as directed by the State Superintendent of Education.

The amount of tuition for such children shall be determined by the actual cost of maintaining such classes, using the per capita cost formula set forth in Section 14-7.01, such program and cost to be pre-approved by the State Superintendent of Education.

On forms prepared by the State Superintendent of Education, the district shall certify to the regional superintendent the following:

(1) The name of the home or State residential unit with the name of the owner or proprietor and address of those maintaining it;

(2) That no service charges or other payments authorized by law were collected in lieu of taxes therefrom or on account thereof during either of the calendar years included in the school year for which claim is being made;

(3) The number of children qualifying under this Act in special education classes for instruction on the site of the orphanages and children's homes;

(4) The number of children attending special education classes for children with disabilities in which the district is a participating member of a special education joint agreement;

(5) The number of children attending special education classes for children with disabilities maintained by the district;

(6) The computed amount of tuition payment claimed as due, as approved by the State Superintendent of Education, for maintaining these classes.

If a school district makes a claim for reimbursement under Section 18-3 or 18-4 of this Act it shall not include in any claim filed under this Section a claim for such children. Payments authorized by law, including State or federal grants for education of children included in this Section, shall be deducted in determining the tuition amount.

Nothing in this Act shall be construed so as to prohibit reimbursement for the tuition

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of children placed in for profit facilities. Private facilities shall provide adequate space at the facility for special education classes provided by a school district or joint agreement for children with disabilities who are residents of the facility at no cost to the school district or joint agreement upon request of the school district or joint agreement. If such a private facility provides space at no cost to the district or joint agreement for special education classes provided to children with disabilities who are residents of the facility, the district or joint agreement shall not include any costs for the use of those facilities in its claim for reimbursement.

Reimbursement for tuition may include the cost of providing summer school programs for children with severe and profound disabilities served under this Section. Claims for that reimbursement shall be filed by November 1 and shall be paid on or before December 15 from appropriations made for the purposes of this Section.

The State Board of Education shall establish such rules and regulations as may be necessary to implement the provisions of this Section.

Claims filed on behalf of programs operated under this Section housed in a jail or detention center shall be on an individual student basis only for eligible students with disabilities. These claims shall be in accordance with applicable rules.

Each district claiming reimbursement for a program operated as a group program shall have an approved budget on file with the State Board of Education prior to the initiation of the program's operation. On September 30, December 31, and March 31, the State Board of Education shall voucher payments to group programs based upon the approved budget during the year of operation. Final claims for group payments shall be filed on or before July 15. Final claims for group programs received at the State Board of Education on or before June 15 shall be vouchered by June 30. Final claims received at the State Board of Education between June 16 and July 15 shall be vouchered by August 30. Claims for group programs received after July 15 shall not be honored.

Each district claiming reimbursement for individual students shall have the eligibility of those students verified by the State Board of Education. On September 30, December 31, and March 31, the State Board of Education shall voucher payments for individual students based upon an estimated cost calculated from the prior year's claim. Final claims for individual students for the regular school term must be received at the State Board of Education by July 15. Claims for individual students received after July 15 shall not be honored. Final claims for individual students shall be vouchered by August 30.

Reimbursement shall be made based upon approved group programs or individual students. The State Superintendent of Education shall direct the Comptroller to pay a specified amount to the district by the 30th day of September, December, March, June, or August, respectively. However, notwithstanding any other provisions of this Section or the School Code, beginning with fiscal year 1994 and each fiscal year thereafter through fiscal year 2002, if the amount appropriated for any fiscal year is less than the amount required for purposes of this Section, the amount required to eliminate any insufficient reimbursement for each district claim under this Section shall be reimbursed on August 30 of the next fiscal year, and the payments required to eliminate any insufficiency for prior fiscal year claims

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shall be made before any claims are paid for the current fiscal year. *Notwithstanding any other provision of this Section or this Code, beginning with fiscal year 2003, total reimbursement under this Section in any fiscal year is limited to the amount appropriated for that purpose for that fiscal year, and if the amount appropriated for any fiscal year is less than the amount required for purposes of this Section, the insufficiency shall be apportioned pro rata among the school districts seeking reimbursement.*

The claim of a school district otherwise eligible to be reimbursed in accordance with Section 14-12.01 for the 1976-77 school year but for this amendatory Act of 1977 shall not be paid unless the district ceases to maintain such classes for one entire school year.

If a school district's current reimbursement payment for the 1977-78 school year only is less than the prior year's reimbursement payment owed, the district shall be paid the amount of the difference between the payments in addition to the current reimbursement payment, and the amount so paid shall be subtracted from the amount of prior year's reimbursement payment owed to the district.

Regional superintendents may operate special education classes for children from orphanages, foster family homes, children's homes or State housing units located within the educational services region upon consent of the school board otherwise so obligated. In electing to assume the powers and duties of a school district in providing and maintaining such a special education program, the regional superintendent may enter into joint agreements with other districts and may contract with public or private schools or the orphanage, foster family home, children's home or State housing unit for provision of the special education program. The regional superintendent exercising the powers granted under this Section shall claim the reimbursement authorized by this Section directly from the State Board of Education.

Any child who is not a resident of Illinois who is placed in a child welfare institution, private facility, foster family home, State operated program, orphanage or children's home shall have the payment for his educational tuition and any related services assured by the placing agent.

Commencing July 1, 1992, for each disabled student who is placed residentially by a State agency or the courts for care or custody or both care and custody, welfare, medical or mental health treatment or both medical and mental health treatment, rehabilitation, and protection, whether placed there on, before, or after July 1, 1992, the costs for educating the student are eligible for reimbursement under this Section providing the placing agency or court has notified the appropriate school district authorities of the status of student residency where applicable prior to or upon placement.

The district of residence of the parent, guardian, or disabled student as defined in Sections 14-1.11 and 14-1.11a is responsible for the actual costs of the student's special education program and is eligible for reimbursement under this Section when placement is made by a State agency or the courts. Payments shall be made by the resident district to the district wherein the facility is located no less than once per quarter unless otherwise agreed to in writing by the parties.

When a dispute arises over the determination of the district of residence, the district
or districts may appeal the decision in writing to the State Superintendent of Education. The decision of the State Superintendent of Education shall be final.

In the event a district does not make a tuition payment to another district that is providing the special education program and services, the State Board of Education shall immediately withhold 125% of the then remaining annual tuition cost from the State aid or categorical aid payment due to the school district that is determined to be the resident school district. All funds withheld by the State Board of Education shall immediately be forwarded to the school district where the student is being served.

When a child eligible for services under this Section 14-7.03 must be placed in a nonpublic facility, that facility shall meet the programmatic requirements of Section 14-7.02 and its regulations, and the educational services shall be funded only in accordance with this Section 14-7.03.

(105 ILCS 5/18-3) (from Ch. 122, par. 18-3)

Sec. 18-3. Tuition of children from orphanages and children’s homes.

When the children from any home for orphans, dependent, abandoned or maladjusted children maintained by any organization or association admitting to such home children from the State in general or when children residing in a school district wherein the State of Illinois maintains and operates any welfare or penal institution on property owned by the State of Illinois, which contains houses, housing units or housing accommodations within a school district, attend grades kindergarten through 12 of the public schools maintained by that school district, the State Superintendent of Education shall direct the State Comptroller to pay a specified amount sufficient to pay the annual tuition cost of such children who attended such public schools during the regular school year ending on June 30 or the summer term for that school year, and the Comptroller shall pay the amount after receipt of a voucher submitted by the State Superintendent of Education.

The amount of the tuition for such children attending the public schools of the district shall be determined by the State Superintendent of Education by multiplying the number of such children in average daily attendance in such schools by 1.2 times the total annual per capita cost of administering the schools of the district. Such total annual per capita cost shall be determined by totaling all expenses of the school district in the educational, operations and maintenance, bond and interest, transportation, Illinois municipal retirement, and rent funds for the school year preceding the filing of such tuition claims less expenditures not applicable to the regular K-12 program, less offsetting revenues from State sources except those from the common school fund, less offsetting revenues from federal sources except those from federal impaction aid, less student and community service revenues, plus a depreciation allowance; and dividing such total by the average daily attendance for the year.

Annually on or before June 30 the superintendent of the district upon forms prepared by the State Superintendent of Education shall certify to the regional superintendent the following:

1. The name of the home and of the organization or association maintaining

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it; or the legal description of the real estate upon which the house, housing units, or housing accommodations are located and that no taxes or service charges or other payments authorized by law to be made in lieu of taxes were collected therefrom or on account thereof during either of the calendar years included in the school year for which claim is being made;

2. The number of children from the home or living in such houses, housing units or housing accommodations and attending the schools of the district;

3. The total number of children attending the schools of the district;

4. The per capita tuition charge of the district; and

5. The computed amount of the tuition payment claimed as due.

Whenever the persons in charge of such home for orphans, dependent, abandoned or maladjusted children have received from the parent or guardian of any such child or by virtue of an order of court a specific allowance for educating such child, such persons shall pay to the school board in the district where the child attends school such amount of the allowance as is necessary to pay the tuition required by such district for the education of the child. If the allowance is insufficient to pay the tuition in full the State Superintendent of Education shall direct the Comptroller to pay to the district the difference between the total tuition charged and the amount of the allowance.

Whenever the facilities of a school district in which such house, housing units or housing accommodations are located, are limited, pupils may be assigned by that district to the schools of any adjacent district to the limit of the facilities of the adjacent district to properly educate such pupils as shall be determined by the school board of the adjacent district, and the State Superintendent of Education shall direct the Comptroller to pay a specified amount sufficient to pay the annual tuition of the children so assigned to and attending public schools in the adjacent districts and the Comptroller shall draw his warrant upon the State Treasurer for the payment of such amount for the benefit of the adjacent school districts in the same manner as for districts in which the houses, housing units or housing accommodations are located.

The school district shall certify to the State Superintendent of Education the report of claims due for such tuition payments on or before July 31. Failure on the part of the school board to certify its claim on July 31 shall constitute a forfeiture by the district of its right to the payment of any such tuition claim for the school year. The State Superintendent of Education shall direct the Comptroller to pay to the district, on or before August 15, the amount due the district for the school year in accordance with the calculation of the claim as set forth in this Section.

Claims for tuition for children from any home for orphans or dependent, abandoned, or maladjusted children beginning with the 1993-1994 school year shall be paid on a current year basis. On September 30, December 31, and March 31, the State Board of Education shall voucher payments for districts with those students based on an estimated cost calculated from the prior year’s claim. Final claims for those students for the regular school term and summer term must be received at the State Board of Education by July 31 following the end of the regular school year. Final claims for those students shall be vouchered by August 15.

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During fiscal year 1994 both the 1992-1993 school year and the 1993-1994 school year shall be paid in order to change the cycle of payment from a reimbursement basis to a current year funding basis of payment. However, notwithstanding any other provisions of this Section or the School Code, beginning with fiscal year 1994 and each fiscal year thereafter through fiscal year 2002, if the amount appropriated for any fiscal year is less than the amount required for purposes of this Section, the amount required to eliminate any insufficient reimbursement for each district claim under this Section shall be reimbursed on August 30 of the next fiscal year, and the payments required to eliminate any insufficiency for prior fiscal year claims shall be made before any claims are paid for the current fiscal year. Notwithstanding any other provision of this Section or this Code, beginning with fiscal year 2003, total reimbursement under this Section in any fiscal year is limited to the amount appropriated for that purpose for that fiscal year, and if the amount appropriated for any fiscal year is less than the amount required for purposes of this Section, the insufficiency shall be apportioned pro rata among the school districts seeking reimbursement.

If a school district makes a claim for reimbursement under Section 18-4 or 14-7.03 it shall not include in any claim filed under this Section children residing on the property of State institutions included in its claim under Section 18-4 or 14-7.03.

Any child who is not a resident of Illinois who is placed in a child welfare institution, private facility, State operated program, orphanage or children's home shall have the payment for his educational tuition and any related services assured by the placing agent.

In order to provide services appropriate to allow a student under the legal guardianship or custodianship of the State to participate in local school district educational programs, costs may be incurred in appropriate cases by the district that are in excess of 1.2 times the district per capita tuition charge allowed under the provisions of this Section. In the event such excess costs are incurred, they must be documented in accordance with cost rules established under the authority of this Section and may then be claimed for reimbursement under this Section.

Planned services for students eligible for this funding must be a collaborative effort between the appropriate State agency or the student's group home or institution and the local school district.

(Source: P.A. 91-764, eff. 6-9-00; 92-94, eff. 1-1-02.)

Section 50. The State Aid Continuing Appropriation Law is amended by changing Sections 15-10, 15-15, and 15-25 as follows:

(105 ILCS 235/15-10)

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

New matter indicated by italics - deletions by strikeout.
Sec. 15-15. State Aid Formula; Funding. The General Assembly shall annually make Common School Fund appropriations to the State Board of Education in fiscal years 1999 through 2002 sufficient to fund (i) the General State Aid Formula set forth in subsection (E) (Computation of General State Aid) and subsection (H) (Supplemental General State Aid) of Section 18-8.05 of the School Code and (ii) the supplementary payments for school districts set forth in subsection (J) (Supplementary Grants in Aid) of Section 18-8.05 of the School Code.

Sec. 15-25. Repeal. This Article is repealed June 30, 2003. Section 15-20 of this Article is repealed June 30, 2002.

Section 55. The Public Community College Act is amended by adding Section 2-16.07 as follows:

Sec. 2-16.07. Career and Technical Education Fund. The Career and Technical Education Fund is created as a special fund in the State treasury. The Comptroller shall order transferred and the State Treasurer shall transfer from the Federal Department of Education Fund into the Career and Technical Education Fund such amounts as may be directed in writing by the State Board of Education. All moneys so deposited into the Career and Technical Education Fund may be used, subject to appropriation, by the State Board for operational expenses associated with the administration of Career and Technical Education, for payment of Career and Technical Education grants to colleges, and for payment of costs relating to State leadership activities, as provided by the United States Department of Education.

Section 60. The Higher Education Student Assistance Act is amended by adding Sections 65.56 and 77 as follows:

Sec. 65.56. Illinois Teachers and Child Care Providers Loan Repayment Program.

(a) In order to encourage academically talented Illinois students to enter and continue teaching in Illinois schools in low-income areas and to encourage students to enter the early child care profession and serve low-income areas, the Commission shall, each year, receive and consider applications for loan repayment assistance under this Section. This program shall be known as the Illinois Teachers and Child Care Providers Loan Repayment Program. The Commission shall administer the program and shall make all necessary and proper rules not inconsistent with this Section for the program’s effective implementation. The Commission may use up to 5% of the appropriation for this program for administration and promotion of teacher incentive programs.

New matter indicated by italics - deletions by strikeout.
(b) Beginning January 1, 2003, subject to a separate appropriation made for such purposes, the Commission shall award a grant to each qualified applicant in an amount equal to the amount of educational loans forgiven on behalf of the qualified applicant pursuant to Sections 424 and 425 of Title IV of the Higher Education Amendments of 1998 (20 U.S.C. 1078-10 and 1078-11), up to a maximum of $5,000. The Commission shall encourage the recipient of a grant under this Section to use the grant amount awarded to pay off his or her educational loans.

(c) A person is a qualified applicant under this Section if he or she meets all of the following qualifications:

(1) The person is a United States citizen or eligible noncitizen.
(2) The person is a resident of this State.
(3) The person is a borrower who has had an amount of his or her educational loans forgiven pursuant to Sections 424 and 425 of Title IV of the Higher Education Amendments of 1998.
(4) The person has fulfilled the obligations set forth by Sections 424 and 425 of Title IV of the Higher Education Amendments of 1998 in this State.

(d) All applications for grant assistance under this Section shall be made to the Commission. The form of application and the information required to be set forth in the application shall be determined by the Commission, and the Commission shall require applicants to submit with their applications such supporting documents as the Commission deems necessary.

(e) A qualified applicant must apply for a grant under this Section within 6 months after receiving notification of loan forgiveness pursuant to Sections 424 and 425 of Title IV of the Higher Education Amendments of 1998.

(110 ILCS 947/77 new)
Sec. 77. Illinois Student Assistance Commission Contracts and Grants Fund.
(a) The Illinois Student Assistance Commission Contracts and Grants Fund is created as a special fund in the State treasury. All gifts, grants, or donations of money received by the Commission must be deposited into this Fund.
(b) Moneys in the Fund may be used by the Commission, subject to appropriation, for support of the Commission’s student assistance outreach activities.

(110 ILCS 947/65.57 rep.)
Section 65. The Higher Education Student Assistance Act is amended by repealing Section 65.57.

Section 70. The Comprehensive Health Insurance Plan Act is amended by changing Section 3 as follows:

(215 ILCS 105/3) (from Ch. 73, par. 1303)
Sec. 3. Operation of the Plan.

a. There is hereby created an Illinois Comprehensive Health Insurance Plan.
b. The Plan shall operate subject to the supervision and control of the board. The board is created as a political subdivision and body politic and corporate and, as such, is not a State agency. The board shall consist of 10 public members, appointed by the Governor
with the advice and consent of the Senate.

Initial members shall be appointed to the Board by the Governor as follows: 2 members to serve until July 1, 1988, and until their successors are appointed and qualified; 2 members to serve until July 1, 1989, and until their successors are appointed and qualified; 3 members to serve until July 1, 1990, and until their successors are appointed and qualified; and 3 members to serve until July 1, 1991, and until their successors are appointed and qualified. As terms of initial members expire, their successors shall be appointed for terms to expire the first day in July 3 years thereafter, and until their successors are appointed and qualified.

Any vacancy in the Board occurring for any reason other than the expiration of a term shall be filled for the unexpired term in the same manner as the original appointment.

Any member of the Board may be removed by the Governor for neglect of duty, misfeasance, malfeasance, or nonfeasance in office.

In addition, a representative of the Bureau of the Budget Illinois Health Care Cost Containment Council, a representative of the Office of the Attorney General and the Director or the Director's designated representative shall be members of the board. Four members of the General Assembly, one each appointed by the President and Minority Leader of the Senate and by the Speaker and Minority Leader of the House of Representatives, shall serve as nonvoting members of the board. At least 2 of the public members shall be individuals reasonably expected to qualify for coverage under the Plan, the parent or spouse of such an individual, or a surviving family member of an individual who could have qualified for the plan during his lifetime. The Director or Director's representative shall be the chairperson of the board. Members of the board shall receive no compensation, but shall be reimbursed for reasonable expenses incurred in the necessary performance of their duties.

c. The board shall make an annual report in September and shall file the report with the Secretary of the Senate and the Clerk of the House of Representatives. The report shall summarize the activities of the Plan in the preceding calendar year, including net written and earned premiums, the expense of administration, the paid and incurred losses for the year and other information as may be requested by the General Assembly. The report shall also include analysis and recommendations regarding utilization review, quality assurance and access to cost effective quality health care.

d. In its plan of operation the board shall:

(1) Establish procedures for selecting a plan administrator in accordance with Section 5 of this Act.
(2) Establish procedures for the operation of the board.
(3) Create a Plan fund, under management of the board, to fund administrative, claim, and other expenses of the Plan.
(4) Establish procedures for the handling and accounting of assets and monies of the Plan.
(5) Develop and implement a program to publicize the existence of the Plan, the eligibility requirements and procedures for enrollment and to maintain public awareness of the Plan.

New matter indicated by italics - deletions by strikeout.
(6) Establish procedures under which applicants and participants may have grievances reviewed by a grievance committee appointed by the board. The grievances shall be reported to the board immediately after completion of the review. The Department and the board shall retain all written complaints regarding the Plan for at least 3 years. Oral complaints shall be reduced to written form and maintained for at least 3 years.

(7) Provide for other matters as may be necessary and proper for the execution of its powers, duties and obligations under the Plan.

e. No later than 5 years after the Plan is operative the board and the Department shall conduct cooperatively a study of the Plan and the persons insured by the Plan to determine: (1) claims experience including a breakdown of medical conditions for which claims were paid; (2) whether availability of the Plan affected employment opportunities for participants; (3) whether availability of the Plan affected the receipt of medical assistance benefits by Plan participants; (4) whether a change occurred in the number of personal bankruptcies due to medical or other health related costs; (5) data regarding all complaints received about the Plan including its operation and services; (6) and any other significant observations regarding utilization of the Plan. The study shall culminate in a written report to be presented to the Governor, the President of the Senate, the Speaker of the House and the chairpersons of the House and Senate Insurance Committees. The report shall be filed with the Secretary of the Senate and the Clerk of the House of Representatives. The report shall also be available to members of the general public upon request.

f. The board may:

   (1) Prepare and distribute certificate of eligibility forms and enrollment instruction forms to insurance producers and to the general public in this State.

   (2) Provide for reinsurance of risks incurred by the Plan and enter into reinsurance agreements with insurers to establish a reinsurance plan for risks of coverage described in the Plan, or obtain commercial reinsurance to reduce the risk of loss through the Plan.

   (3) Issue additional types of health insurance policies to provide optional coverages as are otherwise permitted by this Act including a Medicare supplement policy designed to supplement Medicare.

   (4) Provide for and employ cost containment measures and requirements including, but not limited to, preadmission certification, second surgical opinion, concurrent utilization review programs, and individual case management for the purpose of making the pool more cost effective.

   (5) Design, utilize, contract, or otherwise arrange for the delivery of cost effective health care services, including establishing or contracting with preferred provider organizations, health maintenance organizations, and other limited network provider arrangements.

   (6) Adopt bylaws, rules, regulations, policies and procedures as may be necessary or convenient for the implementation of the Act and the operation of the Plan.
(7) Administer separate pools, separate accounts, or other plans or arrangements as required by this Act to separate federally eligible individuals or groups of federally eligible individuals who qualify for plan coverage under Section 15 of this Act from eligible persons or groups of eligible persons who qualify for plan coverage under Section 7 of this Act and apportion the costs of the administration among such separate pools, separate accounts, or other plans or arrangements.

g. The Director may, by rule, establish additional powers and duties of the board and may adopt rules for any other purposes, including the operation of the Plan, as are necessary or proper to implement this Act.

h. The board is not liable for any obligation of the Plan. There is no liability on the part of any member or employee of the board or the Department, and no cause of action of any nature may arise against them, for any action taken or omission made by them in the performance of their powers and duties under this Act, unless the action or omission constitutes willful or wanton misconduct. The board may provide in its bylaws or rules for indemnification of, and legal representation for, its members and employees.

i. There is no liability on the part of any insurance producer for the failure of any applicant to be accepted by the Plan unless the failure of the applicant to be accepted by the Plan is due to an act or omission by the insurance producer which constitutes willful or wanton misconduct.

(Source: P.A. 90-30, eff. 7-1-97.)

Section 75. The Children's Health Insurance Program Act is amended by changing Sections 20, 40, and 97 as follows:

(215 ILCS 106/20)

(Section scheduled to be repealed on July 1, 2002)

Sec. 20. Eligibility.

(a) To be eligible for this Program, a person must be a person who has a child eligible under this Act and who is eligible under a waiver of federal requirements pursuant to an application made pursuant to subdivision (a)(1) of Section 40 of this Act or who is a child who:

(1) is a child who is not eligible for medical assistance;
(2) is a child whose annual household income, as determined by the Department, is above 133% of the federal poverty level and at or below 185% of the federal poverty level;
(3) is a resident of the State of Illinois; and
(4) is a child who is either a United States citizen or included in one of the following categories of non-citizens:

(A) unmarried dependent children of either a United States Veteran honorably discharged or a person on active military duty;
(B) refugees under Section 207 of the Immigration and Nationality Act;
(C) asylees under Section 208 of the Immigration and Nationality Act;
(D) persons for whom deportation has been withheld under Section
243(h) of the Immigration and Nationality Act;

(E) persons granted conditional entry under Section 203(a)(7) of the Immigration and Nationality Act as in effect prior to April 1, 1980;

(F) persons lawfully admitted for permanent residence under the Immigration and Nationality Act; and

(G) parolees, for at least one year, under Section 212(d)(5) of the Immigration and Nationality Act.

Those children who are in the categories set forth in subdivisions (4)(F) and (4)(G) of this subsection, who enter the United States on or after August 22, 1996, shall not be eligible for 5 years beginning on the date the child entered the United States.

(b) A child who is determined to be eligible for assistance may shall remain eligible for 12 months, provided the child maintains his or her residence in the State, has not yet attained 19 years of age, and is not excluded pursuant to subsection (c). A child who has been determined to be eligible for assistance must reapply or otherwise establish eligibility Eligibility shall be re-determined by the Department at least annually. An eligible child shall be required, as determined by the Department by rule, to report promptly those changes in income and other circumstances that affect eligibility. The eligibility of a child may be re-determined based on the information reported or may be terminated based on the failure to report or failure to report accurately. A child's responsible relative or caretaker may also be held liable to the Department for any payments made by the Department on such child's behalf that were inappropriate. An applicant shall be provided with notice of these obligations.

(c) A child shall not be eligible for coverage under this Program if:

(1) the premium required pursuant to Section 30 of this Act has not been paid. If the required premiums are not paid the liability of the Program shall be limited to benefits incurred under the Program for the time period for which premiums had been paid. If the required monthly premium is not paid, the child shall be ineligible for re-enrollment for a minimum period of 3 months. Re-enrollment shall be completed prior to the next covered medical visit and the first month's required premium shall be paid in advance of the next covered medical visit. The Department shall promulgate rules regarding grace periods, notice requirements, and hearing procedures pursuant to this subsection;

(2) the child is an inmate of a public institution or a patient in an institution for mental diseases; or

(3) the child is a member of a family that is eligible for health benefits covered under the State of Illinois health benefits plan on the basis of a member's employment with a public agency.

(Source: P.A. 90-736, eff. 8-12-98.)

(215 ILCS 106/40)

(Section scheduled to be repealed on July 1, 2002)

Sec. 40. Waivers.

(a) The Department shall request any necessary waivers of federal requirements in

New matter indicated by italics - deletions by strikeout.
order to allow receipt of federal funding for:

(1) the coverage of families with eligible children under this Act; and

(2) for the coverage of children who would otherwise be eligible under this Act, but who have health insurance.

(b) The failure of the responsible federal agency to approve a waiver for children who would otherwise be eligible under this Act but who have health insurance shall not prevent the implementation of any Section of this Act provided that there are sufficient appropriated funds.

(c) Eligibility of a person under an approved waiver due to the relationship with a child pursuant to Article V of the Illinois Public Aid Code or this Act shall be limited to such a person whose countable income is determined by the Department to be at or below 65% of the federal poverty level. Such persons who are determined to be eligible must reapply, or otherwise establish eligibility, at least annually. An eligible person shall be required, as determined by the Department by rule, to report promptly those changes in income and other circumstances that affect eligibility. The eligibility of a person may be redetermined based on the information reported or may be terminated based on the failure to report or failure to report accurately. A person may also be held liable to the Department for any payments made by the Department on such person's behalf that were inappropriate. An applicant shall be provided with notice of these obligations.

(Source: P.A. 90-736, eff. 8-12-98.)

(215 ILCS 106/97)

(Section scheduled to be repealed on July 1, 2002)
Sec. 97. Repealer. This Act is repealed on July 1, 2003.

(Source: P.A. 90-736, eff. 8-12-98; 91-712, eff. 7-1-00.)

Section 80. The Illinois Public Aid Code is amended by changing Sections 5-2, 5-4.1, 5-5.4, 5-5.12, 11-16, 12-3, 12-4.34, 12-10.5, and 12-13.05 as follows:

(305 ILCS 5/5-2) (from Ch. 23, par. 5-2)
Sec. 5-2. Classes of Persons Eligible. Medical assistance under this Article shall be available to any of the following classes of persons in respect to whom a plan for coverage has been submitted to the Governor by the Illinois Department and approved by him:

1. Recipients of basic maintenance grants under Articles III and IV.

2. Persons otherwise eligible for basic maintenance under Articles III and IV but who fail to qualify thereunder on the basis of need, and who have insufficient income and resources to meet the costs of necessary medical care, including but not limited to the following:

(a) All persons otherwise eligible for basic maintenance under Article III but who fail to qualify under that Article on the basis of need and who meet either of the following requirements:

(i) their income, as determined by the Illinois Department in accordance with any federal requirements, is equal to or less than 70% in fiscal year 2001, equal to or less than 85% in fiscal year 2002 and until a date to be determined by the Department by rule, and equal to or less than 100%
beginning on the date determined by the Department by rule, in fiscal year 2003 and thereafter of the nonfarm income official poverty line, as defined by the federal Office of Management and Budget and revised annually in accordance with Section 673(2) of the Omnibus Budget Reconciliation Act of 1981, applicable to families of the same size; or

(ii) their income, after the deduction of costs incurred for medical care and for other types of remedial care, is equal to or less than 70% in fiscal year 2001, equal to or less than 85% in fiscal year 2002 and until a date to be determined by the Department by rule, and equal to or less than 100% beginning on the date determined by the Department by rule, in fiscal year 2003 and thereafter of the nonfarm income official poverty line, as defined in item (i) of this subparagraph (a).

(b) All persons who would be determined eligible for such basic maintenance under Article IV by disregarding the maximum earned income permitted by federal law.

3. Persons who would otherwise qualify for Aid to the Medically Indigent under Article VII.

4. Persons not eligible under any of the preceding paragraphs who fall sick, are injured, or die, not having sufficient money, property or other resources to meet the costs of necessary medical care or funeral and burial expenses.

5. (a) Women during pregnancy, after the fact of pregnancy has been determined by medical diagnosis, and during the 60-day period beginning on the last day of the pregnancy, together with their infants and children born after September 30, 1983, whose income and resources are insufficient to meet the costs of necessary medical care to the maximum extent possible under Title XIX of the Federal Social Security Act.

(b) The Illinois Department and the Governor shall provide a plan for coverage of the persons eligible under paragraph 5(a) by April 1, 1990. Such plan shall provide ambulatory prenatal care to pregnant women during a presumptive eligibility period and establish an income eligibility standard that is equal to 133% of the nonfarm income official poverty line, as defined by the federal Office of Management and Budget and revised annually in accordance with Section 673(2) of the Omnibus Budget Reconciliation Act of 1981, applicable to families of the same size, provided that costs incurred for medical care are not taken into account in determining such income eligibility.

(c) The Illinois Department may conduct a demonstration in at least one county that will provide medical assistance to pregnant women, together with their infants and children up to one year of age, where the income eligibility standard is set up to 185% of the nonfarm income official poverty line, as defined by the federal Office of Management and Budget. The Illinois Department shall seek and obtain necessary authorization provided under federal law to implement such a demonstration. Such demonstration may establish resource standards that are not
more restrictive than those established under Article IV of this Code.

6. Persons under the age of 18 who fail to qualify as dependent under Article IV and who have insufficient income and resources to meet the costs of necessary medical care to the maximum extent permitted under Title XIX of the Federal Social Security Act.

7. Persons who are 18 years of age or younger and would qualify as disabled as defined under the Federal Supplemental Security Income Program, provided medical service for such persons would be eligible for Federal Financial Participation, and provided the Illinois Department determines that:

   (a) the person requires a level of care provided by a hospital, skilled nursing facility, or intermediate care facility, as determined by a physician licensed to practice medicine in all its branches;

   (b) it is appropriate to provide such care outside of an institution, as determined by a physician licensed to practice medicine in all its branches;

   (c) the estimated amount which would be expended for care outside the institution is not greater than the estimated amount which would be expended in an institution.

8. Persons who become ineligible for basic maintenance assistance under Article IV of this Code in programs administered by the Illinois Department due to employment earnings and persons in assistance units comprised of adults and children who become ineligible for basic maintenance assistance under Article VI of this Code due to employment earnings. The plan for coverage for this class of persons shall:

   (a) extend the medical assistance coverage for up to 12 months following termination of basic maintenance assistance; and

   (b) offer persons who have initially received 6 months of the coverage provided in paragraph (a) above, the option of receiving an additional 6 months of coverage, subject to the following:

      (i) such coverage shall be pursuant to provisions of the federal Social Security Act;

      (ii) such coverage shall include all services covered while the person was eligible for basic maintenance assistance;

      (iii) no premium shall be charged for such coverage; and

      (iv) such coverage shall be suspended in the event of a person's failure without good cause to file in a timely fashion reports required for this coverage under the Social Security Act and coverage shall be reinstated upon the filing of such reports if the person remains otherwise eligible.

9. Persons with acquired immunodeficiency syndrome (AIDS) or with AIDS-related conditions with respect to whom there has been a determination that but for home or community-based services such individuals would require the level of care provided in an inpatient hospital, skilled nursing facility or intermediate care facility the cost of which is reimbursed under this Article. Assistance shall be provided to such persons to the maximum extent permitted under Title XIX of the Federal Social Security Act.

10. Participants in the long-term care insurance partnership program established

New matter indicated by italics - deletions by strikeout.
under the Partnership for Long-Term Care Act who meet the qualifications for protection of resources described in Section 25 of that Act.

11. Persons with disabilities who are employed and eligible for Medicaid, pursuant to Section 1902(a)(10)(A)(ii)(xv) of the Social Security Act, as provided by the Illinois Department by rule.

12. Subject to federal approval, persons who are eligible for medical assistance coverage under applicable provisions of the federal Social Security Act and the federal Breast and Cervical Cancer Prevention and Treatment Act of 2000. Those eligible persons are defined to include, but not be limited to, the following persons:
   (1) persons who have been screened for breast or cervical cancer under the U.S. Centers for Disease Control and Prevention Breast and Cervical Cancer Program established under Title XV of the federal Public Health Services Act in accordance with the requirements of Section 1504 of that Act as administered by the Illinois Department of Public Health; and
   (2) persons whose screenings under the above program were funded in whole or in part by funds appropriated to the Illinois Department of Public Health for breast or cervical cancer screening.

"Medical assistance" under this paragraph 12 shall be identical to the benefits provided under the State's approved plan under Title XIX of the Social Security Act. The Department must request federal approval of the coverage under this paragraph 12 within 30 days after the effective date of this amendatory Act of the 92nd General Assembly.

The Illinois Department and the Governor shall provide a plan for coverage of the persons eligible under paragraph 7 as soon as possible after July 1, 1984.

The eligibility of any such person for medical assistance under this Article is not affected by the payment of any grant under the Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act or any distributions or items of income described under subparagraph (X) of paragraph (2) of subsection (a) of Section 203 of the Illinois Income Tax Act. The Department shall by rule establish the amounts of assets to be disregarded in determining eligibility for medical assistance, which shall at a minimum equal the amounts to be disregarded under the Federal Supplemental Security Income Program. The amount of assets of a single person to be disregarded shall not be less than $2,000, and the amount of assets of a married couple to be disregarded shall not be less than $3,000.

To the extent permitted under federal law, any person found guilty of a second violation of Article VIII A shall be ineligible for medical assistance under this Article, as provided in Section 8A-8.

The eligibility of any person for medical assistance under this Article shall not be affected by the receipt by the person of donations or benefits from fundraisers held for the person in cases of serious illness, as long as neither the person nor members of the person's family have actual control over the donations or benefits or the disbursement of the donations or benefits.

(Source: P.A. 91-676, eff. 12-23-99; 91-699, eff. 7-1-00; 91-712, eff. 7-1-00; 92-16, eff.)

New matter indicated by italics - deletions by strikeout.
Sec. 5-4.1. Co-payments. The Department may by rule provide that recipients under any Article of this Code (other than group care recipients) shall pay a fee as a co-payment for services. Co-payments may not exceed $3 for brand name drugs, $1 one dollar for other pharmacy services, and $2 for physicians services, dental services, optical services and supplies, chiropractic services, podiatry services, and encounter rate clinic services. Co-payments may not exceed $3 three dollars for hospital outpatient and clinic services. Provided, however, that any such rule must provide that no co-payment requirement can exist for renal dialysis, radiation therapy, cancer chemotherapy, or insulin, and other products necessary on a recurring basis, the absence of which would be life threatening, or where co-payment expenditures for required services and/or medications for chronic diseases that the Illinois Department shall by rule designate shall cause an extensive financial burden on the recipient, and provided no co-payment shall exist for emergency room encounters which are for medical emergencies. (Source: P.A. 82-664.)

Sec. 5-5.4. Standards of Payment - Department of Public Aid. The Department of Public Aid shall develop standards of payment of skilled nursing and intermediate care services in facilities providing such services under this Article which:

(1) Provide Provides for the determination of a facility's payment for skilled nursing and intermediate care services on a prospective basis. The amount of the payment rate for all nursing facilities certified under the medical assistance program shall be prospectively established annually on the basis of historical, financial, and statistical data reflecting actual costs from prior years, which shall be applied to the current rate year and updated for inflation, except that the capital cost element for newly constructed facilities shall be based upon projected budgets. The annually established payment rate shall take effect on July 1 in 1984 and subsequent years. Rate increases shall be provided annually thereafter on July 1 in 1984 and on each subsequent July 1 in the following years, except that no rate increase and no update for inflation shall be provided on or after July 1, 1994 and before July 1, 2003 unless specifically provided for in this Section.

For facilities licensed by the Department of Public Health under the Nursing Home Care Act as Intermediate Care for the Developmentally Disabled facilities or Long Term Care for Under Age 22 facilities, the rates taking effect on July 1, 1998 shall include an increase of 3%. For facilities licensed by the Department of Public Health under the Nursing Home Care Act as Skilled Nursing facilities or Intermediate Care facilities, the rates taking effect on July 1, 1998 shall include an increase of 3% plus $1.10 per resident-day, as defined by the Department.

For facilities licensed by the Department of Public Health under the Nursing Home Care Act as Intermediate Care for the Developmentally Disabled facilities or Long Term Care for Under Age 22 facilities, the rates taking effect on July 1, 1999 shall include an increase of 1.6% plus $3.00 per resident-day, as defined by the Department. For facilities
licensed by the Department of Public Health under the Nursing Home Care Act as Skilled Nursing facilities or Intermediate Care facilities, the rates taking effect on July 1, 1999 shall include an increase of 1.6% and, for services provided on or after October 1, 1999, shall be increased by $4.00 per resident-day, as defined by the Department.

For facilities licensed by the Department of Public Health under the Nursing Home Care Act as Intermediate Care for the Developmentally Disabled facilities or Long Term Care for Under Age 22 facilities, the rates taking effect on July 1, 2000 shall include an increase of 2.5% per resident-day, as defined by the Department. For facilities licensed by the Department of Public Health under the Nursing Home Care Act as Skilled Nursing facilities or Intermediate Care facilities, the rates taking effect on July 1, 2000 shall include an increase of 2.5% per resident-day, as defined by the Department.

For facilities licensed by the Department of Public Health under the Nursing Home Care Act as Intermediate Care for the Developmentally Disabled facilities or Long Term Care for Under Age 22 facilities, the rates taking effect on March 1, 2001 shall include a statewide increase of 7.85%, as defined by the Department.

For facilities licensed by the Department of Public Health under the Nursing Home Care Act as Intermediate Care for the Developmentally Disabled facilities or Long Term Care for Under Age 22 facilities, the rates taking effect on April 1, 2002 shall include a statewide increase of 2.0%, as defined by the Department. This increase terminates on July 1, 2002; beginning July 1, 2002 these rates are reduced to the level of the rates in effect on March 31, 2002, as defined by the Department.

For facilities licensed by the Department of Public Health under the Nursing Home Care Act as skilled nursing facilities or intermediate care facilities, the rates taking effect on July 1, 2001, and each subsequent year thereafter, shall be computed using the most recent cost reports on file with the Department of Public Aid no later than April 1, 2000, updated for inflation to January 1, 2001. For rates effective July 1, 2001 only, rates shall be the greater of the rate computed for July 1, 2001 or the rate effective on June 30, 2001.

Notwithstanding any other provision of this Section, for facilities licensed by the Department of Public Health under the Nursing Home Care Act as skilled nursing facilities or intermediate care facilities, the Illinois Department shall determine by rule the rates taking effect on July 1, 2002, which shall be 5.9% less than the rates in effect on June 30, 2002.

Rates established effective each July 1 shall govern payment for services rendered throughout that fiscal year, except that rates established on July 1, 1996 shall be increased by 6.8% for services provided on or after January 1, 1997. Such rates will be based upon the rates calculated for the year beginning July 1, 1990, and for subsequent years thereafter until June 30, 2001 shall be based on the facility cost reports for the facility fiscal year ending at any point in time during the previous calendar year, updated to the midpoint of the rate year. The cost report shall be on file with the Department no later than April 1 of the current rate year. Should the cost report not be on file by April 1, the Department shall base the rate on the latest cost report filed by each skilled care facility and intermediate care facility, updated to the midpoint of the current rate year. In determining rates for services rendered on and

New matter indicated by italics - deletions by strikeout.
after July 1, 1985, fixed time shall not be computed at less than zero. The Department shall not make any alterations of regulations which would reduce any component of the Medicaid rate to a level below what that component would have been utilizing in the rate effective on July 1, 1984.

(2) Shall take into account the actual costs incurred by facilities in providing services for recipients of skilled nursing and intermediate care services under the medical assistance program.

(3) Shall take into account the medical and psycho-social characteristics and needs of the patients.

(4) Shall take into account the actual costs incurred by facilities in meeting licensing and certification standards imposed and prescribed by the State of Illinois, any of its political subdivisions or municipalities and by the U.S. Department of Health and Human Services pursuant to Title XIX of the Social Security Act.

The Department of Public Aid shall develop precise standards for payments to reimburse nursing facilities for any utilization of appropriate rehabilitative personnel for the provision of rehabilitative services which is authorized by federal regulations, including reimbursement for services provided by qualified therapists or qualified assistants, and which is in accordance with accepted professional practices. Reimbursement also may be made for utilization of other supportive personnel under appropriate supervision.

(Sources: P.A. 91-24, eff. 7-1-99; 91-712, eff. 7-1-00; 92-10, eff. 6-11-01; 92-31, eff. 6-28-01; revised 12-13-01.)

(305 ILCS 5/5-5.12) (from Ch. 23, par. 5-5.12)

Sec. 5-5.12. Pharmacy payments.

(a) Every request submitted by a pharmacy for reimbursement under this Article for prescription drugs provided to a recipient of aid under this Article shall include the name of the prescriber or an acceptable identification number as established by the Department.

(b) Pharmacies providing prescription drugs under this Article shall be reimbursed at a rate which shall include a professional dispensing fee as determined by the Illinois Department, plus the current acquisition cost of the prescription drug dispensed. The Illinois Department shall update its information on the acquisition costs of all prescription drugs no less frequently than every 30 days. However, the Illinois Department may set the rate of reimbursement for the acquisition cost, by rule, at a percentage of the current average wholesale acquisition cost.

(c) Reimbursement under this Article for prescription drugs shall be limited to reimbursement for 4 brand-name prescription drugs per patient per month. This subsection applies only if (i) the brand-name drug was not prescribed for an acute or urgent condition, (ii) the brand-name drug was not prescribed for Alzheimer's disease, arthritis, diabetes, HIV/AIDS, a mental health condition, or respiratory disease, and (iii) a therapeutically equivalent generic medication has been approved by the federal Food and Drug Administration.

(Sources: P.A. 88-554, eff. 7-26-94; 89-673, eff. 8-14-96.)

(305 ILCS 5/11-16) (from Ch. 23, par. 11-16)
Sec. 11-16. Changes in grants; cancellations, revocations, suspensions.

(a) All grants of financial aid under this Code shall be considered as frequently as may be required by the rules of the Illinois Department. The Department of Public Aid shall consider grants of financial aid to children who are eligible under Article V of this Code at least annually and shall take into account those reports filed, or required to be filed, pursuant to Sections 11-18 and 11-19. After such investigation as may be necessary, the amount and manner of giving aid may be changed or the aid may be entirely withdrawn if the County Department, local governmental unit, or Illinois Department finds that the recipient’s circumstances have altered sufficiently to warrant such action. Financial aid may at any time be canceled or revoked for cause or suspended for such period as may be proper.

(b) Whenever any such grant of financial aid is cancelled, revoked, reduced, or terminated because of the failure of the recipient to cooperate with the Department, including but not limited to the failure to keep an appointment, attend a meeting, or produce proof or verification of eligibility or need, the grant shall be reinstated in full, retroactive to the date of the change in or termination of the grant, provided that within 10 working days after the first day the financial aid would have been available, the recipient cooperates with the Department and is not otherwise ineligible for benefits for the period in question. This subsection (b) does not apply to sanctions imposed for the failure of any recipient to participate as required in the child support enforcement program or in any educational, training, or employment program under this Code or any other sanction under Section 4-21, nor does this subsection (b) apply to any cancellation, revocation, reduction, termination, or sanction imposed for the failure of any recipient to cooperate in the monthly reporting process or the quarterly reporting process.

(Source: P.A. 90-17, eff. 7-1-97; 91-357, eff. 7-29-99.)

(305 ILCS 5/12-3) (from Ch. 23, par. 12-3)

Sec. 12-3. Local governmental units. As provided in Article VI, local governmental units shall provide funds for and administer the programs provided in that Article subject, where so provided, to the supervision of the Illinois Department. Local governmental units shall also provide the social services and utilize the rehabilitative facilities authorized in Article IX for persons served through Article VI, and shall discharge such other duties as may be required by this Code or other laws of this State.

In counties not under township organization, the county shall provide funds for and administer such programs.

In counties under township organization (including any such counties in which the governing authority is a board of commissioners) the various towns other than those towns lying entirely within the corporate limits of any city, village or incorporated town having a population of more than 500,000 inhabitants shall provide funds for and administer such programs.

Cities, villages, and incorporated towns having a population of more than 500,000 inhabitants shall provide funds for public aid purposes under Article VI but the Department of Human Services shall administer the program for such municipality. For the fiscal year beginning July 1, 2003, however, the municipality shall decrease by $5,000,000 the amount
of funds it provides for public aid purposes under Article VI. For each fiscal year thereafter, the municipality shall decrease the amount of funds it provides for public aid purposes under Article VI in that fiscal year by an additional amount equal to (i) $5,000,000 or (ii) the amount provided by the municipality in the preceding fiscal year, whichever is less, until the municipality does not provide any funds for public aid purposes under Article VI.

Incorporated towns which have superseded civil townships shall provide funds for and administer the public aid program provided by Article VI.

In counties of less than 3 million population having a County Veterans Assistance Commission in which there has been levied a tax as authorized by Section 5-2006 of the Counties Code for the purpose of providing assistance to military veterans and their families, the County Veterans Assistance Commission shall administer the programs provided by Article VI for such military veterans and their families as seek aid through the County Veterans Assistance Commission.

(Source: P.A. 92-111, eff. 1-1-02.)

(305 ILCS 5/12-4.34)

Sec. 12-4.34. Services to noncitizens.

(a) Subject to specific appropriation for this purpose and notwithstanding Sections 1-11 and 3-1 of this Code, the Department of Human Services is authorized to provide services to legal immigrants, including but not limited to naturalization and nutrition services and financial assistance. The nature of these services, payment levels, and eligibility conditions shall be determined by rule.

(b) The Illinois Department is authorized to lower the payment levels established under this subsection or take such other actions during the fiscal year as are necessary to ensure that payments under this subsection do not exceed the amounts appropriated for this purpose. These changes may be accomplished by emergency rule under Section 5-45 of the Illinois Administrative Procedure Act, except that the limitation on the number of emergency rules that may be adopted in a 24-month period shall not apply.

(c) This Section is repealed on August 31, 2002.

(Source: P.A. 91-24, eff. 7-1-99; 91-712, eff. 7-1-00; 92-10, eff. 6-11-01.)

(305 ILCS 5/12-10.5)

Sec. 12-10.5. Medical Special Purposes Trust Fund.

(a) The Medical Special Purposes Trust Fund ("the Fund") is created. Any grant, gift, donation, or legacy of money or securities that the Department of Public Aid is authorized to receive under Section 12-4.18 or Section 12-4.19, and that is dedicated for functions connected with the administration of any medical program administered by the Department, shall be deposited into the Fund. All federal moneys received by the Department as reimbursement for disbursements authorized to be made from the Fund shall also be deposited into the Fund. In addition, federal moneys received on account of State expenditures made in connection with obtaining compliance with the federal Health Insurance Portability and Accountability Act (HIPAA) shall be deposited into the Fund.

(b) No moneys received from a service provider or a governmental or private entity
that is enrolled with the Department as a provider of medical services shall be deposited into
the Fund.

(c) Disbursements may be made from the Fund for the purposes connected with the
grants, gifts, donations, or legacies deposited into the Fund, including, but not limited to,
medical quality assessment projects, eligibility population studies, medical information
systems evaluations, and other administrative functions that assist the Department in
fulfilling its health care mission under the Illinois Public Aid Code and the Children's Health
Insurance Program Act.

(Source: P.A. 92-37, eff. 7-1-01.)

(305 ILCS 5/12-13.05)

Sec. 12-13.05. Rules for Temporary Assistance for Needy Families. All rules
regulating the Temporary Assistance for Needy Families program and all other rules
regulating the amendatory changes to this Code made by this amendatory Act of 1997 shall
be promulgated pursuant to this Section. All rules regulating the Temporary Assistance for
Needy Families program and all other rules regulating the amendatory changes to this Code
made by this amendatory Act of 1997 are repealed on July 1 2006 January 1, 2003. On and
after July 1, 2006 January 1, 2003, the Illinois Department may not promulgate any rules
regulating the Temporary Assistance for Needy Families program or regulating the
amendatory changes to this Code made by this amendatory Act of 1997.

(Source: P.A. 91-5, eff. 5-27-99; 92-111, eff. 1-1-02.)

Section 85. The Senior Citizens and Disabled Persons Property Tax Relief and
Pharmaceutical Assistance Act is amended by changing Section 3.16 as follows:

(320 ILCS 25/3.16) (from Ch. 67 1/2, par. 403.16)

Sec. 3.16. "Reasonable cost" means Average Wholesale Price (AWP) minus 10% for
products provided by authorized pharmacies plus a professional dispensing fee determined
by the Department in accordance with its findings in a survey of professional pharmacy
dispensing fees conducted at least every 12 months. For the purpose of this Act, AWP shall
be determined from the latest publication of the Blue Book, a universally subscribed
pharmacist reference guide annually published by the Hearst Corporation. AWP may also be
derived electronically from the drug pricing database synonymous with the latest publication
of the Blue Book and furnished in the National Drug Data File (NDDF) by First Data Bank
(FDB), a service of the Hearst Corporation. The elements of such fees and methodology of
such survey shall be promulgated as an administrative rule. Effective July 1, 1986, the
professional dispensing fee shall be $3.60 per prescription and such amount shall be adjusted
on July 1st of each year thereafter in accordance with a survey of professional pharmacy
dispensing fees. The Department may establish maximum acquisition costs from time to time
based upon information as to the cost at which covered products may be readily acquired by
authorized pharmacies. In no case shall the reasonable cost of any given pharmacy exceed
the price normally charged to the general public by that pharmacy. In the event that generic
equivalents for covered prescription drugs are available at lower cost, the Department shall
establish the maximum acquisition costs for such covered prescription drugs at the lower
generic cost unless, pursuant to the conditions described in subsection (f) of Section 4, a

New matter indicated by italics - deletions by strikeout.
non-generic drug may be substituted.

Effective July 1, 2002, the rates paid for products provided by authorized pharmacies and a professional dispensing fee shall be determined by the Department by rule.

(Source: P.A. 91-699, eff. 1-1-01.)

Section 99. Effective date. This Act takes effect upon becoming law, except that Sections 25, 26, 45, 60, and 65 take effect on July 1, 2002.

Passed in the General Assembly June 2, 2002.

Approved June 28, 2002.

Effective June 28, 2002 and July 1, 2002.

PUBLIC ACT 92-0598

(House Bill No. 4581)

AN ACT concerning bonds.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

ARTICLE 1

Section 5. The General Obligation Bond Act is amended by changing Sections 2, 3, 5 and 6 as follows:

(30 ILCS 330/2) (from Ch. 127, par. 652)

Sec. 2. Authorization for Bonds. The State of Illinois is authorized to issue, sell and provide for the retirement of General Obligation Bonds of the State of Illinois for the categories and specific purposes expressed in Sections 2 through 8 of this Act, in the total amount of $16,908,149,369 $15,265,007,500.

The bonds authorized in this Section 2 and in Section 16 of this Act are herein called "Bonds".

Of the total amount of Bonds authorized in this Act, up to $2,200,000,000 in aggregate original principal amount may be issued and sold in accordance with the Baccalaureate Savings Act in the form of General Obligation College Savings Bonds.

Of the total amount of Bonds authorized in this Act, up to $300,000,000 in aggregate original principal amount may be issued and sold in accordance with the Retirement Savings Act in the form of General Obligation Retirement Savings Bonds.

The issuance and sale of Bonds pursuant to the General Obligation Bond Act is an economical and efficient method of financing the capital needs of the State. This Act will permit the issuance of a multi-purpose General Obligation Bond with uniform terms and features. This will not only lower the cost of registration but also reduce the overall cost of issuing debt by improving the marketability of Illinois General Obligation Bonds.

(Source: P.A. 91-39, eff. 6-15-99; 91-53, eff 6-30-99; 91-710, eff. 5-17-00; 92-13, eff. 6-22-01.)

(30 ILCS 330/3) (from Ch. 127, par. 653)

Sec. 3. Capital Facilities. The amount of $7,320,235,369 $6,626,993,492 is authorized to be used for the acquisition, development, construction, reconstruction,
improvement, financing, architectural planning and installation of capital facilities within the State, consisting of buildings, structures, durable equipment, land, and interests in land for the following specific purposes:

(a) $2,211,228,000 $1,880,077,346 for educational purposes by State universities and colleges, the Illinois Community College Board created by the Public Community College Act and for grants to public community colleges as authorized by Sections 5-11 and 5-12 of the Public Community College Act;

(b) $1,607,420,000 $1,584,450,168 for correctional purposes at State prison and correctional centers;

(c) $531,175,000 $496,685,786 for open spaces, recreational and conservation purposes and the protection of land;

(d) $589,917,000 $556,926,486 for child care facilities, mental and public health facilities, and facilities for the care of disabled veterans and their spouses;

(e) $1,455,990,000 $1,290,153,341 for use by the State, its departments, authorities, public corporations, commissions and agencies;

(f) $818,100 for cargo handling facilities at port districts and for breakwaters, including harbor entrances, at port districts in conjunction with facilities for small boats and pleasure crafts;

(g) $204,657,000 $198,657,796 for water resource management projects; and

(h) $16,940,269 for the provision of facilities for food production research and related instructional and public service activities at the State universities and public community colleges;

(i) $36,000,000 for grants by the Secretary of State, as State Librarian, for central library facilities authorized by Section 8 of the Illinois Library System Act and for grants by the Capital Development Board to units of local government for public library facilities;

(j) $25,000,000 for the acquisition, development, construction, reconstruction, improvement, financing, architectural planning and installation of capital facilities consisting of buildings, structures, durable equipment and land for grants to counties, municipalities or public building commissions with correctional facilities that do not comply with the minimum standards of the Department of Corrections under Section 3-15-2 of the Unified Code of Corrections;

(k) $5,000,000 for grants in fiscal year 1988 by the Department of Conservation for improvement or expansion of aquarium facilities located on property owned by a park district;

(l) $432,590,000 $367,584,200 to State agencies for grants to local governments for the acquisition, financing, architectural planning, development, alteration, installation, and construction of capital facilities consisting of buildings, structures, durable equipment, and land; and

(m) $203,500,000 $167,800,000 for the Illinois Open Land Trust Program as defined by the Illinois Open Land Trust Act.

The amounts authorized above for capital facilities may be used for the acquisition,
installation, alteration, construction, or reconstruction of capital facilities and for the purchase of equipment for the purpose of major capital improvements which will reduce energy consumption in State buildings or facilities.

(Source: P.A. 91-39, 6-15-99; 91-53, eff. 6-30-99; 91-710, eff. 5-17-00; 92-13, eff. 6-22-01.)

(30 ILCS 330/5) (from Ch. 127, par. 655)

Sec. 5. School Construction.

(a) The amount of $58,450,000 is authorized to make grants to local school districts for the acquisition, development, construction, reconstruction, rehabilitation, improvement, financing, architectural planning and installation of capital facilities, including but not limited to those required for special education building projects provided for in Article 14 of The School Code, consisting of buildings, structures, and durable equipment, and for the acquisition and improvement of real property and interests in real property required, or expected to be required, in connection therewith.

(b) $22,550,000, or so much thereof as may be necessary, for grants to school districts for the making of principal and interest payments, required to be made, on bonds issued by such school districts after January 1, 1969, pursuant to any indenture, ordinance, resolution, agreement or contract to provide funds for the acquisition, development, construction, reconstruction, rehabilitation, improvement, architectural planning and installation of capital facilities consisting of buildings, structures, durable equipment and land for educational purposes or for lease payments required to be made by a school district for principal and interest payments on bonds issued by a Public Building Commission after January 1, 1969.

(c) $10,000,000 for grants to school districts for the acquisition, development, construction, reconstruction, rehabilitation, improvement, architectural planning and installation of capital facilities consisting of buildings structures, durable equipment and land for special education building projects.

(d) $9,000,000 for grants to school districts for the reconstruction, rehabilitation, improvement, financing and architectural planning of capital facilities, including construction at another location to replace such capital facilities, consisting of those public school buildings and temporary school facilities which, prior to January 1, 1984, were condemned by the regional superintendent under Section 3-14.22 of The School Code or by any State official having jurisdiction over building safety.

(e) $3,050,000,000 $2,120,000,000 for grants to school districts for school improvement projects authorized by the School Construction Law. The bonds shall be sold in amounts not to exceed the following schedule, except any bonds not sold during one year shall be added to the bonds to be sold during the remainder of the schedule:

<table>
<thead>
<tr>
<th>Year</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>First year</td>
<td>$200,000,000</td>
</tr>
<tr>
<td>Second year</td>
<td>$450,000,000</td>
</tr>
<tr>
<td>Third year</td>
<td>$500,000,000</td>
</tr>
<tr>
<td>Fourth year</td>
<td>$500,000,000</td>
</tr>
<tr>
<td>Fifth year</td>
<td>$800,000,000</td>
</tr>
<tr>
<td>Sixth year and thereafter</td>
<td>$600,000,000</td>
</tr>
</tbody>
</table>

(Source: P.A. 90-549, eff. 12-8-97; 91-39, eff. 6-15-99.)

New matter indicated by italics - deletions by strikeout.
(30 ILCS 330/6) (from Ch. 127, par. 656)
Sec. 6. Anti-Pollution.
(a) The amount of $300,815,000 $281,815,000 is authorized for allocation by the Environmental Protection Agency for grants or loans to units of local government in such amounts, at such times and for such purpose as the Agency deems necessary or desirable for the planning, financing, and construction of municipal sewage treatment works and solid waste disposal facilities and for making of deposits into the Water Revolving Fund and the U.S. Environmental Protection Fund to provide assistance in accordance with the provisions of Title IV-A of the Environmental Protection Act.

(b) The amount of $160,500,000 is authorized for allocation by the Environmental Protection Agency for payment of claims submitted to the State and approved for payment under the Leaking Underground Storage Tank Program established in Title XVI of the Environmental Protection Act. (Source: P.A. 91-39, eff. 6-15-99; 91-710, eff. 5-17-00; 92-13, eff. 6-22-01.)

ARTICLE 2
Section 5. The Build Illinois Bond Act is amended by changing Sections 2 and 4 as follows:

(30 ILCS 425/2) (from Ch. 127, par. 2802)
Sec. 2. Authorization for Bonds. The State of Illinois is authorized to issue, sell and provide for the retirement of limited obligation bonds, notes and other evidences of indebtedness of the State of Illinois in the total principal amount of $3,805,509,000 $3,540,715,000 herein called "Bonds". Such authorized amount of Bonds shall be reduced from time to time by amounts, if any, which are equal to the moneys received by the Department of Revenue in any fiscal year pursuant to Section 3-1001 of the "Illinois Vehicle Code", as amended, in excess of the Annual Specified Amount (as defined in Section 3 of the "Retailers' Occupation Tax Act", as amended) and transferred at the end of such fiscal year from the General Revenue Fund to the Build Illinois Purposes Fund as provided in Section 3-1001 of said Code; provided, however, that no such reduction shall affect the validity or enforceability of any Bonds issued prior to such reduction. Such amount of authorized Bonds shall be exclusive of any refunding Bonds issued pursuant to Section 15 of this Act and exclusive of any Bonds issued pursuant to this Section which are redeemed, purchased, advance refunded, or defeased in accordance with paragraph (f) of Section 4 of this Act. Bonds shall be issued for the categories and specific purposes expressed in Section 4 of this Act.
(Source: P.A. 91-39, eff. 6-15-99; 91-53, eff. 6-30-99; 91-709, eff. 5-17-00; 92-9, eff. 6-11-01.)

(30 ILCS 425/4) (from Ch. 127, par. 2804)
Sec. 4. Purposes of Bonds. Bonds shall be issued for the following purposes and in the approximate amounts as set forth below:
(a) $2,417,000,000 $2,399,954,000 for the expenses of issuance and sale of Bonds, including bond discounts, and for planning, engineering, acquisition, construction, reconstruction, development, improvement and extension of the public infrastructure in the

New matter indicated by italics - deletions by strikeout.
State of Illinois, including: the making of loans or grants to local governments for waste disposal systems, water and sewer line extensions and water distribution and purification facilities, rail or air or water port improvements, gas and electric utility extensions, publicly owned industrial and commercial sites, buildings used for public administration purposes and other public infrastructure capital improvements; the making of loans or grants to units of local government for financing and construction of wastewater facilities; refinancing or retiring bonds issued between January 1, 1987 and January 1, 1990 by home rule municipalities, debt service on which is provided from a tax imposed by home rule municipalities prior to January 1, 1990 on the sale of food and drugs pursuant to Section 8-11-1 of the Home Rule Municipal Retailers’ Occupation Tax Act or Section 8-11-5 of the Home Rule Municipal Service Occupation Tax Act; the making of deposits not to exceed $70,000,000 in the aggregate into the Water Pollution Control Revolving Fund to provide assistance in accordance with the provisions of Title IV-A of the Environmental Protection Act; the planning, engineering, acquisition, construction, reconstruction, alteration, expansion, extension and improvement of highways, bridges, structures separating highways and railroads, rest areas, interchanges, access roads to and from any State or local highway and other transportation improvement projects which are related to economic development activities; the making of loans or grants for planning, engineering, rehabilitation, improvement or construction of rail and transit facilities; the planning, engineering, acquisition, construction, reconstruction and improvement of watershed, drainage, flood control, recreation and related improvements and facilities, including expenses related to land and easement acquisition, relocation, control structures, channel work and clearing and appurtenant work; the making of grants for improvement and development of zoos and park district field houses and related structures; and the making of grants for improvement and development of Navy Pier and related structures.

(b) $186,000,000 $139,301,500 for fostering economic development and increased employment and the well being of the citizens of Illinois, including: the making of grants for improvement and development of McCormick Place and related structures; the planning and construction of a microelectronics research center, including the planning, engineering, construction, improvement, renovation and acquisition of buildings, equipment and related utility support systems; the making of loans to businesses and investments in small businesses; acquiring real properties for industrial or commercial site development; acquiring, rehabilitating and reconveying industrial and commercial properties for the purpose of expanding employment and encouraging private and other public sector investment in the economy of Illinois; the payment of expenses associated with siting the Superconducting Super Collider Particle Accelerator in Illinois and with its acquisition, construction, maintenance, operation, promotion and support; the making of loans for the planning, engineering, acquisition, construction, improvement and conversion of facilities and equipment which will foster the use of Illinois coal; the payment of expenses associated with the promotion, establishment, acquisition and operation of small business incubator facilities and agribusiness research facilities, including the lease, purchase, renovation, planning, engineering, construction and maintenance of buildings, utility support systems and

New matter indicated by italics - deletions by strikeout.
equipment designated for such purposes and the establishment and maintenance of centralized support services within such facilities; and the making of grants or loans to units of local government for Urban Development Action Grant and Housing Partnership programs.

(c) $1,052,358,100 $851,308,600 for the development and improvement of educational, scientific, technical and vocational programs and facilities and the expansion of health and human services for all citizens of Illinois, including: the making of construction and improvement grants and loans to public libraries and library systems; the making of grants and loans for planning, engineering, acquisition and construction of a new State central library in Springfield; the planning, engineering, acquisition and construction of an animal and dairy sciences facility; the planning, engineering, acquisition and construction of a campus and all related buildings, facilities, equipment and materials for Richland Community College; the acquisition, rehabilitation and installation of equipment and materials for scientific and historical surveys; the making of grants or loans for distribution to eligible vocational education instructional programs for the upgrading of vocational education programs, school shops and laboratories, including the acquisition, rehabilitation and installation of technical equipment and materials; the making of grants or loans for distribution to eligible local educational agencies for the upgrading of math and science instructional programs, including the acquisition of instructional equipment and materials; miscellaneous capital improvements for universities and community colleges including the planning, engineering, construction, reconstruction, remodeling, improvement, repair and installation of capital facilities and costs of planning, supplies, equipment, materials, services, and all other required expenses; the making of grants or loans for repair, renovation and miscellaneous capital improvements for privately operated colleges and universities and community colleges, including the planning, engineering, acquisition, construction, reconstruction, remodeling, improvement, repair and installation of capital facilities and costs of planning, supplies, equipment, materials, services, and all other required expenses; and the making of grants or loans for distribution to local governments for hospital and other health care facilities including the planning, engineering, acquisition, construction, reconstruction, remodeling, improvement, repair and installation of capital facilities and costs of planning, supplies, equipment, materials, services and all other required expenses.

(d) $150,150,900 for protection, preservation, restoration and conservation of environmental and natural resources, including: the making of grants to soil and water conservation districts for the planning and implementation of conservation practices and for funding contracts with the Soil Conservation Service for watershed planning; the making of grants to units of local government for the capital development and improvement of recreation areas, including planning and engineering costs, sewer projects, including planning and engineering costs and water projects, including planning and engineering costs, and for the acquisition of open space lands, including the acquisition of easements and other property interests of less than fee simple ownership; the acquisition and related costs and development and management of natural heritage lands, including natural areas and areas providing habitat for endangered species and nongame wildlife, and buffer area lands; the acquisition and

New matter indicated by italics - deletions by strikeout.
related costs and development and management of habitat lands, including forest, wildlife habitat and wetlands; and the removal and disposition of hazardous substances, including the cost of project management, equipment, laboratory analysis, and contractual services necessary for preventative and corrective actions related to the preservation, restoration and conservation of the environment, including deposits not to exceed $60,000,000 in the aggregate into the Hazardous Waste Fund and the Brownfields Redevelopment Fund for improvements in accordance with the provisions of Titles V and XVII of the Environmental Protection Act.

(e) The amount specified in paragraph (a) above shall include an amount necessary to pay reasonable expenses of each issuance and sale of the Bonds, as specified in the related Bond Sale Order (hereinafter defined).

(f) Any unexpended proceeds from any sale of Bonds which are held in the Build Illinois Bond Fund may be used to redeem, purchase, advance refund, or defease any Bonds outstanding.

(Source: P.A. 91-39, eff. 6-15-99; 91-53, eff. 6-30-99; 91-709, eff. 5-17-00; 92-9, eff. 6-11-01.)

Section 99. Effective date. This Act takes effect upon becoming law.
Passed in the General Assembly June 2, 2002.
Approved June 28, 2002.
Effective June 28, 2002.

PUBLIC ACT 92-0599
(House Bill No. 5168)

AN ACT in relation to public employee benefits.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:


(40 ILCS 5/5-129.1 new)

Sec. 5-129.1. Withdrawal at mandatory retirement age - amount of annuity.

(a) In lieu of any annuity provided in the other provisions of this Article, a policeman who is required to withdraw from service due to attainment of mandatory retirement age and has less than 20 years of service credit may elect to receive an annuity equal to 30% of average salary for the first 10 years of service plus 2% of average salary for each completed year of service or fraction thereof in excess of 10, but not to exceed a maximum of 48% of average salary.

New matter indicated by italics - deletions by strikeout.
For the purpose of this Section, "average salary" means the average of the highest 4 consecutive years of salary within the last 10 years of service, or such shorter period as may be used to calculate a minimum retirement annuity under Section 5-132.

For the purpose of qualifying for the annual increases provided in Section 5-167.1, a policeman whose retirement annuity is calculated under this Section shall be deemed to qualify for a minimum annuity.

Sec. 5-144. Death from injury in the performance of acts of duty; compensation annuity and supplemental annuity.

(a) Beginning January 1, 1986, and without regard to whether or not the annuity in question began before that date, if the annuity for the widow of a policeman whose death, on or after January 1, 1940, results from injury incurred in the performance of an act or acts of duty, is not equal to the sum hereinafter stated, "compensation annuity" equal to the difference between the annuity and an amount equal to 75% of the policeman's salary attached to the position he held by certification and appointment as a result of competitive civil service examination that would ordinarily have been paid to him as though he were in active discharge of his duties shall be payable to the widow until the policeman, had he lived, would have attained age 63. The total amount of the widow's annuity and children's awards payable to the family of such policeman shall not exceed the amounts stated in Section 5-152.

The provisions of this Section, as amended by Public Act 84-1104, including the reference to the date upon which the deceased policeman would have attained age 63, shall apply to all widows of policemen whose death occurs on or after January 1, 1940 due to injury incurred in the performance of an act of duty, regardless of whether such death occurred prior to September 17, 1969. For those widows of policemen that died prior to September 17, 1969, who became eligible for compensation annuity by the action of Public Act 84-1104, such compensation annuity shall begin and be calculated from January 1, 1986. The provisions of this amendatory Act of 1987 are intended to restate and clarify the intent of Public Act 84-1104, and do not make any substantive change.

(b) Upon termination of the compensation annuity, "supplemental annuity" shall become payable to the widow, equal to the difference between the annuity for the widow and an amount equal to 75% of the annual salary (including all salary increases and longevity raises) that the policeman would have been receiving when he attained age 63 if the policeman had continued in service at the same rank (whether career service or exempt) that he last held in the police department. The increase in supplemental annuity resulting from this amendatory Act of the 92nd General Assembly applies without regard to whether the deceased policeman was in service on or after the effective date of this amendatory Act and is payable from July 1, 2002 or January 1, 1996 or the date upon which the supplemental annuity begins, whichever is later.

(c) Neither compensation nor supplemental annuity shall be paid unless the death of the policeman was a direct result of the injury, or the injury was of such character as to prevent him from subsequently resuming service as a policeman; nor shall compensation or

New matter indicated by italics - deletions by strikeout.
supplemental annuity be paid unless the widow was the wife of the policeman when the injury occurred.
(Source: P.A. 89-12, eff. 4-20-95.)
(40 ILCS 5/5-167.5) (from Ch. 108 1/2, par. 5-167.5)
Sec. 5-167.5. Group health benefit.
(a) For the purposes of this Section: (1) "annuitant" means a person receiving an age and service annuity, a prior service annuity, a widow's annuity, a widow's prior service annuity, or a minimum annuity, under Article 5, 6, 8 or 11, by reason of previous employment by the City of Chicago (hereinafter, in this Section, "the city"); (2) "Medicare Plan annuitant" means an annuitant described in item (1) who is eligible for Medicare benefits; and (3) "non-Medicare Plan annuitant" means an annuitant described in item (1) who is not eligible for Medicare benefits.

(b) The city shall offer group health benefits to annuitants and their eligible dependents through June 30, 2003 2002. The basic city health care plan available as of June 30, 1988 (hereinafter called the basic city plan) shall cease to be a plan offered by the city, except as specified in subparagraphs (4) and (5) below, and shall be closed to new enrollment or transfer of coverage for any non-Medicare Plan annuitant as of June 27, the effective date of this amendatory Act of 1997. The city shall offer non-Medicare Plan annuitants and their eligible dependents the option of enrolling in its Annuitant Preferred Provider Plan and may offer additional plans for any annuitant. The city may amend, modify, or terminate any of its additional plans at its sole discretion. If the city offers more than one annuitant plan, the city shall allow annuitants to convert coverage from one city annuitant plan to another, except the basic city plan, during times designated by the city, which periods of time shall occur at least annually. For the period dating from June 27, the effective date of this amendatory Act of 1997 through June 30, 2003 2002, monthly premium rates may be increased for annuitants during the time of their participation in non-Medicare plans, except as provided in subparagraphs (1) through (4) of this subsection.

(1) For non-Medicare Plan annuitants who retired prior to January 1, 1988, the annuitant's share of monthly premium for non-Medicare Plan coverage only shall not exceed the highest premium rate chargeable under any city non-Medicare Plan annuitant coverage as of December 1, 1996.

(2) For non-Medicare Plan annuitants who retire on or after January 1, 1988, the annuitant's share of monthly premium for non-Medicare Plan coverage only shall be the rate in effect on December 1, 1996, with monthly premium increases to take effect no sooner than April 1, 1998 at the lower of (i) the premium rate determined pursuant to subsection (g) or (ii) 10% of the immediately previous month's rate for similar coverage.

(3) In no event shall any non-Medicare Plan annuitant's share of monthly premium for non-Medicare Plan coverage exceed 10% of the annuitant's monthly annuity.

(4) Non-Medicare Plan annuitants who are enrolled in the basic city plan as of July 1, 1998 may remain in the basic city plan, if they so choose, on the condition

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that they are not entitled to the caps on rates set forth in subparagraphs (1) through (3), and their premium rate shall be the rate determined in accordance with subsections (c) and (g).

(5) Medicare Plan annuitants who are currently enrolled in the basic city plan for Medicare eligible annuitants may remain in that plan, if they so choose, through June 30, 2003. Annuitants shall not be allowed to enroll in or transfer into the basic city plan for Medicare eligible annuitants on or after July 1, 1999. The city shall continue to offer annuitants a supplemental Medicare Plan for Medicare eligible annuitants through June 30, 2003, and the city may offer additional plans to Medicare eligible annuitants in its sole discretion. All Medicare Plan annuitant monthly rates shall be determined in accordance with subsections (c) and (g).

(c) The city shall pay 50% of the aggregated costs of the claims or premiums, whichever is applicable, as determined in accordance with subsection (g), of annuitants and their dependents under all health care plans offered by the city. The city may reduce its obligation by application of price reductions obtained as a result of financial arrangements with providers or plan administrators.

(d) From January 1, 1993 until June 30, 2003, the board shall pay to the city on behalf of each of the board's annuitants who chooses to participate in any of the city's plans the following amounts: up to a maximum of $75 per month for each such annuitant who is not qualified to receive medicare benefits, and up to a maximum of $45 per month for each such annuitant who is qualified to receive medicare benefits.

The payments described in this subsection shall be paid from the tax levy authorized under Section 5-168; such amounts shall be credited to the reserve for group hospital care and group medical and surgical plan benefits, and all payments to the city required under this subsection shall be charged against it.

(e) The city's obligations under subsections (b) and (c) shall terminate on June 30, 2003, except with regard to covered expenses incurred but not paid as of that date. This subsection shall not affect other obligations that may be imposed by law.

(f) The group coverage plans described in this Section are not and shall not be construed to be pension or retirement benefits for purposes of Section 5 of Article XIII of the Illinois Constitution of 1970.

(g) For each annuitant plan offered by the city, the aggregate cost of claims, as reflected in the claim records of the plan administrator, shall be estimated by the city, based upon a written determination by a qualified independent actuary to be appointed and paid by the city and the board. If the estimated annual cost for each annuitant plan offered by the city is more than the estimated amount to be contributed by the city for that plan pursuant to subsections (b) and (c) during that year plus the estimated amounts to be paid pursuant to subsection (d) and by the other pension boards on behalf of other participating annuitants, the difference shall be paid by all annuitants participating in the plan, except as provided in subsection (b). The city, based upon the determination of the independent actuary, shall set the monthly amounts to be paid by the participating annuitants. The board may deduct the amounts to be paid by its annuitants from the participating annuitants' monthly annuities.

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If it is determined from the city's annual audit, or from audited experience data, that the total amount paid by all participating annuitants was more or less than the difference between (1) the cost of providing the group health care plans, and (2) the sum of the amount to be paid by the city as determined under subsection (c) and the amounts paid by all the pension boards, then the independent actuary and the city shall account for the excess or shortfall in the next year's payments by annuitants, except as provided in subsection (b).

(h) An annuitant may elect to terminate coverage in a plan at the end of any month, which election shall terminate the annuitant's obligation to contribute toward payment of the excess described in subsection (g).

(i) The city shall advise the board of all proposed premium increases for health care at least 75 days prior to the effective date of the change, and any increase shall be prospective only.

(Source: P.A. 90-32, eff. 6-27-97.)

(40 ILCS 5/5-233.1 new)

Sec. 5-233.1. Transfer of creditable service to Article 8 or 11 fund. A person who (i) is an active participant in a fund established under Article 8 or 11 of this Code and (ii) has at least 10 and no more than 22 years of creditable service in this Fund may, within the 90 days following the effective date of this Section, apply for transfer of his or her credits and creditable service accumulated in this Fund to the Article 8 or 11 fund. At the time of the transfer, this Fund shall pay to the Article 8 or 11 fund an amount consisting of:

(1) the amounts credited to the applicant through employee contributions for the service to be transferred, including interest; and

(2) the corresponding municipality credits, including interest, on the books of the Fund on the date of transfer.

Participation in this Fund with respect to the credits transferred shall terminate on the date of transfer.

(40 ILCS 5/6-164.2) (from Ch. 108 1/2, par. 6-164.2)

Sec. 6-164.2. Group health benefit.

(a) For the purposes of this Section: (1) "annuitant" means a person receiving an age and service annuity, a prior service annuity, a widow's annuity, a widow's prior service annuity, or a minimum annuity, under Article 5, 6, 8 or 11, by reason of previous employment by the City of Chicago (hereinafter, in this Section, "the city"); (2) "Medicare Plan annuitant" means an annuitant described in item (1) who is eligible for Medicare benefits; and (3) "non-Medicare Plan annuitant" means an annuitant described in item (1) who is not eligible for Medicare benefits.

(b) The city shall offer group health benefits to annuitants and their eligible dependents through June 30, 2003. The basic city health care plan available as of June 30, 1988 (hereinafter called the basic city plan) shall cease to be a plan offered by the city, except as specified in subparagraphs (4) and (5) below, and shall be closed to new enrollment or transfer of coverage for any non-Medicare Plan annuitant as of June 27, the effective date of this amendatory Act of 1997. The city shall offer non-Medicare Plan annuitants and their eligible dependents the option of enrolling in its Annuitant Preferred Provider Plan and may

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offer additional plans for any annuitant. The city may amend, modify, or terminate any of its additional plans at its sole discretion. If the city offers more than one annuitant plan, the city shall allow annuitants to convert coverage from one city annuitant plan to another, except the basic city plan, during times designated by the city, which periods of time shall occur at least annually. For the period dating from June 27, the effective date of this amendatory Act of 1997 through June 30, 2003, monthly premium rates may be increased for annuitants during the time of their participation in non-Medicare plans, except as provided in subparagraphs (1) through (4) of this subsection.

(1) For non-Medicare Plan annuitants who retired prior to January 1, 1988, the annuitant's share of monthly premium for non-Medicare Plan coverage only shall not exceed the highest premium rate chargeable under any city non-Medicare Plan annuitant coverage as of December 1, 1996.

(2) For non-Medicare Plan annuitants who retire on or after January 1, 1988, the annuitant's share of monthly premium for non-Medicare Plan coverage only shall be the rate in effect on December 1, 1996, with monthly premium increases to take effect no sooner than April 1, 1998 at the lower of (i) the premium rate determined pursuant to subsection (g) or (ii) 10% of the immediately previous month's rate for similar coverage.

(3) In no event shall any non-Medicare Plan annuitant's share of monthly premium for non-Medicare Plan coverage exceed 10% of the annuitant's monthly annuity.

(4) Non-Medicare Plan annuitants who are enrolled in the basic city plan as of July 1, 1998 may remain in the basic city plan, if they so choose, on the condition that they are not entitled to the caps on rates set forth in subparagraphs (1) through (3), and their premium rate shall be the rate determined in accordance with subsections (c) and (g).

(5) Medicare Plan annuitants who are currently enrolled in the basic city plan for Medicare eligible annuitants may remain in that plan, if they so choose, through June 30, 2003. Annuitants shall not be allowed to enroll in or transfer into the basic city plan for Medicare eligible annuitants on or after July 1, 1999. The city shall continue to offer annuitants a supplemental Medicare Plan for Medicare eligible annuitants through June 30, 2003, and the city may offer additional plans to Medicare eligible annuitants in its sole discretion. All Medicare Plan annuitant monthly rates shall be determined in accordance with subsections (c) and (g).

(c) The city shall pay 50% of the aggregated costs of the claims or premiums, whichever is applicable, as determined in accordance with subsection (g), of annuitants and their dependents under all health care plans offered by the city. The city may reduce its obligation by application of price reductions obtained as a result of financial arrangements with providers or plan administrators.

(d) From January 1, 1993 until June 30, 2003, the board shall pay to the city on behalf of each of the board's annuitants who chooses to participate in any of the city's plans the following amounts: up to a maximum of $75 per month for each such annuitant who is
not qualified to receive medicare benefits, and up to a maximum of $45 per month for each such annuitant who is qualified to receive medicare benefits.

The payments described in this subsection shall be paid from the tax levy authorized under Section 6-165; such amounts shall be credited to the reserve for group hospital care and group medical and surgical plan benefits, and all payments to the city required under this subsection shall be charged against it.

(e) The city's obligations under subsections (b) and (c) shall terminate on June 30, 2002, except with regard to covered expenses incurred but not paid as of that date. This subsection shall not affect other obligations that may be imposed by law.

(f) The group coverage plans described in this Section are not and shall not be construed to be pension or retirement benefits for purposes of Section 5 of Article XIII of the Illinois Constitution of 1970.

(g) For each annuitant plan offered by the city, the aggregate cost of claims, as reflected in the claim records of the plan administrator, shall be estimated by the city, based upon a written determination by a qualified independent actuary to be appointed and paid by the city and the board. If the estimated annual cost for each annuitant plan offered by the city is more than the estimated amount to be contributed by the city for that plan pursuant to subsections (b) and (c) during that year plus the estimated amounts to be paid pursuant to subsection (d) and by the other pension boards on behalf of other participating annuitants, the difference shall be paid by all annuitants participating in the plan, except as provided in subsection (b). The city, based upon the determination of the independent actuary, shall set the monthly amounts to be paid by the participating annuitants. The board may deduct the amounts to be paid by its annuitants from the participating annuitants' monthly annuities.

If it is determined from the city's annual audit, or from audited experience data, that the total amount paid by all participating annuitants was more or less than the difference between (1) the cost of providing the group health care plans, and (2) the sum of the amount to be paid by the city as determined under subsection (c) and the amounts paid by all the pension boards, then the independent actuary and the city shall account for the excess or shortfall in the next year's payments by annuitants, except as provided in subsection (b).

(h) An annuitant may elect to terminate coverage in a plan at the end of any month, which election shall terminate the annuitant's obligation to contribute toward payment of the excess described in subsection (g).

(i) The city shall advise the board of all proposed premium increases for health care at least 75 days prior to the effective date of the change, and any increase shall be prospective only.

(Source: P.A. 90-32, eff. 6-27-97.)

(40 ILCS 5/8-110) (from Ch. 108 1/2, par. 8-110)
Sec. 8-110. Employer. "Employer":
1 a city of more than 500,000 inhabitants;
2 or the Board of Education of the such city, with respect to any of its employees who participate in this Fund;
3 the Chicago Housing Authority, with respect to any of its employees who

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participate in this Fund subject to the provisions of Section 8-230.9;

(4) the Public Building Commission of the city, with respect to any of its employees who participate in this Fund; and

(5) to which this Article applies, or the Retirement Board.

(Source: Laws 1968, p. 181.)

(40 ILCS 5/8-113) (from Ch. 108 1/2, par. 8-113)

Sec. 8-113. Municipal employee, employee, contributor, or participant. "Municipal employee", "employee", "contributor", or "participant":

(a) Any employee of an employer employed in the classified civil service thereof other than by temporary appointment or in a position excluded or exempt from the classified service by the Civil Service Act, or in the case of a city operating under a personnel ordinance, any employee of an employer employed in the classified or career service under the provisions of a personnel ordinance, other than in a provisional or exempt position as specified in such ordinance or in rules and regulations formulated thereunder.

(b) Any employee in the service of an employer before the Civil Service Act came in effect for the employer.

(c) Any person employed by the board.

(d) Any person employed after December 31, 1949, but prior to January 1, 1984, in the service of the employer by temporary appointment or in a position exempt from the classified service as set forth in the Civil Service Act, or in a provisional or exempt position as specified in the personnel ordinance, who meets the following qualifications:

(1) has rendered service during not less than 12 calendar months to an employer as an employee, officer, or official, 4 months of which must have been consecutive full normal working months of service rendered immediately prior to filing application to be included; and

(2) files written application with the board, while in the service, to be included hereunder.

(e) After December 31, 1949, any alderman or other officer or official of the employer, who files, while in office, written application with the board to be included hereunder.

(f) Beginning January 1, 1984, any person employed by an employer other than the Chicago Housing Authority or the Public Building Commission of the city, whether or not such person is serving by temporary appointment or in a position exempt from the classified service as set forth in the Civil Service Act, or in a provisional or exempt position as specified in the personnel ordinance, provided that such person is neither (1) an alderman or other officer or official of the employer, nor (2) participating, on the basis of such employment, in any other pension fund or retirement system established under this Act.

(g) After December 31, 1959, any person employed in the law department of the city, or municipal court or Board of Election Commissioners of the city, who was a contributor and participant, on December 31, 1959, in the annuity and benefit fund in operation in the city on said date, by virtue of the Court and Law Department Employees' Annuity Act or the Board of Election Commissioners Employees' Annuity Act.

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After December 31, 1959, the foregoing definition includes any other person employed or to be employed in the law department, or municipal court (other than as a judge), or Board of Election Commissioners (if his salary is provided by appropriation of the city council of the city and his salary paid by the city) -- subject, however, in the case of such persons not participants on December 31, 1959, to compliance with the same qualifications and restrictions otherwise set forth in this Section and made generally applicable to employees or officers of the city concerning eligibility for participation or membership.

(h) After December 31, 1965, any person employed in the public library of the city -- and any other person -- who was a contributor and participant, on December 31, 1965, in the pension fund in operation in the city on said date, by virtue of the Public Library Employees' Pension Act.

(i) After December 31, 1968, any person employed in the house of correction of the city, who was a contributor and participant, on December 31, 1968, in the pension fund in operation in the city on said date, by virtue of the House of Correction Employees' Pension Act.

(j) Any person employed full-time on or after the effective date of this amendatory Act of the 92nd General Assembly by the Chicago Housing Authority who has elected to participate in this Fund as provided in subsection (a) of Section 8-230.9.

(k) Any person employed full-time by the Public Building Commission of the city who has elected to participate in this Fund as provided in subsection (d) of Section 8-230.7.

(Source: P.A. 83-802.)

(40 ILCS 5/8-120) (from Ch. 108 1/2, par. 8-120)

Sec. 8-120. Child or children. "Child" or "children": The natural child or children, or any child or children legally adopted by an employee at least one year prior to the date any benefit for the child or children accrues, and so adopted prior to the date the employee attained age 55.

(Source: P.A. 84-1028.)

(40 ILCS 5/8-137) (from Ch. 108 1/2, par. 8-137)

Sec. 8-137. Automatic increase in annuity.

(a) An employee who retired or retires from service after December 31, 1959 and before January 1, 1987, having attained age 60 or more, shall, in January of the year after the year in which the first anniversary of retirement occurs, have the amount of his then fixed and payable monthly annuity increased by 1 1/2%, and such first fixed annuity as granted at retirement increased by a further 1 1/2% in January of each year thereafter. Beginning with January of the year 1972, such increases shall be at the rate of 2% in lieu of the aforesaid specified 1 1/2%, and beginning with January of the year 1984 such increases shall be at the rate of 3%. Beginning in January of 1999, such increases shall be at the rate of 3% of the currently payable monthly annuity, including any increases previously granted under this Article. An employee who retires on annuity after December 31, 1959 and before January 1, 1987, but before age 60, shall receive such increases beginning in January of the year after the year in which he attains age 60.

An employee who retires from service on or after January 1, 1987 shall, upon the first

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annuity payment date following the first anniversary of the date of retirement, or upon the first annuity payment date following attainment of age 60, whichever occurs later, have his then fixed and payable monthly annuity increased by 3%, and such annuity shall be increased by an additional 3% of the original fixed annuity on the same date each year thereafter. Beginning in January of 1999, such increases shall be at the rate of 3% of the currently payable monthly annuity, including any increases previously granted under this Article.

(a-5) Notwithstanding the provisions of subsection (a), upon the first annuity payment date following (1) the third anniversary of retirement, (2) the attainment of age 53, or (3) the date 60 days after the effective date of this amendatory Act of the 92nd General Assembly, whichever occurs latest, the monthly pension of an employee who retires on annuity prior to the attainment of age 60 who has not received an increase under subsection (a) shall be increased by 3%, and such annuity shall be increased by an additional 3% of the current payable monthly annuity, including such increases previously granted under this Article, on the same date each year thereafter. The increases provided under this subsection are in lieu of the increases provided in subsection (a).

(b) Subsections (a) and (a-5) are not applicable to an employee retiring and receiving a term annuity, as herein defined, nor to any otherwise qualified employee who retires before he makes employee contributions (at the 1/2 of 1% rate as provided in this Act) for this additional annuity for not less than the equivalent of one full year. Such employee, however, shall make arrangement to pay to the fund a balance of such 1/2 of 1% contributions, based on his final salary, as will bring such 1/2 of 1% contributions, computed without interest, to the equivalent of or completion of one year's contributions.

Beginning with January, 1960, each employee shall contribute by means of salary deductions 1/2 of 1% of each salary payment, concurrently with and in addition to the employee contributions otherwise made for annuity purposes.

Each such additional contribution shall be credited to an account in the prior service annuity reserve, to be used, together with city contributions, to defray the cost of the specified annuity increments. Any balance in such account at the beginning of each calendar year shall be credited with interest at the rate of 3% per annum.

Such additional employee contributions are not refundable, except to an employee who withdraws and applies for refund under this Article, and in cases where a term annuity becomes payable. In such cases his contributions shall be refunded, without interest, and charged to such account in the prior service annuity reserve.

(Source: P.A. 90-766, eff. 8-14-98.)

(40 ILCS 5/8-138) (from Ch. 108 1/2, par. 8-138)

Sec. 8-138. Minimum annuities - Additional provisions.

(a) An employee who withdraws after age 65 or more with at least 20 years of service, for whom the amount of age and service and prior service annuity combined is less than the amount stated in this Section, shall from the date of withdrawal, instead of all annuities otherwise provided, be entitled to receive an annuity for life of $150 a year, plus 1 1/2% for each year of service, to and including 20 years, and 1 2/3% for each year of

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service over 20 years, of his highest average annual salary for any 4 consecutive years within the last 10 years of service immediately preceding the date of withdrawal.

An employee who withdraws after 20 or more years of service, before age 65, shall be entitled to such annuity, to begin not earlier than upon attained age of 55 years if under such age at withdrawal, reduced by 2% for each full year or fractional part thereof that his attained age is less than 65, plus an additional 2% reduction for each full year or fractional part thereof that his attained age when annuity is to begin is less than 60 so that the total reduction at age 55 shall be 30%.

(b) An employee who withdraws after July 1, 1957, at age 60 or over, with 20 or more years of service, for whom the age and service and prior service annuity combined, is less than the amount stated in this paragraph, shall, from the date of withdrawal, instead of such annuities, be entitled to receive an annuity for life equal to 1 2/3% for each year of service, of the highest average annual salary for any 5 consecutive years within the last 10 years of service immediately preceding the date of withdrawal; provided, that in the case of any employee who withdraws on or after July 1, 1971, such employee age 60 or over with 20 or more years of service, shall receive an annuity for life equal to 1.67% for each of the first 10 years of service; 1.90% for each of the next 10 years of service; 2.10% for each year of service in excess of 20 but not exceeding 30; and 2.30% for each year of service in excess of 30, based on the highest average annual salary for any 4 consecutive years within the last 10 years of service immediately preceding the date of withdrawal.

An employee who withdraws after July 1, 1957 and before January 1, 1988, with 20 or more years of service, before age 60 years is entitled to annuity, to begin not earlier than upon attained age of 55 years, if under such age at withdrawal, as computed in the last preceding paragraph, reduced 0.25% for each full month or fractional part thereof that his attained age when annuity is to begin is less than 60 if the employee was born before January 1, 1936, or 0.5% for each such month if the employee was born on or after January 1, 1936.

Any employee born before January 1, 1936, who withdraws with 20 or more years of service, and any employee with 20 or more years of service who withdraws on or after January 1, 1988, may elect to receive, in lieu of any other employee annuity provided in this Section, an annuity for life equal to 1.80% for each of the first 10 years of service, 2.00% for each of the next 10 years of service, 2.20% for each year of service in excess of 20 but not exceeding 30, and 2.40% for each year of service in excess of 30, of the highest average annual salary for any 4 consecutive years within the last 10 years of service immediately preceding the date of withdrawal, to begin not earlier than upon attained age of 55 years, if under such age at withdrawal, reduced 0.25% for each full month or fractional part thereof that his attained age when annuity is to begin is less than 60; except that an employee retiring on or after January 1, 1988, at age 55 or over but less than age 60, having at least 35 years of service, or an employee retiring on or after July 1, 1990, at age 55 or over but less than age 60, having at least 30 years of service, or an employee retiring on or after the effective date of this amendatory Act of 1997, at age 55 or over but less than age 60, having at least 25 years of service, shall not be subject to the reduction in retirement annuity because of retirement below age 60.
However, in the case of an employee who retired on or after January 1, 1985 but before January 1, 1988, at age 55 or older and with at least 35 years of service, and who was subject under this subsection (b) to the reduction in retirement annuity because of retirement below age 60, that reduction shall cease to be effective January 1, 1991, and the retirement annuity shall be recalculated accordingly.

Any employee who withdraws on or after July 1, 1990, with 20 or more years of service, may elect to receive, in lieu of any other employee annuity provided in this Section, an annuity for life equal to 2.20% for each year of service if withdrawal is before 60 days after the effective date of this amendatory Act of the 92nd General Assembly, or 2.40% for each year of service if withdrawal is 60 days after the effective date of this amendatory Act of the 92nd General Assembly or later, of the highest average annual salary for any 4 consecutive years within the last 10 years of service immediately preceding the date of withdrawal, to begin not earlier than upon attained age of 55 years, if under such age at withdrawal, reduced 0.25% for each full month or fractional part thereof that his attained age when annuity is to begin is less than 60; except that an employee retiring at age 55 or over but less than age 60, having at least 30 years of service, shall not be subject to the reduction in retirement annuity because of retirement below age 60.

Any employee who withdraws on or after the effective date of this amendatory Act of 1997 with 20 or more years of service may elect to receive, in lieu of any other employee annuity provided in this Section, an annuity for life equal to 2.20%; for each year of service, if withdrawal is before 60 days after the effective date of this amendatory Act of the 92nd General Assembly, or 2.40% for each year of service if withdrawal is 60 days after the effective date of this amendatory Act of the 92nd General Assembly or later, of the highest average annual salary for any 4 consecutive years within the last 10 years of service immediately preceding the date of withdrawal, to begin not earlier than upon attainment of age 55 (age 50 if the employee has at least 30 years of service), reduced 0.25% for each full month or remaining fractional part thereof that the employee's attained age when annuity is to begin is less than 60; except that an employee retiring at age 50 or over with at least 30 years of service or at age 55 or over with at least 25 years of service shall not be subject to the reduction in retirement annuity because of retirement below age 60.

The maximum annuity payable under part (a) and (b) of this Section shall not exceed 70% of highest average annual salary in the case of an employee who withdraws prior to July 1, 1971, and 75% if withdrawal takes place on or after July 1, 1971 and prior to 60 days after the effective date of this amendatory Act of the 92nd General Assembly, or 80% if withdrawal is 60 days after the effective date of this amendatory Act of the 92nd General Assembly or later. For the purpose of the minimum annuity provided in this Section $1,500 is considered the minimum annual salary for any year; and the maximum annual salary for the computation of such annuity is $4,800 for any year before 1953, $6000 for the years 1953 to 1956, inclusive, and the actual annual salary, as salary is defined in this Article, for any year thereafter.

To preserve rights existing on December 31, 1959, for participants and contributors on that date to the fund created by the Court and Law Department Employees' Annuity Act,
who became participants in the fund provided for on January 1, 1960, the maximum annual salary to be considered for such persons for the years 1955 and 1956 is $7,500.

(c) For an employee receiving disability benefit, his salary for annuity purposes under paragraphs (a) and (b) of this Section, for all periods of disability benefit subsequent to the year 1956, is the amount on which his disability benefit was based.

(d) An employee with 20 or more years of service, whose entire disability benefit credit period expires before attainment of age 55 while still disabled for service, is entitled upon withdrawal to the larger of (1) the minimum annuity provided above, assuming he is then age 55, and reducing such annuity to its actuarial equivalent as of his attained age on such date or (2) the annuity provided from his age and service and prior service annuity credits.

(e) The minimum annuity provisions do not apply to any former municipal employee receiving an annuity from the fund who re-enters service as a municipal employee, unless he renders at least 3 years of additional service after the date of re-entry.

(f) An employee in service on July 1, 1947, or who became a contributor after July 1, 1947 and before attainment of age 70, who withdraws after age 65, with less than 20 years of service for whom the annuity has been fixed under this Article shall, instead of the annuity so fixed, receive an annuity as follows:

   Such amount as he could have received had the accumulated amounts for annuity been improved with interest at the effective rate to the date of his withdrawal, or to attainment of age 70, whichever is earlier, and had the city contributed to such earlier date for age and service annuity the amount that it would have contributed had he been under age 65, after the date his annuity was fixed in accordance with this Article, and assuming his annuity were computed from such accumulations as of his age on such earlier date. The annuity so computed shall not exceed the annuity which would be payable under the other provisions of this Section if the employee was credited with 20 years of service and would qualify for annuity thereunder.

(g) Instead of the annuity provided in this Article, an employee having attained age 65 with at least 15 years of service who withdraws from service on or after July 1, 1971 and whose annuity computed under other provisions of this Article is less than the amount provided under this paragraph, is entitled to a minimum annuity for life equal to 1% of the highest average annual salary, as salary is defined and limited in this Section for any 4 consecutive years within the last 10 years of service for each year of service, plus the sum of $25 for each year of service. The annuity shall not exceed 60% of such highest average annual salary.

(g-1) Instead of any other retirement annuity provided in this Article, an employee who has at least 10 years of service and withdraws from service on or after January 1, 1999 may elect to receive a retirement annuity for life, beginning no earlier than upon attainment of age 60, equal to 2.2% if withdrawal is before 60 days after the effective date of this amendatory Act of the 92nd General Assembly or 2.4% if withdrawal is 60 days after the effective date of this amendatory Act of the 92nd General Assembly or later, of final average salary for each year of service, subject to a maximum of 75% of final average salary if

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withdrawal is before 60 days after the effective date of this amendatory Act of the 92nd General Assembly, or 80% if withdrawal is 60 days after the effective date of this amendatory Act of the 92nd General Assembly or later. For the purpose of calculating this annuity, "final average salary" means the highest average annual salary for any 4 consecutive years in the last 10 years of service.

(h) The minimum annuities provided under this Section shall be paid in equal monthly installments.

(i) The amendatory provisions of part (b) and (g) of this Section shall be effective July 1, 1971 and apply in the case of every qualifying employee withdrawing on or after July 1, 1971.

(j) The amendatory provisions of this amendatory Act of 1985 (P.A. 84-23) relating to the discount of annuity because of retirement prior to attainment of age 60, and to the retirement formula, for those born before January 1, 1936, shall apply only to qualifying employees withdrawing on or after July 18, 1985.

(k) Beginning on January 1, 1999, the minimum amount of employee's annuity shall be $850 per month for life for the following classes of employees, without regard to the fact that withdrawal occurred prior to the effective date of this amendatory Act of 1998:

1. any employee annuitant alive and receiving a life annuity on the effective date of this amendatory Act of 1998, except a reciprocal annuity;
2. any employee annuitant alive and receiving a term annuity on the effective date of this amendatory Act of 1998, except a reciprocal annuity;
3. any employee annuitant alive and receiving a reciprocal annuity on the effective date of this amendatory Act of 1998, whose service in this fund is at least 5 years;
4. any employee annuitant withdrawing after age 60 on or after the effective date of this amendatory Act of 1998, with at least 10 years of service in this fund.

The increases granted under items (1), (2) and (3) of this subsection (k) shall not be limited by any other Section of this Act.

(Source: P.A. 90-32, eff. 6-27-97; 90-511, eff. 8-22-97; 90-766, eff. 8-14-98.)

40 ILCS 5/8-150.1 (from Ch. 108 1/2, par. 8-150.1)

Sec. 8-150.1. Minimum annuities for widows. The widow (otherwise eligible for widow's annuity under other Sections of this Article 8) of an employee hereinafter described, who retires from service or dies while in the service subsequent to the effective date of this amendatory provision, and for which widow the amount of widow's annuity and widow's prior service annuity combined, fixed or provided for such widow under other provisions of this Article is less than the amount provided in this Section, shall, from and after the date her otherwise provided annuity would begin, in lieu of such otherwise provided widow's and widow's prior service annuity, be entitled to the following indicated amount of annuity:

(a) The widow of any employee who dies while in service on or after the date on which he attains age 60 if the death occurs before July 1, 1990, or on or after the date on which he attains age 55 if the death occurs on or after July 1, 1990, with at least 20 years of service, or on or after the date on which he attains age 50 if the death occurs on or after the

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effective date of this amendatory Act of 1997 with at least 30 years of service, shall be entitled to an annuity equal to one-half of the amount of annuity which her deceased husband would have been entitled to receive had he withdrawn from the service on the day immediately preceding the date of his death, conditional upon such widow having attained the age of 60 or more years on such date if the death occurs before July 1, 1990, or age 55 or more if the death occurs on or after July 1, 1990, or age 50 or more if the death occurs on or after January 1, 1998 and the employee is age 50 or over with at least 30 years of service or age 55 or over with at least 25 years of service. Except as provided in subsection (k), this widow's annuity shall not, however, exceed the sum of $500 a month if the employee's death in service occurs before January 23, 1987. The widow's annuity shall not be limited to a maximum dollar amount if the employee's death in service occurs on or after January 23, 1987.

If the employee dies in service before July 1, 1990, and if such widow of such described employee shall not be 60 or more years of age on such date of death, the amount provided in the immediately preceding paragraph for a widow 60 or more years of age, shall, in the case of such younger widow, be reduced by 0.25% for each month that her then attained age is less than 60 years if the employee was born before January 1, 1936 or dies in service on or after January 1, 1988, or by 0.5% for each month that her then attained age is less than 60 years if the employee was born on or after July 1, 1936 and dies in service before January 1, 1988.

If the employee dies in service on or after July 1, 1990, and if the widow of the employee has not attained age 55 on or before the employee's date of death, the amount otherwise provided in this subsection (a) shall be reduced by 0.25% for each month that her then attained age is less than 55 years; except that if the employee dies in service on or after January 1, 1998 at age 50 or over with at least 30 years of service or at age 55 or over with at least 25 years of service, there shall be no reduction due to the widow's age if she has attained age 50 on or before the employee's date of death, and if the widow has not attained age 50 on or before the employee's date of death the amount otherwise provided in this subsection (a) shall be reduced by 0.25% for each month that her then attained age is less than 50 years.

(b) The widow of any employee who dies subsequent to the date of his retirement on annuity, and who so retired on or after the date on which he attained the age of 60 or more years if retirement occurs before July 1, 1990, or on or after the date on which he attained age 55 if retirement occurs on or after July 1, 1990, with at least 20 years of service, or on or after the date on which he attained age 50 if the retirement occurs on or after the effective date of this amendatory Act of 1997 with at least 30 years of service, shall be entitled to an annuity equal to one-half of the amount of annuity which her deceased husband received as of the date of his retirement on annuity, conditional upon such widow having attained the age of 60 or more years on the date of her husband's retirement on annuity if retirement occurs before July 1, 1990, or age 55 or more if retirement occurs on or after July 1, 1990, or age 50 or more if the retirement on annuity occurs on or after January 1, 1998 and the employee is age 50 or over with at least 30 years of service or age 55 or over with at least 25 years of

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service. Except as provided in subsection (k), this widow’s annuity shall not, however, exceed the sum of $500 a month if the employee's death occurs before January 23, 1987. The widow’s annuity shall not be limited to a maximum dollar amount if the employee’s death occurs on or after January 23, 1987, regardless of the date of retirement; provided that, if retirement was before January 23, 1987, the employee or eligible spouse repays the excess spouse refund with interest at the effective rate from the date of refund to the date of repayment.

If the date of the employee’s retirement on annuity is before July 1, 1990, and if such widow of such described employee shall not have attained such age of 60 or more years on such date of her husband's retirement on annuity, the amount provided in the immediately preceding paragraph for a widow 60 or more years of age on the date of her husband's retirement on annuity, shall, in the case of such then younger widow, be reduced by 0.25% for each month that her then attained age was less than 60 years if the employee was born before January 1, 1936 or withdraws from service on or after January 1, 1988, or by 0.5% for each month that her then attained age is less than 60 years if the employee was born on or after January 1, 1936 and withdraws from service before January 1, 1988.

If the date of the employee’s retirement on annuity is on or after July 1, 1990, and if the widow of the employee has not attained age 55 by the date of the employee's retirement on annuity, the amount otherwise provided in this subsection (b) shall be reduced by 0.25% for each month that her then attained age is less than 55 years; except that if the employee retires on annuity on or after January 1, 1998 at age 50 or over with at least 30 years of service or at age 55 or over with at least 25 years of service, there shall be no reduction due to the widow’s age if she has attained age 50 on or before the employee's date of death, and if the widow has not attained age 50 on or before the employee's date of death the amount otherwise provided in this subsection (b) shall be reduced by 0.25% for each month that her then attained age is less than 50 years.

(c) The foregoing provisions relating to minimum annuities for widows shall not apply to the widow of any former municipal employee receiving an annuity from the fund on August 9, 1965 or on the effective date of this amendatory provision, who re-enters service as a municipal employee, unless such employee renders at least 3 years of additional service after the date of re-entry.

(d) In computing the amount of annuity which the husband specified in the foregoing paragraphs (a) and (b) of this Section would have been entitled to receive, or received, such amount shall be the annuity to which such husband would have been, or was entitled, before reduction in the amount of his annuity for the purposes of the voluntary optional reversionary annuity provided for in Section Sec: 8-139 of this Article, if such option was elected.

(e) (Blank).

(f) (Blank).

(g) The amendatory provisions of this amendatory Act of 1985 relating to annuity discount because of age for widows of employees born before January 1, 1936, shall apply only to qualifying widows of employees withdrawing or dying in service on or after July 18, 1985.

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(h) Beginning on January 1, 1999, the minimum amount of widow's annuity shall be $800 per month for life for the following classes of widows, without regard to the fact that the death of the employee occurred prior to the effective date of this amendatory Act of 1998:

(1) any widow annuitant alive and receiving a life annuity on the effective date of this amendatory Act of 1998, except a reciprocal annuity;

(2) any widow annuitant alive and receiving a term annuity on the effective date of this amendatory Act of 1998, except a reciprocal annuity;

(3) any widow annuitant alive and receiving a reciprocal annuity on the effective date of this amendatory Act of 1998, whose employee spouse's service in this fund was at least 5 years;

(4) the widow of an employee with at least 10 years of service in this fund who dies after retirement, if the retirement occurred prior to the effective date of this amendatory Act of 1998;

(5) the widow of an employee with at least 10 years of service in this fund who dies after retirement, if withdrawal occurs on or after the effective date of this amendatory Act of 1998;

(6) the widow of an employee who dies in service with at least 5 years of service in this fund, if the death in service occurs on or after the effective date of this amendatory Act of 1998.

The increases granted under items (1), (2), (3) and (4) of this subsection (h) shall not be limited by any other Section of this Act.

(i) The widow of an employee who retired or died in service on or after January 1, 1985 and before July 1, 1990, at age 55 or older, and with at least 35 years of service credit, shall be entitled to have her widow's annuity increased, effective January 1, 1991, to an amount equal to 50% of the retirement annuity that the deceased employee received on the date of retirement, or would have been eligible to receive if he had retired on the day preceding the date of his death in service, provided that if the widow had not attained age 60 by the date of the employee's retirement or death in service, the amount of the annuity shall be reduced by 0.25% for each month that her then attained age was less than age 60 if the employee's retirement or death in service occurred on or after January 1, 1988, or by 0.5% for each month that her attained age is less than age 60 if the employee's retirement or death in service occurred prior to January 1, 1988. However, in cases where a refund of excess contributions for widow's annuity has been paid by the Fund, the increase in benefit provided by this subsection (i) shall be contingent upon repayment of the refund to the Fund with interest at the effective rate from the date of refund to the date of payment.

(j) If a deceased employee is receiving a retirement annuity at the time of death and that death occurs on or after June 27, 1997, the widow may elect to receive, in lieu of any other annuity provided under this Article, 50% of the deceased employee's retirement annuity at the time of death reduced by 0.25% for each month that the widow's age on the date of death is less than 55; except that if the employee dies on or after January 1, 1998 and withdrew from service on or after June 27, 1997 at age 50 or over with at least 30 years of service or at age 55 or over with at least 25 years of service, there shall be no reduction due

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to the widow's age if she has attained age 50 on or before the employee's date of death, and if the widow has not attained age 50 on or before the employee's date of death the amount otherwise provided in this subsection (j) shall be reduced by 0.25% for each month that her age on the date of death is less than 50 years. However, in cases where a refund of excess contributions for widow's annuity has been paid by the Fund, the benefit provided by this subsection (j) is contingent upon repayment of the refund to the Fund with interest at the effective rate from the date of refund to the date of payment.

(k) For widows of employees who died before January 23, 1987 after retirement on annuity or in service, the maximum dollar amount limitation on widow's annuity shall cease to apply, beginning with the first annuity payment after the effective date of this amendatory Act of 1997; except that if a refund of excess contributions for widow's annuity has been paid by the Fund, the increase resulting from this subsection (k) shall not begin before the refund has been repaid to the Fund, together with interest at the effective rate from the date of the refund to the date of repayment.

(l) In lieu of any other annuity provided in this Article, an eligible spouse of an employee who dies in service at least 60 days after the effective date of this amendatory Act of the 92nd General Assembly with at least 10 years of service shall be entitled to an annuity of 50% of the minimum formula annuity earned and accrued to the credit of the employee at the date of death. For the purposes of this subsection, the minimum formula annuity earned and accrued to the credit of the employee is equal to 2.40% for each year of service of the highest average annual salary for any 4 consecutive years within the last 10 years of service immediately preceding the date of death, up to a maximum of 80% of the highest average annual salary. This annuity shall not be reduced due to the age of the employee or spouse. In addition to any other eligibility requirements under this Article, the spouse is eligible for this annuity only if the marriage was in effect for 10 full years or more.

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Sec. 8-161. Ordinary disability benefit. An employee while under age 65 and prior to January 1, 1979, or while under age 70 and after January 1, 1979, who becomes disabled after the effective date as the result of any cause other than injury incurred in the performance of duty, shall be entitled to ordinary disability benefit during such disability, after the first 30 days thereof.

The first payment shall be made not later than one month after the benefit is granted and each subsequent payment shall be made not later than one month after the last preceding payment.

The disability benefit prescribed herein shall cease when the first of the following dates shall occur and the employee, if still disabled, shall thereafter be entitled to such annuity as is otherwise provided in this Article:

(a) the date disability ceases.
(b) the date the disabled employee attains age 65 for disability commencing prior to January 1, 1979.
(c) the date the disabled employee attains age 65 for disability commencing prior to attainment of age 60 in the service and after January 1, 1979.
(d) the date the disabled employee attains the age of 70 for disability commencing after attainment of age 60 in the service and after January 1, 1979.
(e) the date the payments of the benefit shall exceed in the aggregate, throughout the employee's service, a period equal to 1/4 of the total service rendered prior to the date of disability but in no event more than 5 years. In computing such total service any period during which the employee received ordinary disability benefit shall be excluded.

Any employee whose ordinary disability benefit was terminated after January 1, 1979 by reason of his attainment of age 65 and who continues disabled after age 65 may elect before July 1, 1986 to have such benefits resumed beginning at the time of such termination and continuing until termination is required under this Section as amended by this amendatory Act of 1985. The amount payable to any employee for such resumed benefit for any period shall be reduced by the amount of any retirement annuity paid to such employee under this Article for the same period of time or by any refund paid in lieu of annuity.

Ordinary disability benefit shall be 50% of the employee's salary at the date of disability.

For ordinary disability benefits paid before January 1, 2001, before any payment, an amount equal to less the sum ordinarily deducted from salary for all annuity purposes for such period for which the ordinary disability benefit is made shall be deducted from such payment and credited to the employee as a deduction from salary for that period. The sums so deducted shall be credited to the employee and shall be regarded, for annuity and refund purposes, as an amount contributed by him.

For ordinary disability benefits paid on or after January 1, 2001, the fund shall credit sums equal to the amounts ordinarily contributed by an employee for annuity purposes for any period during which the employee receives ordinary disability, and those sums shall be deemed for annuity purposes and purposes of Section 8-173 as amounts contributed by him.

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the employee. These amounts credited for annuity purposes shall not be credited for refund purposes.

If a participating employee is eligible for a disability benefit under the federal Social Security Act, the amount of ordinary disability benefit under this Section attributable to employment with the Chicago Housing Authority or the Public Building Commission of the city shall be reduced, but not to less than $10 per month, by the amount that the employee would be eligible to receive as a disability benefit under the federal Social Security Act, whether or not that federal benefit is based on service as a covered employee under this Article. The reduction shall be effective as of the month the employee is eligible for the social security disability benefit. The Board may make this reduction pending determination of eligibility for the social security disability benefit, if it appears to the Board that the employee may be eligible, and make an appropriate adjustment if necessary after eligibility for the social security disability benefit is determined. If the employee's social security disability benefit is reduced or terminated because of a refusal to accept rehabilitation services under the federal Rehabilitation Act of 1973 or the federal Social Security Act or because the employee is receiving a workers' compensation benefit, the ordinary disability benefit under this Section shall be reduced as if the employee were receiving the full social security disability benefit.

The amount of ordinary disability benefit shall not be reduced by reason of any increase in the amount of social security disability benefit that takes effect after the month of the initial reduction under this Section, other than an increase resulting from a correction in the employee's wage records.

(Source: P.A. 84-23.)

(40 ILCS 5/8-164.1) (from Ch. 108 1/2, par. 8-164.1)

Sec. 8-164.1. Group health benefit.

(a) For the purposes of this Section: (1) "annuitant" means a person receiving an age and service annuity, a prior service annuity, a widow's annuity, a widow's prior service annuity, or a minimum annuity, under Article 5, 6, 8 or 11, by reason of previous employment by the City of Chicago (hereinafter, in this Section, "the city"); (2) "Medicare Plan annuitant" means an annuitant described in item (1) who is eligible for Medicare benefits; and (3) "non-Medicare Plan annuitant" means an annuitant described in item (1) who is not eligible for Medicare benefits.

(b) The city shall offer group health benefits to annuitants and their eligible dependents through June 30, 2003. The basic city health care plan available as of June 30, 1988 (hereinafter called the basic city plan) shall cease to be a plan offered by the city, except as specified in subparagraphs (4) and (5) below, and shall be closed to new enrollment or transfer of coverage for any non-Medicare Plan annuitant as of June 27, the effective date of this amendatory Act of 1997. The city shall offer non-Medicare Plan annuitants and their eligible dependents the option of enrolling in its Annuitant Preferred Provider Plan and may offer additional plans for any annuitant. The city may amend, modify, or terminate any of its additional plans at its sole discretion. If the city offers more than one annuitant plan, the city shall allow annuitants to convert coverage from one city annuitant plan to another, except the

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basic city plan, during times designated by the city, which periods of time shall occur at least annually. For the period dating from June 27, the effective date of this amendatory Act of 1997 through June 30, 2003, 2002, monthly premium rates may be increased for annuitants during the time of their participation in non-Medicare plans, except as provided in subparagraphs (1) through (4) of this subsection.

(1) For non-Medicare Plan annuitants who retired prior to January 1, 1988, the annuitant's share of monthly premium for non-Medicare Plan coverage only shall not exceed the highest premium rate chargeable under any city non-Medicare Plan annuitant coverage as of December 1, 1996.

(2) For non-Medicare Plan annuitants who retire on or after January 1, 1988, the annuitant's share of monthly premium for non-Medicare Plan coverage only shall be the rate in effect on December 1, 1996, with monthly premium increases to take effect no sooner than April 1, 1998 at the lower of (i) the premium rate determined pursuant to subsection (g) or (ii) 10% of the immediately previous month's rate for similar coverage.

(3) In no event shall any non-Medicare Plan annuitant's share of monthly premium for non-Medicare Plan coverage exceed 10% of the annuitant's monthly annuity.

(4) Non-Medicare Plan annuitants who are enrolled in the basic city plan as of July 1, 1998 may remain in the basic city plan, if they so choose, on the condition that they are not entitled to the caps on rates set forth in subparagraphs (1) through (3), and their premium rate shall be the rate determined in accordance with subsections (c) and (g).

(5) Medicare Plan annuitants who are currently enrolled in the basic city plan for Medicare eligible annuitants may remain in that plan, if they so choose, through June 30, 2003, 2002. Annuitants shall not be allowed to enroll in or transfer into the basic city plan for Medicare eligible annuitants on or after July 1, 1999. The city shall continue to offer annuitants a supplemental Medicare Plan for Medicare eligible annuitants through June 30, 2003, 2002, and the city may offer additional plans to Medicare eligible annuitants in its sole discretion. All Medicare Plan annuitant monthly rates shall be determined in accordance with subsections (c) and (g).

(c) The city shall pay 50% of the aggregated costs of the claims or premiums, whichever is applicable, as determined in accordance with subsection (g), of annuitants and their dependents under all health care plans offered by the city. The city may reduce its obligation by application of price reductions obtained as a result of financial arrangements with providers or plan administrators.

(d) From January 1, 1993 until June 30, 2003, 2002, the board shall pay to the city on behalf of each of the board's annuitants who chooses to participate in any of the city's plans the following amounts: up to a maximum of $75 per month for each such annuitant who is not qualified to receive medicare benefits, and up to a maximum of $45 per month for each such annuitant who is qualified to receive medicare benefits.

Commencing on August 23, the effective date of this amendatory Act of 1989, the

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board is authorized to pay to the board of education on behalf of each person who chooses to participate in the board of education's plan the amounts specified in this subsection (d) during the years indicated. For the period January 1, 1988 through August 23, the effective date of this amendatory Act of 1989, the board shall pay to the board of education annuitants who participate in the board of education's health benefits plan for annuitants the following amounts: $10 per month to each annuitant who is not qualified to receive medicare benefits, and $14 per month to each annuitant who is qualified to receive medicare benefits.

The payments described in this subsection shall be paid from the tax levy authorized under Section 8-189; such amounts shall be credited to the reserve for group hospital care and group medical and surgical plan benefits, and all payments to the city required under this subsection shall be charged against it.

(e) The city's obligations under subsections (b) and (c) shall terminate on June 30, 2003, except with regard to covered expenses incurred but not paid as of that date. This subsection shall not affect other obligations that may be imposed by law.

(f) The group coverage plans described in this Section are not and shall not be construed to be pension or retirement benefits for purposes of Section 5 of Article XIII of the Illinois Constitution of 1970.

(g) For each annuitant plan offered by the city, the aggregate cost of claims, as reflected in the claim records of the plan administrator, shall be estimated by the city, based upon a written determination by a qualified independent actuary to be appointed and paid by the city and the board. If the estimated annual cost for each annuitant plan offered by the city is more than the estimated amount to be contributed by the city for that plan pursuant to subsections (b) and (c) during that year plus the estimated amounts to be paid pursuant to subsection (d) and by the other pension boards on behalf of other participating annuitants, the difference shall be paid by all annuitants participating in the plan, except as provided in subsection (b). The city, based upon the determination of the independent actuary, shall set the monthly amounts to be paid by the participating annuitants. The board may deduct the amounts to be paid by its annuitants from the participating annuitants' monthly annuities.

If it is determined from the city's annual audit, or from audited experience data, that the total amount paid by all participating annuitants was more or less than the difference between (1) the cost of providing the group health care plans, and (2) the sum of the amount to be paid by the city as determined under subsection (c) and the amounts paid by all the pension boards, then the independent actuary and the city shall account for the excess or shortfall in the next year's payments by annuitants, except as provided in subsection (b).

(h) An annuitant may elect to terminate coverage in a plan at the end of any month, which election shall terminate the annuitant's obligation to contribute toward payment of the excess described in subsection (g).

(i) The city shall advise the board of all proposed premium increases for health care at least 75 days prior to the effective date of the change, and any increase shall be prospective only.

(Source: P.A. 90-32, eff. 6-27-97.)

(40 ILCS 5/8-168) (from Ch. 108 1/2, par. 8-168)

New matter indicated by italics - deletions by strikeout.
Sec. 8-168. Refunds - Withdrawal before age 55 or with less than 10 years of service.

1. An employee, without regard to length of service, who withdraws before age 55, and any employee with less than 10 years of service who withdraws before age 60, shall be entitled to a refund of the accumulated sums to his credit, as of the date of withdrawal, for age and service annuity and widow's annuity from amounts contributed by him, including interest credited and including amounts contributed for him for age and service and widow's annuity purposes by the city while receiving duty disability benefits; provided that such amounts contributed by the city after December 31, 1981, while the employee is receiving duty disability benefits, and amounts credited to the employee for annuity purposes by the fund after December 31, 2000, while the employee is receiving ordinary disability benefits, shall not be credited for refund purposes. If he is a present employee he shall also be entitled to a refund of the accumulations from any sums contributed by him, and applied to any municipal pension fund superseded by this fund.

2. Upon receipt of the refund, the employee surrenders and forfeits all rights to any annuity or other benefits, for himself and for any other persons who might have benefited through him; provided that he may have such period of service counted in computing the term of his service if he becomes an employee before age 65, excepting as limited by the provisions of paragraph (a) (3) of Section 8-232 of this Article relating to the basis of computing the term of service.

3. Any such employee shall retain such right to a refund of such amounts when he shall apply for same until he re-enters the service or until the amount of annuity shall have been fixed as provided in this Article. Thereafter, no such right shall exist in the case of any such employee.

4. Any such municipal employee who shall have served 10 or more years and who shall not withdraw the amounts aforesaid to which he shall have a right of refund shall have a right to annuity as stated in this Article.

5. Any such municipal employee who shall have served less than 10 years and who shall not withdraw the amounts to which he shall have a right to refund shall have a right to have all such amounts and all other amounts to his credit for annuity purposes on date of his withdrawal from service retained to his credit and improved by interest while he shall be out of the service at the rate of 3 1/2% or 3% per annum (whichever rate shall apply under the provisions of Section 8-155 of this Article) and used for annuity purposes for his benefit and the benefit of any person who may have any right to annuity through him because of his service, according to the provisions of this Article in the event that he shall subsequently re-enter the service and complete the number of years of service necessary to attain a right to annuity; but such sum shall be improved by interest to his credit while he shall be out of the service only until he shall have become 65 years of age.

(Source: P.A. 82-283.)

(40 ILCS 5/8-171) (from Ch. 108 1/2, par. 8-171)

Sec. 8-171. Refund in lieu of annuity. In lieu of an annuity, an employee who withdraws and whose annuity would amount to less than $800 a month for life, may elect to receive a refund of his accumulated contributions for annuity purposes, based on the amounts

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contributed by him.

The widow of any employee, eligible for annuity upon the death of her husband, whose widow's annuity would amount to less than $800 a month for life, may, in lieu of widow's annuity, elect to receive a refund of the accumulated contributions for annuity purposes, based on the amounts contributed by her deceased employee husband, but reduced by any amounts theretofore paid to him in the form of an annuity or refund out of such accumulated contributions.

Accumulated contributions shall mean the amounts - including the interest credited thereon - contributed by the employee for age and service and widow's annuity to the date of his withdrawal or death, whichever first occurs, including any amounts contributed for him as salary deductions while receiving duty disability benefits, and, if not otherwise included, any accumulations from sums contributed by him and applied to any pension fund superseded by this fund; provided that such amounts contributed by the city after December 31, 1981 while the employee is receiving duty disability benefits and amounts credited to the employee for annuity purposes by the fund after December 31, 2000 while the employee is receiving ordinary disability shall not be included.

The acceptance of such refund in lieu of widow's annuity, on the part of a widow, shall not deprive a child or children of the right to receive a child's annuity as provided for in Sections 8-158 and 8-159 of this Article, and neither shall the payment of a child's annuity in the case of such refund to a widow reduce the amount herein set forth as refundable to such widow electing a refund in lieu of widow's annuity.

(Source: P.A. 91-887, eff. 7-6-00.)

(40 ILCS 5/8-227) (from Ch. 108 1/2, par. 8-227)
Sec. 8-227. Service as police officer, firefighter or teacher.
(a) Service rendered by an employee as a police officer and member of the regularly constituted police department of the city, or as a firefighter and regular member of the paid fire department of the city, or as a teacher in the public school system in the city shall be counted, for the purposes of this Article, as service rendered as an employee of the city. Salary received for any such service shall be treated, for the purposes of this Article, as salary received for the performance of duty as an employee.

(b) Subsection (a) applies to service rendered after the effective date only if the employee pays to the Fund, prior to his separation from service, an amount equal to what would have accumulated in his or her account from salary deductions as employee contributions, including interest at the effective rate, if such contributions had been made for age and service and spouse's annuity during all of such service; provided, that no service shall be counted or payments received for any period of service for which the employee retains or has not forfeited his or her rights to credit for the same period of service in another annuity and benefit fund, or pension fund, in operation in the city for the benefit of such police officers, firefighters, or teachers. The amount transferred to the Fund under item (1) of Section 5-233.1, if any, shall be credited against the contributions required under this subsection.

(Source: P.A. 81-1536.)

New matter indicated by italics - deletions by strikeout.
Sec. 8-230.7. Service rendered to Public Building Commission.

(a) An employee or former employee of the Public Building Commission of the city who has established credit under the Fund with regard to service to an employer other than the Public Building Commission of the city may contribute to the Fund and receive credit for all periods of full-time employment with the Public Building Commission created by the employing city occurring prior to 60 days after the effective date of this amendatory Act, except for those periods for which the employee retains a right to credit in another public pension fund or retirement system established under this Code. Such service credit shall be paid for and granted on the same basis and under the same conditions as are applicable in the case of employees who make payment for past service under Section 8-230, provided that the person must also pay the corresponding employer contributions, and further provided that the contributions and service credit are permitted under Section 415 of the Internal Revenue Code of 1986. The contributions shall be based on the salary actually received by the person from the Commission for that employment.

(b) A person establishing service credit under subsection (a) or electing to participate in the Fund under subsection (d) may, at the same time, reinstate service credit that was terminated through receipt of a refund by repaying to the Fund the amount of the refund plus interest at the effective rate from the date of the refund to the date of repayment.

(c) An eligible person may establish service credit under subsection (a) and reinstate service credit under subsection (b) without returning to active service as an employee under this Article, but the required contributions and repayment must be received by the Fund before the person begins to receive a retirement annuity under this Article.

(d) Within 60 days after beginning full-time employment with the Public Building Commission of the city (or within 60 days after the effective date of this amendatory Act of the 92nd General Assembly, whichever is later), a person having service credits in this Fund or reinstating service credits under subsection (b) may elect to participate in this Fund with respect to that Public Building Commission employment. An employee who participates in this Fund with respect to Public Building Commission employment shall not, with respect to the same period of employment, participate in any other pension plan for employees of the Commission for which contributions are made by the Commission, except that this provision shall not prevent an employee from making elective contributions to a plan of deferred compensation during that period. An election under this subsection (d), once made, is irrevocable. Participation under this subsection shall be on the same basis and under the same conditions as are applicable in the case of participating employees of the city. Employee contributions shall be based on the salary actually received by the employee for that employment. Employer contributions shall be paid by the Public Building Commission rather than the city, at a rate to be determined by the Retirement Board.

(Source: P.A. 90-766, eff. 8-14-98.)

Sec. 8-230.9. Service rendered to Chicago Housing Authority.

New matter indicated by italics - deletions by strikeout.
(a) Within 60 days after beginning full-time employment with the Chicago Housing Authority (or within 60 days after the effective date of this amendatory Act of the 92nd General Assembly, whichever is later), a person having service credits in this Fund or reinstating service credits under subsection (c) may elect to participate in this Fund with respect to that Chicago Housing Authority employment. An employee who participates in this Fund with respect to Chicago Housing Authority employment shall not, with respect to the same period of employment, participate in any other pension plan for employees of the Authority for which contributions are made by the Authority, except that this provision shall not prevent an employee from making elective contributions to a plan of deferred compensation during that period. An election under this subsection (a), once made, is irrevocable.

Participation under this subsection shall be on the same basis and under the same conditions as are applicable in the case of participating employees of the city. Employee contributions shall be based on the salary actually received by the employee for that employment. Employer contributions shall be paid by the Chicago Housing Authority rather than the city, at a rate to be determined by the Retirement Board.

(b) An employee or former employee of the Chicago Housing Authority who has established credit under the Fund with regard to service to an employer other than the Chicago Housing Authority may contribute to the Fund and receive credit for all periods of full-time employment with the Chicago Housing Authority occurring prior to 60 days after the effective date of this amendatory Act, except for those periods for which the employee retains a right to credit in another public pension fund or retirement system established under this Code. Such service credit shall be paid for and granted on the same basis and under the same conditions as are applicable in the case of employees who make payment for past service under Section 8-230, provided that the person must also pay the corresponding employer contributions, and further provided that the contributions and service credit are permitted under Section 415 of the Internal Revenue Code of 1986. The contributions shall be based on the salary actually received by the person from the Authority for that employment.

(c) A person establishing service credit under subsection (b) or electing to participate in the Fund under subsection (a) may, at the same time, reinstate service credit that was terminated through receipt of a refund by repaying to the Fund the amount of the refund plus interest at the effective rate from the date of the refund to the date of repayment.

(d) An eligible person may establish service credit under subsection (b) and reinstate service credit under subsection (c) without returning to active service as an employee under this Article, but the required contributions and repayment must be received by the Fund before the person begins to receive a retirement annuity under this Article.

(40 ILCS 5/8-230.10 new)

Sec. 8-230.10. Service rendered to IHDA. An employee with at least 10 years of creditable service in the Fund may establish service credit for up to 7 years of full-time employment by the Illinois Housing Development Authority for which the employee does not have credit in another public pension fund or retirement system.

New matter indicated by italics - deletions by strikeout.
To establish service credit under this Section, the employee must apply to the Fund in writing by January 1, 2003 and pay to the Fund, at any time before beginning to receive a retirement annuity under this Article, an amount to be determined by the Fund, consisting of (i) employee contributions based on the salary actually received by the person from the Illinois Housing Development Authority for that employment and the contribution rates then in effect for employees of the Fund, (ii) the corresponding employer contributions, and (iii) regular interest on the amounts in items (i) and (ii) from the date of the service to the date of payment.

(40 ILCS 5/8-243.2) (from Ch. 108 1/2, par. 8-243.2)
Sec. 8-243.2. Alternative annuity for city officers.
(a) For the purposes of this Section and Sections 8-243.1 and 8-243.3, "city officer" means the city clerk, the city treasurer, or an alderman of the city elected by vote of the people, while serving in that capacity or as provided in subsection (f), who has elected to participate in the Fund.
(b) Any elected city officer, while serving in that capacity or as provided in subsection (f), may elect to establish alternative credits for an alternative annuity by electing in writing to make additional optional contributions in accordance with this Section and the procedures established by the board. Such elected city officer may discontinue making the additional optional contributions by notifying the Fund in writing in accordance with this Section and procedures established by the board.

Additional optional contributions for the alternative annuity shall be as follows:

(1) For service after the option is elected, an additional contribution of 3% of salary shall be contributed to the Fund on the same basis and under the same conditions as contributions required under Sections 8-174 and 8-182.

(2) For service before the option is elected, an additional contribution of 3% of the salary for the applicable period of service, plus interest at the effective rate from the date of service to the date of payment. All payments for past service must be paid in full before credit is given. No additional optional contributions may be made for any period of service for which credit has been previously forfeited by acceptance of a refund, unless the refund is repaid in full with interest at the effective rate from the date of refund to the date of repayment.

(c) In lieu of the retirement annuity otherwise payable under this Article, any city officer elected by vote of the people who (1) has elected to participate in the Fund and make additional optional contributions in accordance with this Section, and (2) has attained age 55 with at least 10 years of service credit, or has attained age 60 with at least 8 years of service credit, may elect to have his retirement annuity computed as follows: 3% of the participant's salary at the time of termination of service for each of the first 8 years of service credit, plus 4% of such salary for each of the next 4 years of service credit, plus 5% of such salary for each year of service credit in excess of 12 years, subject to a maximum of 80% of such salary. To the extent such elected city officer has made additional optional contributions with respect to only a portion of his years of service credit, his retirement annuity will first be determined in accordance with this Section to the extent such additional optional...
contributions were made, and then in accordance with the remaining Sections of this Article to the extent of years of service credit with respect to which additional optional contributions were not made.

(d) In lieu of the disability benefits otherwise payable under this Article, any city officer elected by vote of the people who (1) has elected to participate in the Fund, and (2) has become permanently disabled and as a consequence is unable to perform the duties of his office, and (3) was making optional contributions in accordance with this Section at the time the disability was incurred, may elect to receive a disability annuity calculated in accordance with the formula in subsection (c). For the purposes of this subsection, such elected city officer shall be considered permanently disabled only if: (i) disability occurs while in service as an elected city officer and is of such a nature as to prevent him from reasonably performing the duties of his office at the time; and (ii) the board has received a written certification by at least 2 licensed physicians appointed by it stating that such officer is disabled and that the disability is likely to be permanent.

(e) Refunds of additional optional contributions shall be made on the same basis and under the same conditions as provided under Sections 8-168, 8-170 and 8-171. Interest shall be credited at the effective rate on the same basis and under the same conditions as for other contributions. Optional contributions shall be accounted for in a separate Elected City Officer Optional Contribution Reserve. Optional contributions under this Section shall be included in the amount of employee contributions used to compute the tax levy under Section 8-173.

(f) The effective date of this plan of optional alternative benefits and contributions shall be July 1, 1990, or the date upon which approval is received from the U.S. Internal Revenue Service, whichever is later.

The plan of optional alternative benefits and contributions shall not be available to any former city officer or employee receiving an annuity from the Fund on the effective date of the plan, unless he re-enters service as an elected city officer and renders at least 3 years of additional service after the date of re-entry. However, a person who holds office as a city officer on June 1, 1995 or April 30, 1991 may elect to participate in the plan, to transfer credits into the Fund from other Articles of this Code, and to make the contributions required for prior service, until 30 days after the effective date of the amendatory Act of the 92nd General Assembly the plan takes effect, notwithstanding the ending of his term of office prior to that effective date; in the event that the person is already receiving an annuity from this Fund or any other Article of this Code at the time of making this election, the annuity shall be recalculated to include any increase resulting from participation in the plan, with such increase taking effect on the effective date of the election plan.

(Source: P.A. 86-1488; 87-794.)

(40 ILCS 5/9-121.15)

Sec. 9-121.15. Transfer of credit from Article 14 system. A current or former An employee shall be entitled to service credit in the Fund for any creditable service transferred to this Fund from the State Employees' Retirement System under Section 14-105.7 of this Code. Credit under this Fund shall be granted upon receipt by the Fund of the amounts required to be transferred under Section 14-105.7; no additional contribution is necessary.

New matter indicated by italics - deletions by strikeout.
Sec. 9-121.16. Contractual service to the Retirement Board. A person who has rendered continuous contractual services (other than legal or actuarial services) to the Retirement Board for a period of at least 5 years may establish creditable service in the Fund for up to 10 years of those services by making written application to the Board before July 1, 2003 and paying to the Fund an amount to be determined by the Board, equal to the employee contributions that would have been required if those services had been performed as an employee.

For the purposes of calculating the required payment, the Board may determine the applicable salary equivalent based on the compensation received by the person for performing those contractual services. The salary equivalent calculated under this Section shall not be used for determining final average salary under Section 9-134 or any other provisions of this Code.

A person may not make optional contributions under Section 9-121.6 or 9-179.3 for periods of credit established under this Section.

Sec. 9-134. Minimum annuity - Additional provisions.

(a) An employee who withdraws after July 1, 1957 at age 60 or more with 20 or more years of service, for whom the amount of age and service and prior service annuity combined is less than the amount stated in this Section from the date of withdrawal, instead of all annuities otherwise provided in this Article, is entitled to receive an annuity for life of an amount equal to $2/3% for each year of service, of his highest average annual salary for any 5 consecutive years within the last 10 years of service immediately preceding the date of withdrawal; provided that in the case of any employee who withdraws on or after July 1, 1971, such employee age 60 or over with 20 or more years of service, or who withdraws on or after January 1, 1982 and on or after attainment of age 65 with 10 or more years of service, shall instead receive an annuity for life equal to 1.67% for each of the first 10 years of service; 1.90% for each of the next 10 years of service; 2.10% for each year of service in excess of 20 but not exceeding 30; and 2.30% for each year of service in excess of 30, based on the highest average annual salary for any 4 consecutive years within the last 10 years of service immediately preceding the date of withdrawal.

An employee who withdraws on or after January 1, 1988, with 20 or more years of service, before age 60, is entitled to annuity as computed above, to begin not earlier than
age 50 if under such age at withdrawal, reduced 1/2 of 1% for each full month or fractional part thereof that his attained age when annuity is to begin is less than 60, to the end that the total reduction at age 50 shall be 60%, except that an employee retiring at age 50 or over but less than age 60, having at least 30 years of service, shall not be subject to the reduction in retirement annuity because of retirement below age 60.

An employee who withdraws on or after January 1, 1992 but before January 1, 1993, at age 60 or over with 5 or more years of service, may elect, in lieu of any other employee annuity provided in this Section, to receive an annuity for life equal to 2.20% for each of the first 20 years of service, and 2.40% for each year of service in excess of 20, based on the highest average annual salary for any 4 consecutive years within the last 10 years of service immediately preceding the date of withdrawal. An employee who withdraws on or after January 1, 1992, but before January 1, 1993, or after attainment of age 55 but before attainment of age 60 with 5 or more years of service, is entitled to elect such annuity, but the annuity shall be reduced 0.25% for each full month or fractional part thereof that his attained age when the annuity is to begin is less than age 60, to the end that the total reduction at age 55 shall be 15%, except that an employee retiring at age 55 or over but less than age 60, having at least 30 years of service, shall not be subject to the reduction in retirement annuity because of retirement below age 60. This annuity benefit formula shall only apply to those employees who are age 55 or over prior to January 1, 1993, and who elect to withdraw at age 55 or over on or after January 1, 1992 but before January 1, 1993.

An employee who withdraws on or after July 1, 1996 but before August 1, 1996, at age 55 or over with 8 or more years of service, may elect, in lieu of any other employee annuity provided in this Section, to receive an annuity for life equal to 2.20% for each of the first 20 years of service, and 2.40% for each year of service in excess of 20, based on the highest average annual salary for any 4 consecutive years within the last 10 years of service immediately preceding the date of withdrawal, but the annuity shall be reduced by 0.25% for each full month or fractional part thereof that the annuitant’s attained age when the annuity is to begin is less than age 60, unless the annuitant has at least 30 years of service.

The maximum annuity under this paragraph (a) shall not exceed 70% of highest average annual salary for any 5 consecutive years within the last 10 years of service in the case of an employee who withdraws prior to July 1, 1971, and 75% of the highest average annual salary for any 4 consecutive years within the last 10 years of service immediately preceding the date of withdrawal if withdrawal takes place on or after July 1, 1971 and prior to January 1, 1988, and 80% of the highest average annual salary for any 4 consecutive years within the last 10 years of service immediately preceding the date of withdrawal if withdrawal takes place on or after January 1, 1988. Fifteen hundred dollars shall be considered the minimum amount of annual salary for any year, and the maximum shall be his salary as defined in this Article, except that for the years before 1957 and subsequent to 1952 the maximum annual salary to be considered shall be $6,000, and for any year before the year 1953, $4,800.

(b) Any employee who withdraws on or after July 1, 1985 but prior to January 1, 1988, at age 60 or over with 10 or more years of service, may elect in lieu of the benefit in

New matter indicated by italics - deletions by strikeout.
paragraph (a) to receive an annuity for life equal to 2.00% for each year of service, based on the highest average annual salary for any 4 consecutive years within the last 10 years of service immediately preceding the date of withdrawal. An employee who withdraws on or after July 1, 1985, but prior to January 1, 1988, with 10 or more years of service, but before age 60, is entitled to elect such annuity, to begin not earlier than age 55, but the annuity shall be reduced 0.5% for each full month or fractional part thereof that his attained age when the annuity is to begin is less than 60, to the end that the total reduction at age 55 shall be 30%; except that an employee retiring at age 55 or over but less than age 60, having at least 30 years of service, shall not be subject to the reduction in retirement annuity because of retirement below age 60.

An employee who withdraws on or after January 1, 1988, at age 60 or over with 10 or more years of service, may elect, in lieu of the benefit in paragraph (a), to receive an annuity for life equal to 2.20% for each of the first 20 years of service, and 2.4% for each year of service in excess of 20, based on the highest average annual salary for any 4 consecutive years within the last 10 years of service immediately preceding the date of withdrawal. An employee who withdraws on or after January 1, 1988, with 10 or more years of service, but before age 60, is entitled to elect such annuity, to begin not earlier than age 50, but the annuity shall be reduced 0.5% for each full month or fractional part thereof that his attained age when the annuity is to begin is less than 60, to the end that the total reduction at age 50 shall be 60%, except that an employee retiring at age 50 or over but less than age 60, having at least 30 years of service, shall not be subject to the reduction in retirement annuity because of retirement below age 60.

An employee who withdraws on or after June 30, 2002 with 10 or more years of service may elect, in lieu of any other retirement annuity provided under this Article, to receive an annuity for life, beginning no earlier than upon attainment of age 50, equal to 2.40% of his or her highest average annual salary for any 4 consecutive years within the last 10 years of service immediately preceding withdrawal, for each year of service. If the employee has less than 30 years of service, the annuity shall be reduced by 0.5% for each full month or remaining fraction thereof that the employee's attained age when the annuity is to begin is less than 60.

The maximum annuity under this paragraph (b) shall not exceed 75% of the highest average annual salary for any 4 consecutive years within the last 10 years of service immediately preceding the date of withdrawal if withdrawal occurs prior to January 1, 1988, or 80% of the highest average annual salary for any 4 consecutive years within the last 10 years of service immediately preceding the date of withdrawal if withdrawal takes place on or after January 1, 1988.

The provisions of this paragraph (b) do not apply to any former County employee receiving an annuity from the fund, who re-enters service as a County employee, unless he renders at least 3 years of additional service after the date of re-entry.

(c) For an employee receiving disability benefit, the salary for annuity purposes under paragraph (a) or (b) of this Section shall, for all periods of disability benefit subsequent to the year 1956, be the amount on which his disability benefit was based.

New matter indicated by italics - deletions by strikeout.
(d) A county employee with 20 or more years of service, whose entire disability benefit credit period expires before attainment of age 50 (age 55 if expiration occurs before January 1, 1988), while still disabled for service is entitled upon withdrawal to the larger of:

1) The minimum annuity provided above, assuming that he is then age 50 (age 55 if expiration occurs before January 1, 1988), and reducing such annuity to its actuarial equivalent at his attained age on such date, or

2) the annuity provided from his age and service and prior service annuity credits.

(e) The minimum annuity provisions above do not apply to any former county employee receiving an annuity from the fund, who re-enters service as a county employee, unless he renders at least 3 years of additional service after the date of re-entry.

(f) Any employee in service on July 1, 1947, or who enters service thereafter before attaining age 65 and withdraws after age 65 with less than 10 years of service for whom the annuity has been fixed under the foregoing Sections of this Article, shall, instead of the annuity so fixed, receive an annuity as follows:

Such amount as he could have received had the accumulated amounts for annuity been improved with interest at the effective rate to the date of withdrawal, or to attainment of age 70, whichever is earlier, and had the county contributed to such earlier date for age and service annuity the amount that it would have contributed had he been under age 65, after the date his annuity was fixed in accordance with this Article, and assuming his annuity were computed from such accumulations as of his age on such earlier date. However those employees who before July 1, 1953, made additional contributions in accordance with this Article, the annuity so computed under this paragraph shall not exceed the annuity which would be payable under the other provisions of this Section if the employee concerned was credited with 20 years of service and would qualify for annuity thereunder.

(g) Instead of the annuity provided in this or any other Section of this Article, an employee having attained age 65 with at least 15 years of service may elect to receive a minimum annual annuity for life equal to 1% of the highest average annual salary for any 4 consecutive years within the last 10 years of service immediately preceding retirement for each year of service, plus the sum of $25 for each year of service provided that no such minimum annual annuity may be greater than 60% of such highest average annual salary.

(h) The annuity is payable in equal monthly installments.

(i) If, by operation of law, a function of a governmental unit, as defined by Section 20-107 of this Code, is transferred in whole or in part to the county in which this Article 9 is created as set forth in Section 9-101, and employees of the governmental unit are transferred as a class to such county, the earnings credits in the retirement system covering the governmental unit which have been validated under Section 20-109 of this Code shall be considered in determining the highest average annual salary for purposes of this Section 9-134.

(j) The annuity being paid to an employee annuitant on July 1, 1988, shall be increased on that date by 1% for each full year that has elapsed from the date the annuity began.
(k) Notwithstanding anything to the contrary in this Article 9, Section 20-131 shall not apply to an employee who withdraws on or after January 1, 1988, but prior to attaining age 55. Therefore, no employee shall be entitled to elect to have the alternative formula previously set forth in Section 20-122 prior to the amendatory Act of 1975 apply to any annuity, the payment of which commenced after January 1, 1988, but prior to such employee's attainment of age 55.
(Source: P.A. 86-272; 87-794.)
(40 ILCS 5/9-134.3)
Sec. 9-134.3. Early retirement incentives.
(a) To be eligible for the benefits provided in this Section, a person must:
   (1) be a current contributing member of the Fund established under this Article who, on May 1, 1997 and within 30 days prior to the date of retirement, is (i) in active payroll status in a position of employment under this Article or (ii) receiving disability benefits under Section 9-156 or 9-157; or else be eligible under subsection (g);
   (2) have not previously retired from the Fund, except as provided under subsection (g);
   (3) file with the Board before October 1, 1997 (or the date specified in subsection (g), if applicable); a written application requesting the benefits provided in this Section;
   (4) elect to retire under this Section on or after September 1, 1997 and on or before February 28, 1998 (or the date established under subsection (d) or (g), if applicable);
   (5) have attained age 55 on or before the date of retirement and before February 28, 1998; and
   (6) have at least 10 years of creditable service in the Fund, excluding service in any of the other participating systems under the Retirement Systems Reciprocal Act, by the effective date of the retirement annuity or February 28, 1998, whichever occurs first.
(b) An employee who qualifies for the benefits provided under this Section shall be entitled to the following:
   (1) The employee's retirement annuity, as calculated under the other provisions of this Article, shall be increased at the time of retirement by an amount equal to 1% of the employee's average annual salary for the highest 4 consecutive years within the last 10 years of service, multiplied by the employee's number of years of service credit in this Fund up to a maximum of 10 years; except that the total retirement annuity, including any additional benefits elected under Section 9-121.6 or 9-179.3, shall not exceed 80% of that highest average annual salary.
   (2) If the employee's retirement annuity is calculated under Section 9-134, the employee shall not be subject to the reduction in retirement annuity because of retirement below age 60 that is otherwise required under that Section.
(c) A person who elects to retire under the provisions of this Section thereby

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relinquishes his or her right, if any, to have the retirement annuity calculated under the alternative formula formerly set forth in Section 20-122 of the Retirement Systems Reciprocal Act.

(d) In the case of an employee whose immediate retirement could jeopardize public safety or create hardship for the employer, the deadline for retirement provided in subdivision (a)(4) of this Section may be extended to a specified date, no later than August 31, 1998, by the employee's department head, with the approval of the President of the County Board. In the case of an employee who is not employed by a department of the County, the employee's "department head", for the purposes of this Section, shall be a person designated by the President of the County Board.

(e) Notwithstanding Section 9-161, an annuitant who reenters service under this Article after receiving a retirement annuity based on benefits provided under this Section thereby forfeits the right to continue to receive those benefits and shall have his or her retirement annuity recalculated without the benefits provided in this Section.

(f) This Section also applies to the Fund established under Article 10 of this Code.

(g) A person who (1) was a participating employee on November 30, 1996, (2) was laid off on or after December 1, 1996 and before May 1, 1997 due to the elimination of the employee's job or position, (3) meets the requirements of items (3) through (6) of subsection (a), and (4) has not been reinstated as a Cook County employee since being laid off is eligible for the benefits provided under this Section. For such a person, the application required under subdivision (a)(3) of this Section must be filed within 60 days after the effective date of this amendatory Act of the 92nd General Assembly, and the date of retirement must be within 60 days after the effective date of this amendatory Act.

In the case of a person eligible under this subsection (g) who began to receive a retirement annuity before the effective date of this amendatory Act, the annuity shall be recalculated to include the increase under this Section, and that increase shall take effect on the first annuity payment date following the date of application.

(Source: P.A. 90-32, eff. 6-27-97.)

(40 ILCS 5/9-134.4 new)

Sec. 9-134.4. Early retirement incentives.

(a) To be eligible for the benefits provided in this Section, a person must:

(1) be a current contributing member of the Fund established under this Article who, on January 1, 2001 and within 30 days prior to the date of retirement, is (i) in active payroll status in a position of employment under this Article or (ii) receiving disability benefits under Section 9-156 or 9-157;

(2) have not previously retired from the Fund;

(3) file with the Board before March 1, 2003 a written application requesting the benefits provided in this Section;

(4) elect to retire under this Section on or after November 30, 2002 and on or before March 31, 2003 (or the date established under subsection (d), if applicable);

(5) have attained age 50 on or before the date of retirement and on or before

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March 31, 2003; and
(6) have at least 20 years of creditable service in the Fund, excluding service in any of the other participating systems under the Retirement Systems Reciprocal Act, by the effective date of the retirement annuity or March 31, 2003, whichever occurs first.

(b) An employee who qualifies for the benefits provided under this Section shall be entitled to the following:

(1) The employee's retirement annuity, as calculated under the other provisions of this Article, shall be increased at the time of retirement by an amount equal to 1% of the employee's average annual salary for the highest 4 consecutive years within the last 10 years of service, multiplied by the employee's number of years of service credit in this Fund up to a maximum of 10 years; except that the total retirement annuity, including any additional benefits elected under Section 9-121.6 or 9-179.3, shall not exceed 80% of that highest average annual salary.

(2) If the employee's retirement annuity is calculated under Section 9-134, the employee shall not be subject to the reduction in retirement annuity because of retirement below age 60 that is otherwise required under that Section.

(c) A person who elects to retire under the provisions of this Section thereby relinquishes his or her right, if any, to have the retirement annuity calculated under the alternative formula formerly set forth in Section 20-122 of the Retirement Systems Reciprocal Act.

(d) In the case of an employee whose immediate retirement could jeopardize public safety or create hardship for the employer, the deadline for retirement provided in subdivision (a)(4) of this Section may be extended to a specified date, no later than September 30, 2003, by the employee's department head, with the approval of the President of the County Board. In the case of an employee who is not employed by a department of the County, the employee's "department head", for the purposes of this Section, shall be a person designated by the President of the County Board.

(e) Notwithstanding Section 9-161, an annuitant who reenters service under this Article after receiving a retirement annuity based on benefits provided under this Section thereby forfeits the right to continue to receive those benefits and shall have his or her retirement annuity recalculated without the benefits provided in this Section.

(f) This Section also applies to the Fund established under Article 10 of this Code.

Sec. 9-146.1. Minimum annuities for widows. The widow of an employee who retires from service or dies while in the service subsequent to June 11, 1965, who is otherwise eligible for widow's annuity under this Article and for whom the amount of widow's annuity and widow's prior service annuity combined, fixed or provided for such widow under other provisions of this Article 9 is less than the amount hereinafter provided in this Section, shall, from and after the date her otherwise provided annuity would begin, in lieu of such otherwise provided annuity, be entitled to the following indicated amount of annuity:

New matter indicated by italics - deletions by strikeout.
(a) The widow of any employee who dies while in the service on or after the date on which he attains the age of 60 or more years with at least 20 years of service, or 10 or more years of service if death occurs on or after attainment of age 65 and on or after January 1, 1982, shall be entitled to an annuity equal to one-half of the amount of annuity which her deceased husband would have been entitled to receive had he withdrawn from the service on the day immediately preceding the date of his death, conditional upon such widow having attained the age of 60 or more years on such date. Such amount of widow's annuity shall not, however, exceed the sum of $500 a month if death in service occurs before July 1, 1985.

If such widow of such described employee shall not be 60 or more years of age on such date of death, the amount provided in the immediately preceding paragraph for a widow 60 or more years of age, shall, in the case of such younger widow, be reduced by 1/2 of 1 per cent for each month that her then attained age is less than 60 years; except that such younger widow of an employee who dies while in service on or after July 1, 1985 with at least 30 years of service, shall not be subject to the reduction in widow's annuity because of her age less than 60 on the date of the employee's death.

(b) The widow, of any employee who dies subsequent to the date of his retirement on annuity, and who so retired on or after the date on which he attained the age of 60 or more years with at least 20 years of service, or 10 or more years of service if retirement occurs on or after attainment of age 65 and on or after January 1, 1982, shall be entitled to an annuity equal to one-half of the amount of annuity which her deceased husband received as of the date of his retirement on annuity, conditional upon such widow having attained the age of 60 or more years on the date of her husband's retirement on annuity. Such amount of widow's annuity shall not, however, exceed the sum of $500 a month if the death occurs before the effective date of this amendatory Act of 1991.

If such widow of such described employee shall not have attained such age of 60 or more years on such date of her husband's retirement on annuity, the amount provided in the immediately preceding paragraph for a widow 60 or more years of age on the date of her husband's retirement on annuity, shall, in the case of such then younger widow, be reduced by 1/2 of 1 per cent for each month that her then attained age was less than 60 years; except that such younger widow of an employee retiring on or after July 1, 1985 with at least 30 years of service, shall not be subject to the reduction in widow's annuity because of her age less than 60 on the date of the employee's retirement.

(c) The foregoing provisions relating to minimum annuities for widows shall not apply to the widow of any former county employee receiving an annuity from the Fund on June 11, 1965, who re-enters service as a county employee, unless such employee renders at least 3 years of additional service after the date of re-entry.

(d) An annuity being paid to a surviving spouse on January 1, 1984 shall be increased by 10% and shall thereafter be paid at the increased rate until the termination of the annuity by death or other cause. The annuity for a qualifying widow shall not exceed $500 per month.

(e) The widow of any employee who dies while in service on or after July 1, 1985 but prior to January 1, 1988, and the widow of an employee who retires on or after July 1, 1985 but prior to January 1, 1988 with at least 10 years of service, and the widow of an employee

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who retires on or after January 1, 1984 but prior to July 1, 1985 with at least 30 years of service, shall be entitled to an annuity equal to one-half of the amount of annuity which her deceased husband would have received had he retired immediately prior to his death or one-half the amount of the originally granted retirement annuity, whichever is applicable. Such widow's annuity will be reduced 0.5% for each month that the widow's attained age is less than age 60 on the date of the employee's death in service or retirement if the employee's death in service or retirement is before January 1, 1988; except that such younger widow of an employee with at least 30 years of service shall not be subject to the reduction in widow's annuity because of her age less than 60 on the date of the employee's death in service or retirement.

The widow of an employee who dies in service on or after January 1, 1988, or retires on or after January 1, 1988 with at least 10 years of service, shall be entitled to an annuity equal to 1/2 of the amount of annuity which her deceased husband would have received had he retired immediately prior to his death or 1/2 of the amount of the annuity which her deceased husband received as of the date of his death, whichever is applicable. Such widow's annuity shall be reduced 0.5% for each month that the widow's attained age is less than age 60 on the date of the employee's death if employee's death in service or retirement is after January 1, 1988; except that such younger widow of an employee with at least 30 years of service shall not be subject to the reduction in widow's annuity because of her age on the date of the employee's death.

In lieu of any other annuity provided by this Article, the widow of an employee who dies in service on or after January 1, 1992, or retires on or after January 1, 1992 with at least 10 years of service, shall be entitled to an annuity equal to 1/2 of the amount of annuity which her deceased husband would have received had he retired immediately prior to his death or 1/2 of the amount of the annuity which her deceased husband received as of the date of his death, whichever is applicable. Such widow's annuity shall be reduced 0.5% for each month that the widow's attained age is less than age 55 on the date of the employee's death; except that such younger widow of an employee with at least 30 years of service shall not be subject to the reduction in widow's annuity because of her age on the date of the employee's death.

In lieu of any other annuity provided by this Article, the widow of an employee who dies in service on or after January 1, 1992 but before January 1, 1993 at age 55 or over with at least 5 but less than 10 years of service, shall be entitled to an annuity equal to half of the amount of annuity which her deceased husband would have received had he retired immediately prior to his death or half of the amount of the annuity which her deceased husband received as of the date of his death, whichever is applicable. This widow's annuity shall be reduced 0.5% for each month that the widow's attained age is less than 60 on the date of the employee's death.

However, in the case of an employee dying in service, the amount of widow's annuity shall not be less than 10% of the highest average annual salary for any 4 consecutive years within the last 10 years of service immediately preceding the date of withdrawal. The maximum amount of annuity under this paragraph shall not be limited to a dollar maximum.

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The provisions of this paragraph shall not apply to the widow of any former County employee receiving an annuity from the fund who re-enters service as a County employee, unless such employee renders at least 3 years of additional service after the date of re-entry.

(f) An annuity being paid to a surviving spouse on July 1, 1988, shall be increased on that date by 1% for each full year that has elapsed from the date the annuity began.

(g) In lieu of any other annuity provided under this Article, if the deceased employee was receiving a retirement annuity at the time of his death and that death occurs on or after January 1, 1993, the widow's annuity shall be 50% of the deceased employee's retirement annuity at the time of death, reduced by 0.5% for each month that the widow's age on the date of death is less than 55, except that the reduction does not apply if the deceased employee had at least 30 years of service.

(h) In lieu of any other annuity provided under this Article, the widow of an employee who dies in service on or after July 1, 2002 or has at least 10 years of service and dies on or after July 1, 2002 while receiving an annuity shall be entitled to a widow's annuity equal to 65% of the amount of annuity which her deceased husband would have received had he retired immediately prior to his death or 65% of the amount of the annuity which her deceased husband received as of the date of his death, whichever is applicable. This widow's annuity shall be reduced by 0.5% for each month that the widow's age on the date of the employee's death is less than 55, unless the deceased husband had at least 30 years of service.

(Source: P.A. 86-273; 87-794; 87-1265.)

(40 ILCS 5/9-148) (from Ch. 108 1/2, par. 9-148)

Sec. 9-148. Widows or wives not entitled to annuity. Except as provided in Section 9-148.1, the following widows or wives of employees have no right to annuity from the fund:

(a) The widow or wife, married subsequent to the effective date, of an employee who dies in service if she was not married to him before he attained age 65;

(b) The widow or wife, married subsequent to the effective date, of an employee who withdraws from service whether or not he enters upon annuity, and who dies while out of service, if she was not his wife while he was in service and before he attained age 65;

(c) The widow or wife of an employee with 10 or more years of service whose death occurs out of and after he has withdrawn from service, and who has received a refund of contributions for annuity purposes;

(d) The widow or wife of an employee with less than 10 years of service who dies out of service after he has withdrawn from service before he attained age 60.

(Source: P.A. 81-1536.)

(40 ILCS 5/9-148.1 new)

Sec. 9-148.1. Widow's annuity for widow married to member for at least one year. Notwithstanding Section 9-148, if a member was not married at the time of retirement but married after retirement, that member's widow shall be entitled to a widow's annuity if (1) the widow was married to the member for at least the last year prior to the member's death; (2) the widow is otherwise eligible for a widow's annuity; and (3) the widow repays to the Fund (i) an amount equal to the amount of any refund paid to the member at the time of
retirement pursuant to Section 9-165 plus (ii) interest thereon from the date of the refund until the time of repayment at the rate of 6% per year.

(40 ILCS 5/9-163) (from Ch. 108 1/2, par. 9-163)

Sec. 9-163. Restoration of rights. An employee who has withdrawn as a refund the amounts credited for annuity purposes, and who re-enters service and serves for periods comprising at least 2 years after the date of the last refund paid to him, may have his annuity rights restored by making application to the board in writing for the privilege of reinstating such rights and by compliance with the following provisions:

(a) The employee shall repay in full to the fund while in service all refunds received, together with interest at the effective rate from the application date of such refund or refunds to the date of repayment.

(b) If payment is not made in a single sum, the repayment may be made in installments by deductions from salary or otherwise in such amounts as the employee may elect to pay, with interest at the effective rate accruing on unpaid balances.

(c) If the employee withdraws from service or dies in service before full repayment is made, or during the required return to service, the amounts repaid, including interest repaid but without further interest, shall be refunded in accordance with the refund provisions of this Article.

For an employee who applies to the Fund to reinstate credit and repay a refund between January 1, 1993 and March 1, 1993, the 2 year minimum period of subsequent service required under item (a) shall be instead a period of 6 months.

A person who establishes service credit under Section 9-121.16 may, at the same time, reinstate credit in this Fund and repay a refund without a return to service, notwithstanding the other provisions of this Section.

(Source: P.A. 87-1265.)

(40 ILCS 5/9-179.3) (from Ch. 108 1/2, par. 9-179.3)

Sec. 9-179.3. Optional plan of additional benefits and contributions.

(a) While this plan is in effect, an employee may establish additional optional credit for additional optional benefits by electing in writing at any time to make additional optional contributions. The employee may discontinue making the additional optional contributions at any time by notifying the fund in writing.

(b) Additional optional contributions for the additional optional benefits shall be as follows:

(1) For service after the option is elected, an additional contribution of 3% of salary shall be contributed to the fund on the same basis and under the same conditions as contributions required under Sections 9-170 and 9-176.

(2) For service before the option is elected, an additional contribution of 3% of the salary for the applicable period of service, plus interest at the effective rate from the date of service to the date of payment. All payments for past service must be paid in full before credit is given. No additional optional contributions may be made for any period of service for which credit has been previously forfeited by acceptance of a refund, unless the refund is repaid in full with interest at the effective

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rate from the date of refund to the date of repayment.

(c) Additional optional benefits shall accrue for all periods of eligible service for which additional contributions are paid in full. The additional benefit shall consist of an additional 1% for each year of service for which optional contributions have been paid, based on the highest average annual salary for any 4 consecutive years within the last 10 years of service immediately preceding the date of withdrawal, to be added to the employee retirement annuity benefits as otherwise computed under this Article. The calculation of these additional benefits shall be subject to the same terms and conditions as are used in the calculation of retirement annuity under Section 9-134. The additional benefit shall be included in the calculation of the automatic annual increase in annuity, and in the calculation of widow's annuity, where applicable. However no additional benefits will be granted which produce a total annuity greater than the applicable maximum established for that type of annuity in this Article, and additional benefits shall not apply to any benefit computed under Section 9-128.1.

(d) Refunds of additional optional contributions shall be made on the same basis and under the same conditions as provided under Sections 9-164, 9-166 and 9-167. Interest shall be credited at the effective rate on the same basis and under the same conditions as for other contributions.

(e) Optional contributions shall be accounted for in a separate Optional Contribution Reserve.

(f) The tax levy, computed under Section 9-169, shall be based on employee contributions including the amount of optional additional employee contributions.

(g) Service eligible under this Section may include only service as an employee of the County as defined in Section 9-108, and subject to Sections 9-219 and 9-220. No service granted under Section 9-121.1, 9-121.4 or 9-179.2 shall be eligible for optional service credit. No optional service credit may be established for any military service, or for any service under any other Article of this Code. Optional service credit may be established for any period of disability paid from this fund, if the employee makes additional optional contributions for such periods of disability.

(h) This plan of optional benefits and contributions shall not apply to any former county employee receiving an annuity from the fund, who re-enters service as a County employee, unless he renders at least 3 years of additional service after the date of re-entry.

(i) The effective date of the optional plan of additional benefits and contributions shall be July 1, 1985, or the date upon which approval is received from the Internal Revenue Service, whichever is later.

(j) This plan of additional benefits and contributions shall expire July 1, 2005. No additional contributions may be made after that date, and no additional benefits will accrue after that date.

(Source: P.A. 90-32, eff. 6-27-97; 90-460, eff. 8-17-97.)

(40 ILCS 5/9-219) (from Ch. 108 1/2, par. 9-219)
Sec. 9-219. Computation of service.

(1) In computing the term of service of an employee prior to the effective date, the

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entire period beginning on the date he was first appointed and ending on the day before the effective date, except any intervening period during which he was separated by withdrawal from service, shall be counted for all purposes of this Article.

(2) In computing the term of service of any employee on or after the effective date, the following periods of time shall be counted as periods of service for age and service, widow's and child's annuity purposes:

(a) The time during which he performed the duties of his position.
(b) Vacations, leaves of absence with whole or part pay, and leaves of absence without pay not longer than 90 days.
(c) For an employee who is a member of a county police department or a correctional officer with the county department of corrections, approved leaves of absence without pay during which the employee serves as a full-time officer or employee head of an employee association, the membership of which consists of other participating members of the Fund police officers, provided that the employee contributes to the Fund (1) the amount that he would have contributed had he remained an active member of the county police department in the position he occupied at the time the leave of absence was granted, (2) an amount calculated by the Board representing employer contributions, and (3) regular interest thereon from the date of service to the date of payment. However, if the employee's application to establish credit under this subsection is received by the Fund on or after July 1, 2002 and before July 1, 2003, the amount representing employer contributions specified in item (2) shall be waived.

For a former member of a county police department who has received a refund under Section 9-164, periods during which the employee serves as head of an employee association, the membership of which consists of other police officers, provided that the employee contributes to the Fund (1) the amount that he would have contributed had he remained an active member of the county police department in the position he occupied at the time he left service, (2) an amount calculated by the Board representing employer contributions, and (3) regular interest thereon from the date of service to the date of payment. However, if the former member of the county police department retires on or after January 1, 1993 but no later than March 1, 1993, the amount representing employer contributions specified in item (2) shall be waived.

(d) Any period of disability for which he received disability benefit or whole or part pay.
(e) Accumulated vacation or other time for which an employee who retires on or after November 1, 1990 receives a lump sum payment at the time of retirement, provided that contributions were made to the fund at the time such lump sum payment was received. The service granted for the lump sum payment shall not change the employee's date of withdrawal for computing the effective date of the annuity.

(f) An employee may receive service credit for annuity purposes for accumulated sick leave as of the date of the employee's withdrawal from service, not
to exceed a total of 180 days, provided that the amount of such accumulated sick leave is certified by the County Comptroller to the Board and the employee pays an amount equal to 8.5% (9% for members of the County Police Department who are eligible to receive an annuity under Section 9-128.1) of the amount that would have been paid had such accumulated sick leave been paid at the employee's final rate of salary. Such payment shall be made within 30 days after the date of withdrawal and prior to receipt of the first annuity check. The service credit granted for such accumulated sick leave shall not change the employee's date of withdrawal for the purpose of computing the effective date of the annuity.

(3) In computing the term of service of an employee on or after the effective date for ordinary disability benefit purposes, the following periods of time shall be counted as periods of service:

(a) Unless otherwise specified in Section 9-157, the time during which he performed the duties of his position.
(b) Paid vacations and leaves of absence with whole or part pay.
(c) Any period for which he received duty disability benefit.
(d) Any period of disability for which he received whole or part pay.

(4) For an employee who on January 1, 1958, was transferred by Act of the 70th General Assembly from his position in a department of welfare of any city located in the county in which this Article is in force and effect to a similar position in a department of such county, service shall also be credited for ordinary disability benefit and child's annuity for such period of department of welfare service during which period he was a contributor to a statutory annuity and benefit fund in such city and for which purposes service credit would otherwise not be credited by virtue of such involuntary transfer.

(5) An employee described in subsection (e) of Section 9-108 shall receive credit for child's annuity and ordinary disability benefit for the period of time for which he was credited with service in the fund from which he was involuntarily separated through class or group transfer; provided, that no such credit shall be allowed to the extent that it results in a duplication of credits or benefits, and neither shall such credit be allowed to the extent that it was or may be forfeited by the application for and acceptance of a refund from the fund from which the employee was transferred.

(6) Overtime or extra service shall not be included in computing service. Not more than 1 year of service shall be allowed for service rendered during any calendar year.

(40 ILCS 5/11-125.8)

Sec. 11-125.8. Service as police officer, firefighter, or teacher.

(a) Service rendered by an employee as a police officer and member of the regularly constituted police department of the city, or as a firefighter and regular member of the paid fire department of the city, or as a teacher in the public school system in the city shall be counted, for the purposes of this Article, as service rendered as an employee of the city. Salary received for any such service shall be treated, for the purposes of this Article, as salary received for the performance of duty as an employee.

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(b) Credit shall be granted under subsection (a) only if (1) the employee pays to the Fund prior to his or her separation from service an amount equal to the employee contributions that would have been payable for that service, based on the salary actually received, plus interest at the effective rate, and (2) the employee has terminated any credit for that service earned in any other annuity and benefit fund or pension fund in operation in the city for the benefit of police officers, firefighters, or teachers. The amount transferred to the Fund under item (1) of Section 5-233.1, if any, shall be credited against the contributions required under this subsection.

(Source: P.A. 90-31, eff. 6-27-97.)

(40 ILCS 5/11-134) (from Ch. 108 1/2, par. 11-134)

Sec. 11-134. Minimum annuities.

(a) An employee whose withdrawal occurs after July 1, 1957 at age 60 or over, with 20 or more years of service, (as service is defined or computed in Section 11-216), for whom the age and service and prior service annuity combined is less than the amount stated in this Section, shall, from and after the date of withdrawal, in lieu of all annuities otherwise provided in this Article, be entitled to receive an annuity for life of an amount equal to 1 2/3% for each year of service, of the highest average annual salary for any 5 consecutive years within the last 10 years of service immediately preceding the date of withdrawal; provided, that in the case of any employee who withdraws on or after July 1, 1971, such employee age 60 or over with 20 or more years of service, shall be entitled to instead receive an annuity for life equal to 1.67% for each of the first 10 years of service; 1.90% for each of the next 10 years of service; 2.10% for each year of service in excess of 20 but not exceeding 30; and 2.30% for each year of service in excess of 30, based on the highest average annual salary for any 4 consecutive years within the last 10 years of service immediately preceding the date of withdrawal.

An employee who withdraws after July 1, 1957 and before January 1, 1988, with 20 or more years of service, before age 60, shall be entitled to an annuity, to begin not earlier than age 55, if under such age at withdrawal, as computed in the last preceding paragraph, reduced 0.25% if the employee was born before January 1, 1936, or 0.5% if the employee was born on or after January 1, 1936, for each full month or fractional part thereof that his attained age when annuity is to begin is less than 60.

Any employee born before January 1, 1936 who withdraws with 20 or more years of service, and any employee with 20 or more years of service who withdraws on or after January 1, 1988, may elect to receive, in lieu of any other employee annuity provided in this Section, an annuity for life equal to 1.80% for each of the first 10 years of service, 2.00% for each of the next 10 years of service, 2.20% for each year of service in excess of 20, but not exceeding 30, and 2.40% for each year of service in excess of 30, of the highest average annual salary for any 4 consecutive years within the last 10 years of service immediately preceding the date of withdrawal, to begin not earlier than upon attained age of 55 years, if under such age at withdrawal, reduced 0.25% for each full month or fractional part thereof that his attained age when annuity is to begin is less than 60; except that an employee retiring on or after January 1, 1988, at age 55 or over but less than age 60, having at least 35 years

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of service, or an employee retiring on or after July 1, 1990, at age 55 or over but less than age 60, having at least 30 years of service, or an employee retiring on or after the effective date of this amendatory Act of 1997, at age 55 or over but less than age 60, having at least 25 years of service, shall not be subject to the reduction in retirement annuity because of retirement below age 60.

However, in the case of an employee who retired on or after January 1, 1985 but before January 1, 1988, at age 55 or older and with at least 35 years of service, and who was subject under this subsection (a) to the reduction in retirement annuity because of retirement below age 60, that reduction shall cease to be effective January 1, 1991, and the retirement annuity shall be recalculated accordingly. Any employee who withdraws on or after July 1, 1990, with 20 or more years of service, may elect to receive, in lieu of any other employee annuity provided in this Section, an annuity for life equal to 2.20% for each year of service if withdrawal is before 60 days after the effective date of this amendatory Act of the 92nd General Assembly, or 2.40% for each year of service if withdrawal is 60 days after the effective date of this amendatory Act of the 92nd General Assembly or later, of the highest average annual salary for any 4 consecutive years within the last 10 years of service immediately preceding the date of withdrawal, to begin not earlier than upon attained age of 55 years, if under such age at withdrawal, reduced 0.25% for each full month or fractional part thereof that his attained age when annuity is to begin is less than 60; except that an employee retiring at age 55 or over but less than age 60, having at least 30 years of service, shall not be subject to the reduction in retirement annuity because of retirement below age 60.

Any employee who withdraws on or after the effective date of this amendatory Act of 1997 with 20 or more years of service may elect to receive, in lieu of any other employee annuity provided in this Section, an annuity for life equal to 2.20%, for each year of service if withdrawal is before 60 days after the effective date of this amendatory Act of the 92nd General Assembly, or 2.40% for each year of service if withdrawal is 60 days after the effective date of this amendatory Act of the 92nd General Assembly or later, of the highest average annual salary for any 4 consecutive years within the last 10 years of service immediately preceding the date of withdrawal, to begin not earlier than upon attainment of age 55 (age 50 if the employee has at least 30 years of service), reduced 0.25% for each full month or remaining fractional part thereof that the employee's attained age when annuity is to begin is less than 60; except that an employee retiring at age 50 or over with at least 30 years of service or at age 55 or over with at least 25 years of service shall not be subject to the reduction in retirement annuity because of retirement below age 60.

The maximum annuity payable under this paragraph (a) of this Section shall not exceed 70% of highest average annual salary in the case of an employee who withdraws prior to July 1, 1971, 75% if withdrawal takes place on or after July 1, 1971, and prior to 60 days after the effective date of this amendatory Act of the 92nd General Assembly, or 80% if withdrawal is 60 days after the effective date of this amendatory Act of the 92nd General Assembly or later. For the purpose of the minimum annuity provided in said paragraphs $1,500 shall be considered the minimum annual salary for any year; and the maximum

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annual salary to be considered for the computation of such annuity shall be $4,800 for any year prior to 1953, $6,000 for the years 1953 to 1956, inclusive, and the actual annual salary, as salary is defined in this Article, for any year thereafter.

(b) For an employee receiving disability benefit, his salary for annuity purposes under this Section shall, for all periods of disability benefit subsequent to the year 1956, be the amount on which his disability benefit was based.

(c) An employee with 20 or more years of service, whose entire disability benefit credit period expires prior to attainment of age 55 while still disabled for service, shall be entitled upon withdrawal to the larger of (1) the minimum annuity provided above assuming that he is then age 55, and reducing such annuity to its actuarial equivalent at his attained age on such date, or (2) the annuity provided from his age and service and prior service annuity credits.

(d) The minimum annuity provisions as aforesaid shall not apply to any former employee receiving an annuity from the fund, and who re-enters service as an employee, unless he renders at least 3 years of additional service after the date of re-entry.

(e) An employee in service on July 1, 1947, or who became a contributor after July 1, 1947 and prior to July 1, 1950, or who shall become a contributor to the fund after July 1, 1950 prior to attainment of age 70, who withdraws after age 65 with less than 20 years of service, for whom the annuity has been fixed under the foregoing Sections of this Article shall, in lieu of the annuity so fixed, receive an annuity as follows:

Such amount as he could have received had the accumulated amounts for annuity been improved with interest at the effective rate to the date of his withdrawal, or to attainment of age 70, whichever is earlier, and had the city contributed to such earlier date for age and service annuity the amount that would have been contributed had he been under age 65, after the date his annuity was fixed in accordance with this Article, and assuming his annuity were computed from such accumulations as of his age on such earlier date. The annuity so computed shall not exceed the annuity which would be payable under the other provisions of this Section if the employee was credited with 20 years of service and would qualify for annuity thereunder.

(f) In lieu of the annuity provided in this or in any other Section of this Article, an employee having attained age 65 with at least 15 years of service who withdraws from service on or after July 1, 1971 and whose annuity computed under other provisions of this Article is less than the amount provided under this paragraph shall be entitled to receive a minimum annual annuity for life equal to 1% of the highest average annual salary for any 4 consecutive years within the last 10 years of service immediately preceding retirement for each year of his service plus the sum of $25 for each year of service. Such annual annuity shall not exceed the maximum percentages stated under paragraph (a) of this Section of such highest average annual salary.

(f-1) Instead of any other retirement annuity provided in this Article, an employee who has at least 10 years of service and withdraws from service on or after January 1, 1999 may elect to receive a retirement annuity for life, beginning no earlier than upon attainment of age 60, equal to 2.2% if withdrawal is before 60 days after the effective date of this
amendatory Act of the 92nd General Assembly or 2.4% for each year of service if withdrawal is 60 days after the effective date of this amendatory Act of the 92nd General Assembly or later, of final average salary for each year of service, subject to a maximum of 75% of final average salary if withdrawal is before 60 days after the effective date of this amendatory Act of the 92nd General Assembly, or 80% if withdrawal is 60 days after the effective date of this amendatory Act of the 92nd General Assembly or later. For the purpose of calculating this annuity, "final average salary" means the highest average annual salary for any 4 consecutive years in the last 10 years of service.

(g) Any annuity payable under the preceding subsections of this Section 11-134 shall be paid in equal monthly installments.

(h) The amendatory provisions of part (a) and (f) of this Section shall be effective July 1, 1971 and apply in the case of every qualifying employee withdrawing on or after July 1, 1971.

(i) The amendatory provisions of this amendatory Act of 1985 relating to the discount of annuity because of retirement prior to attainment of age 60 and increasing the retirement formula for those born before January 1, 1936, shall apply only to qualifying employees withdrawing on or after August 16, 1985.

(j) Beginning on January 1, 1999, the minimum amount of employee's annuity shall be $850 per month for life for the following classes of employees, without regard to the fact that withdrawal occurred prior to the effective date of this amendatory Act of 1998:

(1) any employee annuitant alive and receiving a life annuity on the effective date of this amendatory Act of 1998, except a reciprocal annuity;

(2) any employee annuitant alive and receiving a term annuity on the effective date of this amendatory Act of 1998, except a reciprocal annuity;

(3) any employee annuitant alive and receiving a reciprocal annuity on the effective date of this amendatory Act of 1998, whose service in this fund is at least 5 years;

(4) any employee annuitant withdrawing after age 60 on or after the effective date of this amendatory Act of 1998, with at least 10 years of service in this fund.

The increases granted under items (1), (2) and (3) of this subsection (j) shall not be limited by any other Section of this Act.

(Source: P.A. 90-32, eff. 6-27-97; 90-511, eff. 8-22-97; 90-766, eff. 8-14-98.)

Sec. 11-134.1. Automatic increase in annuity.

(a) An employee who retired or retires from service after December 31, 1963, and before January 1, 1987, having attained age 60 or more, shall, in the month of January of the year following the year in which the first anniversary of retirement occurs, have the amount of his then fixed and payable monthly annuity increased by 1 1/2%, and such first fixed annuity as granted at retirement increased by a further 1 1/2% in January of each year thereafter. Beginning with January of the year 1972, such increases shall be at the rate of 2% in lieu of the aforesaid specified 1 1/2%. Beginning January, 1984, such increases shall be at the rate of 3%. Beginning in January of 1999, such increases shall be at the rate of 3% of
the currently payable monthly annuity, including any increases previously granted under this Article. An employee who retires on annuity after December 31, 1963 and before January 1, 1987, but prior to age 60, shall receive such increases beginning with January of the year immediately following the year in which he attains the age of 60 years.

An employee who retires from service on or after January 1, 1987 shall, upon the first annuity payment date following the first anniversary of the date of retirement, or upon the first annuity payment date following attainment of age 60, whichever occurs later, have his then fixed and payable monthly annuity increased by 3%, and such annuity shall be increased by an additional 3% of the original fixed annuity on the same date each year thereafter. Beginning in January of 1999, such increases shall be at the rate of 3% of the currently payable monthly annuity, including any increases previously granted under this Article.

(a-5) Notwithstanding the provisions of subsection (a), upon the first annuity payment date following (1) the third anniversary of retirement, (2) the attainment of age 53, or (3) the date 60 days after the effective date of this amendatory Act of the 92nd General Assembly, whichever occurs latest, the monthly pension of an employee who retires on annuity prior to the attainment of age 60 who has not received an increase under subsection (a) shall be increased by 3%, and such annuity shall be increased by an additional 3% of the current payable monthly annuity, including such increases previously granted under this Article, on the same date each year thereafter. The increases provided under this subsection are in lieu of the increases provided in subsection (a).

(b) The foregoing provision is not applicable to an employee retiring and receiving a term annuity, as defined in this Article, nor to any otherwise qualified employee who retires before he shall have made employee contributions (at the 1/2 of 1% rate as hereinafter provided) for the purposes of this additional annuity for not less than the equivalent of one full year. Such employee, however, shall make arrangement to pay to the fund a balance of such 1/2 of 1% contributions, based on his final salary, as will bring such 1/2 of 1% contributions, computed without interest, to the equivalent of or completion of one year’s contributions.

Beginning with the month of January, 1964, each employee shall contribute by means of salary deductions 1/2 of 1% of each salary payment, concurrently with and in addition to the employee contributions otherwise made for annuity purposes.

Each such additional employee contribution shall be credited to an account in the prior service annuity reserve, to be used, together with city contributions, to defray the cost of the specified annuity increments. Any balance as of the beginning of each calendar year existing in such account shall be credited with interest at the rate of 3% per annum.

Such employee contributions shall not be subject to refund, except to an employee who resigns or is discharged and applies for refund under this Article, and also in cases where a term annuity becomes payable.

In such cases the employee contributions shall be refunded him, without interest, and charged to the aforementioned account in the prior service annuity reserve.

(Source: P.A. 90-766, eff. 8-14-98.)

(40 ILCS 5/11-145.1) (from Ch. 108 1/2, par. 11-145.1)
Sec. 11-145.1. Minimum annuities for widows.

The widow otherwise eligible for widow's annuity under other Sections of this Article 11, of an employee hereinafter described, who retires from service or dies while in the service subsequent to the effective date of this amendatory provision, and for which widow the amount of widow's annuity and widow's prior service annuity combined, fixed or provided for such widow under other provisions of said Article 11 is less than the amount hereinafter provided in this section, shall, from and after the date her otherwise provided annuity would begin, in lieu of such otherwise provided widow's and widow's prior service annuity, be entitled to the following indicated amount of annuity:

(a) The widow of any employee who dies while in service on or after the date on which he attains age 60 if the death occurs before July 1, 1990, or on or after the date on which he attains age 55 if the death occurs on or after July 1, 1990, with at least 20 years of service, or on or after the date on which he attains age 50 if the death occurs on or after the effective date of this amendatory Act of 1997 with at least 30 years of service, shall be entitled to an annuity equal to one-half of the amount of annuity which her deceased husband would have been entitled to receive had he withdrawn from the service on the day immediately preceding the date of his death, conditional upon such widow having attained age 60 on or before such date if the death occurs before July 1, 1990, or age 55 if the death occurs on or after July 1, 1990, or age 50 if the death occurs on or after January 1, 1998 and the employee is age 50 or over with at least 30 years of service or age 55 or over with at least 25 years of service. Except as provided in subsection (j), the widow's annuity shall not, however, exceed the sum of $500 a month if the employee's death in service occurs before January 23, 1987. The widow's annuity shall not be limited to a maximum dollar amount if the employee's death in service occurs on or after January 23, 1987.

If the employee dies in service on or after July 1, 1990, and if such widow of such described employee shall not be 60 or more years of age on such date of death, the amount provided in the immediately preceding paragraph for a widow 60 or more years of age, shall, in the case of such younger widow, be reduced by 0.25% for each month that her then attained age is less than 60 years if the employee was born before January 1, 1936, or dies in service on or after January 1, 1988, or 0.5% for each month that her then attained age is less than 60 years if the employee was born on or after January 1, 1936 and dies in service before January 1, 1988.

If the employee dies in service on or after January 1, 1998, and if the widow of the employee has not attained age 55 on or before the employee's date of death, the amount otherwise provided in this subsection (a) shall be reduced by 0.25% for each month that her then attained age is less than 55 years; except that if the employee dies in service on or after January 1, 1998 at age 50 or over with at least 30 years of service or at age 55 or over with at least 25 years of service, there shall be no reduction due to the widow's age if she has attained age 50 on or before the employee's date of death, and if the widow has not attained age 50 on or before the employee's date of death the amount otherwise provided in this subsection (a) shall be reduced by 0.25% for each month that her then attained age is less than 50 years.

New matter indicated by italics - deletions by strikeout.
(b) The widow of any employee who dies subsequent to the date of his retirement on annuity, and who so retired on or after the date on which he attained age 60 if retirement occurs before July 1, 1990, or on or after the date on which he attained age 55 if retirement occurs on or after July 1, 1990, with at least 20 years of service, or on or after the date on which he attained age 50 if the retirement occurs on or after the effective date of this amendatory Act of 1997 with at least 30 years of service, shall be entitled to an annuity equal to one-half of the amount of annuity which her deceased husband received as of the date of his retirement on annuity, conditional upon such widow having attained age 60 on or before the date of her husband's retirement on annuity if retirement occurs before July 1, 1990, or age 55 if retirement occurs on or after July 1, 1990, or age 50 if the retirement on annuity occurs on or after January 1, 1998 and the employee is age 50 or over with at least 30 years of service or age 55 or over with at least 25 years of service. Except as provided in subsection (j), this widow's annuity shall not, however, exceed the sum of $500 a month if the employee's death occurs before January 23, 1987. The widow's annuity shall not be limited to a maximum dollar amount if the employee's death occurs on or after January 23, 1987, regardless of the date of retirement; provided that, if retirement was before January 23, 1987, the employee or eligible spouse repays the excess spouse refund with interest at the effective rate from the date of refund to the date of repayment.

If the date of the employee's retirement on annuity is before July 1, 1990, and if such widow of such described employee shall not have attained such age of 60 or more years on such date of her husband's retirement on annuity, the amount provided in the immediately preceding paragraph for a widow 60 or more years of age on the date of her husband's retirement on annuity, shall, in the case of such then younger widow, be reduced by 0.25% for each month that her then attained age was less than 60 years if the employee was born before January 1, 1936, or withdraws from service on or after January 1, 1988, or 0.5% for each month that her then attained age was less than 60 years if the employee was born on or after January 1, 1936 and withdraws from service before January 1, 1988.

If the date of the employee's retirement on annuity is on or after July 1, 1990, and if the widow of the employee has not attained age 55 by the date of the employee's retirement on annuity, the amount otherwise provided in this subsection (b) shall be reduced by 0.25% for each month that her then attained age is less than 55 years; except that if the employee retires on annuity on or after January 1, 1998 at age 50 or over with at least 30 years of service or at age 55 or over with at least 25 years of service, there shall be no reduction due to the widow's age if she has attained age 50 on or before the employee's date of death, and if the widow has not attained age 50 on or before the employee's date of death the amount otherwise provided in this subsection (b) shall be reduced by 0.25% for each month that her then attained age is less than 50 years.

(c) The foregoing provisions relating to minimum annuities for widows shall not apply to the widow of any former employee receiving an annuity from the fund on August 2, 1965 or on the effective date of this amendatory provision, who re-enters service as a former employee, unless such employee renders at least 3 years of additional service after the date of re-entry.
(d) (Blank).

(e) (Blank).

(f) The amendments to this Section by this amendatory Act of 1985, relating to changing the discount because of age from 1/2 of 1% to 0.25% per month for widows of employees born before January 1, 1936, shall apply only to qualifying widows whose husbands die while in the service on or after August 16, 1985 or withdraw and enter on annuity on or after August 16, 1985.

(g) Beginning on January 1, 1999, the minimum amount of widow's annuity shall be $800 per month for life for the following classes of widows, without regard to the fact that the death of the employee occurred prior to the effective date of this amendatory Act of 1998:

1. any widow annuitant alive and receiving a term annuity on the effective date of this amendatory Act of 1998, except a reciprocal annuity;
2. any widow annuitant alive and receiving a life annuity on the effective date of this amendatory Act of 1998, except a reciprocal annuity;
3. any widow annuitant alive and receiving a reciprocal annuity on the effective date of this amendatory Act of 1998, whose employee spouse's service in this fund was at least 5 years;
4. the widow of an employee with at least 10 years of service in this fund who dies after retirement, if the retirement occurred prior to the effective date of this amendatory Act of 1998;
5. the widow of an employee with at least 10 years of service in this fund who dies after retirement, if withdrawal occurs on or after the effective date of this amendatory Act of 1998;
6. the widow of an employee who dies in service with at least 5 years of service in this fund, if the death in service occurs on or after the effective date of this amendatory Act of 1998.

The increases granted under items (1), (2), (3) and (4) of this subsection (g) shall not be limited by any other Section of this Act.

(h) The widow of an employee who retired or died in service on or after January 1, 1985 and before July 1, 1990, at age 55 or older, and with at least 35 years of service credit, shall be entitled to have her widow's annuity increased, effective January 1, 1991, to an amount equal to 50% of the retirement annuity that the deceased employee received on the date of retirement, or would have been eligible to receive if he had retired on the day preceding the date of his death in service, provided that if the widow had not attained age 60 by the date of the employee's retirement or death in service, the amount of the annuity shall be reduced by 0.25% for each month that her then attained age was less than age 60 if the employee's retirement or death in service occurred on or after January 1, 1988, or by 0.5% for each month that her attained age is less than age 60 if the employee's retirement or death in service occurred prior to January 1, 1988. However, in cases where a refund of excess contributions for widow's annuity has been paid by the Fund, the increase in benefit provided by this subsection (h) shall be contingent upon repayment of the refund to the Fund with interest at the effective rate from the date of refund to the date of payment.

New matter indicated by italics - deletions by strikeout.
(i) If a deceased employee is receiving a retirement annuity at the time of death and that death occurs on or after June 27, 1997, the widow may elect to receive, in lieu of any other annuity provided under this Article, 50% of the deceased employee's retirement annuity at the time of death reduced by 0.25% for each month that the widow's age on the date of death is less than 55; except that if the employee dies on or after January 1, 1998 and withdrew from service on or after June 27, 1997 at age 50 or over with at least 30 years of service or at age 55 or over with at least 25 years of service, there shall be no reduction due to the widow's age if she has attained age 50 on or before the employee's date of death, and if the widow has not attained age 50 on or before the employee's date of death the amount otherwise provided in this subsection (i) shall be reduced by 0.25% for each month that her age on the date of death is less than 50 years. However, in cases where a refund of excess contributions for widow's annuity has been paid by the Fund, the benefit provided by this subsection (i) is contingent upon repayment of the refund to the Fund with interest at the effective rate from the date of refund to the date of payment.

(j) For widows of employees who died before January 23, 1987 after retirement on annuity or in service, the maximum dollar amount limitation on widow's annuity shall cease to apply, beginning with the first annuity payment after the effective date of this amendatory Act of 1997; except that if a refund of excess contributions for widow's annuity has been paid by the Fund, the increase resulting from this subsection (j) shall not begin before the refund has been repaid to the Fund, together with interest at the effective rate from the date of the refund to the date of repayment.

(k) In lieu of any other annuity provided in this Article, an eligible spouse of an employee who dies in service at least 60 days after the effective date of this amendatory Act of the 92nd General Assembly with at least 10 years of service shall be entitled to an annuity of 50% of the minimum formula annuity earned and accrued to the credit of the employee at the date of death. For the purposes of this subsection, the minimum formula annuity earned and accrued to the credit of the employee is equal to 2.40% for each year of service of the highest average annual salary for any 4 consecutive years within the last 10 years of service immediately preceding the date of death, up to a maximum of 80% of the highest average annual salary. This annuity shall not be reduced due to the age of the employee or spouse. In addition to any other eligibility requirements under this Article, the spouse is eligible for this annuity only if the marriage was in effect for 10 full years or more.

(Source: P.A. 90-32, eff. 6-27-97; 90-511, eff. 8-22-97; 90-766, eff. 8-14-98.)

(40 ILCS 5/11-153) (from Ch. 108 1/2, par. 11-153)

Sec. 11-153. Child's annuity.

(a) A "Child's Annuity" shall be payable monthly after the death of an employee parent to an unmarried child until the child's attainment of age 18 or marriage, whichever event shall first occur, under the following conditions, if the child was born or in esse before the employee attained age 65, and before he withdrew from service:

(1) upon death resulting from injury incurred in the performance of an act of duty;

(2) upon death in service from any cause other than injury incurred in the
performance of duty, if the employee has at least 4 years of service after the date of his original entry into service, and at least 2 years after the date of his latest re-entry;

(2) upon death of an employee who withdraws from service after age 55 (or after age 50 with at least 30 years of service if withdrawal is on or after June 27, 1997) and who has entered upon or is eligible for annuity.

Payment shall be made as provided in Section 11-124.

(b) After July 24, 1967, an adopted child shall be entitled to the same child's annuity benefits provided for natural children in this Article, if:

(1) the child was legally adopted by the employee at least one year prior to the death of the employee; and

(2) the child was adopted before the employee withdrew from service attained age-55.

(40 ILCS 5/11-156) (from Ch. 108 1/2, par. 11-156)

Sec. 11-156. Ordinary disability benefit. An employee, while under age 65 and prior to January 1, 1979, or while under age 70 and after January 1, 1979, who becomes disabled after the effective date as the result of any cause other than injury incurred in the performance of any act or acts of duty, shall be entitled to ordinary disability benefit during such disability, after the first 30 days thereof.

The disability benefit prescribed herein shall cease when the first of the following dates shall occur and the employee, if still disabled, shall thereafter be entitled to such annuity as is otherwise provided in this Article:

(a) the date disability ceases.
(b) the date the disabled employee attains age 65 for disability commencing prior to January 1, 1979.
(c) the date the disabled employee attains 65 for disability commencing prior to attainment of age 60 in the service and after January 1, 1979.
(d) the date the disabled employee attains the age of 70 for disability commencing after attainment of age 60 in the service and after January 1, 1979.
(e) the date the payments of the benefit shall exceed in the aggregate, throughout the employee's service, a period equal to 1/4 of the total service rendered prior to the date of disability but in no event more than 5 years. In computing such total the following periods shall be excluded:

(i) Any period during which the employee received ordinary disability benefit;
(ii) Any period of absence from duty, whether caused by layoff, leave of absence or suspension of employment, or any other reason, unless the board, upon satisfactory evidence, finds that the disability resulted from a cause which existed or occurred prior to such period of absence. No employee who becomes disabled and whose disability begins during absence from duty (other than while on vacation with pay) shall have any right to ordinary disability benefit, except as herein provided, until he recovers from such disability and performs the duties of his position in the service for at least 15 consecutive days, Sundays and holidays excepted, after such recovery.

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The first payment shall be made not later than one month after the benefit is granted and each subsequent payment shall be made not later than one month after the last preceding payment.

Ordinary disability benefit shall be 50% of the employee's salary at the date of disability.

For ordinary disability benefits paid before January 1, 2001, before any payment, an amount equal to the sum ordinarily deducted from salary for all annuity purposes for such period for which the ordinary disability benefit is made shall be deducted from such payment and credited to the employee as a deduction from salary for that period. The sums so deducted shall be credited to the employee and shall be regarded, for annuity and refund purposes, as an amount contributed by him.

For ordinary disability benefits paid on or after January 1, 2001, the fund shall credit sums equal to the amounts ordinarily contributed by an employee for annuity purposes for any period during which the employee receives ordinary disability, and those sums shall be deemed for annuity purposes and purposes of Section 11-169 as amounts contributed by the employee. These amounts credited for annuity purposes shall not be credited for refund purposes.

Any employee whose ordinary disability benefit was terminated after January 1, 1979 by reason of his attainment of age 65 and who continues disabled after age 65 may elect before July 1, 1986 to have such benefits resumed beginning at the time of such termination and continuing until termination is required under this Section as amended by this amendatory Act of 1985. The amount payable to any employee for such resumed benefit for any period shall be reduced by the amount of any retirement annuity paid to such employee under this Article for the same period of time or by refund paid in lieu of annuity.

(Source: P.A. 85-964.)

(40 ILCS 5/11-160.1) (from Ch. 108 1/2, par. 11-160.1)
Sec. 11-160.1. Group health benefit.

(a) For the purposes of this Section: (1) "annuitant" means a person receiving an age and service annuity, a prior service annuity, a widow's annuity, a widow's prior service annuity, or a minimum annuity, under Article 5, 6, 8 or 11, by reason of previous employment by the City of Chicago (hereinafter, in this Section, "the city"); (2) "Medicare Plan annuitant" means an annuitant described in item (1) who is eligible for Medicare benefits; and (3) "non-Medicare Plan annuitant" means an annuitant described in item (1) who is not eligible for Medicare benefits.

(b) The city shall offer group health benefits to annuitants and their eligible dependents through June 30, 2002. The basic city health care plan available as of June 30, 1988 (hereinafter called the basic city plan) shall cease to be a plan offered by the city, except as specified in subparagraphs (4) and (5) below, and shall be closed to new enrollment or transfer of coverage for any non-Medicare Plan annuitant as of June 27, the effective date of this amendatory Act of 1997. The city shall offer non-Medicare Plan annuitants and their eligible dependents the option of enrolling in its Annuitant Preferred Provider Plan and may offer additional plans for any annuitant. The city may amend, modify, or terminate any of its

New matter indicated by italics - deletions by strikeout.
additional plans at its sole discretion. If the city offers more than one annuitant plan, the city shall allow annuitants to convert coverage from one city annuitant plan to another, except the basic city plan, during times designated by the city, which periods of time shall occur at least annually. For the period dating from June 27, the effective date of this amendatory Act of 1997 through June 30, 2003, monthly premium rates may be increased for annuitants during the time of their participation in non-Medicare plans, except as provided in subparagraphs (1) through (4) of this subsection.

(1) For non-Medicare Plan annuitants who retired prior to January 1, 1988, the annuitant's share of monthly premium for non-Medicare Plan coverage only shall not exceed the highest premium rate chargeable under any city non-Medicare Plan annuitant coverage as of December 1, 1996.

(2) For non-Medicare Plan annuitants who retire on or after January 1, 1988, the annuitant's share of monthly premium for non-Medicare Plan coverage only shall be the rate in effect on December 1, 1996, with monthly premium increases to take effect no sooner than April 1, 1998 at the lower of (i) the premium rate determined pursuant to subsection (g) or (ii) 10% of the immediately previous month's rate for similar coverage.

(3) In no event shall any non-Medicare Plan annuitant's share of monthly premium for non-Medicare Plan coverage exceed 10% of the annuitant's monthly annuity.

(4) Non-Medicare Plan annuitants who are enrolled in the basic city plan as of July 1, 1998 may remain in the basic city plan, if they so choose, on the condition that they are not entitled to the caps on rates set forth in subparagraphs (1) through (3), and their premium rate shall be the rate determined in accordance with subsections (c) and (g).

(5) Medicare Plan annuitants who are currently enrolled in the basic city plan for Medicare eligible annuitants may remain in that plan, if they so choose, through June 30, 2003. Annuitants shall not be allowed to enroll in or transfer into the basic city plan for Medicare eligible annuitants on or after July 1, 1999. The city shall continue to offer annuitants a supplemental Medicare Plan for Medicare eligible annuitants through June 30, 2003, and the city may offer additional plans to Medicare eligible annuitants in its sole discretion. All Medicare Plan annuitant monthly rates shall be determined in accordance with subsections (c) and (g).

(c) The city shall pay 50% of the aggregated costs of the claims or premiums, whichever is applicable, as determined in accordance with subsection (g), of annuitants and their dependents under all health care plans offered by the city. The city may reduce its obligation by application of price reductions obtained as a result of financial arrangements with providers or plan administrators.

(d) From January 1, 1993 until June 30, 2003, the board shall pay to the city on behalf of each of the board's annuitants who chooses to participate in any of the city's plans the following amounts: up to a maximum of $75 per month for each such annuitant who is not qualified to receive medicare benefits, and up to a maximum of $45 per month for each

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such annuitant who is qualified to receive medicare benefits.

The payments described in this subsection shall be paid from the tax levy authorized under Section 11-178; such amounts shall be credited to the reserve for group hospital care and group medical and surgical plan benefits, and all payments to the city required under this subsection shall be charged against it.

(e) The city's obligations under subsections (b) and (c) shall terminate on June 30, 2003, except with regard to covered expenses incurred but not paid as of that date. This subsection shall not affect other obligations that may be imposed by law.

(f) The group coverage plans described in this Section are not and shall not be construed to be pension or retirement benefits for purposes of Section 5 of Article XIII of the Illinois Constitution of 1970.

(g) For each annuitant plan offered by the city, the aggregate cost of claims, as reflected in the claim records of the plan administrator, shall be estimated by the city, based upon a written determination by a qualified independent actuary to be appointed and paid by the city and the board. If the estimated annual cost for each annuitant plan offered by the city is more than the estimated amount to be contributed by the city for that plan pursuant to subsections (b) and (c) during that year plus the estimated amounts to be paid pursuant to subsection (d) and by the other pension boards on behalf of other participating annuitants, the difference shall be paid by all annuitants participating in the plan, except as provided in subsection (b). The city, based upon the determination of the independent actuary, shall set the monthly amounts to be paid by the participating annuitants. The board may deduct the amounts to be paid by its annuitants from the participating annuitants' monthly annuities.

If it is determined from the city's annual audit, or from audited experience data, that the total amount paid by all participating annuitants was more or less than the difference between (1) the cost of providing the group health care plans, and (2) the sum of the amount to be paid by the city as determined under subsection (c) and the amounts paid by all the pension boards, then the independent actuary and the city shall account for the excess or shortfall in the next year's payments by annuitants, except as provided in subsection (b).

(h) An annuitant may elect to terminate coverage in a plan at the end of any month, which election shall terminate the annuitant's obligation to contribute toward payment of the excess described in subsection (g).

(i) The city shall advise the board of all proposed premium increases for health care at least 75 days prior to the effective date of the change, and any increase shall be prospective only.

(Source: P.A. 90-32, eff. 6-27-97.)

(40 ILCS 5/11-164) (from Ch. 108 1/2, par. 11-164)

Sec. 11-164. Refunds - Withdrawal before age 55 or with less than 10 years of service.

(1) An employee, without regard to length of service, who withdraws before age 55, and any employee with less than 10 years of service who withdraws before age 60, shall be entitled to a refund of the total sum accumulated to his credit as of date of withdrawal for age and service annuity and widow's annuity from amounts contributed by him or by the City in

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lieu of employee contributions during duty disability; provided that such amounts contributed by the city after December 31, 1983 while the employee is receiving duty disability benefits and amounts credited to the employee for annuity purposes by the fund after December 31, 2000 while the employee is receiving ordinary disability benefits shall not be credited for refund purposes.

The board may in its discretion withhold payment of refund for a period not to exceed 6 months from the date of withdrawal. Interest at the effective rate shall be paid on any such refund withheld during such withheld period not to exceed 6 months.

(2) Upon receipt of the refund, the employee surrenders and forfeits all rights to any annuity or other benefits, for himself and for any other persons who might have benefited through him; provided that he may have such period of service counted in computing the term of his service for age and service annuity purposes only if he becomes an employee before age 65.

(3) An employee who does not receive a refund shall have all amounts to his credit for annuity purposes on the date of his withdrawal improved by interest only until he becomes age 65, while out of service, at the effective rate, for his benefit and the benefit of any person who may have any right to annuity through him if he re-enters the service and attains a right to annuity.

(4) Any such employee shall retain such right to refund of such amounts when he shall apply for same, until he re-enters the service or until the amount of annuity to which he shall have a right shall have been fixed as provided in this Article. Thereafter, no such right shall exist in the case of any such employee.

(Source: P.A. 83-499.)

(40 ILCS 5/11-167) (from Ch. 108 1/2, par. 11-167)

Sec. 11-167. Refunds in lieu of annuity. In lieu of an annuity, an employee who withdraws, and whose annuity would amount to less than $800 a month for life may elect to receive a refund of the total sum accumulated to his credit from employee contributions for annuity purposes.

The widow of any employee, eligible for annuity upon the death of her husband, whose annuity would amount to less than $800 a month for life, may, in lieu of a widow's annuity, elect to receive a refund of the accumulated contributions for annuity purposes, based on the amounts contributed by her deceased employee husband, but reduced by any amounts theretofore paid to him in the form of an annuity or refund out of such accumulated contributions.

Accumulated contributions shall mean the amounts including interest credited thereon contributed by the employee for age and service and widow's annuity to the date of his withdrawal or death, whichever first occurs, and including the accumulations from any amounts contributed for him as salary deductions while receiving duty disability benefits; provided that such amounts contributed by the city after December 31, 1983 while the employee is receiving duty disability benefits and amounts credited to the employee for annuity purposes by the fund after December 31, 2000 while the employee is receiving ordinary disability benefits.

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The acceptance of such refund in lieu of widow's annuity, on the part of a widow, shall not deprive a child or children of the right to receive a child's annuity as provided for in Sections 11-153 and 11-154 of this Article, and neither shall the payment of a child's annuity in the case of such refund to a widow reduce the amount herein set forth as refundable to such widow electing a refund in lieu of widow's annuity.

(Source: P.A. 90-655, eff. 7-30-98; 91-887, eff. 7-6-00.)

Sec. 13-301. Retirement annuity; eligibility. Any employee who withdraws from service and meets the age and service requirements and other conditions set forth in subsections (a), (b), (c) or (d) hereof is entitled to receive a retirement annuity.

(a) Withdrawal on or after age 60. Any employee, upon withdrawal from service on or after attainment of age 60 and having at least 5 years of service, is entitled to a retirement annuity.

(b) Withdrawal on or after attainment of minimum retirement age qualifications and prior to age 60.

(1) Any employee, upon withdrawal from service on or after attainment of age 55 (age 50 if the employee first entered service before June 13, the effective date of this amendatory Act of 1997) but prior to age 60 and having at least 10 years of service, is entitled to a retirement annuity as of the date of withdrawal or, at the option of the employee, at any time thereafter.

(2) Any employee who withdraws on or after attainment of age 55 (age 50 if the employee first entered service before June 13, the effective date of this amendatory Act of 1997) and prior to age 60 having at least 5 years but less than 10 years of service is entitled to a retirement annuity upon attainment of age 62, subject to the other requirements of this Article.

(3) Any employee who withdraws from service on or after attainment of age 50 but prior to age 60 and is eligible for early retirement without discount under the Rule of 80 as provided in subsection (c) of Section 13-302 is entitled to a retirement annuity at the time of withdrawal.

(c) Withdrawal prior to minimum retirement age. Any employee, upon withdrawal from service prior to age 55 (age 50 if the employee first entered service before June 13, the effective date of this amendatory Act of 1997) and having at least 10 years of service, shall become entitled to a retirement annuity upon attainment of age 55 (age 50 if the employee first entered service before June 13, the effective date of this amendatory Act of 1997) or, at the option of the employee, at any time thereafter, subject to the other requirements of this Article.

(d) Withdrawal while disabled. Any employee having at least 5 years of service who has received ordinary disability benefits on or after January 1, 1986 for the maximum period of time hereinafter prescribed, and who continues to be disabled and withdraws from service, shall be entitled to a retirement annuity. The age and service conditions as to eligibility for such annuity shall be waived as to the employee, but the early retirement discount under Section 13-302(b) shall apply. If the employee is under age 55 on the date of withdrawal, the

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retirement annuity shall be computed by assuming that the employee is then age 55 and then reduced to its actuarial equivalent at his attained age on that date according to applicable mortality tables and interest rates. The retirement annuity shall not be payable for any period prior to the employee's attainment of age 55 during which the employee is able to return to gainful employment. Upon the employee's death while in receipt of a retirement annuity, a surviving spouse or minor children shall be entitled to receive a surviving spouse's annuity or child's annuity subject to the conditions hereinafter prescribed in Sections 13-305 through 13-308.

(Source: P.A. 90-12, eff. 6-13-97.)

(40 ILCS 5/13-302) (from Ch. 108 1/2, par. 13-302)
Sec. 13-302. Computation of retirement annuity.
(a) Computation of annuity. An employee who withdraws from service on or after July 1, 1989 and who has met the age and service requirements and other conditions for eligibility set forth in Section 13-301 of this Article is entitled to receive a retirement annuity for life equal to 2.2% of average final salary for each of the first 20 years of service, and 2.4% of average final salary for each year of service in excess of 20. The retirement annuity shall not exceed 80% of average final salary.

(b) Early retirement discount. If an employee retires prior to attainment of age 60 with less than 30 years of service, the annuity computed above shall be reduced by 1/2 of 1% for each full month between the date the annuity begins and attainment of age 60, or each full month by which the employee's service is less than 30 years, whichever is less. However, where the employee first enters service after June 13, 1997 and does not have at least 10 years of service exclusive of credit under Article 20, the annuity computed above shall be reduced by 1/2 of 1% for each full month between the date the annuity begins and attainment of age 60.

(c) Rule of 80 - Early retirement without discount. For an employee who retires on or after January 1, 2003 but on or before December 31, 2007, if the employee is eligible for a retirement annuity under Section 13-301 and has at least 10 years of service exclusive of credit under Article 20 and if at the date of withdrawal the employee’s age when added to the number of years of his or her creditable service equals at least 80, the early retirement discount in subsection (b) of this Section does not apply. For purposes of this Rule of 80, portions of years shall be considered in whole months.

An employee who has terminated employment with the employer under this Article prior to the effective date of this amendatory Act of the 92nd General Assembly and subsequently re-enters service must remain in service with the employer under this Article for at least 2 years after re-entry during the period beginning on January 1, 2003 and ending on December 31, 2007 to be entitled to early retirement without discount under this subsection (c).

In the case of an employee who retires under the terms of Article 20, eligibility for early retirement without discount under this subsection (c) shall be based upon the employee’s age and service credit at the time of withdrawal from the final fund.

(c-1) Early retirement without discount; retirement after June 29, 1997 and before
January 1, 2003. An employee who (i) has attained age 55 (age 50 if the employee first entered service before June 13, 1997), (ii) has at least 10 years of service exclusive of credit under Article 20, (iii) retires after June 29, 1997 and before January 1, 2003, and (iv) retires within 6 months of the last day for which retirement contributions were required, may elect at the time of application to make a one-time employee contribution to the Fund and thereby avoid the early retirement reduction specified in subsection (b). The exercise of the election shall also obligate the employer to make a one-time nonrefundable contribution to the Fund.

The one-time employee and employer contributions shall be a percentage of the retiring employee's highest full-time annual salary, calculated as the total amount of salary included in the highest 26 consecutive pay periods as used in the average final salary calculation, and based on the employee's age and service at retirement. The employee rate shall be 7% multiplied by the lesser of the following 2 numbers: (1) the number of years, or portion thereof, that the employee is less than age 60; or (2) the number of years, or portion thereof, that the employee's service is less than 30 years. The employer contribution shall be at the rate of 20% for each year, or portion thereof, that the participant is less than age 60.

Upon receipt of the application, the Board shall determine the corresponding employee and employer contributions. The annuity shall not be payable under this subsection until both the required contributions have been received by the Fund. However, the date the contributions are received shall not be considered in determining the effective date of retirement.

The number of employees who may retire under this Section in any year may be limited at the option of the District to a specified percentage of those eligible, not lower than 30%, with the right to participate to be allocated among those applying on the basis of seniority in the service of the employer.

An employee who has terminated employment and subsequently re-enters service shall not be entitled to early retirement without discount under this subsection unless the employee continues in service for at least 4 years after re-entry.

(d) Annual increase. Except for employees retiring and receiving a term annuity, an employee who retires on or after July 1, 1985 but before July 12, 2001, the effective date of this amendatory Act of the 92nd General Assembly shall, upon the first payment date following the first anniversary of the date of retirement, have the monthly annuity increased by 3% of the amount of the monthly annuity fixed at the date of retirement. Except for employees retiring and receiving a term annuity, an employee who retires on or after July 12, 2001, the effective date of this amendatory Act of the 92nd General Assembly shall, on the first day of the month in which the first anniversary of the date of retirement occurs, have the monthly annuity increased by 3% of the amount of the monthly annuity fixed at the date of retirement. The monthly annuity shall be increased by an additional 3% on the same date each year thereafter. Beginning January 1, 1993, all annual increases payable under this subsection (or any predecessor provision, regardless of the date of retirement) shall be calculated at the rate of 3% of the monthly annuity payable at the time of the increase, including any increases previously granted under this Article.

Any employee who (i) retired before July 1, 1985 with at least 10 years of creditable

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service, (ii) is receiving a retirement annuity under this Article, other than a term annuity, and (iii) has not received any annual increase under this subsection, shall begin receiving the annual increases provided under this subsection (d) beginning on the next annuity payment date following June 13, effective date of this amendatory Act of 1997.

(e) Minimum retirement annuity. Beginning January 1, 1993, the minimum monthly retirement annuity shall be $500 for any annuitant having at least 10 years of service under this Article, other than a term annuitant or an annuitant who began receiving the annuity before attaining age 60. Any such annuitant who is receiving a monthly annuity of less than $500 shall have the annuity increased to $500 on that date.

Beginning January 1, 1993, the minimum monthly retirement annuity shall be $250 for any annuitant (other than a term or reciprocal annuitant or an annuitant under subsection (d) of Section 13-301) having less than 10 years of service under this Article, and for any annuitant (other than a term annuitant) having at least 10 years of service under this Article who began receiving the annuity before attaining age 60. Any such annuitant who is receiving a monthly annuity of less than $250 shall have the annuity increased to $250 on that date.

Beginning on the first day of the month following the month in which this amendatory Act of the 92nd General Assembly takes effect (and without regard to whether the annuitant was in service on or after that effective date), the minimum monthly retirement annuity for any annuitant having at least 10 years of service, other than an annuitant whose annuity is subject to an early retirement discount, shall be $500 plus $25 for each year of service in excess of 10, not to exceed $750 for an annuitant with 20 or more years of service. In the case of a reciprocal annuity, this minimum shall apply only if the annuitant has at least 10 years of service under this Article, and the amount of the minimum annuity shall be reduced by the sum of all the reciprocal annuities payable to the annuitant by other participating systems under Article 20 of this Code.

Notwithstanding any other provision of this subsection, beginning on the first annuity payment date following July 12, 2001 the effective date of this amendatory Act of the 92nd General Assembly, an employee who retired before August 23, 1989 with at least 10 years of service under this Article but before attaining age 60 (regardless of whether the retirement annuity was subject to an early retirement discount) shall be entitled to the same minimum monthly retirement annuity under this subsection as an employee who retired with at least 10 years of service under this Article and after attaining age 60.

(Source: P.A. 92-53, eff. 7-12-01.)

(40 ILCS 5/13-304) (from Ch. 108 1/2, par. 13-304)
Sec. 13-304. Optional plan of additional benefits and contributions made through December 31, 2002.

(a) While this plan is in effect, an eligible employee may establish additional optional credit for additional benefits by electing in writing at any time to make additional optional contributions. The employee may discontinue making the additional optional contributions at any time by notifying the Fund in writing.

Employees first entering service after June 30, 1997 are not eligible to participate in

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the plan established under this Section.

(b) Additional optional contributions for the additional optional benefits shall be as follows:

(1) For service after the option is elected, an additional contribution of 3% of salary shall be contributed to the Fund on the same basis and under the same conditions as contributions required under Section 13-502.

(2) For service before the option is elected, an additional contribution of 3% of the salary for the applicable period of service, plus interest at the annual rate as shall from time to time be determined by the Board, compounded annually from the date of service to the date of payment. All payments for past service must be paid in full before credit is given. A person who has withdrawn from service may pay the additional contribution for past service at any time within 30 days after withdrawal from service, so long as payment is made in full before the retirement annuity commences. No additional optional contributions may be made for any period of service for which credit has been previously forfeited by acceptance of a refund, unless the refund is repaid in full with interest at the rate specified in Section 13-603, from the date of refund to the date of repayment. Nothing herein may be construed to allow an additional optional contribution to be made on the account of a deceased employee.

(c) Additional optional benefit shall accrue for all periods of eligible service for which additional contributions are paid in full. The additional benefit shall consist of an additional 1% of average final salary for each year of service for which optional contributions have been paid, to be added to the employee's retirement annuity as otherwise computed under this Article. The calculation of these additional benefits shall be subject to the same terms and conditions as are used in the calculation of the retirement annuity under this Article. The additional benefit shall be included in the calculation of the automatic annual increase in annuity under Section 13-302(d), and in the calculation of surviving spouse's annuity where applicable. However, no additional benefits will be granted which produce a total annuity greater than the applicable maximum established for that type of annuity in this Article. The total additional optional benefit that may be received under this Section is 15% of average final salary.

(d) Refunds of additional optional contributions shall be made on the same basis and under the same conditions as provided under Section 13-601.

(e) Optional contributions shall be accounted for in a separate Optional Contribution Reserve.

(f) The tax levy computed under Section 13-503 shall be based on employee contributions including the amount of optional additional employee contributions.

(g) Service eligible under this Section may include only service as an employee as defined in Section 13-204, and subject to Section 13-401 and 13-402. No service granted under Section 13-801 or 13-802 shall be eligible for optional service credit. No optional service credit may be established for any military service, or for any service under any other Article of this Code. Optional service credit may be established for any period of disability

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paid from this Fund, if the employee makes additional optional contributions for such period of disability.

(h) This plan of optional benefits and contributions shall not apply to service prior to withdrawal rendered by any former employee who re-enters service unless such employee renders not less than 36 consecutive months of additional service after the date of re-entry.

(i) The effective date of this optional plan of additional benefits and contributions shall be the date upon which approval was received from the Internal Revenue Service, July 31, 1987.

(j) This plan of additional benefits and contributions shall expire December 31, 2002. No additional contributions may be made after that date, and no additional benefits will accrue after that date.

(k) The maximum optional benefits for current and prior service for which an employee can make contributions in a single year shall be limited to 15 years of service in 1997 and before; 9 years of service in 1998; 6 years of service in 1999; and 3 years of service in 2000, 2001, and 2002. No person may establish additional optional benefits under this Section for more than 15 years of service.

(Source: P.A. 90-12, eff. 6-13-97.)

(40 ILCS 5/13-304.1 new)


(a) While this plan is in effect, an employee may establish optional additional credit toward additional benefits for eligible service by making an irrevocable written election to make additional contributions as authorized in this Section. An employee may begin to make additional contributions under this Section, via payroll deduction, no earlier than the first pay period of the calendar year in which the employee fulfills the 10-year service requirement described in subsection (g). The additional contributions of 4% of salary shall be paid to the Fund on the same basis and under the same conditions as contributions required under Section 13-502.

(b) For service before an irrevocable option is elected, but within the same calendar year, an additional contribution may be made of 4% of the salary for the applicable period of service, plus interest from the date of service to the date of contribution at a rate equal to the higher of 8% per annum or the actuarial investment return assumption used in the Fund's most recent annual actuarial statement. All payments for past service must be paid within the calendar year in which the service was earned; except that a person who has withdrawn from service and is eligible for a retirement annuity under Section 13-301 may pay the additional contribution for past service within the calendar year of withdrawal within the 30 days after withdrawal from service, as long as payment is made in full before the retirement annuity commences and before December 31, 2007. Nothing in this Section may be construed to allow an additional optional contribution to be made on the account of a deceased employee.

(c) The maximum additional benefit for current service for which an employee may make contributions under this Section in a single year is limited to one year of service in
each of 2003, 2004, 2005, 2006, and 2007. The total additional benefit that may be accumulated under this Section, including any additional benefit accumulated under a prior optional benefit plan, is 12% of average final salary at retirement.

The additional benefit shall accrue for all periods of eligible service for which additional contributions have been paid in full in accordance with this Section, subject to the applicable limitations on maximum annuity.

The additional benefit shall consist of an additional 1% of average final salary for each year of service for which optional contributions have been paid, to be added to the employee’s retirement annuity as otherwise computed under this Article. The calculation of these additional benefits shall be subject to the same terms and conditions as are used in the calculation of the retirement annuity under this Article. The additional benefit shall be included in the calculation of the automatic annual increase in annuity under Section 13-302(d) and in the calculation of surviving spouse’s annuity, where applicable. However, no additional benefit may be granted which produces a total annuity greater than the applicable maximum established for that type of annuity in this Article.

(d) Refunds of additional optional contributions made in accordance with the provisions and limitations of this Section shall be made on the same basis and under the same conditions as are provided under Section 13-601. Any refund of contributions that exceed the limits specified in this Section shall be made in accordance with established Fund policy.

(e) The additional contributions shall be accounted for in a separate Optional Contribution Reserve.

(f) The tax levy computed under Section 13-503 shall be based on employee contributions and the amount of optional additional employee contributions, as provided in that Section.

(g) The service eligible for optional additional contributions under this Section is limited to service as an employee as defined in Section 13-204, and subject to Sections 13-401 and 13-402, but excluding service credited under subsections 13-401(a)4 and 13-401(d). Service granted under Section 13-801 or 13-802 is not eligible for optional additional contributions. Eligible service is further limited to service rendered during or after the calendar year in which the employee reaches 10 years of service as defined under Section 13-402, exclusive of any credit under Article 20.

Service eligible for optional additional contributions under this Section includes any period of disability paid from this Fund that would have been eligible service if the employee were in active service rather than disabled. The additional contributions for a period of disability shall be calculated as 4% of the salary that the employee would have received if he or she had been in active service during the applicable period of disability, plus interest at a rate equal to the higher of 8% per annum or the actuarial investment return assumption used in the Fund’s most recent annual actuarial statement, compounded annually, from the date of the service to the date of payment. The contribution must be paid to the Fund no later than 3 months after the employee returns to service from disability, and in any event prior to December 31, 2007.

New matter indicated by italics - deletions by strikeout.
(h) The minimum period for which an employee may make an irrevocable election to make additional contributions shall be 26 consecutive pay periods, unless the employee first accumulates the maximum optional credit as described in subsection (c) of this Section. The maximum period for which an employee may make irrevocable elections for additional contributions shall be from the date of election through the last pay period eligible for contributions under this Section.

(i) This plan of additional benefits and contributions expires on December 31, 2007. No additional contributions may be made after that date, and no additional benefits will accrue after that date.

(40 ILCS 5/13-502) (from Ch. 108 1/2, par. 13-502)

Sec. 13-502. Employee contributions; deductions from salary.

(a) Retirement annuity and child's annuity. There shall be deducted from each payment of salary an amount equal to 7 1/2% of salary as the employee's contribution for the retirement annuity, including annual increases therefore and child's annuity.

(b) Surviving spouse's annuity. There shall be deducted from each payment of salary an amount equal to 1 1/2% of salary as the employee's contribution for the surviving spouse's annuity and annual increases therefor.

(c) Pickup of employee contributions. The Employer may pick up employee contributions required under subsections (a) and (b) of this Section. If contributions are picked up they shall be treated as Employer contributions in determining tax treatment under the United States Internal Revenue Code, and shall not be included as gross income of the employee until such time as they are distributed. The Employer shall pay these employee contributions from the same source of funds used in paying salary to the employee. The Employer may pick up these contributions by a reduction in the cash salary of the employee or by an offset against a future salary increase or by a combination of a reduction in salary and offset against a future salary increase. If employee contributions are picked up they shall be treated for all purposes of this Article 13, including Sections 13-503 and 13-601, in the same manner and to the same extent as employee contributions made prior to the date picked up.

(d) Subject to the requirements of federal law, the Employer shall pick up optional contributions that the employee has elected to pay to the Fund under Section 13-304.1, and the contributions so picked up shall be treated as employer contributions for the purposes of determining federal tax treatment. The Employer shall pick up the contributions by a reduction in the cash salary of the employee and shall pay the contributions from the same fund that is used to pay earnings to the employee. The Employer shall, however, continue to withhold federal and State income taxes based upon contributions made under Section 13-304.1 until the Internal Revenue Service or the federal courts rule that pursuant to Section 414(h) of the U.S. Internal Revenue Code of 1986, as amended, these contributions shall not be included as gross income of the employee until such time as they are distributed or made available.

(e) Each employee is deemed to consent and agree to the deductions from compensation provided for in this Article.

New matter indicated by italics - deletions by strikeout.
Sec. 13-503. Tax levy. The Water Reclamation District shall annually levy a tax upon all the taxable real property within the District at a rate which, when extended, will produce a sum that (i) when added to the amounts deducted from the salaries of employees, interest income on investments, and other income, will be sufficient to meet the requirements of the Fund on an actuarially funded basis, but (ii) shall not exceed an amount equal to the total amount of contributions by the employees to the Fund made in the calendar year 2 years prior to the year for which the tax is levied, multiplied by 2.19, except that the amount of employee contributions made on or after January 1, 2003 towards the purchase of additional optional benefits under Section 13-304.1 shall only be multiplied by 1.00. The tax shall be levied and collected in the same manner as the general taxes of the District.

The tax shall be exclusive of and in addition to the amount of tax the District is now or may hereafter be authorized to levy for general purposes under the Metropolitan Water Reclamation District Act or under any other laws which may limit the amount of tax for general purposes. The county clerk of any county, in reducing tax levies as may be authorized by law, shall not consider any such tax as a part of the general tax levy for District purposes, and shall not include the same in any limitation of the percent of the assessed valuation upon which taxes are required to be extended.

Revenues derived from the tax shall be paid to the Fund for the benefit of the Fund. If the funds available for the purposes of this Article are insufficient during any year to meet the requirements of this Article, the District may issue tax anticipation warrants or notes, as provided by law, against the current tax levy.

The Board shall submit annually to the Board of Commissioners of the District an estimate of the amount required to be raised by taxation for the purposes of the Fund. The Board of Commissioners shall review the estimate and determine the tax to be levied for such purposes.

Sec. 14-105.7. Transfer to Article 9 fund.

(a) Until July 1, 2003 1998, any active or inactive member of the System who has established creditable service under paragraph (i) of Section 14-104 (relating to contractual service to the General Assembly) and is an active or former contributor to the pension fund established under Article 9 of this Code may apply to the Board for transfer of all of his or her creditable service accumulated under this System to the Article 9 fund. The creditable service shall be transferred forthwith. Payment by this System to the Article 9 fund shall be made at the same time and shall consist of:

(1) the amounts accumulated to the credit of the applicant for that service, including regular interest, on the books of the System on the date of transfer; plus
(2) employer contributions in an amount equal to the amount determined under item (1).

Participation in this System as to the credits transferred under this Section terminates on the
date of transfer.

(b) Any person transferring credit under this Section may reinstate credits and creditable service terminated upon receipt of a refund, by paying to the System, before July 1, 2003, the amount of the refund plus regular interest from the date of refund to the date of payment.

(c) The changes to this Section and Section 9-121.15 made by this amendatory Act of the 92nd General Assembly apply without regard to whether the person is in active service, under this System or the Article 9 Fund, on or after the effective date of this amendatory Act.

(Source: P.A. 90-511, eff. 8-22-97.)

(40 ILCS 5/15-112) (from Ch. 108 1/2, par. 15-112)

Sec. 15-112. Final rate of earnings. "Final rate of earnings": For an employee who is paid on an hourly basis or who receives an annual salary in installments during 12 months of each academic year, the average annual earnings during the 48 consecutive calendar month period ending with the last day of final termination of employment or the 4 consecutive academic years of service in which the employee’s earnings were the highest, whichever is greater. For any other employee, the average annual earnings during the 4 consecutive academic years of service in which his or her earnings were the highest. For an employee with less than 48 months or 4 consecutive academic years of service, the average earnings during his or her entire period of service. The earnings of an employee with more than 36 months of service prior to the date of becoming a participant are, for such period, considered equal to the average earnings during the last 36 months of such service. For an employee on leave of absence with pay, or on leave of absence without pay who makes contributions during such leave, earnings are assumed to be equal to the basic compensation on the date the leave began. For an employee on disability leave, earnings are assumed to be equal to the basic compensation on the date disability occurs or the average earnings during the 24 months immediately preceding the month in which disability occurs, whichever is greater.

For a participant who retires on or after the effective date of this amendatory Act of 1997 with at least 20 years of service as a firefighter or police officer under this Article, the final rate of earnings shall be the annual rate of earnings received by the participant on his or her last day as a firefighter or police officer under this Article, if that is greater than the final rate of earnings as calculated under the other provisions of this Section.

If a participant is an employee for at least 6 months during the academic year in which his or her employment is terminated, the annual final rate of earnings shall be 25% of the sum of (1) the annual basic compensation for that year, and (2) the amount earned during the 36 months immediately preceding that year, if this is greater than the final rate of earnings as calculated under the other provisions of this Section.

In the determination of the final rate of earnings for an employee, that part of an employee's earnings for any academic year beginning after June 30, 1997, which exceeds the employee's earnings with that employer for the preceding year by more than 20 percent shall be excluded; in the event that an employee has more than one employer this limitation shall be calculated separately for the earnings with each employer. In making such calculation,
only the basic compensation of employees shall be considered, without regard to vacation or overtime or to contracts for summer employment.

The following are not considered as earnings in determining final rate of earnings: severance or separation pay, retirement pay, payment for in lieu of unused sick leave and payments from an employer for the period used in determining final rate of earnings for any purpose other than services rendered, leave of absence or vacation granted during that period, and vacation of up to 56 work days allowed upon termination of employment; except that, if the benefit has been collectively bargained between the employer and the recognized collective bargaining agent pursuant to the Illinois Educational Labor Relations Act, payment received during a period of up to 2 academic years for unused sick leave may be considered as earnings in accordance with the applicable collective bargaining agreement, subject to the 20% increase limitation of this Section. Any unused sick leave considered as earnings under this Section shall not be taken into account in calculating service credit under Section 15-113.4.

Intermittent periods of service shall be considered as consecutive in determining final rate of earnings.

(40 ILCS 5/17-106) (from Ch. 108 1/2, par. 17-106)

Sec. 17-106. Contributor, member or teacher. "Contributor", "member" or "teacher": All members of the teaching force of the city, including principals, assistant principals, the general superintendent of schools, deputy superintendents of schools, associate superintendents of schools, assistant and district superintendents of schools, members of the Board of Examiners, all other persons whose employment requires a teaching certificate issued under the laws governing the certification of teachers, any educational, administrative, professional, or other staff employed in a charter school operating in compliance with the Charter Schools Law who is certified under the law governing the certification of teachers, and employees of the Board, but excluding persons contributing concurrently to any other public employee pension system in Illinois for the same employment or receiving retirement pensions under another Article of this Code for that same employment, persons employed on an hourly basis, and persons receiving pensions from the Fund who are employed temporarily by an Employer for 150 days or less in any school year and not on an annual basis.

In the case of a person who has been making contributions and otherwise participating in this Fund prior to the effective date of this amendatory Act of the 91st General Assembly, and whose right to participate in the Fund is established or confirmed by this amendatory Act, such prior participation in the Fund, including all contributions previously made and service credits previously earned by the person, are hereby validated.

The changes made to this Section and Section 17-149 by this amendatory Act of the 92nd General Assembly apply without regard to whether the person was in service on or after the effective date of this amendatory Act, notwithstanding Sections 1-103.1 and 17-157.

(40 ILCS 5/17-119.1)
Sec. 17-119.1. Optional increase in retirement annuity.

(a) A member of the Fund may qualify for the augmented rate under subdivision (b)(3) of Section 17-116 for all years of creditable service earned before July 1, 1998 by making the optional contribution specified in subsection (b); except that a member who retires on or after July 1, 1998 with at least 30 years of creditable service at retirement qualifies for the augmented rate without making any contribution under subsection (b). Any member who retires on or after July 1, 1998 and before the effective date of this amendatory Act of the 92nd General Assembly with at least 30 years of creditable service shall be paid a lump sum equal to the amount he or she would have received under the augmented rate minus the amount he or she actually received. A member may not elect to qualify for the augmented rate for only a portion of his or her creditable service earned before July 1, 1998.

(b) The contribution shall be an amount equal to 1.0% of the member's highest salary rate in the 4 consecutive school years immediately prior to but not including the school year in which the application occurs, multiplied by the number of years of creditable service earned by the member before July 1, 1998 or 20, whichever is less. This contribution shall be reduced by 1.0% of that salary rate for every 3 full years of creditable service earned by the member after June 30, 1998. The contribution shall be further reduced at the rate of 25% of the contribution (as reduced for service after June 30, 1998) for each year of the member's total creditable service in excess of 34 years. The contribution shall not in any event exceed 20% of that salary rate.

The member shall pay to the Fund the amount of the contribution as calculated at the time of application under this Section. The amount of the contribution determined under this subsection shall be recalculated at the time of retirement, and if the Fund determines that the amount paid by the member exceeds the recalculated amount, the Fund shall refund the difference to the member with regular interest from the date of payment to the date of refund.

The contribution required by this subsection shall be paid in one of the following ways or in a combination of the following ways that does not extend over more than 5 years:

(i) in a lump sum on or before the date of retirement;
(ii) in substantially equal installments over a period of time not to exceed 5 years, as a deduction from salary in accordance with Section 17-130.2;
(iii) if the member becomes an annuitant before June 30, 2003; in substantially equal monthly installments over a 24-month period, by a deduction from the annuitant's monthly benefit.

(c) If the member fails to make the full contribution under this Section in a timely fashion, the payments made under this Section shall be refunded to the member, without interest. If the member (including a member who has become an annuitant) dies before making the full contribution, the payments made under this Section shall be refunded to the member's designated beneficiary if there is no survivor's or children's pension benefit payable. If there is a survivor's or children's benefit payable, then all payments made under this Section shall be retained by the Fund and all such survivor's or children's benefits payable shall be calculated as if all contributions required under this Section have been paid in full.

New matter indicated by italics - deletions by strikeout.
(d) For purposes of this Section and subsection (b) of Section 17-116, optional creditable service established by a member shall be deemed to have been earned at the time of the employment or other qualifying event upon which the service is based, rather than at the time the credit was established in this Fund.

(e) The contributions required under this Section are the responsibility of the teacher and not the teacher's employer. However, an employer of teachers may, after the effective date of this amendatory Act of 1998, specifically agree, through collective bargaining or otherwise, to make the contributions required by this Section on behalf of those teachers.

(Source: P.A. 91-17, eff. 6-4-99; 92-416, eff. 8-17-01; revised 10-4-01.)

(40 ILCS 5/17-121) (from Ch. 108 1/2, par. 17-121)
Sec. 17-121. Survivor's and Children's pensions - Eligibility.

(a) A surviving spouse of a teacher shall be entitled to a survivor's pension only if the surviving spouse was married to the teacher contributor for at least one year immediately prior to the teacher's death or retirement, whichever first occurs, and also on the date of the last termination of his service.

The changes made to this subsection (a) by this amendatory Act of the 92nd General Assembly apply (i) only to the surviving spouse of a person who dies on or after the effective date of this amendatory Act, and only if the amount of any refund of contributions for survivor's pension is repaid with interest in accordance with subsection (f), and (ii) notwithstanding Section 17-157 and without regard to whether the deceased person was in service on or after the effective date of this amendatory Act.

(b) If the surviving spouse is under age 50 and there are no eligible minor children born to or legally adopted by the contributor and his or her surviving spouse, payment of the survivor's pension shall begin when the surviving spouse attains age 50.

(c) Beginning January 1, 2003, the remarriage of a surviving spouse at any age does not terminate his or her survivor's pension.

A surviving spouse whose survivor's pension (or expectation of a survivor's pension upon attainment of age 50) was terminated before January 1, 2003 due to remarriage and who applies for reinstatement of that pension and repays the amount of any refund of contributions for survivor's pension with interest in accordance with subsection (f) shall be entitled to have the survivor's pension (or expectation of a survivor's pension upon attainment of age 50) reinstated. The reinstated pension shall begin to accrue on the first day of the month following the month in which the application and repayment, if any, are received by the Fund, but in no event sooner than January 1, 2003 and, if subsection (b) applies, no sooner than upon attainment of age 50. The reinstated pension shall include any one-time or annual increases in the survivor's pension received prior to the date of termination, but not any increases that would otherwise have accrued from the date of termination to the date of reinstatement.

This subsection (c) applies notwithstanding Section 17-157 and without regard to whether the deceased teacher was in service on or after the effective date of this amendatory Act of the 92nd General Assembly.

(d) Except as provided in subsection (c), remarriage of the surviving spouse prior to
September 1, 1983 while in receipt of a survivor's pension shall permanently terminate payment thereof, regardless of any subsequent change in marital status; however, beginning September 1, 1983, remarriage of a surviving spouse after attainment of age 55 shall not terminate the survivor's pension.

A surviving spouse whose pension was terminated on or after September 1, 1983 due to remarriage after attainment of age 55, and who applies for reinstatement of that pension before January 1, 1990, shall be entitled to have the pension reinstated effective January 1, 1990.

(e) A surviving spouse of a member or annuitant under this Fund who is also a dependent beneficiary under the provisions of Section 16-140 is eligible for a reciprocal survivor's pension, provided that any refund of survivor's pension contributions is repaid to the Fund and application is made within 30 days after the effective date of this amendatory Act of the 92nd General Assembly.

(f) If a refund of contributions for survivor's pension has been paid, a person choosing to establish or reestablish the right to receive a survivor's pension pursuant to the changes made to this Section by this amendatory Act of the 92nd General Assembly must first repay to the Fund the amount of the refund of contributions for survivor's pension, together with interest thereon at the rate of 5% per year, compounded annually, from the date of the refund to the date of repayment.

(40 ILCS 5/17-134) (from Ch. 108 1/2, par. 17-134)

Sec. 17-134. Contributions for leaves of absence; military service; computing service. In computing service for pension purposes the following periods of service shall stand in lieu of a like number of years of teaching service upon payment therefor in the manner hereinafter provided: (a) time spent on a leave sabbatical leaves of absence granted by the employer; sick leaves or maternity or paternity leaves; (b) service with teacher or labor organizations based upon special leaves of absence therefor granted by an Employer; (c) a maximum of 5 years spent in the military service of the United States, of which up to 2 years may have been served outside the pension period; (d) unused sick days at termination of service to a maximum of 244 days; (e) time lost due to layoff and curtailment of the school term from June 6 through June 21, 1976; and (f) time spent after June 30, 1982 as a member of the Board of Education, if required to resign from an administrative or teaching position in order to qualify as a member of the Board of Education.

(1) For time spent on or after September 6, 1948 on sabbatical leaves of absence or sick leaves, for which salaries are paid, an Employer shall make payroll deductions at the applicable rates in effect during such periods.

(2) For time spent on a leave of absence granted by the employer sabbatical or sick leaves commencing on or after September 1, 1961, and for time spent on maternity or paternity leaves; for which no salaries are paid, teachers desiring credit therefor shall pay the required contributions at the rates in effect during such periods as though they were in teaching service. If an Employer pays salary for vacations which occur during a teacher's sick leave or maternity or paternity leave without

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salary, vacation pay for which the teacher would have qualified while in active service shall be considered part of the teacher's total salary for pension purposes. No more than 36 1/2 months of sick leave or maternity or paternity leave credit may be allowed any person during the entire term of service. Sabbatical leave credit shall be limited to the time the person on leave without salary under an Employer's rules is allowed to engage in an activity for which he receives salary or compensation.

(3) For time spent prior to September 6, 1948, on sabbatical leaves of absence or sick leaves for which salaries were paid, teachers desiring service credit therefor shall pay the required contributions at the maximum applicable rates in effect during such periods.

(4) For service with teacher or labor organizations authorized by special leaves of absence, for which no payroll deductions are made by an Employer, teachers desiring service credit therefor shall contribute to the Fund upon the basis of the actual salary received from such organizations at the percentage rates in effect during such periods for certified positions with such Employer. To the extent the actual salary exceeds the regular salary, which shall be defined as the salary rate, as calculated by the Board, in effect for the teacher's regular position in teaching service on September 1, 1983 or on the effective date of the leave with the organization, whichever is later, the organization shall pay to the Fund the employer's normal cost as set by the Board on the increment.

(5) For time spent in the military service, teachers entitled to and desiring credit therefor shall contribute the amount required for each year of service or fraction thereof at the rates in force (a) at the date of appointment, or (b) on return to teaching service as a regularly certified teacher, as the case may be; provided such rates shall not be less than $450 per year of service. These conditions shall apply unless an Employer elects to and does pay into the Fund the amount which would have been due from such person had he been employed as a teacher during such time. In the case of credit for military service not during the pension period, the teacher must also pay to the Fund an amount determined by the Board to be equal to the employer's normal cost of the benefits accrued from such service, plus interest thereon at 5% per year, compounded annually, from the date of appointment to the date of payment.

The changes to this Section made by Public Act 87-795 shall apply not only to persons who on or after its effective date are in service under the Fund, but also to persons whose status as a teacher terminated prior to that date, whether or not the person is an annuitant on that date. In the case of an annuitant who applies for credit allowable under this Section for a period of military service that did not immediately follow employment, and who has made the required contributions for such credit, the annuity shall be recalculated to include the additional service credit, with the increase taking effect on the date the Fund received written notification of the annuitant's intent to purchase the credit, if payment of all the required contributions is made within 60 days of such notice, or else on the first annuity payment date following the
date of payment of the required contributions. In calculating the automatic annual increase for an annuity that has been recalculated under this Section, the increase attributable to the additional service allowable under this amendatory Act of 1991 shall be included in the calculation of automatic annual increases accruing after the effective date of the recalculation.

The total credit for military service shall not exceed 5 years, except that any teacher who on July 1, 1963, had validated credit for more than 5 years of military service shall be entitled to the total amount of such credit.

(6) A maximum of 244 unused sick days credited to his account by an Employer on the date of termination of employment. Members, upon verification of unused sick days, may add this service time to total creditable service.

(7) In all cases where time spent on leave is creditable and no payroll deductions therefor are made by an Employer, persons desiring service credit shall make the required contributions directly to the Fund.

(8) For time lost without pay due to layoff and curtailment of the school term from June 6 through June 21, 1976, as provided in item (e) of the first paragraph of this Section, persons who were contributors on the days immediately preceding such layoff shall receive credit upon paying to the Fund a contribution based on the rates of compensation and employee contributions in effect at the time of such layoff, together with an additional amount equal to 12.2% of the compensation computed for such period of layoff, plus interest on the entire amount at 5% per annum from January 1, 1978 to the date of payment. If such contribution is paid, salary for pension purposes for any year in which such a layoff occurred shall include the compensation recognized for purposes of computing that contribution.

(9) For time spent after June 30, 1982, as a nonsalaried member of the Board of Education, if required to resign from an administrative or teaching position in order to qualify as a member of the Board of Education, an administrator or teacher desiring credit therefor shall pay the required contributions at the rates and salaries in effect during such periods as though the member were in service.

Effective September 1, 1974, the interest charged for validation of service described in paragraphs (2) through (5) of this Section shall be compounded annually at a rate of 5% commencing one year after the termination of the leave or return to service.

(Source: P.A. 90-32, eff. 6-27-97; 90-566, eff. 1-2-98.)

(40 ILCS 5/17-149) (from Ch. 108 1/2, par. 17-149)
Sec. 17-149. Cancellation of pensions.

(a) If any person receiving a service or disability retirement pension from the Fund is re-employed as a teacher by an Employer, the pension shall be cancelled on the date the re-employment begins, or on the first day of a payroll period for which service credit was validated, whichever is earlier.

(b) If any person receiving a service retirement pension from the Fund is re-employed as a teacher on a permanent or annual basis by an Employer, the pension shall be cancelled on the date the re-employment begins, or on the first day of a payroll period for which

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service credit was validated, whichever is earlier. However, the pension shall not be
cancelled in the case of a service retirement pensioner who is temporarily re-employed on
a temporary and non-annual basis for not more than 150 days during any school year or on
an hourly basis. provided the pensioner does not receive salary in any school year of an
amount more than that payable to a substitute teacher for 150 days' employment. A service
retirement pensioner who is temporarily re-employed for not more than 150 days during any
school year or on an hourly basis shall be entitled, at the end of the school year, to a refund
of any contributions made to the Fund during that school year.

If the pensioner does receive salary from an Employer in any school year for more
than 150 days' employment, the pensioner shall be deemed to have returned to service on the
first day of employment as a pensioner substitute. The pensioner shall reimburse the Fund
for pension payments received after the return to service and shall pay to the Fund the
participant's contributions prescribed in Section 17-130 of this Article:

(c) If the date of re-employment on a permanent or annual basis occurs within 5
school months after the date of previous retirement, exclusive of any vacation period, the
member shall be deemed to have been out of service only temporarily and not permanently
retired. Such person shall be entitled to pension payments for the time he could have been
employed as a teacher and received salary, but shall not be entitled to pension for or during
the summer vacation prior to his return to service.

When the member again retires on pension, the time of service and the money
contributed by him during re-employment shall be added to the time and money previously
credited. Such person must acquire 3 consecutive years of additional contributing service
before he may retire again on a pension at a rate and under conditions other than those in
force or attained at the time of his previous retirement.

(d) Notwithstanding Sections 1-103.1 and 17-157, the changes to this Section made
by Public this amendatory Act 90-32 of 1997 shall apply without regard to whether
termination of service occurred before the effective date of that this amendatory Act and
shall apply retroactively to August 23, 1989.

Notwithstanding Sections 1-103.1 and 17-157, the changes to this Section and
Section 17-106 made by this amendatory Act of the 92nd General Assembly apply without
regard to whether termination of service occurred before the effective date of this
amendatory Act.

(Source: P.A. 92-416, eff. 8-17-01.)

Section 90. The State Mandates Act is amended by adding Section 8.26 as follows:
(30 ILCS 805/8.26 new)
Sec. 8.26. Exempt mandate. Notwithstanding Sections 6 and 8 of this Act, no
reimbursement by the State is required for the implementation of any mandate created by
this amendatory Act of the 92nd General Assembly.

Section 99. Effective date. This Act takes effect upon becoming law.
Passed in the General Assembly June 1, 2002.
Approved June 28, 2002.
Effective June 28, 2002.

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AN ACT in relation to State government.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Article 1

Section 1-1. Short title. This Act may be cited as the FY2003 Budget Implementation (State Finance) Act.

Section 1-5. Purpose. It is the purpose of this Act to make changes relating to State finance that are necessary to implement the State's FY2003 budget.

Article 5

Section 5-5. The State Employees Group Insurance Act of 1971 is amended by changing Section 8 as follows:

(5 ILCS 375/8) (from Ch. 127, par. 528)
Sec. 8. Eligibility.
(a) Each member eligible under the provisions of this Act and any rules and regulations promulgated and adopted hereunder by the Director shall become immediately eligible and covered for all benefits available under the programs. Members electing coverage for eligible dependents shall have the coverage effective immediately, provided that the election is properly filed in accordance with required filing dates and procedures specified by the Director.

1. Every member originally eligible to elect dependent coverage, but not electing it during the original eligibility period, may subsequently obtain dependent coverage only in the event of a qualifying change in status, special enrollment, special circumstance as defined by the Director, or during the annual Benefit Choice Period.

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

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

(b) New employees shall be immediately insured for the basic group life insurance and covered by the program of health benefits on the first day of active State service. Optional coverages or benefits, if elected during the relevant eligibility period, will become effective on the date of employment. Optional coverages or benefits applied for after the eligibility period will be effective, subject to satisfactory evidence of insurability when

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applicable, or other necessary qualifications, pursuant to the requirements of the applicable benefit program, unless there is a change in status that would confer new eligibility for change of enrollment under rules established supplementing this Act, in which event application must be made within the new eligibility period.

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

Where husband and wife are both eligible members, each shall be enrolled as a member and coverage on their eligible dependent children, if any, may be under the enrollment and election of either.

Regardless of other provisions herein regarding late enrollment or other qualifications, as appropriate, the Director may periodically authorize open enrollment periods for each of the benefit programs at which time each member may elect enrollment or change of enrollment without regard to age, sex, health, or other qualification under the conditions as may be prescribed in rules and regulations supplementing this Act. Special open enrollment periods may be declared by the Director for certain members only when special circumstances occur that affect only those members.

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

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

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

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

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

(Source: P.A. 91-390, eff. 7-30-99.)

Section 5-10. The State Finance Act is amended by changing Sections 6z-45, 8.3, 8g,
and 13.2 and by adding Sections 5.570, 5.571, 6z-57, 6z-58, and 8.41 as follows:

(30 ILCS 105/5.570 new)
Sec. 5.570. The Presidential Library and Museum Operating Fund.

(30 ILCS 105/5.571 new)
Sec. 5.571. The Family Care Fund.

(30 ILCS 105/6z-45)
Sec. 6z-45. The School Infrastructure Fund.

(a) The School Infrastructure Fund is created as a special fund in the State Treasury.

In addition to any other deposits authorized by law, beginning January 1, 2000, on the first day of each month, or as soon thereafter as may be practical, the State Treasurer and State Comptroller shall transfer the sum of $5,000,000 from the General Revenue Fund to the School Infrastructure Fund; provided, however, that no such transfers shall be made from July 1, 2001 through June 30, 2002.

(b) Subject to the transfer provisions set forth below, money in the School Infrastructure Fund shall, if and when the State of Illinois incurs any bonded indebtedness for the construction of school improvements under the School Construction Law, be set aside and used for the purpose of paying and discharging annually the principal and interest on that bonded indebtedness then due and payable, and for no other purpose.

In addition to other transfers to the General Obligation Bond Retirement and Interest Fund made pursuant to Section 15 of the General Obligation Bond Act, upon each delivery of bonds issued for construction of school improvements under the School Construction Law, the State Comptroller shall compute and certify to the State Treasurer the total amount of principal of, interest on, and premium, if any, on such bonds during the then current and each succeeding fiscal year.

On or before the last day of each month, the State Treasurer and State Comptroller shall transfer from the School Infrastructure Fund to the General Obligation Bond Retirement and Interest Fund an amount sufficient to pay the aggregate of the principal of, interest on, and premium, if any, on the bonds payable on their next payment date, divided by the number of monthly transfers occurring between the last previous payment date (or the delivery date if no payment date has yet occurred) and the next succeeding payment date.

(c) The surplus, if any, in the School Infrastructure Fund after the payment of principal and interest on that bonded indebtedness then annually due shall, subject to appropriation, be used as follows:

First - to make 3 payments to the School Technology Revolving Loan Fund as follows:

Transfer of $30,000,000 in fiscal year 1999;
Transfer of $20,000,000 in fiscal year 2000; and
Transfer of $10,000,000 in fiscal year 2001.

Second - to pay the expenses of the State Board of Education and the Capital Development Board in administering programs under the School Construction Law, the total expenses not to exceed $1,200,000 in any fiscal year.

Third - to pay any amounts due for grants for school construction projects and debt

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service under the School Construction Law.

Fourth - to pay any amounts due for grants for school maintenance projects under the School Construction Law.

(Source: P.A. 91-38, eff. 6-15-99; 91-711, eff. 7-1-00; 92-11, eff. 6-11-01.)

(30 ILCS 105/6z-57 new)

Sec. 6z-57. The Presidential Library and Museum Operating Fund.

(a) There is created in the State treasury a special fund to be known as the 
President Library and Museum Operating Fund. All moneys received by the Abraham
Lincoln Presidential Library and Museum from admission fees, retail sales, and registration
fees from conferences and other educational programs shall be deposited into the Fund. In
addition, money shall be deposited into the Fund as provided by law.

(b) Money in the Fund may be used, subject to appropriation, for the operational
support of the Abraham Lincoln Presidential Library and Museum and for programs related
to the Presidential Library and Museum at public institutions of higher education.

(30 ILCS 105/6z-58 new)

Sec. 6z-58. The Family Care Fund.

(a) There is created in the State treasury the Family Care Fund. Interest earned by
the Fund shall be credited to the Fund.

(b) The Fund is created solely for the purposes of receiving, investing, and
distributing moneys in accordance with an approved waiver under the Social Security Act
resulting from the Family Care waiver request submitted by the Illinois Department of
Public Aid on February 15, 2002. The Fund shall consist of:

1. All federal financial participation moneys received pursuant to the
   approved waiver; and

2. All other moneys received by the Fund from any source, including interest
   thereon.

(c) Subject to appropriation, the moneys in the Fund shall be disbursed for
reimbursement of medical services and other costs associated with persons receiving such
services under the waiver due to their relationship with children receiving medical services
pursuant to Article V of the Illinois Public Aid Code or the Children's Health Insurance
Program Act.

(30 ILCS 105/8.3) (from Ch. 127, par. 144.3)

Sec. 8.3. Money in the Road Fund shall, if and when the State of Illinois incurs any
bonded indebtedness for the construction of permanent highways, be set aside and used for
the purpose of paying and discharging annually the principal and interest on that bonded
indebtedness then due and payable, and for no other purpose. The surplus, if any, in the Road
Fund after the payment of principal and interest on that bonded indebtedness then annually
due shall be used as follows:

1. first -- to pay the cost of administration of Chapters 2 through 10 of the
   Illinois Vehicle Code, except the cost of administration of Articles I and II of Chapter
   3 of that Code; and

2. secondly -- for expenses of the Department of Transportation for construction,

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reconstruction, improvement, repair, maintenance, operation, and administration of highways in accordance with the provisions of laws relating thereto, or for any purpose related or incident to and connected therewith, including the separation of grades of those highways with railroads and with highways and including the payment of awards made by the Industrial Commission under the terms of the Workers' Compensation Act or Workers' Occupational Diseases Act for injury or death of an employee of the Division of Highways in the Department of Transportation; or for the acquisition of land and the erection of buildings for highway purposes, including the acquisition of highway right-of-way or for investigations to determine the reasonably anticipated future highway needs; or for making of surveys, plans, specifications and estimates for and in the construction and maintenance of flight strips and of highways necessary to provide access to military and naval reservations, to defense industries and defense-industry sites, and to the sources of raw materials and for replacing existing highways and highway connections shut off from general public use at military and naval sites, or for the purchase of right-of-way, except that the State shall be reimbursed in full for any expense incurred in building the flight strips; or for the operating and maintaining of highway garages; or for patrolling and policing the public highways and conserving the peace; or for any of those purposes or any other purpose that may be provided by law.

Appropriations for any of those purposes are payable from the Road Fund. Appropriations may also be made from the Road Fund for the administrative expenses of any State agency that are related to motor vehicles or arise from the use of motor vehicles.

Beginning with fiscal year 1980 and thereafter, no Road Fund monies shall be appropriated to the following Departments or agencies of State government for administration, grants, or operations; but this limitation is not a restriction upon appropriating for those purposes any Road Fund monies that are eligible for federal reimbursement:

1. Department of Public Health;
2. Department of Transportation, only with respect to subsidies for one-half fare Student Transportation and Reduced Fare for Elderly;
3. Department of Central Management Services, except for expenditures incurred for group insurance premiums of appropriate personnel;

Beginning with fiscal year 1981 and thereafter, no Road Fund monies shall be appropriated to the following Departments or agencies of State government for administration, grants, or operations; but this limitation is not a restriction upon appropriating for those purposes any Road Fund monies that are eligible for federal reimbursement:

1. Department of State Police, except for expenditures with respect to the Division of Operations;
2. Department of Transportation, only with respect to Intercity Rail Subsidies

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and Rail Freight Services.

Beginning with fiscal year 1982 and thereafter, no Road Fund monies shall be appropriated to the following Departments or agencies of State government for administration, grants, or operations; but this limitation is not a restriction upon appropriating for those purposes any Road Fund monies that are eligible for federal reimbursement: Department of Central Management Services, except for awards made by the Industrial Commission under the terms of the Workers' Compensation Act or Workers' Occupational Diseases Act for injury or death of an employee of the Division of Highways in the Department of Transportation.

Beginning with fiscal year 1984 and thereafter, no Road Fund monies shall be appropriated to the following Departments or agencies of State government for administration, grants, or operations; but this limitation is not a restriction upon appropriating for those purposes any Road Fund monies that are eligible for federal reimbursement:

1. Department of State Police, except not more than 40% of the funds appropriated for the Division of Operations;
   2. State Officers.

Beginning with fiscal year 1984 and thereafter, no Road Fund monies shall be appropriated to any Department or agency of State government for administration, grants, or operations except as provided hereafter; but this limitation is not a restriction upon appropriating for those purposes any Road Fund monies that are eligible for federal reimbursement. It shall not be lawful to circumvent the above appropriation limitations by governmental reorganization or other methods. Appropriations shall be made from the Road Fund only in accordance with the provisions of this Section.

Money in the Road Fund shall, if and when the State of Illinois incurs any bonded indebtedness for the construction of permanent highways, be set aside and used for the purpose of paying and discharging during each fiscal year the principal and interest on that bonded indebtedness as it becomes due and payable as provided in the Transportation Bond Act, and for no other purpose. The surplus, if any, in the Road Fund after the payment of principal and interest on that bonded indebtedness then annually due shall be used as follows:

first -- to pay the cost of administration of Chapters 2 through 10 of the Illinois Vehicle Code; and

secondly -- no Road Fund monies derived from fees, excises, or license taxes relating to registration, operation and use of vehicles on public highways or to fuels used for the propulsion of those vehicles, shall be appropriated or expended other than for costs of administering the laws imposing those fees, excises, and license taxes, statutory refunds and adjustments allowed thereunder, administrative costs of the Department of Transportation, payment of debts and liabilities incurred in construction and reconstruction of public highways and bridges, acquisition of rights-of-way for and the cost of construction, reconstruction, maintenance, repair, and operation of public highways and bridges under the direction and supervision of the State, political subdivision, or municipality collecting those monies, and the costs

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for patrolling and policing the public highways (by State, political subdivision, or municipality collecting that money) for enforcement of traffic laws. The separation of grades of such highways with railroads and costs associated with protection of at-grade highway and railroad crossing shall also be permissible.

Appropriations for any of such purposes are payable from the Road Fund or the Grade Crossing Protection Fund as provided in Section 8 of the Motor Fuel Tax Law.

Except as provided in this paragraph, beginning with fiscal year 1991 and thereafter, no Road Fund monies shall be appropriated to the Department of State Police for the purposes of this Section in excess of its total fiscal year 1990 Road Fund appropriations for those purposes unless otherwise provided in Section 5g of this Act. For fiscal year 2003 only, no Road Fund monies shall be appropriated to the Department of State Police for the purposes of this Section in excess of $97,310,000. It shall not be lawful to circumvent this limitation on appropriations by governmental reorganization or other methods unless otherwise provided in Section 5g of this Act.

In fiscal year 1994, no Road Fund monies shall be appropriated to the Secretary of State for the purposes of this Section in excess of the total fiscal year 1991 Road Fund appropriations to the Secretary of State for those purposes, plus $9,800,000. It shall not be lawful to circumvent this limitation on appropriations by governmental reorganization or other method.

Beginning with fiscal year 1995 and thereafter, no Road Fund monies shall be appropriated to the Secretary of State for the purposes of this Section in excess of the total fiscal year 1994 Road Fund appropriations to the Secretary of State for those purposes. It shall not be lawful to circumvent this limitation on appropriations by governmental reorganization or other methods.

Beginning with fiscal year 2000, total Road Fund appropriations to the Secretary of State for the purposes of this Section shall not exceed the amounts specified for the following fiscal years:

- Fiscal Year 2000: $80,500,000
- Fiscal Year 2001: $80,500,000
- Fiscal Year 2002: $80,500,000
- Fiscal Year 2003: $130,500,000
- Fiscal Year 2004 and each year thereafter: $30,500,000

It shall not be lawful to circumvent this limitation on appropriations by governmental reorganization or other methods.

No new program may be initiated in fiscal year 1991 and thereafter that is not consistent with the limitations imposed by this Section for fiscal year 1984 and thereafter, insofar as appropriation of Road Fund monies is concerned.

Nothing in this Section prohibits transfers from the Road Fund to the State Construction Account Fund under Section 5e of this Act.

The additional amounts authorized for expenditure in this Section by this amendatory Act of the 92nd General Assembly shall be repaid to the Road Fund from the General

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Revenue Fund in the next succeeding fiscal year that the General Revenue Fund has a positive budgetary balance, as determined by generally accepted accounting principles applicable to government.
(Source: P.A. 91-37, eff. 7-1-99; 91-760, eff. 1-1-01.)

Sec. 8.41. Interfund transfers. In order to address the fiscal emergency resulting from shortfalls in revenue, the following transfers are authorized from the designated funds into the General Revenue Fund:

(1) The Securities Audit and Enforcement Fund

$14,000,000

(2) The General Professions Dedicated Fund

$11,000,000

(3) The Underground Storage Tank Fund

$12,000,000

(4) The Fire Prevention Fund

$10,000,000

(5) The Grade Crossing Protection Fund

$9,000,000

(6) The Downstate Public Transportation Fund

$10,000,000

(7) The Nursing Dedicated and Professional Fund

$7,000,000

(8) The Traffic and Criminal Conviction Surcharge Fund

$6,000,000

(9) The Renewable Energy Resources Trust Fund

$5,000,000

(10) The School Technology Revolving Loan Fund

$5,000,000

(11) The Audit Expense Fund

$2,000,000

(12) The Conservation 2000 Fund

$8,000,000

(13) The Drivers Education Fund

$5,000,000

(14) The Motor Vehicle Theft Prevention Trust Fund

$4,000,000

(15) The Park and Conservation Fund

$2,000,000

(16) The Insurance Producer Administration Fund

$4,000,000

(17) The Agricultural Premium Fund

$4,000,000

(18) The Health Facility Plan Review Fund

$4,000,000

(19) The State Police Services Fund

$3,000,000

(20) The Savings and Residential Finance Regulatory Fund

$1,750,000

(21) The Insurance Financial Regulation Fund

$1,000,000

(22) The Real Estate License Administration Fund

$250,000

(23) The Illinois Health Facilities Planning Fund

$2,000,000

New matter indicated by italics - deletions by strikeout.
All such transfers shall be made on July 1, 2002, or as soon thereafter as practical. These transfers may be made notwithstanding any other provision of law to the contrary.  

(24) The Natural Areas Acquisition Fund..... $2,000,000  
(25) The Appraisal Administration Fund...... $2,000,000  
(26) The Real Estate Recovery Fund......... $1,000,000  
(27) The Open Space Lands Acquisition and Development Fund.............. $29,000,000  
(28) The Illinois Aquaculture Development Fund................................. $1,000,000  

(30 ILCS 105/8g)  
Sec. 8g. Transfers from General Revenue Fund.  
(a) In addition to any other transfers that may be provided for by law, as soon as may be practical after the effective date of this amendatory Act of the 91st General Assembly, the State Comptroller shall direct and the State Treasurer shall transfer the sum of $10,000,000 from the General Revenue Fund to the Motor Vehicle License Plate Fund created by Senate Bill 1028 of the 91st General Assembly.  
(b) In addition to any other transfers that may be provided for by law, as soon as may be practical after the effective date of this amendatory Act of the 91st General Assembly, the State Comptroller shall direct and the State Treasurer shall transfer the sum of $25,000,000 from the General Revenue Fund to the Fund for Illinois\' Future created by Senate Bill 1066 of the 91st General Assembly.  
(c) In addition to any other transfers that may be provided for by law, on August 30 of each fiscal year\'s license period, the Illinois Liquor Control Commission shall direct and the State Comptroller and State Treasurer shall transfer from the General Revenue Fund to the Youth Alcoholism and Substance Abuse Prevention Fund an amount equal to the number of retail liquor licenses issued for that fiscal year multiplied by $50.  
(d) The payments to programs required under subsection (d) of Section 28.1 of the Horse Racing Act of 1975 shall be made, pursuant to appropriation, from the special funds referred to in the statutes cited in that subsection, rather than directly from the General Revenue Fund.  

Beginning January 1, 2000, on the first day of each month, or as soon as may be practical thereafter, the State Comptroller shall direct and the State Treasurer shall transfer from the General Revenue Fund to each of the special funds from which payments are to be made under Section 28.1(d) of the Horse Racing Act of 1975 an amount equal to 1/12 of the annual amount required for those payments from that special fund, which annual amount shall not exceed the annual amount for those payments from that special fund for the calendar year 1998. The special funds to which transfers shall be made under this subsection (d) include, but are not necessarily limited to, the Agricultural Premium Fund; the Metropolitan Exposition Auditorium and Office Building Fund; the Fair and Exposition Fund; the Standardbred Breeders Fund; the Thoroughbred Breeders Fund; and the Illinois Veterans\' Rehabilitation Fund.  

(e) In addition to any other transfers that may be provided for by law, as soon as may
be practical after the effective date of this amendatory Act of the 91st General Assembly, but in no event later than June 30, 2000, the State Comptroller shall direct and the State Treasurer shall transfer the sum of $15,000,000 from the General Revenue Fund to the Fund for Illinois' Future.

(f) In addition to any other transfers that may be provided for by law, as soon as may be practical after the effective date of this amendatory Act of the 91st General Assembly, but in no event later than June 30, 2000, the State Comptroller shall direct and the State Treasurer shall transfer the sum of $70,000,000 from the General Revenue Fund to the Long-Term Care Provider Fund.

(f-1) In fiscal year 2002, in addition to any other transfers that may be provided for by law, at the direction of and upon notification from the Governor, the State Comptroller shall direct and the State Treasurer shall transfer amounts not exceeding a total of $160,000,000 from the General Revenue Fund to the Long-Term Care Provider Fund.

(g) In addition to any other transfers that may be provided for by law, on July 1, 2001, or as soon thereafter as may be practical, the State Comptroller shall direct and the State Treasurer shall transfer the sum of $1,200,000 from the General Revenue Fund to the Violence Prevention Fund.

(h) In each of fiscal years 2002 through 2007, but not thereafter, in addition to any other transfers that may be provided for by law, the State Comptroller shall direct and the State Treasurer shall transfer $5,000,000 from the General Revenue Fund to the Tourism Promotion Fund.

(i) On or after July 1, 2001 and until May 1, 2002, in addition to any other transfers that may be provided for by law, at the direction of and upon notification from the Governor, the State Comptroller shall direct and the State Treasurer shall transfer amounts not exceeding a total of $80,000,000 from the General Revenue Fund to the Tobacco Settlement Recovery Fund. Any amounts so transferred shall be re-transferred by the State Comptroller and the State Treasurer from the Tobacco Settlement Recovery Fund to the General Revenue Fund at the direction of and upon notification from the Governor, but in any event on or before June 30, 2002.

(i-1) On or after July 1, 2002 and until May 1, 2003, in addition to any other transfers that may be provided for by law, at the direction of and upon notification from the Governor, the State Comptroller shall direct and the State Treasurer shall transfer amounts not exceeding a total of $80,000,000 from the General Revenue Fund to the Tobacco Settlement Recovery Fund. Any amounts so transferred shall be re-transferred by the State Comptroller and the State Treasurer from the Tobacco Settlement Recovery Fund to the General Revenue Fund at the direction of and upon notification from the Governor, but in any event on or before June 30, 2003.

(j) On or after July 1, 2001 and no later than June 30, 2002, in addition to any other transfers that may be provided for by law, at the direction of and upon notification from the Governor, the State Comptroller shall direct and the State Treasurer shall transfer amounts not to exceed the following sums into the Statistical Services Revolving Fund:

From the General Revenue Fund.............. $8,450,000
From the Public Utility Fund................. 1,700,000
From the Transportation Regulatory Fund..... 2,650,000
From the Title III Social Security and
  Employment Fund............................. 3,700,000
From the Professions Indirect Cost Fund..... 4,050,000
From the Underground Storage Tank Fund...... 550,000
From the Agricultural Premium Fund.......... 750,000
From the State Pensions Fund................ 200,000
From the Road Fund......................... 2,000,000
From the Health Facilities
  Planning Fund................................ 1,000,000
From the Savings and Residential Finance
  Regulatory Fund............................. 130,800
From the Appraisal Administration Fund..... 28,600
From the Pawnbroker Regulation Fund........ 3,600
From the Auction Regulation
  Administration Fund....................... 35,800
From the Bank and Trust Company Fund....... 634,800
From the Real Estate License
  Administration Fund....................... 313,600

(k) In addition to any other transfers that may be provided for by law, as soon as may
be practical after the effective date of this amendatory Act of the 92nd General Assembly,
the State Comptroller shall direct and the State Treasurer shall transfer the sum of $2,000,000
from the General Revenue Fund to the Teachers Health Insurance Security Fund.

(k-1) In addition to any other transfers that may be provided for by law, on July 1,
2002, or as soon as may be practical thereafter, the State Comptroller shall direct and the
State Treasurer shall transfer the sum of $2,000,000 from the General Revenue Fund to the
Teachers Health Insurance Security Fund.

(k-2) In addition to any other transfers that may be provided for by law, on July 1,
2003, or as soon as may be practical thereafter, the State Comptroller shall direct and the
State Treasurer shall transfer the sum of $2,000,000 from the General Revenue Fund to the
Teachers Health Insurance Security Fund.

(k-3) On or after July 1, 2002 and no later than June 30, 2003, in addition to any
other transfers that may be provided for by law, at the direction of and upon notification
from the Governor, the State Comptroller shall direct and the State Treasurer shall transfer
amounts not to exceed the following sums into the Statistical Services Revolving Fund:

  Appraisal Administration Fund.............. $150,000
  General Revenue Fund...................... 10,440,000
  Savings and Residential Finance
    Regulatory Fund......................... 200,000
  State Pensions Fund...................... 100,000
  Bank and Trust Company Fund.............. 100,000

New matter indicated by italics - deletions by strikeout.
Professions Indirect Cost Fund..............  3,400,000
Public Utility Fund.........................  2,081,200
Real Estate License Administration Fund.....  150,000
Title III Social Security and
   Employment Fund.........................  1,000,000
Transportation Regulatory Fund..............  3,052,100
Underground Storage Tank Fund...............  50,000

(l) In addition to any other transfers that may be provided for by law, on July 1, 2002, or as soon as may be practical thereafter, the State Comptroller shall direct and the State Treasurer shall transfer the sum of $3,000,000 from the General Revenue Fund to the Presidential Library and Museum Operating Fund.

(m) In addition to any other transfers that may be provided for by law, on July 1, 2002, or as soon thereafter as may be practical, the State Comptroller shall direct and the State Treasurer shall transfer the sum of $1,200,000 from the General Revenue Fund to the Violence Prevention Fund.

(Source: P.A. 91-25, eff. 6-9-99; 91-704, eff. 5-17-00; 92-11, eff. 6-11-01; 92-505, eff. 12-20-01.)

(30 ILCS 105/13.2) (from Ch. 127, par. 149.2)
Sec. 13.2. Transfers among line item appropriations.

(a) Transfers among line item appropriations from the same treasury fund for the objects specified in this Section may be made in the manner provided in this Section when the balance remaining in one or more such line item appropriations is insufficient for the purpose for which the appropriation was made.

No transfers may be made from one agency to another agency, nor may transfers be made from one institution of higher education to another institution of higher education. Transfers may be made only among the objects of expenditure enumerated in this Section, except that no funds may be transferred from any appropriation for personal services, from any appropriation for State contributions to the State Employees' Retirement System, from any separate appropriation for employee retirement contributions paid by the employer, nor from any appropriation for State contribution for employee group insurance. Further, if an agency receives a separate appropriation for employee retirement contributions paid by the employer, any transfer by that agency into an appropriation for personal services must be accompanied by a corresponding transfer into the appropriation for employee retirement contributions paid by the employer, in an amount sufficient to meet the employer share of the employee contributions required to be remitted to the retirement system.

(b) In addition to the general transfer authority provided under subsection (c), the following agencies have the specific transfer authority granted in this subsection:

The Illinois Department of Public Aid is authorized to make transfers representing savings attributable to not increasing grants due to the births of additional children from line items for payments of cash grants to line items for payments for employment and social services for the purposes outlined in subsection (f) of Section 4-2 of the Illinois Public Aid Code.

New matter indicated by italics - deletions by strikeout.
The Department of Children and Family Services is authorized to make transfers not exceeding 2% of the aggregate amount appropriated to it within the same treasury fund for the following line items among these same line items: Foster Home and Specialized Foster Care and Prevention, Institutions and Group Homes and Prevention, and Purchase of Adoption and Guardianship Services.

The Department on Aging is authorized to make transfers not exceeding 2% of the aggregate amount appropriated to it within the same treasury fund for the following Community Care Program line items among these same line items: Homemaker and Senior Companion Services, Case Coordination Units, and Adult Day Care Services.

(c) The sum of such transfers for an agency in a fiscal year shall not exceed 2% of the aggregate amount appropriated to it within the same treasury fund for the following objects: Personal Services; Extra Help; Student and Inmate Compensation; State Contributions to Retirement Systems; State Contributions to Social Security; State Contribution for Employee Group Insurance; Contractual Services; Travel; Commodities; Printing; Equipment; Electronic Data Processing; Operation of Automotive Equipment; Telecommunications Services; Travel and Allowance for Committed, Paroled and Discharged Prisoners; Library Books; Federal Matching Grants for Student Loans; Refunds; Workers' Compensation, Occupational Disease, and Tort Claims; and, in appropriations to institutions of higher education, Awards and Grants. Notwithstanding the above, any amounts appropriated for payment of workers' compensation claims to an agency to which the authority to evaluate, administer and pay such claims has been delegated by the Department of Central Management Services may be transferred to any other expenditure object where such amounts exceed the amount necessary for the payment of such claims.

(c-1) Special provisions for State fiscal year 2003. Notwithstanding any other provision of this Section to the contrary, for State fiscal year 2003 only, transfers among line item appropriations to an agency from the same treasury fund may be made provided that the sum of such transfers for an agency in State fiscal year 2003 shall not exceed 3% of the aggregate amount appropriated to that State agency for State fiscal year 2003 for the following objects: personal services, except that no transfer may be approved which reduces the aggregate appropriations for personal services within an agency; extra help; student and inmate compensation; State contributions to retirement systems; State contributions to social security; State contributions for employee group insurance; contractual services; travel; commodities; printing; equipment; electronic data processing; operation of automotive equipment; telecommunications services; travel and allowance for committed, paroled, and discharged prisoners; library books; federal matching grants for student loans; refunds; workers' compensation, occupational disease, and tort claims; and, in appropriations to institutions of higher education, awards and grants.

(d) Transfers among appropriations made to agencies of the Legislative and Judicial departments and to the constitutionally elected officers in the Executive branch require the approval of the officer authorized in Section 10 of this Act to approve and certify vouchers. Transfers among appropriations made to the University of Illinois, Southern Illinois University, Chicago State University, Eastern Illinois University, Governors State University,
Illinois State University, Northeastern Illinois University, Northern Illinois University, Western Illinois University, the Illinois Mathematics and Science Academy and the Board of Higher Education require the approval of the Board of Higher Education and the Governor. Transfers among appropriations to all other agencies require the approval of the Governor.

The officer responsible for approval shall certify that the transfer is necessary to carry out the programs and purposes for which the appropriations were made by the General Assembly and shall transmit to the State Comptroller a certified copy of the approval which shall set forth the specific amounts transferred so that the Comptroller may change his records accordingly. The Comptroller shall furnish the Governor with information copies of all transfers approved for agencies of the Legislative and Judicial departments and transfers approved by the constitutionally elected officials of the Executive branch other than the Governor, showing the amounts transferred and indicating the dates such changes were entered on the Comptroller's records.

(Source: P.A. 89-4, eff. 1-1-96; 89-641, eff. 8-9-96; 90-587, eff. 7-1-98.)

Section 5-20. The Illinois Income Tax Act is amended by changing Section 901 as follows:

(35 ILCS 5/901) (from Ch. 120, par. 9-901)
Sec. 901. Collection Authority.
(a) In general.
The Department shall collect the taxes imposed by this Act. The Department shall collect certified past due child support amounts under Section 2505-650 of the Department of Revenue Law (20 ILCS 2505/2505-650). Except as provided in subsections (c) and (e) of this Section, money collected pursuant to subsections (a) and (b) of Section 201 of this Act shall be paid into the General Revenue Fund in the State treasury; money collected pursuant to subsections (c) and (d) of Section 201 of this Act shall be paid into the Personal Property Tax Replacement Fund, a special fund in the State Treasury; and money collected under Section 2505-650 of the Department of Revenue Law (20 ILCS 2505/2505-650) shall be paid into the Child Support Enforcement Trust Fund, a special fund outside the State Treasury, or to the State Disbursement Unit established under Section 10-26 of the Illinois Public Aid Code, as directed by the Department of Public Aid.

(b) Local Governmental Distributive Fund.
Beginning August 1, 1969, and continuing through June 30, 1994, the Treasurer shall transfer each month from the General Revenue Fund to a special fund in the State treasury, to be known as the "Local Government Distributive Fund", an amount equal to 1/12 of the net revenue realized from the tax imposed by subsections (a) and (b) of Section 201 of this Act during the preceding month. Beginning July 1, 1994, and continuing through June 30, 1995, the Treasurer shall transfer each month from the General Revenue Fund to the Local Government Distributive Fund an amount equal to 1/11 of the net revenue realized from the tax imposed by subsections (a) and (b) of Section 201 of this Act during the preceding month. Beginning July 1, 1995, the Treasurer shall transfer each month from the General Revenue Fund to the Local Government Distributive Fund an amount equal to 1/10 of the

New matter indicated by italics - deletions by strikeout.
net revenue realized from the tax imposed by subsections (a) and (b) of Section 201 of the Illinois Income Tax Act during the preceding month. Net revenue realized for a month shall be defined as the revenue from the tax imposed by subsections (a) and (b) of this Act which is deposited in the General Revenue Fund, the Educational Assistance Fund and the Income Tax Surcharge Local Government Distributive Fund during the month minus the amount paid out of the General Revenue Fund in State warrants during that same month as refunds to taxpayers for overpayment of liability under the tax imposed by subsections (a) and (b) of Section 201 of this Act.

(c) Deposits Into Income Tax Refund Fund.

(1) Beginning on January 1, 1989 and thereafter, the Department shall deposit a percentage of the amounts collected pursuant to subsections (a) and (b)(1), (2), and (3), of Section 201 of this Act into a fund in the State treasury known as the Income Tax Refund Fund. The Department shall deposit 6% of such amounts during the period beginning January 1, 1989 and ending on June 30, 1989. Beginning with State fiscal year 1990 and for each fiscal year thereafter, the percentage deposited into the Income Tax Refund Fund during a fiscal year shall be the Annual Percentage. For fiscal years 1999 through 2001, the Annual Percentage shall be 7.1%. For fiscal year 2003, the Annual Percentage shall be 8%. For all other fiscal years, the Annual Percentage shall be calculated as a fraction, the numerator of which shall be the amount of refunds approved for payment by the Department during the preceding fiscal year as a result of overpayment of tax liability under subsections (a) and (b)(1), (2), and (3) of Section 201 of this Act plus the amount of such refunds remaining approved but unpaid at the end of the preceding fiscal year, minus the amounts transferred into the Income Tax Refund Fund from the Tobacco Settlement Recovery Fund, and the denominator of which shall be the amounts which will be collected pursuant to subsections (a) and (b)(1), (2), and (3) of Section 201 of this Act during the preceding fiscal year; except that in State fiscal year 2002, the Annual Percentage shall in no event exceed 7.6%. The Director of Revenue shall certify the Annual Percentage to the Comptroller on the last business day of the fiscal year immediately preceding the fiscal year for which it is to be effective.

(2) Beginning on January 1, 1989 and thereafter, the Department shall deposit a percentage of the amounts collected pursuant to subsections (a) and (b)(6), (7), and (8), (c) and (d) of Section 201 of this Act into a fund in the State treasury known as the Income Tax Refund Fund. The Department shall deposit 18% of such amounts during the period beginning January 1, 1989 and ending on June 30, 1989. Beginning with State fiscal year 1990 and for each fiscal year thereafter, the percentage deposited into the Income Tax Refund Fund during a fiscal year shall be the Annual Percentage. For fiscal years 1999, 2000, and 2001, the Annual Percentage shall be 19%. For fiscal year 2003, the Annual Percentage shall be 27%. For all other fiscal years, the Annual Percentage shall be calculated as a fraction, the numerator of which shall be the amount of refunds approved for payment by the Department during the preceding fiscal year as a result of overpayment of tax liability under subsections (a)
and (b)(6), (7), and (8), (c) and (d) of Section 201 of this Act plus the amount of such refunds remaining approved but unpaid at the end of the preceding fiscal year, and the denominator of which shall be the amounts which will be collected pursuant to subsections (a) and (b)(6), (7), and (8), (c) and (d) of Section 201 of this Act during the preceding fiscal year; except that in State fiscal year 2002, the Annual Percentage shall in no event exceed 23%. The Director of Revenue shall certify the Annual Percentage to the Comptroller on the last business day of the fiscal year immediately preceding the fiscal year for which it is to be effective.


(d) Expenditures from Income Tax Refund Fund.

(1) Beginning January 1, 1989, money in the Income Tax Refund Fund shall be expended exclusively for the purpose of paying refunds resulting from overpayment of tax liability under Section 201 of this Act, for paying rebates under Section 208.1 in the event that the amounts in the Homeowners’ Tax Relief Fund are insufficient for that purpose, and for making transfers pursuant to this subsection (d).

(2) The Director shall order payment of refunds resulting from overpayment of tax liability under Section 201 of this Act from the Income Tax Refund Fund only to the extent that amounts collected pursuant to Section 201 of this Act and transfers pursuant to this subsection (d) and item (3) of subsection (c) have been deposited and retained in the Fund.

(3) As soon as possible after the end of each fiscal year, the Director shall order transferred and the State Treasurer and State Comptroller shall transfer from the Income Tax Refund Fund to the Personal Property Tax Replacement Fund an amount, certified by the Director to the Comptroller, equal to the excess of the amount collected pursuant to subsections (c) and (d) of Section 201 of this Act deposited into the Income Tax Refund Fund during the fiscal year over the amount of refunds resulting from overpayment of tax liability under subsections (c) and (d) of Section 201 of this Act paid from the Income Tax Refund Fund during the fiscal year.

(4) As soon as possible after the end of each fiscal year, the Director shall order transferred and the State Treasurer and State Comptroller shall transfer from the Personal Property Tax Replacement Fund to the Income Tax Refund Fund an amount, certified by the Director to the Comptroller, equal to the excess of the amount of refunds resulting from overpayment of tax liability under subsections (c) and (d) of Section 201 of this Act paid from the Income Tax Refund Fund during the fiscal year over the amount collected pursuant to subsections (c) and (d) of Section 201 of this Act deposited into the Income Tax Refund Fund during the fiscal year.

(4.5) As soon as possible after the end of fiscal year 1999 and of each fiscal year thereafter, the Director shall order transferred and the State Treasurer and State

New matter indicated by italics - deletions by strikeout.
Comptroller shall transfer from the Income Tax Refund Fund to the General Revenue Fund any surplus remaining in the Income Tax Refund Fund as of the end of such fiscal year; excluding for fiscal years 2000, 2001, and 2002 amounts attributable to transfers under item (3) of subsection (c) less refunds resulting from the earned income tax credit.

(5) This Act shall constitute an irrevocable and continuing appropriation from the Income Tax Refund Fund for the purpose of paying refunds upon the order of the Director in accordance with the provisions of this Section.

(e) Deposits into the Education Assistance Fund and the Income Tax Surcharge Local Government Distributive Fund.

On July 1, 1991, and thereafter, of the amounts collected pursuant to subsections (a) and (b) of Section 201 of this Act, minus deposits into the Income Tax Refund Fund, the Department shall deposit 7.3% into the Education Assistance Fund in the State Treasury. Beginning July 1, 1991, and continuing through January 31, 1993, of the amounts collected pursuant to subsections (a) and (b) of Section 201 of the Illinois Income Tax Act, minus deposits into the Income Tax Refund Fund, the Department shall deposit 3.0% into the Income Tax Surcharge Local Government Distributive Fund in the State Treasury. Beginning February 1, 1993 and continuing through June 30, 1993, of the amounts collected pursuant to subsections (a) and (b) of Section 201 of the Illinois Income Tax Act, minus deposits into the Income Tax Refund Fund, the Department shall deposit 4.4% into the Income Tax Surcharge Local Government Distributive Fund in the State Treasury. Beginning July 1, 1993, and continuing through June 30, 1994, of the amounts collected under subsections (a) and (b) of Section 201 of this Act, minus deposits into the Income Tax Refund Fund, the Department shall deposit 1.475% into the Income Tax Surcharge Local Government Distributive Fund in the State Treasury.

(Source: P.A. 91-212, eff. 7-20-99; 91-239, eff. 1-1-00; 91-700, eff. 5-11-00; 91-704, eff. 7-1-00; 91-712, eff. 7-1-00; 92-11, eff. 6-11-01; 92-16, eff. 6-28-01.)

Section 5-21. The Use Tax Act is amended by changing Section 9 as follows:

(35 ILCS 105/9) (from Ch. 120, par. 439.9)

Sec. 9. Except as to motor vehicles, watercraft, aircraft, and trailers that are required to be registered with an agency of this State, each retailer required or authorized to collect the tax imposed by this Act shall pay to the Department the amount of such tax (except as otherwise provided) at the time when he is required to file his return for the period during which such tax was collected, less a discount of 2.1% prior to January 1, 1990, and 1.75% on and after January 1, 1990, or $5 per calendar year, whichever is greater, which is allowed to reimburse the retailer for expenses incurred in collecting the tax, keeping records, preparing and filing returns, remitting the tax and supplying data to the Department on request. In the case of retailers who report and pay the tax on a transaction by transaction basis, as provided in this Section, such discount shall be taken with each such tax remittance instead of when such retailer files his periodic return. A retailer need not remit that part of any tax collected by him to the extent that he is required to remit and does remit the tax imposed by the Retailers' Occupation Tax Act, with respect to the sale of the same property.

New matter indicated by italics - deletions by strikeout.
Where such tangible personal property is sold under a conditional sales contract, or under any other form of sale wherein the payment of the principal sum, or a part thereof, is extended beyond the close of the period for which the return is filed, the retailer, in collecting the tax (except as to motor vehicles, watercraft, aircraft, and trailers that are required to be registered with an agency of this State), may collect for each tax return period, only the tax applicable to that part of the selling price actually received during such tax return period.

Except as provided in this Section, on or before the twentieth day of each calendar month, such retailer shall file a return for the preceding calendar month. Such return shall be filed on forms prescribed by the Department and shall furnish such information as the Department may reasonably require.

The Department may require returns to be filed on a quarterly basis. If so required, a return for each calendar quarter shall be filed on or before the twentieth day of the calendar month following the end of such calendar quarter. The taxpayer shall also file a return with the Department for each of the first two months of each calendar quarter, on or before the twentieth day of the following calendar month, stating:

1. The name of the seller;
2. The address of the principal place of business from which he engages in the business of selling tangible personal property at retail in this State;
3. The total amount of taxable receipts received by him during the preceding calendar month from sales of tangible personal property by him during such preceding calendar month, including receipts from charge and time sales, but less all deductions allowed by law;
4. The amount of credit provided in Section 2d of this Act;
5. The amount of tax due;
5-5. The signature of the taxpayer; and
6. Such other reasonable information as the Department may require.

If a taxpayer fails to sign a return within 30 days after the proper notice and demand for signature by the Department, the return shall be considered valid and any amount shown to be due on the return shall be deemed assessed.

Beginning October 1, 1993, a taxpayer who has an average monthly tax liability of $150,000 or more shall make all payments required by rules of the Department by electronic funds transfer. Beginning October 1, 1994, a taxpayer who has an average monthly tax liability of $100,000 or more shall make all payments required by rules of the Department by electronic funds transfer. Beginning October 1, 1995, a taxpayer who has an average monthly tax liability of $50,000 or more shall make all payments required by rules of the Department by electronic funds transfer. Beginning October 1, 2000, a taxpayer who has an annual tax liability of $200,000 or more shall make all payments required by rules of the Department by electronic funds transfer. The term "annual tax liability" shall be the sum of the taxpayer's liabilities under this Act, and under all other State and local occupation and use tax laws administered by the Department, for the immediately preceding calendar year. The term "average monthly tax liability" means the sum of the taxpayer's liabilities under this Act, and under all other State and local occupation and use tax laws administered by the Department.
Department, for the immediately preceding calendar year divided by 12. Beginning on October 1, 2002, a taxpayer who has a tax liability in the amount set forth in subsection (b) of Section 2505-210 of the Department of Revenue Law shall make all payments required by rules of the Department by electronic funds transfer.

Before August 1 of each year beginning in 1993, the Department shall notify all taxpayers required to make payments by electronic funds transfer. All taxpayers required to make payments by electronic funds transfer shall make those payments for a minimum of one year beginning on October 1.

Any taxpayer not required to make payments by electronic funds transfer may make payments by electronic funds transfer with the permission of the Department.

All taxpayers required to make payment by electronic funds transfer and any taxpayers authorized to voluntarily make payments by electronic funds transfer shall make those payments in the manner authorized by the Department.

The Department shall adopt such rules as are necessary to effectuate a program of electronic funds transfer and the requirements of this Section.

Before October 1, 2000, if the taxpayer's average monthly tax liability to the Department under this Act, the Retailers' Occupation Tax Act, the Service Occupation Tax Act, the Service Use Tax Act was $10,000 or more during the preceding 4 complete calendar quarters, he shall file a return with the Department each month by the 20th day of the month next following the month during which such tax liability is incurred and shall make payments to the Department on or before the 7th, 15th, 22nd and last day of the month during which such liability is incurred. On and after October 1, 2000, if the taxpayer's average monthly tax liability to the Department under this Act, the Retailers' Occupation Tax Act, the Service Occupation Tax Act, and the Service Use Tax Act was $20,000 or more during the preceding 4 complete calendar quarters, he shall file a return with the Department each month by the 20th day of the month next following the month during which such tax liability is incurred and shall make payment to the Department on or before the 7th, 15th, 22nd and last day of the month during which such liability is incurred. If the month during which such tax liability is incurred began prior to January 1, 1985, each payment shall be in an amount equal to 1/4 of the taxpayer's actual liability for the month or an amount set by the Department not to exceed 1/4 of the average monthly liability of the taxpayer to the Department for the preceding 4 complete calendar quarters (excluding the month of highest liability and the month of lowest liability in such 4 quarter period). If the month during which such tax liability is incurred begins on or after January 1, 1985, and prior to January 1, 1987, each payment shall be in an amount equal to 22.5% of the taxpayer's actual liability for the month or 27.5% of the taxpayer's liability for the same calendar month of the preceding year. If the month during which such tax liability is incurred begins on or after January 1, 1987, and prior to January 1, 1988, each payment shall be in an amount equal to 22.5% of the taxpayer's actual liability for the month or 26.25% of the taxpayer's liability for the same calendar month of the preceding year. If the month during which such tax liability is incurred begins on or after January 1, 1988, and prior to January 1, 1989, or begins on or after January 1, 1996, each payment shall be in an amount equal to 22.5% of the taxpayer's actual liability.
for the month or 25% of the taxpayer's liability for the same calendar month of the preceding year. If the month during which such tax liability is incurred begins on or after January 1, 1989, and prior to January 1, 1996, each payment shall be in an amount equal to 22.5% of the taxpayer's actual liability for the month or 25% of the taxpayer's liability for the same calendar month of the preceding year or 100% of the taxpayer's actual liability for the quarter monthly reporting period. The amount of such quarter monthly payments shall be credited against the final tax liability of the taxpayer's return for that month. Before October 1, 2000, once applicable, the requirement of the making of quarter monthly payments to the Department shall continue until such taxpayer's average monthly liability to the Department during the preceding 4 complete calendar quarters (excluding the month of highest liability and the month of lowest liability) is less than $9,000, or until such taxpayer's average monthly liability to the Department as computed for each calendar quarter of the 4 preceding complete calendar quarter period is less than $10,000. However, if a taxpayer can show the Department that a substantial change in the taxpayer's business has occurred which causes the taxpayer to anticipate that his average monthly tax liability for the reasonably foreseeable future will fall below the $10,000 threshold stated above, then such taxpayer may petition the Department for change in such taxpayer's reporting status. On and after October 1, 2000, once applicable, the requirement of the making of quarter monthly payments to the Department shall continue until such taxpayer's average monthly liability to the Department during the preceding 4 complete calendar quarters (excluding the month of highest liability and the month of lowest liability) is less than $19,000 or until such taxpayer's average monthly liability to the Department as computed for each calendar quarter of the 4 preceding complete calendar quarter period is less than $20,000. However, if a taxpayer can show the Department that a substantial change in the taxpayer's business has occurred which causes the taxpayer to anticipate that his average monthly tax liability for the reasonably foreseeable future will fall below the $20,000 threshold stated above, then such taxpayer may petition the Department for a change in such taxpayer's reporting status. The Department shall change such taxpayer's reporting status unless it finds that such change is seasonal in nature and not likely to be long term. If any such quarter monthly payment is not paid at the time or in the amount required by this Section, then the taxpayer shall be liable for penalties and interest on the difference between the minimum amount due and the amount of such quarter monthly payment actually and timely paid, except insofar as the taxpayer has previously made payments for that month to the Department in excess of the minimum payments previously due as provided in this Section. The Department shall make reasonable rules and regulations to govern the quarter monthly payment amount and quarter monthly payment dates for taxpayers who file on other than a calendar monthly basis.

If any such payment provided for in this Section exceeds the taxpayer's liabilities under this Act, the Retailers' Occupation Tax Act, the Service Occupation Tax Act and the Service Use Tax Act, as shown by an original monthly return, the Department shall issue to the taxpayer a credit memorandum no later than 30 days after the date of payment, which memorandum may be submitted by the taxpayer to the Department in payment of tax liability subsequently to be remitted by the taxpayer to the Department or be assigned by the taxpayer.
to a similar taxpayer under this Act, the Retailers' Occupation Tax Act, the Service Occupation Tax Act or the Service Use Tax Act, in accordance with reasonable rules and regulations to be prescribed by the Department, except that if such excess payment is shown on an original monthly return and is made after December 31, 1986, no credit memorandum shall be issued, unless requested by the taxpayer. If no such request is made, the taxpayer may credit such excess payment against tax liability subsequently to be remitted by the taxpayer to the Department under this Act, the Retailers' Occupation Tax Act, the Service Occupation Tax Act or the Service Use Tax Act, in accordance with reasonable rules and regulations prescribed by the Department. If the Department subsequently determines that all or any part of the credit taken was not actually due to the taxpayer, the taxpayer's 2.1% or 1.75% vendor's discount shall be reduced by 2.1% or 1.75% of the difference between the credit taken and that actually due, and the taxpayer shall be liable for penalties and interest on such difference.

If the retailer is otherwise required to file a monthly return and if the retailer's average monthly tax liability to the Department does not exceed $200, the Department may authorize his returns to be filed on a quarterly basis, with the return for January, February, and March of a given year being due by April 20 of such year; with the return for April, May and June of a given year being due by July 20 of such year; with the return for July, August and September of a given year being due by October 20 of such year, and with the return for October, November and December of a given year being due by January 20 of the following year.

If the retailer is otherwise required to file a monthly or quarterly return and if the retailer's average monthly tax liability to the Department does not exceed $50, the Department may authorize his returns to be filed on an annual basis, with the return for a given year being due by January 20 of the following year.

Such quarterly and annual returns, as to form and substance, shall be subject to the same requirements as monthly returns.

Notwithstanding any other provision in this Act concerning the time within which a retailer may file his return, in the case of any retailer who ceases to engage in a kind of business which makes him responsible for filing returns under this Act, such retailer shall file a final return under this Act with the Department not more than one month after discontinuing such business.

In addition, with respect to motor vehicles, watercraft, aircraft, and trailers that are required to be registered with an agency of this State, every retailer selling this kind of tangible personal property shall file, with the Department, upon a form to be prescribed and supplied by the Department, a separate return for each such item of tangible personal property which the retailer sells, except that if, in the same transaction, (i) a retailer of aircraft, watercraft, motor vehicles or trailers transfers more than one aircraft, watercraft, motor vehicle or trailer to another aircraft, watercraft, motor vehicle or trailer retailer for the purpose of resale or (ii) a retailer of aircraft, watercraft, motor vehicles, or trailers transfers more than one aircraft, watercraft, motor vehicle, or trailer to a purchaser for use as a qualifying rolling stock as provided in Section 3-55 of this Act, then that seller may report
the transfer of all the aircraft, watercraft, motor vehicles or trailers involved in that transaction to the Department on the same uniform invoice-transaction reporting return form. For purposes of this Section, "watercraft" means a Class 2, Class 3, or Class 4 watercraft as defined in Section 3-2 of the Boat Registration and Safety Act, a personal watercraft, or any boat equipped with an inboard motor.

The transaction reporting return in the case of motor vehicles or trailers that are required to be registered with an agency of this State, shall be the same document as the Uniform Invoice referred to in Section 5-402 of the Illinois Vehicle Code and must show the name and address of the seller; the name and address of the purchaser; the amount of the selling price including the amount allowed by the retailer for traded-in property, if any; the amount allowed by the retailer for the traded-in tangible personal property, if any, to the extent to which Section 2 of this Act allows an exemption for the value of traded-in property; the balance payable after deducting such trade-in allowance from the total selling price; the amount of tax due from the retailer with respect to such transaction; the amount of tax collected from the purchaser by the retailer on such transaction (or satisfactory evidence that such tax is not due in that particular instance, if that is claimed to be the fact); the place and date of the sale; a sufficient identification of the property sold; such other information as is required in Section 5-402 of the Illinois Vehicle Code, and such other information as the Department may reasonably require.

The transaction reporting return in the case of watercraft and aircraft must show the name and address of the seller; the name and address of the purchaser; the amount of the selling price including the amount allowed by the retailer for traded-in property, if any; the amount allowed by the retailer for the traded-in tangible personal property, if any, to the extent to which Section 2 of this Act allows an exemption for the value of traded-in property; the balance payable after deducting such trade-in allowance from the total selling price; the amount of tax due from the retailer with respect to such transaction; the amount of tax collected from the purchaser by the retailer on such transaction (or satisfactory evidence that such tax is not due in that particular instance, if that is claimed to be the fact); the place and date of the sale, a sufficient identification of the property sold, and such other information as the Department may reasonably require.

Such transaction reporting return shall be filed not later than 20 days after the date of delivery of the item that is being sold, but may be filed by the retailer at any time sooner than that if he chooses to do so. The transaction reporting return and tax remittance or proof of exemption from the tax that is imposed by this Act may be transmitted to the Department by way of the State agency with which, or State officer with whom, the tangible personal property must be titled or registered (if titling or registration is required) if the Department and such agency or State officer determine that this procedure will expedite the processing of applications for title or registration.

With each such transaction reporting return, the retailer shall remit the proper amount of tax due (or shall submit satisfactory evidence that the sale is not taxable if that is the case), to the Department or its agents, whereupon the Department shall issue, in the purchaser's name, a tax receipt (or a certificate of exemption if the Department is satisfied that the
particular sale is tax exempt) which such purchaser may submit to the agency with which, or State officer with whom, he must title or register the tangible personal property that is involved (if titling or registration is required) in support of such purchaser's application for an Illinois certificate or other evidence of title or registration to such tangible personal property.

No retailer's failure or refusal to remit tax under this Act precludes a user, who has paid the proper tax to the retailer, from obtaining his certificate of title or other evidence of title or registration (if titling or registration is required) upon satisfying the Department that such user has paid the proper tax (if tax is due) to the retailer. The Department shall adopt appropriate rules to carry out the mandate of this paragraph.

If the user who would otherwise pay tax to the retailer wants the transaction reporting return filed and the payment of tax or proof of exemption made to the Department before the retailer is willing to take these actions and such user has not paid the tax to the retailer, such user may certify to the fact of such delay by the retailer, and may (upon the Department being satisfied of the truth of such certification) transmit the information required by the transaction reporting return and the remittance for tax or proof of exemption directly to the Department and obtain his tax receipt or other evidence of title or registration (if titling or registration is required) upon satisfying the Department that such user has paid the proper tax (if tax is due) to the retailer. The Department shall adopt appropriate rules to carry out the mandate of this paragraph.

Where a retailer collects the tax with respect to the selling price of tangible personal property which he sells and the purchaser thereafter returns such tangible personal property and the retailer refunds the selling price thereof to the purchaser, such retailer shall also refund, to the purchaser, the tax so collected from the purchaser. When filing his return for the period in which he refunds such tax to the purchaser, the retailer may deduct the amount of the tax so refunded by him to the purchaser from any other use tax which such retailer may be required to pay or remit to the Department, as shown by such return, if the amount of the tax to be deducted was previously remitted to the Department by such retailer. If the retailer has not previously remitted the amount of such tax to the Department, he is entitled to no deduction under this Act upon refunding such tax to the purchaser.

Any retailer filing a return under this Section shall also include (for the purpose of paying tax thereon) the total tax covered by such return upon the selling price of tangible personal property purchased by him at retail from a retailer, but as to which the tax imposed by this Act was not collected from the retailer filing such return, and such retailer shall remit the amount of such tax to the Department when filing such return.

If experience indicates such action to be practicable, the Department may prescribe and furnish a combination or joint return which will enable retailers, who are required to file returns hereunder and also under the Retailers' Occupation Tax Act, to furnish all the return information required by both Acts on the one form.
Where the retailer has more than one business registered with the Department under separate registration under this Act, such retailer may not file each return that is due as a single return covering all such registered businesses, but shall file separate returns for each such registered business.

Beginning January 1, 1990, each month the Department shall pay into the State and Local Sales Tax Reform Fund, a special fund in the State Treasury which is hereby created, the net revenue realized for the preceding month from the 1% tax on sales of food for human consumption which is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks and food which has been prepared for immediate consumption) and prescription and nonprescription medicines, drugs, medical appliances and insulin, urine testing materials, syringes and needles used by diabetics.

Beginning January 1, 1990, each month the Department shall pay into the County and Mass Transit District Fund 4% of the net revenue realized for the preceding month from the 6.25% general rate on the selling price of tangible personal property which is purchased outside Illinois at retail from a retailer and which is titled or registered by an agency of this State's government.

Beginning January 1, 1990, each month the Department shall pay into the State and Local Sales Tax Reform Fund, a special fund in the State Treasury, 20% of the net revenue realized for the preceding month from the 6.25% general rate on the selling price of tangible personal property, other than tangible personal property which is purchased outside Illinois at retail from a retailer and which is titled or registered by an agency of this State's government.

Beginning August 1, 2000, each month the Department shall pay into the State and Local Sales Tax Reform Fund 100% of the net revenue realized for the preceding month from the 1.25% rate on the selling price of motor fuel and gasohol.

Beginning January 1, 1990, each month the Department shall pay into the Local Government Tax Fund 16% of the net revenue realized for the preceding month from the 6.25% general rate on the selling price of tangible personal property which is purchased outside Illinois at retail from a retailer and which is titled or registered by an agency of this State's government.

Of the remainder of the moneys received by the Department pursuant to this Act, (a) 1.75% thereof shall be paid into the Build Illinois Fund and (b) prior to July 1, 1989, 2.2% and on and after July 1, 1989, 3.8% thereof shall be paid into the Build Illinois Fund; provided, however, that if in any fiscal year the sum of (1) the aggregate of 2.2% or 3.8%, as the case may be, of the moneys received by the Department and required to be paid into the Build Illinois Fund pursuant to Section 3 of the Retailers' Occupation Tax Act, Section 9 of the Use Tax Act, Section 9 of the Service Use Tax Act, and Section 9 of the Service Occupation Tax Act, such Acts being hereinafter called the "Tax Acts" and such aggregate of 2.2% or 3.8%, as the case may be, of moneys being hereinafter called the "Tax Act Amount", and (2) the amount transferred to the Build Illinois Fund from the State and Local Sales Tax Reform Fund shall be less than the Annual Specified Amount (as defined in Section 3 of the Retailers' Occupation Tax Act), an amount equal to the difference shall be

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immediately paid into the Build Illinois Fund from other moneys received by the Department pursuant to the Tax Acts; and further provided, that if on the last business day of any month the sum of (1) the Tax Act Amount required to be deposited into the Build Illinois Bond Account in the Build Illinois Fund during such month and (2) the amount transferred during such month to the Build Illinois Fund from the State and Local Sales Tax Reform Fund shall have been less than 1/12 of the Annual Specified Amount, an amount equal to the difference shall be immediately paid into the Build Illinois Fund from other moneys received by the Department pursuant to the Tax Acts; and, further provided, that in no event shall the payments required under the preceding proviso result in aggregate payments into the Build Illinois Fund pursuant to this clause (b) for any fiscal year in excess of the greater of (i) the Tax Act Amount or (ii) the Annual Specified Amount for such fiscal year; and, further provided, that the amounts payable into the Build Illinois Fund under this clause (b) shall be payable only until such time as the aggregate amount on deposit under each trust indenture securing Bonds issued and outstanding pursuant to the Build Illinois Bond Act is sufficient, taking into account any future investment income, to fully provide, in accordance with such indenture, for the defeasance of or the payment of the principal of, premium, if any, and interest on the Bonds secured by such indenture and on any Bonds expected to be issued thereafter and all fees and costs payable with respect thereto, all as certified by the Director of the Bureau of the Budget. If on the last business day of any month in which Bonds are outstanding pursuant to the Build Illinois Bond Act, the aggregate of the moneys deposited in the Build Illinois Bond Account in the Build Illinois Fund in such month shall be less than the amount required to be transferred in such month from the Build Illinois Bond Account to the Build Illinois Bond Retirement and Interest Fund pursuant to Section 13 of the Build Illinois Bond Act, an amount equal to such deficiency shall be immediately paid from other moneys received by the Department pursuant to the Tax Acts to the Build Illinois Fund; provided, however, that any amounts paid to the Build Illinois Fund in any fiscal year pursuant to this sentence shall be deemed to constitute payments pursuant to clause (b) of the preceding sentence and shall reduce the amount otherwise payable for such fiscal year pursuant to clause (b) of the preceding sentence. The moneys received by the Department pursuant to this Act and required to be deposited into the Build Illinois Fund are subject to the pledge, claim and charge set forth in Section 12 of the Build Illinois Bond Act.

Subject to payment of amounts into the Build Illinois Fund as provided in the preceding paragraph or in any amendment thereto hereafter enacted, the following specified monthly installment of the amount requested in the certificate of the Chairman of the Metropolitan Pier and Exposition Authority provided under Section 8.25f of the State Finance Act, but not in excess of the sums designated as "Total Deposit", shall be deposited in the aggregate from collections under Section 9 of the Use Tax Act, Section 9 of the Service Use Tax Act, Section 9 of the Service Occupation Tax Act, and Section 3 of the Retailers’ Occupation Tax Act into the McCormick Place Expansion Project Fund in the specified fiscal years.

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<th>Fiscal Year</th>
<th>Total Deposit</th>
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<td>1993</td>
<td>$0</td>
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cumulative deficiencies in the deposits required under this Section for previous months and years, shall be deposited into the McCormick Place Expansion Project Fund, until the full amount requested for the fiscal year, but not in excess of the amount specified above as "Total Deposit", has been deposited.

Subject to payment of amounts into the Build Illinois Fund and the McCormick Place Expansion Project Fund pursuant to the preceding paragraphs or in any amendment thereto hereafter enacted, each month the Department shall pay into the Local Government Distributive Fund .4% of the net revenue realized for the preceding month from the 5% general rate, or .4% of 80% of the net revenue realized for the preceding month from the 6.25% general rate, as the case may be, on the selling price of tangible personal property which amount shall, subject to appropriation, be distributed as provided in Section 2 of the State Revenue Sharing Act. No payments or distributions pursuant to this paragraph shall be made if the tax imposed by this Act on photoprocessing products is declared unconstitutional, or if the proceeds from such tax are unavailable for distribution because of litigation.

Subject to payment of amounts into the Build Illinois Fund and the McCormick Place Expansion Project Fund and the Local Government Distributive Fund pursuant to the preceding paragraphs or in any amendments thereto hereafter enacted, beginning July 1, 1993, the Department shall each month pay into the Illinois Tax Increment Fund 0.27% of 80% of the net revenue realized for the preceding month from the 6.25% general rate on the selling price of tangible personal property.

Subject to payment of amounts into the Build Illinois Fund and the McCormick Place Expansion Project Fund, the Local Government Distributive Fund pursuant to the preceding paragraphs or in any amendments thereto hereafter enacted, beginning with the receipt of the first report of taxes paid by an eligible business and continuing for a 25-year period, the Department shall each month pay into the Energy Infrastructure Fund 80% of the net revenue realized from the 6.25% general rate on the selling price of Illinois-mined coal that was sold to an eligible business. For purposes of this paragraph, the term "eligible business" means a new electric generating facility certified pursuant to Section 605-332 of the Department of Commerce and Community Affairs Law of the Civil Administrative Code of Illinois.

Of the remainder of the moneys received by the Department pursuant to this Act, 75% thereof shall be paid into the State Treasury and 25% shall be reserved in a special account and used only for the transfer to the Common School Fund as part of the monthly transfer from the General Revenue Fund in accordance with Section 8a of the State Finance Act.

As soon as possible after the first day of each month, upon certification of the Department of Revenue, the Comptroller shall order transferred and the Treasurer shall transfer from the General Revenue Fund to the Motor Fuel Tax Fund an amount equal to 1.7% of 80% of the net revenue realized under this Act for the second preceding month. Beginning April 1, 2000, this transfer is no longer required and shall not be made.

Net revenue realized for a month shall be the revenue collected by the State pursuant to this Act, less the amount paid out during that month as refunds to taxpayers for
overpayment of liability.

For greater simplicity of administration, manufacturers, importers and wholesalers whose products are sold at retail in Illinois by numerous retailers, and who wish to do so, may assume the responsibility for accounting and paying to the Department all tax accruing under this Act with respect to such sales, if the retailers who are affected do not make written objection to the Department to this arrangement.

(Source: P.A. 91-37, eff. 7-1-99; 91-51, eff. 6-30-99; 91-101, eff. 7-12-99; 91-541, eff. 8-13-99; 91-872, eff. 7-1-00; 91-901, eff. 1-1-01; 92-12, eff. 7-1-01; 92-16, eff. 6-28-01; 92-208, eff. 8-2-01; 92-492, eff. 1-1-02; revised 9-14-01.)

Section 5-22. The Service Use Tax Act is amended by changing Section 9 as follows:

(35 ILCS 110/9) (from Ch. 120, par. 439.39)

Sec. 9. Each serviceman required or authorized to collect the tax herein imposed shall pay to the Department the amount of such tax (except as otherwise provided) at the time when he is required to file his return for the period during which such tax was collected, less a discount of 2.1% prior to January 1, 1990 and 1.75% on and after January 1, 1990, or $5 per calendar year, whichever is greater, which is allowed to reimburse the serviceman for expenses incurred in collecting the tax, keeping records, preparing and filing returns, remitting the tax and supplying data to the Department on request. A serviceman need not remit that part of any tax collected by him to the extent that he is required to pay and does pay the tax imposed by the Service Occupation Tax Act with respect to his sale of service involving the incidental transfer by him of the same property.

Except as provided hereinafter in this Section, on or before the twentieth day of each calendar month, such serviceman shall file a return for the preceding calendar month in accordance with reasonable Rules and Regulations to be promulgated by the Department. Such return shall be filed on a form prescribed by the Department and shall contain such information as the Department may reasonably require.

The Department may require returns to be filed on a quarterly basis. If so required, a return for each calendar quarter shall be filed on or before the twentieth day of the calendar month following the end of such calendar quarter. The taxpayer shall also file a return with the Department for each of the first two months of each calendar quarter, on or before the twentieth day of the following calendar month, stating:

1. The name of the seller;
2. The address of the principal place of business from which he engages in business as a serviceman in this State;
3. The total amount of taxable receipts received by him during the preceding calendar month, including receipts from charge and time sales, but less all deductions allowed by law;
4. The amount of credit provided in Section 2d of this Act;
5. The amount of tax due;
5-5. The signature of the taxpayer; and
6. Such other reasonable information as the Department may require.

If a taxpayer fails to sign a return within 30 days after the proper notice and demand

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for signature by the Department, the return shall be considered valid and any amount shown
to be due on the return shall be deemed assessed.

Beginning October 1, 1993, a taxpayer who has an average monthly tax liability of
$150,000 or more shall make all payments required by rules of the Department by electronic
funds transfer. Beginning October 1, 1994, a taxpayer who has an average monthly tax
liability of $100,000 or more shall make all payments required by rules of the Department
by electronic funds transfer. Beginning October 1, 1995, a taxpayer who has an average
monthly tax liability of $50,000 or more shall make all payments required by rules of the
Department by electronic funds transfer. Beginning October 1, 2000, a taxpayer who has an
annual tax liability of $200,000 or more shall make all payments required by rules of the
Department by electronic funds transfer. The term "annual tax liability" shall be the sum
of the taxpayer's liabilities under this Act, and under all other State and local occupation and
use tax laws administered by the Department, for the immediately preceding calendar year.
The term "average monthly tax liability" means the sum of the taxpayer's liabilities under this
Act, and under all other State and local occupation and use tax laws administered by the
Department, for the immediately preceding calendar year divided by 12. Beginning on
October 1, 2002, a taxpayer who has a tax liability in the amount set forth in subsection (b)
of Section 2505-210 of the Department of Revenue Law shall make all payments required
by rules of the Department by electronic funds transfer.

Before August 1 of each year beginning in 1993, the Department shall notify all
taxpayers required to make payments by electronic funds transfer. All taxpayers required to
make payments by electronic funds transfer shall make those payments for a minimum of one
year beginning on October 1.

Any taxpayer not required to make payments by electronic funds transfer may make
payments by electronic funds transfer with the permission of the Department.

All taxpayers required to make payment by electronic funds transfer and any
taxpayers authorized to voluntarily make payments by electronic funds transfer shall make
those payments in the manner authorized by the Department.

The Department shall adopt such rules as are necessary to effectuate a program of
electronic funds transfer and the requirements of this Section.

If the serviceman is otherwise required to file a monthly return and if the serviceman's
average monthly tax liability to the Department does not exceed $200, the Department may
authorize his returns to be filed on a quarterly basis, with the return for January, February
and March of a given year being due by April 20 of such year; with the return for
April, May and June of a given year being due by July 20 of such year; with the return for
July, August and September of a given year being due by October 20 of such year, and with
the return for October, November and December of a given year being due by January 20 of
the following year.

If the serviceman is otherwise required to file a monthly or quarterly return and if the
serviceman's average monthly tax liability to the Department does not exceed $50, the
Department may authorize his returns to be filed on an annual basis, with the return for a
given year being due by January 20 of the following year.

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Such quarterly and annual returns, as to form and substance, shall be subject to the same requirements as monthly returns.

Notwithstanding any other provision in this Act concerning the time within which a serviceman may file his return, in the case of any serviceman who ceases to engage in a kind of business which makes him responsible for filing returns under this Act, such serviceman shall file a final return under this Act with the Department not more than 1 month after discontinuing such business.

Where a serviceman collects the tax with respect to the selling price of property which he sells and the purchaser thereafter returns such property and the serviceman refunds the selling price thereof to the purchaser, such serviceman shall also refund, to the purchaser, the tax so collected from the purchaser. When filing his return for the period in which he refunds such tax to the purchaser, the serviceman may deduct the amount of the tax so refunded by him to the purchaser from any other Service Use Tax, Service Occupation Tax, retailers’ occupation tax or use tax which such serviceman may be required to pay or remit to the Department, as shown by such return, provided that the amount of the tax to be deducted shall previously have been remitted to the Department by such serviceman. If the serviceman shall not previously have remitted the amount of such tax to the Department, he shall be entitled to no deduction hereunder upon refunding such tax to the purchaser.

Any serviceman filing a return hereunder shall also include the total tax upon the selling price of tangible personal property purchased for use by him as an incident to a sale of service, and such serviceman shall remit the amount of such tax to the Department when filing such return.

If experience indicates such action to be practicable, the Department may prescribe and furnish a combination or joint return which will enable servicemen, who are required to file returns hereunder and also under the Service Occupation Tax Act, to furnish all the return information required by both Acts on the one form.

Where the serviceman has more than one business registered with the Department under separate registration hereunder, such serviceman shall not file each return that is due as a single return covering all such registered businesses, but shall file separate returns for each such registered business.

Beginning January 1, 1990, each month the Department shall pay into the State and Local Tax Reform Fund, a special fund in the State Treasury, the net revenue realized for the preceding month from the 1% tax on sales of food for human consumption which is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks and food which has been prepared for immediate consumption) and prescription and nonprescription medicines, drugs, medical appliances and insulin, urine testing materials, syringes and needles used by diabetics.

Beginning January 1, 1990, each month the Department shall pay into the State and Local Sales Tax Reform Fund 20% of the net revenue realized for the preceding month from the 6.25% general rate on transfers of tangible personal property, other than tangible personal property which is purchased outside Illinois at retail from a retailer and which is titled or registered by an agency of this State's government.

New matter indicated by italics - deletions by strikeout.
Beginning August 1, 2000, each month the Department shall pay into the State and Local Sales Tax Reform Fund 100% of the net revenue realized for the preceding month from the 1.25% rate on the selling price of motor fuel and gasohol.

Of the remainder of the moneys received by the Department pursuant to this Act, (a) 1.75% thereof shall be paid into the Build Illinois Fund and (b) prior to July 1, 1989, 2.2% and on and after July 1, 1989, 3.8% thereof shall be paid into the Build Illinois Fund; provided, however, that if in any fiscal year the sum of (1) the aggregate of 2.2% or 3.8%, as the case may be, of the moneys received by the Department and required to be paid into the Build Illinois Fund pursuant to Section 3 of the Retailers' Occupation Tax Act, Section 9 of the Use Tax Act, Section 9 of the Service Use Tax Act, and Section 9 of the Service Occupation Tax Act, such Acts being hereinafter called the "Tax Acts" and such aggregate of 2.2% or 3.8%, as the case may be, of moneys being hereinafter called the "Tax Act Amount", and (2) the amount transferred to the Build Illinois Fund from the State and Local Sales Tax Reform Fund shall be less than the Annual Specified Amount (as defined in Section 3 of the Retailers' Occupation Tax Act), an amount equal to the difference shall be immediately paid into the Build Illinois Fund from other moneys received by the Department pursuant to the Tax Acts; and further provided, that if on the last business day of any month the sum of (1) the Tax Act Amount required to be deposited into the Build Illinois Bond Account in the Build Illinois Fund during such month and (2) the amount transferred during such month to the Build Illinois Fund from the State and Local Sales Tax Reform Fund shall have been less than 1/12 of the Annual Specified Amount, an amount equal to the difference shall be immediately paid into the Build Illinois Fund from other moneys received by the Department pursuant to the Tax Acts; and, further provided, that in no event shall the payments required under the preceding proviso result in aggregate payments into the Build Illinois Fund pursuant to this clause (b) for any fiscal year in excess of the greater of (i) the Tax Act Amount or (ii) the Annual Specified Amount for such fiscal year; and, further provided, that the amounts payable into the Build Illinois Fund under this clause (b) shall be payable only until such time as the aggregate amount on deposit under each trust indenture securing Bonds issued and outstanding pursuant to the Build Illinois Bond Act is sufficient, taking into account any future investment income, to fully provide, in accordance with such indenture, for the defeasance of or the payment of the principal of, premium, if any, and interest on the Bonds secured by such indenture and on any Bonds expected to be issued thereafter and all fees and costs payable with respect thereto, all as certified by the Director of the Bureau of the Budget. If on the last business day of any month in which Bonds are outstanding pursuant to the Build Illinois Bond Act, the aggregate of the moneys deposited in the Build Illinois Bond Account in the Build Illinois Fund in such month shall be less than the amount required to be transferred in such month from the Build Illinois Bond Account to the Build Illinois Bond Retirement and Interest Fund pursuant to Section 13 of the Build Illinois Bond Act, an amount equal to such deficiency shall be immediately paid from other moneys received by the Department pursuant to the Tax Acts to the Build Illinois Fund; provided, however, that any amounts paid to the Build Illinois Fund in any fiscal year pursuant to this sentence shall be deemed to constitute payments pursuant to clause (b) of the
preceding sentence and shall reduce the amount otherwise payable for such fiscal year pursuant to clause (b) of the preceding sentence. The moneys received by the Department pursuant to this Act and required to be deposited into the Build Illinois Fund are subject to the pledge, claim and charge set forth in Section 12 of the Build Illinois Bond Act.

Subject to payment of amounts into the Build Illinois Fund as provided in the preceding paragraph or in any amendment thereto hereafter enacted, the following specified monthly installment of the amount requested in the certificate of the Chairman of the Metropolitan Pier and Exposition Authority provided under Section 8.25f of the State Finance Act, but not in excess of the sums designated as "Total Deposit", shall be deposited in the aggregate from collections under Section 9 of the Use Tax Act, Section 9 of the Service Use Tax Act, Section 9 of the Service Occupation Tax Act, and Section 3 of the Retailers' Occupation Tax Act into the McCormick Place Expansion Project Fund in the specified fiscal years.

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<tr>
<th>Fiscal Year</th>
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that was sold to an eligible business. For purposes of this paragraph, the term "eligible business" means a new electric generating facility certified pursuant to Section 605-332 of the Department of Commerce and Community Affairs Law of the Civil Administrative Code of Illinois.

All remaining moneys received by the Department pursuant to this Act shall be paid into the General Revenue Fund of the State Treasury.

As soon as possible after the first day of each month, upon certification of the Department of Revenue, the Comptroller shall order transferred and the Treasurer shall transfer from the General Revenue Fund to the Motor Fuel Tax Fund an amount equal to 1.7% of 80% of the net revenue realized under this Act for the second preceding month. Beginning April 1, 2000, this transfer is no longer required and shall not be made.

Net revenue realized for a month shall be the revenue collected by the State pursuant to this Act, less the amount paid out during that month as refunds to taxpayers for overpayment of liability.

(Source: P.A. 91-37, eff. 7-1-99; 91-51, eff. 6-30-99; 91-101, eff. 7-12-99; 91-541, eff. 8-13-99; 91-872, eff. 7-1-00; 92-12, eff. 7-1-01; 92-208, eff. 8-2-01; 92-492, eff. 1-1-02; revised 9-14-01.)

Section 5-23. The Service Occupation Tax Act is amended by changing Section 9 as follows:

(35 ILCS 115/9) (from Ch. 120, par. 439.109)

Sec. 9. Each serviceman required or authorized to collect the tax herein imposed shall pay to the Department the amount of such tax at the time when he is required to file his return for the period during which such tax was collectible, less a discount of 2.1% prior to January 1, 1990, and 1.75% on and after January 1, 1990, or $5 per calendar year, whichever is greater, which is allowed to reimburse the serviceman for expenses incurred in collecting the tax, keeping records, preparing and filing returns, remitting the tax and supplying data to the Department on request.

Where such tangible personal property is sold under a conditional sales contract, or under any other form of sale wherein the payment of the principal sum, or a part thereof, is extended beyond the close of the period for which the return is filed, the serviceman, in collecting the tax may collect, for each tax return period, only the tax applicable to the part of the selling price actually received during such tax return period.

Except as provided hereinafter in this Section, on or before the twentieth day of each calendar month, such serviceman shall file a return for the preceding calendar month in accordance with reasonable rules and regulations to be promulgated by the Department of Revenue. Such return shall be filed on a form prescribed by the Department and shall contain such information as the Department may reasonably require.

The Department may require returns to be filed on a quarterly basis. If so required, a return for each calendar quarter shall be filed on or before the twentieth day of the calendar month following the end of such calendar quarter. The taxpayer shall also file a return with the Department for each of the first two months of each calendar quarter, on or before the twentieth day of the following calendar month, stating:

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1. The name of the seller;
2. The address of the principal place of business from which he engages in business as a serviceman in this State;
3. The total amount of taxable receipts received by him during the preceding calendar month, including receipts from charge and time sales, but less all deductions allowed by law;
4. The amount of credit provided in Section 2d of this Act;
5. The amount of tax due;
5-5. The signature of the taxpayer; and
6. Such other reasonable information as the Department may require.

If a taxpayer fails to sign a return within 30 days after the proper notice and demand for signature by the Department, the return shall be considered valid and any amount shown to be due on the return shall be deemed assessed.

A serviceman may accept a Manufacturer's Purchase Credit certification from a purchaser in satisfaction of Service Use Tax as provided in Section 3-70 of the Service Use Tax Act if the purchaser provides the appropriate documentation as required by Section 3-70 of the Service Use Tax Act. A Manufacturer's Purchase Credit certification, accepted by a serviceman as provided in Section 3-70 of the Service Use Tax Act, may be used by that serviceman to satisfy Service Occupation Tax liability in the amount claimed in the certification, not to exceed 6.25% of the receipts subject to tax from a qualifying purchase.

If the serviceman's average monthly tax liability to the Department does not exceed $200, the Department may authorize his returns to be filed on a quarter annual basis, with the return for January, February and March of a given year being due by April 20 of such year; with the return for April, May and June of a given year being due by July 20 of such year; with the return for July, August and September of a given year being due by October 20 of such year, and with the return for October, November and December of a given year being due by January 20 of the following year.

If the serviceman's average monthly tax liability to the Department does not exceed $50, the Department may authorize his returns to be filed on an annual basis, with the return for a given year being due by January 20 of the following year.

Such quarter annual and annual returns, as to form and substance, shall be subject to the same requirements as monthly returns.

Notwithstanding any other provision in this Act concerning the time within which a serviceman may file his return, in the case of any serviceman who ceases to engage in a kind of business which makes him responsible for filing returns under this Act, such serviceman shall file a final return under this Act with the Department not more than 1 month after discontinuing such business.

Beginning October 1, 1993, a taxpayer who has an average monthly tax liability of $150,000 or more shall make all payments required by rules of the Department by electronic funds transfer. Beginning October 1, 1994, a taxpayer who has an average monthly tax liability of $100,000 or more shall make all payments required by rules of the Department by electronic funds transfer. Beginning October 1, 1995, a taxpayer who has an average

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monthly tax liability of $50,000 or more shall make all payments required by rules of the Department by electronic funds transfer. Beginning October 1, 2000, a taxpayer who has an annual tax liability of $200,000 or more shall make all payments required by rules of the Department by electronic funds transfer. The term "annual tax liability" shall be the sum of the taxpayer's liabilities under this Act, and under all other State and local occupation and use tax laws administered by the Department, for the immediately preceding calendar year. The term "average monthly tax liability" means the sum of the taxpayer's liabilities under this Act, and under all other State and local occupation and use tax laws administered by the Department, for the immediately preceding calendar year divided by 12. Beginning on October 1, 2002, a taxpayer who has a tax liability in the amount set forth in subsection (b) of Section 2505-210 of the Department of Revenue Law shall make all payments required by rules of the Department by electronic funds transfer.

Before August 1 of each year beginning in 1993, the Department shall notify all taxpayers required to make payments by electronic funds transfer. All taxpayers required to make payments by electronic funds transfer shall make those payments for a minimum of one year beginning on October 1.

Any taxpayer not required to make payments by electronic funds transfer may make payments by electronic funds transfer with the permission of the Department.

All taxpayers required to make payment by electronic funds transfer and any taxpayers authorized to voluntarily make payments by electronic funds transfer shall make those payments in the manner authorized by the Department.

The Department shall adopt such rules as are necessary to effectuate a program of electronic funds transfer and the requirements of this Section.

Where a serviceman collects the tax with respect to the selling price of tangible personal property which he sells and the purchaser thereafter returns such tangible personal property and the serviceman refunds the selling price thereof to the purchaser, such serviceman shall also refund, to the purchaser, the tax so collected from the purchaser. When filing his return for the period in which he refunds such tax to the purchaser, the serviceman may deduct the amount of the tax so refunded by him to the purchaser from any other Service Occupation Tax, Service Use Tax, Retailers' Occupation Tax or Use Tax which such serviceman may be required to pay or remit to the Department, as shown by such return, provided that the amount of the tax to be deducted shall previously have been remitted to the Department by such serviceman. If the serviceman shall not previously have remitted the amount of such tax to the Department, he shall be entitled to no deduction hereunder upon refunding such tax to the purchaser.

If experience indicates such action to be practicable, the Department may prescribe and furnish a combination or joint return which will enable servicemen, who are required to file returns hereunder and also under the Retailers' Occupation Tax Act, the Use Tax Act or the Service Use Tax Act, to furnish all the return information required by all said Acts on the one form.

Where the serviceman has more than one business registered with the Department under separate registrations hereunder, such serviceman shall file separate returns for each
registered business.

Beginning January 1, 1990, each month the Department shall pay into the Local Government Tax Fund the revenue realized for the preceding month from the 1% tax on sales of food for human consumption which is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks and food which has been prepared for immediate consumption) and prescription and nonprescription medicines, drugs, medical appliances and insulin, urine testing materials, syringes and needles used by diabetics.

Beginning January 1, 1990, each month the Department shall pay into the County and Mass Transit District Fund 4% of the revenue realized for the preceding month from the 6.25% general rate.

Beginning August 1, 2000, each month the Department shall pay into the County and Mass Transit District Fund 20% of the net revenue realized for the preceding month from the 1.25% rate on the selling price of motor fuel and gasohol.

Beginning January 1, 1990, each month the Department shall pay into the Local Government Tax Fund 16% of the revenue realized for the preceding month from the 6.25% general rate on transfers of tangible personal property.

Beginning August 1, 2000, each month the Department shall pay into the Local Government Tax Fund 80% of the net revenue realized for the preceding month from the 1.25% rate on the selling price of motor fuel and gasohol.

Of the remainder of the moneys received by the Department pursuant to this Act, (a) 1.75% thereof shall be paid into the Build Illinois Fund and (b) prior to July 1, 1989, 2.2% and on and after July 1, 1989, 3.8% thereof shall be paid into the Build Illinois Fund; provided, however, that if in any fiscal year the sum of (1) the aggregate of 2.2% or 3.8%, as the case may be, of the moneys received by the Department and required to be paid into the Build Illinois Fund pursuant to Section 3 of the Retailers' Occupation Tax Act, Section 9 of the Use Tax Act, Section 9 of the Service Use Tax Act, and Section 9 of the Service Occupation Tax Act, such Acts being hereinafter called the "Tax Acts" and such aggregate of 2.2% or 3.8%, as the case may be, of moneys being hereinafter called the "Tax Act Amount", and (2) the amount transferred to the Build Illinois Fund from the State and Local Sales Tax Reform Fund shall be less than the Annual Specified Amount (as defined in Section 3 of the Retailers' Occupation Tax Act), an amount equal to the difference shall be immediately paid into the Build Illinois Fund from other moneys received by the Department pursuant to the Tax Acts; and further provided, that if on the last business day of any month the sum of (1) the Tax Act Amount required to be deposited into the Build Illinois Account in the Build Illinois Fund during such month and (2) the amount transferred during such month to the Build Illinois Fund from the State and Local Sales Tax Reform Fund shall have been less than 1/12 of the Annual Specified Amount, an amount equal to the difference shall be immediately paid into the Build Illinois Fund from other moneys received by the Department pursuant to the Tax Acts; and, further provided, that in no event shall the payments required under the preceding proviso result in aggregate payments into the Build Illinois Fund pursuant to this clause (b) for any fiscal year in excess of the greater of (i) the Tax Act Amount or (ii) the Annual Specified Amount for such fiscal year; and, further

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provided, that the amounts payable into the Build Illinois Fund under this clause (b) shall be payable only until such time as the aggregate amount on deposit under each trust indenture securing Bonds issued and outstanding pursuant to the Build Illinois Bond Act is sufficient, taking into account any future investment income, to fully provide, in accordance with such indenture, for the defeasance of or the payment of the principal of, premium, if any, and interest on the Bonds secured by such indenture and on any Bonds expected to be issued thereafter and all fees and costs payable with respect thereto, all as certified by the Director of the Bureau of the Budget. If on the last business day of any month in which Bonds are outstanding pursuant to the Build Illinois Bond Act, the aggregate of the moneys deposited in the Build Illinois Bond Account in the Build Illinois Fund in such month shall be less than the amount required to be transferred in such month from the Build Illinois Bond Account to the Build Illinois Bond Retirement and Interest Fund pursuant to Section 13 of the Build Illinois Bond Act, an amount equal to such deficiency shall be immediately paid from other moneys received by the Department pursuant to the Tax Acts to the Build Illinois Fund; provided, however, that any amounts paid to the Build Illinois Fund in any fiscal year pursuant to this sentence shall be deemed to constitute payments pursuant to clause (b) of the preceding sentence and shall reduce the amount otherwise payable for such fiscal year pursuant to clause (b) of the preceding sentence. The moneys received by the Department pursuant to this Act and required to be deposited into the Build Illinois Fund are subject to the pledge, claim and charge set forth in Section 12 of the Build Illinois Bond Act.

Subject to payment of amounts into the Build Illinois Fund as provided in the preceding paragraph or in any amendment thereto hereafter enacted, the following specified monthly installment of the amount requested in the certificate of the Chairman of the Metropolitan Pier and Exposition Authority provided under Section 8.25f of the State Finance Act, but not in excess of the sums designated as "Total Deposit", shall be deposited in the aggregate from collections under Section 9 of the Use Tax Act, Section 9 of the Service Use Tax Act, Section 9 of the Service Occupation Tax Act, and Section 3 of the Retailers’ Occupation Tax Act into the McCormick Place Expansion Project Fund in the specified fiscal years.

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SUBJECT TO PAYMENT OF AMOUNTS INTO THE BUILD ILLINOIS FUND AND THE MCCORMICK PLACE EXPANSION PROJECT FUND PURSUANT TO THE PRECEDING PARAGRAPHS OR IN ANY AMENDMENT THERETO HEREAFTER ENACTED, EACH MONTH THE DEPARTMENT SHALL PAY INTO THE LOCAL GOVERNMENT DISTRIBUTIVE FUND 0.4% OF THE NET REVENUE REALIZED FOR THE PRECEDING MONTH FROM THE 5% GENERAL RATE OR 0.4% OF 80% OF THE NET REVENUE REALIZED FOR THE PRECEDING MONTH FROM THE 6.25% GENERAL RATE, AS THE CASE MAY BE, ON THE SELLING PRICE OF TANGIBLE PERSONAL PROPERTY WHICH AMOUNT SHALL, SUBJECT TO APPROPRIATION, BE DISTRIBUTED AS PROVIDED IN SECTION 2 OF THE
State Revenue Sharing Act. No payments or distributions pursuant to this paragraph shall be made if the tax imposed by this Act on photoprocessing products is declared unconstitutional, or if the proceeds from such tax are unavailable for distribution because of litigation.

Subject to payment of amounts into the Build Illinois Fund and the McCormick Place Expansion Project Fund and the Local Government Distributive Fund pursuant to the preceding paragraphs or in any amendments thereto hereafter enacted, beginning July 1, 1993, the Department shall each month pay into the Illinois Tax Increment Fund 0.27% of 80% of the net revenue realized for the preceding month from the 6.25% general rate on the selling price of tangible personal property.

Subject to payment of amounts into the Build Illinois Fund and the McCormick Place Expansion Project Fund and the Local Government Distributive Fund pursuant to the preceding paragraphs or in any amendments thereto hereafter enacted, beginning with the receipt of the first report of taxes paid by an eligible business and continuing for a 25-year period, the Department shall each month pay into the Energy Infrastructure Fund 80% of the net revenue realized from the 6.25% general rate on the selling price of Illinois-mined coal that was sold to an eligible business. For purposes of this paragraph, the term "eligible business" means a new electric generating facility certified pursuant to Section 605-332 of the Department of Commerce and Community Affairs Law of the Civil Administrative Code of Illinois.

Remaining moneys received by the Department pursuant to this Act shall be paid into the General Revenue Fund of the State Treasury.

The Department may, upon separate written notice to a taxpayer, require the taxpayer to prepare and file with the Department on a form prescribed by the Department within not less than 60 days after receipt of the notice an annual information return for the tax year specified in the notice. Such annual return to the Department shall include a statement of gross receipts as shown by the taxpayer's last Federal income tax return. If the total receipts of the business as reported in the Federal income tax return do not agree with the gross receipts reported to the Department of Revenue for the same period, the taxpayer shall attach to his annual return a schedule showing a reconciliation of the 2 amounts and the reasons for the difference. The taxpayer's annual return to the Department shall also disclose the cost of goods sold by the taxpayer during the year covered by such return, opening and closing inventories of such goods for such year, cost of goods used from stock or taken from stock and given away by the taxpayer during such year, payroll information of the taxpayer's business during such year and any additional reasonable information which the Department deems would be helpful in determining the accuracy of the monthly, quarterly or annual returns filed by such taxpayer as hereinbefore provided for in this Section.

If the annual information return required by this Section is not filed when and as required, the taxpayer shall be liable as follows:

(i) Until January 1, 1994, the taxpayer shall be liable for a penalty equal to 1/6 of 1% of the tax due from such taxpayer under this Act during the period to be covered by the annual return for each month or fraction of a month until such return

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is filed as required, the penalty to be assessed and collected in the same manner as any other penalty provided for in this Act.

(ii) On and after January 1, 1994, the taxpayer shall be liable for a penalty as described in Section 3-4 of the Uniform Penalty and Interest Act.

The chief executive officer, proprietor, owner or highest ranking manager shall sign the annual return to certify the accuracy of the information contained therein. Any person who willfully signs the annual return containing false or inaccurate information shall be guilty of perjury and punished accordingly. The annual return form prescribed by the Department shall include a warning that the person signing the return may be liable for perjury.

The foregoing portion of this Section concerning the filing of an annual information return shall not apply to a serviceman who is not required to file an income tax return with the United States Government.

As soon as possible after the first day of each month, upon certification of the Department of Revenue, the Comptroller shall order transferred and the Treasurer shall transfer from the General Revenue Fund to the Motor Fuel Tax Fund an amount equal to 1.7% of 80% of the net revenue realized under this Act for the second preceding month. Beginning April 1, 2000, this transfer is no longer required and shall not be made.

Net revenue realized for a month shall be the revenue collected by the State pursuant to this Act, less the amount paid out during that month as refunds to taxpayers for overpayment of liability.

For greater simplicity of administration, it shall be permissible for manufacturers, importers and wholesalers whose products are sold by numerous servicemen in Illinois, and who wish to do so, to assume the responsibility for accounting and paying to the Department all tax accruing under this Act with respect to such sales, if the servicemen who are affected do not make written objection to the Department to this arrangement.

(Source: P.A. 91-37, eff. 7-1-99; 91-51, eff. 6-30-99; 91-101, eff. 7-12-99; 91-541, eff. 8-13-99; 91-872, eff. 7-1-00; 92-12, eff. 7-1-01; 92-208, eff. 8-2-01; 92-492, eff. 1-1-02; revised 9-14-01.)

Section 5-24. The Retailers' Occupation Tax Act is amended by changing Section 3 as follows:

(35 ILCS 120/3) (from Ch. 120, par. 442)

Sec. 3. Except as provided in this Section, on or before the twentieth day of each calendar month, every person engaged in the business of selling tangible personal property at retail in this State during the preceding calendar month shall file a return with the Department, stating:

1. The name of the seller;
2. His residence address and the address of his principal place of business and the address of the principal place of business (if that is a different address) from which he engages in the business of selling tangible personal property at retail in this State;
3. Total amount of receipts received by him during the preceding calendar

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month or quarter, as the case may be, from sales of tangible personal property, and
from services furnished, by him during such preceding calendar month or quarter;

4. Total amount received by him during the preceding calendar month or
quarter on charge and time sales of tangible personal property, and from services
furnished, by him prior to the month or quarter for which the return is filed;

5. Deductions allowed by law;

6. Gross receipts which were received by him during the preceding calendar
month or quarter and upon the basis of which the tax is imposed;

7. The amount of credit provided in Section 2d of this Act;

8. The amount of tax due;

9. The signature of the taxpayer; and

10. Such other reasonable information as the Department may require.

If a taxpayer fails to sign a return within 30 days after the proper notice and demand
for signature by the Department, the return shall be considered valid and any amount shown
to be due on the return shall be deemed assessed.

Each return shall be accompanied by the statement of prepaid tax issued pursuant to
Section 2e for which credit is claimed.

A retailer may accept a Manufacturer's Purchase Credit certification from a purchaser
in satisfaction of Use Tax as provided in Section 3-85 of the Use Tax Act if the purchaser
provides the appropriate documentation as required by Section 3-85 of the Use Tax Act. A
Manufacturer's Purchase Credit certification, accepted by a retailer as provided in Section
3-85 of the Use Tax Act, may be used by that retailer to satisfy Retailers’ Occupation Tax
liability in the amount claimed in the certification, not to exceed 6.25% of the receipts
subject to tax from a qualifying purchase.

The Department may require returns to be filed on a quarterly basis. If so required,
a return for each calendar quarter shall be filed on or before the twentieth day of the calendar
month following the end of such calendar quarter. The taxpayer shall also file a return with
the Department for each of the first two months of each calendar quarter, on or before the
twentieth day of the following calendar month, stating:

1. The name of the seller;

2. The address of the principal place of business from which he engages in the
business of selling tangible personal property at retail in this State;

3. The total amount of taxable receipts received by him during the preceding
calendar month from sales of tangible personal property by him during such
preceding calendar month, including receipts from charge and time sales, but less all
deductions allowed by law;

4. The amount of credit provided in Section 2d of this Act;

5. The amount of tax due; and

6. Such other reasonable information as the Department may require.

If a total amount of less than $1 is payable, refundable or creditable, such amount
shall be disregarded if it is less than 50 cents and shall be increased to $1 if it is 50 cents or
more.

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Beginning October 1, 1993, a taxpayer who has an average monthly tax liability of $150,000 or more shall make all payments required by rules of the Department by electronic funds transfer. Beginning October 1, 1994, a taxpayer who has an average monthly tax liability of $100,000 or more shall make all payments required by rules of the Department by electronic funds transfer. Beginning October 1, 1995, a taxpayer who has an average monthly tax liability of $50,000 or more shall make all payments required by rules of the Department by electronic funds transfer. Beginning October 1, 2000, a taxpayer who has an annual tax liability of $200,000 or more shall make all payments required by rules of the Department by electronic funds transfer. The term "annual tax liability" shall be the sum of the taxpayer's liabilities under this Act, and under all other State and local occupation and use tax laws administered by the Department, for the immediately preceding calendar year. The term "average monthly tax liability" shall be the sum of the taxpayer's liabilities under this Act, and under all other State and local occupation and use tax laws administered by the Department, for the immediately preceding calendar year divided by 12. Beginning on October 1, 2002, a taxpayer who has a tax liability in the amount set forth in subsection (b) of Section 2505-210 of the Department of Revenue Law shall make all payments required by rules of the Department by electronic funds transfer.

Before August 1 of each year beginning in 1993, the Department shall notify all taxpayers required to make payments by electronic funds transfer. All taxpayers required to make payments by electronic funds transfer shall make those payments for a minimum of one year beginning on October 1.

Any taxpayer not required to make payments by electronic funds transfer may make payments by electronic funds transfer with the permission of the Department.

All taxpayers required to make payment by electronic funds transfer and any taxpayers authorized to voluntarily make payments by electronic funds transfer shall make those payments in the manner authorized by the Department.

The Department shall adopt such rules as are necessary to effectuate a program of electronic funds transfer and the requirements of this Section.

Any amount which is required to be shown or reported on any return or other document under this Act shall, if such amount is not a whole-dollar amount, be increased to the nearest whole-dollar amount in any case where the fractional part of a dollar is 50 cents or more, and decreased to the nearest whole-dollar amount where the fractional part of a dollar is less than 50 cents.

If the retailer is otherwise required to file a monthly return and if the retailer's average monthly tax liability to the Department does not exceed $200, the Department may authorize his returns to be filed on a quarterly basis, with the return for January, February and March of a given year being due by April 20 of such year; with the return for April, May and June of a given year being due by July 20 of such year; with the return for July, August and September of a given year being due by October 20 of such year, and with the return for October, November and December of a given year being due by January 20 of the following year.

If the retailer is otherwise required to file a monthly or quarterly return and if the
retailer's average monthly tax liability with the Department does not exceed $50, the Department may authorize his returns to be filed on an annual basis, with the return for a given year being due by January 20 of the following year.

Such quarter annual and annual returns, as to form and substance, shall be subject to the same requirements as monthly returns.

Notwithstanding any other provision in this Act concerning the time within which a retailer may file his return, in the case of any retailer who ceases to engage in a kind of business which makes him responsible for filing returns under this Act, such retailer shall file a final return under this Act with the Department not more than one month after discontinuing such business.

Where the same person has more than one business registered with the Department under separate registrations under this Act, such person may not file each return that is due as a single return covering all such registered businesses, but shall file separate returns for each such registered business.

In addition, with respect to motor vehicles, watercraft, aircraft, and trailers that are required to be registered with an agency of this State, every retailer selling this kind of tangible personal property shall file, with the Department, upon a form to be prescribed and supplied by the Department, a separate return for each such item of tangible personal property which the retailer sells, except that if, in the same transaction, (i) a retailer of aircraft, watercraft, motor vehicles or trailers transfers more than one aircraft, watercraft, motor vehicle or trailer to another aircraft, watercraft, motor vehicle retailer or trailer retailer for the purpose of resale or (ii) a retailer of aircraft, watercraft, motor vehicles, or trailers transfers more than one aircraft, watercraft, motor vehicle, or trailer to a purchaser for use as a qualifying rolling stock as provided in Section 2-5 of this Act, then that seller may report the transfer of all aircraft, watercraft, motor vehicles or trailers involved in that transaction to the Department on the same uniform invoice-transaction reporting return form. For purposes of this Section, "watercraft" means a Class 2, Class 3, or Class 4 watercraft as defined in Section 3-2 of the Boat Registration and Safety Act, a personal watercraft, or any boat equipped with an inboard motor.

Any retailer who sells only motor vehicles, watercraft, aircraft, or trailers that are required to be registered with an agency of this State, so that all retailers' occupation tax liability is required to be reported, and is reported, on such transaction reporting returns and who is not otherwise required to file monthly or quarterly returns, need not file monthly or quarterly returns. However, those retailers shall be required to file returns on an annual basis.

The transaction reporting return, in the case of motor vehicles or trailers that are required to be registered with an agency of this State, shall be the same document as the Uniform Invoice referred to in Section 5-402 of The Illinois Vehicle Code and must show the name and address of the seller; the name and address of the purchaser; the amount of the selling price including the amount allowed by the retailer for traded-in property, if any; the amount allowed by the retailer for the traded-in tangible personal property, if any, to the extent to which Section 1 of this Act allows an exemption for the value of traded-in property; the balance payable after deducting such trade-in allowance from the total selling price; the
amount of tax due from the retailer with respect to such transaction; the amount of tax
collected from the purchaser by the retailer on such transaction (or satisfactory evidence that
such tax is not due in that particular instance, if that is claimed to be the fact); the place and
date of the sale; a sufficient identification of the property sold; such other information as is
required in Section 5-402 of The Illinois Vehicle Code, and such other information as the
Department may reasonably require.

The transaction reporting return in the case of watercraft or aircraft must show the
name and address of the seller; the name and address of the purchaser; the amount of the
selling price including the amount allowed by the retailer for traded-in property, if any; the
amount allowed by the retailer for the traded-in tangible personal property, if any, to the
extent to which Section 1 of this Act allows an exemption for the value of traded-in property;
the balance payable after deducting such trade-in allowance from the total selling price; the
amount of tax due from the retailer with respect to such transaction; the amount of tax
collected from the purchaser by the retailer on such transaction (or satisfactory evidence that
such tax is not due in that particular instance, if that is claimed to be the fact); the place and
date of the sale, a sufficient identification of the property sold, and such other information
as the Department may reasonably require.

Such transaction reporting return shall be filed not later than 20 days after the day of
delivery of the item that is being sold, but may be filed by the retailer at any time sooner than
that if he chooses to do so. The transaction reporting return and tax remittance or proof of
exemption from the Illinois use tax may be transmitted to the Department by way of the State
agency with which, or State officer with whom the tangible personal property must be titled
or registered (if titling or registration is required) if the
Department and such agency or State
officer determine that this procedure will expedite the processing of applications for title or
registration.

With each such transaction reporting return, the retailer shall remit the proper amount
of tax due (or shall submit satisfactory evidence that the sale is not taxable if that is the case),
to the Department or its agents, whereupon the Department shall issue, in the purchaser's
name, a use tax receipt (or a certificate of exemption if the Department is satisfied that the
particular sale is tax exempt) which such purchaser may submit to the agency with which,
or State officer with whom, he must title or register the tangible personal property that is
involved (if titling or registration is required) in support of such purchaser's application for
an Illinois certificate or other evidence of title or registration to such tangible personal
property.

No retailer's failure or refusal to remit tax under this Act precludes a user, who has
paid the proper tax to the retailer, from obtaining his certificate of title or other evidence of
title or registration (if titling or registration is required) upon satisfying the Department that
such user has paid the proper tax (if tax is due) to the retailer. The Department shall adopt
appropriate rules to carry out the mandate of this paragraph.

If the user who would otherwise pay tax to the retailer wants the transaction reporting
return filed and the payment of the tax or proof of exemption made to the Department before
the retailer is willing to take these actions and such user has not paid the tax to the retailer,

New matter indicated by italics - deletions by strikeout.
such user may certify to the fact of such delay by the retailer and may (upon the Department being satisfied of the truth of such certification) transmit the information required by the transaction reporting return and the remittance for tax or proof of exemption directly to the Department and obtain his tax receipt or exemption determination, in which event the transaction reporting return and tax remittance (if a tax payment was required) shall be credited by the Department to the proper retailer's account with the Department, but without the 2.1% or 1.75% discount provided for in this Section being allowed. When the user pays the tax directly to the Department, he shall pay the tax in the same amount and in the same form in which it would be remitted if the tax had been remitted to the Department by the retailer.

Refunds made by the seller during the preceding return period to purchasers, on account of tangible personal property returned to the seller, shall be allowed as a deduction under subdivision 5 of his monthly or quarterly return, as the case may be, in case the seller had theretofore included the receipts from the sale of such tangible personal property in a return filed by him and had paid the tax imposed by this Act with respect to such receipts.

Where the seller is a corporation, the return filed on behalf of such corporation shall be signed by the president, vice-president, secretary or treasurer or by the properly accredited agent of such corporation.

Where the seller is a limited liability company, the return filed on behalf of the limited liability company shall be signed by a manager, member, or properly accredited agent of the limited liability company.

Except as provided in this Section, the retailer filing the return under this Section shall, at the time of filing such return, pay to the Department the amount of tax imposed by this Act less a discount of 2.1% prior to January 1, 1990 and 1.75% on and after January 1, 1990, or $5 per calendar year, whichever is greater, which is allowed to reimburse the retailer for the expenses incurred in keeping records, preparing and filing returns, remitting the tax and supplying data to the Department on request. Any prepayment made pursuant to Section 2d of this Act shall be included in the amount on which such 2.1% or 1.75% discount is computed. In the case of retailers who report and pay the tax on a transaction by transaction basis, as provided in this Section, such discount shall be taken with each such tax remittance instead of when such retailer files his periodic return.

Before October 1, 2000, if the taxpayer's average monthly tax liability to the Department under this Act, the Use Tax Act, the Service Occupation Tax Act, and the Service Use Tax Act, excluding any liability for prepaid sales tax to be remitted in accordance with Section 2d of this Act, was $10,000 or more during the preceding 4 complete calendar quarters, he shall file a return with the Department each month by the 20th day of the month next following the month during which such tax liability is incurred and shall make payments to the Department on or before the 7th, 15th, 22nd and last day of the month during which such liability is incurred. On and after October 1, 2000, if the taxpayer's average monthly tax liability to the Department under this Act, the Use Tax Act, the Service Occupation Tax Act, and the Service Use Tax Act, excluding any liability for prepaid sales tax to be remitted in accordance with Section 2d of this Act, was $20,000 or more during the

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preceding 4 complete calendar quarters, he shall file a return with the Department each month by the 20th day of the month next following the month during which such tax liability is incurred and shall make payment to the Department on or before the 7th, 15th, 22nd and last day of the month during which such liability is incurred. If the month during which such tax liability is incurred began prior to January 1, 1985, each payment shall be in an amount equal to 1/4 of the taxpayer's actual liability for the month or an amount set by the Department not to exceed 1/4 of the average monthly liability of the taxpayer to the Department for the preceding 4 complete calendar quarters (excluding the month of highest liability and the month of lowest liability in such 4 quarter period). If the month during which such tax liability is incurred begins on or after January 1, 1985 and prior to January 1, 1987, each payment shall be in an amount equal to 22.5% of the taxpayer's actual liability for the month or 27.5% of the taxpayer's liability for the same calendar month of the preceding year. If the month during which such tax liability is incurred begins on or after January 1, 1987 and prior to January 1, 1988, each payment shall be in an amount equal to 22.5% of the taxpayer's actual liability for the month or 26.25% of the taxpayer's liability for the same calendar month of the preceding year. If the month during which such tax liability is incurred begins on or after January 1, 1988, and prior to January 1, 1989, each payment shall be in an amount equal to 22.5% of the taxpayer's actual liability for the month or 25% of the taxpayer's liability for the same calendar month of the preceding year. If the month during which such tax liability is incurred begins on or after January 1, 1989, and prior to January 1, 1996, each payment shall be in an amount equal to 22.5% of the taxpayer's actual liability for the month or 25% of the taxpayer's liability for the same calendar month of the preceding year. If the month during which such tax liability is incurred begins on or after January 1, 1996, each payment shall be in an amount equal to 22.5% of the taxpayer's actual liability for the month or 25% of the taxpayer's liability for the same calendar month of the preceding year. If the month during which such tax liability is incurred begins on or after January 1, 1996, and prior to January 1, 1996, each payment shall be in an amount equal to 22.5% of the taxpayer's actual liability for the month or 25% of the taxpayer's liability for the same calendar month of the preceding year or 100% of the taxpayer's actual liability for the quarter monthly reporting period. The amount of such quarter monthly payments shall be credited against the final tax liability of the taxpayer's return for that month. Before October 1, 2000, once applicable, the requirement of the making of quarter monthly payments to the Department by taxpayers having an average monthly tax liability of $10,000 or more as determined in the manner provided above shall continue until such taxpayer's average monthly liability to the Department during the preceding 4 complete calendar quarters (excluding the month of highest liability and the month of lowest liability) is less than $9,000, or until such taxpayer's average monthly liability to the Department as computed for each calendar quarter of the 4 preceding complete calendar quarter period is less than $10,000. However, if a taxpayer can show the Department that a substantial change in the taxpayer's business has occurred which causes the taxpayer to anticipate that his average monthly tax liability for the reasonably foreseeable future will fall below the $10,000 threshold stated above, then such taxpayer may petition the Department for a change in such taxpayer's reporting status. On and after October 1, 2000, once applicable, the requirement of the making of quarter monthly payments to the Department by taxpayers having an average monthly tax liability of $20,000 or more as determined in the manner provided above shall continue until such taxpayer's average monthly liability to the Department during the preceding 4 complete calendar quarters (excluding the month of highest liability and the month of lowest liability) is less than $19,000 or until such taxpayer's average monthly liability to the Department during the preceding 4 complete calendar quarters (excluding the month of highest liability and the month of lowest liability) is less than $19,000 or until such taxpayer's average monthly liability to the Department during the preceding 4 complete calendar quarters (excluding the month of highest liability and the month of lowest liability) is less than $19,000 or until such taxpayer's average monthly liability to the Department during the preceding 4 complete calendar quarters (excluding the month of highest liability and the month of lowest liability) is less than $19,000 or until such taxpayer's average monthly
liability to the Department as computed for each calendar quarter of the 4 preceding complete calendar quarter period is less than $20,000. However, if a taxpayer can show the Department that a substantial change in the taxpayer's business has occurred which causes the taxpayer to anticipate that his average monthly tax liability for the reasonably foreseeable future will fall below the $20,000 threshold stated above, then such taxpayer may petition the Department for a change in such taxpayer's reporting status. The Department shall change such taxpayer's reporting status unless it finds that such change is seasonal in nature and not likely to be long term. If any such quarter monthly payment is not paid at the time or in the amount required by this Section, then the taxpayer shall be liable for penalties and interest on the difference between the minimum amount due as a payment and the amount of such quarter monthly payment actually and timely paid, except insofar as the taxpayer has previously made payments for that month to the Department in excess of the minimum payments previously due as provided in this Section. The Department shall make reasonable rules and regulations to govern the quarter monthly payment amount and quarter monthly payment dates for taxpayers who file on other than a calendar monthly basis.

The provisions of this paragraph apply before October 1, 2001. Without regard to whether a taxpayer is required to make quarter monthly payments as specified above, any taxpayer who is required by Section 2d of this Act to collect and remit prepaid taxes and has collected prepaid taxes which average in excess of $25,000 per month during the preceding 2 complete calendar quarters, shall file a return with the Department as required by Section 2f and shall make payments to the Department on or before the 7th, 15th, 22nd and last day of the month during which such liability is incurred. If the month during which such tax liability is incurred began prior to the effective date of this amendatory Act of 1985, each payment shall be in an amount not less than 22.5% of the taxpayer's actual liability under Section 2d. If the month during which such tax liability is incurred begins on or after January 1, 1986, each payment shall be in an amount equal to 22.5% of the taxpayer's actual liability for the month or 27.5% of the taxpayer's liability for the same calendar month of the preceding calendar year. If the month during which such tax liability is incurred begins on or after January 1, 1987, each payment shall be in an amount equal to 22.5% of the taxpayer's actual liability for the month or 26.25% of the taxpayer's liability for the same calendar month of the preceding year. The amount of such quarter monthly payments shall be credited against the final tax liability of the taxpayer's return for that month filed under this Section or Section 2f, as the case may be. Once applicable, the requirement of the making of quarter monthly payments to the Department pursuant to this paragraph shall continue until such taxpayer's average monthly prepaid tax collections during the preceding 2 complete calendar quarters is $25,000 or less. If any such quarter monthly payment is not paid at the time or in the amount required, the taxpayer shall be liable for penalties and interest on such difference, except insofar as the taxpayer has previously made payments for that month in excess of the minimum payments previously due.

The provisions of this paragraph apply on and after October 1, 2001. Without regard to whether a taxpayer is required to make quarter monthly payments as specified above, any taxpayer who is required by Section 2d of this Act to collect and remit prepaid taxes and has
collected prepaid taxes that average in excess of $20,000 per month during the preceding 4 complete calendar quarters shall file a return with the Department as required by Section 2f and shall make payments to the Department on or before the 7th, 15th, 22nd and last day of the month during which the liability is incurred. Each payment shall be in an amount equal to 22.5% of the taxpayer's actual liability for the month or 25% of the taxpayer's liability for the same calendar month of the preceding year. The amount of the quarter monthly payments shall be credited against the final tax liability of the taxpayer's return for that month filed under this Section or Section 2f, as the case may be. Once applicable, the requirement of the making of quarter monthly payments to the Department pursuant to this paragraph shall continue until the taxpayer's average monthly prepaid tax collections during the preceding 4 complete calendar quarters (excluding the month of highest liability and the month of lowest liability) is less than $19,000 or until such taxpayer's average monthly liability to the Department as computed for each calendar quarter of the 4 preceding complete calendar quarters is less than $20,000. If any such quarter monthly payment is not paid at the time or in the amount required, the taxpayer shall be liable for penalties and interest on such difference, except insofar as the taxpayer has previously made payments for that month in excess of the minimum payments previously due.

If any payment provided for in this Section exceeds the taxpayer's liabilities under this Act, the Use Tax Act, the Service Occupation Tax Act and the Service Use Tax Act, as shown on an original monthly return, the Department shall, if requested by the taxpayer, issue to the taxpayer a credit memorandum no later than 30 days after the date of payment. The credit evidenced by such credit memorandum may be assigned by the taxpayer to a similar taxpayer under this Act, the Use Tax Act, the Service Occupation Tax Act or the Service Use Tax Act, in accordance with reasonable rules and regulations to be prescribed by the Department. If no such request is made, the taxpayer may credit such excess payment against tax liability subsequently to be remitted to the Department under this Act, the Use Tax Act, the Service Occupation Tax Act or the Service Use Tax Act, in accordance with reasonable rules and regulations prescribed by the Department. If the Department subsequently determined that all or any part of the credit taken was not actually due to the taxpayer, the taxpayer's 2.1% and 1.75% vendor's discount shall be reduced by 2.1% or 1.75% of the difference between the credit taken and that actually due, and that taxpayer shall be liable for penalties and interest on such difference.

If a retailer of motor fuel is entitled to a credit under Section 2d of this Act which exceeds the taxpayer's liability to the Department under this Act for the month which the taxpayer is filing a return, the Department shall issue the taxpayer a credit memorandum for the excess.

Beginning January 1, 1990, each month the Department shall pay into the Local Government Tax Fund, a special fund in the State treasury which is hereby created, the net revenue realized for the preceding month from the 1% tax on sales of food for human consumption which is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks and food which has been prepared for immediate consumption) and prescription and nonprescription medicines, drugs, medical appliances and insulin, urine

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testing materials, syringes and needles used by diabetics.

Beginning January 1, 1990, each month the Department shall pay into the County and Mass Transit District Fund, a special fund in the State treasury which is hereby created, 4% of the net revenue realized for the preceding month from the 6.25% general rate.

Beginning August 1, 2000, each month the Department shall pay into the County and Mass Transit District Fund 20% of the net revenue realized for the preceding month from the 1.25% rate on the selling price of motor fuel and gasohol.

Beginning January 1, 1990, each month the Department shall pay into the Local Government Tax Fund 16% of the net revenue realized for the preceding month from the 6.25% general rate on the selling price of tangible personal property.

Beginning August 1, 2000, each month the Department shall pay into the Local Government Tax Fund 80% of the net revenue realized for the preceding month from the 1.25% rate on the selling price of motor fuel and gasohol.

Of the remainder of the moneys received by the Department pursuant to this Act, (a) 1.75% thereof shall be paid into the Build Illinois Fund and (b) prior to July 1, 1989, 2.2% and on and after July 1, 1989, 3.8% thereof shall be paid into the Build Illinois Fund; provided, however, that if in any fiscal year the sum of (1) the aggregate of 2.2% or 3.8%, as the case may be, of the moneys received by the Department and required to be paid into the Build Illinois Fund pursuant to this Act, Section 9 of the Use Tax Act, and Section 9 of the Service Occupation Tax Act, such Acts being hereinafter called the "Tax Acts" and such aggregate of 2.2% or 3.8%, as the case may be, of moneys being hereinafter called the "Tax Act Amount", and (2) the amount transferred to the Build Illinois Fund from the State and Local Sales Tax Reform Fund shall be less than the Annual Specified Amount (as hereinafter defined), an amount equal to the difference shall be immediately paid into the Build Illinois Fund from other moneys received by the Department pursuant to the Tax Acts; the "Annual Specified Amount" means the amounts specified below for fiscal years 1986 through 1993:

<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>Annual Specified Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1986</td>
<td>$54,800,000</td>
</tr>
<tr>
<td>1987</td>
<td>$76,650,000</td>
</tr>
<tr>
<td>1988</td>
<td>$80,480,000</td>
</tr>
<tr>
<td>1989</td>
<td>$88,510,000</td>
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<tr>
<td>1990</td>
<td>$115,330,000</td>
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<td>1991</td>
<td>$145,470,000</td>
</tr>
<tr>
<td>1992</td>
<td>$182,730,000</td>
</tr>
<tr>
<td>1993</td>
<td>$206,520,000</td>
</tr>
</tbody>
</table>

and means the Certified Annual Debt Service Requirement (as defined in Section 13 of the Build Illinois Bond Act) or the Tax Act Amount, whichever is greater, for fiscal year 1994 and each fiscal year thereafter; and further provided, that if on the last business day of any month the sum of (1) the Tax Act Amount required to be deposited into the Build Illinois Bond Account in the Build Illinois Fund during such month and (2) the amount transferred to the Build Illinois Fund from the State and Local Sales Tax Reform Fund shall have been

New matter indicated by italics - deletions by strikeout.
less than 1/12 of the Annual Specified Amount, an amount equal to the difference shall be immediately paid into the Build Illinois Fund from other moneys received by the Department pursuant to the Tax Acts; and, further provided, that in no event shall the payments required under the preceding proviso result in aggregate payments into the Build Illinois Fund pursuant to this clause (b) for any fiscal year in excess of the greater of (i) the Tax Act Amount or (ii) the Annual Specified Amount for such fiscal year. The amounts payable into the Build Illinois Fund under clause (b) of the first sentence in this paragraph shall be payable only until such time as the aggregate amount on deposit under each trust indenture securing Bonds issued and outstanding pursuant to the Build Illinois Bond Act is sufficient, taking into account any future investment income, to fully provide, in accordance with such indenture, for the defeasance of or the payment of the principal of, premium, if any, and interest on the Bonds secured by such indenture and on any Bonds expected to be issued thereafter and all fees and costs payable with respect thereto, all as certified by the Director of the Bureau of the Budget.

If on the last business day of any month in which Bonds are outstanding pursuant to the Build Illinois Bond Act, the aggregate of moneys deposited in the Build Illinois Bond Account in the Build Illinois Fund in such month shall be less than the amount required to be transferred in such month from the Build Illinois Bond Account to the Build Illinois Bond Retirement and Interest Fund pursuant to Section 13 of the Build Illinois Bond Act, an amount equal to such deficiency shall be immediately paid from other moneys received by the Department pursuant to the Tax Acts to the Build Illinois Fund; provided, however, that any amounts paid to the Build Illinois Fund in any fiscal year pursuant to this sentence shall be deemed to constitute payments pursuant to clause (b) of the first sentence of this paragraph and shall reduce the amount otherwise payable for such fiscal year pursuant to that clause (b). The moneys received by the Department pursuant to this Act and required to be deposited into the Build Illinois Fund are subject to the pledge, claim and charge set forth in Section 12 of the Build Illinois Bond Act.

Subject to payment of amounts into the Build Illinois Fund as provided in the preceding paragraph or in any amendment thereto hereafter enacted, the following specified monthly installment of the amount requested in the certificate of the Chairman of the Metropolitan Pier and Exposition Authority provided under Section 8.25f of the State Finance Act, but not in excess of sums designated as "Total Deposit", shall be deposited in the aggregate from collections under Section 9 of the Use Tax Act, Section 9 of the Service Use Tax Act, Section 9 of the Service Occupation Tax Act, and Section 3 of the Retailers’ Occupation Tax Act into the McCormick Place Expansion Project Fund in the specified fiscal years.

<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>Total Deposit</th>
</tr>
</thead>
<tbody>
<tr>
<td>1993</td>
<td>$0</td>
</tr>
<tr>
<td>1994</td>
<td>53,000,000</td>
</tr>
<tr>
<td>1995</td>
<td>58,000,000</td>
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<tr>
<td>1996</td>
<td>61,000,000</td>
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<td>1997</td>
<td>64,000,000</td>
</tr>
<tr>
<td>1998</td>
<td>68,000,000</td>
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New matter indicated by italics - deletions by strikeout.
<table>
<thead>
<tr>
<th>Year</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1999</td>
<td>71,000,000</td>
</tr>
<tr>
<td>2000</td>
<td>75,000,000</td>
</tr>
<tr>
<td>2001</td>
<td>80,000,000</td>
</tr>
<tr>
<td>2002</td>
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<tr>
<td>2003</td>
<td>99,000,000</td>
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<tr>
<td>2004</td>
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<td>2005</td>
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<tr>
<td>2006</td>
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<td>119,000,000</td>
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<tr>
<td>2008</td>
<td>126,000,000</td>
</tr>
<tr>
<td>2009</td>
<td>132,000,000</td>
</tr>
<tr>
<td>2010</td>
<td>139,000,000</td>
</tr>
<tr>
<td>2011</td>
<td>146,000,000</td>
</tr>
<tr>
<td>2012</td>
<td>153,000,000</td>
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<td>2013</td>
<td>161,000,000</td>
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<tr>
<td>2014</td>
<td>170,000,000</td>
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<tr>
<td>2015</td>
<td>179,000,000</td>
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<tr>
<td>2016</td>
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<td>2017</td>
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<td>2018</td>
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<td>2019</td>
<td>221,000,000</td>
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<tr>
<td>2020</td>
<td>233,000,000</td>
</tr>
<tr>
<td>2021</td>
<td>246,000,000</td>
</tr>
<tr>
<td>2022</td>
<td>260,000,000</td>
</tr>
<tr>
<td>2023 and</td>
<td>275,000,000</td>
</tr>
</tbody>
</table>

Each fiscal year thereafter that bonds are outstanding under Section 13.2 of the Metropolitan Pier and Exposition Authority Act, but not after fiscal year 2042.

Beginning July 20, 1993 and in each month of each fiscal year thereafter, one-eighth of the amount requested in the certificate of the Chairman of the Metropolitan Pier and Exposition Authority for that fiscal year, less the amount deposited into the McCormick Place Expansion Project Fund by the State Treasurer in the respective month under subsection (g) of Section 13 of the Metropolitan Pier and Exposition Authority Act, plus cumulative deficiencies in the deposits required under this Section for previous months and years, shall be deposited into the McCormick Place Expansion Project Fund, until the full amount requested for the fiscal year, but not in excess of the amount specified above as "Total Deposit", has been deposited.

Subject to payment of amounts into the Build Illinois Fund and the McCormick Place Expansion Project Fund.
Expansion Project Fund pursuant to the preceding paragraphs or in any amendment thereto hereafter enacted, each month the Department shall pay into the Local Government Distributive Fund 0.4% of the net revenue realized for the preceding month from the 5% general rate or 0.4% of 80% of the net revenue realized for the preceding month from the 6.25% general rate, as the case may be, on the selling price of tangible personal property which amount shall, subject to appropriation, be distributed as provided in Section 2 of the State Revenue Sharing Act. No payments or distributions pursuant to this paragraph shall be made if the tax imposed by this Act on photoprocessing products is declared unconstitutional, or if the proceeds from such tax are unavailable for distribution because of litigation.

Subject to payment of amounts into the Build Illinois Fund and the McCormick Place Expansion Project Fund, and the Local Government Distributive Fund pursuant to the preceding paragraphs or in any amendments thereto hereafter enacted, beginning July 1, 1993, the Department shall each month pay into the Illinois Tax Increment Fund 0.27% of 80% of the net revenue realized for the preceding month from the 6.25% general rate on the selling price of tangible personal property.

Subject to payment of amounts into the Build Illinois Fund and the McCormick Place Expansion Project Fund, and the Local Government Distributive Fund pursuant to the preceding paragraphs or in any amendments thereto hereafter enacted, beginning with the receipt of the first report of taxes paid by an eligible business and continuing for a 25-year period, the Department shall each month pay into the Energy Infrastructure Fund 80% of the net revenue realized from the 6.25% general rate on the selling price of Illinois-mined coal that was sold to an eligible business. For purposes of this paragraph, the term "eligible business" means a new electric generating facility certified pursuant to Section 605-332 of the Department of Commerce and Community Affairs Law of the Civil Administrative Code of Illinois.

Of the remainder of the moneys received by the Department pursuant to this Act, 75% thereof shall be paid into the State Treasury and 25% shall be reserved in a special account and used only for the transfer to the Common School Fund as part of the monthly transfer from the General Revenue Fund in accordance with Section 8a of the State Finance Act.

The Department may, upon separate written notice to a taxpayer, require the taxpayer to prepare and file with the Department on a form prescribed by the Department within not less than 60 days after receipt of the notice an annual information return for the tax year specified in the notice. Such annual return to the Department shall include a statement of gross receipts as shown by the retailer's last Federal income tax return. If the total receipts of the business as reported in the Federal income tax return do not agree with the gross receipts reported to the Department of Revenue for the same period, the retailer shall attach to his annual report a schedule showing a reconciliation of the two amounts and the reasons for the difference. The retailer's annual return to the Department shall also disclose the cost of goods sold by the retailer during the year covered by such return, opening and closing inventories of such goods for such year, costs of goods used from stock or taken from stock and given away by the retailer during such year, payroll information of the retailer's business
during such year and any additional reasonable information which the Department deems would be helpful in determining the accuracy of the monthly, quarterly or annual returns filed by such retailer as provided for in this Section.

If the annual information return required by this Section is not filed when and as required, the taxpayer shall be liable as follows:

(i) Until January 1, 1994, the taxpayer shall be liable for a penalty equal to 1/6 of 1% of the tax due from such taxpayer under this Act during the period to be covered by the annual return for each month or fraction of a month until such return is filed as required, the penalty to be assessed and collected in the same manner as any other penalty provided for in this Act.

(ii) On and after January 1, 1994, the taxpayer shall be liable for a penalty as described in Section 3-4 of the Uniform Penalty and Interest Act.

The chief executive officer, proprietor, owner or highest ranking manager shall sign the annual return to certify the accuracy of the information contained therein. Any person who willfully signs the annual return containing false or inaccurate information shall be guilty of perjury and punished accordingly. The annual return form prescribed by the Department shall include a warning that the person signing the return may be liable for perjury.

The provisions of this Section concerning the filing of an annual information return do not apply to a retailer who is not required to file an income tax return with the United States Government.

As soon as possible after the first day of each month, upon certification of the Department of Revenue, the Comptroller shall order transferred and the Treasurer shall transfer from the General Revenue Fund to the Motor Fuel Tax Fund an amount equal to 1.7% of 80% of the net revenue realized under this Act for the second preceding month. Beginning April 1, 2000, this transfer is no longer required and shall not be made.

Net revenue realized for a month shall be the revenue collected by the State pursuant to this Act, less the amount paid out during that month as refunds to taxpayers for overpayment of liability.

For greater simplicity of administration, manufacturers, importers and wholesalers whose products are sold at retail in Illinois by numerous retailers, and who wish to do so, may assume the responsibility for accounting and paying to the Department all tax accruing under this Act with respect to such sales, if the retailers who are affected do not make written objection to the Department to this arrangement.

Any person who promotes, organizes, provides retail selling space for concessionaires or other types of sellers at the Illinois State Fair, DuQuoin State Fair, county fairs, local fairs, art shows, flea markets and similar exhibitions or events, including any transient merchant as defined by Section 2 of the Transient Merchant Act of 1987, is required to file a report with the Department providing the name of the merchant's business, the name of the person or persons engaged in merchant's business, the permanent address and Illinois Retailers Occupation Tax Registration Number of the merchant, the dates and location of the event and other reasonable information that the Department may require. The report must be filed not
later than the 20th day of the month next following the month during which the event with retail sales was held. Any person who fails to file a report required by this Section commits a business offense and is subject to a fine not to exceed $250.

Any person engaged in the business of selling tangible personal property at retail as a concessionaire or other type of seller at the Illinois State Fair, county fairs, art shows, flea markets and similar exhibitions or events, or any transient merchants, as defined by Section 2 of the Transient Merchant Act of 1987, may be required to make a daily report of the amount of such sales to the Department and to make a daily payment of the full amount of tax due. The Department shall impose this requirement when it finds that there is a significant risk of loss of revenue to the State at such an exhibition or event. Such a finding shall be based on evidence that a substantial number of concessionaires or other sellers who are not residents of Illinois will be engaging in the business of selling tangible personal property at retail at the exhibition or event, or other evidence of a significant risk of loss of revenue to the State. The Department shall notify concessionaires and other sellers affected by the imposition of this requirement. In the absence of notification by the Department, the concessionaires and other sellers shall file their returns as otherwise required in this Section.

(Source: P.A. 91-37, eff. 7-1-99; 91-51, eff. 6-30-99; 91-101, eff. 7-12-99; 91-541, eff. 8-13-99; 91-872, eff. 7-1-00; 91-901, eff. 1-1-01; 92-12, eff. 7-1-01; 92-16, eff. 6-28-01; 92-208, eff. 8-2-01; 92-484, eff. 8-23-01; 92-492, eff. 1-1-02; revised 9-14-01.)

Section 5-25. The Hotel Operators' Occupation Tax Act is amended by changing Section 6 as follows:

(35 ILCS 145/6) (from Ch. 120, par. 481b.36)

Sec. 6. Except as provided hereinafter in this Section, on or before the last day of each calendar month, every person engaged in the business of renting, leasing or letting rooms in a hotel in this State during the preceding calendar month shall file a return with the Department, stating:

1. The name of the operator;
2. His residence address and the address of his principal place of business and the address of the principal place of business (if that is a different address) from which he engages in the business of renting, leasing or letting rooms in a hotel in this State;
3. Total amount of rental receipts received by him during the preceding calendar month from renting, leasing or letting rooms during such preceding calendar month;
4. Total amount of rental receipts received by him during the preceding calendar month from renting, leasing or letting rooms to permanent residents during such preceding calendar month;
5. Total amount of other exclusions from gross rental receipts allowed by this Act;
6. Gross rental receipts which were received by him during the preceding calendar month and upon the basis of which the tax is imposed;
7. The amount of tax due;

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8. Such other reasonable information as the Department may require.

If the operator's average monthly tax liability to the Department does not exceed $200, the Department may authorize his returns to be filed on a quarter annual basis, with the return for January, February and March of a given year being due by April 30 of such year; with the return for April, May and June of a given year being due by July 31 of such year; with the return for July, August and September of a given year being due by October 31 of such year, and with the return for October, November and December of a given year being due by January 31 of the following year.

If the operator's average monthly tax liability to the Department does not exceed $50, the Department may authorize his returns to be filed on an annual basis, with the return for a given year being due by January 31 of the following year.

Such quarter annual and annual returns, as to form and substance, shall be subject to the same requirements as monthly returns.

Notwithstanding any other provision in this Act concerning the time within which an operator may file his return, in the case of any operator who ceases to engage in a kind of business which makes him responsible for filing returns under this Act, such operator shall file a final return under this Act with the Department not more than 1 month after discontinuing such business.

Where the same person has more than 1 business registered with the Department under separate registrations under this Act, such person shall not file each return that is due as a single return covering all such registered businesses, but shall file separate returns for each such registered business.

In his return, the operator shall determine the value of any consideration other than money received by him in connection with the renting, leasing or letting of rooms in the course of his business and he shall include such value in his return. Such determination shall be subject to review and revision by the Department in the manner hereinafter provided for the correction of returns.

Where the operator is a corporation, the return filed on behalf of such corporation shall be signed by the president, vice-president, secretary or treasurer or by the properly accredited agent of such corporation.

The person filing the return herein provided for shall, at the time of filing such return, pay to the Department the amount of tax herein imposed. The operator filing the return under this Section shall, at the time of filing such return, pay to the Department the amount of tax imposed by this Act less a discount of 2.1% or $25 per calendar year, whichever is greater, which is allowed to reimburse the operator for the expenses incurred in keeping records, preparing and filing returns, remitting the tax and supplying data to the Department on request.

There shall be deposited in the Build Illinois Fund in the State Treasury for each State fiscal year 40% of the amount of total net proceeds from the tax imposed by subsection (a) of Section 3. Of the remaining 60%, $5,000,000 shall be deposited in the Illinois Sports Facilities Fund and credited to the Subsidy Account each fiscal year by making monthly deposits in the amount of 1/8 of $5,000,000 plus cumulative deficiencies in such deposits for

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prior months, and an additional $8,000,000 shall be deposited in the Illinois Sports Facilities Fund and credited to the Advance Account each fiscal year by making monthly deposits in the amount of 1/8 of $8,000,000 plus any cumulative deficiencies in such deposits for prior months; provided, that for fiscal years ending after June 30, 2001, the amount to be so deposited into the Illinois Sports Facilities Fund and credited to the Advance Account each fiscal year shall be increased from $8,000,000 to the then applicable Advance Amount and the required monthly deposits beginning with July 2001 shall be in the amount of 1/8 of the then applicable Advance Amount plus any cumulative deficiencies in those deposits for prior months. (The deposits of the additional $8,000,000 or the then applicable Advance Amount, as applicable, during each fiscal year shall be treated as advances of funds to the Illinois Sports Facilities Authority for its corporate purposes to the extent paid to the Authority or its trustee and shall be repaid into the General Revenue Fund in the State Treasury by the State Treasurer on behalf of the Authority pursuant to Section 19 of the Illinois Sports Facilities Authority Act, as amended. If in any fiscal year the full amount of the then applicable Advance Amount is not repaid into the General Revenue Fund, then the deficiency shall be paid from the amount in the Local Government Distributive Fund that would otherwise be allocated to the City of Chicago under the State Revenue Sharing Act.)

For purposes of the foregoing paragraph, the term "Advance Amount" means, for fiscal year 2002, $22,179,000, and for subsequent fiscal years through fiscal year 2032, 105.615% of the Advance Amount for the immediately preceding fiscal year, rounded up to the nearest $1,000.

Of the remaining 60% of the amount of total net proceeds from the tax imposed by subsection (a) of Section 3 after all required deposits in the Illinois Sports Facilities Fund, the amount equal to 8% of the net revenue realized from the Hotel Operators' Occupation Tax Act plus an amount equal to 8% of the net revenue realized from any tax imposed under Section 4.05 of the Chicago World's Fair-1992 Authority Act during the preceding month shall be deposited in the Local Tourism Fund each month for purposes authorized by Section 605-705 of the Department of Commerce and Community Affairs Law (20 ILCS 605/605-705) in the Local Tourism Fund, and beginning August 1, 1999 the amount equal to 4.5% 6% of the net revenue realized from the Hotel Operators' Occupation Tax Act during the preceding month shall be deposited into the International Tourism Fund for the purposes authorized in Section 46.6d of the Civil Administrative Code of Illinois. "Net revenue realized for a month" means the revenue collected by the State under that Act during the previous month less the amount paid out during that same month as refunds to taxpayers for overpayment of liability under that Act.

After making all these deposits, all other proceeds of the tax imposed under subsection (a) of Section 3 shall be deposited in the General Revenue Fund in the State Treasury. All moneys received by the Department from the additional tax imposed under subsection (b) of Section 3 shall be deposited into the Build Illinois Fund in the State Treasury.

The Department may, upon separate written notice to a taxpayer, require the taxpayer to prepare and file with the Department on a form prescribed by the Department within not

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less than 60 days after receipt of the notice an annual information return for the tax year specified in the notice. Such annual return to the Department shall include a statement of gross receipts as shown by the operator's last State income tax return. If the total receipts of the business as reported in the State income tax return do not agree with the gross receipts reported to the Department for the same period, the operator shall attach to his annual information return a schedule showing a reconciliation of the 2 amounts and the reasons for the difference. The operator's annual information return to the Department shall also disclose payroll information of the operator's business during the year covered by such return and any additional reasonable information which the Department deems would be helpful in determining the accuracy of the monthly, quarterly or annual tax returns by such operator as hereinbefore provided for in this Section.

If the annual information return required by this Section is not filed when and as required the taxpayer shall be liable for a penalty in an amount determined in accordance with Section 3-4 of the Uniform Penalty and Interest Act until such return is filed as required, the penalty to be assessed and collected in the same manner as any other penalty provided for in this Act.

The chief executive officer, proprietor, owner or highest ranking manager shall sign the annual return to certify the accuracy of the information contained therein. Any person who willfully signs the annual return containing false or inaccurate information shall be guilty of perjury and punished accordingly. The annual return form prescribed by the Department shall include a warning that the person signing the return may be liable for perjury.

The foregoing portion of this Section concerning the filing of an annual information return shall not apply to an operator who is not required to file an income tax return with the United States Government.

(Source: P.A. 91-239, eff. 1-1-00; 91-604, eff. 8-16-99; 91-935, eff. 6-1-01; 92-16, eff. 6-28-01.)

Section 5-30. The Public Utilities Act is amended by adding Section 2-203 as follows:

(220 ILCS 5/2-203 new)

Sec. 2-203. Public Utility Fund base maintenance contribution. For each of the years 2003 through 2008, each electric utility as defined in Section 16-102 of this Act providing service to more than 12,500 customers in this State on January 1, 1995 shall contribute annually a pro rata share of a total amount of $5,500,000 based upon the number of kilowatt-hours delivered to retail customers within this State by each such electric utility in the 12 months preceding the year of contribution. On or before May 1 of each year, the Illinois Commerce Commission shall determine and notify the Illinois Department of Revenue of the pro rata share owed by each electric utility based upon information supplied annually to the Commission. On or before June 1 of each year, the Department of Revenue shall send written notification to each electric utility of the amount of pro rata share they owe. These contributions shall be remitted to the Department of Revenue no earlier that July 1 and no later than July 31 of each year the contribution is due on a return prescribed and

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furnished by the Department of Revenue showing such information as the Department of Revenue may reasonably require. The Department of Revenue shall place the funds remitted under this Section in the Public Utility Fund in the State treasury. The funds received pursuant to this Section shall be subject to appropriation by the General Assembly. If an electric utility does not remit its pro rata share to the Department of Revenue, the Department of Revenue must inform the Illinois Commerce Commission of such failure. The Illinois Commerce Commission may then revoke the certification of that electric utility. This Section is repealed on January 1, 2009.

Section 5-35. The Riverboat Gambling Act is amended by changing Sections 4 and 7 as follows:

(230 ILCS 10/4) (from Ch. 120, par. 2404)
Sec. 4. Definitions. As used in this Act:
(a) "Board" means the Illinois Gaming Board.
(b) "Occupational license" means a license issued by the Board to a person or entity to perform an occupation which the Board has identified as requiring a license to engage in riverboat gambling in Illinois.
(c) "Gambling game" includes, but is not limited to, baccarat, twenty-one, poker, craps, slot machine, video game of chance, roulette wheel, klondike table, punchboard, faro layout, keno layout, numbers ticket, push card, jar ticket, or pull tab which is authorized by the Board as a wagering device under this Act.
(d) "Riverboat" means a self-propelled excursion boat, or a permanently moored barge, or permanently moored barges that are permanently fixed together to operate as one vessel, on which lawful gambling is authorized and licensed as provided in this Act.
(e) (Blank).
(f) "Dock" means the location where a riverboat moors for the purpose of embarking passengers for and disembarking passengers from the riverboat.
(g) "Gross receipts" means the total amount of money exchanged for the purchase of chips, tokens or electronic cards by riverboat patrons.
(h) "Adjusted gross receipts" means the gross receipts less winnings paid to wagerers.
(i) "Cheat" means to alter the selection of criteria which determine the result of a gambling game or the amount or frequency of payment in a gambling game.
(j) "Department" means the Department of Revenue.
(k) "Gambling operation" means the conduct of authorized gambling games upon a riverboat.
(Source: P.A. 91-40, eff. 6-25-99.)
(230 ILCS 10/7) (from Ch. 120, par. 2407)
Sec. 7. Owners Licenses.
(a) The Board shall issue owners licenses to persons, firms or corporations which apply for such licenses upon payment to the Board of the non-refundable license fee set by the Board, upon payment of a $25,000 license fee for the first year of operation and a $5,000 license fee for each succeeding year and upon a determination by the Board that the applicant is eligible for an owners license pursuant to this Act and the rules of the Board. A person,

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firm or corporation is ineligible to receive an owners license if:

(1) the person has been convicted of a felony under the laws of this State, any other state, or the United States;

(2) the person has been convicted of any violation of Article 28 of the Criminal Code of 1961, or substantially similar laws of any other jurisdiction;

(3) the person has submitted an application for a license under this Act which contains false information;

(4) the person is a member of the Board;

(5) a person defined in (1), (2), (3) or (4) is an officer, director or managerial employee of the firm or corporation;

(6) the firm or corporation employs a person defined in (1), (2), (3) or (4) who participates in the management or operation of gambling operations authorized under this Act;

(7) (blank); or

(8) a license of the person, firm or corporation issued under this Act, or a license to own or operate gambling facilities in any other jurisdiction, has been revoked.

(b) In determining whether to grant an owners license to an applicant, the Board shall consider:

(1) the character, reputation, experience and financial integrity of the applicants and of any other or separate person that either:

(A) controls, directly or indirectly, such applicant, or

(B) is controlled, directly or indirectly, by such applicant or by a person which controls, directly or indirectly, such applicant;

(2) the facilities or proposed facilities for the conduct of riverboat gambling;

(3) the highest prospective total revenue to be derived by the State from the conduct of riverboat gambling;

(4) the good faith affirmative action plan of each applicant to recruit, train and upgrade minorities in all employment classifications;

(5) the financial ability of the applicant to purchase and maintain adequate liability and casualty insurance;

(6) whether the applicant has adequate capitalization to provide and maintain, for the duration of a license, a riverboat; and

(7) the extent to which the applicant exceeds or meets other standards for the issuance of an owners license which the Board may adopt by rule.

(c) Each owner's license shall specify the place where riverboats shall operate and dock.

(d) Each applicant shall submit with his application, on forms provided by the Board, 2 sets of his fingerprints.

(e) The Board may issue up to 10 licenses authorizing the holders of such licenses to own riverboats. In the application for an owners license, the applicant shall state the dock at which the riverboat is based and the water on which the riverboat will be located. The Board
shall issue 5 licenses to become effective not earlier than January 1, 1991. Three of such licenses shall authorize riverboat gambling on the Mississippi River, one of which shall authorize riverboat gambling from a home dock in the city of East St. Louis, and one of which shall authorize riverboat gambling on the Mississippi River or in a municipality that (1) borders on the Mississippi River or is within 5 miles of the city limits of a municipality that borders on the Mississippi River and (2) on the effective date of this amendatory Act of the 92nd General Assembly has a riverboat conducting riverboat gambling operations pursuant to a license issued under this Act. One other license shall authorize riverboat gambling on the Illinois River south of Marshall County. The Board shall issue one + additional license to become effective not earlier than March 1, 1992, which shall authorize riverboat gambling on the Des Plaines River in Will County. The Board may issue 4 additional licenses to become effective not earlier than March 1, 1992. In determining the water upon which riverboats will operate, the Board shall consider the economic benefit which riverboat gambling confers on the State, and shall seek to assure that all regions of the State share in the economic benefits of riverboat gambling.

In granting all licenses, the Board may give favorable consideration to economically depressed areas of the State, to applicants presenting plans which provide for significant economic development over a large geographic area, and to applicants who currently operate non-gambling riverboats in Illinois. The Board shall review all applications for owners licenses, and shall inform each applicant of the Board's decision.

The Board may revoke the owners license of a licensee which fails to begin conducting gambling within 15 months of receipt of the Board's approval of the application if the Board determines that license revocation is in the best interests of the State.

(f) The first 10 owners licenses issued under this Act shall permit the holder to own up to 2 riverboats and equipment thereon for a period of 3 years after the effective date of the license. Holders of the first 10 owners licenses must pay the annual license fee for each of the 3 years during which they are authorized to own riverboats.

(g) Upon the termination, expiration, or revocation of each of the first 10 licenses, which shall be issued for a 3 year period, all licenses are renewable annually upon payment of the fee and a determination by the Board that the licensee continues to meet all of the requirements of this Act and the Board's rules. However, for licenses renewed on or after May 1, 1998, renewal shall be for a period of 4 years, unless the Board sets a shorter period.

(h) An owners license shall entitle the licensee to own up to 2 riverboats. A licensee shall limit the number of gambling participants to 1,200 for any such owners license. A licensee may operate both of its riverboats concurrently, provided that the total number of gambling participants on both riverboats does not exceed 1,200. Riverboats licensed to operate on the Mississippi River and the Illinois River south of Marshall County shall have an authorized capacity of at least 500 persons. Any other riverboat licensed under this Act shall have an authorized capacity of at least 400 persons.

(i) A licensed owner is authorized to apply to the Board for and, if approved therefor, to receive all licenses from the Board necessary for the operation of a riverboat, including a liquor license, a license to prepare and serve food for human consumption, and other

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necessary licenses. All use, occupation and excise taxes which apply to the sale of food and beverages in this State and all taxes imposed on the sale or use of tangible personal property apply to such sales aboard the riverboat.

(j) The Board may issue a license authorizing a riverboat to dock in a municipality or approve a relocation under Section 11.2 only if, prior to the issuance of the license or approval, the governing body of the municipality in which the riverboat will dock has by a majority vote approved the docking of riverboats in the municipality. The Board may issue a license authorizing a riverboat to dock in areas of a county outside any municipality or approve a relocation under Section 11.2 only if, prior to the issuance of the license or approval, the governing body of the county has by a majority vote approved of the docking of riverboats within such areas.

(Source: P.A. 91-40, eff. 6-25-99.)

Section 5-40. The Unified Code of Corrections is amended by changing Section 5-4-3 as follows:

(730 ILCS 5/5-4-3) (from Ch. 38, par. 1005-4-3)
Sec. 5-4-3. Persons convicted of, or found delinquent for, qualifying offenses or institutionalized as sexually dangerous; blood specimens; genetic marker groups.

(a) Any person convicted of, found guilty under the Juvenile Court Act of 1987 for, or who received a disposition of court supervision for, a qualifying offense or attempt of a qualifying offense, or institutionalized as a sexually dangerous person under the Sexually Dangerous Persons Act, or committed as a sexually violent person under the Sexually Violent Persons Commitment Act shall, regardless of the sentence or disposition imposed, be required to submit specimens of blood to the Illinois Department of State Police in accordance with the provisions of this Section, provided such person is:

(1) convicted of a qualifying offense or attempt of a qualifying offense on or after the effective date of this amendatory Act of 1989, and sentenced to a term of imprisonment, periodic imprisonment, fine, probation, conditional discharge or any other form of sentence, or given a disposition of court supervision for the offense, or

(1.5) found guilty or given supervision under the Juvenile Court Act of 1987 for a qualifying offense or attempt of a qualifying offense on or after the effective date of this amendatory Act of 1996, or

(2) ordered institutionalized as a sexually dangerous person on or after the effective date of this amendatory Act of 1989, or

(3) convicted of a qualifying offense or attempt of a qualifying offense before the effective date of this amendatory Act of 1989 and is presently confined as a result of such conviction in any State correctional facility or county jail or is presently serving a sentence of probation, conditional discharge or periodic imprisonment as a result of such conviction, or

(4) presently institutionalized as a sexually dangerous person or presently institutionalized as a person found guilty but mentally ill of a sexual offense or attempt to commit a sexual offense; or

(4.5) ordered committed as a sexually violent person on or after the effective
date of the Sexually Violent Persons Commitment Act; or

(5) seeking transfer to or residency in Illinois under Sections 3-3-11 through 3-3-11.5 of the Unified Code of Corrections (Interstate Compact for the Supervision of Parolees and Probationers) or the Interstate Agreements on Sexually Dangerous Persons Act.

(a-5) Any person who was otherwise convicted of or received a disposition of court supervision for any other offense under the Criminal Code of 1961 or any offense classified as a felony under Illinois law or who was found guilty or given supervision for such a violation under the Juvenile Court Act of 1987, may, regardless of the sentence imposed, be required by an order of the court to submit specimens of blood to the Illinois Department of State Police in accordance with the provisions of this Section.

(b) Any person required by paragraphs (a)(1), (a)(1.5), (a)(2), and (a-5) to provide specimens of blood shall provide specimens of blood within 45 days after sentencing or disposition at a collection site designated by the Illinois Department of State Police.

(c) Any person required by paragraphs (a)(3), (a)(4), and (a)(4.5) to provide specimens of blood shall be required to provide such samples prior to final discharge, parole, or release at a collection site designated by the Illinois Department of State Police.

(c-5) Any person required by paragraph (a)(5) to provide specimens of blood shall, where feasible, be required to provide the specimens before being accepted for conditioned residency in Illinois under the interstate compact or agreement, but no later than 45 days after arrival in this State.

(d) The Illinois Department of State Police shall provide all equipment and instructions necessary for the collection of blood samples. The collection of samples shall be performed in a medically approved manner. Only a physician authorized to practice medicine, a registered nurse or other qualified person trained in venipuncture may withdraw blood for the purposes of this Act. The samples shall thereafter be forwarded to the Illinois Department of State Police, Division of Forensic Services, for analysis and categorizing into genetic marker groupings.

(d-5) To the extent that funds are available, the Illinois Department of State Police shall contract with qualified personnel and certified laboratories for the collection, analysis, and categorization of known samples.

(e) The genetic marker groupings shall be maintained by the Illinois Department of State Police, Division of Forensic Services.

(f) The genetic marker grouping analysis information obtained pursuant to this Act shall be confidential and shall be released only to peace officers of the United States, of other states or territories, of the insular possessions of the United States, of foreign countries duly authorized to receive the same, to all peace officers of the State of Illinois and to all prosecutorial agencies. Notwithstanding any other statutory provision to the contrary, all information obtained under this Section shall be maintained in a single State data base, which may be uploaded into a national database, and may not be subject to expungement.

(g) For the purposes of this Section, "qualifying offense" means any of the following:

1) Any violation or inchoate violation of Section 11-6, 11-9.1, 11-11,

(1.1) Any violation or inchoate violation of Section 9-1, 9-2, 10-1, 10-2, 12-11, 12-11.1, 18-1, 18-2, 18-3, 18-4, 19-1, or 19-2 of the Criminal Code of 1961 for which persons are convicted on or after July 1, 2001, or

(2) Any former statute of this State which defined a felony sexual offense, or

(3) Any violation of paragraph (10) of subsection (b) of Section 10-5 of the Criminal Code of 1961 when the sentencing court, upon a motion by the State's Attorney or Attorney General, makes a finding that the child luring involved an intent to commit sexual penetration or sexual conduct as defined in Section 12-12 of the Criminal Code of 1961, or


(g-5) The Department of State Police is not required to provide equipment to collect or to accept or process blood specimens from individuals convicted of any offense listed in paragraph (1.1) or (4) of subsection (g), until acquisition of the resources necessary to process such blood specimens, or in the case of paragraph (1.1) of subsection (g) until July 1, 2003, whichever is earlier.

Upon acquisition of necessary resources, including an appropriation for the purpose of implementing this amendatory Act of the 91st General Assembly, but in the case of paragraph (1.1) of subsection (g) no later than July 1, 2003, the Department of State Police shall notify the Department of Corrections, the Administrative Office of the Illinois Courts, and any other entity deemed appropriate by the Department of State Police, to begin blood specimen collection from individuals convicted of offenses enumerated in paragraphs (1.1) and (4) of subsection (g) that the Department is prepared to provide collection equipment and receive and process blood specimens from individuals convicted of offenses enumerated in paragraph (1.1) of subsection (g).

Until the Department of State Police provides notification, designated collection agencies are not required to collect blood specimen from individuals convicted of offenses enumerated in paragraphs (1.1) and (4) of subsection (g).

(h) The Illinois Department of State Police shall be the State central repository for all genetic marker grouping analysis information obtained pursuant to this Act. The Illinois Department of State Police may promulgate rules for the form and manner of the collection of blood samples and other procedures for the operation of this Act. The provisions of the Administrative Review Law shall apply to all actions taken under the rules so promulgated.

(i) A person required to provide a blood specimen shall cooperate with the collection of the specimen and any deliberate act by that person intended to impede, delay or stop the collection of the blood specimen is a Class A misdemeanor.

(j) Any person required by subsection (a) to submit specimens of blood to the Illinois Department of State Police for analysis and categorization into genetic marker grouping, in addition to any other disposition, penalty, or fine imposed, shall pay an analysis fee of $500.
Upon verified petition of the person, the court may suspend payment of all or part of the fee if it finds that the person does not have the ability to pay the fee.

(k) All analysis and categorization fees provided for by subsection (j) shall be regulated as follows:

(1) The State Offender DNA Identification System Fund is hereby created as a special fund in the State Treasury.

(2) All fees shall be collected by the clerk of the court and forwarded to the State Offender DNA Identification System Fund for deposit. The clerk of the circuit court may retain the amount of $10 from each collected analysis fee to offset administrative costs incurred in carrying out the clerk's responsibilities under this Section.

(3) Fees deposited into the State Offender DNA Identification System Fund shall be used by Illinois State Police crime laboratories as designated by the Director of State Police. These funds shall be in addition to any allocations made pursuant to existing laws and shall be designated for the exclusive use of State crime laboratories. These uses may include, but are not limited to, the following:

(A) Costs incurred in providing analysis and genetic marker categorization as required by subsection (d).

(B) Costs incurred in maintaining genetic marker groupings as required by subsection (e).

(C) Costs incurred in the purchase and maintenance of equipment for use in performing analyses.

(D) Costs incurred in continuing research and development of new techniques for analysis and genetic marker categorization.

(E) Costs incurred in continuing education, training, and professional development of forensic scientists regularly employed by these laboratories.

(l) The failure of a person to provide a specimen, or of any person or agency to collect a specimen, within the 45 day period shall in no way alter the obligation of the person to submit such specimen, or the authority of the Illinois Department of State Police or persons designated by the Department to collect the specimen, or the authority of the Illinois Department of State Police to accept, analyze and maintain the specimen or to maintain or upload results of genetic marker grouping analysis information into a State or national database.

(Source: P.A. 91-528, eff. 1-1-00; 92-16, eff. 6-28-01; 92-40, eff. 6-29-01.)

Article 10

Section 10-2. The Illinois Promotion Act is amended by changing Section 4b as follows:

(20 ILCS 665/4b)

Sec. 4b. Coordinating Committee. There is created a Coordinating Committee of State agencies involved with tourism in the State of Illinois. The Committee shall consist of the Director of Commerce and Community Affairs as chairman, the Lieutenant Governor, the Secretary of Transportation or his or her designee, and the head executive officer or his
or her designee of the following: the Lincoln Presidential Library, the Department of Natural Resources, the Department of Agriculture, the Illinois Arts Council, the Illinois Community College Board, the Board of Higher Education, and the Grape and Wine Resources Council. The Committee shall also include 4 members of the Illinois General Assembly, one of whom shall be named by the Speaker of the House of Representatives, one of whom shall be named by the Minority Leader of the House of Representatives, one of whom shall be named by the President of the Senate, and one of whom shall be named by the Minority Leader of the Senate. The Committee shall meet at least quarterly and at other times as called by the chair. The Committee shall coordinate the promotion and development of tourism activities throughout State government.

(Source: P.A. 91-473, eff. 1-1-00.)

Section 10-4. The Military Code of Illinois is amended by changing Section 25.5 as follows:

(20 ILCS 1805/25.5)

(Section scheduled to be repealed on January 1, 2003)

Sec. 25.5. Illinois Military Flags Commission.

(a) The Illinois Military Flags Commission is established for the purpose of assisting the Adjutant General with his or her responsibilities under Section 25 of this Code. The Commission shall advise the Adjutant General on how to best collect, preserve, and present or display to the public the colors, flags, guidons, and military trophies of war belonging to the State in order to disseminate information relating to the history of the Illinois National Guard.

(b) The Commission consists of 15 members: the Adjutant General, the Director of the Lincoln Presidential Library, the Director of the Illinois State Museum, and the Director of the Historic Preservation Agency, all ex officio; 4 members of the General Assembly, one of whom shall be appointed by the President of the Senate, one by the Minority Leader of the Senate, one by the Speaker of the House of Representatives, and one by the Minority Leader of the House of Representatives; and 7 residents of the State appointed by the Governor. When appointing members to the Commission, the Governor must endeavor to appoint persons in a manner to maintain as regionally diverse a membership as possible. Persons appointed to the Commission should provide it with experience in areas such as, but not limited to, knowledge of military history, particularly of the American Civil War, and the education of citizens. Any vacancy in the Commission shall be filled by an appointment in the same manner as the original appointment. Members of the Commission shall serve without compensation, but shall be reimbursed for their reasonable expenses incurred in the performance of their duties.

(c) This Section is repealed on January 1, 2003.

(Source: P.A. 91-813, eff. 6-13-00.)

Section 10-5. The Historic Preservation Agency Act is amended by changing Sections 2, 4, 5, 5.1, 6, 11, 12, 13, 14, 15, 16, and 17, and by adding Sections 30, 31, 32, 33, and 34 as follows:

(20 ILCS 3405/2) (from Ch. 127, par. 2702)

New matter indicated by italics - deletions by strikeout.
Sec. 2. For the purposes of this Act: (a) "Agency" means the Historic Preservation Agency; (b) "Board" means the Board of Trustees of the Historic Preservation Agency; and (c) "Director" means the Director of Historic Sites and Preservation; (d) "Advisory Board" means the Advisory Board of the Lincoln Presidential Library and Museum; (e) "Lincoln Presidential Library" means the Abraham Lincoln Presidential Library and Museum; (f) "Library Director" means the Director of the Lincoln Presidential Library; and (g) "Historic Sites and Preservation Division" means that part of the Agency that is headed by the Director of Historic Sites and Preservation.

(Source: P.A. 84-25.)

(20 ILCS 3405/4) (from Ch. 127, par. 2704)

Sec. 4. The Board shall be responsible for setting and determining policy for the Agency. The Agency shall consist of: (1) an Abraham Lincoln Presidential Library and Museum and (2) a Historic Sites and Preservation Division. Except as otherwise provided in this Act, any reference in any other Act to the Historic Preservation Agency shall be deemed to be a reference to the Historic Sites and Preservation Division and any reference to the Director of Historic Preservation shall be deemed to be a reference to the Director of Historic Sites and Preservation, unless the context clearly indicates otherwise. a Historical Library Division, which shall be the successor to the Illinois State Historical Library and such other Divisions as the Board shall designate.

The Board shall appoint a chief executive officer of the Agency who shall be known as the Director of Historic Sites and Preservation. The Director shall serve at the pleasure of the Board. The Director shall, subject to applicable provisions of law, execute the powers and discharge the duties vested in the Historic Sites and Preservation Division of the Agency by law and implement the policies set by the Board. The Director shall manage the Historic Sites and Preservation Division of the Agency. The Director, with the concurrence of the Board, shall appoint Division Chiefs and the Deputy Director of the Historic Sites and Preservation Division of the Agency. Subject to concurrence by the Board, the Director shall appoint such other employees of the Historic Sites and Preservation Division of the Agency as he or she deems appropriate and shall fix the compensation of such Division Chiefs, the Deputy Director and other employees. The Board shall appoint the Illinois State Historian, who shall provide historical expertise, support, and service to all divisions of the Historic Preservation Agency. The State Historian is the State's authority on Abraham Lincoln and the history of Illinois.

(Source: P.A. 84-25.)

(20 ILCS 3405/5) (from Ch. 127, par. 2705)

Sec. 5. The rights, powers and duties vested by law in the State Historical Library or any office, division or bureau thereof by the Historical Sites Listing Act following named Acts and all rights, powers, and duties incidental thereto, are transferred to the Historic Sites and Preservation Division of the Historic Preservation Agency, on the effective date of this Act:

a. "An Act to establish the Illinois Historical Library, and to provide for its care and maintenance, and to make appropriations therefor", approved May 25, 1889, as amended.

New matter indicated by italics - deletions by strikeout.
b. "An Act to provide for the better preservation of official documents and records of historical interest", approved June 9, 1897, as amended.


(Source: P.A. 84-25.)

(20 ILCS 3405/5.1) (from Ch. 127, par. 2705.1)

Sec. 5.1. The powers, duties and authority granted to the Department of Conservation pursuant to the provisions of Section 63a21.2 of the Civil Administrative Code of Illinois (renumbered; now Section 805-315 of the Department of Natural Resources (Conservation) Law, 20 ILCS 805/805-315) to offer a cash incentive to a qualified bidder for the development, construction and supervision of a concession complex at Lincoln's New Salem State Park are transferred to the Historic Sites and Preservation Division of the Historic Preservation Agency.

(Source: P.A. 91-239, eff. 1-1-00.)

(20 ILCS 3405/6) (from Ch. 127, par. 2706)

Sec. 6. Jurisdiction. The Historic Sites and Preservation Division of the Agency shall have jurisdiction over the following described areas which are hereby designated as State Historic Sites, State Memorials, and Miscellaneous Properties:

State Historic Sites

Bishop Hill State Historic Site, Henry County;
Black Hawk State Historic Site, Rock Island County;
Bryant Cottage State Historic Site, Piatt County;
Buel House, Pope County;
Cahokia Courthouse State Historic Site, St. Clair County;
Cahokia Mounds State Historic Site, in Madison and St. Clair Counties (however, the Illinois State Museum shall act as curator of artifacts pursuant to the provisions of the Archaeological and Paleontological Resources Protection Act);
Dana-Thomas House State Historic Site, Sangamon County;
David Davis Mansion State Historic Site, McLean County;
Douglas Tomb State Historic Site, Cook County;
Fort de Chartres State Historic Site, Randolph County;
Fort Kaskaskia State Historic Site, Randolph County;
Grand Village of the Illinois, LaSalle County;
U. S. Grant Home State Historic Site, Jo Daviess County;
Hotel Florence, Cook County;
Jarrot Mansion State Historic Site, St. Clair County;
Jubilee College State Historic Site, Peoria County;
Lincoln-Herndon Law Offices State Historic Site, Sangamon County;
Lincoln Log Cabin State Historic Site, Coles County;

New matter indicated by italics - deletions by strikeout.
Lincoln's New Salem State Historic Site, Menard County; Lincoln Tomb State Historic Site, Sangamon County; Pierre Menard Home State Historic Site, Randolph County; Pullman Factory, Cook County; Metamora Courthouse State Historic Site, Woodford County; Moore Home State Historic Site, Coles County; Mount Pulaski Courthouse State Historic Site, Logan County; Old Market House State Historic Site, Jo Daviess County; Old State Capitol State Historic Site, Sangamon County; Postville Courthouse State Historic Site, Logan County; Pullman Factory, Cook County; Rose Hotel, Hardin County; Carl Sandburg State Historic Site, Knox County; Shawneetown Bank State Historic Site, Gallatin County; Vachel Lindsay Home, Sangamon County; Vandalia State House State Historic Site, Fayette County; and Washburne House State Historic Site, Jo Daviess County.

State Memorials
Campbell's Island State Memorial, Rock Island County; Governor Bond State Memorial, Randolph County; Governor Coles State Memorial, Madison County; Governor Horner State Memorial, Cook County; Governor Small State Memorial, Kankakee County; Illinois Vietnam Veterans State Memorial, Sangamon County; Kaskaskia Bell State Memorial, Randolph County; Korean War Memorial, Sangamon County; Lewis and Clark State Memorial, Madison County; Lincoln Monument State Memorial, Lee County; Lincoln Trail State Memorial, Lawrence County; Lovejoy State Memorial, Madison County; Norwegian Settlers State Memorial, LaSalle County; and Wild Bill Hickok State Memorial, LaSalle County.

Miscellaneous Properties
Albany Mounds, Whiteside County; Emerald Mound, St. Clair County; Halfway Tavern, Marion County; Hofmann Tower, Cook County; and Kincaid Mounds, Massac and Pope Counties.

New matter indicated by italics - deletions by strikeout.
Sec. 11. The Historic Sites and Preservation Division of the Agency shall exercise all rights, powers and duties vested in the Department of Conservation by the "Illinois Historic Preservation Act", approved August 14, 1976, as amended.

Sec. 12. The Historic Sites and Preservation Division of the Agency shall exercise all rights, powers and duties vested in the Department of Conservation by Section 63a34 of the Civil Administrative Code of Illinois (renumbered; now Section 805-220 of the Department of Natural Resources (Conservation) Law, 20 ILCS 805/805-220).

Sec. 13. The Historic Sites and Preservation Division of the Agency shall exercise all rights, powers and duties vested in the Department of Conservation by "An Act relating to the planning, acquisition and development of outdoor recreation resources and facilities, and authorizing the participation by the State of Illinois its political subdivisions and qualified participants in programs of Federal assistance relating thereto", approved July 6, 1965, as amended, solely as it relates to the powers, rights, duties and obligations heretofore exercised by the Department of Conservation over historically significant properties and interests of the State.


Sec. 15. The Historic Sites and Preservation Division of the Agency shall exercise all rights, powers and duties vested in the Department of Conservation by Section 4-201.5 of the "Illinois Highway Code", approved June 8, 1959, as amended, solely as it relates to access to historic sites and memorials designated pursuant to this Act.

Sec. 16. The Historic Sites and Preservation Division of the Agency shall have the following additional powers:

(a) To hire agents and employees necessary to carry out the duties and purposes of the Historic Sites and Preservation Division of the Agency.

(b) To take all measures necessary to erect, maintain, preserve, restore, and conserve all State Historic Sites and State Memorials, except when supervision and maintenance is otherwise provided by law. This authorization includes the power, with the consent of the Board, to enter into contracts, acquire and dispose of real and personal property, and enter
into leases of real and personal property.

(c) To provide recreational facilities including camp sites, lodges and cabins, trails, picnic areas and related recreational facilities at all sites under the jurisdiction of the Agency.

(d) To lay out, construct and maintain all needful roads, parking areas, paths or trails, bridges, camp or lodge sites, picnic areas, lodges and cabins, and any other structures and improvements necessary and appropriate in any State historic site or easement thereto; and to provide water supplies, heat and light, and sanitary facilities for the public and living quarters for the custodians and keepers of State historic sites.

(e) To grant licenses and rights-of-way within the areas controlled by the Historic Sites and Preservation Division of the Agency for the construction, operation and maintenance upon, under or across the property, of facilities for water, sewage, telephone, telegraph, electric, gas, or other public service, subject to the terms and conditions as may be determined by the Agency.

(f) To authorize the officers, employees and agents of the Historic Sites and Preservation Division of the Agency, for the purposes of investigation and to exercise the rights, powers, and duties vested and that may be vested in it, to enter and cross all lands and waters in this State, doing no damage to private property.

(g) To transfer jurisdiction of or exchange any realty under the control of the Historic Sites and Preservation Division of the Agency to any other Department of the State Government, or to any agency of the Federal Government, or to acquire or accept Federal lands, when any transfer, exchange, acquisition or acceptance is advantageous to the State and is approved in writing by the Governor.

(h) To erect, supervise, and maintain all public monuments and memorials erected by the State, except when the supervision and maintenance of public monuments and memorials is otherwise provided by law.

(i) To accept, hold, maintain, and administer, as trustee, property given in trust for educational or historic purposes for the benefit of the People of the State of Illinois and to dispose, with the consent of the Board, of any property under the terms of the instrument creating the trust.

(j) To lease concessions on any property under the jurisdiction of the Agency for a period not exceeding 25 years and to lease a concession complex at Lincoln's New Salem State Historic Site for which a cash incentive has been authorized under Section 5.1 of the Historic Preservation Agency Act for a period not to exceed 40 years. All leases, for whatever period, shall be made subject to the written approval of the Governor. All concession leases extending for a period in excess of 10 years, will contain provisions for the Agency to participate, on a percentage basis, in the revenues generated by any concession operation.

(k) To sell surplus agricultural products grown on land owned by or under the jurisdiction of the Historic Sites and Preservation Division of the Agency, when the products cannot be used by the Agency.

(l) To enforce the laws of the State and the rules and regulations of the Agency in or on any lands owned, leased, or managed by the Historic Sites and Preservation Division of

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the Agency.

(m) To cooperate with private organizations and agencies of the State of Illinois by providing areas and the use of staff personnel where feasible for the sale of publications on the historic and cultural heritage of the State and craft items made by Illinois craftsmen. These sales shall not conflict with existing concession agreements. The Historic Sites and Preservation Division of the Agency is authorized to negotiate with the organizations and agencies for a portion of the monies received from sales to be returned to the Historic Sites and Preservation Division of the Agency's Historic Sites Fund for the furtherance of interpretive and restoration programs.

(n) To establish local bank or savings and loan association accounts, upon the written authorization of the Director, to temporarily hold income received at any of its properties. The local accounts established under this Section shall be in the name of the Historic Preservation Agency and shall be subject to regular audits. The balance in a local bank or savings and loan association account shall be forwarded to the Agency for deposit with the State Treasurer on Monday of each week if the amount to be deposited in a fund exceeds $500.

No bank or savings and loan association shall receive public funds as permitted by this Section, unless it has complied with the requirements established under Section 6 of the Public Funds Investment Act.

(o) To accept, with the consent of the Board, offers of gifts, gratuities, or grants from the federal government, its agencies, or offices, or from any person, firm, or corporation.

(p) To make reasonable rules and regulations as may be necessary to discharge the duties of the Agency.

(q) With appropriate cultural organizations, to further and advance the goals of the Agency.

(r) To make grants for the purposes of planning, survey, rehabilitation, restoration, reconstruction, landscaping, and acquisition of Illinois properties (i) designated individually in the National Register of Historic Places, (ii) designated as a landmark under a county or municipal landmark ordinance, or (iii) located within a National Register of Historic Places historic district or a locally designated historic district when the Director determines that the property is of historic significance whenever an appropriation is made therefor by the General Assembly or whenever gifts or grants are received for that purpose and to promulgate regulations as may be necessary or desirable to carry out the purposes of the grants.

Grantees may, as prescribed by rule, be required to provide matching funds for each grant. Grants made under this subsection shall be known as Illinois Heritage Grants.

Every owner of a historic property, or the owner’s agent, is eligible to apply for a grant under this subsection.

(s) To establish and implement a pilot program for charging admission to State historic sites. Fees may be charged for special events, admissions, and parking or any combination; fees may be charged at all sites or selected sites. All fees shall be deposited into the Illinois Historic Sites Fund. The Historic Sites and Preservation Division of the Agency

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shall have the discretion to set and adjust reasonable fees at the various sites, taking into consideration various factors including but not limited to: cost of services furnished to each visitor, impact of fees on attendance and tourism and the costs expended collecting the fees. The Agency shall keep careful records of the income and expenses resulting from the imposition of fees, shall keep records as to the attendance at each historic site, and shall report to the Governor and General Assembly by January 31 after the close of each year. The report shall include information on costs, expenses, attendance, comments by visitors, and any other information the Agency may believe pertinent, including:

(1) Recommendations as to whether fees should be continued at each State historic site.
(2) How the fees should be structured and imposed.
(3) Estimates of revenues and expenses associated with each site.

In the final report to be filed by January 31, 1996, the Agency shall include recommendations as to whether fees should be charged at State historic sites and if so how the fees should be structured and imposed and estimates of revenues and expenses associated with any recommended fees:

(t) To provide for overnight tent and trailer campsites and to provide suitable housing facilities for student and juvenile overnight camping groups. The Historic Sites and Preservation Division of the Agency shall charge the same rates similar to those charged by the Department of Conservation for the same or similar facilities and services.

(u) To engage in marketing activities designed to promote the sites and programs administered by the Agency. In undertaking these activities, the Agency may take all necessary steps with respect to products and services, including but not limited to retail sales, wholesale sales, direct marketing, mail order sales, telephone sales, advertising and promotion, purchase of product and materials inventory, design, printing and manufacturing of new products, reproductions, and adaptations, copyright and trademark licensing and royalty agreements, and payment of applicable taxes. In addition, the Agency shall have the authority to sell advertising in its publications and printed materials. All income from marketing activities shall be deposited into the Illinois Historic Sites Fund.

(Source: P.A. 91-202, eff. 1-1-00.)

(20 ILCS 3405/17) (from Ch. 127, par. 2717)

Sec. 17. (a) (Blank). Personnel previously assigned to the Illinois State Historical Library are transferred to the Agency subject to the concurrence of the Board in the Director’s employment of the Deputy Director and Division Chiefs. Personnel exercising rights, powers and duties in the State Historical Library are transferred by this Act to the Historic Preservation Agency. Personnel exercising rights, powers and duties in the Department of Conservation that are transferred to the Historic Preservation Agency are transferred to the Historic Preservation Agency. However, the rights of the employees, the State and its agencies under the Personnel Code or any collective bargaining agreement, or under any pension, retirement or annuity plan shall not be affected by this Act.

(b) (Blank). All books, records, papers, documents, property (real and personal), unexpended appropriations and pending business in any way pertaining to the rights, powers

New matter indicated by italics - deletions by strikeout.
and duties transferred by this Act from the Illinois State Historical Library to the Historic Preservation Agency shall be delivered and transferred to the Historic Preservation Agency.

(c) (Blank). All books, records, papers, documents, property (real and personal), unexpended appropriations and pending business in any way pertaining to the rights, powers and duties transferred from the Department of Conservation to the Historic Preservation Agency shall be delivered and transferred to the Historic Preservation Agency.

(d) (Blank). The Department of Conservation will be responsible for any and all outstanding Fiscal Year 1985 liabilities for functions and personnel transferred from the Department of Conservation to the Historic Preservation Agency.

(e) Those programs, collections and functions heretofore administered by the Illinois State Historical Library or the Agency's Historical Library Division shall continue to be administered by the Lincoln Presidential Library Historical Library Division, which shall be one of the Divisions within the Agency. All gifts made specifically to the Illinois State Historical Library or the Agency's Historical Library Division, including the Illinois State Historical Society, shall remain at all times within the Lincoln Presidential Historical Library Division.

(Source: P.A. 84-25.)

(20 ILCS 3405/30 new)

Sec. 30. Library; Board; Foundation. There is established within the Historic Preservation Agency the Abraham Lincoln Presidential Library and Museum. There shall be an Advisory Board of the Lincoln Presidential Library to advise the Lincoln Presidential Library and the Library Director on programs related to the Lincoln Presidential Library. The Lincoln Presidential Library and the Abraham Lincoln Presidential Library Foundation shall mutually co-operate to maximize resources available to the Lincoln Presidential Library and to support, sustain, and provide educational programs and collections at the Lincoln Presidential Library.

(20 ILCS 3405/31 new)

Sec. 31. Advisory Board. The Advisory Board of the Lincoln Presidential Library shall consist of 11 members to be appointed by the Governor, with the advice and consent of the Senate. Each of these members shall have recognized knowledge and ability in matters relating to history, research, cultural institutions, archives, libraries, business, or education. The terms of office of these members shall be 6 years, except that the terms of office of the initial members shall commence from the effective date of this Article and run as follows, as designated by the Governor: one for a term expiring December 31, 2003, 2 for terms expiring December 31, 2004, 2 for terms expiring December 31, 2005, 2 for terms expiring December 31, 2006, 2 for terms expiring December 31, 2007, and 2 for terms expiring December 31, 2008. The Governor shall appoint one of the members as Chair to serve at the pleasure of the Governor.

(20 ILCS 3405/32 new)

Sec. 32. Duties of the Advisory Board. The Advisory Board of the Lincoln Presidential Library and Museum may:

(a) Recommend programs for implementation in support of the mission and goals of
the Lincoln Presidential Library.

(b) Recommend such seminars, symposia, or other conferences as may be necessary or advisable to the Lincoln Presidential Library and the Board of Trustees of the Historic Preservation Agency.

(c) Report annually to the Governor, the General Assembly, and the Board of the Historic Preservation Agency on the status of the Lincoln Presidential Library and its programs.

(20 ILCS 3405/33 new)

Sec. 33. Administration of the Lincoln Presidential Library. The Governor, with the advice and consent of the Senate, shall appoint a Library Director of the Lincoln Presidential Library. The Library Director shall serve at the pleasure of the Governor. The Library Director shall, subject to applicable provisions of law, execute and discharge the powers and duties of the Lincoln Presidential Library and implement the policies set by the Board. The Library Director, with the concurrence of the Board, shall appoint: (a) a Library Facilities Operations Director; and (b) a Director of the Illinois State Historical Library. Subject to concurrence by the Board, the Library Director shall appoint those other employees of the Lincoln Presidential Library and the Illinois State Historical Library as he or she deems appropriate and shall fix the compensation of the Library Facilities Operations Director, the Director of the Illinois State Historical Library, and other employees. The Library Director, with the approval of the Board, may establish and collect admission and registration fees, may operate a gift shop, and may publish and sell educational and informational materials.

(20 ILCS 3405/34 new)

Sec. 34. Internal Auditor. There is created the Office of the Internal Auditor of the Historic Preservation Agency. The Internal Auditor shall be appointed by the Board, shall serve at the pleasure of the Board, and shall report to the Board. The Internal Auditor shall audit and maintain the financial books, records, papers, and transactions of the Lincoln Presidential Library and the Historic Sites and Preservation Division of the Historic Preservation Agency. The Internal Auditor shall prepare an annual report for each fiscal year of the operations of the Historic Preservation Agency, which shall be submitted to the Board, the General Assembly, and the Governor. Nothing in this Section shall abridge the authority of the Illinois Auditor General to independently audit the Illinois Historic Preservation Agency or any of the libraries, divisions, or offices contained within the Agency.

(20 ILCS 3405/18 rep.)

Section 10-10. The Historic Preservation Agency Act is amended by repealing Section 18.

Section 10-12. The Illinois Historic Preservation Act is amended by changing Section 3 as follows:

(20 ILCS 3410/3) (from Ch. 127, par. 133d3)

Sec. 3. There is recognized and established hereunder the Illinois Historic Sites Advisory Council, previously established pursuant to Federal regulations, hereafter called

New matter indicated by italics - deletions by strikeout.
the Council. The Council shall consist of 15 members. Of these, there shall be at least 3 historians, at least 3 architectural historians, or architects with a preservation background, and at least 3 archeologists. The remaining 6 members shall be drawn from supporting fields and have a preservation interest. Supporting fields shall include but not be limited to historical geography, law, urban planning, local government officials, and members of other preservation commissions. All shall be appointed by the Director of Historic Sites and Preservation, with the consent of the Board.

The Council Chairperson shall be appointed by the Director of Historic Sites and Preservation from the Council membership and shall serve at the Director's pleasure.

The Director of the Lincoln Presidential Library and Museum, the Director of the Illinois State Museum and the Chairperson of the Illinois State Historical Society shall serve on the Council in advisory capacity as non-voting members.

Terms of membership shall be 3 years and shall be staggered by the Director to assure continuity of representation.

The Council shall meet at least 4 times each year. Additional meetings may be held at the call of the chairperson or at the call of the Director.

Members shall serve without compensation, but shall be reimbursed for actual expenses incurred in the performance of their duties.

(Source: P.A. 84-25.)

Section 10-14. The Historical Sites Listing Act is amended by changing Sections 1, 2, and 3 as follows:

(20 ILCS 3415/1) (from Ch. 128, par. 31)

Sec. 1. Any person or State or local governmental agency owning a site of general historical interest or having the written consent of the owner of such a site may apply to the Historic Preservation Agency Historical Library Division to have that site listed and marked as a State historic site.

(Source: P.A. 84-25.)

(20 ILCS 3415/2) (from Ch. 128, par. 32)

Sec. 2. If the Historic Preservation Agency Historical Library Division finds that a site described in an application under Section 1 is of sufficient general historical interest to warrant listing and marking, it shall list the site in a register kept for that purpose and shall display at the site a suitable marker indicating that the site is a registered State historic site.

(Source: P.A. 84-25.)

(20 ILCS 3415/3) (from Ch. 128, par. 33)

Sec. 3. The Historic Preservation Agency Historical Library Division, in cooperation with the Illinois State Historical Society, the Division of Highways of the Department of Transportation and any other interested public or private agency, shall place and maintain all markers at State historic sites registered under this Act.

(Source: P.A. 84-25.)

Section 10-15. The State Historical Library Act is amended by changing Sections 4 and 5.1 as follows:

New matter indicated by italics - deletions by strikeout.
Sec. 4. The Director of the Lincoln Presidential Library Historic Preservation may and is hereby required to make all necessary rules, regulations and bylaws not inconsistent with law to carry into effect the purposes of this Act and to procure from time to time as may be possible and practicable, at reasonable cost, all books, pamphlets, manuscripts, monographs, writings, and other material of historical interest and useful to the historian bearing upon the political, physical, religious or social history of the State of Illinois from the earliest known period of time. The Director of the Lincoln Presidential Library Historic Preservation may, with the consent of the Board, exchange any books, pamphlets, manuscripts, records or other material which such library may acquire that are of no historical interest or for any reason are of no value to it, with any other library, school or historical society. The Director of the Lincoln Presidential Library Historic Preservation shall distribute volumes of the series known as the Illinois Historical Collections now in print, and to be printed, to all who may apply for same and who pay to the Lincoln Presidential Library Historical Library Division for such volumes an amount fixed by the Director of the Lincoln Presidential Library Historic Preservation sufficient to cover the expenses of printing and distribution of each volume received by such applicants. However, the Director shall have authority to furnish not to exceed 25 of each of the volumes of the Illinois Historical Collections, free of charge to each of the authors and editors of the collections or parts thereof; to furnish, as in his discretion he deems necessary or desirable, a reasonable number of each of the volumes of the Collections without charge to archives, libraries and similar institutions from which material has been drawn or assistance has been given in the preparation of such Collections, and to the officials thereof; to furnish, as in his discretion he deems necessary or desirable, a reasonable number of each of the volumes of the Collections without charge to the University of Illinois Library and to instructors and officials of that University, and to public libraries in the State of Illinois. The Director may, with the consent of the Board, also make exchanges of Historical Collections with any other library, school or historical society, and to distribute volumes of collections for review purposes, without charge. All proceeds received by the Historical Library Division from the sale of volumes of the series of the Illinois Historical Collections shall be paid into the General Revenue Fund in the State treasury. Subject to concurrence by the Board, the Director may obtain pursuant to the "Personnel Code" some person having the requisite qualifications as State Historian.

(20 ILCS 3425/5.1) (from Ch. 128, par. 16.1)

Sec. 5.1. The State Historian shall establish and supervise a program within the Lincoln Presidential Library Historical Library Division designed to preserve as historical records selected past editions of newspapers of this State. Such editions shall be microphotographed. The negatives of such microphotographs shall be stored in a place provided by the Lincoln Presidential Library Historical Library Division.

The State Historian shall determine on the basis of historical value the various newspaper edition files which shall be microphotographed and shall arrange a schedule for

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such microphotographing. The State Historian shall supervise the making of arrangements for acquiring access to past edition files with the editors or publishers of the various newspapers.

The method of microphotography to be employed in this program shall conform to the standards established pursuant to Section 17 of "The State Records Act", approved July 6, 1957.

Upon payment to the Lincoln Presidential Library Historical Library Division of the required fee, any person or organization shall be supplied with any prints requested to be made from the negatives of the microphotographs. The fee required shall be determined by the State Historian and shall be equal in amount to the cost incurred by the Lincoln Presidential Library Historical Library Division in supplying the requested prints.

(Source: P.A. 84-25.)

(20 ILCS 3425/1 rep.)
(20 ILCS 3425/3 rep.)
(20 ILCS 3425/6 rep.)

Section 10-16. The State Historical Library Act is amended by repealing Sections 1, 3, and 6.

Section 10-20. The Old State Capitol Act is amended by changing Section 1 as follows:

(20 ILCS 3430/1) (from Ch. 123, par. 52)
Sec. 1. As used in this Act,
(a) "Old State Capitol Complex" means the old State capitol reconstructed under the "1961 Act" in Springfield and includes space also occupied by the Lincoln Presidential Library Historical Library Division and the Illinois State Historical Society and an underground parking garage;
(b) "1961 Act" means "An Act providing for the reconstruction and restoration of the old State Capitol at Springfield and providing for the custody thereof", approved August 24, 1961, as amended;
(c) "Board of Trustees" means the Board of Trustees of the Historic Preservation Agency.
(Source: P.A. 84-25.)

Section 10-25. The Historical Document Preservation Act is amended by changing Sections 1 and 2 as follows:

(55 ILCS 120/1) (from Ch. 128, par. 18)
Sec. 1. The county board of every county may, by order or resolution authorize and direct to be transferred to the Lincoln Presidential Library Illinois State Historical Society, the Historical Library Division, the State Archives or to the State University Library at Urbana, Illinois, or to any historical society duly incorporated and located within the county, such official papers, drawings, maps, writings and records of every description as may be deemed of historic interest or value, and as may be in the custody of any officer of such county. Accurate copies of the same when so transferred shall be substituted for the original when in the judgment of such county board the same may be deemed necessary.

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Sec. 2. The officer having the custody of such papers, drawings, maps, writings and records shall permit search to be made at all reasonable hours and under his supervision for such as may be deemed of historic interest. Whenever so directed by the county board in the manner prescribed in the foregoing section such officer shall deliver the same to the trustee, directors or librarian or other officer of the Illinois State Historical Society, the Historical Library Division, or society designated by such county board.

Section 10-30. The Illinois Municipal Code is amended by changing Section 11-48-1 as follows:

Sec. 11-48-1. The city council or board of trustees of every city, incorporated town or village may, by order or resolution authorize and direct to be transferred to the Lincoln Presidential Library, Illinois State Historical Society, the Historical Library Division, the State Archives or to the State University Library at Urbana, Illinois, or to any historical society duly incorporated and located within their respective counties, such official papers, drawings, maps, writings and records of every description as may be deemed of historic interest or value, and as may be in the custody of any officer of such county, city, incorporated town or village. Accurate copies of the same when so transferred shall be substituted for the original when in the judgment of such city council or board of trustees the same may be deemed necessary.

Section 10-40. The Liquor Control Act of 1934 is amended by changing Section 6-15 as follows:

Sec. 6-15. No alcoholic liquors shall be sold or delivered in any building belonging to or under the control of the State or any political subdivision thereof except as provided in this Act. The corporate authorities of any city, village, incorporated town or township may provide by ordinance, however, that alcoholic liquor may be sold or delivered in any specifically designated building belonging to or under the control of the municipality or township, or in any building located on land under the control of the municipality; provided that such township complies with all applicable local ordinances in any incorporated area of the township. Alcoholic liquors may be delivered to and sold at any airport belonging to or under the control of a municipality of more than 25,000 inhabitants, or in any building owned by a park district organized under the Park District Code, subject to the approval of the governing board of the district, or in any building or on any golf course owned by a forest preserve district organized under the Downstate Forest Preserve District Act, subject to the approval of the governing board of the district, or on the grounds within 500 feet of any building owned by a forest preserve district organized under the Downstate Forest Preserve District Act during times when food is dispensed for consumption within 500 feet of the building from which the food is dispensed, subject to the approval of the governing board.
of the district, or in a building owned by a Local Mass Transit District organized under the 
Local Mass Transit District Act, subject to the approval of the governing Board of the 
District, or in Bicentennial Park, or on the premises of the City of Mendota Lake Park located 
adjacent to Route 51 in Mendota, Illinois, or on the premises of Camden Park in Milan, 
Illinois, or in the community center owned by the City of Loves Park that is located at 1000 
River Park Drive in Loves Park, Illinois, or, in connection with the operation of an 
established food serving facility during times when food is dispensed for consumption on the 
premises, and at the following aquarium and museums located in public parks: Art Institute 
of Chicago, Chicago Academy of Sciences, Chicago Historical Society, Field Museum of 
Natural History, Museum of Science and Industry, DuSable Museum of African American 
History, John G. Shedd Aquarium and Adler Planetarium, or at Lakeview Museum of Arts 
and Sciences in Peoria, or in connection with the operation of the facilities of the Chicago 
Zoological Society or the Chicago Horticultural Society on land owned by the Forest 
Preserve District of Cook County, or on any land used for a golf course or for recreational 
purposes owned by the Forest Preserve District of Cook County, subject to the control of the 
Forest Preserve District Board of Commissioners and applicable local law, provided that 
dram shop liability insurance is provided at maximum coverage limits so as to hold the 
District harmless from all financial loss, damage, and harm, or in any building located on 
land owned by the Chicago Park District if approved by the Park District Commissioners, 
or on any land used for a golf course or for recreational purposes and owned by the Illinois 
International Port District if approved by the District's governing board, or at any airport, golf 
course, faculty center, or facility in which conference and convention type activities take 
place belonging to or under control of any State university or public community college 
district, provided that with respect to a facility for conference and convention type activities 
alcoholic liquors shall be limited to the use of the convention or conference participants or 
participants in cultural, political or educational activities held in such facilities, and provided 
further that the faculty or staff of the State university or a public community college district, 
or members of an organization of students, alumni, faculty or staff of the State university or 
a public community college district are active participants in the conference or convention, 
or in Memorial Stadium on the campus of the University of Illinois at Urbana-Champaign 
during games in which the Chicago Bears professional football team is playing in that 
stadium during the renovation of Soldier Field, not more than one and a half hours before the 
start of the game and not after the end of the third quarter of the game, or by a catering 
establishment which has rented facilities from a board of trustees of a public community 
college district, or, if approved by the District board, on land owned by the Metropolitan 
Sanitary District of Greater Chicago and leased to others for a term of at least 20 years. 
Nothing in this Section precludes the sale or delivery of alcoholic liquor in the form of 
original packaged goods in premises located at 500 S. Racine in Chicago belonging to the 
University of Illinois and used primarily as a grocery store by a commercial tenant during the 
term of a lease that predates the University's acquisition of the premises; but the University 
shall have no power or authority to renew, transfer, or extend the lease with terms allowing 
the sale of alcoholic liquor; and the sale of alcoholic liquor shall be subject to all local laws 

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and regulations. After the acquisition by Winnebago County of the property located at 404 Elm Street in Rockford, a commercial tenant who sold alcoholic liquor at retail on a portion of the property under a valid license at the time of the acquisition may continue to do so for so long as the tenant and the County may agree under existing or future leases, subject to all local laws and regulations regarding the sale of alcoholic liquor. Each facility shall provide dram shop liability in maximum insurance coverage limits so as to save harmless the State, municipality, State university, airport, golf course, faculty center, facility in which conference and convention type activities take place, park district, Forest Preserve District, public community college district, aquarium, museum, or sanitary district from all financial loss, damage or harm. Alcoholic liquors may be sold at retail in buildings of golf courses owned by municipalities in connection with the operation of an established food serving facility during times when food is dispensed for consumption upon the premises. Alcoholic liquors may be delivered to and sold at retail in any building owned by a fire protection district organized under the Fire Protection District Act, provided that such delivery and sale is approved by the board of trustees of the district, and provided further that such delivery and sale is limited to fundraising events and to a maximum of 6 events per year.

Alcoholic liquor may be delivered to and sold at retail in the Dorchester Senior Business Center owned by the Village of Dolton if the alcoholic liquor is sold or dispensed only in connection with organized functions for which the planned attendance is 20 or more persons, and if the person or facility selling or dispensing the alcoholic liquor has provided dram shop liability insurance in maximum limits so as to hold harmless the Village of Dolton and the State from all financial loss, damage and harm.

Alcoholic liquors may be delivered to and sold at retail in any building used as an Illinois State Armory provided:

(i) the Adjutant General's written consent to the issuance of a license to sell alcoholic liquor in such building is filed with the Commission;
(ii) the alcoholic liquor is sold or dispensed only in connection with organized functions held on special occasions;
(iii) the organized function is one for which the planned attendance is 25 or more persons; and
(iv) the facility selling or dispensing the alcoholic liquors has provided dram shop liability insurance in maximum limits so as to save harmless the facility and the State from all financial loss, damage or harm.

Alcoholic liquors may be delivered to and sold at retail in the Chicago Civic Center, provided that:

(i) the written consent of the Public Building Commission which administers the Chicago Civic Center is filed with the Commission;
(ii) the alcoholic liquor is sold or dispensed only in connection with organized functions held on special occasions;
(iii) the organized function is one for which the planned attendance is 25 or more persons;
(iv) the facility selling or dispensing the alcoholic liquors has provided dram shop liability insurance in maximum limits so as to save harmless the facility and the State from all financial loss, damage or harm.

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shop liability insurance in maximum limits so as to hold harmless the Civic Center, the City of Chicago and the State from all financial loss, damage or harm; and

(v) all applicable local ordinances are complied with.

Alcoholic liquors may be delivered or sold in any building belonging to or under the control of any city, village or incorporated town where more than 75% of the physical properties of the building are used for commercial or recreational purposes, and the building is located upon a pier extending into or over the waters of a navigable lake or stream or on the shore of a navigable lake or stream. Alcoholic liquor may be sold in buildings under the control of the Department of Natural Resources when written consent to the issuance of a license to sell alcoholic liquor in such buildings is filed with the Commission by the Department of Natural Resources. Notwithstanding any other provision of this Act, alcoholic liquor sold by a United States Army Corps of Engineers or Department of Natural Resources concessionaire who was operating on June 1, 1991 for on-premises consumption only is not subject to the provisions of Articles IV and IX. Beer and wine may be sold on the premises of the Joliet Park District Stadium owned by the Joliet Park District when written consent to the issuance of a license to sell beer and wine in such premises is filed with the local liquor commissioner by the Joliet Park District. Beer and wine may be sold in buildings on the grounds of State veterans' homes when written consent to the issuance of a license to sell beer and wine in such buildings is filed with the Commission by the Department of Veterans' Affairs, and the facility shall provide dram shop liability in maximum insurance coverage limits so as to save the facility harmless from all financial loss, damage or harm. Such liquors may be delivered to and sold at any property owned or held under lease by a Metropolitan Pier and Exposition Authority or Metropolitan Exposition and Auditorium Authority.

Beer and wine may be sold and dispensed at professional sporting events and at professional concerts and other entertainment events conducted on premises owned by the Forest Preserve District of Kane County, subject to the control of the District Commissioners and applicable local law, provided that dram shop liability insurance is provided at maximum coverage limits so as to hold the District harmless from all financial loss, damage and harm.

Nothing in this Section shall preclude the sale or delivery of beer and wine at a State or county fair or the sale or delivery of beer or wine at a city fair in any otherwise lawful manner.

Alcoholic liquors may be sold at retail in buildings in State parks under the control of the Department of Natural Resources, provided:

a. the State park has overnight lodging facilities with some restaurant facilities or, not having overnight lodging facilities, has restaurant facilities which serve complete luncheon and dinner or supper meals,

b. consent to the issuance of a license to sell alcoholic liquors in the buildings has been filed with the commission by the Department of Natural Resources, and

c. the alcoholic liquors are sold by the State park lodge or restaurant concessionaire only during the hours from 11 o'clock a.m. until 12 o'clock midnight. Notwithstanding any other provision of this Act, alcoholic liquor sold by the State park or restaurant concessionaire is not subject to the provisions of Articles IV and

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IX.

Alcoholic liquors may be sold at retail in buildings on properties under the control of the Historic Sites and Preservation Division of the Historic Preservation Agency or the Abraham Lincoln Presidential Library and Museum provided:

a. the property has overnight lodging facilities with some restaurant facilities or, not having overnight lodging facilities, has restaurant facilities which serve complete luncheon and dinner or supper meals,

b. consent to the issuance of a license to sell alcoholic liquors in the buildings has been filed with the commission by the Historic Sites and Preservation Division of the Historic Preservation Agency or the Abraham Lincoln Presidential Library and Museum, and

c. the alcoholic liquors are sold by the lodge or restaurant concessionaire only during the hours from 11 o'clock a.m. until 12 o'clock midnight.

The sale of alcoholic liquors pursuant to this Section does not authorize the establishment and operation of facilities commonly called taverns, saloons, bars, cocktail lounges, and the like except as a part of lodge and restaurant facilities in State parks or golf courses owned by Forest Preserve Districts with a population of less than 3,000,000 or municipalities or park districts.

Alcoholic liquors may be sold at retail in the Springfield Administration Building of the Department of Transportation and the Illinois State Armory in Springfield; provided, that the controlling government authority may consent to such sales only if

a. the request is from a not-for-profit organization;

b. such sales would not impede normal operations of the departments involved;

c. the not-for-profit organization provides dram shop liability in maximum insurance coverage limits and agrees to defend, save harmless and indemnify the State of Illinois from all financial loss, damage or harm;

d. no such sale shall be made during normal working hours of the State of Illinois; and

e. the consent is in writing.

Alcoholic liquors may be sold at retail in buildings in recreational areas of river conservancy districts under the control of, or leased from, the river conservancy districts. Such sales are subject to reasonable local regulations as provided in Article IV; however, no such regulations may prohibit or substantially impair the sale of alcoholic liquors on Sundays or Holidays.

Alcoholic liquors may be provided in long term care facilities owned or operated by a county under Division 5-21 or 5-22 of the Counties Code, when approved by the facility operator and not in conflict with the regulations of the Illinois Department of Public Health, to residents of the facility who have had their consumption of the alcoholic liquors provided approved in writing by a physician licensed to practice medicine in all its branches.

Alcoholic liquors may be delivered to and dispensed in State housing assigned to employees of the Department of Corrections. No person shall furnish or allow to be furnished

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any alcoholic liquors to any prisoner confined in any jail, reformatory, prison or house of correction except upon a physician's prescription for medicinal purposes.

Alcoholic liquors may be sold at retail or dispensed at the Willard Ice Building in Springfield, at the State Library in Springfield, and at Illinois State Museum facilities by (1) an agency of the State, whether legislative, judicial or executive, provided that such agency first obtains written permission to sell or dispense alcoholic liquors from the controlling government authority, or by (2) a not-for-profit organization, provided that such organization:

   a. Obtains written consent from the controlling government authority;
   b. Sells or dispenses the alcoholic liquors in a manner that does not impair normal operations of State offices located in the building;
   c. Sells or dispenses alcoholic liquors only in connection with an official activity in the building;
   d. Provides, or its catering service provides, dram shop liability insurance in maximum coverage limits and in which the carrier agrees to defend, save harmless and indemnify the State of Illinois from all financial loss, damage or harm arising out of the selling or dispensing of alcoholic liquors.

Nothing in this Act shall prevent a not-for-profit organization or agency of the State from employing the services of a catering establishment for the selling or dispensing of alcoholic liquors at authorized functions.

The controlling government authority for the Willard Ice Building in Springfield shall be the Director of the Department of Revenue. The controlling government authority for Illinois State Museum facilities shall be the Director of the Illinois State Museum. The controlling government authority for the State Library in Springfield shall be the Secretary of State.

Alcoholic liquors may be delivered to and sold at retail or dispensed at any facility, property or building under the jurisdiction of the Historic Sites and Preservation Division of the Historic Preservation Agency or the Abraham Lincoln Presidential Library and Museum where the delivery, sale or dispensing is by (1) an agency of the State, whether legislative, judicial or executive, provided that such agency first obtains written permission to sell or dispense alcoholic liquors from a controlling government authority, or by (2) a not-for-profit organization provided that such organization:

   a. Obtains written consent from the controlling government authority;
   b. Sells or dispenses the alcoholic liquors in a manner that does not impair normal workings of State offices or operations located at the facility, property or building;
   c. Sells or dispenses alcoholic liquors only in connection with an official activity of the not-for-profit organization in the facility, property or building;
   d. Provides, or its catering service provides, dram shop liability insurance in maximum coverage limits and in which the carrier agrees to defend, save harmless and indemnify the State of Illinois from all financial loss, damage or harm arising out of the selling or dispensing of alcoholic liquors.

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The controlling government authority for the \textit{Historic Sites and Preservation Division of the} Historic Preservation Agency shall be the Director of the Historic Sites and Preservation, \textit{and the controlling government authority for the Abraham Lincoln Presidential Library and Museum shall be the Director of the Abraham Lincoln Presidential Library and Museum Agency.}

Alcoholic liquors may be sold at retail or dispensed at the James R. Thompson Center in Chicago and 222 South College Street in Springfield, Illinois by (1) a commercial tenant or subtenant conducting business on the premises under a lease made pursuant to Section 405-315 of the Department of Central Management Services Law (20 ILCS 405/405-315), provided that such tenant or subtenant who sells or dispenses alcoholic liquors shall procure and maintain dram shop liability insurance in maximum coverage limits and in which the carrier agrees to defend, indemnify and save harmless the State of Illinois from all financial loss, damage or harm arising out of the sale or dispensing of alcoholic liquors, or by (2) an agency of the State, whether legislative, judicial or executive, provided that such agency first obtains written permission to sell or dispense alcoholic liquors from the Director of Central Management Services, or by (3) a not-for-profit organization, provided that such organization:

a. Obtains written consent from the Department of Central Management Services;

b. Sells or dispenses the alcoholic liquors in a manner that does not impair normal operations of State offices located in the building;

c. Sells or dispenses alcoholic liquors only in connection with an official activity in the building;

d. Provides, or its catering service provides, dram shop liability insurance in maximum coverage limits and in which the carrier agrees to defend, indemnify and save harmless the State of Illinois from all financial loss, damage or harm arising out of the selling or dispensing of alcoholic liquors.

Nothing in this Act shall prevent a not-for-profit organization or agency of the State from employing the services of a catering establishment for the selling or dispensing of alcoholic liquors at functions authorized by the Director of Central Management Services.

Alcoholic liquors may be sold or delivered at any facility owned by the Illinois Sports Facilities Authority provided that dram shop liability insurance has been made available in a form, with such coverage and in such amounts as the Authority reasonably determines is necessary.

Alcoholic liquors may be sold at retail or dispensed at the Rockford State Office Building by (1) an agency of the State, whether legislative, judicial or executive, provided that such agency first obtains written permission to sell or dispense alcoholic liquors from the Department of Central Management Services, or by (2) a not-for-profit organization, provided that such organization:

a. Obtains written consent from the Department of Central Management Services;

b. Sells or dispenses the alcoholic liquors in a manner that does not impair

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normal operations of State offices located in the building;
c. Sells or dispenses alcoholic liquors only in connection with an official activity in the building;
d. Provides, or its catering service provides, dram shop liability insurance in maximum coverage limits and in which the carrier agrees to defend, save harmless and indemnify the State of Illinois from all financial loss, damage or harm arising out of the selling or dispensing of alcoholic liquors.

Nothing in this Act shall prevent a not-for-profit organization or agency of the State from employing the services of a catering establishment for the selling or dispensing of alcoholic liquors at functions authorized by the Department of Central Management Services.

Alcoholic liquors may be sold or delivered in a building that is owned by McLean County, situated on land owned by the county in the City of Bloomington, and used by the McLean County Historical Society if the sale or delivery is approved by an ordinance adopted by the county board, and the municipality in which the building is located may not prohibit that sale or delivery, notwithstanding any other provision of this Section. The regulation of the sale and delivery of alcoholic liquor in a building that is owned by McLean County, situated on land owned by the county, and used by the McLean County Historical Society as provided in this paragraph is an exclusive power and function of the State and is a denial and limitation under Article VII, Section 6, subsection (h) of the Illinois Constitution of the power of a home rule municipality to regulate that sale and delivery.

Alcoholic liquors may be sold or delivered in any building situated on land held in trust for any school district organized under Article 34 of the School Code, if the building is not used for school purposes and if the sale or delivery is approved by the board of education.

Alcoholic liquors may be sold or delivered in buildings owned by the Community Building Complex Committee of Boone County, Illinois if the person or facility selling or dispensing the alcoholic liquor has provided dram shop liability insurance with coverage and in amounts that the Committee reasonably determines are necessary.

Alcoholic liquors may be sold or delivered in the building located at 1200 Centerville Avenue in Belleville, Illinois and occupied by either the Belleville Area Special Education District or the Belleville Area Special Services Cooperative.

(Source: P.A. 91-239, eff. 1-1-00; 91-922, eff. 7-7-00; 92-512, eff. 1-1-02.)

Article 99

Section 99-1. Effective date. This Act takes effect upon becoming law, except that Article 10 takes effect on July 1, 2002.
Passed in the General Assembly June 2, 2002.
Approved June 28, 2002.
Effective June 28, 2002 and July 1, 2002.

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AN ACT in relation to criminal law.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Unified Code of Corrections is amended by changing Section 5-9-1.2 as follows:

Sec. 5-9-1.2. (a) Twelve and one-half percent of all amounts collected as fines pursuant to Section 5-9-1.1 shall be paid into the Youth Drug Abuse Prevention Fund, which is hereby created in the State treasury, to be used by the Department of Human Services for the funding of programs and services for drug-abuse treatment, and prevention and education services, for juveniles.

(b) Eighty-seven and one-half percent of the proceeds of all fines received pursuant to Section 5-9-1.1 shall be transmitted to and deposited in the treasurer's office at the level of government as follows:

(1) If such seizure was made by a combination of law enforcement personnel representing differing units of local government, the court levying the fine shall equitably allocate 50% of the fine among these units of local government and shall allocate 37 1/2% to the county general corporate fund. In the event that the seizure was made by law enforcement personnel representing a unit of local government from a municipality where the number of inhabitants exceeds 2 million in population, the court levying the fine shall allocate 87 1/2% of the fine to that unit of local government. If the seizure was made by a combination of law enforcement personnel representing differing units of local government, and at least one of those units represents a municipality where the number of inhabitants exceeds 2 million in population, the court shall equitably allocate 87 1/2% of the proceeds of the fines received among the differing units of local government.

(2) If such seizure was made by State law enforcement personnel, then the court shall allocate 37 1/2% to the State treasury and 50% to the county general corporate fund.

(3) If a State law enforcement agency in combination with a law enforcement agency or agencies of a unit or units of local government conducted the seizure, the court shall equitably allocate 37 1/2% of the fines to or among the law enforcement agency or agencies of the unit or units of local government which conducted the seizure and shall allocate 50% to the county general corporate fund.

(c) The proceeds of all fines allocated to the law enforcement agency or agencies of the unit or units of local government pursuant to subsection (b) shall be made available to that law enforcement agency as expendable receipts for use in the enforcement of laws regulating controlled substances and cannabis. The proceeds of fines awarded to the State treasury shall be deposited in a special fund known as the Drug Traffic Prevention Fund.

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Monies from this fund may be used by the Department of State Police for use in the enforcement of laws regulating controlled substances and cannabis; to satisfy funding provisions of the Intergovernmental Drug Laws Enforcement Act; and to defray costs and expenses associated with returning violators of the Cannabis Control Act and the Illinois Controlled Substances Act only, as provided in those Acts, when punishment of the crime shall be confinement of the criminal in the penitentiary. Moneys in the Drug Traffic Prevention Fund deposited from fines awarded as a direct result of enforcement efforts of the Illinois Conservation Police may be used by the Department of Natural Resources Office of Law Enforcement for use in enforcing laws regulating controlled substances and cannabis on Department of Natural Resources regulated lands and waterways; and All other monies shall be paid into the general revenue fund in the State treasury. (Source: P.A. 89-507, eff. 7-1-97.)

Section 99. Effective date. This Act takes effect July 1, 2002.
Approved June 28, 2002.
Effective July 1, 2002.

PUBLIC ACT 92-0602
(House Bill No. 6012)

AN ACT concerning taxation.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Simplified Municipal Telecommunications Tax Act is amended by adding Section 5-42 as follows:
(35 ILCS 636/5-42 new)
Sec. 5-42. Procedure for determining proper tax jurisdiction.
(a) Tax jurisdiction information provided by a municipality upon written request from a telecommunications retailer. For purposes of this subsection (a), "telecommunications retailer" does not include retailers providing Commercial Mobile Radio Service as the term is used in the Mobile Telecommunications Sourcing Act.

(1) A municipality may provide, within 30 days following receipt of a written request from a telecommunications retailer, the following:

(A) A list containing each street name, known street name aliases, street address number ranges, applicable directionals, and zip codes associated with each street name, for all street addresses located within the municipality. For a range of street address numbers located within a municipality that consists only of odd or even street numbers, the list must specify whether the street numbers in the range are odd or even. The list shall be alphabetical, except that numbered streets shall be in numerical sequence.

(B) A list containing each postal zip code and all the city names associated therewith for all zip codes assigned to geographic areas located

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entirely within the municipality, including zip codes assigned to rural route boxes.

(C) A sequential list containing all rural route box number ranges and the city names and zip codes associated therewith, for all rural route boxes located within the municipality, except that rural route boxes with postal zip codes entirely within the municipality that are included on the list furnished under paragraph (B) need not be duplicated.

(D) The lists shall be printed. If a list is available through another medium, however, the municipality shall, upon request, furnish the list through such medium in addition to or in lieu of the printed lists. The municipality shall be responsible for updating the lists as changes occur and for furnishing this information to all telecommunications retailers affected by the changes. Each update shall specify an effective date, which shall be the next ensuing January 1, April 1, July 1, or October 1; shall be furnished to the telecommunications retailer not less than 60 days prior to the effective date; and shall identify the additions, deletions, and other changes to the preceding version of the list. If the information is received less than 60 days prior to the effective date of the change, the telecommunications retailer has until the next ensuing January 1, April 1, July 1, or October 1 to make the appropriate changes.

Nothing in this subsection (a) shall prevent a municipality from providing a telecommunications retailer with the information set forth in this subdivision (a)(1) in the absence of a written request from the telecommunications retailer.

(2) The telecommunications retailer shall be responsible for charging the tax to the service addresses contained in the lists requested under subdivision (a)(1) that include all of the elements required by this Section. If a service address is not included in the list or if no list is provided, the telecommunications retailer shall be held harmless from situsing errors provided it uses a reasonable methodology to assign the service address or addresses to a local tax jurisdiction. The telecommunications retailer shall be held harmless for any tax overpayments or underpayments (including penalty or interest) resulting from written information provided by the municipality or, in the case of disputes, the Department. If a municipality is aware of a situsing error in a telecommunications retailer's records, the municipality may file a written notification to the telecommunications retailer at an address specified by the telecommunications retailer describing the street address or addresses that are incorrect and, if known, the affected customer name or names and account number or numbers. If another jurisdiction is claiming the same street address or addresses that are the subject of the notification, the telecommunications retailer must notify the Department as specified in subdivision (a)(3) of this Section, otherwise, the telecommunications retailer shall make such correction to its records within 90 days.

(3) If it is determined from the lists or updates furnished under subdivision
(a)(1) that more than one municipality claims the same address or group of addresses, the telecommunications retailer shall notify the Department within 60 days of discovering the discrepancy. After notification and until resolution, the telecommunications retailer will continue its prior tax treatment and will be held harmless for any tax, penalty, and interest in the event the prior tax treatment is wrong. Upon resolution, the Department will notify the telecommunications retailer in a written form describing the resolution. Upon receipt of the resolution, the telecommunications retailer has until the next ensuing January 1, April 1, July 1, or October 1 to make the change.

(4) Municipalities shall notify any telecommunications retailer that has previously requested a list under subdivision (a)(1) of this Section of any annexations, de-annexations, or other boundary changes at least 60 days after the effective date of such changes. The notification shall contain each street name, known street name aliases, street address number ranges, applicable directionals, and zip codes associated with each street name, for all street addresses for which a change has occurred. The notice shall be mailed to an address designated by the telecommunications retailer. The telecommunications retailer has until the next ensuing January 1, April 1, July 1, or October 1 to make the changes described in such notification.

(b) The safe harbor provisions, Sections 40 and 45 of the Mobile Telecommunications Sourcing Conformity Act, shall apply to any telecommunications retailer electing to employ enhanced zip codes (zip+4) to assign each street address, address range, rural route box, or rural route box range in their service area to a specific municipal tax jurisdiction, except as provided under subdivision (c)(5). A telecommunications retailer shall make its election as prescribed by rules adopted by the Department.

(c) Persons who believe that they are improperly being charged a tax imposed under this Act because their service address is assigned to the wrong taxing jurisdiction shall file a written complaint with their telecommunications (mobile or non-mobile) retailer. The written complaint shall include the street address for her or his place of primary use for mobile telecommunications service or the service address for non-mobile telecommunications, the name and address of the telecommunications retailer who is collecting the tax imposed by this Act, the account name and number for which the person seeks a correction of the tax assignment, a description of the error asserted by that person, an estimated amount of tax claimed to have been incorrectly paid, the time period for which that amount of tax applies, and any other information that the telecommunications retailer may reasonably require to process the request. For purposes of this Section, the terms "place of primary use" and "mobile telecommunications service" shall have the same meanings as those terms are defined in the Mobile Telecommunications Sourcing Conformity Act.

Within 60 days after receiving the complaint under this subsection (c), the telecommunications retailer shall review its records, the written complaint, any information submitted by the affected municipality or municipalities, and the electronic database, if existing, or enhanced zip code used pursuant to Section 25 or 40 of the Mobile

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Telecommunications Sourcing Conformity Act to determine the customer's taxing jurisdiction. If this review shows that the amount of tax, assignment of place of primary use or service address, or taxing jurisdiction is in error, the telecommunications retailer shall correct the error and refund or credit the amount of tax erroneously collected from the customer for the period still available for the filing of a claim for credit or refund by the telecommunications retailer under this Act. If this review shows that the amount of tax, assignment of place of primary use or service address, or taxing jurisdiction is correct, the telecommunications retailer shall provide a written explanation to the person from whom the notice was received.

(1) If the person is dissatisfied with the response from the telecommunications retailer, the customer may request a written determination from the Department on a form prescribed by the Department. The request shall contain the same information as was provided to the telecommunications retailer. The Department shall review the request for determination and make all reasonable efforts to determine if such person's place of primary use for mobile telecommunications service or the service address for non-mobile telecommunications is located within the jurisdictional boundaries of the municipality for which the person is being charged tax under this Act. Upon request by the Department, municipalities that have imposed a tax under this Act shall have 30 days to provide information to the Department regarding such requests for determination via certified mail.

(2) Within 90 days after receipt of a request for determination under subdivision (c)(1) of this Section, the Department shall issue a letter of determination to the person stating whether that person's place of primary use for mobile telecommunications service or the service address for non-mobile telecommunications is located within the jurisdictional boundaries of the municipality for which the person is being charged tax under this Act or naming the proper municipality, if different. The Department shall also list in the letter of determination, if the municipality has provided that information to the Department, the Department's findings as to the limit of the jurisdictional boundary (street address range) for the municipality in relation to the street address listed in the request for a letter of determination. A copy of such letter of determination shall be provided by the Department to the telecommunications retailer listed on the request for determination. The copy shall be sent via mail to an address designated by the telecommunications retailer.

(3) If the municipality or municipalities fail to respond as set forth in subdivision (c)(1), then the complaining person will no longer be subject to the tax imposed under this Act. The Department shall notify the relevant telecommunications retailer in writing of the automatic determination and also list its findings as to the street address listed in the request for a letter of determination. Upon receipt of the notice of automatic determination, the telecommunications retailer shall correct its records and refund or credit the amount of tax determined to have been paid by such person for the period still available for the filing of a claim for credit or refund by
the telecommunications retailer under this Act. A copy of the letter of determination shall be provided by the Department to the telecommunications retailer listed on the request for determination at an address designated by the telecommunications retailer.

(4) If the telecommunications retailer receives a copy of the letter of determination from the Department described in subdivision (c)(2) of this Section that states that such person’s place of primary use for mobile telecommunications service or the service address for non-mobile telecommunications is not located within the jurisdictional boundaries of the municipality for which that person is being charged tax under this Act and that provides the correct tax jurisdiction for the particular street address, the telecommunications retailer shall correct the error and refund or credit the amount of tax determined to have been paid in error by such person up to the period still available for the filing of a claim for credit or refund by the telecommunications retailer under this Act. The telecommunications retailer shall retain such copy of the letter of determination in its books and records and shall be held harmless for any tax, penalty, or interest due as a result of its reliance on such determination. If the Department subsequently receives information that discloses that such service addresses or places of primary use on that street are within the jurisdictional boundaries of a municipality other than the one specified in the previous letter, the Department shall notify the telecommunications retailer and the telecommunications customer in writing that the telecommunications retailer is to begin collecting tax for a specified municipality on the accounts associated with those service addresses or places of primary use. Notification to begin collecting tax on such accounts sent by the Department to the telecommunications retailers on or after October 1 and prior to January 1 shall be effective the following April 1. Notification to begin collecting tax on such accounts sent by the Department to the telecommunications retailers on or after January 1 and prior to April 1 shall be effective the following July 1. Notification to begin collecting tax on such accounts sent by the Department to the telecommunications retailers on or after April 1 and prior to July 1 shall be effective the following October 1. Notification to begin collecting tax on such accounts sent by the Department to the telecommunications retailers on or after July 1 and prior to October 1 shall be effective the following January 1.

(5) If the telecommunications retailer receives a copy of the letter of determination from the Department described in subdivisions (c)(2), (c)(3), or (c)(4) of this Section that states that such person’s place of primary use for mobile telecommunications service or the service address for non-mobile telecommunications is not located within the jurisdictional boundaries of the municipality for which that person is being charged tax under this Act and the telecommunications retailer fails to correct the error and refund or credit the appropriate amount of tax paid in error within the time period prescribed in subdivisions (c)(3) and (c)(4), the telecommunications retailer shall not be held

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harmless for any tax, penalty, or interest due the Department as a result of the error.

(6) The procedures in this subsection (c) shall be the first course of remedy available to customers seeking correction of assignment of service address, place of primary use, taxing jurisdiction, an amount of tax paid erroneously, or other compensation for taxes, charges, or fees erroneously collected by a telecommunications retailer. No cause of action based upon a dispute arising from these taxes, charges, or fees shall accrue until a customer has reasonably exercised the rights and procedures set forth in this subsection (c). If a customer is not satisfied after exercising the rights and following the procedures set forth in this subsection (c), the customer shall have the normal cause of action available under the law to recover any tax, penalty, or interest from the telecommunications retailer.

(d) The provisions of this Section shall not apply to a municipality that directly receives collected tax revenue from a retailer pursuant to subsection (b) of Section 5-40. A municipality that receives tax revenue pursuant to subsection (b) of Section 5-40 for telecommunications other than mobile telecommunications service, as that term is defined in the Mobile Telecommunications Sourcing Conformity Act, shall establish a procedure to remedy the complaints of persons who believe they are being improperly taxed, which should consider the requirements set forth in subsection (c) of this Section.

Section 10. The Mobile Telecommunications Sourcing Conformity Act is amended by changing Section 80 as follows:

(35 ILCS 638/80)

 Sec. 80. Customers' procedures and remedies for correcting taxes and fees.

(a) If a customer believes that he or she is being charged an improper amount of tax or is not subject to a tax imposed under the Simplified Municipal Telecommunications Tax Act for a telecommunications service covered by the term "mobile telecommunications" under this Act, he or she shall follow the procedures outlined in subsection (c) of Section 5-42 of the Simplified Municipal Telecommunications Tax Act. The procedures outlined in subsection (c) of Section 5-42 of the Simplified Municipal Telecommunications Tax Act shall also apply to the home service provider, the Department, and municipalities.

(b) Nothing in subsection (a) shall apply to a municipality that directly receives collected tax revenue from a retailer under subsection (b) of Section 5-40 of the Simplified Municipal Telecommunications Tax Act for a telecommunications service covered by the term "mobile telecommunications service" under this Act. In lieu of subsection (a), a customer may seek relief under subsection (c) only if a municipality directly receives collected tax revenue from a retailer under subsection (b) of Section 5-40 of the Simplified Municipal Telecommunications Tax Act for a telecommunications service covered by the term "mobile telecommunications service" under this Act.

(c) For municipalities covered under subsection (b) of Section 5-40 of the Simplified Municipal Telecommunications Tax Act, if a customer believes that an amount of tax or assignment of place of primary use or taxing jurisdiction included on a billing is erroneous, the customer shall notify the home service provider in writing. The customer shall include

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in this written notification the street address for her or his place of primary use, the account name and number for which the customer seeks a correction of the tax assignment, a description of the error asserted by the customer, and any other information that the home service provider reasonably requires to process the request. Within 60 days after receiving a notice under this subsection (c) (a), the home service provider shall review its records and the electronic database or enhanced zip code used pursuant to Section 25 or 40 to determine the customer's taxing jurisdiction. If this review shows that the amount of tax, assignment of place of primary use, or taxing jurisdiction is in error, the home service provider shall correct the error and refund or credit the amount of tax erroneously collected from the customer for a period of up to 2 years. If this review shows that the amount of tax, assignment of place of primary use, or taxing jurisdiction is correct, the home service provider shall provide a written explanation to the customer. (b) If the customer is dissatisfied with the response of the home service provider under this Section, the customer may seek a correction or refund or both from the municipality that directly receives collected tax revenue from a retailer pursuant to subsection (b) of Section 5-40 of the Simplified Municipal Telecommunications Tax Act for a telecommunications service covered by the term "mobile telecommunications service" under this Act taxing jurisdiction affected.

(d) (e) The procedures set forth in subsections (b) and (c) in this Section shall be the first course of remedy available to customers seeking correction of assignment of place of primary use or taxing jurisdiction or a refund of or other compensation for taxes, charges, and fees erroneously collected by the home service provider, and no cause of action based upon a dispute arising from these taxes, charges, or fees shall accrue until a customer has reasonably exercised the rights and procedures set forth in this Section.

(Source: P.A. 92-474, eff. 8-1-02.)

Section 90. The State Mandates Act is amended by adding Section 8.26 as follows:

(30 ILCS 805/8.26 new)

Sec. 8.26. Exempt mandate. Notwithstanding Sections 6 and 8 of this Act, no reimbursement by the State is required for the implementation of any mandate created by this amendatory Act of the 92nd General Assembly.

Section 95. No acceleration or delay. Where this Act makes changes in a statute that is represented in this Act by text that is not yet or no longer in effect (for example, a Section represented by multiple versions), the use of that text does not accelerate or delay the taking effect of (i) the changes made by this Act or (ii) provisions derived from any other Public Act.

Section 99. Effective date. This Act takes effect on July 1, 2002.
Passed in the General Assembly June 1, 2002.
Approved June 28, 2002.
Effective July 1, 2002.
AN ACT concerning taxes.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 3. The Illinois Income Tax Act is amended by changing Section 203 as follows:

(35 ILCS 5/203) (from Ch. 120, par. 2-203)
Sec. 203. Base income defined.
(a) Individuals.
   (1) In general. In the case of an individual, base income means an amount equal to the taxpayer's adjusted gross income for the taxable year as modified by paragraph (2).
   (2) Modifications. The adjusted gross income referred to in paragraph (1) shall be modified by adding thereto the sum of the following amounts:
      (A) An amount equal to all amounts paid or accrued to the taxpayer as interest or dividends during the taxable year to the extent excluded from gross income in the computation of adjusted gross income, except stock dividends of qualified public utilities described in Section 305(e) of the Internal Revenue Code;
      (B) An amount equal to the amount of tax imposed by this Act to the extent deducted from gross income in the computation of adjusted gross income for the taxable year;
      (C) An amount equal to the amount received during the taxable year as a recovery or refund of real property taxes paid with respect to the taxpayer's principal residence under the Revenue Act of 1939 and for which a deduction was previously taken under subparagraph (L) of this paragraph prior to July 1, 1991, the retrospective application date of Article 4 of Public Act 87-17. In the case of multi-unit or multi-use structures and farm dwellings, the taxes on the taxpayer's principal residence shall be that portion of the total taxes for the entire property which is attributable to such principal residence;
      (D) An amount equal to the amount of the capital gain deduction allowable under the Internal Revenue Code, to the extent deducted from gross income in the computation of adjusted gross income;
      (D-5) An amount, to the extent not included in adjusted gross income, equal to the amount of money withdrawn by the taxpayer in the taxable year from a medical care savings account and the interest earned on the account in the taxable year of a withdrawal pursuant to subsection (b) of Section 20 of the Medical Care Savings Account Act or subsection (b) of Section 20 of the Medical Care Savings Account Act of 2000; and

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(D-10) For taxable years ending after December 31, 1997, an amount equal to any eligible remediation costs that the individual deducted in computing adjusted gross income and for which the individual claims a credit under subsection (l) of Section 201;

(D-15) For taxable years 2001 and thereafter, an amount equal to the bonus depreciation deduction (30% of the adjusted basis of the qualified property) taken on the taxpayer's federal income tax return for the taxable year under subsection (k) of Section 168 of the Internal Revenue Code; and

(D-16) If the taxpayer reports a capital gain or loss on the taxpayer's federal income tax return for the taxable year based on a sale or transfer of property for which the taxpayer was required in any taxable year to make an addition modification under subparagraph (D-15), then an amount equal to the aggregate amount of the deductions taken in all taxable years under subparagraph (Z) with respect to that property;

The taxpayer is required to make the addition modification under this subparagraph only once with respect to any one piece of property.

and by deducting from the total so obtained the sum of the following amounts:

(E) For taxable years ending before December 31, 2001, any amount included in such total in respect of any compensation (including but not limited to any compensation paid or accrued to a serviceman while a prisoner of war or missing in action) paid to a resident by reason of being on active duty in the Armed Forces of the United States and in respect of any compensation paid or accrued to a resident who as a governmental employee was a prisoner of war or missing in action, and in respect of any compensation paid to a resident in 1971 or thereafter for annual training performed pursuant to Sections 502 and 503, Title 32, United States Code as a member of the Illinois National Guard. For taxable years ending on or after December 31, 2001, any amount included in such total in respect of any compensation (including but not limited to any compensation paid or accrued to a serviceman while a prisoner of war or missing in action) paid to a resident by reason of being a member of any component of the Armed Forces of the United States and in respect of any compensation paid or accrued to a resident who as a governmental employee was a prisoner of war or missing in action, and in respect of any compensation paid to a resident in 2001 or thereafter by reason of being a member of the Illinois National Guard. The provisions of this amendatory Act of the 92nd General Assembly are exempt from the provisions of Section 250;

(F) An amount equal to all amounts included in such total pursuant to the provisions of Sections 402(a), 402(c), 403(a), 403(b), 406(a), 407(a), and 408 of the Internal Revenue Code, or included in such total as distributions under the provisions of any retirement or disability plan for

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employees of any governmental agency or unit, or retirement payments to retired partners, which payments are excluded in computing net earnings from self employment by Section 1402 of the Internal Revenue Code and regulations adopted pursuant thereto;

(G) The valuation limitation amount;

(H) An amount equal to the amount of any tax imposed by this Act which was refunded to the taxpayer and included in such total for the taxable year;

(I) An amount equal to all amounts included in such total pursuant to the provisions of Section 111 of the Internal Revenue Code as a recovery of items previously deducted from adjusted gross income in the computation of taxable income;

(J) An amount equal to those dividends included in such total which were paid by a corporation which conducts business operations in an Enterprise Zone or zones created under the Illinois Enterprise Zone Act, and conducts substantially all of its operations in an Enterprise Zone or zones;

(K) An amount equal to those dividends included in such total that were paid by a corporation that conducts business operations in a federally designated Foreign Trade Zone or Sub-Zone and that is designated a High Impact Business located in Illinois; provided that dividends eligible for the deduction provided in subparagraph (J) of paragraph (2) of this subsection shall not be eligible for the deduction provided under this subparagraph (K);

(L) For taxable years ending after December 31, 1983, an amount equal to all social security benefits and railroad retirement benefits included in such total pursuant to Sections 72(r) and 86 of the Internal Revenue Code;

(M) With the exception of any amounts subtracted under subparagraph (N), an amount equal to the sum of all amounts disallowed as deductions by (i) Sections 171(a) (2), and 265(2) of the Internal Revenue Code of 1954, as now or hereafter amended, and all amounts of expenses allocable to interest and disallowed as deductions by Section 265(1) of the Internal Revenue Code of 1954, as now or hereafter amended; and (ii) for taxable years ending on or after August 13, 1999, Sections 171(a)(2), 265, 280C, and 832(b)(5)(B)(i) of the Internal Revenue Code; the provisions of this subparagraph are exempt from the provisions of Section 250;

(N) An amount equal to all amounts included in such total which are exempt from taxation by this State either by reason of its statutes or Constitution or by reason of the Constitution, treaties or statutes of the United States; provided that, in the case of any statute of this State that exempts income derived from bonds or other obligations from the tax imposed under this Act, the amount exempted shall be the interest net of bond premium amortization;

(O) An amount equal to any contribution made to a job training

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project established pursuant to the Tax Increment Allocation Redevelopment Act;

(P) An amount equal to the amount of the deduction used to compute the federal income tax credit for restoration of substantial amounts held under claim of right for the taxable year pursuant to Section 1341 of the Internal Revenue Code of 1986;

(Q) An amount equal to any amounts included in such total, received by the taxpayer as an acceleration in the payment of life, endowment or annuity benefits in advance of the time they would otherwise be payable as an indemnity for a terminal illness;

(R) An amount equal to the amount of any federal or State bonus paid to veterans of the Persian Gulf War;

(S) An amount, to the extent included in adjusted gross income, equal to the amount of a contribution made in the taxable year on behalf of the taxpayer to a medical care savings account established under the Medical Care Savings Account Act or the Medical Care Savings Account Act of 2000 to the extent the contribution is accepted by the account administrator as provided in that Act;

(T) An amount, to the extent included in adjusted gross income, equal to the amount of interest earned in the taxable year on a medical care savings account established under the Medical Care Savings Account Act or the Medical Care Savings Account Act of 2000 on behalf of the taxpayer, other than interest added pursuant to item (D-5) of this paragraph (2);

(U) For one taxable year beginning on or after January 1, 1994, an amount equal to the total amount of tax imposed and paid under subsections (a) and (b) of Section 201 of this Act on grant amounts received by the taxpayer under the Nursing Home Grant Assistance Act during the taxpayer's taxable years 1992 and 1993;

(V) Beginning with tax years ending on or after December 31, 1995 and ending with tax years ending on or before December 31, 2004, an amount equal to the amount paid by a taxpayer who is a self-employed taxpayer, a partner of a partnership, or a shareholder in a Subchapter S corporation for health insurance or long-term care insurance for that taxpayer or that taxpayer's spouse or dependents, to the extent that the amount paid for that health insurance or long-term care insurance may be deducted under Section 213 of the Internal Revenue Code of 1986, has not been deducted on the federal income tax return of the taxpayer, and does not exceed the taxable income attributable to that taxpayer's income, self-employment income, or Subchapter S corporation income; except that no deduction shall be allowed under this item (V) if the taxpayer is eligible to participate in any health insurance or long-term care insurance plan of an employer of the taxpayer or the taxpayer's spouse. The amount of the health insurance and long-term care

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insurance subtracted under this item (V) shall be determined by multiplying total health insurance and long-term care insurance premiums paid by the taxpayer times a number that represents the fractional percentage of eligible medical expenses under Section 213 of the Internal Revenue Code of 1986 not actually deducted on the taxpayer's federal income tax return;

(W) For taxable years beginning on or after January 1, 1998, all amounts included in the taxpayer's federal gross income in the taxable year from amounts converted from a regular IRA to a Roth IRA. This paragraph is exempt from the provisions of Section 250;

(X) For taxable year 1999 and thereafter, an amount equal to the amount of any (i) distributions, to the extent includible in gross income for federal income tax purposes, made to the taxpayer because of his or her status as a victim of persecution for racial or religious reasons by Nazi Germany or any other Axis regime or as an heir of the victim and (ii) items of income, to the extent includible in gross income for federal income tax purposes, attributable to, derived from or in any way related to assets stolen from, hidden from, or otherwise lost to a victim of persecution for racial or religious reasons by Nazi Germany or any other Axis regime immediately prior to, during, and immediately after World War II, including, but not limited to, interest on the proceeds receivable as insurance under policies issued to a victim of persecution for racial or religious reasons by Nazi Germany or any other Axis regime by European insurance companies immediately prior to and during World War II; provided, however, this subtraction from federal adjusted gross income does not apply to assets acquired with such assets or with the proceeds from the sale of such assets; provided, further, this paragraph shall only apply to a taxpayer who was the first recipient of such assets after their recovery and who is a victim of persecution for racial or religious reasons by Nazi Germany or any other Axis regime or as an heir of the victim. The amount of and the eligibility for any public assistance, benefit, or similar entitlement is not affected by the inclusion of items (i) and (ii) of this paragraph in gross income for federal income tax purposes. This paragraph is exempt from the provisions of Section 250; and

(Y) For taxable years beginning on or after January 1, 2002, moneys contributed in the taxable year to a College Savings Pool account under Section 16.5 of the State Treasurer Act. This subparagraph (Y) is exempt from the provisions of Section 250;

(Z) For taxable years 2001 and thereafter, for the taxable year in which the bonus depreciation deduction (30% of the adjusted basis of the qualified property) is taken on the taxpayer's federal income tax return under subsection (k) of Section 168 of the Internal Revenue Code and for each applicable taxable year thereafter, an amount equal to "x", where:

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(1) "y" equals the amount of the depreciation deduction taken for the taxable year on the taxpayer's federal income tax return on property for which the bonus depreciation deduction (30% of the adjusted basis of the qualified property) was taken in any year under subsection (k) of Section 168 of the Internal Revenue Code, but not including the bonus depreciation deduction; and

(2) "x" equals "y" multiplied by 30 and then divided by 70 (or "y" multiplied by 0.429).

The aggregate amount deducted under this subparagraph in all taxable years for any one piece of property may not exceed the amount of the bonus depreciation deduction (30% of the adjusted basis of the qualified property) taken on that property on the taxpayer's federal income tax return under subsection (k) of Section 168 of the Internal Revenue Code; and

(AA) If the taxpayer reports a capital gain or loss on the taxpayer's federal income tax return for the taxable year based on a sale or transfer of property for which the taxpayer was required in any taxable year to make an addition modification under subparagraph (D-15), then an amount equal to that addition modification.

The taxpayer is allowed to take the deduction under this subparagraph only once with respect to any one piece of property.

(b) Corporations.

(1) In general. In the case of a corporation, base income means an amount equal to the taxpayer's taxable income for the taxable year as modified by paragraph (2).

(2) Modifications. The taxable income referred to in paragraph (1) shall be modified by adding thereto the sum of the following amounts:

(A) An amount equal to all amounts paid or accrued to the taxpayer as interest and all distributions received from regulated investment companies during the taxable year to the extent excluded from gross income in the computation of taxable income;

(B) An amount equal to the amount of tax imposed by this Act to the extent deducted from gross income in the computation of taxable income for the taxable year;

(C) In the case of a regulated investment company, an amount equal to the excess of (i) the net long-term capital gain for the taxable year, over (ii) the amount of the capital gain dividends designated as such in accordance with Section 852(b)(3)(C) of the Internal Revenue Code and any amount designated under Section 852(b)(3)(D) of the Internal Revenue Code, attributable to the taxable year (this amendatory Act of 1995 (Public Act 89-89) is declarative of existing law and is not a new enactment);

(D) The amount of any net operating loss deduction taken in arriving at taxable income, other than a net operating loss carried forward from a

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taxable year ending prior to December 31, 1996; and

(E) For taxable years in which a net operating loss carried back or carried forward from a taxable year ending prior to December 31, 1986 is an element of taxable income under paragraph (1) of subsection (e) or subparagraph (E) of paragraph (2) of subsection (e), the amount by which addition modifications other than those provided by this subparagraph (E) exceeded subtraction modifications in such earlier taxable year, with the following limitations applied in the order that they are listed:

(i) the addition modification relating to the net operating loss carried back or forward to the taxable year from any taxable year ending prior to December 31, 1986 shall be reduced by the amount of addition modification under this subparagraph (E) which related to that net operating loss and which was taken into account in computing adjusted gross income and for which the corporation claimed a credit under subsection (l) of Section 201;

(ii) the addition modification relating to the net operating loss carried back or forward to the taxable year from any taxable year ending prior to December 31, 1986 shall not exceed the amount of such carryback or carryforward;

For taxable years in which there is a net operating loss carryback or carryforward from more than one taxable year ending prior to December 31, 1986, the addition modification provided in this subparagraph (E) shall be the sum of the amounts computed independently under the preceding provisions of this subparagraph (E) for each such taxable year and

(iii) the addition modification relating to the net operating loss carried back or forward to the taxable year ending after December 31, 1986 shall be reduced by the amount of addition modification under this subparagraph (E) which related to any tax year ending before December 31, 1986 in which such loss was claimed, and

(iv) the addition modification relating to the net operating loss carried back or forward to the taxable year from any taxable year ending before December 31, 1986 shall not exceed the amount of such carryback or carryforward;

(v) the addition modification relating to the net operating loss carried back or forward to any taxable year ending after December 31, 1986 shall be reduced by the amount of any tax imposed by this Act;

(vi) the addition modification relating to the net operating loss carried back or forward to any taxable year ending after December 31, 1986 shall not exceed the amount of such carryback or carryforward;

(V) The taxpayer is required to make the addition modification under this subparagraph only once with respect to any one piece of property; and

(VI) by deducting from the total so obtained the sum of the following amounts:

(F) An amount equal to the amount of any tax imposed by this Act on the aggregate amount of the deductions taken in all taxable years under subparagraph (G) with respect to the same property;

(G) An amount equal to the amount of any tax imposed by this Act on the aggregate amount of the deductions taken in all taxable years under subparagraph (H) with respect to the same property.

The term "property" as used herein includes any property which is a member of the same class of property for purposes of the statutes and regulations governing the assessment of property taxes, but excludes property which is not subject to assessment for property taxes.

No deduction shall be allowed under this Act with respect to any property which is a member of a class of property the assessed value of which is not subject to assessment for property taxes, except as otherwise provided by law.

The term "assessed value" as used herein includes any amount which is equivalent to the assessed value of property as used for the purpose of assessing property taxes.

The term "taxable year" as used herein includes any period of time which is equivalent to a taxable year as used for the purpose of assessing property taxes.

The term "property" as used herein includes any property which is subject to assessment for property taxes, but excludes property which is not subject to assessment for property taxes.

The term "assessed value" as used herein includes any amount which is equivalent to the assessed value of property as used for the purpose of assessing property taxes.

The term "taxable year" as used herein includes any period of time which is equivalent to a taxable year as used for the purpose of assessing property taxes.

The term "property" as used herein includes any property which is subject to assessment for property taxes, but excludes property which is not subject to assessment for property taxes.

The term "assessed value" as used herein includes any amount which is equivalent to the assessed value of property as used for the purpose of assessing property taxes.

The term "taxable year" as used herein includes any period of time which is equivalent to a taxable year as used for the purpose of assessing property taxes.

The term "property" as used herein includes any property which is subject to assessment for property taxes, but excludes property which is not subject to assessment for property taxes.

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which was refunded to the taxpayer and included in such total for the taxable year;

(G) An amount equal to any amount included in such total under Section 78 of the Internal Revenue Code;

(H) In the case of a regulated investment company, an amount equal to the amount of exempt interest dividends as defined in subsection (b)(5) of Section 852 of the Internal Revenue Code, paid to shareholders for the taxable year;

(I) With the exception of any amounts subtracted under subparagraph (J), an amount equal to the sum of all amounts disallowed as deductions by (i) Sections 171(a)(2), and 265(a)(2) and amounts disallowed as interest expense by Section 291(a)(3) of the Internal Revenue Code, as now or hereafter amended, and all amounts of expenses allocable to interest and disallowed as deductions by Section 265(a)(1) of the Internal Revenue Code, as now or hereafter amended; and (ii) for taxable years ending on or after August 13, 1999, Sections 171(a)(2), 265, 280C, 291(a)(3), and 832(b)(5)(B)(i) of the Internal Revenue Code; the provisions of this subparagraph are exempt from the provisions of Section 250;

(J) An amount equal to all amounts included in such total which are exempt from taxation by this State either by reason of its statutes or Constitution or by reason of the Constitution, treaties or statutes of the United States; provided that, in the case of any statute of this State that exempts income derived from bonds or other obligations from the tax imposed under this Act, the amount exempted shall be the interest net of bond premium amortization;

(K) An amount equal to those dividends included in such total which were paid by a corporation which conducts business operations in an Enterprise Zone or zones created under the Illinois Enterprise Zone Act and conducts substantially all of its operations in an Enterprise Zone or zones;

(L) An amount equal to those dividends included in such total that were paid by a corporation that conducts business operations in a federally designated Foreign Trade Zone or Sub-Zone and that is designated a High Impact Business located in Illinois; provided that dividends eligible for the deduction provided in subparagraph (K) of paragraph 2 of this subsection shall not be eligible for the deduction provided under this subparagraph (L);

(M) For any taxpayer that is a financial organization within the meaning of Section 304(c) of this Act, an amount included in such total as interest income from a loan or loans made by such taxpayer to a borrower, to the extent that such a loan is secured by property which is eligible for the Enterprise Zone Investment Credit. To determine the portion of a loan or loans that is secured by property eligible for a Section 201(f) investment credit to the borrower, the entire principal amount of the loan or loans

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between the taxpayer and the borrower should be divided into the basis of the Section 201(f) investment credit property which secures the loan or loans, using for this purpose the original basis of such property on the date that it was placed in service in the Enterprise Zone. The subtraction modification available to taxpayer in any year under this subsection shall be that portion of the total interest paid by the borrower with respect to such loan attributable to the eligible property as calculated under the previous sentence;

(M-1) For any taxpayer that is a financial organization within the meaning of Section 304(c) of this Act, an amount included in such total as interest income from a loan or loans made by such taxpayer to a borrower, to the extent that such a loan is secured by property which is eligible for the High Impact Business Investment Credit. To determine the portion of a loan or loans that is secured by property eligible for a Section 201(h) investment credit to the borrower, the entire principal amount of the loan or loans between the taxpayer and the borrower should be divided into the basis of the Section 201(h) investment credit property which secures the loan or loans, using for this purpose the original basis of such property on the date that it was placed in service in a federally designated Foreign Trade Zone or Sub-Zone located in Illinois. No taxpayer that is eligible for the deduction provided in subparagraph (M) of paragraph (2) of this subsection shall be eligible for the deduction provided under this subparagraph (M-1). The subtraction modification available to taxpayers in any year under this subsection shall be that portion of the total interest paid by the borrower with respect to such loan attributable to the eligible property as calculated under the previous sentence;

(N) Two times any contribution made during the taxable year to a designated zone organization to the extent that the contribution (i) qualifies as a charitable contribution under subsection (c) of Section 170 of the Internal Revenue Code and (ii) must, by its terms, be used for a project approved by the Department of Commerce and Community Affairs under Section 11 of the Illinois Enterprise Zone Act;

(O) An amount equal to: (i) 85% for taxable years ending on or before December 31, 1992, or, a percentage equal to the percentage allowable under Section 243(a)(1) of the Internal Revenue Code of 1986 for taxable years ending after December 31, 1992, of the amount by which dividends included in taxable income and received from a corporation that is not created or organized under the laws of the United States or any state or political subdivision thereof, including, for taxable years ending on or after December 31, 1988, dividends received or deemed received or paid or deemed paid under Sections 951 through 964 of the Internal Revenue Code, exceed the amount of the modification provided under subparagraph (G) of paragraph (2) of this subsection (b) which is related to such dividends; plus (ii) 100%

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of the amount by which dividends, included in taxable income and received, including, for taxable years ending on or after December 31, 1988, dividends received or deemed received or paid or deemed paid under Sections 951 through 964 of the Internal Revenue Code, from any such corporation specified in clause (i) that would but for the provisions of Section 1504 (b) (3) of the Internal Revenue Code be treated as a member of the affiliated group which includes the dividend recipient, exceed the amount of the modification provided under subparagraph (G) of paragraph (2) of this subsection (b) which is related to such dividends;

(P) An amount equal to any contribution made to a job training project established pursuant to the Tax Increment Allocation Redevelopment Act;

(Q) An amount equal to the amount of the deduction used to compute the federal income tax credit for restoration of substantial amounts held under claim of right for the taxable year pursuant to Section 1341 of the Internal Revenue Code of 1986;

(R) In the case of an attorney-in-fact with respect to whom an interinsurer or a reciprocal insurer has made the election under Section 835 of the Internal Revenue Code, 26 U.S.C. 835, an amount equal to the excess, if any, of the amounts paid or incurred by that interinsurer or reciprocal insurer in the taxable year to the attorney-in-fact over the deduction allowed to that interinsurer or reciprocal insurer with respect to the attorney-in-fact under Section 835(b) of the Internal Revenue Code for the taxable year; and

(S) For taxable years ending on or after December 31, 1997, in the case of a Subchapter S corporation, an amount equal to all amounts of income allocable to a shareholder subject to the Personal Property Tax Replacement Income Tax imposed by subsections (c) and (d) of Section 201 of this Act, including amounts allocable to organizations exempt from federal income tax by reason of Section 501(a) of the Internal Revenue Code. This subparagraph (S) is exempt from the provisions of Section 250;

(T) For taxable years 2001 and thereafter, for the taxable year in which the bonus depreciation deduction (30% of the adjusted basis of the qualified property) is taken on the taxpayer's federal income tax return under subsection (k) of Section 168 of the Internal Revenue Code and for each applicable taxable year thereafter, an amount equal to "x", where:

(1) "y" equals the amount of the depreciation deduction taken for the taxable year on the taxpayer's federal income tax return on property for which the bonus depreciation deduction (30% of the adjusted basis of the qualified property) was taken in any year under subsection (k) of Section 168 of the Internal Revenue Code, but not including the bonus depreciation deduction; and

(2) "x" equals "y" multiplied by 30 and then divided by 70 (or

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"y" multiplied by 0.429).

The aggregate amount deducted under this subparagraph in all taxable years for any one piece of property may not exceed the amount of the bonus depreciation deduction (30% of the adjusted basis of the qualified property) taken on that property on the taxpayer's federal income tax return under subsection (k) of Section 168 of the Internal Revenue Code; and

(U) If the taxpayer reports a capital gain or loss on the taxpayer's federal income tax return for the taxable year based on a sale or transfer of property for which the taxpayer was required in any taxable year to make an addition modification under subparagraph (E-10), then an amount equal to that addition modification.

The taxpayer is allowed to take the deduction under this subparagraph only once with respect to any one piece of property.

(3) Special rule. For purposes of paragraph (2) (A), "gross income" in the case of a life insurance company, for tax years ending on and after December 31, 1994, shall mean the gross investment income for the taxable year.

(c) Trusts and estates.

(1) In general. In the case of a trust or estate, base income means an amount equal to the taxpayer's taxable income for the taxable year as modified by paragraph (2).

(2) Modifications. Subject to the provisions of paragraph (3), the taxable income referred to in paragraph (1) shall be modified by adding thereto the sum of the following amounts:

(A) An amount equal to all amounts paid or accrued to the taxpayer as interest or dividends during the taxable year to the extent excluded from gross income in the computation of taxable income;

(B) In the case of (i) an estate, $600; (ii) a trust which, under its governing instrument, is required to distribute all of its income currently, $300; and (iii) any other trust, $100, but in each such case, only to the extent such amount was deducted in the computation of taxable income;

(C) An amount equal to the amount of tax imposed by this Act to the extent deducted from gross income in the computation of taxable income for the taxable year;

(D) The amount of any net operating loss deduction taken in arriving at taxable income, other than a net operating loss carried forward from a taxable year ending prior to December 31, 1986;

(E) For taxable years in which a net operating loss carryback or carryforward from a taxable year ending prior to December 31, 1986 is an element of taxable income under paragraph (1) of subsection (e) or subparagraph (E) of paragraph (2) of subsection (e), the amount by which addition modifications other than those provided by this subparagraph (E) exceeded subtraction modifications in such taxable year, with the following

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limitations applied in the order that they are listed:

(i) the addition modification relating to the net operating loss carried back or forward to the taxable year from any taxable year ending prior to December 31, 1986 shall be reduced by the amount of addition modification under this subparagraph (E) which related to that net operating loss and which was taken into account in calculating the base income of an earlier taxable year, and

(ii) the addition modification relating to the net operating loss carried back or forward to the taxable year from any taxable year ending prior to December 31, 1986 shall not exceed the amount of such carryback or carryforward;

For taxable years in which there is a net operating loss carryback or carryforward from more than one other taxable year ending prior to December 31, 1986, the addition modification provided in this subparagraph (E) shall be the sum of the amounts computed independently under the preceding provisions of this subparagraph (E) for each such taxable year;

(F) For taxable years ending on or after January 1, 1989, an amount equal to the tax deducted pursuant to Section 164 of the Internal Revenue Code if the trust or estate is claiming the same tax for purposes of the Illinois foreign tax credit under Section 601 of this Act;

(G) An amount equal to the amount of the capital gain deduction allowable under the Internal Revenue Code, to the extent deducted from gross income in the computation of taxable income; and

(G-5) For taxable years ending after December 31, 1997, an amount equal to any eligible remediation costs that the trust or estate deducted in computing adjusted gross income and for which the trust or estate claims a credit under subsection (l) of Section 201;

(G-10) For taxable years 2001 and thereafter, an amount equal to the bonus depreciation deduction (30% of the adjusted basis of the qualified property) taken on the taxpayer’s federal income tax return for the taxable year under subsection (k) of Section 168 of the Internal Revenue Code; and

(G-11) If the taxpayer reports a capital gain or loss on the taxpayer’s federal income tax return for the taxable year based on a sale or transfer of property for which the taxpayer was required in any taxable year to make an addition modification under subparagraph (G-10), then an amount equal to the aggregate amount of the deductions taken in all taxable years under subparagraph (R) with respect to that property;

The taxpayer is required to make the addition modification under this subparagraph only once with respect to any one piece of property;

and by deducting from the total so obtained the sum of the following amounts:

(H) An amount equal to all amounts included in such total pursuant
to the provisions of Sections 402(a), 402(c), 403(a), 403(b), 406(a), 407(a)
and 408 of the Internal Revenue Code or included in such total as
distributions under the provisions of any retirement or disability plan for
employees of any governmental agency or unit, or retirement payments to
retired partners, which payments are excluded in computing net earnings
from self employment by Section 1402 of the Internal Revenue Code and
regulations adopted pursuant thereto;

(I) The valuation limitation amount;

(J) An amount equal to the amount of any tax imposed by this Act
which was refunded to the taxpayer and included in such total for the taxable
year;

(K) An amount equal to all amounts included in taxable income as
modified by subparagraphs (A), (B), (C), (D), (E), (F) and (G) which are
exempt from taxation by this State either by reason of its statutes or
Constitution or by reason of the Constitution, treaties or statutes of the United
States; provided that, in the case of any statute of this State that exempts
income derived from bonds or other obligations from the tax imposed under
this Act, the amount exempted shall be the interest net of bond premium
amortization;

(L) With the exception of any amounts subtracted under subparagraph
(K), an amount equal to the sum of all amounts disallowed as deductions by
(i) Sections 171(a) (2) and 265(a)(2) of the Internal Revenue Code, as now
or hereafter amended, and all amounts of expenses allocable to interest and
disallowed as deductions by Section 265(1) of the Internal Revenue Code of
1954, as now or hereafter amended; and (ii) for taxable years ending on or
after August 13, 1999, Sections 171(a)(2), 265, 280C, and 832(b)(5)(B)(i) of
the Internal Revenue Code; the provisions of this subparagraph are exempt
from the provisions of Section 250;

(M) An amount equal to those dividends included in such total which
were paid by a corporation which conducts business operations in an
Enterprise Zone or zones created under the Illinois Enterprise Zone Act and
conducts substantially all of its operations in an Enterprise Zone or Zones;

(N) An amount equal to any contribution made to a job training
project established pursuant to the Tax Increment Allocation Redevelopment
Act;

(O) An amount equal to those dividends included in such total that
were paid by a corporation that conducts business operations in a federally
designated Foreign Trade Zone or Sub-Zone and that is designated a High
Impact Business located in Illinois; provided that dividends eligible for the
deduction provided in subparagraph (M) of paragraph (2) of this subsection
shall not be eligible for the deduction provided under this subparagraph (O);

(P) An amount equal to the amount of the deduction used to compute

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the federal income tax credit for restoration of substantial amounts held under claim of right for the taxable year pursuant to Section 1341 of the Internal Revenue Code of 1986; and

(Q) For taxable year 1999 and thereafter, an amount equal to the amount of any (i) distributions, to the extent includible in gross income for federal income tax purposes, made to the taxpayer because of his or her status as a victim of persecution for racial or religious reasons by Nazi Germany or any other Axis regime or as an heir of the victim and (ii) items of income, to the extent includible in gross income for federal income tax purposes, attributable to, derived from or in any way related to assets stolen from, hidden from, or otherwise lost to a victim of persecution for racial or religious reasons by Nazi Germany or any other Axis regime immediately prior to, during, and immediately after World War II, including, but not limited to, interest on the proceeds receivable as insurance under policies issued to a victim of persecution for racial or religious reasons by Nazi Germany or any other Axis regime by European insurance companies immediately prior to and during World War II; provided, however, this subtraction from federal adjusted gross income does not apply to assets acquired with such assets or with the proceeds from the sale of such assets; provided, further, this paragraph shall only apply to a taxpayer who was the first recipient of such assets after their recovery and who is a victim of persecution for racial or religious reasons by Nazi Germany or any other Axis regime or as an heir of the victim. The amount of and the eligibility for any public assistance, benefit, or similar entitlement is not affected by the inclusion of items (i) and (ii) of this paragraph in gross income for federal income tax purposes. This paragraph is exempt from the provisions of Section 250;

(R) For taxable years 2001 and thereafter, for the taxable year in which the bonus depreciation deduction (30% of the adjusted basis of the qualified property) is taken on the taxpayer's federal income tax return under subsection (k) of Section 168 of the Internal Revenue Code and for each applicable taxable year thereafter, an amount equal to "x", where:

(1) "y" equals the amount of the depreciation deduction taken for the taxable year on the taxpayer's federal income tax return on property for which the bonus depreciation deduction (30% of the adjusted basis of the qualified property) was taken in any year under subsection (k) of Section 168 of the Internal Revenue Code, but not including the bonus depreciation deduction; and

(2) "x" equals "y" multiplied by 30 and then divided by 70 (or "y" multiplied by 0.429).

The aggregate amount deducted under this subparagraph in all taxable years for any one piece of property may not exceed the amount of the

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bonus depreciation deduction (30% of the adjusted basis of the qualified property) taken on that property on the taxpayer's federal income tax return under subsection (k) of Section 168 of the Internal Revenue Code; and

(S) If the taxpayer reports a capital gain or loss on the taxpayer's federal income tax return for the taxable year based on a sale or transfer of property for which the taxpayer was required in any taxable year to make an addition modification under subparagraph (G-10), then an amount equal to that addition modification.

The taxpayer is allowed to take the deduction under this subparagraph only once with respect to any one piece of property.

(3) Limitation. The amount of any modification otherwise required under this subsection shall, under regulations prescribed by the Department, be adjusted by any amounts included therein which were properly paid, credited, or required to be distributed, or permanently set aside for charitable purposes pursuant to Internal Revenue Code Section 642(c) during the taxable year.

(d) Partnerships.

(1) In general. In the case of a partnership, base income means an amount equal to the taxpayer's taxable income for the taxable year as modified by paragraph (2).

(2) Modifications. The taxable income referred to in paragraph (1) shall be modified by adding thereto the sum of the following amounts:

(A) An amount equal to all amounts paid or accrued to the taxpayer as interest or dividends during the taxable year to the extent excluded from gross income in the computation of taxable income;

(B) An amount equal to the amount of tax imposed by this Act to the extent deducted from gross income for the taxable year;

(C) The amount of deductions allowed to the partnership pursuant to Section 707 (c) of the Internal Revenue Code in calculating its taxable income; and

(D) An amount equal to the amount of the capital gain deduction allowable under the Internal Revenue Code, to the extent deducted from gross income in the computation of taxable income;

(D-5) For taxable years 2001 and thereafter, an amount equal to the bonus depreciation deduction (30% of the adjusted basis of the qualified property) taken on the taxpayer's federal income tax return for the taxable year under subsection (k) of Section 168 of the Internal Revenue Code; and

(D-6) If the taxpayer reports a capital gain or loss on the taxpayer's federal income tax return for the taxable year based on a sale or transfer of property for which the taxpayer was required in any taxable year to make an addition modification under subparagraph (D-5), then an amount equal to the aggregate amount of the deductions taken in all taxable years under subparagraph (O) with respect to that property;

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The taxpayer is required to make the addition modification under this subparagraph only once with respect to any one piece of property; and by deducting from the total so obtained the following amounts:

(E) The valuation limitation amount;

(F) An amount equal to the amount of any tax imposed by this Act which was refunded to the taxpayer and included in such total for the taxable year;

(G) An amount equal to all amounts included in taxable income as modified by subparagraphs (A), (B), (C) and (D) which are exempt from taxation by this State either by reason of its statutes or Constitution or by reason of the Constitution, treaties or statutes of the United States; provided that, in the case of any statute of this State that exempts income derived from bonds or other obligations from the tax imposed under this Act, the amount exempted shall be the interest net of bond premium amortization;

(H) Any income of the partnership which constitutes personal service income as defined in Section 1348 (b) (1) of the Internal Revenue Code (as in effect December 31, 1981) or a reasonable allowance for compensation paid or accrued for services rendered by partners to the partnership, whichever is greater;

(I) An amount equal to all amounts of income distributable to an entity subject to the Personal Property Tax Replacement Income Tax imposed by subsections (c) and (d) of Section 201 of this Act including amounts distributable to organizations exempt from federal income tax by reason of Section 501(a) of the Internal Revenue Code;

(J) With the exception of any amounts subtracted under subparagraph (G), an amount equal to the sum of all amounts disallowed as deductions by (i) Sections 171(a) (2), and 265(2) of the Internal Revenue Code of 1954, as now or hereafter amended, and all amounts of expenses allocable to interest and disallowed as deductions by Section 265(1) of the Internal Revenue Code, as now or hereafter amended; and (ii) for taxable years ending on or after August 13, 1999, Sections 171(a)(2), 265, 280C, and 832(b)(5)(B)(i) of the Internal Revenue Code; the provisions of this subparagraph are exempt from the provisions of Section 250;

(K) An amount equal to those dividends included in such total which were paid by a corporation which conducts business operations in an Enterprise Zone or zones created under the Illinois Enterprise Zone Act, enacted by the 82nd General Assembly, and which does not conduct such operations other than in an Enterprise Zone or Zones;

(L) An amount equal to any contribution made to a job training project established pursuant to the Real Property Tax Increment Allocation Redevelopment Act;

(M) An amount equal to those dividends included in such total that

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were paid by a corporation that conducts business operations in a federally designated Foreign Trade Zone or Sub-Zone and that is designated a High Impact Business located in Illinois; provided that dividends eligible for the deduction provided in subparagraph (K) of paragraph (2) of this subsection shall not be eligible for the deduction provided under this subparagraph (M);

(N) An amount equal to the amount of the deduction used to compute the federal income tax credit for restoration of substantial amounts held under claim of right for the taxable year pursuant to Section 1341 of the Internal Revenue Code of 1986;

(O) For taxable years 2001 and thereafter, for the taxable year in which the bonus depreciation deduction (30% of the adjusted basis of the qualified property) is taken on the taxpayer's federal income tax return under subsection (k) of Section 168 of the Internal Revenue Code and for each applicable taxable year thereafter, an amount equal to "x", where:

1) "y" equals the amount of the depreciation deduction taken on the taxpayer's federal income tax return on property for which the bonus depreciation deduction (30% of the adjusted basis of the qualified property) was taken in any year under subsection (k) of Section 168 of the Internal Revenue Code, but not including the bonus depreciation deduction; and

2) "x" equals "y" multiplied by 30 and then divided by 70 (or "y" multiplied by 0.429).

The aggregate amount deducted under this subparagraph in all taxable years for any one piece of property may not exceed the amount of the bonus depreciation deduction (30% of the adjusted basis of the qualified property) taken on that property on the taxpayer's federal income tax return under subsection (k) of Section 168 of the Internal Revenue Code; and

(P) If the taxpayer reports a capital gain or loss on the taxpayer's federal income tax return for the taxable year based on a sale or transfer of property for which the taxpayer was required in any taxable year to make an addition modification under subparagraph (D-5), then an amount equal to that addition modification.

The taxpayer is allowed to take the deduction under this subparagraph only once with respect to any one piece of property.

(e) Gross income; adjusted gross income; taxable income.

1) In general. Subject to the provisions of paragraph (2) and subsection (b)(3), for purposes of this Section and Section 803(e), a taxpayer's gross income, adjusted gross income, or taxable income for the taxable year shall mean the amount of gross income, adjusted gross income or taxable income properly reportable for federal income tax purposes for the taxable year under the provisions of the Internal Revenue Code. Taxable income may be less than zero. However, for taxable years ending on or after December 31, 1986, net operating loss carryforwards from taxable
years ending prior to December 31, 1986, may not exceed the sum of federal taxable income for the taxable year before net operating loss deduction, plus the excess of addition modifications over subtraction modifications for the taxable year. For taxable years ending prior to December 31, 1986, taxable income may never be an amount in excess of the net operating loss for the taxable year as defined in subsections (c) and (d) of Section 172 of the Internal Revenue Code, provided that when taxable income of a corporation (other than a Subchapter S corporation), trust, or estate is less than zero and addition modifications, other than those provided by subparagraph (E) of paragraph (2) of subsection (b) for corporations or subparagraph (E) of paragraph (2) of subsection (c) for trusts and estates, exceed subtraction modifications, an addition modification must be made under those subparagraphs for any other taxable year to which the taxable income less than zero (net operating loss) is applied under Section 172 of the Internal Revenue Code or under subparagraph (E) of paragraph (2) of this subsection (e) applied in conjunction with Section 172 of the Internal Revenue Code.

(2) Special rule. For purposes of paragraph (1) of this subsection, the taxable income properly reportable for federal income tax purposes shall mean:

(A) Certain life insurance companies. In the case of a life insurance company subject to the tax imposed by Section 801 of the Internal Revenue Code, life insurance company taxable income, plus the amount of distribution from pre-1984 policyholder surplus accounts as calculated under Section 815a of the Internal Revenue Code;

(B) Certain other insurance companies. In the case of mutual insurance companies subject to the tax imposed by Section 831 of the Internal Revenue Code, insurance company taxable income;

(C) Regulated investment companies. In the case of a regulated investment company subject to the tax imposed by Section 852 of the Internal Revenue Code, investment company taxable income;

(D) Real estate investment trusts. In the case of a real estate investment trust subject to the tax imposed by Section 857 of the Internal Revenue Code, real estate investment trust taxable income;

(E) Consolidated corporations. In the case of a corporation which is a member of an affiliated group of corporations filing a consolidated income tax return for the taxable year for federal income tax purposes, taxable income determined as if such corporation had filed a separate return for federal income tax purposes for the taxable year and each preceding taxable year for which it was a member of an affiliated group. For purposes of this subparagraph, the taxpayer's separate taxable income shall be determined as if the election provided by Section 243(b) (2) of the Internal Revenue Code had been in effect for all such years;

(F) Cooperatives. In the case of a cooperative corporation or association, the taxable income of such organization determined in

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accordance with the provisions of Section 1381 through 1388 of the Internal Revenue Code;

(G) Subchapter S corporations. In the case of: (i) a Subchapter S corporation for which there is in effect an election for the taxable year under Section 1362 of the Internal Revenue Code, the taxable income of such corporation determined in accordance with Section 1363(b) of the Internal Revenue Code, except that taxable income shall take into account those items which are required by Section 1363(b)(1) of the Internal Revenue Code to be separately stated; and (ii) a Subchapter S corporation for which there is in effect a federal election to opt out of the provisions of the Subchapter S Revision Act of 1982 and have applied instead the prior federal Subchapter S rules as in effect on July 1, 1982, the taxable income of such corporation determined in accordance with the federal Subchapter S rules as in effect on July 1, 1982; and

(H) Partnerships. In the case of a partnership, taxable income determined in accordance with Section 703 of the Internal Revenue Code, except that taxable income shall take into account those items which are required by Section 703(a)(1) to be separately stated but which would be taken into account by an individual in calculating his taxable income.

(f) Valuation limitation amount.

(1) In general. The valuation limitation amount referred to in subsections (a)

(2) (G), (c) (2) (I) and (d)(2) (E) is an amount equal to:

(A) The sum of the pre-August 1, 1969 appreciation amounts (to the extent consisting of gain reportable under the provisions of Section 1245 or 1250 of the Internal Revenue Code) for all property in respect of which such gain was reported for the taxable year; plus

(B) The lesser of (i) the sum of the pre-August 1, 1969 appreciation amounts (to the extent consisting of capital gain) for all property in respect of which such gain was reported for federal income tax purposes for the taxable year, or (ii) the net capital gain for the taxable year, reduced in either case by any amount of such gain included in the amount determined under subsection (a) (2) (F) or (c) (2) (H).

(2) Pre-August 1, 1969 appreciation amount.

(A) If the fair market value of property referred to in paragraph (1) was readily ascertainable on August 1, 1969, the pre-August 1, 1969 appreciation amount for such property is the lesser of (i) the excess of such fair market value over the taxpayer's basis (for determining gain) for such property on that date (determined under the Internal Revenue Code as in effect on that date), or (ii) the total gain realized and reportable for federal income tax purposes in respect of the sale, exchange or other disposition of such property.

(B) If the fair market value of property referred to in paragraph (1)
was not readily ascertainable on August 1, 1969, the pre-August 1, 1969 appreciation amount for such property is that amount which bears the same ratio to the total gain reported in respect of the property for federal income tax purposes for the taxable year, as the number of full calendar months in that part of the taxpayer's holding period for the property ending July 31, 1969 bears to the number of full calendar months in the taxpayer's entire holding period for the property.

(C) The Department shall prescribe such regulations as may be necessary to carry out the purposes of this paragraph.

(g) Double deductions. Unless specifically provided otherwise, nothing in this Section shall permit the same item to be deducted more than once.

(h) Legislative intention. Except as expressly provided by this Section there shall be no modifications or limitations on the amounts of income, gain, loss or deduction taken into account in determining gross income, adjusted gross income or taxable income for federal income tax purposes for the taxable year, or in the amount of such items entering into the computation of base income and net income under this Act for such taxable year, whether in respect of property values as of August 1, 1969 or otherwise.

(Source: P.A. 91-192, eff. 7-20-99; 91-205, eff. 7-20-99; 91-357, eff. 7-29-99; 91-541, eff. 8-13-99; 91-676, eff. 12-23-99; 91-845, eff. 6-22-00; 91-913, eff. 1-1-01; 92-16, eff. 6-28-01; 92-244, eff. 8-3-01; 92-439, eff. 8-17-01; revised 9-21-01.)

Section 5. The Use Tax Act is amended by changing Section 3-7 as follows:

(35 ILCS 105/3-7)

Sec. 3-7. Aggregate manufacturing exemption. Through December 31, 2007, the use of aggregate exploration, mining, offhighway hauling, processing, maintenance, and reclamation equipment, including replacement parts and equipment, and including equipment purchased for lease, but excluding motor vehicles required to be registered under the Illinois Vehicle Code, is exempt from the tax imposed by this Act.

(Source: P.A. 90-529, eff. 11-14-97.)

Section 10. The Service Use Tax Act is amended by changing Section 3-7 as follows:

(35 ILCS 110/3-7)

Sec. 3-7. Aggregate manufacturing exemption. Through December 31, 2007, the use of aggregate exploration, mining, offhighway hauling, processing, maintenance, and reclamation equipment, including replacement parts and equipment, and including equipment purchased for lease, but excluding motor vehicles required to be registered under the Illinois Vehicle Code, is exempt from the tax imposed by this Act.

(Source: P.A. 90-529, eff. 11-14-97.)

Section 15. The Service Occupation Tax Act is amended by changing Section 3-7 as follows:

(35 ILCS 115/3-7)

Sec. 3-7. Aggregate manufacturing exemption. Through December 31, 2007, aggregate exploration, mining, offhighway hauling, processing, maintenance, and reclamation equipment, including replacement parts and equipment, and including equipment purchased for lease, but excluding motor vehicles required to be registered under the Illinois Vehicle Code, is exempt from the tax imposed by this Act.
purchased for lease, but excluding motor vehicles required to be registered under the Illinois Vehicle Code, is exempt from the tax imposed by this Act.

(Source: P.A. 90-529, eff. 11-14-97.)

Section 20. The Retailers' Occupation Tax Act is amended by changing Section 2-7 as follows:

(35 ILCS 120/2-7)
Sec. 2-7. Aggregate manufacturing exemption. Through December 31, 2007, gross receipts from proceeds from the sale of aggregate exploration, mining, offhighway hauling, processing, maintenance, and reclamation equipment, including replacement parts and equipment, and including equipment purchased for lease, but excluding motor vehicles required to be registered under the Illinois Vehicle Code, are exempt from the tax imposed by this Act.

(Source: P.A. 90-529, eff. 11-14-97.)

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

Passed in the General Assembly June 2, 2002.

Approved June 28, 2002.

Effective June 28, 2002.

PUBLIC ACT 92-0604
(Senate Bill No. 1983)

AN ACT concerning education.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The School Code is amended by changing Sections 2-3.64, 10-17a, 14C-4, and 18-8.05 and adding Sections 10-21.3a and 34-18.23 as follows:

(105 ILCS 5/2-3.64) (from Ch. 122, par. 2-3-64)
Sec. 2-3.64. State goals and assessment.
(a) Beginning in the 1998-1999 school year, the State Board of Education shall establish standards and periodically, in collaboration with local school districts, conduct studies of student performance in the learning areas of fine arts and physical development/health. Beginning with the 1998-1999 school year, the State Board of Education shall annually test: (i) all pupils enrolled in the 3rd, 5th, and 8th grades in English language arts (reading, writing, and English grammar) and mathematics; and (ii) all pupils enrolled in the 4th and 7th grades in the biological and physical sciences and the social sciences (history, geography, civics, economics, and government). The State Board of Education shall establish the academic standards that are to be applicable to pupils who are subject to State tests under this Section beginning with the 1998-1999 school year. However, the State Board of Education shall not establish any such standards in final form without first providing opportunities for public participation and local input in the development of the final academic standards. Those opportunities shall include a well-publicized period of public comment, public hearings throughout the State, and opportunities to file written

New matter indicated by italics - deletions by strikeout.
Beginning with the 1998-99 school year and thereafter, the State tests will identify pupils in the 3rd grade or 5th grade who do not meet the State standards. If, by performance on the State tests or local assessments or by teacher judgment, a student's performance is determined to be 2 or more grades below current placement, the student shall be provided a remediation program developed by the district in consultation with a parent or guardian. Such remediation programs may include, but shall not be limited to, increased or concentrated instructional time, a remedial summer school program of not less than 90 hours, improved instructional approaches, tutorial sessions, retention in grade, and modifications to instructional materials. Each pupil for whom a remediation program is developed under this subsection shall be required to enroll in and attend whatever program the district determines is appropriate for the pupil. Districts may combine students in remediation programs where appropriate and may cooperate with other districts in the design and delivery of those programs. The parent or guardian of a student required to attend a remediation program under this Section shall be given written notice of that requirement by the school district a reasonable time prior to commencement of the remediation program that the student is to attend. The State shall be responsible for providing school districts with the new and additional funding, under Section 2-3.51.5 or by other or additional means, that is required to enable the districts to operate remediation programs for the pupils who are required to enroll in and attend those programs under this Section. Every individualized educational program as described in Article 14 shall identify if the State test or components thereof are appropriate for that student. For those pupils for whom the State tests or components thereof are not appropriate, the State Board of Education shall develop rules and regulations governing the administration of alternative tests prescribed within each student's individualized educational program which are appropriate to the disability of each student. All pupils who are in a State approved transitional bilingual education program or transitional program of instruction shall participate in the State tests. Any student who has been enrolled in a State approved bilingual education program less than 3 academic years shall be exempted if the student's lack of English as determined by an English language proficiency test would keep the student from understanding the test, and that student's district shall have an alternative test program in place for that student. The State Board of Education shall appoint a task force of concerned parents, teachers, school administrators and other professionals to assist in identifying such alternative tests. Reasonable accommodations as prescribed by the State Board of Education shall be provided for individual students in the testing procedure. All test procedures prescribed by the State Board of Education shall require: (i) that each test used for State and local student testing under this Section identify by name the pupil taking the test; (ii) that the name of the pupil taking the test be placed on the test at the time the test is taken; (iii) that the results or scores of each test taken under this Section by a pupil of the school district be reported to that district and identify by name the pupil who received the reported results or scores; and (iv) that the results or scores of each test taken under this Section be made available to the parents of the pupil. In addition, beginning with the 2000-2001 school year and in each school year thereafter, the highest scores and performance levels attained by a student on the Prairie State Achievement
Examination administered under subsection (c) of this Section shall become part of the student's permanent record and shall be entered on the student's transcript pursuant to regulations that the State Board of Education shall promulgate for that purpose in accordance with Section 3 and subsection (e) of Section 2 of the Illinois School Student Records Act. Beginning with the 1998-1999 school year and in every school year thereafter, scores received by students on the State assessment tests administered in grades 3 through 8 shall be placed into students' temporary records. The State Board of Education shall establish a common month in each school year for which State testing shall occur to meet the objectives of this Section. However, if the schools of a district are closed and classes are not scheduled during any week that is established by the State Board of Education as the week of the month when State testing under this Section shall occur, the school district may administer the required State testing at any time up to 2 weeks following the week established by the State Board of Education for the testing, so long as the school district gives the State Board of Education written notice of its intention to deviate from the established schedule by December 1 of the school year in which falls the week established by the State Board of Education for the testing. The maximum time allowed for all actual testing required under this subsection during the school year shall not exceed 25 hours as allocated among the required tests by the State Board of Education.

(a-5) All tests administered pursuant to this Section shall be academically based. For the purposes of this Section "academically based tests" shall mean tests consisting of questions and answers that are measurable and quantifiable to measure the knowledge, skill, and ability of students in the subject matters covered by tests. The scoring of academically based tests shall be reliable, valid, unbiased and shall meet the guidelines for test development and use prescribed by the American Psychological Association, the National Council of Measurement and Evaluation, and the American Educational Research Association. Academically based tests shall not include assessments or evaluations of attitudes, values, or beliefs, or testing of personality, self-esteem, or self-concept. Nothing in this amendatory Act is intended, nor shall it be construed, to nullify, supersede, or contradict the legislative intent on academic testing expressed during the passage of HB 1005/P.A. 90-296.

Beginning in the 1998-1999 school year, the State Board of Education may, on a pilot basis, include in the State assessments in reading and math at each grade level tested no more than 2 short answer questions, where students have to respond in brief to questions or prompts or show computations, rather than select from alternatives that are presented. In the first year that such questions are used, scores on the short answer questions shall not be reported on an individual student basis but shall be aggregated for each school building in which the tests are given. State-level, school, and district scores shall be reported both with and without the results of the short answer questions so that the effect of short answer questions is clearly discernible. Beginning in the second year of this pilot program, scores on the short answer questions shall be reported both on an individual student basis and on a school building basis in order to monitor the effects of teacher training and curriculum improvements on score results.

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The State Board of Education shall not continue the use of short answer questions in the math and reading assessments, or extend the use of such questions to other State assessments, unless this pilot project demonstrates that the use of short answer questions results in a statistically significant improvement in student achievement as measured on the State assessments for math and reading and is justifiable in terms of cost and student performance.

(b) It shall be the policy of the State to encourage school districts to continuously test pupil proficiency in the fundamental learning areas in order to: (i) provide timely information on individual students' performance relative to State standards that is adequate to guide instructional strategies; (ii) improve future instruction; and (iii) complement the information provided by the State testing system described in this Section. Each district's school improvement plan must address specific activities the district intends to implement to assist pupils who by teacher judgment and test results as prescribed in subsection (a) of this Section demonstrate that they are not meeting State standards or local objectives. Such activities may include, but shall not be limited to, summer school, extended school day, special homework, tutorial sessions, modified instructional materials, other modifications in the instructional program, reduced class size or retention in grade. To assist school districts in testing pupil proficiency in reading in the primary grades, the State Board shall make optional reading inventories for diagnostic purposes available to each school district that requests such assistance. Districts that administer the reading inventories may develop remediation programs for students who perform in the bottom half of the student population. Those remediation programs may be funded by moneys provided under the School Safety and Educational Improvement Block Grant Program established under Section 2-3.51.5. Nothing in this Section shall prevent school districts from implementing testing and remediation policies for grades not required under this Section.

(c) Beginning with the 2000-2001 school year, each school district that operates a high school program for students in grades 9 through 12 shall annually administer the Prairie State Achievement Examination established under this subsection to its students as set forth below. The Prairie State Achievement Examination shall be developed by the State Board of Education to measure student performance in the academic areas of reading, writing, mathematics, science, and social sciences. The State Board of Education shall establish the academic standards that are to apply in measuring student performance on the Prairie State Achievement Examination including the minimum examination score in each area that will qualify a student to receive a Prairie State Achievement Award from the State in recognition of the student's excellent performance. Each school district that is subject to the requirements of this subsection (c) shall afford all students 2 opportunities to take the Prairie State Achievement Examination beginning as late as practical during the second semester of grade 11, but in no event before March 1. The State Board of Education shall annually notify districts of the weeks during which these test administrations shall be required to occur. Every individualized educational program as described in Article 14 shall identify if the Prairie State Achievement Examination or components thereof are appropriate for that student. Each student, exclusive of a student whose individualized educational program

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developed under Article 14 identifies the Prairie State Achievement Examination as inappropriate for the student, shall be required to take the examination in grade 11. For each academic area the State Board of Education shall establish the score that qualifies for the Prairie State Achievement Award on that portion of the examination. Any student who fails to earn a qualifying score for a Prairie State Achievement Award in any one or more of the academic areas on the initial test administration or who wishes to improve his or her score on any portion of the examination shall be permitted to retake such portion or portions of the examination during grade 12. Districts shall inform their students of the timelines and procedures applicable to their participation in every yearly administration of the Prairie State Achievement Examination. Students receiving special education services whose individualized educational programs identify the Prairie State Achievement Examination as inappropriate for them nevertheless shall have the option of taking the examination, which shall be administered to those students in accordance with standards adopted by the State Board of Education to accommodate the respective disabilities of those students. A student who successfully completes all other applicable high school graduation requirements but fails to receive a score on the Prairie State Achievement Examination that qualifies the student for receipt of a Prairie State Achievement Award shall nevertheless qualify for the receipt of a regular high school diploma.

(d) Beginning with the 2002-2003 school year, all schools in this State that are part of the sample drawn by the National Center for Education Statistics, in collaboration with their school districts and the State Board of Education, shall administer the biennial State academic assessments of 4th and 8th grade reading and mathematics under the National Assessment of Educational Progress carried out under Section 411(b)(2) of the National Education Statistics Act of 1994 (20 U.S.C. 9010) if the Secretary of Education pays the costs of administering the assessments.

(Source: P.A. 90-566, eff. 1-2-98; 90-789, eff. 8-14-98; 91-283, eff. 7-29-99.)

(105 ILCS 5/10-17a) (from Ch. 122, par. 10-17a)
Sec. 10-17a. Better schools accountability.

(1) Policy and Purpose. It shall be the policy of the State of Illinois that each school district in this State, including special charter districts and special school districts, special school districts subject to the provisions of Article 34, shall submit to parents, taxpayers of such district, the Governor, the General Assembly, and the State Board of Education a school report card assessing the performance of its schools and students. The report card shall be an index of school performance measured against statewide and local standards and will provide information to make prior year comparisons and to set future year targets through the school improvement plan.

(2) Reporting Requirements. Each school district shall prepare a report card in accordance with the guidelines set forth in this Section which describes the performance of its students by school attendance centers and by district and the district's use of financial resources. Such report card shall be presented at a regular school board meeting subject to applicable notice requirements, posted on the school district's Internet web site, if the district maintains an Internet web site, and such report cards shall be made available to a newspaper of general circulation serving the district, and, upon request, shall be sent home to a parent

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(unless the district does not maintain an Internet web site, in which case the report card shall be sent home to parents without request) parents. If the district posts the report card on its Internet web site, the district shall send a written notice home to parents stating (i) that the report card is available on the web site, (ii) the address of the web site, (iii) that a printed copy of the report card will be sent to parents upon request, and (iv) the telephone number that parents may call to request a printed copy of the report card. In addition, each school district shall submit the completed report card to the office of the district's Regional Superintendent which shall make copies available to any individuals requesting them.

The report card shall be completed and disseminated prior to October 31 in each school year. The report card shall contain, but not be limited to, actual local school attendance center, school district and statewide data indicating the present performance of the school, the State norms and the areas for planned improvement for the school and school district.

(3) (a) The report card shall include the following applicable indicators of attendance center, district, and statewide student performance: percent of students who exceed, meet, or do not meet standards established by the State Board of Education pursuant to Section 2-3.25a; composite and subtest means on nationally normed achievement tests for college bound students; student attendance rates; chronic truancy rate; dropout rate; graduation rate; and student mobility, turnover shown as a percent of transfers out and a percent of transfers in.

(b) The report card shall include the following descriptions for the school, district, and State: average class size; amount of time per day devoted to mathematics, science, English and social science at primary, middle and junior high school grade levels; number of students taking the Prairie State Achievement Examination under subsection (c) of Section 2-3.64, the number of those students who received a score of excellent, and the average score by school of students taking the examination; pupil-teacher ratio; pupil-administrator ratio; operating expenditure per pupil; district expenditure by fund; average administrator salary; and average teacher salary.

(c) The report card shall include applicable indicators of parental involvement in each attendance center. The parental involvement component of the report card shall include the percentage of students whose parents or guardians have had one or more personal contacts with the students' teachers during the school year concerning the students' education, and such other information, commentary, and suggestions as the school district desires. For the purposes of this paragraph, "personal contact" includes, but is not limited to, parent-teacher conferences, parental visits to school, school visits to home, telephone conversations, and written correspondence. The parental involvement component shall not single out or identify individual students, parents, or guardians by name.

(d) The report card form shall be prepared by the State Board of Education and provided to school districts by the most efficient, economic, and appropriate means.

(Source: P.A. 89-610, eff. 8-6-96.)
a policy governing the transfer of a student from one attendance center to another within the school district upon the request of the student's parent or guardian. Any request by a parent or guardian to transfer his or her child from one attendance center to another within the school district pursuant to Section 1116 of the federal Elementary and Secondary Education Act of 1965 (20 U.S.C. Sec. 6317) must be made no later than 30 days after the parent or guardian receives notice of the right to transfer pursuant to that law. A student may not transfer to any of the following attendance centers, except by change in residence if the policy authorizes enrollment based on residence in an attendance area or unless approved by the board on an individual basis:

(1) An attendance center that exceeds or as a result of the transfer would exceed its attendance capacity.

(2) An attendance center for which the board has established academic criteria for enrollment if the student does not meet the criteria, provided that the transfer must be permitted if the attendance center serving the student's grade that has not been identified for school improvement, corrective action, or restructuring under Section 1116 of the federal Elementary and Secondary Education Act of 1965 (20 U.S.C. Sec. 6317).

(3) Any attendance center if the transfer would prevent the school district from meeting its obligations under a State or federal law, court order, or consent decree applicable to the school district.

(105 ILCS 5/14C-4) (from Ch. 122, par. 14C-4)

Sec. 14C-4. Notice of enrollment; content; rights of parents. No later than 30 days after the beginning of the school year or 14 days after the enrollment of any child in a program in transitional bilingual education during the middle of a school year, the school district in which the child resides shall notify by mail the parents or legal guardian of the child of the fact that their child has been enrolled in a program in transitional bilingual education. The notice shall contain all of the following information in a simple, nontechnical language:

(1) The reasons why the child has been placed in and needs the services of the program.

(2) The child's level of English proficiency, how this level was assessed, and the child's current level of academic achievement.

(3) A description of the purposes, method of instruction used in the program and in other available offerings of the district, including how the program differs from those other offerings in content, instructional goals, and the use of English and native language instruction.

(4) How the program will meet the educational strengths and needs of the child.

(5) How the program will specifically help the child to learn English and to meet academic achievement standards for grade promotion and graduation.

(6) The specific exit requirements for the program, the expected rate of transition from the program into the regular curriculum, and the expected
graduation rate for children in the program if the program is offered at the secondary level.

(7) How the program meets the objectives of the child's individual educational program (IEP), if applicable.

(8) The right of the parents to decline to enroll the child in the program or to choose another program or method of instruction, if available.

(9) The right of the parents to have the child immediately removed from the program upon request.

(10) The content of the program in which the child is enrolled and shall inform the parents that they have the right of the parents to visit transitional bilingual education classes in which their child is enrolled and to come to the school for a conference to explain the nature of transitional bilingual education. Said notice shall further inform the parents that they have the absolute right, if they so wish, to withdraw their child from a program in transitional bilingual education in the manner as hereinafter provided.

The notice shall be in writing in English and in the language of which the child of the parents so notified possesses a primary speaking ability.

Any parent whose child has been enrolled in a program in transitional bilingual education shall have the absolute right, either at the time of the original notification of enrollment or at the close of any semester thereafter, to immediately withdraw his child from said program by providing written notice of such desire to the school authorities of the school in which his child is enrolled or to the school district in which his child resides; provided that no withdrawal shall be permitted unless such parent is informed in a conference with school district officials of the nature of the program.

(Source: P.A. 78-727.)

(105 ILCS 5/18-8.05)
Sec. 18-8.05. Basis for apportionment of general State financial aid and supplemental general State aid to the common schools for the 1998-1999 and subsequent school years. (A) General Provisions.

(1) The provisions of this Section apply to the 1998-1999 and subsequent school years. The system of general State financial aid provided for in this Section is designed to assure that, through a combination of State financial aid and required local resources, the financial support provided each pupil in Average Daily Attendance equals or exceeds a prescribed per pupil Foundation Level. This formula approach imputes a level of per pupil Available Local Resources and provides for the basis to calculate a per pupil level of general State financial aid that, when added to Available Local Resources, equals or exceeds the Foundation Level. The amount of per pupil general State financial aid for school districts, in general, varies in inverse relation to Available Local Resources. Per pupil amounts are based upon each school district's Average Daily Attendance as that term is defined in this Section.

(2) In addition to general State financial aid, school districts with specified levels or concentrations of pupils from low income households are eligible to receive supplemental...
general State financial aid grants as provided pursuant to subsection (H). The supplemental State aid grants provided for school districts under subsection (H) shall be appropriated for distribution to school districts as part of the same line item in which the general State financial aid of school districts is appropriated under this Section.

(3) To receive financial assistance under this Section, school districts are required to file claims with the State Board of Education, subject to the following requirements:
   (a) Any school district which fails for any given school year to maintain school as required by law, or to maintain a recognized school is not eligible to file for such school year any claim upon the Common School Fund. In case of nonrecognition of one or more attendance centers in a school district otherwise operating recognized schools, the claim of the district shall be reduced in the proportion which the Average Daily Attendance in the attendance center or centers bear to the Average Daily Attendance in the school district. A "recognized school" means any public school which meets the standards as established for recognition by the State Board of Education. A school district or attendance center not having recognition status at the end of a school term is entitled to receive State aid payments due upon a legal claim which was filed while it was recognized.
   (b) School district claims filed under this Section are subject to Sections 18-9, 18-10, and 18-12, except as otherwise provided in this Section.
   (c) If a school district operates a full year school under Section 10-19.1, the general State aid to the school district shall be determined by the State Board of Education in accordance with this Section as near as may be applicable.
   (d) (Blank).

(4) Except as provided in subsections (H) and (L), the board of any district receiving any of the grants provided for in this Section may apply those funds to any fund so received for which that board is authorized to make expenditures by law.

School districts are not required to exert a minimum Operating Tax Rate in order to qualify for assistance under this Section.

(5) As used in this Section the following terms, when capitalized, shall have the meaning ascribed herein:
   (a) "Average Daily Attendance": A count of pupil attendance in school, averaged as provided for in subsection (C) and utilized in deriving per pupil financial support levels.
   (b) "Available Local Resources": A computation of local financial support, calculated on the basis of Average Daily Attendance and derived as provided pursuant to subsection (D).
   (c) "Corporate Personal Property Replacement Taxes": Funds paid to local school districts pursuant to "An Act in relation to the abolition of ad valorem personal property tax and the replacement of revenues lost thereby, and amending and repealing certain Acts and parts of Acts in connection therewith", certified August 14, 1979, as amended (Public Act 81-1st S.S.-1).
   (d) "Foundation Level": A prescribed level of per pupil financial support as
provided for in subsection (B).

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

(B) Foundation Level.

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

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

(3) For the 2001-2002 school year and each school year thereafter, the Foundation Level of support is $4,560 or such greater amount as may be established by law by the General Assembly.

(C) Average Daily Attendance.

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

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

(D) Available Local Resources.

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

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

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(3) For school districts maintaining grades kindergarten through 12, local property tax revenues per pupil shall be calculated as the product of the applicable equalized assessed valuation for the district multiplied by 3.00%, and divided by the district's Average Daily Attendance figure. For school districts maintaining grades kindergarten through 8, local property tax revenues per pupil shall be calculated as the product of the applicable equalized assessed valuation for the district multiplied by 2.30%, and divided by the district's Average Daily Attendance figure. For school districts maintaining grades 9 through 12, local property tax revenues per pupil shall be the applicable equalized assessed valuation of the district multiplied by 1.05%, and divided by the district's Average Daily Attendance figure.

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

(E) Computation of General State Aid.

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

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

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

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

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

(F) Compilation of Average Daily Attendance.

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

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

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

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

(a) Pupils regularly enrolled in a public school for only a part of the school day may be counted on the basis of 1/6 day for every class hour of instruction of 40 minutes or more attended pursuant to such enrollment, unless a pupil is enrolled in a block-schedule format of 80 minutes or more of instruction, in which case the pupil may be counted on the basis of the proportion of minutes of school work completed each day to the minimum number of minutes that school work is required to be held that day.

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

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

(d) A session of 3 or more clock hours may be counted as a day of attendance (1) when the remainder of the school day or at least 2 hours in the evening of that day is utilized for an in-service training program for teachers, up to a maximum of 5 days per school year of which a maximum of 4 days of such 5 days may be used for parent-teacher conferences, provided a district conducts an in-service training program for teachers which has been approved by the State Superintendent of Education; or, in lieu of 4 such days, 2 full days may be used, in which event each such day may be counted as a day of attendance; and (2) when days in addition to

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those provided in item (1) are scheduled by a school pursuant to its school improvement plan adopted under Article 34 or its revised or amended school improvement plan adopted under Article 2, provided that (i) such sessions of 3 or more clock hours are scheduled to occur at regular intervals, (ii) the remainder of the school days in which such sessions occur are utilized for in-service training programs or other staff development activities for teachers, and (iii) a sufficient number of minutes of school work under the direct supervision of teachers are added to the school days between such regularly scheduled sessions to accumulate not less than the number of minutes by which such sessions of 3 or more clock hours fall short of 5 clock hours. Any full days used for the purposes of this paragraph shall not be considered for computing average daily attendance. Days scheduled for in-service training programs, staff development activities, or parent-teacher conferences may be scheduled separately for different grade levels and different attendance centers of the district.

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

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

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

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

(G) Equalized Assessed Valuation Data.

(1) For purposes of the calculation of Available Local Resources required pursuant to subsection (D), the State Board of Education shall secure from the Department of Revenue

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the value as equalized or assessed by the Department of Revenue of all taxable property of every school district, together with (i) the applicable tax rate used in extending taxes for the funds of the district as of September 30 of the previous year and (ii) the limiting rate for all school districts subject to property tax extension limitations as imposed under the Property Tax Extension Limitation Law.

This equalized assessed valuation, as adjusted further by the requirements of this subsection, shall be utilized in the calculation of Available Local Resources.

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

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

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

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

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

"Budget Year": The school year for which general State aid is calculated and awarded under subsection (E). "Base Tax Year": The property tax levy year used to
calculate the Budget Year allocation of general State aid.

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

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

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

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

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

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

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

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

(H) Supplemental General State Aid.

(1) In addition to the general State aid a school district is allotted pursuant to subsection (E), qualifying school districts shall receive a grant, paid in conjunction with a district's payments of general State aid, for supplemental general State aid based upon the concentration level of children from low-income households within the school district. Supplemental State aid grants provided for school districts under this subsection shall be appropriated for distribution to school districts as part of the same line item in which the general State financial aid of school districts is appropriated under this Section. For purposes of this subsection, the term "Low-Income Concentration Level" shall be the low-income eligible pupil count from the most recently available federal census divided by the Average Daily Attendance of the school district. If, however, (i) the percentage decrease from the 2 most recent federal censuses in the low-income eligible pupil count of a high school district with fewer than 400 students exceeds by 75% or more the percentage change in the total low-income eligible pupil count of contiguous elementary school districts, whose boundaries are coterminous with the high school district, or (ii) a high school district within 2 counties and serving 5 elementary school districts, whose boundaries are coterminous with the high school district, has a percentage decrease from the 2 most recent federal censuses in the low-income eligible pupil count and there is a percentage increase in the total low-income eligible pupil count of a majority of the elementary school districts in excess of 50% from the 2 most recent federal censuses, then the high school district's low-income eligible pupil count from the earlier federal census shall be the number used as the low-income eligible pupil count for the high school district, for purposes of this subsection (H). The changes made to this paragraph (1) by Public Act 92-28 this amendatory Act of the 92nd General Assembly shall apply to supplemental general State aid grants paid in fiscal year 1999 and in each fiscal year thereafter and to any State aid payments made in fiscal year 1994 through fiscal year 1998 pursuant to subsection 1(n) of Section 18-8 of this Code (which was repealed on July 1, 1998), and any high school district that is affected by Public Act 92-28 this amendatory Act of the 92nd General Assembly is entitled to a recomputation of its supplemental general State aid grant or State aid paid in any of those fiscal years. This recomputation shall not be affected by any other funding.

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

(a) For any school district with a Low Income Concentration Level of at least

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20% and less than 35%, the grant for any school year shall be $800 multiplied by the low income eligible pupil count.

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

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

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

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

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

(2.5) Supplemental general State aid pursuant to this subsection (H) shall be provided as follows for the 2002-2003 school year and each school year thereafter:

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

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

(c) For any school district with a Low Income Concentration Level of at least 20% and less than 35%, the grant for each school year shall be $1,330 multiplied by the low income eligible pupil count.

(d) For any school district with a Low Income Concentration Level of at least 35% and less than 50%, the grant for each school year shall be $1,362 multiplied by the low income eligible pupil count.

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

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

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

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

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

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

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

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

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

(f) Each district subject to the provisions of this subdivision (H)(4) shall submit an acceptable plan to meet the educational needs of disadvantaged children, in compliance with the requirements of this paragraph, to the State Board of Education prior to July 15 of each year. This plan shall be consistent with the decisions of local school councils concerning the school expenditure plans developed in accordance with part 4 of Section 34-2.3. The State Board shall approve or reject

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the plan within 60 days after its submission. If the plan is rejected, the district shall give written notice of intent to modify the plan within 15 days of the notification of rejection and then submit a modified plan within 30 days after the date of the written notice of intent to modify. Districts may amend approved plans pursuant to rules promulgated by the State Board of Education.

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

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

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

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

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

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

(2) For a school district which annexes all of the territory of one or more entire other school districts, for the first year during which the change of boundaries attributable to such annexation becomes effective for all purposes as determined under Section 7-9 or 7A-8, the

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general State aid and supplemental general State aid calculated under this Section shall be computed for the annexing district as constituted after the annexation and for each annexed district as constituted prior to the annexation; and if the computation on the basis of the annexing and annexed districts as constituted prior to the annexation is greater, a supplementary payment equal to the difference shall be made for the first 4 years of existence of the annexing school district as constituted upon such annexation.

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

(3.5) Claims for financial assistance under this subsection (1) shall not be recomputed except as expressly provided under this Section.

(4) Any supplementary payment made under this subsection (1) shall be treated as separate from all other payments made pursuant to this Section.

(J) Supplementary Grants in Aid.

(1) Notwithstanding any other provisions of this Section, the amount of the aggregate general State aid in combination with supplemental general State aid under this Section for

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

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

(3) (Blank).

(K) Grants to Laboratory and Alternative Schools.

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

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

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

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

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

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

(2) (Blank).

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

(M) Education Funding Advisory Board.

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

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

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

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

(N) (Blank).

(O) References.

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

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

(Source: P.A. 91-24, eff. 7-1-99; 91-93, eff. 7-9-99; 91-96, eff. 7-9-99; 91-111, eff. 7-14-99; 91-357, eff. 7-29-99; 91-533, eff. 8-13-99; 92-7, eff. 6-29-01; 92-16, eff. 6-28-01; 92-28, eff. 7-1-01; 92-29, eff. 7-1-01; 92-269, eff. 8-7-01; revised 8-7-01.)

(105 ILCS 5/34-18.23 new)

Sec. 34-18.23. Transfer of students. The board shall establish and implement a policy governing the transfer of a student from one attendance center to another within the school district upon the request of the student's parent or guardian. Any request by a parent or guardian to transfer his or her child from one attendance center to another within the school district pursuant to Section 1116 of the federal Elementary and Secondary Education Act of 1965 (20 U.S.C. Sec. 6317) must be made no later than 30 days after the parent or guardian receives notice of the right to transfer pursuant to that law. A student may not transfer to any

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of the following attendance centers, except by change in residence if the policy authorizes enrollment based on residence in an attendance area or unless approved by the board on an individual basis:

(1) An attendance center that exceeds or as a result of the transfer would exceed its attendance capacity.

(2) An attendance center for which the board has established academic criteria for enrollment if the student does not meet the criteria, provided that the transfer must be permitted if the attendance center is the only attendance center serving the student's grade that has not been identified for school improvement, corrective action, or restructuring under Section 1116 of the federal Elementary and Secondary Education Act of 1965 (20 U.S.C. Sec. 6317).

(3) Any attendance center if the transfer would prevent the school district from meeting its obligations under a State or federal law, court order, or consent decree applicable to the school district.

Section 99. Effective date. This Act takes effect on July 1, 2002.
Passed in the General Assembly June 2, 2002.
Approved June 28, 2002.
Effective July 1, 2002.

PUBLIC ACT 92-0605
(Senate Bill No. 2216)

AN ACT concerning finance.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Illinois Development Finance Authority Act is amended by changing Sections 7.56a and 8 as follows:

(20 ILCS 3505/7.56a) (from Ch. 48, par. 850.07z12a)
Sec. 7.56a. Infrastructure Bond Authorization Limits. In addition to the bonds authorized to be issued under Sections 7.8 and 8, the Authority may have outstanding at any time, bonds for the purposes enumerated in Sections 7.50 through 7.61 in an aggregate principal amount that shall not exceed $2,200,000,000.

Such bonds shall not constitute an indebtedness or obligation of the State of Illinois and it shall be plainly stated on the face of each bond that it does not constitute such an indebtedness or obligation but is payable solely from the revenues, income or other assets of the Authority pledged therefor.
(Source: P.A. 90-470, eff. 8-17-97; 91-681, eff. 1-26-00.)

(20 ILCS 3505/8) (from Ch. 48, par. 850.08)
Sec. 8. Outstanding bond authorization limits. Exclusive of the bonds authorized to be issued under Section 7.8, Section 7.87, or under the Illinois Environmental Facilities Financing Act, and exclusive of the authorization under Section 7.56a of this Act, the Authority may not have outstanding at any one time bonds for any of its corporate purposes

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in an aggregate principal amount exceeding $6,200,000,000 $5,400,000,000, excluding bonds issued to refund outstanding bonds. Up to $100,000,000 of such outstanding bonds shall be issued with respect to industrial projects located within areas designated as Enterprise Zones by the Department of Commerce and Community Affairs.

(Source: P.A. 90-470, eff. 8-17-97; 91-681, eff. 1-26-00.)

Section 99. Effective date. This Act takes effect on July 1, 2002.
Passed in the General Assembly June 1, 2002.
Approved June 28, 2002.
Effective July 1, 2002.

PUBLIC ACT 92-0606
(Senate Bill No. 2287)

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

Section 5. The Department of Natural Resources Act is amended by changing Section 1-25 as follows:

(20 ILCS 801/1-25)
Sec. 1-25. Powers of the scientific surveys and State Museum. In addition to its other powers and duties, the Department shall have the following powers and duties which shall be performed by the scientific surveys and the State Museum:

(1) To investigate and study the natural resources of the State and to prepare printed reports and furnish information fundamental to the conservation and development of natural resources and for that purpose the officers and employees thereof may, pursuant to rule adopted by the Department, enter and cross all lands in this State, doing no damage to private property.

(2) To cooperate with and advise departments having administrative powers and duties relating to the natural resources of the State, and to cooperate with similar departments in other states and with the United States Government.

(3) To conduct a natural history survey of the State, giving preference to subjects of educational and economical importance.

(4) To publish, from time to time, reports covering the entire field of zoology and botany of the State.

(5) To supply natural history specimens to the State educational institutions and to the public schools.

(6) To investigate the entomology of the State.

(7) To investigate all insects dangerous or injurious to agricultural or horticultural plants and crops, livestock, to nursery trees and plants, to the products of the truck farm and vegetable garden, to shade trees and other ornamental vegetation of cities and villages, to the products of the mills and the contents of warehouses, and all insects injurious or dangerous to the public health.

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(8) To conduct experiments with methods for the prevention, arrest, abatement and control of insects injurious to persons or property.

(9) To instruct the people, by lecture, demonstration or bulletin, in the best methods of preserving and protecting their property and health against injuries by insects.

(10) To publish, from time to time, articles on the injurious and beneficial insects of the State.

(11) To study the geological formation of the State with reference to its resources of coal, ores, clays, building stones, cement, materials suitable for use in the construction of roads, gas, mineral and artesian water and other products.

(12) To publish, from time to time, topographical, geological and other maps to illustrate resources of the State.

(13) To publish, from time to time, bulletins giving a general and detailed description of the geological and mineral resources, including water resources, of the State.

(14) To cooperate with United States federal agencies in the preparation and completion of a contour topographic map and the collection, recording and printing of water and atmospheric resource data including stream flow measurements and to collect facts and data concerning the volumes and flow of underground, surface and atmospheric waters of the State and to determine the mineral qualities of water from different geological formations and surface and atmospheric waters for the various sections of the State.

(15) To publish, from time to time, the results of its investigations of the mineral qualities, volumes and flow of underground and surface waters of the State to the end that the available water resources of the State may be better known and to make mineral analyses of samples of water from municipal or private sources giving no opinion from those analyses of the hygienic, physiological or medicinal qualities of such waters.

(16) To act as the central data repository and research coordinator for the State in matters related to water and atmospheric resources. The State Water Survey Division of the Department may monitor and evaluate all weather modification operations in Illinois.

(17) To distribute, in its discretion, to the various educational institutions of the State, specimens, samples, and materials collected by it after the same have served the purposes of the Department.

(18) To cooperate with the Illinois State Academy of Science and to publish a suitable number of the results of the investigations and research in the field of natural science to the end that the same may be distributed to the interested public.

(19) To maintain a State Museum, and to collect and preserve objects of scientific and artistic value, representing past and present fauna and flora, the life and work of man, geological history, natural resources, and the manufacturing and fine arts; to interpret for and educate the public concerning the foregoing.

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(20) To cooperate with the Illinois State Museum Society for the mutual benefit of the Museum and the Society, with the Museum furnishing necessary space for the Society to carry on its functions and keep its records, and, upon the recommendation of the Museum Director with the approval of the Board of State Museum Advisors and the Director of the Department, to enter into agreements with the Illinois State Museum Society for the operation of a sales counter and other concessions for the mutual benefit of the Museum and the Society.

(21) To accept grants of property and to hold property to be administered as part of the State Museum for the purpose of preservation, research of interpretation of significant areas within the State for the purpose of preserving, studying and interpreting archaeological and natural phenomena.

(22) To contribute to and support the operations, programs and capital development of public museums in this State. For the purposes of this Section, "public museum" means a facility: (A) that is operating for the purposes of promoting cultural development through special activities or programs or performing arts, and acquiring, conserving, preserving, studying, interpreting, enhancing, and in particular, organizing and continuously exhibiting specimens, artifacts, articles, documents and other things of historical, anthropological, archaeological, industrial, scientific or artistic import, to the public for its instruction and enjoyment, and (B) that either (i) is operated by or located upon land owned by a unit of local government or (ii) is a museum that has an annual indoor attendance of at least 150,000 and offers educational programs to school groups during school hours. A museum is eligible to receive funds for capital development under this subdivision (22) only if it is operated by or located upon land owned by a unit of local government or if it is certified by a unit of local government in which it is located as a public museum meeting the criteria of this Section. Recipients of funds for capital development under this subdivision (22) shall match State funds with local or private funding according to the following:

(a) for a public museum with an attendance of 300,000 or less during the preceding calendar year, no match is required;
(b) for a public museum with an attendance of over 300,000 but less than 600,000 during the preceding calendar year, the match must be at a ratio of $1 from local and private funds for every $1 in State funds; and
(c) for a public museum with an attendance of over 600,000 during the preceding calendar year, the match must be at a ratio of $2 from local and private funds for every $1 in State funds.

The Department shall formulate rules and regulations relating to the allocation of any funds appropriated by the General Assembly for the purpose of contributing to the support of public museums in this State.

(23) To perform all other duties and assume all obligations of the former Department of Energy and Natural Resources and the former Department of

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Registration and Education pertaining to the State Water Survey, the State Geological Survey, the State Natural History Survey, and the State Museum.

(24) To maintain all previously existing relationships between the State Water Survey, State Geological Survey, and State Natural History Survey and the public and private colleges and universities in Illinois.

(25) To participate in federal geologic mapping programs.

(Source: P.A. 89-445, eff. 2-7-96; 90-604, eff. 1-1-99.)

Section 99. Effective date. This Act takes effect upon becoming law.
Passed in the General Assembly June 2, 2002.
Approved June 28, 2002.
Effective June 28, 2002.

PUBLIC ACT 92-0607
(Senate Bill No. 2313)

AN ACT concerning compensation of public officials.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Compensation Review Act is amended by adding Section 5.5 as follows:

(25 ILCS 120/5.5 new)

Sec. 5.5. FY03 COLA's prohibited. Notwithstanding any provision of this Act, any other law, or any resolution of the General Assembly to the contrary, members of the General Assembly, judges, other than the county supplement, State's attorneys, other than the county supplement, the elected constitutional officers of State government, and certain appointed officers of State government, including members of State departments, agencies, boards, and commissions whose annual compensation is determined by the Board, are prohibited from receiving and shall not receive any increase in compensation based on a cost of living adjustment, as authorized by Senate Joint Resolution 192 of the 86th General Assembly, for or during the fiscal year beginning July 1, 2002.

Section 99. Effective date. This Act takes effect upon becoming law.
Passed in the General Assembly April 25, 2002.
Approved June 28, 2002.
Effective June 28, 2002.

PUBLIC ACT 92-0608
(House Bill No. 4357)

AN ACT concerning credit unions.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Credit Union Act is amended by changing Sections 1.1, 7, 8,
9, 13, 16, 20, 23, 27, 30, 42, and 61 and adding Sections 9.1 and 10.1 as follows:

Sec. 1.1. Definitions. Credit Union - The term "credit union" means a cooperative, non-profit association, incorporated under this Act, under the laws of the United States of America or under the laws of another state, for the purposes of encouraging thrift among its members, creating a source of credit at a reasonable rate of interest, and providing an opportunity for its members to use and control their own money in order to improve their economic and social conditions. The membership of a credit union shall consist of a group or groups each having a common bond as set forth in this Act.

Common Bond - The term "common bond" refers to groups of people who meet one of the following qualifications:

1. Persons belonging to a specific association, group or organization, such as a church, labor union, club or society and members of their immediate families which shall include any relative by blood or marriage or foster and adopted children.

2. Persons who reside in a reasonably compact and well defined neighborhood or community, and members of their immediate families which shall include any relative by blood or marriage or foster and adopted children.

3. Persons who have a common employer or who are members of an organized labor union or an organized occupational or professional group within a defined geographical area, and members of their immediate families which shall include any relative by blood or marriage or foster and adopted children.

Shares - The term "shares" or "share accounts" means any form of shares issued by a credit union and established by a member in accordance with standards specified by a credit union, including but not limited to common shares, share draft accounts, classes of shares, share certificates, special purpose share accounts, shares issued in trust, custodial accounts, and individual retirement accounts or other plans established pursuant to Section 401(d) or (f) or Section 408(a) of the Internal Revenue Code, as now or hereafter amended, or similar provisions of any tax laws of the United States that may hereafter exist.

Credit Union Organization - The term "credit union organization" means any organization established to serve the needs of credit unions, the business of which relates to the daily operations of credit unions.

Department - The term "Department" means the Illinois Department of Financial Institutions.

Director - The term "Director" means the Director of the Illinois Department of Financial Institutions.

NCUA - The term "NCUA" means the National Credit Union Administration, an agency of the United States Government charged with the supervision of credit unions chartered under the laws of the United States of America.

Central Credit Union - The term "central credit union" means a credit union incorporated primarily to receive shares from and make loans to credit unions and Directors, Officers, committee members and employees of credit unions. A central credit union may also accept as members persons who were members of credit unions which were liquidated.

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and persons from occupational groups not otherwise served by another credit union.

Corporate Credit Union - The term "corporate credit union" means a credit union which is a cooperative, non-profit association, the membership of which is limited primarily to other credit unions.

Insolvent - "Insolvent" means the condition that results when the total of all liabilities and shares exceeds net assets of the credit union.

Danger of insolvency - For purposes of Section 61, a credit union is in "danger of insolvency" if its net worth to asset ratio falls below 2%. In calculating the danger of insolvency ratio, secondary capital shall be excluded. For purposes of Section 61, a credit union is also in "danger of insolvency" if the Department is unable to ascertain, upon examination, the true financial condition of the credit union. The term "Danger of insolvency" as used in Section 61 means when a credit union falls below a 2% capital to asset ratio.

Net Worth - "Net worth" means the retained earnings balance of the credit union, as determined under generally accepted accounting principles, and forms of secondary capital approved by the Director pursuant to rulemaking.

(205 ILCS 305/7) (from Ch. 17, par. 4408)
Sec. 7. Reciprocity - out of state credit unions.
(1) A credit union organized and duly chartered as a credit union in another state shall be permitted to conduct business as a credit union in this state if a credit union chartered under the laws of this state is permitted to do business in such other state, provided that:

Regardless of where it is doing business, a credit union shall be supervised and regulated by the agency so charged in the state in which the credit union is chartered.

(a) The credit union shall register with the Director prior to operating in this State, on a form specified by the Director.
(b) The credit union may be required to pay a registration fee in accordance with rules promulgated by the Director.
(c) The credit union shall comply with rules promulgated by the Director concerning the operation of out of state credit unions in this State.

(2) It is intended that the legal existence of credit unions chartered under this Act be recognized beyond the limits of this State and that, subject to any reasonable registration requirements, any credit union transacting business outside of this State be granted the protection of full faith and credit under Section 1 of Article IV of the Constitution of the United States.

(205 ILCS 305/8) (from Ch. 17, par. 4409)
Sec. 8. Director's powers and duties. Credit unions are regulated by the Department. The Director, in executing the powers and discharging the duties vested by law in the Department has the following powers and duties:

(1) To exercise the rights, powers and duties set forth in this Act or any related Act.
(2) To prescribe rules and regulations for the administration of this Act. The
provisions of the Illinois Administrative Procedure Act are hereby expressly adopted and incorporated herein as though a part of this Act, and shall apply to all administrative rules and procedures of the Department under this Act.

(3) To direct and supervise all the administrative and technical activities of the Department including the employment of a Credit Union Supervisor who shall have knowledge in the theory and practice of, or experience in, the operations or supervision of financial institutions, preferably credit unions, and such other persons as are necessary to carry out his functions.

(4) To issue cease and desist orders when in the opinion of the Director, a credit union is engaged or has engaged, or the Director has reasonable cause to believe the credit union is about to engage, in an unsafe or unsound practice, or is violating or has violated or the Director has reasonable cause to believe is about to violate a law, rule or regulation or any condition imposed in writing by the Department.

(5) To suspend from office and to prohibit from further participation in any manner in the conduct of the affairs of his credit union any director, officer or committee member who has committed any violation of a law, rule, regulation or of a cease and desist order or who has engaged or participated in any unsafe or unsound practice in connection with the credit union or who has committed or engaged in any act, omission, or practice which constitutes a breach of his fiduciary duty as such director, officer or committee member, when the Director has determined that such action or actions have resulted or will result in substantial financial loss or other damage that seriously prejudices the interests of the members.

(6) Except for the fees established in this Act, to prescribe, by rule and regulation, fees and penalties for preparing, approving, and filing reports and other documents; furnishing transcripts; holding hearings; and investigating applications for permission to organize, merge, or convert; failure to maintain accurate books and records to enable the Department to conduct an examination; and taking supervisory actions.

(7) To destroy, in his discretion, any or all books and records of any credit union in his possession or under his control after the expiration of three years from the date of cancellation of the charter of such credit unions.

(8) To make investigations and to conduct research and studies and to publish some of the problems of persons in obtaining credit at reasonable rates of interest and of the methods and benefits of cooperative saving and lending for such persons.

(9) To authorize, foster or establish experimental, developmental, demonstration or pilot projects by public or private organizations including credit unions which:
   (a) promote more effective operation of credit unions so as to provide members an opportunity to use and control their own money to improve their economic and social conditions; or
   (b) are in the best interests of credit unions, their members and the people of the State of Illinois.

(10) To cooperate in studies, training or other administrative activities with, but not limited to, the NCUA, other state credit union regulatory agencies and industry trade

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associations in order to promote more effective and efficient supervision of Illinois chartered credit unions.

(Source: P.A. 91-357, eff. 7-29-99.)

(205 ILCS 305/9) (from Ch. 17, par. 4410)

Sec. 9. Reports and examinations.

(1) Credit unions shall report to the Department on forms supplied by the Department, in accordance with a schedule published by the Department annually on or before the first day of February in each year on forms supplied by the Department. A recapitulation of the Annual Reports shall be compiled and published annually by the Department, for the use of the General Assembly, credit unions, various educational institutions and other interested parties. A credit union which fails to file any report when due shall pay to the Department a late filing fee of $5.00 for each day the report is overdue as prescribed by rule. The Director may extend the time for filing a report.

(2) The Director may require special examinations of and special financial reports from a credit union or a credit union organization in which a credit union loans, invests, or delegates substantially all managerial duties and responsibilities when he determines that such examinations and reports are necessary to enable the Department to determine the safety of a credit union's operation or its solvency. The cost to the Department of the aforesaid special examinations shall be borne by the credit union being examined as prescribed by rule.

(3) All credit unions incorporated under this Act shall be examined at least biennially by the Department or, at the discretion of the Director, by a public accountant registered by the Department of Professional Regulation. The costs of an examination shall be paid by the credit union. The scope of all examinations by a public accountant shall be at least equal to the examinations made by the Department. The examiners shall have full access to, and may compel the production of, all the books, papers, securities and accounts of any credit union. A special examination shall be made by the Department or by a public accountant approved by the Department upon written request of 5 or more members, who guarantee the expense of the same. Any credit union refusing to submit to an examination when ordered by the Department shall be reported to the Attorney General, who shall institute proceedings to have its charter revoked. If the Director determines that the examination of a credit union is to be conducted by a public accountant registered by the Department of Professional Regulation and the examination is done in conjunction with the credit union's external independent audit of financial statements, the requirements of this Section and subsection (3) of Section 34 shall be deemed met.

(4) A copy of the completed report of examination and a review comment letter, if any, citing exceptions revealed during the examination, shall be submitted to the credit union by the Department. A detailed report stating the corrective actions taken by the Board of Directors on each exception set forth in the review comment letter shall be filed with the Department within 40 days after the date of the review comment letter, or as otherwise directed by the Department. Any credit union through its officers, directors, committee members or employees, which willfully provides fraudulent or misleading information

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regarding the corrective actions taken on exceptions appearing in a review comment letter may have its operations restricted to the collection of principal and interest on loans outstanding and the payment of normal expenses and salaries until all exceptions are corrected and accepted by the Department.

(Source: P.A. 91-755, eff. 1-1-01.)

(205 ILCS 305/9.1 new)

Sec. 9.1. Disclosures of reports of examinations and confidential supervisory information; limitations.

(1) Any report of examination, visitation, or investigation prepared by the Director under this Act or by the state regulatory authority charged with enforcing the Electronic Fund Transfer Act or the Corporate Fiduciary Act or by the state regulatory authority of another state that examines an office of an Illinois credit union in that state, any document or record prepared or obtained in connection with or relating to any examination, visitation, or investigation, and any record prepared or obtained by the Director to the extent that the record summarizes or contains information derived from any report, document, or record described in this subsection shall be deemed "confidential supervisory information". Confidential supervisory information shall not include any information or record routinely prepared by a credit union and maintained in the ordinary course of business or any information or record that is required to be made publicly available pursuant to State or federal law or rule.

(2) Confidential supervisory information is privileged from discovery and shall only be disclosed under the circumstances and for the purposes set forth in this Section.

(3) Relevant confidential supervisory information may be disclosed under a statute that by its terms or by rules promulgated thereunder requires the disclosure of confidential supervisory information other than by subpoena, summons, warrant, or court order; to the appropriate law enforcement authorities when the Director or the credit union reasonably believes the credit union, which the Director has caused to be examined, has been a victim of a crime; to other agencies or entities having a legitimate regulatory interest; to the credit union's board, officers, retained professionals, and insurers; to persons seeking to merge with or purchase all or part of the assets of the credit union; and where disclosure is otherwise required for the benefit of the credit union. Disclosure of confidential supervisory information to these persons does not constitute a waiver of the legal privilege otherwise available with respect to the information.

(4) A person to whom confidential supervisory information is disclosed shall not further disseminate confidential supervisory information.

(5) (a) Any person upon whom a demand for production of confidential supervisory information is made, whether by subpoena, order, or other judicial or administrative process, must withhold production of the confidential supervisory information and must notify the Director of the demand, at which time the Director is authorized to intervene for the purpose of enforcing the limitations of this Section or seeking the withdrawal or termination of the attempt to compel production of the confidential supervisory information.
(b) Any request for discovery or disclosure of confidential supervisory information, whether by subpoena, order, or other judicial or administrative process, shall be made to the Director, and the Director shall determine within 15 days whether to disclose the information pursuant to procedures and standards that the Director shall establish by rule. If the Director determines that such information will not be disclosed, the Director's decision shall be subject to judicial review under the provisions of the Administrative Review Law, and venue shall be in either Sangamon County or Cook County.

(c) Any court order that compels disclosure of confidential supervisory information may be immediately appealed by the Director, and the order shall be automatically stayed pending the outcome of the appeal.

(205 ILCS 305/10.1 new)
Sec. 10.1. Retention of records. Unless a federal law requires otherwise, the Director may by rule prescribe periods of time for which credit unions operating under this Act must retain records and after the expiration of which the credit union may destroy those records. No liability shall accrue against the credit union, the Director, or this State for the destruction of records according to rules of the Director promulgated under the authority of this Section. In any cause or proceeding in which any records may be called in question or be demanded from any credit union, a showing of the expiration of the period so prescribed shall be sufficient excuse for failure to produce them.

(205 ILCS 305/13) (from Ch. 17, par. 4414)
Sec. 13. General powers. A credit union may:

1. Make contracts; sue and be sued; adopt and use a common seal and alter same;
2. Acquire, lease (either as lessee or lessor), hold, pledge, mortgage, sell and dispose of real property, either in whole or in part, or any interest therein, as may be necessary or incidental to its present or future operations and needs, subject to such limitations as may be imposed thereon in rules and regulations promulgated by the Director; acquire, lease (either as lessee or lessor), hold, pledge, mortgage, sell and dispose of personal property, either in whole or in part, or any interest therein, as may be necessary or incidental to its present or future operations and needs;
3. At the discretion of the Board of Directors, require the payment of an entrance fee or annual membership fee, or both, of any person admitted to membership;
4. Receive savings from its members in the form of shares of various classes, or special purpose share accounts; act as custodian of its members' accounts; issue shares in trust as provided in this Act;
5. Lend its funds to its members and otherwise as hereinafter provided;
6. Borrow from any source in accordance with policy established by the Board of Directors to a maximum of 50% of capital, surplus and reserves;
7. Discount and sell any obligations owed to the credit union;
8. Honor requests for withdrawals or transfers of all or any part of member share accounts, and any classes thereof, in any manner approved by the credit union Board of Directors;

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(9) Sell all or substantially all of its assets or purchase all or substantially all of the assets of another credit union, subject to the prior approval of the Director;
(10) Invest surplus funds as provided in this Act;
(11) Make deposits in banks, savings banks, savings and loan associations, trust companies; and invest in shares, classes of shares or share certificates of other credit unions;
(12) Assess charges and fees to members in accordance with board resolution;
(13) Hold membership in and pay dues to associations and organizations; to invest in shares, stocks or obligations of any credit union organization;
(14) Declare dividends and pay interest refunds to borrowers as provided in this Act;
(15) Collect, receive and disburse monies in connection with providing negotiable checks, money orders and other money-type instruments, and for such other purposes as may provide benefit or convenience to its members, and charge a reasonable fee for such services;
(16) Act as fiscal agent for and receive deposits from the federal government, this state or any agency or political subdivision thereof;
(17) Receive savings from nonmembers in the form of shares or share accounts in the case of credit unions serving predominantly low-income members. The term "low income members" shall mean those members who make less than 80% of the average for all wage earners as established by the Bureau of Labor Statistics or those members whose annual household income falls at or below 80% of the median household income for the nation as established by the Census Bureau, the lower level standard of living classification as established by the Bureau of Labor Statistics and updated by the Employment and Training Administration of the U.S. Department of Labor. The term "predominantly" is defined as a simple majority;
(18) To establish, maintain, and operate terminals as authorized by the Electronic Fund Transfer Act; and
(19) Subject to Article XLIV of the Illinois Insurance Code, to act as the agent for any fire, life, or other insurance company authorized by the State of Illinois, by soliciting and selling insurance and collecting premiums on policies issued by such company; and may receive for services so rendered such fees or commissions as may be agreed upon between the said credit union and the insurance company for which it may act as agent; provided, however, that no such credit union shall in any case assume or guarantee the payment of any premium on insurance policies issued through its agency by its principal; and provided further, that the credit union shall not guarantee the truth of any statement made by an assured in filing his application for insurance.
(Source: P.A. 89-310, eff. 1-1-96; 90-41, eff. 10-1-97; 90-655, eff. 7-30-98.)

Sec. 16. Societies, associations. Societies, associations, clubs, and partnerships, corporations, and limited liability companies in which the majority of the members, partners, or shareholders are individuals who are eligible for credit union membership, and corporations, the majority of whose stockholders are individuals, who are eligible for credit union membership, may be admitted to membership in a credit union in the same manner and under the same conditions as individuals, subject to such rules as the Director may

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promulgate hereunder.
(Source: P.A. 85-249.)

(205 ILCS 305/20) (from Ch. 17, par. 4421)
Sec. 20. Election or appointment of officials.

(1) The credit union shall be directed by a Board of Directors consisting of no less than 7 in number, to be elected at the annual meeting by and from the members. Directors shall hold office until the next annual meeting, unless their terms are staggered. Upon amendment of its bylaws, a credit union may divide the Directors into 2 or 3 classes with each class as nearly equal in number as possible. The term of office of the directors of the first class shall expire at the first annual meeting after their election, that of the second class shall expire at the second annual meeting after their election, and that of the third class, if any, shall expire at the third annual meeting after their election. At each annual meeting after the classification, the number of directors equal to the number of directors whose terms expire at the time of the meeting shall be elected to hold office until the second succeeding annual meeting if there are 2 classes or until the third succeeding annual meeting if there are 3 classes. A Director shall hold office for the term for which he or she is elected and until his or her successor is elected and qualified. In all elections for Directors, every member has the right to vote, in person or by proxy, the number of shares owned by him, or in the case of a member other than a natural person, the member's one vote, for as many persons as there are Directors to be elected, or to cumulate such shares, and give one candidate as many votes as the number of Directors multiplied by the number of his shares equals, or to distribute them on the same principle among as many candidates as he may desire and the Directors shall not be elected in any other manner. Shares held in a joint account owned by more than one member may be voted by any one of the members, however, the number of cumulative votes cast may not exceed a total equal to the number of shares multiplied by the number of directors to be elected. A majority of the shares entitled to vote shall be represented either in person or by proxy for the election of Directors. Each Director shall wholly take and subscribe to an oath that he will diligently and honestly perform his duties in administering the affairs of the credit union, that while he may delegate to another the performance of those administrative duties he is not thereby relieved from his responsibility for their performance, that he will not knowingly violate or willingly permit to be violated any law applicable to the credit union, and that he is the owner of at least one share of the credit union.

(2) The Board of Directors shall appoint from among the members of the credit union, a Supervisory Committee of not less than 3 members at the organization meeting and within 30 days following each annual meeting of the members for such terms as the bylaws provide. Members of the Supervisory Committee may, but need not be, on the Board of Directors, but shall not be officers of the credit union, members of the Credit Committee, or the credit manager if no Credit Committee has been appointed.

(3) The Board of Directors may appoint, from among the members of the credit union, a Credit Committee consisting of an odd number, not less than 3 for such terms as the bylaws provide. Members of the Credit Committee may, but need not be, Directors or officers of the credit union, but shall not be members of the Supervisory Committee.

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(4) The Board of Directors may appoint from among the members of the credit union a Membership Committee of one or more persons. If appointed, the Committee shall act upon all applications for membership and submit a report of its actions to the Board of Directors at the next regular monthly meeting for review. If no Membership Committee is appointed, credit union management shall act upon all applications for membership and submit a report of its actions to the Board of Directors at the next regular meeting for review.

(Source: P.A. 91-929, eff. 12-15-00.)

(205 ILCS 305/23) (from Ch. 17, par. 4424)
Sec. 23. Compensation of officials.

(1) No director or committee member may receive compensation for his service as such.; "Compensation" as used in this subsection (1) refers to remuneration expense to the credit union for services provided by a director or committee member in his or her capacity as director or committee member. "Compensation" as used in this subsection (1) does not include the expense of but providing reasonable life, health, accident, and similar insurance protection benefits for a director or committee member shall not be considered compensation.

(2) Directors, committee members and employees, while on official business of the credit union, may be reimbursed for reasonable and necessary expenses.

(3) The Board of Directors may establish compensation for officers of the credit union.

(Source: P.A. 81-329.)

(205 ILCS 305/27) (from Ch. 17, par. 4428)
Sec. 27. Authority of directors.

(1) The Board of Directors shall be charged with and have control over the general management of the operations, funds and records of the credit union.

(2) In discharging the duties of their respective positions, the board of directors, committees of the board, and individual directors shall be entitled to rely on advice, information, opinions, reports or statements, including financial statements and financial data, prepared or presented by: (i) one or more officers or employees of the credit union whom the director believes to be reliable and competent in the matter presented; (ii) one or more counsel, accountants, or other consultants as to matters that the Director believes to be within that person's professional or expert competence; or (iii) a committee of the board upon which the Director does not serve, as to matters within that committee's designated authority; provided that the Director’s reliance under this subsection (2) is placed in good faith, after reasonable inquiry if the need for such inquiry is apparent under the circumstances and without knowledge that would cause such reliance to be unreasonable.

(Source: P.A. 81-329.)

(205 ILCS 305/30) (from Ch. 17, par. 4431)
Sec. 30. Duties of directors. It shall be the duty of the directors to:

(1) Review the Membership Committee's actions on applications for membership. A record of the Membership Committee's approval or denial of membership or management's

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approval or denial of membership if no Membership Committee has been appointed shall be available to the Board of Directors for inspection. A person denied membership by the Membership Committee or credit union management may appeal the denial to the Board;

   (2) Provide adequate fidelity bond coverage for officers, employees, directors and committee members, and for losses caused by persons outside of the credit union, subject to rules and regulations promulgated by the Director;

   (3) Determine from time to time the interest rates, not in excess of that allowed under this Act, which shall be charged on loans to members and to authorize interest refunds, if any, to members from income earned and received in proportion to the interest paid by them on such classes of loans and under such conditions as the Board prescribes. The Directors may establish different interest rates to be charged on different classes of loans;

   (4) Within any limitations set forth in the credit union's bylaws, fix the maximum amount which may be loaned with and without security to a member;

   (5) Declare dividends on various classes of shares in the manner and form as provided in the bylaws;

   (6) Limit the number of shares which may be owned by a member; such limitations to apply alike to all members;

   (7) Have charge of the investment of funds, except that the Board of Directors may designate an Investment Committee or any qualified individual or entity to have charge of making investments under policies established by the Board of Directors;

   (8) Authorize the employment of or contracting with such persons or organizations as may be necessary to carry on the operations of the credit union, provided that prior approval is received from the Department before becoming involved with a credit union organization by loaning to, investing in, or delegating substantially all managerial duties and responsibilities to a such credit union organization; and fix the compensation, if any, of the officers and provide for compensation for other employees within policies established by the Board of Directors;

   (9) Authorize the conveyance of property;

   (10) Borrow or lend money consistent with the provisions of this Act;

   (11) Designate a depository or depositories for the funds of the credit union and supervise the investment of funds;

   (12) Suspend or remove, or both, for cause, any or all officers or any or all members of the Membership, Credit, Supervisory or other committees for failure to perform their duties;

   (13) Appoint any special committees deemed necessary; and;

   (14) Perform such other duties as the members may direct, and perform or authorize any action not inconsistent with this Act and not specifically reserved by the bylaws to the members.

(Source: P.A. 84-1390.)

(205 ILCS 305/42) (from Ch. 17, par. 4443)
Sec. 42. Shares in trust.
(1) Shares may be issued in trust to a member as trustee or to an individual or

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corporate trustee. If a corporate trustee is a bank or trust company, shares may be issued to the corporate trustee only if such bank or trust company is organized under the laws of the State of Illinois or is a nationally chartered bank located principally in the State of Illinois. An individual trustee shall be a member of the credit union unless the person establishing the trust in respect to which such shares are issued or each beneficiary of the trust is a member of the credit union and the name of each beneficiary is disclosed to the credit union. Shares may also be issued in the name of an individual or corporate representative under the Illinois Probate Act of 1975 for or in respect to a member of a credit union. Shares may also be issued in trust under the Illinois Funeral or Burial Funds Act, for or in respect to a member of a credit union, to a trustee licensed under said Act. Any credit union which issues shares in trust as provided in this Section must be insured by the NCUA or another approved insurer. No trustee or beneficiary, unless a member in his own right, shall be permitted to vote, obtain loans, hold office or be required to pay an entrance or membership fee. Payment of part or all of such shares to such trustee or member shall, to the extent of such payment, discharge the liability of the credit union to the member and the beneficiary and the credit union shall be under no obligation to see to the application of such payment.

(2) If a credit union's shares are insured as provided for in this Act, such credit union shall have power to act as trustee or custodian under individual retirement accounts or plans established pursuant to the Internal Revenue Code for its members or groups or organizations of its members provided the funds of such accounts or plans are invested solely in (1) share accounts of, or (2) share accounts and obligations issued by such credit union. All funds held in such fiduciary capacity shall be maintained in accordance with applicable statutes and regulations promulgated thereunder by any authority exercising jurisdiction over such trusts or custodial accounts.

(3) Notwithstanding any language to the contrary in this Section 42, a credit union may act as trustee or custodian of individual retirement plans of its members established pursuant to the Employee Retirement Income Security Act of 1974 or self-employed retirement plans established pursuant to the Self-Employed Individuals Retirement Act of 1962, and any laws amendatory or supplementary to such Acts, provided that:

(a) All contributions of funds are initially made to a share account in the credit union;

(b) Any subsequent transfer of funds to other assets is solely at the direction of the member and the credit union performs only custodial duties, exercises no investment discretion and provides no investment advice with respect to plan assets;

(c) The member is notified of the fact that share insurance coverage is limited to funds held in share accounts; and

(d) The credit union complies with all applicable provisions of this Act and applicable laws and regulations as may be promulgated by any authority exercising jurisdiction over such trust or custodial accounts.

(Source: P.A. 91-131, eff. 7-16-99.)

(205 ILCS 305/61) (from Ch. 17, par. 4462)

Sec. 61. Suspension.

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(1) If the Director determines that any credit union is bankrupt, insolvent, impaired or that it has willfully violated this Act, or is operating in an unsafe or unsound manner, he shall issue an order temporarily suspending the credit union's operations for not more than 60 days. The Board of Directors shall be given notice by registered or certified mail of such suspension, which notice shall include the reasons for such suspension and a list of specific violations of the Act. The Director shall also notify the members of the Credit Union Board of Advisors of any suspension. The Director may assess to the credit union a penalty, not to exceed the regulatory examination fee as set forth in this Act, to offset costs incurred in determining the condition of the credit union's books and records.

(2) Upon receipt of such suspension notice, the credit union shall cease all operations, except those authorized by the Director, or the Director may appoint a Manager-Trustee to operate the credit union during the suspension period. The Board of Directors shall, within 10 days of the receipt of the suspension notice, file with the Director a reply to the suspension notice by submitting a corrective plan of action or a request for formal hearing on said action pursuant to the Department's rules and regulations.

(3) Upon receipt from the suspended credit union of evidence that the conditions causing the order of suspension have been corrected, and after determining that the proposed corrective plan of action submitted is factual, the Director shall revoke the suspension notice, permit the credit union to resume normal operations, and notify the Board of Credit Union Advisors of such action.

(4) If the Director determines that the proposed corrective plan of action will not correct such conditions, he may take possession and control of the credit union. The Director may permit the credit union to operate under his direction and control and may appoint a Manager-Trustee to manage its affairs until such time as the condition requiring such action has been remedied, or in the case of insolvency or danger of insolvency where an emergency requiring expeditious action exists, the Director may involuntarily merge the credit union without the vote of the suspended credit union's Board of Directors or members (hereafter involuntary merger) subject to rules promulgated by the Director. No credit union shall be required to serve as a surviving credit union in any involuntary merger. Upon the request of the Director, a credit union by a vote of a majority of its Board of Directors may elect to serve as a surviving credit union in an involuntary merger. If the Director determines that the suspended credit union should be liquidated, he may appoint a Liquidating Agent and require of that person such bond and security as he considers proper.

(5) Upon receipt of a request for a formal hearing, the Director shall conduct proceedings pursuant to rules and regulations of the Department. The credit union may request the appropriate court to stay execution of such action. Involuntary liquidation or involuntary merger may not be ordered prior to the conclusion of suspension procedures outlined in this Section.

(6) If, within the suspension period, the credit union fails to answer the suspension notice or fails to request a formal hearing, or both, the Director may then (i) involuntarily merge the credit union if the credit union is insolvent or in danger of insolvency and an emergency requiring expeditious action exists or (ii) revoke the credit union's charter.

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public act 92-0608

appoint a Liquidating Agent and liquidate the credit union.
(Source: P.A. 90-665, eff. 7-30-98.)

Section 99. Effective date. This Act takes effect upon becoming law.
Approved July 1, 2002.
Effective July 1, 2002.

public act 92-0609

(Senate Bill No. 0314)

AN ACT in relation to public employee benefits.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Pension Code is amended by changing Sections 8-137, 8-138, 11-134, and 11-134.1 as follows:

(40 ILCS 5/8-137) (from Ch. 108 1/2, par. 8-137)
Sec. 8-137. Automatic increase in annuity.
(a) An employee who retired or retires from service after December 31, 1959 and before January 1, 1987, having attained age 60 or more, shall, in January of the year after the year in which the first anniversary of retirement occurs, have the amount of his then fixed and payable monthly annuity increased by 1 1/2%, and such first fixed annuity as granted at retirement increased by a further 1 1/2% in January of each year thereafter. Beginning with January of the year 1972, such increases shall be at the rate of 2% in lieu of the aforesaid specified 1 1/2%, and beginning with January of the year 1984 such increases shall be at the rate of 3%. Beginning in January of 1999, such increases shall be at the rate of 3% of the currently payable monthly annuity, including any increases previously granted under this Article. An employee who retires on annuity after December 31, 1959 and before January 1, 1987, but before age 60, shall receive such increases beginning in January of the year after the year in which he attains age 60.

An employee who retires from service on or after January 1, 1987 shall, upon the first annuity payment date following the first anniversary of the date of retirement, or upon the first annuity payment date following attainment of age 60, whichever occurs later, have his then fixed and payable monthly annuity increased by 3%, and such annuity shall be increased by an additional 3% of the original fixed annuity on the same date each year thereafter. Beginning in January of 1999, such increases shall be at the rate of 3% of the currently payable monthly annuity, including any increases previously granted under this Article.

(a-5) Notwithstanding the provisions of subsection (a), upon the first annuity payment date following (1) the third anniversary of retirement, (2) the attainment of age 53, or (3) January 1, 2002, whichever occurs latest, the monthly annuity of an employee who retires on annuity prior to the attainment of age 60 and has not received an increase under subsection (a) shall be increased by 3%, and the annuity shall be increased by an additional 3% of the current payable monthly annuity, including any increases previously granted

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under this Article, on the same date each year thereafter. The increases provided under this subsection are in lieu of the increases provided in subsection (a).

(b) Subsections (a) and (a-5) are The foregoing provision is not applicable to an employee retiring and receiving a term annuity, as herein defined, nor to any otherwise qualified employee who retires before he makes employee contributions (at the 1/2 of 1% rate as provided in this Act) for this additional annuity for not less than the equivalent of one full year. Such employee, however, shall make arrangement to pay to the fund a balance of such 1/2 of 1% contributions, based on his final salary, as will bring such 1/2 of 1% contributions, computed without interest, to the equivalent of or completion of one year's contributions.

Beginning with January, 1960, each employee shall contribute by means of salary deductions 1/2 of 1% of each salary payment, concurrently with and in addition to the employee contributions otherwise made for annuity purposes.

Each such additional contribution shall be credited to an account in the prior service annuity reserve, to be used, together with city contributions, to defray the cost of the specified annuity increments. Any balance in such account at the beginning of each calendar year shall be credited with interest at the rate of 3% per annum.

Such additional employee contributions are not refundable, except to an employee who withdraws and applies for refund under this Article, and in cases where a term annuity becomes payable. In such cases his contributions shall be refunded, without interest, and charged to such account in the prior service annuity reserve.

(Source: P.A. 90-766, eff. 8-14-98.)

(40 ILCS 5/8-138) (from Ch. 108 1/2, par. 8-138)
Sec. 8-138. Minimum annuities - Additional provisions.
(a) An employee who withdraws after age 65 or more with at least 20 years of service, for whom the amount of age and service and prior service annuity combined is less than the amount stated in this Section, shall from the date of withdrawal, instead of all annuities otherwise provided, be entitled to receive an annuity for life of $150 a year, plus 1 1/2% for each year of service, to and including 20 years, and 1 2/3% for each year of service over 20 years, of his highest average annual salary for any 4 consecutive years within the last 10 years of service immediately preceding the date of withdrawal.

An employee who withdraws after 20 or more years of service, before age 65, shall be entitled to such annuity, to begin not earlier than upon attained age of 55 years if under such age at withdrawal, reduced by 2% for each full year or fractional part thereof that his attained age is less than 65, plus an additional 2% reduction for each full year or fractional part thereof that his attained age when annuity is to begin is less than 60 so that the total reduction at age 55 shall be 30%.

(b) An employee who withdraws after July 1, 1957, at age 60 or over, with 20 or more years of service, for whom the age and service and prior service annuity combined, is less than the amount stated in this paragraph, shall, from the date of withdrawal, instead of such annuities, be entitled to receive an annuity for life equal to 1 2/3% for each year of service, of the highest average annual salary for any 5 consecutive years within the last 10

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years of service immediately preceding the date of withdrawal; provided, that in the case of
any employee who withdraws on or after July 1, 1971, such employee age 60 or over with
20 or more years of service, shall receive an annuity for life equal to 1.67% for each of the
first 10 years of service; 1.90% for each of the next 10 years of service; 2.10% for each year
of service in excess of 20 but not exceeding 30; and 2.30% for each year of service in excess
of 30, based on the highest average annual salary for any 4 consecutive years within the last
10 years of service immediately preceding the date of withdrawal.

An employee who withdraws after July 1, 1957 and before January 1, 1988, with 20
or more years of service, before age 60 years is entitled to annuity, to begin not earlier than
upon attained age of 55 years, if under such age at withdrawal, as computed in the last
preceding paragraph, reduced 0.25% for each full month or fractional part thereof that his
attained age when annuity is to begin is less than 60 if the employee was born before January
1, 1936, or 0.5% for each such month if the employee was born on or after January 1, 1936.

Any employee born before January 1, 1936, who withdraws with 20 or more years
of service, and any employee with 20 or more years of service who withdraws on or after
January 1, 1988, may elect to receive, in lieu of any other employee annuity provided in this
Section, an annuity for life equal to 1.80% for each of the first 10 years of service, 2.00% for
each of the next 10 years of service, 2.20% for each year of service in excess of 20 but not
exceeding 30, and 2.40% for each year of service in excess of 30, of the highest average
annual salary for any 4 consecutive years within the last 10 years of service immediately
preceding the date of withdrawal, to begin not earlier than upon attained age of 55 years, if
under such age at withdrawal, reduced 0.25% for each full month or fractional part thereof
that his attained age when annuity is to begin is less than 60; except that an employee retiring
on or after January 1, 1988, at age 55 or over but less than age 60, having at least 35 years
of service, or an employee retiring on or after July 1, 1990, at age 55 or over but less than age
60, having at least 30 years of service, or an employee retiring on or after the effective date
of this amendatory Act of 1997, at age 55 or over but less than age 60, having at least 25
years of service, shall not be subject to the reduction in retirement annuity because of
retirement below age 60.

However, in the case of an employee who retired on or after January 1, 1985 but
before January 1, 1988, at age 55 or older and with at least 35 years of service, and who was
subject under this subsection (b) to the reduction in retirement annuity because of retirement
below age 60, that reduction shall cease to be effective January 1, 1991, and the retirement
annuity shall be recalculated accordingly.

Any employee who withdraws on or after July 1, 1990, with 20 or more years of
service, may elect to receive, in lieu of any other employee annuity provided in this Section,
an annuity for life equal to 2.20% for each year of service if withdrawal is before January
1, 2002, or 2.40% for each year of service if withdrawal is on or after January 1, 2002, of
the highest average annual salary for any 4 consecutive years within the last 10 years of
service immediately preceding the date of withdrawal, to begin not earlier than upon attained
age of 55 years, if under such age at withdrawal, reduced 0.25% for each full month or
fractional part thereof that his attained age when annuity is to begin is less than 60; except

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that an employee retiring at age 55 or over but less than age 60, having at least 30 years of service, shall not be subject to the reduction in retirement annuity because of retirement below age 60.

Any employee who withdrawing on or after the effective date of this amendatory Act of 1997 with 20 or more years of service may elect to receive, in lieu of any other employee annuity provided in this Section, an annuity for life equal to 2.20%; for each year of service, if withdrawal is before January 1, 2002, or 2.40% for each year of service if withdrawal is on or after January 1, 2002, of the highest average annual salary for any 4 consecutive years within the last 10 years of service immediately preceding the date of withdrawal, to begin not earlier than upon attainment of age 55 (age 50 if the employee has at least 30 years of service), reduced 0.25% for each full month or remaining fractional part thereof that the employee's attained age when annuity is to begin is less than 60; except that an employee retiring at age 50 or over with at least 30 years of service or at age 55 or over with at least 25 years of service shall not be subject to the reduction in retirement annuity because of retirement below age 60.

The maximum annuity payable under part (a) and (b) of this Section shall not exceed 70% of highest average annual salary in the case of an employee who withdraws prior to July 1, 1971, and 75% if withdrawal takes place on or after July 1, 1971 and prior to January 1, 2002, or 80% if withdrawal takes place on or after January 1, 2002. For the purpose of the minimum annuity provided in this Section $1,500 is considered the minimum annual salary for any year; and the maximum annual salary for the computation of such annuity is $4,800 for any year before 1953, $6000 for the years 1953 to 1956, inclusive, and the actual annual salary, as salary is defined in this Article, for any year thereafter.

To preserve rights existing on December 31, 1959, for participants and contributors on that date to the fund created by the Court and Law Department Employees' Annuity Act, who became participants in the fund provided for on January 1, 1960, the maximum annual salary to be considered for such persons for the years 1955 and 1956 is $7,500.

(c) For an employee receiving disability benefit, his salary for annuity purposes under paragraphs (a) and (b) of this Section, for all periods of disability benefit subsequent to the year 1956, is the amount on which his disability benefit was based.

(d) An employee with 20 or more years of service, whose entire disability benefit credit period expires before attainment of age 55 while still disabled for service, is entitled upon withdrawal to the larger of (1) the minimum annuity provided above, assuming he is then age 55, and reducing such annuity to its actuarial equivalent as of his attained age on such date or (2) the annuity provided from his age and service and prior service annuity credits.

(e) The minimum annuity provisions do not apply to any former municipal employee receiving an annuity from the fund who re-enters service as a municipal employee, unless he renders at least 3 years of additional service after the date of re-entry.

(f) An employee in service on July 1, 1947, or who became a contributor after July 1, 1947 and before attainment of age 70, who withdraws after age 65, with less than 20 years of service for whom the annuity has been fixed under this Article shall, instead of the annuity

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so fixed, receive an annuity as follows:

Such amount as he could have received had the accumulated amounts for annuity been improved with interest at the effective rate to the date of his withdrawal, or to attainment of age 70, whichever is earlier, and had the city contributed to such earlier date for age and service annuity the amount that it would have contributed had he been under age 65, after the date his annuity was fixed in accordance with this Article, and assuming his annuity were computed from such accumulations as of his age on such earlier date. The annuity so computed shall not exceed the annuity which would be payable under the other provisions of this Section if the employee was credited with 20 years of service and would qualify for annuity thereunder.

(g) Instead of the annuity provided in this Article, an employee having attained age 65 with at least 15 years of service who withdraws from service on or after July 1, 1971 and whose annuity computed under other provisions of this Article is less than the amount provided under this paragraph, is entitled to a minimum annuity for life equal to 1% of the highest average annual salary, as salary is defined and limited in this Section for any 4 consecutive years within the last 10 years of service for each year of service, plus the sum of $25 for each year of service. The annuity shall not exceed 60% of such highest average annual salary.

(g-1) Instead of any other retirement annuity provided in this Article, an employee who has at least 10 years of service and withdraws from service on or after January 1, 1999 may elect to receive a retirement annuity for life, beginning no earlier than upon attainment of age 60, equal to 2.2% if withdrawal is before January 1, 2002, or 2.4% if withdrawal is on or after January 1, 2002, of final average salary for each year of service, subject to a maximum of 75% of final average salary if withdrawal is before January 1, 2002, or 80% if withdrawal is on or after January 1, 2002. For the purpose of calculating this annuity, "final average salary" means the highest average annual salary for any 4 consecutive years in the last 10 years of service.

(h) The minimum annuities provided under this Section shall be paid in equal monthly installments.

(i) The amendatory provisions of part (b) and (g) of this Section shall be effective July 1, 1971 and apply in the case of every qualifying employee withdrawing on or after July 1, 1971.

(j) The amendatory provisions of this amendatory Act of 1985 (P.A. 84-23) relating to the discount of annuity because of retirement prior to attainment of age 60, and to the retirement formula, for those born before January 1, 1936, shall apply only to qualifying employees withdrawing on or after July 18, 1985.

(j-1) The changes made to this Section by this amendatory Act of the 92nd General Assembly (increasing the retirement formula to 2.4% per year of service and increasing the maximum to 80%) apply to persons who withdraw from service on or after January 1, 2002, regardless of whether that withdrawal takes place before the effective date of this amendatory Act. In the case of a person who withdraws from service on or after January 1, 2002 but begins to receive a retirement annuity before the effective date of this amendatory

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Act, the annuity shall be recalculated, with the increase resulting from this amendatory Act accruing from the date the retirement annuity began.

(k) Beginning on January 1, 1999, the minimum amount of employee's annuity shall be $850 per month for life for the following classes of employees, without regard to the fact that withdrawal occurred prior to the effective date of this amendatory Act of 1998:

1. any employee annuitant alive and receiving a life annuity on the effective date of this amendatory Act of 1998, except a reciprocal annuity;
2. any employee annuitant alive and receiving a term annuity on the effective date of this amendatory Act of 1998, except a reciprocal annuity;
3. any employee annuitant alive and receiving a reciprocal annuity on the effective date of this amendatory Act of 1998, whose service in this fund is at least 5 years;
4. any employee annuitant withdrawing after age 60 on or after the effective date of this amendatory Act of 1998, with at least 10 years of service in this fund.

The increases granted under items (1), (2) and (3) of this subsection (k) shall not be limited by any other Section of this Act.

(Source: P.A. 90-32, eff. 6-27-97; 90-511, eff. 8-22-97; 90-766, eff. 8-14-98.)

(40 ILCS 5/11-134) (from Ch. 108 1/2, par. 11-134)

Sec. 11-134. Minimum annuities.

(a) An employee whose withdrawal occurs after July 1, 1957 at age 60 or over, with 20 or more years of service, (as service is defined or computed in Section 11-216), for whom the age and service and prior service annuity combined is less than the amount stated in this Section, shall, from and after the date of withdrawal, in lieu of all annuities otherwise provided in this Article, be entitled to receive an annuity for life of an amount equal to 1 2/3% for each year of service, of the highest average annual salary for any 5 consecutive years within the last 10 years of service immediately preceding the date of withdrawal; provided, that in the case of any employee who withdraws on or after July 1, 1971, such employee age 60 or over with 20 or more years of service, shall be entitled to instead receive an annuity for life equal to 1.67% for each of the first 10 years of service; 1.90% for each of the next 10 years of service; 2.10% for each year of service in excess of 20 but not exceeding 30; and 2.30% for each year of service in excess of 30, based on the highest average annual salary for any 4 consecutive years within the last 10 years of service immediately preceding the date of withdrawal.

An employee who withdraws after July 1, 1957 and before January 1, 1988, with 20 or more years of service, before age 60, shall be entitled to an annuity, to begin not earlier than age 55, if under such age at withdrawal, as computed in the last preceding paragraph, reduced 0.25% if the employee was born before January 1, 1936, or 0.5% if the employee was born on or after January 1, 1936, for each full month or fractional part thereof that his attained age when such annuity is to begin is less than 60.

Any employee born before January 1, 1936 who withdraws with 20 or more years of service, and any employee with 20 or more years of service who withdraws on or after January 1, 1988, may elect to receive, in lieu of any other employee annuity provided in this

New matter indicated by italics - deletions by strikeout.
Section, an annuity for life equal to 1.80% for each of the first 10 years of service, 2.00% for each of the next 10 years of service, 2.20% for each year of service in excess of 20, but not exceeding 30, and 2.40% for each year of service in excess of 30, of the highest average annual salary for any 4 consecutive years within the last 10 years of service immediately preceding the date of withdrawal, to begin not earlier than upon attained age of 55 years, if under such age at withdrawal, reduced 0.25% for each full month or fractional part thereof that his attained age when annuity is to begin is less than 60; except that an employee retiring on or after January 1, 1988, at age 55 or over but less than age 60, having at least 35 years of service, or an employee retiring on or after January 1, 1990, at age 55 or over but less than age 60, having at least 30 years of service, or an employee retiring on or after the effective date of this amendatory Act of 1997, at age 55 or over but less than age 60, having at least 25 years of service, shall not be subject to the reduction in retirement annuity because of retirement below age 60.

However, in the case of an employee who retired on or after January 1, 1985 but before January 1, 1988, at age 55 or older and with at least 35 years of service, and who was subject under this subsection (a) to the reduction in retirement annuity because of retirement below age 60, that reduction shall cease to be effective January 1, 1991, and the retirement annuity shall be recalculated accordingly.

Any employee who withdraws on or after July 1, 1990, with 20 or more years of service, may elect to receive, in lieu of any other employee annuity provided in this Section, an annuity for life equal to 2.20% for each year of service if withdrawal is before January 1, 2002, or 2.40% for each year of service if withdrawal is on or after January 1, 2002, of the highest average annual salary for any 4 consecutive years within the last 10 years of service immediately preceding the date of withdrawal, to begin not earlier than upon attainment of age 55 (age 50 if the employee has at least 30 years of service), reduced 0.25% for each full month or remaining fractional part thereof that the employee's attained age when annuity is to begin is less than 60; except that an employee retiring at age 50 or over with at least 30 years of service or at age 55 or over with at least 25 years of service shall not be subject to the reduction in retirement annuity because of retirement below age 60.

The maximum annuity payable under this paragraph (a) of this Section shall not
exceed 70% of highest average annual salary in the case of an employee who withdraws prior to July 1, 1971, 75% if withdrawal takes place on or after July 1, 1971 and prior to January 1, 2002, or 80% if withdrawal is on or after January 1, 2002. For the purpose of the minimum annuity provided in said paragraphs $1,500 shall be considered the minimum annual salary for any year; and the maximum annual salary to be considered for the computation of such annuity shall be $4,800 for any year prior to 1953, $6,000 for the years 1953 to 1956, inclusive, and the actual annual salary, as salary is defined in this Article, for any year thereafter.

(b) For an employee receiving disability benefit, his salary for annuity purposes under this Section shall, for all periods of disability benefit subsequent to the year 1956, be the amount on which his disability benefit was based.

(c) An employee with 20 or more years of service, whose entire disability benefit credit period expires prior to attainment of age 55 while still disabled for service, shall be entitled upon withdrawal to the larger of (1) the minimum annuity provided above assuming that he is then age 55, and reducing such annuity to its actuarial equivalent at his attained age on such date, or (2) the annuity provided from his age and service and prior service annuity credits.

(d) The minimum annuity provisions as aforesaid shall not apply to any former employee receiving an annuity from the fund, and who re-enters service as an employee, unless he renders at least 3 years of additional service after the date of re-entry.

(e) An employee in service on July 1, 1947, or who became a contributor after July 1, 1947 and prior to July 1, 1950, or who shall become a contributor to the fund after July 1, 1950 prior to attainment of age 70, who withdraws after age 65 with less than 20 years of service, for whom the annuity has been fixed under the foregoing Sections of this Article shall, in lieu of the annuity so fixed, receive an annuity as follows:

Such amount as he could have received had the accumulated amounts for annuity been improved with interest at the effective rate to the date of his withdrawal, or to attainment of age 70, whichever is earlier, and had the city contributed to such earlier date for age and service annuity the amount that would have been contributed had he been under age 65, after the date his annuity was fixed in accordance with this Article, and assuming his annuity were computed from such accumulations as of his age on such earlier date. The annuity so computed shall not exceed the annuity which would be payable under the other provisions of this Section if the employee was credited with 20 years of service and would qualify for annuity thereunder.

(f) In lieu of the annuity provided in this or in any other Section of this Article, an employee having attained age 65 with at least 15 years of service who withdraws from service on or after July 1, 1971 and whose annuity computed under other provisions of this Article is less than the amount provided under this paragraph shall be entitled to receive a minimum annual annuity for life equal to 1% of the highest average annual salary for any 4 consecutive years within the last 10 years of service immediately preceding retirement for each year of his service plus the sum of $25 for each year of service. Such annual annuity shall not exceed the maximum percentages stated under paragraph (a) of this Section of such
highest average annual salary.

(f-1) Instead of any other retirement annuity provided in this Article, an employee who has at least 10 years of service and withdraws from service on or after January 1, 1999 may elect to receive a retirement annuity for life, beginning no earlier than upon attainment of age 60, equal to 2.2% if withdrawal is before January 1, 2002, or 2.4% for each year of service if withdrawal is on or after January 1, 2002, of final average salary for each year of service, subject to a maximum of 75% of final average salary if withdrawal is before January 1, 2002, or 80% if withdrawal is on or after January 1, 2002. For the purpose of calculating this annuity, "final average salary" means the highest average annual salary for any 4 consecutive years in the last 10 years of service.

(g) Any annuity payable under the preceding subsections of this Section 11-134 shall be paid in equal monthly installments.

(h) The amendatory provisions of part (a) and (f) of this Section shall be effective July 1, 1971 and apply in the case of every qualifying employee withdrawing on or after July 1, 1971.

(h-1) The changes made to this Section by this amendatory Act of the 92nd General Assembly (increasing the retirement formula to 2.4% per year of service and increasing the maximum to 80%) apply to persons who withdraw from service on or after January 1, 2002, regardless of whether that withdrawal takes place before the effective date of this amendatory Act. In the case of a person who withdraws from service on or after January 1, 2002 but begins to receive a retirement annuity before the effective date of this amendatory Act, the annuity shall be recalculated, with the increase resulting from this amendatory Act accruing from the date the retirement annuity began.

(i) The amendatory provisions of this amendatory Act of 1985 relating to the discount of annuity because of retirement prior to attainment of age 60 and increasing the retirement formula for those born before January 1, 1936, shall apply only to qualifying employees withdrawing on or after August 16, 1985.

(j) Beginning on January 1, 1999, the minimum amount of employee's annuity shall be $850 per month for life for the following classes of employees, without regard to the fact that withdrawal occurred prior to the effective date of this amendatory Act of 1998:

(1) any employee annuitant alive and receiving a life annuity on the effective date of this amendatory Act of 1998, except a reciprocal annuity;

(2) any employee annuitant alive and receiving a term annuity on the effective date of this amendatory Act of 1998, except a reciprocal annuity;

(3) any employee annuitant alive and receiving a reciprocal annuity on the effective date of this amendatory Act of 1998, whose service in this fund is at least 5 years;

(4) any employee annuitant withdrawing after age 60 on or after the effective date of this amendatory Act of 1998, with at least 10 years of service in this fund.

The increases granted under items (1), (2) and (3) of this subsection (j) shall not be limited by any other Section of this Act.

(Source: P.A. 90-32, eff. 6-27-97; 90-511, eff. 8-22-97; 90-766, eff. 8-14-98.)

New matter indicated by italics - deletions by strikeout.
Sec. 11-134.1. Automatic increase in annuity.

(a) An employee who retired or retires from service after December 31, 1963, and before January 1, 1987, having attained age 60 or more, shall, in the month of January of the year following the year in which the first anniversary of retirement occurs, have the amount of his then fixed and payable monthly annuity increased by 1 1/2%, and such first fixed annuity as granted at retirement increased by a further 1 1/2% in January of each year thereafter. Beginning with January of the year 1972, such increases shall be at the rate of 2% in lieu of the aforesaid specified 1 1/2%. Beginning January, 1984, such increases shall be at the rate of 3%. Beginning in January of 1999, such increases shall be at the rate of 3% of the currently payable monthly annuity, including any increases previously granted under this Article. An employee who retires on annuity after December 31, 1963 and before January 1, 1987, but prior to age 60, shall receive such increases beginning with January of the year immediately following the year in which he attains the age of 60 years.

An employee who retires from service on or after January 1, 1987 shall, upon the first annuity payment date following the first anniversary of the date of retirement, or upon the first annuity payment date following attainment of age 60, whichever occurs later, have his then fixed and payable monthly annuity increased by 3%, and such annuity shall be increased by an additional 3% of the original fixed annuity on the same date each year thereafter. Beginning in January of 1999, such increases shall be at the rate of 3% of the currently payable monthly annuity, including any increases previously granted under this Article.

(a-5) Notwithstanding the provisions of subsection (a), upon the first annuity payment date following (1) the third anniversary of retirement, (2) the attainment of age 53, or (3) January 1, 2002, whichever occurs latest, the monthly annuity of an employee who retires on annuity prior to the attainment of age 60 and has not received an increase under subsection (a) shall be increased by 3%, and the annuity shall be increased by an additional 3% of the current payable monthly annuity, including any increases previously granted under this Article, on the same date each year thereafter. The increases provided under this subsection are in lieu of the increases provided in subsection (a).

(b) Subsections (a) and (a-5) are The foregoing provision is not applicable to an employee retiring and receiving a term annuity, as defined in this Article, nor to any otherwise qualified employee who retires before he shall have made employee contributions (at the 1/2 of 1% rate as hereinafter provided) for the purposes of this additional annuity for not less than the equivalent of one full year. Such employee, however, shall make arrangement to pay to the fund a balance of such 1/2 of 1% contributions, based on his final salary, as will bring such 1/2 of 1% contributions, computed without interest, to the equivalent of or completion of one year’s contributions.

Beginning with the month of January, 1964, each employee shall contribute by means of salary deductions 1/2 of 1% of each salary payment, concurrently with and in addition to the employee contributions otherwise made for annuity purposes.

Each such additional employee contribution shall be credited to an account in the prior service annuity reserve, to be used, together with city contributions, to defray the cost

New matter indicated by italics - deletions by strikeout.
of the specified annuity increments. Any balance as of the beginning of each calendar year existing in such account shall be credited with interest at the rate of 3% per annum.

Such employee contributions shall not be subject to refund, except to an employee who resigns or is discharged and applies for refund under this Article, and also in cases where a term annuity becomes payable.

In such cases the employee contributions shall be refunded him, without interest, and charged to the aforementioned account in the prior service annuity reserve.

(Source: P.A. 90-766, eff. 8-14-98.)

Section 10. The Law Enforcement Officers, Civil Defense Workers, Civil Air Patrol Members, Paramedics, Firemen, Chaplains, and State Employees Compensation Act is amended by changing Section 3 as follows:

(820 ILCS 315/3) (from Ch. 48, par. 283)

Sec. 3. Duty death benefit. If a claim therefor is made within one year of the date of death of a law enforcement officer, civil defense worker, civil air patrol member, paramedic, fireman, chaplain, or State employee killed in the line of duty, compensation in the amount of $10,000 shall be paid to the person designated by the law enforcement officer, civil defense worker, civil air patrol member, paramedic, fireman, chaplain, or State employee.

The amount of compensation shall be $10,000 if the death occurred prior to January 1, 1974; and $20,000 if such death occurred after December 31, 1973 and before July 1, 1983; $50,000 if such death occurred on or after July 1, 1983 and before January 1, 1996; $100,000 if the death occurred on or after January 1, 1996 and before May 18, 2001; the effective date of this amendatory Act of the 92nd General Assembly, and $118,000 if the death occurred on or after May 18, 2001 the effective date of this amendatory Act of the 92nd General Assembly and before the effective date of this amendatory Act of the 92nd General Assembly and before January 1, 2003.

For deaths occurring on or after Beginning January 1, 2003, the death compensation rate for death in the line of duty occurring in a particular calendar year shall be the death compensation rate for death occurring in the previous calendar year (or in the case of deaths occurring in 2003, the rate in effect on December 31, 2002) increased by a percentage equal to the percentage increase, if any, in the index known as the Consumer Price Index for All Urban Consumers: U.S. city average, unadjusted, for all items, “Employment Cost Index, Wages and Salaries, by Occupation and Industry Group: State and Local Government Workers: Public Administration”, as published by the United States Department of Labor, Bureau of Labor Statistics, for the 12 months ending with the month of June of that previous calendar year.

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

(a) when there is a surviving spouse, the entire sum shall be paid to the
spouse;

(b) when there is no surviving spouse, but a surviving descendant of the decedent, the entire sum shall be paid to the decedent's descendants per stirpes;

(c) when there is neither a surviving spouse nor a surviving descendant, the entire sum shall be paid to the parents of the decedent in equal parts, allowing to the surviving parent, if one is dead, the entire sum; and

(d) when there is no surviving spouse, descendant or parent of the decedent, but there are surviving brothers or sisters, or descendants of a brother or sister, who were receiving their principal support from the decedent at his death, the entire sum shall be paid, in equal parts, to the dependent brothers or sisters or dependent descendant of a brother or sister. Dependency shall be determined by the Court of Claims based upon the investigation and report of the Attorney General.

When there is no beneficiary designated or surviving at the death of the law enforcement officer, civil defense worker, civil air patrol member, paramedic, fireman, chaplain, or State employee killed in the line of duty and no surviving spouse, descendant, parent, dependent brother or sister, or dependent descendant of a brother or sister, no compensation shall be payable under this Act.

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

(30 ILCS 805/8.26)
Sec. 8.26. Exempt mandate. Notwithstanding Sections 6 and 8 of this Act, no reimbursement by the State is required for the implementation of any mandate created by this amendatory Act of the 92nd General Assembly.

Section 95. To the extent that the changes made in Section 5 of this Act (increasing the retirement formula under Articles 8 and 11 of the Illinois Pension Code) conflict with the corresponding changes made in House Bill 5168 of the 92nd General Assembly, the provisions of this Act are intended to control.

Passed in the General Assembly June 2, 2002.
Approved July 1, 2002.
Effective July 1, 2002.
(225 ILCS 728/5)
(Section scheduled to be repealed on January 1, 2008)
Sec. 5. Definitions. As used in this Act:
"Board" means the Illinois Petroleum Resources Board.
"Interest owner" means a person who owns or possesses an interest in the gross production of oil or gas produced from a well in Illinois.
"Person" means an individual, group of individuals, partnership, corporation, association, limited liability company, cooperative, or any other entity or an employee of the entity.
"Producer" means a person who produces oil and gas or who derives a majority of his or her oil and gas income from working interest.
"Qualified producer association" means an entity that is organized and operating within the State and that represents oil producers on a Statewide basis.
(Source: P.A. 90-614, eff. 7-10-98.)

(225 ILCS 728/10)
(Section scheduled to be repealed on January 1, 2008)
Sec. 10. Illinois Petroleum Resources Board.
(a) There is hereby created until January 1, 2002, the Illinois Petroleum Resources Board which shall be subject to the provisions of the Regulatory Agency Sunset Act. The purpose of the Board is to coordinate a program designed to demonstrate to the general public the importance of the Illinois oil exploration and production industry, to encourage the wise and efficient use of energy, to promote environmentally sound production methods and technologies, to develop existing supplies of State oil resources, and to support research and educational activities concerning the oil exploration and production industry.
(b) The Board shall be composed of 12 members to be appointed by the Governor. The Governor shall make appointments from a list of names submitted by qualified producer associations, of which 10 shall be oil and gas producers.
(c) A member of the Board shall:
   (1) be at least 25 years of age;
   (2) be a resident of the State of Illinois; and
   (3) have at least 5 years of active experience in the oil industry.
(d) Members shall serve for a term of 3 years, except that of the initial appointments, 4 members shall serve for one year, 4 members for 2 years, and 4 members for 3 years.
(e) Vacancies shall be filled for the unexpired term of office in the same manner as the original appointment.
(f) The Board shall, at its first meeting, elect one of its members as chairperson, who shall preside over meetings of the Board and perform other duties that may be required by the Board. The first meeting of the Board shall be called by the Governor.
(g) No member of the Board shall receive a salary or reimbursement for duties performed as a member of the Board, except that members are eligible to receive reimbursement for travel expenses incurred in the performance of Board duties.
(Source: P.A. 90-614, eff. 7-10-98.)

New matter indicated by italics - deletions by strikeout.
Sec. 30. Assessment on oil and gas production.

(a) To fund the activities of the Illinois Petroleum Resources Board, an assessment shall be levied in the amount of one-tenth of 1% of gross revenues of oil and gas produced from each well in the State of Illinois.

(b) The assessment levied by subsection (a) of this Section shall be deducted from the proceeds of production and collected by the first purchaser. The assessment, which is imposed on the interest owner producer, shall be remitted to the Department of Revenue by the first purchaser on a tax return filed no later than the 15th day of each month following the end of the month in which the assessment was collected. To defray the costs of receiving and depositing the assessments levied by this Section, the Department of Revenue shall retain $750 per month of the assessments received for deposit into the Tax Compliance and Administration Fund. The remaining moneys received by the Department of Revenue pursuant to this Section shall be deposited into the Illinois Petroleum Resources Revolving Fund.

(c) The Board shall be responsible for taking appropriate legal actions to collect any assessment which is not paid or is not properly paid.

(Source: P.A. 90-614, eff. 7-10-98.)

Sec. 35. Refunds.

(a) Any person subject to the assessment levied by Section 30 of this Act may request a refund as provided in this Section of the assessment paid on production for the preceding calendar year. Upon compliance with the provisions of this Section and rules adopted by the Board to implement this Section, the Board shall refund to each person requesting a refund the amount of the assessment paid by or on behalf of the person during the preceding calendar year. Refunds made to producers will include interest earned at the rate equal to the average United States Treasury bill rate of the preceding calendar year as certified by the State Treasurer.

(b) The request for a refund of the assessment paid on production for the preceding calendar year must be made during the first 3 calendar months following the calendar year for which the refund is requested. Failure to request a refund during this period shall terminate the right of any person to receive a refund for the assessment paid on production for the preceding calendar year. The Board shall give notice of the availability of the refund through press releases or another means it deems appropriate.

(c) Each person requesting a refund shall execute an affidavit showing the amount of refund requested and demonstrating that the affiant was the interest owner of the production for which the refund is requested. The Board may verify the accuracy of the request for refund.

(d) No entity or person requesting a refund under this Section shall be eligible to serve or have a representative serve as a member of the Board.
(Source: P.A. 90-614, eff. 7-10-98.)

Section 99. Effective date. This Act takes effect upon becoming law.
Approved July 1, 2002.
Effective July 1, 2002.

PUBLIC ACT 92-0611
(Senate Bill No. 2241)

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

Section 5. The Hospital District Law is amended by changing Sections 15 and 21.2 as follows:

(70 ILCS 910/15) (from Ch. 23, par. 1265)

Sec. 15. A Hospital District shall constitute a municipal corporation and body politic separate and apart from any other municipality, the State of Illinois or any other public or governmental agency and shall have and exercise the following governmental powers, and all other powers incidental, necessary, convenient, or desirable to carry out and effectuate such express powers.

1. To establish and maintain a hospital and hospital facilities within or outside its corporate limits, and to construct, acquire, develop, expand, extend and improve any such hospital or hospital facility. If a Hospital District utilizes its authority to levy a tax pursuant to Section 20 of this Act for the purpose of establishing and maintaining hospitals or hospital facilities, such District shall be prohibited from establishing and maintaining hospitals or hospital facilities located outside of its district unless so authorized by referendum. To approve the provision of any service and to approve any contract or other arrangement not prohibited by a hospital licensed under the Hospital Licensing Act, incorporated under the General Not-For-Profit Corporation Act, and exempt from taxation under paragraph (3) of subsection (c) of Section 501 of the Internal Revenue Code.

2. To acquire land in fee simple, rights in land and easements upon, over or across land and leasehold interests in land and tangible and intangible personal property used or useful for the location, establishment, maintenance, development, expansion, extension or improvement of any such hospital or hospital facility. Such acquisition may be by dedication, purchase, gift, agreement, lease, use or adverse possession or by condemnation.

3. To operate, maintain and manage such hospital and hospital facility, and to make and enter into contracts for the use, operation or management of and to provide rules and regulations for the operation, management or use of such hospital or hospital facility.

Such contracts may include the lease by the District of all or any portion of its facilities to a not-for-profit corporation organized by the District's board of directors. The rent to be paid pursuant to any such lease shall be in an amount deemed appropriate by the board of directors. Any of the remaining assets which are not the subject of such a lease may

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be conveyed and transferred to the not-for-profit corporation organized by the District's board of directors provided that the not-for-profit corporation agrees to discharge or assume such debts, liabilities, and obligations of the District as determined to be appropriate by the District's board of directors.

4. To fix, charge and collect reasonable fees and compensation for the use or occupancy of such hospital or any part thereof, or any hospital facility, and for nursing care, medicine, attendance, or other services furnished by such hospital or hospital facilities, according to the rules and regulations prescribed by the board from time to time.

5. To borrow money and to issue general obligation bonds, revenue bonds, notes, certificates, or other evidences of indebtedness for the purpose of accomplishing any of its corporate purposes, subject to compliance with any conditions or limitations set forth in this Act or the Health Facilities Planning Act or otherwise provided by the constitution of the State of Illinois and to execute, deliver, and perform mortgages and security agreements to secure such borrowing.

6. To employ or enter into contracts for the employment of any person, firm, or corporation, and for professional services, necessary or desirable for the accomplishment of the corporate objects of the District or the proper administration, management, protection or control of its property.

7. To maintain such hospital for the benefit of the inhabitants of the area comprising the District who are sick, injured, or maimed regardless of race, creed, religion, sex, national origin or color, and to adopt such reasonable rules and regulations as may be necessary to render the use of the hospital of the greatest benefit to the greatest number; to exclude from the use of the hospital all persons who wilfully disregard any of the rules and regulations so established; to extend the privileges and use of the hospital to persons residing outside the area of the District upon such terms and conditions as the board of directors prescribes by its rules and regulations.

8. To police its property and to exercise police powers in respect thereto or in respect to the enforcement of any rule or regulation provided by the ordinances of the District and to employ and commission police officers and other qualified persons to enforce the same.

The use of any such hospital or hospital facility of a District shall be subject to the reasonable regulation and control of the District and upon such reasonable terms and conditions as shall be established by its board of directors.

A regulatory ordinance of a District adopted under any provision of this Section may provide for a suspension or revocation of any rights or privileges within the control of the District for a violation of any such regulatory ordinance.

Nothing in this Section or in other provisions of this Act shall be construed to authorize the District or board to establish or enforce any regulation or rule in respect to hospitalization or in the operation or maintenance of such hospital or any hospital facilities within its jurisdiction which is in conflict with any federal or state law or regulation applicable to the same subject matter.

9. To provide for the benefit of its employees group life, health, accident, hospital and medical insurance, or any combination of such types of insurance, and to further provide for
its employees by the establishment of a pension or retirement plan or system; to effectuate the establishment of any such insurance program or pension or retirement plan or system, a Hospital District may make, enter into or subscribe to agreements, contracts, policies or plans with private insurance companies. Such insurance may include provisions for employees who rely on treatment by spiritual means alone through prayer for healing in accord with the tenets and practice of a well-recognized religious denomination. The board of directors of a Hospital District may provide for payment by the District of a portion of the premium or charge for such insurance or for a pension or retirement plan for employees with the employee paying the balance of such premium or charge. If the board of directors of a Hospital District undertakes a plan pursuant to which the Hospital District pays a portion of such premium or charge, the board shall provide for the withholding and deducting from the compensation of such employees as consent to joining such insurance program or pension or retirement plan or system, the balance of the premium or charge for such insurance or plan or system.

If the board of directors of a Hospital District does not provide for a program or plan pursuant to which such District pays a portion of the premium or charge for any group insurance program or pension or retirement plan or system, the board may provide for the withholding and deducting from the compensation of such employees as consent thereto the premium or charge for any group life, health, accident, hospital and medical insurance or for any pension or retirement plan or system.

A Hospital District deducting from the compensation of its employees for any group insurance program or pension or retirement plan or system, pursuant to this Section, may agree to receive and may receive reimbursement from the insurance company for the cost of withholding and transferring such amount to the company.

10. Except as provided in Section 15.3, to sell at public auction or by sealed bid and convey any real estate held by the District which the board of directors, by ordinance adopted by at least 2/3rds of the members of the board then holding office, has determined to be no longer necessary or useful to, or for the best interests of, the District.

An ordinance directing the sale of real estate shall include the legal description of the real estate, its present use, a statement that the property is no longer necessary or useful to, or for the best interests of, the District, the terms and conditions of the sale, whether the sale is to be at public auction or sealed bid, and the date, time, and place the property is to be sold at auction or sealed bids opened.

Before making a sale by virtue of the ordinance, the board of directors shall cause notice of the proposal to sell to be published once each week for 3 successive weeks in a newspaper published, or, if none is published, having a general circulation, in the district, the first publication to be not less than 30 days before the day provided in the notice for the public sale or opening of bids for the real estate.

The notice of the proposal to sell shall include the same information included in the ordinance directing the sale and shall advertise for bids therefor. A sale of property by public auction shall be held at the property to be sold at a time and date determined by the board of directors. The board of directors may accept the high bid or any other bid determined to be

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in the best interests of the district by a vote of 2/3rds of the board then holding office, but by a majority vote of those holding office, they may reject any and all bids.

The chairman and secretary of the board of directors shall execute all documents necessary for the conveyance of such real property sold pursuant to the foregoing authority.

11. To establish and administer a program of loans for postsecondary students pursuing degrees in accredited public health-related educational programs at public institutions of higher education. If a student is awarded a loan, the individual shall agree to accept employment within the hospital district upon graduation from the public institution of higher education. For the purposes of this Act, "public institutions of higher education" means the University of Illinois; Southern Illinois University; Chicago State University; Eastern Illinois University; Governors State University; Illinois State University; Northeastern Illinois University; Northern Illinois University; Western Illinois University; the public community colleges of the State; and any other public colleges, universities or community colleges now or hereafter established or authorized by the General Assembly. The district's board of directors shall by resolution provide for eligibility requirements, award criteria, terms of financing, duration of employment accepted within the district and such other aspects of the loan program as its establishment and administration may necessitate.

12. To establish and maintain congregate housing units; to acquire land in fee simple and leasehold interests in land for the location, establishment, maintenance, and development of those housing units; to borrow funds and give debt instruments, real estate mortgages, and security interests in personal property, contract rights, and general intangibles; and to enter into any contract required for participation in any federal or State programs.

(Source: P.A. 92-534, eff. 5-14-02.)

(70 ILCS 910/21.2) (from Ch. 23, par. 1271.2)

Sec. 21.2. The corporate authorities of any Hospital District may enter into installment purchase and lease agreements and issue debt certificates under subsection (b) of Section 17 of the Local Government Debt Reform Act and may issue and sell revenue bonds, payable from the revenue derived from the operation of the hospital, for the purpose of (1) constructing, reconstructing, repairing, remodeling, extending, equipping, or improving a hospital building, buildings, or facilities and acquiring a site or sites for a hospital building, buildings, or facilities, (1.5) financing operations and working cash, or (2) refunding any such revenue bonds theretofore issued from time to time when considered necessary or advantageous in the public interest. These bonds shall be authorized by an ordinance without submission thereof to the electors of the Hospital District, shall mature at such time not to exceed 40 years from the date of issue, and bear such rate of interest not to exceed the greater of (i) the maximum rate authorized by the Bond Authorization Act, as amended at the time of the making of the contract, or (ii) 9% per annum, payable annually or semiannually, as the corporate authorities may determine, and may be sold by the corporate authorities in such manner as they deem best in the public interest. However, such bonds shall be sold at such price that the interest cost of the proceeds therefrom will not exceed the greater of (i) the maximum rate authorized by the Bond Authorization Act, as amended at the time of the making of the contract, or (ii) 9% per annum if issued on or after

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the effective date of this amendatory Act, based on the average maturity of such bonds and computed according to standard tables of bond values. No member of the Board or hospital administration shall have any personal economic interest in any bonds issued in accordance with this Section.

The corporate authorities of any such Hospital District availing itself of the provisions of this Section shall adopt an ordinance describing in a general way the building, buildings, or facilities, or additions or extensions thereto, to be constructed, reconstructed, repaired, remodeled, extended, equipped or improved, and the site or sites to be acquired. Such ordinance shall set out the estimated cost of such construction, reconstruction, repair, remodeling, extension, equipment, improvement or acquisition and fix the amount of revenue bonds proposed to be issued, the maturity, interest rate, and all details in respect thereof, including any provision for redemption prior to maturity, with or without premium, and upon such notice as may be provided by the ordinance. Such ordinance may also contain such provisions and covenants which shall be part of the contract between the Hospital District and the holders of such bonds as may be considered necessary and advisable as to the operation, maintenance, and management of the hospital or hospitals, the establishment and maintenance of sinking funds, reserve funds, and other special funds, including construction funds, the fixing and collection of rents, fees and charges for the use of the facilities of the hospital or hospitals sufficient to produce revenue adequate to maintain such funds and to pay the bonds at maturity and accruing interest thereon, the issuance thereafter of additional bonds payable from the revenues derived from the hospital or hospitals, the kind and amount of insurance, including use and occupancy insurance, if any, to be carried, the cost of which shall be payable only from the revenues derived from the hospital or hospitals and such other covenants deemed necessary or desirable to assure the successful operation and maintenance of the hospital or hospitals and the prompt payment of the principal of and interest upon the bonds so authorized.

Revenue bonds issued under this Section shall be signed by the chairman and secretary of the Board or such other officers as the Board may by ordinance direct to sign such bonds, and shall be payable from revenue derived from the operation of the hospital or hospitals. These bonds may not in any event constitute an indebtedness of the Hospital District within the meaning of any constitutional provision or limitation. It shall be plainly written or printed on the face of each bond that the bond has been issued under the provisions of this Section, that the bond, including the interest thereon, is payable from the revenue pledged to the payment thereof, and that it does not constitute an indebtedness or obligation of the Hospital District within the meaning of any constitutional or statutory limitation or provision. No holder of any such revenue bond may compel any exercise of the taxing power of the Hospital District to pay such bond or interest thereon.

The District may not issue any bonds under this Section unless a public hearing, with adequate notice to the public, is held prior to the issuance of the bonds. Notice of the hearing giving the purpose, time and place of the hearing shall be published at least once, not more than 30 nor less than 15 days before the hearing, in one or more newspapers published in the district, and if there is none, in a newspaper published in the county and having general

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circulation in the district.

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

(Source: P.A. 89-104, eff. 7-7-95.)

Section 99. Effective date. This Act takes effect upon becoming law.
Passed in the General Assembly June 1, 2002.
Approved July 3, 2002.

PUBLIC ACT 92-0612
(Senate Bill No. 1634)

AN ACT concerning schools.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The School Code is amended by changing Section 27-3 as follows:

(105 ILCS 5/27-3) (from Ch. 122, par. 27-3)

Sec. 27-3. American patriotism and the principles of representative government - Proper use of flag - Method of voting - Pledge of Allegiance. American patriotism and the principles of representative government, as enunciated in the American Declaration of Independence, the Constitution of the United States of America and the Constitution of the State of Illinois, and the proper use and display of the American flag, shall be taught in all public schools and other educational institutions supported or maintained in whole or in part by public funds. No student shall receive a certificate of graduation without passing a satisfactory examination upon such subjects.

Instruction shall be given in all such schools and institutions in the method of voting at elections by means of the Australian Ballot system and the method of the counting of votes for candidates.

The Pledge of Allegiance shall be recited each school day by pupils in elementary and secondary educational institutions supported or maintained in whole or in part by public funds.

(Source: P.A. 81-959.)

Section 99. Effective date. This Act takes effect upon becoming law.
Passed in the General Assembly April 17, 2002.

New matter indicated by italics - deletions by strikeout.
Public Act 92-0613
(House Bill No. 3363)

An Act concerning townships.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Township Code is amended by adding Section 85-50 as follows:
(60 ILCS 1/85-50 new)
Sec. 85-50. Horse-drawn vehicles. The township board may, by ordinance, license and regulate horse-drawn vehicles operating within the township. The ordinance may also (i) prescribe regulations for the safe operation of horse-drawn vehicles and (ii) require the examination of persons operating a horse-drawn vehicle. Any annual fee charged for a license to operate a horse-drawn vehicle may not exceed $50. Any fees charged for a license to operate a horse-drawn vehicle within the township must be used for the improvement of township roads.
For the purposes of this Section, "horse-drawn vehicle" means any vehicle powered by any animal of the equine family.
Passed in the General Assembly April 18, 2002.
Approved July 8, 2002.

Public Act 92-0614
(Senate Bill No. 1735)

An Act concerning park districts.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Park District Code is amended by changing Section 8-1 as follows:
(70 ILCS 1205/8-1) (from Ch. 105, par. 8-1)
Sec. 8-1. Every park district shall, from the time of its organization, be a body corporate and politic by such name as set forth in the petition for its organization or such name as it may adopt under Section 8-8 hereof and shall have and exercise the following powers:
(a) To adopt a corporate seal and alter the same at pleasure; to sue and be sued; and to contract in furtherance of any of its corporate purposes.
(b) (1) To acquire by gift, legacy, grant or purchase, or by condemnation in the manner provided for the exercise of the power of eminent domain under Article VII of the Code of Civil Procedure, approved August 19, 1981, as amended, any and all real estate, or rights therein necessary for building, laying out, extending, adorning and maintaining any

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such parks, boulevards and driveways, or for effecting any of the powers or purposes granted under this Code as its board may deem proper, whether such lands be located within or without such district; but no park district, except as provided in paragraph (2) of this subsection, shall have any power of condemnation in the manner provided for the exercise of the power of eminent domain under Article VII of the Code of Civil Procedure, approved August 19, 1981, as amended, or otherwise as to any real estate, lands, riparian rights or estate, or other property situated outside of such district, but shall only have power to acquire the same by gift, legacy, grant or purchase, and such district shall have the same control of and power over lands so acquired without the district as over parks, boulevards and driveways within such district.

(2) In addition to the powers granted in paragraph (1) of subsection (b), a park district located in more than one county, the majority of its territory located in a county over 450,000 in population and none of its territory located in a county over 1,000,000 in population, shall have condemnation power in the manner provided for the exercise of the power of eminent domain under Article VII of the Code of Civil Procedure, approved August 19, 1981, as amended, or as otherwise granted by law as to any and all real estate situated up to one mile outside of such district which is not within the boundaries of another park district.

(c) To acquire by gift, legacy or purchase any personal property necessary for its corporate purposes provided that all contracts for supplies, materials or work involving an expenditure in excess of $10,000 shall be let to the lowest responsible bidder, considering conformity with specifications, terms of delivery, quality, and serviceability, after due advertisement, excepting contracts which by their nature are not adapted to award by competitive bidding, such as contracts for the services of individuals possessing a high degree of professional skill where the ability or fitness of the individual plays an important part, contracts for the printing of finance committee reports and departmental reports, contracts for the printing or engraving of bonds, tax warrants and other evidences of indebtedness, contracts for utility services such as water, light, heat, telephone or telegraph, contracts for the use, purchase, delivery, movement, or installation of data processing equipment, software, or services and telecommunications and interconnect equipment, software, or services, contracts for duplicating machines and supplies, contracts for goods or services procured from another governmental agency, purchases of equipment previously owned by some entity other than the district itself, and contracts for the purchase of magazines, books, periodicals, pamphlets and reports and excepting where funds are expended in an emergency and such emergency expenditure is approved by 3/4 of the members of the board.

All competitive bids for contracts involving an expenditure in excess of $10,000 must be sealed by the bidder and must be opened by a member or employee of the park board at a public bid opening at which the contents of the bids must be announced. Each bidder must receive at least 3 days notice of the time and place of the bid opening.

For purposes of this subsection, "due advertisement" includes, but is not limited to, at least one public notice at least 10 days before the bid date in a newspaper published in the district or, if no newspaper is published in the district, in a newspaper of general circulation.
in the area of the district.

(d) To pass all necessary ordinances, rules and regulations for the proper management and conduct of the business of the board and district and to establish by ordinance all needful rules and regulations for the government and protection of parks, boulevards and driveways and other property under its jurisdiction, and to effect the objects for which such districts are formed.

(e) To prescribe such fines and penalties for the violation of ordinances as it shall deem proper not exceeding $1,000 for any one offense, which fines and penalties may be recovered by an action in the name of such district in the circuit court for the county in which such violation occurred. The park district may also seek in the action, in addition to or instead of fines and penalties, an order that the offender be required to make restitution for damage resulting from violations, and the court shall grant such relief where appropriate. The procedure in such actions shall be the same as that provided by law for like actions for the violation of ordinances in cities organized under the general laws of this State, and offenders may be imprisoned for non-payment of fines and costs in the same manner as in such cities. All fines when collected shall be paid into the treasury of such district.

(f) To manage and control all officers and property of such districts and to provide for joint ownership with one or more cities, villages or incorporated towns of real and personal property used for park purposes by one or more park districts. In case of joint ownership, the terms of the agreement shall be fair, just and equitable to all parties and shall be set forth in a written agreement entered into by the corporate authorities of each participating district, city, village or incorporated town.

(g) To secure grants and loans, or either, from the United States Government, or any agency or agencies thereof, for financing the acquisition or purchase of any and all real estate, or rights therein, or for effecting any of the powers or purposes granted under this Code as its Board may deem proper.

(h) To establish fees for the use of facilities and recreational programs of the districts and to derive revenue from non-resident fees from their operations. Fees charged non-residents of such district need not be the same as fees charged to residents of the district. Charging fees or deriving revenue from the facilities and recreational programs shall not affect the right to assert or utilize any defense or immunity, common law or statutory, available to the districts or their employees.

(i) To make contracts for a term exceeding one year, but not to exceed 3 years, notwithstanding any provision of this Code to the contrary, relating to: (1) the employment of a park director, superintendent, administrator, engineer, health officer, land planner, finance director, attorney, police chief, or other officer who requires technical training or knowledge; (2) the employment of outside professional consultants such as engineers, doctors, land planners, auditors, attorneys, or other professional consultants who require technical training or knowledge; and (3) the provision of data processing equipment and services. With respect to any contract made under this subsection (i), the corporate authorities shall include in the annual appropriation ordinance for each fiscal year an appropriation of a sum of money sufficient to pay the amount which, by the terms of the

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contract, is to become due and payable during that fiscal year.

(j) To enter into licensing or management agreements with not-for-profit corporations organized under the laws of this State to operate park district facilities if the corporation covenants to use the facilities to provide public park or recreational programs for youth. (Source: P.A. 88-91; 88-426; 88-670, eff. 12-2-94; 89-458, eff. 5-24-96; 89-509, eff. 7-5-96.)

Section 99. Effective date. This Act takes effect upon becoming law.
Passed in the General Assembly April 17, 2002.
Approved July 8, 2002.
Effective July 8, 2002.

PUBLIC ACT 92-0615
(Senate Bill No. 1752)

AN ACT in relation to vehicles.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Snowmobile Registration and Safety Act is amended by changing Section 5-7 as follows:

(625 ILCS 40/5-7)
Sec. 5-7. Operating a snowmobile while under the influence of alcohol or other drug; criminal penalties; suspension of operating privileges.
(a) A person may not operate a snowmobile within this State while:
1. The alcohol concentration in that person's blood or breath is a concentration at which driving a motor vehicle is prohibited under subdivision (1) of subsection (a) of Section 11-501 of the Illinois Vehicle Code;
2. The person is under the influence of alcohol;
3. The person is under the influence of any other drug or combination of drugs to a degree that renders that person incapable of safely operating a snowmobile;
4. The person is under the combined influence of alcohol and any other drug or drugs to a degree that renders that person incapable of safely operating a snowmobile; or
5. There is any amount of a drug, substance, or compound in that person's blood or urine resulting from the unlawful use or consumption of cannabis listed in the Cannabis Control Act, or controlled substance listed in the Illinois Controlled Substances Act.
(b) The fact that a person charged with violating this Section is or has been legally entitled to use alcohol or other drugs does not constitute a defense against a charge of violating this Section.
(c) Every person convicted of violating this Section or a similar provision of a local ordinance is guilty of a Class A misdemeanor, except as otherwise provided in this Section.
(d) Every person convicted of violating this Section is guilty of a Class 4 felony if:
1. The person has a previous conviction under this Section; or

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2. The offense results in personal injury where a person other than the operator suffers great bodily harm or permanent disability or disfigurement, when the violation was a proximate cause of the injuries. A person guilty of a Class 4 felony under this paragraph 2, if sentenced to a term of imprisonment, shall be sentenced to not less than one year nor more than 12 years.

(e) Every person convicted of violating this Section is guilty of a Class 2 3 felony if the offense results in the death of a person. A person guilty of a Class 2 felony under this subsection (e), if sentenced to a term of imprisonment, shall be sentenced to a term of not less than 3 years and not more than 14 years.

(f) In addition to any criminal penalties imposed, the Department of Conservation shall suspend the snowmobile operation privileges of a person convicted of a misdemeanor under this Section for a period of one year or for a period of 5 years if the person is convicted of a felony under this Section.

(Source: P.A. 89-55, eff. 1-1-96; 90-215, eff. 1-1-98.)

Section 10. The Boat Registration and Safety Act is amended by changing Section 5-16 as follows:

(625 ILCS 45/5-16)

Sec. 5-16. Operating a watercraft under the influence of alcohol, other drug, or combination thereof.

(A) 1. A person shall not operate any watercraft within this State while:

(a) The alcohol concentration in such person's blood or breath is a concentration at which driving a motor vehicle is prohibited under subdivision (1) of subsection (a) of Section 11-501 of the Illinois Vehicle Code;

(b) Under the influence of alcohol;

(c) Under the influence of any other drug or combination of drugs to a degree which renders such person incapable of safely operating any watercraft;

(d) Under the combined influence of alcohol and any other drug or drugs to a degree which renders such person incapable of safely operating a watercraft; or

(e) There is any amount of a drug, substance, or compound in the person's blood or urine resulting from the unlawful use or consumption of cannabis as defined in the Cannabis Control Act or a controlled substance listed in the Illinois Controlled Substances Act.

2. The fact that any person charged with violating this Section is or has been legally entitled to use alcohol, or other drugs, or any combination of both, shall not constitute a defense against any charge of violating this Section.

3. Every person convicted of violating this Section shall be guilty of a Class A misdemeanor, except as otherwise provided in this Section.

4. Every person convicted of violating this Section shall be guilty of a Class 4 felony if:

New matter indicated by italics - deletions by strikeout.
(a) He has a previous conviction under this Section; or

(b) The offense results in personal injury where a person other than the operator suffers great bodily harm or permanent disability or disfigurement, when the violation was a proximate cause of the injuries. A person guilty of a Class 4 felony under this subparagraph (b), if sentenced to a term of imprisonment, shall be sentenced to a term of not less than one year nor more than 12 years.

5. Every person convicted of violating this Section shall be guilty of a Class 2 felony if the offense results in the death of a person. A person guilty of a Class 2 felony under this paragraph 5, if sentenced to a term of imprisonment, shall be sentenced to a term of not less than 3 years and not more than 14 years.

6. (a) In addition to any criminal penalties imposed, the Department of Natural Resources shall suspend the watercraft operation privileges of any person convicted of a misdemeanor under this Section for a period of one year.

(b) In addition to any criminal penalties imposed, the Department of Natural Resources shall suspend the watercraft operation privileges of any person convicted of a felony under this Section for a period of 3 years.

(B) 1. Any person who operates any watercraft upon the waters of this State shall be deemed to have given consent to a chemical test or tests of blood, breath or urine for the purpose of determining the alcohol, other drug, or combination thereof content of such person's blood if arrested for any offense of subsection (A) above. The test or tests shall be administered at the direction of the arresting officer.

2. Any person who is dead, unconscious or who is otherwise in a condition rendering such person incapable of refusal, shall be deemed not to have withdrawn the consent provided above.

3. A person requested to submit to a test as provided above shall be verbally advised by the law enforcement officer requesting the test that a refusal to submit to the test will result in suspension of such person's privilege to operate a watercraft. Following this warning, if a person under arrest refuses upon the request of a law enforcement officer to submit to a test designated by the officer, none shall be given, but the law enforcement officer shall file with the clerk of the circuit court for the county in which the arrest was made, a sworn statement naming the person refusing to take and complete the test or tests requested under the provisions of this Section. Such sworn statement shall identify the arrested person, such person's current residence address and shall specify that a refusal by such person to take the test or tests was made. Such sworn statement shall include a statement that the arresting officer had reasonable cause to believe the person was operating the watercraft within the State while under the influence of alcohol, other drug, or combination thereof and that such test or tests were made as an incident to and following the lawful arrest for an offense as defined in this Section or a similar provision of a local ordinance, and that the person after being arrested for an offense arising out of acts alleged to
have been committed while so operating a watercraft refused to submit to and complete a test or tests as requested by the law enforcement officer.

The clerk shall thereupon notify such person in writing that the person's privilege to operate a watercraft will be suspended unless, within 28 days from the date of mailing of the notice, such person shall request in writing a hearing thereon; if the person desires a hearing, such person shall file a complaint in the circuit court for and in the county in which such person was arrested for such hearing. Such hearing shall proceed in the court in the same manner as other civil proceedings, shall cover only the issues of whether the person was placed under arrest for an offense as defined in this Section or a similar provision of a local ordinance as evidenced by the issuance of a uniform citation; whether the arresting officer had reasonable grounds to believe that such person was operating a watercraft while under the influence of alcohol, other drug, or combination thereof; and whether such person refused to submit and complete the test or tests upon the request of the law enforcement officer. Whether the person was informed that such person's privilege to operate a watercraft would be suspended if such person refused to submit to the test or tests shall not be an issue.

If the court finds against the person on the issues before the court, the clerk shall immediately notify the Department of Natural Resources of the court's decision, and the Department shall suspend the watercraft operation privileges of the person for at least 2 years.

4. A person must submit to each test offered by the law enforcement officer in order to comply with the implied consent provisions of this Section.

5. The provisions of Section 11-501.2 of the Illinois Vehicle Code, as amended, concerning the certification and use of chemical tests apply to the use of such tests under this Section.

(C) Upon the trial of any civil or criminal action or proceeding arising out of acts alleged to have been committed by any person while operating a watercraft while under the influence of alcohol, the concentration of alcohol in the person's blood or breath at the time alleged as shown by analysis of a person's blood, urine, breath, or other bodily substance shall give rise to the presumptions specified in subdivisions 1, 2, and 3 of subsection (b) of Section 11-501.2 of the Illinois Vehicle Code. The foregoing provisions of this subsection (C) shall not be construed as limiting the introduction of any other relevant evidence bearing upon the question whether the person was under the influence of alcohol.

(D) If a person under arrest refuses to submit to a chemical test under the provisions of this Section, evidence of refusal shall be admissible in any civil or criminal action or proceeding arising out of acts alleged to have been committed while the person under the influence of alcohol, or other drugs, or combination of both was operating a watercraft.

(E) The owner of any watercraft or any person given supervisory authority over a watercraft, may not knowingly permit a watercraft to be operated by any person under the influence of alcohol, other drug, or combination thereof.

(F) Whenever any person is convicted of a violation of this Section, the court shall
notify the Division of Law Enforcement of the Department of Natural Resources, to provide the Department with the records essential for the performance of the Department's duties to monitor and enforce any order of suspension or revocation concerning the privilege to operate a watercraft.

(G) No person who has been arrested and charged for violating paragraph 1 of subsection (A) of this Section shall operate any watercraft within this State for a period of 6 hours after such arrest.
(Source: P.A. 89-445, eff. 2-7-96; 90-215, eff. 1-1-98; 90-655, eff. 7-30-98.)
Passed in the General Assembly April 17, 2002.
Approved July 8, 2002.

PUBLIC ACT 92-0616
(Senate Bill No. 2016)

AN ACT in relation to public employee compensation.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 10. The Counties Code is amended by changing Sections 3-6037 and 4-6003 as follows:

(55 ILCS 5/3-6037) (from Ch. 34, par. 3-6037)
Sec. 3-6037. Salary of Supervisor of Safety. The county board may allow the Supervisor of Safety an annual salary in an amount determined by the board. not to exceed the following:
In counties of less than 20,000 population, the sum of $1,500;
In counties of 20,000 or more and less than 30,000 population, the sum of $2,000;
In counties of 30,000 or more and less than 50,000 population, the sum of $2,500;
In counties of 50,000 or more and less than 75,000 population, the sum of $3,000;
In counties of 75,000 or more and less than 100,000 population, the sum of $3,500;
In counties of 100,000 or more and less than 500,000 population, the sum of $4,000;
In counties of 500,000 or more population, the sum of $4,500.
The word "population" when used in this section shall mean the population as determined by the last preceding Federal Census.
The salary determined under this Section These salaries shall be without regard to and separate from the salary salaries that may be fixed by the county board for the Sheriff, and it shall be payable out of the County Treasury.
(Source: P.A. 86-962.)
(55 ILCS 5/4-6003) (from Ch. 34, par. 4-6003)
Sec. 4-6003. Compensation of sheriffs for certain expenses in counties of less than 2,000,000.
(a) The County Board, in all counties of less than 2,000,000 inhabitants, shall fix the compensation of sheriffs, with the amount of their necessary clerk hire, stationery, fuel and

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other expenses. The county shall supply the sheriff with all necessary uniforms, guns and ammunition. The compensation of each such officer shall be fixed separately from his necessary clerk hire, stationery, fuel and other expenses. **Beginning immediately, no county with a population under 2,000,000 may reduce the rate of compensation of its sheriff below the rate of compensation that it was actually paying to its sheriff on January 1, 2002 or the effective date of this amendatory Act of the 92nd General Assembly, whichever is greater.**

(b) In addition to the requirement of subsection (a), the rate of compensation payable to the sheriff by the county shall not be less than the following and such compensation shall be fixed within the following limits:

To each such sheriff in counties containing less than 10,000 inhabitants, not less than $27,000 per annum.

To each such sheriff in counties containing 10,000 or more inhabitants but less than 20,000 inhabitants, not less than $31,000 per annum.

To each such sheriff in counties containing 20,000 or more inhabitants but less than 30,000 inhabitants, not less than $34,000 per annum.

To each such sheriff in counties containing 30,000 or more inhabitants but less than 60,000 inhabitants, not less than $37,000 per annum.

To each such sheriff in counties containing 60,000 or more inhabitants but less than 100,000 inhabitants, not less than $40,000 per annum.

To each such sheriff in counties containing 100,000 or more inhabitants but less than 2,000,000 inhabitants, not less than $43,000 per annum.

The population of each county for the purpose of fixing compensation as herein provided, shall be based upon the last federal census immediately previous to the election of the sheriff in question in such county.

(b) Those sheriffs beginning a term of office before December 1, 1990 shall be compensated at the rate of their base salary. “Base salary“ is the compensation paid for each of those offices, respectively, before July 1, 1989.

(c) **(Blank).** Those sheriffs beginning a term of office on or after December 1, 1990 shall be compensated as follows:

(1) Beginning December 1, 1990, base salary plus at least 3% of base salary.

(2) Beginning December 1, 1991, base salary plus at least 6% of base salary.

(3) Beginning December 1, 1992, base salary plus at least 9% of base salary.

(4) Beginning December 1, 1993, base salary plus at least 12% of base salary.

(d) In addition to the salary provided for in subsections (a), (b), and (c), beginning December 1, 1998, each sheriff, for his or her additional duties imposed by other statutes or laws, shall receive an annual stipend to be paid by the State in the amount of $6,500.

(e) No county board may reduce or otherwise impair the compensation payable from county funds to a sheriff if the reduction or impairment is the result of the sheriff receiving an award or stipend payable from State funds.

(Source: P.A. 90-713, eff. 12-1-98.)

Section 90. The State Mandates Act is amended by adding Section 8.26 as follows:

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Sec. 8.26. Exempt mandate. Notwithstanding Sections 6 and 8 of this Act, no reimbursement by the State is required for the implementation of any mandate created by this amendatory Act of the 92nd General Assembly.

Section 99. Effective date. This Act takes effect upon becoming law.
Passed in the General Assembly April 17, 2002.
Approved July 8, 2002.
Effective July 8, 2002.

PUBLIC ACT 92-0617
(Senate Bill No. 2135)

AN ACT concerning the State Library.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The State Library Act is amended by changing Sections 7 and 21 as follows:

(15 ILCS 320/7) (from Ch. 128, par. 107)
Sec. 7. Purposes of the State Library. The Illinois State Library shall:
(a) Maintain a library for officials and employees of the State, consisting of informational material and resources pertaining to the phases of their work, and serve as the State's library by extending its resources to citizens of Illinois.
(b) Maintain and provide research library services for all State agencies.
(c) Administer the Illinois Library System Act.
(d) Promote and administer the law relating to Interstate Library Compacts.
(e) Enter into interagency agreements, pursuant to the Intergovernmental Cooperation Act, including agreements to promote access to information by Illinois students and the general public.
(f) Promote and develop a cooperative library network operating regionally or statewide for providing effective coordination of the library resources of public, academic, school, and special libraries.
(g) Administer grants of federal library funds pursuant to federal law and requirements.
(h) Assist libraries in their plans for library services, including funding the State-funded library systems for the purpose of local library development and networking.
(i) Assist local library groups in developing programs by which library services can be established and enhanced in areas without those services.
(j) Be a clearing house, in an advisory capacity, for questions and problems pertaining to the administration and functioning of libraries in Illinois and to publish booklets and pamphlets to implement this service.
(k) Seek the opinion of the Attorney General for legal questions pertaining to public libraries and their function as governmental agencies.

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Contract with any other library or library agency to carry out the purposes of the State Library. If any such contract requires payments by user libraries for goods and services, the State Library may distribute billings from contractors to applicable user libraries and may receive and distribute payments from user libraries to contractors. There is hereby created in the State Treasury the Library Trust Fund, into which all moneys payable to contractors which are received from user libraries under this paragraph (l) shall be paid. The Treasurer shall pay such funds to contractors at the direction of the State Librarian.

Compile, preserve and publish public library statistical information.

Compile the annual report of local public libraries and library systems submitted to the State Librarian pursuant to law.

Conduct and arrange for library training programs for library personnel, library directors and others involved in library services.

Prepare an annual report for each fiscal year.

Make available to the public, by means of access by way of the largest nonproprietary nonprofit cooperative public computer network, certain records of State agencies.

As used in this subdivision (q), "State agencies" means all officers, boards, commissions and agencies created by the Constitution; all officers, departments, boards, commissions, agencies, institutions, authorities, universities, and bodies politic and corporate of the State; administrative units or corporate outgrowths of the State government which are created by or pursuant to statute, other than units of local government and their officers, school districts and boards of election commissioners; and all administrative units and corporate outgrowths of the above and as may be created by executive order of the Governor; however, "State agencies" does not include any agency, officer, or other entity of the judicial or legislative branch.

As used in this subdivision (q), "records" means public records, as defined in the Freedom of Information Act, that are not exempt from inspection and copying under that Act.

The State Librarian and each appropriate State agency shall specify the types and categories of records that shall be accessible through the public computer network and the types and categories of records that shall be inaccessible. Records currently held by a State agency and documents that are required to be provided to the Illinois State Library in accordance with Section 21 shall be provided to the Illinois State Library in an appropriate electronic format when feasible. The cost to each State agency of making records accessible through the public computer network or of providing records in an appropriate electronic format shall be considered in making determinations regarding accessibility.

As soon as possible and no later than 18 months after the effective date of this amendatory Act of 1995, the types and categories of information, specified by the State Librarian and each appropriate State agency, shall be made available to the public by means of access by way of the largest nonproprietary, nonprofit cooperative public computer network. The information shall be made available in one or more formats and by one or more means in order to provide the greatest feasible access to the general public in this State. Any person who accesses the information may access all or any part of the information. The
information may also be made available by any other means of access that would facilitate public access to the information. The information shall be made available in the shortest feasible time after it is publicly available.

Any documentation that describes the electronic digital formats of the information shall be made available by means of access by way of the same public computer network.

Personal information concerning a person who accesses the information may be maintained only for the purpose of providing service to the person.

The electronic public access provided by way of the public computer network shall be in addition to other electronic or print distribution of the information.

No action taken under this subdivision (q) shall be deemed to alter or relinquish any copyright or other proprietary interest or entitlement of the State of Illinois relating to any of the information made available under this subdivision (q).

(r) Coordinate literacy programs for the Secretary of State.

(s) Provide coordination of statewide preservation planning, act as a focal point for preservation advocacy, assess statewide needs and establish specific programs to meet those needs, and manage state funds appropriated for preservation work relating to the preservation of the library and archival resources of Illinois.

(t) Create and maintain a State Government Report Distribution Center for the General Assembly. The Center shall receive all reports in all formats available required by law or resolution to be filed with the General Assembly and shall furnish copies of such reports on the same day on which the report is filed with the Clerk of the House of Representatives and the Secretary of the Senate, as required by the General Assembly Organization Act, without charge to members of the General Assembly upon request. This paragraph does not affect the requirements of Section 21 of this Act relating to the deposit of State publications with the State library.

(Source: P.A. 91-507, eff. 8-13-99; 92-16, eff. 6-28-01.)

(15 ILCS 320/21) (from Ch. 128, par. 121)

Sec. 21. Publications and lists; deposits by State agencies.

(a) All State agencies shall provide and deposit with the Illinois State Library sufficient copies of all publications issued by such State agencies for its collection and for exchange purposes. The State Librarian shall by rule or regulation specify the number of copies required and the publications that must be deposited. The number of paper copies of a publication that must be deposited may be reduced if the documents are also submitted in an electric format specified by the Illinois State Library. The State Librarian shall set by rule the standard to be used for electronic data exchange among State agencies and the State Library.

(b) For the purposes of this Section:

† "State agencies" means every State office, official, department, division, section, unit, service, bureau, board, commission, committee, and subdivision thereof of all branches of the State government and which agencies expend appropriations of State funds.

‡ "Publications" means any document, report, directory, bibliography, rule, regulation, newsletter, pamphlet, brochure, periodical or other printed material paid for in

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whole or in part by funds appropriated by the General Assembly or issued at the request of a State agency, excepting however, correspondence, inter-office memoranda, and confidential publications.

"Published material" means publications in print and electronic formats duplicated by any means of duplication, including material downloaded from a publicly accessible electronic network. (3) "Printed material" means publications duplicated by any and all methods of duplication.

(c) (b) The State Librarian shall from time to time provide a listing, electronically, in printed form, or in both formats, of the publications received by him or her under this Act. (Source: P.A. 91-507, eff. 8-13-99.)

Passed in the General Assembly April 17, 2002.
Approved July 8, 2002.

PUBLIC ACT 92-0618
(House Bill No. 1815)

AN ACT concerning the regulation of professions.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 1. Short title. This Act may be cited as the Petroleum Equipment Contractors Licensing Act.
Section 5. Definitions. For the purposes of this Act:
"Employee" means a licensee or a person who is currently employed by a contractor licensed under this Act whose full or part-time duties include any activity specified in Section 35 of this Act.
"Person" means a natural person or any company, corporation, or other business entity.
"Petroleum equipment contractor" means a person, company, or corporation that installs, repairs, or removes underground storage tanks.

Section 10. Licensure requirement; injunction. Beginning 6 months after the effective date of this Act, no person, firm, association, or corporation shall act as a petroleum equipment contractor or employee, advertise or assume to act as a petroleum equipment contractor or employee, or use any title implying that the person, firm, association, or corporation is engaged in such practice or occupation, unless licensed by the State Fire Marshal.

The State Fire Marshal, in the name of the People, through the Attorney General, the State's Attorney of any county, any resident of the State, or any legal entity within the State may apply for injunctive relief in any court to enjoin a person who has not been issued a license or whose license has been suspended, revoked, or not renewed, from practicing as a petroleum equipment contractor, and, upon the filing of a verified petition, the court, if satisfied by affidavit or otherwise that the person is or has been practicing in violation of this
Act, may enter a temporary restraining order or preliminary injunction, without bond, enjoining the defendant from further activity. A copy of the verified complaint shall be served upon the defendant and the proceedings shall be conducted as in other civil cases. If it is established that the defendant has been, or is practicing in violation of this Act, the court may enter a judgment perpetually enjoining the defendant from any further unlicensed activity. In the case of violation of any injunctive order or judgment entered under the provisions of this Section, the court may summarily try and punish the offender for contempt of court. Such injunctive proceeding shall be in addition to all penalties and other remedies in this Act.

Section 15. Deposit of fees. All fees collected pursuant to this Act shall be deposited into the Fire Prevention Fund.

Section 25. Rules; report. The State Fire Marshal shall promulgate rules consistent with the provisions of this Act for the administration and enforcement of this Act and may prescribe forms that shall be issued in connection with the rules promulgated under this Act. The rules shall include standards and criteria for registration, professional conduct, and discipline.

Section 30. Investigators. The State Fire Marshal may employ, in conformity with the Personnel Code, the professional, technical, investigative, or clerical help that may be necessary for the enforcement of this Act. Each investigator shall have a minimum of 2 years investigative experience out of the preceding 5 years.

An investigator may not hold an active license issued pursuant to this Act or have any fiduciary interest in any business licensed under this Act. This prohibition does not prohibit the investigator from holding stock in a publicly traded business licensed or regulated under this Act, provided that the investigator does not hold more than 5% of the stock of the business.

Section 35. Licensure qualifications and fees.
(a) Applicants for a license must submit to the Office all of the following:
   (1) fees as established by the Office;
   (2) evidence of registration as an Illinois corporation or evidence of compliance with the Assumed Business Name Act;
   (3) evidence of financial responsibility in a minimum amount of $1,000,000 through liability insurance, self-insurance, group insurance, group self-insurance, or risk retention groups that must include completed operations and environmental impairment; and
   (4) evidence of compliance with the qualifications and standards established by the Office.
(b) The contractor must possess a license from the Office to perform the following types of activity:
   (1) installation of underground storage tanks;
   (2) repair of USTs, which shall include retrofitting and installation of cathodic protection systems;
   (3) decommissioning of USTs including abandonment in place;

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(4) relining of USTs;
(5) tank and piping tightness testing;
(6) testing of cathodic protection systems; and
(7) any other category established by the Office of the State Fire Marshal.

(c) The Office of the Fire Marshal shall adopt rules outlining the minimum amount of training required for personnel engaged in Underground Storage Tank activity regulated under this Act.

Section 40. Application. Each application for a license to practice under this Act shall be in writing and signed by the applicant on forms provided by the Office of the State Fire Marshal.

Section 45. Issuance of license; renewal.

(a) The State Fire Marshal shall, upon the applicant’s satisfactory completion of the requirements authorized under this Act, and upon receipt of the requisite fees, issue the appropriate license and wallet card showing the name and business location of the licensee, the dates of issuance and expiration, and shall contain a photograph of the licensee provided to the State Fire Marshal.

(b) Each licensee may apply for renewal of his or her license upon payment of the requisite fee. The expiration date and renewal period for each license issued under this Act shall be set by rule. Failure to renew within 60 days of the date shall cause the license to lapse. A lapsed license may not be reinstated until a written application is filed, the renewal fee is paid, and a $50 reinstatement fee is paid. The renewal and reinstatement fees shall be waived for persons who did not renew while on active duty in the military and who file for renewal or restoration within one year after discharge from the active duty service.

(c) All fees paid pursuant to this Act are non-refundable.

Section 50. Returned checks. Any person who on 2 occasions issues or delivers a check or other order to the State Fire Marshal that is not honored by the financial institution upon which it is drawn because of insufficient funds in his or her account, shall pay to the State Fire Marshal, in addition to the amount owing upon the check or other order, a fee of $50. If the check or other order was issued or delivered in payment of a renewal fee and the licensee whose license has lapsed continues to practice without paying the renewal fee and the $50 fee required under this Section, an additional fee of $100 shall be imposed for practicing without a current license. The State Fire Marshal shall notify the licensee whose license has lapsed within 30 days after the discovery by the State Fire Marshal that the licensee is practicing without a current license, that the person is acting as a petroleum equipment contractor or employee, as the case may be, without a license, and the amount due to the State Fire Marshal, which shall include the lapsed renewal fee and all other fees required by this Section. If after the expiration of 30 days from the date of such notification, the licensee whose license has lapsed seeks a current license, he or she shall apply to the State Fire Marshal for reinstatement of the license and pay all fees due to the State Fire Marshal. The State Fire Marshal may establish a fee for the processing of an application for reinstatement of a license that allows the State Fire Marshal to pay all costs and expenses incident to the processing of this application. The State Fire Marshal may waive the fees due

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Section 60. License renewal; display of license; inspection.

(a) As a condition of renewal of a license, the State Fire Marshal may require the licensee to report information pertaining to his or her practice that the State Fire Marshal determines to be in the interest of public safety.

(b) A licensee shall report a change in home or office address within 10 days.

(c) Each licensee shall prominently display his or her license to practice at each place from which the practice is being performed. If more than one location is used, branch office certificates shall be issued upon payment of the fees to be established by the State Fire Marshal. Each employee shall carry on his or her person a wallet card issued by the State Fire Marshal.

(d) If a license or certificate is lost, a duplicate shall be issued upon payment of the required fee to be established by the State Fire Marshal. If a licensee wishes to change his or her name, the State Fire Marshal shall issue a license in the new name upon payment of the required fee and upon receipt of satisfactory proof that the change was done in accordance with law.

(e) Each licensee shall permit his or her facilities to be inspected by representatives of the Office of the State Fire Marshal.

Section 65. Disciplinary actions. Licensees shall be subject to disciplinary action for any of the following:

(1) obtaining or renewing a license by the use of fraud or material deception;

(2) being professionally incompetent as manifested by poor standards of service;

(3) engaging in dishonorable, unethical, or unprofessional conduct of a character likely to deceive, defraud, or harm the public in the course of professional services or activities;

(4) being convicted of a crime that has a substantial relationship to his or her practice or an essential element of which is misstatement, fraud, or dishonesty, being convicted in this or another state of any crime that is a felony under the laws of Illinois or of that state, or being convicted of a felony in a federal court, unless the licensee demonstrates that he or she has been sufficiently rehabilitated to warrant the public trust;

(5) performing any service in a grossly negligent manner or permitting any licensed employee to perform services in a grossly negligent manner, regardless of whether actual damage or damage to the public is established;

(6) being a habitual drunk or having a habitual addiction to the use of morphine, cocaine, controlled substances, or other habit-forming drugs;

(7) willfully receiving compensation, directly or indirectly, for any professional service not actually rendered;

(8) having disciplinary action taken against his or her license in another State;

(9) contracting or assisting unlicensed persons to perform services for which New matter indicated by italics - deletions by strikeout.
(10) permitting the use of his or her license to enable an unlicensed person or agency to operate as a licensee;

(11) performing and charging for services without having authorization to do so from the member of the public being served; or

(12) failing to comply with any provision of this Act or the rules adopted under this Act.

Section 70. Complaints. All complaints concerning violations regarding licensees or unlicensed activity shall be received and logged by the State Fire Marshal.

Section 75. Formal charges; hearings.

(a) Following the investigative process, the State Fire Marshal may file formal charges against the licensee. The formal charges shall, at a minimum, inform the licensee of the facts that comprise the basis of the charge and that are specific enough to enable the licensee to defend himself or herself.

(b) Each licensee whose conduct is the subject of a formal charge that seeks to impose disciplinary action against the licensee shall be served notice of the formal charge at least 30 days before the date of the hearing, which shall be presided over by a hearing officer authorized by the State Fire Marshal. Service shall be considered to have been given if the notice was personally received by the licensee or if the notice was sent by certified mail, return receipt requested, to the licensee at the licensee's last known address as listed with the State Fire Marshal.

(c) The notice of formal charges shall inform the licensee (i) of the time, date, and place of the hearing; (ii) that the licensee shall appear personally at the hearing and may be represented by counsel; (iii) that the licensee shall have the right to produce witnesses and evidence in his or her behalf and shall have the right to cross-examine witnesses and examine evidence produced against him or her; (iv) that the hearing could result in disciplinary action being taken against his or her license; (v) that rules for the conduct of these hearings exist and it may be in the licensee's best interest to obtain a copy; (vi) that a hearing officer authorized by the State Fire Marshal shall preside at the hearing and following the conclusion of the hearing shall make findings of fact, conclusions of law, and recommendations to the State Fire Marshal as to what disciplinary action, if any, should be imposed on the licensee; and (vii) that the State Fire Marshal may continue the hearing.

(d) The hearing officer authorized by the State Fire Marshal shall hear the evidence produced in support of the formal charges and any contrary evidence produced by the licensee. At the conclusion of the hearing, the hearing officer shall make findings of fact, conclusions of law, and recommendations and submit them to the State Fire Marshal and to all parties to the proceeding. Submission to the licensee shall be considered as having been made if done in a similar fashion as service of the notice of formal charges. Within 20 days after such service, any party to the proceeding may present to the State Fire Marshal a motion, in writing, for a rehearing that specifies the grounds for rehearing.

(e) The State Fire Marshal, following the time allowed for filing a motion for rehearing, shall review the hearing officer's findings of fact, conclusions of law, and
recommendations and any motions filed subsequent to the findings, conclusions, and recommendations. After reviewing this information, the State Fire Marshal may hear oral arguments, prior to issuing an order. The report of findings of fact, conclusions of law, and recommendations of the hearing officer shall be the basis for the State Fire Marshal's order.

If the State Fire Marshal finds that substantial justice was not done, he or she may issue an order in contravention to the findings of fact, conclusions of law, and recommendations of the hearing officer. The finding is not admissible in evidence against the person in a criminal prosecution brought for the violation of this Act.

(f) All proceedings pursuant to this Section are matters of public record and shall be preserved.

Section 80. Sanctions.
(a) The State Fire Marshal shall impose any of the following sanctions, singly or in combination, when he or she finds that a licensee is guilty of any offense described in Section 65:

(1) revocation;
(2) suspension for any period of time;
(3) reprimand or censure;
(4) placement on probationary status and requirement that the licensee submit any of the following:
   (A) report regularly to the State Fire Marshal upon matters that are the basis of the probation;
   (B) continue or renew professional education until a satisfactory degree of skill has been attained in those areas that are the basis of the probation; or
   (C) any other reasonable requirements or restrictions as are proper;
(5) refusal to issue, renew, or restore; or
(6) revocation of probation that has been granted and imposition of any other discipline in this subsection (a) when the requirements of probation have not been fulfilled or have been violated.

(b) The State Fire Marshal may summarily suspend a license under this Act, without a hearing, simultaneously with the filing of a formal complaint and notice for a hearing, if the State Fire Marshal finds that the continued operations of the individual would constitute an immediate danger to the public. In the event the State Fire Marshal suspends a license under this subsection, a hearing by the hearing officer designated by the State Fire Marshal shall be held within 20 days after the suspension begins, unless continued at the request of the licensee.

(c) Disposition may be made of any formal complaint by consent order between the State Fire Marshal and the licensee.

(d) The State Fire Marshal shall reinstate a license to good standing under this Act, upon recommendation to the State Fire Marshal, after a hearing before the hearing officer authorized by the State Fire Marshal. The State Fire Marshal shall be satisfied that the applicant's renewed practice is not contrary to the public interest.
(e) The State Fire Marshal may conduct hearings and issue cease and desist orders to persons who engage in activities prohibited by this Act without having a valid license, certificate, or registration. Any person in violation of a cease and desist order entered by the State Fire Marshal shall be subject to all of the remedies provided by law and, in addition, shall be subject to a civil penalty payable to the party injured by the violation.

(f) The State Fire Marshal shall seek to achieve consistency in the application of the foregoing sanctions and consent orders and significant departure from prior decisions involving similar conduct shall be explained in the State Fire Marshal's orders.

(g) Upon the suspension or revocation of a license issued under this Act, a licensee shall surrender the license to the State Fire Marshal and, upon failure to do so, the State Fire Marshal shall seize the same.

(g-5) Any person, business, or corporation whose license has been revoked under the provisions of this Act is prohibited, for a period of 2 years from the date of revocation, from owning more than 7 1/2% of a business or corporation licensed under this Act.

(h) The State Fire Marshal may refuse to issue or may suspend the license of any person who fails to file a return, to pay the tax, penalty, or interest shown in a filed return, or to pay any final assessment of tax, penalty, or interest, as required by any tax Act administered by the Illinois Department of Revenue, until the time that the requirements of any such tax Act are satisfied.

Section 85. Depositions; witnesses; judicial review.

(a) The State Fire Marshal has the power to subpoena and bring before him or her any person in this State and to take testimony either orally or by deposition, or both, with the same fees and mileage and in the same manner as is prescribed by law for judicial proceedings in civil cases. The State Fire Marshal and the hearing officer approved by the State Fire Marshal have the power to administer oaths at any hearing that the State Fire Marshal is authorized to conduct.

(b) A circuit court, upon the application of the licensee or the State Fire Marshal, may order the attendance of witnesses and the production of relevant books and papers in any hearing conducted pursuant to this Act. The court may compel obedience to its order by proceedings for contempt.

(c) The State Fire Marshal, at the Office's expense, shall provide a stenographer or a mechanical recording device to record the testimony and preserve a record of all proceedings at the hearing of any case wherein a license may be revoked, suspended, placed on probationary status, or other disciplinary action taken with regard to the license. The notice of hearing, the complaint, and all other documents in the nature of pleadings and written motions filed in the proceedings, the transcript of testimony, the report of the hearing officer, and the orders of the State Fire Marshal constitute the record of the proceedings. The State Fire Marshal shall furnish a transcript of the record to any interested person upon payment of the costs of copying and transmitting the record.

(d) All final administrative decisions of the State Fire Marshal are subject to judicial review pursuant to the provisions of the Administrative Review Law and the rules adopted pursuant thereto. Proceedings for judicial review shall be commenced in the Circuit Court

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of the county in which the party applying for review resides. If the party applying for review is not a resident of Illinois, the venue shall be in Sangamon County. The State Fire Marshal shall not be required to certify any record to the court, file any answer in court, or otherwise appear in any court in a judicial review proceeding, unless there is filed in the court with the complaint a receipt from the State Fire Marshal acknowledging payment of the costs of furnishing and certifying the record, which costs shall be computed at the cost of preparing such record. Exhibits shall be certified without cost. Failure on the part of the licensee to file the receipt in court shall be grounds for dismissal of the action.

During all judicial proceedings incident to disciplinary action, the sanctions imposed upon the accused by the State Fire Marshal shall remain in effect, unless the court feels justice requires a stay of the order.

Section 90. Order; prima facie proof. An order or a certified copy of an order, bearing the seal of the State Fire Marshal and purporting to be signed by the State Fire Marshal, is prima facie proof that:

(1) the signature is that of the State Fire Marshal;
(2) the State Fire Marshal is qualified to act; and
(3) the hearing officer is qualified to act on behalf of the State Fire Marshal.

Such proof may be rebutted.

Section 95. Publication of records. The State Fire Marshal shall, upon request, publish a list of the names and addresses of all licensees under the provisions of this Act.

Section 100. Criminal penalties. A person who violates any of the provisions of this Act shall be guilty of a Class A misdemeanor for the first offense and shall be guilty of a Class 4 felony for a second or subsequent offense.

Section 105. Home rule. The regulation and licensing of petroleum equipment contractors are exclusive powers and functions of the State. A home rule unit may not regulate or license petroleum equipment contractors. This Section is a denial and limitation of home rule powers and functions under subsection (h) of Section 6 of Article VII of the Illinois Constitution. However, nothing in this Act shall limit the authority of the Office of the State Fire Marshal and a municipality with a population over 500,000 to enter into contracts pursuant to paragraph (b) of subsection (2) of Section 2 of the Gasoline Storage Act.

Section 900. The Regulatory Sunset Act is amended by adding Section 4.22 as follows:

(5 ILCS 80/4.22 new)

Sec. 4.22. Act repealed on January 1, 2012. The following Act is repealed on January 1, 2012:

Section 905. The Gasoline Storage Act is amended by changing Sections 2 and 7 as follows:

(430 ILCS 15/2) (from Ch. 127 1/2, par. 154)

Sec. 2. Jurisdiction; regulation of tanks.
(1) (a) Except as otherwise provided in this Act, the jurisdiction of the Office of the

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State Fire Marshal under this Act shall be concurrent with that of municipalities and other political subdivisions. The Office of the State Fire Marshal has power to promulgate, pursuant to the Illinois Administrative Procedure Act, reasonable rules and regulations governing the keeping, storage, transportation, sale or use of gasoline and volatile oils; including rules requiring that underground storage tank contractors file a bond or a certificate of insurance with the State Fire Marshal, and rules governing the dismantling of abandoned bulk storage plants. Nothing in this Act shall relieve any person, corporation, or other entity from complying with any zoning ordinance of a municipality or home rule unit enacted pursuant to Section 11-13-1 of the Illinois Municipal Code or any ordinance enacted pursuant to Section 11-8-4 of the Illinois Municipal Code.

(b) The rulemaking power shall include the power to promulgate rules providing for the issuance and revocation of permits allowing the self service dispensing of motor fuels as such term is defined in the Motor Fuel Tax Law in retail service stations or any other place of business where motor fuels are dispensed into the fuel tanks of motor vehicles, internal combustion engines or portable containers. Such rules shall specify the requirements that must be met both prior and subsequent to the issuance of such permits in order to insure the safety and welfare of the general public. The operation of such service stations without a permit shall be unlawful. The Office of the State Fire Marshal shall revoke such permit if the self service operation of such a service station is found to pose a significant risk to the safety and welfare of the general public.

(c) However, except in any county with a population of 1,000,000 or more, the Office of the State Fire Marshal shall not have the authority to prohibit the operation of a service station solely on the basis that it is an unattended self-service station which utilizes key or card operated self-service motor fuel dispensing devices. Nothing in this paragraph shall prohibit the Office of the State Fire Marshal from adopting reasonable rules and regulations governing the safety of self-service motor fuel dispensing devices.

(d) The State Fire Marshal shall not prohibit the dispensing or delivery of flammable or combustible motor vehicle fuels directly into the fuel tanks of vehicles from tank trucks, tank wagons, or other portable tanks. The State Fire Marshal shall adopt rules (i) for the issuance of permits for the dispensing of motor vehicle fuels in the manner described in this paragraph (d), (ii) that establish fees for permits and inspections, and provide for those fees to be deposited into the Fire Prevention Fund, (iii) that require the dispensing of motor fuel in the manner described in this paragraph (d) to meet conditions consistent with nationally recognized standards such as those of the National Fire Protection Association, and (iv) that restrict the dispensing of motor vehicle fuels in the manner described in this paragraph (d) to the following:

(A) agriculture sites for agricultural purposes,

(B) construction sites for refueling construction equipment used at the construction site,

(C) sites used for the parking, operation, or maintenance of a commercial vehicle fleet, but only if the site is located in a county with 3,000,000 or more inhabitants or a county contiguous to a county with 3,000,000 or more inhabitants

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and the site is not normally accessible to the public, and

(D) sites used for the refueling of police, fire, or emergency medical services vehicles or other vehicles that are owned, leased, or operated by (or operated under contract with) the State, a unit of local government, or a school district, or any agency of the State and that are not normally accessible to the public.

(2) (a) The Office of the State Fire Marshal shall adopt rules and regulations regarding underground storage tanks and associated piping and no municipality or other political subdivision shall adopt or enforce any ordinances or regulations regarding such underground tanks and piping other than those which are identical to the rules and regulations of the Office of the State Fire Marshal. It is declared to be the law of this State, pursuant to paragraphs (h) and (i) of Section 6 of Article VII of the Illinois Constitution, that the establishment and enforcement of standards regarding underground storage tanks and associated piping within the jurisdiction of the Office of the State Fire Marshal is an exclusive State function which may not be exercised concurrently by a home rule unit except as expressly permitted in this Act.

(b) The Office of the State Fire Marshal may enter into written contracts with municipalities of over 500,000 in population to enforce the rules and regulations adopted under this subsection.

(3) (a) The Office of the State Fire Marshal shall have authority over underground storage tanks which contain, have contained, or are designed to contain petroleum, hazardous substances and regulated substances as those terms are used in Subtitle I of the Hazardous and Solid Waste Amendments of 1984 (P.L. 98-616), as amended by the Superfund Amendments and Reauthorization Act of 1986 (P.L. 99-499). The Office shall have the power with regard to underground storage tanks to require any person who tests, installs, repairs, replaces, relines, or removes any underground storage tank system containing, formerly containing, or which is designed to contain petroleum or other regulated substances to be certified to perform that activity, to obtain a permit to install, repair, replace, reline, or remove the particular tank system, to pay an annual certification fee of $100 per year, and to pay a fee set by the Office of $100 per site for a permit to install, repair, replace, reline, upgrade, test, or remove any portion of an underground storage tank system. All persons who do repairs above grade level for themselves need not pay a fee or be certified. All fees received by the Office from certification and permits shall be deposited in the Fire Prevention Fund for the exclusive use of the Office in administering the Underground Storage Tank program.

(b) (i) Within 120 days after the promulgation of regulations or amendments thereto by the Administrator of the United States Environmental Protection Agency to implement Section 9003 of Subtitle I of the Hazardous and Solid Waste Amendments of 1984 (P.L. 98-616) of the Resource Conservation and Recovery Act of 1976 (P.L. 95-580), as amended, the Office of the State Fire Marshal shall adopt regulations or amendments thereto which are identical in substance. The rulemaking provisions of Section 5-35 of the Illinois Administrative Procedure Act shall not apply to regulations or amendments thereto adopted pursuant to this subparagraph (i).

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(ii) The Office of the State Fire Marshal may adopt additional regulations relating to an underground storage tank program that are not inconsistent with and at least as stringent as Section 9003 of Subtitle I of the Hazardous and Solid Waste Amendments of 1984 (P.L. 98-616) of the Resource Conservation and Recovery Act of 1976 (P.L. 94-580), as amended, or regulations adopted thereunder. Except as provided otherwise in subparagraph (i) of this paragraph (b), the Office of the State Fire Marshal shall not adopt regulations relating to corrective action at underground storage tanks. Regulations adopted pursuant to this subsection shall be adopted in accordance with the procedures for rulemaking in Section 5-35 of the Illinois Administrative Procedure Act.

(c) The Office of the State Fire Marshal shall require any person, corporation or other entity who tests an underground tank or its piping or cathodic protection for another, except a lessor for his or her lessee, to register with the Office, and pay an annual registration fee of $100, to be deposited in the Fire Prevention Fund, and to report the results of such test to the Office.

(d) In accordance with constitutional limitations, the Office shall have authority to enter at all reasonable times upon any private or public property for the purpose of:
   (i) Inspecting and investigating to ascertain possible violations of this Act, of regulations thereunder or of permits or terms or conditions thereof; or
   (ii) In accordance with the provisions of this Act, taking whatever emergency action, that is necessary or appropriate, to assure that the public health or safety is not threatened whenever there is a release or a substantial threat of a release of petroleum or a regulated substance from an underground storage tank.

(e) The Office of the State Fire Marshal may issue an Administrative Order to any person who it reasonably believes has violated the rules and regulations governing underground storage tanks, including the installation, repair, leak detection, cathodic protection tank testing, removal or release notification. Such an order shall be served by registered or certified mail or in person. Any person served with such an order may appeal such order by submitting in writing any such appeal to the Office within 10 days of the date of receipt of such order. The Office shall conduct an administrative hearing governed by the Illinois Administrative Procedure Act and enter an order to sustain, modify or revoke such order. Any appeal from such order shall be to the circuit court of the county in which the violation took place and shall be governed by the Administrative Review Law.

(f) The Office of the State Fire Marshal shall not require the removal of an underground tank system taken out of operation before January 2, 1974, except in the case in which the office of the State Fire Marshal has determined that a release from the underground tank system poses a current or potential threat to human health and the environment. In that case, and upon receipt of an Order from the Office of the State Fire Marshal, the owner or operator of the nonoperational underground tank system shall assess the excavation zone and close the system in accordance with regulations promulgated by the Office of the State Fire Marshal.

(4) (a) The Office of the State Fire Marshal shall adopt rules and regulations regarding aboveground storage tanks and associated piping and no municipality or other
polITICAL SUBDIVISION SHALl ADOPT OR ENFORCE ANY ORDINANCES OR REGULATIONS REGARDING SUCH ABOVEGROUND TANKS AND PIPING OTHER THAN THOSE WHICH ARE IDENTICAL TO THE RULES AND REGULATIONS OF THE OFFICE OF THE STATE FIRE MARSHAL UNLESS, IN THE INTEREST OF FIRE SAFETY, THE OFFICE OF THE STATE FIRE MARSHAL DELEGATES SUCH AUTHORITY TO MUNICIPALITIES, POLITICAL SUBDIVISIONS OR HOME RULE UNITS. IT IS DECLARED TO BE THE LAW OF THIS STATE, PERSUANT TO PARAGRAPHS (H) AND (I) OF SECTION 6 OF ARTICLE VII OF THE ILLINOIS CONSTITUTION, THAT THE ESTABLISHMENT OF STANDARDS REGARDING ABOVEGROUND STORAGE TANKS AND ASSOCIATED PIPING WITHIN THE JURISDICTION OF THE OFFICE OF THE STATE FIRE MARSHAL IS AN EXCLUSIVE STATE FUNCTION WHICH MAY NOT BE EXERCISED CONCURRENTLY BY A HOME RULE UNIT EXCEPT AS EXPRESSLY PERMITTED IN THIS ACT.

(b) THE OFFICE OF THE STATE FIRE MARSHAL SHALL ENFORCE ITS RULES AND REGULATIONS CONCERNING ABOVEGROUND STORAGE TANKS AND ASSOCIATED PIPING; HOWEVER, MUNICIPALITIES MAY ENFORCE ANY OF THEIR ZONING ORDINANCES OR ZONING REGULATIONS REGARDING ABOVEGROUND TANKS. THE OFFICE OF THE STATE FIRE MARSHAL MAY ISSUE AN ADMINISTRATIVE ORDER TO ANY OWNER OF AN ABOVEGROUND STORAGE TANK AND ASSOCIATED PIPING IT REASONABLY BELIEVES TO BE IN VIOLATION OF SUCH RULES AND REGULATIONS TO REMEDY OR REMOVE ANY SUCH VIOLATION. SUCH AN ORDER SHALL BE SERVED BY REGISTERED OR CERTIFIED MAIL OR IN PERSON. ANY PERSON SERVED WITH SUCH AN ORDER MAY APPEAL SUCH ORDER BY SUBMITTING IN WRITING ANY SUCH APPEAL TO THE OFFICE WITHIN 10 DAYS OF THE DATE OF RECEIPT OF SUCH ORDER. THE OFFICE SHALL CONDUCT AN ADMINISTRATIVE HEARING GOVERNED BY THE ILLINOIS ADMINISTRATIVE PROCEDURE ACT AND ENTER AN ORDER TO SUSTAIN, MODIFY OR REVOKE SUCH ORDER. ANY APPEAL FROM SUCH ORDER SHALL BE TO THE CIRCUIT COURT OF THE COUNTY IN WHICH THE VIOLATION TOOK PLACE AND SHALL BE GOVERNED BY THE ADMINISTRATIVE REVIEW LAW.

(430 ILCS 15/7) (FROM CH. 127 1/2, PAR. 159)
SEC. 7. (a) A VIOLATION OF:

(1) PARAGRAPH (A) OR (B) OF SUBSECTION (3) OF SECTION 2 OF THIS ACT IS A BUSINESS OFFENSE PUNISHABLE BY A FINE OF NOT MORE THAN $10,000 PER DAY;

(2) (BLANK); PARAGRAPH (C) OF SUBSECTION (3) OF SECTION 2 IS A PETTY OFFENSE PUNISHABLE BY A FINE OF NOT LESS THAN $100 NOR MORE THAN $500 PER TANK TESTED;

(3) SECTION 4 AND 5 OF THIS ACT IS A BUSINESS OFFENSE PUNISHABLE BY A FINE OF NOT MORE THAN $10,000 PER DAY;

(3.5) SECTION 3.5 OF THIS ACT IS A BUSINESS OFFENSE PUNISHABLE BY FINE OF NOT MORE THAN $10,000 PER OFFENSE;

(4) AN ADMINISTRATIVE ORDER AS DESCRIBED IN PARAGRAPH (E) OF SUBSECTION (3) OF SECTION 2, PARAGRAPH (B) OF SUBSECTION (4) OF SECTION 2 OR SUBSECTION (C) OF SECTION 6 AFTER IT HAS BECOME FINAL IS A BUSINESS OFFENSE PUNISHABLE BY A FINE OF NOT LESS THAN $1,000 NOR MORE THAN $25,000 PER DAY;

(5) ANY OTHER RULE PROMULGATED BY THE OFFICE OF THE STATE FIRE MARSHAL IS A BUSINESS OFFENSE PUNISHABLE BY A FINE OF NOT LESS THAN $100 NOR MORE THAN $1,000 FOR EACH OFFENSE OR EACH DAY OF CONTINUED VIOLATION.

(b) (BLANK). THE STATE FIRE MARSHAL MAY SUSPEND OR REVOKE THE REGISTRATION OF ANY PERSON WHO HAS VIOLATED THE RULES OF THE STATE FIRE MARSHAL AFTER NOTICE AND OPPORTUNITY FOR

NEW MATTER INDICATED BY ITALICS - DELETIONS BY STRIKETHROUGH.
an Administrative hearing which shall be governed by the Illinois Administrative Procedure Act. Any appeal from such suspension or revocation shall be to the circuit court of the county in which the hearing was held and be governed by the Administrative Review Law.

(c) A civil action to recover such fines may be brought by the Attorney General or the State's Attorney of the county in which the violation occurred.

(d) Any monies received by the State under this Section shall be deposited into the Underground Storage Tank Fund.

(Source: P.A. 90-662, eff. 7-30-98.)

Section 999. Effective date. This Act takes effect upon becoming law.
Passed in the General Assembly April 24, 2002.
Approved July 11, 2002.
Effective July 11, 2002.

PUBLIC ACT 92-0619

(AN ACT in relation to vehicles.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The State Finance Act is amended by adding Section 5.570 as follows:
(30 ILCS 105/5.570 new)
Sec. 5.570. The Transportation Safety Highway Hire-back Fund.
Section 10. The Illinois Vehicle Code is amended by changing Section 11-605 as follows:
(625 ILCS 5/11-605) (from Ch. 95 1/2, par. 11-605)
Sec. 11-605. Special speed limit while passing schools or while traveling through highway construction or maintenance zones.
(a) For the purpose of this Section, "school" means the following entities:
   (1) A public or private primary or secondary school.
   (2) A primary or secondary school operated by a religious institution.
   (3) A public, private, or religious nursery school.

On a school day when school children are present and so close thereto that a potential hazard exists because of the close proximity of the motorized traffic, no person shall drive a motor vehicle at a speed in excess of 20 miles per hour while passing a school zone or while traveling upon any public thoroughfare where children pass going to and from school.

For the purpose of this Section a school day shall begin at seven ante meridian and shall conclude at four post meridian.

This Section shall not be applicable unless appropriate signs are posted upon streets and highways under their respective jurisdiction and maintained by the Department, township, county, park district, city, village or incorporated town wherein the school zone is located. With regard to the special speed limit while passing schools, such signs shall give proper due warning that a school zone is being approached and shall indicate the school zone

New matter indicated by italics - deletions by strikeout.
and the maximum speed limit in effect during school days when school children are present. 

(b) No person shall operate a motor vehicle in a construction or maintenance zone at a speed in excess of the posted speed limit when workers are present and so close to the moving traffic that a potential hazard exists because of the motorized traffic.

(c) Nothing in this Chapter shall prohibit the use of electronic speed-detecting devices within 500 feet of signs within a special school speed zone or a construction or maintenance zone indicating such zone, as defined in this Section, nor shall evidence obtained thereby be inadmissible in any prosecution for speeding provided the use of such device shall apply only to the enforcement of the speed limit in such special school speed zone or a construction or maintenance zone.

(d) For the purpose of this Section, a construction or maintenance zone is an area in which the Department, Toll Highway Authority, or local agency has determined that the preexisting established speed limit through a highway construction or maintenance project is greater than is reasonable or safe with respect to the conditions expected to exist in the construction or maintenance zone and has posted a lower speed limit with a highway construction or maintenance zone special speed limit sign.

Highway construction or maintenance zone special speed limit signs shall be of a design approved by the Department. The signs shall give proper due warning that a construction or maintenance zone is being approached and shall indicate the maximum speed limit in effect. The signs shall also state the amount of the minimum fine for a violation when workers are present.

(e) A first violation of this Section is a petty offense with a minimum fine of $150. A second or subsequent violation of this Section is a petty offense with a minimum fine of $300.

(f) When a fine for a violation of subsection (a) is $150 or greater, the person who violates subsection (a) shall be charged an additional $50 to be paid to the unit school district where the violation occurred for school safety purposes. If the violation occurred in a dual school district, $25 of the surcharge shall be paid to the elementary school district for school safety purposes and $25 of the surcharge shall be paid to the high school district for school safety purposes. Notwithstanding any other provision of law, the entire $50 surcharge shall be paid to the appropriate school district or districts.

For purposes of this subsection (f), "school safety purposes" includes the costs associated with school zone safety education and the purchase, installation, and maintenance of caution lights which are mounted on school speed zone signs.

(g) When a fine for a violation of subsection (b) is $150 or greater, the person who violates subsection (b) shall be charged an additional $50. The $50 surcharge shall be deposited into the Transportation Safety Highway Hire-back Fund.

(h) The Transportation Safety Highway Hire-back Fund is created as a special fund in the State treasury. Subject to appropriation by the General Assembly and approval by the Secretary, the Secretary of Transportation shall use all moneys in the Transportation Safety Highway Hire-back Fund to hire off-duty Department of State Police officers to monitor construction or maintenance zones.

New matter indicated by italics - deletions by strikeout.
AN ACT concerning schools.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The School Code is amended by adding Sections 17-17 and 34-23.5 as follows:

(105 ILCS 5/17-17 new)

Sec. 17-17. Issuance of notes, bonds, or other obligations in lieu of tax anticipation warrants.

(a) In lieu of issuing tax anticipation warrants in accordance with Section 17-16 of this Code, the school board of a school district having a population of 500,000 or less inhabitants may issue notes, bonds, or other obligations (and in connection with that issuance, establish a line of credit with a bank) in an amount not to exceed 85% of the amount of property taxes most recently levied for educational and building purposes. Moneys thus borrowed shall be applied to the purposes for which they were obtained and no other purpose. All moneys so borrowed shall be repaid exclusively from property tax revenues within 60 days after the property tax revenues have been received by the board.

(b) Borrowing authorized under subsection (a) of this Section shall bear interest at a rate not to exceed the maximum rate authorized by the Bond Authorization Act, from the date of issuance until paid.

(c) Prior to the board borrowing or establishing a line of credit under this Section, the board shall authorize, by resolution, the borrowing or line of credit. The resolution shall set forth facts demonstrating the need for the borrowing or line of credit, state the amount to be borrowed, establish a maximum interest rate limit not to exceed that set forth in subsection (b) of this Section, and provide a date by which the borrowed funds shall be repaid. The resolution shall direct the relevant officials to make arrangements to set apart and hold the taxes, as received, that will be used to repay the borrowing. In addition, the resolution may authorize the relevant officials to make partial repayments of the borrowing as the taxes become available and may contain any other terms, restrictions, or limitations not inconsistent with the provisions of this Section.

(105 ILCS 5/34-23.5 new)

Sec. 34-23.5. Issuance of notes, bonds, or other obligations in lieu of tax anticipation warrants.

(a) In lieu of issuing tax anticipation warrants in accordance with Section 34-23 of this Code, the board may issue notes, bonds, or other obligations (and in connection with
that issuance, establish a line of credit with a bank) in an amount not to exceed 85% of the amount of property taxes most recently levied for educational and building purposes. Moneys thus borrowed shall be applied to the purposes for which they were obtained and no other purpose. All moneys so borrowed shall be repaid exclusively from property tax revenues within 60 days after the property tax revenues have been received by the board.

(b) Borrowing authorized under subsection (a) of this Section shall bear interest at a rate not to exceed the maximum rate authorized by the Bond Authorization Act, from the date of issuance until paid.

(c) Prior to the board borrowing or establishing a line of credit under this Section, the board shall authorize, by resolution, the borrowing or line of credit. The resolution shall set forth facts demonstrating the need for the borrowing or line of credit, state the amount to be borrowed, establish a maximum interest rate limit not to exceed that set forth in subsection (b) of this Section, and provide a date by which the borrowed funds shall be repaid. The resolution shall direct the relevant officials to make arrangements to set apart and hold the taxes, as received, that will be used to repay the borrowing. In addition, the resolution may authorize the relevant officials to make partial repayments of the borrowing as the taxes become available and may contain any other terms, restrictions, or limitations not inconsistent with the provisions of this Section.

Section 99. Effective date. This Act takes effect upon becoming law.
Passed in the General Assembly April 25, 2002.
Approved July 11, 2002.
Effective July 11, 2002.

PUBLIC ACT 92-0621
(House Bill No. 3775)

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

Section 5. The Property Tax Code is amended by changing Section 18-177 as follows:

(35 ILCS 200/18-177)
Sec. 18-177. Leased low-rent housing abatement. In counties of 3,000,000 or more inhabitants, the county clerk shall abate property taxes levied by any taxing district under this Code on property that meets the following requirements:

(1) Does not qualify as exempt property under Section 15-95 of this Code.
(2) Is situated in a municipality with 1,000,000 or more inhabitants and improved with either a multifamily dwelling or a multi-building development that is subject to a leasing agreement, regulatory and operating agreement, or other similar instrument with a Housing Authority created under the Housing Authorities Act that sets forth the terms for leasing low-rent housing.
(3) consisting of 6 units or more that is leased For a period of not less than 20

New matter indicated by italics - deletions by strikeout.
years to a housing authority created under the Housing Authorities Act; but only if the property and improvements, or the property and improvements for which the abatement is sought, are used solely for low-rent housing and related uses by the housing authority as prescribed in a written lease agreement.

Property and portions of property used or intended to be used for commercial purposes are not eligible for the abatement provided in this Section. A housing authority created under the Housing Authorities Act shall file annually with the county clerk for any property eligible for an abatement under this Section, on a form prescribed by the county clerk, a certificate of the property's use during the immediately preceding year. The certificate shall certify that the property or a portion of the property meets the requirements of this Section and that the eligible residential units have been inspected within the previous 90 days and meet or exceed all housing quality standards of the authority. If only a portion of the property meets these requirements, the certificate shall state the amount of that portion as a percentage of the total equalized and assessed value of the property. If the property is improved with an eligible multifamily dwelling or multi-building development containing residential units that are individually assessed, no more than 40% one-third of those residential units may be certified. If the property is improved with an eligible multifamily dwelling or multi-building development containing residential units that are not individually assessed, the portion of the property certified shall represent no more than 40% one-third of those residential units. The county clerk shall abate the taxes only if a certificate of use has been timely filed for that year. If only a portion of the property has been certified as eligible, the county clerk shall abate the taxes in the percentage so certified. Whenever a housing authority is the lessee of property receives that is eligible for an abatement under this Section, the rental rate set under the lease, regulatory and operating agreement, or other similar instrument for that property shall not include property taxes reflect a reduction in payments due under the lease from the housing authority in the full amount of the abatement. No property shall be eligible for abatement under this Section if the owner of the property has any outstanding and overdue debts to the municipality in which the property is situated.

(Source: P.A. 90-767, eff. 1-1-99.)

Section 99. Effective date. This Act takes effect upon becoming law.
Passed in the General Assembly April 24, 2002.
Approved July 11, 2002.
Effective July 11, 2002.

PUBLIC ACT 92-0622
(House Bill No. 3794)

AN ACT in relation to vehicles.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Vehicle Code is amended by changing Section 6-601 as follows:

New matter indicated by italics - deletions by strikeout.
Sec. 6-601. Penalties. (a) It is a petty offense for any person to violate any of the provisions of this Chapter unless such violation is by this Code or other law of this State declared to be a misdemeanor or a felony.

(b) General penalties. Unless another penalty is in this Code or other laws of this State, every person convicted of a petty offense for the violation of any provision of this Chapter shall be punished by a fine of not more than $500.

(c) Unlicensed driving. Except as hereinafter provided a violation of Section 6-101 shall be:

1. A Class A misdemeanor if the person failed to obtain a driver's license or permit after expiration of a period of revocation.

2. A Class B misdemeanor petty offense if the person has been issued a driver's license or permit, which has expired, and if the period of expiration is greater than one year 6 months; or if the person has never been issued a driver's license or permit, or is not qualified to obtain a driver's license or permit because of his age; the minimum fine shall be $50.

If a licensee under this Code is convicted of violating Section 6-101 for operating a motor vehicle during a time when such licensee's driver's license was invalid under the provisions of Section 6-110, then conviction under such circumstances shall be punishable by a fine of not more than $25.

If a licensee under this Code is convicted of violating Section 6-303 for operating a motor vehicle during a time when such licensee's driver's license was suspended under the provisions of Section 6-306.3, then such act shall be a petty offense (provided the licensee has answered the charge which was the basis of the suspension under Section 6-306.3), and there shall be imposed no additional like period of suspension as provided in paragraph (b) of Section 6-303.

Any person convicted of a violation of subsection 6 of Section 6-301 shall be guilty of a Class B misdemeanor and shall be imprisoned for not less than 7 days.

(Source: P.A. 85-992.)

Passed in the General Assembly May 7, 2002.
Approved July 11, 2002.

PUBLIC ACT 92-0623
(House Bill No. 4044)

AN ACT concerning employment.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Minimum Wage Law is amended by changing Section 4a as follows:
(820 ILCS 105/4a) (from Ch. 48, par. 1004a)
Sec. 4a. (1) Except as otherwise provided in this Section, no employer shall employ

New matter indicated by italics - deletions by strikeout.
any of his employees for a workweek of more than 40 hours unless such employee receives compensation for his employment in excess of the hours above specified at a rate not less than 1 1/2 times the regular rate at which he is employed.

(2) The provisions of subsection (1) of this Section are not applicable to:

   A. Any salesman or mechanic primarily engaged in selling or servicing automobiles, trucks or farm implements, if he is employed by a nonmanufacturing establishment primarily engaged in the business of selling such vehicles or implements to ultimate purchasers.

   B. Any salesman primarily engaged in selling trailers, boats, or aircraft, if he is employed by a nonmanufacturing establishment primarily engaged in the business of selling trailers, boats, or aircraft to ultimate purchasers.

   C. Any employer of agricultural labor, with respect to such agricultural employment.

   D. Any governmental body.

   E. Any employee employed in a bona fide executive, administrative or professional capacity, including any radio or television announcer, news editor, or chief engineer, as defined by or covered by the Federal Fair Labor Standards Act of 1938, as now or hereafter amended. For bona fide executive, administrative, and professional employees of not-for-profit corporations, the Director may, by regulation, adopt a weekly wage rate standard lower than that provided for executive, administrative, and professional employees covered under the Fair Labor Standards Act of 1938, as now or hereafter amended.

   F. Any commissioned employee as described in paragraph (i) of Section 7 of the Federal Fair Labor Standards Act of 1938 and rules and regulations promulgated thereunder, as now or hereafter amended.

   G. Any employment of an employee in the stead of another employee of the same employer pursuant to a worktime exchange agreement between employees.

   H. Any employee of a not-for-profit educational or residential child care institution who (a) on a daily basis is directly involved in educating or caring for children who (1) are orphans, foster children, abused, neglected or abandoned children, or are otherwise homeless children and (2) reside in residential facilities of the institution and (b) is compensated at an annual rate of not less than $13,000 or, if the employee resides in such facilities and receives without cost board and lodging from such institution, not less than $10,000.

   I. Any employee employed as a crew member of any uninspected towing vessel, as defined by Section 2101(40) of Title 46 of the United States Code, operating in any navigable waters in or along the boundaries of the State of Illinois.

(3) Any employer may employ any employee for a period or periods of not more than 10 hours in the aggregate in any workweek in excess of the maximum hours specified in subsection (1) of this Section without paying the compensation for overtime employment prescribed in subsection (1) if during that period or periods the employee is receiving remedial education that:

New matter indicated by italics - deletions by strikeout.
(a) is provided to employees who lack a high school diploma or educational attainment at the eighth grade level;
    (b) is designed to provide reading and other basic skills at an eighth grade level or below; and
    (c) does not include job specific training.
(Source: P.A. 88-122; 89-453, eff. 1-1-97.)

Section 10. The One Day Rest In Seven Act is amended by changing Section 2 as follows:

(820 ILCS 140/2) (from Ch. 48, par. 8b)
Sec. 2. Every employer shall allow every employee except those specified in this Section at least twenty-four consecutive hours of rest in every calendar week in addition to the regular period of rest allowed at the close of each working day.
This Section does not apply to the following:
(1) Part-time employees whose total work hours for one employer during a calendar week do not exceed 20; and
(2) Employees needed in case of breakdown of machinery or equipment or other emergency requiring the immediate services of experienced and competent labor to prevent injury to person, damage to property, or suspension of necessary operation; and
(3) Employees employed in agriculture or coal mining; and
(4) Employees engaged in the occupation of canning and processing perishable agricultural products, if such employees are employed by an employer in such occupation on a seasonal basis and for not more than 20 weeks during any calendar year or 12 month period; and
(5) Employees employed as watchmen or security guards; and
(6) Employees who are employed in a bonafide executive, administrative, or professional capacity or in the capacity of an outside salesman, as defined in Section 12 (a) (1) of the federal Fair Labor Standards Act, as amended, and those employed as supervisors as defined in Section 2 (11) of the National Labor Relations Act, as amended; and
(7) Employees who are employed as crew members of any uninspected towing vessel, as defined by Section 2101(40) of Title 46 of the United States Code, operating in any navigable waters in or along the boundaries of the State of Illinois.
(Source: P.A. 78-1297.)

Section 99. Effective date. This Act takes effect upon becoming law.
Passed in the General Assembly April 24, 2002.
Approved July 11, 2002.
Effective July 11, 2002.
Assembly:

Section 5. The Illinois Municipal Code is amended by changing Sections 11-74.4-3, 11-74.4-4.1, 11-74.4-5, and 11-74.4-7 as follows:

(65 ILCS 5/11-74.4-3) (from Ch. 24, par. 11-74.4-3)

Sec. 11-74.4-3. Definitions. The following terms, wherever used or referred to in this Division 74.4 shall have the following respective meanings, unless in any case a different meaning clearly appears from the context.

(a) For any redevelopment project area that has been designated pursuant to this Section by an ordinance adopted prior to November 1, 1999 (the effective date of Public Act 91-478), "blighted area" shall have the meaning set forth in this Section prior to that date. On and after November 1, 1999, "blighted area" means any improved or vacant area within the boundaries of a redevelopment project area located within the territorial limits of the municipality where:

(1) If improved, industrial, commercial, and residential buildings or improvements are detrimental to the public safety, health, or welfare because of a combination of 5 or more of the following factors, each of which is (i) present, with that presence documented, to a meaningful extent so that a municipality may reasonably find that the factor is clearly present within the intent of the Act and (ii) reasonably distributed throughout the improved part of the redevelopment project area:

(A) Dilapidation. An advanced state of disrepair or neglect of necessary repairs to the primary structural components of buildings or improvements in such a combination that a documented building condition analysis determines that major repair is required or the defects are so serious and so extensive that the buildings must be removed.

(B) Obsolescence. The condition or process of falling into disuse. Structures have become ill-suited for the original use.

(C) Deterioration. With respect to buildings, defects including, but not limited to, major defects in the secondary building components such as doors, windows, porches, gutters and downspouts, and fascia. With respect to surface improvements, that the condition of roadways, alleys, curbs, gutters, sidewalks, off-street parking, and surface storage areas evidence deterioration, including, but not limited to, surface cracking, crumbling, potholes, depressions, loose paving material, and weeds protruding through paved surfaces.

(D) Presence of structures below minimum code standards. All structures that do not meet the standards of zoning, subdivision, building, fire, and other governmental codes applicable to property, but not including housing and property maintenance codes.

(E) Illegal use of individual structures. The use of structures in violation of applicable federal, State, or local laws, exclusive of those applicable to the presence of structures below minimum code standards.

New matter indicated by italics - deletions by strikeout.
(F) Excessive vacancies. The presence of buildings that are unoccupied or under-utilized and that represent an adverse influence on the area because of the frequency, extent, or duration of the vacancies.

(G) Lack of ventilation, light, or sanitary facilities. The absence of adequate ventilation for light or air circulation in spaces or rooms without windows, or that require the removal of dust, odor, gas, smoke, or other noxious airborne materials. Inadequate natural light and ventilation means the absence of skylights or windows for interior spaces or rooms and improper window sizes and amounts by room area to window area ratios. Inadequate sanitary facilities refers to the absence or inadequacy of garbage storage and enclosure, bathroom facilities, hot water and kitchens, and structural inadequacies preventing ingress and egress to and from all rooms and units within a building.

(H) Inadequate utilities. Underground and overhead utilities such as storm sewers and storm drainage, sanitary sewers, water lines, and gas, telephone, and electrical services that are shown to be inadequate. Inadequate utilities are those that are: (i) of insufficient capacity to serve the uses in the redevelopment project area, (ii) deteriorated, antiquated, obsolete, or in disrepair, or (iii) lacking within the redevelopment project area.

(I) Excessive land coverage and overcongregating of structures and community facilities. The over-intensive use of property and the crowding of buildings and accessory facilities onto a site. Examples of problem conditions warranting the designation of an area as one exhibiting excessive land coverage are: (i) the presence of buildings either improperly situated on parcels or located on parcels of inadequate size and shape in relation to present-day standards of development for health and safety and (ii) the presence of multiple buildings on a single parcel. For there to be a finding of excessive land coverage, these parcels must exhibit one or more of the following conditions: insufficient provision for light and air within or around buildings, increased threat of spread of fire due to the close proximity of buildings, lack of adequate or proper access to a public right-of-way, lack of reasonably required off-street parking, or inadequate provision for loading and service.

(J) Deleterious land use or layout. The existence of incompatible land-use relationships, buildings occupied by inappropriate mixed-uses, or uses considered to be noxious, offensive, or unsuitable for the surrounding area.

(K) Environmental clean-up. The proposed redevelopment project area has incurred Illinois Environmental Protection Agency or United States Environmental Protection Agency remediation costs for, or a study conducted by an independent consultant recognized as having expertise in environmental remediation has determined a need for, the clean-up of
hazardous waste, hazardous substances, or underground storage tanks required by State or federal law, provided that the remediation costs constitute a material impediment to the development or redevelopment of the redevelopment project area.

(L) Lack of community planning. The proposed redevelopment project area was developed prior to or without the benefit or guidance of a community plan. This means that the development occurred prior to the adoption by the municipality of a comprehensive or other community plan or that the plan was not followed at the time of the area's development. This factor must be documented by evidence of adverse or incompatible land-use relationships, inadequate street layout, improper subdivision, parcels of inadequate shape and size to meet contemporary development standards, or other evidence demonstrating an absence of effective community planning.

(M) The total equalized assessed value of the proposed redevelopment project area has declined for 3 of the last 5 calendar years prior to the year in which the redevelopment project area is designated or is increasing at an annual rate that is less than the balance of the municipality for 3 of the last 5 calendar years for which information is available or is increasing at an annual rate that is less than the Consumer Price Index for All Urban Consumers published by the United States Department of Labor or successor agency for 3 of the last 5 calendar years prior to the year in which the redevelopment project area is designated.

(2) If vacant, the sound growth of the redevelopment project area is impaired by a combination of 2 or more of the following factors, each of which is (i) present, with that presence documented, to a meaningful extent so that a municipality may reasonably find that the factor is clearly present within the intent of the Act and (ii) reasonably distributed throughout the vacant part of the redevelopment project area to which it pertains:

(A) Obsolete platting of vacant land that results in parcels of limited or narrow size or configurations of parcels of irregular size or shape that would be difficult to develop on a planned basis and in a manner compatible with contemporary standards and requirements, or platting that failed to create rights-of-ways for streets or alleys or that created inadequate right-of-way widths for streets, alleys, or other public rights-of-way or that omitted easements for public utilities.

(B) Diversity of ownership of parcels of vacant land sufficient in number to retard or impede the ability to assemble the land for development.

(C) Tax and special assessment delinquencies exist or the property has been the subject of tax sales under the Property Tax Code within the last 5 years.

(D) Deterioration of structures or site improvements in neighboring areas adjacent to the vacant land.

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(E) The area has incurred Illinois Environmental Protection Agency or United States Environmental Protection Agency remediation costs for, or a study conducted by an independent consultant recognized as having expertise in environmental remediation has determined a need for, the clean-up of hazardous waste, hazardous substances, or underground storage tanks required by State or federal law, provided that the remediation costs constitute a material impediment to the development or redevelopment of the redevelopment project area.

(F) The total equalized assessed value of the proposed redevelopment project area has declined for 3 of the last 5 calendar years prior to the year in which the redevelopment project area is designated or is increasing at an annual rate that is less than the balance of the municipality for 3 of the last 5 calendar years for which information is available or is increasing at an annual rate that is less than the Consumer Price Index for All Urban Consumers published by the United States Department of Labor or successor agency for 3 of the last 5 calendar years prior to the year in which the redevelopment project area is designated.

(3) If vacant, the sound growth of the redevelopment project area is impaired by one of the following factors that (i) is present, with that presence documented, to a meaningful extent so that a municipality may reasonably find that the factor is clearly present within the intent of the Act and (ii) is reasonably distributed throughout the vacant part of the redevelopment project area to which it pertains:

(A) The area consists of one or more unused quarries, mines, or strip mine ponds.

(B) The area consists of unused railyards, rail tracks, or railroad rights-of-way.

(C) The area, prior to its designation, is subject to chronic flooding that adversely impacts on real property in the area as certified by a registered professional engineer or appropriate regulatory agency.

(D) The area consists of an unused or illegal disposal site containing earth, stone, building debris, or similar materials that were removed from construction, demolition, excavation, or dredge sites.

(E) Prior to November 1, 1999, the area is not less than 50 nor more than 100 acres and 75% of which is vacant (notwithstanding that the area has been used for commercial agricultural purposes within 5 years prior to the designation of the redevelopment project area), and the area meets at least one of the factors itemized in paragraph (1) of this subsection, the area has been designated as a town or village center by ordinance or comprehensive plan adopted prior to January 1, 1982, and the area has not been developed for that designated purpose.

(F) The area qualified as a blighted improved area immediately prior to becoming vacant, unless there has been substantial private investment in

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the immediately surrounding area.

(b) For any redevelopment project area that has been designated pursuant to this Section by an ordinance adopted prior to November 1, 1999 (the effective date of Public Act 91-478), "conservation area" shall have the meaning set forth in this Section prior to that date.

On and after November 1, 1999, "conservation area" means any improved area within the boundaries of a redevelopment project area located within the territorial limits of the municipality in which 50% or more of the structures in the area have an age of 35 years or more. Such an area is not yet a blighted area but because of a combination of 3 or more of the following factors is detrimental to the public safety, health, morals or welfare and such an area may become a blighted area:

(1) Dilapidation. An advanced state of disrepair or neglect of necessary repairs to the primary structural components of buildings or improvements in such a combination that a documented building condition analysis determines that major repair is required or the defects are so serious and so extensive that the buildings must be removed.

(2) Obsolescence. The condition or process of falling into disuse. Structures have become ill-suited for the original use.

(3) Deterioration. With respect to buildings, defects including, but not limited to, major defects in the secondary building components such as doors, windows, porches, gutters and downspouts, and fascia. With respect to surface improvements, that the condition of roadways, alleys, curbs, gutters, sidewalks, off-street parking, and surface storage areas evidence deterioration, including, but not limited to, surface cracking, crumbling, potholes, depressions, loose paving material, and weeds protruding through paved surfaces.

(4) Presence of structures below minimum code standards. All structures that do not meet the standards of zoning, subdivision, building, fire, and other governmental codes applicable to property, but not including housing and property maintenance codes.

(5) Illegal use of individual structures. The use of structures in violation of applicable federal, State, or local laws, exclusive of those applicable to the presence of structures below minimum code standards.

(6) Excessive vacancies. The presence of buildings that are unoccupied or under-utilized and that represent an adverse influence on the area because of the frequency, extent, or duration of the vacancies.

(7) Lack of ventilation, light, or sanitary facilities. The absence of adequate ventilation for light or air circulation in spaces or rooms without windows, or that require the removal of dust, odor, gas, smoke, or other noxious airborne materials. Inadequate natural light and ventilation means the absence or inadequacy of skylights or windows for interior spaces or rooms and improper window sizes and amounts by room area to window area ratios. Inadequate sanitary facilities refers to the absence or inadequacy of garbage storage and enclosure, bathroom facilities, hot water and

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kitchens, and structural inadequacies preventing ingress and egress to and from all rooms and units within a building.

(8) Inadequate utilities. Underground and overhead utilities such as storm sewers and storm drainage, sanitary sewers, water lines, and gas, telephone, and electrical services that are shown to be inadequate. Inadequate utilities are those that are: (i) of insufficient capacity to serve the uses in the redevelopment project area, (ii) deteriorated, antiquated, obsolete, or in disrepair, or (iii) lacking within the redevelopment project area.

(9) Excessive land coverage and overcrowding of structures and community facilities. The over-intensive use of property and the crowding of buildings and accessory facilities onto a site. Examples of problem conditions warranting the designation of an area as one exhibiting excessive land coverage are: the presence of buildings either improperly situated on parcels or located on parcels of inadequate size and shape in relation to present-day standards of development for health and safety and the presence of multiple buildings on a single parcel. For there to be a finding of excessive land coverage, these parcels must exhibit one or more of the following conditions: insufficient provision for light and air within or around buildings, increased threat of spread of fire due to the close proximity of buildings, lack of adequate or proper access to a public right-of-way, lack of reasonably required off-street parking, or inadequate provision for loading and service.

(10) Deleterious land use or layout. The existence of incompatible land-use relationships, buildings occupied by inappropriate mixed-uses, or uses considered to be noxious, offensive, or unsuitable for the surrounding area.

(11) Lack of community planning. The proposed redevelopment project area was developed prior to or without the benefit or guidance of a community plan. This means that the development occurred prior to the adoption by the municipality of a comprehensive or other community plan or that the plan was not followed at the time of the area’s development. This factor must be documented by evidence of adverse or incompatible land-use relationships, inadequate street layout, improper subdivision, parcels of inadequate shape and size to meet contemporary development standards, or other evidence demonstrating an absence of effective community planning.

(12) The area has incurred Illinois Environmental Protection Agency or United States Environmental Protection Agency remediation costs for, or a study conducted by an independent consultant recognized as having expertise in environmental remediation has determined a need for, the clean-up of hazardous waste, hazardous substances, or underground storage tanks required by State or federal law, provided that the remediation costs constitute a material impediment to the development or redevelopment of the redevelopment project area.

(13) The total equalized assessed value of the proposed redevelopment project area has declined for 3 of the last 5 calendar years for which information is available or is increasing at an annual rate that is less than the balance of the municipality for
3 of the last 5 calendar years for which information is available or is increasing at an annual rate that is less than the Consumer Price Index for All Urban Consumers published by the United States Department of Labor or successor agency for 3 of the last 5 calendar years for which information is available.

(c) "Industrial park" means an area in a blighted or conservation area suitable for use by any manufacturing, industrial, research or transportation enterprise, of facilities to include but not be limited to factories, mills, processing plants, assembly plants, packing plants, fabricating plants, industrial distribution centers, warehouses, repair overhaul or service facilities, freight terminals, research facilities, test facilities or railroad facilities.

(d) "Industrial park conservation area" means an area within the boundaries of a redevelopment project area located within the territorial limits of a municipality that is a labor surplus municipality or within 1 1/2 miles of the territorial limits of a municipality that is a labor surplus municipality if the area is annexed to the municipality; which area is zoned as industrial no later than at the time the municipality by ordinance designates the redevelopment project area, and which area includes both vacant land suitable for use as an industrial park and a blighted area or conservation area contiguous to such vacant land.

(e) "Labor surplus municipality" means a municipality in which, at any time during the 6 months before the municipality by ordinance designates an industrial park conservation area, the unemployment rate was over 6% and was also 100% or more of the national average unemployment rate for that same time as published in the United States Department of Labor Bureau of Labor Statistics publication entitled "The Employment Situation" or its successor publication. For the purpose of this subsection, if unemployment rate statistics for the municipality are not available, the unemployment rate in the municipality shall be deemed to be the same as the unemployment rate in the principal county in which the municipality is located.

(f) "Municipality" shall mean a city, village or incorporated town.

(g) "Initial Sales Tax Amounts" means the amount of taxes paid under the Retailers' Occupation Tax Act, Use Tax Act, Service Use Tax Act, the Service Occupation Tax Act, the Municipal Retailers' Occupation Tax Act, and the Municipal Service Occupation Tax Act by retailers and servicemen on transactions at places located in a State Sales Tax Boundary during the calendar year 1985.

(g-1) "Revised Initial Sales Tax Amounts" means the amount of taxes paid under the Retailers' Occupation Tax Act, Use Tax Act, Service Use Tax Act, the Service Occupation Tax Act, the Municipal Retailers' Occupation Tax Act, and the Municipal Service Occupation Tax Act by retailers and servicemen on transactions at places located within the State Sales Tax Boundary revised pursuant to Section 11-74.4-8a(9) of this Act.

(h) "Municipal Sales Tax Increment" means an amount equal to the increase in the aggregate amount of taxes paid to a municipality from the Local Government Tax Fund arising from sales by retailers and servicemen within the redevelopment project area or State Sales Tax Boundary, as the case may be, for as long as the redevelopment project area or State Sales Tax Boundary, as the case may be, exist over and above the aggregate amount of taxes as certified by the Illinois Department of Revenue and paid under the Municipal

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Retailers' Occupation Tax Act and the Municipal Service Occupation Tax Act by retailers and servicemen, on transactions at places of business located in the redevelopment project area or State Sales Tax Boundary, as the case may be, during the base year which shall be the calendar year immediately prior to the year in which the municipality adopted tax increment allocation financing. For purposes of computing the aggregate amount of such taxes for base years occurring prior to 1985, the Department of Revenue shall determine the Initial Sales Tax Amounts for such taxes and deduct therefrom an amount equal to 4% of the aggregate amount of taxes per year for each year the base year is prior to 1985, but not to exceed a total deduction of 12%. The amount so determined shall be known as the "Adjusted Initial Sales Tax Amounts". For purposes of determining the Municipal Sales Tax Increment, the Department of Revenue shall for each period subtract from the amount paid to the municipality from the Local Government Tax Fund arising from sales by retailers and servicemen on transactions located in the redevelopment project area or the State Sales Tax Boundary, as the case may be, the certified Initial Sales Tax Amounts, the Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts for the Municipal Retailers' Occupation Tax Act and the Municipal Service Occupation Tax Act. For the State Fiscal Year 1989, this calculation shall be made by utilizing the calendar year 1987 to determine the tax amounts received. For the State Fiscal Year 1990, this calculation shall be made by utilizing the period from January 1, 1988, until September 30, 1988, to determine the tax amounts received from retailers and servicemen pursuant to the Municipal Retailers' Occupation Tax and the Municipal Service Occupation Tax Act, which shall have deducted therefrom nine-twelfths of the certified Initial Sales Tax Amounts, the Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts as appropriate. For the State Fiscal Year 1991, this calculation shall be made by utilizing the period from October 1, 1988, to June 30, 1989, to determine the tax amounts received from retailers and servicemen pursuant to the Municipal Retailers' Occupation Tax and the Municipal Service Occupation Tax Act which shall have deducted therefrom nine-twelfths of the certified Initial Sales Tax Amounts, Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts as appropriate. For every State Fiscal Year thereafter, the applicable period shall be the 12 months beginning July 1 and ending June 30 to determine the tax amounts received which shall have deducted therefrom the certified Initial Sales Tax Amounts, the Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts, as the case may be.

(i) "Net State Sales Tax Increment" means the sum of the following: (a) 80% of the first $100,000 of State Sales Tax Increment annually generated within a State Sales Tax Boundary; (b) 60% of the amount in excess of $100,000 but not exceeding $500,000 of State Sales Tax Increment annually generated within a State Sales Tax Boundary; and (c) 40% of all amounts in excess of $500,000 of State Sales Tax Increment annually generated within a State Sales Tax Boundary. If, however, a municipality established a tax increment financing district in a county with a population in excess of 3,000,000 before January 1, 1986, and the municipality entered into a contract or issued bonds after January 1, 1986, but before December 31, 1986, to finance redevelopment project costs within a State Sales Tax Boundary, then the Net State Sales Tax Increment means, for the fiscal years beginning July
1, 1990, and July 1, 1991, 100% of the State Sales Tax Increment annually generated within a State Sales Tax Boundary; and notwithstanding any other provision of this Act, for those fiscal years the Department of Revenue shall distribute to those municipalities 100% of their Net State Sales Tax Increment before any distribution to any other municipality and regardless of whether or not those other municipalities will receive 100% of their Net State Sales Tax Increment. For Fiscal Year 1999, and every year thereafter until the year 2007, for any municipality that has not entered into a contract or has not issued bonds prior to June 1, 1988 to finance redevelopment project costs within a State Sales Tax Boundary, the Net State Sales Tax Increment shall be calculated as follows: By multiplying the Net State Sales Tax Increment by 90% in the State Fiscal Year 1999; 80% in the State Fiscal Year 2000; 70% in the State Fiscal Year 2001; 60% in the State Fiscal Year 2002; 50% in the State Fiscal Year 2003; 40% in the State Fiscal Year 2004; 30% in the State Fiscal Year 2005; 20% in the State Fiscal Year 2006; and 10% in the State Fiscal Year 2007. No payment shall be made for State Fiscal Year 2008 and thereafter.

Municipalities that issued bonds in connection with a redevelopment project in a redevelopment project area within the State Sales Tax Boundary prior to July 29, 1991, or that entered into contracts in connection with a redevelopment project in a redevelopment project area before June 1, 1988, shall continue to receive their proportional share of the Illinois Tax Increment Fund distribution until the date on which the redevelopment project is completed or terminated. If, however, a municipality that issued bonds in connection with a redevelopment project in a redevelopment project area within the State Sales Tax Boundary prior to July 29, 1991 retires the bonds prior to June 30, 2007 or a municipality that entered into contracts in connection with a redevelopment project in a redevelopment project area before June 1, 1988 completes the contracts prior to June 30, 2007, then so long as the redevelopment project is not completed or is not terminated, the Net State Sales Tax Increment shall be calculated, beginning on the date on which the bonds are retired or the contracts are completed, as follows: By multiplying the Net State Sales Tax Increment by 60% in the State Fiscal Year 2002; 50% in the State Fiscal Year 2003; 40% in the State Fiscal Year 2004; 30% in the State Fiscal Year 2005; 20% in the State Fiscal Year 2006; and 10% in the State Fiscal Year 2007. No payment shall be made for State Fiscal Year 2008 and thereafter. Refunding of any bonds issued prior to July 29, 1991, shall not alter the Net State Sales Tax Increment.

(j) "State Utility Tax Increment Amount" means an amount equal to the aggregate increase in State electric and gas tax charges imposed on owners and tenants, other than residential customers, of properties located within the redevelopment project area under Section 9-222 of the Public Utilities Act, over and above the aggregate of such charges as certified by the Department of Revenue and paid by owners and tenants, other than residential customers, of properties within the redevelopment project area during the base year, which shall be the calendar year immediately prior to the year of the adoption of the ordinance authorizing tax increment allocation financing.

(k) "Net State Utility Tax Increment" means the sum of the following: (a) 80% of the first $100,000 of State Utility Tax Increment annually generated by a redevelopment project.
area; (b) 60% of the amount in excess of $100,000 but not exceeding $500,000 of the State Utility Tax Increment annually generated by a redevelopment project area; and (c) 40% of all amounts in excess of $500,000 of State Utility Tax Increment annually generated by a redevelopment project area. For the State Fiscal Year 1999, and every year thereafter until the year 2007, for any municipality that has not entered into a contract or has not issued bonds prior to June 1, 1988 to finance redevelopment project costs within a redevelopment project area, the Net State Utility Tax Increment shall be calculated as follows: By multiplying the Net State Utility Tax Increment by 90% in the State Fiscal Year 1999; 80% in the State Fiscal Year 2000; 70% in the State Fiscal Year 2001; 60% in the State Fiscal Year 2002; 50% in the State Fiscal Year 2003; 40% in the State Fiscal Year 2004; 30% in the State Fiscal Year 2005; 20% in the State Fiscal Year 2006; and 10% in the State Fiscal Year 2007. No payment shall be made for the State Fiscal Year 2008 and thereafter.

Municipalities that issue bonds in connection with the redevelopment project during the period from June 1, 1988 until 3 years after the effective date of this Amendatory Act of 1988 shall receive the Net State Utility Tax Increment, subject to appropriation, for 15 State Fiscal Years after the issuance of such bonds. For the 16th through the 20th State Fiscal Years after issuance of the bonds, the Net State Utility Tax Increment shall be calculated as follows: By multiplying the Net State Utility Tax Increment by 90% in year 16; 80% in year 17; 70% in year 18; 60% in year 19; and 50% in year 20. Refunding of any bonds issued prior to June 1, 1988, shall not alter the revised Net State Utility Tax Increment payments set forth above.

1. "Obligations" mean bonds, loans, debentures, notes, special certificates or other evidence of indebtedness issued by the municipality to carry out a redevelopment project or to refund outstanding obligations.

2. "Payment in lieu of taxes" means those estimated tax revenues from real property in a redevelopment project area derived from real property that has been acquired by a municipality which according to the redevelopment project or plan is to be used for a private use which taxing districts would have received had a municipality not acquired the real property and adopted tax increment allocation financing and which would result from levies made after the time of the adoption of tax increment allocation financing to the time the current equalized value of real property in the redevelopment project area exceeds the total initial equalized value of real property in said area.

3. "Redevelopment plan" means the comprehensive program of the municipality for development or redevelopment intended by the payment of redevelopment project costs to reduce or eliminate those conditions the existence of which qualified the redevelopment project area as a "blighted area" or "conservation area" or combination thereof or "industrial park conservation area," and thereby to enhance the tax bases of the taxing districts which extend into the redevelopment project area. On and after November 1, 1999 (the effective date of Public Act 91-478), no redevelopment plan may be approved or amended that includes the development of vacant land (i) with a golf course and related clubhouse and other facilities or (ii) designated by federal, State, county, or municipal government as public land for outdoor recreational activities or for nature preserves and used for that purpose.

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within 5 years prior to the adoption of the redevelopment plan. For the purpose of this subsection, "recreational activities" is limited to mean camping and hunting. Each redevelopment plan shall set forth in writing the program to be undertaken to accomplish the objectives and shall include but not be limited to:

(A) an itemized list of estimated redevelopment project costs;
(B) evidence indicating that the redevelopment project area on the whole has not been subject to growth and development through investment by private enterprise;
(C) an assessment of any financial impact of the redevelopment project area on or any increased demand for services from any taxing district affected by the plan and any program to address such financial impact or increased demand;
(D) the sources of funds to pay costs;
(E) the nature and term of the obligations to be issued;
(F) the most recent equalized assessed valuation of the redevelopment project area;
(G) an estimate as to the equalized assessed valuation after redevelopment and the general land uses to apply in the redevelopment project area;
(H) a commitment to fair employment practices and an affirmative action plan;
(I) if it concerns an industrial park conservation area, the plan shall also include a general description of any proposed developer, user and tenant of any property, a description of the type, structure and general character of the facilities to be developed, a description of the type, class and number of new employees to be employed in the operation of the facilities to be developed; and
(J) if property is to be annexed to the municipality, the plan shall include the terms of the annexation agreement.

The provisions of items (B) and (C) of this subsection (n) shall not apply to a municipality that before March 14, 1994 (the effective date of Public Act 88-537) had fixed, either by its corporate authorities or by a commission designated under subsection (k) of Section 11-74.4-4, a time and place for a public hearing as required by subsection (a) of Section 11-74.4-5. No redevelopment plan shall be adopted unless a municipality complies with all of the following requirements:

(1) The municipality finds that the redevelopment project area on the whole has not been subject to growth and development through investment by private enterprise and would not reasonably be anticipated to be developed without the adoption of the redevelopment plan.

(2) The municipality finds that the redevelopment plan and project conform to the comprehensive plan for the development of the municipality as a whole, or, for municipalities with a population of 100,000 or more, regardless of when the redevelopment plan and project was adopted, the redevelopment plan and project either: (i) conforms to the strategic economic development or redevelopment plan issued by the designated planning authority of the municipality, or (ii) includes land

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uses that have been approved by the planning commission of the municipality.

(3) The redevelopment plan establishes the estimated dates of completion of the redevelopment project and retirement of obligations issued to finance redevelopment project costs. Those dates shall not be later than December 31 of the year in which the payment to the municipal treasurer as provided in subsection (b) of Section 11-74.4-8 of this Act is to be made with respect to ad valorem taxes levied in the twenty-third calendar year after the year in which the ordinance approving the redevelopment project area is adopted if the ordinance was adopted on or after January 15, 1981, and not later than December 31 of the year in which the payment to the municipal treasurer as provided in subsection (b) of Section 11-74.4-8 of this Act is to be made with respect to ad valorem taxes levied in the thirty-fifth calendar year after the year in which the ordinance approving the redevelopment project area is adopted:

(A) if the ordinance was adopted before January 15, 1981, or
(B) if the ordinance was adopted in December 1983, April 1984, July 1985, or December 1989, or
(C) if the ordinance was adopted in December 1987 and the redevelopment project is located within one mile of Midway Airport, or
(D) if the ordinance was adopted before January 1, 1987 by a municipality in Mason County, or
(E) if the municipality is subject to the Local Government Financial Planning and Supervision Act or the Financially Distressed City Law, or
(F) if the ordinance was adopted in December 1984 by the Village of Rosemont, or
(G) if the ordinance was adopted on December 31, 1986 by a municipality located in Clinton County for which at least $250,000 of tax increment bonds were authorized on June 17, 1997, or if the ordinance was adopted on December 31, 1986 by a municipality with a population in 1990 of less than 3,600 that is located in a county with a population in 1990 of less than 34,000 and for which at least $250,000 of tax increment bonds were authorized on June 17, 1997, or
(H) if the ordinance was adopted on October 5, 1982 by the City of Kankakee, or if the ordinance was adopted on December 29, 1986 by East St. Louis, or
(I) if the ordinance was adopted on November 12, 1991 by the Village of Sauget, or
(J) if the ordinance was adopted on February 11, 1985 by the City of Rock Island, or
(K) if the ordinance was adopted before December 18, 1986 by the City of Moline, or
(L) if the ordinance was adopted in September 1988 by Sauk Village, or

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(M) if the ordinance was adopted in October 1993 by Sauk Village, or
(N) if the ordinance was adopted on December 29, 1986 by the City of Galva, or
(O) if the ordinance was adopted in March 1991 by the City of Centreville, or
(P) if the ordinance was adopted on January 23, 1991 by the City of East St. Louis, or
(Q) if the ordinance was adopted on December 22, 1986 by the City of Aledo, or
(R) if the ordinance was adopted on February 5, 1990 by the City of Clinton, or
(S) if the ordinance was adopted on September 6, 1994 by the City of Freeport, or
(T) if the ordinance was adopted on December 22, 1986 by the City of Tuscola, or
(U) if the ordinance was adopted on December 23, 1986 by the City of Sparta, or
(V) if the ordinance was adopted on December 23, 1986 by the City of Beardstown, or
(W) if the ordinance was adopted on April 27, 1981, October 21, 1985, or December 30, 1986 by the City of Belleville.

However, for redevelopment project areas for which bonds were issued before July 29, 1991, or for which contracts were entered into before June 1, 1988, in connection with a redevelopment project in the area within the State Sales Tax Boundary, the estimated dates of completion of the redevelopment project and retirement of obligations to finance redevelopment project costs may be extended by municipal ordinance to December 31, 2013. The extension allowed by this amendatory Act of 1993 shall not apply to real property tax increment allocation financing under Section 11-74.4-8.

A municipality may by municipal ordinance amend an existing redevelopment plan to conform to this paragraph (3) as amended by Public Act 91-478, which municipal ordinance may be adopted without further hearing or notice and without complying with the procedures provided in this Act pertaining to an amendment to or the initial approval of a redevelopment plan and project and designation of a redevelopment project area.

Those dates, for purposes of real property tax increment allocation financing pursuant to Section 11-74.4-8 only, shall be not more than 35 years for redevelopment project areas that were adopted on or after December 16, 1986 and for which at least $8 million worth of municipal bonds were authorized on or after December 19, 1989 but before January 1, 1990; provided that the municipality elects to extend the life of the redevelopment project area to 35 years by the adoption of an

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ordinance after at least 14 but not more than 30 days' written notice to the taxing bodies, that would otherwise constitute the joint review board for the redevelopment project area, before the adoption of the ordinance.

Those dates, for purposes of real property tax increment allocation financing pursuant to Section 11-74.4-8 only, shall be not more than 35 years for redevelopment project areas that were established on or after December 1, 1981 but before January 1, 1982 and for which at least $1,500,000 worth of tax increment revenue bonds were authorized on or after September 30, 1990 but before July 1, 1991; provided that the municipality elects to extend the life of the redevelopment project area to 35 years by the adoption of an ordinance after at least 14 but not more than 30 days' written notice to the taxing bodies, that would otherwise constitute the joint review board for the redevelopment project area, before the adoption of the ordinance.

(3.5) The municipality finds, in the case of an industrial park conservation area, also that the municipality is a labor surplus municipality and that the implementation of the redevelopment plan will reduce unemployment, create new jobs and by the provision of new facilities enhance the tax base of the taxing districts that extend into the redevelopment project area.

(4) If any incremental revenues are being utilized under Section 8(a)(1) or 8(a)(2) of this Act in redevelopment project areas approved by ordinance after January 1, 1986, the municipality finds: (a) that the redevelopment project area would not reasonably be developed without the use of such incremental revenues, and (b) that such incremental revenues will be exclusively utilized for the development of the redevelopment project area.

(5) On and after November 1, 1999; If the redevelopment plan will not result in displacement of 10 or more residents from 10 or more inhabited residential units, and the municipality certifies in the plan that such displacement will not result from the plan, a housing impact study need not be performed. If, however, the redevelopment plan would result in the displacement of residents from 10 or more inhabited residential units, or if the redevelopment project area contains 75 or more inhabited residential units and no certification is made, then the municipality shall prepare, as part of the separate feasibility report required by subsection (a) of Section 11-74.4-5, a housing impact study.

Part I of the housing impact study shall include (i) data as to whether the residential units are single family or multi-family units, (ii) the number and type of rooms within the units, if that information is available, (iii) whether the units are inhabited or uninhabited, as determined not less than 45 days before the date that the ordinance or resolution required by subsection (a) of Section 11-74.4-5 is passed, and (iv) data as to the racial and ethnic composition of the residents in the inhabited residential units. The data requirement as to the racial and ethnic composition of the residents in the inhabited residential units shall be deemed to be fully satisfied by data from the most recent federal census.

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Part II of the housing impact study shall identify the inhabited residential units in the proposed redevelopment project area that are to be or may be removed. If inhabited residential units are to be removed, then the housing impact study shall identify (i) the number and location of those units that will or may be removed, (ii) the municipality’s plans for relocation assistance for those residents in the proposed redevelopment project area whose residences are to be removed, (iii) the availability of replacement housing for those residents whose residences are to be removed, and shall identify the type, location, and cost of the housing, and (iv) the type and extent of relocation assistance to be provided.

(6) On and after November 1, 1999, the housing impact study required by paragraph (5) shall be incorporated in the redevelopment plan for the redevelopment project area.

(7) On and after November 1, 1999, no redevelopment plan shall be adopted, nor an existing plan amended, nor shall residential housing that is occupied by households of low-income and very low-income persons in currently existing redevelopment project areas be removed after November 1, 1999 unless the redevelopment plan provides, with respect to inhabited housing units that are to be removed for households of low-income and very low-income persons, affordable housing and relocation assistance not less than that which would be provided under the federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 and the regulations under that Act, including the eligibility criteria. Affordable housing may be either existing or newly constructed housing. For purposes of this paragraph (7), "low-income households", "very low-income households", and "affordable housing" have the meanings set forth in the Illinois Affordable Housing Act. The municipality shall make a good faith effort to ensure that this affordable housing is located in or near the redevelopment project area within the municipality.

(8) On and after November 1, 1999, if, after the adoption of the redevelopment plan for the redevelopment project area, any municipality desires to amend its redevelopment plan to remove more inhabited residential units than specified in its original redevelopment plan, that change shall be made in accordance with the procedures in subsection (c) of Section 11-74.4-5 increase in the number of units to be removed shall be deemed to be a change in the nature of the redevelopment plan as to require compliance with the procedures in this Act pertaining to the initial approval of a redevelopment plan.

(9) For redevelopment project areas designated prior to November 1, 1999, the redevelopment plan may be amended without further joint review board meeting or hearing, provided that the municipality shall give notice of any such changes by mail to each affected taxing district and registrant on the interested party registry, to authorize the municipality to expend tax increment revenues for redevelopment project costs defined by paragraphs (5) and (7.5), subparagraphs (E) and (F) of paragraph (11), and paragraph (11.5) of subsection (q) of Section 11-74.4-3, so long
as the changes do not increase the total estimated redevelopment project costs set out in the redevelopment plan by more than 5% after adjustment for inflation from the date the plan was adopted.

(o) "Redevelopment project" means any public and private development project in furtherance of the objectives of a redevelopment plan. On and after November 1, 1999 (the effective date of Public Act 91-478), no redevelopment plan may be approved or amended that includes the development of vacant land (i) with a golf course and related clubhouse and other facilities or (ii) designated by federal, State, county, or municipal government as public land for outdoor recreational activities or for nature preserves and used for that purpose within 5 years prior to the adoption of the redevelopment plan. For the purpose of this subsection, "recreational activities" is limited to mean camping and hunting.

(p) "Redevelopment project area" means an area designated by the municipality, which is not less in the aggregate than 1 1/2 acres and in respect to which the municipality has made a finding that there exist conditions which cause the area to be classified as an industrial park conservation area or a blighted area or a conservation area, or a combination of both blighted areas and conservation areas.

(q) "Redevelopment project costs" mean and include the sum total of all reasonable or necessary costs incurred or estimated to be incurred, and any such costs incidental to a redevelopment plan and a redevelopment project. Such costs include, without limitation, the following:

(1) Costs of studies, surveys, development of plans, and specifications, implementation and administration of the redevelopment plan including but not limited to staff and professional service costs for architectural, engineering, legal, financial, planning or other services, provided however that no charges for professional services may be based on a percentage of the tax increment collected; except that on and after November 1, 1999 (the effective date of Public Act 91-478), no contracts for professional services, excluding architectural and engineering services, may be entered into if the terms of the contract extend beyond a period of 3 years. In addition, "redevelopment project costs" shall not include lobbying expenses. After consultation with the municipality, each tax increment consultant or advisor to a municipality that plans to designate or has designated a redevelopment project area shall inform the municipality in writing of any contracts that the consultant or advisor has entered into with entities or individuals that have received, or are receiving, payments financed by tax increment revenues produced by the redevelopment project area with respect to which the consultant or advisor has performed, or will be performing, service for the municipality. This requirement shall be satisfied by the consultant or advisor before the commencement of services for the municipality and thereafter whenever any other contracts with those individuals or entities are executed by the consultant or advisor;

(1.5) After July 1, 1999, annual administrative costs shall not include general overhead or administrative costs of the municipality that would still have been incurred by the municipality if the municipality had not designated a redevelopment
project area or approved a redevelopment plan;

(1.6) The cost of marketing sites within the redevelopment project area to prospective businesses, developers, and investors;

(2) Property assembly costs, including but not limited to acquisition of land and other property, real or personal, or rights or interests therein, demolition of buildings, site preparation, site improvements that serve as an engineered barrier addressing ground level or below ground environmental contamination, including, but not limited to parking lots and other concrete or asphalt barriers, and the clearing and grading of land;

(3) Costs of rehabilitation, reconstruction or repair or remodeling of existing public or private buildings, fixtures, and leasehold improvements; and the cost of replacing an existing public building if pursuant to the implementation of a redevelopment project the existing public building is to be demolished to use the site for private investment or devoted to a different use requiring private investment;

(4) Costs of the construction of public works or improvements, except that on and after November 1, 1999, redevelopment project costs shall not include the cost of constructing a new municipal public building principally used to provide offices, storage space, or conference facilities or vehicle storage, maintenance, or repair for administrative, public safety, or public works personnel and that is not intended to replace an existing public building as provided under paragraph (3) of subsection (q) of Section 11-74.4-3 unless either (i) the construction of the new municipal building implements a redevelopment project that was included in a redevelopment plan that was adopted by the municipality prior to November 1, 1999 or (ii) the municipality makes a reasonable determination in the redevelopment plan, supported by information that provides the basis for that determination, that the new municipal building is required to meet an increase in the need for public safety purposes anticipated to result from the implementation of the redevelopment plan;

(5) Costs of job training and retraining projects, including the cost of "welfare to work" programs implemented by businesses located within the redevelopment project area;

(6) Financing costs, including but not limited to all necessary and incidental expenses related to the issuance of obligations and which may include payment of interest on any obligations issued hereunder including interest accruing during the estimated period of construction of any redevelopment project for which such obligations are issued and for not exceeding 36 months thereafter and including reasonable reserves related thereto;

(7) To the extent the municipality by written agreement accepts and approves the same, all or a portion of a taxing district's capital costs resulting from the redevelopment project necessarily incurred or to be incurred within a taxing district in furtherance of the objectives of the redevelopment plan and project.

(7.5) For redevelopment project areas designated (or redevelopment project areas amended to add or increase the number of tax-increment-financing assisted

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housing units) on or after November 1, 1999, an elementary, secondary, or unit school district's increased costs attributable to assisted housing units located within the redevelopment project area for which the developer or redeveloper receives financial assistance through an agreement with the municipality or because the municipality incurs the cost of necessary infrastructure improvements within the boundaries of the assisted housing sites necessary for the completion of that housing as authorized by this Act, and which costs shall be paid by the municipality from the Special Tax Allocation Fund when the tax increment revenue is received as a result of the assisted housing units and shall be calculated annually as follows:

(A) for foundation districts, excluding any school district in a municipality with a population in excess of 1,000,000, by multiplying the district's increase in attendance resulting from the net increase in new students enrolled in that school district who reside in housing units within the redevelopment project area that have received financial assistance through an agreement with the municipality or because the municipality incurs the cost of necessary infrastructure improvements within the boundaries of the housing sites necessary for the completion of that housing as authorized by this Act since the designation of the redevelopment project area by the most recently available per capita tuition cost as defined in Section 10-20.12a of the School Code less any increase in general State aid as defined in Section 18-8.05 of the School Code attributable to these added new students subject to the following annual limitations:

(i) for unit school districts with a district average 1995-96 Per Capita Tuition Charge of less than $5,900, no more than 25% of the total amount of property tax increment revenue produced by those housing units that have received tax increment finance assistance under this Act;

(ii) for elementary school districts with a district average 1995-96 Per Capita Tuition Charge of less than $5,900, no more than 17% of the total amount of property tax increment revenue produced by those housing units that have received tax increment finance assistance under this Act; and

(iii) for secondary school districts with a district average 1995-96 Per Capita Tuition Charge of less than $5,900, no more than 8% of the total amount of property tax increment revenue produced by those housing units that have received tax increment finance assistance under this Act.

(B) For alternate method districts, flat grant districts, and foundation districts with a district average 1995-96 Per Capita Tuition Charge equal to or more than $5,900, excluding any school district with a population in excess of 1,000,000, by multiplying the district's increase in attendance resulting from the net increase in new students enrolled in that school district

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who reside in housing units within the redevelopment project area that have received financial assistance through an agreement with the municipality or because the municipality incurs the cost of necessary infrastructure improvements within the boundaries of the housing sites necessary for the completion of that housing as authorized by this Act since the designation of the redevelopment project area by the most recently available per capita tuition cost as defined in Section 10-20.12a of the School Code less any increase in general state aid as defined in Section 18-8.05 of the School Code attributable to these added new students subject to the following annual limitations:

(i) for unit school districts, no more than 40% of the total amount of property tax increment revenue produced by those housing units that have received tax increment finance assistance under this Act;

(ii) for elementary school districts, no more than 27% of the total amount of property tax increment revenue produced by those housing units that have received tax increment finance assistance under this Act; and

(iii) for secondary school districts, no more than 13% of the total amount of property tax increment revenue produced by those housing units that have received tax increment finance assistance under this Act.

(C) For any school district in a municipality with a population in excess of 1,000,000, the following restrictions shall apply to the reimbursement of increased costs under this paragraph (7.5):

(i) no increased costs shall be reimbursed unless the school district certifies that each of the schools affected by the assisted housing project is at or over its student capacity;

(ii) the amount reimbursable shall be reduced by the value of any land donated to the school district by the municipality or developer, and by the value of any physical improvements made to the schools by the municipality or developer; and

(iii) the amount reimbursed may not affect amounts otherwise obligated by the terms of any bonds, notes, or other funding instruments, or the terms of any redevelopment agreement.

Any school district seeking payment under this paragraph (7.5) shall, after July 1 and before September 30 of each year, provide the municipality with reasonable evidence to support its claim for reimbursement before the municipality shall be required to approve or make the payment to the school district. If the school district fails to provide the information during this period in any year, it shall forfeit any claim to reimbursement for that year. School districts may adopt a resolution waiving the right to all or a portion of the reimbursement otherwise required by this

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paragraph (7.5). By acceptance of this reimbursement the school district waives the right to directly or indirectly set aside, modify, or contest in any manner the establishment of the redevelopment project area or projects;

(8) Relocation costs to the extent that a municipality determines that relocation costs shall be paid or is required to make payment of relocation costs by federal or State law or in order to satisfy subparagraph (7) of subsection (n);

(9) Payment in lieu of taxes;

(10) Costs of job training, retraining, advanced vocational education or career education, including but not limited to courses in occupational, semi-technical or technical fields leading directly to employment, incurred by one or more taxing districts, provided that such costs (i) are related to the establishment and maintenance of additional job training, advanced vocational education or career education programs for persons employed or to be employed by employers located in a redevelopment project area; and (ii) when incurred by a taxing district or taxing districts other than the municipality, are set forth in a written agreement by or among the municipality and the taxing district or taxing districts, which agreement describes the program to be undertaken, including but not limited to the number of employees to be trained, a description of the training and services to be provided, the number and type of positions available or to be available, itemized costs of the program and sources of funds to pay for the same, and the term of the agreement. Such costs include, specifically, the payment by community college districts of costs pursuant to Sections 3-37, 3-38, 3-40 and 3-40.1 of the Public Community College Act and by school districts of costs pursuant to Sections 10-22.20a and 10-23.3a of The School Code;

(11) Interest cost incurred by a redeveloper related to the construction, renovation or rehabilitation of a redevelopment project provided that:

(A) such costs are to be paid directly from the special tax allocation fund established pursuant to this Act;

(B) such payments in any one year may not exceed 30% of the annual interest costs incurred by the redeveloper with regard to the redevelopment project during that year;

(C) if there are not sufficient funds available in the special tax allocation fund to make the payment pursuant to this paragraph (11) then the amounts so due shall accrue and be payable when sufficient funds are available in the special tax allocation fund;

(D) the total of such interest payments paid pursuant to this Act may not exceed 30% of the total (i) cost paid or incurred by the redeveloper for the redevelopment project plus (ii) redevelopment project costs excluding any property assembly costs and any relocation costs incurred by a municipality pursuant to this Act; and

(E) the cost limits set forth in subparagraphs (B) and (D) of paragraph (11) shall be modified for the financing of rehabilitated or new housing units

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for low-income households and very low-income households, as defined in Section 3 of the Illinois Affordable Housing Act. The percentage of 75% shall be substituted for 30% in subparagraphs (B) and (D) of paragraph (11).

(F) Instead of the eligible costs provided by subparagraphs (B) and (D) of paragraph (11), as modified by this subparagraph, and notwithstanding any other provisions of this Act to the contrary, the municipality may pay from tax increment revenues up to 50% of the cost of construction of new housing units to be occupied by low-income households and very low-income households as defined in Section 3 of the Illinois Affordable Housing Act. The cost of construction of those units may be derived from the proceeds of bonds issued by the municipality under this Act or other constitutional or statutory authority or from other sources of municipal revenue that may be reimbursed from tax increment revenues or the proceeds of bonds issued to finance the construction of that housing.

The eligible costs provided under this subparagraph (F) of paragraph (11) shall be an eligible cost for the construction, renovation, and rehabilitation of all low and very low-income housing units, as defined in Section 3 of the Illinois Affordable Housing Act, within the redevelopment project area. If the low and very low-income units are part of a residential redevelopment project that includes units not affordable to low and very low-income households, only the low and very low-income units shall be eligible for benefits under subparagraph (F) of paragraph (11). The standards for maintaining the occupancy by low-income households and very low-income households, as defined in Section 3 of the Illinois Affordable Housing Act, of those units constructed with eligible costs made available under the provisions of this subparagraph (F) of paragraph (11) shall be established by guidelines adopted by the municipality. The responsibility for annually documenting the initial occupancy of the units by low-income households and very low-income households, as defined in Section 3 of the Illinois Affordable Housing Act, shall be that of the then current owner of the property. For ownership units, the guidelines will provide, at a minimum, for a reasonable recapture of funds, or other appropriate methods designed to preserve the original affordability of the ownership units. For rental units, the guidelines will provide, at a minimum, for the affordability of rent to low and very low-income households. As units become available, they shall be rented to income-eligible tenants. The municipality may modify these guidelines from time to time; the guidelines, however, shall be in effect for as long as tax increment revenue is being used to pay for costs associated with the units or for the retirement of bonds issued to finance the units or for the life of the redevelopment project area, whichever is later.

(11.5) If the redevelopment project area is located within a municipality with a population of more than 100,000, the cost of day care services for children of

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employees from low-income families working for businesses located within the redevelopment project area and all or a portion of the cost of operation of day care centers established by redevelopment project area businesses to serve employees from low-income families working in businesses located in the redevelopment project area. For the purposes of this paragraph, "low-income families" means families whose annual income does not exceed 80% of the municipal, county, or regional median income, adjusted for family size, as the annual income and municipal, county, or regional median income are determined from time to time by the United States Department of Housing and Urban Development.

(12) Unless explicitly stated herein the cost of construction of new privately-owned buildings shall not be an eligible redevelopment project cost.

(13) After November 1, 1999 (the effective date of Public Act 91-478), none of the redevelopment project costs enumerated in this subsection shall be eligible redevelopment project costs if those costs would provide direct financial support to a retail entity initiating operations in the redevelopment project area while terminating operations at another Illinois location within 10 miles of the redevelopment project area but outside the boundaries of the redevelopment project area municipality. For purposes of this paragraph, termination means a closing of a retail operation that is directly related to the opening of the same operation or like retail entity owned or operated by more than 50% of the original ownership in a redevelopment project area, but it does not mean closing an operation for reasons beyond the control of the retail entity, as documented by the retail entity, subject to a reasonable finding by the municipality that the current location contained inadequate space, had become economically obsolete, or was no longer a viable location for the retailer or serviceman.

If a special service area has been established pursuant to the Special Service Area Tax Act or Special Service Area Tax Law, then any tax increment revenues derived from the tax imposed pursuant to the Special Service Area Tax Act or Special Service Area Tax Law may be used within the redevelopment project area for the purposes permitted by that Act or Law as well as the purposes permitted by this Act.

(r) "State Sales Tax Boundary" means the redevelopment project area or the amended redevelopment project area boundaries which are determined pursuant to subsection (9) of Section 11-74.4-8a of this Act. The Department of Revenue shall certify pursuant to subsection (9) of Section 11-74.4-8a the appropriate boundaries eligible for the determination of State Sales Tax Increment.

(s) "State Sales Tax Increment" means an amount equal to the increase in the aggregate amount of taxes paid by retailers and servicemen, other than retailers and servicemen subject to the Public Utilities Act, on transactions at places of business located within a State Sales Tax Boundary pursuant to the Retailers’ Occupation Tax Act, the Use Tax Act, the Service Use Tax Act, and the Service Occupation Tax Act, except such portion of such increase that is paid into the State and Local Sales Tax Reform Fund, the Local Government Distributive Fund, the Local Government Tax Fund and the County and Mass

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Transit District Fund, for as long as State participation exists, over and above the Initial Sales Tax Amounts, Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts for such taxes as certified by the Department of Revenue and paid under those Acts by retailers and servicemen on transactions at places of business located within the State Sales Tax Boundary during the base year which shall be the calendar year immediately prior to the year in which the municipality adopted tax increment allocation financing, less 3.0% of such amounts generated under the Retailers' Occupation Tax Act, Use Tax Act and Service Use Tax Act and the Service Occupation Tax Act, which sum shall be appropriated to the Department of Revenue to cover its costs of administering and enforcing this Section. For purposes of computing the aggregate amount of such taxes for base years occurring prior to 1985, the Department of Revenue shall compute the Initial Sales Tax Amount for such taxes and deduct therefrom an amount equal to 4% of the aggregate amount of taxes per year for each year the base year is prior to 1985, but not to exceed a total deduction of 12%. The amount so determined shall be known as the "Adjusted Initial Sales Tax Amount". For purposes of determining the State Sales Tax Increment the Department of Revenue shall for each period subtract from the tax amounts received from retailers and servicemen on transactions located in the State Sales Tax Boundary, the certified Initial Sales Tax Amounts, Adjusted Initial Sales Tax Amounts or Revised Initial Sales Tax Amounts for the Retailers' Occupation Tax Act, the Use Tax Act, the Service Use Tax Act and the Service Occupation Tax Act. For the State Fiscal Year 1989 this calculation shall be made by utilizing the calendar year 1987 to determine the tax amounts received. For the State Fiscal Year 1990, this calculation shall be made by utilizing the period from January 1, 1988, until September 30, 1988, to determine the tax amounts received from retailers and servicemen, which shall have deducted therefrom nine-twelfths of the certified Initial Sales Tax Amounts, Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts as appropriate. For the State Fiscal Year 1991, this calculation shall be made by utilizing the period from October 1, 1988, until June 30, 1989, to determine the tax amounts received from retailers and servicemen, which shall have deducted therefrom nine-twelfths of the certified Initial Sales Tax Amounts, Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts as appropriate. For every State Fiscal Year thereafter, the applicable period shall be the 12 months beginning July 1 and ending on June 30, to determine the tax amounts received which shall have deducted therefrom the certified Initial Sales Tax Amounts, Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts. Municipalities intending to receive a distribution of State Sales Tax Increment must report a list of retailers to the Department of Revenue by October 31, 1988 and by July 31, of each year thereafter.

(t) "Taxing districts" means counties, townships, cities and incorporated towns and villages, school, road, park, sanitary, mosquito abatement, forest preserve, public health, fire protection, river conservancy, tuberculosis sanitarium and any other municipal corporations or districts with the power to levy taxes.

(u) "Taxing districts' capital costs" means those costs of taxing districts for capital improvements that are found by the municipal corporate authorities to be necessary and directly result from the redevelopment project.

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(v) As used in subsection (a) of Section 11-74.4-3 of this Act, "vacant land" means any parcel or combination of parcels of real property without industrial, commercial, and residential buildings which has not been used for commercial agricultural purposes within 5 years prior to the designation of the redevelopment project area, unless the parcel is included in an industrial park conservation area or the parcel has been subdivided; provided that if the parcel was part of a larger tract that has been divided into 3 or more smaller tracts that were accepted for recording during the period from 1950 to 1990, then the parcel shall be deemed to have been subdivided, and all proceedings and actions of the municipality taken in that connection with respect to any previously approved or designated redevelopment project area or amended redevelopment project area are hereby validated and hereby declared to be legally sufficient for all purposes of this Act. For purposes of this Section and only for land subject to the subdivision requirements of the Plat Act, land is subdivided when the original plat of the proposed Redevelopment Project Area or relevant portion thereof has been properly certified, acknowledged, approved, and recorded or filed in accordance with the Plat Act and a preliminary plat, if any, for any subsequent phases of the proposed Redevelopment Project Area or relevant portion thereof has been properly approved and filed in accordance with the applicable ordinance of the municipality.

(w) "Annual Total Increment" means the sum of each municipality's annual Net Sales Tax Increment and each municipality's annual Net Utility Tax Increment. The ratio of the Annual Total Increment of each municipality to the Annual Total Increment for all municipalities, as most recently calculated by the Department, shall determine the proportional shares of the Illinois Tax Increment Fund to be distributed to each municipality. (Source: P.A. 91-261, eff. 7-23-99; 91-477, eff. 8-11-99; 91-478, eff. 11-1-99; 91-642, eff. 8-20-99; 91-763, eff. 6-9-00; 92-263, eff. 8-7-01; 92-406, eff. 1-1-02; revised 9-19-01.)

65 ILCS 5/11-74.4-4.1
Sec. 11-74.4-4.1. Feasibility study.
(a) If a municipality by its corporate authorities, or as it may determine by any commission designated under subsection (k) of Section 11-74.4-4, adopts an ordinance or resolution providing for a feasibility study on the designation of an area as a redevelopment project area, a copy of the ordinance or resolution shall immediately be sent to all taxing districts that would be affected by the designation.

On and after the effective date of this amendatory Act of the 91st General Assembly, the ordinance or resolution shall include:

1. The boundaries of the area to be studied for possible designation as a redevelopment project area.
2. The purpose or purposes of the proposed redevelopment plan and project.
3. A general description of tax increment allocation financing under this Act.
4. The name, phone number, and address of the municipal officer who can be contacted for additional information about the proposed redevelopment project area and who should receive all comments and suggestions regarding the redevelopment of the area to be studied.

(b) If one of the purposes of the planned redevelopment project area should
reasonably be expected to result in the displacement of residents from 10 or more inhabited residential units, the municipality shall adopt a resolution or ordinance providing for the feasibility study described in subsection (a). The ordinance or resolution shall also require that the feasibility study include the preparation of the housing impact study set forth in paragraph (5) of subsection (n) of Section 11-74.4-3. If the redevelopment plan will not result in displacement of 10 or more residents from 10 or more inhabited residential units, and the municipality certifies in the plan that such displacement will not result from the plan, then a resolution or ordinance need not be adopted.

(Source: P.A. 91-478, eff. 11-1-99; 92-263, eff. 8-7-01.)

Sec. 11-74.4-5. (a) The changes made by this amendatory Act of the 91st General Assembly do not apply to a municipality that, (i) before the effective date of this amendatory Act of the 91st General Assembly, has adopted an ordinance or resolution fixing a time and place for a public hearing under this Section or (ii) before July 1, 1999, has adopted an ordinance or resolution providing for a feasibility study under Section 11-74.4-4.1, but has not yet adopted an ordinance approving redevelopment plans and redevelopment projects or designating redevelopment project areas under Section 11-74.4-4, until after that municipality adopts an ordinance approving redevelopment plans and redevelopment projects or designating redevelopment project areas under Section 11-74.4-4; thereafter the changes made by this amendatory Act of the 91st General Assembly apply to the same extent that they apply to redevelopment plans and redevelopment projects that were approved and redevelopment projects that were designated before the effective date of this amendatory Act of the 91st General Assembly.

Prior to the adoption of an ordinance proposing the designation of a redevelopment project area, or approving a redevelopment plan or redevelopment project, the municipality by its corporate authorities, or as it may determine by any commission designated under subsection (k) of Section 11-74.4-4 shall adopt an ordinance or resolution fixing a time and place for public hearing. At least 10 days prior to the adoption of the ordinance or resolution establishing the time and place for the public hearing, the municipality shall make available for public inspection a redevelopment plan or a separate report that provides in reasonable detail the basis for the eligibility of the redevelopment project area. The report along with the name of a person to contact for further information shall be sent within a reasonable time after the adoption of such ordinance or resolution to the affected taxing districts by certified mail. On and after the effective date of this amendatory Act of the 91st General Assembly, the municipality shall print in a newspaper of general circulation within the municipality a notice that interested persons may register with the municipality in order to receive information on the proposed designation of a redevelopment project area or the approval of a redevelopment plan. The notice shall state the place of registration and the operating hours of that place. The municipality shall have adopted reasonable rules to implement this registration process under Section 11-74.4-4.2. The municipality shall provide notice of the availability of the redevelopment plan and eligibility report, including how to obtain this information, by mail within a reasonable time after the adoption of the ordinance or

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resolution, to all residential addresses that, after a good faith effort, the municipality
determines are located outside the proposed redevelopment project area and within 750 feet
of the boundaries of the proposed redevelopment project area. This requirement is subject
to the limitation that in a municipality with a population of over 100,000, if the total number
of residential addresses outside the proposed redevelopment project area and within 750 feet
of the boundaries of the proposed redevelopment project area exceeds 750, the municipality
shall be required to provide the notice to only the 750 residential addresses that, after a good
faith effort, the municipality determines are outside the proposed redevelopment project area
and closest to the boundaries of the proposed redevelopment project area. Notwithstanding
the foregoing, notice given after August 7, 2001 (the effective date of Public Act 92-263) and
before the effective date of this amendatory Act of the 92nd General Assembly to residential
addresses within 750 feet of the boundaries of a proposed redevelopment project area shall
be deemed to have been sufficiently given in compliance with this Act if given only to
residents outside the boundaries of the proposed redevelopment project area. The notice
shall also be provided by the municipality, regardless of its population, to those organizations
and residents that have registered with the municipality for that information in accordance
with the registration guidelines established by the municipality under Section 11-74.4-4.2.

At the public hearing any interested person or affected taxing district may file with
the municipal clerk written objections to and may be heard orally in respect to any issues
embodied in the notice. The municipality shall hear all protests and objections at the hearing
and the hearing may be adjourned to another date without further notice other than a motion
to be entered upon the minutes fixing the time and place of the subsequent hearing. At the
public hearing or at any time prior to the adoption by the municipality of an ordinance
approving a redevelopment plan, the municipality may make changes in the redevelopment
plan. Changes which (1) add additional parcels of property to the proposed redevelopment
project area, (2) substantially affect the general land uses proposed in the redevelopment
plan, (3) substantially change the nature of or extend the life of the redevelopment project,
or (4) increase the number of inhabited residential units low or very low income households
to be displaced from the redevelopment project area, as provided that measured from the
time of creation of the redevelopment project area, to a the total of more than displacement
of the households will exceed 10, shall be made only after the municipality gives notice,
convenes a joint review board, and conducts a public hearing pursuant to the procedures set
forth in this Section and in Section 11-74.4-6 of this Act. Changes which do not (1) add
additional parcels of property to the proposed redevelopment project area, (2) substantially
affect the general land uses proposed in the redevelopment plan, (3) substantially change the
nature of or extend the life of the redevelopment project, or (4) increase the number of inhabited residential units low or very low income households
to be displaced from the redevelopment project area, as provided that measured from the time of creation of the redevelopment project area, to a the total of more than displacement of the households will exceed 10, may be made without further hearing, provided that the municipality shall give
notice of any such changes by mail to each affected taxing district and registrant on the
interested parties registry, provided for under Section 11-74.4-4.2, and by publication in a

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newspaper of general circulation within the affected taxing district. Such notice by mail and by publication shall each occur not later than 10 days following the adoption by ordinance of such changes. Hearings with regard to a redevelopment project area, project or plan may be held simultaneously.

(b) Prior to holding a public hearing to approve or amend a redevelopment plan or to designate or add additional parcels of property to a redevelopment project area, the municipality shall convene a joint review board. The board shall consist of a representative selected by each community college district, local elementary school district and high school district or each local community unit school district, park district, library district, township, fire protection district, and county that will have the authority to directly levy taxes on the property within the proposed redevelopment project area at the time that the proposed redevelopment project area is approved, a representative selected by the municipality and a public member. The public member shall first be selected and then the board's chairperson shall be selected by a majority of the board members present and voting.

For redevelopment project areas with redevelopment plans or proposed redevelopment plans that would result in the displacement of residents from 10 or more inhabited residential units or that include 75 or more inhabited residential units, the public member shall be a person who resides in the redevelopment project area. If, as determined by the housing impact study provided for in paragraph (5) of subsection (n) of Section 11-74.4-3, or if no housing impact study is required then based on other reasonable data, the majority of residential units are occupied by very low, low, or moderate income households, as defined in Section 3 of the Illinois Affordable Housing Act, the public member shall be a person who resides in very low, low, or moderate income housing within the redevelopment project area. Municipalities with fewer than 15,000 residents shall not be required to select a person who lives in very low, low, or moderate income housing within the redevelopment project area, provided that the redevelopment plan or project will not result in displacement of residents from 10 or more inhabited units, and the municipality so certifies in the plan. If no person satisfying these requirements is available or if no qualified person will serve as the public member, then the joint review board is relieved of this paragraph's selection requirements for the public member.

Within 90 days of the effective date of this amendatory Act of the 91st General Assembly, each municipality that designated a redevelopment project area for which it was not required to convene a joint review board under this Section shall convene a joint review board to perform the duties specified under paragraph (e) of this Section.

All board members shall be appointed and the first board meeting shall be held at least 14 days but not more than 28 days after the mailing of notice by the municipality to the taxing districts as required by Section 11-74.4-6(c). Notwithstanding the preceding sentence, a municipality that adopted either a public hearing resolution or a feasibility resolution between July 1, 1999 and July 1, 2000 that called for the meeting of the joint review board within 14 days of notice of public hearing to affected taxing districts is deemed to be in compliance with the notice, meeting, and public hearing provisions of the Act. Such notice shall also advise the taxing bodies represented on the joint review board of the time and place...
of the first meeting of the board. Additional meetings of the board shall be held upon the call of any member. The municipality seeking designation of the redevelopment project area shall provide administrative support to the board.

The board shall review (i) the public record, planning documents and proposed ordinances approving the redevelopment plan and project and (ii) proposed amendments to the redevelopment plan or additions of parcels of property to the redevelopment project area to be adopted by the municipality. As part of its deliberations, the board may hold additional hearings on the proposal. A board's recommendation shall be an advisory, non-binding recommendation. The recommendation shall be adopted by a majority of those members present and voting. The recommendations shall be submitted to the municipality within 30 days after convening of the board. Failure of the board to submit its report on a timely basis shall not be cause to delay the public hearing or any other step in the process of designating or amending the redevelopment project area but shall be deemed to constitute approval by the joint review board of the matters before it.

The board shall base its recommendation to approve or disapprove the redevelopment plan and the designation of the redevelopment project area or the amendment of the redevelopment plan or addition of parcels of property to the redevelopment project area on the basis of the redevelopment project area and redevelopment plan satisfying the plan requirements, the eligibility criteria defined in Section 11-74.4-3, and the objectives of this Act.

The board shall issue a written report describing why the redevelopment plan and project area or the amendment thereof meets or fails to meet one or more of the objectives of this Act and both the plan requirements and the eligibility criteria defined in Section 11-74.4-3. In the event the Board does not file a report it shall be presumed that these taxing bodies find the redevelopment project area and redevelopment plan satisfy the objectives of this Act and the plan requirements and eligibility criteria.

If the board recommends rejection of the matters before it, the municipality will have 30 days within which to resubmit the plan or amendment. During this period, the municipality will meet and confer with the board and attempt to resolve those issues set forth in the board’s written report that led to the rejection of the plan or amendment.

Notwithstanding the resubmission set forth above, the municipality may commence the scheduled public hearing and either adjourn the public hearing or continue the public hearing until a date certain. Prior to continuing any public hearing to a date certain, the municipality shall announce during the public hearing the time, date, and location for the reconvening of the public hearing. Any changes to the redevelopment plan necessary to satisfy the issues set forth in the joint review board report shall be the subject of a public hearing before the hearing is adjourned if the changes would (1) substantially affect the general land uses proposed in the redevelopment plan, (2) substantially change the nature of or extend the life of the redevelopment project, or (3) increase the number of inhabited residential units to be displaced from the redevelopment project area, as provided that measured from the time of creation of the redevelopment project area, to a total of more than 10. The

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Changes to the redevelopment plan necessary to satisfy the issues set forth in the joint review board report shall not require any further notice or convening of a joint review board meeting, except that any changes to the redevelopment plan that would add additional parcels of property to the proposed redevelopment project area shall be subject to the notice, public hearing, and joint review board meeting requirements established for such changes by subsection (a) of Section 11-74.4-5.

In the event that the municipality and the board are unable to resolve these differences, or in the event that the resubmitted plan or amendment is rejected by the board, the municipality may proceed with the plan or amendment, but only upon a three-fifths vote of the corporate authority responsible for approval of the plan or amendment, excluding positions of members that are vacant and those members that are ineligible to vote because of conflicts of interest.

(c) After a municipality has by ordinance approved a redevelopment plan and designated a redevelopment project area, the plan may be amended and additional properties may be added to the redevelopment project area only as herein provided. Amendments which (1) add additional parcels of property to the proposed redevelopment project area, (2) substantially affect the general land uses proposed in the redevelopment plan, (3) substantially change the nature of the redevelopment project, (4) increase the total estimated redevelopment project costs set out in the redevelopment plan by more than 5% after adjustment for inflation from the date the plan was adopted, (5) add additional redevelopment project costs to the itemized list of redevelopment project costs set out in the redevelopment plan, or (6) increase the number of inhabited residential units low or very low income households to be displaced from the redevelopment project area, as provided that measured from the time of creation of the redevelopment project area, to a the total of more than displacement of the households will exceed 10, shall be made only after the municipality gives notice, convenes a joint review board, and conducts a public hearing pursuant to the procedures set forth in this Section and in Section 11-74.4-6 of this Act. Changes which do not (1) add additional parcels of property to the proposed redevelopment project area, (2) substantially affect the general land uses proposed in the redevelopment plan, (3) substantially change the nature of the redevelopment project, (4) increase the total estimated redevelopment project cost set out in the redevelopment plan by more than 5% after adjustment for inflation from the date the plan was adopted, (5) add additional redevelopment project costs to the itemized list of redevelopment project costs set out in the redevelopment plan, or (6) increase the number of inhabited residential units low or very low income households to be displaced from the redevelopment project area, as provided that measured from the time of creation of the redevelopment project area, to a the total of more than displacement of the households will exceed 10, may be made without further public hearing and related notices and procedures including the convening of a joint review board as set forth in Section 11-74.4-6 of this Act, provided that the municipality shall give notice of any such changes by mail to each affected taxing district and registrant on the interested parties registry, provided for under Section 11-74.4-4.2, and by publication in a newspaper of general circulation within the affected taxing district. Such notice by mail and by
publication shall each occur not later than 10 days following the adoption by ordinance of such changes.

(d) After the effective date of this amendatory Act of the 91st General Assembly, a municipality shall submit the following information for each redevelopment project area (i) to the State Comptroller under Section 8-8-3.5 of the Illinois Municipal Code and (ii) to all taxing districts overlapping the redevelopment project area no later than 180 days after the close of each municipal fiscal year or as soon thereafter as the audited financial statements become available and, in any case, shall be submitted before the annual meeting of the Joint Review Board to each of the taxing districts that overlap the redevelopment project area:

(1) Any amendments to the redevelopment plan, the redevelopment project area, or the State Sales Tax Boundary.

(1.5) A list of the redevelopment project areas administered by the municipality and, if applicable, the date each redevelopment project area was designated or terminated by the municipality.

(2) Audited financial statements of the special tax allocation fund once a cumulative total of $100,000 has been deposited in the fund.

(3) Certification of the Chief Executive Officer of the municipality that the municipality has complied with all of the requirements of this Act during the preceding fiscal year.

(4) An opinion of legal counsel that the municipality is in compliance with this Act.

(5) An analysis of the special tax allocation fund which sets forth:

   (A) the balance in the special tax allocation fund at the beginning of the fiscal year;

   (B) all amounts deposited in the special tax allocation fund by source;

   (C) an itemized list of all expenditures from the special tax allocation fund by category of permissible redevelopment project cost; and

   (D) the balance in the special tax allocation fund at the end of the fiscal year including a breakdown of that balance by source and a breakdown of that balance identifying any portion of the balance that is required, pledged, earmarked, or otherwise designated for payment of or securing of obligations and anticipated redevelopment project costs. Any portion of such ending balance that has not been identified or is not identified as being required, pledged, earmarked, or otherwise designated for payment of or securing of obligations or anticipated redevelopment projects costs shall be designated as surplus as set forth in Section 11-74.4-7 hereof.

(6) A description of all property purchased by the municipality within the redevelopment project area including:

   (A) Street address.

   (B) Approximate size or description of property.

   (C) Purchase price.

   (D) Seller of property.

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(7) A statement setting forth all activities undertaken in furtherance of the objectives of the redevelopment plan, including:
   (A) Any project implemented in the preceding fiscal year.
   (B) A description of the redevelopment activities undertaken.
   (C) A description of any agreements entered into by the municipality with regard to the disposition or redevelopment of any property within the redevelopment project area or the area within the State Sales Tax Boundary.
   (D) Additional information on the use of all funds received under this Division and steps taken by the municipality to achieve the objectives of the redevelopment plan.
   (E) Information regarding contracts that the municipality's tax increment advisors or consultants have entered into with entities or persons that have received, or are receiving, payments financed by tax increment revenues produced by the same redevelopment project area.
   (F) Any reports submitted to the municipality by the joint review board.
   (G) A review of public and, to the extent possible, private investment actually undertaken to date after the effective date of this amendatory Act of the 91st General Assembly and estimated to be undertaken during the following year. This review shall, on a project-by-project basis, set forth the estimated amounts of public and private investment incurred after the effective date of this amendatory Act of the 91st General Assembly and provide the ratio of private investment to public investment to the date of the report and as estimated to the completion of the redevelopment project.
(8) With regard to any obligations issued by the municipality:
   (A) copies of any official statements; and
   (B) an analysis prepared by financial advisor or underwriter setting forth: (i) nature and term of obligation; and (ii) projected debt service including required reserves and debt coverage.
(9) For special tax allocation funds that have experienced cumulative deposits of incremental tax revenues of $100,000 or more, a certified audit report reviewing compliance with this Act performed by an independent public accountant certified and licensed by the authority of the State of Illinois. The financial portion of the audit must be conducted in accordance with Standards for Audits of Governmental Organizations, Programs, Activities, and Functions adopted by the Comptroller General of the United States (1981), as amended, or the standards specified by Section 8-8-5 of the Illinois Municipal Auditing Law of the Illinois Municipal Code. The audit report shall contain a letter from the independent certified public accountant indicating compliance or noncompliance with the requirements of subsection (q) of Section 11-74.4-3. For redevelopment plans or projects that would result in the displacement of residents from 10 or more inhabited residential units or that contain 75 or more inhabited residential units, notice of the availability of the

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information, including how to obtain the report, required in this subsection shall also be sent by mail to all residents or organizations that operate in the municipality that register with the municipality for that information according to registration procedures adopted under Section 11-74.4-4.2. All municipalities are subject to this provision.

(d-1) Prior to the effective date of this amendatory Act of the 91st General Assembly, municipalities with populations of over 1,000,000 shall, after adoption of a redevelopment plan or project, make available upon request to any taxing district in which the redevelopment project area is located the following information:

(1) Any amendments to the redevelopment plan, the redevelopment project area, or the State Sales Tax Boundary; and

(2) In connection with any redevelopment project area for which the municipality has outstanding obligations issued to provide for redevelopment project costs pursuant to Section 11-74.4-7, audited financial statements of the special tax allocation fund.

(e) The joint review board shall meet annually 180 days after the close of the municipal fiscal year or as soon as the redevelopment project audit for that fiscal year becomes available to review the effectiveness and status of the redevelopment project area up to that date.

(f) (Blank).

(g) In the event that a municipality has held a public hearing under this Section prior to March 14, 1994 (the effective date of Public Act 88-537), the requirements imposed by Public Act 88-537 relating to the method of fixing the time and place for public hearing, the materials and information required to be made available for public inspection, and the information required to be sent after adoption of an ordinance or resolution fixing a time and place for public hearing shall not be applicable.

(Source: P.A. 91-357, eff. 7-29-99; 91-478, eff. 11-1-99; 91-900, eff. 7-6-00; 92-263, eff. 8-7-01.)

(65 ILCS 5/11-74.4-7) (from Ch. 24, par. 11-74.4-7)

Sec. 11-74.4-7. Obligations secured by the special tax allocation fund set forth in Section 11-74.4-8 for the redevelopment project area may be issued to provide for redevelopment project costs. Such obligations, when so issued, shall be retired in the manner provided in the ordinance authorizing the issuance of such obligations by the receipts of taxes levied as specified in Section 11-74.4-9 against the taxable property included in the area, by revenues as specified by Section 11-74.4-8a and other revenue designated by the municipality. A municipality may in the ordinance pledge all or any part of the funds in and to be deposited in the special tax allocation fund created pursuant to Section 11-74.4-8 to the payment of the redevelopment project costs and obligations. Any pledge of funds in the special tax allocation fund shall provide for distribution to the taxing districts and to the Illinois Department of Revenue of moneys not required, pledged, earmarked, or otherwise designated for payment and securing of the obligations and anticipated redevelopment project costs and such excess funds shall be calculated annually and deemed to be "surplus" funds.

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In the event a municipality only applies or pledges a portion of the funds in the special tax allocation fund for the payment or securing of anticipated redevelopment project costs or of obligations, any such funds remaining in the special tax allocation fund after complying with the requirements of the application or pledge, shall also be calculated annually and deemed "surplus" funds. All surplus funds in the special tax allocation fund shall be distributed annually within 180 days after the close of the municipality's fiscal year by being paid by the municipal treasurer to the County Collector, to the Department of Revenue and to the municipality in direct proportion to the tax incremental revenue received as a result of an increase in the equalized assessed value of property in the redevelopment project area, tax incremental revenue received from the State and tax incremental revenue received from the municipality, but not to exceed as to each such source the total incremental revenue received from that source. The County Collector shall thereafter make distribution to the respective taxing districts in the same manner and proportion as the most recent distribution by the county collector to the affected districts of real property taxes from real property in the redevelopment project area.

Without limiting the foregoing in this Section, the municipality may in addition to obligations secured by the special tax allocation fund pledge for a period not greater than the term of the obligations towards payment of such obligations any part or any combination of the following: (a) net revenues of all or part of any redevelopment project; (b) taxes levied and collected on any or all property in the municipality; (c) the full faith and credit of the municipality; (d) a mortgage on part or all of the redevelopment project; or (e) any other taxes or anticipated receipts that the municipality may lawfully pledge.

Such obligations may be issued in one or more series bearing interest at such rate or rates as the corporate authorities of the municipality shall determine by ordinance. Such obligations shall bear such date or dates, mature at such time or times not exceeding 20 years from their respective dates, be in such denomination, carry such registration privileges, be executed in such manner, be payable in such medium of payment at such place or places, contain such covenants, terms and conditions, and be subject to redemption as such ordinance shall provide. Obligations issued pursuant to this Act may be sold at public or private sale at such price as shall be determined by the corporate authorities of the municipalities. No referendum approval of the electors shall be required as a condition to the issuance of obligations pursuant to this Division except as provided in this Section.

In the event the municipality authorizes issuance of obligations pursuant to the authority of this Division secured by the full faith and credit of the municipality, which obligations are other than obligations which may be issued under home rule powers provided by Article VII, Section 6 of the Illinois Constitution, or pledges taxes pursuant to (b) or (c) of the second paragraph of this section, the ordinance authorizing the issuance of such obligations or pledging such taxes shall be published within 10 days after such ordinance has been passed in one or more newspapers, with general circulation within such municipality. The publication of the ordinance shall be accompanied by a notice of (1) the specific number of voters required to sign a petition requesting the question of the issuance of such obligations or pledging taxes to be submitted to the electors; (2) the time in which such
petition must be filed; and (3) the date of the prospective referendum. The municipal clerk shall provide a petition form to any individual requesting one.

If no petition is filed with the municipal clerk, as hereinafter provided in this Section, within 30 days after the publication of the ordinance, the ordinance shall be in effect. But, if within that 30 day period a petition is filed with the municipal clerk, signed by electors in the municipality numbering 10% or more of the number of registered voters in the municipality, asking that the question of issuing obligations using full faith and credit of the municipality as security for the cost of paying for redevelopment project costs, or of pledging taxes for the payment of such obligations, or both, be submitted to the electors of the municipality, the corporate authorities of the municipality shall call a special election in the manner provided by law to vote upon that question, or, if a general, State or municipal election is to be held within a period of not less than 30 or more than 90 days from the date such petition is filed, shall submit the question at the next general, State or municipal election. If it appears upon the canvass of the election by the corporate authorities that a majority of electors voting upon the question voted in favor thereof, the ordinance shall be in effect, but if a majority of the electors voting upon the question are not in favor thereof, the ordinance shall not take effect.

The ordinance authorizing the obligations may provide that the obligations shall contain a recital that they are issued pursuant to this Division, which recital shall be conclusive evidence of their validity and of the regularity of their issuance.

In the event the municipality authorizes issuance of obligations pursuant to this Section secured by the full faith and credit of the municipality, the ordinance authorizing the obligations may provide for the levy and collection of a direct annual tax upon all taxable property within the municipality sufficient to pay the principal thereof and interest thereon as it matures, which levy may be in addition to and exclusive of the maximum of all other taxes authorized to be levied by the municipality, which levy, however, shall be abated to the extent that monies from other sources are available for payment of the obligations and the municipality certifies the amount of said monies available to the county clerk.

A certified copy of such ordinance shall be filed with the county clerk of each county in which any portion of the municipality is situated, and shall constitute the authority for the extension and collection of the taxes to be deposited in the special tax allocation fund.

A municipality may also issue its obligations to refund in whole or in part, obligations theretofore issued by such municipality under the authority of this Act, whether at or prior to maturity, provided however, that the last maturity of the refunding obligations shall not be expressed to mature later than December 31 of the year in which the payment to the municipal treasurer as provided in subsection (b) of Section 11-74.4-8 of this Act is to be made with respect to ad valorem taxes levied in the twenty-third calendar year after the year in which the ordinance approving the redevelopment project area is adopted if the ordinance was adopted on or after January 15, 1981, and not later than December 31 of the year in which the payment to the municipal treasurer as provided in subsection (b) of Section 11-74.4-8 of this Act is to be made with respect to ad valorem taxes levied in the thirty-fifth calendar year after the year in which the ordinance approving the redevelopment project area

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is adopted (A) if the ordinance was adopted before January 15, 1981, or (B) if the ordinance was adopted in December 1983, April 1984, July 1985, or December 1989, or (C) if the ordinance was adopted in December, 1987 and the redevelopment project is located within one mile of Midway Airport, or (D) if the ordinance was adopted before January 1, 1987 by a municipality in Mason County, or (E) if the municipality is subject to the Local Government Financial Planning and Supervision Act or the Financially Distressed City Law, or (F) if the ordinance was adopted in December 1984 by the Village of Rosemont, or (G) if the ordinance was adopted on December 31, 1986 by a municipality located in Clinton County for which at least $250,000 of tax increment bonds were authorized on June 17, 1997, or if the ordinance was adopted on December 31, 1986 by a municipality with a population in 1990 of less than 3,600 that is located in a county with a population in 1990 of less than 34,000 and for which at least $250,000 of tax increment bonds were authorized on June 17, 1997, or (H) if the ordinance was adopted on October 5, 1982 by the City of Kankakee, or (I) if the ordinance was adopted on December 29, 1986 by East St. Louis, or if the ordinance was adopted on November 12, 1991 by the Village of Sauget, or (J) if the ordinance was adopted on February 11, 1985 by the City of Rock Island, or (K) if the ordinance was adopted before December 18, 1986 by the City of Moline, or (L) if the ordinance was adopted in September 1988 by Sauk Village, or (M) if the ordinance was adopted in October 1993 by Sauk Village, or (N) if the ordinance was adopted on December 29, 1986 by the City of Galva, or (O) if the ordinance was adopted in March 1991 by the City of Centreville, or (P) if the ordinance was adopted on January 23, 1991 by the City of East St. Louis, or (Q) if the ordinance was adopted on December 22, 1986 by the City of Aledo, or (R) if the ordinance was adopted on February 5, 1990 by the City of Clinton, or (S) if the ordinance was adopted on September 6, 1994 by the City of Freeport, or (T) if the ordinance was adopted on December 22, 1986 by the City of Tuscola, or (U) if the ordinance was adopted on December 23, 1986 by the City of Sparta, or (V) if the ordinance was adopted on December 23, 1986 by the City of Beardstown, or (W) if the ordinance was adopted on April 27, 1981, October 21, 1985, or December 30, 1986 by the City of Belleville and, for redevelopment project areas for which bonds were issued before July 29, 1991, in connection with a redevelopment project in the area within the State Sales Tax Boundary and which were extended by municipal ordinance under subsection (n) of Section 11-74.4-3, the last maturity of the refunding obligations shall not be expressed to mature later than the date on which the redevelopment project area is terminated or December 31, 2013, whichever date occurs first.

In the event a municipality issues obligations under home rule powers or other legislative authority the proceeds of which are pledged to pay for redevelopment project costs, the municipality may, if it has followed the procedures in conformance with this division, retire said obligations from funds in the special tax allocation fund in amounts and in such manner as if such obligations had been issued pursuant to the provisions of this division.

All obligations heretofore or hereafter issued pursuant to this Act shall not be regarded as indebtedness of the municipality issuing such obligations or any other taxing

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district for the purpose of any limitation imposed by law.
(Source: P.A. 91-261, eff. 7-23-99; 91-477, eff. 8-11-99; 91-478, eff. 11-1-99; 91-642, eff.
8-20-99; 91-763, eff. 6-9-00; 92-263, eff. 8-7-01; 92-406, eff. 1-1-02; revised 10-10-01.)
Section 99. Effective date. This Act takes effect upon becoming law.
Passed in the General Assembly April 24, 2002.
Approved July 11, 2002.
Effective July 11, 2002.

PUBLIC ACT 92-0625
(House Bill No. 4066)

AN ACT concerning the State Treasurer.
Be it enacted by the People of the State of Illinois, represented in the General
Assembly:
Section 5. The Deposit of State Moneys Act is amended by changing Section 7 as
follows:
(15 ILCS 520/7) (from Ch. 130, par. 26)
Sec. 7. (a) Proposals made may either be approved or rejected by the State Treasurer.
A bank or savings and loan association whose proposal is approved shall be eligible to
become a State depository for the class or classes of funds covered by its proposal. A bank
or savings and loan association whose proposal is rejected shall not be so eligible. The State
Treasurer shall seek to have at all times a total of not less than 20 banks or savings and loan
associations which are approved as State depositaries for time deposits.
(b) The State Treasurer may, in his discretion, accept a proposal from an eligible
institution which provides for a reduced rate of interest provided that such institution
documents the use of deposited funds for community development projects.
(b-5) The State Treasurer may, in his or her discretion, accept a proposal from an
eligible institution that provides for a reduced rate of interest, provided that such institution
agrees to expend an amount of money equal to the amount of the reduction for the
preservation of Cahokia Mounds.
(c) The State Treasurer may, in his or her discretion, accept a proposal from an
eligible institution that provides for interest earnings on deposits of State moneys to be held
by the institution in a separate account that the State Treasurer may use to secure up to 10%
of any (i) home loans to Illinois citizens purchasing a home in Illinois in situations where the
institution would not offer the borrower a home loan under the institution's prevailing credit
standards without the incentive of a reduced rate of interest on deposits of State moneys and
(ii) existing home loans of Illinois citizens who have failed to make payments on the home
loan as a result of a temporary layoff or disability, but who have resumed making payments
on the home loan and have made at least 2 consecutive payments, when under the
institution's prevailing policies it would commence or pursue foreclosure proceedings if it
were not for the incentive of a reduced rate of interest on deposits of State moneys.
For the purposes of this Section, "home loan" means a loan, other than an open-end

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credit plan or a reverse mortgage transaction, for which (i) the principal amount of the loan does not exceed 50% of the conforming loan size limit for a single-family dwelling as established from time to time by the Federal National Mortgage Association, (ii) the borrower is a natural person, (iii) the debt is incurred by the borrower primarily for personal, family, or household purposes, and (iv) the loan is secured by a mortgage or deed of trust on real estate upon which there is located or there is to be located a structure designed principally for the occupancy of one family and that is or will be occupied by the borrower as the borrower's principal dwelling.

(d) If there is an agreement between the State Treasurer and an eligible institution that details the use of deposited funds, the agreement may not require the gift of money, goods, or services to a third party; this provision does not restrict the eligible institution from contracting with third parties in order to carry out the intent of the agreement or restrict the State Treasurer from placing requirements upon third-party contracts entered into by the eligible institution.

(Source: P.A. 92-482, eff. 8-23-01.)

Section 99. Effective date. This Act takes effect upon becoming law.
Passed in the General Assembly May 7, 2002.
Approved July 11, 2002.
Effective July 11, 2002.

PUBLIC ACT 92-0626
(House Bill No. 4187)

AN ACT concerning college savings.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The State Treasurer Act is amended by changing Section 16.5 as follows:
(15 ILCS 505/16.5)

Sec. 16.5. College Savings Pool. The State Treasurer may establish and administer a College Savings Pool to supplement and enhance the investment opportunities otherwise available to persons seeking to finance the costs of higher education. The State Treasurer, in administering the College Savings Pool, may receive moneys paid into the pool by a participant and may serve as the fiscal agent of that participant for the purpose of holding and investing those moneys.

"Participant", as used in this Section, means any person who makes investments in the pool. "Designated beneficiary", as used in this Section, means any person on whose behalf an account is established in the College Savings Pool by a participant. Both in-state and out-of-state persons may be participants and designated beneficiaries in the College Savings Pool.

New accounts in the College Savings Pool shall be processed through participating financial institutions. "Participating financial institution", as used in this Section, means any financial institution insured by the Federal Deposit Insurance Corporation and lawfully doing

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business in the State of Illinois and any credit union approved by the State Treasurer and lawfully doing business in the State of Illinois that agrees to process new accounts in the College Savings Pool. Participating financial institutions may charge a processing fee to participants to open an account in the pool that shall not exceed $30 until the year 2001. Beginning in 2001 and every year thereafter, the maximum fee limit shall be adjusted by the Treasurer based on the Consumer Price Index for the North Central Region as published by the United States Department of Labor, Bureau of Labor Statistics for the immediately preceding calendar year. Every contribution received by a financial institution for investment in the College Savings Pool shall be transferred from the financial institution to a location selected by the State Treasurer within one business day following the day that the funds must be made available in accordance with federal law. All communications from the State Treasurer to participants shall reference the participating financial institution at which the account was processed.

The Treasurer may invest the moneys in the College Savings Pool in the same manner, in the same types of investments, and subject to the same limitations provided for the investment of moneys by the Illinois State Board of Investment. To enhance the safety and liquidity of the College Savings Pool, to ensure the diversification of the investment portfolio of the pool, and in an effort to keep investment dollars in the State of Illinois, the State Treasurer shall make a percentage of each account available for investment in participating financial institutions doing business in the State. The State Treasurer shall deposit with the participating financial institution at which the account was processed the following percentage of each account at a prevailing rate offered by the institution, provided that the deposit is federally insured or fully collateralized and the institution accepts the deposit: 10% of the total amount of each account for which the current age of the beneficiary is less than 7 years of age, 20% of the total amount of each account for which the beneficiary is at least 7 years of age and less than 12 years of age, and 50% of the total amount of each account for which the current age of the beneficiary is at least 12 years of age. The State Treasurer shall adjust each account at least annually to ensure compliance with this Section. The Treasurer shall develop, publish, and implement an investment policy covering the investment of the moneys in the College Savings Pool. The policy shall be published (i) at least once each year in at least one newspaper of general circulation in both Springfield and Chicago and (ii) each year as part of the audit of the College Savings Pool by the Auditor General, which shall be distributed to all participants. The Treasurer shall notify all participants in writing, and the Treasurer shall publish in a newspaper of general circulation in both Chicago and Springfield, any changes to the previously published investment policy at least 30 calendar days before implementing the policy. Any investment policy adopted by the Treasurer shall be reviewed and updated if necessary within 90 days following the date that the State Treasurer takes office.

Participants shall be required to use moneys distributed from the College Savings Pool for qualified expenses at eligible educational institutions. "Qualified expenses", as used in this Section, means the following: (i) tuition, fees, and the costs of books, supplies, and equipment required for enrollment or attendance at an eligible educational institution and (ii)
certain room and board expenses incurred while attending an eligible educational institution at least half-time. "Eligible educational institutions", as used in this Section, means public and private colleges, junior colleges, graduate schools, and certain vocational institutions that are described in Section 481 of the Higher Education Act of 1965 (20 U.S.C. 1088) and that are eligible to participate in Department of Education student aid programs. A student shall be considered to be enrolled at least half-time if the student is enrolled for at least half the full-time academic work load for the course of study the student is pursuing as determined under the standards of the institution at which the student is enrolled. Distributions made from the pool for qualified expenses shall be made directly to the eligible educational institution, directly to a vendor, or in the form of a check payable to both the beneficiary and the institution or vendor. Any moneys that are distributed in any other manner or that are used for expenses other than qualified expenses at an eligible educational institution shall be subject to a penalty of 10% of the earnings unless the beneficiary dies, becomes disabled, or receives a scholarship that equals or exceeds the distribution. Penalties shall be withheld at the time the distribution is made.

The Treasurer shall limit the contributions that may be made on behalf of a designated beneficiary based on an actuarial estimate of what is required to pay tuition, fees, and room and board for 5 undergraduate years at the highest cost eligible educational institution. The contributions made on behalf of a beneficiary who is also a beneficiary under the Illinois Prepaid Tuition Program shall be further restricted to ensure that the contributions in both programs combined do not exceed the limit established for the College Savings Pool. The Treasurer shall provide the Illinois Student Assistance Commission each year at a time designated by the Commission, an electronic report of all participant accounts in the Treasurer's College Savings Pool, listing total contributions and disbursements from each individual account during the previous calendar year. As soon thereafter as is possible following receipt of the Treasurer's report, the Illinois Student Assistance Commission shall, in turn, provide the Treasurer with an electronic report listing those College Savings Pool participants who also participate in the State's prepaid tuition program, administered by the Commission. The Commission shall be responsible for filing any combined tax reports regarding State qualified savings programs required by the United States Internal Revenue Service. The Treasurer shall work with the Illinois Student Assistance Commission to coordinate the marketing of the College Savings Pool and the Illinois Prepaid Tuition Program when considered beneficial by the Treasurer and the Director of the Illinois Student Assistance Commission. The Treasurer's office shall not publicize or otherwise market the College Savings Pool or accept any moneys into the College Savings Pool prior to March 1, 2000. The Treasurer shall provide a separate accounting for each designated beneficiary to each participant, the Illinois Student Assistance Commission, and the participating financial institution at which the account was processed. No interest in the program may be pledged as security for a loan.

The assets of the College Savings Pool and its income and operation shall be exempt from all taxation by the State of Illinois and any of its subdivisions. The accrued earnings on investments in the Pool once disbursed on behalf of a designated beneficiary shall be

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similarly exempt from all taxation by the State of Illinois and its subdivisions, so long as they are used for qualified expenses. Contributions to a College Savings Pool account during the taxable year may be deducted from adjusted gross income as provided in Section 203 of the Illinois Income Tax Act. The provisions of this paragraph are exempt from Section 250 of the Illinois Income Tax Act.

The Treasurer shall adopt rules he or she considers necessary for the efficient administration of the College Savings Pool. The rules shall provide whatever additional parameters and restrictions are necessary to ensure that the College Savings Pool meets all of the requirements for a qualified state tuition program under Section 529 of the Internal Revenue Code (26 U.S.C. 529). The rules shall provide for the administration expenses of the pool to be paid from its earnings and for the investment earnings in excess of the expenses and all moneys collected as penalties to be credited or paid monthly to the several participants in the pool in a manner which equitably reflects the differing amounts of their respective investments in the pool and the differing periods of time for which those amounts were in the custody of the pool. Also, the rules shall require the maintenance of records that enable the Treasurer's office to produce a report for each account in the pool at least annually that documents the account balance and investment earnings. Notice of any proposed amendments to the rules and regulations shall be provided to all participants prior to adoption. Amendments to rules and regulations shall apply only to contributions made after the adoption of the amendment.

Upon creating the College Savings Pool, the State Treasurer shall give bond with 2 or more sufficient sureties, payable to and for the benefit of the participants in the College Savings Pool, in the penal sum of $1,000,000, conditioned upon the faithful discharge of his or her duties in relation to the College Savings Pool.

No contributions to the College Savings Pool authorized by this Section shall be considered in evaluating the financial situation of the designated beneficiary or be deemed a financial resource of or a form of financial aid or assistance to the designated beneficiary, for purposes of determining eligibility for any scholarship, grant, or monetary assistance awarded by the Illinois Student Assistance Commission, the State, or any agency thereof; nor shall contributions to the College Savings Pool reduce the amount of any scholarship, grant, or monetary assistance that the designated beneficiary is eligible to be awarded by the Illinois Student Assistance Commission, the State, or any agency thereof in accordance with the provisions of any State law.

(Source: P.A. 91-607, eff. 1-1-00; 91-829, eff. 1-1-01; 92-16, eff. 6-28-01; 92-439, eff. 8-17-01.)

Section 10. The Illinois Income Tax Act is amended by changing Section 203 as follows:

(35 ILCS 5/203) (from Ch. 120, par. 2-203)
Sec. 203. Base income defined.
(a) Individuals.

(1) In general. In the case of an individual, base income means an amount equal to the taxpayer's adjusted gross income for the taxable year as modified by

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paragraph (2).

(2) Modifications. The adjusted gross income referred to in paragraph (1) shall be modified by adding thereto the sum of the following amounts:

(A) An amount equal to all amounts paid or accrued to the taxpayer as interest or dividends during the taxable year to the extent excluded from gross income in the computation of adjusted gross income, except stock dividends of qualified public utilities described in Section 305(e) of the Internal Revenue Code;

(B) An amount equal to the amount of tax imposed by this Act to the extent deducted from gross income in the computation of adjusted gross income for the taxable year;

(C) An amount equal to the amount received during the taxable year as a recovery or refund of real property taxes paid with respect to the taxpayer's principal residence under the Revenue Act of 1939 and for which a deduction was previously taken under subparagraph (L) of this paragraph (2) prior to July 1, 1991, the retrospective application date of Article 4 of Public Act 87-17. In the case of multi-unit or multi-use structures and farm dwellings, the taxes on the taxpayer's principal residence shall be that portion of the total taxes for the entire property which is attributable to such principal residence;

(D) An amount equal to the amount of the capital gain deduction allowable under the Internal Revenue Code, to the extent deducted from gross income in the computation of adjusted gross income;

(D-5) An amount, to the extent not included in adjusted gross income, equal to the amount of money withdrawn by the taxpayer in the taxable year from a medical care savings account and the interest earned on the account in the taxable year of a withdrawal pursuant to subsection (b) of Section 20 of the Medical Care Savings Account Act or subsection (b) of Section 20 of the Medical Care Savings Account Act of 2000; and

(D-10) For taxable years ending after December 31, 1997, an amount equal to any eligible remediation costs that the individual deducted in computing adjusted gross income and for which the individual claims a credit under subsection (l) of Section 201; and

(D-15) For taxable years beginning on or after January 1, 2002, in the case of a distribution from a qualified tuition program under Section 529 of the Internal Revenue Code, other than (i) a distribution from a College Savings Pool created under Section 16.5 of the State Treasurer Act or (ii) a distribution from the Illinois Prepaid Tuition Trust Fund, an amount equal to the amount excluded from gross income under Section 529(c)(3)(B); and by deducting from the total so obtained the sum of the following amounts:

(E) For taxable years ending before December 31, 2001, any amount included in such total in respect of any compensation (including but not

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limited to any compensation paid or accrued to a serviceman while a prisoner of war or missing in action) paid to a resident by reason of being on active duty in the Armed Forces of the United States and in respect of any compensation paid or accrued to a resident who as a governmental employee was a prisoner of war or missing in action, and in respect of any compensation paid to a resident in 1971 or thereafter for annual training performed pursuant to Sections 502 and 503, Title 32, United States Code as a member of the Illinois National Guard. For taxable years ending on or after December 31, 2001, any amount included in such total in respect of any compensation (including but not limited to any compensation paid or accrued to a serviceman while a prisoner of war or missing in action) paid to a resident by reason of being a member of any component of the Armed Forces of the United States and in respect of any compensation paid or accrued to a resident who as a governmental employee was a prisoner of war or missing in action, and in respect of any compensation paid to a resident in 2001 or thereafter by reason of being a member of the Illinois National Guard. The provisions of this amendatory Act of the 92nd General Assembly are exempt from the provisions of Section 250;

(F) An amount equal to all amounts included in such total pursuant to the provisions of Sections 402(a), 402(c), 403(a), 403(b), 406(a), 407(a), and 408 of the Internal Revenue Code, or included in such total as distributions under the provisions of any retirement or disability plan for employees of any governmental agency or unit, or retirement payments to retired partners, which payments are excluded in computing net earnings from self employment by Section 1402 of the Internal Revenue Code and regulations adopted pursuant thereto;

(G) The valuation limitation amount;

(H) An amount equal to the amount of any tax imposed by this Act which was refunded to the taxpayer and included in such total for the taxable year;

(I) An amount equal to all amounts included in such total pursuant to the provisions of Section 111 of the Internal Revenue Code as a recovery of items previously deducted from adjusted gross income in the computation of taxable income;

(J) An amount equal to those dividends included in such total which were paid by a corporation which conducts business operations in an Enterprise Zone or zones created under the Illinois Enterprise Zone Act, and conducts substantially all of its operations in an Enterprise Zone or zones;

(K) An amount equal to those dividends included in such total that were paid by a corporation that conducts business operations in a federally designated Foreign Trade Zone or Sub-Zone and that is designated a High Impact Business located in Illinois; provided that dividends eligible for the

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deduction provided in subparagraph (J) of paragraph (2) of this subsection shall not be eligible for the deduction provided under this subparagraph (K);

(L) For taxable years ending after December 31, 1983, an amount equal to all social security benefits and railroad retirement benefits included in such total pursuant to Sections 72(r) and 86 of the Internal Revenue Code;

(M) With the exception of any amounts subtracted under subparagraph (N), an amount equal to the sum of all amounts disallowed as deductions by (i) Sections 171(a)(2), and 265(2) of the Internal Revenue Code of 1954, as now or hereafter amended, and all amounts of expenses allocable to interest and disallowed as deductions by Section 265(1) of the Internal Revenue Code of 1954, as now or hereafter amended; and (ii) for taxable years ending on or after August 13, 1999, Sections 171(a)(2), 265, 280C, and 832(b)(5)(B)(i) of the Internal Revenue Code; the provisions of this subparagraph are exempt from the provisions of Section 250;

(N) An amount equal to all amounts included in such total which are exempt from taxation by this State either by reason of its statutes or Constitution or by reason of the Constitution, treaties or statutes of the United States; provided that, in the case of any statute of this State that exempts income derived from bonds or other obligations from the tax imposed under this Act, the amount exempted shall be the interest net of bond premium amortization;

(O) An amount equal to any contribution made to a job training project established pursuant to the Tax Increment Allocation Redevelopment Act;

(P) An amount equal to the amount of the deduction used to compute the federal income tax credit for restoration of substantial amounts held under claim of right for the taxable year pursuant to Section 1341 of the Internal Revenue Code of 1986;

(Q) An amount equal to any amounts included in such total, received by the taxpayer as an acceleration in the payment of life, endowment or annuity benefits in advance of the time they would otherwise be payable as an indemnity for a terminal illness;

(R) An amount equal to the amount of any federal or State bonus paid to veterans of the Persian Gulf War;

(S) An amount, to the extent included in adjusted gross income, equal to the amount of a contribution made in the taxable year on behalf of the taxpayer to a medical care savings account established under the Medical Care Savings Account Act or the Medical Care Savings Account Act of 2000 to the extent the contribution is accepted by the account administrator as provided in that Act;

(T) An amount, to the extent included in adjusted gross income, equal to the amount of interest earned in the taxable year on a medical care savings account.

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account established under the Medical Care Savings Account Act or the Medical Care Savings Account Act of 2000 on behalf of the taxpayer, other than interest added pursuant to item (D-5) of this paragraph (2);

(U) For one taxable year beginning on or after January 1, 1994, an amount equal to the total amount of tax imposed and paid under subsections (a) and (b) of Section 201 of this Act on grant amounts received by the taxpayer under the Nursing Home Grant Assistance Act during the taxpayer's taxable years 1992 and 1993;

(V) Beginning with tax years ending on or after December 31, 1995 and ending with tax years ending on or before December 31, 2004, an amount equal to the amount paid by a taxpayer who is a self-employed taxpayer, a partner of a partnership, or a shareholder in a Subchapter S corporation for health insurance or long-term care insurance for that taxpayer or that taxpayer's spouse or dependents, to the extent that the amount paid for that health insurance or long-term care insurance may be deducted under Section 213 of the Internal Revenue Code of 1986, has not been deducted on the federal income tax return of the taxpayer, and does not exceed the taxable income attributable to that taxpayer's income, self-employment income, or Subchapter S corporation income; except that no deduction shall be allowed under this item (V) if the taxpayer is eligible to participate in any health insurance or long-term care insurance plan of an employer of the taxpayer or the taxpayer's spouse. The amount of the health insurance and long-term care insurance subtracted under this item (V) shall be determined by multiplying total health insurance and long-term care insurance premiums paid by the taxpayer times a number that represents the fractional percentage of eligible medical expenses under Section 213 of the Internal Revenue Code of 1986 not actually deducted on the taxpayer's federal income tax return;

(W) For taxable years beginning on or after January 1, 1998, all amounts included in the taxpayer's federal gross income in the taxable year from amounts converted from a regular IRA to a Roth IRA. This paragraph is exempt from the provisions of Section 250;

(X) For taxable year 1999 and thereafter, an amount equal to the amount of any (i) distributions, to the extent includible in gross income for federal income tax purposes, made to the taxpayer because of his or her status as a victim of persecution for racial or religious reasons by Nazi Germany or any other Axis regime or as an heir of the victim and (ii) items of income, to the extent includible in gross income for federal income tax purposes, attributable to, derived from or in any way related to assets stolen from, hidden from, or otherwise lost to a victim of persecution for racial or religious reasons by Nazi Germany or any other Axis regime immediately prior to, during, and immediately after World War II, including, but not limited to, interest on the proceeds receivable as insurance under policies

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issued to a victim of persecution for racial or religious reasons by Nazi Germany or any other Axis regime by European insurance companies immediately prior to and during World War II; provided, however, this subtraction from federal adjusted gross income does not apply to assets acquired with such assets or with the proceeds from the sale of such assets; provided, further, this paragraph shall only apply to a taxpayer who was the first recipient of such assets after their recovery and who is a victim of persecution for racial or religious reasons by Nazi Germany or any other Axis regime or as an heir of the victim. The amount of and the eligibility for any public assistance, benefit, or similar entitlement is not affected by the inclusion of items (i) and (ii) of this paragraph in gross income for federal income tax purposes. This paragraph is exempt from the provisions of Section 250; and

(Y) For taxable years beginning on or after January 1, 2002, moneys contributed in the taxable year to a College Savings Pool account under Section 16.5 of the State Treasurer Act, except that amounts excluded from gross income under Section 529(c)(3)(i) of the Internal Revenue Code shall not be considered moneys contributed under this subparagraph (Y). This subparagraph (Y) is exempt from the provisions of Section 250.

(b) Corporations.

(1) In general. In the case of a corporation, base income means an amount equal to the taxpayer's taxable income for the taxable year as modified by paragraph (2).

(2) Modifications. The taxable income referred to in paragraph (1) shall be modified by adding thereto the sum of the following amounts:

(A) An amount equal to all amounts paid or accrued to the taxpayer as interest and all distributions received from regulated investment companies during the taxable year to the extent excluded from gross income in the computation of taxable income;

(B) An amount equal to the amount of tax imposed by this Act to the extent deducted from gross income in the computation of taxable income for the taxable year;

(C) In the case of a regulated investment company, an amount equal to the excess of (i) the net long-term capital gain for the taxable year, over (ii) the amount of the capital gain dividends designated as such in accordance with Section 852(b)(3)(C) of the Internal Revenue Code and any amount designated under Section 852(b)(3)(D) of the Internal Revenue Code, attributable to the taxable year (this amendatory Act of 1995 (Public Act 89-89) is declarative of existing law and is not a new enactment);

(D) The amount of any net operating loss deduction taken in arriving at taxable income, other than a net operating loss carried forward from a taxable year ending prior to December 31, 1986;

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(E) For taxable years in which a net operating loss carryback or carryforward from a taxable year ending prior to December 31, 1986 is an element of taxable income under paragraph (1) of subsection (e) or subparagraph (E) of paragraph (2) of subsection (e), the amount by which addition modifications other than those provided by this subparagraph (E) exceeded subtraction modifications in such earlier taxable year, with the following limitations applied in the order that they are listed:

(i) the addition modification relating to the net operating loss carried back or forward to the taxable year from any taxable year ending prior to December 31, 1986 shall be reduced by the amount of addition modification under this subparagraph (E) which related to that net operating loss and which was taken into account in calculating the base income of an earlier taxable year, and

(ii) the addition modification relating to the net operating loss carried back or forward to the taxable year from any taxable year ending prior to December 31, 1986 shall not exceed the amount of such carryback or carryforward;

For taxable years in which there is a net operating loss carryback or carryforward from more than one other taxable year ending prior to December 31, 1986, the addition modification provided in this subparagraph (E) shall be the sum of the amounts computed independently under the preceding provisions of this subparagraph (E) for each such taxable year; and

(E-5) For taxable years ending after December 31, 1997, an amount equal to any eligible remediation costs that the corporation deducted in computing adjusted gross income and for which the corporation claims a credit under subsection (l) of Section 201;

and by deducting from the total so obtained the sum of the following amounts:

(F) An amount equal to the amount of any tax imposed by this Act which was refunded to the taxpayer and included in such total for the taxable year;

(G) An amount equal to any amount included in such total under Section 78 of the Internal Revenue Code;

(H) In the case of a regulated investment company, an amount equal to the amount of exempt interest dividends as defined in subsection (b) (5) of Section 852 of the Internal Revenue Code, paid to shareholders for the taxable year;

(I) With the exception of any amounts subtracted under subparagraph (J), an amount equal to the sum of all amounts disallowed as deductions by (i) Sections 171(a) (2), and 265(a)(2) and amounts disallowed as interest expense by Section 291(a)(3) of the Internal Revenue Code, as now or hereafter amended, and all amounts of expenses allocable to interest and disallowed as deductions by Section 265(a)(1) of the Internal Revenue Code,

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as now or hereafter amended; and (ii) for taxable years ending on or after August 13, 1999, Sections 171(a)(2), 265, 280C, 291(a)(3), and 832(b)(5)(B)(i) of the Internal Revenue Code; the provisions of this subparagraph are exempt from the provisions of Section 250;

(J) An amount equal to all amounts included in such total which are exempt from taxation by this State either by reason of its statutes or Constitution or by reason of the Constitution, treaties or statutes of the United States; provided that, in the case of any statute of this State that exempts income derived from bonds or other obligations from the tax imposed under this Act, the amount exempted shall be the interest net of bond premium amortization;

(K) An amount equal to those dividends included in such total which were paid by a corporation which conducts business operations in an Enterprise Zone or zones created under the Illinois Enterprise Zone Act and conducts substantially all of its operations in an Enterprise Zone or zones;

(L) An amount equal to those dividends included in such total that were paid by a corporation that conducts business operations in a federally designated Foreign Trade Zone or Sub-Zone and that is designated a High Impact Business located in Illinois; provided that dividends eligible for the deduction provided in subparagraph (K) of paragraph 2 of this subsection shall not be eligible for the deduction provided under this subparagraph (L);

(M) For any taxpayer that is a financial organization within the meaning of Section 304(c) of this Act, an amount included in such total as interest income from a loan or loans made by such taxpayer to a borrower, to the extent that such a loan is secured by property which is eligible for the Enterprise Zone Investment Credit. To determine the portion of a loan or loans that is secured by property eligible for a Section 201(f) investment credit to the borrower, the entire principal amount of the loan or loans between the taxpayer and the borrower should be divided into the basis of the Section 201(f) investment credit property which secures the loan or loans, using for this purpose the original basis of such property on the date that it was placed in service in the Enterprise Zone. The subtraction modification available to taxpayer in any year under this subsection shall be that portion of the total interest paid by the borrower with respect to such loan attributable to the eligible property as calculated under the previous sentence;

(M-1) For any taxpayer that is a financial organization within the meaning of Section 304(c) of this Act, an amount included in such total as interest income from a loan or loans made by such taxpayer to a borrower, to the extent that such a loan is secured by property which is eligible for the High Impact Business Investment Credit. To determine the portion of a loan or loans that is secured by property eligible for a Section 201(h) investment credit to the borrower, the entire principal amount of the loan or loans

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between the taxpayer and the borrower should be divided into the basis of the
Section 201(h) investment credit property which secures the loan or loans,
using for this purpose the original basis of such property on the date that it
was placed in service in a federally designated Foreign Trade Zone or
Sub-Zone located in Illinois. No taxpayer that is eligible for the deduction
provided in subparagraph (M) of paragraph (2) of this subsection shall be
eligible for the deduction provided under this subparagraph (M-1). The
subtraction modification available to taxpayers in any year under this
subsection shall be that portion of the total interest paid by the borrower with
respect to such loan attributable to the eligible property as calculated under
the previous sentence;

(N) Two times any contribution made during the taxable year to a
designated zone organization to the extent that the contribution (i) qualifies
as a charitable contribution under subsection (c) of Section 170 of the Internal
Revenue Code and (ii) must, by its terms, be used for a project approved by
the Department of Commerce and Community Affairs under Section 11 of
the Illinois Enterprise Zone Act;

(O) An amount equal to: (i) 85% for taxable years ending on or before
December 31, 1992, or, a percentage equal to the percentage allowable under
Section 243(a)(1) of the Internal Revenue Code of 1986 for taxable years
ending after December 31, 1992, of the amount by which dividends included
in taxable income and received from a corporation that is not created or
organized under the laws of the United States or any state or political
subdivision thereof, including, for taxable years ending on or after December
31, 1988, dividends received or deemed received or paid or deemed paid
under Sections 951 through 964 of the Internal Revenue Code, exceed the
amount of the modification provided under subparagraph (G) of paragraph
(2) of this subsection (b) which is related to such dividends; plus (ii) 100%
of the amount by which dividends, included in taxable income and received,
including, for taxable years ending on or after December 31, 1988, dividends
received or deemed received or paid or deemed paid under Sections 951
through 964 of the Internal Revenue Code, from any such corporation
specified in clause (i) that would but for the provisions of Section 1504 (b)
(3) of the Internal Revenue Code be treated as a member of the affiliated
group which includes the dividend recipient, exceed the amount of the
modification provided under subparagraph (G) of paragraph (2) of this
subsection (b) which is related to such dividends;

(P) An amount equal to any contribution made to a job training
project established pursuant to the Tax Increment Allocation Redevelopment
Act;

(Q) An amount equal to the amount of the deduction used to compute
the federal income tax credit for restoration of substantial amounts held under

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claim of right for the taxable year pursuant to Section 1341 of the Internal Revenue Code of 1986;

(R) In the case of an attorney-in-fact with respect to whom an interinsurer or a reciprocal insurer has made the election under Section 835 of the Internal Revenue Code, 26 U.S.C. 835, an amount equal to the excess, if any, of the amounts paid or incurred by that interinsurer or reciprocal insurer in the taxable year to the attorney-in-fact over the deduction allowed to that interinsurer or reciprocal insurer with respect to the attorney-in-fact under Section 835(b) of the Internal Revenue Code for the taxable year; and

(S) For taxable years ending on or after December 31, 1997, in the case of a Subchapter S corporation, an amount equal to all amounts of income allocable to a shareholder subject to the Personal Property Tax Replacement Income Tax imposed by subsections (c) and (d) of Section 201 of this Act, including amounts allocable to organizations exempt from federal income tax by reason of Section 501(a) of the Internal Revenue Code. This subparagraph (S) is exempt from the provisions of Section 250.

(3) Special rule. For purposes of paragraph (2) (A), "gross income" in the case of a life insurance company, for tax years ending on and after December 31, 1994, shall mean the gross investment income for the taxable year.

c) Trusts and estates.

(1) In general. In the case of a trust or estate, base income means an amount equal to the taxpayer's taxable income for the taxable year as modified by paragraph (2).

(2) Modifications. Subject to the provisions of paragraph (3), the taxable income referred to in paragraph (1) shall be modified by adding thereto the sum of the following amounts:

   (A) An amount equal to all amounts paid or accrued to the taxpayer as interest or dividends during the taxable year to the extent excluded from gross income in the computation of taxable income;

   (B) In the case of (i) an estate, $600; (ii) a trust which, under its governing instrument, is required to distribute all of its income currently, $300; and (iii) any other trust, $100, but in each such case, only to the extent such amount was deducted in the computation of taxable income;

   (C) An amount equal to the amount of tax imposed by this Act to the extent deducted from gross income in the computation of taxable income for the taxable year;

   (D) The amount of any net operating loss deduction taken in arriving at taxable income, other than a net operating loss carried forward from a taxable year ending prior to December 31, 1986;

   (E) For taxable years in which a net operating loss carryback or carryforward from a taxable year ending prior to December 31, 1986 is an element of taxable income under paragraph (1) of subsection (e) or

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subparagraph (E) of paragraph (2) of subsection (e), the amount by which
addition modifications other than those provided by this subparagraph (E)
exceeded subtraction modifications in such taxable year, with the following
limitations applied in the order that they are listed:

(i) the addition modification relating to the net operating loss
carried back or forward to the taxable year from any taxable year
ending prior to December 31, 1986 shall be reduced by the amount of
addition modification under this subparagraph (E) which related to
that net operating loss and which was taken into account in
calculating the base income of an earlier taxable year, and

(ii) the addition modification relating to the net operating loss
carried back or forward to the taxable year from any taxable year
ending prior to December 31, 1986 shall not exceed the amount of
such carryback or carryforward;

For taxable years in which there is a net operating loss carryback or
carryforward from more than one other taxable year ending prior to
December 31, 1986, the addition modification provided in this subparagraph
(E) shall be the sum of the amounts computed independently under the
preceding provisions of this subparagraph (E) for each such taxable year;

(F) For taxable years ending on or after January 1, 1989, an amount
equal to the tax deducted pursuant to Section 164 of the Internal Revenue
Code if the trust or estate is claiming the same tax for purposes of the Illinois
foreign tax credit under Section 601 of this Act;

(G) An amount equal to the amount of the capital gain deduction
allowable under the Internal Revenue Code, to the extent deducted from gross
income in the computation of taxable income; and

(G-5) For taxable years ending after December 31, 1997, an amount
equal to any eligible remediation costs that the trust or estate deducted in
computing adjusted gross income and for which the trust or estate claims a
credit under subsection (l) of Section 201;

and by deducting from the total so obtained the sum of the following amounts:

(H) An amount equal to all amounts included in such total pursuant
to the provisions of Sections 402(a), 402(c), 403(a), 403(b), 406(a), 407(a)
and 408 of the Internal Revenue Code or included in such total as
distributions under the provisions of any retirement or disability plan for
employees of any governmental agency or unit, or retirement payments to
retired partners, which payments are excluded in computing net earnings
from self employment by Section 1402 of the Internal Revenue Code and
regulations adopted pursuant thereto;

(I) The valuation limitation amount;

(J) An amount equal to the amount of any tax imposed by this Act
which was refunded to the taxpayer and included in such total for the taxable

New matter indicated by italics - deletions by strikeout.
(K) An amount equal to all amounts included in taxable income as
modified by subparagraphs (A), (B), (C), (D), (E), (F) and (G) which are
exempt from taxation by this State either by reason of its statutes or
Constitution or by reason of the Constitution, treaties or statutes of the United
States; provided that, in the case of any statute of this State that exempts
income derived from bonds or other obligations from the tax imposed under
this Act, the amount exempted shall be the interest net of bond premium
amortization;

(L) With the exception of any amounts subtracted under subparagraph
(K), an amount equal to the sum of all amounts disallowed as deductions by
(i) Sections 171(a) (2) and 265(a)(2) of the Internal Revenue Code, as now
or hereafter amended, and all amounts of expenses allocable to interest and
disallowed as deductions by Section 265(1) of the Internal Revenue Code of
1954, as now or hereafter amended; and (ii) for taxable years ending on or
after August 13, 1999, Sections 171(a)(2), 265, 280C, and 832(b)(5)(B)(i) of
the Internal Revenue Code; the provisions of this subparagraph are exempt
from the provisions of Section 250;

(M) An amount equal to those dividends included in such total which
were paid by a corporation which conducts business operations in an
Enterprise Zone or zones created under the Illinois Enterprise Zone Act and
conducts substantially all of its operations in an Enterprise Zone or Zones;

(N) An amount equal to any contribution made to a job training
project established pursuant to the Tax Increment Allocation Redevelopment
Act;

(O) An amount equal to those dividends included in such total that
were paid by a corporation that conducts business operations in a federally
designated Foreign Trade Zone or Sub-Zone and that is designated a High
Impact Business located in Illinois; provided that dividends eligible for the
deduction provided in subparagraph (M) of paragraph (2) of this subsection
shall not be eligible for the deduction provided under this subparagraph (O);

(P) An amount equal to the amount of the deduction used to compute
the federal income tax credit for restoration of substantial amounts held under
claim of right for the taxable year pursuant to Section 1341 of the Internal
Revenue Code of 1986; and

(Q) For taxable year 1999 and thereafter, an amount equal to the
amount of any (i) distributions, to the extent includible in gross income for
federal income tax purposes, made to the taxpayer because of his or her status
as a victim of persecution for racial or religious reasons by Nazi Germany or
any other Axis regime or as an heir of the victim and (ii) items of income, to
the extent includible in gross income for federal income tax purposes,
attributable to, derived from or in any way related to assets stolen from,
hidden from, or otherwise lost to a victim of persecution for racial or religious reasons by Nazi Germany or any other Axis regime immediately prior to, during, and immediately after World War II, including, but not limited to, interest on the proceeds receivable as insurance under policies issued to a victim of persecution for racial or religious reasons by Nazi Germany or any other Axis regime by European insurance companies immediately prior to and during World War II; provided, however, this subtraction from federal adjusted gross income does not apply to assets acquired with such assets or with the proceeds from the sale of such assets; provided, further, this paragraph shall only apply to a taxpayer who was the first recipient of such assets after their recovery and who is a victim of persecution for racial or religious reasons by Nazi Germany or any other Axis regime or as an heir of the victim. The amount of and the eligibility for any public assistance, benefit, or similar entitlement is not affected by the inclusion of items (i) and (ii) of this paragraph in gross income for federal income tax purposes. This paragraph is exempt from the provisions of Section 250.

(3) Limitation. The amount of any modification otherwise required under this subsection shall, under regulations prescribed by the Department, be adjusted by any amounts included therein which were properly paid, credited, or required to be distributed, or permanently set aside for charitable purposes pursuant to Internal Revenue Code Section 642(c) during the taxable year.

(d) Partnerships.

(1) In general. In the case of a partnership, base income means an amount equal to the taxpayer's taxable income for the taxable year as modified by paragraph (2).

(2) Modifications. The taxable income referred to in paragraph (1) shall be modified by adding thereto the sum of the following amounts:

(A) An amount equal to all amounts paid or accrued to the taxpayer as interest or dividends during the taxable year to the extent excluded from gross income in the computation of taxable income;

(B) An amount equal to the amount of tax imposed by this Act to the extent deducted from gross income for the taxable year;

(C) The amount of deductions allowed to the partnership pursuant to Section 707 (c) of the Internal Revenue Code in calculating its taxable income; and

(D) An amount equal to the amount of the capital gain deduction allowable under the Internal Revenue Code, to the extent deducted from gross income in the computation of taxable income; and by deducting from the total so obtained the following amounts:

(E) The valuation limitation amount;

(F) An amount equal to the amount of any tax imposed by this Act
which was refunded to the taxpayer and included in such total for the taxable year;

(G) An amount equal to all amounts included in taxable income as modified by subparagraphs (A), (B), (C) and (D) which are exempt from taxation by this State either by reason of its statutes or Constitution or by reason of the Constitution, treaties or statutes of the United States; provided that, in the case of any statute of this State that exempts income derived from bonds or other obligations from the tax imposed under this Act, the amount exempted shall be the interest net of bond premium amortization;

(H) Any income of the partnership which constitutes personal service income as defined in Section 1348 (b) (1) of the Internal Revenue Code (as in effect December 31, 1981) or a reasonable allowance for compensation paid or accrued for services rendered by partners to the partnership, whichever is greater;

(I) An amount equal to all amounts of income distributable to an entity subject to the Personal Property Tax Replacement Income Tax imposed by subsections (c) and (d) of Section 201 of this Act including amounts distributable to organizations exempt from federal income tax by reason of Section 501(a) of the Internal Revenue Code;

(J) With the exception of any amounts subtracted under subparagraph (G), an amount equal to the sum of all amounts disallowed as deductions by (i) Sections 171(a) (2), and 265(2) of the Internal Revenue Code of 1954, as now or hereafter amended, and all amounts of expenses allocable to interest and disallowed as deductions by Section 265(1) of the Internal Revenue Code, as now or hereafter amended; and (ii) for taxable years ending on or after August 13, 1999, Sections 171(a)(2), 265, 280C, and 832(b)(5)(B)(i) of the Internal Revenue Code; the provisions of this subparagraph are exempt from the provisions of Section 250;

(K) An amount equal to those dividends included in such total which were paid by a corporation which conducts business operations in an Enterprise Zone or zones created under the Illinois Enterprise Zone Act, enacted by the 82nd General Assembly, and which does not conduct such operations other than in an Enterprise Zone or Zones;

(L) An amount equal to any contribution made to a job training project established pursuant to the Real Property Tax Increment Allocation Redevelopment Act;

(M) An amount equal to those dividends included in such total that were paid by a corporation that conducts business operations in a federally designated Foreign Trade Zone or Sub-Zone and that is designated a High Impact Business located in Illinois; provided that dividends eligible for the deduction provided in subparagraph (K) of paragraph (2) of this subsection shall not be eligible for the deduction provided under this subparagraph (M);

New matter indicated by italics - deletions by strikeout.
and

(N) An amount equal to the amount of the deduction used to compute the federal income tax credit for restoration of substantial amounts held under claim of right for the taxable year pursuant to Section 1341 of the Internal Revenue Code of 1986.

(e) Gross income; adjusted gross income; taxable income.

(1) In general. Subject to the provisions of paragraph (2) and subsection (b) (3), for purposes of this Section and Section 803(e), a taxpayer's gross income, adjusted gross income, or taxable income for the taxable year shall mean the amount of gross income, adjusted gross income or taxable income properly reportable for federal income tax purposes for the taxable year under the provisions of the Internal Revenue Code. Taxable income may be less than zero. However, for taxable years ending on or after December 31, 1986, net operating loss carryforwards from taxable years ending prior to December 31, 1986, may not exceed the sum of federal taxable income for the taxable year before net operating loss deduction, plus the excess of addition modifications over subtraction modifications for the taxable year. For taxable years ending prior to December 31, 1986, taxable income may never be an amount in excess of the net operating loss for the taxable year as defined in subsections (c) and (d) of Section 172 of the Internal Revenue Code, provided that when taxable income of a corporation (other than a Subchapter S corporation), trust, or estate is less than zero and addition modifications, other than those provided by subparagraph (E) of paragraph (2) of subsection (b) for corporations or subparagraph (E) of paragraph (2) of subsection (c) for trusts and estates, exceed subtraction modifications, an addition modification must be made under those subparagraphs for any other taxable year to which the taxable income less than zero (net operating loss) is applied under Section 172 of the Internal Revenue Code or under subparagraph (E) of paragraph (2) of this subsection (e) applied in conjunction with Section 172 of the Internal Revenue Code.

(2) Special rule. For purposes of paragraph (1) of this subsection, the taxable income properly reportable for federal income tax purposes shall mean:

(A) Certain life insurance companies. In the case of a life insurance company subject to the tax imposed by Section 801 of the Internal Revenue Code, life insurance company taxable income, plus the amount of distribution from pre-1984 policyholder surplus accounts as calculated under Section 815a of the Internal Revenue Code;

(B) Certain other insurance companies. In the case of mutual insurance companies subject to the tax imposed by Section 831 of the Internal Revenue Code, insurance company taxable income;

(C) Regulated investment companies. In the case of a regulated investment company subject to the tax imposed by Section 852 of the Internal Revenue Code, investment company taxable income;

(D) Real estate investment trusts. In the case of a real estate
investment trust subject to the tax imposed by Section 857 of the Internal Revenue Code, real estate investment trust taxable income;

(E) Consolidated corporations. In the case of a corporation which is a member of an affiliated group of corporations filing a consolidated income tax return for the taxable year for federal income tax purposes, taxable income determined as if such corporation had filed a separate return for federal income tax purposes for the taxable year and each preceding taxable year for which it was a member of an affiliated group. For purposes of this subparagraph, the taxpayer's separate taxable income shall be determined as if the election provided by Section 243(b)(2) of the Internal Revenue Code had been in effect for all such years;

(F) Cooperatives. In the case of a cooperative corporation or association, the taxable income of such organization determined in accordance with the provisions of Section 1381 through 1388 of the Internal Revenue Code;

(G) Subchapter S corporations. In the case of: (i) a Subchapter S corporation for which there is in effect an election for the taxable year under Section 1362 of the Internal Revenue Code, the taxable income of such corporation determined in accordance with Section 1363(b) of the Internal Revenue Code, except that taxable income shall take into account those items which are required by Section 1363(b)(1) of the Internal Revenue Code to be separately stated; and (ii) a Subchapter S corporation for which there is in effect a federal election to opt out of the provisions of the Subchapter S Revision Act of 1982 and have applied instead the prior federal Subchapter S rules as in effect on July 1, 1982, the taxable income of such corporation determined in accordance with the federal Subchapter S rules as in effect on July 1, 1982; and

(H) Partnerships. In the case of a partnership, taxable income determined in accordance with Section 703 of the Internal Revenue Code, except that taxable income shall take into account those items which are required by Section 703(a)(1) to be separately stated but which would be taken into account by an individual in calculating his taxable income.

(f) Valuation limitation amount.

(1) In general. The valuation limitation amount referred to in subsections (a)(2)(G), (c)(2)(I) and (d)(2)(E) is an amount equal to:

(A) The sum of the pre-August 1, 1969 appreciation amounts (to the extent consisting of gain reportable under the provisions of Section 1245 or 1250 of the Internal Revenue Code) for all property in respect of which such gain was reported for the taxable year; plus

(B) The lesser of (i) the sum of the pre-August 1, 1969 appreciation amounts (to the extent consisting of capital gain) for all property in respect of which such gain was reported for federal income tax purposes for the
taxable year, or (ii) the net capital gain for the taxable year, reduced in either case by any amount of such gain included in the amount determined under subsection (a) (2) (F) or (c) (2) (H).

(2) Pre-August 1, 1969 appreciation amount.

(A) If the fair market value of property referred to in paragraph (1) was readily ascertainable on August 1, 1969, the pre-August 1, 1969 appreciation amount for such property is the lesser of (i) the excess of such fair market value over the taxpayer's basis (for determining gain) for such property on that date (determined under the Internal Revenue Code as in effect on that date), or (ii) the total gain realized and reportable for federal income tax purposes in respect of the sale, exchange or other disposition of such property.

(B) If the fair market value of property referred to in paragraph (1) was not readily ascertainable on August 1, 1969, the pre-August 1, 1969 appreciation amount for such property is that amount which bears the same ratio to the total gain reported in respect of the property for federal income tax purposes for the taxable year, as the number of full calendar months in that part of the taxpayer's holding period for the property ending July 31, 1969 bears to the number of full calendar months in the taxpayer's entire holding period for the property.

(C) The Department shall prescribe such regulations as may be necessary to carry out the purposes of this paragraph.

(g) Double deductions. Unless specifically provided otherwise, nothing in this Section shall permit the same item to be deducted more than once.

(h) Legislative intention. Except as expressly provided by this Section there shall be no modifications or limitations on the amounts of income, gain, loss or deduction taken into account in determining gross income, adjusted gross income or taxable income for federal income tax purposes for the taxable year, or in the amount of such items entering into the computation of base income and net income under this Act for such taxable year, whether in respect of property values as of August 1, 1969 or otherwise.

(Source: P.A. 91-192, eff. 7-20-99; 91-205, eff. 7-20-99; 91-357, eff. 7-29-99; 91-541, eff. 8-13-99; 91-676, eff. 12-23-99; 91-845, eff. 6-22-00; 91-913, eff. 1-1-01; 92-16, eff. 6-28-01; 92-244, eff. 8-3-01; 92-439, eff. 8-17-01; revised 9-21-01.)

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

Passed in the General Assembly May 7, 2002.

Approved July 11, 2002.

Effective July 11, 2002.

PUBLIC ACT 92-0627

(House Bill No. 4339)

AN ACT concerning counties.

New matter indicated by italics - deletions by strikeout.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Township Code is amended by changing Section 85-30 as follows:

(60 ILCS 1/85-30)

Sec. 85-30. Purchases; bids. Any purchase by a township having fewer than 10,000 inhabitants and located in a county with a population under 3,000,000 for services, materials, equipment, or supplies in excess of $10,000 (other than professional services) and any purchase by a township in a county with a population of 3,000,000 or more, or by a township having 10,000 or more inhabitants and located in a county with a population of less than 3,000,000, for services, materials, equipment, or supplies in excess of $10,000 (other than professional services) shall be contracted for in one of the following ways:

(1) By a contract let to the lowest responsible bidder after advertising for bids at least once (i) in a newspaper published within the township, or (ii) if no newspaper is published within the township, then in one published within the county, or (iii) if no newspaper is published within the county, then in a newspaper having general circulation within the township.

(2) By a contract let without advertising for bids in the case of an emergency if authorized by the township board.

This Section does not apply to contracts by a township with the federal government.

(Source: P.A. 86-769; 86-1368; 88-62.)

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

Passed in the General Assembly April 25, 2002.
Approved July 11, 2002.
Effective July 11, 2002.

PUBLIC ACT 92-0628
(House Bill No. 4618)

AN ACT in relation to executive agencies.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Department of Central Management Services Law of the Civil Administrative Code of Illinois is amended by changing Section 405-22 as follows:

(20 ILCS 405/405-22)

(Section scheduled to be repealed on July 1, 2002)

Sec. 405-22. Teacher Health Insurance Funding Task Force.

(a) A Teacher Health Insurance Funding Task Force is hereby created within the Department of Central Management Services. The Task Force shall consist of 23 members appointed as follows:

(1) Three members appointed by the President of the Senate.
(2) Three members appointed by the Minority Leader of the Senate.
(3) Three members appointed by the Speaker of the House of Representatives.

New matter indicated by italics - deletions by strikeout.
(4) Three members appointed by the Minority Leader of the House of Representatives.

(5) One member appointed by the Illinois Retired Teachers Association.

(6) One member appointed by the Illinois Education Association.

(7) One member appointed by the Illinois Federation of Teachers.

(8) One member appointed by the Illinois Association of School Boards.

(9) One member appointed by the Illinois Association of School Administrators.

(10) One member appointed by the Illinois Association of School Business Officials.

(11) Three members appointed by the Governor, including one who has experience in the insurance industry.

(12) The Director of Central Management Services, ex officio, or a person designated by the Director.

(13) The Executive Director of the Teachers' Retirement System of Illinois, ex officio, or a person designated by the Executive Director.

Entities making appointments shall do so by filing their respective designations, in writing, with the Director of Central Management Services.

One of the members appointed by the Governor shall serve as the Chair of the Task Force.

(b) The Task Force shall convene on December 1, 2001 and thereafter meet at the call of the chair. Members of the Task Force shall not be compensated for their service.

(c) The Task Force shall study the funding of the Teacher Health Insurance Security Fund and the health benefit programs that receive funding from that Fund.

The Task Force shall report its findings and recommendations to the Governor and the General Assembly on or before December 1, April 1, 2002.

(d) The Task Force is abolished and this Section is repealed on December 31, July 1, 2002.

(Source: P.A. 92-505, eff. 12-20-01.)

Section 99. Effective date. This Act takes effect upon becoming law.
Passed in the General Assembly April 24, 2002.
Approved July 11, 2002.
Effective July 11, 2002.

PUBLIC ACT 92-0629
(House Bill No. 4911)

AN ACT in relation to vehicles.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Vehicle Code is amended by changing Sections 3-412 and 3-414 and adding Sections 3-405.3, 3-405.4, and 3-814.4 as follows:

New matter indicated by italics - deletions by strikeout.
Sec. 3-405.3. Application for fleet vehicles.

(a) An owner engaged in operating a fleet of motor vehicles of the first division in this State or a fleet of second division vehicles operated intrastate may register and license the fleet for operations in this State by filing an application statement with the Secretary of State, signed under penalties of perjury, which shall be in the form and contain the information required by the Secretary of State. First division vehicles registered under this Section must be registered in accordance with the fees prescribed in Section 3-806 of this Code. Second division vehicles registered under this Section must be registered in accordance with the fees prescribed in Section 3-815 of this Code.

(b) Participation in the fleet registration plan may be accomplished only by entering into a contractual agreement with the Secretary. The applicant must have electronic data interchange capabilities. The Secretary shall in his or her discretion determine other qualifications for fleet owners to register under this paragraph. In making the determination, the Secretary shall consider the size of the fleet and the past history of the registrant.

Sec 3-405.4. Audits. In addition to audit authority set forth in Section 2-124 of this Code, the Secretary of State may audit the registration plates and the inventory of credentials of any fleet owner participating in the fleet registration plan.

Sec. 3-412. Registration plates and registration stickers to be furnished by the Secretary of State.

(a) The Secretary of State upon registering a vehicle subject to annual registration for the first time shall issue or shall cause to be issued to the owner one registration plate for a motorcycle, trailer, semitrailer, motorized pedalcycle or truck-tractor, 2 registration plates for other motor vehicles and, where applicable, current registration stickers for motor vehicles of the first division. The provisions of this Section may be made applicable to such vehicles of the second division, as the Secretary of State may, from time to time, in his discretion designate. On subsequent annual registrations during the term of the registration plate as provided in Section 3-414.1, the Secretary shall issue or cause to be issued registration stickers as evidence of current registration. However, the issuance of annual registration stickers to vehicles registered under the provisions of Sections 3-402.1 and 3-405.3 of this Code may not be required if the Secretary deems the issuance unnecessary.

(b) Every registration plate shall have displayed upon it the registration number assigned to the vehicle for which it is issued, the name of this State, which may be abbreviated, the year number for which it was issued, which may be abbreviated, the phrase "Land of Lincoln"; (except as otherwise provided in this Code) Sections 3-626, 3-629, 3-633, 3-634, 3-637, 3-638, and 3-642, and such other letters or numbers as the Secretary may prescribe. However, for apportionment plates issued to vehicles registered under Section 3-402.1 and fleet plates issued to vehicles registered under Section 3-405.3, the phrase "Land of Lincoln" may be omitted to allow for the word "apportioned", the word "fleet", or other

New matter indicated by italics - deletions by strikeout.
similar language to be displayed. Registration plates issued to a vehicle registered as a fleet vehicle may display a designation determined by the Secretary.

The Secretary may in his discretion prescribe that letters be used as prefixes only on registration plates issued to vehicles of the first division which are registered under this Code and only as suffixes on registration plates issued to other vehicles. Every registration sticker issued as evidence of current registration shall designate the year number for which it is issued and such other letters or numbers as the Secretary may prescribe and shall be of a contrasting color with the registration plates and registration stickers of the previous year.

(c) Each registration plate and the required letters and numerals thereon, except the year number for which issued, shall be of sufficient size to be plainly readable from a distance of 100 feet during daylight, and shall be coated with reflectorizing material. The dimensions of the plate issued to vehicles of the first division shall be 6 by 12 inches.

(d) The Secretary of State shall issue for every passenger motor vehicle rented without a driver the same type of registration plates as the type of plates issued for a private passenger vehicle.

(e) The Secretary of State shall issue for every passenger car used as a taxicab or livery, distinctive registration plates.

(f) The Secretary of State shall issue for every motorcycle distinctive registration plates distinguishing between motorcycles having 150 or more cubic centimeters piston displacement, or having less than 150 cubic centimeter piston displacement.

(g) Registration plates issued to vehicles for-hire may display a designation as determined by the Secretary that such vehicles are for-hire.

(h) The Secretary of State shall issue for each electric vehicle distinctive registration plates which shall distinguish between electric vehicles having a maximum operating speed of 45 miles per hour or more and those having a maximum operating speed of less than 45 miles per hour.

(i) The Secretary of State shall issue for every public and private ambulance registration plates identifying the vehicle as an ambulance. The Secretary shall forward to the Department of Public Aid registration information for the purpose of verification of claims filed with the Department by ambulance owners for payment for services to public assistance recipients.

(j) The Secretary of State shall issue for every public and private medical carrier or rescue vehicle livery registration plates displaying numbers within ranges of numbers reserved respectively for medical carriers and rescue vehicles. The Secretary shall forward to the Department of Public Aid registration information for the purpose of verification of claims filed with the Department by owners of medical carriers or rescue vehicles for payment for services to public assistance recipients.

(Source: P.A. 89-424, eff. 6-1-96; 89-564, eff. 7-1-97; 89-612, eff. 8-9-96; 89-621, eff. 1-1-97; 89-639, eff. 1-1-97; 90-14, eff. 7-1-97; 90-533, eff. 11-14-97; 90-655, eff. 7-30-98; revised 12-06-01.)

(625 ILCS 5/3-414) (from Ch. 95 1/2, par. 3-414)
Sec. 3-414. Expiration of registration.

New matter indicated by italics - deletions by strikeout.
(a) Every vehicle registration under this Chapter and every registration card and registration plate or registration sticker issued hereunder to a vehicle shall be for the periods specified in this Chapter and shall expire at midnight on the day and date specified in this Section as follows:

1. When registered on a calendar year basis commencing January 1, expiration shall be on the 31st day of December or at such other date as may be selected in the discretion of the Secretary of State; however, registrations of apportionable vehicles, motorcycles, motor driven cycles and pedalcycles shall commence on the first day of April and shall expire March 31st of the following calendar year;

2. When registered on a 2 calendar year basis commencing January 1 of an even-numbered year, expiration shall be on the 31st day of December of the ensuing odd-numbered year, or at such other later date as may be selected in the discretion of the Secretary of State not beyond March 1 next;

3. When registered on a fiscal year basis commencing July 1, expiration shall be on the 30th day of June or at such other later date as may be selected in the discretion of the Secretary of State not beyond September 1 next;

4. When registered on a 2 fiscal year basis commencing July 1 of an even-numbered year, expiration shall be on the 30th day of June of the ensuing even-numbered year, or at such other later date as may be selected in the discretion of the Secretary of State not beyond September 1 next;

5. When registered on a 4 fiscal year basis commencing July 1 of an even-numbered year, expiration shall be on the 30th day of June of the second ensuing even-numbered year, or at such other later date as may be selected in the discretion of the Secretary of State not beyond September 1 next;

(b) Vehicle registrations of vehicles of the first division shall be for a calendar year or 2 calendar year basis as provided for in this Chapter.

Vehicle registrations of vehicles under Sections 3-807, 3-808 and 3-809 shall be on an indefinite term basis or a 2 calendar year basis as provided for in this Chapter.

Vehicle registrations for vehicles of the second division shall be for a fiscal year, 2 fiscal year or calendar year basis as provided for in this Chapter.

Motor vehicles registered under the provisions of Sections Section 3-402.1 and 3-405.3 shall be issued multi-year registration plates with a new registration card issued annually upon payment of the appropriate fees. Apportionable trailers and apportionable semitrailers registered under the provisions of Section 3-402.1 shall be issued multi-year registration plates and cards that will be subject to revocation for failure to pay annual fees required by Section 3-814.1. The Secretary shall determine when these vehicles shall be issued new registration plates.

(c) Every vehicle registration specified in Section 3-810 and every registration card and registration plate or registration sticker issued thereunder shall expire on the 31st day of December of each year or at such other date as may be selected in the discretion of the Secretary of State.

New matter indicated by italics - deletions by strikeout.
(d) Every vehicle registration for a vehicle of the second division weighing over 8,000 pounds, except as provided in paragraph (g) of this Section, and every registration card and registration plate or registration sticker, where applicable, issued hereunder to such vehicles shall be issued for a fiscal year commencing on July 1st of each registration year. However, the Secretary of State may, pursuant to an agreement or arrangement or declaration providing for apportionment of a fleet of vehicles with other jurisdictions, provide for registration of such vehicles under apportionment or for all of the vehicles registered in Illinois by an applicant who registers some of his vehicles under apportionment on a calendar year basis instead, and the fees or taxes to be paid on a calendar year basis shall be identical to those specified in this Act for a fiscal year registration. Provision for installment payment may also be made.

(e) Semitrailer registrations under apportionment may be on a calendar year under a reciprocal agreement or arrangement and all other semitrailer registrations shall be on fiscal year or 2 fiscal year or 4 fiscal year basis as provided for in this Chapter.

(f) The Secretary of State may convert annual registration plates or 2-year registration plates, whether registered on a calendar year or fiscal year basis, to multi-year plates. The determination of which plate categories and when to convert to multi-year plates is solely within the discretion of the Secretary of State.

(g) After January 1, 1975, each registration, registration card and registration plate or registration sticker, where applicable, issued for a recreational vehicle or recreational or camping trailer, except a house trailer, used exclusively by the owner for recreational purposes, and not used commercially nor as a truck or bus, nor for hire, shall be on a calendar year basis; except that the Secretary of State shall provide for registration and the issuance of registration cards and plates or registration stickers, where applicable, for one 6-month period in order to accomplish an orderly transition from a fiscal year to a calendar year basis. Fees and taxes due under this Act for a registration year shall be appropriately reduced for such 6-month transitional registration period.

(h) The Secretary of State may, in order to accomplish an orderly transition for vehicles registered under Section 3-402.1 of this Code from a calendar year registration to a March 31st expiration, require applicants to pay fees and taxes due under this Code on a 15 month registration basis. However, if in the discretion of the Secretary of State this creates an undue hardship on any applicant the Secretary may allow the applicant to pay 3 month fees and taxes at the time of registration and the additional 12 month fees and taxes to be payable no later than March 31 of the year after this amendatory Act of 1991 takes effect.

(i) The Secretary of State may stagger registrations, of vehicles for which multi-year plates are issued pursuant to Section 3-414.1, as necessary for the convenience of the public and the efficiency of his Office. In order to appropriately and effectively accomplish any such staggering, the Secretary of State is authorized to prorate required registration fees, but in no event for a period longer than 15 months, at a monthly rate for a 12 month registration fee.

(Source: P.A. 89-245, eff. 1-1-96.)

(625 ILCS 5/3-814.4 new)

Sec. 3-814.4 Registration of fleet vehicles. The Secretary may issue fleet vehicle

New matter indicated by italics - deletions by strikeout.
registration plates to owners of vehicle fleets registered in accordance with Section 3-405.3 of this Code in bulk before plates are assigned to specific vehicles. A registration plate may not be displayed on a vehicle, however, until the plate has been activated on the Secretary’s registration file and the proper fee has been forwarded to the Secretary.

Section 99. Effective date. This Act takes effect July 1, 2003.
Passed in the General Assembly April 24, 2002.
Approved July 11, 2002.
Effective July 1, 2003.

PUBLIC ACT 92-0630
(House Bill No. 5606)

AN ACT concerning the comprehensive health insurance plan.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Comprehensive Health Insurance Plan Act is amended by changing Section 8 as follows:

(215 ILCS 105/8) (from Ch. 73, par. 1308)
Sec. 8. Minimum benefits.
a. Availability. The Plan shall offer in an annually renewable policy major medical expense coverage to every eligible person who is not eligible for Medicare. Major medical expense coverage offered by the Plan shall pay an eligible person's covered expenses, subject to limit on the deductible and coinsurance payments authorized under paragraph (4) of subsection d of this Section, up to a lifetime benefit limit of $1,000,000 per covered individual. The maximum limit under this subsection shall not be altered by the Board, and no actuarial equivalent benefit may be substituted by the Board. Any person who otherwise would qualify for coverage under the Plan, but is excluded because he or she is eligible for Medicare, shall be eligible for any separate Medicare supplement policy or policies which the Board may offer.

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

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

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

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

(3) (Blank).

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

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

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

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

(8) Use of radium or other radioactive materials.

(9) Oxygen.

(10) Anesthetics.

(11) Orthoses and prostheses other than dental.

(12) Rental or purchase in accordance with Board policies or procedures of durable medical equipment, other than eyeglasses or hearing aids, for which there is no personal use in the absence of the condition for which it is prescribed.

(13) Diagnostic x-rays and laboratory tests.

(14) Oral surgery (i) for excision of partially or completely unerupted impacted teeth when not performed in connection with the routine extraction or repair of teeth; (ii) for excision of tumors or cysts of the jaws, cheeks, lips, tongue, and roof and floor of the mouth; (iii) required for correction of cleft lip and palate and other craniofacial and maxillofacial birth defects; or (iv) for treatment of injuries to natural teeth or a fractured jaw due to an accident.

(15) Physical, speech, and functional occupational therapy as medically necessary and provided by appropriate licensed professionals.

(16) Emergency and other medically necessary transportation provided by a licensed ambulance service to the nearest health care facility qualified to treat a covered illness, injury, or condition, subject to the provisions of the Emergency Medical Systems (EMS) Act.

(17) Outpatient services for diagnosis and treatment of mental and nervous

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disorders provided that a covered person shall be required to make a copayment not to exceed 50% and that the Plan's payment shall not exceed such amounts as are established by the Board.

(18) Human organ or tissue transplants specified by the Board that are performed at a hospital designated by the Board as a participating transplant center for that specific organ or tissue transplant.

(19) Naprapathic services, as appropriate, provided by a licensed naprapathic practitioner.

c. Exclusions. Covered expenses of the Plan shall not include the following:

(1) Any charge for treatment for cosmetic purposes other than for reconstructive surgery when the service is incidental to or follows surgery resulting from injury, sickness or other diseases of the involved part or surgery for the repair or treatment of a congenital bodily defect to restore normal bodily functions.

(2) Any charge for care that is primarily for rest, custodial, educational, or domiciliary purposes.

(3) Any charge for services in a private room to the extent it is in excess of the institution's charge for its most common semiprivate room, unless a private room is prescribed as medically necessary by a physician.

(4) That part of any charge for room and board or for services rendered or articles prescribed by a physician, dentist, or other health care personnel that exceeds the reasonable and customary charge in the locality or for any services or supplies not medically necessary for the diagnosed injury or illness.

(5) Any charge for services or articles the provision of which is not within the scope of licensure of the institution or individual providing the services or articles.

(6) Any expense incurred prior to the effective date of coverage by the Plan for the person on whose behalf the expense is incurred.

(7) Dental care, dental surgery, dental treatment, any other dental procedure involving the teeth or periodontium, or any dental appliances, including crowns, bridges, implants, or partial or complete dentures, except as specifically provided in paragraph (14) of subsection b of this Section.

(8) Eyeglasses, contact lenses, hearing aids or their fitting.

(9) Illness or injury due to acts of war.

(10) Services of blood donors and any fee for failure to replace the first 3 pints of blood provided to a covered person each policy year.

(11) Personal supplies or services provided by a hospital or nursing home, or any other nonmedical or nonprescribed supply or service.

(12) Routine maternity charges for a pregnancy, except where added as optional coverage with payment of an additional premium for pregnancy resulting from conception occurring after the effective date of the optional coverage.

(13) (Blank).

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

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

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

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

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

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

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

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

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

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

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

d. Deductibles and coinsurance.

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

e. Scope of coverage.

(1) In approving any of the benefit plans to be offered by the Plan, the Board shall establish such benefit levels, deductibles, coinsurance factors, exclusions, and limitations as it may deem appropriate and that it believes to be generally reflective of and commensurate with health insurance coverage that is provided in the individual market in this State.

(2) The benefit plans approved by the Board may also provide for and employ various cost containment measures and other requirements including, but not limited to, preadmission certification, prior approval, second surgical opinions, concurrent utilization review programs, individual case management, preferred provider organizations, health maintenance organizations, and other cost effective arrangements for paying for covered expenses.

f. Preexisting conditions.

(1) Except for federally eligible individuals qualifying for Plan coverage under Section 15 of this Act or eligible persons who qualify for the waiver authorized in paragraph (3) of this subsection, plan coverage shall exclude charges or expenses incurred during the first 6 months following the effective date of coverage as to any condition for which medical advice, care or treatment was recommended or received during the 6 month period immediately preceding the effective date of coverage.

(2) (Blank).

(3) Waiver: The preexisting condition exclusions as set forth in paragraph (1) of this subsection shall be waived to the extent to which the eligible person (a) has satisfied similar exclusions under any prior individual health insurance policy that was involuntarily terminated because of the insolvency of the issuer of the policy and (b) has applied for Plan coverage within 90 days following the involuntary termination of that individual health insurance coverage.

g. Other sources primary; nonduplication of benefits.

(1) The Plan shall be the last payor of benefits whenever any other benefit or source of third party payment is available. Subject to the provisions of subsection e of Section 7, benefits otherwise payable under Plan coverage shall be reduced by all amounts paid or payable by Medicare or any other government program or through any health insurance coverage or group health plan, whether by insurance, reimbursement, or otherwise, or through any third party liability, settlement, judgment, or award, regardless of the date of the settlement, judgment, or award, whether the settlement, judgment, or award is in the form of a contract, agreement, or trust on behalf of a minor or otherwise and whether the settlement, judgment, or

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award is payable to the covered person, his or her dependent, estate, personal representative, or guardian in a lump sum or over time, and by all hospital or medical expense benefits paid or payable under any worker’s compensation coverage, automobile medical payment, or liability insurance, whether provided on the basis of fault or nonfault, and by any hospital or medical benefits paid or payable under or provided pursuant to any State or federal law or program.

(2) The Plan shall have a cause of action against any covered person or any other person or entity for the recovery of any amount paid to the extent the amount was for treatment, services, or supplies not covered in this Section or in excess of benefits as set forth in this Section.

(3) Whenever benefits are due from the Plan because of sickness or an injury to a covered person resulting from a third party’s wrongful act or negligence and the covered person has recovered or may recover damages from a third party or its insurer, the Plan shall have the right to reduce benefits or to refuse to pay benefits that otherwise may be payable by the amount of damages that the covered person has recovered or may recover regardless of the date of the sickness or injury or the date of any settlement, judgment, or award resulting from that sickness or injury.

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

Any amounts due the plan to repay benefits may be deducted from other benefits payable by the Plan after payments by or for the third party are made.

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

h. Right of subrogation; recoveries.

(1) Whenever the Plan has paid benefits because of sickness or an injury to any covered person resulting from a third party’s wrongful act or negligence, or for which an insurer is liable in accordance with the provisions of any policy of insurance, and the covered person has recovered or may recover damages from a third party that is liable for the damages, the Plan shall have the right to recover the benefits it paid from any amounts that the covered person has received or may receive regardless of the date of the sickness or injury or the date of any settlement, judgment, or award resulting from that sickness or injury. The Plan shall be subrogated to any right of recovery the covered person may have under the terms of any private or public health care coverage or liability coverage, including coverage under the Workers' Compensation Act or the Workers' Occupational Diseases Act,

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without the necessity of assignment of claim or other authorization to secure the right of recovery. To enforce its subrogation right, the Plan may (i) intervene or join in an action or proceeding brought by the covered person or his personal representative, including his guardian, conservator, estate, dependents, or survivors, against any third party or the third party's insurer that may be liable or (ii) institute and prosecute legal proceedings against any third party or the third party's insurer that may be liable for the sickness or injury in an appropriate court either in the name of the Plan or in the name of the covered person or his personal representative, including his guardian, conservator, estate, dependents, or survivors.

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

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

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

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

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fees paid by the covered person and that portion of the cost of litigation expenses
determined by multiplying by the ratio of the full amount of the expenditures to the
full amount of the judgement, award, or settlement.

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

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

(Source: P.A. 91-639, eff. 8-20-99; 91-735, eff. 6-2-00; 92-2, eff. 5-1-01.)

Section 99. Effective date. This Act takes effect upon becoming law.
Passed in the General Assembly May 7, 2002.
Approved July 11, 2002.
Effective July 11, 2002.

PUBLIC ACT 92-0631
(House Bill No. 5663)

AN ACT relating to schools.
Be it enacted by the People of the State of Illinois, represented in the General
Assembly:
Section 5. The School Code is amended by changing Section 10-17a as follows:
(105 ILCS 5/10-17a) (from Ch. 122, par. 10-17a)
Sec. 10-17a. Better schools accountability.
(1) Policy and Purpose. It shall be the policy of the State of Illinois that each school
district in this State, including special charter districts and districts subject to the provisions

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of Article 34, shall submit to parents, taxpayers of such district, the Governor, the General Assembly, and the State Board of Education a school report card assessing the performance of its schools and students. The report card shall be an index of school performance measured against statewide and local standards and will provide information to make prior year comparisons and to set future year targets through the school improvement plan.

(2) Reporting Requirements. Each school district shall prepare a report card in accordance with the guidelines set forth in this Section which describes the performance of its students by school attendance centers and by district and the district's financial resources and use of financial resources. Such report card shall be presented at a regular school board meeting subject to applicable notice requirements, and such report cards shall be made available to a newspaper of general circulation serving the district and shall be sent home to parents. In addition, each school district shall submit the completed report card to the office of the district's Regional Superintendent which shall make copies available to any individuals requesting them.

The report card shall be completed and disseminated prior to October 31 in each school year. The report card shall contain, but not be limited to, actual local school attendance center, school district and statewide data indicating the present performance of the school, the State norms and the areas for planned improvement for the school and school district.

(3) (a) The report card shall include the following applicable indicators of attendance center, district, and statewide student performance: percent of students who exceed, meet, or do not meet standards established by the State Board of Education pursuant to Section 2-3.25a; composite and subtest means on nationally normed achievement tests for college bound students; student attendance rates; chronic truancy rate; dropout rate; graduation rate; and student mobility, turnover shown as a percent of transfers out and a percent of transfers in.

(b) The report card shall include the following descriptions for the school, district, and State: average class size; amount of time per day devoted to mathematics, science, English and social science at primary, middle and junior high school grade levels; number of students taking the Prairie State Achievement Examination under subsection (c) of Section 2-3.64, the number of those students who received a score of excellent, and the average score by school of students taking the examination; pupil-teacher ratio; pupil-administrator ratio; operating expenditure per pupil; district expenditure by fund; average administrator salary; and average teacher salary. The report card shall also specify the amount of money that the district receives from all sources, including without limitation subcategories specifying the amount from local property taxes, the amount from general State aid, the amount from other State funding, and the amount from other income.

(c) The report card shall include applicable indicators of parental involvement in each attendance center. The parental involvement component of the report card shall include the percentage of students whose parents or guardians have had one or more personal contacts with the students' teachers during the school year concerning the students' education, and such other information, commentary, and suggestions as the school district desires. For the
purposes of this paragraph, "personal contact" includes, but is not limited to, parent-teacher conferences, parental visits to school, school visits to home, telephone conversations, and written correspondence. The parental involvement component shall not single out or identify individual students, parents, or guardians by name.

(d) The report card form shall be prepared by the State Board of Education and provided to school districts.

(Source: P.A. 89-610, eff. 8-6-96.)

Section 90. The State Mandates Act is amended by adding Section 8.26 as follows:

(30 ILCS 805/8.26 new)

Sec. 8.26. Exempt mandate. Notwithstanding Sections 6 and 8 of this Act, no reimbursement by the State is required for the implementation of any mandate created by this amendatory Act of the 92nd General Assembly.

Section 99. Effective date. This Act takes effect upon becoming law.
Passed in the General Assembly April 24, 2002.
Approved July 11, 2002.
Effective July 11, 2002.

PUBLIC ACT 92-0632
(House Bill No. 5700)

AN ACT with regard to education.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The School Code is amended by changing Section 14-15.01 as follows:

(105 ILCS 5/14-15.01) (from Ch. 122, par. 14-15.01)

Sec. 14-15.01. Community and Residential Services Authority.

(a)(1) The Community and Residential Services Authority is hereby created and shall consist of the following members:

A representative of the State Board of Education;

Three representatives of the Department of Human Services, with one member from the Division of Community Health and Prevention, one member from the Office of Developmental Disabilities of the Division of Disability and Behavioral Health Services, one member from the Office of Mental Health of the Division of Disability and Behavioral Health Services, and one member of the Office of Rehabilitation Services of the Division of Disability and Behavioral Health Services;

A representative of the Department of Children and Family Services;

A representative of the Department of Public Health;

A representative of the Department of Corrections;

A representative of the Department of Public Aid;

A representative of the Attorney General's Disability Rights Advocacy Division;

The Chairperson and Minority Spokesperson of the House and Senate Committees on Elementary and Secondary Education or their designees; and

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Six persons appointed by the Governor. Five of such appointees shall be experienced or knowledgeable relative to provision of services for individuals with a behavior disorder or a severe emotional disturbance and shall include representatives of both the private and public sectors, except that no more than 2 of those 5 appointees may be from the public sector and at least 2 must be or have been directly involved in provision of services to such individuals. The remaining member appointed by the Governor shall be or shall have been a parent of an individual with a behavior disorder or a severe emotional disturbance, and that appointee may be from either the private or the public sector.

(2) Members appointed by the Governor shall be appointed for terms of 4 years and shall continue to serve until their respective successors are appointed; provided that the terms of the original appointees shall expire on August 1, 1990, and the term of the additional member appointed under this amendatory Act of 1992 shall commence upon the appointment and expire August 1, 1994. Any vacancy in the office of a member appointed by the Governor shall be filled by appointment of the Governor for the remainder of the term.

A vacancy in the office of a member appointed by the Governor exists when one or more of the following events occur:

(i) An appointee dies;
(ii) An appointee files a written resignation with the Governor;
(iii) An appointee ceases to be a legal resident of the State of Illinois; or
(iv) An appointee fails to attend a majority of regularly scheduled Authority meetings in a fiscal year.

Members who are representatives of an agency shall serve at the will of the agency head. Membership on the Authority shall cease immediately upon cessation of their affiliation with the agency. If such a vacancy occurs, the appropriate agency head shall appoint another person to represent the agency.

If a legislative member of the Authority ceases to be Chairperson or Minority Spokesperson of the designated Committees, they shall automatically be replaced on the Authority by the person who assumes the position of Chairperson or Minority Spokesperson.

(b) The Community and Residential Services Authority shall have the following powers and duties:

(1) To conduct surveys to determine the extent of need, the degree to which documented need is currently being met and feasible alternatives for matching need with resources.

(2) To develop policy statements for interagency cooperation to cover all aspects of service delivery, including laws, regulations and procedures, and clear guidelines for determining responsibility at all times.

(3) To recommend policy statements and provide information regarding effective programs for delivery of services to all individuals under 22 years of age with a behavior disorder or a severe emotional disturbance in public or private situations.

(4) To review the criteria for service eligibility, provision and availability established by the governmental agencies represented on this Authority, and to
recommend changes, additions or deletions to such criteria.

(5) To develop and submit to the Governor, the General Assembly, the Directors of the agencies represented on the Authority, and the State Board of Education a master plan for individuals under 22 years of age with a behavior disorder or a severe emotional disturbance, including detailed plans of service ranging from the least to the most restrictive options; and to assist local communities, upon request, in developing or strengthening collaborative interagency networks.

(6) To develop a process for making determinations in situations where there is a dispute relative to a plan of service for individuals or funding for a plan of service.

(7) To provide technical assistance to parents, service consumers, providers, and member agency personnel regarding statutory responsibilities of human service and educational agencies, and to provide such assistance as deemed necessary to appropriately access needed services.

(c) (1) The members of the Authority shall receive no compensation for their services but shall be entitled to reimbursement of reasonable expenses incurred while performing their duties.

(2) The Authority may appoint special study groups to operate under the direction of the Authority and persons appointed to such groups shall receive only reimbursement of reasonable expenses incurred in the performance of their duties.

(3) The Authority shall elect from its membership a chairperson, vice-chairperson and secretary.

(4) The Authority may employ and fix the compensation of such employees and technical assistants as it deems necessary to carry out its powers and duties under this Act. Staff assistance for the Authority shall be provided by the State Board of Education.

(5) Funds for the ordinary and contingent expenses of the Authority shall be appropriated to the State Board of Education in a separate line item.

(d) (1) The Authority shall have power to promulgate rules and regulations to carry out its powers and duties under this Act.

(2) The Authority may accept monetary gifts or grants from the federal government or any agency thereof, from any charitable foundation or professional association or from any other reputable source for implementation of any program necessary or desirable to the carrying out of the general purposes of the Authority. Such gifts and grants may be held in trust by the Authority and expended in the exercise of its powers and performance of its duties as prescribed by law.

(3) The Authority shall submit an annual report of its activities and expenditures to the Governor, the General Assembly, the directors of agencies represented on the Authority, and the State Superintendent of Education.

(Source: P.A. 89-21, eff. 7-1-95; 89-507, eff. 7-1-97; 90-566, eff. 1-2-98.)

Passed in the General Assembly April 24, 2002.
Approved July 11, 2002.

New matter indicated by italics - deletions by strikeout.
AN ACT in relation to criminal law.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Criminal Code of 1961 is amended by changing Section 17-1 as follows:

(720 ILCS 5/17-1) (from Ch. 38, par. 17-1)

Sec. 17-1. Deceptive practices. (A) As used in this Section:

(i) A financial institution means any bank, savings and loan association, credit union, or other depository of money, or medium of savings and collective investment.

(ii) An account holder is any person, having a checking account or savings account in a financial institution.

(iii) To act with the "intent to defraud" means to act wilfully, and with the specific intent to deceive or cheat, for the purpose of causing financial loss to another, or to bring some financial gain to oneself. It is not necessary to establish that any person was actually defrauded or deceived.

(B) General Deception

A person commits a deceptive practice when, with intent to defraud:

(a) He causes another, by deception or threat to execute a document disposing of property or a document by which a pecuniary obligation is incurred, or

(b) Being an officer, manager or other person participating in the direction of a financial institution, he knowingly receives or permits the receipt of a deposit or other investment, knowing that the institution is insolvent, or

(c) He knowingly makes or directs another to make a false or deceptive statement addressed to the public for the purpose of promoting the sale of property or services, or

(d) With intent to obtain control over property or to pay for property, labor or services of another, or in satisfaction of an obligation for payment of tax under the Retailers' Occupation Tax Act or any other tax due to the State of Illinois, he issues or delivers a check or other order upon a real or fictitious depository for the payment of money, knowing that it will not be paid by the depository. Failure to have sufficient funds or credit with the depository when the check or other order is issued or delivered, or when such check or other order is presented for payment and dishonored on each of 2 occasions at least 7 days apart, is prima facie evidence that the offender knows that it will not be paid by the depository, and that he has the intent to defraud. In this paragraph (d), "property" includes rental property (real or personal).

(e) He issues or delivers a check or other order upon a real or fictitious depository in an amount exceeding $150 in payment of an amount owed on any credit transaction for property, labor or services, or in payment of the entire amount owed on any credit transaction for property, labor or services, knowing that it will not be paid by the depository, and thereafter fails to provide funds or credit with the depository in the face amount of the check

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or order within seven days of receiving actual notice from the depository or payee of the dishonor of the check or order.

Sentence.

A person convicted of deceptive practice under paragraphs (a) through (e) of this subsection (B), except as otherwise provided by this Section, is guilty of a Class A misdemeanor.

A person convicted of a deceptive practice in violation of paragraph (d) a second or subsequent time shall be guilty of a Class 4 felony.

A person convicted of deceptive practices in violation of paragraph (d), when the value of the property so obtained, in a single transaction, or in separate transactions within a 90 day period, exceeds $150, shall be guilty of a Class 4 felony. In the case of a prosecution for separate transactions totaling more than $150 within a 90 day period, such separate transactions shall be alleged in a single charge and provided in a single prosecution.

(C) Deception on a Bank or Other Financial Institution False Statements

1) Any person who, with the intent to defraud, makes or causes to be made, any false statement in writing in order to obtain an account with a bank or other financial institution, or to obtain credit from a bank or other financial institution, knowing such writing to be false, and with the intent that it be relied upon, is guilty of a Class A misdemeanor.

For purposes of this subsection (C), a false statement shall mean any false statement representing identity, address, or employment, or the identity, address or employment of any person, firm or corporation.

Possession of Stolen or Fraudulently Obtained Checks

2) Any person who possesses, with the intent to defraud, any check or order for the payment of money, upon a real or fictitious account, without the consent of the account holder, or the issuing financial institution, is guilty of a Class A misdemeanor.

Any person who, within any 12 month period, violates this Section with respect to 3 or more checks or orders for the payment of money at the same time or consecutively, each the property of a different account holder or financial institution, is guilty of a Class 4 felony.

3) Possession of Implements of Check Fraud. Any person who possesses, with the intent to defraud, and without the authority of the account holder or financial institution any check imprinter, signature imprinter, or "certified" stamp is guilty of a Class A misdemeanor.

A person who within any 12 month period violates this subsection (C) as to possession of 3 or more such devices at the same time or consecutively, is guilty of a Class 4 felony.

Possession of Identification Card

4) Any person, who with the intent to defraud, possesses any check guarantee card or key card or identification card for cash dispensing machines without the authority of the account holder or financial institution, is guilty of a Class A misdemeanor.

A person who, within any 12 month period, violates this Section at the same time or consecutively with respect to 3 or more cards, each the property of different account holders, is guilty of a class 4 felony.

A person convicted under this Section, when the value of property so obtained, in a
single transaction, or in separate transactions within any 90 day period, exceeds $150 shall be guilty of a Class 4 felony. 
(Source: P.A. 84-897.)
Passed in the General Assembly April 24, 2002.
Approved July 11, 2002.

PUBLIC ACT 92-0634
(House Bill No. 5829)

AN ACT concerning payroll deductions.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Voluntary Payroll Deductions Act of 1983 is amended by changing Section 3 as follows:
(5 ILCS 340/3) (from Ch. 15, par. 503)
Sec. 3. Definitions. As used in this Act unless the context otherwise requires:
(a) "Employee" means any regular officer or employee who receives salary or wages for personal services rendered to the State of Illinois, and includes an individual hired as an employee by contract with that individual.
(b) "Qualified organization" means an organization representing one or more benefiting agencies, which organization is designated by the State Comptroller as qualified to receive payroll deductions under this Act. An organization desiring to be designated as a qualified organization shall:

(1) Submit written designations on forms approved by the State Comptroller by 4,000 or more employees or State annuitants, in which such employees or State annuitants indicate that the organization is one for which the employee or State annuitant intends to authorize withholding. The forms shall require the name, last 4 digits only of the social security number, and employing State agency for each employee. Upon notification by the Comptroller that such forms have been approved, the organization shall, within 30 days, notify in writing the Governor or his or her designee of its intention to obtain the required number of designations. Such organization shall have 12 months from that date to obtain the necessary designations and return to the State Comptroller's office the completed designations, which signed forms and signatures on the forms shall be subject to verification procedures established by the State Comptroller;

(2) Certify that all benefiting agencies are tax exempt under Section 501(c)(3) of the Internal Revenue Code;

(3) Certify that all benefiting agencies are in compliance with the Illinois Human Rights Act;

(4) Certify that all benefiting agencies are in compliance with the Charitable Trust Act and the Solicitation for Charity Act;

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(5) Certify that all benefiting agencies actively conduct health or welfare programs and provide services to individuals directed at one or more of the following common human needs within a community: service, research, and education in the health fields; family and child care services; protective services for children and adults; services for children and adults in foster care; services related to the management and maintenance of the home; day care services for adults; transportation services; information, referral and counseling services; services to eliminate illiteracy; the preparation and delivery of meals; adoption services; emergency shelter care and relief services; disaster relief services; safety services; neighborhood and community organization services; recreation services; social adjustment and rehabilitation services; health support services; or a combination of such services designed to meet the special needs of specific groups, such as children and youth, the ill and infirm, and the physically handicapped; and that all such benefiting agencies provide the above described services to individuals and their families in the community and surrounding area in which the organization conducts its fund drive, or that such benefiting agencies provide relief to victims of natural disasters and other emergencies on a where and as needed basis;

(6) Certify that the organization has disclosed the percentage of the organization's total collected receipts from employees or State annuitants that are distributed to the benefiting agencies and the percentage of the organization's total collected receipts from employees or State annuitants that are expended for fund-raising and overhead costs. These percentages shall be the same percentage figures annually disclosed by the organization to the Attorney General. The disclosure shall be made to all solicited employees and State annuitants and shall be in the form of a factual statement on all petitions and in the campaign's brochures for employees and State annuitants;

(7) Certify that all benefiting agencies receiving funds which the employee or State annuitant has requested or designated for distribution to a particular community and surrounding area use a majority of such funds distributed for services in the actual provision of services in that community and surrounding area;

(8) Certify that neither it nor its member organizations will solicit State employees for contributions at their workplace, except pursuant to this Act and the rules promulgated thereunder. Each qualified organization, and each participating United Fund, is encouraged to cooperate with all others and with all State agencies and educational institutions so as to simplify procedures, to resolve differences and to minimize costs;

(9) Certify that it will pay its share of the campaign costs and will comply with the Code of Campaign Conduct as approved by the Governor or other agency as designated by the Governor; and

(10) Certify that it maintains a year-round office, the telephone number, and person responsible for the operations of the organization in Illinois. That information shall be provided to the State Comptroller at the time the organization is seeking

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participation under this Act.

Each qualified organization shall submit to the State Comptroller between January 1 and March 1 of each year, a statement that the organization is in compliance with all of the requirements set forth in paragraphs (2) through (10). The State Comptroller shall exclude any organization that fails to submit the statement from the next solicitation period.

In order to be designated as a qualified organization, the organization shall have existed at least 2 years prior to submitting the written designation forms required in paragraph (1) and shall certify to the State Comptroller that such organization has been providing services described in paragraph (5) in Illinois. If the organization seeking designation represents more than one benefiting agency, it need not have existed for 2 years but shall certify to the State Comptroller that each of its benefiting agencies has existed for at least 2 years prior to submitting the written designation forms required in paragraph (1) and that each has been providing services described in paragraph (5) in Illinois.

Organizations which have met the requirements of this Act shall be permitted to participate in the State and Universities Combined Appeal as of January 1st of the year immediately following their approval by the Comptroller.

Where the certifications described in paragraphs (2), (3), (4), (5), (6), (7), (8), (9), and (10) above are made by an organization representing more than one benefiting agency they shall be based upon the knowledge and belief of such qualified organization. Any qualified organization shall immediately notify the State Comptroller in writing if the qualified organization receives information or otherwise believes that a benefiting agency is no longer in compliance with the certification of the qualified organization. A qualified organization representing more than one benefiting agency shall thereafter withhold and refrain from distributing to such benefiting agency those funds received pursuant to this Act until the benefiting agency is again in compliance with the qualified organization's certification. The qualified organization shall immediately notify the State Comptroller of the benefiting agency's resumed compliance with the certification, based upon the qualified organization's knowledge and belief, and shall pay over to the benefiting agency those funds previously withheld.

The Comptroller shall, by February 1st of each year, so notify any qualified organization that failed to receive at least 500 payroll deduction pledges during each immediately preceding solicitation period as set forth in Section 6. The notification shall give such qualified organization until March 1st to provide the Comptroller with documentation that the 500 deduction requirement has been met. On the basis of all the documentation, the Comptroller shall, by March 15th of each year, submit to the Governor or his or her designee, or such other agency as may be determined by the Governor, a list of all organizations which have met the 500 payroll deduction requirement. Only those organizations which have met such requirements, as well as the other requirements of this Section, shall be permitted to solicit State employees or State annuitants for voluntary contributions, and the Comptroller shall discontinue withholding for any such organization which fails to meet these requirements.

(c) "United Fund" means the organization conducting the single, annual, consolidated

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effort to secure funds for distribution to agencies engaged in charitable and public health, welfare and services purposes, which is commonly known as the United Fund, or the organization which serves in place of the United Fund organization in communities where an organization known as the United Fund is not organized.

In order for a United Fund to participate in the State and Universities Employees Combined Appeal, it shall comply with the provisions of paragraph (9) of subsection (b).

(d) "State and Universities Employees Combined Appeal", otherwise known as "SECA", means the State-directed joint effort of all of the qualified organizations, together with the United Funds, for the solicitation of voluntary contributions from State and University employees and State annuitants.

(e) "Retirement system" means any or all of the following: the General Assembly Retirement System, the State Employees' Retirement System of Illinois, the State Universities Retirement System, the Teachers' Retirement System of the State of Illinois, and the Judges Retirement System.

(f) "State annuitant" means a person receiving an annuity or disability benefit under Article 2, 14, 15, 16, or 18 of the Illinois Pension Code.

(Source: P.A. 90-487, eff. 8-17-97; 91-357, eff. 7-29-99; 91-533, eff. 8-13-99; 91-896, eff. 7-6-00.)

Section 99. Effective date. This Act takes effect upon becoming law.
Passed in the General Assembly April 25, 2002.
Approved July 11, 2002.
Effective July 11, 2002.

PUBLIC ACT 92-0635
(House Bill No. 6002)

AN ACT relating to higher education.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Family Practice Residency Act is amended by changing Section 5 as follows:

(110 ILCS 935/5) (from Ch. 144, par. 1455)

Sec. 5. The Advisory Committee for Family Practice Residency Programs is created and shall consult with the Director in the administration of this Act. The Committee shall consist of 9 members appointed by the Director, 4 of whom shall be family practice physicians, one of whom shall be the dean or associate or deputy dean of a medical school in this State, and 4 of whom shall be representatives of the general public. Terms of membership shall be 4 years. Initial appointments by the Director shall be staggered, with 4 appointments terminating January 31, 1979 and 4 terminating January 31, 1981. Each member shall continue to serve after the expiration of his term until his successor has been appointed. No person shall serve more than 2 terms. Vacancies shall be filled by appointment for the unexpired term of any member in the same manner as the vacant position had been

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filled. The Committee shall select from its members a chairman from among the family practice physician members, and such other officers as may be required. The Committee shall meet as frequently as the Director deems necessary, but not less than once each year. The Committee members shall receive no compensation but shall be reimbursed for actual expenses incurred in carrying out their duties.

(Source: P.A. 86-436.)

Section 99. Effective date. This Act takes effect upon becoming law.
Passed in the General Assembly May 7, 2002.
Approved July 11, 2002.
Effective July 11, 2002.

PUBLIC ACT 92-0636
(Senate Bill No. 1524)

AN ACT concerning average daily attendance.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The School Code is amended by changing Section 18-8.05 as follows:
(105 ILCS 5/18-8.05)
Sec. 18-8.05. Basis for apportionment of general State financial aid and supplemental general State aid to the common schools for the 1998-1999 and subsequent school years.
(A) General Provisions.

(1) The provisions of this Section apply to the 1998-1999 and subsequent school years. The system of general State financial aid provided for in this Section is designed to assure that, through a combination of State financial aid and required local resources, the financial support provided each pupil in Average Daily Attendance equals or exceeds a prescribed per pupil Foundation Level. This formula approach imputes a level of per pupil Available Local Resources and provides for the basis to calculate a per pupil level of general State financial aid that, when added to Available Local Resources, equals or exceeds the Foundation Level. The amount of per pupil general State financial aid for school districts, in general, varies in inverse relation to Available Local Resources. Per pupil amounts are based upon each school district's Average Daily Attendance as that term is defined in this Section.

(2) In addition to general State financial aid, school districts with specified levels or concentrations of pupils from low income households are eligible to receive supplemental general State financial aid grants as provided pursuant to subsection (H). The supplemental State aid grants provided for school districts under subsection (H) shall be appropriated for distribution to school districts as part of the same line item in which the general State financial aid of school districts is appropriated under this Section.

(3) To receive financial assistance under this Section, school districts are required to file claims with the State Board of Education, subject to the following requirements:

(a) Any school district which fails for any given school year to maintain
school as required by law, or to maintain a recognized school is not eligible to file for such school year any claim upon the Common School Fund. In case of nonrecognition of one or more attendance centers in a school district otherwise operating recognized schools, the claim of the district shall be reduced in the proportion which the Average Daily Attendance in the attendance center or centers bear to the Average Daily Attendance in the school district. A "recognized school" means any public school which meets the standards as established for recognition by the State Board of Education. A school district or attendance center not having recognition status at the end of a school term is entitled to receive State aid payments due upon a legal claim which was filed while it was recognized.

(b) School district claims filed under this Section are subject to Sections 18-9, 18-10, and 18-12, except as otherwise provided in this Section.

(c) If a school district operates a full year school under Section 10-19.1, the general State aid to the school district shall be determined by the State Board of Education in accordance with this Section as near as may be applicable.

(d) (Blank).

(4) Except as provided in subsections (H) and (L), the board of any district receiving any of the grants provided for in this Section may apply those funds to any fund so received for which that board is authorized to make expenditures by law. School districts are not required to exert a minimum Operating Tax Rate in order to qualify for assistance under this Section.

(5) As used in this Section the following terms, when capitalized, shall have the meaning ascribed herein:

(a) "Average Daily Attendance": A count of pupil attendance in school, averaged as provided for in subsection (C) and utilized in deriving per pupil financial support levels.

(b) "Available Local Resources": A computation of local financial support, calculated on the basis of Average Daily Attendance and derived as provided pursuant to subsection (D).

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

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

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

(B) Foundation Level.

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

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

(3) For the 2001-2002 school year and each school year thereafter, the Foundation Level of support is $4,560 or such greater amount as may be established by law by the General Assembly.

(C) Average Daily Attendance.

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

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

(D) Available Local Resources.

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

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

(3) For school districts maintaining grades kindergarten through 12, local property tax revenues per pupil shall be calculated as the product of the applicable equalized assessed valuation for the district multiplied by 3.00%, and divided by the district's Average Daily Attendance figure. For school districts maintaining grades kindergarten through 8, local property tax revenues per pupil shall be calculated as the product of the applicable equalized assessed valuation for the district multiplied by 2.30%, and divided by the district's Average Daily Attendance figure. For school districts maintaining grades 9 through 12, local property tax revenues per pupil shall be calculated as the product of the applicable equalized assessed valuation for the district multiplied by 3.00%, and divided by the district's Average Daily Attendance figure.
tax revenues per pupil shall be the applicable equalized assessed valuation of the district multiplied by 1.05%, and divided by the district's Average Daily Attendance figure.

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

(E) Computation of General State Aid.

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

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

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

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

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

(F) Compilation of Average Daily Attendance.

(1) Each school district shall, by July 1 of each year, submit to the State Board of Education, on forms prescribed by the State Board of Education, attendance figures for the school year that began in the preceding calendar year. The attendance information so
transmitted shall identify the average daily attendance figures for each month of the school year. Beginning with the general State aid claim form for the 2002-2003 school year, districts shall calculate Average Daily Attendance as provided in subdivisions (a), (b), and (c) of this paragraph (1).

(a) In districts that do not hold year-round classes, except that any days of attendance in August shall be added to the month of September and any days of attendance in June shall be added to the month of May.

(b) In districts in which all buildings hold year-round classes, days of attendance in July and August shall be added to the month of September and any days of attendance in June shall be added to the month of May.

(c) In districts in which some buildings, but not all, hold year-round classes, for the non-year-round buildings, days of attendance in August shall be added to the month of September and any days of attendance in June shall be added to the month of May. The average daily attendance for the year-round buildings shall be computed as provided in subdivision (b) of this paragraph (1). To calculate the Average Daily Attendance for the district, the average daily attendance for the year-round buildings shall be multiplied by the days in session for the non-year-round buildings for each month and added to the monthly attendance of the non-year-round buildings.

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

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

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

(a) Pupils regularly enrolled in a public school for only a part of the school day may be counted on the basis of 1/6 day for every class hour of instruction of 40 minutes or more attended pursuant to such enrollment, unless a pupil is enrolled in a block-schedule format of 80 minutes or more of instruction, in which case the pupil may be counted on the basis of the proportion of minutes of school work completed each day to the minimum number of minutes that school work is required to be held that day.

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

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

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

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

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

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

(h) A recognized kindergarten which provides for only 1/2 day of attendance by each pupil shall not have more than 1/2 day of attendance counted in any one day. However, kindergartens may count 2 1/2 days of attendance in any 5 consecutive school days. When a pupil attends such a kindergarten for 2 half days on any one school day, the pupil shall have the following day as a day absent from school, unless the school district obtains permission in writing from the State Superintendent of Education. Attendance at kindergartens which provide for a full day of attendance by

New matter indicated by italics - deletions by strikeout.
each pupil shall be counted the same as attendance by first grade pupils. Only the first
year of attendance in one kindergarten shall be counted, except in case of children
who entered the kindergarten in their fifth year whose educational development
requires a second year of kindergarten as determined under the rules and regulations
of the State Board of Education.

(G) Equalized Assessed Valuation Data.

(1) For purposes of the calculation of Available Local Resources required pursuant
to subsection (D), the State Board of Education shall secure from the Department of Revenue
the value as equalized or assessed by the Department of Revenue of all taxable property of
every school district, together with (i) the applicable tax rate used in extending taxes for the
funds of the district as of September 30 of the previous year and (ii) the limiting rate for all
school districts subject to property tax extension limitations as imposed under the Property
Tax Extension Limitation Law.

This equalized assessed valuation, as adjusted further by the requirements of this
subsection, shall be utilized in the calculation of Available Local Resources.

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

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

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

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

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

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

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

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

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

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

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

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

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

(4) For the purposes of calculating general State aid for the 1999-2000 school year only, if a school district experienced a triennial reassessment on the equalized assessed valuation used in calculating its general State financial aid apportionment for the 1998-1999

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

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

(H) Supplemental General State Aid.

(1) In addition to the general State aid a school district is allotted pursuant to subsection (E), qualifying school districts shall receive a grant, paid in conjunction with a district's payments of general State aid, for supplemental general State aid based upon the concentration level of children from low-income households within the school district. Supplemental State aid grants provided for school districts under this subsection shall be appropriated for distribution to school districts as part of the same line item in which the general State financial aid of school districts is appropriated under this Section. For purposes of this subsection, the term "Low-Income Concentration Level" shall be the low-income eligible pupil count from the most recently available federal census divided by the Average Daily Attendance of the school district. If, however, (i) the percentage decrease from the 2 most recent federal censuses in the low-income eligible pupil count of a high school district with fewer than 400 students exceeds by 75% or more the percentage change in the total low-income eligible pupil count of contiguous elementary school districts, whose boundaries are coterminous with the high school district, or (ii) a high school district within 2 counties and serving 5 elementary school districts, whose boundaries are coterminous with the high school district, has a percentage decrease from the 2 most recent federal censuses in the low-income eligible pupil count and there is a percentage increase in the total low-income eligible pupil count of a majority of the elementary school districts in excess of 50% from the 2 most recent federal censuses, then the high school district's low-income eligible pupil count from the earlier federal census shall be the number used as the low-income eligible pupil count for the high school district, for purposes of this subsection (H). The changes made to this paragraph (1) by Public Act 92-28 in this amendatory Act of the 92nd General Assembly shall apply to supplemental general State aid grants paid in fiscal year 1999 and

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in each fiscal year thereafter and to any State aid payments made in fiscal year 1994 through fiscal year 1998 pursuant to subsection 1(n) of Section 18-8 of this Code (which was repealed on July 1, 1998), and any high school district that is affected by Public Act 92-28 this amendatory Act of the 92nd General Assembly is entitled to a recomputation of its supplemental general State aid grant or State aid paid in any of those fiscal years. This recomputation shall not be affected by any other funding.

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

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

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

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

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

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

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

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

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

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

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

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

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

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the low income eligible pupil count.

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

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

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

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

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

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

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

(e) Funds received by an attendance center pursuant to this subsection shall be used by the attendance center at the discretion of the principal and local school council for programs to improve educational opportunities at qualifying schools through the following programs and services: early childhood education, reduced class size or improved adult to student classroom ratio, enrichment programs, remedial assistance, attendance improvement, and other educationally beneficial

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expenditures which supplement the regular and basic programs as determined by the State Board of Education. Funds provided shall not be expended for any political or lobbying purposes as defined by board rule.

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

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

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

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

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

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

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

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

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

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by the regional superintendent of schools for each educational service region in which the annexing and annexed districts, or resulting and divided districts are located.

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

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

(J) Supplementary Grants in Aid.

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

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

(3) (Blank).

(K) Grants to Laboratory and Alternative Schools.

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

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

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

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

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

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

(2) (Blank).

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

(M) Education Funding Advisory Board.

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

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

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

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

(N) (Blank).

(0) References.

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

(2) References in other laws to State Chapter 1 funds shall be deemed to refer to the
supplemental general State aid provided under subsection (H) of this Section.
(Source: P.A. 91-24, eff. 7-1-99; 91-93, eff. 7-9-99; 91-96, eff. 7-9-99; 91-111, eff. 7-14-99;
91-357, eff. 7-29-99; 91-533, eff. 8-13-99; 92-7, eff. 6-29-01; 92-16, eff. 6-28-01; 92-28, eff.

New matter indicated by italics - deletions by strikeout.
AN ACT in relation to vehicles.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Vehicle Code is amended by changing Section 11-1301.3 as follows:

(625 ILCS 5/11-1301.3) (from Ch. 95 1/2, par. 11-1301.3)

Sec. 11-1301.3. Unauthorized use of parking places reserved for persons with disabilities.

(a) It shall be prohibited to park any motor vehicle which is not properly displaying bearing registration plates or decals issued to a person with disabilities, as defined by Section 1-159.1, pursuant to Sections 3-616, 11-1301.1 or 11-1301.2, or to a disabled veteran pursuant to Section 3-609 of this Act, as evidence that the vehicle is operated by or for a person with disabilities or disabled veteran, in any parking place, including any private or public offstreet parking facility, specifically reserved, by the posting of an official sign as designated under Section 11-301, for motor vehicles displaying bearing such registration plates. It shall be prohibited to park any motor vehicle in a designated access aisle adjacent to any parking place specifically reserved for persons with disabilities, by the posting of an official sign as designated under Section 11-301, for motor vehicles displaying bearing such registration plates. When using the parking privileges for persons with disabilities, the parking decal or device must be displayed properly in the vehicle where it is clearly visible to law enforcement personnel, either hanging from the rearview mirror or placed on the dashboard of the vehicle in clear view. An individual with a vehicle properly displaying bearing a person with disabilities license plate or parking decal or device issued to a disabled person under Sections 3-616, 11-1301.1, or 11-1301.2 is in violation of this Section if the person is not the authorized holder of a person with disabilities license plate or parking decal or device and is not transporting the authorized holder of a person with disabilities license plate or parking decal or device to or from the parking location and the person uses the person with disabilities license plate or parking decal or device to exercise any privileges granted through the person with disabilities license plates or parking decals or devices under this Code. Any motor vehicle properly displaying bearing a person with disabilities license plate or a person with disabilities parking decal or device containing the International symbol of access issued to persons with disabilities by any local authority, state, district, territory or foreign country shall be recognized by State and local authorities as a valid license plate or
device and receive the same parking privileges as residents of this State.

(b) Any person or local authority owning or operating any public or private offstreet parking facility may, after notifying the police or sheriff’s department, remove or cause to be removed to the nearest garage or other place of safety any vehicle parked within a stall or space reserved for use by a person with disabilities which does not display person with disabilities registration plates or a special decal or device as required under this Section.

(c) Any person found guilty of violating the provisions of this Section shall be fined $100 in addition to any costs or charges connected with the removal or storage of any motor vehicle authorized under this Section; but municipalities by ordinance may impose a fine up to $200 and shall display signs indicating the fine imposed. If the amount of the fine is subsequently changed, the municipality shall change the sign to indicate the current amount of the fine. It shall not be a defense to a charge under this Section that the sign posted pursuant to this Section does not comply with the technical requirements of Section 11-301, Department regulations, or local ordinance if a reasonable person would be made aware by the sign or notice on or near the parking place that the place is reserved for a person with disabilities.

(d) Local authorities shall impose fines as established in subsection (c) for violations of this Section.

(e) As used in this Section, "authorized holder" means an individual issued a person with disabilities license plate under Section 3-616 of this Code or an individual issued a person with disabilities parking decal or device under Section 11-1301.2 of this Code.

(Source: P.A. 91-427, eff. 8-6-99; 92-411, eff. 1-1-02.)

Approved July 11, 2002.

PUBLIC ACT 92-0638
(Senate Bill No. 1540)

AN ACT in relation to corporations.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Business Corporation Act of 1983 is amended by changing Section 2.35 as follows:

(805 ILCS 5/2.35) (from Ch. 32, par. 2.35)
Sec. 2.35. Meetings of the board of directors of a residential cooperative corporation containing 24 or more units and located in a city containing more than 1,000,000 inhabitants shall be open to any residential shareholder, except for the portion of any meeting held (i) to discuss litigation when an action against or on behalf of the corporation has been filed and is pending in a court or administrative tribunal, or when the board of directors finds that such an action is probable or imminent, (ii) to consider information regarding appointment, employment or dismissal of an employee, or (iii) to discuss violations of rules and

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regulations of the corporation by a residential shareholder. Any residential shareholder may record by tape, film or other means the proceedings at such meetings or portions thereof required to be open by this Section. The board may prescribe reasonable rules and regulations to govern the right to make such recordings. Notice of such meetings shall be mailed or delivered at least 48 hours prior thereto, unless a written waiver of such notice is signed by the person or persons entitled to such notice pursuant to the articles of incorporation, bylaws, or other instrument before the meeting is convened. Copies of notices of meetings of the board of directors shall be posted in entranceways, elevators, or other conspicuous places in the residential cooperative at least 48 hours prior to the meeting of the board of directors. If there is no common entranceway for 7 or more apartments, the board of directors may designate one or more locations in the proximity of such units where the notices of meetings shall be posted. For purposes of this Section, "meeting of the board of directors" means any gathering of a quorum of the members of the board of directors of the residential cooperative held for the purpose of discussing business of the cooperative. The provisions of this Section shall apply to any residential cooperative containing 24 or more units and located in a city containing more than 1,000,000 inhabitants situated in the State of Illinois regardless of where such cooperative may be incorporated.

(Source: P.A. 85-1269.)

Section 10. The General Not For Profit Corporation Act of 1986 is amended by changing Section 108.21 as follows:

(805 ILCS 105/108.21) (from Ch. 32, par. 108.21)

Sec. 108.21. Meetings of the board of directors of a residential cooperative not-for-profit corporation containing 24 or more units and located in a city containing more than 1,000,000 inhabitants or containing 50 or more single family units with individual unit legal descriptions based upon a recorded plat of a subdivision and located in a county with a population between 780,000 and 3,000,000 inhabitants shall be open to any member, except for the portion of any meeting held (i) to discuss litigation when an action against or on behalf of the corporation has been filed and is pending in a court or administrative tribunal, or when the board of directors finds that such an action is probable or imminent, (ii) to consider information regarding appointment, employment or dismissal of an employee, or (iii) to discuss violations of rules and regulations of the corporation by a residential shareholder. Any member may record by tape, film or other means the proceedings at such meetings or portions thereof required to be open by this Section. The board may prescribe reasonable rules and regulations to govern the right to make such recordings. Notice of such meetings shall be mailed or delivered at least 48 hours prior thereto, unless a written waiver of such notice is signed by the person or persons entitled to such notice pursuant to the articles of incorporation, bylaws, other instrument before the meeting is convened. Copies of notices of meetings of the board of directors shall be posted in entranceways, elevators, or other conspicuous places in the residential cooperative at least 48 hours prior to the meeting of the board of directors. If there is no common entranceway for 7 or more apartments, the board of directors may designate one or more locations in the proximity of such units where the notices of meetings shall be posted. For purposes of this Section,

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"meeting of the board of directors" means any gathering of a quorum of the members of the board of directors of the residential cooperative held for the purpose of discussing business of the cooperative. The provisions of this Section shall apply to any residential cooperative containing 24 or more units and located in a city containing more than 1,000,000 inhabitants or containing 50 or more single family units and located in a county with a population between 780,000 and 3,000,000 inhabitants situated in the State of Illinois regardless of where such cooperative may be incorporated.
(Source: P.A. 91-465, eff. 8-6-99.)
Passed in the General Assembly May 7, 2002.
Approved July 11, 2002.

PUBLIC ACT 92-0639
(Senate Bill No. 1606)

AN ACT in relation to taxes.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Senior Citizens Real Estate Tax Deferral Act is amended by changing Section 2 as follows:
(320 ILCS 30/2) (from Ch. 67 1/2, par. 452)
Sec. 2. Definitions. As used in this Act:
(a) "Taxpayer" means an individual whose household income for the year is no greater than $40,000.
(b) "Tax deferred property" means the property upon which real estate taxes are deferred under this Act.
(c) "Homestead" means the land and buildings thereon, including a condominium or a dwelling unit in a multidwelling building that is owned and operated as a cooperative, occupied by the taxpayer as his residence or which are temporarily unoccupied by the taxpayer because such taxpayer is temporarily residing, for not more than 1 year, in a licensed facility as defined in Section 1-113 of the Nursing Home Care Act.
(d) "Real estate taxes" or "taxes" means the taxes on real property for which the taxpayer would be liable under the Property Tax Code, including special service area taxes, and special assessments on benefited real property for which the taxpayer would be liable to a unit of local government.
(e) "Department" means the Department of Revenue.
(f) "Qualifying property" means a homestead which (a) the taxpayer or the taxpayer and his spouse own in fee simple or are purchasing in fee simple under a recorded instrument of sale, (b) is not income-producing property, (c) is not subject to a lien for unpaid real estate taxes when a claim under this Act is filed.
(g) "Equity interest" means the current assessed valuation of the qualified property times the fraction necessary to convert that figure to full market value minus any outstanding

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debts or liens on that property. In the case of qualifying property not having a separate assessed valuation, the appraised value as determined by a qualified real estate appraiser shall be used instead of the current assessed valuation.

(h) "Household income" has the meaning ascribed to that term in the Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act.

(i) "Collector" means the county collector or, if the taxes to be deferred are special assessments, an official designated by a unit of local government to collect special assessments.

(Source: P.A. 88-268; 88-509; 88-670, eff. 12-2-94.)

Section 99. Effective date. This Act takes effect on January 1, 2003.
Passed in the General Assembly April 24, 2002.
Approved July 11, 2002.

PUBLIC ACT 92-0640
(Senate Bill No. 1668)

AN ACT concerning taxes.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Property Tax Code is amended by changing Section 21-220 as follows:

(35 ILCS 200/21-220)

Sec. 21-220. Letter of credit or bond in counties of 3,000,000 or more; registration in other counties. In counties with 3,000,000 or more inhabitants, no person shall make an offer to pay the amount due on any property and the collector shall not accept or acknowledge an offer from any person who has not deposited with the collector, not less than 10 days prior to making such offer, an irrevocable and unconditional letter of credit or such other unconditional bond payable to the order of the collector in an amount not less than 1.5 times the amount of any tax or special assessment due upon the property, provided that in no event shall the irrevocable and unconditional letter of credit or such other unconditional bond be in an amount less than $1,000. The collector may without notice draw upon the letter of credit or bond in the event payment of the amount due together with interest and costs thereon is not made forthwith by the person purchasing any property. At all times during the sale, any person making an offer or offers to pay the amount or amounts due on any properties shall maintain the letter of credit or bond with the collector in an amount not less than 1.5 times the amount due on the properties which he or she has purchased and for which he or she has not paid.

In counties with less than 3,000,000 inhabitants, unless the county board provides otherwise, no person shall be eligible to bid who did not register with the county collector at least 10 business days prior to the first day of sale authorized under Section 21-115.

(Source: P.A. 88-455; incorporates 88-221; 88-670, eff. 12-2-94.)

New matter indicated by italics - deletions by strikeout.
Section 99. Effective date. This Act takes effect upon becoming law.
Passed in the General Assembly April 24, 2002.
Approved July 11, 2002.
Effective July 11, 2002.

PUBLIC ACT 92-0641
(Senate Bill No. 1687)

AN ACT concerning the regulation of professions.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Regulatory Sunset Act is amended by changing Section 4.13 and adding Section 4.23 as follows:

(5 ILCS 80/4.13) (from Ch. 127, par. 1904.13)
Sec. 4.13. Acts repealed on December 31, 2002. The following Acts are repealed on December 31, 2002:
The Environmental Health Practitioner Licensing Act.
The Naprapathic Practice Act.
The Dietetic and Nutrition Services Practice Act.
The Funeral Directors and Embalmers Licensing Code.
The Professional Counselor and Clinical Professional Counselor Licensing Act.
(Source: P.A. 88-45; 89-61, eff. 6-30-95; revised 8-22-01.)
(5 ILCS 80/4.23 new)
Sec. 4.23. Act repealed on January 1, 2013. The following Act is repealed on January 1, 2013:
The Funeral Directors and Embalmers Licensing Code.
Section 10. The Funeral Directors and Embalmers Licensing Code is amended by changing Section 5-15 as follows:
(225 ILCS 41/5-15)
(Sec. 5-15. Expiration and renewal; inactive status; continuing education. The expiration date and renewal period for each license issued under this Article shall be set by rule. The holder of a license as a licensed funeral director may renew the license during the month preceding the expiration date of the license by paying the required fee. A licensed funeral director whose license has expired may have the license reinstated within 5 years from the date of expiration upon payment of the required reinstatement fee. The reinstatement shall be effective as of the date of reissuance of the license.

Any licensed funeral director whose license has been expired for more than 5 years may have the license restored only by fulfilling the requirements of the Department’s rules and by paying the required restoration fee. However, any licensed funeral director whose license has expired while he or she has been engaged (1) in federal service on active duty

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with the Army of the United States, the United States Navy, the Marine Corps, the Air Force, the Coast Guard, or the State Militia called into the service or training of the United States of America or (2) in training or education under the supervision of the United States preliminary to induction into the military service may have his or her license restored without paying any lapsed renewal fees or restoration fee or without passing any examination if, within 2 years after termination of the service, training or education other than by dishonorable discharge, he or she furnishes the Department with an affidavit to the effect that he or she has been so engaged and that service, training or education has been so terminated.

In addition to any other requirement for renewal of a license or reinstatement of an expired license, beginning with licenses renewed or reinstated in 1993, as a condition for the renewal or reinstatement of a license as a licensed funeral director, each licensee shall provide evidence to the Department of completion of at least 12 hours of continuing education during the 24 months preceding the expiration date of the license, or in the case of reinstatement, during the 24 months preceding application for reinstatement. The continuing education sponsors shall be approved by the Board. In addition, any qualified continuing education course for funeral directors offered by a college, university, the Illinois Funeral Directors Association, Funeral Directors Services Association of Greater Chicago, Cook County Association of Funeral Home Owners, Inc., Illinois Selected Morticians Association, Inc., National Funeral Directors Association, National Foundation of Funeral Service, National Selected Morticians, National Funeral Directors and Morticians Association, Inc., International Order of the Golden Rule, or an Illinois school of mortuary science shall be accepted toward satisfaction of the continuing education requirements.

The Department shall establish by rule a means for verification of completion of the continuing education required by this Section. This verification may be accomplished through audits of records maintained by licensees, by requiring the filing of continued education certificates with the Department or a qualified organization selected by the Department to maintain these records, or by other means established by the Department.

A person who is licensed as a funeral director under this Act and who has engaged in the practice of funeral directing for at least 40 years shall be exempt from the continuing education requirements of this Section. In addition, the Department shall establish by rule an exemption or exception for funeral directors who, by reason of advanced age, health or other extreme condition should reasonably be excused from the continuing education requirement upon explanation to the Board, the approval of the Director, or both. Those persons, identified above, who cannot attend on-site classes, shall have the opportunity to comply by completing home study courses designed for them by sponsors.

Any funeral director who notifies the Department in writing on forms prescribed by the Department may elect to place his or her license on an inactive status and shall be excused from completion of continuing education requirements until he or she notifies the Department in writing of an intent to restore the license to active status. While on inactive status, the licensee shall only be required to pay a single fee, established by the Department, to have his or her license placed on inactive status. Any licensee requesting restoration from inactive status shall notify the Department as provided by rule of the Department and pay the New matter indicated by italics - deletions by strikeout.
fee required by the Department for restoration of the license. Any licensee whose license is on inactive status shall not practice in the State of Illinois.

Practice on a license that has lapsed or been placed in inactive status is practicing without a license and a violation of this Act.
(Source: P.A. 90-50, eff. 1-1-98.)

Section 99. Effective date. This Act takes effect upon becoming law.
Passed in the General Assembly April 24, 2002.
Approved July 11, 2002.
Effective July 11, 2002.
groups, including, but not limited to nutrition services and medical nutrition therapy as defined in this Act.

"Director" means the Director of the Department of Professional Regulation.

"Licensed dietitian" means a person licensed under Section 45 of this Act to practice dietetics. Activities of a licensed dietitian do not include the medical differential diagnoses of the health status of an individual.

"Licensed nutrition counselor" means a person licensed under Section 50 of this Act to provide any aspect of nutrition services as defined in this Act. Activities of a licensed nutrition counselor do not include medical nutrition care as defined in this Act or the medical differential diagnoses of the health status of an individual.

"Licensed dietitian nutritionist" means a person licensed under this Act to practice dietetics and nutrition services, including medical nutrition therapy. Activities of a licensed dietitian nutritionist do not include the medical differential diagnosis of the health status of an individual.

"Medical nutrition therapy" means the component of nutrition care that deals with:

(a) interpreting and recommending nutrient needs relative to medically prescribed diets, including, but not limited to tube feedings, specialized intravenous solutions, and specialized oral feedings;

(b) food and prescription drug interactions; and

(c) developing and managing food service operations whose chief function is nutrition care and provision of medically prescribed diets.

"Medically prescribed diet" means a diet prescribed when specific food or nutrient levels need to be monitored, altered, or both as a component of a treatment program for an individual whose health status is impaired or at risk due to disease, injury, or surgery and may only be performed as initiated by or in consultation with a physician licensed to practice medicine in all of its branches.

"Nutrition assessment" means the evaluation of the nutrition needs of individuals or groups using appropriate data to determine nutrient needs or status and make appropriate nutrition recommendations.

"Nutrition counseling" means advising and assisting individuals or groups on appropriate nutrition intake by integrating information from the nutrition assessment.

"Nutrition services for individuals and groups" shall include, but is not limited to, all of the following:

(a) Providing nutrition assessments relative to preventive maintenance or restorative care.

(b) Providing nutrition education and nutrition counseling as components of preventive maintenance or restorative care.

(c) Developing and managing systems whose chief function is nutrition care. Nutrition services for individuals and groups does not include medical nutrition therapy as defined in this Act.

"Practice experience" means a preprofessional, documented, supervised practice in

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dietetics or nutrition services that is acceptable to the Department in compliance with requirements for licensure, as specified in Sections 45 and 50. It may be or may include a documented, supervised practice experience which is a component of the educational requirements for licensure, as specified in Section 45 or 50.

"Registered dietitian" means an individual registered with the Commission on Dietetic Registration, the accrediting body for the American Dietetic Association.

"Restorative" means the component of nutrition care that deals with oral dietary needs for individuals and groups. Activities shall relate to the metabolism of food and the requirements for nutrients, including dietary supplements for growth, development, maintenance, or attainment of optimal health.

(Source: P.A. 87-784; 87-1000.)

(225 ILCS 30/15) (from Ch. 111, par. 8401-15)

(Section scheduled to be repealed on December 31, 2002)

Sec. 15. License required.

(a) No person may engage for remuneration in nutrition services practice or hold himself or herself out as a licensed dietitian nutritionist unless the person is licensed in accordance with this Act or meets one or more of the following criteria:

   (1) The person is licensed in this State under any other Act that authorizes the person to provide these services.

   (2) The person is licensed to practice nutrition under the law of another state, territory of the United States, or country and has applied in writing to the Department in form and substance satisfactory to the Department for a license as a dietitian nutritionist until (i) the expiration of 6 months after filing the written application, (ii) the withdrawal of the application, or (iii) the denial of the application by the Department.

(b) No person shall practice dietetics, as defined in this Act, or hold himself or herself out as a licensed dietitian nutritionist unless that person is so licensed under this Act or meets one or more of the following criteria:

   (1) The person is licensed in this State under any other Act that authorizes the person to provide these services.

   (2) The person is a dietary technical support person, working in a hospital setting or a regulated Department of Public Health or Department on Aging facility or program, who has been trained and is supervised while engaged in the practice of dietetics by a licensed dietitian nutritionist in accordance with this Act and whose services are retained by that facility or program on a full time or regular, ongoing consultant basis.

   (3) The person is a dietitian licensed to practice dietetics under the law of another state, territory of the United States, or country, or is a registered dietitian, who has applied in writing to the Department in form and substance satisfactory to the Department for a license as a dietitian nutritionist until (i) the expiration of 6 months after filing the written application, (ii) the withdrawal of the application, or (iii) the denial of the application by the Department.

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(c) No person shall practice dietetics or nutrition services, as defined in this Act, or hold himself or herself out as a licensed dietitian nutritionist, a dietitian, a nutritionist, or a nutrition counselor unless the person is licensed in accordance with this Act.
(Source: P.A. 89-474, eff. 6-18-96.)

(225 ILCS 30/15.5)
Sec. 15.5. Unlicensed practice; violation; civil penalty.
(a) Any person who practices, offers to practice, attempts to practice, or holds oneself out to practice dietetics or nutrition services counseling without being licensed under this Act shall, in addition to any other penalty provided by law, pay a civil penalty to the Department in an amount not to exceed $5,000 for each offense as determined by the Department. The civil penalty shall be assessed by the Department after a hearing is held in accordance with the provisions set forth in this Act regarding the provision of a hearing for the discipline of a licensee.

(b) The Department has the authority and power to investigate any and all unlicensed activity.

(c) The civil penalty shall be paid within 60 days after the effective date of the order imposing the civil penalty. The order shall constitute a judgment and may be filed and execution had thereon in the same manner as any judgment from any court of record.

(225 ILCS 30/20) (from Ch. 111, par. 8401-20)
Sec. 20. Exemptions. This Act does not prohibit or restrict:
(a) Any person licensed in this State under any other Act from engaging in the practice for which he or she is licensed.

(b) The practice of dietetics or nutrition services by a person who is employed by the United States or State government or any of its bureaus, divisions, or agencies while in the discharge of the employee's official duties.

(c) The practice of nutrition services by a person employed as a cooperative extension home economist, to the extent the activities are part of his or her employment.

(d) The practice of nutrition services or dietetics by a person pursuing a course of study leading to a degree in dietetics, nutrition or an equivalent major, as authorized by the Department, from a regionally accredited school or program, if the activities and services constitute a part of a supervised course of study and if the person is designated by a title that clearly indicates the person's status as a student or trainee.

(e) The practice of nutrition services or dietetics by a person fulfilling the supervised practice experience component of Sections 45 or 50, if the activities and services constitute a part of the experience necessary to meet the requirements of Section 45 or 50.

(f) A person from providing oral nutrition information as an operator or employee of a health food store or business that sells health products, including dietary supplements, food, or food materials, or disseminating written nutrition information in connection with the marketing and distribution of those products.

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(g) The practice of nutrition services by an educator who is in the employ of a nonprofit organization, as authorized by the Department, a federal state, county, or municipal agency, or other political subdivision; an elementary or secondary school; or a regionally accredited institution of higher education, as long as the activities and services of the educator are part of his or her employment.

(h) The practice of nutrition services by any person who provides weight control services, provided the nutrition program has been reviewed by, consultation is available from, and no program change can be initiated without prior approval by an individual licensed under this Act, an individual licensed to practice dietetics or nutrition services a dietitian or nutrition counselor licensed in another state that has licensure requirements considered by the Department to be at least as stringent as the requirements for licensure under this Act, or a registered dietitian.

(i) The practice of nutrition services or dietetics by any person with a masters or doctorate degree with a major in nutrition or equivalent from a regionally accredited school recognized by the Department for the purpose of education and research.

(j) Any person certified in this State and who is employed by a facility or program regulated by the State of Illinois from engaging in the practice for which he or she is certified and authorized by the Department.

(k) The practice of nutrition services by a graduate of a 2 year associate program or a 4 year baccalaureate program from a school or program accredited at the time of graduation by the appropriate accrediting agency recognized by the Council on Higher Education Postsecondary Accreditation and the United States Department of Education with a major in human nutrition, food and nutrition or its equivalent, as authorized by the Department, who is directly supervised by an individual licensed under this Act.

(l) Providing nutrition information as an employee of a nursing facility operated exclusively by and for those relying upon spiritual means through prayer alone for healing in accordance with the tenets and practices of a recognized church or religious denomination.

The provisions of this Act shall not be construed to prohibit or limit any person from the free dissemination of information, from conducting a class or seminar, or from giving a speech related to nutrition if that person does not hold himself or herself out as a licensed nutrition counselor or licensed dietitian in a manner prohibited by Section 15.

(Source: P.A. 87-784; 87-1000.)

(225 ILCS 30/30) (from Ch. 111, par. 8401-30)
(Section scheduled to be repealed on December 31, 2002)

Sec. 30. Practice Board. The Director shall appoint a Dietitian Nutritionist Dietetic and Nutrition Services Practice Board as follows: 7 Seven individuals who shall be appointed by and shall serve in an advisory capacity to the Director. Of these 7 individuals, 4 members must be licensed under this Act and currently engaged in the practice of dietetics or nutrition services in the State of Illinois and must have been doing so for a minimum of 3 years, 2 of whom shall be licensed dietitians who are not also licensed as nutrition counselors under this Act and 2 of whom shall be licensed nutrition counselors who are not also licensed dietitians under this Act; one member must be a physician licensed to practice medicine in all of its

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branches; one member must be a licensed professional nurse; and one member must be a public member not licensed under this Act.

Members shall serve 3 year terms and until their successors are appointed and qualified, except the terms of the initial appointments. The initial appointments shall be served as follows: 2 members shall be appointed to serve for one year, 2 shall be appointed to serve for 2 years, and the remaining members shall be appointed to serve for 3 years and until their successors are appointed and qualified. No member shall be reappointed to the Board for a term that would cause his or her continuous service on the Board to be longer than 8 years. Appointments to fill vacancies shall be made in the same manner as original appointments, for the unexpired portion of the vacated term. Initial terms shall begin upon the effective date of this Act and Board members in office on that date shall be appointed to specific terms as indicated in this Section.

The membership of the Board shall reasonably represent all the geographic areas in this State. Any time there is a vacancy on the Board, any professional association composed of persons licensed under this Act may recommend licensees to fill the vacancy to the Board for the appointment of licensees, the organization representing the largest number of licensed physicians for the appointment of physicians to the Board, and the organization representing the largest number of licensed professional nurses for the appointment of a nurse to the Board.

Members of the Board shall have no liability in any action based upon any disciplinary proceeding or other activity performed in good faith as members of the Board.

The Director shall have the authority to remove any member of the Board from office for neglect of any duty required by law or for incompetency or unprofessional or dishonorable conduct.

The Director shall consider the recommendation of the Board on questions of standards of professional conduct, discipline, and qualifications of candidates or licensees under this Act.

(Source: P.A. 87-784; 87-1000.)

(225 ILCS 30/40) (from Ch. 111, par. 8401-40)

Sec. 40. Examinations. The Department shall authorize examinations of applicants for a license under this Act as dietitians or nutrition counselors at the times and places that it may determine. The examination of applicants shall be of a character to give a fair test of the qualifications of the applicant to practice dietetics and nutrition services. The Department or its designated testing service shall provide initial screening to determine eligibility of applicants for examination.

Applicants for examination as dietitians or nutrition counselors shall be required to pay, either to the Department or the designated testing service, a fee covering the cost of providing the examination. Failure to appear for the examination on the scheduled date, at the time and place specified, after the applicant's application for examination has been received and acknowledged by the Department or the designated testing service, shall result in the forfeiture of the examination fee.

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

The Department may employ consultants for the purpose of preparing and conducting examinations.

(Source: P.A. 87-784; 87-1000.)

(225 ILCS 30/45) (from Ch. 111, par. 8401-45)

(Section scheduled to be repealed on December 31, 2002)

Sec. 45. Dietitian nutritionist; qualifications. A person shall be qualified for licensure as a dietitian nutritionist if that person meets all of the following requirements:

(a) Has applied in writing in form and substance acceptable to the Department and possesses a baccalaureate degree or post baccalaureate degree in human nutrition, foods and nutrition, dietetics, food systems management, nutrition education, or an equivalent major course of study as recommended by the Board and approved by the Department from a school or program accredited at the time of graduation from the appropriate regional accrediting agency recognized by the Council on Higher Education Accreditation and the United States Department of Education.

(b) Has successfully completed the examination authorized by the Department which may be or may include an examination given by the Commission on Dietetic Registration.

The Department shall establish by rule a waiver of the examination requirement to applicants who, at the time of application, are acknowledged to be registered dietitians by the Commission on Dietetic Registration and who are in compliance with other qualifications as included in the Act.

(c) Has completed a dietetic internship or documented, supervised practice experience in dietetics and nutrition services of not less than 900 hours under the supervision of a registered dietitian or a licensed dietitian nutritionist, a State licensed healthcare practitioner, or an individual with a doctoral degree conferred by a U.S. regionally accredited college or university with a major course of study in human nutrition, nutrition education, food and nutrition, dietetics or food systems management. Supervised practice experience must be completed in the United States or its territories. Supervisors who obtained their doctoral degree outside the United States and its territories must have their degrees validated as equivalent to the doctoral degree conferred by a U.S. regionally accredited college or university.

(Source: P.A. 87-784; 87-1000.)

(225 ILCS 30/56 new)

(Section scheduled to be repealed on January 1, 2013)

Sec. 56. Transition. Beginning November 1, 2003, the Department shall cease to issue a license as a dietitian or a nutrition counselor. Any person holding a valid license as a dietitian or nutrition counselor prior to November 1, 2003 and having met the conditions for renewal of a license under Section 65 of this Act, shall be issued a license as a dietitian

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nutritionist under this Act and shall be subject to continued regulation by the Department under this Act. The Department may adopt rules to implement this Section.

(225 ILCS 30/65) (from Ch. 111, par. 8401-65)

(Section scheduled to be repealed on December 31, 2002)

Sec. 65. Expiration and renewal dates. The expiration date and renewal period for each license issued under this Act shall be set by rule.

As a condition for renewal of a license that expires on October 31, 2003, a licensed nutrition counselor shall be required to complete and submit to the Department proof of 30 hours of continuing education in dietetics or nutrition services during the 24 months preceding the expiration date of the license in accordance with rules established by the Department. A minimum of 24 hours of the required 30 hours of continuing education shall be in medical nutrition therapy, which shall include diet therapy, medical dietetics, clinical nutrition, or the equivalent, as provided by continuing education sponsors approved by the Department. The Department may adopt rules to implement this Section.

As a condition for renewal of a license, the licensee shall be required to complete 30 hours of continuing education in dietetics or nutrition services during the 24 months preceding the expiration date of the license in accordance with rules established by the Department. The continuing education shall be in courses approved by the Commission on Dietetic Registration or in courses taken from a sponsor approved by the Department. A sponsor shall be required to file an application, meet the requirements set forth in the rules of the Department, and pay the appropriate fee. The requirements for continuing education may be waived, in whole or in part, in cases of extreme hardship as defined by rule of the Department. The Department shall provide an orderly process for the reinstatement of licenses that have not been renewed due to the failure to meet the continuing education requirements of this Section.

Any person who has permitted his or her license to expire or who has had his or her license on inactive status may have the license restored by submitting an application to the Department, meeting continuing education requirements, and filing proof acceptable with the Department of fitness to have the license restored, which may include sworn evidence certifying to active practice in another jurisdiction satisfactory to the Department and by paying the required restoration fee.

If the person has not maintained an active practice in another jurisdiction satisfactory to the Department, the Department shall determine, by an evaluation program established by rule, his or her fitness to resume active status and may require the person to complete a period of evaluated professional experience and may require successful completion of a practical examination.

Any person, however, whose license expired while (i) in Federal Service on active duty with the Armed Forces of the United States, or called into service or training with the State Militia, or (ii) in training or education under the supervision of the United States preliminary to induction into the military service may have his or her license restored without paying any lapsed renewal fees if within 2 years after honorable termination of the service, training, or education he or she furnishes the Department with satisfactory evidence to the
effect that he or she has been so engaged and that the service, training or education has been terminated.
(Source: P.A. 87-784; 87-1000.)

(225 ILCS 30/70) (from Ch. 111, par. 8401-70)
(Sec. 70. Inactive status; restoration. Any person who notifies the Department in writing on forms prescribed by the Department may elect to place his or her license on an inactive status and shall, subject to rules of the Department, be excused from payment of renewal fees until he or she notifies the Department in writing of the desires to resume active status.

Any person requesting restoration from inactive status shall be required to pay the current renewal fee, shall meet continuing education requirements, and shall be required to restore his or her license as provided in Section 65 of this Act.

A person licensed under this Act dietitian or nutrition counselor whose license is on inactive status or in a non-renewed status shall not engage in the practice of dietetics or nutrition services in the State of Illinois or use the title or advertise that he or she performs the services of a licensed dietitian nutritionist or nutrition counselor.

Any person violating this Section shall be considered to be practicing without a license and will be subject to the disciplinary provisions of this Act.
(Source: P.A. 87-784; 87-1000.)

(225 ILCS 30/75) (from Ch. 111, par. 8401-75)
(Sec. 75. Endorsement. The Department may license as a dietitian nutritionist or nutrition counselor, without examination, on payment of required fee, an applicant who is a dietitian, dietitian nutritionist, nutritionist, or nutrition counselor licensed under the laws of another state, territory, or country, if the requirements for licensure in the state, territory, or country in which the applicant was licensed were, at the date of his or her licensure, substantially equal to the requirements of this Act.
(Source: P.A. 87-784; 87-1000.)

(225 ILCS 30/80) (from Ch. 111, par. 8401-80)
(Sec. 80. Use of title; advertising. Only a person who is issued a license as a dietitian nutritionist under this Act may use the words "dietitian nutritionist", "dietitian", "nutritionist", or "nutrition counselor" or the letters "L.D.N." in connection with his or her name.

A person who meets the additional criteria for registration by the Commission on Dietetic Registration for the American Dietetic Association may assume or use the title or designation "Registered Dietitian" or "Registered Dietician" or use the letters "R.D." or any words, letters, abbreviations, or insignia indicating that the person is a registered dietitian.

Any person who meets the additional criteria for certification by the Clinical Nutrition Certification Board of the International and American Associations of Clinical Nutritionists may assume or use the title or designation "Certified Clinical Nutritionist" or

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use the letters "C.C.N." or any words, letters, abbreviations, or insignia indicating that the person is a certified clinical nutritionist.

Any person who meets the additional criteria for certification by the Certification Board of Nutrition Specialists may assume or use the title or designation "Certified Nutrition Specialist", or use the letters "C.N.S." or any words, letters, abbreviations, or insignia indicating that the person is a certified nutrition specialist.

A licensee shall include in every advertisement for services regulated under this Act his or her title as it appears on the license or the initials authorized under this Act.

(a) Only a person who is issued a license as a dietitian under this Act may use the words "licensed dietitian" or the letters "L.D." in connection with his or her name. A person who meets the additional criteria for registration by the Commission on Dietetic Registration for the American Dietetic Association may assume or use the title or designation "Registered Dietitian" or "Registered Dietician", or use the letters "R.D." or any words, letters, abbreviations, or insignia indicating that the person is a registered dietitian.

(b) Only a person who is issued a license as a nutrition counselor under the terms of this Act may use the letters "L.N.C." or the words "licensed nutrition counselor" in connection with his or her name.

(c) A licensee shall include in every advertisement for services regulated under this Act his or her title as it appears on the license or the initials authorized under this Act.

(225 ILCS 30/95) (from Ch. 111, par. 8401-95)

(Section scheduled to be repealed on December 31, 2002)

Sec. 95. Grounds for discipline.

(1) The Department may refuse to issue or renew, or may revoke, suspend, place on probation, reprimand, or take other disciplinary action as the Department may deem proper, including fines not to exceed $1000 for each violation, with regard to any license or certificate for any one or combination of the following causes:

(a) Material misstatement in furnishing information to the Department.

(b) Violations of this Act or its rules.

(c) Conviction of any crime under the laws of the United States or any state or territory thereof that is (i) a felony; (ii) a misdemeanor, an essential element of which is dishonesty; or (iii) a crime that is directly related to the practice of the profession.

(d) Making any misrepresentation for the purpose of obtaining licensure or violating any provision of this Act.

(e) Professional incompetence or gross negligence.

(f) Malpractice.

(g) Aiding or assisting another person in violating any provision of this Act or its rules.

(h) Failing to provide information within 60 days in response to a written request made by the Department.

(i) Engaging in dishonorable, unethical or unprofessional conduct of a
character likely to deceive, defraud, or harm the public.

(j) Habitual or excessive use or addiction to alcohol, narcotics, stimulants, or any other chemical agent or drug that results in the inability to practice with reasonable judgment, skill, or safety.

(k) Discipline by another state, territory, or country if at least one of the grounds for the discipline is the same or substantially equivalent to those set forth in this Act.

(l) Directly or indirectly giving to or receiving from any person, firm, corporation, partnership, or association any fee, commission, rebate, or other form of compensation for any professional services not actually or personally rendered.

(m) A finding by the Department that the licensee, after having his or her license placed on probationary status, has violated the terms of probation.

(n) Conviction by any court of competent jurisdiction, either within or outside this State, of any violation of any law governing the practice of dietetics or nutrition counseling, if the Department determines, after investigation, that the person has not been sufficiently rehabilitated to warrant the public trust.

(o) A finding that licensure has been applied for or obtained by fraudulent means.

(p) Practicing or attempting to practice under a name other than the full name as shown on the license or any other legally authorized name.

(q) Gross and willful overcharging for professional services including filing statements for collection of fees or monies for which services are not rendered.

(r) Failure to (i) file a return, (ii) pay the tax, penalty or interest shown in a filed return, or (iii) pay any final assessment of tax, penalty or interest, as required by any tax Act administered by the Illinois Department of Revenue, until the requirements of any such tax Act are satisfied.

(s) Willfully failing to report an instance of suspected child abuse or neglect as required by the Abused and Neglected Child Reporting Act.

(2) In enforcing this Section, the Board, upon a showing of a possible violation, may compel a licensee or applicant to submit to a mental or physical examination, or both, as required by and at the expense of the Department. The examining physician shall be specifically designated by the Board. The Board or the Department may order the examining physician to present testimony concerning the mental or physical examination of a licensee or applicant. No information may be excluded by reason of any common law or statutory privilege relating to communications between a licensee or applicant and the examining physician. An individual to be examined may have, at his or her own expense, another physician of his or her choice present during all aspects of the examination. Failure of an individual to submit to a mental or physical examination, when directed, is grounds for suspension of his or her license. The license must remain suspended until the time that the individual submits to the examination or the Board finds, after notice and a hearing, that the refusal to submit to the examination was with reasonable cause. If the Board finds that an individual is unable to practice because of the reasons set forth in this Section, the Board

New matter indicated by italics - deletions by strikeout.
must require the individual to submit to care, counseling, or treatment by a physician approved by the Board, as a condition, term, or restriction for continued, reinstated, or renewed licensure to practice. In lieu of care, counseling, or treatment, the Board may recommend that the Department file a complaint to immediately suspend or revoke the license of the individual or otherwise discipline him or her. Any individual whose license was granted, continued, reinstated, or renewed subject to conditions, terms, or restrictions, as provided for in this Section, or any individual who was disciplined or placed on supervision pursuant to this Section must be referred to the Director for a determination as to whether the individual shall have his or her license suspended immediately, pending a hearing by the Board.

The Department shall deny any license or renewal under this Act to any person who has defaulted on an educational loan guaranteed by the Illinois Student Assistance Commission; however, the Department may issue a license or renewal if the person in default has established a satisfactory repayment record as determined by the Illinois Student Assistance Commission.

The determination by a circuit court that a registrant is subject to involuntary admission or judicial admission as provided in the Mental Health and Developmental Disabilities Code operates as an automatic suspension. This suspension will end only upon a finding by a court that the patient is no longer subject to involuntary admission or judicial admission, the issuance of an order so finding and discharging the patient, and the recommendation of the Board to the Director that the registrant be allowed to resume practice.

(Source: P.A. 87-784; 87-1000.)
(225 ILCS 30/50 rep.)
(225 ILCS 30/60 rep.)

Section 90. The Dietetic and Nutrition Services Practice Act is amended by repealing Sections 50 and 60.

Section 99. Effective date. This Section, Section 5, and Sections 56 and 65 of the Dietetic and Nutrition Practice Act take effect upon becoming law. All of the other provisions take effect October 31, 2003.

Passed in the General Assembly April 24, 2002.
Approved July 11, 2002.

PUBLIC ACT 92-0643
(Senate Bill No. 1695)

AN ACT concerning port districts.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Tri-City Regional Port District Act is amended by changing Sections 2, 6, and 23 and by adding Section 15.5 as follows:

New matter indicated by italics - deletions by strikeout.
Sec. 2. When used in this Act:

"District" or "Port District" means the Tri-City Regional Port District created by this Act.

"Terminal" means a public place, station or depot for receiving and delivering baggage, mail, freight or express matter and for any combination of such purposes, in connection with the transportation of persons and property on water or land or in the air.

"Terminal facilities" means all land, buildings, structures, improvements, equipment and appliances useful in the operation of public warehouse, storage and transportation facilities and industrial, manufacturing, processing and conversion activities for the accommodation of or in connection with commerce by water or land or in the air or useful as an aid to further the public interest, or constituting an advantage or convenience to, the safe landing, taking off and navigation of aircraft, or the safe and efficient operation or maintenance of a public airport; except that nothing in this definition contained shall be interpreted as granting authority to the District to acquire, purchase, create, erect or construct a bridge across any waterway which serves as a boundary between the State of Illinois and any other state.

"Port Facilities" means all public structures, except terminal facilities as defined herein, that are in, over, under or adjacent to navigable waters and are necessary for or incident to the furtherance of water commerce and includes the widening and deepening of slips, harbors and navigable waters.

"Aircraft" means any contrivance now known or hereafter invented, used or designed for navigation of, or flight in, the air.

"Airport" means any locality, either land or water, which is used or designed for the landing and taking off of aircraft, or for the location of runways, landing fields, airdromes, hangars, buildings, structures, airport roadways and other facilities.

"Airport Hazard" means any structure, or object of natural growth, located on or in the vicinity of an airport, or any use of land near an airport which is hazardous to the use of such airport for the landing and take-off of aircraft.

"Approach" means any path, course or zone defined by an ordinance of the District or by other lawful regulation, on the ground or in the air, or both, for the use of aircraft in landing and taking off from an airport located within the District.

"Commercial Aircraft" means any aircraft other than public aircraft engaged in the business of transporting persons or property.

"Private Aircraft" means any aircraft other than public and commercial aircraft.

"Public Aircraft" means an aircraft used exclusively in the governmental service of the United States, or of any state or of any public agency, including military and naval aircraft.

"Public Airport" means an airport owned by a Port District, an airport authority or other public agency which is used or is intended for use by public, commercial and private aircraft and by persons owning, managing, operating or desiring to use, inspect or repair any such aircraft or to use any such airport for aeronautical purposes.

New matter indicated by italics - deletions by strikeout.
"Public Incinerator" means a facility for the disposal of waste by incineration by any means or method for public use, including, but not limited to, incineration and disposal of industrial wastes.

"Public Interest" means the protection, furtherance and advancement of the general welfare and of public health and safety and public necessity and convenience in respect to aeronautics.

"Navigable waters" means any public waters which are or can be made usable for water commerce.

"Governmental agency" means the Federal, State and any local governmental body, and any agency or instrumentality, corporate or otherwise, thereof.

"Person" means any individual, firm, partnership, corporation, both domestic and foreign, company, association or joint stock association; and includes any trustee, receiver, assignee or personal representative thereof.

"General obligation bond" means any bond issued by the District any part of the principal or interest of which bond is to be paid by taxation.

"Revenue bond" means any bond issued by the District the principal and interest of which bond is payable solely from revenues or income derived from terminal, terminal facilities or port facilities of the District.

"Board" means the Tri-City Port District Board.

"Governor" means the Governor of the State of Illinois.

"Mayor" means the Mayor of the city of Venice, the Mayor of the city of Madison or the Mayor of the city of Granite City, as the case may require.

(70 ILCS 1860/6) (from Ch. 19, par. 289)

Sec. 6. The District has power to apply for and accept grants, loans, or appropriations from the federal government, the State of Illinois, and Madison County, or any agency or instrumentality thereof to be used for any of the purposes of the District and to enter into any agreements with the federal, State, and county governments in relation to such grants, loans or appropriations.

The District may petition any federal, state, municipal, or local authority, administrative, judicial and legislative, having jurisdiction in the premises, for the adoption and execution of any physical improvement, change in method or system of handling freight, warehousing, docking, lightering, and transfer of freight, which in the opinion of the District is designed to improve or better the handling of commerce in and through the Port District or improve terminal or transportation facilities therein.

(Source: Laws 1959, p. 71.)

(70 ILCS 1860/15.5 new)

Sec. 15.5. A mayor may hold the office of Commissioner of the Tri-City Regional Port District simultaneously with the office of mayor. Notwithstanding any statute to the contrary, a mayor's acceptance of an appointment as a Commissioner of the Tri-City Regional Port District does not terminate or impair the mayor's public office.

(70 ILCS 1860/23) (from Ch. 19, par. 306)
Sec. 23. The Board may appoint an executive director and a general manager who shall be a person of recognized ability and business experience to hold office during the pleasure of the Board. The executive director and general manager shall have management of the properties and business of the District and the employees thereof subject to the general control of the Board, shall direct the enforcement of all ordinances, resolutions, rules and regulations of the Board, and shall perform such other duties as may be prescribed from time to time by the Board. The Board may appoint a general attorney, and a chief engineer, and a general manager to assist the executive director, and shall provide for the appointment of other officers, and the employment of additional attorneys, engineers, consultants, agents and employees as may be necessary. It shall define their duties and may require bonds of such of them as the Board may designate. The executive director, general manager, general attorney, chief engineer, and all other officers provided for pursuant to this section shall be exempt from taking and subscribing any oath of office and shall not be members of the Board. The compensation of the executive director, general manager, general attorney, chief engineer, and all other officers, attorneys, consultants, agents and employees shall be fixed by the Board.

(Source: P.A. 80-323.)

Approved July 11, 2002.

PUBLIC ACT 92-0644
(Senate Bill No. 1705)

AN ACT concerning civil procedure.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Code of Civil Procedure is amended by changing Section 8-2101 as follows:

(735 ILCS 5/8-2101) (from Ch. 110, par. 8-2101)

Sec. 8-2101. Information obtained. All information, interviews, reports, statements, memoranda, recommendations, letters of reference or other third party confidential assessments of a health care practitioner's professional competence, or other data of the Illinois Department of Public Health, local health departments, the Department of Human Services (as successor to the Department of Mental Health and Developmental Disabilities), the Mental Health and Developmental Disabilities Medical Review Board, Illinois State Medical Society, allied medical societies, health maintenance organizations, medical organizations under contract with health maintenance organizations or with insurance or other health care delivery entities or facilities, tissue banks, organ procurement agencies, physician-owned insurance companies inter-insurance exchanges and their agents, committees of ambulatory surgical treatment centers or post-surgical recovery centers or their medical staffs, or committees of licensed or accredited hospitals or their medical staffs,

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including Patient Care Audit Committees, Medical Care Evaluation Committees, Utilization Review Committees, Credential Committees and Executive Committees, or their designees (but not the medical records pertaining to the patient), used in the course of internal quality control or of medical study for the purpose of reducing morbidity or mortality, or for improving patient care or increasing organ and tissue donation, shall be privileged, strictly confidential and shall be used only for medical research, increasing organ and tissue donation, the evaluation and improvement of quality care, or granting, limiting or revoking staff privileges or agreements for services, except that in any health maintenance organization proceeding to decide upon a physician's services or any hospital or ambulatory surgical treatment center proceeding to decide upon a physician's staff privileges, or in any judicial review of either, the claim of confidentiality shall not be invoked to deny such physician access to or use of data upon which such a decision was based.

(Source: P.A. 89-393, eff. 8-20-95; 89-507, eff. 7-1-97.)


Approved July 11, 2002.


PUBLIC ACT 92-0645
(Senate Bill No. 1706)

AN ACT concerning freedom of information.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Freedom of Information Act is amended by changing Section 7 as follows:

(5 ILCS 140/7) (from Ch. 116, par. 207)
Sec. 7. Exemptions.
(1) The following shall be exempt from inspection and copying:
(a) Information specifically prohibited from disclosure by federal or State law or rules and regulations adopted under federal or State law.
(b) Information that, if disclosed, would constitute a clearly unwarranted invasion of personal privacy, unless the disclosure is consented to in writing by the individual subjects of the information. The disclosure of information that bears on the public duties of public employees and officials shall not be considered an invasion of personal privacy. Information exempted under this subsection (b) shall include but is not limited to:
   (i) files and personal information maintained with respect to clients, patients, residents, students or other individuals receiving social, medical, educational, vocational, financial, supervisory or custodial care or services directly or indirectly from federal agencies or public bodies;
   (ii) personnel files and personal information maintained with respect to employees, appointees or elected officials of any public body or applicants

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for those positions;

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

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

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

(c) Records compiled by any public body for administrative enforcement proceedings and any law enforcement or correctional agency for law enforcement purposes or for internal matters of a public body, but only to the extent that disclosure would:

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

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

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

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

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

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

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

(viii) obstruct an ongoing criminal investigation.

(d) Criminal history record information maintained by State or local criminal justice agencies, except the following which shall be open for public inspection and copying:

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

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

New matter indicated by italics - deletions by strikeout.
(iii) court records that are public;
(iv) records that are otherwise available under State or local law; or
(v) records in which the requesting party is the individual identified, except as provided under part (vii) of paragraph (c) of subsection (1) of this Section.

"Criminal history record information" means data identifiable to an individual and consisting of descriptions or notations of arrests, detentions, indictments, informations, pre-trial proceedings, trials, or other formal events in the criminal justice system or descriptions or notations of criminal charges (including criminal violations of local municipal ordinances) and the nature of any disposition arising therefrom, including sentencing, court or correctional supervision, rehabilitation and release. The term does not apply to statistical records and reports in which individuals are not identified and from which their identities are not ascertainable, or to information that is for criminal investigative or intelligence purposes.

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

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

(g) Trade secrets and commercial or financial information obtained from a person or business where the trade secrets or information are proprietary, privileged or confidential, or where disclosure of the trade secrets or information may cause competitive harm, including all information determined to be confidential under Section 4002 of the Technology Advancement and Development Act. Nothing contained in this paragraph (g) shall be construed to prevent a person or business from consenting to disclosure.

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

(i) Valuable formulae, computer geographic graphic systems, designs, drawings and research data obtained or produced by any public body when disclosure could reasonably be expected to produce private gain or public loss.

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

(k) Architects' plans and engineers' technical submissions for projects not

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constructed or developed in whole or in part with public funds and for projects constructed or developed with public funds, to the extent that disclosure would compromise security.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(hh) Information the disclosure of which is exempted under Section 80 of the State Gift Ban Act.

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

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

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

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

(Source: P.A. 91-137, eff. 7-16-99; 91-357, eff. 7-29-99; 91-660, eff. 12-22-99; 92-16, eff. 6-28-01; 92-241, eff. 8-3-01; 92-281, eff. 8-7-01; revised 10-2-01.)

Section 99. Effective date. This Act takes effect upon becoming law.
Approved July 11, 2002.
Effective July 11, 2002.

PUBLIC ACT 92-0646
(Senate Bill No. 1713)

AN ACT in relation to criminal law.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Criminal Code of 1961 is amended by changing Section 17-1 as follows:
(720 ILCS 5/17-1) (from Ch. 38, par. 17-1)
Sec. 17-1. Deceptive practices. (A) As used in this Section:
(i) A financial institution means any bank, savings and loan association, credit union, or other depository of money, or medium of savings and collective investment.
(ii) An account holder is any person, having a checking account or savings account in a financial institution.
(iii) To act with the "intent to defraud" means to act wilfully, and with the specific intent to deceive or cheat, for the purpose of causing financial loss to another, or to bring some financial gain to oneself. It is not necessary to establish that any person was actually defrauded or deceived.

(B) General Deception
A person commits a deceptive practice when, with intent to defraud:
(a) He causes another, by deception or threat to execute a document disposing of property or a document by which a pecuniary obligation is incurred, or
(b) Being an officer, manager or other person participating in the direction of a

New matter indicated by italics - deletions by strikeout.
financial institution, he knowingly receives or permits the receipt of a deposit or other investment, knowing that the institution is insolvent, or

(c) He knowingly makes or directs another to make a false or deceptive statement addressed to the public for the purpose of promoting the sale of property or services, or

(d) With intent to obtain control over property or to pay for property, labor or services of another, or in satisfaction of an obligation for payment of tax under the Retailers' Occupation Tax Act or any other tax due to the State of Illinois, he issues or delivers a check or other order upon a real or fictitious depository for the payment of money, knowing that it will not be paid by the depository. Failure to have sufficient funds or credit with the depository when the check or other order is issued or delivered, or when such check or other order is presented for payment and dishonored on each of 2 occasions at least 7 days apart, is prima facie evidence that the offender knows that it will not be paid by the depository, and that he has the intent to defraud.

(e) He issues or delivers a check or other order upon a real or fictitious depository in an amount exceeding $150 in payment of an amount owed on any credit transaction for property, labor or services, or in payment of the entire amount owed on any credit transaction for property, labor or services, knowing that it will not be paid by the depository, and thereafter fails to provide funds or credit with the depository in the face amount of the check or order within seven days of receiving actual notice from the depository or payee of the dishonor of the check or order.

Sentence.

A person convicted of deceptive practice under paragraphs (a) through (e) of this subsection (B), except as otherwise provided by this Section, is guilty of a Class A misdemeanor.

A person convicted of a deceptive practice in violation of paragraph (d) a second or subsequent time shall be guilty of a Class 4 felony.

A person convicted of deceptive practices in violation of paragraph (d), when the value of the property so obtained, in a single transaction, or in separate transactions within a 90 day period, exceeds $150, shall be guilty of a Class 4 felony. In the case of a prosecution for separate transactions totaling more than $150 within a 90 day period, such separate transactions shall be alleged in a single charge and provided in a single prosecution.

(C) Deception on a Bank or Other Financial Institution False Statements

1) Any person who, with the intent to defraud, makes or causes to be made, any false statement in writing in order to obtain an account with a bank or other financial institution, or to obtain credit from a bank or other financial institution, knowing such writing to be false, and with the intent that it be relied upon, is guilty of a Class A misdemeanor.

For purposes of this subsection (C), a false statement shall mean any false statement representing identity, address, or employment, or the identity, address or employment of any person, firm or corporation.

Possession of Stolen or Fraudulently Obtained Checks

2) Any person who possesses, with the intent to obtain access to funds of another person held in a real or fictitious deposit account at a financial institution, makes a false

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statement or a misrepresentation to the financial institution, or possesses, transfers, negotiates, or presents for payment a check, draft, or other item purported to direct the financial institution to withdraw or pay funds out of the account holder’s deposit account with knowledge that such possession, transfer, negotiation, or presentment is not authorized by the account holder or the issuing financial institution is guilty of a Class A misdemeanor.  
A person shall be deemed to have been authorized to possess, transfer, negotiate, or present for payment such item if the person was otherwise entitled by law to withdraw or recover funds from the account in question and followed the requisite procedures under the law. In the event that the account holder, upon discovery of the withdrawal or payment, claims that the withdrawal or payment was not authorized, the financial institution may require the account holder to submit an affidavit to that effect on a form satisfactory to the financial institution before the financial institution may be required to credit the account in an amount equal to the amount or amounts that were withdrawn or paid without authorization. Any person who possesses, with the intent to defraud, any check or order for the payment of money, upon a real or fictitious account, without the consent of the account holder, or the issuing financial institution, is guilty of a Class A misdemeanor.

Any person who, within any 12 month period, violates this Section with respect to 3 or more checks or orders for the payment of money at the same time or consecutively, each the property of a different account holder or financial institution, is guilty of a Class 4 felony.

3) Possession of Implements of Check Fraud. Any person who possesses, with the intent to defraud, and without the authority of the account holder or financial institution any check imprinter, signature imprinter, or "certified" stamp is guilty of a Class A misdemeanor.

A person who within any 12 month period violates this subsection (C) as to possession of 3 or more such devices at the same time or consecutively, is guilty of a Class 4 felony.

Possession of Identification Card

4) Any person, who with the intent to defraud, possesses any check guarantee card or key card or identification card for cash dispensing machines without the authority of the account holder or financial institution, is guilty of a Class A misdemeanor.

A person who, within any 12 month period, violates this Section at the same time or consecutively with respect to 3 or more cards, each the property of different account holders, is guilty of a class 4 felony.

A person convicted under this Section, when the value of property so obtained, in a single transaction, or in separate transactions within any 90 day period, exceeds $150 shall be guilty of a Class 4 felony.

(Source: P.A. 84-897.)

Approved July 11, 2002.
AN ACT in relation to vehicles.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Vehicle Code is amended by changing Sections 6-301 and 6-601 as follows:

(625 ILCS 5/6-301) (from Ch. 95 1/2, par. 6-301)
Sec. 6-301. Unlawful use of license or permit.
(a) It is a violation of this Section for any person:

1. To display or cause to be displayed or have in his possession any cancelled, revoked or suspended license or permit;
2. To lend his license or permit to any other person or knowingly allow the use thereof by another;
3. To display or represent as his own any license or permit issued to another;
4. To fail or refuse to surrender to the Secretary of State or his agent or any peace officer upon his lawful demand, any license or permit, which has been suspended, revoked or cancelled;
5. To allow any unlawful use of a license or permit issued to him;
6. To submit to an examination or to obtain the services of another person to submit to an examination for the purpose of obtaining a drivers license or permit for some other person.
(b) Sentence.

1. Any person convicted of a violation of this Section shall be guilty of a Class A misdemeanor and shall be sentenced to a minimum fine of $500 or 50 hours of community service, preferably at an alcohol abuse prevention program, if available.
2. Any person convicted of a second or subsequent violation of this Section shall be guilty of a Class 4 felony.

3. In addition to any other sentence imposed under paragraph 1 or 2 of this subsection (b), a person convicted of a violation of paragraph 6 of subsection (a) shall be imprisoned for not less than 7 days.
(c) This Section does not prohibit any lawfully authorized investigative, protective, law enforcement or other activity of any agency of the United States, State of Illinois or any other state or political subdivision thereof.
(d) This Section does not apply to licenses and permits invalidated under Section 6-301.3 of this Code.

(Source: P.A. 88-197; 88-210; 88-670, eff. 12-2-94.)
(625 ILCS 5/6-601) (from Ch. 95 1/2, par. 6-601)
Sec. 6-601. Penalties. (a) It is a petty offense for any person to violate any of the provisions of this Chapter unless such violation is by this Code or other law of this State.

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declared to be a misdemeanor or a felony.

(b) General penalties. Unless another penalty is in this Code or other laws of this State, every person convicted of a petty offense for the violation of any provision of this Chapter shall be punished by a fine of not more than $500.

(c) Unlicensed driving. Except as hereinafter provided a violation of Section 6-101 shall be:

1. A Class A misdemeanor if the person failed to obtain a driver's license or permit after expiration of a period of revocation.

2. A Class B misdemeanor petty offense if the person has been issued a driver's license or permit, which has expired, and if the period of expiration is greater than 6 months; or if the person has never been issued a driver's license or permit, or is not qualified to obtain a driver's license or permit because of his age, the minimum fine shall be $50.

If a licensee under this Code is convicted of violating Section 6-101 for operating a motor vehicle during a time when such licensee's driver's license was invalid under the provisions of Section 6-110, then conviction under such circumstances shall be punishable by a fine of not more than $25.

If a licensee under this Code is convicted of violating Section 6-303 for operating a motor vehicle during a time when such licensee's driver's license was suspended under the provisions of Section 6-306.3, then such act shall be a petty offense (provided the licensee has answered the charge which was the basis of the suspension under Section 6-306.3), and there shall be imposed no additional like period of suspension as provided in paragraph (b) of Section 6-303.

Any person convicted of a violation of subsection 6 of Section 6-301 shall be guilty of a Class C misdemeanor and shall be imprisoned for not less than 7 days.

(Source: P.A. 85-992.)

Passed in the General Assembly April 24, 2002.

Approved July 11, 2002.


PUBLIC ACT 92-0648
(Senate Bill No. 1734)

AN ACT in relation to higher education.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Public Community College Act is amended by changing Section 7-23.1 as follows:

(110 ILCS 805/7-23.1) (from Ch. 122, par. 107-23.1)

Sec. 7-23.1. Contracts. The board shall let all contracts (other than those excepted by Section 3-27.1 of this Act) for supplies, materials or work involving an expenditure in excess of $10,000 by competitive bidding as provided in Section 3-27.1 of this Act.

(Source: P.A. 82-295.)

New matter indicated by italics - deletions by strikeout.
Section 99. Effective date. This Act takes effect upon becoming law.
Passed in the General Assembly April 24, 2002.
Approved July 11, 2002.
Effective July 11, 2002.

PUBLIC ACT 92-0649
(Senate Bill No. 1782)

AN ACT concerning postpartum depression.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Department of Human Services Act is amended by adding Section 10-7 as follows:
(20 ILCS 1305/10-7 new)
Sec. 10-7. Postpartum depression.
(a) The Department shall develop and distribute a brochure or other information about the signs, symptoms, screening or detection techniques, and care for postpartum depression, including but not limited to methods for patients and family members to better understand the nature and causes of postpartum depression in order to lower the likelihood that new mothers will continue to suffer from this illness. This brochure shall be developed in conjunction with the Illinois State Medical Society, the Illinois Society for Advanced Practice Nursing, and any other appropriate statewide organization of licensed professionals.
(b) The brochure required under subsection (a) of this Section shall be distributed, at a minimum, to physicians licensed to practice medicine in all its branches, certified nurse midwives, and other health care professionals who provide care to pregnant women in the hospital, office, or clinic.
(c) The Secretary may contract with a statewide organization of physicians licensed to practice medicine in all its branches for the purposes of this Section.
Passed in the General Assembly April 24, 2002.
Approved July 11, 2002.

PUBLIC ACT 92-0650
(Senate Bill No. 1806)

AN ACT concerning the humane care of animals.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Humane Care for Animals Act is amended by changing Sections 3, 3.01, 3.02, 3.03, 3.04, 3.05, 4, 4.01, 4.02, 4.03, 4.04, 5, 5.01, 6, 7, 7.1, 7.5, 7.15, and 16 as follows:

New matter indicated by italics - deletions by strikeout.
Sec. 3. Owner's duties. Each owner shall provide for each of his animals:
(a) sufficient quantity of good quality, wholesome food and water;
(b) adequate shelter and protection from the weather;
(c) veterinary care when needed to prevent suffering; and
(d) humane care and treatment.

A person convicted of violating this Section is guilty of a Class B misdemeanor. A second or subsequent violation is a Class 4 felony with every day that a violation continues constituting a separate offense. In addition to any other penalty provided by law, upon conviction for violating this Section, the court may order the convicted person to undergo a psychological or psychiatric evaluation and to undergo any treatment at the convicted person's expense that the court determines to be appropriate after due consideration of the evaluation. If the convicted person is a juvenile or a companion animal hoarder, the court must order the convicted person to undergo a psychological or psychiatric evaluation and to undergo treatment that the court determines to be appropriate after due consideration of the evaluation.

(Source: P.A. 78-905.)

Sec. 3.01. Cruel treatment. No person or owner may beat, cruelly treat, torment, starve, overwork or otherwise abuse any animal.

No owner may abandon any animal where it may become a public charge or may suffer injury, hunger or exposure.

A person convicted of violating this Section is guilty of a Class A misdemeanor. A second or subsequent conviction for a violation of this Section is a Class 4 felony. In addition to any other penalty provided by law, upon conviction for violating this Section, the court may order the convicted person to undergo a psychological or psychiatric evaluation and to undergo any treatment at the convicted person’s expense that the court determines to be appropriate after due consideration of the evidence. If the convicted person is a juvenile or a companion animal hoarder, the court must order the convicted person to undergo a psychological or psychiatric evaluation and to undergo treatment that the court determines to be appropriate after due consideration of the evaluation.

(Source: P.A. 84-466.)

Sec. 3.02. Aggravated cruelty. No person may intentionally commit an act that causes a companion animal to suffer serious injury or death. Aggravated cruelty does not include euthanasia of a companion animal through recognized methods approved by the Department of Agriculture.

A person convicted of violating Section 3.02 is guilty of a Class 4 felony. A second or subsequent violation is a Class 3 felony. In addition to any other penalty provided by law, upon conviction for violating this Section, the court may order the convicted person to undergo a psychological or psychiatric evaluation and to undergo any treatment at the convicted person's expense that the court determines to be appropriate after due consideration of the evaluation.
consideration of the evaluation. If the convicted person is a juvenile or a companion animal hoarder, the court must order the convicted person to undergo a psychological or psychiatric evaluation and to undergo treatment that the court determines to be appropriate after due consideration of the evaluation.

(Source: P.A. 88-600, eff. 9-1-94.)

(510 ILCS 70/3.03)

Sec. 3.03. Animal torture.

(a) A person commits animal torture when that person without legal justification knowingly or intentionally tortures an animal. For purposes of this Section, and subject to subsection (b), "torture" means infliction of or subjection to extreme physical pain, motivated by an intent to increase or prolong the pain, suffering, or agony of the animal.

(b) For the purposes of this Section, "animal torture" does not include any death, harm, or injury caused to any animal by any of the following activities:

1. any hunting, fishing, trapping, or other activity allowed under the Wildlife Code, the Wildlife Habitat Management Areas Act, or the Fish and Aquatic Life Code;

2. any alteration or destruction of any animal done by any person or unit of government pursuant to statute, ordinance, court order, or the direction of a licensed veterinarian;

3. any alteration or destruction of any animal for any legitimate purpose, including, but not limited to: castration, culling, declawing, defanging, ear cropping, euthanasia, gelding, grooming, neutering, polling, shearing, shoeing, slaughtering, spaying, tail docking, and vivisection; and

4. any other activity that may be lawfully done to an animal.

(c) A person convicted of violating this Section is guilty of a Class 3 felony. As a condition of the sentence imposed under this Section, the court shall order the offender to undergo a psychological or psychiatric evaluation and to undergo treatment that the court determines to be appropriate after due consideration of the evaluation.

(Source: P.A. 91-351, eff. 7-29-99.)

(510 ILCS 70/3.04)

Sec. 3.04. Arrests and seizures.

(a) Any law enforcement officer making an arrest for an offense involving one or more companion animals under Section 3.01, 3.02, or 3.03 of this Act may lawfully take possession of some or all of the companion animals in the possession of the person arrested. The officer, after taking possession of the companion animals, must file with the court before whom the complaint is made against any person so arrested an affidavit stating the name of the person charged in the complaint, a description of the condition of the companion animal or companion animals taken, and the time and place the companion animal or companion animals were taken, together with the name of the person from whom the companion animal or companion animals were taken and name of the person who claims to own the companion animal or companion animals if different from the person from whom the companion animal or companion animals were seized. He or she must at the same time deliver an inventory of

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the companion animal or companion animals taken to the court of competent jurisdiction. The officer must place the companion animal or companion animals in the custody of an animal control or animal shelter and the agency must retain custody of the companion animal or companion animals subject to an order of the court adjudicating the charges on the merits and before which the person complained against is required to appear for trial. The State's Attorney may, within 14 days after the seizure, file a "petition for forfeiture prior to trial" before the court having criminal jurisdiction over the alleged charges, asking for permanent forfeiture of the companion animals seized. The petition shall be filed with the court, with copies served on the impounding agency, the owner, and anyone claiming an interest in the animals. In a "petition for forfeiture prior to trial", the burden is on the prosecution to prove by a preponderance of the evidence that the person arrested violated Section 3.01, 3.02, 3.03, or 4.01 of this Act or Section 26-5 of the Criminal Code of 1961.

(b) An owner whose companion animal or companion animals are removed by a law enforcement officer under this Section must be given written notice of the circumstances of the removal and of any legal remedies available to him or her. The notice must be posted at the place of seizure, or delivered to a person residing at the place of seizure or, if the address of the owner is different from the address of the person from whom the companion animals were seized, delivered by registered mail to his or her last known address. (Source: P.A. 92-454, eff. 1-1-02.)

(510 ILCS 70/3.05)

Sec. 3.05. Security for companion animals and animals used for fighting purposes.

(a) In the case of companion animals as defined in Section 2.01a or animals used for fighting purposes in violation of pursuant to Section 4.01 of this Act or Section 26-5 of the Criminal Code of 1961, the animal control or animal shelter having custody of the animal or animals may file a petition with the court requesting that the person from whom the animal or animals are seized, or the owner of the animal or animals, be ordered to post security. The security must be in an amount sufficient to secure payment of all reasonable expenses expected to be incurred by the animal control or animal shelter in caring for and providing for the animal or animals pending the disposition of the charges. Reasonable expenses include, but are not limited to, estimated medical care and boarding of the animal or animals for 30 days. The amount of the security shall be determined by the court after taking into consideration all of the facts and circumstances of the case, including, but not limited to, the recommendation of the impounding organization having custody and care of the seized animal or animals and the cost of caring for the animal or animals. If security has been posted in accordance with this Section, the animal control or animal shelter may draw from the security the actual costs incurred by the agency in caring for the seized animal or animals.

(b) Upon receipt of a petition, the court must set a hearing on the petition, to be conducted within 5 business days after the petition is filed. The petitioner must serve a true copy of the petition upon the defendant and the State's Attorney for the county in which the animal or animals were seized. The petitioner must also serve a true copy of the petition on

New matter indicated by italics - deletions by strikeout.
any interested person. For the purposes of this subsection, "interested person" means an individual, partnership, firm, joint stock company, corporation, association, trust, estate, or other legal entity that the court determines may have a pecuniary interest in the animal or animals that are the subject of the petition. The court must set a hearing date to determine any interested parties. The court may waive for good cause shown the posting of security.

(c) If the court orders the posting of security, the security must be posted with the clerk of the court within 5 business days after the hearing. If the person ordered to post security does not do so, the animal or animals are forfeited by operation of law and the animal control or animal shelter having control of the animal or animals must dispose of the animal or animals through adoption or must humanely euthanize the animal. In no event may the defendant or any person residing in the defendant's household adopt the animal or animals.

(d) The impounding organization may file a petition with the court upon the expiration of the 30-day period requesting the posting of additional security. The court may order the person from whom the animal or animals were seized, or the owner of the animal or animals, to post additional security with the clerk of the court to secure payment of reasonable expenses for an additional period of time pending a determination by the court of the charges against the person from whom the animal or animals were seized.

(e) In no event may the security prevent the impounding organization having custody and care of the animal or animals from disposing of the animal or animals before the expiration of the 30-day period covered by the security if the court makes a final determination of the charges against the person from whom the animal or animals were seized. Upon the adjudication of the charges, the person who posted the security is entitled to a refund of the security, in whole or in part, for any expenses not incurred by the impounding organization.

(f) Notwithstanding any other provision of this Section to the contrary, the court may order a person charged with any violation of this Act to provide necessary food, water, shelter, and care for any animal or animals that are the basis of the charge without the removal of the animal or animals from their existing location and until the charges against the person are adjudicated. Until a final determination of the charges is made, any law enforcement officer, animal control officer, Department investigator, or an approved humane investigator may be authorized by an order of the court to make regular visits to the place where the animal or animals are being kept to ascertain if the animal or animals are receiving necessary food, water, shelter, and care. Nothing in this Section prevents any law enforcement officer, Department investigator, or approved humane investigator from applying for a warrant under this Section to seize any animal or animals being held by the person charged pending the adjudication of the charges if it is determined that the animal or animals are not receiving the necessary food, water, shelter, or care.

(g) Nothing in this Act shall be construed to prevent the voluntary, permanent relinquishment of any animal by its owner to an animal control or animal shelter in lieu of posting security or proceeding to a forfeiture hearing. Voluntary relinquishment shall have no effect on the criminal charges that may be pursued by the appropriate authorities.
(h) If an owner of a companion animal is acquitted by the court of charges made pursuant to this Act, the court shall further order that any security that has been posted for the animal shall be returned to the owner by the impounding organization.

(i) The provisions of this Section only pertain to companion animals and animals used for fighting purposes.

(Source: P.A. 92-454, eff. 1-1-02.)

(510 ILCS 70/4) (from Ch. 8, par. 704)

Sec. 4. Prohibited acts. No person may sell, offer for sale, barter, or give away as a pet or a novelty any rabbit or any baby chick, duckling or other fowl which has been dyed, colored, or otherwise treated to impart an artificial color thereto. Baby chicks or ducklings shall not be sold, offered for sale, bartered, or given away as pets or novelties. Rabbits, ducklings or baby chicks shall not be awarded as prizes in any game of chance.

A person convicted of violating this Section is guilty of a Class B misdemeanor. A second or subsequent violation is a Class 4 felony, with every day that a violation continues constituting a separate offense.

(Source: P.A. 86-172.)

(510 ILCS 70/4.01) (from Ch. 8, par. 704.01)

Sec. 4.01. Animals in entertainment. This Section does not apply when the only animals involved are dogs. (Section 26-5 of the Criminal Code of 1961, rather than this Section, applies when the only animals involved are dogs.)

(a) No person may own, capture, breed, train, or lease any animal which he or she knows or should know is intended for use in any show, exhibition, program, or other activity featuring or otherwise involving a fight between such animal and any other animal or human, or the intentional killing of any animal for the purpose of sport, wagering, or entertainment.

(b) No person shall promote, conduct, carry on, advertise, collect money for or in any other manner assist or aid in the presentation for purposes of sport, wagering, or entertainment, any show, exhibition, program, or other activity involving a fight between 2 or more animals or any animal and human, or the intentional killing of any animal.

(c) No person shall sell or offer for sale, ship, transport, or otherwise move, or deliver or receive any animal which he or she knows or should know has been captured, bred, or trained, or will be used, to fight another animal or human or be intentionally killed, for the purpose of sport, wagering, or entertainment.

(d) No person shall manufacture for sale, shipment, transportation or delivery any device or equipment which that person knows or should know is intended for use in any show, exhibition, program, or other activity featuring or otherwise involving a fight between 2 or more animals, or any human and animal, or the intentional killing of any animal for purposes of

(e) No person shall own, possess, sell or offer for sale, ship, transport, or otherwise move any equipment or device which such person knows or should know is intended for use in connection with any show, exhibition, program, or activity featuring or otherwise involving a fight between 2 or more animals, or any animal and human, or the intentional killing of any animal for purposes of sport, wagering or entertainment.

New matter indicated by italics - deletions by strikeout.
(f) No person shall make available any site, structure, or facility, whether enclosed or not, which he or she knows or should know is intended to be used for the purpose of conducting any show, exhibition, program, or other activity involving a fight between 2 or more animals, or any animal and human, or the intentional killing of any animal or knowingly manufacture, distribute, or deliver fittings to be used in a fight between 2 or more dogs or a dog and a human.

(g) No person shall attend or otherwise patronize any show, exhibition, program, or other activity featuring or otherwise involving a fight between 2 or more animals, or any animal and human, or the intentional killing of any animal for the purposes of sport, wagering or entertainment.

(h) (Blank). No person shall tie or attach or fasten any live animal to any machine or device propelled by any power for the purpose of causing such animal to be pursued by a dog or dogs. This subsection (h) shall apply only when such dog is intended to be used in a dog fight.

(i) Any animal or equipment involved in a violation of this Section shall be immediately seized and impounded under Section 12 by the Department when located at any show, exhibition, program, or other activity featuring or otherwise involving an animal fight for the purposes of sport, wagering, or entertainment.

(j) Any vehicle or conveyance other than a common carrier that is used in violation of this Section shall be seized, held, and offered for sale at public auction by the sheriff’s department of the proper jurisdiction, and the proceeds from the sale shall be remitted to the general fund of the county where the violation took place.

(k) Any veterinarian in this State who is presented with an animal for treatment of injuries or wounds resulting from fighting where there is a reasonable possibility that the animal was engaged in or utilized for a fighting event for the purposes of sport, wagering, or entertainment shall file a report with the Department and cooperate by furnishing the owners’ names, dates, and descriptions of the animal or animals involved. Any veterinarian who in good faith complies with the requirements of this subsection has immunity from any liability, civil, criminal, or otherwise, that may result from his or her actions. For the purposes of any proceedings, civil or criminal, the good faith of the veterinarian shall be rebuttably presumed.

(l) No person shall conspire or solicit a minor to violate this Section.

(m) The penalties for violations of this Section shall be as follows:

   (1) A person convicted of violating subsection (a), (b), or (c) of this Section or any rule, regulation, or order of the Department pursuant thereto is guilty of a Class A misdemeanor for the first offense. A second or subsequent offense involving the violation of subsection (a), (b), or (c) of this Section or any rule, regulation, or order of the Department pursuant thereto is a Class 4 felony.

   (2) A person convicted of violating subsection (d), (e), or (f) of this Section or any rule, regulation, or order of the Department pursuant thereto is guilty of a Class A misdemeanor for the first offense. A second or subsequent violation is a Class 4 felony.
(3) A person convicted of violating subsection (g) of this Section or any rule, regulation, or order of the Department pursuant thereto is guilty of a Class C misdemeanor.

(4) A person convicted of violating subsection (l) of this Section is guilty of a Class A misdemeanor.

(Source: P.A. 92-425, eff. 1-1-02; 92-454, eff. 1-1-02; revised 10-11-01.)

(510 ILCS 70/4.02) (from Ch. 8, par. 704.02)

Sec. 4.02. Arrests; reports.

(a) Any law enforcement officer making an arrest for an offense involving one or more animals under Section 4.01 of this Act or Section 26-5 of the Criminal Code of 1961 shall lawfully take possession of all animals and all paraphernalia, implements, or other property or things used or employed, or about to be employed, in the violation of any of the provisions of Section 4.01 of this Act or Section 26-5 of the Criminal Code of 1961. When a law enforcement officer has taken possession of such animals, paraphernalia, implements or other property or things, he or she shall file with the court before whom the complaint is made against any person so arrested an affidavit stating therein the name of the person charged in the complaint, a description of the property so taken and the time and place of the taking thereof together with the name of the person from whom the same was taken and name of the person who claims to own such property, if different from the person from whom the animals dogs were seized and if known, and that the affiant has reason to believe and does believe, stating the ground of the belief, that the animals dogs and property so taken were used or employed, or were about to be used or employed, in a violation of Section 4.01 of this Act or Section 26-5 of the Criminal Code of 1961. He or she shall thereupon deliver an inventory of the property so taken to the court of competent jurisdiction. A law enforcement officer may humanely euthanize animals dogs that are severely injured.

An owner whose animals dogs are removed for a violation of Section 4.01 of this Act or Section 26-5 of the Criminal Code of 1961 must be given written notice of the circumstances of the removal and of any legal remedies available to him or her. The notice must be posted at the place of seizure or delivered to a person residing at the place of seizure or, if the address of the owner is different from the address of the person from whom the animals dogs were seized, delivered by registered mail to his or her last known address.

The animal control or animal shelter having custody of the animals dogs may file a petition with the court requesting that the person from whom the animals dogs were seized or the owner of the animals dogs be ordered to post security pursuant to Section 3.05 of this Act.

Upon the conviction of the person so charged, all animals dogs shall be adopted or humanely euthanized and property so seized shall be adjudged by the court to be forfeited. Any outstanding costs incurred by the impounding facility in boarding and treating the animals dogs pending the disposition of the case and disposing of the animals dogs upon a conviction must be borne by the person convicted. In no event may the animals dogs be adopted by the defendant or anyone residing in his or her household. If the court finds that the State either failed to prove the criminal allegations or failed to prove that the animals dogs...
dogs were used in fighting, the court must direct the delivery of the animals dogs and the other property not previously forfeited to the owner of the animals dogs and property.

Any person authorized by this Section to care for an animal a dog, or to attempt to restore an animal a dog to good health and who is acting in good faith is immune from any civil or criminal liability that may result from his or her actions.

An animal control warden, animal control administrator, animal shelter employee, or approved humane investigator may humanely euthanize severely injured, diseased, or suffering animal dogs in exigent circumstances.

(b) Any veterinarian in this State who is presented with an animal for treatment of injuries or wounds resulting from fighting where there is a reasonable possibility that the animal was engaged in or utilized for a fighting event shall file a report with the Department and cooperate by furnishing the owners’ names, date of receipt of the animal or animals and treatment administered, and descriptions of the animal or animals involved. Any veterinarian who in good faith makes a report, as required by this subsection (b), is immune from any liability, civil, criminal, or otherwise, resulting from his or her actions. For the purposes of any proceedings, civil or criminal, the good faith of any such veterinarian shall be presumed.

Any person convicted of violating this Section is guilty of a Class A misdemeanor. A second or subsequent violation is a Class 4 felony.

A person convicted of violating this Section is guilty of a Class A misdemeanor if the
animal is not killed or totally disabled; if the animal is killed or totally disabled, the person is guilty of a Class 4 felony.
(Source: P.A. 91-357, eff. 7-29-99; 92-454, eff. 1-1-02.)

(510 ILCS 70/5) (from Ch. 8, par. 705)
Sec. 5. Lame or disabled horses. No person shall sell, offer to sell, lead, ride, transport, or drive on any public way any equidae which, because of debility, disease, lameness or any other cause, could not be worked in this State without violating this Act, unless the equidae is being sold, transported, or housed with the intent that it will be moved in an expeditious and humane manner to an approved slaughtering establishment. Such equidae may be conveyed to a proper place for medical or surgical treatment, for humane keeping or euthanasia, or for slaughter in an approved slaughtering establishment.

A person convicted of violating this Section or any rule, regulation, or order of the Department pursuant thereto is guilty of a Class A misdemeanor. A second or subsequent violation is a Class 4 felony.
(Source: P.A. 87-157.)

(510 ILCS 70/5.01)
Sec. 5.01. Horse poling or tripping.
(a) As used in this Section:
"Pole" means to use a method of training a horse that consists of (i) forcing, persuading, or enticing a horse to jump so that one or more of its legs contacts an obstruction consisting of any kind of wire, or a pole, stick, rope, or other object in which is embedded brads, nails, tacks, or other sharp points or (ii) raising, throwing, or moving a pole, stick, wire, rope, or other object against one or more legs of a horse while it is jumping an obstruction so that the horse, in either case, is induced to raise its leg or legs higher in order to clear the obstruction.
"Trip" means to use a wire, rope, pole, stick, or other object or apparatus to cause a horse to fall or lose its balance.
(b) No person may knowingly pole or trip a horse by any means for entertainment or sport purposes.
(c) This Section does not prohibit the lawful laying down of a horse for medical or identification purposes.
(d) A person convicted of violating this Section is guilty of a Class A misdemeanor. A second or subsequent violation of this Section is a Class 4 felony.
(Source: P.A. 89-455, eff. 5-20-96.)

(510 ILCS 70/6) (from Ch. 8, par. 706)
Sec. 6. Poisoning prohibited. No person may knowingly poison or cause to be poisoned any dog or other domestic animal. The only exception will be by written permit from the Department for the purpose of controlling diseases transmissible to humans or other animals and only when all other methods and means have been exhausted. Such a written permit shall name the person or persons conducting the poisoning, specify the products to be used, give the boundaries of the area involved, and specify the precautionary measures to be employed to insure the safety of humans and other animals. Any drug used for euthanasia

New matter indicated by italics - deletions by strikeout.
shall be by or under the direction of a licensed veterinarian.

This Section does not prohibit the use of a euthanasia drug by a euthanasia agency for the purpose of animal euthanasia, provided that the euthanasia drug is used by or under the direction of a licensed veterinarian or certified euthanasia technician, all as defined in and subject to the Humane Euthanasia in Animal Shelters Act.

A person convicted of violating this Section or any rule, regulation, or order of the Department pursuant thereto is guilty of a Class A misdemeanor. A second or subsequent violation is a Class 4 felony.

(Source: P.A. 78-905.)

(510 ILCS 70/7) (from Ch. 8, par. 707)

Sec. 7. Confinement or detention during transportation. No owner, railroad or other common carrier may, when transporting any animal, allow that animal to be confined in any type of conveyance more than 28 consecutive hours without being exercised as necessary for that particular type of animal and without being properly rested, fed and watered; except that a reasonable extension of this time limit shall be granted when a storm or accident causes a delay. In the case of default of the owner or consignee, the company transporting the animal shall exercise the animal, when necessary for the particular type of animal and for the proper resting, feeding, watering and sheltering of such animal, and shall have a lien upon the animal until all expenses resulting therefrom have been paid.

Any person who intentionally or negligently without jurisdiction of law detains a shipment of livestock long enough to endanger the health or safety of the livestock is liable to the owner for any diminution in the value or death of the livestock.

Authorities detaining a livestock shipment shall give priority to the health and safety of the animals and shall expeditiously handle any legal violation so that the intact shipment may safely reach its designated destination.

A person convicted of violating this Section or any rule, regulation, or order of the Department pursuant thereto, is guilty of a Class B misdemeanor. A second or subsequent violation is a Class 4 felony, with every day that a violation continues constituting a separate offense.

(Source: P.A. 87-1094.)

(510 ILCS 70/7.1) (from Ch. 8, par. 707.1)

Sec. 7.1. Confinement in motor vehicle. No owner or person shall confine any animal in a motor vehicle in such a manner that places it in a life or health threatening situation by exposure to a prolonged period of extreme heat or cold, without proper ventilation or other protection from such heat or cold. In order to protect the health and safety of an animal, an animal control officer, law enforcement officer, or Department investigator who has probable cause to believe that this Section is being violated shall have authority to enter such motor vehicle by any reasonable means under the circumstances after making a reasonable effort to locate the owner or other person responsible.

A person convicted of violating this Section is guilty of a Class C misdemeanor. A second or subsequent violation is a Class B misdemeanor.

(Source: P.A. 86-1325.)

New matter indicated by italics - deletions by strikeout.
Sec. 7.5. Downed animals.

(a) For the purpose of this Section a downed animal is one incapable of walking without assistance.

(b) No downed animal shall be sent to a stockyard, auction, or other facility where its impaired mobility may result in suffering. An injured animal may be sent directly to a slaughter facility.

(c) A downed animal sent to a stockyard, auction, or other facility in violation of this Section shall be humanely euthanized, the disposition of such animal shall be the responsibility of the owner, and the owner shall be liable for any expense incurred.

If an animal becomes downed in transit it shall be the responsibility of the carrier.

(d) A downed animal shall not be transported unless individually segregated.

(e) A person convicted of violating this Section or any rule, regulation, or order of the Department pursuant thereto is guilty of a Class B misdemeanor. A second or subsequent violation is a Class 4 felony, with every day that a violation continues constituting a separate offense.

(Source: P.A. 88-66.)

Sec. 7.15. Guide, hearing, and support dogs.

(a) A person may not willfully and maliciously annoy, taunt, tease, harass, torment, beat, or strike a guide, hearing, or support dog or otherwise engage in any conduct directed toward a guide, hearing, or support dog that is likely to impede or interfere with the dog’s performance of its duties or that places the blind, hearing impaired, or physically handicapped person being served or assisted by the dog in danger of injury.

(b) A person may not willfully and maliciously torture, injure, or kill a guide, hearing, or support dog.

(c) A person may not willfully and maliciously permit a dog that is owned, harbored, or controlled by the person to cause injury to or the death of a guide, hearing, or support dog while the guide, hearing, or support dog is in discharge of its duties.

(d) A person convicted of violating this Section is guilty of a Class A misdemeanor. A second or subsequent violation is a Class 4 felony. A person convicted of violating subsection (b) or (c) of this Section is guilty of a Class 4 felony if the dog is killed or totally disabled, and may be ordered by the court to make restitution to the disabled person having custody or ownership of the dog for veterinary bills and replacement costs of the dog.

(Source: P.A. 89-689, eff. 12-31-96.)

Sec. 16. Miscellaneous violations; punishment; injunctions; forfeiture.

(a) (Blank). Any person convicted of violating subsection (l) of Section 4.01 or Sections 5, 5.01, or 6 of this Act or any rule, regulation, or order of the Department pursuant thereto, is guilty of a Class A misdemeanor. A second or subsequent violation of Section 5, 5.01, or 6 is a Class 4 felony.

(b) (Blank). (1) This subsection (b) does not apply where the only animals involved

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in the violation are dogs.

(2) Any person convicted of violating subsection (a), (b), (c) or (h) of Section 4.01 of this Act or any rule, regulation, or order of the Department pursuant thereto, is guilty of a Class A misdemeanor.

(3) Any person convicted of violating subsection (a), (b) or (c) of Section 4.01 of this Act or any rule, regulation, or order of the Department pursuant thereto is a Class 4 felony.

(4) Any person convicted of violating subsection (d), (e) or (f) of Section 4.01 of this Act or any rule, regulation, or order of the Department pursuant thereto, is guilty of a Class A misdemeanor. A second or subsequent violation is a Class 4 felony.

(5) Any person convicted of violating subsection (g) of Section 4.01 of this Act or any rule, regulation, or order of the Department pursuant thereto is guilty of a Class C misdemeanor.

(c)(1) This subsection (c) applies exclusively where the only animals involved in the violation are dogs:

Any person convicted of violating subsection (a), (b) or (c) of Section 4.01 of this Act or any rule, regulation or order of the Department pursuant thereto is guilty of a Class 4 felony and may be fined an amount not to exceed $50,000. A person who knowingly owns a dog for fighting purposes or for producing a fight between 2 or more dogs or a dog and human or who knowingly offers for sale or sells a dog bred for fighting is guilty of a Class 3 felony if any of the following factors is present:

(i) the dogfight is performed in the presence of a person under 18 years of age;

(ii) the dogfight is performed for the purpose of or in the presence of illegal wagering activity; or

(iii) the dogfight is performed in furtherance of streetgang-related activity as defined in Section 10 of the Illinois Streetgang Terrorism Omnibus Prevention Act.

(3) Any person convicted of violating subsection (d) or (e) of Section 4.01 of this Act or any rule, regulation or order of the Department pursuant thereto is guilty of a Class A misdemeanor.

(3.5) Any person convicted of violating subsection (f) of Section 4.01 is guilty of a Class 4 felony.

(4) Any person convicted of violating subsection (g) of Section 4.01 of this Act or any rule, regulation or order of the Department pursuant thereto is guilty of a Class C misdemeanor.

(5) A second or subsequent violation of subsection (a), (b) or (c) of Section 4.01 of this Act or any rule, regulation or order of the Department pursuant thereto is a Class 3 felony. A second or subsequent violation of subsection (d) or (e) of Section 4.01 of this Act or any rule, regulation or order of the Department adopted

New matter indicated by italics - deletions by strikeout.
pursuant thereto is a Class 3 felony, if in each violation the person knew or should have known that the device or equipment under subsection (d) or (e) of that Section was to be used to carry out a violation where the only animals involved were dogs. Where such person did not know or should not reasonably have been expected to know that the only animals involved in the violation were dogs, a second or subsequent violation of subsection (d) or (e) of Section 4.01 of this Act or any rule, regulation or order of the Department adopted pursuant thereto is a Class A misdemeanor. A second or subsequent violation of subsection (g) is a Class B misdemeanor:

(6) Any person convicted of violating Section 3.01 of this Act is guilty of a Class A misdemeanor. A second or subsequent conviction for a violation of Section 3.01 is a Class 4 felony:

(7) Any person convicted of violating Section 4.03 is guilty of a Class A misdemeanor. A second or subsequent violation is a Class 4 felony.

(8) Any person convicted of violating Section 4.04 is guilty of a Class A misdemeanor where the animal is not killed or totally disabled, but if the animal is killed or totally disabled such person shall be guilty of a Class 4 felony.

(8.5) A person convicted of violating subsection (a) of Section 7.15 is guilty of a Class A misdemeanor. A person convicted of violating subsection (b) or (c) of Section 7.15 is (i) guilty of a Class A misdemeanor if the dog is not killed or totally disabled and (ii) if the dog is killed or totally disabled, guilty of a Class 4 felony and may be ordered by the court to make restitution to the disabled person having custody or ownership of the dog for veterinary bills and replacement costs of the dog. A second or subsequent violation is a Class 4 felony.

(c) (9) Any person convicted of any other act of abuse or neglect for which no other penalty is specified in this Act, or of violating any other provision of this Act; or any rule, regulation, or order of the Department pursuant thereto for which no other penalty is specified in this Act, is guilty of a Class B misdemeanor for the first violation. A second or subsequent violation is a Class 4 felony, with every day that a violation continues constituting a separate offense.

(d) (Blank). Any person convicted of violating Section 7.1 is guilty of a Class C misdemeanor. A second or subsequent conviction for a violation of Section 7.1 is a Class B misdemeanor.

(e) (Blank). Any person convicted of violating Section 3.02 is guilty of a Class 4 felony. A second or subsequent violation is a Class 3 felony.

(f) The Department may enjoin a person from a continuing violation of this Act.

(g) (Blank). Any person convicted of violating Section 3.03 is guilty of a Class 3 felony. As a condition of the sentence imposed under this Section, the court shall order the offender to undergo a psychological or psychiatric evaluation and to undergo treatment that the court determines to be appropriate after due consideration of the evaluation.

(h) (Blank). In addition to any other penalty provided by law, upon a conviction for violating Sections 3, 3.01, 3.02, or 3.03 the court may order the convicted person to undergo
a psychological or psychiatric evaluation and to undergo any treatment at the convicted person's expense that the court determines to be appropriate after due consideration of the evaluation. If the convicted person is a juvenile or a companion animal hoarder, the court must order the convicted person to undergo a psychological or psychiatric evaluation and to undergo treatment that the court determines to be appropriate after due consideration of the evaluation.

(i) In addition to any other penalty provided by law, upon conviction for violating Section Sections 3, 3.01, 3.02, or 3.03 the court may order the convicted person to forfeit to an animal control or animal shelter the animal or animals that are the basis of the conviction. Upon an order of forfeiture, the convicted person is deemed to have permanently relinquished all rights to the animal or animals that are the basis of the conviction. The forfeited animal or animals shall be adopted or humanely euthanized. In no event may the convicted person or anyone residing in his or her household be permitted to adopt the forfeited animal or animals. The court, additionally, may order that the convicted person and persons dwelling in the same household as the convicted person who conspired, aided, or abetted in the unlawful act that was the basis of the conviction, or who knew or should have known of the unlawful act, may not own, harbor, or have custody or control of any other animals for a period of time that the court deems reasonable.

(705 ILCS 105/27.5) (from Ch. 25, par. 27.5)
Sec. 27.5. (a) All fees, fines, costs, additional penalties, bail balances assessed or forfeited, and any other amount paid by a person to the circuit clerk that equals an amount less than $55, except restitution under Section 5-5-6 of the Unified Code of Corrections, reimbursement for the costs of an emergency response as provided under Section 5-5-3 of the Unified Code of Corrections, any fees collected for attending a traffic safety program under paragraph (c) of Supreme Court Rule 529, any fee collected on behalf of a State's Attorney under Section 4-2002 of the Counties Code or a sheriff under Section 4-5001 of the Counties Code, or any cost imposed under Section 124A-5 of the Code of CriminalProcedure of 1963, for convictions, orders of supervision, or any other disposition for a violation of Chapters 3, 4, 6, 11, and 12 of the Illinois Vehicle Code, or a similar provision of a local ordinance, and any violation of the Child Passenger Protection Act, or a similar provision of a local ordinance, except as provided in subsection (b) shall be disbursed within 60 days after receipt by the circuit clerk as follows: 47% shall be disbursed to the entity authorized by law to receive the fine imposed in the case; 12% shall be disbursed to the State Treasurer; and 41% shall be disbursed to the county's general corporate fund. Of the 12% disbursed to the State Treasurer, 1/6 shall be deposited by the State Treasurer into the Violent Crime Victims Assistance Fund, 1/2 shall be deposited into the Traffic and Criminal Conviction Surcharge Fund, and 1/3 shall be deposited into the Drivers Education Fund. For fiscal years 1992 and 1993, amounts deposited into the Violent Crime Victims Assistance Fund, the Traffic and Criminal Conviction Surcharge Fund, and the Drivers Education Fund are deposited into the General Revenue Fund.

New matter indicated by italics - deletions by strikeout.
Assistance Fund, the Traffic and Criminal Conviction Surcharge Fund, or the Drivers Education Fund shall not exceed 110% of the amounts deposited into those funds in fiscal year 1991. Any amount that exceeds the 110% limit shall be distributed as follows: 50% shall be disbursed to the county's general corporate fund and 50% shall be disbursed to the entity authorized by law to receive the fine imposed in the case. Not later than March 1 of each year the circuit clerk shall submit a report of the amount of funds remitted to the State Treasurer under this Section during the preceding year based upon independent verification of fines and fees. All counties shall be subject to this Section, except that counties with a population under 2,000,000 may, by ordinance, elect not to be subject to this Section. For offenses subject to this Section, judges shall impose one total sum of money payable for violations. The circuit clerk may add on no additional amounts except for amounts that are required by Sections 27.3a and 27.3c of this Act, unless those amounts are specifically waived by the judge. With respect to money collected by the circuit clerk as a result of forfeiture of bail, ex parte judgment or guilty plea pursuant to Supreme Court Rule 529, the circuit clerk shall first deduct and pay amounts required by Sections 27.3a and 27.3c of this Act. This Section is a denial and limitation of home rule powers and functions under subsection (h) of Section 6 of Article VII of the Illinois Constitution.

(b) The following amounts must be remitted to the State Treasurer for deposit into the Illinois Animal Abuse Fund:

(1) 50% of the amounts collected for felony offenses under Sections 3, 3.01, 3.02, 3.03, 4, 4.01, 4.03, 4.04, 5, 5.01, 6, 7, 7.5, 7.15, and 16 of the Humane Care for Animals Act and Section 26-5 of the Criminal Code of 1961;

(2) 20% of the amounts collected for Class A and Class B misdemeanors under Sections 3, 3.01, 4, 4.01, 4.03, 4.04, 5, 5.01, 6, 7, 7.1, 7.5, 7.15, and 16 of the Humane Care for Animals Act and Section 26-5 of the Criminal Code of 1961; and

(3) 50% of the amounts collected for Class C misdemeanors under Sections 4.01 and 7.1 of the Humane Care for Animals Act and Section 26-5 of the Criminal Code of 1961.

(1) 50% of amounts collected for Class 4 felonies under subsection (a), paragraph (4) of subsection (b), and paragraphs (6), (7), (8.5), and (9) of subsection (c) of Section 16 of the Humane Care for Animals Act and Class 3 felonies under paragraph (5) of subsection (c) of Section 16 of that Act.

(2) 20% of amounts collected for Class A misdemeanors under subsection (a), paragraph (4) of subsection (b), and paragraphs (6) and (7) of subsection (c) of Section 16 of the Humane Care for Animals Act and Class B misdemeanors under paragraph (9) of subsection (c) of Section 16 of that Act.

(3) 20% of amounts collected for Class B misdemeanors under subsection (d) of Section 16 of the Humane Care for Animals Act.

(4) 50% of amounts collected for Class C misdemeanors under subsection (d) of Section 16 of the Humane Care for Animals Act.

(Source: P.A. 92-454, eff. 1-1-02.)

(705 ILCS 105/27.6)
Sec. 27.6. (a) All fees, fines, costs, additional penalties, bail balances assessed or forfeited, and any other amount paid by a person to the circuit clerk equalling an amount of $55 or more, except the additional fee required by subsections (b) and (c), reimbursement for the costs of an emergency response as provided under Section 5-5-3 of the Unified Code of Corrections, any fees collected for attending a traffic safety program under paragraph (c) of Supreme Court Rule 529, any fee collected on behalf of a State's Attorney under Section 4-2002 of the Counties Code or a sheriff under Section 4-5001 of the Counties Code, or any cost imposed under Section 124A-5 of the Code of Criminal Procedure of 1963, for convictions, orders of supervision, or any other disposition for a violation of Chapters 3, 4, 6, 11, and 12 of the Illinois Vehicle Code, or a similar provision of a local ordinance, and any violation of the Child Passenger Protection Act, or a similar provision of a local ordinance, and except as provided in subsection (d) shall be disbursed within 60 days after receipt by the circuit clerk as follows: 44.5% shall be disbursed to the entity authorized by law to receive the fine imposed in the case; 16.825% shall be disbursed to the State Treasurer; and 38.675% shall be disbursed to the county's general corporate fund. Of the 16.825% disbursed to the State Treasurer, 2/17 shall be deposited by the State Treasurer into the Violent Crime Victims Assistance Fund, 5.052/17 shall be deposited into the Traffic and Criminal Conviction Surcharge Fund, 3/17 shall be deposited into the Drivers Education Fund, and 6.948/17 shall be deposited into the Trauma Center Fund. Of the 6.948/17 deposited into the Trauma Center Fund from the 16.825% disbursed to the State Treasurer, 50% shall be disbursed to the Department of Public Health and 50% shall be disbursed to the Department of Public Aid. For fiscal year 1993, amounts deposited into the Violent Crime Victims Assistance Fund, the Traffic and Criminal Conviction Surcharge Fund, or the Drivers Education Fund shall not exceed 110% of the amounts deposited into those funds in fiscal year 1991. Any amount that exceeds the 110% limit shall be distributed as follows: 50% shall be disbursed to the county's general corporate fund and 50% shall be disbursed to the entity authorized by law to receive the fine imposed in the case. Not later than March 1 of each year the circuit clerk shall submit a report of the amount of funds remitted to the State Treasurer under this Section during the preceding year based upon independent verification of fines and fees. All counties shall be subject to this Section, except that counties with a population under 2,000,000 may, by ordinance, elect not to be subject to this Section. For offenses subject to this Section, judges shall impose one total sum of money payable for violations. The circuit clerk may add on no additional amounts except for amounts that are required by Sections 27.3a and 27.3c of this Act, unless those amounts are specifically waived by the judge. With respect to money collected by the circuit clerk as a result of forfeiture of bail, ex parte judgment or guilty plea pursuant to Supreme Court Rule 529, the circuit clerk shall first deduct and pay amounts required by Sections 27.3a and 27.3c of this Act. This Section is a denial and limitation of home rule powers and functions under subsection (h) of Section 6 of Article VII of the Illinois Constitution.

(b) In addition to any other fines and court costs assessed by the courts, any person convicted or receiving an order of supervision for driving under the influence of alcohol or

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drugs shall pay an additional fee of $100 to the clerk of the circuit court. This amount, less 2 1/2% that shall be used to defray administrative costs incurred by the clerk, shall be remitted by the clerk to the Treasurer within 60 days after receipt for deposit into the Trauma Center Fund. This additional fee of $100 shall not be considered a part of the fine for purposes of any reduction in the fine for time served either before or after sentencing. Not later than March 1 of each year the Circuit Clerk shall submit a report of the amount of funds remitted to the State Treasurer under this subsection during the preceding calendar year.

(b-1) In addition to any other fines and court costs assessed by the courts, any person convicted or receiving an order of supervision for driving under the influence of alcohol or drugs shall pay an additional fee of $5 to the clerk of the circuit court. This amount, less 2 1/2% that shall be used to defray administrative costs incurred by the clerk, shall be remitted by the clerk to the Treasurer within 60 days after receipt for deposit into the Spinal Cord Injury Paralysis Cure Research Trust Fund. This additional fee of $5 shall not be considered a part of the fine for purposes of any reduction in the fine for time served either before or after sentencing. Not later than March 1 of each year the Circuit Clerk shall submit a report of the amount of funds remitted to the State Treasurer under this subsection during the preceding calendar year.

(c) In addition to any other fines and court costs assessed by the courts, any person convicted for a violation of Sections 24-1.1, 24-1.2, or 24-1.5 of the Criminal Code of 1961 or a person sentenced for a violation of the Cannabis Control Act or the Controlled Substance Act shall pay an additional fee of $100 to the clerk of the circuit court. This amount, less 2 1/2% that shall be used to defray administrative costs incurred by the clerk, shall be remitted by the clerk to the Treasurer within 60 days after receipt for deposit into the Trauma Center Fund. This additional fee of $100 shall not be considered a part of the fine for purposes of any reduction in the fine for time served either before or after sentencing. Not later than March 1 of each year the Circuit Clerk shall submit a report of the amount of funds remitted to the State Treasurer under this subsection during the preceding calendar year.

(c-1) In addition to any other fines and court costs assessed by the courts, any person sentenced for a violation of the Cannabis Control Act or the Illinois Controlled Substances Act shall pay an additional fee of $5 to the clerk of the circuit court. This amount, less 2 1/2% that shall be used to defray administrative costs incurred by the clerk, shall be remitted by the clerk to the Treasurer within 60 days after receipt for deposit into the Spinal Cord Injury Paralysis Cure Research Trust Fund. This additional fee of $5 shall not be considered a part of the fine for purposes of any reduction in the fine for time served either before or after sentencing. Not later than March 1 of each year the Circuit Clerk shall submit a report of the amount of funds remitted to the State Treasurer under this subsection during the preceding calendar year.

(d) The following amounts must be remitted to the State Treasurer for deposit into the Illinois Animal Abuse Fund:

(1) 50% of the amounts collected for felony offenses under Sections 3, 3.01, 3.02, 3.03, 4, 4.01, 4.03, 4.04, 5, 5.01, 6, 7, 7.5, 7.15, and 16 of the Humane Care for Animals Act and Section 26-5 of the Criminal Code of 1961;

New matter indicated by italics - deletions by strikeout.
(2) 20% of the amounts collected for Class A and Class B misdemeanors under Sections 3, 3.01, 4, 4.01, 4.03, 4.04, 5, 5.01, 6, 7, 7.1, 7.5, 7.15, and 16 of the Humane Care for Animals Act and Section 26-5 of the Criminal Code of 1961; and
(3) 50% of the amounts collected for Class C misdemeanors under Sections 4.01 and 7.1 of the Humane Care for Animals Act and Section 26-5 of the Criminal Code of 1961.

(1) 50% of amounts collected for Class 4 felonies under subsection (a), paragraph (4) of subsection (b), and paragraphs (6), (7), (8.5), and (9) of subsection (c) of Section 16 of the Humane Care for Animals Act and Class 3 felonies under paragraph (5) of subsection (c) of Section 16 of that Act.
(2) 20% of amounts collected for Class A misdemeanors under subsection (a), paragraph (4) of subsection (b), and paragraphs (6) and (7) of subsection (e) of Section 16 of the Humane Care for Animals Act and Class B misdemeanors under paragraph (9) of subsection (e) of Section 16 of that Act.
(3) 20% of amounts collected for Class B misdemeanors under subsection (d) of Section 16 of the Humane Care for Animals Act.
(4) 50% of amounts collected for Class C misdemeanors under subsection (d) of Section 16 of the Humane Care for Animals Act.

(Source: P.A. 92-431, eff. 1-1-02; 92-454, eff. 1-1-02; revised 10-11-01.)

Section 15. The Criminal Code of 1961 is amended by changing Section 26-5 as follows:

(720 ILCS 5/26-5)
Sec. 26-5. Dog fighting. (For other provisions that may apply to dog fighting, see the Humane Care for Animals Act. For provisions similar to this Section that apply to animals other than dogs, see in particular Section 4.01 of the Humane Care for Animals Act.)
(a) No person may own, capture, breed, train, or lease any dog which he or she knows is intended for use in any show, exhibition, program, or other activity featuring or otherwise involving a fight between the dog and any other animal or human, or the intentional killing of any dog for the purpose of sport, wagering, or entertainment.
(b) No person may promote, conduct, carry on, advertise, collect money for or in any other manner assist or aid in the presentation for purposes of sport, wagering, or entertainment of any show, exhibition, program, or other activity involving a fight between 2 or more dogs or any dog and human, or the intentional killing of any dog.
(c) No person may sell or offer for sale, ship, transport, or otherwise move, or deliver or receive any dog which he or she knows has been captured, bred, or trained, or will be used, to fight another dog or human or be intentionally killed for purposes of sport, wagering, or entertainment.
(c-5) No person may solicit a minor to violate this Section.
(d) No person may manufacture for sale, shipment, transportation, or delivery any device or equipment which he or she knows or should know is intended for use in any show, exhibition, program, or other activity featuring or otherwise involving a fight between 2 or more dogs, or any human and dog, or the intentional killing of any dog for purposes of sport,

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wagering, or entertainment.

(e) No person may own, possess, sell or offer for sale, ship, transport, or otherwise move any equipment or device which he or she knows or should know is intended for use in connection with any show, exhibition, program, or activity featuring or otherwise involving a fight between 2 or more dogs, or any dog and human, or the intentional killing of any dog for purposes of sport, wagering or entertainment.

(f) No person may knowingly make available any site, structure, or facility, whether enclosed or not, that he or she knows is intended to be used for the purpose of conducting any show, exhibition, program, or other activity involving a fight between 2 or more dogs, or any dog and human, or the intentional killing of any dog or knowingly manufacture, distribute, or deliver fittings to be used in a fight between 2 or more dogs or a dog and human.

(g) No person may attend or otherwise patronize any show, exhibition, program, or other activity featuring or otherwise involving a fight between 2 or more dogs, or any dog and human, or the intentional killing of any dog for purposes of sport, wagering, or entertainment.

(h) No person may tie or attach or fasten any live animal to any machine or device propelled by any power for the purpose of causing the animal to be pursued by a dog or dogs. This subsection (h) applies only when the dog is intended to be used in a dog fight.

(i) Penalties for violations of this Section shall be as follows:

(1) Any person convicted of violating subsection (a), (b), or (c) of this Section is guilty of a Class 4 felony for a first violation and a Class 3 felony for a second or subsequent violation, and may be fined an amount not to exceed $50,000.

(1.5) A person who knowingly owns a dog for fighting purposes or for producing a fight between 2 or more dogs or a dog and human or who knowingly offers for sale or sells a dog bred for fighting is guilty of a Class 3 felony and may be fined an amount not to exceed $50,000, if the dog participates in a dogfight and any of the following factors is present:

(i) the dogfight is performed in the presence of a person under 18 years of age;
(ii) the dogfight is performed for the purpose of or in the presence of illegal wagering activity; or
(iii) the dogfight is performed in furtherance of streetgang related activity as defined in Section 10 of the Illinois Streetgang Terrorism Omnibus Prevention Act.

(1.7) A person convicted of violating subsection (c-5) of this Section is guilty of a Class A misdemeanor.

(2) Any person convicted of violating subsection (d) or (e) of this Section is guilty of a Class A misdemeanor for a first violation. A second or subsequent violation of subsection (d) or (e) of this Section is a Class 3 felony, if he or she knew or should have known that the device or equipment under subsection (d) or (e) of this Section was to be used to carry out a violation where the only animals involved were
dogs. If the person did not know or should not reasonably have been expected to know that the only animals involved in the violation were dogs, the penalty is a Class B misdemeanor.

(2.5) Any person convicted of violating subsection (f) of this Section is guilty of a Class 4 felony.

(3) Any person convicted of violating subsection (g) of this Section is guilty of a Class C misdemeanor for a first violation. A second or subsequent violation of subsection (g) of this Section is a Class B misdemeanor.

(j) Any dog or equipment involved in a violation of this Section shall be immediately seized and impounded under Section 12 of the Humane Care for Animals Act when located at any show, exhibition, program, or other activity involving or otherwise involving a dog fight for the purposes of sport, wagering, or entertainment.

(k) Any vehicle or conveyance other than a common carrier that is used in violation of this Section shall be seized, held, and offered for sale at public auction by the sheriff's department of the proper jurisdiction, and the proceeds from the sale shall be remitted to the general fund of the county where the violation took place.

(l) Any veterinarian in this State who is presented with a dog for treatment of injuries or wounds resulting from fighting where there is a reasonable possibility that the dog was engaged in or utilized for a fighting event for the purposes of sport, wagering, or entertainment shall file a report with the Department of Agriculture and cooperate by furnishing the owners' names, dates, and descriptions of the dog or dogs involved. Any veterinarian who in good faith complies with the requirements of this subsection has immunity from any liability, civil, criminal, or otherwise, that may result from his or her actions. For the purposes of any proceedings, civil or criminal, the good faith of the veterinarian shall be rebuttably presumed.

(m) In addition to any other penalty provided by law, upon conviction for violating this Section, the court may order that the convicted person and persons dwelling in the same household as the convicted person who conspired, aided, or abetted in the unlawful act that was the basis of the conviction, or who knew or should have known of the unlawful act, may not own, harbor, or have custody or control of any dog or other animal for a period of time that the court deems reasonable.

(4) A second or subsequent violation of subsection (a), (b), or (c) of this Section is a Class 3 felony. A second or subsequent violation of subsection (d) or (e) of this Section is a Class 3 felony, if in each violation the person knew or should have known that the device or equipment under subsection (d) or (e) of this Section was to be used to carry out a violation where the only animals involved were dogs. If the person did not know or should not reasonably have been expected to know that the only animals involved in the violation were dogs, a second or subsequent violation of subsection (d) or (e) of this Section is a Class A misdemeanor. A second or subsequent violation of subsection (g) of this Section is a Class B misdemeanor.

(Source: P.A. 92-425, eff. 1-1-02.)

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

New matter indicated by italics - deletions by strikeout.
INDEX

Statutes amended in order of appearance

510 ILCS 70/3   from Ch. 8, par. 703
510 ILCS 70/3.01 from Ch. 8, par. 703.01
510 ILCS 70/3.02
510 ILCS 70/3.03
510 ILCS 70/3.04
510 ILCS 70/3.05
510 ILCS 70/4   from Ch. 8, par. 704
510 ILCS 70/4.01 from Ch. 8, par. 704.01
510 ILCS 70/4.02 from Ch. 8, par. 704.02
510 ILCS 70/4.03 from Ch. 8, par. 704.03
510 ILCS 70/4.04 from Ch. 8, par. 704.04
510 ILCS 70/5   from Ch. 8, par. 705
510 ILCS 70/5.01
510 ILCS 70/6   from Ch. 8, par. 706
510 ILCS 70/7   from Ch. 8, par. 707
510 ILCS 70/7.1 from Ch. 8, par. 707.1
510 ILCS 70/7.5
510 ILCS 70/7.15
510 ILCS 70/16  from Ch. 8, par. 716
705 ILCS 105/27.5 from Ch. 25, par. 27.5
705 ILCS 105/27.6
720 ILCS 5/26-5

Approved July 11, 2002.
Effective July 11, 2002.

PUBLIC ACT 92-0651
(Senate Bill No. 1854)

AN ACT to revise the law by combining multiple enactments and making technical corrections.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 1. Nature of this Act.
(a) This Act may be cited as the First 2002 General Revisory Act.
(b) This Act is not intended to make any substantive change in the law. It reconciles conflicts that have arisen from multiple amendments and enactments and makes technical corrections and revisions in the law.

This Act revises and, where appropriate, renumbers certain Sections that have been added or amended by more than one Public Act. In certain cases in which a repealed Act or

New matter indicated by italics - deletions by strikeout.
Section has been replaced with a successor law, this Act incorporates amendments to the repealed Act or Section into the successor law. This Act also corrects errors, revises cross-references, and deletes obsolete text.

(c) In this Act, the reference at the end of each amended Section indicates the sources in the Session Laws of Illinois that were used in the preparation of the text of that Section. The text of the Section included in this Act is intended to reconcile the different versions of the Section found in the Public Acts included in the list of sources, but may not include other versions of the Section to be found in Public Acts not included in the list of sources. The list of sources is not a part of the text of the Section.

(d) Public Acts 91-937 through 92-520 were considered in the preparation of the combining revisories included in this Act. Many of those combining revisories contain no striking or underscoring because no additional changes are being made in the material that is being combined.

Section 4. The Regulatory Sunset Act is amended by changing Sections 4.13 and 4.22 as follows:

(5 ILCS 80/4.13) (from Ch. 127, par. 1904.13)
Sec. 4.13. Acts repealed on December 31, 2002. The following Acts are repealed on December 31, 2002:

The Environmental Health Practitioner Licensing Act.
The Naprapathic Practice Act.
The Dietetic and Nutrition Services Practice Act.
The Funeral Directors and Embalmers Licensing Code.
The Professional Counselor and Clinical Professional Counselor Licensing Act.
(Source: P.A. 88-45; 89-61, eff. 6-30-95; revised 8-22-01.)

(5 ILCS 80/4.22)
Sec. 4.22. Acts Act repealed on January 1, 2012. The following Acts are Act is repealed on January 1, 2012:

The Detection of Deception Examiners Act.
The Home Inspector License Act.
The Interior Design Title Act.
The Professional Boxing Act.
The Water Well and Pump Installation Contractor's License Act.
(Source: P.A. 92-104, eff. 7-20-01; 92-180, eff. 7-1-02; 92-239, eff. 8-3-01; 92-453, eff. 8-21-01; 92-499, eff. 1-1-02; 92-500, eff. 12-18-01; revised 12-26-01.)

(5 ILCS 80/4.12 rep.) (from Ch. 127, par. 1904.12)
Section 5. The Regulatory Sunset Act is amended by repealing Section 4.12.
Section 6. The Illinois Administrative Procedure Act is amended by renumbering Section 90 (as added by P.A. 92-405) as follows:

(5 ILCS 100/1-90)
Sec. 1-90. 90: Rulemaking.

New matter indicated by italics - deletions by strikeout.
(a) "Rulemaking" means the process and required documentation for the adoption of Illinois Administrative Code text.

(b) Required documentation.

(1) At the time of original proposal, rulemaking documentation must consist of a notice page and new, amendatory, or repealed text. New, repealed, and amendatory text must be depicted in the manner required by Secretary of State rule. Amendatory rulemakings must indicate text deletion by striking through all text that is to be omitted and must indicate text addition by underlining all new text.

(2) At the time of adoption, documentation must also include pages indicating the text of the new rule, without striking and underlining, for inclusion in the official Secretary of State records, the certification required under Section 5-65(a), and any additional documentation required by Secretary of State rule.

(3) For a required rulemaking adopted under Section 5-15, an emergency rulemaking under Section 5-45, or a peremptory rulemaking under Section 5-50, the documentation requirements of paragraphs (b)(1) and (2) of this Section apply at the time of adoption.

(c) "Background text" means existing text of the Illinois Administrative Code that is part of a rulemaking but is not being amended by the rulemaking. Background text in rulemaking documentation shall match the current text of the Illinois Administrative Code.

(d) No material that was originally proposed in one rulemaking may be combined with another proposed rulemaking that was initially published without that material. However, this does not preclude separate rulemakings from being combined for publication at the time of adoption as authorized by Secretary of State rule.

(Source: P.A. 92-405, eff. 8-16-01; revised 8-21-01.)

Section 7. The Freedom of Information Act is amended by changing Sections 2 and 7 as follows:

(5 ILCS 140/2) (from Ch. 116, par. 202)
Sec. 2. Definitions. As used in this Act:

(a) "Public body" means any legislative, executive, administrative, or advisory bodies of the State, state universities and colleges, counties, townships, cities, villages, incorporated towns, school districts and all other municipal corporations, boards, bureaus, committees, or commissions of this State, and any subsidiary bodies of any of the foregoing including but not limited to committees and subcommittees which are supported in whole or in part by tax revenue, or which expend tax revenue. "Public body" does not include a child death review team or the Illinois Child Death Review Teams Executive Council established under the Child Death Review Team Act.

(b) "Person" means any individual, corporation, partnership, firm, organization or association, acting individually or as a group.

(c) "Public records" means all records, reports, forms, writings, letters, memoranda, books, papers, maps, photographs, microfilms, cards, tapes, recordings, electronic data processing records, recorded information and all other documentary materials, regardless of physical form or characteristics, having been prepared, or having been or being used,
received, possessed or under the control of any public body. "Public records" includes, but is expressly not limited to: (i) administrative manuals, procedural rules, and instructions to staff, unless exempted by Section 7(p) of this Act; (ii) final opinions and orders made in the adjudication of cases, except an educational institution's adjudication of student or employee grievance or disciplinary cases; (iii) substantive rules; (iv) statements and interpretations of policy which have been adopted by a public body; (v) final planning policies, recommendations, and decisions; (vi) factual reports, inspection reports, and studies whether prepared by or for the public body; (vii) all information in any account, voucher, or contract dealing with the receipt or expenditure of public or other funds of public bodies; (viii) the names, salaries, titles, and dates of employment of all employees and officers of public bodies; (ix) materials containing opinions concerning the rights of the state, the public, a subdivision of state or a local government, or of any private persons; (x) the name of every official and the final records of voting in all proceedings of public bodies; (xi) applications for any contract, permit, grant, or agreement except as exempted from disclosure by subsection (g) of Section 7 of this Act; (xii) each report, document, study, or publication prepared by independent consultants or other independent contractors for the public body; (xiii) all other information required by law to be made available for public inspection or copying; (xiv) information relating to any grant or contract made by or between a public body and another public body or private organization; (xv) waiver documents filed with the State Superintendent of Education or the president of the University of Illinois under Section 30-12.5 of the School Code, concerning nominees for General Assembly scholarships under Sections 30-9, 30-10, and 30-11 of the School Code; (xvi) complaints, results of complaints, and Department of Children and Family Services staff findings of licensing violations at day care facilities, provided that personal and identifying information is not released; and (xvii) records, reports, forms, writings, letters, memoranda, books, papers, and other documentary information, regardless of physical form or characteristics, having been prepared, or having been or being used, received, possessed, or under the control of the Illinois Sports Facilities Authority dealing with the receipt or expenditure of public funds or other funds of the Authority in connection with the reconstruction, renovation, remodeling, extension, or improvement of all or substantially all of an existing "facility" as that term is defined in the Illinois Sports Facilities Authority Act.

(d) "Copying" means the reproduction of any public record by means of any photographic, electronic, mechanical or other process, device or means.

(e) "Head of the public body" means the president, mayor, chairman, presiding officer, director, superintendent, manager, supervisor or individual otherwise holding primary executive and administrative authority for the public body, or such person's duly authorized designee.

(f) "News media" means a newspaper or other periodical issued at regular intervals whether in print or electronic format, a news service whether in print or electronic format, a radio station, a television station, a television network, a community antenna television service, or a person or corporation engaged in making news reels or other motion picture news for public showing.
Sec. 7. Exemptions.

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

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

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

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

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

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

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

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

(c) Records compiled by any public body for administrative enforcement proceedings and any law enforcement or correctional agency for law enforcement purposes or for internal matters of a public body, but only to the extent that disclosure would:

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

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

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(iii) deprive a person of a fair trial or an impartial hearing;
(iv) unavoidably disclose the identity of a confidential source or confidential information furnished only by the confidential source;
(v) disclose unique or specialized investigative techniques other than those generally used and known or disclose internal documents of correctional agencies related to detection, observation or investigation of incidents of crime or misconduct;
(vi) constitute an invasion of personal privacy under subsection (b) of this Section;
(vii) endanger the life or physical safety of law enforcement personnel or any other person; or
(viii) obstruct an ongoing criminal investigation.
(d) Criminal history record information maintained by State or local criminal justice agencies, except the following which shall be open for public inspection and copying:

(i) chronologically maintained arrest information, such as traditional arrest logs or blotters;
(ii) the name of a person in the custody of a law enforcement agency and the charges for which that person is being held;
(iii) court records that are public;
(iv) records that are otherwise available under State or local law; or
(v) records in which the requesting party is the individual identified, except as provided under part (vii) of paragraph (c) of subsection (1) of this Section.

"Criminal history record information" means data identifiable to an individual and consisting of descriptions or notations of arrests, detentions, indictments, informations, pre-trial proceedings, trials, or other formal events in the criminal justice system or descriptions or notations of criminal charges (including criminal violations of local municipal ordinances) and the nature of any disposition arising therefrom, including sentencing, court or correctional supervision, rehabilitation and release. The term does not apply to statistical records and reports in which individuals are not identified and from which their identities are not ascertainable, or to information that is for criminal investigative or intelligence purposes.

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

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

(g) Trade secrets and commercial or financial information obtained from a

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person or business where the trade secrets or information are proprietary, privileged or confidential, or where disclosure of the trade secrets or information may cause competitive harm, including all information determined to be confidential under Section 4002 of the Technology Advancement and Development Act. Nothing contained in this paragraph (g) shall be construed to prevent a person or business from consenting to disclosure.

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

(i) Valuable formulae, computer graphic systems, designs, drawings and research data obtained or produced by any public body when disclosure could reasonably be expected to produce private gain or public loss.

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

(k) Architects’ plans and engineers' technical submissions for projects not constructed or developed in whole or in part with public funds and for projects constructed or developed with public funds, to the extent that disclosure would compromise security.

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

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

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

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

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

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materials exempt under this Section.

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

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

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

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

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

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

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

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

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

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

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

(bb) Insurance or self insurance (including any intergovernmental risk management association or self insurance pool) claims, loss or risk management

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information, records, data, advice or communications.

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

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

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

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

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

(hh) Information the disclosure of which is exempted under Section 80 of the State Gift Ban Act.

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

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

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

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

(Source: P.A. 91-137, eff. 7-16-99; 91-357, eff. 7-29-99; 91-660, eff. 12-22-99; 92-16, eff. 6-28-01; 92-241, eff. 8-3-01; 92-281, eff. 8-7-01; revised 10-2-01.)

Section 8. The State Employees Group Insurance Act of 1971 is amended by changing Section 3 as follows:

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

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

(a) "Administrative service organization" means any person, firm or corporation experienced in the handling of claims which is fully qualified, financially sound and capable

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of meeting the service requirements of a contract of administration executed with the Department.

(b) "Annuitant" means (1) an employee who retires, or has retired, on or after January 1, 1966 on an immediate annuity under the provisions of Articles 2, 14, 15 (including an employee who has retired under the optional retirement program established under Section 15-158.2), paragraphs (2), (3), or (5) of Section 16-106, or Article 18 of the Illinois Pension Code; (2) any person who was receiving group insurance coverage under this Act as of March 31, 1978 by reason of his status as an annuitant, even though the annuity in relation to which such coverage was provided is a proportional annuity based on less than the minimum period of service required for a retirement annuity in the system involved; (3) any person not otherwise covered by this Act who has retired as a participating member under Article 2 of the Illinois Pension Code but is ineligible for the retirement annuity under Section 2-119 of the Illinois Pension Code; (4) the spouse of any person who is receiving a retirement annuity under Article 18 of the Illinois Pension Code and who is covered under a group health insurance program sponsored by a governmental employer other than the State of Illinois and who has irrevocably elected to waive his or her coverage under this Act and to have his or her spouse considered as the "annuitant" under this Act and not as a "dependent"; or (5) an employee who retires, or has retired, from a qualified position, as determined according to rules promulgated by the Director, under a qualified local government or a qualified rehabilitation facility or a qualified domestic violence shelter or service. (For definition of "retired employee", see (p) post).

(b-5) "New SERS annuitant" means a person who, on or after January 1, 1998, becomes an annuitant, as defined in subsection (b), by virtue of beginning to receive a retirement annuity under Article 14 of the Illinois Pension Code, and is eligible to participate in the basic program of group health benefits provided for annuitants under this Act.

(b-6) "New SURS annuitant" means a person who (1) on or after January 1, 1998, becomes an annuitant, as defined in subsection (b), by virtue of beginning to receive a retirement annuity under Article 15 of the Illinois Pension Code, (2) has not made the election authorized under Section 15-135.1 of the Illinois Pension Code, and (3) is eligible to participate in the basic program of group health benefits provided for annuitants under this Act.

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

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

(d) "Compensation" means salary or wages payable on a regular payroll by the State
Treasurer on a warrant of the State Comptroller out of any State, trust or federal fund, or by the Governor of the State through a disbursing officer of the State out of a trust or out of federal funds, or by any Department out of State, trust, federal or other funds held by the State Treasurer or the Department, to any person for personal services currently performed, and ordinary or accidental disability benefits under Articles 2, 14, 15 (including ordinary or accidental disability benefits under the optional retirement program established under Section 15-158.2), paragraphs (2), (3), or (5) of Section 16-106, or Article 18 of the Illinois Pension Code, for disability incurred after January 1, 1966, or benefits payable under the Workers’ Compensation or Occupational Disabilities Act or benefits payable under a sick pay plan established in accordance with Section 36 of the State Finance Act. "Compensation" also means salary or wages paid to an employee of any qualified local government or qualified rehabilitation facility or a qualified domestic violence shelter or service.

(e) "Commission" means the State Employees Group Insurance Advisory Commission authorized by this Act. Commencing July 1, 1984, "Commission" as used in this Act means the Illinois Economic and Fiscal Commission as established by the Legislative Commission Reorganization Act of 1984.

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

(g) "Department" means any department, institution, board, commission, officer, court or any agency of the State government receiving appropriations and having power to certify payrolls to the Comptroller authorizing payments of salary and wages against such appropriations as are made by the General Assembly from any State fund, or against trust funds held by the State Treasurer and includes boards of trustees of the retirement systems created by Articles 2, 14, 15, 16 and 18 of the Illinois Pension Code. "Department" also includes the Illinois Comprehensive Health Insurance Board, the Board of Examiners established under the Illinois Public Accounting Act, and the Illinois Rural Bond Bank.

(h) "Dependent", when the term is used in the context of the health and life plan, means a member's spouse and any unmarried child (1) from birth to age 19 including an adopted child, a child who lives with the member from the time of the filing of a petition for adoption until entry of an order of adoption, a stepchild or recognized child who lives with the member in a parent-child relationship, or a child who lives with the member if such member is a court appointed guardian of the child, or (2) age 19 to 23 enrolled as a full-time student in any accredited school, financially dependent upon the member, and eligible to be claimed as a dependent for income tax purposes, or (3) age 19 or over who is mentally or physically handicapped. For the health plan only, the term "dependent" also includes any person enrolled prior to the effective date of this Section who is dependent upon the member to the extent that the member may claim such person as a dependent for income tax deduction purposes; no other such person may be enrolled. For the health plan only, the term
"dependent" also includes any person who has received after June 30, 2000 an organ transplant and who is financially dependent upon the member and eligible to be claimed as a dependent for income tax purposes.

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

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

(k) "Employee" means and includes each officer or employee in the service of a department who (1) receives his compensation for service rendered to the department on a warrant issued pursuant to a payroll certified by a department or on a warrant or check issued and drawn by a department upon a trust, federal or other fund or on a warrant issued pursuant to a payroll certified by an elected or duly appointed officer of the State or who receives payment of the performance of personal services on a warrant issued pursuant to a payroll certified by a Department and drawn by the Comptroller upon the State Treasurer against appropriations made by the General Assembly from any fund or against trust funds held by the State Treasurer, and (2) is employed full-time or part-time in a position normally requiring actual performance of duty during not less than 1/2 of a normal work period, as established by the Director in cooperation with each department, except that persons elected by popular vote will be considered employees during the entire term for which they are elected regardless of hours devoted to the service of the State, and (3) except that "employee" does not include any person who is not eligible by reason of such person's employment to participate in one of the State retirement systems under Articles 2, 14, 15 (either the regular Article 15 system or the optional retirement program established under Section 15-158.2) or 18, or under paragraph (2), (3), or (5) of Section 16-106, of the Illinois Pension Code, but such term does include persons who are employed during the 6 month qualifying period under Article 14 of the Illinois Pension Code. Such term also includes any person who (1) after January 1, 1966, is receiving ordinary or accidental disability benefits under Articles 2, 14, 15 (including ordinary or accidental disability benefits under the optional retirement program established under Section 15-158.2), paragraphs (2), (3), or (5) of Section 16-106, or Article 18 of the Illinois Pension Code, for disability incurred after January 1, 1966, (2) receives total permanent or total temporary disability under the Workers' Compensation Act or Occupational Disease Act as a result of injuries sustained or illness contracted in the course of employment with the State of Illinois, or (3) is not otherwise covered under this Act and has retired as a participating member under Article 2 of the Illinois Pension Code but is ineligible for the retirement annuity under Section 2-119 of the Illinois Pension Code. However, a person who satisfies the criteria of the foregoing definition of "employee" except that such person is made ineligible to participate in the State Universities Retirement System by clause (4) of subsection (a) of Section 15-107 of the Illinois Pension Code is also an "employee" for the purposes of this Act. "Employee" also includes any person receiving or eligible for benefits under a sick pay plan established in accordance with Section 36 of the State Finance Act. "Employee" also includes each officer or employee in the service of a qualified local government, including persons appointed as trustees of sanitary districts

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regardless of hours devoted to the service of the sanitary district, and each employee in the service of a qualified rehabilitation facility and each full-time employee in the service of a qualified domestic violence shelter or service, as determined according to rules promulgated by the Director.

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

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

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

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

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

(q) "Survivor" means a person receiving an annuity as a survivor of an employee or of an annuitant. "Survivor" also includes: (1) the surviving dependent of a person who satisfies the definition of "employee" except that such person is made ineligible to participate in the State Universities Retirement System by clause (4) of subsection (a) of Section 15-107 of the Illinois Pension Code; and (2) the surviving dependent of any person formerly employed by the University of Illinois in the Cooperative Extension Service who would be an annuitant except for the fact that such person was made ineligible to participate in the State Universities Retirement System by clause (4) of subsection (a) of Section 15-107 of the Illinois Pension Code.

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

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

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

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

(s) "Unit of local government" means any county, municipality, township, school

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district (including a combination of school districts under the Intergovernmental Cooperation Act), special district or other unit, designated as a unit of local government by law, which exercises limited governmental powers or powers in respect to limited governmental subjects, any not-for-profit association with a membership that primarily includes townships and township officials, that has duties that include provision of research service, dissemination of information, and other acts for the purpose of improving township government, and that is funded wholly or partly in accordance with Section 85-15 of the Township Code; any not-for-profit corporation or association, with a membership consisting primarily of municipalities, that operates its own utility system, and provides research, training, dissemination of information, or other acts to promote cooperation between and among municipalities that provide utility services and for the advancement of the goals and purposes of its membership; the Southern Illinois Collegiate Common Market, which is a consortium of higher education institutions in Southern Illinois; and the Illinois Association of Park Districts. "Qualified local government" means a unit of local government approved by the Director and participating in a program created under subsection (i) of Section 10 of this Act.

(t) "Qualified rehabilitation facility" means any not-for-profit organization that is accredited by the Commission on Accreditation of Rehabilitation Facilities or certified by the Department of Human Services (as successor to the Department of Mental Health and Developmental Disabilities) to provide services to persons with disabilities and which receives funds from the State of Illinois for providing those services, approved by the Director and participating in a program created under subsection (j) of Section 10 of this Act.

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

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

1. is not a "member" as defined in this Section; and
2. is receiving a monthly benefit or retirement annuity under Article 16 of the Illinois Pension Code; and
3. either (i) has at least 8 years of creditable service under Article 16 of the Illinois Pension Code, or (ii) was enrolled in the health insurance program offered under that Article on January 1, 1996, or (iii) is the survivor of a benefit recipient who had at least 8 years of creditable service under Article 16 of the Illinois Pension Code or was enrolled in the health insurance program offered under that Article on the effective date of this amendatory Act of 1995, or (iv) is a recipient or survivor of a recipient of a disability benefit under Article 16 of the Illinois Pension Code.

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

1. is not a "member" or "dependent" as defined in this Section; and
2. is a TRS benefit recipient's: (A) spouse, (B) dependent parent who is receiving at least half of his or her support from the TRS benefit recipient, or (C) unmarried natural or adopted child who is (i) under age 19, or (ii) enrolled as a...
full-time student in an accredited school, financially dependent upon the TRS benefit recipient, eligible to be claimed as a dependent for income tax purposes, and either is under age 24 or was, on January 1, 1996, participating as a dependent beneficiary in the health insurance program offered under Article 16 of the Illinois Pension Code, or (iii) age 19 or over who is mentally or physically handicapped.

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

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

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

(1) is not a "member" as defined in this Section; and
(2) is receiving a monthly survivor's annuity or retirement annuity under Article 15 of the Illinois Pension Code; and

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

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

(1) is not a "member" or "dependent" as defined in this Section; and
(2) is a community college benefit recipient's: (A) spouse, (B) dependent parent who is receiving at least half of his or her support from the community college benefit recipient, or (C) unmarried natural or adopted child who is (i) under age 19, or (ii) enrolled as a full-time student in an accredited school, financially dependent upon the community college benefit recipient, eligible to be claimed as a dependent for income tax purposes and under age 23, or (iii) age 19 or over and mentally or physically handicapped.

(Source: P.A. 91-390, eff. 7-30-99; 91-395, eff. 7-30-99; 91-617, eff. 8-19-99; 92-16, eff. 6-28-01; 92-186, eff. 1-1-02; 92-204, eff. 8-1-01; revised 9-19-01.)

Section 9. The Civil Administrative Code of Illinois is amended by changing Section 1-5 as follows:

(20 ILCS 5/1-5)
Sec. 1-5. Articles. The Civil Administrative Code of Illinois consists of the following Articles:

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

New matter indicated by italics - deletions by strikeout.
Article 50. State Budget Law (15 ILCS 20/).
Article 110. Department on Aging Law (20 ILCS 110/).
Article 205. Department of Agriculture Law (20 ILCS 205/).
Article 250. State Fair Grounds Title Law (5 ILCS 620/).
Article 310. Department of Human Services (Alcoholism and Substance Abuse) Law (20 ILCS 310/).
Article 405. Department of Central Management Services Law (20 ILCS 405/).
Article 510. Department of Children and Family Services Powers Law (20 ILCS 510/).
Article 605. Department of Commerce and Community Affairs Law (20 ILCS 605/).
Article 805. Department of Natural Resources (Conservation) Law (20 ILCS 805/).
Article 1005. Department of Employment Security Law (20 ILCS 1005/).
Article 1405. Department of Insurance Law (20 ILCS 1405/).
Article 1505. Department of Labor Law (20 ILCS 1505/).
Article 1710. Department of Human Services (Mental Health and Developmental Disabilities) Law (20 ILCS 1710/).
Article 1905. Department of Natural Resources (Mines and Minerals) Law (20 ILCS 1905/).
Article 2105. Department of Professional Regulation Law (20 ILCS 2105/).
Article 2205. Department of Public Aid Law (20 ILCS 2205/).
Article 2310. Department of Public Health Powers and Duties Law (20 ILCS 2310/).
Article 2505. Department of Revenue Law (20 ILCS 2505/).
Article 2510. Certified Audit Program Law (20 ILCS 2510/).
Article 2605. Department of State Police Law (20 ILCS 2605/).
Article 2705. Department of Transportation Law (20 ILCS 2705/).
Article 3000. University of Illinois Exercise of Functions and Duties Law (110 ILCS 355/).

(Source: P.A. 91-239, eff. 1-1-00; 92-16, eff. 6-28-01; revised 10-10-01.)

Section 10. The Illinois Act on the Aging is amended by changing Section 4.01 as follows:

(20 ILCS 105/4.01) (from Ch. 23, par. 6104.01)

Sec. 4.01. Additional powers and duties of the Department. In addition to powers and duties otherwise provided by law, the Department shall have the following powers and duties:

(1) To evaluate all programs, services, and facilities for the aged and for minority senior citizens within the State and determine the extent to which present public or private programs, services and facilities meet the needs of the aged.

(2) To coordinate and evaluate all programs, services, and facilities for the Aging and for minority senior citizens presently furnished by State agencies and make appropriate recommendations regarding such services, programs and facilities to the Governor and/or the General Assembly.

New matter indicated by italics - deletions by strikeout.
(3) To function as the sole State agency to develop a comprehensive plan to meet the needs of the State's senior citizens and the State's minority senior citizens.

(4) To receive and disburse State and federal funds made available directly to the Department including those funds made available under the Older Americans Act and the Senior Community Service Employment Program for providing services for senior citizens and minority senior citizens or for purposes related thereto, and shall develop and administer any State Plan for the Aging required by federal law.

(5) To solicit, accept, hold, and administer in behalf of the State any grants or legacies of money, securities, or property to the State of Illinois for services to senior citizens and minority senior citizens or purposes related thereto.

(6) To provide consultation and assistance to communities, area agencies on aging, and groups developing local services for senior citizens and minority senior citizens.

(7) To promote community education regarding the problems of senior citizens and minority senior citizens through institutes, publications, radio, television and the local press.

(8) To cooperate with agencies of the federal government in studies and conferences designed to examine the needs of senior citizens and minority senior citizens and to prepare programs and facilities to meet those needs.

(9) To establish and maintain information and referral sources throughout the State when not provided by other agencies.

(10) To provide the staff support as may reasonably be required by the Council and the Coordinating Committee of State Agencies Serving Older Persons.

(11) To make and enforce rules and regulations necessary and proper to the performance of its duties.

(12) To establish and fund programs or projects or experimental facilities that are specially designed as alternatives to institutional care.

(13) To develop a training program to train the counselors presently employed by the Department's aging network to provide Medicare beneficiaries with counseling and advocacy in Medicare, private health insurance, and related health care coverage plans. The Department shall report to the General Assembly on the implementation of the training program on or before December 1, 1986.

(14) To make a grant to an institution of higher learning to study the feasibility of establishing and implementing an affirmative action employment plan for the recruitment, hiring, training and retraining of persons 60 or more years old for jobs for which their employment would not be precluded by law.

(15) To present one award annually in each of the categories of community service, education, the performance and graphic arts, and the labor force to outstanding Illinois senior citizens and minority senior citizens in recognition of their individual contributions to either community service, education, the performance and graphic arts, or the labor force. The awards shall be presented to four senior citizens and minority senior citizens selected from a list of 44 nominees compiled annually by the Department. Nominations shall be solicited from senior citizens' service providers, area agencies on aging, senior citizens' centers, and senior citizens' organizations. The Department shall consult with the Coordinating

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Committee of State Agencies Serving Older Persons to determine which of the nominees shall be the recipient in each category of community service. The Department shall establish a central location within the State to be designated as the Senior Illinoisans Hall of Fame for the public display of all the annual awards, or replicas thereof.

(16) To establish multipurpose senior centers through area agencies on aging and to fund those new and existing multipurpose senior centers through area agencies on aging, the establishment and funding to begin in such areas of the State as the Department shall designate by rule and as specifically appropriated funds become available.

(17) To develop the content and format of the acknowledgment regarding non-recourse reverse mortgage loans under Section 6.1 of the Illinois Banking Act; to provide independent consumer information on reverse mortgages and alternatives; and to refer consumers to independent counseling services with expertise in reverse mortgages.

(18) To develop a pamphlet in English and Spanish which may be used by physicians licensed to practice medicine in all of its branches pursuant to the Medical Practice Act of 1987, pharmacists licensed pursuant to the Pharmacy Practice Act of 1987, and Illinois residents 65 years of age or older for the purpose of assisting physicians, pharmacists, and patients in monitoring prescriptions provided by various physicians and to aid persons 65 years of age or older in complying with directions for proper use of pharmaceutical prescriptions. The pamphlet may provide space for recording information including but not limited to the following:

(a) name and telephone number of the patient;
(b) name and telephone number of the prescribing physician;
(c) date of prescription;
(d) name of drug prescribed;
(e) directions for patient compliance; and
(f) name and telephone number of dispensing pharmacy.

In developing the pamphlet, the Department shall consult with the Illinois State Medical Society, the Center for Minority Health Services, the Illinois Pharmacists Association and senior citizens organizations. The Department shall distribute the pamphlets to physicians, pharmacists and persons 65 years of age or older or various senior citizen organizations throughout the State.

(19) To conduct a study by April 1, 1994 of the feasibility of implementing the Senior Companion Program throughout the State for the fiscal year beginning July 1, 1994.

(20) With respect to contracts in effect on July 1, 1994, the Department shall increase the grant amounts so that the reimbursement rates paid through the community care program for chore housekeeping services and homemakers are at the same rate, which shall be the higher of the 2 rates currently paid. With respect to all contracts entered into, renewed, or extended on or after July 1, 1994, the reimbursement rates paid through the community care program for chore housekeeping services and homemakers shall be the same.

(21) From funds appropriated to the Department from the Meals on Wheels Fund, a special fund in the State treasury that is hereby created, and in accordance with State and federal guidelines and the intrastate funding formula, to make grants to area agencies on

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aging, designated by the Department, for the sole purpose of delivering meals to homebound persons 60 years of age and older.

(22) To distribute, through its area agencies on aging, information alerting seniors on safety issues regarding emergency weather conditions, including extreme heat and cold, flooding, tornadoes, electrical storms, and other severe storm weather. The information shall include all necessary instructions for safety and all emergency telephone numbers of organizations that will provide additional information and assistance.

(23) To develop guidelines for the organization and implementation of Volunteer Services Credit Programs to be administered by Area Agencies on Aging or community based senior service organizations. The Department shall hold public hearings on the proposed guidelines for public comment, suggestion, and determination of public interest. The guidelines shall be based on the findings of other states and of community organizations in Illinois that are currently operating volunteer services credit programs or demonstration volunteer services credit programs. The Department shall offer guidelines for all aspects of the programs including, but not limited to, the following:

(a) types of services to be offered by volunteers;
(b) types of services to be received upon the redemption of service credits;
(c) issues of liability for the volunteers and the administering organizations;
(d) methods of tracking service credits earned and service credits redeemed;
(e) issues of time limits for redemption of service credits;
(f) methods of recruitment of volunteers;
(g) utilization of community volunteers, community service groups, and other resources for delivering services to be received by service credit program clients;
(h) accountability and assurance that services will be available to individuals who have earned service credits; and
(i) volunteer screening and qualifications. The Department shall submit a written copy of the guidelines to the General Assembly by July 1, 1998.

(Source: P.A. 89-249, eff. 8-4-95; 89-580, eff. 1-1-97; 90-251, eff. 1-1-98; revised 12-07-01.)

Section 11. The Children and Family Services Act is amended by changing Section 7 and setting forth and renumbering multiple versions of Section 5d as follows:

(20 ILCS 505/5d)
Sec. 5d. The Direct Child Welfare Service Employee License Board.
(a) For purposes of this Section:
(1) "Board" means the Direct Child Welfare Service Employee License Board.
(2) "Director" means the Director of Children and Family Services.
(b) The Direct Child Welfare Service Employee License Board is created within the Department of Children and Family Services and shall consist of 9 members appointed by the Director. The Director shall annually designate a chairperson and vice-chairperson of the Board. The membership of the Board must be composed as follows: (i) 5 licensed professionals from the field of human services with a human services degree or equivalent course work as required by rule of the Department and who are in good standing within their
profession, at least 2 of which must be employed in the private not-for-profit sector and at least one of which in the public sector; (ii) 2 faculty members of an accredited university who have child welfare experience and are in good standing within their profession and (iii) 2 members of the general public who are not licensed under this Act or a similar rule and will represent consumer interests.

In making the first appointments, the Director shall appoint 3 members to serve for a term of one year, 3 members to serve for a term of 2 years, and 3 members to serve for a term of 3 years, or until their successors are appointed and qualified. Their successors shall be appointed to serve 3-year terms, or until their successors are appointed and qualified. Appointments to fill unexpired vacancies shall be made in the same manner as original appointments. No member may be reappointed if a reappointment would cause that member to serve on the Board for longer than 6 consecutive years. Board membership must have reasonable representation from different geographic areas of Illinois, and all members must be residents of this State.

The Director may terminate the appointment of any member for good cause, including but not limited to (i) unjustified absences from Board meetings or other failure to meet Board responsibilities, (ii) failure to recuse himself or herself when required by subsection (c) of this Section or Department rule, or (iii) failure to maintain the professional position required by Department rule. No member of the Board may have a pending or indicated report of child abuse or neglect or a pending complaint or criminal conviction of any of the offenses set forth in paragraph (b) of Section 4.2 of the Child Care Act of 1969.

The members of the Board shall receive no compensation for the performance of their duties as members, but each member shall be reimbursed for his or her reasonable and necessary expenses incurred in attending the meetings of the Board.

(c) The Board shall make recommendations to the Director regarding licensure rules. Board members must recuse themselves from sitting on any matter involving an employee of a child welfare agency at which the Board member is an employee or contractual employee. The Board shall make a final determination concerning revocation, suspension, or reinstatement of an employee's direct child welfare service license after a hearing conducted under the Department's rules. Upon notification of the manner of the vote to all the members, votes on a final determination may be cast in person, by telephonic or electronic means, or by mail at the discretion of the chairperson. A simple majority of the members appointed and serving is required when Board members vote by mail or by telephonic or electronic means. A majority of the currently appointed and serving Board members constitutes a quorum. A majority of a quorum is required when a recommendation is voted on during a Board meeting. A vacancy in the membership of the Board shall not impair the right of a quorum to perform all the duties of the Board. Board members are not personally liable in any action based upon a disciplinary proceeding or otherwise for any action taken in good faith as a member of the Board.

(d) The Director may assign Department employees to provide staffing services to the Board. The Department must promulgate any rules necessary to implement and administer the requirements of this Section.

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Sec. 5e. Advocacy Office for Children and Families. The Department of Children and Family Services shall establish and maintain an Advocacy Office for Children and Families that shall, in addition to other duties assigned by the Director, receive and respond to complaints that may be filed by children, parents, caretakers, and relatives of children receiving child welfare services from the Department of Children and Family Services or its agents. The Department shall promulgate policies and procedures for filing, processing, investigating, and resolving the complaints. The Department shall make a final report to the complainant of its findings. If a final report is not completed, the Department shall report on its disposition every 30 days. The Advocacy Office shall include a statewide toll-free telephone number that may be used to file complaints, or to obtain information about the delivery of child welfare services by the Department or its agents. This telephone number shall be included in all appropriate notices and handbooks regarding services available through the Department.

Sec. 7. Placement of children; considerations.

(a) In placing any child under this Act, the Department shall place such child, as far as possible, in the care and custody of some individual holding the same religious belief as the parents of the child, or with some child care facility which is operated by persons of like religious faith as the parents of such child.

(b) In placing a child under this Act, the Department may place a child with a relative if the Department has reason to believe that the relative will be able to adequately provide for the child's safety and welfare. The Department may not place a child with a relative, with the exception of certain circumstances which may be waived as defined by the Department in rules, if the results of a check of the Law Enforcement Agency Data System (LEADS) identifies a prior criminal conviction of the relative or any adult member of the relative's household for any of the following offenses under the Criminal Code of 1961:

1. murder;
2. solicitation of murder;
3. solicitation of murder for hire;
4. intentional homicide of an unborn child;
5. voluntary manslaughter of an unborn child;
6. involuntary manslaughter;
7. reckless homicide;
8. concealment of a homicidal death;
9. involuntary manslaughter of an unborn child;
10. reckless homicide of an unborn child;
11. drug-induced homicide;
12. a sex offense under Article 11, except offenses described in Sections 11-7, 11-8, 11-12, and 11-13;

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(3) kidnapping;
(3.1) aggravated unlawful restraint;
(3.2) forcible detention;
(3.3) aiding and abetting child abduction;
(4) aggravated kidnapping;
(5) child abduction;
(6) aggravated battery of a child;
(7) criminal sexual assault;
(8) aggravated criminal sexual assault;
(8.1) predatory criminal sexual assault of a child;
(9) criminal sexual abuse;
(10) aggravated sexual abuse;
(11) heinous battery;
(12) aggravated battery with a firearm;
(13) tampering with food, drugs, or cosmetics;
(14) drug-induced infliction of great bodily harm;
(15) aggravated stalking;
(16) home invasion;
(17) vehicular invasion;
(18) criminal transmission of HIV;
(19) criminal abuse or neglect of an elderly or disabled person;
(20) child abandonment;
(21) endangering the life or health of a child;
(22) ritual mutilation;
(23) ritualized abuse of a child;
(24) an offense in any other state the elements of which are similar and bear a substantial relationship to any of the foregoing offenses. For the purpose of this subsection, "relative" shall include any person, 21 years of age or over, other than the parent, who (i) is currently related to the child in any of the following ways by blood or adoption: grandparent, sibling, great-grandparent, uncle, aunt, nephew, niece, first cousin, second cousin, godparent, great-uncle, or great-aunt; or (ii) is the spouse of such a relative; or (iii) is the child's step-father, step-mother, or adult step-brother or step-sister; "relative" also includes a person related in any of the foregoing ways to a sibling of a child, even though the person is not related to the child, when the child and its sibling are placed together with that person. A relative with whom a child is placed pursuant to this subsection may, but is not required to, apply for licensure as a foster family home pursuant to the Child Care Act of 1969; provided, however, that as of July 1, 1995, foster care payments shall be made only to licensed foster family homes pursuant to the terms of Section 5 of this Act.
(c) In placing a child under this Act, the Department shall ensure that the child's health, safety, and best interests are met in making a family foster care placement. The Department shall consider the individual needs of the child and the capacity of the

New matter indicated by italics - deletions by strikeout.
prospective foster or adoptive parents to meet the needs of the child. When a child must be placed outside his or her home and cannot be immediately returned to his or her parents or guardian, a comprehensive, individualized assessment shall be performed of that child at which time the needs of the child shall be determined. Only if race, color, or national origin is identified as a legitimate factor in advancing the child's best interests shall it be considered. Race, color, or national origin shall not be routinely considered in making a placement decision. The Department shall make special efforts for the diligent recruitment of potential foster and adoptive families that reflect the ethnic and racial diversity of the children for whom foster and adoptive homes are needed. "Special efforts" shall include contacting and working with community organizations and religious organizations and may include contracting with those organizations, utilizing local media and other local resources, and conducting outreach activities.

(c-1) At the time of placement, the Department shall consider concurrent planning, as described in subsection (l-1) of Section 5, so that permanency may occur at the earliest opportunity. Consideration should be given so that if reunification fails or is delayed, the placement made is the best available placement to provide permanency for the child.

(d) The Department may accept gifts, grants, offers of services, and other contributions to use in making special recruitment efforts.

(e) The Department in placing children in adoptive or foster care homes may not, in any policy or practice relating to the placement of children for adoption or foster care, discriminate against any child or prospective adoptive or foster parent on the basis of race.

(Source: P.A. 92-192, eff. 1-1-02; 92-328, eff. 1-1-02; 92-334, eff. 8-10-01; revised 10-15-01.)

Section 12. The Department of Commerce and Community Affairs Law of the Civil Administrative Code of Illinois is amended by changing Sections 605-605 and 605-710 as follows:

(20 ILCS 605/605-605) (was 20 ILCS 605/46.57)
(a) This Section may be cited as the Illinois Product and Services Exchange Law Act.
(b) It is hereby found and declared that many large Illinois firms and government agencies are purchasing products and services from vendors in locations other than Illinois, and that there is a need to assist those large businesses and government agencies in locating Illinois vendors who can provide those products and services of equal quality and at comparable or lower costs; it is further found and declared that the purchase of needed products and services within the State by large firms and government agencies would aid the survival and expansion of small businesses in Illinois and help to strengthen the State's economy.
(c) As used in this Section, "Illinois Product and Services Exchange" means a program aimed at promoting the purchase of goods and services produced in Illinois by firms and government agencies within the State.
(d) The Department shall have the authority to establish and administer an Illinois Product and Services Exchange Program, which may include, but is not limited to, the

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following powers and duties:

(1) To accept grants, loans, or appropriations from the federal government or the State or any agency or instrumentality thereof, and to assess fees for any services performed under the Illinois Product and Services Exchange Program, to carry out the Program.

(2) To form an Illinois Product and Services Exchange Council, made up of Illinois large firms and small firms to provide advice and counsel in directing a statewide Product and Services Exchange Program.

(3) To publicize and advertise to Illinois firms and government agencies the importance and benefits of buying goods and services provided by vendors located within the State.

(4) To secure the cooperation of Illinois' large firms, federal, State, and local governments, non-profit agencies, and others to carry out this program.

(5) To match the needs for products and services of business firms and government agencies with the capabilities of small Illinois firms that can provide those needed goods and services.

(6) To hold purchasing agent seminars, fairs, conferences, and workshops to aid small Illinois businesses in obtaining contracts for goods and services from larger firms and government agencies within the State.

(7) To assist business firms and government agencies to analyze their buying activities and to find ways to carry out those activities in an effective and economical manner, while promoting subcontract activity with small Illinois firms.

(8) To establish manual and electronic buying directories, including stand alone computer data bases that list qualified vendors and procurement opportunities.

(9) To promote through other means the use by government agencies and large businesses of products and services produced by small Illinois firms.

(10) To subcontract, grant funds, or otherwise participate with qualified private firms, existing procurement centers, or other organizations that have designed programs, approved in accordance with procedures determined by the Department, that are aimed at assisting small Illinois firms obtain contracts for products and services from local government agencies and large Illinois businesses.

(11) To develop and administer guidelines for projects that provide assistance to the Department in connection with the Illinois Product and Services Exchange Program.

(Source: P.A. 91-239, eff. 1-1-00; revised 1-25-02.)

(20 ILCS 605/605-710)
Sec. 605-710. Regional tourism development organizations.
(a) The Department may, subject to appropriation, provide grants from the Tourism Promotion Fund for the administrative costs of not-for-profit regional tourism development organizations that assist the Department in developing tourism throughout a multi-county geographical area designated by the Department. Regional tourism development organizations receiving funds under this Section may be required by the Department to

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submit to audits of contracts awarded by the Department to determine whether the regional tourism development organization has performed all contractual obligations under those contracts.

Every employee of a regional tourism development organization receiving funds under this Section shall disclose to the organization's governing board and to the Department any economic interest that employee may have in any entity with which the regional tourism development organization has contracted or to which the regional tourism development organization has granted funds.

(b) The Department, from moneys transferred from the General Revenue Fund to the Tourism Promotion Fund and appropriated from the Tourism Promotion Fund, shall first provide funding of $5,000,000 annually to a governmental entity with at least 2,000,000 square feet of exhibition space that has as part of its duties the promotion of cultural, scientific and trade exhibits and events within a county with a population of more than 3,000,000, to be used for any of the governmental entity's general corporate purposes.

(Source: P.A. 92-11, eff. 6-11-01; 92-38, eff. 6-28-01; revised 9-18-01.)

Section 13. The Interagency Wetland Policy Act of 1989 is amended by changing Section 2-1 as follows:

Sec. 2-1. Interagency Wetlands Committee. An Interagency Wetlands Committee, chaired by the Director of Natural Resources or his or her representative, is established. The Directors of the following agencies, or their respective representatives, shall serve as members of the Committee:

Capital Development Board,
Department of Agriculture,
Department of Commerce and Community Affairs,
Environmental Protection Agency,
Department of Transportation, and
Historic Preservation Agency.

The Interagency Wetlands Committee shall also include 2 additional persons with relevant expertise designated by the Director of Natural Resources.

The Interagency Wetlands Committee shall advise the Director in the administration of this Act. This will include:

(a) Developing rules and regulations for the implementation and administration of this Act.

(b) Establishing guidelines for developing individual Agency Action Plans.

(c) Developing and adopting technical procedures for the consistent identification, delineation and evaluation of existing wetlands and quantification of their functional values and the evaluation of wetland restoration or creation projects.

(d) Developing a research program for wetland function, restoration and creation.

(e) Preparing reports, including:

(1) A biennial report to the Governor and the General Assembly on

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the impact of State supported activities on wetlands.

(2) A comprehensive report on the status of the State's wetland resources, including recommendations for additional programs, by January 15, 1991.

(f) Development of educational materials to promote the protection of wetlands.

(Source: P.A. 89-445, eff. 2-7-96; revised 12-2-01.)

Section 14. The Department of State Police Law of the Civil Administrative Code of Illinois is amended by changing Sections 2605-302 and 2605-555 as follows:

(20 ILCS 2605/2605-302) (was 20 ILCS 2605/55a in part)

Sec. 2605-302. Arrest reports.

(a) When an individual is arrested, the following information must be made available to the news media for inspection and copying:

(1) Information that identifies the individual, including the name, age, address, and photograph, when and if available.
(2) Information detailing any charges relating to the arrest.
(3) The time and location of the arrest.
(4) The name of the investigating or arresting law enforcement agency.
(5) If the individual is incarcerated, the amount of any bail or bond.
(6) If the individual is incarcerated, the time and date that the individual was received, discharged, or transferred from the arresting agency's custody.

(b) The information required by this Section must be made available to the news media for inspection and copying as soon as practicable, but in no event shall the time period exceed 72 hours from the arrest. The information described in items (3), (4), (5), and (6) of subsection (a), however, may be withheld if it is determined that disclosure would (i) interfere with pending or actually and reasonably contemplated law enforcement proceedings conducted by any law enforcement or correctional agency; (ii) endanger the life or physical safety of law enforcement or correctional personnel or any other person; or (iii) compromise the security of any correctional facility.

(c) For the purposes of this Section, the term "news media" means personnel of a newspaper or other periodical issued at regular intervals whether in print or electronic format, a news service whether in print or electronic format, a radio station, a television station, a television network, a community antenna television service, or a person or corporation engaged in making news reels or other motion picture news for public showing.

(d) Each law enforcement or correctional agency may charge fees for arrest records, but in no instance may the fee exceed the actual cost of copying and reproduction. The fees may not include the cost of the labor used to reproduce the arrest record.

(e) The provisions of this Section do not supersede the confidentiality provisions for arrest records of the Juvenile Court Act of 1987.

(Source: P.A. 91-309, eff. 7-29-99; 92-16, eff. 6-28-01; incorporates 92-335, eff. 8-10-01; revised 9-17-01.)

(20 ILCS 2605/2605-555)

New matter indicated by italics - deletions by strikeout.
Sec. 2605-555. Pilot program; Project Exile.
   (a) The Department shall establish a Project Exile pilot program to combat gun violence.
   (b) Through the pilot program, the Department, in coordination with local law enforcement agencies, State's Attorneys, and United States Attorneys, shall, to the extent possible, encourage the prosecution in federal court of all persons who illegally use, attempt to use, or threaten to use firearms against the person or property of another, of all persons who use or possess a firearm in connection with a violation of the Cannabis Control Act or the Illinois Controlled Substances Act, all persons who have been convicted of a felony under the laws of this State or any other jurisdiction who possess any weapon prohibited under Section 24-1 of the Criminal Code of 1961 or any firearm or any firearm ammunition, and of all persons who use or possess a firearm in connection with a violation of an order of protection issued under the Illinois Domestic Violence Act of 1986 or Article 112A of the Code of Criminal Procedure of 1963 or in connection with the offense of domestic battery. The program shall also encourage public outreach by law enforcement agencies.
   (c) There is created the Project Exile Fund, a special fund in the State treasury. Moneys appropriated for the purposes of Project Exile and moneys from any other private or public source, including without limitation grants from the Department of Commerce and Community Affairs, shall be deposited into the Fund. Moneys in the Fund, subject to appropriation, may be used by the Department of State Police to develop and administer the Project Exile pilot program.
   (d) The Department shall report to the General Assembly by March 1, 2003 regarding the implementation and effects of the Project Exile pilot program and shall by that date make recommendations to the General Assembly for changes in the program that the Department deems appropriate.

The requirement for reporting to the General Assembly shall be satisfied by filing copies of the report with the Speaker, the Minority Leader, and the Clerk of the House of Representatives, and with the President, the Minority Leader, and the Secretary of the Senate, and with the Legislative Research Unit, as required by Section 3.1 of the General Assembly Organization Act, and filing such additional copies with the State Government Report Distribution Center for the General Assembly as is required under paragraph (t) of Section 7 of the State Library Act.

(Source: P.A. 92-332, eff. 8-10-01; 92-342, eff. 8-10-01; revised 10-15-01.)

Section 15. The Criminal Identification Act is amended by changing Section 5 as follows:

(20 ILCS 2630/5) (from Ch. 38, par. 206-5)
Sec. 5. Arrest reports; expungement.

(a) All policing bodies of this State shall furnish to the Department, daily, in the form and detail the Department requires, fingerprints and descriptions of all persons who are arrested on charges of violating any penal statute of this State for offenses that are classified as felonies and Class A or B misdemeanors and of all minors of the age of 10 and over who have been arrested for an offense which would be a felony if committed by an adult, and may

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forward such fingerprints and descriptions for minors arrested for Class A or B misdemeanors. Moving or nonmoving traffic violations under the Illinois Vehicle Code shall not be reported except for violations of Chapter 4, Section 11-204.1, or Section 11-501 of that Code. In addition, conservation offenses, as defined in the Supreme Court Rule 501(c), that are classified as Class B misdemeanors shall not be reported.

Whenever an adult or minor prosecuted as an adult, not having previously been convicted of any criminal offense or municipal ordinance violation, charged with a violation of a municipal ordinance or a felony or misdemeanor, is acquitted or released without being convicted, whether the acquittal or release occurred before, on, or after the effective date of this amendatory Act of 1991, the Chief Judge of the circuit wherein the charge was brought, any judge of that circuit designated by the Chief Judge, or in counties of less than 3,000,000 inhabitants, the presiding trial judge at the defendant's trial may upon verified petition of the defendant order the record of arrest expunged from the official records of the arresting authority and the Department and order that the records of the clerk of the circuit court be sealed until further order of the court upon good cause shown and the name of the defendant obliterated on the official index required to be kept by the circuit court clerk under Section 16 of the Clerks of Courts Act, but the order shall not affect any index issued by the circuit court clerk before the entry of the order. The Department may charge the petitioner a fee equivalent to the cost of processing any order to expunge or seal the records, and the fee shall be deposited into the State Police Services Fund. The records of those arrests, however, that result in a disposition of supervision for any offense shall not be expunged from the records of the arresting authority or the Department nor impounded by the court until 2 years after discharge and dismissal of supervision. Those records that result from a supervision for a violation of Section 3-707, 3-708, 3-710, 5-401.3, or 11-503 of the Illinois Vehicle Code or a similar provision of a local ordinance, or for a violation of Section 12-3.2, 12-15 or 16A-3 of the Criminal Code of 1961, or probation under Section 10 of the Cannabis Control Act, Section 410 of the Illinois Controlled Substances Act, Section 12-4.3(b)(1) and (2) of the Criminal Code of 1961 (as those provisions existed before their deletion by Public Act 89-313), Section 10-102 of the Illinois Alcoholism and Other Drug Dependency Act when the judgment of conviction has been vacated, Section 40-10 of the Alcoholism and Other Drug Abuse and Dependency Act when the judgment of conviction has been vacated, or Section 10 of the Steroid Control Act shall not be expunged from the records of the arresting authority nor impounded by the court until 5 years after termination of probation or supervision. Those records that result from a supervision for a violation of Section 11-501 of the Illinois Vehicle Code or a similar provision of a local ordinance, shall not be expunged. All records set out above may be ordered by the court to be expunged from the records of the arresting authority and impounded by the court after 5 years, but shall not be expunged by the Department, but shall, on court order be sealed by the Department and may be disseminated by the Department only as required by law or to the arresting authority, the State's Attorney, and the court upon a later arrest for the same or a similar offense or for the purpose of sentencing for any subsequent felony. Upon conviction for any offense, the Department of Corrections shall have access to all sealed records of the Department

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pertaining to that individual.

(a-5) Those records maintained by the Department for persons arrested prior to their 17th birthday shall be expunged as provided in Section 5-915 of the Juvenile Court Act of 1987.

(b) Whenever a person has been convicted of a crime or of the violation of a municipal ordinance, in the name of a person whose identity he has stolen or otherwise come into possession of, the aggrieved person from whom the identity was stolen or otherwise obtained without authorization, upon learning of the person having been arrested using his identity, may, upon verified petition to the chief judge of the circuit wherein the arrest was made, have a court order entered nunc pro tunc by the chief judge to correct the arrest record, conviction record, if any, and all official records of the arresting authority, the Department, other criminal justice agencies, the prosecutor, and the trial court concerning such arrest, if any, by removing his name from all such records in connection with the arrest and conviction, if any, and by inserting in the records the name of the offender, if known or ascertainable, in lieu of the aggrieved's has name. The records of the clerk of the circuit court clerk shall be sealed until further order of the court upon good cause shown and the name of the aggrieved person obliterated on the official index required to be kept by the circuit court clerk under Section 16 of the Clerks of Courts Act, but the order shall not affect any index issued by the circuit court clerk before the entry of the order. Nothing in this Section shall limit the Department of State Police or other criminal justice agencies or prosecutors from listing under an offender's name the false names he or she has used. For purposes of this Section, convictions for moving and nonmoving traffic violations other than convictions for violations of Chapter 4, Section 11-204.1 or Section 11-501 of the Illinois Vehicle Code shall not be a bar to expunging the record of arrest and court records for violation of a misdemeanor or municipal ordinance.

(c) Whenever a person who has been convicted of an offense is granted a pardon by the Governor which specifically authorizes expungement, he may, upon verified petition to the chief judge of the circuit where the person had been convicted, any judge of the circuit designated by the Chief Judge, or in counties of less than 3,000,000 inhabitants, the presiding trial judge at the defendant's trial, may have a court order entered expunging the record of arrest from the official records of the arresting authority and order that the records of the clerk of the circuit court and the Department be sealed until further order of the court upon good cause shown or as otherwise provided herein, and the name of the defendant obliterated from the official index requested to be kept by the circuit court clerk under Section 16 of the Clerks of Courts Act in connection with the arrest and conviction for the offense for which he had been pardoned but the order shall not affect any index issued by the circuit court clerk before the entry of the order. All records sealed by the Department may be disseminated by the Department only as required by law or to the arresting authority, the State's Attorney, and the court upon a later arrest for the same or similar offense or for the purpose of sentencing for any subsequent felony. Upon conviction for any subsequent offense, the Department of Corrections shall have access to all sealed records of the Department pertaining to that individual. Upon entry of the order of expungement, the clerk of the circuit court shall
promptly mail a copy of the order to the person who was pardoned.

(c-5) Whenever a person has been convicted of criminal sexual assault, aggravated criminal sexual assault, predatory criminal sexual assault of a child, criminal sexual abuse, or aggravated criminal sexual abuse, the victim of that offense may request that the State's Attorney of the county in which the conviction occurred file a verified petition with the presiding trial judge at the defendant's trial to have a court order entered to seal the records of the clerk of the circuit court in connection with the proceedings of the trial court concerning that offense. However, the records of the arresting authority and the Department of State Police concerning the offense shall not be sealed. The court, upon good cause shown, shall make the records of the clerk of the circuit court in connection with the proceedings of the trial court concerning the offense available for public inspection.

(d) Notice of the petition for subsections (a), (b), and (c) shall be served upon the State's Attorney or prosecutor charged with the duty of prosecuting the offense, the Department of State Police, the arresting agency and the chief legal officer of the unit of local government affecting the arrest. Unless the State's Attorney or prosecutor, the Department of State Police, the arresting agency or such chief legal officer objects to the petition within 30 days from the date of the notice, the court shall enter an order granting or denying the petition. The clerk of the court shall promptly mail a copy of the order to the person, the arresting agency, the prosecutor, the Department of State Police and such other criminal justice agencies as may be ordered by the judge.

(e) Nothing herein shall prevent the Department of State Police from maintaining all records of any person who is admitted to probation upon terms and conditions and who fulfills those terms and conditions pursuant to Section 10 of the Cannabis Control Act, Section 410 of the Illinois Controlled Substances Act, Section 12-4.3 of the Criminal Code of 1961, Section 10-102 of the Illinois Alcoholism and Other Drug Dependency Act, Section 40-10 of the Alcoholism and Other Drug Abuse and Dependency Act, or Section 10 of the Steroid Control Act.

(f) No court order issued pursuant to the expungement provisions of this Section shall become final for purposes of appeal until 30 days after notice is received by the Department. Any court order contrary to the provisions of this Section is void.

(g) Except as otherwise provided in subsection (c-5) of this Section, the court shall not order the sealing or expungement of the arrest records and records of the circuit court clerk of any person granted supervision for or convicted of any sexual offense committed against a minor under 18 years of age. For the purposes of this Section, "sexual offense committed against a minor" includes but is not limited to the offenses of indecent solicitation of a child or criminal sexual abuse when the victim of such offense is under 18 years of age.

(Sources: P.A. 90-590, eff. 1-1-00; 91-295, eff. 1-1-00; 91-357, eff. 7-29-99; revised 12-3-01.)

Section 16. The Department of Veterans Affairs Act is amended by changing Section 2 as follows:

(20 ILCS 2805/2) (from Ch. 126 1/2, par. 67)

Sec. 2. Powers and duties. The Department shall have the following powers and duties:

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To perform such acts at the request of any veteran, or his or her spouse, surviving spouse or dependents as shall be reasonably necessary or reasonably incident to obtaining or endeavoring to obtain for the requester any advantage, benefit or emolument accruing or due to such person under any law of the United States, the State of Illinois or any other state or governmental agency by reason of the service of such veteran, and in pursuance thereof shall:

1. Contact veterans, their survivors and dependents and advise them of the benefits of state and federal laws and assist them in obtaining such benefits;
2. Establish field offices and direct the activities of the personnel assigned to such offices;
3. Create a volunteer field force of accredited representatives, representing educational institutions, labor organizations, veterans organizations, employers, churches, and farm organizations;
4. Conduct informational and training services;
5. Conduct educational programs through newspapers, periodicals and radio for the specific purpose of disseminating information affecting veterans and their dependents;
6. Coordinate the services and activities of all state departments having services and resources affecting veterans and their dependents;
7. Encourage and assist in the coordination of agencies within counties giving service to veterans and their dependents;
8. Cooperate with veterans organizations and other governmental agencies;
9. Make, alter, amend and promulgate reasonable rules and procedures for the administration of this Act; and
10. Make and publish annual reports to the Governor regarding the administration and general operation of the Department; and
11. Encourage the State to implement more programs to address the wide range of issues faced by Persian Gulf War Veterans, especially those who took part in combat, by creating an official commission to further study Persian Gulf War Diseases. The commission shall consist of 9 members appointed as follows: the Speaker and Minority Leader of the House of Representatives and the President and Minority Leader of the Senate shall each appoint one member from the General Assembly, the Governor shall appoint 4 members to represent veterans' organizations, and the Department shall appoint one member. The commission members shall serve without compensation.

The Department may accept and hold on behalf of the State, if for the public interest, a grant, gift, devise or bequest of money or property to the Department made for the general benefit of Illinois veterans, including the conduct of informational and training services by the Department and other authorized purposes of the Department. The Department shall cause each grant, gift, devise or bequest to be kept as a distinct fund and shall invest such funds in the manner provided by the Public Funds Investment Act, as now or hereafter amended, and shall make such reports as may be required by the Comptroller concerning what funds are so held and the manner in which such funds are invested. The Department

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may make grants from these funds for the general benefit of Illinois veterans. Grants from these funds, except for the funds established under Sections 2.01a and 2.03, shall be subject to appropriation.

The Department has the power to make grants, from funds appropriated from the Korean War Veterans National Museum and Library Fund, to private organizations for the benefit of the Korean War Veterans National Museum and Library.
(Source: P.A. 92-198, eff. 8-1-01; revised 9-18-01.)

Section 17. The Illinois Development Finance Authority Act is amended by changing Section 5 as follows:

(20 ILCS 3505/5) (from Ch. 48, par. 850.05)

Sec. 5. All official acts of the Authority shall require the approval of at least 9 members. It shall be the duty of the Authority to promote employment within those areas of the State duly certified from time to time by the Department of Commerce and Community Affairs as areas of critical labor surplus. To this end the Authority shall utilize the powers herein conferred upon it to assist in the development and construction or acquisition of industrial projects within such areas of the State.

The Authority is hereby authorized to utilize its powers with respect to prospective industrial projects to be located at any given time within any general areas then currently certified by the Department of Commerce and Community Affairs as areas of critical labor surplus. In addition, upon being requested to utilize its powers with respect to a prospective industrial project to be located outside of any areas then currently certified as areas of critical labor surplus, the Authority may refer such request to the Department of Commerce and Community Affairs for its determination as to whether the proposed location is within any specific area of critical labor surplus not hitherto generally certified. If the proposed location is certified by the Department as being within an area of critical labor surplus, the Authority may similarly utilize its powers with respect to such prospective industrial project.

In evaluating the eligibility of any prospective industrial project to be located within any area of critical labor surplus, the Authority shall consider: (1) the financial responsibility of the prospective applicant and user, and (2) the relationship between the amount of funds to be provided by exercise of powers of the Authority and the degree to which the project (A) will contribute to creation or retention of employment, including employment in the construction industry, (B) will contribute to the economic development of the area in which the industrial project is located and (C) will produce goods or services for which there is a need or demand.
(Source: P.A. 92-212, eff. 8-2-01; revised 12-3-01.)

Section 18. The State Finance Act is amended by setting forth and renumbering multiple versions of Sections 5.545, 5.546, and 6z-51 as follows:

(30 ILCS 105/5.543)

Sec. 5.543. 5.545. The Energy Infrastructure Fund. (Source: P.A. 92-12, eff. 7-1-01; revised 10-19-01.)

(30 ILCS 105/5.544)

Sec. 5.544. 5.546. The Energy Efficiency Investment Fund.

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New matter indicated by italics - deletions by strikeout.
Sec. 5.562. The Illinois Future Teacher Corps Scholarship Fund.

Sec. 5.563. The Illinois Animal Abuse Fund.

Sec. 5.564. The Marine Corps Scholarship Fund.

Sec. 5.565. The Chicago and Northeast Illinois District Council of Carpenters Fund.

Sec. 5.566. The Brownfields Site Restoration Program Fund. Subsections (b) and (c) of Section 5 of this Act do not apply to this Fund.

Sec. 5.567. The Secretary of State Police Services Fund.

Sec. 5.568. The Pet Overpopulation Control Fund.

(a) The Budget Stabilization Fund, a special fund in the State Treasury, shall consist of moneys appropriated or transferred to that Fund, as provided in Section 6z-43 and as otherwise provided by law.

(b) The State Comptroller may direct the State Treasurer to transfer moneys from the Budget Stabilization Fund to the General Revenue Fund in order to meet deficits resulting from timing variations between disbursements and the receipt of funds within a fiscal year. Any moneys so borrowed shall be repaid by June 30 of the fiscal year in which they were borrowed.

Sec. 6z-51. Budget Stabilization Fund.

(a) The Energy Infrastructure Fund is created as a special fund in the State Treasury.

(b) Money in the Energy Infrastructure Fund shall, if and when the State of Illinois issues any bonded indebtedness for financial assistance to new electric generating facilities, as provided in Section 605-332 of the Department of Commerce and Community Affairs

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Law of the Civil Administrative Code of Illinois, be set aside and used for the purpose of paying and discharging annually the principal and interest on that bonded indebtedness then due and payable, and for no other purpose.

In addition to other transfers to the General Obligation Bond Retirement and Interest Fund made pursuant to Section 15 of the General Obligation Bond Act, upon each delivery of bonds issued for financial assistance to new electric generating facilities under Section 605-332 of the Department of Commerce and Community Affairs Law of the Civil Administrative Code of Illinois, the State Comptroller shall compute and certify to the State Treasurer the total amount of principal and interest, and premium, if any, on such bonds during the then current and each succeeding fiscal year. On or before the last day of each month, the State Treasurer and the State Comptroller shall transfer from the Energy Infrastructure Fund to the General Obligation Bond Retirement and Interest Fund an amount sufficient to pay the aggregate of the principal of, interest on, and premium, if any, on the bonds payable on their next payment date, divided by the number of monthly transfers occurring between the last previous payment date (or the delivery date if no payment date has yet occurred) and the next succeeding payment date.

(c) To the extent that moneys in the Energy Infrastructure Fund, in the opinion of the Governor and the Director of the Bureau of the Budget, are in excess of 125% of the maximum debt service in any fiscal year, such surplus shall, subject to appropriation, be used by the Department of Commerce and Community Affairs for financial assistance under other coal development programs administered by the Department, in accordance with the rules of the Department or for other State purposes subject to appropriation.

(30 ILCS 105/6z-55)

Sec. 6z-55. Statewide Economic Development Fund. (a) The Statewide Economic Development Fund is created as a special fund in the State treasury. Moneys in the Fund shall be used, subject to appropriation, for the purpose of statewide economic development activities.

(30 ILCS 562/1.5)

Sec. 1.5. Leasing to tax delinquents prohibited. A State agency shall not lease any real property to a person who is delinquent in paying any real property taxes on a leasehold estate under Section 9-195 of the Property Tax Code. If a State agency receives notice under Section 21-63 of the Property Tax Code that a lessee of property under the agency's control is delinquent in paying property taxes, the agency shall notify the lessee that the lessee has 60 days to pay the delinquent taxes, plus penalties and interest, if any, or the lease shall be terminated. If the lessee fails to submit proof to the agency that the lessee has paid the taxes, penalties, and interest, the agency shall terminate the lease. A person whose lease was terminated under this Section is not allowed to lease State-owned real property or bid on a lease for State-owned real property for a period of 2 years after the termination of the lease.

New matter indicated by italics - deletions by strikeout.
Within 60 days after the effective date of this Act and within 60 days after entering into an agreement to lease State-owned real property, the State agency leasing the State-owned real property shall notify the county clerk of the county in which the real property is located of the name and mailing address of the lessee.
(Source: P.A. 88-676, eff. 12-14-94; revised 12-13-01.)

Section 20. The State Property Control Act is amended by changing Section 1.02 as follows:

(30 ILCS 605/1.02) (from Ch. 127, par. 133b3)

Sec. 1.02. "Property" means State owned property and includes all real estate, with the exception of rights of way for State water resource and highway improvements, traffic signs and traffic signals, and with the exception of common school property; and all tangible personal property with the exception of properties specifically exempted by the administrator, provided that any property originally classified as real property which has been detached from its structure shall be classified as personal property.

"Property" does not include property owned by the Illinois Medical District Commission and leased or occupied by others for purposes permitted under the Illinois Medical District Act. "Property" also does not include property owned and held by the Illinois Medical District Commission for redevelopment.

"Property" does not include that property described under Section 5 of Public Act 92-371 this amendatory Act of the 92nd General Assembly with respect to depositing the net proceeds from the sale or exchange of the property as provided in Section 10 of that this amendatory Act of the 92nd General Assembly.
(Source: P.A. 92-371, eff. 8-15-01; revised 10-9-01.)

Section 21. The Downstate Public Transportation Act is amended by changing Section 2-2.04 as follows:

(30 ILCS 740/2-2.04) (from Ch. 111 2/3, par. 662.04)

Sec. 2-2.04. "Eligible operating expenses" means all expenses required for public transportation, including employee wages and benefits, materials, fuels, supplies, rental of facilities, taxes other than income taxes, payment made for debt service (including principal and interest) on publicly owned equipment or facilities, and any other expenditure which is an operating expense according to standard accounting practices for the providing of public transportation. Eligible operating expenses shall not include allowances: (a) for depreciation whether funded or unfunded; (b) for amortization of any intangible costs; (c) for debt service on capital acquired with the assistance of capital grant funds provided by the State of Illinois; (d) for profits or return on investment; (e) for excessive payment to associated entities; (f) for Comprehensive Employment Training Act expenses; (g) for costs reimbursed under Sections 6 and 8 of the "Urban Mass Transportation Act of 1964", as amended; (h) for entertainment expenses; (i) for charter expenses; (j) for fines and penalties; (k) for charitable donations; (l) for interest expense on long term borrowing and debt retirement other than on publicly owned equipment or facilities; (m) for income taxes; or (n) for such other expenses as the Department may determine consistent with federal Department of Transportation regulations or requirements.

New matter indicated by italics - deletions by strikeout.
With respect to participants other than any Metro-East Transit District participant and those receiving federal research development and demonstration funds pursuant to Section 6 of the "Urban Mass Transportation Act of 1964", as amended, during the fiscal year ending June 30, 1979, the maximum eligible operating expenses for any such participant in any fiscal year after Fiscal Year 1980 shall be the amount appropriated for such participant for the fiscal year ending June 30, 1980, plus in each year a 10% increase over the maximum established for the preceding fiscal year. For Fiscal Year 1980 the maximum eligible operating expenses for any such participant shall be the amount of projected operating expenses upon which the appropriation for such participant for Fiscal Year 1980 is based.

With respect to participants receiving federal research development and demonstration operating assistance funds for operating assistance pursuant to Section 6 of the "Urban Mass Transportation Act of 1964", as amended, during the fiscal year ending June 30, 1979, the maximum eligible operating expenses for any such participant in any fiscal year after Fiscal Year 1980 shall not exceed such participant's eligible operating expenses for the fiscal year ending June 30, 1980, plus in each year a 10% increase over the maximum established for the preceding fiscal year. For Fiscal Year 1980, the maximum eligible operating expenses for any such participant shall be the eligible operating expenses incurred during such fiscal year, or projected operating expenses upon which the appropriation for such participant for the Fiscal Year 1980 is based; whichever is less.

With respect to all participants other than any Metro-East Transit District participant, the maximum eligible operating expenses for any such participant in any fiscal year after Fiscal Year 1985 shall be the amount appropriated for such participant for the fiscal year ending June 30, 1985, plus in each year a 10% increase over the maximum established for the preceding year. For Fiscal Year 1985, the maximum eligible operating expenses for any such participant shall be the amount of projected operating expenses upon which the appropriation for such participant for Fiscal Year 1985 is based.

With respect to any mass transit district participant that has increased its district boundaries by annexing counties since 1998 and is maintaining a level of local financial support, including all income and revenues, equal to or greater than the level in the State fiscal year ending June 30, 2001, the maximum eligible operating expenses for any State fiscal year after 2002 shall be the amount appropriated for that participant for the State fiscal year ending June 30, 2002, plus, in each State fiscal year, a 10% increase over the preceding State fiscal year. For State fiscal year 2002, the maximum eligible operating expenses for any such participant shall be the amount of projected operating expenses upon which the appropriation for that participant for State fiscal year 2002 is based. For that participant, eligible operating expenses for State fiscal year 2002 in excess of the eligible operating expenses for the State fiscal year ending June 30, 2001, plus 10%, must be attributed to the provision of services in the newly annexed counties.

With respect to a participant that receives an initial appropriation in State fiscal year 2002, the maximum eligible operating expenses for any State fiscal year after 2003 shall be the amount appropriated for that participant for the State fiscal year ending June 30, 2003, plus, in each year, a 10% increase over the preceding year. For State fiscal year 2003, the
maximum eligible operating expenses for any such participant shall be the amount of projected operating expenses upon which the appropriation for that participant for State fiscal year 2003 is based.  

(Source: P.A. 92-258, eff. 8-7-01; 92-464, eff. 8-22-01; revised 10-15-01.)

Section 22. The State Mandates Act is amended by changing Sections 8.24 and 8.25 as follows:

(30 ILCS 805/8.24)

Sec. 8.24. Exempt mandate. Notwithstanding Sections 6 and 8 of this Act, no reimbursement by the State is required for the implementation of any mandate created by  

Public Act 91-699, 91-722, 91-834, 91-852, 91-870, 91-885, 91-887, or 91-897, 91-939, or 91-954, this amendatory Act of the 91st General Assembly.  

(Source: P.A. 91-699, eff. 1-1-01; 91-722, eff. 6-2-00; 91-834, eff. 1-1-01; 91-852, eff. 6-22-00; 91-870, eff. 6-22-00; 91-885, eff. 7-6-00; 91-887, eff. 7-6-00; 91-897, eff. 7-6-00; 91-939, eff. 2-1-01; 91-954, eff. 1-1-02; 92-16, eff. 6-28-01; revised 7-23-01.)

(30 ILCS 805/8.25)

Sec. 8.25. Exempt mandate. Notwithstanding Sections 6 and 8 of this Act, no reimbursement by the State is required for the implementation of any mandate created by  


(Source: P.A. 92-36, eff. 6-28-01; 92-50, eff. 7-12-01; 92-52, eff. 7-12-01; 92-53, eff. 7-12-01; 92-166, eff. 1-1-02; 92-281, eff. 8-7-01; 92-382, eff. 8-16-01; 92-388, eff. 1-1-02; 92-416, eff. 8-17-01; 92-424, eff. 8-17-01; 92-465, eff. 1-1-02; revised 10-17-01.)

Section 23. The Illinois Income Tax Act is amended by changing Sections 201, 203, 509, and 510 and setting forth and renumbering multiple versions of Section 507V as follows:

(35 ILCS 5/201) (from Ch. 120, par. 2-201)

Sec. 201. Tax Imposed.

(a) In general. A tax measured by net income is hereby imposed on every individual, corporation, trust and estate for each taxable year ending after July 31, 1969 on the privilege of earning or receiving income in or as a resident of this State. Such tax shall be in addition to all other occupation or privilege taxes imposed by this State or by any municipal corporation or political subdivision thereof.

(b) Rates. The tax imposed by subsection (a) of this Section shall be determined as follows, except as adjusted by subsection (d-1):

(1) In the case of an individual, trust or estate, for taxable years ending prior to July 1, 1989, an amount equal to 2 1/2% of the taxpayer's net income for the taxable year.

(2) In the case of an individual, trust or estate, for taxable years beginning prior to July 1, 1989 and ending after June 30, 1989, an amount equal to the sum of (i) 2 1/2% of the taxpayer's net income for the period prior to July 1, 1989, as calculated under Section 202.3, and (ii) 3% of the taxpayer's net income for the period after June 30, 1989, as calculated under Section 202.3.

New matter indicated by italics - deletions by strikeout.
(3) In the case of an individual, trust or estate, for taxable years beginning after June 30, 1989, an amount equal to 3% of the taxpayer's net income for the taxable year.

(4) (Blank).

(5) (Blank).

(6) In the case of a corporation, for taxable years ending prior to July 1, 1989, an amount equal to 4% of the taxpayer's net income for the taxable year.

(7) In the case of a corporation, for taxable years beginning prior to July 1, 1989 and ending after June 30, 1989, an amount equal to the sum of (i) 4% of the taxpayer's net income for the period prior to July 1, 1989, as calculated under Section 202.3, and (ii) 4.8% of the taxpayer's net income for the period after June 30, 1989, as calculated under Section 202.3.

(8) In the case of a corporation, for taxable years beginning after June 30, 1989, an amount equal to 4.8% of the taxpayer's net income for the taxable year.

(c) Personal Property Tax Replacement Income Tax. Beginning on July 1, 1979 and thereafter, in addition to such income tax, there is also hereby imposed the Personal Property Tax Replacement Income Tax measured by net income on every corporation (including Subchapter S corporations), partnership and trust, for each taxable year ending after June 30, 1979. Such taxes are imposed on the privilege of earning or receiving income in or as a resident of this State. The Personal Property Tax Replacement Income Tax shall be in addition to the income tax imposed by subsections (a) and (b) of this Section and in addition to all other occupation or privilege taxes imposed by this State or by any municipal corporation or political subdivision thereof.

(d) Additional Personal Property Tax Replacement Income Tax Rates. The personal property tax replacement income tax imposed by this subsection and subsection (c) of this Section in the case of a corporation, other than a Subchapter S corporation and except as adjusted by subsection (d-1), shall be an additional amount equal to 2.85% of such taxpayer's net income for the taxable year, except that beginning on January 1, 1981, and thereafter, the rate of 2.85% specified in this subsection shall be reduced to 2.5%, and in the case of a partnership, trust or a Subchapter S corporation shall be an additional amount equal to 1.5% of such taxpayer's net income for the taxable year.

(d-1) Rate reduction for certain foreign insurers. In the case of a foreign insurer, as defined by Section 35A-5 of the Illinois Insurance Code, whose state or country of domicile imposes on insurers domiciled in Illinois a retaliatory tax (excluding any insurer whose premiums from reinsurance assumed are 50% or more of its total insurance premiums as determined under paragraph (2) of subsection (b) of Section 304, except that for purposes of this determination premiums from reinsurance do not include premiums from inter-affiliate reinsurance arrangements), beginning with taxable years ending on or after December 31, 1999, the sum of the rates of tax imposed by subsections (b) and (d) shall be reduced (but not increased) to the rate at which the total amount of tax imposed under this Act, net of all credits allowed under this Act, shall equal (i) the total amount of tax that would be imposed on the foreign insurer's net income allocable to Illinois for the taxable year by such foreign

New matter indicated by italics - deletions by strikeout.
insurer's state or country of domicile if that net income were subject to all income taxes and taxes measured by net income imposed by such foreign insurer's state or country of domicile, net of all credits allowed or (ii) a rate of zero if no such tax is imposed on such income by the foreign insurer's state of domicile. For the purposes of this subsection (d-1), an inter-affiliate includes a mutual insurer under common management.

(1) For the purposes of subsection (d-1), in no event shall the sum of the rates of tax imposed by subsections (b) and (d) be reduced below the rate at which the sum of:

(A) the total amount of tax imposed on such foreign insurer under this Act for a taxable year, net of all credits allowed under this Act, plus

(B) the privilege tax imposed by Section 409 of the Illinois Insurance Code, the fire insurance company tax imposed by Section 12 of the Fire Investigation Act, and the fire department taxes imposed under Section 11-10-1 of the Illinois Municipal Code,

equals 1.25% of the net taxable premiums written for the taxable year, as described by subsection (1) of Section 409 of the Illinois Insurance Code. This paragraph will in no event increase the rates imposed under subsections (b) and (d).

(2) Any reduction in the rates of tax imposed by this subsection shall be applied first against the rates imposed by subsection (b) and only after the tax imposed by subsection (a) net of all credits allowed under this Section other than the credit allowed under subsection (i) has been reduced to zero, against the rates imposed by subsection (d).

This subsection (d-1) is exempt from the provisions of Section 250.

(e) Investment credit. A taxpayer shall be allowed a credit against the Personal Property Tax Replacement Income Tax for investment in qualified property.

(1) A taxpayer shall be allowed a credit equal to .5% of the basis of qualified property placed in service during the taxable year, provided such property is placed in service on or after July 1, 1984. There shall be allowed an additional credit equal to .5% of the basis of qualified property placed in service during the taxable year, provided such property is placed in service on or after July 1, 1986, and the taxpayer's base employment within Illinois has increased by 1% or more over the preceding year as determined by the taxpayer's employment records filed with the Illinois Department of Employment Security. Taxpayers who are new to Illinois shall be deemed to have met the 1% growth in base employment for the first year in which they file employment records with the Illinois Department of Employment Security. The provisions added to this Section by Public Act 85-1200 (and restored by Public Act 87-895) shall be construed as declaratory of existing law and not as a new enactment. If, in any year, the increase in base employment within Illinois over the preceding year is less than 1%, the additional credit shall be limited to that percentage times a fraction, the numerator of which is .5% and the denominator of which is 1%, but shall not exceed .5%. The investment credit shall not be allowed to the extent that it would reduce a taxpayer's liability in any tax year below zero, nor
may any credit for qualified property be allowed for any year other than the year in which the property was placed in service in Illinois. For tax years ending on or after December 31, 1987, and on or before December 31, 1988, the credit shall be allowed for the tax year in which the property is placed in service, or, if the amount of the credit exceeds the tax liability for that year, whether it exceeds the original liability or the liability as later amended, such excess may be carried forward and applied to the tax liability of the 5 taxable years following the excess credit years if the taxpayer (i) makes investments which cause the creation of a minimum of 2,000 full-time equivalent jobs in Illinois, (ii) is located in an enterprise zone established pursuant to the Illinois Enterprise Zone Act and (iii) is certified by the Department of Commerce and Community Affairs as complying with the requirements specified in clause (i) and (ii) by July 1, 1986. The Department of Commerce and Community Affairs shall notify the Department of Revenue of all such certifications immediately. For tax years ending after December 31, 1988, the credit shall be allowed for the tax year in which the property is placed in service, or, if the amount of the credit exceeds the tax liability for that year, whether it exceeds the original liability or the liability as later amended, such excess may be carried forward and applied to the tax liability of the 5 taxable years following the excess credit years. The credit shall be applied to the earliest year for which there is a liability. If there is credit from more than one tax year that is available to offset a liability, earlier credit shall be applied first.

(2) The term "qualified property" means property which:
   (A) is tangible, whether new or used, including buildings and structural components of buildings and signs that are real property, but not including land or improvements to real property that are not a structural component of a building such as landscaping, sewer lines, local access roads, fencing, parking lots, and other appurtenances;
   (B) is depreciable pursuant to Section 167 of the Internal Revenue Code, except that "3-year property" as defined in Section 168(c)(2)(A) of that Code is not eligible for the credit provided by this subsection (e);
   (C) is acquired by purchase as defined in Section 179(d) of the Internal Revenue Code;
   (D) is used in Illinois by a taxpayer who is primarily engaged in manufacturing, or in mining coal or fluorite, or in retailing; and
   (E) has not previously been used in Illinois in such a manner and by such a person as would qualify for the credit provided by this subsection (e) or subsection (f).

(3) For purposes of this subsection (e), "manufacturing" means the material staging and production of tangible personal property by procedures commonly regarded as manufacturing, processing, fabrication, or assembling which changes some existing material into new shapes, new qualities, or new combinations. For purposes of this subsection (e) the term "mining" shall have the same meaning as the term "mining" in Section 613(c) of the Internal Revenue Code. For purposes of this

New matter indicated by italics - deletions by strikeout.
subsection (e), the term "retailing" means the sale of tangible personal property or services rendered in conjunction with the sale of tangible consumer goods or commodities.

(4) The basis of qualified property shall be the basis used to compute the depreciation deduction for federal income tax purposes.

(5) If the basis of the property for federal income tax depreciation purposes is increased after it has been placed in service in Illinois by the taxpayer, the amount of such increase shall be deemed property placed in service on the date of such increase in basis.

(6) The term "placed in service" shall have the same meaning as under Section 46 of the Internal Revenue Code.

(7) If during any taxable year, any property ceases to be qualified property in the hands of the taxpayer within 48 months after being placed in service, or the situs of any qualified property is moved outside Illinois within 48 months after being placed in service, the Personal Property Tax Replacement Income Tax for such taxable year shall be increased. Such increase shall be determined by (i) recomputing the investment credit which would have been allowed for the year in which credit for such property was originally allowed by eliminating such property from such computation and, (ii) subtracting such recomputed credit from the amount of credit previously allowed. For the purposes of this paragraph (7), a reduction of the basis of qualified property resulting from a redetermination of the purchase price shall be deemed a disposition of qualified property to the extent of such reduction.

(8) Unless the investment credit is extended by law, the basis of qualified property shall not include costs incurred after December 31, 2003, except for costs incurred pursuant to a binding contract entered into on or before December 31, 2003.

(9) Each taxable year ending before December 31, 2000, a partnership may elect to pass through to its partners the credits to which the partnership is entitled under this subsection (e) for the taxable year. A partner may use the credit allocated to him or her under this paragraph only against the tax imposed in subsections (c) and (d) of this Section. If the partnership makes that election, those credits shall be allocated among the partners in the partnership in accordance with the rules set forth in Section 704(b) of the Internal Revenue Code, and the rules promulgated under that Section, and the allocated amount of the credits shall be allowed to the partners for that taxable year. The partnership shall make this election on its Personal Property Tax Replacement Income Tax return for that taxable year. The election to pass through the credits shall be irrevocable.

For taxable years ending on or after December 31, 2000, a partner that qualifies its partnership for a subtraction under subparagraph (I) of paragraph (2) of subsection (d) of Section 203 or a shareholder that qualifies a Subchapter S corporation for a subtraction under subparagraph (S) of paragraph (2) of subsection (b) of Section 203 shall be allowed a credit under this subsection (e) equal to its share of the credit earned under this subsection (e) during the taxable year by the
partnership or Subchapter S corporation, determined in accordance with the
determination of income and distributive share of income under Sections 702 and
704 and Subchapter S of the Internal Revenue Code. This paragraph is exempt from
the provisions of Section 250.

(f) Investment credit; Enterprise Zone.

(1) A taxpayer shall be allowed a credit against the tax imposed by
 subsections (a) and (b) of this Section for investment in qualified property which is
placed in service in an Enterprise Zone created pursuant to the Illinois Enterprise
Zone Act. For partners, shareholders of Subchapter S corporations, and owners of
limited liability companies, if the liability company is treated as a partnership for
purposes of federal and State income taxation, there shall be allowed a credit under
this subsection (f) to be determined in accordance with the determination of income
and distributive share of income under Sections 702 and 704 and Subchapter S of the
Internal Revenue Code. The credit shall be .5% of the basis for such property. The
credit shall be available only in the taxable year in which the property is placed in
service in the Enterprise Zone and shall not be allowed to the extent that it would
reduce a taxpayer's liability for the tax imposed by subsections (a) and (b) of this
Section to below zero. For tax years ending on or after December 31, 1985, the credit
shall be allowed for the tax year in which the property is placed in service, or, if the
amount of the credit exceeds the tax liability for that year, whether it exceeds the
original liability or the liability as later amended, such excess may be carried forward
and applied to the tax liability of the 5 taxable years following the excess credit year.
The credit shall be applied to the earliest year for which there is a liability. If there
is credit from more than one tax year that is available to offset a liability, the credit
accruing first in time shall be applied first.

(2) The term qualified property means property which:

(A) is tangible, whether new or used, including buildings and
 structural components of buildings;

(B) is depreciable pursuant to Section 167 of the Internal Revenue
 Code, except that "3-year property" as defined in Section 168(c)(2)(A) of that
 Code is not eligible for the credit provided by this subsection (f);

(C) is acquired by purchase as defined in Section 179(d) of the
 Internal Revenue Code;

(D) is used in the Enterprise Zone by the taxpayer; and

(E) has not been previously used in Illinois in such a manner and by
 such a person as would qualify for the credit provided by this subsection (f)
or subsection (e).

(3) The basis of qualified property shall be the basis used to compute the
depreciation deduction for federal income tax purposes.

(4) If the basis of the property for federal income tax depreciation purposes
is increased after it has been placed in service in the Enterprise Zone by the taxpayer,
the amount of such increase shall be deemed property placed in service on the date

New matter indicated by italics - deletions by strikeout.
(5) The term "placed in service" shall have the same meaning as under Section 46 of the Internal Revenue Code.

(6) If during any taxable year, any property ceases to be qualified property in the hands of the taxpayer within 48 months after being placed in service, or the situs of any qualified property is moved outside the Enterprise Zone within 48 months after being placed in service, the tax imposed under subsections (a) and (b) of this Section for such taxable year shall be increased. Such increase shall be determined by (i) recomputing the investment credit which would have been allowed for the year in which credit for such property was originally allowed by eliminating such property from such computation, and (ii) subtracting such recomputed credit from the amount of credit previously allowed. For the purposes of this paragraph (6), a reduction of the basis of qualified property resulting from a redetermination of the purchase price shall be deemed a disposition of qualified property to the extent of such reduction.

(g) Jobs Tax Credit; Enterprise Zone and Foreign Trade Zone or Sub-Zone.

(1) A taxpayer conducting a trade or business in an enterprise zone or a High Impact Business designated by the Department of Commerce and Community Affairs conducting a trade or business in a federally designated Foreign Trade Zone or Sub-Zone shall be allowed a credit against the tax imposed by subsections (a) and (b) of this Section in the amount of $500 per eligible employee hired to work in the zone during the taxable year.

(2) To qualify for the credit:
   (A) the taxpayer must hire 5 or more eligible employees to work in an enterprise zone or federally designated Foreign Trade Zone or Sub-Zone during the taxable year;
   (B) the taxpayer's total employment within the enterprise zone or federally designated Foreign Trade Zone or Sub-Zone must increase by 5 or more full-time employees beyond the total employed in that zone at the end of the previous tax year for which a jobs tax credit under this Section was taken, or beyond the total employed by the taxpayer as of December 31, 1985, whichever is later; and
   (C) the eligible employees must be employed 180 consecutive days in order to be deemed hired for purposes of this subsection.

(3) An "eligible employee" means an employee who is:
   (A) Certified by the Department of Commerce and Community Affairs as "eligible for services" pursuant to regulations promulgated in accordance with Title II of the Job Training Partnership Act, Training Services for the Disadvantaged or Title III of the Job Training Partnership Act, Employment and Training Assistance for Dislocated Workers Program.
   (B) Hired after the enterprise zone or federally designated Foreign Trade Zone or Sub-Zone was designated or the trade or business was located in that zone, whichever is later.
(C) Employed in the enterprise zone or Foreign Trade Zone or Sub-Zone. An employee is employed in an enterprise zone or federally designated Foreign Trade Zone or Sub-Zone if his services are rendered there or it is the base of operations for the services performed.

(D) A full-time employee working 30 or more hours per week.

(4) For tax years ending on or after December 31, 1985 and prior to December 31, 1988, the credit shall be allowed for the tax year in which the eligible employees are hired. For tax years ending on or after December 31, 1988, the credit shall be allowed for the tax year immediately following the tax year in which the eligible employees are hired. If the amount of the credit exceeds the tax liability for that year, whether it exceeds the original liability or the liability as later amended, such excess may be carried forward and applied to the tax liability of the 5 taxable years following the excess credit year. The credit shall be applied to the earliest year for which there is a liability. If there is credit from more than one tax year that is available to offset a liability, earlier credit shall be applied first.

(5) The Department of Revenue shall promulgate such rules and regulations as may be deemed necessary to carry out the purposes of this subsection (g).

(6) The credit shall be available for eligible employees hired on or after January 1, 1986.

(h) Investment credit; High Impact Business.

(1) Subject to subsections (b) and (b-5) of Section 5.5 of the Illinois Enterprise Zone Act, a taxpayer shall be allowed a credit against the tax imposed by subsections (a) and (b) of this Section for investment in qualified property which is placed in service by a Department of Commerce and Community Affairs designated High Impact Business. The credit shall be .5% of the basis for such property. The credit shall not be available (i) until the minimum investments in qualified property set forth in subdivision (a)(3)(A) of Section 5.5 of the Illinois Enterprise Zone Act have been satisfied or (ii) until the time authorized in subsection (b-5) of the Illinois Enterprise Zone Act for entities designated as High Impact Businesses under subdivisions (a)(3)(B), (a)(3)(C), and (a)(3)(D) of Section 5.5 of the Illinois Enterprise Zone Act, and shall not be allowed to the extent that it would reduce a taxpayer's liability for the tax imposed by subsections (a) and (b) of this Section to below zero. The credit applicable to such investments shall be taken in the taxable year in which such investments have been completed. The credit for additional investments beyond the minimum investment by a designated high impact business authorized under subdivision (a)(3)(A) of Section 5.5 of the Illinois Enterprise Zone Act shall be available only in the taxable year in which the property is placed in service and shall not be allowed to the extent that it would reduce a taxpayer's liability for the tax imposed by subsections (a) and (b) of this Section to below zero. For tax years ending on or after December 31, 1987, the credit shall be allowed for the tax year in which the property is placed in service, or, if the amount of the credit exceeds the tax liability for that year, whether it exceeds the original liability or the
liability as later amended, such excess may be carried forward and applied to the tax liability of the 5 taxable years following the excess credit year. The credit shall be applied to the earliest year for which there is a liability. If there is credit from more than one tax year that is available to offset a liability, the credit accruing first in time shall be applied first.

Changes made in this subdivision (h)(1) by Public Act 88-670 restore changes made by Public Act 85-1182 and reflect existing law.

(2) The term qualified property means property which:

(A) is tangible, whether new or used, including buildings and structural components of buildings;

(B) is depreciable pursuant to Section 167 of the Internal Revenue Code, except that "3-year property" as defined in Section 168(c)(2)(A) of that Code is not eligible for the credit provided by this subsection (h);

(C) is acquired by purchase as defined in Section 179(d) of the Internal Revenue Code; and

(D) is not eligible for the Enterprise Zone Investment Credit provided by subsection (f) of this Section.

(3) The basis of qualified property shall be the basis used to compute the depreciation deduction for federal income tax purposes.

(4) If the basis of the property for federal income tax depreciation purposes is increased after it has been placed in service in a federally designated Foreign Trade Zone or Sub-Zone located in Illinois by the taxpayer, the amount of such increase shall be deemed property placed in service on the date of such increase in basis.

(5) The term "placed in service" shall have the same meaning as under Section 46 of the Internal Revenue Code.

(6) If during any taxable year ending on or before December 31, 1996, any property ceases to be qualified property in the hands of the taxpayer within 48 months after being placed in service, or the situs of any qualified property is moved outside Illinois within 48 months after being placed in service, the tax imposed under subsections (a) and (b) of this Section for such taxable year shall be increased. Such increase shall be determined by (i) recomputing the investment credit which would have been allowed for the year in which credit for such property was originally allowed by eliminating such property from such computation, and (ii) subtracting such recomputed credit from the amount of credit previously allowed. For the purposes of this paragraph (6), a reduction of the basis of qualified property resulting from a redetermination of the purchase price shall be deemed a disposition of qualified property to the extent of such reduction.

(7) Beginning with tax years ending after December 31, 1996, if a taxpayer qualifies for the credit under this subsection (h) and thereby is granted a tax abatement and the taxpayer relocates its entire facility in violation of the explicit terms and length of the contract under Section 18-183 of the Property Tax Code, the tax imposed under subsections (a) and (b) of this Section shall be increased for the
taxable year in which the taxpayer relocated its facility by an amount equal to the amount of credit received by the taxpayer under this subsection (h).

(i) Credit for Personal Property Tax Replacement Income Tax. A credit shall be allowed against the tax imposed by subsections (a) and (b) of this Section for the tax imposed by subsections (c) and (d) of this Section. This credit shall be computed by multiplying the tax imposed by subsections (c) and (d) of this Section by a fraction, the numerator of which is base income allocable to Illinois and the denominator of which is Illinois base income, and further multiplying the product by the tax rate imposed by subsections (a) and (b) of this Section.

Any credit earned on or after December 31, 1986 under this subsection which is unused in the year the credit is computed because it exceeds the tax liability imposed by subsections (a) and (b) for that year (whether it exceeds the original liability or the liability as later amended) may be carried forward and applied to the tax liability imposed by subsections (a) and (b) of the 5 taxable years following the excess credit year. This credit shall be applied first to the earliest year for which there is a liability. If there is a credit under this subsection from more than one tax year that is available to offset a liability the earliest credit arising under this subsection shall be applied first.

If, during any taxable year ending on or after December 31, 1986, the tax imposed by subsections (c) and (d) of this Section for which a taxpayer has claimed a credit under this subsection (i) is reduced, the amount of credit for such tax shall also be reduced. Such reduction shall be determined by recomputing the credit to take into account the reduced tax imposed by subsections (c) and (d). If any portion of the reduced amount of credit has been carried to a different taxable year, an amended return shall be filed for such taxable year to reduce the amount of credit claimed.

(j) Training expense credit. Beginning with tax years ending on or after December 31, 1986, a taxpayer shall be allowed a credit against the tax imposed by subsections (a) and (b) under this Section for all amounts paid or accrued, on behalf of all persons employed by the taxpayer in Illinois or Illinois residents employed outside of Illinois by a taxpayer, for educational or vocational training in semi-technical or technical fields or semi-skilled or skilled fields, which were deducted from gross income in the computation of taxable income. The credit against the tax imposed by subsections (a) and (b) shall be 1.6% of such training expenses. For partners, shareholders of subchapter S corporations, and owners of limited liability companies, if the liability company is treated as a partnership for purposes of federal and State income taxation, there shall be allowed a credit under this subsection (j) to be determined in accordance with the determination of income and distributive share of income under Sections 702 and 704 and subchapter S of the Internal Revenue Code.

Any credit allowed under this subsection which is unused in the year the credit is earned may be carried forward to each of the 5 taxable years following the year for which the credit is first computed until it is used. This credit shall be applied first to the earliest year for which there is a liability. If there is a credit under this subsection from more than one tax year that is available to offset a liability the earliest credit arising under this subsection shall be applied first.
be applied first.

(k) Research and development credit.

Beginning with tax years ending after July 1, 1990, a taxpayer shall be allowed a credit against the tax imposed by subsections (a) and (b) of this Section for increasing research activities in this State. The credit allowed against the tax imposed by subsections (a) and (b) shall be equal to 6 1/2% of the qualifying expenditures for increasing research activities in this State. For partners, shareholders of subchapter S corporations, and owners of limited liability companies, if the liability company is treated as a partnership for purposes of federal and State income taxation, there shall be allowed a credit under this subsection to be determined in accordance with the determination of income and distributive share of income under Sections 702 and 704 and subchapter S of the Internal Revenue Code.

For purposes of this subsection, "qualifying expenditures" means the qualifying expenditures as defined for the federal credit for increasing research activities which would be allowable under Section 41 of the Internal Revenue Code and which are conducted in this State, "qualifying expenditures for increasing research activities in this State" means the excess of qualifying expenditures for the taxable year in which incurred over qualifying expenditures for the base period, "qualifying expenditures for the base period" means the average of the qualifying expenditures for each year in the base period, and "base period" means the 3 taxable years immediately preceding the taxable year for which the determination is being made.

Any credit in excess of the tax liability for the taxable year may be carried forward. A taxpayer may elect to have the unused credit shown on its final completed return carried over as a credit against the tax liability for the following 5 taxable years or until it has been fully used, whichever occurs first.

If an unused credit is carried forward to a given year from 2 or more earlier years, that credit arising in the earliest year will be applied first against the tax liability for the given year. If a tax liability for the given year still remains, the credit from the next earliest year will then be applied, and so on, until all credits have been used or no tax liability for the given year remains. Any remaining unused credit or credits then will be carried forward to the next following year in which a tax liability is incurred, except that no credit can be carried forward to a year which is more than 5 years after the year in which the expense for which the credit is given was incurred.

Unless extended by law, the credit shall not include costs incurred after December 31, 2004, except for costs incurred pursuant to a binding contract entered into on or before December 31, 2004.

No inference shall be drawn from this amendatory Act of the 91st General Assembly in construing this Section for taxable years beginning before January 1, 1999.

(l) Environmental Remediation Tax Credit.

(i) For tax years ending after December 31, 1997 and on or before December 31, 2001, a taxpayer shall be allowed a credit against the tax imposed by subsections (a) and (b) of this Section for certain amounts paid for unreimbursed eligible remediation costs, as specified in this subsection. For purposes of this Section,
"unreimbursed eligible remediation costs" means costs approved by the Illinois Environmental Protection Agency ("Agency") under Section 58.14 of the Environmental Protection Act that were paid in performing environmental remediation at a site for which a No Further Remediation Letter was issued by the Agency and recorded under Section 58.10 of the Environmental Protection Act. The credit must be claimed for the taxable year in which Agency approval of the eligible remediation costs is granted. The credit is not available to any taxpayer if the taxpayer or any related party caused or contributed to, in any material respect, a release of regulated substances on, in, or under the site that was identified and addressed by the remedial action pursuant to the Site Remediation Program of the Environmental Protection Act. After the Pollution Control Board rules are adopted pursuant to the Illinois Administrative Procedure Act for the administration and enforcement of Section 58.9 of the Environmental Protection Act, determinations as to credit availability for purposes of this Section shall be made consistent with those rules. For purposes of this Section, "taxpayer" includes a person whose tax attributes the taxpayer has succeeded to under Section 381 of the Internal Revenue Code and "related party" includes the persons disallowed a deduction for losses by paragraphs (b), (c), and (f)(1) of Section 267 of the Internal Revenue Code by virtue of being a related taxpayer, as well as any of its partners. The credit allowed against the tax imposed by subsections (a) and (b) shall be equal to 25% of the unreimbursed eligible remediation costs in excess of $100,000 per site, except that the $100,000 threshold shall not apply to any site contained in an enterprise zone as determined by the Department of Commerce and Community Affairs. The total credit allowed shall not exceed $40,000 per year with a maximum total of $150,000 per site. For partners and shareholders of subchapter S corporations, there shall be allowed a credit under this subsection to be determined in accordance with the determination of income and distributive share of income under Sections 702 and 704 and subchapter S of the Internal Revenue Code.

(ii) A credit allowed under this subsection that is unused in the year the credit is earned may be carried forward to each of the 5 taxable years following the year for which the credit is first earned until it is used. The term "unused credit" does not include any amounts of unreimbursed eligible remediation costs in excess of the maximum credit per site authorized under paragraph (i). This credit shall be applied first to the earliest year for which there is a liability. If there is a credit under this subsection from more than one tax year that is available to offset a liability, the earliest credit arising under this subsection shall be applied first. A credit allowed under this subsection may be sold to a buyer as part of a sale of all or part of the remediation site for which the credit was granted. The purchaser of a remediation site and the tax credit shall succeed to the unused credit and remaining carry-forward period of the seller. To perfect the transfer, the assignor shall record the transfer in the chain of title for the site and provide written notice to the Director of the Illinois Department of Revenue of the assignor's intent to sell the remediation site and the
amount of the tax credit to be transferred as a portion of the sale. In no event may a credit be transferred to any taxpayer if the taxpayer or a related party would not be eligible under the provisions of subsection (i).

   (iii) For purposes of this Section, the term "site" shall have the same meaning as under Section 58.2 of the Environmental Protection Act.

   (m) Education expense credit.

   Beginning with tax years ending after December 31, 1999, a taxpayer who is the custodian of one or more qualifying pupils shall be allowed a credit against the tax imposed by subsections (a) and (b) of this Section for qualified education expenses incurred on behalf of the qualifying pupils. The credit shall be equal to 25% of qualified education expenses, but in no event may the total credit under this Section claimed by a family that is the custodian of qualifying pupils exceed $500. In no event shall a credit under this subsection reduce the taxpayer's liability under this Act to less than zero. This subsection is exempt from the provisions of Section 250 of this Act.

   For purposes of this subsection:

   "Qualifying pupils" means individuals who (i) are residents of the State of Illinois, (ii) are under the age of 21 at the close of the school year for which a credit is sought, and (iii) during the school year for which a credit is sought were full-time pupils enrolled in a kindergarten through twelfth grade education program at any school, as defined in this subsection.

   "Qualified education expense" means the amount incurred on behalf of a qualifying pupil in excess of $250 for tuition, book fees, and lab fees at the school in which the pupil is enrolled during the regular school year.

   "School" means any public or nonpublic elementary or secondary school in Illinois that is in compliance with Title VI of the Civil Rights Act of 1964 and attendance at which satisfies the requirements of Section 26-1 of the School Code, except that nothing shall be construed to require a child to attend any particular public or nonpublic school to qualify for the credit under this Section.

   "Custodian" means, with respect to qualifying pupils, an Illinois resident who is a parent, the parents, a legal guardian, or the legal guardians of the qualifying pupils.

(35 ILCS 5/203) (from Ch. 120, par. 2-203)

Sec. 203. Base income defined.

   (a) Individuals.

   (1) In general. In the case of an individual, base income means an amount equal to the taxpayer's adjusted gross income for the taxable year as modified by paragraph (2).

   (2) Modifications. The adjusted gross income referred to in paragraph (1) shall be modified by adding thereto the sum of the following amounts:

       (A) An amount equal to all amounts paid or accrued to the taxpayer
as interest or dividends during the taxable year to the extent excluded from gross income in the computation of adjusted gross income, except stock dividends of qualified public utilities described in Section 305(e) of the Internal Revenue Code;

(B) An amount equal to the amount of tax imposed by this Act to the extent deducted from gross income in the computation of adjusted gross income for the taxable year;

(C) An amount equal to the amount received during the taxable year as a recovery or refund of real property taxes paid with respect to the taxpayer's principal residence under the Revenue Act of 1939 and for which a deduction was previously taken under subparagraph (L) of this paragraph (2) prior to July 1, 1991, the retrospective application date of Article 4 of Public Act 87-17. In the case of multi-unit or multi-use structures and farm dwellings, the taxes on the taxpayer's principal residence shall be that portion of the total taxes for the entire property which is attributable to such principal residence;

(D) An amount equal to the amount of the capital gain deduction allowable under the Internal Revenue Code, to the extent deducted from gross income in the computation of adjusted gross income;

(D-5) An amount, to the extent not included in adjusted gross income, equal to the amount of money withdrawn by the taxpayer in the taxable year from a medical care savings account and the interest earned on the account in the taxable year of a withdrawal pursuant to subsection (b) of Section 20 of the Medical Care Savings Account Act or subsection (b) of Section 20 of the Medical Care Savings Account Act of 2000; and

(D-10) For taxable years ending after December 31, 1997, an amount equal to any eligible remediation costs that the individual deducted in computing adjusted gross income and for which the individual claims a credit under subsection (l) of Section 201; and

and by deducting from the total so obtained the sum of the following amounts:

(E) For taxable years ending before December 31, 2001, any amount included in such total in respect of any compensation (including but not limited to any compensation paid or accrued to a serviceman while a prisoner of war or missing in action) paid to a resident by reason of being on active duty in the Armed Forces of the United States and in respect of any compensation paid or accrued to a resident who as a governmental employee was a prisoner of war or missing in action, and in respect of any compensation paid to a resident in 1971 or thereafter for annual training performed pursuant to Sections 502 and 503, Title 32, United States Code as a member of the Illinois National Guard. For taxable years ending on or after December 31, 2001, any amount included in such total in respect of any

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compensation (including but not limited to any compensation paid or accrued to a serviceman while a prisoner of war or missing in action) paid to a resident by reason of being a member of any component of the Armed Forces of the United States and in respect of any compensation paid or accrued to a resident who as a governmental employee was a prisoner of war or missing in action, and in respect of any compensation paid to a resident in 2001 or thereafter by reason of being a member of the Illinois National Guard. The provisions of this amendatory Act of the 92nd General Assembly are exempt from the provisions of Section 250;

(F) An amount equal to all amounts included in such total pursuant to the provisions of Sections 402(a), 402(c), 403(a), 403(b), 406(a), 407(a), and 408 of the Internal Revenue Code, or included in such total as distributions under the provisions of any retirement or disability plan for employees of any governmental agency or unit, or retirement payments to retired partners, which payments are excluded in computing net earnings from self employment by Section 1402 of the Internal Revenue Code and regulations adopted pursuant thereto;

(G) The valuation limitation amount;

(H) An amount equal to the amount of any tax imposed by this Act which was refunded to the taxpayer and included in such total for the taxable year;

(I) An amount equal to all amounts included in such total pursuant to the provisions of Section 111 of the Internal Revenue Code as a recovery of items previously deducted from adjusted gross income in the computation of taxable income;

(J) An amount equal to those dividends included in such total which were paid by a corporation which conducts business operations in an Enterprise Zone or zones created under the Illinois Enterprise Zone Act, and conducts substantially all of its operations in an Enterprise Zone or zones;

(K) An amount equal to those dividends included in such total that were paid by a corporation that conducts business operations in a federally designated Foreign Trade Zone or Sub-Zone and that is designated a High Impact Business located in Illinois; provided that dividends eligible for the deduction provided in subparagraph (J) of paragraph (2) of this subsection shall not be eligible for the deduction provided under this subparagraph (K);

(L) For taxable years ending after December 31, 1983, an amount equal to all social security benefits and railroad retirement benefits included in such total pursuant to Sections 72(r) and 86 of the Internal Revenue Code;

(M) With the exception of any amounts subtracted under subparagraph (N), an amount equal to the sum of all amounts disallowed as deductions by (i) Sections 171(a) (2), and 265(2) of the Internal Revenue Code of 1954, as now or hereafter amended, and all amounts of expenses

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allocable to interest and disallowed as deductions by Section 265(1) of the Internal Revenue Code of 1954, as now or hereafter amended; and (ii) for taxable years ending on or after August 13, 1999, Sections 171(a)(2), 265, 280C, and 832(b)(5)(B)(i) of the Internal Revenue Code; the provisions of this subparagraph are exempt from the provisions of Section 250;

(N) An amount equal to all amounts included in such total which are exempt from taxation by this State either by reason of its statutes or Constitution or by reason of the Constitution, treaties or statutes of the United States; provided that, in the case of any statute of this State that exempts income derived from bonds or other obligations from the tax imposed under this Act, the amount exempted shall be the interest net of bond premium amortization;

(O) An amount equal to any contribution made to a job training project established pursuant to the Tax Increment Allocation Redevelopment Act;

(P) An amount equal to the amount of the deduction used to compute the federal income tax credit for restoration of substantial amounts held under claim of right for the taxable year pursuant to Section 1341 of the Internal Revenue Code of 1986;

(Q) An amount equal to any amounts included in such total, received by the taxpayer as an acceleration in the payment of life, endowment or annuity benefits in advance of the time they would otherwise be payable as an indemnity for a terminal illness;

(R) An amount equal to the amount of any federal or State bonus paid to veterans of the Persian Gulf War;

(S) An amount, to the extent included in adjusted gross income, equal to the amount of a contribution made in the taxable year on behalf of the taxpayer to a medical care savings account established under the Medical Care Savings Account Act or the Medical Care Savings Account Act of 2000 to the extent the contribution is accepted by the account administrator as provided in that Act;

(T) An amount, to the extent included in adjusted gross income, equal to the amount of interest earned in the taxable year on a medical care savings account established under the Medical Care Savings Account Act or the Medical Care Savings Account Act of 2000 on behalf of the taxpayer, other than interest added pursuant to item (D-5) of this paragraph (2);

(U) For one taxable year beginning on or after January 1, 1994, an amount equal to the total amount of tax imposed and paid under subsections (a) and (b) of Section 201 of this Act on grant amounts received by the taxpayer under the Nursing Home Grant Assistance Act during the taxpayer's taxable years 1992 and 1993;

(V) Beginning with tax years ending on or after December 31, 1995

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and ending with tax years ending on or before December 31, 2004, an amount equal to the amount paid by a taxpayer who is a self-employed taxpayer, a partner of a partnership, or a shareholder in a Subchapter S corporation for health insurance or long-term care insurance for that taxpayer or that taxpayer's spouse or dependents, to the extent that the amount paid for that health insurance or long-term care insurance may be deducted under Section 213 of the Internal Revenue Code of 1986, has not been deducted on the federal income tax return of the taxpayer, and does not exceed the taxable income attributable to that taxpayer's income, self-employment income, or Subchapter S corporation income; except that no deduction shall be allowed under this item (V) if the taxpayer is eligible to participate in any health insurance or long-term care insurance plan of an employer of the taxpayer or the taxpayer's spouse. The amount of the health insurance and long-term care insurance subtracted under this item (V) shall be determined by multiplying total health insurance and long-term care insurance premiums paid by the taxpayer times a number that represents the fractional percentage of eligible medical expenses under Section 213 of the Internal Revenue Code of 1986 not actually deducted on the taxpayer's federal income tax return;

(W) For taxable years beginning on or after January 1, 1998, all amounts included in the taxpayer's federal gross income in the taxable year from amounts converted from a regular IRA to a Roth IRA. This paragraph is exempt from the provisions of Section 250;

(X) For taxable year 1999 and thereafter, an amount equal to the amount of any (i) distributions, to the extent includible in gross income for federal income tax purposes, made to the taxpayer because of his or her status as a victim of persecution for racial or religious reasons by Nazi Germany or any other Axis regime or as an heir of the victim and (ii) items of income, to the extent includible in gross income for federal income tax purposes, attributable to, derived from or in any way related to assets stolen from, hidden from, or otherwise lost to a victim of persecution for racial or religious reasons by Nazi Germany or any other Axis regime immediately prior to, during, and immediately after World War II, including, but not limited to, interest on the proceeds receivable as insurance under policies issued to a victim of persecution for racial or religious reasons by Nazi Germany or any other Axis regime by European insurance companies immediately prior to and during World War II; provided, however, this subtraction from federal adjusted gross income does not apply to assets acquired with such assets or with the proceeds from the sale of such assets; provided, further, this paragraph shall only apply to a taxpayer who was the first recipient of such assets after their recovery and who is a victim of persecution for racial or religious reasons by Nazi Germany or any other Axis regime or as an heir of the victim. The amount of and the eligibility for any

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public assistance, benefit, or similar entitlement is not affected by the inclusion of items (i) and (ii) of this paragraph in gross income for federal income tax purposes. This paragraph is exempt from the provisions of Section 250; and

(Y) For taxable years beginning on or after January 1, 2002, moneys contributed in the taxable year to a College Savings Pool account under Section 16.5 of the State Treasurer Act. This subparagraph (Y) is exempt from the provisions of Section 250.

(b) Corporations.

(1) In general. In the case of a corporation, base income means an amount equal to the taxpayer's taxable income for the taxable year as modified by paragraph (2).

(2) Modifications. The taxable income referred to in paragraph (1) shall be modified by adding thereto the sum of the following amounts:

(A) An amount equal to all amounts paid or accrued to the taxpayer as interest and all distributions received from regulated investment companies during the taxable year to the extent excluded from gross income in the computation of taxable income;

(B) An amount equal to the amount of tax imposed by this Act to the extent deducted from gross income in the computation of taxable income for the taxable year;

(C) In the case of a regulated investment company, an amount equal to the excess of (i) the net long-term capital gain for the taxable year, over (ii) the amount of the capital gain dividends designated as such in accordance with Section 852(b)(3)(C) of the Internal Revenue Code and any amount designated under Section 852(b)(3)(D) of the Internal Revenue Code, attributable to the taxable year (this amendatory Act of 1995 (Public Act 89-89) is declarative of existing law and is not a new enactment);

(D) The amount of any net operating loss deduction taken in arriving at taxable income, other than a net operating loss carried forward from a taxable year ending prior to December 31, 1986;

(E) For taxable years in which a net operating loss carryback or carryforward from a taxable year ending prior to December 31, 1986 is an element of taxable income under paragraph (1) of subsection (e) or subparagraph (E) of paragraph (2) of subsection (e), the amount by which addition modifications other than those provided by this subparagraph (E) exceeded subtraction modifications in such earlier taxable year, with the following limitations applied in the order that they are listed:

(i) the addition modification relating to the net operating loss carried back or forward to the taxable year from any taxable year ending prior to December 31, 1986 shall be reduced by the amount of addition modification under this subparagraph (E) which related to

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that net operating loss and which was taken into account in calculating the base income of an earlier taxable year, and

(ii) the addition modification relating to the net operating loss carried back or forward to the taxable year from any taxable year ending prior to December 31, 1986 shall not exceed the amount of such carryback or carryforward;

For taxable years in which there is a net operating loss carryback or carryforward from more than one other taxable year ending prior to December 31, 1986, the addition modification provided in this subparagraph (E) shall be the sum of the amounts computed independently under the preceding provisions of this subparagraph (E) for each such taxable year; and

(E-5) For taxable years ending after December 31, 1997, an amount equal to any eligible remediation costs that the corporation deducted in computing adjusted gross income and for which the corporation claims a credit under subsection (l) of Section 201;

and by deducting from the total so obtained the sum of the following amounts:

(F) An amount equal to the amount of any tax imposed by this Act which was refunded to the taxpayer and included in such total for the taxable year;

(G) An amount equal to any amount included in such total under Section 78 of the Internal Revenue Code;

(H) In the case of a regulated investment company, an amount equal to the amount of exempt interest dividends as defined in subsection (b) (5) of Section 852 of the Internal Revenue Code, paid to shareholders for the taxable year;

(I) With the exception of any amounts subtracted under subparagraph (J), an amount equal to the sum of all amounts disallowed as deductions by (i) Sections 171(a) (2), and 265(a)(2) and amounts disallowed as interest expense by Section 291(a)(3) of the Internal Revenue Code, as now or hereafter amended, and all amounts of expenses allocable to interest and disallowed as deductions by Section 265(a)(1) of the Internal Revenue Code, as now or hereafter amended; and (ii) for taxable years ending on or after August 13, 1999, Sections 171(a)(2), 265, 280C, 291(a)(3), and 832(b)(5)(B)(i) of the Internal Revenue Code; the provisions of this subparagraph are exempt from the provisions of Section 250;

(J) An amount equal to all amounts included in such total which are exempt from taxation by this State either by reason of its statutes or Constitution or by reason of the Constitution, treaties or statutes of the United States; provided that, in the case of any statute of this State that exempts income derived from bonds or other obligations from the tax imposed under

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this Act, the amount exempted shall be the interest net of bond premium amortization;

(K) An amount equal to those dividends included in such total which were paid by a corporation which conducts business operations in an Enterprise Zone or zones created under the Illinois Enterprise Zone Act and conducts substantially all of its operations in an Enterprise Zone or zones;

(L) An amount equal to those dividends included in such total that were paid by a corporation that conducts business operations in a federally designated Foreign Trade Zone or Sub-Zone and that is designated a High Impact Business located in Illinois; provided that dividends eligible for the deduction provided in subparagraph (K) of paragraph 2 of this subsection shall not be eligible for the deduction provided under this subparagraph (L);

(M) For any taxpayer that is a financial organization within the meaning of Section 304(c) of this Act, an amount included in such total as interest income from a loan or loans made by such taxpayer to a borrower, to the extent that such a loan is secured by property which is eligible for the Enterprise Zone Investment Credit. To determine the portion of a loan or loans that is secured by property eligible for a Section 201(f) investment credit to the borrower, the entire principal amount of the loan or loans between the taxpayer and the borrower should be divided into the basis of the Section 201(f) investment credit property which secures the loan or loans, using for this purpose the original basis of such property on the date that it was placed in service in the Enterprise Zone. The subtraction modification available to taxpayer in any year under this subsection shall be that portion of the total interest paid by the borrower with respect to such loan attributable to the eligible property as calculated under the previous sentence;

(M-1) For any taxpayer that is a financial organization within the meaning of Section 304(c) of this Act, an amount included in such total as interest income from a loan or loans made by such taxpayer to a borrower, to the extent that such a loan is secured by property which is eligible for the High Impact Business Investment Credit. To determine the portion of a loan or loans that is secured by property eligible for a Section 201(h) investment credit to the borrower, the entire principal amount of the loan or loans between the taxpayer and the borrower should be divided into the basis of the Section 201(h) investment credit property which secures the loan or loans, using for this purpose the original basis of such property on the date that it was placed in service in a federally designated Foreign Trade Zone or Sub-Zone located in Illinois. No taxpayer that is eligible for the deduction provided in subparagraph (M) of paragraph (2) of this subsection shall be eligible for the deduction provided under this subparagraph (M-1). The subtraction modification available to taxpayers in any year under this subsection shall be that portion of the total interest paid by the borrower with

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respect to such loan attributable to the eligible property as calculated under the previous sentence;

(N) Two times any contribution made during the taxable year to a designated zone organization to the extent that the contribution (i) qualifies as a charitable contribution under subsection (c) of Section 170 of the Internal Revenue Code and (ii) must, by its terms, be used for a project approved by the Department of Commerce and Community Affairs under Section 11 of the Illinois Enterprise Zone Act;

(O) An amount equal to: (i) 85% for taxable years ending on or before December 31, 1992, or, a percentage equal to the percentage allowable under Section 243(a)(1) of the Internal Revenue Code of 1986 for taxable years ending after December 31, 1992, of the amount by which dividends included in taxable income and received from a corporation that is not created or organized under the laws of the United States or any state or political subdivision thereof, including, for taxable years ending on or after December 31, 1988, dividends received or deemed received or paid or deemed paid under Sections 951 through 964 of the Internal Revenue Code, exceed the amount of the modification provided under subparagraph (G) of paragraph (2) of this subsection (b) which is related to such dividends; plus (ii) 100% of the amount by which dividends, included in taxable income and received, including, for taxable years ending on or after December 31, 1988, dividends received or deemed received or paid or deemed paid under Sections 951 through 964 of the Internal Revenue Code, from any such corporation specified in clause (i) that would but for the provisions of Section 1504 (b) (3) of the Internal Revenue Code be treated as a member of the affiliated group which includes the dividend recipient, exceed the amount of the modification provided under subparagraph (G) of paragraph (2) of this subsection (b) which is related to such dividends;

(P) An amount equal to any contribution made to a job training project established pursuant to the Tax Increment Allocation Redevelopment Act;

(Q) An amount equal to the amount of the deduction used to compute the federal income tax credit for restoration of substantial amounts held under claim of right for the taxable year pursuant to Section 1341 of the Internal Revenue Code of 1986;

(R) In the case of an attorney-in-fact with respect to whom an interinsurer or a reciprocal insurer has made the election under Section 835 of the Internal Revenue Code, 26 U.S.C. 835, an amount equal to the excess, if any, of the amounts paid or incurred by that interinsurer or reciprocal insurer in the taxable year to the attorney-in-fact over the deduction allowed to that interinsurer or reciprocal insurer with respect to the attorney-in-fact under Section 835(b) of the Internal Revenue Code for the taxable year; and

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(S) For taxable years ending on or after December 31, 1997, in the case of a Subchapter S corporation, an amount equal to all amounts of income allocable to a shareholder subject to the Personal Property Tax Replacement Income Tax imposed by subsections (c) and (d) of Section 201 of this Act, including amounts allocable to organizations exempt from federal income tax by reason of Section 501(a) of the Internal Revenue Code. This subparagraph (S) is exempt from the provisions of Section 250.

(3) Special rule. For purposes of paragraph (2) (A), "gross income" in the case of a life insurance company, for tax years ending on and after December 31, 1994, shall mean the gross investment income for the taxable year.

(c) Trusts and estates.

(1) In general. In the case of a trust or estate, base income means an amount equal to the taxpayer's taxable income for the taxable year as modified by paragraph (2).

(2) Modifications. Subject to the provisions of paragraph (3), the taxable income referred to in paragraph (1) shall be modified by adding thereto the sum of the following amounts:

(A) An amount equal to all amounts paid or accrued to the taxpayer as interest or dividends during the taxable year to the extent excluded from gross income in the computation of taxable income;

(B) In the case of (i) an estate, $600; (ii) a trust which, under its governing instrument, is required to distribute all of its income currently, $300; and (iii) any other trust, $100, but in each such case, only to the extent such amount was deducted in the computation of taxable income;

(C) An amount equal to the amount of tax imposed by this Act to the extent deducted from gross income in the computation of taxable income for the taxable year;

(D) The amount of any net operating loss deduction taken in arriving at taxable income, other than a net operating loss carried forward from a taxable year ending prior to December 31, 1986;

(E) For taxable years in which a net operating loss carryback or carryforward from a taxable year ending prior to December 31, 1986 is an element of taxable income under paragraph (1) of subsection (e) or subparagraph (E) of paragraph (2) of subsection (e), the amount by which addition modifications other than those provided by this subparagraph (E) exceeded subtraction modifications in such taxable year, with the following limitations applied in the order that they are listed:

(i) the addition modification relating to the net operating loss carried back or forward to the taxable year from any taxable year ending prior to December 31, 1986 shall be reduced by the amount of addition modification under this subparagraph (E) which related to that net operating loss and which was taken into account in

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calculating the base income of an earlier taxable year, and
(ii) the addition modification relating to the net operating loss
carried back or forward to the taxable year from any taxable year
ending prior to December 31, 1986 shall not exceed the amount of
such carryback or carryforward;

For taxable years in which there is a net operating loss carryback or
carryforward from more than one other taxable year ending prior to
December 31, 1986, the addition modification provided in this subparagraph
(E) shall be the sum of the amounts computed independently under the
preceding provisions of this subparagraph (E) for each such taxable year;

(F) For taxable years ending on or after January 1, 1989, an amount
equal to the tax deducted pursuant to Section 164 of the Internal Revenue
Code if the trust or estate is claiming the same tax for purposes of the Illinois
foreign tax credit under Section 601 of this Act;

(G) An amount equal to the amount of the capital gain deduction
allowable under the Internal Revenue Code, to the extent deducted from gross
income in the computation of taxable income; and

(G-5) For taxable years ending after December 31, 1997, an amount
equal to any eligible remediation costs that the trust or estate deducted in
computing adjusted gross income and for which the trust or estate claims a
credit under subsection (l) of Section 201;
and by deducting from the total so obtained the sum of the following
amounts:

(H) An amount equal to all amounts included in such total pursuant
to the provisions of Sections 402(a), 402(c), 403(a), 403(b), 406(a), 407(a)
and 408 of the Internal Revenue Code or included in such total as
distributions under the provisions of any retirement or disability plan for
employees of any governmental agency or unit, or retirement payments to
retired partners, which payments are excluded in computing net earnings
from self-employment by Section 1402 of the Internal Revenue Code and
regulations adopted pursuant thereto;

(I) The valuation limitation amount;

(J) An amount equal to the amount of any tax imposed by this Act
which was refunded to the taxpayer and included in such total for the taxable
year;

(K) An amount equal to all amounts included in taxable income as
modified by subparagraphs (A), (B), (C), (D), (E), (F) and (G) which are
exempt from taxation by this State either by reason of its statutes or
Constitution or by reason of the Constitution, treaties or statutes of the United
States; provided that, in the case of any statute of this State that exempts
income derived from bonds or other obligations from the tax imposed under
this Act, the amount exempted shall be the interest net of bond premium

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amortization;

(L) With the exception of any amounts subtracted under subparagraph (K), an amount equal to the sum of all amounts disallowed as deductions by (i) Sections 171(a) (2) and 265(a)(2) of the Internal Revenue Code, as now or hereafter amended, and all amounts of expenses allocable to interest and disallowed as deductions by Section 265(1) of the Internal Revenue Code of 1954, as now or hereafter amended; and (ii) for taxable years ending on or after August 13, 1999, Sections 171(a)(2), 265, 280C, and 832(b)(5)(B)(i) of the Internal Revenue Code; the provisions of this subparagraph are exempt from the provisions of Section 250;

(M) An amount equal to those dividends included in such total which were paid by a corporation which conducts business operations in an Enterprise Zone or zones created under the Illinois Enterprise Zone Act and conducts substantially all of its operations in an Enterprise Zone or Zones;

(N) An amount equal to any contribution made to a job training project established pursuant to the Tax Increment Allocation Redevelopment Act;

(O) An amount equal to those dividends included in such total that were paid by a corporation that conducts business operations in a federally designated Foreign Trade Zone or Sub-Zone and that is designated a High Impact Business located in Illinois; provided that dividends eligible for the deduction provided in subparagraph (M) of paragraph (2) of this subsection shall not be eligible for the deduction provided under this subparagraph (O);

(P) An amount equal to the amount of the deduction used to compute the federal income tax credit for restoration of substantial amounts held under claim of right for the taxable year pursuant to Section 1341 of the Internal Revenue Code of 1986; and

(Q) For taxable year 1999 and thereafter, an amount equal to the amount of any (i) distributions, to the extent includible in gross income for federal income tax purposes, made to the taxpayer because of his or her status as a victim of persecution for racial or religious reasons by Nazi Germany or any other Axis regime or as an heir of the victim and (ii) items of income, to the extent includible in gross income for federal income tax purposes, attributable to, derived from or in any way related to assets stolen from, hidden from, or otherwise lost to a victim of persecution for racial or religious reasons by Nazi Germany or any other Axis regime immediately prior to, during, and immediately after World War II, including, but not limited to, interest on the proceeds receivable as insurance under policies issued to a victim of persecution for racial or religious reasons by Nazi Germany or any other Axis regime by European insurance companies immediately prior to and during World War II; provided, however, this subtraction from federal adjusted gross income does not apply to assets

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acquired with such assets or with the proceeds from the sale of such assets; provided, further, this paragraph shall only apply to a taxpayer who was the first recipient of such assets after their recovery and who is a victim of persecution for racial or religious reasons by Nazi Germany or any other Axis regime or as an heir of the victim. The amount of and the eligibility for any public assistance, benefit, or similar entitlement is not affected by the inclusion of items (i) and (ii) of this paragraph in gross income for federal income tax purposes. This paragraph is exempt from the provisions of Section 250.

(3) Limitation. The amount of any modification otherwise required under this subsection shall, under regulations prescribed by the Department, be adjusted by any amounts included therein which were properly paid, credited, or required to be distributed, or permanently set aside for charitable purposes pursuant to Internal Revenue Code Section 642(c) during the taxable year.

(d) Partnerships.

(1) In general. In the case of a partnership, base income means an amount equal to the taxpayer's taxable income for the taxable year as modified by paragraph (2).

(2) Modifications. The taxable income referred to in paragraph (1) shall be modified by adding thereto the sum of the following amounts:

(A) An amount equal to all amounts paid or accrued to the taxpayer as interest or dividends during the taxable year to the extent excluded from gross income in the computation of taxable income;

(B) An amount equal to the amount of tax imposed by this Act to the extent deducted from gross income for the taxable year;

(C) The amount of deductions allowed to the partnership pursuant to Section 707 (c) of the Internal Revenue Code in calculating its taxable income; and

(D) An amount equal to the amount of the capital gain deduction allowable under the Internal Revenue Code, to the extent deducted from gross income in the computation of taxable income; and by deducting from the total so obtained the following amounts:

(E) The valuation limitation amount;

(F) An amount equal to the amount of any tax imposed by this Act which was refunded to the taxpayer and included in such total for the taxable year;

(G) An amount equal to all amounts included in taxable income as modified by subparagraphs (A), (B), (C) and (D) which are exempt from taxation by this State either by reason of its statutes or Constitution or by reason of the Constitution, treaties or statutes of the United States; provided that, in the case of any statute of this State that exempts income derived from bonds or other obligations from the tax imposed under this Act, the amount

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exempted shall be the interest net of bond premium amortization;

(H) Any income of the partnership which constitutes personal service income as defined in Section 1348(b)(1) of the Internal Revenue Code (as in effect December 31, 1981) or a reasonable allowance for compensation paid or accrued for services rendered by partners to the partnership, whichever is greater;

(I) An amount equal to all amounts of income distributable to an entity subject to the Personal Property Tax Replacement Income Tax imposed by subsections (c) and (d) of Section 201 of this Act including amounts distributable to organizations exempt from federal income tax by reason of Section 501(a) of the Internal Revenue Code;

(J) With the exception of any amounts subtracted under subparagraph (G), an amount equal to the sum of all amounts disallowed as deductions by (i) Sections 171(a)(2), and 265(2) of the Internal Revenue Code of 1954, as now or hereafter amended, and all amounts of expenses allocable to interest and disallowed as deductions by Section 265(1) of the Internal Revenue Code, as now or hereafter amended; and (ii) for taxable years ending on or after August 13, 1999, Sections 171(a)(2), 265, 280C, and 832(b)(5)(B)(i) of the Internal Revenue Code; the provisions of this subparagraph are exempt from the provisions of Section 250;

(K) An amount equal to those dividends included in such total which were paid by a corporation which conducts business operations in an Enterprise Zone or zones created under the Illinois Enterprise Zone Act, enacted by the 82nd General Assembly, and which does not conduct such operations other than in an Enterprise Zone or Zones;

(L) An amount equal to any contribution made to a job training project established pursuant to the Real Property Tax Increment Allocation Redevelopment Act;

(M) An amount equal to those dividends included in such total that were paid by a corporation that conducts business operations in a federally designated Foreign Trade Zone or Sub-Zone and that is designated a High Impact Business located in Illinois; provided that dividends eligible for the deduction provided in subparagraph (K) of paragraph (2) of this subsection shall not be eligible for the deduction provided under this subparagraph (M); and

(N) An amount equal to the amount of the deduction used to compute the federal income tax credit for restoration of substantial amounts held under claim of right for the taxable year pursuant to Section 1341 of the Internal Revenue Code of 1986.

(e) Gross income; adjusted gross income; taxable income.

(1) In general. Subject to the provisions of paragraph (2) and subsection (b)(3), for purposes of this Section and Section 803(e), a taxpayer's gross income,
adjusted gross income, or taxable income for the taxable year shall mean the amount of gross income, adjusted gross income or taxable income properly reportable for federal income tax purposes for the taxable year under the provisions of the Internal Revenue Code. Taxable income may be less than zero. However, for taxable years ending on or after December 31, 1986, net operating loss carryforwards from taxable years ending prior to December 31, 1986, may not exceed the sum of federal taxable income for the taxable year before net operating loss deduction, plus the excess of addition modifications over subtraction modifications for the taxable year. For taxable years ending prior to December 31, 1986, taxable income may never be an amount in excess of the net operating loss for the taxable year as defined in subsections (c) and (d) of Section 172 of the Internal Revenue Code, provided that when taxable income of a corporation (other than a Subchapter S corporation), trust, or estate is less than zero and addition modifications, other than those provided by subparagraph (E) of paragraph (2) of subsection (b) for corporations or subparagraph (E) of paragraph (2) of subsection (c) for trusts and estates, exceed subtraction modifications, an addition modification must be made under those subparagraphs for any other taxable year to which the taxable income less than zero (net operating loss) is applied under Section 172 of the Internal Revenue Code or under subparagraph (E) of paragraph (2) of this subsection (e) applied in conjunction with Section 172 of the Internal Revenue Code.

(2) Special rule. For purposes of paragraph (1) of this subsection, the taxable income properly reportable for federal income tax purposes shall mean:

(A) Certain life insurance companies. In the case of a life insurance company subject to the tax imposed by Section 801 of the Internal Revenue Code, life insurance company taxable income, plus the amount of distribution from pre-1984 policyholder surplus accounts as calculated under Section 815a of the Internal Revenue Code;

(B) Certain other insurance companies. In the case of mutual insurance companies subject to the tax imposed by Section 831 of the Internal Revenue Code, insurance company taxable income;

(C) Regulated investment companies. In the case of a regulated investment company subject to the tax imposed by Section 852 of the Internal Revenue Code, investment company taxable income;

(D) Real estate investment trusts. In the case of a real estate investment trust subject to the tax imposed by Section 857 of the Internal Revenue Code, real estate investment trust taxable income;

(E) Consolidated corporations. In the case of a corporation which is a member of an affiliated group of corporations filing a consolidated income tax return for the taxable year for federal income tax purposes, taxable income determined as if such corporation had filed a separate return for federal income tax purposes for the taxable year and each preceding taxable year for which it was a member of an affiliated group. For purposes of this

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subparagraph, the taxpayer's separate taxable income shall be determined as if the election provided by Section 243(b) (2) of the Internal Revenue Code had been in effect for all such years;

(F) Cooperatives. In the case of a cooperative corporation or association, the taxable income of such organization determined in accordance with the provisions of Section 1381 through 1388 of the Internal Revenue Code;

(G) Subchapter S corporations. In the case of: (i) a Subchapter S corporation for which there is in effect an election for the taxable year under Section 1362 of the Internal Revenue Code, the taxable income of such corporation determined in accordance with Section 1363(b) of the Internal Revenue Code, except that taxable income shall take into account those items which are required by Section 1363(b)(1) of the Internal Revenue Code to be separately stated; and (ii) a Subchapter S corporation for which there is in effect a federal election to opt out of the provisions of the Subchapter S Revision Act of 1982 and have applied instead the prior federal Subchapter S rules as in effect on July 1, 1982, the taxable income of such corporation determined in accordance with the federal Subchapter S rules as in effect on July 1, 1982; and

(H) Partnerships. In the case of a partnership, taxable income determined in accordance with Section 703 of the Internal Revenue Code, except that taxable income shall take into account those items which are required by Section 703(a)(1) to be separately stated but which would be taken into account by an individual in calculating his taxable income.

(f) Valuation limitation amount.

(1) In general. The valuation limitation amount referred to in subsections (a) (2) (G), (c) (2) (I) and (d)(2) (E) is an amount equal to:

(A) The sum of the pre-August 1, 1969 appreciation amounts (to the extent consisting of gain reportable under the provisions of Section 1245 or 1250 of the Internal Revenue Code) for all property in respect of which such gain was reported for the taxable year; plus

(B) The lesser of (i) the sum of the pre-August 1, 1969 appreciation amounts (to the extent consisting of capital gain) for all property in respect of which such gain was reported for federal income tax purposes for the taxable year, or (ii) the net capital gain for the taxable year, reduced in either case by any amount of such gain included in the amount determined under subsection (a) (2) (F) or (c) (2) (H).

(2) Pre-August 1, 1969 appreciation amount.

(A) If the fair market value of property referred to in paragraph (1) was readily ascertainable on August 1, 1969, the pre-August 1, 1969 appreciation amount for such property is the lesser of (i) the excess of such fair market value over the taxpayer's basis (for determining gain) for such

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property on that date (determined under the Internal Revenue Code as in effect on that date), or (ii) the total gain realized and reportable for federal income tax purposes in respect of the sale, exchange or other disposition of such property.

(B) If the fair market value of property referred to in paragraph (1) was not readily ascertainable on August 1, 1969, the pre-August 1, 1969 appreciation amount for such property is that amount which bears the same ratio to the total gain reported in respect of the property for federal income tax purposes for the taxable year, as the number of full calendar months in that part of the taxpayer's holding period for the property ending July 31, 1969 bears to the number of full calendar months in the taxpayer's entire holding period for the property.

(C) The Department shall prescribe such regulations as may be necessary to carry out the purposes of this paragraph.

(g) Double deductions. Unless specifically provided otherwise, nothing in this Section shall permit the same item to be deducted more than once.

(h) Legislative intention. Except as expressly provided by this Section there shall be no modifications or limitations on the amounts of income, gain, loss or deduction taken into account in determining gross income, adjusted gross income or taxable income for federal income tax purposes for the taxable year, or in the amount of such items entering into the computation of base income and net income under this Act for such taxable year, whether in respect of property values as of August 1, 1969 or otherwise.

(Source: P.A. 91-192, eff. 7-20-99; 91-205, eff. 7-20-99; 91-357, eff. 7-29-99; 91-541, eff. 8-13-99; 91-676, eff. 12-23-99; 91-845, eff. 6-22-00; 91-913, eff. 1-1-01; 92-16, eff. 6-28-01; 92-244, eff. 8-3-01; 92-439, eff. 8-17-01; revised 9-21-01.)

(35 ILCS 5/507V)

Sec. 507V. National World War II Memorial Fund checkoff. The Department must print on its standard individual income tax form a provision indicating that if the taxpayer wishes to contribute to the National World War II Memorial Fund, as authorized by this amendatory Act of the 91st General Assembly, he or she may do so by stating the amount of the contribution (not less than $1) on the return and that the contribution will reduce the taxpayer's refund or increase the amount of payment to accompany the return. Failure to remit any amount of increased payment reduces the contribution accordingly. This Section does not apply to any amended return.

(Source: P.A. 91-833, eff. 1-1-01; 91-836, eff. 1-1-01.)

(35 ILCS 5/507W)

Sec. 507W. 507V. Korean War Veterans National Museum and Library Fund checkoff. Beginning with taxable years ending on or after December 31, 2001, the Department shall print on its standard individual income tax form a provision indicating that if the taxpayer wishes to contribute to the Korean War Veterans National Museum and Library Fund, as authorized by this amendatory Act of the 92nd General Assembly, he or she may do so by stating the amount of the contribution (not less than $1) on the return and that

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the contribution will reduce the taxpayer's refund or increase the amount of payment to accompany the return. Failure to remit any amount of increased payment shall reduce the contribution accordingly. This Section shall not apply to any amended return.
(Source: P.A. 92-198, eff. 8-1-01; revised 10-17-01.)

(35 ILCS 5/509) (from Ch. 120, par. 5-509)
(Text of Section before amendment by P.A. 92-84)

Sec. 509. Tax checkoff explanations. All individual income tax return forms shall contain appropriate explanations and spaces to enable the taxpayers to designate contributions to the Child Abuse Prevention Fund, to the Community Health Center Care Fund, to the Illinois Wildlife Preservation Fund as required by the Illinois Non-Game Wildlife Protection Act, to the Alzheimer's Disease Research Fund as required by the Alzheimer's Disease Research Act, to the Assistance to the Homeless Fund as required by this Act, to the Heritage Preservation Fund as required by the Heritage Preservation Act, to the Child Care Expansion Program Fund as required by the Child Care Expansion Program Act, to the Ryan White AIDS Victims Assistance Fund, to the Assistive Technology for Persons with Disabilities Fund, to the Domestic Violence Shelter and Service Fund, to the United States Olympians Assistance Fund, to the Youth Drug Abuse Prevention Fund, to the Persian Gulf Conflict Veterans Fund, to the Literacy Advancement Fund, to the Ryan White Pediatric and Adult AIDS Fund, to the Illinois Special Olympics Checkoff Fund, to the Penny Severns Breast and Cervical Cancer Research Fund, to the Korean War Memorial Fund, to the Heart Disease Treatment and Prevention Fund, to the Hemophilia Treatment Fund, to the Mental Health Research Fund, to the Children's Cancer Fund, to the American Diabetes Association Fund, to the National World War II Memorial Fund, to the Prostate Cancer Research Fund, to the Korean War Veterans National Museum and Library Fund, and to the Meals on Wheels Fund. Each form shall contain a statement that the contributions will reduce the taxpayer's refund or increase the amount of payment to accompany the return. Failure to remit any amount of increased payment shall reduce the contribution accordingly.

If, on October 1 of any year, the total contributions to any one of the funds made under this Section do not equal $100,000 or more, the explanations and spaces for designating contributions to the fund shall be removed from the individual income tax return forms for the following and all subsequent years and all subsequent contributions to the fund shall be refunded to the taxpayer.
(Source: P.A. 91-104, eff. 7-13-99; 91-107, eff. 7-13-99; 91-357, eff. 7-29-99; 91-833, eff. 1-1-01; 91-836, eff. 1-1-01; 92-198, eff. 8-1-01.)

(Text of Section after amendment by P.A. 92-84)

Sec. 509. Tax checkoff explanations. All individual income tax return forms shall contain appropriate explanations and spaces to enable the taxpayers to designate contributions to the Child Abuse Prevention Fund, to the Illinois Wildlife Preservation Fund as required by the Illinois Non-Game Wildlife Protection Act, to the Alzheimer's Disease Research Fund as required by the Alzheimer's Disease Research Act, to the Assistance to the Homeless Fund as required by this Act, to the Penny Severns Breast and Cervical Cancer Research Fund, to the National World War II Memorial Fund, and to the Prostate Cancer

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Research Fund, and to the Korean War Veterans National Museum and Library Fund. Each form shall contain a statement that the contributions will reduce the taxpayer's refund or increase the amount of payment to accompany the return. Failure to remit any amount of increased payment shall reduce the contribution accordingly.

If, on October 1 of any year, the total contributions to any one of the funds made under this Section do not equal $100,000 or more, the explanations and spaces for designating contributions to the fund shall be removed from the individual income tax return forms for the following and all subsequent years and all subsequent contributions to the fund shall be refunded to the taxpayer.

(Source: P.A. 91-104, eff. 7-13-99; 91-107, eff. 7-13-99; 91-357, eff. 7-29-99; 91-833, eff. 1-1-01; 91-836, eff. 1-1-01; 92-84, eff. 7-1-02; 92-198, eff. 8-1-01; revised 9-12-01.)

(35 ILCS 5/510) (from Ch. 120, par. 5-510)

(Text of Section before amendment by P.A. 92-84)

Sec. 510. Determination of amounts contributed. The Department shall determine the total amount contributed to each of the following: the Child Abuse Prevention Fund, the Illinois Wildlife Preservation Fund, the Community Health Center Care Fund, the Assistance to the Homeless Fund, the Alzheimer's Disease Research Fund, the Heritage Preservation Fund, the Child Care Expansion Program Fund, the Ryan White AIDS Victims Assistance Fund, the Assistive Technology for Persons with Disabilities Fund, the Domestic Violence Shelter and Service Fund, the United States Olympians Assistance Fund, the Youth Drug Abuse Prevention Fund, the Persian Gulf Conflict Veterans Fund, the Literacy Advancement Fund, the Ryan White Pediatric and Adult AIDS Fund, the Illinois Special Olympics Checkoff Fund, the Penny Severns Breast and Cervical Cancer Research Fund, the Korean War Memorial Fund, the Heart Disease Treatment and Prevention Fund, the Hemophilia Treatment Fund, the Mental Health Research Fund, the Children's Cancer Fund, the American Diabetes Association Fund, the National World War II Memorial Fund, the Prostate Cancer Research Fund, the Korean War Veterans National Museum and Library Fund, and the Meals on Wheels Fund; and shall notify the State Comptroller and the State Treasurer of the amounts to be transferred from the General Revenue Fund to each fund, and upon receipt of such notification the State Treasurer and Comptroller shall transfer the amounts.

(Source: P.A. 91-104, eff. 7-13-99; 91-107, eff. 7-13-99; 91-833, eff. 1-1-01; 91-836, eff. 1-1-01; 92-198, eff. 8-1-01.)

(Text of Section after amendment by P.A. 92-84)

Sec. 510. Determination of amounts contributed. The Department shall determine the total amount contributed to each of the following: the Child Abuse Prevention Fund, the Illinois Wildlife Preservation Fund, the Assistance to the Homeless Fund, the Alzheimer's Disease Research Fund, the Penny Severns Breast and Cervical Cancer Research Fund, the National World War II Memorial Fund, and the Prostate Cancer Research Fund, and the Korean War Veterans National Museum and Library Fund, and shall notify the State Comptroller and the State Treasurer of the amounts to be transferred from the General Revenue Fund to each fund, and upon receipt of such notification the State Treasurer and Comptroller shall transfer the amounts.

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Comptroller shall transfer the amounts.
(Source: P.A. 91-104, eff. 7-13-99; 91-107, eff. 7-13-99; 91-833, eff. 1-1-01; 91-836, eff. 1-1-01; 92-84, eff. 7-1-02; 92-198, eff. 8-1-01; revised 9-12-01.)

Section 24. The Economic Development for a Growing Economy Tax Credit Act is amended by changing Section 5-5 as follows:

(35 ILCS 10/5-5)
Sec. 5-5. Definitions. As used in this Act:
"Agreement" means the Agreement between a Taxpayer and the Department under the provisions of Section 5-50 of this Act.
"Applicant" means a Taxpayer that is operating a business located or that the Taxpayer plans to locate within the State of Illinois and that is engaged in interstate or intrastate commerce for the purpose of manufacturing, processing, assembling, warehousing, or distributing products, conducting research and development, providing tourism services, or providing services in interstate commerce, office industries, or agricultural processing, but excluding retail, retail food, health, or professional services. "Applicant" does not include a Taxpayer who closes or substantially reduces an operation at one location in the State and relocates substantially the same operation to another location in the State. This does not prohibit a Taxpayer from expanding its operations at another location in the State, provided that existing operations of a similar nature located within the State are not closed or substantially reduced. This also does not prohibit a Taxpayer from moving its operations from one location in the State to another location in the State for the purpose of expanding the operation provided that the Department determines that expansion cannot reasonably be accommodated within the municipality in which the business is located, or in the case of a business located in an incorporated area of the county, within the county in which the business is located, after conferring with the chief elected official of the municipality or county and taking into consideration any evidence offered by the municipality or county regarding the ability to accommodate expansion within the municipality or county.
"Committee" means the Illinois Business Investment Committee created under Section 5-25 of this Act within the Illinois Economic Development Board.
"Credit" means the amount agreed to between the Department and Applicant under this Act, but not to exceed the Incremental Income Tax attributable to the Applicant's project.
"Department" means the Department of Commerce and Community Affairs.
"Director" means the Director of Commerce and Community Affairs.
"Full-time Employee" means an individual who is employed for consideration for at least 35 hours each week or who renders any other standard of service generally accepted by industry custom or practice as full-time employment.
"Incremental Income Tax" means the total amount withheld during the taxable year from the compensation of New Employees under Article 7 of the Illinois Income Tax Act arising from employment at a project that is the subject of an Agreement.
"New Employee" means:
(a) A Full-time Employee first employed by a Taxpayer in the project that is the subject of an Agreement and who is hired after the Taxpayer enters into the tax

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credit Agreement.

(b) The term "New Employee" does not include:

1. an employee of the Taxpayer who performs a job that was previously performed by another employee, if that job existed for at least 6 months before hiring the employee;
2. an employee of the Taxpayer who was previously employed in Illinois by a Related Member of the Taxpayer and whose employment was shifted to the Taxpayer after the Taxpayer entered into the tax credit Agreement; or
3. a child, grandchild, parent, or spouse, other than a spouse who is legally separated from the individual, of any individual who has a direct or an indirect ownership interest of at least 5% in the profits, capital, or value of the Taxpayer.

(c) Notwithstanding paragraph (1) of subsection (b), an employee may be considered a New Employee under the Agreement if the employee performs a job that was previously performed by an employee who was:

1. treated under the Agreement as a New Employee; and
2. promoted by the Taxpayer to another job.

(d) Notwithstanding subsection (a), the Department may award Credit to an Applicant with respect to an employee hired prior to the date of the Agreement if:

1. the Applicant is in receipt of a letter from the Department stating an intent to enter into a credit Agreement;
2. the letter described in paragraph (1) is issued by the Department not later than 15 days after the effective date of this Act; and
3. the employee was hired after the date the letter described in paragraph (1) was issued.

"Noncompliance Date" means, in the case of a Taxpayer that is not complying with the requirements of the Agreement or the provisions of this Act, the day following the last date upon which the Taxpayer was in compliance with the requirements of the Agreement and the provisions of this Act, as determined by the Director, pursuant to Section 5-65.

"Pass Through Entity" means an entity that is exempt from the tax under subsection (b) or (c) of Section 205 of the Illinois Income Tax Act.

"Related Member" means a person that, with respect to the Taxpayer during any portion of the taxable year, is any one of the following:

1. An individual stockholder, if the stockholder and the members of the stockholder’s family (as defined in Section 318 of the Internal Revenue Code) own directly, indirectly, beneficially, or constructively, in the aggregate, at least 50% of the value of the Taxpayer's outstanding stock.
2. A partnership, estate, or trust and any partner or beneficiary, if the partnership, estate, or trust, and its partners or beneficiaries own directly, indirectly, beneficially, or constructively, in the aggregate, at least 50% of the profits, capital stock, or value of the Taxpayer.

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(3) A corporation, and any party related to the corporation in a manner that would require an attribution of stock from the corporation to the party or from the party to the corporation under the attribution rules of Section 318 of the Internal Revenue Code, if the Taxpayer owns directly, indirectly, beneficially, or constructively at least 50% of the value of the corporation's outstanding stock.

(4) A corporation and any party related to that corporation in a manner that would require an attribution of stock from the corporation to the party or from the party to the corporation under the attribution rules of Section 318 of the Internal Revenue Code, if the corporation and all such related parties own in the aggregate at least 50% of the profits, capital, stock, or value of the Taxpayer.

(5) A person to or from whom there is attribution of stock ownership in accordance with Section 1563(e) of the Internal Revenue Code, except, for purposes of determining whether a person is a Related Member under this paragraph, 20% shall be substituted for 5% wherever 5% appears in Section 1563(e) of the Internal Revenue Code.

"Taxpayer" means an individual, corporation, partnership, or other entity that has any Illinois Income Tax liability.

(Source: P.A. 91-476, eff. 8-11-99; revised 12-04-01.)

Section 25. The Use Tax Act is amended by changing Sections 3-5 and 9 as follows:

(35 ILCS 105/3-5) (from Ch. 120, par. 439.3-5)

Sec. 3-5. Exemptions. Use of the following tangible personal property is exempt from the tax imposed by this Act:

(1) Personal property purchased from a corporation, society, association, foundation, institution, or organization, other than a limited liability company, that is organized and operated as a not-for-profit service enterprise for the benefit of persons 65 years of age or older if the personal property was not purchased by the enterprise for the purpose of resale by the enterprise.

(2) Personal property purchased by a not-for-profit Illinois county fair association for use in conducting, operating, or promoting the county fair.

(3) Personal property purchased by a not-for-profit arts or cultural organization that establishes, by proof required by the Department by rule, that it has received an exemption under Section 501(c)(3) of the Internal Revenue Code and that is organized and operated primarily for the presentation or support of arts or cultural programming, activities, or services. These organizations include, but are not limited to, music and dramatic arts organizations such as symphony orchestras and theatrical groups, arts and cultural service organizations, local arts councils, visual arts organizations, and media arts organizations. On and after the effective date of this amendatory Act of the 92nd General Assembly, however, an entity otherwise eligible for this exemption shall not make tax-free purchases unless it has an active identification number issued by the Department.

(4) Personal property purchased by a governmental body, by a corporation, society, association, foundation, or institution organized and operated exclusively for charitable, religious, or educational purposes, or by a not-for-profit corporation, society, association,
foundation, institution, or organization that has no compensated officers or employees and that is organized and operated primarily for the recreation of persons 55 years of age or older. A limited liability company may qualify for the exemption under this paragraph only if the limited liability company is organized and operated exclusively for educational purposes. On and after July 1, 1987, however, no entity otherwise eligible for this exemption shall make tax-free purchases unless it has an active exemption identification number issued by the Department.

(5) A passenger car that is a replacement vehicle to the extent that the purchase price of the car is subject to the Replacement Vehicle Tax.

(6) Graphic arts machinery and equipment, including repair and replacement parts, both new and used, and including that manufactured on special order, certified by the purchaser to be used primarily for graphic arts production, and including machinery and equipment purchased for lease. Equipment includes chemicals or chemicals acting as catalysts but only if the chemicals or chemicals acting as catalysts effect a direct and immediate change upon a graphic arts product.

(7) Farm chemicals.

(8) Legal tender, currency, medallions, or gold or silver coinage issued by the State of Illinois, the government of the United States of America, or the government of any foreign country, and bullion.

(9) Personal property purchased from a teacher-sponsored student organization affiliated with an elementary or secondary school located in Illinois.

(10) A motor vehicle of the first division, a motor vehicle of the second division that is a self-contained motor vehicle designed or permanently converted to provide living quarters for recreational, camping, or travel use, with direct walk through to the living quarters from the driver’s seat, or a motor vehicle of the second division that is of the van configuration designed for the transportation of not less than 7 nor more than 16 passengers, as defined in Section 1-146 of the Illinois Vehicle Code, that is used for automobile renting, as defined in the Automobile Renting Occupation and Use Tax Act.

(11) Farm machinery and equipment, both new and used, including that manufactured on special order, certified by the purchaser to be used primarily for production agriculture or State or federal agricultural programs, including individual replacement parts for the machinery and equipment, including machinery and equipment purchased for lease, and including implements of husbandry defined in Section 1-130 of the Illinois Vehicle Code, farm machinery and agricultural chemical and fertilizer spreaders, and nurse wagons required to be registered under Section 3-809 of the Illinois Vehicle Code, but excluding other motor vehicles required to be registered under the Illinois Vehicle Code. Horticultural polyhouses or hoop houses used for propagating, growing, or overwintering plants shall be considered farm machinery and equipment under this item (11). Agricultural chemical tender tanks and dry boxes shall include units sold separately from a motor vehicle required to be licensed and units sold mounted on a motor vehicle required to be licensed if the selling price of the tender is separately stated.

Farm machinery and equipment shall include precision farming equipment that is
installed or purchased to be installed on farm machinery and equipment including, but not limited to, tractors, harvesters, sprayers, planters, seeders, or spreaders. Precision farming equipment includes, but is not limited to, soil testing sensors, computers, monitors, software, global positioning and mapping systems, and other such equipment.

Farm machinery and equipment also includes computers, sensors, software, and related equipment used primarily in the computer-assisted operation of production agriculture facilities, equipment, and activities such as, but not limited to, the collection, monitoring, and correlation of animal and crop data for the purpose of formulating animal diets and agricultural chemicals. This item (11) is exempt from the provisions of Section 3-90.

(12) Fuel and petroleum products sold to or used by an air common carrier, certified by the carrier to be used for consumption, shipment, or storage in the conduct of its business as an air common carrier, for a flight destined for or returning from a location or locations outside the United States without regard to previous or subsequent domestic stopovers.

(13) Proceeds of mandatory service charges separately stated on customers' bills for the purchase and consumption of food and beverages purchased at retail from a retailer, to the extent that the proceeds of the service charge are in fact turned over as tips or as a substitute for tips to the employees who participate directly in preparing, serving, hosting or cleaning up the food or beverage function with respect to which the service charge is imposed.

(14) Oil field exploration, drilling, and production equipment, including (i) rigs and parts of rigs, rotary rigs, cable tool rigs, and workover rigs, (ii) pipe and tubular goods, including casing and drill strings, (iii) pumps and pump-jack units, (iv) storage tanks and flow lines, (v) any individual replacement part for oil field exploration, drilling, and production equipment, and (vi) machinery and equipment purchased for lease; but excluding motor vehicles required to be registered under the Illinois Vehicle Code.

(15) Photoprocessing machinery and equipment, including repair and replacement parts, both new and used, including that manufactured on special order, certified by the purchaser to be used primarily for photoprocessing, and including photoprocessing machinery and equipment purchased for lease.

(16) Coal exploration, mining, offhighway hauling, processing, maintenance, and reclamation equipment, including replacement parts and equipment, and including equipment purchased for lease, but excluding motor vehicles required to be registered under the Illinois Vehicle Code.

(17) Distillation machinery and equipment, sold as a unit or kit, assembled or installed by the retailer, certified by the user to be used only for the production of ethyl alcohol that will be used for consumption as motor fuel or as a component of motor fuel for the personal use of the user, and not subject to sale or resale.

(18) Manufacturing and assembling machinery and equipment used primarily in the process of manufacturing or assembling tangible personal property for wholesale or retail sale or lease, whether that sale or lease is made directly by the manufacturer or by some other person, whether the materials used in the process are owned by the manufacturer or some other person, or whether that sale or lease is made apart from or as an incident to the seller's

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engaging in the service occupation of producing machines, tools, dies, jigs, patterns, gauges, or other similar items of no commercial value on special order for a particular purchaser.

(19) Personal property delivered to a purchaser or purchaser's donee inside Illinois when the purchase order for that personal property was received by a florist located outside Illinois who has a florist located inside Illinois deliver the personal property.

(20) Semen used for artificial insemination of livestock for direct agricultural production.

(21) Horses, or interests in horses, registered with and meeting the requirements of any of the Arabian Horse Club Registry of America, Appaloosa Horse Club, American Quarter Horse Association, United States Trotting Association, or Jockey Club, as appropriate, used for purposes of breeding or racing for prizes.

(22) Computers and communications equipment utilized for any hospital purpose and equipment used in the diagnosis, analysis, or treatment of hospital patients purchased by a lessor who leases the equipment, under a lease of one year or longer executed or in effect at the time the lessor would otherwise be subject to the tax imposed by this Act, to a hospital that has been issued an active tax exemption identification number by the Department under Section 1g of the Retailers' Occupation Tax Act. If the equipment is leased in a manner that does not qualify for this exemption or is used in any other non-exempt manner, the lessor shall be liable for the tax imposed under this Act or the Service Use Tax Act, as the case may be, based on the fair market value of the property at the time the non-qualifying use occurs. No lessor shall collect or attempt to collect an amount (however designated) that purports to reimburse that lessor for the tax imposed by this Act or the Service Use Tax Act, as the case may be, if the tax has not been paid by the lessor. If a lessor improperly collects any such amount from the lessee, the lessee shall have a legal right to claim a refund of that amount from the lessor. If, however, that amount is not refunded to the lessee for any reason, the lessor is liable to pay that amount to the Department.

(23) Personal property purchased by a lessor who leases the property, under a lease of one year or longer executed or in effect at the time the lessor would otherwise be subject to the tax imposed by this Act, to a governmental body that has been issued an active sales tax exemption identification number by the Department under Section 1g of the Retailers' Occupation Tax Act. If the property is leased in a manner that does not qualify for this exemption or used in any other non-exempt manner, the lessor shall be liable for the tax imposed under this Act or the Service Use Tax Act, as the case may be, based on the fair market value of the property at the time the non-qualifying use occurs. No lessor shall collect or attempt to collect an amount (however designated) that purports to reimburse that lessor for the tax imposed by this Act or the Service Use Tax Act, as the case may be, if the tax has not been paid by the lessor. If a lessor improperly collects any such amount from the lessee, the lessee shall have a legal right to claim a refund of that amount from the lessor. If, however, that amount is not refunded to the lessee for any reason, the lessor is liable to pay that amount to the Department.

(24) Beginning with taxable years ending on or after December 31, 1995 and ending with taxable years ending on or before December 31, 2004, personal property that is donated

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for disaster relief to be used in a State or federally declared disaster area in Illinois or bordering Illinois by a manufacturer or retailer that is registered in this State to a corporation, society, association, foundation, or institution that has been issued a sales tax exemption identification number by the Department that assists victims of the disaster who reside within the declared disaster area.

(25) Beginning with taxable years ending on or after December 31, 1995 and ending with taxable years ending on or before December 31, 2004, personal property that is used in the performance of infrastructure repairs in this State, including but not limited to municipal roads and streets, access roads, bridges, sidewalks, waste disposal systems, water and sewer line extensions, water distribution and purification facilities, storm water drainage and retention facilities, and sewage treatment facilities, resulting from a State or federally declared disaster in Illinois or bordering Illinois when such repairs are initiated on facilities located in the declared disaster area within 6 months after the disaster.

(26) Beginning July 1, 1999, game or game birds purchased at a "game breeding and hunting preserve area" or an "exotic game hunting area" as those terms are used in the Wildlife Code or at a hunting enclosure approved through rules adopted by the Department of Natural Resources. This paragraph is exempt from the provisions of Section 3-90.

(27) A motor vehicle, as that term is defined in Section 1-146 of the Illinois Vehicle Code, that is donated to a corporation, limited liability company, society, association, foundation, or institution that is determined by the Department to be organized and operated exclusively for educational purposes. For purposes of this exemption, "a corporation, limited liability company, society, association, foundation, or institution organized and operated exclusively for educational purposes" means all tax-supported public schools, private schools that offer systematic instruction in useful branches of learning by methods common to public schools and that compare favorably in their scope and intensity with the course of study presented in tax-supported schools, and vocational or technical schools or institutes organized and operated exclusively to provide a course of study of not less than 6 weeks duration and designed to prepare individuals to follow a trade or to pursue a manual, technical, mechanical, industrial, business, or commercial occupation.

(28) Beginning January 1, 2000, personal property, including food, purchased through fundraising events for the benefit of a public or private elementary or secondary school, a group of those schools, or one or more school districts if the events are sponsored by an entity recognized by the school district that consists primarily of volunteers and includes parents and teachers of the school children. This paragraph does not apply to fundraising events (i) for the benefit of private home instruction or (ii) for which the fundraising entity purchases the personal property sold at the events from another individual or entity that sold the property for the purpose of resale by the fundraising entity and that profits from the sale to the fundraising entity. This paragraph is exempt from the provisions of Section 3-90.

(29) Beginning January 1, 2000 and through December 31, 2001, new or used automatic vending machines that prepare and serve hot food and beverages, including coffee, soup, and other items, and replacement parts for these machines. Beginning January 1, 2002, machines and parts for machines used in commercial, coin-operated amusement and vending

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business if a use or occupation tax is paid on the gross receipts derived from the use of the commercial, coin-operated amusement and vending machines. This paragraph is exempt from the provisions of Section 3-90.

(30) Food for human consumption that is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks, and food that has been prepared for immediate consumption) and prescription and nonprescription medicines, drugs, medical appliances, and insulin, urine testing materials, syringes, and needles used by diabetics, for human use, when purchased for use by a person receiving medical assistance under Article 5 of the Illinois Public Aid Code who resides in a licensed long-term care facility, as defined in the Nursing Home Care Act.

(31) Beginning on the effective date of this amendatory Act of the 92nd General Assembly, computers and communications equipment utilized for any hospital purpose and equipment used in the diagnosis, analysis, or treatment of hospital patients purchased by a lessor who leases the equipment, under a lease of one year or longer executed or in effect at the time the lessor would otherwise be subject to the tax imposed by this Act, to a hospital that has been issued an active tax exemption identification number by the Department under Section 1g of the Retailers' Occupation Tax Act. If the equipment is leased in a manner that does not qualify for this exemption or is used in any other nonexempt manner, the lessor shall be liable for the tax imposed under this Act or the Service Use Tax Act, as the case may be, based on the fair market value of the property at the time the nonqualifying use occurs. No lessor shall collect or attempt to collect an amount (however designated) that purports to reimburse that lessor for the tax imposed by this Act or the Service Use Tax Act, as the case may be, if the tax has not been paid by the lessor. If a lessor improperly collects any such amount from the lessee, the lessee shall have a legal right to claim a refund of that amount from the lessor. If, however, that amount is not refunded to the lessee for any reason, the lessor is liable to pay that amount to the Department. This paragraph is exempt from the provisions of Section 3-90.

(32) Beginning on the effective date of this amendatory Act of the 92nd General Assembly, personal property purchased by a lessor who leases the property, under a lease of one year or longer executed or in effect at the time the lessor would otherwise be subject to the tax imposed by this Act, to a governmental body that has been issued an active sales tax exemption identification number by the Department under Section 1g of the Retailers’ Occupation Tax Act. If the property is leased in a manner that does not qualify for this exemption or used in any other nonexempt manner, the lessor shall be liable for the tax imposed under this Act or the Service Use Tax Act, as the case may be, based on the fair market value of the property at the time the nonqualifying use occurs. No lessor shall collect or attempt to collect an amount (however designated) that purports to reimburse that lessor for the tax imposed by this Act or the Service Use Tax Act, as the case may be, if the tax has not been paid by the lessor. If a lessor improperly collects any such amount from the lessee, the lessee shall have a legal right to claim a refund of that amount from the lessor. If, however, that amount is not refunded to the lessee for any reason, the lessor is liable to pay that amount to the Department. This paragraph is exempt from the provisions of Section 3-90.

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Sec. 9. Except as to motor vehicles, watercraft, aircraft, and trailers that are required to be registered with an agency of this State, each retailer required or authorized to collect the tax imposed by this Act shall pay to the Department the amount of such tax (except as otherwise provided) at the time when he is required to file his return for the period during which such tax was collected, less a discount of 2.1% prior to January 1, 1990, and 1.75% on and after January 1, 1990, or $5 per calendar year, whichever is greater, which is allowed to reimburse the retailer for expenses incurred in collecting the tax, keeping records, preparing and filing returns, remitting the tax and supplying data to the Department on request. In the case of retailers who report and pay the tax on a transaction by transaction basis, as provided in this Section, such discount shall be taken with each such tax remittance instead of when such retailer files his periodic return. A retailer need not remit that part of any tax collected by him to the extent that he is required to remit and does remit the tax imposed by the Retailers' Occupation Tax Act, with respect to the sale of the same property.

Where such tangible personal property is sold under a conditional sales contract, or under any other form of sale wherein the payment of the principal sum, or a part thereof, is extended beyond the close of the period for which the return is filed, the retailer, in collecting the tax (except as to motor vehicles, watercraft, aircraft, and trailers that are required to be registered with an agency of this State), may collect for each tax return period, only the tax applicable to that part of the selling price actually received during such tax return period.

Except as provided in this Section, on or before the twentieth day of each calendar month, such retailer shall file a return for the preceding calendar month. Such return shall be filed on forms prescribed by the Department and shall furnish such information as the Department may reasonably require.

The Department may require returns to be filed on a quarterly basis. If so required, a return for each calendar quarter shall be filed on or before the twentieth day of the calendar month following the end of such calendar quarter. The taxpayer shall also file a return with the Department for each of the first two months of each calendar quarter, on or before the twentieth day of the following calendar month, stating:

1. The name of the seller;
2. The address of the principal place of business from which he engages in the business of selling tangible personal property at retail in this State;
3. The total amount of taxable receipts received by him during the preceding calendar month from sales of tangible personal property by him during such preceding calendar month, including receipts from charge and time sales, but less all deductions allowed by law;
4. The amount of credit provided in Section 2d of this Act;

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5. The amount of tax due;  
5-5. The signature of the taxpayer; and  
6. Such other reasonable information as the Department may require.

If a taxpayer fails to sign a return within 30 days after the proper notice and demand for signature by the Department, the return shall be considered valid and any amount shown to be due on the return shall be deemed assessed.

Beginning October 1, 1993, a taxpayer who has an average monthly tax liability of $150,000 or more shall make all payments required by rules of the Department by electronic funds transfer. Beginning October 1, 1994, a taxpayer who has an average monthly tax liability of $100,000 or more shall make all payments required by rules of the Department by electronic funds transfer. Beginning October 1, 1995, a taxpayer who has an average monthly tax liability of $50,000 or more shall make all payments required by rules of the Department by electronic funds transfer. Beginning October 1, 2000, a taxpayer who has an annual tax liability of $200,000 or more shall make all payments required by rules of the Department by electronic funds transfer. The term "annual tax liability" shall be the sum of the taxpayer's liabilities under this Act, and under all other State and local occupation and use tax laws administered by the Department, for the immediately preceding calendar year. The term "average monthly tax liability" means the sum of the taxpayer's liabilities under this Act, and under all other State and local occupation and use tax laws administered by the Department, for the immediately preceding calendar year divided by 12. Beginning on October 1, 2002, a taxpayer who has a tax liability in the amount set forth in subsection (b) of Section 2505-210 of the Department of Revenue Law shall make all payments required by rules of the Department by electronic funds transfer.

Before August 1 of each year beginning in 1993, the Department shall notify all taxpayers required to make payments by electronic funds transfer. All taxpayers required to make payments by electronic funds transfer shall make those payments for a minimum of one year beginning on October 1.

Any taxpayer not required to make payments by electronic funds transfer may make payments by electronic funds transfer with the permission of the Department.

All taxpayers required to make payment by electronic funds transfer and any taxpayers authorized to voluntarily make payments by electronic funds transfer shall make those payments in the manner authorized by the Department.

The Department shall adopt such rules as are necessary to effectuate a program of electronic funds transfer and the requirements of this Section.

Before October 1, 2000, if the taxpayer's average monthly tax liability to the Department under this Act, the Retailers' Occupation Tax Act, the Service Occupation Tax Act, the Service Use Tax Act was $10,000 or more during the preceding 4 complete calendar quarters, he shall file a return with the Department each month by the 20th day of the month next following the month during which such tax liability is incurred and shall make payments to the Department on or before the 7th, 15th, 22nd and last day of the month during which such liability is incurred. On and after October 1, 2000, if the taxpayer's average monthly tax liability to the Department under this Act, the Retailers' Occupation Tax Act, the Service

New matter indicated by italics - deletions by strikeout.
Occupation Tax Act, and the Service Use Tax Act was $20,000 or more during the preceding 4 complete calendar quarters, he shall file a return with the Department each month by the 20th day of the month next following the month during which such tax liability is incurred and shall make payment to the Department on or before the 7th, 15th, 22nd and last day of the month during which such liability is incurred. If the month during which such tax liability is incurred began prior to January 1, 1985, each payment shall be in an amount equal to 1/4 of the taxpayer's actual liability for the month or an amount set by the Department not to exceed 1/4 of the average monthly liability of the taxpayer to the Department for the preceding 4 complete calendar quarters (excluding the month of highest liability and the month of lowest liability in such 4 quarter period). If the month during which such tax liability is incurred begins on or after January 1, 1985, and prior to January 1, 1987, each payment shall be in an amount equal to 22.5% of the taxpayer's actual liability for the month or 27.5% of the taxpayer's liability for the same calendar month of the preceding year. If the month during which such tax liability is incurred begins on or after January 1, 1987, and prior to January 1, 1988, each payment shall be in an amount equal to 22.5% of the taxpayer's actual liability for the month or 26.25% of the taxpayer's liability for the same calendar month of the preceding year. If the month during which such tax liability is incurred begins on or after January 1, 1988, and prior to January 1, 1989, or begins on or after January 1, 1996, each payment shall be in an amount equal to 22.5% of the taxpayer's actual liability for the month or 25% of the taxpayer's liability for the same calendar month of the preceding year. If the month during which such tax liability is incurred begins on or after January 1, 1989, and prior to January 1, 1996, each payment shall be in an amount equal to 22.5% of the taxpayer's actual liability for the month or 25% of the taxpayer's liability for the same calendar month of the preceding year or 100% of the taxpayer's actual liability for the quarter monthly reporting period. The amount of such quarter monthly payments shall be credited against the final tax liability of the taxpayer's return for that month. Before October 1, 2000, once applicable, the requirement of the making of quarter monthly payments to the Department shall continue until such taxpayer's average monthly liability to the Department during the preceding 4 complete calendar quarters (excluding the month of highest liability and the month of lowest liability) is less than $9,000, or until such taxpayer's average monthly liability to the Department as computed for each calendar quarter of the 4 preceding complete calendar quarter period is less than $10,000. However, if a taxpayer can show the Department that a substantial change in the taxpayer's business has occurred which causes the taxpayer to anticipate that his average monthly tax liability for the reasonably foreseeable future will fall below the $10,000 threshold stated above, then such taxpayer may petition the Department for change in such taxpayer's reporting status. On and after October 1, 2000, once applicable, the requirement of the making of quarter monthly payments to the Department shall continue until such taxpayer's average monthly liability to the Department during the preceding 4 complete calendar quarters (excluding the month of highest liability and the month of lowest liability) is less than $19,000 or until such taxpayer's average monthly liability to the Department as computed for each calendar quarter of the 4 preceding complete calendar quarter period is less than $20,000. However, if a taxpayer can show the
Department that a substantial change in the taxpayer's business has occurred which causes the taxpayer to anticipate that his average monthly tax liability for the reasonably foreseeable future will fall below the $20,000 threshold stated above, then such taxpayer may petition the Department for a change in such taxpayer's reporting status. The Department shall change such taxpayer's reporting status unless it finds that such change is seasonal in nature and not likely to be long term. If any such quarter monthly payment is not paid at the time or in the amount required by this Section, then the taxpayer shall be liable for penalties and interest on the difference between the minimum amount due and the amount of such quarter monthly payment actually and timely paid, except insofar as the taxpayer has previously made payments for that month to the Department in excess of the minimum payments previously due as provided in this Section. The Department shall make reasonable rules and regulations to govern the quarter monthly payment amount and quarter monthly payment dates for taxpayers who file on other than a calendar monthly basis.

If any such payment provided for in this Section exceeds the taxpayer's liabilities under this Act, the Retailers' Occupation Tax Act, the Service Occupation Tax Act and the Service Use Tax Act, as shown by an original monthly return, the Department shall issue to the taxpayer a credit memorandum no later than 30 days after the date of payment, which memorandum may be submitted by the taxpayer to the Department in payment of tax liability subsequently to be remitted by the taxpayer to the Department or be assigned by the taxpayer to a similar taxpayer under this Act, the Retailers' Occupation Tax Act, the Service Occupation Tax Act or the Service Use Tax Act, in accordance with reasonable rules and regulations to be prescribed by the Department, except that if such excess payment is shown on an original monthly return and is made after December 31, 1986, no credit memorandum shall be issued, unless requested by the taxpayer. If no such request is made, the taxpayer may credit such excess payment against tax liability subsequently to be remitted by the taxpayer to the Department under this Act, the Retailers' Occupation Tax Act, the Service Occupation Tax Act or the Service Use Tax Act, in accordance with reasonable rules and regulations prescribed by the Department. If the Department subsequently determines that all or any part of the credit taken was not actually due to the taxpayer, the taxpayer's 2.1% or 1.75% vendor's discount shall be reduced by 2.1% or 1.75% of the difference between the credit taken and that actually due, and the taxpayer shall be liable for penalties and interest on such difference.

If the retailer is otherwise required to file a monthly return and if the retailer's average monthly tax liability to the Department does not exceed $200, the Department may authorize his returns to be filed on a quarterly basis, with the return for January, February, and March of a given year being due by April 20 of such year; with the return for April, May and June of a given year being due by July 20 of such year; with the return for July, August and September of a given year being due by October 20 of such year, and with the return for October, November and December of a given year being due by January 20 of the following year.

If the retailer is otherwise required to file a monthly or quarterly return and if the retailer's average monthly tax liability to the Department does not exceed $50, the
Department may authorize his returns to be filed on an annual basis, with the return for a given year being due by January 20 of the following year.

Such quarter annual and annual returns, as to form and substance, shall be subject to the same requirements as monthly returns.

Notwithstanding any other provision in this Act concerning the time within which a retailer may file his return, in the case of any retailer who ceases to engage in a kind of business which makes him responsible for filing returns under this Act, such retailer shall file a final return under this Act with the Department not more than one month after discontinuing such business.

In addition, with respect to motor vehicles, watercraft, aircraft, and trailers that are required to be registered with an agency of this State, every retailer selling this kind of tangible personal property shall file, with the Department, upon a form to be prescribed and supplied by the Department, a separate return for each such item of tangible personal property which the retailer sells, except that if, in the same transaction, (i) a retailer of aircraft, watercraft, motor vehicles or trailers transfers more than one aircraft, watercraft, motor vehicle or trailer to another aircraft, watercraft, motor vehicle or trailer retailer for the purpose of resale or (ii) a retailer of aircraft, watercraft, motor vehicles, or trailers transfers more than one aircraft, watercraft, motor vehicle, or trailer to a purchaser for use as a qualifying rolling stock as provided in Section 3-55 of this Act, then that seller may report the transfer of all the aircraft, watercraft, motor vehicles or trailers involved in that transaction to the Department on the same uniform invoice-transaction reporting return form.

For purposes of this Section, "watercraft" means a Class 2, Class 3, or Class 4 watercraft as defined in Section 3-2 of the Boat Registration and Safety Act, a personal watercraft, or any boat equipped with an inboard motor.

The transaction reporting return in the case of motor vehicles or trailers that are required to be registered with an agency of this State, shall be the same document as the Uniform Invoice referred to in Section 5-402 of the Illinois Vehicle Code and must show the name and address of the seller; the name and address of the purchaser; the amount of the selling price including the amount allowed by the retailer for traded-in property, if any; the amount allowed by the retailer for the traded-in tangible personal property, if any, to the extent to which Section 2 of this Act allows an exemption for the value of traded-in property; the balance payable after deducting such trade-in allowance from the total selling price; the amount of tax due from the retailer with respect to such transaction; the amount of tax collected from the purchaser by the retailer on such transaction (or satisfactory evidence that such tax is not due in that particular instance, if that is claimed to be the fact); the place and date of the sale; a sufficient identification of the property sold; such other information as is required in Section 5-402 of the Illinois Vehicle Code, and such other information as the Department may reasonably require.

The transaction reporting return in the case of watercraft and aircraft must show the name and address of the seller; the name and address of the purchaser; the amount of the selling price including the amount allowed by the retailer for traded-in property, if any; the amount allowed by the retailer for the traded-in tangible personal property, if any, to the
extent to which Section 2 of this Act allows an exemption for the value of traded-in property; the balance payable after deducting such trade-in allowance from the total selling price; the amount of tax due from the retailer with respect to such transaction; the amount of tax collected from the purchaser by the retailer on such transaction (or satisfactory evidence that such tax is not due in that particular instance, if that is claimed to be the fact); the place and date of the sale, a sufficient identification of the property sold, and such other information as the Department may reasonably require.

Such transaction reporting return shall be filed not later than 20 days after the date of delivery of the item that is being sold, but may be filed by the retailer at any time sooner than that if he chooses to do so. The transaction reporting return and tax remittance or proof of exemption from the tax that is imposed by this Act may be transmitted to the Department by way of the State agency with which, or State officer with whom, the tangible personal property must be titled or registered (if titling or registration is required) if the Department and such agency or State officer determine that this procedure will expedite the processing of applications for title or registration.

With each such transaction reporting return, the retailer shall remit the proper amount of tax due (or shall submit satisfactory evidence that the sale is not taxable if that is the case), to the Department or its agents, whereupon the Department shall issue, in the purchaser's name, a tax receipt (or a certificate of exemption if the Department is satisfied that the particular sale is tax exempt) which such purchaser may submit to the agency with which, or State officer with whom, he must title or register the tangible personal property that is involved (if titling or registration is required) in support of such purchaser's application for an Illinois certificate or other evidence of title or registration to such tangible personal property.

No retailer's failure or refusal to remit tax under this Act precludes a user, who has paid the proper tax to the retailer, from obtaining his certificate of title or other evidence of title or registration (if titling or registration is required) upon satisfying the Department that such user has paid the proper tax (if tax is due) to the retailer. The Department shall adopt appropriate rules to carry out the mandate of this paragraph.

If the user who would otherwise pay tax to the retailer wants the transaction reporting return filed and the payment of tax or proof of exemption made to the Department before the retailer is willing to take these actions and such user has not paid the tax to the retailer, such user may certify to the fact of such delay by the retailer, and may (upon the Department being satisfied of the truth of such certification) transmit the information required by the transaction reporting return and the remittance for tax or proof of exemption directly to the Department and obtain his tax receipt or exemption determination, in which event the transaction reporting return and tax remittance (if a tax payment was required) shall be credited by the Department to the proper retailer's account with the Department, but without the 2.1% or 1.75% discount provided for in this Section being allowed. When the user pays the tax directly to the Department, he shall pay the tax in the same amount and in the same form in which it would be remitted if the tax had been remitted to the Department by the retailer.

New matter indicated by italics - deletions by strikeout.
Where a retailer collects the tax with respect to the selling price of tangible personal property which he sells and the purchaser thereafter returns such tangible personal property and the retailer refunds the selling price thereof to the purchaser, such retailer shall also refund, to the purchaser, the tax so collected from the purchaser. When filing his return for the period in which he refunds such tax to the purchaser, the retailer may deduct the amount of the tax so refunded by him to the purchaser from any other use tax which such retailer may be required to pay or remit to the Department, as shown by such return, if the amount of the tax to be deducted was previously remitted to the Department by such retailer. If the retailer has not previously remitted the amount of such tax to the Department, he is entitled to no deduction under this Act upon refunding such tax to the purchaser.

Any retailer filing a return under this Section shall also include (for the purpose of paying tax thereon) the total tax covered by such return upon the selling price of tangible personal property purchased by him at retail from a retailer, but as to which the tax imposed by this Act was not collected from the retailer filing such return, and such retailer shall remit the amount of such tax to the Department when filing such return.

If experience indicates such action to be practicable, the Department may prescribe and furnish a combination or joint return which will enable retailers, who are required to file returns hereunder and also under the Retailers' Occupation Tax Act, to furnish all the return information required by both Acts on the one form.

Where the retailer has more than one business registered with the Department under separate registration under this Act, such retailer may not file each return that is due as a single return covering all such registered businesses, but shall file separate returns for each such registered business.

Beginning January 1, 1990, each month the Department shall pay into the State and Local Sales Tax Reform Fund, a special fund in the State Treasury which is hereby created, the net revenue realized for the preceding month from the 1% tax on sales of food for human consumption which is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks and food which has been prepared for immediate consumption) and prescription and nonprescription medicines, drugs, medical appliances and insulin, urine testing materials, syringes and needles used by diabetics.

Beginning January 1, 1990, each month the Department shall pay into the County and Mass Transit District Fund 4% of the net revenue realized for the preceding month from the 6.25% general rate on the selling price of tangible personal property which is purchased outside Illinois at retail from a retailer and which is titled or registered by an agency of this State's government.

Beginning January 1, 1990, each month the Department shall pay into the State and Local Sales Tax Reform Fund, a special fund in the State Treasury, 20% of the net revenue realized for the preceding month from the 6.25% general rate on the selling price of tangible personal property, other than tangible personal property which is purchased outside Illinois at retail from a retailer and which is titled or registered by an agency of this State's government.

Beginning August 1, 2000, each month the Department shall pay into the State and Local Sales Tax Reform Fund, a special fund in the State Treasury, 50% of the net revenue realized for the preceding month from the 6.25% general rate on the selling price of tangible personal property, other than tangible personal property which is purchased outside Illinois at retail from a retailer and which is titled or registered by an agency of this State's government.

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Local Sales Tax Reform Fund 100% of the net revenue realized for the preceding month from the 1.25% rate on the selling price of motor fuel and gasohol.

Beginning January 1, 1990, each month the Department shall pay into the Local Government Tax Fund 16% of the net revenue realized for the preceding month from the 6.25% general rate on the selling price of tangible personal property which is purchased outside Illinois at retail from a retailer and which is titled or registered by an agency of this State's government.

Of the remainder of the moneys received by the Department pursuant to this Act, (a) 1.75% thereof shall be paid into the Build Illinois Fund and (b) prior to July 1, 1989, 2.2% and on and after July 1, 1989, 3.8% thereof shall be paid into the Build Illinois Fund; provided, however, that if in any fiscal year the sum of (1) the aggregate of 2.2% or 3.8%, as the case may be, of the moneys received by the Department and required to be paid into the Build Illinois Fund pursuant to Section 3 of the Retailers' Occupation Tax Act, Section 9 of the Use Tax Act, Section 9 of the Service Use Tax Act, and Section 9 of the Service Occupation Tax Act, such Acts being hereinafter called the "Tax Acts" and such aggregate of 2.2% or 3.8%, as the case may be, of moneys being hereinafter called the "Tax Act Amount", and (2) the amount transferred to the Build Illinois Fund from the State and Local Sales Tax Reform Fund shall be less than the Annual Specified Amount (as defined in Section 3 of the Retailers' Occupation Tax Act), an amount equal to the difference shall be immediately paid into the Build Illinois Fund from other moneys received by the Department pursuant to the Tax Acts; and further provided, that if on the last business day of any month the sum of (1) the Tax Act Amount required to be deposited into the Build Illinois Bond Account in the Build Illinois Fund during such month and (2) the amount transferred during such month to the Build Illinois Fund from the State and Local Sales Tax Reform Fund shall have been less than 1/12 of the Annual Specified Amount, an amount equal to the difference shall be immediately paid into the Build Illinois Fund from other moneys received by the Department pursuant to the Tax Acts; and, further provided, that in no event shall the payments required under the preceding proviso result in aggregate payments into the Build Illinois Fund pursuant to this clause (b) for any fiscal year in excess of the greater of (i) the Tax Act Amount or (ii) the Annual Specified Amount for such fiscal year; and, further provided, that the amounts payable into the Build Illinois Fund under this clause (b) shall be payable only until such time as the aggregate amount on deposit under each trust indenture securing Bonds issued and outstanding pursuant to the Build Illinois Bond Act is sufficient, taking into account any future investment income, to fully provide, in accordance with such indenture, for the defeasance of or the payment of the principal of, premium, if any, and interest on the Bonds secured by such indenture and on any Bonds expected to be issued thereafter and all fees and costs payable with respect thereto, all as certified by the Director of the Bureau of the Budget. If on the last business day of any month in which Bonds are outstanding pursuant to the Build Illinois Bond Act, the aggregate of the moneys deposited in the Build Illinois Bond Account in the Build Illinois Fund in such month shall be less than the amount required to be transferred in such month from the Build Illinois Bond Account to the Build Illinois Bond Retirement and Interest Fund pursuant to Section 13 of the Build

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Illinois Bond Act, an amount equal to such deficiency shall be immediately paid from other moneys received by the Department pursuant to the Tax Acts to the Build Illinois Fund; provided, however, that any amounts paid to the Build Illinois Fund in any fiscal year pursuant to this sentence shall be deemed to constitute payments pursuant to clause (b) of the preceding sentence and shall reduce the amount otherwise payable for such fiscal year pursuant to clause (b) of the preceding sentence. The moneys received by the Department pursuant to this Act and required to be deposited into the Build Illinois Fund are subject to the pledge, claim and charge set forth in Section 12 of the Build Illinois Bond Act.

Subject to payment of amounts into the Build Illinois Fund as provided in the preceding paragraph or in any amendment thereto hereafter enacted, the following specified monthly installment of the amount requested in the certificate of the Chairman of the Metropolitan Pier and Exposition Authority provided under Section 8.25f of the State Finance Act, but not in excess of the sums designated as "Total Deposit", shall be deposited in the aggregate from collections under Section 9 of the Use Tax Act, Section 9 of the Service Use Tax Act, Section 9 of the Service Occupation Tax Act, and Section 3 of the Retailers’ Occupation Tax Act into the McCormick Place Expansion Project Fund in the specified fiscal years.

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</tr>
<tr>
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<tr>
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<td>179,000,000</td>
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<tr>
<td>2016</td>
<td>189,000,000</td>
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</tbody>
</table>

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Beginning July 20, 1993 and in each month of each fiscal year thereafter, one-eighth of the amount requested in the certificate of the Chairman of the Metropolitan Pier and Exposition Authority for that fiscal year, less the amount deposited into the McCormick Place Expansion Project Fund by the State Treasurer in the respective month under subsection (g) of Section 13 of the Metropolitan Pier and Exposition Authority Act, plus cumulative deficiencies in the deposits required under this Section for previous months and years, shall be deposited into the McCormick Place Expansion Project Fund, until the full amount requested for the fiscal year, but not in excess of the amount specified above as "Total Deposit", has been deposited.

Subject to payment of amounts into the Build Illinois Fund and the McCormick Place Expansion Project Fund pursuant to the preceding paragraphs or in any amendment thereto hereafter enacted, beginning July 1, 1993, the Department shall each month pay into the Illinois Tax Increment Fund 0.27% of 80% of the net revenue realized for the preceding month from the 6.25% general rate on the selling price of tangible personal property.

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preceding paragraphs or in any amendments thereto hereafter enacted, beginning with the receipt of the first report of taxes paid by an eligible business and continuing for a 25-year period, the Department shall each month pay into the Energy Infrastructure Fund 80% of the net revenue realized from the 6.25% general rate on the selling price of Illinois-mined coal that was sold to an eligible business. For purposes of this paragraph, the term "eligible business" means a new electric generating facility certified pursuant to Section 605-332 of the Department of Commerce and Community Affairs Law of the Civil Administrative Code of Illinois.

Of the remainder of the moneys received by the Department pursuant to this Act, 75% thereof shall be paid into the State Treasury and 25% shall be reserved in a special account used only for the transfer to the Common School Fund as part of the monthly transfer from the General Revenue Fund in accordance with Section 8a of the State Finance Act.

As soon as possible after the first day of each month, upon certification of the Department of Revenue, the Comptroller shall order transferred and the Treasurer shall transfer from the General Revenue Fund to the Motor Fuel Tax Fund an amount equal to 1.7% of 80% of the net revenue realized under this Act for the second preceding month. Beginning April 1, 2000, this transfer is no longer required and shall not be made.

Net revenue realized for a month shall be the revenue collected by the State pursuant to this Act, less the amount paid out during that month as refunds to taxpayers for overpayment of liability.

For greater simplicity of administration, manufacturers, importers and wholesalers whose products are sold at retail in Illinois by numerous retailers, and who wish to do so, may assume the responsibility for accounting and paying to the Department all tax accruing under this Act with respect to such sales, if the retailers who are affected do not make written objection to the Department to this arrangement.

(35 ILCS 110/3-5) (from Ch. 120, par. 439.33-5)

Sec. 3-5. Exemptions. Use of the following tangible personal property is exempt from the tax imposed by this Act:

(1) Personal property purchased from a corporation, society, association, foundation, institution, or organization, other than a limited liability company, that is organized and operated as a not-for-profit service enterprise for the benefit of persons 65 years of age or older if the personal property was not purchased by the enterprise for the purpose of resale by the enterprise.

(2) Personal property purchased by a non-profit Illinois county fair association for use in conducting, operating, or promoting the county fair.

(3) Personal property purchased by a not-for-profit arts or cultural organization that establishes, by proof required by the Department by rule, that it has received an exemption
under Section 501(c)(3) of the Internal Revenue Code and that is organized and operated primarily for the presentation or support of arts or cultural programming, activities, or services. These organizations include, but are not limited to, music and dramatic arts organizations such as symphony orchestras and theatrical groups, arts and cultural service organizations, local arts councils, visual arts organizations, and media arts organizations. On and after the effective date of this amendatory Act of the 92nd General Assembly, however, an entity otherwise eligible for this exemption shall not make tax-free purchases unless it has an active identification number issued by the Department.

(4) Legal tender, currency, medallions, or gold or silver coinage issued by the State of Illinois, the government of the United States of America, or the government of any foreign country, and bullion.

(5) Graphic arts machinery and equipment, including repair and replacement parts, both new and used, and including that manufactured on special order or purchased for lease, certified by the purchaser to be used primarily for graphic arts production. Equipment includes chemicals or chemicals acting as catalysts but only if the chemicals or chemicals acting as catalysts effect a direct and immediate change upon a graphic arts product.

(6) Personal property purchased from a teacher-sponsored student organization affiliated with an elementary or secondary school located in Illinois.

(7) Farm machinery and equipment, both new and used, including that manufactured on special order, certified by the purchaser to be used primarily for production agriculture or State or federal agricultural programs, including individual replacement parts for the machinery and equipment, including machinery and equipment purchased for lease, and including implements of husbandry defined in Section 1-130 of the Illinois Vehicle Code, farm machinery and agricultural chemical and fertilizer spreaders, and nurse wagons required to be registered under Section 3-809 of the Illinois Vehicle Code, but excluding other motor vehicles required to be registered under the Illinois Vehicle Code. Horticultural polyhouses or hoop houses used for propagating, growing, or overwintering plants shall be considered farm machinery and equipment under this item (7). Agricultural chemical tender tanks and dry boxes shall include units sold separately from a motor vehicle required to be licensed and units sold mounted on a motor vehicle required to be licensed if the selling price of the tender is separately stated.

Farm machinery and equipment shall include precision farming equipment that is installed or purchased to be installed on farm machinery and equipment including, but not limited to, tractors, harvesters, sprayers, planters, seeders, or spreaders. Precision farming equipment includes, but is not limited to, soil testing sensors, computers, monitors, software, global positioning and mapping systems, and other such equipment.

Farm machinery and equipment also includes computers, sensors, software, and related equipment used primarily in the computer-assisted operation of production agriculture facilities, equipment, and activities such as, but not limited to, the collection, monitoring, and correlation of animal and crop data for the purpose of formulating animal diets and agricultural chemicals. This item (7) is exempt from the provisions of Section 3-75.

(8) Fuel and petroleum products sold to or used by an air common carrier, certified
by the carrier to be used for consumption, shipment, or storage in the conduct of its business
as an air common carrier, for a flight destined for or returning from a location or locations
outside the United States without regard to previous or subsequent domestic stopovers.

(9) Proceeds of mandatory service charges separately stated on customers' bills for
the purchase and consumption of food and beverages acquired as an incident to the purchase
of a service from a serviceman, to the extent that the proceeds of the service charge are in
fact turned over as tips or as a substitute for tips to the employees who participate directly
in preparing, serving, hosting or cleaning up the food or beverage function with respect to
which the service charge is imposed.

(10) Oil field exploration, drilling, and production equipment, including (i) rigs and
parts of rigs, rotary rigs, cable tool rigs, and workover rigs, (ii) pipe and tubular goods,
including casing and drill strings, (iii) pumps and pump-jack units, (iv) storage tanks and
flow lines, (v) any individual replacement part for oil field exploration, drilling, and
production equipment, and (vi) machinery and equipment purchased for lease; but excluding
motor vehicles required to be registered under the Illinois Vehicle Code.

(11) Proceeds from the sale of photoprocessing machinery and equipment, including
repair and replacement parts, both new and used, including that manufactured on special
order, certified by the purchaser to be used primarily for photoprocessing, and including
photoprocessing machinery and equipment purchased for lease.

(12) Coal exploration, mining, offhighway hauling, processing, maintenance,
and reclamation equipment, including replacement parts and equipment, and including equipment
purchased for lease, but excluding motor vehicles required to be registered under the Illinois
Vehicle Code.

(13) Semen used for artificial insemination of livestock for direct agricultural
production.

(14) Horses, or interests in horses, registered with and meeting the requirements of
any of the Arabian Horse Club Registry of America, Appaloosa Horse Club, American
Quarter Horse Association, United States Trotting Association, or Jockey Club, as
appropriate, used for purposes of breeding or racing for prizes.

(15) Computers and communications equipment utilized for any hospital purpose and
equipment used in the diagnosis, analysis, or treatment of hospital patients purchased by a
lessee who leases the equipment, under a lease of one year or longer executed or in effect at
the time the lessor would otherwise be subject to the tax imposed by this Act, to a hospital
that has been issued an active tax exemption identification number by the Department under
Section 1g of the Retailers' Occupation Tax Act. If the equipment is leased in a manner that
does not qualify for this exemption or is used in any other non-exempt manner, the lessor
shall be liable for the tax imposed under this Act or the Use Tax Act, as the case may be,
based on the fair market value of the property at the time the non-qualifying use occurs. No
lessor shall collect or attempt to collect an amount (however designated) that purports to
reimburse that lessor for the tax imposed by this Act or the Use Tax Act, as the case may be,
if the tax has not been paid by the lessor. If a lessor improperly collects any such amount
from the lessee, the lessee shall have a legal right to claim a refund of that amount from the
lessor. If, however, that amount is not refunded to the lessee for any reason, the lessor is liable to pay that amount to the Department.

(16) Personal property purchased by a lessor who leases the property, under a lease of one year or longer executed or in effect at the time the lessor would otherwise be subject to the tax imposed by this Act, to a governmental body that has been issued an active tax exemption identification number by the Department under Section 1g of the Retailers' Occupation Tax Act. If the property is leased in a manner that does not qualify for this exemption or is used in any other non-exempt manner, the lessor shall be liable for the tax imposed under this Act or the Use Tax Act, as the case may be, based on the fair market value of the property at the time the non-qualifying use occurs. No lessor shall collect or attempt to collect an amount (however designated) that purports to reimburse that lessor for the tax imposed by this Act or the Use Tax Act, as the case may be, if the tax has not been paid by the lessor. If a lessor improperly collects any such amount from the lessee, the lessee shall have a legal right to claim a refund of that amount from the lessor. If, however, that amount is not refunded to the lessee for any reason, the lessor is liable to pay that amount to the Department.

(17) Beginning with taxable years ending on or after December 31, 1995 and ending with taxable years ending on or before December 31, 2004, personal property that is donated for disaster relief to be used in a State or federally declared disaster area in Illinois or bordering Illinois by a manufacturer or retailer that is registered in this State to a corporation, society, association, foundation, or institution that has been issued a sales tax exemption identification number by the Department that assists victims of the disaster who reside within the declared disaster area.

(18) Beginning with taxable years ending on or after December 31, 1995 and ending with taxable years ending on or before December 31, 2004, personal property that is used in the performance of infrastructure repairs in this State, including but not limited to municipal roads and streets, access roads, bridges, sidewalks, waste disposal systems, water and sewer line extensions, water distribution and purification facilities, storm water drainage and retention facilities, and sewage treatment facilities, resulting from a State or federally declared disaster in Illinois or bordering Illinois when such repairs are initiated on facilities located in the declared disaster area within 6 months after the disaster.

(19) Beginning July 1, 1999, game or game birds purchased at a "game breeding and hunting preserve area" or an "exotic game hunting area" as those terms are used in the Wildlife Code or at a hunting enclosure approved through rules adopted by the Department of Natural Resources. This paragraph is exempt from the provisions of Section 3-75.

(20) A motor vehicle, as that term is defined in Section 1-146 of the Illinois Vehicle Code, that is donated to a corporation, limited liability company, society, association, foundation, or institution that is determined by the Department to be organized and operated exclusively for educational purposes. For purposes of this exemption, "a corporation, limited liability company, society, association, foundation, or institution organized and operated exclusively for educational purposes" means all tax-supported public schools, private schools that offer systematic instruction in useful branches of learning by methods common to public

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schools and that compare favorably in their scope and intensity with the course of study presented in tax-supported schools, and vocational or technical schools or institutes organized and operated exclusively to provide a course of study of not less than 6 weeks duration and designed to prepare individuals to follow a trade or to pursue a manual, technical, mechanical, industrial, business, or commercial occupation.

(21) Beginning January 1, 2000, personal property, including food, purchased through fundraising events for the benefit of a public or private elementary or secondary school, a group of those schools, or one or more school districts if the events are sponsored by an entity recognized by the school district that consists primarily of volunteers and includes parents and teachers of the school children. This paragraph does not apply to fundraising events (i) for the benefit of private home instruction or (ii) for which the fundraising entity purchases the personal property sold at the events from another individual or entity that sold the property for the purpose of resale by the fundraising entity and that profits from the sale to the fundraising entity. This paragraph is exempt from the provisions of Section 3-75.

(22) Beginning January 1, 2000 and through December 31, 2001, new or used automatic vending machines that prepare and serve hot food and beverages, including coffee, soup, and other items, and replacement parts for these machines. Beginning January 1, 2002, machines and parts for machines used in commercial, coin-operated amusement and vending business if a use or occupation tax is paid on the gross receipts derived from the use of the commercial, coin-operated amusement and vending machines. This paragraph is exempt from the provisions of Section 3-75.

(23) Food for human consumption that is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks, and food that has been prepared for immediate consumption) and prescription and nonprescription medicines, drugs, medical appliances, and insulin, urine testing materials, syringes, and needles used by diabetics, for human use, when purchased for use by a person receiving medical assistance under Article 5 of the Illinois Public Aid Code who resides in a licensed long-term care facility, as defined in the Nursing Home Care Act.

(24) Beginning on the effective date of this amendatory Act of the 92nd General Assembly, computers and communications equipment utilized for any hospital purpose and equipment used in the diagnosis, analysis, or treatment of hospital patients purchased by a lessor who leases the equipment, under a lease of one year or longer executed or in effect at the time the lessor would otherwise be subject to the tax imposed by this Act, to a hospital that has been issued an active tax exemption identification number by the Department under Section 1g of the Retailers' Occupation Tax Act. If the equipment is leased in a manner that does not qualify for this exemption or is used in any other nonexempt manner, the lessor shall be liable for the tax imposed under this Act or the Use Tax Act, as the case may be, based on the fair market value of the property at the time the nonqualifying use occurs. No lessor shall collect or attempt to collect an amount (however designated) that purports to reimburse that lessor for the tax imposed by this Act or the Use Tax Act, as the case may be, if the tax has not been paid by the lessor. If a lessor improperly collects any such amount from the lessee, the lessee shall have a legal right to claim a refund of that amount from the

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lessor. If, however, that amount is not refunded to the lessee for any reason, the lessor is liable to pay that amount to the Department. This paragraph is exempt from the provisions of Section 3-75.

(25) Beginning on the effective date of this amendatory Act of the 92nd General Assembly, personal property purchased by a lessor who leases the property, under a lease of one year or longer executed or in effect at the time the lessor would otherwise be subject to the tax imposed by this Act, to a governmental body that has been issued an active tax exemption identification number by the Department under Section 1g of the Retailers’ Occupation Tax Act. If the property is leased in a manner that does not qualify for this exemption or is used in any other nonexempt manner, the lessor shall be liable for the tax imposed under this Act or the Use Tax Act, as the case may be, based on the fair market value of the property at the time the nonqualifying use occurs. No lessor shall collect or attempt to collect an amount (however designated) that purports to reimburse that lessor for the tax imposed by this Act or the Use Tax Act, as the case may be, if the tax has not been paid by the lessor. If a lessor improperly collects any such amount from the lessee, the lessee shall have a legal right to claim a refund of that amount from the lessor. If, however, that amount is not refunded to the lessee for any reason, the lessor is liable to pay that amount to the Department. This paragraph is exempt from the provisions of Section 3-75.

(35 ILCS 110/9) (from Ch. 120, par. 439.39)

Sec. 9. Each serviceman required or authorized to collect the tax herein imposed shall pay to the Department the amount of such tax (except as otherwise provided) at the time when he is required to file his return for the period during which such tax was collected, less a discount of 2.1% prior to January 1, 1990 and 1.75% on and after January 1, 1990, or $5 per calendar year, whichever is greater, which is allowed to reimburse the serviceman for expenses incurred in collecting the tax, keeping records, preparing and filing returns, remitting the tax and supplying data to the Department on request. A serviceman need not remit that part of any tax collected by him to the extent that he is required to pay and does pay the tax imposed by the Service Occupation Tax Act with respect to his sale of service involving the incidental transfer by him of the same property.

Except as provided hereinafter in this Section, on or before the twentieth day of each calendar month, such serviceman shall file a return for the preceding calendar month in accordance with reasonable Rules and Regulations to be promulgated by the Department. Such return shall be filed on a form prescribed by the Department and shall contain such information as the Department may reasonably require.

The Department may require returns to be filed on a quarterly basis. If so required, a return for each calendar quarter shall be filed on or before the twentieth day of the calendar month following the end of such calendar quarter. The taxpayer shall also file a return with the Department for each of the first two months of each calendar quarter, on or before the twentieth day of the following calendar month, stating:

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1. The name of the seller;
2. The address of the principal place of business from which he engages in business as a serviceman in this State;
3. The total amount of taxable receipts received by him during the preceding calendar month, including receipts from charge and time sales, but less all deductions allowed by law;
4. The amount of credit provided in Section 2d of this Act;
5. The amount of tax due;
5-5. The signature of the taxpayer; and
6. Such other reasonable information as the Department may require.

If a taxpayer fails to sign a return within 30 days after the proper notice and demand for signature by the Department, the return shall be considered valid and any amount shown to be due on the return shall be deemed assessed.

Beginning October 1, 1993, a taxpayer who has an average monthly tax liability of $150,000 or more shall make all payments required by rules of the Department by electronic funds transfer. Beginning October 1, 1994, a taxpayer who has an average monthly tax liability of $100,000 or more shall make all payments required by rules of the Department by electronic funds transfer. Beginning October 1, 1995, a taxpayer who has an average monthly tax liability of $50,000 or more shall make all payments required by rules of the Department by electronic funds transfer. Beginning October 1, 2000, a taxpayer who has an annual tax liability of $200,000 or more shall make all payments required by rules of the Department by electronic funds transfer. The term "annual tax liability" shall be the sum of the taxpayer's liabilities under this Act, and under all other State and local occupation and use tax laws administered by the Department, for the immediately preceding calendar year. The term "average monthly tax liability" means the sum of the taxpayer's liabilities under this Act, and under all other State and local occupation and use tax laws administered by the Department, for the immediately preceding calendar year divided by 12. Beginning on October 1, 2002, a taxpayer who has a tax liability in the amount set forth in subsection (b) of Section 2505-210 of the Department of Revenue Law shall make all payments required by rules of the Department by electronic funds transfer.

Before August 1 of each year beginning in 1993, the Department shall notify all taxpayers required to make payments by electronic funds transfer. All taxpayers required to make payments by electronic funds transfer shall make those payments for a minimum of one year beginning on October 1.

Any taxpayer not required to make payments by electronic funds transfer may make payments by electronic funds transfer with the permission of the Department.

All taxpayers required to make payment by electronic funds transfer and any taxpayers authorized to voluntarily make payments by electronic funds transfer shall make those payments in the manner authorized by the Department.

The Department shall adopt such rules as are necessary to effectuate a program of electronic funds transfer and the requirements of this Section.

If the serviceman is otherwise required to file a monthly return and if the serviceman's
average monthly tax liability to the Department does not exceed $200, the Department may authorize his returns to be filed on a quarter annual basis, with the return for January, February and March of a given year being due by April 20 of such year; with the return for April, May and June of a given year being due by July 20 of such year; with the return for July, August and September of a given year being due by October 20 of such year, and with the return for October, November and December of a given year being due by January 20 of the following year.

If the serviceman is otherwise required to file a monthly or quarterly return and if the serviceman's average monthly tax liability to the Department does not exceed $50, the Department may authorize his returns to be filed on an annual basis, with the return for a given year being due by January 20 of the following year.

Such quarter annual and annual returns, as to form and substance, shall be subject to the same requirements as monthly returns.

Notwithstanding any other provision in this Act concerning the time within which a serviceman may file his return, in the case of any serviceman who ceases to engage in a kind of business which makes him responsible for filing returns under this Act, such serviceman shall file a final return under this Act with the Department not more than 1 month after discontinuing such business.

Where a serviceman collects the tax with respect to the selling price of property which he sells and the purchaser thereafter returns such property and the serviceman refunds the selling price thereof to the purchaser, such serviceman shall also refund, to the purchaser, the tax so collected from the purchaser. When filing his return for the period in which he refunds such tax to the purchaser, the serviceman may deduct the amount of the tax so refunded by him to the purchaser from any other Service Use Tax, Service Occupation Tax, retailers' occupation tax or use tax which such serviceman may be required to pay or remit to the Department, as shown by such return, provided that the amount of the tax to be deducted shall previously have been remitted to the Department by such serviceman. If the serviceman shall not previously have remitted the amount of such tax to the Department, he shall be entitled to no deduction hereunder upon refunding such tax to the purchaser.

Any serviceman filing a return hereunder shall also include the total tax upon the selling price of tangible personal property purchased for use by him as an incident to a sale of service, and such serviceman shall remit the amount of such tax to the Department when filing such return.

If experience indicates such action to be practicable, the Department may prescribe and furnish a combination or joint return which will enable servicemen, who are required to file returns hereunder and also under the Service Occupation Tax Act, to furnish all the return information required by both Acts on the one form.

Where the serviceman has more than one business registered with the Department under separate registration hereunder, such serviceman shall not file each return that is due as a single return covering all such registered businesses, but shall file separate returns for each such registered business.

Beginning January 1, 1990, each month the Department shall pay into the State and

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Local Tax Reform Fund, a special fund in the State Treasury, the net revenue realized for the preceding month from the 1% tax on sales of food for human consumption which is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks and food which has been prepared for immediate consumption) and prescription and nonprescription medicines, drugs, medical appliances and insulin, urine testing materials, syringes and needles used by diabetics.

Beginning January 1, 1990, each month the Department shall pay into the State and Local Sales Tax Reform Fund 20% of the net revenue realized for the preceding month from the 6.25% general rate on transfers of tangible personal property, other than tangible personal property which is purchased outside Illinois at retail from a retailer and which is titled or registered by an agency of this State's government.

Beginning August 1, 2000, each month the Department shall pay into the State and Local Sales Tax Reform Fund 100% of the net revenue realized for the preceding month from the 1.25% rate on the selling price of motor fuel and gasohol.

Of the remainder of the moneys received by the Department pursuant to this Act, (a) 1.75% thereof shall be paid into the Build Illinois Fund and (b) prior to July 1, 1989, 2.2% and on and after July 1, 1989, 3.8% thereof shall be paid into the Build Illinois Fund; provided, however, that if in any fiscal year the sum of (1) the aggregate of 2.2% or 3.8%, as the case may be, of the moneys received by the Department and required to be paid into the Build Illinois Fund pursuant to Section 3 of the Retailers' Occupation Tax Act, Section 9 of the Use Tax Act, Section 9 of the Service Use Tax Act, and Section 9 of the Service Occupation Tax Act, such Acts being hereinafter called the "Tax Acts" and such aggregate of 2.2% or 3.8%, as the case may be, of moneys being hereinafter called the "Tax Act Amount", and (2) the amount transferred to the Build Illinois Fund from the State and Local Sales Tax Reform Fund shall be less than the Annual Specified Amount (as defined in Section 3 of the Retailers' Occupation Tax Act), an amount equal to the difference shall be immediately paid into the Build Illinois Fund from other moneys received by the Department pursuant to the Tax Acts; and further provided, that if on the last business day of any month the sum of (1) the Tax Act Amount required to be deposited into the Build Illinois Bond Account in the Build Illinois Fund during such month and (2) the amount transferred during such month to the Build Illinois Fund from the State and Local Sales Tax Reform Fund shall have been less than 1/12 of the Annual Specified Amount, an amount equal to the difference shall be immediately paid into the Build Illinois Fund from other moneys received by the Department pursuant to the Tax Acts; and, further provided, that in no event shall the payments required under the preceding proviso result in aggregate payments into the Build Illinois Fund pursuant to this clause (b) for any fiscal year in excess of the greater of (i) the Tax Act Amount or (ii) the Annual Specified Amount for such fiscal year; and, further provided, that the amounts payable into the Build Illinois Fund under this clause (b) shall be payable only until such time as the aggregate amount on deposit under each trust indenture securing Bonds issued and outstanding pursuant to the Build Illinois Bond Act is sufficient, taking into account any future investment income, to fully provide, in accordance with such indenture, for the defeasance of or the payment of the principal of, premium, if any, and

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interest on the Bonds secured by such indenture and on any Bonds expected to be issued thereafter and all fees and costs payable with respect thereto, all as certified by the Director of the Bureau of the Budget. If on the last business day of any month in which Bonds are outstanding pursuant to the Build Illinois Bond Act, the aggregate of the moneys deposited in the Build Illinois Bond Account in the Build Illinois Fund in such month shall be less than the amount required to be transferred in such month from the Build Illinois Bond Account to the Build Illinois Bond Retirement and Interest Fund pursuant to Section 13 of the Build Illinois Bond Act, an amount equal to such deficiency shall be immediately paid from other moneys received by the Department pursuant to the Tax Acts to the Build Illinois Fund; provided, however, that any amounts paid to the Build Illinois Fund in any fiscal year pursuant to this sentence shall be deemed to constitute payments pursuant to clause (b) of the preceding sentence and shall reduce the amount otherwise payable for such fiscal year pursuant to clause (b) of the preceding sentence. The moneys received by the Department pursuant to this Act and required to be deposited into the Build Illinois Fund are subject to the pledge, claim and charge set forth in Section 12 of the Build Illinois Bond Act.

Subject to payment of amounts into the Build Illinois Fund as provided in the preceding paragraph or in any amendment thereto hereafter enacted, the following specified monthly installment of the amount requested in the certificate of the Chairman of the Metropolitan Pier and Exposition Authority provided under Section 8.25f of the State Finance Act, but not in excess of the sums designated as "Total Deposit", shall be deposited in the aggregate from collections under Section 9 of the Use Tax Act, Section 9 of the Service Use Tax Act, Section 9 of the Service Occupation Tax Act, and Section 3 of the Retailers’ Occupation Tax Act into the McCormick Place Expansion Project Fund in the specified fiscal years.

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New matter indicated by italics - deletions by strikeout.

2010                               139,000,000
2011                               146,000,000
2012                               153,000,000
2013                               161,000,000
2014                               170,000,000
2015                               179,000,000
2016                               189,000,000
2017                               199,000,000
2018                               210,000,000
2019                               221,000,000
2020                               233,000,000
2021                               246,000,000
2022                               260,000,000
2023 and                             275,000,000

each fiscal year
thereafter that bonds
are outstanding under
Section 13.2 of the
Metropolitan Pier and
Exposition Authority Act,
but not after fiscal year 2042.

Beginning July 20, 1993 and in each month of each fiscal year thereafter, one-eighth
of the amount requested in the certificate of the Chairman of the Metropolitan Pier and
Exposition Authority for that fiscal year, less the amount deposited into the McCormick
Place Expansion Project Fund by the State Treasurer in the respective month under
subsection (g) of Section 13 of the Metropolitan Pier and Exposition Authority Act, plus
cumulative deficiencies in the deposits required under this Section for previous months and
years, shall be deposited into the McCormick Place Expansion Project Fund, until the full
amount requested for the fiscal year, but not in excess of the amount specified above as
"Total Deposit", has been deposited.

Subject to payment of amounts into the Build Illinois Fund and the McCormick Place
Expansion Project Fund pursuant to the preceding paragraphs or in any amendment thereto
hereafter enacted, each month the Department shall pay into the Local Government
Distributive Fund 0.4% of the net revenue realized for the preceding month from the 5%
general rate or 0.4% of 80% of the net revenue realized for the preceding month from the
6.25% general rate, as the case may be, on the selling price of tangible personal property
which amount shall, subject to appropriation, be distributed as provided in Section 2 of the
State Revenue Sharing Act. No payments or distributions pursuant to this paragraph shall be
made if the tax imposed by this Act on photo processing products is declared
unconstitutional, or if the proceeds from such tax are unavailable for distribution because of
litigation.

Subject to payment of amounts into the Build Illinois Fund, the McCormick Place
Expansion Project Fund, and the Local Government Distributive Fund pursuant to the preceding paragraphs or in any amendments thereto hereafter enacted, beginning July 1, 1993, the Department shall each month pay into the Illinois Tax Increment Fund 0.27% of 80% of the net revenue realized for the preceding month from the 6.25% general rate on the selling price of tangible personal property.

Subject to payment of amounts into the Build Illinois Fund, the McCormick Place Expansion Project Fund, and the Local Government Distributive Fund pursuant to the preceding paragraphs or in any amendments thereto hereafter enacted, beginning with the receipt of the first report of taxes paid by an eligible business and continuing for a 25-year period, the Department shall each month pay into the Energy Infrastructure Fund 80% of the net revenue realized from the 6.25% general rate on the selling price of Illinois-mined coal that was sold to an eligible business. For purposes of this paragraph, the term "eligible business" means a new electric generating facility certified pursuant to Section 605-332 of the Department of Commerce and Community Affairs Law of the Civil Administrative Code of Illinois.

All remaining moneys received by the Department pursuant to this Act shall be paid into the General Revenue Fund of the State Treasury.

As soon as possible after the first day of each month, upon certification of the Department of Revenue, the Comptroller shall order transferred and the Treasurer shall transfer from the General Revenue Fund to the Motor Fuel Tax Fund an amount equal to 1.7% of 80% of the net revenue realized under this Act for the second preceding month. Beginning April 1, 2000, this transfer is no longer required and shall not be made.

Net revenue realized for a month shall be the revenue collected by the State pursuant to this Act, less the amount paid out during that month as refunds to taxpayers for overpayment of liability.

(Source: P.A. 91-37, eff. 7-1-99; 91-51, eff. 6-30-99; 91-101, eff. 7-12-99; 91-541, eff. 8-13-99; 91-872, eff. 7-1-00; 92-12, eff. 7-1-01; 92-208, eff. 8-2-01; 92-492, eff. 1-1-02; revised 9-14-01.)

Section 27. The Service Occupation Tax Act is amended by changing Sections 3-5 and 9 as follows:

(35 ILCS 115/3-5) (from Ch. 120, par. 439.103-5)

Sec. 3-5. Exemptions. The following tangible personal property is exempt from the tax imposed by this Act:

(1) Personal property sold by a corporation, society, association, foundation, institution, or organization, other than a limited liability company, that is organized and operated as a not-for-profit service enterprise for the benefit of persons 65 years of age or older if the personal property was not purchased by the enterprise for the purpose of resale by the enterprise.

(2) Personal property purchased by a not-for-profit Illinois county fair association for use in conducting, operating, or promoting the county fair.

(3) Personal property purchased by any not-for-profit arts or cultural organization that establishes, by proof required by the Department by rule, that it has received an exemption

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under Section 501(c)(3) of the Internal Revenue Code and that is organized and operated primarily for the presentation or support of arts or cultural programming, activities, or services. These organizations include, but are not limited to, music and dramatic arts organizations such as symphony orchestras and theatrical groups, arts and cultural service organizations, local arts councils, visual arts organizations, and media arts organizations. On and after the effective date of this amendatory Act of the 92nd General Assembly, however, an entity otherwise eligible for this exemption shall not make tax-free purchases unless it has an active identification number issued by the Department.

(4) Legal tender, currency, medallions, or gold or silver coinage issued by the State of Illinois, the government of the United States of America, or the government of any foreign country, and bullion.

(5) Graphic arts machinery and equipment, including repair and replacement parts, both new and used, and including that manufactured on special order or purchased for lease, certified by the purchaser to be used primarily for graphic arts production. Equipment includes chemicals or chemicals acting as catalysts but only if the chemicals or chemicals acting as catalysts effect a direct and immediate change upon a graphic arts product.

(6) Personal property sold by a teacher-sponsored student organization affiliated with an elementary or secondary school located in Illinois.

(7) Farm machinery and equipment, both new and used, including that manufactured on special order, certified by the purchaser to be used primarily for production agriculture or State or federal agricultural programs, including individual replacement parts for the machinery and equipment, including machinery and equipment purchased for lease, and including implements of husbandry defined in Section 1-130 of the Illinois Vehicle Code, farm machinery and agricultural chemical and fertilizer spreaders, and nurse wagons required to be registered under Section 3-809 of the Illinois Vehicle Code, but excluding other motor vehicles required to be registered under the Illinois Vehicle Code. Horticultural polyhouses or hoop houses used for propagating, growing, or overwintering plants shall be considered farm machinery and equipment under this item (7). Agricultural chemical tender tanks and dry boxes shall include units sold separately from a motor vehicle required to be licensed and units sold mounted on a motor vehicle required to be licensed if the selling price of the tender is separately stated.

Farm machinery and equipment shall include precision farming equipment that is installed or purchased to be installed on farm machinery and equipment including, but not limited to, tractors, harvesters, sprayers, planters, seeders, or spreaders. Precision farming equipment includes, but is not limited to, soil testing sensors, computers, monitors, software, global positioning and mapping systems, and other such equipment.

Farm machinery and equipment also includes computers, sensors, software, and related equipment used primarily in the computer-assisted operation of production agriculture facilities, equipment, and activities such as, but not limited to, the collection, monitoring, and correlation of animal and crop data for the purpose of formulating animal diets and agricultural chemicals. This item (7) is exempt from the provisions of Section 3-55.

(8) Fuel and petroleum products sold to or used by an air common carrier, certified
by the carrier to be used for consumption, shipment, or storage in the conduct of its business as an air common carrier, for a flight destined for or returning from a location or locations outside the United States without regard to previous or subsequent domestic stopovers.

(9) Proceeds of mandatory service charges separately stated on customers' bills for the purchase and consumption of food and beverages, to the extent that the proceeds of the service charge are in fact turned over as tips or as a substitute for tips to the employees who participate directly in preparing, serving, hosting or cleaning up the food or beverage function with respect to which the service charge is imposed.

(10) Oil field exploration, drilling, and production equipment, including (i) rigs and parts of rigs, rotary rigs, cable tool rigs, and workover rigs, (ii) pipe and tubular goods, including casing and drill strings, (iii) pumps and pump-jack units, (iv) storage tanks and flow lines, (v) any individual replacement part for oil field exploration, drilling, and production equipment, and (vi) machinery and equipment purchased for lease; but excluding motor vehicles required to be registered under the Illinois Vehicle Code.

(11) Photoprocessing machinery and equipment, including repair and replacement parts, both new and used, including that manufactured on special order, certified by the purchaser to be used primarily for photoprocessing, and including photoprocessing machinery and equipment purchased for lease.

(12) Coal exploration, mining, offhighway hauling, processing, maintenance, and reclamation equipment, including replacement parts and equipment, and including equipment purchased for lease, but excluding motor vehicles required to be registered under the Illinois Vehicle Code.

(13) Food for human consumption that is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks and food that has been prepared for immediate consumption) and prescription and non-prescription medicines, drugs, medical appliances, and insulin, urine testing materials, syringes, and needles used by diabetics, for human use, when purchased for use by a person receiving medical assistance under Article 5 of the Illinois Public Aid Code who resides in a licensed long-term care facility, as defined in the Nursing Home Care Act.

(14) Semen used for artificial insemination of livestock for direct agricultural production.

(15) Horses, or interests in horses, registered with and meeting the requirements of any of the Arabian Horse Club Registry of America, Appaloosa Horse Club, American Quarter Horse Association, United States Trotting Association, or Jockey Club, as appropriate, used for purposes of breeding or racing for prizes.

(16) Computers and communications equipment utilized for any hospital purpose and equipment used in the diagnosis, analysis, or treatment of hospital patients sold to a lessor who leases the equipment, under a lease of one year or longer executed or in effect at the time of the purchase, to a hospital that has been issued an active tax exemption identification number by the Department under Section 1g of the Retailers' Occupation Tax Act.

(17) Personal property sold to a lessor who leases the property, under a lease of one year or longer executed or in effect at the time of the purchase, to a governmental body that

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has been issued an active tax exemption identification number by the Department under Section 1g of the Retailers' Occupation Tax Act.

(18) Beginning with taxable years ending on or after December 31, 1995 and ending with taxable years ending on or before December 31, 2004, personal property that is donated for disaster relief to be used in a State or federally declared disaster area in Illinois or bordering Illinois by a manufacturer or retailer that is registered in this State to a corporation, society, association, foundation, or institution that has been issued a sales tax exemption identification number by the Department that assists victims of the disaster who reside within the declared disaster area.

(19) Beginning with taxable years ending on or after December 31, 1995 and ending with taxable years ending on or before December 31, 2004, personal property that is used in the performance of infrastructure repairs in this State, including but not limited to municipal roads and streets, access roads, bridges, sidewalks, waste disposal systems, water and sewer line extensions, water distribution and purification facilities, storm water drainage and retention facilities, and sewage treatment facilities, resulting from a State or federally declared disaster in Illinois or bordering Illinois when such repairs are initiated on facilities located in the declared disaster area within 6 months after the disaster.

(20) Beginning July 1, 1999, game or game birds sold at a "game breeding and hunting preserve area" or an "exotic game hunting area" as those terms are used in the Wildlife Code or at a hunting enclosure approved through rules adopted by the Department of Natural Resources. This paragraph is exempt from the provisions of Section 3-55.

(21) A motor vehicle, as that term is defined in Section 1-146 of the Illinois Vehicle Code, that is donated to a corporation, limited liability company, society, association, foundation, or institution that is determined by the Department to be organized and operated exclusively for educational purposes. For purposes of this exemption, "a corporation, limited liability company, society, association, foundation, or institution organized and operated exclusively for educational purposes" means all tax-supported public schools, private schools that offer systematic instruction in useful branches of learning by methods common to public schools and that compare favorably in their scope and intensity with the course of study presented in tax-supported schools, and vocational or technical schools or institutes organized and operated exclusively to provide a course of study of not less than 6 weeks duration and designed to prepare individuals to follow a trade or to pursue a manual, technical, mechanical, industrial, business, or commercial occupation.

(22) Beginning January 1, 2000, personal property, including food, purchased through fundraising events for the benefit of a public or private elementary or secondary school, a group of those schools, or one or more school districts if the events are sponsored by an entity recognized by the school district that consists primarily of volunteers and includes parents and teachers of the school children. This paragraph does not apply to fundraising events (i) for the benefit of private home instruction or (ii) for which the fundraising entity purchases the personal property sold at the events from another individual or entity that sold the property for the purpose of resale by the fundraising entity and that profits from the sale to the fundraising entity. This paragraph is exempt from the provisions of Section 3-55.
(23) Beginning January 1, 2000 and through December 31, 2001, new or used automatic vending machines that prepare and serve hot food and beverages, including coffee, soup, and other items, and replacement parts for these machines. Beginning January 1, 2002, machines and parts for machines used in commercial, coin-operated amusement and vending business if a use or occupation tax is paid on the gross receipts derived from the use of the commercial, coin-operated amusement and vending machines. This paragraph is exempt from the provisions of Section 3-55.

(24) Beginning on the effective date of this amendatory Act of the 92nd General Assembly, computers and communications equipment utilized for any hospital purpose and equipment used in the diagnosis, analysis, or treatment of hospital patients sold to a lessor who leases the equipment, under a lease of one year or longer executed or in effect at the time of the purchase, to a hospital that has been issued an active tax exemption identification number by the Department under Section 1g of the Retailers’ Occupation Tax Act. This paragraph is exempt from the provisions of Section 3-55.

(25) Beginning on the effective date of this amendatory Act of the 92nd General Assembly, personal property sold to a lessor who leases the property, under a lease of one year or longer executed or in effect at the time of the purchase, to a governmental body that has been issued an active tax exemption identification number by the Department under Section 1g of the Retailers’ Occupation Tax Act. This paragraph is exempt from the provisions of Section 3-55.

(26) (24) Beginning on January 1, 2002, tangible personal property purchased from an Illinois retailer by a taxpayer engaged in centralized purchasing activities in Illinois who will, upon receipt of the property in Illinois, temporarily store the property in Illinois (i) for the purpose of subsequently transporting it outside this State for use or consumption thereafter solely outside this State or (ii) for the purpose of being processed, fabricated, or manufactured into, attached to, or incorporated into other tangible personal property to be transported outside this State and thereafter used or consumed solely outside this State. The Director of Revenue shall, pursuant to rules adopted in accordance with the Illinois Administrative Procedure Act, issue a permit to any taxpayer in good standing with the Department who is eligible for the exemption under this paragraph (26) (24). The permit issued under this paragraph (26) (24) shall authorize the holder, to the extent and in the manner specified in the rules adopted under this Act, to purchase tangible personal property from a retailer exempt from the taxes imposed by this Act. Taxpayers shall maintain all necessary books and records to substantiate the use and consumption of all such tangible personal property outside of the State of Illinois.

(Source: P.A. 91-51, eff. 6-30-99; 91-200, eff. 7-20-99; 91-439, eff. 8-6-99; 91-533, eff. 8-13-99; 91-637, eff. 8-20-99; 91-644, eff. 8-20-99; 92-16, eff. 6-28-01; 92-35, eff. 7-1-01; 92-227, eff. 8-2-01; 92-337, eff. 8-10-01; 92-484, eff. 8-23-01; 92-488, eff. 8-23-01; revised 1-15-02.)

(35 ILCS 115/9) (from Ch. 120, par. 439.109)

Sec. 9. Each serviceman required or authorized to collect the tax herein imposed shall pay to the Department the amount of such tax at the time when he is required to file his

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return for the period during which such tax was collectible, less a discount of 2.1% prior to January 1, 1990, and 1.75% on and after January 1, 1990, or $5 per calendar year, whichever is greater, which is allowed to reimburse the serviceman for expenses incurred in collecting the tax, keeping records, preparing and filing returns, remitting the tax and supplying data to the Department on request.

Where such tangible personal property is sold under a conditional sales contract, or under any other form of sale wherein the payment of the principal sum, or a part thereof, is extended beyond the close of the period for which the return is filed, the serviceman, in collecting the tax may collect, for each tax return period, only the tax applicable to the part of the selling price actually received during such tax return period.

Except as provided hereinafter in this Section, on or before the twentieth day of each calendar month, such serviceman shall file a return for the preceding calendar month in accordance with reasonable rules and regulations to be promulgated by the Department of Revenue. Such return shall be filed on a form prescribed by the Department and shall contain such information as the Department may reasonably require.

The Department may require returns to be filed on a quarterly basis. If so required, a return for each calendar quarter shall be filed on or before the twentieth day of the calendar month following the end of such calendar quarter. The taxpayer shall also file a return with the Department for each of the first two months of each calendar quarter, on or before the twentieth day of the following calendar month, stating:

1. The name of the seller;
2. The address of the principal place of business from which he engages in business as a serviceman in this State;
3. The total amount of taxable receipts received by him during the preceding calendar month, including receipts from charge and time sales, but less all deductions allowed by law;
4. The amount of credit provided in Section 2d of this Act;
5. The amount of tax due;
5-5. The signature of the taxpayer; and
6. Such other reasonable information as the Department may require.

If a taxpayer fails to sign a return within 30 days after the proper notice and demand for signature by the Department, the return shall be considered valid and any amount shown to be due on the return shall be deemed assessed.

A serviceman may accept a Manufacturer's Purchase Credit certification from a purchaser in satisfaction of Service Use Tax as provided in Section 3-70 of the Service Use Tax Act if the purchaser provides the appropriate documentation as required by Section 3-70 of the Service Use Tax Act. A Manufacturer's Purchase Credit certification, accepted by a serviceman as provided in Section 3-70 of the Service Use Tax Act, may be used by that serviceman to satisfy Service Occupation Tax liability in the amount claimed in the certification, not to exceed 6.25% of the receipts subject to tax from a qualifying purchase.

If the serviceman's average monthly tax liability to the Department does not exceed $200, the Department may authorize his returns to be filed on a quarter annual basis, with

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the return for January, February and March of a given year being due by April 20 of such year; with the return for April, May and June of a given year being due by July 20 of such year; with the return for July, August and September of a given year being due by October 20 of such year, and with the return for October, November and December of a given year being due by January 20 of the following year.

If the serviceman's average monthly tax liability to the Department does not exceed $50, the Department may authorize his returns to be filed on an annual basis, with the return for a given year being due by January 20 of the following year.

Such quarter annual and annual returns, as to form and substance, shall be subject to the same requirements as monthly returns.

Notwithstanding any other provision in this Act concerning the time within which a serviceman may file his return, in the case of any serviceman who ceases to engage in a kind of business which makes him responsible for filing returns under this Act, such serviceman shall file a final return under this Act with the Department not more than 1 month after discontinuing such business.

Beginning October 1, 1993, a taxpayer who has an average monthly tax liability of $150,000 or more shall make all payments required by rules of the Department by electronic funds transfer. Beginning October 1, 1994, a taxpayer who has an average monthly tax liability of $100,000 or more shall make all payments required by rules of the Department by electronic funds transfer. Beginning October 1, 1995, a taxpayer who has an average monthly tax liability of $50,000 or more shall make all payments required by rules of the Department by electronic funds transfer. Beginning October 1, 2000, a taxpayer who has an annual tax liability of $200,000 or more shall make all payments required by rules of the Department by electronic funds transfer. The term "annual tax liability" shall be the sum of the taxpayer's liabilities under this Act, and under all other State and local occupation and use tax laws administered by the Department, for the immediately preceding calendar year. The term "average monthly tax liability" means the sum of the taxpayer's liabilities under this Act, and under all other State and local occupation and use tax laws administered by the Department, for the immediately preceding calendar year divided by 12. Beginning on October 1, 2002, a taxpayer who has a tax liability in the amount set forth in subsection (b) of Section 2505-210 of the Department of Revenue Law shall make all payments required by rules of the Department by electronic funds transfer.

Before August 1 of each year beginning in 1993, the Department shall notify all taxpayers required to make payments by electronic funds transfer. All taxpayers required to make payments by electronic funds transfer shall make those payments for a minimum of one year beginning on October 1.

Any taxpayer not required to make payments by electronic funds transfer may make payments by electronic funds transfer with the permission of the Department.

All taxpayers required to make payment by electronic funds transfer and any taxpayers authorized to voluntarily make payments by electronic funds transfer shall make those payments in the manner authorized by the Department.

The Department shall adopt such rules as are necessary to effectuate a program of

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electronic funds transfer and the requirements of this Section.

Where a serviceman collects the tax with respect to the selling price of tangible personal property which he sells and the purchaser thereafter returns such tangible personal property and the serviceman refunds the selling price thereof to the purchaser, such serviceman shall also refund, to the purchaser, the tax so collected from the purchaser. When filing his return for the period in which he refunds such tax to the purchaser, the serviceman may deduct the amount of the tax so refunded by him to the purchaser from any other Service Occupation Tax, Service Use Tax, Retailers' Occupation Tax or Use Tax which such serviceman may be required to pay or remit to the Department, as shown by such return, provided that the amount of the tax to be deducted shall previously have been remitted to the Department by such serviceman. If the serviceman shall not previously have remitted the amount of such tax to the Department, he shall be entitled to no deduction hereunder upon refunding such tax to the purchaser.

If experience indicates such action to be practicable, the Department may prescribe and furnish a combination or joint return which will enable servicemen, who are required to file returns hereunder and also under the Retailers' Occupation Tax Act, the Use Tax Act or the Service Use Tax Act, to furnish all the return information required by all said Acts on the one form.

Where the serviceman has more than one business registered with the Department under separate registrations hereunder, such serviceman shall file separate returns for each registered business.

Beginning January 1, 1990, each month the Department shall pay into the Local Government Tax Fund the revenue realized for the preceding month from the 1% tax on sales of food for human consumption which is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks and food which has been prepared for immediate consumption) and prescription and nonprescription medicines, drugs, medical appliances and insulin, urine testing materials, syringes and needles used by diabetics.

Beginning January 1, 1990, each month the Department shall pay into the County and Mass Transit District Fund 4% of the revenue realized for the preceding month from the 6.25% general rate.

Beginning August 1, 2000, each month the Department shall pay into the County and Mass Transit District Fund 20% of the net revenue realized for the preceding month from the 1.25% rate on the selling price of motor fuel and gasohol.

Beginning January 1, 1990, each month the Department shall pay into the Local Government Tax Fund 16% of the revenue realized for the preceding month from the 6.25% general rate on transfers of tangible personal property.

Beginning August 1, 2000, each month the Department shall pay into the Local Government Tax Fund 80% of the net revenue realized for the preceding month from the 1.25% rate on the selling price of motor fuel and gasohol.

Of the remainder of the moneys received by the Department pursuant to this Act, (a) 1.75% thereof shall be paid into the Build Illinois Fund and (b) prior to July 1, 1989, 2.2% and on and after July 1, 1989, 3.8% thereof shall be paid into the Build Illinois Fund;

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provided, however, that if in any fiscal year the sum of (1) the aggregate of 2.2% or 3.8%, as the case may be, of the moneys received by the Department and required to be paid into the Build Illinois Fund pursuant to Section 3 of the Retailers' Occupation Tax Act, Section 9 of the Use Tax Act, Section 9 of the Service Use Tax Act, and Section 9 of the Service Occupation Tax Act, such Acts being hereinafter called the "Tax Acts" and such aggregate of 2.2% or 3.8%, as the case may be, of moneys being hereinafter called the "Tax Act Amount", and (2) the amount transferred to the Build Illinois Fund from the State and Local Sales Tax Reform Fund shall be less than the Annual Specified Amount (as defined in Section 3 of the Retailers' Occupation Tax Act), an amount equal to the difference shall be immediately paid into the Build Illinois Fund from other moneys received by the Department pursuant to the Tax Acts; and further provided, that if on the last business day of any month the sum of (1) the Tax Act Amount required to be deposited into the Build Illinois Account in the Build Illinois Fund during such month and (2) the amount transferred during such month to the Build Illinois Fund from the State and Local Sales Tax Reform Fund shall have been less than 1/12 of the Annual Specified Amount, an amount equal to the difference shall be immediately paid into the Build Illinois Fund from other moneys received by the Department pursuant to the Tax Acts; and, further provided, that in no event shall the payments required under the preceding proviso result in aggregate payments into the Build Illinois Fund pursuant to this clause (b) for any fiscal year in excess of the greater of (i) the Tax Act Amount or (ii) the Annual Specified Amount for such fiscal year; and, further provided, that the amounts payable into the Build Illinois Fund under this clause (b) shall be payable only until such time as the aggregate amount on deposit under each trust indenture securing Bonds issued and outstanding pursuant to the Build Illinois Bond Act is sufficient, taking into account any future investment income, to fully provide, in accordance with such indenture, for the defeasance of or the payment of the principal of, premium, if any, and interest on the Bonds secured by such indenture and on any Bonds expected to be issued thereafter and all fees and costs payable with respect thereto, all as certified by the Director of the Bureau of the Budget. If on the last business day of any month in which Bonds are outstanding pursuant to the Build Illinois Bond Act, the aggregate of the moneys deposited in the Build Illinois Bond Account in the Build Illinois Fund in such month shall be less than the amount required to be transferred in such month from the Build Illinois Bond Account to the Build Illinois Bond Retirement and Interest Fund pursuant to Section 13 of the Build Illinois Bond Act, an amount equal to such deficiency shall be immediately paid from other moneys received by the Department pursuant to this Act and required to be deposited into the Build Illinois Fund are subject to the pledge, claim and charge set forth in Section 12 of the Build Illinois Bond Act.

Subject to payment of amounts into the Build Illinois Fund as provided in the preceding paragraph or in any amendment thereto hereafter enacted, the following specified

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monthly installment of the amount requested in the certificate of the Chairman of the Metropolitan Pier and Exposition Authority provided under Section 8.25f of the State Finance Act, but not in excess of the sums designated as "Total Deposit", shall be deposited in the aggregate from collections under Section 9 of the Use Tax Act, Section 9 of the Service Use Tax Act, Section 9 of the Service Occupation Tax Act, and Section 3 of the Retailers' Occupation Tax Act into the McCormick Place Expansion Project Fund in the specified fiscal years.

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each fiscal year thereafter that bonds are outstanding under

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Section 13.2 of the Metropolitan Pier and Exposition Authority Act, but not after fiscal year 2042.

Beginning July 20, 1993 and in each month of each fiscal year thereafter, one-eighth of the amount requested in the certificate of the Chairman of the Metropolitan Pier and Exposition Authority for that fiscal year, less the amount deposited into the McCormick Place Expansion Project Fund by the State Treasurer in the respective month under subsection (g) of Section 13 of the Metropolitan Pier and Exposition Authority Act, plus cumulative deficiencies in the deposits required under this Section for previous months and years, shall be deposited into the McCormick Place Expansion Project Fund, until the full amount requested for the fiscal year, but not in excess of the amount specified above as "Total Deposit", has been deposited.

Subject to payment of amounts into the Build Illinois Fund and the McCormick Place Expansion Project Fund pursuant to the preceding paragraphs or in any amendment thereto hereafter enacted, each month the Department shall pay into the Local Government Distributive Fund 0.4% of the net revenue realized for the preceding month from the 5% general rate or 0.4% of 80% of the net revenue realized for the preceding month from the 6.25% general rate, as the case may be, on the selling price of tangible personal property which amount shall, subject to appropriation, be distributed as provided in Section 2 of the State Revenue Sharing Act. No payments or distributions pursuant to this paragraph shall be made if the tax imposed by this Act on photoprocessing products is declared unconstitutional, or if the proceeds from such tax are unavailable for distribution because of litigation.

Subject to payment of amounts into the Build Illinois Fund, the McCormick Place Expansion Project Fund, and the Local Government Distributive Fund pursuant to the preceding paragraphs or in any amendments thereto hereafter enacted, beginning July 1, 1993, the Department shall each month pay into the Illinois Tax Increment Fund 0.27% of 80% of the net revenue realized for the preceding month from the 6.25% general rate on the selling price of tangible personal property.

Subject to payment of amounts into the Build Illinois Fund, the McCormick Place Expansion Project Fund, and the Local Government Distributive Fund pursuant to the preceding paragraphs or in any amendments thereto hereafter enacted, beginning with the receipt of the first report of taxes paid by an eligible business and continuing for a 25-year period, the Department shall each month pay into the Energy Infrastructure Fund 80% of the net revenue realized from the 6.25% general rate on the selling price of Illinois-mined coal that was sold to an eligible business. For purposes of this paragraph, the term "eligible business" means a new electric generating facility certified pursuant to Section 605-332 of the Department of Commerce and Community Affairs Law of the Civil Administrative Code of Illinois.

Remaining moneys received by the Department pursuant to this Act shall be paid into the General Revenue Fund of the State Treasury.

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The Department may, upon separate written notice to a taxpayer, require the taxpayer to prepare and file with the Department on a form prescribed by the Department within not less than 60 days after receipt of the notice an annual information return for the tax year specified in the notice. Such annual return to the Department shall include a statement of gross receipts as shown by the taxpayer's last Federal income tax return. If the total receipts of the business as reported in the Federal income tax return do not agree with the gross receipts reported to the Department of Revenue for the same period, the taxpayer shall attach to his annual return a schedule showing a reconciliation of the 2 amounts and the reasons for the difference. The taxpayer's annual return to the Department shall also disclose the cost of goods sold by the taxpayer during the year covered by such return, opening and closing inventories of such goods for such year, cost of goods used from stock or taken from stock and given away by the taxpayer during such year, payroll information of the taxpayer's business during such year and any additional reasonable information which the Department deems would be helpful in determining the accuracy of the monthly, quarterly or annual returns filed by such taxpayer as hereinbefore provided for in this Section.

If the annual information return required by this Section is not filed when and as required, the taxpayer shall be liable as follows:

(i) Until January 1, 1994, the taxpayer shall be liable for a penalty equal to 1/6 of 1% of the tax due from such taxpayer under this Act during the period to be covered by the annual return for each month or fraction of a month until such return is filed as required, the penalty to be assessed and collected in the same manner as any other penalty provided for in this Act.

(ii) On and after January 1, 1994, the taxpayer shall be liable for a penalty as described in Section 3-4 of the Uniform Penalty and Interest Act.

The chief executive officer, proprietor, owner or highest ranking manager shall sign the annual return to certify the accuracy of the information contained therein. Any person who willfully signs the annual return containing false or inaccurate information shall be guilty of perjury and punished accordingly. The annual return form prescribed by the Department shall include a warning that the person signing the return may be liable for perjury.

The foregoing portion of this Section concerning the filing of an annual information return shall not apply to a serviceman who is not required to file an income tax return with the United States Government.

As soon as possible after the first day of each month, upon certification of the Department of Revenue, the Comptroller shall order transferred and the Treasurer shall transfer from the General Revenue Fund to the Motor Fuel Tax Fund an amount equal to 1.7% of 80% of the net revenue realized under this Act for the second preceding month. Beginning April 1, 2000, this transfer is no longer required and shall not be made.

Net revenue realized for a month shall be the revenue collected by the State pursuant to this Act, less the amount paid out during that month as refunds to taxpayers for overpayment of liability.

For greater simplicity of administration, it shall be permissible for manufacturers,
importers and wholesalers whose products are sold by numerous servicemen in Illinois, and who wish to do so, to assume the responsibility for accounting and paying to the Department all tax accruing under this Act with respect to such sales, if the servicemen who are affected do not make written objection to the Department to this arrangement.

(Source: P.A. 91-37, eff. 7-1-99; 91-51, eff. 6-30-99; 91-101, eff. 7-12-99; 91-541, eff. 8-13-99; 91-872, eff. 7-1-00; 92-12, eff. 7-1-01; 92-208, eff. 8-2-01; 92-492, eff. 1-1-02; revised 9-14-01.)

Section 28. The Retailers' Occupation Tax Act is amended by changing Sections 2-5 and 3 as follows:

(35 ILCS 120/2-5) (from Ch. 120, par. 441-5)

Sec. 2-5. Exemptions. Gross receipts from proceeds from the sale of the following tangible personal property are exempt from the tax imposed by this Act:

(1) Farm chemicals.

(2) Farm machinery and equipment, both new and used, including that manufactured on special order, certified by the purchaser to be used primarily for production agriculture or State or federal agricultural programs, including individual replacement parts for the machinery and equipment, including machinery and equipment purchased for lease, and including implements of husbandry defined in Section 1-130 of the Illinois Vehicle Code, farm machinery and agricultural chemical and fertilizer spreaders, and nurse wagons required to be registered under Section 3-809 of the Illinois Vehicle Code, but excluding other motor vehicles required to be registered under the Illinois Vehicle Code. Horticultural polyhouses or hoop houses used for propagating, growing, or overwintering plants shall be considered farm machinery and equipment under this item (2). Agricultural chemical tender tanks and dry boxes shall include units sold separately from a motor vehicle required to be licensed and units sold mounted on a motor vehicle required to be licensed, if the selling price of the tender is separately stated.

Farm machinery and equipment shall include precision farming equipment that is installed or purchased to be installed on farm machinery and equipment including, but not limited to, tractors, harvesters, sprayers, planters, seeders, or spreaders. Precision farming equipment includes, but is not limited to, soil testing sensors, computers, monitors, software, global positioning and mapping systems, and other such equipment.

Farm machinery and equipment also includes computers, sensors, software, and related equipment used primarily in the computer-assisted operation of production agriculture facilities, equipment, and activities such as, but not limited to, the collection, monitoring, and correlation of animal and crop data for the purpose of formulating animal diets and agricultural chemicals. This item (7) is exempt from the provisions of Section 2-70.

(3) Distillation machinery and equipment, sold as a unit or kit, assembled or installed by the retailer, certified by the user to be used only for the production of ethyl alcohol that will be used for consumption as motor fuel or as a component of motor fuel for the personal use of the user, and not subject to sale or resale.

(4) Graphic arts machinery and equipment, including repair and replacement parts, both new and used, and including that manufactured on special order or purchased for lease,

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certified by the purchaser to be used primarily for graphic arts production. Equipment includes chemicals or chemicals acting as catalysts but only if the chemicals or chemicals acting as catalysts effect a direct and immediate change upon a graphic arts product.

(5) A motor vehicle of the first division, a motor vehicle of the second division that is a self-contained motor vehicle designed or permanently converted to provide living quarters for recreational, camping, or travel use, with direct walk through access to the living quarters from the driver’s seat, or a motor vehicle of the second division that is of the van configuration designed for the transportation of not less than 7 nor more than 16 passengers, as defined in Section 1-146 of the Illinois Vehicle Code, that is used for automobile renting, as defined in the Automobile Renting Occupation and Use Tax Act.

(6) Personal property sold by a teacher-sponsored student organization affiliated with an elementary or secondary school located in Illinois.

(7) Proceeds of that portion of the selling price of a passenger car the sale of which is subject to the Replacement Vehicle Tax.

(8) Personal property sold to an Illinois county fair association for use in conducting, operating, or promoting the county fair.

(9) Personal property sold to a not-for-profit arts or cultural organization that establishes, by proof required by the Department by rule, that it has received an exemption under Section 501(c)(3) of the Internal Revenue Code and that is organized and operated primarily for the presentation or support of arts or cultural programming, activities, or services. These organizations include, but are not limited to, music and dramatic arts organizations such as symphony orchestras and theatrical groups, arts and cultural service organizations, local arts councils, visual arts organizations, and media arts organizations. On and after the effective date of this amendatory Act of the 92nd General Assembly, however, an entity otherwise eligible for this exemption shall not make tax-free purchases unless it has an active identification number issued by the Department.

(10) Personal property sold by a corporation, society, association, foundation, institution, or organization, other than a limited liability company, that is organized and operated as a not-for-profit service enterprise for the benefit of persons 65 years of age or older if the personal property was not purchased by the enterprise for the purpose of resale by the enterprise.

(11) Personal property sold to a governmental body, to a corporation, society, association, foundation, or institution organized and operated exclusively for charitable, religious, or educational purposes, or to a not-for-profit corporation, society, association, foundation, institution, or organization that has no compensated officers or employees and that is organized and operated primarily for the recreation of persons 55 years of age or older. A limited liability company may qualify for the exemption under this paragraph only if the limited liability company is organized and operated exclusively for educational purposes. On and after July 1, 1987, however, no entity otherwise eligible for this exemption shall make tax-free purchases unless it has an active identification number issued by the Department.

(12) Personal property sold to interstate carriers for hire for use as rolling stock moving in interstate commerce or to lessors under leases of one year or longer executed or

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in effect at the time of purchase by interstate carriers for hire for use as rolling stock moving in interstate commerce and equipment operated by a telecommunications provider, licensed as a common carrier by the Federal Communications Commission, which is permanently installed in or affixed to aircraft moving in interstate commerce.

(13) Proceeds from sales to owners, lessors, or shippers of tangible personal property that is utilized by interstate carriers for hire for use as rolling stock moving in interstate commerce and equipment operated by a telecommunications provider, licensed as a common carrier by the Federal Communications Commission, which is permanently installed in or affixed to aircraft moving in interstate commerce.

(14) Machinery and equipment that will be used by the purchaser, or a lessee of the purchaser, primarily in the process of manufacturing or assembling tangible personal property for wholesale or retail sale or lease, whether the sale or lease is made directly by the manufacturer or by some other person, whether the materials used in the process are owned by the manufacturer or some other person, or whether the sale or lease is made apart from or as an incident to the seller's engaging in the service occupation of producing machines, tools, dies, jigs, patterns, gauges, or other similar items of no commercial value on special order for a particular purchaser.

(15) Proceeds of mandatory service charges separately stated on customers' bills for purchase and consumption of food and beverages, to the extent that the proceeds of the service charge are in fact turned over as tips or as a substitute for tips to the employees who participate directly in preparing, serving, hosting or cleaning up the food or beverage function with respect to which the service charge is imposed.

(16) Petroleum products sold to a purchaser if the seller is prohibited by federal law from charging tax to the purchaser.

(17) Tangible personal property sold to a common carrier by rail or motor that receives the physical possession of the property in Illinois and that transports the property, or shares with another common carrier in the transportation of the property, out of Illinois on a standard uniform bill of lading showing the seller of the property as the shipper or consignor of the property to a destination outside Illinois, for use outside Illinois.

(18) Legal tender, currency, medallions, or gold or silver coinage issued by the State of Illinois, the government of the United States of America, or the government of any foreign country, and bullion.

(19) Oil field exploration, drilling, and production equipment, including (i) rigs and parts of rigs, rotary rigs, cable tool rigs, and workover rigs, (ii) pipe and tubular goods, including casing and drill strings, (iii) pumps and pump-jack units, (iv) storage tanks and flow lines, (v) any individual replacement part for oil field exploration, drilling, and production equipment, and (vi) machinery and equipment purchased for lease; but excluding motor vehicles required to be registered under the Illinois Vehicle Code.

(20) Photoprocessing machinery and equipment, including repair and replacement parts, both new and used, including that manufactured on special order, certified by the purchaser to be used primarily for photoprocessing, and including photoprocessing machinery and equipment purchased for lease.

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(21) Coal exploration, mining, offhighway hauling, processing, maintenance, and reclamation equipment, including replacement parts and equipment, and including equipment purchased for lease, but excluding motor vehicles required to be registered under the Illinois Vehicle Code.

(22) Fuel and petroleum products sold to or used by an air carrier, certified by the carrier to be used for consumption, shipment, or storage in the conduct of its business as an air common carrier, for a flight destined for or returning from a location or locations outside the United States without regard to previous or subsequent domestic stopovers.

(23) A transaction in which the purchase order is received by a florist who is located outside Illinois, but who has a florist located in Illinois deliver the property to the purchaser or the purchaser's donee in Illinois.

(24) Fuel consumed or used in the operation of ships, barges, or vessels that are used primarily in or for the transportation of property or the conveyance of persons for hire on rivers bordering on this State if the fuel is delivered by the seller to the purchaser's barge, ship, or vessel while it is afloat upon that bordering river.

(25) A motor vehicle sold in this State to a nonresident even though the motor vehicle is delivered to the nonresident in this State, if the motor vehicle is not to be titled in this State, and if a driveaway decal permit is issued to the motor vehicle as provided in Section 3-603 of the Illinois Vehicle Code or if the nonresident purchaser has vehicle registration plates to transfer to the motor vehicle upon returning to his or her home state. The issuance of the driveaway decal permit or having the out-of-state registration plates to be transferred is prima facie evidence that the motor vehicle will not be titled in this State.

(26) Semen used for artificial insemination of livestock for direct agricultural production.

(27) Horses, or interests in horses, registered with and meeting the requirements of any of the Arabian Horse Club Registry of America, Appaloosa Horse Club, American Quarter Horse Association, United States Trotting Association, or Jockey Club, as appropriate, used for purposes of breeding or racing for prizes.

(28) Computers and communications equipment utilized for any hospital purpose and equipment used in the diagnosis, analysis, or treatment of hospital patients sold to a lessor who leases the equipment, under a lease of one year or longer executed or in effect at the time of the purchase, to a hospital that has been issued an active tax exemption identification number by the Department under Section 1g of this Act.

(29) Personal property sold to a lessor who leases the property, under a lease of one year or longer executed or in effect at the time of the purchase, to a governmental body that has been issued an active tax exemption identification number by the Department under Section 1g of this Act.

(30) Beginning with taxable years ending on or after December 31, 1995 and ending with taxable years ending on or before December 31, 2004, personal property that is donated for disaster relief to be used in a State or federally declared disaster area in Illinois or bordering Illinois by a manufacturer or retailer that is registered in this State to a corporation, society, association, foundation, or institution that has been issued a sales tax exemption

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identification number by the Department that assists victims of the disaster who reside within the declared disaster area.

(31) Beginning with taxable years ending on or after December 31, 1995 and ending with taxable years ending on or before December 31, 2004, personal property that is used in the performance of infrastructure repairs in this State, including but not limited to municipal roads and streets, access roads, bridges, sidewalks, waste disposal systems, water and sewer line extensions, water distribution and purification facilities, storm water drainage and retention facilities, and sewage treatment facilities, resulting from a State or federally declared disaster in Illinois or bordering Illinois when such repairs are initiated on facilities located in the declared disaster area within 6 months after the disaster.

(32) Beginning July 1, 1999, game or game birds sold at a "game breeding and hunting preserve area" or an "exotic game hunting area" as those terms are used in the Wildlife Code or at a hunting enclosure approved through rules adopted by the Department of Natural Resources. This paragraph is exempt from the provisions of Section 2-70.

(33) A motor vehicle, as that term is defined in Section 1-146 of the Illinois Vehicle Code, that is donated to a corporation, limited liability company, society, association, foundation, or institution that is determined by the Department to be organized and operated exclusively for educational purposes. For purposes of this exemption, "a corporation, limited liability company, society, association, foundation, or institution organized and operated exclusively for educational purposes" means all tax-supported public schools, private schools that offer systematic instruction in useful branches of learning by methods common to public schools and that compare favorably in their scope and intensity with the course of study presented in tax-supported schools, and vocational or technical schools or institutes organized and operated exclusively to provide a course of study of not less than 6 weeks duration and designed to prepare individuals to follow a trade or to pursue a manual, technical, mechanical, industrial, business, or commercial occupation.

(34) Beginning January 1, 2000, personal property, including food, purchased through fundraising events for the benefit of a public or private elementary or secondary school, a group of those schools, or one or more school districts if the events are sponsored by an entity recognized by the school district that consists primarily of volunteers and includes parents and teachers of the school children. This paragraph does not apply to fundraising events (i) for the benefit of private home instruction or (ii) for which the fundraising entity purchases the personal property sold at the events from another individual or entity that sold the property for the purpose of resale by the fundraising entity and that profits from the sale to the fundraising entity. This paragraph is exempt from the provisions of Section 2-70.

(35) Beginning January 1, 2000 and through December 31, 2001, new or used automatic vending machines that prepare and serve hot food and beverages, including coffee, soup, and other items, and replacement parts for these machines. Beginning January 1, 2002, machines and parts for machines used in commercial, coin-operated amusement and vending business if a use or occupation tax is paid on the gross receipts derived from the use of the commercial, coin-operated amusement and vending machines. This paragraph is exempt from the provisions of Section 2-70.

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(36) Beginning on the effective date of this amendatory Act of the 92nd General Assembly, computers and communications equipment utilized for any hospital purpose and equipment used in the diagnosis, analysis, or treatment of hospital patients sold to a lessor who leases the equipment, under a lease of one year or longer executed or in effect at the time of the purchase, to a hospital that has been issued an active tax exemption identification number by the Department under Section 1g of this Act. This paragraph is exempt from the provisions of Section 2-70.

(37) Beginning on the effective date of this amendatory Act of the 92nd General Assembly, personal property sold to a lessor who leases the property, under a lease of one year or longer executed or in effect at the time of the purchase, to a governmental body that has been issued an active tax exemption identification number by the Department under Section 1g of this Act. This paragraph is exempt from the provisions of Section 2-70.

(38) Beginning on January 1, 2002, tangible personal property purchased from an Illinois retailer by a taxpayer engaged in centralized purchasing activities in Illinois who will, upon receipt of the property in Illinois, temporarily store the property in Illinois (i) for the purpose of subsequently transporting it outside this State for use or consumption thereafter solely outside this State or (ii) for the purpose of being processed, fabricated, or manufactured into, attached to, or incorporated into other tangible personal property to be transported outside this State and thereafter used or consumed solely outside this State. The Director of Revenue shall, pursuant to rules adopted in accordance with the Illinois Administrative Procedure Act, issue a permit to any taxpayer in good standing with the Department who is eligible for the exemption under this paragraph (38). The permit issued under this paragraph shall authorize the holder, to the extent and in the manner specified in the rules adopted under this Act, to purchase tangible personal property from a retailer exempt from the taxes imposed by this Act. Taxpayers shall maintain all necessary books and records to substantiate the use and consumption of all such tangible personal property outside of the State of Illinois.

(Source: P.A. 91-51, eff. 6-30-99; 91-200, eff. 7-20-99; 91-439, eff. 8-6-99; 91-533, eff. 8-13-99; 91-637, eff. 8-20-99; 91-644, eff. 8-20-99; 92-16, eff. 6-28-01; 92-35, eff. 7-1-01; 92-227, eff. 8-2-01; 92-337, eff. 8-10-01; 92-484, eff. 8-23-01; 92-488, eff. 8-23-01; revised 1-15-02.)

(35 ILCS 120/3) (from Ch. 120, par. 442)

Sec. 3. Except as provided in this Section, on or before the twentieth day of each calendar month, every person engaged in the business of selling tangible personal property at retail in this State during the preceding calendar month shall file a return with the Department, stating:

1. The name of the seller;
2. His residence address and the address of his principal place of business and the address of the principal place of business (if that is a different address) from which he engages in the business of selling tangible personal property at retail in this State;
3. Total amount of receipts received by him during the preceding calendar

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month or quarter, as the case may be, from sales of tangible personal property, and
from services furnished, by him during such preceding calendar month or quarter;

4. Total amount received by him during the preceding calendar month or
quarter on charge and time sales of tangible personal property, and from services
furnished, by him prior to the month or quarter for which the return is filed;

5. Deductions allowed by law;
6. Gross receipts which were received by him during the preceding calendar
month or quarter and upon the basis of which the tax is imposed;

7. The amount of credit provided in Section 2d of this Act;
8. The amount of tax due;
9. The signature of the taxpayer; and
10. Such other reasonable information as the Department may require.

If a taxpayer fails to sign a return within 30 days after the proper notice and demand
for signature by the Department, the return shall be considered valid and any amount shown
to be due on the return shall be deemed assessed.

Each return shall be accompanied by the statement of prepaid tax issued pursuant to
Section 2e for which credit is claimed.

A retailer may accept a Manufacturer's Purchase Credit certification from a purchaser
in satisfaction of Use Tax as provided in Section 3-85 of the Use Tax Act if the purchaser
provides the appropriate documentation as required by Section 3-85 of the Use Tax Act. A
Manufacturer's Purchase Credit certification, accepted by a retailer as provided in Section
3-85 of the Use Tax Act, may be used by that retailer to satisfy Retailers' Occupation Tax
liability in the amount claimed in the certification, not to exceed 6.25% of the receipts
subject to tax from a qualifying purchase.

The Department may require returns to be filed on a quarterly basis. If so required,
a return for each calendar quarter shall be filed on or before the twentieth day of the calendar
month following the end of such calendar quarter. The taxpayer shall also file a return with
the Department for each of the first two months of each calendar quarter, on or before the
twentieth day of the following calendar month, stating:

1. The name of the seller;
2. The address of the principal place of business from which he engages in the
business of selling tangible personal property at retail in this State;

3. The total amount of taxable receipts received by him during the preceding
calendar month from sales of tangible personal property by him during such
preceding calendar month, including receipts from charge and time sales, but less all
deductions allowed by law;

4. The amount of credit provided in Section 2d of this Act;
5. The amount of tax due; and

6. Such other reasonable information as the Department may require.

If a total amount of less than $1 is payable, refundable or creditable, such amount
shall be disregarded if it is less than 50 cents and shall be increased to $1 if it is 50 cents or
more.

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Beginning October 1, 1993, a taxpayer who has an average monthly tax liability of $150,000 or more shall make all payments required by rules of the Department by electronic funds transfer. Beginning October 1, 1994, a taxpayer who has an average monthly tax liability of $100,000 or more shall make all payments required by rules of the Department by electronic funds transfer. Beginning October 1, 1995, a taxpayer who has an average monthly tax liability of $50,000 or more shall make all payments required by rules of the Department by electronic funds transfer. Beginning October 1, 2000, a taxpayer who has an annual tax liability of $200,000 or more shall make all payments required by rules of the Department by electronic funds transfer. The term "annual tax liability" shall be the sum of the taxpayer's liabilities under this Act, and under all other State and local occupation and use tax laws administered by the Department, for the immediately preceding calendar year.

The term "average monthly tax liability" shall be the sum of the taxpayer's liabilities under this Act, and under all other State and local occupation and use tax laws administered by the Department, for the immediately preceding calendar year divided by 12. Beginning on October 1, 2002, a taxpayer who has a tax liability in the amount set forth in subsection (b) of Section 2505-210 of the Department of Revenue Law shall make all payments required by rules of the Department by electronic funds transfer.

Before August 1 of each year beginning in 1993, the Department shall notify all taxpayers required to make payments by electronic funds transfer. All taxpayers required to make payments by electronic funds transfer shall make those payments for a minimum of one year beginning on October 1.

Any taxpayer not required to make payments by electronic funds transfer may make payments by electronic funds transfer with the permission of the Department.

All taxpayers required to make payment by electronic funds transfer and any taxpayers authorized to voluntarily make payments by electronic funds transfer shall make those payments in the manner authorized by the Department.

The Department shall adopt such rules as are necessary to effectuate a program of electronic funds transfer and the requirements of this Section.

Any amount which is required to be shown or reported on any return or other document under this Act shall, if such amount is not a whole-dollar amount, be increased to the nearest whole-dollar amount in any case where the fractional part of a dollar is 50 cents or more, and decreased to the nearest whole-dollar amount where the fractional part of a dollar is less than 50 cents.

If the retailer is otherwise required to file a monthly return and if the retailer's average monthly tax liability to the Department does not exceed $200, the Department may authorize his returns to be filed on a quarter annual basis, with the return for January, February and March of a given year being due by April 20 of such year; with the return for April, May and June of a given year being due by July 20 of such year; with the return for July, August and September of a given year being due by October 20 of such year, and with the return for October, November and December of a given year being due by January 20 of the following year.

If the retailer is otherwise required to file a monthly or quarterly return and if the

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retailer's average monthly tax liability with the Department does not exceed $50, the Department may authorize his returns to be filed on an annual basis, with the return for a given year being due by January 20 of the following year.

Such quarter annual and annual returns, as to form and substance, shall be subject to the same requirements as monthly returns.

Notwithstanding any other provision in this Act concerning the time within which a retailer may file his return, in the case of any retailer who ceases to engage in a kind of business which makes him responsible for filing returns under this Act, such retailer shall file a final return under this Act with the Department not more than one month after discontinuing such business.

Where the same person has more than one business registered with the Department under separate registrations under this Act, such person may not file each return that is due as a single return covering all such registered businesses, but shall file separate returns for each such registered business.

In addition, with respect to motor vehicles, watercraft, aircraft, and trailers that are required to be registered with an agency of this State, every retailer selling this kind of tangible personal property shall file, with the Department, upon a form to be prescribed and supplied by the Department, a separate return for each such item of tangible personal property which the retailer sells, except that if, in the same transaction, (i) a retailer of aircraft, watercraft, motor vehicles or trailers transfers more than one aircraft, watercraft, motor vehicle or trailer to another aircraft, watercraft, motor vehicle retailer or trailer retailer for the purpose of resale or (ii) a retailer of aircraft, watercraft, motor vehicles, or trailers transfers more than one aircraft, watercraft, motor vehicle, or trailer to a purchaser for use as a qualifying rolling stock as provided in Section 2-5 of this Act, then that seller may report the transfer of all aircraft, watercraft, motor vehicles or trailers involved in that transaction to the Department on the same uniform invoice-transaction reporting return form. For purposes of this Section, "watercraft" means a Class 2, Class 3, or Class 4 watercraft as defined in Section 3-2 of the Boat Registration and Safety Act, a personal watercraft, or any boat equipped with an inboard motor.

Any retailer who sells only motor vehicles, watercraft, aircraft, or trailers that are required to be registered with an agency of this State, so that all retailers' occupation tax liability is required to be reported, and is reported, on such transaction reporting returns and who is not otherwise required to file monthly or quarterly returns, need not file monthly or quarterly returns. However, those retailers shall be required to file returns on an annual basis.

The transaction reporting return, in the case of motor vehicles or trailers that are required to be registered with an agency of this State, shall be the same document as the Uniform Invoice referred to in Section 5-402 of The Illinois Vehicle Code and must show the name and address of the seller; the name and address of the purchaser; the amount of the selling price including the amount allowed by the retailer for traded-in property, if any; the amount allowed by the retailer for the traded-in tangible personal property, if any, to the extent to which Section 1 of this Act allows an exemption for the value of traded-in property; the balance payable after deducting such trade-in allowance from the total selling price; the

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amount of tax due from the retailer with respect to such transaction; the amount of tax collected from the purchaser by the retailer on such transaction (or satisfactory evidence that such tax is not due in that particular instance, if that is claimed to be the fact); the place and date of the sale; a sufficient identification of the property sold; such other information as is required in Section 5-402 of The Illinois Vehicle Code, and such other information as the Department may reasonably require.

The transaction reporting return in the case of watercraft or aircraft must show the name and address of the seller; the name and address of the purchaser; the amount of the selling price including the amount allowed by the retailer for traded-in property, if any; the amount allowed by the retailer for the traded-in tangible personal property, if any, to the extent to which Section 1 of this Act allows an exemption for the value of traded-in property; the balance payable after deducting such trade-in allowance from the total selling price; the amount of tax due from the retailer with respect to such transaction; the amount of tax collected from the purchaser by the retailer on such transaction (or satisfactory evidence that such tax is not due in that particular instance, if that is claimed to be the fact); the place and date of the sale, a sufficient identification of the property sold, and such other information as the Department may reasonably require.

Such transaction reporting return shall be filed not later than 20 days after the day of delivery of the item that is being sold, but may be filed by the retailer at any time sooner than that if he chooses to do so. The transaction reporting return and tax remittance or proof of exemption from the Illinois use tax may be transmitted to the Department by way of the State agency with which, or State officer with whom the tangible personal property must be titled or registered (if titling or registration is required) if the Department and such agency or State officer determine that this procedure will expedite the processing of applications for title or registration.

With each such transaction reporting return, the retailer shall remit the proper amount of tax due (or shall submit satisfactory evidence that the sale is not taxable if that is the case), to the Department or its agents, whereupon the Department shall issue, in the purchaser's name, a use tax receipt (or a certificate of exemption if the Department is satisfied that the particular sale is tax exempt) which such purchaser may submit to the agency with which, or State officer with whom, he must title or register the tangible personal property that is involved (if titling or registration is required) in support of such purchaser's application for an Illinois certificate or other evidence of title or registration to such tangible personal property.

No retailer's failure or refusal to remit tax under this Act precludes a user, who has paid the proper tax to the retailer, from obtaining his certificate of title or other evidence of title or registration (if titling or registration is required) upon satisfying the Department that such user has paid the proper tax (if tax is due) to the retailer. The Department shall adopt appropriate rules to carry out the mandate of this paragraph.

If the user who would otherwise pay tax to the retailer wants the transaction reporting return filed and the payment of the tax or proof of exemption made to the Department before the retailer is willing to take these actions and such user has not paid the tax to the retailer,

New matter indicated by italics - deletions by strikeout.
such user may certify to the fact of such delay by the retailer and may (upon the Department being satisfied of the truth of such certification) transmit the information required by the transaction reporting return and the remittance for tax or proof of exemption directly to the Department and obtain his tax receipt or exemption determination, in which event the transaction reporting return and tax remittance (if a tax payment was required) shall be credited by the Department to the proper retailer's account with the Department, but without the 2.1% or 1.75% discount provided for in this Section being allowed. When the user pays the tax directly to the Department, he shall pay the tax in the same amount and in the same form in which it would be remitted if the tax had been remitted to the Department by the retailer.

Refunds made by the seller during the preceding return period to purchasers, on account of tangible personal property returned to the seller, shall be allowed as a deduction under subdivision 5 of his monthly or quarterly return, as the case may be, in case the seller had theretofore included the receipts from the sale of such tangible personal property in a return filed by him and had paid the tax imposed by this Act with respect to such receipts.

Where the seller is a corporation, the return filed on behalf of such corporation shall be signed by the president, vice-president, secretary or treasurer or by the properly accredited agent of such corporation.

Where the seller is a limited liability company, the return filed on behalf of the limited liability company shall be signed by a manager, member, or properly accredited agent of the limited liability company.

Except as provided in this Section, the retailer filing the return under this Section shall, at the time of filing such return, pay to the Department the amount of tax imposed by this Act less a discount of 2.1% prior to January 1, 1990 and 1.75% on and after January 1, 1990, or $5 per calendar year, whichever is greater, which is allowed to reimburse the retailer for the expenses incurred in keeping records, preparing and filing returns, remitting the tax and supplying data to the Department on request. Any prepayment made pursuant to Section 2d of this Act shall be included in the amount on which such 2.1% or 1.75% discount is computed. In the case of retailers who report and pay the tax on a transaction by transaction basis, as provided in this Section, such discount shall be taken with each such tax remittance instead of when such retailer files his periodic return.

Before October 1, 2000, if the taxpayer's average monthly tax liability to the Department under this Act, the Use Tax Act, the Service Occupation Tax Act, and the Service Use Tax Act, excluding any liability for prepaid sales tax to be remitted in accordance with Section 2d of this Act, was $10,000 or more during the preceding 4 complete calendar quarters, he shall file a return with the Department each month by the 20th day of the month next following the month during which such tax liability is incurred and shall make payments to the Department on or before the 7th, 15th, 22nd and last day of the month during which such liability is incurred. On and after October 1, 2000, if the taxpayer's average monthly tax liability to the Department under this Act, the Use Tax Act, the Service Occupation Tax Act, and the Service Use Tax Act, excluding any liability for prepaid sales tax to be remitted in accordance with Section 2d of this Act, was $20,000 or more during the
preceding 4 complete calendar quarters, he shall file a return with the Department each month by the 20th day of the month next following the month during which such tax liability is incurred and shall make payment to the Department on or before the 7th, 15th, 22nd and last day of the month during which such liability is incurred. If the month during which such tax liability is incurred began prior to January 1, 1985, each payment shall be in an amount equal to 1/4 of the taxpayer's actual liability for the month or an amount set by the Department not to exceed 1/4 of the average monthly liability of the taxpayer to the Department for the preceding 4 complete calendar quarters (excluding the month of highest liability and the month of lowest liability in such 4 quarter period). If the month during which such tax liability is incurred begins on or after January 1, 1985 and prior to January 1, 1987, each payment shall be in an amount equal to 22.5% of the taxpayer's actual liability for the month or 27.5% of the taxpayer's liability for the same calendar month of the preceding year. If the month during which such tax liability is incurred begins on or after January 1, 1987 and prior to January 1, 1988, each payment shall be in an amount equal to 22.5% of the taxpayer's actual liability for the month or 26.25% of the taxpayer's liability for the same calendar month of the preceding year. If the month during which such tax liability is incurred begins on or after January 1, 1988, and prior to January 1, 1989, each payment shall be in an amount equal to 22.5% of the taxpayer's actual liability for the month or 25% of the taxpayer's liability for the same calendar month of the preceding year. If the month during which such tax liability is incurred begins on or after January 1, 1989, and prior to January 1, 1996, each payment shall be in an amount equal to 22.5% of the taxpayer's actual liability for the month or 25% of the taxpayer's liability for the same calendar month of the preceding year. If the month during which such tax liability is incurred begins on or after January 1, 1996, and prior to January 1, 1998, each payment shall be in an amount equal to 22.5% of the taxpayer's actual liability for the month or 25% of the taxpayer's liability for the same calendar month of the preceding year.

The amount of such quarter monthly payments shall be credited against the final tax liability of the taxpayer's return for that month. Before October 1, 2000, once applicable, the requirement of the making of quarter monthly payments to the Department by taxpayers having an average monthly tax liability of $10,000 or more as determined in the manner provided above shall continue until such taxpayer's average monthly liability to the Department during the preceding 4 complete calendar quarters (excluding the month of highest liability and the month of lowest liability) is less than $9,000, or until such taxpayer's average monthly liability to the Department as computed for each calendar quarter of the 4 preceding complete calendar quarter period is less than $10,000. However, if a taxpayer can show the Department that a substantial change in the taxpayer's business has occurred which causes the taxpayer to anticipate that his average monthly tax liability for the reasonably foreseeable future will fall below the $10,000 threshold stated above, then such taxpayer may petition the Department for a change in such taxpayer's reporting status. On and after October 1, 2000, once applicable, the requirement of the making of quarter monthly payments to the Department by taxpayers having an average monthly tax liability of $20,000 or more as determined in the manner provided above shall continue until such taxpayer's average monthly liability to the Department during the preceding 4 complete calendar quarters (excluding the month of highest liability and the month of lowest liability) is less than $19,000 or until such taxpayer's average monthly

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liability to the Department as computed for each calendar quarter of the 4 preceding complete calendar quarter period is less than $20,000. However, if a taxpayer can show the Department that a substantial change in the taxpayer's business has occurred which causes the taxpayer to anticipate that his average monthly tax liability for the reasonably foreseeable future will fall below the $20,000 threshold stated above, then such taxpayer may petition the Department for a change in such taxpayer's reporting status. The Department shall change such taxpayer's reporting status unless it finds that such change is seasonal in nature and not likely to be long term. If any such quarter monthly payment is not paid at the time or in the amount required by this Section, then the taxpayer shall be liable for penalties and interest on the difference between the minimum amount due as a payment and the amount of such quarter monthly payment actually and timely paid, except insofar as the taxpayer has previously made payments for that month to the Department in excess of the minimum payments previously due as provided in this Section. The Department shall make reasonable rules and regulations to govern the quarter monthly payment amount and quarter monthly payment dates for taxpayers who file on other than a calendar monthly basis.

The provisions of this paragraph apply before October 1, 2001. Without regard to whether a taxpayer is required to make quarter monthly payments as specified above, any taxpayer who is required by Section 2d of this Act to collect and remit prepaid taxes and has collected prepaid taxes which average in excess of $25,000 per month during the preceding 2 complete calendar quarters, shall file a return with the Department as required by Section 2f and shall make payments to the Department on or before the 7th, 15th, 22nd and last day of the month during which such liability is incurred. If the month during which such tax liability is incurred began prior to the effective date of this amendatory Act of 1985, each payment shall be in an amount not less than 22.5% of the taxpayer’s actual liability under Section 2d. If the month during which such tax liability is incurred begins on or after January 1, 1986, each payment shall be in an amount equal to 22.5% of the taxpayer’s actual liability for the month or 27.5% of the taxpayer’s liability for the same calendar month of the preceding calendar year. If the month during which such tax liability is incurred begins on or after January 1, 1987, each payment shall be in an amount equal to 22.5% of the taxpayer’s actual liability for the month or 26.25% of the taxpayer’s liability for the same calendar month of the preceding year. The amount of such quarter monthly payments shall be credited against the final tax liability of the taxpayer's return for that month filed under this Section or Section 2f, as the case may be. Once applicable, the requirement of the making of quarter monthly payments to the Department pursuant to this paragraph shall continue until such taxpayer's average monthly prepaid tax collections during the preceding 2 complete calendar quarters is $25,000 or less. If any such quarter monthly payment is not paid at the time or in the amount required, the taxpayer shall be liable for penalties and interest on such difference, except insofar as the taxpayer has previously made payments for that month in excess of the minimum payments previously due.

The provisions of this paragraph apply on and after October 1, 2001. Without regard to whether a taxpayer is required to make quarter monthly payments as specified above, any taxpayer who is required by Section 2d of this Act to collect and remit prepaid taxes and has
collected prepaid taxes that average in excess of $20,000 per month during the preceding 4 complete calendar quarters shall file a return with the Department as required by Section 2f and shall make payments to the Department on or before the 7th, 15th, 22nd and last day of the month during which the liability is incurred. Each payment shall be in an amount equal to 22.5% of the taxpayer's actual liability for the month or 25% of the taxpayer's liability for the same calendar month of the preceding year. The amount of the quarter monthly payments shall be credited against the final tax liability of the taxpayer's return for that month filed under this Section or Section 2f, as the case may be. Once applicable, the requirement of the making of quarter monthly payments to the Department pursuant to this paragraph shall continue until the taxpayer's average monthly prepaid tax collections during the preceding 4 complete calendar quarters (excluding the month of highest liability and the month of lowest liability) is less than $19,000 or until such taxpayer's average monthly liability to the Department as computed for each calendar quarter of the 4 preceding complete calendar quarters is less than $20,000. If any such quarter monthly payment is not paid at the time or in the amount required, the taxpayer shall be liable for penalties and interest on such difference, except insofar as the taxpayer has previously made payments for that month in excess of the minimum payments previously due.

If any payment provided for in this Section exceeds the taxpayer's liabilities under this Act, the Use Tax Act, the Service Occupation Tax Act and the Service Use Tax Act, as shown on an original monthly return, the Department shall, if requested by the taxpayer, issue to the taxpayer a credit memorandum no later than 30 days after the date of payment. The credit evidenced by such credit memorandum may be assigned by the taxpayer to a similar taxpayer under this Act, the Use Tax Act, the Service Occupation Tax Act or the Service Use Tax Act, in accordance with reasonable rules and regulations to be prescribed by the Department. If no such request is made, the taxpayer may credit such excess payment against tax liability subsequently to be remitted to the Department under this Act, the Use Tax Act, the Service Occupation Tax Act or the Service Use Tax Act, in accordance with reasonable rules and regulations prescribed by the Department. If the Department subsequently determined that all or any part of the credit taken was not actually due to the taxpayer, the taxpayer's 2.1% and 1.75% vendor's discount shall be reduced by 2.1% or 1.75% of the difference between the credit taken and that actually due, and that taxpayer shall be liable for penalties and interest on such difference.

If a retailer of motor fuel is entitled to a credit under Section 2d of this Act which exceeds the taxpayer's liability to the Department under this Act for the month which the taxpayer is filing a return, the Department shall issue the taxpayer a credit memorandum for the excess.

Beginning January 1, 1990, each month the Department shall pay into the Local Government Tax Fund, a special fund in the State treasury which is hereby created, the net revenue realized for the preceding month from the 1% tax on sales of food for human consumption which is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks and food which has been prepared for immediate consumption) and prescription and nonprescription medicines, drugs, medical appliances and insulin, urine

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testing materials, syringes and needles used by diabetics.

Beginning January 1, 1990, each month the Department shall pay into the County and Mass Transit District Fund, a special fund in the State treasury which is hereby created, 4% of the net revenue realized for the preceding month from the 6.25% general rate.

Beginning August 1, 2000, each month the Department shall pay into the County and Mass Transit District Fund 20% of the net revenue realized for the preceding month from the 1.25% rate on the selling price of motor fuel and gasohol.

Beginning January 1, 1990, each month the Department shall pay into the Local Government Tax Fund 16% of the net revenue realized for the preceding month from the 6.25% general rate on the selling price of tangible personal property.

Beginning August 1, 2000, each month the Department shall pay into the Local Government Tax Fund 80% of the net revenue realized for the preceding month from the 1.25% rate on the selling price of motor fuel and gasohol.

Of the remainder of the moneys received by the Department pursuant to this Act, (a) 1.75% thereof shall be paid into the Build Illinois Fund and (b) prior to July 1, 1989, 2.2% and on and after July 1, 1989, 3.8% thereof shall be paid into the Build Illinois Fund; provided, however, that if in any fiscal year the sum of (1) the aggregate of 2.2% or 3.8%, as the case may be, of the moneys received by the Department and required to be paid into the Build Illinois Fund pursuant to this Act, Section 9 of the Use Tax Act, Section 9 of the Service Use Tax Act, and Section 9 of the Service Occupation Tax Act, such Acts being hereinafter called the "Tax Acts" and such aggregate of 2.2% or 3.8%, as the case may be, of moneys being hereinafter called the "Tax Act Amount", and (2) the amount transferred to the Build Illinois Fund from the State and Local Sales Tax Reform Fund shall be less than the Annual Specified Amount (as hereinafter defined), an amount equal to the difference shall be immediately paid into the Build Illinois Fund from other moneys received by the Department pursuant to the Tax Acts; the "Annual Specified Amount" means the amounts specified below for fiscal years 1986 through 1993:

<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>Annual Specified Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1986</td>
<td>$54,800,000</td>
</tr>
<tr>
<td>1987</td>
<td>$76,650,000</td>
</tr>
<tr>
<td>1988</td>
<td>$80,480,000</td>
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<tr>
<td>1989</td>
<td>$88,510,000</td>
</tr>
<tr>
<td>1990</td>
<td>$115,330,000</td>
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<tr>
<td>1991</td>
<td>$145,470,000</td>
</tr>
<tr>
<td>1992</td>
<td>$182,730,000</td>
</tr>
<tr>
<td>1993</td>
<td>$206,520,000</td>
</tr>
</tbody>
</table>

and means the Certified Annual Debt Service Requirement (as defined in Section 13 of the Build Illinois Bond Act) or the Tax Act Amount, whichever is greater, for fiscal year 1994 and each fiscal year thereafter; and further provided, that if on the last business day of any month the sum of (1) the Tax Act Amount required to be deposited into the Build Illinois Bond Account in the Build Illinois Fund during such month and (2) the amount transferred to the Build Illinois Fund from the State and Local Sales Tax Reform Fund shall have been
less than 1/12 of the Annual Specified Amount, an amount equal to the difference shall be immediately paid into the Build Illinois Fund from other moneys received by the Department pursuant to the Tax Acts; and, further provided, that in no event shall the payments required under the preceding proviso result in aggregate payments into the Build Illinois Fund pursuant to this clause (b) for any fiscal year in excess of the greater of (i) the Tax Act Amount or (ii) the Annual Specified Amount for such fiscal year. The amounts payable into the Build Illinois Fund under clause (b) of the first sentence in this paragraph shall be payable only until such time as the aggregate amount on deposit under each trust indenture securing Bonds issued and outstanding pursuant to the Build Illinois Bond Act is sufficient, taking into account any future investment income, to fully provide, in accordance with such indenture, for the defeasance of or the payment of the principal of, premium, if any, and interest on the Bonds secured by such indenture and on any Bonds expected to be issued thereafter and all fees and costs payable with respect thereto, all as certified by the Director of the Bureau of the Budget. If on the last business day of any month in which Bonds are outstanding pursuant to the Build Illinois Bond Act, the aggregate of moneys deposited in the Build Illinois Bond Account in the Build Illinois Fund in such month shall be less than the amount required to be transferred in such month from the Build Illinois Bond Account to the Build Illinois Bond Retirement and Interest Fund pursuant to Section 13 of the Build Illinois Bond Act, an amount equal to such deficiency shall be immediately paid from other moneys received by the Department pursuant to the Tax Acts to the Build Illinois Fund; provided, however, that any amounts paid to the Build Illinois Fund in any fiscal year pursuant to this sentence shall be deemed to constitute payments pursuant to clause (b) of the first sentence of this paragraph and shall reduce the amount otherwise payable for such fiscal year pursuant to that clause (b). The moneys received by the Department pursuant to this Act and required to be deposited into the Build Illinois Fund are subject to the pledge, claim and charge set forth in Section 12 of the Build Illinois Bond Act.

Subject to payment of amounts into the Build Illinois Fund as provided in the preceding paragraph or in any amendment thereto hereafter enacted, the following specified monthly installment of the amount requested in the certificate of the Chairman of the Metropolitan Pier and Exposition Authority provided under Section 8.25f of the State Finance Act, but not in excess of sums designated as "Total Deposit", shall be deposited in the aggregate from collections under Section 9 of the Use Tax Act, Section 9 of the Service Use Tax Act, Section 9 of the Service Occupation Tax Act, and Section 3 of the Retailers' Occupation Tax Act into the McCormick Place Expansion Project Fund in the specified fiscal years.

<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>Total Deposit</th>
</tr>
</thead>
<tbody>
<tr>
<td>1993</td>
<td>$0</td>
</tr>
<tr>
<td>1994</td>
<td>53,000,000</td>
</tr>
<tr>
<td>1995</td>
<td>58,000,000</td>
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<tr>
<td>1996</td>
<td>61,000,000</td>
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<tr>
<td>1997</td>
<td>64,000,000</td>
</tr>
<tr>
<td>1998</td>
<td>68,000,000</td>
</tr>
</tbody>
</table>

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1999  71,000,000 
2000  75,000,000 
2001  80,000,000 
2002  93,000,000 
2003  99,000,000 
2004 103,000,000 
2005 108,000,000 
2006 113,000,000 
2007 119,000,000 
2008 126,000,000 
2009 132,000,000 
2010 139,000,000 
2011 146,000,000 
2012 153,000,000 
2013 161,000,000 
2014 170,000,000 
2015 179,000,000 
2016 189,000,000 
2017 199,000,000 
2018 210,000,000 
2019 221,000,000 
2020 233,000,000 
2021 246,000,000 
2022 260,000,000 
2023 and 275,000,000 

each fiscal year thereafter that bonds are outstanding under Section 13.2 of the Metropolitan Pier and Exposition Authority Act, but not after fiscal year 2042.

Beginning July 20, 1993 and in each month of each fiscal year thereafter, one-eighth of the amount requested in the certificate of the Chairman of the Metropolitan Pier and Exposition Authority for that fiscal year, less the amount deposited into the McCormick Place Expansion Project Fund by the State Treasurer in the respective month under subsection (g) of Section 13 of the Metropolitan Pier and Exposition Authority Act, plus cumulative deficiencies in the deposits required under this Section for previous months and years, shall be deposited into the McCormick Place Expansion Project Fund, until the full amount requested for the fiscal year, but not in excess of the amount specified above as "Total Deposit", has been deposited.

Subject to payment of amounts into the Build Illinois Fund and the McCormick Place

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Expansion Project Fund pursuant to the preceding paragraphs or in any amendment thereto hereafter enacted, each month the Department shall pay into the Local Government Distributive Fund 0.4% of the net revenue realized for the preceding month from the 5% general rate or 0.4% of 80% of the net revenue realized for the preceding month from the 6.25% general rate, as the case may be, on the selling price of tangible personal property which amount shall, subject to appropriation, be distributed as provided in Section 2 of the State Revenue Sharing Act. No payments or distributions pursuant to this paragraph shall be made if the tax imposed by this Act on photoprocessing products is declared unconstitutional, or if the proceeds from such tax are unavailable for distribution because of litigation.

Subject to payment of amounts into the Build Illinois Fund, and the McCormick Place Expansion Project Fund, and the Local Government Distributive Fund pursuant to the preceding paragraphs or in any amendments thereto hereafter enacted, beginning July 1, 1993, the Department shall each month pay into the Illinois Tax Increment Fund 0.27% of 80% of the net revenue realized for the preceding month from the 6.25% general rate on the selling price of tangible personal property.

Subject to payment of amounts into the Build Illinois Fund, the McCormick Place Expansion Project Fund, and the Local Government Distributive Fund pursuant to the preceding paragraphs or in any amendments thereto hereafter enacted, beginning with the receipt of the first report of taxes paid by an eligible business and continuing for a 25-year period, the Department shall each month pay into the Energy Infrastructure Fund 80% of the net revenue realized from the 6.25% general rate on the selling price of Illinois-mined coal that was sold to an eligible business. For purposes of this paragraph, the term "eligible business" means a new electric generating facility certified pursuant to Section 605-332 of the Department of Commerce and Community Affairs Law of the Civil Administrative Code of Illinois.

Of the remainder of the moneys received by the Department pursuant to this Act, 75% thereof shall be paid into the State Treasury and 25% shall be reserved in a special account and used only for the transfer to the Common School Fund as part of the monthly transfer from the General Revenue Fund in accordance with Section 8a of the State Finance Act.

The Department may, upon separate written notice to a taxpayer, require the taxpayer to prepare and file with the Department on a form prescribed by the Department within not less than 60 days after receipt of the notice an annual information return for the tax year specified in the notice. Such annual return to the Department shall include a statement of gross receipts as shown by the retailer's last Federal income tax return. If the total receipts of the business as reported in the Federal income tax return do not agree with the gross receipts reported to the Department of Revenue for the same period, the retailer shall attach to his annual return a schedule showing a reconciliation of the 2 amounts and the reasons for the difference. The retailer's annual return to the Department shall also disclose the cost of goods sold by the retailer during the year covered by such return, opening and closing inventories of such goods for such year, costs of goods used from stock or taken from stock and given away by the retailer during such year, payroll information of the retailer's business

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during such year and any additional reasonable information which the Department deems would be helpful in determining the accuracy of the monthly, quarterly or annual returns filed by such retailer as provided for in this Section.

If the annual information return required by this Section is not filed when and as required, the taxpayer shall be liable as follows:

(i) Until January 1, 1994, the taxpayer shall be liable for a penalty equal to 1/6 of 1% of the tax due from such taxpayer under this Act during the period to be covered by the annual return for each month or fraction of a month until such return is filed as required, the penalty to be assessed and collected in the same manner as any other penalty provided for in this Act.

(ii) On and after January 1, 1994, the taxpayer shall be liable for a penalty as described in Section 3-4 of the Uniform Penalty and Interest Act.

The chief executive officer, proprietor, owner or highest ranking manager shall sign the annual return to certify the accuracy of the information contained therein. Any person who willfully signs the annual return containing false or inaccurate information shall be guilty of perjury and punished accordingly. The annual return form prescribed by the Department shall include a warning that the person signing the return may be liable for perjury.

The provisions of this Section concerning the filing of an annual information return do not apply to a retailer who is not required to file an income tax return with the United States Government.

As soon as possible after the first day of each month, upon certification of the Department of Revenue, the Comptroller shall order transferred and the Treasurer shall transfer from the General Revenue Fund to the Motor Fuel Tax Fund an amount equal to 1.7% of 80% of the net revenue realized under this Act for the second preceding month. Beginning April 1, 2000, this transfer is no longer required and shall not be made.

Net revenue realized for a month shall be the revenue collected by the State pursuant to this Act, less the amount paid out during that month as refunds to taxpayers for overpayment of liability.

For greater simplicity of administration, manufacturers, importers and wholesalers whose products are sold at retail in Illinois by numerous retailers, and who wish to do so, may assume the responsibility for accounting and paying to the Department all tax accruing under this Act with respect to such sales, if the retailers who are affected do not make written objection to the Department to this arrangement.

Any person who promotes, organizes, provides retail selling space for concessionaires or other types of sellers at the Illinois State Fair, DuQuoin State Fair, county fairs, local fairs, art shows, flea markets and similar exhibitions or events, including any transient merchant as defined by Section 2 of the Transient Merchant Act of 1987, is required to file a report with the Department providing the name of the merchant's business, the name of the person or persons engaged in merchant's business, the permanent address and Illinois Retailers Occupation Tax Registration Number of the merchant, the dates and location of the event and other reasonable information that the Department may require. The report must be filed not

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later than the 20th day of the month next following the month during which the event with retail sales was held. Any person who fails to file a report required by this Section commits a business offense and is subject to a fine not to exceed $250.

Any person engaged in the business of selling tangible personal property at retail as a concessionaire or other type of seller at the Illinois State Fair, county fairs, art shows, flea markets and similar exhibitions or events, or any transient merchants, as defined by Section 2 of the Transient Merchant Act of 1987, may be required to make a daily report of the amount of such sales to the Department and to make a daily payment of the full amount of tax due. The Department shall impose this requirement when it finds that there is a significant risk of loss of revenue to the State at such an exhibition or event. Such a finding shall be based on evidence that a substantial number of concessionaires or other sellers who are not residents of Illinois will be engaging in the business of selling tangible personal property at retail at the exhibition or event, or other evidence of a significant risk of loss of revenue to the State. The Department shall notify concessionaires and other sellers affected by the imposition of this requirement. In the absence of notification by the Department, the concessionaires and other sellers shall file their returns as otherwise required in this Section.

(Source: P.A. 91-37, eff. 7-1-99; 91-51, eff. 6-30-99; 91-101, eff. 7-12-99; 91-541, eff. 8-13-99; 91-872, eff. 7-1-00; 91-901, eff. 1-1-01; 92-12, eff. 7-1-01; 92-16, eff. 6-28-01; 92-208, eff. 8-2-01; 92-484, eff. 8-23-01; 92-492, eff. 1-1-02; revised 9-14-01.)

Section 29. The Property Tax Code is amended by changing Sections 15-25, 18-165, and 31-5 as follows:

(35 ILCS 200/15-25)

Sec. 15-25. Removal of exemptions. If the Department determines that any property has been unlawfully exempted from taxation, or is no longer entitled to exemption, the Department shall, before January 1 of any year, direct the chief county assessment officer to assess the property and return it to the assessment rolls for the next assessment year. The Department shall give notice of its decision to the owner of the property by certified mail. The decision shall be subject to review and hearing under with Section 8-35, upon application by the owner filed within 10 days after the notice of decision is mailed. However, the extension of taxes on the assessment shall not be delayed by any proceedings under this Section. If the property is determined to be exempt, any taxes extended upon the assessment shall be abated or, if already paid, be refunded.

(Source: P.A. 82-554; 88-455; revised 12-04-01.)

(35 ILCS 200/18-165)

Sec. 18-165. Abatement of taxes.

(a) Any taxing district, upon a majority vote of its governing authority, may, after the determination of the assessed valuation of its property, order the clerk of that county to abate any portion of its taxes on the following types of property:

(1) Commercial and industrial.

(A) The property of any commercial or industrial firm, including but not limited to the property of (i) any firm that is used for collecting, separating, storing, or processing recyclable materials, locating within the

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taxing district during the immediately preceding year from another state, territory, or country, or having been newly created within this State during the immediately preceding year, or expanding an existing facility, or (ii) any firm that is used for the generation and transmission of electricity locating within the taxing district during the immediately preceding year or expanding its presence within the taxing district during the immediately preceding year by construction of a new electric generating facility that uses natural gas as its fuel, or any firm that is used for production operations at a new, expanded, or reopened coal mine within the taxing district, that has been certified as a High Impact Business by the Illinois Department of Commerce and Community Affairs. The property of any firm used for the generation and transmission of electricity shall include all property of the firm used for transmission facilities as defined in Section 5.5 of the Illinois Enterprise Zone Act. The abatement shall not exceed a period of 10 years and the aggregate amount of abated taxes for all taxing districts combined shall not exceed $4,000,000.

(A-5) Any property in the taxing district of a new electric generating facility, as defined in Section 605-332 of the Department of Commerce and Community Affairs Law of the Civil Administrative Code of Illinois. The abatement shall not exceed a period of 10 years. The abatement shall be subject to the following limitations:

(i) if the equalized assessed valuation of the new electric generating facility is equal to or greater than $25,000,000 but less than $50,000,000, then the abatement may not exceed (i) over the entire term of the abatement, 5% of the taxing district's aggregate taxes from the new electric generating facility and (ii) in any one year of abatement, 20% of the taxing district's taxes from the new electric generating facility;

(ii) if the equalized assessed valuation of the new electric generating facility is equal to or greater than $50,000,000 but less than $75,000,000, then the abatement may not exceed (i) over the entire term of the abatement, 10% of the taxing district's aggregate taxes from the new electric generating facility and (ii) in any one year of abatement, 35% of the taxing district's taxes from the new electric generating facility;

(iii) if the equalized assessed valuation of the new electric generating facility is equal to or greater than $75,000,000 but less than $100,000,000, then the abatement may not exceed (i) over the entire term of the abatement, 20% of the taxing district's aggregate taxes from the new electric generating facility and (ii) in any one year of abatement, 50% of the taxing district's taxes from the new electric generating facility;

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(iv) if the equalized assessed valuation of the new electric generating facility is equal to or greater than $100,000,000 but less than $125,000,000, then the abatement may not exceed (i) over the entire term of the abatement, 30% of the taxing district's aggregate taxes from the new electric generating facility and (ii) in any one year of abatement, 60% of the taxing district's taxes from the new electric generating facility;

(v) if the equalized assessed valuation of the new electric generating facility is equal to or greater than $125,000,000 but less than $150,000,000, then the abatement may not exceed (i) over the entire term of the abatement, 40% of the taxing district's aggregate taxes from the new electric generating facility and (ii) in any one year of abatement, 60% of the taxing district's taxes from the new electric generating facility;

(vi) if the equalized assessed valuation of the new electric generating facility is equal to or greater than $150,000,000, then the abatement may not exceed (i) over the entire term of the abatement, 50% of the taxing district's aggregate taxes from the new electric generating facility and (ii) in any one year of abatement, 60% of the taxing district's taxes from the new electric generating facility.

The abatement is not effective unless the owner of the new electric generating facility agrees to repay to the taxing district all amounts previously abated, together with interest computed at the rate and in the manner provided for delinquent taxes, in the event that the owner of the new electric generating facility closes the new electric generating facility before the expiration of the entire term of the abatement.

The authorization of taxing districts to abate taxes under this subdivision (a)(1)(A-5) expires on January 1, 2010.

(B) The property of any commercial or industrial development of at least 500 acres having been created within the taxing district. The abatement shall not exceed a period of 20 years and the aggregate amount of abated taxes for all taxing districts combined shall not exceed $12,000,000.

(C) The property of any commercial or industrial firm currently located in the taxing district that expands a facility or its number of employees. The abatement shall not exceed a period of 10 years and the aggregate amount of abated taxes for all taxing districts combined shall not exceed $4,000,000. The abatement period may be renewed at the option of the taxing districts.

(2) Horse racing. Any property in the taxing district which is used for the racing of horses and upon which capital improvements consisting of expansion, improvement or replacement of existing facilities have been made since July 1, 1987. The combined abatements for such property from all taxing districts in any county

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shall not exceed $5,000,000 annually and shall not exceed a period of 10 years.

(3) Auto racing. Any property designed exclusively for the racing of motor vehicles. Such abatement shall not exceed a period of 10 years.

(4) Academic or research institute. The property of any academic or research institute in the taxing district that (i) is an exempt organization under paragraph (3) of Section 501(c) of the Internal Revenue Code, (ii) operates for the benefit of the public by actually and exclusively performing scientific research and making the results of the research available to the interested public on a non-discriminatory basis, and (iii) employs more than 100 employees. An abatement granted under this paragraph shall be for at least 15 years and the aggregate amount of abated taxes for all taxing districts combined shall not exceed $5,000,000.

(5) Housing for older persons. Any property in the taxing district that is devoted exclusively to affordable housing for older households. For purposes of this paragraph, "older households" means those households (i) living in housing provided under any State or federal program that the Department of Human Rights determines is specifically designed and operated to assist elderly persons and is solely occupied by persons 55 years of age or older and (ii) whose annual income does not exceed 80% of the area gross median income, adjusted for family size, as such gross income and median income are determined from time to time by the United States Department of Housing and Urban Development. The abatement shall not exceed a period of 15 years, and the aggregate amount of abated taxes for all taxing districts shall not exceed $3,000,000.

(6) Historical society. For assessment years 1998 through 2003, the property of an historical society qualifying as an exempt organization under Section 501(c)(3) of the federal Internal Revenue Code.

(7) Recreational facilities. Any property in the taxing district (i) that is used for a municipal airport, (ii) that is subject to a leasehold assessment under Section 9-195 of this Code and (iii) which is sublet from a park district that is leasing the property from a municipality, but only if the property is used exclusively for recreational facilities or for parking lots used exclusively for those facilities. The abatement shall not exceed a period of 10 years.

(8) Relocated corporate headquarters. If approval occurs within 5 years after the effective date of this amendatory Act of the 92nd General Assembly, any property or a portion of any property in a taxing district that is used by an eligible business for a corporate headquarters as defined in the Corporate Headquarters Relocation Act. Instead of an abatement under this paragraph (8), a taxing district may enter into an agreement with an eligible business to make annual payments to that eligible business in an amount not to exceed the property taxes paid directly or indirectly by that eligible business to the taxing district and any other taxing districts for premises occupied pursuant to a written lease and may make those payments without the need for an annual appropriation. No school district, however, may enter into an agreement with, or abate taxes for, an eligible business unless the municipality in which the
corporate headquarters is located agrees to provide funding to the school district in an amount equal to the amount abated or paid by the school district as provided in this paragraph (8). Any abatement ordered or agreement entered into under this paragraph (8) may be effective for the entire term specified by the taxing district, except the term of the abatement or annual payments may not exceed 20 years.

(b) Upon a majority vote of its governing authority, any municipality may, after the determination of the assessed valuation of its property, order the county clerk to abate any portion of its taxes on any property that is located within the corporate limits of the municipality in accordance with Section 8-3-18 of the Illinois Municipal Code.

(Source: P.A. 91-644, eff. 8-20-99; 91-885, eff. 7-6-00; 92-12, eff. 7-1-01; 92-207, eff. 8-1-01; 92-247, eff. 8-3-01; revised 9-19-01.)

(35 ILCS 200/31-5)

Sec. 31-5. Definitions. "Recordation" includes the issuance of certificates of title by Registrars of Title under the Registered Titles (Torrens) Act pursuant to the filing of deeds or trust documents for that purpose, as well as the recording of deeds or trust documents by recorders.

"Department" means the Department of Revenue.

"Person" means any natural individual, firm, partnership, association, joint stock company, joint adventure, public or private corporation, limited liability company, or a receiver, executor, trustee, guardian or other representative appointed by order of any court.

"Value" means the amount of the full actual consideration, including the amount of any lien assumed by the buyer.

"Trust document" means a document required to be recorded under the Land Trust Recordation and Transfer Tax Act.

(Source: P.A. 88-455; incorporates 88-480; 88-670, eff. 12-2-94; revised 12-13-01.)

Section 30. The Motor Fuel Tax Law is amended by changing Section 15 as follows:

(35 ILCS 505/15) (from Ch. 120, par. 431)

Sec. 15. 1. Any person who knowingly acts as a distributor of motor fuel or supplier of special fuel, or receiver of fuel without having a license so to do, or who knowingly fails or refuses to file a return with the Department as provided in Section 2b, Section 5, or Section 5a of this Act, or who knowingly fails or refuses to make payment to the Department as provided either in Section 2b, Section 6, Section 6a, or Section 7 of this Act, shall be guilty of a Class 3 felony. Each day any person knowingly acts as a distributor of motor fuel, supplier of special fuel, or receiver of fuel without having a license so to do or after such a license has been revoked, constitutes a separate offense.

2. Any person who acts as a motor carrier without having a valid motor fuel use tax license, issued by the Department or by a member jurisdiction under the provisions of the International Fuel Tax Agreement, or a valid single trip permit is guilty of a Class A misdemeanor for a first offense and is guilty of a Class 4 felony for each subsequent offense. Any person (i) who fails or refuses to make payment to the Department as provided in Section 13a.1 of this Act or in the International Fuel Tax Agreement referenced in Section 14a, or (ii) who fails or refuses to make the quarterly return as provided in Section 13a.3 is
guilty of a Class 4 felony; and for each subsequent offense, such person is guilty of a Class 3 felony.

3. In case such person acting as a distributor, receiver, supplier, or motor carrier is a corporation, then the officer or officers, agent or agents, employee or employees, of such corporation responsible for any act of such corporation, or failure of such corporation to act, which acts or failure to act constitutes a violation of any of the provisions of this Act as enumerated in paragraphs 1 and 2 of this Section, shall be punished by such fine or imprisonment, or by both such fine and imprisonment as provided in those paragraphs.

3.5. Any person who knowingly enters false information on any supporting documentation required to be kept by Section 6 or 6a of this Act is guilty of a Class 3 felony.

3.7. Any person who knowingly attempts in any manner to evade or defeat any tax imposed by this Act or the payment of any tax imposed by this Act is guilty of a Class 2 felony.

4. Any person who refuses, upon demand, to submit for inspection, books and records, or who fails or refuses to keep books and records in violation of Section 12 of this Act, or any distributor, receiver, or supplier who violates any reasonable rule or regulation adopted by the Department for the enforcement of this Act is guilty of a Class A misdemeanor. Any person who acts as a blender in violation of Section 3 of this Act or who having transported reportable motor fuel within Section 7b of this Act fails to make the return required by that Section, is guilty of a Class 4 felony.

5. Any person licensed under Section 13a.4, 13a.5, or the International Fuel Tax Agreement who: (a) fails or refuses to keep records and books, as provided in Section 13a.2 or as required by the terms of the International Fuel Tax Agreement, (b) refuses upon demand by the Department to submit for inspection and examination the records required by Section 13a.2 of this Act or by the terms of the International Fuel Tax Agreement, or (c) violates any reasonable rule or regulation adopted by the Department for the enforcement of this Act, is guilty of a Class A misdemeanor.

6. Any person who makes any false return or report to the Department as to any material fact required by Sections 2b, 5, 5a, 7, 13, or 13a.3 of this Act or by the International Fuel Tax Agreement is guilty of a Class 2 felony.

7. A prosecution for any violation of this Section may be commenced anytime within 5 years of the commission of that violation. A prosecution for tax evasion as set forth in paragraph 3.7 of this Section may be prosecuted any time within 5 years of the commission of the last act in furtherance of evasion. The running of the period of limitations under this Section shall be suspended while any proceeding or appeal from any proceeding relating to the quashing or enforcement of any grand jury or administrative subpoena issued in connection with an investigation of the violation of any provision of this Act is pending.

8. Any person who provides false documentation required by any Section of this Act is guilty of a Class 4 felony.

9. Any person filing a fraudulent application or order form under any provision of this Act is guilty of a Class A misdemeanor. For each subsequent offense, the person is guilty of a Class 4 felony.

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10. Any person who acts as a motor carrier and who fails to carry a manifest as provided in Section 5.5 is guilty of a Class A misdemeanor. For each subsequent offense, the person is guilty of a Class 4 felony.

11. Any person who knowingly sells or attempts to sell dyed diesel fuel for highway use or for use by recreational-type watercraft on the waters of this State is guilty of a Class 4 felony. For each subsequent offense, the person is guilty of a Class 2 felony.

12. Any person who knowingly possesses dyed diesel fuel for highway use or for use by recreational-type watercraft on the waters of this State is guilty of a Class A misdemeanor. For each subsequent offense, the person is guilty of a Class 4 felony.

13. Any person who sells or transports dyed diesel fuel without the notice required by Section 4e shall pay the following penalty:
   - First occurrence.......................... $ 500
   - Second and each occurrence thereafter........... $1,000

14. Any person who owns, operates, or controls any container, storage tank, or facility used to store or distribute dyed diesel fuel without the notice required by Section 4f shall pay the following penalty:
   - First occurrence.......................... $ 500
   - Second and each occurrence thereafter........... $1,000

15. If a motor vehicle required to be registered for highway purposes is found to have dyed diesel fuel within the ordinary fuel tanks attached to the motor vehicle or if a recreational-type watercraft on the waters of this State is found to have dyed diesel fuel within the ordinary fuel tanks attached to the watercraft, the operator shall pay the following penalty:
   - First occurrence.......................... $2,500
   - Second and each occurrence thereafter........... $5,000

16. Any licensed motor fuel distributor or licensed supplier who sells or attempts to sell dyed diesel fuel for highway use or for use by recreational-type watercraft on the waters of this State shall pay the following penalty:
   - First occurrence.......................... $ 5,000
   - Second and each occurrence thereafter........... $10,000

17. Any person who knowingly sells or distributes dyed diesel fuel without the notice required by Section 4e is guilty of a petty offense. For each subsequent offense, the person is guilty of a Class A misdemeanor.

18. Any person who knowingly owns, operates, or controls any container, storage tank, or facility used to store or distribute dyed diesel fuel without the notice required by Section 4f is guilty of a petty offense. For each subsequent offense the person is guilty of a Class A misdemeanor.

For purposes of this Section, dyed diesel fuel means any dyed diesel fuel whether or not dyed pursuant to Section 4d of this Law.

Any person aggrieved by any action of the Department under item 13, 14, 15, or 16 of this Section may protest the action by making a written request for a hearing within 60 days of the original action. If the hearing is not requested in writing within 60 days, the

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original action is final.

All penalties received under items 13, 14, 15, and 16 of this Section shall be deposited into the Tax Compliance and Administration Fund.
(Source: P.A. 91-173, eff. 1-1-00; 92-30, eff. 7-1-01; 92-232, eff. 8-2-01; revised 9-19-01.)

Section 31. The Illinois Pension Code is amended by changing Sections 1-113.7, 14-110, 14-114, 16-106, and 17-119.1 as follows:
(40 ILCS 5/1-113.7)
Sec. 1-113.7. Registration of investments; custody and safekeeping. The board of trustees may register the investments of its pension fund in the name of the pension fund, in the nominee name of a bank or trust company authorized to conduct a trust business in Illinois, or in the nominee name of the Illinois Public Treasurer's Investment Pool.

The assets of the pension fund and ownership of its investments shall be protected through third-party custodial safekeeping. The board of trustees may appoint as custodian of the investments of its pension fund the treasurer of the municipality, a bank or trust company authorized to conduct a trust business in Illinois, or the Illinois Public Treasurer's Investment Pool.

A dealer may not maintain possession of or control over securities of a pension fund subject to the provisions of this Section unless it is registered as a broker-dealer with the U.S. Securities and Exchange Commission and is a member in good standing of the National Association of Securities Dealers, and (1) with respect to securities that are not issued only in book-entry form, (A) all such securities of each fund are either held in safekeeping in a place reasonably free from risk of destruction or held in custody by a securities depository that is a "clearing agency" registered with the U.S. Securities and Exchange Commission, (B) the dealer is a member of the Securities Investor Protection Corporation, (C) the dealer sends to each fund, no less frequently than each calendar quarter, an itemized statement showing the moneys and securities in the custody or possession of the dealer at the end of such period, and (D) an independent certified public accountant conducts an audit, no less frequently than each calendar year, that reviews the dealer's internal accounting controls and procedures for safeguarding securities; and (2) with respect to securities that are issued only in book-entry form, (A) all such securities of each fund are held either in a securities depository that is a "clearing agency" registered with the U.S. Securities and Exchange Commission or in a bank that is a member of the Federal Reserve System, (B) the dealer records the ownership interest of the funds in such securities on the dealer's books and records, (C) the dealer is a member of the Securities Investor Protection Corporation, (D) the dealer sends to each fund, no less frequently than each calendar quarter, an itemized statement showing the moneys and securities in the custody or possession of the dealer at the end of such period, and (E) the dealer's financial statement (which shall contain among other things a statement of the dealer's net capital and its required net capital computed in accordance with Rule 15c3-1 under the Securities Exchange Act of 1934) is audited annually by an independent certified public accountant, and the dealer's most recent audited financial statement is furnished to the fund. No broker-dealer serving as a custodian for any public pension fund as provided by this Act shall be authorized to serve as an investment advisor.
for that same public pension fund as described in Section 1-101.4 of this Code, to the extent that the investment advisor acquires or disposes of any asset of that same public pension fund. Notwithstanding the foregoing, in no event may a broker or dealer that is a natural person maintain possession of or control over securities or other assets of a pension fund subject to the provisions of this Section. In maintaining securities of a pension fund subject to the provisions of this Section, each dealer must maintain those securities in conformity with the provisions of Rule 15c3-3(b) of the Securities Exchange Act of 1934 (Physical Possession or Control of Securities). The Director of the Department of Insurance may adopt such rules and regulations as shall be necessary and appropriate in his or her judgment to effectuate the purposes of this Section.

A bank or trust company authorized to conduct a trust business in Illinois shall register, deposit, or hold investments for safekeeping, all in accordance with the obligations and subject to the limitations of the Securities in Fiduciary Accounts Act.

(Source: P.A. 90-507, eff. 8-22-97; revised 12-13-01.)
(40 ILCS 5/14-110) (from Ch. 108 1/2, par. 14-110)
Sec. 14-110. Alternative retirement annuity.

(a) Any member who has withdrawn from service with not less than 20 years of eligible creditable service and has attained age 55, and any member who has withdrawn from service with not less than 25 years of eligible creditable service and has attained age 50, regardless of whether the attainment of either of the specified ages occurs while the member is still in service, shall be entitled to receive at the option of the member, in lieu of the regular or minimum retirement annuity, a retirement annuity computed as follows:

(i) for periods of service as a noncovered employee: if retirement occurs on or after January 1, 2001, 3% of final average compensation for each year of creditable service; if retirement occurs before January 1, 2001, 2 1/4% of final average compensation for each of the first 10 years of creditable service, 2 1/2% for each year above 10 years to and including 20 years of creditable service, and 2 3/4% for each year of creditable service above 20 years; and

(ii) for periods of eligible creditable service as a covered employee: if retirement occurs on or after January 1, 2001, 2.5% of final average compensation for each year of creditable service; if retirement occurs before January 1, 2001, 1.67% of final average compensation for each of the first 10 years of such service, 1.90% for each of the next 10 years of such service, 2.10% for each year of such service in excess of 20 but not exceeding 30, and 2.30% for each year in excess of 30.

Such annuity shall be subject to a maximum of 75% of final average compensation if retirement occurs before January 1, 2001 or to a maximum of 80% of final average compensation if retirement occurs on or after January 1, 2001.

These rates shall not be applicable to any service performed by a member as a covered employee which is not eligible creditable service. Service as a covered employee which is not eligible creditable service shall be subject to the rates and provisions of Section 14-108.

(b) For the purpose of this Section, "eligible creditable service" means creditable

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service resulting from service in one or more of the following positions:

(1) State policeman;
(2) fire fighter in the fire protection service of a department;
(3) air pilot;
(4) special agent;
(5) investigator for the Secretary of State;
(6) conservation police officer;
(7) investigator for the Department of Revenue;
(8) security employee of the Department of Human Services;
(9) Central Management Services security police officer;
(10) security employee of the Department of Corrections;
(11) dangerous drugs investigator;
(12) investigator for the Department of State Police;
(13) investigator for the Office of the Attorney General;
(14) controlled substance inspector;
(15) investigator for the Office of the State's Attorneys Appellate Prosecutor;
(16) Commerce Commission police officer;
(17) arson investigator;
(18) State highway maintenance worker.

A person employed in one of the positions specified in this subsection is entitled to eligible creditable service for service credit earned under this Article while undergoing the basic police training course approved by the Illinois Law Enforcement Training Standards Board, if completion of that training is required of persons serving in that position. For the purposes of this Code, service during the required basic police training course shall be deemed performance of the duties of the specified position, even though the person is not a sworn peace officer at the time of the training.

(c) For the purposes of this Section:

(1) The term "state policeman" includes any title or position in the Department of State Police that is held by an individual employed under the State Police Act.

(2) The term "fire fighter in the fire protection service of a department" includes all officers in such fire protection service including fire chiefs and assistant fire chiefs.

(3) The term "air pilot" includes any employee whose official job description on file in the Department of Central Management Services, or in the department by which he is employed if that department is not covered by the Personnel Code, states that his principal duty is the operation of aircraft, and who possesses a pilot's license; however, the change in this definition made by this amendatory Act of 1983 shall not operate to exclude any noncovered employee who was an "air pilot" for the purposes of this Section on January 1, 1984.

(4) The term "special agent" means any person who by reason of employment by the Division of Narcotic Control, the Bureau of Investigation or, after July 1,
1977, the Division of Criminal Investigation, the Division of Internal Investigation, the Division of Operations, or any other Division or organizational entity in the Department of State Police is vested by law with duties to maintain public order, investigate violations of the criminal law of this State, enforce the laws of this State, make arrests and recover property. The term "special agent" includes any title or position in the Department of State Police that is held by an individual employed under the State Police Act.

(5) The term "investigator for the Secretary of State" means any person employed by the Office of the Secretary of State and vested with such investigative duties as render him ineligible for coverage under the Social Security Act by reason of Sections 218(d)(5)(A), 218(d)(8)(D) and 218(l)(1) of that Act.

A person who became employed as an investigator for the Secretary of State between January 1, 1967 and December 31, 1975, and who has served as such until attainment of age 60, either continuously or with a single break in service of not more than 3 years duration, which break terminated before January 1, 1976, shall be entitled to have his retirement annuity calculated in accordance with subsection (a), notwithstanding that he has less than 20 years of credit for such service.

(6) The term "Conservation Police Officer" means any person employed by the Division of Law Enforcement of the Department of Natural Resources and vested with such law enforcement duties as render him ineligible for coverage under the Social Security Act by reason of Sections 218(d)(5)(A), 218(d)(8)(D), and 218(l)(1) of that Act. The term "Conservation Police Officer" includes the positions of Chief Conservation Police Administrator and Assistant Conservation Police Administrator.

(7) The term "investigator for the Department of Revenue" means any person employed by the Department of Revenue and vested with such investigative duties as render him ineligible for coverage under the Social Security Act by reason of Sections 218(d)(5)(A), 218(d)(8)(D) and 218(l)(1) of that Act.

(8) The term "security employee of the Department of Human Services" means any person employed by the Department of Human Services who (i) is employed at the Chester Mental Health Center and has daily contact with the residents thereof, (ii) is employed within a security unit at a facility operated by the Department and has daily contact with the residents of the security unit, (iii) is employed at a facility operated by the Department that includes a security unit and is regularly scheduled to work at least 50% of his or her working hours within that security unit, or (iv) is a mental health police officer. "Mental health police officer" means any person employed by the Department of Human Services in a position pertaining to the Department's mental health and developmental disabilities functions who is vested with such law enforcement duties as render the person ineligible for coverage under the Social Security Act by reason of Sections 218(d)(5)(A), 218(d)(8)(D) and 218(l)(1) of that Act. "Security unit" means that portion of a facility that is devoted to the care, containment, and treatment of persons committed to the Department of Human Services as sexually violent persons, persons unfit to stand trial for sex offenses, persons with an intellectual disability, and persons with a developmental disability.
trial, or persons not guilty by reason of insanity. With respect to past employment, references to the Department of Human Services include its predecessor, the Department of Mental Health and Developmental Disabilities.

The changes made to this subdivision (c)(8) by Public Act 92-14 this amendatory Act of the 92nd General Assembly apply to persons who retire on or after January 1, 2001, notwithstanding Section 1-103.1.

(9) "Central Management Services security police officer" means any person employed by the Department of Central Management Services who is vested with such law enforcement duties as render him ineligible for coverage under the Social Security Act by reason of Sections 218(d)(5)(A), 218(d)(8)(D) and 218(l)(1) of that Act.

(10) The term "security employee of the Department of Corrections" means any employee of the Department of Corrections or the former Department of Personnel, and any member or employee of the Prisoner Review Board, who has daily contact with inmates by working within a correctional facility or who is a parole officer or an employee who has direct contact with committed persons in the performance of his or her job duties.

(11) The term "dangerous drugs investigator" means any person who is employed as such by the Department of Human Services.

(12) The term "investigator for the Department of State Police" means a person employed by the Department of State Police who is vested under Section 4 of the Narcotic Control Division Abolition Act with such law enforcement powers as render him ineligible for coverage under the Social Security Act by reason of Sections 218(d)(5)(A), 218(d)(8)(D) and 218(l)(1) of that Act.

(13) "Investigator for the Office of the Attorney General" means any person who is employed as such by the Office of the Attorney General and is vested with such investigative duties as render him ineligible for coverage under the Social Security Act by reason of Sections 218(d)(5)(A), 218(d)(8)(D) and 218(l)(1) of that Act. For the period before January 1, 1989, the term includes all persons who were employed as investigators by the Office of the Attorney General, without regard to social security status.

(14) "Controlled substance inspector" means any person who is employed as such by the Department of Professional Regulation and is vested with such law enforcement duties as render him ineligible for coverage under the Social Security Act by reason of Sections 218(d)(5)(A), 218(d)(8)(D) and 218(l)(1) of that Act. The term "controlled substance inspector" includes the Program Executive of Enforcement and the Assistant Program Executive of Enforcement.

(15) The term "investigator for the Office of the State's Attorneys Appellate Prosecutor" means a person employed in that capacity on a full time basis under the authority of Section 7.06 of the State's Attorneys Appellate Prosecutor's Act.

(16) "Commerce Commission police officer" means any person employed by the Illinois Commerce Commission who is vested with such law enforcement duties.
as render him ineligible for coverage under the Social Security Act by reason of Sections 218(d)(5)(A), 218(d)(8)(D), and 218(l)(1) of that Act.

(17) "Arson investigator" means any person who is employed as such by the Office of the State Fire Marshal and is vested with such law enforcement duties as render the person ineligible for coverage under the Social Security Act by reason of Sections 218(d)(5)(A), 218(d)(8)(D), and 218(l)(1) of that Act. A person who was employed as an arson investigator on January 1, 1995 and is no longer in service but not yet receiving a retirement annuity may convert his or her creditable service for employment as an arson investigator into eligible creditable service by paying to the System the difference between the employee contributions actually paid for that service and the amounts that would have been contributed if the applicant were contributing at the rate applicable to persons with the same social security status earning eligible creditable service on the date of application.

(18) The term "State highway maintenance worker" means a person who is either of the following:

(i) A person employed on a full-time basis by the Illinois Department of Transportation in the position of highway maintainer, highway maintenance lead worker, highway maintenance lead/lead worker, heavy construction equipment operator, power shovel operator, or bridge mechanic; and whose principal responsibility is to perform, on the roadway, the actual maintenance necessary to keep the highways that form a part of the State highway system in serviceable condition for vehicular traffic.

(ii) A person employed on a full-time basis by the Illinois State Toll Highway Authority in the position of equipment operator/laborer H-4, equipment operator/laborer H-6, welder H-4, welder H-6, mechanical/electrical H-4, mechanical/electrical H-6, water/sewer H-4, water/sewer H-6, sign maker/hanger H-4, sign maker/hanger H-6, roadway lighting H-4, roadway lighting H-6, structural H-4, structural H-6, painter H-4, or painter H-6; and whose principal responsibility is to perform, on the roadway, the actual maintenance necessary to keep the Authority's tollways in serviceable condition for vehicular traffic.

(d) A security employee of the Department of Corrections, and a security employee of the Department of Human Services who is not a mental health police officer, shall not be eligible for the alternative retirement annuity provided by this Section unless he or she meets the following minimum age and service requirements at the time of retirement:

(i) 25 years of eligible creditable service and age 55; or
(ii) beginning January 1, 1987, 25 years of eligible creditable service and age 54, or 24 years of eligible creditable service and age 55; or
(iii) beginning January 1, 1988, 25 years of eligible creditable service and age 53, or 23 years of eligible creditable service and age 55; or
(iv) beginning January 1, 1989, 25 years of eligible creditable service and age 52, or 22 years of eligible creditable service and age 55; or

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(v) beginning January 1, 1990, 25 years of eligible creditable service and age 51, or 21 years of eligible creditable service and age 55; or
(vi) beginning January 1, 1991, 25 years of eligible creditable service and age 50, or 20 years of eligible creditable service and age 55.

Persons who have service credit under Article 16 of this Code for service as a security employee of the Department of Corrections or the Department of Human Services in a position requiring certification as a teacher may count such service toward establishing their eligibility under the service requirements of this Section; but such service may be used only for establishing such eligibility, and not for the purpose of increasing or calculating any benefit.

(e) If a member enters military service while working in a position in which eligible creditable service may be earned, and returns to State service in the same or another such position, and fulfills in all other respects the conditions prescribed in this Article for credit for military service, such military service shall be credited as eligible creditable service for the purposes of the retirement annuity prescribed in this Section.

(f) For purposes of calculating retirement annuities under this Section, periods of service rendered after December 31, 1968 and before October 1, 1975 as a covered employee in the position of special agent, conservation police officer, mental health police officer, or investigator for the Secretary of State, shall be deemed to have been service as a noncovered employee, provided that the employee pays to the System prior to retirement an amount equal to (1) the difference between the employee contributions that would have been required for such service as a noncovered employee, and the amount of employee contributions actually paid, plus (2) if payment is made after July 31, 1987, regular interest on the amount specified in item (1) from the date of service to the date of payment.

For purposes of calculating retirement annuities under this Section, periods of service rendered after December 31, 1968 and before January 1, 1982 as a covered employee in the position of investigator for the Department of Revenue shall be deemed to have been service as a noncovered employee, provided that the employee pays to the System prior to retirement an amount equal to (1) the difference between the employee contributions that would have been required for such service as a noncovered employee, and the amount of employee contributions actually paid, plus (2) if payment is made after January 1, 1990, regular interest on the amount specified in item (1) from the date of service to the date of payment.

(g) A State policeman may elect, not later than January 1, 1990, to establish eligible creditable service for up to 10 years of his service as a policeman under Article 3, by filing a written election with the Board, accompanied by payment of an amount to be determined by the Board, equal to (i) the difference between the amount of employee and employer contributions transferred to the System under Section 3-110.5, and the amounts that would have been contributed had such contributions been made at the rates applicable to State policemen, plus (ii) interest thereon at the effective rate for each year, compounded annually, from the date of service to the date of payment.

Subject to the limitation in subsection (i), a State policeman may elect, not later than July 1, 1993, to establish eligible creditable service for up to 10 years of his service as a policeman.
member of the County Police Department under Article 9, by filing a written election with the Board, accompanied by payment of an amount to be determined by the Board, equal to (i) the difference between the amount of employee and employer contributions transferred to the System under Section 9-121.10 and the amounts that would have been contributed had those contributions been made at the rates applicable to State policemen, plus (ii) interest thereon at the effective rate for each year, compounded annually, from the date of service to the date of payment.

(h) Subject to the limitation in subsection (i), a State policeman or investigator for the Secretary of State may elect to establish eligible creditable service for up to 12 years of his service as a policeman under Article 5, by filing a written election with the Board on or before January 31, 1992, and paying to the System by January 31, 1994 an amount to be determined by the Board, equal to (i) the difference between the amount of employee and employer contributions transferred to the System under Section 5-236, and the amounts that would have been contributed had such contributions been made at the rates applicable to State policemen, plus (ii) interest thereon at the effective rate for each year, compounded annually, from the date of service to the date of payment.

Subject to the limitation in subsection (i), a State policeman, conservation police officer, or investigator for the Secretary of State may elect to establish eligible creditable service for up to 10 years of service as a sheriff's law enforcement employee under Article 7, by filing a written election with the Board on or before January 31, 1993, and paying to the System by January 31, 1994 an amount to be determined by the Board, equal to (i) the difference between the amount of employee and employer contributions transferred to the System under Section 7-139.7, and the amounts that would have been contributed had such contributions been made at the rates applicable to State policemen, plus (ii) interest thereon at the effective rate for each year, compounded annually, from the date of service to the date of payment.

(i) The total amount of eligible creditable service established by any person under subsections (g), (h), (j), (k), and (l) of this Section shall not exceed 12 years.

(j) Subject to the limitation in subsection (i), an investigator for the Office of the State's Attorneys Appellate Prosecutor or a controlled substance inspector may elect to establish eligible creditable service for up to 10 years of his service as a policeman under Article 3 or a sheriff's law enforcement employee under Article 7, by filing a written election with the Board, accompanied by payment of an amount to be determined by the Board, equal to (1) the difference between the amount of employee and employer contributions transferred to the System under Section 3-110.6 or 7-139.8, and the amounts that would have been contributed had such contributions been made at the rates applicable to State policemen, plus (2) interest thereon at the effective rate for each year, compounded annually, from the date of service to the date of payment.

(k) Subject to the limitation in subsection (i) of this Section, an alternative formula employee may elect to establish eligible creditable service for periods spent as a full-time law enforcement officer or full-time corrections officer employed by the federal government or by a state or local government located outside of Illinois, for which credit is not held in any

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other public employee pension fund or retirement system. To obtain this credit, the applicant must file a written application with the Board by March 31, 1998, accompanied by evidence of eligibility acceptable to the Board and payment of an amount to be determined by the Board, equal to (1) employee contributions for the credit being established, based upon the applicant's salary on the first day as an alternative formula employee after the employment for which credit is being established and the rates then applicable to alternative formula employees, plus (2) an amount determined by the Board to be the employer's normal cost of the benefits accrued for the credit being established, plus (3) regular interest on the amounts in items (1) and (2) from the first day as an alternative formula employee after the employment for which credit is being established to the date of payment.

(1) Subject to the limitation in subsection (i), a security employee of the Department of Corrections may elect, not later than July 1, 1998, to establish eligible creditable service for up to 10 years of his or her service as a policeman under Article 3, by filing a written election with the Board, accompanied by payment of an amount to be determined by the Board, equal to (i) the difference between the amount of employee and employer contributions transferred to the System under Section 3-110.5, and the amounts that would have been contributed had such contributions been made at the rates applicable to security employees of the Department of Corrections, plus (ii) interest thereon at the effective rate for each year, compounded annually, from the date of service to the date of payment.

(Source: P.A. 91-357, eff. 7-29-99; 91-760, eff. 1-1-01; 92-14, eff. 6-28-01; 92-257, eff. 8-6-01; revised 9-10-01.)

(40 ILCS 5/14-114) (from Ch. 108 1/2, par. 14-114)

Sec. 14-114. Automatic increase in retirement annuity.

(a) Any person receiving a retirement annuity under this Article who retires having attained age 60, or who retires before age 60 having at least 35 years of creditable service, or who retires on or after January 1, 2001 at an age which, when added to the number of years of his or her creditable service, equals at least 85, shall, on January 1 next following the first full year of retirement, have the amount of the then fixed and payable monthly retirement annuity increased 3%. Any person receiving a retirement annuity under this Article who retires before attainment of age 60 and with less than (i) 35 years of creditable service if retirement is before January 1, 2001, or (ii) the number of years of creditable service which, when added to the member's age, would equal 85, if retirement is on or after January 1, 2001, shall have the amount of the fixed and payable retirement annuity increased by 3% on the January 1 occurring on or next following (1) attainment of age 60, or (2) the first anniversary of retirement, whichever occurs later. However, for persons who receive the alternative retirement annuity under Section 14-110, references in this subsection (a) to attainment of age 60 shall be deemed to refer to attainment of age 55. For a person receiving early retirement incentives under Section 14-108.3 whose retirement annuity began after January 1, 1992 pursuant to an extension granted under subsection (e) of that Section, the first anniversary of retirement shall be deemed to be January 1, 1993. For a person who retires on or after June 28, 2001 the effective date of this amendatory Act of the 92nd General Assembly and on or before October 1, 2001 the first day of the fourth calendar year occurring after June 27, 2001, the amount of the then fixed and payable retirement annuity shall, on the first anniversary of retirement, be increased by an amount equal to 3% of the amount of the fixed and payable retirement annuity, on the first anniversary of retirement, which is less than the amount of the fixed and payable retirement annuity as increased by the amounts determined under this subsection (a).

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month following the month in which this amendatory Act takes effect, and whose retirement annuity is calculated, in whole or in part, under Section 14-110 or subsection (g) or (h) of Section 14-108, the first anniversary of retirement shall be deemed to be January 1, 2002.

On each January 1 following the date of the initial increase under this subsection, the employee's monthly retirement annuity shall be increased by an additional 3%.

Beginning January 1, 1990, all automatic annual increases payable under this Section shall be calculated as a percentage of the total annuity payable at the time of the increase, including previous increases granted under this Article.

(b) The provisions of subsection (a) of this Section shall be applicable to an employee only if the employee makes the additional contributions required after December 31, 1969 for the purpose of the automatic increases for not less than the equivalent of one full year. If an employee becomes an annuitant before his additional contributions equal one full year's contributions based on his salary at the date of retirement, the employee may pay the necessary balance of the contributions to the system, without interest, and be eligible for the increasing annuity authorized by this Section.

(c) The provisions of subsection (a) of this Section shall not be applicable to any annuitant who is on retirement on December 31, 1969, and thereafter returns to State service, unless the member has established at least one year of additional creditable service following reentry into service.

(d) In addition to other increases which may be provided by this Section, on January 1, 1981 any annuitant who was receiving a retirement annuity on or before January 1, 1971 shall have his retirement annuity then being paid increased $1 per month for each year of creditable service. On January 1, 1982, any annuitant who began receiving a retirement annuity on or before January 1, 1977, shall have his retirement annuity then being paid increased $1 per month for each year of creditable service.

On January 1, 1987, any annuitant who began receiving a retirement annuity on or before January 1, 1977, shall have the monthly retirement annuity increased by an amount equal to $8 per year of creditable service times the number of years that have elapsed since the annuity began.

(e) Every person who receives the alternative retirement annuity under Section 14-110 and who is eligible to receive the 3% increase under subsection (a) on January 1, 1986, shall also receive on that date a one-time increase in retirement annuity equal to the difference between (1) his actual retirement annuity on that date, including any increases received under subsection (a), and (2) the amount of retirement annuity he would have received on that date if the amendments to subsection (a) made by Public Act 84-162 had been in effect since the date of his retirement.

(Source: P.A. 91-927, eff. 12-14-00; 92-14, eff. 6-28-01; revised 9-10-01.)

(40 ILCS 5/16-106) (from Ch. 108 1/2, par. 16-106)

Sec. 16-106. Teacher. "Teacher": The following individuals, provided that, for employment prior to July 1, 1990, they are employed on a full-time basis, or if not full-time, on a permanent and continuous basis in a position in which services are expected to be rendered for at least one school term:

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(1) Any educational, administrative, professional or other staff employed in the public common schools included within this system in a position requiring certification under the law governing the certification of teachers;

(2) Any educational, administrative, professional or other staff employed in any facility of the Department of Children and Family Services or the Department of Human Services, in a position requiring certification under the law governing the certification of teachers, and any person who (i) works in such a position for the Department of Corrections, (ii) was a member of this System on May 31, 1987, and (iii) did not elect to become a member of the State Employees' Retirement System pursuant to Section 14-108.2 of this Code; except that "teacher" does not include any person who (A) becomes a security employee of the Department of Human Services, as defined in Section 14-110, after June 28, 2001 (the effective date of Public Act 92-14) this amendatory Act of the 92nd General Assembly, or (B) becomes a member of the State Employees' Retirement System pursuant to Section 14-108.2c of this Code;

(3) Any regional superintendent of schools, assistant regional superintendent of schools, State Superintendent of Education; any person employed by the State Board of Education as an executive; any executive of the boards engaged in the service of public common school education in school districts covered under this system of which the State Superintendent of Education is an ex-officio member;

(4) Any employee of a school board association operating in compliance with Article 23 of the School Code who is certificated under the law governing the certification of teachers;

(5) Any person employed by the retirement system who:
   (i) was an employee of and a participant in the system on August 17, 2001 (the effective date of Public Act 92-416) this amendatory Act of the 92nd General Assembly, or
   (ii) becomes an employee of the system on or after August 17, 2001 the effective date of this amendatory Act of the 92nd General Assembly;

(6) Any educational, administrative, professional or other staff employed by and under the supervision and control of a regional superintendent of schools, provided such employment position requires the person to be certificated under the law governing the certification of teachers and is in an educational program serving 2 or more districts in accordance with a joint agreement authorized by the School Code or by federal legislation;

(7) Any educational, administrative, professional or other staff employed in an educational program serving 2 or more school districts in accordance with a joint agreement authorized by the School Code or by federal legislation and in a position requiring certification under the laws governing the certification of teachers;

(8) Any officer or employee of a statewide teacher organization or officer of a national teacher organization who is certified under the law governing certification of teachers, provided: (i) the individual had previously established creditable service

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under this Article, (ii) the individual files with the system an irrevocable election to become a member, and (iii) the individual does not receive credit for such service under any other Article of this Code;

(9) Any educational, administrative, professional, or other staff employed in a charter school operating in compliance with the Charter Schools Law who is certificated under the law governing the certification of teachers.

An annuitant receiving a retirement annuity under this Article or under Article 17 of this Code who is temporarily employed by a board of education or other employer not exceeding that permitted under Section 16-118 is not a "teacher" for purposes of this Article. A person who has received a single-sum retirement benefit under Section 16-136.4 of this Article is not a "teacher" for purposes of this Article.

(Source: P.A. 92-14, eff. 6-28-01; 92-416, eff. 8-17-01; revised 10-18-01.)

(40 ILCS 5/17-119.1)
Sec. 17-119.1. Optional increase in retirement annuity.

(a) A member of the Fund may qualify for the augmented rate under subdivision (b)(3) of Section 17-116 for all years of creditable service earned before July 1, 1998 by making the optional contribution specified in subsection (b); except that a member who retires on or after July 1, 1998 with at least 30 years of creditable service at retirement qualifies for the augmented rate without making any contribution under subsection (b). Any member who retires on or after July 1, 1998 and before the effective date of this amendatory Act of the 92nd General Assembly with at least 30 years of creditable service shall be paid a lump sum equal to the amount he or she would have received under the augmented rate minus the amount he or she actually received. A member may not elect to qualify for the augmented rate for only a portion of his or her creditable service earned before July 1, 1998.

(b) The contribution shall be an amount equal to 1.0% of the member's highest salary rate in the 4 consecutive school years immediately prior to but not including the school year in which the application occurs, multiplied by the number of years of creditable service earned by the member before July 1, 1998 or 20, whichever is less. This contribution shall be reduced by 1.0% of that salary rate for every 3 full years of creditable service earned by the member after June 30, 1998. The contribution shall be further reduced at the rate of 25% of the contribution (as reduced for service after June 30, 1998) for each year of the member's total creditable service in excess of 34 years. The contribution shall not in any event exceed 20% of that salary rate.

The member shall pay to the Fund the amount of the contribution as calculated at the time of application under this Section. The amount of the contribution determined under this subsection shall be recalculated at the time of retirement, and if the Fund determines that the amount paid by the member exceeds the recalculated amount, the Fund shall refund the difference to the member with regular interest from the date of payment to the date of refund.

The contribution required by this subsection shall be paid in one of the following ways or in a combination of the following ways that does not extend over more than 5 years:

(i) in a lump sum on or before the date of retirement;

(ii) in substantially equal installments over a period of time not to exceed 5

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years, as a deduction from salary in accordance with Section 17-130.2;
  (iii) if the member becomes an annuitant before June 30, 2003, in substantially equal monthly installments over a 24-month period, by a deduction from the annuitant’s monthly benefit.

(c) If the member fails to make the full contribution under this Section in a timely fashion, the payments made under this Section shall be refunded to the member, without interest. If the member dies before making the full contribution, the payments made under this Section shall be refunded to the member's designated beneficiary.

(d) For purposes of this Section and subsection (b) of Section 17-116, optional creditable service established by a member shall be deemed to have been earned at the time of the employment or other qualifying event upon which the service is based, rather than at the time the credit was established in this Fund.

(e) The contributions required under this Section are the responsibility of the teacher and not the teacher's employer. However, an employer of teachers may, after the effective date of this amendatory Act of 1998, specifically agree, through collective bargaining or otherwise, to make the contributions required by this Section on behalf of those teachers. (Source: P.A. 91-17, eff. 6-4-99; 92-416, eff. 8-17-01; revised 10-4-01.)

Section 32. The Counties Code is amended by changing Sections 5-1083 and 5-1098 as follows:

(55 ILCS 5/5-1083) (from Ch. 34, par. 5-1083)

Sec. 5-1083. Purchase or lease of property. A county board may purchase or lease any real estate or personal property for public purposes under contracts providing for payment in installments over a period of time of not more than 20 years in the case of real estate, and not more than 10 years in the case of personal property, with interest on the unpaid balance owing not to exceed the maximum rate authorized by the Bond Authorization Act, as amended at the time of the making of the contract. The indebtedness incurred under this Section when aggregated with existing indebtedness may not exceed the debt limits provided in Section 5-1012 5-1008.

With respect to instruments for the payment of money issued under this Section or its predecessor either before, on, or after the effective date of Public Act 86-4, it is and always has been the intention of the General Assembly (i) that the Omnibus Bond Acts are and always have been supplementary grants of power to issue instruments in accordance with the Omnibus Bond Acts, regardless of any provision of this Act or "An Act to revise the law in relation to counties", approved March 31, 1874, that may appear to be or to have been more restrictive than those Acts, (ii) that the provisions of this Section or its predecessor are not a limitation on the supplementary authority granted by the Omnibus Bond Acts, and (iii) that instruments issued under this Section or its predecessor within the supplementary authority granted by the Omnibus Bond Acts are not invalid because of any provision of this Act or "An Act to revise the law in relation to counties", approved March 31, 1874, that may appear to be or to have been more restrictive than those Acts. (Source: P.A. 86-962; 86-1028; revised 12-13-01.)

(55 ILCS 5/5-1098) (from Ch. 34, par. 5-1098)

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Sec. 5-1098. Cooperation with Department on Aging. A county board may cooperate with the Department on Aging, created by the "Illinois Act on the Aging", and appropriate county funds and provide in kind services to assist such department in carrying out its programs.
(Source: P.A. 86-962; revised 12-07-01.)

Section 33. The Township Code is amended by changing Section 35-55 as follows:
(60 ILCS 1/35-55)
Sec. 35-55. Senior citizens services; authorization of tax levy.
(a) The electors may authorize the township board to levy a tax (at a rate of not more than 0.15% of the value, as equalized and assessed by the Department of Revenue, of all taxable property in the township) for the sole and exclusive purpose of providing services to senior citizens under Article 220 270. If the board desires to levy the tax, it shall order a referendum on the proposition to be held at an election in accordance with the general election law. The board shall certify the proposition to the proper election officials, who shall submit the proposition to the voters at an election in accordance with the general election law. If a majority of the votes cast on the proposition is in favor of the proposition, the board may annually levy the tax.

(b) If the township board of any township authorized to levy a tax under this Section pursuant to a referendum held before January 1, 1987, desires to increase the maximum rate of the tax to 0.15% of the value, as equalized and assessed by the Department of Revenue, of all taxable property in the township, it shall order a referendum on that proposition to be held at an election in accordance with the general election law. The board shall certify the proposition to the proper election officials, who shall submit the proposition to the voters at an election in accordance with the general election law. If a majority of the votes cast on the proposition is in favor of the proposition, the maximum tax rate shall be so increased.
(Source: P.A. 85-742; 88-62; revised 12-13-01.)

Section 34. The Illinois Municipal Code is amended by changing Sections 3.1-20-10, 3.1-55-10, 11-73-2, 11-74.4-3, 11-74.4-7, and 11-95-7 and renumbering Section 11-21.1-5 as follows:
(65 ILCS 5/3.1-20-10) (from Ch. 24, par. 3.1-20-10)
Sec. 3.1-20-10. Aldermen; number. Except as otherwise provided in Section 3.1-20-20 or as otherwise provided in the case of aldermen-at-large, the number of aldermen, when not elected by the minority representation plan, shall be as follows: in cities not exceeding 3,000 inhabitants, 6 aldermen; exceeding 3,000 but not exceeding 15,000, 8 aldermen; exceeding 15,000 but not exceeding 20,000, 10 aldermen; exceeding 20,000 but not exceeding 50,000, 14 aldermen; exceeding 50,000 but not exceeding 70,000, 16 aldermen; exceeding 70,000 but not exceeding 90,000, 18 aldermen; and from 90,000 to 500,000, 20 aldermen. Except as otherwise provided in the case of aldermen-at-large. No redistricting shall be required in order to reduce the number of aldermen in order to comply with this Section.
(Source: P.A. 87-1119; revised 12-04-01.)
(65 ILCS 5/3.1-55-10)

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Sec. 3.1-55-10. Interests in contracts.

(a) A municipal officer shall not be financially interested directly in the officer's own name or indirectly in the name of any other person, association, trust, or corporation, in any contract, work, or business of the municipality or in the sale of any article whenever the expense, price, or consideration of the contract, work, business, or sale is paid either from the treasury or by an assessment levied by statute or ordinance. A municipal officer shall not be interested, directly or indirectly, in the purchase of any property that (i) belongs to the municipality, (ii) is sold for taxes or assessments, or (iii) is sold by virtue of legal process at the suit of the municipality. For the purposes of this Section only, however, a municipal officer shall not be deemed interested if the officer is an employee of a company or owns or holds an interest of 1% or less in the municipal officer's individual name in a company, or both, that company is involved in the transaction of business with the municipality, and that company's stock is traded on a nationally recognized securities market, provided the interested member (i) publicly discloses the fact that he or she is an employee or holds an interest of 1% or less in a company before deliberation of the proposed award of the contract; (ii) refrains from evaluating, recommending, approving, deliberating, or otherwise participating in the negotiation, approval, or both, of the contract, work, or business; (iii) abstains from voting on the award of the contract though he or she shall be considered present for purposes of establishing a quorum; and (iv) the contract is approved by a majority vote of those members currently holding office.

A municipal officer shall not be deemed interested if the officer owns or holds an interest of 1% or less, not in the officer's individual name but through a mutual fund, in a company, that company is involved in the transaction of business with the municipality, and that company's stock is traded on a nationally recognized securities market.

This Section does not prohibit any person serving on a municipal advisory panel or commission or nongoverning board or commission from having an interest in a contract, work, or business of the municipality unless the municipal officer's duties include evaluating, recommending, approving, or voting to recommend or approve the contract, work, or business.

(b) Any elected or appointed member of the governing body may, however, provide materials, merchandise, property, services, or labor, subject to the following provisions under either (1) or (2):

(1) If:

(A) the contract is with a person, firm, partnership, association, corporation, or cooperative association in which the interested member of the governing body of the municipality member has less than a 7 1/2% share in the ownership;

(B) the interested member publicly discloses the nature and extent of the interest before or during deliberations concerning the proposed award of the contract;

(C) the interested member abstains from voting on the award of the contract (though the member shall be considered present for the purposes of establishing a quorum);

(D) the contract is approved by a majority vote of those members presently

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holding office;

(E) the contract is awarded after sealed bids to the lowest responsible bidder if the amount of the contract exceeds $1,500 (but the contract may be awarded without bidding if the amount is less than $1,500); and

(F) the award of the contract would not cause the aggregate amount of all contracts so awarded to the same person, firm, association, partnership, corporation, or cooperative association in the same fiscal year to exceed $25,000.

(2) If:

(A) the award of the contract is approved by a majority vote of the governing body of the municipality (provided that the interested member shall abstain from voting);

(B) the amount of the contract does not exceed $2,000;

(C) the award of the contract would not cause the aggregate amount of all contracts so awarded to the same person, firm, association, partnership, corporation, or cooperative association in the same fiscal year to exceed $4,000;

(D) the interested member publicly discloses the nature and extent of his interest before or during deliberations concerning the proposed award of the contract; and

(E) the interested member abstains from voting on the award of the contract (though the member shall be considered present for the purposes of establishing a quorum).

(b-5) In addition to the above exemptions, any elected or appointed member of the governing body may provide materials, merchandise, property, services, or labor if:

(1) the contract is with a person, firm, partnership, association, corporation, or cooperative association in which the interested member of the governing body of the municipality, advisory panel, or commission has less than a 1% share in the ownership; and

(2) the award of the contract is approved by a majority vote of the governing body of the municipality provided that any such interested member shall abstain from voting; and

(3) such interested member publicly discloses the nature and extent of his interest before or during deliberations concerning the proposed award of the contract; and

(4) such interested member abstains from voting on the award of the contract, though he shall be considered present for the purposes of establishing a quorum.

(c) A contract for the procurement of public utility services by a municipality with a public utility company is not barred by this Section by one or more members of the governing body being an officer or employee of the public utility company, or holding an ownership interest in no more than 7 1/2% in the public utility company, or holding an ownership interest of any size if the municipality has a population of less than 7,500 and the public utility's rates are approved by the Illinois Commerce Commission. An elected or appointed member of the governing body or a nongoverning board or commission having an

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interest described in this subsection (d) does not have a prohibited interest under this Section.

(d) An officer who violates this Section is guilty of a Class 4 felony. In addition, any office held by an officer so convicted shall become vacant and shall be so declared as part of the judgment of the court.

(e) Nothing contained in this Section, including the restrictions set forth in subsections (b) and (c), shall preclude a contract of deposit of moneys, loans, or other financial services by a municipality with a local bank or local savings and loan association, regardless of whether a member of the governing body of the municipality is interested in the bank or savings and loan association as an officer or employee or as a holder of less than 7 1/2% of the total ownership interest. A member holding an interest described in this subsection (e) in a contract does not hold a prohibited interest for purposes of this Act. The interested member of the governing body must publicly state the nature and extent of the interest during deliberations concerning the proposed award of the contract but shall not participate in any further deliberations concerning the proposed award. The interested member shall not vote on the proposed award. A member abstaining from participation in deliberations and voting under this Section may be considered present for purposes of establishing a quorum. Award of the contract shall require approval by a majority vote of those members presently holding office. Consideration and award of a contract in which a member is interested may only be made at a regularly scheduled public meeting of the governing body of the municipality.

(f) Notwithstanding any other provision of this Section or any other law to the contrary, until January 1, 1994, a member of the city council of a municipality with a population under 20,000 may purchase real estate from the municipality, at a price of not less than 100% of the value of the real estate as determined by a written MAI certified appraisal or by a written certified appraisal of a State certified or licensed real estate appraiser, if the purchase is approved by a unanimous vote of the city council members then holding office (except for the member desiring to purchase the real estate, who shall not vote on the question).

(Source: P.A. 90-364, eff. 1-1-98; revised 12-13-01.)

(65 ILCS 5/11-21.5-5)

Sec. 11-21.5-5. Local emergency energy plans.

(a) Any municipality, including a home rule municipality, may, by ordinance, require any electric utility (i) that serves more than 1,000,000 customers in Illinois and (ii) that is operating within the corporate limits of the municipality to adopt and to provide the municipality with a local emergency energy plan. For the purposes of this Section, (i) "local emergency energy plan" or "plan" means a planned course of action developed by the electric utility that is implemented when the demand for electricity exceeds, or is at significant risk of exceeding, the supply of electricity available to the electric utility and (ii) "local emergency energy plan ordinance" means an ordinance adopted by the corporate authorities of the municipality under this Section that requires local emergency energy plans.

(b) A local emergency energy plan must include the following information:

(1) the circumstances that would require the implementation of the plan;

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(2) the levels or stages of the plan;
(3) the approximate geographic limits of each outage area provided for in the plan;
(4) the approximate number of customers within each outage area provided for in the plan;
(5) any police facilities, fire stations, hospitals, nursing homes, schools, day care centers, senior citizens centers, community health centers, dialysis centers, community mental health centers, correctional facilities, stormwater and wastewater treatment or pumping facilities, water-pumping stations, buildings in excess of 80 feet in height that have been identified by the municipality, and persons on life support systems that are known to the electric utility that could be affected by controlled rotating interruptions of electric service under the plan; and
(6) the anticipated sequence and duration of intentional interruptions of electric service to each outage area under the plan.

(c) A local emergency energy plan ordinance may require that, when an electric utility determines it is necessary to implement a controlled rotating interruption of electric service because the demand for electricity exceeds, or is at significant risk of exceeding, the supply of electricity available to the electric utility, the electric utility notify a designated municipal officer that the electric utility will be implementing its local emergency energy plan. The notification shall be made pursuant to a procedure approved by the municipality after consultation with the electric utility.

(d) After providing the notice required in subsection (c), an electric utility shall reasonably and separately advise designated municipal officials before it implements each level or stage of the plan, which shall include (i) a request for emergency help from neighboring utilities, (ii) a declaration of a control area emergency, and (iii) a public appeal for voluntary curtailment of electricity use.

(e) The electric utility must give a separate notice to a designated municipal official immediately after it determines that there will be a controlled rotating interruption of electric service under the local emergency energy plan. The notification must include (i) the areas in which service will be interrupted, (ii) the sequence and estimated duration of the service outage for each area, (iii) the affected feeders, and (iv) the number of affected customers in each area. Whenever practical, the notification shall be made at least 2 hours before the time of the outages. If the electric utility is aware that controlled rotating interruptions may be required, the notification may not be made less than 30 minutes before the outages.

(f) A local emergency energy plan ordinance may provide civil penalties for violations of its provisions. The penalties must be permitted under the Illinois Municipal Code.

(g) The notifications required by this Section are in addition to the notification requirements of any applicable franchise agreement or ordinance and to the notification requirements of any applicable federal or State law, rule, and regulation.

(h) Except for any penalties or remedies that may be provided in a local emergency energy plan ordinance, in this Act, or in rules adopted by the Illinois Commerce Commission

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Commission, nothing in this Section shall be construed to impose liability for or prevent a utility from taking any actions that are necessary at any time, in any order, and with or without notice that are required to preserve the integrity of the electric utility's electrical system and interconnected network.

(i) Nothing in this Section, a local emergency energy plan ordinance, or a local emergency energy plan creates any duty of a municipality to any person or entity. No municipality may be subject to any claim or cause of action arising, directly or indirectly, from its decision to adopt or to refrain from adopting a local emergency energy plan ordinance. No municipality may be subject to any claim or cause of action arising, directly or indirectly, from any act or omission under the terms of or information provided in a local emergency energy plan filed under a local emergency energy plan ordinance.

(Source: P.A. 91-137, eff. 7-16-99; revised 12-13-01.)

(65 ILCS 5/11-73-2) (from Ch. 24, par. 11-73-2)

Sec. 11-73-2. This Division 73 shall not be in force in any municipality until the question of its adoption is submitted to the electors of the municipality and approved by a majority of those voting on the question. The municipal clerk shall certify the question to the proper election authority shall submit the question at an election in accordance with the general election law.

The question shall be in substantially the following form:

-------------------------------------------------------------
Shall Division 73 of the Illinois Municipal Code permitting municipalities to levy an additional annual tax of not to exceed 0.05% for the establishment and maintenance of a long term forestry program for the propagation and preservation of community trees and for the removal of dead or diseased trees be adopted? YES
-------------------------------------------------------------

If a majority of the votes cast on the question are in favor of adopting this Division 73, the Division is adopted. It shall be in force in the adopting municipality for the purpose of the fiscal years succeeding the year in which the election is held.

(Source: P.A. 81-1489; revised 12-13-01.)

(65 ILCS 5/11-74.4-3) (from Ch. 24, par. 11-74.4-3)

Sec. 11-74.4-3. Definitions. The following terms, wherever used or referred to in this Division 74.4 shall have the following respective meanings, unless in any case a different meaning clearly appears from the context.

(a) For any redevelopment project area that has been designated pursuant to this Section by an ordinance adopted prior to November 1, 1999 (the effective date of Public Act 91-478), "blighted area" shall have the meaning set forth in this Section prior to that date.

On and after November 1, 1999, "blighted area" means any improved or vacant area

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within the boundaries of a redevelopment project area located within the territorial limits of the municipality where:

(1) If improved, industrial, commercial, and residential buildings or improvements are detrimental to the public safety, health, or welfare because of a combination of 5 or more of the following factors, each of which is (i) present, with that presence documented, to a meaningful extent so that a municipality may reasonably find that the factor is clearly present within the intent of the Act and (ii) reasonably distributed throughout the improved part of the redevelopment project area:

(A) Dilapidation. An advanced state of disrepair or neglect of necessary repairs to the primary structural components of buildings or improvements in such a combination that a documented building condition analysis determines that major repair is required or the defects are so serious and so extensive that the buildings must be removed.

(B) Obsolescence. The condition or process of falling into disuse. Structures have become ill-suited for the original use.

(C) Deterioration. With respect to buildings, defects including, but not limited to, major defects in the secondary building components such as doors, windows, porches, gutters and downspouts, and fascia. With respect to surface improvements, that the condition of roadways, alleys, curbs, gutters, sidewalks, off-street parking, and surface storage areas evidence deterioration, including, but not limited to, surface cracking, crumbling, potholes, depressions, loose paving material, and weeds protruding through paved surfaces.

(D) Presence of structures below minimum code standards. All structures that do not meet the standards of zoning, subdivision, building, fire, and other governmental codes applicable to property, but not including housing and property maintenance codes.

(E) Illegal use of individual structures. The use of structures in violation of applicable federal, State, or local laws, exclusive of those applicable to the presence of structures below minimum code standards.

(F) Excessive vacancies. The presence of buildings that are unoccupied or under-utilized and that represent an adverse influence on the area because of the frequency, extent, or duration of the vacancies.

(G) Lack of ventilation, light, or sanitary facilities. The absence of adequate ventilation for light or air circulation in spaces or rooms without windows, or that require the removal of dust, odor, gas, smoke, or other noxious airborne materials. Inadequate natural light and ventilation means the absence of skylights or windows for interior spaces or rooms and improper window sizes and amounts by room area to window area ratios. Inadequate sanitary facilities refers to the absence or inadequacy of garbage storage and enclosure, bathroom facilities, hot water and kitchens, and structural

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inadequacies preventing ingress and egress to and from all rooms and units within a building.

(H) Inadequate utilities. Underground and overhead utilities such as storm sewers and storm drainage, sanitary sewers, water lines, and gas, telephone, and electrical services that are shown to be inadequate. Inadequate utilities are those that are: (i) of insufficient capacity to serve the uses in the redevelopment project area, (ii) deteriorated, antiquated, obsolete, or in disrepair, or (iii) lacking within the redevelopment project area.

(I) Excessive land coverage and overcrowding of structures and community facilities. The over-intensive use of property and the crowding of buildings and accessory facilities onto a site. Examples of problem conditions warranting the designation of an area as one exhibiting excessive land coverage are: (i) the presence of buildings either improperly situated on parcels or located on parcels of inadequate size and shape in relation to present-day standards of development for health and safety and (ii) the presence of multiple buildings on a single parcel. For there to be a finding of excessive land coverage, these parcels must exhibit one or more of the following conditions: insufficient provision for light and air within or around buildings, increased threat of spread of fire due to the close proximity of buildings, lack of adequate or proper access to a public right-of-way, lack of reasonably required off-street parking, or inadequate provision for loading and service.

(J) Deleterious land use or layout. The existence of incompatible land-use relationships, buildings occupied by inappropriate mixed-uses, or uses considered to be noxious, offensive, or unsuitable for the surrounding area.

(K) Environmental clean-up. The proposed redevelopment project area has incurred Illinois Environmental Protection Agency or United States Environmental Protection Agency remediation costs for, or a study conducted by an independent consultant recognized as having expertise in environmental remediation has determined a need for, the clean-up of hazardous waste, hazardous substances, or underground storage tanks required by State or federal law, provided that the remediation costs constitute a material impediment to the development or redevelopment of the redevelopment project area.

(L) Lack of community planning. The proposed redevelopment project area was developed prior to or without the benefit or guidance of a community plan. This means that the development occurred prior to the adoption by the municipality of a comprehensive or other community plan or that the plan was not followed at the time of the area's development. This factor must be documented by evidence of adverse or incompatible land-use relationships, inadequate street layout, improper subdivision, parcels of
inadequate shape and size to meet contemporary development standards, or other evidence demonstrating an absence of effective community planning.

(M) The total equalized assessed value of the proposed redevelopment project area has declined for 3 of the last 5 calendar years prior to the year in which the redevelopment project area is designated or is increasing at an annual rate that is less than the balance of the municipality for 3 of the last 5 calendar years for which information is available or is increasing at an annual rate that is less than the Consumer Price Index for All Urban Consumers published by the United States Department of Labor or successor agency for 3 of the last 5 calendar years prior to the year in which the redevelopment project area is designated.

(2) If vacant, the sound growth of the redevelopment project area is impaired by a combination of 2 or more of the following factors, each of which is (i) present, with that presence documented, to a meaningful extent so that a municipality may reasonably find that the factor is clearly present within the intent of the Act and (ii) reasonably distributed throughout the vacant part of the redevelopment project area to which it pertains:

(A) Obsolete platting of vacant land that results in parcels of limited or narrow size or configurations of parcels of irregular size or shape that would be difficult to develop on a planned basis and in a manner compatible with contemporary standards and requirements, or platting that failed to create rights-of-ways for streets or alleys or that created inadequate right-of-way widths for streets, alleys, or other public rights-of-way or that omitted easements for public utilities.

(B) Diversity of ownership of parcels of vacant land sufficient in number to retard or impede the ability to assemble the land for development.

(C) Tax and special assessment delinquencies exist or the property has been the subject of tax sales under the Property Tax Code within the last 5 years.

(D) Deterioration of structures or site improvements in neighboring areas adjacent to the vacant land.

(E) The area has incurred Illinois Environmental Protection Agency or United States Environmental Protection Agency remediation costs for, or a study conducted by an independent consultant recognized as having expertise in environmental remediation has determined a need for, the clean-up of hazardous waste, hazardous substances, or underground storage tanks required by State or federal law, provided that the remediation costs constitute a material impediment to the development or redevelopment of the redevelopment project area.

(F) The total equalized assessed value of the proposed redevelopment project area has declined for 3 of the last 5 calendar years prior to the year in which the redevelopment project area is designated or is increasing at an annual rate that is less than the Consumer Price Index for All Urban Consumers published by the United States Department of Labor or successor agency for 3 of the last 5 calendar years prior to the year in which the redevelopment project area is designated or is increasing at an annual rate that is less than the Consumer Price Index for All Urban Consumers.
annual rate that is less than the balance of the municipality for 3 of the last 5 calendar years for which information is available or is increasing at an annual rate that is less than the Consumer Price Index for All Urban Consumers published by the United States Department of Labor or successor agency for 3 of the last 5 calendar years prior to the year in which the redevelopment project area is designated.

(3) If vacant, the sound growth of the redevelopment project area is impaired by one of the following factors that (i) is present, with that presence documented, to a meaningful extent so that a municipality may reasonably find that the factor is clearly present within the intent of the Act and (ii) is reasonably distributed throughout the vacant part of the redevelopment project area to which it pertains:

(A) The area consists of one or more unused quarries, mines, or strip mine ponds.

(B) The area consists of unused railyards, rail tracks, or railroad rights-of-way.

(C) The area, prior to its designation, is subject to chronic flooding that adversely impacts on real property in the area as certified by a registered professional engineer or appropriate regulatory agency.

(D) The area consists of an unused or illegal disposal site containing earth, stone, building debris, or similar materials that were removed from construction, demolition, excavation, or dredge sites.

(E) Prior to November 1, 1999, the area is not less than 50 nor more than 100 acres and 75% of which is vacant (notwithstanding that the area has been used for commercial agricultural purposes within 5 years prior to the designation of the redevelopment project area), and the area meets at least one of the factors itemized in paragraph (1) of this subsection, the area has been designated as a town or village center by ordinance or comprehensive plan adopted prior to January 1, 1982, and the area has not been developed for that designated purpose.

(F) The area qualified as a blighted improved area immediately prior to becoming vacant, unless there has been substantial private investment in the immediately surrounding area.

(b) For any redevelopment project area that has been designated pursuant to this Section by an ordinance adopted prior to November 1, 1999 (the effective date of Public Act 91-478), "conservation area" shall have the meaning set forth in this Section prior to that date.

On and after November 1, 1999, "conservation area" means any improved area within the boundaries of a redevelopment project area located within the territorial limits of the municipality in which 50% or more of the structures in the area have an age of 35 years or more. Such an area is not yet a blighted area but because of a combination of 3 or more of the following factors is detrimental to the public safety, health, morals or welfare and such an area may become a blighted area:

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(1) Dilapidation. An advanced state of disrepair or neglect of necessary repairs to the primary structural components of buildings or improvements in such a combination that a documented building condition analysis determines that major repair is required or the defects are so serious and so extensive that the buildings must be removed.

(2) Obsolescence. The condition or process of falling into disuse. Structures have become ill-suited for the original use.

(3) Deterioration. With respect to buildings, defects including, but not limited to, major defects in the secondary building components such as doors, windows, porches, gutters and downspouts, and fascia. With respect to surface improvements, that the condition of roadways, alleys, curbs, gutters, sidewalks, off-street parking, and surface storage areas evidence deterioration, including, but not limited to, surface cracking, crumbling, potholes, depressions, loose paving material, and weeds protruding through paved surfaces.

(4) Presence of structures below minimum code standards. All structures that do not meet the standards of zoning, subdivision, building, fire, and other governmental codes applicable to property, but not including housing and property maintenance codes.

(5) Illegal use of individual structures. The use of structures in violation of applicable federal, State, or local laws, exclusive of those applicable to the presence of structures below minimum code standards.

(6) Excessive vacancies. The presence of buildings that are unoccupied or under-utilized and that represent an adverse influence on the area because of the frequency, extent, or duration of the vacancies.

(7) Lack of ventilation, light, or sanitary facilities. The absence of adequate ventilation for light or air circulation in spaces or rooms without windows, or that require the removal of dust, odor, gas, smoke, or other noxious airborne materials. Inadequate natural light and ventilation means the absence or inadequacy of skylights or windows for interior spaces or rooms and improper window sizes and amounts by room area to window area ratios. Inadequate sanitary facilities refers to the absence or inadequacy of garbage storage and enclosure, bathroom facilities, hot water and kitchens, and structural inadequacies preventing ingress and egress to and from all rooms and units within a building.

(8) Inadequate utilities. Underground and overhead utilities such as storm sewers and storm drainage, sanitary sewers, water lines, and gas, telephone, and electrical services that are shown to be inadequate. Inadequate utilities are those that are: (i) of insufficient capacity to serve the uses in the redevelopment project area, (ii) deteriorated, antiquated, obsolete, or in disrepair, or (iii) lacking within the redevelopment project area.

(9) Excessive land coverage and overcrowding of structures and community facilities. The over-intensive use of property and the crowding of buildings and accessory facilities onto a site. Examples of problem conditions warranting the
designation of an area as one exhibiting excessive land coverage are: the presence of buildings either improperly situated on parcels or located on parcels of inadequate size and shape in relation to present-day standards of development for health and safety and the presence of multiple buildings on a single parcel. For there to be a finding of excessive land coverage, these parcels must exhibit one or more of the following conditions: insufficient provision for light and air within or around buildings, increased threat of spread of fire due to the close proximity of buildings, lack of adequate or proper access to a public right-of-way, lack of reasonably required off-street parking, or inadequate provision for loading and service.

(10) Deleterious land use or layout. The existence of incompatible land-use relationships, buildings occupied by inappropriate mixed-uses, or uses considered to be noxious, offensive, or unsuitable for the surrounding area.

(11) Lack of community planning. The proposed redevelopment project area was developed prior to or without the benefit or guidance of a community plan. This means that the development occurred prior to the adoption by the municipality of a comprehensive or other community plan or that the plan was not followed at the time of the area’s development. This factor must be documented by evidence of adverse or incompatible land-use relationships, inadequate street layout, improper subdivision, parcels of inadequate shape and size to meet contemporary development standards, or other evidence demonstrating an absence of effective community planning.

(12) The area has incurred Illinois Environmental Protection Agency or United States Environmental Protection Agency remediation costs for, or a study conducted by an independent consultant recognized as having expertise in environmental remediation has determined a need for, the clean-up of hazardous waste, hazardous substances, or underground storage tanks required by State or federal law, provided that the remediation costs constitute a material impediment to the development or redevelopment of the redevelopment project area.

(13) The total equalized assessed value of the proposed redevelopment project area has declined for 3 of the last 5 calendar years for which information is available or is increasing at an annual rate that is less than the Consumer Price Index for All Urban Consumers published by the United States Department of Labor or successor agency for 3 of the last 5 calendar years for which information is available.

(c) "Industrial park" means an area in a blighted or conservation area suitable for use by any manufacturing, industrial, research or transportation enterprise, of facilities to include but not be limited to factories, mills, processing plants, assembly plants, packing plants, fabricating plants, industrial distribution centers, warehouses, repair overhaul or service facilities, freight terminals, research facilities, test facilities or railroad facilities.

(d) "Industrial park conservation area" means an area within the boundaries of a redevelopment project area located within the territorial limits of a municipality that is a
labor surplus municipality or within 1 1/2 miles of the territorial limits of a municipality that is a labor surplus municipality if the area is annexed to the municipality; which area is zoned as industrial no later than at the time the municipality by ordinance designates the redevelopment project area, and which area includes both vacant land suitable for use as an industrial park and a blighted area or conservation area contiguous to such vacant land.

(e) "Labor surplus municipality" means a municipality in which, at any time during the 6 months before the municipality by ordinance designates an industrial park conservation area, the unemployment rate was over 6% and was also 100% or more of the national average unemployment rate for that same time as published in the United States Department of Labor Bureau of Labor Statistics publication entitled "The Employment Situation" or its successor publication. For the purpose of this subsection, if unemployment rate statistics for the municipality are not available, the unemployment rate in the municipality shall be deemed to be the same as the unemployment rate in the principal county in which the municipality is located.

(f) "Municipality" shall mean a city, village or incorporated town.

(g) "Initial Sales Tax Amounts" means the amount of taxes paid under the Retailers' Occupation Tax Act, Use Tax Act, Service Use Tax Act, the Service Occupation Tax Act, the Municipal Retailers' Occupation Tax Act, and the Municipal Service Occupation Tax Act by retailers and servicemen on transactions at places located in a State Sales Tax Boundary during the calendar year 1985.

(g-1) "Revised Initial Sales Tax Amounts" means the amount of taxes paid under the Retailers' Occupation Tax Act, Use Tax Act, Service Use Tax Act, the Service Occupation Tax Act, the Municipal Retailers' Occupation Tax Act, and the Municipal Service Occupation Tax Act by retailers and servicemen on transactions at places located within the State Sales Tax Boundary revised pursuant to Section 11-74.4-8a(9) of this Act.

(h) "Municipal Sales Tax Increment" means an amount equal to the increase in the aggregate amount of taxes paid to a municipality from the Local Government Tax Fund arising from sales by retailers and servicemen within the redevelopment project area or State Sales Tax Boundary, as the case may be, for as long as the redevelopment project area or State Sales Tax Boundary, as the case may be, exist over and above the aggregate amount of taxes as certified by the Illinois Department of Revenue and paid under the Municipal Retailers' Occupation Tax Act and the Municipal Service Occupation Tax Act by retailers and servicemen, on transactions at places of business located in the redevelopment project area or State Sales Tax Boundary, as the case may be, during the base year which shall be the calendar year immediately prior to the year in which the municipality adopted tax increment allocation financing. For purposes of computing the aggregate amount of such taxes for base years occurring prior to 1985, the Department of Revenue shall determine the Initial Sales Tax Amounts for such taxes and deduct therefrom an amount equal to 4% of the aggregate amount of taxes per year for each year the base year is prior to 1985, but not to exceed a total deduction of 12%. The amount so determined shall be known as the "Adjusted Initial Sales Tax Amounts". For purposes of determining the Municipal Sales Tax Increment, the Department of Revenue shall for each period subtract from the amount paid to the

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municipality from the Local Government Tax Fund arising from sales by retailers and servicemen on transactions located in the redevelopment project area or the State Sales Tax Boundary, as the case may be, the certified Initial Sales Tax Amounts, the Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts for the Municipal Retailers' Occupation Tax Act and the Municipal Service Occupation Tax Act. For the State Fiscal Year 1989, this calculation shall be made by utilizing the calendar year 1987 to determine the tax amounts received. For the State Fiscal Year 1990, this calculation shall be made by utilizing the period from January 1, 1988, until September 30, 1988, to determine the tax amounts received from retailers and servicemen pursuant to the Municipal Retailers' Occupation Tax and the Municipal Service Occupation Tax Act, which shall have deducted therefrom nine-twelfths of the certified Initial Sales Tax Amounts, the Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts as appropriate. For the State Fiscal Year 1991, this calculation shall be made by utilizing the period from October 1, 1988, to June 30, 1989, to determine the tax amounts received from retailers and servicemen pursuant to the Municipal Retailers' Occupation Tax and the Municipal Service Occupation Tax Act which shall have deducted therefrom nine-twelfths of the certified Initial Sales Tax Amounts, Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts as appropriate. For every State Fiscal Year thereafter, the applicable period shall be the 12 months beginning July 1 and ending June 30 to determine the tax amounts received which shall have deducted therefrom the certified Initial Sales Tax Amounts, the Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts, as the case may be.

(i) "Net State Sales Tax Increment" means the sum of the following: (a) 80% of the first $100,000 of State Sales Tax Increment annually generated within a State Sales Tax Boundary; (b) 60% of the amount in excess of $100,000 but not exceeding $500,000 of State Sales Tax Increment annually generated within a State Sales Tax Boundary; and (c) 40% of all amounts in excess of $500,000 of State Sales Tax Increment annually generated within a State Sales Tax Boundary. If, however, a municipality established a tax increment financing district in a county with a population in excess of 3,000,000 before January 1, 1986, and the municipality entered into a contract or issued bonds after January 1, 1986, but before December 31, 1986, to finance redevelopment project costs within a State Sales Tax Boundary, then the Net State Sales Tax Increment means, for the fiscal years beginning July 1, 1990, and July 1, 1991, 100% of the State Sales Tax Increment annually generated within a State Sales Tax Boundary; and notwithstanding any other provision of this Act, for those fiscal years the Department of Revenue shall distribute to those municipalities 100% of their Net State Sales Tax Increment before any distribution to any other municipality and regardless of whether or not those other municipalities will receive 100% of their Net State Sales Tax Increment. For Fiscal Year 1999, and every year thereafter until the year 2007, for any municipality that has not entered into a contract or has not issued bonds prior to June 1, 1988 to finance redevelopment project costs within a State Sales Tax Boundary, the Net State Sales Tax Increment shall be calculated as follows: By multiplying the Net State Sales Tax Increment by 90% in the State Fiscal Year 1999; 80% in the State Fiscal Year 2000; 70% in the State Fiscal Year 2001; 60% in the State Fiscal Year 2002; 50% in the State Fiscal Year

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2003; 40% in the State Fiscal Year 2004; 30% in the State Fiscal Year 2005; 20% in the State Fiscal Year 2006; and 10% in the State Fiscal Year 2007. No payment shall be made for State Fiscal Year 2008 and thereafter.

Municipalities that issued bonds in connection with a redevelopment project in a redevelopment project area within the State Sales Tax Boundary prior to July 29, 1991, or that entered into contracts in connection with a redevelopment project in a redevelopment project area before June 1, 1988, shall continue to receive their proportional share of the Illinois Tax Increment Fund distribution until the date on which the redevelopment project is completed or terminated. If, however, a municipality that issued bonds in connection with a redevelopment project in a redevelopment project area within the State Sales Tax Boundary prior to July 29, 1991 retires the bonds prior to June 30, 2007 or a municipality that entered into contracts in connection with a redevelopment project in a redevelopment project area before June 1, 1988 completes the contracts prior to June 30, 2007, then so long as the redevelopment project is not completed or is not terminated, the Net State Sales Tax Increment shall be calculated, beginning on the date on which the bonds are retired or the contracts are completed, as follows: By multiplying the Net State Sales Tax Increment by 60% in the State Fiscal Year 2002; 50% in the State Fiscal Year 2003; 40% in the State Fiscal Year 2004; 30% in the State Fiscal Year 2005; 20% in the State Fiscal Year 2006; and 10% in the State Fiscal Year 2007. No payment shall be made for State Fiscal Year 2008 and thereafter. Refunding of any bonds issued prior to July 29, 1991, shall not alter the Net State Sales Tax Increment.

(j) "State Utility Tax Increment Amount" means an amount equal to the aggregate increase in State electric and gas tax charges imposed on owners and tenants, other than residential customers, of properties located within the redevelopment project area under Section 9-222 of the Public Utilities Act, over and above the aggregate of such charges as certified by the Department of Revenue and paid by owners and tenants, other than residential customers, of properties within the redevelopment project area during the base year, which shall be the calendar year immediately prior to the year of the adoption of the ordinance authorizing tax increment allocation financing.

(k) "Net State Utility Tax Increment" means the sum of the following: (a) 80% of the first $100,000 of State Utility Tax Increment annually generated by a redevelopment project area; (b) 60% of the amount in excess of $100,000 but not exceeding $500,000 of the State Utility Tax Increment annually generated by a redevelopment project area; and (c) 40% of all amounts in excess of $500,000 of State Utility Tax Increment annually generated by a redevelopment project area. For the State Fiscal Year 1999, and every year thereafter until the year 2007, for any municipality that has not entered into a contract or has not issued bonds prior to June 1, 1988 to finance redevelopment project costs within a redevelopment project area, the Net State Utility Tax Increment shall be calculated as follows: By multiplying the Net State Utility Tax Increment by 90% in the State Fiscal Year 1999; 80% in the State Fiscal Year 2000; 70% in the State Fiscal Year 2001; 60% in the State Fiscal Year 2002; 50% in the State Fiscal Year 2003; 40% in the State Fiscal Year 2004; 30% in the State Fiscal Year 2005; 20% in the State Fiscal Year 2006; and 10% in the State Fiscal Year 2007; 30% in the State Fiscal Year 2005; 20% in the State Fiscal Year 2006; and 10% in the State Fiscal Year 2007.
Year 2007. No payment shall be made for the State Fiscal Year 2008 and thereafter.

Municipalities that issue bonds in connection with the redevelopment project during the period from June 1, 1988 until 3 years after the effective date of this Amendatory Act of 1988 shall receive the Net State Utility Tax Increment, subject to appropriation, for 15 State Fiscal Years after the issuance of such bonds. For the 16th through the 20th State Fiscal Years after issuance of the bonds, the Net State Utility Tax Increment shall be calculated as follows: By multiplying the Net State Utility Tax Increment by 90% in year 16; 80% in year 17; 70% in year 18; 60% in year 19; and 50% in year 20. Refunding of any bonds issued prior to June 1, 1988, shall not alter the revised Net State Utility Tax Increment payments set forth above.

(l) "Obligations" mean bonds, loans, debentures, notes, special certificates or other evidence of indebtedness issued by the municipality to carry out a redevelopment project or to refund outstanding obligations.

(m) "Payment in lieu of taxes" means those estimated tax revenues from real property in a redevelopment project area derived from real property that has been acquired by a municipality which according to the redevelopment project or plan is to be used for a private use which taxing districts would have received had a municipality not acquired the real property and adopted tax increment allocation financing and which would result from levies made after the time of the adoption of tax increment allocation financing to the time the current equalized value of real property in the redevelopment project area exceeds the total initial equalized value of real property in said area.

(n) "Redevelopment plan" means the comprehensive program of the municipality for development or redevelopment intended by the payment of redevelopment project costs to reduce or eliminate those conditions the existence of which qualified the redevelopment project area as a "blighted area" or "conservation area" or combination thereof or "industrial park conservation area," and thereby to enhance the tax bases of the taxing districts which extend into the redevelopment project area. On and after November 1, 1999 (the effective date of Public Act 91-478), no redevelopment plan may be approved or amended that includes the development of vacant land (i) with a golf course and related clubhouse and other facilities or (ii) designated by federal, State, county, or municipal government as public land for outdoor recreational activities or for nature preserves and used for that purpose within 5 years prior to the adoption of the redevelopment plan. For the purpose of this subsection, "recreational activities" is limited to mean camping and hunting. Each redevelopment plan shall set forth in writing the program to be undertaken to accomplish the objectives and shall include but not be limited to:

(A) an itemized list of estimated redevelopment project costs;

(B) evidence indicating that the redevelopment project area on the whole has not been subject to growth and development through investment by private enterprise;

(C) an assessment of any financial impact of the redevelopment project area on or any increased demand for services from any taxing district affected by the plan and any program to address such financial impact or increased demand;

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(D) the sources of funds to pay costs;
(E) the nature and term of the obligations to be issued;
(F) the most recent equalized assessed valuation of the redevelopment project area;
(G) an estimate as to the equalized assessed valuation after redevelopment and the general land uses to apply in the redevelopment project area;
(H) a commitment to fair employment practices and an affirmative action plan;
(I) if it concerns an industrial park conservation area, the plan shall also include a general description of any proposed developer, user and tenant of any property, a description of the type, structure and general character of the facilities to be developed, a description of the type, class and number of new employees to be employed in the operation of the facilities to be developed; and
(J) if property is to be annexed to the municipality, the plan shall include the terms of the annexation agreement.

The provisions of items (B) and (C) of this subsection (n) shall not apply to a municipality that before March 14, 1994 (the effective date of Public Act 88-537) had fixed, either by its corporate authorities or by a commission designated under subsection (k) of Section 11-74.4-4, a time and place for a public hearing as required by subsection (a) of Section 11-74.4-5. No redevelopment plan shall be adopted unless a municipality complies with all of the following requirements:

(1) The municipality finds that the redevelopment project area on the whole has not been subject to growth and development through investment by private enterprise and would not reasonably be anticipated to be developed without the adoption of the redevelopment plan.

(2) The municipality finds that the redevelopment plan and project conform to the comprehensive plan for the development of the municipality as a whole, or, for municipalities with a population of 100,000 or more, regardless of when the redevelopment plan and project was adopted, the redevelopment plan and project either: (i) conforms to the strategic economic development or redevelopment plan issued by the designated planning authority of the municipality, or (ii) includes land uses that have been approved by the planning commission of the municipality.

(3) The redevelopment plan establishes the estimated dates of completion of the redevelopment project and retirement of obligations issued to finance redevelopment project costs. Those dates shall not be later than December 31 of the year in which the payment to the municipal treasurer as provided in subsection (b) of Section 11-74.4-8 of this Act is to be made with respect to ad valorem taxes levied in the twenty-third calendar year after the year in which the ordinance approving the redevelopment project area is adopted if the ordinance was adopted on or after January 15, 1981, and not later than December 31 of the year in which the payment to the municipal treasurer as provided in subsection (b) of Section 11-74.4-8 of this Act is to be made with respect to ad valorem taxes levied in the thirty-fifth calendar

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year after the year in which the ordinance approving the redevelopment project area is adopted:

(A) if the ordinance was adopted before January 15, 1981, or
(B) if the ordinance was adopted in December 1983, April 1984, July 1985, or December 1989, or
(C) if the ordinance was adopted in December 1987 and the redevelopment project is located within one mile of Midway Airport, or
(D) if the ordinance was adopted before January 1, 1987 by a municipality in Mason County, or
(E) if the municipality is subject to the Local Government Financial Planning and Supervision Act or the Financially Distressed City Law, or
(F) if the ordinance was adopted in December 1984 by the Village of Rosemont, or
(G) if the ordinance was adopted on December 31, 1986 by a municipality located in Clinton County for which at least $250,000 of tax increment bonds were authorized on June 17, 1997, or if the ordinance was adopted on December 31, 1986 by a municipality with a population in 1990 of less than 3,600 that is located in a county with a population in 1990 of less than 34,000 and for which at least $250,000 of tax increment bonds were authorized on June 17, 1997, or
(H) if the ordinance was adopted on October 5, 1982 by the City of Kankakee, or if the ordinance was adopted on December 29, 1986 by East St. Louis, or
(I) if the ordinance was adopted on November 12, 1991 by the Village of Sauget, or
(J) if the ordinance was adopted on February 11, 1985 by the City of Rock Island, or
(K) if the ordinance was adopted before December 18, 1986 by the City of Moline, or
(L) if the ordinance was adopted in September 1988 by Sauk Village, or
(M) if the ordinance was adopted in October 1993 by Sauk Village, or
(N) if the ordinance was adopted on December 29, 1986 by the City of Galva, or
(O) if the ordinance was adopted in March 1991 by the City of Centreville, or
(P) if the ordinance was adopted on January 23, 1991 by the City of East St. Louis.

However, for redevelopment project areas for which bonds were issued before July 29, 1991, or for which contracts were entered into before June 1, 1988, in connection with a redevelopment project in the area within the State Sales Tax

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Boundary, the estimated dates of completion of the redevelopment project and retirement of obligations to finance redevelopment project costs may be extended by municipal ordinance to December 31, 2013. The extension allowed by this amendatory Act of 1993 shall not apply to real property tax increment allocation financing under Section 11-74.4-8.

A municipality may by municipal ordinance amend an existing redevelopment plan to conform to this paragraph (3) as amended by Public Act 91-478, which municipal ordinance may be adopted without further hearing or notice and without complying with the procedures provided in this Act pertaining to an amendment to or the initial approval of a redevelopment plan and project and designation of a redevelopment project area.

Those dates, for purposes of real property tax increment allocation financing pursuant to Section 11-74.4-8 only, shall be not more than 35 years for redevelopment project areas that were adopted on or after December 16, 1986 and for which at least $8 million worth of municipal bonds were authorized on or after December 19, 1989 but before January 1, 1990; provided that the municipality elects to extend the life of the redevelopment project area to 35 years by the adoption of an ordinance after at least 14 but not more than 30 days' written notice to the taxing bodies, that would otherwise constitute the joint review board for the redevelopment project area, before the adoption of the ordinance.

Those dates, for purposes of real property tax increment allocation financing pursuant to Section 11-74.4-8 only, shall be not more than 35 years for redevelopment project areas that were established on or after December 1, 1981 but before January 1, 1982 and for which at least $1,500,000 worth of tax increment revenue bonds were authorized on or after September 30, 1990 but before July 1, 1991; provided that the municipality elects to extend the life of the redevelopment project area to 35 years by the adoption of an ordinance after at least 14 but not more than 30 days' written notice to the taxing bodies, that would otherwise constitute the joint review board for the redevelopment project area, before the adoption of the ordinance.

(3.5) The municipality finds, in the case of an industrial park conservation area, also that the municipality is a labor surplus municipality and that the implementation of the redevelopment plan will reduce unemployment, create new jobs and by the provision of new facilities enhance the tax base of the taxing districts that extend into the redevelopment project area.

(4) If any incremental revenues are being utilized under Section 8(a)(1) or 8(a)(2) of this Act in redevelopment project areas approved by ordinance after January 1, 1986, the municipality finds: (a) that the redevelopment project area would not reasonably be developed without the use of such incremental revenues, and (b) that such incremental revenues will be exclusively utilized for the development of the redevelopment project area.

(5) On and after November 1, 1999, if the redevelopment plan will not result
in displacement of 10 or more residents from inhabited units, and the municipality certifies in the plan that such displacement will not result from the plan, a housing impact study need not be performed. If, however, the redevelopment plan would result in the displacement of residents from 10 or more inhabited residential units, or if the redevelopment project area contains 75 or more inhabited residential units and no certification is made, then the municipality shall prepare, as part of the separate feasibility report required by subsection (a) of Section 11-74.4-5, a housing impact study.

Part I of the housing impact study shall include (i) data as to whether the residential units are single family or multi-family units, (ii) the number and type of rooms within the units, if that information is available, (iii) whether the units are inhabited or uninhabited, as determined not less than 45 days before the date that the ordinance or resolution required by subsection (a) of Section 11-74.4-5 is passed, and (iv) data as to the racial and ethnic composition of the residents in the inhabited residential units. The data requirement as to the racial and ethnic composition of the residents in the inhabited residential units shall be deemed to be fully satisfied by data from the most recent federal census.

Part II of the housing impact study shall identify the inhabited residential units in the proposed redevelopment project area that are to be or may be removed. If inhabited residential units are to be removed, then the housing impact study shall identify (i) the number and location of those units that will or may be removed, (ii) the municipality’s plans for relocation assistance for those residents in the proposed redevelopment project area whose residences are to be removed, (iii) the availability of replacement housing for those residents whose residences are to be removed, and shall identify the type, location, and cost of the housing, and (iv) the type and extent of relocation assistance to be provided.

(6) On and after November 1, 1999, the housing impact study required by paragraph (5) shall be incorporated in the redevelopment plan for the redevelopment project area.

(7) On and after November 1, 1999, no redevelopment plan shall be adopted, nor an existing plan amended, nor shall residential housing that is occupied by households of low-income and very low-income persons in currently existing redevelopment project areas be removed after November 1, 1999 unless the redevelopment plan provides, with respect to inhabited housing units that are to be removed for households of low-income and very low-income persons, affordable housing and relocation assistance not less than that which would be provided under the federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 and the regulations under that Act, including the eligibility criteria. Affordable housing may be either existing or newly constructed housing. For purposes of this paragraph (7), "low-income households", "very low-income households", and "affordable housing" have the meanings set forth in the Illinois Affordable Housing Act. The municipality shall make a good faith effort to ensure

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that this affordable housing is located in or near the redevelopment project area within the municipality.

(8) On and after November 1, 1999, if, after the adoption of the redevelopment plan for the redevelopment project area, any municipality desires to amend its redevelopment plan to remove more inhabited residential units than specified in its original redevelopment plan, that increase in the number of units to be removed shall be deemed to be a change in the nature of the redevelopment plan as to require compliance with the procedures in this Act pertaining to the initial approval of a redevelopment plan.

(9) For redevelopment project areas designated prior to November 1, 1999, the redevelopment plan may be amended without further joint review board meeting or hearing, provided that the municipality shall give notice of any such changes by mail to each affected taxing district and registrant on the interested party registry, to authorize the municipality to expend tax increment revenues for redevelopment project costs defined by paragraphs (5) and (7.5), subparagraphs (E) and (F) of paragraph (11), and paragraph (11.5) of subsection (q) of Section 11-74.4-3, so long as the changes do not increase the total estimated redevelopment project costs set out in the redevelopment plan by more than 5% after adjustment for inflation from the date the plan was adopted.

(o) "Redevelopment project" means any public and private development project in furtherance of the objectives of a redevelopment plan. On and after November 1, 1999 (the effective date of Public Act 91-478), no redevelopment plan may be approved or amended that includes the development of vacant land (i) with a golf course and related clubhouse and other facilities or (ii) designated by federal, State, county, or municipal government as public land for outdoor recreational activities or for nature preserves and used for that purpose within 5 years prior to the adoption of the redevelopment plan. For the purpose of this subsection, "recreational activities" is limited to mean camping and hunting.

(p) "Redevelopment project area" means an area designated by the municipality, which is not less in the aggregate than 1 1/2 acres and in respect to which the municipality has made a finding that there exist conditions which cause the area to be classified as an industrial park conservation area or a blighted area or a conservation area, or a combination of both blighted areas and conservation areas.

(q) "Redevelopment project costs" mean and include the sum total of all reasonable or necessary costs incurred or estimated to be incurred, and any such costs incidental to a redevelopment plan and a redevelopment project. Such costs include, without limitation, the following:

1. Costs of studies, surveys, development of plans, and specifications, implementation and administration of the redevelopment plan including but not limited to staff and professional service costs for architectural, engineering, financial, planning or other services, provided however that no charges for professional services may be based on a percentage of the tax increment collected; except that on and after November 1, 1999 (the effective date of Public Act 91-478),
no contracts for professional services, excluding architectural and engineering services, may be entered into if the terms of the contract extend beyond a period of 3 years. In addition, "redevelopment project costs" shall not include lobbying expenses. After consultation with the municipality, each tax increment consultant or advisor to a municipality that plans to designate or has designated a redevelopment project area shall inform the municipality in writing of any contracts that the consultant or advisor has entered into with entities or individuals that have received, or are receiving, payments financed by tax increment revenues produced by the redevelopment project area with respect to which the consultant or advisor has performed, or will be performing, service for the municipality. This requirement shall be satisfied by the consultant or advisor before the commencement of services for the municipality and thereafter whenever any other contracts with those individuals or entities are executed by the consultant or advisor;

(1.5) After July 1, 1999, annual administrative costs shall not include general overhead or administrative costs of the municipality that would still have been incurred by the municipality if the municipality had not designated a redevelopment project area or approved a redevelopment plan;

(1.6) The cost of marketing sites within the redevelopment project area to prospective businesses, developers, and investors;

(2) Property assembly costs, including but not limited to acquisition of land and other property, real or personal, or rights or interests therein, demolition of buildings, site preparation, site improvements that serve as an engineered barrier addressing ground level or below ground environmental contamination, including, but not limited to parking lots and other concrete or asphalt barriers, and the clearing and grading of land;

(3) Costs of rehabilitation, reconstruction or repair or remodeling of existing public or private buildings, fixtures, and leasehold improvements; and the cost of replacing an existing public building if pursuant to the implementation of a redevelopment project the existing public building is to be demolished to use the site for private investment or devoted to a different use requiring private investment;

(4) Costs of the construction of public works or improvements, except that on and after November 1, 1999, redevelopment project costs shall not include the cost of constructing a new municipal public building principally used to provide offices, storage space, or conference facilities or vehicle storage, maintenance, or repair for administrative, public safety, or public works personnel and that is not intended to replace an existing public building as provided under paragraph (3) of subsection (q) of Section 11-74.4-3 unless either (i) the construction of the new municipal building implements a redevelopment project that was included in a redevelopment plan that was adopted by the municipality prior to November 1, 1999 or (ii) the municipality makes a reasonable determination in the redevelopment plan, supported by information that provides the basis for that determination, that the new municipal building is required to meet an increase in the need for public safety
purposes anticipated to result from the implementation of the redevelopment plan;

(5) Costs of job training and retraining projects, including the cost of "welfare to work" programs implemented by businesses located within the redevelopment project area;

(6) Financing costs, including but not limited to all necessary and incidental expenses related to the issuance of obligations and which may include payment of interest on any obligations issued hereunder including interest accruing during the estimated period of construction of any redevelopment project for which such obligations are issued and for not exceeding 36 months thereafter and including reasonable reserves related thereto;

(7) To the extent the municipality by written agreement accepts and approves the same, all or a portion of a taxing district's capital costs resulting from the redevelopment project necessarily incurred or to be incurred within a taxing district in furtherance of the objectives of the redevelopment plan and project.

(7.5) For redevelopment project areas designated (or redevelopment project areas amended to add or increase the number of tax-increment-financing assisted housing units) on or after November 1, 1999, an elementary, secondary, or unit school district's increased costs attributable to assisted housing units located within the redevelopment project area for which the developer or redeveloper receives financial assistance through an agreement with the municipality or because the municipality incurs the cost of necessary infrastructure improvements within the boundaries of the assisted housing sites necessary for the completion of that housing as authorized by this Act, and which costs shall be paid by the municipality from the Special Tax Allocation Fund when the tax increment revenue is received as a result of the assisted housing units and shall be calculated annually as follows:

(A) for foundation districts, excluding any school district in a municipality with a population in excess of 1,000,000, by multiplying the district's increase in attendance resulting from the net increase in new students enrolled in that school district who reside in housing units within the redevelopment project area that have received financial assistance through an agreement with the municipality or because the municipality incurs the cost of necessary infrastructure improvements within the boundaries of the housing sites necessary for the completion of that housing as authorized by this Act since the designation of the redevelopment project area by the most recently available per capita tuition cost as defined in Section 10-20.12a of the School Code less any increase in general State aid as defined in Section 18-8.05 of the School Code attributable to these added new students subject to the following annual limitations:

(i) for unit school districts with a district average 1995-96 Per Capita Tuition Charge of less than $5,900, no more than 25% of the total amount of property tax increment revenue produced by those housing units that have received tax increment finance assistance

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under this Act;
  (ii) for elementary school districts with a district average 1995-96 Per Capita Tuition Charge of less than $5,900, no more than 17% of the total amount of property tax increment revenue produced by those housing units that have received tax increment finance assistance under this Act; and
  (iii) for secondary school districts with a district average 1995-96 Per Capita Tuition Charge of less than $5,900, no more than 8% of the total amount of property tax increment revenue produced by those housing units that have received tax increment finance assistance under this Act.

(B) For alternate method districts, flat grant districts, and foundation districts with a district average 1995-96 Per Capita Tuition Charge equal to or more than $5,900, excluding any school district with a population in excess of 1,000,000, by multiplying the district's increase in attendance resulting from the net increase in new students enrolled in that school district who reside in housing units within the redevelopment project area that have received financial assistance through an agreement with the municipality or because the municipality incurs the cost of necessary infrastructure improvements within the boundaries of the housing sites necessary for the completion of that housing as authorized by this Act since the designation of the redevelopment project area by the most recently available per capita tuition cost as defined in Section 10-20.12a of the School Code less any increase in general state aid as defined in Section 18-8.05 of the School Code attributable to these added new students subject to the following annual limitations:

  (i) for unit school districts, no more than 40% of the total amount of property tax increment revenue produced by those housing units that have received tax increment finance assistance under this Act;
  (ii) for elementary school districts, no more than 27% of the total amount of property tax increment revenue produced by those housing units that have received tax increment finance assistance under this Act; and
  (iii) for secondary school districts, no more than 13% of the total amount of property tax increment revenue produced by those housing units that have received tax increment finance assistance under this Act.

(C) For any school district in a municipality with a population in excess of 1,000,000, the following restrictions shall apply to the reimbursement of increased costs under this paragraph (7.5):

  (i) no increased costs shall be reimbursed unless the school
district certifies that each of the schools affected by the assisted housing project is at or over its student capacity;

(ii) the amount reimbursable shall be reduced by the value of any land donated to the school district by the municipality or developer, and by the value of any physical improvements made to the schools by the municipality or developer; and

(iii) the amount reimbursed may not affect amounts otherwise obligated by the terms of any bonds, notes, or other funding instruments, or the terms of any redevelopment agreement.

Any school district seeking payment under this paragraph (7.5) shall, after July 1 and before September 30 of each year, provide the municipality with reasonable evidence to support its claim for reimbursement before the municipality shall be required to approve or make the payment to the school district. If the school district fails to provide the information during this period in any year, it shall forfeit any claim to reimbursement for that year.

School districts may adopt a resolution waiving the right to all or a portion of the reimbursement otherwise required by this paragraph (7.5). By acceptance of this reimbursement the school district waives the right to directly or indirectly set aside, modify, or contest in any manner the establishment of the redevelopment project area or projects;

(8) Relocation costs to the extent that a municipality determines that relocation costs shall be paid or is required to make payment of relocation costs by federal or State law or in order to satisfy subparagraph (7) of subsection (n);

(9) Payment in lieu of taxes;

(10) Costs of job training, retraining, advanced vocational education or career education, including but not limited to courses in occupational, semi-technical or technical fields leading directly to employment, incurred by one or more taxing districts, provided that such costs (i) are related to the establishment and maintenance of additional job training, advanced vocational education or career education programs for persons employed or to be employed by employers located in a redevelopment project area; and (ii) when incurred by a taxing district or taxing districts other than the municipality, are set forth in a written agreement by or among the municipality and the taxing district or taxing districts, which agreement describes the program to be undertaken, including but not limited to the number of employees to be trained, a description of the training and services to be provided, the number and type of positions available or to be available, itemized costs of the program and sources of funds to pay for the same, and the term of the agreement. Such costs include, specifically, the payment by community college districts of costs pursuant to Sections 3-37, 3-38, 3-40 and 3-40.1 of the Public Community College Act and by school districts of costs pursuant to Sections 10-22.20a and 10-23.3a of The School Code;

(11) Interest cost incurred by a redeveloper related to the construction,
renovation or rehabilitation of a redevelopment project provided that:

(A) such costs are to be paid directly from the special tax allocation fund established pursuant to this Act;

(B) such payments in any one year may not exceed 30% of the annual interest costs incurred by the redeveloper with regard to the redevelopment project during that year;

(C) if there are not sufficient funds available in the special tax allocation fund to make the payment pursuant to this paragraph (11) then the amounts so due shall accrue and be payable when sufficient funds are available in the special tax allocation fund;

(D) the total of such interest payments paid pursuant to this Act may not exceed 30% of the total (i) cost paid or incurred by the redeveloper for the redevelopment project plus (ii) redevelopment project costs excluding any property assembly costs and any relocation costs incurred by a municipality pursuant to this Act; and

(E) the cost limits set forth in subparagraphs (B) and (D) of paragraph (11) shall be modified for the financing of rehabilitated or new housing units for low-income households and very low-income households, as defined in Section 3 of the Illinois Affordable Housing Act. The percentage of 75% shall be substituted for 30% in subparagraphs (B) and (D) of paragraph (11).

(F) Instead of the eligible costs provided by subparagraphs (B) and (D) of paragraph (11), as modified by this subparagraph, and notwithstanding any other provisions of this Act to the contrary, the municipality may pay from tax increment revenues up to 50% of the cost of construction of new housing units to be occupied by low-income households and very low-income households as defined in Section 3 of the Illinois Affordable Housing Act. The cost of construction of those units may be derived from the proceeds of bonds issued by the municipality under this Act or other constitutional or statutory authority or from other sources of municipal revenue that may be reimbursed from tax increment revenues or the proceeds of bonds issued to finance the construction of that housing.

The eligible costs provided under this subparagraph (F) of paragraph (11) shall be an eligible cost for the construction, renovation, and rehabilitation of all low and very low-income housing units, as defined in Section 3 of the Illinois Affordable Housing Act, within the redevelopment project area. If the low and very low-income units are part of a residential redevelopment project that includes units not affordable to low and very low-income households, only the low and very low-income units shall be eligible for benefits under subparagraph (F) of paragraph (11). The standards for maintaining the occupancy by low-income households and very low-income households, as defined in Section 3 of the Illinois Affordable Housing Act, of those units constructed with eligible costs made available

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under the provisions of this subparagraph (F) of paragraph (11) shall be established by guidelines adopted by the municipality. The responsibility for annually documenting the initial occupancy of the units by low-income households and very low-income households, as defined in Section 3 of the Illinois Affordable Housing Act, shall be that of the then current owner of the property. For ownership units, the guidelines will provide, at a minimum, for a reasonable recapture of funds, or other appropriate methods designed to preserve the original affordability of the ownership units. For rental units, the guidelines will provide, at a minimum, for the affordability of rent to low and very low-income households. As units become available, they shall be rented to income-eligible tenants. The municipality may modify these guidelines from time to time; the guidelines, however, shall be in effect for as long as tax increment revenue is being used to pay for costs associated with the units or for the retirement of bonds issued to finance the units or for the life of the redevelopment project area, whichever is later.

(11.5) If the redevelopment project area is located within a municipality with a population of more than 100,000, the cost of day care services for children of employees from low-income families working for businesses located within the redevelopment project area and all or a portion of the cost of operation of day care centers established by redevelopment project area businesses to serve employees from low-income families working in businesses located in the redevelopment project area. For the purposes of this paragraph, "low-income families" means families whose annual income does not exceed 80% of the municipal, county, or regional median income, adjusted for family size, as the annual income and municipal, county, or regional median income are determined from time to time by the United States Department of Housing and Urban Development.

(12) Unless explicitly stated herein the cost of construction of new privately-owned buildings shall not be an eligible redevelopment project cost.

(13) After November 1, 1999 (the effective date of Public Act 91-478), none of the redevelopment project costs enumerated in this subsection shall be eligible redevelopment project costs if those costs would provide direct financial support to a retail entity initiating operations in the redevelopment project area while terminating operations at another Illinois location within 10 miles of the redevelopment project area but outside the boundaries of the redevelopment project area municipality. For purposes of this paragraph, termination means a closing of a retail operation that is directly related to the opening of the same operation or like retail entity owned or operated by more than 50% of the original ownership in a redevelopment project area, but it does not mean closing an operation for reasons beyond the control of the retail entity, as documented by the retail entity, subject to a reasonable finding by the municipality that the current location contained inadequate space, had become economically obsolete, or was no longer a viable location for the retailer or serviceman.

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If a special service area has been established pursuant to the Special Service Area Tax Act or Special Service Area Tax Law, then any tax increment revenues derived from the tax imposed pursuant to the Special Service Area Tax Act or Special Service Area Tax Law may be used within the redevelopment project area for the purposes permitted by that Act or Law as well as the purposes permitted by this Act.

(r) "State Sales Tax Boundary" means the redevelopment project area or the amended redevelopment project area boundaries which are determined pursuant to subsection (9) of Section 11-74.4-8a of this Act. The Department of Revenue shall certify pursuant to subsection (9) of Section 11-74.4-8a the appropriate boundaries eligible for the determination of State Sales Tax Increment.

(s) "State Sales Tax Increment" means an amount equal to the increase in the aggregate amount of taxes paid by retailers and servicemen, other than retailers and servicemen subject to the Public Utilities Act, on transactions at places of business located within a State Sales Tax Boundary pursuant to the Retailers' Occupation Tax Act, the Use Tax Act, the Service Use Tax Act, and the Service Occupation Tax Act, except such portion of such increase that is paid into the State and Local Sales Tax Reform Fund, the Local Government Distributive Fund, the Local Government Tax Fund and the County and Mass Transit District Fund, for as long as State participation exists, over and above the Initial Sales Tax Amounts, Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts for such taxes as certified by the Department of Revenue and paid under those Acts by retailers and servicemen on transactions at places of business located within the State Sales Tax Boundary during the base year which shall be the calendar year immediately prior to the year in which the municipality adopted tax increment allocation financing, less 3.0% of such amounts generated under the Retailers' Occupation Tax Act, Use Tax Act and Service Use Tax Act and the Service Occupation Tax Act, which sum shall be appropriated to the Department of Revenue to cover its costs of administering and enforcing this Section. For purposes of computing the aggregate amount of such taxes for base years occurring prior to 1985, the Department of Revenue shall compute the Initial Sales Tax Amount for such taxes and deduct therefrom an amount equal to 4% of the aggregate amount of taxes per year for each year the base year is prior to 1985, but not to exceed a total deduction of 12%. The amount so determined shall be known as the "Adjusted Initial Sales Tax Amount". For purposes of determining the State Sales Tax Increment the Department of Revenue shall for each period subtract from the tax amounts received from retailers and servicemen on transactions located in the State Sales Tax Boundary, the certified Initial Sales Tax Amounts, Adjusted Initial Sales Tax Amounts or Revised Initial Sales Tax Amounts for the Retailers' Occupation Tax Act, the Use Tax Act, the Service Use Tax Act and the Service Occupation Tax Act. For the State Fiscal Year 1989 this calculation shall be made by utilizing the calendar year 1987 to determine the tax amounts received. For the State Fiscal Year 1990, this calculation shall be made by utilizing the period from January 1, 1988, until September 30, 1988, to determine the tax amounts received from retailers and servicemen, which shall have deducted therefrom nine-twelfths of the certified Initial Sales Tax Amounts, Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts as appropriate. For the

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State Fiscal Year 1991, this calculation shall be made by utilizing the period from October 1, 1988, until June 30, 1989, to determine the tax amounts received from retailers and servicemen, which shall have deducted therefrom nine-twelfths of the certified Initial State Sales Tax Amounts, Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts as appropriate. For every State Fiscal Year thereafter, the applicable period shall be the 12 months beginning July 1 and ending on June 30, to determine the tax amounts received which shall have deducted therefrom the certified Initial Sales Tax Amounts, Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts. Municipalities intending to receive a distribution of State Sales Tax Increment must report a list of retailers to the Department of Revenue by October 31, 1988 and by July 31, of each year thereafter.

(t) "Taxing districts" means counties, townships, cities and incorporated towns and villages, school, road, park, sanitary, mosquito abatement, forest preserve, public health, fire protection, river conservancy, tuberculosis sanitarium and any other municipal corporations or districts with the power to levy taxes.

(u) "Taxing districts' capital costs" means those costs of taxing districts for capital improvements that are found by the municipal corporate authorities to be necessary and directly result from the redevelopment project.

(v) As used in subsection (a) of Section 11-74.4-3 of this Act, "vacant land" means any parcel or combination of parcels of real property without industrial, commercial, and residential buildings which has not been used for commercial agricultural purposes within 5 years prior to the designation of the redevelopment project area, unless the parcel is included in an industrial park conservation area or the parcel has been subdivided; provided that if the parcel was part of a larger tract that has been divided into 3 or more smaller tracts that were accepted for recording during the period from 1950 to 1990, then the parcel shall be deemed to have been subdivided, and all proceedings and actions of the municipality taken in that connection with respect to any previously approved or designated redevelopment project area or amended redevelopment project area are hereby validated and hereby declared to be legally sufficient for all purposes of this Act. For purposes of this Section and only for land subject to the subdivision requirements of the Plat Act, land is subdivided when the original plat of the proposed Redevelopment Project Area or relevant portion thereof has been properly certified, acknowledged, approved, and recorded or filed in accordance with the Plat Act and a preliminary plat, if any, for any subsequent phases of the proposed Redevelopment Project Area or relevant portion thereof has been properly approved and filed in accordance with the applicable ordinance of the municipality.

(w) "Annual Total Increment" means the sum of each municipality's annual Net Sales Tax Increment and each municipality's annual Net Utility Tax Increment. The ratio of the Annual Total Increment of each municipality to the Annual Total Increment for all municipalities, as most recently calculated by the Department, shall determine the proportional shares of the Illinois Tax Increment Fund to be distributed to each municipality. (Source: P.A. 91-261, eff. 7-23-99; 91-477, eff. 8-8-99; 91-478, eff. 11-1-99; 91-613, eff. 8-20-99; 91-736, eff. 6-9-00; 92-263, eff. 8-7-01; 92-406, eff. 1-1-02; revised 9-19-01.)
(65 ILCS 5/11-74.4-7) (from Ch. 24, par. 11-74.4-7)

New matter indicated by italics - deletions by strikeout.
Sec. 11-74.4-7. Obligations secured by the special tax allocation fund set forth in Section 11-74.4-8 for the redevelopment project area may be issued to provide for redevelopment project costs. Such obligations, when so issued, shall be retired in the manner provided in the ordinance authorizing the issuance of such obligations by the receipts of taxes levied as specified in Section 11-74.4-9 against the taxable property included in the area, by revenues as specified by Section 11-74.4-8a and other revenue designated by the municipality. A municipality may in the ordinance pledge all or any part of the funds in and to be deposited in the special tax allocation fund created pursuant to Section 11-74.4-8 to the payment of the redevelopment project costs and obligations. Any pledge of funds in the special tax allocation fund shall provide for distribution to the taxing districts and to the Illinois Department of Revenue of moneys not required, pledged, earmarked, or otherwise designated for payment and securing of the obligations and anticipated redevelopment project costs and such excess funds shall be calculated annually and deemed to be "surplus" funds. In the event a municipality only applies or pledges a portion of the funds in the special tax allocation fund for the payment or securing of anticipated redevelopment project costs or of obligations, any such funds remaining in the special tax allocation fund after complying with the requirements of the application or pledge, shall also be calculated annually and deemed "surplus" funds. All surplus funds in the special tax allocation fund shall be distributed annually within 180 days after the close of the municipality's fiscal year by being paid by the municipal treasurer to the County Collector, to the Department of Revenue and to the municipality in direct proportion to the tax incremental revenue received as a result of an increase in the equalized assessed value of property in the redevelopment project area, tax incremental revenue received from the State and tax incremental revenue received from the municipality, but not to exceed as to each such source the total incremental revenue received from that source. The County Collector shall thereafter make distribution to the respective taxing districts in the same manner and proportion as the most recent distribution by the county collector to the affected districts of real property taxes from real property in the redevelopment project area.

Without limiting the foregoing in this Section, the municipality may in addition to obligations secured by the special tax allocation fund pledge for a period not greater than the term of the obligations towards payment of such obligations any part or any combination of the following: (a) net revenues of all or part of any redevelopment project; (b) taxes levied and collected on any or all property in the municipality; (c) the full faith and credit of the municipality; (d) a mortgage on part or all of the redevelopment project; or (e) any other taxes or anticipated receipts that the municipality may lawfully pledge.

Such obligations may be issued in one or more series bearing interest at such rate or rates as the corporate authorities of the municipality shall determine by ordinance. Such obligations shall bear such date or dates, mature at such time or times not exceeding 20 years from their respective dates, be in such denomination, carry such registration privileges, be executed in such manner, be payable in such medium of payment at such place or places, contain such covenants, terms and conditions, and be subject to redemption as such ordinance shall provide. Obligations issued pursuant to this Act may be sold at public or
private sale at such price as shall be determined by the corporate authorities of the municipalities. No referendum approval of the electors shall be required as a condition to the issuance of obligations pursuant to this Division except as provided in this Section.

In the event the municipality authorizes issuance of obligations pursuant to the authority of this Division secured by the full faith and credit of the municipality, which obligations are other than obligations which may be issued under home rule powers provided by Article VII, Section 6 of the Illinois Constitution, or pledges taxes pursuant to (b) or (c) of the second paragraph of this section, the ordinance authorizing the issuance of such obligations or pledging such taxes shall be published within 10 days after such ordinance has been passed in one or more newspapers, with general circulation within such municipality. The publication of the ordinance shall be accompanied by a notice of (1) the specific number of voters required to sign a petition requesting the question of the issuance of such obligations or pledging taxes to be submitted to the electors; (2) the time in which such petition must be filed; and (3) the date of the prospective referendum. The municipal clerk shall provide a petition form to any individual requesting one.

If no petition is filed with the municipal clerk, as hereinafter provided in this Section, within 30 days after the publication of the ordinance, the ordinance shall be in effect. But, if within that 30 day period a petition is filed with the municipal clerk, signed by electors in the municipality numbering 10% or more of the number of registered voters in the municipality, asking that the question of issuing obligations using full faith and credit of the municipality as security for the cost of paying for redevelopment project costs, or of pledging taxes for the payment of such obligations, or both, be submitted to the electors of the municipality, the corporate authorities of the municipality shall call a special election in the manner provided by law to vote upon that question, or, if a general, State or municipal election is to be held within a period of not less than 30 or more than 90 days from the date such petition is filed, shall submit the question at the next general, State or municipal election. If it appears upon the canvass of the election by the corporate authorities that a majority of electors voting upon the question voted in favor thereof, the ordinance shall be in effect, but if a majority of the electors voting upon the question are not in favor thereof, the ordinance shall not take effect.

The ordinance authorizing the obligations may provide that the obligations shall contain a recital that they are issued pursuant to this Division, which recital shall be conclusive evidence of their validity and of the regularity of their issuance.

In the event the municipality authorizes issuance of obligations pursuant to this Section secured by the full faith and credit of the municipality, the ordinance authorizing the obligations may provide for the levy and collection of a direct annual tax upon all taxable property within the municipality sufficient to pay the principal thereof and interest thereon as it matures, which levy may be in addition to and exclusive of the maximum of all other taxes authorized to be levied by the municipality, which levy, however, shall be abated to the extent that monies from other sources are available for payment of the obligations and the municipality certifies the amount of said monies available to the county clerk.

A certified copy of such ordinance shall be filed with the county clerk of each county

New matter indicated by italics - deletions by strikeout.
in which any portion of the municipality is situated, and shall constitute the authority for the extension and collection of the taxes to be deposited in the special tax allocation fund.

A municipality may also issue its obligations to refund in whole or in part, obligations theretofore issued by such municipality under the authority of this Act, whether at or prior to maturity, provided however, that the last maturity of the refunding obligations shall not be expressed to mature later than December 31 of the year in which the payment to the municipal treasurer as provided in subsection (b) of Section 11-74.4-8 of this Act is to be made with respect to ad valorem taxes levied in the twenty-third calendar year after the year in which the ordinance approving the redevelopment project area is adopted if the ordinance was adopted on or after January 15, 1981, and not later than December 31 of the year in which the payment to the municipal treasurer as provided in subsection (b) of Section 11-74.4-8 of this Act is to be made with respect to ad valorem taxes levied in the thirty-fifth calendar year after the year in which the ordinance approving the redevelopment project area is adopted if the ordinance was adopted before January 1, 1987 by a municipality in Mason County, or (E) if the municipality is subject to the Local Government Financial Planning and Supervision Act or the Financially Distressed City Law, or (F) if the ordinance was adopted in December 1984 by the Village of Rosemont, or (G) if the ordinance was adopted on December 31, 1986 by a municipality located in Clinton County for which at least $250,000 of tax increment bonds were authorized on June 17, 1997, or if the ordinance was adopted on December 31, 1986 by a municipality with a population in 1990 of less than 3,600 that is located in a county with a population in 1990 of less than 34,000 and for which at least $250,000 of tax increment bonds were authorized on June 17, 1997, or (H) if the ordinance was adopted on October 5, 1982 by the City of Kankakee, or (I) if the ordinance was adopted on December 29, 1986 by East St. Louis, or if the ordinance was adopted on November 12, 1991 by the Village of Sauget, or (J) if the ordinance was adopted on February 11, 1985 by the City of Rock Island, or (K) if the ordinance was adopted before December 18, 1986 by the City of Moline, or (L) if the ordinance was adopted in September 1988 by Sauk Village, or (M) if the ordinance was adopted in October 1993 by Sauk Village, or (N) if the ordinance was adopted on December 29, 1986 by the City of Galva, or (O) if the ordinance was adopted in March 1991 by the City of Centreville, or (P) if the ordinance was adopted on January 23, 1991 by the City of East St. Louis and, for redevelopment project areas for which bonds were issued before July 29, 1991, in connection with a redevelopment project in the area within the State Sales Tax Boundary and which were extended by municipal ordinance under subsection (n) of Section 11-74.4-3, the last maturity of the refunding obligations shall not be expressed to mature later than the date on which the redevelopment project area is terminated or December 31, 2013, whichever date occurs first.

In the event a municipality issues obligations under home rule powers or other legislative authority the proceeds of which are pledged to pay for redevelopment project
costs, the municipality may, if it has followed the procedures in conformance with this division, retire said obligations from funds in the special tax allocation fund in amounts and in such manner as if such obligations had been issued pursuant to the provisions of this division.

All obligations heretofore or hereafter issued pursuant to this Act shall not be regarded as indebtedness of the municipality issuing such obligations or any other taxing district for the purpose of any limitation imposed by law.

(65 ILCS 5/11-95-7) (from Ch. 24, par. 11-95-7)

Sec. 11-95-7. Whenever a petition signed by at least 10% of the electors of a municipality with a population of less than 500,000 is filed with the municipal clerk the municipal clerk shall certify the question of the establishment, maintenance, and conduct of a recreation system for submission to the electors at an election in accordance with the general election law. The petition shall request the corporate authorities of the municipality to establish, maintain, and conduct a supervised recreation system and to levy an annual tax for the establishment, conduct, and maintenance thereof. The petition shall designate the minimum tax to be levied except that in no case shall the tax be more than 0.09% of the value, as equalized or assessed by the Department of Revenue, of all taxable property within the corporate limits of the municipality.

The corporate authorities may accumulate funds from the proceeds of such tax for the purpose of building, repairs and improvements for recreation purposes in excess of current requirements for such purposes but subject to the limitation set herein.

(70 ILCS 2605/283)

Sec. 283. District enlarged. Upon the effective date of this amendatory Act of the 91st General Assembly, the corporate limits of the Metropolitan Water Reclamation District Act are extended to include within those limits the following described tract of land, and that tract is annexed to the District.

THAT PART OF SECTIONS 21, 28 AND 33, TOWNSHIP 42 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS:
BEGINNING AT THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 28; THENCE SOUTH 00 DEGREES 19 MINUTES 35 SECONDS EAST ALONG THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 28, A DISTANCE OF 2624.22 FEET TO THE SOUTHEAST CORNER OF SAID SECTION 28; THENCE SOUTH 00 DEGREES 04 MINUTES 45 SECONDS EAST ALONG THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 33, A DISTANCE OF 643.38 FEET; THENCE SOUTH 89 DEGREES 40 MINUTES 35 SECONDS WEST, A DISTANCE OF 1079.11 FEET TO A POINT ON A LINE 1079.10 FEET WEST OF
AND PARALLEL WITH THE EAST LINE OF SAID SECTION 33; THENCE SOUTH 00 DEGREES 04 MINUTES 45 SECONDS EAST ALONG SAID PARALLEL LINE, A DISTANCE OF 281.47 FEET; THENCE NORTH 89 DEGREES 40 MINUTES 35 SECONDS EAST, A DISTANCE OF 1079.11 FEET TO A POINT ON THE EAST LINE OF SAID SECTION 33; THENCE SOUTH 00 DEGREES 04 MINUTES 45 SECONDS EAST ALONG SAID EAST LINE, A DISTANCE OF 1707.93 FEET TO THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 33; THENCE NORTH 89 DEGREES 58 MINUTES 22 SECONDS WEST ALONG THE SOUTH LINE OF SAID NORTHEAST QUARTER, A DISTANCE OF 1079.10 FEET TO A POINT ON A LINE 1079.10 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF SAID SECTION 33; THENCE NORTH 00 DEGREES 04 MINUTES 45 SECONDS WEST ALONG SAID PARALLEL LINE, A DISTANCE OF 1313.07 FEET TO A POINT ON THE SOUTH LINE OF THE NORTH HALF OF THE NORTHEAST QUARTER OF SAID SECTION 33; THENCE SOUTH 89 DEGREES 51 MINUTES 05 SECONDS WEST ALONG THE SOUTH LINE OF THE NORTH HALF OF SAID NORTHEAST QUARTER, A DISTANCE OF 1334.88 FEET; THENCE NORTH 22 DEGREES 20 MINUTES 04 SECONDS EAST A DISTANCE OF 241.05 FEET TO A POINT ON A NON-TANGENT CURVE; THENCE NORTHWESTERLY ALONG A CURVE CONCAVE NORTHEASTERLY AND HAVING A RADIUS OF 165.00 FEET AND A CHORD BEARING OF NORTH 42 DEGREES 58 MINUTES 45 SECONDS WEST, AN ARC LENGTH OF 91.17 FEET TO A POINT ON A NON-TANGENT LINE; THENCE SOUTH 62 DEGREES 51 MINUTES 00 SECONDS WEST, A DISTANCE OF 135.00 FEET; THENCE NORTH 50 DEGREES 00 MINUTES 12 SECONDS WEST, A DISTANCE OF 114.07 FEET TO A POINT ON THE EAST LINE OF ILLINOIS ROUTE 59; THENCE NORTH 00 DEGREES 11 MINUTES 17 SECONDS WEST ALONG SAID EAST LINE, A DISTANCE OF 523.87 FEET; THENCE SOUTH 84 DEGREES 58 MINUTES 24 SECONDS EAST, A DISTANCE OF 228.14 FEET TO A POINT ON A NON-TANGENT CURVE; THENCE NORTHERLY ALONG A CURVE CONCAVE WESTERLY AND HAVING A RADIUS OF 1501.93 FEET AND A CHORD BEARING OF NORTH 01 DEGREES 29 MINUTES 47 SECONDS WEST, AN ARC LENGTH OF 341.98 FEET; THENCE SOUTH 81 DEGREES 58 MINUTES 50 SECONDS WEST, A DISTANCE OF 221.47 FEET TO A POINT ON SAID EASTERLY RIGHT OF WAY LINE OF ILLINOIS ROUTE 59; THENCE NORTHERLY ALONG THE EAST LINE OF SAID ILLINOIS ROUTE 59 FOR THE FOLLOWING EIGHT COURSES; (1) THENCE NORTH 00 DEGREES 11 MINUTES 17 SECONDS WEST, A DISTANCE OF 193.36 FEET TO A POINT ON THE SOUTH LINE OF SAID SECTION 28; (2) THENCE NORTH 00 DEGREES 11 MINUTES 05 SECONDS WEST, A DISTANCE OF 263.83 FEET TO A POINT ON THE SOUTH LINE OF THE NORTH HALF OF SAID SECTION 28; (3) THENCE
NORTH 00 DEGREES 12 MINUTES 10 SECONDS WEST, A DISTANCE OF 485.70 FEET TO A POINT ON A CURVE; (4) THENCE NORTHERLY ALONG A NON-TANGENT CURVE CONCAVE EASTERLY HAVING A RADIUS OF 4724.70 FEET AND A CHORD BEARING OF NORTH 06 DEGREES 32 MINUTES 11 SECONDS EAST WITH AN ARC LENGTH OF 1111.22; (5) THENCE NORTH 13 DEGREES 16 MINUTES 19 SECONDS EAST, A DISTANCE OF 303.90 FEET TO A POINT ON A CURVE; (6) THENCE NORTHERLY ALONG A NON-TANGENT CURVE CONCAVE WESTERLY HAVING A RADIUS OF 1482.40 FEET AND A CHORD BEARING OF NORTH 06 DEGREES 58 MINUTES 21 SECONDS WEST WITH AN ARC LENGTH OF 1047.56 FEET; (7) THENCE NORTHERLY ALONG A NON-TANGENT CURVE CONCAVE EASTERLY HAVING A RADIUS OF 2242.01 FEET AND A CHORD BEARING OF NORTH 20 DEGREES 03 MINUTES 26 SECONDS EAST WITH AN ARC LENGTH OF 384.99 FEET; (8) THENCE NORTH 24 DEGREES 58 MINUTES 30 SECONDS WEST, A DISTANCE OF 2212.09 FEET TO A POINT ON THE NORTH LINE OF THE SOUTH HALF OF SAID SECTION 21; THENCE SOUTH 89 DEGREES 51 MINUTES 08 SECONDS EAST ALONG SAID NORTH LINE, A DISTANCE OF 533.41 FEET; THENCE NORTH 00 DEGREES 21 MINUTES 39 SECONDS WEST, A DISTANCE OF 1131.30 FEET TO A POINT ON THE EAST LINE OF SAID ILLINOIS ROUTE 59; THENCE NORTHERLY ALONG SAID EAST LINE FOR THE FOLLOWING 3 COURSES; (1) THENCE NORTH 24 DEGREES 58 MINUTES 30 SECONDS EAST, A DISTANCE OF 1195.93 FEET; (2) THENCE NORTH 27 DEGREES 49 MINUTES 55 SECONDS EAST, A DISTANCE OF 200.22 FEET; (3) THENCE NORTH 24 DEGREES 58 MINUTES 12 SECONDS EAST, A DISTANCE OF 257.37 FEET TO A POINT ON THE NORTH LINE OF SAID SECTION 21; THENCE NORTH 89 DEGREES 57 MINUTES 47 SECONDS EAST ALONG SAID NORTH LINE, A DISTANCE OF 134.37 FEET; THENCE SOUTH 36 DEGREES 57 MINUTES 24 SECONDS WEST, A DISTANCE OF 285.13 FEET; THENCE SOUTH 00 DEGREES 47 MINUTES 47 SECONDS EAST, A DISTANCE OF 600.00 FEET; THENCE SOUTH 82 DEGREES 06 MINUTES 19 SECONDS EAST, A DISTANCE OF 221.79 FEET TO A POINT ON A CURVE BEING THE WEST LINE OF BARTLETT ROAD; THENCE ALONG THE WEST LINE OF SAID BARTLETT ROAD FOR THE FOLLOWING SEVEN COURSES; (1) THENCE SOUTHERLY ALONG A NON-TANGENT CURVE CONCAVE EASTERLY HAVING A RADIUS OF 5779.65 FEET AND A CHORD BEARING OF SOUTH 06 DEGREES 40 MINUTES 43 SECONDS WEST WITH AN ARC LENGTH OF 182.71 FEET; (2) THENCE SOUTH 89 DEGREES 50 MINUTES 29 SECONDS WEST, A DISTANCE OF 13.94 FEET; (3) THENCE SOUTH 00 DEGREES 09 MINUTES 31 SECONDS EAST, A DISTANCE OF 154.30 FEET TO A POINT ON A CURVE; (4) THENCE SOUTHERLY ALONG A NON-TANGENT CURVE CONCAVE EASTERLY HAVING A RADIUS OF 5779.65 FEET AND A CHORD

New matter indicated by italics - deletions by strikeout.
BEARING OF SOUTH 02 DEGREES 02 MINUTES 21 SECONDS WEST WITH AN ARC LENGTH 443.40 FEET; (5) THENCE NORTH 89 DEGREES 50 MINUTES 29 SECONDS EAST, A DISTANCE OF 17.00 FEET; (6) THENCE SOUTH 00 DEGREES 09 MINUTES 31 SECONDS EAST, A DISTANCE OF 991.17 FEET; (7) THENCE SOUTH 00 DEGREES 11 MINUTES 19 SECONDS EAST, A DISTANCE OF 389.83 FEET; THENCE NORTH 89 DEGREES 48 MINUTES 41 SECONDS EAST, A DISTANCE OF 33.00 FEET TO A POINT ON THE EAST LINE OF SAID SECTION 21; THENCE SOUTH 00 DEGREES 11 MINUTES 19 SECONDS EAST ALONG SAID EAST LINE, A DISTANCE OF 2245.24 FEET TO THE NORTHEAST CORNER OF SAID SECTION 28; THENCE NORTH 89 DEGREES 50 MINUTES 29 SECONDS WEST ALONG THE NORTH LINE OF SAID SECTION 28, A DISTANCE OF 123.76 FEET TO A POINT ON A LINE 123.76 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 28; THENCE SOUTH 00 DEGREES 27 MINUTES 50 SECONDS EAST ALONG SAID PARALLEL LINE; A DISTANCE OF 173.24 FEET TO A POINT ON A LINE 173.24 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF SAID SECTION 28; THENCE SOUTH 89 DEGREES 50 MINUTES 29 SECONDS EAST ALONG SAID PARALLEL LINE, A DISTANCE OF 123.76 FEET TO A POINT ON THE EAST LINE OF SAID SECTION 28; THENCE SOUTH 00 DEGREES 27 MINUTES 50 SECONDS EAST ALONG SAID EAST LINE, A DISTANCE OF 2454.80 FEET TO THE POINT OF BEGINNING, IN COOK COUNTY, ILLINOIS.

(Source: P.A. 91-945, eff. 2-9-01.)

(70 ILCS 2605/285)

Sec. 285. District enlarged. Upon the effective date of this amendatory Act of the 91st General Assembly, the corporate limits of the Metropolitan Water Reclamation District Act are extended to include within those limits the following described tracts of land, and those tracts are annexed to the District.

PARCEL 2:
THAT PART OF THE SOUTHWEST 1/4 OF SECTION 30 LYING SOUTH OF THE SOUTHERLY RIGHT OF WAY LINE OF ILLINOIS STATE ROUTE 72, COMMONLY KNOWN AS NEW HIGGINS ROAD, (EXCEPT THE WEST 190 FEET THEREOF) ALL IN TOWNSHIP 42 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, ALSO THE NORTHWEST 1/4 OF SECTION 31 (EXCEPT THE WEST 190 FEET THEREOF AND EXCEPT THE SOUTH 1501.64 FEET AS MEASURED ALONG THE EAST AND WEST LINES THEREOF), ALL IN TOWNSHIP 42 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, ALSO COMMENCING AT THE NORTHWEST CORNER OF THE NORTHEAST 1/4 OF SECTION 31, TOWNSHIP 42 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, FOR A PLACE OF BEGINNING; THENCE SOUTH 0 DEGREES 12 MINUTES WEST 2640.0 FEET TO A FENCE CORNER AND THE

New matter indicated by italics - deletions by strikeout.
CENTER OF SAID SECTION 31; THENCE SOUTH 89 DEGREES 54 MINUTES EAST 2640.70 FEET TO THE SOUTHEAST CORNER OF THE NORTHEAST 1/4 OF SAID SECTION 31; THENCE NORTHERLY ALONG A FENCE LINE 1306.73 FEET TO A FENCE CORNER; THENCE NORTH 89 DEGREES 20 MINUTES WEST ALONG A FENCE LINE 1318.55 FEET TO THE CENTER LINE OF A PUBLIC ROAD KNOWN AS BEVERLY LAKE ROAD; THENCE NORTH 0 DEGREES 14 MINUTES WEST ALONG THE CENTER OF SAID ROAD 958.02 FEET; THENCE NORTH 89 DEGREES 10 MINUTES WEST ALONG A CYCLONE FENCE 218.60 FEET TO A FENCE CORNER; THENCE NORTHERLY ALONG A CYCLONE FENCE 195.0 FEET TO A RIGHT OF WAY MONUMENT; THENCE NORTH 80 DEGREES 40 MINUTES WEST ALONG THE SOUTH RIGHT OF WAY OF ROUTE 72, 238.0 FEET TO A RIGHT OF WAY MONUMENT; THENCE NORTH 78 DEGREES 35 MINUTES WEST ALONG THE SOUTH RIGHT OF ACCESS LINE OF SAID ROUTE 72, 507.0 FEET TO A RIGHT OF WAY MONUMENT; THENCE NORTH 76 DEGREES 12 MINUTES WEST ALONG THE SOUTH RIGHT OF WAY OF ROUTE 72, 336.50 FEET TO A CONCRETE RIGHT OF WAY MONUMENT ON THE WEST LINE OF THE SOUTHEAST 1/4 OF SECTION 30; THENCE SOUTH 0 DEGREES 12 MINUTES WEST 49.31 FEET TO THE PLACE OF BEGINNING,
(EXCEPT THAT PART LYING EAST OF THE CENTER LINE OF BEVERLY ROAD;
AND EXCEPTION THAT PART FALLING WITHIN THE FOLLOWING DESCRIBED TRACT OF LAND:
BEGINNING AT THE INTERSECTION OF THE CENTER LINE OF BEVERLY ROAD AND THE RIGHT OF WAY LINE OF HIGGINS ROAD IN SECTION 31, TOWNSHIP 42 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN; THENCE SOUTHERLY ALONG THE CENTER LINE OF BEVERLY ROAD 165 FEET; THENCE WESTERLY 243.59 FEET; THENCE NORTHERLY 195.81 FEET TO THE SOUTH RIGHT OF WAY LINE OF HIGGINS ROAD; THENCE SOUTHEASTERLY ALONG THE SOUTH RIGHT OF WAY LINE OF HIGGINS ROAD TO THE PLACE OF BEGINNING;
AND EXCEPT THAT PART DEDICATED FOR BEVERLY ROAD BY PLAT OF DEDICATION RECORDED SEPTEMBER 16, 1988 AS DOCUMENT 88424906),
ALSO THE SOUTH 1501.64 FEET AS MEASURED ALONG THE EAST AND WEST LINES OF THE NORTHWEST 1/4 OF SECTION 31 (EXCEPT THE WEST 190 FEET THEREOF), ALL IN TOWNSHIP 42 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN,

New matter indicated by italics - deletions by strikeout.
THEREFROM THE WEST 190 FEET OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 31 AND EXCEPT THE SOUTH 75.00 FEET OF THE WEST 211.00 FEET OF THE EAST 370.75 FEET OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 31, TOWNSHIP 42 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, AND EXCEPT THE NORTH 10 RODS (165.00 FEET) OF THE WEST 211.00 FEET OF THE EAST 370.75 FEET OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 31, TOWNSHIP 42 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

ALSO THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 31, TOWNSHIP 42 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN (EXCEPT THE WEST 190 FEET THEREOF AND EXCEPT THAT PART OF THE SOUTHWEST 1/4 OF SECTION 31, TOWNSHIP 42 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS BEGINNING AT A POINT ON THE SOUTH LINE OF SAID SECTION WHICH IS 190.0 FEET EAST OF THE SOUTHWEST CORNER OF SAID SECTION; THENCE NORTH ALONG A STRAIGHT LINE 190.0 FEET EAST OF AND PARALLEL WITH THE WEST LINE OF SAID SECTION FOR A DISTANCE OF 150.0 FEET; THENCE SOUTHEASTERLY TO A POINT ON THE SOUTH LINE OF SAID SECTION WHICH IS 250.0 FEET EAST OF THE POINT OF BEGINNING; THENCE WEST ALONG THE SOUTH LINE OF SAID SECTION 250.0 FEET TO THE POINT OF BEGINNING), IN COOK COUNTY, ILLINOIS.

ALSO THAT PART OF THE SOUTHWEST 1/4 OF SECTION 31, TOWNSHIP 42 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS BEGINNING AT A POINT ON THE SOUTH LINE OF SAID SECTION WHICH IS 190.0 FEET EAST OF THE SOUTHWEST CORNER OF SAID SECTION; THENCE NORTH ALONG A STRAIGHT LINE 190.0 FEET EAST OF AND PARALLEL WITH THE WEST LINE OF SAID SECTION FOR A DISTANCE OF 150.0 FEET; THENCE SOUTHEASTERLY TO A POINT ON THE SOUTH LINE OF SAID SECTION WHICH IS 250.0 FEET EAST OF THE POINT OF BEGINNING; THENCE WEST ALONG THE SOUTH LINE OF SAID SECTION 250.0 FEET TO THE POINT OF BEGINNING, IN COOK COUNTY, ILLINOIS.


New matter indicated by italics - deletions by strikeout.
SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 31, TOWNSHIP 42 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, EXTENDED SOUTHERLY TO THE AFORESAID NORTHERLY LINE OF ILLINOIS STATE TOLL HIGHWAY, ALSO THAT PART OF THE NORTHEAST 1/4 OF SECTION 31, TOWNSHIP 42 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:
BEGINNING AT THE INTERSECTION OF THE CENTER LINE OF BEVERLY ROAD AND THE SOUTH RIGHT OF WAY LINE OF HIGGINS ROAD; THENCE SOUTHERLY ALONG THE CENTER LINE OF BEVERLY ROAD 165 FEET; THENCE WESTERLY 243.59 FEET; THENCE NORTHERLY 195.81 FEET TO THE SOUTH RIGHT OF WAY LINE OF HIGGINS ROAD; THENCE SOUTHERLY ALONG THE SOUTH RIGHT OF WAY LINE OF HIGGINS ROAD TO THE PLACE OF BEGINNING, ALL IN COOK COUNTY, ILLINOIS.

PARCEL 3:
THE SOUTH 70 RODS (1155.00 FEET) OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 31, TOWNSHIP 42 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, ALSO THE SOUTH 70 RODS (1155.00 FEET) OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 31, TOWNSHIP 42 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN (EXCEPTING THAT PART THEREOF LYING EAST AND SOUTH OF THE WEST AND NORTH LINES OF THE LAND CONVEYED TO THE ILLINOIS STATE TOLL HIGHWAY AUTHORITY BY DEED RECORDED JULY 29, 1994 AS DOCUMENT NO. 94-667,873, SAID WEST AND NORTH LINES DESCRIBED AS COMMENCING AT THE SOUTHEAST CORNER OF SAID SOUTHWEST QUARTER FOR A POINT OF BEGINNING; THENCE SOUTH 89 DEGREES 47 MINUTES 33 SECONDS WEST ALONG THE SOUTH LINE OF SAID SECTION 31 A DISTANCE OF 32.56 FEET; THENCE NORTH 06 DEGREES 06 MINUTES 43 SECONDS WEST 297.65 FEET; THENCE NORTH 00 DEGREES 52 MINUTES 23 SECONDS EAST 400.65 FEET; THENCE SOUTH 89 DEGREES 54 MINUTES 16 SECONDS EAST 58.81 FEET TO THE EAST LINE OF SAID SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER), ALSO ALL THAT PART OF FRACTIONAL SECTION 5, TOWNSHIP 41 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING (i) NORTHERLY OF THE NORTHERLY LINE OF THE PREMISES CONVEYED TO THE ILLINOIS STATE TOLL HIGHWAY COMMISSION BY DEED RECORDED JUNE 12, 1956 AS DOCUMENT NO. 16607889; (ii) EASTERLY OF THE EAST LINE OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 31, TOWNSHIP 42 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, EXTENDED SOUTHERLY TO THE AFORESAID NORTHERLY LINE OF THE ILLINOIS STATE TOLL HIGHWAY; AND (iii)
Westerly of the East 279.0 feet of said Section 5, excepting therefrom the following described tract conveyed to the Illinois State Toll Highway Authority by deed recorded July 29, 1994 as document no. 94-667,873:

Commencing at the northeast corner of said Section 5; thence south 89 degrees 58 minutes 08 seconds west along the north line of said Section 5 a distance of 279.00 feet to the west line of the East 279.00 feet of said Section 5 for a point of beginning; thence continuing south 89 degrees 58 minutes 08 seconds west along said north line 13.53 feet; thence south 06 degrees 06 minutes 43 seconds east 61.86 feet to the north right of way line of the northern Illinois Toll Highway as conveyed by deed document no. 16607889 recorded June 12, 1956; thence north 89 degrees 51 minutes 14 seconds east along said north right of way line 6.71 feet to said west line of the East 279.00 feet; thence north 00 degrees 13 minutes 12 seconds east along said west line 61.50 feet to the point of beginning;

said premises also being capable of being legally described as follows:

That part of fractional section 5, township 41 north, range 9 east of the third principal meridian lying (i) northerly of the premises conveyed to the Illinois State Toll Highway Commission by deed recorded June 12, 1956 as document no. 16607889; (ii) east of the west line of the southeast 1/4 of the southwest 1/4 of section 31, township 42 north, range 9 east of the third principal meridian, extended straight south; and (iii) westerly of the following described line; beginning at a point on the north line of said fractional section 5, 13.53 feet west of the west line of the East 279.00 feet of said fractional section 5; and thence southeasterly along a straight line 61.86 feet, more or less, to a point on the northerly line of said premises conveyed by document no. 16607889, 6.71 feet westerly of said west line of the East 279.00 feet of fractional section 5, all in Cook County, Illinois.

Parcel 4:

That part of the following described tract: that part of fractional sections 5 and 6, township 41 north, range 9 east of the third principal meridian, described as follows: beginning at the northwest corner of said fractional section 5; thence east along the north line of said fractional section 5, 1128.36 feet, more or less, to the
WESTERLY RIGHT-OF-WAY LINE OF PUBLIC SERVICE COMPANY (NOW COMMONWEALTH EDISON COMPANY) BY DEED DOCUMENT NO. 9693090 RECORDED JUNE 21, 1927; THENCE SOUTHERLY ALONG SAID WESTERLY RIGHT-OF-WAY LINE OF PUBLIC SERVICE COMPANY 3725.69 FEET, MORE OR LESS, TO THE CENTER LINE OF SHOE FACTORY ROAD BY DOCUMENT NO. 9202301 RECORDED MARCH 10, 1926; THENCE WESTERLY ALONG SAID CENTER LINE OF SHOE FACTORY ROAD 1079.49 FEET, MORE OR LESS, TO A POINT ON THE CENTER LINE OF SHOE FACTORY ROAD BY DOCUMENT NO. 13018010 RECORDED JANUARY 15, 1943, 75.40 FEET EASTERLY OF THE POINT OF INTERSECTION OF THE EAST LINE OF SECTION 7 IN THE AFORESAID TOWNSHIP AND RANGE AND SAID CENTER LINE OF SHOE FACTORY ROAD AS MEASURED ALONG SAID CENTER LINE OF SHOE FACTORY ROAD; THENCE NORTHERLY ALONG A STRAIGHT LINE 3828.58 FEET, MORE OR LESS, TO A POINT ON THE NORTH LINE OF SAID FRACTIONAL SECTION 6, 33.00 FEET WEST OF THE AFORESAID NORTHWEST CORNER OF FRACTIONAL SECTION 5; AND THENCE EAST ALONG SAID NORTH LINE OF FRACTIONAL SECTION 6, 33.00 FEET TO THE CORNER OF BEGINNING, EXCEPT THAT PART THEREOF LYING SOUTHERLY OF THE NORTHERLY RIGHT-OF-WAY LINE OF THE ILLINOIS STATE TOLL HIGHWAY AS CONVEYED TO OR TAKEN BY THE ILLINOIS STATE TOLL HIGHWAY COMMISSION, AS SAID NORTHERLY RIGHT-OF-WAY LINE IS OCCUPIED AND MONUMENTED; THAT LIES EAST OF A LINE DRAWN AT AN ANGLE OF SOUTH 1 DEGREE 30 MINUTES EAST FROM THE NORTHWEST CORNER OF FRACTIONAL SECTION 5.

PARCEL 5:
THAT PART OF THE FOLLOWING DESCRIBED TRACT:
THAT PART OF FRACTIONAL SECTIONS 5 AND 6, TOWNSHIP 41 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF SAID FRACTIONAL SECTION 5; THENCE EAST ALONG THE NORTH LINE OF SAID FRACTIONAL SECTION 5, 1128.36 FEET, MORE OR LESS, TO THE WESTERLY RIGHT-OF-WAY LINE OF PUBLIC SERVICE COMPANY (NOW COMMONWEALTH EDISON COMPANY) BY DEED DOCUMENT NO. 9693090 RECORDED JUNE 21, 1927; THENCE SOUTHERLY ALONG SAID WESTERLY RIGHT-OF-WAY LINE OF PUBLIC SERVICE COMPANY 3725.69 FEET, MORE OR LESS, TO THE CENTER LINE OF SHOE FACTORY ROAD BY DOCUMENT NO. 9202301 RECORDED MARCH 10, 1926; THENCE WESTERLY ALONG SAID CENTER LINE OF SHOE FACTORY ROAD 1079.49 FEET, MORE OR LESS, TO A POINT ON THE CENTER LINE OF SHOE FACTORY ROAD BY DOCUMENT NO. 13018010 RECORDED JANUARY 15, 1943, 75.40 FEET EASTERLY OF THE POINT OF INTERSECTION OF THE
EAST LINE OF SECTION 7 IN THE AFORESAID TOWNSHIP AND RANGE AND SAID CENTER LINE OF SHOE FACTORY ROAD AS MEASURED ALONG SAID CENTER LINE OF SHOE FACTORY ROAD; THENCE NORTHERLY ALONG A STRAIGHT LINE 3828.58 FEET, MORE OR LESS, TO A POINT ON THE NORTH LINE OF SAID FRACTIONAL SECTION 6, 33.00 FEET WEST OF THE AFORESAID NORTHWEST CORNER OF FRACTIONAL SECTION 5; AND THENCE EAST ALONG SAID NORTH LINE OF FRACTIONAL SECTION 6, 33.00 FEET TO THE CORNER OF BEGINNING, EXCEPT THAT PART THEREOF LYING SOUTHERLY OF THE NORTHERLY RIGHT-OF-WAY LINE OF THE ILLINOIS STATE TOLL HIGHWAY AS CONVEYED TO OR TAKEN BY THE ILLINOIS STATE TOLL HIGHWAY COMMISSION, AS SAID NORTHERLY RIGHT-OF-WAY LINE IS OCCUPIED AND MONUMENTED;

WHICH LIES WEST OF A LINE DRAWN AT AN ANGLE OF SOUTH 1μ 30' EAST FROM THE NORTHWEST CORNER OF FRACTIONAL SECTION 5, ALSO THAT PART OF FRACTIONAL SECTION 6, TOWNSHIP 41 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: BEGINNING AT THE POINT OF INTERSECTION OF THE EAST LINE OF SECTION 7 IN THE AFORESAID TOWNSHIP AND RANGE AND THE CENTER LINE OF SHOE FACTORY ROAD BY DOCUMENT NO. 13018010 RECORDED JANUARY 15, 1943; THENCE WESTERLY ALONG SAID CENTER LINE OF SHOE FACTORY ROAD 208.65 FEET, MORE OR LESS, TO A POINT ON THE EASTERLY LINE OF THE L. CURCE FARM BY DOCUMENT NO. 16785517 RECORDED DECEMBER 20, 1956 EXTENDED SOUTHERLY TO SAID CENTER LINE OF SHOE FACTORY ROAD; THENCE NORTHERLY ALONG SAID EASTERLY LINE OF THE L. CURCE FARM EXTENDED SOUTHERLY AND SAID EASTERLY LINE OF THE L. CURCE FARM 3827.48 FEET, MORE OR LESS, TO A POINT ON THE NORTH LINE OF SAID FRACTIONAL SECTION 6, 238.48 FEET WEST OF THE NORTHWEST CORNER OF FRACTIONAL SECTION 5 IN THE AFORESAID TOWNSHIP AND RANGE; THENCE EAST ALONG SAID NORTH LINE OF SECTION 6, 205.48 FEET, MORE OR LESS, TO A POINT 33.00 FEET WEST OF SAID NORTHWEST CORNER OF FRACTIONAL SECTION 5; THENCE SOUTHERLY ALONG A STRAIGHT LINE 3828.58 FEET, MORE OR LESS, TO A POINT ON SAID CENTER LINE OF SHOE FACTORY ROAD 75.40 FEET EASTERLY OF THE POINT OF BEGINNING AS MEASURED ALONG SAID CENTER LINE OF SHOE FACTORY ROAD; AND THENCE WESTERLY ALONG SAID CENTER LINE OF SHOE FACTORY ROAD 75.40 FEET TO THE POINT OF BEGINNING, EXCEPT THAT PART THEREOF LYING SOUTHERLY OF THE NORTHERLY RIGHT-OF-WAY LINE OF THE ILLINOIS STATE TOLL HIGHWAY AS CONVEYED TO OR TAKEN BY THE ILLINOIS STATE TOLL HIGHWAY COMMISSION, AS SAID NORTHERLY

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RIGHT-OF-WAY LINE IS OCCUPIED AND MONUMENTED, ALL IN COOK COUNTY, ILLINOIS.
(Source: P.A. 91-945, eff. 2-9-01.)
(70 ILCS 2605/286)
Sec. 286. District enlarged. Upon the effective date of this amendatory Act of the 91st General Assembly, the corporate limits of the Metropolitan Water Reclamation District are extended to include within those limits the following described tracts of land that are annexed to the District:
Parcel 1:
The Northwest 1/4 of the Northeast 1/4 of Section 15, Township 35 North, Range 14, East of the Third Principal Meridian (except the South 66 feet thereof conveyed to Chicago District Pipeline Company, a corporation by deed recorded as document 14832873 and except the North 49.50 feet of the South 115.5 of the East 660.0 feet thereof, conveyed to Chicago District Pipeline Company, a corporation, by deed recorded on September 3, 1958 as document 17306418).
Parcel 2:
The South 66 feet of the Northwest 1/4 of the Northeast 1/4 of Section 15, Township 35 North, Range 14 East of the Third Principal Meridian in Cook County, Illinois.
Parcel 3:
The South 66 feet of the Northeast 1/4 of the Northeast 1/4 of Section 15, Township 35 North, Range 14 East of the Third Principal Meridian, in Cook County, Illinois.
Parcel 4:
That part of the Northeast quarter of the Northeast quarter of Section 15, Township 35 North, Range 14 East of the Third Principal Meridian, Cook County, Illinois, described as follows: commencing at the Northeast corner of said Northeast quarter; thence South 89 degrees 11 minutes 17 seconds West along the North line of said Northeast quarter a distance of 604.04 feet to the point of beginning; thence South 00 degrees 58 minutes 21 seconds East a distance of 1209.86 feet to an iron rod on the North line of the South 115.50 feet of the Northeast quarter of the Northeast quarter of said Section 15; thence South 89 degrees 13 minutes 25 seconds West along last said North line a distance of 720.22 feet to an iron rod on the West line of the Northeast quarter of the Northeast quarter of said Section 15; thence North 00 degrees 58 minutes 21 seconds West along last said West line a distance of 720.22 feet to the point of beginning, containing 20.00 acres.
(Source: P.A. 91-942, eff. 2-9-01; revised 3-19-01.)
(70 ILCS 2605/287)
Sec. 287. District enlarged. Upon the effective date of this amendatory Act of the 92nd General Assembly, the corporate limits of the Metropolitan Water Reclamation District are extended to include within those limits the following described tract of land, and

New matter indicated by italics - deletions by strikeout.
that tract is annexed to the District.

THAT PART OF THE NORTH HALF OF SECTION 8, TOWNSHIP 41 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 8, THENCE SOUTH 00 DEGREES 29 MINUTES 11 SECONDS WEST (ILLINOIS STATE PLACE GRID - EAST ZONE), ALONG THE WEST LINE OF SAID SECTION 8, AS MONUMENTED, A DISTANCE OF 1138.22 FEET TO THE CENTERLINE OF SHOE FACTORY ROAD PER DOCUMENT NUMBER 12259969; THENCE THE FOLLOWING ONE COURSE AND DISTANCE ALONG SAID CENTERLINE, SOUTH 89 DEGREES 56 MINUTES 54 SECONDS EAST A DISTANCE OF 75.47 FEET TO THE SOUTHEAST CORNER OF A PARCEL OF LAND CONVEYED TO COOK COUNTY ILLINOIS BY DOCUMENT NUMBER 14665399, THENCE NORTH 01 DEGREE 16 MINUTES 56 SECONDS WEST, ALONG THE EAST LINE OF SAID PARCEL, A DISTANCE OF 50.01 FEET TO THE NORTHEAST CORNER OF SAID PARCEL; THENCE SOUTH 89 DEGREES 56 MINUTES 54 SECONDS EAST A DISTANCE OF 95.80 FEET TO A POINT OF CURVATURE; THENCE EASTERLY ALONG THE ARC OF A TANGENTIAL CURVE, CONCAVE TO THE NORTH AND HAVING A RADIUS OF 4000.00 FEET, A DISTANCE OF 697.96 FEET TO A POINT OF TANGENCY; THENCE NORTH 80 DEGREES 03 MINUTES 14 SECONDS EAST A DISTANCE OF 286.47 FEET TO THE WEST LINE OF THE 190.00 FOOT-WIDE COMED PARCEL, AS MONUMENTED AND OCCUPIED, PER DOCUMENT NUMBERS 9693094, 9693090 AND 18690041, POINT ALSO BEING THE NORTHWEST CORNER OF A PARCEL OF LAND CONVEYED FOR PUBLIC RIGHT-OF-WAY PURPOSES PER DOCUMENT NUMBER 14176170, ALSO BEING THE POINT OF BEGINNING; THENCE CONTINUING NORTH 80 DEGREES 03 MINUTES 14 SECONDS EAST, ALONG THE NORTH LINE OF SAID RIGHT-OF-WAY PARCEL, A DISTANCE OF 152.32 FEET TO THE NORTHEAST CORNER THEREOF; THENCE SOUTH 00 DEGREES 04 MINUTES 04 SECONDS WEST, ALONG THE EAST LINE OF SAID PARCEL, A DISTANCE OF 50.77 FEET TO THE SOUTHERLY RIGHT-OF-WAY LINE OF SHOE FACTORY AS DEDICATED BY SAID BERNER ESTATES; THENCE SOUTH 80 DEGREES 03 MINUTES 14 SECONDS WEST, ALONG SAID SOUTHERLY LINE AND THE SOUTH LINE OF THE AFOREMENTIONED RIGHT-OF-WAY PARCEL PER DOCUMENT 14176170, A DISTANCE OF 218.33 FEET TO THE WEST LINE OF SAID PARCEL PER DOCUMENT NUMBER 14176170; THENCE
NORTH 00 DEGREES 04 MINUTES 04 SECONDS EAST, ALONG SAID WEST LINE, A DISTANCE OF 101.55 FEET TO THE POINT OF BEGINNING, CONTAINING 0.4254 ACRES, MORE OR LESS, AND LYING IN COOK COUNTY, ILLINOIS.

(Source: P.A. 92-143, eff. 7-24-01; revised 9-13-01.)

Section 36. The Regional Transportation Authority Act is amended by changing Section 4.03 as follows:

(70 ILCS 3615/4.03) (from Ch. 111 2/3, par. 704.03)

Sec. 4.03. Taxes.

(a) In order to carry out any of the powers or purposes of the Authority, the Board may by ordinance adopted with the concurrence of 9 of the then Directors, impose throughout the metropolitan region any or all of the taxes provided in this Section. Except as otherwise provided in this Act, taxes imposed under this Section and civil penalties imposed incident thereto shall be collected and enforced by the State Department of Revenue. The Department shall have the power to administer and enforce the taxes and to determine all rights for refunds for erroneous payments of the taxes.

(b) The Board may impose a public transportation tax upon all persons engaged in the metropolitan region in the business of selling at retail motor fuel for operation of motor vehicles upon public highways. The tax shall be at a rate not to exceed 5% of the gross receipts from the sales of motor fuel in the course of the business. As used in this Act, the term "motor fuel" shall have the same meaning as in the Motor Fuel Tax Law Act. The Board may provide for details of the tax. The provisions of any tax shall conform, as closely as may be practicable, to the provisions of the Municipal Retailers Occupation Tax Act, including without limitation, conformity to penalties with respect to the tax imposed and as to the powers of the State Department of Revenue to promulgate and enforce rules and regulations relating to the administration and enforcement of the provisions of the tax imposed, except that reference in the Act to any municipality shall refer to the Authority and the tax shall be imposed only with regard to receipts from sales of motor fuel in the metropolitan region, at rates as limited by this Section.

(c) In connection with the tax imposed under paragraph (b) of this Section the Board may impose a tax upon the privilege of using in the metropolitan region motor fuel for the operation of a motor vehicle upon public highways, the tax to be at a rate not in excess of the rate of tax imposed under paragraph (b) of this Section. The Board may provide for details of the tax.

(d) The Board may impose a motor vehicle parking tax upon the privilege of parking motor vehicles at off-street parking facilities in the metropolitan region at which a fee is charged, and may provide for reasonable classifications in and exemptions to the tax, for administration and enforcement thereof and for civil penalties and refunds thereunder and may provide criminal penalties thereunder, the maximum penalties not to exceed the maximum criminal penalties provided in the Retailers' Occupation Tax Act. The Authority may collect and enforce the tax itself or by contract with any unit of local government. The State Department of Revenue shall have no responsibility for the collection and enforcement

New matter indicated by italics - deletions by strikeout.
unless the Department agrees with the Authority to undertake the collection and enforcement. As used in this paragraph, the term "parking facility" means a parking area or structure having parking spaces for more than 2 vehicles at which motor vehicles are permitted to park in return for an hourly, daily, or other periodic fee, whether publicly or privately owned, but does not include parking spaces on a public street, the use of which is regulated by parking meters.

(e) The Board may impose a Regional Transportation Authority Retailers' Occupation Tax upon all persons engaged in the business of selling tangible personal property at retail in the metropolitan region. In Cook County the tax rate shall be 1% of the gross receipts from sales of food for human consumption that is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks and food that has been prepared for immediate consumption) and prescription and nonprescription medicines, drugs, medical appliances and insulin, urine testing materials, syringes and needles used by diabetics, and 3/4% of the gross receipts from other taxable sales made in the course of that business. In DuPage, Kane, Lake, McHenry, and Will Counties, the tax rate shall be 1/4% of the gross receipts from all taxable sales made in the course of that business. The tax imposed under this Section and all civil penalties that may be assessed as an incident thereof shall be collected and enforced by the State Department of Revenue. The Department shall have full power to administer and enforce this Section; to collect all taxes and penalties so collected in the manner hereinafter provided; and to determine all rights to credit memoranda arising on account of the erroneous payment of tax or penalty hereunder. In the administration of, and compliance with this Section, the Department and persons who are subject to this Section shall have the same rights, remedies, privileges, immunities, powers and duties, and be subject to the same conditions, restrictions, limitations, penalties, exclusions, exemptions and definitions of terms, and employ the same modes of procedure, as are prescribed in Sections 1, 1a, 1a-1, 1c, 1d, 1e, 1f, 1i, 1j, 2 through 2-65 (in respect to all provisions therein other than the State rate of tax), 2c, 3 (except as to the disposition of taxes and penalties collected), 4, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5h, 5i, 5j, 5k, 5l, 6, 6a, 6b, 6c, 7, 8, 9, 10, 11, 12 and 13 of the Retailers' Occupation Tax Act and Section 3-7 of the Uniform Penalty and Interest Act, as fully as if those provisions were set forth herein.

Persons subject to any tax imposed under the authority granted in this Section may reimburse themselves for their seller's tax liability hereunder by separately stating the tax as an additional charge, which charge may be stated in combination in a single amount with State taxes that sellers are required to collect under the Use Tax Act, under any bracket schedules the Department may prescribe.

Whenever the Department determines that a refund should be made under this Section to a claimant instead of issuing a credit memorandum, the Department shall notify the State Comptroller, who shall cause the warrant to be drawn for the amount specified, and to the person named, in the notification from the Department. The refund shall be paid by the State Treasurer out of the Regional Transportation Authority tax fund established under paragraph (n) of this Section.

If a tax is imposed under this subsection (e), a tax shall also be imposed under

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subsections (f) and (g) of this Section.

For the purpose of determining whether a tax authorized under this Section is applicable, a retail sale by a producer of coal or other mineral mined in Illinois, is a sale at retail at the place where the coal or other mineral mined in Illinois is extracted from the earth. This paragraph does not apply to coal or other mineral when it is delivered or shipped by the seller to the purchaser at a point outside Illinois so that the sale is exempt under the Federal Constitution as a sale in interstate or foreign commerce.

Nothing in this Section shall be construed to authorize the Regional Transportation Authority to impose a tax upon the privilege of engaging in any business that under the Constitution of the United States may not be made the subject of taxation by this State.

(f) If a tax has been imposed under paragraph (e), a Regional Transportation Authority Service Occupation Tax shall also be imposed upon all persons engaged, in the metropolitan region in the business of making sales of service, who as an incident to making the sales of service, transfer tangible personal property within the metropolitan region, either in the form of tangible personal property or in the form of real estate as an incident to a sale of service. In Cook County, the tax rate shall be: (1) 1% of the serviceman's cost price of food prepared for immediate consumption and transferred incident to a sale of service subject to the service occupation tax by an entity licensed under the Hospital Licensing Act or the Nursing Home Care Act that is located in the metropolitan region; (2) 1% of the selling price of food for human consumption that is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks and food that has been prepared for immediate consumption) and prescription and nonprescription medicines, drugs, medical appliances and insulin, urine testing materials, syringes and needles used by diabetics; and (3) 3/4% of the selling price from other taxable sales of tangible personal property transferred. In DuPage, Kane, Lake, McHenry and Will Counties the rate shall be 1/4% of the selling price of all tangible personal property transferred.

The tax imposed under this paragraph and all civil penalties that may be assessed as an incident thereof shall be collected and enforced by the State Department of Revenue. The Department shall have full power to administer and enforce this paragraph; to collect all taxes and penalties due hereunder; to dispose of taxes and penalties collected in the manner hereinafter provided; and to determine all rights to credit memoranda arising on account of the erroneous payment of tax or penalty hereunder. In the administration of and compliance with this paragraph, the Department and persons who are subject to this paragraph shall have the same rights, remedies, privileges, immunities, powers and duties, and be subject to the same conditions, restrictions, limitations, penalties, exclusions, exemptions and definitions of terms, and employ the same modes of procedure, as are prescribed in Sections 1a-1, 2, 2a, 3 through 3-50 (in respect to all provisions therein other than the State rate of tax), 4 (except that the reference to the State shall be to the Authority), 5, 7, 8 (except that the jurisdiction to which the tax shall be a debt to the extent indicated in that Section 8 shall be the Authority), 9 (except as to the disposition of taxes and penalties collected, and except that the returned merchandise credit for this tax may not be taken against any State tax), 10, 11, 12 (except the reference therein to Section 2b of the Retailers' Occupation Tax Act), 13

New matter indicated by italics - deletions by strikeout.
Persons subject to any tax imposed under the authority granted in this paragraph may reimburse themselves for their serviceman's tax liability hereunder by separately stating the tax as an additional charge, that charge may be stated in combination in a single amount with State tax that servicemen are authorized to collect under the Service Use Tax Act, under any bracket schedules the Department may prescribe.

Whenever the Department determines that a refund should be made under this paragraph to a claimant instead of issuing a credit memorandum, the Department shall notify the State Comptroller, who shall cause the warrant to be drawn for the amount specified, and to the person named in the notification from the Department. The refund shall be paid by the State Treasurer out of the Regional Transportation Authority tax fund established under paragraph (n) of this Section.

Nothing in this paragraph shall be construed to authorize the Authority to impose a tax upon the privilege of engaging in any business that under the Constitution of the United States may not be made the subject of taxation by the State.

(g) If a tax has been imposed under paragraph (e), a tax also be imposed upon the privilege of using in the metropolitan region, any item of tangible personal property that is purchased outside the metropolitan region at retail from a retailer, and that is titled or registered with an agency of this State's government. In Cook County the tax rate shall be 3/4% of the selling price of the tangible personal property, as "selling price" is defined in the Use Tax Act. In DuPage, Kane, Lake, McHenry and Will counties the tax rate shall be 1/4% of the selling price of the tangible personal property, as "selling price" is defined in the Use Tax Act. The tax shall be collected from persons whose Illinois address for titling or registration purposes is given as being in the metropolitan region. The tax shall be collected by the Department of Revenue for the Regional Transportation Authority. The tax must be paid to the State, or an exemption determination must be obtained from the Department of Revenue, before the title or certificate of registration for the property may be issued. The tax or proof of exemption may be transmitted to the Department by way of the State agency with which, or the State officer with whom, the tangible personal property must be titled or registered if the Department and the State agency or State officer determine that this procedure will expedite the processing of applications for title or registration.

The Department shall have full power to administer and enforce this paragraph; to collect all taxes, penalties and interest due hereunder; to dispose of taxes, penalties and interest collected in the manner hereinafter provided; and to determine all rights to credit memoranda or refunds arising on account of the erroneous payment of tax, penalty or interest hereunder. In the administration of and compliance with this paragraph, the Department and persons who are subject to this paragraph shall have the same rights, remedies, privileges, immunities, powers and duties, and be subject to the same conditions, restrictions, limitations, penalties, exclusions, exemptions and definitions of terms and employ the same modes of procedure, as are prescribed in Sections 2 (except the definition of "retailer

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maintaining a place of business in this State"), 3 through 3-80 (except provisions pertaining to the State rate of tax, and except provisions concerning collection or refunding of the tax by retailers), 4, 11, 12, 12a, 14, 15, 19 (except the portions pertaining to claims by retailers and except the last paragraph concerning refunds), 20, 21 and 22 of the Use Tax Act, and are not inconsistent with this paragraph, as fully as if those provisions were set forth herein.

Whenever the Department determines that a refund should be made under this paragraph to a claimant instead of issuing a credit memorandum, the Department shall notify the State Comptroller, who shall cause the order to be drawn for the amount specified, and to the person named in the notification from the Department. The refund shall be paid by the State Treasurer out of the Regional Transportation Authority tax fund established under paragraph (n) of this Section.

(h) The Authority may impose a replacement vehicle tax of $50 on any passenger car as defined in Section 1-157 of the Illinois Vehicle Code purchased within the metropolitan region by or on behalf of an insurance company to replace a passenger car of an insured person in settlement of a total loss claim. The tax imposed may not become effective before the first day of the month following the passage of the ordinance imposing the tax and receipt of a certified copy of the ordinance by the Department of Revenue. The Department of Revenue shall collect the tax for the Authority in accordance with Sections 3-2002 and 3-2003 of the Illinois Vehicle Code.

The Department shall immediately pay over to the State Treasurer, ex officio, as trustee, all taxes collected hereunder. On or before the 25th day of each calendar month, the Department shall prepare and certify to the Comptroller the disbursement of stated sums of money to the Authority. The amount to be paid to the Authority shall be the amount collected hereunder during the second preceding calendar month by the Department, less any amount determined by the Department to be necessary for the payment of refunds. Within 10 days after receipt by the Comptroller of the disbursement certification to the Authority provided for in this Section to be given to the Comptroller by the Department, the Comptroller shall cause the orders to be drawn for that amount in accordance with the directions contained in the certification.

(i) The Board may not impose any other taxes except as it may from time to time be authorized by law to impose.

(j) A certificate of registration issued by the State Department of Revenue to a retailer under the Retailers' Occupation Tax Act or under the Service Occupation Tax Act shall permit the registrant to engage in a business that is taxed under the tax imposed under paragraphs (b), (e), (f) or (g) of this Section and no additional registration shall be required under the tax. A certificate issued under the Use Tax Act or the Service Use Tax Act shall be applicable with regard to any tax imposed under paragraph (c) of this Section.

(k) The provisions of any tax imposed under paragraph (c) of this Section shall conform as closely as may be practicable to the provisions of the Use Tax Act, including without limitation conformity as to penalties with respect to the tax imposed and as to the powers of the State Department of Revenue to promulgate and enforce rules and regulations relating to the administration and enforcement of the provisions of the tax imposed. The
taxes shall be imposed only on use within the metropolitan region and at rates as provided in the paragraph.

(l) The Board in imposing any tax as provided in paragraphs (b) and (c) of this Section, shall, after seeking the advice of the State Department of Revenue, provide means for retailers, users or purchasers of motor fuel for purposes other than those with regard to which the taxes may be imposed as provided in those paragraphs to receive refunds of taxes improperly paid, which provisions may be at variance with the refund provisions as applicable under the Municipal Retailers Occupation Tax Act. The State Department of Revenue may provide for certificates of registration for users or purchasers of motor fuel for purposes other than those with regard to which taxes may be imposed as provided in paragraphs (b) and (c) of this Section to facilitate the reporting and nontaxability of the exempt sales or uses.

(m) Any ordinance imposing or discontinuing any tax under this Section shall be adopted and a certified copy thereof filed with the Department on or before June 1, whereupon the Department of Revenue shall proceed to administer and enforce this Section on behalf of the Regional Transportation Authority as of September 1 next following such adoption and filing. Beginning January 1, 1992, an ordinance or resolution imposing or discontinuing the tax hereunder shall be adopted and a certified copy thereof filed with the Department on or before the first day of July, whereupon the Department shall proceed to administer and enforce this Section as of the first day of October next following such adoption and filing. Beginning January 1, 1993, an ordinance or resolution imposing or discontinuing the tax hereunder shall be adopted and a certified copy thereof filed with the Department on or before the first day of October, whereupon the Department shall proceed to administer and enforce this Section as of the first day of January next following such adoption and filing.

(n) The State Department of Revenue shall, upon collecting any taxes as provided in this Section, pay the taxes over to the State Treasurer as trustee for the Authority. The taxes shall be held in a trust fund outside the State Treasury. On or before the 25th day of each calendar month, the State Department of Revenue shall prepare and certify to the Comptroller of the State of Illinois the amount to be paid to the Authority, which shall be the then balance in the fund, less any amount determined by the Department to be necessary for the payment of refunds. The State Department of Revenue shall also certify to the Authority the amount of taxes collected in each County other than Cook County in the metropolitan region less the amount necessary for the payment of refunds to taxpayers in the County. With regard to the County of Cook, the certification shall specify the amount of taxes collected within the City of Chicago less the amount necessary for the payment of refunds to taxpayers in the City of Chicago and the amount collected in that portion of Cook County outside of Chicago less the amount necessary for the payment of refunds to taxpayers in that portion of Cook County outside of Chicago. Within 10 days after receipt by the Comptroller of the certification of the amount to be paid to the Authority, the Comptroller shall cause an order to be drawn for the payment for the amount in accordance with the direction in the certification.

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In addition to the disbursement required by the preceding paragraph, an allocation shall be made in July 1991 and each year thereafter to the Regional Transportation Authority. The allocation shall be made in an amount equal to the average monthly distribution during the preceding calendar year (excluding the 2 months of lowest receipts) and the allocation shall include the amount of average monthly distribution from the Regional Transportation Authority Occupation and Use Tax Replacement Fund. The distribution made in July 1992 and each year thereafter under this paragraph and the preceding paragraph shall be reduced by the amount allocated and disbursed under this paragraph in the preceding calendar year. The Department of Revenue shall prepare and certify to the Comptroller for disbursement the allocations made in accordance with this paragraph.

(o) Failure to adopt a budget ordinance or otherwise to comply with Section 4.01 of this Act or to adopt a Five-year Program or otherwise to comply with paragraph (b) of Section 2.01 of this Act shall not affect the validity of any tax imposed by the Authority otherwise in conformity with law.

(p) At no time shall a public transportation tax or motor vehicle parking tax authorized under paragraphs (b), (c) and (d) of this Section be in effect at the same time as any retailers' occupation, use or service occupation tax authorized under paragraphs (e), (f) and (g) of this Section is in effect.

Any taxes imposed under the authority provided in paragraphs (b), (c) and (d) shall remain in effect only until the time as any tax authorized by paragraphs (e), (f) or (g) of this Section are imposed and becomes effective. Once any tax authorized by paragraphs (e), (f) or (g) is imposed the Board may not reimpose taxes as authorized in paragraphs (b), (c) and (d) of the Section unless any tax authorized by paragraphs (e), (f) or (g) of this Section becomes ineffective by means other than an ordinance of the Board.

(q) Any existing rights, remedies and obligations (including enforcement by the Regional Transportation Authority) arising under any tax imposed under paragraphs (b), (c) or (d) of this Section shall not be affected by the imposition of a tax under paragraphs (e), (f) or (g) of this Section.

(Source: P.A. 91-51, eff. 6-30-99; 92-221, eff. 8-2-01; revised 12-07-01.)

Section 37. The School Code is amended by changing Sections 1D-1, 2-3.35, 14-9.01, 18-8.05, 22-27, and 34A-403.1 and renumbering Section 14-1.09.02 as follows:

(105 ILCS 5/1D-1)

Sec. 1D-1. Block grant funding.

(a) For fiscal year 1996 and each fiscal year thereafter, the State Board of Education shall award to a school district having a population exceeding 500,000 inhabitants a general education block grant and an educational services block grant, determined as provided in this Section, in lieu of distributing to the district separate State funding for the programs described in subsections (b) and (c). The provisions of this Section, however, do not apply to any federal funds that the district is entitled to receive. In accordance with Section 2-3.32, all block grants are subject to an audit. Therefore, block grant receipts and block grant expenditures shall be recorded to the appropriate fund code for the designated block grant.

(b) The general education block grant shall include the following programs: REI
Initiative, Summer Bridges, Preschool At Risk, K-6 Comprehensive Arts, School Improvement Support, Urban Education, Scientific Literacy, Substance Abuse Prevention, Second Language Planning, Staff Development, Outcomes and Assessment, K-6 Reading Improvement, Truants' Optional Education, Hispanic Programs, Agriculture Education, Gifted Education, Parental Education, Prevention Initiative, Report Cards, and Criminal Background Investigations. Notwithstanding any other provision of law, all amounts paid under the general education block grant from State appropriations to a school district in a city having a population exceeding 500,000 inhabitants shall be appropriated and expended by the board of that district for any of the programs included in the block grant or any of the board's lawful purposes.

(c) The educational services block grant shall include the following programs: Bilingual, Regular and Vocational Transportation, State Lunch and Free Breakfast Program, Special Education (Personnel, Extraordinary, Transportation, Orphanage, Private Tuition), Summer School, Educational Service Centers, and Administrator's Academy. This subsection (c) does not relieve the district of its obligation to provide the services required under a program that is included within the educational services block grant. It is the intention of the General Assembly in enacting the provisions of this subsection (c) to relieve the district of the administrative burdens that impede efficiency and accompany single-program funding. The General Assembly encourages the board to pursue mandate waivers pursuant to Section 2-3.25g.

(d) For fiscal year 1996 and each fiscal year thereafter, the amount of the district's block grants shall be determined as follows: (i) with respect to each program that is included within each block grant, the district shall receive an amount equal to the same percentage of the current fiscal year appropriation made for that program as the percentage of the appropriation received by the district from the 1995 fiscal year appropriation made for that program, and (ii) the total amount that is due the district under the block grant shall be the aggregate of the amounts that the district is entitled to receive for the fiscal year with respect to each program that is included within the block grant that the State Board of Education shall award the district under this Section for that fiscal year. In the case of the Summer Bridges program, the amount of the district's block grant shall be equal to 44% of the amount of the current fiscal year appropriation made for that program.

(e) The district is not required to file any application or other claim in order to receive the block grants to which it is entitled under this Section. The State Board of Education shall make payments to the district of amounts due under the district's block grants on a schedule determined by the State Board of Education.

(f) A school district to which this Section applies shall report to the State Board of Education on its use of the block grants in such form and detail as the State Board of Education may specify.

(g) This paragraph provides for the treatment of block grants under Article 1C for purposes of calculating the amount of block grants for a district under this Section. Those block grants under Article 1C are, for this purpose, treated as included in the amount of appropriation for the various programs set forth in paragraph (b) above. The appropriation...
in each current fiscal year for each block grant under Article 1C shall be treated for these purposes as appropriations for the individual program included in that block grant. The proportion of each block grant so allocated to each such program included in it shall be the proportion which the appropriation for that program was of all appropriations for such purposes now in that block grant, in fiscal 1995.
(Source: P.A. 90-566, eff. 1-2-98; 90-653, eff. 7-29-98; 91-711, eff. 7-1-00; revised 12-04-01.)

(105 ILCS 5/2-3.35) (from Ch. 122, par. 2-3.35)
Sec. 2-3.35. Department of School District Organization. To establish a Department of School District Organization to assist local school districts in studying school district organization problems so as to improve educational opportunities for the students and:

(1) To provide consultant service to local school districts to help them determine and understand the necessary quality educational program needed for the youth of today, and the necessary services and resources to develop and support it.

(2) To provide consultant service to school districts that need to reorganize through consolidation, joint agreements, etc., in order to provide for a quality educational program.

(3) To provide consultant service to school districts needing help to solve internal organizational problems that must be solved to provide a quality educational program.

(4) To provide information annually to the School Problems Commission regarding progress made in improving school district organization as well as school district reorganization. Such factual information should provide a basis for legislation to solve organizational problems for school districts when they cannot or will not be solved at the local school district level.

(5) May make area surveys of strengths and weaknesses of local school districts and recommend, where necessary, a course of action to meet adequate standards.
(Source: Laws 1967, p. 2639; revised 12-06-01.)

(105 ILCS 5/14-1.09.2)
Sec. 14-1.09.2. School Social Work Services. In the public schools, social work services may be provided by qualified specialists who hold Type 73 School Service Personnel Certificates endorsed for school social work issued by the State Teacher Certification Board.

School social work services may include, but are not limited to:

(1) Identifying students in need of special education services by conducting a social-developmental study in a case study evaluation;

(2) Developing and implementing comprehensive interventions with students, parents, and teachers that will enhance student adjustment to, and performance in, the school setting;

(3) Consulting and collaborating with teachers and other school personnel regarding behavior management and intervention plans and inclusion in support of

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special education students in regular classroom settings;

(4) Counseling with students, parents, and teachers in accordance with the rules and regulations governing provision of related services, provided that parent permission must be obtained in writing before a student participates in a group counseling session;

(5) Acting as a liaison between the public schools and community resources;

(6) Developing and implementing school-based prevention programs including mediation and violence prevention;

(7) Providing crisis intervention within the school setting;

(8) Supervising school social work interns enrolled in school social work programs that meet the standards established by the State Board of Education;

(9) Providing parent education and counseling as appropriate in relation to the child's educational assessment; and

(10) Assisting in completing a functional behavioral assessment, as well as assisting in the development of nonaversive behavioral intervention strategies.

Nothing in this Section prohibits other certified professionals from providing any of the services listed in this Section for which they are appropriately trained.

(Source: P.A. 92-362, eff. 8-15-01; revised 10-9-01.)

(105 ILCS 5/14-9.01) (from Ch. 122, par. 14-9.01)

Sec. 14-9.01. Qualifications of teachers, other professional personnel and necessary workers. No person shall be employed to teach any class or program authorized by this Article who does not hold a valid teacher's certificate as provided by law and unless he has had such special training as the State Board of Education may require. No special certificate or endorsement to a special certificate issued under Section 21-4 on or after July 1, 1994, shall be valid for teaching students with visual disabilities unless the person to whom the certificate or endorsement is issued has attained satisfactory performance on an examination that is designed to assess competency in Braille reading and writing skills according to standards that the State Board of Education may adopt. Evidence of successfully completing the examination of Braille reading and writing skills must be submitted to the State Board of Education prior to an applicant's examination of the subject matter knowledge test required under Section 21-1a. Beginning July 1, 1995, in addition to other requirements, a candidate for a teaching certification in the area of the deaf and hard of hearing granted by the Illinois State Board of Education for teaching deaf and hard of hearing students in grades pre-school through grade 12 must demonstrate a minimum proficiency in sign language as determined by the Illinois State Board of Education. All other professional personnel employed in any class, service, or program authorized by this Article shall hold such certificates and shall have had such special training as the State Board of Education may require; provided that in a school district organized under Article 34, the school district may employ speech and language pathologists who are licensed under the Illinois Speech-Language Pathology and Audiology Practice Act but who do not hold a certificate issued under the School Code if the district certifies that a chronic shortage of certified personnel exists. Nothing contained in this Act prohibits the school board from employing

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necessary workers to assist the teacher with the special educational facilities, except that all such necessary workers must have had such training as the State Board of Education may require.

No later than January 1, 1993, the State Board of Education shall develop, in consultation with the Advisory Council on the Education of Children with Disabilities and the Advisory Council on Bilingual Education, rules governing the qualifications for certification of teachers and school service personnel providing services to limited English proficient students receiving special education and related services.

The employment of any teacher in a special education program provided for in Sections 14-1.01 to 14-14.01, inclusive, shall be subject to the provisions of Sections 24-11 to 24-16, inclusive. Any teacher employed in a special education program, prior to the effective date of this amendatory Act of 1987, in which 2 or more districts participate shall enter upon contractual continued service in each of the participating districts subject to the provisions of Sections 24-11 to 24-16, inclusive.

(105 ILCS 5/18-8.05)
Sec. 18-8.05. Basis for apportionment of general State financial aid and supplemental general State aid to the common schools for the 1998-1999 and subsequent school years. (A) General Provisions.

(1) The provisions of this Section apply to the 1998-1999 and subsequent school years. The system of general State financial aid provided for in this Section is designed to assure that, through a combination of State financial aid and required local resources, the financial support provided each pupil in Average Daily Attendance equals or exceeds a prescribed per pupil Foundation Level. This formula approach imputes a level of per pupil Available Local Resources and provides for the basis to calculate a per pupil level of general State financial aid that, when added to Available Local Resources, equals or exceeds the Foundation Level. The amount of per pupil general State financial aid for school districts, in general, varies in inverse relation to Available Local Resources. Per pupil amounts are based upon each school district's Average Daily Attendance as that term is defined in this Section.

(2) In addition to general State financial aid, school districts with specified levels or concentrations of pupils from low income households are eligible to receive supplemental general State financial aid grants as provided pursuant to subsection (H). The supplemental State aid grants provided for school districts under subsection (H) shall be appropriated for distribution to school districts as part of the same line item in which the general State financial aid of school districts is appropriated under this Section.

(3) To receive financial assistance under this Section, school districts are required to file claims with the State Board of Education, subject to the following requirements:

(a) Any school district which fails for any given school year to maintain school as required by law, or to maintain a recognized school is not eligible to file for such school year any claim upon the Common School Fund. In case of

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nonrecognition of one or more attendance centers in a school district otherwise operating recognized schools, the claim of the district shall be reduced in the proportion which the Average Daily Attendance in the attendance center or centers bear to the Average Daily Attendance in the school district. A "recognized school" means any public school which meets the standards as established for recognition by the State Board of Education. A school district or attendance center not having recognition status at the end of a school term is entitled to receive State aid payments due upon a legal claim which was filed while it was recognized.

(b) School district claims filed under this Section are subject to Sections 18-9, 18-10, and 18-12, except as otherwise provided in this Section.

(c) If a school district operates a full year school under Section 10-19.1, the general State aid to the school district shall be determined by the State Board of Education in accordance with this Section as near as may be applicable.

(d) (Blank).

(4) Except as provided in subsections (H) and (L), the board of any district receiving any of the grants provided for in this Section may apply those funds to any fund so received for which that board is authorized to make expenditures by law.

School districts are not required to exert a minimum Operating Tax Rate in order to qualify for assistance under this Section.

(5) As used in this Section the following terms, when capitalized, shall have the meaning ascribed herein:

(a) "Average Daily Attendance": A count of pupil attendance in school, averaged as provided for in subsection (C) and utilized in deriving per pupil financial support levels.

(b) "Available Local Resources": A computation of local financial support, calculated on the basis of Average Daily Attendance and derived as provided pursuant to subsection (D).

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

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

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

(B) Foundation Level.

(1) The Foundation Level is a figure established by the State representing the minimum level of per pupil financial support that should be available to provide for the basic education of each pupil in Average Daily Attendance. As set forth in this Section, each school district is assumed to exert a sufficient local taxing effort such that, in combination

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with the aggregate of general State financial aid provided the district, an aggregate of State and local resources are available to meet the basic education needs of pupils in the district.

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

(3) For the 2001-2002 school year and each school year thereafter, the Foundation Level of support is $4,560 or such greater amount as may be established by law by the General Assembly.

(C) Average Daily Attendance.

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

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

(D) Available Local Resources.

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

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

(3) For school districts maintaining grades kindergarten through 12, local property tax revenues per pupil shall be calculated as the product of the applicable equalized assessed valuation for the district multiplied by 3.00%, and divided by the district's Average Daily Attendance figure. For school districts maintaining grades kindergarten through 8, local property tax revenues per pupil shall be calculated as the product of the applicable equalized assessed valuation for the district multiplied by 2.30%, and divided by the district's Average Daily Attendance figure. For school districts maintaining grades 9 through 12, local property tax revenues per pupil shall be the applicable equalized assessed valuation of the district multiplied by 1.05%, and divided by the district's Average Daily Attendance figure.
(4) The Corporate Personal Property Replacement Taxes paid to each school district during the calendar year 2 years before the calendar year in which a school year begins, divided by the Average Daily Attendance figure for that district, shall be added to the local property tax revenues per pupil as derived by the application of the immediately preceding paragraph (3). The sum of these per pupil figures for each school district shall constitute Available Local Resources as that term is utilized in subsection (E) in the calculation of general State aid.

(E) Computation of General State Aid.

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

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

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

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

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

(F) Compilation of Average Daily Attendance.

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

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

Days of attendance by tuition pupils shall be accredited only to the districts that pay

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

(a) Pupils regularly enrolled in a public school for only a part of the school day may be counted on the basis of 1/6 day for every class hour of instruction of 40 minutes or more attended pursuant to such enrollment, unless a pupil is enrolled in a block-schedule format of 80 minutes or more of instruction, in which case the pupil may be counted on the basis of the proportion of minutes of school work completed each day to the minimum number of minutes that school work is required to be held that day.

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

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

(d) A session of 3 or more clock hours may be counted as a day of attendance

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

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

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

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

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

(G) Equalized Assessed Valuation Data.

(1) For purposes of the calculation of Available Local Resources required pursuant to subsection (D), the State Board of Education shall secure from the Department of Revenue the value as equalized or assessed by the Department of Revenue of all taxable property of every school district, together with (i) the applicable tax rate used in extending taxes for the funds of the district as of September 30 of the previous year and (ii) the limiting rate for all school districts subject to property tax extension limitations as imposed under the Property Tax Extension Limitation Law.

This equalized assessed valuation, as adjusted further by the requirements of this subsection, shall be utilized in the calculation of Available Local Resources.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(5) For school districts having a majority of their equalized assessed valuation in any county except Cook, DuPage, Kane, Lake, McHenry, or Will, if the amount of general State aid allocated to the school district for the 1999-2000 school year under the provisions of subsection (E), (H), and (J) of this Section is less than the amount of general State aid allocated to the district for the 1998-1999 school year under these subsections, then the general State aid of the district for the 1999-2000 school year only shall be increased by the difference between these amounts. The total payments made under this paragraph (5) shall

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not exceed $14,000,000. Claims shall be prorated if they exceed $14,000,000.

(H) Supplemental General State Aid.

(1) In addition to the general State aid a school district is allotted pursuant to subsection (E), qualifying school districts shall receive a grant, paid in conjunction with a district's payments of general State aid, for supplemental general State aid based upon the concentration level of children from low-income households within the school district. Supplemental State aid grants provided for school districts under this subsection shall be appropriated for distribution to school districts as part of the same line item in which the general State financial aid of school districts is appropriated under this Section. For purposes of this subsection, the term "Low-Income Concentration Level" shall be the low-income eligible pupil count from the most recently available federal census divided by the Average Daily Attendance of the school district. If, however, (i) the percentage decrease from the 2 most recent federal censuses in the low-income eligible pupil count of a high school district with fewer than 400 students exceeds by 75% or more the percentage change in the total low-income eligible pupil count of contiguous elementary school districts, whose boundaries are coterminous with the high school district, or (ii) a high school district within 2 counties and serving 5 elementary school districts, whose boundaries are coterminous with the high school district, has a percentage decrease from the 2 most recent federal censuses in the low-income eligible pupil count and there is a percentage increase in the total low-income eligible pupil count of the elementary school districts in excess of 50% from the 2 most recent federal censuses, then the high school district's low-income eligible pupil count from the earlier federal census shall be the number used as the low-income eligible pupil count for the high school district, for purposes of this subsection (H). The changes made to this paragraph (1) by Public Act 92-28 this amending Act of the 92nd General Assembly shall apply to supplemental general State aid grants paid in fiscal year 1999 and in each fiscal year thereafter and to any State aid payments made in fiscal year 1994 through fiscal year 1998 pursuant to subsection 1(n) of Section 18-8 of this Code (which was repealed on July 1, 1998), and any high school district that is affected by Public Act 92-28 this amending Act of the 92nd General Assembly is entitled to a recomputation of its supplemental general State aid grant or State aid paid in any of those fiscal years. This recomputation shall not be affected by any other funding.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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by the State Board of Education until a plan or modified plan is submitted.

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

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

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

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

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

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

(3) For 2 or more school districts which annex all of the territory of one or more entire other school districts, and for 2 or more community unit districts which result upon the

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

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

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

(J) Supplementary Grants in Aid.

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

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Section 18-8 (exclusive of amounts received under subsections 5(p) and 5(p-5) of that Section) for the 1997-1998 school year, pursuant to the provisions of that Section as it was then in effect.

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

(3) (Blank).

(K) Grants to Laboratory and Alternative Schools.

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

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

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

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

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

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

(2) (Blank).

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

(M) Education Funding Advisory Board.

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

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

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confirmation or pursuant to temporary appointments that are made by the Governor as in the case of vacancies.

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

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

(N) (Blank).

(O) References.

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

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

(Source: P.A. 91-24, eff. 7-1-99; 91-93, eff. 7-9-99; 91-96, eff. 7-9-99; 91-111, eff. 7-14-99; 91-357, eff. 7-29-99; 91-533, eff. 8-13-99; 92-7, eff. 6-29-01; 92-16, eff. 6-28-01; 92-28, eff. 7-1-01; 92-29, eff. 7-1-01; 92-269, eff. 8-7-01; revised 8-7-01.)

(105 ILCS 5/22-27)
Sec. 22-27. World War II and Korean Conflict veterans; diplomas.
(a) Upon the request, the school board of any district that maintains grades 10 through 12 may award a diploma to any honorably discharged veteran who:

(1) served in the armed forces of the United States during World War II or the Korean Conflict;
(2) resided within an area currently within the district;
(3) left high school before graduating in order to serve in the armed forces of the United States; and
(4) has not received a high school diploma.

(b) The State Board of Education and the Department of Veterans' Affairs may issue rules consistent with the provisions of this Section that are necessary to implement this Section.

(Source: P.A. 92-446, eff. 1-1-02; revised 12-04-01.)

(105 ILCS 5/34A-403.1)
Sec. 34A-403.1. Fiscal year 1994 contracts. Notwithstanding any provision of this Section.

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Article to the contrary, the failure of a Board to have a Financial Plan approved by the School Finance Authority within 90 days after the effective date of this amendatory Act of 1993 shall not impair the Board's power to enter into any contract or other obligation or the Authority's powers and responsibilities under Sections 34A-404, 34A-405, and 34A-405.2 or in any other way affect the operations of the Board.

(Source: P.A. 88-511; revised 12-07-01.)

Section 38. The Public Community College Act is amended by renumbering and changing Section 3.25.2 as follows:

(110 ILCS 805/3-25.2) (from Ch. 122, par. 103-25.2)
Sec. 3-25.2. Armed forces recruiting and training. 3-25.2.
(a) To provide, on an equal basis, access to the campus to the official recruiting representatives of the armed forces of Illinois and the United States for the purpose of informing students of the educational and career opportunities available in the military if the board has provided such access to persons or groups whose purpose is to acquaint students with educational or occupational opportunities available to them. The board is not required to give greater notice regarding the right of access to recruiting representatives than is given to other persons and groups.

(b) To not bar or exclude from its curriculum, campus, or school facilities any armed forces training program or organization operated under the authority of the United States government because the program or organization complies with rules, regulations, or policies of the United States government or any agency, branch, or department thereof.

(Source: P.A. 87-788; revised 12-04-01.)

Section 39. The Nurses in Advancement Law is amended by changing Section 1-20 as follows:

(110 ILCS 970/1-20) (from Ch. 144, par. 2781-20)
Sec. 1-20. Scholarship requirements. It shall be lawful for any organization to condition any loan or grant upon the recipient's executing an agreement to commit not more than 5 years of his or her professional career to the goals specifically outlined within the agreement including a requirement that recipient practice nursing or medicine in specifically designated practice and geographic areas.

Any agreement executed by an organization and any recipient of loan or grant assistance shall contain a provision for liquidated damages to be paid for any breach of any provision of the agreement, or any commitment contained therein, together with attorney's fees and costs for the enforcement thereof. Any such covenant shall be valid and enforceable in the courts of this State as liquidated damages and shall not be considered a penalty, provided that the provision for liquidated damages does not exceed $2,500 for each year remaining for the performance of the agreement.

This Section shall not be construed as pertaining to or limiting any liquidated damages resulting from scholarships awarded under the Family Practice Residency Act.

(Source: P.A. 87-633; revised 12-04-01.)

Section 40. The Illinois Banking Act is amended by changing Sections 14 and 48 as follows:

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Sec. 14. Stock. Unless otherwise provided for in this Act provisions of general application to stock of a state bank shall be as follows:

(1) All banks shall have their capital divided into shares of a par value of not less than $1 each and not more than $100 each, however, the par value of shares of a bank effecting a reverse stock split pursuant to item (8) of subsection (a) of Section 17 may temporarily exceed this limit provided it conforms to the limits immediately after the reverse stock split is completed. No issue of capital stock or preferred stock shall be valid until not less than the par value of all such stock so issued shall be paid in and notice thereof by the president, a vice-president or cashier of the bank has been transmitted to the Commissioner. In the case of an increase in capital stock by the declaration of a stock dividend, the capitalization of retained earnings effected by such stock dividend shall constitute the payment for such shares required by the preceding sentence, provided that the surplus of said bank after such stock dividend shall be at least equal to fifty per cent of the capital as increased. The charter shall not limit or deny the voting power of the shares of any class of stock except as provided in Section 15(3) of this Act.

(2) Pursuant to action taken in accordance with the requirements of Section 17, a bank may issue preferred stock of one or more classes as shall be approved by the Commissioner as hereinafter provided, and make such amendment to its charter as may be necessary for this purpose; but in the case of any newly organized bank which has not yet issued capital stock the requirements of Section 17 shall not apply.

(3) Without limiting the authority herein contained a bank, when so provided in its charter and when approved by the Commissioner, may issue shares of preferred stock:

(a) Subject to the right of the bank to redeem any of such shares at not exceeding the price fixed by the charter for the redemption thereof;

(b) Subject to the provisions of subsection (8) of this Section 14 entitling the holders thereof to cumulative or noncumulative dividends;

(c) Having preference over any other class or classes of shares as to the payment of dividends;

(d) Having preference as to the assets of the bank over any other class or classes of shares upon the voluntary or involuntary liquidation of the bank;

(e) Convertible into shares of any other class of stock, provided that preferred shares shall not be converted into shares of a different par value unless that part of the capital of the bank represented by such preferred shares is at the time of the conversion equal to the aggregate par value of the shares into which the preferred shares are to be converted.

(4) If any part of the capital of a bank consists of preferred stock, the determination of whether or not the capital of such bank is impaired and the amount of such impairment shall be based upon the par value of its stock even though the amount which the holders of such preferred stock shall be entitled to receive in the event of retirement or liquidation shall be in excess of the par value of such preferred stock.

(5) Pursuant to action taken in accordance with the requirements of Section 17 of this

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Act, a state bank may provide for a specified number of authorized but unissued shares of capital stock for one or more of the following purposes:

(a) Reserved for issuance under stock option plan or plans to directors, officers or employees;

(b) Reserved for issuance upon conversion of convertible preferred stock issued pursuant to and in compliance with the provisions of subsections (2) and (3) of this Section 14.

(c) Reserved for issuance upon conversion of convertible debentures or other convertible evidences of indebtedness issued by a state bank, provided always that the terms of such conversion have been approved by the Commissioner;

(d) Reserved for issuance by the declaration of a stock dividend. If and when any shares of capital stock are proposed to be authorized and reserved for any of the purposes set forth in subparagraphs (a), (b) or (c) above, the notice of the meeting, whether special or annual, of stockholders at which such proposition is to be considered shall be accompanied by a statement setting forth or summarizing the terms upon which the shares of capital stock so reserved are to be issued, and the extent to which any preemptive rights of stockholders are inapplicable to the issuance of the shares so reserved or to the convertible preferred stock or convertible debentures or other convertible evidences of indebtedness, and the approving vote of the holders of at least two-thirds of the outstanding shares of stock entitled to vote at such meeting of the terms of such issuance shall be requisite for the adoption of any amendment providing for the reservation of authorized but unissued shares for any of said purposes. Nothing in this subsection (5) contained shall be deemed to authorize the issuance of any capital stock for a consideration less than the par value thereof.

(6) Upon written application to the Commissioner 60 days prior to the proposed purchase and receipt of the written approval of the Commissioner, a state bank may purchase and hold as treasury stock such amounts of the total number of issued and outstanding shares of its capital and preferred stock outstanding as the Commissioner determines is consistent with safety and soundness of the bank. The Commissioner may specify the manner of accounting for the treasury stock and the form of notice prior to ultimate disposition of the shares. Except as authorized in this subsection, it shall not be lawful for a state bank to purchase or hold any additional such shares or securities described in subsection (2) of Section 37 unless necessary to prevent loss upon a debt previously contracted in good faith, in which event such shares or securities so purchased or acquired shall, within 6 months from the time of purchase or acquisition, be sold or disposed of at public or private sale. Any state bank which intends to purchase and hold treasury stock as authorized in this subsection (6) shall file a written application with the Commissioner 60 days prior to any such proposed purchase. The application shall state the number of shares to be purchased, the consideration for the shares, the name and address of the person from whom the shares are to be purchased, if known, and the total percentage of its issued and outstanding shares to be held by the bank after the purchase. The total consideration paid by a state bank for treasury stock shall reduce
capital and surplus of the bank for purposes of Sections of this Act relating to lending and investment limits which require computation of capital and surplus. After considering and approving an application to purchase and hold treasury stock under this subsection, the Commissioner may waive or reduce the balance of the 60 day application period. The Commissioner may specify the form of the application for approval to acquire treasury stock and promulgate rules and regulations for the administration of this subsection (6). A state bank may acquire or resell its own shares as treasury stock pursuant to this subsection (6) without a change in its charter pursuant to Section 17. Such stock may be held for any purpose permitted in subsection (5) of this Section or may be resold upon such reasonable terms as the board of directors may determine provided notice is given to the Commissioner prior to the resale of such stock.

(7) During the time that a state bank shall continue its banking business, it shall not withdraw or permit to be withdrawn, either in the form of dividends or otherwise, any portion of its capital, but nothing in this subsection shall prevent a reduction or change of the capital stock or the preferred stock under the provisions of Sections 17 through 30 of this Act, a purchase of treasury stock under the provisions of subsection (6) of this Section 14 or a redemption of preferred stock pursuant to charter provisions therefor.

(8) (a) Subject to the provisions of this Act, the board of directors of a state bank from time to time may declare a dividend of so much of the net profits of such bank as it shall judge expedient, but each bank before the declaration of a dividend shall carry at least one-tenth of its net profits since the date of the declaration of the last preceding dividend, or since the issuance of its charter in the case of its first dividend, to its surplus until the same shall be equal to its capital.

(b) No dividends shall be paid by a state bank while it continues its banking business to an amount greater than its net profits then on hand, deducting first therefrom its losses and bad debts. All debts due to a state bank on which interest is past due and unpaid for a period of 6 months or more, unless the same are well secured and in the process of collection, shall be considered bad debts.

(9) A State bank may, but shall not be obliged to, issue a certificate for a fractional share, and, by action of its board of directors, may in lieu thereof, pay cash equal to the value of the fractional share. A certificate for a fractional share shall entitle the holder to exercise fractional voting rights, to receive dividends, and to participate in any of the assets of the bank in the event of liquidation.

(Source: P.A. 92-483, eff. 8-23-01; revised 12-07-01.)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) "Fiscal year" for purposes of this Section 48 is defined as a period beginning July 1 of any year and ending June 30 of the next year. The Commissioner shall receive for each fiscal year, commencing with the fiscal year ending June 30, 1987, a contingent fee equal to the lesser of the aggregate of the fees paid by all State banks under paragraph (a) of subsection (3) for that year, or the amount, if any, whereby the aggregate of the administration expenses, as defined in paragraph (c), for that fiscal year exceeds the sum of the aggregate of the fees payable by all State banks for that year under paragraph (a) of subsection (3), plus any amounts transferred into the Bank and Trust Company Fund from the State Pensions Fund for that year, plus all other amounts collected by the Commissioner for that year under any other provision of this Act, plus the aggregate of all fees collected for that year by the Commissioner under the Corporate Fiduciary Act, excluding the receivership fees provided for in Section 5-10 of the Corporate Fiduciary Act, and the Foreign Banking Office Act. The aggregate amount of the contingent fee thus arrived at for any fiscal year shall be apportioned amongst, assessed upon, and paid by the State banks and foreign banking corporations, respectively, in the same proportion that the fee of each under paragraph (a) of subsection (3), respectively, for that year bears to the aggregate for that year of the fees collected under paragraph (a) of subsection (3). The aggregate amount of the contingent fee, and the portion thereof to be assessed upon each State bank and foreign banking corporation, respectively, shall be determined by the Commissioner and shall be paid by each, respectively, within 120 days of the close of the period for which the contingent fee is computed and is payable, and the Commissioner shall give 20 days advance notice of the amount of the contingent fee payable by the State bank and of the date fixed by the Commissioner for payment of the fee.

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

(d) The aggregate of all fees collected by the Commissioner under this Act, the Corporate Fiduciary Act, or the Foreign Banking Office Act on and after July 1, 1979, shall be paid promptly after receipt of the same, accompanied by a detailed statement thereof, into the State treasury and shall be set apart in a special fund to be known as the "Bank and Trust Company Fund", except as provided in paragraph (c) of subsection (11) of this Section. All earnings received from investments of funds in the Bank and Trust Company Fund shall be deposited in the Bank and Trust Company Fund and may be used for the same purposes as fees deposited in that Fund. The amount from time to time deposited into the Bank and Trust Company Fund shall be used to offset the ordinary administrative expenses of the Commissioner of Banks and Real Estate as defined in this Section. Nothing in this amendatory Act of 1979 shall prevent continuing the practice of paying expenses involving salaries, retirement, social security, and State-paid insurance premiums of State officers by appropriations from the General Revenue Fund. However, the General Revenue Fund shall be reimbursed for those payments made on and after July 1, 1979, by an annual transfer of funds from the Bank and Trust Company Fund.

(d-1) Adequate funds shall be available in the Bank and Trust Company Fund to permit the timely payment of administration expenses. In each fiscal year the total administration expenses shall be deducted from the total fees collected by the

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Commissioner and the remainder transferred into the Cash Flow Reserve Account, unless the balance of the Cash Flow Reserve Account prior to the transfer equals or exceeds one-fourth of the total initial appropriations from the Bank and Trust Company Fund for the subsequent year, in which case the remainder shall be credited to State banks and foreign banking corporations and applied against their fees for the subsequent year. The amount credited to each State bank and foreign banking corporation shall be in the same proportion as the Call Report Fees paid by each for the year bear to the total Call Report Fees collected for the year. If, after a transfer to the Cash Flow Reserve Account is made or if no remainder is available for transfer, the balance of the Cash Flow Reserve Account is less than one-fourth of the total initial appropriations for the subsequent year and the amount transferred is less than 5% of the total Call Report Fees for the year, additional amounts needed to make the transfer equal to 5% of the total Call Report Fees for the year shall be apportioned amongst, assessed upon, and paid by the State banks and foreign banking corporations in the same proportion that the Call Report Fees of each, respectively, for the year bear to the total Call Report Fees collected for the year. The additional amounts assessed shall be transferred into the Cash Flow Reserve Account. For purposes of this paragraph (d-1), the calculation of the fees collected by the Commissioner shall exclude the receivership fees provided for in Section 5-10 of the Corporate Fiduciary Act.

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

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

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

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

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

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

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

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

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

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

(e) To conduct hearings.

(7) Whenever, in the opinion of the Commissioner, any director, officer, employee, or agent of a State bank or any subsidiary or bank holding company of the bank or, after May 31, 1997, of any branch of an out-of-state bank or any subsidiary or bank holding company of the bank shall have violated any law, rule, or order relating to that bank or any subsidiary or bank holding company of the bank, shall have obstructed or impeded any examination or investigation by the Commissioner, shall have engaged in an unsafe or unsound practice in conducting the business of that bank or any subsidiary or bank holding company of the bank, or shall have violated any law or engaged or participated in any unsafe or unsound practice in connection with any financial institution or other business entity such that the character and fitness of the director, officer, employee, or agent does not assure reasonable promise of safe and sound operation of the State bank, the Commissioner may issue an order of removal. If, in the opinion of the Commissioner, any former director, officer, employee, or agent of a State bank or any subsidiary or bank holding company of the bank, prior to the termination of his or her service with that bank or any subsidiary or bank holding company

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

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

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

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

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

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

(a) (Blank).

(b) The Foundation is empowered to receive voluntary contributions, gifts, grants, bequests, and donations on behalf of the Illinois Bank Examiners' Education Foundation from national banks and other persons for the purpose of funding the endowment of the Illinois Bank Examiners' Education Foundation.

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

(12) (Blank).

(Source: P.A. 91-16, eff. 7-1-99; 92-20, eff. 7-1-01; 92-483, eff. 8-23-01; revised 9-10-01.)

Section 41. The Illinois Savings and Loan Act of 1985 is amended by changing Section 3-10 as follows:

(205 ILCS 105/3-10) (from Ch. 17, par. 3303-10)
Sec. 3-10. Prohibited Activities. No officer, director, employee or agent of an association shall knowingly:

(a) Receive any property of the association otherwise than in the payment for a just demand and, with intent to defraud, omit to make or cause or direct to be made a full and true entry thereof in its books and accounts;

(b) Concur in omitting to make any material entry of the receipt or possession of association property in the books and accounts of the association;

(c) Subject to the provisions of Section 7-4 7-4.3, make any loan to, or purchase any loan or investment from, the Commissioner or any supervisor, examiner, employee, expert or other special assistant employed or appointed by the Commissioner, or knowingly concur in the making or purchasing of such loan or investment; and

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(d) Directly or indirectly grant, give or transfer, or cause the same to be granted, given or transferred, or concur in the granting, giving or transferring to the Commissioner or any supervisor, examiner, employee, expert or other special assistant employed or appointed by the Commissioner any sum of money or any property as a gift, reward, inducement, loan or otherwise.

(Source: P.A. 84-543; revised 12-07-01.)

Section 42. The Banking Emergencies Act is amended by changing Section 1 as follows:

(205 ILCS 610/1) (from Ch. 17, par. 1001)
Sec. 1. Definitions. As used in this Act, unless the context otherwise requires:
(1) "Commissioner" means the officer of this State designated by law to exercise supervision over banks and trust companies, and any other person lawfully exercising such powers.
(2) "Bank" includes commercial banks, trust companies and any branch thereof lawfully carrying on the business of banking and, to the extent that the provisions hereof are not inconsistent with and do not infringe upon paramount Federal law, also includes national banks.
(3) "Officer" means the person or persons designated by the board of directors, to act for the bank in carrying out the provisions of this Act or, in the absence of any such designation or of the officer or officers so designated, the president or any other officer currently in charge of the bank or of the office or offices in question.
(4) "Office" means any place at which a bank transacts its business or conducts operations related to its business.
(5) "Emergency" means any condition or occurrence which may interfere physically with the conduct of normal business operations at one or more or all of the offices of a bank, or which poses an imminent or existing threat to the safety or security of persons or property, or both at one or more or all of the offices of a bank. Without limiting the generality of the foregoing, an emergency may arise as a result of any one or more of the following: natural disasters; civil strife; power failures; computer failures; interruption of communication facilities; robbery or attempted robbery.
(Source: P.A. 92-483, eff. 8-23-01; revised 10-10-01.)

Section 43. The Corporate Fiduciary Act is amended by changing the heading of Article IVA as follows:

(205 ILCS 620/Article IVA heading)
ARTICLE IVA. MULTISTATE TRUST ACTIVITIES

Section 44. The Transmitters of Money Act is amended by changing Section 92 as follows:

(205 ILCS 657/92)
Sec. 92. Receivership.
(a) If the Director determines that a licensee is insolvent or is violating this Act, he or she may appoint a receiver. Under the direction of the Director, the receiver shall, for the purpose of receivership, take possession of and title to the books, records, and assets of the

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licensee. The Director may require the receiver to provide security in an amount the Director deems proper. Upon appointment of the receiver, the Director shall have published, once each week for 4 consecutive weeks in a newspaper having a general circulation in the community, a notice informing all persons who have claims against the licensee to present them to the receiver. Within 10 days after the receiver takes possession, the licensee may apply to the Circuit Court of Sangamon County to enjoin further proceedings. The receiver may operate the business until the Director determines that possession should be restored to the licensee or that the business should be liquidated.

(b) If the Director determines that a business in receivership should be liquidated, he or she shall direct the Attorney General to file a complaint in the Circuit Court of the county in which the business is located, in the name of the People of the State of Illinois, for the orderly liquidation and dissolution of the business and for an injunction restraining the licensee and its officers and directors from continuing the operation of the business. Within 30 days after the day the Director determines that the business should be liquidated, the receiver shall file with the Director and with the clerk of the court that has charge of the liquidation a correct list of all creditors, as shown by the licensee’s books and records, who have not presented their claims. The list shall state the amount of the claim after allowing all just credits, deductions, and set-offs as shown by the licensee's books. These claims shall be deemed proven unless some interested party files an objection within the time fixed by the Director or court that has charge of the liquidation.

(c) The General Assembly finds and declares that transmitters of money debt management services provide important and vital services to Illinois citizens. It is therefore declared to be the policy of this State that customers who receive these services must be protected from interruptions of services. To carry out this policy and to insure that customers of a licensee are protected if it is determined that a business in receivership should be liquidated, the Director shall make a distribution of moneys collected by the receiver in the following order of priority:

1. Allowed claims for the actual necessary expenses of the receivership of the business being liquidated, including:
   
   (A) reasonable receiver's fees and receiver's attorney's fees approved by the Director;
   
   (B) all expenses of any preliminary or other examinations into the condition of the receivership;
   
   (C) all expenses incurred by the Director that are incident to possession and control of any property or records of the licensee's business; and
   
   (D) reasonable expenses incurred by the Director as the result of business agreements or contractual arrangements necessary to insure that the services of the licensee are delivered to the community without interruption. These business agreements or contractual arrangements may include, but are not limited to, agreements made by the Director, or by the receiver with the approval of the Director, with banks, bonding companies, and other types of

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financial institutions.

(2) Allowed unsecured claims for wages or salaries, excluding vacation, severance, and sick leave pay earned by employees within 90 days before the appointment of a receiver.

(3) Allowed unsecured claims of any tax, and interest and penalty on the tax.

(4) Allowed unsecured claims, other than a kind specified in items (1), (2), and (3) of this subsection, filed with the Director within the time the Director fixes for filing claims.

(5) Allowed unsecured claims, other than a kind specified in items (1), (2), and (3) of this subsection, filed with the Director after the time fixed for filing claims by the Director.

(6) Allowed creditor claims asserted by an owner, member, or stockholder of the business in liquidation.

(7) After one year from the final dissolution of the licensee's business, all assets not used to satisfy allowed claims shall be distributed pro rata to the owner, owners, members, or stockholders of the business.

The Director shall pay all claims of equal priority according to the schedule established in this subsection and shall not pay claims of lower priority until all higher priority claims are satisfied. If insufficient assets are available to meet all claims of equal priority, those assets shall be distributed pro rata among those claims. All unclaimed assets of a licensee and the licensee's business shall be deposited with the Director to be paid out when proper claims are presented to the Director.

(d) Upon the order of the circuit court of the county in which the business being liquidated is located, the receiver may sell or compound any bad or doubtful debt, and on like order may sell the personal property of the business on such terms as the court approves. The receiver shall succeed to whatever rights or remedies the unsecured creditors of the business may have against the owner or owners, operators, stockholders, directors, members, managers, or officers, arising out of their claims against the licensee's business, but nothing contained in this Section shall prevent those creditors from filing their claims in the liquidation proceeding. The receiver may enforce those rights or remedies in any court of competent jurisdiction.

(e) At the close of a receivership, the receiver shall turn over to the Director all books of account and ledgers of the business for preservation. The Director shall hold all records of receiverships received at any time for a period of 2 years after the close of the receivership. The records may be destroyed at the termination of the 2-year period. All expenses of the receivership including, but not limited to, reasonable receiver's and attorney's fees approved by the Director, all expenses of any preliminary or other examinations into the condition of the licensee's business or the receivership, and all expenses incident to the possession and control of any property or records of the business incurred by the Director shall be paid out of the assets of the licensee's business. These expenses shall be paid before all other claims.

(f) Upon the filing of a complaint by the Attorney General for the orderly liquidation

New matter indicated by italics - deletions by strikeout.
and dissolution of a licensee's business, as provided in this Act, all pending suits and actions upon unsecured claims against the business shall abate. Nothing contained in this Act, however, prevents these claimants from filing their claims in the liquidation proceeding. If a suit or an action is instituted or maintained by the receiver on any bond or policy of insurance issued pursuant to the requirements of this Act, the bonding or insurance company sued shall not have the right to interpose or maintain any counterclaim based upon subrogation, upon any express or implied agreement of, or right to, indemnity or exoneration, or upon any other express or implied agreement with, or right against, the licensee's business. Nothing contained in this Act prevents the bonding or insurance company from filing this type of claim in the liquidation proceeding.

(g) A licensee may not terminate its affairs and close up its business unless it has first deposited with the Director an amount of money equal to all of its debts, liabilities, and lawful demands against it including the costs and expenses of a proceeding under this Section, surrendered to the Director its license, and filed with the Director a statement of termination signed by the licensee containing a pronouncement of intent to close up its business and liquidate its liabilities and containing a sworn list itemizing in full all of its debts, liabilities, and lawful demands against it. Corporate licensees must attach to, and make a part of the statement of termination, a copy of a resolution providing for the termination and closing up of the licensee's affairs, certified by the secretary of the licensee and duly adopted at a shareholders' meeting by the holders of at least two-thirds of the outstanding shares entitled to vote at the meeting. Upon the filing with the Director of a statement of termination, the Director shall cause notice of that action to be published once each week for 3 consecutive weeks in a public newspaper of general circulation published in the city or village where the business is located, and if no newspaper is published in that place, then in a public newspaper of general circulation nearest to that city or village. The publication shall give notice that the debts, liabilities, and lawful demands against the business will be redeemed by the Director upon demand in writing made by the owner thereof, at any time within 3 years after the date of first publication. After the expiration of the 3-year period, the Director shall return to the person or persons designated in the statement of termination to receive repayment, and in the proportion specified in that statement, any balance of money remaining in his or her possession after first deducting all unpaid costs and expenses incurred in connection with a proceeding under this Section. The Director shall receive for his or her services, exclusive of costs and expenses, 2% of any amount up to $5,000 and 1% of any amount in excess of $5,000 deposited with him or her under this Section by any business. Nothing contained in this Section shall affect or impair the liability of any bonding or insurance company on any bond or insurance policy issued under this Act relating to the business.

(Source: P.A. 92-400, eff. 1-1-02; revised 12-04-01.)

Section 45. The Abused and Neglected Long Term Care Facility Residents Reporting Act is amended by changing Section 6.2 as follows:

(210 ILCS 30/6.2) (from Ch. 111 1/2, par. 4166.2)

(Section scheduled to be repealed on January 1, 2004)

New matter indicated by italics - deletions by strikeout.
Sec. 6.2. Inspector General.
(a) The Governor shall appoint, and the Senate shall confirm, an Inspector General who shall function within the Department of Human Services and report to the Secretary of Human Services and the Governor. The Inspector General shall investigate reports of suspected abuse or neglect (as those terms are defined in Section 3 of this Act) of patients or residents in any mental health or developmental disabilities facility operated by the Department of Human Services and shall have authority to investigate and take immediate action on reports of abuse or neglect of recipients, whether patients or residents, in any mental health or developmental disabilities facility or program that is licensed or certified by the Department of Human Services (as successor to the Department of Mental Health and Developmental Disabilities) or that is funded by the Department of Human Services (as successor to the Department of Mental Health and Developmental Disabilities) and is not licensed or certified by any agency of the State. At the specific, written request of an agency of the State other than the Department of Human Services (as successor to the Department of Mental Health and Developmental Disabilities), the Inspector General may cooperate in investigating reports of abuse and neglect of persons with mental illness or persons with developmental disabilities. The Inspector General shall have no supervision over or involvement in routine, programmatic, licensure, or certification operations of the Department of Human Services or any of its funded agencies.

The Inspector General shall promulgate rules establishing minimum requirements for reporting allegations of abuse and neglect and initiating, conducting, and completing investigations. The promulgated rules shall clearly set forth that in instances where 2 or more State agencies could investigate an allegation of abuse or neglect, the Inspector General shall not conduct an investigation that is redundant to an investigation conducted by another State agency. The rules shall establish criteria for determining, based upon the nature of the allegation, the appropriate method of investigation, which may include, but need not be limited to, site visits, telephone contacts, or requests for written responses from agencies. The rules shall also clarify how the Office of the Inspector General shall interact with the licensing unit of the Department of Human Services in investigations of allegations of abuse or neglect. Any allegations or investigations of reports made pursuant to this Act shall remain confidential until a final report is completed. The resident or patient who allegedly was abused or neglected and his or her legal guardian shall be informed by the facility or agency of the report of alleged abuse or neglect. Final reports regarding unsubstantiated or unfounded allegations shall remain confidential, except that final reports may be disclosed pursuant to Section 6 of this Act.

The Inspector General shall be appointed for a term of 4 years.

When the Office of the Inspector General has substantiated a case of abuse or neglect, the Inspector General shall include in the final report any mitigating or aggravating circumstances that were identified during the investigation. Upon determination that a report of neglect is substantiated, the Inspector General shall then determine whether such neglect rises to the level of egregious neglect.

(b) The Inspector General shall within 24 hours after receiving a report of suspected
abuse or neglect determine whether the evidence indicates that any possible criminal act has been committed. If he determines that a possible criminal act has been committed, or that special expertise is required in the investigation, he shall immediately notify the Department of State Police. The Department of State Police shall investigate any report indicating a possible murder, rape, or other felony. All investigations conducted by the Inspector General shall be conducted in a manner designed to ensure the preservation of evidence for possible use in a criminal prosecution.

(b-5) The Inspector General shall make a determination to accept or reject a preliminary report of the investigation of alleged abuse or neglect based on established investigative procedures. Notice of the Inspector General’s determination must be given to the person who claims to be the victim of the abuse or neglect, to the person or persons alleged to have been responsible for abuse or neglect, and to the facility or agency. The facility or agency or the person or persons alleged to have been responsible for the abuse or neglect and the person who claims to be the victim of the abuse or neglect may request clarification or reconsideration based on additional information. For cases where the allegation of abuse or neglect is substantiated, the Inspector General shall require the facility or agency to submit a written response. The written response from a facility or agency shall address in a concise and reasoned manner the actions that the agency or facility will take or has taken to protect the resident or patient from abuse or neglect, prevent reoccurrences, and eliminate problems identified and shall include implementation and completion dates for all such action.

(c) The Inspector General shall, within 10 calendar days after the transmittal date of a completed investigation where abuse or neglect is substantiated or administrative action is recommended, provide a complete report on the case to the Secretary of Human Services and to the agency in which the abuse or neglect is alleged to have happened. The complete report shall include a written response from the agency or facility operated by the State to the Inspector General that addresses in a concise and reasoned manner the actions that the agency or facility will take or has taken to protect the resident or patient from abuse or neglect, prevent reoccurrences, and eliminate problems identified and shall include implementation and completion dates for all such action. The Secretary of Human Services shall accept or reject the response and establish how the Department will determine whether the facility or program followed the approved response. The Secretary may require Department personnel to visit the facility or agency for training, technical assistance, programmatic, licensure, or certification purposes. Administrative action, including sanctions, may be applied should the Secretary reject the response or should the facility or agency fail to follow the approved response. The facility or agency shall inform the resident or patient and the legal guardian whether the reported allegation was substantiated, unsubstantiated, or unfounded. There shall be an appeals process for any person or agency that is subject to any action based on a recommendation or recommendations.

(d) The Inspector General may recommend to the Departments of Public Health and Human Services sanctions to be imposed against mental health and developmental disabilities facilities under the jurisdiction of the Department of Human Services for the
protection of residents, including appointment of on-site monitors or receivers, transfer or relocation of residents, and closure of units. The Inspector General may seek the assistance of the Attorney General or any of the several State's attorneys in imposing such sanctions.

(e) The Inspector General shall establish and conduct periodic training programs for Department employees concerning the prevention and reporting of neglect and abuse.

(f) The Inspector General shall at all times be granted access to any mental health or developmental disabilities facility operated by the Department, shall establish and conduct unannounced site visits to those facilities at least once annually, and shall be granted access, for the purpose of investigating a report of abuse or neglect, to any facility or program funded by the Department that is subject under the provisions of this Section to investigation by the Inspector General for a report of abuse or neglect.

(g) Nothing in this Section shall limit investigations by the Department of Human Services that may otherwise be required by law or that may be necessary in that Department's capacity as the central administrative authority responsible for the operation of State mental health and developmental disability facilities.

(g-5) After notice and an opportunity for a hearing that is separate and distinct from the Office of the Inspector General's appeals process as implemented under subsection (c) of this Section, the Inspector General shall report to the Department of Public Health's nurse aide registry under Section 3-206.01 of the Nursing Home Care Act the identity of individuals against whom there has been a substantiated finding of physical or sexual abuse or egregious neglect of a service recipient.

Nothing in this subsection shall diminish or impair the rights of a person who is a member of a collective bargaining unit pursuant to the Illinois Public Labor Relations Act or pursuant to any federal labor statute. An individual who is a member of a collective bargaining unit as described above shall not be reported to the Department of Public Health's nurse aide registry until the exhaustion of that individual's grievance and arbitration rights, or until 3 months after the initiation of the grievance process, whichever occurs first, provided that the Department of Human Services' hearing under subsection (c), that is separate and distinct from the Office of the Inspector General's appeals process, has concluded. Notwithstanding anything hereinafter or previously provided, if an action taken by an employer against an individual as a result of the circumstances that led to a finding of physical or sexual abuse or egregious neglect is later overturned under a grievance or arbitration procedure provided for in Section 8 of the Illinois Public Labor Relations Act or under a collective bargaining agreement, the report must be removed from the registry.

The Department of Human Services shall promulgate or amend rules as necessary or appropriate to establish procedures for reporting to the registry, including the definition of egregious neglect, procedures for notice to the individual and victim, appeal and hearing procedures, and petition for removal of the report from the registry. The portion of the rules pertaining to hearings shall provide that, at the hearing, both parties may present written and oral evidence. The Department shall be required to establish by a preponderance of the evidence that the Office of the Inspector General's finding of physical or sexual abuse or egregious neglect warrants reporting to the Department of Public Health's nurse aide registry.

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under Section 3-206.01 of the Nursing Home Care Act.

Notice to the individual shall include a clear and concise statement of the grounds on which the report to the registry is based and notice of the opportunity for a hearing to contest the report. The Department of Human Services shall provide the notice by certified mail to the last known address of the individual. The notice shall give the individual an opportunity to contest the report in a hearing before the Department of Human Services or to submit a written response to the findings instead of requesting a hearing. If the individual does not request a hearing or if after notice and a hearing the Department of Human Services finds that the report is valid, the finding shall be included as part of the registry, as well as a brief statement from the reported individual if he or she chooses to make a statement. The Department of Public Health shall make available to the public information reported to the registry. In a case of inquiries concerning an individual listed in the registry, any information disclosed concerning a finding of abuse or neglect shall also include disclosure of the individual's brief statement in the registry relating to the reported finding or include a clear and accurate summary of the statement.

At any time after the report of the registry, an individual may petition the Department of Human Services for removal from the registry of the finding against him or her. Upon receipt of such a petition, the Department of Human Services shall conduct an investigation and hearing on the petition. Upon completion of the investigation and hearing, the Department of Human Services shall report the removal of the finding to the registry unless the Department of Human Services determines that removal is not in the public interest.

(h) This Section is repealed on January 1, 2004.

(SOURCE: P.A. 91-169, eff. 7-16-99; 92-358, eff. 8-15-01; 92-473, eff. 1-1-02; revised 10-10-01.)

Section 46. The Nursing Home Care Act is amended by changing Section 3-206.01 as follows:

(210 ILCS 45/3-206.01) (from Ch. 111 1/2, par. 4153-206.01)

Sec. 3-206.01. Nurse aide registry.

(a) The Department shall establish and maintain a registry of all individuals who have satisfactorily completed the training required by Section 3-206. The registry shall include the name of the nursing assistant, habilitation aide, or child care aide, his or her current address, Social Security number, and the date and location of the training course completed by the individual, and the date of the individual's last criminal records check. Any individual placed on the registry is required to inform the Department of any change of address within 30 days. A facility shall not employ an individual as a nursing assistant, habilitation aide, or child care aide unless the facility has inquired of the Department as to information in the registry concerning the individual and shall not employ anyone not on the registry unless the individual is enrolled in a training program under paragraph (5) of subsection (a) of Section 3-206 of this Act.

If the Department finds that a nursing assistant, habilitation aide, or child care aide has abused a resident, neglected a resident, or misappropriated resident property in a facility, the Department shall notify the individual of this finding by certified mail sent to the address

New matter indicated by italics - deletions by strikeout.
contained in the registry. The notice shall give the individual an opportunity to contest the finding in a hearing before the Department or to submit a written response to the findings in lieu of requesting a hearing. If, after a hearing or if the individual does not request a hearing, the Department finds that the individual abused a resident, neglected a resident, or misappropriated resident property in a facility, the finding shall be included as part of the registry as well as a brief statement from the individual, if he or she chooses to make such a statement. The Department shall make information in the registry available to the public. In the case of inquiries to the registry concerning an individual listed in the registry, any information disclosed concerning such a finding shall also include disclosure of any statement in the registry relating to the finding or a clear and accurate summary of the statement.

(b) The Department shall add to the nurse aide registry records of findings as reported by the Inspector General or remove from the nurse aide registry records of findings as reported by the Department of Human Services, under Section 6.2 of the Abused and Neglected Long Term Care Facility Residents Reporting Act.

(Source: P.A. 91-598, eff. 1-1-00; 92-473, eff. 1-1-02; revised 12-04-01.)

Section 47. The Emergency Medical Services (EMS) Systems Act is amended by changing Sections 3.110, 3.220, and 3.250 as follows:

(210 ILCS 50/3.110)
Sec. 3.110. EMS system and trauma center confidentiality and immunity.
(a) All information contained in or relating to any medical audit performed of a trauma center's trauma services pursuant to this Act or by an EMS Medical Director or his designee of medical care rendered by System personnel, shall be afforded the same status as is provided information concerning medical studies in Article VIII, Part 21 of the Code of Civil Procedure. Disclosure of such information to the Department pursuant to this Act shall not be considered a violation of Article VIII, Part 21 of the Code of Civil Procedure.

(b) Hospitals, trauma centers and individuals that perform or participate in medical audits pursuant to this Act shall be immune from civil liability to the same extent as provided in Section 10.2 of the Hospital Licensing Act.

(c) All information relating to the State Emergency Medical Services Disciplinary Review Board or a local review board, except final decisions, shall be afforded the same status as is provided information concerning medical studies in Article VIII, Part 21 of the Code of Civil Procedure. Disclosure of such information to the Department pursuant to this Act shall not be considered a violation of Article VIII, Part 21 of the Code of Civil Procedure.

(Source: P.A. 89-177, eff. 7-19-95; 90-144, eff. 7-23-97; revised 12-07-01.)

(210 ILCS 50/3.220)
Sec. 3.220. EMS Assistance Fund.
(a) There is hereby created an "EMS Assistance Fund" within the State treasury, for the purpose of receiving fines and fees collected by the Illinois Department of Health pursuant to this Act and the supplemental registration fees collected pursuant to Section 3-821.1 of the Illinois Vehicle Code.

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(b) EMT licensure examination fees collected shall be distributed by the Department to the Resource Hospital of the EMS System in which the EMT candidate was educated, to be used for educational and related expenses incurred by the System's hospitals, as identified in the EMS System Program Plan.

(c) All other moneys within this fund shall be distributed by the Department to the EMS Regions for disbursement in accordance with protocols established in the EMS Region Plans, for the purposes of organization, development and improvement of Emergency Medical Services Systems, including but not limited to training of personnel and acquisition, modification and maintenance of necessary supplies, equipment and vehicles.

(d) All fees and fines collected pursuant to this to this Act shall be deposited into the EMS Assistance Fund.

(Source: P.A. 89-177, eff. 7-19-95; revised 12-07-01.)

(210 ILCS 50/3.250)
Sec. 3.250. Application of Administrative Procedure Act. The provisions of the Illinois Administrative Procedure Act are hereby expressly adopted and shall apply to all administrative rules and procedures of the Department of Public Health under this Act, except that in case of conflict between the Illinois Administrative Procedure Act and this Act the provisions of this Act shall control, and except that Section 5-35 of the Illinois Administrative Procedure Act relating to procedures for rule-making does not apply to the adoption of any rule required by federal law in connection with which the Department is precluded by law from exercising any discretion.

(Source: P.A. 89-177, eff. 7-19-95; revised 12-07-01.)

Section 48. The Illinois Insurance Code is amended by setting forth and renumbering multiple versions of Section 155.37, changing Sections 370c and 424, and renumbering Section 507.2 as follows:

(215 ILCS 5/155.37)
Sec. 155.37. Drug formulary; notice. Insurance companies that transact the kinds of insurance authorized under Class 1(b) or Class 2(a) of Section 4 of this Code and provide coverage for prescription drugs through the use of a drug formulary must notify insureds of any change in the formulary. A company may comply with this Section by posting changes in the formulary on its website.

(Source: P.A. 92-440, eff. 8-17-01.)

(215 ILCS 5/155.38)
Sec. 155.38. Use of credit reports in connection with certain policies.
(a) This Section applies to policies of insurance defined in subsections (a), (b), and (c) of Section 143.13, except that this Section does not apply to those personal lines policies defined in subsection (c) of Section 143.13 that could be classified under clause (g) or (i) of Class 2 of Section 4 or to policies of insurance subject to Article IX 1/2.

(b) An insurance company authorized to do business in this State may not refuse to issue or renew a policy of insurance solely on the basis of a credit report. An offer by an insurance company to write a policy through an insurer that is an affiliate, as defined in Section 131.1 of this Code, with continuous coverage does not constitute a refusal to issue

New matter indicated by italics - deletions by strikeout.
a policy or a nonrenewal within the meaning of this Section. "Credit report" means a collection of data regarding a consumer's credit history, credit capacity, or credit worthiness that has been assembled or evaluated by a consumer reporting agency as defined in 15 USC 1681a(f).

(c) If a credit report is used in conjunction with other criteria to underwrite an application or renewal of a policy of insurance, it may not include or be based upon the race, income, gender, religion, or national origin of the applicant or insured.

(d) If a credit report is used in conjunction with other criteria to refuse to issue or renew a policy of insurance, the insurer shall provide the applicant or policyholder with a notice of the underwriting action taken. For purposes of this Section, compliance with the notification requirements of the federal Fair Credit Reporting Act, 15 U.S.C. 1681 et seq., shall be considered to be in compliance with this Section.

(Source: P.A. 92-480, eff. 10-1-01; revised 10-17-01.)

(215 ILCS 5/370c) (from Ch. 73, par. 982c)

Sec. 370c. Mental and emotional disorders.

(a) (1) On and after the effective date of this Section, every insurer which delivers, issues for delivery or renews or modifies group A&H policies providing coverage for hospital or medical treatment or services for illness on an expense-incurred basis shall offer to the applicant or group policyholder subject to the insurers standards of insurability, coverage for reasonable and necessary treatment and services for mental, emotional or nervous disorders or conditions, other than serious mental illnesses as defined in item (2) of subsection (b), up to the limits provided in the policy for other disorders or conditions, except (i) the insured may be required to pay up to 50% of expenses incurred as a result of the treatment or services, and (ii) the annual benefit limit may be limited to the lesser of $10,000 or 25% of the lifetime policy limit.

(2) Each insured that is covered for mental, emotional or nervous disorders or conditions shall be free to select the physician licensed to practice medicine in all its branches, licensed clinical psychologist, licensed clinical social worker, or licensed clinical professional counselor of his choice to treat such disorders, and the insurer shall pay the covered charges of such physician licensed to practice medicine in all its branches, licensed clinical psychologist, licensed clinical social worker, or licensed clinical professional counselor up to the limits of coverage, provided (i) the disorder or condition treated is covered by the policy, and (ii) the physician, licensed psychologist, licensed clinical social worker, or licensed clinical professional counselor is authorized to provide said services under the statutes of this State and in accordance with accepted principles of his profession.

(3) Insofar as this Section applies solely to licensed clinical social workers and licensed clinical professional counselors, those persons who may provide services to individuals shall do so after the licensed clinical social worker or licensed clinical professional counselor has informed the patient of the desirability of the patient conferring with the patient's primary care physician and the licensed clinical social worker or licensed clinical professional counselor has provided written notification to the patient's primary care physician, if any, that services are being provided to the patient. That notification may,
however, be waived by the patient on a written form. Those forms shall be retained by the licensed clinical social worker or licensed clinical professional counselor for a period of not less than 5 years.

(b) (1) An insurer that provides coverage for hospital or medical expenses under a group policy of accident and health insurance or health care plan amended, delivered, issued, or renewed after the effective date of this amendatory Act of the 92nd General Assembly shall provide coverage under the policy for treatment of serious mental illness under the same terms and conditions as coverage for hospital or medical expenses related to other illnesses and diseases. The coverage required under this Section must provide for same durational limits, amount limits, deductibles, and co-insurance requirements for serious mental illness as are provided for other illnesses and diseases. This subsection does not apply to coverage provided to employees by employers who have 50 or fewer employees.

(2) "Serious mental illness" means the following psychiatric illnesses as defined in the most current edition of the Diagnostic and Statistical Manual (DSM) published by the American Psychiatric Association:

(A) schizophrenia;
(B) paranoid and other psychotic disorders;
(C) bipolar disorders (hypomanic, manic, depressive, and mixed);
(D) major depressive disorders (single episode or recurrent);
(E) schizoaffective disorders (bipolar or depressive);
(F) pervasive developmental disorders;
(G) obsessive-compulsive disorders;
(H) depression in childhood and adolescence; and
(I) panic disorder.

(3) Upon request of the reimbursing insurer, a provider of treatment of serious mental illness shall furnish medical records or other necessary data that substantiate that initial or continued treatment is at all times medically necessary. An insurer shall provide a mechanism for the timely review by a provider holding the same license and practicing in the same specialty as the patient's provider, who is unaffiliated with the insurer, jointly selected by the patient (or the patient's next of kin or legal representative if the patient is unable to act for himself or herself), the patient's provider, and the insurer in the event of a dispute between the insurer and patient's provider regarding the medical necessity of a treatment proposed by a patient's provider. If the reviewing provider determines the treatment to be medically necessary, the insurer shall provide reimbursement for the treatment. Future contractual or employment actions by the insurer regarding the patient's provider may not be based on the provider's participation in this procedure. Nothing prevents the insured from agreeing in writing to continue treatment at his or her expense. When making a determination of the medical necessity for a treatment modality for serious mental illness, an insurer must make the determination in a manner that is consistent with the manner used to make that determination with respect to other diseases or illnesses covered under the policy, including an appeals process.

(4) A group health benefit plan:

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(A) shall provide coverage based upon medical necessity for the following treatment of mental illness in each calendar year;

(i) 45 days of inpatient treatment; and

(ii) 35 visits for outpatient treatment including group and individual outpatient treatment;

(B) may not include a lifetime limit on the number of days of inpatient treatment or the number of outpatient visits covered under the plan; and

(C) shall include the same amount limits, deductibles, copayments, and coinsurance factors for serious mental illness as for physical illness.

(5) An issuer of a group health benefit plan may not count toward the number of outpatient visits required to be covered under this Section an outpatient visit for the purpose of medication management and shall cover the outpatient visits under the same terms and conditions as it covers outpatient visits for the treatment of physical illness.

(6) An issuer of a group health benefit plan may provide or offer coverage required under this Section through a managed care plan.

(7) This Section shall not be interpreted to require a group health benefit plan to provide coverage for treatment of:

(A) an addiction to a controlled substance or cannabis that is used in violation of law; or

(B) mental illness resulting from the use of a controlled substance or cannabis in violation of law.

(8) This subsection (b) is inoperative after December 31, 2005.

(Source: P.A. 92-182, eff. 7-27-01; 92-185, eff. 1-1-02; revised 9-18-01.)

215 ILCS 5/424 (from Ch. 73, par. 1031)

Sec. 424. Unfair methods of competition and unfair or deceptive acts or practices defined. The following are hereby defined as unfair methods of competition and unfair and deceptive acts or practices in the business of insurance:

(1) The commission by any person of any one or more of the acts defined or prohibited by Sections 134, 147, 148, 149, 151, 155.22, 155.22a, 236, 237, 364, and 469 of this Code.

(2) Entering into any agreement to commit, or by any concerted action committing, any act of boycott, coercion or intimidation resulting in or tending to result in unreasonable restraint of, or monopoly in, the business of insurance.

(3) Making or permitting, in the case of insurance of the types enumerated in Classes 1, 2, and 3 of Section 4, any unfair discrimination between individuals or risks of the same class or of essentially the same hazard and expense element because of the race, color, religion, or national origin of such insurance risks or applicants. The application of this Article to the types of insurance enumerated in Class 1 of Section 4 shall in no way limit, reduce, or impair the protections and remedies already provided for by Sections 236 and 364 of this Code or any other provision of this Code.

(4) Engaging in any of the acts or practices defined in or prohibited by Sections 154.5 through 154.8 of the this Insurance Code.

New matter indicated by italics - deletions by strikeout.
(5) Making or charging any rate for insurance against losses arising from the use or ownership of a motor vehicle which requires a higher premium of any person by reason of his physical handicap, race, color, religion, or national origin.
(Source: P.A. 92-399, eff. 8-16-01; revised 12-07-01.)

(215 ILCS 5/500-77)
Sec. 500-77. Policyholder information and exclusive ownership of expirations.
(a) As used in this Section, "expirations" means all information relative to an insurance policy including, but not limited to, the name and address of the insured, the location and description of the property insured, the value of the insurance policy, the inception date, the renewal date, and the expiration date of the insurance policy, the premiums, the limits and a description of the terms and coverage of the insurance policy, and any other personal and privileged information, as defined by Section 1003 of this Code, compiled by a registered firm or furnished by the insured to the insurer or any agent, contractor, or representative of the insurer.

For purposes of this Section only, a registered firm also includes a sole proprietorship that transacts the business of insurance as an insurance agency.

(b) All "expirations" as defined in subsection (a) of this Section shall be mutually and exclusively owned by the insured and the registered firm. The limitations on the use of expirations as provided in subsections (c) and (d) of this Section shall be for mutual benefit of the insured and the registered firm.

(c) Except as otherwise provided in this Section, for purposes of soliciting, selling, or negotiating the renewal or sale of insurance coverage, insurance products, or insurance services or for any other marketing purpose, a registered firm shall own and have the exclusive use of expirations, records, and other written or electronically stored information directly related to an insurance application submitted by, or an insurance policy written through, the registered firm. No insurance company, managing general agent, surplus lines insurance broker, wholesale broker, group self-insurance fund, third-party administrator, or any other entity, other than a financial institution as defined in Section 1402 of this Code, shall use such expirations, records, or other written or electronically stored information to solicit, sell, or negotiate the renewal or sale of insurance coverage, insurance products, or insurance services to the insured or for any other marketing purposes, either directly or by providing such information to others, without, separate from the general agency contract, the written consent of the registered firm. However, such expirations, records, or other written or electronically stored information may be used for any purpose necessary for placing such business through the insurance producer including reviewing an application and issuing or renewing a policy and for loss control services.

(d) With respect to a registered firm, this Section shall not apply:

(1) when the insured requests either orally or in writing that another registered firm obtain quotes for insurance from another insurance company or when the insured requests in writing individually or through another registered firm, that the insurance company renew the policy;

(2) to policies in the Illinois Fair Plan, the Illinois Automobile Insurance Plan,

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or the Illinois Assigned Risk Plan for coverage under the Workers' Compensation Act and the Workers' Occupational Diseases Act;

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

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

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

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

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

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

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

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

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

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

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

(Source: P.A. 92-5, eff. 6-1-01; revised 10-17-01.)

Section 49. The Health Maintenance Organization Act is amended by changing

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Sections 2-6, 3-1, and 4-6.5 as follows:
(215 ILCS 125/2-6) (from Ch. 111 1/2, par. 1406.2)
Sec. 2-6. Statutory deposits.
(a) An organization subject to the provisions of this Act shall make and maintain with the Director through December 30, 1993, for the protection of enrollees of the organization, a deposit of securities which are authorized investments under paragraphs (1) and (2) of subsection (h) of Section 3-1 having a fair market value equal to at least $100,000. Effective December 31, 1993 and through December 30, 1994, the deposit shall have a fair market value at least equal to $200,000. Effective December 31, 1994 and thereafter, the deposit shall have a fair market value at least equal to $300,000. An organization issued a certificate of authority on or after the effective date of this Amendatory Act of 1993, shall make and maintain with the Director; for the protection of enrollees of the organization, a deposit of securities which are authorized investments under paragraphs (1) and (2) of subsection (h) of Section 3-1 having a fair market value equal to at least $300,000. The amount on deposit shall remain as an admitted asset of the organization in the determination of its net worth. The Director may release the required deposit of securities upon receipt of an order of a court having proper jurisdiction or upon: (i) certification by the organization that it has no outstanding enrollee creditors, enrollees, certificate holders, or enrollee obligations in effect and no plans to engage in the business of insurance as a health maintenance organization; (ii) receipt of a lawful resolution of the organization's governing body effecting the surrender of its certificate of authority, articles of incorporation, or other organizational documents to their issuing governmental officer for voluntary or administrative dissolution; and (iii) receipt of the name and forwarding address for each of the final officers and directors of the organization, together with a plan of dissolution approved by the Director.
(b) An organization that offers a point-of-service product, as permitted by Article 4.5, must maintain an additional deposit in an amount that is not less than the greater of 125% of the organization's annual projected point-of-service claims or $300,000.
(Source: P.A. 92-75, eff. 7-12-01; 92-135, eff. 1-1-02; revised 9-12-01.)

(215 ILCS 125/3-1) (from Ch. 111 1/2, par. 1407.3)
Sec. 3-1. Investment Regulations.
(a) Any health maintenance organization may invest its funds as provided in this Section and not otherwise. A health maintenance organization that is organized as an insurance company may also acquire the investment assets authorized for an insurance company pursuant to the laws applicable to an insurance company in the organization's state of domicile. Notwithstanding the provisions of this Section, the Director may, after notice and hearing, order an organization to limit or withdraw from certain investments, or discontinue certain investment practices, to the extent the Director finds that such investments or investment practices are hazardous to the financial condition of the organization.
(b) No investment or loan shall be made or engaged in by any health maintenance organization unless the same have been authorized or ratified by the board of directors or by a committee thereof charged with the duty of supervising investments and loans. Nothing

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contained in this subsection shall prevent the board of directors of any such organization from depositing any of its securities with a committee appointed for the purpose of protecting the interest of security holders or with the authorities of any state where it is necessary to do so in order to secure permission to transact its appropriate business therein, and nothing contained in this subsection shall prevent the board of directors of such organization from depositing any securities as collateral for the securing of any bond required for the business of the organization.

(c) No health maintenance organization shall pay any commission or brokerage for the purchase or sale of property whether real or personal, in excess of that usual and customary at the time and in the locality where such purchases or sales are made, and information regarding payments of commissions and brokerage shall be maintained.

(d) A health maintenance organization may not directly or indirectly, unless it has notified the Director in writing of its intention to enter into the transaction at least 30 days prior thereto, or any shorter period as the Director may permit, and the Director has not disapproved it within that period:

1. make a loan to or other investment in an officer or director of the organization or a person in which the officer or director has any direct or indirect financial interest;
2. make a guarantee for the benefit of or in favor of an officer or director of the organization or a person in which the officer or director has any direct or indirect financial interest; or
3. enter into an agreement for the purchase or sale of property from or to an officer or director of the organization or a person in which the officer or director has any direct or indirect financial interest.

For the purposes of this Section, an officer or director shall not be deemed to have a financial interest by reason of an interest that is held directly or indirectly through the ownership of equity interests representing less than 2% of all outstanding equity interests issued by a person that is a party to the transaction, or solely by reason of that individual's position as a director or officer of a person that is a party to the transaction.

This subsection does not apply to a transaction between an organization and any of its subsidiaries or affiliates that is entered into in compliance with Section 131.20a of the Illinois Insurance Code, other than a transaction between an insurer and its officer or director.

(e) In applying the percentage limitations imposed by this Section there shall be used as a base the total of all assets which would be admitted by this Section without regard to percentage limitations. All legal measurements used as a base in the determination of all investment qualifications shall consist of the amounts determined at the most recent year end adjusted for subsequent acquisition and disposition of investments.

(f) Valuation of investments. Investments shall be valued in accordance with the published valuation standards of the National Association of Insurance Commissioners. Securities investments as to which the National Association of Insurance Commissioners has not published valuation standards in its Valuations of Securities manual or its successor publication shall be valued as follows:

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(1) All obligations having a fixed term and rate shall, if not in default as to principal or interest, be valued as follows: if purchased at par, at the par value; if purchased above or below par, on the basis of the purchase price adjusted so as to bring the value to par at maturity and so as to yield in the meantime the effective rate of interest at which the purchase was made;

(2) Common, preferred or guaranteed stocks shall be valued at market value.

(3) Other security investments shall be valued in accordance with regulations promulgated by the Director pursuant to paragraph (6) of this subsection.

(4) Other investments, including real property, shall be valued in accordance with regulations promulgated by the Director pursuant to paragraph (6) of this subsection, but in no event shall such other investments be valued at more than the purchase price. The purchase price for real property includes capitalized permanent improvements, less depreciation spread evenly over the life of the property or, at the option of the company, less depreciation computed on any basis permitted under the Internal Revenue Code and regulations thereunder. Such investments that have been affected by permanent declines in value shall be valued at not more than market value.

(5) Any investment, including real property, not purchased by the Health Maintenance Organization but acquired in satisfaction of a debt or otherwise shall be valued in accordance with the applicable procedures for that type of investment contained in this subsection. For purposes of applying the valuation procedures, the purchase price shall be deemed to be the market value at the time the investment is acquired or, in the case of any investment acquired in satisfaction of debt, the amount of the debt, including interest, taxes and expenses, whichever amount is less.

(6) The Director shall promulgate rules and regulations for determining and calculating values to be used in financial statements submitted to the Department for investments.

(g) Definitions. As used in this Section, unless the context otherwise requires.

(1) "Business Corporation" means corporations organized for other than not for profit purposes.

(2) "Business Entity" includes sole proprietorships, corporations, associations, partnerships and business trusts.

(3) "Bank or Trust Company" means any bank or trust company organized under the laws of the United States or any State thereof if said bank or trust company is regularly examined pursuant to such laws and said bank or trust company has the insurance protection afforded by an agency of the United States government.

(4) "Capital" means capital stock paid-up, if any, and its use in a provision does not imply that a non-profit Health Maintenance Organization without stated capital stock is excluded from the provision. The capital of such an organization will be zero.

(5) "Direct" when used in connection with "obligation" means that the designated obligor shall be primarily liable on the instrument representing the
obligation.

(6) "Facility" means and includes real estate and any and all forms of tangible personal property and services used constituting an operating unit.

(7) "Guaranteed or insured" means that the guarantor or insurer will perform or insure the obligation of the obligor or will purchase the obligation to the extent of the guaranty or insurance.

(8) "Mortgage" shall include a trust deed or other lien on real property securing an obligation for the payment of money.

(9) "Servicer" means a business entity that has a contractual obligation to service a pool of mortgage loans. The service provided shall include, but is not limited to, collection of principal and interest, keeping the accounts current, maintaining or confirming in force hazard insurance and tax status and providing supportive accounting services.

(10) "Single credit risk" means the direct, guaranteed or insured obligations of any one business entity including affiliates thereof.

(11) "Surplus" means the amount properly shown as total net worth on a company's balance sheet, plus all voluntary reserves, but not including capital paid-up.

(12) "Tangible net worth" means the par value of all issued and outstanding capital stock of a corporation (or in the case of shares having no par value, the stated value) and the amounts of all surplus accounts less the sum of (a) such intangible assets as deferred charges, organization and development expense, discount and expense incurred in securing capital, good will, trade-marks, trade-names and patents, (b) leasehold improvements, and (c) any reserves carried by the corporation and not otherwise deducted from assets.

(13) "Unconditional" when used in connection with "obligation" means that nothing remains to be done or to occur to make the designated obligor liable on the instrument, and that the legal holder shall have the status at least equal to that of general creditor of the obligor.

(h) Authorized investments. Any Health Maintenance Organization, except those organized as an insurance company, may acquire the assets set forth in paragraphs 1 through 17, inclusive. A Health Maintenance Organization that is organized as an insurance company may acquire the investment assets authorized for an insurance company pursuant to the laws applicable to an insurance company in the organization's state of domicile. Any restriction, exclusion or provision appearing in any paragraph shall apply only with respect to the authorization of the particular paragraph in which it appears and shall not constitute a general prohibition and shall not be applicable to any other paragraph. The qualifications or disqualifications of an investment under one paragraph shall not prevent its qualification in whole or in part under another paragraph, and an investment authorized by more than one paragraph may be held under whichever authorizing paragraph the organization elects. An investment which qualified under any paragraph at the time it was acquired or entered into by an organization shall continue to be qualified under that paragraph. An investment in

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whole or in part may be transferred from time to time, at the election of the organization, to the authority of any paragraph under which it qualifies, whether originally qualifying thereunder or not.

(1) Direct obligations of the United States for the payment of money, or obligations for the payment of money to the extent guaranteed or insured as to the payment of principal and interest by the United States.

(2) Direct obligations for the payment of money, issued by an agency or instrumentality of the United States, or obligations for the payment of money to the extent guaranteed or insured as to the payment of principal and interest by an agency or instrumentality of the United States.

(3) Direct, general obligations of any state of the United States for the payment of money, or obligations for the payment of money to the extent guaranteed or insured as to the payment of principal and interest by any state of the United States, on the following conditions:
   (i) Such state has the power to levy taxes for the prompt payment of the principal and interest of such obligations; and
   (ii) Such state shall not be in default in the payment of principal or interest on any of its direct, guaranteed or insured obligations at the date of such investment.

(4) Direct, general obligations of any political subdivision of any state of the United States for the payment of money, or obligations for the payment of money to the extent guaranteed as to the payment of principal and interest by any political subdivision of any state of the United States, on the following conditions:
   (i) The obligations are payable or guaranteed from ad valorem taxes;
   (ii) Such political subdivision is not in default in the payment of principal or interest on any of its direct or guaranteed obligations;
   (iii) No investment shall be made under this paragraph in obligations which are secured only by special assessments for local improvements; and
   (iv) An organization shall not invest under this paragraph more than 2% of its admitted assets in obligations issued or guaranteed by any one such political subdivision.

(5) Anticipation obligations of any political subdivision of any state of the United States, including but not limited to bond anticipation notes, tax anticipation notes and construction anticipation notes, for the payment of money within 12 months from the issuance of the obligation, on the following conditions:
   (i) Such anticipation notes must be a direct obligation of the issuer under conditions set forth in paragraph 4;
   (ii) Such political subdivision is not in default in the payment of the principal or interest on any of its direct general obligations or any obligation guaranteed by such political subdivision;
   (iii) The anticipated funds must be specifically pledged to secure the obligation;

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(iv) An organization shall not invest under this paragraph more than 2% of its admitted assets in the anticipation obligations issued by any one such political subdivision.

(6) Obligations of any state of the United States, a political subdivision thereof, or a public instrumentality of any one or more of the foregoing, for the payment of money, on the following conditions:

(i) The obligations are payable from revenues or earnings of a public utility of such state, political subdivision, or public instrumentality which are specifically pledged therefor;

(ii) The law under which the obligations are issued requires such rates for service shall be charged and collected at all times that they will produce sufficient revenue or earnings together with any other revenues or moneys pledged to pay all operating and maintenance charges of the public utility and all principal and interest on such obligations;

(iii) No prior or parity obligations payable from the revenues or earnings of that public utility are in default at the date of such investment;

(iv) An organization shall not invest more than 20% of its admitted assets under this paragraph; and

(v) An organization shall not invest under this Section more than 2% of its admitted assets in the revenue obligations issued in connection with any one facility.

(7) Obligations of any state of the United States, a political subdivision thereof, or a public instrumentality of any of the foregoing, for the payment of money, on the following conditions:

(i) The obligations are payable from revenues or earnings, excluding revenues or earnings from public utilities, specifically pledged therefor by such state, political subdivision or public instrumentality;

(ii) No prior or parity obligation of the same issuer payable from revenues or earnings from the same source has been in default as to principal or interest during the 5 years next preceding the date of such investment, but such issuer need not have been in existence for that period, and obligations acquired under this paragraph may be newly issued;

(iii) An organization shall not invest in excess of 20% of its admitted assets under this paragraph; and

(iv) An organization shall not invest under this paragraph more than 2% of its admitted assets in the revenue obligations issued in connection with any one facility; and

(v) An organization shall not invest under this paragraph more than 2% of its admitted assets in revenue obligations payable from revenue or earning sources which are the contractual responsibility of any one single credit risk.

(8) Direct, unconditional obligations of a solvent business corporation for the
payment of money, including obligations to pay rent for equipment used in its business or obligations for the payment of money to the extent guaranteed or insured as to the payment of principal and interest by any solvent business corporation, on the following conditions:

(i) The corporation shall be incorporated under the laws of the United States or any state of the United States;

(ii) The corporation shall have tangible net worth of not less than $1,000,000;

(iii) No such obligation, guarantee or insurance of the corporation has been in default as to principal or interest during the 5 years preceding the date of investment, but the corporation need not have had obligations guarantees or insurance outstanding during that period and need not have been in existence for that period, and obligations acquired under this paragraph may be newly issued;

(iv) An organization shall not invest more than 2% of its admitted assets in obligations issued, guaranteed or insured by any one such corporation;

(v) An organization may invest under this paragraph up to an additional 2% of its admitted assets in obligations which (i) are issued, guaranteed or insured by any one or more such corporations, each having a tangible net worth of not less than $25,000,000 and (ii) mature within 12 months from the date of acquisition;

(vi) An organization may invest not more than 1/2 of 1% of its admitted assets in such obligations of corporations which do not meet the condition of subparagraph (ii) of this paragraph; and

(vii) An organization shall not invest more than 75% of its admitted assets under this paragraph.

(9) Direct, unconditional obligations for the payment of money issued or obligations for the payment of money to the extent guaranteed as to principal and interest by a solvent not for profit corporation, on the following conditions:

(i) The corporation shall be incorporated under the laws of the United States or of any state of the United States;

(ii) The corporation shall have been in existence for at least 5 years and shall have assets of at least $2,000,000;

(iii) Revenues or other income from such assets and the services or commodities dispensed by the corporation shall be pledged for the payment of the obligations or guarantees;

(iv) No such obligation or guarantee of the corporation has been in default as to principal or interest during the 5 years next preceding the date of such investment, but the corporation need not have had obligations or guarantees outstanding during that period and obligations which are acquired under this paragraph may be newly issued;

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(v) An organization shall not invest more than 15% of its admitted assets under this paragraph; and

(vi) An organization shall not invest under this paragraph more than 2% of its admitted assets in the obligations issued or guaranteed by any one such corporation.

(10) Direct, unconditional nondemand obligations for the payment of money issued by a solvent bank, mutual savings bank or trust company on the following conditions:

(i) The bank, mutual savings bank or trust company shall be incorporated under the laws of the United States, or of any state of the United States;

(ii) The bank, mutual savings bank or trust company shall have tangible net worth of not less than $1,000,000;

(iii) Such obligations must be of the type which are insured by an agency of the United States or have a maturity of no more than 1 day;

(iv) An organization shall not invest under this paragraph more than the amount which is fully insured by an agency of the United States plus 2% of its admitted assets in nondemand obligations issued by any one such financial institution; and

(v) An organization may invest under this paragraph up to an additional 8% of its admitted assets in nondemand obligations which (1) are issued by any such banks, mutual savings banks or trust companies, each having a tangible net worth of not less than $25,000,000 and (2) mature within 12 months from the date of acquisition.

(11) Preferred or guaranteed stocks issued or guaranteed by a solvent business corporation incorporated under the laws of the United States or any state of the United States, on the following conditions:

(i) The corporation shall have tangible net worth of not less than $1,000,000;

(ii) If such stocks have been outstanding prior to purchase, an organization shall not invest under this paragraph in such stock if prescribed current or cumulative dividends are in arrears;

(iii) An organization shall not invest more than 33 1/3% of its admitted assets under this paragraph and an organization shall not invest more than 15% of its admitted assets under this paragraph in stocks which, at the time of purchase, are not Sinking Fund Stocks. An issue of preferred or guaranteed stock shall be a Sinking Fund Stock when (1) such issue is subject to a 100% mandatory sinking fund or similar arrangement which will provide for the redemption of the entire issue over a period not longer than 40 years from the date of purchase; (2) annual mandatory sinking fund installments on each issue commence not more than 10 years from the date of issue; and (3) each annual sinking fund installment provides for the

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purchase or redemption of at least 2 1/2% of the original number of shares of such issue; and

(iv) An organization shall not invest under this paragraph more than 2% of its admitted assets in the preferred or guaranteed stocks of any one such corporation.

(12) Common stock issued by any solvent business corporation incorporated under the laws of the United States, or of any state of the United States, on the following conditions:

(i) The issuing corporation must have tangible net worth of $1,000,000 or more;
(ii) An organization may not invest more than an amount equal to its net worth under this paragraph; and
(iii) An organization may not invest under this paragraph an amount equal to more than 10% of its net worth in the common stock of any one corporation.

(13) Shares of common stock or units of beneficial interest issued by any solvent business corporation or trust incorporated or organized under the laws of the United States, or of any state of the United States, on the following conditions:

(i) If the issuing corporation or trust is advised by an investment advisor which is the organization or an affiliate of the organization, the issuing corporation or trust shall have net assets of $100,000 or more, or if the issuing corporation or trust has an unaffiliated investment advisor, the issuing corporation or trust shall have net assets of $10,000,000 or more;
(ii) The issuing corporation or trust is registered as an investment company with the Securities and Exchange Commission under the Investment Company Act of 1940, as amended;
(iii) An organization shall not invest under this paragraph more than the greater of $100,000 or 10% of its admitted assets in any one bond fund, municipal bond fund or money market fund;
(iv) An organization shall not invest under this paragraph more than 10% of its net worth in any one common stock fund, balanced fund or income fund;
(v) An organization shall not invest more than 50% of its admitted assets in bond funds, municipal bond funds and money market funds under this paragraph; and
(vi) An organization's investments in common stock funds, balanced funds or income funds when combined with its investments in common stocks made under paragraph (12) shall not exceed the aggregate limitation provided by subparagraph (ii) of paragraph (12).

(14) Shares of, or accounts or deposits with savings and loan associations or building and loan associations, on the following conditions:

(i) The shares, accounts, or deposits, or investments in any form

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legally issuable shall be of a withdrawable type and issued by an association which has the insurance protection afforded by the Federal Savings and Loan Insurance Corporation; but nonwithdrawable accounts which are not eligible for insurance by the Federal Savings and Loan Insurance Corporation shall not be eligible for investment under this paragraph;

(ii) The association shall have tangible net worth of not less than $1,000,000;

(iii) The investment shall be in the name of and owned by the organization, unless the account is under a trusteeship with the organization named as the beneficiary;

(iv) An organization shall not invest more than 50% of its admitted assets under this paragraph; and

(v) Under this paragraph, an organization shall not invest in any one such association an amount in excess of 2% of its admitted assets or an amount which is fully insured by the Federal Savings and Loan Insurance Corporation, whichever is greater.

(15) Direct, unconditional obligations for the payment of money secured by the pledge of any investment which is authorized by any of the preceding paragraphs, on the following conditions:

(i) The investment pledged shall by its terms be legally assignable and shall be validly assigned to the organization;

(ii) The investment pledged shall have a fair market value which is at least 25% greater than the amount invested under this paragraph, except that a loan may be made up to 100% of the full fair market value of collateral that would qualify as an investment under paragraph (1) provided it qualifies under condition (i) of this paragraph; and

(iii) An organization's investment under this paragraph when added to its investment of the category of the collateral pledged shall not cause the sum to exceed the limits provided by the paragraph authorizing that category of investments.

(16) Real estate (including leasehold estates and leasehold improvements) for the convenient accommodation of the organization's business operations, including home office, branch office, medical facilities and field office operations, on the following conditions:

(i) Any parcel of real estate acquired under this paragraph may include excess space for rent to others, if it is reasonably anticipated that such excess will be required by the organization for expansion or if the excess is reasonably required in order to have one or more buildings that will function as an economic unit;

(ii) Such real estate may be subject to a mortgage; and

(iii) The greater of the admitted value of the asset as determined by subsection (f) or the organization's equity plus all encumbrances on such real estate.
estate owned by a company under this paragraph shall not exceed 20% of its admitted assets, except with the permission of the Director if he finds that such percentage of its admitted assets is insufficient to provide convenient accommodation for the company's business; provided, however, an organization that directly provides medical services may invest an additional 20% of its admitted assets in such real estate, not requiring the permission of the Director.

(17) Any investments of any kind, in the complete discretion of the organization, without regard to any condition of, restriction in, or exclusion from paragraphs (1) to (16), inclusive, and regardless of whether the same or a similar type of investment has been included in or omitted from any such paragraph, on the following condition: (a) An organization shall not invest under this paragraph more than the lesser of (i) 10% of its admitted assets, or (ii) 50% of the amount by which its net worth exceeds the minimum requirements of a new health maintenance organization to qualify for a certificate of authority.

(Source: P.A. 92-140, eff. 7-24-01; revised 9-12-01.)

(Source: P.A. 92-130, eff. 7-20-01; 92-440, eff. 8-17-01; revised 9-12-01.)

Sec. 4-6.5. Required health benefits; Illinois Insurance Code requirements. A health maintenance organization is subject to the provisions of Sections 155.37, 356t, 356u, and 356z.1 of the Illinois Insurance Code.

(Source: P.A. 92-130, eff. 7-20-01; 92-440, eff. 8-17-01; revised 9-12-01.)

Section 50. The Voluntary Health Services Plans Act is amended by changing Section 10 as follows:

(215 ILCS 125/4-6.5) (from Ch. 32, par. 604)

Sec. 10. Application of Insurance Code provisions. Health services plan corporations and all persons interested therein or dealing therewith shall be subject to the provisions of Articles IIA and XII 1/2 and Sections 3.1, 133, 140, 143, 143c, 149, 155.37, 354, 355.2, 356r, 356t, 356u, 356v, 356w, 356x, 356y, 356z.1, 367.2, 368a, 401, 401.1, 402, 403, 403A, 408, 408.2, and 412, and paragraphs (7) and (15) of Section 367 of the Illinois Insurance Code.

(Source: P.A. 91-406, eff. 1-1-00; 91-549, eff. 8-14-99; 91-605, eff. 12-14-99; 91-788, eff. 6-9-00; 92-130, eff. 7-20-01; 92-440, eff. 8-17-01; revised 9-12-01.)

Section 51. The Telephone Company Act is amended by changing Section 4 as follows:

(220 ILCS 65/4) (from Ch. 134, par. 20)

Sec. 4. Right of condemnation. Every telecommunicati...
as a proper use of highways, along, upon, under and across any highway, street, alley, public right-of-way dedicated or commonly used for utility purposes, or water in this State, but so as not to incommode the public in the use thereof: Provided, that nothing in this act shall interfere with the control now vested in cities, incorporated towns and villages in relation to the regulation of the poles, wires, cables and other appliances, and provided, that before any such lines shall be constructed along any such highway, street, alley, public right-of-way dedicated or commonly used for utility purposes, or water it shall be the duty of the telecommunications carrier proposing to construct any such line, to give (in the case of cities, villages, and incorporated towns) to the corporate authorities of the municipality or their designees (hereinafter, municipal corporate authorities) or (in other cases) to the highway commissioners having jurisdiction and control over the road or part thereof along and over which such line is proposed to be constructed, notice in writing in the form of plans, specifications, and documentation of the purpose and intention of the company to construct such line over and along the highway, street, alley, public right-of-way dedicated or commonly used for utility purposes, or water, which notice shall be served at least 10 days before the line shall be placed or constructed over and along the highway, street, alley, public right-of-way dedicated or commonly used for utility purposes, or water (30 days in the case of any notice providing for excavation relating to new construction in a public highway, street, alley, public right-of-way dedicated or commonly used for utility purposes, or water); and upon the giving of the notice it shall be the duty of the municipal corporate authorities or the highway commissioners to specify the portion of such highway, street, alley, public right-of-way dedicated or commonly used for utility purposes, or water upon which the line may be placed, used, and constructed, and it shall thereupon be the duty of the telecommunications retailer to provide the municipal authorities or highway commissioners with any and all plans, specifications, and documentation available and to construct its line in accordance with such specifications; but in the event that the municipal corporate authorities or the highway commissioners fail to provide such specification within 10 days after the service of such notice, (25 days in the case of excavation relating to new construction) then the telecommunications retailer, without such specification having been made, may proceed to place and erect its line along the highway, street, alley, public right-of-way dedicated or commonly used for utility purposes, or water by placing its posts, poles and abutments so as not to interfere with other proper uses of the highway, street, alley, public right-of-way dedicated or commonly used for utility purposes, or water. The telecommunications carrier proposing to construct any such line shall comply with the provisions of Section 9-113 of the Illinois Highway Code. Provided, that the telecommunications carrier shall not have the right to condemn any portion of the right-of-way of any railroad company except as much thereof as is necessary to cross the same.

The Illinois Commerce Commission may adopt reasonable rules governing the negotiation procedures that are used by a telecommunications carrier during precondemnation negotiations for the purchase of land rights-of-way and easements, including procedures for providing information to the public and affected landowners.

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concerning the project and the right-of-way easements sought in connection therewith.

Such rules may be made applicable to interstate, competitive intrastate and noncompetitive intrastate facilities, without regard to whether such facilities or the telecommunications carrier proposing to construct and operate them would otherwise be subject to the Illinois Commerce Commission's jurisdiction under the Public Utilities Act, as now or hereafter amended. However, as to facilities used to provide exclusively interstate services or competitive intrastate services or both, nothing in this Section confers any power upon the Commission (i) to require the disclosure of proprietary, competitively sensitive, or cost information or information not known to the telecommunications carrier, (ii) to determine whether, or conduct hearings regarding whether, any proposed fiber optic or other facilities should or should not be constructed and operated, or (iii) to determine or specify, or conduct hearings concerning, the price or other terms or conditions of the purchase of the right-of-way easements sought. With respect to facilities used to provide any intrastate services classified in the condemnor's tariff as noncompetitive under Section 13-502 of the Public Utilities Act, the rulemaking powers conferred upon the Commission under this Section are in addition to any rulemaking powers arising under the Public Utilities Act.

No telecommunications carrier shall exercise the power to condemn private property until it has first substantially complied with such rules with respect to the property sought to be condemned. If such rules call for providing notice or information before or during negotiations, a failure to provide such notice or information shall not constitute a waiver of the rights granted in this Section, but the telecommunications carrier shall be liable for all reasonable attorney's fees of that landowner resulting from such failure.

(Source: P.A. 90-154, eff. 1-1-98; revised 12-04-01.)

Section 52. The Illinois Dental Practice Act is amended by changing Section 4 as follows:

(225 ILCS 25/4) (from Ch. 111, par. 2304)
(Section scheduled to be repealed on January 1, 2006)
Sec. 4. Definitions. As used in this Act:
(a) "Department" means the Illinois Department of Professional Regulation.
(b) "Director" means the Director of Professional Regulation.
(c) "Board" means the Board of Dentistry established by Section 6 of this Act.
(d) "Dentist" means a person who has received a general license pursuant to paragraph (a) of Section 11 of this Act and who may perform any intraoral and extraoral procedure required in the practice of dentistry and to whom is reserved the responsibilities specified in Section 17.
(e) "Dental hygienist" means a person who holds a license under this Act to perform dental services as authorized by Section 18.
(f) "Dental assistant" means an appropriately trained person who, under the supervision of a dentist, provides dental services as authorized by Section 17.
(g) "Dental laboratory" means a person, firm or corporation which:
   (i) engages in making, providing, repairing or altering dental prosthetic appliances and other artificial materials and devices which are returned to a dentist

New matter indicated by italics - deletions by strikeout.
for insertion into the human oral cavity or which come in contact with its adjacent structures and tissues; and

(ii) utilizes or employs a dental technician to provide such services; and

(iii) performs such functions only for a dentist or dentists.

(h) "Supervision" means supervision of a dental hygienist or a dental assistant requiring that a dentist authorize the procedure, remain in the dental facility while the procedure is performed, and approve the work performed by the dental hygienist or dental assistant before dismissal of the patient, but does not mean that the dentist must be present at all times in the treatment room.

(i) "General supervision" means supervision of a dental hygienist requiring that a dentist authorize the procedures which are being carried out, but not requiring that a dentist be present when the authorized procedures are being performed. The authorized procedures may also be performed at a place other than the dentist's usual place of practice. The issuance of a prescription to a dental laboratory by a dentist does not constitute general supervision.

(j) "Public member" means a person who is not a health professional. For purposes of board membership, any person with a significant financial interest in a health service or profession is not a public member.

(k) "Dentistry" means the healing art which is concerned with the examination, diagnosis, treatment planning and care of conditions within the human oral cavity and its adjacent tissues and structures, as further specified in Section 17.

(l) "Branches of dentistry" means the various specialties of dentistry which, for purposes of this Act, shall be limited to the following: endodontics, oral and maxillofacial surgery, orthodontics and dentofacial orthopedics, pediatric dentistry, periodontics, prosthodontics, and oral and maxillofacial radiology.

(m) "Specialist" means a dentist who has received a specialty license pursuant to Section 11(b).

(n) "Dental technician" means a person who owns, operates or is employed by a dental laboratory and engages in making, providing, repairing or altering dental prosthetic appliances and other artificial materials and devices which are returned to a dentist for insertion into the human oral cavity or which come in contact with its adjacent structures and tissues.

(o) "Impaired dentist" or "impaired dental hygienist" means a dentist or dental hygienist who is unable to practice with reasonable skill and safety because of a physical or mental disability as evidenced by a written determination or written consent based on clinical evidence, including deterioration through the aging process, loss of motor skills, abuse of drugs or alcohol, or a psychiatric disorder, of sufficient degree to diminish the person's ability to deliver competent patient care.

(p) "Nurse" means a registered professional nurse, a certified registered nurse anesthetist licensed as an advanced practice nurse, or a licensed practical nurse licensed under the Nursing and Advanced Practice Nursing Act.

(Source: P.A. 91-138, eff. 1-1-00; 91-689, eff. 1-1-01; 92-280, eff. 1-1-02; revised 9-19-01.)

Section 53. The Nursing and Advanced Practice Nursing Act is amended by changing

New matter indicated by italics - deletions by strikeout.
Section 20-165 as follows:

(225 ILCS 65/20-165)  
(Section scheduled to be repealed on January 1, 2008)  
Sec. 20-165. Home rule preemption. It is declared to be the public policy of this State, pursuant to paragraph paragraphs (h) of Section 6 of Article VII of the Illinois Constitution of 1970, that any power or function set forth in this Act to be exercised by the State is an exclusive State power or function. Such power or function shall not be exercised concurrently, either directly or indirectly, by any unit of local government, including home rule units, except as otherwise provided in this Act.

(Source: P.A. 90-742, eff. 8-13-98; revised 12-07-01.)

Section 54. The Illinois Occupational Therapy Practice Act is amended by changing Sections 2 and 3.2 as follows:

(225 ILCS 75/2) (from Ch. 111, par. 3702)  
(Section scheduled to be repealed on December 31, 2003)  
Sec. 2. Definitions. In this Act:

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

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

(3) "Board" means the Illinois Occupational Therapy Board appointed by the Director.

(4) "Registered occupational therapist" means a person licensed to practice occupational therapy as defined in this Act, and whose license is in good standing.

(5) "Certified occupational therapy assistant" means a person licensed to assist in the practice of occupational therapy under the supervision of a registered occupational therapist, and to implement the occupational therapy treatment program as established by the registered occupational therapist. Such program may include training in activities of daily living, the use of therapeutic activity including task oriented activity to enhance functional performance, and guidance in the selection and use of adaptive equipment.

(6) "Occupational therapy" means the therapeutic use of purposeful and meaningful occupations or goal-directed activities to evaluate and provide interventions for individuals and populations who have a disease or disorder, an impairment, an activity limitation, or a participation restriction that interferes with their ability to function independently in their daily life roles and to promote health and wellness. Occupational therapy intervention may include any of the following:

(a) remediation or restoration of performance abilities that are limited due to impairment in biological, physiological, psychological, or neurological processes;

(b) adaptation of task, process, or the environment or the teaching of compensatory techniques in order to enhance performance;

(c) disability prevention methods and techniques that facilitate the development or safe application of performance skills; and

(d) health promotion strategies and practices that enhance performance abilities.

The registered occupational therapist or certified occupational therapy assistant may
assume a variety of roles in his or her career including, but not limited to, practitioner, supervisor of professional students and volunteers, researcher, scholar, consultant, administrator, faculty, clinical instructor, and educator of consumers, peers, and family.

(7) "Occupational therapy services" means services that may be provided to individuals and populations including, without limitation, the following:

(a) evaluating, developing, improving, sustaining, or restoring skills in activities of daily living, work, or productive activities, including instrumental living and play and leisure activities;

(b) evaluating, developing, improving, or restoring sensory motor, cognitive, or psychosocial components of performance;

(c) designing, fabricating, applying, or training in the use of assistive technology or temporary, orthoses and training in the use of orthoses and prostheses;

(d) adapting environments and processes, including the application of ergonomic principles, to enhance performance and safety in daily life roles;

(e) for occupational therapists possessing advanced training, skill, and competency as demonstrated through examinations that shall be determined by the Department, applying physical agent modalities as an adjunct to or in preparation for engagement in occupations;

(f) evaluating and providing intervention in collaboration with the client, family, caregiver, or others;

(g) educating the client, family, caregiver, or others in carrying out appropriate nonskilled interventions; and

(h) consulting with groups, programs, organizations, or communities to provide population-based services.

(8) "An aide in occupational therapy" means an individual who provides supportive services to occupational therapy practitioners but who is not certified by a nationally recognized occupational therapy certifying or licensing body or optometrist. (Source: P.A. 92-297, eff. 1-1-02; 92-366, eff. 1-1-02; revised 10-12-01.)
Sec. 10. State Board of Pharmacy. There is created in the Department the State Board of Pharmacy. It shall consist of 9 members, 7 of whom shall be licensed pharmacists. Each of those 7 members must be a licensed pharmacist in good standing in this State, a graduate of an accredited college of pharmacy or hold a Bachelor of Science degree in Pharmacy and have at least 5 years' practical experience in the practice of pharmacy subsequent to the date of his licensure as a licensed pharmacist in the State of Illinois. There shall be 2 public members, who shall be voting members, who shall not be licensed pharmacists in this State or any other state.

Each member shall be appointed by the Governor.

The terms of all members serving as of March 31, 1999 shall expire on that date. The Governor shall appoint 3 persons to serve one-year terms, 3 persons to serve 3-year terms, and 3 persons to serve 5-year terms to begin April 1, 1999. Otherwise, members shall be appointed to 5 year terms. No member shall be eligible to serve more than 12 consecutive years.

In making the appointment of members on the Board, the Governor shall give due consideration to recommendations by the members of the profession of pharmacy and by pharmaceutical organizations therein. The Governor shall notify the pharmaceutical organizations promptly of any vacancy of members on the Board and in appointing members shall give consideration to individuals engaged in all types and settings of pharmacy practice.

The Governor may remove any member of the Board for misconduct, incapacity or neglect of duty and he shall be the sole judge of the sufficiency of the cause for removal.

Every person appointed a member of the Board shall take and subscribe the constitutional oath of office and file it with the Secretary of State. Each member of the Board shall be reimbursed for such actual and legitimate expenses as he may incur in going to and from the place of meeting and remaining thereat during sessions of the Board. In addition, each member of the Board shall receive a per diem payment in an amount determined from time to time by the Director for attendance at meetings of the Board and conducting other official business of the Board.

The Board shall hold quarterly meetings and an annual meeting in January of each year and such other meetings at such times and places and upon such notice as the Board may determine and as its business may require. Five members of the Board shall constitute a quorum for the transaction of business. The Director shall appoint a pharmacy coordinator, who shall be someone other than a member of the Board. The pharmacy coordinator shall be a registered pharmacist in good standing in this State, shall be a graduate of an accredited college of pharmacy, or hold at a minimum a Bachelor of Science degree in Pharmacy and shall have at least 5 years' experience in the practice of pharmacy immediately prior to his appointment. The pharmacy coordinator shall be the executive administrator and the chief enforcement officer of the Pharmacy Practice Act of 1987.

The Board shall exercise the rights, powers and duties which have been vested in the Board under this Act, and any other duties conferred upon the Board by law.

The Director shall, in conformity with the Personnel Code, employ not less than 7 pharmacy investigators and 2 pharmacy supervisors. Each pharmacy investigator and each

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supervisor shall be a registered pharmacist in good standing in this State, and shall be a graduate of an accredited college of pharmacy and have at least 5 years of experience in the practice of pharmacy. The Department shall also employ at least one attorney who is a pharmacist to prosecute violations of this Act and its rules. The Department may, in conformity with the Personnel Code, employ such clerical and other employees as are necessary to carry out the duties of the Board.

The duly authorized pharmacy investigators of the Department shall have the right to enter and inspect during business hours any pharmacy or any other place in the State of Illinois holding itself out to be a pharmacy where medicines or drugs or drug products or proprietary medicines are sold, offered for sale, exposed for sale, or kept for sale. The pharmacy investigators shall be the only Department investigators authorized to inspect, investigate, and monitor probation compliance of pharmacists and pharmacies.

(Source: P.A. 90-253, eff. 7-29-97; 91-827, eff. 6-13-00; revised 12-07-01.)

Section 56. The Illinois Physical Therapy Act is amended by changing Section 1 as follows:

(225 ILCS 90/1) (from Ch. 111, par. 4251)

(Section scheduled to be repealed on January 1, 2006)
Sec. 1. Definitions. As used in this Act:

(1) "Physical therapy" means the evaluation or treatment of a person by the use of the effective properties of physical measures and heat, cold, light, water, radiant energy, electricity, sound, and air; and the use of therapeutic massage, therapeutic exercise, mobilization, and the rehabilitative procedures with or without assistive devices for the purposes of preventing, correcting, or alleviating a physical or mental disability, or promoting physical fitness and well-being. Physical therapy includes, but is not limited to: (a) performance of specialized tests and measurements, (b) administration of specialized treatment procedures, (c) interpretation of referrals from physicians, dentists and podiatrists, (d) establishment, and modification of physical therapy treatment programs, (e) administration of topical medication used in generally accepted physical therapy procedures when such medication is prescribed by the patient's physician, licensed to practice medicine in all its branches, the patient's physician licensed to practice podiatric medicine, or the patient's dentist, and (f) supervision or teaching of physical therapy. Physical therapy does not include radiology, electrosurgery, chiropractic technique or determination of a differential diagnosis; provided, however, the limitation on determining a differential diagnosis shall not in any manner limit a physical therapist licensed under this Act from performing an evaluation pursuant to such license. Nothing in this Section shall limit a physical therapist from employing appropriate physical therapy techniques that he or she is educated and licensed to perform. A physical therapist shall refer to a licensed physician, dentist, or podiatrist any patient whose medical condition should, at the time of evaluation or treatment, be determined to be beyond the scope of practice of the physical therapist.

(2) "Physical therapist" means a person who practices physical therapy and who has met all requirements as provided in this Act.

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

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

(5) "Committee" means the Physical Therapy Examining Committee approved by the Director.

(6) "Referral" for the purpose of this Act means the following of guidance or direction to the physical therapist given by the physician, dentist, or podiatrist who shall maintain supervision of the patient.

(7) "Documented current and relevant diagnosis" for the purpose of this Act means a diagnosis, substantiated by signature or oral verification of a physician, dentist, or podiatrist, that a patient's condition is such that it may be treated by physical therapy as defined in this Act, which diagnosis shall remain in effect until changed by the physician, dentist or podiatrist.

(8) "State" includes:
   (a) the states of the United States of America;
   (b) the District of Columbia; and or
   (c) the Commonwealth of Puerto Rico.

(9) "Physical therapist assistant" means a person licensed to assist a physical therapist and who has met all requirements as provided in this Act and who works under the supervision of a licensed physical therapist to assist in implementing the physical therapy treatment program as established by the licensed physical therapist. The patient care activities provided by the physical therapist assistant shall not include the interpretation of referrals, evaluation procedures, or the planning of, or major modification of, patient programs.

(10) "Physical therapy aide" means a person who has received on the job training, specific to the facility in which he is employed, but who has not completed an approved physical therapist assistant program.

(Source: P.A. 85-1440; 86-1396; revised 12-04-01.)

Section 57. The Perfusionist Practice Act is amended by changing Section 215 as follows:

(225 ILCS 125/215)

Sec. 215. Criminal penalties. A person who is found to have knowingly violated Section 105 or subsection (a) of Section 220 of this Act is guilty of a Class A misdemeanor for a first offense and is guilty of a Class 4 felony for a second or subsequent offense.

(Source: P.A. 91-580, eff. 1-1-00; revised 12-07-01.)

Section 58. The Illinois Roofing Industry Licensing Act is amended by changing Section 9.10 as follows:

(225 ILCS 335/9.10) (from Ch. 111, par. 7509.10)

Sec. 9.10. Returned checks; fines. Any person who delivers a check or other payment to the Department that is returned to the Department unpaid by the financial institution upon which it is drawn shall pay to the Department, in addition to the amount already owed to the

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Department, a fine of $50. The fines imposed by this Section are in addition to any other discipline provided under this Act for unlicensed practice or practice on a nonrenewed license. The Department shall notify the person that payment of fees and fines shall be paid to the Department by certified check or money order within 30 calendar days of the notification. If, after the expiration of 30 days from the date of the notification, the person has failed to submit the necessary remittance, the Department shall automatically terminate the license or deny the application, without hearing. If, after termination or denial, the person seeks a license, he or she shall apply to the Department for restoration or issuance of the license and pay all the application fees as set by rule. The Department may establish a fee for the processing of an application for restoration of a license to pay all expenses of processing this application. The Director may waive the fines due under this Section in individual cases where the Director finds that the fines would be unreasonable or unnecessarily burdensome.

(Source: P.A. 91-950, eff. 2-9-01; 92-146, eff. 1-1-02; revised 9-13-01.)

Section 59. The Highway Advertising Control Act of 1971 is amended by changing Section 3 as follows:

(225 ILCS 440/3) (from Ch. 121, par. 503)
Sec. 3. As used in this Act, unless the context otherwise requires, the terms defined in Sections 3.01 through 3.16 have the meanings ascribed to them in those Sections.
(Source: P.A. 77-1815; revised 12-07-01.)

Section 60. The Home Inspector License Act is amended by changing Section 15-20 as follows:

(225 ILCS 441/15-20)
(Sec. scheduled to be repealed on January 1, 2012)
(a) All final administrative decisions of the Commissioner under this Act are subject to judicial review pursuant to the provisions of the Administrative Review Law and the rules adopted pursuant thereto. The term "administrative decision" has the meaning ascribed to it in Section 3-101 of the Administrative Review Law.
(b) OBRE shall not be required to certify any record, file any answer, or otherwise appear unless the party filing the administrative review complaint pays the certification fee to OBRE as provided by rule. Failure on the part of the plaintiff to make such a deposit shall be grounds for dismissal of the action.
(c) The Illinois Administrative Procedure Act is hereby expressly adopted and incorporated herein. In the event of a conflict between this Act and the Illinois Administrative Procedure Act, this Act shall control.
(Source: P.A. 92-239, eff. 8-3-01; revised 9-19-01.)

Section 61. The Illinois Public Accounting Act is amended by changing Section 17 as follows:

(225 ILCS 450/17) (from Ch. 111, par. 5518)
(Sec. scheduled to be repealed on January 1, 2014)
(Text of Section before amendment by P.A. 92-457)

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Sec. 17. Fees; returned checks; fines. Each person, partnership, limited liability company, and corporation, to which a license is issued, shall pay a fee to be established by the Department which allows the Department to pay all costs and expenses incident to the administration of this Act. Interim licenses shall be at full rates.

The Department, by rule, shall establish fees to be paid for certification of records, and copies of this Act and the rules issued for administration of this Act.

Any person who delivers a check or other payment to the Department that is returned to the Department unpaid by the financial institution upon which it is drawn shall pay to the Department, in addition to the amount already owed to the Department, a fine of $50. The fines imposed by this Section are in addition to any other discipline provided under this Act for unlicensed practice or practice on a nonrenewed license. The Department shall notify the person that payment of fees and fines shall be paid to the Department by certified check or money order within 30 calendar days of the notification. If, after the expiration of 30 days from the date of the notification, the person has failed to submit the necessary remittance, the Department shall automatically terminate the license or certificate or deny the application, without hearing. If, after termination or denial, the person seeks a license or certificate, he or she shall apply to the Department for restoration or issuance of the license or certificate and pay all fees and fines due to the Department. The Department may establish a fee for the processing of an application for restoration of a license or certificate to pay all expenses of processing this application. The Director may waive the fines due under this Section in individual cases where the Director finds that the fines would be unreasonable or unnecessarily burdensome.

(Source: P.A. 92-146, eff. 1-1-02.)

(Text of Section after amendment by P.A. 92-457)

Sec. 17. Fees; returned checks; fines. Each person, partnership, limited liability company, and corporation, to which a license is issued, shall pay a fee to be established by the Board which allows the Board to pay all costs and expenses incident to the administration of this Act. Interim licenses shall be at full rates.

The Board, by rule, shall establish fees to be paid for certification of records, and copies of this Act and the rules issued for administration of this Act.

Any person who delivers a check or other payment to the Board that is returned to the Board unpaid by the financial institution upon which it is drawn shall pay to the Board, in addition to the amount already owed to the Board, a fine in an amount to be established by Board rule. The fines imposed by this Section are in addition to any other discipline provided under this Act for unlicensed practice or practice on a nonrenewed license. The Board shall notify the person that payment of fees and fines shall be paid to the Board by certified check or money order within 30 calendar days of the notification. If, after the expiration of 30 days from the date of the notification, the person has failed to submit the necessary remittance, the Board shall automatically terminate the license or certificate or deny the application, without hearing. If, after termination or denial, the person seeks a license or certificate, he or she shall apply to the Board for restoration or issuance of the license or certificate and pay all fees and fines due to the Board.
The Board may establish a fee for the processing of an application for restoration of a license or certificate to pay all expenses of processing this application. The Board may waive the fines due under this Section in individual cases where the Board finds that the fines would be unreasonable or unnecessarily burdensome.

(Source: P.A. 92-146, eff. 1-1-02; 92-457, eff. 7-1-04; revised 10-17-01.)

Section 62. The Illinois Petroleum Education and Marketing Act is amended by changing Section 10 as follows:

(225 ILCS 728/10)

Sec. 10. Illinois Petroleum Resources Board.

(a) There is hereby created until July 1, 2002, the Illinois Petroleum Resources Board which shall be subject to the provisions of the Regulatory Agency Sunset Act. The purpose of the Board is to coordinate a program designed to demonstrate to the general public the importance of the Illinois oil exploration and production industry, to encourage the wise and efficient use of energy, to promote environmentally sound production methods and technologies, to develop existing supplies of State oil resources, and to support research and educational activities concerning the oil exploration and production industry.

(b) The Board shall be composed of 12 members to be appointed by the Governor. The Governor shall make appointments from a list of names submitted by qualified producer associations, of which 10 shall be oil and gas producers.

(c) A member of the Board shall:

(1) be at least 25 years of age;
(2) be a resident of the State of Illinois; and
(3) have at least 5 years of active experience in the oil industry.

(d) Members shall serve for a term of 3 years, except that of the initial appointments, 4 members shall serve for one year, 4 members for 2 years, and 4 members for 3 years.

(e) Vacancies shall be filled for the unexpired term of office in the same manner as the original appointment.

(f) The Board shall, at its first meeting, elect one of its members as chairperson, who shall preside over meetings of the Board and perform other duties that may be required by the Board. The first meeting of the Board shall be called by the Governor.

(g) No member of the Board shall receive a salary or reimbursement for duties performed as a member of the Board, except that members are eligible to receive reimbursement for travel expenses incurred in the performance of Board duties.

(Source: P.A. 90-614, eff. 7-10-98; revised 1-9-02.)

Section 63. The Liquor Control Act of 1934 is amended by changing Sections 5-1 and 6-16 as follows:

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

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

(a) Manufacturer's license - Class 1. Distiller, Class 2. Rectifier, Class 3. Brewer, Class 4. First Class Wine Manufacturer, Class 5. Second Class Wine Manufacturer, Class
6. First Class Winemaker, Class 7. Second Class Winemaker, Class 8. Limited Wine Manufacturer,
   (b) Distributor's license,
   (c) Importing Distributor's license,
   (d) Retailer's license,
   (e) Special Event Retailer's license (not-for-profit),
   (f) Railroad license,
   (g) Boat license,
   (h) Non-Beverage User's license,
   (i) Wine-maker's premises license,
   (j) Airplane license,
   (k) Foreign importer's license,
   (l) Broker's license,
   (m) Non-resident dealer's license,
   (n) Brew Pub license,
   (o) Auction liquor license,
   (p) Caterer retailer license,
   (q) Special use permit license.

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

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

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

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

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

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

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

   Class 6. A first-class wine-maker's license shall allow the manufacture of up to 50,000 gallons of wine per year, and the storage and sale of such wine to distributors in the State and to persons without the State, as may be permitted by law. A first-class

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wine-maker's license shall allow the sale of no more than 5,000 gallons of the licensee's wine to retailers. The State Commission shall issue only one first-class wine-maker's license to any person, firm, partnership, corporation, or other legal business entity that is engaged in the making of less than 50,000 gallons of wine annually that applies for a first-class wine-maker's license. No subsidiary or affiliate thereof, nor any officer, associate, member, partner, representative, employee, agent, or shareholder may be issued an additional wine-maker's license by the State Commission.

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

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

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

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

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

(c) An importing distributor's license may be issued to and held by those only who are duly licensed distributors, upon the filing of an application by a duly licensed distributor, with the Commission and the Commission shall, without the payment of any fee, immediately issue such importing distributor's license to the applicant, which shall allow the importation of alcoholic liquor by the licensee into this State from any point in the United States of America.

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States outside this State, and the purchase of alcoholic liquor in barrels, casks or other bulk containers and the bottling of such alcoholic liquors before resale thereof, but all bottles or containers so filled shall be sealed, labeled, stamped and otherwise made to comply with all provisions, rules and regulations governing manufacturers in the preparation and bottling of alcoholic liquors. The importing distributor's license shall permit such licensee to purchase alcoholic liquor from Illinois licensed non-resident dealers and foreign importers only.

(d) A retailer's license shall allow the licensee to sell and offer for sale at retail, only in the premises specified in such license, alcoholic liquor for use or consumption, but not for resale in any form: Provided that any retail license issued to a manufacturer shall only permit such manufacturer to sell beer at retail on the premises actually occupied by such manufacturer.

After January 1, 1995 there shall be 2 classes of licenses issued under a retailers license.

(1) A "retailers on premise consumption license" shall allow the licensee to sell and offer for sale at retail, only on the premises specified in the license, alcoholic liquor for use or consumption on the premises or on and off the premises, but not for resale in any form.

(2) An "off premise sale license" shall allow the licensee to sell, or offer for sale at retail, alcoholic liquor intended only for off premise consumption and not for resale in any form.

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

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

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

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

(h) A non-beverage user's license shall allow the licensee to purchase alcoholic liquor from a licensed manufacturer or importing distributor, without the imposition of any tax upon the business of such licensed manufacturer or importing distributor as to such alcoholic liquor to be used by such licensee solely for the non-beverage purposes set forth in subsection (a) of Section 8-1 of this Act, and such licenses shall be divided and classified and shall permit the purchase, possession and use of limited and stated quantities of alcoholic liquor as follows:

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

(i) A wine-maker's premises license shall allow a licensee that concurrently holds a first-class wine-maker's license to sell and offer for sale at retail in the premises specified in such license not more than 50,000 gallons of the first-class wine-maker's wine that is made at the first-class wine-maker's licensed premises per year for use or consumption, but not for resale in any form. A wine-maker's premises license shall allow a licensee who concurrently holds a second-class wine-maker's license to sell and offer for sale at retail in the premises specified in such license up to 100,000 gallons of the second-class wine-maker's wine that is made at the second-class wine-maker's licensed premises per year for use or consumption but not for resale in any form. Upon approval from the State Commission, a wine-maker's premises license shall allow the licensee to sell and offer for sale at (i) the wine-maker's licensed premises and (ii) at up to 2 additional locations for use and consumption and not for resale. Each location shall require additional licensing per location as specified in Section 5-3 of this Act.

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

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

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

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

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

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

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A broker's license under this subsection (1) shall not entitle the holder to buy or sell any alcoholic liquors for his own account or to take or deliver title to such alcoholic liquors. This subsection (1) shall not apply to distributors, employees of distributors, or employees of a manufacturer who has registered the trademark, brand or name of the alcoholic liquor pursuant to Section 6-9 of this Act, and who regularly sells such alcoholic liquor in the State of Illinois only to its registrants thereunder. Any agent, representative, or person subject to registration pursuant to subsection (a-1) of this Section shall not be eligible to receive a broker's license.

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

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

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

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

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

(Source: P.A. 91-357, eff. 7-29-99; 92-105, eff. 1-1-02; 92-378, eff. 8-16-01; revised

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Sec. 6-16. Prohibited sales and possession.

(a) (i) No licensee nor any officer, associate, member, representative, agent, or employee of such licensee shall sell, give, or deliver alcoholic liquor to any person under the age of 21 years or to any intoxicated person, except as provided in Section 6-16.1. (ii) No express company, common carrier, or contract carrier nor any representative, agent, or employee on behalf of an express company, common carrier, or contract carrier that carries or transports alcoholic liquor for delivery within this State shall knowingly give or knowingly deliver to a residential address any shipping container clearly labeled as containing alcoholic liquor and labeled as requiring signature of an adult of at least 21 years of age to any person in this State under the age of 21 years. An express company, common carrier, or contract carrier that carries or transports such alcoholic liquor for delivery within this State shall obtain a signature at the time of delivery acknowledging receipt of the alcoholic liquor by an adult who is at least 21 years of age. At no time while delivering alcoholic beverages within this State may any representative, agent, or employee of an express company, common carrier, or contract carrier that carries or transports alcoholic liquor for delivery within this State deliver the alcoholic liquor to a residential address without the acknowledgment of the consignee and without first obtaining a signature at the time of the delivery by an adult who is at least 21 years of age. A signature of a person on file with the express company, common carrier, or contract carrier does not constitute acknowledgment of the consignee. Any express company, common carrier, or contract carrier that transports alcoholic liquor for delivery within this State that violates this item (ii) of this subsection (a) by delivering alcoholic liquor without the acknowledgement of the consignee and without first obtaining a signature at the time of the delivery by an adult who is at least 21 years of age is guilty of a business offense for which the express company, common carrier, or contract carrier that transports alcoholic liquor within this State shall be fined not more than $1,001 for a first offense, not more than $5,000 for a second offense, and not more than $10,000 for a third or subsequent offense. An express company, common carrier, or contract carrier shall be held vicariously liable for the actions of its representatives, agents, or employees. For purposes of this Act, in addition to other methods authorized by law, an express company, common carrier, or contract carrier shall be considered served with process when a representative, agent, or employee alleged to have violated this Act is personally served. Each shipment of alcoholic liquor delivered in violation of this item (ii) of this subsection (a) constitutes a separate offense. (iii) No person, after purchasing or otherwise obtaining alcoholic liquor, shall sell, give, or deliver such alcoholic liquor to another person under the age of 21 years, except in the performance of a religious ceremony or service. Except as otherwise provided in item (ii), any express company, common carrier, or contract carrier that transports alcoholic liquor within this State that violates the provisions of item (i), (ii), or (iii) of this paragraph of this subsection (a) is guilty of a Class A misdemeanor and the sentence shall include, but shall not be limited to, a fine of not less than $500.

If a licensee or officer, associate, member, representative, agent, or employee of the

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licensee, or a representative, agent, or employee of an express company, common carrier, or contract carrier that carries or transports alcoholic liquor for delivery within this State, is prosecuted under this paragraph of this subsection (a) for selling, giving, or delivering alcoholic liquor to a person under the age of 21 years, the person under 21 years of age who attempted to buy or receive the alcoholic liquor may be prosecuted pursuant to Section 6-20 of this Act, unless the person under 21 years of age was acting under the authority of a law enforcement agency, the Illinois Liquor Control Commission, or a local liquor control commissioner pursuant to a plan or action to investigate, patrol, or conduct any similar enforcement action.

For the purpose of preventing the violation of this Section, any licensee, or his agent or employee, or a representative, agent, or employee of an express company, common carrier, or contract carrier that carries or transports alcoholic liquor for delivery within this State, shall refuse to sell, deliver, or serve alcoholic beverages to any person who is unable to produce adequate written evidence of identity and of the fact that he or she is over the age of 21 years, if requested by the licensee, agent, employee, or representative.

Adequate written evidence of age and identity of the person is a document issued by a federal, state, county, or municipal government, or subdivision or agency thereof, including, but not limited to, a motor vehicle operator's license, a registration certificate issued under the Federal Selective Service Act, or an identification card issued to a member of the Armed Forces. Proof that the defendant-licensee, or his employee or agent, or the representative, agent, or employee of the express company, common carrier, or contract carrier that carries or transports alcoholic liquor for delivery within this State demanded, was shown and reasonably relied upon such written evidence in any transaction forbidden by this Section is an affirmative defense in any criminal prosecution therefor or to any proceedings for the suspension or revocation of any license based thereon. It shall not, however, be an affirmative defense if the agent or employee accepted the written evidence knowing it to be false or fraudulent. If a false or fraudulent Illinois driver's license or Illinois identification card is presented by a person less than 21 years of age to a licensee or the licensee's agent or employee for the purpose of ordering, purchasing, attempting to purchase, or otherwise obtaining or attempting to obtain the serving of any alcoholic beverage, the law enforcement officer or agency investigating the incident shall, upon the conviction of the person who presented the fraudulent license or identification, make a report of the matter to the Secretary of State on a form provided by the Secretary of State.

However, no agent or employee of the licensee or employee of an express company, common carrier, or contract carrier that carries or transports alcoholic liquor for delivery within this State shall be disciplined or discharged for selling or furnishing liquor to a person under 21 years of age if the agent or employee demanded and was shown, before furnishing liquor to a person under 21 years of age, adequate written evidence of age and identity of the person issued by a federal, state, county or municipal government, subdivision or agency thereof, including but not limited to a motor vehicle operator's license, a registration certificate issued under the Federal Selective Service Act, or an identification card issued to a member of the Armed Forces. This paragraph, however, shall not apply if the agent or
employee accepted the written evidence knowing it to be false or fraudulent.

Any person who sells, gives, or furnishes to any person under the age of 21 years any false or fraudulent written, printed, or photostatic evidence of the age and identity of such person or who sells, gives or furnishes to any person under the age of 21 years evidence of age and identification of any other person is guilty of a Class A misdemeanor and the person's sentence shall include, but shall not be limited to, a fine of not less than $500.

Any person under the age of 21 years who presents or offers to any licensee, his agent or employee, any written, printed or photostatic evidence of age and identity that is false, fraudulent, or not actually his or her own for the purpose of ordering, purchasing, attempting to purchase or otherwise procuring or attempting to procure, the serving of any alcoholic beverage, who falsely states in writing that he or she is at least 21 years of age when receiving alcoholic liquor from a representative, agent, or employee of an express company, common carrier, or contract carrier, or who has in his or her possession any false or fraudulent written, printed, or photostatic evidence of age and identity, is guilty of a Class A misdemeanor and the person's sentence shall include, but shall not be limited to, the following: a fine of not less than $500 and at least 25 hours of community service. If possible, any community service shall be performed for an alcohol abuse prevention program.

Any person under the age of 21 years who has any alcoholic beverage in his or her possession on any street or highway or in any public place or in any place open to the public is guilty of a Class A misdemeanor. This Section does not apply to possession by a person under the age of 21 years making a delivery of an alcoholic beverage in pursuance of the order of his or her parent or in pursuance of his or her employment.

(a-1) It is unlawful for any parent or guardian to permit his or her residence to be used by an invitee of the parent's child or the guardian's ward, if the invitee is under the age of 21, in a manner that constitutes a violation of this Section. A parent or guardian is deemed to have permitted his or her residence to be used in violation of this Section if he or she knowingly authorizes, enables, or permits such use to occur by failing to control access to either the residence or the alcoholic liquor maintained in the residence. Any person who violates this subsection (a-1) is guilty of a Class A misdemeanor and the person's sentence shall include, but shall not be limited to, a fine of not less than $500. Nothing in this subsection (a-1) shall be construed to prohibit the giving of alcoholic liquor to a person under the age of 21 years in the performance of a religious ceremony or service.

(b) Except as otherwise provided in this Section whoever violates this Section shall, in addition to other penalties provided for in this Act, be guilty of a Class A misdemeanor.

(c) Any person shall be guilty of a Class A misdemeanor where he or she knowingly permits a gathering at a residence which he or she occupies of two or more persons where any one or more of the persons is under 21 years of age and the following factors also apply:

(1) the person occupying the residence knows that any such person under the age of 21 is in possession of or is consuming any alcoholic beverage; and

(2) the possession or consumption of the alcohol by the person under 21 is not otherwise permitted by this Act; and

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(3) the person occupying the residence knows that the person under the age of 21 leaves the residence in an intoxicated condition.

For the purposes of this subsection (c) where the residence has an owner and a tenant or lessee, there is a rebuttable presumption that the residence is occupied only by the tenant or lessee.

(d) Any person who rents a hotel or motel room from the proprietor or agent thereof for the purpose of or with the knowledge that such room shall be used for the consumption of alcoholic liquor by persons under the age of 21 years shall be guilty of a Class A misdemeanor.

(e) Except as otherwise provided in this Act, any person who has alcoholic liquor in his or her possession on public school district property on school days or at events on public school district property when children are present is guilty of a petty offense, unless the alcoholic liquor (i) is in the original container with the seal unbroken and is in the possession of a person who is not otherwise legally prohibited from possessing the alcoholic liquor or (ii) is in the possession of a person in or for the performance of a religious service or ceremony authorized by the school board.

(Source: P.A. 92-380, eff. 1-1-02; 92-503, eff. 1-1-02; 92-507, eff. 1-1-02; revised 1-7-02.)

Section 64. The Illinois Public Aid Code is amended by changing Sections 4-1.7, 5-5, 5-5.4, 5-10, 5-12, 8A-7.1, 9-1, 10-3, 10-10.5, 11-22b, 12-4.25, and 12-10.2 and setting forth and renumbering multiple versions of Section 12-10.5 as follows:

(305 ILCS 5/4-1.7) (from Ch. 23, par. 4-1.7)

Sec. 4-1.7. Enforcement of Parental Child Support Obligation. If the parent or parents of the child are failing to meet or are delinquent in their legal obligation to support the child, the parent or other person having custody of the child or the Illinois Department of Public Aid may request the law enforcement officer authorized or directed by law to so act to file action for the enforcement of such remedies as the law provides for the fulfillment of the child support obligation.

If a parent has a judicial remedy against the other parent to compel child support, or if, as the result of an action initiated by or in behalf of one parent against the other, a child support order has been entered in respect to which there is noncompliance or delinquency, or where the order so entered may be changed upon petition to the court to provide additional support, the parent or other person having custody of the child or the Illinois Department of Public Aid may request the appropriate law enforcement officer to seek enforcement of the remedy, or of the support order, or a change therein to provide additional support. If the law enforcement officer is not authorized by law to so act in these instances, the parent, or if so authorized by law the other person having custody of the child, or the Illinois Department of Public Aid may initiate an action to enforce these remedies.

A parent or other person having custody of the child must comply with the requirements of Title IV of the federal Social Security Act, and the regulations duly promulgated thereunder, and any rules promulgated by the Illinois Department regarding enforcement of the child support obligation. The Illinois Department of Public Aid and the Department of Human Services may provide by rule for the grant or continuation of aid to

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the person for a temporary period if he or she accepts counseling or other services designed to increase his or her motivation to seek enforcement of the child support obligation.

In addition to any other definition of failure or refusal to comply with the requirements of Title IV of the federal Social Security Act, or Illinois Department rule, in the case of failure to attend court hearings, the parent or other person can show cooperation by attending a court hearing or, if a court hearing cannot be scheduled within 14 days following the court hearing that was missed, by signing a statement that the parent or other person is now willing to cooperate in the child support enforcement process and will appear at any later scheduled court date. The parent or other person can show cooperation by signing such a statement only once. If failure to attend the court hearing or other failure to cooperate results in the case being dismissed, such a statement may be signed after 2 months.

No denial or termination of medical assistance pursuant to this Section shall commence during pregnancy of the parent or other person having custody of the child or for 30 days after the termination of such pregnancy. The termination of medical assistance may commence thereafter if the Illinois Department of Public Aid determines that the failure or refusal to comply with this Section persists. Postponement of denial or termination of medical assistance during pregnancy under this paragraph shall be effective only to the extent it does not conflict with federal law or regulation.

Any evidence a parent or other person having custody of the child gives in order to comply with the requirements of this Section shall not render him or her liable to prosecution under Sections 11-7 or 11-8 of the "Criminal Code of 1961", approved July 28, 1961, as amended.

When so requested, the Illinois Department of Public Aid and the Department of Human Services shall provide such services and assistance as the law enforcement officer may require in connection with the filing of any action hereunder.

The Illinois Department of Public Aid and the Department of Human Services, and as an expense of administration, may also provide applicants for and recipients of aid with such services and assistance, including assumption of the reasonable costs of prosecuting any action or proceeding, as may be necessary to enable them to enforce the child support liability required hereunder.

Nothing in this Section shall be construed as a requirement that an applicant or recipient file an action for dissolution of marriage against his or her spouse.

(Source: P.A. 89-507, eff. 7-1-97; 90-17, eff. 7-1-97; revised 12-13-01.)

(305 ILCS 5/5-5) (from Ch. 23, par. 5-5)

Sec. 5-5. Medical services. The Illinois Department, by rule, shall determine the quantity and quality of and the rate of reimbursement for the medical assistance for which payment will be authorized, and the medical services to be provided, which may include all or part of the following: (1) inpatient hospital services; (2) outpatient hospital services; (3) other laboratory and X-ray services; (4) skilled nursing home services; (5) physicians' services whether furnished in the office, the patient's home, a hospital, a skilled nursing home, or elsewhere; (6) medical care, or any other type of remedial care furnished by licensed practitioners; (7) home health care services; (8) private duty nursing service; (9)
clinic services; (10) dental services; (11) physical therapy and related services; (12) prescribed drugs, dentures, and prosthetic devices; and eyeglasses prescribed by a physician skilled in the diseases of the eye, or by an optometrist, whichever the person may select; (13) other diagnostic, screening, preventive, and rehabilitative services; (14) transportation and such other expenses as may be necessary; (15) medical treatment of sexual assault survivors, as defined in Section 1a of the Sexual Assault Survivors Emergency Treatment Act, for injuries sustained as a result of the sexual assault, including examinations and laboratory tests to discover evidence which may be used in criminal proceedings arising from the sexual assault; (16) the diagnosis and treatment of sickle cell anemia; and (17) any other medical care, and any other type of remedial care recognized under the laws of this State, but not including abortions, or induced miscarriages or premature births, unless, in the opinion of a physician, such procedures are necessary for the preservation of the life of the woman seeking such treatment, or except an induced premature birth intended to produce a live viable child and such procedure is necessary for the health of the mother or her unborn child.

Notwithstanding any other provision of this Section, the Illinois Department of Public Aid shall authorize the provision of, and shall authorize payment for, screening by low-dose mammography for the presence of occult breast cancer for women

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35 years of age or older who are eligible for medical assistance under this Article, as follows:
a baseline mammogram for women 35 to 39 years of age and an annual mammogram for
women 40 years of age or older. All screenings shall include a physical breast exam,
instruction on self-examination and information regarding the frequency of self-examination
and its value as a preventative tool. As used in this Section, "low-dose mammography"
means the x-ray examination of the breast using equipment dedicated specifically for
mammography, including the x-ray tube, filter, compression device, image receptor, and
cassettes, with an average radiation exposure delivery of less than one rad mid-breast, with
2 views for each breast.

Any medical or health care provider shall immediately recommend, to any pregnant
woman who is being provided prenatal services and is suspected of drug abuse or is addicted
as defined in the Alcoholism and Other Drug Abuse and Dependency Act, referral to a local
substance abuse treatment provider licensed by the Department of Human Services or to a
licensed hospital which provides substance abuse treatment services. The Department of
Public Aid shall assure coverage for the cost of treatment of the drug abuse or addiction for
pregnant recipients in accordance with the Illinois Medicaid Program in conjunction with the
Department of Human Services.

All medical providers providing medical assistance to pregnant women under this
Code shall receive information from the Department on the availability of services under the
Drug Free Families with a Future or any comparable program providing case management
services for addicted women, including information on appropriate referrals for other social
services that may be needed by addicted women in addition to treatment for addiction.

The Illinois Department, in cooperation with the Departments of Human Services (as
successor to the Department of Alcoholism and Substance Abuse) and Public Health,
through a public awareness campaign, may provide information concerning treatment for
alcoholism and drug abuse and addiction, prenatal health care, and other pertinent programs
directed at reducing the number of drug-affected infants born to recipients of medical
assistance.

Neither the Illinois Department of Public Aid nor the Department of Human Services
shall sanction the recipient solely on the basis of her substance abuse.

The Illinois Department shall establish such regulations governing the dispensing of
health services under this Article as it shall deem appropriate. In formulating these
regulations the Illinois Department shall consult with and give substantial weight to the
recommendations offered by the Citizens Assembly/Council on Public Aid. The Department
should seek the advice of formal professional advisory committees appointed by the Director
of the Illinois Department for the purpose of providing regular advice on policy and
administrative matters, information dissemination and educational activities for medical and
health care providers, and consistency in procedures to the Illinois Department.

The Illinois Department may develop and contract with Partnerships of medical
providers to arrange medical services for persons eligible under Section 5-2 of this Code.
Implementation of this Section may be by demonstration projects in certain geographic areas.
The Partnership shall be represented by a sponsor organization. The Department, by rule,

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shall develop qualifications for sponsors of Partnerships. Nothing in this Section shall be construed to require that the sponsor organization be a medical organization.

The sponsor must negotiate formal written contracts with medical providers for physician services, inpatient and outpatient hospital care, home health services, treatment for alcoholism and substance abuse, and other services determined necessary by the Illinois Department by rule for delivery by Partnerships. Physician services must include prenatal and obstetrical care. The Illinois Department shall reimburse medical services delivered by Partnership providers to clients in target areas according to provisions of this Article and the Illinois Health Finance Reform Act, except that:

(1) Physicians participating in a Partnership and providing certain services, which shall be determined by the Illinois Department, to persons in areas covered by the Partnership may receive an additional surcharge for such services.

(2) The Department may elect to consider and negotiate financial incentives to encourage the development of Partnerships and the efficient delivery of medical care.

(3) Persons receiving medical services through Partnerships may receive medical and case management services above the level usually offered through the medical assistance program.

Medical providers shall be required to meet certain qualifications to participate in Partnerships to ensure the delivery of high quality medical services. These qualifications shall be determined by rule of the Illinois Department and may be higher than qualifications for participation in the medical assistance program. Partnership sponsors may prescribe reasonable additional qualifications for participation by medical providers, only with the prior written approval of the Illinois Department.

Nothing in this Section shall limit the free choice of practitioners, hospitals, and other providers of medical services by clients. In order to ensure patient freedom of choice, the Illinois Department shall immediately promulgate all rules and take all other necessary actions so that provided services may be accessed from therapeutically certified optometrists to the full extent of the Illinois Optometric Practice Act of 1987 without discriminating between service providers.

The Department shall apply for a waiver from the United States Health Care Financing Administration to allow for the implementation of Partnerships under this Section.

The Illinois Department shall require health care providers to maintain records that document the medical care and services provided to recipients of Medical Assistance under this Article. The Illinois Department shall require health care providers to make available, when authorized by the patient, in writing, the medical records in a timely fashion to other health care providers who are treating or serving persons eligible for Medical Assistance under this Article. All dispensers of medical services shall be required to maintain and retain business and professional records sufficient to fully and accurately document the nature, scope, details and receipt of the health care provided to persons eligible for medical assistance under this Code, in accordance with regulations promulgated by the Illinois Department. The rules and regulations shall require that proof of the receipt of prescription

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drugs, dentures, prosthetic devices and eyeglasses by eligible persons under this Section accompany each claim for reimbursement submitted by the dispenser of such medical services. No such claims for reimbursement shall be approved for payment by the Illinois Department without such proof of receipt, unless the Illinois Department shall have put into effect and shall be operating a system of post-payment audit and review which shall, on a sampling basis, be deemed adequate by the Illinois Department to assure that such drugs, dentures, prosthetic devices and eyeglasses for which payment is being made are actually being received by eligible recipients. Within 90 days after the effective date of this amendatory Act of 1984, the Illinois Department shall establish a current list of acquisition costs for all prosthetic devices and any other items recognized as medical equipment and supplies reimbursable under this Article and shall update such list on a quarterly basis, except that the acquisition costs of all prescription drugs shall be updated no less frequently than every 30 days as required by Section 5-5.12.

The rules and regulations of the Illinois Department shall require that a written statement including the required opinion of a physician shall accompany any claim for reimbursement for abortions, or induced miscarriages or premature births. This statement shall indicate what procedures were used in providing such medical services.

The Illinois Department shall require that all dispensers of medical services, other than an individual practitioner or group of practitioners, desiring to participate in the Medical Assistance program established under this Article to disclose all financial, beneficial, ownership, equity, surety or other interests in any and all firms, corporations, partnerships, associations, business enterprises, joint ventures, agencies, institutions or other legal entities providing any form of health care services in this State under this Article.

The Illinois Department may require that all dispensers of medical services desiring to participate in the medical assistance program established under this Article disclose, under such terms and conditions as the Illinois Department may by rule establish, all inquiries from clients and attorneys regarding medical bills paid by the Illinois Department, which inquiries could indicate potential existence of claims or liens for the Illinois Department.

The Illinois Department shall establish policies, procedures, standards and criteria by rule for the acquisition, repair and replacement of orthotic and prosthetic devices and durable medical equipment. Such rules shall provide, but not be limited to, the following services: (1) immediate repair or replacement of such devices by recipients without medical authorization; and (2) rental, lease, purchase or lease-purchase of durable medical equipment in a cost-effective manner, taking into consideration the recipient's medical prognosis, the extent of the recipient's needs, and the requirements and costs for maintaining such equipment. Such rules shall enable a recipient to temporarily acquire and use alternative or substitute devices or equipment pending repairs or replacements of any device or equipment previously authorized for such recipient by the Department. Rules under clause (2) above shall not provide for purchase or lease-purchase of durable medical equipment or supplies used for the purpose of oxygen delivery and respiratory care.

The Department shall execute, relative to the nursing home prescreening project, written inter-agency agreements with the Department of Human Services and the Department

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on Aging, to effect the following: (i) intake procedures and common eligibility criteria for those persons who are receiving non-institutional services; and (ii) the establishment and development of non-institutional services in areas of the State where they are not currently available or are undeveloped.

The Illinois Department shall develop and operate, in cooperation with other State Departments and agencies and in compliance with applicable federal laws and regulations, appropriate and effective systems of health care evaluation and programs for monitoring of utilization of health care services and facilities, as it affects persons eligible for medical assistance under this Code. The Illinois Department shall report regularly the results of the operation of such systems and programs to the Citizens Assembly/Council on Public Aid to enable the Committee to ensure, from time to time, that these programs are effective and meaningful.

The Illinois Department shall report annually to the General Assembly, no later than the second Friday in April of 1979 and each year thereafter, in regard to:

(a) actual statistics and trends in utilization of medical services by public aid recipients;
(b) actual statistics and trends in the provision of the various medical services by medical vendors;
(c) current rate structures and proposed changes in those rate structures for the various medical vendors; and
(d) efforts at utilization review and control by the Illinois Department.

The period covered by each report shall be the 3 years ending on the June 30 prior to the report. The report shall include suggested legislation for consideration by the General Assembly. The filing of one copy of the report with the Speaker, one copy with the Minority Leader and one copy with the Clerk of the House of Representatives, one copy with the President, one copy with the Minority Leader and one copy with the Secretary of the Senate, one copy with the Legislative Research Unit, such additional copies with the State Government Report Distribution Center for the General Assembly as is required under paragraph (t) of Section 7 of the State Library Act and one copy with the Citizens Assembly/Council on Public Aid or its successor shall be deemed sufficient to comply with this Section.

(Source: P.A. 91-344, eff. 1-1-00; 91-462, eff. 8-6-99; 91-666, eff. 12-22-99; 92-16, eff. 6-28-01; revised 12-13-01.)

(305 ILCS 5/5-5.4) (from Ch. 23, par. 5-5.4)
Sec. 5-5.4. Standards of Payment - Department of Public Aid. The Department of Public Aid shall develop standards of payment of skilled nursing and intermediate care services in facilities providing such services under this Article which:

(1) Provides for the determination of a facility's payment for skilled nursing and intermediate care services on a prospective basis. The amount of the payment rate for all nursing facilities certified under the medical assistance program shall be prospectively established annually on the basis of historical, financial, and statistical data reflecting actual costs from prior years, which shall be applied to the current rate year and updated for

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inflation, except that the capital cost element for newly constructed facilities shall be based upon projected budgets. The annually established payment rate shall take effect on July 1 in 1984 and subsequent years. Rate increases shall be provided annually thereafter on July 1 in 1984 and on each subsequent July 1 in the following years, except that no rate increase and no update for inflation shall be provided on or after July 1, 1994 and before July 1, 2002, unless specifically provided for in this Section.

For facilities licensed by the Department of Public Health under the Nursing Home Care Act as Intermediate Care for the Developmentally Disabled facilities or Long Term Care for Under Age 22 facilities, the rates taking effect on July 1, 1998 shall include an increase of 3%. For facilities licensed by the Department of Public Health under the Nursing Home Care Act as Skilled Nursing facilities or Intermediate Care facilities, the rates taking effect on July 1, 1998 shall include an increase of 3% plus $1.10 per resident-day, as defined by the Department.

For facilities licensed by the Department of Public Health under the Nursing Home Care Act as Intermediate Care for the Developmentally Disabled facilities or Long Term Care for Under Age 22 facilities, the rates taking effect on July 1, 1999 shall include an increase of 1.6% plus $3.00 per resident-day, as defined by the Department. For facilities licensed by the Department of Public Health under the Nursing Home Care Act as Skilled Nursing facilities or Intermediate Care facilities, the rates taking effect on July 1, 1999 shall include an increase of 1.6% and, for services provided on or after October 1, 1999, shall be increased by $4.00 per resident-day, as defined by the Department.

For facilities licensed by the Department of Public Health under the Nursing Home Care Act as Intermediate Care for the Developmentally Disabled facilities or Long Term Care for Under Age 22 facilities, the rates taking effect on March 1, 2001 shall include a statewide increase of 7.85%, as defined by the Department.

For facilities licensed by the Department of Public Health under the Nursing Home Care Act as Intermediate Care for the Developmentally Disabled facilities or Long Term Care for Under Age 22 facilities, the rates taking effect on April 1, 2002 shall include a statewide increase of 2.0%, as defined by the Department.

For facilities licensed by the Department of Public Health under the Nursing Home Care Act as skilled nursing facilities or intermediate care facilities, the rates taking effect on July 1, 2001, and each subsequent year thereafter, shall be computed using the most recent cost reports on file with the Department of Public Aid no later than April 1, 2000 updated for inflation to January 1, 2001. For rates effective July 1, 2001 only, rates shall be the greater of the rate computed for July 1, 2001 or the rate effective on June 30, 2001.

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Rates established effective each July 1 shall govern payment for services rendered throughout that fiscal year, except that rates established on July 1, 1996 shall be increased by 6.8% for services provided on or after January 1, 1997. Such rates will be based upon the rates calculated for the year beginning July 1, 1990, and for subsequent years thereafter until June 30, 2001 shall be based on the facility cost reports for the facility fiscal year ending at any point in time during the previous calendar year, updated to the midpoint of the rate year. The cost report shall be on file with the Department no later than April 1 of the current rate year. Should the cost report not be on file by April 1, the Department shall base the rate on the latest cost report filed by each skilled care facility and intermediate care facility, updated to the midpoint of the current rate year. In determining rates for services rendered on and after July 1, 1985, fixed time shall not be computed at less than zero. The Department shall not make any alterations of regulations which would reduce any component of the Medicaid rate to a level below what that component would have been utilizing in the rate effective on July 1, 1984.

(2) Shall take into account the actual costs incurred by facilities in providing services for recipients of skilled nursing and intermediate care services under the medical assistance program.

(3) Shall take into account the medical and psycho-social characteristics and needs of the patients.

(4) Shall take into account the actual costs incurred by facilities in meeting licensing and certification standards imposed and prescribed by the State of Illinois, any of its political subdivisions or municipalities and by the U.S. Department of Health and Human Services pursuant to Title XIX of the Social Security Act.

The Department of Public Aid shall develop precise standards for payments to reimburse nursing facilities for any utilization of appropriate rehabilitative personnel for the provision of rehabilitative services which is authorized by federal regulations, including reimbursement for services provided by qualified therapists or qualified assistants, and which is in accordance with accepted professional practices. Reimbursement also may be made for utilization of other supportive personnel under appropriate supervision.

(Source: P.A. 91-24, eff. 7-1-99; 91-712, eff. 7-1-00; 92-10, eff. 6-11-01; 92-31, eff. 6-28-01; revised 12-13-01.)

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

Sec. 5-10. Entitlement to Social Services. Persons receiving medical assistance shall be entitled to receive, under Article IX and the "Illinois Act on the Aging", approved August 29, 1973, as amended, such rehabilitative, training or other social services as are appropriate to their condition.

(Source: P.A. 83-333; revised 12-07-01.)

(305 ILCS 5/5-12) (from Ch. 23, par. 5-12)

Sec. 5-12. Funeral and burial. Upon the death of a recipient who qualified under class 2, 3 or 4 of Section 5-2, if his estate is insufficient to pay his funeral and burial expenses and if no other resources, including assistance from legally responsible relatives, are available for such purposes, there shall be paid, in accordance with the standards, rules and regulations

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of the Illinois Department of Human Services, such reasonable amounts as may be necessary to meet the costs of the funeral, burial space, and cemetery charges, or to reimburse any person not financially responsible for the deceased who has voluntarily made expenditures for such costs.

(Source: P.A. 89-507, eff. 7-1-97; 90-372, eff. 7-1-98; revised 12-04-01.)

(305 ILCS 5/8A-7.1) (from Ch. 23, par. 8A-7.1)

Sec. 8A-7.1. The Director, upon making a determination based upon information in the possession of the Illinois Department, that continuation in practice of a licensed health care professional would constitute an immediate danger to the public, shall submit a written communication to the Director of Professional Regulation indicating such determination and additionally providing a complete summary of the information upon which such determination is based, and recommending that the Director of Professional Regulation immediately suspend such person's license. All relevant evidence, or copies thereof, in the Illinois Department's possession may also be submitted in conjunction with the written communication. A copy of such written communication, which is exempt from the copying and inspection provisions of the Freedom of Information Act, shall at the time of submittal to the Director of Professional Regulation be simultaneously mailed to the last known business address of such licensed health care professional by certified or registered postage, United States Mail, return receipt requested. Any evidence, or copies thereof, which is submitted in conjunction with the written communication is also exempt from the copying and inspection provisions of the Freedom of Information Act.

The Director, upon making a determination based upon information in the possession of the Illinois Department, that a licensed health care professional is willfully committing fraud upon the Illinois Department's medical assistance program, shall submit a written communication to the Director of Professional Regulation indicating such determination and additionally providing a complete summary of the information upon which such determination is based. All relevant evidence, or copies thereof, in the Illinois Department's possession may also be submitted in conjunction with the written communication.

Upon receipt of such written communication, the Director of Professional Regulation shall promptly investigate the allegations contained in such written communication. A copy of such written communication, which is exempt from the copying and inspection provisions of the Freedom of Information Act, shall at the time of submission to the Director of Professional Regulation, be simultaneously mailed to the last known address of such licensed health care professional by certified or registered postage, United States Mail, return receipt requested. Any evidence, or copies thereof, which is submitted in conjunction with the written communication is also exempt from the copying and inspection provisions of the Freedom of Information Act.

For the purposes of this Section, "licensed health care professional" means any person licensed under the Illinois Dental Practice Act, the Nursing and Advanced Practice Nursing Act, the Medical Practice Act of 1987, the Pharmacy Practice Act of 1987, the Podiatric Medical Practice Act of 1987, or the Illinois Optometric Practice Act of 1987.

(Source: P.A. 90-742, eff. 8-13-98; revised 12-13-01.)

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Sec. 9-1. Declaration of Purpose. It is the purpose of this Article to aid applicants for and recipients of public aid under Articles III, IV, V, and VI, to increase their capacities for self-support, self-care, and responsible citizenship, and to assist them in maintaining and strengthening family life. If authorized pursuant to Section 9-8, this Article may be extended to former and potential recipients and to persons whose income does not exceed the standard established to determine eligibility for aid as a medically indigent person under Article V. The Department, with the written consent of the Governor, may also:

(a) extend this Article to individuals and their families with income closely related to national indices of poverty who have special needs resulting from institutionalization of a family member or conditions that may lead to institutionalization or who live in impoverished areas or in facilities developed to serve persons of low income;

(b) establish, where indicated, schedules of payment for service provided based on ability to pay;

(c) provide for the coordinated delivery of the services described in this Article and related services offered by other public or private agencies or institutions, and cooperate with the Illinois Department on Aging to enable it to properly execute and fulfill its duties pursuant to the provisions of Section 4.01 of the "Illinois Act on the Aging", as now or hereafter amended;

(d) provide in-home care services, such as chore and housekeeping services or homemaker services, to recipients of public aid under Articles IV and VI, the scope and eligibility criteria for such services to be determined by rule;

(e) contract with other State agencies for the purchase of social service under Title XX of the Social Security Act, such services to be provided pursuant to such other agencies' enabling legislation; and

(f) cooperate with the Illinois Department of Public Aid to provide services to public aid recipients for the treatment and prevention of alcoholism and substance abuse.

(Source: P.A. 92-16, eff. 6-28-01; 92-111, eff. 1-1-02; revised 10-15-01.)

Sec. 10-3. Standard and Regulations for Determining Ability to Support. The Illinois Department shall establish a standard by which shall be measured the ability of responsible relatives to provide support, and shall implement the standard by rules governing its application. The standard and the rules shall take into account the buying and consumption patterns of self-supporting persons of modest income, present or future contingencies having direct bearing on maintenance of the relative's self-support status and fulfillment of his obligations to his immediate family, and any unusual or exceptional circumstances including estrangement or other personal or social factors, that have a bearing on family relationships and the relative's ability to meet his support obligations. The standard shall be recomputed periodically to reflect changes in the cost of living and other pertinent factors.

In addition to the standard, the Illinois Department may establish guidelines to be used exclusively to measure the ability of responsible relatives to provide support on behalf of applicants for or recipients of financial aid under Article IV of this Act and other persons.
who are given access to the child and spouse support services of this Article as provided in Section 10-1. In such case, the Illinois Department shall base the guidelines upon the applicable provisions of Sections 504, 505 and 505.2 of the Illinois Marriage and Dissolution of Marriage Act, as amended, and shall implement such guidelines by rules governing their application.

The term "administrative enforcement unit", when used in this Article, means local governmental units or the Child and Spouse Support Unit established under Section 10-3.1 when exercising the powers designated in this Article. The administrative enforcement unit shall apply the standard or guidelines, rules and procedures provided for by this Section and Sections 10-4 through 10-8 in determining the ability of responsible relatives to provide support for applicants for or recipients of financial aid under this Code, except that the administrative enforcement unit may apply such standard or guidelines, rules and procedures at its discretion with respect to those applicants for or recipients of financial aid under Article IV and other persons who are given access to the child and spouse support services of this Article as provided by Section 10-1.

(Source: P.A. 86-649; revised 12-13-01.)

(305 ILCS 5/10-10.5)

Sec. 10-10.5. Information to State Case Registry.

(a) In this Section:

"Order for support", "obligor", "obligee", and "business day" are defined as set forth in the Income Withholding for Support Act.

"State Case Registry" means the State Case Registry established under Section 10-27 of this Code.

(b) Each order for support entered or modified by the circuit court under Section 10-10 shall require that the obligor and obligee (i) file with the clerk of the circuit court the information required by this Section (and any other information required under Title IV, Part D of the Social Security Act or by the federal Department of Health and Human Services) at the time of entry or modification of the order for support and (ii) file updated information with the clerk within 5 business days of any change. Failure of the obligor or obligee to file or update the required information shall be punishable as in cases of contempt. The failure shall not prevent the court from entering or modifying the order for support, however.

(c) The obligor shall file the following information: the obligor's name, date of birth, social security number, and mailing address.

If either the obligor or the obligee receives child support enforcement services from the Illinois Department under Article X of this Code, the obligor shall also file the following information: the obligor's telephone number, driver's license number, and residential address (if different from the obligor's mailing address), and the name, address, and telephone number of the obligor's employer or employers.

(d) The obligee shall file the following information:

(1) The names of the obligee and the child or children covered by the order for support.

(2) The dates of birth of the obligee and the child or children covered by the

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order for support.

(3) The social security numbers of the obligee and the child or children covered by the order for support.

(4) The obligee's mailing address.

(e) In cases in which the obligee receives child support enforcement services from the Illinois Department under Article X of this Code, the order for support shall (i) require that the obligee file the information required under subsection (d) with the Illinois Department for inclusion in the State Case Registry, rather than file the information with the clerk, and (ii) require that the obligee include the following additional information:

(1) The obligee's telephone and driver's license numbers.

(2) The obligee's residential address, if different from the obligee's mailing address.

(3) The name, address, and telephone number of the obligee's employer or employers.

The order for support shall also require that the obligee update the information filed with the Illinois Department within 5 business days of any change.

(f) The clerk shall provide the information filed under this Section, together with the court docket number and county in which the order for support was entered, to the State Case Registry within 5 business days after receipt of the information.

(g) In a case in which a party is receiving child support enforcement services under Article X of this Code, the clerk shall provide the following additional information to the State Case Registry within 5 business days after entry or modification of an order for support or request from the Illinois Department:

(1) The amount of monthly or other periodic support owed under the order for support and other amounts, including arrearage, interest, or late payment penalties and fees, due or overdue under the order.

(2) Any such amounts that have been received by the clerk, and the distribution of those amounts by the clerk.

(h) Information filed by the obligor and obligee under this Section that is not specifically required to be included in the body of an order for support under other laws is not a public record and shall be treated as confidential and subject to disclosure only in accordance with the provisions of this Section, Section 10-27 of this Code, and Title IV, Part D of the Social Security Act. be

(Source: P.A. 91-212, eff. 7-20-99; 92-16, eff. 6-28-01; 92-463, eff. 8-22-01; revised 10-12-01.)

(305 ILCS 5/11-22b) (from Ch. 23, par. 11-22b)
Sec. 11-22b. Recoveries.
(a) As used in this Section:
(1) "Carrier" means any insurer, including any private company, corporation, mutual association, trust fund, reciprocal or interinsurance exchange authorized under the laws of this State to insure persons against liability or injuries caused to another and any insurer providing benefits under a policy of bodily injury liability insurance covering liability arising

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out of the ownership, maintenance or use of a motor vehicle which provides uninsured motorist endorsement or coverage.

(2) "Beneficiary" means any person or their dependents who has received benefits or will be provided benefits under this Code because of an injury for which another person may be liable. It includes such beneficiary's guardian, conservator or other personal representative, his estate or survivors.

(b) (1) When benefits are provided or will be provided to a beneficiary under this Code because of an injury for which another person is liable, or for which a carrier is liable in accordance with the provisions of any policy of insurance issued pursuant to the Illinois Insurance Code, the Illinois Department shall have a right to recover from such person or carrier the reasonable value of benefits so provided. The Attorney General may, to enforce such right, institute and prosecute legal proceedings against the third person or carrier who may be liable for the injury in an appropriate court, either in the name of the Illinois Department or in the name of the injured person, his guardian, personal representative, estate, or survivors.

(2) The Department may:
   (A) compromise or settle and release any such claim for benefits provided under this Code, or
   (B) waive any such claims for benefits provided under this Code, in whole or in part, for the convenience of the Department or if the Department determines that collection would result in undue hardship upon the person who suffered the injury or, in a wrongful death action, upon the heirs of the deceased.

(3) No action taken on behalf of the Department pursuant to this Section or any judgment rendered in such action shall be a bar to any action upon the claim or cause of action of the beneficiary, his guardian, conservator, personal representative, estate, dependents or survivors against the third person who may be liable for the injury, or shall operate to deny to the beneficiary the recovery for that portion of any damages not covered hereunder.

(c) (1) When an action is brought by the Department pursuant to subsection (b), it shall be commenced within the period prescribed by Article XIII of the Code of Civil Procedure.

   However, the Department may not commence the action prior to 5 months before the end of the applicable period prescribed by Article XIII of the Code of Civil Procedure. Thirty days prior to commencing an action, the Department shall notify the beneficiary of the Department's intent to commence such an action.

   (2) The death of the beneficiary does not abate any right of action established by subsection (b).

   (3) When an action or claim is brought by persons entitled to bring such actions or assert such claims against a third person who may be liable for causing the death of a beneficiary, any settlement, judgment or award obtained is subject to the Department's claim for reimbursement of the benefits provided to the beneficiary under this Code.

   (4) When the action or claim is brought by the beneficiary alone and the beneficiary

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incurs a personal liability to pay attorney's fees and costs of litigation, the Department's claim for reimbursement of the benefits provided to the beneficiary shall be the full amount of benefits paid on behalf of the beneficiary under this Code less a pro rata share which represents the Department's reasonable share of attorney's fees paid by the beneficiary and that portion of the cost of litigation expenses determined by multiplying by the ratio of the full amount of the expenditures of the full amount of the judgment, award or settlement.

(d) (1) If either the beneficiary or the Department brings an action or claim against such third party or carrier, the beneficiary or the Department shall within 30 days of filing the action give to the other written notice by personal service or registered mail of the action or claim and of the name of the court in which the action or claim is brought. Proof of such notice shall be filed in such action or claim. If an action or claim is brought by either the Department or the beneficiary, the other may, at any time before trial on the facts, become a party to such action or claim or shall consolidate his action or claim with the other if brought independently.

(2) If an action or claim is brought by the Department pursuant to subsection (b)(1), written notice to the beneficiary, guardian, personal representative, estate or survivor given pursuant to this Section shall advise him of his right to intervene in the proceeding, his right to obtain a private attorney of his choice and the Department's right to recover the reasonable value of the benefits provided.

(e) In the event of judgment or award in a suit or claim against such third person or carrier:

(1) If the action or claim is prosecuted by the beneficiary alone, the court shall first order paid from any judgment or award the reasonable litigation expenses incurred in preparation and prosecution of such action or claim, together with reasonable attorney's fees, when an attorney has been retained. After payment of such expenses and attorney's fees the court shall, on the application of the Department, allow as a first lien against the amount of such judgment or award the amount of the Department's expenditures for the benefit of the beneficiary under this Code, as provided in subsection (c)(4).

(2) If the action or claim is prosecuted both by the beneficiary and the Department, the court shall first order paid from any judgment or award the reasonable litigation expenses incurred in preparation and prosecution of such action or claim, together with reasonable attorney's fees for plaintiffs attorneys based solely on the services rendered for the benefit of the beneficiary. After payment of such expenses and attorney's fees, the court shall apply out of the balance of such judgment or award an amount sufficient to reimburse the Department the full amount of benefits paid on behalf of the beneficiary under this Code.

(f) The court shall, upon further application at any time before the judgment or award is satisfied, allow as a further lien the amount of any expenditures of the Department in payment of additional benefits arising out of the same cause of action or claim provided on behalf of the beneficiary under this Code, when such benefits were provided or became payable subsequent to the original order.

(g) No judgment, award, or settlement in any action or claim by a beneficiary to recover damages for injuries, when the Department has an interest, shall be satisfied without

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first giving the Department notice and a reasonable opportunity to perfect and satisfy its lien.

(h) When the Department has perfected a lien upon a judgment or award in favor of a beneficiary against any third party for an injury for which the beneficiary has received benefits under this Code, the Department shall be entitled to a writ of execution as lien claimant to enforce payment of said lien against such third party with interest and other accruing costs as in the case of other executions. In the event the amount of such judgment or award so recovered has been paid to the beneficiary, the Department shall be entitled to a writ of execution against such beneficiary to the extent of the Department's lien, with interest and other accruing costs as in the case of other executions.

(i) Except as otherwise provided in this Section, notwithstanding any other provision of law, the entire amount of any settlement of the injured beneficiary's action or claim, with or without suit, is subject to the Department's claim for reimbursement of the benefits provided and any lien filed pursuant thereto to the same extent and subject to the same limitations as in Section 11-22 of this Code.

(Source: P.A. 84-1402; revised 12-04-01.)

(305 ILCS 5/12-4.25) (from Ch. 23, par. 12-4.25)
Sec. 12-4.25. Medical assistance program; vendor participation.

(A) The Illinois Department may deny, suspend or terminate the eligibility of any person, firm, corporation, association, agency, institution or other legal entity to participate as a vendor of goods or services to recipients under the medical assistance program under Article V, if after reasonable notice and opportunity for a hearing the Illinois Department finds:

(a) Such vendor is not complying with the Department's policy or rules and regulations, or with the terms and conditions prescribed by the Illinois Department in its vendor agreement, which document shall be developed by the Department as a result of negotiations with each vendor category, including physicians, hospitals, long term care facilities, pharmacists, optometrists, podiatrists and dentists setting forth the terms and conditions applicable to the participation of each vendor group in the program; or

(b) Such vendor has failed to keep or make available for inspection, audit or copying, after receiving a written request from the Illinois Department, such records regarding payments claimed for providing services. This section does not require vendors to make available patient records of patients for whom services are not reimbursed under this Code; or

(c) Such vendor has failed to furnish any information requested by the Department regarding payments for providing goods or services; or

(d) Such vendor has knowingly made, or caused to be made, any false statement or representation of a material fact in connection with the administration of the medical assistance program; or

(e) Such vendor has furnished goods or services to a recipient which are (1) in excess of his or her needs, (2) harmful to the recipient, or (3) of grossly inferior quality.

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quality, all of such determinations to be based upon competent medical judgment and evaluations; or

(f) The vendor; a person with management responsibility for a vendor; an officer or person owning, either directly or indirectly, 5% or more of the shares of stock or other evidences of ownership in a corporate vendor; an owner of a sole proprietorship which is a vendor; or a partner in a partnership which is a vendor, either:

(1) was previously terminated from participation in the Illinois medical assistance program, or was terminated from participation in a medical assistance program in another state that is of the same kind as the program of medical assistance provided under Article V of this Code; or

(2) was a person with management responsibility for a vendor previously terminated from participation in the Illinois medical assistance program, or terminated from participation in a medical assistance program in another state that is of the same kind as the program of medical assistance provided under Article V of this Code, during the time of conduct which was the basis for that vendor's termination; or

(3) was an officer, or person owning, either directly or indirectly, 5% or more of the shares of stock or other evidences of ownership in a corporate vendor previously terminated from participation in the Illinois medical assistance program, or terminated from participation in a medical assistance program in another state that is of the same kind as the program of medical assistance provided under Article V of this Code, during the time of conduct which was the basis for that vendor's termination; or

(4) was an owner of a sole proprietorship or partner of a partnership previously terminated from participation in the Illinois medical assistance program, or terminated from participation in a medical assistance program in another state that is of the same kind as the program of medical assistance provided under Article V of this Code, during the time of conduct which was the basis for that vendor's termination; or

(g) The vendor; a person with management responsibility for a vendor; an officer or person owning, either directly or indirectly, 5% or more of the shares of stock or other evidences of ownership in a corporate vendor; an owner of a sole proprietorship which is a vendor; or a partner in a partnership which is a vendor, either:

(1) has engaged in practices prohibited by applicable federal or State law or regulation relating to the medical assistance program; or

(2) was a person with management responsibility for a vendor at the time that such vendor engaged in practices prohibited by applicable federal or State law or regulation relating to the medical assistance program; or

(3) was an officer, or person owning, either directly or indirectly, 5% or more of the shares of stock or other evidences of ownership in a vendor at

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the time such vendor engaged in practices prohibited by applicable federal or State law or regulation relating to the medical assistance program; or

(4) was an owner of a sole proprietorship or partner of a partnership which was a vendor at the time such vendor engaged in practices prohibited by applicable federal or State law or regulation relating to the medical assistance program; or:

(h) The direct or indirect ownership of the vendor (including the ownership of a vendor that is a sole proprietorship, a partner's interest in a vendor that is a partnership, or ownership of 5% or more of the shares of stock or other evidences of ownership in a corporate vendor) has been transferred by an individual who is terminated or barred from participating as a vendor to the individual's spouse, child, brother, sister, parent, grandparent, grandchild, uncle, aunt, niece, nephew, cousin, or relative by marriage.

(A-5) The Illinois Department may deny, suspend, or terminate the eligibility of any person, firm, corporation, association, agency, institution, or other legal entity to participate as a vendor of goods or services to recipients under the medical assistance program under Article V if, after reasonable notice and opportunity for a hearing, the Illinois Department finds that the vendor; a person with management responsibility for a vendor; an officer or person owning, either directly or indirectly, 5% or more of the shares of stock or other evidences of ownership in a corporate vendor; an owner of a sole proprietorship that is a vendor; or a partner in a partnership that is a vendor has been convicted of a felony offense based on fraud or willful misrepresentation related to any of the following:

(1) The medical assistance program under Article V of this Code.
(2) A medical assistance program in another state that is of the same kind as the program of medical assistance provided under Article V of this Code.
(3) The Medicare program under Title XVIII of the Social Security Act.
(4) The provision of health care services.

(B) The Illinois Department shall deny, suspend or terminate the eligibility of any person, firm, corporation, association, agency, institution or other legal entity to participate as a vendor of goods or services to recipients under the medical assistance program under Article V:

(1) if such vendor is not properly licensed;
(2) within 30 days of the date when such vendor's professional license, certification or other authorization has been refused renewal or has been revoked, suspended or otherwise terminated; or
(3) if such vendor has been convicted of a violation of this Code, as provided in Article VIIIA.

(C) Upon termination of a vendor of goods or services from participation in the medical assistance program authorized by this Article, a person with management responsibility for such vendor during the time of any conduct which served as the basis for that vendor's termination is barred from participation in the medical assistance program.

Upon termination of a corporate vendor, the officers and persons owning, directly or

New matter indicated by italics - deletions by strikeout.
indirectly, 5% or more of the shares of stock or other evidences of ownership in the vendor during the time of any conduct which served as the basis for that vendor's termination are barred from participation in the medical assistance program. A person who owns, directly or indirectly, 5% or more of the shares of stock or other evidences of ownership in a terminated corporate vendor may not transfer his or her ownership interest in that vendor to his or her spouse, child, brother, sister, parent, grandparent, grandchild, uncle, aunt, niece, nephew, cousin, or relative by marriage.

Upon termination of a sole proprietorship or partnership, the owner or partners during the time of any conduct which served as the basis for that vendor's termination are barred from participation in the medical assistance program. The owner of a terminated vendor that is a sole proprietorship, and a partner in a terminated vendor that is a partnership, may not transfer his or her ownership or partnership interest in that vendor to his or her spouse, child, brother, sister, parent, grandparent, grandchild, uncle, aunt, niece, nephew, cousin, or relative by marriage.

Rules adopted by the Illinois Department to implement these provisions shall specifically include a definition of the term "management responsibility" as used in this Section. Such definition shall include, but not be limited to, typical job titles, and duties and descriptions which will be considered as within the definition of individuals with management responsibility for a provider.

(D) If a vendor has been suspended from the medical assistance program under Article V of the Code, the Director may require that such vendor correct any deficiencies which served as the basis for the suspension. The Director shall specify in the suspension order a specific period of time, which shall not exceed one year from the date of the order, during which a suspended vendor shall not be eligible to participate. At the conclusion of the period of suspension the Director shall reinstate such vendor, unless he finds that such vendor has not corrected deficiencies upon which the suspension was based.

If a vendor has been terminated from the medical assistance program under Article V, such vendor shall be barred from participation for at least one year. At the end of one year a vendor who has been terminated may apply for reinstatement to the program. Upon proper application to be reinstated such vendor may be deemed eligible by the Director providing that such vendor meets the requirements for eligibility under this Code. If such vendor is deemed not eligible for reinstatement, he shall be barred from again applying for reinstatement for one year from the date his application for reinstatement is denied.

A vendor whose termination from participation in the Illinois medical assistance program under Article V was based solely on an action by a governmental entity other than the Illinois Department may, upon reinstatement by that governmental entity or upon reversal of the termination, apply for rescission of the termination from participation in the Illinois medical assistance program. Upon proper application for rescission, the vendor may be deemed eligible by the Director if the vendor meets the requirements for eligibility under this Code.

If a vendor has been terminated and reinstated to the medical assistance program under Article V and the vendor is terminated a second or subsequent time from the medical
assistance program, the vendor shall be barred from participation for at least 2 years. At the end of 2 years, a vendor who has been terminated may apply for reinstatement to the program. Upon application to be reinstated, the vendor may be deemed eligible if the vendor meets the requirements for eligibility under this Code. If the vendor is deemed not eligible for reinstatement, the vendor shall be barred from again applying for reinstatement for 2 years from the date the vendor's application for reinstatement is denied.

(E) The Illinois Department may recover money improperly or erroneously paid, or overpayments, either by setoff, crediting against future billings or by requiring direct repayment to the Illinois Department.

(F) The Illinois Department may withhold payments to any vendor during the pendency of any proceeding under this Section except that if a final administrative decision has not been issued within 120 days of the initiation of such proceedings, unless delay has been caused by the vendor, payments can no longer be withheld, provided, however, that the 120 day limit may be extended if said extension is mutually agreed to by the Illinois Department and the vendor. The Illinois Department shall state by rule with as much specificity as practicable the conditions under which payments will not be withheld during the pendency of any proceeding under this Section. Payments may be denied for bills submitted with service dates occurring during the pendency of a proceeding where the final administrative decision is to terminate eligibility to participate in the medical assistance program. The Illinois Department shall state by rule with as much specificity as practicable the conditions under which payments will not be denied for such bills.

(F-5) The Illinois Department may temporarily withhold payments to a vendor if any of the following individuals have been indicted or otherwise charged under a law of the United States or this or any other state with a felony offense that is based on alleged fraud or willful misrepresentation on the part of the individual related to (i) the medical assistance program under Article V of this Code, (ii) a medical assistance program provided in another state which is of the kind provided under Article V of this Code, (iii) the Medicare program under Title XVIII of the Social Security Act, or (iv) the provision of health care services:

(1) If the vendor is a corporation: an officer of the corporation or an individual who owns, either directly or indirectly, 5% or more of the shares of stock or other evidence of ownership of the corporation.

(2) If the vendor is a sole proprietorship: the owner of the sole proprietorship.

(3) If the vendor is a partnership: a partner in the partnership.

(4) If the vendor is any other business entity authorized by law to transact business in this State: an officer of the entity or an individual who owns, either directly or indirectly, 5% or more of the evidences of ownership of the entity.

If the Illinois Department withholds payments to a vendor under this subsection, the Department shall not release those payments to the vendor while any criminal proceeding related to the indictment or charge is pending unless the Department determines that there is good cause to release the payments before completion of the proceeding. If the indictment or charge results in the individual's conviction, the Illinois Department shall retain all withheld payments, which shall be considered forfeited to the Department. If the indictment
or charge does not result in the individual's conviction, the Illinois Department shall release to the vendor all withheld payments.

(G) The provisions of the Administrative Review Law, as now or hereafter amended, and the rules adopted pursuant thereto, shall apply to and govern all proceedings for the judicial review of final administrative decisions of the Illinois Department under this Section. The term "administrative decision" is defined as in Section 3-101 of the Code of Civil Procedure.

(H) Nothing contained in this Code shall in any way limit or otherwise impair the authority or power of any State agency responsible for licensing of vendors.

(I) Based on a finding of noncompliance on the part of a nursing home with any requirement for certification under Title XVIII or XIX of the Social Security Act (42 U.S.C. Sec. 1395 et seq. or 42 U.S.C. Sec. 1396 et seq.), the Illinois Department may impose one or more of the following remedies after notice to the facility:

1. Termination of the provider agreement.
2. Temporary management.
3. Denial of payment for new admissions.
4. Civil money penalties.
5. Closure of the facility in emergency situations or transfer of residents, or both.
7. Denial of all payments when the Health Care Finance Administration has imposed this sanction.

The Illinois Department shall by rule establish criteria governing continued payments to a nursing facility subsequent to termination of the facility's provider agreement if, in the sole discretion of the Illinois Department, circumstances affecting the health, safety, and welfare of the facility's residents require those continued payments. The Illinois Department may condition those continued payments on the appointment of temporary management, sale of the facility to new owners or operators, or other arrangements that the Illinois Department determines best serve the needs of the facility's residents.

Except in the case of a facility that has a right to a hearing on the finding of noncompliance before an agency of the federal government, a facility may request a hearing before a State agency on any finding of noncompliance within 60 days after the notice of the intent to impose a remedy. Except in the case of civil money penalties, a request for a hearing shall not delay imposition of the penalty. The choice of remedies is not appealable at a hearing. The level of noncompliance may be challenged only in the case of a civil money penalty. The Illinois Department shall provide by rule for the State agency that will conduct the evidentiary hearings.

The Illinois Department may collect interest on unpaid civil money penalties.

The Illinois Department may adopt all rules necessary to implement this subsection (I).

(Source: P.A. 92-327, eff. 1-1-02; revised 9-18-01.)

(305 ILCS 5/12-10.2) (from Ch. 23, par. 12-10.2)
Sec. 12-10.2. The Child Support Enforcement Trust Fund.

(a) The Child Support Enforcement Trust Fund, to be held by the State Treasurer as ex-officio custodian outside the State Treasury, pursuant to the Child Support Enforcement Program established by Title IV-D of the Social Security Act, shall consist of:

(1) all support payments assigned to the Illinois Department under Article X of this Code and rules promulgated by the Illinois Department that are disbursed to the Illinois Department by the State Disbursement Unit established under Section 10-26,

(2) all support payments received by the Illinois Department as a result of the Child Support Enforcement Program established by Title IV-D of the Social Security Act that are not required or directed to be paid to the State Disbursement Unit established under Section 10-26,

(3) all federal grants received by the Illinois Department funded by Title IV-D of the Social Security Act, except those federal funds received under the Title IV-D program as reimbursement for expenditures from the General Revenue Fund,

(4) incentive payments received by the Illinois Department from other states or political subdivisions of other states for the enforcement and collection by the Department of an assigned child support obligation in behalf of such other states or their political subdivisions pursuant to the provisions of Title IV-D of the Social Security Act,

(5) incentive payments retained by the Illinois Department from the amounts which otherwise would be paid to the federal government to reimburse the federal government's share of the support collection for the Department's enforcement and collection of an assigned support obligation on behalf of the State of Illinois pursuant to the provisions of Title IV-D of the Social Security Act,

(6) all fees charged by the Department for child support enforcement services, as authorized under Title IV-D of the Social Security Act and Section 10-1 of this Code, and any other fees, costs, fines, recoveries, or penalties provided for by State or federal law and received by the Department under the Child Support Enforcement Program established by Title IV-D of the Social Security Act, and

(7) all amounts appropriated by the General Assembly for deposit into the Fund, and

(8) any gifts, grants, donations, or awards from individuals, private businesses, nonprofit associations, and governmental entities.

(b) Disbursements from this Fund shall be only for the following purposes:

(1) for the reimbursement of funds received by the Illinois Department through error or mistake,

(2) for payments to non-recipients, current recipients, and former recipients of financial aid of support payments received on their behalf under Article X of this Code that are not required to be disbursed by the State Disbursement Unit established under Section 10.26,

(3) for any other payments required by law to be paid by the Illinois
Department to non-recipients, current recipients, and former recipients,
(4) for payment of any administrative expenses incurred through fiscal year 2002, but not thereafter, including payment to the Health Insurance Reserve Fund for group insurance costs at the rate certified by the Department of Central Management Services, except those required to be paid from the General Revenue Fund, including personal and contractual services, incurred in performing the Title IV-D activities authorized by Article X of this Code,
(5) for the reimbursement of the Public Assistance Emergency Revolving Fund for expenditures made from that Fund for payments to former recipients of public aid for child support made to the Illinois Department when the former public aid recipient is legally entitled to all or part of the child support payments, pursuant to the provisions of Title IV-D of the Social Security Act,
(6) for the payment of incentive amounts owed to other states or political subdivisions of other states that enforce and collect an assigned support obligation on behalf of the State of Illinois pursuant to the provisions of Title IV-D of the Social Security Act,
(7) for the payment of incentive amounts owed to political subdivisions of the State of Illinois that enforce and collect an assigned support obligation on behalf of the State pursuant to the provisions of Title IV-D of the Social Security Act, and
(8) for payments of any amounts which are reimbursable to the Federal government which are required to be paid by State warrant by either the State or Federal government.

Disbursements from this Fund shall be by warrants drawn by the State Comptroller on receipt of vouchers duly executed and certified by the Illinois Department or any other State agency that receives an appropriation from the Fund.

(c) The Illinois Department's child support administrative expenses, as defined in Section 12-10.2a, that are incurred after fiscal year 2002 shall be paid only as provided in that Section.

(Source: P.A. 91-212, eff. 7-20-99; 91-400, eff. 7-30-99; 91-712, eff. 7-1-00; 92-44, eff. 7-1-01; revised 7-24-01.)

(305 ILCS 5/12-10.5)
Sec. 12-10.5. Medical Special Purposes Trust Fund.
(a) The Medical Special Purposes Trust Fund ("the Fund") is created. Any grant, gift, donation, or legacy of money or securities that the Department of Public Aid is authorized to receive under Section 12-4.18 or Section 12-4.19, and that is dedicated for functions connected with the administration of any medical program administered by the Department, shall be deposited into the Fund. All federal moneys received by the Department as reimbursement for disbursements authorized to be made from the Fund shall also be deposited into the Fund.
(b) No moneys received from a service provider or a governmental or private entity that is enrolled with the Department as a provider of medical services shall be deposited into the Fund.

New matter indicated by italics - deletions by strikeout.
(c) Disbursements may be made from the Fund for the purposes connected with the grants, gifts, donations, or legacies deposited into the Fund, including, but not limited to, medical quality assessment projects, eligibility population studies, medical information systems evaluations, and other administrative functions that assist the Department in fulfilling its health care mission under the Illinois Public Aid Code and the Children's Health Insurance Program Act.

(Source: P.A. 92-37, eff. 7-1-01.)

(305 ILCS 5/12-10.6)

Sec. 12-10.6. Medicaid Buy-In Program Revolving Fund.

(a) The Medicaid Buy-In Program Revolving Fund is created as a special fund in the State treasury. The Fund shall consist of cost-sharing payments made by individuals pursuant to the Medicaid Buy-In Program established under paragraph 11 of Section 5-2 of this Code. All earnings on moneys in the Fund shall be credited to the Fund.

(b) Moneys in the Fund shall be appropriated to the Department to pay the costs of administering the Medicaid Buy-In Program, including payments for medical assistance benefits provided to Program participants. The Department shall adopt rules specifying the particular purposes for which the moneys in the Fund may be spent.

(Source: P.A. 92-163, eff. 7-25-01; revised 9-18-01.)

Section 65. The Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act is amended by changing Sections 4 and 6 as follows:

(320 ILCS 25/4) (from Ch. 67 1/2, par. 404)

Sec. 4. Amount of Grant.

(a) In general. Any individual 65 years or older or any individual who will become 65 years old during the calendar year in which a claim is filed, and any surviving spouse of such a claimant, who at the time of death received or was entitled to receive a grant pursuant to this Section, which surviving spouse will become 65 years of age within the 24 months immediately following the death of such claimant and which surviving spouse but for his or her age is otherwise qualified to receive a grant pursuant to this Section, and any disabled person whose annual household income is less than $14,000 for grant years before the 1998 grant year, less than $16,000 for the 1998 and 1999 grant years, and less than (i) $21,218 for a household containing one person, (ii) $28,480 for a household containing 2 persons, or (iii) $35,740 for a household containing 3 or more persons for the 2000 grant year and thereafter and whose household is liable for payment of property taxes accrued or has paid rent constituting property taxes accrued and is domiciled in this State at the time he or she files his or her claim is entitled to claim a grant under this Act. With respect to claims filed by individuals who will become 65 years old during the calendar year in which a claim is filed, the amount of any grant to which that household is entitled shall be an amount equal to 1/12 of the amount to which the claimant would otherwise be entitled as provided in this Section, multiplied by the number of months in which the claimant was 65 in the calendar year in which the claim is filed.

(b) Limitation. Except as otherwise provided in subsections (a) and (f) of this Section, the maximum amount of grant which a claimant is entitled to claim is the amount by which
the property taxes accrued which were paid or payable during the last preceding tax year or rent constituting property taxes accrued upon the claimant's residence for the last preceding taxable year exceeds 3 1/2% of the claimant's household income for that year but in no event is the grant to exceed (i) $700 less 4.5% of household income for that year for those with a household income of $14,000 or less or (ii) $70 if household income for that year is more than $14,000.

(c) Public aid recipients. If household income in one or more months during a year includes cash assistance in excess of $55 per month from the Department of Public Aid or the Department of Human Services (acting as successor to the Department of Public Aid under the Department of Human Services Act) which was determined under regulations of that Department on a measure of need that included an allowance for actual rent or property taxes paid by the recipient of that assistance, the amount of grant to which that household is entitled, except as otherwise provided in subsection (a), shall be the product of (1) the maximum amount computed as specified in subsection (b) of this Section and (2) the ratio of the number of months in which household income did not include such cash assistance over $55 to the number twelve. If household income did not include such cash assistance over $55 for any months during the year, the amount of the grant to which the household is entitled shall be the maximum amount computed as specified in subsection (b) of this Section. For purposes of this paragraph (c), "cash assistance" does not include any amount received under the federal Supplemental Security Income (SSI) program.

(d) Joint ownership. If title to the residence is held jointly by the claimant with a person who is not a member of his or her household, the amount of property taxes accrued used in computing the amount of grant to which he or she is entitled shall be the same percentage of property taxes accrued as is the percentage of ownership held by the claimant in the residence.

(e) More than one residence. If a claimant has occupied more than one residence in the taxable year, he or she may claim only one residence for any part of a month. In the case of property taxes accrued, he or she shall prorate 1/12 of the total property taxes accrued on his or her residence to each month that he or she owned and occupied that residence; and, in the case of rent constituting property taxes accrued, shall prorate each month's rent payments to the residence actually occupied during that month.

(f) There is hereby established a program of pharmaceutical assistance to the aged and disabled which shall be administered by the Department in accordance with this Act, to consist of payments to authorized pharmacies, on behalf of beneficiaries of the program, for the reasonable costs of covered prescription drugs. Each beneficiary who pays $5 for an identification card shall pay no additional prescription costs. Each beneficiary who pays $25 for an identification card shall pay $3 per prescription. In addition, after a beneficiary receives $2,000 in benefits during a State fiscal year, that beneficiary shall also be charged 20% of the cost of each prescription for which payments are made by the program during the remainder of the fiscal year. To become a beneficiary under this program a person must be:

(1) be (i) 65 years of age or older, or (ii) the surviving spouse of such a claimant, who at the time of death received or was entitled to receive benefits pursuant to this subsection, which

New matter indicated by italics - deletions by strikeout.
surviving spouse will become 65 years of age within the 24 months immediately following the death of such claimant and which surviving spouse but for his or her age is otherwise qualified to receive benefits pursuant to this subsection, or (iii) disabled, and (2) be is domiciled in this State at the time he or she files his or her claim, and (3) have has a maximum household income of less than $14,000 for grant years before the 1998 grant year, less than $16,000 for the 1998 and 1999 grant years, and less than (i) $21,218 for a household containing one person, (ii) $28,480 for a household containing 2 persons, or (iii) $35,740 for a household containing 3 more persons for the 2000 grant year and thereafter.

In addition, each eligible person must (1) obtain an identification card from the Department, (2) at the time the card is obtained, sign a statement assigning to the State of Illinois benefits which may be otherwise claimed under any private insurance plans, and (3) present the identification card to the dispensing pharmacist.

Whenever a generic equivalent for a covered prescription drug is available, the Department shall reimburse only for the reasonable costs of the generic equivalent, less the co-pay established in this Section, unless (i) the covered prescription drug contains one or more ingredients defined as a narrow therapeutic index drug at 21 CFR 320.33, (ii) the prescriber indicates on the face of the prescription "brand medically necessary", and (iii) the prescriber specifies that a substitution is not permitted. When issuing an oral prescription for covered prescription medication described in item (i) of this paragraph, the prescriber shall stipulate "brand medically necessary" and that a substitution is not permitted. If the covered prescription drug and its authorizing prescription do not meet the criteria listed above, the beneficiary may purchase the non-generic equivalent of the covered prescription drug by paying the difference between the generic cost and the non-generic cost plus the beneficiary co-pay.

Any person otherwise eligible for pharmaceutical assistance under this Act whose covered drugs are covered by any public program for assistance in purchasing any covered prescription drugs shall be ineligible for assistance under this Act to the extent such costs are covered by such other plan.

The fee to be charged by the Department for the identification card shall be equal to $5 per coverage year for persons below the official poverty line as defined by the United States Department of Health and Human Services and $25 per coverage year for all other persons.

In the event that 2 or more persons are eligible for any benefit under this Act, and are members of the same household, (1) each such person shall be entitled to participate in the pharmaceutical assistance program, provided that he or she meets all other requirements imposed by this subsection and (2) each participating household member contributes the fee required for that person by the preceding paragraph for the purpose of obtaining an identification card.

(Source: P.A. 91-357, eff. 7-29-99; 91-699, eff. 1-1-01; 92-131, eff. 7-23-01; 92-519, eff. 1-1-02; revised 1-7-02.)

(320 ILCS 25/6) (from Ch. 67 1/2, par. 406)

Sec. 6. Administration.

New matter indicated by italics - deletions by strikeout.
(a) In general. Upon receipt of a timely filed claim, the Department shall determine whether the claimant is a person entitled to a grant under this Act and the amount of grant to which he is entitled under this Act. The Department may require the claimant to furnish reasonable proof of the statements of domicile, household income, rent paid, property taxes accrued and other matters on which entitlement is based, and may withhold payment of a grant until such additional proof is furnished.

(b) Rental determination. If the Department finds that the gross rent used in the computation by a claimant of rent constituting property taxes accrued exceeds the fair rental value for the right to occupy that residence, the Department may determine the fair rental value for that residence and recompute rent constituting property taxes accrued accordingly.

(c) Fraudulent claims. The Department shall deny claims which have been fraudulently prepared or when it finds that the claimant has acquired title to his residence or has paid rent for his residence primarily for the purpose of receiving a grant under this Act.

(d) Pharmaceutical Assistance. The Department shall allow all pharmacies licensed under the Pharmacy Practice Act of 1987 to participate as authorized pharmacies unless they have been removed from that status for cause pursuant to the terms of this Section. The Director of the Department may enter into a written contract with any State agency, instrumentality or political subdivision, or a fiscal intermediary for the purpose of making payments to authorized pharmacies for covered prescription drugs and coordinating the program of pharmaceutical assistance established by this Act with other programs that provide payment for covered prescription drugs. Such agreement shall establish procedures for properly contracting for pharmacy services, validating reimbursement claims, validating compliance of dispensing pharmacists with the contracts for participation required under this Section, validating the reasonable costs of covered prescription drugs, and otherwise providing for the effective administration of this Act.

The Department shall promulgate rules and regulations to implement and administer the program of pharmaceutical assistance required by this Act, which shall include the following:

1. Execution of contracts with pharmacies to dispense covered prescription drugs. Such contracts shall stipulate terms and conditions for authorized pharmacies participation and the rights of the State to terminate such participation for breach of such contract or for violation of this Act or related rules and regulations of the Department;

2. Establishment of maximum limits on the size of prescriptions, new or refilled, which shall be in amounts sufficient for 34 days, except as otherwise specified by rule for medical or utilization control reasons;

3. Establishment of liens upon any and all causes of action which accrue to a beneficiary as a result of injuries for which covered prescription drugs are directly or indirectly required and for which the Director made payment or became liable for under this Act;

4. Charge or collection of payments from third parties or private plans of assistance, or from other programs of public assistance for any claim that is properly
chargeable under the assignment of benefits executed by beneficiaries as a requirement of eligibility for the pharmaceutical assistance identification card under this Act;

(5) Inspection of appropriate records and audit of participating authorized pharmacies to ensure contract compliance, and to determine any fraudulent transactions or practices under this Act;

(6) Annual determination of the reasonable costs of covered prescription drugs for which payments are made under this Act, as provided in Section 3.16;

(7) Payment to pharmacies under this Act in accordance with the State Prompt Payment Act.

The Department shall annually report to the Governor and the General Assembly by March 1st of each year on the administration of pharmaceutical assistance under this Act. By the effective date of this Act the Department shall determine the reasonable costs of covered prescription drugs in accordance with Section 3.16 of this Act.

(Source: P.A. 91-357, eff. 7-29-99; revised 12-07-01.)

Section 66. The Abused and Neglected Child Reporting Act is amended by changing Section 7.9 as follows:

(325 ILCS 5/7.9) (from Ch. 23, par. 2057.9)

Sec. 7.9. The Department shall prepare, print, and distribute initial, preliminary, and final reporting forms to each Child Protective Service Unit. Initial written reports from the reporting source shall contain the following information to the extent known at the time the report is made: (1) the names and addresses of the child and his parents or other persons responsible for his welfare; (1.5) the name and address of the school that the child attends (or the school that the child last attended, if the report is written during the summer when school is not in session), and the name of the school district in which the school is located, if applicable; (2) the child's age, sex, and race; (3) the nature and extent of the child's abuse or neglect, including any evidence of prior injuries, abuse, or neglect of the child or his siblings; (4) the names of the persons apparently responsible for the abuse or neglect; (5) family composition, including names, ages, sexes, and races of other children in the home; (6) the name of the person making the report, his occupation, and where he can be reached; (7) the actions taken by the reporting source, including the taking of photographs and x-rays, placing the child in temporary protective custody, or notifying the medical examiner or coroner; and (8) and any other information the person making the report believes might be helpful in the furtherance of the purposes of this Act.

(Source: P.A. 92-295, eff. 1-1-02; revised 9-19-01.)

Section 67. The Early Intervention Services System Act is amended by changing Sections 11 and 13 as follows:

(325 ILCS 20/11) (from Ch. 23, par. 4161)

Sec. 11. Individualized Family Service Plans.

(a) Each eligible infant or toddler and that infant's or toddler's family shall receive:

(1) timely, comprehensive, multidisciplinary assessment of the unique needs of each eligible infant and toddler, and assessment of the concerns and priorities of

New matter indicated by italics - deletions by strikeout.
the families to appropriately assist them in meeting their needs and identify services to meet those needs; and

(2) a written Individualized Family Service Plan developed by a multidisciplinary team which includes the parent or guardian. The individualized family service plan shall be based on the multidisciplinary team's assessment of the resources, priorities, and concerns of the family and its identification of the supports and services necessary to enhance the family's capacity to meet the developmental needs of the infant or toddler, and shall include the identification of services appropriate to meet those needs, including the frequency, intensity, and method of delivering services. During and as part of the initial development of the individualized family services plan, and any periodic reviews of the plan, the multidisciplinary team shall consult the lead agency's therapy guidelines and its designated experts, if any, to help determine appropriate services and the frequency and intensity of those services. All services in the individualized family services plan must be justified by the multidisciplinary assessment of the unique strengths and needs of the infant or toddler and must be appropriate to meet those needs. At the periodic reviews, the team shall determine whether modification or revision of the outcomes or services is necessary.

(b) The Individualized Family Service Plan shall be evaluated once a year and the family shall be provided a review of the Plan at 6 month intervals or more often where appropriate based on infant or toddler and family needs. The lead agency shall create a quality review process regarding Individualized Family Service Plan development and changes thereto, to monitor and help assure that resources are being used to provide appropriate early intervention services.

(c) The evaluation and initial assessment and initial Plan meeting must be held within 45 days after the initial contact with the early intervention services system. With parental consent, early intervention services may commence before the completion of the comprehensive assessment and development of the Plan.

(d) Parents must be informed that, at their discretion, early intervention services shall be provided to each eligible infant and toddler in the natural environment, which may include the home or other community settings. Parents shall make the final decision to accept or decline early intervention services. A decision to decline such services shall not be a basis for administrative determination of parental fitness, or other findings or sanctions against the parents. Parameters of the Plan shall be set forth in rules.

(e) The regional intake offices shall explain to each family, orally and in writing, all of the following:

(1) That the early intervention program will pay for all early intervention services set forth in the individualized family service plan that are not covered or paid under the family's public or private insurance plan or policy and not eligible for payment through any other third party payor.

(2) That services will not be delayed due to any rules or restrictions under the family's insurance plan or policy.

New matter indicated by italics - deletions by strikeout.
(3) That the family may request, with appropriate documentation supporting the request, a determination of an exemption from private insurance use under Section 13.25.

(4) That responsibility for co-payments or co-insurance under a family's private insurance plan or policy will be transferred to the lead agency's central billing office.

(5) That families will be responsible for payments of family fees, which will be based on a sliding scale according to income, and that these fees are payable to the central billing office, and that if the family encounters a catastrophic circumstance, as defined under subsection (f) of Section 13 of this Act, making it unable to pay the fees, the lead agency may, upon proof of inability to pay, waive the fees.

(f) The individualized family service plan must state whether the family has private insurance coverage and, if the family has such coverage, must have attached to it a copy of the family's insurance identification card or otherwise include all of the following information:

1. The name, address, and telephone number of the insurance carrier.
2. The contract number and policy number of the insurance plan.
3. The name, address, and social security number of the primary insured.
4. The beginning date of the insurance benefit year.

(g) A copy of the individualized family service plan must be provided to each enrolled provider who is providing early intervention services to the child who is the subject of that plan.

(Source: P.A. 91-538, eff. 8-13-99; 92-10, eff. 6-11-01; 92-307, eff. 8-9-01; revised 10-15-01.)

Sec. 13. Funding and Fiscal Responsibility.

(a) The lead agency and every other participating State agency may receive and expend funds appropriated by the General Assembly to implement the early intervention services system as required by this Act.

(b) The lead agency and each participating State agency shall identify and report on an annual basis to the Council the State agency funds utilized for the provision of early intervention services to eligible infants and toddlers.

(c) Funds provided under Section 633 of the Individuals with Disabilities Education Act (20 United States Code 1433) and State funds designated or appropriated for early intervention services or programs may not be used to satisfy a financial commitment for services which would have been paid for from another public or private source but for the enactment of this Act, except whenever considered necessary to prevent delay in receiving appropriate early intervention services by the eligible infant or toddler or family in a timely manner. "Public or private source" includes public and private insurance coverage.

Funds provided under Section 633 of the Individuals with Disabilities Education Act and State funds designated or appropriated for early intervention services or programs may be used by the lead agency to pay the provider of services (A) pending reimbursement from

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the appropriate State agency or (B) if (i) the claim for payment is denied in whole or in part by a public or private source, or would be denied under the written terms of the public program or plan or private plan, or (ii) use of private insurance for the service has been exempted under Section 13.25. Payment under item (B)(i) may be made based on a pre-determination telephone inquiry supported by written documentation of the denial supplied thereafter by the insurance carrier.

(d) Nothing in this Act shall be construed to permit the State to reduce medical or other assistance available or to alter eligibility under Title V and Title XIX of the Social Security Act relating to the Maternal Child Health Program and Medicaid for eligible infants and toddlers in this State.

(e) The lead agency shall create a central billing office to receive and dispense all relevant State and federal resources, as well as local government or independent resources available, for early intervention services. This office shall assure that maximum federal resources are utilized and that providers receive funds with minimal duplications or interagency reporting and with consolidated audit procedures.

(f) The lead agency shall, by rule, create a system of payments by families, including a schedule of fees. No fees, however, may be charged for: implementing child find, evaluation and assessment, service coordination, administrative and coordination activities related to the development, review, and evaluation of Individualized Family Service Plans, or the implementation of procedural safeguards and other administrative components of the statewide early intervention system.

The system of payments, called family fees, shall be structured on a sliding scale based on family income. The family's coverage or lack of coverage under a public or private insurance plan or policy shall not be a factor in determining the amount of the family fees.

Each family's fee obligation shall be established annually, and shall be paid by families to the central billing office in installments. At the written request of the family, the fee obligation shall be adjusted prospectively at any point during the year upon proof of a change in family income or family size. The inability of the parents of an eligible child to pay family fees due to catastrophic circumstances or extraordinary expenses shall not result in the denial of services to the child or the child's family. A family must document its extraordinary expenses or other catastrophic circumstances by showing one of the following: (i) out-of-pocket medical expenses in excess of 15% of gross income; (ii) a fire, flood, or other disaster causing a direct out-of-pocket loss in excess of 15% of gross income; or (iii) other catastrophic circumstances causing out-of-pocket losses in excess of 15% of gross income. The family must present proof of loss to its service coordinator, who shall document it, and the lead agency shall determine whether the fees shall be reduced, forgiven, or suspended within 10 business days after the family's request.

(g) To ensure that early intervention funds are used as the payor of last resort for early intervention services, the lead agency shall determine at the point of early intervention intake, and again at any periodic review of eligibility thereafter or upon a change in family circumstances, whether the family is eligible for or enrolled in any program for which payment is made directly or through public or private insurance for any or all of the early

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intervention services made available under this Act. The lead agency shall establish procedures to ensure that payments are made either directly from these public and private sources instead of from State or federal early intervention funds, or as reimbursement for payments previously made from State or federal early intervention funds.
(Source: P.A. 91-538, eff. 8-13-99; 92-10, eff. 6-11-01; 92-307, eff. 8-9-01; revised 10-15-01.)

Section 68. The Mental Health and Developmental Disabilities Code is amended by changing Sections 2-108 and 3-601 as follows:

(405 ILCS 5/2-108) (from Ch. 91 1/2, par. 2-108)

Sec. 2-108. Use of restraint. Restraint may be used only as a therapeutic measure to prevent a recipient from causing physical harm to himself or physical abuse to others. Restraint may only be applied by a person who has been trained in the application of the particular type of restraint to be utilized. In no event shall restraint be utilized to punish or discipline a recipient, nor is restraint to be used as a convenience for the staff.

(a) Except as provided in this Section, restraint shall be employed only upon the written order of a physician, clinical psychologist, clinical social worker, or registered nurse with supervisory responsibilities. No restraint shall be ordered unless the physician, clinical psychologist, clinical social worker, or registered nurse with supervisory responsibilities, after personally observing and examining the recipient, is clinically satisfied that the use of restraint is justified to prevent the recipient from causing physical harm to himself or others. In no event may restraint continue for longer than 2 hours unless within that time period a nurse with supervisory responsibilities or a physician confirms, in writing, following a personal examination of the recipient, that the restraint does not pose an undue risk to the recipient's health in light of the recipient's physical or medical condition. The order shall state the events leading up to the need for restraint and the purposes for which restraint is employed. The order shall also state the length of time restraint is to be employed and the clinical justification for that length of time. No order for restraint shall be valid for more than 16 hours. If further restraint is required, a new order must be issued pursuant to the requirements provided in this Section.

(b) In the event there is an emergency requiring the immediate use of restraint, it may be ordered temporarily by a qualified person only where a physician, clinical psychologist, clinical social worker, or registered nurse with supervisory responsibilities is not immediately available. In that event, an order by a nurse, clinical psychologist, clinical social worker, or physician shall be obtained pursuant to the requirements of this Section as quickly as possible, and the recipient shall be examined by a physician or supervisory nurse within 2 hours after the initial employment of the emergency restraint. Whoever orders restraint in emergency situations shall document its necessity and place that documentation in the recipient's record.

(c) The person who orders restraint shall inform the facility director or his designee in writing of the use of restraint within 24 hours.

(d) The facility director shall review all restraint orders daily and shall inquire into the reasons for the orders for restraint by any person who routinely orders them.

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(e) Restraint may be employed during all or part of one 24 hour period, the period commencing with the initial application of the restraint. However, once restraint has been employed during one 24 hour period, it shall not be used again on the same recipient during the next 48 hours without the prior written authorization of the facility director.

(f) Restraint shall be employed in a humane and therapeutic manner and the person being restrained shall be observed by a qualified person as often as is clinically appropriate but in no event less than once every 15 minutes. The qualified person shall maintain a record of the observations. Specifically, unless there is an immediate danger that the recipient will physically harm himself or others, restraint shall be loosely applied to permit freedom of movement. Further, the recipient shall be permitted to have regular meals and toilet privileges free from the restraint, except when freedom of action may result in physical harm to the recipient or others.

(g) Every facility that employs restraint shall provide training in the safe and humane application of each type of restraint employed. The facility shall not authorize the use of any type of restraint by an employee who has not received training in the safe and humane application of that type of restraint. Each facility in which restraint is used shall maintain records detailing which employees have been trained and are authorized to apply restraint, the date of the training and the type of restraint that the employee was trained to use.

(h) Whenever restraint is imposed upon any recipient whose primary mode of communication is sign language, the recipient shall be permitted to have his hands free from restraint for brief periods each hour, except when freedom of action may result in physical harm to the recipient or others.

(i) A recipient who is restrained may only be secluded at the same time pursuant to an explicit written authorization as provided in Section 2-109 of this Code. Whenever a recipient is restrained, a member of the facility staff shall remain with the recipient at all times unless the recipient has been secluded. A recipient who is restrained and secluded shall be observed by a qualified person as often as is clinically appropriate but in no event less than every 15 minutes.

(j) Whenever restraint is used, the recipient shall be advised of his right, pursuant to Sections 2-200 and 2-201 of this Code, to have any person of his choosing, including the Guardianship and Advocacy Commission or the agency designated pursuant to the Protection and Advocacy for Developmentally Disabled Persons Act notified of the restraint. A recipient who is under guardianship may request that any person of his choosing be notified of the restraint whether or not the guardian approves of the notice. Whenever the Guardianship and Advocacy Commission is notified that a recipient has been restrained, it shall contact that recipient to determine the circumstances of the restraint and whether further action is warranted.

(Source: P.A. 87-124; 87-530; 87-895; 88-380; revised 12-07-01.)

(405 ILCS 5/3-601) (from Ch. 91 1/2, par. 3-601)
Sec. 3-601. Involuntary admission; petition.
(a) When a person is asserted to be subject to involuntary admission and in such a condition that immediate hospitalization is necessary for the protection of such person or
others from physical harm, any person 18 years of age or older may present a petition to the facility director of a mental health facility in the county where the respondent resides or is present. The petition may be prepared by the facility director of the facility.

(b) The petition shall include all of the following:
   1. A detailed statement of the reason for the assertion that the respondent is subject to involuntary admission, including the signs and symptoms of a mental illness and a description of any acts, threats, or other behavior or pattern of behavior supporting the assertion and the time and place of their occurrence.
   2. The name and address of the spouse, parent, guardian, substitute decision maker, if any, and close relative, or if none, the name and address of any known friend of the respondent whom the petitioner has reason to believe may know or have any of the other names and addresses. If the petitioner is unable to supply any such names and addresses, the petitioner shall state that diligent inquiry was made to learn this information and specify the steps taken.
   3. The petitioner's relationship to the respondent and a statement as to whether the petitioner has legal or financial interest in the matter or is involved in litigation with the respondent. If the petitioner has a legal or financial interest in the matter or is involved in litigation with the respondent, a statement of why the petitioner believes it would not be practicable or possible for someone else to be the petitioner.
   4. The names, addresses and phone numbers of the witnesses by which the facts asserted may be proved.

(c) Knowingly making a material false statement in the petition is a Class A misdemeanor.

(Source: P.A. 91-726, eff. 6-2-00; revised 12-04-01.)

Section 69. The Medical Patient Rights Act is amended by changing Section 4 as follows:

(410 ILCS 50/4) (from Ch. 111 1/2, par. 5404)

Sec. 4. Violations. Any physician or health care provider that violates a patient's rights as set forth in subparagraph (b) (i) of Section 3 is guilty of a petty offense and shall be fined $500. Any insurance company or health service corporation that violates a patient's rights as set forth in subparagraph (c) (ii) of Section 3 is guilty of a petty offense and shall be fined $1,000. Any physician, health care provider, health services corporation or insurance company that violates a patient's rights as set forth in subsection (d) (iii) of Section 3 is guilty of a petty offense and shall be fined $1,000.

(Source: P.A. 86-902; revised 1-25-02.)

Section 70. The Illinois Clean Indoor Air Act is amended by changing Section 3 as follows:

(410 ILCS 80/3) (from Ch. 111 1/2, par. 8203)

Sec. 3. For the purposes of this Act, the following terms have the meanings ascribed to them in this Section unless different meanings are plainly indicated by the context:
   (a) "Department" means the Department of Public Health.

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(b) "Proprietor" means any individual or his designated agent who by virtue of his office, position, authority, or duties has legal or administrative responsibility for the use or operation of property.

c) "Public Place" means any enclosed indoor area used by the public or serving as a place of work including, but not limited to, hospitals, restaurants, retail stores, offices, commercial establishments, elevators, indoor theaters, libraries, art museums, concert halls, public conveyances, educational facilities, nursing homes, auditoriums, arenas, and meeting rooms, but excluding bowling establishments and excluding places whose primary business is the sale of alcoholic beverages for consumption on the premises and excluding rooms rented for the purpose of living quarters or sleeping or housekeeping accommodations from a hotel, as defined in the Hotel Operators' Occupation Tax Act, and private, enclosed offices occupied exclusively by smokers, even though such offices may be visited by nonsmokers.

d) "Smoking" means the act of inhaling the smoke from or possessing a lighted cigarette, cigar, pipe, or any other form of tobacco or similar substance used for smoking.

e) "State agency" has the meaning formerly ascribed to it in subsection (a) of Section 3 of the Illinois Purchasing Act (now repealed).

(f) "Unit of local government" has the meaning ascribed to it in Section 1 of Article VII of the Illinois Constitution of 1970.

(Source: P.A. 86-1018; revised 1-25-02.)

Section 71. The Environmental Protection Act is amended by changing Sections 15, 19.1, and 57.7 as follows:

(415 ILCS 5/15) (from Ch. 111 1/2, par. 1015)

Sec. 15. Plans and specifications; demonstration of capability.

(a) Owners of public water supplies, their authorized representative, or legal custodians, shall submit plans and specifications to the Agency and obtain written approval before construction of any proposed public water supply installations, changes, or additions is started. Plans and specifications shall be complete and of sufficient detail to show all proposed construction, changes, or additions that may affect sanitary quality, mineral quality, or adequacy of the public water supply; and, where necessary, said plans and specifications shall be accompanied by supplemental data as may be required by the Agency to permit a complete review thereof.

(b) All new public water supplies established after October 1, 1999 shall demonstrate technical, financial, and managerial capacity as a condition for issuance of a construction or operation permit by the Agency or its designee. The demonstration shall be consistent with the technical, financial, and managerial provisions of the federal Safe Drinking Water Act (P.L. 93-523 93-532), as now or hereafter amended. The Agency is authorized to adopt rules in accordance with the Illinois Administrative Procedure Act to implement the purposes of this subsection. Such rules must take into account the need for the facility, facility size, sophistication of treatment of the water supply, and financial requirements needed for operation of the facility.

(Source: P.A. 90-773, eff. 8-14-98; revised 12-07-01.)

(415 ILCS 5/19.1) (from Ch. 111 1/2, par. 1019.1)

New matter indicated by italics - deletions by strikeout.
Sec. 19.1. Legislative findings. The General Assembly finds:

(a) that local government units require assistance in financing the construction of wastewater treatment works in order to comply with the State's program of environmental protection and federally mandated requirements;

(b) that the federal Water Quality Act of 1987 provides an important source of grant awards to the State for providing assistance to local government units through the Water Pollution Control Loan Program;

(c) that local government units and privately owned community water supplies require assistance in financing the construction of their public water supplies to comply with State and federal drinking water laws and regulations;

(d) that the federal Safe Drinking Water Act ("SDWA"), P.L. 93-523 93-532, as now or hereafter amended, provides an important source of capitalization grant awards to the State to provide assistance to local government units and privately owned community water supplies through the Public Water Supply Loan Program;

(e) that violations of State and federal drinking water standards threaten the public interest, safety, and welfare, which demands that the Illinois Environmental Protection Agency expeditiously adopt emergency rules to administer the Public Water Supply Loan Program; and

(f) that the General Assembly agrees with the conclusions and recommendations of the "Report to the Illinois General Assembly on the Issue of Expanding Public Water Supply Loan Eligibility to Privately Owned Community Water Supplies", dated August 1998, including the stated access to the Public Water Supply Loan Program by the privately owned public water supplies so that the long term integrity and viability of the corpus of the Fund will be assured.

(Source: P.A. 90-121, eff. 7-17-97; 91-52, eff. 6-30-99; 91-501, eff. 8-13-99; revised 12-07-01.)

(415 ILCS 5/57.7)

Sec. 57.7. Leaking underground storage tanks; physical soil classification, groundwater investigation, site classification, and corrective action.

(a) Physical soil classification and groundwater investigation.

   (1) Prior to conducting any physical soil classification and groundwater investigation activities required by statute or regulation, the owner or operator shall prepare and submit to the Agency for the Agency's approval or modification:

      (A) a physical soil classification and groundwater investigation plan designed to determine site classification, in accordance with subsection (b) of this Section, as High Priority, Low Priority, or No Further Action.

      (B) a request for payment of costs associated with eligible early action costs as provided in Section 57.6(b). However, for purposes of payment for early action costs, fill materials shall not be removed in an amount in excess of 4 feet from the outside dimensions of the tank.

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(2) If the owner or operator intends to seek payment from the Fund, prior to conducting any physical soil classification and groundwater investigation activities required by statute or regulation, the owner or operator shall submit to the Agency for the Agency's approval or modification a physical soil classification and groundwater investigation budget which includes, but is not limited to, an accounting of all costs associated with the implementation and completion of the physical soil classification and groundwater investigation plan.

(3) Within 30 days of completion of the physical soil classification or groundwater investigation report the owner or operator shall submit to the Agency:

(A) all physical soil classification and groundwater investigation results; and

(B) a certification by a Licensed Professional Engineer of the site's classification as High Priority, Low Priority, or No Further Action in accordance with subsection (b) of this Section as High Priority, Low Priority, or No Further Action.

(b) Site Classification.

(1) After evaluation of the physical soil classification and groundwater investigation results, when required, and general site information, the site shall be classified as "No Further Action", "Low Priority", or "High Priority" based on the requirements of this Section. Site classification shall be determined by a Licensed Professional Engineer in accordance with the requirements of this Title and the Licensed Professional Engineer shall submit a certification to the Agency of the site classification. The Agency has the authority to audit site classifications and reject or modify any site classification inconsistent with the requirements of this Title.

(2) Sites shall be classified as No Further Action if the criteria in subparagraph (A) are satisfied:


(iii) The conditions identified in subsections (b) (3)(B), (C), (D), and (E) do not exist.

(B) Groundwater investigation monitoring may be required to confirm that a site meets the criteria of a No Further Action site. The Board shall adopt rules setting forth the criteria under which the Agency may exercise its discretionary authority to require investigations and the minimum field requirements for conducting investigations.

(3) Sites shall be classified as High Priority if any of the following are met:

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(A) The site is located in an area designated A1, A2, A3, A4, A5, AX, B1, B2, BX, C1, C2, C3, C4, or C5 on the Illinois Geological Survey Circular (1984) titled "Potential for Contamination of Shallow Aquifers in Illinois," by Berg, Richard C., et al.; a site evaluation under the direction of a Licensed Professional Engineer verifies the physical soil classifications conditions are consistent with those indicated on the Illinois Geological Survey Circular (1984) entitled "Potential for Contamination of Shallow Aquifers in Illinois," by Berg, Richard C., et al.; and the results of the physical soil classification and groundwater investigation indicate that an applicable indicator contaminant groundwater quality standard or groundwater objective has been exceeded at the property boundary line or 200 feet from the excavation, whichever is less as a consequence of the underground storage tank release.

(B) The underground storage tank is within the minimum or maximum setback zone of a potable water supply well or regulated recharge area of a potable water supply well.

(C) There is evidence that, through natural or manmade pathways, migration of petroleum or vapors threaten human health or human safety or may cause explosions in basements, crawl spaces, utility conduits, storm or sanitary sewers, vaults or other confined spaces.

(D) Class III special resource groundwater exists within 2000 feet of the excavation.

(E) A surface water body is adversely affected by the presence of a visible sheen or free product layer as the result of an underground storage tank release.

(4) Sites shall be classified as Low Priority if all of the following are met:

(A) The site does not meet any of the criteria for classification as a High Priority Site.


(ii) a site evaluation under the direction of a Licensed Professional Engineer verifies the physical soil classification conditions are consistent with those indicated on the Illinois Geological Survey Circular (1984) entitled "Potential for Contamination of Shallow Aquifers in Illinois," by Berg, Richard C., et al.; and

(iii) the results of the physical soil classification and groundwater investigation do not indicate an applicable indicator contaminant groundwater quality standard or groundwater objective has been exceeded at the property boundary line or 200 feet from the underground storage tank, whichever is less.

(5) In the event the results of the physical soil classification and any required

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groundwater investigation reveal that the actual site geologic characteristics are different than those indicated by the Illinois Geological Survey Circular (1984) titled "Potential for Contamination of Shallow Aquifers in Illinois" by Berg, Richard C., et al., classification of the site shall be determined using the actual site geologic characteristics.


(c) Corrective Action.

(1) High Priority Site.

(A) Prior to performance of any corrective action, beyond that required by Section 57.6 and subsection (a) of Section 57.7 of this Act, the owner or operator shall prepare and submit to the Agency for the Agency's approval or modification a corrective action plan designed to mitigate any threat to human health, human safety or the environment resulting from the underground storage tank release.

(B) If the owner or operator intends to seek payment from the Fund, prior to performance of any corrective action beyond that required by Section 57.6 and subsection (a) of Section 57.7, the owner or operator shall submit to the Agency for the Agency's approval or modification a corrective action plan budget which includes, but is not limited to, an accounting of all costs associated with the implementation and completion of the corrective action plan.

(C) The corrective action plan shall do all of the following:

(i) Provide that applicable indicator contaminant groundwater quality standards or groundwater objectives will not be exceeded in groundwater at the property boundary line or 200 feet from the excavation, whichever is less, or other level if approved by the Agency, for any contaminant identified in the groundwater investigation after complete performance of the corrective action plan.

(ii) Provide that Class III special resource groundwater quality standards for Class III special resource groundwater within 200 feet of the excavation will not be exceeded as a result of the underground storage tank release for any indicator contaminant identified in the groundwater investigation after complete performance of the corrective action plan.

(iii) Remediate threats due to the presence or migration, through natural or manmade pathways, of petroleum in concentrations sufficient to harm human health or human safety or to cause explosions in basements, crawl spaces, utility conduits, storm or

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sanitary sewers, vaults or other confined spaces.  
(iv) Remediate threats to a potable water supply.  
(v) Remediate threats to a surface water body.  

(D) Within 30 days of completion of the corrective action, the owner or operator shall submit to the Agency such a completion report that includes a description of the corrective action plan and a description of the corrective action work performed and all analytical or sampling results derived from performance of the corrective action plan.  

(E) The Agency shall issue to the owner or operator a no further remediation letter in accordance with Section 57.10 if all of the following are met:  

(i) The corrective action completion report demonstrates that:  
(a) applicable indicator contaminant groundwater quality standards or groundwater objectives are not exceeded at the property boundary line or 200 feet from the excavation, whichever is less, as a result of the underground storage tank release for any indicator contaminant identified in the groundwater investigation; (b) Class III special use resource groundwater quality standards, for Class III special use resource groundwater within 200 feet of the underground storage tank, are not exceeded as a result of the underground storage tank release for any contaminant identified in the groundwater investigation; (c) the underground storage tank release does not threaten human health or human safety due to the presence or migration, through natural or manmade pathways, of petroleum or hazardous substances in concentrations sufficient to harm human health or human safety or to cause explosions in basements, crawl spaces, utility conduits, storm or sanitary sewers, vaults or other confined spaces; (d) the underground storage tank release does not threaten any surface water body; and (e) the underground storage tank release does not threaten any potable water supply.  

(ii) The owner or operator submits to the Agency a certification from a Licensed Professional Engineer that the work described in the approved corrective action plan has been completed and that the information presented in the corrective action completion report is accurate and complete.  

(2) Low Priority Site.  

(A) Corrective action at a low priority site must include groundwater monitoring consistent with part (B) of this paragraph (2).  

(B) Prior to implementation of groundwater monitoring, the owner or operator shall prepare and submit to the Agency a groundwater monitoring plan and, if the owner or operator intends to seek payment under this Title, an associated budget which includes, at a minimum, all of the following:  

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(i) Placement of groundwater monitoring wells at the property line, or at 200 feet from the excavation which ever is closer, designed to provide the greatest likelihood of detecting migration of groundwater contamination.

(ii) Quarterly groundwater sampling for a period of one year, semi-annual sampling for the second year and annual groundwater sampling for one subsequent year for all indicator contaminants identified during the groundwater investigation.

(iii) The annual submittal to the Agency of a summary of groundwater sampling results.

(C) If at any time groundwater sampling results indicate a confirmed exceedence of applicable indicator contaminant groundwater quality standards or groundwater objectives as a result of the underground storage tank release, the site may be reclassified as a High Priority Site by the Agency at any time before the Agency's final approval of a Low Priority groundwater monitoring completion report. Agency review and approval shall be in accordance with paragraph (4) of subsection (c) of this Section. If the owner or operator elects to appeal an Agency action to disapprove, modify, or reject by operation of law a Low Priority groundwater monitoring completion report, the Agency shall indicate to the Board in conjunction with such appeal whether it intends to reclassify the site as High Priority. If a site is reclassified as a High Priority Site, the owner or operator shall submit a corrective action plan and budget to the Agency within 120 days of the confirmed exceedence and shall initiate compliance with all corrective action requirements for a High Priority Site.

(D) If, throughout the implementation of the groundwater monitoring plan, the groundwater sampling results do not confirm an exceedence of applicable indicator contaminant groundwater quality standards or groundwater objectives as a result of the underground storage tank release, the owner or operator shall submit to the Agency a certification of a Licensed Professional Engineer so stating.

(E) Unless the Agency takes action under subsection (b)(2)(C) to reclassify a site as high priority, upon receipt of a certification by a Licensed Professional Engineer submitted pursuant to paragraph (2) of subsection (c) of this Section, the Agency shall issue to the owner or operator a no further remediation letter in accordance with Section 57.10.

(3) No Further Action Site.

(A) No Further Action sites require no remediation beyond that required in Section 57.6 and subsection (a) of this Section if the owner or operator has submitted to the Agency a certification by a Licensed Professional Engineer that the site meets all of the criteria for classification as No Further Action in subsection (b) of this Section.
(B) Unless the Agency takes action to reject or modify a site classification under subsection (b) of this Section or the site classification is rejected by operation of law under item (4)(B) of subsection (c) of this Section, upon receipt of a certification by a Licensed Professional Engineer submitted pursuant to part (A) of paragraph (3) of subsection (c) of this Section, the Agency shall issue to the owner or operator a no further remediation letter in accordance with Section 57.10.

(4) Agency review and approval.

(A) Agency approval of any plan and associated budget, as described in this item (4), shall be considered final approval for purposes of seeking and obtaining payment from the Underground Storage Tank Fund if the costs associated with the completion of any such plan are less than or equal to the amounts approved in such budget.

(B) In the event the Agency fails to approve, disapprove, or modify any plan or report submitted pursuant to this Title in writing within 120 days of the receipt by the Agency, the plan or report shall be considered to be rejected by operation of law for purposes of this Title and rejected for purposes of payment from the Leaking Underground Storage Tank Fund.

(i) For purposes of those plans as identified in subparagraph (E) of this subsection (c)(4), the Agency's review may be an audit procedure. Such review or audit shall be consistent with the procedure for such review or audit as promulgated by the Board under item (7) of subsection (b) of Section 57.14. The Agency has the authority to establish an auditing program to verify compliance of such plans with the provisions of this Title.

(ii) For purposes of those plans submitted pursuant to Part (E) (iii) of this paragraph (4) for which payment from the Fund is not being sought, the Agency need not take action on such plan until 120 days after it receives the corrective action completion report required under Section 57(c)(1)(D). In the event the Agency approved the plan, it shall proceed under the provisions of Section 57(c)(4).

(C) In approving any plan submitted pursuant to Part (E) of this paragraph (4), the Agency shall determine, by a procedure promulgated by the Board under item (7) of subsection (b) of Section 57.14, that the costs associated with the plan are reasonable, will be incurred in the performance of corrective action, and will not be used for corrective action activities in excess of those required to meet the minimum requirements of this title.

(D) For any plan or report received after the effective date of this amendatory Act of 1993, any action by the Agency to disapprove or modify a plan submitted pursuant to this Title shall be provided to the owner or operator in writing within 120 days of the receipt by the Agency or, in the case of a corrective action plan for which payment is not being sought, within
120 days of receipt of the corrective action completion report, and shall be accompanied by:

(i) an explanation of the Sections of this Act which may be violated if the plans were approved;
(ii) an explanation of the provisions of the regulations, promulgated under this Act, which may be violated if the plan were approved;
(iii) an explanation of the specific type of information, if any, which the Agency deems the applicant did not provide the Agency; and
(iv) a statement of specific reasons why the Act and the regulations might not be met if the plan were approved.

Any action by the Agency to disapprove or modify a plan or report or the rejection of any plan or report by operation of law shall be subject to appeal to the Board in accordance with the procedures of Section 40. If the owner or operator elects to incorporate modifications required by the Agency rather than appeal, an amended plan shall be submitted to the Agency within 35 days of receipt of the Agency's written notification.

(E) For purposes of this Title, the term "plan" shall include:

(i) Any physical soil classification and groundwater investigation plan submitted pursuant to item (1)(A) of subsection (a) of this Section, or budget under item (2) of subsection (a) of this Section;
(ii) Any groundwater monitoring plan or budget submitted pursuant to subsection (c)(2)(B) of this Section;
(iii) Any corrective action plan submitted pursuant to subsection (c)(1)(A) of this Section; or
(iv) Any corrective action plan budget submitted pursuant to subsection (c)(1)(B) of this Section.

(d) For purposes of this Title, the term "indicator contaminant" shall mean, unless and until the Board promulgates regulations to the contrary, the following: (i) if an underground storage tank contains gasoline, the indicator parameter shall be BTEX and Benzene; (ii) if the tank contained petroleum products consisting of middle distillate or heavy ends, then the indicator parameter shall be determined by a scan of PNA's taken from the location where contamination is most likely to be present; and (iii) if the tank contained used oil, then the indicator contaminant shall be those chemical constituents which indicate the type of petroleum stored in an underground storage tank. All references in this Title to groundwater objectives shall mean Class I groundwater standards or objectives as applicable.

(e) (1) Notwithstanding the provisions of this Section, an owner or operator may proceed to conduct physical soil classification, groundwater investigation, site classification or other corrective action prior to the submittal or approval of an otherwise required plan. If the owner or operator elects to so proceed, an applicable

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plan shall be filed with the Agency at any time. Such plan shall detail the steps taken to determine the type of corrective action which was necessary at the site along with the corrective action taken or to be taken, in addition to costs associated with activities to date and anticipated costs.

(2) Upon receipt of a plan submitted after activities have commenced at a site, the Agency shall proceed to review in the same manner as required under this Title. In the event the Agency disapproves all or part of the costs, the owner or operator may appeal such decision to the Board. The owner or operator shall not be eligible to be reimbursed for such disapproved costs unless and until the Board determines that such costs were eligible for payment.

(Source: P.A. 88-496; 88-668, eff. 9-16-94; 89-428, eff. 1-1-96; 89-457, eff. 5-22-96; revised 1-25-02.)

Section 72. The Radon Industry Licensing Act is amended by changing Section 65 as follows:

(420 ILCS 44/65)

Sec. 65. Illinois Administrative Procedure Act. The provisions of the Illinois Administrative Procedure Act are hereby expressly adopted and shall apply to all administrative rules and procedures of the Department under this Act, except that Section 5-35 of the Illinois Administrative Procedure Act, relating to procedures for rulemaking, does not apply to the adoption of any rule required by federal law in connection with which the Department is precluded from exercising any discretion.

(Source: P.A. 90-262, eff. 7-30-97; revised 12-07-01.)

Section 73. The Firearm Owners Identification Card Act is amended by changing Section 14 as follows:

(430 ILCS 65/14) (from Ch. 38, par. 83-14)

Sec. 14. Sentence.

(a) A violation of paragraph (1) of subsection (a) of Section 2, when the person's Firearm Owner's Identification Card is expired but the person is not otherwise disqualified from renewing the card, is a Class A misdemeanor.

(b) Except as provided in subsection (a) with respect to an expired card, a violation of paragraph (1) of subsection (a) of Section 2 is a Class A misdemeanor when the person does not possess a currently valid Firearm Owner's Identification Card, but is otherwise eligible under this Act. A second or subsequent violation is a Class 4 felony.

(c) A violation of paragraph (1) of subsection (a) of Section 2 is a Class 3 felony when:

(1) the person's Firearm Owner's Identification Card is revoked or subject to revocation under Section 8; or

(2) the person's Firearm Owner's Identification Card is expired and not otherwise eligible for renewal under this Act; or

(3) the person does not possess a currently valid Firearm Owner's Identification Card, and the person is not otherwise eligible under this Act.

(d) A violation of subsection (a) of Section 3 is a Class 4 felony. A third or

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subsequent conviction is a Class 1 felony.

(d-5) Any person who knowingly enters false information on an application for a Firearm Owner's Identification Card, who knowingly gives a false answer to any question on the application, or who knowingly submits false evidence in connection with an application is guilty of a Class 2 felony.

(e) Except as provided by Section 6.1 of this Act, any other violation of this Act is a Class A misdemeanor.

(Source: P.A. 91-694, eff. 4-13-00; 92-414, eff. 1-1-02; 92-442, eff. 8-17-01; revised 10-11-01.)

Section 74. The Humane Care for Animals Act is amended by changing Sections 4.01, 4.02, and 16 as follows:

(510 ILCS 70/4.01) (from Ch. 8, par. 704.01)
Sec. 4.01. Prohibitions.
(a) No person may own, capture, breed, train, or lease any animal which he or she knows is intended for use in any show, exhibition, program, or other activity featuring or otherwise involving a fight between such animal and any other animal or human, or the intentional killing of any animal for the purpose of sport, wagering, or entertainment.

(b) No person shall promote, conduct, carry on, advertise, collect money for or in any other manner assist or aid in the presentation for purposes of sport, wagering, or entertainment, any show, exhibition, program, or other activity involving a fight between 2 or more animals or any animal and human, or the intentional killing of any animal.

(c) No person shall sell or offer for sale, ship, transport, or otherwise move, or deliver or receive any animal which he or she knows has been captured, bred, or trained, or will be used, to fight another animal or human or be intentionally killed, for the purpose of sport, wagering, or entertainment.

(d) No person shall manufacture for sale, shipment, transportation or delivery any device or equipment which that person knows or should know is intended for use in any show, exhibition, program, or other activity featuring or otherwise involving a fight between 2 or more animals, or any animal and human, or the intentional killing of any animal for purposes of sport, wagering or entertainment.

(e) No person shall own, possess, sell or offer for sale, ship, transport, or otherwise move any equipment or device which such person knows or should know is intended for use in connection with any show, exhibition, program, or activity featuring or otherwise involving a fight between 2 or more animals, or any animal and human, or the intentional killing of any animal for purposes of sport, wagering or entertainment.

(f) No person shall make available any site, structure, or facility, whether enclosed or not, which he or she knows is intended to be used for the purpose of conducting any show, exhibition, program, or other activity involving a fight between 2 or more animals, or any animal and human, or the intentional killing of any animal or knowingly manufacture, distribute, or deliver fittings to be used in a fight between 2 or more dogs or a dog and a human.

(g) No person shall attend or otherwise patronize any show, exhibition, program, or

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other activity featuring or otherwise involving a fight between 2 or more animals, or any animal and human, or the intentional killing of any animal for the purposes of sport, wagering or entertainment.

(h) No person shall tie or attach or fasten any live animal to any machine or device propelled by any power for the purpose of causing such animal to be pursued by a dog or dogs. This subsection (h) shall apply only when such dog is intended to be used in a dog fight.

(i) Any animals or equipment involved in a violation of this Section shall be immediately seized and impounded under Section 12 by the Department when located at any show, exhibition, program, or other activity featuring or otherwise involving an animal fight for the purposes of sport, wagering, or entertainment.

(j) Any vehicle or conveyance other than a common carrier that is used in violation of this Section shall be seized, held, and offered for sale at public auction by the sheriff's department of the proper jurisdiction, and the proceeds from the sale shall be remitted to the general fund of the county where the violation took place.

(k) Any veterinarian in this State who is presented with an animal for treatment of injuries or wounds resulting from fighting where there is a reasonable possibility that the animal was engaged in or utilized for a fighting event for the purposes of sport, wagering, or entertainment shall file a report with the Department and cooperate by furnishing the owners' names, dates, and descriptions of the animal or animals involved. Any veterinarian who in good faith complies with the requirements of this subsection has immunity from any liability, civil, criminal, or otherwise, that may result from his or her actions. For the purposes of any proceedings, civil or criminal, the good faith of the veterinarian shall be rebuttably presumed.

(l) No person shall conspire or solicit a minor to violate this Section.

(510 ILCS 70/4.02) (from Ch. 8, par. 704.02)
Sec. 4.02. Arrests; reports.
(a) Any law enforcement officer making an arrest for an offense involving one or more animals under Section 4.01 of this Act shall lawfully take possession of all animals and all paraphernalia, implements, or other property or things used or employed, or about to be employed, in the violation of any of the provisions of Section 4.01 of this Act. When a law enforcement officer has taken possession of such animals, paraphernalia, implements or other property or things, he or she shall file with the court before whom the complaint is made against any person so arrested an affidavit stating therein the name of the person charged in the complaint, a description of the property so taken and the time and place of the taking thereof together with the name of the person from whom the same was taken and name of the person who claims to own such property, if different from the person from whom the dogs were seized and if known, and that the affiant has reason to believe and does believe, stating the ground of the belief, that the dogs and property so taken were used or employed, or were about to be used or employed, in a violation of Section 4.01 of this Act. He or she shall thereupon deliver an inventory of the property so taken to the court of competent
jurisdiction. A law enforcement officer may humanely euthanize dogs that are severely injured.

An owner whose dogs are removed for a violation of Section 4.01 of this Act must be given written notice of the circumstances of the removal and of any legal remedies available to him or her. The notice must be posted at the place of seizure or delivered to a person residing at the place of seizure or, if the address of the owner is different from the address of the person from whom the dogs were seized, delivered by registered mail to his or her last known address.

The animal control or animal shelter having custody of the dogs may file a petition with the court requesting that the person from whom the dogs were seized or the owner of the dogs be ordered to post security pursuant to Section 3.05 of this Act.

Upon the conviction of the person so charged, all dogs shall be adopted or humanely euthanized and property so seized shall be adjudged by the court to be forfeited. Any outstanding costs incurred by the impounding facility in boarding and treating the dogs pending the disposition of the case and disposing of the dogs upon a conviction must be borne by the person convicted. In no event may the dogs be adopted by the defendant or anyone residing in his or her household. If the court finds that the State either failed to prove the criminal allegations or that the dogs were used in fighting, the court must direct the delivery of the dogs and the other property not previously forfeited to the owner of the dogs and property.

Any person authorized by this Section to care for a dog, to treat a dog, or to attempt to restore a dog to good health and who is acting in good faith is immune from any civil or criminal liability that may result from his or her actions.

An animal control warden, animal control administrator, animal shelter employee, or approved humane investigator may humanely euthanize severely injured, diseased, or suffering dog in exigent circumstances.

(b) Any veterinarian in this State who is presented with an animal for treatment of injuries or wounds resulting from fighting where there is a reasonable possibility that the animal was engaged in or utilized for a fighting event shall file a report with the Department and cooperate by furnishing the owners' names, date of receipt of the animal or animals and treatment administered, and descriptions of the animal or animals involved. Any veterinarian who in good faith makes a report, as required by this subsection (b), is immune from any liability, civil, criminal, or otherwise, resulting from his or her actions. For the purposes of any proceedings, civil or criminal, the good faith of any such veterinarian shall be presumed.

(Source: P.A. 92-425, eff. 1-1-02; 92-454, eff. 1-1-02; revised 10-11-01.)

(510 ILCS 70/16) (from Ch. 8, par. 716)
Sec. 16. Violations; punishment; injunctions.
(a) Any person convicted of violating subsection (l) of Section 4.01 or Sections 5, 5.01, or 6 of this Act or any rule, regulation, or order of the Department pursuant thereto, is guilty of a Class A misdemeanor. A second or subsequent violation of Section 5, 5.01, or 6 is a Class 4 felony.

(b)(1) This subsection (b) does not apply where the only animals involved in
the violation are dogs.

(2) Any person convicted of violating subsection (a), (b), (c) or (h) of Section 4.01 of this Act or any rule, regulation, or order of the Department pursuant thereto, is guilty of a Class A misdemeanor.

(3) A second or subsequent offense involving the violation of subsection (a), (b) or (c) of Section 4.01 of this Act or any rule, regulation, or order of the Department pursuant thereto is a Class 4 felony.

(4) Any person convicted of violating subsection (d), (e) or (f) of Section 4.01 of this Act or any rule, regulation, or order of the Department pursuant thereto is guilty of a Class A misdemeanor. A second or subsequent violation is a Class 4 felony.

(5) Any person convicted of violating subsection (g) of Section 4.01 of this Act or any rule, regulation, or order of the Department pursuant thereto is guilty of a Class C misdemeanor.

(c)(1) This subsection (c) applies exclusively where the only animals involved in the violation are dogs.

(2) Any person convicted of violating subsection (a), (b) or (c) of Section 4.01 of this Act or any rule, regulation or order of the Department pursuant thereto is guilty of a Class 4 felony and may be fined an amount not to exceed $50,000. A person who knowingly owns a dog for fighting purposes or for producing a fight between 2 or more dogs or a dog and human or who knowingly offers for sale or sells a dog bred for fighting is guilty of a Class 3 felony if any of the following factors is present:

(i) the dogfight is performed in the presence of a person under 18 years of age;
(ii) the dogfight is performed for the purpose of or in the presence of illegal wagering activity; or
(iii) the dogfight is performed in furtherance of streetgang related activity as defined in Section 10 of the Illinois Streetgang Terrorism Omnibus Prevention Act.

(3) Any person convicted of violating subsection (d) or (e) of Section 4.01 of this Act or any rule, regulation or order of the Department pursuant thereto is guilty of Class A misdemeanor.

(3.5) Any person convicted of violating subsection (f) of Section 4.01 is guilty of a Class 4 felony.

(4) Any person convicted of violating subsection (g) of Section 4.01 of this Act or any rule, regulation or order of the Department pursuant thereto is guilty of a Class C misdemeanor.

(5) A second or subsequent violation of subsection (a), (b) or (c) of Section 4.01 of this Act or any rule, regulation or order of the Department pursuant thereto is a Class 3 felony. A second or subsequent violation of subsection (d) or (e) of Section 4.01 of this Act or any rule, regulation or order of the Department adopted

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pursuant thereto is a Class 3 felony, if in each violation the person knew or should have known that the device or equipment under subsection (d) or (e) of that Section was to be used to carry out a violation where the only animals involved were dogs. Where such person did not know or should not reasonably have been expected to know that the only animals involved in the violation were dogs, a second or subsequent violation of subsection (d) or (e) of Section 4.01 of this Act or any rule, regulation or order of the Department adopted pursuant thereto is a Class A misdemeanor. A second or subsequent violation of subsection (g) is a Class B misdemeanor.

(6) Any person convicted of violating Section 3.01 of this Act is guilty of a Class A misdemeanor. A second or subsequent conviction for a violation of Section 3.01 is a Class 4 felony.

(7) Any person convicted of violating Section 4.03 is guilty of a Class A misdemeanor. A second or subsequent violation is a Class 4 felony.

(8) Any person convicted of violating Section 4.04 is guilty of a Class A misdemeanor where the animal is not killed or totally disabled, but if the animal is killed or totally disabled such person shall be guilty of a Class 4 felony.

(8.5) A person convicted of violating subsection (a) of Section 7.15 is guilty of a Class A misdemeanor. A person convicted of violating subsection (b) or (c) of Section 7.15 is (i) guilty of a Class A misdemeanor if the dog is not killed or totally disabled and (ii) if the dog is killed or totally disabled, guilty of a Class 4 felony and may be ordered by the court to make restitution to the disabled person having custody or ownership of the dog for veterinary bills and replacement costs of the dog. A second or subsequent violation is a Class 4 felony.

(9) Any person convicted of any other act of abuse or neglect or of violating any other provision of this Act, or any rule, regulation, or order of the Department pursuant thereto, is guilty of a Class B misdemeanor. A second or subsequent violation is a Class 4 felony with every day that a violation continues constituting a separate offense.

(d) Any person convicted of violating Section 7.1 is guilty of a Class C misdemeanor. A second or subsequent conviction for a violation of Section 7.1 is a Class B misdemeanor.

(e) Any person convicted of violating Section 3.02 is guilty of a Class 4 felony. A second or subsequent violation is a Class 3 felony.

(f) The Department may enjoin a person from a continuing violation of this Act.

(g) Any person convicted of violating Section 3.03 is guilty of a Class 3 felony. As a condition of the sentence imposed under this Section, the court shall order the offender to undergo a psychological or psychiatric evaluation and to undergo treatment that the court determines to be appropriate after due consideration of the evaluation.

(h) In addition to any other penalty provided by law, upon a conviction for violating Sections 3, 3.01, 3.02, or 3.03 the court may order the convicted person to undergo a psychological or psychiatric evaluation and to undergo any treatment at the convicted person's expense that the court determines to be appropriate after due consideration of the
evaluation. If the convicted person is a juvenile or a companion animal hoarder, the court must order the convicted person to undergo a psychological or psychiatric evaluation and to undergo treatment that the court determines to be appropriate after due consideration of the evaluation.

(i) In addition to any other penalty provided by law, upon conviction for violating Sections 3, 3.01, 3.02, or 3.03 the court may order the convicted person to forfeit to an animal control or animal shelter the animal or animals that are the basis of the conviction. Upon an order of forfeiture, the convicted person is deemed to have permanently relinquished all rights to the animal or animals that are the basis of the conviction. The forfeited animal or animals shall be adopted or humanely euthanized. In no event may the convicted person or anyone residing in his or her household be permitted to adopt the forfeited animal or animals. The court, additionally, may order that the convicted person and persons dwelling in the same household as the convicted person who conspired, aided, or abetted in the unlawful act that was the basis of the conviction, or who knew or should have known of the unlawful act, may not own, harbor, or have custody or control of any other animals for a period of time that the court deems reasonable.

(Source: P.A. 91-291, eff. 1-1-00; 91-351, eff. 7-29-99; 91-357, eff. 7-29-99; 92-16, eff. 6-28-01; 92-425, eff. 1-1-02; 92-454, eff. 1-1-02; revised 10-11-01.)

Section 75. The Fish and Aquatic Life Code is amended by changing Section 20-35 as follows:

(515 ILCS 5/20-35) (from Ch. 56, par. 20-35)

(Text of Section before amendment by P.A. 92-513)

Sec. 20-35. Offenses. Except as prescribed in Section 5-25 and unless otherwise provided in this Code, any person who is found guilty of violating any of the provisions of this Code, including administrative rules, is guilty of a petty offense.


Offenses committed by minors under the direct control or with the consent of a parent or guardian may subject the parent or guardian to the penalties prescribed in this Section or as otherwise provided in this Code.
In addition to any fines imposed under this Section, or as otherwise provided in this Code, any person found guilty of unlawfully taking or possessing any aquatic life protected by this Code shall be assessed a civil penalty for that aquatic life in accordance with the values prescribed in Section 5-25 of this Code. This civil penalty shall be imposed at the time of the conviction by the Circuit Court for the county where the offense was committed. All penalties provided for in this Section shall be remitted to the Department in accordance with the provisions of Section 1-180 of this Code.

(Source: P.A. 92-385, eff. 8-16-01.)

(Text of Section after amendment by P.A. 92-513)

Sec. 20-35. Offenses.

(a) Except as prescribed in Section 5-25 and unless otherwise provided in this Code, any person who is found guilty of violating any of the provisions of this Code, including administrative rules, is guilty of a petty offense.


Any person who violates any of the provisions of Section 1-200, 1-205, 10-55, 10-80, 15-35, or 20-120 of this Code, including administrative rules relating to those Sections, is guilty of a Class A misdemeanor.

Any person who violates any of the provisions of this Code, including administrative rules, during the 5 years following the revocation of his or her license, permit, or privileges under Section 20-105 is guilty of a Class A misdemeanor.

Any person who violates Section 5-25 of this Code, including administrative rules, during the 5 years following the revocation of his or her license, permit, or privileges under Section 20-105 is guilty of a Class A misdemeanor.

(b)(1) It is unlawful for any person to take or attempt to take aquatic life from any aquatic life farm except with the consent of the owner of the aquatic life farm. Any person possessing fishing tackle on the premises of an aquatic life farm is presumed to be fishing. The presumption may be rebutted by clear and convincing evidence. All fishing tackle, apparatus, and vehicles used in the violation of this subsection (b) shall be confiscated by the arresting officer. Except as otherwise provided in this subsection, the seizure and confiscation procedures set forth in Section 1-215 of this Code shall apply. If the confiscated property is determined by the circuit court to have been used in the violation of this subsection (b), the confiscated property shall be sold at public auction by the county sheriff of the county where the violation occurred. The proceeds of the sale shall be deposited in the county general fund; provided that the auction may be stayed by an appropriate court order.

(2) A violation of paragraph (1) of this subsection (b) is a Class A misdemeanor for a first offense and a Class 4 felony for a second or subsequent offense.

(c)(1) It is unlawful for any person to trespass or fish on an aquatic life farm located on a strip mine lake or other body of water used for aquatic life farming operations, or within
a 200 foot buffer zone surrounding cages or netpens that are clearly delineated by buoys of a posted aquatic life farm, by swimming, scuba diving, or snorkeling in, around, or under the aquatic life farm or by operating a watercraft over, around, or in the aquatic life farm without the consent of the owner of the aquatic life farm.

(2) A violation of paragraph (1) of this subsection (c) is a Class B misdemeanor for a first offense and a Class A misdemeanor for a second or subsequent offense. All fishing tackle, apparatus, and watercraft used in a second or subsequent violation of this subsection (c) shall be confiscated by the arresting officer. Except as otherwise provided in this subsection, the seizure and confiscation procedures set forth in Section 1-215 of this Code shall apply. If the confiscated property is determined by the circuit court to have been used in a violation of this subsection (c), the confiscated property shall be sold at public auction by the county sheriff of the county where the violation occurred. The proceeds of the sale shall be deposited in the county general fund; provided that the auction may be stayed by an appropriate court order.

(d) Offenses committed by minors under the direct control or with the consent of a parent or guardian may subject the parent or guardian to the penalties prescribed in this Section or as otherwise provided in this Code.

(e) In addition to any fines imposed under this Section, or as otherwise provided in this Code, any person found guilty of unlawfully taking or possessing any aquatic life protected by this Code shall be assessed a civil penalty for that aquatic life in accordance with the values prescribed in Section 5-25 of this Code. This civil penalty shall be imposed at the time of the conviction by the Circuit Court for the county where the offense was committed. Except as otherwise provided for in subsections (b) and (c) of this Section, all penalties provided for in this Section shall be remitted to the Department in accordance with the provisions of Section 1-180 of this Code.

(Source: P.A. 92-385, eff. 8-16-01; 92-513, eff. 6-1-02; revised 1-7-02.)

Section 76. The Wildlife Code is amended by changing Sections 2.26 and 2.33 as follows:

(520 ILCS 5/2.26) (from Ch. 61, par. 2.26)

Sec. 2.26. Deer hunting permits. In this Section, “bona fide equity shareholder” means an individual who (1) purchased, for market price, publicly sold stock shares in a corporation, purchased shares of a privately-held corporation for a value equal to the percentage of the appraised value of the corporate assets represented by the ownership in the corporation, or is a member of a closely-held family-owned corporation and has purchased or been gifted with shares of stock in the corporation accurately reflecting his or her percentage of ownership and (2) intends to retain the ownership of the shares of stock for at least 5 years.

In this Section, “bona fide equity member” means an individual who (1) (i) became a member upon the formation of the limited liability company or (ii) has purchased a distributional interest in a limited liability company for a value equal to the percentage of the appraised value of the LLC assets represented by the distributional interest in the LLC and subsequently becomes a member of the company pursuant to Article 30 of the Limited

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Liability Company Act and who (2) intends to retain the membership for at least 5 years.

Any person attempting to take deer shall first obtain a "Deer Hunting Permit" in accordance with prescribed regulations set forth in an Administrative Rule. Deer Hunting Permits shall be issued by the Department. The fee for a Deer Hunting Permit to take deer with either bow and arrow or gun shall not exceed $15.00 for residents of the State. The Department may by administrative rule provide for non-resident deer hunting permits for which the fee will not exceed $200 except as provided below for non-resident landowners and non-resident archery hunters. The Department may by administrative rule provide for a non-resident archery deer permit consisting of not more than 2 harvest tags at a total cost not to exceed $225. Permits shall be issued without charge to:

(a) Illinois landowners residing in Illinois who own at least 40 acres of Illinois land and wish to hunt their land only,

(b) resident tenants of at least 40 acres of commercial agricultural land where they will hunt, and

(c) Bona fide equity shareholders of a corporation or bona fide equity members of a limited liability company which owns at least 40 acres of land in a county in Illinois who wish to hunt on the corporation's or company's land only. One permit shall be issued without charge to one bona fide equity shareholder or one bona fide equity member for each 40 acres of land owned by the corporation or company in a county; however, the number of permits issued without charge to bona fide equity shareholders of any corporation or bona fide equity members of a limited liability company in any county shall not exceed 15.

Bona fide landowners or tenants who do not wish to hunt only on the land they own, rent or lease or bona fide equity shareholders or bona fide equity members who do not wish to hunt only on the land owned by the corporation or limited liability company shall be charged the same fee as the applicant who is not a landowner, tenant, bona fide equity shareholder, or bona fide equity member. Nonresidents of Illinois who own at least 40 acres of land and wish to hunt on their land only shall be charged a fee set by administrative rule. The method for obtaining these permits shall be prescribed by administrative rule.

The deer hunting permit issued without fee shall be valid on all farm lands which the person to whom it is issued owns, leases or rents, except that in the case of a permit issued to a bona fide equity shareholder or bona fide equity member, the permit shall be valid on all lands owned by the corporation or limited liability company in the county.

The standards and specifications for use of guns and bow and arrow for deer hunting shall be established by administrative rule.

No person may have in his possession any firearm not authorized by administrative rule for a specific hunting season when taking deer.

Persons having a firearm deer hunting permit shall be permitted to take deer only during the period from 1/2 hour before sunrise to sunset, and only during those days for which an open season is established for the taking of deer by use of shotgun or muzzle loading rifle.

Persons having an archery deer hunting permit shall be permitted to take deer only
during the period from 1/2 hour before sunrise to 1/2 hour after sunset, and only during those days for which an open season is established for the taking of deer by use of bow and arrow.

It shall be unlawful for any person to take deer by use of dogs, horses, automobiles, aircraft or other vehicles, or by the use of salt or bait of any kind. An area is considered as baited during the presence of and for 10 consecutive days following the removal of bait.

It shall be unlawful to possess or transport any wild deer which has been injured or killed in any manner upon a public highway or public right-of-way of this State unless exempted by administrative rule.

Persons hunting deer must have gun unloaded and no bow and arrow device shall be carried with the arrow in the nocked position during hours when deer hunting is unlawful.

It shall be unlawful for any person, having taken the legal limit of deer by gun, to further participate with gun in any deer hunting party.

It shall be unlawful for any person, having taken the legal limit of deer by bow and arrow, to further participate with bow and arrow in any deer hunting party.

The Department may prohibit upland game hunting during the gun deer season by administrative rule.

It shall be legal for handicapped persons, as defined in Section 2.33, to utilize a crossbow device, as defined in Department rules, to take deer.

Any person who violates any of the provisions of this Section, including administrative rules, shall be guilty of a Class B misdemeanor.

(Source: P.A. 92-177, eff. 7-27-01; 92-261, eff. 8-7-01; revised 9-19-01.)

(520 ILCS 5/2.33) (from Ch. 61, par. 2.33)
Sec. 2.33. Prohibitions.
(a) It is unlawful to carry or possess any gun in any State refuge unless otherwise permitted by administrative rule.

(b) It is unlawful to use or possess any snare or snare-like device, deadfall, net, or pit trap to take any species, except that snares not powered by springs or other mechanical devices may be used to trap fur-bearing mammals, in water sets only, if at least one-half of the snare noose is located underwater at all times.

(c) It is unlawful for any person at any time to take a wild mammal protected by this Act from its den by means of any mechanical device, spade, or digging device or to use smoke or other gases to dislodge or remove such mammal except as provided in Section 2.37.

(d) It is unlawful to use a ferret or any other small mammal which is used in the same or similar manner for which ferrets are used for the purpose of frightening or driving any mammals from their dens or hiding places.

(e) (Blank).

(f) It is unlawful to use spears, gigs, hooks or any like device to take any species protected by this Act.

(g) It is unlawful to use poisons, chemicals or explosives for the purpose of taking any species protected by this Act.

(h) It is unlawful to hunt adjacent to or near any peat, grass, brush or other

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inflammable substance when it is burning.

(i) It is unlawful to take, pursue or intentionally harass or disturb in any manner any wild birds or mammals by use or aid of any vehicle or conveyance, except as permitted by the Code of Federal Regulations for the taking of waterfowl. It is also unlawful to use the lights of any vehicle or conveyance or any light from or any light connected to the such vehicle or conveyance in any area where wildlife may be found except in accordance with Section 2.37 of this Act; however, nothing in this Section shall prohibit the normal use of headlamps for the purpose of driving upon a roadway. and except that Striped skunk, opossum, red fox, gray fox, raccoon and coyote may be taken during the open season by use of a small light which is worn on the body or hand-held by a person on foot and not in any vehicle.

(j) It is unlawful to use any shotgun larger than 10 gauge while taking or attempting to take any of the species protected by this Act.

(k) It is unlawful to use or possess in the field any shotgun shell loaded with a shot size larger than lead BB or steel T (.20 diameter) when taking or attempting to take any species of wild game mammals (excluding white-tailed deer), wild game birds, migratory waterfowl or migratory game birds protected by this Act, except white-tailed deer as provided for in Section 2.26 and other species as provided for by subsection (l) or administrative rule.

(l) It is unlawful to take any species of wild game, except white-tailed deer, with a shotgun loaded with slugs unless otherwise provided for by administrative rule.

(m) It is unlawful to use any shotgun capable of holding more than 3 shells in the magazine or chamber combined, except on game breeding and hunting preserve areas licensed under Section 3.27 and except as permitted by the Code of Federal Regulations for the taking of waterfowl. If the shotgun is capable of holding more than 3 shells, it shall, while being used on an area other than a game breeding and shooting preserve area licensed pursuant to Section 3.27, be fitted with a one piece plug that is irremovable without dismantling the shotgun or otherwise altered to render it incapable of holding more than 3 shells in the magazine and chamber, combined.

(n) It is unlawful for any person, except persons who possess a permit to hunt from a vehicle as provided in this Section and persons otherwise permitted by law, to have or carry any gun in or on any vehicle, conveyance or aircraft, unless such gun is unloaded and enclosed in a case, except that at field trials authorized by Section 2.34 of this Act, unloaded guns or guns loaded with blank cartridges only, may be carried on horseback while not contained in a case, or to have or carry any bow or arrow device in or on any vehicle unless such bow or arrow device is unstrung or enclosed in a case, or otherwise made inoperable.

(o) It is unlawful to use any crossbow for the purpose of taking any wild birds or mammals, except as provided for in Section 2.33.

(p) It is unlawful to take game birds, migratory game birds or migratory waterfowl with a rifle, pistol, revolver or airgun.

(q) It is unlawful to fire a rifle, pistol, revolver or airgun on, over or into any waters of this State, including frozen waters.

New matter indicated by italics - deletions by strikeout.
(r) It is unlawful to discharge any gun or bow and arrow device along, upon, across, or from any public right-of-way or highway in this State.

(s) It is unlawful to use a silencer or other device to muffle or mute the sound of the explosion or report resulting from the firing of any gun.

(t) It is unlawful for any person to trap or hunt, or allow a dog to hunt, within or upon the land of another, or upon waters flowing over or standing on the land of another, without first obtaining permission from the owner or tenant. It shall be prima facie evidence that a person does not have permission of the owner or tenant if the person is unable to demonstrate to the law enforcement officer in the field that permission had been obtained. This provision may only be rebutted by testimony of the owner or tenant that permission had been given. Before enforcing this Section the law enforcement officer must have received notice from the owner or tenant of a violation of this Section. Statements made to the law enforcement officer regarding this notice shall not be rendered inadmissible by the hearsay rule when offered for the purpose of showing the required notice.

(u) It is unlawful for any person to discharge any firearm for the purpose of taking any of the species protected by this Act, or hunt with gun or dog, or allow a dog to hunt, within 300 yards of an inhabited dwelling without first obtaining permission from the owner or tenant, except that while trapping, hunting with bow and arrow, hunting with dog and shotgun using shot shells only, or hunting with shotgun using shot shells only, or on licensed game breeding and hunting preserve areas, as defined in Section 3.27, on property operated under a Migratory Waterfowl Hunting Area Permit, on federally owned and managed lands and on Department owned, managed, leased or controlled lands, a 100 yard restriction shall apply.

(v) It is unlawful for any person to remove fur-bearing mammals from, or to move or disturb in any manner, the traps owned by another person without written authorization of the owner to do so.

(w) It is unlawful for any owner of a dog to knowingly or wantonly allow his or her dog to pursue, harass or kill deer.

(x) It is unlawful for any person to wantonly or carelessly injure or destroy, in any manner whatsoever, any real or personal property on the land of another while engaged in hunting or trapping thereon.

(y) It is unlawful to hunt wild game protected by this Act between one half hour after sunset and one half hour before sunrise, except that hunting hours between one half hour after sunset and one half hour before sunrise may be established by administrative rule for fur-bearing mammals.

(z) It is unlawful to take any game bird (excluding wild turkeys and crippled pheasants not capable of normal flight and otherwise irretrievable) protected by this Act when not flying. Nothing in this Section shall prohibit a person from carrying an uncased, unloaded shotgun in a boat, while in pursuit of a crippled migratory waterfowl that is incapable of normal flight, for the purpose of attempting to reduce the migratory waterfowl to possession, provided that the attempt is made immediately upon downing the migratory waterfowl and is done within 400 yards of the blind from which the migratory waterfowl was downed.
downed. This exception shall apply only to migratory game birds that are not capable of normal flight. Migratory waterfowl that are crippled may be taken only with a shotgun as regulated by subsection (j) of this Section using shotgun shells as regulated in subsection (k) of this Section.

(aa) It is unlawful to use or possess any device that may be used for tree climbing or cutting, while hunting fur-bearing mammals.

(bb) It is unlawful for any person, except licensed game breeders, pursuant to Section 2.29 to import, carry into, or possess alive in this State; any species of wildlife taken outside of this State, without obtaining permission to do so from the Director.

(cc) It is unlawful for any person to have in his or her possession any freshly killed species protected by this Act during the season closed for taking.

(dd) It is unlawful to take any species protected by this Act and retain it alive.

(ee) It is unlawful to possess any rifle while in the field during gun deer season except as provided in Section 2.26 and administrative rules.

(ff) It is unlawful for any person to take any species protected by this Act, except migratory waterfowl, during the gun deer hunting season in those counties open to gun deer hunting, unless he or she wears, when in the field, a cap and upper outer garment of a solid blaze orange color, with such articles of clothing displaying a minimum of 400 square inches of blaze orange material.

(gg) It is unlawful during the upland game season for any person to take upland game with a firearm unless he or she wears, while in the field, a cap of solid blaze orange color. For purposes of this Act, upland game is defined as Bobwhite Quail, Hungarian Partridge, Ring-necked Pheasant, Eastern Cottontail and Swamp Rabbit.

(hh) It shall be unlawful to kill or cripple any species protected by this Act for which there is a daily bag limit without making a reasonable effort to retrieve such species and include such in the daily bag limit.

(ii) This Section shall apply only to those species protected by this Act taken within the State. Any species or any parts thereof, legally taken in and transported from other states or countries, may be possessed within the State, except as provided in this Section and Sections 2.35, 2.36 and 3.21.

(jj) Nothing contained in this Section shall prohibit the use of bow and arrow, or prevent the Director from issuing permits to use a crossbow to handicapped persons as provided by administrative rule. As used herein, "handicapped persons" means those persons who have a permanent physical impairment due to injury or disease, congenital or acquired, which renders them so severely disabled as to be unable to use a conventional bow and arrow device. Permits will be issued only after the receipt of a physician's statement confirming the applicant is handicapped as defined above.

(kk) Nothing contained in this Section shall prohibit the Director from issuing permits to paraplegics or to other disabled persons who meet the requirements set forth in administrative rule to shoot or hunt from a vehicle as provided by that rule, provided that such is otherwise in accord with this Act.

(ll) Nothing contained in this Act shall prohibit the taking of aquatic life protected

New matter indicated by italics - deletions by strikeout.
by the Fish and Aquatic Life Code or birds and mammals protected by this Act, except deer and fur-bearing mammals, from a boat not camouflaged or disguised to alter its identity or to further provide a place of concealment and not propelled by sail or mechanical power. However, only shotguns not larger than 10 gauge nor smaller than .410 bore loaded with not more than 3 shells of a shot size no larger than lead BB or steel T (.20 diameter) may be used to take species protected by this Act.

_mm_ Nothing contained in this Act shall prohibit the use of a shotgun, not larger than 10 gauge nor smaller than a 20 gauge, with a rifled barrel.

(Source: P.A. 91-654, eff. 12-15-99; 92-325, eff. 8-9-01; revised 10-15-01.)

Section 77. The Illinois Vehicle Code is amended by changing Sections 2-123, 3-112, 3-112.1, 3-302, 3-402, 3-412, 3-616, 3-806.3, 6-205, 6-206, 6-208, 6-500, 7-501, 11-207, 11-501, 11-1201, 11-1201.1, 12-215, 18b-105, and 18c-2108 and setting forth and renumbering multiple versions of Section 3-648 as follows:

(625 ILCS 5/2-123) (from Ch. 95 1/2, par. 2-123)

Sec. 2-123. Sale and Distribution of Information.

(a) Except as otherwise provided in this Section, the Secretary may make the driver's license, vehicle and title registration lists, in part or in whole, and any statistical information derived from these lists available to local governments, elected state officials, state educational institutions, and all other governmental units of the State and Federal Government requesting them for governmental purposes. The Secretary shall require any such applicant for services to pay for the costs of furnishing such services and the use of the equipment involved, and in addition is empowered to establish prices and charges for the services so furnished and for the use of the electronic equipment utilized.

(b) The Secretary is further empowered to and he may, in his discretion, furnish to any applicant, other than listed in subsection (a) of this Section, vehicle or driver data on a computer tape, disk, other electronic format or computer processable medium, or printout at a fixed fee of $250 in advance and require in addition a further sufficient deposit based upon the Secretary of State's estimate of the total cost of the information requested and a charge of $25 per 1,000 units or part thereof identified or the actual cost, whichever is greater. The Secretary is authorized to refund any difference between the additional deposit and the actual cost of the request. This service shall not be in lieu of an abstract of a driver's record nor of a title or registration search. This service may be limited to entities purchasing a minimum number of records as required by administrative rule. The information sold pursuant to this subsection shall be the entire vehicle or driver data list, or part thereof. The information sold pursuant to this subsection shall not contain personally identifying information unless the information is to be used for one of the purposes identified in subsection (f-5) of this Section. Commercial purchasers of driver and vehicle record databases shall enter into a written agreement with the Secretary of State that includes disclosure of the commercial use of the information to be purchased.

(c) Secretary of State may issue registration lists. The Secretary of State shall compile and publish, at least annually, a list of all registered vehicles. Each list of registered vehicles shall be arranged serially according to the registration numbers assigned to registered vehicles.
vehicles and shall contain in addition the names and addresses of registered owners and a brief description of each vehicle including the serial or other identifying number thereof. Such compilation may be in such form as in the discretion of the Secretary of State may seem best for the purposes intended.

(d) The Secretary of State shall furnish no more than 2 current available lists of such registrations to the sheriffs of all counties and to the chiefs of police of all cities and villages and towns of 2,000 population and over in this State at no cost. Additional copies may be purchased by the sheriffs or chiefs of police at the fee of $500 each or at the cost of producing the list as determined by the Secretary of State. Such lists are to be used for governmental purposes only.

(e) (Blank).

(e-1) (Blank).

(f) The Secretary of State shall make a title or registration search of the records of his office and a written report on the same for any person, upon written application of such person, accompanied by a fee of $5 for each registration or title search. The written application shall set forth the intended use of the requested information. No fee shall be charged for a title or registration search, or for the certification thereof requested by a government agency. The report of the title or registration search shall not contain personally identifying information unless the request for a search was made for one of the purposes identified in subsection (f-5) of this Section.

The Secretary of State shall certify a title or registration record upon written request. The fee for certification shall be $5 in addition to the fee required for a title or registration search. Certification shall be made under the signature of the Secretary of State and shall be authenticated by Seal of the Secretary of State.

The Secretary of State may notify the vehicle owner or registrant of the request for purchase of his title or registration information as the Secretary deems appropriate.

No information shall be released to the requestor until expiration of a 10 day period. This 10 day period shall not apply to requests for information made by law enforcement officials, government agencies, financial institutions, attorneys, insurers, employers, automobile associated businesses, persons licensed as a private detective or firms licensed as a private detective agency under the Private Detective, Private Alarm, and Private Security Act of 1983, who are employed by or are acting on behalf of law enforcement officials, government agencies, financial institutions, attorneys, insurers, employers, automobile associated businesses, and other business entities for purposes consistent with the Illinois Vehicle Code, the vehicle owner or registrant or other entities as the Secretary may exempt by rule and regulation.

Any misrepresentation made by a requestor of title or vehicle information shall be punishable as a petty offense, except in the case of persons licensed as a private detective or firms licensed as a private detective agency which shall be subject to disciplinary sanctions under Section 22 or 25 of the Private Detective, Private Alarm, and Private Security Act of 1983.

(f-5) The Secretary of State shall not disclose or otherwise make available to any

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person or entity any personally identifying information obtained by the Secretary of State in connection with a driver's license, vehicle, or title registration record unless the information is disclosed for one of the following purposes:

(1) For use by any government agency, including any court or law enforcement agency, in carrying out its functions, or any private person or entity acting on behalf of a federal, State, or local agency in carrying out its functions.

(2) For use in connection with matters of motor vehicle or driver safety and theft; motor vehicle emissions; motor vehicle product alterations, recalls, or advisories; performance monitoring of motor vehicles, motor vehicle parts, and dealers; and removal of non-owner records from the original owner records of motor vehicle manufacturers.

(3) For use in the normal course of business by a legitimate business or its agents, employees, or contractors, but only:
   (A) to verify the accuracy of personal information submitted by an individual to the business or its agents, employees, or contractors; and
   (B) if such information as so submitted is not correct or is no longer correct, to obtain the correct information, but only for the purposes of preventing fraud by, pursuing legal remedies against, or recovering on a debt or security interest against, the individual.

(4) For use in research activities and for use in producing statistical reports, if the personally identifying information is not published, redisclosed, or used to contact individuals.

(5) For use in connection with any civil, criminal, administrative, or arbitral proceeding in any federal, State, or local court or agency or before any self-regulatory body, including the service of process, investigation in anticipation of litigation, and the execution or enforcement of judgments and orders, or pursuant to an order of a federal, State, or local court.

(6) For use by any insurer or insurance support organization or by a self-insured entity or its agents, employees, or contractors in connection with claims investigation activities, antifraud activities, rating, or underwriting.

(7) For use in providing notice to the owners of towed or impounded vehicles.

(8) For use by any private investigative agency or security service licensed in Illinois for any purpose permitted under this subsection.

(9) For use by an employer or its agent or insurer to obtain or verify information relating to a holder of a commercial driver's license that is required under chapter 313 of title 49 of the United States Code.

(10) For use in connection with the operation of private toll transportation facilities.

(11) For use by any requester, if the requester demonstrates it has obtained the written consent of the individual to whom the information pertains.

(12) For use by members of the news media, as defined in Section 1-148.5, for the purpose of newsgathering when the request relates to the operation of a motor

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(13) For any other use specifically authorized by law, if that use is related to
the operation of a motor vehicle or public safety.

(g) 1. The Secretary of State may, upon receipt of a written request and a fee
of $6, furnish to the person or agency so requesting a driver's record. Such document
may include a record of: current driver's license issuance information, except that the
information on judicial driving permits shall be available only as otherwise provided
by this Code; convictions; orders entered revoking, suspending or cancelling a
driver's license or privilege; and notations of accident involvement. All other
information, unless otherwise permitted by this Code, shall remain confidential.
Information released pursuant to a request for a driver's record shall not contain
personally identifying information, unless the request for the driver's record was
made for one of the purposes set forth in subsection (f-5) of this Section.

2. The Secretary of State may certify an abstract of a driver's record upon
written request therefor. Such certification shall be made under the signature of the
Secretary of State and shall be authenticated by the Seal of his office.

3. All requests for driving record information shall be made in a manner
prescribed by the Secretary and shall set forth the intended use of the requested
information.

The Secretary of State may notify the affected driver of the request for
purchase of his driver's record as the Secretary deems appropriate.

No information shall be released to the requester until expiration of a 10 day
period. This 10 day period shall not apply to requests for information made by law
enforcement officials, government agencies, financial institutions, attorneys, insurers,
employers, automobile associated businesses, persons licensed as a private detective
or firms licensed as a private detective agency under the Private Detective, Private
Alarm, and Private Security Act of 1983, who are employed by or are acting on
behalf of law enforcement officials, government agencies, financial institutions,
attorneys, insurers, employers, automobile associated businesses, and other business
entities for purposes consistent with the Illinois Vehicle Code, the affected driver or
other entities as the Secretary may exempt by rule and regulation.

Any misrepresentation made by a requestor of driver information shall be
punishable as a petty offense, except in the case of persons licensed as a private
detective or firms licensed as a private detective agency which shall be subject to
disciplinary sanctions under Section 22 or 25 of the Private Detective, Private Alarm,

4. The Secretary of State may furnish without fee, upon the written request
of a law enforcement agency, any information from a driver's record on file with the
Secretary of State when such information is required in the enforcement of this Code
or any other law relating to the operation of motor vehicles, including records of
dispositions; documented information involving the use of a motor vehicle; whether
such individual has, or previously had, a driver's license; and the address and

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personal description as reflected on said driver's record.

5. Except as otherwise provided in this Section, the Secretary of State may furnish, without fee, information from an individual driver's record on file, if a written request therefor is submitted by any public transit system or authority, public defender, law enforcement agency, a state or federal agency, or an Illinois local intergovernmental association, if the request is for the purpose of a background check of applicants for employment with the requesting agency, or for the purpose of an official investigation conducted by the agency, or to determine a current address for the driver so public funds can be recovered or paid to the driver, or for any other purpose set forth in subsection (f-5) of this Section.

The Secretary may also furnish the courts a copy of an abstract of a driver's record, without fee, subsequent to an arrest for a violation of Section 11-501 or a similar provision of a local ordinance. Such abstract may include records of dispositions; documented information involving the use of a motor vehicle as contained in the current file; whether such individual has, or previously had, a driver's license; and the address and personal description as reflected on said driver's record.

6. Any certified abstract issued by the Secretary of State or transmitted electronically by the Secretary of State pursuant to this Section, to a court or on request of a law enforcement agency, for the record of a named person as to the status of the person's driver's license shall be prima facie evidence of the facts therein stated and if the name appearing in such abstract is the same as that of a person named in an information or warrant, such abstract shall be prima facie evidence that the person named in such information or warrant is the same person as the person named in such abstract and shall be admissible for any prosecution under this Code and be admitted as proof of any prior conviction or proof of records, notices, or orders recorded on individual driving records maintained by the Secretary of State.

7. Subject to any restrictions contained in the Juvenile Court Act of 1987, and upon receipt of a proper request and a fee of $6, the Secretary of State shall provide a driver's record to the affected driver, or the affected driver's attorney, upon verification. Such record shall contain all the information referred to in paragraph 1 of this subsection (g) plus: any recorded accident involvement as a driver; information recorded pursuant to subsection (e) of Section 6-117 and paragraph (4) of subsection (a) of Section 6-204 of this Code. All other information, unless otherwise permitted by this Code, shall remain confidential.

(h) The Secretary shall not disclose social security numbers except pursuant to a written request by, or with the prior written consent of, the individual except: (1) to officers and employees of the Secretary who have a need to know the social security numbers in performance of their official duties, (2) to law enforcement officials for a lawful, civil or criminal law enforcement investigation, and if the head of the law enforcement agency has made a written request to the Secretary specifying the law enforcement investigation for which the social security numbers are being sought, (3) to the United States Department of

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Transportation, or any other State, pursuant to the administration and enforcement of the Commercial Motor Vehicle Safety Act of 1986, (4) pursuant to the order of a court of competent jurisdiction, or (5) to the Department of Public Aid for utilization in the child support enforcement duties assigned to that Department under provisions of the Public Aid Code after the individual has received advanced meaningful notification of what redisclosure is sought by the Secretary in accordance with the federal Privacy Act.

(i) (Blank).

(j) Medical statements or medical reports received in the Secretary of State's Office shall be confidential. No confidential information may be open to public inspection or the contents disclosed to anyone, except officers and employees of the Secretary who have a need to know the information contained in the medical reports and the Driver License Medical Advisory Board, unless so directed by an order of a court of competent jurisdiction.

(k) All fees collected under this Section shall be paid into the Road Fund of the State Treasury, except that $3 of the $6 fee for a driver's record shall be paid into the Secretary of State Special Services Fund.

(l) (Blank).

(m) Notations of accident involvement that may be disclosed under this Section shall not include notations relating to damage to a vehicle or other property being transported by a tow truck. This information shall remain confidential, provided that nothing in this subsection (m) shall limit disclosure of any notification of accident involvement to any law enforcement agency or official.

(n) Requests made by the news media for driver's license, vehicle, or title registration information may be furnished without charge or at a reduced charge, as determined by the Secretary, when the specific purpose for requesting the documents is deemed to be in the public interest. Waiver or reduction of the fee is in the public interest if the principal purpose of the request is to access and disseminate information regarding the health, safety, and welfare or the legal rights of the general public and is not for the principal purpose of gaining a personal or commercial benefit. The information provided pursuant to this subsection shall not contain personally identifying information unless the information is to be used for one of the purposes identified in subsection (f-5) of this Section.

(o) (m) The redisclosure of personally identifying information obtained pursuant to this Section is prohibited, except to the extent necessary to effectuate the purpose for which the original disclosure of the information was permitted.

(p) (n) The Secretary of State is empowered to adopt rules to effectuate this Section.

(625 ILCS 5/3-112) (from Ch. 95 1/2, par. 3-112)
Sec. 3-112. Transfer.

(a) If an owner transfers his interest in a vehicle, other than by the creation of a security interest, at the time of the delivery of the vehicle he shall execute to the transferee an assignment and warranty of title in the space provided on the certificate of title, or as the Secretary of State prescribes, and cause the certificate and assignment to be mailed or

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delivered to the transferee or to the Secretary of State.

If the vehicle is subject to a tax under the Mobile Home Local Services Tax Act in a county with a population of less than 3,000,000, the owner shall also provide to the transferee a certification by the treasurer of the county in which the vehicle is situated that all taxes imposed upon the vehicle for the years the owner was the actual titleholder of the vehicle have been paid. The transferee shall be liable only for the taxes he or she incurred while he or she was the actual titleholder of the mobile home. The county treasurer shall refund any amount of taxes paid by the transferee that were imposed in years when the transferee was not the actual titleholder. The provisions of this amendatory Act of 1997 (P.A. 90-542) apply retroactively to January 1, 1996. In no event may the county treasurer refund amounts paid by the transferee during any year except the 10 years immediately preceding the year in which the refund is made. If the owner is a licensed dealer who has purchased the vehicle and is holding it for resale, in lieu of acquiring a certification from the county treasurer he shall forward the certification received from the previous owner to the next buyer of the vehicle. The owner shall cause the certification to be mailed or delivered to the Secretary of State with the certificate of title and assignment.

(b) Except as provided in Section 3-113, the transferee shall, promptly and within 20 days after delivery to him of the vehicle and the assigned title, execute the application for a new certificate of title in the space provided therefor on the certificate or as the Secretary of State prescribes, and cause the certificate and application to be mailed or delivered to the Secretary of State.

(c) Upon request of the owner or transferee, a lienholder in possession of the certificate of title shall, unless the transfer was a breach of his security agreement, either deliver the certificate to the transferee for delivery to the Secretary of State or, upon receipt from the transferee of the owner's assignment, the transferee's application for a new certificate and the required fee, mail or deliver them to the Secretary of State. The delivery of the certificate does not affect the rights of the lienholder under his security agreement.

(d) If a security interest is reserved or created at the time of the transfer, the certificate of title shall be retained by or delivered to the person who becomes the lienholder, and the parties shall comply with the provisions of Section 3-203.

(e) Except as provided in Section 3-113 and as between the parties, a transfer by an owner is not effective until the provisions of this Section and Section 3-115 have been complied with; however, an owner who has delivered possession of the vehicle to the transferee and has complied with the provisions of this Section and Section 3-115 requiring action by him as not liable as owner for any damages thereafter resulting from operation of the vehicle.

(f) The Secretary of State shall not process any application for a transfer of an interest in a vehicle if any fees or taxes due under this Act from the transferor or the transferee have not been paid upon reasonable notice and demand.

(g) If the Secretary of State receives an application for transfer of a vehicle subject to a tax under the Mobile Home Local Services Tax Act in a county with a population of less than 3,000,000, such application must be accompanied by the required certification

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by the county treasurer or tax assessor authorizing the issuance of the title.

(Source: P.A. 90-212, eff. 1-1-98; 90-542, eff. 12-1-97; 90-655, eff. 7-30-98; revised 2-6-01.)

(625 ILCS 5/3-112.1) (from Ch. 95 1/2, par. 3-112.1)

Sec. 3-112.1. Odometer.

(a) All titles issued by the Secretary of State beginning January, 1990, shall provide for an odometer certification substantially as follows:

"I certify to the best of my knowledge that the odometer reading is and reflects the actual mileage of the vehicle unless one of the following statements is checked.


( ) 1. The mileage stated is in excess of its mechanical limits.

( ) 2. The odometer reading is not the actual mileage. Warning - Odometer Discrepancy."

(b) When executing any transfer of title which contains the odometer certification as described in paragraph (a) above, each transferor of a motor vehicle must supply on the title form the following information:

(1) The odometer reading at the time of transfer and an indication if the mileage is in excess of its mechanical limits or if it is not the actual mileage;

(2) The date of transfer;

(3) The transferor's printed name and signature; and

(4) The transferee's printed name and address.

(c) The transferee must sign on the title form indicating that he or she is aware of the odometer certification made by the transferor.

(d) The transferor will not be required to disclose the current odometer reading and the transferee will not have to acknowledge such disclosure under the following circumstances:

(1) A vehicle having a Gross Vehicle Weight Rating of more than 16,000 pounds;

(2) A vehicle that is not self-propelled;

(3) A vehicle that is 10 years old or older;

(4) A vehicle sold directly by the manufacturer to any agency of the United States; and

(5) A vehicle manufactured without an odometer.

(e) When the transferor signs the title transfer such transferor acknowledges that he or she is aware that Federal regulations and State law require him or her to state the odometer mileage upon transfer of ownership. An inaccurate or untruthful statement with intent to defraud subjects the transferor to liability for damages to the transferee pursuant to the federal Motor Vehicle Information and Cost Act of 1972, P.L. 92-513 as amended by P.L. 94-364. No transferor shall be liable for damages as provided under this Section who transfers title to a motor vehicle which has an odometer reading that has been altered or tampered with by a previous owner, unless that transferor knew or had reason to know of such alteration or tampering and sold such vehicle with an intent to defraud. A cause of action is hereby created by which any person who, with intent to defraud, violates any

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requirement imposed under this Section shall be liable in an amount equal to the sum of:

(1) three times the amount of actual damages sustained or $1,500, whichever is the greater; and

(2) in the case of any successful action to enforce the foregoing liability, the costs of the action together with reasonable attorney fees as determined by the court.

Any recovery based on a cause of action under this Section shall be offset by any recovery made pursuant to the federal Motor Vehicle Information and Cost Savings Act of 1972.

(f) The provisions of this Section shall not apply to any motorcycle, motor driven cycle, moped or antique vehicle.

(g) The Secretary of State may adopt rules and regulations providing for a transition period for all non-conforming titles.

(Source: P.A. 91-357, eff. 7-29-99; revised 12-04-01.)

(625 ILCS 5/3-302) (from Ch. 95 1/2, par. 3-302)
Sec. 3-302. Application for title; contents. Every application for a certificate of title for a rebuilt vehicle shall be made upon a form prescribed by the Secretary of State, and shall include the following:

1. The name, residence and mailing address of the owner;

2. A description of the vehicle including, so far as the following data exists: its make, year-model, identifying number, type of body, whether new or used, and as to vehicles of the second division, whether for-hire, not-for-hire, or both for-hire and not-for-hire;

3. The date of purchase by applicant, the name and address of the person from whom the vehicle was acquired and the names and addresses of any lienholders in the order of their priority; and

4. The current odometer reading at the time of transfer and that the stated odometer reading is one of the following: actual mileage, not the actual mileage or mileage is in excess of its mechanical limits; and

5. Any further information the Secretary of State reasonably requires to identify the vehicle and to enable him to determine whether the owner is entitled to a certificate of title and the existence or nonexistence of security interests in the vehicle.

(Source: P.A. 86-444; 87-206; revised 1-25-02.)

(625 ILCS 5/3-402) (from Ch. 95 1/2, par. 3-402)
Sec. 3-402. Vehicles subject to registration; exceptions.
A. Exemptions and Policy. Every motor vehicle, trailer, semitrailer and pole trailer when driven or moved upon a highway shall be subject to the registration and certificate of title provisions of this Chapter except:

(1) Any such vehicle driven or moved upon a highway in conformance with the provisions of this Chapter relating to manufacturers, transporters, dealers, lienholders or nonresidents or under a temporary registration permit issued by the Secretary of State;

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(2) Any implement of husbandry whether of a type otherwise subject to registration hereunder or not which is only incidentally operated or moved upon a highway, which shall include a not-for-hire movement for the purpose of delivering farm commodities to a place of first processing or sale, or to a place of storage;

(3) Any special mobile equipment as herein defined;

(4) Any vehicle which is propelled exclusively by electric power obtained from overhead trolley wires though not operated upon rails;

(5) Any vehicle which is equipped and used exclusively as a pumper, ladder truck, rescue vehicle, searchlight truck, or other fire apparatus, but not a vehicle of a type which would otherwise be subject to registration as a vehicle of the first division;

(6) Any vehicle which is owned and operated by the federal government and externally displays evidence of federal ownership. It is the policy of the State of Illinois to promote and encourage the fullest use of its highways and to enhance the flow of commerce thus contributing to the economic, agricultural, industrial and social growth and development of this State, by authorizing the Secretary of State to negotiate and enter into reciprocal or proportional agreements or arrangements with other States, or to issue declarations setting forth reciprocal exemptions, benefits and privileges with respect to vehicles operated interstate which are properly registered in this and other States, assuring nevertheless proper registration of vehicles in Illinois as may be required by this Code;

(7) Any converter dolly or tow dolly which merely serves as substitute wheels for another legally licensed vehicle. A title may be issued on a voluntary basis to a tow dolly upon receipt of the manufacturer's certificate of origin or the bill of sale;

(8) Any house trailer found to be an abandoned mobile home under the Abandoned Mobile Home Act;

(9) Any vehicle that is not properly registered or does not have registration plates issued to the owner or operator affixed thereto, or that does have registration plates issued to the owner or operator affixed thereto but the plates are not appropriate for the weight of the vehicle, provided that this exemption shall apply only while the vehicle is being transported or operated by a towing service and has a third tow plate affixed to it.

B. Reciprocity. Any motor vehicle, trailer, semitrailer or pole trailer need not be registered under this Code provided the same is operated interstate and in accordance with the following provisions and any rules and regulations promulgated pursuant thereto:

(1) A nonresident owner, except as otherwise provided in this Section, owning any foreign registered vehicle of a type otherwise subject to registration hereunder, may operate or permit the operation of such vehicle within this State in interstate commerce without registering such vehicle in, or paying any fees to, this State subject to the condition that such vehicle at all times when operated in this State is operated pursuant to a reciprocity agreement, arrangement or declaration by this State, and further subject to the condition that such vehicle at all times when operated

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in this State is duly registered in, and displays upon it, a valid registration card and registration plate or plates issued for such vehicle in the place of residence of such owner and is issued and maintains in such vehicle a valid Illinois reciprocity permit as required by the Secretary of State, and provided like privileges are afforded to residents of this State by the State of residence of such owner.

Every nonresident including any foreign corporation carrying on business within this State and owning and regularly operating in such business any motor vehicle, trailer or semitrailer within this State in intrastate commerce, shall be required to register each such vehicle and pay the same fees therefor as is required with reference to like vehicles owned by residents of this State.

(2) Any motor vehicle, trailer, semitrailer and pole trailer operated interstate need not be registered in this State, provided:

(a) that the vehicle same is properly registered in another State pursuant to law or to a reciprocity agreement, arrangement or declaration; or
(b) that such vehicle is part of a fleet of vehicles owned or operated by the same person who registers such fleet of vehicles pro rata among the various States in which such fleet operates; or
(c) that such vehicle is part of a fleet of vehicles, a portion of which are registered with the Secretary of State of Illinois in accordance with an agreement or arrangement concurred in by the Secretary of State of Illinois based on one or more of the following factors: ratio of miles in Illinois as against total miles in all jurisdictions; situs or base of a vehicle, or where it is principally garaged, or from whence it is principally dispatched or where the movements of such vehicle usually originate; situs of the residence of the owner or operator thereof, or of his principal office or offices, or of his places of business; the routes traversed and whether regular or irregular routes are traversed, and the jurisdictions traversed and served; and such other factors as may be deemed material by the Secretary and the motor vehicle administrators of the other jurisdictions involved in such apportionment; and
(d) that Such vehicles shall maintain therein any reciprocity permit which may be required by the Secretary of State pursuant to rules and regulations which the Secretary of State may promulgate in the administration of this Code, in the public interest.

(3) (a) In order to effectuate the purposes of this Code, the Secretary of State of Illinois is empowered to negotiate and execute written reciprocal agreements or arrangements with the duly authorized representatives of other jurisdictions, including States, districts, territories and possessions of the United States, and foreign states, provinces, or countries, granting to owners or operators of vehicles duly registered or licensed in such other jurisdictions and for which evidence of compliance is supplied, benefits, privileges and exemption from the payment, wholly or partially, of any taxes, fees or other charges imposed with respect to the ownership or operation of such vehicles.
by the laws of this State except the tax imposed by the Motor Fuel Tax Law, approved March 25, 1929, as amended, and the tax imposed by the Use Tax Act, approved July 14, 1955, as amended.

The Secretary of State may negotiate agreements or arrangements as are in the best interests of this State and the residents of this State pursuant to the policies expressed in this Section taking into consideration the reciprocal exemptions, benefits and privileges available and accruing to residents of this State and vehicles registered in this State.

(b) Such reciprocal agreements or arrangements shall provide that vehicles duly registered or licensed in this State when operated upon the highways of such other jurisdictions, shall receive exemptions, benefits and privileges of a similar kind or to a similar degree as extended to vehicles from such jurisdictions in this State.

(c) Such agreements or arrangements may also authorize the apportionment of registration or licensing of fleets of vehicles operated interstate, based on any or all of the following factors: ratio of miles in Illinois as against total miles in all jurisdictions; situs or base of a vehicle, or where it is principally garaged or from whence it is principally dispatched or where the movements of such vehicle usually originate; situs of the residence of the owner or operator thereof, or of his principal office or offices, or of his places of business; the routes traversed and whether regular or irregular routes are traversed, and the jurisdictions traversed and served; and such other factors as may be deemed material by the Secretary and the motor vehicle administrators of the other jurisdictions involved in such apportionment, and such vehicles shall likewise be entitled to reciprocal exemptions, benefits and privileges.

(d) Such agreements or arrangements shall also provide that vehicles being operated in intrastate commerce in Illinois shall comply with the registration and licensing laws of this State, except that vehicles which are part of an apportioned fleet may conduct an intrastate operation incidental to their interstate operations. Any motor vehicle properly registered and qualified under any reciprocal agreement or arrangement under this Code and not having a situs or base within Illinois may complete the inbound movement of a trailer or semitrailer to an Illinois destination that was brought into Illinois by a motor vehicle also properly registered and qualified under this Code and not having a situs or base within Illinois, or may complete an outbound movement of a trailer or semitrailer to an out-of-state destination that was originated in Illinois by a motor vehicle also properly registered and qualified under this Code and not having a situs or base in Illinois, only if the operator thereof did not break bulk of the cargo laden in such inbound or outbound trailer or semitrailer. Adding or unloading intrastate cargo on such inbound or outbound trailer or semitrailer shall be deemed as breaking bulk.

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(e) Such agreements or arrangements may also provide for the
determination of the proper State in which leased vehicles shall be registered
based on the factors set out in subsection (c) above and for apportionment of
registration of fleets of leased vehicles by the lessee or by the lessor who
leases such vehicles to persons who are not fleet operators.

(f) Such agreements or arrangements may also include reciprocal
exemptions, benefits or privileges accruing under The Illinois Driver
Licensing Law or The Driver License Compact.

(4) The Secretary of State is further authorized to examine the laws and
requirements of other jurisdictions, and, in the absence of a written agreement or
arrangement, to issue a written declaration of the extent and nature of the
exemptions, benefits and privileges accorded to vehicles of this State by such other
jurisdictions, and the extent and nature of reciprocal exemptions, benefits and
privileges thereby accorded by this State to the vehicles of such other jurisdictions.
A declaration by the Secretary of State may include any, part or all reciprocal
exemptions, benefits and privileges or provisions as may be included within an
agreement or arrangement.

(5) All agreements, arrangements, declarations and amendments thereto, shall
be in writing and become effective when signed by the Secretary of State, and copies
of all such documents shall be available to the public upon request.

(6) The Secretary of State is further authorized to require the display by
foreign registered trucks, truck-tractors and buses, entitled to reciprocal benefits,
exemptions or privileges hereunder, a reciprocity permit for external display before
any such reciprocal benefits, exemptions or privileges are granted. The Secretary of
State shall provide suitable application forms for such permit and shall promulgate
and publish reasonable rules and regulations for the administration and enforcement
of the provisions of this Code including a provision for revocation of such permit as
to any vehicle operated wilfully in violation of the terms of any reciprocal agreement,
arrangement or declaration or in violation of the Illinois Motor Carrier of Property
Law, as amended.

(7) (a) Upon the suspension, revocation or denial of one or more of
all reciprocal benefits, privileges and exemptions existing pursuant to the
terms and provisions of this Code or by virtue of a reciprocal agreement or
arrangement or declaration thereunder; or, upon the suspension, revocation
or denial of a reciprocity permit; or, upon any action or inaction of the
Secretary in the administration and enforcement of the provisions of this
Code, any person, resident or nonresident, so aggrieved, may serve upon the
Secretary, a petition in writing and under oath, setting forth the grievance of
the petitioner, the grounds and basis for the relief sought, and all necessary
facts and particulars, and request an administrative hearing thereon. Within
20 days, the Secretary shall set a hearing date as early as practical. The
Secretary may, in his discretion, supply forms for such a petition. The

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Secretary may require the payment of a fee of not more than $50 for the filing of any petition, motion, or request for hearing conducted pursuant to this Section. These fees must be deposited into the Secretary of State DUI Administration Fund, a special fund that is hereby created in the State treasury, and, subject to appropriation and as directed by the Secretary of State, shall be used to fund the operation of the hearings department of the Office of the Secretary of State and for no other purpose. The Secretary shall establish by rule the amount and the procedures, terms, and conditions relating to these fees.

(b) The Secretary may likewise, in his discretion and upon his own petition, order a hearing, when in his best judgment, any person is not entitled to the reciprocal benefits, privileges and exemptions existing pursuant to the terms and provisions of this Code or under a reciprocal agreement or arrangement or declaration thereunder or that a vehicle owned or operated by such person is improperly registered or licensed, or that an Illinois resident has improperly registered or licensed a vehicle in another jurisdiction for the purposes of violating or avoiding the registration laws of this State.

(c) The Secretary shall notify a petitioner or any other person involved of such a hearing, by giving at least 10 days notice, in writing, by U.S. Mail, Registered or Certified, or by personal service, at the last known address of such petitioner or person, specifying the time and place of such hearing. Such hearing shall be held before the Secretary, or any person as he may designate, and unless the parties mutually agree to some other county in Illinois, the hearing shall be held in the County of Sangamon or the County of Cook. Appropriate records of the hearing shall be kept, and the Secretary shall issue or cause to be issued, his decision on the case, within 30 days after the close of such hearing or within 30 days after receipt of the transcript thereof, and a copy shall likewise be served or mailed to the petitioner or person involved.

(d) The actions or inactions or determinations, or findings and decisions upon an administrative hearing, of the Secretary, shall be subject to judicial review in the Circuit Court of the County of Sangamon or the County of Cook, and the provisions of the Administrative Review Law, and all amendments and modifications thereof and rules adopted pursuant thereto, apply to and govern all such reviewable matters.

Any reciprocal agreements or arrangements entered into by the Secretary of State or any declarations issued by the Secretary of State pursuant to any law in effect prior to the effective date of this Code are not hereby abrogated, and such shall continue in force and effect until amended pursuant to the provisions of this Code or expire pursuant to the terms or provisions thereof.

(Source: P.A. 92-418, eff. 8-17-01; revised 12-04-01.)

(625 ILCS 5/3-405.1) (from Ch. 95 1/2, par. 3-405.1)
Sec. 3-405.1. Application for vanity and personalized license plates.

(a) Vanity license plates mean any license plates, assigned to a passenger motor vehicle of the first division, to a motor vehicle of the second division registered at not more than 8,000 pounds or to a recreational vehicle, which display a registration number containing 4 to 7 letters as requested by the owner of the vehicle and license plates issued to retired members of Congress under Section 3-610.1 or to retired members of the General Assembly as provided in Section 3-606.1. A license plate consisting of 3 letters and no numbers or of 1, 2 or 3 numbers, upon its becoming available, is a vanity license plate. Personalized license plates mean any license plates, assigned to a passenger motor vehicle of the first division, to a motor vehicle of the second division, or to a recreational vehicle, which display a registration number containing a combination of letters and numbers as prescribed by rule, as requested by the owner of the vehicle.

(b) For any registration period commencing after 1979, any person who is the registered owner of a passenger motor vehicle of the first division, of a motor vehicle of the second division registered at not more than 8,000 pounds or of a recreational vehicle registered with the Secretary of State or who makes application for an original registration of such a motor vehicle or renewal registration of such a motor vehicle may, upon payment of a fee prescribed in Section 3-806.1, apply to the Secretary of State for personalized license plates.

(c) Except as otherwise provided in this Chapter 3 for plates issued under Sections 3-627, 3-631, and 3-632, vanity and personalized license plates as issued under this Section shall be the same color and design as other passenger vehicle license plates and shall not in any manner conflict with any other existing passenger, commercial, trailer, motorcycle, or special license plate series. However, special registration plates issued under Sections 3-611 and 3-616 for vehicles operated by or for persons with disabilities may also be vanity or personalized license plates.

(d) Vanity and personalized license plates shall be issued only to the registered owner of the vehicle on which they are to be displayed, except as provided in Sections 3-611 and 3-616 for special registration plates for vehicles operated by or for persons with disabilities.

(e) An applicant for the issuance of vanity or personalized license plates or subsequent renewal thereof shall file an application in such form and manner and by such date as the Secretary of State may, in his discretion, require.

No vanity nor personalized license plates shall be approved, manufactured, or distributed that contain any characters, symbols other than the international accessibility symbol for vehicles operated by or for persons with disabilities, foreign words, or letters of punctuation.

(f) Vanity and personalized license plates as issued pursuant to this Act may be subject to the Staggered Registration System as prescribed by the Secretary of State.

(Source: P.A. 88-685, eff. 1-24-95; 89-282, eff. 8-10-95; 89-611, eff. 1-1-97; revised 1-28-02.)

(625 ILCS 5/3-412) (from Ch. 95 1/2, par. 3-412)

Sec. 3-412. Registration plates and registration stickers to be furnished by the

New matter indicated by italics - deletions by strikeout.
Secretary of State.

(a) The Secretary of State upon registering a vehicle subject to annual registration for the first time shall issue or shall cause to be issued to the owner one registration plate for a motorcycle, trailer, semitrailer, motorized pedalcycle or truck-tractor, 2 registration plates for other motor vehicles and, where applicable, current registration stickers for motor vehicles of the first division. The provisions of this Section may be made applicable to such vehicles of the second division, as the Secretary of State may, from time to time, in his discretion designate. On subsequent annual registrations during the term of the registration plate as provided in Section 3-414.1, the Secretary shall issue or cause to be issued registration stickers as evidence of current registration. However, the issuance of annual registration stickers to vehicles registered under the provisions of Section 3-402.1 of this Code may not be required if the Secretary deems the issuance unnecessary.

(b) Every registration plate shall have displayed upon it the registration number assigned to the vehicle for which it is issued, the name of this State, which may be abbreviated, the year number for which it was issued, which may be abbreviated, the phrase "Land of Lincoln"; (except as otherwise provided in this Chapter 3) Sections 3-626, 3-629, 3-633, 3-634, 3-637, 3-638, and 3-642, and such other letters or numbers as the Secretary may prescribe. However, for apportionment plates issued to vehicles registered under Section 3-402.1, the phrase "Land of Lincoln" may be omitted to allow for the word "apportioned" to be displayed. The Secretary may in his discretion prescribe that letters be used as prefixes only on registration plates issued to vehicles of the first division which are registered under this Code and only as suffixes on registration plates issued to other vehicles. Every registration sticker issued as evidence of current registration shall designate the year number for which it is issued and such other letters or numbers as the Secretary may prescribe and shall be of a contrasting color with the registration plates and registration stickers of the previous year.

(c) Each registration plate and the required letters and numerals thereon, except the year number for which issued, shall be of sufficient size to be plainly readable from a distance of 100 feet during daylight, and shall be coated with reflectorizing material. The dimensions of the plate issued to vehicles of the first division shall be 6 by 12 inches.

(d) The Secretary of State shall issue for every passenger motor vehicle rented without a driver the same type of registration plates as the type of plates issued for a private passenger vehicle.

(e) The Secretary of State shall issue for every passenger car used as a taxicab or livery, distinctive registration plates.

(f) The Secretary of State shall issue for every motorcycle distinctive registration plates distinguishing between motorcycles having 150 or more cubic centimeters piston displacement, or having less than 150 cubic centimeter piston displacement.

(g) Registration plates issued to vehicles for-hire may display a designation as determined by the Secretary that such vehicles are for-hire.

(h) The Secretary of State shall issue for each electric vehicle distinctive registration plates which shall distinguish between electric vehicles having a maximum operating speed.
of 45 miles per hour or more and those having a maximum operating speed of less than 45 miles per hour.

(i) The Secretary of State shall issue for every public and private ambulance registration plates identifying the vehicle as an ambulance. The Secretary shall forward to the Department of Public Aid registration information for the purpose of verification of claims filed with the Department by ambulance owners for payment for services to public assistance recipients.

(j) The Secretary of State shall issue for every public and private medical carrier or rescue vehicle livery registration plates displaying numbers within ranges of numbers reserved respectively for medical carriers and rescue vehicles. The Secretary shall forward to the Department of Public Aid registration information for the purpose of verification of claims filed with the Department by owners of medical carriers or rescue vehicles for payment for services to public assistance recipients.

(625 ILCS 5/3-616) (from Ch. 95 1/2, par. 3-616)

Sec. 3-616. Person with disabilities license plates.

(a) Upon receiving an application for a certificate of registration for a motor vehicle of the first division or for a motor vehicle of the second division weighing no more than 8,000 pounds, accompanied with payment of the registration fees required under this Code from a person with disabilities or a person who is deaf or hard of hearing, the Secretary of State, if so requested, shall issue to such person registration plates as provided for in Section 3-611, provided that the person with disabilities or person who is deaf or hard of hearing must not be disqualified from obtaining a driver's license under subsection 8 of Section 6-103 of this Code, and further provided that any person making such a request must submit a statement certified by a licensed physician to the effect that such person is a person with disabilities as defined by Section 1-159.1 of this Code, or alternatively provide adequate documentation that such person has a Class 1A, Class 2A or Type Four disability under the provisions of Section 4A of the Illinois Identification Card Act. For purposes of this Section, an Illinois Disabled Person Identification Card issued pursuant to the Illinois Identification Card Act indicating that the person thereon named has a disability shall be adequate documentation of such a disability.

(b) The Secretary shall issue plates under this Section to a parent or legal guardian of a person with disabilities if the person with disabilities has a Class 1A or Class 2A disability as defined in Section 4A of the Illinois Identification Card Act or is a person with disabilities as defined by Section 1-159.1 of this Code, and does not possess a vehicle registered in his or her name, provided that the person with disabilities relies frequently on the parent or legal guardian for transportation. Only one vehicle per family may be registered under this subsection, unless the applicant can justify in writing the need for one additional set of plates. Any person requesting special plates under this subsection shall submit such documentation or such physician's statement as is required in subsection (a) and

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a statement describing the circumstances qualifying for issuance of special plates under this subsection.

(c) The Secretary may issue a person with disabilities parking decal or device to a person with disabilities as defined by Section 1-159.1 without regard to qualification of such person with disabilities for a driver's license or registration of a vehicle by such person with disabilities or such person's immediate family, provided such person with disabilities making such a request has been issued a Disabled Person Identification Card indicating that the person named thereon has a Class 1A or Class 2A disability, or alternatively, submits a statement certified by a licensed physician to the effect that such person is a person with disabilities as defined by Section 1-159.1.

(d) The Secretary shall prescribe by rules and regulations procedures to certify or re-certify as necessary the eligibility of persons whose disabilities are other than permanent for special plates or person with disabilities parking decals or devices issued under subsections (a), (b) and (c). Except as provided under subsection (f) of this Section, no such special plates, decals or devices shall be issued by the Secretary of State to or on behalf of any person with disabilities unless such person is certified as meeting the definition of a person with disabilities pursuant to Section 1-159.1 or meeting the requirement of a Type Four disability as provided under Section 4A of the Illinois Identification Card Act for the period of time that the physician determines the applicant will have the disability, but not to exceed 6 months from the date of certification or recertification.

(e) Any person requesting special plates under this Section may also apply to have the special plates personalized, as provided under Section 3-405.1.

(f) The Secretary of State, upon application, shall issue person with disabilities registration plates or a person with disabilities parking decal to corporations, school districts, State or municipal agencies, limited liability companies, nursing homes, convalescent homes, or special education cooperatives which will transport persons with disabilities. The Secretary shall prescribe by rule a means to certify or re-certify the eligibility of organizations to receive person with disabilities plates or decals and to designate which of the 2 person with disabilities emblems shall be placed on qualifying vehicles.

(g) The Secretary of State, or his designee, may enter into agreements with other jurisdictions, including foreign jurisdictions, on behalf of this State relating to the extension of parking privileges by such jurisdictions to permanently disabled residents of this State who display a special license plate or parking device that contains the International symbol of access on his or her motor vehicle, and to recognize such plates or devices issued by such other jurisdictions. This State shall grant the same parking privileges which are granted to disabled residents of this State to any non-resident whose motor vehicle is licensed in another state, district, territory or foreign country if such vehicle displays the international symbol of access or a distinguishing insignia on license plates or parking device issued in accordance with the laws of the non-resident's state, district, territory or foreign country.

(Source: P.A. 91-769, eff. 6-9-00; 92-16, eff. 6-28-01; 92-411, eff. 1-1-02; revised 10-12-01.)

625 ILCS 5/3-648
Sec. 3-648. Education license plates.

New matter indicated by italics - deletions by strikeout.
(a) The Secretary, upon receipt of an application made in the form prescribed by the Secretary, may issue special registration plates designated as Education license plates. The special plates issued under this Section shall be affixed only to passenger vehicles of the first division and motor vehicles of the second division weighing not more than 8,000 pounds. Plates issued under this Section shall expire according to the multi-year procedure established by Section 3-414.1 of this Code.

(b) The design and color of the plates shall be determined by a contest that every elementary school pupil in the State of Illinois is eligible to enter. The designs submitted for the contest shall be judged on September 30, 2002, and the winning design shall be selected by a committee composed of the Secretary, the Director of State Police, 2 members of the Senate, one member chosen by the President of the Senate and one member chosen by the Senate Minority Leader, and 2 members of the House of Representatives, one member chosen by the Speaker of the House and one member chosen by the House Minority Leader. The Secretary may allow the plates to be issued as vanity or personalized plates under Section 3-405.1 of the Code. The Secretary shall prescribe stickers or decals as provided under Section 3-412 of this Code.

(c) An applicant for the special plate shall be charged a $40 fee for original issuance, in addition to the appropriate registration fee. Of this $40 additional original issuance fee, $15 shall be deposited into the Secretary of State Special License Plate Fund, to be used by the Secretary to help defray the administrative processing costs, and $25 shall be deposited into the Illinois Future Teacher Corps Scholarship Fund. For each registration renewal period, a $40 fee, in addition to the appropriate registration fee, shall be charged. Of this $40 additional renewal fee, $2 shall be deposited into the Secretary of State Special License Plate Fund and $38 shall be deposited into the Illinois Future Teacher Corps Scholarship Fund. Each fiscal year, once deposits from the additional original issuance and renewal fees into the Secretary of State Special License Plate Fund have reached $500,000, all the amounts received for the additional fees for the balance of the fiscal year shall be deposited into the Illinois Future Teacher Corps Scholarship Fund.

(d) The Illinois Future Teacher Corps Scholarship Fund is created as a special fund in the State treasury. Ninety-five percent of the moneys in the Illinois Future Teacher Corps Scholarship Fund shall be appropriated to the Illinois Student Assistance Commission for scholarships under Section 65.65 of the Higher Education Student Assistance Act, and 5% of the moneys in the Illinois Future Teacher Corps Scholarship Fund shall be appropriated to the State Board of Education for grants to the Golden Apple Foundation for Excellence in Teaching, a recognized charitable organization that meets the requirements of Title 26, Section 501(c)(3) of the United States Code.

(Source: P.A. 92-445, eff. 8-17-01.)

(625 ILCS 5/3-650)

Sec. 3-650. 3-648. Army Combat Veteran license plates.

(a) In addition to any other special license plate, the Secretary, upon receipt of all applicable fees and applications made in the form prescribed by the Secretary of State, may issue Army Combat Veteran license plates to residents of Illinois who meet eligibility

New matter indicated by italics - deletions by strikeout.
requirements prescribed by the Secretary of State. The special Army Combat Veteran plate issued under this Section shall be affixed only to passenger vehicles of the first division and motor vehicles of the second division weighing not more than 8,000 pounds. Plates issued under this Section shall expire according to the staggered multi-year procedure established by Section 3-414.1 of this Code.

(b) The plates shall display the Army Combat Infantry Badge. In all other respects, the design, color, and format of the plates shall be within the discretion of the Secretary of State. The Secretary may, in his or her discretion, allow the plates to be issued as vanity plates or personalized in accordance with Section 3-405.1 of this Code. The plates are not required to designate "Land Of Lincoln", as prescribed in subsection (b) of Section 3-412 of this Code. The Secretary shall prescribe the eligibility requirements and, in his or her discretion, shall approve and prescribe stickers or decals as provided under Section 3-412.

(c) An applicant shall be charged a $15 fee for original issuance in addition to the applicable registration fee. This additional fee shall be deposited into the Secretary of State Special License Plate Fund. For each registration renewal period, a $2 fee, in addition to the appropriate registration fee, shall be charged and shall be deposited into the Secretary of State Special License Plate Fund.

(Source: P.A. 92-79, eff. 1-1-02; revised 10-17-01.)

(625 ILCS 5/3-651)

Sec. 3-651. U.S. Marine Corps license plates.

(a) In addition to any other special license plate, the Secretary, upon receipt of all applicable fees and applications made in the form prescribed by the Secretary of State, may issue special registration plates designated as U.S. Marine Corps license plates to residents of Illinois who meet eligibility requirements prescribed by the Secretary of State. The special plate issued under this Section shall be affixed only to passenger vehicles of the first division, motor vehicles of the second division weighing not more than 8,000 pounds, and recreational vehicles as defined by Section 1-169 of this Code. Plates issued under this Section shall expire according to the staggered multi-year procedure established by Section 3-414.1 of this Code.

(b) The design, color, and format of the plates shall be wholly within the discretion of the Secretary of State, except that the U.S. Marine Corps emblem shall appear on the plates. The Secretary may, in his or her discretion, allow the plates to be issued as vanity or personalized plates in accordance with Section 3-405.1 of this Code. The plates are not required to designate "Land Of Lincoln", as prescribed in subsection (b) of Section 3-412 of this Code. The Secretary shall prescribe the eligibility requirements and, in his or her discretion, shall approve and prescribe stickers or decals as provided under Section 3-412.

(c) An applicant shall be charged a $20 fee for original issuance in addition to the applicable registration fee. Of this additional fee, $15 shall be deposited into the Secretary of State Special License Plate Fund and $5 shall be deposited into the Marine Corps Scholarship Fund. For each registration renewal period, a $20 fee, in addition to the appropriate registration fee, shall be charged. Of this additional fee, $2 shall be deposited into the Secretary of State Special License Plate Fund and $18 shall be deposited into the

New matter indicated by italics - deletions by strikeout.
Marine Corps Scholarship Fund.

(d) The Marine Corps Scholarship Fund is created as a special fund in the State treasury. All moneys in the Marine Corps Scholarship Fund shall, subject to appropriation by the General Assembly and approval by the Secretary, be used by the Marine Corps Scholarship Foundation, Inc., a recognized charitable organization that meets the requirements of Title 26, Section 501(c)(3) of the United States Code, to provide grants for scholarships for higher education. The scholarship recipients must be the children of current or former members of the United States Marine Corps who meet the academic, financial, and other requirements established by the Marine Corps Scholarship Foundation. In addition, the recipients must be Illinois residents and must attend a college or university located within the State of Illinois.

The State Treasurer shall require the Marine Corps Scholarship Foundation to establish a separate account for receipt of the proceeds of the Marine Corps Scholarship Fund. That account shall be subject to audit either annually or at another interval, as determined by the State Treasurer. Proceeds from the Marine Corps Scholarship Fund shall be transferred on a quarterly basis by the State Treasurer’s office to this separate account.

(Source: P.A. 92-467, eff. 1-1-02; revised 10-17-01.)

(625 ILCS 5/3-652)

Sec. 3-652. Chicago and Northeast Illinois District Council of Carpenters license plates.

(a) The Secretary, upon receipt of all applicable fees and applications made in the form prescribed by the Secretary, may issue special registration plates designated as Chicago and Northeast Illinois District Council of Carpenters license plates.

The special plates issued under this Section shall be affixed only to passenger vehicles of the first division or motor vehicles of the second division weighing not more than 8,000 pounds.

Plates issued under this Section shall expire according to the multi-year procedure established by Section 3-414.1 of this Code.

(b) The design and color of the special plates shall be wholly within the discretion of the Secretary. Appropriate documentation, as determined by the Secretary, shall accompany each application. The Secretary may allow the plates to be issued as vanity plates or personalized plates under Section 3-405.1 of this Code. The Secretary shall prescribe stickers or decals as provided under Section 3-412 of this Code.

(c) An applicant for the special plate shall be charged a $25 fee for original issuance in addition to the appropriate registration fee. Of this fee, $10 shall be deposited into the Chicago and Northeast Illinois District Council of Carpenters Fund and $15 shall be deposited into the Secretary of State Special License Plate Fund, to be used by the Secretary to help defray the administrative processing costs.

For each registration renewal period, a $25 fee, in addition to the appropriate registration fee, shall be charged. Of this fee, $23 shall be deposited into the Chicago and Northeast Illinois District Council of Carpenters Fund and $2 shall be deposited into the Secretary of State Special License Plate Fund.
(d) The Chicago and Northeast Illinois District Council of Carpenters Fund is created as a special fund in the State treasury. All moneys in the Chicago and Northeast Illinois District Council of Carpenters Fund shall be paid, subject to appropriation by the General Assembly and approval by the Secretary, as grants for charitable purposes sponsored by the Chicago and Northeast Illinois District Council of Carpenters.

(Source: P.A. 92-477, eff. 1-1-02; revised 10-17-01.)

(625 ILCS 5/3-653)

(This Section may contain text from a Public Act with a delayed effective date)

Sec. 3-653. 3-648. Pet Friendly license plates.

(a) The Secretary, upon receipt of an application made in the form prescribed by the Secretary, may issue special registration plates designated as Pet Friendly license plates. The special plates issued under this Section shall be affixed only to passenger vehicles of the first division, motor vehicles of the second division weighing not more than 8,000 pounds, and recreational vehicles as defined in Section 1-169 of this Code. Plates issued under this Section shall expire according to the multi-year procedure established by Section 3-414.1 of this Code.

(b) The design and color of the plates is wholly within the discretion of the Secretary, except that the phrase "I am pet friendly" shall be on the plates. The Secretary may allow the plates to be issued as vanity plates or personalized plates under Section 3-405.1 of the Code. The Secretary shall prescribe stickers or decals as provided under Section 3-412 of this Code.

(c) An applicant for the special plate shall be charged a $40 fee for original issuance in addition to the appropriate registration fee. Of this additional fee, $25 shall be deposited into the Pet Overpopulation Control Fund and $15 shall be deposited into the Secretary of State Special License Plate Fund, to be used by the Secretary to help defray the administrative processing costs.

For each registration renewal period, a $27 fee, in addition to the appropriate registration fee, shall be charged. Of this additional fee, $25 shall be deposited into the Pet Overpopulation Control Fund and $2 shall be deposited into the Secretary of State Special License Plate Fund.

(d) The Pet Overpopulation Control Fund is created as a special fund in the State treasury. All moneys in the Pet Overpopulation Control Fund shall be paid, subject to appropriation by the General Assembly and approval by the Secretary, as grants to humane societies exempt from federal income taxation under Section 501(c)(3) of the Internal Revenue Code to be used solely for the humane sterilization of dogs and cats in the State of Illinois. In approving grants under this subsection (d), the Secretary shall consider recommendations for grants made by a volunteer board appointed by the Secretary that shall consist of 5 Illinois residents who are officers or directors of humane societies operating in different regions in Illinois.

(Source: P.A. 92-520, eff. 6-1-02; revised 1-16-02.)

(625 ILCS 5/3-806.3) (from Ch. 95 1/2, par. 3-806.3)

Sec. 3-806.3. Senior Citizens.

Commencing with the 1986 registration year and extending through the 2000

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registration year, the registration fee paid by any vehicle owner who has claimed and received a grant under the “Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act” or who is the spouse of such a person shall be reduced by 50% for passenger cars displaying standard multi-year registration plates issued under Section 3-414.1, motor vehicles displaying special registration plates issued under Section 3-616, motor vehicles registered at 8,000 pounds or less under Section 3-815(a) and recreational vehicles registered at 8,000 pounds or less under Section 3-815(b). Widows and widowers of claimants shall also be entitled to the reduced registration rate for the registration year in which the claimant was eligible.

Commencing with the 2001 registration year, the registration fee paid by any vehicle owner who has claimed and received a grant under the “Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act” or who is the spouse of such a person shall be $24 instead of the fee otherwise provided in this Code for passenger cars displaying standard multi-year registration plates issued under Section 3-414.1, motor vehicles displaying special registration plates issued under Section 3-616, motor vehicles registered at 8,000 pounds or less under Section 3-815(a) and recreational vehicles registered at 8,000 pounds or less under Section 3-815(b). Widows and widowers of claimants shall also be entitled to this reduced registration fee for the registration year in which the claimant was eligible.

No more than one reduced registration fee under this Section shall be allowed during any 12 month period based on the primary eligibility of any individual, whether such reduced registration fee is allowed to the individual or to the spouse, widow or widower of such individual. This Section does not apply to the fee paid in addition to the registration fee for motor vehicles displaying vanity personalized license plates under Section 3-806.1.

(Source: P.A. 91-37, eff. 7-1-99; revised 12-06-01.)

(625 ILCS 5/6-205) (from Ch. 95 1/2, par. 6-205)
Sec. 6-205. Mandatory revocation of license or permit; Hardship cases.
(a) Except as provided in this Section, the Secretary of State shall immediately revoke the license or permit of any driver upon receiving a report of the driver's conviction of any of the following offenses:
1. Reckless homicide resulting from the operation of a motor vehicle;
2. Violation of Section 11-501 of this Code or a similar provision of a local ordinance relating to the offense of operating or being in physical control of a vehicle while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds, or any combination thereof;
3. Any felony under the laws of any State or the federal government in the commission of which a motor vehicle was used;
4. Violation of Section 11-401 of this Code relating to the offense of leaving the scene of a traffic accident involving death or personal injury;
5. Perjury or the making of a false affidavit or statement under oath to the Secretary of State under this Code or under any other law relating to the ownership or operation of motor vehicles;

New matter indicated by italics - deletions by strikeout.
6. Conviction upon 3 charges of violation of Section 11-503 of this Code relating to the offense of reckless driving committed within a period of 12 months;
7. Conviction of the offense of automobile theft as defined in Section 4-102 of this Code;
8. Violation of Section 11-504 of this Code relating to the offense of drag racing;
9. Violation of Chapters 8 and 9 of this Code;
10. Violation of Section 12-5 of the Criminal Code of 1961 arising from the use of a motor vehicle;
11. Violation of Section 11-204.1 of this Code relating to aggravated fleeing or attempting to elude a police officer;
12. Violation of paragraph (1) of subsection (b) of Section 6-507, or a similar law of any other state, relating to the unlawful operation of a commercial motor vehicle;
13. Violation of paragraph (a) of Section 11-502 of this Code or a similar provision of a local ordinance if the driver has been previously convicted of a violation of that Section or a similar provision of a local ordinance and the driver was less than 21 years of age at the time of the offense.

(b) The Secretary of State shall also immediately revoke the license or permit of any driver in the following situations:

1. Of any minor upon receiving the notice provided for in Section 5-901 of the Juvenile Court Act of 1987 that the minor has been adjudicated under that Act as having committed an offense relating to motor vehicles prescribed in Section 4-103 of this Code;
2. Of any person when any other law of this State requires either the revocation or suspension of a license or permit.

(c) Whenever a person is convicted of any of the offenses enumerated in this Section, the court may recommend and the Secretary of State in his discretion, without regard to whether the recommendation is made by the court may, upon application, issue to the person a restricted driving permit granting the privilege of driving a motor vehicle between the petitioner's residence and petitioner's place of employment or within the scope of the petitioner's employment related duties, or to allow transportation for the petitioner or a household member of the petitioner's family for the receipt of necessary medical care or, if the professional evaluation indicates, provide transportation for the petitioner for alcohol remedial or rehabilitative activity, or for the petitioner to attend classes, as a student, in an accredited educational institution; if the petitioner is able to demonstrate that no alternative means of transportation is reasonably available and the petitioner will not endanger the public safety or welfare; provided that the Secretary's discretion shall be limited to cases where undue hardship would result from a failure to issue the restricted driving permit.

If a person's license or permit has been revoked or suspended due to 2 or more convictions of violating Section 11-501 of this Code or a similar provision of a local ordinance or a similar out-of-state offense, arising out of separate occurrences, that person,

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if issued a restricted driving permit, may not operate a vehicle unless it has been equipped with an ignition interlock device as defined in Section 1-129.1.

If a person's license or permit has been revoked or suspended 2 or more times within a 10 year period due to a single conviction of violating Section 11-501 of this Code or a similar provision of a local ordinance or a similar out-of-state offense, and a statutory summary suspension under Section 11-501.1, or 2 or more statutory summary suspensions, or combination of 2 offenses, or of an offense and a statutory summary suspension, arising out of separate occurrences, that person, if issued a restricted driving permit, may not operate a vehicle unless it has been equipped with an ignition interlock device as defined in Section 1-129.1. The person must pay to the Secretary of State DUI Administration Fund an amount not to exceed $20 per month. The Secretary shall establish by rule the amount and the procedures, terms, and conditions relating to these fees. If the restricted driving permit was issued for employment purposes, then this provision does not apply to the operation of an occupational vehicle owned or leased by that person's employer. In each case the Secretary of State may issue a restricted driving permit for a period he deems appropriate, except that the permit shall expire within one year from the date of issuance. The Secretary may not, however, issue a restricted driving permit to any person whose current revocation is the result of a second or subsequent conviction for a violation of Section 11-501 of this Code or a similar provision of a local ordinance relating to the offense of operating or being in physical control of a motor vehicle while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds, or any similar out-of-state offense, or any combination thereof, until the expiration of at least one year from the date of the revocation. A restricted driving permit issued under this Section shall be subject to cancellation, revocation, and suspension by the Secretary of State in like manner and for like cause as a driver's license issued under this Code may be cancelled, revoked, or suspended; except that a conviction upon one or more offenses against laws or ordinances regulating the movement of traffic shall be deemed sufficient cause for the revocation, suspension, or cancellation of a restricted driving permit. The Secretary of State may, as a condition to the issuance of a restricted driving permit, require the applicant to participate in a designated driver remedial or rehabilitative program. The Secretary of State is authorized to cancel a restricted driving permit if the permit holder does not successfully complete the program. However, if an individual's driving privileges have been revoked in accordance with paragraph 13 of subsection (a) of this Section, no restricted driving permit shall be issued until the individual has served 6 months of the revocation period.

(d) Whenever a person under the age of 21 is convicted under Section 11-501 of this Code or a similar provision of a local ordinance, the Secretary of State shall revoke the driving privileges of that person. One year after the date of revocation, and upon application, the Secretary of State may, if satisfied that the person applying will not endanger the public safety or welfare, issue a restricted driving permit granting the privilege of driving a motor vehicle only between the hours of 5 a.m. and 9 p.m. or as otherwise provided by this Section for a period of one year. After this one year period, and upon reapplication for a license as provided in Section 6-106, upon payment of the appropriate reinstatement fee provided under
paragraph (b) of Section 6-118, the Secretary of State, in his discretion, may issue the applicant a license, or extend the restricted driving permit as many times as the Secretary of State deems appropriate, by additional periods of not more than 12 months each, until the applicant attains 21 years of age.

If a person's license or permit has been revoked or suspended due to 2 or more convictions of violating Section 11-501 of this Code or a similar provision of a local ordinance or a similar out-of-state offense, arising out of separate occurrences, that person, if issued a restricted driving permit, may not operate a vehicle unless it has been equipped with an ignition interlock device as defined in Section 1-129.1.

If a person's license or permit has been revoked or suspended 2 or more times within a 10 year period due to a single conviction of violating Section 11-501 of this Code or a similar provision of a local ordinance or a similar out-of-state offense, and a statutory summary suspension under Section 11-501.1, or 2 or more statutory summary suspensions, or combination of 2 offenses, or of an offense and a statutory summary suspension, arising out of separate occurrences, that person, if issued a restricted driving permit, may not operate a vehicle unless it has been equipped with an ignition interlock device as defined in Section 1-129.1. The person must pay to the Secretary of State DUI Administration Fund an amount not to exceed $20 per month. The Secretary shall establish by rule the amount and the procedures, terms, and conditions relating to these fees. If the restricted driving permit was issued for employment purposes, then this provision does not apply to the operation of an occupational vehicle owned or leased by that person's employer. A restricted driving permit issued under this Section shall be subject to cancellation, revocation, and suspension by the Secretary of State in like manner and for like cause as a driver's license issued under this Code may be cancelled, revoked, or suspended; except that a conviction upon one or more offenses against laws or ordinances regulating the movement of traffic shall be deemed sufficient cause for the revocation, suspension, or cancellation of a restricted driving permit. The revocation periods contained in this subparagraph shall apply to similar out-of-state convictions.

(e) This Section is subject to the provisions of the Driver License Compact.

(f) Any revocation imposed upon any person under subsections 2 and 3 of paragraph (b) that is in effect on December 31, 1988 shall be converted to a suspension for a like period of time.

(g) The Secretary of State shall not issue a restricted driving permit to a person under the age of 16 years whose driving privileges have been revoked under any provisions of this Code.

(h) The Secretary of State shall require the use of ignition interlock devices on all vehicles owned by an individual who has been convicted of a second or subsequent offense under Section 11-501 of this Code or a similar provision of a local ordinance. The Secretary shall establish by rule and regulation the procedures for certification and use of the interlock system.

(i) The Secretary of State may not issue a restricted driving permit for a period of one year after a second or subsequent revocation of driving privileges under clause (a)(2) of this
Section; however, one year after the date of a second or subsequent revocation of driving privileges under clause (a)(2) of this Section, the Secretary of State may, upon application, issue a restricted driving permit under the terms and conditions of subsection (c).

(Source: P.A. 91-357, eff. 7-29-99; 92-248, eff. 8-3-01; 92-418, eff. 8-17-01; revised 8-24-01.)

(625 ILCS 5/6-206) (from Ch. 95 1/2, par. 6-206)
Sec. 6-206. Discretionary authority to suspend or revoke license or permit; Right to a hearing.

(a) The Secretary of State is authorized to suspend or revoke the driving privileges of any person without preliminary hearing upon a showing of the person's records or other sufficient evidence that the person:

1. Has committed an offense for which mandatory revocation of a driver's license or permit is required upon conviction;

2. Has been convicted of not less than 3 offenses against traffic regulations governing the movement of vehicles committed within any 12 month period. No revocation or suspension shall be entered more than 6 months after the date of last conviction;

3. Has been repeatedly involved as a driver in motor vehicle collisions or has been repeatedly convicted of offenses against laws and ordinances regulating the movement of traffic, to a degree that indicates lack of ability to exercise ordinary and reasonable care in the safe operation of a motor vehicle or disrespect for the traffic laws and the safety of other persons upon the highway;

4. Has by the unlawful operation of a motor vehicle caused or contributed to an accident resulting in death or injury requiring immediate professional treatment in a medical facility or doctor's office to any person, except that any suspension or revocation imposed by the Secretary of State under the provisions of this subsection shall start no later than 6 months after being convicted of violating a law or ordinance regulating the movement of traffic, which violation is related to the accident, or shall start not more than one year after the date of the accident, whichever date occurs later;

5. Has permitted an unlawful or fraudulent use of a driver's license, identification card, or permit;

6. Has been lawfully convicted of an offense or offenses in another state, including the authorization contained in Section 6-203.1, which if committed within this State would be grounds for suspension or revocation;

7. Has refused or failed to submit to an examination provided for by Section 6-207 or has failed to pass the examination;

8. Is ineligible for a driver's license or permit under the provisions of Section 6-103;

9. Has made a false statement or knowingly concealed a material fact or has used false information or identification in any application for a license, identification card, or permit;

New matter indicated by italics - deletions by strikeout.
10. Has possessed, displayed, or attempted to fraudulently use any license, identification card, or permit not issued to the person;

11. Has operated a motor vehicle upon a highway of this State when the person's driving privilege or privilege to obtain a driver's license or permit was revoked or suspended unless the operation was authorized by a judicial driving permit, probationary license to drive, or a restricted driving permit issued under this Code;

12. Has submitted to any portion of the application process for another person or has obtained the services of another person to submit to any portion of the application process for the purpose of obtaining a license, identification card, or permit for some other person;

13. Has operated a motor vehicle upon a highway of this State when the person's driver's license or permit was invalid under the provisions of Sections 6-107.1 and 6-110;

14. Has committed a violation of Section 6-301, 6-301.1, or 6-301.2 of this Act, or Section 14, 14A, or 14B of the Illinois Identification Card Act;

15. Has been convicted of violating Section 21-2 of the Criminal Code of 1961 relating to criminal trespass to vehicles in which case, the suspension shall be for one year;

16. Has been convicted of violating Section 11-204 of this Code relating to fleeing from a police officer;

17. Has refused to submit to a test, or tests, as required under Section 11-501.1 of this Code and the person has not sought a hearing as provided for in Section 11-501.1;

18. Has, since issuance of a driver's license or permit, been adjudged to be afflicted with or suffering from any mental disability or disease;

19. Has committed a violation of paragraph (a) or (b) of Section 6-101 relating to driving without a driver's license;

20. Has been convicted of violating Section 6-104 relating to classification of driver's license;

21. Has been convicted of violating Section 11-402 of this Code relating to leaving the scene of an accident resulting in damage to a vehicle in excess of $1,000, in which case the suspension shall be for one year;

22. Has used a motor vehicle in violating paragraph (3), (4), (7), or (9) of subsection (a) of Section 24-1 of the Criminal Code of 1961 relating to unlawful use of weapons, in which case the suspension shall be for one year;

23. Has, as a driver, been convicted of committing a violation of paragraph (a) of Section 11-502 of this Code for a second or subsequent time within one year of a similar violation;

24. Has been convicted by a court-martial or punished by non-judicial punishment by military authorities of the United States at a military installation in Illinois of or for a traffic related offense that is the same as or similar to an offense

New matter indicated by italics - deletions by strikeout.
specified under Section 6-205 or 6-206 of this Code;

25. Has permitted any form of identification to be used by another in the application process in order to obtain or attempt to obtain a license, identification card, or permit;

26. Has altered or attempted to alter a license or has possessed an altered license, identification card, or permit;

27. Has violated Section 6-16 of the Liquor Control Act of 1934;

28. Has been convicted of the illegal possession, while operating or in actual physical control, as a driver, of a motor vehicle, of any controlled substance prohibited under the Illinois Controlled Substances Act or any cannabis prohibited under the provisions of the Cannabis Control Act, in which case the person's driving privileges shall be suspended for one year, and any driver who is convicted of a second or subsequent offense, within 5 years of a previous conviction, for the illegal possession, while operating or in actual physical control, as a driver, of a motor vehicle, of any controlled substance prohibited under the provisions of the Illinois Controlled Substances Act or any cannabis prohibited under the Cannabis Control Act shall be suspended for 5 years. Any defendant found guilty of this offense while operating a motor vehicle, shall have an entry made in the court record by the presiding judge that this offense did occur while the defendant was operating a motor vehicle and order the clerk of the court to report the violation to the Secretary of State;

29. Has been convicted of the following offenses that were committed while the person was operating or in actual physical control, as a driver, of a motor vehicle: criminal sexual assault, predatory criminal sexual assault of a child, aggravated criminal sexual assault, criminal sexual abuse, aggravated criminal sexual abuse, juvenile pimping, soliciting for a juvenile prostitute and the manufacture, sale or delivery of controlled substances or instruments used for illegal drug use or abuse in which case the driver's driving privileges shall be suspended for one year;

30. Has been convicted a second or subsequent time for any combination of the offenses named in paragraph 29 of this subsection, in which case the person's driving privileges shall be suspended for 5 years;

31. Has refused to submit to a test as required by Section 11-501.6 or has submitted to a test resulting in an alcohol concentration of 0.08 or more or any amount of a drug, substance, or compound resulting from the unlawful use or consumption of cannabis as listed in the Cannabis Control Act, a controlled substance as listed in the Illinois Controlled Substances Act, or an intoxicating compound as listed in the Use of Intoxicating Compounds Act, in which case the penalty shall be as prescribed in Section 6-208.1;

32. Has been convicted of Section 24-1.2 of the Criminal Code of 1961 relating to the aggravated discharge of a firearm if the offender was located in a motor vehicle at the time the firearm was discharged, in which case the suspension shall be for 3 years;

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33. Has as a driver, who was less than 21 years of age on the date of the offense, been convicted a first time of a violation of paragraph (a) of Section 11-502 of this Code or a similar provision of a local ordinance;
34. Has committed a violation of Section 11-1301.5 of this Code;
35. Has committed a violation of Section 11-1301.6 of this Code; or
36. Is under the age of 21 years at the time of arrest and has been convicted of not less than 2 offenses against traffic regulations governing the movement of vehicles committed within any 24 month period. No revocation or suspension shall be entered more than 6 months after the date of last conviction; or
37. Has committed a violation of subsection (c) of Section 11-907 of this Code.

For purposes of paragraphs 5, 9, 10, 12, 14, 19, 25, 26, and 27 of this subsection, license means any driver's license, any traffic ticket issued when the person's driver's license is deposited in lieu of bail, a suspension notice issued by the Secretary of State, a duplicate or corrected driver's license, a probationary driver's license or a temporary driver's license.

(b) If any conviction forming the basis of a suspension or revocation authorized under this Section is appealed, the Secretary of State may rescind or withhold the entry of the order of suspension or revocation, as the case may be, provided that a certified copy of a stay order of a court is filed with the Secretary of State. If the conviction is affirmed on appeal, the date of the conviction shall relate back to the time the original judgment of conviction was entered and the 6 month limitation prescribed shall not apply.

(c) 1. Upon suspending or revoking the driver's license or permit of any person as authorized in this Section, the Secretary of State shall immediately notify the person in writing of the revocation or suspension. The notice to be deposited in the United States mail, postage prepaid, to the last known address of the person.
2. If the Secretary of State suspends the driver's license of a person under subsection 2 of paragraph (a) of this Section, a person's privilege to operate a vehicle as an occupation shall not be suspended, provided an affidavit is properly completed, the appropriate fee received, and a permit issued prior to the effective date of the suspension, unless 5 offenses were committed, at least 2 of which occurred while operating a commercial vehicle in connection with the driver's regular occupation. All other driving privileges shall be suspended by the Secretary of State. Any driver prior to operating a vehicle for occupational purposes only must submit the affidavit on forms to be provided by the Secretary of State setting forth the facts of the person's occupation. The affidavit shall also state the number of offenses committed while operating a vehicle in connection with the driver's regular occupation. The affidavit shall be accompanied by the driver's license. Upon receipt of a properly completed affidavit, the Secretary of State shall issue the driver a permit to operate a vehicle in connection with the driver's regular occupation only. Unless the permit is issued by the Secretary of State prior to the date of suspension, the privilege to drive any motor vehicle shall be suspended as set forth in the notice that was mailed under this Section. If an affidavit is received subsequent to the effective date of this
suspension, a permit may be issued for the remainder of the suspension period.

The provisions of this subparagraph shall not apply to any driver required to obtain a commercial driver's license under Section 6-507 during the period of a disqualification of commercial driving privileges under Section 6-514.

Any person who falsely states any fact in the affidavit required herein shall be guilty of perjury under Section 6-302 and upon conviction thereof shall have all driving privileges revoked without further rights.

3. At the conclusion of a hearing under Section 2-118 of this Code, the Secretary of State shall either rescind or continue an order of revocation or shall substitute an order of suspension; or, good cause appearing therefor, rescind, continue, change, or extend the order of suspension. If the Secretary of State does not rescind the order, the Secretary may upon application, to relieve undue hardship, issue a restricted driving permit granting the privilege of driving a motor vehicle between the petitioner's residence and petitioner's place of employment or within the scope of his employment related duties, or to allow transportation for the petitioner, or a household member of the petitioner's family, to receive necessary medical care and if the professional evaluation indicates, provide transportation for alcohol remedial or rehabilitative activity, or for the petitioner to attend classes, as a student, in an accredited educational institution; if the petitioner is able to demonstrate that no alternative means of transportation is reasonably available and the petitioner will not endanger the public safety or welfare.

If a person's license or permit has been revoked or suspended due to 2 or more convictions of violating Section 11-501 of this Code or a similar provision of a local ordinance or a similar out-of-state offense, arising out of separate occurrences, that person, if issued a restricted driving permit, may not operate a vehicle unless it has been equipped with an ignition interlock device as defined in Section 1-129.1.

If a person's license or permit has been revoked or suspended 2 or more times within a 10 year period due to a single conviction of violating Section 11-501 of this Code or a similar provision of a local ordinance or a similar out-of-state offense, and a statutory summary suspension under Section 11-501.1, or 2 or more statutory summary suspensions, or combination of 2 offenses, or of an offense and a statutory summary suspension, arising out of separate occurrences, that person, if issued a restricted driving permit, may not operate a vehicle unless it has been equipped with an ignition interlock device as defined in Section 1-129.1. The person must pay to the Secretary of State DUI Administration Fund an amount not to exceed $20 per month. The Secretary shall establish by rule the amount and the procedures, terms, and conditions relating to these fees. If the restricted driving permit was issued for employment purposes, then this provision does not apply to the operation of an occupational vehicle owned or leased by that person's employer. In each case the Secretary may issue a restricted driving permit for a period deemed appropriate, except that all permits shall expire within one year from the date of issuance. The Secretary may not, however, issue a restricted driving permit to any person whose

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current revocation is the result of a second or subsequent conviction for a violation of Section 11-501 of this Code or a similar provision of a local ordinance relating to the offense of operating or being in physical control of a motor vehicle while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds, or any similar out-of-state offense, or any combination of those offenses, until the expiration of at least one year from the date of the revocation. A restricted driving permit issued under this Section shall be subject to cancellation, revocation, and suspension by the Secretary of State in like manner and for like cause as a driver's license issued under this Code may be cancelled, revoked, or suspended; except that a conviction upon one or more offenses against laws or ordinances regulating the movement of traffic shall be deemed sufficient cause for the revocation, suspension, or cancellation of a restricted driving permit. The Secretary of State may, as a condition to the issuance of a restricted driving permit, require the applicant to participate in a designated driver remedial or rehabilitative program. The Secretary of State is authorized to cancel a restricted driving permit if the permit holder does not successfully complete the program.

(c-5) The Secretary of State may, as a condition of the reissuance of a driver's license or permit to an applicant whose driver's license or permit has been suspended before he or she reached the age of 18 years pursuant to any of the provisions of this Section, require the applicant to participate in a driver remedial education course and be retested under Section 6-109 of this Code.

(d) This Section is subject to the provisions of the Drivers License Compact.

(e) The Secretary of State shall not issue a restricted driving permit to a person under the age of 16 years whose driving privileges have been suspended or revoked under any provisions of this Code.

(Source: P.A. 92-283, eff. 1-1-02; 92-418, eff. 8-17-01; 92-458, eff. 8-22-01; revised 8-27-01.)

(625 ILCS 5/6-208) (from Ch. 95 1/2, par. 6-208)
Sec. 6-208. Period of Suspension - Application After Revocation.
(a) Except as otherwise provided by this Code or any other law of this State, the Secretary of State shall not suspend a driver's license, permit or privilege to drive a motor vehicle on the highways for a period of more than one year.

(b) Any person whose license, permit or privilege to drive a motor vehicle on the highways has been revoked shall not be entitled to have such license, permit or privilege renewed or restored. However, such person may, except as provided under subsection (d) of Section 6-205, make application for a license pursuant to Section 6-106 (i) if the revocation was for a cause which has been removed or (ii) as provided in the following subparagraphs:

1. Except as provided in subparagraphs 2, 3, and 4, the person may make application for a license after the expiration of one year from the effective date of the revocation or, in the case of a violation of paragraph (b) of Section 11-401 of this Code or a similar provision of a local ordinance, after the expiration of 3 years from the effective date of the revocation or, in the case of a violation of Section 9-3 of the

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Criminal Code of 1961 relating to the offense of reckless homicide, after the expiration of 2 years from the effective date of the revocation or after the expiration of 24 months from the date of release from a period of imprisonment as provided in Section 6-103 of this Code, whichever is later.

2. If such person is convicted of committing a second violation within a 20 year period of:

(A) Section 11-501 of this Code, or a similar provision of a local ordinance; or

(B) Paragraph (b) of Section 11-401 of this Code, or a similar provision of a local ordinance; or

(C) Section 9-3 of the Criminal Code of 1961, as amended, relating to the offense of reckless homicide; or

(D) any combination of the above offenses committed at different instances; then such person may not make application for a license until after the expiration of 5 years from the effective date of the most recent revocation.

The 20 year period shall be computed by using the dates the offenses were committed and shall also include similar out-of-state offenses.

3. However, except as provided in subparagraph 4, if such person is convicted of committing a third, or subsequent, violation or any combination of the above offenses, including similar out-of-state offenses, contained in subparagraph 2, then such person may not make application for a license until after the expiration of 10 years from the effective date of the most recent revocation.

4. The person may not make application for a license if the person is convicted of committing a fourth or subsequent violation of Section 11-501 of this Code or a similar provision of a local ordinance, Section 11-401 of this Code, Section 9-3 of the Criminal Code of 1961, or a combination of these offenses or similar provisions of local ordinances or similar out-of-state offenses.

Notwithstanding any other provision of this Code, all persons referred to in this paragraph (b) may not have their privileges restored until the Secretary receives payment of the required reinstatement fee pursuant to subsection (b) of Section 6-118.

In no event shall the Secretary issue such license unless and until such person has had a hearing pursuant to this Code and the appropriate administrative rules and the Secretary is satisfied, after a review or investigation of such person, that to grant the privilege of driving a motor vehicle on the highways will not endanger the public safety or welfare.

(c) If a person prohibited under paragraph (2) or paragraph (3) of subsection (c-4) of Section 11-501 from driving any vehicle not equipped with an ignition interlock device nevertheless is convicted of driving a vehicle that is not equipped with the device, that person is prohibited from driving any vehicle not equipped with an ignition interlock device for an additional period of time equal to the initial time period that the person was required to use an ignition interlock device.

(Source: P.A. 91-357, eff. 7-29-99; 92-343, eff. 1-1-02; 92-418, eff. 8-17-01; 92-458, eff. 8-22-01; revised 10-12-01.)

New matter indicated by italics - deletions by strikeout.
Sec. 6-500. Definitions of words and phrases. Notwithstanding the definitions set forth elsewhere in this Code, for purposes of the Uniform Commercial Driver's License Act (UCDLA), the words and phrases listed below shall have the meanings ascribed to them as follows:

(1) Alcohol. "Alcohol" means any substance containing any form of alcohol, including but not limited to: ethanol, methanol, propanol, and isopropanol.

(2) Alcohol concentration. "Alcohol concentration" means:
   (A) (a) the number of grams of alcohol per 210 liters of breath; or
   (B) (b) the number of grams of alcohol per 100 milliliters of blood; or
   (C) (c) the number of grams of alcohol per 67 milliliters of urine.

   Alcohol tests administered within 2 hours of the driver being "stopped or detained" shall be considered that driver's "alcohol concentration" for the purposes of enforcing this UCDLA.

(3) (Blank).

(4) (Blank).

(5) (Blank).

(6) Commercial Motor Vehicle.
   (A) "Commercial motor vehicle" means a motor vehicle, except those referred to in subdivision (B) paragraph (d), designed to transport passengers or property if:
      (i) (a) the vehicle has a GVWR of 26,001 pounds or more or such a lesser GVWR as subsequently determined by federal regulations or the Secretary of State; or any combination of vehicles with a GCWR of 26,001 pounds or more, provided the GVWR of any vehicle or vehicles being towed is 10,001 pounds or more; or
      (ii) (b) the vehicle is designed to transport 16 or more persons; or
      (iii) (c) the vehicle is transporting hazardous materials and is required to be placarded in accordance with 49 C.F.R. Part 172, subpart F.
   (B) Pursuant to the interpretation of the Commercial Motor Vehicle Safety Act of 1986 by the Federal Highway Administration, the definition of "commercial motor vehicle" does not include:
      (i) recreational vehicles, when operated primarily for personal use;
      (ii) United States Department of Defense vehicles being operated by non-civilian personnel. This includes any operator on active military duty; members of the Reserves; National Guard; personnel on part-time training; and National Guard military technicians (civilians who are required to wear military uniforms and are subject to the Code of Military Justice); or
      (iii) firefighting and other emergency equipment with audible and visual signals, owned or operated by or for a governmental entity, which is necessary to the preservation of life or property or the execution of emergency governmental functions which are normally not subject to general traffic rules and regulations.

New matter indicated by italics - deletions by strikeout.
(7) Controlled Substance. "Controlled substance" shall have the same meaning as defined in Section 102 of the Illinois Controlled Substances Act, and shall also include cannabis as defined in Section 3 of the Cannabis Control Act.

(8) Conviction. "Conviction" means an unvacated adjudication of guilt or a determination that a person has violated or failed to comply with the law in a court of original jurisdiction or an authorized administrative tribunal; an unvacated forfeiture of bail or collateral deposited to secure the person's appearance in court; the payment of a fine or court cost regardless of whether the imposition of sentence is deferred and ultimately a judgment dismissing the underlying charge is entered; or a violation of a condition of release without bail, regardless of whether or not the penalty is rebated, suspended or probated.

(9) (Blank).

(10) (Blank).

(11) (Blank).

(12) (Blank).

(13) Driver. "Driver" means any person who drives, operates, or is in physical control of a commercial motor vehicle, or who is required to hold a CDL.

(14) Employee. "Employee" means a person who is employed as a commercial motor vehicle driver. A person who is self-employed as a commercial motor vehicle driver must comply with the requirements of this UCDLA pertaining to employees. An owner-operator on a long-term lease shall be considered an employee.

(15) Employer. "Employer" means a person (including the United States, a State or a local authority) who owns or leases a commercial motor vehicle or assigns employees to operate such a vehicle. A person who is self-employed as a commercial motor vehicle driver must comply with the requirements of this UCDLA.

(16) (Blank).

(17) Foreign jurisdiction. "Foreign jurisdiction" means a sovereign jurisdiction that does not fall within the definition of "State".

(18) (Blank).

(19) (Blank).

(20) Hazardous Material. Upon a finding by the United States Secretary of Transportation, in his or her discretion, under 49 App. U.S.C. 5103(a), that the transportation of a particular quantity and form of material in commerce may pose an unreasonable risk to health and safety or property, he or she shall designate the quantity and form of material or group or class of the materials as a hazardous material. The materials so designated may include but are not limited to explosives, radioactive materials, etiologic agents, flammable liquids or solids, combustible liquids or solids, poisons, oxidizing or corrosive materials, and compressed gases.

(21) Long-term lease Long-term lease. "Long-term lease" means a lease of a commercial motor vehicle by the owner-lessee to a lessee, for a period of more than 29 days.

(22) Motor Vehicle. "Motor vehicle" means every vehicle which is self-propelled, and every vehicle which is propelled by electric power obtained from overhead trolley wires but...
not operated upon rails, except vehicles moved solely by human power and motorized wheel chairs.

(23) Non-resident CDL. "Non-resident CDL" means a commercial driver's license issued by a state to an individual who is domiciled in a foreign jurisdiction.

(24) (Blank).

(25) (Blank).

(25.5) Railroad-Highway Grade Crossing Violation. "Railroad-highway grade crossing violation" means a violation, while operating a commercial motor vehicle, of any of the following:

(A) (†) An offense listed in subsection (j) of Section 6-514 of this Code.

(B) (‡) Section 11-1201 of this Code.

(C) (§) Section 11-1201.1 of this Code.

(D) (¶) Section 11-1202 of this Code.

(E) (‖) Section 11-1203 of this Code.

(F) (‖) 92 Illinois Administrative Code 392.10.

(G) (‖) 92 Illinois Administrative Code 392.11.

(H) (§) Any local ordinance that is similar to any of items (A) (†) through (G) (‖).

(7)

(26) Serious Traffic Violation. "Serious traffic violation" means:

(A) (†) a conviction when operating a commercial motor vehicle of:

(i) a violation relating to excessive speeding, involving a single speeding charge of 15 miles per hour or more above the legal speed limit; or

(ii) a violation relating to reckless driving; or

(iii) a violation of any State law or local ordinance relating to motor vehicle traffic control (other than parking violations) arising in connection with a fatal traffic accident; or

(iv) a violation of Section 6-501, relating to having multiple driver's licenses; or

(v) a violation of paragraph (a) of Section 6-507, relating to the requirement to have a valid CDL; or

(vi) a violation relating to improper or erratic traffic lane changes; or

(vii) a violation relating to following another vehicle too closely; or

(B) (‡) any other similar violation of a law or local ordinance of any state relating to motor vehicle traffic control, other than a parking violation, which the Secretary of State determines by administrative rule to be serious.

(27) State. "State" means a state of the United States, the District of Columbia and any province or territory of Canada.

(28) (Blank).

(29) (Blank).

(30) (Blank).

(31) (Blank).

(Source: P.A. 92-249, eff. 1-1-02; revised 9-19-01.)

New matter indicated by italics - deletions by strikeout.
Sec. 7-501. Assigned Risk Plans. If, on or before January 1, 1946, every insurance carrier authorized to write automobile bodily injury liability insurance in this State shall not subscribe to an assigned risk plan approved by the Director of Insurance, providing that no carrier may withdraw therefrom after approval of the Director, the Director of Insurance shall, when he finds that an application for bodily injury or property damage insurance by a risk, which may become subject to this Act or is a local public entity subject to the Local Governmental and Governmental Employees Tort Immunity Act, and in good faith is entitled to such insurance, has been rejected by 3 insurance carriers, designate an insurance carrier which shall be obligated to issue forthwith its usual form of policy providing such insurance for such risk. The Director shall make equitable distribution of such assignments among insurance carriers proportionate, so far as practicable, by premiums to the respective net direct automobile bodily injury premium writings of the carriers authorized to do business in this State. The Director of Insurance shall establish rules and regulations for the administration of the provisions of this Section.

If any carrier refuses or neglects to comply with the provisions of this Section or with any lawful order or ruling made by the Director of Insurance pursuant to this Section, the Director may, after notice and hearing, suspend the license of such carrier to transact any insurance business in this State until such carrier shall have complied with such order. The provisions of the Administrative Review Law, and all amendments and modifications thereof, and the rules adopted pursuant thereto, shall apply to and govern all proceedings for the judicial review of final administrative decisions of the Director of Insurance hereunder. (Source: P.A. 90-89, eff. 1-1-98; revised 12-07-01.)

Sec. 11-207. Provisions of this Chapter Act uniform throughout State. The provisions of this Chapter shall be applicable and uniform throughout this State and in all political subdivisions and municipalities therein, and no local authority shall enact or enforce any ordinance rule or regulation in conflict with the provisions of this Chapter unless expressly authorized herein. Local authorities may, however, adopt additional traffic regulations which are not in conflict with the provisions of this Chapter, but such regulations shall not be effective until signs giving reasonable notice thereof are posted. (Source: P.A. 85-532; revised 12-04-01.)

Sec. 11-501. Driving while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds or any combination thereof.

(a) A person shall not drive or be in actual physical control of any vehicle within this State while:

(1) the alcohol concentration in the person's blood or breath is 0.08 or more based on the definition of blood and breath units in Section 11-501.2;

(2) under the influence of alcohol;

(3) under the influence of any intoxicating compound or combination of intoxicating compounds to a degree that renders the person incapable of driving

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safely;

(4) under the influence of any other drug or combination of drugs to a degree that renders the person incapable of safely driving;

(5) under the combined influence of alcohol, other drug or drugs, or intoxicating compound or compounds to a degree that renders the person incapable of safely driving; or

(6) there is any amount of a drug, substance, or compound in the person's breath, blood, or urine resulting from the unlawful use or consumption of cannabis listed in the Cannabis Control Act, a controlled substance listed in the Illinois Controlled Substances Act, or an intoxicating compound listed in the Use of Intoxicating Compounds Act.

(b) The fact that any person charged with violating this Section is or has been legally entitled to use alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof, shall not constitute a defense against any charge of violating this Section.

(c) Except as provided under paragraphs (c-3), (c-4), and (d) of this Section, every person convicted of violating this Section or a similar provision of a local ordinance, shall be guilty of a Class A misdemeanor and, in addition to any other criminal or administrative action, for any second conviction of violating this Section or a similar provision of a law of another state or local ordinance committed within 5 years of a previous violation of this Section or a similar provision of a local ordinance shall be mandatorily sentenced to a minimum of 5 days of imprisonment or assigned to a minimum of 30 days of community service as may be determined by the court. Every person convicted of violating this Section or a similar provision of a local ordinance shall be subject to an additional mandatory minimum fine of $500 and an additional mandatory 5 days of community service in a program benefiting children if the person committed a violation of paragraph (a) or a similar provision of a local ordinance while transporting a person under age 16. Every person convicted a second time for violating this Section or a similar provision of a local ordinance within 5 years of a previous violation of this Section or a similar provision of a law of another state or local ordinance shall be subject to an additional mandatory minimum fine of $500 and an additional 10 days of mandatory community service in a program benefiting children if the current offense was committed while transporting a person under age 16. The imprisonment or assignment under this subsection shall not be subject to suspension nor shall the person be eligible for probation in order to reduce the sentence or assignment.

(c-1) (1) A person who violates this Section during a period in which his or her driving privileges are revoked or suspended, where the revocation or suspension was for a violation of this Section, Section 11-501.1, paragraph (b) of Section 11-401, or Section 9-3 of the Criminal Code of 1961 is guilty of a Class 4 felony.

(2) A person who violates this Section a third time during a period in which his or her driving privileges are revoked or suspended where the revocation or suspension was for a violation of this Section, Section 11-501.1, paragraph (b) of Section 11-401, or Section 9-3 of the Criminal Code of 1961 is guilty of a Class 3
felony.

(3) A person who violates this Section a fourth or subsequent time during a period in which his or her driving privileges are revoked or suspended where the revocation or suspension was for a violation of this Section, Section 11-501.1, paragraph (b) of Section 11-401, or Section 9-3 of the Criminal Code of 1961 is guilty of a Class 2 felony.

(c-2) (Blank).

(c-3) Every person convicted of violating this Section or a similar provision of a local ordinance who had a child under age 16 in the vehicle at the time of the offense shall have his or her punishment under this Act enhanced by 2 days of imprisonment for a first offense, 10 days of imprisonment for a second offense, 30 days of imprisonment for a third offense, and 90 days of imprisonment for a fourth or subsequent offense, in addition to the fine and community service required under subsection (c) and the possible imprisonment required under subsection (d). The imprisonment or assignment under this subsection shall not be subject to suspension nor shall the person be eligible for probation in order to reduce the sentence or assignment.

(c-4) When a person is convicted of violating Section 11-501 of this Code or a similar provision of a local ordinance, the following penalties apply when his or her blood, breath, or urine was .16 or more based on the definition of blood, breath, or urine units in Section 11-501.2 or when that person is convicted of violating this Section while transporting a child under the age of 16:

(1) A person who is convicted of violating subsection (a) of Section 11-501 of this Code a first time, in addition to any other penalty that may be imposed under subsection (c), is subject to a mandatory minimum of 100 hours of community service and a minimum fine of $500.

(2) A person who is convicted of violating subsection (a) of Section 11-501 of this Code a second time within 10 years, in addition to any other penalty that may be imposed under subsection (c), is subject to a mandatory minimum of 2 days of imprisonment and a minimum fine of $1,250.

(3) A person who is convicted of violating subsection (a) of Section 11-501 of this Code a third time within 20 years is guilty of a Class 4 felony and, in addition to any other penalty that may be imposed under subsection (c), is subject to a mandatory minimum of 90 days of imprisonment and a minimum fine of $2,500.

(4) A person who is convicted of violating this subsection (c-4) a fourth or subsequent time is guilty of a Class 2 felony and, in addition to any other penalty that may be imposed under subsection (c), is not eligible for a sentence of probation or conditional discharge and is subject to a minimum fine of $2,500.

(d) (1) Every person convicted of committing a violation of this Section shall be guilty of aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof if:

(A) the person committed a violation of this Section, or a similar provision of a law of another state or a local ordinance when the cause of

New matter indicated by italics - deletions by strikeout.
action is the same as or substantially similar to this Section, for the third or subsequent time;

(B) the person committed a violation of paragraph (a) while driving a school bus with children on board;

(C) the person in committing a violation of paragraph (a) was involved in a motor vehicle accident that resulted in great bodily harm or permanent disability or disfigurement to another, when the violation was a proximate cause of the injuries;

(D) the person committed a violation of paragraph (a) for a second time and has been previously convicted of violating Section 9-3 of the Criminal Code of 1961 relating to reckless homicide in which the person was determined to have been under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds as an element of the offense or the person has previously been convicted under subparagraph (C) of this paragraph (1); or

(E) the person, in committing a violation of paragraph (a) while driving at any speed in a school speed zone at a time when a speed limit of 20 miles per hour was in effect under subsection (a) of Section 11-605 of this Code, was involved in a motor vehicle accident that resulted in bodily harm, other than great bodily harm or permanent disability or disfigurement, to another person, when the violation of paragraph (a) was a proximate cause of the bodily harm.

(2) Aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof is a Class 4 felony. For , or (E) a violation of subparagraph (C) of paragraph (1) of this subsection (d), the defendant, if sentenced to a term of imprisonment, shall be sentenced to not less than one year nor more than 12 years. For any prosecution under this subsection (d), a certified copy of the driving abstract of the defendant shall be admitted as proof of any prior conviction.

(e) After a finding of guilt and prior to any final sentencing, or an order for supervision, for an offense based upon an arrest for a violation of this Section or a similar provision of a local ordinance, individuals shall be required to undergo a professional evaluation to determine if an alcohol, drug, or intoxicating compound abuse problem exists and the extent of the problem, and undergo the imposition of treatment as appropriate. Programs conducting these evaluations shall be licensed by the Department of Human Services. The cost of any professional evaluation shall be paid for by the individual required to undergo the professional evaluation.

(f) Every person found guilty of violating this Section, whose operation of a motor vehicle while in violation of this Section proximately caused any incident resulting in an appropriate emergency response, shall be liable for the expense of an emergency response as provided under Section 5-5-3 of the Unified Code of Corrections.

(g) The Secretary of State shall revoke the driving privileges of any person convicted

New matter indicated by italics - deletions by strikeout.
under this Section or a similar provision of a local ordinance.

(h) Every person sentenced under paragraph (2) or (3) of subsection (c-1) of this Section or subsection (d) of this Section and who receives a term of probation or conditional discharge shall be required to serve a minimum term of either 60 days community service or 10 days of imprisonment as a condition of the probation or conditional discharge. This mandatory minimum term of imprisonment or assignment of community service shall not be suspended and shall not be subject to reduction by the court.

(i) The Secretary of State shall require the use of ignition interlock devices on all vehicles owned by an individual who has been convicted of a second or subsequent offense of this Section or a similar provision of a local ordinance. The Secretary shall establish by rule and regulation the procedures for certification and use of the interlock system.

(j) In addition to any other penalties and liabilities, a person who is found guilty of or pleads guilty to violating this Section, including any person placed on court supervision for violating this Section, shall be fined $100, payable to the circuit clerk, who shall distribute the money to the law enforcement agency that made the arrest. If the person has been previously convicted of violating this Section or a similar provision of a local ordinance, the fine shall be $200. In the event that more than one agency is responsible for the arrest, the $100 or $200 shall be shared equally. Any moneys received by a law enforcement agency under this subsection (j) shall be used to purchase law enforcement equipment that will assist in the prevention of alcohol related criminal violence throughout the State. This shall include, but is not limited to, in-car video cameras, radar and laser speed detection devices, and alcohol breath testers. Any moneys received by the Department of State Police under this subsection (j) shall be deposited into the State Police DUI Fund and shall be used to purchase law enforcement equipment that will assist in the prevention of alcohol related criminal violence throughout the State.

(Source: P.A. 91-126, eff. 7-16-99; 91-357, eff. 7-29-99; 91-692, eff. 4-13-00; 91-822, eff. 6-13-00; 92-248, eff. 8-3-01; 92-418, eff. 8-17-01; 92-420, eff. 8-17-01; 92-429, eff. 1-1-02; 92-431, eff. 1-1-02; revised 10-12-01.)

(625 ILCS 5/11-1201) (from Ch. 95 1/2, par. 11-1201)
Sec. 11-1201. Obedience to signal indicating approach of train.

(a) Whenever any person driving a vehicle approaches a railroad grade crossing such person must exercise due care and caution as the existence of a railroad track across a highway is a warning of danger, and under any of the circumstances stated in this Section, the driver shall stop within 50 feet but not less than 15 feet from the nearest rail of the railroad and shall not proceed until he can do so safely. The foregoing requirements shall apply when:

1. A clearly visible electric or mechanical signal device gives warning of the immediate approach of a railroad train;
2. A crossing gate is lowered or a human flagman gives or continues to give a signal of the approach or passage of a railroad train;
3. A railroad train approaching a highway crossing emits a warning signal and such railroad train, by reason of its speed or nearness to such crossing, is an

New matter indicated by italics - deletions by strikeout.
immediate hazard;

4. An approaching railroad train is plainly visible and is in hazardous proximity to such crossing;:

5. A railroad train is approaching so closely that an immediate hazard is created.

(b) No person shall drive any vehicle through, around or under any crossing gate or barrier at a railroad crossing while such gate or barrier is closed or is being opened or closed.

(c) The Department, and local authorities with the approval of the Department, are hereby authorized to designate particularly dangerous highway grade crossings of railroads and to erect stop signs thereat. When such stop signs are erected the driver of any vehicle shall stop within 50 feet but not less than 15 feet from the nearest rail of such railroad and shall proceed only upon exercising due care.

(d) At any railroad grade crossing provided with railroad crossbuck signs, without automatic, electric, or mechanical signal devices, crossing gates, or a human flagman giving a signal of the approach or passage of a train, the driver of a vehicle shall in obedience to the railroad crossbuck sign, yield the right-of-way and slow down to a speed reasonable for the existing conditions and shall stop, if required for safety, at a clearly marked stopped line, or if no stop line, within 50 feet but not less than 15 feet from the nearest rail of the railroad and shall not proceed until he or she can do so safely. If a driver is involved in a collision at a railroad crossing or interferes with the movement of a train after driving past the railroad crossbuck sign, the collision or interference is prima facie evidence of the driver's failure to yield right-of-way.

(d-5) No person may drive any vehicle through a railroad crossing if there is insufficient space to drive completely through the crossing without stopping.

(e) It is unlawful to violate any part of this Section. A first conviction of a person for a violation of any part of this Section shall result in a mandatory fine of $250; all subsequent convictions of that person for any violation of any part of this Section shall each result in a mandatory fine of $500.

(f) Corporate authorities of municipal corporations regulating operators of vehicles that fail to obey signals indicating the presence, approach, passage, or departure of a train shall impose fines as established in subsection (e) of this Section.

(Source: P.A. 92-245, eff. 8-3-01; 92-249, eff. 1-1-02; revised 9-19-01)

(625 ILCS 5/11-1201.1)

Sec. 11-1201.1. Automated Railroad Crossing Enforcement System.

(a) For the purposes of this Section, an automated railroad grade crossing enforcement system is a system operated by a law enforcement agency that records a driver's response to automatic, electrical or mechanical signal devices and crossing gates. The system shall be designed to obtain a clear photograph or other recorded image of the vehicle, vehicle operator and the vehicle registration plate of a vehicle in violation of Section 11-1201. The photograph or other recorded image shall also display the time, date and location of the violation.

(b) Commencing on January 1, 1996, the Illinois Commerce Commission and the
Commuter Rail Board of the Regional Transportation Authority shall, in cooperation with local law enforcement agencies, establish a 5 year pilot program within a county with a population of between 750,000 and 1,000,000 using an automated railroad grade crossing enforcement system. The Commission shall determine the 3 railroad grade crossings within that county that pose the greatest threat to human life based upon the number of accidents and fatalities at the crossings during the past 5 years and with approval of the local law enforcement agency equip the crossings with an automated railroad grade crossing enforcement system.

(b-1) Commencing on July 20, 2001 (the effective date of Public Act 92-98) this amendatory Act of the 92nd General Assembly, the Illinois Commerce Commission and the Commuter Rail Board may, in cooperation with the local law enforcement agency, establish in a county with a population of between 750,000 and 1,000,000 a 2 year pilot program using an automated railroad grade crossing enforcement system. This pilot program may be established at a railroad grade crossing designated by local authorities. No State moneys may be expended on the automated railroad grade crossing enforcement system established under this pilot program.

(c) For each violation of Section 11-1201 recorded by an automatic railroad grade crossing system, the local law enforcement agency having jurisdiction shall issue a written Uniform Traffic Citation of the violation to the registered owner of the vehicle as the alleged violator. The Uniform Traffic Citation shall be delivered to the registered owner of the vehicle, by mail, within 30 days of the violation. The Uniform Traffic Citation shall include the name and address of vehicle owner, the vehicle registration number, the offense charged, the time, date, and location of the violation, the first available court date and that the basis of the citation is the photograph or other recorded image from the automated railroad grade crossing enforcement system.

(d) The Uniform Traffic Citation issued to the registered owner of the vehicle shall be accompanied by a written notice, the contents of which is set forth in subsection (d-1) of this Section, explaining how the registered owner of the vehicle can elect to proceed by either paying the fine or challenging the issuance of the Uniform Traffic Citation.

(d-1) The written notice explaining the alleged violator's rights and obligations must include the following text:

"You have been served with the accompanying Uniform Traffic Citation and cited with having violated Section 11-1201 of the Illinois Vehicle Code. You can elect to proceed by:

1. Paying the fine; or
2. Challenging the issuance of the Uniform Traffic Citation in court; or
3. If you were not the operator of the vehicle at the time of the alleged offense, notifying in writing the local law enforcement agency that issued the Uniform Traffic Citation of the number of the Uniform Traffic Citation received and the name and address of the person operating the vehicle at the time of the alleged offense. If you fail to so notify in writing the local law enforcement agency of the name and address of the operator of the vehicle at the time of the alleged offense, you may be presumed
to have been the operator of the vehicle at the time of the alleged offense."

(d-2) If the registered owner of the vehicle was not the operator of the vehicle at the time of the alleged offense, and if the registered owner notifies the local law enforcement agency having jurisdiction of the name and address of the operator of the vehicle at the time of the alleged offense, the local law enforcement agency having jurisdiction shall then issue a written Uniform Traffic Citation to the person alleged by the registered owner to have been the operator of the vehicle at the time of the alleged offense. If the registered owner fails to notify in writing the local law enforcement agency having jurisdiction of the name and address of the operator of the vehicle at the time of the alleged offense, the registered owner may be presumed to have been the operator of the vehicle at the time of the alleged offense.

(e) Evidence.

(i) A certificate alleging that a violation of Section 11-1201 occurred, sworn to or affirmed by a duly authorized agency, based on inspection of recorded images produced by an automated railroad crossing enforcement system are evidence of the facts contained in the certificate and are admissible in any proceeding alleging a violation under this Section.

(ii) Photographs or recorded images made by an automatic railroad grade crossing enforcement system are confidential and shall be made available only to the alleged violator and governmental and law enforcement agencies for purposes of adjudicating a violation of Section 11-1201 of the Illinois Vehicle Code. However, any photograph or other recorded image evidencing a violation of Section 11-1201 shall be admissible in any proceeding resulting from the issuance of the Uniform Traffic Citation when there is reasonable and sufficient proof of the accuracy of the camera or electronic instrument recording the image. There is a rebuttable presumption that the photograph or recorded image is accurate if the camera or electronic recording instrument was in good working order at the beginning and the end of the day of the alleged offense.

(f) Rail crossings equipped with an automatic railroad grade crossing enforcement system shall be posted with a sign visible to approaching traffic stating that the railroad grade crossing is being monitored, that citations will be issued, and the amount of the fine for violation.

(g) Except as provided in subsection (b-1), the cost of the installation and maintenance of each automatic railroad grade crossing enforcement system shall be paid from the Grade Crossing Protection Fund if the rail line is not owned by Commuter Rail Board of the Regional Transportation Authority. Except as provided in subsection (b-1), if the rail line is owned by the Commuter Rail Board of the Regional Transportation Authority, the costs of the installation and maintenance shall be paid from the Regional Transportation Authority’s portion of the Public Transportation Fund.

(h) The Illinois Commerce Commission shall issue a report to the General Assembly at the conclusion of the 5 year pilot program established under subsection (b) on the effectiveness of the automatic railroad grade crossing enforcement system.

(i) If any part or parts of this Section are held by a court of competent jurisdiction to

New matter indicated by italics - deletions by strikeout.
be unconstitutional, the unconstitutionality shall not affect the validity of the remaining parts of this Section. The General Assembly hereby declares that it would have passed the remaining parts of this Section if it had known that the other part or parts of this Section would be declared unconstitutional.

(j) Penalty.

(i) A violation of this Section is a petty offense for which a fine of $250 shall be imposed for a first violation, and a fine of $500 shall be imposed for a second or subsequent violation.

(ii) For a second or subsequent violation, the Secretary of State may suspend the registration of the motor vehicle for a period of at least 6 months.

(Source: P.A. 92-98, eff. 7-20-01; 92-245, eff. 8-3-01; revised 10-18-01.)

(625 ILCS 5/12-215) (from Ch. 95 1/2, par. 12-215)
Sec. 12-215. Oscillating, rotating or flashing lights on motor vehicles. Except as otherwise provided in this Code:

(a) The use of red or white oscillating, rotating or flashing lights, whether lighted or unlighted, is prohibited except on:

1. Law enforcement vehicles of State, Federal or local authorities;
2. A vehicle operated by a police officer or county coroner and designated or authorized by local authorities, in writing, as a law enforcement vehicle; however, such designation or authorization must be carried in the vehicle;
3. Vehicles of local fire departments and State or federal firefighting vehicles;
4. Vehicles which are designed and used exclusively as ambulances or rescue vehicles; furthermore, such lights shall not be lighted except when responding to an emergency call for and while actually conveying the sick or injured;
5. Tow trucks licensed in a state that requires such lights; furthermore, such lights shall not be lighted on any such tow truck while the tow truck is operating in the State of Illinois; and

(b) The use of amber oscillating, rotating or flashing lights, whether lighted or unlighted, is prohibited except on:

1. Second division vehicles designed and used for towing or hoisting vehicles; furthermore, such lights shall not be lighted except as required in this paragraph 1; such lights shall be lighted when such vehicles are actually being used at the scene of an accident or disablement; if the towing vehicle is equipped with a flat bed that supports all wheels of the vehicle being transported, the lights shall not be lighted while the vehicle is engaged in towing on a highway; if the towing vehicle is not equipped with a flat bed that supports all wheels of a vehicle being transported, the lights shall be lighted while the towing vehicle is engaged in towing on a highway during all times when the use of headlights is required under Section 12-201 of this Code;

2. Motor vehicles or equipment of the State of Illinois, local authorities and
contractors; furthermore, such lights shall not be lighted except while such vehicles are engaged in maintenance or construction operations within the limits of construction projects;

3. Vehicles or equipment used by engineering or survey crews; furthermore, such lights shall not be lighted except while such vehicles are actually engaged in work on a highway;

4. Vehicles of public utilities, municipalities, or other construction, maintenance or automotive service vehicles except that such lights shall be lighted only as a means for indicating the presence of a vehicular traffic hazard requiring unusual care in approaching, overtaking or passing while such vehicles are engaged in maintenance, service or construction on a highway;

5. Oversized vehicle or load; however, such lights shall only be lighted when moving under permit issued by the Department under Section 15-301 of this Code;

6. The front and rear of motorized equipment owned and operated by the State of Illinois or any political subdivision thereof, which is designed and used for removal of snow and ice from highways;

7. Fleet safety vehicles registered in another state, furthermore, such lights shall not be lighted except as provided for in Section 12-212 of this Code;

8. Such other vehicles as may be authorized by local authorities;

9. Law enforcement vehicles of State or local authorities when used in combination with red oscillating, rotating or flashing lights;

10. Vehicles used for collecting or delivering mail for the United States Postal Service provided that such lights shall not be lighted except when such vehicles are actually being used for such purposes;

11. Any vehicle displaying a slow-moving vehicle emblem as provided in Section 12-205.1;

12. All trucks equipped with self-compactors or roll-off hoists and roll-on containers for garbage or refuse hauling. Such lights shall not be lighted except when such vehicles are actually being used for such purposes;

13. Vehicles used by a security company, alarm responder, or control agency, if the security company, alarm responder, or control agency is bound by a contract with a federal, State, or local government entity to use the lights; and

14. Security vehicles of the Department of Human Services; however, the lights shall not be lighted except when being used for security related purposes under the direction of the superintendent of the facility where the vehicle is located.

(c) The use of blue oscillating, rotating or flashing lights, whether lighted or unlighted, is prohibited except on:

1. Rescue squad vehicles not owned by a fire department and vehicles owned or fully operated by a:
   voluntary firefighter;
   paid firefighter;
   part-paid firefighter;

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call firefighter;
member of the board of trustees of a fire protection district;
paid or unpaid member of a rescue squad; or
paid or unpaid member of a voluntary ambulance unit.

However, such lights are not to be lighted except when responding to a bona
fide emergency.
2. Police department vehicles in cities having a population of 500,000 or
more inhabitants.
3. Law enforcement vehicles of State or local authorities when used in
combination with red oscillating, rotating or flashing lights.
4. Vehicles of local fire departments and State or federal firefighting vehicles
when used in combination with red oscillating, rotating or flashing lights.
5. Vehicles which are designed and used exclusively as ambulances or rescue
vehicles when used in combination with red oscillating, rotating or flashing lights;
furthermore, such lights shall not be lighted except when responding to an emergency
call.
6. Vehicles that are equipped and used exclusively as organ transport vehicles
when used in combination with red oscillating, rotating, or flashing lights;
furthermore, these lights shall only be lighted when the transportation is declared an
emergency by a member of the transplant team or a representative of the organ
procurement organization.
7. Vehicles of the Illinois Emergency Management Agency and vehicles of
the Department of Nuclear Safety, when used in combination with red oscillating,
rotating, or flashing lights.

(c-1) In addition to the blue oscillating, rotating, or flashing lights permitted under
subsection (c), and notwithstanding subsection (a), a vehicle operated by a voluntary
firefighter may be equipped with flashing white headlights and blue grill lights, which
may be used only in responding to an emergency call.
(d) The use of a combination of amber and white oscillating, rotating or flashing
lights, whether lighted or unlighted, is prohibited, except motor vehicles or equipment of the
State of Illinois, local authorities and contractors may be so equipped; furthermore, such
lights shall not be lighted except while such vehicles are engaged in highway maintenance
or construction operations within the limits of highway construction projects.
(e) All oscillating, rotating or flashing lights referred to in this Section shall be of
sufficient intensity, when illuminated, to be visible at 500 feet in normal sunlight.
(f) Nothing in this Section shall prohibit a manufacturer of oscillating, rotating or
flashing lights or his representative from temporarily mounting such lights on a vehicle for
demonstration purposes only.
(g) Any person violating the provisions of subsections (a), (b), (c) or (d) of this
Section who without lawful authority stops or detains or attempts to stop or detain another
person shall be guilty of a Class 4 felony.
(h) Except as provided in subsection (g) above, any person violating the provisions

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of subsections (a) or (c) of this Section shall be guilty of a Class A misdemeanor.
(Source: P.A. 91-357, eff. 7-29-99; 92-138, eff. 7-24-01; 92-407, eff. 8-17-01; revised 9-12-01)

(625 ILCS 5/18b-105) (from Ch. 95 1/2, par. 18b-105)
Sec. 18b-105. Rules and Regulations.
(a) The Department is authorized to make and adopt reasonable rules and regulations and orders consistent with law necessary to carry out the provisions of this Chapter.
(b) The following parts of Title 49 of the Code of Federal Regulations, as now in effect, are hereby adopted by reference as though they were set out in full:
Part 383 - Commercial Driver’s License Standards, Requirements, and Penalties;
Part 385 - Safety Fitness Procedures;
Part 390 - Federal Motor Carrier Safety Regulations: General;
Part 391 - Qualifications of Drivers;
Part 392 - Driving of Motor Vehicles;
Part 393 - Parts and Accessories Necessary for Safe Operation;
Part 395 - Hours of Service of Drivers, except as provided in Section 18b-106.1; and
Part 396 - Inspection, Repair and Maintenance.
(c) The following parts and Sections of the Federal Motor Carrier Safety Regulations shall not apply to those intrastate carriers, drivers or vehicles subject to subsection (b).
(1) Section 393.93 of Part 393 for those vehicles manufactured before June 30, 1972.
(2) Section 393.86 of Part 393 for those vehicles which are registered as farm trucks under subsection (c) of Section 3-815 of this Illinois Vehicle Code.
(3) (Blank).
(4) (Blank).
(5) Paragraph (b)(1) of Section 391.11 of Part 391.
(6) All of Part 395 for all agricultural movements as defined in Chapter 1, between the period of February 1 through November 30 each year, and all farm to market agricultural transportation as defined in Chapter 1 and for grain hauling operations within a radius of 200 air miles of the normal work reporting location.
(7) Paragraphs (b)(3) (insulin dependent diabetic) and (b)(10) (minimum visual acuity) of Section 391.41 of part 391, but only for any driver who immediately prior to July 29, 1986 was eligible and licensed to operate a motor vehicle subject to this Section and was engaged in operating such vehicles, and who was disqualified on July 29, 1986 by the adoption of Part 391 by reason of the application of paragraphs (b)(3) and (b)(10) of Section 391.41 with respect to a physical condition existing at that time unless such driver has a record of accidents which would indicate a lack of ability to operate a motor vehicle in a safe manner.
(d) Intrastate carriers subject to the recording provisions of Section 395.8 of Part 395 of the Federal Motor Carrier Safety Regulations shall be exempt as established under paragraph (1) of Section 395.8; provided, however, for the purpose of this Code, drivers shall operate within a 150 air-mile radius of the normal work reporting location to qualify for

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exempt status.

(e) Regulations adopted by the Department subsequent to those adopted under subsection (b) hereof shall be identical in substance to the Federal Motor Carrier Safety Regulations of the United States Department of Transportation and adopted in accordance with the procedures for rulemaking in Section 5-35 of the Illinois Administrative Procedure Act.

(Source: P.A. 91-179, eff. 1-1-00; 92-108; eff. 1-1-02; 92-249; eff. 1-1-02; revised 1-28-02.)

(625 ILCS 5/18c-2108) (from Ch. 95 1/2, par. 18c-2108)

Sec. 18c-2108. Orders in other than household goods carriers authority and enforcement proceedings.

(1) Emergency Orders. The Commission may, on request, and upon a finding that urgent and immediate public need requires emergency temporary action, issue orders granting emergency temporary relief in other than household goods carrier authority or enforcement cases. The Commission shall promptly post notice of any such request at a prominent location at the Commission offices in Springfield and Chicago, and where action affecting a specific named person is requested shall promptly notify the person by telephone or telegram. Such orders may be issued without hearing and shall remain in effect pending notice and hearing in accordance with subsection (1) of Section 18c-2101 of this Chapter, but shall not remain in effect for a period exceeding 45 days from issuance, and shall not be renewed or extended. Any person in opposition to such relief shall be entitled, on request, to an oral hearing on the request for emergency temporary relief. The filing or granting of such request for oral hearing shall not, unless the Commission so provides, stay the issuance or effect of any emergency temporary order under this subsection.

(2) Interim Orders. The Commission may, on request, issue interim orders making temporary disposition of issues in a proceeding, other than a household goods carrier authority or enforcement proceeding, after notice and hearing on written submissions. Such orders shall remain in effect pending final disposition in accordance with Section 18c-2102 of this Chapter unless otherwise provided in the interim order or the interim order is modified or rescinded by the Commission. Any person in opposition to such relief shall be entitled, on request, to an oral hearing on the request for temporary relief. The filing or granting of such a request for oral hearing shall not, unless the Commission so provides, stay the issuance or effect of any interim order under this subsection. A request for oral hearing on a request for temporary relief shall, unless otherwise specified by the party making the request for oral hearing, be construed as a request for oral hearing on the application for permanent relief as well.

(3) Final orders. Any party to a proceeding before the Commission shall be entitled, on timely written request, to an oral hearing prior to issuance of a final order in the proceeding. Where the Commission has issued an interim order and no timely request for oral hearing has been filed or is pending, the Commission may issue a final order without oral hearing, except in household goods carrier authority proceedings.

(4) Section not applicable to household goods carrier authority proceedings. Nothing in this Section shall have application to any household goods carrier authority proceeding.

New matter indicated by italics - deletions by strikeout.
Section 78. The Boat Registration and Safety Act is amended by changing Section 5-7 as follows:

(625 ILCS 45/5-7) (from Ch. 95 1/2, par. 315-7)
Sec. 5-7. Restricted areas. No person shall operate a watercraft within a water area that has been clearly marked by buoys or some other distinguishing device as a bathing, fishing, swimming or otherwise restricted area by the Department or a political subdivision of the State or by an owner or lessee of property in accordance with his or her rights to the use of the property, except in the manner prescribed by the buoys or other distinguishing devices. This Section shall not apply in the case of an emergency, or to patrol or rescue craft.

No person shall operate a watercraft within 150 feet of a public launching ramp owned, operated or maintained by the Department or a political subdivision of the State at greater than a "No Wake" speed as defined in Section 5-12 of this Act. Posting of the areas by the Department or a political subdivision of the State is not required.

The Department and other political subdivisions of the State may, within their discretion and after issuing an administrative rule in accordance with the Illinois Administrative Procedure Act, designate certain areas by proper signs to be bathing, fishing, swimming or otherwise restricted areas, or eliminate, alter or otherwise modify existing areas. The Department or a political subdivision of the State shall further have the authority in order to fully carry out the provisions of this Act to place signs, beacons and buoys in designated areas controlling the flow of traffic.

It shall be unlawful for any person to deface, move, obliterate, tear down, or destroy, in whole or in part, or attempt to deface, move, obliterate, tear down or destroy any buoys or signs posted pursuant to the provisions of this Act, except as authorized by the Department.

(Source: P.A. 87-803; revised 12-04-01.)

Section 79. The Clerks of Courts Act is amended by changing Section 27.6 as follows:

(705 ILCS 105/27.6)
Sec. 27.6. (a) All fees, fines, costs, additional penalties, bail balances assessed or forfeited, and any other amount paid by a person to the circuit clerk equaling an amount of $55 or more, except the additional fee required by subsections (b) and (c), restitution under Section 5-5-6 of the Unified Code of Corrections, reimbursement for the costs of an emergency response as provided under Section 5-5-3 of the Unified Code of Corrections, any fees collected for attending a traffic safety program under paragraph (c) of Supreme Court Rule 529, any fee collected on behalf of a State's Attorney under Section 4-2002 of the Counties Code or a sheriff under Section 4-5001 of the Counties Code, or any cost imposed under Section 124A-5 of the Code of Criminal Procedure of 1963, for convictions, orders of supervision, or any other disposition for a violation of Chapters 3, 4, 6, 11, and 12 of the Illinois Vehicle Code, or a similar provision of a local ordinance, and any violation of the Child Passenger Protection Act, or a similar provision of a local ordinance, and except as provided in subsection (d) shall be disbursed within 60 days after receipt by the circuit clerk.

New matter indicated by italics - deletions by strikeout.
as follows: 44.5% shall be disbursed to the entity authorized by law to receive the fine imposed in the case; 16.825% shall be disbursed to the State Treasurer; and 38.675% shall be disbursed to the county's general corporate fund. Of the 16.825% disbursed to the State Treasurer, 2/17 shall be deposited by the State Treasurer into the Violent Crime Victims Assistance Fund, 5.052/17 shall be deposited into the Traffic and Criminal Conviction Surcharge Fund, 3/17 shall be deposited into the Traffic Fund, and 6.948/17 shall be deposited into the Trauma Center Fund. Of the 6.948/17 deposited into the Trauma Center Fund from the 16.825% disbursed to the State Treasurer, 50% shall be disbursed to the Department of Public Health and 50% shall be disbursed to the Department of Public Aid. For fiscal year 1993, amounts deposited into the Violent Crime Victims Assistance Fund, the Traffic and Criminal Conviction Surcharge Fund, or the Drivers Education Fund shall not exceed 110% of the amounts deposited into those funds in fiscal year 1991. Any amount that exceeds the 110% limit shall be distributed as follows: 50% shall be disbursed to the county's general corporate fund and 50% shall be disbursed to the entity authorized by law to receive the fine imposed in the case. Not later than March 1 of each year the circuit clerk shall submit a report of the amount of funds remitted to the State Treasurer under this Section during the preceding year based upon independent verification of fines and fees. All counties shall be subject to this Section, except that counties with a population under 2,000,000 may, by ordinance, elect not to be subject to this Section. For offenses subject to this Section, judges shall impose one total sum of money payable for violations. The circuit clerk may add on no additional amounts except for amounts that are required by Sections 27.3a and 27.3c of this Act, unless those amounts are specifically waived by the judge. With respect to money collected by the circuit clerk as a result of forfeiture of bail, ex parte judgment or guilty plea pursuant to Supreme Court Rule 529, the circuit clerk shall first deduct and pay amounts required by Sections 27.3a and 27.3c of this Act. This Section is a denial and limitation of home rule powers and functions under subsection (h) of Section 6 of Article VII of the Illinois Constitution.

(b) In addition to any other fines and court costs assessed by the courts, any person convicted or receiving an order of supervision for driving under the influence of alcohol or drugs shall pay an additional fee of $100 to the clerk of the circuit court. This amount, less 2 1/2% that shall be used to defray administrative costs incurred by the clerk, shall be remitted by the clerk to the Treasurer within 60 days after receipt for deposit into the Trauma Center Fund. This additional fee of $100 shall not be considered a part of the fine for purposes of any reduction in the fine for time served either before or after sentencing. Not later than March 1 of each year the Circuit Clerk shall submit a report of the amount of funds remitted to the State Treasurer under this subsection during the preceding calendar year.

(b-1) In addition to any other fines and court costs assessed by the courts, any person convicted or receiving an order of supervision for driving under the influence of alcohol or drugs shall pay an additional fee of $5 to the clerk of the circuit court. This amount, less 2 1/2% that shall be used to defray administrative costs incurred by the clerk, shall be remitted by the clerk to the Treasurer within 60 days after receipt for deposit into the Spinal Cord Injury Paralysis Cure Research Trust Fund. This additional fee of $5 shall not be considered

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a part of the fine for purposes of any reduction in the fine for time served either before or after sentencing. Not later than March 1 of each year the Circuit Clerk shall submit a report of the amount of funds remitted to the State Treasurer under this subsection during the preceding calendar year.

(c) In addition to any other fines and court costs assessed by the courts, any person convicted for a violation of Sections 24-1.1, 24-1.2, or 24-1.5 of the Criminal Code of 1961 or a person sentenced for a violation of the Cannabis Control Act or the Controlled Substance Act shall pay an additional fee of $100 to the clerk of the circuit court. This amount, less 2 1/2% that shall be used to defray administrative costs incurred by the clerk, shall be remitted by the clerk to the Treasurer within 60 days after receipt for deposit into the Trauma Center Fund. This additional fee of $100 shall not be considered a part of the fine for purposes of any reduction in the fine for time served either before or after sentencing. Not later than March 1 of each year the Circuit Clerk shall submit a report of the amount of funds remitted to the State Treasurer under this subsection during the preceding calendar year.

(c-1) In addition to any other fines and court costs assessed by the courts, any person sentenced for a violation of the Cannabis Control Act or the Illinois Controlled Substances Act shall pay an additional fee of $5 to the clerk of the circuit court. This amount, less 2 1/2% that shall be used to defray administrative costs incurred by the clerk, shall be remitted by the clerk to the Treasurer within 60 days after receipt for deposit into the Spinal Cord Injury Paralysis Cure Research Trust Fund. This additional fee of $5 shall not be considered a part of the fine for purposes of any reduction in the fine for time served either before or after sentencing. Not later than March 1 of each year the Circuit Clerk shall submit a report of the amount of funds remitted to the State Treasurer under this subsection during the preceding calendar year.

(d) The following amounts must be remitted to the State Treasurer for deposit into the Illinois Animal Abuse Fund:

(1) 50% of amounts collected for Class 4 felonies under subsection (a), paragraph (4) of subsection (b), and paragraphs (6), (7), (8.5), and (9) of subsection (c) of Section 16 of the Humane Care for Animals Act and Class 3 felonies under paragraph (5) of subsection (c) of Section 16 of that Act.

(2) 20% of amounts collected for Class A misdemeanors under subsection (a), paragraph (4) of subsection (b), and paragraphs (6) and (7) of subsection (c) of Section 16 of the Humane Care for Animals Act and Class B misdemeanors under paragraph (9) of subsection (c) of Section 16 of that Act.

(3) 20% of amounts collected for Class B misdemeanors under subsection (d) of Section 16 of the Humane Care for Animals Act.

(4) 50% of amounts collected for Class C misdemeanors under subsection (d) of Section 16 of the Humane Care for Animals Act.

(Source: P.A. 92-431, eff. 1-1-02; 92-454, eff. 1-1-02; revised 10-11-01.)

Section 80. The Juvenile Court Act of 1987 is amended by changing Sections 5-615 and 5-715 as follows:

(705 ILCS 405/5-615)

New matter indicated by italics - deletions by strikeout.
Sec. 5-615. Continuance under supervision.

(1) The court may enter an order of continuance under supervision for an offense other than first degree murder, a Class X felony or a forcible felony (a) upon an admission or stipulation by the appropriate respondent or minor respondent of the facts supporting the petition and before proceeding to adjudication, or after hearing the evidence at the trial, and (b) in the absence of objection made in open court by the minor, his or her parent, guardian, or legal custodian, the minor's attorney or the State's Attorney.

(2) If the minor, his or her parent, guardian, or legal custodian, the minor's attorney or State's Attorney objects in open court to any continuance and insists upon proceeding to findings and adjudication, the court shall so proceed.

(3) Nothing in this Section limits the power of the court to order a continuance of the hearing for the production of additional evidence or for any other proper reason.

(4) When a hearing where a minor is alleged to be a delinquent is continued pursuant to this Section, the period of continuance under supervision may not exceed 24 months. The court may terminate a continuance under supervision at any time if warranted by the conduct of the minor and the ends of justice.

(5) When a hearing where a minor is alleged to be delinquent is continued pursuant to this Section, the court may, as conditions of the continuance under supervision, require the minor to do any of the following:

(a) not violate any criminal statute of any jurisdiction;
(b) make a report to and appear in person before any person or agency as directed by the court;
(c) work or pursue a course of study or vocational training;
(d) undergo medical or psychotherapeutic treatment rendered by a therapist licensed under the provisions of the Medical Practice Act of 1987, the Clinical Psychologist Licensing Act, or the Clinical Social Work and Social Work Practice Act, or an entity licensed by the Department of Human Services as a successor to the Department of Alcoholism and Substance Abuse, for the provision of drug addiction and alcoholism treatment;
(e) attend or reside in a facility established for the instruction or residence of persons on probation;
(f) support his or her dependents, if any;
(g) pay costs;
(h) refrain from possessing a firearm or other dangerous weapon, or an automobile;
(i) permit the probation officer to visit him or her at his or her home or elsewhere;
(j) reside with his or her parents or in a foster home;
(k) attend school;
(k-5) with the consent of the superintendent of the facility, attend an educational program at a facility other than the school in which the offense was committed if he or she committed a crime of violence as defined in Section 2 of the
Crime Victims Compensation Act in a school, on the real property comprising a school, or within 1,000 feet of the real property comprising a school;

(l) attend a non-residential program for youth;
(m) contribute to his or her own support at home or in a foster home;
(n) perform some reasonable public or community service;
(o) make restitution to the victim, in the same manner and under the same conditions as provided in subsection (4) of Section 5-710, except that the "sentencing hearing" referred to in that Section shall be the adjudicatory hearing for purposes of this Section;
(p) comply with curfew requirements as designated by the court;
(q) refrain from entering into a designated geographic area except upon terms as the court finds appropriate. The terms may include consideration of the purpose of the entry, the time of day, other persons accompanying the minor, and advance approval by a probation officer;
(r) refrain from having any contact, directly or indirectly, with certain specified persons or particular types of persons, including but not limited to members of street gangs and drug users or dealers;
(r-5) undergo a medical or other procedure to have a tattoo symbolizing allegiance to a street gang removed from his or her body;
(s) refrain from having in his or her body the presence of any illicit drug prohibited by the Cannabis Control Act or the Illinois Controlled Substances Act, unless prescribed by a physician, and submit samples of his or her blood or urine or both for tests to determine the presence of any illicit drug; or
(t) comply with any other conditions as may be ordered by the court.

(6) A minor whose case is continued under supervision under subsection (5) shall be given a certificate setting forth the conditions imposed by the court. Those conditions may be reduced, enlarged, or modified by the court on motion of the probation officer or on its own motion, or that of the State's Attorney, or, at the request of the minor after notice and hearing.

(7) If a petition is filed charging a violation of a condition of the continuance under supervision, the court shall conduct a hearing. If the court finds that a condition of supervision has not been fulfilled, the court may proceed to findings and adjudication and disposition. The filing of a petition for violation of a condition of the continuance under supervision shall toll the period of continuance under supervision until the final determination of the charge, and the term of the continuance under supervision shall not run until the hearing and disposition of the petition for violation; provided where the petition alleges conduct that does not constitute a criminal offense, the hearing must be held within 30 days of the filing of the petition unless a delay shall continue the tolling of the period of continuance under supervision for the period of the delay.

(8) When a hearing in which a minor is alleged to be a delinquent for reasons that include a violation of Section 21-1.3 of the Criminal Code of 1961 is continued under this Section, the court shall, as a condition of the continuance under supervision, require the

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minor to perform community service for not less than 30 and not more than 120 hours, if community service is available in the jurisdiction. The community service shall include, but need not be limited to, the cleanup and repair of the damage that was caused by the alleged violation or similar damage to property located in the municipality or county in which the alleged violation occurred. The condition may be in addition to any other condition.

(8.5) When a hearing in which a minor is alleged to be a delinquent for reasons that include a violation of Section 3.02 or Section 3.03 of the Humane Care for Animals Act or paragraph (d) of subsection (1) of Section 21-1 of the Criminal Code of 1961 is continued under this Section, the court shall, as a condition of the continuance under supervision, require the minor to undergo medical or psychiatric treatment rendered by a psychiatrist or psychological treatment rendered by a clinical psychologist. The condition may be in addition to any other condition.

(9) When a hearing in which a minor is alleged to be a delinquent is continued under this Section, the court, before continuing the case, shall make a finding whether the offense alleged to have been committed either: (i) was related to or in furtherance of the activities of an organized gang or was motivated by the minor's membership in or allegiance to an organized gang, or (ii) is a violation of paragraph (13) of subsection (a) of Section 12-2 of the Criminal Code of 1961, a violation of any Section of Article 24 of the Criminal Code of 1961, or a violation of any statute that involved the unlawful use of a firearm. If the court determines the question in the affirmative the court shall, as a condition of the continuance under supervision and as part of or in addition to any other condition of the supervision, require the minor to perform community service for not less than 30 hours, provided that community service is available in the jurisdiction and is funded and approved by the county board of the county where the offense was committed. The community service shall include, but need not be limited to, the cleanup and repair of any damage caused by an alleged violation of Section 21-1.3 of the Criminal Code of 1961 and similar damage to property located in the municipality or county in which the alleged violation occurred. When possible and reasonable, the community service shall be performed in the minor's neighborhood. For the purposes of this Section, "organized gang" has the meaning ascribed to it in Section 10 of the Illinois Streetgang Terrorism Omnibus Prevention Act.

(10) The court shall impose upon a minor placed on supervision, as a condition of the supervision, a fee of $25 for each month of supervision ordered by the court, unless after determining the inability of the minor placed on supervision to pay the fee, the court assesses a lesser amount. The court may not impose the fee on a minor who is made a ward of the State under this Act while the minor is in placement. The fee shall be imposed only upon a minor who is actively supervised by the probation and court services department. A court may order the parent, guardian, or legal custodian of the minor to pay some or all of the fee on the minor's behalf.

(Source: P.A. 91-98; eff. 1-1-00; 91-332, eff. 7-29-99; 92-16, eff. 6-28-01; 92-282, eff. 8-7-01; 92-454, eff. 1-1-02; revised 10-11-01.)

(705 ILCS 405/5-715)
Sec. 5-715. Probation.

New matter indicated by italics - deletions by strikeout.
(1) The period of probation or conditional discharge shall not exceed 5 years or until the minor has attained the age of 21 years, whichever is less, except as provided in this Section for a minor who is found to be guilty for an offense which is first degree murder, a Class X felony or a forcible felony. The juvenile court may terminate probation or conditional discharge and discharge the minor at any time if warranted by the conduct of the minor and the ends of justice; provided, however, that the period of probation for a minor who is found to be guilty for an offense which is first degree murder, a Class X felony, or a forcible felony shall be at least 5 years.

(2) The court may as a condition of probation or of conditional discharge require that the minor:

(a) not violate any criminal statute of any jurisdiction;
(b) make a report to and appear in person before any person or agency as directed by the court;
(c) work or pursue a course of study or vocational training;
(d) undergo medical or psychiatric treatment, rendered by a psychiatrist or psychological treatment rendered by a clinical psychologist or social work services rendered by a clinical social worker, or treatment for drug addiction or alcoholism;
(e) attend or reside in a facility established for the instruction or residence of persons on probation;
(f) support his or her dependents, if any;
(g) refrain from possessing a firearm or other dangerous weapon, or an automobile;
(h) permit the probation officer to visit him or her at his or her home or elsewhere;
(i) reside with his or her parents or in a foster home;
(j) attend school;
(j-5) with the consent of the superintendent of the facility, attend an educational program at a facility other than the school in which the offense was committed if he or she committed a crime of violence as defined in Section 2 of the Crime Victims Compensation Act in a school, on the real property comprising a school, or within 1,000 feet of the real property comprising a school;
(k) attend a non-residential program for youth;
(l) make restitution under the terms of subsection (4) of Section 5-710;
(m) contribute to his or her own support at home or in a foster home;
(n) perform some reasonable public or community service;
(o) participate with community corrections programs including unified delinquency intervention services administered by the Department of Human Services subject to Section 5 of the Children and Family Services Act;
(p) pay costs;
(q) serve a term of home confinement. In addition to any other applicable condition of probation or conditional discharge, the conditions of home confinement shall be that the minor:

New matter indicated by italics - deletions by strikeout.
(i) remain within the interior premises of the place designated for his or her confinement during the hours designated by the court;

(ii) admit any person or agent designated by the court into the minor's place of confinement at any time for purposes of verifying the minor's compliance with the conditions of his or her confinement; and

(iii) use an approved electronic monitoring device if ordered by the court subject to Article 8A of Chapter V of the Unified Code of Corrections;

(r) refrain from entering into a designated geographic area except upon terms as the court finds appropriate. The terms may include consideration of the purpose of the entry, the time of day, other persons accompanying the minor, and advance approval by a probation officer, if the minor has been placed on probation, or advance approval by the court, if the minor has been placed on conditional discharge;

(s) refrain from having any contact, directly or indirectly, with certain specified persons or particular types of persons, including but not limited to members of street gangs and drug users or dealers;

(s-5) undergo a medical or other procedure to have a tattoo symbolizing allegiance to a street gang removed from his or her body;

(t) refrain from having in his or her body the presence of any illicit drug prohibited by the Cannabis Control Act or the Illinois Controlled Substances Act, unless prescribed by a physician, and shall submit samples of his or her blood or urine or both for tests to determine the presence of any illicit drug; or

(u) comply with other conditions as may be ordered by the court.

(3) The court may as a condition of probation or of conditional discharge require that a minor found guilty on any alcohol, cannabis, or controlled substance violation, refrain from acquiring a driver's license during the period of probation or conditional discharge. If the minor is in possession of a permit or license, the court may require that the minor refrain from driving or operating any motor vehicle during the period of probation or conditional discharge, except as may be necessary in the course of the minor's lawful employment.

(3.5) The court shall, as a condition of probation or of conditional discharge, require that a minor found to be guilty and placed on probation for reasons that include a violation of Section 3.02 or Section 3.03 of the Humane Care for Animals Act or paragraph (d) of subsection (1) of Section 21-1 of the Criminal Code of 1961 undergo medical or psychiatric treatment rendered by a psychiatrist or psychological treatment rendered by a clinical psychologist. The condition may be in addition to any other condition.

(4) A minor on probation or conditional discharge shall be given a certificate setting forth the conditions upon which he or she is being released.

(5) The court shall impose upon a minor placed on probation or conditional discharge, as a condition of the probation or conditional discharge, a fee of $25 for each month of probation or conditional discharge supervision ordered by the court, unless after determining the inability of the minor placed on probation or conditional discharge to pay the fee, the court assesses a lesser amount. The court may not impose the fee on a minor who is made a ward of the State under this Act while the minor is in placement. The fee shall be
imposed only upon a minor who is actively supervised by the probation and court services department. The court may order the parent, guardian, or legal custodian of the minor to pay some or all of the fee on the minor's behalf.

(6) The General Assembly finds that in order to protect the public, the juvenile justice system must compel compliance with the conditions of probation by responding to violations with swift, certain, and fair punishments and intermediate sanctions. The Chief Judge of each circuit shall adopt a system of structured, intermediate sanctions for violations of the terms and conditions of a sentence of supervision, probation or conditional discharge, under this Act.

The court shall provide as a condition of a disposition of probation, conditional discharge, or supervision, that the probation agency may invoke any sanction from the list of intermediate sanctions adopted by the chief judge of the circuit court for violations of the terms and conditions of the sentence of probation, conditional discharge, or supervision, subject to the provisions of Section 5-720 of this Act.

(Source: P.A. 91-98, eff. 1-1-00; 92-282, eff. 8-7-01; 92-454, eff. 1-1-02; revised 10-11-01.)

Section 81. The Criminal Code of 1961 is amended by changing Section 12-21.6 and the heading to Article 16G as follows:

(720 ILCS 5/12-21.6)
(Text of Section before amendment by P.A. 92-515)
Sec. 12-21.6. Endangering the life or health of a child.
(a) It is unlawful for any person to willfully cause or permit the life or health of a child under the age of 18 to be endangered or to willfully cause or permit a child to be placed in circumstances that endanger the child's life or health, except that it is not unlawful for a person to relinquish a child in accordance with the Abandoned Newborn Infant Protection Act.
(b) There is a rebuttable presumption that a person committed the offense if he or she left a child 6 years of age or younger unattended in a motor vehicle for more than 10 minutes.
(c) "Unattended" means either: (i) not accompanied by a person 14 years of age or older; or (ii) if accompanied by a person 14 years of age or older, out of sight of that person.
(d) A violation of this Section is a Class A misdemeanor. A second or subsequent violation of this Section is a Class 3 felony. A violation of this Section that is a proximate cause of the death of the child is a Class 3 felony for which a person, if sentenced to a term of imprisonment, shall be sentenced to a term of not less than 2 years and not more than 10 years.

(Source: P.A. 92-408, eff. 8-17-01; 92-432, eff. 8-17-01; 92-515, eff. 6-1-02; revised 1-7-02.)

ARTICLE 16G.

FINANCIAL IDENTITY THEFT AND ASSET FORFEITURE LAW

Section 82. The Code of Criminal Procedure of 1963 is amended by changing Section 110-10 as follows:

Sec. 110-10. Conditions of bail bond.

(a) If a person is released prior to conviction, either upon payment of bail security or on his or her own recognizance, the conditions of the bail bond shall be that he or she will:

(1) Appear to answer the charge in the court having jurisdiction on a day certain and thereafter as ordered by the court until discharged or final order of the court;

(2) Submit himself or herself to the orders and process of the court;

(3) Not depart this State without leave of the court;

(4) Not violate any criminal statute of any jurisdiction;

(5) At a time and place designated by the court, surrender all firearms in his or her possession to a law enforcement officer designated by the court to take custody of and impound the firearms and physically surrender his or her Firearm Owner’s Identification Card to the clerk of the circuit court when the offense the person has been charged with is a forcible felony, stalking, aggravated stalking, domestic battery, any violation of either the Illinois Controlled Substances Act or the Cannabis Control Act that is classified as a Class 2 or greater felony, or any felony violation of Article 24 of the Criminal Code of 1961; the court may, however, forgo the imposition of this condition when the circumstances of the case clearly do not warrant it or when its imposition would be impractical; all legally possessed firearms shall be returned to the person upon that person completing a sentence for a conviction on a misdemeanor domestic battery, upon the charges being dismissed, or if the person is found not guilty, unless the finding of not guilty is by reason of insanity; and

(6) At a time and place designated by the court, submit to a psychological evaluation when the person has been charged with a violation of item (4) of subsection (a) of Section 24-1 of the Criminal Code of 1961 and that violation occurred in a school or in any conveyance owned, leased, or contracted by a school to transport students to or from school or a school-related activity, or on any public way within 1,000 feet of real property comprising any school.

Psychological evaluations ordered pursuant to this Section shall be completed

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promptly and made available to the State, the defendant, and the court. As a further condition of bail under these circumstances, the court shall order the defendant to refrain from entering upon the property of the school, including any conveyance owned, leased, or contracted by a school to transport students to or from school or a school-related activity, or on any public way within 1,000 feet of real property comprising any school. Upon receipt of the psychological evaluation, either the State or the defendant may request a change in the conditions of bail, pursuant to Section 110-6 of this Code. The court may change the conditions of bail to include a requirement that the defendant follow the recommendations of the psychological evaluation, including undergoing psychiatric treatment. The conclusions of the psychological evaluation and any statements elicited from the defendant during its administration are not admissible as evidence of guilt during the course of any trial on the charged offense, unless the defendant places his or her mental competency in issue.

(b) The court may impose other conditions, such as the following, if the court finds that such conditions are reasonably necessary to assure the defendant's appearance in court, protect the public from the defendant, or prevent the defendant's unlawful interference with the orderly administration of justice:

1. Report to or appear in person before such person or agency as the court may direct;
2. Refrain from possessing a firearm or other dangerous weapon;
3. Refrain from approaching or communicating with particular persons or classes of persons;
4. Refrain from going to certain described geographical areas or premises;
5. Refrain from engaging in certain activities or indulging in intoxicating liquors or in certain drugs;
6. Undergo treatment for drug addiction or alcoholism;
7. Undergo medical or psychiatric treatment;
8. Work or pursue a course of study or vocational training;
9. Attend or reside in a facility designated by the court;
10. Support his or her dependents;
11. If a minor resides with his or her parents or in a foster home, attend school, attend a non-residential program for youths, and contribute to his or her own support at home or in a foster home;
12. Observe any curfew ordered by the court;
13. Remain in the custody of such designated person or organization agreeing to supervise his release. Such third party custodian shall be responsible for notifying the court if the defendant fails to observe the conditions of release which the custodian has agreed to monitor, and shall be subject to contempt of court for failure so to notify the court;
14. Be placed under direct supervision of the Pretrial Services Agency, Probation Department or Court Services Department in a pretrial bond home supervision capacity with or without the use of an approved electronic monitoring device subject to Article 8A of Chapter V of the Unified Code of Corrections;

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(14.1) The court shall impose upon a defendant who is charged with any alcohol, cannabis or controlled substance violation and is placed under direct supervision of the Pretrial Services Agency, Probation Department or Court Services Department in a pretrial bond home supervision capacity with the use of an approved monitoring device, as a condition of such bail bond, a fee that represents costs incidental to the electronic monitoring for each day of such bail supervision ordered by the court, unless after determining the inability of the defendant to pay the fee, the court assesses a lesser fee or no fee as the case may be. The fee shall be collected by the clerk of the circuit court. The clerk of the circuit court shall pay all monies collected from this fee to the county treasurer for deposit in the substance abuse services fund under Section 5-1086.1 of the Counties Code;

(14.2) The court shall impose upon all defendants, including those defendants subject to paragraph (14.1) above, placed under direct supervision of the Pretrial Services Agency, Probation Department or Court Services Department in a pretrial bond home supervision capacity with the use of an approved monitoring device, as a condition of such bail bond, a fee which shall represent costs incidental to such electronic monitoring for each day of such bail supervision ordered by the court, unless after determining the inability of the defendant to pay the fee, the court assesses a lesser fee or no fee as the case may be. The fee shall be collected by the clerk of the circuit court. The clerk of the circuit court shall pay all monies collected from this fee to the county treasurer who shall use the monies collected to defray the costs of corrections. The county treasurer shall deposit the fee collected in the county working cash fund under Section 6-27001 or Section 6-29002 of the Counties Code, as the case may be;

(14.3) The Chief Judge of the Judicial Circuit may establish reasonable fees to be paid by a person receiving pretrial services while under supervision of a pretrial services agency, probation department, or court services department. Reasonable fees may be charged for pretrial services including, but not limited to, pretrial supervision, diversion programs, electronic monitoring, victim impact services, drug and alcohol testing, and victim mediation services. The person receiving pretrial services may be ordered to pay all costs incidental to pretrial services in accordance with his or her ability to pay those costs;

(15) Comply with the terms and conditions of an order of protection issued by the court under the Illinois Domestic Violence Act of 1986 or an order of protection issued by the court of another state, tribe, or United States territory;

(16) Under Section 110-6.5 comply with the conditions of the drug testing program; and

(17) Such other reasonable conditions as the court may impose.

(c) When a person is charged with an offense under Section 12-13, 12-14, 12-14.1, 12-15 or 12-16 of the "Criminal Code of 1961", involving a victim who is a minor under 18 years of age living in the same household with the defendant at the time of the offense, in granting bail or releasing the defendant on his own recognizance, the judge shall impose

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conditions to restrict the defendant's access to the victim which may include, but are not limited to conditions that he will:

1. Vacate the Household.
2. Make payment of temporary support to his dependents.
3. Refrain from contact or communication with the child victim, except as ordered by the court.

(d) When a person is charged with a criminal offense and the victim is a family or household member as defined in Article 112A, conditions shall be imposed at the time of the defendant's release on bond that restrict the defendant's access to the victim. Unless provided otherwise by the court, the restrictions shall include requirements that the defendant do the following:

1. refrain from contact or communication with the victim for a minimum period of 72 hours following the defendant's release; and
2. refrain from entering or remaining at the victim's residence for a minimum period of 72 hours following the defendant's release.

(e) Local law enforcement agencies shall develop standardized bond forms for use in cases involving family or household members as defined in Article 112A, including specific conditions of bond as provided in subsection (d). Failure of any law enforcement department to develop or use those forms shall in no way limit the applicability and enforcement of subsections (d) and (f).

(f) If the defendant is admitted to bail after conviction the conditions of the bail bond shall be that he will, in addition to the conditions set forth in subsections (a) and (b) hereof:

1. Duly prosecute his appeal;
2. Appear at such time and place as the court may direct;
3. Not depart this State without leave of the court;
4. Comply with such other reasonable conditions as the court may impose; and
5. If the judgment is affirmed or the cause reversed and remanded for a new trial, forthwith surrender to the officer from whose custody he was bailed.

(g) Upon a finding of guilty for any felony offense, the defendant shall physically surrender, at a time and place designated by the court, any and all firearms in his or her possession and his or her Firearm Owner's Identification Card as a condition of remaining on bond pending sentencing.

(Source: P.A. 91-11, eff. 6-4-99; 91-312, eff. 1-1-00; 91-696, eff. 4-13-00; 91-903, eff. 1-1-01; 92-329, eff. 8-9-01; 92-442, eff. 8-17-01; revised 10-11-01.)

Section 83. The Unified Code of Corrections is amended by changing Sections 3-3-4, 5-1-22, 5-5-3, 5-6-3, 5-6-3.1, and 5-8-3 as follows:

(730 ILCS 5/3-3-4) (from Ch. 38, par. 1003-3-4)
Sec. 3-3-4. Preparation for Parole Hearing.

(a) The Prisoner Review Board shall consider the parole of each eligible person committed to the Adult Division at least 30 days prior to the date he shall first become eligible for parole, and shall consider the parole of each person committed to the Juvenile
Division as a delinquent at least 30 days prior to the expiration of the first year of confinement.

(b) A person eligible for parole shall, in advance of his parole hearing, prepare a parole plan in accordance with the rules of the Prisoner Review Board. The person shall be assisted in preparing his parole plan by personnel of the Department and may, for this purpose, be released on furlough under Article 11 or on authorized absence under Section 3-9-4. The Department shall also provide assistance in obtaining information and records helpful to the individual for his parole hearing.

(c) The members of the Board shall have access at all reasonable times to any committed person and to his master record file within the Department, and the Department shall furnish such reports to the Board as the Board may require concerning the conduct and character of any such person.

(d) In making its determination of parole, the Board shall consider:

   (1) material transmitted to the Department by the clerk of the committing court under Section 5-4-1 or Section 5-10 of the Juvenile Court Act or Section 5-750 of the Juvenile Court Act of 1987;
   (2) the report under Section 3-8-2 or 3-10-2;
   (3) a report by the Department and any report by the chief administrative officer of the institution or facility;
   (4) a parole progress report;
   (5) a medical and psychological report, if requested by the Board;
   (6) material in writing, or on film, video tape or other electronic means in the form of a recording submitted by the person whose parole is being considered; and
   (7) material in writing, or on film, video tape or other electronic means in the form of a recording or testimony submitted by the State's Attorney and the victim pursuant to the Bill of Rights of Crime for Victims and Witnesses of Violent Crime Act.

(e) The prosecuting State's Attorney's office shall receive reasonable written notice not less than 15 days prior to the parole hearing and may submit relevant information in writing, or on film, video tape or other electronic means or in the form of a recording to the Board for its consideration. The State's Attorney may waive the written notice.

(f) The victim of the violent crime for which the prisoner has been sentenced shall receive notice of a parole hearing as provided in paragraph (4) of subsection (d) (16) of Section 4.5 of 4 of the Bill of Rights of Crime for Victims and Witnesses of Violent Crime Act.

(g) Any recording considered under the provisions of subsection (d)(6), (d)(7) or (e) of this Section shall be in the form designated by the Board. Such recording shall be both visual and aural. Every voice on the recording and person present shall be identified and the recording shall contain either a visual or aural statement of the person submitting such recording, the date of the recording and the name of the person whose parole eligibility is being considered. Such recordings, if retained by the Board shall be deemed to be submitted at any subsequent parole hearing if the victim or State's Attorney submits in writing a
declaration clearly identifying such recording as representing the present position of the victim or State's Attorney regarding the issues to be considered at the parole hearing.  
(Source: P.A. 90-590, eff. 1-1-99; revised 12-07-01.)

(730 ILCS 5/5-1-22) (from Ch. 38, par. 1005-1-22)
Sec. 5-1-22. Victim. "Victim" shall have the meaning ascribed to the term "crime victim" in subsection (a) of Section 3 of the Bill of Rights of Crime for Victims and Witnesses of Violent Crime Act.
(Source: P.A. 83-1499; revised 12-07-01.)

(730 ILCS 5/5-5-3) (from Ch. 38, par. 1005-5-3)
Sec. 5-5-3. Disposition.
(a) Every person convicted of an offense shall be sentenced as provided in this Section.

(b) The following options shall be appropriate dispositions, alone or in combination, for all felonies and misdemeanors other than those identified in subsection (c) of this Section:

(1) A period of probation.
(2) A term of periodic imprisonment.
(3) A term of conditional discharge.
(4) A term of imprisonment.
(5) An order directing the offender to clean up and repair the damage, if the offender was convicted under paragraph (h) of Section 21-1 of the Criminal Code of 1961.
(6) A fine.
(7) An order directing the offender to make restitution to the victim under Section 5-5-6 of this Code.
(8) A sentence of participation in a county impact incarceration program under Section 5-8-1.2 of this Code.

Whenever an individual is sentenced for an offense based upon an arrest for a violation of Section 11-501 of the Illinois Vehicle Code, or a similar provision of a local ordinance, and the professional evaluation recommends remedial or rehabilitative treatment or education, neither the treatment nor the education shall be the sole disposition and either or both may be imposed only in conjunction with another disposition. The court shall monitor compliance with any remedial education or treatment recommendations contained in the professional evaluation. Programs conducting alcohol or other drug evaluation or remedial education must be licensed by the Department of Human Services. However, if the individual is not a resident of Illinois, the court may accept an alcohol or other drug evaluation or remedial education program in the state of such individual's residence. Programs providing treatment must be licensed under existing applicable alcoholism and drug treatment licensure standards.

In addition to any other fine or penalty required by law, any individual convicted of a violation of Section 11-501 of the Illinois Vehicle Code or a similar provision of local ordinance, whose operation of a motor vehicle while in violation of Section 11-501 or such ordinance proximately caused an incident resulting in an appropriate emergency response,
shall be required to make restitution to a public agency for the costs of that emergency response. Such restitution shall not exceed $500 per public agency for each such emergency response. For the purpose of this paragraph, emergency response shall mean any incident requiring a response by: a police officer as defined under Section 1-162 of the Illinois Vehicle Code; a fireman carried on the rolls of a regularly constituted fire department; and an ambulance as defined under Section 4.05 of the Emergency Medical Services (EMS) Systems Act.

Neither a fine nor restitution shall be the sole disposition for a felony and either or both may be imposed only in conjunction with another disposition.

(c) (1) When a defendant is found guilty of first degree murder the State may either seek a sentence of imprisonment under Section 5-8-1 of this Code, or where appropriate seek a sentence of death under Section 9-1 of the Criminal Code of 1961.

(2) A period of probation, a term of periodic imprisonment or conditional discharge shall not be imposed for the following offenses. The court shall sentence the offender to not less than the minimum term of imprisonment set forth in this Code for the following offenses, and may order a fine or restitution or both in conjunction with such term of imprisonment:

(A) First degree murder where the death penalty is not imposed.

(B) Attempted first degree murder.

(C) A Class X felony.

(D) A violation of Section 401.1 or 407 of the Illinois Controlled Substances Act, or a violation of subdivision (c)(2) of Section 401 of that Act which relates to more than 5 grams of a substance containing cocaine or an analog thereof.

(E) A violation of Section 5.1 or 9 of the Cannabis Control Act.

(F) A Class 2 or greater felony if the offender had been convicted of a Class 2 or greater felony within 10 years of the date on which the offender committed the offense for which he or she is being sentenced, except as otherwise provided in Section 40-10 of the Alcoholism and Other Drug Abuse and Dependency Act.

(G) Residential burglary, except as otherwise provided in Section 40-10 of the Alcoholism and Other Drug Abuse and Dependency Act.

(H) Criminal sexual assault, except as otherwise provided in subsection (e) of this Section.

(I) Aggravated battery of a senior citizen.

(J) A forcible felony if the offense was related to the activities of an organized gang.

Before July 1, 1994, for the purposes of this paragraph, "organized gang" means an association of 5 or more persons, with an established hierarchy, that encourages members of the association to perpetrate crimes or provides support to the members of the association who do commit crimes.

Beginning July 1, 1994, for the purposes of this paragraph, "organized
gang" has the meaning ascribed to it in Section 10 of the Illinois Streetgang
Terrorism Omnibus Prevention Act.

(K) Vehicular hijacking.

(L) A second or subsequent conviction for the offense of hate crime
when the underlying offense upon which the hate crime is based is felony
aggravated assault or felony mob action.

(M) A second or subsequent conviction for the offense of institutional
vandalism if the damage to the property exceeds $300.

(N) A Class 3 felony violation of paragraph (1) of subsection (a) of
Section 2 of the Firearm Owners Identification Card Act.


(P) A violation of paragraph (1), (2), (3), (4), (5), or (7) of subsection
(a) of Section 11-20.1 of the Criminal Code of 1961.

(Q) A violation of Section 20-1.2 of the Criminal Code of 1961.


(S) A violation of Section 11-501(c-1)(3) of the Illinois Vehicle Code.

(3) A minimum term of imprisonment of not less than 5 days or 30 days of
community service as may be determined by the court shall be imposed for a second
violation committed within 5 years of a previous violation of Section 11-501 of the
Illinois Vehicle Code or a similar provision of a local ordinance. In the case of a third
or subsequent violation committed within 5 years of a previous violation of Section
11-501 of the Illinois Vehicle Code or a similar provision of a local ordinance, a
minimum term of either 10 days of imprisonment or 60 days of community service
shall be imposed.

(4) A minimum term of imprisonment of not less than 10 consecutive days
or 30 days of community service shall be imposed for a violation of paragraph (c) of

(4.1) A minimum term of 30 consecutive days of imprisonment, 40 days of
24 hour periodic imprisonment or 720 hours of community service, as may be
determined by the court, shall be imposed for a violation of Section 11-501 of the
Illinois Vehicle Code during a period in which the defendant's driving privileges are
revoked or suspended, where the revocation or suspension was for a violation of
Section 11-501 or Section 11-501.1 of that Code.

(4.2) Except as provided in paragraph (4.3) of this subsection (c), a minimum
of 100 hours of community service shall be imposed for a second violation of Section

(4.3) A minimum term of imprisonment of 30 days or 300 hours of
community service, as determined by the court, shall be imposed for a second
violation of subsection (c) of Section 6-303 of the Illinois Vehicle Code.

(4.4) Except as provided in paragraph (4.5) and paragraph (4.6) of this
subsection (c), a minimum term of imprisonment of 30 days or 300 hours of
community service, as determined by the court, shall be imposed for a third or

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subsequent violation of Section 6-303 of the Illinois Vehicle Code.

(4.5) A minimum term of imprisonment of 30 days shall be imposed for a third violation of subsection (c) of Section 6-303 of the Illinois Vehicle Code.

(4.6) A minimum term of imprisonment of 180 days shall be imposed for a fourth or subsequent violation of subsection (c) of Section 6-303 of the Illinois Vehicle Code.

(5) The court may sentence an offender convicted of a business offense or a petty offense or a corporation or unincorporated association convicted of any offense to:

(A) a period of conditional discharge;
(B) a fine;
(C) make restitution to the victim under Section 5-5-6 of this Code.

(5.1) In addition to any penalties imposed under paragraph (5) of this subsection (c), and except as provided in paragraph (5.2) or (5.3), a person convicted of violating subsection (c) of Section 11-907 of the Illinois Vehicle Code shall have his or her driver's license, permit, or privileges suspended for at least 90 days but not more than one year, if the violation resulted in damage to the property of another person.

(5.2) In addition to any penalties imposed under paragraph (5) of this subsection (c), and except as provided in paragraph (5.3), a person convicted of violating subsection (c) of Section 11-907 of the Illinois Vehicle Code shall have his or her driver's license, permit, or privileges suspended for at least 180 days but not more than 2 years, if the violation resulted in injury to another person.

(5.3) In addition to any penalties imposed under paragraph (5) of this subsection (c), a person convicted of violating subsection (c) of Section 11-907 of the Illinois Vehicle Code shall have his or her driver's license, permit, or privileges suspended for 2 years, if the violation resulted in the death of another person.

(6) In no case shall an offender be eligible for a disposition of probation or conditional discharge for a Class 1 felony committed while he was serving a term of probation or conditional discharge for a felony.

(7) When a defendant is adjudged a habitual criminal under Article 33B of the Criminal Code of 1961, the court shall sentence the defendant to a term of natural life imprisonment.

(8) When a defendant, over the age of 21 years, is convicted of a Class 1 or Class 2 felony, after having twice been convicted in any state or federal court of an offense that contains the same elements as an offense now classified in Illinois as a Class 2 or greater Class felony and such charges are separately brought and tried and arise out of different series of acts, such defendant shall be sentenced as a Class X offender. This paragraph shall not apply unless (1) the first felony was committed after the effective date of this amendatory Act of 1977; and (2) the second felony was committed after conviction on the first; and (3) the third felony was committed after conviction on the second. A person sentenced as a Class X offender under this paragraph shall not be eligible for any disposition of probation or conditional discharge for a felony.

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paragraph is not eligible to apply for treatment as a condition of probation as provided by Section 40-10 of the Alcoholism and Other Drug Abuse and Dependency Act.

(9) A defendant convicted of a second or subsequent offense of ritualized abuse of a child may be sentenced to a term of natural life imprisonment.

(10) When a person is convicted of violating Section 11-501 of the Illinois Vehicle Code or a similar provision of a local ordinance, the following penalties apply when his or her blood, breath, or urine was .16 or more based on the definition of blood, breath, or urine units in Section 11-501.2 or that person is convicted of violating Section 11-501 of the Illinois Vehicle Code while transporting a child under the age of 16:

(A) For a first violation of subsection (a) of Section 11-501, in addition to any other penalty that may be imposed under subsection (c) of Section 11-501: a mandatory minimum of 100 hours of community service and a minimum fine of $500.

(B) For a second violation of subsection (a) of Section 11-501, in addition to any other penalty that may be imposed under subsection (c) of Section 11-501 within 10 years: a mandatory minimum of 2 days of imprisonment and a minimum fine of $1,250.

(C) For a third violation of subsection (a) of Section 11-501, in addition to any other penalty that may be imposed under subsection (c) of Section 11-501 within 20 years: a mandatory minimum of 90 days of imprisonment and a minimum fine of $2,500.

(D) For a fourth or subsequent violation of subsection (a) of Section 11-501: ineligibility for a sentence of probation or conditional discharge and a minimum fine of $2,500.

(d) In any case in which a sentence originally imposed is vacated, the case shall be remanded to the trial court. The trial court shall hold a hearing under Section 5-4-1 of the Unified Code of Corrections which may include evidence of the defendant's life, moral character and occupation during the time since the original sentence was passed. The trial court shall then impose sentence upon the defendant. The trial court may impose any sentence which could have been imposed at the original trial subject to Section 5-5-4 of the Unified Code of Corrections. If a sentence is vacated on appeal or on collateral attack due to the failure of the trier of fact at trial to determine beyond a reasonable doubt the existence of a fact (other than a prior conviction) necessary to increase the punishment for the offense beyond the statutory maximum otherwise applicable, either the defendant may be re-sentenced to a term within the range otherwise provided or, if the State files notice of its intention to again seek the extended sentence, the defendant shall be afforded a new trial.

(e) In cases where prosecution for criminal sexual assault or aggravated criminal sexual abuse under Section 12-13 or 12-16 of the Criminal Code of 1961 results in conviction of a defendant who was a family member of the victim at the time of the commission of the offense, the court shall consider the safety and welfare of the victim and
may impose a sentence of probation only where:

(1) the court finds (A) or (B) or both are appropriate:

(A) the defendant is willing to undergo a court approved counseling program for a minimum duration of 2 years; or

(B) the defendant is willing to participate in a court approved plan including but not limited to the defendant's:

(i) removal from the household;

(ii) restricted contact with the victim;

(iii) continued financial support of the family;

(iv) restitution for harm done to the victim; and

(v) compliance with any other measures that the court may deem appropriate; and

(2) the court orders the defendant to pay for the victim's counseling services, to the extent that the court finds, after considering the defendant's income and assets, that the defendant is financially capable of paying for such services, if the victim was under 18 years of age at the time the offense was committed and requires counseling as a result of the offense.

Probation may be revoked or modified pursuant to Section 5-6-4; except where the court determines at the hearing that the defendant violated a condition of his or her probation restricting contact with the victim or other family members or commits another offense with the victim or other family members, the court shall revoke the defendant's probation and impose a term of imprisonment.

For the purposes of this Section, "family member" and "victim" shall have the meanings ascribed to them in Section 12-12 of the Criminal Code of 1961.

(f) This Article shall not deprive a court in other proceedings to order a forfeiture of property, to suspend or cancel a license, to remove a person from office, or to impose any other civil penalty.

(g) Whenever a defendant is convicted of an offense under Sections 11-14, 11-15, 11-15.1, 11-16, 11-17, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 12-13, 12-14, 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961, the defendant shall undergo medical testing to determine whether the defendant has any sexually transmissible disease, including a test for infection with human immunodeficiency virus (HIV) or any other identified causative agent of acquired immunodeficiency syndrome (AIDS). Any such medical test shall be performed only by appropriately licensed medical practitioners and may include an analysis of any bodily fluids as well as an examination of the defendant's person. Except as otherwise provided by law, the results of such test shall be kept strictly confidential by all medical personnel involved in the testing and must be personally delivered in a sealed envelope to the judge of the court in which the conviction was entered for the judge's inspection in camera. Acting in accordance with the best interests of the victim and the public, the judge shall have the discretion to determine to whom, if anyone, the results of the testing may be revealed. The court shall notify the defendant of the test results. The court shall also notify the victim if requested by the victim, and if the victim is under the age of 15 and if requested

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by the victim's parents or legal guardian, the court shall notify the victim's parents or legal guardian of the test results. The court shall provide information on the availability of HIV testing and counseling at Department of Public Health facilities to all parties to whom the results of the testing are revealed and shall direct the State's Attorney to provide the information to the victim when possible. A State's Attorney may petition the court to obtain the results of any HIV test administered under this Section, and the court shall grant the disclosure if the State's Attorney shows it is relevant in order to prosecute a charge of criminal transmission of HIV under Section 12-16.2 of the Criminal Code of 1961 against the defendant. The court shall order that the cost of any such test shall be paid by the county and may be taxed as costs against the convicted defendant.

(g-5) When an inmate is tested for an airborne communicable disease, as determined by the Illinois Department of Public Health including but not limited to tuberculosis, the results of the test shall be personally delivered by the warden or his or her designee in a sealed envelope to the judge of the court in which the inmate must appear for the judge's inspection in camera if requested by the judge. Acting in accordance with the best interests of those in the courtroom, the judge shall have the discretion to determine what if any precautions need to be taken to prevent transmission of the disease in the courtroom.

(h) Whenever a defendant is convicted of an offense under Section 1 or 2 of the Hypodermic Syringes and Needles Act, the defendant shall undergo medical testing to determine whether the defendant has been exposed to human immunodeficiency virus (HIV) or any other identified causative agent of acquired immunodeficiency syndrome (AIDS). Except as otherwise provided by law, the results of such test shall be kept strictly confidential by all medical personnel involved in the testing and must be personally delivered in a sealed envelope to the judge of the court in which the conviction was entered for the judge's inspection in camera. Acting in accordance with the best interests of the public, the judge shall have the discretion to determine to whom, if anyone, the results of the testing may be revealed. The court shall notify the defendant of a positive test showing an infection with the human immunodeficiency virus (HIV). The court shall provide information on the availability of HIV testing and counseling at Department of Public Health facilities to all parties to whom the results of the testing are revealed and shall direct the State's Attorney to provide the information to the victim when possible. A State's Attorney may petition the court to obtain the results of any HIV test administered under this Section, and the court shall grant the disclosure if the State's Attorney shows it is relevant in order to prosecute a charge of criminal transmission of HIV under Section 12-16.2 of the Criminal Code of 1961 against the defendant. The court shall order that the cost of any such test shall be paid by the county and may be taxed as costs against the convicted defendant.

(i) All fines and penalties imposed under this Section for any violation of Chapters 3, 4, 6, and 11 of the Illinois Vehicle Code, or a similar provision of a local ordinance, and any violation of the Child Passenger Protection Act, or a similar provision of a local ordinance, shall be collected and disbursed by the circuit clerk as provided under Section 27.5 of the Clerks of Courts Act.

(j) In cases when prosecution for any violation of Section 11-6, 11-8, 11-9, 11-11,
11-14, 11-15, 11-15.1, 11-16, 11-17, 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20.1, 11-21, 12-13, 12-14, 12-14.1, 12-15, or 12-16 of the Criminal Code of 1961, any violation of the Illinois Controlled Substances Act, or any violation of the Cannabis Control Act results in conviction, a disposition of court supervision, or an order of probation granted under Section 10 of the Cannabis Control Act or Section 410 of the Illinois Controlled Substance Act of a defendant, the court shall determine whether the defendant is employed by a facility or center as defined under the Child Care Act of 1969, a public or private elementary or secondary school, or otherwise works with children under 18 years of age on a daily basis. When a defendant is so employed, the court shall order the Clerk of the Court to send a copy of the judgment of conviction or order of supervision or probation to the defendant’s employer by certified mail. If the employer of the defendant is a school, the Clerk of the Court shall direct the mailing of a copy of the judgment of conviction or order of supervision or probation to the appropriate regional superintendent of schools. The regional superintendent of schools shall notify the State Board of Education of any notification under this subsection.

(j-5) A defendant at least 17 years of age who is convicted of a felony and who has not been previously convicted of a misdemeanor or felony and who is sentenced to a term of imprisonment in the Illinois Department of Corrections shall as a condition of his or her sentence be required by the court to attend educational courses designed to prepare the defendant for a high school diploma and to work toward a high school diploma or to work toward passing the high school level Test of General Educational Development (GED) or to work toward completing a vocational training program offered by the Department of Corrections. If a defendant fails to complete the educational training required by his or her sentence during the term of incarceration, the Prisoner Review Board shall, as a condition of mandatory supervised release, require the defendant, at his or her own expense, to pursue a course of study toward a high school diploma or passage of the GED test. The Prisoner Review Board shall revoke the mandatory supervised release of a defendant who wilfully fails to comply with this subsection (j-5) upon his or her release from confinement in a penal institution while serving a mandatory supervised release term; however, the inability of the defendant after making a good faith effort to obtain financial aid or pay for the educational training shall not be deemed a wilful failure to comply. The Prisoner Review Board shall recommit the defendant whose mandatory supervised release term has been revoked under this subsection (j-5) as provided in Section 3-3-9. This subsection (j-5) does not apply to a defendant who has a high school diploma or has successfully passed the GED test. This subsection (j-5) does not apply to a defendant who is determined by the court to be developmentally disabled or otherwise mentally incapable of completing the educational or vocational program.

(k) A court may not impose a sentence or disposition for a felony or misdemeanor that requires the defendant to be implanted or injected with or to use any form of birth control.

(l) (A) Except as provided in paragraph (C) of subsection (l), whenever a defendant, who is an alien as defined by the Immigration and Nationality Act, is

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convicted of any felony or misdemeanor offense, the court after sentencing the defendant may, upon motion of the State's Attorney, hold sentence in abeyance and remand the defendant to the custody of the Attorney General of the United States or his or her designated agent to be deported when:

(1) a final order of deportation has been issued against the defendant pursuant to proceedings under the Immigration and Nationality Act, and

(2) the deportation of the defendant would not deprecate the seriousness of the defendant's conduct and would not be inconsistent with the ends of justice.

Otherwise, the defendant shall be sentenced as provided in this Chapter V.

(B) If the defendant has already been sentenced for a felony or misdemeanor offense, or has been placed on probation under Section 10 of the Cannabis Control Act or Section 410 of the Illinois Controlled Substances Act, the court may, upon motion of the State's Attorney to suspend the sentence imposed, commit the defendant to the custody of the Attorney General of the United States or his or her designated agent when:

(1) a final order of deportation has been issued against the defendant pursuant to proceedings under the Immigration and Nationality Act, and

(2) the deportation of the defendant would not deprecate the seriousness of the defendant's conduct and would not be inconsistent with the ends of justice.

(C) This subsection (l) does not apply to offenders who are subject to the provisions of paragraph (2) of subsection (a) of Section 3-6-3.

(D) Upon motion of the State's Attorney, if a defendant sentenced under this Section returns to the jurisdiction of the United States, the defendant shall be recommitted to the custody of the county from which he or she was sentenced. Thereafter, the defendant shall be brought before the sentencing court, which may impose any sentence that was available under Section 5-5-3 at the time of initial sentencing. In addition, the defendant shall not be eligible for additional good conduct credit for meritorious service as provided under Section 3-6-6.

(m) A person convicted of criminal defacement of property under Section 21-1.3 of the Criminal Code of 1961, in which the property damage exceeds $300 and the property damaged is a school building, shall be ordered to perform community service that may include cleanup, removal, or painting over the defacement.

(Source: P.A. 91-357, eff. 7-29-99; 91-404, eff. 1-1-00; 91-663, eff. 12-22-99; 91-695, eff. 4-13-00; 91-953, eff. 2-23-01; 92-183, eff. 7-27-01; 92-248, eff. 8-3-01; 92-283, eff. 1-1-02; 92-340, eff. 8-10-01; 92-418, eff. 8-17-01; 92-422, eff. 8-17-01; revised 8-28-01.)

(730 ILCS 5/5-6-3) (from Ch. 38, par. 1005-6-3)

Sec. 5-6-3. Conditions of Probation and of Conditional Discharge.

(a) The conditions of probation and of conditional discharge shall be that the person:

(1) not violate any criminal statute of any jurisdiction;

(2) report to or appear in person before such person or agency as directed by
the court;

(3) refrain from possessing a firearm or other dangerous weapon;

(4) not leave the State without the consent of the court or, in circumstances in which the reason for the absence is of such an emergency nature that prior consent by the court is not possible, without the prior notification and approval of the person's probation officer;

(5) permit the probation officer to visit him at his home or elsewhere to the extent necessary to discharge his duties;

(6) perform no less than 30 hours of community service and not more than 120 hours of community service, if community service is available in the jurisdiction and is funded and approved by the county board where the offense was committed, where the offense was related to or in furtherance of the criminal activities of an organized gang and was motivated by the offender's membership in or allegiance to an organized gang. The community service shall include, but not be limited to, the cleanup and repair of any damage caused by a violation of Section 21-1.3 of the Criminal Code of 1961 and similar damage to property located within the municipality or county in which the violation occurred. When possible and reasonable, the community service should be performed in the offender's neighborhood. For purposes of this Section, "organized gang" has the meaning ascribed to it in Section 10 of the Illinois Streetgang Terrorism Omnibus Prevention Act;

(7) if he or she is at least 17 years of age and has been sentenced to probation or conditional discharge for a misdemeanor or felony in a county of 3,000,000 or more inhabitants and has not been previously convicted of a misdemeanor or felony, may be required by the sentencing court to attend educational courses designed to prepare the defendant for a high school diploma and to work toward a high school diploma or to work toward passing the high school level Test of General Educational Development (GED) or to work toward completing a vocational training program approved by the court. The person on probation or conditional discharge must attend a public institution of education to obtain the educational or vocational training required by this clause (7). The court shall revoke the probation or conditional discharge of a person who wilfully fails to comply with this clause (7). The person on probation or conditional discharge shall be required to pay for the cost of the educational courses or GED test, if a fee is charged for those courses or test. The court shall resentence the offender whose probation or conditional discharge has been revoked as provided in Section 5-6-4. This clause (7) does not apply to a person who has a high school diploma or has successfully passed the GED test. This clause (7) does not apply to a person who is determined by the court to be developmentally disabled or otherwise mentally incapable of completing the educational or vocational program;

(8) if convicted of possession of a substance prohibited by the Cannabis Control Act or Illinois Controlled Substances Act after a previous conviction or
disposition of supervision for possession of a substance prohibited by the Cannabis Control Act or Illinois Controlled Substances Act or after a sentence of probation under Section 10 of the Cannabis Control Act or Section 410 of the Illinois Controlled Substances Act and upon a finding by the court that the person is addicted, undergo treatment at a substance abuse program approved by the court; and

(9) if convicted of a felony, physically surrender at a time and place designated by the court, his or her Firearm Owner's Identification Card and any and all firearms in his or her possession.

(b) The Court may in addition to other reasonable conditions relating to the nature of the offense or the rehabilitation of the defendant as determined for each defendant in the proper discretion of the Court require that the person:

(1) serve a term of periodic imprisonment under Article 7 for a period not to exceed that specified in paragraph (d) of Section 5-7-1;
(2) pay a fine and costs;
(3) work or pursue a course of study or vocational training;
(4) undergo medical, psychological or psychiatric treatment; or treatment for drug addiction or alcoholism;
(5) attend or reside in a facility established for the instruction or residence of defendants on probation;
(6) support his dependents;
(7) and in addition, if a minor:
   (i) reside with his parents or in a foster home;
   (ii) attend school;
   (iii) attend a non-residential program for youth;
   (iv) contribute to his own support at home or in a foster home;
   (v) with the consent of the superintendent of the facility, attend an educational program at a facility other than the school in which the offense was committed if he or she is convicted of a crime of violence as defined in Section 2 of the Crime Victims Compensation Act committed in a school, on the real property comprising a school, or within 1,000 feet of the real property comprising a school;
(8) make restitution as provided in Section 5-5-6 of this Code;
(9) perform some reasonable public or community service;
(10) serve a term of home confinement. In addition to any other applicable condition of probation or conditional discharge, the conditions of home confinement shall be that the offender:
   (i) remain within the interior premises of the place designated for his confinement during the hours designated by the court;
   (ii) admit any person or agent designated by the court into the offender's place of confinement at any time for purposes of verifying the offender's compliance with the conditions of his confinement; and
   (iii) if further deemed necessary by the court or the Probation or Court

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Services Department, be placed on an approved electronic monitoring device, subject to Article 8A of Chapter V;

(iv) for persons convicted of any alcohol, cannabis or controlled substance violation who are placed on an approved monitoring device as a condition of probation or conditional discharge, the court shall impose a reasonable fee for each day of the use of the device, as established by the county board in subsection (g) of this Section, unless after determining the inability of the offender to pay the fee, the court assesses a lesser fee or no fee as the case may be. This fee shall be imposed in addition to the fees imposed under subsections (g) and (i) of this Section. The fee shall be collected by the clerk of the circuit court. The clerk of the circuit court shall pay all monies collected from this fee to the county treasurer for deposit in the substance abuse services fund under Section 5-1086.1 of the Counties Code; and

(v) for persons convicted of offenses other than those referenced in clause (iv) above and who are placed on an approved monitoring device as a condition of probation or conditional discharge, the court shall impose a reasonable fee for each day of the use of the device, as established by the county board in subsection (g) of this Section, unless after determining the inability of the defendant to pay the fee, the court assesses a lesser fee or no fee as the case may be. This fee shall be imposed in addition to the fees imposed under subsections (g) and (i) of this Section. The fee shall be collected by the clerk of the circuit court. The clerk of the circuit court shall pay all monies collected from this fee to the county treasurer who shall use the monies collected to defray the costs of corrections. The county treasurer shall deposit the fee collected in the county working cash fund under Section 6-27001 or Section 6-29002 of the Counties Code, as the case may be.

(11) comply with the terms and conditions of an order of protection issued by the court pursuant to the Illinois Domestic Violence Act of 1986, as now or hereafter amended, or an order of protection issued by the court of another state, tribe, or United States territory. A copy of the order of protection shall be transmitted to the probation officer or agency having responsibility for the case;

(12) reimburse any "local anti-crime program" as defined in Section 7 of the Anti-Crime Advisory Council Act for any reasonable expenses incurred by the program on the offender's case, not to exceed the maximum amount of the fine authorized for the offense for which the defendant was sentenced;

(13) contribute a reasonable sum of money, not to exceed the maximum amount of the fine authorized for the offense for which the defendant was sentenced, to a "local anti-crime program", as defined in Section 7 of the Anti-Crime Advisory Council Act;

(14) refrain from entering into a designated geographic area except upon such terms as the court finds appropriate. Such terms may include consideration of the purpose of the entry, the time of day, other persons accompanying the defendant, and

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advance approval by a probation officer, if the defendant has been placed on
probation or advance approval by the court, if the defendant was placed on
conditional discharge;

(15) refrain from having any contact, directly or indirectly, with certain
specified persons or particular types of persons, including but not limited to members
of street gangs and drug users or dealers;

(16) refrain from having in his or her body the presence of any illicit drug
prohibited by the Cannabis Control Act or the Illinois Controlled Substances Act,
unless prescribed by a physician, and submit samples of his or her blood or urine or
both for tests to determine the presence of any illicit drug.

(c) The court may as a condition of probation or of conditional discharge require that
a person under 18 years of age found guilty of any alcohol, cannabis or controlled substance
violation, refrain from acquiring a driver's license during the period of probation or
conditional discharge. If such person is in possession of a permit or license, the court may
require that the minor refrain from driving or operating any motor vehicle during the period
of probation or conditional discharge, except as may be necessary in the course of the minor's
lawful employment.

(d) An offender sentenced to probation or to conditional discharge shall be given a
certificate setting forth the conditions thereof.

(e) Except where the offender has committed a fourth or subsequent violation of
subsection (c) of Section 6-303 of the Illinois Vehicle Code, the court shall not require as a
condition of the sentence of probation or conditional discharge that the offender be
committed to a period of imprisonment in excess of 6 months. This 6 month limit shall not
include periods of confinement given pursuant to a sentence of county impact incarceration
under Section 5-8-1.2. This 6 month limit does not apply to a person sentenced to probation
as a result of a conviction of a fourth or subsequent violation of subsection (c-4) of Section
11-501 of the Illinois Vehicle Code or a similar provision of a local ordinance.

Persons committed to imprisonment as a condition of probation or conditional
discharge shall not be committed to the Department of Corrections.

(f) The court may combine a sentence of periodic imprisonment under Article 7 or
a sentence to a county impact incarceration program under Article 8 with a sentence of
probation or conditional discharge.

(g) An offender sentenced to probation or to conditional discharge and who during
the term of either undergoes mandatory drug or alcohol testing, or both, or is assigned to be
placed on an approved electronic monitoring device, shall be ordered to pay all costs
incidental to such mandatory drug or alcohol testing, or both, and all costs incidental to such
approved electronic monitoring in accordance with the defendant's ability to pay those costs.
The county board with the concurrence of the Chief Judge of the judicial circuit in which the
county is located shall establish reasonable fees for the cost of maintenance, testing, and
incidental expenses related to the mandatory drug or alcohol testing, or both, and all costs
incidental to approved electronic monitoring, involved in a successful probation program for
the county. The concurrence of the Chief Judge shall be in the form of an administrative

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order. The fees shall be collected by the clerk of the circuit court. The clerk of the circuit court shall pay all moneys collected from these fees to the county treasurer who shall use the moneys collected to defray the costs of drug testing, alcohol testing, and electronic monitoring. The county treasurer shall deposit the fees collected in the county working cash fund under Section 6-27001 or Section 6-29002 of the Counties Code, as the case may be.

(h) Jurisdiction over an offender may be transferred from the sentencing court to the court of another circuit with the concurrence of both courts, or to another state under an Interstate Probation Reciprocal Agreement as provided in Section 3-3-11. Further transfers or retransfers of jurisdiction are also authorized in the same manner. The court to which jurisdiction has been transferred shall have the same powers as the sentencing court.

(i) The court shall impose upon an offender sentenced to probation after January 1, 1989 or to conditional discharge after January 1, 1992, as a condition of such probation or conditional discharge, a fee of $25 for each month of probation or conditional discharge supervision ordered by the court, unless after determining the inability of the person sentenced to probation or conditional discharge to pay the fee, the court assesses a lesser fee. The court may not impose the fee on a minor who is made a ward of the State under the Juvenile Court Act of 1987 while the minor is in placement. The fee shall be imposed only upon an offender who is actively supervised by the probation and court services department. The fee shall be collected by the clerk of the circuit court. The clerk of the circuit court shall pay all monies collected from this fee to the county treasurer for deposit in the probation and court services fund under Section 15.1 of the Probation and Probation Officers Act.

(j) All fines and costs imposed under this Section for any violation of Chapters 3, 4, 6, and 11 of the Illinois Vehicle Code, or a similar provision of a local ordinance, and any violation of the Child Passenger Protection Act, or a similar provision of a local ordinance, shall be collected and disbursed by the circuit clerk as provided under Section 27.5 of the Clerks of Courts Act.

(Source: P.A. 91-325, eff. 7-29-99; 91-696, eff. 4-13-00; 91-903, eff. 1-1-01; 92-282, eff. 8-7-01; 92-340, eff. 8-10-01; 92-418, eff. 8-17-01; 92-442, eff. 8-17-01; revised 10-11-01.)

(730 ILCS 5/5-6-3.1) (from Ch. 38, par. 1005-6-3.1)
Sec. 5-6-3.1. Incidents and Conditions of Supervision.

(a) When a defendant is placed on supervision, the court shall enter an order for supervision specifying the period of such supervision, and shall defer further proceedings in the case until the conclusion of the period.

(b) The period of supervision shall be reasonable under all of the circumstances of the case, but may not be longer than 2 years, unless the defendant has failed to pay the assessment required by Section 10.3 of the Cannabis Control Act or Section 411.2 of the Illinois Controlled Substances Act, in which case the court may extend supervision beyond 2 years. Additionally, the court shall order the defendant to perform no less than 30 hours of community service and not more than 120 hours of community service, if community service is available in the jurisdiction and is funded and approved by the county board where the offense was committed, when the offense (1) was related to or in furtherance of the criminal activities of an organized gang or was motivated by the defendant's membership in or
allegiance to an organized gang; or (2) is a violation of any Section of Article 24 of the Criminal Code of 1961 where a disposition of supervision is not prohibited by Section 5-6-1 of this Code. The community service shall include, but not be limited to, the cleanup and repair of any damage caused by violation of Section 21-1.3 of the Criminal Code of 1961 and similar damages to property located within the municipality or county in which the violation occurred. Where possible and reasonable, the community service should be performed in the offender's neighborhood.

For the purposes of this Section, "organized gang" has the meaning ascribed to it in Section 10 of the Illinois Streetgang Terrorism Omnibus Prevention Act.

(c) The court may in addition to other reasonable conditions relating to the nature of the offense or the rehabilitation of the defendant as determined for each defendant in the proper discretion of the court require that the person:

(1) make a report to and appear in person before or participate with the court or such courts, person, or social service agency as directed by the court in the order of supervision;
(2) pay a fine and costs;
(3) work or pursue a course of study or vocational training;
(4) undergo medical, psychological or psychiatric treatment; or treatment for drug addiction or alcoholism;
(5) attend or reside in a facility established for the instruction or residence of defendants on probation;
(6) support his dependents;
(7) refrain from possessing a firearm or other dangerous weapon;
(8) and in addition, if a minor:
   (i) reside with his parents or in a foster home;
   (ii) attend school;
   (iii) attend a non-residential program for youth;
   (iv) contribute to his own support at home or in a foster home; or
   (v) with the consent of the superintendent of the facility, attend an educational program at a facility other than the school in which the offense was committed if he or she is placed on supervision for a crime of violence as defined in Section 2 of the Crime Victims Compensation Act committed in a school, on the real property comprising a school, or within 1,000 feet of the real property comprising a school;
(9) make restitution or reparation in an amount not to exceed actual loss or damage to property and pecuniary loss or make restitution under Section 5-5-6 to a domestic violence shelter. The court shall determine the amount and conditions of payment;
(10) perform some reasonable public or community service;
(11) comply with the terms and conditions of an order of protection issued by the court pursuant to the Illinois Domestic Violence Act of 1986 or an order of protection issued by the court of another state, tribe, or United States territory. If the

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court has ordered the defendant to make a report and appear in person under paragraph (1) of this subsection, a copy of the order of protection shall be transmitted to the person or agency so designated by the court;

(12) reimburse any "local anti-crime program" as defined in Section 7 of the Anti-Crime Advisory Council Act for any reasonable expenses incurred by the program on the offender's case, not to exceed the maximum amount of the fine authorized for the offense for which the defendant was sentenced;

(13) contribute a reasonable sum of money, not to exceed the maximum amount of the fine authorized for the offense for which the defendant was sentenced, to a "local anti-crime program", as defined in Section 7 of the Anti-Crime Advisory Council Act;

(14) refrain from entering into a designated geographic area except upon such terms as the court finds appropriate. Such terms may include consideration of the purpose of the entry, the time of day, other persons accompanying the defendant, and advance approval by a probation officer;

(15) refrain from having any contact, directly or indirectly, with certain specified persons or particular types of person, including but not limited to members of street gangs and drug users or dealers;

(16) refrain from having in his or her body the presence of any illicit drug prohibited by the Cannabis Control Act or the Illinois Controlled Substances Act, unless prescribed by a physician, and submit samples of his or her blood or urine or both for tests to determine the presence of any illicit drug;

(17) refrain from operating any motor vehicle not equipped with an ignition interlock device as defined in Section 1-129.1 of the Illinois Vehicle Code. Under this condition the court may allow a defendant who is not self-employed to operate a vehicle owned by the defendant's employer that is not equipped with an ignition interlock device in the course and scope of the defendant's employment.

(d) The court shall defer entering any judgment on the charges until the conclusion of the supervision.

(e) At the conclusion of the period of supervision, if the court determines that the defendant has successfully complied with all of the conditions of supervision, the court shall discharge the defendant and enter a judgment dismissing the charges.

(f) Discharge and dismissal upon a successful conclusion of a disposition of supervision shall be deemed without adjudication of guilt and shall not be termed a conviction for purposes of disqualification or disabilities imposed by law upon conviction of a crime. Two years after the discharge and dismissal under this Section, unless the disposition of supervision was for a violation of Sections 3-707, 3-708, 3-710, 5-401.3, or 11-503 of the Illinois Vehicle Code or a similar provision of a local ordinance, or for a violation of Sections 12-3.2 or 16A-3 of the Criminal Code of 1961, in which case it shall be 5 years after discharge and dismissal, a person may have his record of arrest sealed or expunged as may be provided by law. However, any defendant placed on supervision before January 1, 1980, may move for sealing or expungement of his arrest record, as provided by
law, at any time after discharge and dismissal under this Section. A person placed on supervision for a sexual offense committed against a minor as defined in subsection (g) of Section 5 of the Criminal Identification Act or for a violation of Section 11-501 of the Illinois Vehicle Code or a similar provision of a local ordinance shall not have his or her record of arrest sealed or expunged.

(g) A defendant placed on supervision and who during the period of supervision undergoes mandatory drug or alcohol testing, or both, or is assigned to be placed on an approved electronic monitoring device, shall be ordered to pay the costs incidental to such mandatory drug or alcohol testing, or both, and costs incidental to such approved electronic monitoring in accordance with the defendant's ability to pay those costs. The county board with the concurrence of the Chief Judge of the judicial circuit in which the county is located shall establish reasonable fees for the cost of maintenance, testing, and incidental expenses related to the mandatory drug or alcohol testing, or both, and all costs incidental to approved electronic monitoring, of all defendants placed on supervision. The concurrence of the Chief Judge shall be in the form of an administrative order. The fees shall be collected by the clerk of the circuit court. The clerk of the circuit court shall pay all moneys collected from these fees to the county treasurer who shall use the moneys collected to defray the costs of drug testing, alcohol testing, and electronic monitoring. The county treasurer shall deposit the fees collected in the county working cash fund under Section 6-27001 or Section 6-29002 of the Counties Code, as the case may be.

(h) A disposition of supervision is a final order for the purposes of appeal.

(i) The court shall impose upon a defendant placed on supervision after January 1, 1992, as a condition of supervision, a fee of $25 for each month of supervision ordered by the court, unless after determining the inability of the person placed on supervision to pay the fee, the court assesses a lesser fee. The court may not impose the fee on a minor who is made a ward of the State under the Juvenile Court Act of 1987 while the minor is in placement. The fee shall be imposed only upon a defendant who is actively supervised by the probation and court services department. The fee shall be collected by the clerk of the circuit court. The clerk of the circuit court shall pay all monies collected from this fee to the county treasurer for deposit in the probation and court services fund pursuant to Section 15.1 of the Probation and Probation Officers Act.

(j) All fines and costs imposed under this Section for any violation of Chapters 3, 4, 6, and 11 of the Illinois Vehicle Code, or a similar provision of a local ordinance, and any violation of the Child Passenger Protection Act, or a similar provision of a local ordinance, shall be collected and disbursed by the circuit clerk as provided under Section 27.5 of the Clerks of Courts Act.

(k) A defendant at least 17 years of age who is placed on supervision for a misdemeanor in a county of 3,000,000 or more inhabitants and who has not been previously convicted of a misdemeanor or felony may as a condition of his or her supervision be required by the court to attend educational courses designed to prepare the defendant for a high school diploma and to work toward a high school diploma or to work toward passing the high school level Test of General Educational Development (GED) or to work toward
completing a vocational training program approved by the court. The defendant placed on supervision must attend a public institution of education to obtain the educational or vocational training required by this subsection (k). The defendant placed on supervision shall be required to pay for the cost of the educational courses or GED test, if a fee is charged for those courses or test. The court shall revoke the supervision of a person who willfully fails to comply with this subsection (k). The court shall resentence the defendant upon revocation of supervision as provided in Section 5-6-4. This subsection (k) does not apply to a defendant who has a high school diploma or has successfully passed the GED test. This subsection (k) does not apply to a defendant who is determined by the court to be developmentally disabled or otherwise mentally incapable of completing the educational or vocational program.

(l) The court shall require a defendant placed on supervision for possession of a substance prohibited by the Cannabis Control Act or Illinois Controlled Substances Act after a previous conviction or disposition of supervision for possession of a substance prohibited by the Cannabis Control Act or Illinois Controlled Substances Act or a sentence of probation under Section 10 of the Cannabis Control Act or Section 410 of the Illinois Controlled Substances Act and after a finding by the court that the person is addicted, to undergo treatment at a substance abuse program approved by the court.

(m) The Secretary of State shall require anyone placed on court supervision for a violation of Section 3-707 of the Illinois Vehicle Code or a similar provision of a local ordinance to give proof of his or her financial responsibility as defined in Section 7-315 of the Illinois Vehicle Code. The proof shall be maintained by the individual in a manner satisfactory to the Secretary of State for a minimum period of one year after the date the proof is first filed. The proof shall be limited to a single action per arrest and may not be affected by any post-sentence disposition. The Secretary of State shall suspend the driver's license of any person determined by the Secretary to be in violation of this subsection.

(Source: P.A. 91-127, eff. 1-1-00; 91-696, eff. 4-13-00; 91-903, eff. 1-1-01; 92-282, eff. 8-7-01; 92-458, eff. 8-22-01; revised 10-11-01.)

(730 ILCS 5/5-8-3) (from Ch. 38, par. 1005-8-3)
Sec. 5-8-3. Sentence of Imprisonment for Misdemeanor.

(a) A sentence of imprisonment for a misdemeanor shall be for a determinate term according to the following limitations:

(1) for a Class A misdemeanor, for any term less than one year;
(2) for a Class B misdemeanor, for not more than 6 months;
(3) for a Class C misdemeanor, for not more than 30 days.

(b) The good behavioral allowance shall be determined under Section 3 of the County Jail Misdemeanant Good Behavior Allowance Act.

(Source: P.A. 81-1050; revised 12-07-01.)

Section 84. The Code of Civil Procedure is amended by changing Sections 3-101 and 8-402 as follows:

(735 ILCS 5/3-101) (from Ch. 110, par. 3-101)
Sec. 3-101. Definitions. For the purpose of this Act:
"Administrative agency" means a person, body of persons, group, officer, board,
bureau, commission or department (other than a court or judge) of the State, or of any political subdivision of the State or municipal corporation in the State, having power under law to make administrative decisions.

"Administrative decision" or "decision" means any decision, order or determination of any administrative agency rendered in a particular case, which affects the legal rights, duties or privileges of parties and which terminates the proceedings before the administrative agency. In all cases in which a statute or a rule of the administrative agency requires or permits an application for a rehearing or other method of administrative review to be filed within a specified time (as distinguished from a statute which permits the application for rehearing or administrative review to be filed at any time before judgment by the administrative agency against the applicant or within a specified time after the entry of such judgment), and an application for such rehearing or review is made, no administrative decision of such agency shall be final as to the party applying therefor until such rehearing or review is had or denied. However, if the particular statute permits an application for rehearing or other method of administrative review to be filed with the administrative agency for an indefinite period of time after the administrative decision has been rendered (such as permitting such application to be filed at any time before judgment by the administrative agency against the applicant or within a specified time after the entry of such judgment), then the authorization for the filing of such application for rehearing or review shall not postpone the time when the administrative decision as to which such application shall be filed would otherwise become final, but the filing of the application for rehearing or review with the administrative agency in this type of case shall constitute the commencement of a new proceeding before such agency, and the decision rendered in order to dispose of such rehearing or other review proceeding shall constitute a new and independent administrative decision. If such new and independent decision consists merely of the denial of the application for rehearing or other method of administrative review, the record upon judicial review of such decision shall be limited to the application for rehearing or other review and the order or decision denying such application and shall not include the record of proceedings had before the rendering of the administrative decision as to which the application for rehearing or other administrative review shall have been filed unless the suit for judicial review is commenced within the time in which it would be authorized by this Act to have been commenced if no application for rehearing or other method of administrative review had been filed. On the other hand, if the rehearing or other administrative review is granted by the administrative agency, then the record on judicial review of the resulting administrative decision rendered pursuant to the rehearing or other administrative review may consist not only of the record of proceedings had before the administrative agency in such rehearing or other administrative review proceeding, but also of the record of proceedings had before such administrative agency prior to its rendering of the administrative decision as to which the rehearing or other administrative review shall have been granted. The term "administrative decision" or "decision" does not mean or include rules, regulations, standards, or statements of policy of general application issued by an administrative agency to implement, interpret, or make specific the legislation enforced or administered by it unless

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such a rule, regulation, standard or statement of policy is involved in a proceeding before the agency and its applicability or validity is in issue in such proceeding, nor does it mean or include regulations concerning the internal management of the agency not affecting private rights or interests.
(Source: P.A. 88-1; revised 4-19-01.)

(735 ILCS 5/8-402) (from Ch. 110, par. 8-402)
Sec. 8-402. Production of books and writings. The circuit courts shall have power, in any action pending before them, upon motion, and good and sufficient cause shown, and reasonable notice thereof given, to require the parties, or either of them, to produce books or writings in their possession or of power which contain evidence pertinent to the issue.
(Source: P.A. 82-280; revised 4-17-01.)

Section 85. The Crime Victims Compensation Act is amended by changing Section 10.1 as follows:
(740 ILCS 45/10.1) (from Ch. 70, par. 80.1)
Sec. 10.1. Amount of compensation. The amount of compensation to which an applicant and other persons are entitled shall be based on the following factors:
(a) A victim may be compensated for his or her pecuniary loss.‡
(b) A dependent may be compensated for loss of support.‡
(c) Any person, even though not dependent upon the victim for his or her support, may be compensated for reasonable funeral, medical and hospital expenses of the victim to the extent to which he or she has paid or become obligated to pay such expenses and only after compensation for reasonable funeral, medical and hospital expenses of the victim have been awarded may compensation be made for reasonable expenses of the victim incurred for psychological treatment of a mental or emotional condition caused or aggravated by the crime.‡
(d) An award shall be reduced or denied according to the extent to which the victim's acts or conduct provoked or contributed to his or her injury or death, or the extent to which any prior criminal conviction or conduct of the victim may have directly or indirectly contributed to the injury or death of the victim.‡
(e) An award shall be reduced by the amount of benefits, payments or awards payable under those sources which are required to be listed under item (7) of Section 7.1(a) and any other sources except annuities, pension plans, Federal Social Security payments payable to dependents of the victim and the net proceeds of the first $25,000 of life insurance that would inure to the benefit of the applicant, which the applicant or any other person dependent for the support of a deceased victim, as the case may be, has received or to which he or she is entitled as a result of injury to or death of the victim.
(f) A final award shall not exceed $10,000 for a crime committed prior to September 22, 1979, $15,000 for a crime committed on or after September 22, 1979 and prior to January 1, 1986, $25,000 for a crime committed on or after January 1, 1986 and prior to August 7, the effective date of this amendatory Act of 1998, or $27,000 for a crime committed on or after August 7, the effective date of this amendatory Act of 1998. If the total pecuniary loss is greater than the maximum amount allowed, the award shall be divided in proportion to the

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amount of actual loss among those entitled to compensation.

(g) Compensation under this Act is a secondary source of compensation and the applicant must show that he or she has exhausted the benefits reasonably available under the Criminal Victims' Escrow Account Act or any governmental or medical or health insurance programs, including, but not limited to Workers' Compensation, the Federal Medicare program, the State Public Aid program, Social Security Administration burial benefits, Veterans Administration burial benefits, and life, health, accident or liability insurance.

(Source: P.A. 92-427, eff. 1-1-02; revised 12-04-01.)

Section 86. The Whistleblower Reward and Protection Act is amended by changing Section 6 as follows:

(740 ILCS 175/6) (from Ch. 127, par. 4106)
Sec. 6. Civil investigative demands.
(a) In general.
(1) Issuance and service. Whenever the Attorney General has reason to believe that any person may be in possession, custody, or control of any documentary material or information relevant to an investigation, the Attorney General may, before commencing a civil proceeding under this Act, issue in writing and cause to be served upon such person, a civil investigative demand requiring such person:

(A) to produce such documentary material for inspection and copying,
(B) to answer, in writing, written interrogatories with respect to such documentary material or information,
(C) to give oral testimony concerning such documentary material or information, or
(D) to furnish any combination of such material, answers, or testimony.

The Attorney General shall delegate the authority to issue civil investigative demands under this subsection (a) to the Department of State Police. Whenever a civil investigative demand is an express demand for any product of discovery, the Attorney General, an Assistant Attorney General or the delegate of the Department of State Police shall cause to be served, in any manner authorized by this Section, a copy of such demand upon the person from whom the discovery was obtained and shall notify the person to whom such demand is issued of the date on which such copy was served.

(2) Contents and deadlines.

(A) Each civil investigative demand issued under paragraph (1) shall state the nature of the conduct constituting and alleged violation which is under investigation, and the applicable provision of law alleged to be violated.

(B) If such demand is for the production of documentary material, the demand shall:

(i) describe each class of documentary material to be produced with such definiteness and certainty as to permit such material to be fairly identified;

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(ii) prescribe a return date for each such class which will provide a reasonable period of time within which the material so demanded may be assembled and made available for inspection and copying; and

(iii) identify the investigator to whom such material shall be made available.

(C) If such demand is for answers to written interrogatories, the demand shall:

(i) set forth with specificity the written interrogatories to be answered;

(ii) prescribe dates at which time answers to written interrogatories shall be submitted; and

(iii) identify the investigator to whom such answers shall be submitted.

(D) If such demand is for the giving of oral testimony, the demand shall:

(i) prescribe a date, time, and place at which oral testimony shall be commenced;

(ii) identify an investigator who shall conduct the examination and the custodian to whom the transcript of such examination shall be submitted;

(iii) specify that such attendance and testimony are necessary to the conduct of the investigation;

(iv) notify the person receiving the demand of the right to be accompanied by an attorney and any other representative; and

(v) describe the general purpose for which the demand is being issued and the general nature of the testimony, including the primary areas of inquiry, which will be taken pursuant to the demand.

(E) Any civil investigative demand issued under this Section which is an express demand for any product of discovery shall not be returned or returnable until 20 days after a copy of such demand has been served upon the person from whom the discovery was obtained.

(F) The date prescribed for the commencement of oral testimony pursuant to a civil investigative demand issued under this Section shall be a date which is not less than 7 days after the date on which demand is received, unless the Attorney General or an Assistant Attorney General designated by the Attorney General or the delegate of the Department of State Police determines that exceptional circumstances are present which warrant the commencement of such testimony within a lesser period of time.

(G) The Attorney General or the delegate of the Department of State Police shall not authorize the issuance under this Section of more than one civil investigative demand for oral testimony by the same person unless the

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person requests otherwise or unless the Attorney General or the delegate of
the Department of State Police, after investigation, notifies that person in
writing that an additional demand for oral testimony is necessary. The
Attorney General shall authorize the performance by the delegate of the
Department of State Police of any function vested in the Attorney General
under this subparagraph (G).

(b) Protected material or information.
(1) In general. A civil investigative demand issued under subsection (a) may
not require the production of any documentary material, the submission of any
answers to written interrogatories, or the giving of any oral testimony if such
material, answers, or testimony would be protected from disclosure under:
(A) the standards applicable to subpoenas or subpoenas duces tecum
issued by a court of this State to aid in a grand jury investigation; or
(B) the standards applicable to discovery requests under the Code of
Civil Procedure, to the extent that the application of such standards to any
such demand is appropriate and consistent with the provisions and purposes
of this Section.
(2) Effect on other orders, rules, and laws. Any such demand which is an
express demand for any product of discovery supersedes any inconsistent order,
rule, or provision of law (other than this Section) preventing or restraining disclosure of
such product of discovery to any person. Disclosure of any product of discovery
pursuant to any such express demand does not constitute a waiver of any right or
privilege which the person making such disclosure may be entitled to
invoke to resist discovery of trial preparation materials.

(c) Service; jurisdiction.
(1) By whom served. Any civil investigative demand issued under subsection
(a) may be served by an investigator, or by any person authorized to serve process on
individuals within Illinois.
(2) Service in foreign countries. Any such demand or any petition filed under
subsection (j) may be served upon any person who is not found within Illinois in such
manner as the Code of Civil Procedure prescribes for service of process outside
Illinois. To the extent that the courts of this State can assert jurisdiction over any such
person consistent with due process, the courts of this State shall have the same
jurisdiction to take any action respecting compliance with this Section by any such
person that such court would have if such person were personally within the
jurisdiction of such court.

(d) Service upon legal entities and natural persons.
(1) Legal entities. Service of any
civil investigative demand issued under subsection (a) or of any petition filed under
subsection (j) may be made upon a partnership, corporation, association, or other legal entity
by:
(A) delivering an executed copy of such demand or petition to any
partner, executive officer, managing agent, general agent, or registered agent

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of the partnership, corporation, association or entity;

(B) delivering an executed copy of such demand or petition to the principal office or place of business of the partnership, corporation, association, or entity; or

(C) depositing an executed copy of such demand or petition in the United States mails by registered or certified mail, with a return receipt requested, addressed to such partnership, corporation, association, or entity as its principal office or place of business.

(2) Natural person. Service of any such demand or petition may be made upon any natural person by:

(A) delivering an executed copy of such demand or petition to the person; or

(B) depositing an executed copy of such demand or petition in the United States mails by registered or certified mail, with a return receipt requested, addressed to the person at the person’s residence or principal office or place of business.

(e) Proof of service. A verified return by the individual serving any civil investigative demand issued under subsection (a) or any petition filed under subsection (j) setting forth the manner of such service shall be proof of such service. In the case of service by registered or certified mail, such return shall be accompanied by the return post office receipt of delivery of such demand.

(f) Documentary material. (1) Sworn certificates. The production of documentary material in response to a civil investigative demand served under this Section shall be made under a sworn certificate, in such form as the demand designates, by:

(A) in the case of a natural person, the person to whom the demand is directed, or

(B) in the case of a person other than a natural person, a person having knowledge of the facts and circumstances relating to such production and authorized to act on behalf of such person.

The certificate shall state that all of the documentary material required by the demand and in the possession, custody, or control of the person to whom the demand is directed has been produced and made available to the investigator identified in the demand.

(2) Production of materials. Any person upon whom any civil investigative demand for the production of documentary material has been served under this Section shall make such material available for inspection and copying to the investigator identified in such demand at the principal place of business of such person, or at such other place as the investigator and the person thereafter may agree and prescribe in writing, or as the court may direct under subsection (j)(1). Such material shall be made so available on the return date specified in such demand, or on such later date as the investigator may prescribe in writing. Such person may, upon written agreement between the person and the investigator, substitute copies for originals of all or any part of such material.

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(g) Interrogatories. Each interrogatory in a civil investigative demand served under this Section shall be answered separately and fully in writing under oath and shall be submitted under a sworn certificate, in such form as the demand designates by:

(1) in the case of a natural person, the person to whom the demand is directed, or

(2) in the case of a person other than a natural person, the person or persons responsible for answering each interrogatory.

If any interrogatory is objected to, the reasons for the objection shall be stated in the certificate instead of an answer. The certificate shall state that all information required by the demand and in the possession, custody, control, or knowledge of the person to whom the demand is directed has been submitted. To the extent that any information is not furnished, the information shall be identified and reasons set forth with particularity regarding the reasons why the information was not furnished.

(h) Oral examinations.

(1) Procedures. The examination of any person pursuant to a civil investigative demand for oral testimony served under this Section shall be taken before an officer authorized to administer oaths and affirmations by the laws of this State or of the place where the examination is held. The officer before whom the testimony is to be taken shall put the witness on oath or affirmation and shall, personally or by someone acting under the direction of the officer and in the officer's presence, record the testimony of the witness. The testimony shall be taken stenographically and shall be transcribed. When the testimony is fully transcribed, the officer before whom the testimony is taken shall promptly transmit a copy of the transcript of the testimony to the custodian. This subsection shall not preclude the taking of testimony by any means authorized by, and in a manner consistent with, the Code of Civil Procedure.

(2) Persons present. The investigator conducting the examination shall exclude from the place where the examination is held all persons except the person giving the testimony, the attorney for and any other representative of the person giving the testimony, the attorney for the State, any person who may be agreed upon by the attorney for the State and the person giving the testimony, the officer before whom the testimony is to be taken, and any stenographer taking such testimony.

(3) Where testimony taken. The oral testimony of any person taken pursuant to a civil investigative demand served under this Section shall be taken in the county within which such person resides, is found, or transacts business, or in such other place as may be agreed upon by the investigator conducting the examination and such person.

(4) Transcript of testimony. When the testimony is fully transcribed, the investigator or the officer before whom the testimony is taken shall afford the witness, who may be accompanied by counsel, a reasonable opportunity to examine and read the transcript, unless such examination and reading are waived by the witness. Any changes in form or substance which the witness desires to make shall

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be entered and identified upon the transcript by the officer or the investigator, with a statement of the reasons given by the witness for making such changes. The transcript shall then be signed by the witness, unless the witness in writing waives the signing, is ill, cannot be found, or refuses to sign. If the transcript is not signed by the witness within 30 days after being afforded a reasonable opportunity to examine it, the officer of investigator shall sign it and state on the record the fact of the waiver, illness, absence of the witness, or the refusal to sign, together with the reasons, if any, given therefor.

(5) Certification and delivery to custodian. The officer before whom the testimony is taken shall certify on the transcript that the witness was sworn by the officer and that the transcript is a true record of the testimony given by the witness, and the officer or investigator shall promptly deliver the transcript, or send the transcript by registered or certified mail, to the custodian.

(6) Furnishing or inspection of transcript by witness. Upon payment of reasonable charges therefor, the investigator shall furnish a copy of the transcript to the witness only, except that the Attorney General, an Assistant Attorney General or employee of the Department of State Police may, for good cause, limit such witness to inspection of the official transcript of the witness' testimony.

(7) Conduct of oral testimony.

(A) Any person compelled to appear for oral testimony under a civil investigative demand issued under subsection (a) may be accompanied, represented, and advised by counsel. Counsel may advise such person, in confidence, with respect to any question asked of such person. Such person or counsel may object on the record to any question, in whole or in part, and shall briefly state for the record the reason for the objection. An objection may be made, received, and entered upon the record when it is claimed that such person is entitled to refuse to answer the question on the grounds of any constitutional or other legal right or privilege, including the privilege against self-incrimination. If such person refuses to answer any question, a petition may be filed in circuit court under subsection (j)(1) for an order compelling such person to answer such question.

(B) If such person refuses any question on the grounds of the privilege against self-incrimination, the testimony of such person may be compelled in accordance with Article 106 of the Code of Criminal Procedure of 1963.

(8) Witness fees and allowances. Any person appearing for oral testimony under a civil investigative demand issued under subsection (a) shall be entitled to the same fees and allowances which are paid to witnesses in the circuit court.

(i) Custodians of documents, answers, and transcripts.

(1) Designation. The Attorney General shall designate the Department of State Police to serve as custodian of documentary material, answers to interrogatories, and transcripts of oral testimony received under this Section and shall designate additional employees of the Department of State Police as the Attorney

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General determines from time to time to be necessary to serve as deputies to the custodian.

(2) Responsibility for materials; disclosure.

(A) An investigator who receives any documentary material, answers to interrogatories, or transcripts of oral testimony under this Section shall transmit them to the custodian. The custodian shall take physical possession of such material, answers, or transcripts and shall be responsible for the use made of them and for the return of documentary material under paragraph (4).

(B) The custodian may cause the preparation of such copies of such documentary material, answers to interrogatories, or transcripts of oral testimony as may be required for official use by any investigator, or other officer or employee of the Attorney General or employee of the Department of State Police who is authorized for such use under regulations which the Attorney General shall issue. Such material, answers, and transcripts may be used by any such authorized investigator or other officer or employee in connection with the taking of oral testimony under this Section.

(C) Except as otherwise provided in this subsection (i), no documentary material, answers to interrogatories, or transcripts of oral testimony, or copies thereof, while in the possession of the custodian, shall be available for examination by any individual other than an investigator or other officer or employee of the Attorney General or employee of the Department of State Police authorized under subparagraph (B). The prohibition in the preceding sentence on the availability of material, answers, or transcripts shall not apply if consent is given by the person who produced such material, answers, or transcripts, or, in the case of any product of discovery produced pursuant to an express demand for such material, consent is given by the person from whom the discovery was obtained. Nothing in this subparagraph is intended to prevent disclosure to the General Assembly, including any committee or subcommittee of the General Assembly, or to any other State agency for use by such agency in furtherance of its statutory responsibilities. Disclosure of information to any such other agency shall be allowed only upon application, made by the Attorney General to a circuit court, showing substantial need for the use of the information by such agency in furtherance of its statutory responsibilities.

(D) While in the possession of the custodian and under such reasonable terms and conditions as the Attorney General shall prescribe:

(i) documentary material and answers to interrogatories shall be available for examination by the person who produced such material or answers, or by a representative for that person authorized by that person to examine such material and answers; and

(ii) transcripts of oral testimony shall be available for examination by the person who produced such testimony, or by a representative of that person authorized

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by that person to examine such transcripts.

(3) Use of material, answers, or transcripts in other proceedings. Whenever any attorney of the office of the Attorney General, or State's Attorney upon a referral, has been designated to appear before any court, grand jury, or State agency in any case or proceeding, the custodian of any documentary material, answers to interrogatories, or transcripts of oral testimony received under this Section may deliver to such attorney such material, answers, or transcripts for official use in connection with any such case or proceeding as such attorney determines to be required. Upon the completion of any such case or proceeding, such attorney shall return to the custodian any such material, answers, or transcripts so delivered which have not passed into the control of such court, grand jury, or agency through introduction into the record of such case or proceeding.

(4) Conditions for return of material. If any documentary material has been produced by any person in the course of any investigation pursuant to a civil investigative demand under this Section and:

(A) any case or proceeding before the court or grand jury arising out of such investigation, or any proceeding before any State agency involving such material, has been completed, or

(B) no case or proceeding in which such material may be used has been commenced within a reasonable time after completion of the examination and analysis of all documentary material and other information assembled in the course of such investigation, the custodian shall, upon written request of the person who produced such material, return to such person any such material (other than copies furnished to the investigator under subsection (f)(2) or made for the Attorney General or employee of the Department of State Police under paragraph (2)(B)) which has not passed into the control of any court, grand jury, or agency through introduction into the record of such case or proceeding.

(5) Appointment of successor custodians. In the event of the death, disability, or separation from service in the Department of State Police of the custodian of any documentary material, answers to interrogatories, or transcripts of oral testimony produced pursuant to a civil investigative demand under this Section, or in the event of the official relief of such custodian from responsibility for the custody and control of such material, answers, or transcripts, the Attorney General shall promptly:

(A) designate another employee of the Department of State Police to serve as custodian of such material, answers, or transcripts, and

(B) transmit in writing to the person who produced such material, answers, or testimony notice of the identity and address of the successor so designated.

Any person who is designated to be a successor under this paragraph (5) shall have, with regard to such material, answers, or transcripts, the same duties and responsibilities as were imposed by this Section upon that person's predecessor in office, except that the successor

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shall not be held responsible for any default or dereliction which occurred before that designation.

(J) Judicial proceedings. (1) Petition for enforcement. Whenever any person fails to comply with any civil investigative demand issued under subsection (a), or whenever satisfactory copying or reproduction of any material requested in such demand cannot be done and such person refuses to surrender such material, the Attorney General may file, in the circuit court of any county in which such person resides, is found, or transacts business, and serve upon such person a petition for an order of such court for the enforcement of the civil investigative demand.

(2) Petition to modify or set aside demand. (A) Any person who has received a civil investigative demand issued under subsection (a) may file, in the circuit court of any county within which such person resides, is found, or transacts business, and serve upon the investigator identified in such demand a petition for an order of the court to modify or set aside such demand. In the case of a petition addressed to an express demand for any product of discovery, a petition to modify or set aside such demand may be brought only in the circuit court of the county in which the proceeding in which such discovery was obtained is or was last pending. Any petition under this subparagraph (A) must be filed:

(i) within 20 days after the date of service of the civil investigative demand, or at any time before the return date specified in the demand, whichever date is earlier, or

(ii) within such longer period as may be prescribed in writing by any investigator identified in the demand.

(B) The petition shall specify each ground upon which the petitioner relies in seeking relief under subparagraph (A), and may be based upon any failure of the demand to comply with the provisions of this Section or upon any constitutional or other legal right or privilege of such person. During the pendency of the petition in the court, the court may stay, as it deems proper, the running of the time allowed for compliance with the demand, in whole or in part, except that the person filing the petition shall comply with any portion of the demand not sought to be modified or set aside.

(3) Petition to modify or set aside demand for product of discovery. (A) In the case of any civil investigative demand issued under subsection (a) which is an express demand for any product of discovery, the person from whom such discovery was obtained may file, in the circuit court of the county in which the proceeding in which such discovery was obtained is or was last pending, and serve upon any investigator identified in the demand and upon the recipient of the demand, a petition for an order of such court to modify or set aside those portions of the demand requiring production of any such product of discovery. Any petition under this subparagraph (A) must be filed:

(i) within 20 days after the date of service of the civil

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investigative demand, or at any time before the return date specified in the demand, whichever date is earlier, or

(ii) within such longer period as may be prescribed in writing by any investigator identified in the demand.

(B) The petition shall specify each ground upon which the petitioner relies in seeking relief under subparagraph (A), and may be based upon any failure of the portions of the demand from which relief is sought to comply with the provisions of this Section, or upon any constitutional or other legal right or privilege of the petitioner. During the pendency of the petition, the court may stay, as it deems proper, compliance with the demand and the running of the time allowed from compliance with the demand.

(4) Petition to require performance by custodian of duties. At any time during which any custodian is in custody or control of any documentary material or answers to interrogatories produced, or transcripts of oral testimony given, by any person in compliance with any civil investigative demand issued under subsection (a), such person, and in the case of an express demand for any product of discovery, the person from whom such discovery was obtained, may file, in the circuit court of the county within which the office of such custodian is situated, and serve upon such custodian, a petition for an order of such court to require the performance by the custodian of any duty imposed upon the custodian by this Section.

(5) Jurisdiction. Whenever any petition is filed in any circuit court under this subsection (j), such court shall have jurisdiction to hear and determine the matter so presented, and to enter such orders as may be required to carry out the provisions of this Section. Any final order so entered shall be subject to appeal in the same manner as appeals of other final orders in civil matters. Any disobedience of any final order entered under this Section by any court shall be punished as a contempt of the court.

(k) Disclosure exemption. Any documentary material, answers to written interrogatories, or oral testimony provided under any civil investigative demand issued under subsection (a) shall be exempt from disclosure under the Illinois Administrative Procedure Act.

(Source: P.A. 87-662; revised 12-07-01.)

Section 87. The Illinois Marriage and Dissolution of Marriage Act is amended by changing Sections 505, 505.3, and 510 as follows:

(750 ILCS 5/505) (from Ch. 40, par. 505)
Sec. 505. Child support; contempt; penalties.

(a) In a proceeding for dissolution of marriage, legal separation, declaration of invalidity of marriage, a proceeding for child support following dissolution of the marriage by a court which lacked personal jurisdiction over the absent spouse, a proceeding for modification of a previous order for child support under Section 510 of this Act, or any proceeding authorized under Section 501 or 601 of this Act, the court may order either or both parents owing a duty of support to a child of the marriage to pay an amount reasonable

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and necessary for his support, without regard to marital misconduct. The duty of support owed to a minor child includes the obligation to provide for the reasonable and necessary physical, mental and emotional health needs of the child.

(1) The Court shall determine the minimum amount of support by using the following guidelines:

<table>
<thead>
<tr>
<th>Number of Children</th>
<th>Percent of Supporting Party's Net Income</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>20%</td>
</tr>
<tr>
<td>2</td>
<td>25%</td>
</tr>
<tr>
<td>3</td>
<td>32%</td>
</tr>
<tr>
<td>4</td>
<td>40%</td>
</tr>
<tr>
<td>5</td>
<td>45%</td>
</tr>
<tr>
<td>6 or more</td>
<td>50%</td>
</tr>
</tbody>
</table>

(2) The above guidelines shall be applied in each case unless the court makes a finding that application of the guidelines would be inappropriate, after considering the best interests of the child in light of evidence including but not limited to one or more of the following relevant factors:

(a) the financial resources and needs of the child;
(b) the financial resources and needs of the custodial parent;
(c) the standard of living the child would have enjoyed had the marriage not been dissolved;
(d) the physical and emotional condition of the child, and his educational needs; and
(e) the financial resources and needs of the non-custodial parent.

If the court deviates from the guidelines, the court's finding shall state the amount of support that would have been required under the guidelines, if determinable. The court shall include the reason or reasons for the variance from the guidelines.

(3) "Net income" is defined as the total of all income from all sources, minus the following deductions:

(a) Federal income tax (properly calculated withholding or estimated payments);
(b) State income tax (properly calculated withholding or estimated payments);
(c) Social Security (FICA payments);
(d) Mandatory retirement contributions required by law or as a condition of employment;
(e) Union dues;
(f) Dependent and individual health/hospitalization insurance premiums;
(g) Prior obligations of support or maintenance actually paid pursuant to a court order;

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(h) Expenditures for repayment of debts that represent reasonable and necessary expenses for the production of income, medical expenditures necessary to preserve life or health, reasonable expenditures for the benefit of the child and the other parent, exclusive of gifts. The court shall reduce net income in determining the minimum amount of support to be ordered only for the period that such payments are due and shall enter an order containing provisions for its self-executing modification upon termination of such payment period.

(4) In cases where the court order provides for health/hospitalization insurance coverage pursuant to Section 505.2 of this Act, the premiums for that insurance, or that portion of the premiums for which the supporting party is responsible in the case of insurance provided through an employer’s health insurance plan where the employer pays a portion of the premiums, shall be subtracted from net income in determining the minimum amount of support to be ordered.

(4.5) In a proceeding for child support following dissolution of the marriage by a court that lacked personal jurisdiction over the absent spouse, and in which the court is requiring payment of support for the period before the date an order for current support is entered, there is a rebuttable presumption that the supporting party's net income for the prior period was the same as his or her net income at the time the order for current support is entered.

(5) If the net income cannot be determined because of default or any other reason, the court shall order support in an amount considered reasonable in the particular case. The final order in all cases shall state the support level in dollar amounts. However, if the court finds that the child support amount cannot be expressed exclusively as a dollar amount because all or a portion of the payor's net income is uncertain as to source, time of payment, or amount, the court may order a percentage amount of support in addition to a specific dollar amount and enter such other orders as may be necessary to determine and enforce, on a timely basis, the applicable support ordered.

(6) If (i) the non-custodial parent was properly served with a request for discovery of financial information relating to the non-custodial parent's ability to provide child support, (ii) the non-custodial parent failed to comply with the request, despite having been ordered to do so by the court, and (iii) the non-custodial parent is not present at the hearing to determine support despite having received proper notice, then any relevant financial information concerning the non-custodial parent's ability to provide child support that was obtained pursuant to subpoena and proper notice shall be admitted into evidence without the need to establish any further foundation for its admission.

(a-5) In an action to enforce an order for support based on the respondent's failure to make support payments as required by the order, notice of proceedings to hold the respondent in contempt for that failure may be served on the respondent by personal service or by regular mail addressed to the respondent's last known address. The respondent's last known address

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may be determined from records of the clerk of the court, from the Federal Case Registry of Child Support Orders, or by any other reasonable means.

(b) Failure of either parent to comply with an order to pay support shall be punishable as in other cases of contempt. In addition to other penalties provided by law the Court may, after finding the parent guilty of contempt, order that the parent be:

(1) placed on probation with such conditions of probation as the Court deems advisable;
(2) sentenced to periodic imprisonment for a period not to exceed 6 months; provided, however, that the Court may permit the parent to be released for periods of time during the day or night to:
(A) work; or
(B) conduct a business or other self-employed occupation.

The Court may further order any part or all of the earnings of a parent during a sentence of periodic imprisonment paid to the Clerk of the Circuit Court or to the parent having custody or to the guardian having custody of the minor children of the sentenced parent for the support of said minor children until further order of the Court.

If there is a unity of interest and ownership sufficient to render no financial separation between a non-custodial parent and another person or persons or business entity, the court may pierce the ownership veil of the person, persons, or business entity to discover assets of the non-custodial parent held in the name of that person, those persons, or that business entity. The following circumstances are sufficient to authorize a court to order discovery of the assets of a person, persons, or business entity and to compel the application of any discovered assets toward payment on the judgment for support:

(1) the non-custodial parent and the person, persons, or business entity maintain records together.
(2) the non-custodial parent and the person, persons, or business entity fail to maintain an arms length relationship between themselves with regard to any assets.
(3) the non-custodial parent transfers assets to the person, persons, or business entity with the intent to perpetrate a fraud on the custodial parent.

With respect to assets which are real property, no order entered under this paragraph shall affect the rights of bona fide purchasers, mortgagees, judgment creditors, or other lien holders who acquire their interests in the property prior to the time a notice of lis pendens pursuant to the Code of Civil Procedure or a copy of the order is placed of record in the office of the recorder of deeds for the county in which the real property is located.

The court may also order in cases where the parent is 90 days or more delinquent in payment of support or has been adjudicated in arrears in an amount equal to 90 days obligation or more, that the parent's Illinois driving privileges be suspended until the court determines that the parent is in compliance with the order of support. The court may also order that the parent be issued a family financial responsibility driving permit that would allow limited driving privileges for employment and medical purposes in accordance with Section 7-702.1 of the Illinois Vehicle Code. The clerk of the circuit court shall certify the order suspending the driving privileges of the parent or granting the issuance of a family driving permit.
financial responsibility driving permit to the Secretary of State on forms prescribed by the Secretary. Upon receipt of the authenticated documents, the Secretary of State shall suspend the parent’s driving privileges until further order of the court and shall, if ordered by the court, subject to the provisions of Section 7-702.1 of the Illinois Vehicle Code, issue a family financial responsibility driving permit to the parent.

In addition to the penalties or punishment that may be imposed under this Section, any person whose conduct constitutes a violation of Section 15 of the Non-Support Punishment Act may be prosecuted under that Act, and a person convicted under that Act may be sentenced in accordance with that Act. The sentence may include but need not be limited to a requirement that the person perform community service under Section 50 of that Act or participate in a work alternative program under Section 50 of that Act. A person may not be required to participate in a work alternative program under Section 50 of that Act if the person is currently participating in a work program pursuant to Section 505.1 of this Act.

A support obligation, or any portion of a support obligation, which becomes due and remains unpaid for 30 days or more shall accrue simple interest at the rate of 9% per annum. An order for support entered or modified on or after January 1, 2002 shall contain a statement that a support obligation required under the order, or any portion of a support obligation required under the order, that becomes due and remains unpaid for 30 days or more shall accrue simple interest at the rate of 9% per annum. Failure to include the statement in the order for support does not affect the validity of the order or the accrual of interest as provided in this Section.

(c) A one-time charge of 20% is imposable upon the amount of past-due child support owed on July 1, 1988 which has accrued under a support order entered by the court. The charge shall be imposed in accordance with the provisions of Section 10-21 of the Illinois Public Aid Code and shall be enforced by the court upon petition.

(d) Any new or existing support order entered by the court under this Section shall be deemed to be a series of judgments against the person obligated to pay support thereunder, each such judgment to be in the amount of each payment or installment of support and each such judgment to be deemed entered as of the date the corresponding payment or installment becomes due under the terms of the support order. Each such judgment shall have the full force, effect and attributes of any other judgment of this State, including the ability to be enforced. A lien arises by operation of law against the real and personal property of the noncustodial parent for each installment of overdue support owed by the noncustodial parent.

(e) When child support is to be paid through the clerk of the court in a county of 1,000,000 inhabitants or less, the order shall direct the obligor to pay to the clerk, in addition to the child support payments, all fees imposed by the county board under paragraph (3) of subsection (u) of Section 27.1 of the Clerks of Courts Act. Unless paid in cash or pursuant to an order for withholding, the payment of the fee shall be by a separate instrument from the support payment and shall be made to the order of the Clerk.

(f) All orders for support, when entered or modified, shall include a provision requiring the obligor to notify the court and, in cases in which a party is receiving child and spouse services under Article X of the Illinois Public Aid Code, the Illinois Department of

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Public Aid, within 7 days, (i) of the name and address of any new employer of the obligor, (ii) whether the obligor has access to health insurance coverage through the employer or other group coverage and, if so, the policy name and number and the names of persons covered under the policy, and (iii) of any new residential or mailing address or telephone number of the non-custodial parent. In any subsequent action to enforce a support order, upon a sufficient showing that a diligent effort has been made to ascertain the location of the non-custodial parent, service of process or provision of notice necessary in the case may be made at the last known address of the non-custodial parent in any manner expressly provided by the Code of Civil Procedure or this Act, which service shall be sufficient for purposes of due process.

(g) An order for support shall include a date on which the current support obligation terminates. The termination date shall be no earlier than the date on which the child covered by the order will attain the age of majority or is otherwise emancipated. The order for support shall state that the termination date does not apply to any arrearage that may remain unpaid on that date. Nothing in this subsection shall be construed to prevent the court from modifying the order.

(h) An order entered under this Section shall include a provision requiring the obligor to report to the obligee and to the clerk of court within 10 days each time the obligor obtains new employment, and each time the obligor's employment is terminated for any reason. The report shall be in writing and shall, in the case of new employment, include the name and address of the new employer. Failure to report new employment or the termination of current employment, if coupled with nonpayment of support for a period in excess of 60 days, is indirect criminal contempt. For any obligor arrested for failure to report new employment bond shall be set in the amount of the child support that should have been paid during the period of unreported employment. An order entered under this Section shall also include a provision requiring the obligor and obligee parents to advise each other of a change in residence within 5 days of the change except when the court finds that the physical, mental, or emotional health of a party or that of a minor child, or both, would be seriously endangered by disclosure of the party's address.

(i) The court does not lose the powers of contempt, driver's license suspension, or other child support enforcement mechanisms, including, but not limited to, criminal prosecution as set forth in this Act, upon the emancipation of the minor child or children.

(750 ILCS 5/505.3)
Sec. 505.3. Information to State Case Registry.
(a) In this Section:
"Order for support", "obligor", "obligee", and "business day" are defined as set forth in the Income Withholding for Support Act.
"State Case Registry" means the State Case Registry established under Section 10-27 of the Illinois Public Aid Code.

(b) Each order for support entered or modified by the circuit court under this Act shall

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require that the obligor and obligee (i) file with the clerk of the circuit court the information required by this Section (and any other information required under Title IV, Part D of the Social Security Act or by the federal Department of Health and Human Services) at the time of entry or modification of the order for support and (ii) file updated information with the clerk within 5 business days of any change. Failure of the obligor or obligee to file or update the required information shall be punishable as in cases of contempt. The failure shall not prevent the court from entering or modifying the order for support, however.

(c) The obligor shall file the following information: the obligor's name, date of birth, social security number, and mailing address.

If either the obligor or the obligee receives child support enforcement services from the Illinois Department of Public Aid under Article X of the Illinois Public Aid Code, the obligor shall also file the following information: the obligor's telephone number, driver's license number, and residential address (if different from the obligor's mailing address), and the name, address, and telephone number of the obligor's employer or employers.

(d) The obligee shall file the following information:

(1) The names of the obligee and the child or children covered by the order for support.
(2) The dates of birth of the obligee and the child or children covered by the order for support.
(3) The social security numbers of the obligee and the child or children covered by the order for support.
(4) The obligee's mailing address.

(e) In cases in which the obligee receives child support enforcement services from the Illinois Department of Public Aid under Article X of the Illinois Public Aid Code, the order for support shall (i) require that the obligee file the information required under subsection (d) with the Illinois Department of Public Aid for inclusion in the State Case Registry, rather than file the information with the clerk, and (ii) require that the obligee include the following additional information:

(1) The obligee's telephone and driver's license numbers.
(2) The obligee's residential address, if different from the obligee's mailing address.
(3) The name, address, and telephone number of the obligee's employer or employers.

The order for support shall also require that the obligee update the information filed with the Illinois Department of Public Aid within 5 business days after receipt of the information.

(f) The clerk shall provide the information filed under this Section, together with the court docket number and county in which the order for support was entered, to the State Case Registry within 5 business days after receipt of the information.

(g) In a case in which a party is receiving child support enforcement services under Article X of the Illinois Public Aid Code, the clerk shall provide the following additional information to the State Case Registry within 5 business days after entry or modification of an order for support or request from the Illinois Department of Public Aid:

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The amount of monthly or other periodic support owed under the order for support and other amounts, including arrearage, interest, or late payment penalties and fees, due or overdue under the order.

(2) Any such amounts that have been received by the clerk, and the distribution of those amounts by the clerk.

(h) Information filed by the obligor and obligee under this Section that is not specifically required to be included in the body of an order for support under other laws is not a public record and shall be treated as confidential and subject to disclosure only in accordance with the provisions of this Section, Section 10-27 of the Illinois Public Aid Code, and Title IV, Part D of the Social Security Act.

(Source: P.A. 91-212, eff. 7-20-99; 92-16, eff. 6-28-01; 92-463, eff. 8-22-01; revised 10-12-01.)

(750 ILCS 5/510) (from Ch. 40, par. 510)

Sec. 510. Modification and termination of provisions for maintenance, support, educational expenses, and property disposition.

(a) Except as otherwise provided in paragraph (f) of Section 502 and in subsection (b) (d), clause (3) of Section 505.2, the provisions of any judgment respecting maintenance or support may be modified only as to installments accruing subsequent to due notice by the moving party of the filing of the motion for modification and, with respect to maintenance, only upon a showing of a substantial change in circumstances. An order for child support may be modified as follows:

(1) upon a showing of a substantial change in circumstances; and

(2) without the necessity of showing a substantial change in circumstances, as follows:

(A) upon a showing of an inconsistency of at least 20%, but no less than $10 per month, between the amount of the existing order and the amount of child support that results from application of the guidelines specified in Section 505 of this Act unless the inconsistency is due to the fact that the amount of the existing order resulted from a deviation from the guideline amount and there has not been a change in the circumstances that resulted in that deviation; or

(B) Upon a showing of a need to provide for the health care needs of the child under the order through health insurance or other means. In no event shall the eligibility for or receipt of medical assistance be considered to meet the need to provide for the child's health care needs.

The provisions of subparagraph (a)(2)(A) shall apply only in cases in which a party is receiving child and spouse support services from the Illinois Department of Public Aid under Article X of the Illinois Public Aid Code, and only when at least 36 months have elapsed since the order for child support was entered or last modified.

(b) The provisions as to property disposition may not be revoked or modified, unless the court finds the existence of conditions that justify the reopening of a judgment under the laws of this State.

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(c) Unless otherwise agreed by the parties in a written agreement set forth in the judgment or otherwise approved by the court, the obligation to pay future maintenance is terminated upon the death of either party, or the remarriage of the party receiving maintenance, or if the party receiving maintenance cohabits with another person on a resident, continuing conjugal basis.

(d) Unless otherwise agreed in writing or expressly provided in a judgment, provisions for the support of a child are terminated by emancipation of the child, except as otherwise provided herein, but not by the death of a parent obligated to support or educate the child. An existing obligation to pay for support or educational expenses, or both, is not terminated by the death of a parent. When a parent obligated to pay support or educational expenses, or both, dies, the amount of support or educational expenses, or both, may be enforced, modified, revoked or commuted to a lump sum payment, as equity may require, and that determination may be provided for at the time of the dissolution of the marriage or thereafter.

(e) The right to petition for support or educational expenses, or both, under Sections 505 and 513 is not extinguished by the death of a parent. Upon a petition filed before or after a parent’s death, the court may award sums of money out of the decedent’s estate for the child’s support or educational expenses, or both, as equity may require. The time within which a claim may be filed against the estate of a decedent under Sections 505 and 513 and subsection (d) and this subsection shall be governed by the provisions of the Probate Act of 1975, as a barrable, noncontingent claim.

(f) A petition to modify or terminate child support, custody, or visitation shall not delay any child support enforcement litigation or supplementary proceeding on behalf of the obligee, including, but not limited to, a petition for a rule to show cause, for non-wage garnishment, or for a restraining order.

(Source: P.A. 92-289, eff. 8-9-01; revised 12-07-01.)

Section 88. The Non-Support Punishment Act is amended by changing Section 50 as follows:

(750 ILCS 16/50)
Sec. 50. Community service; work alternative program.
(a) In addition to any other penalties imposed against an offender under this Act, the court may order the offender to perform community service for not less than 30 and not more than 120 hours per month, if community service is available in the jurisdiction and is funded and approved by the county board of the county where the offense was committed. In addition, whenever any person is placed on supervision for committing an offense under this Act, the supervision shall be conditioned on the performance of the community service.

(b) In addition to any other penalties imposed against an offender under this Act, the court may sentence the offender to service in a work alternative program administered by the sheriff. The conditions of the program are that the offender obtain or retain employment and participate in a work alternative program administered by the sheriff during non-working hours. A person may not be required to participate in a work alternative program under this subsection if the person is currently participating in a work program pursuant to another

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(c) In addition to any other penalties imposed against an offender under this Act, the court may order, in cases where the offender has been in violation of this Act for 90 days or more, that the offender's Illinois driving privileges be suspended until the court determines that the offender is in compliance with this Act.

The court may determine that the offender is in compliance with this Act if the offender has agreed (i) to pay all required amounts of support and maintenance as determined by the court or (ii) to the garnishment of his or her income for the purpose of paying those amounts.

The court may also order that the offender be issued a family financial responsibility driving permit that would allow limited driving privileges for employment and medical purposes in accordance with Section 7-702.1 of the Illinois Vehicle Code. The clerk of the circuit court shall certify the order suspending the driving privileges of the offender or granting the issuance of a family financial responsibility driving permit to the Secretary of State on forms prescribed by the Secretary. Upon receipt of the authenticated documents, the Secretary of State shall suspend the offender's driving privileges until further order of the court and shall, if ordered by the court, subject to the provisions of Section 7-702.1 of the Illinois Vehicle Code, issue a family financial responsibility driving permit to the offender.

(d) If the court determines that the offender has been in violation of this Act for more than 60 days, the court may determine whether the offender has applied for or been issued a professional license by the Department of Professional Regulation or another licensing agency. If the court determines that the offender has applied for or been issued such a license, the court may certify to the Department of Professional Regulation or other licensing agency that the offender has been in violation of this Act for more than 60 days so that the Department or other agency may take appropriate steps with respect to the license or application as provided in Section 10-65 of the Illinois Administrative Procedure Act and Section 2105-15 of the Department of Professional Regulation Law 60 of the Civil Administrative Code of Illinois. The court may take the actions required under this subsection in addition to imposing any other penalty authorized under this Act.

(Source: P.A. 91-613, eff. 10-1-99; revised 12-04-01.)

Section 89. The Adoption Act is amended by changing Section 1 as follows:

(750 ILCS 50/1) (from Ch. 40, par. 1501)

Sec. 1. Definitions. When used in this Act, unless the context otherwise requires:

A. "Child" means a person under legal age subject to adoption under this Act.

B. "Related child" means a child subject to adoption where either or both of the adopting parents stands in any of the following relationships to the child by blood or marriage: parent, grand-parent, brother, sister, step-parent, step-grandparent, step-brother, step-sister, uncle, aunt, great-uncle, great-aunt, or cousin of first degree. A child whose parent has executed a final irrevocable consent to adoption or a final irrevocable surrender for purposes of adoption, or whose parent has had his or her parental rights terminated, is not

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a related child to that person, unless the consent is determined to be void or is void pursuant to subsection O of Section 10.

C. "Agency" for the purpose of this Act means a public child welfare agency or a licensed child welfare agency.

D. "Unfit person" means any person whom the court shall find to be unfit to have a child, without regard to the likelihood that the child will be placed for adoption. The grounds of unfitness are any one or more of the following, except that a person shall not be considered an unfit person for the sole reason that the person has relinquished a child in accordance with the Abandoned Newborn Infant Protection Act:

- Abandonment of the child.
- Abandonment of a newborn infant in a hospital.
- Abandonment of a newborn infant in any setting where the evidence suggests that the parent intended to relinquish his or her parental rights.
- Failure to maintain a reasonable degree of interest, concern or responsibility as to the child's welfare.
- Desertion of the child for more than 3 months next preceding the commencement of the Adoption proceeding.
- Substantial neglect of the child if continuous or repeated.
- Substantial neglect, if continuous or repeated, of any child residing in the household which resulted in the death of that child.
- Extreme or repeated cruelty to the child.
- Failure to protect the child from conditions within his environment injurious to the child's welfare.
- Other neglect of, or misconduct toward the child; provided that in making a finding of unfitness the court hearing the adoption proceeding shall not be bound by any previous finding, order or judgment affecting or determining the rights of the parents toward the child sought to be adopted in any other proceeding except such proceedings terminating parental rights as shall be had under either this Act, the Juvenile Court Act or the Juvenile Court Act of 1987.
- Depravity. Conviction of any one of the following crimes shall create a presumption that a parent is depraved which can be overcome only by clear and convincing evidence: (1) first degree murder in violation of paragraph 1 or 2 of subsection (a) of Section 9-1 of the Criminal Code of 1961 or conviction of second degree murder in violation of subsection (a) of Section 9-2 of the Criminal Code of

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1961 of a parent of the child to be adopted; (2) first degree murder or second degree murder of any child in violation of the Criminal Code of 1961; (3) attempt or conspiracy to commit first degree murder or second degree murder of any child in violation of the Criminal Code of 1961; (4) solicitation to commit murder of any child, solicitation to commit murder of any child for hire, or solicitation to commit second degree murder of any child in violation of the Criminal Code of 1961; or (5) aggravated criminal sexual assault in violation of Section 12-14(b)(1) of the Criminal Code of 1961.

There is a rebuttable presumption that a parent is depraved if the parent has been criminally convicted of at least 3 felonies under the laws of this State or any other state, or under federal law, or the criminal laws of any United States territory; and at least one of these convictions took place within 5 years of the filing of the petition or motion seeking termination of parental rights.

There is a rebuttable presumption that a parent is depraved if that parent has been criminally convicted of either first or second degree murder of any person as defined in the Criminal Code of 1961 within 10 years of the filing date of the petition or motion to terminate parental rights.

(j) Open and notorious adultery or fornication.

(j-1) (Blank).

(k) Habitual drunkenness or addiction to drugs, other than those prescribed by a physician, for at least one year immediately prior to the commencement of the unfitness proceeding.

There is a rebuttable presumption that a parent is unfit under this subsection with respect to any child to which that parent gives birth where there is a confirmed test result that at birth the child's blood, urine, or meconium contained any amount of a controlled substance as defined in subsection (f) of Section 102 of the Illinois Controlled Substances Act or metabolites of such substances, the presence of which in the newborn infant was not the result of medical treatment administered to the mother or the newborn infant; and the biological mother of this child is the biological mother of at least one other child who was adjudicated a neglected minor under subsection (c) of Section 2-3 of the Juvenile Court Act of 1987.

(l) Failure to demonstrate a reasonable degree of interest, concern or responsibility as to the welfare of a new born child during the first 30 days after its birth.

(m) Failure by a parent (i) to make reasonable efforts to correct the conditions that were the basis for the removal of the child from the parent, or (ii) to make reasonable progress toward the return of the child to the parent within 9 months after an adjudication of neglected or abused minor under Section 2-3 of the Juvenile Court Act of 1987 or dependent minor under Section 2-4 of that Act, or (iii) to make reasonable progress toward the return of the child to the parent during any 9-month period after the end of the initial 9-month period following the adjudication of neglected or abused minor under Section 2-3 of the Juvenile Court Act of 1987 or

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dependent minor under Section 2-4 of that Act. If a service plan has been established as required under Section 8.2 of the Abused and Neglected Child Reporting Act to correct the conditions that were the basis for the removal of the child from the parent and if those services were available, then, for purposes of this Act, "failure to make reasonable progress toward the return of the child to the parent" includes (I) the parent's failure to substantially fulfill his or her obligations under the service plan and correct the conditions that brought the child into care within 9 months after the adjudication under Section 2-3 or 2-4 of the Juvenile Court Act of 1987 and (II) the parent's failure to substantially fulfill his or her obligations under the service plan and correct the conditions that brought the child into care during any 9-month period after the end of the initial 9-month period following the adjudication under Section 2-3 or 2-4 of the Juvenile Court Act of 1987.

(m-1) Pursuant to the Juvenile Court Act of 1987, a child has been in foster care for 15 months out of any 22 month period which begins on or after the effective date of this amendatory Act of 1998 unless the child's parent can prove by a preponderance of the evidence that it is more likely than not that it will be in the best interests of the child to be returned to the parent within 6 months of the date on which a petition for termination of parental rights is filed under the Juvenile Court Act of 1987. The 15 month time limit is tolled during any period for which there is a court finding that the appointed custodian or guardian failed to make reasonable efforts to reunify the child with his or her family, provided that (i) the finding of no reasonable efforts is made within 60 days of the period when reasonable efforts were not made or (ii) the parent filed a motion requesting a finding of no reasonable efforts within 60 days of the period when reasonable efforts were not made. For purposes of this subdivision (m-1), the date of entering foster care is the earlier of: (i) the date of a judicial finding at an adjudicatory hearing that the child is an abused, neglected, or dependent minor; or (ii) 60 days after the date on which the child is removed from his or her parent, guardian, or legal custodian.

(n) Evidence of intent to forgo his or her parental rights, whether or not the child is a ward of the court, (1) as manifested by his or her failure for a period of 12 months: (i) to visit the child, (ii) to communicate with the child or agency, although able to do so and not prevented from doing so by an agency or by court order, or (iii) to maintain contact with or plan for the future of the child, although physically able to do so, or (2) as manifested by the father's failure, where he and the mother of the child were unmarried to each other at the time of the child's birth, (i) to commence legal proceedings to establish his paternity under the Illinois Parentage Act of 1984 or the law of the jurisdiction of the child's birth within 30 days of being informed, pursuant to Section 12a of this Act, that he is the father or the likely father of the child or, after being so informed where the child is not yet born, within 30 days of the child's birth, or (ii) to make a good faith effort to pay a reasonable amount of the expenses related to the birth of the child and to provide a reasonable amount for the financial support of the child, the court to consider in its determination all relevant
circumstances, including the financial condition of both parents; provided that the
ground for termination provided in this subparagraph (n)(2)(ii) shall only be available
where the petition is brought by the mother or the husband of the mother.

Contact or communication by a parent with his or her child that does not
demonstrate affection and concern does not constitute reasonable contact and
planning under subdivision (n). In the absence of evidence to the contrary, the ability
to visit, communicate, maintain contact, pay expenses and plan for the future shall
be presumed. The subjective intent of the parent, whether expressed or otherwise,
unsupported by evidence of the foregoing parental acts manifesting that intent, shall
not preclude a determination that the parent has intended to forgo his or her parental
rights. In making this determination, the court may consider but shall not require a
showing of diligent efforts by an authorized agency to encourage the parent to
perform the acts specified in subdivision (n).

It shall be an affirmative defense to any allegation under paragraph (2) of this
subsection that the father's failure was due to circumstances beyond his control or to
impediments created by the mother or any other person having legal custody. Proof
of that fact need only be by a preponderance of the evidence.

(o) Repeated or continuous failure by the parents, although physically and
financially able, to provide the child with adequate food, clothing, or shelter.

(p) Inability to discharge parental responsibilities supported by competent
evidence from a psychiatrist, licensed clinical social worker, or clinical psychologist
of mental impairment, mental illness or mental retardation as defined in Section
1-116 of the Mental Health and Developmental Disabilities Code, or developmental
disability as defined in Section 1-106 of that Code, and there is sufficient justification
to believe that the inability to discharge parental responsibilities shall extend beyond
a reasonable time period. However, this subdivision (p) shall not be construed so as
to permit a licensed clinical social worker to conduct any medical diagnosis to
determine mental illness or mental impairment.

(q) The parent has been criminally convicted of aggravated battery, heinous
battery, or attempted murder of any child.

(r) The child is in the temporary custody or guardianship of the Department
of Children and Family Services, the parent is incarcerated as a result of criminal
conviction at the time the petition or motion for termination of parental rights is filed,
prior to incarceration the parent had little or no contact with the child or provided
little or no support for the child, and the parent's incarceration will prevent the parent
from discharging his or her parental responsibilities for the child for a period in
excess of 2 years after the filing of the petition or motion for termination of parental
rights.

(s) The child is in the temporary custody or guardianship of the Department
of Children and Family Services, the parent is incarcerated at the time the petition or
motion for termination of parental rights is filed, the parent has been repeatedly
incarcerated as a result of criminal convictions, and the parent's repeated
incarceration has prevented the parent from discharging his or her parental responsibilities for the child.

(t) A finding that at birth the child's blood, urine, or meconium contained any amount of a controlled substance as defined in subsection (f) of Section 102 of the Illinois Controlled Substances Act, or a metabolite of a controlled substance, with the exception of controlled substances or metabolites of such substances, the presence of which in the newborn infant was the result of medical treatment administered to the mother or the newborn infant, and that the biological mother of this child is the biological mother of at least one other child who was adjudicated a neglected minor under subsection (c) of Section 2-3 of the Juvenile Court Act of 1987, after which the biological mother had the opportunity to enroll in and participate in a clinically appropriate substance abuse counseling, treatment, and rehabilitation program.

E. "Parent" means the father or mother of a legitimate or illegitimate child. For the purpose of this Act, a person who has executed a final and irrevocable consent to adoption or a final and irrevocable surrender for purposes of adoption, or whose parental rights have been terminated by a court, is not a parent of the child who was the subject of the consent or surrender, unless the consent is void pursuant to subsection O of Section 10.

F. A person is available for adoption when the person is:

(a) a child who has been surrendered for adoption to an agency and to whose adoption the agency has thereafter consented;
(b) a child to whose adoption a person authorized by law, other than his parents, has consented, or to whose adoption no consent is required pursuant to Section 8 of this Act;
(c) a child who is in the custody of persons who intend to adopt him through placement made by his parents;
(c-1) a child for whom a parent has signed a specific consent pursuant to subsection O of Section 10;
(d) an adult who meets the conditions set forth in Section 3 of this Act; or
(e) a child who has been relinquished as defined in Section 10 of the Abandoned Newborn Infant Protection Act.

A person who would otherwise be available for adoption shall not be deemed unavailable for adoption solely by reason of his or her death.

G. The singular includes the plural and the plural includes the singular and the "male" includes the "female", as the context of this Act may require.

H. "Adoption disruption" occurs when an adoptive placement does not prove successful and it becomes necessary for the child to be removed from placement before the adoption is finalized.

I. "Foreign placing agency" is an agency or individual operating in a country or territory outside the United States that is authorized by its country to place children for adoption either directly with families in the United States or through United States based international agencies.

J. "Immediate relatives" means the biological parents, the parents of the biological

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parents and siblings of the biological parents.

K. "Intercountry adoption" is a process by which a child from a country other than the United States is adopted.

L. "Intercountry Adoption Coordinator" is a staff person of the Department of Children and Family Services appointed by the Director to coordinate the provision of services by the public and private sector to prospective parents of foreign-born children.

M. "Interstate Compact on the Placement of Children" is a law enacted by most states for the purpose of establishing uniform procedures for handling the interstate placement of children in foster homes, adoptive homes, or other child care facilities.

N. "Non-Compact state" means a state that has not enacted the Interstate Compact on the Placement of Children.

O. "Preadoption requirements" are any conditions established by the laws or regulations of the Federal Government or of each state that must be met prior to the placement of a child in an adoptive home.

P. "Abused child" means a child whose parent or immediate family member, or any person responsible for the child's welfare, or any individual residing in the same home as the child, or a paramour of the child's parent:

(a) inflicts, causes to be inflicted, or allows to be inflicted upon the child physical injury, by other than accidental means, that causes death, disfigurement, impairment of physical or emotional health, or loss or impairment of any bodily function;

(b) creates a substantial risk of physical injury to the child by other than accidental means which would be likely to cause death, disfigurement, impairment of physical or emotional health, or loss or impairment of any bodily function;

(c) commits or allows to be committed any sex offense against the child, as sex offenses are defined in the Criminal Code of 1961 and extending those definitions of sex offenses to include children under 18 years of age;

(d) commits or allows to be committed an act or acts of torture upon the child;

or

(e) inflicts excessive corporal punishment.

Q. "Neglected child" means any child whose parent or other person responsible for the child's welfare withholds or denies nourishment or medically indicated treatment including food or care denied solely on the basis of the present or anticipated mental or physical impairment as determined by a physician acting alone or in consultation with other physicians or otherwise does not provide the proper or necessary support, education as required by law, or medical or other remedial care recognized under State law as necessary for a child's well-being, or other care necessary for his or her well-being, including adequate food, clothing and shelter; or who is abandoned by his or her parents or other person responsible for the child's welfare.

A child shall not be considered neglected or abused for the sole reason that the child's parent or other person responsible for his or her welfare depends upon spiritual means through prayer alone for the treatment or cure of disease or remedial care as provided under

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Section 4 of the Abused and Neglected Child Reporting Act. A child shall not be considered neglected or abused for the sole reason that the child's parent or other person responsible for the child's welfare failed to vaccinate, delayed vaccination, or refused vaccination for the child due to a waiver on religious or medical grounds as permitted by the law.

R. "Putative father" means a man who may be a child's father, but who (1) is not married to the child's mother on or before the date that the child was or is to be born and (2) has not established paternity of the child in a court proceeding before the filing of a petition for the adoption of the child. The term includes a male who is less than 18 years of age. "Putative father" does not mean a man who is the child's father as a result of criminal sexual abuse or assault as defined under Article 12 of the Criminal Code of 1961. A child shall not be considered neglected or abused for the sole reason that the child's parent or other person responsible for the child's welfare failed to vaccinate, delayed vaccination, or refused vaccination for the child due to a waiver on religious or medical grounds as permitted by the law.

S. "Standby adoption" means an adoption in which a terminally ill parent consents to custody and termination of parental rights to become effective upon the occurrence of a future event, which is either the death of the terminally ill parent or the request of the parent for the entry of a final judgment of adoption.

T. "Terminally ill parent" means a person who has a medical prognosis by a physician licensed to practice medicine in all of its branches that the person has an incurable and irreversible condition which will lead to death.

(Source: P.A. 91-357, eff. 7-29-99; 91-373, eff. 1-1-00; 91-572, eff. 1-1-00; 92-16, eff. 6-28-01; 92-375, eff. 1-1-02; 92-408, eff. 8-17-01; 92-432, eff. 8-17-01; revised 10-15-01.)

Section 90. The Illinois Domestic Violence Act of 1986 is amended by changing Section 222 as follows:

(750 ILCS 60/222) (from Ch. 40, par. 2312-22)
Sec. 222. Notice of orders.
(a) Entry and issuance. Upon issuance of any order of protection, the clerk shall immediately, or on the next court day if an emergency order is issued in accordance with subsection (c) of Section 217, (i) enter the order on the record and file it in accordance with the circuit court procedures and (ii) provide a file stamped copy of the order to respondent, if present, and to petitioner.

(b) Filing with sheriff. The clerk of the issuing judge shall, or the petitioner may, on the same day that an order of protection is issued, file a certified copy of that order with the sheriff or other law enforcement officials charged with maintaining Department of State Police records or charged with serving the order upon respondent. If the order was issued in accordance with subsection (c) of Section 217, the clerk shall on the next court day, file a certified copy of the order with the Sheriff or other law enforcement officials charged with maintaining Department of State Police records.

(c) Service by sheriff. Unless respondent was present in court when the order was issued, the sheriff, other law enforcement official or special process server shall promptly serve that order upon respondent and file proof of such service, in the manner provided for

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service of process in civil proceedings. Instead of serving the order upon the respondent, however, the sheriff, other law enforcement official, or special process server may serve the respondent with a short form notification as provided in Section 222.10. If process has not yet been served upon the respondent, it shall be served with the order or short form notification. A single fee may be charged for service of an order obtained in civil court, or for service of such an order together with process, unless waived or deferred under Section 210.

(c-5) If the person against whom the order of protection is issued is arrested and the written order is issued in accordance with subsection (c) of Section 217 and received by the custodial law enforcement agency before the respondent or arrestee is released from custody, the custodial law enforcement agent shall promptly serve the order upon the respondent or arrestee before the respondent or arrestee is released from custody. In no event shall detention of the respondent or arrestee be extended for hearing on the petition for order of protection or receipt of the order issued under Section 217 of this Act.

(d) Extensions, modifications and revocations. Any order extending, modifying or revoking any order of protection shall be promptly recorded, issued and served as provided in this Section.

(e) Notice to schools. Upon the request of the petitioner, within 24 hours of the issuance of an order of protection, the clerk of the issuing judge shall send written notice of the order of protection along with a certified copy of the order of protection to the day-care facility, pre-school or pre-kindergarten, or private school or the principal office of the public school district or any college or university in which any child who is a protected person under the order of protection or any child of the petitioner is enrolled. If the child transfers enrollment to another day-care facility, pre-school, pre-kindergarten, private school, public school, college, or university, the petitioner may, within 24 hours of the transfer, send to the clerk written notice of the transfer, including the name and address of the institution to which the child is transferring. Within 24 hours of receipt of notice from the petitioner that a child is transferring to another day-care facility, pre-school, pre-kindergarten, private school, public school, college, or university, the clerk shall send written notice of the order of protection, along with a certified copy of the order, to the institution to which the child is transferring.

(f) Disclosure by schools. After receiving a certified copy of an order of protection that prohibits a respondent's access to records, neither a day-care facility, pre-school, pre-kindergarten, public or private school, college, or university nor its employees shall allow a respondent access to a protected child's records or release information in those records to the respondent. The school shall file the copy of the order of protection in the records of a child who is a protected person under the order of protection. When a child who is a protected person under the order of protection transfers to another day-care facility, pre-school, pre-kindergarten, public or private school, college, or university, the institution from which the child is transferring may, at the request of the petitioner, provide, within 24 hours of the transfer, written notice of the order of protection, along with a certified copy of the order, to the institution to which the child is transferring.

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Section 91. The Cemetery Care Act is amended by changing Section 2 as follows:

Sec. 2. Definitions. The following words, terms and phrases used in this Act, for the purpose of this Act, have the following meanings:

"Person" means any person, partnership, association, corporation, or other entity.

"Trustee" means any person authorized to hold funds under this Act.

"Comptroller" means the Comptroller of the State of Illinois.

"Care" means the maintenance of a cemetery and of the lots, graves, crypts, niches, family mausoleums, memorials, and markers therein; including: (i) the cutting and trimming of lawn, shrubs, and trees at reasonable intervals; (ii) keeping in repair the drains, water lines, roads, buildings, fences, and other structures, in keeping with a well maintained cemetery; (iii) maintenance of machinery, tools, and equipment for such care; (iv) compensation of employees, payment of insurance premiums, and reasonable payments for employees pension and other benefits plans; and (v) to the extent surplus income from the care fund is available, the payment of overhead expenses necessary for such purposes and for maintaining necessary records of lot ownership, transfers, and burials.

"Care funds" as distinguished from receipts from annual charges or gifts for current or annual care, means any realty or personalty impressed with a trust by the terms of any gift, grant, contribution, payment, legacy, or pursuant to contract, accepted by any cemetery authority owning, operating, controlling or managing a privately operated cemetery, or by any trustee or licensee, agent or custodian for the same, under Section 3 of this Act, and the amounts set aside under Section 4 of this Act, and any income accumulated therefrom, where legally so directed by the terms of the transaction by which the principal was established.

"Cemetery" means any land or structure in this State dedicated to and used, or intended to be used, for the interment of human remains.

"Cemetery authority" means any person, firm, corporation, trustee, partnership, association or municipality owning, operating, controlling or managing a cemetery or holding lands for burial grounds or burial purposes in this State.

"Mausoleum crypt" means a space in a mausoleum used or intended to be used, above or under ground, to entomb human remains.

"Family burying ground" means a cemetery in which no lots are sold to the public and in which interments are restricted to a group of persons related to each other by blood or marriage.

"Fraternal cemetery" means a cemetery owned, operated, controlled, or managed by any fraternal organization or auxiliary organizations thereof, in which the sale of lots, graves, crypts or niches is restricted principally to its members.

"Grave" means a space of ground in a cemetery, used, or intended to be used, for burial.

"Investment Company Act of 1940" means Title 15, of the United States Code, Sections 80a-1 to 80a-51, inclusive, as amended.

"Investment Company" means any issuer (a) whose securities are purchasable only

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with care funds or trust funds, or both; and (b) which is an open and diversified management company as defined in and registered under the "Investment Company Act of 1940"; and (c) which has entered into an agreement with the Comptroller containing such provisions as the Comptroller by regulation reasonably requires for the proper administration of this Act.

"Municipal cemetery" means a cemetery owned, operated, controlled or managed by any city, village, incorporated town, township, county, or other municipal corporation, political subdivision, or instrumentality thereof authorized by law to own, operate, or manage a cemetery.

"Niche" means a space in a columbarium used or intended to be used, for inurnment of cremated human remains.

"Privately operated cemetery" means any entity that offers interment rights, entombment rights, or inurnment rights, other than a fraternal, municipal, State, federal or religious cemetery or a family burying ground.

"Religious cemetery" means a cemetery owned, operated, controlled, or managed by any recognized church, religious society, association or denomination, or by any cemetery authority or any corporation administering, or through which is administered, the temporalities of any recognized church, religious society, association or denomination.

"State or federal cemetery" means a cemetery owned, operated, controlled, or managed by any State or the federal government or any political subdivision or instrumentality thereof.

"Entombment right" means the right to place individual human remains or individual cremated human remains in a specific mausoleum crypt or lawn crypt selected by the consumer for use as a final resting place.

"Interment right" means the right to place individual human remains or cremated human remains in a specific underground location selected by the consumer for use as a final resting place.

"Inurnment right" means the right to place individual cremated human remains in a specific niche selected by the consumer for use as a final resting place.

"Lawn crypt" means a permanent underground crypt usually constructed of reinforced concrete or similar material installed in multiple units for the entombment of human remains.

"Imputed value" means the retail price of comparable rights within the same or similar area of the cemetery.

(Source: P.A. 90-623, eff. 7-10-98; revised 12-07-01.)

Section 92. The General Not For Profit Corporation Act of 1986 is amended by changing Section 115.10 as follows:

(805 ILCS 105/115.10) (from Ch. 32, par. 115.10)
Sec. 115.10. Fees for filing documents and issuing certificates. The Secretary of State shall charge and collect for:
(a) Filing articles of incorporation, $50.
(b) Filing articles of amendment, $25, unless the amendment is a restatement of the articles of incorporation, in which case the fee shall be $100.
(c) Filing articles of merger or, $25.

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(d) Filing articles of dissolution, $5.
(e) Filing application to reserve a corporate name, $25.
(f) Filing a notice of transfer of a reserved corporate name, $25.
(g) Filing statement of change of address of registered office or change of registered agent, or both, if other than on an annual report, $5.
(h) Filing an application of a foreign corporation for authority to conduct affairs in this State, $50.
(i) Filing an application of a foreign corporation for amended authority to conduct affairs in this State, $25.
(j) Filing a copy of amendment to the articles of incorporation of a foreign corporation holding authority to conduct affairs in this State, $25, unless the amendment is a restatement of the articles of incorporation, in which case the fee shall be $100.
(k) Filing a copy of articles of merger of a foreign corporation holding authority to conduct affairs in this State, $25.
(l) Filing an application for withdrawal and final report or a copy of articles of dissolution of a foreign corporation, $5.
(m) Filing an annual report of a domestic or foreign corporation, $5.
(n) Filing an application for reinstatement of a domestic or a foreign corporation, $25.
(o) Filing an application for use or change of an assumed corporate name, $150 for each year or part thereof ending in 0 or 5, $120 for each year or part thereof ending in 1 or 6, $90 for each year or part thereof ending in 2 or 7, $60 for each year or part thereof ending in 3 or 8, $30 for each year or part thereof ending in 4 or 9, and a renewal fee for each assumed corporate name, $150.
(p) Filing an application for change or cancellation of an assumed corporate name, $5.
(q) Filing an application to register the corporate name of a foreign corporation, $50; and an annual renewal fee for the registered name, $50.
(r) Filing an application for cancellation of a registered name of a foreign corporation, $5.
(s) Filing a statement of correction, $25.
(t) Filing an election to accept this Act, $25.
(u) Filing any other statement or report, $5.
(Source: P.A. 92-33, eff. 7-1-01; revised 1-25-02.)

Section 93. The Uniform Commercial Code is amended by changing Section 2A-103 as follows:

(810 ILCS 5/2A-103) (from Ch. 26, par. 2A-103)
Sec. 2A-103. Definitions and index of definitions.
(1) In this Article unless the context otherwise requires:
   (a) "Buyer in ordinary course of business" means a person who, in good faith and without knowledge that the sale to him or her is in violation of the ownership rights or security interest or leasehold interest of a third party in the goods, buys in ordinary course from a person in the business of selling goods of that kind but does

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not include a pawnbroker. "Buying" may be for cash or by exchange of other property or on secured or unsecured credit and includes receiving goods or documents of title under a pre-existing contract for sale but does not include a transfer in bulk or as security for or in total or partial satisfaction of a money debt.

(b) "Cancellation" occurs when either party puts an end to the lease contract for default by the other party.

(c) "Commercial unit" means such a unit of goods as by commercial usage is a single whole for purposes of lease and division of which materially impairs its character or value on the market or in use. A commercial unit may be a single article, as a machine, or a set of articles, as a suite of furniture or a line of machinery, or a quantity, as a gross or carload, or any other unit treated in use or in the relevant market as a single whole.

(d) "Conforming" goods or performance under a lease contract means goods or performance that are in accordance with the obligations under the lease contract.

(e) "Consumer lease" means a lease that a lessor regularly engaged in the business of leasing or selling makes to a lessee who is an individual and who takes under the lease primarily for a personal, family, or household purpose, if the total payments to be made under the lease contract, excluding payments for options to renew or buy, do not exceed $40,000.

(f) "Fault" means wrongful act, omission, breach, or default.

(g) "Finance lease" means a lease with respect to which:

(i) the lessor does not select, manufacture, or supply the goods;
(ii) the lessor acquires the goods or the right to possession and use of the goods in connection with the lease; and
(iii) one of the following occurs:

(A) the lessee receives a copy of the contract by which the lessor acquired the goods or the right to possession and use of the goods before signing the lease contract;

(B) the lessee's approval of the contract by which the lessor acquired the goods or the right to possession and use of the goods is a condition to effectiveness of the lease contract;

(C) the lessee, before signing the lease contract, receives an accurate and complete statement designating the promises and warranties, and any disclaimers of warranties, limitations or modifications of remedies, or liquidated damages, including those of a third party, such as the manufacturer of the goods, provided to the lessor by the person supplying the goods in connection with or as part of the contract by which the lessor acquired the goods or the right to possession and use of the goods; or

(D) if the lease is not a consumer lease, the lessor, before the lessee signs the lease contract, informs the lessee in writing (a) of the identity of the person supplying the goods to the lessor, unless the
lessee has selected that person and directed the lessor to acquire the goods or the right to possession and use of the goods from that person, (b) that the lessee is entitled under this Article to the promises and warranties, including those of any third party, provided to the lessor by the person supplying the goods in connection with or as part of the contract by which the lessor acquired the goods or the right to possession and use of the goods, and (c) that the lessee may communicate with the person supplying the goods to the lessor and receive an accurate and complete statement of those promises and warranties, including any disclaimers and limitations of them or of remedies.

(h) "Goods" means all things that are movable at the time of identification to the lease contract, or are fixtures (Section 2A-309), but the term does not include money, documents, instruments, accounts, chattel paper, general intangibles, or minerals or the like, including oil and gas, before extraction. The term also includes the unborn young of animals.

(i) "Installment lease contract" means a lease contract that authorizes or requires the delivery of goods in separate lots to be separately accepted, even though the lease contract contains a clause "each delivery is a separate lease" or its equivalent.

(j) "Lease" means a transfer of the right to possession and use of goods for a term in return for consideration, but a sale, including a sale on approval or a sale or return, or retention or creation of a security interest is not a lease. Unless the context clearly indicates otherwise, the term includes a sublease.

(k) "Lease agreement" means the bargain, with respect to the lease, of the lessor and the lessee in fact as found in their language or by implication from other circumstances including course of dealing or usage of trade or course of performance as provided in this Article. Unless the context clearly indicates otherwise, the term includes a sublease agreement.

(l) "Lease contract" means the total legal obligation that results from the lease agreement as affected by this Article and any other applicable rules of law. Unless the context clearly indicates otherwise, the term includes a sublease contract.

(m) "Leasehold interest" means the interest of the lessor or the lessee under a lease contract.

(n) "Lessee" means a person who acquires the right to possession and use of goods under a lease. Unless the context clearly indicates otherwise, the term includes a sublessee.

(o) "Lessee in ordinary course of business" means a person who in good faith and without knowledge that the lease to him or her is in violation of the ownership rights or security interest or leasehold interest of a third party in the goods leases in ordinary course from a person in the business of selling or leasing goods of that kind but does not include a pawnbroker. "Leasing" may be for cash or by exchange of

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other property or on secured or unsecured credit and includes receiving goods or documents of title under a pre-existing lease contract but does not include a transfer in bulk or as security for or in total or partial satisfaction of a money debt.

(p) "Lessor" means a person who transfers the right to possession and use of goods under a lease. Unless the context clearly indicates otherwise, the term includes a sublessor.

(q) "Lessor's residual interest" means the lessor's interest in the goods after expiration, termination, or cancellation of the lease contract.

(r) "Lien" means a charge against or interest in goods to secure payment of a debt or performance of an obligation, but the term does not include a security interest.

(s) "Lot" means a parcel or a single article that is the subject matter of a separate lease or delivery, whether or not it is sufficient to perform the lease contract.

(t) "Merchant lessee" means a lessee that is a merchant with respect to goods of the kind subject to the lease.

(u) "Present value" means the amount as of a date certain of one or more sums payable in the future, discounted to the date certain. The discount is determined by the interest rate specified by the parties if the rate was not manifestly unreasonable at the time the transaction was entered into; otherwise, the discount is determined by a commercially reasonable rate that takes into account the facts and circumstances of each case at the time the transaction was entered into.

(v) "Purchase" includes taking by sale, lease, mortgage, security interest, pledge, gift, or any other voluntary transaction creating an interest in goods.

(w) "Sublease" means a lease of goods the right to possession and use of which was acquired by the lessor as a lessee under an existing lease.

(x) "Supplier" means a person from whom a lessor buys or leases goods to be leased under a finance lease.

(y) "Supply contract" means a contract under which a lessor buys or leases goods to be leased.

(z) "Termination" occurs when either party pursuant to a power created by agreement or law puts an end to the lease contract otherwise than for default.

(2) Other definitions applying to this Article and the Sections in which they appear are:

"Accessions". Section 2A-310(1).
"Construction mortgage". Section 2A-309(1)(d).
"Encumbrance". Section 2A-309(1)(e).
"Fixtures". Section 2A-309(1)(a).
"Fixture filing". Section 2A-309(1)(b).
"Purchase money lease". Section 2A-309(1)(c).

(3) The following definitions in other Articles apply to this Article:
"Account". Section 9-102(a)(2).
"Between merchants". Section 2-104(3).

New matter indicated by italics - deletions by strikeout.
"Buyer". Section 2-103(1)(a).
"Chattel paper". Section 9-102(a)(11).
"Consumer goods". Section 9-102(a)(23).
"Document". Section 9-102(a)(30).
"Entrusting". Section 2-403(3).
"General intangible". Section 9-102(a)(42).
"Good faith". Section 2-103(1)(b).
"Instrument". Section 9-102(a)(47).
"Merchant". Section 2-104(1).
"Mortgage". Section 9-102(a)(55).
"Pursuant to commitment". Section 9-102(a)(68).
"Receipt". Section 2-103(1)(c).
"Sale". Section 2-106(1).
"Sale on approval". Section 2-326.
"Sale or return". Section 2-326.
"Seller". Section 2-103(1)(d).

(4) In addition, Article 1 contains general definitions and principles of construction and interpretation applicable throughout this Article.

(Source: P.A. 91-893, eff. 7-1-01; revised 12-07-01.)

Section 94. The Consumer Fraud and Deceptive Business Practices Act is amended by setting forth and renumbering multiple versions of Section 2KK as follows:

(815 ILCS 505/2KK)

Sec. 2KK. Animal cremation services. It is an unlawful practice within the meaning of this Act for a provider of companion animal cremation services (1) to fail to prepare or distribute a written explanation of services as required by the Companion Animal Cremation Act; (2) to prepare or distribute a written explanation of services under that Act that the provider knows or should know to be false or misleading; or (3) to knowingly make a false certification under Section 20 of that Act.

(Source: P.A. 92-287, eff. 1-1-02.)

(815 ILCS 505/2LL)

Sec. 2LL. 2KK. Halal food; disclosure.

(a) As used in this Section:

"Dealer" means any establishment that advertises, represents, or holds itself out as growing animals in a halal way or selling, preparing, or maintaining food as halal, including, but not limited to, manufacturers, animals' farms, slaughterhouses, wholesalers, stores, restaurants, hotels, catering facilities, butcher shops, summer camps, bakeries, delicatessens, supermarkets, grocery stores, licensed health care facilities, freezer dealers, and food plan companies. These establishments may also sell, prepare or maintain food not represented as halal.

"Director" means the Director of Agriculture.

"Food" means an animal grown to become food for human consumption, a food, a food product, a food ingredient, a dietary supplement, or a beverage.

New matter indicated by italics - deletions by strikeout.
"Halal" means prepared under and maintained in strict compliance with the laws and customs of the Islamic religion including but not limited to those laws and customs of zabiha/zebeeha (slaughtered according to appropriate Islamic codes), and as expressed by reliable recognized Islamic entities and scholars.

(b) Any dealer who grows animals represented to be grown in a halal way or who prepares, distributes, sells, or exposes for sale any food represented to be halal shall disclose the basis upon which those representations are made by posting the information required by the Director, in accordance with rules adopted by the Director, on a sign of a type and size specified by the Director, in a conspicuous place upon the premises at which the food is sold or exposed for sale, as required by the Director.

(c) Any person subject to the requirements of subsection (b) does not commit an unlawful practice if the person shows by a preponderance of the evidence that the person relied in good faith upon the representations of an animals' farm, slaughterhouse, manufacturer, processor, packer, or distributor of any food represented to be halal.

(d) Possession by a dealer of any animal grown to become food for consumption or any food not in conformance with the disclosure required by subsection (b) with respect to that food is presumptive evidence that the person is in possession of that food with the intent to sell.

(e) Any dealer who grows animals represented to be grown in a halal way or who prepares, distributes, sells, or exposes for sale any food represented to be halal shall comply with all requirements of the Director, including, but not limited to, recordkeeping, labeling and filing, in accordance with rules adopted by the Director.

(f) Neither an animal represented to be grown in a halal way to become food for human consumption, nor a food commodity represented as halal, may be offered for sale by a dealer until the dealer has registered, with the Director, documenting information of the certifying Islamic entity specialized in halal food or the supervising Muslim Inspector of Halal Food.

(g) The Director shall adopt rules to carry out this Section in accordance with the Illinois Administrative Procedure Act.

(h) It is an unlawful practice under this Act to violate this Section or the rules adopted by the Director to carry out this Section.

(Source: P.A. 92-394, eff. 1-1-02; revised 10-17-01.)

Section 95. The Business Opportunity Sales Law of 1995 is amended by changing Section 5-60 as follows:

(815 ILCS 602/5-60)

Sec. 5-60. Investigations and subpoenas.

(a) The Secretary of State:

(1) may make such public or private investigations within or outside of this State as the Secretary of State deems necessary to determine whether any person has violated or is about to violate any provision of this Law or any rule, regulation, or order under this Law, or to aid in the enforcement of this Law or in the prescribing of rules and forms under this Law;

New matter indicated by italics - deletions by strikeout.
(2) may require or permit any person to file a statement, under oath or otherwise as the Secretary of State determines, as to all the facts and circumstances concerning the matter to be investigated; and

(3) may publish information concerning any violation of this Law or any rule, regulation, or order under this Law.

(b) For the purpose of any investigation or proceeding under this Law, the Secretary of State or his or her designee may administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence and require, by subpoena or other lawful means provided by this Act or the rules adopted by the Secretary of State, the production of any books, papers, correspondence, memoranda, agreements, or other documents or records which the Secretary of State deems relevant or material to the inquiry.

(c) In case of contumacy by, or refusal to obey a subpoena issued to any person under this Section, the Secretary of State, through the Office of the Attorney General, may bring an appropriate action in any circuit court of the State of Illinois for the purpose of enforcing the subpoena.

(d) It shall be a violation of the provisions of this Law for any person to fail to file with the Secretary of State any report, document, or statement required to be filed under the provisions of this Section or to fail to comply with the terms of any order of the Secretary of State issued pursuant to this Law.

(Source: P.A. 92-308, eff. 1-1-02; revised 1-26-02.)

Section 96. The Motor Vehicle Franchise Act is amended by changing Section 6 as follows:

(815 ILCS 710/6) (from Ch. 121 1/2, par. 756)

Sec. 6. Warranty agreements; claims; approval; payment; written disapproval.

(a) Every manufacturer, distributor, wholesaler, distributor branch or division, factory branch or division, or wholesale branch or division shall properly fulfill any warranty agreement and adequately and fairly compensate each of its motor vehicle dealers for labor and parts.

(b) In no event shall such compensation fail to include reasonable compensation for diagnostic work, as well as repair service, labor, and parts. Time allowances for the diagnosis and performance of warranty work and service shall be reasonable and adequate for the work to be performed. In the determination of what constitutes reasonable compensation under this Section, the principal factor to be given consideration shall be the prevailing wage rates being paid by the dealer in the relevant market area in which the motor vehicle dealer is doing business, and in no event shall such compensation of a motor vehicle dealer for warranty service be less than the rates charged by such dealer for like service to retail customers for nonwarranty service and repairs. The franchiser shall reimburse the franchisee for any parts provided in satisfaction of a warranty at the prevailing retail price charged by that dealer for the same parts when not provided in satisfaction of a warranty; provided that such motor vehicle franchisee's prevailing retail price is not unreasonable when compared with that of the holders of motor vehicle franchises from the same motor vehicle franchiser for identical merchandise in the geographic area in which the motor vehicle franchisee is

New matter indicated by italics - deletions by strikeout.
engaged in business. All claims, either original or resubmitted, made by motor vehicle dealers hereunder and under Section 5 for such labor and parts shall be either approved or disapproved within 30 days following their submission. All approved claims shall be paid within 30 days following their approval. The motor vehicle dealer who submits a claim which is disapproved shall be notified in writing of the disapproval within the same period, and each such notice shall state the specific grounds upon which the disapproval is based. The motor vehicle dealer shall be permitted to correct and resubmit such disapproved claims within 30 days of receipt of disapproval. Any claims not specifically disapproved in writing within 30 days from their submission shall be deemed approved and payment shall follow within 30 days. The manufacturer or franchiser shall have the right to require reasonable documentation for claims and to audit such claims within a one year period from the date the claim was paid or credit issued by the manufacturer or franchiser, and to charge back any false or unsubstantiated claims. The audit and charge back provisions of this Section also apply to all other incentive and reimbursement programs for a period of 18 months after the date of the transactions that are subject to audit by the franchiser. However, the manufacturer retains the right to charge back any fraudulent claim if the manufacturer establishes in a court of competent jurisdiction in this State that the claim is fraudulent.

(c) The motor vehicle franchiser shall not, by agreement, by restrictions upon reimbursement, or otherwise, restrict the nature and extent of services to be rendered or parts to be provided so that such restriction prevents the motor vehicle franchisee from satisfying the warranty by rendering services in a good and workmanlike manner and providing parts which are required in accordance with generally accepted standards. Any such restriction shall constitute a prohibited practice.

(d) For the purposes of this Section, the "prevailing retail price charged by that dealer for the same parts" means the price paid by the motor vehicle franchisee for parts, including all shipping and other charges, multiplied by the sum of 1.0 and the franchisee’s average percentage markup over the price paid by the motor vehicle franchisee for parts purchased by the motor vehicle franchisee from the motor vehicle franchiser and sold at retail. The motor vehicle franchisee may establish average percentage markup under this Section by submitting to the motor vehicle franchiser 100 sequential customer paid service repair orders or 90 days of customer paid service repair orders, whichever is less, covering repairs made no more than 180 days before the submission, and declaring what the average percentage markup is. The average percentage markup so declared shall go into effect 30 days following the declaration, subject to audit of the submitted repair orders by the motor vehicle franchiser and adjustment of the average percentage markup based on that audit. Any audit must be conducted within 30 days following the declaration. Only retail sales not involving warranty repairs, parts covered by subsection (e) of this Section, or parts supplied for routine vehicle maintenance, shall be considered in calculating average percentage markup. No motor vehicle franchiser shall require a motor vehicle franchisee to establish average percentage markup by a methodology, or by requiring information, that is unduly burdensome or time consuming to provide, including, but not limited to, part by part or transaction by transaction calculations. A motor vehicle franchisee shall not request a change in the average percentage
markup more than twice in one calendar year.

(e) If a motor vehicle franchiser supplies a part or parts for use in a repair rendered under a warranty other than by sale of that part or parts to the motor vehicle franchisee, the motor vehicle franchisee shall be entitled to compensation equivalent to the motor vehicle franchisee's average percentage markup on the part or parts, as if the part or parts had been sold to the motor vehicle franchisee by the motor vehicle franchiser. The requirements of this subsection (e) shall not apply to entire engine assemblies and entire transmission assemblies. In the case of those assemblies, the motor vehicle franchiser shall reimburse the motor vehicle franchisee in the amount of 30% of what the motor vehicle franchisee would have paid the motor vehicle franchiser for the assembly if the assembly had not been supplied by the franchiser other than by the sale of that assembly to the motor vehicle franchisee.

(f) The obligations imposed on motor vehicle franchisers by this Section shall apply to any parent, subsidiary, affiliate, or agent of the motor vehicle franchiser, any person under common ownership or control, any employee of the motor vehicle franchiser, and any person holding 1% or more of the shares of any class of securities or other ownership interest in the motor vehicle franchiser, if a warranty or service or repair plan is issued by that person instead of or in addition to one issued by the motor vehicle franchiser.

(g) (1) Any motor vehicle franchiser and at least a majority of its Illinois franchisees of the same line make may agree in an express written contract citing this Section upon a uniform warranty reimbursement policy used by contracting franchisees to perform warranty repairs. The policy shall only involve either reimbursement for parts used in warranty repairs or the use of a Uniform Time Standards Manual, or both. Reimbursement for parts under the agreement shall be used instead of the franchisees' "prevailing retail price charged by that dealer for the same parts" as defined in this Section to calculate compensation due from the franchiser for parts used in warranty repairs. This Section does not authorize a franchiser and its Illinois franchisees to establish a uniform hourly labor reimbursement.

Each franchiser shall only have one such agreement with each line make. Any such agreement shall:

(A) Establish a uniform parts reimbursement rate. The uniform parts reimbursement rate shall be greater than the franchiser's nationally established parts reimbursement rate in effect at the time the first such agreement becomes effective; however, any subsequent agreement shall result in a uniform reimbursement rate that is greater or equal to the rate set forth in the immediately prior agreement.

(B) Apply to all warranty repair orders written during the period that the agreement is effective.

(C) Be available, during the period it is effective, to any motor vehicle franchisee of the same line make at any time and on the same terms.

(D) Be for a term not to exceed 3 years so long as any party to the agreement may terminate the agreement upon the annual anniversary of the agreement and with 30 days' prior written notice; however, the agreement shall remain in effect for the term of the agreement regardless of the number of dealers of the same line make that may terminate the agreement.

New matter indicated by italics - deletions by strikeout.
(2) A franchiser that enters into an agreement with its franchisees pursuant to paragraph (1) of this subsection (g) may seek to recover its costs from only those franchisees that are receiving their "prevailing retail price charged by that dealer" under subsections (a) through (f) of this Section, subject to the following requirements:

(A) "costs" means the difference between the uniform reimbursement rate set forth in an agreement entered into pursuant to paragraph (1) of this subsection (g) and the "prevailing retail price charged by that dealer" received by those franchisees of the same line make;

(B) the costs shall be recovered only by increasing the invoice price on new vehicles received by those franchisees; and

(C) price increases imposed for the purpose of recovering costs imposed by this Section may vary from time to time and from model to model, but shall apply uniformly to all franchisees of the same line make in the State of Illinois that have requested reimbursement for warranty repairs at their "prevailing retail price charged by that dealer", except that a franchiser may make an exception for vehicles that are titled in the name of a consumer in another state.

(3) If a franchiser contracts with its Illinois dealers pursuant to paragraph (1) of this subsection (g), the franchiser shall certify under oath to the Motor Vehicle Review Board that a majority of the franchisees of that line make did agree to such an agreement and file a sample copy of the agreement. On an annual basis, each franchiser shall certify under oath to the Motor Vehicle Review Board that the reimbursement costs it recovers under paragraph (2) of this subsection (g) do not exceed the amounts authorized by paragraph (2) of this subsection (g). The franchiser shall maintain for a period of 3 years a file that contains the information upon which its certification is based.

(4) If a franchiser and its franchisees do not enter into an agreement pursuant to paragraph (1) of this subsection (g), and for any matter that is not the subject of an agreement, this subsection (g) shall have no effect whatsoever.

(5) For purposes of this subsection (g), a Uniform Time Standard Manual is a document created by a franchiser that establishes the time allowances for the diagnosis and performance of warranty work and service. The allowances shall be reasonable and adequate for the work and service to be performed. Each franchiser shall have a reasonable and fair process that allows a franchisee to request a modification or adjustment of a standard or standards included in such a manual.

(Source: P.A. 91-485, eff. 1-1-00; 92-498, eff. 12-12-01; revised 1-25-02.)

Section 97. The Public Safety Employee Benefits Act is amended by changing Section 15 as follows:

Sec. 15. Required educational benefits. If a firefighter, law enforcement, or correctional or correctional probation officer is accidentally or unlawfully and intentionally killed as specified in subsection (b) of Section 10 on or after July 1, 1980, the State shall waive certain educational expenses which children of the deceased incur while obtaining a vocational-technical certificate or an undergraduate education at a State

New matter indicated by italics - deletions by strikeout.
supported institution. The amount waived by the State shall be an amount equal to the cost of tuition and matriculation and registration fees for a total of 120 credit hours. The child may attend a State vocational-technical school, a public community college, or a State university. The child may attend any or all of the institutions specified in this Section, on either a full-time or part-time basis. The benefits provided under this Section shall continue to the child until the child's 25th birthday.

(1) Upon failure of any child benefited by the provisions of this Section to comply with the ordinary and minimum requirements of the institution attended, both as to discipline and scholarship, the benefits shall be withdrawn as to the child and no further moneys may be expended for the child's benefits so long as the failure or delinquency continues.

(2) Only a student in good standing in his or her respective institution may receive the benefits under this Section.

(3) A child receiving benefits under this Section must be enrolled according to the customary rules and requirements of the institution attended.

(Source: P.A. 90-535, eff. 11-14-97; revised 9-22-00.)

Section 997. No acceleration or delay. Where this Act makes changes in a statute that is represented in this Act by text that is not yet or no longer in effect (for example, a Section represented by multiple versions), the use of that text does not accelerate or delay the taking effect of (i) the changes made by this Act or (ii) provisions derived from any other Public Act.

Section 998. No revival or extension. This Act does not revive or extend any Section or Act otherwise repealed.

Section 999. Effective date. This Act takes effect upon becoming law.

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Statutes amended in order of appearance

5 ILCS 80/4.13 from Ch. 127, par. 1904.13
5 ILCS 80/4.22
5 ILCS 80/4.12 rep. from Ch. 127, par. 1904.12
5 ILCS 100/1-90
5 ILCS 140/2 from Ch. 116, par. 202
5 ILCS 140/7 from Ch. 116, par. 207
5 ILCS 375/3 from Ch. 127, par. 523
20 ILCS 5/1-5
20 ILCS 105/4.01 from Ch. 23, par. 6104.01
20 ILCS 505/5d
20 ILCS 505/5e
20 ILCS 505/7 from Ch. 23, par. 5007
20 ILCS 605/605-605 was 20 ILCS 605/46.57
20 ILCS 605/605-710
20 ILCS 830/2-1 from Ch. 96 1/2, par. 9702-1
20 ILCS 2605/2605-302 was 20 ILCS 2605/55a in part

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20 ILCS 2605/2605-555
20 ILCS 2630/5 from Ch. 38, par. 206-5
20 ILCS 2805/2 from Ch. 126 1/2, par. 67
20 ILCS 3505/5 from Ch. 48, par. 850.05
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30 ILCS 740/2-2.04 from Ch. 111 2/3, par. 662.04
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35 ILCS 5/510 from Ch. 120, par. 5-510
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35 ILCS 110/3-5 from Ch. 120, par. 439.33-5
35 ILCS 110/9 from Ch. 120, par. 439.39
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815 ILCS 505/2LL
815 ILCS 602/5-60
815 ILCS 710/6 from Ch. 121 1/2, par. 756
820 ILCS 320/15

New matter indicated by italics - deletions by strikeout.
AN ACT concerning environmental protection.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Groundwater Protection Act is amended by changing Section 9 and by adding Section 9.1 as follows:

(415 ILCS 55/9) (from Ch. 111 1/2, par. 7459)
Sec. 9. (a) As used in this Section, unless the context clearly requires otherwise:

1. "Community water system" means a public water system which serves at least 15 service connections used by residents or regularly serves at least 25 residents for at least 60 days per year.

2. "Contaminant" means any physical, chemical, biological, or radiological substance or matter in water.


4. "Non-community water system" means a public water system which is not a community water system, and has at least 15 service connections used by nonresidents, or regularly serves 25 or more nonresident individuals daily for at least 60 days per year.

4.5 "Non-transient, non-community water system" means a non-community water system that regularly serves the same 25 or more persons at least 6 months per year.

5. "Private water system" means any supply which provides water for drinking, culinary, and sanitary purposes and serves an owner-occupied single family dwelling.

6. "Public water system" means a system for the provision to the public of water for human consumption through pipes or other constructed conveyances, if the system has at least 15 service connections or regularly serves an average of at least 25 individuals daily at least 60 days per year. A public water system is either a community water system (CWS) or a non-community water system (non-CWS). The term "public water system" includes any collection, treatment, storage or distribution facilities under control of the operator of such system and used primarily in connection with such system and any collection or pretreatment storage facilities not under such control which are used primarily in connection with such system.

7. "Semi-private water system" means a water supply which is not a public water system, yet which serves a segment of the public other than an owner-occupied single family dwelling.

New matter indicated by italics - deletions by strikeout.
(8) "Supplier of water" means any person who owns or operates a water system.

(b) No non-community water system may be constructed, altered, or extended until plans, specifications, and other information relative to such system are submitted to and reviewed by the Department for conformance with the rules promulgated under this Section, and until a permit for such activity is issued by the Department. As part of the permit application, all new non-transient, non-community water systems must demonstrate technical, financial, and managerial capacity consistent with the federal Safe Drinking Water Act.

(c) All private and semi-private water systems shall be constructed in accordance with the rules promulgated by the Department under this Section.

(d) The Department shall promulgate rules for the construction and operation of all non-community and semi-private water systems. Such rules shall include but need not be limited to: the establishment of maximum contaminant levels no more stringent than federally established standards where such standards exist; the maintenance of records; the establishment of requirements for the submission and frequency of submission of water samples by suppliers of water to determine the water quality; and the capacity demonstration requirements to ensure compliance with technical, financial, and managerial capacity provisions of the federal Safe Drinking Water Act.

(e) Borings, water monitoring wells, and wells subject to this Act shall, at a minimum, be abandoned and plugged in accordance with the requirements of Sections 16 and 19 of the Illinois Oil and Gas Act, and such rules as are promulgated thereunder. Nothing herein shall preclude the Department from adopting plugging and abandonment requirements which are more stringent than the rules of the Department of Natural Resources where necessary to protect the public health.

(f) The Department shall inspect all non-community water systems for the purpose of determining compliance with the provisions of this Section and the regulations promulgated hereunder.

(g) The Department may inspect semi-private and private water systems for the purpose of determining compliance with the provisions of this Section and the regulations promulgated hereunder.

(h) The supplier of water shall be given written notice of all violations of this Section or the rules promulgated hereunder and all such violations shall be corrected in a manner and time specified by the Department.

(i) The Department may conduct inspections to investigate the construction or water quality of non-community or semi-private water systems, or the construction of private water systems. Upon request of the owner or user, the Department may also conduct investigations of the water quality of private water systems.

(j) The supplier of water for a private, semi-private, or non-community water system shall allow the Department and its authorized agents access to such premises at all reasonable times for the purpose of inspection.

(k) The Department may designate full-time county or multiple-county health
departments as its agents to facilitate the implementation of this Section.

(l) The Department shall promulgate and publish rules necessary for the enforcement of this Section.

(m) Whenever a non-community or semi-private water system fails to comply with an applicable maximum contaminant level at the point of use, the supplier of water shall give public notification by the conspicuous posting of notice of such failure as long as the failure continues. The notice shall be written in a manner reasonably designed to fully inform users of the system that a drinking water regulation has been violated, and shall disclose all material facts. All non-transient, non-community water systems must demonstrate technical, financial, and managerial capacity consistent with the federal Safe Drinking Water Act.

(n) The provisions of the Illinois Administrative Procedure Act, are hereby expressly adopted and shall apply to all administrative rules and procedures of the Department of Public Health under this Section, except that in case of conflict between the Illinois Administrative Procedure Act and this Section the provisions of this Section shall control; and except that Section 5-35 of the Illinois Administrative Procedure Act relating to procedures for rulemaking shall not apply to the adoption of any rule required by federal law in connection with which the Department is precluded by law from exercising any discretion.

(o) All final administrative decisions of the Department issued pursuant to this Section shall be subject to judicial review pursuant to the provisions of the Administrative Review Law and the rules adopted pursuant thereto. The term "administrative decision" is defined as in Section 3-101 of the Code of Civil Procedure.

(p) The Director, after notice and opportunity for hearing to the applicant, may deny, suspend, or revoke a permit in any case in which he or she finds that there has been a substantial failure to comply with the provisions of this Section or the standards, rules and regulations established by virtue thereof.

Such notice shall be effected by certified mail or by personal service setting forth the particular reasons for the proposed action and fixing a date, not less than 15 days from the date of such mailing or service, at which time the applicant shall be given an opportunity to request hearing.

The hearing shall be conducted by the Director or by an individual designated in writing by the Director as Hearing Officer to conduct the hearing. On the basis of any such hearing, or upon default of the applicant, the Director shall make a determination specifying his or her findings and conclusions. A copy of such determination shall be sent by certified mail or served personally upon the applicant.

(q) The procedure governing hearings authorized by this Section shall be in accordance with rules promulgated by the Department. A full and complete record shall be kept of all proceedings, including the notice of hearing, complaint and all other documents in the nature of pleadings, written motions filed in the proceedings, and the report and orders of the Director and Hearing Officer. All testimony shall be reported but need not be transcribed unless review of the decision is sought pursuant to the Administrative Review Law. Copies of the transcript may be obtained by any interested party on payment of the cost of preparing such copies. The Director or Hearing Officer shall, upon his or her own motion

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or on the written request of any party to the proceeding, issue subpoenas requiring the
attendance and the giving of testimony by witnesses, and subpoenas duces tecum requiring
the production of books, papers, records or memoranda. All subpoenas and subpoenas duces
tecum issued under the terms of this Section may be served by any person of legal age. The
fees of witnesses for attendance and travel shall be the same as the fees of witnesses before
the circuit courts of this State, such fees to be paid when the witness is excused from further
attendance. When the witness is subpoenaed at the instance of the Director or Hearing
Officer, such fees shall be paid in the same manner as other expenses of the Department, and
when the witness is subpoenaed at the instance of any other party to any such proceeding, the
Department may require that the cost of service of the subpoena or subpoena duces tecum
and the fee of the witness be borne by the party at whose instance the witness is summoned.
In such case, the Department, in its discretion, may require a deposit to cover the cost of such
service and witness fees. A subpoena or subpoena duces tecum so issued shall be served in
the same manner as a subpoena issued by a circuit court.

(r) Any circuit court of this State, upon the application of the Director or upon the
application of any other party to the proceeding, may, in its discretion, compel the attendance
of witnesses, the production of books, papers, records or memoranda and the giving of
testimony before the Director or Hearing Officer conducting an investigation or holding a
hearing authorized by this Section, by an attachment for contempt or otherwise, in the same
manner as production of evidence may be compelled before the court.

(s) The Director or Hearing Officer, or any party in an investigation or hearing before
the Department, may cause the depositions of witnesses within the State to be taken in
the manner prescribed by law for like depositions in civil actions in courts of this State, and to
that end compel the attendance of witnesses and the production of books, papers, records,
or memoranda.

(t) Any person who violates this Section or any rule or regulation adopted by the
Department, or who violates any determination or order of the Department under this
Section, shall be guilty of a Class A misdemeanor and shall be fined a sum not less than
$100. Each day's violation constitutes a separate offense. The State's Attorney of the county
in which the violation occurs, or the Attorney General of the State of Illinois, may bring such
actions in the name of the People of the State of Illinois; or may in addition to other remedies
provided in this Section, bring action for an injunction to restrain such violation, or to enjoin
the operation of any establishment.

(u) The State of Illinois, and all of its agencies, institutions, offices and subdivisions
shall comply with all requirements, prohibitions and other provisions of this Section and
regulations adopted thereunder.

(v) No agency of the State shall authorize, permit or license the construction or
operation of any potential route, potential primary source, or potential secondary source, as
those terms are defined in the Environmental Protection Act, in violation of any provision
of this Section or the regulations adopted hereunder.

(w) This Section shall not apply to any water supply which is connected to a
community water supply which is regulated under the Environmental Protection Act, except

New matter indicated by italics - deletions by strikeout.
as provided in Section 9.1.
(Source: P.A. 92-369, eff. 8-15-01.)

Sec. 9.1. Notification of actual or potential contamination.
(a) Whenever the Agency identifies any volatile organic compound in excess of the Board's Groundwater Quality Standards or the Safe Drinking Water Act maximum contaminant level while performing its obligations under Section 7 of this Act, Section 13.1 of the Environmental Protection Act, or the federal Safe Drinking Water Act, the Agency shall notify the Department, unless notification has already been provided, and the unit of local government affected.

(b) Within 60 days of receipt of notice provided for in subsection (a) of this Section, the Department, or the Department in coordination with the delegated county health department, shall provide notice to the public identifying the contaminants of concern. The notice shall be provided by means of electronic or print media and must be designed to inform the owner of any private water system, semi-private water system, or non-community public water system within an area potentially affected by the identified contamination of the need for the system owner to test the system for possible contamination. The notice shall appear in the media for 3 consecutive weeks.

(c) A unit of local government shall take any action that it deems appropriate, such as informing any homeowner who potentially could be adversely affected, within a reasonable time after notification by the Agency under subsection (a) of this Section.

Section 99. Effective date. This Act takes effect upon becoming law.
Passed in the General Assembly May 1, 2002.
Approved July 11, 2002.
Effective July 11, 2002.

PUBLIC ACT 92-0653
(Senate Bill No. 2074)

AN ACT in relation to criminal law.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Code of Criminal Procedure of 1963 is amended by changing Section 124A-10 as follows:

(725 ILCS 5/124A-10)

Sec. 124A-10. Lien. The property, real and personal, of a person who is convicted of an offense shall be bound, and a lien is created on the property, both real and personal, of every offender, not exempt from the enforcement of a judgment or attachment, from the time of finding the indictment at least so far as will be sufficient to pay the fine and costs of prosecution. The clerk of the court in which the conviction is had shall upon the expiration of 30 days after judgment is entered issue a certified copy of the judgment for any fine that remains unpaid, and all costs of conviction remaining unpaid. Unless a court ordered

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payment schedule is implemented, the clerk of the court may add to any judgment a delinquency amount equal to 5% of the unpaid fines, costs, fees, and penalties that remain unpaid after 30 days, 10% of the unpaid fines, costs, fees, and penalties that remain unpaid after 60 days, and 15% of the unpaid fines, costs, fees, and penalties that remain unpaid after 90 days. Notice to those parties affected may be made by signage posting or publication. The clerk of the court may also after a period of 90 days release to credit reporting agencies, information regarding unpaid amounts. The additional delinquency amounts collected under this Section shall be used to defray additional administrative costs incurred by the clerk of the court in collecting unpaid fines, costs, fees, and penalties. The certified copy of the judgment shall state the day on which the arrest was made or indictment found, as the case may be. Enforcement of the judgment may be directed to the proper officer of any county in this State. The officer to whom the certified copy of the judgment is delivered shall levy the judgment upon all the estate, real and personal, of the defendant (not exempt from enforcement) possessed by him or her on the day of the arrest or finding the indictment, as stated in the certified copy of the judgment and any such property subsequently acquired; and the property so levied upon shall be advertised and sold in the same manner as in civil cases, with the like rights to all parties that may be interested in the property. It is not an objection to the selling of any property under the judgment that the defendant is in custody for the fine or costs, or both.

(Source: P.A. 89-234, eff. 1-1-96.)

Passed in the General Assembly April 25, 2002.
Approved July 11, 2002.

PUBLIC ACT 92-0654
(Senate Bill No. 2161)

AN ACT in relation to vehicles.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Illinois Vehicle Code is amended by adding Section 4-214.1 as follows:

(625 ILCS 5/4-214.1 new)
Sec. 4-214.1. Failure to pay fines, charges, and costs on an abandoned vehicle.
(a) Whenever any resident of this State fails to pay any fine, charge, or cost imposed for a violation of Section 4-201 of this Code, or a similar provision of a local ordinance, the clerk may notify the Secretary of State, on a report prescribed by the Secretary, and the Secretary shall prohibit the renewal, reissue, or reinstatement of the resident's driving privileges until the fine, charge, or cost has been paid in full. The clerk shall provide notice to the driver, at the driver's last known address as shown on the court's records, stating that the action will be effective on the 46th day following the date of the above notice if payment is not received in full by the court of venue.

New matter indicated by italics - deletions by strikeout.
(b) Following receipt of the report from the clerk, the Secretary of State shall make the proper notation to the driver's file to prohibit the renewal, reissue, or reinstatement of the driver's driving privileges. Except as provided in subsection (d) of this Section, the notation shall not be removed from the driver's record until the driver satisfies the outstanding fine, charge, or cost and an appropriate notice on a form prescribed by the Secretary is received by the Secretary from the court of venue, stating that the fine, charge, or cost has been paid in full. Upon payment in full of a fine, charge, or court cost which has previously been reported under this Section as unpaid, the clerk of the court shall present the driver with a signed receipt containing the seal of the court indicating that the fine, charge, or cost has been paid in full, and shall forward immediately to the Secretary of State a notice stating that the fine, charge, or cost has been paid in full.

(c) Notwithstanding the receipt of a report from the clerk as prescribed in subsection (a), nothing in this Section is intended to place any responsibility upon the Secretary of State to provide independent notice to the driver of any potential action to disallow the renewal, reissue, or reinstatement of the driver's driving privileges.

(d) The Secretary of State shall renew, reissue, or reinstate a driver's driving privileges which were previously refused under this Section upon presentation of an original receipt which is signed by the clerk of the court and contains the seal of the court indicating that the fine, charge, or cost has been paid in full. The Secretary of State shall retain the receipt for his or her records.

Approved July 11, 2002.

PUBLIC ACT 92-0655
(House Bill No. 4004)

AN ACT concerning the regulation of professions.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Regulatory Sunset Act is amended by changing Section 4.13 and adding Section 4.23 as follows:

(5 ILCS 80/4.13) (from Ch. 127, par. 1904.13)

Sec. 4.13. Acts repealed on December 31, 2002. The following Acts are repealed on December 31, 2002:
The Environmental Health Practitioner Licensing Act.
The Naprapathic Practice Act.
The Dietetic and Nutrition Services Practice Act.
The Funeral Directors and Embalmers Licensing Code.
The Professional Counselor and Clinical Professional Counselor Licensing Act.
(Source: P.A. 88-45; 89-61, eff. 6-30-95; revised 8-22-01.)

New matter indicated by italics - deletions by strikeout.
Sec. 4.23. Act repealed on January 1, 2013. The following Act is repealed on January 1, 2013:

The Naprapathic Practice Act.

Section 10. The Naprapathic Practice Act is amended by changing Sections 50, 85, and 110 as follows:

(225 ILCS 63/50)

Section scheduled to be repealed on December 31, 2002)

Sec. 50. Naprapathic Examining Committee. The Director shall appoint a Naprapathic Examining Committee to consist of 7 persons who shall be appointed by and shall serve in an advisory capacity to the Director. Five members must hold an active license to engage in the practice of naprapathy in this State, one member shall be a physician licensed to practice medicine in all of its branches in Illinois, and one member must be a member of the public who is not licensed under this Act or a similar Act of another jurisdiction or has no connection with the profession. The initial appointees who would otherwise be required to be licensed naprapaths shall instead be individuals who have been practicing naprapathy for at least 5 years and who would be eligible under this Act for licensure as naprapaths. Neither the public member nor the physician member shall participate in the preparation or administration of the examination of applicants for licensure.

Members shall serve 4 year terms and until their successors are appointed and qualified, except that of the initial appointments, 2 members shall be appointed to serve for 2 years, 2 shall be appointed to serve for 3 years and the remaining members shall be appointed to serve for 4 years and until their successors are appointed and qualified. No member shall be reappointed to the Committee for a term that would cause his or her continuous service on the Committee to be longer than 8 consecutive years. Appointments to fill vacancies shall be made in the same manner as original appointments, for the unexpired portion of the vacated term. Initial terms shall begin upon the effective date of this Act. Committee members in office on that date shall be appointed to specific terms as indicated in this Section.

The Committee shall annually elect a chairman and a vice-chairman who shall preside in the absence of the chairman.

The membership of the Committee should reasonably reflect representation from the geographic areas in this State.

The Director may terminate the appointment of any member for cause.

The Director may give due consideration to all recommendations of the Committee.

Without limiting the power of the Department to conduct investigations in any manner, the Committee may recommend to the Director that one or more licensed naprapaths be selected by the Director to conduct or assist in any investigation under this Act. A licensed napraphath so selected may receive remuneration as determined by the Director.

(Source: P.A. 89-61, eff. 6-30-95.)

(225 ILCS 63/85)

Section scheduled to be repealed on December 31, 2002)
Sec. 85. Fees. The fees imposed under this Act are as follows and are not refundable:

(a) The Department shall provide by rule for a schedule of fees for the administration and enforcement of this Act, including but not limited to original licensure, renewal, and restoration. The fees shall be nonrefundable.

All fees collected under this Act shall be deposited into the General Professions Dedicated Fund and shall be appropriated to the Department for the ordinary and contingent expenses of the Department in the administration of this Act. The fee for application for a license is $250.

(b) In addition to the application fee, an applicant for the examination shall be required to pay, either to the Department or to the designated testing service, a fee covering the cost of initial screening to determine determining an applicant's eligibility and providing the examination. Failure to appear for the examination on the scheduled date, at the time and place specified, after the applicant's application and fee for examination have been received and acknowledged by the Department or the designated testing service, shall result in the forfeiture of the examination fee.

c) The fee for the renewal of a license is $125 per year.

d) The fee for the restoration of a license that has been expired for less than 5 years is $100, plus payment of all lapsed renewal fees.

e) The fee for the restoration of a license that has been expired for more than 5 years is $500.

(f) The fee for the issuance of a duplicate license, the issuance of a replacement for a license that has been lost or destroyed, or the issuance of a license with a change of name or address, other than during the renewal period, is $75. No fee is required for name and address changes on Department records when no duplicate license is issued.

(g) The fee for the certification of a license for any purpose is $50.

(h) The fee for the rescoring of an examination is the cost to the Department of rescoring the examination, plus any fees charged by the applicable testing service to have the examination rescored.

(i) The fee for a wall certificate shall be the actual cost of producing the certificate.

(j) The fee for a roster of persons licensed as naprapaths is the actual cost of producing the roster.

(k) The fee for application for a license by a naprapath registered or licensed under the laws of another jurisdiction is $500.

(l) The fee for application as a continuing education sponsor is $500. State agencies, State colleges, and State universities in Illinois are exempt from paying this fee.

(m) The fee for renewal as a continuing education sponsor is $125 per year.

All of the fees and fines collected under this Act shall be deposited into the General Professions Dedicated Fund. All moneys in the Fund shall be used by the Department of Professional Regulation, as appropriated, for the ordinary and contingent expenses of the Department.

(Source: P.A. 88-683, eff. 1-24-95; 89-61, eff. 6-30-95; 89-626, eff. 8-9-96.)

(225 ILCS 63/110)

New matter indicated by italics - deletions by strikeout.
Sec. 110. Grounds for disciplinary action; refusal, revocation, suspension.

(a) The Department may refuse to issue or to renew, or may revoke, suspend, place on probation, reprimand or take other disciplinary action as the Department may deem proper, including fines not to exceed $5,000 for each violation, with regard to any licensee or license for any one or combination of the following causes:

1. Violations of this Act or its rules.
2. Material misstatement in furnishing information to the Department.
3. Conviction of any crime under the laws of any U.S. jurisdiction that is (i) a felony, (ii) a misdemeanor, an essential element of which is dishonesty, or (iii) directly related to the practice of the profession.
4. Making any misrepresentation for the purpose of obtaining a license.
5. Professional incompetence or gross negligence.
7. Aiding or assisting another person in violating any provision of this Act or its rules.
8. Failing to provide information within 60 days in response to a written request made by the Department.
9. Engaging in dishonorable, unethical, or unprofessional conduct of a character likely to deceive, defraud, or harm the public.
10. Habitual or excessive use or addiction to alcohol, narcotics, stimulants, or any other chemical agent or drug that results in the inability to practice with reasonable judgment, skill, or safety.
11. Discipline by another U.S. jurisdiction or foreign nation if at least one of the grounds for the discipline is the same or substantially equivalent to those set forth in this Act.
12. Directly or indirectly giving to or receiving from any person, firm, corporation, partnership, or association any fee, commission, rebate, or other form of compensation for any professional services not actually or personally rendered. This shall not be deemed to include rent or other remunerations paid to an individual, partnership, or corporation by a naprapath for the lease, rental, or use of space, owned or controlled by the individual, partnership, corporation or association.
13. Using the title "Doctor" or its abbreviation without further clarifying that title or abbreviation with the word "naprapath" or "naprapathy" or the designation "D.N."
14. A finding by the Department that the licensee, after having his or her license placed on probationary status, has violated the terms of probation.
15. Abandonment of a patient without cause.
16. Willfully making or filing false records or reports relating to a licensee's practice, including but not limited to, false records filed with State agencies or departments.
17. Willfully failing to report an instance of suspected child abuse or neglect.

New matter indicated by italics - deletions by strikeout.
as required by the Abused and Neglected Child Reporting Act.

(18) Physical illness, including but not limited to, deterioration through the aging process or loss of motor skill that results in the inability to practice the profession with reasonable judgment, skill, or safety.

(19) Solicitation of professional services by means other than permitted advertising.

(20) Failure to provide a patient with a copy of his or her record upon the written request of the patient.

(21) Conviction by any court of competent jurisdiction, either within or without this State, of any violation of any law governing the practice of naprapathy, conviction in this or another state of any crime which is a felony under the laws of this State or conviction of a felony in a federal court, if the Department determines, after investigation, that the person has not been sufficiently rehabilitated to warrant the public trust.

(22) A finding that licensure has been applied for or obtained by fraudulent means.

(23) Continued practice by a person knowingly having an infectious or contagious disease.

(24) Being named as a perpetrator in an indicated report by the Department of Children and Family Services under the Abused and Neglected Child Reporting Act and upon proof by clear and convincing evidence that the licensee has caused a child to be an abused child or a neglected child as defined in the Abused and Neglected Child Reporting Act.

(25) Practicing or attempting to practice under a name other than the full name shown on the license.

(26) Immoral conduct in the commission of any act, such as sexual abuse, sexual misconduct, or sexual exploitation, related to the licensee's practice.

(27) Maintaining a professional relationship with any person, firm, or corporation when the naprapath knows, or should know, that the person, firm, or corporation is violating this Act.

(28) Promotion of the sale of food supplements, devices, appliances, or goods provided for a client or patient in such manner as to exploit the patient or client for financial gain of the licensee.

(29) Having treated ailments of human beings other than by the practice of naprapathy as defined in this Act, or having treated ailments of human beings as a licensed naprapath independent of a documented referral or documented current and relevant diagnosis from a physician, dentist, or podiatrist, or having failed to notify the physician, dentist, or podiatrist who established a documented current and relevant diagnosis that the patient is receiving naprapathic treatment pursuant to that diagnosis.

(30) Use by a registered naprapath of the word "infirmary", "hospital", "school", "university", in English or any other language, in connection with the place

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where naprapathy may be practiced or demonstrated.

(31) Continuance of a naprapath in the employ of any person, firm, or corporation, or as an assistant to any naprapath or naprapaths, directly or indirectly, after his or her employer or superior has been found guilty of violating or has been enjoined from violating the laws of the State of Illinois relating to the practice of naprapathy when the employer or superior persists in that violation.

(32) The performance of naprapathic service in conjunction with a scheme or plan with another person, firm, or corporation known to be advertising in a manner contrary to this Act or otherwise violating the laws of the State of Illinois concerning the practice of naprapathy.

(33) Failure to provide satisfactory proof of having participated in approved continuing education programs as determined by the Committee and approved by the Director. Exceptions for extreme hardships are to be defined by the rules of the Department.

(34) Willfully making or filing false records or reports in the practice of naprapathy, including, but not limited to, false records to support claims against the medical assistance program of the Department of Public Aid under the Illinois Public Aid Code.

(35) Gross or willful overcharging for professional services including filing false statements for collection of fees for which services are not rendered, including, but not limited to, filing false statements for collection of monies for services not rendered from the medical assistance program of the Department of Public Aid under the Illinois Public Aid Code.

(36) Mental illness, including, but not limited to, deterioration through the aging process or loss of motor skill that results in the inability to practice the profession with reasonable judgment, skill, or safety.

The Department may refuse to issue or may suspend the license of any person who fails to (i) file a return or to pay the tax, penalty or interest shown in a filed return or (ii) pay any final assessment of the tax, penalty, or interest as required by any tax Act administered by the Illinois Department of Revenue, until the time that the requirements of that tax Act are satisfied.

(b) The determination by a circuit court that a licensee is subject to involuntary admission or judicial admission as provided in the Mental Health and Developmental Disabilities Code operates as an automatic suspension. The suspension will end only upon a finding by a court that the patient is no longer subject to involuntary admission or judicial admission, the issuance of an order so finding and discharging the patient, and the recommendation of the Committee to the Director that the licensee be allowed to resume his or her practice.

(c) In enforcing this Section, the Department, upon a showing of a possible violation, may compel any person licensed to practice under this Act or who has applied for licensure or certification pursuant to this Act to submit to a mental or physical examination, or both, as required by and at the expense of the Department. The examining physicians shall be

New matter indicated by italics - deletions by strikeout.
those specifically designated by the Department. The Department may order the examining physician to present testimony concerning this mental or physical examination of the licensee or applicant. No information shall be excluded by reason of any common law or statutory privilege relating to communications between the licensee or applicant and the examining physician. The person to be examined may have, at his or her own expense, another physician of his or her choice present during all aspects of the examination. Failure of any person to submit to a mental or physical examination, when directed, shall be grounds for suspension of a license until the person submits to the examination if the Department finds, after notice and hearing, that the refusal to submit to the examination was without reasonable cause.

If the Department finds an individual unable to practice because of the reasons set forth in this Section, the Department may require that individual to submit to care, counseling, or treatment by physicians approved or designated by the Department, as a condition, term, or restriction for continued, reinstated, or renewed licensure to practice or, in lieu of care, counseling, or treatment, the Department may file a complaint to immediately suspend, revoke, or otherwise discipline the license of the individual.

Any person whose license was granted, continued, reinstated, renewed, disciplined, or supervised subject to such terms, conditions, or restrictions and who fails to comply with such terms, conditions, or restrictions shall be referred to the Director for a determination as to whether the person shall have his or her license suspended immediately, pending a hearing by the Department.

In instances in which the Director immediately suspends a person's license under this Section, a hearing on that person's license must be convened by the Department within 15 days after the suspension and completed without appreciable delay. The Department shall have the authority to review the subject person's record of treatment and counseling regarding the impairment, to the extent permitted by applicable federal statutes and regulations safeguarding the confidentiality of medical records.

A person licensed under this Act and affected under this Section shall be afforded an opportunity to demonstrate to the Department that he or she can resume practice in compliance with acceptable and prevailing standards under the provisions of his or her license.

(Source: P.A. 89-61, eff. 6-30-95.)

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

Approved July 16, 2002.
Effective July 16, 2002.

PUBLIC ACT 92-0656
(House Bill No. 4335)

AN ACT concerning townships.
Be it enacted by the People of the State of Illinois, represented in the General

New matter indicated by italics - deletions by strikeout.
Assembly:
Section 5. The Township Code is amended by changing Section 235-5 as follows:
(60 ILCS 1/235-5)
Sec. 235-5. Township taxes for various purposes. The township board may raise money, by taxation not exceeding the rates established in Section 235-10, for the following purposes:

(1) Prosecuting or defending suits by or against the township or in which the township is interested.
(2) Maintaining cemeteries under the control, management, and ownership of the township and controlling, managing, and maintaining public cemeteries not operated for profit, notwithstanding the provisions of Section 1c of the Public Graveyards Act.
(3) Maintaining and operating a public nonsectarian hospital under Article 175. This authorization does not apply to any township that avails itself of the provisions of Article 170.
(4) Maintaining and operating a township committee on youth under Section 215-5.
(5) Providing mental health services under Section 190-10.
(6) Providing services in cooperation with another governmental entity, not-for-profit corporation, or nonprofit community service association under Section 85-13.
(7) Maintaining and operating a township committee for senior citizens' services under Section 220-10.
(8) Maintaining and operating a township health service that may provide, but is not required to provide or limited to providing, examination, diagnosis, testing, and inoculation and all necessary and appurtenant personnel, equipment, and insurance.
(9) Accumulating moneys in a dedicated fund for a specific capital construction or maintenance project or a major equipment purchase. The annual budget and appropriation ordinance for the township shall state the amount, purpose, and duration of any accumulation of funds authorized under this Section, with specific reference to each project to be constructed or equipment to be purchased. Nothing in this item precludes a township from accumulating moneys as provided in Section 6-501 of the Illinois Highway Code.
(10) Any other purpose authorized by law. (Source: P.A. 91-357, eff. 7-29-99.)

Section 10. The Illinois Highway Code is amended by changing Section 6-501 as follows:
(605 ILCS 5/6-501) (from Ch. 121, par. 6-501)
Sec. 6-501. (a) Findings and purpose. The General Assembly finds:
(1) That the financial conditions of the Township and District road systems of the State of Illinois have suffered adversely as a result of changes in law concerning assessed valuation of property for tax purposes. That as a result of the

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changes beginning in 1945, the rates of permissible levy were first halved to accommodate full fair value, but never restored when subsequent law change established the legal assessed valuation at 50% of fair market value as equalized by the Department of Revenue.

(2) Townships and district road systems, as a result of the decreased financial support, have suffered a decline in ability to maintain or improve roads and bridges in a safe condition to permit the normal and ordinary use of its highway system. In many instances bridges have been closed and detours required because of impossible road conditions resulting in hardships for school districts in transporting pupils and for farms in moving products to market.

(3) Further, cost for maintenance and improvements have risen faster than the valuations of property, the base of financial support.

(4) To solve these problems, this Act makes changes in rates of taxation -- returning Townships and District road systems to their approximate financial viability prior to 1945.

(b) The highway commissioner for each road district in each county not under township organization shall on or before the third Tuesday in December of each year determine and certify to the county board the amount necessary to be raised by taxation for road purposes and for the salaries of elected road district officials in the road district. Should any highway commissioner during the last year of his term of office for any reason not file the certificate in the office of the county clerk, as required by this Section, in time for presentation to the regular September meeting of the county board, the clerk shall present in lieu thereof a certificate equal in amount to that presented for the preceding year. In every such county the certificate shall be filed in the office of the county clerk and by that official presented to the county board at the regular September meeting for the consideration of the board. The amount so certified if approved by the county board, or the part thereof as the county board does approve, shall be extended by the county clerk as road taxes against the taxable property of the district.

(c) The highway commissioner in each road district in each county having adopted township organization shall in accordance with the Illinois Municipal Budget Law at least 30 days prior to the public meeting required by this paragraph, each year prepare or cause to be prepared a tentative budget and appropriation ordinance and file the same with the clerk of the township or consolidated township road district, as the case may be, who shall make the tentative budget and appropriation ordinance conveniently available to the public inspection for at least 30 days prior to final action. One public hearing shall be held. This public hearing shall be held on or before the last day of the first quarter of the fiscal year before the township board of trustees or the highway board of trustees, as the case may be. Notice of the hearing shall be given by publication in a newspaper published in the road district at least 30 days prior to the time of the hearing. If there is no newspaper published in the road district, notice of the public hearing shall be given by posting notices in 5 of the most public places in the district. It shall be the duty of the clerk of the road district to arrange for the public hearing. The township board of trustees or highway board of trustees,

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as the case may be, at the public hearing shall adopt the tentative budget and appropriation ordinance, or any part as the board of trustees deem necessary.

On or before the last Tuesday in December the township board of trustees or highway board of trustees or road district commissioner, as the case may be, shall levy and certify to the county clerk the amount necessary to be raised by taxation for road purposes and the road district commissioner shall levy and certify to the county clerk the amount necessary to be raised by taxation for the salaries of elected road district officials in the road district, as determined by the highway commissioner.

The amount so certified shall be extended by the county clerk as road taxes against the taxable property of the district.

On or after October 10, 1991, a road district commissioner whose district is located in a county not under township organization may not levy separately a tax for salaries of elected road district officials unless the tax has been first approved by a majority of the electors voting on the question at a referendum conducted in accordance with the general election law. The question submitted to the electors at the referendum shall be in substantially the following form: "Shall the road district commissioner be authorized to levy an annual tax for the salaries of elected road district officials under Section 6-501 of the Illinois Highway Code?"

Except as is otherwise permitted by this Code and when the road district commissioner establishes the tax rate for the salaries of elected road district officials, the county clerk shall not extend taxes for road purposes against the taxable property in any road district at rates in excess of the following:

(1) in a road district comprised of a single township in a county having township organization, at a rate in excess of .125% of the value, as equalized or assessed by the Department of Revenue; unless before the last Tuesday in December annually the highway commissioner of the township road district shall have secured the consent in writing of a majority of the members of the township board of trustees to the extension of a greater rate, in which case the rate shall not exceed that approved by a majority of the members of the township board of trustees, but in no case shall it exceed .165% of the value, as equalized or assessed by the Department. Once approved by the township board of trustees, the rate shall remain in effect until changed by the township board of trustees;

(2) in a consolidated township road district, at a rate in excess of .175% of the value, as equalized or assessed by the Department of Revenue;

(3) in a road district in a county not having township organization, at a rate in excess of .165% of the value, as equalized or assessed by the Department of Revenue.

However, road districts that have higher tax rate limitations on a permanent basis for road purposes on July 1, 1967, than the limitations herein provided, may continue to levy the road taxes at the higher limitations, and the county clerk shall extend the taxes at not to exceed the higher limitations.

If the amount of taxes levied by the township board of trustees or the highway board

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of trustees or approved by the county board in any case is in excess of the amount that may be extended the county clerk shall reduce the amount so that the rate extended shall be no greater than authorized by law. However, the tax shall not be reduced or scaled in any manner whatever by reason of the levy and extension by the county clerk of any tax to pay the principal or interest, or both, of any bonds issued by a road district.

The taxes, when collected, shall be held by the treasurer of the district as the regular road fund of the district.

Notwithstanding any other provision of law, for a period of time ending 18 years after the effective date of this amendatory Act of 1994, a road district or consolidated road district may accumulate up to 50% of the taxes collected from a subdivision under this Section for improvements of nondedicated roads within the subdivision from which and for which the taxes were collected. These nondedicated roads will become a part of the township and district road system if the roads meet the criteria established by the counties in which the roads are located. The total accumulations under this provision may not exceed 10% of the total funds held by the district for road purposes. This provision applies only to townships within counties adjacent to a county with a population of 3,000,000 or more and only with respect to subdivisions whose plats were filed or recorded before July 23, 1959.

Any road district may accumulate funds for the purpose of acquiring, constructing, repairing and improving buildings and procuring land in relation to the building and for the purpose of procuring road maintenance apparatus and equipment, and for the construction of roads, and may annually levy taxes for the purposes in excess of its current requirements for other purposes, subject to the tax rate limitations provided in this Section, provided a proposition to accumulate funds for the purposes is first submitted to and approved by the electors of the district. The proposition shall be certified to the proper election officials by the district clerk upon the direction of the highway commissioner, and the election officials shall submit the proposition at a regular election. Notice and conduct of the referendum shall be in accordance with the general election law. The proposition shall be in substantially the following form:

-------------------------------------------------------------
Shall .......... road district accumulate funds in the amount of $......... for ....... years YES for the purpose of acquiring, constructing, repairing and improving buildings and procuring land therefor, and for procuring road maintenance apparatus and equipment and for the construction of roads? ---------------
NO

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If a majority of the electors voting on the proposition vote in favor of it, the road district may use a portion of the funds levied, subject to the tax rate limitations provided in this Section, for the purposes for which accumulation was authorized. It shall not be a valid
objection to any subsequent tax levy made under this Section, that there remains unexpended
money arising from the levy of a prior year because of an accumulation permitted by this
Section and provided for in the budget for that prior year.

(d) Any road district may accumulate moneys in a dedicated fund for a specific
capital construction or maintenance project or a major equipment purchase without
submitting a proposition to the electors of the district if the annual budget and appropriation
ordinance for the road district states the amount, purpose, and duration of any accumulation
of funds authorized under this Section, with specific reference to each project to be
constructed or equipment to be purchased. Nothing in this subsection precludes a road
district from accumulating moneys for non-specific purposes as provided in this Section.
(Source: P.A. 92-395, eff. 8-16-01.)

Section 99. Effective date. This Act takes effect upon becoming law.
Approved July 16, 2002.
Effective July 16, 2002.

PUBLIC ACT 92-0657
(House Bill No. 0811)

AN ACT in relation to contracts.
Be it enacted by the People of the State of Illinois, represented in the General
Assembly:
Section 1. Short title. This Act may be cited as the Building and Construction
Section 5. Definition. In this Act:
"Building and construction contract" means a contract for the design, construction,
alteration, improvement, repair, or maintenance of real property, highways, roads, or bridges.
Section 10. Application of laws of another state. A provision contained in or executed
in connection with a building and construction contract to be performed in Illinois that makes
the contract subject to the laws of another state or that requires any litigation, arbitration, or
dispute resolution to take place in another state is against public policy. Such a provision is
void and unenforceable.
Section 15. Contracts of the United States or any other state. This Act shall not apply
to provisions contained in or executed in connection with any building and construction
contract awarded by the United States or by any other state.
Section 20. Business of selling tangible personal property. This Act shall not apply
to any person primarily engaged in the business of selling tangible personal property.
Section 99. Effective date. This Act takes effect upon becoming law.
Approved July 16, 2002.
Effective July 16, 2002.

New matter indicated by italics - deletions by strikeout.
AN ACT in relation to taxation.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Property Tax Code is amended by changing Sections 8-35 and 15-25 as follows:

(35 ILCS 200/8-35)
Sec. 8-35. Notification requirements; procedure on protest.
(a) Assessments made by the Department. Upon completion of its original assessments, the Department shall publish a complete list of the assessments in the State "official newspaper." Any person feeling aggrieved by any such assessment may, within 10 days of the date of publication of the list, apply to the Department for a review and correction of that assessment. Upon review of the assessment, the Department shall make any correction as it considers just.

Notice of each exemption decision made by the Department under Sections 15-25, 16-70 or 16-130, shall be given by certified mail to the applicant for exemption.

If review of an assessment has been made or if an exemption decision has been made by the Department, and notice has been given of the Department's decision, any party to the proceeding who feels aggrieved by the decision, may file an application for hearing. The application shall be in writing and shall be filed with the Department within 20 days after notice of the decision has been given by certified mail. Petitions for hearing shall state concisely the mistakes alleged to have been made or the new evidence to be presented.

No action for the judicial review of any assessment or exemption decision of the Department shall be allowed unless the party commencing such action has filed an application for a hearing and the Department has acted upon the application.

The extension of taxes on an assessment shall not be delayed by any proceeding under this Section. In cases where the assessment is revised or the exemption granted, the taxes extended upon the assessment, or that part of the taxes as may be appropriate, shall be abated or, if already paid, refunded.

(b) Exemption decisions made by the Department. Notice of each exemption decision made by the Department under Section 15-25, 16-70, or 16-130 shall be given by certified mail to the applicant for exemption.

If an exemption decision has been made by the Department and notice has been given of the Department's decision, any party to the proceeding who feels aggrieved by the decision may file an application for hearing. The application shall be in writing and shall be filed with the Department within 60 days after notice of the decision has been given by certified mail. Petitions for hearing shall state concisely the mistakes alleged to have been made or the new evidence to be presented.

If a petition for hearing is filed, the Department shall reconsider the exemption decision and shall grant any party to the proceeding a hearing. As soon as practical after

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the reconsideration and hearing, the Department shall issue a notice of decision by mailing the notice by certified mail. The notice shall set forth the Department's findings of fact and the basis of the decision.

Within 30 days after the mailing of a notice of decision, any party to the proceeding may file with the Director a written request for rehearing in such form as the Department may by rule prescribe, setting forth the grounds on which rehearing is requested. If rehearing or Departmental review is granted, as soon as practical after the rehearing or Departmental review has been held, the Department shall issue a revised decision to the party or the party's legal representative as a result of the rehearing. The action of the Department on a petition for hearing shall become final the later of (i) 30 days after issuance of a notice of decision, if no request for rehearing is made, or (ii) if a timely request for rehearing is made, upon the issuance of the denial of the request or the issuance of a notice of final decision.

No action for the judicial review of any exemption decision of the Department shall be allowed unless the party commencing the action has filed an application for a hearing and the Department has acted upon the application.

The extension of taxes on an assessment shall not be delayed by any proceeding under this Section. In cases when the exemption is granted, in whole or in part, the taxes extended upon the assessment, or that part of the taxes as may be appropriate, shall be abated or, if already paid, refunded.

(Source: P.A. 84-222; 88-455.)

(35 ILCS 200/15-25)

Sec. 15-25. Removal of exemptions. If the Department determines that any property has been unlawfully exempted from taxation, or is no longer entitled to exemption, the Department shall, before January 1 of any year, direct the chief county assessment officer to assess the property and return it to the assessment rolls for the next assessment year. The Department shall give notice of its decision to the owner of the property by certified mail. The decision shall be subject to review and hearing under with Section 8-35, upon application by the owner filed within 60 days after the notice of decision is mailed. However, the extension of taxes on the assessment shall not be delayed by any proceedings under this Section. If the property is determined to be exempt, any taxes extended upon the assessment shall be abated or, if already paid, be refunded.

(Source: P.A. 82-554; 88-455.)

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

Passed in the General Assembly May 7, 2002.

Approved July 16, 2002.

Effective July 16, 2002.

PUBLIC ACT 92-0659

(AN ACT concerning child care.)

New matter indicated by italics - deletions by strikeout.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Child Care Act of 1969 is amended by changing Section 2.09 as follows:

(225 ILCS 10/2.09) (from Ch. 23, par. 2212.09)

Sec. 2.09. "Day care center" means any child care facility which regularly provides day care for less than 24 hours per day for (1) more than 8 children in a family home, or (2) more than 3 children in a facility other than a family home, including senior citizen buildings. The term does not include (a) programs operated by (i) public or private elementary school systems or secondary level school units or institutions of higher learning that which serve children who shall have attained the age of 3 years or (ii) private entities on the grounds of public or private elementary or secondary schools and that serve children who have attained the age of 3 years, except that this exception applies only to the facility and not to the private entities' personnel operating the program; (b) programs or that portion of the program which serves children who shall have attained the age of 3 years and which are recognized by the State Board of Education; (c) educational program or programs serving children who shall have attained the age of 3 years and which are operated by a school which is registered with the State Board of Education and which is recognized or accredited by an recognized national or multistate educational organization or association which regularly recognizes or accredits schools; (d) programs which exclusively serve or that portion of the program which serves handicapped children who shall have attained the age of 3 years but are less than 21 years of age and which are registered and approved as meeting standards of the State Board of Education and applicable fire marshal standards; (e) facilities operated in connection with a shopping center or service, religious services, or other similar facility, where transient children are cared for temporarily while parents or custodians of the children are occupied on the premises and readily available; (f) any type of day care center that is conducted on federal government premises; (g) special activities programs, including athletics, crafts instruction and similar activities conducted on an organized and periodic basis by civic, charitable and governmental organizations; (h) part day child care facilities, as defined in Section 2.10 of this Act; or (i) programs or that portion of the program which (1) serves children who shall have attained the age of 3 years, (2) is operated by churches or religious institutions as described in Section 501 (c) (3) of the federal Internal Revenue Code, (3) receives no governmental aid, (4) is operated as a component of a religious, nonprofit elementary school, (5) operates primarily to provide religious education, and (6) meets appropriate State or local health and fire safety standards.

For purposes of (a), (b), (c), (d) and (i) of this Section, "children who shall have attained the age of 3 years" shall mean children who are 3 years of age, but less than 4 years of age, at the time of enrollment in the program.

(Source: P.A. 88-302.)

Section 99. Effective date. This Act takes effect upon becoming law.
Passed in the General Assembly May 7, 2002.
Approved July 16, 2002.

New matter indicated by italics - deletions by strikeout.
AN ACT relating to schools.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The School Code is amended by changing Sections 10-20.7b and 34-15a as follows:

(105 ILCS 5/10-20.7b) (from Ch. 122, par. 10-20.7b)

Sec. 10-20.7b. Active military service. Any certificated or non-certificated employee of a school board who is a member of any reserve component of the United States Armed Services, including the Illinois National Guard, and who is mobilized to active military duty on or after August 1, 1990 as a result of an order of the President of the United States, shall for each pay period beginning on or after August 1, 1990 continue to receive the same regular compensation that he receives or was receiving as an employee of the school board at the time he is or was so mobilized to active military duty, plus any health insurance and other benefits he is or was receiving or accruing at that time, minus the amount of his base pay for military service, for the duration of his active military service. Such active military duty shall not result in the loss or diminishment of any employment benefit, service credit, or status accrued at the time the duty commenced if the duty commenced on or after September 1, 2001.

In the event any provision of a collective bargaining agreement or any school board or district policy covering any employee so ordered to active duty is more generous than the provisions contained in this Section, the collective bargaining agreement or school board or district policy shall be controlling.

(Source: P.A. 87-631.)

(105 ILCS 5/34-15a) (from Ch. 122, par. 34-15a)

Sec. 34-15a. Active military service. Any certificated or non-certificated employee of the Board of Education who is a member of any reserve component of the United States Armed Services, including the Illinois National Guard, and who is mobilized to active military duty on or after August 1, 1990 as a result of an order of the President of the United States, shall for each pay period beginning on or after August 1, 1990 continue to receive the same regular compensation that he receives or was receiving as an employee of the Board of Education at the time he is or was so mobilized to active military duty, plus any health insurance and other benefits he is or was receiving or accruing at that time, minus the amount of his base pay for military service, for the duration of his active military service. Such active military duty shall not result in the loss or diminishment of any employment benefit, service credit, or status accrued at the time the duty commenced if the duty commenced on or after September 1, 2001.

In the event any provision of a collective bargaining agreement or any board of
education or district policy covering any employee so ordered to active duty is more generous than the provisions contained in this Section, the collective bargaining agreement or board of education or district policy shall be controlling.

(Source: P.A. 87-631.)

Section 99. Effective date. This Act takes effect upon becoming law.
Passed in the General Assembly May 7, 2002.
Approved July 16, 2002.
Effective July 16, 2002.

PUBLIC ACT 92-0661
(House Bill No. 3673)

AN ACT in relation to schools.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The School Code is amended by changing Sections 18-9 and 18-12 as follows:

(105 ILCS 5/18-9) (from Ch. 122, par. 18-9)
Sec. 18-9. Requirement for special equalization and supplementary State aid.
(a) Any school district claiming an equalization quota may not increase its annual net cash balance in the educational fund for the fiscal school year by failing to expend for educational purposes the total of (1) the general grant, (2) the equalization quota, and (3) the amount determined by applying the qualifying rate to the equalized assessed valuation of the district. Any district which increases such annual net cash balance by failing to expend the amount received from the sum of (1) the general grant, (2) the equalization quota, and (3) the amount determined by applying the qualifying rate to the equalized assessed valuation of the district, shall have its next claim for an equalization quota reduced in an amount equal to the difference between its expenditures for educational purposes and that sum.

Current expenditures made in any district receiving a special equalization quota and governed by a board of directors must be approved in advance by the regional superintendent.

If, as a result of tax objections based on inequities of assessment, a final decision of any court, entered not more than one year before or 3 years after August 26, 1963, reduces the taxes received by the educational fund of a school district, for any given year, in an amount equal to or more than 3% of the total amount of taxes extended for educational purposes of the district, that district may amend its claim for equalization aid for that year by adding thereto an amount determined by multiplying the deficiency in tax receipts by a percentage computed by dividing the tax rate required in Section 18-8 to receive an equalization quota by the tax rate originally extended for educational purposes. The amended claim including any additional monies to which the district may be entitled shall be filed within three years of the date of such decision and the additional amount paid as supplementary state equalization aid.

New matter indicated by italics - deletions by strikeout.
(b) Any elementary, high school or unit district which for the year 1971, as compared to the year 1970, has a decrease of more than 40% in the value of all its taxable property as equalized or assessed by the Department of Revenue, shall be entitled to file a claim for supplementary State aid with the Office of the State Superintendent of Education. The amount of such aid shall be determined by multiplying the amount of the decrease in the value of the district's taxable property times the total of the 1972 tax rates for school purposes less the sum of the district's qualifying tax rates for educational and transportation purposes extended by such district. Such claims shall be filed on forms prescribed by the Superintendent, and the Superintendent upon receipt of such claims shall adjust the claim of each such district in accordance with the provisions of this Section.

(c) Where property comprising an aggregate assessed valuation equal to 3% or more of the total assessed valuation of all taxable property in the district is owned by a person or corporation who is the subject of bankruptcy proceedings or has been adjudged bankrupt and, as a result thereof, has not paid taxes on that property for 2 or more years, that district may amend its claim back to the inception of such bankruptcy, not to exceed 6 years, in which time such taxes were not paid and for each succeeding year that such taxes remain unpaid by adding to that claim an amount determined by multiplying the assessed valuation of the property on which taxes have not been paid due to bankruptcy by the tax rate required in Section 18-8 to receive an equalization quota or after July 1, 1973, by the district's operating tax rate for general state aid purposes. If at any time a district which receives additional State aid under the provisions of this paragraph receives tax revenue from such property for the years that taxes were not paid, its next claim for State aid shall be reduced in an amount equal to the taxes paid on such property, not to exceed the additional State aid received under the provisions of this subsection (c) paragraph. Such claims shall be filed on forms prescribed by the Superintendent, and the Superintendent upon receipt of such claims shall adjust the claim of each such district in accordance with the provisions of this subsection (c) paragraph.

(d) If property comprising an aggregate assessed valuation equal to 6% or more of the total assessed valuation of all taxable property in a school district is owned by a person or corporation that is the subject of bankruptcy proceedings or that has been adjudged bankrupt and, as a result thereof, has not paid taxes on the property, then the district may amend its general State aid claim (i) back to the inception of the bankruptcy, not to exceed 6 years, in which time those taxes were not paid and (ii) for each succeeding year that those taxes remain unpaid, by adding to the claim an amount determined by multiplying the assessed valuation of the property on which taxes have not been paid due to the bankruptcy by the lesser of the total tax rate for the district for the tax year for which the taxes are unpaid or the applicable rate used in calculating the district's general State aid under paragraph (3) of subsection (D) of Section 18-8.05 of this Code. If at any time a district that receives additional State aid under this subsection (d) receives tax revenue from the property for the years that taxes were not paid, the district's next claim for State aid shall be reduced in an amount equal to the taxes paid on the property, not to exceed the additional State aid received under this subsection (d). Claims under this subsection (d) shall be filed on forms
prescribed by the State Superintendent of Education, and the State Superintendent of Education, upon receipt of a claim, shall adjust the claim in accordance with the provisions of this subsection (d). Supplementary State aid for each succeeding year under this subsection (d) shall be paid beginning with the first general State aid claim paid after the district has filed a completed claim in accordance with this subsection (d).

(Source: P.A. 81-1509.)

(105 ILCS 5/18-12) (from Ch. 122, par. 18-12)

Sec. 18-12. Dates for filing State aid claims. The school board of each school district shall require teachers, principals, or superintendents to furnish from records kept by them such data as it needs in preparing and certifying under oath or affirmation to the regional superintendent its school district report of claims provided in Sections 18-8 through 18-10 on blanks to be provided by the State Superintendent of Education. The district claim shall be based on the latest available equalized assessed valuation and tax rates, as provided in Section 18-8.05 18-8 and shall use the average daily attendance as determined by the method outlined in Section 18-8.05 18-8 and shall be certified and filed with the regional superintendent by July 1. Failure to so file by July 1 constitutes a forfeiture of the right to receive payment by the State until such claim is filed and vouchered for payment. The regional superintendent of schools shall certify the county report of claims by July 15; and the State Superintendent of Education shall voucher for payment those claims to the State Comptroller as provided in Section 18-11.

Except as otherwise provided in this Section, if any school district fails to provide the minimum school term specified in Section 10-19, the State aid claim for that year shall be reduced by the State Superintendent of Education in an amount equivalent to .56818% for each day less than the number of days required by this Code Act. However:

If the State Superintendent of Education determines that the such failure to provide the minimum school term was occasioned by an act or acts of God, or was occasioned by conditions beyond the control of the school district which posed a hazardous threat to the health and safety of pupils, the State aid claim need not be reduced.

If the State Superintendent of Education determines that the failure to provide the minimum school term was due to a school being closed on or after September 11, 2001 for more than one-half day of attendance due to a bioterrorism or terrorism threat that was investigated by a law enforcement agency, the State aid claim shall not be reduced.

If, during any school day, (i) a school district has provided at least one clock hour of instruction but must close the schools due to adverse weather conditions or due to a condition beyond the control of the school district that poses a hazardous threat to the health and safety of pupils prior to providing the minimum hours of instruction required for a full day of attendance, or (ii) the school district must delay the start of the school day due to adverse weather conditions and this delay prevents the district from providing the minimum hours of instruction required for a full day of attendance, the partial day of attendance may be counted as a full day of attendance. The partial day of attendance and the reasons therefor shall be certified in writing within a month of the closing or delayed start by the local school district superintendent to the Regional Superintendent of Schools for forwarding to the State

New matter indicated by italics - deletions by strikeout.
Superintendent of Education for approval.

If a school building is ordered to be closed by the school board, in consultation with a local emergency response agency, due to a condition that poses a hazardous threat to the health and safety of pupils, then the school district shall have a grace period of 4 days in which the general State aid claim shall not be reduced so that alternative housing of the pupils may be located.

No exception to the requirement of providing a minimum school term may be approved by the State Superintendent of Education pursuant to this Section unless a school district has first used all emergency days provided for in its regular calendar.

If the State Superintendent of Education declares that an energy shortage exists during any part of the school year for the State or a designated portion of the State, a district may operate the school attendance centers within the district 4 days of the week during the time of the shortage by extending each existing school day by one clock hour of school work, and the State aid claim shall not be reduced, nor shall the employees of that district suffer any reduction in salary or benefits as a result thereof. A district may operate all attendance centers on this revised schedule, or may apply the schedule to selected attendance centers, taking into consideration such factors as pupil transportation schedules and patterns and sources of energy for individual attendance centers.

No State aid claim may be filed for any district unless the clerk or secretary of the school board executes and files with the State Superintendent of Education, on forms prescribed by the Superintendent, a sworn statement that the district has complied with the requirements of Section 10-22.5 in regard to the nonsegregation of pupils on account of color, creed, race, sex or nationality.

No State aid claim may be filed for any district unless the clerk or secretary of the school board executes and files with the State Superintendent of Education, on forms prescribed by the Superintendent, a sworn statement that to the best of his or her knowledge or belief the employing or assigning personnel have complied with Section 24-4 in all respects.

(Source: P.A. 90-98, eff. 7-11-97.)

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


Approved July 16, 2002.

Effective July 16, 2002.

PUBLIC ACT 92-0662
(House Bill No. 3697)

AN ACT concerning fire protection.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Municipal Code is amended by changing Section 11-5-7.1 as follows:

New matter indicated by italics - deletions by strikeout.
Sec. 11-5-7.1. The corporate authorities of any municipality which: (1) has a population between 10,000 and 45,000 and lies within 2 counties with respective populations between 400,000 and 275,000 and 575,000 and 400,000 and between 900,000 and 655,000 and 1,000,000; or (2) has a population between 9,000 and 25,000 and lies within a single county with a population between 400,000 and 275,000 and 575,000, may levy an annual tax at a rate not exceeding .095% of the value, as equalized and assessed by the Department of Revenue, of all taxable property therein, for the purpose of providing ambulance services pursuant to an intergovernmental cooperation agreement with any other unit of local government. However, no tax may be levied pursuant to this Section with respect to any property which is subject to any other tax levied for the purpose of providing ambulance services.
(Source: P.A. 88-181.)

Section 10. The Fire Protection District Act is amended by changing Section 23 as follows:

Sec. 23. The board of trustees of a fire protection district which: (1) lies within a single county which has a population between 400,000 and 275,000 and 575,000 and 400,000; or (2) lies within 2 counties with respective populations of between 400,000 and 275,000 and 575,000 and 400,000 and between 900,000 and 655,000 and 1,000,000, may by ordinance levy an annual tax at a rate not exceeding .095% of the value, as equalized and assessed by the Department of Revenue, of all taxable property therein, for the purpose of providing ambulance services pursuant to an intergovernmental cooperation agreement with any other unit of local government. However, no tax may be levied pursuant to this Section with respect to any property which is subject to any other tax levied for the purpose of providing ambulance services.
(Source: P.A. 88-181.)

Section 99. Effective date. This Act takes effect upon becoming law.
Approved July 16, 2002.
Effective July 16, 2002.

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

Section 5. The School Code is amended by adding Sections 10-20.35 and 34-18.23 as follows:

Sec. 10-20.35. Psychotropic or psychostimulant medication; disciplinary action.

New matter indicated by italics - deletions by strikeout.
(a) In this Section:

"Psychostimulant medication" means medication that produces increased levels of mental and physical energy and alertness and an elevated mood by stimulating the central nervous system.

"Psychotropic medication" means psychotropic medication as defined in Section 1-121.1 of the Mental Health and Developmental Disabilities Code.

(b) Each school board must adopt and implement a policy that prohibits any disciplinary action that is based totally or in part on the refusal of a student's parent or guardian to administer or consent to the administration of psychotropic or psychostimulant medication to the student.

The policy must require that, at least once every 2 years, the in-service training of certified school personnel and administrators include training on current best practices regarding the identification and treatment of attention deficit disorder and attention deficit hyperactivity disorder, the application of non-aversive behavioral interventions in the school environment, and the use of psychotropic or psychostimulant medication for school-age children.

(c) This Section does not prohibit school medical staff, an individualized educational program team, or a professional worker (as defined in Section 14-1.10 of this Code) from recommending that a student be evaluated by an appropriate medical practitioner or prohibit school personnel from consulting with the practitioner with the consent of the student's parents or guardian.

(105 ILCS 5/34-18.23 new)

Sec. 34-18.23. Psychotropic or psychostimulant medication; disciplinary action.

(a) In this Section:

"Psychostimulant medication" means medication that produces increased levels of mental and physical energy and alertness and an elevated mood by stimulating the central nervous system.

"Psychotropic medication" means psychotropic medication as defined in Section 1-121.1 of the Mental Health and Developmental Disabilities Code.

(b) The board must adopt and implement a policy that prohibits any disciplinary action that is based totally or in part on the refusal of a student's parent or guardian to administer or consent to the administration of psychotropic or psychostimulant medication to the student.

The policy must require that, at least once every 2 years, the in-service training of certified school personnel and administrators include training on current best practices regarding the identification and treatment of attention deficit disorder and attention deficit hyperactivity disorder, the application of non-aversive behavioral interventions in the school environment, and the use of psychotropic or psychostimulant medication for school-age children.

(c) This Section does not prohibit school medical staff, an individualized educational program team, or a professional worker (as defined in Section 14-1.10 of this Code) from recommending that a student be evaluated by an appropriate medical practitioner or
prohibit school personnel from consulting with the practitioner with the consent of the student's parents or guardian.

Passed in the General Assembly May 7, 2002.
Approved July 16, 2002.

PUBLIC ACT 92-0664
(House Bill No. 4106)

AN ACT concerning tax anticipation loans.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 1. Short title. This Act may be cited as the Tax Refund Anticipation Loan Disclosure Act.
Section 5. Definitions. The following definitions apply in this Act:
"Facilitator" means a person who individually or in conjunction or cooperation with another person makes a refund anticipation loan, processes, receives, or accepts for delivery an application for a refund anticipation loan, issues a check in payment of refund anticipation loan proceeds, or in any other manner acts to allow the making of a refund anticipation loan. "Facilitator" does not include a bank, savings and loan association, credit union, or licensee under the Consumer Installment Loan Act operating under the laws of the United States or this State and does not include any person who acts solely as an intermediary and does not deal with the public in the making of the refund anticipation loan.
"Borrower" means a person who receives the proceeds of a refund anticipation loan.
"Refund anticipation loan" means a loan arranged to be repaid directly from the proceeds of a borrower's income tax refunds.
"Refund anticipation loan fee" means the charges, fees, or other consideration charged or imposed by the facilitator for the making of a refund anticipation loan. A "refund anticipation loan fee" does not include charges, fees, or other consideration charged or imposed in the ordinary course of business by a facilitator for services that do not result in the making of a loan, including fees for tax return preparation and fees for electronic filing of tax returns.
Section 10. Disclosure requirements. At the time a borrower applies for a refund anticipation loan, a facilitator shall disclose to the borrower on a document that is separate from the loan application:
(1) the refund anticipation loan fee schedule;
(2) the estimated fee for preparing and electronically filing a tax return;
(3) the estimated date that the loan proceeds will be paid to the borrower if the loan is approved;
(4) that the borrower is responsible for repayment of the loan and related fees in the event the tax refund is not paid or not paid in full; and
(5) the availability of electronic filing for the income tax return of the

New matter indicated by italics - deletions by strikeout.
borrower and the average time announced by the federal Internal Revenue Service within which the borrower can expect to receive a refund if the borrower's return is filed electronically and the borrower does not obtain a refund anticipation loan.

Section 15. Penalty. Any person who violates this Act is guilty of a petty offense and shall be fined $500 for each offense. In addition, a facilitator who violates this Act shall be liable to any aggrieved borrower in an amount equal to 3 times the refund anticipation loan fee, plus a reasonable attorney's fee, in a civil action brought in the circuit court by the aggrieved borrower or by the Attorney General on behalf of the aggrieved borrower.

Section 99. Effective date. This Act takes effect on January 1, 2003.
Passed in the General Assembly May 7, 2002.
Approved July 16, 2002.

PUBLIC ACT 92-0665
(House Bill No. 4129)

AN ACT in relation to minors
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Juvenile Court Act of 1987 is amended by changing Section 5-130 as follows:
(705 ILCS 405/5-130)
Sec. 5-130. Excluded jurisdiction.
(1) (a) The definition of delinquent minor under Section 5-120 of this Article shall not apply to any minor who at the time of an offense was at least 15 years of age and who is charged with first degree murder, aggravated criminal sexual assault, aggravated battery with a firearm committed in a school, on the real property comprising a school, within 1,000 feet of the real property comprising a school, at a school related activity, or on, boarding, or departing from any conveyance owned, leased, or contracted by a school or school district to transport students to or from school or a school related activity regardless of the time of day or time of year that the offense was committed, armed robbery when the armed robbery was committed with a firearm, or aggravated vehicular hijacking when the hijacking was committed with a firearm.

These charges and all other charges arising out of the same incident shall be prosecuted under the criminal laws of this State.

For purposes of this paragraph (a) of subsection (l):
"School" means a public or private elementary or secondary school, community college, college, or university.
"School related activity" means any sporting, social, academic or other activity for which students' attendance or participation is sponsored, organized, or funded in whole or in part by a school or school district.

(b) (i) If before trial or plea an information or indictment is filed that does not charge

New matter indicated by italics - deletions by strikeout.
an offense specified in paragraph (a) of this subsection (1) the State's Attorney may proceed on any lesser charge or charges, but only in Juvenile Court under the provisions of this Article. The State's Attorney may proceed under the Criminal Code of 1961 on a lesser charge if before trial the minor defendant knowingly and with advice of counsel waives, in writing, his or her right to have the matter proceed in Juvenile Court.

(ii) If before trial or plea an information or indictment is filed that includes one or more charges specified in paragraph (a) of this subsection (1) and additional charges that are not specified in that paragraph, all of the charges arising out of the same incident shall be prosecuted under the Criminal Code of 1961.

(c) (i) If after trial or plea the minor is convicted of any offense covered by paragraph (a) of this subsection (1), then, in sentencing the minor, the court shall have available any or all dispositions prescribed for that offense under Chapter V of the Unified Code of Corrections.

(ii) If after trial or plea the court finds that the minor committed an offense not covered by paragraph (a) of this subsection (1), that finding shall not invalidate the verdict or the prosecution of the minor under the criminal laws of the State; however, unless the State requests a hearing for the purpose of sentencing the minor under Chapter V of the Unified Code of Corrections, the Court must proceed under Sections 5-705 and 5-710 of this Article. To request a hearing, the State must file a written motion within 10 days following the entry of a finding or the return of a verdict. Reasonable notice of the motion shall be given to the minor or his or her counsel. If the motion is made by the State, the court shall conduct a hearing to determine if the minor should be sentenced under Chapter V of the Unified Code of Corrections. In making its determination, the court shall consider among other matters: (a) whether there is evidence that the offense was committed in an aggressive and premeditated manner; (b) the age of the minor; (c) the previous history of the minor; (d) whether there are facilities particularly available to the Juvenile Court or the Department of Corrections, Juvenile Division, for the treatment and rehabilitation of the minor; (e) whether the security of the public requires sentencing under Chapter V of the Unified Code of Corrections; and (f) whether the minor possessed a deadly weapon when committing the offense. The rules of evidence shall be the same as if at trial. If after the hearing the court finds that the minor should be sentenced under Chapter V of the Unified Code of Corrections, then the court shall sentence the minor accordingly having available to it any or all dispositions so prescribed.

(2) (a) The definition of a delinquent minor under Section 5-120 of this Article shall not apply to any minor who at the time of the offense was at least 15 years of age and who is charged with an offense under Section 401 of the Illinois Controlled Substances Act, while in a school, regardless of the time of day or the time of year, or any conveyance owned, leased or contracted by a school to transport students to or from school or a school related activity, or residential property owned, operated or managed by a public housing agency or leased by a public housing agency as part of a scattered site or mixed-income development, on the real property comprising any school, regardless of the time of day or the time of year, or residential property owned, operated or managed by a public housing agency or leased by
a public housing agency as part of a scattered site or mixed-income development, or on a public way within 1,000 feet of the real property comprising any school, regardless of the time of day or the time of year, or residential property owned, operated or managed by a public housing agency or leased by a public housing agency as part of a scattered site or mixed-income development. School is defined, for the purposes of this Section, as any public or private elementary or secondary school, community college, college, or university. These charges and all other charges arising out of the same incident shall be prosecuted under the criminal laws of this State.

(b) (i) If before trial or plea an information or indictment is filed that does not charge an offense specified in paragraph (a) of this subsection (2) the State's Attorney may proceed on any lesser charge or charges, but only in Juvenile Court under the provisions of this Article. The State's Attorney may proceed under the criminal laws of this State on a lesser charge if before trial the minor defendant knowingly and with advice of counsel waives, in writing, his or her right to have the matter proceed in Juvenile Court.

(ii) If before trial or plea an information or indictment is filed that includes one or more charges specified in paragraph (a) of this subsection (2) and additional charges that are not specified in that paragraph, all of the charges arising out of the same incident shall be prosecuted under the criminal laws of this State.

(c) (i) If after trial or plea the minor is convicted of any offense covered by paragraph (a) of this subsection (2), then, in sentencing the minor, the court shall have available any or all dispositions prescribed for that offense under Chapter V of the Unified Code of Corrections.

(ii) If after trial or plea the court finds that the minor committed an offense not covered by paragraph (a) of this subsection (2), that finding shall not invalidate the verdict or the prosecution of the minor under the criminal laws of the State; however, unless the State requests a hearing for the purpose of sentencing the minor under Chapter V of the Unified Code of Corrections, the Court must proceed under Sections 5-705 and 5-710 of this Article. To request a hearing, the State must file a written motion within 10 days following the entry of a finding or the return of a verdict. Reasonable notice of the motion shall be given to the minor or his or her counsel. If the motion is made by the State, the court shall conduct a hearing to determine if the minor should be sentenced under Chapter V of the Unified Code of Corrections. In making its determination, the court shall consider among other matters: (a) whether there is evidence that the offense was committed in an aggressive and premeditated manner; (b) the age of the minor; (c) the previous history of the minor; (d) whether there are facilities particularly available to the Juvenile Court or the Department of Corrections, Juvenile Division, for the treatment and rehabilitation of the minor; (e) whether the security of the public requires sentencing under Chapter V of the Unified Code of Corrections; and (f) whether the minor possessed a deadly weapon when committing the offense. The rules of evidence shall be the same as if at trial. If after the hearing the court finds that the minor should be sentenced under Chapter V of the Unified Code of Corrections, then the court shall sentence the minor accordingly having available to it any or all dispositions so prescribed.
(3) (a) The definition of delinquent minor under Section 5-120 of this Article shall not apply to any minor who at the time of the offense was at least 15 years of age and who is charged with a violation of the provisions of paragraph (1), (3), (4), or (10) of subsection (a) of Section 24-1 of the Criminal Code of 1961 while in school, regardless of the time of day or the time of year, or on the real property comprising any school, regardless of the time of day or the time of year. School is defined, for purposes of this Section as any public or private elementary or secondary school, community college, college, or university. These charges and all other charges arising out of the same incident shall be prosecuted under the criminal laws of this State.

(b) (i) If before trial or plea an information or indictment is filed that does not charge an offense specified in paragraph (a) of this subsection (3) the State's Attorney may proceed on any lesser charge or charges, but only in Juvenile Court under the provisions of this Article. The State's Attorney may proceed under the criminal laws of this State on a lesser charge if before trial the minor defendant knowingly and with advice of counsel waives, in writing, his or her right to have the matter proceed in Juvenile Court.

(ii) If before trial or plea an information or indictment is filed that includes one or more charges specified in paragraph (a) of this subsection (3) and additional charges that are not specified in that paragraph, all of the charges arising out of the same incident shall be prosecuted under the criminal laws of this State.

(c) (i) If after trial or plea the minor is convicted of any offense covered by paragraph (a) of this subsection (3), then, in sentencing the minor, the court shall have available any or all dispositions prescribed for that offense under Chapter V of the Unified Code of Corrections.

(ii) If after trial or plea the court finds that the minor committed an offense not covered by paragraph (a) of this subsection (3), that finding shall not invalidate the verdict or the prosecution of the minor under the criminal laws of the State; however, unless the State requests a hearing for the purpose of sentencing the minor under Chapter V of the Unified Code of Corrections, the Court must proceed under Sections 5-705 and 5-710 of this Article. To request a hearing, the State must file a written motion within 10 days following the entry of a finding or the return of a verdict. Reasonable notice of the motion shall be given to the minor or his or her counsel. If the motion is made by the State, the court shall conduct a hearing to determine if the minor should be sentenced under Chapter V of the Unified Code of Corrections. In making its determination, the court shall consider among other matters: (a) whether there is evidence that the offense was committed in an aggressive and premeditated manner; (b) the age of the minor; (c) the previous history of the minor; (d) whether there are facilities particularly available to the Juvenile Court or the Department of Corrections, Juvenile Division, for the treatment and rehabilitation of the minor; (e) whether the security of the public requires sentencing under Chapter V of the Unified Code of Corrections; and (f) whether the minor possessed a deadly weapon when committing the offense. The rules of evidence shall be the same as if at trial. If after the hearing the court finds that the minor should be sentenced under Chapter V of the Unified Code of Corrections, then the court shall sentence the minor accordingly having available to it any
or all dispositions so prescribed.

(4) (a) The definition of delinquent minor under Section 5-120 of this Article shall not apply to any minor who at the time of an offense was at least 13 years of age and who is charged with first degree murder committed during the course of either aggravated criminal sexual assault, criminal sexual assault, or aggravated kidnaping. However, this subsection (4) does not include a minor charged with first degree murder based exclusively upon the accountability provisions of the Criminal Code of 1961.

(b) (i) If before trial or plea an information or indictment is filed that does not charge first degree murder committed during the course of aggravated criminal sexual assault, criminal sexual assault, or aggravated kidnaping, the State's Attorney may proceed on any lesser charge or charges, but only in Juvenile Court under the provisions of this Article. The State's Attorney may proceed under the criminal laws of this State on a lesser charge if before trial the minor defendant knowingly and with advice of counsel waives, in writing, his or her right to have the matter proceed in Juvenile Court.

(ii) If before trial or plea an information or indictment is filed that includes first degree murder committed during the course of aggravated criminal sexual assault, criminal sexual assault, or aggravated kidnaping, and additional charges that are not specified in paragraph (a) of this subsection, all of the charges arising out of the same incident shall be prosecuted under the criminal laws of this State.

(c) (i) If after trial or plea the minor is convicted of first degree murder committed during the course of either aggravated criminal sexual assault, criminal sexual assault, or aggravated kidnaping, in sentencing the minor, the court shall have available any or all dispositions prescribed for that offense under Chapter V of the Unified Code of Corrections.

(ii) If the minor was not yet 15 years of age at the time of the offense, and if after trial or plea the court finds that the minor committed an offense other than first degree murder committed during the course of either aggravated criminal sexual assault, criminal sexual assault, or aggravated kidnapning, the finding shall not invalidate the verdict or the prosecution of the minor under the criminal laws of the State; however, unless the State requests a hearing for the purpose of sentencing the minor under Chapter V of the Unified Code of Corrections, the Court must proceed under Sections 5-705 and 5-710 of this Article. To request a hearing, the State must file a written motion within 10 days following the entry of a finding or the return of a verdict. Reasonable notice of the motion shall be given to the minor or his or her counsel. If the motion is made by the State, the court shall conduct a hearing to determine whether the minor should be sentenced under Chapter V of the Unified Code of Corrections. In making its determination, the court shall consider among other matters: (a) whether there is evidence that the offense was committed in an aggressive and premeditated manner; (b) the age of the minor; (c) the previous delinquent history of the minor; (d) whether there are facilities particularly available to the Juvenile Court or the Department of Corrections, Juvenile Division, for the treatment and rehabilitation of the minor; (e) whether the best interest of the minor and the security of the public require sentencing under Chapter V of the Unified Code of Corrections; and (f) whether the minor possessed a deadly weapon when committing the offense. The rules of evidence shall be the
same as if at trial. If after the hearing the court finds that the minor should be sentenced under Chapter V of the Unified Code of Corrections, then the court shall sentence the minor accordingly having available to it any or all dispositions so prescribed.

(5) (a) The definition of delinquent minor under Section 5-120 of this Article shall not apply to any minor who is charged with a violation of subsection (a) of Section 31-6 or Section 32-10 of the Criminal Code of 1961 when the minor is subject to prosecution under the criminal laws of this State as a result of the application of the provisions of Section 5-125, or subsection (1) or (2) of this Section. These charges and all other charges arising out of the same incident shall be prosecuted under the criminal laws of this State.

(b) (i) If before trial or plea an information or indictment is filed that does not charge an offense specified in paragraph (a) of this subsection (5), the State's Attorney may proceed on any lesser charge or charges, but only in Juvenile Court under the provisions of this Article. The State's Attorney may proceed under the criminal laws of this State on a lesser charge if before trial the minor defendant knowingly and with advice of counsel waives, in writing, his or her right to have the matter proceed in Juvenile Court.

(ii) If before trial or plea an information or indictment is filed that includes one or more charges specified in paragraph (a) of this subsection (5) and additional charges that are not specified in that paragraph, all of the charges arising out of the same incident shall be prosecuted under the criminal laws of this State.

(c) (i) If after trial or plea the minor is convicted of any offense covered by paragraph (a) of this subsection (5), then, in sentencing the minor, the court shall have available any or all dispositions prescribed for that offense under Chapter V of the Unified Code of Corrections.

(ii) If after trial or plea the court finds that the minor committed an offense not covered by paragraph (a) of this subsection (5), the conviction shall not invalidate the verdict or the prosecution of the minor under the criminal laws of this State; however, unless the State requests a hearing for the purpose of sentencing the minor under Chapter V of the Unified Code of Corrections, the Court must proceed under Sections 5-705 and 5-710 of this Article. To request a hearing, the State must file a written motion within 10 days following the entry of a finding or the return of a verdict. Reasonable notice of the motion shall be given to the minor or his or her counsel. If the motion is made by the State, the court shall conduct a hearing to determine if whether the minor should be sentenced under Chapter V of the Unified Code of Corrections. In making its determination, the court shall consider among other matters: (a) whether there is evidence that the offense was committed in an aggressive and premeditated manner; (b) the age of the minor; (c) the previous delinquent history of the minor; (d) whether there are facilities particularly available to the Juvenile Court or the Department of Corrections, Juvenile Division, for the treatment and rehabilitation of the minor; (e) whether the security of the public requires sentencing under Chapter V of the Unified Code of Corrections; and (f) whether the minor possessed a deadly weapon when committing the offense. The rules of evidence shall be the same as if at trial.

If after the hearing the court finds that the minor should be sentenced under Chapter V of the Unified Code of Corrections, then the court shall sentence the minor accordingly having available to it any or all dispositions so prescribed.

New matter indicated by italics - deletions by strikeout.
available to it any or all dispositions so prescribed.

(6) The definition of delinquent minor under Section 5-120 of this Article shall not apply to any minor who, pursuant to subsection (1), (2), or (3) or Section 5-805, or 5-810, has previously been placed under the jurisdiction of the criminal court and has been convicted of a crime under an adult criminal or penal statute. Such a minor shall be subject to prosecution under the criminal laws of this State.

(7) The procedures set out in this Article for the investigation, arrest and prosecution of juvenile offenders shall not apply to minors who are excluded from jurisdiction of the Juvenile Court, except that minors under 17 years of age shall be kept separate from confined adults.

(8) Nothing in this Act prohibits or limits the prosecution of any minor for an offense committed on or after his or her 17th birthday even though he or she is at the time of the offense a ward of the court.

(9) If an original petition for adjudication of wardship alleges the commission by a minor 13 years of age or over of an act that constitutes a crime under the laws of this State, the minor, with the consent of his or her counsel, may, at any time before commencement of the adjudicatory hearing, file with the court a motion that criminal prosecution be ordered and that the petition be dismissed insofar as the act or acts involved in the criminal proceedings are concerned. If such a motion is filed as herein provided, the court shall enter its order accordingly.

(10) If a minor is subject to the provisions of subsection (2) of this Section, other than a minor charged with a Class X felony violation of the Illinois Controlled Substances Act, any party including the minor or the court sua sponte may, before trial, move for a hearing for the purpose of trying and sentencing the minor as a delinquent minor. To request a hearing, the party must file a motion prior to trial. Reasonable notice of the motion shall be given to all parties. On its own motion or upon the filing of a motion by one of the parties including the minor, the court shall conduct a hearing to determine whether the minor should be tried and sentenced as a delinquent minor under this Article. In making its determination, the court shall consider among other matters:

(a) The age of the minor;
(b) Any previous delinquent or criminal history of the minor;
(c) Any previous abuse or neglect history of the minor;
(d) Any mental health or educational history of the minor, or both; and
(e) Whether there is probable cause to support the charge, whether the minor is charged through accountability, and whether there is evidence the minor possessed a deadly weapon or caused serious bodily harm during the offense.

Any material that is relevant and reliable shall be admissible at the hearing. In all cases, the judge shall enter an order permitting prosecution under the criminal laws of Illinois unless the judge makes a finding based on a preponderance of the evidence that the minor would be amenable to the care, treatment, and training programs available through the facilities of the juvenile court based on an evaluation of the factors listed in this subsection (10).

New matter indicated by italics - deletions by strikeout.
AN ACT in relation to children.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Children and Family Services Act is amended by adding Section 7.4 as follows:

(20 ILCS 505/7.4 new)

Sec. 7.4. Placement of siblings.

(a) When a child is in need of an adoptive placement, the Department shall examine its files and other available resources and attempt to determine whether any biological sibling of the child has been adopted. If the Department determines that a biological sibling of the child has been adopted, the Department shall make a good faith effort to locate the adoptive parents of the sibling and inform them of the availability of the child for adoption.

(b) If the adoptive parents of a biological sibling of a child available for adoption apply to adopt that child, the Department shall consider them as adoptive applicants for the adoption of the child. The Department's final decision, however, shall be based upon the welfare and best interest of the child. In arriving at its decision, the Department shall consider all relevant factors, including but not limited to:

(1) the wishes of the child;
(2) the interaction and interrelationship of the child with the applicant to adopt the child;
(3) the child's need for stability and continuity of relationship with parent figures;
(4) the child's adjustment to his or her present home, school, and community;
(5) the mental and physical health of all individuals involved;
(6) the family ties between the child and the child's relatives, including siblings;
(7) the background, age, and living arrangements of the applicant to adopt the child;
(8) a criminal background report of the applicant to adopt the child.

(c) The Department may refuse to inform the adoptive parents of a biological sibling of a child that the child is available for adoption, as required under subsection (a), only for a reason permitted under criteria adopted by the Department by rule.

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

Passed in the General Assembly May 7, 2002.
AN ACT concerning property taxes.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Property Tax Code is amended by changing Section 3-5 as follows:

Sec. 3-5. Supervisor of assessments. In counties with less than 3,000,000 inhabitants and in which no county assessor has been elected under Section 3-45, there shall be a county supervisor of assessments, either appointed as provided in this Section, or elected. In counties with less than 3,000,000 inhabitants and not having an elected county assessor or an elected supervisor of assessments, the office of supervisor of assessments shall be filled by appointment by the presiding officer of the county board with the advice and consent of the county board.

To be eligible for appointment or to be eligible to file nomination papers or participate as a candidate in any primary or general election for, or be elected to, the office of supervisor of assessments, or to enter upon the duties of the office, a person must possess one of the following qualifications as certified by the individual to the county clerk:

(1) a Certified Illinois Assessing Official certificate from the Illinois Property Assessment Institute, plus the additional training required for additional compensation under Section 4-10;

(2) a Certified Assessment Evaluator certificate from the International Association of Assessing Officers;

(3) a Member of the Appraisal Institute (MAI), Residential Member (RM), Senior Real Estate Analyst (SREA), Senior Real Property Analyst (SRPA) or Senior Residential Analyst (SRA) certificate from the Appraisal Institute or its predecessor organizations.

(4) If the person has served as a supervisor of assessments for 12 years or more, a Certified Illinois Assessing Official certificate from the Illinois Property Assessment Institute with a minimum of 360 additional hours of successfully completed courses approved by the Department if at least 180 of the course hours required a written examination.

In addition, a person must have had at least 2 years' experience in the field of property sales, assessments, finance or appraisals and must have passed an examination conducted by the Department to determine his or her competence to hold the office. The examination may be conducted by the Department at a convenient location in the county or region. Notice of the time and place shall be given by publication in a newspaper of general circulation in the counties, at least one week prior to the exam. The Department shall certify to the county

New matter indicated by italics - deletions by strikeout.
board a list of the names and scores of persons who pass the examination. The Department may provide by rule the maximum time that the name of a person who has passed the examination will be included on a list of persons eligible for appointment or election. The term of office shall be 4 years from the date of appointment and until a successor is appointed and qualified.

(Source: P.A. 84-837; 86-905; 88-455.)

Section 99. Effective date. This Act takes effect upon becoming law.
Passed in the General Assembly May 7, 2002.
Approved July 16, 2002.
Effective July 16, 2002.

PUBLIC ACT 92-0668
(House Bill No. 4344)

AN ACT in relation to vehicles.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Vehicle Code is amended by adding Sections 1-113.1, 1-202.1, 3-804.1, and 3-804.2 and by changing Sections 3-413, 4-209, 12-201, 12-205, 12-208, 12-301, 12-501, 12-607, 12-608, 13A-104, and 13B-15 as follows:

(625 ILCS 5/1-113.1 new)
Sec. 1-113.1. Custom vehicle. A motor vehicle that is at least 25 years of age and of a model year after 1948 or a vehicle that has been certified by an inspector of the National Street Rod Association, on a form prescribed by the Secretary of State, to be a custom vehicle manufactured to resemble a vehicle at least 25 years of age and of a model year after 1948 and has been altered from the manufacturer's original design or has a body constructed from non-original materials and which is maintained for occasional transportation, exhibitions, club activities, parades, tours, and similar uses and which is not used for general daily transportation.

(625 ILCS 5/1-202.1 new)
Sec. 1-202.1. Street rod. A motor vehicle that is a 1948 or older vehicle or a vehicle that has been certified by an inspector of the National Street Rod Association, on a form prescribed by the Secretary of State, to be a street rod that was manufactured after 1948 to resemble a vehicle that was manufactured before 1949 and has been altered from the manufacturer's original design or has a body constructed from non-original materials and which is maintained for occasional transportation, exhibitions, club activities, parades, tours, and similar uses and which is not used for general daily transportation.

(625 ILCS 5/3-413) (from Ch. 95 1/2, par. 3-413)
Sec. 3-413. Display of registration plates, registration stickers and driveway decal permits.

(a) Registration plates issued for a motor vehicle other than a motorcycle, trailer, semitrailer, truck-tractor, apportioned bus, or apportioned truck shall be attached thereto, one

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in the front and one in the rear. The registration plate issued for a motorcycle, trailer or semitrailer required to be registered hereunder and any apportionment plate issued to a bus under the provisions of this Code shall be attached to the rear thereof. The registration plate issued for a truck-tractor or an apportioned truck required to be registered hereunder shall be attached to the front thereof.

(b) Every registration plate shall at all times be securely fastened in a horizontal position to the vehicle for which it is issued so as to prevent the plate from swinging and at a height of not less than 5 inches 12 inches from the ground, measuring from the bottom of such plate, in a place and position to be clearly visible and shall be maintained in a condition to be clearly legible, free from any materials that would obstruct the visibility of the plate, including, but not limited to, glass covers and tinted plastic covers. Clear plastic covers are permissible as long as they remain clear and do not obstruct the visibility of the plates. Registration stickers issued as evidence of renewed annual registration shall be attached to registration plates as required by the Secretary of State, and be clearly visible at all times.

(c) Every driveway decal permit issued pursuant to this Code shall be firmly attached to the inside windshield of the motor vehicle in such a manner that it cannot be removed without being destroyed. If such decal permits are affixed to a motor vehicle in any other manner the permit shall be void and of no effect.

(d) The Illinois prorate decal issued to a foreign registered vehicle part of a fleet prorated or apportioned with Illinois, shall be displayed on a registration plate and displayed on the front of such vehicle in the same manner as an Illinois registration plate.

(e) The registration plate issued for a camper body mounted on a truck displaying registration plates shall be attached to the rear of the camper body.

(f) No person shall operate a vehicle, nor permit the operation of a vehicle, upon which is displayed an Illinois registration plate, plates or registration stickers after the termination of the registration period for which issued or after the expiration date set pursuant to Sections 3-414 and 3-414.1 of this Code. (Source: P.A. 89-245, eff. 1-1-96; 89-375, eff. 8-18-95.)

(625 ILCS 5/3-804.1 new)

Sec. 3-804.1. Custom vehicles.

(a) The owner of a custom vehicle may register that vehicle for the standard registration fee for a vehicle of the first division, other than a motorcycle, motor driven cycle, or pedalcycle, and obtain a custom vehicle plate. An applicant for the special plate shall be charged, in addition to the standard registration fee, $15 for original issuance to be deposited into the Secretary of State Special License Plate Fund, to be used by the Secretary to help defray administrative costs. For each renewal period, in addition to the standard registration fee, the applicant shall be charged $2, which shall be deposited into the Secretary of State Special License Plate Fund. The application for registration must be accompanied by an affirmation of the owner that the vehicle will be maintained for occasional transportation, exhibitions, club activities, parades, tours, and similar uses and will not be used for general daily transportation. The Secretary may, in his or her discretion, prescribe that custom vehicle plates be issued for a definite or an indefinite term, the term

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to correspond to the term of registration plates issued generally, as provided in Section 3-414.1. Any person requesting custom vehicle plates under this Section may also apply to have vanity or personalized plates as provided under Section 3-405.1.

(b) Upon initial registration of a custom vehicle, the owner of the custom vehicle must provide proof acceptable to the Secretary that, no more than 3 months before the date of the application for registration, the custom vehicle passed a safety inspection that (i) has been approved by the Secretary and (ii) is equivalent to the National Street Rod Association’s prescribed vehicle safety inspection.

Except where otherwise provided, custom vehicles are considered to be in compliance with all vehicle equipment requirements if they have passed the approved vehicle safety inspection.

(625 ILCS 5/3-804.2 new)
Sec. 3-804.2. Street rods.

(a) The owner of a street rod may register the vehicle for the standard registration fee for a vehicle of the first division, other than a motorcycle, motor driven cycle, or pedalcycle, and obtain a street rod plate. An applicant for the special plate shall be charged, in addition to the standard registration fee, $15 for original issuance to be deposited into the Secretary of State Special License Plate Fund, to be used by the Secretary to help defray administrative costs. For each renewal period, in addition to the standard registration fee, the applicant shall be charged $2, which shall be deposited into the Secretary of State Special License Plate Fund. The application for registration must be accompanied by an affirmation of the owner that the vehicle will be maintained for occasional transportation, exhibitions, club activities, parades, tours, and similar uses and will not be used for general daily transportation. The Secretary may, in his or her discretion, prescribe that street rod plates be issued for a definite or an indefinite term, the term to correspond to the term of registration plates issued generally, as provided in Section 3-414.1. Any person requesting street rod plates under this Section may also apply to have vanity or personalized plates as provided under Section 3-405.1.

(b) Upon initial registration of a street rod, the owner of the street rod must provide proof acceptable to the Secretary that, no more than 3 months before the date of the application for registration, the street rod passed a safety inspection that (i) has been approved by the Secretary and (ii) is equivalent to the National Street Rod Association’s prescribed vehicle safety inspection.

Except where otherwise provided, street rods are considered to be in compliance with all vehicle equipment requirements if they have passed the approved vehicle safety inspection.

(625 ILCS 5/4-209) (from Ch. 95 1/2, par. 4-209)
Sec. 4-209. Disposal of unclaimed vehicles more than 7 years of age; disposal of abandoned or unclaimed vehicles without notice.

(a) When the identity of the registered owner, lienholder, or other legally entitled persons of an abandoned, lost, or unclaimed vehicle of 7 years of age or newer cannot be determined by any means provided for in this Chapter, the vehicle may be sold as provided
in Section 4-208 without notice to any person whose identity cannot be determined.

(b) When an abandoned vehicle of more than 7 years of age is impounded as specified by this Chapter, or when any such vehicle is towed at the request or with the consent of the owner or operator and is subsequently abandoned, it will be kept in custody or storage for a minimum of 10 days for the purpose of determining the identity of the registered owner, lienholder, or other legally entitled persons and contacting the registered owner, lienholder, or other legally entitled persons by the U.S. Mail, public service or in person for a determination of disposition; and, an examination of the State Police stolen vehicle files for theft and wanted information. At the expiration of the 10 day period, without the benefit of disposition information being received from the registered owner, lienholder, or other legally entitled persons, the vehicle may be disposed of in either of the following ways:

(1) The law enforcement agency having jurisdiction will authorize the disposal of the vehicle as junk or salvage.

(2) The towing service may sell the vehicle in the manner provided in Section 4-208 of this Code, provided that this paragraph (2) shall not apply to vehicles towed by order or authorization of a law enforcement agency.

(c) A vehicle classified as an antique vehicle, custom vehicle, or street rod may however be sold to a person desiring to restore it.

(Source: P.A. 89-433, eff. 12-15-95.)

(625 ILCS 5/12-201) (from Ch. 95 1/2, par. 12-201)

Sec. 12-201. When lighted lamps are required.

(a) When operated upon any highway in this State, every motorcycle shall at all times exhibit at least one lighted lamp, showing a white light visible for at least 500 feet in the direction the motorcycle is proceeding. However, in lieu of such lighted lamp, a motorcycle may be equipped with and use a means of modulating the upper beam of the head lamp between high and a lower brightness. No such head lamp shall be modulated, except to otherwise comply with this Code, during times when lighted lamps are required for other motor vehicles.

(b) All other motor vehicles shall exhibit at least 2 lighted head lamps, with at least one on each side of the front of the vehicle, which satisfy United States Department of Transportation requirements, showing white lights, including that emitted by high intensity discharge (HID) lamps, or lights of a yellow or amber tint, during the period from sunset to sunrise, at times when rain, snow, fog, or other atmospheric conditions require the use of windshield wipers, and at any other times when, due to insufficient light or unfavorable atmospheric conditions, persons and vehicles on the highway are not clearly discernible at a distance of 1000 feet. Parking lamps may be used in addition to but not in lieu of such head lamps. Every motor vehicle, trailer, or semi-trailer shall also exhibit at least 2 lighted lamps, commonly known as tail lamps, which shall be mounted on the left rear and right rear of the vehicle so as to throw a red light visible for at least 500 feet in the reverse direction, except that a truck tractor or road tractor manufactured before January 1, 1968 and all motorcycles need be equipped with only one such tail lamp.

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(c) Either a tail lamp or a separate lamp shall be so constructed and placed as to illuminate with a white light a rear registration plate when required and render it clearly legible from a distance of 50 feet to the rear. Any tail lamp or tail lamps, together with any separate lamp or lamps for illuminating a rear registration plate, shall be so wired as to be lighted whenever the head lamps or auxiliary driving lamps are lighted.

(d) A person shall install only head lamps that satisfy United States Department of Transportation regulations and show white light, including that emitted by HID lamps, or light of a yellow or amber tint for use by a motor vehicle.

(e) For purposes of this Section, a custom vehicle or street rod is considered to be in compliance with all vehicle lamp requirements if it has passed the approved safety inspection provided for in Section 3-804.1 or 3-804.2.

(Source: P.A. 91-130, eff. 1-1-00; 91-135, eff. 1-1-00; 92-16, eff. 6-28-01.)

(625 ILCS 5/12-205) (from Ch. 95 1/2, par. 12-205)
Sec. 12-205. Lamps on other vehicles and equipment. Every vehicle, including animal drawn vehicles, referred to in paragraph (b) of Section 12-101, not specifically required by the provisions of this Article to be equipped with lamps or other lighting devices, shall at all times specified in Section 12-201 of this Act be equipped with at least 2 lamps on the power or towing unit, displaying a white light visible from a distance of not less than 1,000 feet to the front of such vehicle and shall also be equipped with 2 lamps each displaying a red light visible from a distance of not less than 1,000 feet to the rear of such vehicle.

Where the towed unit or any load thereon partially or totally obscures the 2 lamps displaying red light to the rear of the towing unit, the rearmost towed unit shall be equipped with 2 lamps displaying red light visible from a distance of not less than 1,000 feet to the rear of such towed unit which are positioned in such a manner as to not obstruct the visibility of the red light to any vehicle operator approaching from the rear of such vehicle or combination of vehicles.

Where the 2 lamps displaying red light are not obscured by the towed unit or its load, then either towing unit or towed unit, or both, may be equipped with the 2 lamps displaying red light as required.

The preceding paragraph does not apply to antique vehicles, custom vehicles, or street rods. An antique vehicle shall be equipped with lamps of the same type originally installed by the manufacturer as original equipment and in working order.

(Source: P.A. 85-830.)

(625 ILCS 5/12-208) (from Ch. 95 1/2, par. 12-208)
Sec. 12-208. Signal lamps and signal devices.

(a) Every vehicle other than an antique vehicle displaying an antique plate operated in this State shall be equipped with a stop lamp or lamps on the rear of the vehicle which shall display a red or amber light visible from a distance of not less than 500 feet to the rear in normal sunlight and which shall be actuated upon application of the service (foot) brake, and which may but need not be incorporated with other rear lamps. During times when lighted lamps are not required, an antique vehicle may be equipped with a stop lamp or lamps.
on the rear of such vehicle of the same type originally installed by the manufacturer as original equipment and in working order. However, at all other times, such antique vehicle must be equipped with stop lamps meeting the requirements of Section 12-208 of this Act.

(b) Every motor vehicle other than an antique vehicle displaying an antique plate shall be equipped with an electric turn signal device which shall indicate the intention of the driver to turn to the right or to the left in the form of flashing lights located at and showing to the front and rear of the vehicle on the side of the vehicle toward which the turn is to be made. The lamps showing to the front shall be mounted on the same level and as widely spaced laterally as practicable and, when signaling, shall emit a white or amber light, or any shade of light between white and amber. The lamps showing to the rear shall be mounted on the same level and as widely spaced laterally as practicable and, when signaling, shall emit a red or amber light. An antique vehicle shall be equipped with a turn signal device of the same type originally installed by the manufacturer as original equipment and in working order.

(c) Every trailer and semitrailer shall be equipped with an electric turn signal device which indicates the intention of the driver in the power unit to turn to the right or to the left in the form of flashing red or amber lights located at the rear of the vehicle on the side toward which the turn is to be made and mounted on the same level and as widely spaced laterally as practicable.

(d) Turn signal lamps must be visible from a distance of not less than 300 feet in normal sunlight.

(e) Motorcycles and motor-driven cycles need not be equipped with electric turn signals. Antique vehicles need not be equipped with turn signals unless such were installed by the manufacturer as original equipment.

(f) For purposes of this Section, a custom vehicle or street rod is considered to be in compliance with all signal lamp and signal device requirements if it has passed the approved safety inspection provided for in Section 3-804.1 or 3-804.2.

(625 ILCS 5/12-301) (from Ch. 95 1/2, par. 12-301)
Sec. 12-301. Brakes.
(a) Brake equipment required.

1. Every motor vehicle, other than a motor-driven cycle and an antique vehicle displaying an antique plate, when operated upon a highway shall be equipped with brakes adequate to control the movement of and to stop and hold such vehicle, including 2 separate means of applying the brakes, each of which means shall be effective to apply the brakes to at least one wheel on a motorcycle and at least 2 wheels on all other first division and second division vehicles. If these 2 separate means of applying the brakes are connected in any way, they shall be so constructed that failure of any one part of the operating mechanism shall not leave the motor vehicle without brakes.

2. Every motor-driven cycle when operated upon a highway shall be equipped with at least one brake which may be operated by hand or foot.

3. Every antique vehicle shall be equipped with the brakes of the same type
originally installed by the manufacturer as original equipment and in working order.

4. Every trailer or semitrailer of a gross weight of over 3,000 pounds, when operated upon a highway must be equipped with brakes adequate to control the movement of, to stop and to hold such vehicle, and designed so as to be operable by the driver of the towing vehicle from its cab. Such brakes must be so designed and connected that in case of an accidental breakaway of a towed vehicle over 5,000 pounds, the brakes are automatically applied.

5. Every motor vehicle, trailer, pole trailer or semitrailer, sold in this State or operated upon the highways shall be equipped with service brakes upon all wheels of every such vehicle, except any motor-driven cycle, and except that any trailer, pole trailer or semitrailer 3,000 pounds gross weight or less need not be equipped with brakes, and except that any trailer or semitrailer with gross weight over 3,000 pounds but under 5,001 pounds need be equipped with brakes on only one wheel on each side of the vehicle. Any motor vehicle and truck tractor having 3 or more axles and manufactured prior to July 25, 1980 need not have brakes on the front wheels, except when such vehicles are equipped with at least 2 steerable axles, the wheels of one such axle need not be equipped with brakes. However, a vehicle that is more than 30 years of age and which is driven on the highways only in going to and returning from an antique auto show or for servicing or for a demonstration need be equipped with 2 wheel brakes only.

(b) Performance ability of brakes.

1. The service brakes upon any motor vehicle or combination of vehicles operating on a level surface shall be adequate to stop such vehicle or vehicles when traveling 20 miles per hour within a distance of 30 feet when upon dry asphalt or concrete pavement surface free from loose material.

2. Under the above conditions the hand brake shall be adequate to stop such vehicle or vehicles, except any motorcycle, within a distance of 55 feet and the hand brake shall be adequate to hold such vehicle or vehicles stationary on any grade upon which operated.

3. Under the above conditions the service brakes upon an antique vehicle shall be adequate to stop the vehicle within a distance of 40 feet and the hand brake adequate to stop the vehicle within a distance of 55 feet.

4. All braking distances specified in this Section apply to all vehicles mentioned, whether such vehicles are unloaded or are loaded to the maximum capacity permitted under this Act.

5. All brakes shall be maintained in good working order and shall be so adjusted as to operate as equally as practicable with respect to the wheels on opposite sides of the vehicle.

6. Brake assembly requirements for mobile homes shall be the standards required by the United States Department of Housing and Urban Development adopted under Title VI of the Housing and Community Development Act of 1974.

(c) For purposes of this Section, a custom vehicle or street rod is considered to be

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in compliance with all brake equipment requirements if it has passed the approved vehicle safety inspection provided for in Section 3-804.1 or 3-804.2.

(Source: P.A. 86-447; 86-1340.)

(625 ILCS 5/12-501) (from Ch. 95 1/2, par. 12-501)

Sec. 12-501. Windshields and safety glazing material in motor vehicles.
(a) Every motor vehicle operated upon the highways of this State shall be equipped with a front windshield which complies with those standards as established pursuant to this Section and Section 12-503 of this Code. This subsection shall not apply to motor vehicles designed and used exclusively for off-highway use, motorcycles, motor-driven cycles, motorized pedalcycles, nor to motor vehicles registered as antique vehicles, custom vehicles, or street rods when the original design of such vehicles did not include front windshields.
(b) No person shall knowingly sell any 1936 or later model motor vehicle unless such vehicle is equipped with safety glazing material conforming to specifications prescribed by the Department wherever glazing material is used in doors, windows and windshields. Regulations promulgated by the Department specifying standards for safety glazing material on windshields shall, as a minimum, conform with those applicable Federal Motor Vehicles Safety Standards (49 CFR 571.205). These provisions apply to all motor vehicles of the first and second division but with respect to trucks, including truck tractors, the requirements as to safety glazing material apply to all glazing material used in doors, windows and windshields in the drivers' compartments of such vehicles.
(c) It is unlawful for the owner or any other person knowingly to install or cause to be installed in any motor vehicle any glazing material other than safety glazing material conforming to the specifications prescribed by the Department.

(Source: P.A. 85-1144.)

(625 ILCS 5/12-607) (from Ch. 95 1/2, par. 12-607)

Sec. 12-607. Suspension System.
(a) It shall be unlawful to operate a motor vehicle on any highway of this State when the suspension system has been modified from the original manufactured design by lifting the body from the chassis in excess of 3 inches or to cause the horizontal line from the front to the rear bumper to vary over 3 inches in height when measured from a level surface of the highway to the lower edge of the bumper, except that it is unlawful to operate a street rod or custom vehicle when the suspension system has been modified from the original manufactured design so that the horizontal line from the front to the rear bumper varies over 7 inches in height when measured from a level surface of the highway to the lower edge of the bumper.
(b) Nothing in this Section shall prevent the installation of manufactured heavy duty equipment to include shock absorbers and overload springs, nor shall anything contained in this Section prevent a person to operate a motor vehicle on any highway of this State with normal wear of the suspension system if normal wear does not affect the control or safe operation of the vehicle. This Section shall not apply to motor vehicles designed or modified primarily for off-highway racing purposes while such vehicles are in tow or to motorcycles or motor driven cycles.
Sec. 12-608. Bumpers.

(a) It shall be unlawful to operate any motor vehicle with a gross vehicle weight rating of 9,000 pounds or less or any motor vehicle registered as a recreational vehicle under this Code on any highway of this State unless such motor vehicle is equipped with both a front and rear bumper.

Except as indicated below, maximum bumper heights of such motor vehicles shall be determined by weight category of gross vehicle weight rating (GVWR) measured from a level surface to the highest point of the bottom of the bumper when the vehicle is unloaded and the tires are inflated to the manufacturer's recommended pressure.

Maximum bumper heights are as follows:

<table>
<thead>
<tr>
<th>Weight Category</th>
<th>Maximum Front Bumper Height</th>
<th>Maximum Rear Bumper Height</th>
</tr>
</thead>
<tbody>
<tr>
<td>All motor vehicles of the first division except multipurpose passenger vehicles</td>
<td>22 inches</td>
<td>22 inches</td>
</tr>
<tr>
<td>Multipurpose passenger vehicles and all other motor vehicles</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4,500 lbs. and under GVWR</td>
<td>24 inches</td>
<td>26 inches</td>
</tr>
<tr>
<td>4,501 lbs. through 7,500 lbs. GVWR</td>
<td>27 inches</td>
<td>29 inches</td>
</tr>
<tr>
<td>7,501 lbs. through 9,000 lbs. GVWR</td>
<td>28 inches</td>
<td>30 inches</td>
</tr>
</tbody>
</table>

For any vehicle with bumpers or attaching components which have been modified or altered from the original manufacturer's design in order to conform with the maximum bumper requirements of this section, the bumper height shall be measured from a level surface to the bottom of the vehicle frame rail at the most forward and rearward points of the frame rail. The bumper on any vehicle so modified or altered shall be at least 4.5 inches in vertical height and extend no less than the width of the respective wheel tracks outermost distance.

However, nothing in this Section shall prevent the installation of bumper guards.

(b) This Section shall not apply to street rods, custom vehicles, motor vehicles designed or modified primarily for off-highway purposes while such vehicles are in tow or to motorcycles or motor driven cycles, nor to motor vehicles registered as antique vehicles when the original design of such antique vehicles did not include bumpers. The provisions of this Section shall not apply to any motor vehicle driven during the first 1000 recorded miles of that vehicle, when such vehicle is owned or operated by a manufacturer, dealer or transporter displaying a special plate or plates as described in Chapter 3 of this Code while such vehicle is (1) being delivered from the manufacturing or assembly plant directly to the purchasing dealer or distributor, or from one dealership or distributor to another; (2) being moved by the most direct route from one location to another for the purpose of installing...
special bodies or equipment; or (3) being driven for purposes of demonstration by a prospective buyer with the dealer or his agent present in the cab of the vehicle during the demonstration.

The dealer shall, prior to the receipt of any deposit made or any contract signed by the buyer to secure the purchase of a vehicle, inform such buyer, by written statement signed by the purchaser to indicate acknowledgement of the contents thereof, of the legal requirements of this Section regarding front and rear bumpers if such vehicle is not to be equipped with bumpers at the time of delivery.

(c) Any violation of this Section is a Class C misdemeanor. A second conviction under this Section shall be punishable with a fine of not less than $500. An officer making an arrest under this Section shall order the vehicle driver to remove the vehicle from the highway. A person convicted under this Section shall be ordered to bring his vehicle into compliance with this Section.

(Source: P.A. 86-498.)

(625 ILCS 5/13A-104) (from Ch. 95 1/2, par. 13A-104)

Sec. 13A-104. Inspections.

(a) Every motor vehicle which is owned by a resident of the original inspection area, other than a vehicle which is exempt under subsection (d) or (e), shall be subject to inspection under the program.

Beginning January 1, 1992, every motor vehicle which is owned by a resident of the new inspection area, other than a vehicle which is exempt under subsection (d) or (e), shall be subject to inspection under the program.

In accordance with the schedule in subsection (b), the Agency shall assign an inspection month for each vehicle subject to inspection under the program, and shall send notice thereof to the owner of the vehicle not less than 15 days prior to the beginning of the assigned month. For a vehicle that was not previously subject to inspection, the Agency shall also send an initial emission inspection sticker to the owner of the vehicle. For a vehicle that was previously subject to inspection and for which an initial inspection sticker has already been issued, the month to be assigned by the Agency for that vehicle shall not be earlier than the current assigned month, unless so requested by the owner; if the assigned month is later than the current assigned month, the Agency shall issue a corrected inspection sticker for that vehicle.

Initial emission inspection stickers shall expire on the last day of the third month following the month assigned by the Agency for the first inspection of the vehicle in accordance with the schedule in subsection (b). Renewal inspection stickers shall expire on the last day of the third month following the month assigned for inspection in the year in which the vehicle's next inspection is required in accordance with the schedule in subsection (b).

The Agency or its agent may issue a temporary emission inspection sticker for any vehicle subject to inspection which does not have a currently valid emission inspection sticker at the time the Agency is notified by the Secretary of State of its registration by a new owner, and for which an initial emission inspection sticker has already been issued. Such

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temporary emission inspection sticker shall expire on the last day of the fourth complete calendar month after the date the Agency is notified by the Secretary of State of the registration of the vehicle by the new owner, but not earlier than the end of the second complete calendar year after the vehicle's model year.

The owner of each vehicle subject to inspection shall obtain an emission inspection sticker for the vehicle in accordance with this subsection. Prior to the expiration of the emission inspection sticker, the owner shall have the vehicle inspected and obtain a renewal emission inspection sticker. A renewal emission inspection sticker shall not be issued more than 5 months prior to the expiration date of the previous inspection sticker.

(b) Except as provided in subsection (b-5), vehicles subject to inspection shall be assigned inspection months according to the following schedule:

(1) Vehicles of a model year before 1985 shall be assigned an inspection month in 1991 and annually thereafter.

(2) Vehicles of model year 1985 shall be assigned an inspection month in 1992 and annually thereafter.


(4) Vehicles of model year 1987 shall be assigned an inspection month in 1992, 1994, and annually thereafter.


(b-5) Beginning July 1, 1994, or as soon as practicable thereafter, vehicles shall be assigned an inspection month and inspected every 2 years on a schedule that begins in the second calendar year after the vehicle model year. A vehicle may be assigned an inspection month and inspected on a schedule other than according to this subsection when a new owner acquires a vehicle that should have been, but was not, in compliance with this Act at the time the vehicle was acquired by the new owner.

(c) The owner of every vehicle subject to inspection shall have the vehicle inspected and obtain and display thereon a valid unexpired emission inspection sticker in the manner specified by the Agency.

Any person who violates this subsection (c) shall be guilty of a petty offense, except that a third or subsequent violation within one year shall be a Class C misdemeanor. The fine imposed for a violation of this subsection shall be not less than $50 if the violation occurred within 60 days following the date by which a new or renewal emission inspection sticker was required to be obtained for the vehicle, and not less than $300 if the violation occurred more than 60 days after such date.

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

(1) vehicles not subject to registration under Article IV of Chapter 3 of The New matter indicated by italics - deletions by strikeout.
Illinois Vehicle Code, other than vehicles owned by the federal government;
(2) motorcycles, motor driven cycles and motorized pedalcycles;
(3) farm vehicles and implements of husbandry;
(4) implements of warfare owned by the State or federal government;
(5) antique vehicles, custom vehicles, street rods, and vehicles of model year 1967 or before;
(6) vehicles operated exclusively for parade or ceremonial purposes by any veterans, fraternal or civic organization, organized on a not-for-profit basis;
(7) vehicles for which a Junking Certificate has been issued by the Secretary of State pursuant to Section 3-117 of The Illinois Vehicle Code;
(8) diesel powered vehicles, and vehicles which are powered exclusively by electricity;
(9) vehicles operated exclusively in organized amateur or professional sporting activities, as defined in the Environmental Protection Act;
(10) vehicles which were purchased new by the current owner less than 24 months prior to the assigned test month.

The Agency may issue temporary or permanent exemption stickers, respectively, for vehicles temporarily or permanently exempt from inspection under this subsection (d); however, the owner of an exempt vehicle need not obtain or display an exemption sticker.

(e) Pursuant to such criteria as the Agency may adopt, a motor vehicle may be exempted from the inspection requirements of this Section by the Agency on the basis of an Agency determination that such vehicle is owned and operated by a corporation or other business entity, and that the situs of such vehicle is located, and it is primarily used, outside of the affected counties. The Agency may issue an annual exemption sticker without inspection for any vehicle exempted from inspection under this subsection (e).

(f) Any owner or lessee of a fleet of 15 or more motor vehicles which are subject to inspection under this Section may apply to the Agency for a permit to establish and operate a Private Official Inspection Station.

(Source: P.A. 88-533.)

(625 ILCS 5/13B-15)
Sec. 13B-15. Inspections.

(a) Beginning with the implementation of the program required by this Chapter, every motor vehicle that is owned by a resident of an affected county, other than a vehicle that is exempt under subsection (f) or (g), is subject to inspection under the program.

The Agency shall send notice of the assigned inspection month, at least 15 days before the beginning of the assigned month, to the owner of each vehicle subject to the program. For a vehicle that was subject to inspection before the effective date of this amendatory Act of 1994 and for which an initial inspection sticker or initial inspection certificate has already been issued, the month to be assigned by the Agency for that vehicle shall not be earlier than the current assigned month, unless so requested by the owner. If the assigned month is later than the current assigned month, the Agency shall issue either a corrected inspection sticker or corrected certificate for that vehicle.

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Initial emission inspection stickers or initial inspection certificates, as the case may be, expire on the last day of the third month following the month assigned by the Agency for the first inspection of the vehicle. Renewal inspection stickers or certificates expire on the last day of the third month following the month assigned for inspection in the year in which the vehicle's next inspection is required.

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

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

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

(c) A vehicle may be inspected out of its 2-year inspection schedule when a new owner acquires the vehicle and it should have been, but was not, in compliance with this Act when the vehicle was acquired by the new owner.

(d) The owner of a vehicle subject to inspection shall have the vehicle inspected and obtain and display on the vehicle or carry within the vehicle, in a manner specified by the Agency, a valid unexpired emission inspection sticker or certificate in the manner specified by the Agency.

Any person who violates this subsection (d) is guilty of a petty offense, except that a third or subsequent violation within one year of the first violation is a Class C misdemeanor. The fine imposed for a violation of this subsection shall be not less than $50 if the violation occurred within 60 days following the date by which a new or renewal emission inspection sticker or certificate was required to be obtained for the vehicle, and not less than $300 if the violation occurred more than 60 days after that date.

(e) (1) For a $20 fee, to be paid into the Vehicle Inspection Fund, the Agency shall inspect:

(A) Vehicles operated on federal installations within an affected county, pursuant to Title 40, Section 51.356 of the Code of Federal Regulations.

(B) Federally owned vehicles operated in affected counties.

New matter indicated by italics - deletions by strikeout.
(2) For a fee of $20, to be paid into the Vehicle Inspection Fund, the Agency may inspect:

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

(B) Vehicles presented for inspection on a voluntary basis.

Any fees collected under this subsection shall not offset normally appropriated Motor Fuel Tax Funds.

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

1. Vehicles not subject to registration under Article IV of Chapter 3 of this Code, other than vehicles owned by the federal government.
3. Farm vehicles and implements of husbandry.
4. Implements of warfare owned by the State or federal government.
5. Antique vehicles, custom vehicles, street rods, and vehicles of model year 1967 or before.
6. Vehicles operated exclusively for parade or ceremonial purposes by any veterans, fraternal, or civic organization, organized on a not-for-profit basis.
7. Vehicles for which a Junking Certificate has been issued by the Secretary of State under Section 3-117 of this Code.
8. Diesel powered vehicles, and vehicles that are powered exclusively by electricity.
9. Vehicles operated exclusively in organized amateur or professional sporting activities, as defined in the Environmental Protection Act.
10. Vehicles registered in, subject to, and in compliance with the emission inspection requirements of another state.

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

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

(h) Any owner or lessee of a fleet of 15 or more motor vehicles which are subject to inspection under this Section may apply to the Agency for a permit to establish and operate a Private Official Inspection Station.

(i) Pursuant to Title 40, Section 51.371 of the Code of Federal Regulations, the Agency shall establish a program of on-road testing of in-use vehicles through the use of remote sensing devices. The Agency shall evaluate the emission performance of 0.5% of the subject fleet or 20,000 vehicles, whichever is less. Under no circumstances shall on-road testing include any sort of roadblock or roadside pullover or cause any type of traffic delay.

New matter indicated by italics - deletions by strikeout.
If, during the course of on-road inspections, a vehicle is found to exceed the on-road emissions standards established for the model year and type of vehicle, the Agency shall send a notice to the vehicle owner. The notice shall document the occurrence and results of on-road exceedances. The notice of a second on-road exceedance shall indicate that the vehicle has been reassigned and is subject to an out-of-cycle follow-up inspection at an official inspection station. In no case shall the Agency send a notice of an on-road exceedance to the owner of a vehicle that was found to exceed the on-road emission standards established for the model year and type of vehicle if the vehicle is registered outside of the affected counties.

(Source: P.A. 90-475, eff. 8-17-97.)

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Statutes amended in order of appearance

625 ILCS 5/1-106.1 new
625 ILCS 5/1-113.1 new
625 ILCS 5/1-202.1 new
625 ILCS 5/3-104 from Ch. 95 1/2, par. 3-104
625 ILCS 5/3-804.1 new
625 ILCS 5/3-804.2 new
625 ILCS 5/4-209 from Ch. 95 1/2, par. 4-209
625 ILCS 5/12-201 from Ch. 95 1/2, par. 12-201
625 ILCS 5/12-205 from Ch. 95 1/2, par. 12-205
625 ILCS 5/12-208 from Ch. 95 1/2, par. 12-208
625 ILCS 5/12-301 from Ch. 95 1/2, par. 12-301
625 ILCS 5/12-501 from Ch. 95 1/2, par. 12-501
625 ILCS 5/12-608 from Ch. 95 1/2, par. 12-608
625 ILCS 5/13-101 from Ch. 95 1/2, par. 13-101
625 ILCS 5/13A-104 from Ch. 95 1/2, par. 13A-104
625 ILCS 5/13B-15

Approved July 16, 2002.

PUBLIC ACT 92-0669
(House Bill No. 4371)

AN ACT relating to insurance.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Illinois Insurance Code is amended by adding Section 143.24c and changing Section 424 as follows:
(215 ILCS 5/143.24c new)

Sec. 143.24c. Hate crimes; coverage refusal.

New matter indicated by italics - deletions by strikeout.
(a) This Section applies to policies of insurance if the insured or proposed insured is (1) an individual, (2) a religious organization described in clause (i) of subparagraph (A) of paragraph (1) of subsection (b) of Section 170 of Title 26 of the United States Code, (3) an educational organization described in clause (ii) of subparagraph (A) of paragraph (1) of subsection (b) of Section 170 of Title 26 of the United States Code, or (4) any other nonprofit organization described in clause (vi) of subparagraph (A) of paragraph (1) of subsection (b) of Section 170 of Title 26 of the United States Code that is organized and operated for religious, charitable, or educational purposes.

(b) An insurer issuing policies subject to this Section may not cancel, refuse to issue, or refuse to renew a policy solely on the basis that one or more claims have been made against any policy during the preceding 60 months for a loss that is the result of a hate crime committed against the person or property insured if the insured provides evidence to the insurer that the act causing the loss is identified as a hate crime on a police report.

(c) As it relates to this Section, if determined by a law enforcement agency, a "hate crime" may include any of the following:

1. By force or threat of force, willfully injuring, intimidating, interfering with, oppressing, or threatening any other person in the free exercise or enjoyment of any right or privilege secured to him or her by the Constitution or laws of this State or by the Constitution or laws of the United States because of the other person's race, color, religion, ancestry, national origin, disability, gender, or sexual orientation or because he or she perceives that the other person has one or more of those characteristics. This offense, however, does not include speech alone, except upon a showing that the speech itself threatened violence against a specific person or group of persons and that the defendant had the apparent ability to carry out the threat.

2. Knowingly defacing, damaging, or destroying the real or personal property of any other person for the purpose of intimidating or interfering with the free exercise or enjoyment of any right or privilege secured to the other person by the Constitution or laws of this State or by the Constitution or laws of the United States because of the other person's race, color, religion, ancestry, national origin, disability, gender, or sexual orientation or because he or she perceives that the other person has one or more of those characteristics.

(d) Nothing in this Section prevents an insurer subject to this Section from taking any of the actions specified in subsection (b) on the basis of criteria not otherwise made invalid by this Section or any other law or rule.

(215 ILCS 5/424) (from Ch. 73, par. 1031)

Sec. 424. Unfair methods of competition and unfair or deceptive acts or practices defined. The following are hereby defined as unfair methods of competition and unfair and deceptive acts or practices in the business of insurance:

1. The commission by any person of any one or more of the acts defined or prohibited by Sections 134, 143.24c, 147, 148, 149, 151, 155.22, 155.22a, 236, 237, 364, and 469 of this Code.

New matter indicated by italics - deletions by strikeout.
(2) Entering into any agreement to commit, or by any concerted action committing, any act of boycott, coercion or intimidation resulting in or tending to result in unreasonable restraint of, or monopoly in, the business of insurance.

(3) Making or permitting, in the case of insurance of the types enumerated in Classes 1, 2, and 3 of Section 4, any unfair discrimination between individuals or risks of the same class or of essentially the same hazard and expense element because of the race, color, religion, or national origin of such insurance risks or applicants. The application of this Article to the types of insurance enumerated in Class 1 of Section 4 shall in no way limit, reduce, or impair the protections and remedies already provided for by Sections 236 and 364 of this Code or any other provision of this Code.

(4) Engaging in any of the acts or practices defined in or prohibited by Sections 154.5 through 154.8 of the Insurance Code.

(5) Making or charging any rate for insurance against losses arising from the use or ownership of a motor vehicle which requires a higher premium of any person by reason of his physical handicap, race, color, religion, or national origin.

(Source: P.A. 92-399, eff. 8-16-01; revised 12-07-01.)

Approved July 16, 2002.

PUBLIC ACT 92-0670
(House Bill No. 4444)

AN ACT concerning business.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Business Enterprise for Minorities, Females, and Persons with Disabilities Act is amended by changing Section 2 as follows:
(30 ILCS 575/2) (from Ch. 127, par. 132.602)
(Section scheduled to be repealed on September 6, 2004)
Sec. 2. Definitions.
(A) For the purpose of this Act, the following terms shall have the following definitions:
(1) "Minority person" shall mean a person who is a citizen or lawful permanent resident of the United States and who is:
(a) African American (a person having origins in any of the black racial groups in Africa);
(b) Hispanic (a person of Spanish or Portuguese culture with origins in Mexico, South or Central America, or the Caribbean Islands, regardless of race);
(c) Asian American (a person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian Subcontinent or the Pacific Islands); or
(d) Native American or Alaskan Native (a person having origins in any of the
original peoples of North America).

(2) "Female" shall mean a person who is a citizen or lawful permanent resident of the United States and who is of the female gender.

(2.05) "Person with a disability" means a person who is a citizen or lawful resident of the United States and is a person qualifying as being disabled under subdivision (2.1) of this subsection (A).

(2.1) "Disabled" means a severe physical or mental disability that:
(a) results from:
amputation,
arthritis,
autism,
blindness,
burn injury,
cancer,
cerebral palsy,
cystic fibrosis,
deafness,
head injury,
heart disease,
hemiplegia,
hemophilia,
respiratory or pulmonary dysfunction,
mental retardation,
mental illness,
multiple sclerosis,
muscular dystrophy,
musculoskeletal disorders,
neurological disorders, including stroke and epilepsy,
paraplegia,
quadriplegia and other spinal cord conditions,
sickle cell anemia,
specific learning disabilities, or
end stage renal failure disease; and
(b) substantially limits one or more of the person's major life activities.

Another disability or combination of disabilities may also be considered as a severe disability for the purposes of item (a) of this subdivision (2.1) if it is determined by an evaluation of rehabilitation potential to cause a comparable degree of substantial functional limitation similar to the specific list of disabilities listed in item (a) of this subdivision (2.1).

(3) "Minority owned business" means a business concern which is at least 51% owned by one or more minority persons, or in the case of a corporation, at least 51% of the stock in which is owned by one or more minority persons; and the management and daily business operations of which are controlled by one or more of the minority individuals who

New matter indicated by italics - deletions by strikeout.
own it.

(4) "Female owned business" means a business concern which is at least 51% owned by one or more females, or, in the case of a corporation, at least 51% of the stock in which is owned by one or more females; and the management and daily business operations of which are controlled by one or more of the females who own it.

(4.1) "Business owned by a person with a disability" means a business concern that is at least 51% owned by one or more persons with a disability and the management and daily business operations of which are controlled by one or more of the persons with disabilities who own it. A not-for-profit agency for persons with disabilities that is exempt from taxation under Section 501 of the Internal Revenue Code of 1986 is also considered a "business owned by a person with a disability".

(4.2) "Council" means the Business Enterprise Council for Minorities, Females, and Persons with Disabilities created under Section 5 of this Act.

(5) "State contracts" shall mean all State contracts, funded exclusively with State funds which are not subject to federal reimbursement, whether competitively bid or negotiated as defined by the Secretary of the Council and approved by the Council.

"State construction contracts" means all State contracts entered into by a State agency or State university for the repair, remodeling, renovation or construction of a building or structure, or for the construction or maintenance of a highway defined in Article 2 of the Illinois Highway Code.

(6) "State agencies" shall mean all departments, officers, boards, commissions, institutions and bodies politic and corporate of the State, but does not include the Board of Trustees of the University of Illinois, the Board of Trustees of Southern Illinois University, the Board of Trustees of Chicago State University, the Board of Trustees of Eastern Illinois University, the Board of Trustees of Governors State University, the Board of Trustees of Illinois State University, the Board of Trustees of Northeastern Illinois University, the Board of Trustees of Northern Illinois University, the Board of Trustees of Western Illinois University, municipalities or other local governmental units, or other State constitutional officers.

(7) "State universities" shall mean the Board of Trustees of the University of Illinois, the Board of Trustees of Southern Illinois University, the Board of Trustees of Chicago State University, the Board of Trustees of Eastern Illinois University, the Board of Trustees of Governors State University, the Board of Trustees of Illinois State University, the Board of Trustees of northeastern Illinois University, the Board of Trustees of Northern Illinois University, the Board of Trustees of Western Illinois University.

(8) "Certification" means a determination made by the Council or by one delegated authority from the Council to make certifications, or by a State agency with statutory authority to make such a certification, that a business entity is a business owned by a minority, female, or person with a disability for whatever purpose.

(9) "Control" means the exclusive or ultimate and sole control of the business including, but not limited to, capital investment and all other financial matters, property, acquisitions, contract negotiations, legal matters, officer-director-employee selection and
comprehensive hiring, operating responsibilities, cost-control matters, income and dividend matters, financial transactions and rights of other shareholders or joint partners. Control shall be real, substantial and continuing, not pro forma. Control shall include the power to direct or cause the direction of the management and policies of the business and to make the day-to-day as well as major decisions in matters of policy, management and operations. Control shall be exemplified by possessing the requisite knowledge and expertise to run the particular business and control shall not include simple majority or absentee ownership.

(10) "Business concern or business" means a business which has annual gross sales for the most recent fiscal year of less than $27,000,000, except that a firm with gross sales in excess of that amount may apply to the Council for certification for a particular contract if the firm can demonstrate that the contract would have significant impact on businesses owned by minorities, females, or persons with disabilities as suppliers or subcontractors or in employment of minorities, females, or persons with disabilities.

(B) When a business concern is owned at least 51% by any combination of minority persons, females, or persons with disabilities, even though none of the 3 classes alone holds at least a 51% interest, the ownership requirement for purposes of this Act is considered to be met. The certification category for the business is that of the class holding the largest ownership interest in the business. If 2 or more classes have equal ownership interests, the certification category shall be determined by the Department of Central Management Services.

(Source: P.A. 88-377; 88-597, eff. 8-28-94; 89-4, eff. 1-1-96.)

Section 99. Effective date. This Act takes effect upon becoming law.
Approved July 16, 2002.
Effective July 16, 2002.

PUBLIC ACT 92-0671
(House Bill No. 4454)

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

Section 5. The Department of Veterans Affairs Act is amended by changing Sections 2.01a and 2.04 as follows:

(20 ILCS 2805/2.01a) (from Ch. 126 1/2, par. 67.01a)

Sec. 2.01a. Members benefits fund; personal property. The Department shall direct the expenditure of all money which has been or may be received by any officer of an Illinois Veterans Home including profit on sales from commissary stores. The money shall be deposited into the members benefits fund and expenditures from the fund shall be made under the direction of the Department for the special comfort, pleasure, and amusement of residents and employees, provided that amounts expended for comfort, pleasure, and amusement of employees shall not exceed the amount of profits derived from sales made to

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employees by such commissaries, as determined by the Department. Expenditures from the fund may not be used to supplement a shortfall in the ordinary and contingent operating expenses of the Home and shall be expended only for the special comfort, pleasure, and amusement of the residents.

Money received as interest and income on funds deposited for residents of an Illinois Veterans Home operated by the Department of Veterans' Affairs shall be paid to the individual accounts of the residents placed in the members benefit fund and expenditures from the fund may not be used to supplement a shortfall in the ordinary and contingent operating expenses of the Home and shall be expended only for the special comfort, pleasure, and amusement of the residents. If home residents choose to hold savings accounts or other investments outside the Home, interest or income on the individual savings accounts or investments of residents shall not be so expended, but shall accrue to the individual accounts of the residents.

Any money belonging to residents separated by death, discharge, or unauthorized absence from an Illinois Veterans Home, in custody of officers thereof, may, if unclaimed by the resident or the legal representatives thereof for a period of 2 years, be expended at the direction of the Department for the purposes and in the manner specified above. Articles of personal property, with the exception of clothing left in the custody of officers, shall, if unclaimed for the period of 2 years, be sold and the money disposed of in the same manner.

Clothing left at a Home by residents at the time of separation may be used as determined by the Home if unclaimed by the resident or legal representatives thereof within 30 days after notification.

(SOURCE: P.A. 89-324, eff. 8-13-95; 90-168, eff. 7-23-97; 90-752, eff. 8-14-98.)

(20 ILCS 2805/2.04) (from Ch. 126 1/2, par. 67.04)

Sec. 2.04. There shall be established in the State Treasury special funds known as (i) the LaSalle Veterans Home Fund, (ii) the Anna Veterans Home Fund, (iii) the Manteno Veterans Home Fund, (iv) the Quincy Veterans Home Fund, and (v) the John Joseph Kelly Home Fund. All moneys received by an Illinois Veterans Home from Medicare and from maintenance charges to veterans, spouses, and surviving spouses residing at that Home shall be paid into that Home's Fund. All moneys received from the U.S. Department of Veterans Affairs for patient care shall be transmitted to the Treasurer of the State for deposit in the Veterans Home Fund for the Home in which the veteran resides. Appropriations shall be made from a Fund only for the needs of the Home, including capital improvements, building rehabilitation, and repairs.

The administrator of each Veterans Home shall establish a locally-held member's benefits fund. Revenues accruing to an Illinois Veterans Home, including any donations, grants for the operation of the Home, interest on residents' trust fund accounts established under this Section, profits from commissary stores, and funds received from any individual or other source, shall be deposited into that Home's benefits fund. Interest on residents' trust fund accounts shall be transferred at least semi-annually to the benefits fund. Expenditures from the benefits fund shall be solely for the special comfort, pleasure, and amusement of residents. Contributors of unsolicited private donations may

New matter indicated by italics - deletions by strikeout.
specify the purpose for which the private donations are to be used.

Upon request of the Department, the State's Attorney of the county in which a resident or living former resident of an Illinois Veterans Home who is liable under this Act for payment of sums representing maintenance charges resides shall file an action in a court of competent jurisdiction against any such person who fails or refuses to pay such sums. The court may order the payment of sums due to maintenance charges for such period or periods of time as the circumstances require.

Upon the death of a person who is or has been a resident of an Illinois Veterans Home who is liable for maintenance charges and who is possessed of property, the Department may present a claim for such sum or for the balance due in case less than the rate prescribed under this Act has been paid. The claim shall be allowed and paid as other lawful claims against the estate.

The administrator of each Veterans' Home shall establish a locally-held trust fund to maintain moneys held for residents. Whenever the Department finds it necessary to preserve order, preserve health, or enforce discipline, the resident shall deposit in a trust account at the Home such monies from any source of income as may be determined necessary, and disbursement of these funds to the resident shall be made only by direction of the administrator.

If a resident of an Illinois Veterans Home has a dependent child, spouse, or parent the administrator may require that all monies received be deposited in a trust account with dependency contributions being made at the direction of the administrator. The balance retained in the trust account shall be disbursed to the resident at the time of discharge from the Home or to his or her heirs or legal representative at the time of the resident's death, subject to Department regulations or order of the court.

The Director of Central Management Services, with the consent of the Director of Veterans' Affairs, is authorized and empowered to lease or let any real property held by the Department of Veterans' Affairs for an Illinois Veterans Home to entities or persons upon terms and conditions which are considered to be in the best interest of that Home. The real property must not be needed for any direct or immediate purpose of the Home. In any leasing or letting, primary consideration shall be given to the use of real property for agricultural purposes, and all moneys received shall be transmitted to the Treasurer of the State for deposit in the appropriate Veterans Home Fund.

(Source: P.A. 91-634, eff. 8-19-99.)

Section 99. Effective date. This Act takes effect upon becoming law.
Passed in the General Assembly May 7, 2002.
Approved July 16, 2002.
Effective July 16, 2002.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Liquor Control Act of 1934 is amended by changing Section 5-1 as follows:

(235 ILCS 5/5-1) (from Ch. 43, par. 115)
Sec. 5-1. Licenses issued by the Illinois Liquor Control Commission shall be of the following classes:
(b) Distributor's license,
(c) Importing Distributor's license,
(d) Retailer's license,
(e) Special Event Retailer's license (not-for-profit),
(f) Railroad license,
(g) Boat license,
(h) Non-Beverage User's license,
(i) Wine-maker's premises license,
(j) Airplane license,
(k) Foreign importer's license,
(l) Broker's license,
(m) Non-resident dealer's license,
(n) Brew Pub license,
(o) Auction liquor license,
(p) Caterer retailer license,
(q) Special use permit license.

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

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

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

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

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

New matter indicated by italics - deletions by strikeout.
Class 4. A first class wine-manufacturer may make sales and deliveries of up to 50,000 gallons of wine to manufacturers, importing distributors and distributors, and to no other licensees.

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

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

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

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

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

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

New matter indicated by italics - deletions by strikeout.
grounds for suspension or revocation of the registration.

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

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

(d) A retailer's license shall allow the licensee to sell and offer for sale at retail, only in the premises specified in such license, alcoholic liquor for use or consumption, but not for resale in any form: Provided that any retail license issued to a manufacturer shall only permit such manufacturer to sell beer at retail on the premises actually occupied by such manufacturer.

After January 1, 1995 there shall be 2 classes of licenses issued under a retailers license.

(1) A "retailers on premise consumption license" shall allow the licensee to sell and offer for sale at retail, only on the premises specified in the license, alcoholic liquor for use or consumption on the premises or on and off the premises, but not for resale in any form.

(2) An "off premise sale license" shall allow the licensee to sell, or offer for sale at retail, alcoholic liquor intended only for off premise consumption and not for resale in any form.

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

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

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

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

(h) A non-beverage user's license shall allow the licensee to purchase alcoholic liquor from a licensed manufacturer or importing distributor, without the imposition of any tax upon the business of such licensed manufacturer or importing distributor as to such alcoholic liquor to be used by such licensee solely for the non-beverage purposes set forth in subsection (a) of Section 8-1 of this Act, and such licenses shall be divided and classified and shall permit the purchase, possession and use of limited and stated quantities of alcoholic liquor as follows:

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

(i) A wine-maker's premises license shall allow a licensee that concurrently holds a first-class wine-maker's license to sell and offer for sale at retail in the premises specified in such license not more than 50,000 gallons of the first-class wine-maker's wine that is made

New matter indicated by italics - deletions by strikeout.
at the first-class wine-maker's licensed premises per year for use or consumption, but not for resale in any form. A wine-maker's premises license shall allow a licensee who concurrently holds a second-class wine-maker's license to sell and offer for sale at retail in the premises specified in such license up to 100,000 gallons of the second-class wine-maker's wine that is made at the second-class wine-maker's licensed premises per year for use or consumption but not for resale in any form. Upon approval from the State Commission, a wine-maker's premises license shall allow the licensee to sell and offer for sale at (i) the wine-maker's licensed premises and (ii) at up to 2 additional locations for use and consumption and not for resale. Each location shall require additional licensing per location as specified in Section 5-3 of this Act.

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

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

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

No holder of a retailer's license issued by the Illinois Liquor Control Commission shall purchase or receive any alcoholic liquor, the order for which was solicited or offered for sale to such retailer by a broker unless the broker is the holder of a valid broker's license.
The broker shall, upon the acceptance by a retailer of the broker's solicitation of an order or offer to sell or supply or deliver or have delivered alcoholic liquors, promptly forward to the Illinois Liquor Control Commission a notification of said transaction in such form as the Commission may by regulations prescribe.

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

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

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

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

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

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

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

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

(q) A special use permit license shall allow an Illinois licensed retailer to transfer a

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

(Source: P.A. 91-357, eff. 7-29-99; 92-105, eff. 1-1-02; 92-378, eff. 8-16-01; revised 10-10-01.)

Section 99. Effective date. This Act takes effect upon becoming law.
Approved July 16, 2002.
Effective July 16, 2002.

PUBLIC ACT 92-0673
(House Bill No. 4472)

AN ACT in relation to vehicles.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Vehicle Code is amended by changing Sections 6-301.1 and 6-301.2 as follows:
(625 ILCS 5/6-301.1) (from Ch. 95 1/2, par. 6-301.1)
Sec. 6-301.1. Fictitious or unlawfully altered driver's license or permit.
(a) As used in this Section:
1. "A fictitious driver's license or permit" means any issued license or permit for which a computerized number and file have been created by the Secretary of State or other official driver's license agency in another jurisdiction which contains false information concerning the identity of the individual issued the license or permit;
2. "False information" means any information concerning the name, sex, date of birth, social security number or any photograph that falsifies all or in part the actual identity of the individual issued the license or permit;
3. "An unlawfully altered driver's license or permit" means any issued license or permit for which a computerized number and file have been created by the Secretary of State or other official driver's license agency in another jurisdiction which has been physically altered or changed in such a manner that false information appears upon the license or permit;
4. "A document capable of defrauding another" includes, but is not limited to, any document by which any right, obligation or power with reference to any person or property may be created, transferred, altered or terminated;

New matter indicated by italics - deletions by strikeout.
5. "An identification document" means any document made or issued by or under the authority of the United States Government, the State of Illinois or any other state or political subdivision thereof, or any other governmental or quasi-governmental organization which, when completed with information concerning the individual, is of a type intended or commonly accepted for the purpose of identification of an individual;-

6. "Common carrier" means any public or private provider of transportation, whether by land, air, or water.

(b) It is a violation of this Section for any person:

1. To knowingly possess any fictitious or unlawfully altered driver's license or permit;

2. To knowingly possess, display or cause to be displayed any fictitious or unlawfully altered driver's license or permit for the purpose of obtaining any account, credit, credit card or debit card from a bank, financial institution or retail mercantile establishment;

3. To knowingly possess any fictitious or unlawfully altered driver's license or permit with the intent to commit a theft, deception or credit or debit card fraud in violation of any law of this State or any law of any other jurisdiction;

4. To knowingly possess any fictitious or unlawfully altered driver's license or permit with the intent to commit any other violation of any law of this State or any law of any other jurisdiction for which a sentence to a term of imprisonment in a penitentiary for one year or more is provided;

5. To knowingly possess any fictitious or unlawfully altered driver's license or permit while in possession without authority of any document, instrument or device capable of defrauding another;

6. To knowingly possess any fictitious or unlawfully altered driver's license or permit with the intent to use the license or permit to acquire any other identification document;

7. To knowingly issue or assist in the issuance of any fictitious driver's license or permit;

8. To knowingly alter or attempt to alter any driver's license or permit;

9. To knowingly manufacture, possess, transfer or provide any identification document whether real or fictitious for the purpose of obtaining a fictitious driver's license or permit;

10. To knowingly use any fictitious or unlawfully altered driver's license or permit to purchase or attempt to purchase any ticket for a common carrier or to board or attempt to board any common carrier;

11. To knowingly possess any fictitious or unlawfully altered driver's license or permit if the person has at the time a different driver's license issued by the Illinois Secretary of State or other official driver's license agency in another jurisdiction that is suspended or revoked.

(c) Sentence.

New matter indicated by italics - deletions by strikeout.
1. Any person convicted of a violation of paragraph 1 of subsection (b) of this Section shall be guilty of a Class A misdemeanor and shall be sentenced to minimum fine of $500 or 50 hours of community service, preferably at an alcohol abuse prevention program, if available. A person convicted of a second or subsequent violation shall be guilty of a Class 4 felony.

2. Any person convicted of a violation of paragraph 3 of subsection (b) of this Section who at the time of arrest had in his possession two or more fictitious or unlawfully altered driver's licenses or permits shall be guilty of a Class 4 felony.

3. Any person convicted of a violation of any of paragraphs 2 through 11 of subsection (b) of this Section shall be guilty of a Class 4 felony. A person convicted of a second or subsequent violation shall be guilty of a Class 3 felony.

(d) This Section does not prohibit any lawfully authorized investigative, protective, law enforcement or other activity of any agency of the United States, State of Illinois or any other state or political subdivision thereof.

(Source: P.A. 88-210.)

(625 ILCS 5/6-301.2) (from Ch. 95 1/2, par. 6-301.2)
Sec. 6-301.2. Fraudulent driver's license or permit.
(a) (Blank).
(b) It is a violation of this Section for any person:
   1. To knowingly possess any fraudulent driver's license or permit;
   2. To knowingly possess, display or cause to be displayed any fraudulent driver's license or permit for the purpose of obtaining any account, credit, credit card or debit card from a bank, financial institution or retail mercantile establishment;
   3. To knowingly possess any fraudulent driver's license or permit with the intent to commit a theft, deception or credit or debit card fraud in violation of any law of this State or any law of any other jurisdiction;
   4. To knowingly possess any fraudulent driver's license or permit with the intent to commit any other violation of any laws of this State or any law of any other jurisdiction for which a sentence to a term of imprisonment in a penitentiary for one year or more is provided;
   5. To knowingly possess any fraudulent driver's license or permit while in unauthorized possession of any document, instrument or device capable of defrauding another;
   6. To knowingly possess any fraudulent driver's license or permit with the intent to use the license or permit to acquire any other identification document;
   7. To knowingly possess without authority any driver's license-making or permit-making implement;
   8. To knowingly possess any stolen driver's license-making or permit-making implement;
   9. To knowingly duplicate, manufacture, sell or transfer any fraudulent driver's license or permit;
   10. To advertise or distribute any information or materials that promote the

New matter indicated by italics - deletions by strikeout.
selling, giving, or furnishing of a fraudulent driver's license or permit;

11. To knowingly use any fraudulent driver's license or permit to purchase or attempt to purchase any ticket for a common carrier or to board or attempt to board any common carrier. As used in this Section, "common carrier" means any public or private provider of transportation, whether by land, air, or water;

12. To knowingly possess any fraudulent driver's license or permit if the person has at the time a different driver's license issued by the Secretary of State or another official driver's license agency in another jurisdiction that is suspended or revoked.

(c) Sentence.

1. Any person convicted of a violation of paragraph 1 of subsection (b) of this Section shall be guilty of a Class 4 felony and shall be sentenced to a minimum fine of $500 or 50 hours of community service, preferably at an alcohol abuse prevention program, if available.

2. Any person convicted of a violation of any of paragraphs 2 through 9 or paragraph 11 or 12 of subsection (b) of this Section shall be guilty of a Class 4 felony. A person convicted of a second or subsequent violation shall be guilty of a Class 3 felony.

3. Any person convicted of a violation of paragraph 10 of subsection (b) of this Section shall be guilty of a Class B misdemeanor.

(d) This Section does not prohibit any lawfully authorized investigative, protective, law enforcement or other activity of any agency of the United States, State of Illinois or any other state or political subdivision thereof.

(e) The Secretary may request the Attorney General to seek a restraining order in the circuit court against any person who violates this Section by advertising fraudulent driver's licenses or permits.

(Source: P.A. 89-283, eff. 1-1-96; 90-89, eff. 1-1-98; 90-191, eff. 1-1-98; 90-655, eff. 7-30-98.)

Passed in the General Assembly May 7, 2002.
Approved July 16, 2002.

PUBLIC ACT 92-0674
(House Bill No. 4473)

AN ACT in relation to criminal matters.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Unified Code of Corrections is amended by changing Section 5-8-4 as follows:

(730 ILCS 5/5-8-4) (from Ch. 38, par. 1005-8-4)
Sec. 5-8-4. Concurrent and Consecutive Terms of Imprisonment.

New matter indicated by italics - deletions by strikeout.
(a) When multiple sentences of imprisonment are imposed on a defendant at the same time, or when a term of imprisonment is imposed on a defendant who is already subject to sentence in this State or in another state, or for a sentence imposed by any district court of the United States, the sentences shall run concurrently or consecutively as determined by the court. When a term of imprisonment is imposed on a defendant by an Illinois circuit court and the defendant is subsequently sentenced to a term of imprisonment by another state or by a district court of the United States, the Illinois circuit court which imposed the sentence may order that the Illinois sentence be made concurrent with the sentence imposed by the other state or district court of the United States. The defendant must apply to the circuit court within 30 days after the defendant's sentence imposed by the other state or district of the United States is finalized. The court shall not impose consecutive sentences for offenses which were committed as part of a single course of conduct during which there was no substantial change in the nature of the criminal objective, unless:

(i) one of the offenses for which defendant was convicted was first degree murder or a Class X or Class 1 felony and the defendant inflicted severe bodily injury, or

(ii) the defendant was convicted of a violation of Section 12-13, 12-14, or 12-14.1 of the Criminal Code of 1961, or

(iii) the defendant was convicted of armed violence based upon the predicate offense of solicitation of murder, solicitation of murder for hire, heinous battery, aggravated battery of a senior citizen, criminal sexual assault, a violation of subsection (g) of Section 5 of the Cannabis Control Act, cannabis trafficking, a violation of subsection (a) of Section 401 of the Illinois Controlled Substances Act, controlled substance trafficking involving a Class X felony amount of controlled substance under Section 401 of the Illinois Controlled Substances Act, calculated criminal drug conspiracy, or streetgang criminal drug conspiracy, or

(iv) the defendant was convicted of the offense of leaving the scene of a motor vehicle accident involving death or personal injuries under Section 11-401 and either: (A) aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof under Section 11-501 of the Illinois Vehicle Code, or (B) reckless homicide under Section 9-3 of the Criminal Code of 1961, or both an offense described in subdivision (A) and an offense described in subdivision (B), in which event the court shall enter sentences to run consecutively. Sentences shall run concurrently unless otherwise specified by the court.

(b) The court shall not impose a consecutive sentence except as provided for in subsection (a) unless, having regard to the nature and circumstances of the offense and the history and character of the defendant, it is of the opinion that such a term is required to protect the public from further criminal conduct by the defendant, the basis for which the court shall set forth in the record; except that no such finding or opinion is required when multiple sentences of imprisonment are imposed on a defendant for offenses that were not committed as part of a single course of conduct during which there was no substantial change in the nature of the criminal objective, unless:

New matter indicated by italics - deletions by strikeout.
in the nature of the criminal objective, and one of the offenses for which the defendant was convicted was first degree murder or a Class X or Class 1 felony and the defendant inflicted severe bodily injury, or when the defendant was convicted of a violation of Section 12-13, 12-14, or 12-14.1 of the Criminal Code of 1961, or where the defendant was convicted of armed violence based upon the predicate offense of solicitation of murder, solicitation of murder for hire, heinous battery, aggravated battery of a senior citizen, criminal sexual assault, a violation of subsection (g) of Section 5 of the Cannabis Control Act, cannabis trafficking, a violation of subsection (a) of Section 401 of the Illinois Controlled Substances Act, controlled substance trafficking involving a Class X felony amount of controlled substance under Section 401 of the Illinois Controlled Substances Act, calculated criminal drug conspiracy, or streetgang criminal drug conspiracy, or the defendant was convicted of the offense of leaving the scene of a motor vehicle accident involving death or personal injuries under Section 11-401 and either: (A) aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof under Section 11-501 of the Illinois Vehicle Code, or (B) reckless homicide under Section 9-3 of the Criminal Code of 1961, or both an offense described in subdivision (A) and an offense described in subdivision (B), in which event the Court shall enter sentences to run consecutively.

(c) (1) For sentences imposed under law in effect prior to February 1, 1978 the aggregate maximum of consecutive sentences shall not exceed the maximum term authorized under Section 5-8-1 for the 2 most serious felonies involved. The aggregate minimum period of consecutive sentences shall not exceed the highest minimum term authorized under Section 5-8-1 for the 2 most serious felonies involved. When sentenced only for misdemeanors, a defendant shall not be consecutively sentenced to more than the maximum for one Class A misdemeanor.

(2) For sentences imposed under the law in effect on or after February 1, 1978, the aggregate of consecutive sentences for offenses that were committed as part of a single course of conduct during which there was no substantial change in the nature of the criminal objective shall not exceed the sum of the maximum terms authorized under Section 5-8-2 for the 2 most serious felonies involved, but no such limitation shall apply for offenses that were not committed as part of a single course of conduct during which there was no substantial change in the nature of the criminal objective. When sentenced only for misdemeanors, a defendant shall not be consecutively sentenced to more than the maximum for one Class A misdemeanor.

(d) An offender serving a sentence for a misdemeanor who is convicted of a felony and sentenced to imprisonment shall be transferred to the Department of Corrections, and the misdemeanor sentence shall be merged in and run concurrently with the felony sentence.

(e) In determining the manner in which consecutive sentences of imprisonment, one or more of which is for a felony, will be served, the Department of Corrections shall treat the offender as though he had been committed for a single term with the following incidents:

(1) the maximum period of a term of imprisonment shall consist of the aggregate of the maximums of the imposed indeterminate terms, if any, plus the
aggregate of the imposed determinate sentences for felonies plus the aggregate of the imposed determinate sentences for misdemeanors subject to paragraph (c) of this Section;

(2) the parole or mandatory supervised release term shall be as provided in paragraph (e) of Section 5-8-1 of this Code for the most serious of the offenses involved;

(3) the minimum period of imprisonment shall be the aggregate of the minimum and determinate periods of imprisonment imposed by the court, subject to paragraph (c) of this Section; and

(4) the offender shall be awarded credit against the aggregate maximum term and the aggregate minimum term of imprisonment for all time served in an institution since the commission of the offense or offenses and as a consequence thereof at the rate specified in Section 3-6-3 of this Code.

(f) A sentence of an offender committed to the Department of Corrections at the time of the commission of the offense shall be served consecutive to the sentence under which he is held by the Department of Corrections. However, in case such offender shall be sentenced to punishment by death, the sentence shall be executed at such time as the court may fix without regard to the sentence under which such offender may be held by the Department.

(g) A sentence under Section 3-6-4 for escape or attempted escape shall be served consecutive to the terms under which the offender is held by the Department of Corrections.

(h) If a person charged with a felony commits a separate felony while on pre-trial release or in pretrial detention in a county jail facility or county detention facility, the sentences imposed upon conviction of these felonies shall be served consecutively regardless of the order in which the judgments of conviction are entered.

(i) If a person admitted to bail following conviction of a felony commits a separate felony while free on bond or if a person detained in a county jail facility or county detention facility following conviction of a felony commits a separate felony while in detention, any sentence following conviction of the separate felony shall be consecutive to that of the original sentence for which the defendant was on bond or detained.

(Source: P.A. 91-144, eff. 1-1-00; 91-404, eff. 1-1-00; 92-16, eff. 6-28-01.)

Passed in the General Assembly May 7, 2002.
Approved July 16, 2002.

PUBLIC ACT 92-0675
(House Bill No. 4696)

AN ACT in relation to public health.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Crematory Regulation Act is amended by changing Sections 5, 10, 35, 55, and 60 and by adding Sections 11, 11.5, 12, 13, 14, 19, 22, 62, 62.5, 62.10, 62.15, and

New matter indicated by italics - deletions by strikeout.
62.20 as follows:

(410 ILCS 18/5)

Sec. 5. Definitions. As used in this Act:

"Alternative container" means a receptacle, other than a casket, in which human remains are transported to the crematory and placed in the cremation chamber for cremation. An alternative container shall be (i) composed of readily combustible materials suitable for cremation, (ii) able to be closed in order to provide a complete covering for the human remains, (iii) resistant to leakage or spillage, (iv) rigid enough for handling with ease, and (v) able to provide protection for the health, safety, and personal integrity of crematory personnel.

"Authorizing agent" means a person legally entitled to order the cremation and final disposition of specific human remains.

"Body parts" means limbs or other portions of the anatomy that are removed from a person or human remains for medical purposes during treatment, surgery, biopsy, autopsy, or medical research; or human bodies or any portion of bodies that have been donated to science for medical research purposes.

"Burial transit permit" means a permit for disposition of a dead human body as required by Illinois law.

"Casket" means a rigid container that is designed for the encasement of human remains, is usually constructed of wood, metal, or like material and ornamented and lined with fabric, and may or may not be combustible.

"Change of ownership" means a transfer of more than 50% of the stock or assets of a crematory authority.

"Comptroller" means the Comptroller of the State of Illinois.

"Cremated remains" means all human remains recovered after the completion of the cremation, which may possibly include the residue of any foreign matter including casket material, bridgework, or eyeglasses, that was cremated with the human remains.

"Cremation" means the technical process, using heat and flame, that reduces human remains to bone fragments. The reduction takes place through heat and evaporation. Cremation shall include the processing, and may include the pulverization, of the bone fragments.

"Cremation chamber" means the enclosed space within which the cremation takes place.

"Cremation interment container" means a rigid outer container that, subject to a cemetery's rules and regulations, is composed of concrete, steel, fiberglass, or some similar material in which an urn is placed prior to being interred in the ground, and which is designed to withstand prolonged exposure to the elements and to support the earth above the urn.

"Cremation room" means the room in which the cremation chamber is located.

"Crematory" means the building or portion of a building that houses the cremation room and the holding facility.

"Crematory authority" means the legal entity or the authorized representative of the
A legal entity which is licensed by the Comptroller to operate a crematory and to perform cremations.

"Department" means the Illinois Department of Public Health.

"Final disposition" means the burial, cremation, or other disposition of a dead human body or parts of a dead human body.

"Funeral director" means a person known by the title of "funeral director", "funeral director and embalmer", or other similar words or titles, licensed by the State to practice funeral directing or funeral directing and embalming.

"Funeral establishment" means a building or separate portion of a building having a specific street address and location and devoted to activities relating to the shelter, care, custody, and preparation of a deceased human body and may contain facilities for funeral or wake services.

"Holding facility" means an area that (i) is designated for the retention of human remains prior to cremation, (ii) complies with all applicable public health law, (iii) preserves the health and safety of the crematory authority personnel, and (iv) is secure from access by anyone other than authorized persons. A holding facility may be located in a cremation room.

"Human remains" means the body of a deceased person, including any form of body prosthesis that has been permanently attached or implanted in the body.

"Niche" means a compartment or cubicle for the memorialization and permanent placement of an urn containing cremated remains.

"Processing" means the reduction of identifiable bone fragments after the completion of the cremation process to unidentifiable bone fragments by manual or mechanical means.

"Pulverization" means the reduction of identifiable bone fragments after the completion of the cremation process to granulated particles by manual or mechanical means.

"Scattering area" means an area which may be designated by a cemetery and located on dedicated cemetery property where cremated remains, which have been removed from their container, can be mixed with, or placed on top of, the soil or ground cover.

"Temporary container" means a receptacle for cremated remains, usually composed of cardboard, plastic or similar material, that can be closed in a manner that prevents the leakage or spillage of the cremated remains or the entrance of foreign material, and is a single container of sufficient size to hold the cremated remains until an urn is acquired or the cremated remains are scattered.

"Urn" means a receptacle designed to encase the cremated remains.

(Source: P.A. 87-1187.)

(410 ILCS 18/10)

Sec. 10. Establishment of crematory and licensing registration of crematory authority.
(a) Any person doing business in this State, or any cemetery, funeral establishment, corporation, partnership, joint venture, voluntary organization or any other entity, may erect, maintain, and operate a crematory in this State and provide the necessary appliances and facilities for the cremation of human remains in accordance with this Act.

(b) A crematory shall be subject to all local, State, and federal health and environmental protection requirements and shall obtain all necessary licenses and permits.
from the Department, the federal Department of Health and Human Services, and the Illinois and federal Environmental Protection Agencies, or such other appropriate local, State, or federal agencies.

(c) A crematory may be constructed on or adjacent to any cemetery, on or adjacent to any funeral establishment, or at any other location consistent with local zoning regulations.

(d) An application for **license registration** as a crematory authority shall be in writing on forms furnished by the Comptroller. Applications shall be accompanied by a fee of $50 and shall contain all of the following:

1. The full name and address, both residence and business, of the applicant if the applicant is an individual; the full name and address of every member if the applicant is a partnership; the full name and address of every member of the board of directors if the applicant is an association; and the name and address of every officer, director, and shareholder holding more than 25% of the corporate stock if the applicant is a corporation.

2. The address and location of the crematory.

3. A description of the type of structure and equipment to be used in the operation of the crematory, including the operating permit number issued to the cremation device by the Illinois Environmental Protection Agency.

3.5 Attestation by the owner that cremation services shall be by a person trained in accordance with the requirements of Section 22 of this Act.

3.10 A copy of the certification or certifications issued by the certification program to the person or persons who will operate the cremation device.

4. Any further information that the Comptroller reasonably may require.

(e) Each crematory authority shall file an annual report with the Comptroller, accompanied with a $25 fee, providing (i) an affidavit signed by the owner of the crematory authority that at the time of the report the cremation device was in proper operating condition, (ii) the total number of all cremations performed at the crematory during the past year, (iii) attestation by the licensee that all applicable permits and certifications are valid, and (iv) either (A) any changes required in the information provided under subsection (d) or (B) an indication indicating that no changes have occurred. The annual report shall be filed by a crematory authority on or before March 15 of each calendar year, in the Office of the Comptroller. If the fiscal year of a crematory authority is other than on a calendar year basis, then the crematory authority shall file the report required by this Section within 75 days after the end of its fiscal year. The Comptroller shall, for good cause shown, grant an extension for the filing of the annual report upon the written request of the crematory authority. An extension shall not exceed 60 days. If a crematory authority fails to submit an annual report to the Comptroller within the time specified in this Section, the Comptroller shall impose upon the crematory authority a penalty of $5 for each and every day the crematory authority remains delinquent in submitting the annual report. The Comptroller may abate all or part of the $5 daily penalty for good cause shown.

(f) All records required to be maintained under this Act, including but not limited to those relating to the license registration and annual report of the crematory authority required

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to be filed under this Section, shall be subject to inspection by the Comptroller upon reasonable notice.

(g) The Comptroller may inspect crematory records at the crematory authority's place of business to review the licensee's compliance with this Act. The inspection must include verification that:

(1) the crematory authority has complied with record-keeping requirements of this Act;
(2) a crematory device operator's certification of training is conspicuously displayed at the crematory;
(3) the cremation device has a current operating permit issued by the Illinois Environmental Protection Agency and the permit is conspicuously displayed in the crematory;
(4) the crematory authority is in compliance with local zoning requirements; and
(5) the crematory authority license issued by the Comptroller is conspicuously displayed at the crematory.

(h) The Comptroller shall issue licenses under this Act to the crematories that are registered with the Comptroller as of July 1, 2003 without requiring the previously registered crematories to complete license applications.

(Source: P.A. 92-419, eff. 1-1-02.)

(410 ILCS 18/11 new)
Sec. 11. Grounds for refusal of license or suspension or revocation of license.
(a) In this Section, "applicant" means a person who has applied for a license under this Act.
(b) The Comptroller may refuse to issue a license under this Act, or may suspend or revoke a license issued under this Act, on any of the following grounds:

(1) The applicant or licensee has made any misrepresentation or false statement or concealed any material fact in connection with a license application or licensure under this Act.
(2) The applicant or licensee has been engaged in business practices that work a fraud.
(3) The applicant or licensee has refused to give information required under this Act to be disclosed to the Comptroller.
(4) The applicant or licensee has conducted or is about to conduct cremation business in a fraudulent manner.
(5) As to any individual listed in the license application as required under Section 10, that individual has conducted or is about to conduct any cremation business on behalf of the applicant in a fraudulent manner or has been convicted of any felony or misdemeanor an essential element of which is fraud.
(6) The applicant or licensee has failed to make the annual report required by this Act or to comply with a final order, decision, or finding of the Comptroller made under this Act.

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(7) The applicant or licensee, including any member, officer, or director of the applicant or licensee if the applicant or licensee is a firm, partnership, association, or corporation and including any shareholder holding more than 25% of the corporate stock of the applicant or licensee, has violated any provision of this Act or any regulation or order made by the Comptroller under this Act.

(8) The Comptroller finds any fact or condition existing that, if it had existed at the time of the original application for a license under this Act, would have warranted the Comptroller in refusing the issuance of the license.

(410 ILCS 18/11.5 new)
Sec. 11.5. License revocation or suspension; surrender of license.
(a) Upon determining that grounds exist for the revocation or suspension of a license issued under this Act, the Comptroller, if appropriate, may revoke or suspend the license issued to the licensee.

(b) Upon the revocation or suspension of a license issued under this Act, the licensee must immediately surrender the license to the Comptroller. If the licensee fails to do so, the Comptroller may seize the license.

(410 ILCS 18/12 new)
Sec. 12. Surrender of license; effect on licensee's liability. A licensee may surrender a license issued under this Act by delivering to the Comptroller a written notice stating that the licensee thereby surrenders the license, but such a surrender does not affect the licensee's civil or criminal liability for acts committed before the surrender.

(410 ILCS 18/13 new)
Sec. 13. License; display; transfer; duration.
(a) Every license issued under this Act must state the number of the license, the business name and address of the licensee's principal place of business, and the licensee's parent company, if any. The license must be conspicuously posted in the place of business operating under the license.

(b) No license is transferable or assignable without the express written consent of the Comptroller. A transfer of more than 50% of the ownership of any business licensed under this Act shall be deemed to be an attempted assignment of the license originally issued to the licensee for whom consent of the Comptroller is required.

(c) Every license issued under this Act shall remain in force until it has been surrendered, suspended, or revoked in accordance with this Act. Upon the request of an interested person or on the Comptroller's own motion, the Comptroller may issue a new license to a licensee whose license has been revoked under this Act if no factor or condition then exists which would have warranted the Comptroller in originally refusing the issuance of the license.

(410 ILCS 18/14 new)
Sec. 14. Display of cremation device permit. A crematory authority must conspicuously display in its place of business the operating permit issued to its cremation device by the Illinois Environmental Protection Agency. All rulemaking authority in connection with such operating permits shall be vested with the Illinois Environmental

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Protection Agency.

(410 ILCS 18/19 new)
Sec. 19. Cremation only in crematory. An individual or a person, cemetery, funeral establishment, corporation, partnership, joint venture, voluntary organization, or other entity may cremate human remains only in a crematory operated by a crematory authority licensed for this purpose and only under the limitations provided in this Act.

(410 ILCS 18/22 new)
Sec. 22. Performance of cremation service; training. A person may not perform a cremation service in this State unless he or she has completed training in performing cremation services and received certification by a program recognized by the Comptroller. The crematory authority must conspicuously display the certification at the crematory authority's place of business. Any new employee shall have a reasonable time period, not to exceed one year, to attend a recognized training program. In the interim, the new employee may perform a cremation service if he or she has received training from another person who has received certification by a program recognized by the Comptroller. For purposes of this Act, the Comptroller shall recognize any training program that provides training in the operation of a cremation device, in the maintenance of a clean facility, and in the proper handling of human remains. The Comptroller shall recognize any course that is conducted by a death care trade association in Illinois or the United States or by a manufacturer of a cremation unit that is consistent with the standards provided in this Act.

(410 ILCS 18/35)
Sec. 35. Cremation procedures.
(a) Human remains shall not be cremated within 24 hours after the time of death, as indicated on the Medical Examiner's/Coroner's Certificate of Death. In any death, the human remains shall not be cremated by the crematory authority until a cremation permit has been received from the coroner or medical examiner of the county in which the death occurred and the crematory authority has received a cremation authorization form, executed by an authorizing agent, in accordance with the provisions of Section 15 of this Act. In no instance, however, shall the lapse of time between the death and the cremation be less than 24 hours, unless (i) it is known the deceased has an infectious or dangerous disease and that the time requirement is waived in writing by the medical examiner or coroner where the death occurred or (ii) because of a religious requirement.
(b) Except as set forth in subsection (a) of this Section, a crematory authority shall have the right to schedule the actual cremation to be performed at its own convenience, at any time after the human remains have been delivered to the crematory authority, unless the crematory authority has received specific instructions to the contrary on the cremation authorization form.
(c) No crematory authority shall cremate human remains when it has actual knowledge that human remains contain a pacemaker or any other material or implant that may be potentially hazardous to the person performing the cremation.
(d) No crematory authority shall refuse to accept human remains for cremation because such human remains are not embalmed.

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(e) Whenever a crematory authority is unable or unauthorized to cremate human remains immediately upon taking custody of the remains, the crematory authority shall place the human remains in a holding facility in accordance with the crematory authority's rules and regulations. The crematory authority must notify the authorizing agent of the reasons for delay in cremation if a properly authorized cremation is not performed within any time period expressly contemplated in the authorization.

(f) A crematory authority shall not accept a casket or alternative container from which there is any evidence of the leakage of body fluids.

(g) The casket or the alternative container shall be cremated with the human remains or destroyed, unless the crematory authority has notified the authorizing agent to the contrary on the cremation authorization form and obtained the written consent of the authorizing agent.

(h) The simultaneous cremation of the human remains of more than one person within the same cremation chamber, without the prior written consent of the authorizing agent, is prohibited. Nothing in this subsection, however, shall prevent the simultaneous cremation within the same cremation chamber of body parts delivered to the crematory authority from multiple sources, or the use of cremation equipment that contains more than one cremation chamber.

(i) No unauthorized person shall be permitted in the holding facility or cremation room while any human remains are being held there awaiting cremation, being cremated, or being removed from the cremation chamber.

(j) A crematory authority shall not remove any dental gold, body parts, organs, or any item of value prior to or subsequent to a cremation without previously having received specific written authorization from the authorizing agent and written instructions for the delivery of these items to the authorizing agent. Under no circumstances shall a crematory authority profit from making or assisting in any removal of valuables.

(k) Upon the completion of each cremation, and insofar as is practicable, all of the recoverable residue of the cremation process shall be removed from the cremation chamber.

(l) If all of the recovered cremated remains will not fit within the receptacle that has been selected, the remainder of the cremated remains shall be returned to the authorizing agent or the agent's designee in a separate container. The crematory authority shall not return to an authorizing agent or the agent's designee more or less cremated remains than were removed from the cremation chamber.

(m) A crematory authority shall not knowingly represent to an authorizing agent or the agent's designee that a temporary container or urn contains the cremated remains of a specific decedent when it does not.

(n) Cremated remains shall be shipped only by a method that has an internal tracing system available and that provides a receipt signed by the person accepting delivery.

(o) A crematory authority shall maintain an identification system that shall ensure that it shall be able to identify the human remains in its possession throughout all phases of the cremation process.

(Source: P.A. 87-1187.)

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Sec. 55. Penalties.
Violations of this Act shall be punishable as follows:

(1) Performing a cremation without receipt of a cremation authorization form signed by an authorizing agent shall be a Class 4 felony.

(2) Signing a cremation authorization form with the actual knowledge that the form contains false or incorrect information shall be a Class 4 felony.

(3) A violation of any cremation procedure set forth in Section 35 shall be a Class 4 felony.

(4) Holding oneself out to the public as a crematory authority, or the operation of a building or structure within this State as a crematory, without being licensed under this Act, shall be a Class A misdemeanor.

(4.5) Performance of a cremation service by a person who has not completed a training program as defined in Section 22 of this Act shall be a Class A misdemeanor.

(4.10) Any person who intentionally violates a provision of this Act or a final order of the Comptroller is liable for a civil penalty not to exceed $5,000 per violation.

(4.15) Any person who knowingly acts without proper legal authority and who willfully and knowingly destroys or damages the remains of a deceased human being or who desecrates human remains is guilty of a Class 3 felony.

(5) A violation of any other provision of this Act shall be a Class B misdemeanor.

(Source: P.A. 87-1187.)

Sec. 60. Failure to file annual report. Whenever a crematory authority refuses or neglects to file its annual report in violation of Section 10 of this Act, or fails to otherwise comply with the registration or inspection requirements of Section 10 of this Act, the Comptroller may commence an administrative proceeding as authorized by this Act or may shall communicate the facts to the Attorney General of the State of Illinois who shall thereupon institute such proceedings against the crematory authority or its officers as the nature of the case may require.

(Source: P.A. 87-1187.)

Sec. 62. Investigation of unlawful practices. If the Comptroller has good cause to believe that a person has engaged in, is engaging in, or is about to engage in any practice in violation of this Act, the Comptroller may do any one or more of the following:

(1) Require that person to file, on terms the Comptroller prescribes, a statement or report in writing, under oath or otherwise, containing all information that the Comptroller considers necessary to ascertain whether a licensee is in compliance with this Act, or whether an unlicensed person is engaging in activities for which a license is required under this Act.

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(2) Examine under oath any person in connection with the books and records required to be maintained under this Act.

(3) Examine any books and records of a licensee that the Comptroller considers necessary to ascertain compliance with this Act.

(4) Require the production of a copy of any record, book, document, account, or paper that is produced in accordance with this Act and retain it in the Comptroller's possession until the completion of all proceedings in connection with which it is produced.

(410 ILCS 18/62.5 new)

Sec. 62.5. Service of notice. Service by the Comptroller of any notice requiring a person to file a statement or report under this Act shall be made: (1) personally by delivery of a duly executed copy of the notice to the person to be served or, if that person is not a natural person, in the manner provided in the Civil Practice Law when a complaint is filed; or (2) by mailing by certified mail a duly executed copy of the notice to the person to be served at his or her last known abode or principal place of business within this State.

(410 ILCS 18/62.10 new)

Sec. 62.10. Investigation of actions; hearing.

(a) The Comptroller shall make an investigation upon discovering facts that, if proved, would constitute grounds for refusal, suspension, or revocation of a license under this Act.

(b) Before refusing to issue, and before suspending or revoking, a license under this Act, the Comptroller shall hold a hearing to determine whether the applicant for a license or the licensee ("the respondent") is entitled to hold such a license. At least 10 days before the date set for the hearing, the Comptroller shall notify the respondent in writing that (i) on the designated date a hearing will be held to determine the respondent's eligibility for a license and (ii) the respondent may appear in person or by counsel. The written notice may be served on the respondent personally, or by registered or certified mail sent to the respondent's business address as shown in the respondent's latest notification to the Comptroller. The notice must include sufficient information to inform the respondent of the general nature of the reason for the Comptroller's action.

(c) At the hearing, both the respondent and the complainant shall be accorded ample opportunity to present in person or by counsel such statements, testimony, evidence, and argument as may be pertinent to the charge or to any defense to the charge. The Comptroller may reasonably continue the hearing from time to time. The Comptroller may subpoena any person or persons in this State and take testimony orally, by deposition, or by exhibit, in the same manner and with the same fees and mileage as prescribed in judicial proceedings in civil cases. Any authorized agent of the Comptroller may administer oaths to witnesses at any hearing that the Comptroller is authorized to conduct.

(d) The Comptroller, at the Comptroller's expense, shall provide a certified shorthand reporter to take down the testimony and preserve a record of every proceeding at the hearing of any case involving the refusal to issue a license under this Act, the suspension or revocation of such a license, the imposition of a monetary penalty, or the

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referral of a case for criminal prosecution. The record of any such proceeding shall consist of the notice of hearing, the complaint, all other documents in the nature of pleadings and written motions filed in the proceeding, the transcript of testimony, and the report and orders of the Comptroller. Copies of the transcript of the record may be purchased from the certified shorthand reporter who prepared the record or from the Comptroller.

(410 ILCS 18/62.15 new)

Sec. 62.15. Court order. Upon the application of the Comptroller or of the applicant or licensee against whom proceedings under Section 62.10 are pending, any circuit court may enter an order requiring witnesses to attend and testify and requiring the production of documents, papers, books, and records in connection with any hearing in any proceeding under that Section. Failure to obey such a court order may result in contempt proceedings.

(410 ILCS 18/62.20 new)

Sec. 62.20. Judicial review.
(a) Any person affected by a final administrative decision of the Comptroller under this Act may have the decision reviewed judicially by the circuit court of the county where the person resides or, in the case of a corporation, where the corporation's registered office is located. If the plaintiff in the judicial review proceeding is not a resident of this State, venue shall be in Sangamon County. The provisions of the Administrative Review Law and any rules adopted under it govern all proceedings for the judicial review of final administrative decisions of the Comptroller under this Act. The term "administrative decision" is defined as in the Administrative Review Law.

(b) The Comptroller is not required to certify the record of the proceeding unless the plaintiff in the review proceeding has purchased a copy of the transcript from the certified shorthand reporter who prepared the record or from the Comptroller. Exhibits shall be certified without cost.

Section 99. Effective date. This Act takes effect on July 1, 2003.
Passed in the General Assembly May 7, 2002.
Approved July 16, 2002.
Effective July 16, 2002.

PUBLIC ACT 92-0676
(House Bill No. 4889)

AN ACT concerning the regulation of professions.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Weights and Measures Act is amended by changing Sections 2, 24, 30, 32, and 40 as follows:

(225 ILCS 470/2) (from Ch. 147, par. 102)

Sec. 2. Definitions. As used in this Act:
"Person" means both singular and plural as the case demands, and includes

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individuals, partnerships, corporations, companies, societies and associations.

"Weights and measures" means all weights and measures of every kind, instruments and devices for weighing and measuring, and any appliances and accessories associated with any or all such instruments and devices, including all grain moisture measuring devices, but does not include meters for the measurement of electricity, gas (natural or manufactured) or water operated in a public utility system. These electricity meters, gas meters, and water meters, and their appliances or accessories, and sloflo meters, are specifically excluded from the scope and applicability of this Act.

"Sell" and "sale" includes barter and exchange.
"Director" means the Director of Agriculture.
"Department" means the Department of Agriculture.
"Inspector" means an inspector of weights and measures of this State.
"Sealer" and "deputy sealer" mean, respectively, a sealer of weights and measures and a deputy sealer of weights and measures of a city.
"Intrastate commerce" means any and all commerce or trade that is commenced, conducted and completed wholly within the limits of this State, and the phrase "introduced into intrastate commerce" means the time and place at which the first sale and delivery being made either directly to the purchaser or to a carrier for shipment to the purchaser.

"Commodity in package form" means a commodity put up or packaged in any manner in advance of sale in units suitable for either wholesale or retail sale, excluding any auxiliary shipping container enclosing packages which individually conform to the requirements of this Act. An individual item or lot of any commodity not in package form as defined in this Section but on which there is marked a selling price based on an established price per unit of weight or of measure shall be deemed a commodity in package form.

"Consumer package" and "package of consumer commodity" mean any commodity in package form that is customarily produced or distributed for sale through retail sales agencies or instrumentalities for consumption by individuals or use by individuals for the purposes of personal care or in the performance of services ordinarily rendered in or about the household or in connection with personal possessions, and which usually is consumed or expended in the course of such consumption or use.

"Nonconsumer package" and "package of nonconsumer commodity" mean any commodity in package form other than a consumer package, and particularly a package designed solely for industrial or institutional use or for wholesale distribution only.

"Certificate of Conformance" means a document issued by the National Conference on Weights and Measures Institute of Standards and Technology based on testing in participating laboratories that indicates that the weights and measures or weighing and measuring device conform with the requirements of National Institute of Standards and Technology's Handbooks 44, 105-1, 105-2, 105-3, or 105-4 and any subsequent revisions or supplements thereto.

"Prepackage inspection violation" means that the majority of the lots of prepackaged commodities inspected at a single location are found to have one or more packages below the maximum allowable variation as published in the National Institute of Standards and Technology's Handbooks 44, 105-1, 105-2, 105-3, or 105-4 and any subsequent revisions or supplements thereto.

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Technology Handbook 133 or the majority of the lots inspected at a single location are found to be below the stated net weight declaration on an average.  
(Source: P.A. 88-600, eff. 9-1-94.)

(225 ILCS 470/24) (from Ch. 147, par. 124)

Sec. 24. Except as otherwise provided in this Act, any commodity in package form introduced or delivered for introduction into or received in intrastate commerce or kept, offered or exposed for sale in intrastate commerce shall bear on the outside of the package a definite, plain and conspicuous declaration of (1) the identity of the commodity in the package, (2) the net quantity of the contents in terms of weight, measure or count, and (3) in the case of any package kept, offered or exposed for sale, or sold elsewhere than on the premises where packed, the name and place of business of the manufacturer, the packer, or the distributor as may be prescribed by regulation issued by the Director. In relation to such declaration of net quantity, neither the qualifying term "when packed" or any words of similar import, nor any term qualifying a unit of weight, measure or count which exaggerates the amount of commodity in a package, shall be used. Any package that is introduced or delivered for introduction into or received in intrastate commerce or kept, offered, or exposed for sale in intrastate commerce may be opened for inspection without cost to the Department for the purpose of determining the net contents. All opened products shall remain at the point of inspection. Also in relation to such declaration of net quantity, the Director shall by regulation establish (a) reasonable variations to be allowed, which may include variations below the declared weight or measure caused by ordinary and customary exposure, only after the commodity is introduced into intrastate commerce, to conditions that normally occur in good distribution practice and that unavoidably result in decreased weight or measure, (b) exemptions as to small packages, and (c) exemptions as to commodities put up in variable weights or sizes for sale intact and either customarily not sold as individual units or customarily weighed or measured at time of sale to the consumer.  
(Source: P.A. 84-1308.)

(225 ILCS 470/30) (from Ch. 147, par. 130)

Sec. 30. National Institute of Standards and Technology requirements and specifications. Each type of new weight and measure or weighing and measuring device manufactured, offered, or exposed for sale or sold or given away for the use in trade or commerce, or used in trade and commerce in this State, shall conform with the requirements and specifications in the National Institute of Standards and Technology Handbook 44, 105-1, 105-2, 105-3, or 105-4 and any of their revisions or supplements. A Certificate of Conformance must be issued prior to the use of such new weight and measure or weighing and measuring device for commercial or law enforcement purposes. Pending the issuance of a Certificate of Conformance, the Department may permit such new weight and measure or weighing and measuring device to be used, provided it meets the specifications and tolerances for that particular weight and measure or weighing and measuring device as set forth in the National Institute of Standards and Technology Handbook 44, 105-1, 105-2, 105-3, or 105-4.  
(Source: P.A. 88-600, eff. 9-1-94.)

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(225 ILCS 470/32) (from Ch. 147, par. 132)
Sec. 32. Certificate of Conformance; appeal. For a weight or measure or weighing or measuring device to be certified for use in the State of Illinois, it must have a Certificate of Conformance issued by the National Conference on Weights and Measures Institute of Standards and Technology as set forth in Section 30 of this Act. The Department may approve or disapprove the use of a weight or measure or weighing or measuring device where a Certificate of Conformance is pending in accordance with the provisions of Section 30 of this Act. Decisions rendered by the Department are subject to the Illinois Administrative Procedure Act.

If a person is dissatisfied with a decision issued by the National Conference on Weights and Measures Institute of Standards and Technology regarding the issuance of a Certificate of Conformance, the person may appeal according to the appropriate administrative procedures of the National Conference on Weights and Measures Institute of Standards and Technology and the U.S. Department of Commerce.
(Source: P.A. 88-600, eff. 9-1-94.)

(225 ILCS 470/40) (from Ch. 147, par. 140)
Sec. 40. Inspection fee; Weights and Measures Fund. Except as otherwise provided in Section 43, the Director and each sealer shall collect and receive from the user of weights and measures a commercial weighing or measuring device inspection fee. For the use of its Metrology Laboratory, the testings of weights and measures and such other inspection and services performed, the Department shall set a fee, the amount of which shall be according to a Schedule of Weights and Measures Inspection Fees established and published by the Director. The fees so collected and received by the State shall be deposited into a special fund to be known as the Weights and Measures Fund. All weights and measures inspection fees, metrology fees, weights and measures registrations, and weights and measures penalties collected by the Department under this Act shall be deposited into the Weights and Measures Fund. The amount annually collected shall be used by the Department for activities related to the enforcement of this Act and the Motor Fuel and Petroleum Standards Act, and for the State's share of the costs of the Field Automation Information Management project. No person shall be required to pay more than 2 inspection fees for any one weighing or measuring device in any one year when found to be accurate. When an inspection is made upon a weighing or measuring device because of a complaint by a person other than the owner of such weighing or measuring device, and the device is found accurate as set forth in Section 8 of this Act, no then the inspection fee shall be paid by the complainant. Any time a weighing or measuring device is found to be inaccurate, the user shall pay the inspection fee.
(Source: P.A. 91-704, eff. 7-1-00.)

Section 99. Effective date. This Act takes effect upon becoming law.
Passed in the General Assembly May 7, 2002.
Approved July 16, 2002.
Effective July 16, 2002.
AN ACT concerning farm products.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Egg and Egg Products Act is amended by changing Sections 6, 8, 10, and 15 as follows:

(410 ILCS 615/6) (from Ch. 56 1/2, par. 55-6)

Sec. 6. Candling; labeling; sales by producers; retail sales; temperature requirements.
All eggs sold at retail or purchased by institutional consumers must be candled for quality and graded for size.

A producer may sell, direct to a household consumer for that consumer's personal use and that consumer's non-paying guests, eggs produced by a producer's own birds without candling or grading the eggs.

A producer may sell on his own premises where eggs are produced, direct to household consumers, for the consumer's personal use and that consumer's non-paying guests, nest run eggs classified as checks and dirties without candling or grading those eggs.

All eggs designated for sale off the premises where the flock is located, such as at farmers' markets, and at retail or for institutional use must be candled and graded and held in a place or room in which the temperature may not exceed 45 degrees Fahrenheit after processing. Nest run eggs shall be held at 60 degrees Fahrenheit or less at all times. During transportation, the egg temperature may not exceed 45 degrees Fahrenheit.

Hatcheries buying eggs for hatching purposes from producers under contract may sell their surplus eggs to a licensed packer or handler provided that the hatchery shall keep records which indicate the number of cases sold, the date of sale and the name and address of the packer or handler making the purchase.

All eggs candled or candled and graded outside the State must meet Federal standards before they can be sold or offered for sale in the State. No eggs may be offered for sale for consumer use after the original 30-day candling date. All eggs candled or candled and graded must be recandled and regraded if not sold at retail within 30 days of the original candling date.

Each container of eggs offered for sale or sold at wholesale or retail must be labeled in accordance with the standards established by the Department showing grade, size, packer identification, and candling packing date, and may be labeled with an expiration date, or other similar language as specified by USDA standards, that is not later than 30 days from after the candling packing date for grade A eggs and not later than 15 days after the candling date for grade AA eggs. The date of candling and an expiration date not later than 30 days after the date of packing must appear in lettering on the container in which the eggs are offered for sale. Eggs identified as grade AA shall have an expiration date not later than 15 days after the date of packing.

The grade and size of eggs must be conspicuously marked in bold face type on all

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consumer-size containers.

The size and height of lettering or numbering requirement shall be set by regulation and shall conform as near as possible to those required by Federal law.

All advertising of shell eggs for sale at retail for a stated price shall contain the grade and size of the eggs. The information contained in such advertising shall not be misleading or deceptive. In cases of food-borne disease outbreaks in which eggs are identified as the source of the disease, all eggs from the flocks from which those disease-causing eggs came shall be identified with a producer identification or flock code number to control the movement of those eggs.

(Source: P.A. 89-154, eff. 7-19-95.)

(410 ILCS 615/8) (from Ch. 56 1/2, par. 55-8)

Sec. 8. Any person or business who buys, sells, trades, or traffics in eggs in this State and is a broker, distributor, handler, packer, producer, or producer-dealer, as defined in this Act, must be licensed in this State. A limited or full license must be purchased annually. No person or business shall buy, sell, trade, or traffic in barter eggs in this State without having obtained a license as provided in Section 9, except the following:

(a) A producer who obtains eggs from his own flock, regardless of the size of the flock, and sells them as nest run eggs, either to household consumers on the premises where the flock is located, or to a holder of an Illinois Egg License;

(b) Hatcheries which purchase eggs to be used exclusively for hatching purposes;

(c) Institutional consumers where all eggs purchased are served in the establishment;

(d) Manufacturers of food products who use all eggs purchased in their products such as bakeries, confectioneries, and ice cream manufacturers, etc.;

(e) Agents employed and carried on the payroll on a salary basis by licensed dealers or distributors;

(f) A consumer buying eggs for his own consumption;

(g) A retailer who buys eggs from licensed distributors or from licensed handlers only and sells eggs only at retail.

(Source: P.A. 89-154, eff. 7-19-95.)

(410 ILCS 615/10) (from Ch. 56 1/2, par. 55-10)

Sec. 10. Inspection fee. The Director shall set, by regulation, a per case inspection fee which shall cover the administrative and inspection costs of the program required by the Act. In no case shall the rate exceed 6¢ per each 30 dozen eggs or fraction thereof.

The inspection fee as set shall be imposed upon eggs bearing a designated size and grade sold or offered for sale in Illinois. The first handler in Illinois who packed and sold the eggs must pay the prescribed inspection fee on those eggs. If eggs are shipped into Illinois, the handler who invoiced the eggs to Illinois must pay the fee. The fee shall be paid by the handler at the point of candling and grading. When the handler sells the eggs, the inspection fee shall be charged in addition to the sale price of the eggs and shall be remitted to the seller by the purchaser. Each sales invoice shall indicate the amount of inspection fee for the transaction. Eggs sold and shipped out of the State of Illinois by Illinois packers are exempt from the inspection fee.

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The inspection fee shall be paid only once on the same quantity of eggs so long as those eggs maintain their identity by remaining in their original case, carton or package. All inspection fees shall be paid into the "Agricultural Master Fund" to the credit of a special account designated as the "Auxiliary Egg Inspection Fund". All amounts credited to the "Auxiliary Egg Inspection Fund" shall be used for the enforcement of the provisions of this Act. The method and manner of collecting the inspection fee levied, whether it be by the use of stamps, monthly reporting and collecting from dealers or any other method shall be prescribed by the Director of Agriculture, pursuant to rules and regulations adopted for this purpose as authorized under the provisions of this Act.

(Source: P.A. 89-154, eff. 7-19-95.)

(410 ILCS 615/15) (from Ch. 56 1/2, par. 55-15)

Sec. 15. Samples; packing methods. The Department shall prescribe methods in conformity with the United States Department of Agriculture specifications for selecting samples of lots, cases or containers of eggs or egg products which shall be reasonably calculated to produce fair representations of the entire lots or cases and containers sampled. Any sample taken shall be prima facie evidence in any court in this State of the true condition of the entire lot, case or container of eggs or egg products in the examination of which the sample was taken.

It shall be unlawful for any handler or retailer to pack eggs into consumer-size containers other than during the original candling and grading operations unless:

(a) The loose eggs to be so transferred are in master case stamped no more than 5 days previous indicating that the size and quality have been verified.

(b) The process of transferring is done in a licensed establishment.

(c) (Blank).

(d) The loose eggs to be transferred are reprocessed in the same manner as nest-run eggs and each egg is recandled for quality and regraded for size in an establishment recognized as a competent grading facility by the Director or his authorized representative.

(e) (Blank) The retail location shall be granted written permission to repack eggs and shall comply with the following requirements:

(1) A retailer shall only repackage clean and sound shell eggs which originated from properly labeled consumer-size containers that have been damaged or their contents damaged. The repacked eggs shall meet U.S. Department of Agriculture standards for consumer Grade B eggs. Eggs in the repacked consumer-size container shall be no less than medium in size. It shall be unlawful to repackage eggs that do not meet the requirements of Section 6 of this Act.

(2) The consumer-size egg container that contains eggs that have been repacked shall be labeled with a statement declaring that the eggs in the container were repackaged by the retail store offering the eggs for sale, the name of the retail store, its location, the date the eggs were repackaged and the oldest candling date which appeared on the consumer-size egg container or containers from which the repackaged eggs originated. The repackaged egg container shall also be labeled "Grade B Medium" and contain a statement indicating that "some of the eggs may be

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larger than indicated on the carton”.

(3) The labeling on the consumer-size container used for the repackaged eggs shall meet the type and lettering size requirements as required on the original consumer-size containers. The additional labeling information required on repacked egg containers shall be in bold face type with lettering no less than 1/8 inch in height.

(4) The Department shall grant written permission to repackage eggs at the retail level when an application is made by a retailer.

If procedures described in paragraph (a) or (b) of this Section are executed, the mandatory labeling as it appears on the master cases with respect to name, address, grade, size and candling date must be identical to the labeling on the consumer-size containers into which the eggs are transferred except that the name and address may be changed, provided that the words "packed for", "packed by" or words of similar import do not appear.

(Source: P.A. 89-154, eff. 7-19-95.)

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

Passed in the General Assembly May 7, 2002.

Approved July 16, 2002.

Effective July 16, 2002.
Whoever knowingly practices or offers to practice in this State without being appropriately licensed or registered under this Act shall be guilty of a Class A misdemeanor and for each subsequent conviction, shall be guilty of a Class 4 felony.

(c) Whenever in the opinion of the Department any person not licensed in good standing under this Act violates any provision of this Act, the Department may issue a rule to show cause why an order to cease and desist should not be entered against him. The rule shall clearly set forth the grounds relied upon by the Department and shall provide a period of 7 days from the date of the rule to file an answer to the satisfaction of the Department. Failure to answer to the satisfaction of the Department shall cause an order to cease and desist to be issued forthwith.

(Source: P.A. 85-796.)

Section 99. Effective date. This Act takes effect upon becoming law.
Passed in the General Assembly May 7, 2002.
Approved July 16, 2002.
Effective July 16, 2002.

PUBLIC ACT 92-0679
(House Bill No. 4956)

AN ACT in relation to transportation.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The State Finance Act is amended by adding Section 5.570 as follows:
(30 ILCS 105/5.570 new)
Sec. 5.570. The McKinley Bridge Fund.
Section 10. The Illinois Highway Code is amended by changing Section 10-102 and adding Section 10-102.1 as follows:
(605 ILCS 5/10-102) (from Ch. 121, par. 10-102)
Sec. 10-102. Before acquiring any bridge or part of a bridge and its approaches as provided in this Division of this Article, the Department shall ascertain, except as otherwise provided in Section 10-102.1, that the bridge and its approaches are structurally sound and in a good state of repair, that all bonds or other obligations issued to finance the cost of constructing or acquiring the bridge and its approaches have been fully retired and that all interest charges in connection therewith have been fully paid and that there are no mortgages, liens or encumbrances of any nature outstanding against the bridge and its approaches or the real property acquired in connection therewith, and, in case the bridge is across a navigable stream, that authority to construct, maintain and operate the bridge and approaches was granted by Act of Congress and that the Act, or a subsequent Act or Acts of Congress in connection therewith, granted full authority to sell, assign or transfer all rights, powers and privileges conferred by the Act of Congress. The conveyance shall be by warranty deed and run to the State of Illinois. The conveyance shall include any interest in real property acquired in connection with the bridge, and shall assign and transfer to the State all rights,

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powers and privileges conferred by any Act or Acts of Congress in connection with the bridge and approaches.

(Source: Laws 1959, p. 196.)

(605 ILCS 5/10-102.1 new)

Sec. 10-102.1. Transfer of McKinley Bridge.

(a) Findings. The General Assembly makes the following findings:

(1) The McKinley Bridge, which spans the Mississippi River between Venice, Illinois and St. Louis, Missouri, has historically played an important role in the regional highway transportation system by carrying as many as 15,000 vehicles per day over the Mississippi River, with the majority of that traffic during rush hour.

(2) The City of Venice, Illinois has owned and operated the McKinley Bridge as a toll bridge since 1958.

(3) The City of Venice has not been able to collect sufficient toll revenue from the McKinley Bridge to meet the cost of operating it.

(4) The McKinley Bridge has deteriorated to the point that the Illinois Department of Transportation closed it to vehicular traffic due to safety concerns on October 30, 2001.

(5) The City of Venice wants to transfer the McKinley Bridge to the State of Illinois and the State of Missouri.

(6) The City of Venice does not have the financial resources to defease outstanding toll revenue bonds and repair the McKinley Bridge to a structurally sound condition.

(b) Transfer of funds. The Department shall determine the sum of the amounts owing on all outstanding bonds relating to the McKinley Bridge and certify that sum to the Comptroller. The Comptroller shall transfer 50% of that sum or $2,100,000, whichever is less, from the Road Fund to the McKinley Bridge Fund, which is hereby created as a special fund in the State Treasury. All amounts not expended by the Department as provided in this Section shall be retransferred to the Road Fund.

(c) Payment by Department. Subject to appropriation, moneys in the McKinley Bridge Fund may be used by the Department for the purpose of paying or reimbursing up to 50% of the sum of the amounts necessary to defease all outstanding bonds relating to the McKinley Bridge.

(d) Transfer of bridge. Upon the payment of all outstanding bonds, the release of all liens, and the payment or release of all debts and other encumbrances relating to the McKinley Bridge, the City of Venice, or the current owner or owners, shall convey the McKinley Bridge and all associated improvements, including approaches and roadways, to the Department and the Missouri Department of Transportation, jointly. The Department may not acquire the McKinley Bridge until all of the outstanding bonds have been paid in full, all of the liens have been released, and all other debts and encumbrances relating to the McKinley Bridge have been paid in full or otherwise extinguished. Notwithstanding any provision in Section 10-102 or any other provision of this Code to the contrary, the Department may acquire the McKinley Bridge pursuant to this Section regardless of whether

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it or its approaches are structurally sound and in a good state of repair.

(e) Intergovernmental agreements. The Department is authorized to enter into agreements with units of local government within this State, with the State of Missouri, and with units of local government in Missouri, and to enter into any other agreements necessary or appropriate to carry out the provisions of this Section.

Section 99. Effective date. This Act takes effect upon becoming law.
Passed in the General Assembly May 7, 2002.
Approved July 16, 2002.
Effective July 16, 2002.

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AN ACT concerning motor vehicle decals.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Use Tax Act is amended by changing Section 3-55 as follows:
(35 ILCS 105/3-55) (from Ch. 120, par. 439.3-55)
Sec. 3-55. Multistate exemption. The tax imposed by this Act does not apply to the use of tangible personal property in this State under the following circumstances:
(a) The use, in this State, of tangible personal property acquired outside this State by a nonresident individual and brought into this State by the individual for his or her own use while temporarily within this State or while passing through this State.
(b) The use, in this State, of tangible personal property by an interstate carrier for hire as rolling stock moving in interstate commerce or by lessors under a lease of one year or longer executed or in effect at the time of purchase of tangible personal property by interstate carriers for-hire for use as rolling stock moving in interstate commerce as long as so used by the interstate carriers for-hire, and equipment operated by a telecommunications provider, licensed as a common carrier by the Federal Communications Commission, which is permanently installed in or affixed to aircraft moving in interstate commerce.
(c) The use, in this State, by owners, lessors, or shippers of tangible personal property that is utilized by interstate carriers for hire for use as rolling stock moving in interstate commerce as long as so used by the interstate carriers for hire, and equipment operated by a telecommunications provider, licensed as a common carrier by the Federal Communications Commission, which is permanently installed in or affixed to aircraft moving in interstate commerce.
(d) The use, in this State, of tangible personal property that is acquired outside this State and caused to be brought into this State by a person who has already paid a tax in another State in respect to the sale, purchase, or use of that property, to the extent of the amount of the tax properly due and paid in the other State.
(e) The temporary storage, in this State, of tangible personal property that is acquired outside this State and that, after being brought into this State and stored here temporarily, is...
used solely outside this State or is physically attached to or incorporated into other tangible personal property that is used solely outside this State, or is altered by converting, fabricating, manufacturing, printing, processing, or shaping, and, as altered, is used solely outside this State.

(f) The temporary storage in this State of building materials and fixtures that are acquired either in this State or outside this State by an Illinois registered combination retailer and construction contractor, and that the purchaser thereafter uses outside this State by incorporating that property into real estate located outside this State.

(g) The use or purchase of tangible personal property by a common carrier by rail or motor that receives the physical possession of the property in Illinois, and that transports the property, or shares with another common carrier in the transportation of the property, out of Illinois on a standard uniform bill of lading showing the seller of the property as the shipper or consignor of the property to a destination outside Illinois, for use outside Illinois.

(h) The use, in this State, of a motor vehicle that was sold in this State to a nonresident, even though the motor vehicle is delivered to the nonresident in this State, if the motor vehicle is not to be titled in this State, and if a drive-away driveaway decal permit is issued to the motor vehicle as provided in Section 3-603 of the Illinois Vehicle Code or if the nonresident purchaser has vehicle registration plates to transfer to the motor vehicle upon returning to his or her home state. The issuance of the drive-away driveaway decal permit or having the out-of-state registration plates to be transferred shall be prima facie evidence that the motor vehicle will not be titled in this State.

(i) Beginning July 1, 1999, the use, in this State, of fuel acquired outside this State and brought into this State in the fuel supply tanks of locomotives engaged in freight hauling and passenger service for interstate commerce. This subsection is exempt from the provisions of Section 3-90.

(j) Beginning on January 1, 2002, the use of tangible personal property purchased from an Illinois retailer by a taxpayer engaged in centralized purchasing activities in Illinois who will, upon receipt of the property in Illinois, temporarily store the property in Illinois (i) for the purpose of subsequently transporting it outside this State for use or consumption thereafter solely outside this State or (ii) for the purpose of being processed, fabricated, or manufactured into, attached to, or incorporated into other tangible personal property to be transported outside this State and thereafter used or consumed solely outside this State. The Director of Revenue shall, pursuant to rules adopted in accordance with the Illinois Administrative Procedure Act, issue a permit to any taxpayer in good standing with the Department who is eligible for the exemption under this subsection (j). The permit issued under this subsection (j) shall authorize the holder, to the extent and in the manner specified in the rules adopted under this Act, to purchase tangible personal property from a retailer exempt from the taxes imposed by this Act. Taxpayers shall maintain all necessary books and records to substantiate the use and consumption of all such tangible personal property outside of the State of Illinois.

(Source: P.A. 91-51, eff. 6-30-99; 91-313, eff. 7-29-99; 91-587, eff. 8-14-99; 92-16, eff. 6-28-01; 92-488, eff. 8-23-01.)
Section 10. The Retailers' Occupation Tax Act is amended by changing Section 2-5 as follows:

(35 ILCS 120/2-5) (from Ch. 120, par. 441-5)
Sec. 2-5. Exemptions. Gross receipts from proceeds from the sale of the following tangible personal property are exempt from the tax imposed by this Act:

1. Farm chemicals.
2. Farm machinery and equipment, both new and used, including that manufactured on special order, certified by the purchaser to be used primarily for production agriculture or State or federal agricultural programs, including individual replacement parts for the machinery and equipment, including machinery and equipment purchased for lease, and including implements of husbandry defined in Section 1-130 of the Illinois Vehicle Code, farm machinery and agricultural chemical and fertilizer spreaders, and nurse wagons required to be registered under Section 3-809 of the Illinois Vehicle Code, but excluding other motor vehicles required to be registered under the Illinois Vehicle Code. Horticultural polyhouses or hoop houses used for propagating, growing, or overwintering plants shall be considered farm machinery and equipment under this item (2). Agricultural chemical tender tanks and dry boxes shall include units sold separately from a motor vehicle required to be licensed and units sold mounted on a motor vehicle required to be licensed, if the selling price of the tender is separately stated.

Farm machinery and equipment shall include precision farming equipment that is installed or purchased to be installed on farm machinery and equipment including, but not limited to, tractors, harvesters, sprayers, planters, seeders, or spreaders. Precision farming equipment includes, but is not limited to, soil testing sensors, computers, monitors, software, global positioning and mapping systems, and other such equipment.

Farm machinery and equipment also includes computers, sensors, software, and related equipment used primarily in the computer-assisted operation of production agriculture facilities, equipment, and activities such as, but not limited to, the collection, monitoring, and correlation of animal and crop data for the purpose of formulating animal diets and agricultural chemicals. This item (7) is exempt from the provisions of Section 2-70.

(3) Distillation machinery and equipment, sold as a unit or kit, assembled or installed by the retailer, certified by the user to be used only for the production of ethyl alcohol that will be used for consumption as motor fuel or as a component of motor fuel for the personal use of the user, and not subject to sale or resale.

(4) Graphic arts machinery and equipment, including repair and replacement parts, both new and used, and including that manufactured on special order or purchased for lease, certified by the purchaser to be used primarily for graphic arts production. Equipment includes chemicals or chemicals acting as catalysts but only if the chemicals or chemicals acting as catalysts effect a direct and immediate change upon a graphic arts product.

(5) A motor vehicle of the first division, a motor vehicle of the second division that is a self-contained motor vehicle designed or permanently converted to provide living quarters for recreational, camping, or travel use, with direct walk through access to the living quarters from the driver's seat, or a motor vehicle of the second division that is of the van
configuration designed for the transportation of not less than 7 nor more than 16 passengers, as defined in Section 1-146 of the Illinois Vehicle Code, that is used for automobile renting, as defined in the Automobile Renting Occupation and Use Tax Act.

(6) Personal property sold by a teacher-sponsored student organization affiliated with an elementary or secondary school located in Illinois.

(7) Proceeds of that portion of the selling price of a passenger car the sale of which is subject to the Replacement Vehicle Tax.

(8) Personal property sold to an Illinois county fair association for use in conducting, operating, or promoting the county fair.

(9) Personal property sold to a not-for-profit arts or cultural organization that establishes, by proof required by the Department by rule, that it has received an exemption under Section 501(c)(3) of the Internal Revenue Code and that is organized and operated primarily for the presentation or support of arts or cultural programming, activities, or services. These organizations include, but are not limited to, music and dramatic arts organizations such as symphony orchestras and theatrical groups, arts and cultural service organizations, local arts councils, visual arts organizations, and media arts organizations. On and after the effective date of this amendatory Act of the 92nd General Assembly, however, an entity otherwise eligible for this exemption shall not make tax-free purchases unless it has an active identification number issued by the Department.

(10) Personal property sold by a corporation, society, association, foundation, institution, or organization, other than a limited liability company, that is organized and operated as a not-for-profit service enterprise for the benefit of persons 65 years of age or older if the personal property was not purchased by the enterprise for the purpose of resale by the enterprise.

(11) Personal property sold to a governmental body, to a corporation, society, association, foundation, or institution organized and operated exclusively for charitable, religious, or educational purposes, or to a not-for-profit corporation, society, association, foundation, institution, or organization that has no compensated officers or employees and that is organized and operated primarily for the recreation of persons 55 years of age or older. A limited liability company may qualify for the exemption under this paragraph only if the limited liability company is organized and operated exclusively for educational purposes. On and after July 1, 1987, however, no entity otherwise eligible for this exemption shall make tax-free purchases unless it has an active identification number issued by the Department.

(12) Personal property sold to interstate carriers for hire for use as rolling stock moving in interstate commerce or to lessors under leases of one year or longer executed or in effect at the time of purchase by interstate carriers for hire for use as rolling stock moving in interstate commerce and equipment operated by a telecommunications provider, licensed as a common carrier by the Federal Communications Commission, which is permanently installed in or affixed to aircraft moving in interstate commerce.

(13) Proceeds from sales to owners, lessors, or shippers of tangible personal property that is utilized by interstate carriers for hire for use as rolling stock moving in interstate commerce and equipment operated by a telecommunications provider, licensed as a common

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carrier by the Federal Communications Commission, which is permanently installed in or affixed to aircraft moving in interstate commerce.

(14) Machinery and equipment that will be used by the purchaser, or a lessee of the purchaser, primarily in the process of manufacturing or assembling tangible personal property for wholesale or retail sale or lease, whether the sale or lease is made directly by the manufacturer or by some other person, whether the materials used in the process are owned by the manufacturer or some other person, or whether the sale or lease is made apart from or as an incident to the seller's engaging in the service occupation of producing machines, tools, dies, jigs, patterns, gauges, or other similar items of no commercial value on special order for a particular purchaser.

(15) Proceeds of mandatory service charges separately stated on customers' bills for purchase and consumption of food and beverages, to the extent that the proceeds of the service charge are in fact turned over as tips or as a substitute for tips to the employees who participate directly in preparing, serving, hosting or cleaning up the food or beverage function with respect to which the service charge is imposed.

(16) Petroleum products sold to a purchaser if the seller is prohibited by federal law from charging tax to the purchaser.

(17) Tangible personal property sold to a common carrier by rail or motor that receives the physical possession of the property in Illinois and that transports the property, or shares with another common carrier in the transportation of the property, out of Illinois on a standard uniform bill of lading showing the seller of the property as the shipper or consignor of the property to a destination outside Illinois, for use outside Illinois.

(18) Legal tender, currency, medallions, or gold or silver coinage issued by the State of Illinois, the government of the United States of America, or the government of any foreign country, and bullion.

(19) Oil field exploration, drilling, and production equipment, including (i) rigs and parts of rigs, rotary rigs, cable tool rigs, and workover rigs, (ii) pipe and tubular goods, including casing and drill strings, (iii) pumps and pump-jack units, (iv) storage tanks and flow lines, (v) any individual replacement part for oil field exploration, drilling, and production equipment, and (vi) machinery and equipment purchased for lease; but excluding motor vehicles required to be registered under the Illinois Vehicle Code.

(20) Photoprocessing machinery and equipment, including repair and replacement parts, both new and used, including that manufactured on special order, certified by the purchaser to be used primarily for photoprocessing, and including photoprocessing machinery and equipment purchased for lease.

(21) Coal exploration, mining, offhighway hauling, processing, maintenance, and reclamation equipment, including replacement parts and equipment, and including equipment purchased for lease, but excluding motor vehicles required to be registered under the Illinois Vehicle Code.

(22) Fuel and petroleum products sold to or used by an air carrier, certified by the carrier to be used for consumption, shipment, or storage in the conduct of its business as an air common carrier, for a flight destined for or returning from a location or locations outside

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the United States without regard to previous or subsequent domestic stopovers.

(23) A transaction in which the purchase order is received by a florist who is located outside Illinois, but who has a florist located in Illinois deliver the property to the purchaser or the purchaser's donee in Illinois.

(24) Fuel consumed or used in the operation of ships, barges, or vessels that are used primarily in or for the transportation of property or the conveyance of persons for hire on rivers bordering on this State if the fuel is delivered by the seller to the purchaser's barge, ship, or vessel while it is afloat upon that bordering river.

(25) A motor vehicle sold in this State to a nonresident even though the motor vehicle is delivered to the nonresident in this State, if the motor vehicle is not to be titled in this State, and if a drive-away driveaway decal permit is issued to the motor vehicle as provided in Section 3-603 of the Illinois Vehicle Code or if the nonresident purchaser has vehicle registration plates to transfer to the motor vehicle upon returning to his or her home state. The issuance of the drive-away driveaway decal permit or having the out-of-state registration plates to be transferred is prima facie evidence that the motor vehicle will not be titled in this State.

(26) Semen used for artificial insemination of livestock for direct agricultural production.

(27) Horses, or interests in horses, registered with and meeting the requirements of any of the Arabian Horse Club Registry of America, Appaloosa Horse Club, American Quarter Horse Association, United States Trotting Association, or Jockey Club, as appropriate, used for purposes of breeding or racing for prizes.

(28) Computers and communications equipment utilized for any hospital purpose and equipment used in the diagnosis, analysis, or treatment of hospital patients sold to a lessor who leases the equipment, under a lease of one year or longer executed or in effect at the time of the purchase, to a hospital that has been issued an active tax exemption identification number by the Department under Section 1g of this Act.

(29) Personal property sold to a lessor who leases the property, under a lease of one year or longer executed or in effect at the time of the purchase, to a governmental body that has been issued an active tax exemption identification number by the Department under Section 1g of this Act.

(30) Beginning with taxable years ending on or after December 31, 1995 and ending with taxable years ending on or before December 31, 2004, personal property that is donated for disaster relief to be used in a State or federally declared disaster area in Illinois or bordering Illinois by a manufacturer or retailer that is registered in this State to a corporation, society, association, foundation, or institution that has been issued a sales tax exemption identification number by the Department that assists victims of the disaster who reside within the declared disaster area.

(31) Beginning with taxable years ending on or after December 31, 1995 and ending with taxable years ending on or before December 31, 2004, personal property that is used in the performance of infrastructure repairs in this State, including but not limited to municipal roads and streets, access roads, bridges, sidewalks, waste disposal systems, water and sewer

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line extensions, water distribution and purification facilities, storm water drainage and retention facilities, and sewage treatment facilities, resulting from a State or federally declared disaster in Illinois or bordering Illinois when such repairs are initiated on facilities located in the declared disaster area within 6 months after the disaster.

(32) Beginning July 1, 1999, game or game birds sold at a "game breeding and hunting preserve area" or an "exotic game hunting area" as those terms are used in the Wildlife Code or at a hunting enclosure approved through rules adopted by the Department of Natural Resources. This paragraph is exempt from the provisions of Section 2-70.

(33) A motor vehicle, as that term is defined in Section 1-146 of the Illinois Vehicle Code, that is donated to a corporation, limited liability company, society, association, foundation, or institution that is determined by the Department to be organized and operated exclusively for educational purposes. For purposes of this exemption, "a corporation, limited liability company, society, association, foundation, or institution organized and operated exclusively for educational purposes" means all tax-supported public schools, private schools that offer systematic instruction in useful branches of learning by methods common to public schools and that compare favorably in their scope and intensity with the course of study presented in tax-supported schools, and vocational or technical schools or institutes organized and operated exclusively to provide a course of study of not less than 6 weeks duration and designed to prepare individuals to follow a trade or to pursue a manual, technical, mechanical, industrial, business, or commercial occupation.

(34) Beginning January 1, 2000, personal property, including food, purchased through fundraising events for the benefit of a public or private elementary or secondary school, a group of those schools, or one or more school districts if the events are sponsored by an entity recognized by the school district that consists primarily of volunteers and includes parents and teachers of the school children. This paragraph does not apply to fundraising events (i) for the benefit of private home instruction or (ii) for which the fundraising entity purchases the personal property sold at the events from another individual or entity that sold the property for the purpose of resale by the fundraising entity and that profits from the sale to the fundraising entity. This paragraph is exempt from the provisions of Section 2-70.

(35) Beginning January 1, 2000 and through December 31, 2001, new or used automatic vending machines that prepare and serve hot food and beverages, including coffee, soup, and other items, and replacement parts for these machines. Beginning January 1, 2002, machines and parts for machines used in commercial, coin-operated amusement and vending business if a use or occupation tax is paid on the gross receipts derived from the use of the commercial, coin-operated amusement and vending machines. This paragraph is exempt from the provisions of Section 2-70.

(36) Beginning on the effective date of this amendatory Act of the 92nd General Assembly, computers and communications equipment utilized for any hospital purpose and equipment used in the diagnosis, analysis, or treatment of hospital patients sold to a lessor who leases the equipment, under a lease of one year or longer executed or in effect at the time of the purchase, to a hospital that has been issued an active tax exemption identification number by the Department under Section 1g of this Act. This paragraph is exempt from the

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provisions of Section 2-70.

(37) Beginning on the effective date of this amendatory Act of the 92nd General Assembly, personal property sold to a lessor who leases the property, under a lease of one year or longer executed or in effect at the time of the purchase, to a governmental body that has been issued an active tax exemption identification number by the Department under Section 1g of this Act. This paragraph is exempt from the provisions of Section 2-70.

(38) Beginning on January 1, 2002, tangible personal property purchased from an Illinois retailer by a taxpayer engaged in centralized purchasing activities in Illinois who will, upon receipt of the property in Illinois, temporarily store the property in Illinois (i) for the purpose of subsequently transporting it outside this State for use or consumption thereafter solely outside this State or (ii) for the purpose of being processed, fabricated, or manufactured into, attached to, or incorporated into other tangible personal property to be transported outside this State and thereafter used or consumed solely outside this State. The Director of Revenue shall, pursuant to rules adopted in accordance with the Illinois Administrative Procedure Act, issue a permit to any taxpayer in good standing with the Department who is eligible for the exemption under this paragraph (38). The permit issued under this paragraph (38) shall authorize the holder, to the extent and in the manner specified in the rules adopted under this Act, to purchase tangible personal property from a retailer exempt from the taxes imposed by this Act. Taxpayers shall maintain all necessary books and records to substantiate the use and consumption of all such tangible personal property outside of the State of Illinois.

(Source: P.A. 91-51, eff. 6-30-99; 91-200, eff. 7-20-99; 91-439, eff. 8-6-99; 91-533, eff. 8-13-99; 91-637, eff. 8-20-99; 91-644, eff. 8-20-99; 92-16, eff. 6-28-01; 92-35, eff. 7-1-01; 92-227, eff. 8-2-01; 92-337, eff. 8-10-01; 92-484, eff. 8-23-01; 92-488, eff. 8-23-01; revised 1-15-02.)

Section 15. The Illinois Vehicle Code is amended by changing Sections 3-403, 3-413, 3-603, 3-605, 3-701, and 3-811 as follows:

(625 ILCS 5/3-403) (from Ch. 95 1/2, par. 3-403)
Sec. 3-403. Trip and Short-term permits.
(a) The Secretary of State may issue a short-term permit to operate a nonregistered first or second division vehicle within the State of Illinois for a period of not more than 75 days. Any second division vehicle operating on such permit may operate only on empty weight. The fee for the short-term permit shall be $6.

This permit may also be issued to operate an unladen registered vehicle which is suspended under the Vehicle Emissions Inspection Law and allow it to be driven on the roads and highways of the State in order to be repaired or when travelling to and from an emissions inspection station.

(b) The Secretary of State may, subject to reciprocal agreements, arrangements or declarations made or entered into pursuant to Section 3-402, 3-402.4 or by rule, provide for and issue registration permits for the use of Illinois highways by vehicles of the second division on an occasional basis or for a specific and special short-term use, in compliance with rules and regulations promulgated by the Secretary of State, and upon payment of the
prescribed fee as follows:

One-trip permits. A registration permit for one trip, or one round-trip into and out of Illinois, for a period not to exceed 72 consecutive hours or 3 calendar days may be provided, for a fee as prescribed in Section 3-811.

One-Month permits. A registration permit for 30 days may be provided for a fee of $13 for registration plus 1/10 of the flat weight tax. The minimum fee for such permit shall be $31.

In-transit permits. A registration permit for one trip may be provided for vehicles in transit by the driveaway or towaway method and operated by a transporter in compliance with the Illinois Motor Carrier of Property Law, for a fee as prescribed in Section 3-811.

Illinois Temporary Apportionment Authorization Permits. An apportionment authorization permit for forty-five days for the immediate operation of a vehicle upon application for and prior to receiving apportioned credentials or interstate credentials from the State of Illinois. The fee for such permit shall be $3.

Illinois Temporary Prorate Authorization Permit. A prorate authorization permit for forty-five days for the immediate operation of a vehicle upon application for and prior to receiving prorate credentials or interstate credentials from the State of Illinois. The fee for such permit shall be $3.

(c) The Secretary of State shall promulgate by such rule or regulation, schedules of fees and taxes for such permits and in computing the amount or amounts due, may round off such amount to the nearest full dollar amount.

(d) The Secretary of State shall further prescribe the form of application and permit and may require such information and data as necessary and proper, including confirming the status or identity of the applicant and the vehicle in question.

(e) Rules or regulations promulgated by the Secretary of State under this Section shall provide for reasonable and proper limitations and restrictions governing the application for and issuance and use of permits, and shall provide for the number of permits per vehicle or per applicant, so as to preclude evasion of annual registration requirements as may be required by this Act.

(f) Any permit under this Section is subject to suspension or revocation under this Act, and in addition, any such permit is subject to suspension or revocation should the Secretary of State determine that the vehicle identified in any permit should be properly registered in Illinois. In the event any such permit is suspended or revoked, the permit is then null and void, may not be re-instated, nor is a refund therefor available. The vehicle identified in such permit may not thereafter be operated in Illinois without being properly registered as provided in this Chapter.

(Source: P.A. 91-37, eff. 7-1-99.)

(625 ILCS 5/3-413) (from Ch. 95 1/2, par. 3-413)

Sec. 3-413. Display of registration plates, registration stickers and drive-away

driveway-decal permits.

(a) Registration plates issued for a motor vehicle other than a motorcycle, trailer, semitrailer, truck-tractor, apportioned bus, or apportioned truck shall be attached thereto, one

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in the front and one in the rear. The registration plate issued for a motorcycle, trailer or semitrailer required to be registered hereunder and any apportionment plate issued to a bus under the provisions of this Code shall be attached to the rear thereof. The registration plate issued for a truck-tractor or an apportioned truck required to be registered hereunder shall be attached to the front thereof.

(b) Every registration plate shall at all times be securely fastened in a horizontal position to the vehicle for which it is issued so as to prevent the plate from swinging and at a height of not less than 12 inches from the ground, measuring from the bottom of such plate, in a place and position to be clearly visible and shall be maintained in a condition to be clearly legible, free from any materials that would obstruct the visibility of the plate, including, but not limited to, glass covers and tinted plastic covers. Clear plastic covers are permissible as long as they remain clear and do not obstruct the visibility of the plates. Registration stickers issued as evidence of renewed annual registration shall be attached to registration plates as required by the Secretary of State, and be clearly visible at all times.

(c) Every drive-away decal permit issued pursuant to this Code shall be firmly attached to the inside windshield of the motor vehicle in the such manner prescribed by the Secretary of State, that it cannot be removed without being destroyed. If a drive-away permit is such decal permits are affixed to a motor vehicle in any other manner the permit shall be void and of no effect.

(d) The Illinois prorate decal issued to a foreign registered vehicle part of a fleet prorated or apportioned with Illinois, shall be displayed on a registration plate and displayed on the front of such vehicle in the same manner as an Illinois registration plate.

(e) The registration plate issued for a camper body mounted on a truck displaying registration plates shall be attached to the rear of the camper body.

(f) No person shall operate a vehicle, nor permit the operation of a vehicle, upon which is displayed an Illinois registration plate, plates or registration stickers after the termination of the registration period for which issued or after the expiration date set pursuant to Sections 3-414 and 3-414.1 of this Code.

Source: P.A. 89-245, eff. 1-1-96; 89-375, eff. 8-18-95.

Sec. 3-603. Application for drive-away driveaway decal permits.

(a) A dealer who has sold a vehicle of a type otherwise required to be registered under this Act to a nonresident of this State who does not have currently valid registration in his home state, may provide for the operation of such vehicle without registration from the place of sale to the place of destination outside of the State of Illinois, by issuing a drive-away permit in the manner prescribed by the Secretary of State endorsing the date of sale on a driveaway decal permit containing the dealer's name, address and license number and by affixing the permit decal to such vehicle in the manner prescribed by the Secretary of State in Section 3-413. Any vehicle being operated pursuant to a drive-away driveaway decal permit may not be used for any other purpose and such permits shall be effective only for a period of 7 40 days from the date of sale.

(b) Any dealer may make application to the Secretary of State upon the appropriate
form for drive-away driveaway decal permits for motor vehicles sold by such dealer. Along with such application each applicant shall submit proof of his status as a bona fide dealer and any other information as may be required by the Secretary of State. A non-resident who has purchased a motor vehicle from a person who is not a dealer, may likewise apply to the Secretary of State for a drive-away driveaway decal permit for display upon such vehicle while being driven from Illinois to the State of residence of the applicant. Along with such application, the applicant shall submit proof of his non-residence and eligibility for a reciprocal exemption from registration in Illinois.

All drive-away driveaway decal permits issued under such application shall bear a distinguishing number and such other features as may be required by the Secretary of State.
(Source: P.A. 80-1459.)
(625 ILCS 5/3-605) (from Ch. 95 1/2, par. 3-605)
Sec. 3-605. Manufacturers, engine and driveline component manufacturers, transporters, repossessioners and dealers to maintain records.

Every manufacturer, engine and driveline component manufacturer, repossessioner, transporter or dealer shall keep a written record of the persons to whom such drive-away driveaway decal permits or special plates are assigned, which record shall be open to inspection by any public officer or any employee of the Secretary of State.
(Source: P.A. 76-2136.)
(625 ILCS 5/3-701) (from Ch. 95 1/2, par. 3-701)
Sec. 3-701. Operation of vehicles without evidence of registration - Operation under mileage plates when odometer broken or disconnected.

No person shall operate, nor shall any owner knowingly permit to be operated, upon any highway unless there shall be attached thereto and displayed thereon when and as required by law, proper evidence of registration in Illinois, as follows:

(1) A vehicle required to be registered in Illinois. A current and valid Illinois registration sticker or stickers and plate or plates, or an Illinois temporary registration permit, or a drive-away driveaway decal or in-transit permit, issued therefor by the Secretary of State; or

(2) A vehicle eligible for Reciprocity. A current and valid reciprocal foreign registration plate or plates properly issued to such vehicle or a temporary registration issued therefor, by the reciprocal State, and, in addition, when required by the Secretary, a current and valid Illinois Reciprocity Permit or Prorate Decal issued therefor by the Secretary of State; or except as otherwise expressly provided for in this Chapter.

No person shall operate, nor shall any owner knowingly permit to be operated, any vehicle of the second division for which the owner has made an election to pay the mileage tax in lieu of the annual flat weight tax, at any time when the odometer of such vehicle is broken or disconnected, or is inoperable or not operating.
(Source: P.A. 81-886.)
(625 ILCS 5/3-811) (from Ch. 95 1/2, par. 3-811)
Sec. 3-811. Drive-away Driveaway decals and other permits - Fees.
(a) Dealers may obtain drive-away driveaway decal permits for use as provided in this

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defendant to have the building boarded up or otherwise enclosed. Where, upon diligent search, the identity or whereabouts of the owner or owners of the building, including the lien holders of record, is not ascertainable, notice mailed to the person or persons in whose name the real estate was last assessed is sufficient notice under this Section.

The hearing upon the application to the circuit court shall be expedited by the court and shall be given precedence over all other suits. Any person entitled to bring an action under subsection (b) shall have the right to intervene in an action brought under this Section.

The cost of the demolition, repair, enclosure, or removal incurred by the municipality, by an intervenor, or by a lien holder of record, including court costs, attorney's fees, and other costs related to the enforcement of this Section, is recoverable from the owner or owners of the real estate or the previous owner or both if the property was transferred during the 15 day notice period and is a lien on the real estate; the lien is superior to all prior existing liens and encumbrances, except taxes, if, within 180 days after the repair, demolition, enclosure, or removal, the municipality, the lien holder of record, or the intervenor who incurred the cost and expense shall file a notice of lien for the cost and expense incurred in the office of the recorder in the county in which the real estate is located or in the office of the registrar of titles of the county if the real estate affected is registered under the Registered Titles (Torrens) Act.

The notice must consist of a sworn statement setting out (1) a description of the real estate sufficient for its identification, (2) the amount of money representing the cost and expense incurred, and (3) the date or dates when the cost and expense was incurred by the municipality, the lien holder of record, or the intervenor. Upon payment of the cost and expense by the owner or persons interested in the property after the notice of lien has been filed, the lien shall be released by the municipality, the person in whose name the lien has been filed, or the assignee of the lien, and the release may be filed of record as in the case of filing notice of lien. Unless the lien is enforced under subsection (c), the lien may be enforced by foreclosure proceedings as in the case of mortgage foreclosures under Article XV of the Code of Civil Procedure or mechanics' lien foreclosures. An action to foreclose this lien may be commenced at any time after the date of filing of the notice of lien. The costs of foreclosure incurred by the municipality, including court costs, reasonable attorney's fees, advances to preserve the property, and other costs related to the enforcement of this subsection, plus statutory interest, are a lien on the real estate and are recoverable by the municipality from the owner or owners of the real estate.

All liens arising under this subsection (a) shall be assignable. The assignee of the lien shall have the same power to enforce the lien as the assigning party, except that the lien may not be enforced under subsection (c).

If the appropriate official of any municipality determines that any dangerous and unsafe building or uncompleted and abandoned building within its territory fulfills the requirements for an action by the municipality under the Abandoned Housing Rehabilitation Act, the municipality may petition under that Act in a proceeding brought under this subsection.

(b) Any owner or tenant of real property within 1200 feet in any direction of any

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dangerous or unsafe building located within the territory of a municipality with a population of 500,000 or more may file with the appropriate municipal authority a request that the municipality apply to the circuit court of the county in which the building is located for an order permitting the demolition, removal of garbage, debris, and other noxious or unhealthy substances and materials from, or repair or enclosure of the building in the manner prescribed in subsection (a) of this Section. If the municipality fails to institute an action in circuit court within 90 days after the filing of the request, the owner or tenant of real property within 1200 feet in any direction of the building may institute an action in circuit court seeking an order compelling the owner or owners of record to demolish, remove garbage, debris, and other noxious or unhealthy substances and materials from, repair or enclose or to cause to be demolished, have garbage, debris, and other noxious or unhealthy substances and materials removed from, repaired, or enclosed the building in question. A private owner or tenant who institutes an action under the preceding sentence shall not be required to pay any fee to the clerk of the circuit court. The cost of repair, removal, demolition, or enclosure shall be borne by the owner or owners of record of the building. In the event the owner or owners of record fail to demolish, remove garbage, debris, and other noxious or unhealthy substances and materials from, repair, or enclose the building within 90 days of the date the court entered its order, the owner or tenant who instituted the action may request that the court join the municipality as a party to the action. The court may order the municipality to demolish, remove materials from, repair, or enclose the building, or cause that action to be taken upon the request of any owner or tenant who instituted the action or upon the municipality's request. The municipality may file, and the court may approve, a plan for rehabilitating the building in question. A court order authorizing the municipality to demolish, remove materials from, repair, or enclose a building, or cause that action to be taken, shall not preclude the court from adjudging the owner or owners of record of the building in contempt of court due to the failure to comply with the order to demolish, remove garbage, debris, and other noxious or unhealthy substances and materials from, repair, or enclose the building.

If a municipality or a person or persons other than the owner or owners of record pay the cost of demolition, removal of garbage, debris, and other noxious or unhealthy substances and materials, repair, or enclosure pursuant to a court order, the cost, including court costs, attorney's fees, and other costs related to the enforcement of this subsection, is recoverable from the owner or owners of the real estate and is a lien on the real estate; the lien is superior to all prior existing liens and encumbrances, except taxes, if, within 180 days after the repair, removal, demolition, or enclosure, the municipality or the person or persons who paid the costs of demolition, removal, repair, or enclosure shall file a notice of lien of the cost and expense incurred in the office of the recorder in the county in which the real estate is located or in the office of the registrar of the county if the real estate affected is registered under the Registered Titles (Torrens) Act. The notice shall be in a form as is provided in subsection (a). An owner or tenant who institutes an action in circuit court seeking an order to compel the owner or owners of record to demolish, remove materials from, repair, or enclose any dangerous or unsafe building, or to cause that action to be taken under this subsection may recover court costs and reasonable attorney's fees for instituting the action from the owner.

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or owners of record of the building. Upon payment of the costs and expenses by the owner of or a person interested in the property after the notice of lien has been filed, the lien shall be released by the municipality or the person in whose name the lien has been filed or his or her assignee, and the release may be filed of record as in the case of filing a notice of lien. Unless the lien is enforced under subsection (c), the lien may be enforced by foreclosure proceedings as in the case of mortgage foreclosures under Article XV of the Code of Civil Procedure or mechanics' lien foreclosures. An action to foreclose this lien may be commenced at any time after the date of filing of the notice of lien. The costs of foreclosure incurred by the municipality, including court costs, reasonable attorneys' fees, advances to preserve the property, and other costs related to the enforcement of this subsection, plus statutory interest, are a lien on the real estate and are recoverable by the municipality from the owner or owners of the real estate.

All liens arising under the terms of this subsection (b) shall be assignable. The assignee of the lien shall have the same power to enforce the lien as the assigning party, except that the lien may not be enforced under subsection (c).

(c) In any case where a municipality has obtained a lien under subsection (a), (b), or (f), the municipality may enforce the lien under this subsection (c) in the same proceeding in which the lien is authorized.

A municipality desiring to enforce a lien under this subsection (c) shall petition the court to retain jurisdiction for foreclosure proceedings under this subsection. Notice of the petition shall be served, by certified or registered mail, on all persons who were served notice under subsection (a), (b), or (f). The court shall conduct a hearing on the petition not less than 15 days after the notice is served. If the court determines that the requirements of this subsection (c) have been satisfied, it shall grant the petition and retain jurisdiction over the matter until the foreclosure proceeding is completed. The costs of foreclosure incurred by the municipality, including court costs, reasonable attorneys' fees, advances to preserve the property, and other costs related to the enforcement of this subsection, plus statutory interest, are a lien on the real estate and are recoverable by the municipality from the owner or owners of the real estate. If the court denies the petition, the municipality may enforce the lien in a separate action as provided in subsection (a), (b), or (f).

All persons designated in Section 15-1501 of the Code of Civil Procedure as necessary parties in a mortgage foreclosure action shall be joined as parties before issuance of an order of foreclosure. Persons designated in Section 15-1501 of the Code of Civil Procedure as permissible parties may also be joined as parties in the action.

The provisions of Article XV of the Code of Civil Procedure applicable to mortgage foreclosures shall apply to the foreclosure of a lien under this subsection (c), except to the extent that those provisions are inconsistent with this subsection. For purposes of foreclosures of liens under this subsection, however, the redemption period described in subsection (b) of Section 15-1603 of the Code of Civil Procedure shall end 60 days after the date of entry of the order of foreclosure.

(d) In addition to any other remedy provided by law, the corporate authorities of any municipality may petition the circuit court to have property declared abandoned under this

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subsection (d) if:

(1) the property has been tax delinquent for 2 or more years or bills for water service for the property have been outstanding for 2 or more years;
(2) the property is unoccupied by persons legally in possession; and
(3) the property contains a dangerous or unsafe building.

All persons having an interest of record in the property, including tax purchasers and beneficial owners of any Illinois land trust having title to the property, shall be named as defendants in the petition and shall be served with process. In addition, service shall be had under Section 2-206 of the Code of Civil Procedure as in other cases affecting property.

The municipality, however, may proceed under this subsection in a proceeding brought under subsection (a) or (b). Notice of the petition shall be served by certified or registered mail on all persons who were served notice under subsection (a) or (b).

If the municipality proves that the conditions described in this subsection exist and the owner of record of the property does not enter an appearance in the action, or, if title to the property is held by an Illinois land trust, if neither the owner of record nor the owner of the beneficial interest of the trust enters an appearance, the court shall declare the property abandoned.

If that determination is made, notice shall be sent by certified or registered mail to all persons having an interest of record in the property, including tax purchasers and beneficial owners of any Illinois land trust having title to the property, stating that title to the property will be transferred to the municipality unless, within 30 days of the notice, the owner of record enters an appearance in the action, or unless any other person having an interest in the property files with the court a request to demolish the dangerous or unsafe building or to put the building in safe condition.

If the owner of record enters an appearance in the action within the 30 day period, the court shall vacate its order declaring the property abandoned. In that case, the municipality may amend its complaint in order to initiate proceedings under subsection (a).

If a request to demolish or repair the building is filed within the 30 day period, the court shall grant permission to the requesting party to demolish the building within 30 days or to restore the building to safe condition within 60 days after the request is granted. An extension of that period for up to 60 additional days may be given for good cause. If more than one person with an interest in the property files a timely request, preference shall be given to the person with the lien or other interest of the highest priority.

If the requesting party proves to the court that the building has been demolished or put in a safe condition within the period of time granted by the court, the court shall issue a quitclaim judicial deed for the property to the requesting party, conveying only the interest of the owner of record, upon proof of payment to the municipality of all costs incurred by the municipality in connection with the action, including but not limited to court costs, attorney's fees, administrative costs, the costs, if any, associated with building enclosure or removal, and receiver's certificates. The interest in the property so conveyed shall be subject to all liens and encumbrances on the property. In addition, if the interest is conveyed to a person holding a certificate of purchase for the property under the Property Tax Code, the

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conveyance shall be subject to the rights of redemption of all persons entitled to redeem under that Act, including the original owner of record.

If no person with an interest in the property files a timely request or if the requesting party fails to demolish the building or put the building in safe condition within the time specified by the court, the municipality may petition the court to issue a judicial deed for the property to the municipality. A conveyance by judicial deed shall operate to extinguish all existing ownership interests in, liens on, and other interest in the property, including tax liens, and shall extinguish the rights and interests of any and all holders of a bona fide certificate of purchase of the property for delinquent taxes. Any such bona fide certificate of purchase holder shall be entitled to a sale in error as prescribed under Section 21-310 of the Property Tax Code.

(e) Each municipality may use the provisions of this subsection to expedite the removal of certain buildings that are a continuing hazard to the community in which they are located.

If a residential or commercial building is 3 stories or less in height as defined by the municipality's building code, and the corporate official designated to be in charge of enforcing the municipality's building code determines that the building is open and vacant and an immediate and continuing hazard to the community in which the building is located, then the official shall be authorized to post a notice not less than 2 feet by 2 feet in size on the front of the building. The notice shall be dated as of the date of the posting and shall state that unless the building is demolished, repaired, or enclosed, and unless any garbage, debris, and other hazardous, noxious, or unhealthy substances or materials are removed so that an immediate and continuing hazard to the community no longer exists, then the building may be demolished, repaired, or enclosed, or any garbage, debris, and other hazardous, noxious, or unhealthy substances or materials may be removed, by the municipality.

Not later than 30 days following the posting of the notice, the municipality shall do all of the following:

1. Cause to be sent, by certified mail, return receipt requested, a Notice to Remediate to all owners of record of the property, the beneficial owners of any Illinois land trust having title to the property, and all lienholders of record in the property, stating the intent of the municipality to demolish, repair, or enclose the building or remove any garbage, debris, or other hazardous, noxious, or unhealthy substances or materials if that action is not taken by the owner or owners.

2. Cause to be published, in a newspaper published or circulated in the municipality where the building is located, a notice setting forth (i) the permanent tax index number and the address of the building, (ii) a statement that the property is open and vacant and constitutes an immediate and continuing hazard to the community, and (iii) a statement that the municipality intends to demolish, repair, or enclose the building or remove any garbage, debris, or other hazardous, noxious, or unhealthy substances or materials if the owner or owners or lienholders of record fail to do so. This notice shall be published for 3 consecutive days.

3. Cause to be recorded the Notice to Remediate mailed under paragraph (1)

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in the office of the recorder in the county in which the real estate is located or in the office of the registrar of titles of the county if the real estate is registered under the Registered Title (Torrens) Act.

Any person or persons with a current legal or equitable interest in the property objecting to the proposed actions of the corporate authorities may file his or her objection in an appropriate form in a court of competent jurisdiction.

If the building is not demolished, repaired, or enclosed, or the garbage, debris, or other hazardous, noxious, or unhealthy substances or materials are not removed, within 30 days of mailing the notice to the owners of record, the beneficial owners of any Illinois land trust having title to the property, and all lienholders of record in the property, or within 30 days of the last day of publication of the notice, whichever is later, the corporate authorities shall have the power to demolish, repair, or enclose the building or to remove any garbage, debris, or other hazardous, noxious, or unhealthy substances or materials.

The municipality may proceed to demolish, repair, or enclose a building or remove any garbage, debris, or other hazardous, noxious, or unhealthy substances or materials under this subsection within a 120-day period following the date of the mailing of the notice if the appropriate official determines that the demolition, repair, enclosure, or removal of any garbage, debris, or other hazardous, noxious, or unhealthy substances or materials is necessary to remedy the immediate and continuing hazard. If, however, before the municipality proceeds with any of the actions authorized by this subsection, any person with a legal or equitable interest in the property has sought a hearing under this subsection before a court and has served a copy of the complaint on the chief executive officer of the municipality, then the municipality shall not proceed with the demolition, repair, enclosure, or removal of garbage, debris, or other substances until the court determines that that action is necessary to remedy the hazard and issues an order authorizing the municipality to do so. If the court dismisses the action for want of prosecution, the municipality must send the objector a copy of the dismissal order and a letter stating that the demolition, repair, enclosure, or removal of garbage, debris, or other substances will proceed unless, within 30 days after the copy of the order and the letter are mailed, the objector moves to vacate the dismissal and serves a copy of the motion on the chief executive officer of the municipality. Notwithstanding any other law to the contrary, if the objector does not file a motion and give the required notice, if the motion is denied by the court, or if the action is again dismissed for want of prosecution, then the dismissal is with prejudice and the demolition, repair, enclosure, or removal may proceed forthwith.

Following the demolition, repair, or enclosure of a building, or the removal of garbage, debris, or other hazardous, noxious, or unhealthy substances or materials under this subsection, the municipality may file a notice of lien against the real estate for the cost of the demolition, repair, enclosure, or removal within 180 days after the repair, demolition, enclosure, or removal occurred, for the cost and expense incurred, in the office of the recorder in the county in which the real estate is located or in the office of the registrar of titles of the county if the real estate affected is registered under the Registered Titles (Torrens) Act; this lien has priority over the interests of those parties named in the Notice to

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Remeeded mail under paragraph (1), but not over the interests of third party purchasers or encumbrancers for value who obtained their interests in the property before obtaining actual or constructive notice of the lien. The notice of lien shall consist of a sworn statement setting forth (i) a description of the real estate, such as the address or other description of the property, sufficient for its identification; (ii) the expenses incurred by the municipality in undertaking the remedial actions authorized under this subsection; (iii) the date or dates the expenses were incurred by the municipality; (iv) a statement by the corporate official responsible for enforcing the building code that the building was open and vacant and constituted an immediate and continuing hazard to the community; (v) a statement by the corporate official that the required sign was posted on the building, that notice was sent by certified mail to the owners of record, and that notice was published in accordance with this subsection; and (vi) a statement as to when and where the notice was published. The lien authorized by this subsection may thereafter be released or enforced by the municipality as provided in subsection (a).

(f) The corporate authorities of each municipality may remove or cause the removal of, or otherwise environmentally remediate hazardous substances and petroleum products on, in, or under any abandoned and unsafe property within the territory of a municipality. In addition, where preliminary evidence indicates the presence or likely presence of a hazardous substance or a petroleum product or a release or a substantial threat of a release of a hazardous substance or a petroleum product on, in, or under the property, the corporate authorities of the municipality may inspect the property and test for the presence or release of hazardous substances and petroleum products. In any county having adopted by referendum or otherwise a county health department as provided by Division 5-25 of the Counties Code or its predecessor, the county board of that county may exercise the above-described powers with regard to property within the territory of any city, village, or incorporated town having less than 50,000 population.

For purposes of this subsection (f):

(1) "property" or "real estate" means all real property, whether or not improved by a structure;

(2) "abandoned" means;

(A) the property has been tax delinquent for 2 or more years;

(B) the property is unoccupied by persons legally in possession; and

(3) "unsafe" means property that presents an actual or imminent threat to public health and safety caused by the release of hazardous substances; and

(4) "hazardous substances" means the same as in Section 3.14 of the Environmental Protection Act.

The corporate authorities shall apply to the circuit court of the county in which the property is located (i) for an order allowing the municipality to enter the property and inspect and test substances on, in, or under the property; or (ii) for an order authorizing the corporate authorities to take action with respect to remediation of the property if conditions on the property, based on the inspection and testing authorized in paragraph (i), indicate the presence of hazardous substances or petroleum products. Remediation shall be deemed
complete for purposes of paragraph (ii) above when the property satisfies Tier I, II, or III remediation objectives for the property's most recent usage, as established by the Environmental Protection Act, and the rules and regulations promulgated thereunder. Where, upon diligent search, the identity or whereabouts of the owner or owners of the property, including the lien holders of record, is not ascertainable, notice mailed to the person or persons in whose name the real estate was last assessed is sufficient notice under this Section.

The court shall grant an order authorizing testing under paragraph (i) above upon a showing of preliminary evidence indicating the presence or likely presence of a hazardous substance or a petroleum product or a release of or a substantial threat of a release of a hazardous substance or a petroleum product on, in, or under abandoned property. The preliminary evidence may include, but is not limited to, evidence of prior use, visual site inspection, or records of prior environmental investigations. The testing authorized by paragraph (i) above shall include any type of investigation which is necessary for an environmental professional to determine the environmental condition of the property, including but not limited to performance of soil borings and groundwater monitoring. The court shall grant a remediation order under paragraph (ii) above where testing of the property indicates that it fails to meet the applicable remediation objectives. The hearing upon the application to the circuit court shall be expedited by the court and shall be given precedence over all other suits.

The cost of the inspection, testing, or remediation incurred by the municipality or by a lien holder of record, including court costs, attorney's fees, and other costs related to the enforcement of this Section, is a lien on the real estate; except that in any instances where a municipality incurs costs of inspection and testing but finds no hazardous substances or petroleum products on the property that present an actual or imminent threat to public health and safety, such costs are not recoverable from the owners nor are such costs a lien on the real estate. The lien is superior to all prior existing liens and encumbrances, except taxes and any lien obtained under subsection (a) or (e), if, within 180 days after the completion of the inspection, testing, or remediation, the municipality or the lien holder of record who incurred the cost and expense shall file a notice of lien for the cost and expense incurred in the office of the recorder in the county in which the real estate is located or in the office of the registrar of titles of the county if the real estate affected is registered under the Registered Titles (Torrens) Act.

The notice must consist of a sworn statement setting out (i) a description of the real estate sufficient for its identification, (ii) the amount of money representing the cost and expense incurred, and (iii) the date or dates when the cost and expense was incurred by the municipality or the lien holder of record. Upon payment of the lien amount by the owner of or persons interested in the property after the notice of lien has been filed, a release of lien shall be issued by the municipality, the person in whose name the lien has been filed, or the assignee of the lien, and the release may be filed of record as in the case of filing notice of lien.

The lien may be enforced under subsection (c) or by foreclosure proceedings as in the

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case of mortgage foreclosures under Article XV of the Code of Civil Procedure or mechanics' lien foreclosures; provided that where the lien is enforced by foreclosure under subsection (c) or under either statute, the municipality may not proceed against the other assets of the owner or owners of the real estate for any costs that otherwise would be recoverable under this Section but that remain unsatisfied after foreclosure except where such additional recovery is authorized by separate environmental laws. An action to foreclose this lien may be commenced at any time after the date of filing of the notice of lien. The costs of foreclosure incurred by the municipality, including court costs, reasonable attorney's fees, advances to preserve the property, and other costs related to the enforcement of this subsection, plus statutory interest, are a lien on the real estate.

All liens arising under this subsection (f) shall be assignable. The assignee of the lien shall have the same power to enforce the lien as the assigning party, except that the lien may not be enforced under subsection (c).

(g) In any case where a municipality has obtained a lien under subsection (a), the municipality may also bring an action for a money judgment against the owner or owners of the real estate in the amount of the lien in the same manner as provided for bringing causes of action in Article II of the Code of Civil Procedure and, upon obtaining a judgment, file a judgment lien against all of the real estate of the owner or owners and enforce that lien as provided for in Article XII of the Code of Civil Procedure.

(Source: P.A. 91-162, eff. 7-16-99; 91-177, eff. 1-1-00; 91-357, eff. 7-29-99; 91-542, eff. 1-1-00; 91-561, eff. 1-1-00; 92-16, eff. 6-28-01.)

Passed in the General Assembly May 7, 2002.
Approved July 16, 2002.

PUBLIC ACT 92-0682
(House Bill No. 5255)

AN ACT regarding vehicles.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Illinois Vehicle Code is amended by changing Sections 13A-115 and 13B-25 as follows:

(625 ILCS 5/13A-115) (from Ch. 95 1/2, par. 13A-115)
Sec. 13A-115. Effectiveness. This Chapter is repealed on January 1, 2003 shall cease to be effective when the continuation of the program has been implemented under Chapter 13B.
(Source: P.A. 86-1433; 88-533.)
(625 ILCS 5/13B-25)
Sec. 13B-25. Performance of inspections.
(a) The inspection of vehicles required under this Chapter shall be performed only:
(i) by inspectors who have been certified by the Agency after successfully completing a

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course of training and successfully passing a written test; (ii) at official inspection stations or official on-road inspection sites established under this Chapter; and (iii) with equipment that has been approved by the Agency for these inspections.

(b) Except as provided in subsections (c) and (d), the inspection shall consist of (i) a loaded mode exhaust gas analysis; (ii) an evaporative system integrity test; (iii) an on-board computer diagnostic system check; and (iv) a verification that all required emission-related recall repairs have been made under Title 40, Section 51.370 of the Code of Federal Regulations; and may also include an evaporative system purge test. The owner of the vehicle or the owner’s agent shall be entitled to an emission inspection certificate issued by an inspector only if all required tests are passed at the time of the inspection.

(c) A steady-state idle exhaust gas analysis may be substituted for the loaded mode exhaust gas analysis and the evaporative purge system test in the following cases:

(1) On any vehicle of model year 1980 or older.
(2) On any heavy duty vehicle with a manufacturer gross vehicle weight rating in excess of 8,500 pounds.
(3) On any vehicle for which loaded mode testing is not possible due to vehicle design or configuration.

(d) The procedures contained in subsections (d)(1) and (d)(2) of this Section shall be followed on model year 1996 and newer vehicles equipped with OBD on-board computer diagnostic equipment, as required.

(1) Beginning on July 1, 2002, and continuing through December 31, 2003, such vehicles shall be given a complete on-board diagnostic test consistent with the requirements of paragraphs (d)(1)(A) through (d)(1)(D) of this Section.

(A) If the vehicle meets the standards set for the complete on-board computer diagnostic test, neither the loaded mode exhaust gas analysis nor the idle exhaust gas analysis shall be performed; however, all other elements of the test contained in subsection (b) of this Section shall be performed.

(B) If, however, the vehicle fails to meet the standard for the complete on-board computer diagnostic test, it shall be given the loaded mode exhaust gas analysis or the idle exhaust gas analysis, as required, and all other elements of the test contained in subsection (b) of this Section, unless the owner of the vehicle chooses to avoid the loaded mode exhaust gas analysis or idle exhaust gas analysis and proceed directly under paragraph (d)(1)(C) of this Section. For those vehicles that fail to meet the standard for the complete on-board computer diagnostic test, the owner of the vehicle must be informed that he or she has the option to have the vehicle tested using the less stringent loaded mode exhaust gas analysis or the idle exhaust gas analysis, as appropriate, for one test cycle.

(C) If the vehicle fails to meet the standard for the complete on-board computer diagnostic test and the standard for the loaded mode exhaust gas analysis or the idle exhaust gas analysis, as required, or the owner of the vehicle has chosen to avoid the loaded mode exhaust gas analysis or idle
exhaust gas analysis and proceed directly under this paragraph, the vehicle must be repaired to pass either the complete on-board computer diagnostic test or the loaded mode exhaust gas analysis or idle exhaust gas analysis, as required, and all other elements of the test contained in subsection (b) of this Section.

(D) The on-board computer diagnostic test shall not be a required element of the inspection mandated by this Section for such vehicles for which on-board computer diagnostic testing is not possible due to the vehicle's originally certified design or its design as modified in accordance with federal law and regulations, or for vehicles with known on-board diagnostic communications or software problems, as determined by the Agency. In such cases, all other elements of the inspection required under this Section shall be performed on such vehicles, including the exhaust gas analysis as specified in subsection (b) of this Section.

By April 15, 2003, the Agency shall submit to the General Assembly a report detailing the effectiveness of the use of the on-board computer diagnostic test. The report shall include the number of failures, the reason for each failure, the number of vehicle damage complaints, and the average wait time at the test stations.

(2) Beginning on January 1, 2004, such vehicles shall be given a complete on-board diagnostic test consistent with the requirements of paragraphs (d)(2)(A) and (d)(2)(B) of this Section.

(A) The loaded mode exhaust gas analysis specified in subsection (b) of this Section shall not be performed on such vehicles for which the on-board computer diagnostic test specified in subsection (h) of this Section can be performed. All other elements of the inspection required for such vehicles shall be performed in accordance with the provisions of this Section.

(B) The on-board computer diagnostic test shall not be a required element of the inspection mandated by this Section for such vehicles for which on-board computer diagnostic testing is not possible due to the vehicle's originally certified design or its design as modified in accordance with federal law and regulations, or for vehicles with known on-board diagnostic communications or software problems, as determined by the Agency. In such cases, all other elements of the inspection required under this Section shall be performed on such vehicles, including the exhaust gas analysis as specified in subsection (b) of this Section.

A steady-state idle gas analysis may also be substituted for the new procedures specified in subsection (b) in inspections conducted in calendar year 1995 on any vehicle of model year 1990 or older.

(e) The exhaust gas analysis shall consist of a test of an exhaust gas sample to determine whether the quantities of exhaust gas pollutants emitted by the vehicle meet the standards set for vehicles of that type under Section 13B-20. A vehicle shall be deemed to have passed this portion of the inspection if the evaluation of the exhaust gas sample

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indicates that the quantities of exhaust gas pollutants emitted by the vehicle do not exceed the standards set for vehicles of that type under Section 13B-20 or an inspector certifies that the vehicle qualifies for a waiver of the exhaust gas pollutant standards under Section 13B-30.

(f) The evaporative system integrity test shall consist of a procedure to determine if leaks exist in all or a portion of the vehicle fuel evaporation emission control system. A vehicle shall be deemed to have passed this test if it meets the criteria that the Board may adopt for an evaporative system integrity test.

(g) The evaporative system purge test shall consist of a procedure to verify the purging of vapors stored in the evaporative canister. A vehicle shall be deemed to have passed this test if it meets the criteria that the Board may adopt for an evaporative system purge test.

(h) The on-board computer diagnostic test shall consist of accessing the vehicle's on-board computer system, if so equipped, and reading any stored diagnostic codes that may be present. The vehicle shall be deemed to have passed this test if the codes observed did not exceed standards set for vehicles of that type under Section 13B-20.

(Source: P.A. 90-475, eff. 8-17-97.)

Section 99. Effective date. This Act takes effect upon becoming law.
Approved July 16, 2002.
Effective July 16, 2002.

PUBLIC ACT 92-0683
(House Bill No. 5681)

AN ACT concerning the State's Attorneys Appellate Prosecutor.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The State's Attorneys Appellate Prosecutor's Act is amended by changing Section 4.01 as follows:

(725 ILCS 210/4.01) (from Ch. 14, par. 204.01)
Sec. 4.01. The Office and all attorneys employed thereby may represent the People of the State of Illinois on appeal in all cases which emanate from a county district containing less than 3,000,000 inhabitants, when requested to do so and at the direction of the State's Attorney, otherwise responsible for prosecuting the appeal, and may, with the advice and consent of the State's Attorney prepare, file and argue such appellate briefs in the Illinois Appellate Court and, when requested and authorized to do so by the Attorney General, in the Illinois Supreme Court. The Office may also assist County State's Attorneys in the discharge of their duties under the Illinois Controlled Substances Act, the Cannabis Control Act, the Drug Asset Forfeiture Procedure Act, the Narcotics Profit Forfeiture Act, and the Illinois Public Labor Relations Act, including negotiations conducted on behalf of a county or pursuant to an intergovernmental agreement as well as in the trial and appeal of said cases

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and of tax objections, and the counties which use services relating to labor relations shall reimburse the Office on pro-rated shares as determined by the board based upon the population and number of labor relations cases of the participating counties. In addition, the Office and all attorneys employed by the Office may also assist State's Attorneys in the discharge of their duties in the prosecution and trial of other cases when requested to do so by, and at the direction of, the State's Attorney otherwise responsible for the case. In addition, the Office and all attorneys employed by the Office may act as Special Prosecutor if duly appointed to do so by a court having jurisdiction. To be effective, the order appointing the Office or its attorneys as Special Prosecutor must (i) identify the case and its subject matter and (ii) state that the Special Prosecutor serves at the pleasure of the Attorney General, who may substitute himself or herself as the Special Prosecutor when, in his or her judgment, the interest of the people of the State so requires. Within 5 days after receiving a copy of an order from the court appointing the Office or any of its attorneys as a Special Prosecutor, the Office must forward a copy of the order to the Springfield office of the Attorney General.

(Source: P.A. 85-617.)

Section 99. Effective date. This Act takes effect upon becoming law.
Passed in the General Assembly May 7, 2002.
Approved July 16, 2002.
Effective July 16, 2002.

PUBLIC ACT 92-0684
(House Bill No. 5779)

AN ACT in relation to taxation.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Property Tax Code is amended by changing Section 2-30 as follows:

(35 ILCS 200/2-30)
Sec. 2-30. Budget Making. At least 60 days prior to the beginning of each fiscal year, the assessor for each multi-township assessment district or township shall prepare and present on forms provided or approved by the Department an office budget for the ensuing fiscal year. The multi-township or township board of trustees shall adopt a budget and appropriation ordinance in accordance with the Illinois Municipal Budget Law.

The multi-township board must, at least 30 days before the public hearing required by Section 3 of the Illinois Municipal Budget Law, prepare or cause to be prepared a tentative budget and appropriation ordinance and file the ordinance with the township clerks of the townships comprising the multi-township assessment district. The township clerks must make the tentative budget and appropriation ordinance available for public inspection for at least 30 days before final action on the ordinance. The required public hearing must be held on or before the last day of the first quarter of the fiscal year before the board. Notice of the hearing must be given by publication in a newspaper published in the

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multi-township assessment district at least 30 days before the time of the hearing. If there is no newspaper published in the multi-township assessment district, notice of the public hearing may be given by posting notices in 5 of the most public places in each township comprising the multi-township assessment district. It is the duty of the township clerks to arrange for the public hearing. The board at the public hearing may adopt all or part of the tentative budget and appropriation ordinance, as the board deems necessary.

The multi-township or township board of trustees shall determine the amount required and permitted by law to finance the operations of the office of the multi-township or township assessor. The board of trustees shall certify that amount in a levy to the county clerk in the manner provided in Section 2-20. The county clerk shall extend the tax levies, as provided in this Code, against all taxable property within the jurisdiction.

(Source: P.A. 82-554; 88-455.)

Section 99. Effective date. This Act takes effect upon becoming law.
Passed in the General Assembly May 7, 2002.
Approved July 16, 2002.
Effective July 16, 2002.

PUBLIC ACT 92-0685
(House Bill No. 5860)

AN ACT relating to corporate fiduciaries.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Corporate Fiduciary Act is amended by changing Sections 4-2 and 9-6 as follows:

(205 ILCS 620/4-2) (from Ch. 17, par. 1554-2)

Sec. 4-2. Foreign corporation; eligibility. Any foreign corporation may act in this State as trustee, executor, administrator, administrator to collect, guardian, or in any other like fiduciary capacity, whether the appointment is by will, deed, court order or otherwise, without complying with any laws of this State relating to the qualification of corporations organized under the laws of this State to conduct a trust business or laws relating to the qualification of foreign corporations, provided only (1) such foreign corporation is authorized by the laws of the state of its organization or domicile to act as a fiduciary in that state, and (2) a corporation organized under the laws of this State, a national banking association having its principal place of business in this State, and a federal savings and loan association or federal savings bank having its principal place of business in this State and authorized to act as a fiduciary in this State, may, in such other state, act in a similar fiduciary capacity or capacities, as the case may be, upon conditions and qualifications which the Commissioner finds are not unduly restrictive when compared to those imposed by the laws of Illinois. Any foreign corporation eligible to act in a fiduciary capacity in this State pursuant to the provisions of this Act, shall be deemed qualified to accept and execute trusts in this State within the meaning of this Act and the Probate Act of 1975, approved August 7, 1975, as

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amended. No foreign corporation shall be permitted to act as trustee, executor, administrator, administrator to collect, guardian or in any other like fiduciary capacity in this State except as provided in Article IV of this Act; however, any foreign corporation actually acting in any such fiduciary capacity in this State on July 13, 1953, although not eligible to so act pursuant to the provisions of this Article IV, may continue to act as fiduciary in that particular trust or estate until such time as it has completed its duties thereunder.

(Source: P.A. 85-858.)

(205 ILCS 620/9-6)
Sec. 9-6. Audits.

(a) At least once in each calendar year a trust company corporate fiduciary must cause its books and records to be audited by an independent licensed public accountant. The Commissioner may prescribe the scope of the audit within generally accepted audit principles and standards.

(b) The independent licensed public accountant shall provide a written audit report to the trust company's corporate fiduciary's board of directors or to a committee appointed by the trust company's corporate fiduciary's board of directors. If the audit report is given to a committee appointed by the trust company's corporate fiduciary's board of directors, the committee shall, within 30 days after the date of receipt of the audit report, provide the board of directors with a written summary of the audit findings as detailed in the audit report. The trust company's board of directors shall file with the Commissioner a copy of any written summary of the audit findings provided to the board pursuant to this subsection within 45 days after receipt by the board of the written summary.

(c) The trust company's corporate fiduciary's board of directors or committee appointed by the board of directors shall cause a copy of the audit report and any written summary pursuant to paragraph (b) of this Section to be filed directly by the independent licensed public accountant with the Commissioner within 45 days after receipt of the audit report is issued.

(d) A trust company that is directly or indirectly owned by a bank holding company, a financial holding company, or a savings and loan holding company shall be deemed to be in compliance with the provisions of subsections (a) through (c) of this Section if the bank holding company, financial holding company, or savings and loan holding company obtains an audit by an independent licensed public accountant that includes the trust company and meets the standards of subsection (a) and, within 45 days after the audit report is issued, the bank holding company, financial holding company, or savings and loan holding company causes the independent licensed public accountant to directly file with the Commissioner the provisions of the audit report relating to the trust company.

(Source: P.A. 92-485, eff. 8-23-01.)

Section 99. Effective date. This Act takes effect upon becoming law.
Passed in the General Assembly May 7, 2002.
Approved July 16, 2002.
Effective July 16, 2002.
AN ACT in relation to criminal law.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Criminal Code of 1961 is amended by adding Section 16G-21 as follows:

(720 ILCS 5/16G-21 new)

Sec. 16G-21. Civil remedies. A person who is convicted of financial identity theft or aggravated financial identity theft is liable in a civil action to the person who suffered damages as a result of the violation. The person suffering damages may recover court costs, attorney's fees, lost wages, and actual damages.

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

Passed in the General Assembly May 7, 2002.

Approved July 16, 2002.

Effective July 16, 2002.

AN ACT in relation to alcoholic liquor.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Liquor Control Act of 1934 is amended by changing Section 6-16 as follows:

(235 ILCS 5/6-16) (from Ch. 43, par. 131)

Sec. 6-16. Prohibited sales and possession.

(a) (i) No licensee nor any officer, associate, member, representative, agent, or employee of such licensee shall sell, give, or deliver alcoholic liquor to any person under the age of 21 years or to any intoxicated person, except as provided in Section 6-16.1. (ii) No express company, common carrier, or contract carrier nor any representative, agent, or employee on behalf of an express company, common carrier, or contract carrier that carries or transports alcoholic liquor for delivery within this State shall knowingly give or knowingly deliver to a residential address any shipping container clearly labeled as containing alcoholic liquor and labeled as requiring signature of an adult of at least 21 years of age to any person in this State under the age of 21 years. An express company, common carrier, or contract carrier that carries or transports such alcoholic liquor for delivery within this State shall obtain a signature at the time of delivery acknowledging receipt of the alcoholic liquor by an adult who is at least 21 years of age. At no time while delivering alcoholic beverages within this State may any representative, agent, or employee of an express company, common carrier, or contract carrier that carries or transports alcoholic liquor for delivery within this State...
State deliver the alcoholic liquor to a residential address without the acknowledgment of the consignee and without first obtaining a signature at the time of the delivery by an adult who is at least 21 years of age. A signature of a person on file with the express company, common carrier, or contract carrier does not constitute acknowledgement of the consignee. Any express company, common carrier, or contract carrier that transports alcoholic liquor for delivery within this State that violates this item (ii) of this subsection (a) by delivering alcoholic liquor without the acknowledgment of the consignee and without first obtaining a signature at the time of the delivery by an adult who is at least 21 years of age is guilty of a business offense for which the express company, common carrier, or contract carrier that transports alcoholic liquor within this State shall be fined not more than $1,001 for a first offense, not more than $5,000 for a second offense, and not more than $10,000 for a third or subsequent offense. An express company, common carrier, or contract carrier shall be held vicariously liable for the actions of its representatives, agents, or employees. For purposes of this Act, in addition to other methods authorized by law, an express company, common carrier, or contract carrier shall be considered served with process when a representative, agent, or employee alleged to have violated this Act is personally served. Each shipment of alcoholic liquor delivered in violation of this item (ii) of this subsection (a) constitutes a separate offense. (iii) No person, after purchasing or otherwise obtaining alcoholic liquor, shall sell, give, or deliver such alcoholic liquor to another person under the age of 21 years, except in the performance of a religious ceremony or service. Except as otherwise provided in item (ii), any express company, common carrier, or contract carrier that transports alcoholic liquor within this State that violates the provisions of item (i), (ii), or (iii) of this paragraph of this subsection (a) is guilty of a Class A misdemeanor and the sentence shall include, but shall not be limited to, a fine of not less than $500. Any person who violates the provisions of item (iii) of this paragraph of this subsection (a) is guilty of a Class 4 felony if a death occurs as the result of the violation.

If a licensee or officer, associate, member, representative, agent, or employee of the licensee, or a representative, agent, or employee of an express company, common carrier, or contract carrier that carries or transports alcoholic liquor for delivery within this State, is prosecuted under this paragraph of this subsection (a) for selling, giving, or delivering alcoholic liquor to a person under the age of 21 years, the person under 21 years of age who attempted to buy or receive the alcoholic liquor may be prosecuted pursuant to Section 6-20 of this Act, unless the person under 21 years of age was acting under the authority of a law enforcement agency, the Illinois Liquor Control Commission, or a local liquor control commissioner pursuant to a plan or action to investigate, patrol, or conduct any similar enforcement action.

For the purpose of preventing the violation of this Section, any licensee, or his agent or employee, or a representative, agent, or employee of an express company, common carrier, or contract carrier that carries or transports alcoholic liquor for delivery within this State,
shall refuse to sell, deliver, or serve alcoholic beverages to any person who is unable to produce adequate written evidence of identity and of the fact that he or she is over the age of 21 years, if requested by the licensee, agent, employee, or representative.

Adequate written evidence of age and identity of the person is a document issued by a federal, state, county, or municipal government, or subdivision or agency thereof, including, but not limited to, a motor vehicle operator's license, a registration certificate issued under the Federal Selective Service Act, or an identification card issued to a member of the Armed Forces. Proof that the defendant-licensee, or his employee or agent, or the representative, agent, or employee of the express company, common carrier, or contract carrier that carries or transports alcoholic liquor for delivery within this State demanded, was shown and reasonably relied upon such written evidence in any transaction forbidden by this Section is an affirmative defense in any criminal prosecution therefor or to any proceedings for the suspension or revocation of any license based thereon. It shall not, however, be an affirmative defense if the agent or employee accepted the written evidence knowing it to be false or fraudulent. If a false or fraudulent Illinois driver's license or Illinois identification card is presented by a person less than 21 years of age to a licensee or the licensee's agent or employee for the purpose of ordering, purchasing, attempting to purchase, or otherwise obtaining or attempting to obtain the serving of any alcoholic beverage, the law enforcement officer or agency investigating the incident shall, upon the conviction of the person who presented the fraudulent license or identification, make a report of the matter to the Secretary of State on a form provided by the Secretary of State.

However, no agent or employee of the licensee or employee of an express company, common carrier, or contract carrier that carries or transports alcoholic liquor for delivery within this State shall be disciplined or discharged for selling or furnishing liquor to a person under 21 years of age if the agent or employee demanded and was shown, before furnishing liquor to a person under 21 years of age, adequate written evidence of age and identity of the person issued by a federal, state, county or municipal government, or subdivision or agency thereof, including but not limited to a motor vehicle operator's license, a registration certificate issued under the Federal Selective Service Act, or an identification card issued to a member of the Armed Forces. This paragraph, however, shall not apply if the agent or employee accepted the written evidence knowing it to be false or fraudulent.

Any person who sells, gives, or furnishes to any person under the age of 21 years any false or fraudulent written, printed, or photostatic evidence of the age and identity of such person or who sells, gives or furnishes to any person under the age of 21 years evidence of age and identification of any other person is guilty of a Class A misdemeanor and the person's sentence shall include, but shall not be limited to, a fine of not less than $500.

Any person under the age of 21 years who presents or offers to any licensee, his agent or employee, any written, printed or photostatic evidence of age and identity that is false, fraudulent, or not actually his or her own for the purpose of ordering, purchasing, attempting to purchase or otherwise procuring or attempting to procure, the serving of any alcoholic beverage, who falsely states in writing that he or she is at least 21 years of age when receiving alcoholic liquor from a representative, agent, or employee of an express company,
common carrier, or contract carrier, or who has in his or her possession any false or fraudulent written, printed, or photostatic evidence of age and identity, is guilty of a Class A misdemeanor and the person's sentence shall include, but shall not be limited to, the following: a fine of not less than $500 and at least 25 hours of community service. If possible, any community service shall be performed for an alcohol abuse prevention program.

Any person under the age of 21 years who has any alcoholic beverage in his or her possession on any street or highway or in any public place or in any place open to the public is guilty of a Class A misdemeanor. This Section does not apply to possession by a person under the age of 21 years making a delivery of an alcoholic beverage in pursuance of the order of his or her parent or in pursuance of his or her employment.

(a-1) It is unlawful for any parent or guardian to permit his or her residence to be used by an invitee of the parent's child or the guardian's ward, if the invitee is under the age of 21, in a manner that constitutes a violation of this Section. A parent or guardian is deemed to have permitted his or her residence to be used in violation of this Section if he or she knowingly authorizes, enables, or permits such use to occur by failing to control access to either the residence or the alcoholic liquor maintained in the residence. Any person who violates this subsection (a-1) is guilty of a Class A misdemeanor and the person's sentence shall include, but shall not be limited to, a fine of not less than $500. Nothing in this subsection (a-1) shall be construed to prohibit the giving of alcoholic liquor to a person under the age of 21 years in the performance of a religious ceremony or service.

(b) Except as otherwise provided in this Section whoever violates this Section shall, in addition to other penalties provided for in this Act, be guilty of a Class A misdemeanor.

(c) Any person shall be guilty of a Class A misdemeanor where he or she knowingly permits a gathering at a residence which he or she occupies of two or more persons where any one or more of the persons is under 21 years of age and the following factors also apply:

(1) the person occupying the residence knows that any such person under the age of 21 is in possession of or is consuming any alcoholic beverage; and

(2) the possession or consumption of the alcohol by the person under 21 is not otherwise permitted by this Act; and

(3) the person occupying the residence knows that the person under the age of 21 leaves the residence in an intoxicated condition.

For the purposes of this subsection (c) where the residence has an owner and a tenant or lessee, there is a rebuttable presumption that the residence is occupied only by the tenant or lessee.

(d) Any person who rents a hotel or motel room from the proprietor or agent thereof for the purpose of or with the knowledge that such room shall be used for the consumption of alcoholic liquor by persons under the age of 21 years shall be guilty of a Class A misdemeanor.

(e) Except as otherwise provided in this Act, any person who has alcoholic liquor in his or her possession on public school district property on school days or at events on public school district property when children are present is guilty of a petty offense, unless the

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alcoholic liquor (i) is in the original container with the seal unbroken and is in the possession of a person who is not otherwise legally prohibited from possessing the alcoholic liquor or (ii) is in the possession of a person in or for the performance of a religious service or ceremony authorized by the school board.

(Source: P.A.. 92-380, eff. 1-1-02; 92-503, eff. 1-1-02; 92-507, eff. 1-1-02; revised 1-7-02.)

Approved July 16, 2002.

PUBLIC ACT 92-0688
(Senate Bill No. 1730)

AN ACT in relation to vehicles.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Vehicle Code is amended by changing Section 6-303 as follows:

(625 ILCS 5/6-303) (from Ch. 95 1/2, par. 6-303)
Sec. 6-303. Driving while driver's license, permit or privilege to operate a motor vehicle is suspended or revoked.

(a) Any person who drives or is in actual physical control of a motor vehicle on any highway of this State at a time when such person's driver's license, permit or privilege to do so or the privilege to obtain a driver's license or permit is revoked or suspended as provided by this Code or the law of another state, except as may be specifically allowed by a judicial driving permit, family financial responsibility driving permit, probationary license to drive, or a restricted driving permit issued pursuant to this Code or under the law of another state, shall be guilty of a Class A misdemeanor.

(b) The Secretary of State upon receiving a report of the conviction of any violation indicating a person was operating a motor vehicle during the time when said person's driver's license, permit or privilege was suspended by the Secretary, by the appropriate authority of another state, or pursuant to Section 11-501.1; except as may be specifically allowed by a probationary license to drive, judicial driving permit or restricted driving permit issued pursuant to this Code or the law of another state; shall extend the suspension for the same period of time as the originally imposed suspension; however, if the period of suspension has then expired, the Secretary shall be authorized to suspend said person's driving privileges for the same period of time as the originally imposed suspension; and if the conviction was upon a charge which indicated that a vehicle was operated during the time when the person's driver's license, permit or privilege was revoked; except as may be allowed by a restricted driving permit issued pursuant to this Code or the law of another state; the Secretary shall not issue a driver's license for an additional period of one year from the date of such conviction indicating such person was operating a vehicle during such period of revocation.  

(c) Any person convicted of violating this Section shall serve a minimum term of

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imprisonment of 10 consecutive days or 30 days of community service when the person's driving privilege was revoked or suspended as a result of:

(1) a violation of Section 11-501 of this Code or a similar provision of a local ordinance relating to the offense of operating or being in physical control of a vehicle while under the influence of alcohol, any other drug or any combination thereof; or

(2) a violation of paragraph (b) of Section 11-401 of this Code or a similar provision of a local ordinance relating to the offense of leaving the scene of a motor vehicle accident involving personal injury or death; or

(3) a violation of Section 9-3 of the Criminal Code of 1961, as amended, relating to the offense of reckless homicide; or

(4) a statutory summary suspension under Section 11-501.1 of this Code.

Such sentence of imprisonment or community service shall not be subject to suspension in order to reduce such sentence.

(c-1) Except as provided in subsection (d), any person convicted of a second violation of this Section shall be ordered by the court to serve a minimum of 100 hours of community service.

(c-2) In addition to other penalties imposed under this Section, the court may impose on any person convicted a fourth time of violating this Section any of the following:

(1) Seizure of the license plates of the person's vehicle.

(2) Immobilization of the person's vehicle for a period of time to be determined by the court.

(d) Any person convicted of a second violation of this Section shall be guilty of a Class 4 felony and shall serve a minimum term of imprisonment of 30 days or 300 hours of community service, as determined by the court, if the revocation or suspension was for a violation of Section 11-401 or 11-501 of this Code, or a similar out-of-state offense, or a similar provision of a local ordinance, a violation of Section 9-3 of the Criminal Code of 1961, relating to the offense of reckless homicide, or a similar out-of-state offense, or a statutory summary suspension under Section 11-501.1 of this Code.

(d-1) Except as provided in subsection (d-2) and subsection (d-3), any person convicted of a third or subsequent violation of this Section shall serve a minimum term of imprisonment of 30 days or 300 hours of community service, as determined by the court.

(d-2) Any person convicted of a third violation of this Section is guilty of a Class 4 felony and must serve a minimum term of imprisonment of 30 days if the revocation or suspension was for a violation of Section 11-401 or 11-501 of this Code, or a similar out-of-state offense, or a similar provision of a local ordinance, a violation of Section 9-3 of the Criminal Code of 1961, relating to the offense of reckless homicide, or a similar out-of-state offense, or a statutory summary suspension under Section 11-501.1 of this Code.

(d-3) Any person convicted of a fourth or subsequent violation of this Section is guilty of a Class 4 felony and must serve a minimum term of imprisonment of 180 days if the revocation or suspension was for a violation of Section 11-401 or 11-501 of this Code, or a similar out-of-state offense, or a similar provision of a local ordinance, a violation of Section 9-3 of the Criminal Code of 1961, relating to the offense of reckless homicide, or a
similar out-of-state offense, or a statutory summary suspension under Section 11-501.1 of this Code.

(e) Any person in violation of this Section who is also in violation of Section 7-601 of this Code relating to mandatory insurance requirements, in addition to other penalties imposed under this Section, shall have his or her motor vehicle immediately impounded by the arresting law enforcement officer. The motor vehicle may be released to any licensed driver upon a showing of proof of insurance for the vehicle that was impounded and the notarized written consent for the release by the vehicle owner.

(f) For any prosecution under this Section, a certified copy of the driving abstract of the defendant shall be admitted as proof of any prior conviction.

(g) The motor vehicle used in a violation of this Section is subject to seizure and forfeiture as provided in Sections 36-1 and 36-2 of the Criminal Code of 1961 if the person's driving privilege was revoked or suspended as a result of a violation listed in paragraph (1), (2), or (3) of subsection (c) of this Section or as a result of a summary suspension as provided in paragraph (4) of subsection (c) of this Section.

(Source: P.A. 91-692, eff. 4-13-00; 92-340, eff. 8-10-01.)

Section 10. The Criminal Code of 1961 is amended by changing Section 36-1 as follows:

(720 ILCS 5/36-1) (from Ch. 38, par. 36-1)

Sec. 36-1. Seizure. Any vessel, vehicle or aircraft used with the knowledge and consent of the owner in the commission of, or in the attempt to commit as defined in Section 8-4 of this Code, an offense prohibited by (a) Section 9-1, 9-3, 10-2, 11-6, 11-15.1, 11-19.1, 11-19.2, 11-20.1, 12-4.1, 12-4.2, 12-4.2-5, 12-4.3, 12-4.6, 12-7.3, 12-7.4, 12-13, 12-14, 18-2, 19-1, 19-2, 19-3, 20-1, 20-2, 20.5-6, 24-1.2, 24-1.2-5, 24-1.5, or 28-1 of this Code, paragraph (a) of Section 12-4 of this Code, paragraph (a) of Section 12-15 or paragraphs (a), (c) or (d) of Section 12-16 of this Code, or paragraph (a)(6) or (a)(7) of Section 24-1 of this Code; (b) Section 21, 22, 23, 24 or 26 of the Cigarette Tax Act if the vessel, vehicle or aircraft contains more than 10 cartons of such cigarettes; (c) Section 28, 29 or 30 of the Cigarette Use Tax Act if the vessel, vehicle or aircraft contains more than 10 cartons of such cigarettes; (d) Section 44 of the Environmental Protection Act; (e) 11-204.1 of the Illinois Vehicle Code; or (f) the offenses described in the following provisions of the Illinois Vehicle Code: Section 11-501 subdivisions (c-1)(1), (c-1)(2), (c-1)(3), (d)(1)(A), or (d)(1)(D); or (g) an offense described in subsection (g) of Section 6-303 of the Illinois Vehicle Code; may be seized and delivered forthwith to the sheriff of the county of seizure.

Within 15 days after such delivery the sheriff shall give notice of seizure to each person according to the following method: Upon each such person whose right, title or interest is of record in the office of the Secretary of State, the Secretary of Transportation, the Administrator of the Federal Aviation Agency, or any other Department of this State, or any other state of the United States if such vessel, vehicle or aircraft is required to be so registered, as the case may be, by mailing a copy of the notice by certified mail to the address as given upon the records of the Secretary of State, the Department of Aeronautics, Department of Public Works and Buildings or any other Department of this State or the

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United States if such vessel, vehicle or aircraft is required to be so registered. Within that 15 day period the sheriff shall also notify the State's Attorney of the county of seizure about the seizure.

In addition, any mobile or portable equipment used in the commission of an act which is in violation of Section 7g of the Metropolitan Water Reclamation District Act shall be subject to seizure and forfeiture under the same procedures provided in this Article for the seizure and forfeiture of vessels, vehicles and aircraft, and any such equipment shall be deemed a vessel, vehicle or aircraft for purposes of this Article.

When a person discharges a firearm at another individual from a vehicle with the knowledge and consent of the owner of the vehicle and with the intent to cause death or great bodily harm to that individual and as a result causes death or great bodily harm to that individual, the vehicle shall be subject to seizure and forfeiture under the same procedures provided in this Article for the seizure and forfeiture of vehicles used in violations of clauses (a), (b), (c), or (d) of this Section.

If the spouse of the owner of a vehicle seized for an offense described in subsection (g) of Section 6-303 of the Illinois Vehicle Code, a violation of subdivision (c-1)(1), (c-1)(2), (c-1)(3), (d)(1)(A), or (d)(1)(D) of Section 11-501 of the Illinois Vehicle Code, or Section 9-3 of this Code makes a showing that the seized vehicle is the only source of transportation and it is determined that the financial hardship to the family as a result of the seizure outweighs the benefit to the State from the seizure, the vehicle may be forfeited to the spouse or family member and the title to the vehicle shall be transferred to the spouse or family member who is properly licensed and who requires the use of the vehicle for employment or family transportation purposes. A written declaration of forfeiture of a vehicle under this Section shall be sufficient cause for the title to be transferred to the spouse or family member. The provisions of this paragraph shall apply only to one forfeiture per vehicle. If the vehicle is the subject of a subsequent forfeiture proceeding by virtue of a subsequent conviction of either spouse or the family member, the spouse or family member to whom the vehicle was forfeited under the first forfeiture proceeding may not utilize the provisions of this paragraph in another forfeiture proceeding. If the owner of the vehicle seized owns more than one vehicle, the procedure set out in this paragraph may be used for only one vehicle.

Property declared contraband under Section 40 of the Illinois Streetgang Terrorism Omnibus Prevention Act may be seized and forfeited under this Article.

(Source: P.A. 91-876, eff. 1-1-01; 92-57, eff. 1-1-02.)

Section 99. Effective date. This Act takes effect upon becoming law.
Passed in the General Assembly April 30, 2002
Approved July 16, 2002.
Effective July 16, 2002.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 3. The Illinois Identification Card Act is amended by changing Section 4 as follows:

(15 ILCS 335/4) (from Ch. 124, par. 24)

Sec. 4. Identification Card.

(a) The Secretary of State shall issue a standard Illinois Identification Card to any natural person who is a resident of the State of Illinois who applies for such card, or renewal thereof, or who applies for a standard Illinois Identification Card upon release as a committed person on parole, mandatory supervised release, final discharge, or pardon from the Department of Corrections by submitting an identification card issued by the Department of Corrections under Section 3-14-1 of the Unified Code of Corrections, together with the prescribed fees. The card shall be prepared and supplied by the Secretary of State and shall include a photograph of the applicant. The applicant, upon receipt of a card and prior to its use for any purpose, shall affix his signature thereon in the space provided therefor. The Illinois Identification Card may be used for identification purposes in any lawful situation only by the person to whom it was issued. As used in this Act, "photograph" means any color photograph or digitally produced and captured image of an applicant for an identification card. As used in this Act, "signature" means the name of a person as written by that person and captured in a manner acceptable to the Secretary of State.

(b) The Secretary of State shall issue a special Illinois Identification Card, which shall be known as an Illinois Disabled Person Identification Card, to any natural person who is a resident of the State of Illinois, who is a disabled person as defined in Section 4A of this Act, who applies for such card, or renewal thereof. The Secretary of State shall charge no fee to issue such card. The card shall be prepared and supplied by the Secretary of State, and shall include a photograph of the applicant, a designation indicating that the card is an Illinois Disabled Person Identification Card, and shall include a comprehensible designation of the type and classification of the applicant's disability as set out in Section 4A of this Act. If the applicant so requests, the card shall include a description of the applicant's disability and any information about the applicant's disability or medical history which the Secretary determines would be helpful to the applicant in securing emergency medical care. The applicant, upon receipt of such a card and prior to its use for any purpose, shall have affixed thereon in the space provided therefor his signature or mark. If a mark is used in lieu of a signature, such mark shall be affixed to the card in the presence of two witnesses who attest to the authenticity of the mark. The Illinois Disabled Person Identification Card may be used for identification purposes in any lawful situation by the person to whom it was issued.

The Illinois Disabled Person Identification Card may be used as adequate documentation of disability in lieu of a physician's determination of disability or any other documentation of disability whenever any State law requires that a disabled person provide such documentation of disability, however an Illinois Disabled Person Identification Card shall not qualify the cardholder to participate in any program or to receive any benefit which is not available to all persons with like disabilities. Notwithstanding any other provisions of
law, an Illinois Disabled Person Identification Card, or evidence that the Secretary of State has issued an Illinois Disabled Person Identification Card, shall not be used by any person other than the person named on such card to prove that the person named on such card is a disabled person or for any other purpose unless the card is used for the benefit of the person named on such card, and the person named on such card consents to such use at the time the card is so used.

When medical information is contained on an Illinois Disabled Person Identification Card, the Office of the Secretary of State shall not be liable for any actions taken based upon that medical information.

(c) Beginning January 1, 1986, the Secretary of State shall provide that each original or renewal Illinois Identification Card or Illinois Disabled Person Identification Card issued to a person under the age of 21, shall be of a distinct nature from those Illinois Identification Cards or Illinois Disabled Person Identification Cards issued to individuals 21 years of age or older. The color designated for Illinois Identification Cards or Illinois Disabled Person Identification Cards for persons under the age of 21 shall be at the discretion of the Secretary of State.

(c-1) Beginning January 1, 2003, each original or renewal Illinois Identification Card or Illinois Disabled Person Identification Card issued to a person under the age of 21 shall display the date upon which the person becomes 18 years of age and the date upon which the person becomes 21 years of age.

(d) The Secretary of State may issue a Senior Citizen discount card, to any natural person who is a resident of the State of Illinois who is 60 years of age or older and who applies for such a card or renewal thereof. The Secretary of State shall charge no fee to issue such card. The card shall be issued in every county and applications shall be made available at, but not limited to, nutrition sites, senior citizen centers and Area Agencies on Aging. The applicant, upon receipt of such card and prior to its use for any purpose, shall have affixed thereon in the space provided therefor his signature or mark.

(Source: P.A. 92-240, eff. 1-1-02.)

Section 5. The Illinois Vehicle Code is amended by changing Section 6-110 as follows:

(625 ILCS 5/6-110) (from Ch. 95 1/2, par. 6-110)
Sec. 6-110. Licenses issued to drivers.
(a) The Secretary of State shall issue to every qualifying applicant a driver's license as applied for, which license shall bear a distinguishing number assigned to the licensee, the name, social security number, zip code, date of birth, address, and a brief description of the licensee, and a space where the licensee may write his usual signature.

If the licensee is less than 17 years of age, the license shall, as a matter of law, be invalid for the operation of any motor vehicle during any time the licensee is prohibited from being on any street or highway under the provisions of the Child Curfew Act.

Licenses issued shall also indicate the classification and the restrictions under Section 6-104 of this Code. In lieu of the social security number, the Secretary may in his discretion substitute a federal tax number or other distinctive number.
A driver's license issued may, in the discretion of the Secretary, include a suitable photograph of a type prescribed by the Secretary.

(b) The Secretary of State shall provide a format on the reverse of each driver's license issued which the licensee may use to execute a document of gift conforming to the provisions of the Uniform Anatomical Gift Act. The format shall allow the licensee to indicate the gift intended, whether specific organs, any organ, or the entire body, and shall accommodate the signatures of the donor and 2 witnesses. The Secretary shall also inform each applicant or licensee of this format, describe the procedure for its execution, and may offer the necessary witnesses; provided that in so doing, the Secretary shall advise the applicant or licensee that he or she is under no compulsion to execute a document of gift. A brochure explaining this method of executing an anatomical gift document shall be given to each applicant or licensee. The brochure shall advise the applicant or licensee that he or she is under no compulsion to execute a document of gift, and that he or she may wish to consult with family, friends or clergy before doing so. The Secretary of State may undertake additional efforts, including education and awareness activities, to promote organ and tissue donation.

(c) The Secretary of State shall designate on each driver's license issued a space where the licensee may place a sticker or decal of the uniform size as the Secretary may specify, which sticker or decal may indicate in appropriate language that the owner of the license carries an Emergency Medical Information Card.

The sticker may be provided by any person, hospital, school, medical group, or association interested in assisting in implementing the Emergency Medical Information Card, but shall meet the specifications as the Secretary may by rule or regulation require.

(d) The Secretary of State shall designate on each driver's license issued a space where the licensee may indicate his blood type and RH factor.

(e) The Secretary of State shall provide that each original or renewal driver's license issued to a licensee under 21 years of age shall be of a distinct nature from those driver's licenses issued to individuals 21 years of age and older. The color designated for driver's licenses for licensees under 21 years of age shall be at the discretion of the Secretary of State.

(e-1) The Secretary shall provide that each driver's license issued to a person under the age of 21 displays the date upon which the person becomes 18 years of age and the date upon which the person becomes 21 years of age.

(f) The Secretary of State shall inform all Illinois licensed commercial motor vehicle operators of the requirements of the Uniform Commercial Driver License Act, Article V of this Chapter, and shall make provisions to insure that all drivers, seeking to obtain a commercial driver's license, be afforded an opportunity prior to April 1, 1992, to obtain the license. The Secretary is authorized to extend driver's license expiration dates, and assign specific times, dates and locations where these commercial driver's tests shall be conducted. Any applicant, regardless of the current expiration date of the applicant's driver's license, may be subject to any assignment by the Secretary. Failure to comply with the Secretary's assignment may result in the applicant's forfeiture of an opportunity to receive a commercial driver's license prior to April 1, 1992.

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(g) The Secretary of State shall designate on a driver's license issued, a space where the licensee may indicate that he or she has drafted a living will in accordance with the Illinois Living Will Act or a durable power of attorney for health care in accordance with the Illinois Power of Attorney Act.

(g-1) The Secretary of State, in his or her discretion, may designate on each driver's license issued a space where the licensee may place a sticker or decal, issued by the Secretary of State, of uniform size as the Secretary may specify, that shall indicate in appropriate language that the owner of the license has renewed his or her driver's license.

(h) A person who acts in good faith in accordance with the terms of this Section is not liable for damages in any civil action or subject to prosecution in any criminal proceeding for his or her act.

(Source: P.A. 90-191, eff. 1-1-98; 91-357, eff. 7-29-99.)

Section 99. Effective date. This Act takes effect January 1, 2003.
Approved July 6, 2002.

PUBLIC ACT 92-0690
(Senate Bill No. 2235)

AN ACT concerning energy.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Energy Assistance Act of 1989 is amended by changing Sections 1, 2, 4, 5, 6, 7, 8, and 13 as follows:

(305 ILCS 20/1) (from Ch. 111 2/3, par. 1401)
Sec. 1. Short Title. This Act shall be known and may be cited as the "Energy Assistance Act of 1989".
(Source: P.A. 86-127.)

(305 ILCS 20/2) (from Ch. 111 2/3, par. 1402)
Sec. 2. Findings and Intent.
(a) The General Assembly finds that:
   (1) the health, welfare, and prosperity of the people of the State of Illinois require that all citizens receive essential levels of heat and electric service regardless of economic circumstance;
   (2) public utilities and other entities providing such services are entitled to receive proper payment for services actually rendered;
   (3) declining Federal low income energy assistance funding necessitates a State response to ensure the continuity and the further development of energy assistance and related policies and programs within Illinois; and
   (4) energy assistance policies and programs in effect in Illinois during the past 3 years have benefited all Illinois citizens, and should therefore be continued with the

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modifications provided herein.

(b) Consistent with its findings, the General Assembly declares that it is the policy of the State that:

(1) a comprehensive low income energy assistance policy and program should be established which incorporates income assistance, home weatherization, and other measures to ensure that citizens have access to affordable energy services;

(2) the ability of public utilities and other entities to receive just compensation for providing services should not be jeopardized by this policy;

(3) resources applied in achieving this policy should be coordinated and efficiently utilized through the integration of public programs and through the targeting of assistance; and

(4) the State should utilize all appropriate and available means to fund this program and, to the extent possible, should identify and utilize sources of funding which complement State tax revenues.

(Source: P.A. 86-127.)

(305 ILCS 20/4) (from Ch. 111 2/3, par. 1404)
Sec. 4. Energy Assistance Program.

(a) The Department of Commerce and Community Affairs is hereby authorized to institute a program to ensure the availability and affordability of heating and electric service to low income citizens. The Department shall implement the program by rule promulgated pursuant to The Illinois Administrative Procedure Act. The program shall be consistent with the purposes and objectives of this Act and with all other specific requirements provided herein. The Department shall ensure that the program is in operation by November 1, 1989, and may enter into such contracts and other agreements with local agencies as may be necessary for the purpose of administering the energy assistance program.

(b) Nothing in this Act shall be construed as altering or limiting the authority conferred on the Illinois Commerce Commission by the Public Utilities Act to regulate all aspects of the provision of public utility service, including but not limited to the authority to make rules and adjudicate disputes between utilities and customers related to eligibility for utility service, deposits, payment practices, discontinuance of service, and the treatment of arrearages owing for previously rendered utility service.

(Source: P.A. 86-127.)

(305 ILCS 20/5) (from Ch. 111 2/3, par. 1405)
Sec. 5. Policy Advisory Council.

(a) Within the Department of Commerce and Community Affairs is created a Low Income Energy Assistance Policy Advisory Council.

(b) The Council shall be chaired by the Director of Commerce and Community Affairs or his or her designee. There shall be 20 members of the Low Income Energy Assistance Policy Advisory Council, including the chairperson and the following members:

(1) one member designated by the Illinois Commerce Commission;

(2) one member designated by the Illinois Department of Natural Resources;

(3) one member designated by the Illinois Energy Association to represent

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electric public utilities serving in excess of 1 million customers in this State;
(4) one member agreed upon by gas public utilities that serve more than 500,000 and fewer than 1,500,000 customers in this State;
(5) one member agreed upon by gas public utilities that serve 1,500,000 or more customers in this State;
(6) one member designated by the Illinois Energy Association to represent combination gas and electric public utilities;
(7) one member agreed upon by the Illinois Municipal Electric Agency and the Association of Illinois Electric Cooperatives;
(8) one member agreed upon by the Illinois Industrial Energy Consumers;
(9) three members designated by the Department to represent low income energy consumers;
(10) two members designated by the Illinois Community Action Association to represent local agencies that assist in the administration of this Act;
(11) one member designated by the Citizens Utility Board to represent residential energy consumers;
(12) one member designated by the Illinois Retail Merchants Association to represent commercial energy customers;
(13) one member designated by the Department to represent independent energy providers; and
(14) three members designated by the Mayor of the City of Chicago.

(c) Designated and appointed members shall serve 2 year terms and until their successors are appointed and qualified. The designating organization shall notify the chairperson of any changes or substitutions of a designee within 10 business days of a change or substitution. Members shall serve without compensation, but may receive reimbursement for actual costs incurred in fulfilling their duties as members of the Council.

(d) The Council shall have the following duties:
(1) to monitor the administration of this Act to ensure effective, efficient, and coordinated program development and implementation;
(2) to assist the Department in developing and administering rules and regulations required to be promulgated pursuant to this Act in a manner consistent with the purpose and objectives of this Act;
(3) to facilitate and coordinate the collection and exchange of all program data and other information needed by the Department and others in fulfilling their duties pursuant to this Act;
(4) to advise the Department on the proper level of support required for effective administration of the Act;
(5) to provide a written opinion concerning any regulation proposed pursuant to this Act, and to review and comment on any energy assistance or related plan required to be prepared by the Department;
(6) to advise the Department on the use of funds collected pursuant to Section 11 of this Act, and on any changes to existing low income energy assistance

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programs to make effective use of such funds, so long as such uses and changes are consistent with the requirements of the Act. Policy Advisory Council to be comprised of:

(1) the following ex officio members or their designees: the Director of Commerce and Community Affairs who shall serve as Chair of the Committee, the Director of Natural Resources, the Secretary of Human Services, and the Chairman of the Illinois Commerce Commission; and

(2) 9 persons who shall be appointed by the Governor to serve 2-year terms and until their successors are appointed and qualified, 3 of whom shall be persons who represent low income households or organizations which represent such households, 3 of whom shall be representatives of public utilities or other entities which provide winter energy services, and 3 of whom shall be representatives of local agencies engaged by the Department to assist in the administration of this Act.

(3) 6 persons who shall be appointed by the Director of the Department of Commerce and Community Affairs to serve 2-year terms and until their successors are appointed and qualified, who shall be persons meeting such qualifications as may be required by the federal government for the administration of the Weatherization Assistance Program funded by the U.S. Department of Energy and any such related energy assistance programs.

(4) Members shall serve without compensation, but may receive reimbursement for actual costs incurred in fulfilling their duties as members of the Council.

(b) The Policy Advisory Council shall have the following duties:

(1) to monitor the administration of this Act to ensure effective, efficient, and coordinated program development and implementation;

(2) to assist the Department in developing and administering rules and regulations required to be promulgated pursuant to this Act in a manner consistent with the purpose and objectives of this Act;

(3) to facilitate and coordinate the collection and exchange of all program data and other information needed by the Department and others in fulfilling their duties pursuant to this Act;

(4) to advise the Department on the proper level of support required for effective administration of the Act;

(5) to provide a written opinion concerning any regulation proposed pursuant to this Act, and to review and comment on any energy assistance or related plan required to be prepared by the Department;

(6) on or before March 1 of each year beginning in 1990, to prepare and submit a report to the Governor and General Assembly which describes the activities of the Department in the development and implementation of energy assistance and related policies and programs, which characterizes progress towards meeting the objectives and requirements of this Act, and which recommends any statutory changes which might be needed to further such progress. The report submitted in
1991 shall include an analysis of and recommendations regarding this Act's provisions concerning State payment of pre-program arrearages, and 

(7) to advise the Department on the use of funds collected pursuant to Section 13 of this Act, and on any changes to existing low-income energy assistance programs to make effective use of such funds, so long as such uses and changes are consistent with the requirements of subsection (a) of Section 13 of this Act.

(Source: P.A. 89-445, eff. 2-7-96; 89-507, eff. 7-1-97; 90-561, eff. 12-16-97.)

(305 ILCS 20/6) (from Ch. 111 2/3, par. 1406)

Sec. 6. Eligibility, Conditions of Participation, and Energy Assistance.

(a) Any person who is a resident of the State of Illinois and whose household income is not greater than an amount determined annually by the Department, in consultation with the Policy Advisory Council, may apply for assistance pursuant to this Act in accordance with regulations promulgated by the Department. In setting the annual eligibility level, the Department shall consider the amount of available funding and may not set a limit higher than 150% of the federal nonfarm poverty level as established by the federal Office of Management and Budget.

(b) Applicants who qualify for assistance pursuant to subsection (a) of this Section shall, subject to appropriation from the General Assembly and subject to availability of funds to the Department, receive energy assistance as provided by this Act. The Department, upon receipt of monies authorized pursuant to this Act for energy assistance, shall commit funds for each qualified applicant in an amount determined by the Department. In determining the amounts of assistance to be provided to or on behalf of a qualified applicant, the Department shall ensure that the highest amounts of assistance go to households with the greatest energy costs in relation to household income. The Department shall include factors such as energy costs, household size, household income, and region of the State when determining individual household benefits. In setting assistance levels, the Department shall attempt to provide assistance to approximately the same number of households who participated in the 1991 Residential Energy Assistance Partnership Program. Such assistance levels shall be adjusted annually on the basis of funding availability and energy costs. In promulgating rules for the administration of this Section the Department shall assure that a minimum of 1/3 of funds available for benefits to eligible households with the lowest incomes are made available to households who are eligible for public assistance and that elderly and disabled households are offered a priority one-month application period.

(c) If the applicant is not a customer of an energy provider for winter energy services or an applicant for such service, such applicant shall receive a direct energy assistance payment in an amount established by the Department for all such applicants under this Act; provided, however, that such an applicant must have rental expenses for housing greater than 30% of household income.

(d) If the applicant is a customer of an energy provider, such applicant shall receive energy assistance in an amount established by the Department for all such applicants under this Act, such amount to be paid by the Department to the energy provider supplying winter energy service to such applicant. Such applicant shall:

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(i) make all reasonable efforts to apply to any other appropriate source of public energy assistance; and

(ii) sign a waiver permitting the Department to receive income information from any public or private agency providing income or energy assistance and from any employer, whether public or private.

(e) Any qualified applicant pursuant to this Section may receive or have paid on such applicant's behalf an emergency assistance payment to enable such applicant to obtain access to winter energy services. Any such payments shall be made in accordance with regulations of the Department.

(f) The Department may, if sufficient funds are available, provide additional benefits to certain qualified applicants:

(i) for the reduction of past due amounts owed to energy providers; and

(ii) to assist the household in responding to excessively high summer temperatures or energy costs. Households containing elderly members, children, a person with a disability, or a person with a medical need for conditioned air shall receive priority for receipt of such benefits.

(Source: P.A. 91-936, eff. 1-10-01.)

(305 ILCS 20/7) (from Ch. 111 2/3, par. 1407)

Sec. 7. State Weatherization Plan and Program.

(a) The Department shall, after consultation with the Policy Advisory Council, prepare and promulgate an annual State Weatherization Plan beginning in the year this Act becomes effective. To the extent practicable, such Plan shall provide for targeting use of both State and federal weatherization funds to the households of eligible applicants pursuant to this Act whose ratios of energy costs to income are the highest. The State Weatherization Plan shall include but need not be limited to the following:

(1) a description of the demographic characteristics and energy use patterns of people eligible for assistance pursuant to this Act;

(2) the methodology used by the Department in targeting weatherization funds;

(3) a description of anticipated activity and results for the year covered by the Plan, including an estimate of energy cost savings expected to be realized by the weatherization program; and

(4) every third year, beginning in 2002, an evaluation of results from the weatherization program in the year preceding the plan year, including the effect of State Weatherization Program investments on energy consumption and cost in the population eligible for assistance pursuant to this Act, and the effect of targeted weatherization investments on the costs of the energy assistance program authorized by this Act.

(b) The Department shall implement the State Weatherization Plan by rule through a program which provides targeted weatherization assistance to eligible applicants for energy assistance pursuant to this Act. The Department may enter into such contracts and other arrangements with local agencies as may be necessary for the purpose of administering the

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weatherization program.
(Source: P.A. 86-127; 87-14.)

(305 ILCS 20/8) (from Ch. 111 2/3, par. 1408)

Sec. 8. Program Evaluation Reports.

(a) The Department of Natural Resources shall prepare and submit to the Governor and the General Assembly reports on September 30 biennially March 15 of each year, beginning in 2003, evaluating the effectiveness of the energy assistance and weatherization policies authorized by this Act. The first report shall cover such effects during the first winter during which the program authorized by this Act, is in operation, and successive reports shall cover effects since the issuance of the preceding report.

(1) The reports issued pursuant to this Section shall be limited to, information concerning the effects of the policies authorized by this Act on (1) the ability of eligible applicants to obtain and maintain adequate and affordable winter energy services and (2) changes in the costs and prices of winter energy services for people who do not receive energy assistance pursuant to this Act.

(2) The Department of Natural Resources shall by September 30, 2002, in consultation with the Policy Advisory Council, determine the kinds of numerical and other information needed to conduct the evaluations required under this Section, and shall advise the Policy Advisory Council of such information needs in a timely manner. The Department of Commerce and Community Affairs, the Department of Human Services, and the Illinois Commerce Commission shall each provide such information as the Department of Natural Resources may require to ensure that the evaluation reporting requirement established by this Section can be met.

(b) On or before December 31, 2002, 2004, 2006, and 2007, the Department shall prepare a report for the General Assembly on the expenditure of funds appropriated for the programs authorized under this Act.

(c) On or before December 31 of each year in 2004, 2006, and 2007, the Department shall, in consultation with the Council, prepare and submit evaluation reports to the Governor and the General Assembly outlining the effects of the program designed under this Act on the following as it relates to the propriety of continuing the program:

1. The definition of an eligible low income residential customer;
2. Access of low income residential customers to essential energy services;
3. Past due amounts owed to utilities by low income persons in Illinois;
4. Appropriate measures to encourage energy conservation, efficiency, and responsibility among low income residential customers;
5. The activities of the Department in the development and implementation of energy assistance and related policies and programs, which characterizes progress toward meeting the objectives and requirements of this Act, and which recommends any statutory changes which might be needed to further such progress.

(d) The Department shall by September 30, 2002 in consultation with the Council determine the kinds of numerical and other information needed to conduct the evaluations required by this Section.
(e) The Illinois Commerce Commission shall require each public utility providing heating or electric service to compile and submit any numerical and other information needed by the Department of Natural Resources to meet its reporting obligations.

(Source: P.A. 89-445, eff. 2-7-96; 89-507, eff. 7-1-97.)

(305 ILCS 20/13)


(a) The Supplemental Low-Income Energy Assistance Fund is hereby created as a special fund in the State Treasury. The Supplemental Low-Income Energy Assistance Fund is authorized to receive, by statutory deposit, the moneys collected pursuant to this Section. Subject to appropriation, the Department shall use moneys from the Supplemental Low-Income Energy Assistance Fund for payments to electric or gas public utilities, municipal electric or gas utilities, and electric cooperatives on behalf of their customers who are participants in the program authorized by Section 4 of this Act, for the provision of weatherization services and for administration of the Supplemental Low-Income Energy Assistance Fund. The yearly expenditures for weatherization may not exceed 10% of the amount collected during the year pursuant to this Section. In determining which customers will participate in the weatherization component, the Department shall target weatherization for those customers with the greatest energy burden, that is the lowest income and greatest utility bills. The yearly administrative expenses of the Supplemental Low-Income Energy Assistance Fund may not exceed 10% of the amount collected during that year pursuant to this Section.

(b) Notwithstanding the provisions of Section 16-111 of the Public Utilities Act but subject to subsection (k) of this Section, each public utility, electric cooperative, as defined in Section 3.4 of the Electric Supplier Act, and municipal utility, as referenced in Section 3-105 of the Public Utilities Act, that is engaged in the delivery of electricity or the distribution of natural gas within the State of Illinois shall, effective January 1, 1998, assess each of its customer accounts a monthly Energy Assistance Charge for the Supplemental Low-Income Energy Assistance Fund. The delivering public utility, municipal electric or gas utility, or electric or gas cooperative for a self-assessing purchaser remains subject to the collection of the fee imposed by this Section. The monthly charge shall be as follows:

(1) $0.40 per month on each account for residential electric service;
(2) $0.40 per month on each account for residential gas service;
(3) $4 per month on each account for non-residential electric service which had less than 10 megawatts of peak demand during the previous calendar year;
(4) $4 per month on each account for non-residential gas service which had distributed to it less than 4,000,000 therms of gas during the previous calendar year;
(5) $300 per month on each account for non-residential electric service which had 10 megawatts or greater of peak demand during the previous calendar year; and
(6) $300 per month on each account for non-residential gas service which had 4,000,000 or more therms of gas distributed to it during the previous calendar year.

(c) For purposes of this Section:

(1) "residential electric service" means electric utility service for household

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purposes delivered to a dwelling of 2 or fewer units which is billed under a residential rate, or electric utility service for household purposes delivered to a dwelling unit or units which is billed under a residential rate and is registered by a separate meter for each dwelling unit;

(2) "residential gas service" means gas utility service for household purposes distributed to a dwelling of 2 or fewer units which is billed under a residential rate, or gas utility service for household purposes distributed to a dwelling unit or units which is billed under a residential rate and is registered by a separate meter for each dwelling unit;

(3) "non-residential electric service" means electric utility service which is not residential electric service; and

(4) "non-residential gas service" means gas utility service which is not residential gas service.

(d) At least 45 days prior to the date on which it must begin assessing Energy Assistance Charges, each public utility engaged in the delivery of electricity or the distribution of natural gas shall file with the Illinois Commerce Commission tariffs incorporating the Energy Assistance Charge in other charges stated in such tariffs.

(e) The Energy Assistance Charge assessed by electric and gas public utilities shall be considered a charge for public utility service.

(f) By the 20th day of the month following the month in which the charges imposed by the Section were collected, each public utility, municipal utility, and electric cooperative shall remit to the Department of Revenue all moneys received as payment of the Energy Assistance Charge on a return prescribed and furnished by the Department of Revenue showing such information as the Department of Revenue may reasonably require. If a customer makes a partial payment, a public utility, municipal utility, or electric cooperative may elect either: (i) to apply such partial payments first to amounts owed to the utility or cooperative for its services and then to payment for the Energy Assistance Charge or (ii) to apply such partial payments on a pro-rata basis between amounts owed to the utility or cooperative for its services and to payment for the Energy Assistance Charge.

(g) The Department of Revenue shall deposit into the Supplemental Low-Income Energy Assistance Fund all moneys remitted to it in accordance with subsection (f) of this Section.

(h) (Blank). If as of June 30, 2002 the program authorized by Section 4 of this Act has not been replaced by a new energy assistance program which is in operation, then the General Assembly shall review the program; provided however, that after that date, any public utility, municipal utility, or electric cooperative shall continue to assess an Energy Assistance Charge which was originally assessed on or before June 30, 2002 and which remains unpaid.

On or before December 31, 2002, the Department shall prepare a report for the General Assembly on the expenditure of funds appropriated from the Low-Income Energy Assistance Block Grant Fund for the program authorized under Section 4 of this Act.

(i) The Department of Revenue may establish such rules as it deems necessary to
implement this Section.

(j) The Department of Commerce and Community Affairs may establish such rules as it deems necessary to implement this Section.

(k) The charges imposed by this Section shall only apply to customers of municipal electric or gas utilities and electric or gas cooperatives if the municipal electric or gas utility or electric or gas cooperative makes an affirmative decision to impose the charge. If a municipal electric or gas utility or an electric cooperative makes an affirmative decision to impose the charge provided by this Section, the municipal electric or gas utility or electric cooperative shall inform the Department of Revenue in writing of such decision when it begins to impose the charge. If a municipal electric or gas utility or electric or gas cooperative does not assess this charge, the Department may not use funds from the Supplemental Low-Income Energy Assistance Fund to provide benefits to its customers under the program authorized by Section 4 of this Act.

In its use of federal funds under this Act, the Department may not cause a disproportionate share of those federal funds to benefit customers of systems which do not assess the charge provided by this Section.

This Section is repealed effective December 31, 2007 unless renewed by action of the General Assembly. The General Assembly shall consider the results of the evaluations described in Section 8 in its deliberations.

(Source: P.A. 90-561, eff. 12-16-97; 90-624, eff. 7-10-98.)

(305 ILCS 20/7.1 rep.)
(305 ILCS 20/9 rep.)
(305 ILCS 20/12 rep.)
(305 ILCS 20/14 rep.)

Section 10. The Energy Assistance Act of 1989 is amended by repealing Sections 7.1, 9, 12, and 14.

Section 15. The Renewable Energy, Energy Efficiency, and Coal Resources Development Law of 1997 is amended by changing Section 6-5 as follows:

(20 ILCS 687/6-5)
(Sec. 6-5. Renewable Energy Resources and Coal Technology Development Assistance Charge.

(a) Notwithstanding the provisions of Section 16-111 of the Public Utilities Act but subject to subsection (e) of this Section, each public utility, electric cooperative, as defined in Section 3.4 of the Electric Supplier Act, and municipal utility, as referenced in Section 3-105 of the Public Utilities Act, that is engaged in the delivery of electricity or the distribution of natural gas within the State of Illinois shall, effective January 1, 1998, assess each of its customer accounts a monthly Renewable Energy Resources and Coal Technology Development Assistance Charge. The delivering public utility, municipal electric or gas utility, or electric or gas cooperative for a self-assessing purchaser remains subject to the collection of the fee imposed by this Section. The monthly charge shall be as follows:

(1) $0.05 per month on each account for residential electric service as defined
in Section 13 of the Energy Assistance Act of 1989;

(2) $0.05 per month on each account for residential gas service as defined in Section 13 of the Energy Assistance Act of 1989;

(3) $0.50 per month on each account for nonresidential electric service, as defined in Section 13 of the Energy Assistance Act of 1989, which had less than 10 megawatts of peak demand during the previous calendar year;

(4) $0.50 per month on each account for nonresidential gas service, as defined in Section 13 of the Energy Assistance Act of 1989, which had distributed to it less than 4,000,000 therms of gas during the previous calendar year;

(5) $37.50 per month on each account for nonresidential electric service, as defined in Section 13 of the Energy Assistance Act of 1989, which had 10 megawatts or greater of peak demand during the previous calendar year; and

(6) $37.50 per month on each account for nonresidential gas service, as defined in Section 13 of the Energy Assistance Act of 1989, which had 4,000,000 or more therms of gas distributed to it during the previous calendar year.

(b) The Renewable Energy Resources and Coal Technology Development Assistance Charge assessed by electric and gas public utilities shall be considered a charge for public utility service.

(c) Fifty percent of the moneys collected pursuant to this Section shall be deposited in the Renewable Energy Resources Trust Fund by the Department of Revenue. The remaining 50 percent of the moneys collected pursuant to this Section shall be deposited in the Coal Technology Development Assistance Fund by the Department of Revenue for use under the Illinois Coal Technology Development Assistance Act.

(d) By the 20th day of the month following the month in which the charges imposed by this Section were collected, each utility and alternative retail electric supplier collecting charges pursuant to this Section shall remit to the Department of Revenue for deposit in the Renewable Energy Resources Trust Fund and the Coal Technology Development Assistance Fund all moneys received as payment of the charge provided for in this Section on a return prescribed and furnished by the Department of Revenue showing such information as the Department of Revenue may reasonably require.

(e) The charges imposed by this Section shall only apply to customers of municipal electric or gas utilities and electric or gas cooperatives if the municipal electric or gas utility or electric or gas cooperative makes an affirmative decision to impose the charge. If a municipal electric or gas utility or an electric or gas cooperative makes an affirmative decision to impose the charge provided by this Section, the municipal electric or gas utility or electric or gas cooperative shall inform the Department of Revenue in writing of such decision when it begins to impose the charge. If a municipal electric or gas utility or electric or gas cooperative does not assess this charge, its customers shall not be eligible for the Renewable Energy Resources Program.

(f) The Department of Revenue may establish such rules as it deems necessary to implement this Section.

(Source: P.A. 90-561, eff. 12-16-97; 90-624, eff. 7-10-98.)
Section 20. The Public Utilities Act is amended by changing Sections 8-207, 16-108, and 16-111 as follows:

(220 ILCS 5/8-207) (from Ch. 111 2/3, par. 8-207)

Sec. 8-207. Any former residential customer whose gas or electric service was used to provide or control the primary source of space heating in the dwelling and whose service is disconnected for nonpayment of a bill or a deposit from December 1 of the prior winter's heating season through April 1 of the current heating season shall be eligible for reconnection and a deferred payment arrangement under the provisions of this Section, subject to the following limitations:

A utility shall not be required to reconnect service to, and enter into a deferred payment arrangement with, a former customer under the provisions of this Section (1) except between November 1 and April 1 of the current heating season for former customers who do not have applications pending for the program described in Section 6 of the Energy Assistance Act of 1989, and except between October 1 and April 1 of the current heating season for all former customers who do have applications pending for the program described in Section 6 of the Energy Assistance Act of 1989 and who provide proof of application to the utility, (2) in 2 consecutive years, (3) unless that former customer has paid at least 33 1/3% of the amount billed for utility service rendered by that utility subsequent to December 1 of the prior year, or (4) in any instance where the utility can show there has been tampering with the utility's wires, pipes, meters (including locking devices), or other service equipment and further shows that the former customer enjoyed the benefit of utility service obtained in the aforesaid manner.

The terms and conditions of any deferred payment arrangements established by the utility and a former customer shall take into consideration the following factors, based upon information available from current utility records or provided by the former customer:

(1) the amount past due;
(2) the former customer's ability to pay;
(3) the former customer's payment history;
(4) the reasons for the accumulation of the past due amounts; and
(5) any other relevant factors relating to the former customer's circumstances.

After the former customer's eligibility has been established in accordance with the first paragraph of this Section and, upon the establishment of a deferred payment agreement, the former customer shall pay 1/3 of the amount past due (including reconnecting charge, if any) and 1/3 of any deposit required by the utility.

Upon the payment of 1/3 of the amount past due and 1/3 of any deposit required by the utility, the former customer's service shall be reconnected as soon as possible. The company and the former customer shall agree to a payment schedule for the remaining balances which will reasonably allow the former customer to make the payments on the remainder of the deposit and the past due balance while paying current bills during the winter heating season. However, the utility is not obliged to make payment arrangements extending beyond the following November. The utility shall allow the former customer a minimum of 4 months in which to retire the past due balance and 3 months in which to pay the remainder

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of the deposit. The former customer shall also be informed that payment on the amounts past due and the deposit, if any, plus the current bills must be paid by the due date or the customer may face termination of service pursuant to this Section and Section 8-206.

The Commission shall develop rules to govern the reconnection of a former customer who demonstrates a financial inability to meet the requirement of 1/3 of the amount past due and 1/3 of any deposit requested by the utility. The Commission's rules shall establish a means by which the former customer's utility service may be reconnected through the payment of a reasonable amount and upon entering into a deferred payment agreement.

Any payment agreement made shall be in writing, with a copy provided to the former customer. The renegotiation and reinstatement of a customer and the establishment of a budget payment plan shall be pursuant to rules established by the Commission.

Not later than September 15 of each year, every gas and electric utility shall conduct a survey of all former residential customers whose gas or electric service was used to provide or control the primary source of space heating in the dwelling and whose gas or electric service was terminated for nonpayment of a bill or deposit from December 1 of the previous year to September 15 of that year and where service at that premises has not been restored. Not later than October 1 of each year the utility shall notify each of these former customers that the gas or electric service will be restored by the company for the coming heating season if the former customer contacts the utility and makes arrangements with the utility for reconnection of service under the conditions set forth in this Section. A utility shall notify the former customer or an adult member of the household by personal visit, telephone contact or mailing of a letter by first class mail to the last known address of that former customer. The utility shall keep records which would indicate the date, form and the results of such contact.

Each gas and electric utility which has former customers affected by this Section shall file reports with the Commission providing such information as the Commission may deem appropriate. The Commission shall notify each gas and electric utility prior to August 1 of each year concerning the information which is to be included in the report for that year.

In no event shall any actions taken by a utility in compliance with this Section be deemed to abrogate or in any way interfere with the utility's rights to pursue the normal collection processes otherwise available to it.

The Commission shall promulgate rules to implement this Section.

(Source: P.A. 86-782; 87-469.)

(220 ILCS 5/16-108)
Sec. 16-108. Recovery of costs associated with the provision of delivery services.
(a) An electric utility shall file a delivery services tariff with the Commission at least 210 days prior to the date that it is required to begin offering such services pursuant to this Act. An electric utility shall provide the components of delivery services that are subject to the jurisdiction of the Federal Energy Regulatory Commission at the same prices, terms and conditions set forth in its applicable tariff as approved or allowed into effect by that Commission. The Commission shall otherwise have the authority pursuant to Article IX to review, approve, and modify the prices, terms and conditions of those components of

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delivery services not subject to the jurisdiction of the Federal Energy Regulatory Commission, including the authority to determine the extent to which such delivery services should be offered on an unbundled basis. In making any such determination the Commission shall consider, at a minimum, the effect of additional unbundling on (i) the objective of just and reasonable rates, (ii) electric utility employees, and (iii) the development of competitive markets for electric energy services in Illinois.

(b) The Commission shall enter an order approving, or approving as modified, the delivery services tariff no later than 30 days prior to the date on which the electric utility must commence offering such services. The Commission may subsequently modify such tariff pursuant to this Act.

(c) The electric utility's tariffs shall define the classes of its customers for purposes of delivery services charges. Delivery services shall be priced and made available to all retail customers electing delivery services in each such class on a nondiscriminatory basis regardless of whether the retail customer chooses the electric utility, an affiliate of the electric utility, or another entity as its supplier of electric power and energy. Charges for delivery services shall be cost based, and shall allow the electric utility to recover the costs of providing delivery services through its charges to its delivery service customers that use the facilities and services associated with such costs. Such costs shall include the costs of owning, operating and maintaining transmission and distribution facilities. The Commission shall also be authorized to consider whether, and if so to what extent, the following costs are appropriately included in the electric utility's delivery services rates: (i) the costs of that portion of generation facilities used for the production and absorption of reactive power in order that retail customers located in the electric utility's service area can receive electric power and energy from suppliers other than the electric utility, and (ii) the costs associated with the use and redispach of generation facilities to mitigate constraints on the transmission or distribution system in order that retail customers located in the electric utility's service area can receive electric power and energy from suppliers other than the electric utility. Nothing in this subsection shall be construed as directing the Commission to allocate any of the costs described in (i) or (ii) that are found to be appropriately included in the electric utility's delivery services rates to any particular customer group or geographic area in setting delivery services rates.

(d) The Commission shall establish charges, terms and conditions for delivery services that are just and reasonable and shall take into account customer impacts when establishing such charges. In establishing charges, terms and conditions for delivery services, the Commission shall take into account voltage level differences. A retail customer shall have the option to request to purchase electric service at any delivery service voltage reasonably and technically feasible from the electric facilities serving that customer's premises provided that there are no significant adverse impacts upon system reliability or system efficiency. A retail customer shall also have the option to request to purchase electric service at any point of delivery that is reasonably and technically feasible provided that there are no significant adverse impacts on system reliability or efficiency. Such requests shall not be unreasonably denied.

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(e) Electric utilities shall recover the costs of installing, operating or maintaining facilities for the particular benefit of one or more delivery services customers, including without limitation any costs incurred in complying with a customer's request to be served at a different voltage level, directly from the retail customer or customers for whose benefit the costs were incurred, to the extent such costs are not recovered through the charges referred to in subsections (c) and (d) of this Section.

(f) An electric utility shall be entitled but not required to implement transition charges in conjunction with the offering of delivery services pursuant to Section 16-104. If an electric utility implements transition charges, it shall implement such charges for all delivery services customers and for all customers described in subsection (h), but shall not implement transition charges for power and energy that a retail customer takes from cogeneration or self-generation facilities located on that retail customer's premises, if such facilities meet the following criteria:

(i) the cogeneration or self-generation facilities serve a single retail customer and are located on that retail customer's premises (for purposes of this subparagraph and subparagraph (ii), an industrial or manufacturing retail customer and a third party contractor that is served by such industrial or manufacturing customer through such retail customer's own electrical distribution facilities under the circumstances described in subsection (vi) of the definition of "alternative retail electric supplier" set forth in Section 16-102, shall be considered a single retail customer);

(ii) the cogeneration or self-generation facilities either (A) are sized pursuant to generally accepted engineering standards for the retail customer's electrical load at that premises (taking into account standby or other reliability considerations related to that retail customer's operations at that site) or (B) if the facility is a cogeneration facility located on the retail customer's premises, the retail customer is the thermal host for that facility and the facility has been designed to meet that retail customer's thermal energy requirements resulting in electrical output beyond that retail customer's electrical demand at that premises, comply with the operating and efficiency standards applicable to "qualifying facilities" specified in title 18 Code of Federal Regulations Section 292.205 as in effect on the effective date of this amendatory Act of 1999;

(iii) the retail customer on whose premises the facilities are located either has an exclusive right to receive, and corresponding obligation to pay for, all of the electrical capacity of the facility, or in the case of a cogeneration facility that has been designed to meet the retail customer's thermal energy requirements at that premises, an identified amount of the electrical capacity of the facility, over a minimum 5-year period; and

(iv) if the cogeneration facility is sized for the retail customer's thermal load at that premises but exceeds the electrical load, any sales of excess power or energy are made only at wholesale, are subject to the jurisdiction of the Federal Energy Regulatory Commission, and are not for the purpose of circumventing the provisions of this subsection (f).

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If a generation facility located at a retail customer's premises does not meet the above criteria, an electric utility implementing transition charges shall implement a transition charge until December 31, 2006 for any power and energy taken by such retail customer from such facility as if such power and energy had been delivered by the electric utility. Provided, however, that an industrial retail customer that is taking power from a generation facility that does not meet the above criteria but that is located on such customer's premises will not be subject to a transition charge for the power and energy taken by such retail customer from such generation facility if the facility does not serve any other retail customer and either was installed on behalf of the customer and for its own use prior to January 1, 1997, or is both predominantly fueled by byproducts of such customer's manufacturing process at such premises and sells or offers an average of 300 megawatts or more of electricity produced from such generation facility into the wholesale market. Such charges shall be calculated as provided in Section 16-102, and shall be collected on each kilowatt-hour delivered under a delivery services tariff to a retail customer from the date the customer first takes delivery services until December 31, 2006 except as provided in subsection (h) of this Section. Provided, however, that an electric utility, other than an electric utility providing service to at least 1,000,000 customers in this State on January 1, 1999, shall be entitled to petition for entry of an order by the Commission authorizing the electric utility to implement transition charges for an additional period ending no later than December 31, 2008. The electric utility shall file its petition with supporting evidence no earlier than 16 months, and no later than 12 months, prior to December 31, 2006. The Commission shall hold a hearing on the electric utility's petition and shall enter its order no later than 8 months after the petition is filed. The Commission shall determine whether and to what extent the electric utility shall be authorized to implement transition charges for an additional period. The Commission may authorize the electric utility to implement transition charges for some or all of the additional period, and shall determine the mitigation factors to be used in implementing such transition charges; provided, that the Commission shall not authorize mitigation factors less than 110% of those in effect during the 12 months ended December 31, 2006. In making its determination, the Commission shall consider the following factors: the necessity to implement transition charges for an additional period in order to maintain the financial integrity of the electric utility; the prudence of the electric utility's actions in reducing its costs since the effective date of this amendatory Act of 1997; the ability of the electric utility to provide safe, adequate and reliable service to retail customers in its service area; and the impact on competition of allowing the electric utility to implement transition charges for the additional period.

(g) The electric utility shall file tariffs that establish the transition charges to be paid by each class of customers to the electric utility in conjunction with the provision of delivery services. The electric utility's tariffs shall define the classes of its customers for purposes of calculating transition charges. The electric utility's tariffs shall provide for the calculation of transition charges on a customer-specific basis for any retail customer whose average monthly maximum electrical demand on the electric utility's system during the 6 months with the customer's highest monthly maximum electrical demands equals or exceeds 3.0

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megawatts for electric utilities having more than 1,000,000 customers, and for other electric utilities for any customer that has an average monthly maximum electrical demand on the electric utility's system of one megawatt or more, and (A) for which there exists data on the customer's usage during the 3 years preceding the date that the customer became eligible to take delivery services, or (B) for which there does not exist data on the customer's usage during the 3 years preceding the date that the customer became eligible to take delivery services, if in the electric utility's reasonable judgment there exists comparable usage information or a sufficient basis to develop such information, and further provided that the electric utility can require customers for which an individual calculation is made to sign contracts that set forth the transition charges to be paid by the customer to the electric utility pursuant to the tariff.

(h) An electric utility shall also be entitled to file tariffs that allow it to collect transition charges from retail customers in the electric utility's service area that do not take delivery services but that take electric power or energy from an alternative retail electric supplier or from an electric utility other than the electric utility in whose service area the customer is located. Such charges shall be calculated, in accordance with the definition of transition charges in Section 16-102, for the period of time that the customer would be obligated to pay transition charges if it were taking delivery services, except that no deduction for delivery services revenues shall be made in such calculation, and usage data from the customer's class shall be used where historical usage data is not available for the individual customer. The customer shall be obligated to pay such charges on a lump sum basis on or before the date on which the customer commences to take service from the alternative retail electric supplier or other electric utility, provided, that the electric utility in whose service area the customer is located shall offer the customer the option of signing a contract pursuant to which the customer pays such charges ratably over the period in which the charges would otherwise have applied.

(i) An electric utility shall be entitled to add to the bills of delivery services customers charges pursuant to Sections 9-221, 9-222 (except as provided in Section 9-222.1), and Section 16-114 of this Act, Section 5-5 of the Electricity Infrastructure Maintenance Fee Law, Section 6-5 of the Renewable Energy, Energy Efficiency, and Coal Resources Development Law of 1997, and Section 13 of the Energy Assistance Act of 1989.

(j) If a retail customer that obtains electric power and energy from cogeneration or self-generation facilities installed for its own use on or before January 1, 1997, subsequently takes service from an alternative retail electric supplier or an electric utility other than the electric utility in whose service area the customer is located for any portion of the customer's electric power and energy requirements formerly obtained from those facilities (including that amount purchased from the utility in lieu of such generation and not as standby power purchases, under a cogeneration displacement tariff in effect as of the effective date of this amendatory Act of 1997), the transition charges otherwise applicable pursuant to subsections (f), (g), or (h) of this Section shall not be applicable in any year to that portion of the customer's electric power and energy requirements formerly obtained from those facilities, provided, that for purposes of this subsection (j), such portion shall not exceed the average

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number of kilowatt-hours per year obtained from the cogeneration or self-generation facilities during the 3 years prior to the date on which the customer became eligible for delivery services, except as provided in subsection (f) of Section 16-110.
(Source: P.A. 90-561, eff. 12-16-97; 91-50, eff. 6-30-99.)

(220 ILCS 5/16-111)

Sec. 16-111. Rates and restructuring transactions during mandatory transition period.
(a) During the mandatory transition period, notwithstanding any provision of Article IX of this Act, and except as provided in subsections (b), (d), (e), and (f) of this Section, the Commission shall not (i) initiate, authorize or order any change by way of increase (other than in connection with a request for rate increase which was filed after September 1, 1997 but prior to October 15, 1997, by an electric utility serving less than 12,500 customers in this State), (ii) initiate or, unless requested by the electric utility, authorize or order any change by way of decrease, restructuring or unbundling (except as provided in Section 16-109A), in the rates of any electric utility that were in effect on October 1, 1996, or (iii) in any order approving any application for a merger pursuant to Section 7-204 that was pending as of May 16, 1997, impose any condition requiring any filing for an increase, decrease, or change in, or other review of, an electric utility's rates or enforce any such condition of any such order; provided, however, that this subsection shall not prohibit the Commission from:

(1) approving the application of an electric utility to implement an alternative to rate of return regulation or a regulatory mechanism that rewards or penalizes the electric utility through adjustment of rates based on utility performance, pursuant to Section 9-244;

(2) authorizing an electric utility to eliminate its fuel adjustment clause and adjust its base rate tariffs in accordance with subsection (b), (d), or (f) of Section 9-220 of this Act, to fix its fuel adjustment factor in accordance with subsection (c) of Section 9-220 of this Act, or to eliminate its fuel adjustment clause in accordance with subsection (e) of Section 9-220 of this Act;

(3) ordering into effect tariffs for delivery services and transition charges in accordance with Sections 16-104 and 16-108, for real-time pricing in accordance with Section 16-107, or the options required by Section 16-110 and subsection (n) of 16-112, allowing a billing experiment in accordance with Section 16-106, or modifying delivery services tariffs in accordance with Section 16-109; or

(4) ordering or allowing into effect any tariff to recover charges pursuant to Sections 9-201.5, 9-220.1, 9-221, 9-222 (except as provided in Section 9-222.1), 16-108, and 16-114 of this Act, Section 5-5 of the Electricity Infrastructure Maintenance Fee Law, Section 6-5 of the Renewable Energy, Energy Efficiency, and Coal Resources Development Law of 1997, and Section 13 of the Energy Assistance Act of 1989.

(b) Notwithstanding the provisions of subsection (a), each Illinois electric utility serving more than 12,500 customers in Illinois shall file tariffs (i) reducing, effective August 1, 1998, each component of its base rates to residential retail customers by 15% from the base rates in effect immediately prior to January 1, 1998 and (ii) if the public utility provides

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electric service to (A) more than 500,000 customers but less than 1,000,000 customers in this State on January 1, 1999, reducing, effective May 1, 2002, each component of its base rates to residential retail customers by an additional 5% from the base rates in effect immediately prior to January 1, 1998, or (B) at least 1,000,000 customers in this State on January 1, 1999, reducing, effective October 1, 2001, each component of its base rates to residential retail customers by an additional 5% from the base rates in effect immediately prior to January 1, 1998. Provided, however, that (A) if an electric utility's average residential retail rate is less than or equal to the average residential retail rate for a group of Midwest Utilities (consisting of all investor-owned electric utilities with annual system peaks in excess of 1000 megawatts in the States of Illinois, Indiana, Iowa, Kentucky, Michigan, Missouri, Ohio, and Wisconsin), based on data reported on Form 1 to the Federal Energy Regulatory Commission for calendar year 1995, then it shall only be required to file tariffs (i) reducing, effective August 1, 1998, each component of its base rates to residential retail customers by 5% from the base rates in effect immediately prior to January 1, 1998, (ii) reducing, effective October 1, 2000, each component of its base rates to residential retail customers by the lesser of 5% of the base rates in effect immediately prior to January 1, 1998 or the percentage by which the electric utility's average residential retail rate exceeds the average residential retail rate of the Midwest Utilities, based on data reported on Form 1 to the Federal Energy Regulatory Commission for calendar year 1999, and (iii) reducing, effective October 1, 2002, each component of its base rates to residential retail customers by an additional amount equal to the lesser of 5% of the base rates in effect immediately prior to January 1, 1998 or the percentage by which the electric utility's average residential retail rate exceeds the average residential retail rate of the Midwest Utilities, based on data reported on Form 1 to the Federal Energy Regulatory Commission for calendar year 2001; and (B) if the average residential retail rate of an electric utility serving between 150,000 and 250,000 retail customers in this State on January 1, 1995 is less than or equal to 90% of the average residential retail rate for the Midwest Utilities, based on data reported on Form 1 to the Federal Energy Regulatory Commission for calendar year 1995, then it shall only be required to file tariffs (i) reducing, effective August 1, 1998, each component of its base rates to residential retail customers by 2% from the base rates in effect immediately prior to January 1, 1998; (ii) reducing, effective October 1, 2000, each component of its base rates to residential retail customers by 2% from the base rate in effect immediately prior to January 1, 1998; and (iii) reducing, effective October 1, 2002, each component of its base rates to residential retail customers by 1% from the base rates in effect immediately prior to January 1, 1998. Provided, further, that any electric utility for which a decrease in base rates has been or is placed into effect between October 1, 1996 and the dates specified in the preceding sentences of this subsection, other than pursuant to the requirements of this subsection, shall be entitled to reduce the amount of any reduction or reductions in its base rates required by this subsection by the amount of such other decrease. The tariffs required under this subsection shall be filed 45 days in advance of the effective date. Notwithstanding anything to the contrary in Section 9-220 of this Act, no restatement of base rates in conjunction with the elimination of a fuel adjustment clause under that Section shall result in a lesser decrease

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in base rates than customers would otherwise receive under this subsection had the electric utility's fuel adjustment clause not been eliminated.

(c) Any utility reducing its base rates by 15% on August 1, 1998 pursuant to subsection (b) shall include the following statement on its bills for residential customers from August 1 through December 31, 1998: "Effective August 1, 1998, your rates have been reduced by 15% by the Electric Service Customer Choice and Rate Relief Law of 1997 passed by the Illinois General Assembly.". Any utility reducing its base rates by 5% on August 1, 1998, pursuant to subsection (b) shall include the following statement on its bills for residential customers from August 1 through December 31, 1998: "Effective August 1, 1998, your rates have been reduced by 5% by the Electric Service Customer Choice and Rate Relief Law of 1997 passed by the Illinois General Assembly.".

Any utility reducing its base rates by 2% on August 1, 1998 pursuant to subsection (b) shall include the following statement on its bills for residential customers from August 1 through December 31, 1998: "Effective August 1, 1998, your rates have been reduced by 2% by the Electric Service Customer Choice and Rate Relief Law of 1997 passed by the Illinois General Assembly.".

(d) During the mandatory transition period, but not before January 1, 2000, and notwithstanding the provisions of subsection (a), an electric utility may request an increase in its base rates if the electric utility demonstrates that the 2-year average of its earned rate of return on common equity, calculated as its net income applicable to common stock divided by the average of its beginning and ending balances of common equity using data reported in the electric utility's Form 1 report to the Federal Energy Regulatory Commission but adjusted to remove the effects of accelerated depreciation or amortization or other transition or mitigation measures implemented by the electric utility pursuant to subsection (g) of this Section and the effect of any refund paid pursuant to subsection (e) of this Section, is below the 2-year average for the same 2 years of the monthly average yields of 30-year U.S. Treasury bonds published by the Board of Governors of the Federal Reserve System in its weekly H.15 Statistical Release or successor publication. The Commission shall review the electric utility's request, and may review the justness and reasonableness of all rates for tariffed services, in accordance with the provisions of Article IX of this Act, provided that the Commission shall consider any special or negotiated adjustments to the revenue requirement agreed to between the electric utility and the other parties to the proceeding. In setting rates under this Section, the Commission shall exclude the costs and revenues that are associated with competitive services and any billing or pricing experiments conducted under Section 16-106.

(e) For the purposes of this subsection (e) all calculations and comparisons shall be performed for the Illinois operations of multijurisdictional utilities. During the mandatory transition period, notwithstanding the provisions of subsection (a), if the 2-year average of an electric utility's earned rate of return on common equity, calculated as its net income applicable to common stock divided by the average of its beginning and ending balances of common equity using data reported in the electric utility's Form 1 report to the Federal Energy Regulatory Commission but adjusted to remove the effect of any refund paid under
this subsection (e), and further adjusted to include the annual amortization of any difference between the consideration received by an affiliated interest of the electric utility in the sale of an asset which had been sold or transferred by the electric utility to the affiliated interest subsequent to the effective date of this amendatory Act of 1997 and the consideration for which such asset had been sold or transferred to the affiliated interest, with such difference to be amortized ratably from the date of the sale by the affiliated interest to December 31, 2006, exceeds the 2-year average of the Index for the same 2 years by 1.5 or more percentage points, the electric utility shall make refunds to customers beginning the first billing day of April in the following year in the manner described in paragraph (3) of this subsection. For purposes of this subsection (e), the "Index" shall be the sum of (A) the average for the 12 months ended September 30 of the monthly average yields of 30-year U.S. Treasury bonds published by the Board of Governors of the Federal Reserve System in its weekly H.15 Statistical Release or successor publication for each year 1998 through 2004, and (B) (i) 4.00 percentage points for each of the 12-month periods ending September 30, 1998 through September 30, 1999 or 8.00 percentage points if the electric utility's average residential retail rate is less than or equal to 90% of the average residential retail rate for the "Midwest Utilities", as that term is defined in subsection (b) of this Section, based on data reported on Form 1 to the Federal Energy Regulatory Commission for calendar year 1995, and the electric utility served between 150,000 and 250,000 retail customers on January 1, 1995, (ii) 7.00 percentage points for each of the 12-month periods ending September 30, 2000 through September 30, 2004 if the electric utility was providing service to at least 1,000,000 customers in this State on January 1, 1999, or 9.00 percentage points if the electric utility's average residential retail rate is less than or equal to 90% of the average residential retail rate for the "Midwest Utilities", as that term is defined in subsection (b) of this Section, based on data reported on Form 1 to the Federal Energy Regulatory Commission for calendar year 1995 and the electric utility served between 150,000 and 250,000 retail customers in this State on January 1, 1995, (iii) 11.00 percentage points for each of the 12-month periods ending September 30, 2000 through September 30, 2004, but only if the electric utility's average residential retail rate is less than or equal to 90% of the average residential retail rate for the "Midwest Utilities", as that term is defined in subsection (b) of this Section, based on data reported on Form 1 to the Federal Energy Regulatory Commission for calendar year 1995, the electric utility served between 150,000 and 250,000 retail customers in this State on January 1, 1995, and the electric utility offers delivery services on or before June 1, 2000 to retail customers whose annual electric energy use comprises 33% of the kilowatt hour sales to that group of retail customers that are classified under Division D, Groups 20 through 39 of the Standard Industrial Classifications set forth in the Standard Industrial Classification Manual published by the United States Office of Management and Budget, excluding the kilowatt hour sales to those customers that are eligible for delivery services pursuant to Section 16-104(a)(1)(i), and offers delivery services to its remaining retail customers classified under Division D, Groups 20 through 39 on or before October 1, 2000, and, provided further, that the electric utility commits not to petition pursuant to Section 16-108(f) for entry of an order by the Commission authorizing the electric utility to

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implement transition charges for an additional period after December 31, 2006, or (iv) 5.00 percentage points for each of the 12-month periods ending September 30, 2000 through September 30, 2004 for all other electric utilities or 7.00 percentage points for such utilities for each of the 12-month periods ending September 30, 2000 through September 30, 2004 for any such utility that commits not to petition pursuant to Section 16-108(f) for entry of an order by the Commission authorizing the electric utility to implement transition charges for an additional period after December 31, 2006.

(1) For purposes of this subsection (e), "excess earnings" means the difference between (A) the 2-year average of the electric utility's earned rate of return on common equity, less (B) the 2-year average of the sum of (i) the Index applicable to each of the 2 years and (ii) 1.5 percentage points; provided, that "excess earnings" shall never be less than zero.

(2) On or before March 31 of each year 2000 through 2005 each electric utility shall file a report with the Commission showing its earned rate of return on common equity, calculated in accordance with this subsection, for the preceding calendar year and the average for the preceding 2 calendar years.

(3) If an electric utility has excess earnings, determined in accordance with paragraphs (1) and (2) of this subsection, the refunds which the electric utility shall pay to its customers beginning the first billing day of April in the following year shall be calculated and applied as follows:

(i) The electric utility's excess earnings shall be multiplied by the average of the beginning and ending balances of the electric utility's common equity for the 2-year period in which excess earnings occurred.

(ii) The result of the calculation in (i) shall be multiplied by 0.50 and then divided by a number equal to 1 minus the electric utility's composite federal and State income tax rate.

(iii) The result of the calculation in (ii) shall be divided by the sum of the electric utility's projected total kilowatt-hour sales to retail customers plus projected kilowatt-hours to be delivered to delivery services customers over a one year period beginning with the first billing date in April in the succeeding year to determine a cents per kilowatt-hour refund factor.

(iv) The cents per kilowatt-hour refund factor calculated in (iii) shall be credited to the electric utility's customers by applying the factor on the customer's monthly bills to each kilowatt-hour sold or delivered until the total amount calculated in (ii) has been paid to customers.

(f) During the mandatory transition period, an electric utility may file revised tariffs reducing the price of any tariffed service offered by the electric utility for all customers taking that tariffed service, which shall be effective 7 days after filing.

(g) During the mandatory transition period, an electric utility may, without obtaining any approval of the Commission other than that provided for in this subsection and notwithstanding any other provision of this Act or any rule or regulation of the Commission that would require such approval:

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(1) implement a reorganization, other than a merger of 2 or more public utilities as defined in Section 3-105 or their holding companies;

(2) retire generating plants from service;

(3) sell, assign, lease or otherwise transfer assets to an affiliated or unaffiliated entity and as part of such transaction enter into service agreements, power purchase agreements, or other agreements with the transferee; provided, however, that the prices, terms and conditions of any power purchase agreement must be approved or allowed into effect by the Federal Energy Regulatory Commission; or

(4) use any accelerated cost recovery method including accelerated depreciation, accelerated amortization or other capital recovery methods, or record reductions to the original cost of its assets.

In order to implement a reorganization, retire generating plants from service, or sell, assign, lease or otherwise transfer assets pursuant to this Section, the electric utility shall comply with subsections (c) and (d) of Section 16-128, if applicable, and subsection (k) of this Section, if applicable, and provide the Commission with at least 30 days notice of the proposed reorganization or transaction, which notice shall include the following information:

(i) a complete statement of the entries that the electric utility will make on its books and records of account to implement the proposed reorganization or transaction together with a certification from an independent certified public accountant that such entries are in accord with generally accepted accounting principles and, if the Commission has previously approved guidelines for cost allocations between the utility and its affiliates, a certification from the chief accounting officer of the utility that such entries are in accord with those cost allocation guidelines;

(ii) a description of how the electric utility will use proceeds of any sale, assignment, lease or transfer to retire debt or otherwise reduce or recover the costs of services provided by such electric utility;

(iii) a list of all federal approvals or approvals required from departments and agencies of this State, other than the Commission, that the electric utility has or will obtain before implementing the reorganization or transaction;

(iv) an irrevocable commitment by the electric utility that it will not, as a result of the transaction, impose any stranded cost charges that it might otherwise be allowed to charge retail customers under federal law or increase the transition charges that it is otherwise entitled to collect under this Article XVI; and

(v) if the electric utility proposes to sell, assign, lease or otherwise transfer a generating plant that brings the amount of net dependable generating capacity transferred pursuant to this subsection to an amount equal to or greater than 15% of the electric utility’s net dependable capacity as of the effective date of this amendatory Act of 1997, and enters into a power

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purchase agreement with the entity to which such generating plant is sold, assigned, leased, or otherwise transferred, the electric utility also agrees, if its fuel adjustment clause has not already been eliminated, to eliminate its fuel adjustment clause in accordance with subsection (b) of Section 9-220 for a period of time equal to the length of any such power purchase agreement or successor agreement, or until January 1, 2005, whichever is longer; if the capacity of the generating plant so transferred and related power purchase agreement does not result in the elimination of the fuel adjustment clause under this subsection, and the fuel adjustment clause has not already been eliminated, the electric utility shall agree that the costs associated with the transferred plant that are included in the calculation of the rate per kilowatt-hour to be applied pursuant to the electric utility's fuel adjustment clause during such period shall not exceed the per kilowatt-hour cost associated with such generating plant included in the electric utility's fuel adjustment clause during the full calendar year preceding the transfer, with such limit to be adjusted each year thereafter by the Gross Domestic Product Implicit Price Deflator.

(vi) In addition, if the electric utility proposes to sell, assign, or lease, (A) either (1) an amount of generating plant that brings the amount of net dependable generating capacity transferred pursuant to this subsection to an amount equal to or greater than 15% of its net dependable capacity on the effective date of this amendatory Act of 1997, or (2) one or more generating plants with a total net dependable capacity of 1100 megawatts, or (B) transmission and distribution facilities that either (1) bring the amount of transmission and distribution facilities transferred pursuant to this subsection to an amount equal to or greater than 15% of the electric utility's total depreciated original cost investment in such facilities, or (2) represent an investment of $25,000,000 in terms of total depreciated original cost, the electric utility shall provide, in addition to the information listed in subparagraphs (i) through (v), the following information: (A) a description of how the electric utility will meet its service obligations under this Act in a safe and reliable manner and (B) the electric utility's projected earned rate of return on common equity, calculated in accordance with subsection (d) of this Section, for each year from the date of the notice through December 31, 2004 both with and without the proposed transaction. If the Commission has not issued an order initiating a hearing on the proposed transaction within 30 days after the date the electric utility's notice is filed, the transaction shall be deemed approved. The Commission may, after notice and hearing, prohibit the proposed transaction if it makes either or both of the following findings: (1) that the proposed transaction will render the electric utility unable to provide its tariffed services in a safe and reliable manner, or (2) that there is a strong likelihood that consummation of the proposed transaction will result

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in the electric utility being entitled to request an increase in its base rates during the mandatory transition period pursuant to subsection (d) of this Section. Any hearing initiated by the Commission into the proposed transaction shall be completed, and the Commission's final order approving or prohibiting the proposed transaction shall be entered, within 90 days after the date the electric utility's notice was filed. Provided, however, that a sale, assignment, or lease of transmission facilities to an independent system operator that meets the requirements of Section 16-126 shall not be subject to Commission approval under this Section.

In any proceeding conducted by the Commission pursuant to this subparagraph (vi), intervention shall be limited to parties with a direct interest in the transaction which is the subject of the hearing and any statutory consumer protection agency as defined in subsection (d) of Section 9-102.1. Notwithstanding the provisions of Section 10-113 of this Act, any application seeking rehearing of an order issued under this subparagraph (vi), whether filed by the electric utility or by an intervening party, shall be filed within 10 days after service of the order.

The Commission shall not in any subsequent proceeding or otherwise, review such a reorganization or other transaction authorized by this Section, but shall retain the authority to allocate costs as stated in Section 16-111(i). An entity to which an electric utility sells, assigns, leases or transfers assets pursuant to this subsection (g) shall not, as a result of the transactions specified in this subsection (g), be deemed a public utility as defined in Section 3-105. Nothing in this subsection (g) shall change any requirement under the jurisdiction of the Illinois Department of Nuclear Safety including, but not limited to, the payment of fees. Nothing in this subsection (g) shall exempt a utility from obtaining a certificate pursuant to Section 8-406 of this Act for the construction of a new electric generating facility. Nothing in this subsection (g) is intended to exempt the transactions hereunder from the operation of the federal or State antitrust laws. Nothing in this subsection (g) shall require an electric utility to use the procedures specified in this subsection for any of the transactions specified herein. Any other procedure available under this Act may, at the electric utility's election, be used for any such transaction.

(h) During the mandatory transition period, the Commission shall not establish or use any rates of depreciation, which for purposes of this subsection shall include amortization, for any electric utility other than those established pursuant to subsection (c) of Section 5-104 of this Act or utilized pursuant to subsection (g) of this Section. Provided, however, that in any proceeding to review an electric utility's rates for tariffed services pursuant to Section 9-201, 9-202, 9-250 or 16-111(d) of this Act, the Commission may establish new rates of depreciation for the electric utility in the same manner provided in subsection (d) of Section 5-104 of this Act. An electric utility implementing an accelerated cost recovery method including accelerated depreciation, accelerated amortization or other capital recovery methods, or recording reductions to the original cost of its assets, pursuant to subsection (g) of this Section, shall file a statement with the Commission describing the accelerated cost

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recovery method to be implemented or the reduction in the original cost of its assets to be recorded. Upon the filing of such statement, the accelerated cost recovery method or the reduction in the original cost of assets shall be deemed to be approved by the Commission as though an order had been entered by the Commission.

(i) Subsequent to the mandatory transition period, the Commission, in any proceeding to establish rates and charges for tariffed services offered by an electric utility, shall consider only (1) the then current or projected revenues, costs, investments and cost of capital directly or indirectly associated with the provision of such tariffed services; (2) collection of transition charges in accordance with Sections 16-102 and 16-108 of this Act; (3) recovery of any employee transition costs as described in Section 16-128 which the electric utility is continuing to incur, including recovery of any unamortized portion of such costs previously incurred or committed, with such costs to be equitably allocated among bundled services, delivery services, and contracts with alternative retail electric suppliers; and (4) recovery of the costs associated with the electric utility's compliance with decommissioning funding requirements; and shall not consider any other revenues, costs, investments or cost of capital of either the electric utility or of any affiliate of the electric utility that are not associated with the provision of tariffed services. In setting rates for tariffed services, the Commission shall equitably allocate joint and common costs and investments between the electric utility's competitive and tariffed services. In determining the justness and reasonableness of the electric power and energy component of an electric utility's rates for tariffed services subsequent to the mandatory transition period and prior to the time that the provision of such electric power and energy is declared competitive, the Commission shall consider the extent to which the electric utility's tariffed rates for such component for each customer class exceed the market value determined pursuant to Section 16-112, and, if the electric power and energy component of such tariffed rate exceeds the market value by more than 10% for any customer class, may establish such electric power and energy component at a rate equal to the market value plus 10%. In any such case, the Commission may also elect to extend the provisions of Section 16-111(e) for any period in which the electric utility is collecting transition charges, using information applicable to such period.

(j) During the mandatory transition period, an electric utility may elect to transfer to a non-operating income account under the Commission's Uniform System of Accounts either or both of (i) an amount of unamortized investment tax credit that is in addition to the ratable amount which is credited to the electric utility's operating income account for the year in accordance with Section 46(f)(2) of the federal Internal Revenue Code of 1986, as in effect prior to P.L. 101-508, or (ii) "excess tax reserves", as that term is defined in Section 203(e)(2)(A) of the federal Tax Reform Act of 1986, provided that (A) the amount transferred may not exceed the amount of the electric utility's assets that were created pursuant to Statement of Financial Accounting Standards No. 71 which the electric utility has written off during the mandatory transition period, and (B) the transfer shall not be effective until approved by the Internal Revenue Service. An electric utility electing to make such a transfer shall file a statement with the Commission stating the amount and timing of the transfer for which it intends to request approval of the Internal Revenue Service, along

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with a copy of its proposed request to the Internal Revenue Service for a ruling. The Commission shall issue an order within 14 days after the electric utility's filing approving, subject to receipt of approval from the Internal Revenue Service, the proposed transfer.

(k) If an electric utility is selling or transferring to a single buyer 5 or more generating plants located in this State with a total net dependable capacity of 5000 megawatts or more pursuant to subsection (g) of this Section and has obtained a sale price or consideration that exceeds 200% of the book value of such plants, the electric utility must provide to the Governor, the President of the Illinois Senate, the Minority Leader of the Illinois Senate, the Speaker of the Illinois House of Representatives, and the Minority Leader of the Illinois House of Representatives no later than 15 days after filing its notice under subsection (g) of this Section or 5 days after the date on which this subsection (k) becomes law, whichever is later, a written commitment in which such electric utility agrees to expend $2 billion outside the corporate limits of any municipality with 1,000,000 or more inhabitants within such electric utility's service area, over a 6-year period beginning with the calendar year in which the notice is filed, on projects, programs, and improvements within its service area relating to transmission and distribution including, without limitation, infrastructure expansion, repair and replacement, capital investments, operations and maintenance, and vegetation management.

(Source: P.A. 90-561, eff. 12-16-97; 90-563, eff. 12-16-97; 91-50, eff. 6-30-99.)

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

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Statutes amended in order of appearance

305 ILCS 20/1 from Ch. 111 2/3, par. 1401
305 ILCS 20/2 from Ch. 111 2/3, par. 1402
305 ILCS 20/4 from Ch. 111 2/3, par. 1404
305 ILCS 20/5 from Ch. 111 2/3, par. 1405
305 ILCS 20/6 from Ch. 111 2/3, par. 1406
305 ILCS 20/7 from Ch. 111 2/3, par. 1407
305 ILCS 20/8 from Ch. 111 2/3, par. 1408
305 ILCS 20/13
305 ILCS 20/7.1 rep.
305 ILCS 20/9 rep.
305 ILCS 20/12 rep.
305 ILCS 20/14 rep.
20 ILCS 687/6-5
220 ILCS 5/8-207 from Ch. 111 2/3, par. 8-207
220 ILCS 5/16-108
220 ILCS 5/16-111

Approved July 18, 2002.
Effective July 18, 2002.

New matter indicated by italics - deletions by strikeout.
AN ACT concerning the Illinois Century Network.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Century Network Act is amended by changing Sections 10, 15, and 20 and by adding Section 25 as follows:

Sec. 10. Illinois Century Network. The Illinois Century Network shall be a service creating and maintaining high speed telecommunications network that provide reliable communication links to and among Illinois schools, institutions of higher education, libraries, museums, research institutions, State agencies, units of local government, and other local entities that provide services to Illinois citizens. The Illinois Century Network shall build on existing investments in networking schools, colleges, and universities, avoid duplication of future efforts, maintain sufficient capacity to meet the requirements of the participating institutions, and stay current with rapid developments in technology. The Illinois Century Network shall be capable of delivering state-of-the-art access to education, training, and electronic information and shall provide access to networking technologies for institutions located in even the most remote areas of this State.
(Source: P.A. 91-21, eff. 7-1-99.)

(a) Staffing and contractual services necessary to support the network's activities shall be governed by the Illinois Century Network Policy Committee. The committee shall include:

(1) 6 standing members as follows:
   (i) the Illinois State Library Director or designee;
   (ii) the Illinois State Museum Director or designee;
   (iii) the Executive Director of the Board of Higher Education or designee;
   (iv) the Community College Board President or designee;
   (v) the State Board of Education State Superintendent or designee;
   and
   (vi) the Director of Central Management Services or designee;

(2) up to 7 members who are appointed by the Governor and who:
   (i) have experience and background in private K-12 education, private higher education, or who are from other participant constituents that are not already represented;
   (ii) shall serve staggered terms up to 3 years as designated by the Governor; and
   (iii) shall serve until a successor is appointed and qualified; and

(3) a Chairperson who is appointed by the Governor and who shall serve a

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term of 2 years and until a successor is appointed and qualified.

(b) Illinois Century Network Policy Committee members shall serve without compensation but shall be entitled to reimbursement for reasonable expenses of travel for members who are required to travel for a distance greater than 20 miles to participate in business of the Illinois Century Network Policy Committee, provided by the Board of Higher Education, the Illinois Community College Board, the State Board of Education, and other agencies as necessary or warranted, using funds appropriated to these agencies for this purpose.

(Source: P.A. 91-21, eff. 7-1-99.)

(20 ILCS 3921/20)

Sec. 20. Illinois Century Network Policy Committee. The Illinois Century Network Policy Committee shall set general policies for the network. The Committee shall have the following additional duties and powers:

(1) to purchase, acquire, or receive equipment and agreements or contracts for services for the benefit of the Illinois Century Network or its participants;

(2) to sell or convey equipment or services desirable for Network operations to its participants at reasonable costs incurred in the acquisition of the equipment or services;

(3) to employ and fix the compensation for employees as it deems reasonable to achieve the purposes of this Act;

(4) to establish and maintain petty cash funds as provided in Section 13.3 of the State Finance Act;

(5) to make, amend, and repeal bylaws, rules, regulations, and resolutions that are consistent with this Act;

(6) to make and execute all contracts and instruments necessary or convenient to the exercise of its powers;

(7) to exclusively control and manage the Network and all moneys that are donated, paid, or appropriated for the creation, improvement, and operation of the Network;

(8) to prepare and submit a budget for the necessary and contingent operation expenses of the Network;

(9) to accept grants and funds from the federal and state governments and any federal or state agency and to expend those moneys in accordance and in furtherance of the purposes of this Act;

(10) to enter into intergovernmental agreements with other governmental entities, including but not limited to, the Board of Higher Education, the Illinois Community College Board, the State Board of Education, the Department of Central Management Services, and local education agencies, in order to implement and execute the powers and duties set forth in this Act;

(11) to acquire or procure telecommunications or computer networks or related services, alone or in cooperation with other governmental or education entities, as may be of reasonable benefit to the Network or its participants for the
general purposes set forth in this Act; and

(12) to receive assignment of ownership or management rights and the use of telecommunications equipment and services owned or leased by the State of Illinois or other entities providing services to Illinois citizens for use in operation of Network programs and services. consist of representatives from (i) the Office of the Governor, appointed by the Governor, (ii) the Board of Higher Education, appointed by the Board of Higher Education, (iii) the Illinois Community College Board, appointed by the Illinois Community College Board, (iv) the State Board of Education, appointed by the State Board of Education, and (v) other public and private partners as are necessary, appointed by the Governor.

(Source: P.A. 91-21, eff. 7-1-99.)

(20 ILCS 3921/25 new)

Sec. 25. Illinois Century Network Special Purposes Fund. There is hereby created the Illinois Century Network Special Purposes Fund within the State treasury. Deposits into the Fund shall include but not be limited to any funds appropriated to State agencies for the operation of the Network, funds collected as reimbursements, fees for network partnerships, and federal funds. Deposits into the Fund shall include any gifts, grants, or donations received by the network from any public or private organization including State and federal agencies. Earnings attributable to moneys in the Illinois Century Network Special Purposes Fund shall be deposited into the Fund. Subject to appropriation, all moneys within the Fund shall be expended for the operation of the Illinois Century Network, including building and maintaining the Network and its supporting connections.

Section 10. The State Finance Act is amended by adding Section 5.570 as follows:

(30 ILCS 105/5.570 new)

Sec. 5.570. The Illinois Century Network Special Purposes Fund.

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


Approved July 18, 2002.

Effective July 18, 2002.

PUBLIC ACT 92-0692

(Senate Bill No. 1658)

AN ACT in relation to criminal law.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Criminal Code of 1961 is amended by changing Section 12-10.1 as follows:

(720 ILCS 5/12-10.1)

Sec. 12-10.1. Piercing the body of a minor.

(a)(1) Any person who pierces the body or oral cavity of a person under 18 years of age without written consent of a parent or legal guardian of that person commits the

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offense of piercing the body of a minor. Before the oral cavity of a person under 18 years of age may be pierced, the written consent form signed by the parent or legal guardian must contain a provision in substantially the following form:

"I understand that the oral piercing of the tongue, lips, cheeks, or any other area of the oral cavity carries serious risk of infection or damage to the mouth and teeth, or both infection and damage to those areas, that could result but is not limited to nerve damage, numbness, and life threatening blood clots.".

A person who pierces the oral cavity of a person under 18 years of age without obtaining a signed written consent form from a parent or legal guardian of the person that includes the provision describing the health risks of body piercing, violates this Section.

(2) Sentence. Piercing the body of a minor is a Class C misdemeanor.

(b) Definition. As used in this Section, to "pierce" means to make a hole in the body or oral cavity in order to insert or allow the insertion of any ring, hoop, stud, or other object for the purpose of ornamentation of the body.

(c) Exceptions. This Section may not be construed in any way to prohibit any injection, incision, acupuncture, or similar medical or dental procedure performed by a licensed health care professional or other person authorized to perform that procedure. This Section does not prohibit ear piercing. This Section does not apply to a minor emancipated under the Juvenile Court Act of 1987 or the Emancipation of Mature Minors Act or by marriage.

(Source: P.A. 91-412, eff. 9-5-99.)
Approved July 18, 2002.

PUBLIC ACT 92-0693
(House Bill No. 3629)

AN ACT concerning vehicles.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The State Finance Act is amended by adding Section 5.545 as follows:
(30 ILCS 105/5.545 new)
Sec. 5.545. The Hospice Fund.
Section 10. The Illinois Vehicle Code is amended by adding Section 3-648 as follows:
(625 ILCS 5/3-648 new)
Sec. 3-648. Hospice license plates.
(a) The Secretary, upon receipt of an application made in the form prescribed by the Secretary, may issue special registration plates designated as Hospice license plates. The special plates issued under this Section shall be affixed only to passenger vehicles of the first

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division and motor vehicles of the second division weighing not more than 8,000 pounds. Plates issued under this Section shall expire according to the multi-year procedure established by Section 3-414.1 of this Code.

(b) The color of the plates is wholly within the discretion of the Secretary. The design of the plates shall include the word "Hospice" above drawings of two lilies and a butterfly. The Secretary may allow the plates to be issued as vanity plates or personalized under Section 3-405.1 of the Code. The Secretary shall prescribe stickers or decals as provided under Section 3-412 of this Code.

(c) An applicant for the special plate shall be charged a $25 fee for original issuance in addition to the appropriate registration fee. Of this fee, $10 shall be deposited into the Hospice Fund and $15 shall be deposited into the Secretary of State Special License Plate Fund, to be used by the Secretary to help defray the administrative processing costs.

For each registration renewal period, a $25 fee, in addition to the appropriate registration fee, shall be charged. Of this fee, $23 shall be deposited into the Hospice Fund and $2 shall be deposited into the Secretary of State Special License Plate Fund.

(d) The Hospice Fund is created as a special fund in the State treasury. All money in the Hospice Fund shall be paid, subject to appropriation by the General Assembly and approval by the Secretary, to the Department of Public Health for distribution as grants for hospice services as defined in the Hospice Program Licensing Act. The Director of Public Health shall adopt rules for the distribution of these grants.

Passed in the General Assembly April 24, 2002.
Approved July 19, 2002.

PUBLIC ACT 92-0694
(House Bill No. 3645)

AN ACT in relation to vehicles.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The State Finance Act is amended by adding Section 5.552 as follows:
(30 ILCS 105/5.552 new)
Sec. 5.552. Lewis and Clark Bicentennial Fund.

Section 10. The Illinois Vehicle Code is amended by adding Section 3-653 as follows:
(625 ILCS 5/3-653 new)
Sec. 3-653. Lewis and Clark Bicentennial license plates.

(a) In addition to any other special license plate, the Secretary, upon receipt of all applicable fees and applications made in the form prescribed by the Secretary of State, may issue special registration plates designated as Lewis and Clark Bicentennial license plates to residents of Illinois. The special plate issued under this Section shall be affixed only to passenger vehicles of the first division, motor vehicles of the second division weighing not

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more than 8,000 pounds, and recreational vehicles as defined by Section 1-169 of this Code. Plates issued under this Section shall expire according to the staggered multi-year procedure established by Section 3-414.1 of this Code.

(b) The Secretary of State shall confer with the Governor's Illinois Lewis and Clark Bicentennial Commission regarding the design, color, and format of the plates. The Secretary may, in his or her discretion, allow the plates to be issued as vanity or personalized plates in accordance with Section 3-405.1 of this Code. The plates are not required to designate "Land Of Lincoln", as prescribed in subsection (b) of Section 3-412 of this Code. The Secretary, in his or her discretion, shall approve and prescribe stickers or decals as provided under Section 3-412.

c) An applicant shall be charged a $40 fee for original issuance in addition to the applicable registration fee. Of this additional fee, $15 shall be deposited into the Secretary of State Special License Plate Fund and $25 shall be deposited into the Lewis and Clark Bicentennial Fund. For each registration renewal period, a $27 fee, in addition to the appropriate registration fee, shall be charged. Of this additional fee, $2 shall be deposited into the Secretary of State Special License Plate Fund and $25 shall be deposited into the Lewis and Clark Bicentennial Fund.

d) The Secretary of State shall issue special license plates under this Section on and before September 1, 2008. The Secretary may not issue special plates under this Section after September 1, 2008.

e) The Lewis and Clark Bicentennial Fund is created as a special fund in the State treasury. All moneys in the Lewis and Clark Bicentennial Fund shall, subject to appropriation by the General Assembly and approval by the Secretary, be used by the Department of Commerce and Community Affairs to promote tourism and education related to the Lewis and Clark Expedition and for historic preservation purposes related to the Expedition.

The State Treasurer shall transfer any moneys remaining in the Lewis and Clark Bicentennial Fund on September 1, 2009 and any moneys received for deposit into that Fund on or after September 1, 2009 into the Secretary of State Special License Plate Fund.

Passed in the General Assembly April 24, 2002.
Approved July 19, 2002.

PUBLIC ACT 92-0695
(House Bill No. 3713)

AN ACT in relation to vehicles.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The State Finance Act is amended by adding Section 5.570 as follows:

(30 ILCS 105/5.570 new)

Sec. 5.570. The Public Broadcasting Fund.

New matter indicated by italics - deletions by strikeout.
Section 10. The Illinois Vehicle Code is amended by adding Section 3-654 and changing Section 11-208.3 as follows:

(625 ILCS 5/3-654 new)
Sec. 3-654. Illinois Public Broadcasting System Stations special license plates.
(a) The Secretary, upon receipt of all applicable fees and applications made in the form prescribed by the Secretary, may issue special registration plates designated as Illinois Public Broadcasting System Stations special license plates. The special plates issued under this Section shall be affixed only to passenger vehicles of the first division or motor vehicles of the second division weighing not more than 8,000 pounds. Plates issued under this Section shall expire according to the multi-year procedure established by Section 3-414.1 of this Code.

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

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

For each registration renewal period, a $27 fee, in addition to the appropriate registration fee, shall be charged. Of this fee, $25 shall be deposited into the Public Broadcasting Fund and $2 shall be deposited into the Secretary of State Special License Plate Fund.

(d) The Public Broadcasting Fund is created as a special fund in the State treasury. Subject to appropriation by the General Assembly and approval by the Secretary, the Secretary shall pay all moneys in the Public Broadcasting Fund to the various Public Broadcasting System stations in Illinois for operating costs.

(625 ILCS 5/11-208.3) (from Ch. 95 1/2, par. 11-208.3)
Sec. 11-208.3. Administrative adjudication of violations of traffic regulations concerning the standing, parking, or condition of vehicles.

(a) Any municipality may provide by ordinance for a system of administrative adjudication of vehicular standing and parking violations and vehicle compliance violations as defined in this subsection. The administrative system shall have as its purpose the fair and efficient enforcement of municipal regulations through the administrative adjudication of violations of municipal ordinances regulating the standing and parking of vehicles, the condition and use of vehicle equipment, and the display of municipal wheel tax licenses within the municipality's borders. The administrative system shall only have authority to adjudicate civil offenses carrying fines not in excess of $250 that occur after the effective date of the ordinance adopting such a system under this Section. For purposes of this Section,
"compliance violation" means a violation of a municipal regulation governing the condition or use of equipment on a vehicle or governing the display of a municipal wheel tax license.

(b) Any ordinance establishing a system of administrative adjudication under this Section shall provide for:

(1) A traffic compliance administrator authorized to adopt, distribute and process parking and compliance violation notices and other notices required by this Section, collect money paid as fines and penalties for violation of parking and compliance ordinances, and operate an administrative adjudication system. The traffic compliance administrator also may make a certified report to the Secretary of State under Section 6-306.5.

(2) A parking, standing, or compliance violation notice that shall specify the date, time, and place of violation of a parking, standing, or compliance regulation; the particular regulation violated; the fine and any penalty that may be assessed for late payment, when so provided by ordinance; the vehicle make and state registration number; and the identification number of the person issuing the notice. With regard to municipalities with a population of 1 million or more, it shall be grounds for dismissal of a parking violation if the State registration number or vehicle make specified is incorrect. The violation notice shall state that the payment of the indicated fine, and of any applicable penalty for late payment, shall operate as a final disposition of the violation. The notice also shall contain information as to the availability of a hearing in which the violation may be contested on its merits. The violation notice shall specify the time and manner in which a hearing may be had.

(3) Service of the parking, standing, or compliance violation notice by affixing the original or a facsimile of the notice to an unlawfully parked vehicle or by handing the notice to the operator of a vehicle if he or she is present. A person authorized by ordinance to issue and serve parking, standing, and compliance violation notices shall certify as to the correctness of the facts entered on the violation notice by signing his or her name to the notice at the time of service or in the case of a notice produced by a computerized device, by signing a single certificate to be kept by the traffic compliance administrator attesting to the correctness of all notices produced by the device while it was under his or her control. The original or a facsimile of the violation notice or, in the case of a notice produced by a computerized device, a printed record generated by the device showing the facts entered on the notice, shall be retained by the traffic compliance administrator, and shall be a record kept in the ordinary course of business. A parking, standing, or compliance violation notice issued, signed and served in accordance with this Section, or a copy of the notice, or the computer generated record shall be prima facie correct and shall be prima facie evidence of the correctness of the facts shown on the notice. The notice, or copy, or computer generated record shall be admissible in any subsequent administrative or legal proceedings.

(4) An opportunity for a hearing for the registered owner of the vehicle cited in the parking, standing, or compliance violation notice in which the owner may
contest the merits of the alleged violation, and during which formal or technical rules of evidence shall not apply; provided, however, that under Section 11-1306 of this Code the lessee of a vehicle cited in the violation notice likewise shall be provided an opportunity for a hearing of the same kind afforded the registered owner. The hearings shall be recorded, and the person conducting the hearing on behalf of the traffic compliance administrator shall be empowered to administer oaths and to secure by subpoena both the attendance and testimony of witnesses and the production of relevant books and papers. Persons appearing at a hearing under this Section may be represented by counsel at their expense. The ordinance may also provide for internal administrative review following the decision of the hearing officer.

(5) Service of additional notices, sent by first class United States mail, postage prepaid, to the address of the registered owner of the cited vehicle as recorded with the Secretary of State or, under Section 11-1306 of this Code, to the lessee of the cited vehicle at the last address known to the lessor of the cited vehicle at the time of lease. The service shall be deemed complete as of the date of deposit in the United States mail. The notices shall be in the following sequence and shall include but not be limited to the information specified herein:

(i) A second notice of violation. This notice shall specify the date and location of the violation cited in the parking, standing, or compliance violation notice, the particular regulation violated, the vehicle make and state registration number, the fine and any penalty that may be assessed for late payment when so provided by ordinance, the availability of a hearing in which the violation may be contested on its merits, and the time and manner in which the hearing may be had. The notice of violation shall also state that failure either to pay the indicated fine and any applicable penalty, or to appear at a hearing on the merits in the time and manner specified, will result in a final determination of violation liability for the cited violation in the amount of the fine or penalty indicated, and that, upon the occurrence of a final determination of violation liability for the failure, and the exhaustion of, or failure to exhaust, available administrative or judicial procedures for review, any unpaid fine or penalty will constitute a debt due and owing the municipality.

(ii) A notice of final determination of parking, standing, or compliance violation liability. This notice shall be sent following a final determination of parking, standing, or compliance violation liability and the conclusion of judicial review procedures taken under this Section. The notice shall state that the unpaid fine or penalty is a debt due and owing the municipality. The notice shall contain warnings that failure to pay any fine or penalty due and owing the municipality within the time specified may result in the municipality’s filing of a petition in the Circuit Court to have the unpaid fine or penalty rendered a judgment as provided by this Section, or

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may result in suspension of the person's drivers license for failure to pay fines or penalties for 10 or more parking violations under Section 6-306.5.

(6) A Notice of impending drivers license suspension. This notice shall be sent to the person liable for any fine or penalty that remains due and owing on 10 or more parking violations. The notice shall state that failure to pay the fine or penalty owing within 45 days of the notice's date will result in the municipality notifying the Secretary of State that the person is eligible for initiation of suspension proceedings under Section 6-306.5 of this Code. The notice shall also state that the person may obtain a photostatic copy of an original ticket imposing a fine or penalty by sending a self addressed, stamped envelope to the municipality along with a request for the photostatic copy. The notice of impending drivers license suspension shall be sent by first class United States mail, postage prepaid, to the address recorded with the Secretary of State.

(7) Final determinations of violation liability. A final determination of violation liability shall occur following failure to pay the fine or penalty after a hearing officer's determination of violation liability and the exhaustion of or failure to exhaust any administrative review procedures provided by ordinance. Where a person fails to appear at a hearing to contest the alleged violation in the time and manner specified in a prior mailed notice, the hearing officer's determination of violation liability shall become final: (A) upon denial of a timely petition to set aside that determination, or (B) upon expiration of the period for filing the petition without a filing having been made.

(8) A petition to set aside a determination of parking, standing, or compliance violation liability that may be filed by a person owing an unpaid fine or penalty. The petition shall be filed with and ruled upon by the traffic compliance administrator in the manner and within the time specified by ordinance. The grounds for the petition may be limited to: (A) the person not having been the owner or lessee of the cited vehicle on the date the violation notice was issued, (B) the person having already paid the fine or penalty for the violation in question, and (C) excusable failure to appear at or request a new date for a hearing. With regard to municipalities with a population of 1 million or more, it shall be grounds for dismissal of a parking violation if the State registration number or vehicle make specified is incorrect. After the determination of parking, standing, or compliance violation liability has been set aside upon a showing of just cause, the registered owner shall be provided with a hearing on the merits for that violation.

(9) Procedures for non-residents. Procedures by which persons who are not residents of the municipality may contest the merits of the alleged violation without attending a hearing.

(10) A schedule of civil fines for violations of vehicular standing, parking, and compliance regulations enacted by ordinance pursuant to this Section, and a schedule of penalties for late payment of the fines, provided, however, that the total amount of the fine and penalty for any one violation shall not exceed $250.

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(11) Other provisions as are necessary and proper to carry into effect the
powers granted and purposes stated in this Section.

(c) Any municipality establishing vehicular standing, parking, and compliance
regulations under this Section may also provide by ordinance for a program of vehicle
immobilization for the purpose of facilitating enforcement of those regulations. The program
of vehicle immobilization shall provide for immobilizing any eligible vehicle upon the public
way by presence of a restraint in a manner to prevent operation of the vehicle. Any ordinance
establishing a program of vehicle immobilization under this Section shall provide:

(1) Criteria for the designation of vehicles eligible for immobilization. A
vehicle shall be eligible for immobilization when the registered owner of the vehicle
has accumulated the number of unpaid final determinations of parking, standing, or
compliance violation liability as determined by ordinance.

(2) A notice of impending vehicle immobilization and a right to a hearing to
challenge the validity of the notice by disproving liability for the unpaid final
determinations of parking, standing, or compliance violation liability listed on the
notice.

(3) The right to a prompt hearing after a vehicle has been immobilized or
subsequently towed without payment of the outstanding fines and penalties on
parking, standing, or compliance violations for which final determinations have been
issued. An order issued after the hearing is a final administrative decision within the
meaning of Section 3-101 of the Code of Civil Procedure.

(4) A post immobilization and post-towing notice advising the registered
owner of the vehicle of the right to a hearing to challenge the validity of the
impoundment.

(d) Judicial review of final determinations of parking, standing, and compliance
violations and final administrative decisions issued after hearings regarding vehicle
immobilization and impoundment made under this Section shall be subject to the provisions
of the Administrative Review Law.

(e) Any fine, penalty, or part of any fine or any penalty remaining unpaid after the
exhaustion of, or the failure to exhaust, administrative remedies created under this Section
and the conclusion of any judicial review procedures shall be a debt due and owing the
municipality and, as such, may be collected in accordance with applicable law. Payment in
full of any fine or penalty resulting from a standing, parking, or compliance violation shall
constitute a final disposition of that violation.

(f) After the expiration of the period within which judicial review may be sought for
a final determination of parking, standing, or compliance violation, the municipality may
commence a proceeding in the Circuit Court for purposes of obtaining a judgment on the
final determination of violation. Nothing in this Section shall prevent a municipality from
consolidating multiple final determinations of parking, standing, or compliance violation
against a person in a proceeding. Upon commencement of the action, the municipality shall
file a certified copy of the final determination of parking, standing, or compliance violation,
which shall be accompanied by a certification that recites facts sufficient to show that the

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final determination of violation was issued in accordance with this Section and the applicable municipal ordinance. Service of the summons and a copy of the petition may be by any method provided by Section 2-203 of the Code of Civil Procedure or by certified mail, return receipt requested, provided that the total amount of fines and penalties for final determinations of parking, standing, or compliance violations does not exceed $2500. If the court is satisfied that the final determination of parking, standing, or compliance violation was entered in accordance with the requirements of this Section and the applicable municipal ordinance, and that the registered owner or the lessee, as the case may be, had an opportunity for an administrative hearing and for judicial review as provided in this Section, the court shall render judgment in favor of the municipality and against the registered owner or the lessee for the amount indicated in the final determination of parking, standing, or compliance violation, plus costs. The judgment shall have the same effect and may be enforced in the same manner as other judgments for the recovery of money.

(Source: P.A. 88-415; 88-437; 88-670, eff. 12-2-94; 89-190, eff. 1-1-96.)


Approved July 19, 2002.


PUBLIC ACT 92-0696
(House Bill No. 4188)

AN ACT concerning local government.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Counties Code is amended by adding Section 5-1126 as follows:

(55 ILCS 5/5-1126 new)

Sec. 5-1126. A county board may license or regulate any business operating as a public accommodation that is located in an unincorporated area of the county, that permits the consumption of alcoholic liquor on the business premises, and that is not licensed under the Liquor Control Act of 1934. For purposes of this Section, "public accommodation" means a refreshment, entertainment, or recreation facility of any kind, whether licensed or not, whose goods, services, facilities, privileges, or advantages are extended, offered, sold, or otherwise made available to the public.

Section 10. The Illinois Municipal Code is amended by adding Section 11-42-10.1 as follows:

(65 ILCS 5/11-42-10.1 new)

Sec. 11-42-10.1. The corporate authorities of each municipality may license or regulate businesses operating as a public accommodation that permit the consumption of alcoholic liquor on the business premises and that are not licensed under the Liquor Control Act of 1934. For purposes of this Section, "public accommodation" means a refreshment, entertainment, or recreation facility of any kind, whether licensed or not, whose goods, services, facilities, privileges, or advantages are extended, offered, sold, or otherwise made available to the public.

New matter indicated by italics - deletions by strikeout.
AN ACT in regard to vehicles.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The State Finance Act is amended by adding Section 5.570 as follows:
(30 ILCS 105/5.570 new)
Sec. 5.570. The Park District Youth Program Fund.

Section 10. The Illinois Vehicle Code is amended by adding Section 3-654 as follows:
(625 ILCS 5/3-654 new)
Sec. 3-654. Park District Youth Program license plates.
(a) In addition to any other special license plate, the Secretary, upon receipt of all applicable fees and applications made in the form prescribed by the Secretary of State, may issue Park District Youth Program license plates. The special Park District Youth Program plate issued under this Section shall be affixed only to passenger vehicles of the first division and motor vehicles of the second division weighing not more than 8,000 pounds. Plates issued under this Section shall expire according to the staggered multi-year procedure established by Section 3-414.1 of this Code.

(b) The design, color, and format of the plates shall be wholly within the discretion of the Secretary of State. Appropriate documentation, as determined by the Secretary, must accompany each application. The Secretary, in his or her discretion, shall approve and prescribe stickers or decals as provided under Section 3-412.

(c) An applicant for the special plate shall be charged a $40 fee for original issuance in addition to the appropriate registration fee. Of this fee, $25 shall be deposited into the Park District Youth Program Fund and $15 shall be deposited into the Secretary of State Special License Plate Fund, to be used by the Secretary to help defray the administrative processing costs.

For each registration renewal period, a $27 fee, in addition to the appropriate registration fee, shall be charged. Of this fee, $25 shall be deposited into the Park District Youth Program Fund and $2 shall be deposited into the Secretary of State Special License Plate Fund.

(d) The Park District Youth Program Fund is created as a special fund in the State treasury. All money in the Park District Youth Program Fund shall be paid, subject to appropriation by the General Assembly and approval by the Secretary, as grants to the

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Illinois Association of Park Districts, a not-for-profit corporation, for grants to park districts and recreation agencies providing innovative after school programming for Illinois youth.

Section 99. Effective date. This Act takes effect upon becoming law.
Passed in the General Assembly April 24, 2002.
Approved July 19, 2002.
Effective July 19, 2002.

PUBLIC ACT 92-0698
(1) (House Bill No. 4245)

AN ACT in relation to criminal law.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Controlled Substances Act is amended by changing Section 401 as follows:

(720 ILCS 570/401) (from Ch. 56 1/2, par. 1401)
Sec. 401. Except as authorized by this Act, it is unlawful for any person knowingly to: (i) manufacture or deliver, or possess with intent to manufacture or deliver, a controlled or counterfeit substance or controlled substance analog or (ii) possess any methamphetamine manufacturing chemical listed in paragraph (z-1) of Section 102 with the intent to manufacture methamphetamine or the salt of an optical isomer of methamphetamine or an analog thereof. A violation of this Act with respect to each of the controlled substances listed herein constitutes a single and separate violation of this Act. For purposes of this Section, "controlled substance analog" or "analog" means a substance which is intended for human consumption, other than a controlled substance, that has a chemical structure substantially similar to that of a controlled substance in Schedule I or II, or that was specifically designed to produce an effect substantially similar to that of a controlled substance in Schedule I or II. Examples of chemical classes in which controlled substance analogs are found include, but are not limited to, the following: phenethylamines, N-substituted piperidines, morphinans, ecegonines, quinazolinones, substituted indoles, and arylcycloalkylamines. For purposes of this Act, a controlled substance analog shall be treated in the same manner as the controlled substance to which it is substantially similar.

(a) Any person who violates this Section with respect to the following amounts of controlled or counterfeit substances or controlled substance analogs, notwithstanding any of the provisions of subsections (c), (c-5), (d), (d-5), (e), (f), (g) or (h) to the contrary, is guilty of a Class X felony and shall be sentenced to a term of imprisonment as provided in this subsection (a) and fined as provided in subsection (b):

(1) (A) not less than 6 years and not more than 30 years with respect to 15 grams or more but less than 100 grams of a substance containing heroin, or an analog thereof;
(B) not less than 9 years and not more than 40 years with respect to 100 grams or more but less than 400 grams of a substance containing heroin,

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or an analog thereof;

(C) not less than 12 years and not more than 50 years with respect to 400 grams or more but less than 900 grams of a substance containing heroin, or an analog thereof;

(D) not less than 15 years and not more than 60 years with respect to 900 grams or more of any substance containing heroin, or an analog thereof;

(2) (A) not less than 6 years and not more than 30 years with respect to 15 grams or more but less than 100 grams of a substance containing cocaine, or an analog thereof;

(B) not less than 9 years and not more than 40 years with respect to 100 grams or more but less than 400 grams of a substance containing cocaine, or an analog thereof;

(C) not less than 12 years and not more than 50 years with respect to 400 grams or more but less than 900 grams of a substance containing cocaine, or an analog thereof;

(D) not less than 15 years and not more than 60 years with respect to 900 grams or more of any substance containing cocaine, or an analog thereof;

(3) (A) not less than 6 years and not more than 30 years with respect to 15 grams or more but less than 100 grams of a substance containing morphine, or an analog thereof;

(B) not less than 9 years and not more than 40 years with respect to 100 grams or more but less than 400 grams of a substance containing morphine, or an analog thereof;

(C) not less than 12 years and not more than 50 years with respect to 400 grams or more but less than 900 grams of a substance containing morphine, or an analog thereof;

(D) not less than 15 years and not more than 60 years with respect to 900 grams or more of a substance containing morphine, or an analog thereof;

(4) 200 grams or more of any substance containing peyote, or an analog thereof;

(5) 200 grams or more of any substance containing a derivative of barbituric acid or any of the salts of a derivative of barbituric acid, or an analog thereof;

(6) 200 grams or more of any substance containing amphetamine or any salt of an optical isomer of amphetamine, or an analog thereof;

(6.5) (A) not less than 6 years and not more than 30 years with respect to 15 grams or more but less than 100 grams of a substance containing methamphetamine or any salt of an optical isomer of methamphetamine, or an analog thereof;

(B) not less than 9 years and not more than 40 years with respect to 100 grams or more but less than 400 grams of a substance containing methamphetamine or any salt of an optical isomer of methamphetamine, or an analog thereof;

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(C) not less than 12 years and not more than 50 years with respect to 400 grams or more but less than 900 grams of a substance containing methamphetamine or any salt of an optical isomer of methamphetamine, or an analog thereof;

(D) not less than 15 years and not more than 60 years with respect to 900 grams or more of any substance containing methamphetamine or any salt of an optical isomer of methamphetamine, or an analog thereof.

(6.6) (A) not less than 6 years and not more than 30 years for the possession of any methamphetamine manufacturing chemical set forth in paragraph (z-1) of Section 102 with intent to manufacture 30 grams or more but less than 150 grams of any substance containing methamphetamine, or salt of any optical isomer of methamphetamine, or an analog thereof;

(B) not less than 6 years and not more than 40 years for the possession of any methamphetamine manufacturing chemical set forth in paragraph (z-1) of Section 102 with intent to manufacture 150 grams or more but less than 500 grams of any substance containing methamphetamine, or salt of an optical isomer of methamphetamine, or an analog thereof;

(C) not less than 6 years and not more than 50 years for the possession of any methamphetamine manufacturing chemical set forth in paragraph (z-1) of Section 102 with intent to manufacture 500 grams or more but less than 1200 grams of any substance containing methamphetamine, or salt of an optical isomer of methamphetamine, or an analog thereof;

(D) not less than 6 years and not more than 60 years for the possession of any methamphetamine manufacturing chemical set forth in paragraph (z-1) of Section 102 with intent to manufacture 1200 grams or more of any substance containing methamphetamine, or salt of an optical isomer of methamphetamine, or an analog thereof;

(7) (A) not less than 6 years and not more than 30 years with respect to: (i) 15 grams or more but less than 100 grams of a substance containing lysergic acid diethylamide (LSD), or an analog thereof, or (ii) 15 or more objects or 15 or more segregated parts of an object or objects but less than 200 objects or 200 segregated parts of an object or objects containing in them or having upon them any amounts of any substance containing lysergic acid diethylamide (LSD), or an analog thereof;

(B) not less than 9 years and not more than 40 years with respect to: (i) 100 grams or more but less than 400 grams of a substance containing lysergic acid diethylamide (LSD), or an analog thereof, or (ii) 200 or more objects or 200 or more segregated parts of an object or objects but less than 600 objects or less than 600 segregated parts of an object or objects containing in them or having upon them any amount of any substance containing lysergic acid diethylamide (LSD), or an analog thereof;

(C) not less than 12 years and not more than 50 years with respect to:

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(i) 400 grams or more but less than 900 grams of a substance containing lysergic acid diethylamide (LSD), or an analog thereof, or (ii) 600 or more objects or 600 or more segregated parts of an object or objects but less than 1500 objects or 1500 segregated parts of an object or objects containing in them or having upon them any amount of any substance containing lysergic acid diethylamide (LSD), or an analog thereof;

(D) not less than 15 years and not more than 60 years with respect to:
(i) 900 grams or more of any substance containing lysergic acid diethylamide (LSD), or an analog thereof, or (ii) 1500 or more objects or 1500 or more segregated parts of an object or objects containing in them or having upon them any amount of a substance containing lysergic acid diethylamide (LSD), or an analog thereof;

(7.5) (A) not less than 6 years and not more than 30 years with respect to: (i) 15 grams or more but less than 100 grams of a substance listed in paragraph (1), (2), (2.1), (3), (14.1), (19), (20), (20.1), (21), (25), or (26) of subsection (d) of Section 204, or an analog or derivative thereof, or (ii) 15 or more pills, tablets, caplets, capsules, or objects but less than 200 pills, tablets, caplets, capsules, or objects containing in them or having upon them any amounts of any substance listed in paragraph (1), (2), (2.1), (3), (14.1), (19), (20), (20.1), (21), (25), or (26) of subsection (d) of Section 204, or an analog or derivative thereof;

(B) not less than 9 years and not more than 40 years with respect to: (i) 100 grams or more but less than 400 grams of a substance listed in paragraph (1), (2), (2.1), (3), (14.1), (19), (20), (20.1), (21), (25), or (26) of subsection (d) of Section 204, or an analog or derivative thereof, or (ii) 200 or more pills, tablets, caplets, capsules, or objects but less than 600 pills, tablets, caplets, capsules, or objects containing in them or having upon them any amount of any substance listed in paragraph (1), (2), (2.1), (3), (14.1), (19), (20), (20.1), (21), (25), or (26) of subsection (d) of Section 204, or an analog or derivative thereof;

(C) not less than 12 years and not more than 50 years with respect to: (i) 400 grams or more but less than 900 grams of a substance listed in paragraph (1), (2), (2.1), (3), (14.1), (19), (20), (20.1), (21), (25), or (26) of subsection (d) of Section 204, or an analog or derivative thereof, or (ii) 600 or more pills, tablets, caplets, capsules, or objects but less than 1,500 pills, tablets, caplets, capsules, or objects containing in them or having upon them any amount of any substance listed in paragraph (1), (2), (2.1), (3), (14.1), (19), (20), (20.1), (21), (25), or (26) of subsection (d) of Section 204, or an analog or derivative thereof;

(D) not less than 15 years and not more than 60 years with respect to: (i) 900 grams or more of any substance listed in paragraph (1), (2), (2.1), (3), (14.1), (19), (20), (20.1), (21), (25), or (26) of subsection (d) of Section 204,
or an analog or derivative thereof; or (ii) 1,500 or more pills, tablets, caplets, capsules, or objects containing in them or having upon them any amount of a substance listed in paragraph (1), (2), (2.1), (3), (4.1), (19), (20), (20.1), (21), (25), or (26) of subsection (d) of Section 204, or an analog or derivative thereof;

(8) 30 grams or more of any substance containing pentazocine or any of the salts, isomers and salts of isomers of pentazocine, or an analog thereof;

(9) 30 grams or more of any substance containing methaqualone or any of the salts, isomers and salts of isomers of methaqualone, or an analog thereof;

(10) 30 grams or more of any substance containing phencyclidine or any of the salts, isomers and salts of isomers of phencyclidine (PCP), or an analog thereof;

(10.5) 30 grams or more of any substance containing ketamine or any of the salts, isomers and salts of isomers of ketamine, or an analog thereof;

(11) 200 grams or more of any substance containing any other controlled substance classified in Schedules I or II, or an analog thereof, which is not otherwise included in this subsection.

(b) Any person sentenced with respect to violations of paragraph (1), (2), (3), (6.5), (6.6), (7), or (7.5) of subsection (a) involving 100 grams or more of the controlled substance named therein, may in addition to the penalties provided therein, be fined an amount not more than $500,000 or the full street value of the controlled or counterfeit substance or controlled substance analog, whichever is greater. The term "street value" shall have the meaning ascribed in Section 110-5 of the Code of Criminal Procedure of 1963. Any person sentenced with respect to any other provision of subsection (a), may in addition to the penalties provided therein, be fined an amount not to exceed $500,000.

(c) Any person who violates this Section with regard to the following amounts of controlled or counterfeit substances or controlled substance analogs, notwithstanding any of the provisions of subsections (a), (b), (d), (e), (f), (g) or (h) to the contrary, is guilty of a Class 1 felony. The fine for violation of this subsection (c) shall not be more than $250,000:

(1) 1 gram or more but less than 15 grams of any substance containing heroin, or an analog thereof;

(2) 1 gram or more but less than 15 grams of any substance containing cocaine, or an analog thereof;

(3) 10 grams or more but less than 15 grams of any substance containing morphine, or an analog thereof;

(4) 50 grams or more but less than 200 grams of any substance containing peyote, or an analog thereof;

(5) 50 grams or more but less than 200 grams of any substance containing a derivative of barbituric acid or any of the salts of a derivative of barbituric acid, or an analog thereof;

(6) 50 grams or more but less than 200 grams of any substance containing amphetamine or any salt of an optical isomer of amphetamine, or an analog thereof;

(6.5) 5 grams or more but less than 15 grams of any substance containing

New matter indicated by italics - deletions by strikeout.
methamphetamine or any salt or optical isomer of methamphetamine, or an analog thereof;

(7) (i) 5 grams or more but less than 15 grams of any substance containing lysergic acid diethylamide (LSD), or an analog thereof, or (ii) more than 10 objects or more than 10 segregated parts of an object containing in them or having upon them any amount of any substance containing lysergic acid diethylamide (LSD), or an analog thereof;

(7.5) (i) 5 grams or more but less than 15 grams of any substance listed in paragraph (1), (2), (2.1), (3), (14.1), (19), (20), (20.1), (21), (25), or (26) of subsection (d) of Section 204, or an analog or derivative thereof, or (ii) more than 10 pills, tablets, caplets, capsules, or objects containing in them or having upon them any amount of any substance listed in paragraph (1), (2), (2.1), (3), (14.1), (19), (20), (20.1), (21), (25), or (26) of subsection (d) of Section 204, or an analog or derivative thereof;

(8) 10 grams or more but less than 30 grams of any substance containing pentazocine or any of the salts, isomers and salts of isomers of pentazocine, or an analog thereof;

(9) 10 grams or more but less than 30 grams of any substance containing methaqualone or any of the salts, isomers and salts of isomers of methaqualone, or an analog thereof;

(10) 10 grams or more but less than 30 grams of any substance containing phencyclidine or any of the salts, isomers and salts of isomers of phencyclidine (PCP), or an analog thereof;

(10.5) 10 grams or more but less than 30 grams of any substance containing ketamine or any of the salts, isomers and salts of isomers of ketamine, or an analog thereof;

(11) 50 grams or more but less than 200 grams of any substance containing a substance classified in Schedules I or II, or an analog thereof, which is not otherwise included in this subsection.

(c-5) Any person who violates this Section with regard to possession of any methamphetamine manufacturing chemical set forth in paragraph (z-1) of Section 102 with intent to manufacture 15 grams or more but less than 30 grams of methamphetamine, or salt of an optical isomer of methamphetamine or any analog thereof, is guilty of a Class 1 felony. The fine for violation of this subsection (c-5) shall not be more than $250,000.

(d) Any person who violates this Section with regard to any other amount of a controlled or counterfeit substance classified in Schedules I or II, or an analog thereof, which is (i) a narcotic drug, (ii) lysergic acid diethylamide (LSD) or an analog thereof, or (iii) any substance containing amphetamine or methamphetamine or any salt or optical isomer of amphetamine or methamphetamine, or an analog thereof, is guilty of a Class 2 felony. The fine for violation of this subsection (d) shall not be more than $200,000.

(d-5) Any person who violates this Section with regard to possession of any
methamphetamine manufacturing chemical set forth in paragraph (z-1) of Section 102 with intent to manufacture less than 15 grams of methamphetamine, or salt of an optical isomer of methamphetamine or any analog thereof, is guilty of a Class 2 felony. The fine for violation of this subsection (d-5) shall not be more than $200,000.

(e) Any person who violates this Section with regard to any other amount of a controlled or counterfeit substance classified in Schedule I or II, or an analog thereof, which substance is not included under subsection (d) of this Section, is guilty of a Class 3 felony. The fine for violation of this subsection (e) shall not be more than $150,000.

(f) Any person who violates this Section with regard to any other amount of a controlled or counterfeit substance classified in Schedule III is guilty of a Class 3 felony. The fine for violation of this subsection (f) shall not be more than $125,000.

(g) Any person who violates this Section with regard to any other amount of a controlled or counterfeit substance classified in Schedule IV is guilty of a Class 3 felony. The fine for violation of this subsection (g) shall not be more than $100,000.

(h) Any person who violates this Section with regard to any other amount of a controlled or counterfeit substance classified in Schedule V is guilty of a Class 3 felony. The fine for violation of this subsection (h) shall not be more than $75,000.

(i) This Section does not apply to the manufacture, possession or distribution of a substance in conformance with the provisions of an approved new drug application or an exemption for investigational use within the meaning of Section 505 of the Federal Food, Drug and Cosmetic Act.

(Source: P.A. 91-336, eff. 1-1-00; 91-357, eff. 7-29-99; 91-403, eff. 1-1-00; 92-16, eff. 6-28-01; 92-256, eff. 1-1-02.)

Section 10. The Unified Code of Corrections is amended by changing Section 5-5-3 as follows:

(730 ILCS 5/5-5-3) (from Ch. 38, par. 1005-5-3)
Sec. 5-5-3. Disposition.

(a) Every person convicted of an offense shall be sentenced as provided in this Section.

(b) The following options shall be appropriate dispositions, alone or in combination, for all felonies and misdemeanors other than those identified in subsection (c) of this Section:

(1) A period of probation.
(2) A term of periodic imprisonment.
(3) A term of conditional discharge.
(4) A term of imprisonment.
(5) An order directing the offender to clean up and repair the damage, if the offender was convicted under paragraph (h) of Section 21-1 of the Criminal Code of 1961.
(6) A fine.
(7) An order directing the offender to make restitution to the victim under Section 5-5-6 of this Code.
(8) A sentence of participation in a county impact incarceration program
under Section 5-8-1.2 of this Code.

Whenever an individual is sentenced for an offense based upon an arrest for a violation of Section 11-501 of the Illinois Vehicle Code, or a similar provision of a local ordinance, and the professional evaluation recommends remedial or rehabilitative treatment or education, neither the treatment nor the education shall be the sole disposition and either or both may be imposed only in conjunction with another disposition. The court shall monitor compliance with any remedial education or treatment recommendations contained in the professional evaluation. Programs conducting alcohol or other drug evaluation or remedial education must be licensed by the Department of Human Services. However, if the individual is not a resident of Illinois, the court may accept an alcohol or other drug evaluation or remedial education program in the state of such individual's residence. Programs providing treatment must be licensed under existing applicable alcoholism and drug treatment licensure standards.

In addition to any other fine or penalty required by law, any individual convicted of a violation of Section 11-501 of the Illinois Vehicle Code or a similar provision of local ordinance, whose operation of a motor vehicle while in violation of Section 11-501 or such ordinance proximately caused an incident resulting in an appropriate emergency response, shall be required to make restitution to a public agency for the costs of that emergency response. Such restitution shall not exceed $500 per public agency for each such emergency response. For the purpose of this paragraph, emergency response shall mean any incident requiring a response by: a police officer as defined under Section 1-162 of the Illinois Vehicle Code; a fireman carried on the rolls of a regularly constituted fire department; and an ambulance as defined under Section 4.05 of the Emergency Medical Services (EMS) Systems Act.

Neither a fine nor restitution shall be the sole disposition for a felony and either or both may be imposed only in conjunction with another disposition.

(c) (1) When a defendant is found guilty of first degree murder the State may either seek a sentence of imprisonment under Section 5-8-1 of this Code, or where appropriate seek a sentence of death under Section 9-1 of the Criminal Code of 1961.

(2) A period of probation, a term of periodic imprisonment or conditional discharge shall not be imposed for the following offenses. The court shall sentence the offender to not less than the minimum term of imprisonment set forth in this Code for the following offenses, and may order a fine or restitution or both in conjunction with such term of imprisonment:

(A) First degree murder where the death penalty is not imposed.
(B) Attempted first degree murder.
(C) A Class X felony.
(D) A violation of Section 401.1 or 407 of the Illinois Controlled Substances Act, or a violation of subdivision (c)(1) or (c)(2) of Section 401 of that Act which relates to more than 5 grams of a substance containing heroin or cocaine or an analog thereof.

New matter indicated by italics - deletions by strikeout.
(E) A violation of Section 5.1 or 9 of the Cannabis Control Act.
(F) A Class 2 or greater felony if the offender had been convicted of a Class 2 or greater felony within 10 years of the date on which the offender committed the offense for which he or she is being sentenced, except as otherwise provided in Section 40-10 of the Alcoholism and Other Drug Abuse and Dependency Act.
(G) Residential burglary, except as otherwise provided in Section 40-10 of the Alcoholism and Other Drug Abuse and Dependency Act.
(H) Criminal sexual assault, except as otherwise provided in subsection (e) of this Section.
(I) Aggravated battery of a senior citizen.
(J) A forcible felony if the offense was related to the activities of an organized gang.

Before July 1, 1994, for the purposes of this paragraph, "organized gang" means an association of 5 or more persons, with an established hierarchy, that encourages members of the association to perpetrate crimes or provides support to the members of the association who do commit crimes.

Beginning July 1, 1994, for the purposes of this paragraph, "organized gang" has the meaning ascribed to it in Section 10 of the Illinois Streetgang Terrorism Omnibus Prevention Act.
(K) Vehicular hijacking.
(L) A second or subsequent conviction for the offense of hate crime when the underlying offense upon which the hate crime is based is felony aggravated assault or felony mob action.
(M) A second or subsequent conviction for the offense of institutional vandalism if the damage to the property exceeds $300.
(N) A Class 3 felony violation of paragraph (1) of subsection (a) of Section 2 of the Firearm Owners Identification Card Act.
(P) A violation of paragraph (1), (2), (3), (4), (5), or (7) of subsection (a) of Section 11-20.1 of the Criminal Code of 1961.
(Q) A violation of Section 20-1.2 of the Criminal Code of 1961.
(S) A violation of Section 11-501(c-1)(3) of the Illinois Vehicle Code.

(3) A minimum term of imprisonment of not less than 5 days or 30 days of community service as may be determined by the court shall be imposed for a second violation committed within 5 years of a previous violation of Section 11-501 of the Illinois Vehicle Code or a similar provision of a local ordinance. In the case of a third or subsequent violation committed within 5 years of a previous violation of Section 11-501 of the Illinois Vehicle Code or a similar provision of a local ordinance, a minimum term of either 10 days of imprisonment or 60 days of community service shall be imposed.

New matter indicated by italics - deletions by strikeout.
(4) A minimum term of imprisonment of not less than 10 consecutive days or 30 days of community service shall be imposed for a violation of paragraph (c) of Section 6-303 of the Illinois Vehicle Code.

(4.1) A minimum term of 30 consecutive days of imprisonment, 40 days of 24 hour periodic imprisonment or 720 hours of community service, as may be determined by the court, shall be imposed for a violation of Section 11-501 of the Illinois Vehicle Code during a period in which the defendant's driving privileges are revoked or suspended, where the revocation or suspension was for a violation of Section 11-501 or Section 11-501.1 of that Code.

(4.2) Except as provided in paragraph (4.3) of this subsection (c), a minimum of 100 hours of community service shall be imposed for a second violation of Section 6-303 of the Illinois Vehicle Code.

(4.3) A minimum term of imprisonment of 30 days or 300 hours of community service, as determined by the court, shall be imposed for a second violation of subsection (c) of Section 6-303 of the Illinois Vehicle Code.

(4.4) Except as provided in paragraph (4.5) and paragraph (4.6) of this subsection (c), a minimum term of imprisonment of 30 days or 300 hours of community service, as determined by the court, shall be imposed for a third or subsequent violation of Section 6-303 of the Illinois Vehicle Code.

(4.5) A minimum term of imprisonment of 30 days shall be imposed for a third violation of subsection (c) of Section 6-303 of the Illinois Vehicle Code.

(4.6) A minimum term of imprisonment of 180 days shall be imposed for a fourth or subsequent violation of subsection (c) of Section 6-303 of the Illinois Vehicle Code.

(5) The court may sentence an offender convicted of a business offense or a petty offense or a corporation or unincorporated association convicted of any offense to:

(A) a period of conditional discharge;
(B) a fine;
(C) make restitution to the victim under Section 5-5-6 of this Code.

(5.1) In addition to any penalties imposed under paragraph (5) of this subsection (c), and except as provided in paragraph (5.2) or (5.3), a person convicted of violating subsection (c) of Section 11-907 of the Illinois Vehicle Code shall have his or her driver's license, permit, or privileges suspended for at least 90 days but not more than one year, if the violation resulted in damage to the property of another person.

(5.2) In addition to any penalties imposed under paragraph (5) of this subsection (c), and except as provided in paragraph (5.3), a person convicted of violating subsection (c) of Section 11-907 of the Illinois Vehicle Code shall have his or her driver's license, permit, or privileges suspended for at least 180 days but not more than 2 years, if the violation resulted in injury to another person.

(5.3) In addition to any penalties imposed under paragraph (5) of this

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subsection (c), a person convicted of violating subsection (c) of Section 11-907 of the Illinois Vehicle Code shall have his or her driver's license, permit, or privileges suspended for 2 years, if the violation resulted in the death of another person.

(6) In no case shall an offender be eligible for a disposition of probation or conditional discharge for a Class 1 felony committed while he was serving a term of probation or conditional discharge for a felony.

(7) When a defendant is adjudged a habitual criminal under Article 33B of the Criminal Code of 1961, the court shall sentence the defendant to a term of natural life imprisonment.

(8) When a defendant, over the age of 21 years, is convicted of a Class 1 or Class 2 felony, after having twice been convicted in any state or federal court of an offense that contains the same elements as an offense now classified in Illinois as a Class 2 or greater Class felony and such charges are separately brought and tried and arise out of different series of acts, such defendant shall be sentenced as a Class X offender. This paragraph shall not apply unless (1) the first felony was committed after the effective date of this amendatory Act of 1977; and (2) the second felony was committed after conviction on the first; and (3) the third felony was committed after conviction on the second. A person sentenced as a Class X offender under this paragraph is not eligible to apply for treatment as a condition of probation as provided by Section 40-10 of the Alcoholism and Other Drug Abuse and Dependency Act.

(9) A defendant convicted of a second or subsequent offense of ritualized abuse of a child may be sentenced to a term of natural life imprisonment.

(10) When a person is convicted of violating Section 11-501 of the Illinois Vehicle Code or a similar provision of a local ordinance, the following penalties apply when his or her blood, breath, or urine was .16 or more based on the definition of blood, breath, or urine units in Section 11-501.2 or that person is convicted of violating Section 11-501 of the Illinois Vehicle Code while transporting a child under the age of 16:

(A) For a first violation of subsection (a) of Section 11-501, in addition to any other penalty that may be imposed under subsection (c) of Section 11-501: a mandatory minimum of 100 hours of community service and a minimum fine of $500.

(B) For a second violation of subsection (a) of Section 11-501, in addition to any other penalty that may be imposed under subsection (c) of Section 11-501 within 10 years: a mandatory minimum of 2 days of imprisonment and a minimum fine of $1,250.

(C) For a third violation of subsection (a) of Section 11-501, in addition to any other penalty that may be imposed under subsection (c) of Section 11-501 within 20 years: a mandatory minimum of 90 days of imprisonment and a minimum fine of $2,500.

(D) For a fourth or subsequent violation of subsection (a) of Section

New matter indicated by italics - deletions by strikeout.
11-501: ineligibility for a sentence of probation or conditional discharge and a minimum fine of $2,500.

(d) In any case in which a sentence originally imposed is vacated, the case shall be remanded to the trial court. The trial court shall hold a hearing under Section 5-4-1 of the Unified Code of Corrections which may include evidence of the defendant's life, moral character and occupation during the time since the original sentence was passed. The trial court shall then impose sentence upon the defendant. The trial court may impose any sentence which could have been imposed at the original trial subject to Section 5-5-4 of the Unified Code of Corrections. If a sentence is vacated on appeal or on collateral attack due to the failure of the trier of fact at trial to determine beyond a reasonable doubt the existence of a fact (other than a prior conviction) necessary to increase the punishment for the offense beyond the statutory maximum otherwise applicable, either the defendant may be re-sentenced to a term within the range otherwise provided or, if the State files notice of its intention to again seek the extended sentence, the defendant shall be afforded a new trial.

(e) In cases where prosecution for criminal sexual assault or aggravated criminal sexual abuse under Section 12-13 or 12-16 of the Criminal Code of 1961 results in conviction of a defendant who was a family member of the victim at the time of the commission of the offense, the court shall consider the safety and welfare of the victim and may impose a sentence of probation only where:

(1) the court finds (A) or (B) or both are appropriate:
   (A) the defendant is willing to undergo a court approved counseling program for a minimum duration of 2 years; or
   (B) the defendant is willing to participate in a court approved plan including but not limited to the defendant's:
      (i) removal from the household;
      (ii) restricted contact with the victim;
      (iii) continued financial support of the family;
      (iv) restitution for harm done to the victim; and
      (v) compliance with any other measures that the court may deem appropriate; and

(2) the court orders the defendant to pay for the victim's counseling services, to the extent that the court finds, after considering the defendant's income and assets, that the defendant is financially capable of paying for such services, if the victim was under 18 years of age at the time the offense was committed and requires counseling as a result of the offense.

Probation may be revoked or modified pursuant to Section 5-6-4; except where the court determines at the hearing that the defendant violated a condition of his or her probation restricting contact with the victim or other family members or commits another offense with the victim or other family members, the court shall revoke the defendant's probation and impose a term of imprisonment.

For the purposes of this Section, "family member" and "victim" shall have the meanings ascribed to them in Section 12-12 of the Criminal Code of 1961.

New matter indicated by italics - deletions by strikeout.
(f) This Article shall not deprive a court in other proceedings to order a forfeiture of property, to suspend or cancel a license, to remove a person from office, or to impose any other civil penalty.

(g) Whenever a defendant is convicted of an offense under Sections 11-14, 11-15, 11-15.1, 11-16, 11-17, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 12-13, 12-14, 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961, the defendant shall undergo medical testing to determine whether the defendant has any sexually transmissible disease, including a test for infection with human immunodeficiency virus (HIV) or any other identified causative agent of acquired immunodeficiency syndrome (AIDS). Any such medical test shall be performed only by appropriately licensed medical practitioners and may include an analysis of any bodily fluids as well as an examination of the defendant's person. Except as otherwise provided by law, the results of such test shall be kept strictly confidential by all medical personnel involved in the testing and must be personally delivered in a sealed envelope to the judge of the court in which the conviction was entered for the judge's inspection in camera. Acting in accordance with the best interests of the victim and the public, the judge shall have the discretion to determine to whom, if anyone, the results of the testing may be revealed. The court shall notify the defendant of the test results. The court shall also notify the victim if requested by the victim, and if the victim is under the age of 15 and if requested by the victim's parents or legal guardian, the court shall notify the victim's parents or legal guardian of the test results. The court shall provide information on the availability of HIV testing and counseling at Department of Public Health facilities to all parties to whom the results of the testing are revealed and shall direct the State's Attorney to provide the information to the victim when possible. A State's Attorney may petition the court to obtain the results of any HIV test administered under this Section, and the court shall grant the disclosure if the State's Attorney shows it is relevant in order to prosecute a charge of criminal transmission of HIV under Section 12-16.2 of the Criminal Code of 1961 against the defendant. The court shall order that the cost of any such test shall be paid by the county and may be taxed as costs against the convicted defendant.

(g-5) When an inmate is tested for an airborne communicable disease, as determined by the Illinois Department of Public Health including but not limited to tuberculosis, the results of the test shall be personally delivered by the warden or his or her designee in a sealed envelope to the judge of the court in which the inmate must appear for the judge's inspection in camera if requested by the judge. Acting in accordance with the best interests of those in the courtroom, the judge shall have the discretion to determine what if any precautions need to be taken to prevent transmission of the disease in the courtroom.

(h) Whenever a defendant is convicted of an offense under Section 1 or 2 of the Hypodermic Syringes and Needles Act, the defendant shall undergo medical testing to determine whether the defendant has been exposed to human immunodeficiency virus (HIV) or any other identified causative agent of acquired immunodeficiency syndrome (AIDS). Except as otherwise provided by law, the results of such test shall be kept strictly confidential by all medical personnel involved in the testing and must be personally delivered in a sealed envelope to the judge of the court in which the conviction was entered for the judge's inspection in camera. Acting in accordance with the best interests of the victim and the public, the judge shall have the discretion to determine to whom, if anyone, the results of the testing may be revealed. The court shall notify the defendant of the test results. The court shall also notify the victim if requested by the victim, and if the victim is under the age of 15 and if requested by the victim's parents or legal guardian, the court shall notify the victim's parents or legal guardian of the test results. The court shall provide information on the availability of HIV testing and counseling at Department of Public Health facilities to all parties to whom the results of the testing are revealed and shall direct the State's Attorney to provide the information to the victim when possible. A State's Attorney may petition the court to obtain the results of any HIV test administered under this Section, and the court shall grant the disclosure if the State's Attorney shows it is relevant in order to prosecute a charge of criminal transmission of HIV under Section 12-16.2 of the Criminal Code of 1961 against the defendant. The court shall order that the cost of any such test shall be paid by the county and may be taxed as costs against the convicted defendant.
inspection in camera. Acting in accordance with the best interests of the public, the judge shall have the discretion to determine to whom, if anyone, the results of the testing may be revealed. The court shall notify the defendant of a positive test showing an infection with the human immunodeficiency virus (HIV). The court shall provide information on the availability of HIV testing and counseling at Department of Public Health facilities to all parties to whom the results of the testing are revealed and shall direct the State's Attorney to provide the information to the victim when possible. A State's Attorney may petition the court to obtain the results of any HIV test administered under this Section, and the court shall grant the disclosure if the State's Attorney shows it is relevant in order to prosecute a charge of criminal transmission of HIV under Section 12-16.2 of the Criminal Code of 1961 against the defendant. The court shall order that the cost of any such test shall be paid by the county and may be taxed as costs against the convicted defendant.

(i) All fines and penalties imposed under this Section for any violation of Chapters 3, 4, 6, and 11 of the Illinois Vehicle Code, or a similar provision of a local ordinance, and any violation of the Child Passenger Protection Act, or a similar provision of a local ordinance, shall be collected and disbursed by the circuit clerk as provided under Section 27.5 of the Clerks of Courts Act.

(j) In cases when prosecution for any violation of Section 11-6, 11-8, 11-9, 11-11, 11-14, 11-15, 11-15.1, 11-16, 11-17, 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20.1, 11-21, 12-13, 12-14, 12-14.1, 12-15, or 12-16 of the Criminal Code of 1961, any violation of the Illinois Controlled Substances Act, or any violation of the Cannabis Control Act results in conviction, a disposition of court supervision, or an order of probation granted under Section 10 of the Cannabis Control Act or Section 410 of the Illinois Controlled Substance Act of a defendant, the court shall determine whether the defendant is employed by a facility or center as defined under the Child Care Act of 1969, a public or private elementary or secondary school, or otherwise works with children under 18 years of age on a daily basis. When a defendant is so employed, the court shall order the Clerk of the Court to send a copy of the judgment of conviction or order of supervision or probation to the defendant's employer by certified mail. If the employer of the defendant is a school, the Clerk of the Court shall direct the mailing of a copy of the judgment of conviction or order of supervision or probation to the appropriate regional superintendent of schools. The regional superintendent of schools shall notify the State Board of Education of any notification under this subsection.

(j-5) A defendant at least 17 years of age who is convicted of a felony and who has not been previously convicted of a misdemeanor or felony and who is sentenced to a term of imprisonment in the Illinois Department of Corrections shall as a condition of his or her sentence be required by the court to attend educational courses designed to prepare the defendant for a high school diploma and to work toward a high school diploma or to work toward passing the high school level Test of General Educational Development (GED) or to work toward completing a vocational training program offered by the Department of Corrections. If a defendant fails to complete the educational training required by his or her sentence during the term of incarceration, the Prisoner Review Board shall, as a condition
of mandatory supervised release, require the defendant, at his or her own expense, to pursue a course of study toward a high school diploma or passage of the GED test. The Prisoner Review Board shall revoke the mandatory supervised release of a defendant who wilfully fails to comply with this subsection (j-5) upon his or her release from confinement in a penal institution while serving a mandatory supervised release term; however, the inability of the defendant after making a good faith effort to obtain financial aid or pay for the educational training shall not be deemed a wilful failure to comply. The Prisoner Review Board shall recommit the defendant whose mandatory supervised release term has been revoked under this subsection (j-5) as provided in Section 3-3-9. This subsection (j-5) does not apply to a defendant who has a high school diploma or has successfully passed the GED test. This subsection (j-5) does not apply to a defendant who is determined by the court to be developmentally disabled or otherwise mentally incapable of completing the educational or vocational program.

(k) A court may not impose a sentence or disposition for a felony or misdemeanor that requires the defendant to be implanted or injected with or to use any form of birth control.

(l) (A) Except as provided in paragraph (C) of subsection (l), whenever a defendant, who is an alien as defined by the Immigration and Nationality Act, is convicted of any felony or misdemeanor offense, the court after sentencing the defendant may, upon motion of the State's Attorney, hold sentence in abeyance and remand the defendant to the custody of the Attorney General of the United States or his or her designated agent to be deported when:

(1) a final order of deportation has been issued against the defendant pursuant to proceedings under the Immigration and Nationality Act, and

(2) the deportation of the defendant would not deprecate the seriousness of the defendant's conduct and would not be inconsistent with the ends of justice.

Otherwise, the defendant shall be sentenced as provided in this Chapter V.

(B) If the defendant has already been sentenced for a felony or misdemeanor offense, or has been placed on probation under Section 10 of the Cannabis Control Act or Section 410 of the Illinois Controlled Substances Act, the court may, upon motion of the State's Attorney to suspend the sentence imposed, commit the defendant to the custody of the Attorney General of the United States or his or her designated agent when:

(1) a final order of deportation has been issued against the defendant pursuant to proceedings under the Immigration and Nationality Act, and

(2) the deportation of the defendant would not deprecate the seriousness of the defendant's conduct and would not be inconsistent with the ends of justice.

(C) This subsection (l) does not apply to offenders who are subject to the provisions of paragraph (2) of subsection (a) of Section 3-6-3.

(D) Upon motion of the State's Attorney, if a defendant sentenced under this
Section returns to the jurisdiction of the United States, the defendant shall be recommitted to the custody of the county from which he or she was sentenced. Thereafter, the defendant shall be brought before the sentencing court, which may impose any sentence that was available under Section 5-5-3 at the time of initial sentencing. In addition, the defendant shall not be eligible for additional good conduct credit for meritorious service as provided under Section 3-6-6.

(m) A person convicted of criminal defacement of property under Section 21-1.3 of the Criminal Code of 1961, in which the property damage exceeds $300 and the property damaged is a school building, shall be ordered to perform community service that may include cleanup, removal, or painting over the defacement.

(Section: P.A. 91-357, eff. 7-29-99; 91-404, eff. 1-1-00; 91-663, eff. 12-22-99; 91-695, eff. 4-13-00; 91-953, eff. 2-23-01; 92-183, eff. 7-27-01; 92-248, eff. 8-3-01; 92-283, eff. 1-1-02; 92-340, eff. 8-10-01; 92-418, eff. 8-17-01; 92-422, eff. 8-17-01; revised 8-28-01.)

Section 99. Effective date. This Act takes effect upon becoming law.
Passed in the General Assembly May 7, 2002.
Approved July 19, 2002.
Effective July 19, 2002.

PUBLIC ACT 92-0699
(House Bill No. 4937)

AN ACT in relation to vehicles.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 3. The State Finance Act is amended by adding Section 5.570 as follows:

(30 ILCS 105/5.570 new)

Sec. 5.570. The Professional Sports Teams Education Fund.

Section 5. The Illinois Vehicle Code is amended by changing Sections 3-621, 3-622, 3-623, 3-625, and 3-806.3 and renumbering Sections 3-648 as added by Public Act 92-79 and 3-648 as added by Public Act 92-467 and by adding Section 3-654 as follows:

(625 ILCS 5/3-621) (from Ch. 95 1/2, par. 3-621)

Sec. 3-621. The Secretary, upon receipt of an application, made in the form prescribed by the Secretary of State, may issue to members of the Illinois National Guard, and to Illinois residents who are either former members of the Illinois National Guard or the surviving spouses of Illinois National Guard members, special registration plates. The special plates issued pursuant to this Section shall be affixed only to passenger vehicles of the first division or motor vehicles of the second division weighing not more than 8,000 pounds subject to the staggered registration system.

The design and color of such plates shall be wholly within the discretion of the Secretary of State.
(Section: P.A. 84-986.)

(625 ILCS 5/3-622) (from Ch. 95 1/2, par. 3-622)

New matter indicated by italics - deletions by strikeout.
Sec. 3-622. The Secretary, upon receipt of an application made in the form prescribed by the Secretary of State, may issue to members of the United States Armed Forces Reserves who reside in Illinois, and to Illinois residents who are either former members of the United States Armed Forces Reserves or the surviving spouses of United States Armed Forces Reserve members who resided in Illinois, special registration plates. The special plates issued pursuant to this Section shall be affixed only to passenger vehicles of the first division or motor vehicles of the second division weighing not more than 8,000 pounds subject to the staggered registration system. The design and color of such plates shall be wholly within the discretion of the Secretary of State.
(Source: P.A. 84-986.)

(625 ILCS 5/3-623) (from Ch. 95 1/2, par. 3-623)

Sec. 3-623. Purple Heart Plates. The Secretary, upon receipt of an application made in the form prescribed by the Secretary of State, may issue to recipients awarded the Purple Heart by a branch of the armed forces of the United States who reside in Illinois, special registration plates. The special plates issued pursuant to this Section should be affixed only to passenger vehicles of the 1st division, including motorcycles, or motor vehicles of the 2nd division weighing not more than 8,000 pounds.

The design and color of such plates shall be wholly within the discretion of the Secretary of State. Appropriate documentation, as determined by the Secretary, and the appropriate standard registration fee shall accompany the application. However, for an individual who has been issued Purple Heart plates for a vehicle and who has claimed and received a grant under the Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act, the original issuance fee and regular annual fee for the registration of the vehicle shall be as provided in Section 3-806.3 of this Code.
(Source: P.A. 91-25, eff. 6-9-99; 92-82, eff. 1-1-02.)

(625 ILCS 5/3-625) (from Ch. 95 1/2, par. 3-625)

Sec. 3-625. Pearl Harbor Plates. The Secretary, upon receipt of an application made in the form prescribed by the Secretary of State, may issue special registration plates to any Illinois resident who, while a member of the armed forces of the United States, participated in the battle of Pearl Harbor on December 7, 1941, or to the widowed spouse of any Illinois resident who, while a member of the armed forces of the United States, participated in the battle of Pearl Harbor on December 7, 1941, provided that the widowed spouse was married to the battle of Pearl Harbor participant at the time of the participant's death and is a single person at the time of application. The special plates issued pursuant to this Section should be affixed only to passenger vehicles of the 1st division or motor vehicles of the 2nd division weighing not more than 8,000 pounds.

The design and color of such plates shall be wholly within the discretion of the Secretary of State. Appropriate documentation, as determined by the Secretary, and the appropriate standard registration fee shall accompany the application.
(Source: P.A. 89-571, eff. 7-26-96; 89-620, eff. 1-1-97.)

(625 ILCS 5/3-650)

Sec. 3-650. 3-648. Army Combat Veteran license plates.

New matter indicated by italics - deletions by strikeout.
(a) In addition to any other special license plate, the Secretary, upon receipt of all applicable fees and applications made in the form prescribed by the Secretary of State, may issue Army Combat Veteran license plates to residents of Illinois who meet eligibility requirements prescribed by the Secretary of State. The special Army Combat Veteran plate issued under this Section shall be affixed only to passenger vehicles of the first division and motor vehicles of the second division weighing not more than 8,000 pounds. Plates issued under this Section shall expire according to the staggered multi-year procedure established by Section 3-414.1 of this Code.

(b) The plates shall display the Army Combat Infantry Badge. In all other respects, the design, color, and format of the plates shall be within the discretion of the Secretary of State. The Secretary may, in his or her discretion, allow the plates to be issued as vanity plates or personalized in accordance with Section 3-405.1 of this Code. The plates are not required to designate "Land Of Lincoln", as prescribed in subsection (b) of Section 3-412 of this Code. The Secretary shall prescribe the eligibility requirements and, in his or her discretion, shall approve and prescribe stickers or decals as provided under Section 3-412.

(c) An applicant shall be charged a $15 fee for original issuance in addition to the applicable registration fee. This additional fee shall be deposited into the Secretary of State Special License Plate Fund. For each registration renewal period, a $2 fee, in addition to the appropriate registration fee, shall be charged and shall be deposited into the Secretary of State Special License Plate Fund.

(Source: P.A. 92-79, eff. 1-1-02; revised 10-17-01.)

(625 ILCS 5/3-651)
Sec. 3-651. U.S. Marine Corps license plates.
(a) In addition to any other special license plate, the Secretary, upon receipt of all applicable fees and applications made in the form prescribed by the Secretary of State, may issue special registration plates designated as U.S. Marine Corps license plates to residents of Illinois who meet eligibility requirements prescribed by the Secretary of State. The special plate issued under this Section shall be affixed only to passenger vehicles of the first division, motor vehicles of the second division weighing not more than 8,000 pounds, and recreational vehicles as defined by Section 1-169 of this Code. Plates issued under this Section shall expire according to the staggered multi-year procedure established by Section 3-414.1 of this Code.

(b) The design, color, and format of the plates shall be wholly within the discretion of the Secretary of State, except that the U.S. Marine Corps emblem shall appear on the plates. The Secretary may, in his or her discretion, allow the plates to be issued as vanity or personalized plates in accordance with Section 3-405.1 of this Code. The plates are not required to designate "Land Of Lincoln", as prescribed in subsection (b) of Section 3-412 of this Code. The Secretary shall prescribe the eligibility requirements and, in his or her discretion, shall approve and prescribe stickers or decals as provided under Section 3-412.

(c) An applicant shall be charged a $20 fee for original issuance in addition to the applicable registration fee. Of this additional fee, $15 shall be deposited into the Secretary of State Special License Plate Fund and $5 shall be deposited into the Marine Corps Plate Fund.

New matter indicated by italics - deletions by strikeout.
Scholarship Fund. For each registration renewal period, a $20 fee, in addition to the appropriate registration fee, shall be charged. Of this additional fee, $2 shall be deposited into the Secretary of State Special License Plate Fund and $18 shall be deposited into the Marine Corps Scholarship Fund.

(d) The Marine Corps Scholarship Fund is created as a special fund in the State treasury. All moneys in the Marine Corps Scholarship Fund shall, subject to appropriation by the General Assembly and approval by the Secretary, be used by the Marine Corps Scholarship Foundation, Inc., a recognized charitable organization that meets the requirements of Title 26, Section 501(c)(3) of the United States Code, to provide grants for scholarships for higher education. The scholarship recipients must be the children of current or former members of the United States Marine Corps who meet the academic, financial, and other requirements established by the Marine Corps Scholarship Foundation. In addition, the recipients must be Illinois residents and must attend a college or university located within the State of Illinois.

The State Treasurer shall require the Marine Corps Scholarship Foundation to establish a separate account for receipt of the proceeds of the Marine Corps Scholarship Fund. That account shall be subject to audit either annually or at another interval, as determined by the State Treasurer. Proceeds from the Marine Corps Scholarship Fund shall be transferred on a quarterly basis by the State Treasurer's office to this separate account.

(Source: P.A. 92-467, eff. 1-1-02; revised 10-17-01.)

(625 ILCS 5/3-654 new)
Sec. 3-654. Professional Sports Teams license plates.
(a) The Secretary, upon receipt of an application made in the form prescribed by the Secretary, may issue special registration plates designated as Professional Sports Teams license plates. The special plates issued under this Section shall be affixed only to passenger vehicles of the first division and motor vehicles of the second division weighing not more than 8,000 pounds. Plates issued under this Section shall expire according to the multi-year procedure established by Section 3-414.1 of this Code.

(b) The design and color of the plates is wholly within the discretion of the Secretary, except that the plates shall, subject to the permission of the applicable team owner, display the logo of the Chicago Bears, the Chicago Bulls, the Chicago Black Hawks, the Chicago Cubs, the Chicago White Sox, the St. Louis Rams, or the St. Louis Cardinals, at the applicant's option. The Secretary may allow the plates to be issued as vanity or personalized plates under Section 3-405.1 of the Code. The Secretary shall prescribe stickers or decals as provided under Section 3-412 of this Code.

(c) An applicant for the special plate shall be charged a $40 fee for original issuance in addition to the appropriate registration fee. Of this fee, $25 shall be deposited into the Professional Sports Teams Education Fund and $15 shall be deposited into the Secretary of State Special License Plate Fund, to be used by the Secretary to help defray the administrative processing costs.

For each registration renewal period, a $27 fee, in addition to the appropriate registration fee, shall be charged. Of this fee, $25 shall be deposited into the Professional

New matter indicated by italics - deletions by strikeout.
Sports Teams Education Fund and $2 shall be deposited into the Secretary of State Special License Plate Fund.

(d) The Professional Sports Teams Education Fund is created as a special fund in the State treasury. All moneys in the Professional Sports Teams Education Fund shall, subject to appropriation by the General Assembly and approval by the Secretary, be deposited every 6 months into the Common School Fund.

(625 ILCS 5/3-806.3) (from Ch. 95 1/2, par. 3-806.3)
Sec. 3-806.3. Senior Citizens.

Commencing with the 1986 registration year and extending through the 2000 registration year, the registration fee paid by any vehicle owner who has claimed and received a grant under the "Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act" or who is the spouse of such a person shall be reduced by 50% for passenger cars displaying standard multi-year registration plates issued under Section 3-414.1, motor vehicles displaying special registration plates issued under Section 3-616, motor vehicles registered at 8,000 pounds or less under Section 3-815(a) and recreational vehicles registered at 8,000 pounds or less under Section 3-815(b). Widows and widowers of claimants shall also be entitled to the reduced registration rate for the registration year in which the claimant was eligible.

Commencing with the 2001 registration year and extending through the 2003 registration year, the registration fee paid by any vehicle owner who has claimed and received a grant under the "Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act" or who is the spouse of such a person shall be $24 instead of the fee otherwise provided in this Code for passenger cars displaying standard multi-year registration plates issued under Section 3-414.1, motor vehicles displaying special registration plates issued under Section 3-616, motor vehicles registered at 8,000 pounds or less under Section 3-815(a) and recreational vehicles registered at 8,000 pounds or less under Section 3-815(b). Widows and widowers of claimants shall also be entitled to this reduced registration fee for the registration year in which the claimant was eligible.

Commencing with the 2004 registration year, the registration fee paid by any vehicle owner who has claimed and received a grant under the "Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act" or who is the spouse of such a person shall be $24 instead of the fee otherwise provided in this Code for passenger cars displaying standard multi-year registration plates issued under Section 3-414.1, motor vehicles displaying special registration plates issued under Section 3-616, 3-621, 3-622, 3-623, 3-624, 3-625, 3-626, 3-628, 3-638, 3-642, 3-645, 3-647, 3-650, or 3-651, motor vehicles registered at 8,000 pounds or less under Section 3-815(a), and recreational vehicles registered at 8,000 pounds or less under Section 3-815(b). Widows and widowers of claimants shall also be entitled to this reduced registration fee for the registration year in which the claimant was eligible.

No more than one reduced registration fee under this Section shall be allowed during any 12 month period based on the primary eligibility of any individual, whether such reduced registration fee is allowed to the individual or to the spouse, widow or widower of such individual.

New matter indicated by italics - deletions by strikeout.
individual. This Section does not apply to the fee paid in addition to the registration fee for motor vehicles displaying *vanity or special personalized* license plates under Section 3-806.1.

(Source: P.A. 91-37, eff. 7-1-99; revised 12-06-01.)
Approved July 19, 2002.

PUBLIC ACT 92-0700
(House Bill No. 5839)

AN ACT concerning financial institutions.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Savings and Loan Act of 1985 is amended by changing Section 7-19.1 as follows:

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

(a) The aggregate of all fees collected by the Commissioner under this Act shall be paid promptly after receipt of the same, accompanied by a detailed statement thereof, into the State treasury and shall be set apart in the Savings and Residential Finance Regulatory Fund, a special fund hereby created in the State treasury. The amounts deposited into the Fund shall be used for the ordinary and contingent expenses of the Office of Banks and Real Estate. Nothing in this Act shall prevent continuing the practice of paying expenses involving salaries, retirement, social security, and State-paid insurance of State officers by appropriation from the General Revenue Fund.

(b) Moneys in the Savings and Residential Finance Regulatory Fund may not be appropriated, assigned, or transferred to another State fund. The moneys in the Fund shall be for the sole benefit of the institutions assessed.

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

(Source: P.A. 88-579, eff. 8-12-94; 89-508, eff. 7-3-96.)

Section 10. The Savings Bank Act is amended by changing Section 6013 as follows:

(205 ILCS 205/6013) (from Ch. 17, par. 7306-13)
Sec. 6013. Loans to one borrower.

(a) Except as provided in subsection (c), the total loans and extensions of credit, both direct and indirect, by a savings bank to any person, other than a municipal corporation for money borrowed, outstanding at one time shall not exceed 25% 20% of the savings bank's total capital plus general loan loss reserves.

(b) Except as provided in subsection (c), the total loans and extensions of credit, both direct and indirect, by a savings bank to any person outstanding at one time and at least 100%

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secured by readily marketable collateral having a market value, as determined by reliable and continuously available price quotations, shall not exceed 10% of the savings bank's total capital plus general loan loss reserves. This limitation shall be separate from and in addition to the limitation contained in subsection (a).

(c) If the limit under subsection (a) or (b) on total loans to one borrower is less than $500,000, a savings bank that meets its minimum capital requirement under this Act may have loan and extensions of credit, both direct and indirect, outstanding to any person at one time not to exceed $500,000. With the prior written approval of the Commissioner, a savings bank that has capital in excess of 6% of assets may make loans and extensions of credit to one borrower for the development of residential housing properties, located or to be located in this State, not to exceed 30% of the savings bank's total capital plus general loan loss reserves.

(d) For purposes of this Section, the term "person" shall be deemed to include an individual, firm, corporation, business trust, partnership, trust, estate, association, joint venture, pool, syndicate, sole proprietorship, unincorporated association, any political subdivision, or any similar entity or organization.

(e) For the purposes of this Section any loan or extension of credit granted to one person, the proceeds of which are used for the direct benefit of a second person, shall be deemed a loan or extension of credit to the second person as well as the first person. In addition, a loan or extension of credit to one person shall be deemed a loan or extension of credit to others when a common enterprise exists between the first person and such other persons.

(f) For the purposes of this Section, the total liabilities of a firm, partnership, pool, syndicate, or joint venture shall include the liabilities of the members of the entity.

(g) For the purposes of this Section, the term "readily marketable collateral" means financial instruments or bullion that are salable under ordinary circumstances with reasonable promptness at a fair market value on an auction or a similarly available daily bid-and-ask price market. "Financial instruments" include stocks, bonds, notes, debentures traded on a national exchange or over the counter, commercial paper, negotiable certificates of deposit, bankers' acceptances, and shares in money market or mutual funds.

(h) Each savings bank shall institute adequate procedures to ensure that collateral fully secures the outstanding loan or extension of credit at all times.

(i) If collateral values fall below 100% of the outstanding loan or extension of credit to the extent that the loan or extension of credit no longer is in conformance with subsection (b) and exceeds the 25% limitation of subsection (a), the loan must be brought into conformance with this Section within 5 business days except where judicial proceedings or other similar extraordinary occurrences prevent the savings bank from taking action.

(j) This Section shall not apply to loans or extensions of credit to the United States of America or its agencies or this State or its agencies or to any loan, investment, or extension of credit made pursuant to Section 6003 of this Act.

(k) This Section does not apply to the obligations as endorser, whether with or without recourse, or as guarantor, whether conditional or unconditional, of negotiable or

New matter indicated by italics - deletions by strikeout.
nonnegotiable installment consumer paper of the person transferring the same if the bank's files or the knowledge of its officers of the financial condition of each maker of those obligations is reasonably adequate and if an officer of the bank, designated for that purpose by the board of directors of the bank, certifies that the responsibility of each maker of the obligations has been evaluated and that the bank is relying primarily upon each maker for the payment of the obligations. The certification shall be in writing and shall be retained as part of the records of the bank.

(l) The Commissioner may prescribe rules to carry out the purposes of this Section and to establish limits or requirements other than those specified in this Section for particular types of loans and extensions of credit.

(Source: P.A. 92-483, eff. 8-23-01.)


AN ACT in relation to public health.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Phenylketonuria Testing Act is amended by adding Section 1.5 and changing Section 2 as follows:

(410 ILCS 240/1.5 new)
Sec. 1.5. Definitions. In this Act:
"Accredited laboratory" means any laboratory that holds a valid certificate issued under the Clinical Laboratory Improvement Amendments of 1988, 102 Stat. 2903, 42 U.S.C. 263a, as amended, and that reports its screening results by using normal pediatric reference ranges.
"Expanded screening" means screening for genetic and metabolic disorders, including but not limited to amino acid disorders, organic acid disorders, fatty acid oxidation disorders, and other abnormal profiles, in newborn infants that can be detected through the use of a tandem mass spectrometer.
"Tandem mass spectrometer" means an analytical instrument used to detect numerous genetic and metabolic disorders at one time.

(410 ILCS 240/2) (from Ch. 111 1/2, par. 4904)
Sec. 2. The Department of Public Health shall administer the provisions of this Act and shall:
(a) Institute and carry on an intensive educational program among physicians, hospitals, public health nurses and the public concerning the diseases phenylketonuria, hypothyroidism, galactosemia and other metabolic diseases. This educational program shall

New matter indicated by italics - deletions by strikeout.
include information about the nature of the diseases and examinations for the detection of the diseases in early infancy in order that measures may be taken to prevent the mental retardation resulting from the diseases.

(a-5) Beginning July 1, 2002, provide all newborns with expanded screening tests for the presence of genetic, endocrine, or other metabolic disorders, including phenylketonuria, galactosemia, hypothyroidism, congenital adrenal hyperplasia, biotinidase deficiency, and sickling disorders, as well as other amino acid disorders, organic acid disorders, fatty acid oxidation disorders, and other abnormalities detectable through the use of a tandem mass spectrometer. If by July 1, 2002, the Department is unable to provide expanded screening using the State Laboratory, it shall temporarily provide such screening through an accredited laboratory selected by the Department until the Department has the capacity to provide screening through the State Laboratory. If expanded screening is provided on a temporary basis through an accredited laboratory, the Department shall substitute the fee charged by the accredited laboratory, plus a 5% surcharge for documentation and handling, for the fee authorized in subsection (e) of this Section.

(b) Maintain a registry of cases including information of importance for the purpose of follow-up services to prevent mental retardation.

(c) Supply the necessary treatment product where practicable for diagnosed cases for as long as medically indicated, when the product is not available through other State agencies.

(d) Arrange for or provide public health nursing, nutrition and social services and clinical consultation as indicated.

(e) Require that all specimens collected pursuant to this Act or the rules and regulations promulgated hereunder be submitted for testing to the nearest Department of Public Health laboratory designated to perform such tests. The Department may develop a reasonable fee structure and may levy fees according to such structure to cover the cost of providing this testing service. Fees collected from the provision of this testing service shall be placed in a special fund in the State Treasury, hereafter known as the Metabolic Screening and Treatment Fund. Other State and federal funds for expenses related to metabolic screening, follow-up and treatment programs may also be placed in such Fund. Moneys shall be appropriated from such Fund to the Department of Public Health solely for the purposes of providing metabolic screening, follow-up and treatment programs. Nothing in this Act shall be construed to prohibit any licensed medical facility from collecting additional specimens for testing for metabolic or neonatal diseases or any other diseases or conditions, as it deems fit. Any person violating the provisions of this subsection (e) is guilty of a petty offense.

(Source: P.A. 83-87.)

Section 99. Effective date. This Act takes effect upon becoming law.
Approved July 19, 2002.
Effective July 19, 2002.
AN ACT in relation to vehicles.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The State Finance Act is amended by adding Section 5.570 as follows:

(30 ILCS 105/5.570 new)
Sec. 5.570. The Illinois Pan Hellenic Trust Fund.

Section 10. The Illinois Vehicle Code is amended by adding Section 3-654 as follows:

(625 ILCS 5/3-654 new)
Sec. 3-654. Pan Hellenic license plates.
(a) The Secretary, upon receipt of all applicable fees and applications made in the form prescribed by the Secretary, may issue special registration plates designated as Pan Hellenic license plates. The special plates issued under this Section shall be affixed only to passenger vehicles of the first division or motor vehicles of the second division weighing not more than 8,000 pounds. Plates issued under this Section shall expire according to the multi-year procedure established by Section 3-414.1 of this Code.
(b) The design and color of the special plates shall be wholly within the discretion of the Secretary, except that an emblem of a Pan Hellenic eligible member shall be on the plate. Appropriate documentation, as determined by the Secretary, shall accompany each application. The Secretary may, in his or her discretion, allow the plates to be issued as vanity or personalized plates in accordance with Section 3-405.1 of this Code. The plates are not required to designate "Land of Lincoln" as prescribed in subsection (b) of Section 3-412 of this Code. The Secretary, in his or her discretion, may prescribe rules governing the requirements and approval of the special plates.
(c) An applicant for the special plate shall be charged a $40 fee for original issuance in addition to the appropriate registration fee. Of this fee, $25 shall be deposited into the Illinois Pan Hellenic Trust Fund and $15 shall be deposited into the Secretary of State Special License Plate Fund, to be used by the Secretary to help defray the administrative processing costs. For each registration renewal period, a $27 fee, in addition to the appropriate registration fee, shall be charged. Of this fee, $25 shall be deposited into the Illinois Pan Hellenic Trust Fund and $2 shall be deposited into the Secretary of State Special License Plate Fund.
(d) The Illinois Pan Hellenic Trust Fund is created as a special fund in the State Treasury. The State Treasurer shall create separate accounts within the Illinois Pan Hellenic Trust Fund for each eligible member for which Pan Hellenic license plates have been issued. Moneys in the Illinois Pan Hellenic Trust Fund shall be allocated to each account in proportion to the number of plates sold in regard to each fraternity or sorority. All moneys in the Illinois Pan Hellenic Trust Fund shall be distributed, subject to appropriation by the General Assembly and approval by the Secretary, as grants to the Illinois Alpha Kappa...

Approved July 19, 2002.

PUBLIC ACT 92-0703
(Senate Bill No. 0929)

AN ACT concerning medical examinations.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The School Code is amended by changing Section 27-8.1 as follows:
(105 ILCS 5/27-8.1) (from Ch. 122, par. 27-8.1)
Sec. 27-8.1. Health examinations and immunizations.
(1) In compliance with rules and regulations which the Department of Public Health shall promulgate, and except as hereinafter provided, all children in Illinois shall have a health examination as follows: within one year prior to entering kindergarten or the first grade of any public, private, or parochial elementary school; upon entering the fifth and ninth grades of any public, private, or parochial school; prior to entrance into any public, private, or parochial nursery school; and, irrespective of grade, immediately prior to or upon entrance into any public, private, or parochial school or nursery school, each child shall present proof of having been examined in accordance with this Section and the rules and regulations promulgated hereunder.
A tuberculosis skin test screening shall be included as a required part of each health examination included under this Section if the child resides in an area designated by the Department of Public Health as having a high incidence of tuberculosis. Additional health examinations of pupils, including dental and vision examinations, may be required when deemed necessary by school authorities. Parents are encouraged to have their children undergo dental examinations at the same points in time required for health examinations.
(2) The Department of Public Health shall promulgate rules and regulations specifying the examinations and procedures that constitute a health examination and may recommend by rule that certain additional examinations be performed. The rules and regulations of the Department of Public Health shall specify that a tuberculosis skin test screening shall be included as a required part of each health examination included under this Section if the child resides in an area designated by the Department of Public Health as having a high incidence of tuberculosis.
Physicians licensed to practice medicine in all of its branches, advanced practice

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nurses who have a written collaborative agreement with a collaborating physician which authorizes them to perform health examinations, or physician assistants who have been delegated the performance of health examinations by their supervising physician shall be responsible for the performance of the health examinations, other than dental examinations and vision and hearing screening, and shall sign all report forms required by subsection (4) of this Section that pertain to those portions of the health examination for which the physician, advanced practice nurse, or physician assistant is responsible. If a registered nurse performs any part of a health examination, then a physician licensed to practice medicine in all of its branches must review and sign all required report forms. Licensed dentists shall perform all dental examinations and shall sign all report forms required by subsection (4) of this Section that pertain to the dental examinations. Physicians licensed to practice medicine in all its branches, or licensed optometrists, shall perform all vision exams required by school authorities and shall sign all report forms required by subsection (4) of this Section that pertain to the vision exam. Vision and hearing screening tests, which shall not be considered examinations as that term is used in this Section, shall be conducted in accordance with rules and regulations of the Department of Public Health, and by individuals whom the Department of Public Health has certified.

(3) Every child shall, at or about the same time as he or she receives a health examination required by subsection (1) of this Section, present to the local school proof of having received such immunizations against preventable communicable diseases as the Department of Public Health shall require by rules and regulations promulgated pursuant to this Section and the Communicable Disease Prevention Act.

(4) The individuals conducting the health examination shall record the fact of having conducted the examination, and such additional information as required, on uniform forms which the Department of Public Health and the State Board of Education shall prescribe for statewide use. The examiner shall summarize on the report form any condition that he or she suspects indicates a need for special services. The individuals confirming the administration of required immunizations shall record as indicated on the form that the immunizations were administered.

(5) If a child does not submit proof of having had either the health examination or the immunization as required, then the child shall be examined or receive the immunization, as the case may be, and present proof by October 15 of the current school year, or by an earlier date of the current school year established by a school district. To establish a date before October 15 of the current school year for the health examination or immunization as required, a school district must give notice of the requirements of this Section 60 days prior to the earlier established date. If for medical reasons one or more of the required immunizations must be given after October 15 of the current school year, or after an earlier established date of the current school year, then the child shall present, by October 15, or by the earlier established date, a schedule for the administration of the immunizations and a statement of the medical reasons causing the delay, both the schedule and the statement being issued by the physician, advanced practice nurse, physician assistant, registered nurse, or local health department that will be responsible for administration of the remaining required
immunizations. If a child does not comply by October 15, or by the earlier established date of the current school year, with the requirements of this subsection, then the local school authority shall exclude that child from school until such time as the child presents proof of having had the health examination as required and presents proof of having received those required immunizations which are medically possible to receive immediately. During a child's exclusion from school for noncompliance with this subsection, the child's parents or legal guardian shall be considered in violation of Section 26-1 and subject to any penalty imposed by Section 26-10.

(6) Every school shall report to the State Board of Education by November 15, in the manner which that agency shall require, the number of children who have received the necessary immunizations and the health examination as required, indicating, of those who have not received the immunizations and examination as required, the number of children who are exempt from health examination and immunization requirements on religious or medical grounds as provided in subsection (8). This reported information shall be provided to the Department of Public Health by the State Board of Education.

(7) Upon determining that the number of pupils who are required to be in compliance with subsection (5) of this Section is below 90% of the number of pupils enrolled in the school district, 10% of each State aid payment made pursuant to Section 18-8 to the school district for such year shall be withheld by the regional superintendent until the number of students in compliance with subsection (5) is the applicable specified percentage or higher.

(8) Parents or legal guardians who object to health examinations or any part thereof, or to immunizations, on religious grounds shall not be required to submit their children or wards to the examinations or immunizations to which they so object if such parents or legal guardians present to the appropriate local school authority a signed statement of objection, detailing the grounds for the objection. If the physical condition of the child is such that any one or more of the immunizing agents should not be administered, the examining physician, advanced practice nurse, or physician assistant responsible for the performance of the health examination shall endorse that fact upon the health examination form. Exempting a child from the health examination does not exempt the child from participation in the program of physical education training provided in Sections 27-5 through 27-7 of this Code.

(9) For the purposes of this Section, "nursery schools" means those nursery schools operated by elementary school systems or secondary level school units or institutions of higher learning.

(Source: P.A. 91-357, eff. 7-29-99.)

Section 10. The Illinois Vehicle Code is amended by changing Sections 6-106.1, 6-901, and 18b-105 as follows:

(625 ILCS 5/6-106.1) (from Ch. 95 1/2, par. 6-106.1)
Sec. 6-106.1. School bus driver permit.
(a) The Secretary of State shall issue a school bus driver permit to those applicants who have met all the requirements of the application and screening process under this Section to insure the welfare and safety of children who are transported on school buses throughout the State of Illinois. Applicants shall obtain the proper application required by

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the Secretary of State from their prospective or current employer and submit the completed application to the prospective or current employer along with the necessary fingerprint submission as required by the Department of State Police to conduct fingerprint based criminal background checks on current and future information available in the state system and current information available through the Federal Bureau of Investigation's system. Applicants who have completed the fingerprinting requirements shall not be subjected to the fingerprinting process when applying for subsequent permits or submitting proof of successful completion of the annual refresher course. Individuals who on the effective date of this Act possess a valid school bus driver permit that has been previously issued by the appropriate Regional School Superintendent are not subject to the fingerprinting provisions of this Section as long as the permit remains valid and does not lapse. The applicant shall be required to pay all related application and fingerprinting fees as established by rule including, but not limited to, the amounts established by the Department of State Police and the Federal Bureau of Investigation to process fingerprint based criminal background investigations. All fees paid for fingerprint processing services under this Section shall be deposited into the State Police Services Fund for the cost incurred in processing the fingerprint based criminal background investigations. All other fees paid under this Section shall be deposited into the Road Fund for the purpose of defraying the costs of the Secretary of State in administering this Section. All applicants must:

1. be 21 years of age or older;
2. possess a valid and properly classified driver's license issued by the Secretary of State;
3. possess a valid driver's license, which has not been revoked, suspended, or canceled for 3 years immediately prior to the date of application, or have not had his or her commercial motor vehicle driving privileges disqualified within the 3 years immediately prior to the date of application;
4. successfully pass a written test, administered by the Secretary of State, on school bus operation, school bus safety, and special traffic laws relating to school buses and submit to a review of the applicant's driving habits by the Secretary of State at the time the written test is given;
5. demonstrate ability to exercise reasonable care in the operation of school buses in accordance with rules promulgated by the Secretary of State;
6. demonstrate physical fitness to operate school buses by submitting the results of a medical examination, including tests for drug use for each applicant not subject to such testing pursuant to federal law, conducted by a licensed physician, an advanced practice nurse who has a written collaborative agreement with a collaborating physician which authorizes him or her to perform medical examinations, or a physician assistant who has been delegated the performance of medical examinations by his or her supervising physician within 90 days of the date of application according to standards promulgated by the Secretary of State;
7. affirm under penalties of perjury that he or she has not made a false statement or knowingly concealed a material fact in any application for permit;

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8. have completed an initial classroom course, including first aid procedures, in school bus driver safety as promulgated by the Secretary of State; and after satisfactory completion of said initial course an annual refresher course; such courses and the agency or organization conducting such courses shall be approved by the Secretary of State; failure to complete the annual refresher course, shall result in cancellation of the permit until such course is completed;

9. not have been convicted of 2 or more serious traffic offenses, as defined by rule, within one year prior to the date of application that may endanger the life or safety of any of the driver's passengers within the duration of the permit period;

10. not have been convicted of reckless driving, driving while intoxicated, or reckless homicide resulting from the operation of a motor vehicle within 3 years of the date of application;

11. not have been convicted of committing or attempting to commit any one or more of the following offenses: (i) those offenses defined in Sections 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.2, 9-3.3, 10-1, 10-2, 10-3.1, 10-4, 10-5, 10-6, 10-7, 11-6, 11-9, 11-9.1, 11-14, 11-15, 11-15.1, 11-16, 11-17, 11-18, 11-19, 11-19.1, 11-19.2, 11-20, 11-20.1, 11-21, 11-22, 12-3.1, 12-4.1, 12-4.2, 12-4.3, 12-4.4, 12-4.5, 12-6, 12-6.2, 12-7.1, 12-7.3, 12-7.4, 12-11, 12-13, 12-14, 12-14.1, 12-15, 12-16, 12-16.2, 12-21.5, 12-21.6, 12-33, 18-1, 18-2, 18-3, 18-4, 18-5, 20-1, 20-1.1, 20-2, 24-1, 24-1.1, 24-1.2, 24-3.3, 31A-1, 31A-1.1, and 33A-2, and in subsection (a) and subsection (b), clause (1), of Section 12-4 of the Criminal Code of 1961; (ii) those offenses defined in the Cannabis Control Act except those offenses defined in subsections (a) and (b) of Section 4, and subsection (a) of Section 5 of the Cannabis Control Act; (iii) those offenses defined in the Illinois Controlled Substances Act; (iv) any offense committed or attempted in any other state or against the laws of the United States, which if committed or attempted in this State would be punishable as one or more of the foregoing offenses; (v) the offenses defined in Section 4.1 and 5.1 of the Wrongs to Children Act and (vi) those offenses defined in Section 6-16 of the Liquor Control Act of 1934;

12. not have been repeatedly involved as a driver in motor vehicle collisions or been repeatedly convicted of offenses against laws and ordinances regulating the movement of traffic, to a degree which indicates lack of ability to exercise ordinary and reasonable care in the safe operation of a motor vehicle or disrespect for the traffic laws and the safety of other persons upon the highway;

13. not have, through the unlawful operation of a motor vehicle, caused an accident resulting in the death of any person; and

14. not have, within the last 5 years, been adjudged to be afflicted with or suffering from any mental disability or disease.

(b) A school bus driver permit shall be valid for a period specified by the Secretary of State as set forth by rule. It shall be renewable upon compliance with subsection (a) of this Section.

(c) A school bus driver permit shall contain the holder's driver's license number,

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name, address, zip code, social security number and date of birth, a brief description of the holder and a space for signature. The Secretary of State may require a suitable photograph of the holder.

(d) The employer shall be responsible for conducting a pre-employment interview with prospective school bus driver candidates, distributing school bus driver applications and medical forms to be completed by the applicant, and submitting the applicant's fingerprint cards to the Department of State Police that are required for the criminal background investigations. The employer shall certify in writing to the Secretary of State that all pre-employment conditions have been successfully completed including the successful completion of an Illinois specific criminal background investigation through the Department of State Police and the submission of necessary fingerprints to the Federal Bureau of Investigation for criminal history information available through the Federal Bureau of Investigation system. The applicant shall present the certification to the Secretary of State at the time of submitting the school bus driver permit application.

(e) Permits shall initially be provisional upon receiving certification from the employer that all pre-employment conditions have been successfully completed, and upon successful completion of all training and examination requirements for the classification of the vehicle to be operated, the Secretary of State shall provisionally issue a School Bus Driver Permit. The permit shall remain in a provisional status pending the completion of the Federal Bureau of Investigation's criminal background investigation based upon fingerprinting specimens submitted to the Federal Bureau of Investigation by the Department of State Police. The Federal Bureau of Investigation shall report the findings directly to the Secretary of State. The Secretary of State shall remove the bus driver permit from provisional status upon the applicant's successful completion of the Federal Bureau of Investigation's criminal background investigation.

(f) A school bus driver permit holder shall notify the employer and the Secretary of State if he or she is convicted in another state of an offense that would make him or her ineligible for a permit under subsection (a) of this Section. The written notification shall be made within 5 days of the entry of the conviction. Failure of the permit holder to provide the notification is punishable as a petty offense for a first violation and a Class B misdemeanor for a second or subsequent violation.

(g) Cancellation; suspension; notice and procedure.

(1) The Secretary of State shall cancel a school bus driver permit of an applicant whose criminal background investigation discloses that he or she is not in compliance with the provisions of subsection (a) of this Section.

(2) The Secretary of State shall cancel a school bus driver permit when he or she receives notice that the permit holder fails to comply with any provision of this Section or any rule promulgated for the administration of this Section.

(3) The Secretary of State shall cancel a school bus driver permit if the permit holder's restricted commercial or commercial driving privileges are withdrawn or otherwise invalidated.

(4) The Secretary of State may not issue a school bus driver permit for a

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period of 3 years to an applicant who fails to obtain a negative result on a drug test as required in item 6 of subsection (a) of this Section or under federal law.

(5) The Secretary of State shall forthwith suspend a school bus driver permit for a period of 3 years upon receiving notice that the holder has failed to obtain a negative result on a drug test as required in item 6 of subsection (a) of this Section or under federal law.

The Secretary of State shall notify the State Superintendent of Education and the permit holder's prospective or current employer that the applicant has (1) has failed a criminal background investigation or (2) is no longer eligible for a school bus driver permit; and of the related cancellation of the applicant's provisional school bus driver permit. The cancellation shall remain in effect pending the outcome of a hearing pursuant to Section 2-118 of this Code. The scope of the hearing shall be limited to the issuance criteria contained in subsection (a) of this Section. A petition requesting a hearing shall be submitted to the Secretary of State and shall contain the reason the individual feels he or she is entitled to a school bus driver permit. The permit holder's employer shall notify in writing to the Secretary of State that the employer has certified the removal of the offending school bus driver from service prior to the start of that school bus driver's next workshift. An employing school board that fails to remove the offending school bus driver from service is subject to the penalties defined in Section 3-14.23 of the School Code. A school bus contractor who violates a provision of this Section is subject to the penalties defined in Section 6-106.11.

All valid school bus driver permits issued under this Section prior to January 1, 1995, shall remain effective until their expiration date unless otherwise invalidated.

(625 ILCS 5/6-901) (from Ch. 95 1/2, par. 6-901)
Sec. 6-901. Definitions.
"Board" means the Driver's License Medical Advisory Board.
"Medical examiner" or "medical practitioner" means any person licensed to practice medicine in all its branches in the State of Illinois.

(625 ILCS 5/18b-105) (from Ch. 95 1/2, par. 18b-105)
Sec. 18b-105. Rules and Regulations.
(a) The Department is authorized to make and adopt reasonable rules and regulations and orders consistent with law necessary to carry out the provisions of this Chapter.
(b) The following parts of Title 49 of the Code of Federal Regulations, as now in effect, are hereby adopted by reference as though they were set out in full:
Part 385-Safety Fitness Procedures;
Part 390-Federal Motor Carrier Safety Regulations: General;
Part 391-Qualifications of Drivers;
Part 392-Driving of Motor Vehicles;
Part 393-Parts and Accessories Necessary for Safe Operation;
Part 395-Hours of Service of Drivers; and
Part 396-Inspection, Repair and Maintenance.

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(b-5) Individuals who meet the requirements set forth in the definition of "medical examiner" in Section 390.5 of Part 390 of Title 49 of the Code of Federal Regulations may act as medical examiners in accordance with Part 391 of Title 49 of the Code of Federal Regulations.

(c) The following parts and Sections of the Federal Motor Carrier Safety Regulations shall not apply to those intrastate carriers, drivers or vehicles subject to subsection (b).

(1) Section 393.93 of Part 393 for those vehicles manufactured before June 30, 1972.

(2) Section 393.86 of Part 393 for those vehicles which are registered as farm trucks under subsection (c) of Section 3-815 of The Illinois Vehicle Code.

(3) (Blank).

(4) (Blank).

(5) Paragraph (b)(1) of Section 391.11 of Part 391.

(6) All of Part 395 for all agricultural movements as defined in Chapter 1, between the period of February 1 through November 30 each year, and all farm to market agricultural transportation as defined in Chapter 1 and for grain hauling operations within a radius of 200 air miles of the normal work reporting location.

(7) Paragraphs (b)(3) (insulin dependent diabetic) and (b)(10) (minimum visual acuity) of Section 391.41 of part 391, but only for any driver who immediately prior to July 29, 1986 was eligible and licensed to operate a motor vehicle subject to this Section and was engaged in operating such vehicles, and who was disqualified on July 29, 1986 by the adoption of Part 391 by reason of the application of paragraphs (b)(3) and (b)(10) of Section 391.41 with respect to a physical condition existing at that time unless such driver has a record of accidents which would indicate a lack of ability to operate a motor vehicle in a safe manner.

(d) Intrastate carriers subject to the recording provisions of Section 395.8 of Part 395 of the Federal Motor Carrier Safety Regulations shall be exempt as established under paragraph (1) of Section 395.8; provided, however, for the purpose of this Code, drivers shall operate within a 150 air-mile radius of the normal work reporting location to qualify for exempt status.

(e) Regulations adopted by the Department subsequent to those adopted under subsection (b) hereof shall be identical in substance to the Federal Motor Carrier Safety Regulations of the United States Department of Transportation and adopted in accordance with the procedures for rulemaking in Section 5-35 of the Illinois Administrative Procedure Act.

(Source: P.A. 90-89, eff. 1-1-98; 90-228, eff. 7-25-97; 90-655, eff. 7-30-98; 91-179, eff. 1-1-00.)

(625 ILCS 5/1-142.1a rep.)

Section 15. The Illinois Vehicle Code is amended by repealing Section 1-142.1a.

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


Approved July 19, 2002.

New matter indicated by italics - deletions by strikeout.
AN ACT to honor and commemorate the victims of the terrorist attacks on September 11, 2001.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The State Commemorative Dates Act is amended by adding Section 86 as follows:

(5 ILCS 490/86 new)
Sec. 86. September 11th Day of Remembrance. September 11th of each year is designated as September 11th Day of Remembrance to be observed throughout the State as a day set apart in honor and remembrance of the persons killed and injured in the terrorist attacks on September 11, 2001.

Section 10. The State Finance Act is amended by adding Section 5.567 as follows:

(30 ILCS 105/5.567 new)
Sec. 5.567. The September 11th Fund.

Section 15. The School Code is amended by changing Section 24-2 as follows:

(105 ILCS 5/24-2) (from Ch. 122, par. 24-2)
Sec. 24-2. Holidays. Teachers shall not be required to teach on Saturdays; nor shall teachers or other school employees, other than noncertificated school employees whose presence is necessary because of an emergency or for the continued operation and maintenance of school facilities or property, be required to work on legal school holidays, which are January 1, New Year's Day; the third Monday in January, the Birthday of Dr. Martin Luther King, Jr.; February 12, the Birthday of President Abraham Lincoln; the first Monday in March (to be known as Casimir Pulaski's birthday); Good Friday; the day designated as Memorial Day by federal law; July 4, Independence Day; the first Monday in September, Labor Day; the second Monday in October, Columbus Day; November 11, Veteran's Day; the Thursday in November commonly called Thanksgiving Day; and December 25, Christmas Day. School boards may grant special holidays whenever in their judgment such action is advisable, except that no school board or board of education may designate or observe as a special holiday on which teachers or other school employees are not required to work the days on which general elections for members of the Illinois House of Representatives are held. No deduction shall be made from the time or compensation of a school employee on account of any legal or special holiday.

Commemorative holidays, which recognize specified patriotic, civic, cultural or historical persons, activities, or events, are regular school days. Commemorative holidays are: January 28 (to be known as Christa McAuliffe Day and observed as a commemoration of space exploration), February 15 (the birthday of Susan B. Anthony), March 29 (Viet Nam War Veterans Day), September 11 (September 11th Day of Remembrance), the school day

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immediately preceding Veteran's Day (Korean War Veterans Day), October 1 (Recycling Day), December 7 (Pearl Harbor Veterans Day) and any day so appointed by the President or Governor. School boards may establish commemorative holidays whenever in their judgment such action is advisable. School boards shall include instruction relative to commemorated persons, activities, or events on the commemorative holiday or at any other time during the school year and at any point in the curriculum when such instruction may be deemed appropriate. The State Board of Education shall prepare and make available to school boards instructional materials relative to commemorated persons, activities, or events which may be used by school boards in conjunction with any instruction provided pursuant to this paragraph.

City of Chicago School District 299 shall observe March 4 of each year as a commemorative holiday. This holiday shall be known as Mayors’ Day which shall be a day to commemorate and be reminded of the past Chief Executive Officers of the City of Chicago, and in particular the late Mayor Richard J. Daley and the late Mayor Harold Washington. If March 4 falls on a Saturday or Sunday, Mayors’ Day shall be observed on the following Monday.

(Source: P.A. 89-610, eff. 8-6-96; 89-622, eff. 8-9-96; 90-14, eff. 7-1-97.)

Section 20. The Illinois Vehicle Code is amended by adding Section 3-653 as follows:

(625 ILCS 5/3-653 new)
Sec. 3-653. September 11th license plates.
(a) Beginning on September 11, 2002, the Secretary, upon receipt of all applicable fees and applications made in the form prescribed by the Secretary, may issue special registration plates designated as September 11th license plates.

The special plates issued under this Section shall be affixed only to passenger vehicles of the first division or motor vehicles of the second division weighing not more than 8,000 pounds.

Plates issued under this Section shall expire according to the multi-year procedure established by Section 3-414.1 of this Code.

(b) The design and color of the special plates shall be wholly within the discretion of the Secretary. The Secretary may allow the plates to be issued as vanity or personalized plates under Section 3-405.1 of this Code. The Secretary shall prescribe stickers or decals as provided under Section 3-412 of this Code.

(c) An applicant for the special plate shall be charged a $40 fee for original issuance in addition to the appropriate registration fee. Of this fee, $25 shall be deposited into the September 11th Fund and $15 shall be deposited into the Secretary of State Special License Plate Fund, to be used by the Secretary to help defray the administrative processing costs.

For each registration renewal period, a $27 fee, in addition to the appropriate registration fee, shall be charged. Of this fee, $25 shall be deposited into the September 11th Fund and $2 shall be deposited into the Secretary of State Special License Plate Fund.

(d) The September 11th Fund is created as a special fund in the State treasury. Subject to appropriation by the General Assembly and approval by the Secretary, the

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Director of Commerce and Community Affairs shall pay all moneys in the September 11th Fund as grants to aid victims of terrorism and as grants to local governments to cover the costs of training, equipment, and other items related to public safety initiatives intended to prevent further acts of terrorism or to respond to further acts of terrorism or other disasters or emergency situations in Illinois.

Section 99. Effective date. This Act takes effect upon becoming law.
Approved July 19, 2002.
Effective July 19, 2002.

PUBLIC ACT 92-0705
(Senate Bill No. 1537)

AN ACT in relation to public safety.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 1. Short title. This Act may be cited as the Emergency Evacuation Plan for People with Disabilities Act.

Section 5. Scope of the Act. This Act does not apply within a municipality with a population of over 1,000,000 that, before the effective date of this Act, has adopted an ordinance establishing emergency procedures for high rise buildings.

Section 10. Emergency evacuation plan for persons with disabilities required. By January 1, 2004, every high rise building owner must establish and maintain an emergency evacuation plan for disabled occupants of the building who have notified the owner of their need for assistance. As used in this Act, "high rise building" means any building 80 feet or more in height. The owner is responsible for maintaining and updating the plan as necessary to ensure that the plan continues to comply with the provisions of this Act.

Section 15. Plan requirements.
(a) Each plan must establish procedures for evacuating persons with disabilities from the building in the event of an emergency, when those persons have notified the owner of their need for assistance.

(b) Each plan must provide for a list to be maintained of persons who have notified the owner that they are disabled and would require special assistance in the event of an emergency. The list must include the unit, office, or room number location that the disabled person occupies in the building. It is the intent of this Act that these lists must be maintained for the sole purpose of emergency evacuation. The lists may not be used or disseminated for any other purpose.

(c) The plan must provide for a means to notify occupants of the building that a list identifying persons with a disability in need of emergency evacuation assistance is maintained by the owner, and the method by which occupants can place their name on the list.

(d) In hotels and motels, each plan must provide an opportunity for a guest to identify
himself or herself as a person with a disability in need of emergency evacuation assistance.

(e) The plan must identify the location and type of any evacuation assistance devices or assistive technologies that are available in the building.

If the plan provides for areas of rescue assistance, the plan must provide that these areas are to be identified by signs that state "Area of Rescue Assistance" and display the international symbol of accessibility. Lettering must be permanent and must comply with Americans with Disabilities Act Accessibility Guidelines.

(f) Each plan must include recommended procedures to be followed by building employees, tenants, or guests to assist persons with disabilities in need of emergency evacuation assistance.

(g) A copy of the plan must be maintained at all times in a place that is easily accessible by law enforcement or fire safety personnel, such as in the management office of the high rise building, at the security desk, or in the vicinity of the fireman's elevator recall key, the life safety panel, or the fire pump room.

Section 20. Implementation.

(a) The plan must be made available to local law enforcement and fire safety personnel upon request.

(b) The plan must provide the names of and contact information regarding any building personnel to be contacted by law enforcement or fire safety personnel in the event of an emergency requiring implementation of the plan.

(c) The plan must provide for dissemination or availability of the appropriate evacuation procedures portions of the plan to building employees, tenants, or guests.

(d) The plan must identify the roles and responsibilities of building personnel in carrying out the evacuation plan. The plan must provide for appropriate training for building personnel regarding their roles and responsibilities.

(e) The plan must provide for drills regarding evacuation procedures not less than once per year. A written record of the date of the drill must be kept with the evacuation plan.

Section 25. Penalty. Failure to comply with any Section of this Act is a petty offense punishable by a fine of $500.

Section 905. The State Mandates Act is amended by adding Section 8.26 as follows:

(30 ILCS 805/8.26 new)

Sec. 8.26. Exempt mandate. Notwithstanding Sections 6 and 8 of this Act, no reimbursement by the State is required for the implementation of any mandate created by this amendatory Act of the 92nd General Assembly.

Section 999. Effective date. This Act takes effect upon becoming law.
Passed in the General Assembly April 24, 2002.
Approved July 19, 2002.
Effective July 19, 2002.

New matter indicated by italics - deletions by strikeout.
AN ACT in relation to vehicles.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The State Finance Act is amended by adding Section 5.570 as follows:

(30 ILCS 105/5.570 new)
Sec. 5.570. The Illinois Route 66 Heritage Project Fund.

Section 10. The Illinois Vehicle Code is amended by adding Section 3-653 as follows:

(625 ILCS 5/3-653 new)
Sec. 3-653. Illinois Route 66 license plates.

(a) The Secretary, upon receipt of all applicable fees and applications made in the form prescribed by the Secretary, may issue special registration plates designated as Illinois Route 66 license plates. The special plates issued under this Section shall be affixed only to passenger vehicles of the first division or motor vehicles of the second division weighing not more than 8,000 pounds. Plates issued under this Section shall expire according to the multi-year procedure established by Section 3-414.1 of this Code.

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

(c) An applicant for the special plate shall be charged a $40 fee for original issuance in addition to the appropriate registration fee. Of this fee, $25 shall be deposited into the Illinois Route 66 Heritage Project Fund and $15 shall be deposited into the Secretary of State Special License Plate Fund, to be used by the Secretary to help defray the administrative processing costs.

For each registration renewal period, a $27 fee, in addition to the appropriate registration fee, shall be charged. Of this fee, $25 shall be deposited into the Illinois Route 66 Heritage Project Fund and $2 shall be deposited into the Secretary of State Special License Plate Fund.

(d) The Illinois Route 66 Heritage Project Fund is created as a special fund in the State treasury. Subject to appropriation by the General Assembly and approval by the Secretary, Illinois Route 66 Heritage Project, Inc. shall use all moneys in the Illinois Route 66 Heritage Project Fund for the development of tourism, through education and interpretation, preservation, and promotion of the former U.S. Route 66 in Illinois.

Approved July 19, 2002.

New matter indicated by italics - deletions by strikeout.
AN ACT concerning energy efficiency.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Renewable Energy, Energy Efficiency, and Coal Resources Development Law of 1997 is amended by changing Section 6-6 as follows:

(20 ILCS 687/6-6)

Sec. 6-6. Energy efficiency program.

(a) For the year beginning January 1, 1998, and thereafter as provided in this Section, each electric utility as defined in Section 3-105 of the Public Utilities Act and each alternative retail electric supplier as defined in Section 16-102 of the Public Utilities Act supplying electric power and energy to retail customers located in the State of Illinois shall contribute annually a pro rata share of a total amount of $3,000,000 based upon the number of kilowatt-hours sold by each such entity in the 12 months preceding the year of contribution. On or before May 1 of each year, the Illinois Commerce Commission shall determine and notify the Department of Commerce and Community Affairs of the pro rata share owed by each electric utility and each alternative retail electric supplier based upon information supplied annually to the Illinois Commerce Commission. On or before June 1 of each year, the Department of Commerce and Community Affairs shall send written notification to each electric utility and each alternative retail electric supplier of the amount of pro rata share they owe. These contributions shall be remitted to the Department of Revenue on or before June 30 of each year the contribution is due on a return prescribed and furnished by the Department of Revenue showing such information as the Department of Revenue may reasonably require. The funds received pursuant to this Section shall be subject to the appropriation of funds by the General Assembly. The Department of Revenue shall place the funds remitted under this Section in a trust fund, that is hereby created in the State Treasury, called the Energy Efficiency Trust Fund. If an electric utility or alternative retail electric supplier does not remit its pro rata share to the Department of Revenue, the Department of Revenue must inform the Illinois Commerce Commission of such failure. The Illinois Commerce Commission may then revoke the certification of that electric utility or alternative retail electric supplier. The Illinois Commerce Commission may not renew the certification of any electric utility or alternative retail electric supplier that is delinquent in paying its pro rata share.

(b) The Department of Commerce and Community Affairs shall disburse the moneys in the Energy Efficiency Trust Fund to benefit residential electric customers through to fund projects which the Department of Commerce and Community Affairs has determined will promote energy efficiency in the State of Illinois. The Department of Commerce and Community Affairs shall establish a list of projects eligible for grants from the Energy Efficiency Trust Fund including, but not limited to, supporting energy efficiency efforts for

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low-income households, replacing energy inefficient windows with more efficient windows, replacing energy inefficient appliances with more efficient appliances, replacing energy inefficient lighting with more efficient lighting, insulating dwellings and buildings, using *market incentives to encourage energy efficiency*, and such other projects which will increase energy efficiency in homes and rental properties.

(c) The Department of Commerce and Community Affairs shall establish criteria and an application process for this grant program.

(d) The Department of Commerce and Community Affairs shall conduct a study of other possible energy efficiency improvements and evaluate methods for promoting energy efficiency and conservation, especially for the benefit of low-income customers.

(e) The Department of Commerce and Community Affairs shall submit an annual report to the General Assembly evaluating the effectiveness of the projects and programs provided in this Section, and recommending further legislation which will encourage additional development and implementation of energy efficiency projects and programs in Illinois and other actions that help to meet the goals of this Section.

(Source: P.A. 90-561, eff. 12-16-97; 90-624, eff. 7-10-98.)

Section 99. Effective date. This Act takes effect upon becoming law.
Passed in the General Assembly April 24, 2002.
Approved July 19, 2002.
Effective July 19, 2002.

PUBLIC ACT 92-0708
(Senate Bill No. 1664)

AN ACT concerning mental health and developmental disabilities.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Mental Health and Developmental Disabilities Confidentiality Act is amended by changing Section 10 as follows:

(740 ILCS 110/10) (from Ch. 91 1/2, par. 810)

Sec. 10. (a) Except as provided herein, in any civil, criminal, administrative, or legislative proceeding, or in any proceeding preliminary thereto, a recipient, and a therapist on behalf and in the interest of a recipient, has the privilege to refuse to disclose and to prevent the disclosure of the recipient's record or communications.

(1) Records and communications may be disclosed in a civil, criminal or administrative proceeding in which the recipient introduces his mental condition or any aspect of his services received for such condition as an element of his claim or defense, if and only to the extent the court in which the proceedings have been brought, or, in the case of an administrative proceeding, the court to which an appeal or other action for review of an administrative determination may be taken, finds, after in camera examination of testimony or other evidence, that it is relevant, probative, not unduly prejudicial or inflammatory, and otherwise clearly admissible;

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that other satisfactory evidence is demonstrably unsatisfactory as evidence of the facts sought to be established by such evidence; and that disclosure is more important to the interests of substantial justice than protection from injury to the therapist-recipient relationship or to the recipient or other whom disclosure is likely to harm. Except in a criminal proceeding in which the recipient, who is accused in that proceeding, raises the defense of insanity, no record or communication between a therapist and a recipient shall be deemed relevant for purposes of this subsection, except the fact of treatment, the cost of services and the ultimate diagnosis unless the party seeking disclosure of the communication clearly establishes in the trial court a compelling need for its production. However, for purposes of this Act, in any action brought or defended under the Illinois Marriage and Dissolution of Marriage Act, or in any action in which pain and suffering is an element of the claim, mental condition shall not be deemed to be introduced merely by making such claim and shall be deemed to be introduced only if the recipient or a witness on his behalf first testifies concerning the record or communication.

(2) Records or communications may be disclosed in a civil proceeding after the recipient's death when the recipient's physical or mental condition has been introduced as an element of a claim or defense by any party claiming or defending through or as a beneficiary of the recipient, provided the court finds, after in camera examination of the evidence, that it is relevant, probative, and otherwise clearly admissible; that other satisfactory evidence is not available regarding the facts sought to be established by such evidence; and that disclosure is more important to the interests of substantial justice than protection from any injury which disclosure is likely to cause.

(3) In the event of a claim made or an action filed by a recipient, or, following the recipient's death, by any party claiming as a beneficiary of the recipient for injury caused in the course of providing services to such recipient, the therapist and other persons whose actions are alleged to have been the cause of injury may disclose pertinent records and communications to an attorney or attorneys engaged to render advice about and to provide representation in connection with such matter and to persons working under the supervision of such attorney or attorneys, and may testify as to such records or communication in any administrative, judicial or discovery proceeding for the purpose of preparing and presenting a defense against such claim or action.

(4) Records and communications made to or by a therapist in the course of examination ordered by a court for good cause shown may, if otherwise relevant and admissible, be disclosed in a civil, criminal, or administrative proceeding in which the recipient is a party or in appropriate pretrial proceedings, provided such court has found that the recipient has been as adequately and as effectively as possible informed before submitting to such examination that such records and communications would not be considered confidential or privileged. Such records and communications shall be admissible only as to issues involving the recipient's

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physical or mental condition and only to the extent that these are germane to such proceedings.

(5) Records and communications may be disclosed in a proceeding under the Probate Act of 1975, to determine a recipient's competency or need for guardianship, provided that the disclosure is made only with respect to that issue.

(6) Records and communications may be disclosed when such are made during treatment which the recipient is ordered to undergo to render him fit to stand trial on a criminal charge, provided that the disclosure is made only with respect to the issue of fitness to stand trial.

(7) Records and communications of the recipient may be disclosed in any civil or administrative proceeding involving the validity of or benefits under a life, accident, health or disability insurance policy or certificate, or Health Care Service Plan Contract, insuring the recipient, but only if and to the extent that the recipient's mental condition, or treatment or services in connection therewith, is a material element of any claim or defense of any party, provided that information sought or disclosed shall not be redisclosed except in connection with the proceeding in which disclosure is made.

(8) Records or communications may be disclosed when such are relevant to a matter in issue in any action brought under this Act and proceedings preliminary thereto, provided that any information so disclosed shall not be utilized for any other purpose nor be redisclosed except in connection with such action or preliminary proceedings.

(9) Records and communications of the recipient may be disclosed in investigations of and trials for homicide when the disclosure relates directly to the fact or immediate circumstances of the homicide.

(10) Records and communications of a deceased recipient may be disclosed to a coroner conducting a preliminary investigation into the recipient's death under Section 3-3013 of the Counties Code. However, records and communications of the deceased recipient disclosed in an investigation shall be limited solely to the deceased recipient's records and communications relating to the factual circumstances of the incident being investigated in a mental health facility.

(11) Records and communications of a recipient shall be disclosed in a proceeding where a petition or motion is filed under the Juvenile Court Act of 1987 and the recipient is named as a parent, guardian, or legal custodian of a minor who is the subject of a petition for wardship as described in Section 2-3 of that Act or a minor who is the subject of a petition for wardship as described in Section 2-4 of that Act alleging the minor is abused, neglected, or dependent or the recipient is named as a parent of a child who is the subject of a petition, supplemental petition, or motion to appoint a guardian with the power to consent to adoption under Section 2-29 of the Juvenile Court Act of 1987.

(12) Records and communications of a recipient may be disclosed when disclosure is necessary to collect sums or receive third party payment representing

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charges for mental health or developmental disabilities services provided by a therapist or agency to a recipient; however, disclosure shall be limited to information needed to pursue collection, and the information so disclosed may not be used for any other purposes nor may it be redisclosed except in connection with collection activities. Whenever records are disclosed pursuant to this subdivision (12), the recipient of the records shall be advised in writing that any person who discloses mental health records and communications in violation of this Act may be subject to civil liability pursuant to Section 15 of this Act or to criminal penalties pursuant to Section 16 of this Act or both.

(b) Before a disclosure is made under subsection (a), any party to the proceeding or any other interested person may request an in camera review of the record or communications to be disclosed. The court or agency conducting the proceeding may hold an in camera review on its own motion. When, contrary to the express wish of the recipient, the therapist asserts a privilege on behalf and in the interest of a recipient, the court may require that the therapist, in an in camera hearing, establish that disclosure is not in the best interest of the recipient. The court or agency may prevent disclosure or limit disclosure to the extent that other admissible evidence is sufficient to establish the facts in issue. The court or agency may enter such orders as may be necessary in order to protect the confidentiality, privacy, and safety of the recipient or of other persons. Any order to disclose or to not disclose shall be considered a final order for purposes of appeal and shall be subject to interlocutory appeal.

(c) A recipient's records and communications may be disclosed to a duly authorized committee, commission or subcommittee of the General Assembly which possesses subpoena and hearing powers, upon a written request approved by a majority vote of the committee, commission or subcommittee members. The committee, commission or subcommittee may request records only for the purposes of investigating or studying possible violations of recipient rights. The request shall state the purpose for which disclosure is sought.

The facility shall notify the recipient, or his guardian, and therapist in writing of any disclosure request under this subsection within 5 business days after such request. Such notification shall also inform the recipient, or guardian, and therapist of their right to object to the disclosure within 10 business days after receipt of the notification and shall include the name, address and telephone number of the committee, commission or subcommittee member or staff person with whom an objection shall be filed. If no objection has been filed within 15 business days after the request for disclosure, the facility shall disclose the records and communications to the committee, commission or subcommittee. If an objection has been filed within 15 business days after the request for disclosure, the facility shall disclose the records and communications only after the committee, commission or subcommittee has permitted the recipient, guardian or therapist to present his objection in person before it and has renewed its request for disclosure by a majority vote of its members.

Disclosure under this subsection shall not occur until all personally identifiable data of the recipient and provider are removed from the records and communications. Disclosure under this subsection shall not occur in any public proceeding.
(d) No party to any proceeding described under paragraphs (1), (2), (3), (4), (7), or (8) of subsection (a) of this Section, nor his or her attorney, shall serve a subpoena seeking to obtain access to records or communications under this Act unless the subpoena is accompanied by a written order issued by a judge, authorizing the disclosure of the records or the issuance of the subpoena. No person shall comply with a subpoena for records or communications under this Act, unless the subpoena is accompanied by a written order authorizing the issuance of the subpoena or the disclosure of the records.

(e) When a person has been transported by a peace officer to a mental health facility, then upon the request of a peace officer, if the person is allowed to leave the mental health facility within 48 hours of arrival, excluding Saturdays, Sundays, and holidays, the facility director shall notify the local law enforcement authority prior to the release of the person. The local law enforcement authority may re-disclose the information as necessary to alert the appropriate enforcement or prosecuting authority.

(f) A recipient's records and communications shall be disclosed to the Inspector General of the Department of Human Services within 10 business days of a request by the Inspector General in the course of an investigation authorized by the Abused and Neglected Long Term Care Facility Residents Reporting Act and applicable rule. The request shall be in writing and signed by the Inspector General or his or her designee. The request shall state the purpose for which disclosure is sought. Any person who knowingly and willfully refuses to comply with such a request is guilty of a Class A misdemeanor.

(Source: P.A. 91-726, eff. 6-2-00; 92-358, eff. 8-15-01.)

Section 99. Effective date. This Act takes effect upon becoming law.
Passed in the General Assembly April 24, 2002.
Approved July 19, 2002.
Effective July 19, 2002.

PUBLIC ACT 92-0709
(Senate Bill No. 1777)

AN ACT in relation to teacher certification.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The School Code is amended by adding Section 21-28 as follows:
(105 ILCS 5/21-28 new)
Sec. 21-28. Special education teachers; categorical certification. The State Teacher Certification Board shall categorically certify a special education teacher in one or more of the following specialized categories of disability if the special education teacher applies and qualifies for such certification:

(1) Serious emotional disturbance.
(2) Learning disabilities.
(3) Autism.
(4) Mental retardation.

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(5) Orthopedic (physical) impairment.
(6) Traumatic brain injury.
(7) Other health impairment.

Section 99. Effective date. This Act takes effect upon becoming law.
Passed in the General Assembly May 7, 2002.
Approved July 19, 2002.
Effective July 19, 2002.

PUBLIC ACT 92-0710
(Senate Bill No. 2050)

AN ACT in relation to public health.
Be it enacted by the People of the State of Illinois, represented in the General
Assembly:
Section 5. The Department of Public Health Powers and Duties Law of the Civil
Administrative Code of Illinois is amended by adding Section 2310-372 as follows:
(20 ILCS 2310/2310-372 new)
(a) The Stroke Task Force is created within the Department of Public Health.
(b) The task force shall be composed of the following members:

(1) Nineteen members appointed by the Director of Public Health from
nominations submitted to the Director by the following organizations, one member
to represent each organization: the American Stroke Association; the National
Stroke Association; the Illinois State Medical Society; the Illinois Neurological
Society; the Illinois Academy of Family Physicians; the Illinois Chapter of the
American College of Emergency Physicians; the Illinois Chapter of the American
College of Cardiology; the Illinois Nurses Association; the Illinois Hospital and
Health Systems Association; the Illinois Physical Therapy Association; the
Pharmaceutical Manufacturers Association; the Illinois Rural Health Association;
the Illinois Chapter of AARP; the Illinois Association of Rehabilitation Facilities; the
Illinois Life Insurance Council; the Illinois Public Health Association; the Illinois
Speech-Language Hearing Association; the American Association of Neurological
Surgeons; and the Illinois Health Care Cost Containment Council.

(2) Five members appointed by the Governor as follows: one stroke survivor;
one licensed emergency medical technician; one individual who (i) holds the degree
of Medical Doctor or Doctor of Philosophy and (ii) is a teacher or researcher at a
teaching or research university located in Illinois; one individual who is a minority
person as defined in the Business Enterprise for Minorities, Females, and Persons
with Disabilities Act; and one member of the general public.

(3) The following ex officio members: the chairperson of the Senate Public
Health Committee; the minority spokesperson of the Senate Public Health
Committee; the chairperson of the House Health Care Committee; and the minority

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spokesperson of the House Health Care Committee.

The Director of Public Health shall serve as the chairperson of the task force.

If a vacancy occurs in the task force membership, the vacancy shall be filled in the same manner as the initial appointment.

(c) Task force members shall serve without compensation, but nonpublic members shall be reimbursed for their reasonable travel expenses incurred in performing their duties in connection with the task force.

(d) The task force shall adopt bylaws; shall meet at least 3 times each calendar year; and may establish committees as it deems necessary. For purposes of task force meetings, a quorum is the number of members present at a meeting. Meetings of the task force are subject to the Open Meetings Act. The task force must afford an opportunity for public comment at its meetings.

(e) The task force shall advise the Department of Public Health with regard to setting priorities for improvements in stroke prevention and treatment efforts, including, but not limited to, the following:

(1) Developing and implementing a comprehensive statewide public education program on stroke prevention, targeted to high-risk populations and to geographic areas where there is a high incidence of stroke.
(2) Identifying the signs and symptoms of stroke and the action to be taken when these signs or symptoms occur.
(3) Recommending and disseminating guidelines on the treatment of stroke patients, including emergency stroke care.
(4) Ensuring that the public and health care providers and institutions are sufficiently informed regarding the most effective strategies for stroke prevention; and assisting health care providers in using the most effective treatment strategies for stroke.
(5) Addressing means by which guidelines may be revised to remain current with developing treatment methodologies.

(f) The task force shall advise the Department of Public Health concerning the awarding of grants to providers of emergency medical services and to hospitals for the purpose of improving care to stroke patients.

(g) The task force shall submit an annual report to the Governor and the General Assembly by January 1 of each year, beginning in 2003. The report must include, but need not be limited to, the following:

(1) The task force’s plans, actions, and recommendations.
(2) An accounting of moneys spent for grants and for other purposes.

Section 99. Effective date. This Act takes effect upon becoming law.
Approved July 19, 2002.
Effective July 19, 2002.
AN ACT concerning vehicles.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The State Finance Act is amended by adding Section 5.570 as follows:
(Sec. 5.570. The Stop Neuroblastoma Fund.)

Section 10. The Illinois Vehicle Code is amended by adding Section 3-654 as follows:

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

(b) The design and color of the plates is wholly within the discretion of the Secretary, except that the following phrases shall be on the plates: (i) "Stop Neuroblastoma" and (ii) "Stop Cancer". The Secretary may allow the plates to be issued as vanity plates or personalized under Section 3-405.1 of this Code. The Secretary shall prescribe stickers or decals as provided under Section 3-412 of this Code.

(c) An applicant for the special plate shall be charged a $25 fee for original issuance in addition to the appropriate registration fee. Of this fee, $10 shall be deposited into the Stop Neuroblastoma Fund and $15 shall be deposited into the Secretary of State Special License Plate Fund, to be used by the Secretary to help defray the administrative processing costs.

For each registration renewal period, a $25 fee, in addition to the appropriate registration fee, shall be charged. Of this fee, $23 shall be deposited into the Stop Neuroblastoma Fund and $2 shall be deposited into the Secretary of State Special License Plate Fund.

(d) The Stop Neuroblastoma Fund is created as a special fund in the State treasury. All money in the Stop Neuroblastoma Fund shall be paid, subject to appropriation by the General Assembly and approval by the Secretary, as grants to the American Cancer Society for neuroblastoma and cancer research, education, screening, and treatment.

Section 99. Effective date. This Act takes effect upon becoming law.
Approved July 19, 2002.
Effective July 19, 2002.
AN ACT in relation to criminal law.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Unified Code of Corrections is amended by changing Section 3-2-2 as follows:

(730 ILCS 5/3-2-2) (from Ch. 38, par. 1003-2-2)
Sec. 3-2-2. Powers and Duties of the Department.
(1) In addition to the powers, duties and responsibilities which are otherwise provided by law, the Department shall have the following powers:

(a) To accept persons committed to it by the courts of this State for care, custody, treatment and rehabilitation.

(b) To develop and maintain reception and evaluation units for purposes of analyzing the custody and rehabilitation needs of persons committed to it and to assign such persons to institutions and programs under its control or transfer them to other appropriate agencies. In consultation with the Department of Alcoholism and Substance Abuse (now the Department of Human Services), the Department of Corrections shall develop a master plan for the screening and evaluation of persons committed to its custody who have alcohol or drug abuse problems, and for making appropriate treatment available to such persons; the Department shall report to the General Assembly on such plan not later than April 1, 1987. The maintenance and implementation of such plan shall be contingent upon the availability of funds.

(b-1) To create and implement, on January 1, 2002, a pilot program to establish the effectiveness of pupillometer technology (the measurement of the pupil's reaction to light) as an alternative to a urine test for purposes of screening and evaluating persons committed to its custody who have alcohol or drug problems. The pilot program shall require the pupillometer technology to be used in at least one Department of Corrections facility. The Director may expand the pilot program to include an additional facility or facilities as he or she deems appropriate. A minimum of 4,000 tests shall be included in the pilot program. The Department must report to the General Assembly on the effectiveness of the program by January 1, 2003.

(b-5) To develop, in consultation with the Department of State Police, a program for tracking and evaluating each inmate from commitment through release for recording his or her gang affiliations, activities, or ranks.

(c) To maintain and administer all State correctional institutions and facilities under its control and to establish new ones as needed. Pursuant to its power to establish new institutions and facilities, the Department may, with the written approval of the Governor, authorize the Department of Central Management Services to enter into an agreement of the type described in subsection (d) of Section 405-300 of the Department of Central Management Services Law (20 ILCS 405/405-300).

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The Department shall designate those institutions which shall constitute the State Penitentiary System.

Pursuant to its power to establish new institutions and facilities, the Department may authorize the Department of Central Management Services to accept bids from counties and municipalities for the construction, remodeling or conversion of a structure to be leased to the Department of Corrections for the purposes of its serving as a correctional institution or facility. Such construction, remodeling or conversion may be financed with revenue bonds issued pursuant to the Industrial Building Revenue Bond Act by the municipality or county. The lease specified in a bid shall be for a term of not less than the time needed to retire any revenue bonds used to finance the project, but not to exceed 40 years. The lease may grant to the State the option to purchase the structure outright.

Upon receipt of the bids, the Department may certify one or more of the bids and shall submit any such bids to the General Assembly for approval. Upon approval of a bid by a constitutional majority of both houses of the General Assembly, pursuant to joint resolution, the Department of Central Management Services may enter into an agreement with the county or municipality pursuant to such bid.

(c-5) To build and maintain regional juvenile detention centers and to charge a per diem to the counties as established by the Department to defray the costs of housing each minor in a center. In this subsection (c-5), "juvenile detention center" means a facility to house minors during pendency of trial who have been transferred from proceedings under the Juvenile Court Act of 1987 to prosecutions under the criminal laws of this State in accordance with Section 5-805 of the Juvenile Court Act of 1987, whether the transfer was by operation of law or permissive under that Section. The Department shall designate the counties to be served by each regional juvenile detention center.

(d) To develop and maintain programs of control, rehabilitation and employment of committed persons within its institutions.

(e) To establish a system of supervision and guidance of committed persons in the community.

(f) To establish in cooperation with the Department of Transportation to supply a sufficient number of prisoners for use by the Department of Transportation to clean up the trash and garbage along State, county, township, or municipal highways as designated by the Department of Transportation. The Department of Corrections, at the request of the Department of Transportation, shall furnish such prisoners at least annually for a period to be agreed upon between the Director of Corrections and the Director of Transportation. The prisoners used on this program shall be selected by the Director of Corrections on whatever basis he deems proper in consideration of their term, behavior and earned eligibility to participate in such program - where they will be outside of the prison facility but still in the custody of the Department of Corrections. Prisoners convicted of first degree murder, or a Class X felony, or armed violence, or aggravated kidnapping, or criminal sexual assault,
aggravated criminal sexual abuse or a subsequent conviction for criminal sexual abuse, or forcible detention, or arson, or a prisoner adjudged a Habitual Criminal shall not be eligible for selection to participate in such program. The prisoners shall remain as prisoners in the custody of the Department of Corrections and such Department shall furnish whatever security is necessary. The Department of Transportation shall furnish trucks and equipment for the highway cleanup program and personnel to supervise and direct the program. Neither the Department of Corrections nor the Department of Transportation shall replace any regular employee with a prisoner.

(g) To maintain records of persons committed to it and to establish programs of research, statistics and planning.

(h) To investigate the grievances of any person committed to the Department, to inquire into any alleged misconduct by employees or committed persons, and to investigate the assets of committed persons to implement Section 3-7-6 of this Code; and for these purposes it may issue subpoenas and compel the attendance of witnesses and the production of writings and papers, and may examine under oath any witnesses who may appear before it; to also investigate alleged violations of a parolee's or releasee's conditions of parole or release; and for this purpose it may issue subpoenas and compel the attendance of witnesses and the production of documents only if there is reason to believe that such procedures would provide evidence that such violations have occurred.

If any person fails to obey a subpoena issued under this subsection, the Director may apply to any circuit court to secure compliance with the subpoena. The failure to comply with the order of the court issued in response thereto shall be punishable as contempt of court.

(i) To appoint and remove the chief administrative officers, and administer programs of training and development of personnel of the Department. Personnel assigned by the Department to be responsible for the custody and control of committed persons or to investigate the alleged misconduct of committed persons or employees or alleged violations of a parolee's or releasee's conditions of parole shall be conservators of the peace for those purposes, and shall have the full power of peace officers outside of the facilities of the Department in the protection, arrest, retaking and reconfining of committed persons or where the exercise of such power is necessary to the investigation of such misconduct or violations.

(j) To cooperate with other departments and agencies and with local communities for the development of standards and programs for better correctional services in this State.

(k) To administer all moneys and properties of the Department.

(l) To report annually to the Governor on the committed persons, institutions and programs of the Department.

(l-5) In a confidential annual report to the Governor, the Department shall identify all inmate gangs by specifying each current gang's name, population and

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allied gangs. The Department shall further specify the number of top leaders identified by the Department for each gang during the past year, and the measures taken by the Department to segregate each leader from his or her gang and allied gangs. The Department shall further report the current status of leaders identified and segregated in previous years. All leaders described in the report shall be identified by inmate number or other designation to enable tracking, auditing, and verification without revealing the names of the leaders. Because this report contains law enforcement intelligence information collected by the Department, the report is confidential and not subject to public disclosure.

(m) To make all rules and regulations and exercise all powers and duties vested by law in the Department.

(n) To establish rules and regulations for administering a system of good conduct credits, established in accordance with Section 3-6-3, subject to review by the Prisoner Review Board.

(o) To administer the distribution of funds from the State Treasury to reimburse counties where State penal institutions are located for the payment of assistant state's attorneys' salaries under Section 4-2001 of the Counties Code.

(p) To exchange information with the Department of Human Services and the Illinois Department of Public Aid for the purpose of verifying living arrangements and for other purposes directly connected with the administration of this Code and the Illinois Public Aid Code.

(q) To establish a diversion program. The program shall provide a structured environment for selected technical parole or mandatory supervised release violators and committed persons who have violated the rules governing their conduct while in work release. This program shall not apply to those persons who have committed a new offense while serving on parole or mandatory supervised release or while committed to work release.

Elements of the program shall include, but shall not be limited to, the following:

(1) The staff of a diversion facility shall provide supervision in accordance with required objectives set by the facility.
(2) Participants shall be required to maintain employment.
(3) Each participant shall pay for room and board at the facility on a sliding-scale basis according to the participant's income.
(4) Each participant shall:
   (A) provide restitution to victims in accordance with any court order;
   (B) provide financial support to his dependents; and
   (C) make appropriate payments toward any other court-ordered obligations.
(5) Each participant shall complete community service in addition to employment.

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(6) Participants shall take part in such counseling, educational and other programs as the Department may deem appropriate.
(7) Participants shall submit to drug and alcohol screening.
(8) The Department shall promulgate rules governing the administration of the program.
(r) To enter into intergovernmental cooperation agreements under which persons in the custody of the Department may participate in a county impact incarceration program established under Section 3-6038 or 3-15003.5 of the Counties Code.
(r-5) To enter into intergovernmental cooperation agreements under which minors adjudicated delinquent and committed to the Department of Corrections, Juvenile Division, may participate in a county juvenile impact incarceration program established under Section 3-6039 of the Counties Code.
(r-10) To systematically and routinely identify with respect to each streetgang active within the correctional system: (1) each active gang; (2) every existing inter-gang affiliation or alliance; and (3) the current leaders in each gang. The Department shall promptly segregate leaders from inmates who belong to their gangs and allied gangs. "Segregate" means no physical contact and, to the extent possible under the conditions and space available at the correctional facility, prohibition of visual and sound communication. For the purposes of this paragraph (r-10), "leaders" means persons who:
   (i) are members of a criminal streetgang;
   (ii) with respect to other individuals within the streetgang, occupy a position of organizer, supervisor, or other position of management or leadership; and
   (iii) are actively and personally engaged in directing, ordering, authorizing, or requesting commission of criminal acts by others, which are punishable as a felony, in furtherance of streetgang related activity both within and outside of the Department of Corrections.
"Streetgang", "gang", and "streetgang related" have the meanings ascribed to them in Section 10 of the Illinois Streetgang Terrorism Omnibus Prevention Act.
(s) To operate a super-maximum security institution, in order to manage and supervise inmates who are disruptive or dangerous and provide for the safety and security of the staff and the other inmates.
(t) To monitor any unprivileged conversation or any unprivileged communication, whether in person or by mail, telephone, or other means, between an inmate who, before commitment to the Department, was a member of an organized gang and any other person without the need to show cause or satisfy any other requirement of law before beginning the monitoring, except as constitutionally required. The monitoring may be by video, voice, or other method of recording or by any other means. As used in this subdivision (t), "organized gang" has the meaning ascribed to it in Section 10 of the Illinois Streetgang Terrorism Omnibus Prevention Act.

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As used in this subdivision (1)(t), "unprivileged conversation" or "unprivileged communication" means a conversation or communication that is not protected by any privilege recognized by law or by decision, rule, or order of the Illinois Supreme Court.

(u) To establish a Women's and Children's Pre-release Community Supervision Program for the purpose of providing housing and services to eligible female inmates, as determined by the Department, and their newborn and young children.

(v) To do all other acts necessary to carry out the provisions of this Chapter.

(2) The Department of Corrections shall by January 1, 1998, consider building and operating a correctional facility within 100 miles of a county of over 2,000,000 inhabitants, especially a facility designed to house juvenile participants in the impact incarceration program.

(3) When the Department lets bids for contracts for medical services to be provided to persons committed to Department facilities by a health maintenance organization, medical service corporation, or other health care provider, the bid may only be let to a health care provider that has obtained an irrevocable letter of credit or performance bond issued by a company whose bonds are rated AAA by a bond rating organization.

(4) When the Department lets bids for contracts for food or commissary services to be provided to Department facilities, the bid may only be let to a food or commissary services provider that has obtained an irrevocable letter of credit or performance bond issued by a company whose bonds are rated AAA by a bond rating organization.

(Source: P.A. 91-239, eff. 1-1-00; 91-357, eff. 7-29-99; 92-444, eff. 1-1-02.)

Passed in the General Assembly May 9, 2002.


PUBLIC ACT 92-0713
(House Bill No. 4351)

AN ACT regarding higher education student assistance.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Higher Education Student Assistance Act is amended by changing Section 70 as follows:

(110 ILCS 947/70)
Sec. 70. Administration of scholarship and grant programs.
(a) An applicant to whom the Commission has awarded a scholarship or grant under this Act may apply for enrollment as a student in any qualified institution of higher learning. The institution is not required to accept the applicant for enrollment, but is free to exact compliance with its own admissions requirements, standards, and policies. The institution

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may receive the payments of tuition and other necessary fees provided by the scholarship or grant, for credit against the student's obligation for such tuition and fees, and for no other purpose, and shall be contractually obligated:

(1) to provide facilities and instruction to the student on the same terms as to other students generally;

(2) to provide the notices and information described in this Act; and to maintain records and documents which demonstrate the eligibility of the students for whom scholarships and grants are claimed.

(b) If, in the course of any academic period, any student enrolled in any institution pursuant to a scholarship or grant awarded under this Act for any reason ceases to be a student in good standing, the institution shall promptly give written notice to the Commission concerning that change of status and the reason therefor. For purposes of this Section, a student does not cease to be a student in good standing merely because he or she is not classified as a full-time student. In any case, a student must be enrolled for at least 6 semester or 6 quarter hours for the term to maintain any eligibility for grant benefits under subsection (c) of Section 35.

(c) A student to whom a renewal scholarship or grant has been awarded may either re-enroll in the institution which he or she attended during the preceding year, or enroll in any other qualified institution of higher learning; and in either event, the institution accepting the student for enrollment or re-enrollment shall notify the Commission of that acceptance and may receive payments and shall be contractually obligated as provided with respect to a first-year scholarship or grant.

(d) The Commission shall administer the scholarship and grant accounts and related records of each student who is attending an institution of higher learning under financial assistance awarded pursuant to this Act, and at each proper time shall certify to the State Comptroller, in the manner prescribed by law, the current payment to be made to the institution on account of such financial assistance, in accordance with an appropriate certificate from the institution. The Commission may require the participating institution of higher learning to perform specific eligibility evaluation procedures as a condition of participation.

(e) The Commission shall conduct on-site audits of educational institutions participating in Commission administered programs. When institutions have claimed and received funds on behalf of ineligible recipients, the Commission may adjust subsequent institutional payments to recover those funds.

(f) The Commission may shall, upon the request of any institution which received payment for scholarship and grant awards for each of the last 5 years, certify to the Comptroller an advance payment for the current term to be made to the institution on account of such financial assistance in an amount not to exceed 75% of announced awards for the institution for such financial assistance for the current term, adjusted for attrition over the last 5 years. For the purposes of this Section, "attrition" is the number of announced award winners enrolled on the 10th class day as a percentage of the total announced awards. The request for an advance payment for the current term shall not be submitted until 10 class days...
after the last day for registration for that term. Upon appropriate certification from the institution presented for each payment period, after the standard tuition and mandatory fees have been established for all students for the term of payment and the award recipient has enrolled, the Commission shall certify to the State Comptroller the balance of the current payment to be made to the institution on account of such financial assistance. If an advance payment received by an institution exceeds the payment to which that institution is entitled, the Commission shall reduce subsequent payments to that institution for later terms within the same academic year as the overpayment by an amount equal to the overpayment; if the reduction cannot be made, the institution shall refund the overpayment to the Commission. The Commission may deny or reduce the advance payment provided to any institution under this Section if it has reason to believe that the advance payment for the current term may exceed the full payment the institution is entitled to receive for such assistance for that term.

(Source: P.A. 87-997.)

Section 99. Effective date. This Act takes effect upon becoming law.
Passed in the General Assembly May 7, 2002.

PUBLIC ACT 92-0714
(House Bill No. 4451)

AN ACT concerning workers' compensation.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Workers' Compensation Act is amended by changing Section 7 as follows:

(820 ILCS 305/7) (from Ch. 48, par. 138.7)

Sec. 7. The amount of compensation which shall be paid for an accidental injury to the employee resulting in death is:

(a) If the employee leaves surviving a widow, widower, child or children, the applicable weekly compensation rate computed in accordance with subparagraph 2 of paragraph (b) of Section 8, shall be payable during the life of the widow or widower and if any surviving child or children shall not be physically or mentally incapacitated then until the death of the widow or widower or until the youngest child shall reach the age of 18, whichever shall come later; provided that if such child or children shall be enrolled as a full time student in any accredited educational institution, the payments shall continue until such child has attained the age of 25. In the event any surviving child or children shall be physically or mentally incapacitated, the payments shall continue for the duration of such incapacity.

The term "child" means a child whom the deceased employee left surviving, including a posthumous child, a child legally adopted, a child whom the deceased employee was legally obligated to support or a child to whom the deceased employee stood in loco

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parentis. The term "children" means the plural of "child".

The term "physically or mentally incapacitated child or children" means a child or children incapable of engaging in regular and substantial gainful employment.

In the event of the remarriage of a widow or widower, where the decedent did not leave surviving any child or children who, at the time of such remarriage, are entitled to compensation benefits under this Act, the surviving spouse shall be paid a lump sum equal to 2 years compensation benefits and all further rights of such widow or widower shall be extinguished.

If the employee leaves surviving any child or children under 18 years of age who at the time of death shall be entitled to compensation under this paragraph (a) of this Section, the weekly compensation payments herein provided for such child or children shall in any event continue for a period of not less than 6 years.

Any beneficiary entitled to compensation under this paragraph (a) of this Section shall receive from the special fund provided in paragraph (f) of this Section, in addition to the compensation herein provided, supplemental benefits in accordance with paragraph (g) of Section 8.

(b) If no compensation is payable under paragraph (a) of this Section and the employee leaves surviving a parent or parents who at the time of the accident were totally dependent upon the earnings of the employee then weekly payments equal to the compensation rate payable in the case where the employee leaves surviving a widow or widower, shall be paid to such parent or parents for the duration of their lives, and in the event of the death of either, for the life of the survivor.

(c) If no compensation is payable under paragraphs (a) or (b) of this Section and the employee leaves surviving any child or children who are not entitled to compensation under the foregoing paragraph (a) but who at the time of the accident were nevertheless in any manner dependent upon the earnings of the employee, or leaves surviving a parent or parents who at the time of the accident were partially dependent upon the earnings of the employee, then there shall be paid to such dependent or dependents for a period of 8 years weekly compensation payments at such proportion of the applicable rate if the employee had left surviving a widow or widower as such dependency bears to total dependency. In the event of the death of any such beneficiary the share of such beneficiary shall be divided equally among the surviving beneficiaries and in the event of the death of the last such beneficiary all the rights under this paragraph shall be extinguished.

(d) If no compensation is payable under paragraphs (a), (b) or (c) of this Section and the employee leaves surviving any grandparent, grandparents, grandchild or grandchildren or collateral heirs dependent upon the employee's earnings to the extent of 50% or more of total dependency, then there shall be paid to such dependent or dependents for a period of 5 years weekly compensation payments at such proportion of the applicable rate if the employee had left surviving a widow or widower as such dependency bears to total dependency. In the event of the death of any such beneficiary the share of such beneficiary shall be divided equally among the surviving beneficiaries and in the event of the death of the last such beneficiary all rights hereunder shall be extinguished.

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(e) The compensation to be paid for accidental injury which results in death, as provided in this Section, shall be paid to the persons who form the basis for determining the amount of compensation to be paid by the employer, the respective shares to be in the proportion of their respective dependency at the time of the accident on the earnings of the deceased. The Commission or an Arbitrator thereof may, in its or his discretion, order or award the payment to the parent or grandparent of a child for the latter's support the amount of compensation which but for such order or award would have been paid to such child as its share of the compensation payable, which order or award may be modified from time to time by the Commission in its discretion with respect to the person to whom shall be paid the amount of the order or award remaining unpaid at the time of the modification.

The payments of compensation by the employer in accordance with the order or award of the Commission discharges such employer from all further obligation as to such compensation.

(f) The sum of $4200 for burial expenses shall be paid by the employer to the widow or widower, other dependent, next of kin or to the person or persons incurring the expense of burial.

In the event the employer failed to provide necessary first aid, medical, surgical or hospital service, he shall pay the cost thereof to the person or persons entitled to compensation under paragraphs (a), (b), (c) or (d) of this Section, or to the person or persons incurring the obligation therefore, or providing the same.

On January 15 and July 15, 1981, and on January 15 and July 15 of each year thereafter the employer shall within 60 days pay a sum equal to 1/8 of 1% of all compensation payments made by him after July 1, 1980, either under this Act or the Workers' Occupational Diseases Act, whether by lump sum settlement or weekly compensation payments, but not including hospital, surgical or rehabilitation payments, made during the first 6 months and during the second 6 months respectively of the fiscal year next preceding the date of the payments, into a special fund which shall be designated the "Second Injury Fund", of which the State Treasurer is ex-officio custodian, such special fund to be held and disbursed for the purposes hereinafter stated in paragraphs (f) and (g) of Section 8, either upon the order of the Commission or of a competent court. Said special fund shall be deposited the same as are State funds and any interest accruing thereon shall be added thereto every 6 months. It is subject to audit the same as State funds and accounts and is protected by the General bond given by the State Treasurer. It is considered always appropriated for the purposes of disbursements as provided in Section 8, paragraph (f), of this Act, and shall be paid out and disbursed as therein provided and shall not at any time be appropriated or diverted to any other use or purpose.

On January 15, 1991, the employer shall further pay a sum equal to one half of 1% of all compensation payments made by him from January 1, 1990 through June 30, 1990 either under this Act or under the Workers' Occupational Diseases Act, whether by lump sum settlement or weekly compensation payments, but not including hospital, surgical or rehabilitation payments, into an additional Special Fund which shall be designated as the "Rate Adjustment Fund". On March 15, 1991, the employer shall pay into the Rate

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Adjustment Fund a sum equal to one half of 1% of all such compensation payments made from July 1, 1990 through December 31, 1990. Within 60 days after July 15, 1991, the employer shall pay into the Rate Adjustment Fund a sum equal to one half of 1% of all such compensation payments made from January 1, 1991 through June 30, 1991. Within 60 days after January 15 of 1992 and each subsequent year through 1996, the employer shall pay into the Rate Adjustment Fund a sum equal to one half of 1% of all such compensation payments made in the last 6 months of the preceding calendar year. Within 60 days after July 15 of 1992 and each subsequent year through 1995, the employer shall pay into the Rate Adjustment Fund a sum equal to one half of 1% of all such compensation payments made in the first 6 months of the same calendar year. Within 60 days after January 15 of 1997 and each subsequent year, the employer shall pay into the Rate Adjustment Fund a sum equal to three-fourths of 1% of all such compensation payments made in the first 6 months of the same calendar year. The administrative costs of collecting assessments from employers for the Rate Adjustment Fund shall be paid from the Rate Adjustment Fund. The cost of an actuarial audit of the Fund shall be paid from the Rate Adjustment Fund and the audit shall be completed no later than July 1, 1997. The State Treasurer is ex officio custodian of such Special Fund and the same shall be held and disbursed for the purposes hereinafter stated in paragraphs (f) and (g) of Section 8 upon the order of the Commission or of a competent court. The Rate Adjustment Fund shall be deposited the same as are State funds and any interest accruing thereon shall be added thereto every 6 months. It shall be subject to audit the same as State funds and accounts and shall be protected by the general bond given by the State Treasurer. It is considered always appropriated for the purposes of disbursements as provided in paragraphs (f) and (g) of this Act and shall be paid out and disbursed as herein provided and shall not at any time be appropriated or diverted to any other use or purpose. Within 5 days after the effective date of this amendatory Act of 1990, the Comptroller and the State Treasurer shall transfer $1,000,000 from the General Revenue Fund to the Rate Adjustment Fund. By February 15, 1991, the Comptroller and the State Treasurer shall transfer $1,000,000 from the Rate Adjustment Fund to the General Revenue Fund. From the effective date of this amendatory Act of 1993 to October 1, 1997, The Comptroller and Treasurer are authorized to make transfers at the request of the Chairman up to a total of $15,000,000 $7,000,000 from the Second Injury Fund, the General Revenue Fund, and the Workers' Compensation Benefit Trust Fund to the Rate Adjustment Fund to the extent that there is insufficient money in the Rate Adjustment Fund to pay claims and obligations. Amounts may be transferred from the General Revenue Fund only if the funds in the Second Injury Fund or the Workers' Compensation Benefit Trust Fund are insufficient to pay claims and obligations of the Rate Adjustment Fund. All amounts transferred from the Second Injury Fund, the General Revenue Fund, and the Workers' Compensation Benefit Trust Fund shall be repaid from the Rate Adjustment Fund within 270 days of a transfer, together with interest at the rate earned by moneys on deposit in the Fund or Funds from which the moneys were

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transferred.

Upon a finding by the Commission, after reasonable notice and hearing, that any employer has willfully and knowingly failed to pay the proper amounts into the Second Injury Fund or the Rate Adjustment Fund required by this Section or if such payments are not made within the time periods prescribed by this Section, the employer shall, in addition to such payments, pay a penalty of 20% of the amount required to be paid or $2,500, whichever is greater, for each year or part thereof of such failure to pay. This penalty shall only apply to obligations of an employer to the Second Injury Fund or the Rate Adjustment Fund accruing after the effective date of this amendatory Act of 1989. All or part of such a penalty may be waived by the Commission for good cause shown.

Any obligations of an employer to the Second Injury Fund and Rate Adjustment Fund accruing prior to the effective date of this amendatory Act of 1989 shall be paid in full by such employer within 5 years of the effective date of this amendatory Act of 1989, with at least one-fifth of such obligation to be paid during each year following the effective date of this amendatory Act of 1989. If the Commission finds, following reasonable notice and hearing, that an employer has failed to make timely payment of any obligation accruing under the preceding sentence, the employer shall, in addition to all other payments required by this Section, be liable for a penalty equal to 20% of the overdue obligation or $2,500, whichever is greater, for each year or part thereof that obligation is overdue. All or part of such a penalty may be waived by the Commission for good cause shown.

The Chairman of the Industrial Commission shall, annually, furnish to the Director of the Department of Insurance a list of the amounts paid into the Second Injury Fund and the Rate Adjustment Fund by each insurance company on behalf of their insured employers. The Director shall verify to the Chairman that the amounts paid by each insurance company are accurate as best as the Director can determine from the records available to the Director. The Chairman shall verify that the amounts paid by each self-insurer are accurate as best as the Chairman can determine from records available to the Chairman. The Chairman may require each self-insurer to provide information concerning the total compensation payments made upon which contributions to the Second Injury Fund and the Rate Adjustment Fund are predicated and any additional information establishing that such payments have been made into these funds. Any deficiencies in payments noted by the Director or Chairman shall be subject to the penalty provisions of this Act.

The State Treasurer, or his duly authorized representative, shall be named as a party to all proceedings in all cases involving claim for the loss of, or the permanent and complete loss of the use of one eye, one foot, one leg, one arm or one hand.

The State Treasurer or his duly authorized agent shall have the same rights as any other party to the proceeding, including the right to petition for review of any award. The reasonable expenses of litigation, such as medical examinations, testimony, and transcript of evidence, incurred by the State Treasurer or his duly authorized representative, shall be borne by the Second Injury Fund.

If the award is not paid within 30 days after the date the award has become final, the Commission shall proceed to take judgment thereon in its own name as is provided for other

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awards by paragraph (g) of Section 19 of this Act and take the necessary steps to collect the award.

Any person, corporation or organization who has paid or become liable for the payment of burial expenses of the deceased employee may in his or its own name institute proceedings before the Commission for the collection thereof.

For the purpose of administration, receipts and disbursements, the Special Fund provided for in paragraph (f) of this Section shall be administered jointly with the Special Fund provided for in Section 7, paragraph (f) of the Workers' Occupational Diseases Act.

(g) All compensation, except for burial expenses provided in this Section to be paid in case accident results in death, shall be paid in installments equal to the percentage of the average earnings as provided for in Section 8, paragraph (b) of this Act, at the same intervals at which the wages or earnings of the employees were paid. If this is not feasible, then the installments shall be paid weekly. Such compensation may be paid in a lump sum upon petition as provided in Section 9 of this Act. However, in addition to the benefits provided by Section 9 of this Act where compensation for death is payable to the deceased's widow, widower or to the deceased's widow, widower and one or more children, and where a partial lump sum is applied for by such beneficiary or beneficiaries within 18 months after the deceased's death, the Commission may, in its discretion, grant a partial lump sum of not to exceed 100 weeks of the compensation capitalized at their present value upon the basis of interest calculated at 3% per annum with annual rests, upon a showing that such partial lump sum is for the best interest of such beneficiary or beneficiaries.

(h) In case the injured employee is under 16 years of age at the time of the accident and is illegally employed, the amount of compensation payable under paragraphs (a), (b), (c), (d) and (f) of this Section shall be increased 50%.

Nothing herein contained repeals or amends the provisions of the Child Labor Law relating to the employment of minors under the age of 16 years.

However, where an employer has on file an employment certificate issued pursuant to the Child Labor Law or work permit issued pursuant to the Federal Fair Labor Standards Act, as amended, or a birth certificate properly and duly issued, such certificate, permit or birth certificate is conclusive evidence as to the age of the injured minor employee for the purposes of this Section only.

(i) Whenever the dependents of a deceased employee are aliens not residing in the United States, Mexico or Canada, the amount of compensation payable is limited to the beneficiaries described in paragraphs (a), (b) and (c) of this Section and is 50% of the compensation provided in paragraphs (a), (b) and (c) of this Section, except as otherwise provided by treaty.

In a case where any of the persons who would be entitled to compensation is living at any place outside of the United States, then payment shall be made to the personal representative of the deceased employee. The distribution by such personal representative to the persons entitled shall be made to such persons and in such manner as the Commission orders.

(Source: P.A. 88-672, eff. 12-14-94; 89-470, eff. 6-13-96.)

New matter indicated by italics - deletions by strikeout.
AN ACT concerning environmental protection.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

(30 ILCS 105/5.545 rep.)

Section 5. The State Finance Act is amended by repealing Section 5.545, as added by P.A. 92-486.

Section 10. The Environmental Protection Act is amended by changing Sections 58.3, 58.13, and 58.15 as follows:

(415 ILCS 5/58.3)

Sec. 58.3. Site Investigation and Remedial Activities Program; Brownfields Redevelopment Fund.

(a) The General Assembly hereby establishes by this Title a Site Investigation and Remedial Activities Program for sites subject to this Title. This program shall be administered by the Illinois Environmental Protection Agency under this Title XVII and rules adopted by the Illinois Pollution Control Board.

(b) (1) The General Assembly hereby creates within the State Treasury a special fund to be known as the Brownfields Redevelopment Fund, consisting of 2 programs to be known as the "Municipal Brownfields Redevelopment Grant Program" and the "Brownfields Redevelopment Loan Program", which shall be used and administered by the Agency as provided in Sections 58.13 and 58.15 of this Act and the rules adopted under those Sections. The Brownfields Redevelopment Fund ("Fund") shall contain moneys transferred from the Response Contractors Indemnification Fund and other moneys made available for deposit into the Fund.

(2) The State Treasurer, ex officio, shall be the custodian of the Fund, and the Comptroller shall direct payments from the Fund upon vouchers properly certified by the Agency. The Treasurer shall credit to the Fund interest earned on moneys contained in the Fund. The Agency shall have the authority to accept, receive, and administer on behalf of the State any grants, gifts, loans, reimbursements or payments for services, or other moneys made available to the State from any source for purposes of the Fund. Those moneys shall be deposited into the Fund, unless otherwise required by the Environmental Protection Act or by federal law.

(3) Pursuant to appropriation, all moneys in the Fund shall be used by the Agency for the purposes set forth in subdivision (b)(4) of this Section and Sections 58.13 and 58.15 of this Act and to cover the Agency's costs of program development and administration under those Sections.

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(4) The Agency shall have the power to enter into intergovernmental agreements with the federal government or the State, or any instrumentality thereof, for purposes of capitalizing the Brownfields Redevelopment Fund. Moneys on deposit in the Brownfields Redevelopment Fund may be used for the creation of reserve funds or pledged funds that secure the obligations of repayment of loans made pursuant to Section 58.15 of this Act. For the purpose of obtaining capital for deposit into the Brownfields Redevelopment Fund, the Agency may also enter into agreements with financial institutions and other persons for the purpose of selling loans and developing a secondary market for such loans. The Agency shall have the power to create and establish such reserve funds and accounts as may be necessary or desirable to accomplish its purposes under this subsection and to allocate its available moneys into such funds and accounts. Investment earnings on moneys held in the Brownfields Redevelopment Fund, including any reserve fund or pledged fund, shall be deposited into the Brownfields Redevelopment Fund.

(5) The Agency is authorized to administer funds made available to the Agency under federal law, including but not limited to the Small Business Liability and Brownfields Revitalization Act of 2002, related to brownfields cleanup and reuse in accordance with that law and this Title.

(Source: P.A. 91-36, eff. 6-15-99; 92-486, eff. 1-1-02.)

(415 ILCS 5/58.13)
Sec. 58.13. Municipal Brownfields Redevelopment Grant Program.
(a)(1) The Agency shall establish and administer a program of grants, to be known as the Municipal Brownfields Redevelopment Grant Program, to provide municipalities in Illinois with financial assistance to be used for coordination of activities related to brownfields redevelopment, including but not limited to identification of brownfields sites, site investigation and determination of remediation objectives and related plans and reports, and development of remedial action plans, and but not including the implementation of remedial action plans and remedial action completion reports. The plans and reports shall be developed in accordance with Title XVII of this Act.

(2) Grants shall be awarded on a competitive basis subject to availability of funding. Criteria for awarding grants shall include, but shall not be limited to the following:

   (A) problem statement and needs assessment;
   (B) community-based planning and involvement;
   (C) implementation planning; and
   (D) long-term benefits and sustainability.

(3) The Agency may give weight to geographic location to enhance geographic distribution of grants across this State.

(4) Grants shall be limited to a maximum of $240,000, and no municipality shall receive more than this amount one grant under this Section.

(5) Grant amounts shall not exceed 70% of the project amount, with the

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remainder to be provided by the municipality as local matching funds.

(b) The Agency shall have the authority to enter into any contracts or agreements that may be necessary to carry out its duties or responsibilities under this Section. The Agency shall have the authority to adopt rules setting forth procedures and criteria for administering the Municipal Brownfields Redevelopment Grant Program. The rules adopted by the Agency may include but shall not be limited to the following:

1. purposes for which grants are available;
2. application periods and content of applications;
3. procedures and criteria for Agency review of grant applications, grant approvals and denials, and grantee acceptance;
4. grant payment schedules;
5. grantee responsibilities for work schedules, work plans, reports, and record keeping;
6. evaluation of grantee performance, including but not limited to auditing and access to sites and records;
7. requirements applicable to contracting and subcontracting by the grantee;
8. penalties for noncompliance with grant requirements and conditions, including stop-work orders, termination of grants, and recovery of grant funds;
9. indemnification of this State and the Agency by the grantee; and
10. manner of compliance with the Local Government Professional Services Selection Act.

(Source: P.A. 92-486, eff. 1-1-02.)

(415 ILCS 5/58.15)
Sec. 58.15. Brownfields Programs.

(A) Brownfields Redevelopment Loan Program.

(a) The Agency shall establish and administer a revolving loan program to be known as the "Brownfields Redevelopment Loan Program" for the purpose of providing loans to be used for site investigation, site remediation, or both, at brownfields sites. All principal, interest, and penalty payments from loans made under this subsection (A) Section shall be deposited into the Brownfields Redevelopment Fund and reused in accordance with this Section.

(b) General requirements for loans:

1. Loans shall be at or below market interest rates in accordance with a formula set forth in regulations promulgated under subdivision (A)(c) subsection (c) of this subsection (A) Section.
2. Loans shall be awarded subject to availability of funding based on the order of receipt of applications satisfying all requirements as set forth in the regulations promulgated under subdivision (A)(c) subsection (c) of this subsection (A) Section.
3. The maximum loan amount under this subsection (A) Section for any one project is $1,000,000.
4. In addition to any requirements or conditions placed on loans by

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regulation, loan agreements under the Brownfields Redevelopment Loan Program shall include the following requirements:

(A) the loan recipient shall secure the loan repayment obligation;
(B) completion of the loan repayment shall not exceed 15 years or as otherwise prescribed by Agency rule; and
(C) loan agreements shall provide for a confession of judgment by the loan recipient upon default.

(5) Loans shall not be used to cover expenses incurred prior to the approval of the loan application.

(6) If the loan recipient fails to make timely payments or otherwise fails to meet its obligations as provided in this subsection (A) Section or implementing regulations, the Agency is authorized to pursue the collection of the amounts past due, the outstanding loan balance, and the costs thereby incurred, either pursuant to the Illinois State Collection Act of 1986 or by any other means provided by law, including the taking of title, by foreclosure or otherwise, to any project or other property pledged, mortgaged, encumbered, or otherwise available as security or collateral.

(c) The Agency shall have the authority to enter into any contracts or agreements that may be necessary to carry out its duties or responsibilities under this subsection (A) Section. The Agency shall have the authority to promulgate regulations setting forth procedures and criteria for administering the Brownfields Redevelopment Loan Program. The regulations promulgated by the Agency for loans under this subsection (A) Section shall include, but need not be limited to, the following elements:

(1) loan application requirements;
(2) determination of credit worthiness of the loan applicant;
(3) types of security required for the loan;
(4) types of collateral, as necessary, that can be pledged for the loan;
(5) special loan terms, as necessary, for securing the repayment of the loan;
(6) maximum loan amounts;
(7) purposes for which loans are available;
(8) application periods and content of applications;
(9) procedures for Agency review of loan applications, loan approvals or denials, and loan acceptance by the loan recipient;
(10) procedures for establishing interest rates;
(11) requirements applicable to disbursement of loans to loan recipients;
(12) requirements for securing loan repayment obligations;
(13) conditions or circumstances constituting default;
(14) procedures for repayment of loans and delinquent loans including, but not limited to, the initiation of principal and interest payments following loan acceptance;
(15) loan recipient responsibilities for work schedules, work plans, reports, and record keeping;

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(16) evaluation of loan recipient performance, including auditing and access to sites and records;
    (17) requirements applicable to contracting and subcontracting by the loan recipient, including procurement requirements;
    (18) penalties for noncompliance with loan requirements and conditions, including stop-work orders, termination, and recovery of loan funds; and
    (19) indemnification of the State of Illinois and the Agency by the loan recipient.

(d) Moneys in the Brownfields Redevelopment Fund may be used as a source of revenue or security for the principal and interest on revenue or general obligation bonds issued by the State or any political subdivision or instrumentality thereof, if the proceeds of those bonds will be deposited into the Fund.

(B) Brownfields Site Restoration Program.

(a) (1) The Agency, with the assistance of the Department of Commerce and Community Affairs, must establish and administer a program for the payment of remediation costs to be known as the Brownfields Site Restoration Program. The Agency, through the Program, shall provide Remediation Applicants with financial assistance for the investigation and remediation of abandoned or underutilized properties. The investigation and remediation shall be performed in accordance with this Title XVII of this Act.

(2) For each State fiscal year in which funds are made available to the Agency for payment under this subsection (B), the Agency must, subject to the availability of funds, allocate 20% of the funds to be available to Remediation Applicants within counties with populations over 2,000,000. The remaining funds must be made available to all other Remediation Applicants in the State.

(3) The Agency must not approve payment in excess of $750,000 to a Remediation Applicant for remediation costs incurred at a remediation site. Eligibility must be determined based on a minimum capital investment in the redevelopment of the site, and payment amounts must not exceed the net economic benefit to the State of the remediation project. In addition to these limitations, the total payment to be made to an applicant must not exceed an amount equal to 20% of the capital investment at the site.

(4) Only those remediation projects for which a No Further Remediation Letter is issued by the Agency after December 31, 2001 are eligible to participate in the Brownfields Site Restoration Program. The program does not apply to any sites that have received a No Further Remediation Letter prior to December 31, 2001 or for costs incurred prior to the Department of Commerce and Community Affairs approving a site eligible for the Brownfields Site Restoration Program.

(5) Brownfields Site Restoration Program funds shall be subject to availability of funding and distributed based on the order of receipt of applications satisfying all requirements as set forth in this Section.

(b) Prior to applying to the Agency for payment, a Remediation Applicant shall first

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submit to the Agency its proposed remediation costs. The Agency shall make a pre-application assessment, which is not to be binding upon the Department of Commerce and Community Affairs or upon future review of the project, relating only to whether the Agency has adequate funding to reimburse the applicant for the remediation costs if the applicant is found to be eligible for reimbursement of remediation costs. If the Agency determines that it is likely to have adequate funding to reimburse the applicant for remediation costs, the Remediation Applicant may then submit to the Department of Commerce and Community Affairs an application for review of eligibility. The Department must review the eligibility application to determine whether the Remediation Applicant is eligible for the payment. The application must be on forms prescribed and provided by the Department of Commerce and Community Affairs. At a minimum, the application must include the following:

1. Information identifying the Remediation Applicant and the site for which the payment is being sought and the date of acceptance into the Site Remediation Program.

2. Information demonstrating that the site for which the payment is being sought is abandoned or underutilized property. "Abandoned property" means real property previously used for, or that has the potential to be used for, commercial or industrial purposes that reverted to the ownership of the State, a county or municipal government, or an agency thereof, through donation, purchase, tax delinquency, foreclosure, default, or settlement, including conveyance by deed in lieu of foreclosure; or privately owned property that has been vacant for a period of not less than 3 years from the time an application is made to the Department of Commerce and Community Affairs. "Underutilized property" means real property of which less than 35% of the commercially usable space of the property and improvements thereon are used for their most commercially profitable and economically productive uses.

3. Information demonstrating that remediation of the site for which the payment is being sought will result in a net economic benefit to the State of Illinois. The "net economic benefit" must be determined based on factors including, but not limited to, the capital investment, the number of jobs created, the number of jobs retained if it is demonstrated the jobs would otherwise be lost, capital improvements, the number of construction-related jobs, increased sales, material purchases, other increases in service and operational expenditures, and other factors established by the Department of Commerce and Community Affairs. Priority must be given to sites located in areas with high levels of poverty, where the unemployment rate exceeds the State average, where an enterprise zone exists, or where the area is otherwise economically depressed as determined by the Department of Commerce and Community Affairs.

4. An application fee in the amount set forth in subdivision (B)(c) for each site for which review of an application is being sought.

(c) The fee for eligibility reviews conducted by the Department of Commerce and Community Affairs.

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Community Affairs under this subsection (B) is $1,000 for each site reviewed. The application fee must be made payable to the Department of Commerce and Community Affairs for deposit into the Workforce, Technology, and Economic Development Fund. These application fees shall be used by the Department for administrative expenses incurred under this subsection (B).

(d) Within 60 days after receipt by the Department of Commerce and Community Affairs of an application meeting the requirements of subdivision (B)(b), the Department of Commerce and Community Affairs must issue a letter to the applicant approving the application, approving the application with modifications, or disapproving the application. If the application is approved or approved with modifications, the Department of Commerce and Community Affairs' letter must also include its determination of the "net economic benefit" of the remediation project and the maximum amount of the payment to be made available to the applicant for remediation costs. The payment by the Agency under this subsection (B) must not exceed the "net economic benefit" of the remediation project, as determined by the Department of Commerce and Community Affairs.

(e) An application for a review of remediation costs must not be submitted to the Agency unless the Department of Commerce and Community Affairs has determined the Remediation Applicant is eligible under subdivision (B)(d). If the Department of Commerce and Community Affairs has determined that a Remediation Applicant is eligible under subdivision (B)(d), the Remediation Applicant may submit an application for payment to the Agency under this subsection (B). Except as provided in subdivision (B)(f), an application for review of remediation costs must not be submitted until a No Further Remediation Letter has been issued by the Agency and recorded in the chain of title for the site in accordance with Section 58.10. The Agency must review the application to determine whether the costs submitted are remediation costs and whether the costs incurred are reasonable. The application must be on forms prescribed and provided by the Agency. At a minimum, the application must include the following:

1. Information identifying the Remediation Applicant and the site for which the payment is being sought and the date of acceptance of the site into the Site Remediation Program.

2. A copy of the No Further Remediation Letter with official verification that the letter has been recorded in the chain of title for the site and a demonstration that the site for which the application is submitted is the same site as the one for which the No Further Remediation Letter is issued.

3. A demonstration that the release of the regulated substances of concern for which the No Further Remediation Letter was issued was not caused or contributed to in any material respect by the Remediation Applicant. The Agency must make determinations as to reimbursement availability consistent with rules adopted by the Pollution Control Board for the administration and enforcement of Section 58.9 of this Act.

4. A copy of the Department of Commerce and Community Affairs' letter approving eligibility, including the net economic benefit of the remediation project.

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(5) An itemization and documentation, including receipts, of the remediation costs incurred.

(6) A demonstration that the costs incurred are remediation costs as defined in this Act and rules adopted under this Act.

(7) A demonstration that the costs submitted for review were incurred by the Remediation Applicant who received the No Further Remediation Letter.

(8) An application fee in the amount set forth in subdivision (B)(j) for each site for which review of remediation costs is requested.

(9) Any other information deemed appropriate by the Agency.

(f) An application for review of remediation costs may be submitted to the Agency prior to the issuance of a No Further Remediation Letter if the Remediation Applicant has a Remedial Action Plan approved by the Agency under the terms of which the Remediation Applicant will remediate groundwater for more than one year. The Agency must review the application to determine whether the costs submitted are remediation costs and whether the costs incurred are reasonable. The application must be on forms prescribed and provided by the Agency. At a minimum, the application must include the following:

(1) Information identifying the Remediation Applicant and the site for which the payment is being sought and the date of acceptance of the site into the Site Remediation Program.

(2) A copy of the Agency letter approving the Remedial Action Plan.

(3) A demonstration that the release of the regulated substances of concern for which the Remedial Action Plan was approved was not caused or contributed to in any material respect by the Remediation Applicant. The Agency must make determinations as to reimbursement availability consistent with rules adopted by the Pollution Control Board for the administration and enforcement of Section 58.9 of this Act.

(4) A copy of the Department of Commerce and Community Affairs’ letter approving eligibility, including the net economic benefit of the remediation project.

(5) An itemization and documentation, including receipts, of the remediation costs incurred.

(6) A demonstration that the costs incurred are remediation costs as defined in this Act and rules adopted under this Act.

(7) A demonstration that the costs submitted for review were incurred by the Remediation Applicant who received approval of the Remediation Action Plan.

(8) An application fee in the amount set forth in subdivision (B)(j) for each site for which review of remediation costs is requested.

(9) Any other information deemed appropriate by the Agency.

(g) For a Remediation Applicant seeking a payment under subdivision (B)(f), until the Agency issues a No Further Remediation Letter for the site, no more than 75% of the allowed payment may be claimed by the Remediation Applicant. The remaining 25% may be claimed following the issuance by the Agency of a No Further Remediation Letter for the site. For a Remediation Applicant seeking a payment under subdivision (B)(e), until the
Agency issues a No Further Remediation Letter for the site, no payment may be claimed by the Remediation Applicant.

(h) (1) Within 60 days after receipt by the Agency of an application meeting the requirements of subdivision (B)(e) or (B)(f), the Agency must issue a letter to the applicant approving, disapproving, or modifying the remediation costs submitted in the application. If an application is disapproved or approved with modification of remediation costs, then the Agency’s letter must set forth the reasons for the disapproval or modification.

(2) If a preliminary review of a budget plan has been obtained under subdivision (B)(i), the Remediation Applicant may submit, with the application and supporting documentation under subdivision (B)(e) or (B)(f), a copy of the Agency’s final determination accompanied by a certification that the actual remediation costs incurred for the development and implementation of the Remedial Action Plan are equal to or less than the costs approved in the Agency’s final determination on the budget plan. The certification must be signed by the Remediation Applicant and notarized. Based on that submission, the Agency is not required to conduct further review of the costs incurred for development and implementation of the Remedial Action Plan and may approve costs as submitted.

(3) Within 35 days after receipt of an Agency letter disapproving or modifying an application for approval of remediation costs, the Remediation Applicant may appeal the Agency’s decision to the Board in the manner provided for the review of permits in Section 40 of this Act.

(i) (1) A Remediation Applicant may obtain a preliminary review of estimated remediation costs for the development and implementation of the Remedial Action Plan by submitting a budget plan along with the Remedial Action Plan. The budget plan must be set forth on forms prescribed and provided by the Agency and must include, but is not limited to, line item estimates of the costs associated with each line item (such as personnel, equipment, and materials) that the Remediation Applicant anticipates will be incurred for the development and implementation of the Remedial Action Plan. The Agency must review the budget plan along with the Remedial Action Plan to determine whether the estimated costs submitted are remediation costs and whether the costs estimated for the activities are reasonable.

(2) If the Remedial Action Plan is amended by the Remediation Applicant or as a result of Agency action, the corresponding budget plan must be revised accordingly and resubmitted for Agency review.

(3) The budget plan must be accompanied by the applicable fee as set forth in subdivision (B)(j).

(4) Submittal of a budget plan must be deemed an automatic 60-day waiver of the Remedial Action Plan review deadlines set forth in this subsection (B) and rules adopted under this subsection (B).

(5) Within the applicable period of review, the Agency must issue a letter to the Remediation Applicant approving, disapproving, or modifying the estimated remediation costs submitted.

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remediation costs submitted in the budget plan. If a budget plan is disapproved or approved with modification of estimated remediation costs, the Agency's letter must set forth the reasons for the disapproval or modification.

(6) Within 35 days after receipt of an Agency letter disapproving or modifying a budget plan, the Remediation Applicant may appeal the Agency's decision to the Board in the manner provided for the review of permits in Section 40 of this Act.

(j) The fees for reviews conducted by the Agency under this subsection (B) are in addition to any other fees or payments for Agency services rendered pursuant to the Site Remediation Program and are as follows:

(1) The fee for an application for review of remediation costs is $1,000 for each site reviewed.

(2) The fee for the review of the budget plan submitted under subdivision (B)(i) is $500 for each site reviewed.

The application fee and the fee for the review of the budget plan must be made payable to the State of Illinois, for deposit into the Brownfields Redevelopment Fund.

(k) Moneys in the Brownfields Redevelopment Fund may be used for the purposes of this Section, including payment for the costs of administering this subsection (B). Any moneys remaining in the Brownfields Site Restoration Program Fund on the effective date of this amendatory Act of the 92nd General Assembly shall be transferred to the Brownfields Redevelopment Fund. Total payments made to all Remediation Applicants by the Agency for purposes of this subsection (B) must not exceed $1,000,000 in State fiscal year 2002.

(l) The Department and the Agency are authorized to enter into any contracts or agreements that may be necessary to carry out their duties and responsibilities under this subsection (B).

(m) Within 6 months after the effective date of this amendatory Act of 2002, the Department of Commerce and Community Affairs and the Agency must propose rules prescribing procedures and standards for the administration of this subsection (B). Within 9 months after receipt of the proposed rules, the Board shall adopt on second notice, pursuant to Sections 27 and 28 of this Act and the Illinois Administrative Procedures Act, rules that are consistent with this subsection (B). Prior to the effective date of rules adopted under this subsection (B), the Department of Commerce and Community Affairs and the Agency may conduct reviews of applications under this subsection (B) and the Agency is further authorized to distribute guidance documents on costs that are eligible or ineligible as remediation costs.

(Source: P.A. 91-36, eff. 6-15-99; 92-16, eff. 6-28-01.)

(415 ILCS 5/58.18 rep.)

Section 20. The Environmental Protection Act is amended by repealing Section 58.18.

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


New matter indicated by italics - deletions by strikeout.
AN ACT in relation to military affairs.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Military Code of Illinois is amended by adding Article V-A and changing the heading of Article VII as follows:

(20 ILCS 1805/Art. V-A heading new)

ARTICLE V-A. NATIONAL GUARD EMPLOYMENT RIGHTS

(20 ILCS 1805/30.1 new)

Sec. 30.1. Article short title. This Article may be cited as the Illinois National Guard Employment Rights Law.

(20 ILCS 1805/30.5 new)

Sec. 30.5. Public policy. As a guide to the interpretation and application of this Article, the public policy of the State is declared as follows:

The United States has provided for the reemployment rights of members of the Reserve Components of the armed forces, and of the National Guard of the states, while serving in duty or training statuses pursuant to Title 10 or 32 of the United States Code, by enacting the Uniformed Services Employment and Reemployment Rights Act, codified at Title 38, United States Code, Chapter 43. The Uniformed Services Employment and Reemployment Rights Act, however, does not provide any such protection to members of the National Guard serving the states, including the State of Illinois, in a State Active Duty status pursuant to orders of the Governor.

The United States has also provided relief from certain civil obligations for personnel of the United States armed forces serving on federal active duty under Title 10 of the United States Code, by enacting the Soldiers' and Sailors' Civil Relief Act of 1940, codified at Title 50 Appendix, United States Code, Sections 501-591. Members of the National Guard serving other than in such a federal active duty status under Title 10 of the United States Code, however, are not subject to, nor do they receive the protections of, the Soldiers' and Sailors' Civil Relief Act of 1940.

As a constituent commonwealth of the United States, and in accordance with the constitutions of the United States and of the State of Illinois, the State of Illinois must provide for the defense of its citizens and territory against domestic and foreign threats, and the Illinois National Guard is an essential part of the State's ability to meet such threats. It is therefore declared to be the policy of the State of Illinois (i) to ensure the readiness of members of the National Guard to execute missions assigned by appropriate federal or State authorities by guaranteeing adequate protections of their right to return to civilian employment upon completion of State Active Duty and (ii) to grant members of the National Guard relief from certain civil obligations while performing periods of training or duty under Title 32 of the United States Code and State Active Duty.

(20 ILCS 1805/30.10 new)

New matter indicated by italics - deletions by strikeout.
Sec. 30.10. Definitions. In this Article:
"National Guard" has the definition provided by federal law at 10 U.S.C. 101(c).
"Illinois National Guard" has the definition provided in Sections 5 and 7 of this Code.
"Federal active duty under Title 10 of the United States Code" means active federal service of members of the National Guard pursuant to any provision of Chapter 1209 of Title 10 of the United States Code.
"Training or duty under Title 32 of the United States Code" means active or inactive National Guard training or duty performed pursuant to Chapter 5 of Title 32 of the United States Code and pursuant to the orders of the Governor.
"State Active Duty" means National Guard duty performed in the active service of any state or United States territory or commonwealth in accordance with that jurisdiction's laws and pursuant to the orders of the Governor concerned. It does not refer to active duty performed pursuant to Chapter 5 of Title 32 of the United States Code and pursuant to the orders of the Governor.
"Political subdivision" means any unit of local government or school district.
(20 ILCS 1805/30.15 new)
Sec. 30.15. National Guard; State Active Duty; reemployment rights.
(a) Any member of the National Guard ("a member") employed by a private employer in the State of Illinois or by the State of Illinois or any political subdivision of the State whose absence from a position of employment is necessitated by reason of being called to State Active Duty, whether or not voluntary, shall be entitled to reemployment rights and benefits and other employment benefits under this Article if:
(1) the member (or an appropriate officer of the National Guard in which the service is performed) has given advance written or oral notice of the service, if reasonably possible;
(2) the member reports to, or submits an application for reemployment to, the employer in accordance with the provisions of subsection (e); and
(3) the character of the member's service on State Active Duty was honorable, under honorable conditions, or otherwise characterized as satisfactory.
(b) No notice is required under subsection (a) if precluded by military necessity, or if the giving of the notice is not reasonably possible, under all relevant circumstances. A written determination of military necessity for the purposes of this subsection shall be made by the Adjutant General of Illinois and shall not be subject to judicial review.
(c) An employer is not required to reemploy a member under this Section if:
(1) the employer's circumstances have so changed as to make such reemployment impossible or unreasonable, or if reemployment would impose an undue hardship on the employer; or
(2) the employment from which the member leaves to serve in the National Guard on State Active Duty is for a brief, nonrecurrent period and there is no reasonable expectation that the employment will continue indefinitely or for a significant period.

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(d) In any proceeding involving an issue of whether (i) any reemployment referred to in subsection (c) is impossible or unreasonable because of a change in an employer's circumstances; (ii) any accommodation, training, or effort referred to in subdivision (c)(1) would impose an undue hardship on the employer; or (iii) the employment referred to in subdivision (c)(2) is for a brief, nonrecurrent period and there is no reasonable expectation that the employment will continue indefinitely or for a significant period, the employer has the burden of proving the impossibility or unreasonableness, the undue hardship, or the brief or nonrecurrent nature of the employment without a reasonable expectation of continuing indefinitely or for a significant period.

(e) Subject to subsection (f), a member referred to in subsection (a) shall, upon completion of a period of State Active Duty, notify the employer referred to in subsection (a) of the member's intent to return to a position of employment with the employer as follows:

(1) In the case of a member whose period of State Active Duty was less than 31 days, by reporting to the employer:
   (A) not later than the beginning of the first full regularly scheduled work period on the first full calendar day following completion of the period of State Active Duty and the expiration of 8 hours after a period allowing for safe transportation of the member from the place of that duty to the member's residence; or
   (B) as soon as possible after the expiration of the 8-hour period referred to in paragraph (A), if reporting within that period is impossible or unreasonable through no fault of the member.

(2) In the case of a member whose period of State Active Duty was more than 30 days but less than 180 days, by submitting an application for reemployment with the employer not less than 14 days after completion of the period of State Active Duty, or if submitting the application within that period is impossible or unreasonable through no fault of the member, the next full calendar day when submission of the application becomes possible.

(3) In the case of a member whose period of State Active Duty was 180 days or more, by submitting an application for reemployment with the employer not later than 90 days after completion of the period of service.

(f) A member who is hospitalized for, or convalescing from, an illness or injury incurred in, or aggravated during, the performance of a period of State Active Duty shall, at the end of the period that is necessary for the member to recover from the illness or injury, report to the member's employer or submit an application for reemployment with the employer. The period of recovery shall not exceed 2 years, except that the 2-year period shall be extended by the minimum time required to accommodate the circumstances beyond the member's control which make reporting within the 2-year period impossible or unreasonable.

(g) A member who fails to report or apply for employment or reemployment within the appropriate period specified in this Section shall not automatically forfeit his or her rights and benefits under subsection (a), but shall be subject to the conduct rules, established

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policy, and general practices of the employer pertaining to explanations and discipline with respect to absence from scheduled work.

(h) A member who submits an application for reemployment in accordance with this Article shall, upon the request of the employer, provide to the employer documentation to establish that:

(1) the member's application is timely; and
(2) the character of the member's service was honorable, under honorable conditions, or otherwise satisfactory.

The failure of a member to provide documentation as prescribed in this subsection may not be the basis for denying reemployment if the failure occurs because the documentation does not exist or is not readily available at the time of the employer's request. If, after reemployment, documentation becomes available that establishes that the member does not meet one or more of the requirements in paragraph (1) or (2), the employer may terminate the member's employment in accordance with the conduct rules, established policy, and general practices of the employer pertaining to explanation and discipline with respect to absence from scheduled work. An employer may not delay or attempt to defeat a reemployment obligation by demanding documentation that does not exist or is not then readily available.

(i) Except as otherwise provided by this subsection, a member entitled to reemployment under this Article, upon completion of a period of State Active Duty, shall be promptly reemployed in the position of employment which he or she left with the same increases in status, seniority, and wages that were earned during his or her period of State Active Duty by employees in like positions who were on the job at the time the returning member entered State Active Duty, or to a position of like seniority, status, and pay, unless the employer's circumstances have so changed as to make it impossible or unreasonable to do so.

If at the time of requesting reemployment, the member is no longer physically, mentally, or otherwise qualified or able to perform the duties of the position of employment which he or she left due to disability acquired incident to his or her service in State Active Duty, but is qualified and able to perform the duties of any other position in the employ of the employer, then the member shall be restored to that other position, the duties of which he or she is qualified and able to perform and that will provide him or her with like seniority, status, and pay, or the nearest approximation thereof consistent with the circumstances of the case.

If a member enters State Active Duty and the position of employment which he or she left is filled by one or more employees who are also members of the National Guard and who later enter State Active Duty, the members shall, upon release from State Active Duty, be given preference in the matter of reemployment in the order in which they entered State Active Duty, and the employer shall not be required to retain more than one of them in his or her employ.

(j) Except as otherwise provided in this Section, each member in the employ of a private employer or of the State of Illinois or a political subdivision of the State who, for the

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purpose of entering State Active Duty, has left or leaves that employment but who has been rejected for State Active Duty for lack of proper qualifications, shall be restored by the employer (i) to the position of employment which the member left with the same seniority, status, and wage increases that an employee who was employed in that position at the time the member left to enter State Active Duty earned during the time the member was absent from employment because of his or her attempt to enter State Active Duty or (ii) to a position of like seniority, status, and pay, provided that at the time of the rejection for State Active Duty the member is qualified to perform the duties of the position of employment which he or she left and has made application for reemployment within the time period specified in subsection (e) after receiving official notice of the rejection for State Active Duty.

(20 ILCS 1805/30.20 new)
Sec. 30.20. Reemployment; benefits.

(a) Any member of the National Guard who is reemployed or seeks reemployment to a position of employment in accordance with the provisions of this Article, shall be considered as having been on furlough or leave of absence during his or her State Active Duty and shall be so reemployed without loss of seniority and shall be entitled to participate in insurance or other benefits offered by the employer pursuant to established rules and practices relating to employees on furlough or leave of absence in effect with the employer at the time the member entered State Active Duty. The member shall not be discharged from the position without cause within one year after reemployment.

(b) If an employer provides health insurance, an exclusion or waiting period may not be imposed in connection with coverage of a health or physical condition of a member entitled to participate in that insurance under this Section, or a health or physical condition of any other person who is covered by the insurance by reason of the coverage of that member, if: (i) the condition arose before or during that member's period of State Active Duty; (ii) an exclusion or waiting period would not have been imposed for the condition during a period of coverage resulting from participation by that member in the insurance; and (iii) the condition of that member has not been determined to be service connected.

(20 ILCS 1805/30.25 new)
Sec. 30.25. Stay of prosecution. During and for a period of 14 days after a period of training or duty in excess of 29 days either under Title 32 of the United States Code or under State Active Duty, a court having jurisdiction over the enforcement of any civil obligation or liability, the prosecution of any civil suit or proceeding, or the entry or enforcement of any civil order, writ, judgment, or decree may stay, postpone, or suspend the matter if the court determines that a person's failure to meet the obligation is the direct result of that period of training or duty. The stay, postponement, or suspension of proceedings does not in any way modify any condition, obligation, term, or liability agreed upon or incurred by a person in military service including but not limited to accrued interest, late fees, or penalties. No stay, postponement, or suspension shall be provided regarding any written agreement entered into, or debt that is incurred, by the person during or after his or her period of training or duty either under Title 32 of the United States Code or under State Active Duty.

New matter indicated by italics - deletions by strikeout.
(20 ILCS 1805/30.30 new)

Sec. 30.30. School attendance and tuition. Any person in federal active duty under Title 10 of the United States Code, or in training or duty under Title 32 of the United States Code, or in State Active Duty, pursuant to the orders of the Governor has the right to receive a full monetary credit or refund for funds paid to any Illinois public university, college, or community college if the person is placed into a period of military service with the State of Illinois pursuant to the orders of the Governor and is unable to attend the university or college for a period of 7 or more days. Withdrawal from the course shall not impact upon the final grade point average of the person. If any person who has been enrolled in any Illinois public university, college, or community college is unable to process his or her enrollment for the upcoming term, he or she shall have any and all late penalties and or charges set aside, including any and all late processing fees for books, lab fees, and all items that were not in place because the person was engaged in military service and was unable to enroll in the courses at the appropriate time. The rights set forth in this Section are in addition to any rights afforded to persons in military service with the State of Illinois pursuant to the orders of the Governor under the policies of an Illinois public university, college, or community college.

(20 ILCS 1805/Art. VII heading)

ARTICLE VII. SEPARATION THE RETIRED LIST

(20 ILCS 1805/33 rep.)

Section 10. The Military Code of Illinois is amended by repealing Section 33.

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

Passed in the General Assembly May 7, 2002.

Approved July 24, 2002.

Effective July 24, 2002.

PUBLIC ACT 92-0717

(House Bill No. 6061)

AN ACT making appropriations.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

ARTICLE 1

Section 1. The following named amounts, or so much thereof as may be necessary, are appropriated from the Capital Development Fund to the Capital Development Board for the Department of Agriculture for the projects hereinafter enumerated:

ILLINOIS STATE FAIRGROUNDS - DU QUOIN

For upgrading electrical systems, in addition to funds previously appropriated $1,250,000

For upgrading the telecommunications system $400,000

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For upgrading the HVAC system ..................  
For replacing judges stand and improving 
track area ......................................

ILLINOIS STATE FAIRGROUNDS - SPRINGFIELD
For completing the Emerson Building renovation, 
in addition to funds previously 
appropriated ....................................
Total ..........................................

$4,610,000

Section 2. The following named amounts, or so much thereof as may be necessary, 
are appropriated from the Capital Development Fund to the Capital Development Board for 
the Department of Central Management Services for the projects hereinafter enumerated:

JAMES R. THOMPSON CENTER - CHICAGO
For rehabilitating exterior columns, in 
addition to funds previously appropriated .... 

STATEWIDE
For replacing roofing systems at the 
following locations at the approximate 
costs set forth below .........................
Suburban North Regional Office ...... 
Effingham State Garage .................

SPRINGFIELD COMPUTER FACILITY - SANGAMON COUNTY
For upgrading the computer room and the 
electrical system ............................

DIXON STATE GARAGE - LEE COUNTY
For upgrading the lighting and 
replacing the roof .........................

STATEWIDE
For upgrading roofing systems at the 
following locations at the approximate 
costs set forth below .....................

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set forth below, in addition to funds previously appropriated

Dixon Correctional Center ................... 3,580,000
Illinois Youth Ctr Joliet ................... 1,850,000

CENTRALIA CORRECTIONAL CENTER
For upgrading the electrical system, in addition to funds previously appropriated .... 1,600,000

DANVILLE CORRECTIONAL CENTER
For upgrading the power plant, in addition to funds previously appropriated .... 2,200,000

EAST MOLINE CORRECTIONAL CENTER
For replacing windows, in addition to funds previously appropriated ................ 1,800,000

GRAHAM CORRECTIONAL CENTER
For upgrading the building automation system, in addition to funds previously appropriated .................. 900,000

KANKAKEE MSU - KANKAKEE COUNTY
For fencing improvements ..................... 865,000

MENARD CORRECTIONAL CENTER
For replacing the administration building, in addition to funds previously appropriated .................. 12,300,000

TAMMS CORRECTIONAL CENTER
Construct bar screen ........................... 590,000
Total ........................................ 25,515,000

Section 4. The following named amounts, or so much thereof as may be necessary, are appropriated from the Capital Development Fund to the Capital Development Board for the Historic Preservation Agency for the projects hereinafter enumerated:

LINCOLN'S NEW SALEM HISTORIC SITE - MENARD COUNTY
For providing electrical at campgrounds .................................. $ 120,000

OLD STATE CAPITOL - SPRINGFIELD
For repairing elevators .......................... 405,000
Total ........................................ 525,000

Section 5. The following named amount, or so much thereof as may be necessary, is appropriated from the Capital Development Fund to the Capital Development Board for the Illinois Medical District Commission for the projects hereinafter enumerated:

ILLINOIS MEDICAL DISTRICT COMMISSION - CHICAGO
For upgrading utility and infrastructure, in addition to funds previously appropriated .................. $ 1,000,000

New matter indicated by italics - deletions by strikeout.
Section 6. The following named amounts, or so much thereof as may be necessary, are appropriated from the Capital Development Fund to the Capital Development Board for the Department of Human Services for the projects hereinafter enumerated:

**STATEWIDE**

For replacing and repairing roofing systems at the following locations, at the approximate cost set forth below $5,635,000:
- Alton Mental Health Center - Madison $415,000
- Shapiro Developmental Center - Kankakee $115,000
- Ludeman Developmental Center - Park Forest $25,000
- Madden Mental Health Center - Hines $2,515,000
- Murray Developmental Center - Centralia $1,905,000
- Kiley Developmental Center - Waukegan $660,000

**FOX DEVELOPMENTAL CENTER - DWIGHT**

For replacing and repairing interior doors, flooring and walls, in addition to funds previously appropriated $1,105,000

**ILLINOIS SCHOOL FOR THE DEAF - JACKSONVILLE**

For renovating the High School Building Phase II $1,580,000
- For renovating the health center $770,000
- For replacing roof and upgrading the mechanical system at Burns Gym $2,405,000
- For replacing the visual alert system $800,000

**ILLINOIS SCHOOL FOR THE VISUALLY IMPAIRED - MORGAN**

For renovating the Girls' Dormitory, in addition to funds previously appropriated $735,000

**KILEY DEVELOPMENTAL CENTER - WAUKEGAN**

For converting the facility to natural gas, in addition to funds previously appropriated $1,135,000

**LUDEMAN MENTAL HEALTH CENTER - COOK COUNTY**

For repairing and replacing furnaces and duct work, in addition to funds previously appropriated

New matter indicated by italics - deletions by strikeout.
appropriated .................................

MABLEY DEVELOPMENTAL CENTER - DIXON
For replacing mechanicals and upgrading
the fire alarm systems .........................

MURRAY DEVELOPMENTAL CENTER - CENTRALIA
For renovating the boiler house,
in addition to funds previously
appropriated .....................................
For replacing the emergency
management system, in
addition to funds previously
appropriated .....................................

SHAPIRO DEVELOPMENTAL CENTER - KANKAKEE
For replacing the sewer system in
south campus ...................................
For planning and beginning renovation
of dietary ........................................
For work necessary to remedy fire
damper deficiencies ...........................

SINGER MENTAL HEALTH CENTER - ROCKFORD
For renovating dietary and stores ..........

Total .............................................

Section 7. The following named amounts, or so much thereof as may be necessary,
are appropriated from the Capital Development Fund to the Capital Development Board for
the Department of Military Affairs for the projects hereinafter enumerated:

CAIRO ARMORY
For replacing roof and renovating the
interior and exterior .........................

ELGIN ARMORY
For upgrading the interior and exterior ....

LITCHFIELD ARMORY
For remodeling and installing a
kitchen ...........................................

MATTOON ARMORY
For replacing the roof and renovating
the interior and exterior .....................

MONMOUTH ARMORY
For replacing the roof and renovating
the interior and exterior .....................

SALEM ARMORY
For remodeling and installing a
kitchen ...........................................

New matter indicated by italics - deletions by strikeout.
SYCAMORE ARMORY

For replacing the electrical system,
renovating the interior and installing
air conditioning ........................... 1,707,000
Total ................................. 6,814,000

Section 8. The following named amounts, or so much thereof as may be necessary, are appropriated from the Capital Development Fund to the Capital Development Board for the Department of Natural Resources for the projects hereinafter enumerated:

STATEWIDE

For replacing/repairing the roofing systems
at the following locations at the approximate
costs set forth below ...........................

Jubilee College State
Park-Peoria County .................. 45,000
Starved Rock State Park &
Lodge-LaSalle County ............... 60,000
Kaskaskia River Fish & Wildlife
Area-Randolph County ............... 25,000
Pyramid State Park-
Perry County ........................... 55,000
Region V Office (Benton)
Franklin County ..................... 55,000
For rehabilitating dams and bridges .... 1,000,000

EAGLE CREEK STATE PARK - SHELBY COUNTY
For constructing lake access boat
docks at resort ...........................
FOX RIDGE STATE PARK - COLES COUNTY
For replacing spillway .................... 160,000
GOOSE LAKE PRAIRIE NATURAL AREA - GRUNDY COUNTY
For replacing floating boardwalk ........ 485,000
HENNEPIN CANAL PARKWAY STATE PARK
For rehabilitating/repairing railroad
bridges, in addition to funds
previously appropriated ............... 900,000

ILLIANA HEIGHTS SWAMP - KANKAKEE COUNTY
For improving DuPage River Spillway .... 110,000
KANKAKEE WILDLIFE CONSERVATION AREA - KANKAKEE COUNTY
For planning and constructing new
lodge, in addition to funds
previously appropriated ............... 3,500,000

KICKAPOO STATE PARK - VERMILLION COUNTY

New matter indicated by italics - deletions by strikeout.
For replacing stairway to Long Pond .......... 230,000
   RED HILLS STATE PARK - LAWRENCE COUNTY
For miscellaneous improvements ............... 850,000
   SAM PARR STATE PARK - JASPER COUNTY
For renovating recreational facilities ........ 1,915,000
   SILOAM SPRINGS STATE PARK - ADAMS COUNTY
For rehabilitating office/service area ....................... 1,200,000
   SNAKEDEN HOLLOW FISH AND WILDLIFE AREA - KNOX COUNTY
For stabilizing levee and shoreline ..................... 500,000
   WELDON SPRINGS STATE PARK - DE WITT COUNTY
For upgrading residence utilities .......... 40,000
   WHITE PINES FOREST STATE PARK - OGLE COUNTY
Total $13,330,000

Section 9. The following named amounts, or so much thereof as may be necessary, are appropriated from the Capital Development Fund to the Capital Development Board for the Department of Revenue for the projects hereinafter enumerated:

   WILLARD ICE BUILDING - SPRINGFIELD
For replacing and repairing concrete stairway and completing of parking deck, in addition to funds previously appropriated .................. $ 285,000
For upgrading building management controls .................. 3,545,000
Total $3,830,000

Section 10. The following named amount, or so much thereof as may be necessary, is appropriated from the Capital Development Fund to the Capital Development Board for the Department of State Police for the projects hereinafter enumerated:

   PESOTUM - DISTRICT 10
For replacing the sewer and septic systems .................. $ 125,000
Total $125,000

Section 11. The following named amounts, or so much thereof as may be necessary, are appropriated from the Capital Development Fund to the Capital Development Board for the Department of Veterans' Affairs for the projects hereinafter enumerated:

New matter indicated by italics - deletions by strikeout.
MANTENO VETERANS HOME
For replacing condensing units .................. $ 375,000
For upgrading or constructing
  roads and parking lots ....................... 635,000
For planning and constructing
  additional storage and support areas ....... 1,365,000

ANNA VETERANS HOME
For constructing a garage ...................... 325,000

QUINCY VETERANS HOME - ADAMS COUNTY
For constructing a bus and ambulance garage .............................................. 900,000
Total .............................................. $3,600,000

Section 12. The following named amount, or so much thereof as may be necessary, is appropriated from the Capital Development Fund to the Capital Development Board for the Courts of Illinois for the projects hereinafter enumerated:

SUPREME COURT BUILDING - SPRINGFIELD
For replacing the roofing system, in addition to funds previously appropriated ............. $ 170,000
Total .............................................. $170,000

Section 13. The following named amounts, or so much thereof as may be necessary, are appropriated from the Capital Development Fund to the Capital Development Board for the Office of the Secretary of State for the projects hereinafter enumerated:

CAPITOL BUILDING - SPRINGFIELD
For upgrading the HVAC systems, in addition to funds previously appropriated .................. $ 4,440,000

DRIVER’S FACILITY WEST - CHICAGO
For renovating the building ...................... 855,000
Total .............................................. $5,295,000

Section 14. The following named amounts, or so much thereof as may be necessary, are appropriated from the Capital Development Fund to the Capital Development Board for the Illinois Board of Higher Education for the projects hereinafter enumerated:

STATEWIDE
For miscellaneous capital improvements including construction, capital facilities, cost of planning, supplies, equipment, materials, services and all other expenses required to complete the work at the various universities
This appropriated amount shall be in addition to any other appropriated amounts which can be expended for these purposes..... $ 20,000,000

New matter indicated by italics - deletions by strikeout.
CHICAGO STATE UNIVERSITY
For roof replacement projects .................. 4,400,000
For the construction of a conference center .......................... 5,000,000
For the construction of a day care facility .............................. 5,000,000
For the construction of a student financial outreach building ............. 5,000,000

ILLINOIS MATH AND SCIENCE ACADEMY
For constructing a mezzanine level in east gymnasium and purchasing equipment, in addition to funds previously appropriated ......................... 5,943,800

LAKELAND COLLEGE
Student Services Building addition ............. 6,721,600

SOUTHERN ILLINOIS UNIVERSITY - CARBONDALE
For renovating and constructing an addition to the Morris Library, in addition to funds previously appropriated ................................. 25,690,000

UNIVERSITY CENTER OF LAKE COUNTY
For constructing a university center and

New matter indicated by italics - deletions by strikeout.
purchasing equipment, in addition to funds previously appropriated ................................. 8,000,000

UNIVERSITY OF ILLINOIS AT CHAMPAIGN-URBANA
Expansion of Microelectronics Lab ................................. 18,000,000

UNIVERSITY OF ILLINOIS AT CHICAGO
Plan, construct, and equip the Chemical Sciences Building ................................. 57,600,000

WESTERN ILLINOIS UNIVERSITY
Plan and construct Convocation Center ................................. 4,000,000

Total $165,355,400

STATE BOARD OF EDUCATION

Section 15. The sum of $500,000,000, or so much thereof as may be necessary, is appropriated from the School Construction Fund to the Capital Development Board for school construction grants pursuant to the School Construction Law, in addition to amounts previously appropriated for such purposes.

Section 16. The sum of $25,000,000, or so much thereof as may be necessary, is appropriated from the Capital Development Fund to the Board of Trustees of the University of Illinois to plan and construct an Education and Research facility for the College of Medicine in Chicago, including planning, land acquisition, demolition, construction, remodeling, landscaping, site improvements, equipment, extension or modification of campus utility systems, relocation of programs, and such expenses as may be necessary to complete the facility. This appropriation is in addition to funds previously appropriated.

Section 17. The sum of $55,000,000, or so much thereof as may be necessary, is appropriated from the Capital Development Fund to the Capital Development Board for the use by the Department of Central Management Services for the acquisition of real property and related expenses in and around the Capitol Complex, in Springfield, Illinois, the purchase price to be set at fair market value, as determined by independent appraisal, pre-existing option, exercise of right of first refusal or other appropriate means of determining fair market value when the acquisition of such property is deemed by the Director of the Department of Central Management Services to be in the best interest of the state.

Section 18. The sum of $2,992,000, or so much thereof as may be necessary, is appropriated from the Capital Development Fund to the Board of Trustees of Northeastern Illinois University to purchase equipment and remodel buildings A, B and E. This appropriation is in addition to any funds previously appropriated.

Section 19. The sum of $6,000,000, or so much thereof as may be necessary, is appropriated from the Capital Development Fund to the Board of Trustees of Eastern Illinois University to purchase equipment, renovate and expand Fine Arts Center. This appropriation is in addition to any funds previously appropriated.

Section 20. The sum of $2,400,000, or so much thereof as may be necessary, is appropriated from the Capital Development Fund to the Board of Trustees of Chicago State

New matter indicated by italics - deletions by strikeout.
University to purchase equipment to complete the construction of the Convocation Center. This appropriation is in addition to any funds previously appropriated.

Section 21. The sum of $3,944,000, or so much thereof as may be necessary, is appropriated from the Capital Development Fund to the Board of Trustees of Northern Illinois University to purchase equipment for the College of Business Building (Barsema Hall). This appropriation is in addition to any funds previously appropriated.

Section 22. The sum of $800,000, or so much thereof as may be necessary, is appropriated from the Capital Development Fund to the Board of Trustees of Southern Illinois University at Carbondale to purchase equipment for Altgeld Hall and the Old Baptist Foundation Building. This appropriation is in addition to any funds previously appropriated.

Section 23. The sum of $15,000,000, or so much thereof as may be necessary, is appropriated from the Capital Development Fund to the Board of Trustees of the University of Illinois to plan and construct a Classroom and Office Building at the Springfield Campus and related utility systems, including planning, land acquisition, demolition, construction, remodeling, landscaping, site improvements, equipment, extension or modification of campus utility systems, and such expenses as may be necessary to complete the facility. This appropriation is in addition to funds previously appropriated.

Section 24. The sum of $3,600,000, or so much thereof as may be necessary, is appropriated from the Capital Development Fund to the Capital Development Board for miscellaneous capital improvements at various educational facilities statewide, in addition to funds previously appropriated.

ARTICLE 1a

Section 1. The sum of $1,000,000, or so much thereof as may be necessary, is appropriated from the Capital Development Fund to the Department of Commerce and Community Affairs for a grant to Cypress Elementary School to repair tornado damage to the school.

Section 2. The sum of $1,000,000, or so much thereof as may be necessary, is appropriated from the Capital Development Fund to the Department of Commerce and Community Affairs for a grant to the City of Sparta for sewer construction and/or improvements at the American Trap Shooters facility.

Section 3. The sum of $150,000, or so much thereof as may be necessary, is appropriated from the Capital Development Fund to the Department of Commerce and Community Affairs for a grant to Teutopolis High School for electrical work and track lighting.

Section 4. The sum of $200,000, or so much thereof as may be necessary, is appropriated from the Capital Development Fund to the Department of Commerce and Community Affairs for a grant to Patoka School District in Marion County for roof and other structural improvements.

Section 5. The sum of $4,250,000, or so much thereof as may be necessary, is appropriated from the Capital Development Fund to the Department of Commerce and Community Affairs for a grant to William Rainey Harper College for bondable infrastructure improvements.

New matter indicated by italics - deletions by strikeout.
Section 6. The sum of $1,000,000, or so much thereof as may be necessary, is appropriated from the Capital Development Fund to the Department of Commerce and Community Affairs for a grant to the Village of Herscher for bondable improvements associated with Phase 2 of a water main project.

Section 7. The sum of $1,250,000, or so much thereof as may be necessary, is appropriated from the Capital Development Fund to the Department of Commerce and Community Affairs for a grant to the City of Markham for bondable street and drainage improvements.

Section 8. The amount of $9,800,000, or so much thereof as may be necessary, is appropriated to the Department of Commerce and Community Affairs from the Capital Development Bond Fund for grants to units of local government and educational facilities for municipal, recreational, educational and public safety infrastructure improvements and other expenses, including but not limited to planning, construction, reconstruction, renovation, utilities, equipment, public safety vehicles and related costs.

Section 10. The sum of $2,000,000, or so much thereof as may be necessary, is appropriated from the Capital Development Fund to the Department of Commerce and Community Affairs for a grant to the Village of Stickney for construction of a new police facility.

Section 11. The sum of $2,300,000, or so much thereof as may be necessary, is appropriated from the Capital Development Fund to the Department of Transportation for corridor protection along Route 158.

Section 12. The sum of $5,000,000, or so much thereof as may be necessary, is appropriated from the Capital Development Fund to the Illinois Community College Board for a grant to Lewis and Clark Community College for capital projects at the NO Nelson Complex in Edwardsville.

Section 13. The sum of $2,000,000, or so much thereof as may be necessary, is appropriated from the Capital Development Fund to the Illinois Community College Board for One Stop Information System of City Colleges of Chicago.

ARTICLE 2

Section 1. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2002, from appropriations and reappropriations heretofore made for such purposes in Article 56, Section 1, and Article 56a, Section 1 of Public Act 92-8, are reappropriated from the Capital Development Fund to the Capital Development Board for the Department of Agriculture for the projects hereinafter enumerated:

**DUQUOIN STATE FAIRGROUNDS**

(From Article 56, Section 1 of Public Act 92-8)

<table>
<thead>
<tr>
<th>Item Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For replacing horse barn roofs</td>
<td>293,137</td>
</tr>
<tr>
<td>For upgrading electrical utilities, in addition to funds previously appropriated</td>
<td>700,000</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout.
For upgrading electrical utilities .......... 105,800
For constructing a multi-purpose building ......................... 7,914,200
For constructing livestock facilities ......................... 15,544
For upgrading the racetrack, including the racetrack walls ......................... 59,767

GALESBURG DIAGNOSTIC LABORATORY
For purchasing the facility ......................... 3,200,000

ILLINOIS STATE FAIRGROUNDS - SPRINGFIELD
(From Article 56, Section 1 of Public Act 92-8)
For renovating comfort stations, in addition to funds previously appropriated ................. 1,100,000
For upgrading the electrical system ......................... 966,300
For renovating the grandstand area ......................... 1,114,363
(From Article 56a, Section 1 of Public Act 92-8)
For renovating or replacing racehorse barns - Phase IV ......................... 1,646,366
For renovating the Emmerson Building ......................... 1,704,240
For renovating or replacing #26 Barn ......................... 775,773
For completing the HVAC system in the Administration Building, in addition to funds previously appropriated ......................... 119,129
For renovating the Junior Home Economics Building ......................... 1,020,702
For replacing and repairing roofs, Phase II ......................... 37,964
For installing HVAC system and restrooms in the Orr Building ......................... 228,211
For designing and constructing a complex to accommodate various outdoor events, including site development, utilities, permanent grandstands and portable bleachers, support facilities, vehicle and pedestrian access and related work ......................... 136,075
For replacing and renovating racehorse barns (Phase II) ......................... 79,840
For replacing and rehabilitaing roofs ......................... 9,070
Total $21,226,481

Section 1a. The following named amount, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from an appropriation

New matter indicated by italics - deletions by strikeout.
heretofore made for such purposes in Article 56, Section 1.1 of Public Act 92-8, as amended, is reappropriated from the Tobacco Settlement Recovery Fund to the Capital Development Board for the Department of Agriculture for the project hereinafter enumerated:

ILLINOIS STATE FAIRGROUNDS - SPRINGFIELD
(From Article 56, Section 1.1 of Public Act 92-8)
For upgrading the chemistry/seed laboratory systems ....................... $ 344,000
Total $344,000

Section 2. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2002, from appropriations and reappropriations heretofore made for such purposes in Article 56, Section 12 and Article 56a, Section 2 of Public Act 92-8, as amended, are reappropriated from the Capital Development Fund to the Capital Development Board for the Courts of Illinois for the projects hereinafter enumerated:

MT. VERNON APPELLATE COURT BUILDING
(From Article 56a, Section 2 of Public Act 92-8, as amended)
For expanding the courthouse ....................... $ 1,531,730
For expanding the courthouse, in addition to funds previously appropriated .................. 792,000

SPRINGFIELD - SUPREME COURT BUILDING
For replacing the roof ....................... 605,149
For renovating the HVAC system on the 3rd Floor ....................... 140,000
For installing humidifier and water filtration systems ....................... 1,570,950
For upgrading the library, in addition to funds previously appropriated .... 61,815
For replacing plumbing system .................. 159,638

APPELLATE COURT SECOND DISTRICT - ELGIN
(From Article 56, Section 12 of Public Act 92-8)
For miscellaneous improvements ....................... 539,784
Total $5,401,066

Section 2.1. The following named amount, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from reappropriations heretofore made for such purposes in Article 56a, Section 2.1 of Public Act 92-8, is reappropriated from the General Revenue Fund to the Capital Development Board for the projects hereinafter enumerated:

SUPREME COURT BUILDING - SPRINGFIELD
(From Article 56a, Section 2.1 of Public Act 92-8)
For tuckpointing and cleaning exterior .......... 34,698
Total $34,698

New matter indicated by italics - deletions by strikeout.
Section 2a. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2002, from appropriations and reappropriations heretofore made in Article 56, Section 12.1 and Article 56a, Section 2a of Public Act 92-8, are reappropriated from the Tobacco Settlement Recovery Fund to the Capital Development Board for the Courts of Illinois for the projects hereinafter enumerated:

**APPELLATE COURT BUILDING - ELGIN**

(From Article 56a, Section 2a of Public Act 92-8)

For various improvements, in addition to funds previously appropriated ............ $42,430
For replacing S-2 air conditioning unit ....... 159,386

**APPELLATE COURT THIRD DISTRICT - OTTAWA**

(From Article 56, Section 12.1 of Public Act 92-8)

For tuckpointing, repairing the exterior and replacing the roof, in addition to funds previously appropriated ................ 191,600
Total $393,416

Section 3. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2002, from appropriations and reappropriations heretofore made in Article 56, Section 13 and Article 56a, Section 3 of Public Act 92-8, approved May 17, 2000, as amended, are reappropriated from the Capital Development Fund to the Capital Development Board for the Office of the Secretary of State for the projects hereinafter enumerated:

**WILLIAM G. STRATTON BUILDING - SPRINGFIELD**

(From Article 56a, Section 3 of Public Act 92-8)

For the planning, design, reconstruction, and construction to renovate or replace the Stratton Office Building, in addition to funds previously appropriated ............ 11,582,631

**CAPITOL COMPLEX - SPRINGFIELD**

(From Article 56, Section 13 of Public Act 92-8)

For completing the stone restoration, in addition to funds previously appropriated .... 3,000,000
(From Article 56a, Section 3 of Public Act 92-8)
For replacing mechanical piping - Klein and Mason Warehouse......................... 58,850
For renovating the exterior of the Capitol and Howlett Buildings ...................... 741,484
For demolition of 222 S. College, and landscaping of Capitol Complex in addition to funds previously appropriated ..................... 1,200,000

New matter indicated by italics - deletions by strikeout.
For demolition of 222 South College
Building and landscaping of
Capitol Complex ........................... 2,387,894

STATE POWER PLANT - SPRINGFIELD
(From Article 56, Section 13 of Public Act 92-8)
For installing new water service and
repairing power plant systems ............... 80,000

STATEWIDE
(From Article 56, Section 13 of Public Act 92-8)
For replacing windows at the following
locations at the approximate cost set
forth below ............................... 1,705,969
Lexington Avenue Motor
Vehicle Facility ......................... 583,000
Martin Luther King, Jr. Dr.
Motor Vehicle Facility ............... 583,000
North Elston Motor
Vehicle Facility ....................... 584,000
Total $20,756,828

Section 3.2. The sum of $8,300,000, or so much thereof as may be necessary, and
remains unexpended at the close of business on June 30, 2002, from a reappropriation
heretofore made in Public Act 92-8, Article 56a, Section 3.2 is reappropriated from the
Capital Development Fund to the Capital Development Board for the Office of the Secretary
of State to construct a parking garage.

Section 4. The following named amounts, or so much thereof as may be necessary
and remain unexpended at the close of business on June 30, 2002, from appropriations and
reappropriations heretofore made for such purposes in Article 56, Section 2 and Article 56a,
Section 4 of Public Act 92-8, are reappropriated from the Capital Development Fund to the
Capital Development Board for the Department of Central Management Services for the
projects hereinafter enumerated:

JAMES R. THOMPSON CENTER - CHICAGO
(From Article 56, Section 2 of Public Act 92-8)
For upgrading mechanical systems, in
addition to funds previously appropriated..... $ 1,400,000
(From Article 56a, Section 4 of Public Act 92-8)
For upgrading mechanical systems ............ 1,403,062

MEDICAL CENTER (DCFS DISTRICT OFFICE) - CHICAGO
For replacing roof and upgrading
mechanical and electrical systems ............ 1,174,589

PARIS STATE GARAGE
(From Article 56, Section 2 of Public Act 92-8)
For replacing the roof and improving

New matter indicated by italics - deletions by strikeout.
the exterior ........................................ 380,000

PEORIA REGIONAL OFFICE BUILDING - PEORIA COUNTY
(From Article 56a, Section 4 of Public Act 92-8)
For rehabilitating the HVAC system .................. 123,841

ROCKFORD REGIONAL OFFICE BUILDING
For upgrading utilities ............................... 80,000

SPRINGFIELD STATE GARAGE
For renovating the interior of the central garage ...................... 553,953

RESEARCH AND COLLECTION CENTER - SPRINGFIELD
For expanding surplus warehouse .................... 3,043,289

ELGIN REGIONAL OFFICE BUILDING
For replacing the utility system ..................... 684,281

ILLINOIS CENTER FOR REHABILITATION AND EDUCATION ROOSEVELT ROAD - CHICAGO
For upgrading electrical systems ................... 898,048
For converting and renovating tub rooms ........ 221,816
For upgrading the HVAC system ..................... 152,189

ILLINOIS CENTER FOR REHABILITATION AND EDUCATION (WOOD) - CHICAGO
For upgrading fire and safety systems ............ 320,350

STATE OF ILLINOIS BUILDING - CHICAGO
For restoring exterior and rebuilding foundation .................. 1,540,901

OFFICE AND LAB BUILDING, CHICAGO MEDICAL CENTER
For planning and beginning the renovation of the facility .................. 1,952,304

SUBURBAN NORTH REGIONAL OFFICE BUILDING - DES PLAINES
(From Article 56, Section 2 of Public Act 92-8)
For planning and beginning rehabilitation of the exterior and upgrading the atrium ...................... 400,000
(From Article 56a, Section 4 of Public Act 92-8)
For renovating offices for Environmental Protection Agency, in addition to funds previously appropriated .................. 428,471
For renovation of Suburban North Regional Office Building (formerly Maine Township North High School building), in addition

New matter indicated by italics - deletions by strikeout.
to funds previously appropriated for such purpose, Phase III .....................

OTTAWA STATE GARAGE
For replacing state garage ...................... 102,803

COMPUTER FACILITY - SPRINGFIELD
For installing a cooling tower and fire alarm system and various other improvements ....... 397,846
For replacement of the halon fire suppression system ......................... 18,598

ASH STREET COMPLEX - MUSEUM AND COLLECTION CENTER - SPRINGFIELD
For replacement of the roofing system ........ 167,781

MARION REGIONAL OFFICE BUILDING
For replacing HVAC system and interior lighting ................................. 149,513
For construction of a Regional Office Building Addition ......................... 282,513

SPRINGFIELD REGIONAL OFFICE BUILDING
For replacing the potable water system ........ 483,924
For upgrading the parking lot .................. 56,063
Total $17,750,639

Section 4.1. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2002, from reappropriations heretofore made for such purposes in Article 56a, Section 4.1 of Public Act 92-8, are reappropriated from the General Revenue Fund to the Capital Development Board for the Department of Central Management Services for the projects hereinafter enumerated:

JAMES R. THOMPSON CENTER - CHICAGO
(From Article 56a, Section 4.1 of Public Act 92-8)
For restoring the exterior plaza ............ $ 78,933

CHICAGO MEDICAL CENTER - OFFICE AND LABORATORY
For rehabilitating exterior .................. 214,884

CHICAGO MEDICAL CENTER
ILLINOIS CENTER FOR REHABILITATION AND EDUCATION
For rehabilitating the pool area .......... 6,683

STATE OF ILLINOIS BUILDING - CHICAGO
For restoring exterior limestone and masonry ..................................... 50,424
Total $350,924

Section 4a. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2002, from appropriations heretofore made for such purposes in Article 56, Section 2.1 and Article 56a, Section 4a

New matter indicated by italics - deletions by strikeout.
of Public Act 92-8, are reappropriated from the Tobacco Settlement Recovery Fund to the Capital Development Board for the Department of Central Management Services for the projects hereinafter enumerated:

CHICAGO-READ - MEMORIAL CEMETERY
(From Article 56a, Section 4a of Public Act 92-8)
For upgrading site ......................... $ 92,177

ILLINOIS CENTER FOR REHABILITATION AND EDUCATION
(ROOSEVELT ROAD) - CHICAGO
(From Article 56, Section 2.1 of Public Act 92-8)
For tuckpointing exterior ...................... 1,027,900
(From Article 56a, Section 4a of Public Act 92-8)
For upgrading lighting & paging systems ...... 125,000
For constructing a parking lot ............... 457,846
Total $1,702,923

Section 5. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2002, from appropriations and reappropriations heretofore made for such purposes in Article 56, Section 8, and Article 56a, Section 5 of Public Act 92-8, are reappropriated from the Capital Development Fund to the Capital Development Board for the Department of Natural Resources for the projects hereinafter enumerated:

BABE WOODYARD STATE NATURAL AREA - VERMILION COUNTY
(From Article 56a, Section 5 of Public Act 92-8)
For developing the site and associated land acquisition ....................... $ 2,820,959

BEAVER DAM STATE PARK - MACOUPIN COUNTY
(From Article 56, Section 8 of Public Act 92-8)
For replacing the sewage system ............. 665,000
(From Article 56a, Section 5 of Public Act 92-8)
For rehabilitating dams, spillway, and boat access facilities .................. 369,611

CARLYLE LAKE STATE PARKS
For cabin construction and site improvements at Eldon Hazlet State Park, Phase II ............... 1,395,470
For road and site improvements at Carlyle Lake .......................... 1,500,000
For infrastructure and site improvements at Carlyle Lake .................. 2,617,312

CASTLE ROCK STATE PARK - OGLE COUNTY
(From Article 56, Section 8 of Public Act 92-8)
For rehabilitating the scenic

New matter indicated by italics - deletions by strikeout.
overlook and water system .......................... 1,776,901
(From Article 56a, Section 5 of Public Act 92-8)
For replacing maintenance building ........... 279,011

CHAIN O’ LAKES STATE PARK - MCHENRY COUNTY
For upgrading sewage treatment system ....... 990,847
For construction of a concession building
and upgrading the horse concession, in
addition to funds previously appropriated ... 18,554

ELDON HAZLET STATE PARK - CLINTON COUNTY
(From Article 56, Section 8 of Public Act 92-8)
For replacing the main waterline ............ 536,231

FORT MASSAC STATE PARK - MASSAC COUNTY
(From Article 56a, Section 5 of Public Act 92-8)
For reconstructing the fort .................. 4,116,053

GEOLOGICAL SURVEY-CHAMPAIGN
For constructing two pole
storage buildings ............................... 290,961

HENNEPIN CANAL PARKWAY STATE PARK AND ACCESS AREA
For rehabilitating aqueducts
#3, #4 and #8 ................................. 713,581
For stabilizing the feeder canal bank ....... 44,484
For replacement and rehabilitation
of arch culverts and canal .................... 62,483

HORSESHOE LAKE CONSERVATION AREA - ALEXANDER COUNTY
For dam rehabilitation and the State’s share
to implement the ecological restoration
plan in cooperation with the U.S.
Army Corps of Engineers, and
land acquisition ............................. 858,655
For construction of a pole building
and hunter check station ..................... 41,284

ILLINOIS BEACH STATE PARK - LAKE COUNTY
For replacing sanitary sewer line .......... 545,300
For rehabilitating lodge entrance ........... 18,422
For constructing an office building ........ 20,966
For replacing sanitary sewer lines .......... 457,978

JOHNSON SAUK TRAIL STATE PARK - HENRY COUNTY
For upgrading campground electrical ........ 35,380
For rehabilitation of the concession
building, in addition to funds
previously appropriated ..................... 62,818
For rehabilitation of the concession building .. 23,314

New matter indicated by italics - deletions by strikeout.
KANKAKEE RIVER STATE PARK - KANKAKEE/WILL COUNTIES
For constructing sanitary sewer system, in addition to funds previously appropriated .... 5,000,000

KANKAKEE STATE PARK - KANKAKEE COUNTY
For planning and constructing a sanitary sewer system ....................... 80,854

KASKASKIA RIVER FISH & WILDLIFE AREA
For providing electrical service .................. 44,123

KICKAPOO STATE PARK - VERMILION COUNTY
For rehabilitating the water system and day-use areas .......................... 978,520

LAKE LE-AQUA-NA STATE PARK - STEPHENSON COUNTY
For replacing sewage treatment plant ........... 359,672

LAKE MURPHYSBORO STATE PARK - JACKSON COUNTY
For replacing the district office building ........................................ 471,352

LINCOLN TRAIL STATE RECREATION AREA - CLARK COUNTY
For renovating the concession building .......................................... 765,125
For upgrading campground electrical and drainage ............................. 460,000
For rehabilitating the day use area and site ..................................... 1,163,909

LITTLE GRASSY FISH HATCHERY - WILLIAMSON COUNTY
For improving drainage discharge ................ 98,702

MASON STATE FOREST TREE NURSERY
For expanding the cold storage facility ........ 579,424
For expanding the seed cleaning facility .......... 662,000

MERMET LAKE CONSERVATION AREA - MASSAC COUNTY
For rehabilitating levee and well, in addition to funds previously appropriated .... 266,028

MORAINE HILLS STATE PARK - MCHENRY COUNTY
For renovation of the trail ......................... 86,975
For replacement of restrooms and upgrading the water system .................. 82,922

MORAINE VIEW STATE PARK - MCLEAN COUNTY
(From Article 56, Section 8 of Public Act 92-8)
For upgrading the water plant ...................... 180,000

MORRISON-ROCKWOOD STATE PARK
(From Article 56a, Section 5 of Public Act 92-8)
For improving the water system and rehabilitating the campground water ........... 406,998

New matter indicated by italics - deletions by strikeout.
PUBLIC ACT 92-0717

NATURAL HISTORY SURVEY - HAVANA
For renovating Forbes Biological Station ....... 451,366

NORTH POINT MARINA - LAKE COUNTY
For construction of a breakwater structure ....... 1,012,492

PERE MARQUETTE STATE PARK - JERSEY COUNTY
(From Article 56, Section 8 of Public Act 92-8)
For upgrading youth camp sewer system .......... 140,000
(From Article 56a, Section 5 of Public Act 92-8)

PRAIRIE RIDGE SANCTUARY NATURAL AREA
For replacing the Service & Hazardous Materials buildings and installing a fuel tank ................................. 304,944

RESEARCH & COLLECTIONS CENTER - SPRINGFIELD
For renovating the interior ......................... 991,000

ROCK CUT STATE PARK - WINNEBAGO COUNTY
For upgrading the sewage system ................. 2,039,178

NEW OFFICE BUILDING - SPRINGFIELD
For completing construction of an office building, in addition to funds previously appropriated .................. 1,339,287

SPRING GROVE FISHERIES CENTER - MCHENRY COUNTY
For planning and beginning renovation of hatchery .......................... 341,468

SPRINGFIELD
For constructing an office building and interpretive center .......................... 4,120,470

STARVED ROCK STATE PARK - LASALLE COUNTY
For construction of a visitors center, in addition to funds previously appropriated .... 607,975
For rehabilitating the sewer system ............... 357,431
For rehabilitating trails, in addition to funds previously appropriated ............ 30,205
For upgrading the HVAC system .................. 45,831

SOUTHERN ILLINOIS MINING OFFICE - BENTON
(From Article 56, Section 8 of Public Act 92-8)
For rehabilitating the facility ....................... 150,000

STARVED ROCK STATE PARK AND LODGE - LASALLE COUNTY
For upgrading water and sewer systems .......... 600,000

WASTE MANAGEMENT & RESEARCH CENTER
(From Article 56a, Section 5 of Public Act 92-8)
For constructing a garage and storage area .......................... 385,838

New matter indicated by italics - deletions by strikeout.
WHITE PINES FOREST STATE PARK - OGLE COUNTY
For planning and beginning lodge and cabin restoration ......................... 109,108

WILDLIFE PRAIRIE PARK
For planning and beginning the upgrade of the park ......................... 403,803

WILLIAM W. POWERS FISH & WILDLIFE AREA - COOK COUNTY
(From Article 56, Section 8 of Public Act 92-8)
For replacing sanitary sewer lines and lift station ..................... 870,550

TUNNEL HILL-CACHE RIVER STATE NATURAL AREA
(From Article 56a, Section 5 of Public Act 92-8)
For constructing a visitor center and purchasing land .............. 982,217

STATE MUSEUM RESEARCH AND COLLECTION CENTER - SPRINGFIELD
For the completion of site improvements ........ 190,582

STATE MUSEUM - SPRINGFIELD
(From Article 56, Section 8 of Public Act 92-8)
Plan, begin construction of Illinois State Museum .................. 3,600,000
(From Article 56a, Section 5 of Public Act 92-8)
For renovating or replacing exhibits, in addition to funds previously appropriated ....... 4,733,794
For planning and replacement of the main museum exhibits, in addition to funds previously appropriated .............. 99,729

STATEWIDE
(From Article 56, Section 8 of Public Act 92-8)
For constructing, replacing and renovating lodges and concession buildings .................... 6,624,000
For replacing roofs at the following locations, at the approximate cost set forth below ......
  Shabbona Lake State Park .......................... 525,000
  Hennepin Canal Parkway State Park .................. 155,000
  Randolph Fish & Wildlife Area ..................... 115,000
  Dixon Springs State Park .......................... 65,000
  (From Article 56a, Section 5 of Public Act 92-8)

New matter indicated by italics - deletions by strikeout.
For fabrication of visitors centers exhibit ......................... 427,060
For replacing and constructing vault toilets at the following locations, at the approximate cost set forth below ........................................ 1,749,122
Wayne Fitzgerrell State Park ........ 410,000
Goose Lake Prairie State Park .... 64,122
Wolf Creek State Park .......... 800,000
Hennepin Canal Parkway State Trail ..................... 425,000
Kaskaskia River Fish & Wildlife Area ...................... 50,000
For providing dump stations................. 200,000
For rehabilitating bridges at the following locations, at the approximate cost set forth below ........... 693,806
Rock Island Trail ............... 341,806
Frank Holten State Park ........ 260,000
Horseshoe Lake State Park .......... 67,000
Castle Rock State Park ........... 25,000
For rehabilitating dams at the following locations, at the approximate cost set forth below .......... 1,032,662
Ramsey Lake State Park .......... 176,662
Rock Cut State Park ............ 450,000
Snakeden Hollow State Park ........ 406,000
For replacing roofs at the following locations, at the approximate cost set forth below ............... 1,129,384
Southern IL Arts & Crafts Center ............... 272,384
Frank Holten State Park ........... 45,000
DNR Geological Survey-Champaign .............. 124,000
Sangchris Lake State Park ........ 5,000
Illini State Park .................. 125,000
Shelbyville Fish & Wildlife Area ........... 100,000
Trail of Tears State Forest .............. 130,000

New matter indicated by italics - deletions by strikeout.
<table>
<thead>
<tr>
<th>Location</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sanganois Conservation Area</td>
<td>35,000</td>
</tr>
<tr>
<td>Rice Lake State Park</td>
<td>75,000</td>
</tr>
<tr>
<td>Hidden Spring State Park</td>
<td>60,000</td>
</tr>
<tr>
<td>Siloam Springs State Park</td>
<td>10,000</td>
</tr>
<tr>
<td>Mississippi Palisades State Park</td>
<td>148,000</td>
</tr>
</tbody>
</table>

For replacing roofing systems at the following locations, at the approximate cost set forth below:

- **Sanganois Conservation Area**
  - Wabash County .................................. 3,000
- **Eldon Hazlet State Park**
  - Clinton County .............................. 14,000
- **Fox Ridge State Park**
  - Coles County ............................. 21,532
- **Giant City State Park**
  - Jackson/Union Counties .................. 14,000
- **Goose Lake Prairie State Park**
  - Grundy County .......................... 10,000
- **Hennepin Canal Parkway State Trail**
- **Illinois Beach State Park**
  - Lake County ............................. 150,000
- **Illinois Caverns Natural Area**
  - Monroe County .......................... 21,000
- **Kankakee River State Park**
  - Kankakee/Will Counties .............. 40,000
- **Moraine Hills State Park**
  - McHenry County ....................... 23,000
- **Moraine View State Park**
  - McLean County ......................... 4,000
- **Ramsey Lake State Park**
  - Fayette County .......................... 1,000
- **Randolph County Conservation Area**
- **Stephen A. Forbes State Park**
  - Marion County ........................... 7,000
- **Ten Mile Creek State Fish & Wildlife Area**
  - Jefferson/Hamilton Counties ........... 21,000
- **Union County Conservation Area**
  - Washington County Conservation Area.. 10,000
- **William W. Powers Conservation Area**
  - Cook County .............................. 34,000

New matter indicated by italics - deletions by strikeout.
Wolf Creek State Park -
Shelby County ...................... 1,000
For replacing vault toilets at the following locations, at the approximate cost set forth below ........................................ 446,441
Anderson Lake Conservation Area -
Fulton/Schuyler Counties ...........
Giant City State Park -
Jackson/Union Counties .......... 196,068
Randolph County Conservation Area ....
Silver Springs State Park -
Kendall County ..................... 12,215
For replacing roofing systems at the following locations at the approximate costs set forth below ........................ 38,824
Silver Springs State Park, Three Buildings ......................... 33,679
Weldon Springs State Park, Nine Buildings ....................... 5,145
For constructing vault toilets at the following locations at the approximate costs set forth below ........................ 229,441
Cave-In-Rock State Park ........... 94,265
Golconda/Rauchfuss Hill ........... 72,360
Prophetstown State Park .......... 53,437
William W. Powers State Park ...... 9,379
For constructing hazardous material storage buildings ...................... 200,964
For replacing concession buildings and upgrading support facilities at the following locations at the approximate costs set forth below: ......................... 456,612
Kickapoo State Park .............. 319,890
Rock Cut State Park .............. 114,900
Stephen A. Forbes State Park ....... 21,822
For constructing vault toilets at the following locations at the approximate cost set forth below: ......................... 501,126
Apple River Canyon State Park ...... 221,246
Des Plaines Conservation Area ....... 66,000
Kankakee River State Park ........... 31,780
Lake Le-Aqua-Na State Park .......... 115,000

New matter indicated by italics - deletions by strikeout.
Marshall County Conservation Area ..... 30,000
Morrison-Rockwood State Park .......... 100
Rice Lake Conservation Area .......... 37,000

For replacing roofing systems and structural
repairs at the following locations at the
approximate costs set forth below: ........ 33,338
Mine Rescue Station, One building ..... 7,234
Castle Rock State Park,
One building ......................... 2,000
Dixon Springs State Park,
Three buildings ...................... 1,060
Cave-In-Rock State Park,
One building ......................... 1,060
Ferne Clyffe State Park,
One building ......................... 1,060
Hamilton County Conservation
Area, One building ................... 15,000
Lake Murphysboro State Park
Two buildings ......................... 1,060
Red Hills State Park, Two
buildings ......................... 1,060
Fox Ridge State Park, Six
buildings ......................... 1,060
Shelbyville Fish and Wildlife
Area, Two buildings ................. 1,060
Newton Lake Fish and Wildlife
Area, One building ................... 1,684

For repair or replacement of roofs and
parapet walls and reconstruction of
chimneys at the following locations
at the approximate costs set forth below ..... 509,923
Geological Survey - Applied Lab ..... 186,375
Water Survey - Eight Buildings ....... 46,000
Natural History Survey - Natural
Resources Studies Annex ............. 67,000
Geological Survey - Natural
Resources Building .................. 64,000
Water Survey - Parapet walls at
Buildings No. 4, 5 and 6 .......... 10,000
Dickson Mounds - Exterior restroom
and picnic shelter ................. 14,530
Jake Wolf Fish Hatchery ............ 122,018

New matter indicated by italics - deletions by strikeout.
For land acquisition .................................. 280,169
For construction of hazardous material
storage buildings ................................. 66,293
For planning, construction, reconstruction,
land acquisition and related costs,
utilities, site improvements, and all other
expenses necessary for various capital
improvements at parks, conservation areas,
and other facilities under the jurisdiction
of the Department of Natural Resources ....... 2,122,014
Total $73,555,158

Section 5.1. The sum of $3,000,000, or so much thereof as may be necessary, and
remains unexpended at the close of business on June 30, 2002, from a reappropriation
heretofore made in Article 56a, Section 5.1 of Public Act 92-8, as amended, is reappropriated
from the Capital Development Fund to the Capital Development Board for a grant to the
City of Chicago for acquiring land, planning and beginning construction of a visitor center
at Lake Calumet.

Section 5.2. The following named amounts, or so much thereof as may be necessary
and remain unexpended from reappropriations heretofore made for such purposes in Article
56a, Section 5.2 of Public Act 92-8, are reappropriated from the General Revenue Fund to
the Capital Development Board for the Department of Natural Resources for the projects
hereinafter enumerated:
(From Article 56a, Section 5.2 of Public Act 92-8)

**DICKSON MOUNDS MUSEUM - LEWISTOWN**

For planning and beginning repair of
exterior walls ................................. $ 19,565

**FOX RIDGE STATE PARK - COLES COUNTY**

For rehabilitating historic structures ......... 163,051

**HENNEPIN CANAL PARKWAY - ROCK ISLAND COUNTY**

For rehabilitating Aqueduct #6 ................. 60,228

**SPRING GROVE HATCHERY - MCHENRY COUNTY**

For upgrading the septic system ............... 30,000

**STATEWIDE**

For rehabilitating or replacing
playground equipment .......................... 69,232
For rehabilitating or replacing playground
equipment ........................................ 35,184
For rehabilitation of trail systems ............ 73,019
Total .............................................. $450,279

Section 5.3. The sum of $200,000, or so much thereof as may be necessary and
remains unexpended at the close of business on June 30, 2002, from a reappropriation
heretofore made in Article 56a, Section 5.3 of Public Act 92-8, is reappropriated from the
Capital Development Fund to the Capital Development Board for a grant to the City of Carlyle for all costs associated with resort development at Carlyle Lake.

Section 5a. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2002, from appropriations heretofore made for such purposes in Article 56, Section 8.1 and Article 56a, Section 5a of Public Act 92-8, are reappropriated from the Tobacco Settlement Recovery Fund to the Capital Development Board for the Department of Natural Resources for the projects hereinafter enumerated:

**STATEWIDE PROGRAM**

(From Article 56, Section 8.1 of Public Act 92-8)
For maintaining lodge and concession facilities ........................................... $ 450,022

(From Article 56a, Section 5a of Public Act 92-8)
For maintaining lodge and concession facilities ....................... 79,486
For rehabilitating or replacing playground equipment .............. 1,120,000
For land acquisition relocation costs ................................. 100,000
For nature preserve boundary fence and survey .................... 405,000

**DICKSON MOUNDS MUSEUM - LEWISTOWN**
For renovating E. Waterford School .................. 562,520

**GRUBB HOLLOW PRAIRIE - PIKE COUNTY**
For constructing a parking lot & kiosk and developing trails ............. 10,000

**ILLINOIS BEACH STATE PARK - LAKE COUNTY**
(From Article 56, Section 8.1 of Public Act 92-8)
For stabilizing the shoreline ....................... 400,000
(From Article 56a, Section 5a of Public Act 92-8)
For stabilizing the shoreline ...................... 60,931

**KASKASKIA BIO STATION-MOULTRIE COUNTY**
For renovating buildings ............................. 684,600

**KASKASKIA RIVER FISH & WILDLIFE AREA - RANDOLPH COUNTY**
For providing boat access safety improvements ...................... 210,000

**LASALLE FISH & WILDLIFE AREA - LASALLE COUNTY**
For upgrading fish-holding and water systems ....................... 262,157

**LITTLE GRASSY FISH HATCHERY - WILLIAMSON COUNTY**
For replacing fish collection kettles ............ 107,066

**NAUVOO STATE PARK - HANCOCK COUNTY**

New matter indicated by italics - deletions by strikeout.
For renovating the Reinberger Museum ........ 205,300

PRAIRIE RIDGE SANCTUARY NATURAL AREA

For upgrading electrical
and providing insulation ..................... 112,346

RAMSEY LAKE STATE PARK - FAYETTE COUNTY

For replacing fjords .......................... 150,000

REAVIS SPRING HILL PRAIRIE NATURE PRESERVE - MASON COUNTY

For developing natural resources
protection ...................................... 50,000

JAMES R. THOMPSON CENTER - CHICAGO

For renovating the art gallery ............... 416,017

WAYNE FITZGERRELL STATE PARK - JEFFERSON COUNTY

(From Article 56, Section 8.1 of Public Act 92-8)
For stabilizing the watershed shoreline ...... 671,945

Total $6,057,390

Section 6. The following named amounts, or so much thereof as may be necessary
and remain unexpended at the close of business on June 30, 2002, from appropriations and
reappropriations heretofore made for such purposes in Article 56, Section 3, and Article 56a,
Section 6 of Public Act 92-8, as amended, are reappropriated from the Capital Development
Fund to the Capital Development Board for the Department of Corrections for the projects
hereinafter enumerated:

CENTRALIA CORRECTIONAL CENTER
(From Article 56, Section 3 of Public Act 92-8)
For planning upgrade of electrical system ...... $ 200,000
For upgrading building automation system ...... 1,100,000

DANVILLE CORRECTIONAL CENTER

For planning upgrade of the boilers .......... 244,800

DECATUR WOMEN'S CORRECTIONAL CENTER
(From Article 56a, Section 6 of Public Act 92-8)
For the planning and conversion of
Meyer Mental Health Center into a
correctional facility ......................... 67,403

DIXON CORRECTIONAL CENTER
(From Article 56, Section 3 of Public Act 92-8)
For planning the upgrade and expansion
of the medical care facility ................... 1,200,000
(From Article 56a, Section 6 of Public Act 92-8)
For constructing a gun range and
classroom building .......................... 426,687

DUTCHESS CORRECTIONAL CENTER

For renovating C9 and Old Hospital ........... 3,701,200
For renovating Housing Unit C8, in

New matter indicated by italics - deletions by strikeout.
addition to funds previously appropriated ........................................ 270,000
For upgrading the water treatment plant ............... 279,806
For renovating buildings, in addition to funds previously appropriated .......... 274,847
For constructing a gatehouse and sally port and upgrading the security system ........................................ 218,523
For renovation of buildings ....................... 32,161

**EAST MOLINE CORRECTIONAL CENTER**
(From Article 56, Section 3 of Public Act 92-8)
For replacing windows .................. 605,000
(From Article 56a, Section 6 of Public Act 92-8)
For replacing the chiller/absorber .......... 387,700
For upgrading fire alarm and building automation systems .......................... 477,795
For upgrading the electrical system .............................. 778,354

**HANNA CITY WORK CAMP**
For upgrading electrical system .......... 70,719

**GRAHAM CORRECTIONAL CENTER**
(From Article 56, Section 3 of Public Act 92-8)
For planning upgrade of building automation system and fire alarm system ............... 200,000
For upgrading electrical system .................. 1,974,296

**HILL CORRECTIONAL CENTER - GALESBURG**
(From Article 56a, Section 6 of Public Act 92-8)
For upgrading electrical system ............ 121,791

**HOPKINS PARK**
For infrastructure improvements in connection with the Hopkins Park Correctional Center .................. 8,176,670

**ILLINOIS RIVER CORRECTIONAL CENTER - CANTON**
For replacing warehouse freezers ............ 139,969

**ILLINOIS YOUTH CENTER - KEWANEE - HENRY COUNTY**
For constructing a 60-bed inmate housing addition .................. 3,939,770

**ILLINOIS YOUTH CENTER - ST. CHARLES**
For constructing an R & C building and other improvements .................. 33,642,017
For upgrading plumbing system and replacing

New matter indicated by italics - deletions by strikeout.
toilets and sinks ............................ 403,117
For planning and beginning the upgrade of existing facility ................... 268,643

ILLINOIS YOUTH CENTER - HARRISBURG
(From Article 56, Section 3 of Public Act 92-8)
For constructing a multi-purpose medical, vocational and confinement building ........ 10,250,000
(From Article 56a, Section 6 of Public Act 92-8)
For upgrading mechanical control system ........ 161,127

ILLINOIS YOUTH CENTER - JOLIET
(From Article 56, Section 3 of Public Act 92-8)
For replacing rooftop units at Administration Building ......................... 195,000

ILLINOIS YOUTH CENTER - RUSHVILLE
(From Article 56a, Section 6 of Public Act 92-8)
For planning, design, construction, equipment and all other necessary costs to add a cellhouse ......................... 12,077,980

ILLINOIS YOUTH CENTER - VALLEY VIEW
For replacing boilers, controls, hot water heaters and softeners in residential units and administration building .............................. 203,038

ILLINOIS YOUTH CENTER - WARRENVILLE
(From Article 56, Section 3 of Public Act 92-8)
For upgrading site utilities ..................... 345,000
(From Article 56a, Section 6 of Public Act 92-8)
For rehabilitation of the administration building .................................... 742,084

JOLIET CORRECTIONAL CENTER
(From Article 56, Section 3 of Public Act 92-8)
For replacing the transfer switch and emergency generator ..................... 980,000
(From Article 56a, Section 6 of Public Act 92-8)
For correcting erosion and stabilizing the masonry wall .................... 398,354

LAWRENCE COUNTY CORRECTIONAL CENTER - LAWRENCEVILLE
For constructing two cellhouses, in addition to funds previously appropriated .... 760,820

LINCOLN CORRECTIONAL CENTER
(From Article 56, Section 3 of Public Act 92-8)
For replacing water supply lines ............... 1,121,300

New matter indicated by italics - deletions by strikeout.
LOGAN CORRECTIONAL CENTER
(From Article 56a, Section 6 of Public Act 92-8)
For constructing a medical building
and dietary building ...................... 10,989,246

MENARD CORRECTIONAL CENTER - CHESTER
(From Article 56, Section 3 of Public Act 92-8)
For replacing the Administration
Building .................................... 1,000,000
For replacing the sally port .................. 925,000
(From Article 56a, Section 6 of Public Act 92-8)
For stabilizing dam, in addition to funds
previously appropriated ..................... 462,231
For correcting slope failure & MSU
improvements .............................. 446,365
For upgrading electrical distribution
system ....................................... 1,869,755
For replacing the HVAC system ............. 457,493
For improving ventilation and dehumidification
systems in the kitchen and dining rooms ...... 95,303
For replacing shower room and guard tower ...... 102,641
For upgrading mechanical bar screen and storm
and sanitary sewer system ................ 215,550
For completing upgrade of North Cellhouse
plumbing system, in addition to funds
previously appropriated .................. 207,248
For replacing toilets and waste lines
at E/W Cellhouse and upgrade
North Cellhouse plumbing ................. 442,832
For renovation or replacement of the
Old Hospital Building, in addition to
funds previously appropriated ........... 2,819,184
For replacing Boiler #2, in addition
to funds previously appropriated ........ 19,450
For replacement of the chimney stack and
boilers, in addition to funds previously
appropriated ............................. 87,501
For planning and construction of the
Administration Building ................... 1,200,000

PONTIAC CORRECTIONAL CENTER
For expanding the main sally port ............ 400,000
For renovating the exterior of North/
South Cellhouses ......................... 552,172

New matter indicated by italics - deletions by strikeout.
For completing replacement of hot water lines, in addition to funds previously appropriated 565,233
For renovation of main sally port 270,405

SHERIDAN CORRECTIONAL CENTER
(From Article 56, Section 3 of Public Act 92-8)
For upgrading electrical system and installing a generator 905,000
(From Article 56a, Section 6 of Public Act 92-8)
For upgrading the storm sewers 103,661
For replacing doors and locks 145,936

SOUTHWESTERN CORRECTIONAL CENTER
(From Article 56, Section 3 of Public Act 92-8)
For replacing sewer lines 398,084

STATEVILLE CORRECTIONAL CENTER - JOLIET
For replacing windows in Cellhouse B, in addition to funds previously appropriated 2,500,000
(From Article 56a, Section 6 of Public Act 92-8)
For planning and beginning renovation of H & I houses 402,088
For replacing the water line 3,220,795
For upgrading electrical system in "B" House 1,428,300
For constructing a housing unit, cellhouse, vehicle maintenance building and warehouse for the reception and classification center, in addition to funds previously appropriated 4,873,743
For replacing windows in B House 2,876,644
For replacing cell fronts in F House 941,480
For upgrading plumbing system in F House, in addition to funds previously appropriated 3,497,820
For replacing power plant and utility distribution system 4,739,578
For planning, design, construction, equipment and all other necessary costs for an Adult Reception and Classification Center 16,817,412
For upgrading storm drainage and wastewater systems 1,088,016

New matter indicated by italics - deletions by strikeout.
For upgrading electrical system and elevator
and installing HVAC system ..................... 1,179,600

TAYLORVILLE CORRECTIONAL CENTER
For upgrading shower ventilation system ....... 20,085

THOMSON CORRECTIONAL CENTER
For constructing three cellhouses and
expanding educational and vocational
space, in addition to funds previously
appropriated ........................................... 10,786,381

VANDALIA CORRECTIONAL CENTER
For constructing a multi-purpose program
building .................................................. 358,528
For converting Administration Building and
planning construction of an Administration/
Health Care Unit ................................. 455,520
For upgrading the primary water
distribution system .............................. 383,142
For planning and beginning construction
for a slaughter house and meat plant ........... 253,995
For repairing exterior masonry, in addition
to funds previously appropriated ............. 229,502

VIENNA CORRECTIONAL CENTER
(From Article 56, Section 3 of Public Act 92-8)
For upgrading the HVAC system and replacing
water lines in six housing units .............. 1,770,018
(From Article 56a, Section 6 of Public Act 92-8)
For replacing windows, in addition to
funds previously appropriated ............. 236,201
For completing upgrade of the steam
distribution system, in addition to
funds previously appropriated ............. 216,179
For upgrading electrical system and
installing emergency generator .............. 51,270
For renovating the kitchen ................... 350,157
For upgrading the steam distribution system
and renovation of Powerhouse, in addition
to funds previously appropriated .......... 131,139
For upgrading air conditioning system
and replacement of cooling tower ............. 109,384

WESTERN ILLINOIS CORRECTIONAL CENTER - MT. STERLING
For replacing warehouse freezers .......... 146,900

STATEWIDE

New matter indicated by italics - deletions by strikeout.
(From Article 56, Section 3 of Public Act 92-8)

For replacing doors and locks

at the following locations at the
approximate costs set forth below ...........

Dixon Correctional Center .......... 4,091,162
Hill Correctional Center .......... 1,300,000
Sheridan Correctional Center ...... 500,000
Vienna Correctional Center ........ 1,300,000

For replacing roofing systems at
the following locations at the
approximate cost set forth below ............

Illinois Youth Center - St. Charles ........ 991,162
Illinois Youth Center - Warrenville ........ 690,000
Logan Correctional Center .......... 100,000
Illinois River Correctional Center .......... 260,000
Taylorville Correctional Center .......... 330,000
Western Illinois Correctional Center .......... 823,800

For upgrading showers at the following
locations at the approximate
cost set forth below ..................

Hill Correctional Center .......... 3,233,800
Illinois River Correctional Center .......... 1,140,000
Taylorville Correctional Center .......... 635,000
Western Illinois Correctional Center .......... 823,800

For upgrading water distribution systems at
the following locations at the approximate
cost set forth below ..................

Dixon Correctional Center .......... 2,950,503
Joliet Correctional Center .......... 1,500,000

For upgrading water towers at the following
locations at the approximate
cost set forth below ..................

Dixon Correctional Center .......... 4,400,000
Illinois Youth Center - St. Charles .......... 2,800,000
Illinois Youth Center - St. Charles .......... 1,300,000

New matter indicated by italics - deletions by strikeout.
Valley View ........................ 300,000  
(From Article 56a, Section 6 of Public Act 92-8)  
For planning, design, construction, equipment  
and all other necessary costs for a  
maximum security facility .................... 126,120,700  
For planning a medium security facility  
and land acquisition ....................... 4,583,534  
For replacing locks and control panels  
at the following locations at the  
approximate costs set forth below ............ 2,509,381  
  Illinois River  
  Correctional Center .................... 850,000  
  Western Illinois  
  Correctional Center .................... 850,000  
  Danville Correctional  
  Center ............................... 809,381  
For replacing roofing systems at  
the following locations at the  
approximate cost set forth below .......... 1,453,783  
  Menard Correctional Center ............ 157,883  
  Vienna Correctional Center ............ 81,100  
  Illinois Youth Center -  
  Harrisburg ......................... 43,800  
  Dixon Correctional Center .......... 500,000  
  Pontiac Correctional Center ......... 440,000  
  Illinois Youth Center - Joliet ...... 231,000  
For replacing or upgrading security and  
monitoring systems at the following  
locations at the approximate cost set  
forth below ............................. 478,706  
  Vienna Correctional  
  Center ............................... 250,000  
  Pontiac Correctional  
  Center ............................... 200,000  
  Joliet Correctional  
  Center .............................. 28,706  
For planning and replacing windows at the  
following locations at the approximate cost  
set forth below .......................... 2,993,234  
  Vienna Correctional  
  Center ............................. 1,780,000  
  Sheridan Correctional

New matter indicated by italics - deletions by strikeout.
For upgrading and renovating showers at the following locations at the approximate cost set forth below

- Shawnee Correctional Center..........................785,847
- Danville Correctional Center.........................734,115
- Graham Correctional Center..........................200,000
- Centralia Correctional Center.........................175,000

For replacing security fencing at the following locations at the approximate cost set forth below

- Hill Correctional Center..............................379,153
- Western IL Correctional Center.......................129,829
- Joliet Correctional Center..............................49,119
- Logan Correctional Center.............................200,000
- Dixon Correctional Center.............................100,000
- Shawnee Correctional Center...........................100,000
- Graham Correctional Center...........................89,000
- Danville Correctional Center..........................100,000

For upgrading roads and parking lots at the following locations at the approximate cost set forth below

- 660,647
Dwight Correctional Center .............................. 443,773
Illinois Youth Center - Valley View .......................... 216,874
For planning, design, construction, equipment and all other necessary costs for a female multi-security level correctional center .......................... 78,054,054
For replacing roofing systems at the following locations at the approximate cost set forth below .................. 259,016
   Vienna Correctional Center ...........
   Sheridan Correctional Center ...........
For replacing or installing mechanical bar screens at the following locations at the approximate cost set forth below .................. 117,976
   Graham Correctional Center - Hillsboro ..............
   Western Illinois Correctional Center - Mt. Sterling ....
For upgrading security control systems and panels in housing units at the following locations at the approximate cost set forth below .................. 3,753,580
   Danville Correctional Center ........
   Hill Correctional Center - Galesburg ..............
   Western Illinois Correctional Center - Mt. Sterling ....
   Illinois River Correctional Center - Canton ..............
   Shawnee Correctional Center - Vienna ..............
For planning, design, construction, equipment and all other necessary costs for a juvenile facility .................. 14,778,129
For replacing locks and doors at the following locations at the approximate cost set forth below .................. 118,621
   Dwight Correctional Center ........
   Illinois River Correctional Center - Canton ..............

New matter indicated by italics - deletions by strikeout.
IYC - Joliet ......................... 3,785
IYC - Pere Marquette - Grafton ...... 7,987

For replacing roofing systems at the following locations at the approximate cost set forth below .............................. 493,218
Dixon Correctional Center,
four buildings ................. 173,370
IYC - St. Charles, two buildings ...
Joliet Correctional Center,
six buildings .................... 62,335
Logan Correctional Center - Lincoln
three buildings ................... 8,086
Menard Correctional Center - Chester
six buildings ..................... 24,738
Pontiac Correctional Center,
one building ....................... 31,189

For inspecting and upgrading water towers at the following locations at the approximate costs set forth below ................... 675,230
Dixon Correctional Center,
Upgrade Water Tower .......... 369,928
Graham Correctional Center - Hillsboro
Upgrade Water Tower .......... 62,524
Joliet Correctional Center,
Upgrade Water Tower .......... 76,108
Logan Correctional Center - Lincoln
Complete Water Tower Upgrade ...... 13,000
Menard Correctional Center - Chester
Upgrade Water Tower .......... 22,443
Stateville Correctional Center - Joliet
Upgrade Water Tower .......... 36,112
Statewide, Inspect and Upgrade
Water Towers .................... 95,115

For upgrading fire and safety systems at the following locations at the approximate costs set forth below, in addition to funds previously appropriated ................ 2,619,002
Menard Correctional Center -
Chester ......................... 1,854,559
Sheridan Correctional Center ...... 295,481
Vienna Correctional Center ....... 468,962

For replacing roofing systems at the

New matter indicated by italics - deletions by strikeout.
following locations at the approximate costs set forth below: ......................
East Moline Correctional Center,
Three buildings ......................
Graham Correctional Center, Hillsboro
Seven buildings ......................
Sheridan Correctional Center, LaSalle
Three buildings ......................

For replacing doors and locks at the following locations at the approximate costs set forth below: ......................
IYC - St. Charles ...................
Lincoln Correctional Center ........
Jacksonville Correctional Center ..... 
Sheridan Correctional Center ........

For upgrading fire safety systems at the following locations at the approximate costs set forth below, in addition to funds previously appropriated: ...............
Menard Correctional Center ........
Pontiac Correctional Center ......
Stateville Correctional Center ....

For upgrading water and wastewater systems at the following locations at the approximate costs set forth below: ....
Big Muddy Correctional Center for installing mechanical bar screen ......................
Centralia Correctional Center for upgrading water treatment plant ...................
East Moline Correctional Center for upgrading sewer system ..........
Ed Jenison Work Camp (Paris) for installing mechanical bar screen ......................
IYC - Harrisburg for upgrading water distribution system ........
Kankakee MSU for constructing well #2 ......................
IYC - St. Charles for upgrading sewage/storm system ..............

New matter indicated by italics - deletions by strikeout.
IYC - Valley View for installing mechanical bar screen ............ 11,774
For correction of deficiencies in water systems at three correctional facilities ................................. 76,555
For replacement of locks, windows and doors at the following locations as set forth below: ......................... 211,416
  IYC Harrisburg ........................ 9,684
  IYC Joliet .......................... 1,000
  Menard ............................ 177,562
  IYC Valley View .................... 22,170
  Vienna ............................. 1,000
For planning, design, construction, equipment and other necessary costs for a Maximum Security Correctional Center, in addition to funds previously appropriated ......................... 125,851
For planning, design, construction, equipment and other necessary costs for a Correctional Facility for juveniles ............................... 437,994
For planning, design, construction, equipment and other necessary costs for a Medium Security Correctional Facility ...................... 481,161
For correcting defects in the food preparation areas, including roofs .................. 108,588
For replacement of roofs at various Department of Corrections locations .................. 31,724
For roof replacement at the following locations at the approximate costs set forth below: ................... 179,437
  Graham Correctional Center
    Five buildings .................... 6,543
  Graham Correctional Center
    Thirty-two buildings ............. 6,000
  Menard Correctional Center
    Warehouse Building ............... 26,000
  Menard Correctional Center
    Five buildings .................... 70,394
  Pontiac Correctional Center

New matter indicated by italics - deletions by strikeout.
Eight buildings .................... 6,500
Sheridan Correctional Center
Six buildings ...................... 16,000
Stateville Correctional Center
Seven buildings .................... 24,000
Ill Youth Center-Valley View
Administration Building and
Kitchen Addition ................... 24,000
Total $435,043,526

Section 6.1. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2002, from reappropriations heretofore made for such purposes in Article 56a, Section 6.1 of Public Act 92-8, are reappropriated from the General Revenue Fund to the Capital Development Board for the Department of Corrections for the projects hereinafter enumerated:
(From Article 56a, Section 6.1 of Public Act 92-8)

STATEWIDE

For energy conservation improvements at the following locations at the approximate costs set forth below: $32,218
Dwight Correctional Center ........ 6,000
Joliet Correctional Center
School Building .................... 1,000
Menard Psychiatric Center
Randolph Hall ....................... 1,000
Stateville Correctional Center
Law Library ........................ 7,400
Pontiac Correctional Center ....... 15,093
Vienna Correctional Center ........ 1,725

For upgrading doors and locking systems at the following locations at the approximate costs set forth below: 532,710
Illinois Youth Center-Warrenville
For replacement of doors and locking systems .......... 532,710
Total $564,928

Section 6.2. The amount of $400,687, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made for such purposes in Article 56a, Section 6.2 of Public Act 92-8, is reappropriated from the General Revenue Fund to the Capital Development Board for the Department of Corrections for the projects hereinafter enumerated at the approximate costs set forth below:
Danville Correctional Center -

New matter indicated by italics - deletions by strikeout.
For upgrading the hot water
distribution system .................. $1,000
Stateville Correctional Center-
For upgrading the plumbing systems in
four buildings .................... 384,659
Menard Correctional Center -
For planning and to begin upgrading
the plumbing systems in two
buildings .......................... 12,394
Pontiac Correctional Center -
For upgrading the mechanical systems
and renovation of shower rooms ...... 37,934

Section 7. The following named amounts, or so much thereof as may be necessary
and remain unexpended at the close of business on June 30, 2002, from appropriations
and reappropriations heretofore made for such purposes in Article 56, Section 4, and Article
56a, Section 7 of Public Act 92-8, are reappropriated from the Capital Development Fund
to the Capital Development Board for the Historic Preservation Agency for the projects
hereinafter enumerated:

BISHOP HILL HISTORIC SITE - HENRY COUNTY
(From Article 56, Section 4 of Public Act 92-8)
For restoring interior and exterior ........ $ 500,000
(From Article 56a, Section 7 of Public Act 92-8)
For rehabilitating Bjorkland Hotel .......... 904,535

BLACKHAWK STATE HISTORIC SITE
For rehabilitating lodge .................... 1,097,426
For a grant to the City of Rock Island
to relocate the existing sewer line ........ 120,000

BRYANT COTTAGE STATE MEMORIAL - BEMENT
For rehabilitating interior and exterior ...... 209,030

CAHOKIA COURTHOUSE STATE MEMORIAL - CAHOKIA
For providing structural stabilization ....... 274,683
For renovation of the Cahokia Courthouse
and the Jarrot House ...................... 59,600

CAHOKIA MOUNDS HISTORIC SITE - COLLINSVILLE
For replacement of Monk's Mounds stairs .. 339,695
For restoration of Monk's Mound ............ 1,009,932
For purchasing private land within historic
site boundary .......................... 189,979

DAVID DAVIS HOME
To acquire a residence to be
converted to a Visitors Center .............. 249,400

FORT DE CHARTRES HISTORIC SITE - RANDOLPH COUNTY

New matter indicated by italics - deletions by strikeout.
For rehabilitating the stone gatehouse
wall and foundation ............................... 729,655
Restore powder magazine .......................... 173,648

GALENA HISTORIC SITE
For structural stabilization and
rehabilitation of five historic
structures in the Grant Home District
including the Biesman, Nolan, Gill,
Coville, and Donegan houses ................. 377,131

JARROT MANSION STATE HISTORICAL SITE
For restoring the mansion, site improvements
and land acquisition, in addition
to funds previously appropriated .................. 1,644,865

LEWIS AND CLARK STATE MEMORIAL -
MADISON COUNTY
For constructing interpretive center,
and development of the historic site
in addition to funds previously
appropriated ........................................... 97,861

LINCOLN'S TOMB/VIETNAM MEMORIAL - SPRINGFIELD
For rehabilitating site and providing
irrigation system ........................................ 246,247

LINCOLN-HERNDON LAW OFFICE - SPRINGFIELD
For rehabilitating interior and exterior ....... 710,003

LINCOLN LOG CABIN HISTORIC SITE -
COLES COUNTY
For constructing visitors center, Phase II,
and developing day use area ....................... 428,803

LINCOLN'S NEW SALEM HISTORIC SITE - MENARD COUNTY
(From Article 56, Section 4 of Public Act 92-8)
For rehabilitating the saw and grist mill, in
addition to funds previously appropriated..... 750,000
(From Article 56a, Section 7 of Public Act 92-8)
For renovating village entrance and
completing visitors center ......................... 50,639

LINCOLN PRESIDENTIAL CENTER - SPRINGFIELD
(From Article 56, Section 4 of Public Act 92-8)
For constructing library and museum, in
addition to funds previously appropriated .... 49,993,476
(From Article 56a, Section 7 of Public Act 92-8)
For constructing a Lincoln Presidential

New matter indicated by italics - deletions by strikeout.
Library ...................................... 26,758,158
For planning and beginning the Lincoln
Presidential Center, in addition to
funds previously appropriated .......... 714,989

OLD STATE CAPITOL - SPRINGFIELD
For providing structural stabilization ....... 130,277
For rehabilitating Old State Capitol ......... 282,190

SHAWNEETOWN BANK HISTORIC SITE - GALLATIN COUNTY
(From Article 56, Section 4 of Public Act 92-8)
For rehabilitating exterior .................. 1,620,000

UNION STATION - SPRINGFIELD
(From Article 56a, Section 7 of Public Act 92-8)
For purchasing and rehabilitating ........... 2,523,319

VACHEL LINDSAY HOME
For rehabilitating home ....................... 152,395

VANDALIA STATE HOUSE
For rehabilitating HVAC and electrical
systems and interior ......................... 49,351

STATEWIDE
For statewide ISTEA 21 Match ................. 637,000
For replacing roofing systems at the
following locations at the approximate
costs set forth below: ....................... 115,622
   Fort De Chartres, Randolph County ....... 100
   Washburne House, Galena ................. 5,378
   David Davis Mansion, Bloomington ..... 22,051
   Bishop Hill House, Henry County ....... 88,093
For matching ISTEA federal grant funds ....... 390,385
   Total ..................................... $93,530,294

Section 7.2. The sum of $800,000, or so much thereof as may be necessary and as
remains unexpended at the close of business on June 30, 2002, from a reappropriation
heretofore made in Article 56a, Section 7.2 of Public Act 92-8, is reappropriated from
the Capital Development Fund to the Capital Development Board for the Historic
Preservation Agency for the construction of an interpretive center and development of
the historic site at the Lewis and Clark National Trail Site No. 1 in Madison County.

Section 7.3. The following named amounts, or so much thereof as may be necessary
and remain unexpended at the close of business on June 30, 2002, from reappropriations
heretofore made for such purposes in Article 56a, Section 7.3 of Public Act 92-8, are
reappropriated from the General Revenue Fund to the Capital Development Board for
the Historic Preservation Agency for the projects hereinafter enumerated:

   DANA THOMAS HOUSE - SPRINGFIELD
(From Article 56a, Section 7.3 of Public Act 92-8)

New matter indicated by italics - deletions by strikeout.
For restoring exterior and interior ............

GALENA HISTORIC SITE
For rehabilitating Washburne House ............

LINCOLN'S NEW SALEM HISTORIC SITE - PETERSBURG
For resurfacing village and service roads ......
For rehabilitating saw mill and grist mill

METAMORA COURTHOUSE HISTORIC SITE
For rehabilitating courthouse .................

OLD STATE CAPITOL - SPRINGFIELD
For replacing the bottom cylinder of the hydraulic elevator

Total

Section 7a. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2002, from appropriations and reappropriations made for such purposes in Article 56, Section 4.1 and Article 56a, Section 7a of Public Act 92-8, are reappropriated from the Tobacco Settlement Recovery Fund to the Capital Development Board for the Historic Preservation Agency for the projects hereinafter enumerated:

CAHOKIA MOUNDS HISTORIC SITE - ST. CLAIR COUNTY
(From Article 56a, Section 7a of Public Act 92-8)
For replacing Orientation Theater screen and film $ 615,360

LINCOLN LOG CABIN HISTORIC SITE - COLES COUNTY
(From Article 56, Section 4.1 of Public Act 92-8)
For providing roads, parking areas, lighting plaza and pedestrian bridges, in addition to funds previously appropriated

(From Article 56a, Section 7a of Public Act 92-8)
For providing roads, parking areas and pedestrian bridges

OLD STATE CAPITOL - SPRINGFIELD
For providing back-up generator

Total

Section 8. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2002, from appropriations and reappropriations heretofore made for such purposes in Article 56, Section 6, and Article 56a, Section 9 of Public Act 92-8, as amended, are reappropriated from the Capital Development Fund to the Capital Development Board for the Department of Human Services for the projects hereinafter enumerated:

ALTON MENTAL HEALTH CENTER - MADISON COUNTY

New matter indicated by italics - deletions by strikeout.
(From Article 56, Section 6 of Public Act 92-8)
For renovating the Forensic Complex and constructing two building additions, in addition to funds previously appropriated .... $3,900,000
(From Article 56a, Section 9 of Public Act 92-8)
For renovating the central dietary, Phase II, in addition to funds previously appropriated ............................ 1,205,365
For constructing two building additions at the Forensic Complex ........................... 10,903,549
For rehabilitation of the central dietary ...... 452,848

CHester Mental Health Center
(From Article 56, Section 6 of Public Act 92-8)
For renovating support and residential areas, in addition to funds previously appropriated ................................. 996,000
For replacing smoke/heat detectors .............. 395,000
(From Article 56a, Section 9 of Public Act 92-8)
For upgrading energy management system ........ 234,334
For replacing sewer lines ..................... 648,047
For upgrading access control/duress system ..... 1,072,422
For renovating kitchen area .......................... 891,592
For replacing fencing and upgrading recreational yard ........................... 141,667
For renovating support and residential area .......................... 533,063

Chicago Read Mental Health Center - Chicago
For upgrading fire/life safety systems, in addition to funds previously appropriated .... 114,374
For renovating residential units, in addition to funds previously appropriated ............................ 2,171,000
For renovation of the West Campus Nurses' Stations .............................. 228,250
For renovation of Henry Horner Children's Center and West Campus for fire and life safety codes ........................ 70,147
For renovation of the West Campus shower and toilet rooms .......................... 248,923

Choate Mental Health and Developmental Center - Anna
For replacing cooling towers ................. 439,421
For planning and beginning the
renovation of Life Skills Building .......... 845,939

ELGIN MENTAL HEALTH CENTER - KANE COUNTY

For replacing power plant and engineering building ......................... 7,957,077
For renovating the central dietary and kitchen ......................... 3,786,331
For construction of an Adult Psychiatric Building, in addition to funds previously appropriated ........... 3,681,000
For construction of roads, parking lots and street lights ...................... 1,130,038
For upgrading and expanding the mechanical infrastructure, in addition to funds previously appropriated .................. 2,144,367
For construction of a forensic services complex at Elgin Mental Health Center, in addition to funds previously appropriated .................. 3,350,612
For construction of a forensic services complex, in addition to funds previously appropriated .................. 43,144
For renovation of the HVAC systems, replacement of windows and installation of security screens, in addition to funds previously appropriated ........... 2,062,047
For construction of a Forensic Services Facility, in addition to funds previously appropriated .................. 227,380
For planning the renovation of the Forensic Building and abating asbestos .................. 237,723
For renovation of the Central Stores Building ............................... 85,679
For the demolition of the Old Main Building and construction of an Adult Psychiatric Center ..................... 75,736

FOX DEVELOPMENTAL CENTER - DWIGHT
(From Article 56, Section 6 of Public Act 92-8)
For planning and beginning replacement of interior doors and flooring and repairing walls in the Main and Administration Buildings .................. 1,205,000
(From Article 56a, Section 9 of Public Act 92-8)

New matter indicated by italics - deletions by strikeout.
For replacing sewer lines ...................... 71,801
For upgrading electrical system and installing an emergency generator ..................... 523,185
For replacement of absorbers and upgrading HVAC system ............................. 35,808

HOWE DEVELOPMENTAL CENTER - TINLEY PARK
(From Article 56, Section 6 of Public Act 92-8)
For replacing HVAC and duct work .............. 480,003
(From Article 56a, Section 9 of Public Act 92-8)
For completing upgrade of tunnels, Phase II, in addition to funds previously appropriated ...................... 2,970,000
For renovating the kitchen ................. 103,316
For renovating residences, in addition to funds previously appropriated .......... 2,230,384
For replacing roofs ....................... 21,272
For planning and rehabilitation of utility tunnels ........................ 48,655
For renovation of residential buildings .......... 282,575

ILLINOIS SCHOOL FOR THE DEAF - JACKSONVILLE
(From Article 56, Section 6 of Public Act 92-8)
For renovating High School Building ............ 1,200,000
(From Article 56a, Section 9 of Public Act 92-8)
For replacing HVAC, upgrading electrical and replacing doors, in addition to funds previously appropriated ............ 1,700,000
For renovating the fire alarm systems, in addition to funds previously appropriated .... 82,537

ILLINOIS SCHOOL FOR THE VISUALLY IMPAIRED - JACKSONVILLE
(From Article 56, Section 6 of Public Act 92-8)
For planning and beginning renovation of the Girls' Dormitory ...................... 350,000
(From Article 56a, Section 9 of Public Act 92-8)
For installation of individual package boilers, in addition to funds previously appropriated ............ 400,000

JACKSONVILLE DEVELOPMENTAL CENTER - MORGAN COUNTY
(From Article 56, Section 6 of Public Act 92-8)
For planning and beginning the renovation of the power house ...................... 800,000
(From Article 56a, Section 9 of Public Act 92-8)
For extending chilled water line .............. 110,945

New matter indicated by italics - deletions by strikeout.
For rehabilitation of bathrooms and replacing doors .................................. 244,762

KILEY DEVELOPMENTAL CENTER - WAUKEGAN
For renovating homes, Phase II, in addition to funds previously appropriated .......................... 1,135,000
For planning and beginning installation of gas distribution system .......................... 77,735
For renovating homes .................................. 45,831

LINCOLN DEVELOPMENTAL CENTER - LOGAN COUNTY
For completing installation of rethermalization, in addition to funds previously appropriated .................. 185,062
For upgrading power plant and installing EMS, in addition to funds previously appropriated .......................... 608,406
For renovating or replacing Elmhurst Cottage .................................. 1,603,317
For renovating or replacing Elmhurst Cottage, in addition to funds previously appropriated .................. 1,351,795

LUDEMAN DEVELOPMENTAL CENTER - PARK FOREST
For renovating residential and neighborhood homes, in addition to funds previously appropriated .................. 1,850,000
For replacing plumbing, HVAC and boiler systems .................................. 782,985
For renovation of residential buildings, in addition to funds previously appropriated .................. 1,781,093
For renovation of residences .................. 35,293

MABLEY DEVELOPMENTAL CENTER - DIXON
(From Article 56, Section 6 of Public Act 92-8)
For planning and beginning renovation of residential buildings .......................... 1,625,400

MADDEN MENTAL HEALTH CENTER - HINES
(From Article 56a, Section 9 of Public Act 92-8)
For renovating pavilions and
administration building for safety/security, in addition to funds previously appropriated .......................... 1,200,000
For renovating dietary .................. 876,700

New matter indicated by italics - deletions by strikeout.
For renovation of pavilions, in addition
to funds previously appropriated ............. 525,624
For upgrading residences for safety and
security ........................................ 24,339

MCFARLAND MENTAL HEALTH CENTER - SPRINGFIELD
For renovating Kennedy Hall .................. 1,591,717
For renovating Stevenson Hall ................. 836,663

MURRAY DEVELOPMENTAL CENTER - CENTRALIA
(From Article 56, Section 6 of Public Act 92-8)
For planning and beginning boiler house
renovation ...................................... 182,165
(From Article 56a, Section 9 of Public Act 92-8)
For replacing energy management system .... 526,880

SHAPIRO DEVELOPMENTAL CENTER - KANKAKEE
(From Article 56, Section 6 of Public Act 92-8)
For replacing water mains and valves,
in addition to funds previously
appropriated ...................................... 1,900,000
(From Article 56a, Section 9 of Public Act 92-8)
For replacing steam & condensate
lines, in addition to funds previously
appropriated ..................................... 2,800,000
For upgrading HVAC systems in four
residential buildings ...................... 1,132,800
For planning and beginning the upgrade
of steam and condensate lines .......... 219,883
For rehabilitating HVAC system ............... 1,113,400
For replacing cooling towers and
rehabilitating absorbers ..................... 104,715
For completion of the HVAC system, in
addition to funds previously
appropriated ..................................... 87,283
For replacement of boiler, in
addition to funds previously
appropriated ..................................... 20,216
For replacement of water mains
and valves .................................... 272,583
For planning and beginning sewer and
manhole renovation ......................... 12,911
For rehabilitation of the boilers .......... 53,797
For planning and replacement of windows .... 51,774
For upgrading fire safety systems in the

New matter indicated by italics - deletions by strikeout.
support buildings .............................. 34,563
For installation of air conditioning in
Building #704, in addition to funds
previously appropriated ...................... 75,695
For replacement of cooling towers in
Buildings #100A and #100B .................... 26,402
For installation of air conditioning in
Buildings #502 and #514 ...................... 37,554

SINGER MENTAL HEALTH CENTER - ROCKFORD
For renovating patient units, Phase II,
in addition to funds previously
appropriated ................................. 3,100,000
For replacing roofs ............................ 12,534
For renovating mechanicals and
residential areas ............................. 914,900

TINLEY PARK MENTAL HEALTH CENTER
For upgrading fire/life safety systems
and bedroom lighting, in addition to
funds previously appropriated .............. 39,332

TINLEY PARK MENTAL HEALTH CENTER/
HOWE DEVELOPMENTAL CENTER
For renovation for accessibility in four
buildings ....................................... 78,206
For renovation for fire and life safety in
three residences ............................. 71,467

ZELLER MENTAL HEALTH CENTER - PEORIA
For upgrading HVAC and mechanical
systems ....................................... 144,992

STATEWIDE
(From Article 56, Section 6 of Public Act 92-8)
For planning and beginning construction
of a facility for the treatment and
detention of sexually violent persons, in
addition to funds previously appropriated ..... 4,000,000
For replacing and repairing roofing
systems at the following locations, at
the approximate cost set forth below ........ 3,335,000
   Alton Mental Health Center ............ 150,000
   Chicago-Read Mental Health
   Center ................................. 800,000
   Howe Developmental Center -
   Tinley Park ............................ 1,300,000

New matter indicated by italics - deletions by strikeout.
Shapiro Developmental Center - Kankakee ......................... 415,000
Illinois School for the Deaf - Jacksonville .................... 370,000
Kiley Developmental Center - Waukegan ......................... 300,000
(From Article 56a, Section 9 of Public Act 92-8)
For repairing or replacing roofs at the following locations, at the approximate cost set forth below ....
  Choate Mental Health and Developmental Center - Anna .......... 98,300
  Illinois School for the Visually Impaired - Jacksonville ........... 87,000
  Jacksonville Developmental Center - Morgan County ............ 60,000
  Lincoln Developmental Center - Logan County .................. 178,000
  Murray Developmental Center - Centralia ....................... 842,608
  Shapiro Developmental Center - Kankakee ....................... 1,283,000
For planning and beginning construction of a facility for sexually violent persons ....................... 1,860,481
For replacing and repairing roofing systems at the following locations at the approximate cost set forth below ...........
  Choate Developmental Center - Anna ............................ 7,628
  Chicago-Read Mental Health Center .... 66,363
  Tinley Park Mental Health Center.... 167,648
  Illinois School for the Visually Impaired - Jacksonville ....... 19,414
  Shapiro Developmental Center - Kankakee ...................... 25,955
  Kiley Developmental Center - Waukegan ......................... 32,716
  Ludeman Developmental Center - Park Forest ................. 275,278
For upgrading roads at the following

New matter indicated by italics - deletions by strikeout.
locations at the approximate
cost set forth below: ......................
Howe Developmental Center -
Tinley Park ..........................
Shapiro Developmental Center -
Kankakee .............................
For replacing roofing systems at the
following locations at the approximate
costs set forth below: ....................... 102,417
Elgin Mental Health Center,
five buildings ......................... 59,071
Jacksonville Mental Health and Developmental Center,
two buildings .......................... 43,346
For replacement of roofing systems at the
following locations at the approximate costs
set forth below: ........................... 296,781
Lincoln Development Center ........... 74,196
Murray Developmental Center ....... 74,195
Elgin Developmental Center ........... 74,195
Shapiro Developmental Center ........ 74,195
For rehabilitation of water towers -
Murray and Chester ...................... 135,694
For replacement of roofs at the following
locations at the approximate costs set
forth below: ............................. 111,901
Elgin Mental Health Center -
Three buildings ....................... 3,284
Lincoln Developmental Center -
Three buildings ....................... 4,088
Ludeman Developmental Center -
Support buildings ................... 4,492
Madden Mental Health Center -
Buildings and covered walkways ...... 1,000
McFarland Mental Health Center -
Three buildings ...................... 4,570
Meyer Mental Health Center -
One building ......................... 1,450
Shapiro Developmental Center -
Three buildings ...................... 90,232
Tinley Park Mental Health Center -
New matter indicated by italics - deletions by strikeout.
Section 8.1. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2002, from reappropriations heretofore made for such purposes in Article 56a, Section 9A of Public Act 92-8, are reappropriated from the Capital Development Fund to the Capital Development Board for the Department of Human Services for the projects hereinafter enumerated:

**ILLINOIS SCHOOL FOR THE DEAF - JACKSONVILLE**

(From Article 56a, Section 9A of Public Act 92-8)
For installing HVAC and upgrading electrical and replacing doors $202,565
For completing the HVAC system upgrade, in addition to funds previously appropriated $12,276
For the renovation of Cullom Hall $578,873
For rehabilitation of the domestic hot and cold water piping in six buildings $185,728

**ILLINOIS SCHOOL FOR THE VISUALLY IMPAIRED - JACKSONVILLE**
For constructing a new building to replace buildings 2, 3 and 4, in addition to funds previously appropriated $490,481
For installation of individual package boilers $268,995
For the replacement of Buildings #2, #3, and #4 $27,098
Total $1,766,016

Section 8.3. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2002, from reappropriations heretofore made for such purposes in Article 56a, Section 9C of Public Act 92-8, are reappropriated from the General Revenue Fund to the Capital Development Board for the Department of Human Services for the projects hereinafter enumerated:

**ALTON MENTAL HEALTH CENTER**
For replacing windows in four buildings $443,490

**CHESTER MENTAL HEALTH CENTER**
For replacing backflow prevention devices $16,456

**CHOATE MENTAL HEALTH AND DEVELOPMENTAL CENTER**
For life/safety improvements $33,514

**ILLINOIS SCHOOL FOR THE DEAF - JACKSONVILLE**
For upgrading kitchen equipment $243,231

New matter indicated by italics - deletions by strikeout.
JACKSONVILLE DEVELOPMENTAL CENTER
For upgrading HVAC systems in the Drake and
Gillespie buildings ......................... 35,271

LINCOLN DEVELOPMENTAL CENTER
For replacing windows ....................... 292,081

SHAPIRO DEVELOPMENTAL CENTER - KANKAKEE
For replacing windows in complex
buildings .................................... 326,469

STATEWIDE
For resurfacing roads at Chicago-Read,
Tinley Park and Murray ....................... 140,795
Total ........................................ 1,531,307

Section 8a. The following named amounts, or so much thereof as may be necessary
and remain unexpended at the close of business on June 30, 2002, from appropriations
heretofore made for such purposes in Article 56, Section 6.1 and Article 56a, Section 9.1
of Public Act 92-8, are reappropriated from the Tobacco Settlement Recovery Fund to the
Capital Development Board for the Department of Human Services for the projects
hereinafter enumerated:

STATEWIDE PROGRAM
(From Article 56, Section 6.1 of Public Act 92-8)
For tuckpointing at the following locations
at the approximate cost set forth below ........ 497,476
Howe Developmental Center -
Tinley Park ......................... 115,000
Madden Mental Health
Center - Hines ......................... 100,000
Tinley Park Mental
Health Center ......................... 282,476
(From Article 56a, Section 9.1 of Public Act 92-8)
For tuckpointing exterior and repairing
masonry at various facilities ................. 1,424,536

JACKSONVILLE DEVELOPMENTAL CENTER - MORGAN COUNTY
For replacing stoker system and boiler
controls, in addition to funds
previously appropriated ....................... 68,335
For rehabilitation the water tower and
smokestack, Phase II, in addition to
funds previously appropriated ............... 451,155

ILLINOIS SCHOOL FOR THE DEAF - JACKSONVILLE
For completing installation of a running track
and upgrading field, in addition to
funds previously appropriated ............... 301,725

New matter indicated by italics - deletions by strikeout.
For renovating buildings and abating lead paint, in addition to funds previously appropriated .................. 39,468

ZELLER MENTAL HEALTH CENTER - PEORIA
(From Article 56, Section 6.1 of Public Act 92-8)
For upgrading the energy management system ........................................ 245,000
Total .................................................................................. $3,027,695

Section 9. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2002, from appropriations and reappropriations heretofore made in Article 56, Section 5 and Article 56a, Section 10 of Public Act 92-8, are reappropriated from the Capital Development Fund to the Capital Development Board for the Illinois Medical District Commission for the projects hereinafter enumerated:

ILLINOIS MEDICAL DISTRICT COMMISSION - CHICAGO
(From Article 56, Section 5 of Public Act 92-8)
For upgrading core utilities ............................... $ 800,000
For upgrading research center ............................. 710,000
(From Article 56a, Section 10 of Public Act 92-8)
For constructing a Lab and Research Biotech Grad Facility ....................... 2,853,411
Total .................................................................................. $4,363,411

Section 9.1. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2002, from reappropriations heretofore made in Article 56a, Section 10.1 of Public Act 92-8, approved May 17, 2000, are reappropriated from the General Revenue Fund to the Capital Development Board for the Medical District Commission for the projects hereinafter enumerated:

CHICAGO TECHNOLOGY PARK RESEARCH CENTER
(From Article 56a, Section 10.1 of Public Act 92-8)
For renovating the Research Center ............... $ 77,497
For upgrading centrifugal chillers ................. 71,761
Total .................................................................................. $149,258

Section 9a. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2002, from reappropriations heretofore made in Article 56a, Section 10a of Public Act 92-8, are reappropriated from the Tobacco Settlement Recovery Fund to the Capital Development Board for the Illinois Medical District Commission for the projects hereinafter enumerated:

ILLINOIS MEDICAL DISTRICT COMMISSION - CHICAGO
(From Article 56a, Section 10a of Public Act 92-8)
For developing the site ................................. $ 55,110
For installing security fencing ...................... 145,000
Total .................................................................................. $200,110

New matter indicated by italics - deletions by strikeout.
Section 10. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2002, from appropriations and reappropriations heretofore made for such purposes in Article 56, Section 7, and Article 56a, Section 11 of Public Act 92-8, as amended, are reappropriated from the Capital Development Fund to the Capital Development Board for the Department of Military Affairs for the projects hereinafter enumerated:

**AURORA ARMORY**

(From Article 56a, Section 11 of Public Act 92-8)

For planning and beginning construction of an armory $ 10,820

**CAMP LINCOLN - SPRINGFIELD**

For converting commissary to a military museum, in addition to funds previously appropriated 715,000
For renovating heating system and replacing windows 238,042
For construction of a military academy facility 638,820
For site improvements and construction for a military academy facility, including repair and reconstruction of access roads and drives at Camp Lincoln 24,062
For planning, design, site improvements, and other costs associated with the conversion of the old "Castle" or Commissary Building for use as a military museum 61,052

**CHAMPAIGN ARMORY**

(From Article 56, Section 7 of Public Act 92-8)
For upgrading mechanical and electrical systems and installing a kitchen 1,146,150
(From Article 56a, Section 11 of Public Act 92-8)
For replacing roofing systems and rehabilitating exterior walls 74,967

**DANVILLE ARMORY**

For planning and construction of a new armory 722,611

**DELAVAL ARMORY**

For rehabilitating the exterior and replacing roofing system 123,347

**DIXON ARMORY - LEE COUNTY**

**DONNELLEY BUILDING**

For the rehabilitation and renovation of the Donnelley Building and purchase of

New matter indicated by italics - deletions by strikeout.
PUBLIC ACT 92-0717

land for parking ......................... 82,082

EAST ST. LOUIS ARMORY - ST. CLAIR COUNTY
For upgrading mechanical systems
and rest rooms ........................... 602,996

ELGIN ARMORY - KANE COUNTY
For upgrading heating and mechanical
systems ................................. 1,406,033

GALVA ARMORY - HENRY COUNTY
(From Article 56, Section 7 of Public Act 92-8)
For replacing the roof and upgrading the
interior and exterior .................... 600,000
(From Article 56a, Section 11 of Public Act 92-8)
For relocating kitchen .................. 751,830

GENERAL JONES ARMORY
For rehabilitating the armory building,
in addition to funds previously
appropriated ................................ 3,771,762
For renovation of the exterior and interior,
mechanical areas and expansion of the
parking lot, in addition to amounts
previously appropriated ................. 280,622
For replacement of the Assembly Hall
roofing system including its structural
system ................................. 43,399

JOLIET ARMORY - WILL COUNTY
For renovating mechanical and electrical
systems and exterior .................... 2,219,462

KEWANEE ARMORY
(From Article 56, Section 7 of Public Act 92-8)
For upgrading electrical and mechanical
systems and installing a kitchen ........ 2,524,000

MACOMB ARMORY
For replacing the mechanical and electrical
systems and installing a kitchen ........ 945,033

MACHESNEY PARK ARMORY (ROCKFORD)
(From Article 56a, Section 11 of Public Act 92-8)
For the state's share for additional planning
and construction of an armory and
Organizational Maintenance Shop ....... 218,047

MIDWAY ARMORY - CHICAGO
For replacing the roof and
upgrading the interior .................... 1,000,360

New matter indicated by italics - deletions by strikeout.
NORTH RIVERSIDE ARMORY
(From Article 56, Section 7 of Public Act 92-8)
For rehabilitating the interior and exterior .................. 618,000

NORTHWEST ARMORY - CHICAGO
For replacing the mechanical systems ............. 2,145,000
(From Article 56a, Section 11 of Public Act 92-8)
For renovation of interior and exterior,
in addition to funds previously appropriated for such purposes .......... 845,482

PONTIAC ARMORY - LIVINGSTON COUNTY
For upgrading mechanical systems and rest rooms .................. 679,601
For rehabilitating the exterior and replacing the roofing system .......... 134,652

ROCK FALLS ARMORY
(From Article 56, Section 7 of Public Act 92-8)
For replacing the mechanical and electrical systems and upgrading the interior .................. 2,631,000

ROCK ISLAND ARMORY
(From Article 56a, Section 11 of Public Act 92-8)
For construction of an armory and maintenance shop .................. 64,292

SAUK AREA CAREER SCHOOL - CRESTWOOD
For the purchase and renovation of the former Sauk Area Career School, converting to an armory and upgrading the parking lot .................. 82,303

STREATOR ARMORY - LASALLE COUNTY
For replacing the roofing system and tuckpointing walls .................. 55,442

URBANA ARMORY
For renovating the interior and replacing the upper roof .................. 365,283

WAUKEGAN ARMORY
For replacing roofing system .................. 15,068

WEST FRANKFORT ARMORY - FRANKLIN COUNTY
For replacing the HVAC and water distribution systems .................. 626,033
For replacing roofs and rehabilitating exterior .................. 251,045

New matter indicated by italics - deletions by strikeout.
WILLIAMSON COUNTY ARMORY

For providing the State's share for planning and construction of a new armory, in addition to amounts previously appropriated ........................................... 14,316

STATEWIDE

For replacing roofing systems, windows and doors, and rehabilitating the exterior walls at the following locations, at the approximate cost set forth below .................. 2,407,007

- Bloomington Armory .................. 389,180
- Kewanee Armory ....................... 143,267
- Macomb Armory ....................... 419,500
- Rock Falls Armory .................... 294,870
- Sycamore Armory ..................... 446,177

For replacement of roofs at the following locations at the approximate costs set forth below .................................................. 115,420

- Camp Lincoln - AGO Building ...... 115,420

Total ........................................... $29,250,441

Section 10.1. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2002, from reappropriations heretofore made for such purposes in Article 56a, Section 11.1 of Public Act 92-8, are reappropriated from the General Revenue Fund to the Capital Development Board for the Department of Military Affairs for the projects hereinafter enumerated:

CARBONDALE ARMORY

(From Article 56a, Section 11.1 of Public Act 92-8)

For rehabilitating the exterior and interior ................................ $ 365,954

LITCHFIELD ARMORY

For renovating the interior and exterior ........ $ 173,356

Total ........................................... $539,310

Section 11. The following named amount, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made in Article 56a, Section 12 of Public Act 92-8, is reappropriated from the Capital Development Fund to the Capital Development Board for the Department of Public Health for the projects hereinafter enumerated:

OAKLAND STREET LABORATORY - CARBONDALE

(From Article 56a, Section 12 of Public Act 92-8)

For upgrading electrical and plumbing systems ........................................... $ 131,758

New matter indicated by italics - deletions by strikeout.
Section 12. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2002, from appropriations and reappropriations heretofore made for such purposes in Article 56, Section 9 and Article 56a, Section 13 of Public Act 92-8, are reappropriated from the Capital Development Fund to the Capital Development Board for the Department of Revenue for the projects hereinafter enumerated:

WILLARD ICE BUILDING - SPRINGFIELD
(From Article 56, Section 9 of Public Act 92-8)
For upgrading the plumbing system ............ $ 3,000,000
For upgrading parking lot/parking deck structural repair ......................... 1,250,000
For renovating the interior and upgrading HVAC.............................. 3,855,000
(From Article 56a, Section 13 of Public Act 92-8)
For upgrading security system, in addition to funds previously appropriated .... 495,200
For replacing the roof ............................... 350,072
Total ................................................................ $8,950,272

Section 12.1. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2002, from appropriations and reappropriations heretofore made for such purposes in Article 56a, Section 13.1 of Public Act 92-8, are reappropriated from the General Revenue Fund to the Capital Development Board for the Department of Revenue for the projects hereinafter enumerated:

WILLARD ICE BUILDING - SPRINGFIELD
(From Article 56a, Section 13.1 of Public Act 92-8)
For repairing the exterior of the building ..... $ 204,914
For planning and rehabilitating the plumbing system ......................... 45,800
For resealing and replacing atrium windows ..... 52,264
Total ................................................................ $302,978

Section 12a. The following named amounts, or so much thereof as may be necessary and as remain unexpended at the close of business on June 30, 2002, from appropriations and reappropriations heretofore made in Article 56, Section 9.1 and Article 56a, Section 13a of Public Act 92-8, are reappropriated from the Tobacco Settlement Recovery Fund to the Capital Development Board for the Department of Revenue for the project hereinafter enumerated:

WILLARD ICE BUILDING - SPRINGFIELD
(From Article 56, Section 9.1 of Public Act 92-8)
For completing security system upgrade, in addition to funds previously appropriated .... $ 200,000
(From Article 56a, Section 13a of Public Act 92-8)
Section 13. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2002, from appropriations and reappropriations heretofore made for such purposes in Article 56, Section 10 and Article 56a, Section 14 of Public Act 92-8, are reappropriated from the Capital Development Fund to the Capital Development Board for the Department of State Police for the projects hereinafter enumerated:

CAIRO (ULLIN) - DISTRICT 22

(From Article 56a, Section 14 of Public Act 92-8)
For construction of a firing range and radio tower $436,104

CHICAGO FORENSIC LABORATORY
For construction of a laboratory and parking facilities 84,737

DISTRICT 13 HEADQUARTERS - DuQUOIN
For constructing a district 13 headquarters 5,000,000
For planning the replacement of the district headquarters facilities 348,536

DISTRICT 6 HEADQUARTERS - PONTIAC
For planning, construction, reconstruction, demolition of existing buildings, and all costs related to replacing the facilities 4,402,553

SPRINGFIELD ARMORY
For planning and design of the rehabilitation and site improvements of the Springfield Armory, in addition to funds previously appropriated 1,383,081

CAPITOL COMPLEX - SPRINGFIELD
(From Article 56, Section 10 of Public Act 92-8)
For constructing a central administrative office building and purchasing equipment, in addition to funds previously appropriated 46,944,676

SPRINGFIELD - STATE POLICE TRAINING ACADEMY
(From Article 56a, Section 14 of Public Act 92-8)
For replacing portable classroom building 895,188

STERLING - DISTRICT 1
For planning, construction, reconstruction, demolition of existing buildings, and

New matter indicated by italics - deletions by strikeout.
all costs related to the relocation of the headquarters, in addition to funds previously appropriated .......................... 55,818

STATEWIDE
For replacing communications towers equipment and tower buildings .................. 4,170,687
For upgrading generators and UPS systems ...... 200,000
For replacing roofing system at the following locations at the approximate cost set forth below ...................... 304,622
  District 13 Headquarters, DuQuoin ....................... $50,000
  Joliet Laboratory .................................. 40,000
  District 6 Headquarters, Pontiac ...................... 38,900
  District 9 Headquarters, Springfield .................. 113,022
  State Police Training Center, Pawnee .................. 10,000
  District 18 Headquarters, Litchfield ................ 45,000
  District 19 Headquarters, Carmi ...................... 7,700
For replacing radio communication towers, equipment buildings and installing emergency power generators at the following locations: Pecatonica, Elwood, Kingston, Mason City ........................................ 1,700,513
For replacing radio communication towers and equipment buildings and installing emergency power generators at Andover, Eaton, Pecatonica, and Cypress ....................... 314,524
Total  $66,241,039

Section 13.1. The following named amount, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made in Article 56a, Section 14.1 of Public Act 92-8, is reappropriated from the General Revenue Fund to the Capital Development Board for the Department of State Police for the project hereinafter enumerated:
(From Article 56a, Section 14.1 of Public Act 92-8)
FORENSIC SCIENCE LAB - CHICAGO
For upgrading exterior penthouse louvers ...... $ 88,345

New matter indicated by italics - deletions by strikeout.
Section 14. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2002, from appropriations and reappropriations heretofore made for such purposes in Article 56, Section 11 and Article 56a, Section 15 of Public Act 92-8, are reappropriated from the Capital Development Fund to the Capital Development Board for the Department of Veterans' Affairs for the projects hereinafter enumerated:

ILLINOIS VETERANS' HOME - LASALLE
(From Article 56a, Section 15 of Public Act 92-8)
For construction of a storage building ........... 67,927

MANTENO VETERANS' HOME - KANKAKEE COUNTY
For upgrading courtyard program spaces ........... 3,720,700
For upgrading the electrical system ............... 823,981
For upgrading storm sewer ........................ 125,376
For constructing a multi-purpose building ........ 53,054
For construction of a special care facility ....... 416,681

QUINCY VETERANS' HOME - ADAMS COUNTY
(From Article 56, Section 11 of Public Act 92-8)
For replacing roofing systems .................... 185,000
(From Article 56a, Section 15 of Public Act 92-8)
For installing rethermalization system ........... 175,773
For improvements to various buildings and replacement of Fletcher Building to meet licensure standards .................... 5,050,045
Total ................................................. $5,050,045

Section 14.1. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2002, from reappropriations heretofore made for such purposes in Article 56a, Section 15.1 of Public Act 92-8, as amended, are reappropriated from the General Revenue Fund to the Capital Development Board for the Department of Veterans' Affairs for the projects hereinafter enumerated:

ILLINOIS VETERANS' HOME - ANNA
(From Article 56a, Section 15.1 of Public Act 92-8)
For repairing, upgrading and maintaining various systems ................................. $ 13,634
For installing lighting, benches, landscaping and ADA improvements .................... 107,471

ILLINOIS VETERANS' HOME - MANTENO
For upgrading generators for emergency power .................. 72,596
Total ................................................. $193,701

Section 14a. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2002, from appropriations and

New matter indicated by italics - deletions by strikeout.
reappropriations heretofore made in Article 56, Section 11.1 and Article 56a, Section 15a of Public Act 92-8, are reappropriated from the Tobacco Settlement Recovery Fund to the Capital Development Board for the Department of Veterans' Affairs for the projects hereinafter enumerated:

**ANNA VETERANS' HOME - UNION COUNTY**
(From Article 56a, Section 15a of Public Act 92-8)
For expanding the emergency generator $137,521

**LASALLE VETERANS' HOME - LASALLE COUNTY**
(From Article 56, Section 11.1 of Public Act 92-8)
For installing wall protection 120,000
For upgrading tempered water systems 50,000
For replacing lighting 90,000

**MANTENO VETERANS' HOME - KANKAKEE COUNTY**
(From Article 56, Section 11.1 of Public Act 92-8)
For installing humidifiers and dehumidifiers 515,000
(From Article 56a, Section 15a of Public Act 92-8)
For resurfacing roads and parking lots 1,168,600
For enlarging doorways and main bathrooms 113,026
For enlarging doorways in Support II Building 95,000
For demolishing buildings 2,456,040

**QUINCY VETERANS' HOME - ADAMS COUNTY**
(From Article 56, Section 11.1 of Public Act 92-8)
For renovating power plant equipment 709,000
Total $5,454,187

Section 15. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2002, from appropriations and reappropriations heretofore made for such purposes in Article 56, Section 14 and Article 56a, Section 16 of Public Act 92-8, are reappropriated from the Capital Development Fund to the Capital Development Board for the projects hereinafter enumerated:

**EXECUTIVE MANSION - SPRINGFIELD**
(From Article 56, Section 14 of Public Act 92-8)
For building improvements 600,000

**ATTORNEY GENERAL BUILDING - SPRINGFIELD**
(From Article 56a, Section 16 of Public Act 92-8)
For planning an annex or addition and beginning construction of parking facilities 35,932

**SPRINGFIELD - CAPITOL COMPLEX**
For upgrading HVAC system at the Archives Building, in addition to funds previously

New matter indicated by italics - deletions by strikeout.
appropriated ................................ 36,199
For upgrading environmental equipment
and HVAC, in addition to funds previously
appropriated - Archives Building .......... 1,183,215
For planning and beginning the rehabilitation
of the Power Plant .......................... 285,847
For upgrading sewer system - Capitol Complex,
in addition to funds previously
appropriated ................................. 225,223
For upgrading the life/safety and security
systems - Capitol Building ................. 1,668,728
For upgrading the refrigeration equipment -
Capitol Complex ............................ 73,160
For renovating mechanical system -
Capitol Complex, in addition to funds
previously appropriated ..................... 73,066
For providing a parking facility for the
Bloom and Harris Buildings, including
land acquisition ............................. 91,803
For renovation of the Waterways Building for
the Fourth District of the Appellate Court ...
STATE CAPITOL BUILDING
For upgrading the life/safety and
security systems, in addition to
funds previously appropriated ............ 2,600,000
STATEWIDE
(From Article 56, Section 14 of Public Act 92-8)
For abating hazardous materials ............ 2,050,000
For retrofitting or upgrading mechanized
refrigeration equipment (CFCs) ............ 650,000
For surveys and modifications to buildings
to meet requirements of the federal
Americans with Disabilities Act (ADA) ....... 2,000,000
(From Article 56a, Section 16 of Public Act 92-8)
For surveys and modifications to buildings
to meet requirements of the federal
Americans with Disabilities Act (ADA) ....... 4,000,000
For upgrading and remediating aboveground
and underground storage tanks .............. 1,000,000
For abating hazardous materials ............. 1,000,000
For retrofitting or upgrading mechanized
refrigeration equipment (CFCs) ............. 4,000,000

New matter indicated by italics - deletions by strikeout.
For surveys and modifications to buildings to meet requirements of the federal Americans with Disabilities Act .......... 9,000,000
For abating hazardous materials .................. 2,757,677
For retrofitting or upgrading mechanized refrigeration equipment (CFCs) .............. 6,608,280
For upgrading and remediating aboveground and underground storage tanks .............. 3,500,000
For surveys and modifications to buildings to meet requirements of the federal Americans With Disabilities Act .......... 1,327,567
For retrofitting or upgrading mechanized refrigeration equipment (CFCs) .............. 1,857,807
For abating hazardous materials .................. 1,851,320
For upgrading and remediating underground storage tanks ....................... 7,414,822
For surveys and modifications to buildings to meet requirements of the federal Americans with Disabilities Act ....... 960,483
For abatement of hazardous materials .............. 623,188
For upgrading/retrofitting mechanized refrigeration equipment (CFC's) .............. 73,491
For upgrade and remediation of underground storage tanks ....................... 567,433
For renovation to meet the requirements of the Americans with Disabilities Act ...... 32,565
For abatement of hazardous materials .............. 498,731
For upgrade and remediation of underground storage tanks ....................... 277,245
For survey for and abatement of asbestos-containing materials ............... 181,783
For upgrade/retrofit of mechanized refrigeration equipment (CFC's) .............. 112,748
For abatement of hazardous conditions, including underground storage tanks, in addition to funds previously appropriated .............. 205,320
For surveys and modifications to buildings to meet requirements of the federal Americans with Disabilities Act .......... 5,934,238
For demolition of buildings ....................... 185,700
For retrofitting/upgrading mechanical

New matter indicated by italics - deletions by strikeout.
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refrigeration equipment ...................... 32,628
For abating hazardous conditions, including underground storage tanks, in addition to funds previously appropriated ................ 17,521
For the planning, upgrade and replacement of potentially hazardous underground storage tanks ......................... 121,644
For surveys and abatement of asbestos-containing materials .................... 197,727
For asbestos abatement located during Asbestos Abatement Authority and other surveys to eliminate significant health hazards ......................... 69,764
For planning and abatement of asbestos, and replenishment of initial project construction costs in bondable projects at various state owned facilities ............ 15,501
Total $66,044,301

Section 15.2. The amount of $1,065,190, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made in Article 56a, Section 16.2 of Public Act 92-8, is reappropriated from the Asbestos Abatement Fund to the Capital Development Board for surveying and abating asbestos-containing materials statewide.

Section 15.3. The sum of $238,251,006, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 56a, Section 16.3 of Public Act 92-8, is reappropriated from the School Construction Fund to the Capital Development Board for school construction grants pursuant to the School Construction Law, in addition to amounts previously appropriated for such purposes.

Section 15.4. The sum of $2,201,799, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 56a, Section 16.4 of Public Act 92-8, is reappropriated from the General Revenue Fund for a grant to the City of Normal for demolition of a power plant at the former Department of Human Services facility.

Section 15a. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 56, Section 14.1 and Article 56a, Section 16a of Public Act 92-8, are reappropriated from the Tobacco Settlement Recovery Fund to the Capital Development Board for the projects hereinafter enumerated:

STATEWIDE
(From Article 56, Section 14.1 of Public Act 92-8)
Survey for and abate hazardous

New matter indicated by italics - deletions by strikeout.
For repairing minor problems and emergencies .................................. $ 1,000,000
(From Article 56a, Section 16a of Public Act 92-8)
For tuckpointing and repairing exterior of buildings ......................... 200,000
For demolition of buildings ........................................... 1,216,000
For archeological studies of construction sites ................................. 100,000
For repairing minor problems and emergencies .................................. 4,000,000
Total ........................................................................ $7,516,000

Section 16. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2002, from reappropriations heretofore made for such purposes in Article 56a, Section 17 of Public Act 92-8, are reappropriated from the General Revenue Fund to the Capital Development Board for the projects hereinafter enumerated:
(From Article 56a, Section 17 of Public Act 92-8)

STATEWIDE

For remediating minor problems and emergencies .......................... $ 2,421,377
For conducting construction site archeological studies ....................... 245,000
For demolition of buildings ........................................... 1,972,901
For surveying and abating asbestos-containing materials .................... 1,000,000
For surveying and abating asbestos-containing materials .................... 481,094
For remediating minor problems and emergencies .......................... 402,536
For conducting construction site archeological studies ....................... 216,888
For demolishing buildings ........................................... 4,317,860
For repair of minor problems and emergencies ............................... 552,211
For construction site archeological studies .................................... 33,583
For surveys for and abatement of asbestos-containing material ............. 274,536
For demolition of buildings ........................................... 743,687
For repair of minor problems and emergencies ............................... 60,364

New matter indicated by italics - deletions by strikeout.
For surveys for asbestos containing
material ........................................ 23,010
For survey of asbestos-containing
materials .......................................... 10,628
For the planning and abatement of asbestos
hazards, and replenishment of initial
project construction costs in
non-bondable projects at various
state owned facilities ......................... 3,215
Total ............................................. $12,758,890

Section 17. The amount of $1,063,180, or so much thereof as may be necessary and
remains unexpended at the close of business on June 30, 2002, from a reappropriation
heretofore made in Article 56a, Section 18 of Public Act 92-8, approved May 17, 2000, is
reappropriated from the Asbestos Abatement Fund to the Capital Development Board for
asbestos surveys and emergency abatement in relation to asbestos abatement in state
governmental buildings or higher education residential and auxiliary enterprise buildings.

Section 18. The sum of $27,229, or so much thereof as may be necessary and remains
unexpended at the close of business on June 30, 2002, from a reappropriation heretofore
made for such purposes in Article 56a, Section 19 of Public Act 92-8, is reappropriated from
the General Revenue Fund to the Capital Development Board for a grant to Lincoln Land
Community College for all costs associated with the construction of a new Rural Education
and Technology Center.

Section 19. The sum of $2, or so much thereof as may be necessary and remains
unexpended on June 30, 2002, from a reappropriation heretofore made in Article 56a,
Section 19.1 of Public Act 92-8, is reappropriated from the General Revenue Fund to the
Capital Development Board for planning and renovation of Founders Memorial Library at
Northern Illinois University.

Section 20. The amount of $1,287,487, or so much thereof as may be necessary and
remains unexpended at the close of business on June 30, 2002, from a reappropriation
heretofore made for such purposes in Article 56a, Section 20 of Public Act 92-8, is
reappropriated from the School Infrastructure Fund to the Capital Development Board for
school construction project grants pursuant to the School Construction Law.

Section 21. The sum of $15,012,483, or so much thereof as may be necessary and
remains unexpended at the close of business on June 30, 2002, from a reappropriation
heretofore made for such purposes in Article 56a, Section 21 of Public Act 92-8, is
reappropriated from the School Infrastructure Fund to the Capital Development Board for
school construction grants pursuant to the School Construction Law.

Section 22. The sum of $7,046,611, or so much thereof as may be necessary and
remains unexpended at the close of business on June 30, 2002, from a reappropriation
heretofore made for such purposes in Article 56a, Section 22 of Public Act 92-8, is
reappropriated from the School Construction Fund to the Capital Development Board for
school construction grants pursuant to the School Construction Law.

New matter indicated by italics - deletions by strikeout.
Section 24. The following named amount, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made in Article 56a, Section 24 of Public Act 92-8, is reappropriated from the Capital Development Fund to the Capital Development Board for the Board of Higher Education for the project hereinafter enumerated:

**SIU SCHOOL OF MEDICINE - SPRINGFIELD**
(From Article 56a, Section 24 of Public Act 92-8)
For constructing and for equipment for
 an addition to the combined laboratory,
in addition to funds previously
 appropriated ...........................
 Total $26,392,620

Section 24.1. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2002, from appropriations and reappropriations heretofore made for such purposes in Article 56, Section 17 and Article 56a, Section 24.1 of Public Act 92-8, as amended, are reappropriated from the Capital Development Fund to the Capital Development Board for the projects hereinafter enumerated:

**SOUTHERN ILLINOIS UNIVERSITY**
(From Article 56, Section 17 of Public Act 92-8)
For planning, construction and equipment
 for a cancer center ........................ $14,500,000

**SOUTHERN ILLINOIS UNIVERSITY - EDWARDSVILLE**
For planning, construction and equipment
 for an advanced technical worker
 training facility .............................. 1,100,000

**UNIVERSITY OF ILLINOIS - CHICAGO**
(From Article 56a, Section 24.1 of Public Act 92-8)
To plan and begin construction of
 a medical imaging research/clinical
 facility ....................................... 9,125,892

**UNIVERSITY OF ILLINOIS - URBANA/CHAMPAIGN**
(From Article 56, Section 17 of Public Act 92-8)
For planning, construction and equipment
 for a biotechnology genomic facility .... 67,500,000
For planning, construction and equipment
 for a supercomputing application facility .... 27,000,000
For planning, construction and equipment
 for a technology transfer incubator
 facility ....................................... 5,000,000

New matter indicated by italics - deletions by strikeout.
(From Article 56a, Section 24.1 of Public Act 92-8)
To plan and begin construction of a
biotechnology/genomic facility .................. 6,015,227
To plan and begin construction of a
supercomputing application
facility ............................................. 1,767,534
To plan and begin construction of a
technology transfer incubator
facility ............................................. 2,612,967
Total ............................................. $141,021,620

Section 25. The following named amounts, or so much thereof as may be necessary
and remain unexpended at the close of business on June 30, 2002, from appropriations and
re appropriations heretofore made for such purposes in Article 56a, Section 25 of Public Act
92-8, are reappropriated from the Capital Development Fund to the Capital Development
Board for the Board of Higher Education for the projects hereinafter enumerated:

ILLINOIS MATHEMATICS AND SCIENCE ACADEMY - AURORA
(From Article 56a, Section 25 of Public Act 92-8)
For replacing the roof on the
Academic Building ............................... $ 392,490
For replacing carpeting, constructing storage
building and various site improvements,
including extending communications
conduit system ................................. 285,437
For replacing air conditioning units,
controls and upgrading the energy
management system ............................. 122,757
For remodeling the Information Resource
Technology Center ............................. 50,665
For renovation of the laboratory areas,
including a greenhouse ......................... 41,504
For the purchase, renovation and improvement
of the North Campus High School site of
the Aurora West School District 129,
including construction of four dormitories,
equipment purchases and other expenses for
use by the Illinois Mathematics and Science
Academy ....................................... 211,948
Total ............................................. $1,104,801

Section 26. The sum of $8,008,803, or so much thereof as may be necessary and
remains unexpended from reappropriation heretofore made in Article 56a, Section 26 of
Public Act 92-8, approved May 17, 2000, is reappropriated from the Capital Development
Fund to the Capital Development Board for the Illinois Community College Board for

New matter indicated by italics - deletions by strikeout.
planning, construction, utilities, site improvements, equipment and other costs necessary for a new Workforce Development and Community Education Facility at John A. Logan College. The provisions of Article V of the Public Community College Act are not applicable to this appropriation.

Section 27. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2002, from appropriations and reappropriations heretofore made for such purposes in Article 56, Section 15, and Article 56a, Section 27 of Public Act 92-8, are reappropriated from the Capital Development Fund to the Capital Development Board for the Illinois Community College Board for the projects hereinafter enumerated:

CARL SANDBURG COLLEGE
(From Article 56a, Section 27 of Public Act 92-8)
For constructing a computer/student center .................. $ 2,334,129

CITY COLLEGES OF CHICAGO/KENNEDY KING
For remodeling for Workforce Preparation Centers .................. 3,862,000
For remodeling for a culinary arts educational facility ................. 10,875,000

CITY COLLEGES OF CHICAGO - MALCOLM X COLLEGE
For remodeling the Allied Health program facilities .................. 4,509,000

DANVILLE AREA COMMUNITY COLLEGE - VERMILION COUNTY
For renovating campus buildings .................. 1,789,365

COLLEGE OF DUPAGE
For upgrading the Instructional Center heating, ventilating and air conditioning systems .................. 2,228,000

ELGIN COMMUNITY COLLEGE
For construction of addition, site improvements, remodeling and purchasing equipment ........ 94,896

HEARTLAND COMMUNITY COLLEGE - BLOOMINGTON
For constructing buildings and making site improvements, including equipment ...... 43,100

IL EASTERN COMMUNITY COLLEGE - FRONTIER COLLEGE
For constructing a learning resource center. The provisions of Article V of the Public Community College Act are not applicable to this appropriation .......... 976,858

JOHN A. LOGAN COMMUNITY COLLEGE - CARTERVILLE
For constructing additions and site improvements, in addition to funds

New matter indicated by italics - deletions by strikeout.
previously appropriated ............................ 2,125,832

JOHN WOOD COMMUNITY COLLEGE - QUINCY
For constructing campus buildings and site improvements, in addition to funds previously appropriated .................... 21,139

For planning campus buildings and site improvements ................................. 394,828

KANKAKEE COMMUNITY COLLEGE
For constructing a laboratory/classroom facility ......................................... 6,820,000

KASKASKIA COLLEGE
For renovating the learning resource center ............................................. 255,568

COLLEGE OF LAKE COUNTY
For planning and beginning construction of a technology building - Phase 1 ........................................ 2,561,497

LAKE LAND COLLEGE - MATTOON
For constructing a Technology Building, a parking area and for site improvements ...... 884,714
For constructing a classroom/administration building and purchasing equipment, in addition to funds previously appropriated .......... 190,416

LEWIS AND CLARK COMMUNITY COLLEGE - GODFREY
For constructing classroom and office building and additions, and remodeling of Haskell Hall ...................... 57,147
For construction of health, mathematics and science laboratory facilities and remodeling Fobes Hall ....................... 35,720

LINCOLN LAND COMMUNITY COLLEGE - SPRINGFIELD
For constructing a conference & training facility addition to the Millenium Center, in addition to funds previously appropriated ............... 795,402
For constructing an addition and remodeling Sangamon and Menard Halls ......................... 1,131,966

MORAINE VALLEY COMMUNITY COLLEGE - PALOS HILLS
For constructing a classroom/administration building, providing site improvements and purchasing equipment, in addition to funds previously appropriated ............ 252,666

New matter indicated by italics - deletions by strikeout.
MCHENRY COUNTY COLLEGE
For constructing classrooms and a
student services building and remodeling
space, in addition to funds previously
appropriated ............................... 6,483,330

OAKTON COMMUNITY COLLEGE
For planning an addition to Ray
Harstein campus - Phase 1 .................... 392,000

PARKLAND COLLEGE - CHAMPAIGN
For constructing a classroom/instructional
support building, in addition to
funds previously appropriated ............... 42,299

PRAIRIE STATE COLLEGE - CHICAGO HEIGHTS
For constructing an addition to the Adult
Training/Outreach Center, in addition to
funds previously appropriated ............... 10,926,138

REND LAKE COLLEGE - INA
For site development, design and
construction of an Industrial &
Community Training Center at Pinckneyville
Industrial Park .............................. 342,224
For replacing utility piping ..................... 315,563

RICHLAND COMMUNITY COLLEGE - DECATUR
For remodeling and constructing additions ...... 2,964,694

SHAWNEE COMMUNITY COLLEGE - ULLIN
For constructing additions, parking
facilities, and renovating buildings,
including equipment ......................... 267,596

SOUTHWESTERN ILLINOIS COLLEGE
(Formerly BELLEVILLE AREA COLLEGE)
For renovating campus buildings and site
improvements at the Belleville and Red
Bud campuses ............................ 2,020,454
For constructing a building, additions
and site improvements at the
Belleville and Red Bud campuses,
in addition to funds previously
appropriated .............................. 20,152

SOUTH SUBURBAN COLLEGE
For improving flood retention ............... 437,000

New matter indicated by italics - deletions by strikeout.
SPOON RIVER COLLEGE
For remodeling Engle Hall and constructing a maintenance building .......... 2,588,648

TRITON COMMUNITY COLLEGE - RIVER GROVE
For rehabilitating the Liberal Arts Building ....................................... 3,486,381
For rehabilitating the potable water distribution system ....................... 612,587

STATEWIDE
(From Article 56, Section 15 of Public Act 92-8)
For miscellaneous capital improvements including construction, capital facilities, cost of planning, supplies, equipment, materials, services and all other expenses required to complete the work at the various community colleges. This appropriated amount shall be in addition to any other appropriated amounts which can be expended for these purposes ................. 6,071,700

(From Article 56a, Section 27 of Public Act 92-8)
For miscellaneous capital improvements including construction, capital facilities, cost of planning, supplies, equipment, materials, services and all other expenses required to complete the work at the various community colleges. This appropriated amount shall be in addition to any other appropriated amounts which can be expended for these purposes .......................... 5,483,310

STATEWIDE - CONSTRUCTION DEFECTS
For planning, construction and renovation to correct defectively designed or constructed community college facilities, provided that monies recovered based upon claims arising out of such defective design or construction shall be paid to the state as required by Section 105.12 of the Public Community College Act as reimbursement for monies expended pursuant to this appropriation .............................. 525,529
Total $85,218,848

Section 28. The following named amounts, or so much thereof as may be necessary

New matter indicated by italics - deletions by strikeout.
and remain unexpended at the close of business on June 30, 2002, from appropriations and reappropriations heretofore made in Article 56, Section 16 and Article 56a, Section 28 of Public Act 92-8, are reappropriated from the Capital Development Fund to the Capital Development Board for the Illinois Board of Higher Education for the projects hereinafter enumerated:

STATEWIDE

(From Article 56, Section 16 of Public Act 92-8)
For miscellaneous capital improvements including construction, capital facilities, cost of planning, supplies, equipment, materials, services and all other expenses required to complete the work at the various universities. This appropriated amount shall be in addition to any other appropriated amounts which can be expended for these purposes......

$13,928,300
Chicago State University ................. 322,700
Eastern Illinois University ............ 515,500
Governors State University .......... 189,700
Illinois State University .......... 1,021,300
Northeastern Illinois University ............ 383,700
Northern Illinois University .... 1,159,000
Western Illinois University ........... 792,200
Southern Illinois University - Carbondale ................. 1,624,700
Southern Illinois University - Edwardsville ................. 763,100
University of Illinois - Chicago ................. 2,777,300
University of Illinois - Springfield ................. 229,100
University of Illinois - Urbana/Champaign ................. 4,150,000

(From Article 56a, Section 28 of Public Act 92-8)
For miscellaneous capital improvements including construction, capital facilities, cost of planning, supplies, equipment, materials, services and all other expenses required to complete the work at the various universities. This appropriated amount shall be in

New matter indicated by italics - deletions by strikeout.
addition to any other appropriated amounts which can be expended for these purposes........................ 12,165,873
Chicago State University .......... 117,644
Eastern Illinois University ......... 507,290
Governors State University ........ 196,500
Illinois State University .......... 1,200,667
Northeastern Illinois University .................. 375,400
Northern Illinois University ...... 1,249,300
Western Illinois University ......... 851,000
Southern Illinois University - Carbondale .......................... 1,178,252
Southern Illinois University - Edwardsville ................. 663,000
University of Illinois - Chicago .................. 2,559,091
University of Illinois - Springfield .................. 146,705
University of Illinois - Urbana/Champaign .................. 3,121,024

CHICAGO STATE UNIVERSITY
(From Article 56, Section 16 of Public Act 92-8)
For constructing a new library facility, site improvements, utilities, and purchasing equipment, in addition to funds previously appropriated .......... 16,000,000
For technology improvements and deferred maintenance .................. 3,000,000
(From Article 56a, Section 28 of Public Act 92-8)
For remodeling Building K, in addition to funds previously appropriated ........... 9,397,757

CITY COLLEGES OF CHICAGO
(From Article 56, Section 16 of Public Act 92-8)
For various bondable capital improvements ...... 9,000,000

EASTERN ILLINOIS UNIVERSITY
(From Article 56, Section 16 of Public Act 92-8)
For renovating and expanding the Fine Arts Center, in addition to funds previously appropriated ........... 40,003,000
(From Article 56a, Section 28 of Public Act 92-8)
For planning and beginning to renovate

New matter indicated by italics - deletions by strikeout.
and expand the Fine Arts Center -
   Phase 1, in addition to funds
   previously appropriated ....................... 3,160,920

GOVERNORS STATE UNIVERSITY
For constructing addition and
   remodeling the teaching & learning
   complex, in addition to funds
   previously appropriated ....................... 21,985,700

ILLINOIS STATE UNIVERSITY
(From Article 56, Section 16 of Public Act 92-8)
For the upgrade and remodeling
   of Schroeder Hall ............................. 17,462,724

NORTHERN ILLINOIS UNIVERSITY
(From Article 56a, Section 28 of Public Act 92-8)
For renovating the Founders Library
   basement, in addition to funds previously
   appropriated ...................................... 2,610,457

NORTHEASTERN ILLINOIS UNIVERSITY
(From Article 56, Section 16 of Public Act 92-8)
For renovating Building "C" and
   remodeling and expanding Building "E"
   and Building "F" ................................. 9,064,300

SOUTHERN ILLINOIS UNIVERSITY - CARBONDALE
(From Article 56a, Section 28 of Public Act 92-8)
For renovating Altgeld Hall and Old
   Baptist Foundation, in addition to funds
   previously appropriated ........................ 10,292,480

WESTERN ILLINOIS UNIVERSITY
(From Article 56, Section 16 of Public Act 92-8)
For improvements to Memorial
   Hall .................................................. 12,000,000

Total ................................................. 120,071,511

Section 29. The sum of $3,093,776, or so much thereof as may be necessary and
remains unexpended at the close of business on June 30, 2002, from a reappropriation
heretofore made for such purposes in Article 56a, Section 29 of Public Act 92-8, is
reappropriated from the Capital Development Fund to the Capital Development Board for
the Illinois Community College Board for miscellaneous capital improvements including
construction, reconstruction, remodeling, improvement, repair and installation of capital
facilities, cost of planning, supplies, equipment, materials, services and all other expenses
required to complete the work at the various community colleges. This appropriation shall
be in addition to any other appropriated amounts which can be expended for these purposes.

Section 30. The sum of $3,609,331, or so much thereof as may be necessary and

New matter indicated by italics - deletions by strikeout.
remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made for such purposes in Article 56a, Section 30 of Public Act 92-8, is reappropriated from the Capital Development Fund to the Capital Development Board for the Illinois Community College Board for miscellaneous capital improvements including construction, reconstruction, remodeling, improvement, repair and installation of capital facilities, cost of planning, supplies, equipment, materials, services and all other expenses required to complete the work at the various community colleges. This appropriation shall be in addition to any other appropriated amounts which can be expended for these purposes.

Section 31. The sum of $1,540,729, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made for such purposes in Article 56a, Section 31 of Public Act 92-8, is reappropriated from the Capital Development Fund to the Capital Development Board for the Illinois Community College Board for grants to community colleges for miscellaneous capital improvements including construction, reconstruction, remodeling, improvements, repair and installation of capital facilities, cost of planning, supplies, equipment, materials, services, and all other expenses required to complete the work. This appropriation shall be in addition to any other appropriated amounts which can be expended for these purposes.

Section 32. The sum of $2,769,950, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made for such purpose in Article 56a, Section 32 of Public Act 92-8 is reappropriated from the Capital Development Fund to the Capital Development Board for the Illinois Community College Board for miscellaneous capital improvements including construction, capital facilities, cost of planning, supplies, equipment, materials, services and all other expenses required to complete the work at the various community colleges. This appropriation shall be in addition to any other appropriated amounts which can be expended for these purposes.

Section 33. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2002, from reappropriations heretofore made for such purposes in Article 56a, Section 33 of Public Act 92-8, are reappropriated from the Capital Development Fund to the Capital Development Board for the Board of Higher Education for the projects hereinafter enumerated:

CHICAGO STATE UNIVERSITY

(From Article 56a, Section 33 of Public Act 92-8)

For planning and beginning to remodel
  Building K and improving site ......................... $ 1,005,474
  For planning, site improvements, utilities, construction, equipment and other costs necessary for a new library facility ............. 17,849,745
  For upgrading campus infrastructure, in addition to the funds previously appropriated .......................... 2,700,000
  For renovating buildings and upgrading

New matter indicated by italics - deletions by strikeout.
mechanical systems .......................... 1,430,791
For providing campus health and safety improvements ......................... 30,913

EASTERN ILLINOIS UNIVERSITY - CHARLESTON
For planning and beginning to renovate and expand the Fine Arts Center .............. 2,000,000
For upgrading campus buildings for health, safety and environmental improvements ........ 1,162,169
For constructing an addition and renovating Booth Library ......................... 2,122,301
For construction of an addition and remodeling Buzzard Building .................. 30,181

GOVERNORS STATE UNIVERSITY - PARK FOREST
For constructing a child development center and an addition to the main building and remodeling Wings E and F .............. 11,956,077
For planning and beginning the main building renovations, a child development center, and faculty offices ......................... 513,255
For upgrading and replacing cooling and refrigeration systems and equipment ..................... 260,036
For remodeling the main building ............. 171,802

ILLINOIS STATE UNIVERSITY - NORMAL
For planning and beginning to rehabilitate Schroeder Hall ......................... 694,614
For planning, site improvements, utilities, construction, equipment and other costs necessary for a new facility for the College of Business ...................... 17,825,842
For remodeling Julian and Moulton Halls ...... 4,603,668

NORTHEASTERN ILLINOIS UNIVERSITY - CHICAGO
For planning and beginning to remodel Buildings A, B and E .................... 5,339,338
For remodeling in the Science Building to upgrade heating, ventilating and air conditioning systems .................... 2,021,400
For replacing fire alarm systems, lighting and ceilings ......................... 2,495,000
For renovating the auditorium in Building E ......................... 4,520,932

New matter indicated by italics - deletions by strikeout.
For fire safety modifications at the facility .......................... 79,668
For renovation of Buildings E, F, and the auditorium, and demolition and replacement of Buildings G, J and M, in addition to amounts previously appropriated .................................. 102,848
For remodeling the library .............................. 160,697

NORTHERN ILLINOIS UNIVERSITY - DEKALB
For planning a classroom building and developing site in Hoffman Estates .......... 1,314,500
For completing the construction of the Engineering Building, in addition to amounts previously appropriated for such purpose ............................. 4,062,351
For renovating Altgeld Hall and purchasing equipment .............................. 5,162,292
For upgrading storm waterway controls in addition to funds previously appropriated .... 6,404,139

SOUTHERN ILLINOIS UNIVERSITY - CARBONDALE
For upgrading and remodeling Anthony Hall ...... 366,029
For site improvements and purchasing equipment for the Engineering and Technology Building .......................... 56,470

SOUTHERN ILLINOIS UNIVERSITY - EDWARDSVILLE
For construction of the Engineering Facility building and related site improvements ...... 302,231
For planning and beginning construction or renovation for a classroom/administration facility at East St. Louis in addition to funds previously appropriated .............. 27,420

UNIVERSITY CENTER OF LAKE COUNTY
For land, planning, remodeling, construction and all costs necessary to construct a facility ......................................... 10,622,467

UNIVERSITY OF ILLINOIS - CHICAGO
For remodeling the Clinical Sciences Building ......................... 7,355,927
For the renovation of the court area and Lecture Center, in addition to funds previously appropriated ...................... 2,414,662

UNIVERSITY OF ILLINOIS - URBANA/CHAMPAIGN

New matter indicated by italics - deletions by strikeout.
For planning and beginning to construct
a central chiller plant .................. 541,625
For completion of campus flood control ....... 3,095,806
For remodeling the Mechanical Engineering
Laboratory Building ...................... 730,588

UNIVERSITY OF ILLINOIS - SPRINGFIELD
For constructing and improving campus
roadways, in addition to funds previously
appropriated ............................... 4,633

WESTERN ILLINOIS UNIVERSITY - MACOMB
For constructing a utility tunnel system, in
addition to funds previously appropriated .... 2,530,148
For remodeling Horrabin Hall and
beginning to convert Simpkins Hall
gymnasium and adjacent areas into
a performing arts facility ................... 121,074
For construction of a steam and electrical
utility tunnel ............................. 31,903
For constructing a utility tunnel and
installing piping, lines and cables ......... 903,516
For remodeling Horrabin and Simpkins
Halls, in addition to funds
previously appropriated.................... 395,178
Total ...................................... $125,519,710

Section 34. The sum of $14,951, or so much thereof as may be necessary and remains
unexpended at the close of business on June 30, 2002, from a reappropriation heretofore
made for such purposes in Article 56a, Section 34 of Public Act 92-8, is reappropriated from
the Capital Development Fund to the Capital Development Board for the Board of Higher
Education for miscellaneous capital improvements including construction, reconstruction,
remodeling, improvement, repair and installation of capital facilities, cost of planning,
supplies, equipment, materials, services and all other expenses required for completing the
the work at the colleges and universities. This appropriation shall be in addition to any other
appropriated amounts which can be expended for these purposes.

Section 35. The following named amount, or so much thereof as may be necessary
and remains unexpended at the close of business on June 30, 2002, from a reappropriation
heretofore made for such purposes in Article 56a, Section 35 of Public Act 92-8, is reappropriated from the Capital Development Fund to the Capital Development Board for the Board of Higher Education for miscellaneous capital improvements including construction, reconstruction, remodeling, improvement, repair and installation of capital facilities, cost of planning, supplies, equipment, materials, services and all other expenses required to complete the work at the colleges and universities hereinafter enumerated. This appropriation shall be in addition to any other appropriated amounts which can be expended.

New matter indicated by italics - deletions by strikeout.
for these purposes:

Western Illinois University ............... $ 19,577
Total $19,577

Section 36. The sum of $4,630,226, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made for such purposes in Article 56a, Section 36 of Public Act 92-8, is reappropriated from the Capital Development Fund to the Capital Development Board for the Board of Higher Education for miscellaneous capital improvements, including construction, reconstruction, remodeling, improvement, repair and installation of capital facilities, cost of planning, supplies, equipment, materials, services and all other expenses required to complete the work at the various universities set forth below. This appropriation shall be in addition to any other appropriated amounts which can be expended for these purposes.

For Chicago State University ........ $ 33,747
For Eastern Illinois University ...... 36,177
For Governors State University ...... 90,561
For Illinois State University ....... 17,787
For Northeastern Illinois University 345,890
For Northern Illinois University .. 574,181
For Western Illinois University ....... 308
For Southern Illinois University - Carbondale .................. 328,270
For Southern Illinois University - Edwardsville .................. 120,829
For University of Illinois - Chicago ...................... 1,953,436
For University of Illinois - Urbana-Champaign ............... 1,129,038

Section 37. The sum of $5,414,571, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made for such purposes in Article 56a, Section 37 of Public Act 92-8, is reappropriated from the Capital Development Fund to the Capital Development Board for the Board of Higher Education for miscellaneous capital improvements including construction, capital facilities, cost of planning, supplies, equipment, materials, services and all other expenses required to complete the work at the various universities set forth below. This appropriation shall be in addition to any other appropriated amounts which can be expended for these purposes.

For Chicago State University ........ $ 187,051
For Eastern Illinois University ...... 406,707
For Governors State University ...... 69,229
For Illinois State University ....... 91,245
For Northeastern Illinois University .. 317,800

New matter indicated by italics - deletions by strikeout.
Section 38. The following named amount, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from reappropriations heretofore made for such purposes in Article 56a, Section 38 of Public Act 92-8, is reappropriated from the Capital Development Fund to the Capital Development Board for the Board of Higher Education for the projects hereinafter enumerated:

NORTHERN ILLINOIS UNIVERSITY
(From Article 56a, Section 38 of Public Act 92-8)
For renovation of heating plants and the HVAC system ......................... 10,529
Total $10,529

Section 39. The sum of $229,972, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made for such purposes in Article 56a, Section 39 of Public Act 92-8, is reappropriated from the Capital Development Fund to the Capital Development Board for the Board of Higher Education for miscellaneous capital improvements, including construction, reconstruction, remodeling, improvement, repair and installation of capital facilities, cost of planning, supplies, equipment, materials, services and all other expenses required for completing the work at the colleges and universities. This appropriation shall be in addition to any other appropriated amounts which can be expended for these purposes:
Northern Illinois University ................... $ 267,217
Total $267,217

Section 40. The following named amount, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made for such purposes in Article 56a, Section 40 of Public Act 92-8, is reappropriated from the Capital Development Fund to the Capital Development Board for the Board of Higher Education for miscellaneous capital improvements, including construction, reconstruction, remodeling, improvements, repair and installation of capital facilities, cost of planning, supplies, equipment, materials, services, and all other expenses required to complete the work at the colleges and universities hereinafter enumerated. This appropriation shall be in addition to any other appropriated amounts which can be expended for these purposes:
Northern Illinois University ................. $ 267,217
Total $267,217

New matter indicated by italics - deletions by strikeout.
unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made for such purposes in Article 56a, Section 41 of Public Act 92-8, is reappropriated from the Capital Development Fund to the Capital Development Board for the Board of Higher Education for Northern Illinois University, for the planning, architectural engineering, purchase, site improvements and construction or remodeling of a site in Rockford for use as a campus.

Section 42. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2002, from reappropriations heretofore made for such purposes in Article 56a, Section 42 of Public Act 92-8, are reappropriated from the Capital Development Fund to the Capital Development Board for the Board of Higher Education for miscellaneous capital improvements including construction, reconstruction, remodeling, improvement, repair and installation of capital facilities, cost of planning, supplies, equipment, materials, services and all other expenses required to complete the work at the various universities set forth below. This appropriation shall be in addition to any other appropriated amounts which can be expended for these purposes.

<table>
<thead>
<tr>
<th>University</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Chicago State University</td>
<td>$189,876</td>
</tr>
<tr>
<td>For Eastern Illinois University</td>
<td>230,412</td>
</tr>
<tr>
<td>For Governors State University</td>
<td>71,798</td>
</tr>
<tr>
<td>For Illinois State University</td>
<td>293,056</td>
</tr>
<tr>
<td>For Northeastern Illinois University</td>
<td>198,324</td>
</tr>
<tr>
<td>For Northern Illinois University</td>
<td>321,687</td>
</tr>
<tr>
<td>For Southern Illinois University</td>
<td>93,059</td>
</tr>
<tr>
<td>For University of Illinois</td>
<td>896,298</td>
</tr>
<tr>
<td>For Western Illinois University</td>
<td>10,445</td>
</tr>
<tr>
<td>Total</td>
<td>$2,304,955</td>
</tr>
</tbody>
</table>

Section 43. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2002, from reappropriations heretofore made for such purposes in Article 56a, Section 43 of Public Act 92-8, are reappropriated from the Capital Development Fund to the Capital Development Board for the Board of Trustees of Southern Illinois University for the projects hereinafter enumerated:

**CARBONDALE CAMPUS**
(From Article 56a, Section 43 of Public Act 92-8)

- For construction of an engineering building annex $63,948

**EDWARDSVILLE CAMPUS**

- For replacement of the high temperature water distribution system $177,509
- For infrastructure, site development, and other necessary costs associated with the development of University Park $7,501
- For costs associated with the consolidation

New matter indicated by italics - deletions by strikeout.
Section 44. The sum of $162,691, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made for such purposes in Article 56a, Section 44 of Public Act 92-8, is reappropriated from the Capital Development Fund to the Capital Development Board for Southern Illinois University for miscellaneous capital improvements including construction, reconstruction, remodeling, improvements, repair and installation of capital facilities, cost of planning, supplies, equipment, materials, services, and all other expenses required to complete the work. This appropriation shall be in addition to any other appropriated amounts which can be expended for these purposes.

Section 45. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2002, from reappropriations heretofore made for such purposes in Article 56a, Section 45 of Public Act 92-8, are reappropriated from the Capital Development Fund to the Capital Development Board for the Board of Trustees of the University of Illinois for the projects hereinafter enumerated:

UNIVERSITY CENTER - CHICAGO
(From Article 56a, Section 45 of Public Act 92-8)
For remodeling Alumni Hall, Phase II,
including utilities ......................... $ 33,547
HEALTH SCIENCE CENTER
For remodeling the Neuropsychiatric
Institute ................................. 35,260
URBANA-CHAMPAIGN CAMPUS
For initiating a campus flood
control project ......................... 403,480
Total ............................... $472,287

Section 46. The sum of $359,366, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made for such purposes in Article 56a, Section 46 of Public Act 92-8, is reappropriated from the Capital Development Fund to the Capital Development Board for the Board of Trustees of the University of Illinois for miscellaneous capital improvements including construction, reconstruction, remodeling, improvement, repair and installation of capital facilities, cost of planning, supplies, equipment, materials, services and all other expenses required for completing the work at the colleges and universities. This appropriation shall be in addition to any other appropriated amounts which can be expended for these purposes.

Section 47. The sum of $26,630, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made for such purposes in Article 56a, Section 47 of Public Act 92-8, is reappropriated from

New matter indicated by italics - deletions by strikeout.
the Capital Development Fund to the Capital Development Board for the Board of Trustees of the University of Illinois (formerly for the Department of Human Services) for renovation of the School of Public Health and Psychiatric Institute (formerly the ISPI building).

Section 48. The sum of $13,761,948, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 56, Section 31 of Public Act 92-8, as amended, is reappropriated from the Capital Development Fund for the Board of Trustees of the University of Illinois for all costs associated with the space needs of the Department of Natural Resources, Illinois Natural History Survey Division and State Water Survey Division on the campus of the University of Illinois in Champaign, including construction, capital facilities, planning, relocation, renovation and rehabilitation, mechanical systems, materials, services and all other costs required to complete the work.

Section 50. The amount of $1,500,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made in Article 56a, Section 50 of Public Act 92-8, is reappropriated from the Capital Development Fund to the Capital Development Board for a grant to Lewis and Clark Community College for all costs associated with construction, redevelopment, infrastructure and engineering costs at the N.O. Nelson property in Edwardsville.

Section 55. The amount of $6,675,722, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 56a, Section 55 of Public Act 92-8, is reappropriated from the Capital Development Fund to the Capital Development Board to construct an industrial training center at Illinois Central College.

Section 56. The amount of $5,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made in Article 56a, Section 56 of Public Act 92-8, is reappropriated from the Capital Development Fund to the Department of Natural Resources for a grant to the Fox River Water Reclamation District for skyline sewer system renovations and improvements.

Section 57. The amount of $100,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made in Article 56a, Section 57 of Public Act 92-8, is reappropriated from the Capital Development Fund to the Capital Development Board for a grant for development and improvements to the Newberry Library.

Section 58. The amount of $16,527,493, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made in Article 56a, Section 59 of Public Act 92-8, is reappropriated from the Capital Development Fund to the Capital Development Board for grants to units of local government and other eligible entities for all costs associated with land acquisition, construction and rehabilitation projects.

Section 59. The amount of $800,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made in Article 56a, Section 59a of Public Act 92-8, is reappropriated from the

New matter indicated by italics - deletions by strikeout.
Capital Development Fund to the Capital Development Board for a grant to the City of Centreville for infrastructure improvements.

Section 61. The amount of $150,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made in Article 56a, Section 61 of Public Act 92-8, is reappropriated from the Capital Development Fund to the Capital Development Board for renovations and rehabilitation of the old Rosemont Fire Station in the Village of Washington Park.

Section 63. The amount of $7,685,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made in Article 56a, Section 63 of Public Act 92-8, is reappropriated from the Fund for Illinois’ Future to the Capital Development Board for grants to units of local government, educational facilities, and not-for-profit organizations for expenses and infrastructure improvements including, but not limited to planning, construction, reconstruction, renovation, utilities and equipment.

Section 65. The sum of $100,000, or so much thereof as may be necessary, is and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made in Article 56a, Section 65 of Public Act 92-8, as amended, is reappropriated from the Capital Development Fund to the Capital Development Board for the repaving of 23rd Street from Nameoki Road to Route 162 in Granite City.

Section 66. The sum of $100,000, or so much thereof as may be necessary, is and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made in Article 56a, Section 66 of Public Act 92-8, as amended, is reappropriated from the Capital Development Fund to the Capital Development Board for the resurfacing of Arlington Drive in Nameoki Township.

Section 67. The sum of $144,721, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made for such purposes in Article 56a, Section 67 of Public Act 92-8, is reappropriated from the Capital Development Fund to the Capital Development Board for a grant to Parkland College for capital improvements.

Section 68. The sum of $32,563, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made for such purposes in Article 56a, Section 68 of Public Act 92-8, is reappropriated from the General Revenue Fund to the Capital Development Board for a grant to Prairie State College for planning for Outreach/Adult Training Center.

Section 70. The sum of $20,199, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made for such purposes in Article 56a, Section 70 of Public Act 92-8, is reappropriated from the General Revenue Fund to the Capital Development Board for a grant to Spoon River College for Macomb Campus renovation and classroom enhancements.

Section 72. The following named amount, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made in Article 56a, Section 72 of Public Act 92-8, approved May 17, 2000, is

New matter indicated by italics - deletions by strikeout.
reappropriated from the Capital Development Fund to the Capital Development Board for the project hereinafter enumerated:

**EAST ST. LOUIS COLLEGE CENTER**
(From Article 56a, Section 72 of Public Act 92-8)
For construction of facilities, remodeling, site improvements, utilities and other costs necessary for adapting the former campus of Metropolitan Community College for a Community College Center and Southern Illinois University, in addition to funds previously appropriated .................................. $25,248,857

Section 73. The sum of $7,762,614, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made in Article 56a, Section 73 of Public Act 92-8, approved May 17, 2000, is reappropriated from the Capital Development Fund to the Capital Development Board for the Board of Higher Education for miscellaneous capital improvements including construction, reconstruction, remodeling, improvements, repair and installation of capital facilities, cost of planning, supplies, equipment, materials, services and all other expenses required to complete the work at the various universities set forth below. This appropriated amount shall be in addition to any other appropriated amounts which can be expended for these purposes.

<table>
<thead>
<tr>
<th>University</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chicago State University</td>
<td>205,626</td>
</tr>
<tr>
<td>Eastern Illinois University</td>
<td>165,140</td>
</tr>
<tr>
<td>Governors State University</td>
<td>131,700</td>
</tr>
<tr>
<td>Illinois State University</td>
<td>800,823</td>
</tr>
<tr>
<td>Northeastern Illinois University</td>
<td>307,200</td>
</tr>
<tr>
<td>Northern Illinois University</td>
<td>927,065</td>
</tr>
<tr>
<td>Western Illinois University</td>
<td>354,915</td>
</tr>
<tr>
<td>Southern Illinois University - Carbondale</td>
<td>619,145</td>
</tr>
<tr>
<td>Southern Illinois University - Edwardsville</td>
<td>115,804</td>
</tr>
<tr>
<td>University of Illinois - Chicago Campus</td>
<td>2,162,874</td>
</tr>
<tr>
<td>University of Illinois - Springfield Campus</td>
<td>25,325</td>
</tr>
<tr>
<td>University of Illinois - Champaign/Urbana Campus</td>
<td>1,946,997</td>
</tr>
</tbody>
</table>

Section 74. The sum of $2,966,356, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made in Article 56a, Section 74 of Public Act 92-8, approved May 17, 2000, is reappropriated from the Capital Development Fund to the Capital Development Board for
the Illinois Community College Board for miscellaneous capital improvements including construction, capital facilities, cost of planning, supplies, equipment, materials, services and all other expenses required to complete the work at the various community colleges. This appropriated amount shall be in addition to any other appropriated amounts which can be expended for these purposes.

Section 75. The sum of $70,797,099, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made in Article 56a, Section 75 of Public Act 92-8, approved May 17, 2000, is reappropriated from the School Construction Fund to the Capital Development Board for school construction grants pursuant to the School Construction Law, in addition to amounts previously appropriated for such purposes.

Section 76. The sum of $156,448, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made in Article 56a, Section 76 of Public Act 92-8, approved May 17, 2000, is reappropriated from the School Infrastructure Fund to the Capital Development Board for school construction grants pursuant to the School Construction Law, in addition to amounts previously appropriated for such purposes.

Section 79. The sum of $550,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made for such purposes in Article 56a, Section 79 of Public Act 92-8, approved May 17, 2000, is reappropriated from the Capital Development Fund to the Capital Development Board for a grant to the Village of Arlington Heights for construction projects.

Section 81. The sum of $125,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made for such purposes in Article 56a, Section 81 of Public Act 92-8, approved May 17, 2000, is reappropriated from the Capital Development Fund to the Capital Development Board for a grant to the City of Toulon for a new community center.

Section 82. The sum of $29,580, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made for such purposes in Article 56a, Section 82 of Public Act 92-8, approved May 17, 2000, is reappropriated from the Capital Development Fund to the Capital Development Board for a grant to Waubonsee Community College for infrastructure improvements (IT).

Section 83. The sum of $550,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made for such purposes in Article 56a, Section 83 of Public Act 92-8, approved May 17, 2000, is reappropriated from the Capital Development Fund to the Capital Development Board for a grant to the Village of Stickney for village hall & public safety facility (1/2).

Section 84. The sum of $105,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made for such purposes in Article 56a, Section 84 of Public Act 92-8, approved May 17, 2000, is reappropriated from the Capital Development Fund to the Capital

New matter indicated by italics - deletions by strikeout.
Development Board for a grant to the Town of Cicero for a police station/community center.

Section 85. The sum of $150,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made for such purposes in Article 56a, Section 85 of Public Act 92-8, approved May 17, 2000, is reappropriated from the Capital Development Fund to the Capital Development Board for a grant to the Village of Illiopolis for a new village hall.

Section 86. The sum of $1,374,266, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made for such purposes in Article 56a, Section 86 of Public Act 92-8, approved May 17, 2000, is reappropriated from the Capital Development Fund to the Capital Development Board for a grant to the Lewis & Clark Community College for buildings and/or building improvements. The provisions of Article V of the Public Community College Act are not applicable to this appropriation.

Section 87. The sum of $119,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made for such purposes in Article 56a, Section 87 of Public Act 92-8, approved May 17, 2000, is reappropriated from the Capital Development Fund to the Capital Development Board for a grant to Triton College Library renovation.

Section 88. The sum of $125,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made for such purposes in Article 56a, Section 88 of Public Act 92-8, approved May 17, 2000, is reappropriated from the Capital Development Fund to the Capital Development Board for a grant to the Village of Willow Springs for a public safety building.

Section 89. The amount of $400,000, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made in Article 56a, Section 90 of Public Act 92-8, as amended, is reappropriated to the Capital Development Board from the Capital Development Fund to the North Suburban Special Recreation Association for the purpose of all costs associated with the construction of a recreational/administrative office center/ice arena.

Section 90. The amount of $100,000, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made in Article 56a, Section 90 of Public Act 92-8, as amended, is reappropriated to the Capital Development Board from the Capital Development Fund to the North Suburban Special Recreation Association for the purpose of all costs associated with the recreation center, offices, ice arena and for acquiring and developing an office.

Section 92. The amount of $113,903, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made for such purposes in Article 56a, Section 92 of Public Act 92-8, approved May 17, 2000, is reappropriated from the Capital Development Fund to the Capital Development Board for a grant to the LaSalle Veterans Home for all costs associated with architectural and engineering designs.

New matter indicated by italics - deletions by strikeout.
Section 93. The sum of $33,043, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made for such purposes in Article 56a, Section 93 of Public Act 92-8, approved May 17, 2000, is reappropriated from the Capital Development Fund to the Capital Development Board for a grant to Blackhawk East College for all costs associated with a multi-purpose agriculture education instructional center.

Section 94. The sum of $240,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made in Article 56a, Section 94 of Public Act 92-8, approved May 17, 2000, is reappropriated from the General Revenue Fund to the Capital Development Board for a grant to the Village of Bridgeview for all costs associated with infrastructure improvements.

Section 96. The sum of $9,476,266, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made for such purposes in Article 56a, Section 96 of Public Act 92-8, approved May 17, 2000, is reappropriated from the Capital Development Fund to the Capital Development Board for a grant to Chicago State University for all costs associated with construction of a Convocation Center.

Section 97. The sum of $900,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made for such purposes in Article 56a, Section 97 of Public Act 92-8, approved May 17, 2000, is reappropriated from the Fund for Illinois' Future to the Capital Development Board for a grant to National Latinos with Disabilities for capital developments.

Section 98. The sum of $100,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made in Article 56a, Section 98 of Public Act 92-8, approved May 17, 2000, is reappropriated from the Capital Development Fund to the Capital Development Board for a grant to Kendall County for all costs associated with courthouse renovation, in addition to other funds appropriated for such purpose.

Section 100. The sum of $95,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made for such purposes in Article 56a, Section 100 of Public Act 92-8, approved May 17, 2000, is reappropriated from the Capital Development Fund to the Capital Development Board for a grant to the Italian American Sports Hall of Fame for various improvements.

Section 102. The amount of $33,734, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation made

New matter indicated by italics - deletions by strikeout.
in Article 56a, Section 102 of Public Act 92-8, is reappropriated from the Capital Development Fund to the Capital Development Board for the Department of Human Services to construct a detention and treatment facility.

Section 104. The amount of $32,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 56, Section 19 of Public Act 92-8, is reappropriated from the Capital Development Fund to the Board of Trustees of the University of Illinois for planning, construction and equipment for a computer science in engineering facility.

Section 106. The amount of $15,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 56, Section 25 of Public Act 92-8, is reappropriated from the Capital Development Fund to the University of Illinois at Springfield for constructing a classroom and office building, in addition to funds previously appropriated.

STATE BOARD OF EDUCATION

Section 107. The sum of $619,914,688, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 56, Section 26 of Public Act 92-8, is reappropriated from the School Construction Fund to the Capital Development Board for school construction grants pursuant to the School Construction Law, in addition to amounts previously appropriated for such purposes.

BOARD OF HIGHER EDUCATION

SOUTHERN ILLINOIS UNIVERSITY - CARBONDALE

Section 108. The sum of $1,918,900, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 56, Section 27 of Public Act 92-8, is reappropriated from the Capital Development Fund to the Capital Development Board for planning a renovation and addition to the Morris Library.

ILLINOIS VALLEY COMMUNITY COLLEGE

Section 109. The sum of $6,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 56, Section 28 of Public Act 92-8, is reappropriated from the Capital Development Fund to the Capital Development Board for planning, construction and renovations necessary to abate asbestos containing materials at Illinois Valley Community College campus facilities.

ILLINOIS MATH AND SCIENCE ACADEMY

Section 110. The sum of $2,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 56, Section 29 of Public Act 92-8, is reappropriated from the Capital Development Fund to the Capital Development Board for the Illinois Math and Science Academy to plan and begin construction of a mezzanine level in the east gymnasium.

UNIVERSITY OF ILLINOIS COLLEGE OF MEDICINE AT PEORIA

Section 111. The sum of $1,500,000, or so much thereof as may be necessary and

New matter indicated by italics - deletions by strikeout.
remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 56, Section 30 of Public Act 92-8, is reappropriated from the Tobacco Settlement Recovery Fund to the Capital Development Board for a grant to the University of Illinois College of Medicine at Peoria for planning a Clinical and Basic Research Oncology Center.

Section 112. No contract shall be entered into or obligation incurred for any expenditures from appropriations made in these Articles until after the purposes and amounts have been approved by the Governor.

ARTICLE 3

Division FY03. This Division contains appropriations made for the fiscal year beginning July 1, 2002.

Section 1. The sum of $2,000,000, or so much thereof as may be necessary, is appropriated from the Build Illinois Bond Fund to the Department of Natural Resources for grants and contracts for well plugging and restoration projects. The appropriated amount shall be in addition to any other appropriated amounts which can be expended for these purposes.

Section 2. The sum of $7,000,000, or so much thereof as may be necessary, is appropriated from the Build Illinois Bond Fund to the Department of Natural Resources for the Division of Water Resources for costs associated with the repair of the Lake Michigan shoreline in Chicago. The appropriated amount shall be in addition to any other appropriated amounts which can be expended for these purposes.

Section 3. The sum of $2,000,000, or so much thereof as may be necessary, is appropriated from the Build Illinois Bond Fund to the Environmental Protection Agency for deposit into the Brownfields Redevelopment Fund for use pursuant to Sections 58.13 and 58.15 of the Environmental Protection Act.

Section 4. The sum of $10,000,000, or so much thereof as may be necessary, is appropriated from the Build Illinois Bond Fund to the Environmental Protection Agency for deposit into the Hazardous Waste Fund for use pursuant to Section 22.2 of the Environmental Protection Act.

ILLINOIS COMMUNITY COLLEGE BOARD

Section 5. The sum of $50,000,000, or so much thereof as may be necessary, is appropriated from the Build Illinois Bond Fund to the Capital Development Board for the Illinois Community College Board for miscellaneous capital improvements including construction, capital facilities, cost of planning, supplies, equipment, materials and all other expenses required to complete the work at the various community colleges. This appropriated amount shall be in addition to any other appropriated amounts which can be expended for these purposes.

STATEWIDE

Section 6. The sum of $10,000,000 is appropriated from the Build Illinois Bond Fund to the Capital Development Board for the Illinois Board of Higher Education for miscellaneous capital improvements including construction, capital facilities, cost of planning, supplies, equipment, materials, services and all other expenses required to
complete the work at the various universities. This appropriated amount shall be in addition to any other appropriated amounts which can be expended for these purposes.

Chicago State University .................... $ 161,000
Eastern Illinois University .................. 257,800
Governors State University .................. 94,900
Illinois State University .................... 510,700
Northeastern Illinois University .......... 191,800
Northern Illinois University ............... 579,500
Western Illinois University ............... 396,100
Southern Illinois University - Carbondale ...... 812,500
Southern Illinois University - Edwardsville .... 381,500
University of Illinois - Chicago .......... 1,388,600
University of Illinois - Springfield ........ 114,600
University of Illinois - Urbana/Champaign ...... 2,075,100
Illinois Community College Board .......... 3,035,900

Total $10,000,000

Section 8. The following named amount, or so much thereof as may be necessary, is appropriated from the Build Illinois Bond Fund to the Capital Development Board for the Department of Central Management Services for the project hereinafter enumerated:

STATEWIDE
Telecommunications Building - Springfield
Roof Replacement ......................... $ 300,000

Section 9. The following named amount, or so much thereof as may be necessary, is appropriated from the Build Illinois Bond Fund to the Capital Development Board for the Department of Corrections for the project hereinafter enumerated:

STATEVILLE CORRECTIONAL CENTER
For upgrading the storm and wastewater systems, in addition to funds previously appropriated ....................... $ 700,000

Section 10. The following named amount, or so much thereof as may be necessary, is appropriated from the Build Illinois Bond Fund to the Capital Development Board for the Department of Human Services for the project hereinafter enumerated:

JACKSONVILLE DEVELOPMENTAL CENTER - MORGAN
For upgrading the mechanicals in the power plant, in addition to funds previously appropriated ....................... $ 1,000,000

Section 11. The following named amount, or so much thereof as may be necessary, is appropriated from the Build Illinois Bond Fund to the Capital Development Board for the Department of Military Affairs for the project hereinafter enumerated:

NORTHWEST ARMORY - CHICAGO
For renovating the mechanical systems, in addition to funds previously

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appropriated $ 1,000,000

Section 12. The following named amount, or so much thereof as may be necessary, is appropriated from the Build Illinois Bond Fund to the Capital Development Board for the Department of Natural Resources for the project hereinafter enumerated:

GOOSE LAKE PRAIRIE NATURAL AREA - GRUNDY COUNTY
For rehabilitating visitor's center exterior $ 700,000

Section 13. The following named amount, or so much thereof as may be necessary, is appropriated from the Build Illinois Bond Fund to the Capital Development Board for the Department of Revenue for the project hereinafter enumerated:

WILLARD ICE BUILDING - SPRINGFIELD
For planning the curtain wall renovation $ 100,000

Section 14. The following named amount, or so much thereof as may be necessary, is appropriated from the Build Illinois Bond Fund to the Capital Development Board for the Department of State Police for the project hereinafter enumerated:

STATEWIDE
For upgrading firing range facilities $ 400,000

Section 15. The following named amount, or so much thereof as may be necessary, is appropriated from the Build Illinois Bond Fund to the Capital Development Board for the Department of Veterans' Affairs for the project hereinafter enumerated:

MANTENO VETERANS HOME
For installing humidifiers and dehumidifiers, in addition to funds previously appropriated $ 1,000,000

Section 16. The sum of $10,000,000, or so much thereof as may be necessary, is appropriated from the Build Illinois Bond Fund to the Capital Development Board for a grant to Northwestern University for planning and construction of a Bio-Medical Research Facility. This appropriated amount shall be in addition to any other appropriated amounts which can be expended for these purposes.

Section 17. The sum of $3,000,000, or so much thereof as may be necessary, is appropriated from the Build Illinois Bond Fund to the Capital Development Board for a grant to Northwestern University for planning, construction, and equipment for a Nanofabrication and Molecular Center. This appropriated amount shall be in addition to any other appropriated amounts which can be expended for these purposes.

Section 18. The sum of $6,225,000, or so much thereof as may be necessary, is appropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for grants to units of government, educational facilities and not-for-profit organizations for various bondable infrastructure improvements, including but not limited to planning, construction, reconstruction, renovation, utilities, and equipment. This appropriated amount shall be in addition to any other appropriated amounts which can be expended for these purposes.

Section 19. The sum of $13,000,000, or so much thereof as may be necessary, is

New matter indicated by italics - deletions by strikeout.
appropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for a grant to the Argonne National Laboratory for the Rare Isotope Accelerator for bondable infrastructure improvements. This appropriated amount shall be in addition to any other appropriated amounts which can be expended for these purposes.

Section 20. The sum of $17,000,000, or so much thereof as may be necessary, is appropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for a grant to Argonne National Laboratory for the Nanotechnology Institute for bondable infrastructure improvements. This appropriated amount shall be in addition to any other appropriated amounts which can be expended for these purposes.

Section 21. The sum of $15,000,000, or so much thereof as may be necessary, is appropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for a grant to Rush Presbyterian St. Luke's Medical Center for the Cohn-Biomedical Research Facility for bondable infrastructure improvements. This appropriated amount shall be in addition to any other appropriated amounts which can be expended for these purposes.

Section 22. The sum of $5,000,000, or so much thereof as may be necessary, is appropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for a grant to the Illinois Institute of Technology for the Biomedical Research Center for bondable infrastructure improvements. This appropriated amount shall be in addition to any other appropriated amounts which can be expended for these purposes.

Section 23. The sum of $12,000,000, or so much thereof as may be necessary, is appropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for grants and loans pursuant to Article 8, Article 9 or Article 10 of the Build Illinois Act.

Section 24. The sum of $18,000,000, or so much thereof as may be necessary, is appropriated from the Build Illinois Bond Fund to the Department of Natural Resources for grants to museums for permanent improvements.

Section 25. The sum of $2,000,000, or so much thereof as may be necessary, is appropriated from the Build Illinois Bond Fund to the Environmental Protection Agency for grants and contracts for public drinking water infrastructure, including design and construction, where private drinking water wells have been contaminated by a hazardous substance.

Section 26. The sum of $750,000, or so much thereof as may be necessary, is appropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for a grant to the Museum of Contemporary Art for bondable infrastructure and related improvements.

Section 27. The sum of $450,000, or so much thereof as may be necessary, is appropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for a grant to the Jewish Federation for bondable capital improvements.

Section 28. The sum of $1,400,000, or so much thereof as may be necessary, is appropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for a grant to the Jewish Federation for bondable capital improvements.

New matter indicated by italics - deletions by strikeout.
Section 29. The sum of $2,000,000, or so much thereof as may be necessary, is appropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for a grant to Blackburn College for bondable capital improvements.

Section 30. The sum of $2,000,000, or so much thereof as may be necessary, is appropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for a grant to St. Anthony's Hospital for bondable capital improvements.

Section 31. The sum of $20,000,000, or so much thereof as may be necessary, is appropriated from the Build Illinois Bond Fund to the Illinois Emergency Management Agency for matching grants for hospitals and health care facilities for bondable expenses related to homeland security and emergency response.

Section 32. The sum of $500,000, or so much thereof as may be necessary, is appropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for a grant to St. Anthony's for bondable system upgrades.

Section 33. The sum of $1,500,000, or so much thereof as may be necessary, is appropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for a grant to West Central Illinois Telecommunications for construction of telecommunications, facilities, and towers.

Section 34. The sum of $300,000, or so much thereof as may be necessary, is appropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for a grant to Richland Memorial Hospital for patient clinical services upgrade and telemedicine.

Section 35. The sum of $400,000, or so much thereof as may be necessary, is appropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for a grant to Roseland Hospital for the replacement of equipment.

Section 40. The sum of $2,000,000, or so much thereof as may be necessary, is appropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for a grant to Roosevelt University for life safety enhancements in the historic Auditorium Building and the Herman Crown Center.

Section 41. The sum of $475,000, or so much thereof as may be necessary, is appropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for a grant to Eisenhower Center for life safety renovations.

Section 42. The sum of $3,000,000, or so much thereof as may be necessary, is appropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for a grant to Children's Memorial Hospital for expansion of the pediatric intensive care unit.

Section 43. The sum of $1,000,000, or so much thereof as may be necessary, is appropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for a grant to Children's Memorial Hospital for infrastructure improvements.

Section 44. The sum of $500,000, or so much thereof as may be necessary, is appropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for a grant to Haymarket Center for land acquisition and infrastructure

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improvements.

Section 45. The sum of $400,000, or so much thereof as may be necessary, is appropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for a grant to Joliet Area Community Hospice for the Hospice Home.

Section 46. The sum of $100,000, or so much thereof as may be necessary, is appropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for a grant to Blessing Hospital Cancer Center.

Section 47. The sum of $650,000, or so much thereof as may be necessary, is appropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for a grant to West Central IL Area Agency on Aging for improvements and construction of the Senior Center.

Section 48. The sum of $500,000, or so much thereof as may be necessary, is appropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for a grant to West Central Telecommunications for a new digital-capable tower.

Section 49. The sum of $500,000, or so much thereof as may be necessary, is appropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for a grant to United Samaritans Hospital for creation of a walk-in clinic.

Section 50. The sum of $300,000, or so much thereof as may be necessary, is appropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for a grant to Joliet Area Community Hospice for bondable costs associated with a new hospice home.

Section 51. The sum of $1,000,000, or so much thereof as may be necessary, is appropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for a grant to Cornerstone Services for bondable improvements associated with facility improvements and expansion.

Section 52. The sum of $5,000,000, or so much thereof as may be necessary, is appropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for a grant to the University of Chicago Children's Hospital for planning, construction, and equipment for the Children's Comprehensive Diabetes Care Center, in addition to funds previously appropriated.

Section 53. The sum of $500,000, or so much thereof as may be necessary, is appropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for a grant to the Chicago Botanical Gardens for bondable improvements related to shoreline restoration and ecosystem enhancements.

Section 54. The sum of $2,000,000, or so much thereof as may be necessary, is appropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for a grant to Lincoln College for the construction of the Lincoln Center.

Section 55. The sum of $8,000,000, or so much thereof as may be necessary, is appropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for a grant to Lake Forest College to develop a library and learning center.

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Section 56. The sum of $1,500,000, or so much thereof as may be necessary, is appropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for a grant to the Museum of Contemporary Art for various capital bondable improvements.

Section 57. The sum of $1,000,000, or so much thereof as may be necessary, is appropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for a grant to the Children's Home and Aid Society of Illinois for various bondable infrastructure improvements.

Section 58. The sum of $3,000,000, or so much thereof as may be necessary, is appropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for a grant to the Greater Chicago Food Depository for costs associated with constructing a new facility.

Section 59. The sum of $650,000, or so much thereof as may be necessary, is appropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for a grant to the Eastern Illinois Food Bank for the purchase of a new warehouse.

Section 60. The sum of $5,000,000, or so much thereof as may be necessary, is appropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for a grant to the University of Chicago for the construction of an Advanced Research Building for biological, medical, and physical sciences.

Section 61. The amount of $7,350,000, or so much thereof as may be necessary, is appropriated to the Department of Commerce and Community Affairs from the Build Illinois Bond Fund for grants to units of local government, educational facilities and not-for-profit organizations for municipal, recreational, educational and public safety infrastructure improvements and other expenses, including but not limited to planning, construction, reconstruction, renovation, utilities, equipment, public safety vehicles and related costs.

Section 62. The sum of $700,000, or so much thereof as may be necessary, is appropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for a grant to Children's Memorial Hospital for infrastructure improvements.

Division FY02. This Division contains appropriations initially made for the fiscal year beginning July 1, 2001.

Section 1. The sum of $1,949,115, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 57, Division FY02, Section 1 of Public Act 92-8, is reappropriated from the Build Illinois Bond Fund to the Department of Natural Resources for grants and contracts for well plugging and restoration projects. The appropriated amount shall be in addition to any other appropriated amounts which can be expended for these purposes.

Section 2. The sum of $7,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 57, Division FY02, Section 2 of Public Act 92-8, is

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reappropriated from the Build Illinois Bond Fund to the Department of Natural Resources for the Division of Water Resources for costs associated with the repair of the Lake Michigan shoreline in Chicago. The appropriated amount shall be in addition to any other appropriated amounts which can be expended for these purposes.

Section 3. The sum of $2,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 57, Division FY02, Section 3 of Public Act 92-8, is reappropriated from the Build Illinois Bond Fund to the Environmental Protection Agency for deposit into the Brownfields Redevelopment Fund for use pursuant to Sections 58.13 and 58.15 of the Environmental Protection Act.

Section 4. The sum of $10,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 57, Division FY02, Section 4 of Public Act 92-8, is reappropriated from the Build Illinois Bond Fund to the Environmental Protection Agency for deposit into the Hazardous Waste Fund for use pursuant to Section 22.2 of the Environmental Protection Act.

Section 5. The sum of $25,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 57, Division FY02, Section 5 of Public Act 92-8, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for grants and loans pursuant to Article 8, Article 9 or Article 10 of the Build Illinois Act.

Section 6. The sum of $11,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 57, Division FY02, Section 6 of Public Act 92-8, is reappropriated from the Build Illinois Bond Fund to the Capital Development Board for a grant to the Field Museum for planning, construction and equipment for a collection research center.

Section 7. The sum of $9,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 57, Division FY02, Section 6 of Public Act 92-8, is reappropriated from the Build Illinois Bond Fund to the Capital Development Board for a grant to the University of Chicago Children's Hospital for planning, construction and equipment for the Children's Comprehensive Diabetes Care Center.

ILLINOIS COMMUNITY COLLEGE BOARD

Section 11. The sum of $50,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 57, Division FY02, Section 11 of Public Act 92-8, is reappropriated from the Build Illinois Bond Fund to the Capital Development Board for the Illinois Community College Board for miscellaneous capital improvements including construction, capital facilities, cost of planning, supplies, equipment, materials and all other expenses required to complete the work at the various community colleges. This appropriated

New matter indicated by italics - deletions by strikeout.
amount shall be in addition to any other appropriated amounts which can be expended for these purposes.

**STATEWIDE**

Section 13. The sum of $101,970,869, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 57, Division FY02, Section 13 of Public Act 92-8, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for miscellaneous capital improvements and grants including construction, capital facilities, cost of planning, supplies, equipment, materials and other expenses required to complete the work at the various facilities. This appropriated amount shall be in addition to any other appropriated amount which can be expended for these purposes.

Section 14. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2002, from appropriations heretofore made in Article 57, Division FY02, Section 14 of Public Act 92-8, are reappropriated from the Build Illinois Bond Fund to the Capital Development Board for the Department of Agriculture for the projects hereinafter enumerated:

**ILLINOIS STATE FAIRGROUNDS - DU QUOIN**

For installing a shell over the show horse arena and improving the interior ...... $ 2,614,400
For renovating the Hayes House, in addition to funds previously appropriated .......... 413,300

**ILLINOIS STATE FAIRGROUNDS - SPRINGFIELD**

For upgrading sewers, drainage and water distribution systems, in addition to funds previously appropriated .......... 848,407
For replacing and upgrading roofs, in addition to funds previously appropriated .......... 800,000

Total, Section 14 $4,676,107

Section 15. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2002, from appropriations heretofore made in Article 57, Division FY02, Section 15 of Public Act 92-8, are reappropriated from the Build Illinois Bond Fund to the Capital Development Board for the Department of Central Management Services for the projects hereinafter enumerated:

**ILLINOIS CENTER FOR REHABILITATION AND EDUCATION (ROOSEVELT) - CHICAGO**

For replacing the roofing system ............ $ 305,000
For upgrading the kitchen and plumbing ........ 565,000

**CHAMPAIGN REGIONAL OFFICE BUILDING**

For upgrading the HVAC system ............ $ 165,000

Total, Section 15 $1,035,000

Section 16. The following named amounts, or so much thereof as may be necessary

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and remain unexpended at the close of business on June 30, 2002, from appropriations heretofore made in Article 57, Division FY02, Section 16 of Public Act 92-8, are reappropriated from the Build Illinois Bond Fund to the Capital Development Board for the Department of Corrections for the projects hereinafter enumerated:

STATEWIDE

For upgrading the water towers at the following locations at the approximate costs set forth below: $ 1,600,000
- Joliet Correctional Center .......... 1,200,000
- Vienna Correctional Center .......... 400,000

HILL CORRECTIONAL CENTER - GALESBURG

For upgrading building automation .............. 540,000

VANDALIA CORRECTIONAL CENTER

For upgrading the water distribution system and replacing the water tower, in addition to funds previously appropriated ............ 600,000

Total, Section 16 $2,740,000

Section 17. The following named amount, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from appropriations heretofore made in Article 57, Division FY02, Section 17 of Public Act 92-8, is reappropriated from the Build Illinois Bond Fund to the Capital Development Board for the Historic Preservation Agency for the projects hereinafter enumerated:

MT. PULASKI COURTHOUSE HISTORIC SITE - LOGAN COUNTY

For rehabilitating interior & exterior ............ $ 240,000

Section 18. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2002, from appropriations heretofore made in Article 57, Division FY02, Section 18 of Public Act 92-8, are reappropriated from the Build Illinois Bond Fund to the Capital Development Board for the Department of Human Services for the projects hereinafter enumerated:

CHESTER MENTAL HEALTH CENTER

For renovating kitchen area, in addition to funds previously appropriated.................. $ 175,000

CHOATE MENTAL HEALTH CENTER - ANNA

For installing courtyard/recreation area at Dogwood and Rosebud ....................... 200,000

SINGER MENTAL HEALTH CENTER

For repair and/or replacement of roofs .......... 310,000

TINLEY PARK MENTAL HEALTH CENTER

For upgrading fire/life safety systems and lighting, in addition to funds previously appropriated.................. 310,000

Total, Section 18 $995,000

New matter indicated by italics - deletions by strikeout.
Section 19. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2002, from appropriations heretofore made in Article 57, Division FY02, Section 19 of Public Act 92-8, are reappropriated from the Build Illinois Bond Fund to the Capital Development Board for the Department of Military Affairs for the projects hereinafter enumerated:

**LAWRENCEVILLE ARMORY**
For rehabilitating the exterior and replacing roofing systems .................... $ 1,154,810

**MT. VERNON ARMORY**
For resurfacing floors and replacing exterior doors ............................ $ 145,000
Total $1,299,810

Section 20. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2002, from appropriations heretofore made in Article 57, Section 20 of Public Act 92-8, are reappropriated from the Build Illinois Bond Fund to the Capital Development Board for the Department of Natural Resources for the projects hereinafter enumerated:

**STATEWIDE PROGRAM**
For replacing roofs at the following locations, at the approximate costs set forth below ......................... $ 150,000
Castle Rock State Park .................. 90,000
Morrison-Rockwood State Park ........... 60,000
WELDON SPRINGS STATE PARK - DEWITT COUNTY
For improving the campgrounds .................. 350,000
Total $500,000

Section 21. The following named amount, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from appropriations heretofore made in Article 57, Division FY02, Section 21 of Public Act 92-8, is reappropriated from the Build Illinois Bond Fund to the Capital Development Board for the Department of State Police for the projects hereinafter enumerated:

**DISTRICT 22 - ULLIN**
For upgrading the HVAC system, in addition to funds previously appropriated ....... $ 250,000

Section 22. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 57, Section 22 of Public Act 92-8, are reappropriated from the Build Illinois Bond Fund to the Capital Development Board for the Department of Veterans’ Affairs for the projects hereinafter enumerated:

**LASALLE VETERANS HOME - LASALLE COUNTY**
For planning expansion of facility ................ $ 1,000,000

**MANTENO VETERANS HOME - KANKAKEE COUNTY**

New matter indicated by italics - deletions by strikeout.
For constructing an equipment storage building ....................................  2,485,000
Total $3,485,000

Section 23. The following named amount, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from appropriations heretofore made in Article 57, Division FY02, Section 23 of Public Act 92-8, is reappropriated from the Build Illinois Bond Fund to the Capital Development Board for the Historic Preservation Agency for the projects hereinafter enumerated:

BISHOP HILL HISTORIC SITE - HENRY COUNTY
For restoring interior and exterior .................. $  500,000

Section 24. The following named amount, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from appropriations heretofore made in Article 57, Division FY02, Section 24 of Public Act 92-8, is reappropriated from the Build Illinois Bond Fund to the Capital Development Board for the Office of the Secretary of State for the projects hereinafter enumerated:

CAPITOL COMPLEX - SPRINGFIELD
For upgrading fire alarm systems in two buildings ................................. $  160,000

Section 25. The sum of $3,035,800, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 57, Division FY02, Section 25 of Public Act 92-8, is reappropriated from the Build Illinois Bond Fund to the Capital Development Board for the Illinois Community College Board for miscellaneous capital improvements including construction, capital facilities, cost of planning, supplies, equipment, materials, services and all other expenses required to complete the work at the various community colleges. This appropriated amount shall be in addition to any other appropriated amounts which can be expended for these purposes.

Section 26. The sum of $6,964,200, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 57, Division FY02, Section 26 of Public Act 92-8, is reappropriated from the Build Illinois Bond Fund to the Capital Development Board for the Illinois Board of Higher Education for miscellaneous capital improvements including construction, capital facilities, cost of planning, supplies, equipment, materials, services and all other expenses required to complete the work at the various universities. This appropriated amount shall be in addition to any other appropriated amounts which can be expended for these purposes.

Chicago State University ....................... $  160,400
Eastern Illinois University ..................... 257,800
Governors State University ....................  94,900
Illinois State University ....................... 510,700
Northeastern Illinois University ............... 191,800
Northern Illinois University ..................  579,500

New matter indicated by italics - deletions by strikeout.
Section 27. The amount of $2,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 57, Division FY02, Section 27 of Public Act 92-8, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for a grant to the Dominican University for bondable infrastructure expenses at their capital facilities within the State.

Section 28. The amount of $1,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 57, Division FY02, Section 28 of Public Act 92-8, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for a grant to Lutheran General Hospital for bondable infrastructure expenses at their capital facilities within the State.

Section 29. The amount of $1,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 57, Division FY02, Section 29 of Public Act 92-8, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for a grant to Lincoln College for bondable infrastructure expenses at their capital facilities within the State.

Section 30. The amount of $1,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 57, Division FY02, Section 30 of Public Act 92-8, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for a grant to the Chinese/American Service League for bondable infrastructure expenses at their capital facilities within the State.

Section 31. The amount of $400,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 57, Division FY02, Section 31 of Public Act 92-8, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for a grant to the Lawrence County Hospital for bondable infrastructure expenses at their capital facilities within the State.

Section 33. The amount of $5,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 57, Division FY02, Section 33 of Public Act 92-8, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for a grant to the Holocaust Museum for bondable infrastructure

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expenses at their capital facilities within the State.

Section 34. The amount of $800,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 57, Division FY02, Section 34 of Public Act 92-8, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for a grant for the purchase of automatic defibrillators.

Section 35. The amount of $1,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 57, Division FY02, Section 35 of Public Act 92-8, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for a grant to Greenville College for bondable infrastructure expenses at their capital facilities within the State.

Section 36. The amount of $1,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 57, Division FY02, Section 36 of Public Act 92-8, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for a grant for Deer Creek flood control for bondable infrastructure expenses within the State.

Section 37. The amount of $1,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 57, Division FY02, Section 37 of Public Act 92-8, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for a grant to Argonne for a nanotechnology research institute for bondable infrastructure expenses at their capital facilities within the State.

Section 38. The amount of $1,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 57, Division FY02, Section 38 of Public Act 92-8, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for a grant to IIT for Biomedical Research for bondable infrastructure expenses at their capital facilities within the State.

Section 39. The amount of $11,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 57, Division FY02, Section 39 of Public Act 92-8, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for a grant to Loyola University for bondable infrastructure expenses at their capital facilities within the State.

Section 40. The amount of $4,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 57, Division FY02, Section 40 of Public Act 92-8, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for a grant to the Joffrey Ballet for bondable infrastructure expenses at their capital facilities within the State.

New matter indicated by italics - deletions by strikeout.
Section 41. The amount of $5,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 57, Division FY02, Section 41 of Public Act 92-8, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for a grant to Rush Presbyterian St. Luke's Medical Center for planning, construction and equipment for the Cohn Bio-Medical Research Building.

Section 42. The amount of $1,500,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 57, Division FY02, Section 42 of Public Act 92-8, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for a grant to Rush Presbyterian St. Luke's Medical Center for planning, construction and equipment for the Cohn Bio-Medical Research Building.

Section 43. The amount of $1,500,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 57, Division FY02, Section 43 of Public Act 92-8, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for a grant to Blackburn College for bondable infrastructure expenses associated with the construction of an art center.

Section 45. The amount of $1,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 57, Division FY02, Section 45 of Public Act 92-8, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for a grant to the Metropolitan Family Services for construction of the South Chicago Center.

Section 47. The amount of $1,500,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 57, Division FY02, Section 47 of Public Act 92-8, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for a grant to Roseland Hospital for renovations for their emergency room.

Section 48. The amount of $1,200,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 57, Division FY02, Section 48 of Public Act 92-8, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for a grant to the City of Chicago for bondable expenses associated with the Mt. Vernon Complex.

Section 49. The amount of $46,750,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 57, Division FY02, Section 49 of Public Act 92-8, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for grants to units of government, educational facilities, and not-for-profit organizations for infrastructure improvements, including but not limited to

New matter indicated by italics - deletions by strikeout.
Section 50. The amount of $55,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 57, Division FY02, Section 50 of Public Act 92-8, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for grants to units of government, educational facilities, and not-for-profit organizations for infrastructure improvements, including but not limited to planning, construction, reconstruction, renovation, utilities and equipment.

Section 51. The amount of $56,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 57, Division FY02, Section 51 of Public Act 92-8, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for grants to units of government, educational facilities, and not-for-profit organizations for infrastructure improvements, including but not limited to planning, construction, reconstruction, renovation, utilities and equipment.

Section 52. The amount of $55,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 57, Division FY02, Section 52 of Public Act 92-8, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for grants to units of government, educational facilities, and not-for-profit organizations for infrastructure improvements, including but not limited to planning, construction, reconstruction, renovation, utilities and equipment.

Section 53. The amount of $55,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 57, Division FY02, Section 53 of Public Act 92-8, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for grants to units of government, educational facilities, and not-for-profit organizations for infrastructure improvements, including but not limited to planning, construction, reconstruction, renovation, utilities and equipment.

Section 54. The amount of $1,300,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 57, Division FY02, Section 54 of Public Act 92-8, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for grants to the Jewish Federation of Chicago for various capital improvements at various locations.

Section 55. The sum of $814,444, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Division FY02, Article 57, Section 55 of Public Act 92-8, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for a grant to WTTW-TV in Chicago for digitalization infrastructure.

Section 56. The sum of $814,444, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from an appropriation

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heretofore made in Division FY02, Article 57, Section 56 of Public Act 92-8, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for a grant to WTVP-TV in Peoria for digitalization infrastructure.

Section 57. The sum of $814,444, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Division FY02, Article 57, Section 57 of Public Act 92-8, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for a grant to WMEC-WQEC-WSEC in Macomb-Quincy-Jacksonville-Springfield for digitalization infrastructure.

Section 58. The amount of $5,500,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made in Article 56a, Section 54 of Public Act 92-8, as amended, is reappropriated from the Build Illinois Bond Fund to the Capital Development Board for a grant to Northwestern University for the planning and construction of a biomedical research facility.

Section 59. The amount of $10,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 56, Section 18 of Public Act 92-8, as amended, is reappropriated from the Build Illinois Bond Fund to the Capital Development Board for a grant to Northwestern University for planning, construction and equipment for a biomedical research facility.

Section 59a. The amount of $2,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 56, Section 23 of Public Act 92-8, as amended, is reappropriated from the Build Illinois Bond Fund to the Capital Development Board for a grant to Northwestern University for planning, construction and equipment for a nanofabrication and molecular center.

Section 60. The sum of $500,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 57, Division FY02, Section 60 of Public Act 92-8, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for a grant to the City of Quincy for the renovation of the historic Washington Theater.

Section 61. The sum of $295,960, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 57, Division FY02, Section 61 of Public Act 92-8, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for a grant to the Village of Orland Park for miscellaneous bondable capital improvements.

Section 62. The amount of $10,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 57, Division FY02, Section 62 of Public Act 92-8, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for a grant to the Village of Orland Park for miscellaneous bondable capital improvements.

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Community Affairs for the purpose of a grant to the Chicago Park District for various capital improvements.

Section 63. The amount of $1,500,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 57, Division FY02, Section 63 of Public Act 92-8, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for the purpose of a grant to the Chicago Park District for the purpose of land acquisition and construction of a multi-purpose facility.

Section 64. The amount of $350,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 57, Division FY02, Section 64 of Public Act 92-8, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for the purpose of a grant to the Justice Park District for the purpose of land acquisition and construction of a multi-purpose facility.

Section 65. The amount of $10,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 57, Division FY02, Section 65 of Public Act 92-8, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for the purpose of a grant to the Progress Center for Independent Living for all costs associated with the construction of a center for independent living in Lansing.

Section 66. The amount of $750,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 57, Division FY02, Section 66 of Public Act 92-8, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for the purpose of a grant to the Village of Dixmoor for all costs associated with the construction of a new skilled nursing pediatric facility.

Section 67. The amount of $90,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 57, Division FY02, Section 67 of Public Act 92-8, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for the purpose of a grant to El Hogar del Nino for capital improvements.

Section 68. The amount of $50,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 57, Division FY02, Section 68 of Public Act 92-8, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for the purpose of a grant to the City of Highland Park for the expansion of the Northern Illinois Lease Crime Laboratory.

Section 69. The amount of $25,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 57, Division FY02, Section 69 of Public Act 92-8, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for the purpose of a grant to the Lake County Health Department for
construction of a new clinic.

Section 70. The amount of $20,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 57, Division FY02, Section 70 of Public Act 92-8, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for the purpose of a grant to the City of Lake Forest for all costs associated with the purchase and installation of an elevator at the new senior center located in Dickinson Hall.

Section 71. The amount of $2,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 57, Division FY02, Section 71 of Public Act 92-8, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for the purpose of a grant to Episcopal Charities and Community Services for various capital expenditures.

Section 72. The amount of $1,750,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 57, Division FY02, Section 72 of Public Act 92-8, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for the purpose of a grant to the Summit Park District for various capital expenditures.

Section 73. The amount of $50,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 57, Division FY02, Section 73 of Public Act 92-8, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for the purpose of a grant to the Village of University Park for road improvements.

Section 74. The amount of $30,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 57, Division FY02, Section 74 of Public Act 92-8, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for the purpose of a grant to Pembroke Township for community center improvements.

Section 75. The amount of $50,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 57, Division FY02, Section 75 of Public Act 92-8, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for the purpose of a grant to the City of Momence for expenditures associated with a community center.

Section 76. The amount of $3,878,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 57, Division FY02, Section 76 of Public Act 92-8, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for the purpose of a grant to the City of Momence for expenditures associated with a community center.
Section 77. The amount of $3,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 57, Division FY02, Section 77 of Public Act 92-8, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for the purpose of a grant to the City of Rockford for repairs and improvements of the Metro Center to enhance it as a major downtown venue.

Section 78. The amount of $2,500,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 57, Division FY02, Section 78 of Public Act 92-8, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for the purpose of a grant to the City of Rockford for extension of city water main connections on the city's west and northwest boundary.

Section 79. The amount of $250,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 57, Division FY02, Section 79 of Public Act 92-8, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for the purpose of a grant to the City of Rockford for the purchase of approximately 25 acres of undeveloped land for the city to improve and market for major industrial development along the Illinois 251 corridor and immediately adjacent to the Greater Rockford Airport.

Section 80. The amount of $750,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 57, Division FY02, Section 80 of Public Act 92-8, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for the purpose of a grant to the City of Rockford for reconstruction of neighborhood streets in blighted areas where the city is constructing new single-family homes through its West Side Alive Program.

Section 81. The amount of $800,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 57, Division FY02, Section 81 of Public Act 92-8, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for the purpose of a grant to the City of Rockford to purchase and demolish the Brown Building parking deck.

Section 82. The amount of $300,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 57, Division FY02, Section 82 of Public Act 92-8, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for the purpose of a grant to the City of Rockford to construct an 11th Street fire station.

Section 83. The amount of $150,000, or so much thereof as may be necessary and

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remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 57, Division FY02, Section 83 of Public Act 92-8, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for the purpose of a grant to the City of Rockford to erect a 150 foot radio communication tower to expand public safety communication throughout the city.

Section 84. The sum of $19,000,000, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 57, Division FY02, Section 84 of Public Act 92-8, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for grants to units of government, educational facilities, and not-for-profit organizations for infrastructure improvements, including but not limited to planning, construction, reconstruction, renovation, utilities and equipment.

Section 85. The sum of $330,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 57, Division FY02, Section 85 of Public Act 92-8, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for the Jewish Council Youth Services Family Center for all costs associated with various repairs, renovations, improvements to the interior and exterior of the building, as well as furniture purchase.

Section 86. The sum of $55,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 57, Division FY02, Section 86 of Public Act 92-8, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for the Counseling Center of Lakeview for a HVAC System.

Section 87. The sum of $250,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 57, Division FY02, Section 87 of Public Act 92-8, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for the Jewish Federation of Metropolitan Chicago to renovate the third floor of the Ezra Multi-Purpose Center.

Section 88. The sum of $150,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 57, Division FY02, Section 88 of Public Act 92-8, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for the Weissbourd-Holmes Family Focus Center for the purchase-installation of an elevator and other building improvements to make the facility ADA compliant.

Section 89. The sum of $500,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 57, Division FY02, Section 89 of Public Act 92-8, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for traffic signal modernization in the Ridge Avenue Historic District.

New matter indicated by italics - deletions by strikeout.
Section 90. The sum of $100,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 57, Division FY02, Section 90 of Public Act 92-8, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for the North Shore Senior Center for construction and renovation costs at the House of Welcome Alzheimer facility.

Section 91. The sum of $2,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 57, Division FY02, Section 91 of Public Act 92-8, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for METRA for redevelopment of the Jefferson Park Terminal.

Section 92. The sum of $200,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 57, Division FY02, Section 92 of Public Act 92-8, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for the Village of Morton Grove for costs associated with engineering costs for the Dempster Street Improvement Project.

Section 93. The sum of $250,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 57, Division FY02, Section 93 of Public Act 92-8, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for the Village of Skokie for a street resurfacing project.

Section 94. The sum of $700,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 57, Division FY02, Section 94 of Public Act 92-8, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for the Village of Skokie for a sidewalk replacement program.

Section 95. The sum of $250,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 57, Division FY02, Section 95 of Public Act 92-8, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for the Township of Niles for construction costs associated with various renovations.

Section 96. The sum of $1,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 57, Division FY02, Section 96 of Public Act 92-8, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for the Village of Lincolnwood for a flood control program.

Section 97. The sum of $1,795,500, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 57, Division FY02, Section 97 of Public Act 92-8, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for the Township of Niles for construction costs associated with various renovations.

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Community Affairs for the Jewish Federation of Metropolitan Chicago for capital projects at various facilities.

Section 98. The sum of $77,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 57, Division FY02, Section 98 of Public Act 92-8, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for the Indo-American Center for computer lab construction.

Section 99. The sum of $15,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 57, Division FY02, Section 99 of Public Act 92-8, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for Niles Township Sheltered Workshop for costs associated with constructing a kitchen.

Section 100. The sum of $100,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 57, Division FY02, Section 100 of Public Act 92-8, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for the Jewish Council for Youth Services for construction projects at Camp Red Leaf.

Section 101. The sum of $150,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 57, Division FY02, Section 101 of Public Act 92-8, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for Agudath Israel of America for the construction of a youth center.

Section 102. The sum of $100,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 57, Division FY02, Section 102 of Public Act 92-8, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for Chicago House for the restoration of residences.

Section 103. The sum of $700,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 57, Division FY02, Section 103 of Public Act 92-8, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for the Village of Markham for all costs associated with the repair and renovation of the Old McClury School Building.

Section 104. The sum of $250,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 57, Division FY02, Section 104 of Public Act 92-8, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for the Palliative Care Center and Hospice of the North Shore for the construction of a new Clinical and Administrative Facility.

Section 105. The sum of $1,225,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from an appropriation

New matter indicated by italics - deletions by strikeout.
Section 106. The sum of $100,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 57, Division FY02, Section 106 of Public Act 92-8, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for the City of Rockford for the purchase of land.

Section 107. The sum of $400,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 57, Division FY02, Section 107 of Public Act 92-8, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for the Chicago Public Schools for a grant to Mozart Elementary School for the establishment of a 3-1-1 system.

Section 108. The sum of $650,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 57, Division FY02, Section 108 of Public Act 92-8, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for the Village of Calumet Park for the construction or repair of an elevated water tank.

Section 109. The sum of $225,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 57, Division FY02, Section 109 of Public Act 92-8, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for the Village of Ford Heights for the construction of a multi-purpose center.

Section 110. The sum of $200,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 57, Division FY02, Section 110 of Public Act 92-8, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for the Lake County Health Department for the construction of a clinic in Highwood/Highland Park.

Section 111. The sum of $1,800,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 57, Division FY02, Section 111 of Public Act 92-8, as amended, is reappropriated from the Build Illinois Bond Fund to the Regional Emergency Dispatch Center to retire debt for the capital costs of the building.

Section 112. The sum of $100,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 57, Division FY02, Section 112 of Public Act 92-8, as amended,
is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for the Puerto Rican Parade Committee for building rehabilitation.

Section 113. The sum of $100,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 57, Division FY02, Section 113 of Public Act 92-8, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for Esperanza School for building construction.

Section 114. The sum of $100,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 57, Division FY02, Section 114 of Public Act 92-8, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for Erie House for building rehabilitation.

Section 115. The sum of $100,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 57, Division FY02, Section 115 of Public Act 92-8, as amended, is reappropriated from the Build Illinois Bond Fund to the Segundo Ruiz Belvis Cultural Center for building rehabilitation.

Section 116. The sum of $100,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 57, Division FY02, Section 116 of Public Act 92-8, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for the Noble Street Charter School for building rehabilitation/construction.

Section 117. The sum of $100,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 57, Division FY02, Section 117 of Public Act 92-8, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for the Unward House for building rehabilitation.

Section 118. The sum of $400,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 57, Division FY02, Section 118 of Public Act 92-8, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for the Puerto Rican Chamber of Commerce for building purchase and/or rehabilitation.

Section 119. The sum of $250,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 57, Division FY02, Section 119 of Public Act 92-8, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for the Village of Tinley Park for sewer projects.

Section 120. The sum of $250,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 57, Division FY02, Section 120 of Public Act 92-8, as amended,
is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for the Village of Orland Park for sewer projects.

Section 121. The sum of $500,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 57, Division FY02, Section 121 of Public Act 92-8, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for the South Suburban Special Recreation Association for the construction of an administration and training building.

Section 122. The sum of $1,200,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 57, Division FY02, Section 122 of Public Act 92-8, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for the Roseland Community Hospital for emergency room construction.

Section 123. The sum of $2,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 57, Division FY02, Section 123 of Public Act 92-8, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for a grant to the Village of Hartford for the construction of the Lewis and Clark Tower.

Section 124. The sum of $1,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 57, Division FY02, Section 124 of Public Act 92-8, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Natural Resources for the purpose of carrying out Phase 7 of the Willow-Higgins Creek improvement.

Section 125. The sum of $925,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 57, Division FY02, Section 125 of Public Act 92-8, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for a grant to Open Hand of Chicago, Inc. to purchase a building.

Section 126. The sum of $800,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 57, Division FY02, Section 126 of Public Act 92-8, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for a grant to the City of East St. Louis for the repair of the Mary Brown Community Center.

Section 127. The sum of $50,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 57, Division FY02, Section 127 of Public Act 92-8, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for a grant to the Village of Broadview to replace an alley.

Section 128. The sum of $50,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from an appropriation
heretofore made in Article 57, Division FY02, Section 128 of Public Act 92-8, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for a grant to the Village of Bellwood to repave an alley.

Section 129. The sum of $88,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 57, Division FY02, Section 129 of Public Act 92-8, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for a grant to the Village of Forest Park for parking lot construction.

Section 130. The sum of $50,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 57, Division FY02, Section 130 of Public Act 92-8, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for a grant to the Village of Oak Park for village hall renovation.

Section 131. The sum of $135,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 57, Division FY02, Section 131 of Public Act 92-8, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for a grant to the Village of Maywood for infrastructure improvements.

Section 132. The sum of $33,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 57, Division FY02, Section 132 of Public Act 92-8, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for a grant to the Village of Hillside for water tower refurbishing.

Section 133. The sum of $75,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from an appropriation heretofore made in Article 57, Division FY02, Section 133 of Public Act 92-8, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for a grant to the Village of River Forest for streetscape projects.

Division FY01. This Division contains appropriations initially made for the fiscal year beginning July 1, 2000, for the purposes of the Illinois FIRST Program.

Section 1. The sum of $1,056,479, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made in Article 57, Division FY01, Section 1 of Public Act 92-8, is reappropriated from the Build Illinois Bond Fund to the Department of Natural Resources for grants and contracts for well plugging and restoration projects.

Section 2. The sum of $9,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made in Article 57, Division FY01, Section 2 of Public Act 92-8, is reappropriated from the Build Illinois Bond Fund to the Department of Natural Resources for the Division of Water Resources for costs associated with the repair of the Lake Michigan shoreline in Chicago. The appropriated amount shall be in addition to any other appropriated amounts which can be expended for these purposes.

New matter indicated by italics - deletions by strikeout.
Section 3. The sum of $2,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made in Article 57, Division FY01, Section 3 of Public Act 92-8, is reappropriated from the Build Illinois Bond Fund to the Environmental Protection Agency for deposit into the Brownfields Redevelopment Fund for use pursuant to Section 58.15 of the Environmental Protection Act.

Section 5. The sum of $23,893,051, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made in Article 57, Division FY01, Section 5 of Public Act 92-8, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for grants and loans pursuant to Article 8, Article 9 or Article 10 of the Build Illinois Act.

Section 10. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2002, from reappropriations heretofore made in Article 57, Division FY01, Section 10 of Public Act 92-8, are reappropriated from the Build Illinois Bond Fund to the Capital Development Board for the Department of Central Management Services for the projects hereinafter enumerated:

**JAMES R. THOMPSON CENTER - CHICAGO**
For rehabilitating exterior columns, in addition to funds previously appropriated .... $ 455,779

SPRINGFIELD REGIONAL OFFICE BUILDING
For rehabilitating the HVAC system .............. 92,507
Total $548,286

Section 11. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2002, from reappropriations heretofore made in Article 57, Division FY01, Section 11 of Public Act 92-8, are reappropriated from the Build Illinois Bond Fund to the Capital Development Board for the Department of Corrections for the projects hereinafter enumerated:

**JOLIET CORRECTIONAL CENTER - WILL COUNTY**
For replacing the bar screen building and upgrading components .................. $ 250,000

PONTIAC CORRECTIONAL CENTER - LIVINGSTON COUNTY
For repairing and renovating HVAC systems in the Administration Building .......................... 102,900
Total, Section 11 $352,900

Section 12. The following named amount, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from reappropriations heretofore made in Article 57, Division FY01, Section 12 of Public Act 92-8, is reappropriated from the Build Illinois Bond Fund to the Capital Development Board for the Historic Preservation Agency for the projects hereinafter enumerated:

**VANDALIA STATE HOUSE HISTORIC SITE**
New matter indicated by italics - deletions by strikeout.
For rehabilitating the interior & exterior ..... $ 978,179
Total, Section 12 $978,179

Section 13. The following named amount, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from reappropriations heretofore made in Article 57, Division FY01, Section 13 of Public Act 92-8, is reappropriated from the Build Illinois Bond Fund to the Capital Development Board for the Department of Human Services for the projects hereinafter enumerated:

FOX DEVELOPMENTAL CENTER - DWIGHT
For renovating the water treatment plant ........ $ 1,279,200
Total, Section 13 $1,279,200

Section 14. The following named amount, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from reappropriations heretofore made in Article 57, Division FY01, Section 14 of Public Act 92-8, is reappropriated from the Build Illinois Bond Fund to the Capital Development Board for the Department of Military Affairs for the projects hereinafter enumerated:

JOLIET ARMORY - WILL COUNTY
For replacing low roof ....................... $ 131,665
Total, Section 14 $131,665

Section 15. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2002, from reappropriations heretofore made in Article 57, Division FY01, Section 15 of Public Act 92-8, are reappropriated from the Build Illinois Bond Fund to the Capital Development Board for the Department of Natural Resources for the projects hereinafter enumerated:

CLINTON LAKE - DEWITT COUNTY
For upgrading campground electrical .......... $ 816,581

PERE MARQUETTE STATE PARK - JERSEY COUNTY
For replacing Camp Ouatoga shower building ....................... 339,786
ARTISANS’ SHOP & VISITORS’ CENTER - REND LAKE
For constructing a utility building ............ 106,911

DES PLAINES GAME FARM - WILL COUNTY
For replacing the office building and rehabilitating the shop building ....................... 1,404,092
Total, Section 15 $2,667,370

Section 16. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2002, from reappropriations heretofore made in Article 57, Division FY01, Section 16 of Public Act 92-8, are reappropriated from the Build Illinois Bond Fund to the Capital Development Board for the Department of Revenue for the projects hereinafter enumerated:

WILLARD ICE BUILDING - SPRINGFIELD
For resealing and replacing atrium

New matter indicated by italics - deletions by strikeout.
windows ...................................... $ 193,648
For installing fire suppression system ........ 112,347
Total, Section 16 $305,995

Section 17. The following named amount, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from reappropriations heretofore made in Article 57, Division FY01, Section 17 of Public Act 92-8, is reappropriated from the Build Illinois Bond Fund to the Capital Development Board for the Department of State Police for the projects hereinafter enumerated:

JOLIET DISTRICT 5 - WILL COUNTY

For replacing roof ................................ $ 85,722
Total, Section 17 $85,722

Section 18. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2002, from reappropriations heretofore made in Article 57, Division FY01, Section 18 of Public Act 92-8, are reappropriated from the Build Illinois Bond Fund to the Capital Development Board for the Department of Veterans' Affairs for the projects hereinafter enumerated:

LASALLE VETERANS HOME - LASALLE COUNTY

For upgrading HVAC systems and removing fungi ......................... $ 49,225
For replacing the water heater .................. 40,000
Total, Section 18 $89,225

Section 19. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2002, from reappropriations heretofore made in Article 57, Division FY01, Section 19 of Public Act 92-8, are reappropriated from the Build Illinois Bond Fund to the Capital Development Board for the Medical District Commission for the projects hereinafter enumerated:

ILLINOIS MEDICAL DISTRICT COMMISSION - CHICAGO

For upgrading automation system and replacing fans ...................... $ 144,176
For installing humidification system .......... 198,980
Total, Section 19 $343,156

Section 20. The following named amount, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from reappropriations heretofore made in Article 57, Division FY01, Section 20 of Public Act 92-8, is reappropriated from the Build Illinois Bond Fund to the Capital Development Board for the Courts of Illinois for the projects hereinafter enumerated:

SUPREME COURT BUILDING - SPRINGFIELD

For renovating the Library and completing HVAC, in addition to funds previously appropriated ....................... $ 235,000
Total, Section 20 $235,000

Section 21. The following named amount, or so much thereof as may be necessary

New matter indicated by italics - deletions by strikeout.
and remains unexpended at the close of business on June 30, 2002, from reappropriations heretofore made in Article 57, Division FY01, Section 21 of Public Act 92-8, is reappropriated from the Build Illinois Bond Fund to the Capital Development Board for the Office of the Secretary of State for the projects hereinafter enumerated:

**CAPITOL COMPLEX - SPRINGFIELD**

For expanding the shipping and receiving dock ............................ $ 910,000
Total, Section 21 $910,000

Section 22. The sum of $2,887,660, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made in Article 57, Division FY01, Section 22 of Public Act 92-8, is reappropriated from the Build Illinois Bond Fund to the Capital Development Board for the Illinois Community College Board for miscellaneous capital improvements including construction, capital facilities, cost of planning, supplies, equipment, materials, services and all other expenses required to complete the work at the various community colleges. This appropriated amount shall be in addition to any other appropriated amounts which can be expended for these purposes.

Section 23. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2002, from reappropriations heretofore made in Article 57, Division FY01, Section 23 of Public Act 92-8, are reappropriated from the Build Illinois Bond Fund to the Capital Development Board for the Board of Higher Education for the projects hereinafter enumerated:

- Chicago State University .................. $ 47,725
- Eastern Illinois University .................. 263,300
- Governors State University .................. 106,000
- Illinois State University .................. 604,900
- Northeastern Illinois University ............. 187,700
- Northern Illinois University ............... 624,700
- Western Illinois University ................. 362,512
- Southern Illinois University - Carbondale ...... 500,624
- Southern Illinois University - Edwardsville .... 331,500
- University of Illinois - Chicago .............. 1,399,100
- University of Illinois - Springfield ........... 105,205
- University of Illinois - Urbana/Champaign ...... 1,247,937
Total $5,781,203

Section 25. The amount of $1,100,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made in Article 57, Division FY01, Section 25 of Public Act 92-8, is reappropriated from the Build Illinois Bond Fund to the Capital Development Board for a grant to the Frank Lloyd Wright Home and Studio Foundation for all costs associated with the conservation and restoration of the Frederick C. Robie House.

Section 26. The amount of $2,000,000, or so much thereof as may be necessary and
remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made in Article 57, Division FY01, Section 26 of Public Act 92-8, is reappropriated from the Build Illinois Bond Fund to the Department of Natural Resources for a grant to the Chicago Zoological Society for development and improvements at Brookfield Zoo.

Section 27. The amount of $500,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made in Article 57, Division FY01, Section 27 of Public Act 92-8, is reappropriated from the Build Illinois Bond Fund to the Department of Natural Resources for a grant to the Great Rivers Museum Foundation for development and improvements at the National Great Rivers Museum at the Melvin Price Lock and Dam in Alton.

Section 28. The amount of $1,925,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made in Article 57, Division FY01, Section 28 of Public Act 92-8, is reappropriated from the Build Illinois Bond Fund to the Capital Development Board for a grant to Lawrence Hall Youth Services to plan and construct a residential treatment and education center.

Section 29. The amount of $200,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made in Article 57, Division FY01, Section 29 of Public Act 92-8, is reappropriated from the Build Illinois Bond Fund to the Capital Development Board for a grant to La Rabida Children's Hospital for development and improvements for the inpatient care facilities.

Section 32. The amount of $89,055, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made in Article 57, Division FY01, Section 32 of Public Act 92-8, is reappropriated from the Build Illinois Bond Fund to the Department of Natural Resources for a grant to the Chicago Art Institute to renovate the front stairs of the facility.

Section 34. The amount of $700,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made in Article 57, Division FY01, Section 34 of Public Act 92-8, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for a grant to Madison County for sewer system improvements in Eagle Park Acres.

Section 36. The amount of $7,232,597, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made in Article 57, Division FY01, Section 36 of Public Act 92-8, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for grants to units of local government, educational facilities and not-for-profit organizations for all costs associated with infrastructure improvements.

Section 37. The amount of $18,975,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation
heretofore made in Article 57, Division FY01, Section 37 of Public Act 92-8, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for grants to governmental units, educational facilities, and not-for-profit organizations for all costs associated with infrastructure improvements.

Section 42. The amount of $1,700,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made in Article 57, Division FY01, Section 42 of Public Act 92-8, is reappropriated from the Build Illinois Bond Fund to the Capital Development Board for a grant to the Village of Rantoul for all costs associated with the construction of a wastewater pretreatment plant and other infrastructure development.

Section 43. The amount of $550,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made in Article 57, Division FY01, Section 43 of Public Act 92-8, is reappropriated from the Build Illinois Bond Fund to the Capital Development Board for a grant to relocate and purchase or construct building for a mental health center in Rock Island.

Section 47. The sum of $50,000,000, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made in Article 57, Division FY01, Section 47 of Public Act 92-8, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for grants to governmental units, educational facilities and not-for-profit organizations for all costs associated with infrastructure improvements, including but not limited to planning, construction, reconstruction, renovation, utilities and equipment.

Section 48. The sum of $13,612,595, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made in Article 57, Division FY01, Section 48 of Public Act 92-8, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for grants to governmental units, educational facilities and non-profit organizations for all costs associated with infrastructure improvements.

Section 49. The sum of $1,750,000, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made in Article 57, Division FY01, Section 49 of Public Act 92-8, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for a grant to AIDS Care for all costs associated with construction and establishment of a center on the west side of Chicago.

Section 50. The sum of $12,823,921, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made in Article 57, Division FY01, Section 50 of Public Act 92-8, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for grants to units of local government, educational facilities, and not-for-profit organizations for infrastructure improvements, including but not limited to planning, construction, reconstruction, renovation, utilities and equipment.

Section 51. The sum of $6,500,000, or so much thereof as may be necessary, and

New matter indicated by italics - deletions by strikeout.
remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made in Article 57, Division FY01, Section 51 of Public Act 92-8, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for a grant to the Auditorium Theater for renovations.

Section 52. The sum of $2,000,000, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made in Article 57, Division FY01, Section 52 of Public Act 92-8, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for a grant to Adkins LLC for bondable equipment and other costs related to the establishment and operation of an Ethanol plant.

Division FY00. The reappropriations in this Division continue certain appropriations initially made for the fiscal year beginning July 1, 1999 for the purposes of the Illinois FIRST Program.

Section 1-1. The sum of $3,232,004, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made for such purpose in Article 57, Division FY00, Section 1-1 of Public Act 92-8, as amended, is reappropriated from the Build Illinois Bond Fund to the Capital Development Board for the Board of Higher Education for miscellaneous capital improvements including construction, reconstruction, remodeling, improvement, repair and installation of capital facilities, cost of planning, supplies, equipment, materials, services and all other expenses required to complete the work at the various universities set forth below. This appropriated amount shall be in addition to any other appropriated amounts which can be expended for these purposes.

Chicago State University .......................... $106,533
Eastern Illinois University ....................... 230,000
Governors State University ........................ 180,000
Illinois State University ......................... 229,875
Northeastern Illinois University .................. 210,000
Northern Illinois University ........................ 340,000
Western Illinois University ........................ 52,950
Southern Illinois University - Carbondale ....... 111,799
Southern Illinois University - Edwardsville ...... 252,610
University of Illinois - Chicago ................. 630,000
University of Illinois - Springfield .............. 180,000
University of Illinois- Champaign/Urbana ......... 708,237

Section 1-2. The sum of $3,565,469, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made for such purpose in Article 57, Division FY00, Section 1-2 of Public Act 92-8, as amended, is reappropriated from the Build Illinois Bond Fund for the Illinois Community College Board for remodeling of facilities for compliance with the Americans with Disabilities Act. This appropriated amount shall be in addition to any other appropriated amounts which can be expended for these purposes.

New matter indicated by italics - deletions by strikeout.
Section 1-3. The sum of $8,188,011, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made for such purpose in Article 57, Division FY00, Section 1-3 of Public Act 92-8, as amended, is reappropriated from the Build Illinois Bond Fund to the Capital Development Board for miscellaneous capital improvements to state facilities including construction, reconstruction, remodeling, improvement, repair and installation of capital facilities, cost of planning, supplies, equipment, materials, services and all other expenses required to complete the work at the facilities. This appropriated amount shall be in addition to any other appropriated amounts which can be expended for these purposes.

Section 1-4. The sum of $9,454,144, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made for such purpose in Article 57, Division FY00, Section 1-4 of Public Act 92-8, as amended, is reappropriated from the Build Illinois Bond Fund to the Capital Development Board for the Historic Preservation Agency for all costs associated with the stabilization and restoration of the Pullman Historic Site.

Section 1-5. The sum of $262,543, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made for such purpose in Article 57, Division FY00, Section 1-5 of Public Act 92-8, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Natural Resources for grants and contracts for well plugging and restoration projects.

Section 1-9. The sum of $30,102,500, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made for such purpose in Article 57, Division FY00, Section 1-9 of Public Act 92-8, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for grants and loans pursuant to Article 8 or Article 10 of the Build Illinois Act.

Section 1-10. The amount of $3,486,136, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made for such purpose in Article 57, Division FY00, Section 1-10 of Public Act 92-8, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs (formerly to the Environmental Protection Agency) for grants to units of local government for infrastructure improvements and expansions related to water and sewer systems.

Section 1-11. The amount of $4,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation made for such purpose in Article 57, Division FY00, Section 1-11 of Public Act 92-8, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for grants to units of local government for infrastructure improvements including but not limited to planning, construction, reconstruction, renovation, utilities and equipment.

Section 1-12. The amount of $5,539,965, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation
Section 1-12. The amount of $939,733, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made for such purpose in Article 57, Division FY00, Section 1-12 of Public Act 92-8, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Transportation for a grant to the Illinois Institute of Technology for a public transit noise barrier.

Section 1-13. The amount of $88,423, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made for such purpose in Article 57, Division FY00, Section 1-13 of Public Act 92-8, as amended, is reappropriated from the Build Illinois Bond Fund to the Capital Development Board to plan and construct an industrial training center at Illinois Central College.

Section 2-4. The sum of $110,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made for such purpose in Article 57, Division FY00, Section 2-4 of Public Act 92-8, as amended, is reappropriated from the Build Illinois Bond fund to the Capital Development Board for a grant to the City of Carbondale for a teen center.

Section 2-18. The sum of $29,979, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made for such purpose in Article 57, Division FY00, Section 2-18 of Public Act 92-8, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for a grant to the Village of Hawthorn Woods for storm sewer extensions.

Section 2-19. The sum of $96,250, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made for such purpose in Article 57, Division FY00, Section 2-19 of Public Act 92-8, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for a grant to the Village of Round Lake Beach for storm sewer system improvements at Hook's Lake.

Section 2-22. The sum of $215,745, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made for such purpose in Article 57, Division FY00, Section 2-22 of Public Act 92-8, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for a grant to Danville Township for storm sewer system improvements.

Section 2-24. The sum of $375,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made for such purpose in Article 57, Division FY00, Section 2-24 of Public Act

New matter indicated by italics - deletions by strikeout.
92-8, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for a grant to the Aurora Regional Fire Museum for infrastructure improvements.

Section 2-25. The sum of $257,441, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made for such purpose in Article 57, Division FY00, Section 2-25 of Public Act 92-8, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for a grant to the Village of Oswego for infrastructure improvements.

Section 2-26. The sum of $100,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made for such purpose in Article 57, Division FY00, Section 2-26 of Public Act 92-8, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for a grant to the Village of Shorewood for development of and improvements to the DuPage River property.

Section 2-27. The sum of $76,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made for such purpose in Article 57, Division FY00, Section 2-27 of Public Act 92-8, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for a grant to the City of Oakbrook Terrace for water system expansion.

Section 2-29. The sum of $125,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made for such purpose in Article 57, Division FY00, Section 2-29 of Public Act 92-8, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for a grant to Homer Township to develop a youth sports complex.

Section 2-34. The sum of $76,717, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made for such purpose in Article 57, Division FY00, Section 2-34 of Public Act 92-8, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for a grant to the Village of Southern View for a community park.

Section 2-39. The sum of $200,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made for such purpose in Article 57, Division FY00, Section 2-39 of Public Act 92-8, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for a grant to the Village of Hinckley for sewer and water infrastructure improvements.

Section 2-45. The sum of $80,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made for such purpose in Article 57, Division FY00, Section 2-45 of Public Act

New matter indicated by italics - deletions by strikeout.
New matter indicated by italics - deletions by strikeout.
92-8, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for a grant to the City of Rochelle for water system improvements.

Section 2-74. The sum of $325,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made for such purpose in Article 57, Division FY00, Section 2-74 of Public Act 92-8, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for a grant to Antioch Township for a senior center.

Section 2-78. The sum of $50,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made for such purpose in Article 57, Division FY00, Section 2-78 of Public Act 92-8, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for a grant to the Senior Center/Aging Hispanic Center for infrastructure improvements.

Section 2-81. The sum of $100,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made for such purpose in Article 57, Division FY00, Section 2-81 of Public Act 92-8, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Natural Resources for a grant to the Village of Downers Grove for the Nigas bikeway in Woodbridge and Downers.

Section 2-82. The sum of $92,812, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made for such purpose in Article 57, Division FY00, Section 2-82 of Public Act 92-8, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Natural Resources for improvements to Finley Road to provide flood relief.

Section 2-83. The sum of $240,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made for such purpose in Article 57, Division FY00, Section 2-83 of Public Act 92-8, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Natural Resources for a grant to the Village of Glenview for a bike trail extension from Lake Avenue to Metra Station.

Section 2-84. The sum of $300,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made for such purpose in Article 57, Division FY00, Section 2-84 of Public Act 92-8, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Natural Resources for a grant to Kendall County for flood control in Lynwood Subdivision, Bristol Township.

Section 2-85. The sum of $147,869, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made for such purpose in Article 57, Division FY00, Section 2-85 of Public Act 92-8, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Natural Resources for a grant to the Lincoln Park Zoo transportation center.

New matter indicated by italics - deletions by strikeout.
Section 2-89. The sum of $260,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made for such purpose in Article 57, Division FY00, Section 2-89 of Public Act 92-8, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Natural Resources for a grant to the St. Charles Park District for development of a ball and soccer field.

Section 2-91. The sum of $100,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made for such purpose in Article 57, Division FY00, Section 2-91 of Public Act 92-8, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Natural Resources for a grant to the Forest Preserve District of Will County for bike path development.

Section 2-92. The sum of $37,500, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made for such purpose in Article 57, Division FY00, Section 2-92 of Public Act 92-8, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Natural Resources for a grant to the Kaneville Township for land acquisition for a park.

Section 2-97. The sum of $327,181, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made for such purpose in Article 57, Division FY00, Section 2-97 of Public Act 92-8, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Natural Resources for a grant to the Woodridge Park District for renovation of Janes Avenue Park.

Section 2-100. The sum of $400,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made for such purpose in Article 57, Division FY00, Section 2-100 of Public Act 92-8, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Natural Resources for a grant to the City of Sterling for a Rockfalls Dam walkway.

Section 2-101. The sum of $700,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made for such purpose in Article 57, Division FY00, Section 2-101 of Public Act 92-8, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Natural Resources, Office of Water Resources for construction of the Rand Park Flood Control Project in the City of Des Plaines and for costs associated with the rehabilitation of Farmers and Prairie Creeks.

Section 2-103. The sum of $141,727, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made for such purpose in Article 57, Division FY00, Section 2-103 of Public Act 92-8, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Natural Resources for a grant to the Village of Antioch for a bike path at Longview and Deep Lake Road.

Section 2-104. The sum of $200,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made for such purpose in Article 57, Division FY00, Section 2-104 of Public Act 92-8, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Natural Resources for a grant to the Village of Antioch for a bike path at Longview and Deep Lake Road.

New matter indicated by italics - deletions by strikeout.
remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made for such purpose in Article 57, Division FY00, Section 2-104 of Public Act 92-8, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Natural Resources for a grant to the Village of Hanover Park for a bike path.

Section 2-105. The sum of $92,784, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made for such purpose in Article 57, Division FY00, Section 2-105 of Public Act 92-8, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Natural Resources for a grant to the Elk Grove Village for designing bikepaths and walkways.

Section 2-107. The sum of $100,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made for such purpose in Article 57, Division FY00, Section 2-107 of Public Act 92-8, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs (formerly to the Department of Natural Resources) for a grant to the Village of Clear Lake for infrastructure improvements.

Section 2-108. The sum of $127,349, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made for such purpose in Article 57, Division FY00, Section 2-108 of Public Act 92-8, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Natural Resources for a grant to the City of Henry for marina improvements, including dredging.

Section 2-109. The sum of $100,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made for such purpose in Article 57, Division FY00, Section 2-109 of Public Act 92-8, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Natural Resources for a grant to the City of Troy for storm water management improvements.

Section 2-110. The sum of $750,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made for such purpose in Article 57, Division FY00, Section 2-110 of Public Act 92-8, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Natural Resources for a grant to the Schaumburg Park District for park expansion.

Section 2-111. The sum of $200,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made for such purpose in Article 57, Division FY00, Section 2-111 of Public Act 92-8, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Natural Resources for a grant to the City of Hickory Hills for Woodlands watershed improvements.

Section 2-119. The sum of $300,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made for such purpose in Article 57, Division FY00, Section 2-119 of Public Act 92-8, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of
Transportation for constructing a slip ramp at Route 83 and Elmhurst Wastewater Treatment Plant.

Section 2-122. The sum of $100,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made for such purpose in Article 57, Division FY00, Section 2-122 of Public Act 92-8, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Transportation for a grant to the City of Bloomington for Airport Road improvements.

Section 2-123. The sum of $100,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made for such purpose in Article 57, Division FY00, Section 2-123 of Public Act 92-8, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Transportation for a grant to the Town of Normal for the Normal Northtown Road improvements.

Section 2-125. The sum of $125,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made for such purpose in Article 57, Division FY00, Section 2-125 of Public Act 92-8, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Transportation for a grant to the City of Wood Dale for land acquisition and construction of a salt storage structure.

Section 2-128. The sum of $150,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made for such purpose in Article 57, Division FY00, Section 2-128 of Public Act 92-8, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Transportation for a grant to Wheatland Township for road improvements.

Section 2-148. The sum of $60,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made for such purpose in Article 57, Division FY00, Section 2-148 of Public Act 92-8, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Transportation for a grant to the Village of Arlington Heights for preliminary engineering.

Section 2-153. The sum of $325,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made for such purpose in Article 57, Division FY00, Section 2-153 of Public Act 92-8, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Transportation for a grant to the Village of Franklin Park for a pedestrian overpass.

Section 2-174. The sum of $10,752,877, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made for such purpose in Article 57, Division FY00, Section 2-174 of Public Act 92-8, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for grants to units of local government and educational facilities for all costs associated with infrastructure improvements.

Section 3-1. The sum of $300,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation

New matter indicated by italics - deletions by strikeout.
heretofore made for such purpose in Article 57, Division FY00, Section 3-1 of Public Act 92-8, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for grants to units of local government and educational facilities for infrastructure improvements.

Section 3-2. The sum of $50,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made for such purpose in Article 57, Division FY00, Section 3-2 of Public Act 92-8, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for grants to governmental units, educational facilities and not-for-profit organizations for all costs associated with infrastructure improvements, including but not limited to planning, construction, reconstruction, renovation, utilities and equipment.

Section 4-1. The sum of $70,025,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from a reappropriation heretofore made for such purpose in Article 57, Division FY00, Section 4-1 of Public Act 92-8, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for grants to governmental units and educational facilities and non-profit organizations for all costs associated with but not limited to infrastructure improvements.

Section 5-1. The sum of $62,781,046, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2002, from appropriations heretofore made for such purposes in Article 57, Division FY00, Section 5-1 of Public Act 92-8, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for grants to governmental units and educational facilities and non-profit organizations for all costs associated with but not limited to infrastructure improvements.

Division FY98. The reappropriation in this Division continues an appropriation initially made for the fiscal year beginning July 1, 1997, for the purpose of the Build Illinois Program as set forth below.

Section 32. The sum of $1,625,000, or so much thereof as may be necessary and remains unexpended on June 30, 2002, from a reappropriation heretofore made for such purpose in Article 57, Division FY98, Section 32 of Public Act 92-8, as amended, is reappropriated to the University of Illinois (formerly to the Capital Development Board) from the Build Illinois Bond Fund to plan for a medical school replacement at the University of Illinois at Chicago.

Division FY97. The reappropriations in this Division continue certain appropriations initially made for the fiscal year beginning July 1, 1996, for the purposes of the Build Illinois Program as set forth below.

Section 5. The sum of $18,648, or so much thereof as may be necessary and remains unexpended on June 30, 2002, from a reappropriation heretofore made for such purposes in Article 57, Division FY97, Section 5 of Public Act 92-8, as amended, is reappropriated to the Department of Natural Resources from the Build Illinois Bond Fund for expenditure by
the Division of Water Resources for infrastructure improvements to the Wood Dale/Itasca Reservoir.

Section 7. The sum of $2,071, or so much thereof as may be necessary and remains unexpended on June 30, 2002 from a reappropriation made for such purposes in Article 57, Division FY97, Section 7 of Public Act 92-8, as amended, is reappropriated to the Department of Natural Resources from the Build Illinois Bond Fund for expenditure by the Division of Water Resources for infrastructure repairs of the Batavia Dam in Batavia, Illinois.

Section 32. The sum of $1,123,475, or so much thereof as may be necessary and remains unexpended on June 30, 2002, from appropriations heretofore made for such purposes in Article 57, Division FY97, Section 32 of Public Act 92-8, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Natural Resources for all costs associated with flood control projects for the DuPage County Forest Preserve District.

Section 36. The sum of $800,526, or so much thereof as may be necessary and remains unexpended on June 30, 2002, from appropriations heretofore made for such purposes in Article 57, Division FY97, Section 36 of Public Act 92-8, as amended, is reappropriated from the Build Illinois Bond Fund to the Illinois Environmental Protection Agency for a grant to the Fox River Water Reclamation District for improvements for the South Plant, the Skyline Treatment Plant and the Skyline Water Plant.

Division FY91. The reappropriations in this Division continue certain appropriations initially made for the fiscal year beginning July 1, 1990, for the purposes of the Build Illinois Program as set forth below.

Section 2-6. The following named amounts, or so much thereof as may be necessary, and remain unexpended on June 30, 2002 from appropriations heretofore made for such purposes in Article 57, Division FY91, Section 2-6 of Public Act 92-8, as amended, are reappropriated from the Build Illinois Bond Fund to the Capital Development Board for the Board of Higher Education for the projects hereinafter enumerated:

NORTHERN ILLINOIS UNIVERSITY - DEKALB
To construct and equip the Engineering Building ................................. $ 64,537
To purchase equipment and complete construction for Faraday Hall Addition ...... 117,031
Total, Build Illinois Bond Fund $181,568

Section 2-8. The following named amounts, or so much thereof as may be necessary, and remain unexpended on June 30, 2002 from appropriations heretofore made for such purposes in Article 57, Division FY91, Section 2-8 of Public Act 92-8, as amended, are reappropriated from the Build Illinois Bond Fund to the Capital Development Board for the University of Illinois for the projects hereinafter enumerated:

UNIVERSITY OF ILLINOIS URBANA-CHAMPAIGN
To construct and equip the Chemical and Life Sciences Building ............................ $ 41,746

New matter indicated by italics - deletions by strikeout.
Section 2-20.1. The following named amount, or so much thereof as may be necessary, and remains unexpended on June 30, 2002 from appropriations heretofore made for such purposes in Article 57, Division FY91, Section 2-20.1 of Public Act 92-8, as amended, is reappropriated from the Build Illinois Bond Fund to the Capital Development Board for the Board of Higher Education for the projects hereinafter enumerated:  

**NORTHERN ILLINOIS UNIVERSITY - DE KALB**

For construction of the Engineering Building including extension of utilities, in addition to funds previously appropriated for such purpose ........................................ $ 55,370

Division FY90. The reappropriations in this Division continue certain appropriations initially made for the fiscal year beginning July 1, 1989, for the purpose of the Build Illinois Program set forth below.

Section 3-1.2a. The amount of $1,000,000, or so much thereof as may be necessary and remains unexpended on June 30, 2002, from appropriations heretofore made for such purposes in Article 57, Division FY90, Section 3-1.2a of Public Act 92-8, as amended, is reappropriated from the Build Illinois Purposes Fund to the Department of Commerce and Community Affairs for loans and grants to units of local government for infrastructure improvements.

Section 3-1.3. The following named amount, or so much thereof as may be necessary and remains unexpended on June 30, 2002, from appropriations heretofore made for such purposes in Article 57, Division FY90, Section 3-1.3 of Public Act 92-8, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Transportation for land acquisition, engineering, and contract costs for construction, reconstruction, extension, and improvement of State highways.

FAP 412 (U.S. 51)........................................ $ 4,356

Section 3-1.12b. The following named amount, or so much thereof as may be necessary, and remains unexpended on June 30, 2002 from appropriations heretofore made for such purposes in Article 57, Division FY90, Section 3-1.12b of Public Act 92-8, as amended, is reappropriated from the Build Illinois Bond Fund to the Capital Development Board for the Board of Higher Education for the projects hereinafter enumerated:

**NORTHERN ILLINOIS UNIVERSITY - DE KALB**

To construct an addition to Faraday Hall ............ $ 4,878

Section 3-6.2h. The amount of $60,840, or so much thereof as may be necessary and remains unexpended on June 30, 2002, from appropriations heretofore made for such purposes in Article 57, Division FY90, Section 3-6.2h of Public Act 92-8, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Natural Resources for grants to units of local governments as provided in the "Open Space Lands Acquisition and Development Act."

Division FY89. The reappropriations in this Division continue certain appropriations initially made for the fiscal year beginning July 1, 1988, for the purposes of the Build Illinois Program set forth below.

New matter indicated by italics - deletions by strikeout.
Section 4-1.13. The amount of $161,572, or so much hereof as may be necessary and remains unexpended on June 30, 2002, from appropriations heretofore made for such purposes in Article 57, Division V, Section 4-1.13 of Public Act 92-8, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Natural Resources for the following projects at the approximate costs set forth below:

Des Plaines Watershed Mitigation - Cook, DuPage, and Lake Counties - For implementation of flood hazard mitigation plans, developed in cooperation with units of local government in the Des Plaines Watershed, filed in accordance with Section 5 of the Flood Control Act of 1945, as amended (Ill. Rev. Stat., Ch. 19, par. 126e) ........................................... $ 100,000

Indian Creek - Kane County - For implementation of the Indian Creek flood control project in Kane County in cooperation with the City of Aurora ........................................... 13,850

Midlothian Creek - Cook County - Improvement of Midlothian Creek channel to provide flood damage reduction for Fernway Subdivision in cooperation with the Villages of Orland Park and Tinley Park ..................... 47,722

Total $161,572

Division FY88. The reappropriations in this Division continue certain appropriations initially made for the fiscal year beginning July 1, 1987, for the purposes of the Build Illinois Program set forth below.

Section 5-1.10. The amount of $90,789, or so much thereof as may be necessary and remains unexpended on June 30, 2002, from appropriations heretofore made for such purposes in Article 57, Division FY88, Section 5-1.10 of Public Act 92-8, as amended, is reappropriated from the Build Illinois Purposes Fund to the Department of Commerce and Community Affairs for loans and grants to units of local government for infrastructure improvements.

Division FY87a. The reappropriations in this Division continue certain appropriations initially made for the fiscal year beginning July 1, 1986, for the purposes of the Build Illinois Program set forth below.

Section 6-1.13. The amount of $144,887, or so much thereof as may be necessary and remains unexpended on June 30, 2002, from appropriations heretofore made for such purposes in Article 57, Division FY87a, Section 6-1.13 of Public Act 92-8, as amended, is reappropriated from the Build Illinois Bond Fund to the Environmental Protection Agency for making grants to units of local government for the planning, design, construction, rehabilitation and any other necessary costs for wastewater treatment facilities and for plans,
construction, repairs, improvements and any other necessary costs for sewer and water supply systems.

Section 6-1.21. The amount of $20,058, or so much thereof as may be necessary and remains unexpended on June 30, 2002, from appropriations heretofore made for such purposes in Article 57, Division FY87a, Section 6-1.21 of Public Act 92-8, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Natural Resources for costs associated with drainage, flood control and related improvements.

Section 6-2.27. The amount of $136,000, or so much thereof as may be necessary and remains unexpended on June 30, 2002, from appropriations heretofore made for such purposes in Article 57, Division FY87a, Section 6-2.27 of Public Act 92-8, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Natural Resources for the design, construction and land acquisition of a retention basin in East Chicago Heights.

Section 6-3.22. The amount of $50,000, or so much thereof as may be necessary and remains unexpended on June 30, 2002, from appropriations heretofore made for such purposes in Article 57, Division FY87a, Section 6-3.22 of Public Act 92-8, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Natural Resources for the purpose of a grant to the Rockford Park District for land acquisition and development of a park near the Illinois Central train depot in downtown Rockford.

Section 6-4.4. The amount of $49,500, or so much thereof as may be necessary and remains unexpended on June 30, 2002, from appropriations heretofore made for such purposes in Article 57, Division FY87a, Section 6-4.4 of Public Act 92-8, as amended, is reappropriated from the Build Illinois Purposes Fund to the Department of Transportation for a grant to Canteen Township in St. Clair County for road repairs.

Section 6-4.8. The amount of $198,000, or so much thereof as may be necessary and remains unexpended on June 30, 2002, from appropriations heretofore made for such purposes in Article 57, Division FY87a, Section 6-4.8 of Public Act 92-8, as amended, is reappropriated from the Build Illinois Purposes Fund to the Department of Natural Resources for a recreational and flood control project and retention basin in the City of Sycamore.

Section 6-4.18. The amount of $99,000, or so much thereof as may be necessary and remains unexpended on June 30, 2002, from appropriations heretofore made for such purposes in Article 57, Division FY87a, Section 6-4.18 of Public Act 92-8, as amended, is reappropriated from the Build Illinois Purposes Fund to the Department of Transportation for a grant to the Village of Swansea to resurface local roads and repair and replace gutters and curbs.

Section 6-4.28. The amount of $49,500, or so much thereof as may be necessary and remains unexpended on June 30, 2002, from appropriations heretofore made for such purposes in Article 57, Division FY87a, Section 6-4.28 of Public Act 92-8, as amended, is reappropriated from the Build Illinois Purposes Fund to the Department of Transportation for a study to determine the feasibility of establishing an airport in Kankakee County.

Section 6-5.24. The amount of $25,000, or so much thereof as may be necessary and remains unexpended on June 30, 2002, from appropriations heretofore made for such purposes in Article 57, Division FY87a, Section 6-5.24 of Public Act 92-8, as amended, is
reappropriated from the Build Illinois Bond Fund to the Department of Natural Resources for a grant to the City of Benld for recreation and park facilities.

Section 6-5.39. The amount of $127,000, or so much thereof as may be necessary and remains unexpended on June 30, 2002, from appropriations heretofore made for such purposes in Article 57, Division FY87a, Section 6-5.39 of Public Act 92-8, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Natural Resources for the Village of Midlothian for flood control and drainage improvements.

Section 6-5.44b. The amount of $8,192, or so much thereof as may be necessary and remains unexpended on June 30, 2002, from appropriations heretofore made for such purposes in Article 57, Division FY87a, Section 6-5.44b of Public Act 92-8, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Natural Resources for units of local government for storm drainage at the approximate cost set forth below:

Bonnie ........................................ $ 8,192

Section 6-5.44f. The amount of $300,000, or so much thereof as may be necessary and remains unexpended on June 30, 2002, from appropriations heretofore made for such purposes in Article 57, Division FY87a, Section 6-5.44f of Public Act 92-8, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Natural Resources for a grant to the Village of Summit for planning, design, construction and any other necessary costs for flood control.

Section 6-6.6. The amount of $3,000,000, or so much thereof as may be necessary and remains unexpended on June 30, 2002, from appropriations heretofore made for such purposes in Article 57, Division FY87a, Section 6-6.6 of Public Act 92-8, as amended, is reappropriated from the Build Illinois Purposes Fund to the Illinois Community College Board for the City Colleges of Chicago for costs associated with planning, utilities, site improvements, repairs, renovation, remodeling, and construction of Job Training Centers.

Section 6-6.10. The amount of $49,768, or so much thereof as may be necessary and remains unexpended on June 30, 2002, from appropriations heretofore made for such purposes in Article 57, Division FY87a, Section 6-6.10 of Public Act 92-8, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Transportation for a grant to the City of Chicago for the viaduct and roadway improvement program.

Section 6-6.14. The amount of $507,028, or so much thereof as may be necessary and remains unexpended on June 30, 2002, from appropriations heretofore made for such purposes in Article 57, Division FY87a, Section 6-6.14 of Public Act 92-8, as amended, is reappropriated to the Department of Transportation from the Build Illinois Bond Fund for the paving, upgrading or construction:

(a) of streets and curbs at the following locations within the City of Chicago:
1. The 4300 block of West Wrightwood;
2. The 3600 block of West Byron;
3. The 3200 block of West Waveland;
4. The 4200 block of North Hamlin;
5. The 4200 block of West Grace;
6. The 4200 block of North Springfield;

New matter indicated by italics - deletions by strikeout.
7. The 3200 block of North Lawndale;
8. East 117th from Avenue O to Avenue H;
9. Avenue N from 131st to 132nd;
10. State Line Road from 106th to 112th;
11. Princeton Street from 30th Street to 31st Street;
12. South Wells from 27th Street through 29th Street;
13. 23rd Place from Princeton to Wentworth;
14. Sayre Avenue between Higgins and Kennedy Expressway;
15. Keystone Avenue from North Avenue to Armitage Avenue;
16. Harding Avenue from North Avenue to Armitage Avenue;
17. Lawndale Avenue from North Avenue to Armitage Avenue; and
18. The 1300 block of Monticello Avenue.

(b) of curbs at the following locations within the City of Chicago:
1. The 3000 and 3100 blocks of North Elbridge Street;
2. The 2800, 2900 and 3000 blocks of West Fletcher Street;
3. The 2800, 2900 and 3000 blocks of West Wellington Street;
4. The 2800, 2900 and 3000 blocks of West Nelson Street;
5. The 5600 and 5700 blocks of West Henderson;
6. The 5600 and 5700 blocks of West Cornelia;
7. The 3300 block of North Major;
8. The 3300, 3400 and 3500 blocks of North Linder;
9. The 3300 and 3500 blocks of North Lockwood;
10. The 2000, 2100 and 2200 blocks of Leland Avenue;
11. The 2000, 2100, 2200 and 2300 blocks of Giddings;
12. The 6100 block of North Artesian;
13. The 4400 block of North Francisco;
14. The 2500 block of West Hollywood;
15. The 6100 block of North Rockwell;
16. The 2400 block of West Winona;
17. The 2300 block of West Superior;
18. The 2000, 2100 and 2200 blocks of West Thomas;
19. The 2200 block of West Cortez;
20. The 2000 and 2100 blocks of West Iowa;
21. The 1200 block of North Noble;
22. The 700 block of North Campbell;
23. The 5600, 5700 and 5800 blocks of Kostner from Bryn Mawr to Rodgers;
25. North Kedvale from Leland to Lawrence;
26. Leland from Kedvale to Kildare;
27. Leland from Kimball to Pulaski;
28. Monticello from Wilson to Lawrence;
29. St. Louis from Wilson to Lawrence;

New matter indicated by italics - deletions by strikeout.
30. Bernard from Leland to Lawrence;
31. Kasson from Kennicott to Keystone;
32. West Ainslie from Kimball to Bernard;
33. The west side of the 1800 block of North Austin;
34. The west side of the 2300 block of North Austin;
35. The 3000 and 3100 blocks of North Marmora;
36. The north side of the 7100 block of West Cornelia;
37. The 5600 block of West Barry;
38. The east side of the 3000 block of Narragansett;
39. The 6100 block of Diversey;
40. The west side of the 2500 block of Neva;
41. The 3300 and 3400 blocks of Neva;
42. The 6200 and 6300 blocks of West Barry;
43. The 6600 block of West Barry;
44. The west side of the 3100 block of North Mobile;
45. The south side of 17th Street from Ashland to Paulina;
46. 17th Street from Paulina to Damen;
47. 3600 to 3800 block of Cumberland;
48. Sacramento Avenue from Addison to Cornelia;
49. Cornelia Avenue from Sacramento to Albany;
50. The 8300, 8400 and 8500 blocks of South Francisco Avenue;
51. The 8300, 8400 and 8500 blocks of South Whipple Avenue;
52. 82nd Street from Western Avenue to California Avenue;
53. 85th Street from Kenneth Avenue to Cicero Avenue;
54. The 8500, 8600 and 8700 blocks of South Ramsey Road;
55. The 4300, 4400, 4500, 4600 and 4700 blocks of South Normal Avenue;
56. The 3500, 3600, 3700 and 3800 blocks of South Lituanica Avenue;
57. Eleanor Street from Throop to Loomis Avenue; and
58. Pershing Road from Wentworth to Wood.

Section 6-6.22. The amount of $500,000, or so much thereof as may be necessary and remains unexpended on June 30, 2002, from appropriations heretofore made for such purposes in Article 57, Division FY87a, Section 6-6.22 of Public Act 92-8, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Transportation for a grant to the City of Chicago for the repair and replacement of roadway curbs in the area bounded by Cicero Avenue, Central Avenue, Armitage Avenue and Diversey Avenue, and the area bounded by Central Avenue, Austin Avenue, Fullerton Avenue, and Grand Avenue.

Section 6-6.25. The amount of $28,720, or so much thereof as may be necessary and remains unexpended on June 30, 2002, from appropriations heretofore made for such purposes in Article 57, Division FY87a, Section 6-6.25 of Public Act 92-8, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Transportation for a grant to the City of Chicago for roadway resurfacing improvements:

Farwell Ave. - Ridge Ave. to Western Ave.
Morse Ave. - Ridge Ave. to Western Ave.
Greenleaf Ave. - Ridge to Western Ave.
Estes Ave. - Ridge Ave. to Western Ave.
Rosemont - Western to Kedzie
Leavitt - Norwood to Granville
Granville Ave. from Western Ave. to Kedzie

Division FY87b. The reappropriations in this Division continue certain appropriations initially made for the purpose of the renewal of the rural areas of Illinois for the fiscal year beginning July 1, 1986.

Section 6-3.110. The amount of $70,000, or so much thereof as may be necessary and remains unexpended on June 30, 2002, from appropriations heretofore made for such purposes in Article 57, Division FY87b, Section 6-3.110 of Public Act 92-8, as amended, is reappropriated from the Build Illinois Bond Fund to the Environmental Protection Agency for the purpose of a grant to the City of Bloomington for extension and expansion of sewers.

Division FY86. The reappropriations in this Division continue certain appropriations initially made for the fiscal years beginning July 1, 1985, for the purpose of the Build Illinois Program set forth below.

Section 8-1.21. The amount of $189,520, or so much thereof as may be necessary and remains unexpended on June 30, 2002, from appropriations heretofore made for such purposes in Article 57, Division FY86, Section 8-1.21 of Public Act 92-8, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Natural Resources for the completion of the following projects at the approximate costs set forth below:

Lower Des Plaines River at Tributaries Watershed
- Cook and DuPage Counties - For construction of drainage, flood control, recreation and related improvements and facilities in the Lower Des Plaines Watershed; and for necessary land acquisition, relocation, and related expenses, all in general conformance with the Lower Des Plaines River and Tributaries Watershed Work plan in cooperation with the U.S. Soil Conservation Service and local governments sponsoring this Federal Flood Control project .................... $ 189,520

Section 8-1.22. The amount of $33,311, or so much thereof as may be necessary and remains unexpended on June 30, 2002, from appropriations heretofore made for such purposes in Article 57, Division FY86, Section 8-1.22 of Public Act 92-8, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Natural Resources for costs associated with drainage, flood control and related improvements.

Section 8-2.28. The amount of $500,000, or so much thereof as may be necessary and remains unexpended on June 30, 2002, from appropriations heretofore made for such

New matter indicated by italics - deletions by strikeout.
purposes in Article 57, Division FY86, Section 8-2.28 of Public Act 92-8, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Natural Resources to assist in planning and construction of a water retention project on Tyler Creek.

Section 8-2.33. The amount of $50,000, or so much thereof as may be necessary and remains unexpended on June 30, 2002, from appropriations heretofore made for such purposes in Article 57, Division FY86, Section 8-2.33 of Public Act 92-8, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Natural Resources for feasibility, engineering, and economic and environmental studies on the LaMoine Lake Project.

Section 8-4.6. The amount of $100,000, or so much thereof as may be necessary and remains unexpended on June 30, 2002, from appropriations heretofore made for such purposes in Article 4, Division FY86, Section 8-4.6 of Public Act 92-8, as amended, is reappropriated from the Build Illinois Purposes Fund to the Department of Commerce and Community Affairs for a grant to the Metro East Solid Waste Disposal and Energy Producing Service for its ordinary and contingent expenses.

Section 8-5.3. The amount of $2,000,000, or so much thereof as may be necessary and remains unexpended on June 30, 2002, from appropriations heretofore made for such purposes in Article 57, Division FY86, Section 8-5.3 of Public Act 92-8, as amended, is reappropriated from the Build Illinois Bond Fund to the Illinois Community College Board for costs associated with planning, utilities, site improvements, repairs, renovation, remodeling, and construction of Job Training Centers.

Section 8-5.6. The amount of $460,003, or so much thereof as may be necessary and remains unexpended on June 30, 2002, from appropriations heretofore made for such purposes in Article 57, Division FY86, Section 8-5.6 of Public Act 92-8, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Transportation as a grant to the City of Chicago for a viaduct and roadway improvement program.

Division FY86-FY93. The reappropriations in this Division continue certain appropriations initially made for the fiscal years beginning July 1, 1985 through 1992, combined for the purpose of the Build Illinois Program set forth below.

Section 10A. The amount of $8,387,599, or so much thereof as may be necessary and remains unexpended on June 30, 2002, from appropriations heretofore made for such purposes in Article 57, Division FY89, Section 10A of Public Act 92-8, as amended, is reappropriated from the Build Illinois Bond Fund to the Environmental Protection Agency for grants to units of local government for sewer systems and wastewater treatment facilities pursuant to rules and procedures established under the Anti-Pollution Bond Act.

Section 10B. The amount of $70,529,539, or so much thereof as may be necessary, and remains unexpended on June 30, 2002, from appropriations heretofore made for such purposes in Article 57, Division FY90, Section 10B of Public Act 92-8, as amended, is reappropriated from the Build Illinois Bond Fund to the Environmental Protection Agency for wastewater compliance grants to units of local government for sewer systems and wastewater treatment facilities pursuant to procedures and rules established under the Anti-Pollution Bond Act. These grants are limited to projects for which the local government

New matter indicated by italics - deletions by strikeout.
provides at least 30% of the project cost. There is an approved project compliance plan, and there is an enforceable compliance schedule prior to the grant award. The grant award will be based on eligible project cost contained in the approved compliance plan.

Section 10E. The amount of $162,168, or so much thereof as may be necessary, and remains unexpended on June 30, 2002 from appropriations heretofore made for such purposes in Article 57, Division FY91, Section 10E of Public Act 92-8, as amended, is reappropriated from the Build Illinois Bond Fund to the Capital Development Board for the University of Illinois for miscellaneous capital improvements including construction, reconstruction, remodeling, improvement, repair and installation of capital facilities, costs of planning, supplies, equipment, materials, services, and all other expenses required to complete the work. This appropriation shall be in addition to any other appropriated amounts which can be expended for these purposes.

Section 10G. The amount of $1,009,995, or so much thereof as may be necessary, and remains unexpended on June 30, 2002 from appropriations heretofore made for such purposes in Article 57, Division FY91, Section 10G of Public Act 92-8, as amended, is reappropriated from the Build Illinois Bond Fund to the Capital Development Board for the Illinois Community College Board for grants to community colleges repair, renovation, and miscellaneous capital improvements including construction, reconstruction, remodeling, improvement, repair and installation of capital facilities, costs of planning, supplies, equipment, materials, services, and all other expenses required to complete the work. This appropriation shall be in addition to any other appropriated amounts which can be expended for these purposes.

Division 9999. This Division contains provisions governing the expenditure of funds appropriated in these Articles.

No contract shall be entered into or obligation incurred for any expenditures from the appropriations made in this Article until after the purposes and amounts have been approved in writing by the Governor.

ARTICLE 4
Section 99. Effective date. This Act takes effect on July 1, 2002.
Passed in the General Assembly June 2, 2002.
Approved With Vetoed Amounts July 24, 2002.
Effective July 24, 2002.
Returned to the General Assembly November 19, 2002.
Final General Assembly Action on Vetoed Amounts: No Funds Restored. Amounts Remain Vetoed.
Section 5. The Township Code is amended by changing Section 235-20 as follows:

(60 ILCS 1/235-20)
Sec. 235-20. General assistance tax.
(a) The township board may raise money by taxation deemed necessary to be expended to provide general assistance in the township to persons needing that assistance as provided in the Illinois Public Aid Code, including persons eligible for assistance under the Military Veterans Assistance Act, where that duty is provided by law. The tax for each fiscal year shall not be more than 0.10% of value, or more than an amount approved at a referendum held under this Section, as equalized or assessed by the Department of Revenue, and shall in no case exceed the amount needed in the township for general assistance.

(b) If the board desires to increase the maximum tax rate, it shall order a referendum on that proposition to be held at an election in accordance with the general election law. The board shall certify the proposition to the proper election officials, who shall submit the proposition to the voters at an election in accordance with the general election law. If a majority of the votes cast on the proposition is in favor of the proposition, the board may annually levy the tax at a rate not exceeding the higher rate approved by the voters at the election.

(c) If a city, village, or incorporated town having a population of more than 500,000 is located within or partially within a township, then the entire amount of the tax levied by the township for the purpose of providing general assistance under this Section on property lying within that city, village, or incorporated town, less the amount allowed for collecting the tax, shall be paid over by the treasurer of the township to the treasurer of the city, village, or incorporated town to be appropriated and used by the city, village, or incorporated town for the relief and support of persons needing general assistance residing in that portion of the city, village, or incorporated town located within the township in accordance with the Illinois Public Aid Code.

(d) Any taxes levied for general assistance before or after this Section takes effect may also be used for the payment of warrants issued against and in anticipation of those taxes and accrued interest on those warrants and may also be used to pay the cost of administering that assistance.

(e) In any township with a population of less than 500,000 that receives no State funding for the general assistance program and that has not issued anticipation warrants or otherwise borrowed monies for the administration of the general assistance program during the township's previous 3 fiscal years of operation, a one time transfer of monies from the township's general assistance fund may be made to the general township fund pursuant to action by the township board. This transfer may occur only to the extent that the amount of monies remaining in the general assistance fund after the transfer is equal to the greater of (i) the amount of the township's expenditures in the previous fiscal year for general assistance or (ii) an amount equal to either 0.10% of the last known total equalized value of all taxable property in the township, or 100% of the highest amount levied for general assistance purposes in any of the three previous fiscal years. The transfer shall be completed no later than one year after the effective date of this amendatory Act of the 92nd General Assembly

New matter indicated by italics - deletions by strikeout.
the end of fiscal year 1992. No township that has certified a new levy or an increase in the
levy under this Section during calendar year 2002 may transfer monies under this
subsection. No action on the transfer of monies under this subsection shall be taken by the
township board except at a township board meeting. No monies transferred under this
subsection shall be considered in determining whether the township qualifies for State funds
to supplement local funds for public aid purposes under Section 12-21.13 of the Illinois
Public Aid Code.
(Source: P.A. 86-1379; 86-1480; 87-14; 87-895; 88-62.)

Section 99. Effective date. This Act takes effect upon becoming law.
Approved July 25, 2002.

PUBLIC ACT 92-0719
(House Bill No. 3993)

AN ACT in relation to counseling.
Be it enacted by the People of the State of Illinois, represented in the General
Assembly:
Section 5. The Regulatory Sunset Act is amended by changing Section 4.13 and
adding Section 4.23 as follows:
(5 ILCS 80/4.13) (from Ch. 127, par. 1904.13)
Sec. 4.13. Acts repealed on December 31, 2002. The following Acts are repealed on
December 31, 2002:
The Environmental Health Practitioner Licensing Act.
The Naprapathic Practice Act.
The Dietetic and Nutrition Services Practice Act.
The Funeral Directors and Embalmers Licensing Code.
The Professional Counselor and Clinical Professional Counselor Licensing Act.
(Source: P.A. 88-45; 89-61, eff. 6-30-95; revised 8-22-01.)
(5 ILCS 80/4.23 new)
Sec. 4.23. Act repealed on January 1, 2013. The following Act is repealed on January
1, 2013:
The Professional Counselor and Clinical Professional Counselor Licensing Act.
Section 10. The Professional Counselor and Clinical Professional Counselor
Licensing Act is amended by changing Sections 10, 15, 20, 30, 45, 60, and 80 and adding
Section 21 as follows:
(225 ILCS 107/10)
Section scheduled to be repealed on December 31, 2002)
Sec. 10. Definitions. As used in this Act:
"Department" means the Department of Professional Regulation.

New matter indicated by italics - deletions by strikeout.
"Director" means the Director of Professional Regulation.

"Board" means the Professional Counselor Licensing and Disciplinary Board as appointed by the Director.

"Person" means an individual, association, partnership, or corporation.

"Professional counseling" means the provision of services to individuals, couples, groups, families, and organizations in any one or more of the fields of professional counseling. Professional counseling includes, but is not limited to:

1. social, emotional, educational, and career testing and evaluation;
2. a professional relationship between a counselor and a client in which the counselor provides assistance in coping with life issues that include relationships, conflicts, problem solving, decision making, and developmental concerns; and
3. research.

Professional counseling may also include clinical professional counseling as long as it is not conducted in independent private practice as defined in this Act.

"Clinical professional counseling" means the provision of professional counseling and mental health services, which includes, but is not limited to, the application of clinical counseling theory and techniques to prevent and alleviate mental and emotional disorders and psychopathology and to promote optimal mental health, rehabilitation, treatment, testing, assessment, and evaluation. It also includes clinical counseling and psychotherapy in a professional relationship to assist individuals, couples, families, groups, and organizations to alleviate emotional disorders, to understand conscious and unconscious motivation, to resolve emotional, relationship, and attitudinal conflicts, and to modify behaviors that interfere with effective emotional, social, adaptive, and intellectual functioning.

"Licensed professional counselor" and "professional counselor" means a person who holds a license authorizing the practice of professional counseling as defined in this Act.

"Licensed clinical professional counselor" and "clinical professional counselor" means a person who holds a license authorizing the independent practice of clinical professional counseling in private practice as defined in this Act.

"Independent private practice of clinical professional counseling" means the application of clinical professional counseling knowledge and skills by a licensed clinical professional counselor who (i) regulates and is responsible for her or his own practice or treatment procedures and (ii) is self-employed or works in a group practice or setting not qualified under Internal Revenue Service regulations as a not-for-profit business.

"Clinical supervision" or "supervision" means review of aspects of counseling and case management in a face-to-face meeting with the person under supervision.

"Qualified supervisor" or "qualified clinical supervisor" means any person who is a licensed clinical professional counselor, licensed clinical social worker, licensed clinical psychologist, psychiatrist as defined in Section 1-121 of the Mental Health and Developmental Disabilities Code, or other supervisor as defined by rule. A qualified supervisor may be provided at the applicant's place of work, or may be hired by the applicant to provide supervision.

"License" means that which is required to practice professional counseling or clinical
Sec. 15. Exemptions.

(a) This Act does not prohibit any persons legally regulated in this State by any other Act from engaging in the practice for which they are authorized as long as they do not represent themselves by the title of "professional counselor", "licensed professional counselor", "clinical professional counselor", or "licensed clinical professional counselor". This Act does not prohibit the practice of nonregulated professions whose practitioners are engaged in the delivery of human services as long as these practitioners do not represent themselves as or use the title of "professional counselor", "licensed professional counselor", "clinical professional counselor", or "licensed clinical professional counselor".

(b) Nothing in this Act shall be construed to limit the activities and services of a student, intern, or resident in professional counseling or clinical professional counseling seeking to fulfill educational requirements in order to qualify for a license under this Act if these activities and services constitute a part of the student's supervised course of study, or an individual seeking to fulfill the post-degree experience requirements in order to qualify for licensing under this Act, as long as the activities and services are not conducted in an independent practice, as defined in this Act, if the activities and services are supervised as specified in this Act, and that the student, intern, or resident is designated by a title "intern" or "resident" or other designation of trainee status. Nothing contained in this Section shall be construed to permit students, interns, or residents to offer their services as professional counselors or clinical professional counselors to any other person and to accept remuneration for such professional counseling or clinical professional counseling services other than as specifically excepted in this Section, unless they have been licensed under this Act.

(c) Corporations, partnerships, and associations may employ practicum students, interns, or post-degree candidates seeking to fulfill educational requirements or the professional experience requirements needed to qualify for a license under this Act if their activities and services constitute a part of the student's supervised course of study or post-degree professional experience requirements. Nothing in this paragraph shall prohibit a corporation, partnership, or association from contracting with a licensed health care professional to provide services that they are licensed to provide.

(d) Nothing in this Act shall prevent the employment, by a professional counselor or clinical professional counselor, person, association, partnership, or a corporation furnishing professional counseling or clinical professional counseling services for remuneration, of persons not licensed as professional counselors or clinical professional counselors under this Act to perform services in various capacities as needed if these persons are not in any manner held out to the public or do not hold themselves out to the public by any title or designation stating or implying that they are professional counselors or clinical professional counselors.

(e) Nothing in this Act shall be construed to limit the services of a person, not licensed under the provisions of this Act, in the employ of a federal, State, county, or
municipal agency or other political subdivision or not-for-profit corporation providing human services if (1) the services are a part of the duties in his or her salaried position, (2) the services are performed solely on behalf of his or her employer, and (3) that person does not in any manner represent himself or herself as or use the title of "professional counselor", "licensed professional counselor", "clinical professional counselor", or "licensed clinical professional counselor".

(f) Duly recognized members of any religious organization shall not be restricted from functioning in their ministerial capacity provided they do not represent themselves as being professional counselors or clinical professional counselors, or as providing "professional counseling" or "clinical professional counseling". This Act shall not apply or be construed so as to apply to the employees or agents of a church or religious organization or an organization owned, controlled, or affiliated with a church or religious organization, unless the church, religious organization, or owned, controlled, or affiliated organization designates or holds these employees or agents out to the public as professional counselors or clinical professional counselors or holds out their services as being "professional counseling" or "clinical professional counseling".

(g) Nothing in this Act shall prohibit individuals not licensed under the provisions of this Act who work in self-help groups or programs or not-for-profit organizations from providing services in those groups, programs, or organizations, as long as those persons are not in any manner held out to the public as practicing professional counseling or clinical professional counseling, or do not hold themselves out to the public by any title or designation stating or implying that they are professional counselors or clinical professional counselors.

(h) Nothing in this Act shall be construed to limit the activities and use of the official title of "professional counselor" or "clinical professional counselor" on the part of a person not licensed under this Act who is an academic employee of a duly chartered institution of higher education and who holds educational and professional qualifications equivalent to those required for licensing under this Act, insofar as such activities are performed in the person's role as an academic employee, or insofar as such person engages in public speaking with or without remuneration.

(i) Nothing in this Act shall be construed to require licensure under this Act or limit the services of a school counselor certified by the State Teacher Certification Board and employed as authorized by Section 10-22-24a or any other provision of the School Code as long as that person is not in any manner held out to the public as a "professional counselor" or "clinical professional counselor" or does not hold out his or her services as being "professional counseling" or "clinical professional counseling".

(j) Nothing in this Act shall be construed to require any hospital, clinic, home health agency, hospice, or other entity that provides health care to employ or to contract with a person licensed under this Act to provide professional counseling or clinical professional counseling services. These persons may not hold themselves out or represent themselves to the public as being licensed under this Act.

(k) Nothing in this Act shall be construed to require licensure under this Act or limit...
the services of a person employed by a private elementary or secondary school who provides counseling within the scope of his or her employment as long as that person is not in any manner held out to the public as a "professional counselor" or "clinical professional counselor" or does not hold out his or her services as being "professional counseling" or "clinical professional counseling".

(i) Nothing in this Act shall be construed to require licensure under this Act or limit the services of a rape crisis counselor who is an employee or volunteer of a rape crisis organization as defined in Section 8-802.1 of the Code of Civil Procedure as long as that person is not in any manner held out to the public as a "professional counselor" or "clinical professional counselor" or does not hold out his or her services as being "professional counseling" or "clinical professional counseling".

(m) Nothing in this Act shall be construed to prevent any licensed social worker, licensed clinical social worker, or licensed clinical psychologist from practicing professional counseling as long as that person is not in any manner held out to the public as a "professional counselor" or "clinical professional counselor" or does not hold out his or her services as being "professional counseling" or "clinical professional counseling".

(n) Nothing in this Act shall be construed to limit the activities and use of the official title of "professional counselor" or "clinical professional counselor" on the part of a person not licensed under this Act who is a physician licensed to practice medicine in all of its branches under the Medical Practice Act of 1987.

(o) Nothing in this Act shall be construed to require licensure under this Act or limit the services of a domestic violence counselor who is an employee or volunteer of a domestic violence program as defined in Section 227 of the Illinois Domestic Violence Act of 1986.

(Source: P.A. 87-1011; 87-1212; 87-1269; 88-45; 88-424; 88-670, eff. 12-2-94.)

(225 ILCS 107/20)

Sec. 20. Restrictions and limitations.

(a) No person shall, without a valid license as a professional counselor issued by the Department: (i) in any manner hold himself or herself out to the public as a professional counselor under this Act; (ii) attach the title "professional counselor" or "licensed professional counselor"; or (iii) offer to render or render to individuals, corporations, or the public professional counseling services if the words "professional counselor" or "licensed professional counselor" are used to describe the person offering to render or rendering them, or "professional counseling" is used to describe the services rendered or offered to be rendered.

(b) No person shall, without a valid license as a clinical professional counselor issued by the Department: (i) in any manner hold himself or herself out to the public as a clinical professional counselor or licensed clinical professional counselor under this Act; (ii) attach the title "clinical professional counselor" or "licensed clinical professional counselor"; or (iii) offer to render or render to individuals, corporations, or the public clinical professional counseling services if the words "licensed clinical professional counselor" are used to describe the person offering to render or rendering them, or "clinical professional counseling" is used to describe the services rendered or offered to be rendered.

New matter indicated by italics - deletions by strikeout.
the services rendered or offered to be rendered.

(c) Licensed professional counselors may not engage in independent private practice as defined in this Act without a clinical professional counseling license. In an independent private practice, a licensed professional counselor must practice at all times under the order, control, and full professional responsibility of a licensed clinical professional counselor, a licensed clinical social worker, a licensed clinical psychologist, or a psychiatrist, as defined in Section 1-121 of the Mental Health and Developmental Disabilities Code.

(d) No association or partnership shall practice clinical professional counseling or professional counseling be granted a license unless every member, partner, and employee of the association or partnership who practices professional counseling or clinical professional counseling, or who renders professional counseling or clinical professional counseling services, holds a currently valid license issued under this Act. No license shall be issued to a corporation, the stated purpose of which includes or which practices or which holds itself out as available to practice professional counseling or clinical professional counseling unless it is organized under the Professional Service Corporation Act.

(e) Nothing in this Act shall be construed as permitting persons licensed as professional counselors or clinical professional counselors to engage in any manner in the practice of medicine in all its branches as defined by law in this State.

(f) When, in the course of providing professional counseling or clinical professional counseling services to any person, a professional counselor or clinical professional counselor licensed under this Act finds indication of a disease or condition that in his or her professional judgment requires professional service outside the scope of practice as defined in this Act, he or she shall refer that person to a physician licensed to practice medicine in all of its branches or another appropriate health care practitioner.

(Source: P.A. 87-1011.)

(225 ILCS 107/21 new)
Sec. 21. Unlicensed practice; violation; civil penalty.

(a) Any person who practices, offers to practice, attempts to practice, or holds himself or herself out to practice as a clinical professional counselor or professional counselor without being licensed or exempt under this Act shall, in addition to any other penalty provided by law, pay a civil penalty to the Department in an amount not to exceed $5,000 for each offense, as determined by the Department. The civil penalty shall be assessed by the Department after a hearing is held in accordance with the provisions set forth in this Act regarding the provision of a hearing for the discipline of a licensee.

(b) The Department may investigate any actual, alleged, or suspected unlicensed activity.

(c) The civil penalty shall be paid within 60 days after the effective date of the order imposing the civil penalty. The order shall constitute a final judgment and may be filed and execution had thereon in the same manner as any judgment from any court of record.

(225 ILCS 107/30) (from Ch. 111, par. 8451-30)
(Section scheduled to be repealed on December 31, 2002)
Sec. 30. Professional Counselor Examining and Disciplinary Board.

New matter indicated by italics - deletions by strikeout.
(a) The Director shall appoint a Board which shall serve in an advisory capacity to the Director. The Board shall consist of 7 persons, 2 of whom are licensed solely as professional counselors, 3 of whom are licensed solely as clinical professional counselors, one full-time faculty member of an accredited college or university that is engaged in training professional counselors or clinical professional counselors who possesses the qualifications substantially equivalent to the education and experience requirements for a professional counselor or clinical professional counselor, and one member of the public who is not a licensed health care provider. In appointing members of the Board, the Director shall give due consideration to the adequate representation of the various fields of counseling. In appointing members of the Board, the Director shall give due consideration to recommendations by members of the professions of professional counseling and clinical professional counseling, the Statewide organizations representing the interests of professional counselors and clinical professional counselors, organizations representing the interests of academic programs, rehabilitation counseling programs, and approved counseling programs in the State of Illinois. The initial appointees shall be licensed under this Act within one year after appointment to the Board. Failure on the part of an initial Board appointee to obtain a license within one year may be cause for removal from the Board.

(b) Members shall be appointed for and shall serve 4 year terms and until their successors are appointed and qualified, except that of the initial appointments 2 members shall be appointed to serve for 2 years, 2 shall be appointed to serve for 3 years, and the remaining shall be appointed to serve for 4 years and until their successors are appointed and qualified. No member shall be reappointed to the Board for a term that would cause continuous service on the Board to be longer than 8 years. Any appointment to fill a vacancy shall be for the unexpired portion of the term.

(c) The membership of the Board should reasonably reflect representation from different geographic areas of Illinois.

(d) Any member appointed to fill a vacancy shall be eligible for reappointment to only one full term.

(e) The Director may remove any member for cause at any time prior to the expiration of his or her term.

(f) The Board shall annually elect one of its members as chairperson.

(g) The members of the Board shall be reimbursed for all legitimate, necessary, and authorized expenses incurred in attending the meetings of the Board.

(h) The Board may make recommendations on matters relating to approving graduate counseling, rehabilitation counseling, psychology, and related programs.

(i) The Board may make recommendations on matters relating to continuing education including the number of hours necessary for license renewal, waivers for those unable to meet such requirements, and acceptable course content. These recommendations shall not impose an undue burden on the Department or an unreasonable restriction on those seeking license renewal.

(j) The Director shall give due consideration to all recommendations of the Board.

(k) A majority of the Board members currently appointed shall constitute a quorum.
A vacancy in the membership of the Board shall not impair the right of a quorum to perform all of the duties of the Board.

(1) Members of the Board shall have no criminal, civil, or professional liability in an action based upon a disciplinary proceeding or other activity performed in good faith as a member of the Board, except for willful or wanton misconduct.

(Source: P.A. 87-1011; 87-1269; 88-424; 88-670, eff. 12-2-94.)

(2) Members of the Board shall have no criminal, civil, or professional liability in an action based upon a disciplinary proceeding or other activity performed in good faith as a member of the Board, except for willful or wanton misconduct.

(Source: P.A. 87-1011; 87-1269; 88-424; 88-670, eff. 12-2-94.)

Sec. 45. Qualifications for a license.

(a) Professional counselor. A person is qualified to be licensed as a licensed professional counselor, and the Department shall issue a license authorizing the practice of professional counseling to an applicant who:

(1) has applied in writing on the prescribed form and has paid the required fee;

(2) is at least 21 years of age and has not engaged in conduct or activities which would constitute grounds for discipline under this Act;

(3) is a graduate of:

   (A) a master's or doctoral level program in the field of counseling, rehabilitation counseling, psychology, or similar degree program approved by the Department; or

   (B) an approved baccalaureate program in human services or similar degree program approved by the Department and can document the equivalent of 5 years of full-time satisfactory supervised experience, as established by rule, under a qualified supervisor;

(4) has passed an examination for the practice of professional counseling as authorized by the Department; and

(5) has paid the fees required by this Act.

Any person who has received certification by any State or national organization whose standards are accepted by the Department as being substantially similar to the standards in this Act may apply for a professional counselor license and need not be examined further.

(b) Clinical professional counselor. A person is qualified to be licensed as a clinical professional counselor, and the Department shall issue a license authorizing the practice of clinical professional counseling to an applicant who:

(1) has applied in writing on the prescribed form and has paid the required fee;

(2) is at least 21 years of age and has not engaged in conduct or activities which would constitute grounds for discipline under this Act;

(3) is a graduate of:

   (A) a master's level program in the field of counseling, rehabilitation counseling, psychology, or similar degree program approved by the Department and has completed the equivalent of 2 years full-time satisfactory supervised experience;

New matter indicated by italics - deletions by strikeout.
supervised employment or experience working as a clinical professional counselor under the direction of a qualified supervisor subsequent to the degree; or

(B) a doctoral program in the field of counseling, rehabilitation counseling, psychology, or similar program approved by the Department and has completed the equivalent of 2 years full-time satisfactory supervised employment or experience working as a clinical professional counselor under the direction of a qualified supervisor, at least one year of which is subsequent to the degree;

(4) has passed the examination for the practice of clinical professional counseling as authorized by the Department; and

(5) has paid the fees required by this Act.

Any person who has received certification by any State or national organization whose standards are accepted by the Department as being substantially similar to the standards in this Act may apply for a clinical professional counselor license, and need not be examined further.

(c) Examination for applicants under this Act shall be held at the discretion of the Department from time to time but not less than once each year. The examination used shall be authorized by the Department.

(d) Upon application and payment of the required fee, an applicant who has an active license as a clinical psychologist or a clinical social worker licensed under the laws of this State may, without examination, be granted registration as a licensed clinical professional counselor by the Department.

(Source: P.A. 87-1011; 87-1269.)

(225 ILCS 107/60)

(Section scheduled to be repealed on December 31, 2002)

Sec. 60. Fees. The fees imposed under this Act shall be set by rule are as follows and are not refundable:

(a) The fee for application for a professional counselor or clinical professional counselor license is $150.

(b) The fee for application for a temporary professional counselor license or temporary clinical professional counselor license is $150.

(c) Applicants for examination shall pay, either to the Department or to the designated testing service, a fee covering the cost of providing the examination.

(d) The fee for the renewal of a license is $60 per year.

(e) The fee for the reinstatement of a license which has been expired for less than 5 years is $20, plus payment of all unpaid fees for every year that has lapsed.

(f) The fee for the restoration of a license which has been expired for more than 5 years is $300.

(g) The fee for the issuance of a duplicate license, the issuance of a replacement for a license that has been lost or destroyed, or the issuance of a license with a change of name or address, other than during the renewal period, is $20. No fee is required for name and

New matter indicated by italics - deletions by strikeout.
(h) The fee for the certification of a license for any purpose is $20.

(i) The fee for rescoring an examination is the cost to the Department of rescoring the examination, plus any fees charged by the applicable testing service to have the examination rescored.

(j) The fee for copies of a license shall be the actual cost of producing such copies.

(k) The fee for a roster of persons licensed as professional counselors or clinical professional counselors is the actual cost of producing such a roster.

(l) The fee for application for a license by a professional counselor or clinical professional counselor registered or licensed under the laws of another jurisdiction is $200.

(m) The fee for a sponsor of continuing education shall be set by rule.

All of the fees collected under this Act shall be deposited into the General Professions Dedicated Fund.

(Source: P.A. 87-1011; 87-1269; 88-683, eff. 1-24-95.)

(225 ILCS 107/80)

(Section scheduled to be repealed on December 31, 2002)

Sec. 80. Grounds for discipline.

(a) The Department may refuse to issue, renew, or may revoke, suspend, place on probation, reprimand, or take other disciplinary action as the Department deems appropriate, including the issuance of fines not to exceed $1000 for each violation, with regard to any one or more of the following:

(1) Material misstatement in furnishing information to the Department or to any other State agency.

(2) Violations or negligent or intentional disregard of this Act, or any of its rules.

(3) Conviction of any crime under the laws of the United States or any state or territory thereof that is a felony, or that is a misdemeanor, an essential element of which is dishonesty, or of any crime which is directly related to the practice of the profession.

(4) Making any misrepresentation for the purpose of obtaining a license, or violating any provision of this Act or its rules.

(5) Professional incompetence or gross negligence in the rendering of professional counseling or clinical professional counseling services.

(6) Malpractice.

(7) Aiding or assisting another person in violating any provision of this Act or any rules.

(8) Failing to provide information within 60 days in response to a written request made by the Department.

(9) Engaging in dishonorable, unethical, or unprofessional conduct of a character likely to deceive, defraud, or harm the public and violating the rules of professional conduct adopted by the Department.

(10) Habitual or excessive use or addiction to alcohol, narcotics, stimulants,
or any other chemical agent or drug which results in inability to practice with reasonable skill, judgment, or safety.

11) Discipline by another jurisdiction, if at least one of the grounds for the discipline is the same or substantially equivalent to those set forth in this Section.

12) Directly or indirectly giving to or receiving from any person, firm, corporation, partnership or association any fee, commission, rebate or other form of compensation for any professional service not actually rendered.

13) A finding by the Board that the licensee, after having the license placed on probationary status, has violated the terms of probation.

14) Abandonment of a client.

15) Willfully filing false reports relating to a licensee's practice, including but not limited to false records filed with federal or State agencies or departments.

16) Willfully failing to report an instance of suspected child abuse or neglect as required by the Abused and Neglected Child Reporting Act.

17) Being named as a perpetrator in an indicated report by the Department of Children and Family Services pursuant to the Abused and Neglected Child Reporting Act, and upon proof by clear and convincing evidence that the licensee has caused a child to be an abused child or neglected child as defined in the Abused and Neglected Child Reporting Act.

18) Physical or mental disability, including deterioration through the aging process or loss of abilities and skills which results in the inability to practice the profession with reasonable judgment, skill, or safety.

19) Solicitation of professional services by using false or misleading advertising.

20) Failure to file a return, or to pay the tax, penalty or interest shown in a filed return, or to pay any final assessment of tax, penalty or interest, as required by any tax Act administered by the Illinois Department of Revenue or any successor agency or the Internal Revenue Service or any successor agency.

21) A finding that licensure has been applied for or obtained by fraudulent means.

22) Practicing or attempting to practice under a name other than the full name as shown on the license or any other legally authorized name.

23) Gross overcharging for professional services including filing statements for collection of fees or monies for which services are not rendered.

24) Rendering professional counseling or clinical professional counseling services without a license or practicing outside the scope of a license.

25) Clinical supervisors failing to adequately and responsibly monitor supervisees.

(b) The Department shall deny, without hearing, any application or renewal for a license under this Act to any person who has defaulted on an educational loan guaranteed by the Illinois State Assistance Commission; however, the Department may issue a license or renewal if the person in default has established a satisfactory repayment record as determined

New matter indicated by italics - deletions by strikeout.
by the Illinois Student Assistance Commission.

(c) The determination by a court that a licensee is subject to involuntary admission or judicial admission as provided in the Mental Health and Developmental Disabilities Code will result in an automatic suspension of his or her license. The suspension will end upon a finding by a court that the licensee is no longer subject to involuntary admission or judicial admission, the issuance of an order so finding and discharging the patient, and the recommendation of the Board to the Director that the licensee be allowed to resume professional practice.

(d) In enforcing this Section, the Board, upon a showing of a possible violation, may compel a licensee or applicant to submit to a mental or physical examination, or both, as required by and at the expense of the Department. The examining physicians or clinical psychologists shall be those specifically designated by the Board. The Board or the Department may order (i) the examining physician to present testimony concerning the mental or physical examination of a licensee or applicant or (ii) the examining clinical psychologist to present testimony concerning the mental examination of a licensee or applicant. No information shall be excluded by reason of any common law or statutory privilege relating to communications between a licensee or applicant and the examining physician or clinical psychologist. An individual to be examined may have, at his or her own expense, another physician or clinical psychologist of his or her choice present during all aspects of the examination. Failure of an individual to submit to a mental or physical examination, when directed, is grounds for suspension of his or her license. The license must remain suspended until the person submits to the examination or the Board finds, after notice and hearing, that the refusal to submit to the examination was with reasonable cause.

If the Board finds an individual unable to practice because of the reasons set forth in this Section, the Board must require the individual to submit to care, counseling, or treatment by a physician or clinical psychologist approved by the Board, as a condition, term, or restriction for continued, reinstated, or renewed licensure to practice. In lieu of care, counseling, or treatment, the Board may recommend that the Department file a complaint to immediately suspend or revoke the license of the individual or otherwise discipline the licensee.

Any individual whose license was granted, continued, reinstated, or renewed subject to conditions, terms, or restrictions, as provided for in this Section, or any individual who was disciplined or placed on supervision pursuant to this Section must be referred to the Director for a determination as to whether the person shall have his or her license suspended immediately, pending a hearing by the Board.

(Source: P.A. 87-1011; 87-1269.)

(225 ILCS 107/55 rep.)

Section 15. The Professional Counselor and Clinical Professional Counselor Licensing Act is amended by repealing Section 55.

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

Passed in the General Assembly May 9, 2002.

Approved July 25, 2002.

New matter indicated by italics - deletions by strikeout.

PUBLIC ACT 92-0720  
(House Bill No. 4214)

AN ACT in relation to alcoholic liquor.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Liquor Control Act of 1934 is amended by changing Section 6-11 as follows:

(235 ILCS 5/6-11) (from Ch. 43, par. 127)

Sec. 6-11. Sale near churches, schools, and hospitals.

(a) No license shall be issued for the sale at retail of any alcoholic liquor within 100 feet of any church, school other than an institution of higher learning, hospital, home for aged or indigent persons or for veterans, their spouses or children or any military or naval station, provided, that this prohibition shall not apply to hotels offering restaurant service, regularly organized clubs, or to restaurants, food shops or other places where sale of alcoholic liquors is not the principal business carried on if the place of business so exempted is not located in a municipality of more than 500,000 persons, unless required by local ordinance; nor to the renewal of a license for the sale at retail of alcoholic liquor on premises within 100 feet of any church or school where the church or school has been established within such 100 feet since the issuance of the original license. In the case of a church, the distance of 100 feet shall be measured to the nearest part of any building used for worship services or educational programs and not to property boundaries.

(b) Nothing in this Section shall prohibit the issuance of a retail license authorizing the sale of alcoholic liquor to a restaurant, the primary business of which is the sale of goods baked on the premises if (i) the restaurant is newly constructed and located on a lot of not less than 10,000 square feet, (ii) the restaurant costs at least $1,000,000 to construct, (iii) the licensee is the titleholder to the premises and resides on the premises, and (iv) the construction of the restaurant is completed within 18 months of the effective date of this amendatory Act of 1998.

(c) Nothing in this Section shall prohibit the issuance of a retail license authorizing the sale of alcoholic liquor incidental to a restaurant if (1) the primary business of the restaurant consists of the sale of food where the sale of liquor is incidental to the sale of food and the applicant is a completely new owner of the restaurant, (2) the immediately prior owner or operator of the premises where the restaurant is located operated the premises as a restaurant and held a valid retail license authorizing the sale of alcoholic liquor at the restaurant for at least part of the 24 months before the change of ownership, and (3) the restaurant is located 75 or more feet from a school.

(d) In the interest of further developing Illinois' economy in the area of commerce, tourism, convention, and banquet business, nothing in this Section shall prohibit issuance of a retail license authorizing the sale of alcoholic beverages to a restaurant, banquet facility,

New matter indicated by italics - deletions by strikeout.
grocery store, or hotel having not fewer than 150 guest room accommodations located in a municipality of more than 500,000 persons, notwithstanding the proximity of such hotel, restaurant, banquet facility, or grocery store to any church or school, if the licensed premises described on the license are located within an enclosed mall or building of a height of at least 6 stories, or 60 feet in the case of a building that has been registered as a national landmark, or in a grocery store having a minimum of 56,010 square feet of floor space in a single story building in an open mall of at least 3.96 acres that is adjacent to a public school that opened as a boys technical high school in 1934, and in each of these cases if the sale of alcoholic liquors is not the principal business carried on by the licensee.

For purposes of this Section, a "banquet facility" is any part of a building that caters to private parties and where the sale of alcoholic liquors is not the principal business.

(e) Nothing in this Section shall prohibit the issuance of a license to a church or private school to sell at retail alcoholic liquor if any such sales are limited to periods when groups are assembled on the premises solely for the promotion of some common object other than the sale or consumption of alcoholic liquors.

(f) Nothing in this Section shall prohibit a church or church affiliated school located in a municipality with 75,000 or more inhabitants from locating within 100 feet of a property for which there is a preexisting license to sell alcoholic liquor at retail. In these instances, the local zoning authority may, by ordinance adopted simultaneously with the granting of an initial special use zoning permit for the church or church affiliated school, provide that the 100-foot restriction in this Section shall not apply to that church or church affiliated school and future retail liquor licenses.

(g) Nothing in this Section shall prohibit the issuance of a retail license authorizing the sale of alcoholic liquor at premises within 100 feet, but not less than 90 feet, of a public school if (1) the premises have been continuously licensed to sell alcoholic liquor for a period of at least 50 years, (2) the premises are located in a municipality having a population of over 500,000 inhabitants, (3) the licensee is an individual who is a member of a family that has held the previous 3 licenses for that location for more than 25 years, (4) the principal of the school and the alderman of the ward in which the school is located have delivered a written statement to the local liquor control commissioner stating that they do not object to the issuance of a license under this subsection (g), and (5) the local liquor control commissioner has received the written consent of a majority of the registered voters who live within 200 feet of the premises.

(Source: P.A. 90-617, eff. 7-10-98; 90-655, eff. 7-30-98; 91-357, eff. 7-29-99; 91-623, eff. 1-1-00.)

Section 99. Effective date. This Act takes effect upon becoming law.
Passed in the General Assembly May 9, 2002.
Approved July 25, 2002.
AN ACT in relation to criminal law.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Criminal Code of 1961 is amended by changing Section 12-14 and by adding Section 12-35 as follows:

(720 ILCS 5/12-14) (from Ch. 38, par. 12-14)
Sec. 12-14. Aggravated Criminal Sexual Assault.
(a) The accused commits aggravated criminal sexual assault if he or she commits criminal sexual assault and any of the following aggravating circumstances existed during, or for the purposes of paragraph (7) of this subsection (a) as part of the same course of conduct as, the commission of the offense:
   (1) the accused displayed, threatened to use, or used a dangerous weapon, other than a firearm, or any object fashioned or utilized in such a manner as to lead the victim under the circumstances reasonably to believe it to be a dangerous weapon; or
   (2) the accused caused bodily harm, except as provided in subsection (a)(10), to the victim; or
   (3) the accused acted in such a manner as to threaten or endanger the life of the victim or any other person; or
   (4) the criminal sexual assault was perpetrated during the course of the commission or attempted commission of any other felony by the accused; or
   (5) the victim was 60 years of age or over when the offense was committed; or
   (6) the victim was a physically handicapped person; or
   (7) the accused delivered (by injection, inhalation, ingestion, transfer of possession, or any other means) to the victim without his or her consent, or by threat or deception, and for other than medical purposes, any controlled substance; or
   (8) the accused was armed with a firearm; or
   (9) the accused personally discharged a firearm during the commission of the offense; or
   (10) the accused, during the commission of the offense, personally discharged a firearm that proximately caused great bodily harm, permanent disability, permanent disfigurement, or death to another person.

(b) The accused commits aggravated criminal sexual assault if the accused was under 17 years of age and (i) commits an act of sexual penetration with a victim who was under 9 years of age when the act was committed; or (ii) commits an act of sexual penetration with a victim who was at least 9 years of age but under 13 years of age when the act was committed and the accused used force or threat of force to commit the act.

(c) The accused commits aggravated criminal sexual assault if he or she commits an

New matter indicated by italics - deletions by strikeout.
act of sexual penetration with a victim who was a severely or profoundly mentally retarded person at the time the act was committed.

(d) Sentence.

(1) Aggravated criminal sexual assault in violation of paragraph (d) or in violation of subsection (b) or (c) is a Class X felony. A violation of subsection (a)(1) is a Class X felony for which 10 years shall be added to the term of imprisonment imposed by the court. A violation of subsection (a)(8) is a Class X felony for which 15 years shall be added to the term of imprisonment imposed by the court. A violation of subsection (a)(9) is a Class X felony for which 20 years shall be added to the term of imprisonment imposed by the court. A violation of subsection (a)(10) is a Class X felony for which 25 years or up to a term of natural life imprisonment shall be added to the term of imprisonment imposed by the court.

(2) A person who is convicted of a second or subsequent offense of aggravated criminal sexual assault, or who is convicted of the offense of aggravated criminal sexual assault after having previously been convicted of the offense of criminal sexual assault or the offense of predatory criminal sexual assault of a child, or who is convicted of the offense of aggravated criminal sexual assault after having previously been convicted under the laws of this or any other state of an offense that is substantially equivalent to the offense of criminal sexual assault, the offense of aggravated criminal sexual assault or the offense of predatory criminal sexual assault of a child, shall be sentenced to a term of natural life imprisonment. The commission of the second or subsequent offense is required to have been after the initial conviction for this paragraph (2) to apply.

(Source: P.A. 91-404, eff. 1-1-00; 92-434, eff. 1-1-02; 92-502, eff. 12-19-01.)

(720 ILCS 5/12-35 new)

Sec. 12-35. Sexual conduct or sexual contact with an animal.

(a) A person may not knowingly engage in any sexual conduct or sexual contact with an animal.

(b) A person may not knowingly cause, aid, or abet another person to engage in any sexual conduct or sexual contact with an animal.

(c) A person may not knowingly permit any sexual conduct or sexual contact with an animal to be conducted on any premises under his or her charge or control.

(d) A person may not knowingly engage in, promote, aid, or abet any activity involving any sexual conduct or sexual contact with an animal for a commercial or recreational purpose.

(e) Sentence. A person who violates this Section is guilty of a Class 4 felony. A person who violates this Section in the presence of a person under 18 years of age or causes the animal serious physical injury or death is guilty of a Class 3 felony.

(f) In addition to the penalty imposed in subsection (e), the court may order that the defendant do any of the following:

(1) Not harbor animals or reside in any household where animals are present.
for a reasonable period of time or permanently, if necessary.

(2) Relinquish and permanently forfeit all animals residing in the household to a recognized or duly organized animal shelter or humane society.

(3) Undergo a psychological evaluation and counseling at defendant's expense.

(4) Reimburse the animal shelter or humane society for any reasonable costs incurred for the care and maintenance of the animal involved in the sexual conduct or sexual contact in addition to any animals relinquished to the animal shelter or humane society.

(g) Nothing in this Section shall be construed to prohibit accepted animal husbandry practices or accepted veterinary medical practices by a licensed veterinarian or certified veterinary technician.

(h) If the court has reasonable grounds to believe that a violation of this Section has occurred, the court may order the seizure of all animals involved in the alleged violation as a condition of bond of a person charged with a violation of this Section.

(i) In this Section:
"Animal" means every creature, either alive or dead, other than a human being.

"Sexual conduct" means any touching or fondling by a person, either directly or through clothing, of the sex organs or anus of an animal or any transfer or transmission of semen by the person upon any part of the animal, for the purpose of sexual gratification or arousal of the person.

"Sexual contact" means any contact, however slight, between the sex organ or anus of a person and the sex organ, mouth, or anus of an animal, or any intrusion, however slight, of any part of the body of the person into the sex organ or anus of an animal, for the purpose of sexual gratification or arousal of the person. Evidence of emission of semen is not required to prove sexual contact.

Approved July 25, 2002.

PUBLIC ACT 92-0722
(House Bill No. 5343)

AN ACT relating to education.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The School Code is amended by changing Section 17-2A as follows:

(105 ILCS 5/17-2A) (from Ch. 122, par. 17-2A)

Sec. 17-2A. Interfund Transfers. The school board of any district having a population of less than 500,000 inhabitants may, by proper resolution following a public hearing set by the school board or the president of the school board (that is preceded (i) by at least one published notice over the name of the clerk or secretary of the board, occurring at least 7 days

New matter indicated by italics - deletions by strikeout.
and not more than 30 days prior to the hearing, in a newspaper of general circulation within the school district and (ii) by posted notice over the name of the clerk or secretary of the board, at least 48 hours before the hearing, at the principal office of the school board or at the building where the hearing is to be held if a principal office does not exist, with both notices setting forth the time, date, place, and subject matter of the hearing), transfer money from (1) the Educational Fund to the Operations and Maintenance Fund or the Transportation Fund, (2) the Operations and Maintenance Fund to the Educational Fund or the Transportation Fund, or (3) the Transportation Fund to the Educational Fund or the Operations and Maintenance Fund of said district an amount of money not to exceed 20% of the tax actually received in the transferor Fund for the year previous to the transfer, provided such transfer is made solely for the purpose of meeting one-time, non-recurring expenses. Any other permanent interfund transfers authorized by any provision or judicial interpretation of this Code for which the transferee fund is not precisely and specifically set forth in the provision of this Code authorizing such transfer shall be made to the fund of the school district most in need of the funds being transferred, as determined by resolution of the school board.

(Source: P.A. 92-127, eff. 1-1-02.)

Section 99. Effective date. This Act takes effect upon becoming law.
Approved July 25, 2002.

PUBLIC ACT 92-0723
(House Bill No. 5639)

AN ACT concerning police animals.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Humane Care for Animals Act is amended by changing Section 16 as follows:

(510 ILCS 70/16) (from Ch. 8, par. 716)
Sec. 16. Violations; punishment; injunctions.
(a) Any person convicted of violating subsection (l) of Section 4.01 or Sections 5, 5.01, or 6 of this Act or any rule, regulation, or order of the Department pursuant thereto, is guilty of a Class A misdemeanor. A second or subsequent violation of Section 5, 5.01, or 6 is a Class 4 felony.

(b)(1) This subsection (b) does not apply where the only animals involved in the violation are dogs.

(2) Any person convicted of violating subsection (a), (b), (c) or (h) of Section 4.01 of this Act or any rule, regulation, or order of the Department pursuant thereto, is guilty of a Class A misdemeanor.

(3) A second or subsequent offense involving the violation of subsection (a),

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(b) or (c) of Section 4.01 of this Act or any rule, regulation, or order of the Department pursuant thereto is a Class 4 felony.

(4) Any person convicted of violating subsection (d), (e) or (f) of Section 4.01 of this Act or any rule, regulation, or order of the Department pursuant thereto, is guilty of a Class A misdemeanor. A second or subsequent violation is a Class 4 felony.

(5) Any person convicted of violating subsection (g) of Section 4.01 of this Act or any rule, regulation, or order of the Department pursuant thereto is guilty of a Class C misdemeanor.

(c)(1) This subsection (c) applies exclusively where the only animals involved in the violation are dogs.

(2) Any person convicted of violating subsection (a), (b) or (c) of Section 4.01 of this Act or any rule, regulation or order of the Department pursuant thereto is guilty of a Class 4 felony and may be fined an amount not to exceed $50,000. A person who knowingly owns a dog for fighting purposes or for producing a fight between 2 or more dogs or a dog and human or who knowingly offers for sale or sells a dog bred for fighting is guilty of a Class 3 felony if any of the following factors is present:

(i) the dogfight is performed in the presence of a person under 18 years of age;
(ii) the dogfight is performed for the purpose of or in the presence of illegal wagering activity; or
(iii) the dogfight is performed in furtherance of streetgang related activity as defined in Section 10 of the Illinois Streetgang Terrorism Omnibus Prevention Act.

(3) Any person convicted of violating subsection (d) or (e) of Section 4.01 of this Act or any rule, regulation or order of the Department pursuant thereto is guilty of Class A misdemeanor.

(3.5) Any person convicted of violating subsection (f) of Section 4.01 is guilty of a Class 4 felony.

(4) Any person convicted of violating subsection (g) of Section 4.01 of this Act or any rule, regulation or order of the Department pursuant thereto is guilty of a Class C misdemeanor.

(5) A second or subsequent violation of subsection (a), (b) or (c) of Section 4.01 of this Act or any rule, regulation or order of the Department pursuant thereto is a Class 3 felony. A second or subsequent violation of subsection (d) or (e) of Section 4.01 of this Act or any rule, regulation or order of the Department adopted pursuant thereto is a Class 3 felony, if in each violation the person knew or should have known that the device or equipment under subsection (d) or (e) of that Section was to be used to carry out a violation where the only animals involved were dogs. Where such person did not know or should not reasonably have been expected to know that the only animals involved in the violation were dogs, a second or
subsequent violation of subsection (d) or (e) of Section 4.01 of this Act or any rule, regulation or order of the Department adopted pursuant thereto is a Class A misdemeanor. A second or subsequent violation of subsection (g) is a Class B misdemeanor.

(6) Any person convicted of violating Section 3.01 of this Act is guilty of a Class A misdemeanor. A second or subsequent conviction for a violation of Section 3.01 is a Class 4 felony.

(7) Any person convicted of violating Section 4.03 is guilty of a Class A misdemeanor. A second or subsequent conviction is a Class 4 felony.

(8) Any person convicted of violating Section 4.04 is guilty of a Class 4 felony. A subsequent conviction is a Class 4 felony. A misdemeanor where the animal is not killed or totally disabled, but if the animal is killed or totally disabled such person shall be guilty of a Class 4 felony. A second or subsequent violation is a Class 4 felony.

(8.5) A person convicted of violating subsection (a) of Section 7.15 is guilty of a Class A misdemeanor. A person convicted of violating subsection (b) or (c) of Section 7.15 is (i) guilty of a Class A misdemeanor if the dog is not killed or totally disabled and (ii) if the dog is killed or totally disabled, guilty of a Class 4 felony and may be ordered by the court to make restitution to the disabled person having custody or ownership of the dog for veterinary bills and replacement costs of the dog. A second or subsequent violation is a Class 4 felony.

(9) Any person convicted of any other act of abuse or neglect or of violating any other provision of this Act, or any rule, regulation, or order of the Department pursuant thereto, is guilty of a Class B misdemeanor. A second or subsequent violation is a Class 4 felony with every day that a violation continues constituting a separate offense.

(d) Any person convicted of violating Section 7.1 is guilty of a Class C misdemeanor. A second or subsequent conviction for a violation of Section 7.1 is a Class B misdemeanor.

(e) Any person convicted of violating Section 3.02 is guilty of a Class 4 felony. A second or subsequent violation is a Class 3 felony.

(f) The Department may enjoin a person from a continuing violation of this Act.

(g) Any person convicted of violating Section 3.03 is guilty of a Class 3 felony. As a condition of the sentence imposed under this Section, the court shall order the offender to undergo a psychological or psychiatric evaluation and to undergo treatment that the court determines to be appropriate after due consideration of the evaluation.

(h) In addition to any other penalty provided by law, upon a conviction for violating Sections 3, 3.01, 3.02, or 3.03 the court may order the convicted person to undergo a psychological or psychiatric evaluation and to undergo any treatment at the convicted person's expense that the court determines to be appropriate after due consideration of the evaluation. If the convicted person is a juvenile or a companion animal hoarder, the court must order the convicted person to undergo a psychological or psychiatric evaluation and to undergo treatment that the court determines to be appropriate after due consideration of the evaluation.

(i) In addition to any other penalty provided by law, upon conviction for violating

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Sections 3, 3.01, 3.02, or 3.03 the court may order the convicted person to forfeit to an animal control or animal shelter the animal or animals that are the basis of the conviction. Upon an order of forfeiture, the convicted person is deemed to have permanently relinquished all rights to the animal or animals that are the basis of the conviction. The forfeited animal or animals shall be adopted or humanely euthanized. In no event may the convicted person or anyone residing in his or her household be permitted to adopt the forfeited animal or animals. The court, additionally, may order that the convicted person and persons dwelling in the same household as the convicted person who conspired, aided, or abetted in the unlawful act that was the basis of the conviction, or who knew or should have known of the unlawful act, may not own, harbor, or have custody or control of any other animals for a period of time that the court deems reasonable.

(Source: P.A. 91-291, eff. 1-1-00; 91-351, eff. 7-29-99; 91-357, eff. 7-29-99; 92-16, eff. 6-28-01; 92-425, eff. 1-1-02; 92-454, eff. 1-1-02; revised 10-11-01.)

Approved July 25, 2002.

PUBLIC ACT 92-0724
(House Bill No. 6038)

AN ACT relating to schools.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The School Code is amended by changing Section 10-22.34 and 34-18 as follows:

(105 ILCS 5/10-22.34) (from Ch. 122, par. 10-22.34)
Sec. 10-22.34. Non-certificated personnel.
(a) School Boards may employ non-teaching personnel or utilize volunteer personnel for: (1) non-teaching duties not requiring instructional judgment or evaluation of pupils; and (2) supervising study halls, long distance teaching reception areas used incident to instructional programs transmitted by electronic media such as computers, video, and audio, and detention and discipline areas, and school-sponsored extracurricular activities.

(b) School boards may further utilize volunteer non-certificated personnel or employ non-certificated personnel to assist in the instruction of pupils under the immediate supervision of a teacher, holding a valid certificate, directly engaged in teaching subject matter or conducting activities. The teacher shall be continuously aware of the non-certificated persons' activities and shall be able to control or modify them. The State Board of Education, in consultation with the State Teacher Certification Board, shall determine qualifications of such personnel and shall prescribe rules for determining the duties and activities to be assigned to such personnel. In the determination of qualifications of such personnel, the State Board of Education shall accept coursework earned in a recognized institution or from an institution of higher learning accredited by the North

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Central Association or other comparable regional accrediting association.

(b-5) A school board may utilize volunteer personnel from a regional School Crisis Assistance Team (S.C.A.T.), created as part of the Safe to Learn Program established pursuant to Section 25 of the Illinois Violence Prevention Act of 1995, to provide assistance to schools in times of violence or other traumatic incidents within a school community by providing crisis intervention services to lessen the effects of emotional trauma on individuals and the community. The School Crisis Assistance Team Steering Committee shall determine the qualifications for volunteers.

(c) School boards may also employ students holding a bachelor's degree from a recognized institution of higher learning as teaching interns when such students are enrolled in a college or university internship program, which has prior approval by the State Board of Education, in consultation with the State Teacher Certification Board, leading to a masters degree.

Regional offices of education have the authority to initiate and collaborate with institutions of higher learning to establish internship programs referenced in this subsection (c). The State Board of Education has 90 days from receiving a written proposal to establish the internship program to seek the State Teacher Certification Board's consultation on the internship program. If the State Board of Education does not consult the State Teacher Certification Board within 90 days, the regional office of education may seek the State Teacher Certification Board's consultation without the State Board of Education's approval.

(d) Nothing in this Section shall require constant supervision of a student teacher enrolled in a student teaching course at a college or university, provided such activity has the prior approval of the representative of the higher education institution and teaching plans have previously been discussed with and approved by the supervising teacher and further provided that such teaching is within guidelines established by the State Board of Education in consultation with the State Teacher Certification Board.

(Source: P.A. 92-200, eff. 1-1-02.)

(105 ILCS 5/34-18) (from Ch. 122, par. 34-18)

Sec. 34-18. Powers of the board. The board shall exercise general supervision and jurisdiction over the public education and the public school system of the city, and, except as otherwise provided by this Article, shall have power:

1. To make suitable provision for the establishment and maintenance throughout the year or for such portion thereof as it may direct, not less than 9 months, of schools of all grades and kinds, including normal schools, high schools, night schools, schools for defectives and delinquents, parental and truant schools, schools for the blind, the deaf and the crippled, schools or classes in manual training, constructural and vocational teaching, domestic arts and physical culture, vocation and extension schools and lecture courses, and all other educational courses and facilities, including establishing, equipping, maintaining and operating playgrounds and recreational programs, when such programs are conducted in, adjacent to, or connected with any public school under the general supervision and jurisdiction of the board; provided, however, that in allocating funds from year to year for the

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operation of all attendance centers within the district, the board shall ensure that supplemental general State aid funds are allocated and applied in accordance with Section 18-8 or 18-8.05. To admit to such schools without charge foreign exchange students who are participants in an organized exchange student program which is authorized by the board. The board shall permit all students to enroll in apprenticeship programs in trade schools operated by the board, whether those programs are union-sponsored or not. No student shall be refused admission into or be excluded from any course of instruction offered in the common schools by reason of that student's sex. No student shall be denied equal access to physical education and interscholastic athletic programs supported from school district funds or denied participation in comparable physical education and athletic programs solely by reason of the student’s sex. Equal access to programs supported from school district funds and comparable programs will be defined in rules promulgated by the State Board of Education in consultation with the Illinois High School Association. Notwithstanding any other provision of this Article, neither the board of education nor any local school council or other school official shall recommend that children with disabilities be placed into regular education classrooms unless those children with disabilities are provided with supplementary services to assist them so that they benefit from the regular classroom instruction and are included on the teacher's regular education class register;

2. To furnish lunches to pupils, to make a reasonable charge therefor, and to use school funds for the payment of such expenses as the board may determine are necessary in conducting the school lunch program;

3. To co-operate with the circuit court;

4. To make arrangements with the public or quasi-public libraries and museums for the use of their facilities by teachers and pupils of the public schools;

5. To employ dentists and prescribe their duties for the purpose of treating the pupils in the schools, but accepting such treatment shall be optional with parents or guardians;

6. To grant the use of assembly halls and classrooms when not otherwise needed, including light, heat, and attendants, for free public lectures, concerts, and other educational and social interests, free of charge, under such provisions and control as the principal of the affected attendance center may prescribe;

7. To apportion the pupils to the several schools; provided that no pupil shall be excluded from or segregated in any such school on account of his color, race, sex, or nationality. The board shall take into consideration the prevention of segregation and the elimination of separation of children in public schools because of color, race, sex, or nationality. Except that children may be committed to or attend parental and social adjustment schools established and maintained either for boys or girls only. All records pertaining to the creation, alteration or revision of attendance areas shall be open to the public. Nothing herein shall limit the board's authority to establish multi-area attendance centers or other student assignment systems for desegregation.
purposes or otherwise, and to apportion the pupils to the several schools. Furthermore, beginning in school year 1994-95, pursuant to a board plan adopted by October 1, 1993, the board shall offer, commencing on a phased-in basis, the opportunity for families within the school district to apply for enrollment of their children in any attendance center within the school district which does not have selective admission requirements approved by the board. The appropriate geographical area in which such open enrollment may be exercised shall be determined by the board of education. Such children may be admitted to any such attendance center on a space available basis after all children residing within such attendance center's area have been accommodated. If the number of applicants from outside the attendance area exceed the space available, then successful applicants shall be selected by lottery. The board of education's open enrollment plan must include provisions that allow low income students to have access to transportation needed to exercise school choice. Open enrollment shall be in compliance with the provisions of the Consent Decree and Desegregation Plan cited in Section 34-1.01;

8. To approve programs and policies for providing transportation services to students. Nothing herein shall be construed to permit or empower the State Board of Education to order, mandate, or require busing or other transportation of pupils for the purpose of achieving racial balance in any school;

9. Subject to the limitations in this Article, to establish and approve system-wide curriculum objectives and standards, including graduation standards, which reflect the multi-cultural diversity in the city and are consistent with State law, provided that for all purposes of this Article courses or proficiency in American Sign Language shall be deemed to constitute courses or proficiency in a foreign language; and to employ principals and teachers, appointed as provided in this Article, and fix their compensation. The board shall prepare such reports related to minimal competency testing as may be requested by the State Board of Education, and in addition shall monitor and approve special education and bilingual education programs and policies within the district to assure that appropriate services are provided in accordance with applicable State and federal laws to children requiring services and education in those areas;

10. To employ non-teaching personnel or utilize volunteer personnel for: (i) non-teaching duties not requiring instructional judgment or evaluation of pupils, including library duties; and (ii) supervising study halls, long distance teaching reception areas used incident to instructional programs transmitted by electronic media such as computers, video, and audio, detention and discipline areas, and school-sponsored extracurricular activities. The board may further utilize volunteer non-certificated personnel or employ non-certificated personnel to assist in the instruction of pupils under the immediate supervision of a teacher holding a valid certificate, directly engaged in teaching subject matter or conducting activities; provided that the teacher shall be continuously aware of the non-certificated persons' activities and shall be able to control or modify them. The general superintendent

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shall determine qualifications of such personnel and shall prescribe rules for
determining the duties and activities to be assigned to such personnel;

10.5. To utilize volunteer personnel from a regional School Crisis Assistance
Team (S.C.A.T.), created as part of the Safe to Learn Program established pursuant
to Section 25 of the Illinois Violence Prevention Act of 1995, to provide assistance
to schools in times of violence or other traumatic incidents within a school
community by providing crisis intervention services to lessen the effects of emotional
trauma on individuals and the community; the School Crisis Assistance Team
Steering Committee shall determine the qualifications for volunteers;

11. To provide television studio facilities in not to exceed one school building
and to provide programs for educational purposes, provided, however, that the board
shall not construct, acquire, operate, or maintain a television transmitter; to grant the
use of its studio facilities to a licensed television station located in the school district;
and to maintain and operate not to exceed one school radio transmitting station and
provide programs for educational purposes;

12. To offer, if deemed appropriate, outdoor education courses, including
field trips within the State of Illinois, or adjacent states, and to use school educational
funds for the expense of the said outdoor educational programs, whether within the
school district or not;

13. During that period of the calendar year not embraced within the regular
school term, to provide and conduct courses in subject matters normally embraced
in the program of the schools during the regular school term and to give regular
school credit for satisfactory completion by the student of such courses as may be
approved for credit by the State Board of Education;

14. To insure against any loss or liability of the board, the former School
Board Nominating Commission, Local School Councils, the Chicago Schools
Academic Accountability Council, or the former Subdistrict Councils or of any
member, officer, agent or employee thereof, resulting from alleged violations of civil
rights arising from incidents occurring on or after September 5, 1967 or from the
wrongful or negligent act or omission of any such person whether occurring within
or without the school premises, provided the officer, agent or employee was, at the
time of the alleged violation of civil rights or wrongful act or omission, acting within
the scope of his employment or under direction of the board, the former School
Board Nominating Commission, the Chicago Schools Academic Accountability
Council, Local School Councils, or the former Subdistrict Councils; and to provide
for or participate in insurance plans for its officers and employees, including but not
limited to retirement annuities, medical, surgical and hospitalization benefits in such
types and amounts as may be determined by the board; provided, however, that the
board shall contract for such insurance only with an insurance company authorized
to do business in this State. Such insurance may include provision for employees who
rely on treatment by prayer or spiritual means alone for healing, in accordance with
the tenets and practice of a recognized religious denomination;

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15. To contract with the corporate authorities of any municipality or the county board of any county, as the case may be, to provide for the regulation of traffic in parking areas of property used for school purposes, in such manner as is provided by Section 11-209 of The Illinois Vehicle Code, approved September 29, 1969, as amended;

16. To provide, on an equal basis, access to the school campus to the official recruiting representatives of the armed forces of Illinois and the United States for the purposes of informing students of the educational and career opportunities available in the military if the board has provided such access to persons or groups whose purpose is to acquaint students with educational or occupational opportunities available to them. The board is not required to give greater notice regarding the right of access to recruiting representatives than is given to other persons and groups;

17. (a) To sell or market any computer program developed by an employee of the school district, provided that such employee developed the computer program as a direct result of his or her duties with the school district or through the utilization of the school district resources or facilities. The employee who developed the computer program shall be entitled to share in the proceeds of such sale or marketing of the computer program. The distribution of such proceeds between the employee and the school district shall be as agreed upon by the employee and the school district, except that neither the employee nor the school district may receive more than 90% of such proceeds. The negotiation for an employee who is represented by an exclusive bargaining representative may be conducted by such bargaining representative at the employee’s request.

(b) For the purpose of this paragraph 17:
   (1) "Computer" means an internally programmed, general purpose digital device capable of automatically accepting data, processing data and supplying the results of the operation.
   (2) "Computer program" means a series of coded instructions or statements in a form acceptable to a computer, which causes the computer to process data in order to achieve a certain result.
   (3) "Proceeds" means profits derived from marketing or sale of a product after deducting the expenses of developing and marketing such product;

18. To delegate to the general superintendent of schools, by resolution, the authority to approve contracts and expenditures in amounts of $10,000 or less;

19. Upon the written request of an employee, to withhold from the compensation of that employee any dues, payments or contributions payable by such employee to any labor organization as defined in the Illinois Educational Labor Relations Act. Under such arrangement, an amount shall be withheld from each regular payroll period which is equal to the pro rata share of the annual dues plus any payments or contributions, and the board shall transmit such withholdings to the specified labor organization within 10 working days from the time of the

New matter indicated by italics - deletions by strikeout.
19a. Upon receipt of notice from the comptroller of a municipality with a population of 500,000 or more, a county with a population of 3,000,000 or more, the Cook County Forest Preserve District, the Chicago Park District, the Metropolitan Water Reclamation District, the Chicago Transit Authority, or a housing authority of a municipality with a population of 500,000 or more that a debt is due and owing the municipality, the county, the Cook County Forest Preserve District, the Chicago Park District, the Metropolitan Water Reclamation District, the Chicago Transit Authority, or the housing authority by an employee of the Chicago Board of Education, to withhold from the compensation of that employee, the amount of the debt that is due and owing and pay the amount withheld to the municipality, the county, the Cook County Forest Preserve District, the Chicago Park District, the Metropolitan Water Reclamation District, the Chicago Transit Authority, or the housing authority; provided, however, that the amount deducted from any one salary or wage payment shall not exceed 25% of the net amount of the payment. Before the Board deducts any amount from any salary or wage of an employee under this paragraph, the municipality, the county, the Cook County Forest Preserve District, the Chicago Park District, the Metropolitan Water Reclamation District, the Chicago Transit Authority, or the housing authority shall certify that (i) the employee has been afforded an opportunity for a hearing to dispute the debt that is due and owing the municipality, the county, the Cook County Forest Preserve District, the Chicago Park District, the Metropolitan Water Reclamation District, the Chicago Transit Authority, or the housing authority and (ii) the employee has received notice of a wage deduction order and has been afforded an opportunity for a hearing to object to the order. For purposes of this paragraph, "net amount" means that part of the salary or wage payment remaining after the deduction of any amounts required by law to be deducted and "debt due and owing" means (i) a specified sum of money owed to the municipality, the county, the Cook County Forest Preserve District, the Chicago Park District, the Metropolitan Water Reclamation District, the Chicago Transit Authority, or the housing authority for services, work, or goods, after the period granted for payment has expired, or (ii) a specified sum of money owed to the municipality, the county, the Cook County Forest Preserve District, the Chicago Park District, the Metropolitan Water Reclamation District, the Chicago Transit Authority, or the housing authority pursuant to a court order or order of an administrative hearing officer after the exhaustion of, or the failure to exhaust, judicial review;

20. The board is encouraged to employ a sufficient number of certified school counselors to maintain a student/counselor ratio of 250 to 1 by July 1, 1990. Each counselor shall spend at least 75% of his work time in direct contact with students and shall maintain a record of such time;

21. To make available to students vocational and career counseling and to establish 5 special career counseling days for students and parents. On these days representatives of local businesses and industries shall be invited to the school
campus and shall inform students of career opportunities available to them in the various businesses and industries. Special consideration shall be given to counseling minority students as to career opportunities available to them in various fields. For the purposes of this paragraph, minority student means a person who is:

(a) Black (a person having origins in any of the black racial groups in Africa);

(b) Hispanic (a person of Spanish or Portuguese culture with origins in Mexico, South or Central America, or the Caribbean islands, regardless of race);

(c) Asian American (a person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian Subcontinent or the Pacific Islands); or

(d) American Indian or Alaskan Native (a person having origins in any of the original peoples of North America).

Counseling days shall not be in lieu of regular school days;

22. To report to the State Board of Education the annual student dropout rate and number of students who graduate from, transfer from or otherwise leave bilingual programs;

23. Except as otherwise provided in the Abused and Neglected Child Reporting Act or other applicable State or federal law, to permit school officials to withhold, from any person, information on the whereabouts of any child removed from school premises when the child has been taken into protective custody as a victim of suspected child abuse. School officials shall direct such person to the Department of Children and Family Services, or to the local law enforcement agency if appropriate;

24. To develop a policy, based on the current state of existing school facilities, projected enrollment and efficient utilization of available resources, for capital improvement of schools and school buildings within the district, addressing in that policy both the relative priority for major repairs, renovations and additions to school facilities, and the advisability or necessity of building new school facilities or closing existing schools to meet current or projected demographic patterns within the district;

25. To make available to the students in every high school attendance center the ability to take all courses necessary to comply with the Board of Higher Education's college entrance criteria effective in 1993;

26. To encourage mid-career changes into the teaching profession, whereby qualified professionals become certified teachers, by allowing credit for professional employment in related fields when determining point of entry on teacher pay scale;

27. To provide or contract out training programs for administrative personnel and principals with revised or expanded duties pursuant to this Act in order to assure they have the knowledge and skills to perform their duties;

28. To establish a fund for the prioritized special needs programs, and to
allocate such funds and other lump sum amounts to each attendance center in a manner consistent with the provisions of part 4 of Section 34-2.3. Nothing in this paragraph shall be construed to require any additional appropriations of State funds for this purpose;

29. (Blank);

30. Notwithstanding any other provision of this Act or any other law to the contrary, to contract with third parties for services otherwise performed by employees, including those in a bargaining unit, and to layoff those employees upon 14 days written notice to the affected employees. Those contracts may be for a period not to exceed 5 years and may be awarded on a system-wide basis;

31. To promulgate rules establishing procedures governing the layoff or reduction in force of employees and the recall of such employees, including, but not limited to, criteria for such layoffs, reductions in force or recall rights of such employees and the weight to be given to any particular criterion. Such criteria shall take into account factors including, but not be limited to, qualifications, certifications, experience, performance ratings or evaluations, and any other factors relating to an employee's job performance; and

32. To develop a policy to prevent nepotism in the hiring of personnel or the selection of contractors.

The specifications of the powers herein granted are not to be construed as exclusive but the board shall also exercise all other powers that they may be requisite or proper for the maintenance and the development of a public school system, not inconsistent with the other provisions of this Article or provisions of this Code which apply to all school districts.

In addition to the powers herein granted and authorized to be exercised by the board, it shall be the duty of the board to review or to direct independent reviews of special education expenditures and services. The board shall file a report of such review with the General Assembly on or before May 1, 1990.

(Source: P.A. 92-109, eff. 7-20-01.)

Section 99. Effective date. This Act takes effect upon becoming law.
Approved July 25, 2002.

PUBLIC ACT 92-0725
(Senate Bill No. 0151)

AN ACT in relation to public aid.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Public Aid Code is amended by adding Section 5-5.22 as follows:

(305 ILCS 5/5-5.22 new)

New matter indicated by italics - deletions by strikeout.
Sec. 5-5.22. Nursing homes; inspections of care. With respect to facilities licensed under the Nursing Home Care Act, the Department of Public Aid may not initiate or reinstate inspections of care before July 1, 2003. Nothing in this Section, however, prohibits a facility from requesting, nor the Department from conducting, an interim inspection of care if the facility meets the requirements outlined in the Department's rules in effect on November 15, 2001.

Section 99. Effective date. This Act takes effect upon becoming law.
Approved July 25, 2002.

PUBLIC ACT 92-0726
(Senate Bill No. 1571)

AN ACT in relation to water reclamation districts.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Metropolitan Water Reclamation District Act is amended by changing Sections 4.7, 4.11 and 9.6a as follows:

(70 ILCS 2605/4.7) (from Ch. 42, par. 323.7)
Sec. 4.7. All applicants for offices or places in said classified civil service, except for the positions of deputy chief engineer, assistant chief engineers, deputy attorney, head assistant attorneys, assistant director of research and development, assistant director of information technology, comptroller, assistant treasurer, assistant purchasing agent and laborers, shall be subjected to examination, which shall be public and competitive with limitations specified in the rules of the Director as to residence, age, sex, health, habits, moral character and qualifications to perform the duties of the office or place to be filled, which qualifications shall be prescribed in advance of such examination. Such examinations shall be practical in their character, and shall relate to those matters which will fairly test the relative capacity of the persons examined to discharge the duties of the position to which they seek to be appointed, and may include tests of physical qualifications and health and when appropriate, of manual skill. No question in any examination shall relate to political or religious opinions or affiliations. The Director shall control all examinations, and may, whenever an examination is to take place, designate a suitable number of persons to be special examiners and it shall be the duty of such special examiners to conduct such examinations as the Director may direct, and to make return and report thereof to him; and he may at any time substitute any other person in the place of any one so selected; and he may himself, at any time, act as such special examiner, and without appointing other special examiners. The Director shall, by rule, provide for and shall hold sufficient number of examinations to provide a sufficient number of eligibles on the register for each grade of position in the classified civil service, and if any place in the classified civil service shall become vacant, to which there is no person eligible for appointment, he shall hold an

New matter indicated by italics - deletions by strikeout.
Eligible registers shall remain in force for 3 years, except the eligible register for laborers which shall remain in force for 4 years and except the eligible registers for student programs and entry level engineering positions which, in the Director's discretion, may remain in force for one year.

Examinations for an eligible list for each position in the classified service above mentioned shall be held at least once in 3 years and at least annually for student programs and entry level engineering positions if the Director has limited the duration of the registers for those positions to one year, unless the Director determines that such examinations are not necessary because no vacancy exists.

To help defray expenses of examinations, the sanitary district may, but need not, charge a fee to each applicant who desires to take a civil service examination provided for by this Act. The amount of such fees shall be set by the corporate authority of the sanitary district. Such fees shall be deposited in the corporate fund of the district.

(Source: P.A. 89-89, eff. 6-30-95; 90-781, eff. 8-14-98.)

(70 ILCS 2605/4.11) (from Ch. 42, par. 323.11)

Sec. 4.11. Whenever a position classified under this Act is to be filled, except the positions of deputy chief engineer, assistant chief engineers, deputy attorney, head assistant attorneys, assistant director of research and development, assistant director of information technology, comptroller, assistant treasurer, assistant purchasing agent and laborers, the appointing officer shall make requisition upon the Director, and the Director shall certify to him from the register of eligibles for the position the names and addresses (a) of the five candidates standing highest upon the register of eligibles for the position, or (b) of the candidates within the highest ranking group upon the register of eligibles if the register is by categories such as excellent, well qualified, and qualified, provided, however, that any certification shall consist of at least 5 names, if available. The Director shall certify names from succeeding categories in the order of excellence of the categories until at least 5 names are provided to the appointing officer. The appointing officer shall notify the Director of each position to be filled separately and shall fill the position by appointment of one of the persons certified to him by the Director. Appointments shall be on probation for a period to be fixed by the rules, not exceeding one year. At any time during the period of probation, the appointing officer with the approval of the Director may discharge a person so certified and shall forthwith notify the civil service board in writing of this discharge. If a person is not discharged, his appointment shall be deemed complete.

When there is no eligible list, the appointing officer may, with the authority of the Director, make a temporary appointment to remain in force only until a permanent appointment from an eligible register or list can be made in the manner specified in the previous provisions of this Section, and examinations to supply an eligible list therefor shall be held and an eligible list established therefrom within one year from the making of such appointment. In employment of an essentially temporary and transitory nature, the appointing officer may, with the authority of the Director of Personnel make temporary appointments.
to fill a vacancy. No temporary appointment of an essentially temporary and transitory nature may be granted for a period of more than 120 days and is not subject to renewal. The Director must include in his annual report, and if required by the commissioners, in any special report, a statement of all temporary authorities granted during the year or period specified by the commissioners, together with a statement of the facts in each case because of which the authority was granted.

The acceptance or refusal by an eligible person of a temporary appointment does not affect his standing on the register for permanent appointment.

All laborers shall be appointed by the General Superintendent and shall be on probation for a period to be fixed by the rules, not exceeding one year.

The deputy chief engineer, the assistant chief engineers, deputy attorney, head assistant attorneys, assistant director of research and development, assistant director of information technology, comptroller, assistant treasurer, and assistant purchasing agent shall be appointed by the General Superintendent upon the recommendation of the respective department head and shall be on probation for a period to be fixed by the rules, not exceeding two years. At any time during the period of probation, the General Superintendent on the recommendation of the department head concerned, may discharge a person so appointed and he shall forthwith notify the Civil Service Board in writing of such discharge. If a person is not so discharged, his appointment shall be deemed complete under the laws governing the classified civil service.

(Source: P.A. 90-781, eff. 8-14-98.)

(70 ILCS 2605/9.6a) (from Ch. 42, par. 328.6a)

Sec. 9.6a. The corporate authorities of a sanitary district, in order to provide funds required for the replacing, remodeling, completing, altering, constructing and enlarging of sewage treatment works or flood control facilities, and additions therefor, pumping stations, tunnels, conduits, intercepting sewers and outlet sewers, together with the equipment, including air pollution equipment, and appurtenances thereto, to acquire property, real, personal or mixed, necessary for said purposes, for costs and expenses for the acquisition of the sites and rights-of-way necessary thereto, and for engineering expenses for designing and supervising the construction of such works, may issue on or before December 31, 2016, in addition to all other obligations heretofore or herein authorized, bonds, notes or other evidences of indebtedness for such purposes in an aggregate amount at any one time outstanding not to exceed 3.35% of the equalized assessed valuation of all taxable property within the sanitary district, to be ascertained by the last assessment for State and local taxes previous to the issuance of any such obligations. Such obligations shall be issued without submitting the question of such issuance to the legal voters of such sanitary district for approval.

The corporate authorities may sell such obligations at private or public sale and enter into any contract or agreement necessary, appropriate or incidental to the exercise of the powers granted by this Act, including, without limitation, contracts or agreements for the sale and purchase of such obligations and the payment of costs and expenses incident thereto. The corporate authorities may pay such costs and expenses, in whole or in part, from the

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corporate fund.

Such obligations shall be issued from time to time only in amounts as may be required for such purposes but the amount of such obligations issued during any one budget year shall not exceed $100,000,000 plus the amount of any obligations authorized by this Act to be issued during the 3 budget years next preceding the year of issuance but which were not issued, provided, however, that this limitation shall not be applicable to the issuance of obligations to refund bonds, notes or other evidences of indebtedness, nor to obligations issued to provide for the repayment of money received from the Water Pollution Control Revolving Fund for the construction or repair of wastewater treatment works. Each ordinance authorizing the issuance of the obligations shall state the general purpose or purposes for which they are to be issued, and the corporate authorities may at any time thereafter pass supplemental appropriations ordinances appropriating the proceeds from the sale of such obligations for such purposes.

The corporate authorities may issue bonds, notes or other evidences of indebtedness in an amount necessary to provide funds to refund outstanding obligations issued pursuant to this Section, including interest accrued or to accrue thereon.

(Source: P.A. 90-510, eff. 1-1-98.)

Section 99. Effective date. This Act takes effect upon becoming law.
Approved July 25, 2002.

PUBLIC ACT 92-0727
(Senate Bill No. 1635)

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

Section 5. The Illinois Municipal Code is amended by changing Sections 3.1-20-10 and 3.1-20-20 and by adding Section 3.1-55-25 as follows:

(65 ILCS 5/3.1-20-10) (from Ch. 24, par. 3.1-20-10)

Sec. 3.1-20-10. Aldermen; number.

(a) Except as otherwise provided in subsections (b) and (c) of this Section, Section 3.1-20-20, or as otherwise provided in the case of aldermen-at-large, the number of aldermen, when not elected by the minority representation plan, shall be as follows: in cities not exceeding 3,000 inhabitants, 6 aldermen; exceeding 3,000 but not exceeding 15,000, 8 aldermen; exceeding 15,000 but not exceeding 20,000, 10 aldermen; exceeding 20,000 but not exceeding 50,000, 14 aldermen; exceeding 50,000 but not exceeding 70,000, 16 aldermen; exceeding 70,000 but not exceeding 90,000, 18 aldermen; and from 90,000 to 500,000, 20 aldermen. Except as otherwise provided in the case of aldermen-at-large. No redistricting shall be required in order to reduce the number of aldermen in order to comply with this Section.
(b) Instead of the number of aldermen set forth in subsection (a), a municipality with 15,000 or more inhabitants may adopt, either by ordinance or by resolution, at least 180 days prior to the first municipal election following the municipality’s receipt of the new federal decennial census results, the following number of aldermen: in cities exceeding 15,000 but not exceeding 20,000, 8 aldermen; exceeding 20,000 but not exceeding 50,000, 10 aldermen; exceeding 50,000 but not exceeding 70,000, 14 aldermen; exceeding 70,000 but not exceeding 90,000, 16 aldermen; and exceeding 90,000 but not exceeding 500,000, 18 aldermen.

(c) Instead of the number of aldermen set forth in subsection (a), a municipality with 40,000 or more inhabitants may adopt, either by ordinance or by resolution, at least 180 days prior to the first municipal election following the municipality’s receipt of the new federal decennial census results, the following number of aldermen: in cities exceeding 40,000 but not exceeding 50,000, 16 aldermen.

(Source: P.A. 87-1119; revised 12-04-01.)

(65 ILCS 5/3.1-20-20) (from Ch. 24, par. 3.1-20-20)

Sec. 3.1-20-20. Aldermen; restrict or reinstate number.

(a) In a city of less than 100,000 inhabitants, a proposition to restrict the number of aldermen to one-half of the total authorized by Section 3.1-20-10, with one alderman representing each ward, shall be certified by the city clerk to the proper election authorities, who shall submit the proposition at an election in accordance with the general election law, if a petition requesting that action is signed by electors of the city numbering not less than 10% of the total vote cast at the last election for mayor of the city and the petition is filed with the city clerk.

The proposition shall be substantially in the following form:

Shall (name of city) restrict the number of aldermen to (state number) (one-half of the total authorized by Section 3.1-20-10 of the Illinois Municipal Code), with one alderman representing each ward?

If a majority of those voting on the proposition vote in favor of it, all existing aldermanic terms shall expire as of the date of the next regular aldermanic election, at which time a full complement of aldermen shall be elected for the full term.

(b) In a city of less than 100,000 inhabitants, a proposition to restrict the number of aldermen to one alderman per ward, with one alderman representing each ward, plus an additional number of aldermen not to exceed the number of wards in the city to be elected at large, shall be certified by the city clerk to the proper election authorities, who shall submit the proposition at an election in accordance with the general election law, if a petition requesting that action is signed by electors of the city numbering not less than 10% of the total vote cast at the last election for mayor of the city and the petition is filed with the city clerk.

The proposition shall be substantially in the following form:

Shall (name of city) restrict the number of aldermen to (number), with one alderman representing each ward, plus an additional (number) alderman (aldermen) to be elected at large?

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If a majority of those voting on the proposition vote in favor of it, all existing aldermanic terms shall expire as of the date of the next regular aldermanic election, at which time a full complement of aldermen shall be elected for the full term.

(c) In a city of less than 100,000 inhabitants where a proposition under subsection (a) or (b) has been successful, a proposition to reinstate the number of aldermen in accordance with Section 3.1-20-10 shall be certified by the city clerk to the proper election authorities, who shall submit the proposition at an election in accordance with the general election law, if a petition requesting that action has been signed by electors of the city numbering not less than 10% of the total vote cast at the last election for mayor of the city and the petition has been filed with the city clerk.

The election authority must submit the proposition in substantially the following form:

Shall (name of city) reinstate the number of aldermen to (number of aldermen allowed by Section 3.1-20-10)?

The election authority must record the votes as "Yes" or "No".

If a majority of the electors voting on the proposition vote in the affirmative, then, if the restriction in the number of aldermen has taken effect, all existing aldermanic terms shall expire as of the date of the next regular aldermanic election, at which time a full complement of aldermen shall be elected for the full term and thereafter terms shall be determined in accordance with Section 3.1-20-35.

(Source: P.A. 87-1119.)

(65 ILCS 5/3.1-55-25 new)

Sec. 3.1-55-25. Automatic abandonment of a form of municipal government.

Notwithstanding the provisions of Sections 4-10-1, 5-5-1, 5-5-1.1, 5-5-2, 5-5-3, 5-5-4, 5-5-5, and 5-5-6 and any other provisions of this Act, if a municipality adopts a different form of municipal government under Article 4, 5, or 6, then its current form of municipal government is automatically abandoned when the new form of municipal government takes effect.

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

Passed in the General Assembly June 1, 2002.

Approved July 25, 2002.

Sections 16-19, 16-20, and 16-21, unless the context otherwise indicates:

"Communication device" means any type of instrument, device, machine, or equipment which is capable of transmitting, acquiring, decrypting, or receiving any telephonic, electronic, data, Internet access, audio, video, microwave, or radio transmissions, signals, communications, or services, including the receipt, acquisition, transmission, or decryption of all such communications, transmissions, signals, or services provided by or through any cable television, fiber optic, telephone, satellite, microwave, radio, Internet-based, data transmission, or wireless distribution network, system or facility; or any part, accessory, or component thereof, including any computer circuit, security module, smart card, software, computer chip, electronic mechanism or other component, accessory or part of any communication device which is capable of facilitating the transmission, decryption, acquisition or reception of all such communications, transmissions, signals, or services.

"Communication service" means any service lawfully provided for a charge or compensation to facilitate the lawful origination, transmission, emission, or reception of signs, signals, data, writings, images, and sounds or intelligence of any nature by telephone, including cellular telephones or a wire, wireless, radio, electromagnetic, photo-electronic or photo-optical system; and also any service lawfully provided by any radio, telephone, cable television, fiber optic, satellite, microwave, Internet-based or wireless distribution network, system, facility or technology, including, but not limited to, any and all electronic, data, video, audio, Internet access, telephonic, microwave and radio communications, transmissions, signals and services, and any such communications, transmissions, signals and services lawfully provided directly or indirectly by or through any of those networks, systems, facilities or technologies.

"Communication service provider" means: (1) any person or entity providing any communication service, whether directly or indirectly, as a reseller, including, but not limited to, a cellular, paging or other wireless communications company or other person or entity which, for a fee, supplies the facility, cell site, mobile telephone switching office or other equipment or communication service; (2) any person or entity owning or operating any cable television, fiber optic, satellite, telephone, wireless, microwave, radio, data transmission or Internet-based distribution network, system or facility; and (3) any person or entity providing any communication service directly or indirectly by or through any such distribution system, network or facility.

"Unlawful communication device" means any electronic serial number, mobile identification number, personal identification number or any communication device that is capable of acquiring or facilitating the acquisition of a communication service without the express consent or express authorization of the communication service provider, or that has been altered, modified, programmed or reprogrammed, alone or in conjunction with another communication device or other equipment, to so acquire or facilitate the unauthorized acquisition of a communication service. "Unlawful communication device" also means:

(1) any phone altered to obtain service without the express consent or express authorization of the communication service provider, tumbler phone, counterfeit or

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clone phone, tumbler microchip, counterfeit or clone microchip or other instrument capable of disguising its identity or location or of gaining unauthorized access to a communications system operated by a communication service provider; and

(2) any communication device which is capable of, or has been altered, designed, modified, programmed or reprogrammed, alone or in conjunction with another communication device or devices, so as to be capable of, facilitating the disruption, acquisition, receipt, transmission or decryption of a communication service without the express consent or express authorization of the communication service provider, including, but not limited to, any device, technology, product, service, equipment, computer software or component or part thereof, primarily distributed, sold, designed, assembled, manufactured, modified, programmed, reprogrammed or used for the purpose of providing the unauthorized receipt of, transmission of, disruption of, decryption of, access to or acquisition of any communication service provided by any communication service provider.

"Manufacture or assembly of an unlawful communication device" means to make, produce or assemble an unlawful communication device or to modify, alter, program or reprogram a communication device to be capable of acquiring, disrupting, receiving, transmitting, decrypting, or facilitating the acquisition, disruption, receipt, transmission or decryption of, a communication service without the express consent or express authorization of the communication service provider, or to knowingly assist others in those activities.

"Unlawful access device" means any type of instrument, device, machine, equipment, technology, or software which is primarily possessed, used, designed, assembled, manufactured, sold, distributed or offered, promoted or advertised for the purpose of defeating or circumventing any technology, device or software, or any component or part thereof, used by the provider, owner or licensee of any communication service or of any data, audio or video programs or transmissions to protect any such communication, audio or video services, programs or transmissions from unauthorized access, acquisition, receipt, decryption, disclosure, communication, transmission or re-transmission.

"Manufacture or assembly of an unlawful access device" means to make, produce or assemble an unlawful access device or to modify, alter, program or re-program any instrument, device, machine, equipment or software so that it is capable of defeating or circumventing any technology, device or software used by the provider, owner or licensee of a communication service or of any data, audio or video programs or transmissions to protect any such communication, data, audio or video services, programs or transmissions from unauthorized access, acquisition, disclosure, receipt, decryption, communication, transmission or re-transmission.

(720 ILCS 5/16-19 new)

Sec. 16-19. Prohibited acts. A person commits an offense if he or she knowingly:

(1) obtains or uses a communication service without the authorization of, or compensation paid to, the communication service provider, or assists or instructs any other person in doing so with intent to defraud the communication service provider;

(2) possesses, uses, manufactures, assembles, distributes, leases, transfers, or sells,
or offers, promotes or advertises for sale, lease, use, or distribution an unlawful communication device:

(A) for the commission of a theft of a communication service or to receive, disrupt, transmit, decrypt, or acquire, or facilitate the receipt, disruption, transmission, decryption or acquisition, of any communication service without the express consent or express authorization of the communication service provider; or

(B) to conceal or to assist another to conceal from any communication service provider or from any lawful authority the existence or place of origin or destination of any communication;

(3) modifies, alters, programs or reprograms a communication device for the purposes described in subdivision (2)(A) or (2)(B);

(4) possesses, uses, manufactures, assembles, leases, distributes, sells, or transfers, or offers, promotes or advertises for sale, use or distribution, any unlawful access device; or

(5) possesses, uses, prepares, distributes, gives or otherwise transfers to another or offers, promotes, or advertises for sale, use or distribution any:

(A) plans or instructions for making or assembling an unlawful communication or access device, under circumstances evidencing an intent to use or employ the unlawful communication or access device, or to allow the same to be used or employed, for a purpose prohibited by this Section, or knowing or having reason to believe that the plans or instructions are intended to be used for manufacturing or assembling the unlawful communication or access device for a purpose prohibited by this Section; or

(B) material, including hardware, cables, tools, data, computer software or other information or equipment, knowing that the purchaser or a third person intends to use the material in the manufacture or assembly of an unlawful communication or access device for a purpose prohibited by this Section.

(720 ILCS 5/16-20 new)

Sec. 16-20. Criminal penalties.

(a) Except for violations of Section 16-19 as provided for in subsection (b) or (c) of this Section, a person who violates Section 16-19 is guilty of a Class A misdemeanor.

(b) An offense under Section 16-19 is a Class 4 felony if:

(1) the defendant has been convicted previously under Section 16-19 or convicted of any similar crime in this or any federal or other state jurisdiction; or

(2) the violation of Section 16-19 involves at least 10, but not more than 50, unlawful communication or access devices.

(c) An offense under Section 16-19 is a Class 3 felony if:

(1) the defendant has been convicted previously on 2 or more occasions for offenses under Section 16-19 or for any similar crime in this or any federal or other state jurisdiction; or

(2) the violation of Section 16-19 involves more than 50 unlawful communication or access devices.
(d) For purposes of grading an offense based upon a prior conviction under Section 16-19 or for any similar crime under subdivisions (b)(1) and (c)(1) of this Section, a prior conviction shall consist of convictions upon separate indictments or criminal complaints for offenses under Section 16-19 or any similar crime in this or any federal or other state jurisdiction.

(e) As provided for in subdivisions (b)(1) and (c)(1) of this Section, in grading an offense under Section 16-19 based upon a prior conviction, the term "any similar crime" shall include, but not be limited to, offenses involving theft of service or fraud, including violations of the Cable Communications Policy Act of 1984 (Public Law 98-549, 98 Stat. 2779).

(f) Separate offenses. For purposes of all criminal penalties or fines established for violations of Section 16-19, the prohibited activity established in Section 16-19 as it applies to each unlawful communication or access device shall be deemed a separate offense.

(g) Fines. For purposes of imposing fines upon conviction of a defendant for an offense under Section 16-19, all fines shall be imposed in accordance with Article 9 of Chapter V of the Unified Code of Corrections.

(h) Restitution. The court shall, in addition to any other sentence authorized by law, sentence a person convicted of violating Section 16-19 to make restitution in the manner provided in Article 5 of Chapter V of the Unified Code of Corrections.

(i) Forfeiture of unlawful communication or access devices. Upon conviction of a defendant under Section 16-19, the court may, in addition to any other sentence authorized by law, direct that the defendant forfeit any unlawful communication or access devices in the defendant's possession or control which were involved in the violation for which the defendant was convicted.

(j) Venue. An offense under Section 16-19 may be deemed to have been committed at either the place where the defendant manufactured or assembled an unlawful communication or access device, or assisted others in doing so, or the place where the unlawful communication or access device was sold or delivered to a purchaser or recipient. It is not a defense to a violation of Section 16-19 that some of the acts constituting the offense occurred outside of the State of Illinois.

(720 ILCS 5/16-21 new)
Sec. 16-21. Civil actions.
(a) Any person aggrieved by a violation of Section 16-19 may bring a civil action in any court of competent jurisdiction.

(b) The court may:

(1) grant preliminary and final injunctions to prevent or restrain violations of Section 16-19 without a showing by the plaintiff of special damages, irreparable harm or inadequacy of other legal remedies;

(2) at any time while an action is pending, order the impounding, on such terms as it deems reasonable, of any unlawful communication or access device that is in the custody or control of the violator and that the court has reasonable cause to believe was involved in the alleged violation of Section 16-19;

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(3) award damages as described in subsection (c);
(4) in its discretion, award reasonable attorney's fees and costs, including, but not limited to, costs for investigation, testing and expert witness fees, to an aggrieved party who prevails; and
(5) as part of a final judgment or decree finding a violation of Section 16-19, order the remedial modification or destruction of any unlawful communication or access device involved in the violation that is in the custody or control of the violator or has been impounded under subdivision (2) of this subsection (b).

(c) Types of damages recoverable. Damages awarded by a court under this Section shall be computed as either of the following:

(1) Upon his or her election of such damages at any time before final judgment is entered, the complaining party may recover the actual damages suffered by him or her as a result of the violation of Section 16-19 and any profits of the violator that are attributable to the violation and are not taken into account in computing the actual damages. In determining the violator's profits, the complaining party shall be required to prove only the violator's gross revenue, and the violator shall be required to prove his or her deductible expenses and the elements of profit attributable to factors other than the violation; or

(2) Upon election by the complaining party at any time before final judgment is entered, that party may recover in lieu of actual damages an award of statutory damages of not less than $250 and not more than $10,000 for each unlawful communication or access device involved in the action, with the amount of statutory damages to be determined by the court, as the court considers just. In any case, if the court finds that any of the violations of Section 16-19 were committed willfully and for purposes of commercial advantage or private financial gain, the court in its discretion may increase the award of statutory damages by an amount of not more than $50,000 for each unlawful communication or access device involved in the action.

(d) For purposes of all civil remedies established for violations of Section 16-19, the prohibited activity established in this Section applies to each unlawful communication or access device and shall be deemed a separate violation.

(720 ILCS 5/16-10 rep.)
(720 ILCS 5/16-11 rep.)
(720 ILCS 5/16-12 rep.)
(720 ILCS 5/16-13 rep.)

Approved July 25, 2002.
AN ACT in relation to taxes.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Property Tax Code is amended by changing Sections 15-10, 21-310, 21-315, 21-320, 21-325, 21-330, and 21-335 and by adding Section 21-251 as follows:

(35 ILCS 200/15-10)

Sec. 15-10. Exempt property; procedures for certification. All property granted an exemption by the Department pursuant to the requirements of Section 15-5 and described in the Sections following Section 15-30 and preceding Section 16-5, to the extent therein limited, is exempt from taxation. In order to maintain that exempt status, the titleholder or the owner of the beneficial interest of any property that is exempt must file with the chief county assessment officer, on or before January 31 of each year (May 31 in the case of property exempted by Section 15-170), an affidavit stating whether there has been any change in the ownership or use of the property or the status of the owner-resident, or that a disabled veteran who qualifies under Section 15-165 owned and used the property as of January 1 of that year. The nature of any change shall be stated in the affidavit. Failure to file an affidavit shall, in the discretion of the assessment officer, constitute cause to terminate the exemption of that property, notwithstanding any other provision of this Code. Owners of 5 or more such exempt parcels within a county may file a single annual affidavit in lieu of an affidavit for each parcel. The assessment officer, upon request, shall furnish an affidavit form to the owners, in which the owner may state whether there has been any change in the ownership or use of the property or status of the owner or resident as of January 1 of that year. The owner of 5 or more exempt parcels shall list all the properties giving the same information for each parcel as required of owners who file individual affidavits.

However, titleholders or owners of the beneficial interest in any property exempted under any of the following provisions are not required to submit an annual filing under this Section:

(1) Section 15-45 (burial grounds) in counties of less than 3,000,000 inhabitants and owned by a not-for-profit organization.
(2) Section 15-40.
(3) Section 15-50 (United States property).
(4) As is otherwise provided in Sections 15-170 and 15-175 (senior and general homestead exemptions). If there is a change in use or ownership, however, notice must be filed pursuant to Section 15-20.

An application for homestead exemptions shall be filed as provided in Section 15-170 (senior citizens homestead exemption), Section 15-172 (senior citizens assessment freeze homestead exemption), and Section 15-175 (general homestead exemption), respectively.

(Source: P.A. 92-333, eff. 8-10-01.)

(35 ILCS 200/21-251 new)

New matter indicated by italics - deletions by strikeout.
Sec. 21-251. Registry of owners of certificates of purchase.

(a) The county clerk of each county shall create and maintain a registry system that permanently records the names, addresses, and telephone numbers of owners or assignees of certificates of purchase issued pursuant to any tax sale conducted under this Code. The registry may consist of a single record or a combination of records maintained in paper or electronic form and may include copies of records kept by the county treasurer for other purposes, all to be used as the county clerk deems appropriate to carry out the purposes of this Section. The information in the registry shall be made available to the public.

(b) The county clerk of each county is authorized to promulgate reasonable rules, procedures, and forms for purposes of creating and maintaining the registry and for access to the registry information by members of the public. In counties with 3,000,000 or more inhabitants, any owner of a certificate of purchase pursuant to assignment may elect whether to register that assignment as provided in this Section, but all owners of certificates of purchase shall be subject to the provisions of subsection (d) of this Section. In counties with less than 3,000,000 inhabitants, the county clerk shall provide by rule whether registration of assignments of certificates of purchase shall be elective or mandatory.

(c) The owner of a certificate of purchase pursuant to assignment, in order to register that assignment, shall submit to the county clerk the owner's name, address, and telephone number in accordance with any rules, procedures, and forms promulgated by the clerk. Any registered owner of a certificate of purchase may update the registration at any time without charge by submitting to the county clerk any lawful change of name, address, or telephone number.

(d) If notice is required to be given to the owner of the certificate of purchase in any proceeding, whether judicial or administrative, affecting a tax sale conducted under any provision of this Code, the notice may be directed to the most recent owner of the certificate of purchase appearing in the county clerk's registry under this Section. Any notice that has been directed as provided in this Section shall be conclusively presumed to be properly directed to the owner of the certificate of purchase for all purposes related to the proceeding in which the notice is given. No objection or assertion by any assignee of a certificate of purchase in any proceeding shall be heard on grounds that a notice to the tax purchaser was misrepresented, unless that assignee's current and lawful name, address, and telephone number were submitted to the county clerk's registry at the time of the notice in question.

(e) The county clerk may assess an automation fee of no more than $10 to be paid by the owner of the certificate of purchase for each assignment of the certificate that is registered under this Section. The fee shall be collected in the same manner as other fees and costs and shall be held by the county clerk in a fund for purposes of automating his or her office. The fee provided for under this Section shall not be chargeable to the cost of redemption under Section 21-355 nor shall it be posted under Section 21-360 of this Code.

(35 ILCS 200/21-310)

Sec. 21-310. Sales in error.

(a) When, upon application of the county collector, the owner of the certificate of purchase, or a municipality which owns or has owned the property ordered sold, it appears

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to the satisfaction of the court which ordered the property sold that any of the following subsections are applicable, the court shall declare the sale to be a sale in error:

(1) the property was not subject to taxation, or all or any part of the lien of taxes sold has become null and void pursuant to Section 21-95 or unenforceable pursuant to subsection (c) of Section 18-250 or subsection (b) of Section 22-40,

(2) the taxes or special assessments had been paid prior to the sale of the property,

(3) there is a double assessment,

(4) the description is void for uncertainty,

(5) the assessor, chief county assessment officer, board of review, board of appeals, or other county official has made an error (other than an error of judgment as to the value of any property),

(5.5) the owner of the homestead property had tendered timely and full payment to the county collector that the owner reasonably believed was due and owing on the homestead property, and the county collector did not apply the payment to the homestead property; provided that this provision applies only to homeowners, not their agents or third-party payors,

(6) prior to the tax sale a voluntary or involuntary petition has been filed by or against the legal or beneficial owner of the property requesting relief under the provisions of 11 U.S.C. Chapter 7, 11, 12, or 13, or

(7) the property is owned by the United States, the State of Illinois, a municipality, or a taxing district.

(b) When, upon application of the owner of the certificate of purchase only, it appears to the satisfaction of the court which ordered the property sold that any of the following subsections are applicable, the court shall declare the sale to be a sale in error:

(1) A voluntary or involuntary petition under the provisions of 11 U.S.C. Chapter 7, 11, 12, or 13 has been filed subsequent to the tax sale and prior to the issuance of the tax deed.

(2) The improvements upon the property sold have been substantially destroyed or rendered uninhabitable or otherwise unfit for occupancy subsequent to the tax sale and prior to the issuance of the tax deed.

(3) There is an interest held by the United States in the property sold which could not be extinguished by the tax deed.

(4) The real property contains a hazardous substance, hazardous waste, or underground storage tank that would require cleanup or other removal under any federal, State, or local law, ordinance, or regulation, only if the tax purchaser purchased the property without actual knowledge of the hazardous substance, hazardous waste, or underground storage tank. This paragraph (4) applies only if the owner of the certificate of purchase has made application for a sale in error at any time before the issuance of a tax deed.

(c) When the county collector discovers, within one year after the date of sale if taxes

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were sold at an annual tax sale or within 180 days after the date of sale if taxes were sold at a scavenger tax sale, that a tax sale should not have occurred for one or more of the reasons set forth in subdivision (a)(1), (a)(2), (a)(6), or (a)(7) of this Section, the county collector shall notify the last known owner of the certificate of purchase by certified and regular mail, or other means reasonably calculated to provide actual notice, that the county collector intends to declare an administrative sale in error and of the reasons therefor, including documentation sufficient to establish the reason why the sale should not have occurred. The owner of the certificate of purchase may object in writing within 28 days after the date of the mailing by the county collector. If an objection is filed, the county collector shall not administratively declare a sale in error, but may apply to the circuit court for a sale in error as provided in subsection (a) of this Section. Thirty days following the receipt of notice by the last known owner of the certificate of purchase, or within a reasonable time thereafter, the county collector shall make a written declaration, based upon clear and convincing evidence, that the taxes were sold in error and shall deliver a copy thereof to the county clerk within 30 days after the date the declaration is made for entry in the tax judgment, sale, redemption, and forfeiture record pursuant to subsection (d) of this Section. The county collector shall promptly notify the last known owner of the certificate of purchase of the declaration by regular mail and shall promptly pay the amount of the tax sale, together with interest and costs as provided in Section 21-315, upon surrender of the original certificate of purchase.

(d) If a sale is declared to be a sale in error, the county clerk shall make entry in the tax judgment, sale, redemption and forfeiture record, that the property was erroneously sold, and the county collector shall, on demand of the owner of the certificate of purchase, refund the amount paid, pay any interest and costs as may be ordered under Sections 21-315 through 21-335, and cancel the certificate so far as it relates to the property. The county collector shall deduct from the accounts of the appropriate taxing bodies their pro rata amounts paid.

(35 ILCS 200/21-315)

Sec. 21-315. Refund of costs; interest on refund.

(a) If the court which orders a sale in error under Section 21-310, 22-35, or 22-50 is declared, the amount refunded shall also include a refund of all costs paid by the owner of the certificate of purchase or his or her assignor which were posted to the tax judgment, sale, redemption and forfeiture record.

(b) In those cases which arise solely under grounds set forth in Section 21-310, the amount refunded court shall also include interest on the refund of the amount paid for the certificate of purchase, except as otherwise provided in this Section. Interest shall be awarded and paid to the tax purchaser at the rate of 1% per month from the date of sale to the date of payment, or in an amount equivalent to the penalty interest which would be recovered on a redemption at the time of payment pursuant to the order for sale in error, whichever is less. Interest shall not be paid when the sale in error is made pursuant to paragraph (2) or (4) of subsection (b) of Section 21-310, Section 22-35, Section 22-50, any

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ground not enumerated in Section 21-310, or in any other case where the court determines that the tax purchaser had actual knowledge prior to the sale of the grounds on which the sale is declared to be erroneous.

(c) When the county collector files a petition for sale in error under Section 21-310 and mails a notice thereof by certified or registered mail to the last known owner of the certificate of purchase tax purchaser, any interest otherwise payable under this Section shall cease to accrue as of the date the petition is filed, unless the tax purchaser agrees to an order for sale in error upon the presentation of the petition to the court. Notices under this subsection may be mailed to the last known original owner of the certificate of purchase, or to the latest assignee, if known. When the owner of the certificate of purchase contests the collector's petition solely to determine whether the grounds for sale in error are such as to support a claim for interest, the court may direct that the principal amount of the refund be paid to the owner of the certificate of purchase forthwith. If the court thereafter determines that a claim for interest lies under this Section, it shall award such interest from the date of sale to the date the principal amount was paid.

(Source: P.A. 92-224, eff. 1-1-02.)

(35 ILCS 200/21-320)

Sec. 21-320. Refund of other taxes paid by holder of certificate of purchase. If a sale in error under Section 21-310, 22-35, or 22-50 is declared, the amount refunded shall also include The court which orders a sale in error shall order the refund of all other taxes paid or redeemed by the owner of the certificate of purchase or his or her assignor subsequent to the tax sale, together with interest on those other taxes under the same terms as interest is otherwise payable under Section 21-315. The interest under this subsection shall be calculated at the rate of 1% per month from the date the other taxes were paid and not from the date of sale. The collector shall take credit in settlement of his or her accounts for the refund of the other taxes as in other cases of sale in error under Section 21-310.

(Source: P.A. 92-224, eff. 1-1-02.)

(35 ILCS 200/21-325)

Sec. 21-325. Orders for Payment of interest - Counties of 3,000,000 or more. In counties with 3,000,000 or more inhabitants, all payments orders for payment of interest or costs under Sections 21-315 and 21-320 and subsection (c) of Section 21-310 shall be paid as provided in Sections 21-330, 21-335 and 21-340. In all other counties, the county treasurer may determine in his or her discretion whether payment of interest and costs shall be made as provided in Sections 21-330, 21-335 and 21-340. In all other counties, administrative hearing and the action of the court shall be as provided in Sections 21-300, 21-315 and 21-310. In the other counties, where the treasurer determines not to make payment as provided in those subsections, the treasurer shall pay any interest or costs awarded under this Section pro rata from those accounts where the principal refund of the tax sale purchase price under Section 21-310 is taken.

(Source: P.A. 86-286; 86-415; 87-669; 88-455.)

(35 ILCS 200/21-330)

Sec. 21-330. Fund for payment of interest. In counties with 3,000,000 inhabitants, the county board may impose a fee of up to $60, which shall be paid to the county collector, upon each person purchasing any property at a sale held under this Code, prior to the

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issuance of any certificate of purchase. Each person purchasing any property at a sale held under this Code in a county with 3,000,000 or more inhabitants shall pay to the county collector, prior to the issuance of any certificate of purchase, a fee of $100 for each item purchased. That amount shall be included in the price paid for the certificate of purchase and the amount required to redeem under Section 21-355.

All sums of money received under this Section shall be paid by the collector to the county treasurer of the county in which the property is situated for deposit into a special fund. It shall be the duty of the county treasurer, as trustee of the fund, to invest the principal and income of the fund from time to time, if not immediately required for payments under this Section, in investments as are authorized by Sections 3-10009 and 3-11002 of the Counties Code. The fund shall be held to pay satisfy orders for payment of interest and costs by obtained against the county treasurer as trustee of the fund. No payment shall be made from the fund except by order of the court declaring a sale in error under Section 21-310, 22-35, or 22-50 or by declaration of the county collector under subsection (c) of Section 21-310. Any moneys accumulated in the fund by the county treasurer in excess of $500,000 shall be paid each year prior to the commencement of the annual tax sale, first to satisfy any existing unpaid judgments entered pursuant to Section 21-295, and any funds remaining thereafter shall be paid to the general fund of the county.

(Source: P.A. 92-224, eff. 1-1-02.)

(35 ILCS 200/21-335)

Sec. 21-335. Claims for interest and costs. Any person claiming interest or costs under Sections 21-315 through 21-330 shall include the claim in his or her petition for sale in error under Section 21-310, 22-35, or 22-50. Any claim for interest or costs which is not included in the petition is waived, except Interest or costs may be awarded, however, to the extent permitted by this Section upon a sale in error petition filed by the county collector or municipality or upon a declaration by the county collector pursuant to subsection (c) of Section 21-310, without requiring a separate filing by the claimant. Any refund of order for interest or costs upon the petition for sale in error or upon a declaration by the county collector pursuant to subsection (c) of Section 21-310 shall be paid by deemed to be entered against the county treasurer as trustee of the fund created by this Section. The fund shall be the sole source for payment and satisfaction of orders for interest or costs, except as otherwise provided in this subsection. If the court determines that the fund has been depleted and will not be restored in time to pay an award with reasonable promptness, the court may authorize the collector to pay the interest portion of the award pro rata from those accounts where the principal refund of the tax sale purchase price under Section 21-310 is taken.

(Source: P.A. 92-224, eff. 1-1-02.)

Section 99. Effective date. This Act takes effect upon becoming law.
Approved July 25, 2002.
AN ACT in relation to vehicles.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Vehicle Code is amended by adding Section 12-813.1 as follows:

(625 ILCS 5/12-813.1 new)
Sec. 12-813.1. Operation of a school bus while using a cellular radio telecommunication device.
(a) In this Section:
"School bus driver" means a person operating a school bus who has a valid school bus driver permit as required under Sections 6-104 and 6-106.1 of this Code.
"Cellular radio telecommunication device" means a device capable of sending or receiving telephone communications without an access line for service and which requires the operator to dial numbers manually. It does not, however, include citizens band radios or citizens band radio hybrids.
"Using a cellular radio telecommunication device" means talking or listening to or dialing a cellular radio telecommunication device.
To "operate" means to have the vehicle in motion while it contains one or more passengers.
(b) A school bus driver may not operate a school bus while using a cellular radio telecommunication device.
(c) This Section does not apply:
(1) To the use of a cellular radio telecommunication device for the purpose of communicating with any of the following regarding an emergency situation:
   (A) an emergency response operator;
   (B) a hospital;
   (C) a physician's office or health clinic;
   (D) an ambulance service;
   (E) a fire department, fire district, or fire company; or
   (F) a police department.
(2) To the use of a cellular radio telecommunication device to call for assistance in the event that there is a mechanical breakdown or other mechanical problem that impairs the safe operation of the bus.
(3) To the use of a cellular radio telecommunication device that has a digital two-way radio service capability owned and operated by the school district, when that device is being used as a digital two-way radio.
(4) When the school bus is parked.
(d) A school bus driver who violates this Section is guilty of a petty offense punishable by a fine of not less than $100 and not more than $250.

New matter indicated by italics - deletions by strikeout.
AN ACT concerning local funds.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Local Governmental and Governmental Employees Tort Immunity Act is amended by changing Section 9-107 as follows:
(745 ILCS 10/9-107) (from Ch. 85, par. 9-107)
Sec. 9-107. Policy; tax levy.
(a) The General Assembly finds that the purpose of this Section is to provide an extraordinary tax for funding expenses relating to tort liability, insurance, and risk management programs. Thus, the tax has been excluded from various limitations otherwise applicable to tax levies. Notwithstanding the extraordinary nature of the tax authorized by this Section, however, it has become apparent that some units of local government are using the tax revenue to fund expenses more properly paid from general operating funds. These uses of the revenue are inconsistent with the limited purpose of the tax authorization.

Therefore, the General Assembly declares, as a matter of policy, that (i) the use of the tax revenue authorized by this Section for purposes not expressly authorized under this Act

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is improper and (ii) the provisions of this Section shall be strictly construed consistent with this declaration and the Act's express purposes.

(b) A local public entity may annually levy or have levied on its behalf taxes upon all taxable property within its territory at a rate that will produce a sum that will be sufficient to: (i) pay the cost of insurance, individual or joint self-insurance (including reserves thereon), including all operating and administrative costs and expenses directly associated therewith, claims services and risk management directly attributable to loss prevention and loss reduction, legal services directly attributable to the insurance, self-insurance, or joint self-insurance program, and educational, inspectional, and supervisory services directly relating to loss prevention and loss reduction, participation in a reciprocal insurer as provided in Sections 72, 76, and 81 of the Illinois Insurance Code, or participation in a reciprocal insurer, all as provided in settlements or judgments under Section 9-102, including all costs and reserves directly attributable to being a member of an insurance pool, under Section 9-103; (ii) pay the costs of and principal and interest on bonds issued under Section 9-105; (iii) pay judgments and settlements under Section 9-104; and (iv) discharge obligations under Section 34-18.1 of The School Code, as now or hereafter amended, and to pay the cost of risk management programs. Provided it complies with any other applicable statutory requirements, the local public entity may self-insure and establish reserves for expected losses for any property damage or for any liability or loss for which the local public entity is authorized to levy or have levied on its behalf taxes for the purchase of insurance or the payment of judgments or settlements under this Section. The decision of the board to establish a reserve shall be based on reasonable actuarial or insurance underwriting evidence and subject to the limits and reporting provisions in Section 9-103.

If a school district was a member of a joint-self-health-insurance cooperative that had more liability in outstanding claims than revenue to pay those claims, the school board of that district may by resolution make a one-time transfer from any fund in which tort immunity moneys are maintained to the fund or funds from which payments to a joint-self-health-insurance cooperative can be or have been made of an amount not to exceed the amount of the liability claim that the school district owes to the joint-self-health-insurance cooperative or that the school district paid within the 2 years immediately preceding the effective date of this amendatory Act of the 92nd General Assembly.

Funds raised pursuant to this Section shall only be used for the purposes specified in this Act, including protection against and reduction of any liability or loss described hereinabove and under Federal or State common or statutory law, the Workers' Compensation Act, the Workers' Occupational Diseases Act and the Unemployment Insurance Act. Funds raised pursuant to this Section may be invested in any manner in which other funds of local public entities may be invested under Section 2 of the Public Funds Investment Act. Interest on such funds shall be used only for purposes for which the funds can be used or, if surplus, must be used for abatement of property taxes levied by the local taxing entity.

A local public entity may enter into intergovernmental contracts with a term of not
to exceed 12 years for the provision of joint self-insurance which contracts may include an obligation to pay a proportional share of a general obligation or revenue bond or other debt instrument issued by a local public entity which is a party to the intergovernmental contract and is authorized by the terms of the contract to issue the bond or other debt instrument. Funds due under such contracts shall not be considered debt under any constitutional or statutory limitation and the local public entity may levy or have levied on its behalf taxes to pay for its proportional share under the contract. Funds raised pursuant to intergovernmental contracts for the provision of joint self-insurance may only be used for the payment of any cost, liability or loss against which a local public entity may protect itself or self-insure pursuant to Section 9-103 or for the payment of which such entity may levy a tax pursuant to this Section, including tort judgments or settlements, costs associated with the issuance, retirement or refinancing of the bonds or other debt instruments, the repayment of the principal or interest of the bonds or other debt instruments, the costs of the administration of the joint self-insurance fund, consultant, and risk care management programs or the costs of insurance. Any surplus returned to the local public entity under the terms of the intergovernmental contract shall be used only for purposes set forth in subsection (a) of Section 9-103 and Section 9-107 or for abatement of property taxes levied by the local taxing entity.

Any tax levied under this Section shall be levied and collected in like manner with the general taxes of the entity and shall be exclusive of and in addition to the amount of tax that entity is now or may hereafter be authorized to levy for general purposes under any statute which may limit the amount of tax which that entity may levy for general purposes. The county clerk of the county in which any part of the territory of the local taxing entity is located, in reducing tax levies under the provisions of any Act concerning the levy and extension of taxes, shall not consider any tax provided for by this Section as a part of the general tax levy for the purposes of the entity nor include such tax within any limitation of the percent of the assessed valuation upon which taxes are required to be extended for such entity.

With respect to taxes levied under this Section, either before, on, or after the effective date of this amendatory Act of 1994:

(1) Those taxes are excepted from and shall not be included within the rate limitation imposed by law on taxes levied for general corporate purposes by the local public entity authorized to levy a tax under this Section.

(2) Those taxes that a local public entity has levied in reliance on this Section and that are excepted under paragraph (1) from the rate limitation imposed by law on taxes levied for general corporate purposes by the local public entity are not invalid because of any provision of the law authorizing the local public entity's tax levy for general corporate purposes that may be construed or may have been construed to restrict or limit those taxes levied, and those taxes are hereby validated. This validation of taxes levied applies to all cases pending on or after the effective date of this amendatory Act of 1994.

(3) Paragraphs (1) and (2) do not apply to a hospital organized under Article...
170 or 175 of the Township Code, under the Town Hospital Act, or under the Township Non-Sectarian Hospital Act and do not give any authority to levy taxes on behalf of such a hospital in excess of the rate limitation imposed by law on taxes levied for general corporate purposes. A hospital organized under Article 170 or 175 of the Township Code, under the Town Hospital Act, or under the Township Non-Sectarian Hospital Act is not prohibited from levying taxes in support of tort liability bonds if the taxes do not cause the hospital's aggregate tax rate from exceeding the rate limitation imposed by law on taxes levied for general corporate purposes.

Revenues derived from such tax shall be paid to the treasurer of the local taxing entity as collected and used for the purposes of this Section and of Section 9-102, 9-103, 9-104 or 9-105, as the case may be. If payments on account of such taxes are insufficient during any year to meet such purposes, the entity may issue tax anticipation warrants against the current tax levy in the manner provided by statute.

(Source: P.A. 91-628, eff. 1-1-00.)

Section 99. Effective date. This Act takes effect upon becoming law.
Approved July 25, 2002.

**PUBLIC ACT 92-0733**
(Senate Bill No. 1932)

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

Section 5. The Property Tax Code is amended by changing Section 15-45 as follows:

**(35 ILCS 200/15-45)**

Sec. 15-45. Cemetery purposes. All property used exclusively for cemetery purposes is exempt. Property used exclusively for cemetery purposes includes cemetery grounds and improvements such as offices, maintenance buildings, mausoleums, and other structures in which human or cremated remains are buried, interred, entombed, or inurned and real property that is used exclusively in the establishment, operation, administration, preservation, security, repair, or maintenance of the cemetery. Burial purposes. All property used exclusively as graveyards or grounds for burying the dead is exempt.

(Source: Laws 1959, p. 1549, 1554, 2219, and 2224; P.A. 88-455.)

Section 95. The State Mandates Act is amended by adding Section 8.26 as follows:

**(30 ILCS 805/8.26 new)**

Sec. 8.26. Exempt mandate. Notwithstanding Sections 6 and 8 of this Act, no reimbursement by the State is required for the implementation of any mandate created by this amendatory Act of the 92nd General Assembly.

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

New matter indicated by italics - deletions by strikeout.
AN ACT regarding education.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The School Code is amended by changing Section 21-1a as follows:

(105 ILCS 5/21-1a) (from Ch. 122, par. 21-1a)

Sec. 21-1a. Tests required for certification and teacher preparation.

(a) After July 1, 1988, in addition to all other requirements, early childhood, elementary, special, high school, school service personnel, or, except as provided in Section 34-6, administrative certificates shall be issued to persons who have satisfactorily passed a test of basic skills and subject matter knowledge. The tests of basic skills and subject matter knowledge shall be the tests which from time to time are designated by the State Board of Education in consultation with the State Teacher Certification Board and may be tests prepared by an educational testing organization or tests designed by the State Board of Education in consultation with the State Teacher Certification Board. The areas to be covered by the test of basic skills shall include the basic skills of reading, writing, grammar and mathematics. The test of subject matter knowledge shall assess content knowledge in the specific subject field. The tests shall be designed to be racially neutral to assure that no person in taking the tests is thereby discriminated against on the basis of race, color, national origin or other factors unrelated to the person's ability to perform as a certificated employee. The score required to pass the tests of basic skills and subject matter knowledge shall be fixed by the State Board of Education in consultation with the State Teacher Certification Board. The tests shall be held not fewer than 3 times a year at such time and place as may be designated by the State Board of Education in consultation with the State Teacher Certification Board.

(b) Except as provided in Section 34-6, the provisions of subsection (a) of this Section shall apply equally in any school district subject to Article 34, provided that the State Board of Education shall determine which certificates issued under Sections 34-8.1 and 34-83 prior to July 1, 1988 are comparable to any early childhood certificate, elementary school certificate, special certificate, high school certificate, school service personnel certificate or administrative certificate issued under this Article as of July 1, 1988.

(c) A person who holds an early childhood, elementary, special, high school or school service personnel certificate issued under this Article on or at any time before July 1, 1988, including a person who has been issued any such certificate pursuant to Section 21-11.1 or in exchange for a comparable certificate theretofore issued under Section 34-8.1 or Section 34-83, shall not be required to take or pass the tests in order to thereafter have such

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certificate renewed.

(d) The State Board of Education in consultation with the State Teacher Certification Board shall conduct a pilot administration of the tests by administering the test to students completing teacher education programs in the 1986-87 school year for the purpose of determining the effect and impact of testing candidates for certification.

Beginning with the 2002-2003 academic year, a student may not enroll in a teacher preparation program at a recognized teacher training institution until he or she has passed the basic skills test.

Beginning with the 2004-2005 academic year, a preservice education teacher may not student teach until he or she has passed the subject matter test in the discipline in which he or she will student teach.

(e) The rules and regulations developed to implement the required test of basic skills and subject matter knowledge shall include the requirements of subsections (a), (b), and (c) and shall include specific regulations to govern test selection; test validation and determination of a passing score; administration of the tests; frequency of administration; applicant fees; frequency of applicants’ taking the tests; the years for which a score is valid; and, waiving certain additional tests for additional certificates to individuals who have satisfactorily passed the test of basic skills and subject matter knowledge as required in subsection (a). The State Board of Education shall provide, by rule, specific policies that assure uniformity in the difficulty level of each form of the basic skills test and each subject matter knowledge test from test-to-test and year-to-year. The State Board of Education shall also set a passing score for the tests.

(f) The State Teacher Certification Board may issue a nonrenewable temporary certificate between July 1, 1988 and August 31, 1988 to individuals who have taken the tests of basic skills and subject matter knowledge prescribed by this Section but have not received such test scores by August 31, 1988. Such temporary certificates shall expire on December 31, 1988.

(g) Beginning February 15, 2000, the State Board of Education, in consultation with the State Teacher Certification Board, shall implement and administer a new system of certification for teachers in the State of Illinois. The State Board of Education, in consultation with the State Teacher Certification Board, shall design and implement a system of examinations and various other criteria which shall be required prior to the issuance of Initial Teaching Certificates and Standard Teaching Certificates. These examinations and indicators shall be based on national and State professional teaching standards, as determined by the State Board of Education, in consultation with the State Teacher Certification Board. The State Board of Education may adopt any and all regulations necessary to implement and administer this Section.

(h) The State Board of Education shall report to the Illinois General Assembly and the Governor with recommendations for further changes and improvements to the teacher certification system no later than July 1, 1999 and on an annual basis until July 1, 2001.

(Source: P.A. 90-548, eff. 1-1-98; 90-811, eff. 1-26-99; 91-102, eff. 7-12-99.)

Section 99. Effective date. This Act takes effect on June 30, 2002.
AN ACT concerning environmental safety.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Environmental Protection Act is amended by changing Sections 57.2, 57.7, 57.8, 57.10, 58.2, 58.6, 58.7, and 58.11 as follows:
(415 ILCS 5/57.2)
Sec. 57.2. Definitions. As used in this Title:
"Audit" means a systematic inspection or examination of plans, reports, records, or documents to determine the completeness and accuracy of the data and conclusions contained therein.
"Bodily injury" means bodily injury, sickness, or disease sustained by a person, including death at any time, resulting from a release of petroleum from an underground storage tank.
"Release" means any spilling, leaking, emitting, discharging, escaping, leaching or disposing of petroleum from an underground storage tank into groundwater, surface water or subsurface soils.
"Fill material" means non-native or disturbed materials used to bed and backfill around an underground storage tank.
"Fund" means the Underground Storage Tank Fund.
"Heating Oil" means petroleum that is No. 1, No. 2, No. 4 - light, No. 4 - heavy, No. 5 - light, No. 5 - heavy or No. 6 technical grades of fuel oil; and other residual fuel oils including Navy Special Fuel Oil and Bunker C.
"Indemnification" means indemnification of an owner or operator for the amount of any judgment entered against the owner or operator in a court of law, for the amount of any final order or determination made against the owner or operator by an agency of State government or any subdivision thereof, or for the amount of any settlement entered into by the owner or operator, if the judgment, order, determination, or settlement arises out of bodily injury or property damage suffered as a result of a release of petroleum from an underground storage tank owned or operated by the owner or operator.
"Corrective action" means activities associated with compliance with the provisions of Sections 57.6 and 57.7 of this Title.
"Occurrence" means an accident, including continuous or repeated exposure to conditions, that results in a sudden or nonsudden release from an underground storage tank.
When used in connection with, or when otherwise relating to, underground storage tanks, the terms "facility", "owner", "operator", "underground storage tank", "(UST)",

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"petroleum" and "regulated substance" shall have the meanings ascribed to them in Subtitle I of the Hazardous and Solid Waste Amendments of 1984 (P.L. 98-616), of the Resource Conservation and Recovery Act of 1976 (P.L. 94-580); provided however that the term "underground storage tank" shall also mean an underground storage tank used exclusively to store heating oil for consumptive use on the premises where stored and which serves other than a farm or residential unit.

"Licensed Professional Engineer" means a person, corporation, or partnership licensed under the laws of the State of Illinois to practice professional engineering.

"Licensed Professional Geologist" means a person licensed under the laws of the State of Illinois to practice as a professional geologist.

"Site" means any single location, place, tract of land or parcel of property including contiguous property not separated by a public right-of-way.


"Property damage" means physical injury to, destruction of, or contamination of tangible property, including all resulting loss of use of that property; or loss of use of tangible property that is not physically injured, destroyed, or contaminated, but has been evacuated, withdrawn from use, or rendered inaccessible because of a release of petroleum from an underground storage tank.


"Class III Groundwater" means groundwater that meets the Class III: Special Resource Groundwater criteria set forth in the Board regulations adopted pursuant to the Illinois Groundwater Protection Act.

(Source: P.A. 88-496; 89-428, eff. 1-1-96; 89-457, eff. 5-22-96.)

(415 ILCS 5/57.7)

Sec. 57.7. Leaking underground storage tanks; physical soil classification, groundwater investigation, site classification, and corrective action.

(a) Physical soil classification and groundwater investigation.

(1) Prior to conducting any physical soil classification and groundwater investigation activities required by statute or regulation, the owner or operator shall prepare and submit to the Agency for the Agency's approval or modification:

(A) a physical soil classification and groundwater investigation plan designed to determine site classification, in accordance with subsection (b) of this Section, as High Priority, Low Priority, or No Further Action.

(B) a request for payment of costs associated with eligible early action costs as provided in Section 57.6(b). However, for

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purposes of payment for early action costs, fill materials shall not be removed in an amount in excess of 4 feet from the outside dimensions of the tank.

(2) If the owner or operator intends to seek payment from the Fund, prior to conducting any physical soil classification and groundwater investigation activities required by statute or regulation, the owner or operator shall submit to the Agency for the Agency's approval or modification a physical soil classification and groundwater investigation budget which includes, but is not limited to, an accounting of all costs associated with the implementation and completion of the physical soil classification and groundwater investigation plan.

(3) Within 30 days of completion of the physical soil classification or groundwater investigation report the owner or operator shall submit to the Agency:

(A) all physical soil classification and groundwater investigation results; and

(B) a certification by a Licensed Professional Engineer or Licensed Professional Geologist of the site's classification as High Priority, Low Priority, or No Further Action in accordance with subsection (b) of this Section as High Priority, Low Priority, or No Further Action.

(b) Site Classification.

(1) After evaluation of the physical soil classification and groundwater investigation results, when required, and general site information, the site shall be classified as "No Further Action", "Low Priority", or "High Priority" based on the requirements of this Section. Site classification shall be determined by a Licensed Professional Engineer or Licensed Professional Geologist in accordance with the requirements of this Title and the Licensed Professional Engineer or Licensed Professional Geologist shall submit a certification to the Agency of the site classification. The Agency has the authority to audit site classifications and reject or modify any site classification inconsistent with the requirements of this Title.

(2) Sites shall be classified as No Further Action if the criteria in subparagraph (A) are satisfied:


(ii) A site evaluation under the direction of a Licensed Professional Engineer or Licensed Professional Geologist verifies the physical soil classification conditions are consistent with those indicated on the Illinois Geological Survey Circular (1984) titled "Potential for Contamination of Shallow Aquifers in Illinois," by Berg, Richard C., et al.; and

(iii) The conditions identified in subsections (b) (3)(B), (C), (D), and (E) do not exist.

(B) Groundwater investigation monitoring may be required to confirm that a site meets the criteria of a No Further Action site. The Board shall
adopt rules setting forth the criteria under which the Agency may exercise its discretionary authority to require investigations and the minimum field requirements for conducting investigations.

(3) Sites shall be classified as High Priority if any of the following are met:
   (A) The site is located in an area designated A1, A2, A3, A4, A5, AX, B1, B2, BX, C1, C2, C3, C4, or C5 on the Illinois Geological Survey Circular (1984) titled "Potential for Contamination of Shallow Aquifers in Illinois," by Berg, Richard C., et al.; a site evaluation under the direction of a Licensed Professional Engineer or Licensed Professional Geologist verifies the physical soil classifications conditions are consistent with those indicated on the Illinois Geological Survey Circular (1984) entitled "Potential for Contamination of Shallow Aquifers in Illinois," by Berg, Richard C., et al.; and the results of the physical soil classification and groundwater investigation indicate that an applicable indicator contaminant groundwater quality standard or groundwater objective has been exceeded at the property boundary line or 200 feet from the excavation, whichever is less as a consequence of the underground storage tank release.
   (B) The underground storage tank is within the minimum or maximum setback zone of a potable water supply well or regulated recharge area of a potable water supply well.
   (C) There is evidence that, through natural or manmade pathways, migration of petroleum or vapors threaten human health or human safety or may cause explosions in basements, crawl spaces, utility conduits, storm or sanitary sewers, vaults or other confined spaces.
   (D) Class III special resource groundwater exists within 200 feet of the excavation.
   (E) A surface water body is adversely affected by the presence of a visible sheen or free product layer as the result of an underground storage tank release.

(4) Sites shall be classified as Low Priority if all of the following are met:
   (A) The site does not meet any of the criteria for classification as a High Priority Site.
      (ii) a site evaluation under the direction of a Licensed Professional Engineer or Licensed Professional Geologist verifies the physical soil classification conditions are consistent with those indicated on the Illinois Geological Survey Circular (1984) titled "Potential for Contamination of Shallow Aquifers in Illinois," by Berg, Richard C., et al.; and
      (iii) the results of the physical soil classification and groundwater investigation indicate that an applicable indicator contaminant groundwater

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investigation do not indicate an applicable indicator contaminant groundwater quality standard or groundwater objective has been exceeded at the property boundary line or 200 feet from the underground storage tank, whichever is less.

(5) In the event the results of the physical soil classification and any required groundwater investigation reveal that the actual site geologic characteristics are different than those indicated by the Illinois Geological Survey Circular (1984) titled "Potential for Contamination of Shallow Aquifers in Illinois" by Berg, Richard C., et al., classification of the site shall be determined using the actual site geologic characteristics.

(c) Corrective Action.

(1) High Priority Site.

(A) Prior to performance of any corrective action, beyond that required by Section 57.6 and subsection (a) of Section 57.7 of this Act, the owner or operator shall prepare and submit to the Agency for the Agency's approval or modification a corrective action plan designed to mitigate any threat to human health, human safety or the environment resulting from the underground storage tank release.

(B) If the owner or operator intends to seek payment from the Fund, prior to performance of any corrective action beyond that required by Section 57.6 and subsection (a) of Section 57.7, the owner or operator shall submit to the Agency for the Agency's approval or modification a corrective action plan budget which includes, but is not limited to, an accounting of all costs associated with the implementation and completion of the corrective action plan.

(C) The corrective action plan shall do all of the following:

(i) Provide that applicable indicator contaminant groundwater quality standards or groundwater objectives will not be exceeded in groundwater at the property boundary line or 200 feet from the excavation, whichever is less, or other level if approved by the Agency, for any contaminant identified in the groundwater investigation after complete performance of the corrective action plan.

(ii) Provide that Class III special resource groundwater quality standards for Class III special resource groundwater within 200 feet of the excavation will not be exceeded as a result of the underground storage tank release for any indicator contaminant identified in the groundwater investigation after complete performance of the
corrective action plan.

(iii) Remediate threats due to the presence or migration, through natural or manmade pathways, of petroleum in concentrations sufficient to harm human health or human safety or to cause explosions in basements, crawl spaces, utility conduits, storm or sanitary sewers, vaults or other confined spaces.

(iv) Remediate threats to a potable water supply.

(v) Remediate threats to a surface water body.

(D) Within 30 days of completion of the corrective action, the owner or operator shall submit to the Agency such a completion report that includes a description of the corrective action plan and a description of the corrective action work performed and all analytical or sampling results derived from performance of the corrective action plan.

(E) The Agency shall issue to the owner or operator a no further remediation letter in accordance with Section 57.10 if all of the following are met:

(i) The corrective action completion report demonstrates that:
(a) applicable indicator contaminant groundwater quality standards or groundwater objectives are not exceeded at the property boundary line or 200 feet from the excavation, whichever is less, as a result of the underground storage tank release for any indicator contaminant identified in the groundwater investigation; (b) Class III special use resource groundwater quality standards, for Class III special use resource groundwater within 200 feet of the underground storage tank, are not exceeded as a result of the underground storage tank release for any contaminant identified in the groundwater investigation; (c) the underground storage tank release does not threaten human health or human safety due to the presence or migration, through natural or manmade pathways, of petroleum or hazardous substances in concentrations sufficient to harm human health or human safety or to cause explosions in basements, crawl spaces, utility conduits, storm or sanitary sewers, vaults or other confined spaces; (d) the underground storage tank release does not threaten any surface water body; and (e) the underground storage tank release does not threaten any potable water supply.

(ii) The owner or operator submits to the Agency a certification from a Licensed Professional Engineer that the work described in the approved corrective action plan has been completed and that the information presented in the corrective action completion report is accurate and complete.

(2) Low Priority Site.

(A) Corrective action at a low priority site must include groundwater...
monitoring consistent with part (B) of this paragraph (2).

(B) Prior to implementation of groundwater monitoring, the owner or operator shall prepare and submit to the Agency a groundwater monitoring plan and, if the owner or operator intends to seek payment under this Title, an associated budget which includes, at a minimum, all of the following:

(i) Placement of groundwater monitoring wells at the property line, or at 200 feet from the excavation which ever is closer, designed to provide the greatest likelihood of detecting migration of groundwater contamination.

(ii) Quarterly groundwater sampling for a period of one year, semi-annual sampling for the second year and annual groundwater sampling for one subsequent year for all indicator contaminants identified during the groundwater investigation.

(iii) The annual submittal to the Agency of a summary of groundwater sampling results.

(C) If at any time groundwater sampling results indicate a confirmed exceedence of applicable indicator contaminant groundwater quality standards or groundwater objectives as a result of the underground storage tank release, the site may be reclassified as a High Priority Site by the Agency at any time before the Agency's final approval of a Low Priority groundwater monitoring completion report. Agency review and approval shall be in accordance with paragraph (4) of subsection (c) of this Section. If the owner or operator elects to appeal an Agency action to disapprove, modify, or reject by operation of law a Low Priority groundwater monitoring completion report, the Agency shall indicate to the Board in conjunction with such appeal whether it intends to reclassify the site as High Priority. If a site is reclassified as a High Priority Site, the owner or operator shall submit a corrective action plan and budget to the Agency within 120 days of the confirmed exceedence and shall initiate compliance with all corrective action requirements for a High Priority Site.

(D) If, throughout the implementation of the groundwater monitoring plan, the groundwater sampling results do not confirm an exceedence of applicable indicator contaminant groundwater quality standards or groundwater objectives as a result of the underground storage tank release, the owner or operator shall submit to the Agency a certification of a Licensed Professional Engineer or Licensed Professional Geologist so stating.

(E) Unless the Agency takes action under subsection (b)(2)(C) to reclassify a site as high priority, upon receipt of a certification by a Licensed Professional Engineer or Licensed Professional Geologist submitted pursuant to paragraph (2) of subsection (c) of this Section, the Agency shall issue to the owner or operator a no further remediation letter in accordance with Section 57.10.

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(3) No Further Action Site.

(A) No Further Action sites require no remediation beyond that required in Section 57.6 and subsection (a) of this Section if the owner or operator has submitted to the Agency a certification by a Licensed Professional Engineer or Licensed Professional Geologist that the site meets all of the criteria for classification as No Further Action in subsection (b) of this Section.

(B) Unless the Agency takes action to reject or modify a site classification under subsection (b) of this Section or the site classification is rejected by operation of law under item (4)(B) of subsection (c) of this Section, upon receipt of a certification by a Licensed Professional Engineer or Licensed Professional Geologist submitted pursuant to part (A) of paragraph (3) of subsection (c) of this Section, the Agency shall issue to the owner or operator a no further remediation letter in accordance with Section 57.10.

(4) Agency review and approval.

(A) Agency approval of any plan and associated budget, as described in this item (4), shall be considered final approval for purposes of seeking and obtaining payment from the Underground Storage Tank Fund if the costs associated with the completion of any such plan are less than or equal to the amounts approved in such budget.

(B) In the event the Agency fails to approve, disapprove, or modify any plan or report submitted pursuant to this Title in writing within 120 days of the receipt by the Agency, the plan or report shall be considered to be rejected by operation of law for purposes of this Title and rejected for purposes of payment from the Leaking Underground Storage Tank Fund.

(i) For purposes of those plans as identified in subparagraph (E) of this subsection (c)(4), the Agency's review may be an audit procedure. Such review or audit shall be consistent with the procedure for such review or audit as promulgated by the Board under item (7) of subsection (b) of Section 57.14. The Agency has the authority to establish an auditing program to verify compliance of such plans with the provisions of this Title.

(ii) For purposes of those plans submitted pursuant to Part (E) of this paragraph (4) for which payment from the Fund is not being sought, the Agency need not take action on such plan until 120 days after it receives the corrective action completion report required under Section 57(c)(1)(D). In the event the Agency approved the plan, it shall proceed under the provisions of Section 57(c)(4).

(C) In approving any plan submitted pursuant to Part (E) of this paragraph (4), the Agency shall determine, by a procedure promulgated by the Board under item (7) of subsection (b) of Section 57.14, that the costs...
associated with the plan are reasonable, will be incurred in the performance of corrective action, and will not be used for corrective action activities in excess of those required to meet the minimum requirements of this title.

(D) For any plan or report received after the effective date of this amendatory Act of 1993, any action by the Agency to disapprove or modify a plan submitted pursuant to this Title shall be provided to the owner or operator in writing within 120 days of the receipt by the Agency or, in the case of a corrective action plan for which payment is not being sought, within 120 days of receipt of the corrective action completion report, and shall be accompanied by:

(i) an explanation of the Sections of this Act which may be violated if the plans were approved;
(ii) an explanation of the provisions of the regulations, promulgated under this Act, which may be violated if the plan were approved;
(iii) an explanation of the specific type of information, if any, which the Agency deems the applicant did not provide the Agency; and
(iv) a statement of specific reasons why the Act and the regulations might not be met if the plan were approved.

Any action by the Agency to disapprove or modify a plan or report or the rejection of any plan or report by operation of law shall be subject to appeal to the Board in accordance with the procedures of Section 40. If the owner or operator elects to incorporate modifications required by the Agency rather than appeal, an amended plan shall be submitted to the Agency within 35 days of receipt of the Agency's written notification.

(E) For purposes of this Title, the term "plan" shall include:

(i) Any physical soil classification and groundwater investigation plan submitted pursuant to item (1)(A) of subsection (a) of this Section, or budget under item (2) of subsection (a) of this Section;
(ii) Any groundwater monitoring plan or budget submitted pursuant to subsection (c)(2)(B) of this Section;
(iii) Any corrective action plan submitted pursuant to subsection (c)(1)(A) of this Section; or
(iv) Any corrective action plan budget submitted pursuant to subsection (c)(1)(B) of this Section.

(d) For purposes of this Title, the term "indicator contaminant" shall mean, unless and until the Board promulgates regulations to the contrary, the following: (i) if an underground storage tank contains gasoline, the indicator parameter shall be BTEX and Benzene; (ii) if the tank contained petroleum products consisting of middle distillate or heavy ends, then the indicator parameter shall be determined by a scan of PNA’s taken from the location where

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contamination is most likely to be present; and (iii) if the tank contained used oil, then the indicator contaminant shall be those chemical constituents which indicate the type of petroleum stored in an underground storage tank. All references in this Title to groundwater objectives shall mean Class I groundwater standards or objectives as applicable.

(e) (1) Notwithstanding the provisions of this Section, an owner or operator may proceed to conduct physical soil classification, groundwater investigation, site classification or other corrective action prior to the submittal or approval of an otherwise required plan. If the owner or operator elects to so proceed, an applicable plan shall be filed with the Agency at any time. Such plan shall detail the steps taken to determine the type of corrective action which was necessary at the site along with the corrective action taken or to be taken, in addition to costs associated with activities to date and anticipated costs.

(2) Upon receipt of a plan submitted after activities have commenced at a site, the Agency shall proceed to review in the same manner as required under this Title. In the event the Agency disapproves all or part of the costs, the owner or operator may appeal such decision to the Board. The owner or operator shall not be eligible to be reimbursed for such disapproved costs unless and until the Board determines that such costs were eligible for payment.

(Source: P.A. 88-496; 88-668, eff. 9-16-94; 89-428, eff. 1-1-96; 89-457, eff. 5-22-96; revised 1-25-02.)

Sec. 57.8. Underground Storage Tank Fund; payment; options for State payment; deferred correction election to commence corrective action upon availability of funds. If an owner or operator is eligible to access the Underground Storage Tank Fund pursuant to an Office of State Fire Marshal eligibility/deductible final determination letter issued in accordance with Section 57.9, the owner or operator may submit a complete application for final or partial payment to the Agency for activities taken in response to a confirmed release. An owner or operator may submit a request for partial or final payment regarding a site no more frequently than once every 90 days.

(a) Payment after completion of corrective action measures. The owner or operator may submit an application for payment for activities performed at a site after completion of the requirements of Sections 57.6 and 57.7, or after completion of any other required activities at the underground storage tank site.

(1) In the case of any approved plan and budget for which payment is being sought, the Agency shall make a payment determination within 120 days of receipt of the application. Such determination shall be considered a final decision. The Agency's review shall be limited to generally accepted auditing and accounting practices. In no case shall the Agency conduct additional review of any plan which was completed within the budget, beyond auditing for adherence to the corrective action measures in the proposal. If the Agency fails to approve the payment application within 120 days, such application shall be deemed approved by operation of law and the Agency shall proceed to reimburse the owner or operator the amount

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requested in the payment application. However, in no event shall the Agency reimburse the owner or operator an amount greater than the amount approved in the plan.

(2) If sufficient funds are available in the Underground Storage Tank Fund, the Agency shall, within 60 days, forward to the Office of the State Comptroller a voucher in the amount approved under the payment application.

(3) In the case of insufficient funds, the Agency shall form a priority list for payment and shall notify persons in such priority list monthly of the availability of funds and when payment shall be made. Payment shall be made to the owner or operator at such time as sufficient funds become available for the costs associated with corrective action and costs expended for activities performed where no proposal is required, if applicable. Such priority list shall be available to any owner or operator upon request. Priority for payment shall be determined by the date the Agency receives a complete request for partial or final payment. Upon receipt of notification from the Agency that the requirements of this Title have been met, the Comptroller shall make payment to the owner or operator of the amount approved by the Agency, if sufficient money exists in the Fund. If there is insufficient money in the Fund, then payment shall not be made. If the owner or operator appeals a final Agency payment determination and it is determined that the owner or operator is eligible for payment or additional payment, the priority date for the payment or additional payment shall be the same as the priority date assigned to the original request for partial or final payment.

(4) Any deductible, as determined pursuant to the Office of the State Fire Marshal's eligibility and deductibility final determination in accordance with Section 57.9, shall be subtracted from any payment invoice paid to an eligible owner or operator. Only one deductible shall apply per underground storage tank site.

(5) In the event that costs are or will be incurred in addition to those approved by the Agency, or after payment, the owner or operator may submit successive plans containing amended budgets. The requirements of Section 57.7 shall apply to any amended plans.

(6) For purposes of this Section, a complete application shall consist of:

(A) A certification from a Licensed Professional Engineer or Licensed Professional Geologist as required under this Title and acknowledged by the owner or operator.

(B) A statement of the amount approved in the plan and the amount actually sought for payment along with a certified statement that the amount so sought shall be expended in conformance with the approved budget.

(C) A copy of the Office of the State Fire Marshal's eligibility and deductibility determination.

(D) Proof that approval of the payment requested will not result in the limitations set forth in subsection (g) of this Section being exceeded.

(E) A federal taxpayer identification number and legal status

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(b) Commencement of corrective action upon availability of funds. The Board shall adopt regulations setting forth procedures based on risk to human health or the environment under which the owner or operator who has received approval for any budget plan submitted pursuant to Section 57.7, and who is eligible for payment from the Underground Storage Tank Fund pursuant to an Office of the State Fire Marshal eligibility and deductibility determination, may elect to defer site classification, low priority groundwater monitoring, or remediation activities until funds are available in an amount equal to the amount approved in the budget plan. The regulations shall establish criteria based on risk to human health or the environment to be used for determining on a site-by-site basis whether deferral is appropriate. The regulations also shall establish the minimum investigatory requirements for determining whether the risk based criteria are present at a site considering deferral and procedures for the notification of owners or operators of insufficient funds, Agency review of request for deferral, notification of Agency final decisions, returning deferred sites to active status, and earmarking of funds for payment.

(c) When the owner or operator requests indemnification for payment of costs incurred as a result of a release of petroleum from an underground storage tank, if the owner or operator has satisfied the requirements of subsection (a) of this Section, the Agency shall forward a copy of the request to the Attorney General. The Attorney General shall review and approve the request for indemnification if:

1. there is a legally enforceable judgment entered against the owner or operator and such judgment was entered due to harm caused by a release of petroleum from an underground storage tank and such judgment was not entered as a result of fraud; or
2. a settlement with a third party due to a release of petroleum from an underground storage tank is reasonable.

(d) Notwithstanding any other provision of this Title, the Agency shall not approve payment to an owner or operator from the Fund for costs of corrective action or indemnification incurred during a calendar year in excess of the following aggregate amounts based on the number of petroleum underground storage tanks owned or operated by such owner or operator in Illinois.

<table>
<thead>
<tr>
<th>Amount</th>
<th>Number of Tanks</th>
</tr>
</thead>
<tbody>
<tr>
<td>$1,000,000</td>
<td>fewer than 101</td>
</tr>
<tr>
<td>$2,000,000</td>
<td>101 or more</td>
</tr>
</tbody>
</table>

1. Costs incurred in excess of the aggregate amounts set forth in paragraph (1) of this subsection shall not be eligible for payment in subsequent years.
2. For purposes of this subsection, requests submitted by any of the agencies, departments, boards, committees or commissions of the State of Illinois shall be acted upon as claims from a single owner or operator.
3. For purposes of this subsection, owner or operator includes (i) any subsidiary, parent, or joint stock company of the owner or operator and (ii) any company owned by any parent, subsidiary, or joint stock company of the owner or

New matter indicated by italics - deletions by strikeout.
(e) Costs of corrective action or indemnification incurred by an owner or operator which have been paid to an owner or operator under a policy of insurance, another written agreement, or a court order are not eligible for payment under this Section. An owner or operator who receives payment under a policy of insurance, another written agreement, or a court order shall reimburse the State to the extent such payment covers costs for which payment was received from the Fund. Any monies received by the State under this subsection (e) shall be deposited into the Fund.

(f) Until the Board adopts regulations pursuant to Section 57.14, handling charges are eligible for payment only if they are equal to or less than the amount determined by the following table:

<table>
<thead>
<tr>
<th>Subcontract or field</th>
<th>Eligible Handling Charges</th>
</tr>
</thead>
<tbody>
<tr>
<td>Purchase Cost</td>
<td>as a Percentage of Cost</td>
</tr>
<tr>
<td>$0 - $5,000</td>
<td>...............................................12%</td>
</tr>
<tr>
<td>$5,001 - $15,000</td>
<td>..........................$600+10% of amt. over $5,000</td>
</tr>
<tr>
<td>$15,001 - $50,000</td>
<td>.........................$1600+8% of amt. over $15,000</td>
</tr>
<tr>
<td>$50,001 - $100,000</td>
<td>.........................$4400+5% of amt. over $50,000</td>
</tr>
<tr>
<td>$100,001 - $1,000,000</td>
<td>.........................$6900+2% of amt. over $100,000</td>
</tr>
</tbody>
</table>

(g) The Agency shall not approve any payment from the Fund to pay an owner or operator:

1. for costs of corrective action incurred by such owner or operator in an amount in excess of $1,000,000 per occurrence; and
2. for costs of indemnification of such owner or operator in an amount in excess of $1,000,000 per occurrence.

(h) Payment of any amount from the Fund for corrective action or indemnification shall be subject to the State acquiring by subrogation the rights of any owner, operator, or other person to recover the costs of corrective action or indemnification for which the Fund has compensated such owner, operator, or person from the person responsible or liable for the release.

(i) If the Agency refuses to pay or authorizes only a partial payment, the affected owner or operator may petition the Board for a hearing in the manner provided for the review of permit decisions in Section 40 of this Act.

(j) Costs of corrective action or indemnification incurred by an owner or operator prior to July 28, 1989, shall not be eligible for payment or reimbursement under this Section.

(k) The Agency shall not pay costs of corrective action or indemnification incurred before providing notification of the release of petroleum in accordance with the provisions of this Title.

(l) Corrective action does not include legal defense costs. Legal defense costs include legal costs for seeking payment under this Title unless the owner or operator prevails before the Board in which case the Board may authorize payment of legal fees.

(m) The Agency may apportion payment of costs for plans submitted under Section 57.7(c)(4)(E)(iii) if:

New matter indicated by italics - deletions by strikeout.
(1) the owner or operator was deemed eligible to access the Fund for payment of corrective action costs for some, but not all, of the underground storage tanks at the site; and

(2) the owner or operator failed to justify all costs attributable to each underground storage tank at the site.

(Source: P.A. 91-357, eff. 7-29-99.)

Sec. 57.10. Professional Engineer or Professional Geologist certification; presumptions against liability.

(a) Within 120 days of the Agency's receipt of a No Further Action site classification report, a Low Priority groundwater monitoring report, or a High Priority corrective action completion report, the Agency shall issue to the owner or operator a "no further remediation letter" unless the Agency has requested a modification, issued a rejection under subsection (d) of this Section, or the report has been rejected by operation of law.

(b) By certifying such a statement, a Licensed Professional Engineer or Licensed Professional Geologist shall in no way be liable thereon, unless the engineer or geologist gave such certification despite his or her actual knowledge that the performed measures were not in compliance with applicable statutory or regulatory requirements or any plan submitted to the Agency.

(c) The Agency's issuance of a no further remediation letter shall signify, based on the certification of the Licensed Professional Engineer, that:

(1) all statutory and regulatory corrective action requirements applicable to the occurrence have been complied with;

(2) all corrective action concerning the remediation of the occurrence has been completed; and

(3) no further corrective action concerning the occurrence is necessary for the protection of human health, safety and the environment.

(d) The no further remediation letter issued under this Section shall apply in favor of the following parties:

(1) The owner or operator to whom the letter was issued.

(2) Any parent corporation or subsidiary of such owner or operator.

(3) Any co-owner or co-operator, either by joint tenancy, right-of-survivorship, or any other party sharing a legal relationship with the owner or operator to whom the letter is issued.

(4) Any holder of a beneficial interest of a land trust or inter vivos trust whether revocable or irrevocable.

(5) Any mortgagee or trustee of a deed of trust of such owner or operator.

(6) Any successor-in-interest of such owner or operator.

(7) Any transferee of such owner or operator whether the transfer was by sale, bankruptcy proceeding, partition, dissolution of marriage, settlement or adjudication of any civil action, charitable gift, or bequest.

(8) Any heir or devisee or such owner or operator.

New matter indicated by italics - deletions by strikeout.
(e) If the Agency notifies the owner or operator that the "no further remediation" letter has been rejected, the grounds for such rejection shall be described in the notice. Such a decision shall be a final determination which may be appealed by the owner or operator.

(f) The Board shall adopt rules setting forth the criteria under which the Agency may require an owner or operator to conduct further investigation or remediation related to a release for which a no further remediation letter has been issued.

(g) Holders of security interests in sites subject to the requirements of this Title XVI shall be entitled to the same protections and subject to the same responsibilities provided under general regulations promulgated under Subtitle I of the Hazardous and Solid Waste Amendments of 1984 (P.L. 98-616) of the Resource Conservation and Recovery Act of 1976 (P.L. 94-580).

(Source: P.A. 88-496; 89-428, eff. 1-1-96; 89-457, eff. 5-22-96.)

(415 ILCS 5/58.2)

Sec. 58.2. Definitions. The following words and phrases when used in this Title shall have the meanings given to them in this Section unless the context clearly indicates otherwise:

"Agrichemical facility" means a site on which agricultural pesticides are stored or handled, or both, in preparation for end use, or distributed. The term does not include basic manufacturing facility sites.

"ASTM" means the American Society for Testing and Materials.

"Area background" means concentrations of regulated substances that are consistently present in the environment in the vicinity of a site that are the result of natural conditions or human activities, and not the result solely of releases at the site.

"Brownfields site" or "brownfields" means a parcel of real property, or a portion of the parcel, that has actual or perceived contamination and an active potential for redevelopment.

"Class I groundwater" means groundwater that meets the Class I Potable Resource groundwater criteria set forth in the Board rules adopted under the Illinois Groundwater Protection Act.

"Class III groundwater" means groundwater that meets the Class III Special Resource Groundwater criteria set forth in the Board rules adopted under the Illinois Groundwater Protection Act.

"Carcinogen" means a contaminant that is classified as a Category A1 or A2 Carcinogen by the American Conference of Governmental Industrial Hygienists; or a Category 1 or 2A/2B Carcinogen by the World Health Organizations International Agency for Research on Cancer; or a "Human Carcinogen" or "Anticipated Human Carcinogen" by the United States Department of Health and Human Service National Toxicological Program; or a Category A or B1/B2 Carcinogen by the United States Environmental Protection Agency in Integrated Risk Information System or a Final Rule issued in a Federal Register notice by the USEPA as of the effective date of this amendatory Act of 1995.

"Licensed Professional Engineer" (LPE) means a person, corporation, or partnership licensed under the laws of this State to practice professional engineering.
"Licensed Professional Geologist" means a person licensed under the laws of the State of Illinois to practice as a professional geologist.

"RELPEG" means a Licensed Professional Engineer or a Licensed Professional Geologist engaged in review and under this Title.

"Man-made pathway" means constructed routes that may allow for the transport of regulated substances including, but not limited to, sewers, utility lines, utility vaults, building foundations, basements, crawl spaces, drainage ditches, or previously excavated and filled areas.

"Municipality" means an incorporated city, village, or town in this State. "Municipality" does not mean a township, town when that term is used as the equivalent of a township, incorporated town that has superseded a civil township, county, or school district, park district, sanitary district, or similar governmental district.

"Natural pathway" means natural routes for the transport of regulated substances including, but not limited to, soil, groundwater, sand seams and lenses, and gravel seams and lenses.

"Person" means individual, trust, firm, joint stock company, joint venture, consortium, commercial entity, corporation (including a government corporation), partnership, association, State, municipality, commission, political subdivision of a State, or any interstate body including the United States Government and each department, agency, and instrumentality of the United States.

"Regulated substance" means any hazardous substance as defined under Section 101(14) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (P.L. 96-510) and petroleum products including crude oil or any fraction thereof, natural gas, natural gas liquids, liquefied natural gas, or synthetic gas usable for fuel (or mixtures of natural gas and such synthetic gas).

"Remedial action" means activities associated with compliance with the provisions of Sections 58.6 and 58.7.

"Remediation Applicant" (RA) means any person seeking to perform or performing investigative or remedial activities under this Title, including the owner or operator of the site or persons authorized by law or consent to act on behalf of or in lieu of the owner or operator of the site.

"Remediation costs" means reasonable costs paid for investigating and remediating regulated substances of concern consistent with the remedy selected for a site. For purposes of Section 58.14, "remediation costs" shall not include costs incurred prior to January 1, 1998, costs incurred after the issuance of a No Further Remediation Letter under Section 58.10 of this Act, or costs incurred more than 12 months prior to acceptance into the Site Remediation Program.

"Residential property" means any real property that is used for habitation by individuals and other property uses defined by Board rules such as education, health care, child care and related uses.

"Site" means any single location, place, tract of land or parcel of property, or portion thereof, including contiguous property separated by a public right-of-way.

New matter indicated by italics - deletions by strikeout.
"Regulated substance of concern" means any contaminant that is expected to be present at the site based upon past and current land uses and associated releases that are known to the Remediation Applicant based upon reasonable inquiry.
(Source: P.A. 89-431, eff. 12-15-95; 89-443, eff. 7-1-96; 90-123, eff. 7-21-97.)
(415 ILCS 5/58.6)
Sec. 58.6. Remedial investigations and reports.
(a) Any RA who proceeds under this Title may elect to seek review and approval for any of the remediation objectives provided in Section 58.5 for any or all regulated substances of concern. The RA shall conduct investigations and remedial activities for regulated substances of concern and prepare plans and reports in accordance with this Section and rules adopted hereunder. The RA shall submit the plans and reports for review and approval in accordance with Section 58.7. All investigations, plans, and reports conducted or prepared under this Section shall be under the supervision of a Licensed Professional Engineer (LPE) or, in the case of a site investigation only, a Licensed Professional Geologist in accordance with the requirements of this Title.
(b) (1) Site investigation and Site Investigation Report. The RA shall conduct a site investigation to determine the significant physical features of the site and vicinity that may affect contaminant transport and risk to human health, safety, and the environment and to determine the nature, concentration, direction and rate of movement, and extent of the contamination at the site.
(2) The RA shall compile the results of the investigations into a Site Investigation Report. At a minimum, the reports shall include the following, as applicable:
   (A) Executive summary;
   (B) Site history;
   (C) Site-specific sampling methods and results;
   (D) Documentation of field activities, including quality assurance project plan;
   (E) Interpretation of results; and
   (F) Conclusions.
(c) Remediation Objectives Report.
   (1) If a RA elects to determine remediation objectives appropriate for the site using the Tier II or Tier III procedures under subsection (d) of Section 58.5, the RA shall develop such remediation objectives based on site-specific information. In support of such remediation objectives, the RA shall prepare a Remediation Objectives Report demonstrating how the site-specific objectives were calculated or otherwise determined.
   (2) If a RA elects to determine remediation objectives appropriate for the site using the area background procedures under subsection (b) of Section 58.5, the RA shall develop such remediation objectives based on site-specific literature review, sampling protocol, or appropriate statistical methods in accordance with Board rules. In support of such remediation objectives, the RA shall prepare a Remediation

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Objectives Report demonstrating how the area background remediation objectives were determined.

(d) Remedial Action Plan. If the approved remediation objectives for any regulated substance established under Section 58.5 are less than the levels existing at the site prior to any remedial action, the RA shall prepare a Remedial Action Plan. The Remedial Action Plan shall describe the selected remedy and evaluate its ability and effectiveness to achieve the remediation objectives approved for the site. At a minimum, the reports shall include the following, as applicable:

1. Executive summary;
2. Statement of remediation objectives;
3. Remedial technologies selected;
4. Confirmation sampling plan;
5. Current and projected future use of the property; and
6. Applicable preventive, engineering, and institutional controls including long-term reliability, operating, and maintenance plans, and monitoring procedures.

(e) Remedial Action Completion Report.

1. Upon completion of the Remedial Action Plan, the RA shall prepare a Remedial Action Completion Report. The report shall demonstrate whether the remedial action was completed in accordance with the approved Remedial Action Plan and whether the remediation objectives, as well as any other requirements of the plan, have been attained.

2. If the approved remediation objectives for the regulated substances of concern established under Section 58.5 are equal to or above the levels existing at the site prior to any remedial action, notification and documentation of such shall constitute the entire Remedial Action Completion Report for purposes of this Title.

(f) Ability to proceed. The RA may elect to prepare and submit for review and approval any and all reports or plans required under the provisions of this Section individually, following completion of each such activity; concurrently, following completion of all activities; or in any other combination. In any event, the review and approval process shall proceed in accordance with Section 58.7 and rules adopted thereunder.

(g) Nothing in this Section shall prevent an RA from implementing or conducting an interim or any other remedial measure prior to election to proceed under Section 58.6.

(h) In accordance with Section 58.11, the Agency shall propose and the Board shall adopt rules to carry out the purposes of this Section.

(Source: P.A. 89-431, eff. 12-15-95; 89-443, eff. 7-1-96.)

(415 ILCS 5/58.7)

Sec. 58.7. Review and approvals.

(a) Requirements. All plans and reports that are submitted pursuant to this Title shall be submitted for review or approval in accordance with this Section.

(b) Review and evaluation by the Agency.

1. Except for sites excluded under subdivision (a) (2) of Section 58.1, the Agency shall, subject to available resources, agree to provide review and evaluation

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services for activities carried out pursuant to this Title for which the RA requested the services in writing. As a condition for providing such services, the Agency may require that the RA for a site:

   (A) Conform with the procedures of this Title;
   (B) Allow for or otherwise arrange site visits or other site evaluation by the Agency when so requested;
   (C) Agree to perform the work plan as approved under this Title;
   (D) Agree to pay any reasonable costs incurred and documented by the Agency in providing such services;
   (E) Make an advance payment to the Agency for such anticipated services in an amount, acceptable to the Agency, but not to exceed $5,000 or one-half of the total anticipated costs of the Agency, whichever sum is less; and
   (F) Demonstrate, if necessary, authority to act on behalf of or in lieu of the owner or operator.

(2) Any moneys received by the State for costs incurred by the Agency in performing review or evaluation services for actions conducted pursuant to this Title shall be deposited in the Hazardous Waste Fund.

(3) An RA requesting services under subdivision (b) (1) of this Section may, at any time, notify the Agency, in writing, that Agency services previously requested are no longer wanted. Within 180 days after receipt of the notice, the Agency shall provide the RA with a final invoice for services provided until the date of such notifications.

(4) The Agency may invoice or otherwise request or demand payment from a RA for costs incurred by the Agency in performing review or evaluation services for actions by the RA at sites only if:

   (A) The Agency has incurred costs in performing response actions, other than review or evaluation services, due to the failure of the RA to take response action in accordance with a notice issued pursuant to this Act;
   (B) The RA has agreed in writing to the payment of such costs;
   (C) The RA has been ordered to pay such costs by the Board or a court of competent jurisdiction pursuant to this Act; or
   (D) The RA has requested or has consented to Agency review or evaluation services under subdivision (b) (1) of this Section.

(5) The Agency may, subject to available resources, agree to provide review and evaluation services for response actions if there is a written agreement among parties to a legal action or if a notice to perform a response action has been issued by the Agency.

(c) Review and evaluation by a Licensed Professional Engineer or Licensed Professional Geologist. A RA may elect to contract with a Licensed Professional Engineer or, in the case of a site investigation report only, a Licensed Professional Geologist, who will perform review and evaluation services on behalf of and under the direction of the

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Agency relative to the site activities.

(1) Prior to entering into the contract with the RELPEG Review and Evaluation Licensed Professional Engineer (RELPE), the RA shall notify the Agency of the RELPEG RELPE to be selected. The Agency and the RA shall discuss the potential terms of the contract.

(2) At a minimum, the contract with the RELPEG RELPE shall provide that the RELPEG RELPE will submit any reports directly to the Agency, will take his or her directions for work assignments from the Agency, and will perform the assigned work on behalf of the Agency.

(3) Reasonable costs incurred by the Agency shall be paid by the RA directly to the Agency in accordance with the terms of the review and evaluation services agreement entered into under subdivision (b) (1) of Section 58.7.

(4) In no event shall the RELPEG RELPE acting on behalf of the Agency be an employee of the RA or the owner or operator of the site or be an employee of any other person the RA has contracted to provide services relative to the site.

(d) Review and approval. All reviews required under this Title shall be carried out by the Agency or a RELPEG RELPE, both under the direction of a Licensed Professional Engineer or, in the case of the review of a site investigation only, a Licensed Professional Geologist.

(1) All review activities conducted by the Agency or a RELPEG RELPE shall be carried out in conformance with this Title and rules promulgated under Section 58.11.

(2) Subject to the limitations in subsection (c) and this subsection (d), the specific plans, reports, and activities that the Agency or a RELPEG RELPE may review include:

(A) Site Investigation Reports and related activities;
(B) Remediation Objectives Reports;
(C) Remedial Action Plans and related activities; and
(D) Remedial Action Completion Reports and related activities.

(3) Only the Agency shall have the authority to approve, disapprove, or approve with conditions a plan or report as a result of the review process including those plans and reports reviewed by a RELPEG RELPE. If the Agency disapproves a plan or report or approves a plan or report with conditions, the written notification required by subdivision (d) (4) of this Section shall contain the following information, as applicable:

(A) An explanation of the Sections of this Title that may be violated if the plan or report was approved;
(B) An explanation of the provisions of the rules promulgated under this Title that may be violated if the plan or report was approved;
(C) An explanation of the specific type of information, if any, that the Agency deems the applicant did not provide the Agency;
(D) A statement of specific reasons why the Title and regulations

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might not be met if the plan or report were approved; and

(E) An explanation of the reasons for conditions if conditions are required.

(4) Upon approving, disapproving, or approving with conditions a plan or report, the Agency shall notify the RA in writing of its decision. In the case of approval or approval with conditions of a Remedial Action Completion Report, the Agency shall prepare a No Further Remediation Letter that meets the requirements of Section 58.10 and send a copy of the letter to the RA.

(5) All reviews undertaken by the Agency or a RELPEG RELPE shall be completed and the decisions communicated to the RA within 60 days of the request for review or approval. The RA may waive the deadline upon a request from the Agency. If the Agency disapproves or approves with conditions a plan or report or fails to issue a final decision within the 60 day period and the RA has not agreed to a waiver of the deadline, the RA may, within 35 days, file an appeal to the Board. Appeals to the Board shall be in the manner provided for the review of permit decisions in Section 40 of this Act.

(e) Standard of review. In making determinations, the following factors, and additional factors as may be adopted by the Board in accordance with Section 58.11, shall be considered by the Agency when reviewing or approving plans, reports, and related activities, or the RELPEG RELPE when reviewing plans, reports, and related activities:

(1) Site Investigation Reports and related activities: Whether investigations have been conducted and the results compiled in accordance with the appropriate procedures and whether the interpretations and conclusions reached are supported by the information gathered. In making the determination, the following factors shall be considered:

(A) The adequacy of the description of the site and site characteristics that were used to evaluate the site;

(B) The adequacy of the investigation of potential pathways and risks to receptors identified at the site; and

(C) The appropriateness of the sampling and analysis used.

(2) Remediation Objectives Reports: Whether the remediation objectives are consistent with the requirements of the applicable method for selecting or determining remediation objectives under Section 58.5. In making the determination, the following factors shall be considered:

(A) If the objectives were based on the determination of area background levels under subsection (b) of Section 58.5, whether the review of current and historic conditions at or in the immediate vicinity of the site has been thorough and whether the site sampling and analysis has been performed in a manner resulting in accurate determinations;

(B) If the objectives were calculated on the basis of predetermined equations using site specific data, whether the calculations were accurately performed and whether the site specific data reflect actual site conditions; and

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(C) If the objectives were determined using a site specific risk assessment procedure, whether the procedure used is nationally recognized and accepted, whether the calculations were accurately performed, and whether the site specific data reflect actual site conditions.

(3) Remedial Action Plans and related activities: Whether the plan will result in compliance with this Title, and rules adopted under it and attainment of the applicable remediation objectives. In making the determination, the following factors shall be considered:

(A) The likelihood that the plan will result in the attainment of the applicable remediation objectives;

(B) Whether the activities proposed are consistent with generally accepted engineering practices; and

(C) The management of risk relative to any remaining contamination, including but not limited to, provisions for the long-term enforcement, operation, and maintenance of institutional and engineering controls, if relied on.

(4) Remedial Action Completion Reports and related activities: Whether the remedial activities have been completed in accordance with the approved Remedial Action Plan and whether the applicable remediation objectives have been attained.

(f) All plans and reports submitted for review shall include a Licensed Professional Engineer's certification that all investigations and remedial activities were carried out under his or her direction and, to the best of his or her knowledge and belief, the work described in the plan or report has been completed in accordance with generally accepted engineering practices, and the information presented is accurate and complete. In the case of a site investigation report prepared or supervised by a Licensed Professional Geologist, the required certification may be made by the Licensed Professional Geologist (rather than a Licensed Professional Engineer) and based upon generally accepted principles of professional geology.

(g) In accordance with Section 58.11, the Agency shall propose and the Board shall adopt rules to carry out the purposes of this Section. At a minimum, the rules shall detail the types of services the Agency may provide in response to requests under subdivision (b) (1) of this Section and the recordkeeping it will utilize in documenting to the RA the costs incurred by the Agency in providing such services. Until the Board adopts the rules, the Agency may continue to offer services of the type offered under subsections (m) and (n) of Section 22.2 of this Act prior to their repeal.

(h) Public participation.

(1) The Agency shall develop guidance to assist RA's in the implementation of a community relations plan to address activity at sites undergoing remedial action pursuant to this Title.

(2) The RA may elect to enter into a services agreement with the Agency for Agency assistance in community outreach efforts.

(3) The Agency shall maintain a registry listing those sites undergoing

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remedial action pursuant to this Title.

(4) Notwithstanding any provisions of this Section, the RA of a site undergoing remedial activity pursuant to this Title may elect to initiate a community outreach effort for the site.

(Source: P.A. 89-431, eff. 12-15-95; 89-443, eff. 7-1-96; 89-626, eff. 8-9-96.)

(415 ILCS 5/58.11)

Sec. 58.11. Regulations and Site Remediation Advisory Committee.

(a) There is hereby established a 10-member Site Remediation Advisory Committee, which shall be appointed by the Governor. The Committee shall include one member recommended by the Illinois State Chamber of Commerce, one member recommended by the Illinois Manufacturers' Association, one member recommended by the Chemical Industry Council of Illinois, one member recommended by the Consulting Engineers Council of Illinois, one member recommended by the Illinois Banks Association, one member recommended by the Community Banks Association of Illinois, one member recommended by the National Solid Waste Management Association, and 3 other members as determined by the Governor. Members of the Advisory Committee may organize themselves as they deem necessary and shall serve without compensation.

(b) The Committee shall:

(1) Review, evaluate, and make recommendations regarding State laws, rules, and procedures that relate to site remediations.

(2) Review, evaluate, and make recommendations regarding the review and approval activities of the Agency and Review and Evaluation Licensed Professional Engineers and Geologists.

(3) Make recommendations relating to the State's efforts to implement this Title.

(4) Review, evaluate, and make recommendations regarding the procedures for determining proportionate degree of responsibility for a release of regulated substances.

(5) Review, evaluate, and make recommendations regarding the reports prepared by the Agency in accordance with subsection (e) of this Section.

(c) Within 9 months after the effective date of this amendatory Act of 1995, the Agency, after consideration of the recommendations of the Committee, shall propose rules prescribing procedures and standards for its administration of this Title. Within 9 months after receipt of the Agency's proposed rules, the Board shall adopt, pursuant to Sections 27 and 28 of this Act, rules that are consistent with this Title, including classifications of land use and provisions for the avoidance of No Further Remediation Letters.

(d) Until such time as the rules required under this Section take effect, the Agency shall administer its activities under this Title in accordance with Agency procedures and applicable provisions of this Act.

(e) By July 1, 1997 and as deemed appropriate thereafter, the Agency shall prepare reports to the Governor and the General Assembly concerning the status of all sites for which the Agency has expended money from the Hazardous Waste Fund. The reports shall include

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specific information on the financial, technical, and cost recovery status of each site.
(Source: P.A. 89-431, eff. 12-15-95; 89-443, eff. 7-1-96; 89-626, eff. 8-9-96.)

Section 99. Effective date. This Act takes effect upon becoming law.
Approved July 25, 2002.

PUBLIC ACT 92-0736
(Senate Bill No. 1999)

AN ACT concerning ethanol.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Energy Conservation and Coal Development Act is amended by changing Section 3 as follows:
(20 ILCS 1105/3) (from Ch. 96 1/2, par. 7403)
Sec. 3. Powers and Duties.
(a) In addition to its other powers, the Department has the following powers:
(1) To administer for the State any energy programs and activities under federal law, regulations or guidelines, and to coordinate such programs and activities with other State agencies, units of local government, and educational institutions.
(2) To represent the State in energy matters involving the federal government, other states, units of local government, and regional agencies.
(3) To prepare energy contingency plans for consideration by the Governor and the General Assembly. Such plans shall include procedures for determining when a foreseeable danger exists of energy shortages, including shortages of petroleum, coal, nuclear power, natural gas, and other forms of energy, and shall specify the actions to be taken to minimize hardship and maintain the general welfare during such energy shortages.
(4) To cooperate with State colleges and universities and their governing boards in energy programs and activities.
(5) (Blank).
(6) To accept, receive, expend, and administer, including by contracts and grants to other State agencies, any energy-related gifts, grants, cooperative agreement funds, and other funds made available to the Department by the federal government and other public and private sources.
(7) To investigate practical problems, seek and utilize financial assistance, implement studies and conduct research relating to the production, distribution and use of alcohol fuels.
(8) To serve as a clearinghouse for information on alcohol production technology; provide assistance, information and data relating to the production and use of alcohol; develop informational packets and brochures, and hold public

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seminars to encourage the development and utilization of the best available technology.

(9) To coordinate with other State agencies in order to promote the maximum flow of information and to avoid unnecessary overlapping of alcohol fuel programs. In order to effectuate this goal, the Director of the Department or his representative shall consult with the Directors, or their representatives, of the Departments of Agriculture, Central Management Services, Transportation, and Revenue, the Office of the State Fire Marshal, and the Environmental Protection Agency.

(10) To operate, within the Department, an Office of Coal Development and Marketing for the promotion and marketing of Illinois coal both domestically and internationally. The Department may use monies appropriated for this purpose for necessary administrative expenses.

The Office of Coal Development and Marketing shall develop and implement an initiative to assist the coal industry in Illinois to increase its share of the international coal market.

(11) To assist the Department of Central Management Services in establishing and maintaining a system to analyze and report energy consumption of facilities leased by the Department of Central Management Services.

(12) To consult with the Departments of Natural Resources and Transportation and the Illinois Environmental Protection Agency for the purpose of developing methods and standards that encourage the utilization of coal combustion by-products as value added products in productive and benign applications.

(13) To provide technical assistance and information to sellers and distributors of storage hot water heaters doing business in Illinois, pursuant to Section 1 of the Hot Water Heater Efficiency Act.

(b) (Blank).

(c) (Blank).

(d) The Department shall develop a package of educational materials regarding the necessity of waste reduction and recycling to reduce dependence on landfills and to maintain environmental quality. The materials developed shall be suitable for instructional use in grades 3, 4 and 5. The Department shall distribute such instructional material to all public elementary and unit school districts no later than November 1, of each year.

(e) The Department shall study the feasibility of requiring that wood and sawdust from construction waste, demolition projects, sawmills, or other projects or industries where wood is used in a large amount be shredded and composted, and that such wood be prohibited from being disposed of in a landfill. The Department shall report the results of this study to the General Assembly by January 1, 1991.

(f) (Blank).

(g) The Department shall develop a program designated to encourage the recycling of outdated telephone directories and to encourage the printing of new directories on recycled paper. The Department shall work in conjunction with printers and distributors of telephone directories distributed in the State to provide them with any technical assistance available in

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their efforts to procure appropriate recycled paper. The Department shall also encourage
directory distributors to pick up outdated directories as they distribute new ones, and shall
assist any distributor who is willing to do so in finding a recycler willing to purchase the old
directories and in publicizing and promoting with citizens of the area the distributor's
collection efforts and schedules.

(h) The Department shall assist, cooperate with and provide necessary staff and
resources for the Interagency Energy Conservation Committee, which shall be chaired by the
Director of the Department.

(i) (Blank). The Department shall operate or manage within or outside of the
Department a corn to ethanol research facility for the purpose of reducing the costs of producing
ethanol through the development and commercialization of new production
technologies, equipment, processes, feedstocks, and new value-added co-products and
by-products. This work shall be conducted under the review and guidance of the Illinois
Ethanol Research Advisory Board chaired by the Director of the Department. The ethanol
production research shall be conducted at the Corn-to-Ethanol Research Pilot Plant in
corperation with universities, industry, other State agencies, and the federal government.
(Source: P.A. 89-93, eff. 7-6-95; 89-445, eff. 2-7-96; 90-304, eff. 8-1-97.)
(20 ILCS 1105/8a rep.)

Section 10. The Energy Conservation and Coal Development Act is amended by
repealing Section 8a.

Section 15. The Southern Illinois University Management Act is amended by adding
Sections 6.5 and 6.6 as follows:

(110 ILCS 520/6.5 new)

Sec. 6.5. Corn to ethanol. The Board shall operate and manage the National
Corn-to-Ethanol Research Pilot Plant for the purpose of reducing the costs of producing
ethanol through the development and commercialization of new production technologies,
equipment, processes, feedstocks, and new value added co-products and by-products. This
work shall be conducted under the review and guidance of the Illinois Ethanol Research
Advisory Board. The ethanol production research shall be conducted at the National
Corn-to-Ethanol Research Pilot Plant in cooperation with other universities, industry, State
agencies, and the federal government.

(110 ILCS 520/6.6 new)

Sec. 6.6. The Illinois Ethanol Research Advisory Board.

(a) There is established the Illinois Ethanol Research Advisory Board (the "Advisory
Board").

(b) The Advisory Board shall be composed of 13 members including: the President
of Southern Illinois University who shall be Chairman; the Director of Commerce and
Community Affairs; the Director of Agriculture; the President of the Illinois Corn Growers
Association; the President of the National Corn Growers Association; the President of the
Renewable Fuels Association; the Dean of the College of Agricultural, Consumer, and
Environmental Science, University of Illinois at Champaign-Urbana; and 6 at-large
members appointed by the Governor representing the ethanol industry, growers, suppliers,
and universities.

(c) The 6 at-large members shall serve a term of 4 years. The Advisory Board shall meet at least annually or at the call of the Chairman. At any time a majority of the Advisory Board may petition the Chairman for a meeting of the Board. Seven members of the Advisory Board shall constitute a quorum.

(d) The Advisory Board shall:

   (1) Review the annual operating plans and budget of the National Corn-to-Ethanol Research Pilot Plant.

   (2) Advise on research and development priorities and projects to be carried out at the Corn-to-Ethanol Research Pilot Plant.

   (3) Advise on policies and procedures regarding the management and operation of the ethanol research pilot plant. This may include contracts, project selection, and personnel issues.

   (4) Develop bylaws.

   (5) Submit a final report to the Governor and General Assembly outlining the progress and accomplishments made during the year along with a financial report for the year.

(e) The Advisory Board established by this Section is a continuation, as changed by the Section, of the Board established under Section 8a of the Energy Conservation and Coal Act and repealed by this amendatory Act of the 92nd General Assembly.

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


Approved July 25, 2002.


PUBLIC ACT 92-0737
(Senate Bill No. 2017)

AN ACT concerning tobacco.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 1. Short Title. This Act may be cited as the Tobacco Product Manufacturers’ Escrow Enforcement Act.

Section 5. Definitions. As used in this Act:

"Cigarette" means that term as defined in Section 10 of the Tobacco Product Manufacturers' Escrow Act, which includes roll-your-own tobacco.

"Distributor" has the same meaning as that term is defined in Section 1 of the Cigarette Tax Act, Section 1 of the Cigarette Use Tax Act, or Section 10-5 of the Tobacco Products Tax Act of 1995, as appropriate.

"Participating manufacturer" has the same meaning as that term is defined in subdivision (a)(1) of Section 15 of the Tobacco Product Manufacturers' Escrow Act.

"Qualified escrow fund" has the same meaning as that term is defined in subdivision

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(a)(2)(A) of Section 15 of the Tobacco Product Manufacturers' Escrow Act.

"Stamps or imprints" means (i) revenue tax stamps or imprints as provided for in Section 3 of the Cigarette Tax Act or (ii) stamps or imprints evidencing the payment of use tax as provided for in Section 3 of the Cigarette Use Tax Act, as appropriate.

"Tobacco product manufacturer" has the same meaning as that term is defined in Section 10 of the Tobacco Product Manufacturers' Escrow Act.

Section 15. Distributor's determination of tobacco product manufacturer compliance.

(a) A distributor of cigarettes under the Cigarette Tax Act or the Cigarette Use Tax Act, as appropriate, may not affix or cause to be affixed stamps or imprints to individual packages of cigarettes delivered or caused to be delivered by the distributor in this State if the tobacco product manufacturer of those cigarettes has:

1. failed to become a participating manufacturer, as defined in subdivision (a)(1) of Section 15 of the Tobacco Product Manufacturers' Escrow Act; or
2. failed to create a qualified escrow fund for any cigarettes manufactured by the tobacco product manufacturer and sold in this State or otherwise failed to bring itself into compliance with subdivision (a)(2) of Section 15 of the Tobacco Product Manufacturers' Escrow Act.

(b) The Department of Revenue may revoke, suspend, or cancel the license of a distributor of roll-your-own tobacco under the Tobacco Products Tax Act of 1995 that is delivered or caused to be delivered by the distributor in this State if the tobacco product manufacturer of the roll-your-own tobacco has:

1. failed to become a participating manufacturer, as defined in subdivision (a)(1) of Section 15 of the Tobacco Product Manufacturers' Escrow Act; or
2. failed to create a qualified escrow fund for any roll-your-own tobacco manufactured by the tobacco product manufacturer and sold in this State or otherwise failed to bring itself into compliance with subdivision (a)(2) of Section 15 of the Tobacco Product Manufacturers' Escrow Act.

Section 20. Penalties. A distributor who violates this Act is subject to the same penalties as provided in Section 6 of the Cigarette Tax Act, Section 6 of the Cigarette Use Tax Act, or Section 10-25 of the Tobacco Products Tax Act of 1995, as appropriate.

Section 25. Rules. The Illinois Attorney General, in consultation with the Illinois Department of Revenue, shall adopt rules as necessary to effectuate compliance with this Act.

Section 905. The Cigarette Tax Act is amended by changing Sections 3 and 6 as follows:

(35 ILCS 130/3) (from Ch. 120, par. 453.3)
Sec. 3. Affixing tax stamp; remitting tax to the Department. Payment of the taxes imposed by Section 2 of this Act shall (except as hereinafter provided) be evidenced by revenue tax stamps affixed to each original package of cigarettes. Each distributor of cigarettes, before delivering or causing to be delivered any original package of cigarettes in this State to a purchaser, shall firmly affix a proper stamp or stamps to each such package, or (in case of manufacturers of cigarettes in original packages which are contained inside a

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sealed transparent wrapper) shall imprint the required language on the original package of cigarettes beneath such outside wrapper, as hereinafter provided.

No stamp or imprint may be affixed to, or made upon, any package of cigarettes unless that package complies with all requirements of the federal Cigarette Labeling and Advertising Act, 15 U.S.C. 1331 and following, for the placement of labels, warnings, or any other information upon a package of cigarettes that is sold within the United States. Under the authority of Section 6, the Department shall revoke the license of any distributor that is determined to have violated this paragraph. A person may not affix a stamp on a package of cigarettes, cigarette papers, wrappers, or tubes if that individual package has been marked for export outside the United States with a label or notice in compliance with Section 290.185 of Title 27 of the Code of Federal Regulations. It is not a defense to a proceeding for violation of this paragraph that the label or notice has been removed, mutilated, obliterated, or altered in any manner.

The Department, or any person authorized by the Department, shall sell such stamps only to persons holding valid licenses as distributors under this Act. The Department may refuse to sell stamps to any person who does not comply with the provisions of this Act.

Prior to December 1, 1985, the Department shall allow a distributor 21 days in which to make final payment of the amount to be paid for such stamps, by allowing the distributor to make payment for the stamps at the time of purchasing them with a draft which shall be in such form as the Department prescribes, and which shall be payable within 21 days thereafter: Provided that such distributor has filed with the Department, and has received the Department's approval of, a bond, which is in addition to the bond required under Section 4 of this Act, payable to the Department in an amount equal to 80% of such distributor's average monthly tax liability to the Department under this Act during the preceding calendar year or $500,000, whichever is less. The Bond shall be joint and several and shall be in the form of a surety company bond in such form as the Department prescribes, or it may be in the form of a bank certificate of deposit or bank letter of credit. The bond shall be conditioned upon the distributor's payment of amount of any 21-day draft which the Department accepts from that distributor for the delivery of stamps to that distributor under this Act. The distributor's failure to pay any such draft, when due, shall also make such distributor automatically liable to the Department for a penalty equal to 25% of the amount of such draft.

On and after December 1, 1985, the Department shall allow a distributor 30 days in which to make final payment of the amount to be paid for such stamps, by allowing the distributor to make payment for the stamps at the time of purchasing them with a draft which shall be in such form as the Department prescribes, and which shall be payable within 30 days thereafter, and beginning on January 1, 2003 and thereafter, the draft shall be payable by means of electronic funds transfer: Provided that such distributor has filed with the Department, and has received the Department's approval of, a bond, which is in addition to the bond required under Section 4 of this Act, payable to the Department in an amount equal to 150% of such distributor's average monthly tax liability to the Department under this Act during the preceding calendar year or $750,000, whichever is less, except that as to bonds

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filed on or after January 1, 1987, such additional bond shall be in an amount equal to 100% of such distributor's average monthly tax liability under this Act during the preceding calendar year or $750,000, whichever is less. The bond shall be joint and several and shall be in the form of a surety company bond in such form as the Department prescribes, or it may be in the form of a bank certificate of deposit or bank letter of credit. The bond shall be conditioned upon the distributor's payment of the amount of any 30-day draft which the Department accepts from that distributor for the delivery of stamps to that distributor under this Act. The distributor's failure to pay any such draft, when due, shall also make such distributor automatically liable to the Department for a penalty equal to 25% of the amount of such draft.

Every prior continuous compliance taxpayer shall be exempt from all requirements under this Section concerning the furnishing of such bond, as defined in this Section, as a condition precedent to his being authorized to engage in the business licensed under this Act. This exemption shall continue for each such taxpayer until such time as he may be determined by the Department to be delinquent in the filing of any returns, or is determined by the Department (either through the Department's issuance of a final assessment which has become final under the Act, or by the taxpayer's filing of a return which admits tax to be due that is not paid) to be delinquent or deficient in the paying of any tax under this Act, at which time that taxpayer shall become subject to the bond requirements of this Section and, as a condition of being allowed to continue to engage in the business licensed under this Act, shall be required to furnish bond to the Department in such form as provided in this Section. Such taxpayer shall furnish such bond for a period of 2 years, after which, if the taxpayer has not been delinquent in the filing of any returns, or delinquent or deficient in the paying of any tax under this Act, the Department may reinstate such person as a prior continuance compliance taxpayer. Any taxpayer who fails to pay an admitted or established liability under this Act may also be required to post bond or other acceptable security with the Department guaranteeing the payment of such admitted or established liability.

Any person aggrieved by any decision of the Department under this Section may, within the time allowed by law, protest and request a hearing, whereupon the Department shall give notice and shall hold a hearing in conformity with the provisions of this Act and then issue its final administrative decision in the matter to such person. In the absence of such a protest filed within the time allowed by law, the Department's decision shall become final without any further determination being made or notice given.

The Department shall discharge any surety and shall release and return any bond or security deposited, assigned, pledged, or otherwise provided to it by a taxpayer under this Section within 30 days after:

(1) Such taxpayer becomes a prior continuous compliance taxpayer; or
(2) Such taxpayer has ceased to collect receipts on which he is required to remit tax to the Department, has filed a final tax return, and has paid to the Department an amount sufficient to discharge his remaining tax liability as determined by the Department under this Act. The Department shall make a final determination of the taxpayer's outstanding tax liability as expeditiously as possible after his final tax return has been filed. If the
Department cannot make such final determination within 45 days after receiving the final tax return, within such period it shall so notify the taxpayer, stating its reasons therefor.

The Department may authorize distributors to affix revenue tax stamps by imprinting tax meter stamps upon original packages of cigarettes. The Department shall adopt rules and regulations relating to the imprinting of such tax meter stamps as will result in payment of the proper taxes as herein imposed. No distributor may affix revenue tax stamps to original packages of cigarettes by imprinting tax meter stamps thereon unless such distributor has first obtained permission from the Department to employ this method of affixation. The Department shall regulate the use of tax meters and may, to assure the proper collection of the taxes imposed by this Act, revoke or suspend the privilege, theretofore granted by the Department to any distributor, to imprint tax meter stamps upon original packages of cigarettes.

Illinois cigarette manufacturers who place their cigarettes in original packages which are contained inside a sealed transparent wrapper, and similar out-of-State cigarette manufacturers who elect to qualify and are accepted by the Department as distributors under Section 4b of this Act, shall pay the taxes imposed by this Act by remitting the amount thereof to the Department by the 5th day of each month covering cigarettes shipped or otherwise delivered in Illinois to purchasers during the preceding calendar month. Such manufacturers of cigarettes in original packages which are contained inside a sealed transparent wrapper, before delivering such cigarettes or causing such cigarettes to be delivered in this State to purchasers, shall evidence their obligation to remit the taxes due with respect to such cigarettes by imprinting language to be prescribed by the Department on each original package of such cigarettes underneath the sealed transparent outside wrapper of such original package, in such place thereon and in such manner as the Department may designate. Such imprinted language shall acknowledge the manufacturer’s payment of or liability for the tax imposed by this Act with respect to the distribution of such cigarettes.

A distributor shall not affix, or cause to be affixed, any stamp or imprint to a package of cigarettes, as provided for in this Section, if the tobacco product manufacturer, as defined in Section 10 of the Tobacco Product Manufacturers’ Escrow Act, that made or sold the cigarettes has failed to become a participating manufacturer, as defined in subdivision (a)(1) of Section 15 of the Tobacco Product Manufacturers’ Escrow Act, or has failed to create a qualified escrow fund for any cigarettes manufactured by the tobacco product manufacturer and sold in this State or otherwise failed to bring itself into compliance with subdivision (a)(2) of Section 15 of the Tobacco Product Manufacturers’ Escrow Act.

(Source: P.A. 91-246, eff. 7-22-99; 92-322, eff. 1-1-02.)

(35 ILCS 130/6) (from Ch. 120, par. 453.6)

Sec. 6. Revocation, cancellation, or suspension of license. The Department may, after notice and hearing as provided for by this Act, revoke, cancel or suspend the license of any distributor for the violation of any provision of this Act, or for noncompliance with any provision herein contained, or for any noncompliance with any lawful rule or regulation promulgated by the Department under Section 8 of this Act, or because the licensee is determined to be ineligible for a distributor’s license for any one or more of the reasons

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provided for in Section 4 of this Act. However, no such license shall be revoked, cancelled or suspended, except after a hearing by the Department with notice to the distributor, as aforesaid, and affording such distributor a reasonable opportunity to appear and defend, and any distributor aggrieved by any decision of the Department with respect thereto may have the determination of the Department judicially reviewed, as herein provided.

*The Department may revoke, cancel, or suspend the license of any distributor for a violation of the Tobacco Product Manufacturers’ Escrow Enforcement Act as provided in Section 20 of that Act.*

Any distributor aggrieved by any decision of the Department under this Section may, within 20 days after notice of the decision, protest and request a hearing. Upon receiving a request for a hearing, the Department shall give notice in writing to the distributor requesting the hearing that contains a statement of the charges preferred against the distributor and that states the time and place fixed for the hearing. The Department shall hold the hearing in conformity with the provisions of this Act and then issue its final administrative decision in the matter to the distributor. In the absence of a protest and request for a hearing within 20 days, the Department's decision shall become final without any further determination being made or notice given.

No license so revoked, as aforesaid, shall be reissued to any such distributor within a period of 6 months after the date of the final determination of such revocation. No such license shall be reissued at all so long as the person who would receive the license is ineligible to receive a distributor's license under this Act for any one or more of the reasons provided for in Section 4 of this Act.

The Department upon complaint filed in the circuit court may by injunction restrain any person who fails, or refuses, to comply with any of the provisions of this Act from acting as a distributor of cigarettes in this State.

(Source: P.A. 91-901, eff. 1-1-01.)

Section 910. The Cigarette Use Tax Act is amended by changing Sections 3 and 6 as follows:

(35 ILCS 135/3) (from Ch. 120, par. 453.33)

Sec. 3. Stamp payment. The tax hereby imposed shall be collected by a distributor maintaining a place of business in this State or a distributor authorized by the Department pursuant to Section 7 hereof to collect the tax, and the amount of the tax shall be added to the price of the cigarettes sold by such distributor. Collection of the tax shall be evidenced by a stamp or stamps affixed to each original package of cigarettes or by an authorized substitute for such stamp imprinted on each original package of such cigarettes underneath the sealed transparent outside wrapper of such original package, except as hereinafter provided. Each distributor who is required or authorized to collect the tax herein imposed, before delivering or causing to be delivered any original packages of cigarettes in this State to any purchaser, shall firmly affix a proper stamp or stamps to each such package, or (in the case of manufacturers of cigarettes in original packages which are contained inside a sealed transparent wrapper) shall imprint the required language on the original package of cigarettes beneath such outside wrapper as hereinafter provided. Such stamp or stamps need not be
affixed to the original package of any cigarettes with respect to which the distributor is required to affix a like stamp or stamps by virtue of the Cigarette Tax Act, however, and no tax imprint need be placed underneath the sealed transparent wrapper of an original package of cigarettes with respect to which the distributor is required or authorized to employ a like tax imprint by virtue of the Cigarette Tax Act.

No stamp or imprint may be affixed to, or made upon, any package of cigarettes unless that package complies with all requirements of the federal Cigarette Labeling and Advertising Act, 15 U.S.C. 1331 and following, for the placement of labels, warnings, or any other information upon a package of cigarettes that is sold within the United States. Under the authority of Section 6, the Department shall revoke the license of any distributor that is determined to have violated this paragraph. A person may not affix a stamp on a package of cigarettes, cigarette papers, wrappers, or tubes if that individual package has been marked for export outside the United States with a label or notice in compliance with Section 290.185 of Title 27 of the Code of Federal Regulations. It is not a defense to a proceeding for violation of this paragraph that the label or notice has been removed, mutilated, obliterated, or altered in any manner.

Stamps, when required hereunder, shall be purchased from the Department, or any person authorized by the Department, by distributors. The Department may refuse to sell stamps to any person who does not comply with the provisions of this Act.

Prior to December 1, 1985, the Department shall allow a distributor 21 days in which to make final payment of the amount to be paid for such stamps, by allowing the distributor to make payment for the stamps at the time of purchasing them with a draft which shall be in such form as the Department prescribes, and which shall be payable within 21 days thereafter: Provided that such distributor has filed with the Department, and has received the Department's approval of, a bond, which is in addition to the bond required under Section 4 of this Act, payable to the Department in an amount equal to 80% of such distributor's average monthly tax liability to the Department under this Act during the preceding calendar year or $500,000, whichever is less. The bond shall be joint and several and shall be in the form of a surety company bond in such form as the Department prescribes, or it may be in the form of a bank certificate of deposit or bank letter of credit. The bond shall be conditioned upon the distributor's payment of the amount of any 21-day draft which the Department accepts from that distributor for the delivery of stamps to that distributor under this Act. The distributor's failure to pay any such draft, when due, shall also make such distributor automatically liable to the Department for a penalty equal to 25% of the amount of such draft.

On and after December 1, 1985, the Department shall allow a distributor 30 days in which to make final payment of the amount to be paid for such stamps, by allowing the distributor to make payment for the stamps at the time of purchasing them with a draft which shall be in such form as the Department prescribes, and which shall be payable within 30 days thereafter, and beginning on January 1, 2003 and thereafter, the draft shall be payable by means of electronic funds transfer: Provided that such distributor has filed with the Department, and has received the Department's approval of, a bond, which is in addition to
the bond required under Section 4 of this Act, payable to the Department in an amount equal to 150% of such distributor's average monthly tax liability to the Department under this Act during the preceding calendar year or $750,000, whichever is less, except that as to bonds filed on or after January 1, 1987, such additional bond shall be in an amount equal to 100% of such distributor's average monthly tax liability under this Act during the preceding calendar year or $750,000, whichever is less. The bond shall be joint and several and shall be in the form of a surety company bond in such form as the Department prescribes, or it may be in the form of a bank certificate of deposit or bank letter of credit. The bond shall be conditioned upon the distributor's payment of the amount of any 30-day draft which the Department accepts from that distributor for the delivery of stamps to that distributor under this Act. The distributor's failure to pay any such draft, when due, shall also make such distributor automatically liable to the Department for a penalty equal to 25% of the amount of such draft.

Every prior continuous compliance taxpayer shall be exempt from all requirements under this Section concerning the furnishing of such bond, as defined in this Section, as a condition precedent to his being authorized to engage in the business licensed under this Act. This exemption shall continue for each such taxpayer until such time as he may be determined by the Department to be delinquent in the filing of any returns, or is determined by the Department (either through the Department's issuance of a final assessment which has become final under the Act, or by the taxpayer's filing of a return which admits tax to be due that is not paid) to be delinquent or deficient in the paying of any tax under this Act, at which time that taxpayer shall become subject to the bond requirements of this Section and, as a condition of being allowed to continue to engage in the business licensed under this Act, shall be required to furnish bond to the Department in such form as provided in this Section. Such taxpayer shall furnish such bond for a period of 2 years, after which, if the taxpayer has not been delinquent in the filing of any returns, or delinquent or deficient in the paying of any tax under this Act, the Department may reinstate such person as a prior continuance compliance taxpayer. Any taxpayer who fails to pay an admitted or established liability under this Act may also be required to post bond or other acceptable security with the Department guaranteeing the payment of such admitted or established liability.

Any person aggrieved by any decision of the Department under this Section may, within the time allowed by law, protest and request a hearing, whereupon the Department shall give notice and shall hold a hearing in conformity with the provisions of this Act and then issue its final administrative decision in the matter to such person. In the absence of such a protest filed within the time allowed by law, the Department's decision shall become final without any further determination being made or notice given.

The Department shall discharge any surety and shall release and return any bond or security deposited, assigned, pledged, or otherwise provided to it by a taxpayer under this Section within 30 days after:

(1) such Taxpayer becomes a prior continuous compliance taxpayer; or
(2) such taxpayer has ceased to collect receipts on which he is required to remit tax to the Department, has filed a final tax return, and has paid to the Department.
Department an amount sufficient to discharge his remaining tax liability as determined by the Department under this Act. The Department shall make a final determination of the taxpayer's outstanding tax liability as expeditiously as possible after his final tax return has been filed. If the Department cannot make such final determination within 45 days after receiving the final tax return, within such period it shall so notify the taxpayer, stating its reasons therefor.

At the time of purchasing such stamps from the Department when purchase is required by this Act, or at the time when the tax which he has collected is remitted by a distributor to the Department without the purchase of stamps from the Department when that method of remitting the tax that has been collected is required or authorized by this Act, the distributor shall be allowed a discount during any year commencing July 1 and ending the following June 30 in accordance with the schedule set out hereinbelow, from the amount to be paid by him to the Department for such stamps, or to be paid by him to the Department on the basis of monthly remittances (as the case may be), to cover the cost, to such distributor, of collecting the tax herein imposed by affixing such stamps to the original packages of cigarettes sold by such distributor or by placing tax imprints underneath the sealed transparent wrapper of original packages of cigarettes sold by such distributor (as the case may be): (1) Prior to December 1, 1985, a discount equal to 1-2/3% of the amount of the tax up to and including the first $700,000 paid hereunder by such distributor to the Department during any such year; 1-1/3% of the next $700,000 of tax or any part thereof, paid hereunder by such distributor to the Department during any such year; 1% of the next $700,000 of tax, or any part thereof, paid hereunder by such distributor to the Department during any such year; and 2/3 of 1% of the amount of any additional tax paid hereunder by such distributor to the Department during any such year or (2) On and after December 1, 1985, a discount equal to 1.75% of the amount of the tax payable under this Act up to and including the first $3,000,000 paid hereunder by such distributor to the Department during any such year and 1.5% of the amount of any additional tax paid hereunder by such distributor to the Department during any such year.

Two or more distributors that use a common means of affixing revenue tax stamps or that are owned or controlled by the same interests shall be treated as a single distributor for the purpose of computing the discount.

Cigarette manufacturers who are distributors under this Act, and who place their cigarettes in original packages which are contained inside a sealed transparent wrapper, shall be required to remit the tax which they are required to collect under this Act to the Department by remitting the amount thereof to the Department by the 5th day of each month, covering cigarettes shipped or otherwise delivered to points in Illinois to purchasers during the preceding calendar month, but a distributor need not remit to the Department the tax so collected by him from purchasers under this Act to the extent to which such distributor is required to remit the tax imposed by the Cigarette Tax Act to the Department with respect to the same cigarettes. All taxes upon cigarettes under this Act are a direct tax upon the retail consumer and shall conclusively be presumed to be precollected for the purpose of convenience and facility only. Distributors who are manufacturers of cigarettes in original

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packages which are contained inside a sealed transparent wrapper, before delivering such cigarettes or causing such cigarettes to be delivered in this State to purchasers, shall evidence their obligation to collect and remit the tax due with respect to such cigarettes by imprinting language to be prescribed by the Department on each original package of such cigarettes underneath the sealed transparent outside wrapper of such original package, in such place thereon and in such manner as the Department may prescribe; provided (as stated hereinbefore) that this requirement does not apply when such distributor is required or authorized by the Cigarette Tax Act to place the tax imprint provided for in the last paragraph of Section 3 of that Act underneath the sealed transparent wrapper of such original package of cigarettes. Such imprinted language shall acknowledge the manufacturer's collection and payment of or liability for the tax imposed by this Act with respect to such cigarettes.

The Department shall adopt the design or designs of the tax stamps and shall procure the printing of such stamps in such amounts and denominations as it deems necessary to provide for the affixation of the proper amount of tax stamps to each original package of cigarettes. Where tax stamps are required, the Department may authorize distributors to affix revenue tax stamps by imprinting tax meter stamps upon original packages of cigarettes. The Department shall adopt rules and regulations relating to the imprinting of such tax meter stamps as will result in payment of the proper taxes as herein imposed. No distributor may affix revenue tax stamps to original packages of cigarettes by imprinting meter stamps thereon unless such distributor has first obtained permission from the Department to employ this method of affixation. The Department shall regulate the use of tax meters and may, to assure the proper collection of the taxes imposed by this Act, revoke or suspend the privilege, theretofore granted by the Department to any distributor, to imprint tax meter stamps upon original packages of cigarettes.

The tax hereby imposed and not paid pursuant to this Section shall be paid to the Department directly by any person using such cigarettes within this State, pursuant to Section 12 hereof.

A distributor shall not affix, or cause to be affixed, any stamp or imprint to a package of cigarettes, as provided for in this Section, if the tobacco product manufacturer, as defined in Section 10 of the Tobacco Product Manufacturers' Escrow Act, that made or sold the cigarettes has failed to become a participating manufacturer, as defined in subdivision (a)(1) of Section 15 of the Tobacco Product Manufacturers' Escrow Act, or has failed to create a qualified escrow fund for any cigarettes manufactured by the tobacco product manufacturer and sold in this State or otherwise failed to bring itself into compliance with subdivision (a)(2) of Section 15 of the Tobacco Product Manufacturers' Escrow Act.

(Source: P.A. 91-246, eff. 7-22-99; 92-322, eff. 1-1-02.)

(35 ILCS 135/6) (from Ch. 120, par. 453.36)

Sec. 6. Revocation, cancellation, or suspension of license. The Department may, after notice and hearing as provided for by this Act, revoke, cancel or suspend the license of any distributor for the violation of any provision of this Act, or for non-compliance with any

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 provision herein contained, or for any non-compliance with any lawful rule or regulation promulgated by the Department under Section 21 of this Act, or because the licensee is determined to be ineligible for a distributor's license for any one or more of the reasons provided for in Section 4 of this Act. However, no such license shall be revoked, canceled or suspended, except after a hearing by the Department with notice to the distributor, as aforesaid, and affording such distributor a reasonable opportunity to appear and defend, and any distributor aggrieved by any decision of the Department with respect thereto may have the determination of the Department judicially reviewed, as herein provided.

_The Department may revoke, cancel, or suspend the license of any distributor for a violation of the Tobacco Product Manufacturers' Escrow Enforcement Act as provided in Section 20 of that Act._

Any distributor aggrieved by any decision of the Department under this Section may, within 20 days after notice of the decision, protest and request a hearing. Upon receiving a request for a hearing, the Department shall give notice in writing to the distributor requesting the hearing that contains a statement of the charges preferred against the distributor and that states the time and place fixed for the hearing. The Department shall hold the hearing in conformity with the provisions of this Act and then issue its final administrative decision in the matter to the distributor. In the absence of a protest and request for a hearing within 20 days, the Department's decision shall become final without any further determination being made or notice given.

No license so revoked, shall be reissued to any such distributor within a period of 6 months after the date of the final determination of such revocation. No such license shall be reissued at all so long as the person who would receive the license is ineligible to receive a distributor's license under this Act for any one or more of the reasons provided for in Section 4 of this Act.

The Department upon complaint filed in the circuit court may by injunction restrain any person who fails, or refuses, to comply with this Act from acting as a distributor of cigarettes in this State.

(Source: P.A. 91-901, eff. 1-1-01.)

Section 915. The Tobacco Products Tax Act of 1995 is amended by changing Sections 10-20 and 10-25 as follows:

(35 ILCS 143/10-20)

Sec. 10-20. Licenses. It shall be unlawful for any person to engage in business as a distributor of tobacco products within the meaning of this Act without first having obtained a license to do so from the Department. Application for that license shall be made to the Department in a form prescribed and furnished by the Department. Each applicant for a license shall furnish to the Department on a form, signed and verified by the applicant, the following information:

(1) The name of the applicant.

(2) The address of the location at which the applicant proposes to engage in business as a distributor of tobacco products.

(3) Other information the Department may reasonably require.

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Except as otherwise provided in this Section, every applicant who is required to procure a distributor's license shall file with his or her application a joint and several bond. The bond shall be executed to the Department of Revenue, with good and sufficient surety or sureties residing or licensed to do business within the State of Illinois, conditioned upon the true and faithful compliance by the licensee with all of the provisions of this Act. The Department shall fix the amount of the bond for each applicant, taking into consideration the amount of money expected to become due from the applicant under this Act. The amount of bond required by the Department shall be an amount that, in its opinion, will protect the State of Illinois against failure to pay the amount that may become due from the applicant under this Act, but the amount of the security required by the Department shall not exceed 3 times the amount of the applicant's average monthly tax liability, or $50,000, whichever amount is lower. The bond, a reissue, or a substitute shall be kept in full force and effect during the entire period covered by the license. A separate application for license shall be made, and bond filed, for each place of business at which a person who is required to procure a distributor's license proposes to engage in business as a distributor under this Act.

The Department, upon receipt of an application and bond in proper form, shall issue to the applicant a license, in a form prescribed by the Department, which shall permit the applicant to whom it is issued to engage in business as a distributor at the place shown on his or her application. The license shall be issued by the Department without charge or cost to the applicant. No license issued under this Act is transferable or assignable. The license shall be conspicuously displayed in the place of business conducted by the licensee under the license.

The bonding requirement in this Section does not apply to an applicant for a distributor's license who is already bonded under the Cigarette Tax Act or the Cigarette Use Tax Act. Licenses issued by the Department under this Act shall be valid for a period not to exceed one year after issuance unless sooner revoked, canceled, or suspended as provided in this Act.

No license shall be issued to any person who is in default to the State of Illinois for moneys due under this Act or any other tax Act administered by the Department.

The Department may, in its discretion, upon application, authorize the payment of the tax imposed under Section 10-10 by any distributor or manufacturer not otherwise subject to the tax imposed under this Act who, to the satisfaction of the Department, furnishes adequate security to ensure payment of the tax. The distributor or manufacturer shall be issued, without charge, a license to remit the tax. When so authorized, it shall be the duty of the distributor or manufacturer to remit the tax imposed upon the wholesale price of tobacco products sold or otherwise disposed of to retailers or consumers located in this State, in the same manner and subject to the same requirements as any other distributor or manufacturer licensed under this Act.

The Department may revoke, suspend, or cancel the license of a distributor of roll-your-own tobacco (as that term is used in Section 10 of the Tobacco Product Manufacturers' Escrow Act) under this Act if the tobacco product manufacturer, as defined in Section 10 of the Tobacco Product Manufacturers' Escrow Act, that made or sold the
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roll-your-own tobacco has failed to become a participating manufacturer, as defined in subdivision (a)(1) of Section 15 of the Tobacco Product Manufacturers’ Escrow Act, or has failed to create a qualified escrow fund for any roll-your-own tobacco manufactured by the tobacco product manufacturer and sold in this State or otherwise failed to bring itself into compliance with subdivision (a)(2) of Section 15 of the Tobacco Product Manufacturers’ Escrow Act.

Any person aggrieved by any decision of the Department under this Section may, within 20 days after notice of that decision, protest and request a hearing, whereupon the Department must give notice to that person of the time and place fixed for the hearing and must hold a hearing in conformity with the provisions of this Act and then issue its final administrative decision in the matter to that person. In the absence of such a protest within 20 days, the Department's decision becomes final without any further determination being made or notice given.

(Source: P.A. 92-231, eff. 8-2-01.)

(35 ILCS 143/10-25)

Sec. 10-25. License actions. The Department may, after notice and a hearing, revoke, cancel, or suspend the license of any distributor who violates any of the provisions of this Act. The notice shall specify the alleged violation or violations upon which the revocation, cancellation, or suspension proceeding is based.

The Department may revoke, cancel, or suspend the license of any distributor for a violation of the Tobacco Product Manufacturers' Escrow Enforcement Act as provided in Section 20 of that Act.

The Department may, by application to any circuit court, obtain an injunction restraining any person who engages in business as a distributor of tobacco products without a license (either because his or her license has been revoked, canceled, or suspended or because of a failure to obtain a license in the first instance) from engaging in that business until that person, as if that person were a new applicant for a license, complies with all of the conditions, restrictions, and requirements of Section 10-20 of this Act and qualifies for and obtains a license. Refusal or neglect to obey the order of the court may result in punishment for contempt.

(Source: P.A. 89-21, eff. 6-6-95.)

Section 999. Effective date. This Act takes effect upon becoming law.


Approved July 25, 2002.


PUBLIC ACT 92-0738
(Senate Bill No. 2022)

AN ACT concerning mental health and developmental disabilities confidentiality.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

New matter indicated by italics - deletions by strikeout.
Section 5. The Mental Health and Developmental Disabilities Confidentiality Act is amended by changing Section 12 as follows:

(740 ILCS 110/12) (from Ch. 91 1/2, par. 812)

Sec. 12. (a) If the United States Secret Service or the Department of State Police requests information from a mental health or developmental disability facility, as defined in Section 1-107 and 1-114 of the Mental Health and Developmental Disabilities Code, relating to a specific recipient and the facility director determines that disclosure of such information may be necessary to protect the life of, or to prevent the infliction of great bodily harm to, a public official, or a person under the protection of the United States Secret Service, only the following information may be disclosed: the recipient's name, address, and age and the date of any admission to or discharge from a facility; and any information which would indicate whether or not the recipient has a history of violence or presents a danger of violence to the person under protection. Any information so disclosed shall be used for investigative purposes only and shall not be publicly disseminated. Any person participating in good faith in the disclosure of such information in accordance with this provision shall have immunity from any liability, civil, criminal or otherwise, if such information is disclosed relying upon the representation of an officer of the United States Secret Service or the Department of State Police that a person is under the protection of the United States Secret Service or is a public official.

For the purpose of this subsection (a), the term "public official" means the Governor, Lieutenant Governor, Attorney General, Secretary of State, State Comptroller, State Treasurer or member of the General Assembly. The term shall also include the spouse, child or children of a public official.

(b) The Department of Human Services (acting as successor to the Department of Mental Health and Developmental Disabilities) and all private hospitals are required, as hereafter described in this subsection, to furnish the Department of State Police only such information as may be required for the sole purpose of determining whether an individual who may be or may have been a patient is disqualified because of that status from receiving or retaining a Firearm Owner’s Identification Card under subsection (e) of Section 8 of the Firearm Owners Identification Card Act. All private hospitals shall, in the form and manner required by the Department, provide such information as shall be necessary for the Department to comply with the reporting requirements to the Department of State Police. Such information shall be furnished within 30 days after admission to a private hospital. Any such information disclosed under this subsection shall remain privileged and confidential, and shall not be redisclosed nor utilized for any other purpose. The method of requiring the providing of such information shall guarantee that no information is released beyond what is necessary for this purpose. In addition, the information disclosed shall be provided by the Department within the time period established by Section 24-3 of the Criminal Code of 1961 regarding the delivery of firearms. The method used shall be sufficient to provide the necessary information within the prescribed time period, which may include periodically providing lists to the Department of Human Services or any private hospital of Firearm Owner’s Identification Card applicants on which the Department or hospital shall indicate

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the identities of those individuals who are to its knowledge disqualified from having a Firearm Owner's Identification Card for reasons described herein. The Department may provide for a centralized source of information for the State on this subject under its jurisdiction.

Any person, institution, or agency, under this Act, participating in good faith in the reporting or disclosure of records and communications otherwise in accordance with this provision or with rules, regulations or guidelines issued by the Department shall have immunity from any liability, civil, criminal or otherwise, that might result by reason of the action. For the purpose of any proceeding, civil or criminal, arising out of a report or disclosure in accordance with this provision, the good faith of any person, institution, or agency so reporting or disclosing shall be presumed. The full extent of the immunity provided in this subsection (b) shall apply to any person, institution or agency that fails to make a report or disclosure in the good faith belief that the report or disclosure would violate federal regulations governing the confidentiality of alcohol and drug abuse patient records implementing 42 U.S.C. 290dd-3 and 290ee-3.

For purposes of this subsection (b) only, the following terms shall have the meaning prescribed:

(1) "Hospital" means only that type of institution which is providing full-time residential facilities and treatment for in-patients and excludes institutions, such as community clinics, which only provide treatment to out-patients.

(2) "Patient" shall mean only a person who is an in-patient or resident of any hospital, not an out-patient or client seen solely for periodic consultation.

(c) Upon the request of a peace officer who takes a person into custody and transports such person to a mental health or developmental disability facility pursuant to Section 3-606 or 4-404 of the Mental Health and Developmental Disabilities Code or who transports a person from such facility, a facility director shall furnish said peace officer the name, address, age and name of the nearest relative of the person transported to or from the mental health or developmental disability facility. In no case shall the facility director disclose to the peace officer any information relating to the diagnosis, treatment or evaluation of the person's mental or physical health.

For the purposes of this subsection (c), the terms "mental health or developmental disability facility", "peace officer" and "facility director" shall have the meanings ascribed to them in the Mental Health and Developmental Disabilities Code.

(d) Upon the request of a peace officer or prosecuting authority who is conducting a bona fide investigation of a criminal offense, or attempting to apprehend a fugitive from justice, a facility director may disclose whether a person is present at the facility. Upon request of a peace officer or prosecuting authority who has a valid forcible felony warrant issued, a facility director shall disclose: (1) whether the person who is the subject of the warrant is present at the facility and (2) the date of that person's discharge or future discharge from the facility. The requesting peace officer or prosecuting authority must furnish a case number and the purpose of the investigation or an outstanding arrest warrant at the time of the request. Any person, institution, or agency participating in good faith in
disclosing such information in accordance with this subsection (d) is immune from any liability, civil, criminal or otherwise, that might result by reason of the action.
(Source: P.A. 89-507, eff. 7-1-97; 90-423, eff. 8-15-97.)

Section 99. Effective date. This Act takes effect upon becoming law.
Approved July 25, 2002.

PUBLIC ACT 92-0739
(Senate Bill No. 2037)

AN ACT concerning municipalities.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Illinois Municipal Code is amended by changing Sections 8-11-1.1, 8-11-1.2, 8-11-1.3, 8-11-1.4, and 8-11-1.5 as follows:
(65 ILCS 5/8-11-1.1) (from Ch. 24, par. 8-11-1.1)
Sec. 8-11-1.1. Non-home rule municipalities; imposition of taxes.
(a) The corporate authorities of a non-home rule municipality may, upon approval of the electors of the municipality pursuant to subsection (b) of this Section, impose by ordinance or resolution the 1/2 of 1% tax authorized in Sections 8-11-1.3, 8-11-1.4 and 8-11-1.5 of this Act.
(b) The corporate authorities of the municipality may by ordinance or resolution call for the submission to the electors of the municipality the question of whether the municipality shall impose such tax. Such question shall be certified by the municipal clerk to the election authority in accordance with Section 28-5 of the Election Code and shall be in a form in accordance with Section 16-7 of the Election Code.
If a majority of the electors in the municipality voting upon the question vote in the affirmative, such tax shall be imposed.
An ordinance or resolution imposing the tax of not more than 1/2 of 1% tax hereunder or discontinuing the same shall be adopted and a certified copy thereof, together with a certification that the ordinance or resolution received referendum approval in the case of the imposition of such tax, filed with the Department of Revenue, on or before the first day of June, whereupon the Department shall proceed to administer and enforce the additional tax or to discontinue the tax, as the case may be, as of the first day of September next following such adoption and filing. Beginning January 1, 1992, an ordinance or resolution imposing or discontinuing the tax hereunder shall be adopted and a certified copy thereof filed with the Department on or before the first day of July, whereupon the Department shall proceed to administer and enforce this Section as of the first day of October next following such adoption and filing. Beginning January 1, 1993, an ordinance or resolution imposing or discontinuing the tax hereunder shall be adopted and a certified copy thereof filed with the Department on or before the first day of October, whereupon the

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Department shall proceed to administer and enforce this Section as of the first day of January next following such adoption and filing. Beginning October 1, 2002, an ordinance or resolution imposing or discontinuing the tax under this Section or effecting a change in the rate of tax must either (i) be adopted and a certified copy of the ordinance or resolution filed with the Department on or before the first day of April, whereupon the Department shall proceed to administer and enforce this Section as of the first day of July next following the adoption and filing; or (ii) be adopted and a certified copy of the ordinance or resolution filed with the Department on or before the first day of October, whereupon the Department shall proceed to administer and enforce this Section as of the first day of January next following the adoption and filing. A non-home rule municipality may file a certified copy of an ordinance or resolution, with a certification that the ordinance or resolution received referendum approval in the case of the imposition of the tax, with the Department of Revenue, as required under this Section, only after October 2, 2000.

The tax authorized by this Section may not be more than 1/2 of 1% and may be imposed only in 1/4% increments.

(Source: P.A. 91-51, eff. 6-30-99; 91-649, eff. 1-1-00.)

(65 ILCS 5/8-11-1.2) (from Ch. 24, par. 8-11-1.2)

Sec. 8-11-1.2. Definition. As used in Sections 8-11-1.3, 8-11-1.4 and 8-11-1.5 of this Act:

(a) "Public infrastructure" means municipal roads and streets, access roads, bridges, and sidewalks; waste disposal systems; and water and sewer line extensions, water distribution and purification facilities, storm water drainage and retention facilities, and sewage treatment facilities.

(b) "Property tax relief" means the action of a municipality to reduce the levy for real estate taxes or avoid an increase in the levy for real estate taxes that would otherwise have been required. Property tax relief or the avoidance of property tax must uniformly apply to all classes of property.

(Source: P.A. 91-51, eff. 6-30-99.)

(65 ILCS 5/8-11-1.3) (from Ch. 24, par. 8-11-1.3)

Sec. 8-11-1.3. Non-Home Rule Municipal Retailers' Occupation Tax Act. The corporate authorities of a non-home rule municipality may impose a tax upon all persons engaged in the business of selling tangible personal property, other than on an item of tangible personal property which is titled and registered by an agency of this State's Government, at retail in the municipality at the rate of 1/2 of 1% for expenditure on public infrastructure or for property tax relief or both as defined in Section 8-11-1.2 if approved by referendum as provided in Section 8-11-1.1, of the gross receipts from such sales made in the course of such business. The tax imposed may not be more than 1/2 of 1% and may be imposed only in 1/4% increments. The tax may not be imposed on the sale of food for human consumption that is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks, and food that has been prepared for immediate consumption) and prescription and nonprescription medicines, drugs, medical appliances, and insulin, urine testing materials, syringes, and needles used by diabetics. The tax imposed by a municipality

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pursuant to this Section and all civil penalties that may be assessed as an incident thereof shall be collected and enforced by the State Department of Revenue. The certificate of registration which is issued by the Department to a retailer under the Retailers’ Occupation Tax Act shall permit such retailer to engage in a business which is taxable under any ordinance or resolution enacted pursuant to this Section without registering separately with the Department under such ordinance or resolution or under this Section. The Department shall have full power to administer and enforce this Section; to collect all taxes and penalties due hereunder; to dispose of taxes and penalties so collected in the manner hereinafter provided, and to determine all rights to credit memoranda, arising on account of the erroneous payment of tax or penalty hereunder. In the administration of, and compliance with, this Section, the Department and persons who are subject to this Section shall have the same rights, remedies, privileges, immunities, powers and duties, and be subject to the same conditions, restrictions, limitations, penalties and definitions of terms, and employ the same modes of procedure, as are prescribed in Sections 1, 1a, 1a-1, 1d, 1e, 1f, 1i, 1j, 2 through 2-65 (in respect to all provisions therein other than the State rate of tax), 2c, 3 (except as to the disposition of taxes and penalties collected), 4, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5h, 5i, 5j, 5k, 5l, 6, 6a, 6b, 6c, 7, 8, 9, 10, 11, 12 and 13 of the Retailers' Occupation Tax Act and Section 3-7 of the Uniform Penalty and Interest Act as fully as if those provisions were set forth herein.

No municipality may impose a tax under this Section unless the municipality also imposes a tax at the same rate under Section 8-11-1.4 of this Code.

Persons subject to any tax imposed pursuant to the authority granted in this Section may reimburse themselves for their seller's tax liability hereunder by separately stating such tax as an additional charge, which charge may be stated in combination, in a single amount, with State tax which sellers are required to collect under the Use Tax Act, pursuant to such bracket schedules as the Department may prescribe.

Whenever the Department determines that a refund should be made under this Section to a claimant instead of issuing a credit memorandum, the Department shall notify the State Comptroller, who shall cause the order to be drawn for the amount specified, and to the person named, in such notification from the Department. Such refund shall be paid by the State Treasurer out of the non-home rule municipal retailers’ occupation tax fund.

The Department shall forthwith pay over to the State Treasurer, ex officio, as trustee, all taxes and penalties collected hereunder. On or before the 25th day of each calendar month, the Department shall prepare and certify to the Comptroller the disbursement of stated sums of money to named municipalities, the municipalities to be those from which retailers have paid taxes or penalties hereunder to the Department during the second preceding calendar month. The amount to be paid to each municipality shall be the amount (not including credit memoranda) collected hereunder during the second preceding calendar month by the Department plus an amount the Department determines is necessary to offset any amounts which were erroneously paid to a different taxing body, and not including an amount equal to the amount of refunds made during the second preceding calendar month by the Department on behalf of such municipality, and not including any amount which the

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Department determines is necessary to offset any amounts which were payable to a different taxing body but were erroneously paid to the municipality. Within 10 days after receipt, by the Comptroller, of the disbursement certification to the municipalities, provided for in this Section to be given to the Comptroller by the Department, the Comptroller shall cause the orders to be drawn for the respective amounts in accordance with the directions contained in such certification.

For the purpose of determining the local governmental unit whose tax is applicable, a retail sale, by a producer of coal or other mineral mined in Illinois, is a sale at retail at the place where the coal or other mineral mined in Illinois is extracted from the earth. This paragraph does not apply to coal or other mineral when it is delivered or shipped by the seller to the purchaser at a point outside Illinois so that the sale is exempt under the Federal Constitution as a sale in interstate or foreign commerce.

Nothing in this Section shall be construed to authorize a municipality to impose a tax upon the privilege of engaging in any business which under the constitution of the United States may not be made the subject of taxation by this State.

When certifying the amount of a monthly disbursement to a municipality under this Section, the Department shall increase or decrease such amount by an amount necessary to offset any misallocation of previous disbursements. The offset amount shall be the amount erroneously disbursed within the previous 6 months from the time a misallocation is discovered.

The Department of Revenue shall implement this amendatory Act of the 91st General Assembly so as to collect the tax on and after January 1, 2002.

As used in this Section, "municipal" and "municipality" means a city, village or incorporated town, including an incorporated town which has superseded a civil township.

This Section shall be known and may be cited as the "Non-Home Rule Municipal Retailers' Occupation Tax Act".

(Source: P.A. 91-51, eff. 6-30-99; 91-649, eff. 1-1-00.)

(65 ILCS 5/8-11-1.4) (from Ch. 24, par. 8-11-1.4)

Sec. 8-11-1.4. Non-Home Rule Municipal Service Occupation Tax Act. The corporate authorities of a non-home rule municipality may impose a tax upon all persons engaged, in such municipality, in the business of making sales of service at the rate of 1/2 of 1% for expenditure on public infrastructure or for property tax relief or both as defined in Section 8-11-1.2 if approved by referendum as provided in Section 8-11-1.1, of the selling price of all tangible personal property transferred by such servicemen either in the form of tangible personal property or in the form of real estate as an incident to a sale of service. The tax imposed may not be more than 1/2 of 1% and may be imposed only in 1/4% increments. The tax may not be imposed on the sale of food for human consumption that is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks, and food that has been prepared for immediate consumption) and prescription and nonprescription medicines, drugs, medical appliances, and insulin, urine testing materials, syringes, and needles used by diabetics. The tax imposed by a municipality pursuant to this Section and all civil penalties that may be assessed as an incident thereof shall be collected
and enforced by the State Department of Revenue. The certificate of registration which is issued by the Department to a retailer under the Retailers' Occupation Tax Act or under the Service Occupation Tax Act shall permit such registrant to engage in a business which is taxable under any ordinance or resolution enacted pursuant to this Section without registering separately with the Department under such ordinance or resolution or under this Section. The Department shall have full power to administer and enforce this Section; to collect all taxes and penalties due hereunder; to dispose of taxes and penalties so collected in the manner hereinafter provided, and to determine all rights to credit memoranda arising on account of the erroneous payment of tax or penalty hereunder. In the administration of, and compliance with, this Section the Department and persons who are subject to this Section shall have the same rights, remedies, privileges, immunities, powers and duties, and be subject to the same conditions, restrictions, limitations, penalties and definitions of terms, and employ the same modes of procedure, as are prescribed in Sections 1a-1, 2, 2a, 3 through 3-50 (in respect to all provisions therein other than the State rate of tax), 4 (except that the reference to the State shall be to the taxing municipality), 5, 7, 8 (except that the jurisdiction to which the tax shall be a debt to the extent indicated in that Section 8 shall be the taxing municipality), 9 (except as to the disposition of taxes and penalties collected, and except that the returned merchandise credit for this municipal tax may not be taken against any State tax), 10, 11, 12 (except the reference therein to Section 2b of the Retailers’ Occupation Tax Act), 13 (except that any reference to the State shall mean the taxing municipality), the first paragraph of Section 15, 16, 17, 18, 19 and 20 of the Service Occupation Tax Act and Section 3-7 of the Uniform Penalty and Interest Act, as fully as if those provisions were set forth herein.

No municipality may impose a tax under this Section unless the municipality also imposes a tax at the same rate under Section 8-11-1.3 of this Code.

Persons subject to any tax imposed pursuant to the authority granted in this Section may reimburse themselves for their serviceman's tax liability hereunder by separately stating such tax as an additional charge, which charge may be stated in combination, in a single amount, with State tax which servicemen are authorized to collect under the Service Use Tax Act, pursuant to such bracket schedules as the Department may prescribe.

Whenever the Department determines that a refund should be made under this Section to a claimant instead of issuing credit memorandum, the Department shall notify the State Comptroller, who shall cause the order to be drawn for the amount specified, and to the person named, in such notification from the Department. Such refund shall be paid by the State Treasurer out of the municipal retailers' occupation tax fund.

The Department shall forthwith pay over to the State Treasurer, ex officio, as trustee, all taxes and penalties collected hereunder. On or before the 25th day of each calendar month, the Department shall prepare and certify to the Comptroller the disbursement of stated sums of money to named municipalities, the municipalities to be those from which suppliers and servicemen have paid taxes or penalties hereunder to the Department during the second preceding calendar month. The amount to be paid to each municipality shall be the amount (not including credit memoranda) collected hereunder during the second preceding calendar month by the Department, and not including an amount equal to the

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amount of refunds made during the second preceding calendar month by the Department on behalf of such municipality. Within 10 days after receipt, by the Comptroller, of the disbursement certification to the municipalities and the General Revenue Fund, provided for in this Section to be given to the Comptroller by the Department, the Comptroller shall cause the orders to be drawn for the respective amounts in accordance with the directions contained in such certification.

The Department of Revenue shall implement this amendatory Act of the 91st General Assembly so as to collect the tax on and after January 1, 2002.

Nothing in this Section shall be construed to authorize a municipality to impose a tax upon the privilege of engaging in any business which under the constitution of the United States may not be made the subject of taxation by this State.

As used in this Section, "municipal" or "municipality" means or refers to a city, village or incorporated town, including an incorporated town which has superseded a civil township.

This Section shall be known and may be cited as the "Non-Home Rule Municipal Service Occupation Tax Act".

(Source: P.A. 91-51, eff. 6-30-99; 91-649, eff. 1-1-00.)

(65 ILCS 5/8-11-1.5) (from Ch. 24, par. 8-11-1.5)

Sec. 8-11-1.5. Non-Home Rule Municipal Use Tax Act. The corporate authorities of a non-home rule municipality may impose a tax upon the privilege of using, in such municipality, any item of tangible personal property which is purchased at retail from a retailer, and which is titled or registered with an agency of this State's government, at a rate of 1/2 of 1% and based on the selling price of such tangible personal property, as "selling price" is defined in the Use Tax Act, for expenditure on public infrastructure or for property tax relief or both as defined in Section 8-11-1.2, if approved by referendum as provided in Section 8-11-1.1. The tax imposed may not be more than 1/2 of 1% and may be imposed only in 1/4% increments. Such tax shall be collected from persons whose Illinois address for title or registration purposes is given as being in such municipality. Such tax shall be collected by the municipality imposing such tax. A non-home rule municipality may not impose and collect the tax prior to January 1, 2002.

This Section shall be known and may be cited as the "Non-Home Rule Municipal Use Tax Act".

(Source: P.A. 91-649, eff. 1-1-00.)


Approved July 25, 2002.

Assembly:

ARTICLE 1
GENERAL PROVISIONS

Section 100. Short title. This Act may be cited as the Uniform Partnership Act (1997).

Section 101. Definitions. In this Act:
(a) "Business" includes every trade, occupation, and profession.
(b) "Debtor in bankruptcy" means a person who is the subject of:
(1) an order for relief under Title 11 of the United States Code or a comparable order under a successor statute of general application; or
(2) a comparable order under federal, state, or foreign law governing insolvency.
(c) "Distribution" means a transfer of money or other property from a partnership to a partner in the partner's capacity as a partner or to the partner's transferee.
(d) "Foreign limited liability partnership" means a partnership that:
(1) is formed under laws other than the laws of this State; and
(2) has the status of a limited liability partnership under those laws.
(e) "Limited liability partnership" means a partnership that has filed a statement of qualification under Section 1001 and does not have a similar statement in effect in any other jurisdiction.
(f) "Partnership" means an association of 2 or more persons to carry on as co-owners a business for profit formed under Section 202 of this Act, predecessor law, or comparable law of another jurisdiction.
(g) "Partnership agreement" means the agreement, whether written, oral, or implied, among the partners concerning the partnership, including amendments to the partnership agreement.
(h) "Partnership at will" means a partnership in which the partners have not agreed to remain partners until the expiration of a definite term or the completion of a particular undertaking.
(i) "Partnership interest" or "partner's interest in the partnership" means all of a partner's interests in the partnership, including the partner's transferable interest and all management and other rights.
(j) "Person" means an individual, corporation, business trust, estate, trust, partnership, association, joint venture, government, governmental subdivision, agency, or instrumentality, or any other legal or commercial entity.
(k) "Property" means all property, real, personal, or mixed, tangible or intangible, or any interest therein.
(l) "State" means a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or any territory or insular possession subject to the jurisdiction of the United States.
(m) "Statement" means a statement of partnership authority under Section 303 of this Act, a statement of denial under Section 304, a statement of dissociation under Section 704,
a statement of dissolution under Section 805, a statement of merger under Section 907 or 908, a statement of qualification under Section 1001, a statement of withdrawal under Section 1001 or 1102, a statement of foreign qualification under Section 1102, or an amendment or cancellation of any of the foregoing.

(n) "Transfer" includes an assignment, conveyance, lease, mortgage, deed, and encumbrance.

Section 102. Knowledge and notice.
(a) A person knows a fact if the person has actual knowledge of it.
(b) A person has notice of a fact if the person:
   (1) knows of it;
   (2) has received a notification of it; or
   (3) has reason to know it exists from all of the facts known to the person at the time in question.
(c) A person notifies or gives a notification to another by taking steps reasonably required to inform the other person in ordinary course, whether or not the other person learns of it.
(d) A person receives a notification when the notification:
   (1) comes to the person's attention; or
   (2) is duly delivered at the person's place of business or at any other place held out by the person as a place for receiving communications.
(e) Except as otherwise provided in subsection (f), a person other than an individual knows, has notice, or receives a notification of a fact for purposes of a particular transaction when the individual conducting the transaction knows, has notice, or receives a notification of the fact, or in any event when the fact would have been brought to the individual's attention if the person had exercised reasonable diligence. The person exercises reasonable diligence if it maintains reasonable routines for communicating significant information to the individual conducting the transaction and there is reasonable compliance with the routines. Reasonable diligence does not require an individual acting for the person to communicate information unless the communication is part of the individual's regular duties or the individual has reason to know of the transaction and that the transaction would be materially affected by the information.
(f) A partner's knowledge, notice, or receipt of a notification of a fact relating to the partnership is effective immediately as knowledge by, notice to, or receipt of a notification by the partnership, except in the case of a fraud on the partnership committed by or with the consent of that partner.

Section 103. Effect of partnership agreement; nonwaivable provisions.
(a) Except as otherwise provided in subsection (b), relations among the partners and between the partners and the partnership are governed by the partnership agreement. To the extent the partnership agreement does not otherwise provide, this Act governs relations among the partners and between the partners and the partnership.
(b) The partnership agreement may not:
   (1) vary the rights and duties under Section 105 except to eliminate the duty

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to provide copies of statements to all of the partners;

(2) unreasonably restrict the right of access to books and records under Section 403(b);

(3) eliminate or reduce a partner’s fiduciary duties, but may:
   (i) identify specific types or categories of activities that do not violate these duties, if not manifestly unreasonable; and
   (ii) specify the number or percentage of partners that may authorize or ratify, after full disclosure of all material facts, a specific act or transaction that otherwise would violate these duties;

(4) eliminate or reduce the obligation of good faith and fair dealing under Section 404(d), but the partnership agreement may prescribe the standards by which the performance of the obligation is to be measured, if the standards are not manifestly unreasonable;

(5) vary the power to dissociate as a partner under Section 602(a), except to require the notice under Section 601(1) to be in writing;

(6) vary the right of a court to expel a partner in the events specified in Section 601(5);

(7) vary the requirement to wind up the partnership business in cases specified in Section 801(4), (5), or (6);

(8) vary the law applicable to a limited liability partnership under Section 106(b); or

(9) restrict the rights of a person, other than a partner and transferee of a partner’s transferable interest under this Act.

Section 104. Supplemental principles of law.

(a) Unless displaced by particular provisions of this Act, the principles of law and equity supplement this Act.

(b) If an obligation to pay interest arises under this Act and the rate is not specified, the rate is that specified in Section 4 of the Interest Act.

Section 105. Execution, filing, and recording of statements.

(a) A statement may be filed in the office of the Secretary of State. A certified copy of a statement that is filed in an office in another State may be filed in the office of the Secretary of State. Either filing has the effect provided in this Act with respect to partnership property located in or transactions that occur in this State.

(b) A certified copy of a statement that has been filed in the office of the Secretary of State and recorded in the office for recording transfers of real property has the effect provided for recorded statements in this Act. A recorded statement that is not a certified copy of a statement filed in the office of the Secretary of State does not have the effect provided for recorded statements in this Act.

(c) A statement filed by a partnership must be executed by at least 2 partners. Other statements must be executed by a partner or other person authorized by this Act. An individual who executes a statement as, or on behalf of, a partner or other person named as a partner in a statement shall personally declare under penalty of perjury that the contents of

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the statement are accurate.

(d) A person authorized by this Act to file a statement may amend or cancel the statement by filing an amendment or cancellation that names the partnership, identifies the statement, and states the substance of the amendment or cancellation.

(e) A person who files a statement pursuant to this Section shall promptly send a copy of the statement to every nonfiling partner and to any other person named as a partner in the statement. Failure to send a copy of a statement to a partner or other person does not limit the effectiveness of the statement as to a person not a partner.

(f) The Secretary of State may collect a fee for filing or providing a certified copy of a statement as provided in Section 108. The officer responsible for recording transfers of real property may collect a fee for recording a statement.

Section 106. Governing law.

(a) Except as otherwise provided in subsection (b), the law of the jurisdiction in which a partnership has its chief executive office governs relations among the partners and between the partners and the partnership.

(b) The law of this State governs relations among the partners and between the partners and the partnership and the liability of partners for an obligation of a limited liability partnership.

Section 107. Partnership subject to amendment or repeal of Act. A partnership governed by this Act is subject to any amendment to or repeal of this Act.

Section 108. Fees.

(a) The Secretary of State shall charge and collect in accordance with the provisions of this Act and rules promulgated under its authority:

(1) fees for filing documents;
(2) miscellaneous charges; and
(3) fees for the sale of lists of filings, copies of any documents, and the sale or release of any information.

(b) The Secretary of State shall charge and collect:

(1) for furnishing a copy or certified copy of any document, instrument, or paper relating to a registered limited liability partnership, $1 per page, but not less than $25, and $25 for the certificate and for affixing the seal to the certificate;

(2) for the transfer of information by computer process media to any purchaser, fees established by rule;

(3) for filing a statement of partnership authority, $25;

(4) for filing a statement of denial, $25;

(5) for filing a statement of dissociation, $25;

(6) for filing a statement of dissolution, $100;

(7) for filing a statement of merger, $100;

(8) for filing a statement of qualification for a limited liability partnership organized under the laws of this State, $100 for each partner, but in no event shall the fee be less than $200 or exceed $5,000;

(9) for filing a statement of foreign qualification, $500;

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(10) for filing a renewal statement for a limited liability partnership organized under the laws of this State, $100 for each partner, but in no event shall the fee be less than $200 or exceed $5,000;
(11) for filing a renewal statement for a foreign limited liability partnership, $300.
(12) for filing an amendment or cancellation of a statement, $25;
(13) for filing a statement of withdrawal, $100;
(14) for the purposes of changing the registered agent name or registered office, or both, $25.

(c) All fees collected pursuant to this Act shall be deposited into the Division of Corporations Limited Liability Partnership Fund.

d) There is hereby continued in the State treasury a special fund to be known as the Division of Corporations Limited Liability Partnership Fund. Moneys deposited into the Fund shall, subject to appropriation, be used by the Business Services Division of the Office of the Secretary of State to administer the responsibilities of the Secretary of State under this Act. The balance of the Fund at the end of any fiscal year shall not exceed $200,000, and any amount in excess thereof shall be transferred to the General Revenue Fund.

Section 109. Illinois Administrative Procedure Act. The Illinois Administrative Procedure Act is expressly adopted and incorporated in Articles 10 and 11 of this Act as if all of the provisions of the Illinois Administrative Procedure Act were included in Articles 10 and 11 of this Act, except that the provisions of subsection (c) of Section 10-65 of the Illinois Administrative Procedure Act, which provides that at a hearing the licensee has the right to show compliance with all lawful requirements for retention, continuation, or renewal of the license, is specifically excluded, and for the purposes of this Act, the notice required under Section 10-25 of the Illinois Administrative Procedure Act is deemed sufficient when mailed to the last known address of a party.

ARTICLE 2
NATURE OF PARTNERSHIP

Section 201. Partnership as entity.
(a) A partnership is an entity distinct from its partners.
(b) A limited liability partnership continues to be the same entity that existed before the filing of a statement of qualification under Section 1001 of this Act.

Section 202. Formation of partnership.
(a) Except as otherwise provided in subsection (b), the association of 2 or more persons to carry on as co-owners a business for profit forms a partnership, whether or not the persons intend to form a partnership.
(b) An association formed under a statute other than this Act, a predecessor statute, or a comparable statute of another jurisdiction is not a partnership under this Act.
(c) In determining whether a partnership is formed, the following rules apply:
1) Joint tenancy, tenancy in common, tenancy by the entirety, joint property, common property, or part ownership does not by itself establish a partnership, even if the co-owners share profits made by the use of the property.
(2) The sharing of gross returns does not by itself establish a partnership, even if the persons sharing them have a joint or common right or interest in property from which the returns are derived.

(3) A person who receives a share of the profits of a business is presumed to be a partner in the business, unless the profits were received in payment:
   (i) of a debt by installments or otherwise;
   (ii) for services as an independent contractor or of wages or other compensation to an employee;
   (iii) of rent;
   (iv) of an annuity or other retirement or health benefit to a beneficiary, representative, or designee of a deceased or retired partner;
   (v) of interest or other charge on a loan, even if the amount of payment varies with the profits of the business, including a direct or indirect present or future ownership of the collateral, or rights to income, proceeds, or increase in value derived from the collateral; or
   (vi) for the sale of the goodwill of a business or other property by installments or otherwise.

Section 203. Partnership property. Property acquired by a partnership is property of the partnership and not of the partners individually.

Section 204. When property is partnership property.
(a) Property is partnership property if acquired in the name of:
   (1) the partnership; or
   (2) one or more partners with an indication in the instrument transferring title to the property of the person's capacity as a partner or of the existence of a partnership but without an indication of the name of the partnership.
(b) Property is acquired in the name of the partnership by a transfer to:
   (1) the partnership in its name; or
   (2) one or more partners in their capacity as partners in the partnership, if the name of the partnership is indicated in the instrument transferring title to the property.
(c) Property is presumed to be partnership property if purchased with partnership assets, even if not acquired in the name of the partnership or of one or more partners with an indication in the instrument transferring title to the property of the person's capacity as a partner or of the existence of a partnership.
(d) Property acquired in the name of one or more of the partners, without an indication in the instrument transferring title to the property of the person's capacity as a partner or of the existence of a partnership and without use of partnership assets, is presumed to be separate property, even if used for partnership purposes.

ARTICLE 3
RELATIONS OF PARTNERS TO PERSONS DEALING WITH PARTNERSHIP

Section 301. Partner agent of partnership. Subject to the effect of a statement of
partnership authority under Section 303 of this Act:

(1) Each partner is an agent of the partnership for the purpose of its business. An act of a partner, including the execution of an instrument in the partnership name, for apparently carrying on in the ordinary course the partnership business or business of the kind carried on by the partnership binds the partnership, unless the partner had no authority to act for the partnership in the particular matter and the person with whom the partner was dealing knew or had received a notification that the partner lacked authority.

(2) An act of a partner which is not apparently for carrying on in the ordinary course the partnership business or business of the kind carried on by the partnership binds the partnership only if the act was authorized by the other partners.

Section 302. Transfer of partnership property.
(a) Partnership property may be transferred as follows:

(1) Subject to the effect of a statement of partnership authority under Section 303 of this Act, partnership property held in the name of the partnership may be transferred by an instrument of transfer executed by a partner in the partnership name.

(2) Partnership property held in the name of one or more partners with an indication in the instrument transferring the property to them of their capacity as partners or of the existence of a partnership, but without an indication of the name of the partnership, may be transferred by an instrument of transfer executed by the persons in whose name the property is held.

(3) Partnership property held in the name of one or more persons other than the partnership, without an indication in the instrument transferring the property to them of their capacity as partners or of the existence of a partnership, may be transferred by an instrument of transfer executed by the persons in whose name the property is held.

(b) A partnership may recover partnership property from a transferee only if it proves that execution of the instrument of initial transfer did not bind the partnership under Section 301 and:

(1) as to a subsequent transferee who gave value for property transferred under subsection (a)(1) and (2) of this Section, proves that the subsequent transferee knew or had received a notification that the person who executed the instrument of initial transfer lacked authority to bind the partnership; or

(2) as to a transferee who gave value for property transferred under subsection (a)(3), proves that the transferee knew or had received a notification that the property was partnership property and that the person who executed the instrument of initial transfer lacked authority to bind the partnership.

(c) A partnership may not recover partnership property from a subsequent transferee if the partnership would not have been entitled to recover the property, under subsection (b), from any earlier transferee of the property.

(d) If a person holds all of the partners' interests in the partnership, all of the

New matter indicated by italics - deletions by strikeout.
partnership property vests in that person. The person may execute a document in the name of the partnership to evidence vesting of the property in that person and may file or record the document.

Section 303. Statement of partnership authority.
(a) A partnership may file a statement of partnership authority, which:
   (1) must include:
      (i) the name of the partnership;
      (ii) the street address of its chief executive office and of one office in this State, if there is one;
      (iii) the names and mailing addresses of all of the partners or of an agent appointed and maintained by the partnership for the purpose of subsection (b); and
      (iv) the names of the partners authorized to execute an instrument transferring real property held in the name of the partnership; and
   (2) may state the authority, or limitations on the authority, of some or all of the partners to enter into other transactions on behalf of the partnership and any other matter.
(b) If a statement of partnership authority names an agent, the agent shall maintain a list of the names and mailing addresses of all of the partners and make it available to any person on request for good cause shown.
(c) If a filed statement of partnership authority is executed pursuant to Section 105(c) and states the name of the partnership but does not contain all of the other information required by subsection (a) of this Section, the statement nevertheless operates with respect to a person not a partner as provided in subsections (d) and (e).
(d) Except as otherwise provided in subsection (g) of this Section, a filed statement of partnership authority supplements the authority of a partner to enter into transactions on behalf of the partnership as follows:
   (1) Except for transfers of real property, a grant of authority contained in a filed statement of partnership authority is conclusive in favor of a person who gives value without knowledge to the contrary, so long as and to the extent that a limitation on that authority is not then contained in another filed statement. A filed cancellation of a limitation on authority revives the previous grant of authority.
   (2) A grant of authority to transfer real property held in the name of the partnership contained in a certified copy of a filed statement of partnership authority recorded in the office for recording transfers of that real property is conclusive in favor of a person who gives value without knowledge to the contrary, so long as and to the extent that a certified copy of a filed statement containing a limitation on that authority is not then of record in the office for recording transfers of that real property. The recording in the office for recording transfers of that real property of a certified copy of a filed cancellation of a limitation on authority revives the previous grant of authority.
(e) A person not a partner is deemed to know of a limitation on the authority of a

New matter indicated by italics - deletions by strikeout.
partner to transfer real property held in the name of the partnership if a certified copy of the filed statement containing the limitation on authority is of record in the office for recording transfers of that real property.

(f) Except as otherwise provided in subsections (d) and (e) of this Section and Sections 704 and 805 of this Act, a person not a partner is not deemed to know of a limitation on the authority of a partner merely because the limitation is contained in a filed statement.

(g) Unless earlier canceled, a filed statement of partnership authority is canceled by operation of law 5 years after the date on which the statement, or the most recent amendment, was filed with the Secretary of State.

Section 304. Statement of denial. A partner or other person named as a partner in a filed statement of partnership authority or in a list maintained by an agent pursuant to Section 303(b) may file a statement of denial stating the name of the partnership and the fact that is being denied, which may include denial of a person's authority or status as a partner. A statement of denial is a limitation on authority as provided in Section 303(d) and (e).

Section 305. Partnership liable for partner's actionable conduct.

(a) A partnership is liable for loss or injury caused to a person, or for a penalty incurred, as a result of a wrongful act or omission, or other actionable conduct, of a partner acting in the ordinary course of business of the partnership or with authority of the partnership.

(b) If, in the course of the partnership's business or while acting with authority of the partnership, a partner receives or causes the partnership to receive money or property of a person not a partner, and the money or property is misapplied by a partner, the partnership is liable for the loss.

Section 306. Partner's liability.

(a) Except as otherwise provided in subsections (b) and (c) of this Section, all partners are liable jointly and severally for all obligations of the partnership unless otherwise agreed by the claimant or provided by law.

(b) A person admitted as a partner into an existing partnership is not personally liable for any partnership obligation incurred before the person's admission as a partner.

(c) An obligation of a partnership incurred while the partnership is a limited liability partnership, whether arising in contract, tort, or otherwise, is solely the obligation of the partnership. A partner is not personally liable, directly or indirectly, by way of contribution or otherwise, for such an obligation solely by reason of being or so acting as a partner. This subsection applies notwithstanding anything inconsistent in the partnership agreement that existed immediately before the vote required to become a limited liability partnership under Section 1001(b) of this Act.

Section 307. Actions by and against partnership and partners.

(a) A partnership may sue and be sued in the name of the partnership.

(b) An action may be brought against the partnership and, to the extent not inconsistent with Section 306 of this Act, any or all of the partners in the same action or in separate actions.

New matter indicated by italics - deletions by strikeout.
(c) A judgment against a partnership is not by itself a judgment against a partner. A judgment against a partnership may not be satisfied from a partner's assets unless there is also a judgment against the partner.

(d) A judgment creditor of a partner may not levy execution against the assets of the partner to satisfy a judgment based on a claim against the partnership unless the partner is personally liable for the claim under Section 306 and:

1. A judgment based on the same claim has been obtained against the partnership and a writ of execution on the judgment has been returned unsatisfied in whole or in part;
2. The partnership is a debtor in bankruptcy;
3. The partner has agreed that the creditor need not exhaust partnership assets;
4. A court grants permission to the judgment creditor to levy execution against the assets of a partner based on a finding that partnership assets subject to execution are clearly insufficient to satisfy the judgment, that exhaustion of partnership assets is excessively burdensome, or that the grant of permission is an appropriate exercise of the court's equitable powers; or
5. Liability is imposed on the partner by law or contract independent of the existence of the partnership.

(e) This Section applies to any partnership liability or obligation resulting from a representation by a partner or purported partner under Section 308 of this Act.

Section 308. Liability of purported partner.

(a) If a person, by words or conduct, purports to be a partner, or consents to being represented by another as a partner, in a partnership or with one or more persons not partners, the purported partner is liable to a person to whom the representation is made, if that person, relying on the representation, enters into a transaction with the actual or purported partnership. If the representation, either by the purported partner or by a person with the purported partner's consent, is made in a public manner, the purported partner is liable to a person who relies upon the purported partnership even if the purported partner is not aware of being held out as a partner to the claimant. If partnership liability results, the purported partner is liable with respect to that liability as if the purported partner were a partner. If no partnership liability results, the purported partner is liable with respect to that liability jointly and severally with any other person consenting to the representation.

(b) If a person is thus represented to be a partner in an existing partnership, or with one or more persons not partners, the purported partner is an agent of persons consenting to the representation to bind them to the same extent and in the same manner as if the purported partner were a partner, with respect to persons who enter into transactions in reliance upon the representation. If all of the partners of the existing partnership consent to the representation, a partnership act or obligation results. If fewer than all of the partners of the existing partnership consent to the representation, the person acting and the partners consenting to the representation are jointly and severally liable.

(c) A person is not liable as a partner merely because the person is named by another
in a statement of partnership authority.

(d) A person does not continue to be liable as a partner merely because of a failure to file a statement of dissociation or to amend a statement of partnership authority to indicate the partner's dissociation from the partnership.

(e) Except as otherwise provided in subsections (a) and (b) of this Section, persons who are not partners as to each other are not liable as partners to other persons.

ARTICLE 4
RELATIONS OF PARTNERS TO EACH OTHER AND TO PARTNERSHIP

Section 401. Partner's rights and duties.
(a) Each partner is deemed to have an account that is:

(1) credited with an amount equal to the money plus the value of any other property, net of the amount of any liabilities, the partner contributes to the partnership and the partner's share of the partnership profits; and
(2) charged with an amount equal to the money plus the value of any other property, net of the amount of any liabilities, distributed by the partnership to the partner and the partner's share of the partnership losses.

(b) Each partner is entitled to an equal share of the partnership profits and is chargeable with a share of the partnership losses in proportion to the partner's share of the profits.

(c) A partnership shall reimburse a partner for payments made and indemnify a partner for liabilities incurred by the partner in the ordinary course of the business of the partnership or for the preservation of its business or property.

(d) A partnership shall reimburse a partner for an advance to the partnership beyond the amount of capital the partner agreed to contribute.

(e) A payment or advance made by a partner which gives rise to a partnership obligation under subsection (c) or (d) of this Section constitutes a loan to the partnership which accrues interest from the date of the payment or advance.

(f) Each partner has equal rights in the management and conduct of the partnership business.

(g) A partner may use or possess partnership property only on behalf of the partnership.

(h) A partner is not entitled to remuneration for services performed for the partnership, except for reasonable compensation for services rendered in winding up the business of the partnership.

(i) A person may become a partner only with the consent of all of the partners.

(j) A difference arising as to a matter in the ordinary course of business of a partnership may be decided by a majority of the partners. An act outside the ordinary course of business of a partnership and an amendment to the partnership agreement may be undertaken only with the consent of all of the partners.

(k) This Section does not affect the obligations of a partnership to other persons under Section 301 of this Act.

New matter indicated by italics - deletions by strikeout.
Section 402. Distributions in kind. A partner has no right to receive, and may not be required to accept, a distribution in kind.

Section 403. Partner's rights and duties with respect to information.
(a) A partnership shall keep its books and records, if any, at its chief executive office.
(b) A partnership shall provide partners and their agents and attorneys access to its books and records. It shall provide former partners and their agents and attorneys access to books and records pertaining to the period during which they were partners. The right of access provides the opportunity to inspect and copy books and records during ordinary business hours. A partnership may impose a reasonable charge, covering the costs of labor and material, for copies of documents furnished.
(c) Each partner and the partnership shall furnish to a partner, and to the legal representative of a deceased partner or partner under legal disability:
   (1) without demand, any information concerning the partnership's business and affairs reasonably required for the proper exercise of the partner's rights and duties under the partnership agreement or this Act; and
   (2) on demand, any other information concerning the partnership's business and affairs, except to the extent the demand or the information demanded is unreasonable or otherwise improper under the circumstances.

Section 404. General standards of partner's conduct.
(a) The fiduciary duties a partner owes to the partnership and the other partners include the duty of loyalty and the duty of care set forth in subsections (b) and (c) of this Section.
(b) A partner's duty of loyalty to the partnership and the other partners includes the following:
   (1) to account to the partnership and hold as trustee for it any property, profit, or benefit derived by the partner in the conduct and winding up of the partnership business or derived from a use by the partner of partnership property, including the appropriation of a partnership opportunity;
   (2) to act fairly when a partner deals with the partnership in the conduct or winding up of the partnership business as or on behalf of a party having an interest adverse to the partnership; and
   (3) to refrain from competing with the partnership in the conduct of the partnership business before the dissolution of the partnership.
(c) A partner's duty of care to the partnership and the other partners in the conduct and winding up of the partnership business is limited to refraining from engaging in grossly negligent or reckless conduct, intentional misconduct, or a knowing violation of law.
(d) A partner shall discharge his or her duties to the partnership and the other partners under this Act or under the partnership agreement and exercise any rights consistent with the obligation of good faith and fair dealing.
(e) A partner does not violate a duty or obligation under this Act or under the partnership agreement merely because the partner's conduct furthers the partner's own interest.

New matter indicated by italics - deletions by strikeout.
(f) This Section applies to a person winding up the partnership business as the personal or legal representative of the last surviving partner as if the person were a partner.

Section 405. Actions by partnership and partners.
(a) A partnership may maintain an action against a partner for a breach of the partnership agreement, or for the violation of a duty to the partnership, causing harm to the partnership.
(b) A partner may maintain an action against the partnership or another partner for legal or equitable relief, with or without an accounting as to partnership business, to:
   (1) enforce the partner's rights under the partnership agreement;
   (2) enforce the partner's rights under this Act, including:
      (i) the partner's rights under Section 401, 403, or 404;
      (ii) the partner's right on dissociation to have the partner's interest in the partnership purchased pursuant to Section 701 or enforce any other right under Article 6 or 7; or
      (iii) the partner's right to compel a dissolution and winding up of the partnership business under or enforce any other right under Article 8; or
   (3) enforce the rights and otherwise protect the interests of the partner, including rights and interests arising independently of the partnership relationship.
(c) The accrual of, and any time limitation on, a right of action for a remedy under this Section is governed by other law. A right to an accounting upon a dissolution and winding up does not revive a claim barred by law.

Section 406. Continuation of partnership beyond definite term or particular undertaking.
(a) If a partnership for a definite term or particular undertaking is continued, without an express agreement, after the expiration of the term or completion of the undertaking, the rights and duties of the partners remain the same as they were at the expiration or completion, so far as is consistent with a partnership at will.
(b) If the partners, or those of them who habitually acted in the business during the term or undertaking, continue the business without any settlement or liquidation of the partnership, they are presumed to have agreed that the partnership will continue.

ARTICLE 5
TRANSFEREES AND CREDITORS OF PARTNER
Section 501. Partner not co-owner of partnership property. A partner is not a co-owner of partnership property and has no interest in partnership property which can be transferred, either voluntarily or involuntarily.

Section 502. Partner's transferable interest in partnership. The only transferable interest of a partner in the partnership is the partner's share of the profits and losses of the partnership and the partner's right to receive distributions. The interest is personal property.

Section 503. Transfer of partner's transferable interest.
(a) A transfer, in whole or in part, of a partner's transferable interest in the partnership:
   (1) is permissible;

New matter indicated by italics - deletions by strikeout.
(2) does not by itself cause the partner's dissociation or a dissolution and winding up of the partnership business; and
(3) does not, as against the other partners or the partnership, entitle the transferee, during the continuance of the partnership, to participate in the management or conduct of the partnership business, to require access to information concerning partnership transactions, or to inspect or copy the partnership books or records.

(b) A transferee of a partner's transferable interest in the partnership has a right:
   (1) to receive, in accordance with the transfer, distributions to which the transferor would otherwise be entitled;
   (2) to receive upon the dissolution and winding up of the partnership business, in accordance with the transfer, the net amount otherwise distributable to the transferor; and
   (3) to seek under a judicial determination that it is equitable to wind up the partnership business.

(c) In a dissolution and winding up, a transferee is entitled to an account of partnership transactions only from the date of the latest account agreed to by all of the partners.

(d) Upon transfer, the transferor retains the rights and duties of a partner other than the interest in distributions transferred.

(e) A partnership need not give effect to a transferee's rights under this Section until it has notice of the transfer.

(f) A transfer of a partner's transferable interest in the partnership in violation of a restriction on transfer contained in the partnership agreement is ineffective as to a person having notice of the restriction at the time of transfer.

Section 504. Partner's transferable interest subject to charging order.
(a) On application by a judgment creditor of a partner or of a partner's transferee, a court having jurisdiction may charge the transferable interest of the judgment debtor to satisfy the judgment. The court may appoint a receiver of the share of the distributions due or to become due to the judgment debtor in respect of the partnership and make all other orders, directions, accounts, and inquiries the judgment debtor might have made or which the circumstances of the case may require.

(b) A charging order constitutes a lien on the judgment debtor's transferable interest in the partnership. The court may order a foreclosure of the interest subject to the charging order at any time. The purchaser at the foreclosure sale has the rights of a transferee.

(c) At any time before foreclosure, an interest charged may be redeemed:
   (1) by the judgment debtor;
   (2) with property other than partnership property, by one or more of the other partners; or
   (3) with partnership property, by one or more of the other partners with the consent of all of the partners whose interests are not so charged.

(d) This Act does not deprive a partner of a right under exemption laws with respect

New matter indicated by italics - deletions by strikeout.
to the partner's interest in the partnership.

(e) This Section provides the exclusive remedy by which a judgment creditor of a partner or partner's transferee may satisfy a judgment out of the judgment debtor's transferable interest in the partnership.

ARTICLE 6
PARTNER'S DISSOCIATION

Section 601. Events causing partner's dissociation. A partner is dissociated from a partnership upon the occurrence of any of the following events:

(1) the partnership's having notice of the partner's express will to withdraw as a partner or on a later date specified by the partner;
(2) an event agreed to in the partnership agreement as causing the partner's dissociation;
(3) the partner's expulsion pursuant to the partnership agreement;
(4) the partner's expulsion by the unanimous vote of the other partners if:
(i) it is unlawful to carry on the partnership business with that partner;
(ii) there has been a transfer of all or substantially all of that partner's transferable interest in the partnership, other than a transfer for security purposes, or a court order charging the partner's interest, which has not been foreclosed;
(iii) within 90 days after the partnership notifies a corporate partner that it will be expelled because it has filed a certificate of dissolution or the equivalent, its charter has been revoked, or its right to conduct business has been suspended by the jurisdiction of its incorporation, there is no revocation of the certificate of dissolution or no reinstatement of its charter or its right to conduct business; or
(iv) a partnership that is a partner has been dissolved and its business is being wound up;
(5) on application by the partnership or another partner, the partner's expulsion by judicial determination because:
(i) the partner engaged in wrongful conduct that adversely and materially affected the partnership business;
(ii) the partner willfully or persistently committed a material breach of the partnership agreement or of a duty owed to the partnership or the other partners under Section 404 of this Act; or
(iii) the partner engaged in conduct relating to the partnership business which makes it not reasonably practicable to carry on the business in partnership with the partner;
(6) the partner's:
(i) becoming a debtor in bankruptcy;
(ii) executing an assignment for the benefit of creditors;
(iii) seeking, consenting to, or acquiescing in the appointment of a trustee, receiver, or liquidator of that partner or of all or substantially all of

New matter indicated by italics - deletions by strikeout.
that partner's property; or
  (iv) failing, within 90 days after the appointment, to have vacated or
stayed the appointment of a trustee, receiver, or liquidator of the partner or
of all or substantially all of the partner's property obtained without the
partner's consent or acquiescence, or failing within 90 days after the
expiration of a stay to have the appointment vacated;
(7) in the case of a partner who is an individual:
  (i) the partner's death;
  (ii) the appointment of a guardian or general conservator for the
partner; or
  (iii) a judicial determination that the partner has otherwise become
incapable of performing the partner's duties under the partnership agreement;
(8) in the case of a partner that is a trust or is acting as a partner by virtue of
being a trustee of a trust, distribution of the trust's entire transferable interest in the
partnership, but not merely by reason of the substitution of a successor trustee;
(9) in the case of a partner that is an estate or is acting as a partner by virtue
of being a personal representative of an estate, distribution of the estate's entire
transferable interest in the partnership, but not merely by reason of the substitution
of a successor personal representative; or
(10) termination of a partner who is not an individual, partnership,
corporation, trust, or estate.
Section 602. Partner's power to dissociate; wrongful dissociation.
(a) A partner has the power to dissociate at any time, rightfully or wrongfully, by
express will pursuant to Section 601(1) of this Act.
(b) A partner's dissociation is wrongful only if:
  (1) it is in breach of an express provision of the partnership agreement; or
  (2) in the case of a partnership for a definite term or particular undertaking,
before the expiration of the term or the completion of the undertaking:
    (i) the partner withdraws by express will, unless the withdrawal
follows within 90 days after another partner's dissociation by death or
otherwise under Section 601(6) through (10) or wrongful dissociation under
this subsection;
    (ii) the partner is expelled by judicial determination under Section
601(5);
    (iii) the partner is dissociated by becoming a debtor in bankruptcy; or
    (iv) in the case of a partner who is not an individual, trust other than
a business trust, or estate, the partner is expelled or otherwise dissociated
because it willfully dissolved or terminated.
(c) A partner who wrongfully dissociates is liable to the partnership and to the other
partners for damages caused by the dissociation. The liability is in addition to any other
obligation of the partner to the partnership or to the other partners.
Section 603. Effect of partner's dissociation.

New matter indicated by italics - deletions by strikeout.
(a) If a partner's dissociation results in a dissolution and winding up of the partnership business, Article 8 of this Act applies; otherwise, Article 7 applies.

(b) Upon a partner's dissociation:
   (1) the partner's right to participate in the management and conduct of the partnership business terminates, except as otherwise provided in Section 803;
   (2) except as provided in clause (3) of this subsection, a partner's duties terminate; and
   (3) the partner's duty of loyalty under Section 404(b)(1) and (2) and duty of care under Section 404(c) continue only with regard to matters arising and events occurring before the partner's dissociation, unless the partner participates in winding up the partnership's business pursuant to Section 803.

ARTICLE 7
PARTNER'S DISSOCIATION WHEN BUSINESS NOT WOUND UP
Section 701. Purchase of dissociated partner's interest.
(a) If a partner is dissociated from a partnership without resulting in a dissolution and winding up of the partnership business under Section 801 of this Act, the partnership shall cause the dissociated partner's interest in the partnership to be purchased for a buyout price determined pursuant to subsection (b) of this Section.

(b) The buyout price of a dissociated partner's interest is the amount that would have been distributable to the dissocia
ting partner under Section 807(b) if, on the date of dissociation, the assets of the partnership were sold at a price equal to the greater of the liquidation value or the value based on a sale of the entire business as a going concern without the dissociated partner and the partnership were wound up as of that date. Interest must be paid from the date of dissociation to the date of payment.

(c) Damages for wrongful dissociation under Section 602(b), and all other amounts owing, whether or not presently due, from the dissociated partner to the partnership, must be offset against the buyout price. Interest must be paid from the date the amount owed becomes due to the date of payment.

(d) A partnership shall indemnify a dissociated partner whose interest is being purchased against all partnership liabilities, whether incurred before or after the dissociation, except liabilities incurred by an act of the dissociated partner under Section 702.

(e) If no agreement for the purchase of a dissociated partner's interest is reached within 120 days after a written demand for payment, the partnership shall pay, or cause to be paid, in cash to the dissociated partner the amount the partnership estimates to be the buyout price and accrued interest, reduced by any offsets and accrued interest under subsection (c).

(f) If a deferred payment is authorized under subsection (h), the partnership may tender a written offer to pay the amount it estimates to be the buyout price and accrued interest, reduced by any offsets under subsection (c), stating the time of payment, the amount and type of security for payment, and the other terms and conditions of the obligation.

(g) The payment or tender required by subsection (e) or (f) must be accompanied by the following:

New matter indicated by italics - deletions by strikeout.
(1) a statement of partnership assets and liabilities as of the date of
dissociation;
(2) the latest available partnership balance sheet and income statement, if any;
(3) an explanation of how the estimated amount of the payment was
calculated; and
(4) written notice that the payment is in full satisfaction of the obligation to
purchase unless, within 120 days after the written notice, the dissociated partner
commences an action to determine the buyout price, any offsets under subsection (c),
or other terms of the obligation to purchase.
(h) A partner who wrongfully dissociates before the expiration of a definite term or
the completion of a particular undertaking is not entitled to payment of any portion of the
buyout price until the expiration of the term or completion of the undertaking, unless the
partner establishes to the satisfaction of the court that earlier payment will not cause undue
hardship to the business of the partnership. A deferred payment must be adequately secured
and bear interest.
(i) A dissociated partner may maintain an action against the partnership, pursuant to
Section 405(b)(2)(ii), to determine the buyout price of that partner's interest, any offsets
under subsection (c), or other terms of the obligation to purchase. The action must be
commenced within 120 days after the partnership has tendered payment or an offer to pay
or within one year after written demand for payment if no payment or offer to pay is
tendered. The court shall determine the buyout price of the dissociated partner's interest, any
offset due under subsection (c) of this Section, and accrued interest, and enter judgment for
any additional payment or refund. If deferred payment is authorized under subsection (h), the
court shall also determine the security for payment and other terms of the obligation to
purchase. The court may assess reasonable attorney's fees and the fees and expenses of
appraisers or other experts for a party to the action, in amounts the court finds equitable,
against a party that the court finds acted arbitrarily, vexatiously, or not in good faith. The
finding may be based on the partnership's failure to tender payment or an offer to pay or to
comply with subsection (g).
Section 702. Dissociated partner's power to bind and liability to partnership.
(a) For 2 years after a partner dissociates without resulting in a dissolution and
winding up of the partnership business, the partnership, including a surviving partnership
under Article 9 of this Act, is bound by an act of the dissociated partner which would have
bound the partnership under Section 301 before dissociation only if at the time of entering
into the transaction the other party:
(1) reasonably believed that the dissociated partner was then a partner;
(2) did not have notice of the partner's dissociation; and
(3) is not deemed to have had knowledge under Section 303(e) or notice
under Section 704(c).
(b) A dissociated partner is liable to the partnership for any damage caused to the
partnership arising from an obligation incurred by the dissociated partner after dissociation
for which the partnership is liable under subsection (a) of this Section.

New matter indicated by italics - deletions by strikeout.
Section 703. Dissociated partner's liability to other persons.

(a) A partner's dissociation does not of itself discharge the partner's liability for a partnership obligation incurred before dissociation. A dissociated partner is not liable for a partnership obligation incurred after dissociation, except as otherwise provided in subsection (b) of this Section.

(b) A partner who dissociates without resulting in a dissolution and winding up of the partnership business is liable as a partner to the other party in a transaction entered into by the partnership, or a surviving partnership under Article 9 of this Act, within 2 years after the partner's dissociation, only if the partner is liable for the obligation under Section 306 and at the time of entering into the transaction the other party:

(1) reasonably believed that the dissociated partner was then a partner;
(2) did not have notice of the partner's dissociation; and
(3) is not deemed to have had knowledge under Section 303(e) or notice under Section 704(c).

(c) By agreement with the partnership creditor and the partners continuing the business, a dissociated partner may be released from liability for a partnership obligation.

(d) A dissociated partner is released from liability for a partnership obligation if a partnership creditor, with notice of the partner's dissociation but without the partner's consent, agrees to a material alteration in the nature or time of payment of a partnership obligation.

Section 704. Statement of dissociation.

(a) A dissociated partner or the partnership may file a statement of dissociation stating the name of the partnership and that the partner is dissociated from the partnership.

(b) A statement of dissociation is a limitation on the authority of a dissociated partner for the purposes of Section 303(d) and (e).

(c) For the purposes of Sections 702(a)(3) and 703(b)(3) of this Act, a person not a partner is deemed to have notice of the dissociation 90 days after the statement of dissociation is filed.

Section 705. Continued use of partnership name. Continued use of a partnership name, or a dissociated partner's name as part thereof, by partners continuing the business does not of itself make the dissociated partner liable for an obligation of the partners or the partnership continuing the business.

ARTICLE 8
WINDING UP PARTNERSHIP BUSINESS

Section 801. Events causing dissolution and winding up of partnership business. A partnership is dissolved, and its business must be wound up, only upon the occurrence of any of the following events:

(1) in a partnership at will, the partnership's having notice from a partner, other than a partner who is dissociated under Section 601(2) through (10), of that partner's express will to withdraw as a partner, or on a later date specified by the partner;

(2) in a partnership for a definite term or particular undertaking:

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(i) within 90 days after a partner's dissociation by death or otherwise under Section 601(6) through (10) or wrongful dissociation under Section 602(b), the express will of at least half of the remaining partners to wind up the partnership business, for which purpose a partner’s rightful dissociation pursuant to Section 602(b)(2)(i) constitutes the expression of that partner's will to wind up the partnership business;
(ii) the express will of all of the partners to wind up the partnership business; or
(iii) the expiration of the term or the completion of the undertaking;
(3) an event agreed to in the partnership agreement resulting in the winding up of the partnership business;
(4) an event that makes it unlawful for all or substantially all of the business of the partnership to be continued, but a cure of illegality within 90 days after notice to the partnership of the event is effective retroactively to the date of the event for purposes of this Section;
(5) on application by a partner, a judicial determination that:
   (i) the economic purpose of the partnership is likely to be unreasonably frustrated;
   (ii) another partner has engaged in conduct relating to the partnership business which makes it not reasonably practicable to carry on the business in partnership with that partner; or
   (iii) it is not otherwise reasonably practicable to carry on the partnership business in conformity with the partnership agreement; or
(6) on application by a transferee of a partner's transferable interest, a judicial determination that it is equitable to wind up the partnership business:
   (i) after the expiration of the term or completion of the undertaking, if the partnership was for a definite term or particular undertaking at the time of the transfer or entry of the charging order that gave rise to the transfer; or
   (ii) at any time, if the partnership was a partnership at will at the time of the transfer or entry of the charging order that gave rise to the transfer.

Section 802. Partnership continues after dissolution.
(a) Subject to subsection (b) of this Section, a partnership continues after dissolution only for the purpose of winding up its business. The partnership is terminated when the winding up of its business is completed.
    (b) At any time after the dissolution of a partnership and before the winding up of its business is completed, all of the partners, including any dissociating partner other than a wrongfully dissociating partner, may waive the right to have the partnership's business wound up and the partnership terminated. In that event:

(1) the partnership resumes carrying on its business as if dissolution had never occurred, and any liability incurred by the partnership or a partner after the dissolution and before the waiver is determined as if dissolution had never occurred; and

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(2) the rights of a third party accruing under Section 804(1) of this Act or arising out of conduct in reliance on the dissolution before the third party knew or received a notification of the waiver may not be adversely affected.

Section 803. Right to wind up partnership business.
(a) After dissolution, a partner who has notwrongfully dissociated may participate in winding up the partnership's business, but on application of any partner, partner's legal representative, or transferee, the appropriate court, for good cause shown, may order judicial supervision of the winding up.
(b) The legal representative of the last surviving partner may wind up a partnership's business.
(c) A person winding up a partnership's business may preserve the partnership business or property as a going concern for a reasonable time, prosecute and defend actions and proceedings, whether civil, criminal, or administrative, settle and close the partnership's business, dispose of and transfer the partnership's property, discharge the partnership's liabilities, distribute the assets of the partnership pursuant to Section 807, settle disputes by mediation or arbitration, and perform other necessary acts.

Section 804. Partner's power to bind partnership after dissolution. Subject to Section 805 of this Act, a partnership is bound by a partner's act after dissolution that:
(1) is appropriate for winding up the partnership business; or
(2) would have bound the partnership under Section 301 before dissolution, if the other party to the transaction did not have notice of the dissolution.

Section 805. Statement of dissolution.
(a) After dissolution, a partner who has not wrongfully dissociated may file a statement of dissolution stating the name of the partnership and that the partnership has dissolved and is winding up its business.
(b) A statement of dissolution cancels a filed statement of partnership authority for the purposes of Section 303(d) and is a limitation on authority for the purposes of Section 303(e).
(c) For the purposes of Sections 301 and 804, a person not a partner is deemed to have notice of the dissolution and the limitation on the partners' authority as a result of the statement of dissolution 90 days after it is filed.
(d) After filing and, if appropriate, recording a statement of dissolution, a dissolved partnership may file and, if appropriate, record a statement of partnership authority which will operate with respect to a person not a partner as provided in Section 303(d) and (e) in any transaction, whether or not the transaction is appropriate for winding up the partnership business.

Section 806. Partner's liability to other partners after dissolution.
(a) Except as otherwise provided in subsection (b) of this Section and Section 306 of this Act, after dissolution a partner is liable to the other partners for the partner's share of any partnership liability incurred under Section 804.
(b) A partner who, with knowledge of the dissolution, incurs a partnership liability under Section 804(2) by an act that is not appropriate for winding up the partnership business

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is liable to the partnership for any damage caused to the partnership arising from the liability.

Section 807. Settlement of accounts and contributions among partners.

(a) In winding up a partnership's business, the assets of the partnership, including the contributions of the partners required by this Section, must be applied to discharge its obligations to creditors, including, to the extent permitted by law, partners who are creditors. Any surplus must be applied to pay in cash the net amount distributable to partners in accordance with their right to distributions under subsection (b) of this Section.

(b) Each partner is entitled to a settlement of all partnership accounts upon winding up the partnership business. In settling accounts among the partners, profits and losses that result from the liquidation of the partnership assets must be credited and charged to the partners' accounts. The partnership shall make a distribution to a partner in an amount equal to any excess of the credits over the charges in the partner's account. A partner shall contribute to the partnership an amount equal to any excess of the charges over the credits in the partner's account but excluding from the calculation charges attributable to an obligation for which the partner is not personally liable under Section 306 of this Act.

(c) If a partner fails to contribute the full amount required under subsection (b) of this Section, all of the other partners shall contribute, in the proportions in which those partners share partnership losses, the additional amount necessary to satisfy the partnership obligations for which they are personally liable under Section 306. A partner or partner's legal representative may recover from the other partners any contributions the partner makes to the extent the amount contributed exceeds that partner's share of the partnership obligations for which the partner is personally liable under Section 306.

(d) After the settlement of accounts, each partner shall contribute, in the proportion in which the partner shares partnership losses, the amount necessary to satisfy partnership obligations that were not known at the time of the settlement and for which the partner is personally liable under Section 306.

(e) The estate of a deceased partner is liable for the partner's obligation to contribute to the partnership.

(f) An assignee for the benefit of creditors of a partnership or a partner, or a person appointed by a court to represent creditors of a partnership or a partner, may enforce a partner's obligation to contribute to the partnership.

ARTICLE 9
CONVERSIONS AND MERGERS

Section 901. Definitions. In this article:

(1) "General partner" means a partner in a partnership and a general partner in a limited partnership.

(2) "Limited partner" means a limited partner in a limited partnership.

(3) "Limited partnership" means a limited partnership created under the Revised Uniform Limited Partnership Act, predecessor law, or comparable law of another jurisdiction.

(4) "Partner" includes both a general partner and a limited partner.

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Section 902. Conversion of partnership to limited partnership.
   (a) A partnership may be converted to a limited partnership pursuant to this Section.
   (b) The terms and conditions of a conversion of a partnership to a limited partnership must be approved by all of the partners or by a number or percentage specified for conversion in the partnership agreement.
   (c) After the conversion is approved by the partners, the partnership shall file a certificate of limited partnership in the jurisdiction in which the limited partnership is to be formed. The certificate must include:
      (1) a statement that the partnership was converted to a limited partnership from a partnership;
      (2) its former name; and
      (3) a statement of the number of votes cast by the partners for and against the conversion and, if the vote is less than unanimous, the number or percentage required to approve the conversion under the partnership agreement.
   (d) The conversion takes effect when the certificate of limited partnership is filed or at any later date specified in the certificate.
   (e) A general partner who becomes a limited partner as a result of the conversion remains liable as a general partner for an obligation incurred by the partnership before the conversion takes effect. If the other party to a transaction with the limited partnership reasonably believes when entering the transaction that the limited partner is a general partner, the limited partner is liable for an obligation incurred by the limited partnership within 90 days after the conversion takes effect. The limited partner’s liability for all other obligations of the limited partnership incurred after the conversion takes effect is that of a limited partner as provided in the Revised Uniform Limited Partnership Act.

Section 903. Conversion of limited partnership to partnership.
   (a) A limited partnership may be converted to a partnership pursuant to this Section.
   (b) Notwithstanding a provision to the contrary in a limited partnership agreement, the terms and conditions of a conversion of a limited partnership to a partnership must be approved by all of the partners.
   (c) After the conversion is approved by the partners, the limited partnership shall cancel its certificate of limited partnership.
   (d) The conversion takes effect when the certificate of limited partnership is canceled.
   (e) A limited partner who becomes a general partner as a result of the conversion remains liable only as a limited partner for an obligation incurred by the limited partnership before the conversion takes effect. Except as otherwise provided in Section 306, the partner is liable as a general partner for an obligation of the partnership incurred after the conversion takes effect.

Section 904. Effect of conversion; entity unchanged.
   (a) A partnership or limited partnership that has been converted pursuant to this article is for all purposes the same entity that existed before the conversion.
   (b) When a conversion takes effect:
      (1) all property owned by the converting partnership or limited partnership

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remains vested in the converted entity;

(2) all obligations of the converting partnership or limited partnership continue as obligations of the converted entity; and

(3) an action or proceeding pending against the converting partnership or limited partnership may be continued as if the conversion had not occurred.

Section 905. Merger of partnerships.

(a) Pursuant to a plan of merger approved as provided in subsection (c) of this Section, a partnership may be merged with one or more partnerships or limited partnerships.

(b) The plan of merger must set forth:

(1) the name of each partnership or limited partnership that is a party to the merger;

(2) the name of the surviving entity into which the other partnerships or limited partnerships will merge;

(3) whether the surviving entity is a partnership or a limited partnership and the status of each partner;

(4) the terms and conditions of the merger;

(5) the manner and basis of converting the interests of each party to the merger into interests or obligations of the surviving entity, or into money or other property in whole or part; and

(6) the street address of the surviving entity's chief executive office.

(c) The plan of merger must be approved:

(1) in the case of a partnership that is a party to the merger, by all of the partners, or a number or percentage specified for merger in the partnership agreement; and

(2) in the case of a limited partnership that is a party to the merger, by the vote required for approval of a merger by the law of the State or foreign jurisdiction in which the limited partnership is organized and, in the absence of such a specifically applicable law, by all of the partners, notwithstanding a provision to the contrary in the partnership agreement.

(d) After a plan of merger is approved and before the merger takes effect, the plan may be amended or abandoned as provided in the plan.

(e) The merger takes effect on the later of:

(1) the approval of the plan of merger by all parties to the merger, as provided in subsection (c);

(2) the filing of all documents required by law to be filed as a condition to the effectiveness of the merger; or

(3) any effective date specified in the plan of merger.

Section 906. Effect of merger.

(a) When a merger takes effect:

(1) the separate existence of every partnership or limited partnership that is a party to the merger, other than the surviving entity, ceases;

(2) all property owned by each of the merged partnerships or limited

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partnerships vests in the surviving entity;

(3) all obligations of every partnership or limited partnership that is a party to the merger become the obligations of the surviving entity; and

(4) an action or proceeding pending against a partnership or limited partnership that is a party to the merger may be continued as if the merger had not occurred, or the surviving entity may be substituted as a party to the action or proceeding.

(b) The Secretary of State of this State is the agent for service of process in an action or proceeding against a surviving foreign partnership or limited partnership to enforce an obligation of a domestic partnership or limited partnership that is a party to a merger. The surviving entity shall promptly notify the Secretary of State of the mailing address of its chief executive office and of any change of address. Upon receipt of process, the Secretary of State shall mail a copy of the process to the surviving foreign partnership or limited partnership.

(c) A partner of the surviving partnership or limited partnership is liable for:

(1) all obligations of a party to the merger for which the partner was personally liable before the merger;

(2) all other obligations of the surviving entity incurred before the merger by a party to the merger, but those obligations may be satisfied only out of property of the entity; and

(3) except as otherwise provided in Section 306 of this Act, all obligations of the surviving entity incurred after the merger takes effect, but those obligations may be satisfied only out of property of the entity if the partner is a limited partner.

(d) If the obligations incurred before the merger by a party to the merger are not satisfied out of the property of the surviving partnership or limited partnership, the general partners of that party immediately before the effective date of the merger shall contribute the amount necessary to satisfy that party's obligations to the surviving entity, in the manner provided in Section 807 or in the Limited Partnership Act of the jurisdiction in which the party was formed, as the case may be, as if the merged party were dissolved.

(e) A partner of a party to a merger who does not become a partner of the surviving partnership or limited partnership is dissociated from the entity, of which that partner was a partner, as of the date the merger takes effect. The surviving entity shall cause the partner's interest in the entity to be purchased under Section 701 of this Act or another statute specifically applicable to that partner's interest with respect to a merger. The surviving entity is bound under Section 702 by an act of a general partner dissociated under this subsection, and the partner is liable under Section 703 for transactions entered into by the surviving entity after the merger takes effect.

Section 907. Statement of merger.

(a) After a merger, the surviving partnership or limited partnership may file a statement that one or more partnerships or limited partnerships have merged into the surviving entity.

(b) A statement of merger must contain:

(1) the name of each partnership or limited partnership that is a party to the

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merger;
(2) the name of the surviving entity into which the other partnerships or limited partnerships were merged;
(3) the street address of the surviving entity's chief executive office and of an office in this State, if any; and
(4) whether the surviving entity is a partnership or a limited partnership.

(c) Except as otherwise provided in subsection (d) of this Section, for the purposes of Section 302, property of the surviving partnership or limited partnership which before the merger was held in the name of another party to the merger is property held in the name of the surviving entity upon filing a statement of merger.

(d) For the purposes of Section 302, real property of the surviving partnership or limited partnership which before the merger was held in the name of another party to the merger is property held in the name of the surviving entity upon recording a certified copy of the statement of merger in the office for recording transfers of that real property.

(e) A filed and, if appropriate, recorded statement of merger, executed and declared to be accurate pursuant to Section 105(c), stating the name of a partnership or limited partnership that is a party to the merger in whose name property was held before the merger and the name of the surviving entity, but not containing all of the other information required by subsection (b) of this Section, operates with respect to the partnerships or limited partnerships named to the extent provided in subsections (c) and (d).

Section 908. Merger of partnership and limited liability company.
(a) Under a plan of merger approved under subsection (c) of this Section, any one or more partnerships of this State may merge with or into one or more limited liability companies of this State, any other state or states of the United States, or the District of Columbia, if the laws of the other state or states or the District of Columbia permit the merger. The partnership or partnerships and the limited liability company or companies may merge with or into a partnership, which may be any one of these partnerships, or they may merge with or into a limited liability company, which may be any one of these limited liability companies, which shall be a partnership or limited liability company of this State, any other state of the United States, or the District of Columbia, which permits the merger.

(b) A plan of merger must set forth all of the following:
(1) The name of each entity that is a party to the merger.
(2) The name of the surviving entity into which the other entities will merge.
(3) The type of organization of the surviving entity.
(4) The terms and conditions of the merger.
(5) The manner and basis for converting the interests of each party to the merger into interests, obligations, or other securities of the surviving entity, or into money or other property in whole or in part.
(6) The street address of the surviving entity's principal place of business.

(c) The plan of merger required by subsection (b) of this Section must be approved by each party to the merger in accordance with all of the following:
(1) In the case of a partnership, by all of the partners or by the number or
percentage of the partners required to approve a merger specified in the partnership agreement.

(2) In the case of a limited liability company, by all members or by the number or percentage of members required to approve a merger specified in the operating agreement.

(d) After a plan of merger is approved and before the merger takes effect, the plan may be amended or abandoned as provided in the plan of merger.

(e) After approval of the plan of merger under this Section, unless the merger is abandoned under subsection (d) of this Section, a statement of merger must be signed on behalf of each party to the merger and delivered to the Secretary of State of this State for filing. The statement of merger must set forth all of the following:

(1) The name and, in the case of a limited liability partnership, jurisdiction of each partnership and the name and jurisdiction of organization of each limited liability company that is a party to the merger.

(2) That a plan of merger has been approved and signed by each partnership and each limited liability company that is a party to the merger.

(3) The name and address of the surviving partnership or surviving limited liability company.

(4) The effective date of the merger.

(5) If a party to the merger is a foreign limited liability company or a foreign limited liability partnership, the jurisdiction and date of the filing of its articles of organization or statement of qualification, as the case may be, and the date when its application for authority was filed with the Secretary of State of this State or, if an application has not been filed, a statement to that effect.

(6) If the surviving entity is not a partnership or limited liability company organized under the laws of this State, an agreement that the surviving entity may be served with process in this State and is subject to liability in any action or proceeding for the enforcement of any liability or obligation of any partnership or limited liability company which is a party to the merger or which was previously subject to suit in this State, and for the enforcement, as provided in this Act, of the right of partners of any partnership or members of any limited liability company to receive payment for their interests in the partnership or limited liability company, as the case may be, against the surviving entity.

(f) If a foreign limited liability company or a foreign limited liability partnership is the surviving entity of a merger, it may not do business in this State until an application for that authority is filed with the Secretary of State.

(g) The surviving partnership or other entity shall furnish a copy of the plan of merger, on request, and without cost, to any person holding an interest in an entity that is to merge.

(h) To the extent that the statement of merger is inconsistent with the articles of organization of a limited liability company or the statement of qualification of a limited liability partnership, the statement of merger shall operate as an amendment to the articles

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of organization or statement of qualification, as the case may be.

(i) The merger is effective upon the filing of the statement of merger with the Secretary of State of this State, or on a later date as specified in the statement of merger not later than 30 days subsequent to the filing of the statement of merger under subsection (e) of this Section.

(j) When any merger becomes effective under this Section:

(1) the separate existence of each partnership and each limited liability company that is a party to the merger, other than the surviving entity, terminates;
(2) all property owned by each partnership and each limited liability company that is a party to the merger vests in the surviving entity;
(3) all debts, liabilities, and other obligations of each partnership and each limited liability company that is a party to the merger become the obligations of the surviving entity;
(4) an action or proceeding by or against a partnership or limited liability company that is a party to the merger may be continued as if the merger had not occurred or the surviving entity may be substituted as a party to the action or proceeding; and
(5) except as prohibited by other law, all the rights, privileges, immunities, powers, and purposes of each partnership and limited liability company that is a party to the merger vest in the surviving entity.

(k) The Secretary of State of this State is an agent for service of process in an action or proceeding against any surviving foreign entity to enforce an obligation of any party to a merger if the surviving foreign entity fails to appoint or maintain an agent designated for service of process in this State or the agent for service of process cannot with reasonable diligence be found at the designated office. Service is effected under this subsection (k) at the earliest of:

(1) the date the surviving entity receives the process notice or demand;
(2) the date shown on the return receipt, if signed on behalf of the surviving entity; or
(3) 5 days after its deposit in the mail, if mailed postpaid and correctly addressed.

(l) Service under subsection (k) of this Section shall be made by the person instituting the action by doing all of the following:

(1) Serving on the Secretary of State of this State, or on any employee having responsibility for administering this Act in his or her office, a copy of the process, notice, or demand, together with any papers required by law to be delivered in connection with service and paying the fee prescribed by Section 108 of this Act.
(2) Transmitting notice of the service on the Secretary of State of this State and a copy of the process, notice, or demand and accompanying papers to the surviving entity being served, by registered or certified mail at the address set forth in the statement of merger.
(3) Attaching an affidavit of compliance with this Section, in substantially the

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form that the Secretary of State of this State may by rule prescribe, to the process, notice, or demand.

(m) Nothing contained in this Section shall limit or affect the right to serve any process, notice, or demand required or permitted by law to be served upon a partnership in any other manner now or hereafter permitted by law.

(n) The Secretary of State of this State shall keep, for a period of 5 years from the date of service, a record of all processes, notices, and demands served upon him or her under this Section and shall record the time of the service and the person's action with reference to the service.

(o) Except as provided by agreement with a person to whom a partner of a partnership is obligated, a merger of a partnership that has become effective shall not affect any obligation or liability existing at the time of the merger of a partner of a partnership that is merging.

Section 909. Approval of conversion into a limited liability company. A partnership may convert into a limited liability company organized, formed, or created under the laws of this State, upon approval of the conversion in accordance with this Section. The terms and conditions of a conversion of a partnership to a limited liability company must be approved by all of the partners or by a number or percentage of the partners required for conversion in the partnership agreement.

After a conversion is approved, the partnership shall file articles of organization in the Office of the Secretary of State in accordance with subsection (d) of Section 37-10 of the Limited Liability Company Act.

Section 910. Nonexclusive. This Article is not exclusive. Partnerships or limited partnerships may be converted or merged in any other manner provided by law.

ARTICLE 10
LIMITED LIABILITY PARTNERSHIP
Section 1001. Statement of qualification.
(a) A partnership may become a limited liability partnership pursuant to this Section.
(b) The terms and conditions on which a partnership becomes a limited liability partnership must be approved by the vote necessary to amend the partnership agreement except, in the case of a partnership agreement that expressly considers obligations to contribute to the partnership, the vote necessary to amend those provisions.
(c) After the approval required by subsection (b) of this Section, a partnership may become a limited liability partnership by filing a statement of qualification with the Secretary of State. The statement must contain:
   (1) the name of the partnership;
   (2) the street address of the partnership's chief executive office and, if different, the street address of an office in this State, if any;
   (3) the name and street address of the partnership's agent for service of process;
   (4) the number of partners;
   (5) a brief statement of the business in which the partnership engages;

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(6) a statement that the partnership applies for qualification as a limited liability partnership; and
(7) a deferred effective date, if any, of an application for status as a limited liability partnership.
(d) The agent of a limited liability partnership for service of process must be an individual who is a resident of this State or other person authorized to do business in this State.
(e) The status of a partnership as a limited liability partnership is effective on the later of the filing of the statement or a date specified in the statement and the receipt by the Secretary of State of the required fee. The status remains effective for one year after the date a statement of qualification is filed, regardless of changes in the partnership, unless the partnership voluntarily withdraws by filing a statement of withdrawal, in which event the status of the partnership as a limited liability partnership shall terminate on the date such statement is filed or, if later, a date specified on the statement.
(f) The status of a partnership as a limited liability partnership and the liability of its partners is not affected by errors or later changes in the information required to be contained in the statement of qualification under subsection (c) of this Section.
(g) The filing of a statement of qualification establishes that a partnership has satisfied all conditions precedent to the qualification of the partnership as a limited liability partnership.
(h) An amendment or cancellation of a statement of qualification is effective when it is filed or on a deferred effective date specified in the amendment or cancellation.
(i) The Secretary of State shall register as a limited liability partnership any partnership that submits a completed application with the required fee.
(j) The Secretary of State shall provide statements for registration application, renewal of registration and voluntary cancellation.

Section 1002. Name. The name of a limited liability partnership must end with "Registered Limited Liability Partnership", "Limited Liability Partnership", "R.L.L.P.", "L.L.P.", "RLLP", or "LLP".

Section 1003. Renewal statements.
(a) A limited liability partnership, and a foreign limited liability partnership authorized to transact business in this State, shall file a renewal statement in the Office of the Secretary of State which contains:
(1) the name of the partnership;
(2) the street address of the partnership's chief executive office and, if different, the street address of an office in this State, if any;
(3) the name and street address of the partnership's agent for service of process;
(4) if the partnership is a domestic limited liability partnership, the number of partners;
(5) a brief statement of the business in which the partnership engages; and
(6) if the partnership is a foreign limited liability partnership, a current

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certificate of status in good standing as a registered limited liability partnership under the laws of that state or jurisdiction.

(b) Qualification as a limited liability partnership, whether pursuant to an original statement or a renewal statement, is renewed if, during the 60 day period preceding the date the initial statement or renewal statement otherwise would have expired, the partnership files with the Secretary of State a renewal statement. A renewal statement expires one year after the date an original statement would have expired if the last renewal of the statement had not occurred.

(c) The Secretary of State shall renew the registration of any limited liability partnership of any partnership that submits a renewal statement with the required fee.

ARTICLE 11
FOREIGN LIMITED LIABILITY PARTNERSHIP

Section 1101. Law governing foreign limited liability partnership.

(a) The law under which a foreign limited liability partnership is formed governs relations among the partners and between the partners and the partnership and the liability of partners for obligations of the partnership.

(b) A foreign limited liability partnership may not be denied a statement of foreign qualification by reason of any difference between the law under which the partnership was formed and the law of this State.

(c) A statement of foreign qualification does not authorize a foreign limited liability partnership to engage in any business or exercise any power that a partnership may not engage in or exercise in this State as a limited liability partnership.

Section 1102. Statement of foreign qualification.

(a) Before transacting or continuing to transact business in this State, a foreign limited liability partnership must file a statement of qualification or a renewal statement under Section 1001; provided, however, that the statement must contain:

(1) the name of the foreign limited liability partnership which satisfies the requirements of the state or other jurisdiction under whose law it is formed and ends with "Registered Limited Liability Partnership", "Limited Liability Partnership", "R.L.L.P.", "L.L.P.", "RLLP", or "LLP";

(2) the street address of the partnership's chief executive office and, if different, the street address of an office of the partnership in this State, if any;

(3) the name and street address of the partnership's agent for service of process;

(4) a brief statement of the business in which the partnership engages;

(5) a deferred effective date, if any; and

(6) a document or documents sufficient under the laws of the state or jurisdiction in which the limited liability partnership is organized to constitute official certification of current status in good standing as a registered limited liability partnership under the laws of that state or jurisdiction.

(b) A foreign partnership may not use an assumed or fictitious name in the conduct of its business to intentionally misrepresent the geographic origin or location of the

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partnership. This subsection (b) does not apply to any foreign limited liability partnership that has gross annual revenues in excess of $100,000,000.

(c) A person shall not advertise or cause to be listed in a telephone directory an assumed or fictitious business name that intentionally misrepresents where the business is actually located or operating or falsely states that the business is located or operating in the area covered by the telephone directory. This subsection (c) does not apply to a telephone service provider or to the publisher or distributor of a telephone service directory, unless the conduct prescribed in this subsection (c) is on behalf of that telephone service provider or that publisher or distributor. This subsection (c) does not apply to any foreign limited liability partnership that has gross annual revenues in excess of $100,000,000.

(d) A foreign limited liability partnership that violates this Section is guilty of a petty offense and must be fined not less than $501 and not more than $1,000. A foreign limited liability partnership is guilty of an additional offense for each additional day in violation of this Section.

(e) The agent of a foreign limited liability partnership for service of process must be an individual who is a resident of this State or other person authorized to do business in this State.

(f) The status of a partnership as a foreign limited liability partnership is effective on the later of the filing of the statement of foreign qualification or a date specified in the statement. The status remains effective, regardless of changes in the partnership, unless the partnership voluntarily withdraws by filing a statement of withdrawal, in which event the status of the partnership as a foreign limited liability partnership shall terminate on the date such statement is filed or, if later, a date specified on the statement.

(g) An amendment or cancellation of a statement of foreign qualification is effective when it is filed or on a deferred effective date specified in the amendment or cancellation.

(h) The Secretary of State shall register as a limited liability partnership any foreign limited liability partnership that submits a completed application with the required fee.

Section 1103. Effect of failure to qualify.

(a) A foreign limited liability partnership transacting business in this State may not maintain an action or proceeding in this State unless it has in effect a statement of foreign qualification.

(b) The failure of a foreign limited liability partnership to have in effect a statement of foreign qualification does not impair the validity of a contract or act of the foreign limited liability partnership or preclude it from defending an action or proceeding in this State.

(c) A limitation on personal liability of a partner is not waived solely by transacting business in this State without a statement of foreign qualification.

(d) If a foreign limited liability partnership transacts business in this State without a statement of foreign qualification, the Secretary of State is its agent for service of process with respect to a right of action arising out of the transaction of business in this State.

Section 1104. Activities not constituting transacting business.

(a) Activities of a foreign limited liability partnership which do not constitute transacting business for the purpose of this Article include:

New matter indicated by italics - deletions by strikeout.
(1) maintaining, defending, or settling an action or proceeding;
(2) holding meetings of its partners or carrying on any other activity concerning its internal affairs;
(3) maintaining bank accounts;
(4) maintaining offices or agencies for the transfer, exchange, and registration of the partnership's own securities or maintaining trustees or depositories with respect to those securities;
(5) selling through independent contractors;
(6) soliciting or obtaining orders, whether by mail or through employees or agents or otherwise, if the orders require acceptance outside this State before they become contracts;
(7) creating or acquiring indebtedness, with or without a mortgage, or other security interest in property;
(8) collecting debts or foreclosing mortgages or other security interests in property securing the debts, and holding, protecting, and maintaining property so acquired;
(9) conducting an isolated transaction that is completed within 30 days and is not one in the course of similar transactions; and
(10) transacting business in interstate commerce.

(b) For purposes of this Article, the ownership in this State of income-producing real property or tangible personal property, other than property excluded under subsection (a) of this Section, constitutes transacting business in this State.

(c) This Section does not apply in determining the contacts or activities that may subject a foreign limited liability partnership to service of process, taxation, or regulation under any other law of this State.

Section 1105. Action by Attorney General. The Attorney General may maintain an action to restrain a foreign limited liability partnership from transacting business in this State in violation of this Article.

ARTICLE 12
MISCELLANEOUS PROVISIONS

Section 1201. Uniformity of application and construction. This Act shall be applied and construed to effectuate its general purpose to make uniform the law with respect to the subject of this Act among States enacting it.

Section 1202. Short title. (See Section 100 for short title.)

Section 1203. Severability clause. If any provision of this Act or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.

Section 1204. Effective date. (See Section 1299 for effective date.)

Section 1205. Repealer. (See Section 1290 for repeals.)

Section 1206. Applicability.

(a) Before January 1, 2008, this Act governs only a partnership formed:

New matter indicated by italics - deletions by strikeout.
(1) on or after January 1, 2003, except a partnership that is continuing the business of a dissolved partnership under Section 33 of the superseded Uniform Partnership Act; and
(2) before January 1, 2003, that elects, as provided by subsection (c) of this Section, to be governed by this Act.
(b) On and after January 1, 2008, this Act governs all partnerships.
(c) Before January 1, 2008, a partnership voluntarily may elect, in the manner provided in its partnership agreement or by law for amending the partnership agreement, to be governed by this Act. The provisions of this Act relating to the liability of the partnership's partners to third parties apply to limit those partners' liability to a third party who had done business with the partnership within one year before the partnership's election to be governed by this Act only if the third party knows or has received a notification of the partnership's election to be governed by this Act.

Section 1207. Savings clause. This Act does not affect an action or proceeding commenced or right accrued before this Act takes effect.

Section 1290. The Uniform Partnership Act is amended by adding Part VII as follows:

(805 ILCS 205/Part VII heading new)
PART VII. APPLICABILITY; REPEAL

(805 ILCS 205/90 new)
Sec. 90. Applicability of Act.
(a) Except as provided in subsection (b), this Act governs a partnership formed before January 1, 2003. This Act governs a partnership formed after December 31, 2002 and before January 1, 2008 only if that partnership is continuing the business of a dissolved partnership under Section 33. A partnership may not be formed under this Act on or after January 1, 2003 unless it is continuing the business of a dissolved partnership under Section 33.
(b) A partnership formed before January 1, 2003 may voluntarily elect to be governed, before January 1, 2008, by the Uniform Partnership Act (1997) as provided in Section 1206 of that Act.

(805 ILCS 205/95 new)
Sec. 95. Repeal. This Act is repealed on January 1, 2008.

Section 1295. The Revised Uniform Limited Partnership Act is amended by changing Sections 201 and 1204 and adding Section 805 as follows:
(805 ILCS 210/201) (from Ch. 106 1/2, par. 152-1)
Sec. 201. Certificate of Limited Partnership.
(a) In order to form a limited partnership, a certificate of limited partnership must be executed and filed in the office of the Secretary of State in Springfield or Chicago. Certificates may be filed in such additional offices as the Secretary of State may designate. The certificate shall set forth:
(1) the name of the limited partnership;
(2) the purposes for which the partnership is formed, which may be stated to

New matter indicated by italics - deletions by strikeout.
be, or to include, the transaction of any or all lawful businesses for which limited partnerships may be formed under this Act;

(3) the address of the office at which the records required to be maintained by Section 104 are kept and the name of its registered agent and the address of its registered office required to be maintained by Section 103;

(4) the name and business address of each general partner;

(5) the latest date, if any, upon which the limited partnership is to dissolve;

(6) any other matters the partners determine to include therein; and

(7) any other information the Secretary of State shall by rule deem necessary to administer this Act.

(b) A limited partnership is formed at the time of the filing of the certificate of limited partnership in the office of the Secretary of State or at any later time, not more than 60 days subsequent to the filing of the certificate of limited partnership, specified in the certificate of limited partnership if, in either case, there has been substantial compliance with the requirements of this Section.

(c) A limited partnership may be formed by converting a partnership to a limited partnership as provided in Section 902 of the Uniform Partnership Act (1997).

(805 ILCS 210/805 new)

Sec. 805. Conversion to partnership. A limited partnership may be converted to a partnership as provided in Section 903 of the Uniform Partnership Act (1997).

(805 ILCS 210/1204) (from Ch. 106 1/2, par. 162-4)

Sec. 1204. Rules for Cases Not Provided for in this Act. Before January 1, 2008, in any case not provided for in this Act the provisions of the Uniform Partnership Act govern if that Act is otherwise applicable as provided in Section 90 of that Act. After December 31, 2002, in any case not provided for in this Act, the provisions of the Uniform Partnership Act (1997) govern if that Act is otherwise applicable as provided in Section 1206 of that Act.

(Source: P.A. 84-1412.)

Section 1299. Effective date. This Act takes effect on January 1, 2003.
Approved July 25, 2002.

PUBLIC ACT 92-0741
(Senate Bill No. 2188)

AN ACT concerning the Office of Banks and Real Estate.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Office of Banks and Real Estate Act is amended by adding Section 5.5 as follows:

(20 ILCS 3205/5.5 new)

New matter indicated by italics - deletions by strikeout.
Sec. 5.5. Payment by credit card or third-party payment agent.
(a) For the purposes of this Section, the term "credit card" has the meaning given in Section 10 of the Local Governmental Acceptance of Credit Cards Act.
(b) The Office may, but need not, accept payment by credit card for any fee, fine, or other charge that it is authorized by law to collect. The Office may adopt rules and procedures governing the acceptance of payment by credit card and may enter into such agreements as may be necessary to accept payment by credit card.
(c) The Office may enter into agreements with one or more financial institutions, internet companies, or other business entities to act as third-party payment agents for the payment of fees, fines, or other charges to the Office. These agreements may authorize the third-party payment agent to retain a service fee out of the payments collected. The Office may, but need not, accept payment through a third-party payment agent of any fee, fine, or other charge that it is authorized by law to collect. The Office may adopt rules and procedures governing the acceptance of payments through third-party payment agents.
(d) Receipt by the Office of the amount of a fee, fine, or other charge paid by credit card or through a third-party payment agent authorized by the Office, less the amount of any service fee retained under the Office's agreement with the credit card service provider or third-party payment agent, shall be deemed receipt of the full amount of the fee or other charge and shall discharge the payment obligation in full.
(e) In the event of a conflict between this Section and a provision of any other Act administered by the Office, this Section controls.

Section 99. Effective date. This Act takes effect upon becoming law.
Approved July 25, 2002.

PUBLIC ACT 92-0742
(Senate Bill No. 2209)

AN ACT concerning taxes.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Uniform Penalty and Interest Act is amended by changing Section 3-3 as follows:

(35 ILCS 735/3-3) (from Ch. 120, par. 2603-3)
Sec. 3-3. Penalty for failure to file or pay.
(a) This subsection (a) is applicable before January 1, 1996. A penalty of 5% of the tax required to be shown due on a return shall be imposed for failure to file the tax return on or before the due date prescribed for filing determined with regard for any extension of time for filing (penalty for late filing or nonfiling). If any unprocessable return is corrected and filed within 21 days after notice by the Department, the late filing or nonfiling penalty shall

New matter indicated by italics - deletions by strikeout.
not apply. If a penalty for late filing or nonfiling is imposed in addition to a penalty for late payment, the total penalty due shall be the sum of the late filing penalty and the applicable late payment penalty. Beginning on the effective date of this amendatory Act of 1995, in the case of any type of tax return required to be filed more frequently than annually, when the failure to file the tax return on or before the date prescribed for filing (including any extensions) is shown to be nonfraudulent and has not occurred in the 2 years immediately preceding the failure to file on the prescribed due date, the penalty imposed by Section 3-3(a) shall be abated.

(a-5) This subsection (a-5) is applicable to returns due on and after January 1, 1996 and on or before December 31, 2000. A penalty equal to 2% of the tax required to be shown due on a return, up to a maximum amount of $250, determined without regard to any part of the tax that is paid on time or by any credit that was properly allowable on the date the return was required to be filed, shall be imposed for failure to file the tax return on or before the due date prescribed for filing determined with regard for any extension of time for filing. However, if any return is not filed within 30 days after notice of nonfiling mailed by the Department to the last known address of the taxpayer contained in Department records, an additional penalty amount shall be imposed equal to the greater of $250 or 2% of the tax shown on the return. However, the additional penalty amount may not exceed $5,000 and is determined without regard to any part of the tax that is paid on time or by any credit that was properly allowable on the date the return was required to be filed (penalty for late filing or nonfiling). If any unprocessable return is corrected and filed within 30 days after notice by the Department, the late filing or nonfiling penalty shall not apply. If a penalty for late filing or nonfiling is imposed in addition to a penalty for late payment, the total penalty due shall be the sum of the late filing penalty and the applicable late payment penalty. In the case of any type of tax return required to be filed more frequently than annually, when the failure to file the tax return on or before the date prescribed for filing (including any extensions) is shown to be nonfraudulent and has not occurred in the 2 years immediately preceding the failure to file on the prescribed due date, the penalty imposed by Section 3-3(a-5) shall be abated.

(a-10) This subsection (a-10) is applicable to returns due on and after January 1, 2001. A penalty equal to 2% of the tax required to be shown due on a return, up to a maximum amount of $250, reduced by any tax that is paid on time or by any credit that was properly allowable on the date the return was required to be filed, shall be imposed for failure to file the tax return on or before the due date prescribed for filing determined with regard for any extension of time for filing. However, if any return is not filed within 30 days after notice of nonfiling mailed by the Department to the last known address of the taxpayer contained in Department records, an additional penalty amount shall be imposed equal to the greater of $250 or 2% of the tax shown on the return. However, the additional penalty amount may not exceed $5,000 and is determined without regard to any part of the tax that is paid on time or by any credit that was properly allowable on the date the return was required to be filed (penalty for late filing or nonfiling). If any unprocessable return is corrected and filed within 30 days after notice by the Department, the late filing or nonfiling penalty...
penalty shall not apply. If a penalty for late filing or nonfiling is imposed in addition to a penalty for late payment, the total penalty due shall be the sum of the late filing penalty and the applicable late payment penalty. In the case of any type of tax return required to be filed more frequently than annually, when the failure to file the tax return on or before the date prescribed for filing (including any extensions) is shown to be nonfraudulent and has not occurred in the 2 years immediately preceding the failure to file on the prescribed due date, the penalty imposed by Section 3-3(a-10) shall be abated.

(b) This subsection is applicable before January 1, 1998. A penalty of 15% of the tax shown on the return or the tax required to be shown due on the return shall be imposed for failure to pay:

(1) the tax shown due on the return on or before the due date prescribed for payment of that tax, an amount of underpayment of estimated tax, or an amount that is reported in an amended return other than an amended return timely filed as required by subsection (b) of Section 506 of the Illinois Income Tax Act (penalty for late payment or nonpayment of admitted liability); or

(2) the full amount of any tax required to be shown due on a return and which is not shown (penalty for late payment or nonpayment of additional liability), within 30 days after a notice of arithmetic error, notice and demand, or a final assessment is issued by the Department. In the case of a final assessment arising following a protest and hearing, the 30-day period shall not begin until all proceedings in court for review of the final assessment have terminated or the period for obtaining a review has expired without proceedings for a review having been instituted. In the case of a notice of tax liability that becomes a final assessment without a protest and hearing, the penalty provided in this paragraph (2) shall be imposed at the expiration of the period provided for the filing of a protest.

(b-5) This subsection is applicable to returns due on and after January 1, 1998 and on or before December 31, 2000. A penalty of 20% of the tax shown on the return or the tax required to be shown due on the return shall be imposed for failure to pay:

(1) the tax shown due on the return on or before the due date prescribed for payment of that tax, an amount of underpayment of estimated tax, or an amount that is reported in an amended return other than an amended return timely filed as required by subsection (b) of Section 506 of the Illinois Income Tax Act (penalty for late payment or nonpayment of admitted liability); or

(2) the full amount of any tax required to be shown due on a return and which is not shown (penalty for late payment or nonpayment of additional liability), within 30 days after a notice of arithmetic error, notice and demand, or a final assessment is issued by the Department. In the case of a final assessment arising following a protest and hearing, the 30-day period shall not begin until all proceedings in court for review of the final assessment have terminated or the period for obtaining a review has expired without proceedings for a review having been instituted. In the case of a notice of tax liability that becomes a final assessment without a protest and hearing, the penalty provided in this paragraph (2) shall be imposed at the expiration of the period provided for the filing of a protest.

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of the period provided for the filing of a protest.

(b-10) This subsection (b-10) is applicable to returns due on and after January 1, 2001. A penalty shall be imposed for failure to pay:

(1) the tax shown due on a return on or before the due date prescribed for payment of that tax, an amount of underpayment of estimated tax, or an amount that is reported in an amended return other than an amended return timely filed as required by subsection (b) of Section 506 of the Illinois Income Tax Act (penalty for late payment or nonpayment of admitted liability). The amount of penalty imposed under this subsection (b-10)(1) shall be 2% of any amount that is paid no later than 30 days after the due date, 5% of any amount that is paid later than 30 days after the due date and not later than 90 days after the due date, 10% of any amount that is paid later than 90 days after the due date and not later than 180 days after the due date, and 15% of any amount that is paid later than 180 days after the due date. If notice and demand is made for the payment of any amount of tax due and if the amount due is paid within 30 days after the date of the notice and demand, then the penalty for late payment or nonpayment of admitted liability under this subsection (b-10)(1) on the amount so paid shall not accrue for the period after the date of the notice and demand.

(2) the full amount of any tax required to be shown due on a return and that is not shown (penalty for late payment or nonpayment of additional liability), within 30 days after a notice of arithmetic error, notice and demand, or a final assessment is issued by the Department. In the case of a final assessment arising following a protest and hearing, the 30-day period shall not begin until all proceedings in court for review of the final assessment have terminated or the period for obtaining a review has expired without proceedings for a review having been instituted. The amount of penalty imposed under this subsection (b-10)(2) shall be 20% of any amount that is not paid within the 30-day period. In the case of a notice of tax liability that becomes a final assessment without a protest and hearing, the penalty provided in this subsection (b-10)(2) shall be imposed at the expiration of the period provided for the filing of a protest.

(c) For purposes of the late payment penalties, the basis of the penalty shall be the tax shown or required to be shown on a return, whichever is applicable, reduced by any part of the tax which is paid on time and by any credit which was properly allowable on the date the return was required to be filed.

(d) A penalty shall be applied to the tax required to be shown even if that amount is less than the tax shown on the return.

(e) This subsection (e) is applicable to returns due before January 1, 2001. If both a subsection (b)(1) or (b-5)(1) penalty and a subsection (b)(2) or (b-5)(2) penalty are assessed against the same return, the subsection (b)(2) or (b-5)(2) penalty shall be assessed against only the additional tax found to be due.

(e-5) This subsection (e-5) is applicable to returns due on and after January 1, 2001. If both a subsection (b-10)(1) penalty and a subsection (b-10)(2) penalty are assessed against
the same return, the subsection (b-10)(2) penalty shall be assessed against only the additional tax found to be due.

(f) If the taxpayer has failed to file the return, the Department shall determine the correct tax according to its best judgment and information, which amount shall be prima facie evidence of the correctness of the tax due.

(g) The time within which to file a return or pay an amount of tax due without imposition of a penalty does not extend the time within which to file a protest to a notice of tax liability or a notice of deficiency.

(h) No return shall be determined to be unprocessable because of the omission of any information requested on the return pursuant to Section 2505-575 of the Department of Revenue Law (20 ILCS 2505/2505-575).

(Source: P.A. 90-491, eff. 1-1-98; 90-548, eff. 12-4-97; 91-239, eff. 1-1-00; 91-803, eff. 1-1-01.)

Section 99. Effective date. This Act takes effect upon becoming law.
Passed in the General Assembly May 9, 2002.
Approved July 25, 2002.

PUBLIC ACT 92-0743
(Senate Bill No. 2211)

AN ACT concerning taxation.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Tobacco Products Tax Act of 1995 is amended by adding Sections 10-55, 10-56, 10-57, and 10-58 as follows:

(35 ILCS 143/10-55 new)
Sec. 10-55. Arrest; search and seizure without warrant. Any duly authorized employee of the Department (i) may arrest without warrant any person committing in his or her presence a violation of any of the provisions of this Act, (ii) may without a search warrant inspect all tobacco products located in any place of business, (iii) may seize any tobacco products in accordance with the provisions of this Act, and (iv) may seize any vending device in which those tobacco products are found. The tobacco products and vending devices so seized are subject to confiscation and forfeiture as provided in Sections 10-56 through 10-58.

(35 ILCS 143/10-56 new)
Sec. 10-56. Seizure and forfeiture. After seizing any tobacco products or vending devices, as provided in Section 10-55, the Department must hold a hearing and determine whether the distributor or retailer was properly licensed to sell the tobacco products at the time of their seizure by the Department. The Department shall give not less than 20 days' notice of the time and place of the hearing to the owner of the property, if the owner is known, and also to the person in whose possession the property was found, if that person is

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known and if the person in possession is not the owner of the property. If neither the owner nor the person in possession of the property is known, the Department must cause publication of the time and place of the hearing to be made at least once in each week for 3 weeks successively in a newspaper of general circulation in the county where the hearing is to be held.

If, as the result of the hearing, the Department determines that the distributor or retailer was not properly licensed at the time the tobacco products were seized, the Department must enter an order declaring the tobacco products or vending devices confiscated and forfeited to the State, to be held by the Department for disposal by it as provided in Section 10-58. The Department must give notice of the order to the owner of the property, if the owner is known, and also to the person in whose possession the property was found, if that person is known and if the person in possession is not the owner of the property. If neither the owner nor the person in possession of the property is known, the Department must cause publication of the order to be made at least once in each week for 3 weeks successively in a newspaper of general circulation in the county where the hearing was held.

(35 ILCS 143/10-57 new)
Sec. 10-57. Search warrant; issuance and return; process; confiscation of property; forfeitures. If a peace officer of this State or any duly authorized officer or employee of the Department has reason to believe that any violation of this Act has occurred and that the person violating the Act has in that person's possession any tobacco products or vending device containing tobacco products, that peace officer or officer or employee of the Department may file or cause to be filed his or her complaint in writing, verified by affidavit, with any court within whose jurisdiction the premises to be searched are situated, stating the facts upon which the belief is founded, the premises to be searched, and the property to be seized, and procure a search warrant and execute that warrant. Upon the execution of the search warrant, the peace officer, or officer or employee of the Department, executing the search warrant shall make due return of the warrant to the court issuing the warrant, together with an inventory of the property taken under the warrant. The court must then issue process against the owner of the property if the owner is known; otherwise, process must be issued against the person in whose possession the property is found, if that person is known. In case of inability to serve process upon the owner or the person in possession of the property at the time of its seizure, notice of the proceedings before the court must be given in the same manner as required by the law governing cases of attachment. Upon the return of the process duly served or upon the posting or publishing of notice made, as appropriate, the court or jury, if a jury is demanded, shall proceed to determine whether or not the property so seized was held or possessed in violation of this Act. If a violation is found, judgment shall be entered confiscating the property and forfeiting it to the State and ordering its delivery to the Department. In addition, the court may tax and assess the costs of the proceedings.

When any tobacco products or any vending devices are declared forfeited to the State by any court and the confiscated and forfeited property is delivered to the Department, the

New matter indicated by italics - deletions by strikeout.
Department shall sell the property for the best price obtainable and shall forthwith pay over the proceeds of the sale to the State Treasurer. If the value of the property to be sold at any one time is $500 or more, however, the property shall be sold only to the highest and best bidder on terms and conditions, and on open competitive bidding after public advertisement, in a manner and for terms as the Department, by rule, may prescribe.

(35 ILCS 143/10-58 new)

Sec. 10-58. Sale of forfeited tobacco products or vending devices.

(a) When any tobacco products or any vending devices are declared forfeited to the State by the Department, as provided in Section 10-55, and when all proceedings for the judicial review of the Department's decision have terminated, the Department shall, to the extent that its decision is sustained on review, sell the property for the best price obtainable and shall forthwith pay over the proceeds of the sale to the State Treasurer. If the value of the property to be sold at any one time is $500 or more, however, the property shall be sold only to the highest and best bidder on terms and conditions, and on open competitive bidding after public advertisement, in a manner and for terms as the Department, by rule, may prescribe.

(b) If no complaint for review, as provided in Section 12 of the Retailers' Occupation Tax Act, has been filed within the time required by the Administrative Review Law, and if no stay order has been entered under that Law, the Department shall proceed to sell the property for the best price obtainable and shall forthwith pay over the proceeds of the sale to the State Treasurer. If the value of the property to be sold at any one time is $500 or more, however, the property shall be sold only to the highest and best bidder on terms and conditions, and on open competitive bidding after public advertisement, in a manner and for terms as the Department, by rule, may prescribe.

(c) Upon making a sale of tobacco products as provided in this Section, the Department shall affix a distinctive stamp to each of the tobacco products so sold indicating that they are sold under this Section.

(d) Notwithstanding the foregoing, any tobacco products seized under this Act may, at the discretion of the Director of Revenue, be distributed to any eleemosynary institution within the State of Illinois.

Section 99. Effective date. This Act takes effect upon becoming law.
Passed in the General Assembly May 9, 2003.
Approved July 25, 2002.

PUBLIC ACT 92-0744
(Senate Bill No. 2223)

AN ACT concerning the practice of nursing.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Nursing and Advanced Practice Nursing Act is amended by changing

New matter indicated by italics - deletions by strikeout.
Sections 5-23 and 10-30 and adding Section 15-13 as follows:

(225 ILCS 65/5-23)

(Scheduled to be repealed on January 1, 2008)

Sec. 5-23. Criminal background check. After the effective date of this amendatory Act of the 91st General Assembly, the Department shall require an applicant for initial licensure under this Act to submit to a criminal background check by the Illinois State Police and the Federal Bureau of Investigation as part of the qualification for licensure. If an applicant's criminal background check indicates criminal conviction, the applicant must further submit to a fingerprint-based criminal background check. The Department shall adopt rules to implement this Section.

(Source: P.A. 91-369, eff. 1-1-00.)

(225 ILCS 65/10-30)

(Scheduled to be repealed on January 1, 2008)

Sec. 10-30. Qualifications for licensure.

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

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

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

(2) for registered nurse licensure, have graduated from a completed an approved professional nursing education program approved by the Department of not less than 2 academic years and have graduated from the program;

(2.5) for licensed practical nurse licensure, have graduate from a completed an approved practical nursing education program approved by the Department of not less than one academic year and have graduated from the program;

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

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

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

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

An applicant may take and successfully complete a Department-approved

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

An applicant shall have one year from the date of notification of successful completion of the examination to apply to the Department for a license. If an applicant fails to apply within one year, the applicant shall be required to again take and pass the examination unless licensed in another jurisdiction of the United States within one year of passing the examination.

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

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

(2) for registered nurse licensure, have graduated from a completed an approved professional nursing education program approved by the Department of not less than 2 academic years and have graduated from the program;

(2.5) for licensed practical nurse licensure, have graduated from a completed an approved practical nursing education program approved by the Department of not less than one academic year and have graduated from the program;

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

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

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

(d) All applicants for registered nurse licensure pursuant to item (2) of subsection (b) and item (2) of subsection (c) of this Section who are graduates of nursing educational programs in a country other than the United States or its territories must submit to the Department certification of successful completion of the Commission of Graduates of Foreign Nursing Schools (CGFNS) examination. An applicant who is unable to provide appropriate documentation to satisfy CGFNS of her or his educational qualifications for the CGFNS examination; shall be required to pass an examination to test competency in the English language, which shall be prescribed by the Department, if the applicant is determined by the Board to be educationally prepared in nursing. The Board shall make appropriate inquiry into the reasons for any adverse determination by CGFNS before making its own decision.

An applicant licensed in another state or territory who is applying for licensure and has received her or his education in a country other than the United States or its territories shall be exempt from the completion of the Commission of Graduates of Foreign Nursing Schools (CGFNS) examination if the applicant meets all of the following requirements:

(1) successful passage of the licensure examination authorized by the
Department;
(2) holds an active, unencumbered license in another state; and
(3) has been actively practicing for a minimum of 2 years in another state.
(e) (Blank).
(f) Pending the issuance of a license under subsection (c) (b) of this Section, the
Department may grant an applicant a temporary license to practice nursing as a registered
nurse or as a licensed practical nurse if the Department is satisfied that the applicant holds
an active, unencumbered license in good standing in another jurisdiction. If the applicant
holds more than one current active license, or one or more active temporary licenses from
other jurisdictions, the Department shall not issue a temporary license until it is satisfied that
each current active license held by the applicant is unencumbered. The temporary license,
which shall be issued no later than 14 working days following receipt by the Department of
an application for the temporary license, shall be granted upon the submission of the
following to the Department:
(1) a signed and completed application for licensure under subsection (a) of
this Section as a registered nurse or a licensed practical nurse;
(2) proof of a current, active license in at least one other jurisdiction and
proof that each current active license or temporary license held by the applicant
within the last 5 years is unencumbered;
(3) a signed and completed application for a temporary license; and
(4) the required temporary license permit fee.
(g) The Department may refuse to issue an applicant a temporary license authorized
pursuant to this Section if, within 14 working days following its receipt of an application for
a temporary license, the Department determines that:
(1) the applicant has been convicted of a crime under the laws of a
jurisdiction of the United States: (i) which is a felony; or (ii) which is a misdemeanor
directly related to the practice of the profession, within the last 5 years;
(2) within the last 5 years the applicant has had a license or permit related to
the practice of nursing revoked, suspended, or placed on probation by another
jurisdiction, if at least one of the grounds for revoking, suspending, or placing on
probation is the same or substantially equivalent to grounds in Illinois; or
(3) it intends to deny licensure by endorsement.
For purposes of this Section, an "unencumbered license" means a license against
which no disciplinary action has been taken or is pending and for which all fees and charges
are paid and current.
(h) The Department may revoke a temporary license issued pursuant to this Section
if:
(1) it determines that the applicant has been convicted of a crime under the
law of any jurisdiction of the United States that is (i) a felony or (ii) a misdemeanor
directly related to the practice of the profession, within the last 5 years;
(2) it determines that within the last 5 years the applicant has had a license or
permit related to the practice of nursing revoked, suspended, or placed on probation

New matter indicated by italics - deletions by strikeout.
by another jurisdiction, if at least one of the grounds for revoking, suspending, or placing on probation is the same or substantially equivalent to grounds in Illinois; or

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

A temporary license or renewed temporary license shall expire (i) upon issuance of an Illinois license or (ii) upon notification that the Department intends to deny licensure by endorsement. A temporary license shall expire 6 months from the date of issuance. Further renewal may be granted by the Department in hardship cases, as defined by rule and upon approval of the Director. However, a temporary license shall automatically expire upon issuance of the Illinois license or upon notification that the Department intends to deny licensure, whichever occurs first. No extensions shall be granted beyond the 6-month period unless approved by the Director. Notification by the Department under this Section shall be by certified or registered mail.

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

(Source: P.A. 92-39, eff. 6-29-01.)

(225 ILCS 65/15-13 new)

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

Sec. 15-13. License pending status.

(a) A graduate of an advanced practice nursing program may practice in the State of Illinois in the role of certified clinical nurse specialist, certified nurse midwife, certified nurse practitioner, or certified registered nurse anesthetist for not longer than 6 months provided he or she submits all of the following:

(1) An application for licensure as an advanced practice nurse in Illinois.

(2) Proof of an application to take the national certification examination in the specialty.

(3) Proof of completion of a graduate advanced practice education program that allows the applicant to be eligible for national certification in a clinical advanced practice nursing specialty and that allows the applicant to be eligible for licensure in Illinois in the area of his or her specialty.

(4) Proof that he or she is licensed in Illinois as a registered professional nurse.

(5) Proof that he or she has a completed proposed collaborative agreement or practice agreement as required under Section 15-15 or 15-25 of this Act.

(6) The license application fee as set by rule.

(b) License pending status shall preclude delegation of prescriptive authority.

(c) A graduate practicing in accordance with this Section must use the title "license pending certified clinical nurse specialist", "license pending certified nurse midwife", "license pending certified nurse practitioner", or "license pending certified registered nurse anesthetist", whichever is applicable.

(225 ILCS 65/10-40 rep.)

New matter indicated by italics - deletions by strikeout.
Section 10. The Nursing and Advanced Practice Nursing Act is amended by repealing Section 10-40.

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

Passed in the General Assembly May 9, 2002.
Approved July 25, 2002.

PUBLIC ACT 92-0745
(Senate Bill No. 2245)

AN ACT concerning insurance.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Insurance Code is amended by changing Section 368a as follows:

(215 ILCS 5/368a)
Sec. 368a. Timely payment for health care services.
(a) This Section applies to insurers, health maintenance organizations, managed care plans, health care plans, preferred provider organizations, third party administrators, independent practice associations, and physician-hospital organizations (hereinafter referred to as "payors") that provide periodic payments, which are payments not requiring a claim, bill, capitation encounter data, or capitation reconciliation reports, such as prospective capitation payments, to health care professionals and health care facilities to provide medical or health care services for insureds or enrollees.

(1) A payor shall make periodic payments in accordance with item (3). Failure to make periodic payments within the period of time specified in item (3) shall entitle the health care professional or health care facility to interest at the rate of 9% per year from the date payment was required to be made to the date of the late payment, provided that interest amounting to less than $1 need not be paid. Any required interest payments shall be made within 30 days after the payment.

(2) When a payor requires selection of a health care professional or health care facility, the selection shall be completed by the insured or enrollee no later than 30 days after enrollment. The payor shall provide written notice of this requirement to all insureds and enrollees. Nothing in this Section shall be construed to require a payor to select a health care professional or health care facility for an insured or enrollee.

(3) A payor shall provide the health care professional or health care facility with notice of the selection as a health care professional or health care facility by an insured or enrollee and the effective date of the selection within 60 calendar days after the selection. No later than the 60th day following the date an insured or enrollee has selected a health care professional or health care facility or the date that selection becomes effective, whichever is later, or in cases of retrospective

New matter indicated by italics - deletions by strikeout.
enrollment only, 30 days after notice by an employer to the payor of the selection, a payor shall begin periodic payment of the required amounts to the insured's or enrollee's health care professional or health care facility, or the designee of either, calculated from the date of selection or the date the selection becomes effective, whichever is later. All subsequent payments shall be made in accordance with a monthly periodic cycle.

(b) Notwithstanding any other provision of this Section, independent practice associations and physician-hospital organizations shall make periodic payment of the required amounts in accordance with a monthly periodic schedule within 60 days after an insured or enrollee has selected a health care professional or health care facility or after the date that selection becomes effective, whichever is later. Before January 1, 2001, subsequent periodic payments shall be made in accordance with a 60-day periodic schedule; and after December 31, 2000, subsequent periodic payments shall be made in accordance with a monthly periodic schedule.

Notwithstanding any other provision of this Section, independent practice associations and physician-hospital organizations shall notify the insured, insured's assignee, health care professional, or health care facility of any failure to provide sufficient documentation for a due proof of loss within 30 days after receipt of the claim for health services.

Failure to pay within the required time period shall entitle the payee to interest at the rate of 9% per year from the date the payment is due to the date of the late payment, provided that interest amounting to less than $1 need not be paid. Any required interest payments shall be made within 30 days after the payment.

(c) All insurers, health maintenance organizations, managed care plans, health care plans, preferred provider organizations, and third party administrators shall ensure that all claims and indemnities concerning health care services other than for any periodic payment shall be paid within 30 days after receipt of due written proof of such loss. An insured, insured's assignee, health care professional, or health care facility shall be notified of any known failure to provide sufficient documentation for a due proof of loss within 30 days after receipt of the claim for health care services. Failure to pay within such period shall entitle the payee to interest at the rate of 9% per year from the 30th day after receipt of such proof of loss to the date of late payment, provided that interest amounting to less than one dollar need not be paid. Any required interest payments shall be made within 30 days after the payment.

(d) The Department shall enforce the provisions of this Section pursuant to the enforcement powers granted to it by law.

(e) The Department is hereby granted specific authority to issue a cease and desist order, fine, or otherwise penalize independent practice associations and physician-hospital organizations that violate this Section. The Department shall adopt reasonable rules to

New matter indicated by italics - deletions by strikeout.
enforce compliance with this Section by independent practice associations and physician-hospital organizations.

(Source: P.A. 91-605, eff. 12-14-99; 91-788, eff. 6-9-00.)

Approved July 25, 2002.

PUBLIC ACT 92-0746
(Senate Bill No. 2323)

AN ACT in relation to State finance.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The State Finance Act is amended by changing Section 6z-27 as follows:
(30 ILCS 105/6z-27)
Sec. 6z-27. All moneys in the Audit Expense Fund shall be transferred, appropriated and used only for the purposes authorized by, and subject to the limitations and conditions prescribed by, the State Auditing Act.

Within 30 days after the effective date of this amendatory Act of 2002, the State Comptroller shall order transferred and the State Treasurer shall transfer from the following funds moneys in the specified amounts for deposit into the Audit Expense Fund:

<table>
<thead>
<tr>
<th>Fund</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Attorney General Court Ordered and Voluntary Compliance Payment Projects Fund</td>
<td>3,296</td>
</tr>
<tr>
<td>The Agricultural Premium Fund</td>
<td>5,015</td>
</tr>
<tr>
<td>Anna Veterans Home Fund</td>
<td>2,971</td>
</tr>
<tr>
<td>Appraisal Administration Fund</td>
<td>3,144</td>
</tr>
<tr>
<td>Asbestos Abatement Fund</td>
<td>6,063</td>
</tr>
<tr>
<td>Attorney General Whistleblower Reward and Protection Fund</td>
<td>1,324</td>
</tr>
<tr>
<td>Auction Regulation Administration Fund.</td>
<td>903</td>
</tr>
<tr>
<td>Bank and Trust Company Fund</td>
<td>75,362</td>
</tr>
<tr>
<td>Build Illinois Capital Revolving Loan Fund</td>
<td>3,200</td>
</tr>
<tr>
<td>CAA Permit Fund</td>
<td>15,364</td>
</tr>
<tr>
<td>Capital Development Board Revolving Fund</td>
<td>804</td>
</tr>
<tr>
<td>Capital Litigation Fund</td>
<td>1,633</td>
</tr>
<tr>
<td>Care Provider Fund for Persons with Developmental Disability</td>
<td>2,321</td>
</tr>
<tr>
<td>Child Labor Enforcement Fund</td>
<td>1,581</td>
</tr>
<tr>
<td>Coal Technology Development</td>
<td></td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout.
Assistance Fund................. 10,511
Common School Fund............... 151,291  80,196
The Communications Revolving Fund.... 14,506  8,421
Community Water Supply Laboratory
  Fund............................  1,814
Conservation 2000 Fund............... 2,050  10,670
Conservation 2000 Projects Fund...... 651  5,335
Credit Union Fund.................... 37,160
DCFS Children's Services Fund........ 80,084
Department of Children and Family
  Services Training Fund............  3,254
Department of Corrections Reimbursement
  and Education Fund..............  37,968
Design Professionals Administration
  —and Investigation Fund..........  5,374
The Downstate Public Transportation
  Fund............................  3,606  1,694
Dram Shop Fund......................  38,498
Drivers Education Fund...............  719
Drug Treatment Fund...................  860
Drycleaner Environmental Response
  Trust Fund....................... 19,545  3,629
The Education Assistance Fund........ 293,518 194,078
Emergency Planning and Training Fund...
  820
Energy Efficiency Trust Fund........  1,624
Environmental Protection Permit
  and Inspection Fund............... 13,971
Estate Tax Collection Distributive
  Fund.........................  2,915  4,350
Fair and Exposition Fund............  3,049
Feed Control Fund...................  1,264
Fertilizer Control Fund...............  1,102
The Fire Prevention Fund.............  753  702
Fund for Illinois' Future............ 89,314  29,104
General Assembly Computer Equipment
  Revolving Fund...................  826
General Professions Dedicated Fund..... 22,665
The General Revenue Fund............ 8,458,609 8,399,406
Grade Crossing Protection Fund........  2,949  4,579
Guardianship and Advocacy Fund.......  845
Hazardous Waste Fund................  7,431
Homeowners' Tax Relief Fund.........  4,257

New matter indicated by italics - deletions by strikeout.
<table>
<thead>
<tr>
<th>Fund</th>
<th>Amount</th>
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<tbody>
<tr>
<td>Horse Racing Fund</td>
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<tr>
<td>Horse Racing Tax Allocation Fund</td>
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<td>Illinois Affordable Housing Trust Fund</td>
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<tr>
<td>Illinois Charity Bureau Fund</td>
<td>1,701</td>
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<td>Illinois Community College Board Contracts and Grants Fund</td>
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<tr>
<td>Illinois Department of Agriculture</td>
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<tr>
<td>— Laboratory Services Revolving Fund</td>
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<tr>
<td>Illinois Gaming Law Enforcement Fund</td>
<td>2,411</td>
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<tr>
<td>Illinois Health Care Cost Containment Council Special Studies Fund</td>
<td>9,103</td>
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<tr>
<td>Illinois Historic Sites Fund</td>
<td>8,789</td>
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<tr>
<td>Illinois Standardbred Breeders Fund</td>
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<tr>
<td>Illinois State Dental Disciplinary</td>
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<tr>
<td>— Fund</td>
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<tr>
<td>Illinois State Fair Fund</td>
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<tr>
<td>Illinois State Medical Disciplinary</td>
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<tr>
<td>— Fund</td>
<td>28,744</td>
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<tr>
<td>Illinois State Pharmacy Disciplinary</td>
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<tr>
<td>— Fund</td>
<td>8,374</td>
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<tr>
<td>Illinois Tax Increment Fund</td>
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<tr>
<td>Illinois Thoroughbred Breeders Fund</td>
<td>581</td>
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<tr>
<td>Illinois Veterans Rehabilitation</td>
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<tr>
<td>— Fund</td>
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<td>IMSA Income Fund</td>
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<tr>
<td>Income Tax Refund Fund</td>
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<tr>
<td>Insurance Financial Regulation Fund</td>
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<tr>
<td>Insurance Premium Tax Refund Fund</td>
<td>4,992</td>
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<tr>
<td>Insurance Producer Administration</td>
<td></td>
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<tr>
<td>— Fund</td>
<td>42,316</td>
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<tr>
<td>International Tourism Fund</td>
<td>5,179</td>
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<tr>
<td>Juvenile Accountability Incentive</td>
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<tr>
<td>— Block Grant Fund</td>
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<tr>
<td>LaSalle Veterans Home Fund</td>
<td>5,879</td>
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<td>LEADS Maintenance Fund</td>
<td>1,073</td>
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<td>Live and Learn Fund</td>
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<tr>
<td>The Local Government Distributive Fund</td>
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<tr>
<td>— Fund</td>
<td>16,004</td>
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<tr>
<td>The Local Initiative Fund</td>
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<tr>
<td>Local Tourism Fund</td>
<td>7,598</td>
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</table>
Long Term Care Provider Fund............ 12,632 3,649
Mandatory Arbitration Fund............... 3,783
Manteno Veterans Home Fund............... 16,820
Mental Health Fund........................ 1,711 10,814
Mandatory Arbitration Fund............. 3,783
Metro-East Public Transportation Fund... 1,753 942
Motor Carrier Safety Inspection Fund.... 1,128
The Motor Fuel Tax Fund............... 72,843 39,232
Motor Vehicle License Plate Fund....... 1,717
Motor Vehicle Theft Prevention
—Trust Fund............................. 13,738
Nuclear Safety Emergency Preparedness
—Fund.................................. 9,623
Nursing Dedicated and Professional
—Fund.................................. 44,142
Optometric Licensing and disciplinary
—Committee Fund....................... 2,934
The Personal Property Tax
—Replacement Fund...................... 15,466 40,047
Pesticide Control Fund................... 3,921
Prevention and Treatment of
—Alcoholism and Substance Abuse
—Block Grant Fund...................... 4,347 22,760
Professional Regulation Evidence Fund...
—Professions Indirect Cost Fund........ 89,325
Public Infrastructure Construction
—Loan Revolving Fund.................. 2,516
Public Pension Regulation Fund......... 4,424
The Public Transportation Fund......... 23,767 11,976
Public Utility Fund...................... 57,211
Quincy Veterans Home Fund............. 29,224
Real Estate License Administration
—Fund................................. 17,661
Renewable Energy Resources
—Trust Fund............................ 983
—The Road Fund......................... 229,517 151,072
Regional Transportation Authority
—Occupation and Use Tax
—Replacement Fund..................... 764
Savings and Residential Finance
—Regulatory Fund....................... 16,501
School Infrastructure Fund............... 7,609 6,912
School Technology Revolving

New matter indicated by italics - deletions by strikeout.
<table>
<thead>
<tr>
<th>Fund Name</th>
<th>Fiscal Year 2019</th>
<th>Fiscal Year 2020</th>
</tr>
</thead>
<tbody>
<tr>
<td>Loan Fund</td>
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<tr>
<td>Secretary of State Special Services Fund</td>
<td>3,040</td>
<td>5,440</td>
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<td>Securities Audit and Enforcement Fund</td>
<td>588</td>
<td>986</td>
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<tr>
<td>Solid Waste Management Fund</td>
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<tr>
<td>Special Education Medicaid Matching Fund</td>
<td>4,760</td>
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</tr>
<tr>
<td>State and Local Sales Tax Reform Fund</td>
<td>686</td>
<td>1,523</td>
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<tr>
<td>State Asset Forfeiture Fund</td>
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<td>1,429</td>
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<tr>
<td>State Construction Account Fund</td>
<td>76,084</td>
<td>45,110</td>
</tr>
<tr>
<td>The State Gaming Fund</td>
<td>1,758</td>
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<tr>
<td>The State Garage Revolving Fund</td>
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<tr>
<td>The State Lottery Fund</td>
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</tr>
<tr>
<td>State Police Services Fund</td>
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</tr>
<tr>
<td>State Police Whistleblower Reward and Protection Fund</td>
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<td>5,250</td>
</tr>
<tr>
<td>State Treasurer’s Bank Services Trust Fund</td>
<td>747</td>
<td>1,033</td>
</tr>
<tr>
<td>The Statistical Services Revolving Fund</td>
<td>7,271</td>
<td>6,045</td>
</tr>
<tr>
<td>Subtitle D Management Fund</td>
<td></td>
<td>642</td>
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<tr>
<td>Supplemental Low-Income Energy Assistance Fund</td>
<td>43,311</td>
<td></td>
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<tr>
<td>Tobacco Settlement Recovery Fund</td>
<td>14,030</td>
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<tr>
<td>Tourism Promotion Fund</td>
<td>20,866</td>
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<tr>
<td>Traffic and Criminal Conviction Surcharge Fund</td>
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<td>42,543</td>
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<tr>
<td>Transportation Regulatory Fund</td>
<td>47,297</td>
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<tr>
<td>U of I Hospital Services Fund</td>
<td>5,325</td>
<td>1,819</td>
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<tr>
<td>Underground Storage Tank Fund</td>
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<td>29,169</td>
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<tr>
<td>The Vehicle Inspection Fund</td>
<td>26,641</td>
<td>603</td>
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<tr>
<td>Violence Prevention Fund</td>
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<tr>
<td>Violent Crime Victims Assistance Fund</td>
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<tr>
<td>Weights and Measures Fund</td>
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<td>3,886</td>
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<tr>
<td>Wireless Service Emergency Fund</td>
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<tr>
<td>The Working Capital Revolving Fund</td>
<td></td>
<td>116,105</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout.
Notwithstanding any provision of the law to the contrary, the General Assembly hereby authorizes the use of such funds for the purposes set forth in this Section.

These provisions do not apply to funds classified by the Comptroller as federal trust funds or State trust funds. The Audit Expense Fund may receive transfers from those trust funds only as directed herein, except where prohibited by the terms of the trust fund agreement. The Auditor General shall notify the trustees of those funds of the estimated cost of the audit to be incurred under the Illinois State Auditing Act for the fund. The trustees of those funds shall direct the State Comptroller and Treasurer to transfer the estimated amount to the Audit Expense Fund.

The Auditor General may bill entities that are not subject to the above transfer provisions, including private entities, related organizations and entities whose funds are locally-held, for the cost of audits, studies, and investigations incurred on their behalf. Any revenues received under this provision shall be deposited into the Audit Expense Fund.

In the event that moneys on deposit in any fund are unavailable, by reason of deficiency or any other reason preventing their lawful transfer, the State Comptroller shall order transferred and the State Treasurer shall transfer the amount deficient or otherwise unavailable from the General Revenue Fund for deposit into the Audit Expense Fund.

On or before December 1, 1992, and each December 1 thereafter, the Auditor General shall notify the Bureau of the Budget of the amount estimated to be necessary to pay for audits, studies, and investigations in accordance with the Illinois State Auditing Act during the next succeeding fiscal year for each State fund for which a transfer or reimbursement is anticipated.

Beginning with fiscal year 1994 and during each fiscal year thereafter, the Auditor General may direct the State Comptroller and Treasurer to transfer moneys from funds authorized by the General Assembly for that fund. In the event funds, including federal and State trust funds but excluding the General Revenue Fund, are transferred, during fiscal year 1994 and during each fiscal year thereafter, in excess of the amount to pay actual costs attributable to audits, studies, and investigations as permitted or required by the Illinois State Auditing Act or specific action of the General Assembly, the Auditor General shall, on September 30, or as soon thereafter as is practicable, direct the State Comptroller and Treasurer to transfer the excess amount back to the fund from which it was originally transferred.

(Source: P.A. 91-152, eff. 7-16-99; 91-855, eff. 6-22-00; 92-494, eff. 8-23-01.)

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


Approved July 25, 2002.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 1. Short title. This Act may be cited as the Lawyers' Assistance Program Act.

Section 5. Definition. For the purposes of this Act, "lawyers' assistance program" means a program operated by a not-for-profit corporation that is exempt from the payment of federal taxes under Section 501(c)(3) of the Internal Revenue Code and that provides services that may include the provision of information on addiction and mental health impairments, referrals to treatment programs, peer assistance, prevention education, interventions, relapse prevention, and monitoring of compliance with treatment programs for attorneys.

Section 10. Support for lawyers' assistance programs. The Illinois Supreme Court may support programs that provide assistance to attorneys who are addicted to or abuse alcohol or other drugs or who are in need of mental health assistance.

Section 15. Creation of the Lawyers' Assistance Program Fund. There is created in the State treasury the Lawyers' Assistance Program Fund, a special fund to be appropriated solely for the purpose of funding lawyers' assistance programs.

Section 20. Establishment of a Lawyers' Assistance Program Fee. The Attorney Registration and Disciplinary Commission shall collect an annual lawyers' assistance program fee from every attorney admitted to practice law in this State paying full annual registration fees. The annual lawyers' assistance program fee is $7, or such other amount as is established by Supreme Court rule, and shall be collected at the time fixed for the annual registration of attorneys. Lawyers' assistance program fees collected by the Attorney Registration and Disciplinary Commission shall be remitted within 60 days to the State Treasurer for deposit into the Lawyers' Assistance Program Fund.

Section 25. Payment authorization and powers. The Supreme Court may make, enter into, or execute contracts, grants, or agreements with any not-for-profit entity for the provision of a lawyers' assistance program authorized by this Act. Payments under those contracts, grants, or agreements authorized by this Act shall be made from appropriations from the Lawyers' Assistance Program Fund.

Section 90. The State Finance Act is amended by adding Section 5.570 as follows:

(30 ILCS 105/5.570 new)

Sec. 5.570. The Lawyers' Assistance Program Fund.

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


Approved July 31, 2002.

Effective July 31, 2002.

PUBLIC ACT 92-0748

(AN ACT concerning educational labor relations. Be it enacted by the People of the State of Illinois, represented in the General Assembly:

New matter indicated by italics - deletions by strikeout.
Assembly:

Section 5. The Illinois Educational Labor Relations Act is amended by changing Section 2 as follows:

(115 ILCS 5/2) (from Ch. 48, par. 1702)
Sec. 2. Definitions. As used in this Act:

(a) "Educational employer" or "employer" means the governing body of a public school district, combination of public school districts, including the governing body of joint agreements of any type formed by 2 or more school districts, public community college district or State college or university, and any State agency whose major function is providing educational services. "Educational employer" or "employer" does not include a Financial Oversight Panel created pursuant to Section 1A-8 of the School Code due to a district violating a financial plan.

(b) "Educational employee" or "employee" means any individual, excluding supervisors, managerial, confidential, short term employees, student, and part-time academic employees of community colleges employed full or part time by an educational employer, but shall not include elected officials and appointees of the Governor with the advice and consent of the Senate, firefighters as defined by subsection (g-1) of Section 3 of the Illinois Public Labor Relations Act, and peace officers employed by a State university. For the purposes of this Act, part-time academic employees of community colleges shall be defined as those employees who provide less than 6 credit hours of instruction per academic semester.

(c) "Employee organization" or "labor organization" means an organization of any kind in which membership includes educational employees, and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, employee-employer disputes, wages, rates of pay, hours of employment, or conditions of work, but shall not include any organization which practices discrimination in membership because of race, color, creed, age, gender, national origin or political affiliation.

(d) "Exclusive representative" means the labor organization which has been designated by the Illinois Educational Labor Relations Board as the representative of the majority of educational employees in an appropriate unit, or recognized by an educational employer prior to January 1, 1984 as the exclusive representative of the employees in an appropriate unit or, after January 1, 1984, recognized by an employer upon evidence that the employee organization has been designated as the exclusive representative by a majority of the employees in an appropriate unit.

(e) "Board" means the Illinois Educational Labor Relations Board.

(f) "Regional Superintendent" means the regional superintendent of schools provided for in Articles 3 and 3A of The School Code.

(g) "Supervisor" means any individual having authority in the interests of the employer to hire, transfer, suspend, lay off, recall, promote, discharge, reward or discipline other employees within the appropriate bargaining unit and adjust their grievances, or to effectively recommend such action if the exercise of such authority is not of a merely routine or clerical nature but requires the use of independent judgment. The term "supervisor"

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includes only those individuals who devote a preponderance of their employment time to such exercising authority.

(h) "Unfair labor practice" or "unfair practice" means any practice prohibited by Section 14 of this Act.

(i) "Person" includes an individual, educational employee, educational employer, legal representative, or employee organization.

(j) "Wages" means salaries or other forms of compensation for services rendered.

(k) "Professional employee" means, in the case of a public community college, State college or university, State agency whose major function is providing educational services, the Illinois School for the Deaf, and the Illinois School for the Visually Impaired, (1) any employee engaged in work (i) predominantly intellectual and varied in character as opposed to routine mental, manual, mechanical, or physical work; (ii) involving the consistent exercise of discretion and judgment in its performance; (iii) of such character that the output produced or the result accomplished cannot be standardized in relation to a given period of time; and (iv) requiring knowledge of an advanced type in a field of science or learning customarily acquired by a prolonged course of specialized intellectual instruction and study in an institution of higher learning or a hospital, as distinguished from a general academic education or from an apprenticeship or from training in the performance of routine mental, manual, or physical processes; or (2) any employee, who (i) has completed the courses of specialized intellectual instruction and study described in clause (iv) of paragraph (1) of this subsection, and (ii) is performing related work under the supervision of a professional person to qualify himself or herself to become a professional as defined in paragraph (l).

(l) "Professional employee" means, in the case of any public school district, or combination of school districts pursuant to joint agreement, any employee who has a certificate issued under Article 21 or Section 34-83 of the School Code, as now or hereafter amended.

(m) "Unit" or "bargaining unit" means any group of employees for which an exclusive representative is selected.

(n) "Confidential employee" means an employee, who (i) in the regular course of his or her duties, assists and acts in a confidential capacity to persons who formulate, determine and effectuate management policies with regard to labor relations or who (ii) in the regular course of his or her duties has access to information relating to the effectuation or review of the employer's collective bargaining policies.

(o) "Managerial employee" means an individual who is engaged predominantly in executive and management functions and is charged with the responsibility of directing the effectuation of such management policies and practices.

(p) "Craft employee" means a skilled journeyman, craft person, and his or her apprentice or helper.

(q) "Short-term employee" is an employee who is employed for less than 2 consecutive calendar quarters during a calendar year and who does not have a reasonable expectation that he or she will be rehired by the same employer for the same service in a subsequent calendar year. Nothing in this subsection shall affect the employee

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status of individuals who were covered by a collective bargaining agreement on the effective
date of this amendatory Act of 1991.
(Source: P.A. 89-409, eff. 11-15-95; 89-572, eff. 7-30-96.)
Approved August 2, 2002.

PUBLIC ACT 92-0749
(House Bill No. 2370)

AN ACT in relation to public employee benefits.
Be it enacted by the People of the State of Illinois, represented in the General
Assembly:
Section 5. The Illinois Pension Code is amended by changing Sections 15-135,
15-145, 15-146, and 15-153.3 and adding Section 15-167.3 as follows:
(40 ILCS 5/15-135) (from Ch. 108 1/2, par. 15-135)
Sec. 15-135. Retirement annuities - Conditions.
(a) A participant who retires in one of the following specified years with the specified
amount of service is entitled to a retirement annuity at any age under the retirement program
applicable to the participant:
35 years if retirement is in 1997 or before;
34 years if retirement is in 1998;
33 years if retirement is in 1999;
32 years if retirement is in 2000;
31 years if retirement is in 2001;
30 years if retirement is in 2002 or later;
35 years if retirement is in 2003 or later.
A participant with 8 or more years of service after September 1, 1941, is entitled to
a retirement annuity on or after attainment of age 55.
A participant with at least 5 but less than 8 years of service after September 1, 1941,
is entitled to a retirement annuity on or after attainment of age 62.
A participant who has at least 25 years of service in this system as a police officer or
firefighter is entitled to a retirement annuity on or after the attainment of age 50, if Rule 4
of Section 15-136 is applicable to the participant.
(b) The annuity payment period shall begin on the date specified by the participant
submitting a written application, which date shall not be prior to termination of employment
or more than one year before the application is received by the board; however, if the
participant is not an employee of an employer participating in this System or in a
participating system as defined in Article 20 of this Code on April 1 of the calendar year next
following the calendar year in which the participant attains age 70 1/2, the annuity payment
period shall begin on that date regardless of whether an application has been filed.
(c) An annuity is not payable if the amount provided under Section 15-136 is less

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than $10 per month.
(Source: P.A. 90-65, eff. 7-7-97; 90-766, eff. 8-14-98.)

(40 ILCS 5/15-145) (from Ch. 108 1/2, par. 15-145)
Sec. 15-145. Survivors insurance benefits; conditions and amounts.

(a) The survivors insurance benefits provided under this Section shall be payable to
the eligible survivors of a participant covered under the traditional benefit package upon the
death of (1) a participating employee with at least 1 1/2 years of service, (2) a participant who
terminated employment with at least 10 years of service, and (3) an annuitant in receipt of
a retirement annuity or disability retirement annuity under this Article.

Service under the State Employees' Retirement System of Illinois, the Teachers' Retirement System of the State of Illinois and the Public School Teachers' Pension and Retirement Fund of Chicago shall be considered in determining eligibility for survivors benefits under this Section.

If by law, a function of a governmental unit, as defined by Section 20-107, is
transferred in whole or in part to an employer, and an employee transfers employment from
this governmental unit to such employer within 6 months after the transfer of this function,
the service credits in the governmental unit's retirement system which have been validated
under Section 20-109 shall be considered in determining eligibility for survivors benefits
under this Section.

(b) A surviving spouse of a deceased participant, or of a deceased annuitant who did
not take a refund or additional annuity consisting of accumulated survivors insurance
contributions, shall receive a survivors annuity of 30% of the final rate of earnings. Payments
shall begin on the day following the participant's or annuitant's death or the date the surviving
spouse attains age 50, whichever is later, and continue until the death of the surviving
spouse. The annuity shall be payable to the surviving spouse prior to attainment of age 50
if the surviving spouse has in his or her care a deceased participant's or annuitant's dependent
unmarried child under age 18 (under age 22 if a full-time student) who is eligible for a
survivors annuity.

Remarriage of a surviving spouse prior to attainment of age 55 that occurs before the
effective date of this amendatory Act of the 91st General Assembly shall disqualify him or
her for the receipt of a survivors annuity until July 6, 2000.

A surviving spouse whose survivors annuity has been terminated due to remarriage
may apply for reinstatement of that annuity. The reinstated annuity shall begin to accrue on
July 6, 2000, except that if, on July 6, 2000, the annuity is payable to an eligible surviving
child or parent, payment of the annuity to the surviving spouse shall not be reinstated until
the annuity is no longer payable to any eligible surviving child or parent. The reinstated
annuity shall include any one-time or annual increases received prior to the date of
termination, as well as any increases that would otherwise have accrued from the date of
termination to the date of reinstatement. An eligible surviving spouse whose expectation of
receiving a survivors annuity was lost due to remarriage before attainment of age 50 shall
also be entitled to reinstatement under this subsection, but the resulting survivors annuity
shall not begin to accrue sooner than upon the surviving spouse's attainment of age 50.

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The changes made to this subsection by this amendatory Act of the 92nd General Assembly (pertaining to remarriage prior to age 55 or 50) apply without regard to whether the deceased participant or annuitant was in service on or after the effective date of this amendatory Act.

(c) Each dependent unmarried child under age 18 (under age 22 if a full-time student) of a deceased participant, or of a deceased annuitant who did not take a refund or additional annuity consisting of accumulated survivors insurance contributions, shall receive a survivors annuity equal to the sum of (1) 20% of the final rate of earnings, and (2) 10% of the final rate of earnings divided by the number of children entitled to this benefit. Payments shall begin on the day following the participant's or annuitant's death and continue until the child marries, dies, or attains age 18 (age 22 if a full-time student). If the child is in the care of a surviving spouse who is eligible for survivors insurance benefits, the child's benefit shall be paid to the surviving spouse.

Each unmarried child over age 18 of a deceased participant or of a deceased annuitant who had a survivor's insurance beneficiary at the time of his or her retirement, and who was dependent upon the participant or annuitant by reason of a physical or mental disability which began prior to the date the child attained age 18 (age 22 if a full-time student), shall receive a survivor's annuity equal to the sum of (1) 20% of the final rate of earnings, and (2) 10% of the final rate of earnings divided by the number of children entitled to survivors benefits. Payments shall begin on the day following the participant's or annuitant's death and continue until the child marries, dies, or is no longer disabled. If the child is in the care of a surviving spouse who is eligible for survivors insurance benefits, the child's benefit may be paid to the surviving spouse. For the purposes of this Section, disability means inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment that can be expected to result in death or that has lasted or can be expected to last for a continuous period of at least one year.

(d) Each dependent parent of a deceased participant, or of a deceased annuitant who did not take a refund or additional annuity consisting of accumulated survivors insurance contributions, shall receive a survivors annuity equal to the sum of (1) 20% of final rate of earnings, and (2) 10% of final rate of earnings divided by the number of parents who qualify for the benefit. Payments shall begin when the parent reaches age 55 or the day following the participant's or annuitant's death, whichever is later, and continue until the parent dies. Remarriage of a parent prior to attainment of age 55 shall disqualify the parent for the receipt of a survivors annuity.

(e) In addition to the survivors annuity provided above, each survivors insurance beneficiary shall, upon death of the participant or annuitant, receive a lump sum payment of $1,000 divided by the number of such beneficiaries.

(f) The changes made in this Section by Public Act 81-712 pertaining to survivors annuities in cases of remarriage prior to age 55 shall apply to each survivors insurance beneficiary who remarries after June 30, 1979, regardless of the date that the participant or annuitant terminated his employment or died.

The change made to this Section by this amendatory Act of the 91st General
Assembly, pertaining to remarriage prior to age 55, applies without regard to whether the deceased participant or annuitant was in service on or after the effective date of this amendatory Act of the 91st General Assembly.

(g) On January 1, 1981, any person who was receiving a survivors annuity on or before January 1, 1971 shall have the survivors annuity then being paid increased by 1% for each full year which has elapsed from the date the annuity began. On January 1, 1982, any survivor whose annuity began after January 1, 1971, but before January 1, 1981, shall have the survivor's annuity then being paid increased by 1% for each year which has elapsed from the date the survivor's annuity began. On January 1, 1987, any survivor who began receiving a survivor's annuity on or before January 1, 1977, shall have the monthly survivor's annuity increased by $1 for each full year which has elapsed since the date the survivor's annuity began.

(h) If the sum of the lump sum and total monthly survivor benefits payable under this Section upon the death of a participant amounts to less than the sum of the death benefits payable under items (2) and (3) of Section 15-141, the difference shall be paid in a lump sum to the beneficiary of the participant who is living on the date that this additional amount becomes payable.

(i) If the sum of the lump sum and total monthly survivor benefits payable under this Section upon the death of an annuitant receiving a retirement annuity or disability retirement annuity amounts to less than the death benefit payable under Section 15-142, the difference shall be paid to the beneficiary of the annuitant who is living on the date that this additional amount becomes payable.

(j) Effective on the later of (1) January 1, 1990, or (2) the January 1 on or next after the date on which the survivor annuity begins, if the deceased member died while receiving a retirement annuity, or in all other cases the January 1 nearest the first anniversary of the date the survivor annuity payments begin, every survivors insurance beneficiary shall receive an increase in his or her monthly survivors annuity of 3%. On each January 1 after the initial increase, the monthly survivors annuity shall be increased by 3% of the total survivors annuity provided under this Article, including previous increases provided by this subsection. Such increases shall apply to the survivors insurance beneficiaries of each participant and annuitant, whether or not the employment status of the participant or annuitant terminates before the effective date of this amendatory Act of 1990. This subsection (j) also applies to persons receiving a survivor annuity under the portable benefit package.

(k) If the Internal Revenue Code of 1986, as amended, requires that the survivors benefits be payable at an age earlier than that specified in this Section the benefits shall begin at the earlier age, in which event, the survivor's beneficiary shall be entitled only to that amount which is equal to the actuarial equivalent of the benefits provided by this Section.

(l) The changes made to this Section and Section 15-131 by this amendatory Act of 1997, relating to benefits for certain unmarried children who are full-time students under age 22, apply without regard to whether the deceased member was in service on or after the effective date of this amendatory Act of 1997. These changes do not authorize the repayment of a refund or a re-election of benefits, and any benefit or increase in benefits resulting from

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these changes is not payable retroactively for any period before the effective date of this amendatory Act of 1997.
(Source: P.A. 90-448, eff. 8-16-97; 90-766, eff. 8-14-98; 91-887, eff. 7-6-00.)

(40 ILCS 5/15-146) (from Ch. 108 1/2, par. 15-146)
Sec. 15-146. Survivors insurance benefits - Minimum amounts.
(a) The minimum total survivors annuity payable on account of the death of a participant shall be 50% of the retirement annuity which would have been provided under Rule 1, Rule 2, Rule 3, or Rule 5 of Section 15-136 upon the participant's attainment of the minimum age at which the penalty for early retirement would not be applicable or the date of the participant's death, whichever is later, on the basis of credits earned prior to the time of death.

(b) The minimum total survivors annuity payable on account of the death of an annuitant shall be 50% of the retirement annuity which is payable under Section 15-136 at the time of death or 50% of the disability retirement annuity payable under Section 15-153.2. This minimum survivors annuity shall apply to each participant and annuitant who dies after September 16, 1979, whether or not his or her employee status terminates before or after that date.

(c) If an annuitant has elected a reversionary annuity, the retirement annuity referred to in this Section is that which would have been payable had such election not been filed.

(d) Beginning January 1, 2002, any person who is receiving a survivors annuity under this Article which, after inclusion of all one-time and automatic annual increases to which the person is entitled, is less than the sum of $17.50 for each year (up to a maximum of 30 years) of the deceased member's service credit, shall be entitled to a monthly supplemental payment equal to the difference.

If 2 or more persons are receiving survivors annuities based on the same deceased member, the calculation of the supplemental payment under this subsection shall be based on the total of those annuities and divided pro rata. The supplemental payment is not subject to any limitation on the maximum amount of the annuity and shall not be included in the calculation of any automatic annual increase under Section 15-145.
(Source: P.A. 90-448, eff. 8-16-97; 90-766, eff. 8-14-98; 91-887, eff. 7-6-00.)

(40 ILCS 5/15-153.3) (from Ch. 108 1/2, par. 15-153.3)
Sec. 15-153.3. Automatic increase in disability benefit. Each disability benefit payable under Section 15-150 and calculated under Section 15-153 or 15-153.2 that has not yet received an initial increase under this Section shall be increased by 0.25% of the monthly disability benefit multiplied by the number of full months that have elapsed since the benefit began 7% of the original fixed amount of such benefit on January 1, 2002 1991 or the January 1 on or next following the fourth anniversary of the granting of the benefit, whichever occurs later.

On each January 1 following the initial 7% increase under this Section, the disability benefit shall be increased by 3% of the current amount of the benefit, including prior increases under this Article.

The changes made to this Section by this amendatory Act of the 92nd General
Assembly apply without regard to whether the benefit recipient was in service on or after the effective date of this amendatory Act.

(Source: P.A. 90-766, eff. 8-14-98.)

(40 ILCS 5/15-167.3 new)

Sec. 15-167.3. To use emerging investment managers, minority-owned businesses, female-owned businesses, and businesses owned by persons with disabilities in managing the System's assets.

(a) For the purposes of this Section:

"Emerging investment manager" means a qualified investment adviser that manages an investment portfolio of at least $10,000,000 but less than $500,000,000 and is a minority-owned business, female-owned business, or business owned by a person with a disability, as those terms are defined in this Section.

"Minority-owned business" means a business concern that is at least 51% owned by one or more minority persons or, in the case of a corporation, at least 51% of the stock in which is owned by one or more minority persons; and the management and daily business operations of which are controlled by one or more of the minority persons who own it.

"Female owned business" means a business concern that is at least 51% owned by one or more females or, in the case of a corporation, at least 51% of the stock in which is owned by one or more females; and the management and daily business operations of which are controlled by one or more of the females who own it.

"Business owned by a person with a disability" means a business concern that is at least 51% owned by one or more persons with disabilities and the management and daily business operations of which are controlled by one or more of the persons with disabilities who own it.

"Minority person", "female", and "person with a disability" have the meanings given them in the Business Enterprise for Minorities, Females, and Persons with Disabilities Act.

(b) It is hereby declared to be the public policy of the State of Illinois to encourage the trustees of the System to use emerging investment managers, minority-owned businesses, female-owned businesses, and businesses owned by persons with disabilities in managing the System's assets to the greatest extent feasible within the bounds of financial and fiduciary prudence, and to take affirmative steps to remove any barriers to the full participation of emerging investment managers, minority-owned businesses, female-owned businesses, and businesses owned by persons with disabilities in investment opportunities afforded by the System.

(c) The System shall prepare a report to be submitted to the Governor and the General Assembly by September 1 of each year. The report shall identify the emerging investment managers, minority-owned businesses, female-owned businesses, and businesses owned by persons with disabilities used by the System, the percentage of the System's assets under the investment control of those managers and businesses, and the actions the System has undertaken to increase the use of those managers and businesses, including encouraging other investment managers to use emerging investment managers, minority-owned businesses, female-owned businesses, and businesses owned by persons with disabilities as

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subcontractors when the opportunity arises.

(d) With respect to this System, this Section supersedes the provisions of subsection (4) of Section 1-109.1 of this Code.

Section 99. Effective date. This Act takes effect upon becoming law.
Approved August 2, 2002.
Effective August 2, 2002.

PUBLIC ACT 92-0750
(House Bill No. 4255)

AN ACT concerning the regulation of professions.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 1. Short title. This Act may be cited as the Electrologist Licensing Act.

Section 5. Purposes. The practice of electrology in the State of Illinois is hereby declared to affect the public health, safety, and welfare and to be subject to regulation and control in the public interest.

It is declared to be a matter of public health and concern that the practice of electrology, as defined in this Act, merit and receive the confidence of the public and that only qualified persons be authorized to practice as electrologists in the State of Illinois. This Act shall be liberally construed to best carry out these subjects and purposes.

Section 10. Definitions. In this Act:
"Department" means the Department of Professional Regulation.
"Director" means the Director of Professional Regulation.
"Electrologist" means an individual licensed to practice electrology pursuant to the provisions of this Act.
"Electrology" means the practice or teaching of services for permanent hair removal utilizing only solid probe electrode type epilation, which may include thermolysis (shortwave, high frequency), electrolysis (galvanic), or a combination of both (superimposed or sequential blend).

Section 15. License required. Beginning January 1, 2004, no person shall engage in the practice of electrology or hold himself or herself out as an electrologist in this State without a license issued by the Department under this Act.

Section 20. Exemptions. This Act does not prohibit:
(1) A person licensed in this State under any other Act from engaging in the practice for which that person is licensed.
(2) The practice of electrology by a person who is employed by the United States government or any bureau, division, or agency thereof while in the discharge of the employee's official duties.
(3) The practice of electrology included in a program of study by students enrolled in schools or in refresher courses approved by the Department. Nothing in this Act shall be

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construed to prevent a person functioning as an assistant to a person licensed to practice medicine in all its branches from providing electrology services.

Section 23. Scope of practice.
(a) The scope of practice of an electrologist is limited to the following:

(1) The application of an antiseptic on the area of the individual's skin to which electrology will be applied.

(2) The use of a sterile needle/probe electrode type epilation, which includes (i) electrolysis, known as direct current/DC, (ii) thermolysis, known as alternating current/AC, or (iii) a combination of both electrolysis and thermolysis, known as superimposed or sequential blend.

(b) Nothing in this Act shall be construed to authorize an electrologist to use surgery including but not limited to the use of any laser technology. An electrologist shall refer to a licensed physician any individual whose condition, at the time of evaluation or service, is determined to be beyond the scope of practice of the electrologist, such as an individual with signs of infection or bleeding.

Section 25. Application. Applications for original licenses shall be made to the Department in writing on forms prescribed by the Department and shall be accompanied by the required fee, which is not refundable. The application shall include evidence of passage of an examination recognized by the Department.

Section 30. Qualifications for licensure. A person shall be qualified for licensure as an electrologist if that person has met all of the following requirements:

(1) Has applied in writing on the prescribed forms and has paid the required fees.

(2) Has not violated any of the provisions of Section 75 of this Act or the rules promulgated under this Act. The Department shall take into consideration any felony conviction of the applicant, but a conviction shall not operate as an absolute bar to licensure.

(3) Is at least 18 years of age.

(4) Has received his or her high school diploma or equivalent.

(5) Has completed a total of 600 hours in the study of electrology over a period of not less than 16 weeks nor more than 2 consecutive years at a program approved by the Department.

(6) Has successfully completed an examination approved by the Department that tests the applicant's knowledge of the theory and clinical practice of electrology.

Section 32. Social Security number on license application. In addition to any other information required to be contained in the application, every application for an original, renewal, or restored license under this Act shall include the applicant's social security number.

Section 33. Grandfather provision. For a period of 12 months after the filing of the original administrative rules adopted under this Act, the Department may issue a license to
any individual who, in addition to meeting the requirements set forth in paragraphs (1), (2), (3), and (4) of Section 30, can document employment as an electrologist and has received remuneration for practicing electrology for a period of 3 years and can show proof of one of the following: (i) current board certification by a national electrology certifying body approved by the Department; or (ii) completion of 75 continuing education units in electrology approved by the Department.

Section 35. Powers and duties of the Department.

(a) The Department shall exercise the powers and duties prescribed by the Civil Administrative Code of Illinois for the administration of licensing Acts and shall exercise any other powers and duties necessary for effectuating the purposes of this Act.

(b) The Department may adopt rules consistent with the provisions of this Act for its administration and enforcement and may prescribe forms that shall be issued in connection with this Act. The rules may include but are not limited to standards and criteria for licensure, professional conduct, and discipline.

Section 40. Administrative Procedure Act. The Illinois Administrative Procedure Act is hereby expressly adopted and incorporated in this Act as if all of the provisions of the Illinois Administrative Procedure Act where included in this Act, except that the provision of paragraph (c) of Section 10-65 of the Illinois Administrative Procedure Act, which provides that at hearings the licensee has the right to show compliance with all lawful requirements for retention, continuation, or renewal of the license, is specifically excluded. For the purposes of this Act, the notice required under Section 10-25 of the Illinois Administrative Procedure Act is considered to be sufficient when mailed to the last known address of the party.

Section 50. Issuance of license. Upon the satisfactory completion of the application and examination procedures, and compliance with the applicable rules of the Department, the Department shall issue an electrologist license to the qualifying applicant.

Section 55. Endorsement. Pursuant to the rules of the Department, upon payment of the required fee, an applicant who has been licensed in another state that has substantially the same requirements as those required for licensure under the provisions of this Act may be granted a license as an electrologist.

Section 60. Renewal; armed service duty. The expiration date and renewal period for each license issued under this Act shall be set by rule. Renewal shall be conditioned on paying the required fee and meeting other requirements as may be established by rule. All renewal applicants shall provide proof of having met the continuing education requirements approved by the Department consisting of the equivalent of 30 hours of continuing education every 24 months. The continuing education requirement may be waived in part or in whole for such good cause, including but not limited to illness or hardship, as may be determined by rule.

Any electrologist who has permitted a license to expire or who has a license on inactive status may have the license restored by submitting an application to the Department, filing proof acceptable to the Department of fitness to have the license restored, and paying the required fees. Proof of fitness may include sworn evidence certifying to active lawful
practice in another jurisdiction.

The Department shall determine, by an evaluation process established by rule, a person's fitness for restoration of a license and shall establish procedures and requirements for restoration.

Any electrologist whose license expired while (i) on active duty with the Armed Forces of the United States, or the State Militia called into service or training, or (ii) in training or education under the supervision of the United States preliminary to induction into the military service, may have the license restored without paying any lapsed renewal fees if, within 2 years after honorable termination of service, training or education, the licensee furnishes the Department with satisfactory evidence to the effect that the licensee has been so engaged and that the service, training, or education has been so terminated.

Section 65. Inactive status. Any electrologist who notifies the Department in writing on forms prescribed by the Department may elect to place a license on inactive status and shall, subject to rules of the Department, be excused from payment of renewal fees until the Department is notified in writing of the intention to restore the license.

An electrologist requesting restoration from inactive status shall be required to pay the current renewal fee and shall be required to follow procedures to restore the license as provided in Section 60 of this Act.

An electrologist whose license is on inactive status shall not practice in the State of Illinois.

A licensee who engages in practice with a lapsed license or a license on inactive status shall be considered to be practicing without a license, which shall be grounds for discipline under Section 75 of this Act.

Section 70. Fees; returned checks.

(a) The Department shall provide by rule for a schedule of fees for the administration and enforcement of this Act, including but not limited to original licensure, renewal, and restoration. The fees shall be nonrefundable.

(b) All fees collected under this Act shall be deposited into the General Professions Dedicated Fund and shall be appropriated to the Department for the ordinary and contingent expenses of the Department in the administration of this Act.

(c) A person who delivers a check or other payment to the Department that is returned to the Department unpaid by the financial institution upon which it is drawn shall pay to the Department, in addition to the amount already owed to the Department, a fine of $50. The fines imposed by this Section are in addition to any other discipline provided under this Act for unlicensed practice or practice on a nonrenewed license. The Department shall notify the person that fees and fines shall be paid to the Department by certified check or money order within 30 calendar days of the notification. If, after the expiration of 30 days from the date of the notification, the person has failed to submit the necessary remittance, the Department shall automatically terminate the license or deny the application without a hearing. If the person seeks a license after termination or denial, he or she shall apply to the Department for restoration or issuance of the license and pay all fees and fines due to the Department. The Department may establish a fee for the processing of an application for restoration of a
license to defray the expenses of processing the application. The Director may waive the fines due under this Section in individual cases if the Director finds that the fines would be unreasonable or unnecessarily burdensome.

Section 75. Grounds for discipline.

(a) The Department may refuse to issue or renew and may revoke or suspend a license under this Act, and may place on probation, censure, reprimand, or take other disciplinary action with regard to any licensee under this Act, as the Department may consider proper, including the issuance of fines not to exceed $5,000 for each violation, for one or any combination of the following causes:

   (1) Material misstatement in furnishing information to the Department.
   (2) Violation of this Act or its rules.
   (3) Conviction of any felony under the laws of any U.S. jurisdiction, any misdemeanor an essential element of which is dishonesty, or any crime that is directly related to the practice of the profession.
   (4) Making any misrepresentation for the purpose of obtaining a license.
   (5) Aiding or assisting another person in violating any provision of this Act or its rules.
   (6) Failing to provide information within 60 days in response to a written request made by the Department.
   (7) Engaging in dishonorable, unethical, or unprofessional conduct of a character likely to deceive, defraud, or harm the public.
   (8) Habitual or excessive use or addiction to alcohol, narcotics, stimulants, or any other chemical agent or drug that results in an electrologist's inability to practice with reasonable judgement, skill, or safety.
   (9) Discipline by another U.S. jurisdiction or foreign nation if at least one of the grounds for discipline is the same as or substantially equivalent to any of those set forth in this Act.
   (10) Directly or indirectly giving to or receiving from any person, firm, corporation, partnership, or association any fee, commission, rebate, or other form of compensation for any professional services not actually or personally rendered.
   (11) A finding by the Department that the licensee, after having his or her license placed on probationary status, has violated the terms of probation.
   (12) Abandonment of a patient.
   (13) Willfully making or filing false records or reports in the licensee's practice, including, but not limited to, false records filed with State agencies or departments.
   (14) Physical illness, including, but not limited to, deterioration through the aging process or loss of motor skill that results in the inability to practice the profession with reasonable judgment, skill, or safety.
   (15) Gross negligence in his or her practice under this Act.
   (16) Use of fraud, deception, or any unlawful means in applying for and securing a license as an electrologist.

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(17) Immoral conduct in the commission of any act, such as sexual abuse, sexual misconduct, or sexual exploitation, related to the licensee's practice.

(18) Failure to comply with standards of sterilization and sanitation as defined in the rules of the Department.

(b) The Department may refuse to issue or renew or may suspend the license of any person who fails to file a return, to pay the tax, penalty or interest shown in a filed return, or to pay any final assessment of the tax, penalty, or interest as required by any tax Act administered by the Illinois Department of Revenue until the requirements of the tax Act are satisfied.

(c) The determination by a circuit court that a licensee is subject to involuntary admission or judicial admission as provided in the Mental Health and Developmental Disabilities Code operates as an automatic suspension. The suspension will end only upon a finding by a court that the patient is no longer subject to involuntary admission or judicial admission, the issuance of an order so finding and discharging the patient, and the recommendation of the Committee to the Director that the licensee be allowed to resume his or her practice.

(d) In enforcing this Section, the Department upon a showing of a possible violation may compel any person licensed to practice under this Act or who has applied for licensure or certification pursuant to this Act to submit to a mental or physical examination, or both, as required by and at the expense of the Department. The examining physicians shall be those specifically designated by the Department. The Department may order the examining physician to present testimony concerning this mental or physical examination of the licensee or applicant. No information shall be excluded by reason of any common law or statutory privilege relating to communications between the licensee or applicant and the examining physician. The person to be examined may have, at his or her own expense, another physician of his or her choice present during all aspects of the examination. Failure of any person to submit to a mental or physical examination, when directed, shall be grounds for suspension of a license until the person submits to the examination if the Department finds, after notice and hearing, that the refusal to submit to the examination was without reasonable cause.

If the Department finds an individual unable to practice because of the reasons set forth in this Section, the Department may require that individual to submit to care, counseling, or treatment by physicians approved or designated by the Department, as a condition, term, or restriction for continued, reinstated, or renewed licensure to practice; or, in lieu of care, counseling, or treatment, the Department may file a complaint to immediately suspend, revoke, or otherwise discipline the license of the individual.

Any person whose license was granted, continued, reinstated, renewed, disciplined or supervised subject to such terms, conditions or restrictions, and who fails to comply with such terms, conditions or restrictions, shall be referred to the Director for a determination as to whether the person shall have his or her license suspended immediately, pending a hearing by the Department.

In instances in which the Director immediately suspends a person's license under this

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Section, a hearing on that person's license must be convened by the Department within 15 days after the suspension and completed without appreciable delay. The Department shall have the authority to review the subject person's record of treatment and counseling regarding the impairment, to the extent permitted by applicable federal statutes and regulations safeguarding the confidentiality of medical records.

A person licensed under this Act and affected under this Section shall be afforded an opportunity to demonstrate to the Department that he or she can resume practice in compliance with acceptable and prevailing standards under the provisions of his or her license.

Section 85. Violations; injunctions.
(a) If any person violates any provision of this Act, the Director may, in the name of the People of the State of Illinois through the Attorney General of the State of Illinois or the State's Attorney of any county in which the action is brought, petition for an order enjoining the violation or for an order enforcing compliance with this Act. Upon the filing of a verified petition in court, the court may issue a temporary restraining order, without notice or bond, and may preliminarily and permanently enjoin the violation. If it is established that the person has violated or is violating the injunction, the Court may punish the offender for contempt of court. Proceedings under this Section shall be in addition to, and not in lieu of, all other remedies and penalties provided by this Act.

(b) If a person practices as an electrologist or holds himself or herself out as an electrologist without being licensed under the provisions of this Act, then any licensed electrologist, any interested party, or any person injured thereby may, in addition to the Director, petition for relief as provided in subsection (a) of this Section.

(c) Whenever, in the opinion of the Department, a person violates any provision of this Act, the Department may issue a rule to show cause why an order to cease and desist should not be entered against that person. The rule shall clearly set forth the grounds relied upon by the Department and shall provide a period of 7 days after the date of the rule to file an answer to the satisfaction of the Department. Failure to file an answer to the satisfaction of the Department shall cause an order to cease and desist to be issued immediately.

Section 90. Investigations; notice and hearing.
(a) The Department may investigate the actions of an applicant or a person holding or claiming to hold a license.

(b) Before refusing to issue or renew a license or disciplining a licensed electrologist pursuant to Section 75 of this Act, the Department shall notify in writing the applicant or the licensee of the nature of the charges and that a hearing will be held on the date designated, which shall be at least 30 days after the date of the notice. The Department shall direct the applicant or licensee to file a written answer to the Department under oath within 20 days after the service of the notice and inform the applicant or licensee that failure to file an answer will result in default being taken against the applicant or licensee and that the license may be suspended, revoked, placed on probationary status, or other disciplinary action may be taken, including limiting the scope, nature, or extent of business as the Director may deem proper. Written notice may be served by personal delivery or certified or registered mail sent

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to the respondent at the most recent address on record with the Department.

If the applicant or licensee fails to file an answer after receiving notice, the license may, in the discretion of the Department, be suspended, revoked, or placed on probationary status, or the Department may take whatever disciplinary action it deems proper including imposing a civil penalty, without a hearing if the act or acts charged constitute sufficient ground for such action under this Act.

At the time and place fixed in the notice, the Department shall proceed to hear the charges, and the parties or their counsel shall be accorded ample opportunity to present such statements, testimony, evidence, and argument as may be pertinent to the charges or to their defense. The Department may continue a hearing from time to time.

Section 95. Stenographer; transcript. The Department, at its expense, shall preserve a record of all proceedings at the formal hearing of any case involving the refusal to issue or renew a license or the discipline of a licensed electrologist. The notice of hearing, complaint, and all other documents in the nature of pleadings, written motions filed in the proceedings, the transcript of testimony, the report of the hearing officer, and the order of the Department shall be the record of the proceeding.

Section 100. Required testimony. Upon application of the Department or its designee, or of the person against whom proceedings pursuant to Section 75 of this Act are pending, any circuit court may enter an order requiring the attendance of witnesses and their testimony, and the production of documents, paper, files, books, and records in connection with any hearing or investigation. The court may compel obedience to its order by proceedings for contempt.

Section 105. Subpoena power; oaths. The Department has power to subpoena and bring before it any person in this State and to take testimony either orally, by deposition, or both, with the same fees and mileage and in the same manner as prescribed by law in judicial proceedings in civil cases in circuit courts of this State.

The Director and hearing officers may administer oaths to witnesses at any hearing that the Department is authorized to conduct under this Act and any other oaths required or authorized to be administered by the Department.

Section 110. Findings and recommendations. At the conclusion of the hearing, the hearing officer shall present to the Director a written report of its findings and recommendations. The report shall contain a finding of whether or not the accused applicant or licensee violated this Act or failed to comply with the conditions required in this Act. The hearing officer shall specify the nature of the violation or failure to comply, and shall make its recommendations to the Director.

The report of the findings and recommendations of the hearing officer shall be the basis for the Department's order of refusal or for the granting of licensure unless the Director determines that the hearing officer's report is contrary to the manifest weight of the evidence, in which case the Director may issue an order in contravention of the hearing officer's report. The finding is not admissible in evidence against the applicant or licensee in a criminal prosecution brought for the violation of this Act, but the hearing and finding are not a bar to a criminal prosecution brought for the violation of this Act.

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Section 115. Hearing officer. The Director has the authority to appoint an attorney duly licensed to practice law in this State to serve as the hearing officer in an action for refusal to issue or renew a license or for the discipline of a licensed electrologist. The hearing officer shall have full authority to conduct the hearing. The hearing officer shall report his or her findings and recommendations to the Director.

Section 120. Motion for rehearing. In any case involving the refusal to issue or renew a license, or the discipline of a licensee, a copy of the hearing officer’s report shall be served upon the respondent by the Department, either personally or as provided in this Act for the service of the notice of hearing. Within 20 days after service, the respondent may present to the Department a motion in writing for a rehearing which shall specify the particular grounds for rehearing. If no motion for rehearing is filed, then upon the expiration of the time specified for filing a motion, or if a motion for rehearing is denied, then upon denial, the Director may enter an order in accordance with the recommendation of the hearing officer. If the respondent orders from the reporting service, and pays for a transcript of the record within the time for filing a motion for rehearing, the 20-day period within which a motion may be filed shall commence upon the delivery of the transcript to the respondent.

Section 125. Rehearing on order of Director. Whenever the Director is not satisfied that substantial justice has been done in the revocation, suspension, or refusal to issue or renew a license, the Director may order a rehearing.

Section 130. Order or certified copy as prima facie proof. An order or a certified copy thereof, over the seal of the Department and purporting to be signed by the Director, shall be prima facie proof:

(1) that the signature is the genuine signature of the Director; and
(2) that the Director is duly appointed and qualified.

This proof may be rebutted.

Section 135. License restoration. At any time after the suspension or revocation of a license the Department may restore it to the accused person, unless after an investigation and a hearing the Department determines that restoration is not in the public interest.

Section 140. Surrender of license. Upon the revocation or suspension of any license, the licensee shall immediately surrender the license to the Department, and if the licensee fails to do so, the Department has the right to seize the license.

Section 145. Temporary suspension. The Director may temporarily suspend the license of an electrologist without a hearing, simultaneously with the institution of proceedings for a hearing under Section 90 of this Act, if the Director finds that evidence in his or her possession indicates that continuation in practice would constitute an imminent danger to the public. In the event that the Director temporarily suspends a license without a hearing, a hearing by the Department must be held within 30 days after the suspension has occurred, and concluded without appreciable delay.

Section 150. Administrative Review Law. All final administrative decisions of the Department are subject to judicial review under the Administrative Review Law and its rules. The term "administrative decision" is defined as in Section 3-101 of the Code of Civil Procedure.
Proceedings for judicial review shall be commenced in the circuit court of the county in which the party applying for review resides. If the party is not a resident of this State, venue shall be in Sangamon County.

Section 155. Certification of record. The Department shall not be required to certify any record to the court, file any answer in court, or otherwise appear in any court in a judicial review proceeding unless there is filed in the court, with the complaint, a receipt from the Department acknowledging payment of the costs of furnishing and certifying the record. Failure on the part of the plaintiff to file a receipt in court is grounds for dismissal of the action.

Section 160. Penalties. A person who is found to have knowingly violated any provision of this Act is guilty of a Class A misdemeanor. On conviction of a second or subsequent offense the violator is guilty of a Class 4 felony.

Section 162. Unlicensed practice; violation; civil penalty.
(a) Any person who practices, offers to practice, attempts to practice, or holds oneself out to practice electrology without being licensed under this Act shall, in addition to any other penalty provided by law, pay a civil penalty to the Department in an amount not to exceed $5,000 for each offense as determined by the Department. The civil penalty shall be assessed by the Department after a hearing is held in accordance with the provisions set forth in this Act regarding the provision of a hearing for the discipline of a licensee.
(b) The Department has the authority and power to investigate any and all unlicensed activity.
(c) The civil penalty shall be paid within 60 days after the effective date of the order imposing the civil penalty. The order shall constitute a judgment and may be filed and execution had thereon in the same manner as any judgment from any court of record.

Section 165. Deposit of fees and fines. All of the fees and fines collected under this Act shall be deposited into the General Professions Dedicated Fund.

Section 170. Home rule. The regulation and licensing of electrologists are exclusive powers and functions of the State. A home rule unit may not regulate or license electrologists. This Section is a denial and limitation of home rule powers and functions under subsection (h) of Section 6 of Article VII of the Illinois Constitution.

Section 900. The Regulatory Sunset Act is amended by changing Section 4.24 as follows:

(5 ILCS 80/4.24)
Sec. 4.24. Acts Act repealed on January 1, 2014. The following Acts are Act is repealed on January 1, 2014:
The Electrologist Licensing Act.
The Illinois Public Accounting Act.
(Source: P.A. 92-457, eff. 8-21-01.)

Section 905. The Medical Practice Act of 1987 is amended by changing Section 20 as follows:

(225 ILCS 60/20) (from Ch. 111, par. 4400-20)
(Section scheduled to be repealed on January 1, 2007)

New matter indicated by italics - deletions by strikeout.
Sec. 20. Continuing education. The Department shall promulgate rules of continuing education for persons licensed under this Act that require 150 hours of continuing education per license renewal cycle. These rules shall be consistent with requirements of relevant professional associations, specialty societies, or boards. The rules shall also address variances in part or in whole for good cause, including but not limited to illness or hardship. In establishing these rules, the Department shall consider educational requirements for medical staffs, requirements for specialty society board certification or for continuing education requirements as a condition of membership in societies representing the 2 categories of licensee under this Act. These rules shall assure that licensees are given the opportunity to participate in those programs sponsored by or through their professional associations or hospitals which are relevant to their practice. Each licensee is responsible for maintaining records of completion of continuing education and shall be prepared to produce the records when requested by the Department.

(Source: P.A. 89-702, eff. 7-1-97; 90-742, eff. 8-13-98.)

Section 910. The Nursing and Advanced Practice Nursing Act is amended by changing Section 15-45 as follows:

(225 ILCS 65/15-45)

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

Sec. 15-45. Continuing education. The Department shall adopt rules of continuing education for persons licensed under this Title that require 50 hours of continuing education per 2-year license renewal cycle. The rules shall not be inconsistent with requirements of relevant national certifying bodies or State or national professional associations. The rules shall also address variances in part or in whole for good cause, including but not limited to illness or hardship. The continuing education rules shall assure that licensees are given the opportunity to participate in programs sponsored by or through their State or national professional associations, hospitals, or other providers of continuing education. Each licensee is responsible for maintaining records of completion of continuing education and shall be prepared to produce the records when requested by the Department.

(Source: P.A. 90-742, eff. 8-13-98.)

Section 915. The Illinois Optometric Practice Act of 1987 is amended by changing Section 16 as follows:

(225 ILCS 80/16) (from Ch. 111, par. 3916)

(Section scheduled to be repealed on January 1, 2007)

Sec. 16. Renewal, reinstatement or restoration of licenses; military service. The expiration date and renewal period for each license and certificate issued under this Act shall be set by rule.

All renewal applicants shall provide proof of having met the requirements of continuing education set forth in the rules of the Department. The Department shall, by rule, provide for an orderly process for the reinstatement of licenses which have not been renewed due to failure to meet the continuing education requirements. The continuing education requirement may be waived for such good cause, including but not limited to illness or in cases of extreme hardship, as defined by rules of the Department.

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The Department shall establish by rule a means for the verification of completion of the continuing education required by this Section. This verification may be accomplished through audits of records maintained by registrants; by requiring the filing of continuing education certificates with the Department; or by other means established by the Department.

Any optometrist who has permitted his or her license to expire or who has had his or her license on inactive status may have his or her license restored by making application to the Department and filing proof acceptable to the Department of his or her fitness to have his or her license restored and by paying the required fees. Such proof of fitness may include evidence certifying to active lawful practice in another jurisdiction and must include proof of the completion of the continuing education requirements specified in the rules for the preceding license renewal period for the applicant's level of certification that has been completed during the 2 years prior to the application for license restoration.

The Department shall determine, by an evaluation program established by rule, his or her fitness for restoration of his or her license and shall establish procedures and requirements for such restoration.

However, any optometrist whose license expired while he or she was (1) in Federal Service on active duty with the Armed Forces of the United States, or the State Militia called into service or training, or (2) in training or education under the supervision of the United States preliminary to induction into the military service, may have his or her license restored without paying any lapsed renewal fees if within 2 years after honorable termination of such service, training, or education, he or she furnishes the Department with satisfactory evidence to the effect that he or she has been so engaged and that his or her service, training, or education has been so terminated.

(Source: P.A. 92-451, eff. 8-21-01.)

Section 920. The Podiatric Medical Practice Act of 1987 is amended by changing Section 14 as follows:

(225 ILCS 100/14) (from Ch. 111, par. 4814)

Sec. 14. Continuing education requirement. Podiatric physicians licensed to practice in Illinois shall, as a requirement for renewal of license, complete continuing education at the rate of at least 25 hours per year. Such hours shall be earned (1) from courses offered by sponsors validated by the Illinois Podiatric Medical Association Continuing Education Committee and approved by the Podiatric Medical Licensing Board; or (2) by continuing education activities as defined in the rules of the Department. Podiatric physicians shall, at the request of the Department, provide proof of having met the requirements of continuing education under this Section. The Department shall by rule provide an orderly process for the reinstatement of licenses which have not been renewed due to the licensee's failure to meet requirements of this Section. The requirements of continuing education may be waived by the Director, upon recommendation by the Board, in whole or in part for such good cause, including but not limited to illness or in cases of extreme hardship, as defined by the rules of the Department.

The Department shall establish by rule a means for the verification of completion of

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the continuing education required by this Section. This verification may be accomplished through audits of records maintained by registrants; by requiring the filing of continuing education certificates with the Department; or by other means established by the Department.

(Source: P.A. 86-596; 86-1472; 87-546.)

Section 999. Effective date. This Act takes effect on January 1, 2003.
Approved August 2, 2002.

AN ACT relating to motor vehicles.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Vehicle Code is amended by changing Section 3-117.1 as follows:

(625 ILCS 5/3-117.1) (from Ch. 95 1/2, par. 3-117.1)

Sec. 3-117.1. When junking certificates or salvage certificates must be obtained.
(a) Except as provided in Chapter 4 of this Code, a person who possesses a junk vehicle shall within 15 days cause the certificate of title, salvage certificate, certificate of purchase, or a similarly acceptable out of state document of ownership to be surrendered to the Secretary of State along with an application for a junking certificate, except as provided in Section 3-117.2, whereupon the Secretary of State shall issue to such a person a junking certificate, which shall authorize the holder thereof to possess, transport, or, by an endorsement, transfer ownership in such junked vehicle, and a certificate of title shall not again be issued for such vehicle.

A licensee who possesses a junk vehicle and a Certificate of Title, Salvage Certificate, Certificate of Purchase, or a similarly acceptable out-of-state document of ownership for such junk vehicle, may transport the junk vehicle to another licensee prior to applying for or obtaining a junking certificate, by executing a uniform invoice. The licensee transferor shall furnish a copy of the uniform invoice to the licensee transferee at the time of transfer. In any case, the licensee transferor shall apply for a junking certificate in conformance with Section 3-117.1 of this Chapter. The following information shall be contained on a uniform invoice:

(1) The business name, address and dealer license number of the person disposing of the vehicle, junk vehicle or vehicle cowl;
(2) The name and address of the person acquiring the vehicle, junk vehicle or vehicle cowl, and if that person is a dealer, the Illinois or out-of-state dealer license number of that dealer;
(3) The date of the disposition of the vehicle, junk vehicle or vehicle cowl;
(4) The year, make, model, color and description of each vehicle, junk vehicle

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or vehicle cowl disposed of by such person;

(5) The manufacturer's vehicle identification number, Secretary of State identification number or Illinois Department of State Police number, for each vehicle, junk vehicle or vehicle cowl part disposed of by such person;

(6) The printed name and legible signature of the person or agent disposing of the vehicle, junk vehicle or vehicle cowl; and

(7) The printed name and legible signature of the person accepting delivery of the vehicle, junk vehicle or vehicle cowl.

The Secretary of State may certify a junking manifest in a form prescribed by the Secretary of State that reflects those vehicles for which junking certificates have been applied or issued. A junking manifest may be issued to any person and it shall constitute evidence of ownership for the vehicle listed upon it. A junking manifest may be transferred only to a person licensed under Section 5-301 of this Code as a scrap processor. A junking manifest will allow the transportation of those vehicles to a scrap processor prior to receiving the junk certificate from the Secretary of State.

(b) An application for a salvage certificate shall be submitted to the Secretary of State in any of the following situations:

(1) When an insurance company makes a payment of damages on a total loss claim for a vehicle, the insurance company shall be deemed to be the owner of such vehicle and the vehicle shall be considered to be salvage except that ownership of (i) a vehicle that has incurred only hail damage that does not affect the operational safety of the vehicle or (ii) any vehicle 9 model years of age or older may, by agreement between the registered owner and the insurance company, be retained by the registered owner of such vehicle. The insurance company shall promptly deliver or mail within 20 days the certificate of title along with proper application and fee to the Secretary of State, and a salvage certificate shall be issued in the name of the insurance company. An insurer making payment of damages on a total loss claim for the theft of a vehicle may exchange the salvage certificate for a certificate of title if the vehicle is recovered without damage. In such a situation, the insurer shall fill out and sign a form prescribed by the Secretary of State which contains an affirmation under penalty of perjury that the vehicle was recovered without damage and the Secretary of State may, by rule or regulation, require photographs to be submitted.

(2) When a vehicle the ownership of which has been transferred to any person through a certificate of purchase from acquisition of the vehicle at an auction, other dispositions as set forth in Sections 4-208 and 4-209 of this Code, a lien arising under Section 18a-501 of this Code, or a public sale under the Abandoned Mobile Home Act shall be deemed salvage or junk at the option of the purchaser. The person acquiring such vehicle in such manner shall promptly deliver or mail, within 20 days after the acquisition of the vehicle, the certificate of purchase, the proper application and fee, and, if the vehicle is an abandoned mobile home under the Abandoned Mobile Home Act, a certification from a local law enforcement agency that the vehicle was purchased or acquired at a public sale under the Abandoned Mobile Home Act.
Home Act to the Secretary of State and a salvage certificate or junking certificate shall be issued in the name of that person. The salvage certificate or junking certificate issued by the Secretary of State under this Section shall be free of any lien that existed against the vehicle prior to the time the vehicle was acquired by the applicant under this Code.

(3) A vehicle which has been repossessed by a lienholder shall be considered to be salvage only when the repossessed vehicle, on the date of repossession by the lienholder, has sustained damage by collision, fire, theft, rust corrosion, or other means so that the cost of repairing such damage, including labor, would be greater than 33 1/3% of its fair market value without such damage. If the lienholder determines that such vehicle is damaged in excess of 33 1/3% of such fair market value, the lienholder shall, before sale, transfer or assignment of the vehicle, make application for a salvage certificate, and shall submit with such application the proper fee and evidence of possession. If the facts required to be shown in subsection (f) of Section 3-114 are satisfied, the Secretary of State shall issue a salvage certificate in the name of the lienholder making the application. In any case wherein the vehicle repossessed is not damaged in excess of 33 1/3% of its fair market value, the lienholder shall comply with the requirements of subsections (f), (f-5), and (f-10) of Section 3-114, except that the affidavit of repossession made by or on behalf of the lienholder shall also contain an affirmation under penalty of perjury that the vehicle on the date of sale is not damaged in excess of 33 1/3% of its fair market value. If the facts required to be shown in subsection (f) of Section 3-114 are satisfied, the Secretary of State shall issue a certificate of title as set forth in Section 3-116 of this Code. The Secretary of State may by rule or regulation require photographs to be submitted.

(4) A vehicle which is a part of a fleet of more than 5 commercial vehicles registered in this State or any other state or registered proportionately among several states shall be considered to be salvage when such vehicle has sustained damage by collision, fire, theft, rust, corrosion or similar means so that the cost of repairing such damage, including labor, would be greater than 33 1/3% of the fair market value of the vehicle without such damage. If the owner of a fleet vehicle desires to sell, transfer, or assign his interest in such vehicle to a person within this State other than an insurance company licensed to do business within this State, and the owner determines that such vehicle, at the time of the proposed sale, transfer or assignment is damaged in excess of 33 1/3% of its fair market value, the owner shall, before such sale, transfer or assignment, make application for a salvage certificate. The application shall contain with it evidence of possession of the vehicle. If the fleet vehicle at the time of its sale, transfer, or assignment is not damaged in excess of 33 1/3% of its fair market value, the owner shall so state in a written affirmation on a form prescribed by the Secretary of State by rule or regulation. The Secretary of State may by rule or regulation require photographs to be submitted. Upon sale, transfer or assignment of the fleet vehicle the owner shall mail the affirmation to the
Secretary of State.

(5) A vehicle that has been submerged in water to the point that rising water has reached over the door sill and has entered the passenger or trunk compartment is a "flood vehicle". A flood vehicle shall be considered to be salvage only if the vehicle has sustained damage so that the cost of repairing the damage, including labor, would be greater than 33 1/3% of the fair market value of the vehicle without that damage. The salvage certificate issued under this Section shall indicate the word "flood", and the word "flood" shall be conspicuously entered on subsequent titles for the vehicle. A person who possesses or acquires a flood vehicle that is not damaged in excess of 33 1/3% of its fair market value shall make application for title in accordance with Section 3-116 of this Code, designating the vehicle as "flood" in a manner prescribed by the Secretary of State. The certificate of title issued shall indicate the word "flood", and the word "flood" shall be conspicuously entered on subsequent titles for the vehicle.

(c) Any person who without authority acquires, sells, exchanges, gives away, transfers or destroys or offers to acquire, sell, exchange, give away, transfer or destroy the certificate of title to any vehicle which is a junk or salvage vehicle shall be guilty of a Class 3 felony.

(d) Any person who knowingly fails to surrender to the Secretary of State a certificate of title, salvage certificate, certificate of purchase or a similarly acceptable out-of-state document of ownership as required under the provisions of this Section is guilty of a Class A misdemeanor for a first offense and a Class 4 felony for a subsequent offense; except that a person licensed under this Code who violates paragraph (5) of subsection (b) of this Section is guilty of a business offense and shall be fined not less than $1,000 nor more than $5,000 for a first offense and is guilty of a Class 4 felony for a second or subsequent violation.

(e) Any vehicle which is salvage or junk may not be driven or operated on roads and highways within this State. A violation of this subsection is a Class A misdemeanor. A salvage vehicle displaying valid special plates issued under Section 3-601(b) of this Code, which is being driven to or from an inspection conducted under Section 3-308 of this Code, is exempt from the provisions of this subsection. A salvage vehicle for which a short term permit has been issued under Section 3-307 of this Code is exempt from the provisions of this subsection for the duration of the permit.

(Source: P.A. 89-669, eff. 1-1-97; 90-665, eff. 1-1-99.)

Section 99. Effective date. This Act takes effect upon becoming law.
Approved August 2, 2002.
Effective August 2, 2002.

PUBLIC ACT 92-0752
(House Bill No. 5578)

AN ACT in relation to criminal offenses.

New matter indicated by italics - deletions by strikeout.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Criminal Code of 1961 is amended by changing Sections 3-5 and 3-6 as follows:

(720 ILCS 5/3-5) (from Ch. 38, par. 3-5)
Sec. 3-5. General Limitations.
(a) A prosecution for: (1) first degree murder, attempt to commit first degree murder, second degree murder, involuntary manslaughter, reckless homicide, concealment of homicidal death, treason, arson, aggravated arson, or forgery, or (2) any offense involving sexual conduct or sexual penetration as defined by Section 12-12 of this Code in which the DNA profile of the offender is obtained and entered into a DNA database within 10 years after the commission of the offense and the identity of the offender is unknown after a diligent investigation by law enforcement authorities, may be commenced at any time. Clause (2) of this subsection (a) applies only if the victim reported the offense to law enforcement authorities within 2 years after the commission of the offense unless a longer period for reporting the offense to law enforcement authorities is provided in Section 3-6.

(b) Unless the statute describing the offense provides otherwise, or the period of limitation is extended by Section 3-6, a prosecution for any offense not designated in Subsection (a) must be commenced within 3 years after the commission of the offense if it is a felony, or within one year and 6 months after its commission if it is a misdemeanor.
(Source: P.A. 91-801, eff. 6-13-00.)

(720 ILCS 5/3-6) (from Ch. 38, par. 3-6)
Sec. 3-6. Extended limitations. The period within which a prosecution must be commenced under the provisions of Section 3-5 or other applicable statute is extended under the following conditions:

(a) A prosecution for theft involving a breach of a fiduciary obligation to the aggrieved person may be commenced as follows:

(1) If the aggrieved person is a minor or a person under legal disability, then during the minority or legal disability or within one year after the termination thereof.

(2) In any other instance, within one year after the discovery of the offense by an aggrieved person, or by a person who has legal capacity to represent an aggrieved person or has a legal duty to report the offense, and is not himself or herself a party to the offense; or in the absence of such discovery, within one year after the proper prosecuting officer becomes aware of the offense. However, in no such case is the period of limitation so extended more than 3 years beyond the expiration of the period otherwise applicable.

(b) A prosecution for any offense based upon misconduct in office by a public officer or employee may be commenced within one year after discovery of the offense by a person having a legal duty to report such offense, or in the absence of such discovery, within one year after the proper prosecuting officer becomes aware of the offense. However, in no such case is the period of limitation so extended more than 3 years beyond the expiration of the period otherwise applicable.

New matter indicated by italics - deletions by strikeout.
(c) Except as otherwise provided in subsection (a) of Section 3-5 of this Code and subdivision (i) of this Section, a prosecution for any offense involving sexual conduct or sexual penetration, as defined in Section 12-12 of this Code, where the victim and defendant are family members, as defined in Section 12-12 of this Code, may be commenced within one year of the victim attaining the age of 18 years.

(d) A prosecution for child pornography, indecent solicitation of a child, soliciting for a juvenile prostitute, juvenile pimping or exploitation of a child may be commenced within one year of the victim attaining the age of 18 years. However, in no such case shall the time period for prosecution expire sooner than 3 years after the commission of the offense. When the victim is under 18 years of age, a prosecution for criminal sexual abuse may be commenced within one year of the victim attaining the age of 18 years. However, in no such case shall the time period for prosecution expire sooner than 3 years after the commission of the offense.

(e) A prosecution for any offense involving sexual conduct or sexual penetration, as defined in Section 12-12 of this Code, where the defendant was within a professional or fiduciary relationship or a purported professional or fiduciary relationship with the victim at the time of the commission of the offense may be commenced within one year after the discovery of the offense by the victim.

(f) A prosecution for any offense set forth in Section 44 of the "Environmental Protection Act", approved June 29, 1970, as amended, may be commenced within 5 years after the discovery of such an offense by a person or agency having the legal duty to report the offense or in the absence of such discovery, within 5 years after the proper prosecuting officer becomes aware of the offense.

(g) (Blank).

(h) (Blank).

(i) A prosecution for criminal sexual assault, aggravated criminal sexual assault, or aggravated criminal sexual abuse may be commenced within 10 years of the commission of the offense if the victim reported the offense to law enforcement authorities within 2 years after the commission of the offense.

When the victim is under 18 years of age at the time of the offense and the offender is a family member as defined in Section 12-12, a prosecution for criminal sexual assault, aggravated criminal sexual assault, predatory criminal sexual assault of a child, or aggravated criminal sexual abuse may be commenced within 10 years of the victim attaining the age of 18 years.

When the victim is under 18 years of age at the time of the offense and the offender is not a family member as defined in Section 12-12, a prosecution for criminal sexual assault, aggravated criminal sexual assault, predatory criminal sexual assault of a child, or aggravated criminal sexual abuse may be commenced within 10 years of the victim attaining the age of 18 years, if the victim reported the offense to law enforcement authorities before he or she attained the age of 21 years. Nothing in this subdivision (i) shall be construed to shorten a period within which a prosecution must be commenced under any other provision of this Section.
AN ACT concerning land.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. Association for Individual Development; PADS; Kane County; right of entry.

(a) In Article I of Public Act 81-910, effective January 1, 1980, the Director of Mental Health and Developmental Disabilities, predecessor of the Secretary of Human Services, was authorized to convey 18 acres, more or less, in Kane County, Illinois, described in Section 1-1 of Public Act 81-910, to the Association for Individual Development, subject to the condition that the real property be used for purposes authorized by the bylaws of the Association on January 1, 1980. Section 1-6 of Public Act 81-910 provides that the State of Illinois has a right of entry for condition broken if the Association neglects or fails to use the lands for those purposes.

(b) The State of Illinois waives and releases its right of entry with respect to part of the land described in Section 1-1 of Public Act 81-910 to allow the Association to convey or otherwise transfer 2.5 acres and an easement to P.A.D.S. of Elgin, Inc. free and clear of the State's right of entry. The balance of the land, however, continues to be subject to the State's right of entry.

(c) The 2.5 acres and easement referred to in subsection (b) are described as follows:

That part of the Southeast Quarter of Section 23 and part of the Southwest Quarter of Section 24, Township 41 North, Range 8 East of the Third Principal Meridian, described as follows: Commencing at the point of intersection of the South line of the North 983.40 feet of Section 26, Township and Range aforesaid, with the Southeasterly line of the right of way of Illinois State Route No. 31; thence Northeasterly along said Southeasterly line 1544.41 feet; thence Easterly along a line forming an angle of 109 degrees 48 minutes 48 seconds with a line drawn tangent to the last described course at the last described point (measured counterclockwise therefrom), 46.75 feet to the present Easterly right of way line of State Route 31 to a point hereinafter known as Point "A"; thence Easterly along the last described line (hereinafter known as Line "A") 764.34 feet for the point of beginning; thence Northerly along a line forming an angle of 94 degrees 08 minutes 06 seconds measured clockwise from the last described line, a distance of 330.46 feet; thence Westerly along a line forming an angle of 85 degrees 51 minutes 54 seconds...
measured clockwise from the last described line (being parallel to said Line "A"), a
distance of 330.40 feet; thence Southerly along a line forming an angle of 94 degrees
08 minutes 06 seconds measured clockwise from the last described line, 330.46 feet
to said Line "A"; thence Easterly along said Line "A" 330.40 feet to the point of
beginning, containing 2.5000 Acres, in Elgin Township, Kane County, Illinois.

ALSO, a 33.0 foot Easement for ingress and egress described as follows:
Beginning at Point "A" aforesaid; thence Easterly along Line "A" aforesaid 433.94
feet; thence Northerly along a line forming an angle of 94 degrees 08 minutes 06
seconds measured clockwise from the last described line 33.09 feet; thence Westerly
along a line 33.0 feet North of and parallel with said Line "A" 424.59 feet to the
Easterly right of way of State Route 31; thence Southerly along said right of way line
being on a curve to the right having a radius of 8262.16 feet, an arc distance of 35.03
feet to the point of beginning, in Elgin Township, Kane County, Illinois.

(d) The Secretary of Human Services shall obtain a certified copy of the portions of
this Act containing the title, the enacting clause, the effective date, and this Section within
60 days after the effective date of this Act and shall record the certified document in the
Recorder's Office in Kane County, Illinois.

Section 99. Effective date. This Act takes effect on January 1, 2003.
Approved August 2, 2002.

PUBLIC ACT 92-0754
(House Bill No. 5807)

AN ACT concerning organ donation.
Be it enacted by the People of the State of Illinois, represented in the General
Assembly:
Section 1. Short title. This Act may be cited as the Organ Donor Leave Act.
Section 5. Purpose. This Act is intended to provide time off with pay for State
employees who donate an organ, bone marrow, blood, or blood platelets.
Section 10. Definitions. As used in this Act:
"Agency" means any branch, department, board, committee, or commission of State
government, but does not include units of local government, school districts, or boards of
election commissioners.
"Department" means the Department of Central Management Services.
"Participating employee" means a permanent full-time or part-time employee who
has been employed by an agency for a period of 6 months or more and who donates an organ,
bone marrow, blood, or blood platelets.
(a) On request, a participating employee subject to this Act may be entitled to organ
donation leave with pay.

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(b) An employee may use (i) up to 30 days of organ donation leave in any 12-month period to serve as a bone marrow donor, (ii) up to 30 days of organ donation leave in any 12-month period to serve as an organ donor, (iii) up to one hour to donate blood every 56 days, and (iv) up to 2 hours to donate blood platelets in accordance with appropriate medical standards established by the American Red Cross or other nationally-recognized standards. Leave under item (iv) may not be granted more than 24 times in a 12-month period.

c) An employee may use organ donation leave or other leave authorized in subsection (b) of this Section only after obtaining approval from the employee's agency.

d) An employee may not be required to use accumulated sick or vacation leave time before being eligible for organ donor leave.

e) The Department must adopt rules governing organ donation leave, including rules that (i) establish conditions and procedures for requesting and approving leave and (ii) require medical documentation of the proposed organ or bone marrow donation before leave is approved by the employing agency.

Section 99. Effective date. This Act takes effect on January 1, 2003.
Passed in the General Assembly May 7, 2002.
Approved August 2, 2002.

PUBLIC ACT 92-0755
(House Bill No. 5844)

AN ACT in relation to health.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Community Services Act is amended by changing Section 3 as follows:

(405 ILCS 30/3) (from Ch. 91 1/2, par. 903)

Sec. 3. Responsibilities for Community Services. Pursuant to this Act, the Department of Human Services shall facilitate the establishment of a comprehensive and coordinated array of community services based upon a federal, State and local partnership. In order to assist in implementation of this Act, the Department shall prescribe and publish rules and regulations. The Department may request the assistance of other State agencies, local government entities, direct services providers and others in the development of these regulations or other policies related to community services.

The Department shall assume the following roles and responsibilities for community services:

(a) Service Priorities. Within the service categories described in Section 2 of this Act, establish and publish priorities for community services to be rendered, and priority populations to receive these services.

(b) Planning. By January 1, 1994 and by January 1 of each third year thereafter, prepare and publish a Plan which describes goals and objectives for community services

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state-wide and for regions and subregions needs assessment, steps and time-tables for implementation of the goals also shall be included; programmatic goals and objectives for community services shall cover the service categories defined in Section 2 of this Act; the Department shall insure local participation in the planning process.

(c) Public Information and Education. Develop programs aimed at improving the relationship between communities and their disabled residents; prepare and disseminate public information and educational materials on the prevention of developmental disabilities, mental illness, and alcohol or drug dependence, and on available treatment and habilitation services for persons with these disabilities.

(d) Quality Assurance. Promulgate minimum program standards, rules and regulations to insure that Department funded services maintain acceptable quality and assure enforcement of these standards through regular monitoring of services and through program evaluation; this applies except where this responsibility is explicitly given by law to another State agency.

(d-5) Accreditation requirements for providers of mental health and substance abuse treatment services. Except when the federal or State statutes authorizing a program, or the federal regulations implementing a program, are to the contrary, accreditation shall be accepted by the Department in lieu of the Department's facility or program certification or licensure on site review requirements and shall be accepted as a substitute for the Department's administrative and program monitoring requirements, except as required by subsection (d-10), in the case of:

(1) Any organization from which the Department purchases mental health or substance abuse services and that is accredited under any of the following: the Comprehensive Accreditation Manual for Behavioral Health Care (Joint Commission on Accreditation of Healthcare Organizations (JCAHO)); the Comprehensive Accreditation Manual for Hospitals (JCAHO); the Standards Manual for the Council on Accreditation for Children and Family Services (Council on Accreditation for Children and Family Services (COA)); or the Standards Manual for Organizations Serving People with Disabilities (the Rehabilitation Accreditation Commission (CARF)).

(2) Any mental health facility or program licensed or certified by the Department, or any substance abuse service licensed by the Department, that is accredited under any of the following: the Comprehensive Accreditation Manual for Behavioral Health Care (JCAHO); the Comprehensive Accreditation Manual for Hospitals (JCAHO); the Standards Manual for the Council on Accreditation for Children and Family Services (COA); or the Standards Manual for Organizations Serving People with Disabilities (CARF).

(3) Any network of providers from which the Department purchases mental health or substance abuse services and that is accredited under any of the following: the Comprehensive Accreditation Manual for Behavioral Health Care (JCAHO); the Comprehensive Accreditation Manual for Hospitals (JCAHO); the Standards Manual for the Council on Accreditation for Children and Family Services (COA);

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the Standards Manual for Organizations Serving People with Disabilities (CARF); or the National Committee for Quality Assurance. A provider organization that is part of an accredited network shall be afforded the same rights under this subsection.

(d-10) For mental health and substance abuse services, the Department may develop standards or promulgate rules that establish additional standards for monitoring and licensing accredited programs, services, and facilities that the Department has determined are not covered by the accreditation standards and processes. These additional standards for monitoring and licensing accredited programs, services, and facilities and the associated monitoring must not duplicate the standards and processes already covered by the accrediting bodies.

(d-15) The Department shall be given proof of compliance with fire and health safety standards, which must be submitted as required by rule.

(d-20) The Department, by accepting the survey or inspection of an accrediting organization, does not forfeit its rights to perform inspections at any time, including contract monitoring to ensure that services are provided in accordance with the contract. The Department reserves the right to monitor a provider of mental health and substance abuse treatment services when the survey or inspection of an accrediting organization has established any deficiency in the accreditation standards and processes.

(d-25) On and after the effective date of this amendatory Act of the 92nd General Assembly, the accreditation requirements of this Section apply to contracted organizations that are already accredited.

(e) Program Evaluation. Develop a system for conducting evaluation of the effectiveness of community services, according to preestablished performance standards; evaluate the extent to which performance according to established standards aids in achieving the goals of this Act; evaluation data also shall be used for quality assurance purposes as as for planning activities.

(f) Research. Conduct research in order to increase understanding of mental illness, developmental disabilities and alcohol and drug dependence.

(g) Technical Assistance. Provide technical assistance to provider agencies receiving funds or serving clients in order to assist these agencies in providing appropriate, quality services; also provide assistance and guidance to other State agencies and local governmental bodies serving the disabled in order to strengthen their efforts to provide appropriate community services; and assist provider agencies in accessing other available funding, including federal, State, local, third-party and private resources.

(h) Placement Process. Promote the appropriate placement of clients in community services through the development and implementation of client assessment and diagnostic instruments to assist in identifying the individual's service needs; client assessment instruments also can be utilized for purposes of program evaluation; whenever possible, assure that placements in State-operated facilities are referrals from community agencies.

(i) Interagency Coordination. Assume leadership in promoting cooperation among State health and human service agencies to insure that a comprehensive, coordinated community services system is in place; to insure disabled persons access to needed services;

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and to insure continuity of care and allow clients to move among service settings as their needs change; also work with other agencies to establish effective prevention programs.

(j) Financial Assistance. Provide financial assistance to local provider agencies through purchase-of-care contracts and grants, pursuant to Section 4 of this Act.

(Source: P.A. 89-507, eff. 7-1-97.)

Section 99. Effective date. This Act takes effect upon becoming law.
Approved August 2, 2002.
Effective August 2, 2002.

PUBLIC ACT 92-0756
(House Bill No. 5851)

AN ACT concerning public utilities.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Public Utilities Act is amended by changing Section 16-119A as follows:

(220 ILCS 5/16-119A)
Sec. 16-119A. Functional separation.
(a) Within 90 days after the effective date of this amendatory Act of 1997, the Commission shall open a rulemaking proceeding to establish standards of conduct for every electric utility described in subsection (b). To create efficient competition between suppliers of generating services and sellers of such services at retail and wholesale, the rules shall allow all customers of a public utility that distributes electric power and energy to purchase electric power and energy from the supplier of their choice in accordance with the provisions of Section 16-104. In addition, the rules shall address relations between providers of any 2 services described in subsection (b) to prevent undue discrimination and promote efficient competition. Provided, however, that a proposed rule shall not be published prior to May 15, 1999.

(b) The Commission shall also have the authority to investigate the need for, and adopt rules requiring, functional separation between the generation services and the delivery services of those electric utilities whose principal service area is in Illinois as necessary to meet the objective of creating efficient competition between suppliers of generating services and sellers of such services at retail and wholesale. After January 1, 2003, the Commission shall also have the authority to investigate the need for, and adopt rules requiring, functional separation between an electric utility's competitive and non-competitive services.

(b-5) If there is a change in ownership of a majority of the voting capital stock of an electric utility or the ownership or control of any entity that owns or controls a majority of the voting capital stock of an electric utility, the electric utility shall have the right to file with the Commission a new plan. The newly filed plan shall supersede any plan previously approved by the Commission pursuant to this Section for that electric utility, subject to

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Commission approval. This subsection only applies to the extent that the Commission rules for the functional separation of delivery services and generation services provide an electric utility with the ability to select from 2 or more options to comply with this Section. The electric utility may file its revised plan with the Commission up to one calendar year after the conclusion of the sale, purchase, or any other transfer of ownership described in this subsection. In all other respects, an electric utility must comply with the Commission rules in effect under this Section. The Commission may promulgate rules to implement this subsection. This subsection shall have no legal effect after January 1, 2005.

(c) In establishing or considering the need for rules under subsections (a) and (b), the Commission shall take into account the effects on the cost and reliability of service and the obligation of the utility to provide bundled service under this Act. The Commission shall adopt rules that are a cost effective means to ensure compliance with this Section.

(d) Nothing in this Section shall be construed as imposing any requirements or obligations that are in conflict with federal law.

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

Section 99. Effective date. This Act takes effect upon becoming law.
Passed in the General Assembly May 9, 2002.
Approved August 2, 2002.
Effective August 2, 2002.

PUBLIC ACT 92-0757
(Senate Bill No. 1565)

AN ACT concerning energy efficiency.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Illinois Development Finance Authority Act is amended by adding Sections 7.91, 7.92, and 7.94 as follows:

(20 ILCS 3505/7.91 new)
Sec. 7.91. Energy Efficiency Revolving Loan Fund; findings and declaration of policy. It is hereby found and declared that market restructuring in the electric power industry has created an urgent need to provide financial incentives for the improvement of energy efficiency. It is in the public interest to reduce the costs of energy supplies and services by providing loans, loan guarantees, and interest rate write downs and by financing the administration of loans, loan guarantees, and interest rate write downs and the provision of technical assistance related thereto to fund energy efficiency improvements in governmental, commercial, and certain multi-family and other buildings.

(20 ILCS 3505/7.92 new)
Sec. 7.92. Energy Efficiency Revolving Loan Fund. There is hereby created the Energy Efficiency Revolving Loan Fund, hereafter referred to in Sections 7.91 through 7.94 as the "Fund". The Treasurer of the Authority shall have custody of the Fund, which shall be held outside the State treasury. The Authority is authorized to issue both tax exempt and

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taxable bonds on behalf of the Fund. The Authority is authorized to accept any and all loan repayments, interest earnings, proceeds from defaults or delinquencies, appropriations, grants, gifts, loans, or other payments from public or private entities, including public utilities, for deposit into the Fund.

(20 ILCS 3505/7.94 new)
Sec. 7.94. Loan program.
(a) The Authority shall provide loans to units of local government and nonprofit organizations engaged in the aggregation of electricity demand. Loans shall be provided at no more than 2% interest. Loans may be made either by the Authority or by other lenders using loan guarantees or interest rate write downs provided by the Authority. Loans may be made for the purchase and installation of any energy efficiency measure having a financial payback of no more than 7 years, including but not limited to the bulk purchase of high-efficiency energy equipment or appliances, energy monitoring devices, or clean small-scale energy production devices.

(b) The loan repayment period shall be no longer than 8 years.
(c) The Authority shall give priority to projects that (i) demonstrate innovative and efficient ways to achieve electricity demand reductions, (ii) may serve as a model for replication in other locations, or (iii) are proposed by governmental or nonprofit organizations to promote both energy efficiency and improved reliability of service.


PUBLIC ACT 92-0758
(Senate Bill No. 1851)

AN ACT in relation to business transactions.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Motor Vehicle Franchise Act is amended by changing Section 5 as follows:

(815 ILCS 710/5) (from Ch. 121 1/2, par. 755)
Sec. 5. Delivery and preparation obligations; damage disclosures. Every manufacturer shall specify in writing to the dealer the delivery and preparation obligations of its motor vehicle dealers prior to delivery of new motor vehicles to retail buyers. A copy of the delivery and preparation obligations of its motor vehicle dealers and a schedule of the compensation to be paid to its motor vehicle dealers for the work and services they shall be required to perform in connection with such delivery and preparation obligations shall be presented to the dealer and the obligations specified therein shall constitute any such dealer's only predelivery obligations as between such dealer and such manufacturer. The compensation as set forth on said schedule shall be reasonable.

New matter indicated by italics - deletions by strikeout.
A manufacturer, factory branch, distributor, distributor branch, or wholesaler of new motor vehicles sold or transferred to a motor vehicle dealer in this State shall disclose to the motor vehicle dealer, in writing, before delivery of a vehicle to the motor vehicle dealer all in-transit, post-manufacture, or other damage to the vehicle that was sustained or incurred by the motor vehicle at any time after the manufacturing process was complete but before delivery of the vehicle to the dealer. This disclosure is not required when the cost to repair does not exceed 6% of the manufacturer's suggested retail price of the vehicle based upon the dealer's actual retail repair cost, including labor, parts, and materials if the damage is repaired or retail estimate to repair if the vehicle is not repaired. New motor vehicles that are repaired may be sold as new and shall be fully warranted by the manufacturer.

For purposes of this Section, "manufacturer's suggested retail price" means the retail price of the new motor vehicle suggested by the manufacturer including the retail delivered price suggested by the manufacturer for each separately priced accessory or item of optional equipment physically attached to the new motor vehicle at the time of delivery.

Whenever a new motor vehicle sustains or incurs any in-transit, post-manufacture, or other damage at any time after the manufacturing process is complete, but before delivery of the vehicle to the motor vehicle dealer, the dealer may within a reasonable period of time after delivery of the motor vehicle notify the manufacturer or distributor of that damage and either:

(1) revoke acceptance of the delivery of the new motor vehicle whereby ownership of the motor vehicle shall revert to the manufacturer, and the dealer shall incur no obligations, financial, or otherwise for that new motor vehicle; or
(2) request authorization from the manufacturer to repair the damage sustained or incurred by the new motor vehicle. If the manufacturer refuses or fails to authorize repair of the damage within 3 days of the request by the dealer, the dealer may then revoke acceptance of the delivery of the new motor vehicle; ownership shall revert to the manufacturer; and the dealer shall incur no obligations, financial, or otherwise for that new motor vehicle.

A motor vehicle dealer shall disclose to the purchaser before delivery of the new motor vehicle, in writing, any damage that the dealer has actual knowledge was sustained or incurred by the motor vehicle at any time after the manufacturing process was complete but before delivery of the vehicle to the purchaser. This disclosure is not required when the cost to repair does not exceed 6% of the manufacturer's suggested retail price of the vehicle based upon the dealer's actual retail repair cost, including labor, parts, and materials if the damage is repaired or the retail estimate to repair the vehicle if it is not repaired.

Damage to glass, tires, bumpers, video and telephonic components, and in-dash audio equipment is not to be considered in determining the cost of repair if replaced with the manufacturer's original equipment.

If disclosure is not required under this Section, a purchaser may not revoke or rescind a sales contract due to the fact the new vehicle was damaged and repaired before completion of the sale. In that circumstance, nondisclosure does not constitute a misrepresentation or omission of fact.

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A manufacturer, factory branch, distributor, distributor branch, or wholesaler of new motor vehicles shall, notwithstanding the terms of any franchise agreement, indemnify and hold harmless the motor vehicle dealer obtaining a new motor vehicle from the manufacturer, factory branch, distributor, distributor branch, or wholesaler from and against any liability, including reasonable attorney's fees, expert witness fees, court costs, and other expenses incurred in the litigation, so long as such fees and costs are reasonable, that the motor vehicle dealer may be subjected to by the purchaser of the vehicle because of damage to the motor vehicle that occurred before delivery of the vehicle to the dealer and that was not disclosed in writing to the dealer prior to delivery of the vehicle. This indemnity obligation of the manufacturer, factory branch, distributor, distributor branch, or wholesaler applies regardless of whether the damage falls below the 6% threshold under this Section. The failure of the manufacturer, factory branch, distributor, distributor branch, or wholesaler to indemnify and hold harmless the motor vehicle dealer is a violation of this Section.

(Source: P.A. 91-485, eff. 1-1-00.)

Approved August 2, 2002.

PUBLIC ACT 92-0759
(Senate Bill No. 2068)

AN ACT concerning toll highways.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Toll Highway Act is amended by adding Section 9.12 as follows:

(605 ILCS 10/9.12 new)
Sec. 9.12. Land disclosure requirements.
(a) Disclosure required. The Authority may not enter into any agreement or understanding for the use or acquisition of land that is intended to be used or acquired for toll highway purposes unless full disclosure of all beneficial interests in the land is made under this Section.

(b) Condemnation proceedings. If the Authority commences condemnation proceedings to acquire land that is intended to be used or acquired for toll highway purposes, the holders of all beneficial interests in the land must make full disclosure under this Section unless the court determines that the disclosure would cause irreparable harm to one or more holders of a beneficial interest.

(c) Beneficial interests. Each holder of any beneficial interest in the land, including without limitation beneficial interests in a land trust, must be disclosed, including both individuals and other entities. If any beneficial interest is held by an entity, other than an entity whose shares are publicly traded, and not by an individual, then all the holders of any beneficial interest in that entity must be disclosed. This requirement continues at each level of holders of beneficial interests until all beneficial interests of all individuals in all entities,

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other than entities whose shares are publicly traded, have been disclosed.

(d) Written statement. Disclosure must be made by a written statement filed (i) with the Authority contemporaneously with the execution of the agreement or understanding or (ii) in the case of a condemnation proceeding, with the Authority and the court within a time period ordered by the court. Each individual and entity must be disclosed by name and address and by a description of the interest held, including the percentage interest in the land held by the individual or entity. The statement must be verified, subject to penalty of perjury, by the individual who holds the greatest percentage of beneficial interest in the land.

(e) Recordation. The Authority must file the statement of record with the recorder of each county in which any part of the land is located within 3 business days after the statement is filed with the Authority.

(f) Agreements and understandings void. Any agreement or understanding in violation of this Act is void.

(g) Penalty. A person who knowingly violates this Section is guilty of a business offense and shall be fined $10,000.

(h) Other disclosure requirements. The disclosure required under this Act is in addition to, and not in lieu of, any other disclosure required by law.

Section 99. Effective date. This Act takes effect upon becoming law.
Passed in the General Assembly May 9, 2002.
Approved August 2, 2002.
Effective August 2, 2002.

PUBLIC ACT 92-0760
(Senate Bill No. 2069)

AN ACT relating to higher education institutions.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The University of Illinois Hospital Act is amended by changing Section 5 as follows:

(110 ILCS 330/5) (from Ch. 23, par. 1375)

Sec. 5. The University may establish and collect charges for hospital services rendered in the University of Illinois Hospital or in connection with a University health care program. However, with respect to health care professional services rendered in connection with a University health care program at the University of Illinois Hospital or elsewhere by the Doctors of Medicine, the Doctors of Dentistry, or other health care professionals who are members of the University faculty, charges for such professional services shall not be established or collected by the University or the University of Illinois Hospital but may be by said members of said faculty who render such services under a plan or plans organized and administered by them. All such charges shall be deposited in a special fund or funds in the treasury of the University. The billing, collecting and disbursing of any such fund shall remain exclusively under the supervision and control of such faculty under a plan or plans

New matter indicated by italics - deletions by strikeout.
established by them for the general benefit and support of University programs and activities related to the health professions, provided no charges may be made or collected until such plan has been approved by the University. However, no person shall make or collect a personal or professional charge for his own account for treating, caring for or nursing a patient in the University of Illinois Hospital (other than health care professional services provided at the University of Illinois Hospital by non-salaried adjunct University faculty who are licensed dentists or physicians licensed to practice medicine in all its branches members) or in connection with a University health care program. Nothing herein shall prevent the University from approving a plan under which any such fund in the University treasury may be utilized in paying the University salaries of such faculty members, or from assisting in the billing and collection of professional charges if all University costs in connection therewith are paid from the charges so collected.

(Source: P.A. 91-206, eff. 7-20-99.)

Section 99. Effective date. This Act takes effect upon becoming law.
Approved August 2, 2002.
Effective August 2, 2002.

PUBLIC ACT 92-0761
(Senate Bill No. 2052)

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

(815 ILCS 725/Act rep.)
Section 5. The Illinois Wine and Spirits Industry Fair Dealing Act of 1999 is repealed.
Section 99. Effective date. This Act takes effect upon becoming law.
Approved August 5, 2002.
Effective August 5, 2002.

PUBLIC ACT 92-0762
(House Bill No. 1081)

AN ACT concerning open burning.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Fire Protection District Act is amended by adding Section 8.20 as follows:

(70 ILCS 705/8.20 new)
Sec. 8.20. Open burning.

New matter indicated by italics - deletions by strikeout.
(a) The board of trustees of any fire protection district incorporated under this Act may, by ordinance, require that the district be notified of open burning within the district before it takes place, but shall not require that a permit for open burning be obtained from the district. The district may not enforce an ordinance adopted under this Section within the corporate limits of a county with a population of 3,000,000 or more or a municipality with a population of 1,000,000 or more.

(b) The fire department of a fire protection district may extinguish any open burn that presents a clear, present, and unreasonable danger to persons or adjacent property or that presents an unreasonable risk because of wind, weather, or the types of combustibles. The unreasonable risk may include the height of flames, windblown embers, the creation of hazardous fumes, or an unattended fire. Fire departments may not unreasonably interfere with permitted and legal open burning.

(c) The fire protection district may provide that persons setting open burns on any agricultural land with an area of 50 acres or more may voluntarily comply with the provisions of an ordinance adopted under this Section.

Approved August 6, 2002.

PUBLIC ACT 92-0763
(House Bill No. 1692)

AN ACT with regard to education.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The School Code is amended by adding Section 27-23.6 as follows:

(105 ILCS 5/27-23.6 new)

Sec. 27-23.6. Anti-bias education.

(a) The General Assembly finds that there is a significant increase in violence in the schools and that much of that violence is the result of intergroup tensions. The General Assembly further finds that anti-bias education and intergroup conflict resolution are effective methods for preventing violence and lessening tensions in the schools and that these methods are most effective when they are respectful of individuals and their divergent viewpoints and religious beliefs, which are protected by the First Amendment to the Constitution of the United States.

(b) Beginning with the 2002-2003 school year, public elementary and secondary schools may incorporate activities to address intergroup conflict, with the objectives of improving intergroup relations on and beyond the school campus, defusing intergroup tensions, and promoting peaceful resolution of conflict. The activities must be respectful of individuals and their divergent viewpoints and religious beliefs, which are protected by the First Amendment to the Constitution of the United States. Such activities may include, but not be limited to, instruction and teacher training programs.

New matter indicated by italics - deletions by strikeout.
(c) A school board that adopts a policy to incorporate activities to address intergroup conflict as authorized under subsection (b) of this Section shall make information available to the public that describes the manner in which the board has implemented the authority granted to it in this Section. The means for disseminating this information (i) shall include posting the information on the school district’s Internet website, if any, and making the information available, upon request, in district offices, and (ii) may include without limitation incorporating the information in a student handbook and including the information in a district newsletter.

Section 99. Effective date. This Act takes effect upon becoming law.
Approved August 6, 2002.
Effective August 6, 2002.

PUBLIC ACT 92-0764
(House Bill No. 1889)

AN ACT concerning insurance coverage.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The State Employees Group Insurance Act of 1971 is amended by changing Section 6.11 as follows:
(5 ILCS 375/6.11)
Sec. 6.11. Required health benefits; Illinois Insurance Code requirements. The program of health benefits shall provide the post-mastectomy care benefits required to be covered by a policy of accident and health insurance under Section 356t of the Illinois Insurance Code. The program of health benefits shall provide the coverage required under Sections 356u, 356w, and 356x, and 356z.2 of the Illinois Insurance Code. The program of health benefits must comply with Section 155.37 of the Illinois Insurance Code.
(Source: P.A. 92-440, eff. 8-17-01.)

Section 10. The Illinois Insurance Code is amended by adding Section 356z.2 as follows:
(215 ILCS 5/356z.2 new)
Sec. 356z.2. Coverage for adjunctive services in dental care.
(a) An individual or group policy of accident and health insurance amended, delivered, issued, or renewed after the effective date of this amendatory Act of the 92nd General Assembly shall cover charges incurred, and anesthetics provided, in conjunction with dental care that is provided to a covered individual in a hospital or an ambulatory surgical treatment center if any of the following applies:
  (1) the individual is a child age 6 or under;
  (2) the individual has a medical condition that requires hospitalization or general anesthesia for dental care; or
  (3) the individual is disabled.

New matter indicated by italics - deletions by strikeout.
(b) For purposes of this Section, "ambulatory surgical treatment center" has the meaning given to that term in Section 3 of the Ambulatory Surgical Treatment Center Act. For purposes of this Section, "disabled" means a person, regardless of age, with a chronic disability if the chronic disability meets all of the following conditions:

1. It is attributable to a mental or physical impairment or combination of mental and physical impairments.
2. It is likely to continue.
3. It results in substantial functional limitations in one or more of the following areas of major life activity:
   a. self-care;
   b. receptive and expressive language;
   c. learning;
   d. mobility;
   e. capacity for independent living; or
   f. economic self-sufficiency.

(c) The coverage required under this Section may be subject to any limitations, exclusions, or cost-sharing provisions that apply generally under the insurance policy.

(d) This Section does not apply to a policy that covers only dental care.

(e) Nothing in this Section requires that the dental services be covered.

(f) The provisions of this Section do not apply to short-term travel, accident-only, limited, or specified disease policies, nor to policies or contracts designed for issuance to persons eligible for coverage under Title XVIII of the Social Security Act, known as Medicare, or any other similar coverage under State or federal governmental plans.

Section 15. The Health Maintenance Organization Act is amended by changing Section 5-3 as follows:

(215 ILCS 125/5-3) (from Ch. 111 1/2, par. 1411.2)

Sec. 5-3. Insurance Code provisions.

(a) Health Maintenance Organizations shall be subject to the provisions of Sections 133, 134, 137, 140, 141.1, 141.2, 141.3, 143, 143c, 147, 148, 149, 151, 152, 153, 154, 154.5, 154.6, 154.7, 154.8, 155.04, 355.2, 356m, 356w, 356y, 356z.2, 367i, 368a, 401, 401.1, 402, 403, 403A, 408, 408.2, 409, 412, 444, and 444.1, paragraph (c) of subsection (2) of Section 367, and Articles IIA, VIII 1/2, XII, XII 1/2, XIII, XIII 1/2, XXV, and XXVI of the Illinois Insurance Code.

(b) For purposes of the Illinois Insurance Code, except for Sections 444 and 444.1 and Articles XIII and XIII 1/2, Health Maintenance Organizations in the following categories are deemed to be "domestic companies":

1. a corporation authorized under the Dental Service Plan Act or the Voluntary Health Services Plans Act;
2. a corporation organized under the laws of this State; or
3. a corporation organized under the laws of another state, 30% or more of the enrollees of which are residents of this State, except a corporation subject to substantially the same requirements in its state of organization as is a "domestic
company" under Article VIII 1/2 of the Illinois Insurance Code.

(c) In considering the merger, consolidation, or other acquisition of control of a Health Maintenance Organization pursuant to Article VIII 1/2 of the Illinois Insurance Code,

(1) the Director shall give primary consideration to the continuation of benefits to enrollees and the financial conditions of the acquired Health Maintenance Organization after the merger, consolidation, or other acquisition of control takes effect;

(2)(i) the criteria specified in subsection (1)(b) of Section 131.8 of the Illinois Insurance Code shall not apply and (ii) the Director, in making his determination with respect to the merger, consolidation, or other acquisition of control, need not take into account the effect on competition of the merger, consolidation, or other acquisition of control;

(3) the Director shall have the power to require the following information:
   (A) certification by an independent actuary of the adequacy of the reserves of the Health Maintenance Organization sought to be acquired;
   (B) pro forma financial statements reflecting the combined balance sheets of the acquiring company and the Health Maintenance Organization sought to be acquired as of the end of the preceding year and as of a date 90 days prior to the acquisition, as well as pro forma financial statements reflecting projected combined operation for a period of 2 years;
   (C) a pro forma business plan detailing an acquiring party's plans with respect to the operation of the Health Maintenance Organization sought to be acquired for a period of not less than 3 years; and
   (D) such other information as the Director shall require.

(d) The provisions of Article VIII 1/2 of the Illinois Insurance Code and this Section 5-3 shall apply to the sale by any health maintenance organization of greater than 10% of its enrollee population (including without limitation the health maintenance organization's right, title, and interest in and to its health care certificates).

(e) In considering any management contract or service agreement subject to Section 141.1 of the Illinois Insurance Code, the Director (i) shall, in addition to the criteria specified in Section 141.2 of the Illinois Insurance Code, take into account the effect of the management contract or service agreement on the continuation of benefits to enrollees and the financial condition of the health maintenance organization to be managed or serviced, and (ii) need not take into account the effect of the management contract or service agreement on competition.

(f) Except for small employer groups as defined in the Small Employer Rating, Renewability and Portability Health Insurance Act and except for medicare supplement policies as defined in Section 363 of the Illinois Insurance Code, a Health Maintenance Organization may by contract agree with a group or other enrollment unit to effect refunds or charge additional premiums under the following terms and conditions:

(i) the amount of, and other terms and conditions with respect to, the refund or additional premium are set forth in the group or enrollment unit contract agreed

New matter indicated by italics - deletions by strikeout.
in advance of the period for which a refund is to be paid or additional premium is to be charged (which period shall not be less than one year); and

(ii) the amount of the refund or additional premium shall not exceed 20% of the Health Maintenance Organization's profitable or unprofitable experience with respect to the group or other enrollment unit for the period (and, for purposes of a refund or additional premium, the profitable or unprofitable experience shall be calculated taking into account a pro rata share of the Health Maintenance Organization's administrative and marketing expenses, but shall not include any refund to be made or additional premium to be paid pursuant to this subsection (f)).

The Health Maintenance Organization and the group or enrollment unit may agree that the profitable or unprofitable experience may be calculated taking into account the refund period and the immediately preceding 2 plan years.

The Health Maintenance Organization shall include a statement in the evidence of coverage issued to each enrollee describing the possibility of a refund or additional premium, and upon request of any group or enrollment unit, provide to the group or enrollment unit a description of the method used to calculate (1) the Health Maintenance Organization's profitable experience with respect to the group or enrollment unit and the resulting refund to the group or enrollment unit or (2) the Health Maintenance Organization's unprofitable experience with respect to the group or enrollment unit and the resulting additional premium to be paid by the group or enrollment unit.

In no event shall the Illinois Health Maintenance Organization Guaranty Association be liable to pay any contractual obligation of an insolvent organization to pay any refund authorized under this Section.

(Source: P.A. 90-25, eff. 1-1-98; 90-177, eff. 7-23-97; 90-372, eff. 7-1-98; 90-583, eff. 5-29-98; 90-655, eff. 7-30-98; 90-741, eff. 1-1-99; 91-357, eff. 7-29-99; 91-406, eff. 1-1-00; 91-549, eff. 8-14-99; 91-605, eff. 12-14-99; 91-788, eff. 6-9-00.)

Section 20. The Voluntary Health Services Plans Act is amended by changing Section 10 as follows:

(215 ILCS 165/10) (from Ch. 32, par. 604)

Sec. 10. Application of Insurance Code provisions. Health services plan corporations and all persons interested therein or dealing therewith shall be subject to the provisions of Articles IIA and XII 1/2 and Sections 3.1, 133, 140, 143, 143c, 149, 155.37, 354, 355.2, 356r, 356t, 356u, 356v, 356w, 356x, 356y, 356z.1, 356z.2, 367.2, 368a, 401, 401.1, 402, 403, 403A, 408, 408.2, and 412, and paragraphs (7) and (15) of Section 367 of the Illinois Insurance Code.

(Source: P.A. 91-406, eff. 1-1-00; 91-549, eff. 8-14-99; 91-605, eff. 12-14-99; 91-788, eff. 6-9-00; 92-130, eff. 7-20-01; 92-440, eff. 8-17-01; revised 9-12-01.)


Approved August 6, 2002.

AN ACT concerning mortgages.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 1. Short Title. This Act may be cited as the Mortgage Certificate of Release Act.

Section 5. Definitions. As used in this Act:

"Mortgage" means a mortgage or mortgage lien on an interest in one-to-four family residential real property in this State given to secure a loan in the original principal amount of less than $500,000. Trust deeds are not included.

"Mortgagee" means either: (i) the grantee of a mortgage; or (ii) if a mortgage has been assigned of record, the last person to whom the mortgage has been assigned of record.

"Mortgage servicer" means the last person to whom a mortgagor or the mortgagor's successor in interest has been instructed by a mortgagee to send payments on a loan secured by a mortgage. A person transmitting a payoff statement is the mortgage servicer for the mortgage described in the payoff statement.

"Mortgagor" means the grantor of a mortgage.

"Notice of intention to file certificate of release" means a statement from a title insurance company or title insurance agent to the person to whom payment of the loan secured by the mortgage was made in accordance with the payoff statement of the intention to record a certificate of release.

"Payoff statement" means a statement for the amount of the (i) unpaid balance of a loan secured by a mortgage, including principal, interest, and any other charges due under or secured by the mortgage; and (ii) interest on a per day basis for the unpaid balance.

"Record" means to deliver the certificate of release for recording with the county recorder.

"Title insurance agent" has the same meaning ascribed to it as in Section 3 of the Title Insurance Act.

"Title insurance company" has the same meaning ascribed to it as in Section 3 of the Title Insurance Act.

Section 10. Content and delivery of notice of intention to file certificate of release.

(a) The notice of intention to file a certificate of release shall state that if the title insurance company or title insurance agent does not receive from the mortgagee or mortgage servicer or its successor in interest either a release or a written objection to the issuance of a certificate of release pursuant to subsection (c) of this Section, a certificate of release may be delivered for recording to the recorder of each county in which the mortgage is recorded. A notice of intention to file a certificate of release should be in a form and include content that substantially complies with Section 65 of this Act. The notice of intention shall include a copy of the closing statement or HUD-1 form and the payoff check or a copy of it, or a copy of the wire transfer order.

New matter indicated by italics - deletions by strikeout.
(b) The notice of intention to file a certificate of release shall be sent by certified mail, return receipt requested, with postage prepaid, or by another service providing receipted delivery, no sooner than the day of closing and no later than 30 days after receipt of payment. The notice shall be delivered to the location identified in the payoff statement or as otherwise directed in writing by the mortgagee or mortgage servicer or its successor in interest. The notice may be sent with the payment, and need not be sent separately.

(c) Within 90 days after receipt of the notice of intention to file a certificate of release, the mortgagee or mortgage servicer or its successor in interest may issue a release or may object in writing to the issuance of a certificate of release, and by doing so shall prevent the title insurance company or title insurance agent from executing and recording a certificate of release pursuant to this Act. Any written objection submitted by the mortgagee or mortgage servicer or its successor in interest shall state the reason for which the release or certificate of release should not be issued. The written objection shall be sent to the title insurance company or title insurance agent by certified mail, return receipt requested, with postage prepaid, or by another service providing receipted delivery. A title insurance company or title insurance agent shall not cause a certificate of release to be recorded pursuant to this Section if the title insurance company or title insurance agent receives a written objection from the mortgagee or mortgage servicer or its successor in interest.

Section 15. Certificate of release. An officer or duly appointed agent of a title insurance company may, on behalf of a mortgagor or a person who has acquired from a mortgagor title to all or part of the property described in the mortgage, execute a certificate of release that complies with the requirements of this Act and record the certificate of release with the recorder of each county in which the mortgage is recorded, provided that payment of the loan secured by the mortgage was made in accordance with a written payoff statement furnished by the mortgagee or mortgage servicer, that a satisfaction or release of the mortgage has not previously been recorded, and that a notice of intention to file a certificate of release was sent in accordance with Section 10.

Section 20. Contents of certificate of release. A certificate of release executed under this Act must contain substantially all of the following:

(a) The name of the mortgagor, the name of the original mortgagee, and, if applicable, the mortgage servicer at the date of the mortgage, the date of recording, and the volume and page or document number or other official recording designation in the real property records where the mortgage is recorded, together with similar information for the last recorded assignment of the mortgage.

(b) A statement that the mortgage was paid in accordance with the written payoff statement received from the mortgagee or mortgage servicer and there is no objection from the mortgagee or mortgage servicer or its successor in interest.

(c) A statement that the person executing the certificate of release is an officer or a duly appointed agent of a title insurance company authorized and licensed to transact the business of insuring titles to interests in real property in this State pursuant to subsections (2) and (3) of Section 3 of the Title Insurance Act.

(d) A statement that the certificate of release is made on behalf of the mortgagor or

New matter indicated by italics - deletions by strikeout.
a person who acquired title from the mortgagor to all or a part of the property described in the mortgage.

(e) A statement that the mortgagee or mortgage servicer provided a written payoff statement.

Section 25. Execution. A certificate of release authorized by Section 15 must be executed and acknowledged as required by law, as in the case of a deed, and may be executed by an officer or a duly appointed agent of a title insurance company. The agent must be a currently registered title insurance agent of the title insurance company.

Section 30. Appointment of title insurance agent.

(a) The appointment of a title insurance agent must be executed and acknowledged as required by law, as in the case of a deed, and must state all of the following:

(1) the identity of the title insurance company as the principal;

(2) the identity of the person, partnership, limited partnership, limited liability company, limited liability partnership, or corporation authorized to act as title insurance agent to execute and record certificates of release provided for in this Act on behalf of the title insurance company;

(3) that the title insurance agent has the full authority to execute and record certificates of release provided for in this Act on behalf of the title insurance company;

(4) the term of appointment of the title insurance agent; and

(5) that the title insurance agent has consented to and accepts the terms of the appointment.

(b) The delegation to a title insurance agent by a title insurance company shall not relieve the title insurance company of any liability for actual damages as provided in Section 40.

(c) A title insurance company may create an instrument, executed by an officer of that company and acknowledged in the same manner as a deed, appointing one or more title insurance agents authorized to issue certificates of release under this Act. This instrument shall designate the county or counties in which it is to be effective and shall be recorded with the recorder in each of those counties, either as an original instrument or by recording a copy certified by the recorder of one of the counties. A separate appointment of title insurance agent shall not be necessary for each certificate of release. The appointment of an agent may be re-recorded where necessary to establish authority of the agent, but the authority shall continue until a revocation of appointment is recorded in the office of the recorder where the appointment of title insurance agent was recorded or on the date, if any, in the recorded appointment document.

Section 35. Effect of recording certificate of release. For purposes of releasing the lien of the mortgage, a certificate of release containing the information and statements provided for in Section 20 and executed as provided in Section 25 is prima facie evidence of the facts contained therein, and upon being recorded with the recorder, shall constitute a release of the lien of the mortgage described in the certificate of release. The title insurance company or title insurance agent recording the certificate of release may use the recording

New matter indicated by italics - deletions by strikeout.
fee collected for the recording of a release or satisfaction of the mortgage to effect the recording of the certificate of release.

Section 40. Wrongful or erroneous certificate of release. Recording of a wrongful or erroneous certificate of release by a title insurance company or its title insurance agent shall not relieve the mortgagor or the mortgagor's successors or assignees from any personal liability on the loan or other obligations secured by the mortgage. In addition to any other remedy provided by law, a title insurance company executing or recording a certificate of release under this Act that has actual knowledge that the information and statements contained therein are false is liable to the mortgagee for actual damages sustained due to the recording of the certificate of release. The prevailing party in any action or proceeding seeking actual damages due to the recording of a certificate of release shall be entitled to the recovery of reasonable attorneys fees and costs incurred in that action or proceeding.

Section 45. Recording. If a mortgage is recorded in more than one county and a certificate of release is recorded in one of them, a certified copy of the certificate of release may be recorded in another county with the same effect as the original. In all cases, the certificate of release shall be entered and indexed where satisfactions or releases of mortgage are entered and indexed.

Section 50. Form of certificate of release. A certificate of release in substantially the following form complies with this Act.

CERTIFICATE OF RELEASE

Date:....Title Order No.:......
1. Name of mortgagor(s):......
2. Name of original mortgagee:......
3. Name of mortgage servicer (if any):......
4. Name of last assignee of mortgage or record (if any):......
5. Mortgage recording: Vol.:.....Page:.....or Document No.:......
6. Last assignment recording (if any):
Vol.:.....Page:.....or Document No.:......
7. The above referenced mortgage has been paid in accordance with the payoff statement received from....., and there is no objection from the mortgagee or mortgage servicer or its successor in interest to the recording of this certificate of release.
8. The person executing this certificate of release is an officer or duly appointed agent of a title insurance company authorized and licensed to transact the business of insuring titles to interests in real property in this State pursuant to Section 30 of this Act.
9. This certificate of release is made on behalf of the mortgagor or a person who acquired title from the mortgagor to all or part of the property described in the mortgage.
10. The mortgagee or mortgage servicer provided a payoff statement.
11. The property described in the mortgage is as follows:
Permanent Index Number:......
Common Address:......
(Name of title insurance company)
By:......

New matter indicated by italics - deletions by strikeout.
Section 55. Form of appointment of title insurance agent for issuance of certificates of release. A title insurance company shall use the following form for the appointment of its title insurance agents for the purpose of executing certificates of release pursuant to this Act.

APPOINTMENT OF TITLE INSURANCE AGENT OR AGENTS FOR ISSUANCE OF CERTIFICATES OF RELEASE

..... (name of title insurance company) appoints ..... (name of title insurance agent or agents) to act as its agent or agents for the purpose of executing and delivering for recording certificates of release as provided by the Mortgage Certificate of Release Act. This appointment shall commence on ..... (date) and (select one) continue until revoked as provided by that Act / terminate on ..... (date). The agent or agents appointed has/have consented to and accept the terms of this appointment.

Dated this ..... (date).

By:

..... (title insurance company)

..... (signature)

..... (typed / printed name & title)

..... (address)

..... (telephone number)

State of Illinois

)

County of

This instrument was acknowledged before me on .....(date) by .....(name of person) as .....(officer for / agent of)

.....(title insurance company).

......

Notary Public

My commission expires on.....

Section 60. Form of revocation of appointment of title insurance agent or agents for issuance of certificates of release. A title insurance company shall use the following form for the purpose of revoking the appointment of its title insurance agent's authorization for

New matter indicated by italics - deletions by strikeout.
executing certificates of release pursuant to this Act.

REVOCATION OF APPOINTMENT OF TITLE INSURANCE
AGENT OR AGENTS FOR
ISSUANCE OF CERTIFICATES OF RELEASE

.... (name of title insurance company) revokes the appointment of ..... (name of title insurance agent or agents) to act as its agent for the purpose of executing and delivering for recording certificates of release as provided by the Mortgage Certificate of Release Act. This Revocation shall be effective upon the recording in each county, or on ..... (date), if subsequent to recording. A copy of this Revocation has been delivered to the named title insurance agent or agents by certified U. S. mail, return receipt requested, at the following address or addresses:

.....(name of title insurance agent)
.....(address)

Dated this ..... (date).

By:

..... (title insurance company)
..... (signature)
..... (typed / printed name & title)
..... (address)
..... (telephone number)

State of Illinois)

County of )

This instrument was acknowledged before me on .....(date)
by .....(name of person) as .....(officer for / agent of)
.....(title insurance company).

.....

Notary Public
My commission expires on.....

Section 65. Form of notice of intention to file certificate of release. A notice of intention to file certificate of release shall be in the following form. Use of a form substantially similar to this form complies with this Act.

NOTICE OF INTENTION TO FILE CERTIFICATE OF RELEASE

(Name of title insurance company or title insurance agent), authorized to issue certificates of release, having participated in the real estate closing resulting in the funding of the payoff of the mortgage originally recorded as Document No. ...., or Book at page or other filing made to (name of original mortgagee) hereby gives this notice of intention to file certificate of release. If, within 90 days from the receipt of this notice by you, we have not received a release or satisfaction of the mortgage or an objection to the issuance of a certificate of release, we may record a certificate of release of this mortgage with the office of the recorder.

Enclosed is a copy of the closing statement or HUD-1 form and the payoff check or

New matter indicated by italics - deletions by strikeout.
a copy of it, or copy of the wire transfer order.
Dated: (Insert date)
By: (Title Insurance Company or Title Insurance Agent as
authorized agent of title insurance company)
By: (Name of officer of title insurance company or
authorized title insurance agent)
(signed) ...

Section 90. Repeal. This Act is repealed on January 1, 2004. A certificate of release
executed during the period in which this Act is in effect is valid and entitled to recording.
Any certificate of release of record is effective as provided in Section 35 of this Act.

Section 95. The Mortgage Act is amended by changing Section 2 as follows:
(765 ILCS 905/2) (from Ch. 95, par. 52)
Sec. 2. Every mortgagor of real property, his assignee of record, or other legal
representative, having received full satisfaction and payment of all such sum or sums of
money as are really due to him from the mortgagor, and every trustee, or his successor in
trust, in a deed of trust in the nature of a mortgage, the notes, bonds or other indebtedness
secured thereby having been fully paid before September 7, 1973, shall, at the request of the
mortgagor, or grantor in a deed of trust in the nature of a mortgage, his heirs, legal
representatives or assigns, in case such mortgage or trust deed has been recorded or
registered, make, execute and deliver to the mortgagor or grantor in a deed of trust in the
nature of a mortgage, his heirs, legal representatives or assigns, an instrument in writing
executed in conformity with the provisions of this section releasing such mortgage or deed
of trust in the nature of a mortgage, which release shall be entitled to be recorded or
registered and the recorder or registrar upon receipt of such a release and the payment of the
recording fee therefor shall record or register the same.

Mortgages of real property and deeds of trust in the nature of a mortgage shall be
released of record only in the manner provided herein or as provided in the Mortgage
Certificate of Release Act; however, nothing contained in this Act shall in any manner affect
the validity of any release of a mortgage or deed of trust made prior to January 1, 1952 on
the margin of the record.

Every mortgagor of real property, his assignee of record, or other legal representative,
having received full satisfaction and payment of all such sum or sums of money as are really
due to him from the mortgagor, and every trustee, or his successor in trust, in a deed of trust
in the nature of a mortgage, the notes, bonds or other indebtedness secured thereby having
been fully paid after September 7, 1973, shall make, execute and deliver to the mortgagor or
grantor in a deed of trust in the nature of a mortgage, his heirs, legal representatives or
assigns, an instrument in writing releasing such mortgage or deed of trust in the nature of a
mortgage or shall deliver that release to the recorder or registrar for recording or registering.
If the release is delivered to the mortgagor or grantor, it must have imprinted on its face in
bold letters at least 1/4 inch in height the following: "FOR THE PROTECTION OF THE
OWNER, THIS RELEASE SHALL BE FILED WITH THE RECORDER OR THE
REGISTRAR OF TITLES IN WHOSE OFFICE THE MORTGAGE OR DEED OF TRUST

New matter indicated by italics - deletions by strikeout.
Was filed. The recorder, or registrar, upon receipt of such a release and the payment of the recording or registration fee, shall record or register the release.

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

Section 99. Effective date. This Act takes effect upon becoming law.
Passed in the General Assembly May 21, 2002.
Approved August 6, 2002.
Effective August 6, 2002.

Public Act 92-0766
(House Bill No. 3210)

AN ACT in relation to vehicles.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Vehicle Code is amended by changing Section 15-107 as follows:

(625 ILCS 5/15-107) (from Ch. 95 1/2, par. 15-107)
Sec. 15-107. Length of vehicles.
(a) The maximum length of a single vehicle on any highway of this State may not exceed 42 feet except the following:
(1) Semitrailers.
(2) Charter or regulated route buses may be up to 45 feet in length, not including energy absorbing bumpers.
(a-1) A motor home as defined in Section 1-145.01 may be up to 45 feet in length, not including energy absorbing bumpers. The length limitations described in this subsection (a-1) shall be exclusive of energy-absorbing bumpers and rear view mirrors.
(b) On all non-State highways, the maximum length of vehicles in combinations is as follows:
(1) A truck tractor in combination with a semitrailer may not exceed 55 feet overall dimension.
(2) A truck tractor-semitrailer-trailer may not exceed 60 feet overall dimension.
(3) Combinations specially designed to transport motor vehicles or boats may not exceed 60 feet overall dimension.
Vehicles operating during daylight hours when transporting poles, pipes, machinery, or other objects of a structural nature that cannot readily be dismembered are exempt from length limitations, provided that no object may exceed 80 feet in length and the overall dimension of the vehicle including the load may not exceed 100 feet. This exemption does not apply to operation on a Saturday, Sunday, or legal holiday. Legal holidays referred to in this Section are the days on which the following traditional holidays are celebrated: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; and Christmas Day.

New matter indicated by italics - deletions by strikeout.
Vehicles and loads operated by a public utility while en route to make emergency repairs to public service facilities or properties are exempt from length limitations, provided that during night operations every vehicle and its load must be equipped with a sufficient number of clearance lamps on both sides and marker lamps on the extreme ends of any projecting load to clearly mark the dimensions of the load.

A tow truck in combination with a disabled vehicle or combination of disabled vehicles, as provided in paragraph (6) of subsection (c) of this Section, is exempt from length limitations.

All other combinations not listed in this subsection (b) may not exceed 60 feet overall dimension.

(c) Combinations of vehicles may not exceed a total of 2 vehicles except the following:

1. A truck tractor semitrailer may draw one trailer.
2. A truck tractor semitrailer may draw one converter dolly.
3. A truck tractor semitrailer may draw one vehicle that is defined in Chapter 1 as special mobile equipment, provided the overall dimension does not exceed 60 feet.
4. A truck in transit may draw 3 trucks in transit coupled together by the triple saddlemount method.
5. Recreational vehicles consisting of 3 vehicles, provided the following:
   A. The total overall dimension does not exceed 60 feet.
   B. The towing vehicle is a properly registered vehicle capable of towing another vehicle using a fifth-wheel type assembly.
   C. The second vehicle in the combination of vehicles is a recreational vehicle that is towed by a fifth-wheel assembly. This vehicle must be properly registered and must be equipped with brakes, regardless of weight.
   D. The third vehicle must be the lightest of the 3 vehicles and be a trailer or semitrailer designed or used for transporting a boat, all-terrain vehicle, personal watercraft, or motorcycle.
   E. The towed vehicles may be only for the use of the operator of the towing vehicle.
   F. All vehicles must be properly equipped with operating brakes and safety equipment required by this Code, except the additional brake requirement in subdivision (C) of this subparagraph (5).
6. A tow truck in combination with a disabled vehicle or combination of disabled vehicles, provided the towing vehicle:
   A. Is specifically designed as a tow truck having a gross vehicle weight rating of at least 18,000 pounds and equipped with air brakes, provided that air brakes are required only if the towing vehicle is towing a vehicle, semitrailer, or tractor-trailer combination that is equipped with air brakes. For the purpose of this subsection, gross vehicle weight rating, or

New matter indicated by italics - deletions by strikeout.
GVWR, means the value specified by the manufacturer as the loaded weight of the tow truck.

(B) Is equipped with flashing, rotating, or oscillating amber lights, visible for at least 500 feet in all directions.

(C) Is capable of utilizing the lighting and braking systems of the disabled vehicle or combination of vehicles.

(D) Does not engage a tow exceeding 50 highway miles from the initial point of wreck or disablement to a place of repair. Any additional movement of the vehicles may occur only upon issuance of authorization for that movement under the provisions of Sections 15-301 through 15-319 of this Code.

The Department may by rule or regulation prescribe additional requirements regarding length limitations for a tow truck towing another vehicle.

For purposes of this Section, a tow-dolly that merely serves as substitute wheels for another legally licensed vehicle is considered part of the licensed vehicle and not a separate vehicle.

(d) On Class I highways there are no overall length limitations on motor vehicles operating in combinations provided:

1. The length of a semitrailer, unladen or with load, in combination with a truck tractor may not exceed 53 feet.
2. The distance between the kingpin and the center of the rear axle of a semitrailer longer than 48 feet, in combination with a truck tractor, may not exceed 45 feet 6 inches.
3. The length of a semitrailer or trailer, unladen or with load, operated in a truck tractor-semitrailer-trailer combination, may not exceed 28 feet 6 inches.
4. Maxi-cube combinations, as defined in Chapter 1, may not exceed 65 feet overall dimension.
5. Combinations of vehicles specifically designed to transport motor vehicles or boats may not exceed 65 feet overall dimension. The length limitation is inclusive of front and rear bumpers but exclusive of the overhang of the transported vehicles, as provided in paragraph (i) of this Section.
6. Stinger steered semitrailer vehicles as defined in Chapter 1, specifically designed to transport motor vehicles or boats, may not exceed 75 feet overall dimension. The length limitation is inclusive of front and rear bumpers but exclusive of the overhang of the transported vehicles, as provided in paragraph (i) of this Section.
7. A truck in transit transporting 3 trucks coupled together by the triple saddlemount method may not exceed 75 feet overall dimension.

Vehicles operating during daylight hours when transporting poles, pipes, machinery, or other objects of a structural nature that cannot readily be dismembered are exempt from length limitations, provided that no object may exceed 80 feet in length and the overall dimension of the vehicle including the load may not exceed 100 feet. This exemption does not apply to the transportation of demolition debris.
not apply to operation on a Saturday, Sunday, or legal holiday. Legal holidays referred to in this Section are the days on which the following traditional holidays are celebrated: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; and Christmas Day.

Vehicles and loads operated by a public utility while en route to make emergency repairs to public service facilities or properties are exempt from length limitations, provided that during night operations every vehicle and its load must be equipped with a sufficient number of clearance lamps on both sides and marker lamps on the extreme ends of any projecting load to clearly mark the dimensions of the load.

A tow truck in combination with a disabled vehicle or combination of disabled vehicles, as provided in paragraph (6) of subsection (c) of this Section, is exempt from length limitations.

The length limitations described in this paragraph (d) shall be exclusive of safety and energy conservation devices, such as bumpers, refrigeration units or air compressors and other devices, that the Department may interpret as necessary for safe and efficient operation; except that no device excluded under this paragraph shall have by its design or use the capability to carry cargo.

Section 5-35 of the Illinois Administrative Procedure Act relating to procedures for rulemaking shall not apply to the designation of highways under this paragraph (d).

(e) On Class II highways there are no overall length limitations on motor vehicles operating in combinations, provided:

(1) The length of a semitrailer, unladen or with load, in combination with a truck tractor, may not exceed 53 feet overall dimension.

(2) The distance between the kingpin and the center of the rear axle of a semitrailer longer than 48 feet, in combination with a truck tractor, may not exceed 45 feet 6 inches.

(3) A truck tractor-semitrailer-trailer combination may not exceed 65 feet overall dimension.

(4) The length of a semitrailer or trailer, unladen or with load, operated in a truck tractor-semitrailer-trailer combination, may not exceed 28 feet 6 inches.

(5) Maxi-cube combinations, as defined in Chapter 1, may not exceed 65 feet overall dimension.

(6) A combination of vehicles, specifically designed to transport motor vehicles or boats, may not exceed 65 feet overall dimension. The length limitation is inclusive of front and rear bumpers but exclusive of the overhang of the transported vehicles, as provided in paragraph (i) of this Section.

(7) Stinger steered semitrailer vehicles, as defined in Chapter 1, specifically designed to transport motor vehicles or boats, may not exceed 75 feet overall dimension. The length limitation is inclusive of front and rear bumpers but exclusive of the overhang of the transported vehicles, as provided in paragraph (i) of this Section.

(8) A truck in transit transporting 3 trucks coupled together by the triple
saddlemount method may not exceed 75 feet overall dimension.

Vehicles operating during daylight hours when transporting poles, pipes, machinery, or other objects of a structural nature that cannot readily be dismembered are exempt from length limitations, provided that no object may exceed 80 feet in length and the overall dimension of the vehicle including the load may not exceed 100 feet. This exemption does not apply to operation on a Saturday, Sunday, or legal holiday. Legal holidays referred to in this Section are the days on which the following traditional holidays are celebrated: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; and Christmas Day.

Vehicles and loads operated by a public utility while en route to make emergency repairs to public service facilities or properties are exempt from length limitations, provided that during night operations every vehicle and its load must be equipped with a sufficient number of clearance lamps on both sides and marker lamps on the extreme ends of any projecting load to clearly mark the dimensions of the load.

A tow truck in combination with a disabled vehicle or combination of disabled vehicles, as provided in paragraph (6) of subsection (c) of this Section, is exempt from length limitations.

Local authorities and road district commissioners, with respect to streets and highways under their jurisdiction, may also by ordinance or resolution allow length limitations of this subsection (e).

The length limitations described in this paragraph (e) shall be exclusive of safety and energy conservation devices, such as bumpers, refrigeration units or air compressors and other devices, that the Department may interpret as necessary for safe and efficient operation; except that no device excluded under this paragraph shall have by its design or use the capability to carry cargo.

(e-1) Combinations of vehicles not exceeding 65 feet overall length are allowed access as follows:

(1) From any State designated highway onto any county, township, or municipal highway for a distance of 5 highway miles for the purpose of loading and unloading, provided:

   (A) The vehicle does not exceed 73,280 pounds in gross weight and 8 feet 6 inches in width.
   (B) There is no sign prohibiting that access.
   (C) The route is not being used as a thoroughfare between State designated highways.

(2) From any State designated highway onto any county or township highway for a distance of 5 highway miles or onto any municipal highway for a distance of one highway mile for the purpose of food, fuel, repairs, and rest, provided:

   (A) The vehicle does not exceed 73,280 pounds in gross weight and 8 feet 6 inches in width.
   (B) There is no sign prohibiting that access.
   (C) The route is not being used as a thoroughfare between State
designated highways.

(e-2) Except as provided in subsection (e-3), combinations of vehicles over 65 feet in length, with no overall length limitation except as provided in subsections (d) and (e) of this Section, are allowed access as follows:

(1) From a Class I highway onto any street or highway for a distance of one highway mile for the purpose of loading, unloading, food, fuel, repairs, and rest, provided there is no sign prohibiting that access.

(2) From a Class I or Class II highway onto any State highway or any locally designated highway for a distance of 5 highway miles for the purpose of loading, unloading, food, fuel, repairs, and rest.

(e-3) Combinations of vehicles over 65 feet in length operated by household goods carriers, with no overall length limitations except as provided in subsections (d) and (e) of this Section, have unlimited access to points of loading and unloading.

Section 5-35 of the Illinois Administrative Procedure Act relating to procedures for rulemaking shall not apply to the designation of highways under this paragraph (e).

(f) On Class III and other non-designated State highways, the length limitations for vehicles in combination are as follows:

(1) Truck tractor-semitrailer combinations, must comply with either a maximum 55 feet overall wheel base or a maximum 65 feet extreme overall dimension.

(2) Semitrailers, unladen or with load, may not exceed 53 feet overall dimension.

(3) No truck tractor-semitrailer-trailer combination may exceed 60 feet extreme overall dimension.

(4) The distance between the kingpin and the center axle of a semitrailer longer than 48 feet, in combination with a truck tractor, may not exceed 42 feet 6 inches.

(g) Length limitations in the preceding subsections of this Section 15-107 do not apply to the following:

(1) Vehicles operated in the daytime, except on Saturdays, Sundays, or legal holidays, when transporting poles, pipe, machinery, or other objects of a structural nature that cannot readily be dismembered, provided the overall length of vehicle and load may not exceed 100 feet and no object exceeding 80 feet in length may be transported unless a permit has been obtained as authorized in Section 15-301.

(2) Vehicles and loads operated by a public utility while en route to make emergency repairs to public service facilities or properties, but during night operation every vehicle and its load must be equipped with a sufficient number of clearance lamps on both sides and marker lamps upon the extreme ends of any projecting load to clearly mark the dimensions of the load.

(3) A tow truck in combination with a disabled vehicle or combination of disabled vehicles, provided the towing vehicle meets the following conditions:

   (A) It is specifically designed as a tow truck having a gross vehicle
weight rating of at least 18,000 pounds and equipped with air brakes, provided that air brakes are required only if the towing vehicle is towing a vehicle, semitrailer, or tractor-trailer combination that is equipped with air brakes.

(B) It is equipped with flashing, rotating, or oscillating amber lights, visible for at least 500 feet in all directions.

(C) It is capable of utilizing the lighting and braking systems of the disabled vehicle or combination of vehicles.

(D) It does not engage in a tow exceeding 50 miles from the initial point of wreck or disablement.

The Department may by rule or regulation prescribe additional requirements regarding length limitations for a tow truck towing another vehicle.

For the purpose of this subsection, gross vehicle weight rating, or GVWR, shall mean the value specified by the manufacturer as the loaded weight of the tow truck. Legal holidays referred to in this Section shall be specified as the day on which the following traditional holidays are celebrated:

- New Year's Day;
- Memorial Day;
- Independence Day;
- Labor Day;
- Thanksgiving Day; and
- Christmas Day.

(h) The load upon any vehicle operated alone, or the load upon the front vehicle of a combination of vehicles, shall not extend more than 3 feet beyond the front wheels of the vehicle or the front bumper of the vehicle if it is equipped with a front bumper. The provisions of this subsection (h) shall not apply to any vehicle or combination of vehicles specifically designed for the collection and transportation of waste, garbage, or recyclable materials during the vehicle's operation in the course of collecting garbage, waste, or recyclable materials if the vehicle is traveling at a speed not in excess of 15 miles per hour during the vehicle's operation and in the course of collecting garbage, waste, or recyclable materials. However, in no instance shall the load extend more than 7 feet beyond the front wheels of the vehicle or the front bumper of the vehicle if it is equipped with a front bumper.

(i) The load upon the front vehicle of a combination of vehicles specifically designed to transport motor vehicles shall not extend more than 3 feet beyond the foremost part of the transporting vehicle and the load upon the rear transporting vehicle shall not extend more than 4 feet beyond the rear of the bed or body of the vehicle. This paragraph shall only be applicable upon highways designated in paragraphs (d) and (e) of this Section.

(j) Articulated vehicles comprised of 2 sections, neither of which exceeds a length of 42 feet, designed for the carrying of more than 10 persons, may be up to 60 feet in length, not including energy absorbing bumpers, provided that the vehicles are:

1. operated by or for any public body or motor carrier authorized by law to provide public transportation services; or

New matter indicated by italics - deletions by strikeout.
2. operated in local public transportation service by any other person and the municipality in which the service is to be provided approved the operation of the vehicle.

(j-1) (Blank).

(k) Any person who is convicted of violating this Section is subject to the penalty as provided in paragraph (b) of Section 15-113.

(l) (Blank).

(Source: P.A. 92-417, eff. 1-1-02.)

Approved August 6, 2002.

PUBLIC ACT 92-0767

(House Bill No. 3774)

AN ACT in relation to education.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The School Code is amended by adding Section 19b-1.05 and changing Sections 19b-1.1, 19b-1.3, 19b-1.4, 19b-2, 19b-3, 19b-4, 19b-5, 19b-6, 19b-7, 19b-8, and 19b-9 as follows:

(105 ILCS 5/19b-1.05 new)

Sec. 19b-1.05. Area vocational center. "Area vocational center" means an area vocational center created by joint agreement between school districts.

(105 ILCS 5/19b-1.1) (from Ch. 122, par. 19b-1.1)

Sec. 19b-1.1. Energy conservation measure. "Energy conservation measure" means any improvement, repair, alteration, or betterment of any building or facility owned or operated by a school district or area vocational center or any equipment, fixture, or furnishing to be added to or used in any such building or facility that is designed to reduce energy consumption or operating costs, and may include, without limitation, one or more of the following:

(1) Insulation of the building structure or systems within the building.
(2) Storm windows or doors, caulking or weatherstripping, multiglazed windows or doors, heat absorbing or heat reflective glazed and coated window or door systems, additional glazing, reductions in glass area, or other window and door system modifications that reduce energy consumption.
(3) Automated or computerized energy control systems.
(4) Heating, ventilating, or air conditioning system modifications or replacements.
(5) Replacement or modification of lighting fixtures to increase the energy efficiency of the lighting system without increasing the overall illumination of a facility, unless an increase in illumination is necessary to conform to the applicable

New matter indicated by italics - deletions by strikeout.
State or local building code for the lighting system after the proposed modifications are made.

(6) Energy recovery systems.

(7) Energy conservation measures that provide long-term operating cost reductions.

(Source: P.A. 87-1106.)

(105 ILCS 5/19b-1.3) (from Ch. 122, par. 19b-1.3)

Sec. 19b-1.3. Qualified provider. "Qualified provider" means a person or business whose employees are experienced and trained in the design, implementation, or installation of energy conservation measures. The minimum training required for any person or employee under this Section shall be the satisfactory completion of at least 40 hours of course instruction dealing with energy conservation measures. A qualified provider to whom the contract is awarded shall give a sufficient bond to the school district or area vocational center for its faithful performance.

(Source: P.A. 87-1106.)

(105 ILCS 5/19b-1.4) (from Ch. 122, par. 19b-1.4)

Sec. 19b-1.4. Request for proposals. "Request for proposals" means a negotiated procurement. The request for proposals shall be announced through at least one public notice, at least 10 days before the request date in a newspaper published in the district or vocational center area, or if no newspaper is published in the district or vocational center area, in a newspaper of general circulation in the area of the district or vocational center, from a school district or area vocational center that will administer the program, requesting innovative solutions and proposals for energy conservation measures. Proposals submitted shall be sealed. The request for proposals shall include all of the following:

(1) The name and address of the school district or area vocational center.
(2) The name, address, title, and phone number of a contact person.
(3) Notice indicating that the school district or area vocational center is requesting qualified providers to propose energy conservation measures through a guaranteed energy savings contract.
(4) The date, time, and place where proposals must be received.
(5) The evaluation criteria for assessing the proposals.
(6) Any other stipulations and clarifications the school district or area vocational center may require.

(Source: P.A. 87-1106.)

(105 ILCS 5/19b-2) (from Ch. 122, par. 19b-2)

Sec. 19b-2. Evaluation of proposal. Before entering into a guaranteed energy savings contract under Section 19b-3, a school district or area vocational center shall submit a request for proposals. The school district or area vocational center shall evaluate any sealed proposal from a qualified provider. The evaluation shall analyze the estimates of all costs of installations, modifications or remodeling, including, without limitation, costs of a pre-installation energy audit or analysis, design, engineering, installation, maintenance, repairs, debt service, conversions to a different energy or fuel source, or post-installation

New matter indicated by italics - deletions by strikeout.
project monitoring, data collection, and reporting. The evaluation shall include a detailed analysis of whether either the energy consumed or the operating costs, or both, will be reduced. If technical assistance is not available by a licensed architect or registered professional engineer on the school district or area vocational center staff, then the evaluation of the proposal shall be done by a registered professional engineer or architect, who is retained by the school district or area vocational center. The school district or area vocational center may pay a reasonable fee for evaluation of the proposal or include the fee as part of the payments made under Section 19b-4.

(Source: P.A. 87-1106.)

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

Sec. 19b-3. Award of guaranteed energy savings contract. Sealed proposals must be opened by a member or employee of the school board or governing board of the area vocational center, whichever is applicable, at a public opening at which the contents of the proposals must be announced. Each person or entity submitting a sealed proposal must receive at least 13 days notice of the time and place of the opening. The school district or area vocational center shall select the qualified provider that best meets the needs of the district or area vocational center. The school district or area vocational center shall provide public notice of the meeting at which it proposes to award a guaranteed energy savings contract of the names of the parties to the proposed contract and of the purpose of the contract. The public notice shall be made at least 10 days prior to the meeting. After evaluating the proposals under Section 19b-2, a school district or area vocational center may enter into a guaranteed energy savings contract with a qualified provider if it finds that the amount it would spend on the energy conservation measures recommended in the proposal would not exceed the amount to be saved in either energy or operational costs, or both, within a 20-year period from the date of installation, if the recommendations in the proposal are followed.

(Source: P.A. 87-1106.)

(105 ILCS 5/19b-4) (from Ch. 122, par. 19b-4)

Sec. 19b-4. Guarantee. The guaranteed energy savings contract shall include a written guarantee of the qualified provider that either the energy or operational cost savings, or both, will meet or exceed within 20 years the costs of the energy conservation measures. The qualified provider shall reimburse the school district or area vocational center for any shortfall of guaranteed energy savings projected in the contract. A qualified provider shall provide a sufficient bond to the school district or area vocational center for the installation and the faithful performance of all the measures included in the contract. The guaranteed energy savings contract may provide for payments over a period of time, not to exceed 20 years from the date of final installation of the measures.

(Source: P.A. 87-1106; 88-615, eff. 9-9-94.)

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

Sec. 19b-5. Installment payment; lease purchase. A school district or school districts in combination or an area vocational center may enter into an installment payment contract or lease purchase agreement with a qualified provider for the purchase and installation of

New matter indicated by italics - deletions by strikeout.
energy conservation measures. Every school district or area vocational center may issue certificates evidencing the indebtedness incurred pursuant to the contracts or agreements. Any such contract or agreement shall be valid whether or not an appropriation with respect thereto is first included in any annual or supplemental budget adopted by the school district or area vocational center. Each contract or agreement entered into by a school district or area vocational center pursuant to this Section shall be authorized by resolution of the school board or governing board of the area vocational center, whichever is applicable.

(Source: P.A. 87-1106.)

(105 ILCS 5/19b-6) (from Ch. 122, par. 19b-6)
Sec. 19b-6. Term; budget and appropriations. Guaranteed energy savings contracts may extend beyond the fiscal year in which they become effective. The school district or area vocational center shall include in its annual school budget and appropriations measures for each subsequent fiscal year any amounts payable under guaranteed energy savings contracts during that fiscal year. Sections 2-3.12, 3-14.20, and 10-22.36 of the School Code shall apply to this Article 19b.

(Source: P.A. 87-1106.)

(105 ILCS 5/19b-7) (from Ch. 122, par. 19b-7)
Sec. 19b-7. Operational and energy cost savings. The school district or area vocational center shall document the operational and energy cost savings specified in the guaranteed energy savings contract and designate and appropriate that amount for an annual payment of the contract. If the annual energy savings are less than projected under the guaranteed energy savings contract the qualified provider shall pay the difference as provided in Section 19b-4.

(Source: P.A. 87-1106.)

(105 ILCS 5/19b-8) (from Ch. 122, par. 19b-8)
Sec. 19b-8. Available funds. A school district or area vocational center may use funds designated for operating or capital expenditures for any guaranteed energy savings contract including purchases using installment payment contracts or lease purchase agreements. A school district or area vocational center that enters into such a contract or agreement may covenant in such contract or agreement that payments made thereunder shall be payable from the first funds legally available in each fiscal year.

(Source: P.A. 87-1106; 88-45.)

(105 ILCS 5/19b-9) (from Ch. 122, par. 19b-9)
Sec. 19b-9. Funding. State aid and other amounts appropriated for distribution to or reimbursement of a school district or area vocational center shall not be reduced as a result of energy savings realized from a guaranteed energy savings contract or a lease purchase agreement for the purchase and installation of energy conservation measures.

(Source: P.A. 87-1106.)

(105 ILCS 5/19b-10 rep.)
Section 10. The School Code is amended by repealing Section 19b-10.
Section 90. The State Mandates Act is amended by adding Section 8.26 as follows:
(30 ILCS 805/8.26 new)

New matter indicated by italics - deletions by strikeout.
Sec. 8.26. Exempt mandate. Notwithstanding Sections 6 and 8 of this Act, no reimbursement by the State is required for the implementation of any mandate created by this amendatory Act of the 92nd General Assembly.

Section 99. Effective date. This Act takes effect upon becoming law.
Approved August 6, 2002.
Effective August 6, 2002.

PUBLIC ACT 92-0768
(House Bill No. 4023)

AN ACT concerning local planning.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 1. Short title. This Act may be cited as the Local Planning Technical Assistance Act.
Section 5. Purposes. The purposes of this Act are to:
(1) Provide technical assistance to Illinois local governments that request it for the development of local planning ordinances and regulations.
(2) Encourage Illinois local governments to engage in planning, regulatory, and development approaches that promote and encourage comprehensive planning.
(3) Prepare and distribute model ordinances, manuals, and other technical publications that promote and encourage comprehensive planning.
(4) Research and report upon the results and impact of activities funded by the demonstration grants.
(5) Support local planning efforts in communities with limited financial means.
(6) Support planning efforts that include one or more units of local government or planning agencies working together.
Section 10. Definitions. In this Act:
"Comprehensive plan" means a regional plan adopted under Section 5-14001 of the Counties Code, an official comprehensive plan adopted under Section 11-12-6 of the Illinois Municipal Code, or a local land resource management plan adopted under Section 4 of the Local Land Resource Management Planning Act.
"Department" means the Department of Commerce and Community Affairs.
"Land development regulation" means any development or land use ordinance or regulation of a county or municipality including zoning and subdivision ordinances.
"Local government" or "unit of local government" means any city, village, incorporated town, or county.
"Subsidiary plan" means any portion of a comprehensive plan that guides development, land use, or infrastructure for a county or municipality or a portion of a county or municipality.

New matter indicated by italics - deletions by strikeout.
Section 15. Technical assistance grants. The Department may make grants to units of local government to develop, update, administer, and implement comprehensive plans, subsidiary plans, land development regulations, development incentives, market feasibility studies, and environmental assessments that promote and encourage the principles of comprehensive planning. Comprehensive planning includes appropriately and proportionally weighing the elements listed in Section 25 of this Act and including them within the comprehensive plan.

The Department may adopt rules establishing standards and procedures for determining eligibility for the grants, regulating the use of funds under the grants, and requiring periodic reporting of the results and impact of activities funded by the grants. No individual grant under this Act may have duration of more than 24 months.

The Department, in the determination of grantees, may also seek an even balance of grants within metropolitan regions.

Section 20. Model ordinances and technical publications. The Department may prepare model ordinances, manuals, and other technical publications that are founded upon and promote comprehensive planning. The Department may make all possible use of existing model ordinances, manuals, and other technical publications that promote and encourage comprehensive planning and that were prepared by regional planning agencies and commissions, councils of government, and other organizations.

The Department may employ or retain private not-for-profit entities, regional planning agencies and commissions, councils of government, and universities to advise, prepare, or conduct the preparation of the model ordinances, manuals, and other technical publications.

The Department may distribute any model ordinances, manuals, and other technical publications prepared under this Section to all counties and municipalities in this State, regional planning agencies and commissions in this State, the Illinois State Library, all public libraries in this State, and to other organizations and libraries at the Department's discretion.

Section 25. Use of technical assistance grants.

(a) Technical assistance grants may be used to write or revise a local comprehensive plan. A comprehensive plan funded under Section 15 of this Act must address, but is not limited to addressing, each of the following elements:

(1) Issues and opportunities. The purpose of this element is to state the vision of the community, identify the major trends and forces affecting the local government and its citizens, set goals and standards, and serve as a series of guiding principles and priorities to implement the vision.

(2) Land use and natural resources. The purpose of this element is to translate the vision statement into physical terms; provide a general pattern for the location, distribution, and characteristics of future land uses over a 20-year period; and serve as the element of the comprehensive plan upon which all other elements are based. The land use element must be in text and map form. It must include supporting studies on population, the local economy, natural resources, and an inventory of existing land uses.

New matter indicated by italics - deletions by strikeout.
(3) Transportation. The purpose of this element is to consider all relevant modes of transportation, including mass transit, air, water, rail, automobile, bicycle, and pedestrian modes of transportation; accommodate special needs; establish the framework for the acquisition, preservation, and protection of existing and future rights-of-way; and incorporate transportation performance measures.

(4) Community facilities (schools, parks, police, fire, and water and sewer). The purpose of this element is to provide community facilities; establish levels of service; ensure that facilities are provided as needed; and coordinate with other units of local government that provide the needed facilities.

(5) Telecommunications infrastructure. The purpose of this element is to coordinate telecommunications initiatives; assess short-term and long-term needs, especially regarding economic development; determine the existing telecommunications services of telecommunications providers; encourage investment in the most advanced technologies; and establish a framework for providing reasonable access to public rights-of-way.

(6) Housing. The purpose of this element is to document the present and future needs for housing within the jurisdiction of the local government, including affordable housing and special needs housing; take into account the housing needs of a larger region; identify barriers to the production of housing, including affordable housing; access the condition of the local housing stock; and develop strategies, programs, and other actions to address the needs for a range of housing options.

(7) Economic development. The purpose of this element is to coordinate local economic development initiatives with those of the State; ensure that adequate economic development opportunities are available; identify the strategic competitive advantages of the community and the surrounding region; assess the community's strengths and weaknesses with respect to attracting and retaining business and industry; and define the municipality's and county's role.

(8) Natural resources. The purpose of this element is to identify and define the natural resources in the community with respect to water, land, flora, and fauna; identify the land and water areas in relation to these resources; assess the relative importance of these areas to the needs of the resources; and identify mitigation efforts that are needed to protect these resources.

(9) Public participation. This element must include a process for engaging the community in outreach; the development of a sense of community; a consensus building process; and a public education strategy.

(10) Comprehensive plans may also include the following: natural hazards; agriculture and forest preservation; human services; community design; historic preservation; and the adoption of subplans, as needed. The decision on whether to include these elements in the comprehensive plan shall be based on the needs of the particular unit of local government.

(b) The purpose of this Section is to provide guidance on the elements of a comprehensive plan but not to mandate content.

New matter indicated by italics - deletions by strikeout.
Section 30. Consistency of land use regulations and actions with comprehensive plans.

(a) If a municipality or county is receiving assistance to write or revise a comprehensive plan, for 5 years after the effective date of the plan, land development regulations, including amendments to a zoning map, and any land use actions should be consistent with the new or revised comprehensive plan. "Land use actions" include preliminary or final approval of a subdivision plat, approval of a planned unit development, approval of a conditional use, granting a variance, or a decision by a unit of local government to construct a capital improvement, acquire land for community facilities, or both.

(b) Municipalities and counties that have adopted official comprehensive plans in accordance with Division 12 of Article 11 of the Illinois Municipal Code or Section 5-14001 of the Counties Code may be eligible for additional preferences in State economic development programs, State transportation programs, State planning programs, State natural resources programs, and State agriculture programs.

Section 35. Educational and training programs. The Department may provide educational and training programs in planning, regulatory, and development practices and techniques that promote and encourage comprehensive planning, including, but not limited to, the use and application of any model ordinances, manuals, and other technical publications prepared by the Department.

The Department may employ or retain not-for-profit entities, regional planning agencies and commissions, and universities to operate or conduct, or assist in the operation or conduct of, the programs.

Section 40. Annual report.

(a) The Department may, at least annually but more often at its discretion, report in writing to the Governor and General Assembly on:

(1) The results and impacts of county and municipal activities funded by the grants authorized by this Act.

(2) The distribution of the grants.

(3) Model ordinances, manuals, and other technical publications prepared by the Department.

(4) Educational and training programs provided by the Department.

(b) The report may also be provided to all counties and municipalities in this State, regional planning agencies and commissions in this State, the Illinois State Library, all public libraries in this State, and to other organizations and libraries upon request at the Department's discretion.

Section 45. Local Planning Fund. The Department may use moneys, subject to appropriation, in the Local Planning Fund, a special fund created in the State treasury, to implement and administer this Act. If funds are not appropriated, the Department is not required to carry forth the requirements of this Act but may, at its discretion, use funds from other sources.

Section 900. The State Finance Act is amended by adding Section 5.570 as follows:

(30 ILCS 105/5.570 new)

New matter indicated by italics - deletions by strikeout.
Sec. 5.570. The Local Planning Fund.
Section 999. Effective date. This Act takes effect upon becoming law.
Approved August 6, 2002.
Effective August 6, 2002.

PUBLIC ACT 92-0769
(House Bill No. 4118)

AN ACT in relation to public health.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Food, Drug and Cosmetic Act is amended by adding Section 21.3 and changing Section 22.4 as follows:

(410 ILCS 620/21.3 new)

Sec. 21.3. Certificates of free sale; health certificates; shellfish certificates.
(a) The Department is authorized, upon request, to issue certificates of free sale, health certificates, or an equivalent, to Illinois food, dairy, drug, cosmetic, or medical device manufacturers, processors, packers, or warehousers. The Department shall charge a fee of $10 for issuing a certificate of free sale, health certificate, or equivalent.
(b) The Department shall issue an Illinois shellfish certificate, upon request, to shellfish firms in compliance with the Interstate Shellfish Sanitation Conference.
(c) This Section applies on and after January 1, 2003.

(410 ILCS 620/22.4) (from Ch. 56 1/2, par. 522.4)

Sec. 22.4. Food and Drug Safety Fund. There is created in the State Treasury a special fund to be known as the Food and Drug Safety Fund. All subscription, fine, and permit fees, certificate fees, and other moneys collected by the Department of Public Health under this Act shall be deposited into the Fund. Subject to appropriation by the General Assembly, moneys deposited into this Fund shall be made available to the Department of Public Health to administer the Drug Product Selection Program or for other Department activities related to food safety, drug safety, milk safety, or drug product selection. All interest that accrues on the moneys in the Fund shall be deposited into the Fund.
(Source: P.A. 89-526, eff. 7-19-96.)

Approved August 6, 2002.

PUBLIC ACT 92-0770
(House Bill No. 4220)

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

New matter indicated by italics - deletions by strikeout.
Assembly:

Section 5. The Managed Care Reform and Patient Rights Act is amended by changing Section 30 as follows:

(215 ILCS 134/30)

Sec. 30. Prohibitions.

(a) No health care plan or its subcontractors may prohibit or discourage health care providers by contract or policy from discussing any health care services and health care providers, utilization review and quality assurance policies, terms and conditions of plans and plan policy with enrollees, prospective enrollees, providers, or the public.

(b) No health care plan by contract, written policy, or procedure may permit or allow an individual or entity to dispense a different drug in place of the drug or brand of drug ordered or prescribed without the express permission of the person ordering or prescribing the drug, except as provided under Section 3.14 of the Illinois Food, Drug and Cosmetic Act.

(c) No health care plan or its subcontractors may by contract, written policy, procedure, or otherwise mandate or require an enrollee to substitute his or her participating primary care physician under the plan during inpatient hospitalization without the agreement of that enrollee's participating primary care physician. "Participating primary care physician" for health care plans and subcontractors that do not require coordination of care by a primary care physician means the participating physician treating the patient. All health care plans shall inform enrollees of any policies, recommendations, or guidelines concerning the substitution of the enrollee's primary care physician when hospitalization is necessary in the manner set forth in subsections (d) and (e) of Section 15.

(d) (c) Any violation of this Section shall be subject to the penalties under this Act.

(Source: P.A. 91-617, eff. 1-1-00.)


Approved August 6, 2002.


PUBLIC ACT 92-0771

(Association of Illinois)

AN ACT concerning corporation.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Business Corporation Act of 1983 is amended by changing Section 7.05 as follows:

(805 ILCS 5/7.05) (from Ch. 32, par. 7.05)

Sec. 7.05. Meetings of shareholders. Meetings of shareholders may be held at such place, either within or without this State, as may be provided in the by-laws or in a resolution of the board of directors pursuant to authority granted in the by-laws. In the absence of any such provision, all meetings shall be held at the registered office of the corporation in this State.

New matter indicated by italics - deletions by strikeout.
An annual meeting of the shareholders shall be held at such time as may be provided in the by-laws or in a resolution of the board of directors pursuant to authority granted in the by-laws. Failure to hold the annual meeting at the designated time shall not work a forfeiture or dissolution of the corporation nor affect the validity of corporate action. If an annual meeting has not been held within the earlier of six months after the end of the corporation's fiscal year or fifteen months after its last annual meeting and if, after a request in writing directed to the president of the corporation, a notice of meeting is not given within 60 days of such request, then any shareholder entitled to vote at an annual meeting may apply to the circuit court of the county in which the registered office or principal place of business of the corporation is located for an order directing that the meeting be held and fixing the time and place of the meeting. The court may issue such additional orders as may be necessary or appropriate for the holding of the meeting.

Unless specifically prohibited by the articles of incorporation or by-laws, a corporation may allow shareholders to participate in and act at any meeting of the shareholders through the use of a conference telephone or interactive technology, including but not limited to electronic transmission, Internet usage, or remote communication, by means of which all persons participating in the meeting can communicate with each other. Participation in such meeting shall constitute attendance and presence in person at the meeting of the person or persons so participating.

Special meetings of the shareholders may be called by the president, by the board of directors, by the holders of not less than one-fifth of all the outstanding shares entitled to vote on the matter for which the meeting is called or by such other officers or persons as may be provided in the articles of incorporation or the by-laws.

(Source: P.A. 83-1025.)

Section 10. The General Not For Profit Corporation Act of 1986 is amended by changing Section 107.05 as follows:

(805 ILCS 105/107.05) (from Ch. 32, par. 107.05)

Sec. 107.05. Meeting of members. (a) Meetings of members may be held at such place, either within or without this State, as may be provided in the bylaws or in a resolution of the board of directors pursuant to authority granted in the bylaws. In the absence of any such provision, all meetings shall be held at the registered office of the corporation in this State.

(b) An annual meeting of the members entitled to vote may be held at such time as may be provided in the bylaws or in a resolution of the board of directors pursuant to authority granted in the bylaws. Failure to hold the annual meeting at the designated time shall not work a forfeiture or dissolution of the corporation nor affect the validity of corporate action. If an annual meeting has not been held within the earlier of six months after the end of the corporation's fiscal year or fifteen months after its last annual meeting and if, after a request in writing directed to the president of the corporation, a notice of meeting is not delivered to members entitled to vote within 60 days of such request, then any member entitled to vote at an annual meeting may apply to the circuit court of the county in which the registered office or principal place of business of the corporation is located for an order

New matter indicated by italics - deletions by strikeout.
directing that the meeting be held and fixing the time and place of the meeting. The court may issue such additional orders as may be necessary or appropriate for the holding of the meeting.

(c) Special meetings of the members may be called by the president or by the board of directors. Special meetings of the members may also be called by such other officers or persons or number or proportion of members entitled to vote as may be provided in the articles of incorporation or the bylaws. In the absence of a provision fixing the number or proportion of members entitled to vote who are entitled to call a meeting, a special meeting of members entitled to vote may be called by such members having one-twentieth of the votes entitled to be cast at such meeting.

(d) Unless specifically prohibited by the articles of incorporation or bylaws, a corporation may allow members entitled to vote to may participate in and act at any meeting through the use of a conference telephone or interactive technology, including but not limited to electronic transmission, Internet usage, or remote communication, other communications equipment by means of which all persons participating in the meeting can communicate with each other. Participation in such meeting shall constitute attendance and presence in person at the meeting of the person or persons so participating.

(e) For meetings of a not-for-profit corporation organized for the purpose of residential cooperative housing, consisting of 50 or more single family dwellings with individual unit legal descriptions based upon a recorded plat of a subdivision, and located in a county containing a population between 780,000 and 3,000,000 inhabitants, any member may record by tape, film, or other means the proceedings at the meetings. The board or the membership may prescribe reasonable rules and regulations to govern the making of the recordings. The portion of any meeting held to discuss violations of rules and regulations of the corporation by a residential shareholder shall be recorded only with the affirmative assent of that shareholder.

(Source: P.A. 91-465, eff. 8-6-99.)

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


Approved August 6, 2002.

Effective August 6, 2002.

PUBLIC ACT 92-0772
(House Bill No. 4230)

AN ACT in relation to taxation.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Department of Human Services Act is amended by adding Section 10-30 as follows:

(20 ILCS 1305/10-30 new)


New matter indicated by italics - deletions by strikeout.
Subject to appropriation, the Department shall make grants to organizations that are located in the State of Illinois for health-related programs for people with multiple sclerosis from the Multiple Sclerosis Assistance Fund, a special fund created in the State treasury.

Section 10. The State Finance Act is amended by adding Section 5.570 as follows:

(30 ILCS 105/5.570 new)

Sec. 5.570. The Multiple Sclerosis Assistance Fund.

Section 15. The Illinois Income Tax Act is amended by changing Sections 509 and 510 and by adding Section 507X as follows:

(35 ILCS 5/507X new)

Sec. 507X. The Multiple Sclerosis Assistance Fund checkoff. Beginning with taxable years ending on or after December 31, 2002, the Department shall print on its standard individual income tax form a provision indicating that if the taxpayer wishes to contribute to the Multiple Sclerosis Assistance Fund, as authorized by this amendatory Act of the 92nd General Assembly, he or she may do so by stating the amount of the contribution (not less than $1) on the return and that the contribution will reduce the taxpayer's refund or increase the amount of payment to accompany the return. Failure to remit any amount of increased payment shall reduce the contribution accordingly. This Section shall not apply to any amended return.

(35 ILCS 5/509) (from Ch. 120, par. 5-509)

(Text of Section before amendment by P.A. 92-84)

Sec. 509. Tax checkoff explanations. All individual income tax return forms shall contain appropriate explanations and spaces to enable the taxpayers to designate contributions to the Child Abuse Prevention Fund, to the Community Health Center Care Fund, to the Illinois Wildlife Preservation Fund as required by the Illinois Non-Game Wildlife Protection Act, to the Alzheimer's Disease Research Fund as required by the Alzheimer's Disease Research Act, to the Assistance to the Homeless Fund as required by this Act, to the Heritage Preservation Fund as required by the Heritage Preservation Act, to the Child Care Expansion Program Fund as required by the Child Care Expansion Program Act, to the Ryan White AIDS Victims Assistance Fund, to the Assistive Technology for Persons with Disabilities Fund, to the Domestic Violence Shelter and Service Fund, to the United States Olympians Assistance Fund, to the Youth Drug Abuse Prevention Fund, to the Persian Gulf Conflict Veterans Fund, to the Literacy Advancement Fund, to the Ryan White Pediatric and Adult AIDS Fund, to the Illinois Special Olympics Checkoff Fund, to the Penny Severns Breast and Cervical Cancer Research Fund, to the Korean War Memorial Fund, to the Heart Disease Treatment and Prevention Fund, to the Hemophilia Treatment Fund, to the Mental Health Research Fund, to the Children's Cancer Fund, to the American Diabetes Association Fund, to the National World War II Memorial Fund, to the Prostate Cancer Research Fund, to the Korean War Veterans National Museum and Library Fund, the Multiple Sclerosis Assistance Fund, and to the Meals on Wheels Fund. Each form shall contain a statement that the contributions will reduce the taxpayer's refund or increase the amount of payment to accompany the return. Failure to remit any amount of increased payment shall reduce the contribution accordingly.

New matter indicated by italics - deletions by strikeout.
If, on October 1 of any year, the total contributions to any one of the funds made under this Section do not equal $100,000 or more, the explanations and spaces for designating contributions to the fund shall be removed from the individual income tax return forms for the following and all subsequent years and all subsequent contributions to the fund shall be refunded to the taxpayer.

(Source: P.A. 91-104, eff. 7-13-99; 91-107, eff. 7-13-99; 91-357, eff. 7-29-99; 91-833, eff. 1-1-01; 91-836, eff. 1-1-01; 92-198, eff. 8-1-01.)

(Text of Section after amendment by P.A. 92-84)

Sec. 509. Tax checkoff explanations. All individual income tax return forms shall contain appropriate explanations and spaces to enable the taxpayers to designate contributions to the Child Abuse Prevention Fund, to the Illinois Wildlife Preservation Fund as required by the Illinois Non-Game Wildlife Protection Act, to the Alzheimer's Disease Research Fund as required by the Alzheimer's Disease Research Act, to the Heritage Preservation Fund, to the National World War II Memorial Fund, and to the Prostate Cancer Research Fund, the Multiple Sclerosis Assistance Fund, and to the Korean War Veterans National Museum and Library Fund. Each form shall contain a statement that the contributions will reduce the taxpayer's refund or increase the amount of payment to accompany the return. Failure to remit any amount of increased payment shall reduce the contribution accordingly.

If, on October 1 of any year, the total contributions to any one of the funds made under this Section do not equal $100,000 or more, the explanations and spaces for designating contributions to the fund shall be removed from the individual income tax return forms for the following and all subsequent years and all subsequent contributions to the fund shall be refunded to the taxpayer.

(Source: P.A. 91-104, eff. 7-13-99; 91-107, eff. 7-13-99; 91-357, eff. 7-29-99; 91-833, eff. 1-1-01; 91-836, eff. 1-1-01; 92-198, eff. 8-1-01; revised 9-12-01.)

(Text of Section before amendment by P.A. 92-84)

Sec. 510. Determination of amounts contributed. The Department shall determine the total amount contributed to each of the following: the Child Abuse Prevention Fund, the Illinois Wildlife Preservation Fund, the Community Health Center Care Fund, the Assistance to the Homeless Fund, the Alzheimer's Disease Research Fund, the Heritage Preservation Fund, the Child Care Expansion Program Fund, the Ryan White AIDS Victims Assistance Fund, the Assistive Technology for Persons with Disabilities Fund, the Domestic Violence Shelter and Service Fund, the United States Olympians Assistance Fund, the Youth Drug Abuse Prevention Fund, the Persian Gulf Conflict Veterans Fund, the Literacy Advancement Fund, the Ryan White Pediatric and Adult AIDS Fund, the Illinois Special Olympics Checkoff Fund, the Penny Severns Breast and Cervical Cancer Research Fund, the Korean War Memorial Fund, the Heart Disease Treatment and Prevention Fund, the Hemophilia Treatment Fund, the Mental Health Research Fund, the Children's Cancer Fund, the American Diabetes Association Fund, the National World War II Memorial Fund, the
Prostate Cancer Research Fund, the Korean War Veterans National Museum and Library Fund, *the Multiple Sclerosis Assistance Fund*, and the Meals on Wheels Fund; and shall notify the State Comptroller and the State Treasurer of the amounts to be transferred from the General Revenue Fund to each fund, and upon receipt of such notification the State Treasurer and Comptroller shall transfer the amounts.

(Source: P.A. 91-104, eff. 7-13-99; 91-107, eff. 7-13-99; 91-833, eff. 1-1-01; 91-836, eff. 1-1-01; 92-198, eff. 8-1-01.)

(Text of Section after amendment by P.A. 92-84)

Sec. 510. Determination of amounts contributed. The Department shall determine the total amount contributed to each of the following: the Child Abuse Prevention Fund, the Illinois Wildlife Preservation Fund, the Assistance to the Homeless Fund, the Alzheimer's Disease Research Fund, the Penny Severns Breast and Cervical Cancer Research Fund, the National World War II Memorial Fund, and the Prostate Cancer Research Fund, *the Multiple Sclerosis Assistance Fund*, and the Korean War Veterans National Museum and Library Fund; and shall notify the State Comptroller and the State Treasurer of the amounts to be transferred from the General Revenue Fund to each fund, and upon receipt of such notification the State Treasurer and Comptroller shall transfer the amounts.

(Source: P.A. 91-104, eff. 7-13-99; 91-107, eff. 7-13-99; 91-833, eff. 1-1-01; 91-836, eff. 1-1-01; 92-84, eff. 7-1-02; 92-198, eff. 8-1-01; revised 9-12-01.)

Section 95. No acceleration or delay. Where this Act makes changes in a statute that is represented in this Act by text that is not yet or no longer in effect (for example, a Section represented by multiple versions), the use of that text does not accelerate or delay the taking effect of (i) the changes made by this Act or (ii) provisions derived from any other Public Act.

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


Approved August 6, 2002.

Effective August 6, 2002.

AN ACT in relation to vehicles.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Vehicle Code is amended by changing Section 5-401.2 as follows:

(625 ILCS 5/5-401.2) (from Ch. 95 1/2, par. 5-401.2)

Sec. 5-401.2. Licensees required to keep records and make inspections.

(a) Every person licensed or required to be licensed under Section 5-101, 5-101.1, 5-102, 5-301 or 5-302 of this Code, shall, with the exception of scrap processors, maintain for 3 years, in a form as the Secretary of State may by rule or regulation prescribe, at his

New matter indicated by italics - deletions by strikeout.
established place of business, additional place of business, or principal place of business if licensed under Section 5-302, the following records relating to the acquisition or disposition of vehicles and their essential parts possessed in this State, brought into this State from another state, territory, or country, or sold or transferred to another person in this State or in another state, territory, or country.

(1) The following records pertaining to new or used vehicles shall be kept:
   (A) the year, make, model, style and color of the vehicle;
   (B) the vehicle's manufacturer's identification number or, if applicable, the Secretary of State or Illinois Department of State Police identification number;
   (C) the date of acquisition of the vehicle;
   (D) the name and address of the person from whom the vehicle was acquired and, if that person is a dealer, the Illinois or out-of-state dealer license number of such person;
   (E) the signature of the person making the inspection of a used vehicle as required under subsection (d) of this Section, if applicable;
   (F) the purchase price of the vehicle, if applicable;
   (G) the date of the disposition of the vehicle;
   (H) the name and address of the person to whom the vehicle was disposed, and if that person is a dealer, the Illinois or out-of-State dealer's license number of that dealer;
   (I) the uniform invoice number reflecting the disposition of the vehicle, if applicable; and
   (J) The sale price of the vehicle, if applicable.

(2) (A) The following records pertaining to used essential parts other than quarter panels and transmissions of vehicles of the first division shall be kept:
   (i) the year, make, model, color and type of such part;
   (ii) the vehicle's manufacturer's identification number, derivative number, or, if applicable, the Secretary of State or Illinois Department of State Police identification number of such part;
   (iii) the date of the acquisition of each part;
   (iv) the name and address of the person from whom the part was acquired and, if that person is a dealer, the Illinois or out-of-state dealer license number of such person; if the essential part being acquired is from a person other than a dealer, the licensee shall verify and record that person's identity by recording the identification numbers from at least two sources of identification, one of which shall be a drivers license or State identification card;
   (v) the uniform invoice number or out-of-state bill of sale number reflecting the acquisition of such part;
   (vi) the stock number assigned to the essential part by the licensee, if applicable;

New matter indicated by italics - deletions by strikeout.
(vii) the date of the disposition of such part;
(viii) the name and address of the person to whom such part was disposed of and, if that person is a dealer, the Illinois or out-of-state dealer license number of that person;
(ix) the uniform invoice number reflecting the disposition of such part.

(B) Inspections of all essential parts shall be conducted in accordance with Section 5-402.1.

(C) A separate entry containing all of the information required to be recorded in subparagraph (A) of paragraph (2) of subsection (a) of this Section shall be made for each separate essential part. Separate entries shall be made regardless of whether the part was a large purchase acquisition. In addition, a separate entry shall be made for each part acquired for immediate sale or transfer, or for placement into the overall inventory or stock to be disposed of at a later time, or for use on a vehicle to be materially altered by the licensee, or acquired for any other purpose or reason. Failure to make a separate entry for each essential part acquired or disposed of, or a failure to record any of the specific information required to be recorded concerning the acquisition or disposition of each essential part as set forth in subparagraph (A) of paragraph (2) of subsection (a) shall constitute a failure to keep records.

(D) The vehicle's manufacturer's identification number or Secretary of State or Illinois Department of State Police identification number for the essential part shall be ascertained and recorded even if such part is acquired from a person or dealer located in a State, territory, or country which does not require that such information be recorded. If the vehicle's manufacturer's identification number or Secretary of State or Illinois Department of State Police identification number for an essential part cannot be obtained, that part shall not be acquired by the licensee or any of his agents or employees. If such part or parts were physically acquired by the licensee or any of his agents or employees while the licensee or agent or employee was outside this State, that licensee or agent or employee was outside the State, that licensee, agent or employee shall not bring such essential part into this State or cause it to be brought into this State. The acquisition or disposition of an essential part by a licensee without the recording of the vehicle identification number or Secretary of State identification number for such part or the transportation into the State by the licensee or his agent or employee of such part or parts shall constitute a failure to keep records.

(E) The records of essential parts required to be kept by this Section shall apply to all hulks, chassis, frames or cowls, regardless of the age of those essential parts. The records required to be kept by this Section for essential parts other than hulks, chassis, frames or cowls, shall apply only to those essential parts which are 6 model years of age or newer. In determining the model year of such an essential part it may be presumed that the identification number of the vehicle from which the essential part came or the identification number affixed to the essential part itself

New matter indicated by italics - deletions by strikeout.
acquired by the licensee denotes the model year of that essential part. This presumption, however, shall not apply if the gross appearance of the essential part does not correspond to the year, make or model of either the identification number of the vehicle from which the essential part is alleged to have come or the identification number which is affixed to the essential part itself. To determine whether an essential part is 6 years of age or newer within this paragraph, the model year of the essential part shall be subtracted from the calendar year in which the essential part is acquired or disposed of by the licensee. If the remainder is 6 or less, the record of the acquisition or disposition of that essential part shall be kept as required by this Section.

(F) The requirements of paragraph (2) of subsection (a) of this Section shall not apply to the disposition of an essential part other than a cowl which has been damaged or altered to a state in which it can no longer be returned to a usable condition and which is being sold or transferred to a scrap processor or for delivery to a scrap processor.

(3) the following records for vehicles on which junking certificates are obtained shall be kept:

(A) the year, make, model, style and color of the vehicle;

(B) the vehicle's manufacturer's identification number or, if applicable, the Secretary of State or Illinois Department of State Police identification number;

(C) the date the vehicle was acquired;

(D) the name and address of the person from whom the vehicle was acquired and, if that person is a dealer, the Illinois or out-of-state dealer license number of that person;

(E) the certificate of title number or salvage certificate number for the vehicle, if applicable;

(F) the junking certificate number obtained by the licensee; this entry shall be recorded at the close of business of the fifth second business day after receiving the junking certificate;

(G) the name and address of the person to whom the junking certificate has been assigned, if applicable, and if that person is a dealer, the Illinois or out-of-state dealer license number of that dealer;

(H) if the vehicle or any part of the vehicle is dismantled for its parts to be disposed of in any way, or if such parts are to be used by the licensee to materially alter a vehicle, those essential parts shall be recorded in the record book for essential parts and the entries required by paragraph (2) of subsection (a) shall be made.

(4) The following records for rebuilt vehicles shall be kept:

(A) the year, make, model, style and color of the vehicle;

(B) the vehicle's manufacturer's identification number of the vehicle or, if applicable, the Secretary of State or Illinois Department of State Police identification number;

(C) the date the vehicle was acquired;

New matter indicated by italics - deletions by strikeout.
(D) the name and address of the person from whom the vehicle was acquired, and if that person is a dealer, the Illinois or out-of-state dealer license number of that person;

(E) the salvage certificate number for the vehicle;

(F) the newly issued certificate of title number for the vehicle;

(G) the date of disposition of the vehicle;

(H) the name and address of the person to whom the vehicle was disposed, and if a dealer, the Illinois or out-of-state dealer license number of that dealer;

(I) The sale price of the vehicle.

(a-1) A person licensed or required to be licensed under Section 5-101 or Section 5-102 of this Code who issues temporary registration permits as permitted by this Code and by rule must electronically file the registration with the Secretary and must maintain records of the registration in the manner prescribed by the Secretary.

(b) A failure to make separate entries for each vehicle acquired, disposed of, or assigned, or a failure to record any of the specific information required to be recorded concerning the acquisition or disposition of each vehicle as set forth in paragraphs (1), (3) and (4) of subsection (a) shall constitute a failure to keep records.

(c) All entries relating to the acquisition of a vehicle or essential part required by subsection (a) of this Section shall be recorded no later than the close of business on the seventh calendar day following such acquisition. All entries relating to the disposition of a vehicle or an essential part shall be made at the time of such disposition. If the vehicle or essential part was disposed of on the same day as its acquisition or the day thereafter, the entries relating to the acquisition of the vehicle or essential part shall be made at the time of the disposition of the vehicle or essential part. Failure to make the entries required in or at the times prescribed by this subsection following the acquisition or disposition of such vehicle or essential part shall constitute a failure to keep records.

(d) Every person licensed or required to be licensed shall, before accepting delivery of a used vehicle, inspect the vehicle to determine whether the manufacturer's public vehicle identification number has been defaced, destroyed, falsified, removed, altered, or tampered with in any way. If the person making the inspection determines that the manufacturer's public vehicle identification number has been altered, removed, defaced, destroyed, falsified or tampered with he shall not acquire that vehicle but instead shall promptly notify law enforcement authorities of his finding.

(e) The information required to be kept in subsection (a) of this Section shall be kept in a manner prescribed by rule or regulation of the Secretary of State.

(f) Every person licensed or required to be licensed shall have in his possession a separate certificate of title, salvage certificate, junking certificate, certificate of purchase, uniform invoice, out-of-state bill of sale or other acceptable documentary evidence of his right to the possession of every vehicle or essential part.

(g) Every person licensed or required to be licensed as a transporter under Section 5-201 shall maintain for 3 years, in such form as the Secretary of State may by rule or regulation prescribe, at his principal place of business a record of every vehicle transported
by him, including numbers of or other marks of identification thereof, the names and addresses of persons from whom and to whom the vehicle was delivered and the dates of delivery.

(h) No later than 15 days prior to going out of business, selling the business, or transferring the ownership of the business, the licensee shall notify the Secretary of State that he is going out of business or that he is transferring the ownership of the business. Failure to notify under this paragraph shall constitute a failure to keep records.

(i) (Blank) Any person who knowingly fails to keep the records required by this Section or who knowingly violates this Section shall be guilty of a Class 2 felony. Each violation shall constitute a separate and distinct offense and a separate count may be brought in the same indictment or information for each vehicle or each essential part of a vehicle for which a record was not kept as required by this Section.

(j) A person who knowingly fails to comply with the provisions of this Section or knowingly fails to obey, observe, or comply with any order of the Secretary or any law enforcement agency issued in accordance with this Section is guilty of a Class B misdemeanor for the first violation and a Class A misdemeanor for the second and subsequent violations. Each violation constitutes a separate and distinct offense and a separate count may be brought in the same indictment or information for each vehicle or each essential part of a vehicle for which a record was not kept as required by this Section.

(k) Any person convicted of failing to keep the records required by this Section with intent to conceal the identity or origin of a vehicle or its essential parts or with intent to defraud the public in the transfer or sale of vehicles or their essential parts is guilty of a Class 2 felony. Each violation constitutes a separate and distinct offense and a separate count may be brought in the same indictment or information for each vehicle or essential part of a vehicle for which a record was not kept as required by this Section.

(l) A person may not be criminally charged with or convicted of both a knowing failure to comply with this Section and a knowing failure to comply with any order, if both offenses involve the same record keeping violation.

(m) The Secretary shall adopt rules necessary for implementation of this Section, which may include the imposition of administrative fines.

(Source: P.A. 91-415, eff. 1-1-00.)

Section 99. Effective date. This Act takes effect upon becoming law.
Approved August 6, 2002.
Effective August 6, 2002.

PUBLIC ACT 92-0774
(House Bill No. 5577)

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

New matter indicated by italics - deletions by strikeout.

(65 ILCS 5/11-65-1) (from Ch. 24, par. 11-65-1)
Sec. 11-65-1. In this Division 65, unless the context otherwise requires;

1) "Convention hall" or "Municipal convention hall" means a municipally-owned building or auditorium with all necessary adjuncts thereto, including but not limited to hotels, restaurants, and gift shops, that is used, licensed, or leased for definite short periods of time for assemblages of people. "Municipal convention hall" also means a building or auditorium with all necessary adjuncts thereto that will become municipally-owned at a date certain.

(2) "Municipal convention hall purposes" means the municipal corporate purposes defined and designated in this Division 65.

The objects and purposes defined and set forth in this Division 65 are municipal corporate objects and purposes.

(Source: Laws 1961, p. 576.)
(65 ILCS 5/11-65-2) (from Ch. 24, par. 11-65-2)
Sec. 11-65-2. Every municipality that city which has a population exceeding 40,000 or 75,000; and every municipality with a population of 12,500 or more but less than 25,000 that (i) is located in a county with a population of 250,000 or more but less than 260,000 and (ii) does not levy a property tax; has the power to acquire, construct, manage, control, maintain, and operate within its corporate limits a municipal convention hall or halls, with all necessary adjuncts thereto.

(Source: P.A. 91-682, eff. 1-26-00.)
(65 ILCS 5/11-65-3) (from Ch. 24, par. 11-65-3)
Sec. 11-65-3. Every such municipality city may acquire by dedication, gift, lease, contract, purchase, or condemnation all property and rights, necessary or proper, within the corporate limits of the municipality city, for municipal convention hall purposes, and for these purposes may (1) appropriate money, (2) levy and collect taxes, (3) borrow money on the credit of the municipality city, and (4) issue bonds therefor.

In all cases where property is acquired or sought to be acquired by condemnation, the procedure shall be, as nearly as may be, like that provided for the exercise of the right of eminent domain under Article VII of the Code of Civil Procedure, as heretofore and hereafter amended.

(Source: P.A. 82-783.)
(65 ILCS 5/11-65-4) (from Ch. 24, par. 11-65-4)
Sec. 11-65-4. All appropriations and bond issues for the use of such a municipal convention hall shall be made by the corporate authorities city council in the manner provided by law. All warrants upon which any portion of these funds are to be paid out shall bear the signature of such officials as may be designated by the corporate authorities city council.

(Source: Laws 1961, p. 576.)
(65 ILCS 5/11-65-5) (from Ch. 24, par. 11-65-5)
Sec. 11-65-5. The corporate authorities city council, in the manner and at the time

New matter indicated by italics - deletions by strikeout.
provided by law, shall provide by ordinance for the collection of a direct annual tax sufficient to pay the interest on bonds issued under this Division 65 as it falls due, and also to pay the principal thereof as it falls due, unless the bonds are to be payable from sources other than a tax levy.

Except that the corporate authorities city council of any municipality A) with a population of 12,500 or more but less than 25,000 that i) is located in a county with a population of 250,000 or more but less than 260,000 and ii) does not levy a property tax; or B) with a population between 40,000 and 75,000 shall not levy a property tax for purposes of this Division 65.

(Source: P.A. 91-682, eff. 1-26-00.)

(65 ILCS 5/11-65-6) (from Ch. 24, par. 11-65-6)

Sec. 11-65-6. Every such municipality referenced in Section 11-65-2 city which acquires and owns a municipal convention hall has the power under this Division 65 to contract for the management of all or any portion of the municipal convention hall, including, but not limited to, long-term multi-year contracts and to license or lease all or any part of the municipal convention hall to assemblages for definite short periods of time, upon such terms and compensation as may be prescribed by the corporate authorities city council or as may be determined by ordinances, rules, or regulations passed or prescribed by the corporate authorities city council.

(Source: Laws 1961, p. 576.)

(65 ILCS 5/11-65-7) (from Ch. 24, par. 11-65-7)

Sec. 11-65-7. The corporate authorities city council, under rules and regulations prescribed by a general ordinance, and not otherwise, may provide for granting the free use of such a municipal convention hall to the inhabitants of the municipality city, or to local bodies or organizations existing within the municipality city, for civic, patriotic, educational, charitable, or political purposes and also for historic celebrations, free amusements, concerts, entertainments, lectures and discussions.

(Source: Laws 1961, p. 576.)

(65 ILCS 5/11-65-8) (from Ch. 24, par. 11-65-8)

Sec. 11-65-8. The corporate authorities city council from time to time may establish by ordinance all needful rules and regulations for the management and control of such a municipal convention hall. All these ordinances, for the violation of which fines are imposed shall be published in the same manner and form as is required for other ordinances of the municipality, and these ordinances may be printed in book or pamphlet form in such manner as the corporate authorities shall direct. Rules established by these ordinances shall be brought to the notice of the public by being posted in conspicuous places in the municipal convention hall. When these ordinances are printed in book or pamphlet form, and purport to be published by authority of the corporate authorities city council, the book or pamphlet shall be received in all courts as evidence of the contents of these ordinances, and of the passage and publication thereof as of the dates therein mentioned, without further proof.

(Source: Laws 1961, p. 576.)

(65 ILCS 5/11-65-9) (from Ch. 24, par. 11-65-9)

New matter indicated by italics - deletions by strikeout.
Sec. 11-65-9. Every municipality city owning and operating such a municipal convention hall shall keep books of account for the municipal convention hall separate and distinct from other municipal city accounts and in such manner as to show the true and complete financial standing and results of the municipal city ownership and operation. These accounts shall be so kept as to show: (1) the actual cost to the municipality city of maintenance, extension, and improvement, (2) all operating expenses of every description, (3) if water or other service is furnished for the use of the municipal convention hall without charge, as nearly as possible, the value of that service, and also the value of any use or service rendered by the municipal convention hall to the municipality city without charge, (4) reasonable allowances for interest, depreciation, and insurance, and (5) estimates of the amount of taxes that would be chargeable against the property if owned by a private corporation. The corporate authorities city council shall publish a report annually showing the financial results, in the form specified in this section, of the municipal city ownership and operation in one or more newspapers published in the municipality, or, if no newspaper is published therein, then in one or more newspapers with a general circulation within the municipality.

The accounts of the convention hall shall be examined at least once a year by an expert accountant who shall report to the corporate authorities city council the results of his examination. This expert accountant shall be selected as the corporate authorities city council may direct, and he shall receive for his services such compensation, to be paid out of the revenue from the municipal convention hall, as the corporate authorities city council may prescribe.

(Source: Laws 1961, p. 576.)
Approved August 6, 2002.

PUBLIC ACT 92-0775
(House Bill No. 5615)

AN ACT in relation to vehicles.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Illinois Vehicle Code is amended by changing Section 3-707 as follows:

(625 ILCS 5/3-707) (from Ch. 95 1/2, par. 3-707)
Sec. 3-707. Operation of uninsured motor vehicle - penalty.
(a) No person shall operate a motor vehicle unless the motor vehicle is covered by a liability insurance policy in accordance with Section 7-601 of this Code.
(b) Any person who fails to comply with a request by a law enforcement officer for display of evidence of insurance, as required under Section 7-602 of this Code, shall be deemed to be operating an uninsured motor vehicle.

New matter indicated by italics - deletions by strikeout.
(c) Any operator of a motor vehicle subject to registration under this Code who is convicted of violating this Section is guilty of a business offense and shall be required to pay a fine in excess of $500, but not more than $1,000. However, no person charged with violating this Section shall be convicted if such person produces in court satisfactory evidence that at the time of the arrest the motor vehicle was covered by a liability insurance policy in accordance with Section 7-601 of this Code. The chief judge of each circuit may designate an officer of the court to review the documentation demonstrating that at the time of arrest the motor vehicle was covered by a liability insurance policy in accordance with Section 7-601 of this Code.

(d) A person convicted a third or subsequent time of violating this Section or a similar provision of a local ordinance must give proof to the Secretary of State of the person's financial responsibility as defined in Section 7-315. The person must maintain the proof in a manner satisfactory to the Secretary for a minimum period of one year after the date the proof is first filed. The Secretary must suspend the driver's license of any person determined by the Secretary not to have provided adequate proof of financial responsibility as required by this subsection.

(Source: P.A. 88-315.)

Section 99. Effective date. This Act takes effect on July 1, 2003.
Approved August 6, 2002.
Effective July 1, 2003.

PUBLIC ACT 92-0776
(House Bill No. 5625)

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

Section 5. The Humane Care for Animals Act is amended by adding Section 3.03-1 as follows:

(510 ILCS 70/3.03-1 new)
Sec. 3.03-1. Depiction of animal cruelty.
(a) "Depiction of animal cruelty" means any visual or auditory depiction, including any photograph, motion-picture film, video recording, electronic image, or sound recording, that would constitute a violation of Section 3.01, 3.02, 3.03, or 4.01 of the Humane Care for Animals Act or Section 26-5 of the Criminal Code of 1961.

(b) No person may knowingly create, sell, market, offer to market or sell, or possess a depiction of animal cruelty. No person may place that depiction in commerce for commercial gain or entertainment. This Section does not apply when the depiction has religious, political, scientific, educational, law enforcement or humane investigator training, journalistic, artistic, or historical value; or involves rodeos, sanctioned livestock events, or normal husbandry practices.

New matter indicated by italics - deletions by strikeout.
The creation, sale, marketing, offering to sell or market, or possession of the depiction of animal cruelty is illegal regardless of whether the maiming, mutilation, torture, wounding, abuse, killing, or any other conduct took place in this State.

(c) Any person convicted of violating this Section is guilty of a Class A misdemeanor. A second or subsequent violation is a Class 4 felony. In addition to any other penalty provided by law, upon conviction for violating this Section, the court may order the convicted person to undergo a psychological or psychiatric evaluation and to undergo any treatment at the convicted person’s expense that the court determines to be appropriate after due consideration of the evaluation. If the convicted person is a juvenile, the court shall order the convicted person to undergo a psychological or psychiatric evaluation and to undergo treatment that the court determines to be appropriate after due consideration of the evaluation.

Approved August 6, 2002.

PUBLIC ACT 92-0777
(Senate Bill No. 1542)

AN ACT concerning enterprise zones.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Illinois Enterprise Zone Act is amended by changing Section 5.3 as follows:
(20 ILCS 655/5.3) (from Ch. 67 1/2, par. 608)
Sec. 5.3. Certification of Enterprise Zones; Effective date.
(a) Approval of designated Enterprise Zones shall be made by the Department by certification of the designating ordinance. The Department shall promptly issue a certificate for each Enterprise Zone upon its approval. The certificate shall be signed by the Director of the Department, shall make specific reference to the designating ordinance, which shall be attached thereto, and shall be filed in the office of the Secretary of State. A certified copy of the Enterprise Zone Certificate, or a duplicate original thereof, shall be recorded in the office of recorder of deeds of the county in which the Enterprise Zone lies.
(b) An Enterprise Zone shall be effective upon its certification. The Department shall transmit a copy of the certification to the Department of Revenue, and to the designating municipality or county.
Upon certification of an Enterprise Zone, the terms and provisions of the designating ordinance shall be in effect, and may not be amended or repealed except in accordance with Section 5.4.
(c) An Enterprise Zone shall be in effect for 30 calendar years, or for a lesser number of years specified in the certified designating ordinance. Enterprise Zones shall terminate at midnight of December 31 of the final calendar year of the certified term, except as provided

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in Section 5.4. The Whiteside County/Carroll County Enterprise Zone, however, solely with respect to industrial purposes and uses, shall be in effect for 30 calendar years or for a lesser number of years specified in the certified designating ordinance.

(d) No more than 12 Enterprise Zones may be certified by the Department in calendar year 1984, no more than 12 Enterprise Zones may be certified by the Department in calendar year 1985, no more than 13 Enterprise Zones may be certified by the Department in calendar year 1986, no more than 15 Enterprise Zones may be certified by the Department in calendar year 1987, and no more than 20 Enterprise Zones may be certified by the Department in calendar year 1990. In other calendar years, no more than 13 Enterprise Zones may be certified by the Department. The Department may also designate up to 8 additional Enterprise Zones outside the regular application cycle if warranted by the extreme economic circumstances as determined by the Department. The Department may also designate one additional Enterprise Zone outside the regular application cycle if an aircraft manufacturer agrees to locate an aircraft manufacturing facility in the proposed Enterprise Zone. Notwithstanding any other provision of this Act, no more than 89 Enterprise Zones may be certified by the Department for the 10 calendar years commencing with 1983. The 7 additional Enterprise Zones authorized by Public Act 86-15 shall not lie within municipalities or unincorporated areas of counties that abut or are contiguous to Enterprise Zones certified pursuant to this Section prior to June 30, 1989. The 7 additional Enterprise Zones (excluding the additional Enterprise Zone which may be designated outside the regular application cycle) authorized by Public Act 86-1030 shall not lie within municipalities or unincorporated areas of counties that abut or are contiguous to Enterprise Zones certified pursuant to this Section prior to February 28, 1990. In any calendar year, the Department may not certify more than 3 Zones located within the same municipality. The Department may certify Enterprise Zones in each of the 10 calendar years commencing with 1983. The Department may not certify more than a total of 18 Enterprise Zones located within the same county (whether within municipalities or within unincorporated territory) for the 10 calendar years commencing with 1983. Thereafter, the Department may not certify any additional Enterprise Zones, but may amend and rescind certifications of existing Enterprise Zones in accordance with Section 5.4.

(e) Notwithstanding any other provision of law, if (i) the county board of any county in which a current military base is located, in part or in whole, or in which a military base that has been closed within 20 years of the effective date of this amendatory Act of 1998 is located, in part or in whole, adopts a designating ordinance in accordance with Section 5 of this Act to designate the military base in that county as an enterprise zone and (ii) the property otherwise meets the qualifications for an enterprise zone as prescribed in Section 4 of this Act, then the Department may certify the designating ordinance or ordinances, as the case may be.

(Source: P.A. 91-567, eff. 8-14-99; 91-937, eff. 1-11-01; 92-16, eff. 6-28-01.)

Section 10. The Public Utilities Act is amended by changing Section 9-222.1 as follows:

(220 ILCS 5/9-222.1) (from Ch. 111 2/3, par. 9-222.1)

New matter indicated by italics - deletions by strikeout.
Sec. 9-222.1. A business enterprise which is located within an area designated by a county or municipality as an enterprise zone pursuant to the Illinois Enterprise Zone Act or located in a federally designated Foreign Trade Zone or Sub-Zone shall be exempt from the additional charges added to the business enterprise's utility bills as a pass-on of municipal and State utility taxes under Sections 9-221 and 9-222 of this Act, to the extent such charges are exempted by ordinance adopted in accordance with paragraph (e) of Section 8-11-2 of the Illinois Municipal Code in the case of municipal utility taxes, and to the extent such charges are exempted by the percentage specified by the Department of Commerce and Community Affairs in the case of State utility taxes, provided such business enterprise meets the following criteria:

(1) it either (i) makes investments which cause the creation of a minimum of 200 full-time equivalent jobs in Illinois; (ii) makes investments of at least $175,000,000 which cause the creation of a minimum of 150 full-time equivalent jobs in Illinois; or (iii) makes investments which cause the retention of a minimum of 1,000 full-time jobs in Illinois; and

(2) it is either (i) located in an Enterprise Zone established pursuant to the Illinois Enterprise Zone Act or (ii) it is located in a federally designated Foreign Trade Zone or Sub-Zone and is designated a High Impact Business by the Department of Commerce and Community Affairs; and

(3) it is certified by the Department of Commerce and Community Affairs as complying with the requirements specified in clauses (1) and (2) of this Section.

The Department of Commerce and Community Affairs shall determine the period during which such exemption from the charges imposed under Section 9-222 is in effect which shall not exceed 30 years or the certified term of the enterprise zone, whichever period is shorter, except in the case of the Whiteside County/Carroll County Enterprise Zone, where, solely with respect to industrial purposes and uses, the exemption period shall not exceed 30 years, and shall specify the percentage of the exemption from State utility taxes.

The Department of Commerce and Community Affairs shall have the power to promulgate rules and regulations to carry out the provisions of this Section including procedures for complying with the requirements specified in clauses (1) and (2) of this Section and procedures for applying for the exemptions authorized under this Section; to define the amounts and types of eligible investments which business enterprises must make in order to receive State utility tax exemptions pursuant to Sections 9-222 and 9-222.1 of this Act; to approve such utility tax exemptions for business enterprises whose investments are not yet placed in service; and to require that business enterprises granted tax exemptions repay the exempted tax should the business enterprise fail to comply with the terms and conditions of the certification. However, no business enterprise shall be required, as a condition for certification under clause (3) of this Section, to attest that its decision to invest under clause (1) of this Section and to locate under clause (2) of this Section is predicated upon the availability of the exemptions authorized by this Section.

A business enterprise shall be exempt, in whole or in part, from the pass-on charges

New matter indicated by italics - deletions by strikeout.
of municipal utility taxes imposed under Section 9-221, only if it meets the criteria specified in clauses (1) through (3) of this Section and the municipality has adopted an ordinance authorizing the exemption under paragraph (e) of Section 8-11-2 of the Illinois Municipal Code. Upon certification of the business enterprises by the Department of Commerce and Community Affairs, the Department of Commerce and Community Affairs shall notify the Department of Revenue of such certification. The Department of Revenue shall notify the public utilities of the exemption status of business enterprises from the pass-on charges of State and municipal utility taxes. Such exemption status shall be effective within 3 months after certification of the business enterprise.

(Source: P.A. 90-16, eff. 6-16-97; 91-567, eff. 8-14-99.)

Approved August 6, 2002.

PUBLIC ACT 92-0778
(Senate Bill No. 1690)

AN ACT in relation to professional regulation.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Regulatory Sunset Act is amended by adding Section 4.23 as follows:
(5 ILCS 80/4.23 new)
Sec. 4.23. Section repealed on January 1, 2013. The following Section is repealed on January 1, 2013:
Section 2.5 of the Illinois Plumbing License Law.
Section 10. The Illinois Plumbing License Law is amended by changing Section 2.5 as follows:
(225 ILCS 320/2.5)
(Section scheduled to be repealed on January 1, 2003)
Sec. 2.5. Irrigation contractors; lawn sprinkler systems.
(a) Every irrigation contractor doing business in this State shall annually register with the Department. Every irrigation contractor shall provide to the Department his or her business name and address, telephone number, name of principal, and FEIN number. Every irrigation contractor doing business in this State shall also register with the Department each and every employee who installs or supervises the installation of lawn sprinkler systems. The registration shall include the employee’s name, home address, and telephone number. The Department may provide by rule for the administration of registrations under this subsection. The annual registration fee shall be set by the Department pursuant to Section 30 of this Act.
(b) A licensed plumber or licensed apprentice plumber may install a lawn sprinkler system connected to any water source without registration under this Section.
(c) A licensed plumber shall inspect every sprinkler system installed by an irrigation contractor to ensure the provisions of this Section have been met and that the system works

New matter indicated by italics - deletions by strikeout.
mechanically. A licensed plumber shall make the physical connection between a lawn sprinkler system and the backflow prevention device.

Upon the installation of every lawn sprinkler system in this State from the effective date of this amendatory Act of the 91st General Assembly forward, a licensed plumber shall affix to the backflow prevention device a tag certifying that the installation of that system has been completed in compliance with the minimum code of plumbing standards promulgated under this Act. The Department shall provide by rule for the registration of every lawn sprinkler system installed after the effective date of this amendatory Act of the 91st General Assembly, including the means by which the Department shall be able to identify by registration number the identity of the responsible irrigation contractor and by license number the identity of the responsible licensed plumber. No lawn sprinkler system installed after the effective date of this amendatory Act of the 91st General Assembly may be operated without the certification tag required under this Section.

The registered irrigation contractor and the licensed plumber whose identifying information is contained on the certification tag shall both be subject to the penalty provisions of this Act for violations for improper installation of a lawn sprinkler system installed after the effective date of this amendatory Act of the 91st General Assembly.

(d) An irrigation contractor that has registered with the Department 7 or fewer persons who are authorized to install or supervise the installation of lawn sprinkler systems shall either employ or contract with at least one licensed plumber who shall install or be responsible for the installation of every lawn sprinkler system installed after the effective date of this amendatory Act of the 91st General Assembly. The licensed plumber shall inspect the risers and sprinkler heads before backfilling.

An irrigation contractor that has registered with the Department 8 to 12 persons who are authorized to install or supervise the installation of lawn sprinkler systems shall either employ or contract with at least 2 licensed plumbers who shall install or be responsible for the installation of every lawn sprinkler system installed after the effective date of this amendatory Act of the 91st General Assembly. A licensed plumber shall inspect the risers and sprinkler heads before backfilling.

An irrigation contractor that has registered with the Department 13 to 20 persons who are authorized to install or supervise the installation of lawn sprinkler systems shall either employ or contract with at least 3 licensed plumbers who shall install or be responsible for the installation of every lawn sprinkler system installed after the effective date of this amendatory Act of the 91st General Assembly. A licensed plumber shall inspect the risers and sprinkler heads before backfilling.

An irrigation contractor that has registered with the Department 21 to 28 persons who are authorized to install or supervise the installation of lawn sprinkler systems shall either employ or contract with at least 4 licensed plumbers who shall install or be responsible for the installation of every lawn sprinkler system installed after the effective date of this amendatory Act of the 91st General Assembly. A licensed plumber shall inspect the risers and sprinkler heads before backfilling.

An irrigation contractor that has registered with the Department 29 to 35 persons who
are authorized to install or supervise the installation of lawn sprinkler systems shall either employ or contract with at least 5 licensed plumbers who shall install or be responsible for the installation of every lawn sprinkler system installed after the effective date of this amendatory Act of the 91st General Assembly. A licensed plumber shall inspect the risers and sprinkler heads before backfilling.

An irrigation contractor that has registered with the Department 36 or more persons who are authorized to install or supervise the installation of lawn sprinkler systems shall either employ or contract with at least 6 licensed plumbers who shall install or be responsible for the installation of every lawn sprinkler system installed after the effective date of this amendatory Act of the 91st General Assembly. A licensed plumber shall inspect the risers and sprinkler heads before backfilling.

The Department may provide by rule for the temporary waiver process for registered irrigation contractors who are unable to comply with the requirements of this subsection. When a temporary waiver is granted, it shall not be for a duration of more than 3 consecutive months. Upon the expiration of a temporary waiver issued by the Department, the registered irrigation contractor shall demonstrate that justifiable reasons exist why he or she is still unable to comply with the requirements of this subsection, despite good faith efforts to comply with the requirements. In no case shall a temporary waiver be granted for an irrigation contractor for more than a total of 6 months in a two-year period. In no case shall an irrigation contractor be relieved of the requirement that a licensed plumber shall inspect every sprinkler system installed by an irrigation contractor to ensure the provisions of this Section have been met and that the system works mechanically and make the physical connection between a sprinkler system and the backflow prevention device.

(e) No person shall attach to a lawn sprinkler system any fixture intended to supply water for human consumption. No person shall attach to a lawn sprinkler system any fixture other than the backflow prevention device, sprinkler heads, valves, and other parts integral to the operation of the system, unless the fixture is clearly marked as being for non-potable uses only.

(f) This Section is repealed January 1, 2003, and all registrations under this Section terminate on that date.

(Source: P.A. 91-678, eff. 1-26-00.)

Section 99. Effective date. This Act takes effect upon becoming law.
Approved August 6, 2002.
Effective August 6, 2002.

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

New matter indicated by italics - deletions by strikeout.
Section 5. The Retailers' Occupation Tax Act is amended by changing Section 5k as follows:

(35 ILCS 120/5k) (from Ch. 120, par. 444k)

Sec. 5k. Building materials exemption. Each retailer who makes a qualified sale of building materials to be incorporated into real estate in an enterprise zone established by a county or municipality under the Illinois Enterprise Zone Act by remodeling, rehabilitation or new construction, may deduct receipts from such sales when calculating the tax imposed by this Act. For purposes of this Section, "qualified sale" means a sale of building materials that will be incorporated into real estate as part of a building project for which a Certificate of Eligibility for Sales Tax Exemption has been issued by the administrator of the enterprise zone in which the building project is located. To document the exemption allowed under this Section, the retailer must obtain from the purchaser a copy of the Certificate of Eligibility for Sales Tax Exemption issued by the administrator of the enterprise zone into which the building materials will be incorporated. The Certificate of Eligibility for Sales Tax Exemption must contain:

(1) a statement that the building project identified in the Certificate meets all the requirements for the building material exemption contained in the enterprise zone ordinance of the jurisdiction in which the building project is located;

(2) the location or address of the building project; and

(3) the signature of the administrator of the enterprise zone in which the building project is located.

In addition, the retailer must obtain certification from the purchaser that contains:

(1) a statement that the building materials are being purchased for incorporation into real estate located in an Illinois enterprise zone;

(2) the location or address of the real estate into which the building materials will be incorporated;

(3) the name of the enterprise zone in which that real estate is located;

(4) a description of the building materials being purchased; and

(5) the purchaser's signature and date of purchase.

The deduction allowed by this Section for the sale of building materials may be limited, to the extent authorized by ordinance, adopted after the effective date of this amendatory Act of 1992, by the municipality or county that created the enterprise zone into which the building materials will be incorporated retailer's place of business is located. The ordinance, however, may neither require nor prohibit the purchase of building materials from any retailer or class of retailers in order to qualify for the exemption allowed under this Section.

The corporate authorities of any municipality or county that adopts an ordinance or resolution imposing or changing any limitation on the enterprise zone exemption for building materials shall transmit to the Department of Revenue on or not later than 5 days after publication, as provided by law, a certified copy of the ordinance or resolution imposing or changing those limitations, whereupon the Department of Revenue shall proceed to administer and enforce those limitations effective the first day of the second calendar month next following date of receipt by the Department of the certified ordinance or resolution. The provisions of this
Section are exempt from Section 2-70.
(Source: P.A. 91-51, eff. 6-30-99; 91-954, eff. 1-1-02; 92-484, eff. 8-23-01.)

Section 90. The State Mandates Act is amended by adding Section 8.26 as follows:
(30 ILCS 805/8.26 new)
Sec. 8.26. Exempt mandate. Notwithstanding Sections 6 and 8 of this Act, no reimbursement by the State is required for the implementation of any mandate created by this amendatory Act of the 92nd General Assembly.
(Source: P.A. 91-51, eff. 6-30-99; 91-954, eff. 1-1-02; 92-484, eff. 8-23-01.)

Section 99. Effective date. This Act takes effect upon becoming law.
Approved August 6, 2002.
Effective August 6, 2002.

PUBLIC ACT 92-0780
(Senate Bill No. 1808)

AN ACT in relation to vehicles.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Vehicle Code is amended by changing Sections 1-126 and 11-605 as follows:
(625 ILCS 5/1-126) (from Ch. 95 1/2, par. 1-126)
Sec. 1-126. Highway.
The entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel or located on public school property.
(Source: P.A. 76-1586.)
(625 ILCS 5/11-605) (from Ch. 95 1/2, par. 11-605)
Sec. 11-605. Special speed limit while passing schools or while traveling through highway construction or maintenance zones.
(a) For the purpose of this Section, "school" means the following entities:
(1) A public or private primary or secondary school.
(2) A primary or secondary school operated by a religious institution.
(3) A public, private, or religious nursery school.

On a school day when school children are present and so close thereto that a potential hazard exists because of the close proximity of the motorized traffic, no person shall drive a motor vehicle at a speed in excess of 20 miles per hour while passing a school zone or while traveling on a roadway on public school property or upon any public thoroughfare where children pass going to and from school.
For the purpose of this Section a school day shall begin at seven ante meridian and shall conclude at four post meridian.
This Section shall not be applicable unless appropriate signs are posted upon streets.

New matter indicated by italics - deletions by strikeout.
and highways under their respective jurisdiction and maintained by the Department, township, county, park district, city, village or incorporated town wherein the school zone is located. With regard to the special speed limit while passing schools, such signs shall give proper due warning that a school zone is being approached and shall indicate the school zone and the maximum speed limit in effect during school days when school children are present.

(b) No person shall operate a motor vehicle in a construction or maintenance zone at a speed in excess of the posted speed limit when workers are present and so close to the moving traffic that a potential hazard exists because of the motorized traffic.

(c) Nothing in this Chapter shall prohibit the use of electronic speed-detecting devices within 500 feet of signs within a special school speed zone or a construction or maintenance zone indicating such zone, as defined in this Section, nor shall evidence obtained thereby be inadmissible in any prosecution for speeding provided the use of such device shall apply only to the enforcement of the speed limit in such special school speed zone or a construction or maintenance zone.

(d) For the purpose of this Section, a construction or maintenance zone is an area in which the Department, Toll Highway Authority, or local agency has determined that the preexisting established speed limit through a highway construction or maintenance project is greater than is reasonable or safe with respect to the conditions expected to exist in the construction or maintenance zone and has posted a lower speed limit with a highway construction or maintenance zone special speed limit sign.

Highway construction or maintenance zone special speed limit signs shall be of a design approved by the Department. The signs shall give proper due warning that a construction or maintenance zone is being approached and shall indicate the maximum speed limit in effect. The signs shall also state the amount of the minimum fine for a violation when workers are present.

(e) A first violation of this Section is a petty offense with a minimum fine of $150. A second or subsequent violation of this Section is a petty offense with a minimum fine of $300.

(f) When a fine for a violation of subsection (a) is $150 or greater, the person who violates subsection (a) shall be charged an additional $50 to be paid to the unit school district where the violation occurred for school safety purposes. If the violation occurred in a dual school district, $25 of the surcharge shall be paid to the elementary school district for school safety purposes and $25 of the surcharge shall be paid to the high school district for school safety purposes. Notwithstanding any other provision of law, the entire $50 surcharge shall be paid to the appropriate school district or districts.

For purposes of this subsection (f), "school safety purposes" includes the costs associated with school zone safety education and the purchase, installation, and maintenance of caution lights which are mounted on school speed zone signs.

(Source: P.A. 91-531, eff. 1-1-00; 92-242, eff. 1-1-02.)

Section 99. Effective date. This Act takes effect upon becoming law.
Approved August 6, 2002.

New matter indicated by italics - deletions by strikeout.
AN ACT concerning local government.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
   Section 5. The Township Code is amended by changing Section 35-55 as follows:
   (60 ILCS 1/35-55)
   Sec. 35-55. Senior citizens services; authorization of tax levy.
   (a) The electors may authorize the township board to levy a tax (at a rate of not more
   than 0.15% of the value, as equalized and assessed by the Department of Revenue, of all
   taxable property in the township) for the sole and exclusive purpose of providing services
   to senior citizens under Article 220 including, but not limited to, the construction,
   maintenance, repair, and operation of a senior citizens center. If the board desires to
   levy the tax, it shall order a referendum on the proposition to be held at an election in
   accordance with the general election law. The board shall certify the proposition to the proper
   election officials, who shall submit the proposition to the voters at an election in accordance
   with the general election law. If a majority of the votes cast on the proposition is in favor of
   the proposition, the board may annually levy the tax in addition to any other taxes and not
   subject to the tax rate limitations set forth in Article 235 of this Act, but subject to the
   extension limitations in the Property Tax Extension Limitation Law of the Property Tax
   Code.
   (b) If the township board of any township authorized to levy a tax under this Section
   pursuant to a referendum held before January 1, 1987, desires to increase the maximum rate
   of the tax to 0.15% of the value, as equalized and assessed by the Department of Revenue,
   of all taxable property in the township, it shall order a referendum on that proposition to be
   held at an election in accordance with the general election law. The board shall certify the
   proposition to the proper election officials, who shall submit the proposition to the voters at
   an election in accordance with the general election law. If a majority of the votes cast on the
   proposition is in favor of the proposition, the maximum tax rate shall be so increased.
   (Source: P.A. 85-742; 88-62; revised 12-13-01.)
   Approved August 6, 2002.
Assembly:

Section 5. The Illinois Vehicle Code is amended by changing Section 12-215 as follows:

(625 ILCS 5/12-215) (from Ch. 95 1/2, par. 12-215)

Sec. 12-215. Oscillating, rotating or flashing lights on motor vehicles. Except as otherwise provided in this Code:

(a) The use of red or white oscillating, rotating or flashing lights, whether lighted or unlighted, is prohibited except on:

1. Law enforcement vehicles of State, Federal or local authorities;
2. A vehicle operated by a police officer or county coroner and designated or authorized by local authorities, in writing, as a law enforcement vehicle; however, such designation or authorization must be carried in the vehicle;
3. Vehicles of local fire departments and State or federal firefighting vehicles;
4. Vehicles which are designed and used exclusively as ambulances or rescue vehicles; furthermore, such lights shall not be lighted except when responding to an emergency call for and while actually conveying the sick or injured;
5. Tow trucks licensed in a state that requires such lights; furthermore, such lights shall not be lighted on any such tow truck while the tow truck is operating in the State of Illinois; and
6. Vehicles of the Illinois Emergency Management Agency, and vehicles of the Department of Nuclear Safety; and:
7. Vehicles operated by a local or county emergency management services agency as defined in the Illinois Emergency Management Agency Act.

(b) The use of amber oscillating, rotating or flashing lights, whether lighted or unlighted, is prohibited except on:

1. Second division vehicles designed and used for towing or hoisting vehicles; furthermore, such lights shall not be lighted except as required in this paragraph 1; such lights shall be lighted when such vehicles are actually being used at the scene of an accident or disablement; if the towing vehicle is equipped with a flat bed that supports all wheels of the vehicle being transported, the lights shall not be lighted while the vehicle is engaged in towing on a highway; if the towing vehicle is not equipped with a flat bed that supports all wheels of a vehicle being transported, the lights shall be lighted while the towing vehicle is engaged in towing on a highway during all times when the use of headlights is required under Section 12-201 of this Code;
2. Motor vehicles or equipment of the State of Illinois, local authorities and contractors; furthermore, such lights shall not be lighted except while such vehicles are engaged in maintenance or construction operations within the limits of construction projects;
3. Vehicles or equipment used by engineering or survey crews; furthermore, such lights shall not be lighted except while such vehicles are actually engaged in work on a highway;

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4. Vehicles of public utilities, municipalities, or other construction, maintenance or automotive service vehicles except that such lights shall be lighted only as a means for indicating the presence of a vehicular traffic hazard requiring unusual care in approaching, overtaking or passing while such vehicles are engaged in maintenance, service or construction on a highway;

5. Oversized vehicle or load; however, such lights shall only be lighted when moving under permit issued by the Department under Section 15-301 of this Code;

6. The front and rear of motorized equipment owned and operated by the State of Illinois or any political subdivision thereof, which is designed and used for removal of snow and ice from highways;

7. Fleet safety vehicles registered in another state, furthermore, such lights shall not be lighted except as provided for in Section 12-212 of this Code;

8. Such other vehicles as may be authorized by local authorities;

9. Law enforcement vehicles of State or local authorities when used in combination with red oscillating, rotating or flashing lights;

10. Vehicles used for collecting or delivering mail for the United States Postal Service provided that such lights shall not be lighted except when such vehicles are actually being used for such purposes;

11. Any vehicle displaying a slow-moving vehicle emblem as provided in Section 12-205.1;

12. All trucks equipped with self-compactors or roll-off hoists and roll-on containers for garbage or refuse hauling. Such lights shall not be lighted except when such vehicles are actually being used for such purposes;

13. Vehicles used by a security company, alarm responder, or control agency, if the security company, alarm responder, or control agency is bound by a contract with a federal, State, or local government entity to use the lights; and

14. Security vehicles of the Department of Human Services; however, the lights shall not be lighted except when being used for security related purposes under the direction of the superintendent of the facility where the vehicle is located.

(c) The use of blue oscillating, rotating or flashing lights, whether lighted or unlighted, is prohibited except on:

1. Rescue squad vehicles not owned by a fire department and vehicles owned or fully operated by a:
   voluntary firefighter;
   paid firefighter;
   part-paid firefighter;
   call firefighter;
   member of the board of trustees of a fire protection district;
   paid or unpaid member of a rescue squad; or
   paid or unpaid member of a voluntary ambulance unit; or
   paid or unpaid members of a local or county emergency management services agency as defined in the Illinois Emergency Management Agency

New matter indicated by italics - deletions by strikeout.
Act, designated or authorized by local authorities, in writing, and carrying that designation or authorization in the vehicle.

However, such lights are not to be lighted except when responding to a bona fide emergency.

2. Police department vehicles in cities having a population of 500,000 or more inhabitants.

3. Law enforcement vehicles of State or local authorities when used in combination with red oscillating, rotating or flashing lights.

4. Vehicles of local fire departments and State or federal firefighting vehicles when used in combination with red oscillating, rotating or flashing lights.

5. Vehicles which are designed and used exclusively as ambulances or rescue vehicles when used in combination with red oscillating, rotating or flashing lights; furthermore, such lights shall not be lighted except when responding to an emergency call.

6. Vehicles that are equipped and used exclusively as organ transport vehicles when used in combination with red oscillating, rotating, or flashing lights; furthermore, these lights shall only be lighted when the transportation is declared an emergency by a member of the transplant team or a representative of the organ procurement organization.


8. Vehicles operated by a local or county emergency management services agency as defined in the Illinois Emergency Management Agency Act, when used in combination with red oscillating, rotating, or flashing lights.

(c-1) In addition to the blue oscillating, rotating, or flashing lights permitted under subsection (c), and notwithstanding subsection (a), a vehicle operated by a voluntary firefighter may be equipped with flashing white headlights and blue grill lights, which may be used only in responding to an emergency call.

(c-2) In addition to the blue oscillating, rotating, or flashing lights permitted under subsection (c), and notwithstanding subsection (a), a vehicle operated by a paid or unpaid member of a local or county emergency management services agency as defined in the Illinois Emergency Management Agency Act, may be equipped with white oscillating, rotating, or flashing lights to be used in combination with blue oscillating, rotating, or flashing lights, if authorization by local authorities is in writing and carried in the vehicle.

(d) The use of a combination of amber and white oscillating, rotating or flashing lights, whether lighted or unlighted, is prohibited, except motor vehicles or equipment of the State of Illinois, local authorities and contractors may be so equipped; furthermore, such lights shall not be lighted except while such vehicles are engaged in highway maintenance or construction operations within the limits of highway construction projects.

(e) All oscillating, rotating or flashing lights referred to in this Section shall be of sufficient intensity, when illuminated, to be visible at 500 feet in normal sunlight.

New matter indicated by italics - deletions by strikeout.
(f) Nothing in this Section shall prohibit a manufacturer of oscillating, rotating or flashing lights or his representative from temporarily mounting such lights on a vehicle for demonstration purposes only.

(g) Any person violating the provisions of subsections (a), (b), (c) or (d) of this Section who without lawful authority stops or detains or attempts to stop or detain another person shall be guilty of a Class 4 felony.

(h) Except as provided in subsection (g) above, any person violating the provisions of subsections (a) or (c) of this Section shall be guilty of a Class A misdemeanor.

(Source: P.A. 91-357, eff. 7-29-99; 92-138, eff. 7-24-01; 92-407, eff. 8-17-01; revised 9-12-01)

Section 99. Effective date. This Act takes effect upon becoming law.
Approved August 6, 2002.
Effective August 6, 2002.

PUBLIC ACT 92-0783
(Senate Bill No. 1975)

AN ACT concerning labor.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The State Finance Act is amended by changing Section 5.306 as follows:
(30 ILCS 105/5.306) (from Ch. 127, par. 141.306)
Sec. 5.306. The Child Labor and Day and Temporary Labor Services Enforcement Fund.
(Source: P.A. 87-139; 87-895.)
Section 7. The Prevailing Wage Act is amended by changing Sections 4 and 5 as follows:
(820 ILCS 130/4) (from Ch. 48, par. 39s-4)
Sec. 4. The public body awarding any contract for public work or otherwise undertaking any public works, shall ascertain the general prevailing rate of hourly wages in the locality in which the work is to be performed, for each craft or type of worker or mechanic needed to execute the contract, and where the public body performs the work without letting a contract therefor, shall ascertain the prevailing rate of wages on a per hour basis in the locality, and such public body shall specify in the resolution or ordinance and in the call for bids for the contract, that the general prevailing rate of wages in the locality for each craft or type of worker or mechanic needed to execute the contract or perform such work, also the general prevailing rate for legal holiday and overtime work, as ascertained by the public body or by the Department of Labor shall be paid for each craft or type of worker needed to execute the contract or to perform such work, and it shall be mandatory upon the contractor to whom the contract is awarded and upon any subcontractor under him, and where the public body performs the work, upon the public body, to pay not less than the

New matter indicated by italics - deletions by strikeout.
specified rates to all laborers, workers and mechanics employed by them in the execution of the contract or such work; provided, however, that if the public body desires that the Department of Labor ascertain the prevailing rate of wages, it shall notify the Department of Labor to ascertain the general prevailing rate of hourly wages for work under contract, or for work performed by a public body without letting a contract as required in the locality in which the work is to be performed, for each craft or type of worker or mechanic needed to execute the contract or project or work to be performed. Upon such notification the Department of Labor shall ascertain such general prevailing rate of wages, and certify the prevailing wage to such public body. The public body awarding the contract shall cause to be inserted in the contract a stipulation to the effect that not less than the prevailing rate of wages as found by the public body or Department of Labor or determined by the court on review shall be paid to all laborers, workers and mechanics performing work under the contract. It shall also require in all such contractor's bonds that the contractor include such provision as will guarantee the faithful performance of such prevailing wage clause as provided by contract. All bid specifications shall list the specified rates to all laborers, workers and mechanics in the locality for each craft or type of worker or mechanic needed to execute the contract. If the Department of Labor revises the prevailing rate of hourly wages to be paid by the public body, the revised rate shall apply to such contract, and the public body shall be responsible to notify the contractor and each subcontractor, of the revised rate. 

Two or more investigatory hearings under this Section on the issue of establishing a new prevailing wage classification for a particular craft or type of worker shall be consolidated in a single hearing before the Department. Such consolidation shall occur whether each separate investigatory hearing is conducted by a public body or the Department. The party requesting a consolidated investigatory hearing shall have the burden of establishing that there is no existing prevailing wage classification for the particular craft or type of worker in any of the localities under consideration.

(Source: P.A. 86-799.)

(820 ILCS 130/5) (from Ch. 48, par. 39s-5)

Sec. 5. The contractor and each subcontractor or the officer of the public body in charge of the project shall keep or cause to be kept, an accurate record showing the names and occupation of all laborers, workers and mechanics employed by them, in connection with said public work, and showing also the actual hourly wages paid to each of such persons, which record shall be open at all reasonable hours to the inspection of the public body awarding the contract, its officers and agents, and to the Director of Labor and his deputies and agents. Any contractor or subcontractor that maintains its principal place of business outside of this State shall make the required records or accurate copies of those records available within this State at all reasonable hours for inspection.

(Source: P.A. 81-992.)

Section 10. The Day Labor Services Act is amended by changing the title of the Act and Sections 1, 5, 10, 15, 20, 25, 30, 35, 40, 45, and 50 and by adding Sections 55, 60, 65, 70, 75, and 80 as follows:

(820 ILCS 175/Act title)

New matter indicated by italics - deletions by strikeout.
AN ACT in relation to day and temporary labor services.
(820 ILCS 175/1)

Sec. 1. Short Title. This Act may be cited as the Day and Temporary Labor Services Act.
(Source: P.A. 91-579, eff. 1-1-00.)

(820 ILCS 175/5)

Sec. 5. Definitions. As used in this Act:
"Day or temporary laborer" means a natural person who contracts for employment with a day and temporary labor service agency.
"Day and temporary labor" means labor or employment that is occasional or irregular at which a person is employed for not longer than the time period required to complete the assignment for which the person was hired and where wage payments are made directly or indirectly by the day and temporary labor service agency or the third party employer for work undertaken by day or temporary laborers pursuant to a contract between the day and temporary labor service agency with the third party employer. "Day and temporary labor" does not include labor or employment of a professional or clerical nature.
"Day and temporary labor service agency" means any person or entity engaged in the business of employing day or temporary laborers to provide services to or for any third party employer pursuant to a contract with the day and temporary labor service and the third party employer.
"Department" means the Department of Labor.
"Third party employer" means any person that contracts with a day and temporary labor service agency for the employment of day or temporary laborers.
(Source: P.A. 91-579, eff. 1-1-00.)

(820 ILCS 175/10)

Sec. 10. Statement.
(a) Whenever a day and temporary labor service agency agrees to send one or more persons to work as day or temporary laborers, the day and temporary labor service agency shall, upon request by a day or temporary laborer, provide to the day or temporary laborer a statement containing the following items: "Name and nature of the work to be performed", "wages offered", "destination of the person employed", "terms of transportation", and whether a meal and equipment is provided, either by the day and temporary labor service or the third party employer, and the cost of the meal and equipment, if any.
(b) No day and temporary labor service agency may send any day or temporary laborer to any place where a strike, a lockout, or other labor trouble exists without first notifying the day or temporary laborer of the conditions.
(c) The Department shall recommend to day and temporary labor service agencies that those agencies employ personnel who can effectively communicate information required in subsections (a) and (b) to day or temporary laborers in Spanish, Polish, or any other language that is generally used in the locale of the day and temporary labor agency.
(Source: P.A. 91-579, eff. 1-1-00.)

(820 ILCS 175/15)

New matter indicated by italics - deletions by strikeout.
Sec. 15. Meals. A day and temporary labor service agency or a third party employer shall not charge a day or temporary laborer more than the actual cost of a meal. In no case shall the purchase of a meal be a condition of employment for a day or temporary laborer. (Source: P.A. 91-579, eff. 1-1-00.)

(820 ILCS 175/20)

Sec. 20. Transportation. A day and temporary labor service agency or a third party employer shall charge no more than the actual cost to transport a day or temporary laborer to or from the designated work site; however, the total cost to each day or temporary laborer shall not exceed 3% of the day or temporary laborer's daily wages. Any motor vehicle that is owned or operated by the day and temporary labor service agency or a third party employer, or a contractor of either, which is used for the transportation of day or temporary laborers shall have proof of financial responsibility as provided for in Chapter 8 of the Illinois Vehicle Code. (Source: P.A. 91-579, eff. 1-1-00.)

(820 ILCS 175/25)

Sec. 25. Day or temporary laborer equipment. For any safety equipment, clothing, accessories, or any other items required by the nature of the work, either by law, custom, or as a requirement of the third party employer, the day and temporary labor service agency or the third party employer may charge the day or temporary laborer the market value of the item temporarily provided to the day or temporary laborer by the third party employer if the day or temporary laborer fails to return such items to the third party employer or the day and temporary labor service agency. For any other equipment, clothing, accessories, or any other items the day and temporary labor service agency makes available for purchase, the day or temporary laborer shall not be charged more than the actual market value for the item. (Source: P.A. 91-579, eff. 1-1-00.)

(820 ILCS 175/30)

Sec. 30. Wage Payment.

(a) At the time of the payment of wages, a day and temporary labor service agency shall provide each day or temporary laborer with an itemized statement showing in detail each deduction made from the wages.

(b) A day and temporary labor service agency shall provide each worker an annual earnings summary within a reasonable time after the preceding calendar year, but in no case later than February 1. A day and temporary labor service agency shall, at the time of each wage payment, give notice to day or temporary laborers of the availability of the annual earnings summary or post such a notice in a conspicuous place in the public reception area.

(c) At the request of a day or temporary laborer, a day and temporary labor service agency shall hold the daily wages of the day or temporary laborer and make either weekly or semi-monthly payments. The wages shall be paid in a single check representing the wages earned during the period, either weekly or semi-monthly, designated by the day or temporary laborer in accordance with the Illinois Wage Payment and Collection Act. Day and temporary labor service agencies that make daily wage payments shall provide written notification to all day or temporary laborers of the right to request weekly or semi-monthly

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checks. The day and temporary labor service agency may provide this notice by conspicuously posting the notice at the location where the wages are received by the day or temporary laborers.

(d) No day and temporary labor service agency shall charge any day or temporary laborer for cashing a check issued by the agency for wages earned by a day or temporary laborer who performed work through that agency.

(e) Day or temporary laborers shall be paid no less than the wage rate stated in the notice as provided in Section 10 of this Act for all the work performed on behalf of the third party employer in addition to the work listed in the written description.

(Source: P.A. 91-579, eff. 1-1-00.)

(820 ILCS 175/35)

Sec. 35. Public Access Area. Each day and temporary labor service agency shall provide adequate seating in the public access area of the offices of the agency. The public access area shall be the location for the employment and wage notices required by Section 10 of this Act. The public access area shall allow for access to restrooms and water.

(Source: P.A. 91-579, eff. 1-1-00.)

(820 ILCS 175/40)

Sec. 40. Work Restriction. No day and temporary labor service agency shall restrict the right of a day or temporary laborer to accept a permanent position with a third party employer to whom the day or temporary laborer has been referred for work or restrict the right of such third party employer to offer such employment to a day or temporary laborer. Nothing in this Section shall restrict a day and temporary labor service agency from receiving a placement fee from the third party employer for employing a day or temporary laborer for whom a contract for work was effected by the day and temporary labor service agency.

(Source: P.A. 91-579, eff. 1-1-00.)

(820 ILCS 175/45)

Sec. 45. Registration; Department of Labor. A day and temporary labor service agency shall register with the Department of Labor in accordance with rules adopted by the Department for day and temporary labor service agencies that operate within the State. The Department may assess each agency a non-refundable registration fee not exceeding $250 per year. The fee may be paid by check or money order and the Department may not refuse to accept a check on the basis that it is not a certified check or a cashier's check. The Department may charge an additional fee to be paid by an agency if the agency, or any person on the agency's behalf, issues or delivers a check to the Department that is not honored by the financial institution upon which it is drawn. The Department shall also adopt rules for violation hearings and penalties for violations of this Act or the Department's rules in conjunction with the fines and penalties set forth in this Act. The Department shall cause to be posted in each agency a notice which informs the public of a toll-free telephone number for day or temporary laborers and the public to file wage dispute complaints and other alleged violations by day and temporary labor service agencies.

(Source: P.A. 91-579, eff. 1-1-00.)

New matter indicated by italics - deletions by strikeout.
Sec. 50. Violations. The Department shall have the authority to suspend or revoke the registration of a day and temporary labor service agency if warranted by public health and safety concerns or violations of this Act.
(Source: P.A. 91-579, eff. 1-1-00.)

Sec. 55. Enforcement. It shall be the duty of the Department to enforce the provisions of this Act. The Department shall have the power to conduct investigations in connection with the administration and enforcement of this Act and any investigator with the Department shall be authorized to visit and inspect, at all reasonable times, any places covered by this Act. The Department shall conduct hearings in accordance with the Illinois Administrative Procedure Act upon written complaint by an investigator of the Department or any interested person of a violation of the Act. After the hearing, if supported by the evidence, the Department may (i) issue and cause to be served on any party an order to cease and desist from further violation of the Act, (ii) take affirmative or other action as deemed reasonable to eliminate the effect of the violation, (iii) deny, suspend, or revoke any registration under this Act, and (iv) determine the amount of any civil penalty allowed by the Act. The Director of Labor or his or her representative may compel, by subpoena, the attendance and testimony of witnesses and the production of books, payrolls, records, papers, and other evidence in any investigation or hearing and may administer oaths to witnesses. Nothing in this Act applies to labor or employment of a clerical or professional nature.

Sec. 60. Review under Administrative Review Law. Any party to a proceeding under this Act may apply for and obtain judicial review of an order of the Department entered under this Act in accordance with the provisions of the Administrative Review Law, and the Department in proceedings under the Act may obtain an order from the court for the enforcement of its order.

Sec. 65. Contempt. Whenever it appears that any day and temporary labor service agency has violated a valid order of the Department issued under this Act, the Director of Labor may commence an action and obtain from the court an order commanding the day and temporary labor service agency to obey the order of the Department or be adjudged guilty of contempt of court and punished accordingly.

Sec. 70. Penalties. A day and temporary labor service agency that violates any of the provisions of this Act concerning registration, transportation, equipment, meals, wages, or waiting rooms shall be subject to a civil penalty not to exceed $500 for any violations found in the first audit by the Department and not to exceed $5,000 for any violations found in the second audit by the Department. For any violations that are found in a third audit by the Department that are within 7 years of the earlier violations, the Department may revoke the registration of the violator. In determining the amount of a penalty, the Director shall

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consider the appropriateness of the penalty to the day and temporary labor service agency charged, upon the determination of the gravity of the violations. The amount of the penalty, when finally determined, may be:

(1) Recovered in a civil action brought by the Director of Labor in any circuit court. In this litigation, the Director of Labor shall be represented by the Attorney General.

(2) Ordered by the court, in an action brought by any party for a violation under this Act, to be paid to the Director of Labor.

Any administrative determination by the Department as to the amount of each penalty shall be final unless reviewed as provided in Section 60 of this Act.

Sec. 75. Willful violations. Whoever willfully violates any of the provisions of this Act or any rule adopted under this Act, or whoever obstructs the Department of Labor, its inspectors or deputies, or any other person authorized to inspect places of employment under this Act shall be guilty of a Class A misdemeanor. Each day during which a violation of this Act continues shall constitute a separate and distinct offense, and the employment of any person in violation of the Act shall, with respect to each person so employed, constitute a separate and distinct offense. Whenever, in the opinion of the Department, a violation of the Act has occurred, the Department shall report the violation to the Attorney General of this State who shall have authority to prosecute all reported violations.

Sec. 80. Child Labor and Day and Temporary Labor Enforcement Fund. All moneys received as fees and civil penalties under this Act shall be deposited into the Child Labor and Day and Temporary Labor Enforcement Fund and may be used for the purposes set forth in Section 17.3 of the Child Labor Law.

Section 15. The Child Labor Law is amended by changing Section 17.3 as follows:

Sec. 17.3. Any employer who violates any of the provisions of this Act or any rule or regulation issued under the Act shall be subject to a civil penalty of not to exceed $5,000 for each such violation. In determining the amount of such penalty, the appropriateness of such penalty to the size of the business of the employer charged and the gravity of the violation shall be considered. The amount of such penalty, when finally determined, may be

(1) recovered in a civil action brought by the Director of Labor in any circuit court, in which litigation the Director of Labor shall be represented by the Attorney General;

(2) ordered by the court, in an action brought for violation under Section 19, to be paid to the Director of Labor.

Any administrative determination by the Department of Labor of the amount of each penalty shall be final unless reviewed as provided in Section 17.1 of this Act.

Civil penalties recovered under this Section shall be paid into the Child Labor and Day and Temporary Labor Enforcement Fund, a special fund which is hereby created in the State treasury. Moneys in the Fund may be used, subject to appropriation, for

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exemplary programs, demonstration projects, and other activities or purposes related to the enforcement of this Act or for the activities or purposes related to the enforcement of the Day and Temporary Labor Services Act.  
(Source: P.A. 87-139; 88-365.)

Section 99. Effective date. This Act takes effect upon becoming law, except that the provisions amending the State Finance Act, the Day Labor Services Act, and the Child Labor Law take effect on January 1, 2003.

Approved August 6, 2002.
Effective August 6, 2002 and January 1, 2003.

PUBLIC ACT 92-0784
(Senate Bill No. 2001)

AN ACT to create the Innovations in Long-term Care Quality Grants Act.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 1. Short title. This Act may be cited as the Innovations in Long-term Care Quality Grants Act.

Section 5. Grant program. The Director of Public Health shall establish a long-term care grant program that demonstrates the best practices and innovation for long-term care service, delivery, and housing. The grants must fund programs that demonstrate creativity in service provision through the scope of their program or service.

Section 10. Eligibility for grant. Grants may only be made to facilities licensed under the Nursing Home Care Act. Grants may only be made for projects that show innovations and measurable improvement in resident care, quality of life, use of technology, or customer satisfaction.

Section 15. Innovations in Long-term Care Quality Demonstration Grants Fund. There is created in the State treasury a special fund to be known as the Innovations in Long-term Care Quality Demonstration Grants Fund. Grants shall be funded using federal civil monetary penalties collected and deposited into the Long Term Care Monitor/Receiver Fund established under the Nursing Home Care Act. Subject to appropriation, moneys in the Fund shall be used for demonstration grants to nursing homes. Interest earned on moneys in the Fund shall be deposited into the Fund.

Section 20. Award of grants.

(a) Applications for grants must be made on forms prescribed by the Director of Public Health.

(b) The applications must be reviewed, ranked, and recommended by a commission composed of 5 representatives chosen from recommendations made by organizations representing long-term care facilities in Illinois, a citizen member from AARP, one representative from a disabled advocacy organization, one representative from the statewide ombudsman organization, one representative from academia, the Director of Public Health, and any others the Director of Public Health determines necessary to represent properly the public interest.

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the Director of Aging, and one representative selected by the leader of each legislative caucus. With the exception of legislative members, members shall be appointed by the Director of Public Health. The commission shall perform its duties under this subsection (b) in consultation with the medical school located at the Champaign-Urbana campus of the University of Illinois.

(c) The commission shall rank applications according to the following criteria:
   (1) improvement in direct care to residents;
   (2) increased efficiency through the use of technology;
   (3) improved quality of care through the use of technology;
   (4) increased access and delivery of service;
   (5) enhancement of nursing staff training;
   (6) effectiveness of the project as a demonstration; and
   (7) transferability of the project to other sites.

(d) The Director shall award grants based on the recommendations of the commission and after a thorough review of the compliance history of the long-term care facility.

Section 95. The Nursing Home Care Act is amended by changing Section 3-310 as follows:

(210 ILCS 45/3-310) (from Ch. 111 1/2, par. 4153-310)
Sec. 3-310. All penalties shall be paid to the Department within 10 days of receipt of notice of assessment or, if the penalty is contested under Section 3-309, within 10 days of receipt of the final decision, unless the decision is appealed and the order is stayed by court order under Section 3-713. A penalty assessed under this Act shall be collected by the Department and shall be deposited with the State Treasurer into the Long Term Care Monitor/Receiver Fund. If the person or facility against whom a penalty has been assessed does not comply with a written demand for payment within 30 days, the Director shall issue an order to do any of the following:
   (1) Direct the State Treasurer to deduct the amount of the fine from amounts otherwise due from the State for the penalty and remit that amount to the Department;
   (2) Add the amount of the penalty to the facility's licensing fee; if the licensee refuses to make the payment at the time of application for renewal of its license, the license shall not be renewed; or
   (3) Bring an action in circuit court to recover the amount of the penalty.

With the approval of the federal centers for Medicaid and Medicare services, the Director of Public Health shall set aside 50% of the federal civil monetary penalties collected each year to be used to award grants under the Innovations in Long-term Care Quality Grants Act.
(Source: P.A. 86-663.)

Section 300. The State Finance Act is amended by adding Section 5.570 as follows:
(30 ILCS 105/5.570 new)
Sec. 5.570. The Innovations in Long-term Care Quality Demonstration Grants Fund.
Section 999. Effective date. This Act takes effect upon becoming law.

New matter indicated by italics - deletions by strikeout.
AN ACT concerning children's advocacy centers.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Children's Advocacy Center Act is amended by changing Sections 4, 5, and 7 and by adding Section 7.1 as follows:

(a) Subject to the referendum provisions of this Act, A Children's Advocacy Center ("Center") may be established to coordinate the activities of the various agencies involved in the investigation, prosecution and treatment referral of child sexual abuse. The Advisory Board shall serve as the governing board for the Center. The operation of the Center may be funded through grants, contracts, or any other available sources. In counties in which a referendum has been adopted under Section 5 of this Act, the Advisory Board, and, by the majority vote of its members, shall submit a proposed annual budget for the operation of the Center to the county board, which shall appropriate funds and levy a tax sufficient to operate the Center. The county board in each county in which a referendum has been adopted shall establish a Children's Advocacy Center Fund and shall deposit the net proceeds of the tax authorized by Section 6 of this Act in that Fund, which shall be kept separate from all other county funds and shall only be used for the purposes of this Act.

(b) The Advisory Board shall pay from the Children's Advocacy Center Fund or from other available funds the salaries of all employees of the Center, all of whom shall be county employees; and the expenses of acquiring a physical plant for the Center by construction or lease and maintaining the Center, including the expenses of administering the coordination of the investigation, prosecution and treatment referral of child sexual abuse under the provisions of the protocol adopted pursuant to this Act.

(c) Every Center shall include at least the following components:

(1) An interdisciplinary, coordinated systems approach to the investigation of child sexual abuse which shall include, at a minimum;
   (i) an interagency notification procedure;
   (ii) a dispute resolution process between the involved agencies when a conflict arises on how to proceed with the investigation of a case;
   (iii) a policy on interagency decision-making; and
   (iv) a description of the role each agency has in the investigation of the case;
(2) A safe, separate space with assigned personnel designated for the investigation and coordination of child sexual abuse cases;

(3) An interdisciplinary case review process for purposes of decision-making, problem solving, systems coordination, and information sharing;

(4) A comprehensive tracking system to receive and coordinate information concerning child sexual abuse cases from each participating agency;

(5) Interdisciplinary specialized training for all professionals involved with the victims and families of child sexual abuse cases; and

(6) A process for evaluating the effectiveness of the Center and its operations.

(d) In the event that a Center has been established as provided in this Section, the Advisory Board of that Center may, by a majority of the members, authorize the Center to coordinate the activities of the various agencies involved in the investigation, prosecution, and treatment referral of serious child physical abuse cases. The Advisory Board shall provide for the financial support of these activities in a manner similar to that set out in subsections (a) and (b) of this Section and shall be allowed to submit a budget that includes support for physical abuse and neglect activities to the County Board, which shall appropriate funds that may be available under Section 5 of this Act.

(e) The Illinois Child Advocacy Commission may also provide technical assistance and guidance to the Advisory Boards and shall make a single annual grant for the purpose of providing technical support and assistance for advocacy center development in Illinois whenever an appropriation is made by the General Assembly specifically for that purpose. The grant may be made only to an Illinois not-for-profit corporation that qualifies for tax treatment under Section 501(c)(3) of the Internal Revenue Code and that has a voting membership consisting of children's advocacy centers. The grant may be spent on staff, office space, equipment, and other expenses necessary for the development of resource materials and other forms of technical support and assistance. The grantee shall report to the Commission on the specific uses of grant funds by no later than October 1 of each year and shall retain supporting documentation for a period of at least 5 years after the corresponding report is filed.

(Source: P.A. 91-158, eff. 7-16-99.)

(55 ILCS 80/5) (from Ch. 23, par. 1805)

Sec. 5. Referendum.

(a) Whenever a petition signed by 1% of the electors who voted in the last general election in any county is presented to the county board requesting the submission of the proposition whether an annual tax of not to exceed .004% of the value, as equalized or assessed by the Department of Revenue, of all taxable property in the county shall be levied for the purpose of establishing and maintaining a Children's Advocacy Center, the county board shall adopt a resolution for the submission of the proposition to the electors at the next regular election held in the county in accordance with the general election law.

(b) Upon the adoption and certification of the resolution, the proposition shall be submitted at the next regular election held in the county. The proposition shall be in substantially the following form: "Shall an annual tax of not to exceed ........ per cent be levied

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in ........ County for the purpose of establishing and maintaining Children's Advocacy Center to serve the county?"

(c) If a majority of the electors of the county voting on the proposition vote in favor thereof, the proposition shall be deemed adopted.

(d) The adoption of a referendum is not required to establish a Children's Advocacy Center if the Center may be or is operated with funds other than the proceeds of the annual tax that is authorized by referendum.

(Source: P.A. 86-276.)

(55 ILCS 80/7) (from Ch. 23, par. 1807)

Sec. 7. Discontinuance. (a) Upon a petition signed by 1% of the electors who voted in the last general election in a county which has levied and collected a tax for Children's Advocacy Center purposes under this Act being presented to the county board, requesting that the tax for Children's Advocacy Center purposes be discontinued, the county board shall adopt a resolution providing for the submission of the proposition to the electors of the county in the same manner as provided for the submission of the proposition for the levy of the tax.

(b) Upon the adoption and certification of the resolution, the proposition shall be submitted at the next regular election held in the county. The proposition shall be in substantially the following form: "Shall the tax for the purpose of establishing and maintaining a Children's Advocacy Center be discontinued?"

(c) If a majority of the electors of the county voting upon the proposition vote in favor thereof, the proposition shall be deemed adopted, and the tax shall no longer be levied or collected in the county. Any monies remaining in the Children's Advocacy Center Fund in the county shall be used to pay the remaining expenses of the Center, including expenses of winding up its operations if it is discontinued by the Advisory Board. In that case, after all expenses of the Center have been paid, any remaining monies in the Fund shall be paid into the general fund for county purposes in the county treasury.

(Source: P.A. 86-276.)

(55 ILCS 80/7.1 new)

Sec. 7.1. The changes made by this amendatory Act of the 92nd General Assembly are intended to be declarations of existing law and are not intended to be a new enactment.

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


Approved August 6, 2002.

Effective August 6, 2002.

PUBLIC ACT 92-0786
(Senate Bill No. 2197)

AN ACT in relation to sexually dangerous persons.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

New matter indicated by italics - deletions by strikeout.
Section 5. The Sexually Dangerous Persons Act is amended by changing Sections 8 and 9 as follows:

(725 ILCS 205/8) (from Ch. 38, par. 105-8)

Sec. 8. If the respondent is found to be a sexually dangerous person then the court shall appoint the Director of Corrections guardian of the person found to be sexually dangerous and such person shall stand committed to the custody of such guardian. The Director of Corrections as guardian shall keep safely the person so committed until the person has recovered and is released as hereinafter provided. The Director of Corrections as guardian shall provide care and treatment for the person committed to him designed to effect recovery. The Director may place that ward in any facility in the Department of Corrections or portion thereof set aside for the care and treatment of sexually dangerous persons. The Department of Corrections may also request another state Department or Agency to examine such person and upon such request, such Department or Agency shall make such examination and the Department of Corrections may, with the consent of the chief executive officer of such other Department or Agency, therewith place such person in the care and treatment of such other Department or Agency.

(Source: P.A. 77-2477.)

(725 ILCS 205/9) (from Ch. 38, par. 105-9)

Sec. 9. An application in writing setting forth facts showing that such sexually dangerous person or criminal sexual psychopathic person has recovered may be filed before the committing court. Upon receipt thereof, the clerk of the court shall cause a copy of the application to be sent to the Director of the Department of Corrections. The Director shall then cause to be prepared and sent to the court a socio-psychiatric report concerning the applicant. The report shall be prepared by a social worker and psychologist under the supervision of a licensed psychiatrist, sociologist, psychologist and warden of, or assigned to, the institution wherein such applicant is confined. The court shall set a date for the hearing upon such application and shall consider the report so prepared under the direction of the Director of the Department of Corrections and any other relevant information submitted by or on behalf of such applicant. If the person is found to be no longer dangerous, the court shall order that he be discharged. If the court finds that the person appears no longer to be dangerous but that it is impossible to determine with certainty under conditions of institutional care that such person has fully recovered, the court shall enter an order permitting such person to go at large subject to such conditions and such supervision as the Director as in the opinion of the court will adequately protect the public. In the event the person violates any of the conditions of such order, the court shall revoke such conditional release and recommit the person pursuant to Section 5-6-4 of the Unified Code of Corrections under the terms of the original commitment. Upon an order of discharge every outstanding information and indictment, the basis of which was the reason for the present detention, shall be quashed.

(Source: P.A. 77-2477.)

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

New matter indicated by italics - deletions by strikeout.
AN ACT in relation to conservation.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

(505 ILCS 35/Art. V rep.)
Section 5. The Illinois Conservation Enhancement Act is amended by repealing Article V.

Approved August 6, 2002.

AN ACT to re-enact the Bi-State Transit Safety Act.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 1. Short title. This Act may be cited as the Bi-State Transit Safety Act.
Section 5. Definitions. As used in this Act:
"Accident" means any event involving the revenue service operation of a rail fixed guideway system if as a result:
(1) an individual dies;
(2) an individual suffers bodily injury and immediately receives medical treatment away from the scene of the accident; or
(3) a collision, derailment, or fire causes property damage in excess of $100,000.
"FTA" means the Federal Transit Administration, an agency within the U.S. Department of Transportation.
"Hazardous condition" means a condition that may endanger human life or property. It includes unacceptable hazardous conditions.
"Investigation" means a process to determine the probable cause of an accident or an unacceptable hazardous condition; it may involve no more than a review and approval of the transit agency's determination of the probable cause of an accident or unacceptable hazardous condition.

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"Rail fixed guideway system" means any light, heavy, or rapid rail system, monorail, inclined plane, funicular, trolley, or automated guideway that is:

(1) included in FTA's calculation for fixed guideway route miles or receives funding under FTA's formula program for urbanized areas; and

(2) not regulated by the Federal Railroad Administration.

"Revenue service operation" means an operation outside of a rail yard.

"System safety program plan" means a document adopted by the transit agency detailing its safety policies, objectives, responsibilities, and procedures.

"System safety program standard" means the standard developed and adopted by the State oversight agency which, at a minimum, complies with the APTA Guidelines, requires the immediate notification of appropriate Illinois emergency service agencies in the event of an accident in Illinois, and which addresses personal security.

"Transit agency" means an entity operating a rail fixed guideway system.

"Unacceptable hazardous condition" means a hazardous condition determined to be an unacceptable hazardous condition using the APTA Guidelines' Hazard Resolution Matrix.

Section 10. Powers. In further effectuation of the Bi-State Development Compact Act creating the Bi-State Development Agency, the State of Illinois hereby authorizes the St. Clair County Transit District to exercise the following powers:

(1) To regulate the safety of rail fixed guideway systems and the personal security of the passengers and employees of the Bi-State Development Agency located and operated within the boundaries of the State of Illinois, in a manner consistent with "Rail Fixed Guideway Systems; State Safety Oversight", 49 CFR Part 659.

(2) To develop, adopt, and implement a system safety program standard meeting the compliance requirements prescribed in Sections 659.31 and 659.33 of "Rail Fixed Guideway Systems; State Safety Oversight".

(3) To require the Bi-State Development Agency to report accidents and unacceptable hazardous conditions to the St. Clair County Transit District within a period of time specified by the St. Clair County Transit District as required by Section 659.39 of "Rail Fixed Guideway Systems; State Safety Oversight".

(4) To establish procedures to investigate accidents and unacceptable hazardous conditions as required by Section 659.41 of "Rail Fixed Guideway Systems; State Safety Oversight".

(5) To direct the Bi-State Development Agency to minimize, control, correct, or eliminate any investigated hazardous condition within a period of time specified by the St. Clair County Transit District as required by Section 659.43 of "Rail Fixed Guideway Systems; State Safety Oversight".

(6) To perform all other necessary and incidental functions related to its effectuation of this Act and as mandated by "Rail Fixed Guideway Systems; State Safety Oversight".

Section 15. Confidentiality of investigation reports. The security portion of the system safety program plan, investigation reports, surveys, schedules, lists, or data compiled,
collected, or prepared by the Bi-State Development Agency or the St. Clair County Transit District under this Act shall not be subject to discovery or admitted into evidence in federal or State court or considered for other purposes in any civil action for damages arising from any matter mentioned or addressed in such plan, reports, surveys, schedules, lists, or data.

Section 20. Right to contract for safety consultation. The St. Clair County Transit District may contract for safety consultation under the St. Clair County District's duties created by this Act. The St. Clair County District may assess the Bi-State Development Agency for its expenses in administering the Act.

Section 25. Jurisdiction. The jurisdiction of the St. Clair County Transit District under this Act shall be exclusive, except to the extent that its jurisdiction is preempted by federal statute, regulation, or order.

Section 99. Effective date. This Act takes effect upon becoming law.
Approved August 6, 2002.
Effective August 6, 2002.

PUBLIC ACT 92-0789
(Senate Bill No. 2225)

AN ACT in relation to public aid.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Public Aid Code is amended by changing Sections 5-5 and 12-4.25 as follows:

(305 ILCS 5/5-5) (from Ch. 23, par. 5-5)

Sec. 5-5. Medical services. The Illinois Department, by rule, shall determine the quantity and quality of and the rate of reimbursement for the medical assistance for which payment will be authorized, and the medical services to be provided, which may include all or part of the following: (1) inpatient hospital services; (2) outpatient hospital services; (3) other laboratory and X-ray services; (4) skilled nursing home services; (5) physicians' services whether furnished in the office, the patient's home, a hospital, a skilled nursing home, or elsewhere; (6) medical care, or any other type of remedial care furnished by licensed practitioners; (7) home health care services; (8) private duty nursing service; (9) clinic services; (10) dental services; (11) physical therapy and related services; (12) prescribed drugs, dentures, and prosthetic devices; and eyeglasses prescribed by a physician skilled in the diseases of the eye, or by an optometrist, whichever the person may select; (13) other diagnostic, screening, preventive, and rehabilitative services; (14) transportation and such other expenses as may be necessary; (15) medical treatment of sexual assault survivors, as defined in Section 1a of the Sexual Assault Survivors Emergency Treatment Act, for injuries sustained as a result of the sexual assault, including examinations and laboratory tests to discover evidence which may be used in criminal proceedings arising from the sexual assault; (16) the diagnosis and treatment of sickle cell anemia; and (17) any other medical

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care, and any other type of remedial care recognized under the laws of this State, but not including abortions, or induced miscarriages or premature births, unless, in the opinion of a physician, such procedures are necessary for the preservation of the life of the woman seeking such treatment, or except an induced premature birth intended to produce a live viable child and such procedure is necessary for the health of the mother or her unborn child. The Illinois Department, by rule, shall prohibit any physician from providing medical assistance to anyone eligible therefor under this Code where such physician has been found guilty of performing an abortion procedure in a wilful and wanton manner upon a woman who was not pregnant at the time such abortion procedure was performed. The term "any other type of remedial care" shall include nursing care and nursing home service for persons who rely on treatment by spiritual means alone through prayer for healing.

Notwithstanding any other provision of this Section, a comprehensive tobacco use cessation program that includes purchasing prescription drugs or prescription medical devices approved by the Food and Drug administration shall be covered under the medical assistance program under this Article for persons who are otherwise eligible for assistance under this Article.

Notwithstanding any other provision of this Code, the Illinois Department may not require, as a condition of payment for any laboratory test authorized under this Article, that a physician's handwritten signature appear on the laboratory test order form. The Illinois Department may, however, impose other appropriate requirements regarding laboratory test order documentation.

The Illinois Department of Public Aid shall provide the following services to persons eligible for assistance under this Article who are participating in education, training or employment programs operated by the Department of Human Services as successor to the Department of Public Aid:

(1) dental services, which shall include but not be limited to prosthodontics;

and

(2) eyeglasses prescribed by a physician skilled in the diseases of the eye, or by an optometrist, whichever the person may select.

The Illinois Department, by rule, may distinguish and classify the medical services to be provided only in accordance with the classes of persons designated in Section 5-2.

The Illinois Department shall authorize the provision of, and shall authorize payment for, screening by low-dose mammography for the presence of occult breast cancer for women 35 years of age or older who are eligible for medical assistance under this Article, as follows: a baseline mammogram for women 35 to 39 years of age and an annual mammogram for women 40 years of age or older. All screenings shall include a physical breast exam, instruction on self-examination and information regarding the frequency of self-examination and its value as a preventative tool. As used in this Section, "low-dose mammography" means the x-ray examination of the breast using equipment dedicated specifically for mammography, including the x-ray tube, filter, compression device, image receptor, and cassettes, with an average radiation exposure delivery of less than one rad mid-breast, with 2 views for each breast.

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Any medical or health care provider shall immediately recommend, to any pregnant woman who is being provided prenatal services and is suspected of drug abuse or is addicted as defined in the Alcoholism and Other Drug Abuse and Dependency Act, referral to a local substance abuse treatment provider licensed by the Department of Human Services or to a licensed hospital which provides substance abuse treatment services. The Department of Public Aid shall assure coverage for the cost of treatment of the drug abuse or addiction for pregnant recipients in accordance with the Illinois Medicaid Program in conjunction with the Department of Human Services.

All medical providers providing medical assistance to pregnant women under this Code shall receive information from the Department on the availability of services under the Drug Free Families with a Future or any comparable program providing case management services for addicted women, including information on appropriate referrals for other social services that may be needed by addicted women in addition to treatment for addiction.

The Illinois Department, in cooperation with the Departments of Human Services (as successor to the Department of Alcoholism and Substance Abuse) and Public Health, through a public awareness campaign, may provide information concerning treatment for alcoholism and drug abuse and addiction, prenatal health care, and other pertinent programs directed at reducing the number of drug-affected infants born to recipients of medical assistance.

Neither the Illinois Department of Public Aid nor the Department of Human Services shall sanction the recipient solely on the basis of her substance abuse.

The Illinois Department shall establish such regulations governing the dispensing of health services under this Article as it shall deem appropriate. In formulating these regulations the Illinois Department shall consult with and give substantial weight to the recommendations offered by the Citizens Assembly/Council on Public Aid. The Department should seek the advice of formal professional advisory committees appointed by the Director of the Illinois Department for the purpose of providing regular advice on policy and administrative matters, information dissemination and educational activities for medical and health care providers, and consistency in procedures to the Illinois Department.

The Illinois Department may develop and contract with Partnerships of medical providers to arrange medical services for persons eligible under Section 5-2 of this Code. Implementation of this Section may be by demonstration projects in certain geographic areas. The Partnership shall be represented by a sponsor organization. The Department, by rule, shall develop qualifications for sponsors of Partnerships. Nothing in this Section shall be construed to require that the sponsor organization be a medical organization.

The sponsor must negotiate formal written contracts with medical providers for physician services, inpatient and outpatient hospital care, home health services, treatment for alcoholism and substance abuse, and other services determined necessary by the Illinois Department by rule for delivery by Partnerships. Physician services must include prenatal and obstetrical care. The Illinois Department shall reimburse medical services delivered by Partnership providers to clients in target areas according to provisions of this Article and the Illinois Health Finance Reform Act, except that:

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(1) Physicians participating in a Partnership and providing certain services, which shall be determined by the Illinois Department, to persons in areas covered by the Partnership may receive an additional surcharge for such services.

(2) The Department may elect to consider and negotiate financial incentives to encourage the development of Partnerships and the efficient delivery of medical care.

(3) Persons receiving medical services through Partnerships may receive medical and case management services above the level usually offered through the medical assistance program.

Medical providers shall be required to meet certain qualifications to participate in Partnerships to ensure the delivery of high quality medical services. These qualifications shall be determined by rule of the Illinois Department and may be higher than qualifications for participation in the medical assistance program. Partnership sponsors may prescribe reasonable additional qualifications for participation by medical providers, only with the prior written approval of the Illinois Department.

Nothing in this Section shall limit the free choice of practitioners, hospitals, and other providers of medical services by clients. In order to ensure patient freedom of choice, the Illinois Department shall immediately promulgate all rules and take all other necessary actions so that provided services may be accessed from therapeutically certified optometrists to the full extent of the Illinois Optometric Practice Act of 1987 without discriminating between service providers.

The Department shall apply for a waiver from the United States Health Care Financing Administration to allow for the implementation of Partnerships under this Section.

The Illinois Department shall require health care providers to maintain records that document the medical care and services provided to recipients of Medical Assistance under this Article. The Illinois Department shall require health care providers to make available, when authorized by the patient, in writing, the medical records in a timely fashion to other health care providers who are treating or serving persons eligible for Medical Assistance under this Article. All dispensers of medical services shall be required to maintain and retain business and professional records sufficient to fully and accurately document the nature, scope, details and receipt of the health care provided to persons eligible for medical assistance under this Code, in accordance with regulations promulgated by the Illinois Department. The rules and regulations shall require that proof of the receipt of prescription drugs, dentures, prosthetic devices and eyeglasses by eligible persons under this Section accompany each claim for reimbursement submitted by the dispenser of such medical services. No such claims for reimbursement shall be approved for payment by the Illinois Department without such proof of receipt, unless the Illinois Department shall have put into effect and shall be operating a system of post-payment audit and review which shall, on a sampling basis, be deemed adequate by the Illinois Department to assure that such drugs, dentures, prosthetic devices and eyeglasses for which payment is being made are actually being received by eligible recipients. Within 90 days after the effective date of this amendatory Act of 1984, the Illinois Department shall establish a current list of acquisition New matter indicated by italics - deletions by strikeout.
costs for all prosthetic devices and any other items recognized as medical equipment and supplies reimbursable under this Article and shall update such list on a quarterly basis, except that the acquisition costs of all prescription drugs shall be updated no less frequently than every 30 days as required by Section 5-5.12.

The rules and regulations of the Illinois Department shall require that a written statement including the required opinion of a physician shall accompany any claim for reimbursement for abortions, or induced miscarriages or premature births. This statement shall indicate what procedures were used in providing such medical services.

The Illinois Department shall require that all dispensers of medical services, other than an individual practitioner or group of practitioners, desiring to participate in the Medical Assistance program established under this Article to disclose all financial, beneficial, ownership, equity, surety or other interests in any and all firms, corporations, partnerships, associations, business enterprises, joint ventures, agencies, institutions or other legal entities providing any form of health care services in this State under this Article.

The Illinois Department may require that all dispensers of medical services desiring to participate in the medical assistance program established under this Article disclose, under such terms and conditions as the Illinois Department may by rule establish, all inquiries from clients and attorneys regarding medical bills paid by the Illinois Department, which inquiries could indicate potential existence of claims or liens for the Illinois Department.

**Enrollment of a vendor that provides non-emergency medical transportation, defined by the Department by rule, shall be conditional for 180 days. During that time, the Department of Public Aid may terminate the vendor's eligibility to participate in the medical assistance program without cause. That termination of eligibility is not subject to the Department's hearing process.**

The Illinois Department shall establish policies, procedures, standards and criteria by rule for the acquisition, repair and replacement of orthotic and prosthetic devices and durable medical equipment. Such rules shall provide, but not be limited to, the following services: (1) immediate repair or replacement of such devices by recipients without medical authorization; and (2) rental, lease, purchase or lease-purchase of durable medical equipment in a cost-effective manner, taking into consideration the recipient's medical prognosis, the extent of the recipient's needs, and the requirements and costs for maintaining such equipment. Such rules shall enable a recipient to temporarily acquire and use alternative or substitute devices or equipment pending repairs or replacements of any device or equipment previously authorized for such recipient by the Department. Rules under clause (2) above shall not provide for purchase or lease-purchase of durable medical equipment or supplies used for the purpose of oxygen delivery and respiratory care.

The Department shall execute, relative to the nursing home prescreening project, written inter-agency agreements with the Department of Human Services and the Department on Aging, to effect the following: (i) intake procedures and common eligibility criteria for those persons who are receiving non-institutional services; and (ii) the establishment and development of non-institutional services in areas of the State where they are not currently available or are undeveloped.

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The Illinois Department shall develop and operate, in cooperation with other State Departments and agencies and in compliance with applicable federal laws and regulations, appropriate and effective systems of health care evaluation and programs for monitoring of utilization of health care services and facilities, as it affects persons eligible for medical assistance under this Code. The Illinois Department shall report regularly the results of the operation of such systems and programs to the Citizens Assembly/Council on Public Aid to enable the Committee to ensure, from time to time, that these programs are effective and meaningful.

The Illinois Department shall report annually to the General Assembly, no later than the second Friday in April of 1979 and each year thereafter, in regard to:

(a) actual statistics and trends in utilization of medical services by public aid recipients;

(b) actual statistics and trends in the provision of the various medical services by medical vendors;

(c) current rate structures and proposed changes in those rate structures for the various medical vendors; and

(d) efforts at utilization review and control by the Illinois Department.

The period covered by each report shall be the 3 years ending on the June 30 prior to the report. The report shall include suggested legislation for consideration by the General Assembly. The filing of one copy of the report with the Speaker, one copy with the Minority Leader and one copy with the Clerk of the House of Representatives, one copy with the President, one copy with the Minority Leader and one copy with the Secretary of the Senate, one copy with the Legislative Research Unit, such additional copies with the State Government Report Distribution Center for the General Assembly as is required under paragraph (t) of Section 7 of the State Library Act and one copy with the Citizens Assembly/Council on Public Aid or its successor shall be deemed sufficient to comply with this Section.

(Source: P.A. 91-344, eff. 1-1-00; 91-462, eff. 8-6-99; 91-666, eff. 12-22-99; 92-16, eff. 6-28-01; revised 12-13-01.)

(305 ILCS 5/12-4.25) (from Ch. 23, par. 12-4.25)

Sec. 12-4.25. Medical assistance program; vendor participation.

(A) The Illinois Department may deny, suspend or terminate the eligibility of any person, firm, corporation, association, agency, institution or other legal entity to participate as a vendor of goods or services to recipients under the medical assistance program under Article V, if after reasonable notice and opportunity for a hearing the Illinois Department finds:

(a) Such vendor is not complying with the Department's policy or rules and regulations, or with the terms and conditions prescribed by the Illinois Department in its vendor agreement, which document shall be developed by the Department as a result of negotiations with each vendor category, including physicians, hospitals, long term care facilities, pharmacists, optometrists, podiatrists and dentists setting forth the terms and conditions applicable to the participation of each vendor group

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in the program; or

(b) Such vendor has failed to keep or make available for inspection, audit or copying, after receiving a written request from the Illinois Department, such records regarding payments claimed for providing services. This section does not require vendors to make available patient records of patients for whom services are not reimbursed under this Code; or

(c) Such vendor has failed to furnish any information requested by the Department regarding payments for providing goods or services; or

(d) Such vendor has knowingly made, or caused to be made, any false statement or representation of a material fact in connection with the administration of the medical assistance program; or

(e) Such vendor has furnished goods or services to a recipient which are (1) in excess of his or her needs, (2) harmful to the recipient, or (3) of grossly inferior quality, all of such determinations to be based upon competent medical judgment and evaluations; or

(f) The vendor; a person with management responsibility for a vendor; an officer or person owning, either directly or indirectly, 5% or more of the shares of stock or other evidences of ownership in a corporate vendor; an owner of a sole proprietorship which is a vendor; or a partner in a partnership which is a vendor, either:

   (1) was previously terminated from participation in the Illinois medical assistance program, or was terminated from participation in a medical assistance program in another state that is of the same kind as the program of medical assistance provided under Article V of this Code; or

   (2) was a person with management responsibility for a vendor previously terminated from participation in the Illinois medical assistance program, or terminated from participation in a medical assistance program in another state that is of the same kind as the program of medical assistance provided under Article V of this Code, during the time of conduct which was the basis for that vendor's termination; or

   (3) was an officer, or person owning, either directly or indirectly, 5% or more of the shares of stock or other evidences of ownership in a corporate vendor previously terminated from participation in the Illinois medical assistance program, or terminated from participation in a medical assistance program in another state that is of the same kind as the program of medical assistance provided under Article V of this Code, during the time of conduct which was the basis for that vendor's termination; or

   (4) was an owner of a sole proprietorship or partner of a partnership previously terminated from participation in the Illinois medical assistance program, or terminated from participation in a medical assistance program in another state that is of the same kind as the program of medical assistance provided under Article V of this Code, during the time of conduct which was

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the basis for that vendor's termination; or

(g) The vendor; a person with management responsibility for a vendor; an officer or person owning, either directly or indirectly, 5% or more of the shares of stock or other evidences of ownership in a corporate vendor; an owner of a sole proprietorship which is a vendor; or a partner in a partnership which is a vendor, either:

(1) has engaged in practices prohibited by applicable federal or State law or regulation relating to the medical assistance program; or

(2) was a person with management responsibility for a vendor at the time that such vendor engaged in practices prohibited by applicable federal or State law or regulation relating to the medical assistance program; or

(3) was an officer, or person owning, either directly or indirectly, 5% or more of the shares of stock or other evidences of ownership in a vendor at the time such vendor engaged in practices prohibited by applicable federal or State law or regulation relating to the medical assistance program; or

(4) was an owner of a sole proprietorship or partner of a partnership which was a vendor at the time such vendor engaged in practices prohibited by applicable federal or State law or regulation relating to the medical assistance program; or

(h) The direct or indirect ownership of the vendor (including the ownership of a vendor that is a sole proprietorship, a partner's interest in a vendor that is a partnership, or ownership of 5% or more of the shares of stock or other evidences of ownership in a corporate vendor) has been transferred by an individual who is terminated or barred from participating as a vendor to the individual's spouse, child, brother, sister, parent, grandparent, grandchild, uncle, aunt, niece, nephew, cousin, or relative by marriage.

(A-5) The Illinois Department may deny, suspend, or terminate the eligibility of any person, firm, corporation, association, agency, institution, or other legal entity to participate as a vendor of goods or services to recipients under the medical assistance program under Article V if, after reasonable notice and opportunity for a hearing, the Illinois Department finds that the vendor; a person with management responsibility for a vendor; an officer or person owning, either directly or indirectly, 5% or more of the shares of stock or other evidences of ownership in a corporate vendor; an owner of a sole proprietorship that is a vendor; or a partner in a partnership that is a vendor has been convicted of a felony offense based on fraud or willful misrepresentation related to any of the following:

(1) The medical assistance program under Article V of this Code.

(2) A medical assistance program in another state that is of the same kind as the program of medical assistance provided under Article V of this Code.

(3) The Medicare program under Title XVIII of the Social Security Act.

(4) The provision of health care services.

(B) The Illinois Department shall deny, suspend or terminate the eligibility of any person, firm, corporation, association, agency, institution or other legal entity to participate
as a vendor of goods or services to recipients under the medical assistance program under Article V:

(1) if such vendor is not properly licensed;
(2) within 30 days of the date when such vendor's professional license, certification or other authorization has been refused renewal or has been revoked, suspended or otherwise terminated; or
(3) if such vendor has been convicted of a violation of this Code, as provided in Article VIIIA.

(C) Upon termination of a vendor of goods or services from participation in the medical assistance program authorized by this Article, a person with management responsibility for such vendor during the time of any conduct which served as the basis for that vendor’s termination is barred from participation in the medical assistance program.

Upon termination of a corporate vendor, the officers and persons owning, directly or indirectly, 5% or more of the shares of stock or other evidences of ownership in the vendor during the time of any conduct which served as the basis for that vendor's termination are barred from participation in the medical assistance program. A person who owns, directly or indirectly, 5% or more of the shares of stock or other evidences of ownership in a terminated corporate vendor may not transfer his or her ownership interest in that vendor to his or her spouse, child, brother, sister, parent, grandparent, grandchild, uncle, aunt, niece, nephew, cousin, or relative by marriage.

Upon termination of a sole proprietorship or partnership, the owner or partners during the time of any conduct which served as the basis for that vendor's termination are barred from participation in the medical assistance program. The owner of a terminated vendor that is a sole proprietorship, and a partner in a terminated vendor that is a partnership, may not transfer his or her ownership or partnership interest in that vendor to his or her spouse, child, brother, sister, parent, grandparent, grandchild, uncle, aunt, niece, nephew, cousin, or relative by marriage.

Rules adopted by the Illinois Department to implement these provisions shall specifically include a definition of the term "management responsibility" as used in this Section. Such definition shall include, but not be limited to, typical job titles, and duties and descriptions which will be considered as within the definition of individuals with management responsibility for a provider.

(D) If a vendor has been suspended from the medical assistance program under Article V of the Code, the Director may require that such vendor correct any deficiencies which served as the basis for the suspension. The Director shall specify in the suspension order a specific period of time, which shall not exceed one year from the date of the order, during which a suspended vendor shall not be eligible to participate. At the conclusion of the period of suspension the Director shall reinstate such vendor, unless he finds that such vendor has not corrected deficiencies upon which the suspension was based.

If a vendor has been terminated from the medical assistance program under Article V, such vendor shall be barred from participation for at least one year, except that if a vendor has been terminated based on a conviction of a violation of Article VIIIA or a conviction of

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a felony based on fraud or a willful misrepresentation related to (i) the medical assistance program under Article V, (ii) a medical assistance program in another state that is of the kind provided under Article V, (iii) the Medicare program under Title XVIII of the Social Security Act, or (iv) the provision of health care services, then the vendor shall be barred from participation for 5 years or for the length of the vendor's sentence for that conviction, whichever is longer. At the end of one year a vendor who has been terminated may apply for reinstatement to the program. Upon proper application to be reinstated such vendor may be deemed eligible by the Director providing that such vendor meets the requirements for eligibility under this Code. If such vendor is deemed not eligible for reinstatement, he shall be barred from again applying for reinstatement for one year from the date his application for reinstatement is denied.

A vendor whose termination from participation in the Illinois medical assistance program under Article V was based solely on an action by a governmental entity other than the Illinois Department may, upon reinstatement by that governmental entity or upon reversal of the termination, apply for rescission of the termination from participation in the Illinois medical assistance program. Upon proper application for rescission, the vendor may be deemed eligible by the Director if the vendor meets the requirements for eligibility under this Code.

If a vendor has been terminated and reinstated to the medical assistance program under Article V and the vendor is terminated a second or subsequent time from the medical assistance program, the vendor shall be barred from participation for at least 2 years, except that if a vendor has been terminated a second time based on a conviction of a violation of Article VIII A or a conviction of a felony based on fraud or a willful misrepresentation related to (i) the medical assistance program under Article V, (ii) a medical assistance program in another state that is of the kind provided under Article V, (iii) the Medicare program under Title XVIII of the Social Security Act, or (iv) the provision of health care services, then the vendor shall be barred from participation for life. At the end of 2 years, a vendor who has been terminated may apply for reinstatement to the program. Upon application to be reinstated, the vendor may be deemed eligible if the vendor meets the requirements for eligibility under this Code. If the vendor is deemed not eligible for reinstatement, the vendor shall be barred from again applying for reinstatement for 2 years from the date the vendor's application for reinstatement is denied.

(E) The Illinois Department may recover money improperly or erroneously paid, or overpayments, either by setoff, crediting against future billings or by requiring direct repayment to the Illinois Department.

If the Department of Public Aid establishes through an administrative hearing that the overpayments resulted from the vendor willfully making, or causing to be made, a false statement or misrepresentation of a material fact in connection with billings and payments under the medical assistance program under Article V, the Department may recover interest on the amount of the overpayments at the rate of 5% per annum. For purposes of this paragraph, "willfully" means that a person makes a statement or representation with actual knowledge that it was false, or makes a statement or representation with knowledge of facts

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or information that would cause one to be aware that the statement or representation was false when made.

(F) The Illinois Department may withhold payments to any vendor during the pendency of any proceeding under this Section except that if a final administrative decision has not been issued within 120 days of the initiation of such proceedings, unless delay has been caused by the vendor, payments can no longer be withheld; provided, however, that the 120-day limit may be extended if said extension is mutually agreed to by the Illinois Department and the vendor. The Illinois Department shall state by rule with as much specificity as practicable the conditions under which payments will not be withheld during the pendency of any proceeding under this Section. Payments may be denied for bills submitted with service dates occurring during the pendency of a proceeding where the final administrative decision is to terminate eligibility to participate in the medical assistance program. The Illinois Department shall state by rule with as much specificity as practicable the conditions under which payments will not be denied for such bills. The Department of Public Aid shall state by rule a process and criteria by which a vendor may request full or partial release of payments withheld under this subsection. The Department must complete a proceeding under this Section in a timely manner.

(F-5) The Illinois Department may temporarily withhold payments to a vendor if any of the following individuals have been indicted or otherwise charged under a law of the United States or this or any other state with a felony offense that is based on alleged fraud or willful misrepresentation on the part of the individual related to (i) the medical assistance program under Article V of this Code, (ii) a medical assistance program provided in another state which is of the kind provided under Article V of this Code, (iii) the Medicare program under Title XVIII of the Social Security Act, or (iv) the provision of health care services:

1. If the vendor is a corporation: an officer of the corporation or an individual who owns, either directly or indirectly, 5% or more of the shares of stock or other evidence of ownership of the corporation.
2. If the vendor is a sole proprietorship: the owner of the sole proprietorship.
3. If the vendor is a partnership: a partner in the partnership.
4. If the vendor is any other business entity authorized by law to transact business in this State: an officer of the entity or an individual who owns, either directly or indirectly, 5% or more of the evidences of ownership of the entity.

If the Illinois Department withholds payments to a vendor under this subsection, the Department shall not release those payments to the vendor while any criminal proceeding related to the indictment or charge is pending unless the Department determines that there is good cause to release the payments before completion of the proceeding. If the indictment or charge results in the individual's conviction, the Illinois Department shall retain all withheld payments, which shall be considered forfeited to the Department. If the indictment or charge does not result in the individual's conviction, the Illinois Department shall release to the vendor all withheld payments.

(G) The provisions of the Administrative Review Law, as now or hereafter amended, and the rules adopted pursuant thereto, shall apply to and govern all proceedings for the

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judicial review of final administrative decisions of the Illinois Department under this Section. The term "administrative decision" is defined as in Section 3-101 of the Code of Civil Procedure.

(G-5) Non-emergency transportation.

(1) Notwithstanding any other provision in this Section, for non-emergency transportation vendors, the Department may terminate the vendor from participation in the medical assistance program prior to an evidentiary hearing but after reasonable notice and opportunity to respond as established by the Department by rule.

(2) Vendors of non-emergency medical transportation services, as defined by the Department by rule, shall submit to a fingerprint-based criminal background check on current and future information available in the State system and current information available through the Federal Bureau of Investigation's system by submitting all necessary fees and information in the form and manner prescribed by the Department of State Police. The following individuals shall be subject to the check:

(A) In the case of a vendor that is a corporation, every shareholder who owns, directly or indirectly, 5% or more of the outstanding shares of the corporation.

(B) In the case of a vendor that is a partnership, every partner.

(C) In the case of a vendor that is a sole proprietorship, the sole proprietor.

(D) Each officer or manager of the vendor.

Each such vendor shall be responsible for payment of the cost of the criminal background check.

(3) Vendors of non-emergency medical transportation services may be required to post a surety bond. The Department shall establish, by rule, the criteria and requirements for determining when a surety bond must be posted and the value of the bond.

(4) The Department, or its agents, may refuse to accept requests for non-emergency transportation authorizations, including prior-approval and post-approval requests, for a specific non-emergency transportation vendor if:

(A) the Department has initiated a notice of termination of the vendor from participation in the medical assistance program; or

(B) the Department has issued notification of its withholding of payments pursuant to subsection (F-5) of this Section; or

(C) the Department has issued a notification of its withholding of payments due to reliable evidence of fraud or willful misrepresentation pending investigation.

(H) Nothing contained in this Code shall in any way limit or otherwise impair the authority or power of any State agency responsible for licensing of vendors.

(I) Based on a finding of noncompliance on the part of a nursing home with any

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requirement for certification under Title XVIII or XIX of the Social Security Act (42 U.S.C. Sec. 1395 et seq. or 42 U.S.C. Sec. 1396 et seq.), the Illinois Department may impose one or more of the following remedies after notice to the facility:

1. Termination of the provider agreement.
2. Temporary management.
3. Denial of payment for new admissions.
4. Civil money penalties.
5. Closure of the facility in emergency situations or transfer of residents, or both.
7. Denial of all payments when the Health Care Finance Administration has imposed this sanction.

The Illinois Department shall by rule establish criteria governing continued payments to a nursing facility subsequent to termination of the facility's provider agreement if, in the sole discretion of the Illinois Department, circumstances affecting the health, safety, and welfare of the facility's residents require those continued payments. The Illinois Department may condition those continued payments on the appointment of temporary management, sale of the facility to new owners or operators, or other arrangements that the Illinois Department determines best serve the needs of the facility's residents.

Except in the case of a facility that has a right to a hearing on the finding of noncompliance before an agency of the federal government, a facility may request a hearing before a State agency on any finding of noncompliance within 60 days after the notice of the intent to impose a remedy. Except in the case of civil money penalties, a request for a hearing shall not delay imposition of the penalty. The choice of remedies is not appealable at a hearing. The level of noncompliance may be challenged only in the case of a civil money penalty. The Illinois Department shall provide by rule for the State agency that will conduct the evidentiary hearings.

The Illinois Department may collect interest on unpaid civil money penalties.

The Illinois Department may adopt all rules necessary to implement this subsection (I).

(Source: P.A. 92-327, eff. 1-1-02; revised 9-18-01.)

Section 99. Effective date. This Act takes effect upon becoming law.
Approved August 6, 2002.
Effective August 6, 2002.

AN ACT in relation to public health.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

New matter indicated by italics - deletions by strikeout.
Section 5. The Department of Public Health Powers and Duties Law of the Civil Administrative Code of Illinois is amended by changing Section 2310-315 as follows:

(20 ILCS 2310/2310-315) (was 20 ILCS 2310/55.41)

(Text of Section before amendment by P.A. 92-84)

Sec. 2310-315. Prevention and treatment of AIDS. To perform the following in relation to the prevention and treatment of acquired immunodeficiency syndrome (AIDS):

(1) Establish a State AIDS Control Unit within the Department as a separate administrative subdivision, to coordinate all State programs and services relating to the prevention, treatment, and amelioration of AIDS.

(2) Conduct a public information campaign for physicians, hospitals, health facilities, public health departments, law enforcement personnel, public employees, laboratories, and the general public on acquired immunodeficiency syndrome (AIDS) and promote necessary measures to reduce the incidence of AIDS and the mortality from AIDS. This program shall include, but not be limited to, the establishment of a statewide hotline and a State AIDS information clearinghouse that will provide periodic reports and releases to public officials, health professionals, community service organizations, and the general public regarding new developments or procedures concerning prevention and treatment of AIDS.

(3) (Blank). Establish an AIDS Advisory Council consisting of 25 persons appointed by the Governor, including representation from public and private agencies, organizations, and facilities involved in AIDS research, prevention, and treatment, which shall advise the Department on the State AIDS Control Plan. The terms of the initial appointments shall be staggered so that 13 members are appointed for 2-year terms and 12 members are appointed for 4-year terms. All subsequent appointments shall be for 4-year terms. Members shall serve without compensation, but may be reimbursed for expenses incurred in relation to their duties on the Council. A Chairman and other officers that may be considered necessary shall be elected from among the members. Any vacancy shall be filled for the term of the original appointment. Members whose terms have expired may continue to serve until their successors are appointed.

(4) Establish alternative blood test services that are not operated by a blood bank, plasma center or hospital. The Department shall prescribe by rule minimum criteria, standards and procedures for the establishment and operation of such services, which shall include, but not be limited to requirements for the provision of information, counseling and referral services that ensure appropriate counseling and referral for persons whose blood is tested and shows evidence of exposure to the human immunodeficiency virus (HIV) or other identified causative agent of acquired immunodeficiency syndrome (AIDS).

(5) Establish regional and community service networks of public and private service providers or health care professionals who may be involved in AIDS research, prevention and treatment.

(6) Provide grants to individuals, organizations or facilities to support the following:

(A) Information, referral, and treatment services.

(B) Interdisciplinary workshops for professionals involved in research and treatment.

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(C) Establishment and operation of a statewide hotline.
(D) Establishment and operation of alternative testing services.
(E) Research into detection, prevention, and treatment.
(F) Supplementation of other public and private resources.
(G) Implementation by long-term care facilities of Department standards and procedures for the care and treatment of persons with AIDS and the development of adequate numbers and types of placements for those persons.
(7) Conduct a study and report to the Governor and the General Assembly by July 1, 1988, on the public and private costs of AIDS medical treatment, including the availability and accessibility of inpatient, outpatient, physician, and community support services.
(8) Accept any gift, donation, bequest, or grant of funds from private or public agencies, including federal funds that may be provided for AIDS control efforts.
(9) Develop and implement, in consultation with the Long-Term Care Facility Advisory Board, standards and procedures for long-term care facilities that provide care and treatment of persons with AIDS, including appropriate infection control procedures. The Department shall work cooperatively with organizations representing those facilities to develop adequate numbers and types of placements for persons with AIDS and shall advise those facilities on proper implementation of its standards and procedures.
(10) The Department shall create and administer a training program for State employees who have a need for understanding matters relating to AIDS in order to deal with or advise the public. The training shall include information on the cause and effects of AIDS, the means of detecting it and preventing its transmission, the availability of related counseling and referral, and other matters that may be appropriate. The training may also be made available to employees of local governments, public service agencies, and private agencies that contract with the State; in those cases the Department may charge a reasonable fee to recover the cost of the training.
(11) Approve tests or testing procedures used in determining exposure to HIV or any other identified causative agent of AIDS.
(Source: P.A. 91-239, eff. 1-1-00.)
(Text of Section after amendment by P.A. 92-84)
Sec. 2310-315. Prevention and treatment of AIDS. To perform the following in relation to the prevention and treatment of acquired immunodeficiency syndrome (AIDS):
(1) Establish a State AIDS Control Unit within the Department as a separate administrative subdivision, to coordinate all State programs and services relating to the prevention, treatment, and amelioration of AIDS.
(2) Conduct a public information campaign for physicians, hospitals, health facilities, public health departments, law enforcement personnel, public employees, laboratories, and the general public on acquired immunodeficiency syndrome (AIDS) and promote necessary measures to reduce the incidence of AIDS and the mortality from AIDS. This program shall include, but not be limited to, the establishment of a statewide hotline and a State AIDS information clearinghouse that will provide periodic reports and releases to public officials, health professionals, community service organizations, and the general public regarding new

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developments or procedures concerning prevention and treatment of AIDS.

(3) (Blank). Establish an AIDS Advisory Council consisting of 25 persons appointed by the Governor, including representation from public and private agencies, organizations, and facilities involved in AIDS research, prevention, and treatment, which shall advise the Department on the State AIDS Control Plan. The terms of the initial appointments shall be staggered so that 13 members are appointed for 2-year terms and 12 members are appointed for 4-year terms. All subsequent appointments shall be for 4-year terms. Members shall serve without compensation, but may be reimbursed for expenses incurred in relation to their duties on the Council. A Chairman and other officers that may be considered necessary shall be elected from among the members. Any vacancy shall be filled for the term of the original appointment. Members whose terms have expired may continue to serve until their successors are appointed.

(4) Establish alternative blood test services that are not operated by a blood bank, plasma center or hospital. The Department shall prescribe by rule minimum criteria, standards and procedures for the establishment and operation of such services, which shall include, but not be limited to requirements for the provision of information, counseling and referral services that ensure appropriate counseling and referral for persons whose blood is tested and shows evidence of exposure to the human immunodeficiency virus (HIV) or other identified causative agent of acquired immunodeficiency syndrome (AIDS).

(5) Establish regional and community service networks of public and private service providers or health care professionals who may be involved in AIDS research, prevention and treatment.

(6) Provide grants to individuals, organizations or facilities to support the following:
   (A) Information, referral, and treatment services.
   (B) Interdisciplinary workshops for professionals involved in research and treatment.
   (C) Establishment and operation of a statewide hotline.
   (D) Establishment and operation of alternative testing services.
   (E) Research into detection, prevention, and treatment.
   (F) Supplementation of other public and private resources.
   (G) Implementation by long-term care facilities of Department standards and procedures for the care and treatment of persons with AIDS and the development of adequate numbers and types of placements for those persons.

(7) (Blank).

(8) Accept any gift, donation, bequest, or grant of funds from private or public agencies, including federal funds that may be provided for AIDS control efforts.

(9) Develop and implement, in consultation with the Long-Term Care Facility Advisory Board, standards and procedures for long-term care facilities that provide care and treatment of persons with AIDS, including appropriate infection control procedures. The Department shall work cooperatively with organizations representing those facilities to develop adequate numbers and types of placements for persons with AIDS and shall advise those facilities on proper implementation of its standards and procedures.

New matter indicated by italics - deletions by strikeout.
(10) The Department shall create and administer a training program for State employees who have a need for understanding matters relating to AIDS in order to deal with or advise the public. The training shall include information on the cause and effects of AIDS, the means of detecting it and preventing its transmission, the availability of related counseling and referral, and other matters that may be appropriate. The training may also be made available to employees of local governments, public service agencies, and private agencies that contract with the State; in those cases the Department may charge a reasonable fee to recover the cost of the training.

(11) Approve tests or testing procedures used in determining exposure to HIV or any other identified causative agent of AIDS.

(Source: P.A. 91-239, eff. 1-1-00; 92-84, eff. 7-1-02.)

(20 ILCS 2310/2310-375 rep.)
(20 ILCS 2310/2310-545 rep.)

Section 6. The Department of Public Health Powers and Duties Law of the Civil Administrative Code of Illinois is amended by repealing Sections 2310-375 and 2310-545.
(20 ILCS 4022/Act rep.)

Section 10. The Primary Care Medical Education Advisory Committee Act is repealed.

(30 ILCS 105/5.360 rep.)

Section 15. The State Finance Act is amended by repealing Section 5.360.
(30 ILCS 405/4a rep.)

Section 20. The Anti-Pollution Bond Act is amended by repealing Section 4a.
(35 ILCS 5/507D rep.)

Section 25. The Illinois Income Tax Act is amended by repealing Section 507D.

Section 30. The Baccalaureate Assistance Law for Registered Nurses is amended by changing Section 9 as follows:

(110 ILCS 915/9) (from Ch. 144, par. 1409)

Sec. 9. Advisory Council. To assist and advise the Department in the administration of the Nursing Education Scholarship Act and this Act, advise on rules and regulations, recommend standards relating to the awarding of scholarships, and recommend the awarding of loans and scholarship and grant forgiveness, there is hereby established a Nurse Scholarship and Baccalaureate Nursing Assistance Advisory Council, of 11 members who shall be appointed for terms of 4 years by the Director as follows: 4 members from a recognized statewide professional nurses association, 2 members from recognized statewide associations for professional nurses from associate degree or hospital based programs in nursing, 2 members from recognized statewide associations for licensed practical nurses, one member from the members or employees of the Board, one member from the Committee of Nurse Examiners under the Illinois Nursing Practice Act, and one member representative of consumers of nursing services. The first appointments of 4-year terms, in 1988, shall be staggered, with 3 appointments terminating in 1990 and 4 terminating in 1992. The terms of the two new appointments required by this amendatory Act of 1990, shall terminate in 1994. The 2 members added as a result of this amendatory Act of 1991 shall be appointed as soon

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as possible after the effective date of this amendatory Act of 1991 and their terms shall expire in 1995. Each member shall continue to serve after the expiration of his or her term until a successor has been appointed and qualified. No person shall serve more than 2 terms. Vacancies shall be filled by appointment for the unexpired term of any member in the same manner as the vacant position had been filled. The Department may delegate all or any of its functions hereunder to the Advisory Council. From time to time, and at least once in each 5 years, the Advisory Council shall make and publish an evaluation of the program under this Act.

(Source: P.A. 86-1467; 87-577.)

Section 35. The Hospital Licensing Act is amended by repealing Sections 6.05 and 6.18.

Section 40. The Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act is amended by changing Section 3.15 as follows:

Sec. 3.15. "Covered prescription drug" means (1) any cardiovascular agent or drug; (2) any insulin or other prescription drug used in the treatment of diabetes, including syringe and needles used to administer the insulin; (3) any prescription drug used in the treatment of arthritis, (4) beginning on January 1, 2001, any prescription drug used in the treatment of cancer, (5) beginning on January 1, 2001, any prescription drug used in the treatment of Alzheimer's disease, (6) beginning on January 1, 2001, any prescription drug used in the treatment of Parkinson's disease, (7) beginning on January 1, 2001, any prescription drug used in the treatment of glaucoma, (8) beginning on January 1, 2001, any prescription drug used in the treatment of lung disease and smoking related illnesses, and (9) beginning on July 1, 2001, any prescription drug used in the treatment of osteoporosis. The specific agents or products to be included under such categories shall be listed in a handbook to be prepared and distributed by the Department. The general types of covered prescription drugs shall be indicated by rule. The Department of Public Health shall promulgate a list of covered prescription drugs under this program that meet the definition of a narrow therapeutic index drug as described in subsection (f) of Section 4.

(Source: P.A. 91-699, eff. 1-1-01; 92-10, eff. 6-11-01.)

Section 45. The Communicable Disease Prevention Act is amended by repealing Section 2c.

Section 50. The Hemophilia Care Act is amended by repealing Section 3.5.


New matter indicated by italics - deletions by strikeout.
AN ACT concerning economic development.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The County Economic Development Project Area Property Tax Allocation Act is amended by changing Sections 4 and 5 as follows:

(55 ILCS 85/4) (from Ch. 34, par. 7004)

Sec. 4. Establishment of economic development project area; ordinance; joint review board; notice; hearing; changes in economic development plan; annual reporting requirements. Economic development project areas shall be established as follows:

(a) The corporate authorities of Whiteside County, with more than 200,000 and less than 300,000 inhabitants and which is adjacent to the Mississippi River, may by ordinance propose the establishment of an economic development project area and fix a time and place for a public hearing, and shall submit a certified copy of the ordinance as adopted to the Department.

(b) Any county which adopts an ordinance which fixes a date, time and place for a public hearing shall convene a joint review board as hereinafter provided. Not less than 45 days prior to the date fixed for the public hearing, the county shall give notice by mailing to the chief executive officer of each affected taxing district having taxable property included in the proposed economic development project area that such chief executive officer or his designee is invited to participate in a joint review board. The designee shall serve at the discretion of the chief executive officer of the taxing district for a term not to exceed 2 years. Such notice shall advise each chief executive officer of the date, time and place of the first meeting of such joint review board, which shall occur not less than 30 days prior to the date of the public hearing. Such notice by mail shall be given by depositing such notice in the United States Postal Service by certified mail.

At or prior to the first meeting of such joint review board the county shall furnish to any member of such joint review board copies of the proposed economic development plan and any related documents which such member shall reasonably request. A majority of the members of such joint review board present at any meeting shall constitute a quorum. Additional meetings may be called by any member of a joint review board upon the giving of notice not less than 72 hours prior to the date of any additional meeting to all members of the joint review board. The joint review board shall review such information and material as its members reasonably deem relevant to the county's proposals to approve economic development plans and economic development projects and to designate economic development project areas. The county shall provide such information and material promptly upon the request of the joint review board and may also provide administrative support and facilities as the joint review board may reasonably require.

Within 30 days of its first meeting, a joint review board shall provide the county with a written report of its review of any proposal to approve an economic development plan and
economic development project and to designate an economic development project area. Such written report shall include such information and advisory, nonbinding recommendations as a majority of the members of the joint review board shall deem relevant. Written reports of joint review boards may include information and advisory, nonbinding recommendations provided by a minority of the members thereof. Any joint review board which does not provide such written report within such 30-day period shall be deemed to have recommended that the county proceed with a proposal to approve an economic development plan and economic development project and to designate an economic development project area.

(c) Notice of the public hearing shall be given by publication and mailing.

(1) Notice by publication shall be given by publication at least twice, the first publication to be not more than 30 nor less than 10 days prior to the hearing in a newspaper of general circulation within the taxing districts having property in the proposed economic development project area. Notice by mailing shall be given by depositing such notice together with a copy of the proposed economic development plan in the United States Postal Service by certified mail addressed to the person or persons in whose name the general taxes for the last preceding year were paid on each lot, block, tract, or parcel of land lying within the proposed economic development project area. The notice shall be mailed not less than 10 days prior to the dates set for the public hearing. In the event taxes for the last preceding year were not paid, the notice shall also be sent to the persons last listed on the tax rolls within the preceding 3 years as the owners of the property.

(2) The notices issued pursuant to this Section shall include the following:

(A) The time and place of public hearing;
(B) The boundaries of the proposed economic development project area by legal description and by street location where possible;
(C) A notification that all interested persons will be given an opportunity to be heard at the public hearing;
(D) An invitation for any person to submit alternative proposals or bids for any proposed conveyance, lease, mortgage or other disposition of land within the proposed economic development project area;
(E) A description of the economic development plan or economic development project if a plan or project is a subject matter of the hearing; and
(F) Such other matters as the county may deem appropriate.

(3) Not less than 45 days prior to the date set for hearing, the county shall give notice by mail as provided in this subsection (c) to all taxing districts of which taxable property is included in the economic development project area, and to the Department. In addition to the other requirements under this subsection (c), the notice shall include an invitation to the Department and each taxing district to submit comments to the county concerning the subject matter of the hearing prior to the date of the hearing.

(d) At the public hearing any interested person, the Department or any affected taxing district may file written objections with the county clerk and may be heard orally with respect
to any issues embodied in the notice. The county shall hear and determine all alternate
proposals or bids for any proposed conveyance, lease, mortgage or other disposition of land
and all protests and objections at the hearing, and the hearing may be adjourned to another
date without further notice other than a motion to be entered upon the minutes fixing the time
and place of the adjourned hearing. Public hearings with regard to an economic development
plan, economic development project area, or economic development project may be held
simultaneously.

(e) At the public hearing, or at any time prior to the adoption by the county of an
ordinance approving an economic development plan, the county may make changes in the
economic development plan. Changes which (1) alter the exterior boundaries of the proposed
economic development project area, (2) substantially affect the general land uses established
in the proposed economic development plan, (3) substantially change the nature of the
proposed economic development plan, (4) change the general description of any proposed
developer, user or tenant of any property to be located or improved within the economic
development project area, or (5) change the description of the type, class and number of
employees to be employed in the operation of the facilities to be developed or improved
within the economic development project area shall be made only after review by joint
review board, notice and hearing pursuant to the procedures set forth in this Section. Changes
which do not (1) alter the exterior boundaries of a proposed economic development project
area, (2) substantially affect the general land uses established in the proposed plan, (3)
substantially change the nature of the proposed economic development plan, (4) change the
general description of any proposed developer, user or tenant of any property to be located
or improved within the economic development project area, or (5) change the description of
the type, class and number of employees to be employed in the operation of the facilities to
be developed or improved within the economic development project area may be made
without further notice or hearing, provided that the county shall give notice of its changes by
mail to the Department and to each affected taxing district and by publication in a newspaper
or newspapers of general circulation with the affected taxing districts. Such notice by mail
and by publication shall each occur not later than 10 days following the adoption by
ordinance of such changes.

(f) At any time within 90 days of the final adjournment of the public hearing, a county
may, by ordinance, approve the economic development plan, establish the economic
development project area, and authorize property tax allocation financing for such economic
development project area. Any ordinance adopted which approves the economic
development plan shall contain findings that the economic development project is reasonably
expected to create or retain not less than $500,000 full-time equivalent jobs, that private
investment in an amount not less than $25,000,000 $50,000,000 is reasonably expected to
occur in the economic development project area, that the economic development project will
encourage the increase of commerce and industry within the State, thereby reducing the evils
attendant upon unemployment and increasing opportunities for personal income, and that the
economic development project will increase or maintain the property, sales and income tax
bases of the county and of the State. The ordinance shall also state that the economic

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development project area shall not include parcels to be used for purposes of residential development. Any ordinance adopted which establishes an economic development project area shall contain the boundaries of such area by legal description and, where possible, by street location. Any ordinance adopted which authorizes property tax allocation financing shall provide that the ad valorem taxes, if any, arising from the levies upon taxable real property in such economic development project area by taxing districts and tax rates determined in the manner provided in subsection (b) of Section 6 of this Act each year after the effective date of the ordinance until economic development project costs and all county obligations financing economic development project costs incurred under this Act have been paid shall be divided as follows:

(1) That portion of taxes levied upon each taxable lot, block, tract or parcel of real property which is attributable to the lower of the current equalized assessed value or the initial equalized assessed value of each such taxable lot, block, tract or parcel of real property in the economic development project area shall be allocated to, and when collected, shall be paid by the county collector to the respective affected taxing districts in the manner required by law in the absence of the adoption of property tax allocation financing.

(2) That portion, if any, of such taxes which is attributable to the increase in the current equalized assessed valuation of each taxable lot, block, tract or parcel of real property in the economic development project area over and above the initial equalized assessed value of each property in the economic development project area shall be allocated to and when collected shall be paid to the county treasurer who shall deposit those taxes into a special fund called the special tax allocation fund of the county for the purpose of paying economic development project costs and obligations incurred in the payment thereof.

(g) After a county has by ordinance approved an economic development plan and established an economic development project area, the plan may be amended and the boundaries of the area may be altered only as herein provided. Amendments which (1) alter the exterior boundaries of an economic development project area, (2) substantially affect the general land uses established pursuant to the economic development plan, (3) substantially change the nature of the economic development plan, (4) change the general description of any proposed developer, user, or tenant of any property to be located or improved within the economic development project area, or (5) change the description of the type, class and number of employees to be employed in the operation of the facilities to be developed or improved shall be made only after review by a joint review board, notice and hearing pursuant to the procedures set forth in this Section. Amendments which do not (1) alter the exterior boundaries of an economic development project area, (2) substantially affect the general land uses established in the economic development plan, (3) substantially change the nature of the economic development plan, (4) change the description of any proposed developer, user, or tenant of any property to be located or improved within the economic development project area, or (5) change the description of the type, class and number of employees to be employed in the operation of the facilities to be developed or improved.
within the economic development project area may be made without further hearing or notice, provided that the county shall give notice of any amendment by mail to the Department and to each taxing district and by publication in a newspaper or newspapers of general circulation within the affected taxing districts. Such notices by mail and by publication shall each occur not later than 10 days following the adoption by ordinance of such amendments.

(h) After the adoption of an ordinance adopting property tax allocation financing for an economic development project area, the county shall annually report to each taxing district having taxable property within such economic development project area (i) any increase or decrease in the equalized assessed value of the real property located within such economic development project area above or below the initial equalized assessed value of such real property, (ii) that portion, if any, of the ad valorem taxes arising from the levies upon taxable real property in such economic development project area by the taxing districts which is attributable to the increase in the current equalized assessed valuation of each lot, block, tract or parcel of real property in the economic development project area over and above the initial equalized value of each property and which has been allocated to the county in the current year, and (iii) such other information as the county may deem relevant.

(i) The county shall give notice by mail as provided in this Section and shall reconvene the joint review board not less than annually for each of the 2 years following its adoption of an ordinance adopting property tax allocation financing for an economic development project area and not less than once in each 3-year period thereafter. The county shall provide such information, and may provide administrative support and facilities as the joint review board may reasonably require for each of such meetings.

(Source: P.A. 86-1388.)

(55 ILCS 85/5) (from Ch. 34, par. 7005)

Sec. 5. Submission to Department; certification by Department.

(a) The county shall submit certified copies of any ordinances adopted approving a proposed economic development plan, establishing an economic development project area, and authorizing tax increment allocation financing to the Department, together with (1) a map of the economic development project area, (2) a copy of the economic development plan as approved, (3) an analysis, and any supporting documents and statistics, demonstrating that the economic development project is reasonably expected to create or retain not less than 500 full-time equivalent jobs and that private investment in the amount of not less than $25,000,000 $50,000,000 is reasonably expected to occur in the economic development project area, (4) an estimate of the economic impact of the economic development plan and the use of property tax allocation financing upon the revenues of the county and the affected taxing districts, (5) a record of all public hearings held in connection with the establishment of the economic development project area, and (6) such other information as the Department by regulation may require.

(b) Upon receipt of an application from a county the Department shall review the application to determine whether the economic development project area qualifies as an economic development project area under this Act. At its discretion, the Department may

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accept or reject the application or may request such additional information as it deems necessary or advisable to aid its review. If any such area is found to be qualified to be an economic development project area, the Department shall approve and certify such economic development project area and shall provide written notice of its approval and certification to the county and to the county clerk. In determining whether an economic development project area shall be approved and certified, the Department shall consider (1) whether, without public intervention, the State would suffer substantial economic dislocation, such as relocation of a commercial business or industrial or manufacturing facility to another state, territory or country, or would not otherwise benefit from private investment offering substantial employment opportunities and economic growth, and (2) the impact on the revenues of the county and the affected taxing districts of the use of tax increment allocation financing in connection with the economic development project.

(c) On or before July 1, 2006, the Department shall submit to the General Assembly a report detailing the number of economic development project areas it has approved and certified, the number and type of jobs created or retained therein, the aggregate amount of private investment therein, the impact in the revenues of counties and affected taxing districts of the use of property tax allocation financing therein, and such additional information as the Department may determine to be relevant. On July 1, 2008, the authority granted hereunder to counties to establish economic development project areas and to adopt property tax allocation financing in connection therewith and to the Department to approve and certify economic development project areas shall expire unless the General Assembly shall have authorized counties and the Department to continue to exercise the powers granted to them under this Act.

(Source: P.A. 87-18; 88-688, eff. 1-24-95.)

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

Approved August 6, 2002.
Effective August 6, 2002.

PUBLIC ACT 92-0792
(Senate Bill No. 2271)

AN ACT in relation to criminal law.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Criminal Code of 1961 is amended by changing Section 16G-15 as follows:

(720 ILCS 5/16G-15)
(a) A person commits the offense of financial identity theft when he or she knowingly uses any personal identifying information or personal identification document of another person to fraudulently obtain credit, money, goods, services, or other property in the name

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(b) Knowledge shall be determined by an evaluation of all circumstances surrounding the use of the other person's identifying information or document.

(c) When a charge of financial identity theft of credit, money, goods, services, or other property exceeding a specified value is brought the value of the credit, money, goods, services, or other property is an element of the offense to be resolved by the trier of fact as either exceeding or not exceeding the specified value.

(d) Sentence.

1. Financial identity theft of credit, money, goods, services, or other property not exceeding $300 in value is a Class A misdemeanor. A person who has been previously convicted of financial identity theft of less than $300 who is convicted of a second or subsequent offense of financial identity theft of less than $300 is guilty of a Class 4 felony. A person who has been convicted of financial identity theft of less than $300 who has been previously convicted of any type of theft, robbery, armed robbery, burglary, residential burglary, possession of burglary tools, home invasion, home repair fraud, aggravated home repair fraud, or financial exploitation of an elderly or disabled person is guilty of a Class 4 felony. When a person has any such prior conviction, the information or indictment charging that person shall state the prior conviction so as to give notice of the State's intention to treat the charge as a felony. The fact of the prior conviction is not an element of the offense and may not be disclosed to the jury during trial unless otherwise permitted by issues properly raised during the trial.

2. Financial identity theft of credit, money, goods, services, or other property exceeding $300 and not exceeding $2,000 in value is a Class 4 felony.

3. Financial identity theft of credit, money, goods, services, or other property exceeding $2,000 and not exceeding $10,000 in value is a Class 3 felony.

4. Financial identity theft of credit, money, goods, services, or other property exceeding $10,000 and not exceeding $100,000 in value is a Class 2 felony.

5. Financial identity theft of credit, money, goods, services, or other property exceeding $100,000 in value is a Class 1 felony.

(Source: P.A. 91-517, eff. 8-13-99.)

Approved August 6, 2002.
Effective August 6, 2002.

PUBLIC ACT 92-0793
(House Bill No. 3938)

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

New matter indicated by italics - deletions by strikeout.
Section 5. The School Code is amended by changing Sections 10-20.28 and 34-18.14 as follows:

(105 ILCS 5/10-20.28) (from Ch. 122, par. 10-20.28)
Sec. 10-20.28. Cellular radio telecommunication devices prohibition.
(a) The General Assembly finds and declares that the educational development of all persons to the limits of their capacities is a fundamental goal of the people of this State and that to achieve such goal it is essential to provide a safe and secure learning environment within the public schools. While recognizing that cellular radio telecommunication devices may be used for inappropriate activities during school hours and on school property and may, on occasion, cause disruption to the classroom environment, the General Assembly also recognizes that the use of cellular radio telecommunication devices can decrease the response time of officials to emergency situations. In addition, cellular radio telecommunication devices allow parents an additional and timely method of contacting their children should an emergency situation arise. Therefore, it is the purpose and intention of the General Assembly in enacting this legislation to (i) reduce the occurrence of inappropriate and disruptive activities during school hours and on school property occurring through the use of cellular radio telecommunication devices and (ii) increase the safety of students and school personnel during school hours and on school property.

(b) The school board may establish appropriate rules and disciplinary procedures governing the use or possession of cellular radio telecommunication devices by a student while in a school or on school property, during regular school hours, or at any other time. To prohibit the use or possession of any cellular radio telecommunication device by any pupil while such pupil is in any school building or on any school property, during regular school hours or at any other time, and to by rule provide for the imposition of appropriate discipline upon any pupil who violates such prohibition. Exceptions may be made by the school board with the approval of the school principal.
(Source: P.A. 86-1391.)

(105 ILCS 5/34-18.14) (from Ch. 122, par. 34-18.14)
(a) The General Assembly finds and declares that the educational development of all persons to the limits of their capacities is a fundamental goal of the people of this State and that to achieve such goal it is essential to provide a safe and secure learning environment within the public schools. While recognizing that cellular radio telecommunication devices may be used for inappropriate activities during school hours and on school property and may, on occasion, cause disruption to the classroom environment, the General Assembly also recognizes that the use of cellular radio telecommunication devices can decrease the response time of officials to emergency situations. In addition, cellular radio telecommunication devices allow parents an additional and timely method of contacting their children should an emergency situation arise. Therefore, it is the purpose and intention of the General Assembly in enacting this legislation to (i) reduce the occurrence of inappropriate and disruptive activities during school hours and on school property occurring through the use of cellular radio telecommunication devices and (ii) increase the

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safety of students and school personnel during school hours and on school property.

(b) The board may establish appropriate rules and disciplinary procedures governing the use or possession of cellular radio telecommunication devices by a student while in a school or on school property, during regular school hours, or at any other time. The board shall prohibit the use or possession of any cellular radio telecommunication device by any pupil while such pupil is in any school building or on any school property, during regular school hours or at any other time, and shall by rule provide for the imposition of appropriate discipline upon any pupil who violates such prohibition. Exceptions may be made by the board of education with the approval of the school principal.

(Source: P.A. 86-1391.)

Section 99. Effective date. This Act takes effect upon becoming law.
Approved August 9, 2002.
Effective August 9, 2002.

PUBLIC ACT 92-0794
(House Bill No. 5906)

AN ACT concerning health facilities.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 1. Short title. This Act may be cited as the End Stage Renal Disease Facility Act.

Section 5. Definitions. As used in this Act:
"Committee" means the End Stage Renal Disease Advisory Committee.
"Department" means the Department of Public Health.
"Dialysis" means a process by which dissolved substances are removed from a patient's body by diffusion from one fluid compartment to another across a semipermeable membrane.
"Dialysis technician" means an individual who is not a registered nurse or physician and who provides dialysis care under the supervision of a registered nurse or physician.
"Director" means the Director of Public Health.
"End stage renal disease" means that stage of renal impairment that appears irreversible and permanent and that requires a regular course of dialysis or kidney transplantation to maintain life.
"End stage renal disease facility" or "ESRDF" means a facility that provides dialysis treatment or dialysis training to individuals with end stage renal disease.
"Licensee" means an individual or entity licensed by the Department to operate an end stage renal disease facility.
"Nurse" means an individual who is licensed to practice nursing under the Nursing and Advanced Practice Nursing Act.
"Patient" means any individual receiving treatment from an end stage renal disease facility.

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"Person" means any individual, firm, partnership, corporation, company, association, or other legal entity.

"Physician" means an individual who is licensed to practice medicine in all of its branches under the Medical Practice Act of 1987.

Section 10. License required. Except as provided by this Act, no person shall open, manage, conduct, offer, maintain, or advertise an end stage renal disease facility without a valid license issued by the Department. All end stage renal disease facilities in existence as of the effective date of this Act shall obtain a valid license to operate within one year after the adoption of rules to implement this Act.

Section 15. Exemptions from licensing requirement. The following facilities are not required to be licensed under this Act:

(1) a home health agency licensed under the Home Health Agency Licensing Act;
(2) a hospital licensed under the Hospital Licensing Act or the University of Illinois Hospital Act; and
(3) the office of a physician.

Section 20. Issuance and renewal of license.

(a) An applicant for a license under this Act shall submit an application on forms prescribed by the Department.

(b) Each application shall be accompanied by a non-refundable license fee, as established by rule of the Department.

(c) Each application shall contain evidence that there is at least one physician responsible for the medical direction of the facility and that each dialysis technician on staff has completed a training program as required by this Act.

(d) The Department may grant a temporary initial license to an applicant. A temporary initial license expires on the earlier of (i) the date the Department issues or denies the license or (ii) the date 6 months after the temporary initial license was issued.

(e) The Department shall issue a license if, after application, inspection, and investigation, it finds the applicant meets the requirements of this Act and the standards adopted pursuant to this Act. The Department may include participation as a supplier of end stage renal disease services under Titles XVIII and XIX of the federal Social Security Act as a condition of licensure.

(f) The license is renewable annually after submission of (i) the renewal application and fee and (ii) an annual report on a form prescribed by the Department that includes information related to quality of care at the end stage renal disease facility. The report must be in the form and documented by evidence as required by Department rule.

Section 25. Minimum staffing. An end stage renal disease facility shall be under the medical direction of a physician experienced in renal disease treatment, as required for licensure under this Act. Additionally, at a minimum, every facility licensed under this Act shall ensure that whenever patients are undergoing dialysis all of the following are met:

(1) one currently licensed physician, registered nurse, physician assistant, advanced practice nurse or licensed practical nurse experienced in rendering end

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stage renal disease care is physically present on the premises to oversee patient care; and

(2) adequate staff is present to meet the medical and non-medical needs of each patient, as provided by this Act and the rules adopted pursuant to this Act.

Section 30. Minimum standards.
(a) The rules adopted pursuant to this Act shall contain minimum standards to protect the health and safety of a patient of an end stage renal disease facility, including standards for:

(1) the qualifications and supervision of the professional staff and other personnel;
(2) the equipment used by the facility to insure that it is compatible with the health and safety of the patients;
(3) the sanitary and hygienic conditions in the facility;
(4) quality assurance for patient care;
(5) clinical records maintained by the facility;
(6) design and space requirements for the facility to insure safe access by patients and personnel and for ensuring patient privacy;
(7) indicators of the quality of care provided by the facility; and
(8) water treatment and reuse by the facility.

(b) These standards shall be consistent with the requirements for a supplier of end stage renal disease services under Titles XVIII and XIX of the federal Social Security Act.

Section 35. Training; minimum requirements. An end stage renal disease facility shall establish and implement a policy to ensure appropriate training and competency of individuals employed as dialysis technicians within the licensed facility. The policy shall, at a minimum, define the acts and practices that are allowed or prohibited for such employees, establish how training will be conducted, and illustrate how initial competency will be established. Proof of initial and annual competency testing shall be maintained in the personnel file of each dialysis technician and shall be made available to the Department upon request. An individual may not act as a dialysis technician in an end stage renal disease facility unless that individual has been trained and competency tested in accordance with this Act and the rules adopted under this Act. Persons training to act as a dialysis technician must be under the direct supervision of a physician or an appropriately trained nurse.

Section 40. Inspections.
(a) The Department, whenever it deems necessary, may conduct an inspection, survey, or evaluation of an end stage renal disease facility to determine compliance with licensure requirements and standards or a plan of correction submitted as a result of deficiencies cited by the Department.

(b) An inspection conducted under this Section shall be unannounced.

(c) Upon completion of each inspection, survey, or evaluation, the appropriate Department personnel who conducted the inspection, survey, or evaluation shall submit a copy of their report to the licensee upon exiting the facility, and shall submit the actual report to the appropriate regional office. The report shall identify areas in a facility identified as

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deficient in compliance with the requirements of this Act or the standards adopted under this Act. The report and any recommendation for action by the Department under this Act shall be sent to the Department's central office together with a plan of correction from the facility. The plan of correction may contain related comments or documentation provided by the licensee that may refute findings in the report, that explain extenuating circumstances that the facility could not reasonably have prevented, or that indicate methods and timetables for correction of deficiencies described in the report. A licensee has 10 days after the date of the inspection, survey, or evaluation to submit a plan of correction.

(d) The Department shall determine whether a facility is in violation of this Section no later than 60 days after completion of each inspection, survey, evaluation, or plan of correction.

(e) The Department shall maintain all inspection, survey, or evaluation reports for at least 5 years in a manner accessible to the public.

Section 45. Notice of violation. When the Department determines that a facility is in violation of this Act or of any rule promulgated hereunder, a notice of violation shall be served upon the licensee. Each notice of violation shall be prepared in writing and shall specify the nature of the violation and the statutory provision or rule alleged to have been violated. The notice shall inform the licensee of any action the Department may take under the Act, including the requirement of a plan of correction under Section 50, or licensure action under Section 60. The Director or his designee shall also inform the licensee of the right to a hearing under Section 60.

Section 50. Plan of correction.

(a) Each facility served with a notice of violation under Section 45 of this Act shall file with the Department a written plan of correction, which is subject to approval of the Department, within 10 days after receipt of such notice. The plan of correction shall state with particularity the method by which the facility intends to correct each violation and shall contain a stated date by which each violation shall be corrected.

(b) If the Department rejects a plan of correction, it shall send notice of the rejection and the reason for the rejection to the licensee. The facility shall have 10 days after receipt of the notice of rejection to submit a modified plan. If the modified plan is not timely submitted, or if the modified plan is rejected, the facility shall follow a plan of correction imposed by the Department.

(c) If a facility desires to contest any Department action under this Section it shall send a written request for a hearing under Section 60 to the Department within 10 days of receipt of the notice of the contested action. The Department shall commence the hearing as provided in Section 60. Whenever possible, all actions of the Department under this Section arising out of a single violation shall be contested and determined at a single hearing. Issues decided as the result of the hearing process may not be reheard at subsequent hearings under this Act, but such determinations may be used as grounds for other administrative action by the Department pursuant to this Act.

Section 55. Denial, suspension, revocation, or refusal to renew a license; suspension of a service.

New matter indicated by italics - deletions by strikeout.
(a) When the Director determines that there is or has been a substantial or continued failure to comply with this Act or any rule promulgated hereunder, the Department may issue an order of license denial, suspension, revocation, or refusal to renew a license in accordance with subsection (a) of Section 60 of this Act.

(b) When the Director determines that a facility has failed to demonstrate the capacity to safely provide one or more of its services to patients, the Department may issue an order of service suspension in accordance with subsection (a) of Section 60 of this Act.

Section 60. Notice of administrative actions; hearing procedures.

(a) Notice of all administrative actions taken under this Act shall be effected by registered mail, certified mail, or personal service and shall set forth the particular reasons for the proposed action and provide the applicant or licensee with an opportunity to request a hearing. If a hearing request is not received within 10 days after receipt of the notice of administrative action, the right to a hearing is waived.

(b) The procedure governing hearings authorized by this Section shall be in accordance with rules promulgated by the Department consistent with this Act. A hearing shall be conducted by the Director or by an individual designated in writing by the Director as administrative law judge. A full and complete record shall be kept of all proceedings, including notice of hearing, complaint, and all other documents in the nature of pleadings, written motions filed in the proceedings, and the report and orders of the Director and administrative law judge. All testimony shall be reported but need not be transcribed unless the decision is appealed pursuant to Section 70 of this Act. Any interested party may obtain a copy or copies of the transcript on payment of the cost of preparing such copy or copies.

(c) The Director or administrative law judge shall, upon his own motion or on the written request of any party to the proceeding, issue subpoenas requiring the attendance and testimony of witnesses and subpoenas duces tecum requiring the production of books, papers, records or memoranda. The fees of witnesses for attendance and travel shall be the same as the fees of witnesses before any circuit court of this State. Such fees shall be paid when the witness is excused from further attendance. When the witness is subpoenaed at the instance of the Director or administrative law judge, such fees shall be paid in the same manner as other expenses of the Department. When the witness is subpoenaed at the instance of any other party to a proceeding, the Department may require that the cost of service of the subpoena or subpoena duces tecum and the fee of the witness be borne by the party at whose instance the witness is summoned. In such case, the Department, in its discretion, may require a deposit to cover the cost of such service and witness fees. A subpoena or subpoena duces tecum issued under this Section shall be served in the same manner as a subpoena issued by a court.

(d) Any circuit court of this State, upon the application of the Director or the application of any other party to the proceeding, may, in its discretion, compel the attendance of witnesses, the production of books, papers, records or memoranda, and the giving of testimony before the Director or administrative law judge conducting an investigation or holding a hearing authorized by this Act, by an attachment for contempt, or otherwise, in the same manner as production of evidence may be compelled before the court.

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(e) The Director or administrative law judge, or any party in a hearing before the Department, may compel the attendance of witnesses and the production of books, papers, records, or memoranda.

(f) The Director or administrative law judge shall make findings of fact in such hearing and the Director shall render his decision within 60 days after the termination or waiving of the hearing unless he or she requires additional time for a proper disposition of the matter. When an administrative law judge has conducted the hearing, the Director shall review the record and findings of fact before rendering a decision. A copy of the findings of fact and decision of the Director shall be served upon the applicant or licensee in person, by registered mail or by certified mail in the same manner as the service of the notice of hearing. The decision denying, suspending, or revoking a license shall become final 35 days after it is mailed or served, unless the applicant or licensee, within the 35-day period, petitions for review pursuant to Section 70 of this Act.

Section 65. Receiving and investigating complaints. The Department shall establish by rule a procedure for receiving and investigating complaints regarding any ESRDF, consistent with federal complaint procedures.

Section 70. Judicial review. Whenever the Department refuses to grant or decides to revoke or suspend a license to open, conduct, or maintain an ESRDF, the applicant or licensee may have such decision judicially reviewed. The provisions of the Administrative Review Law and the rules adopted pursuant thereto shall apply to and govern all proceedings for the judicial review of final administrative decisions of the Department hereunder. The term "administrative decisions" is defined as in Section 3-101 of the Code of Civil Procedure.

Section 75. Fines. Any person opening, conducting, or maintaining an ESRDF without a license issued pursuant to this Act shall be guilty of a business offense punishable by a fine of $5,000 and each day's violation shall constitute a separate offense. Any person opening, conducting, or maintaining an ESRDF who violates any other provision of this Act shall be guilty of a business offense punishable by a fine of not more than $5,000.

The Department shall adopt rules for determining the fines for violations.

Section 80. Injunctions. The operation or maintenance of an ESRDF in violation of this Act or of the rules adopted by the Department is declared a public nuisance inimical to the public welfare. The Director of the Department, in the name of the People of the State, through the Attorney General or the State's Attorney of the county in which the violation occurs, may, in addition to other remedies herein provided, bring action for an injunction to restrain such violation or to enjoin the future operation or maintenance of any such ESRDF.

Section 85. Department access to and reproduction of documents. The Department shall have access to and may reproduce or photocopy at its cost any books, records, and other documents maintained by the facility to the extent necessary to carry out the purposes of this Act and the rules adopted under this Act. The Department shall not divulge or disclose the identity of any patient or other information prohibited from disclosure by the laws of this State.

Section 90. Refusal to allow inspections. Any licensee, applicant for a license, or

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person operating what may be an end stage renal disease facility shall be deemed to have
given consent to any authorized officer, employee, or agent of the Department to enter and
inspect the facility in accordance with this Act. Refusal to permit such entry or inspection
shall constitute grounds for denial, nonrenewal, or revocation of a license.

Section 95. Probationary license. If the applicant has not been previously licensed or
if the facility is not in operation at the time application is made, the Department shall issue
a probationary license. A probationary license shall be valid for 120 days unless sooner
suspended or revoked under this Act. Within 30 days prior to the termination of a
probationary license, the Department shall fully and completely inspect the facility and, if
the facility meets the applicable requirements for licensure, shall issue a license under this
Act. If the Department finds that the facility does not meet the requirements for licensure but
has made substantial progress toward meeting those requirements, the license may be
renewed once for a period not to exceed 120 days from the expiration date of the initial
probationary license.

Section 100. Change of ownership.
(a) Whenever ownership of a facility is transferred from the person named on the
license to any other person, the transferee must obtain a new probationary license. The
transferee shall notify the Department of the transfer and apply for a new license at least 30
days prior to final transfer.
(b) The transferor shall notify the Department at least 30 days prior to final transfer.
The transferor shall remain responsible for the operation of the facility until such
time as a license is issued to the transferee.
(c) The license granted to the transferee shall be subject to any plan of correction
submitted by the previous owner and approved by the Department and any conditions
contained in a conditional license issued to the previous owner. If there are outstanding
violations and no approved plan of correction has been implemented, the Department may
issue a conditional license and plan of correction as provided in this Act.
(d) The transferor shall remain liable for all penalties assessed against the facility that
are imposed for violations occurring prior to transfer of ownership.

Section 105. Access to information. The following information is subject to
disclosure to the public by the Department:
(1) records of license inspections, surveys, and evaluations of facilities; and
(2) complaints and complaint investigation reports, except that a complaint
or complaint investigation report shall not be disclosed to a person other than the
complainant or complainant's representative before it is disclosed to a facility and
except that a complainant's or patient's name shall not be disclosed. This information
shall not disclose the name of any health care professionals or employees at the
facility.

Section 110. Information available for public inspection.
(a) A facility shall post in plain view of the public (i) its current license, (ii) a
description of complaint procedures established under this Act provided by the Department,
and (iii) the name, address, and telephone number of a person authorized by the Department

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to receive complaints.

(b) A facility shall make the following information or documents available upon request for public inspection:

(1) a copy of any order pertaining to the facility issued by the Department or a court during the past 5 years;

(2) a complete copy of every inspection report of the facility received from the Department during the past 5 years;

(3) a description of the services provided by the facility and the rates charged for those services;

(4) a copy of the statement of ownership required by this Act; and

(5) a complete copy of the most recent inspection report of the facility received from the Department. This information shall not disclose the name of any health care professionals or employees at the facility.

Section 115. End Stage Renal Disease Advisory Committee.

(a) The Director shall appoint an End Stage Renal Disease Advisory Committee to advise and consult with the Director in the administration of this Act. The Committee shall be composed of the following members:

(1) 2 members who represent end stage renal disease facilities;

(2) 2 members who are physicians licensed to practice medicine in all its branches;

(3) one member who is a board-certified nephrologist;

(4) one member who represents licensed hospitals;

(5) one member who is a registered professional nurse with experience treating end stage renal disease;

(6) one member of the general public who is currently receiving dialysis. The recommendations of professional organizations may be considered in selecting individuals for appointment to the End Stage Renal Disease Advisory Committee.

(b) Each member shall be appointed for a term of 3 years, except that of the original members, 4 shall be appointed for a term of 2 years, and 4 shall be appointed for a term of 3 years. The term of office of each of the original appointees shall commence on July 1, 2003. A member appointed to fill a vacancy occurring prior to the expiration of the term for which his or her predecessor was appointed shall be appointed for the remainder of that term.

(c) The Committee shall meet as frequently as the Director deems necessary. Committee members, while conducting the business of the Committee, shall receive actual and necessary travel and subsistence expenses when conducting such business away from their places of residence.

Section 120. Adoption of rules. The Department shall adopt rules to implement this Act, including requirements for physical plant standards and for the issuance, renewal, denial, suspension, and revocation of a license to operate an end stage renal disease facility. These rules shall be consistent with the requirements for end stage renal disease services under Title XVIII and XIX of the federal Social Security Act.

Section 125. Fees. The Department may establish and collect fees in amounts

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reasonable and necessary to defray the cost of administering this Act. In setting fees under this Act, the Department shall consider setting a range of license and renewal fees based on the number of dialysis stations at the end stage renal disease facility, the patient census, and the average costs involved in surveying the facility.

Section 130. Deposit of fees and penalties. Fees and penalties collected under this Act shall be deposited into the End Stage Renal Disease Facility Licensing Fund, which is hereby created as a special fund in the State treasury. Moneys in the Fund may be used, subject to appropriation, by the Department for the administration of this Act.

Section 135. The State Finance Act is amended by adding Section 5.570 as follows:

(30 ILCS 105/5.570 new)
Sec. 5.570. The End Stage Renal Disease Facility Licensing Fund.
Section 999. Effective date. This Act takes effect July 1, 2003.
Approved August 9, 2002.
Effective July 1, 2003.

PUBLIC ACT 92-0795
(Senate Bill No. 1830)

AN ACT concerning telephone solicitation.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 1. Short title. This Act may be cited as the Restricted Call Registry Act.
Section 5. Definitions. As used in this Act:
(a) "Residential subscriber" means a person or spouse who has subscribed to either residential telephone service from a local exchange company or public mobile services, as defined by Section 13-214 of the Public Utilities Act, a guardian of the person or the person's spouse, or an individual who has power of attorney from or an authorized agent of the person or the person's spouse.
(b) "Established business relationship" means the existence of an oral or written transaction, agreement, contract, or other legal state of affairs involving a person or entity and an existing customer under which both parties have a course of conduct or established pattern of activity for commercial or mercantile purposes and for the benefit or profit of both parties. A pattern of activity does not necessarily mean multiple previous contacts. The established business relationship must exist between the existing customer and the person or entity directly, and does not extend to any related business entity or other business organization of the person or entity or related to the person or entity or the person or entity's agent including but not limited to a parent corporation, subsidiary partnership, company or other corporation or affiliate.
(c) "Existing customer" means an individual who has either:
(1) entered into a transaction, agreement, contract, or other legal state of affairs between a person or entity and a residential subscriber under which the
payment or exchange of consideration for any goods or services has taken place within the preceding 18 months or has been arranged to take place at a future time; or

(2) opened or maintained a debit account, credit card account, or other credit or discount program offered by or in conjunction with the person or entity and has not requested the person or entity to close such account or terminate such program.

(d) "Registry" means the Restricted Call Registry established under this Act.

(e) "Telephone solicitation" means any voice communication over a telephone line from a live operator, through the use of an autodialer or autodialer system, as defined in Section 5 of the Automatic Telephone Dialers Act, or by other means for the purpose of encouraging the purchase or rental of, or investment in, property, goods, or services, or for the purposes of soliciting charitable contributions but does not include communications:

(1) to any residential subscriber with that subscriber's prior express invitation or permission when a voluntary 2-way communication between a person or entity and a residential subscriber has occurred with or without an exchange of consideration. A telephone solicitation is presumed not to be made at the express request of a subscriber if one of the following occurs, as applicable:

(A) The telephone solicitation is made 30 business days after the last date on which the subscriber contacted a business with the purpose of inquiring about the potential purchase of goods or services.

(B) The telephone solicitation is made 30 business days after the last date on which the subscriber consented to be contacted.

(C) The telephone solicitation is made 30 business days after a product or service becomes available where the subscriber has made a request to the business for that product or service that is not then available, and requests a call when the product or service becomes available;

(2) by or on behalf of any person or entity with whom a residential subscriber has an established business relationship which has not been terminated in writing by either party and which is related to the nature of the established business relationship;

(3) by or on behalf of any person or entity with whom a residential subscriber is an existing customer, unless the customer has stated to the person or entity or the person or entity's agent that he or she no longer wishes to receive the telemarketing sales calls of the person or entity, or unless the nature of the call is unrelated to the established business relationship with the existing customer;

(4) by or on behalf of an organization that is exempt from federal income taxation under Section 501(c) of the Internal Revenue Code, but only if the person making the telephone solicitation immediately discloses all of the following information upon making contact with the consumer:

(A) the caller's true first and last name; and

(B) the name, address, and telephone number of the organization;

(5) by or on behalf of an individual licensed under the Real Estate License Act of 2000 or as an insurance producer under the Illinois Insurance Code who either:

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(A) is setting or attempting to set a face to face appointment for actions relating to that individual's real estate or insurance business; or

(B) is encouraging or attempting to encourage the purchase or rental of, or investment in, property, goods, or services, which cannot be completed, and for which payment or authorization of payment is not required, until after a written or electronic agreement is signed by the residential subscriber; or

(6) until July 1, 2005, by or on behalf of any entity over which the Federal Communications Commission or the Illinois Commerce Commission has regulatory authority to the extent that, subject to that authority, the entity is required to maintain a license, permit, or certificate to sell or provide telecommunications service, as defined in Section 13-203 of the Public Utilities Act, while the entity is engaged in telephone solicitation for inter-exchange telecommunications service, as defined in Section 13-205 of the Public Utilities Act, or local exchange telecommunications service, as defined in Section 13-204 of the Public Utilities Act or to the extent, subject to the regulatory authority of the Federal Communications Commission, the entity is defined by Title 47 Section 522(5) of the United States Code, or providers of information services as defined by Title 47 Section 153(20) of the United States Code.

Section 10. Prohibited calls. Beginning July 1, 2003, no person or entity may make or cause to be made any telephone solicitation calls to any residential subscriber more than 45 days after the residential subscriber's telephone number or numbers first appear on the Registry.

Section 15. Complaints. The Illinois Commerce Commission shall receive telephone solicitation complaints from residential subscribers to object to such calls. Complaints shall be taken by any means deemed appropriate by the Illinois Commerce Commission.

Section 20. Registry; establishment and maintenance.

(a) The Illinois Commerce Commission shall establish and provide for the operation of a Restricted Call Registry, which shall contain a list of the telephone numbers of residential subscribers who do not wish to receive telephone solicitation calls. The Illinois Commerce Commission may contract with a private vendor to establish and maintain the Registry if the contract requires the vendor to provide the Registry in a printed hard copy format, in an electronic format, and in any other format prescribed by the Illinois Commerce Commission. Any person or entity conducting telephone solicitation calls as defined by Section 5(e) of this Act within the State of Illinois shall purchase the Restricted Call Registry and updates exclusively from the Illinois Commerce Commission. Failure to do so prior to conducting telephone solicitation calls is a violation subject to the penalties provided for in Section 35 of this Act.

(b) No later than January 1, 2003, the Illinois Commerce Commission shall adopt rules consistent with this Act that the Illinois Commerce Commission deems necessary and appropriate to fully implement this Act. The rules shall include, at a minimum, methods by which any person or entity desiring to make telephone solicitation calls may obtain access to the Registry to avoid calling the telephone numbers of residential subscribers included in

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(c) The fee for obtaining the Registry and updates shall be set forth in rules adopted by the Illinois Commerce Commission. The fee may not exceed $1,000 annually and may not exceed the costs incurred by the Commission in the preparation, maintenance, production, and distribution of the Registry. All copies requested in a printed hard copy format shall be assessed a per page fee to be determined by rules adopted by the Illinois Commerce Commission.

(d) The Illinois Commerce Commission shall update the Registry and make information in the Registry available on a quarterly basis in an electronic format that can be sorted by individual fields and, if deemed appropriate by the Illinois Commerce Commission, in one or more other formats.

(e) If the Federal Communications Commission or Federal Trade Commission establishes a single national database of telephone numbers of subscribers who object to receiving telephone solicitations, which restricts both inter-state and intra-state calls and at a minimum covers all telephone solicitations covered by this Act, this State shall discontinue the Registry.

(f) Information in the Registry is confidential and shall be afforded reasonable privacy protection except as necessary for compliance with Sections 10 and 25 and this Section or in a proceeding or action under Section 35 or 40. The information is not a public record under the Freedom of Information Act.

(g) The Illinois Commerce Commission shall periodically obtain subscription listings of residential subscribers in this State who have arranged to be included in any national do-not-call list and add those names to the Registry.

(h) A person or entity that obtains the Registry shall not use the Registry for any purpose other than to comply with this Act. These unlawful purposes include, but are not limited to, causing a subscriber to participate in and be included in the Registry without the subscriber's knowledge or consent, selling or leasing the Registry to a person other than a telephone solicitor, selling or leasing by a telephone solicitor of the Registry, and a telephone solicitor, either directly or indirectly, persuading a subscriber with whom it has an established business relationship to place his or her telephone number in the Registry, if the solicitation has the effect of preventing competitors from contacting that solicitor's customers.

(i) No person or entity that sells, leases, exchanges, or rents telephone solicitation lists, except for directory assistance and telephone directories sold by telephone companies or their affiliates, shall include in those lists those telephone numbers that appear in the current Registry.

Section 25. Enrollment.

(a) The Illinois Commerce Commission shall provide notice to residential subscribers of the establishment of the Registry.

(b) The Illinois Commerce Commission shall establish any method deemed appropriate for a residential subscriber to notify the Illinois Commerce Commission that the residential subscriber wishes to have its telephone number included in or remain on the
(c) The Commission may, by rule, set an initial fee which shall not exceed $5 per residential subscriber for inclusion on the Restricted Call Registry. The Commission shall review the revenues and expenditures of the Restricted Call Registry on a biennial basis and shall, by rule, reduce the fee accordingly if revenues exceed expenditures. The Commission may adopt rules and procedures governing the acceptance of payment by credit card and may enter into such agreements as necessary to accept payment by credit card.

(d) A residential subscriber’s telephone number shall be deleted from the Registry upon the residential subscriber’s written request.

(e) Enrollment in the Registry is effective from the start of the quarter following the date of enrollment for a term of 5 years or until the residential subscriber disconnects or changes his or her telephone number, unless the subscriber complies with the notice provision contained in this Section, whichever occurs first. The residential subscriber shall be permitted to extend their enrollment for additional 5 year periods and shall not be subject to any fee for this extension. The residential subscriber is responsible for notifying the Illinois Commerce Commission of any changes in his or her telephone number. The Illinois Commerce Commission shall use its best efforts to notify enrolled residential subscribers before the end of the 5-year enrollment term of the option to extend their enrollment. Residential subscribers who do not indicate their desire to extend their enrollment before the end of the 5-year term shall be given a one quarter grace period before being removed from the Registry.

Section 30. Public notification. The Illinois Commerce Commission shall work with local exchange telecommunications companies to disseminate to their customers information about the availability of and instructions for requesting educational literature from the Illinois Commerce Commission. The Illinois Commerce Commission may enter into agreements with those companies for the dissemination of the educational literature. Telecommunications companies shall disseminate the educational literature at least once per year in a message contained in customers’ bills or a notice in the information section of all telephone directories distributed to customers and shall include on their website a link to the ICC’s web page for the Registry. The Illinois Commerce Commission shall include, on its Internet web site, information to customers regarding their right to be included in the Registry and the various methods, including notice to the Illinois Commerce Commission, of being included in the Registry. The Illinois Commerce Commission shall have this literature developed for dissemination to the public no later than March 1, 2003.

Section 35. Violation; relief.

(a) The Illinois Commerce Commission may initiate administrative proceedings in accordance with rules adopted under this Act relating to a knowing and willful violation of Section 10.

(b) If it is determined after a hearing that a person has knowingly and willfully violated one or more provisions of this Section, the Illinois Commerce Commission may assess a fine not to exceed $1,000 for the first violation and not to exceed $2,500 for a second or subsequent violation. Each individual violation of Section 10 of this Act shall be

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a separate and distinct offense under this Section. In imposing a penalty under this Section, the Commission shall, at a minimum, consider the following factors:

(1) whether the offense was knowing or willful;
(2) whether the entity committing the offense has a prior history of non-compliance with this Act;
(3) the offender's relative ability to pay a penalty;
(4) whether the offender has or has not cooperated with the Commission in pursuing the investigation; and
(5) such other special, mitigating or aggravating circumstances as the Commission may find to exist.

(c) Any proceeding conducted under this Section is subject to the Illinois Administrative Procedure Act.

(d) Nothing in this Section may be construed to restrict any right that any person may have under any other law or at common law.

(e) No action or proceeding may be brought under this Section:

(1) more than one year after the person bringing the action knew or should have known of the occurrence of the alleged violation; or
(2) more than one year after the termination of any proceeding or action arising out of the same violation or violations by the State of Illinois, whichever is later.

(f) The remedies, duties, prohibitions, and penalties in this Act are not exclusive and are in addition to all other causes of action, remedies, and penalties provided by law.

(g) There is created in the State Treasury a special fund to be known as the Restricted Call Registry Fund. All fees and fines collected in the administration and enforcement of this Act shall be deposited into the Fund. Moneys in the Fund shall, subject to appropriation, be used by the Illinois Commerce Commission for implementation, administration, and enforcement of this Act.

Section 40. Exemption.

(a) A person or entity may not be held liable for violating this Act if:

(1) the person or entity has obtained copies of the Registry and each updated Registry from the Illinois Commerce Commission and has established and implemented written policies and procedures related to the requirements of this Act;
(2) the person or entity has trained its personnel in the requirements of this Act;
(3) the person or entity maintains records demonstrating compliance with subdivisions (1) and (2) of this Section and the requirements of this Act; and
(4) any subsequent telephone solicitation is the result of unintentional error.

(b) A person or entity that has entered into a contract with another person or entity to make telephone solicitations on its behalf is not liable for a violation of this Act by the person or entity making telephone solicitations under the contract if the person or entity on whose behalf the telephone solicitations were made has provided written notification to the person or entity making telephone solicitations under the contract that it is necessary to
comply with the provisions of this Act when making telephone solicitations.

Section 90. The State Finance Act is amended by adding Section 5.570 as follows:

(30 ILCS 105/5.570 new)

Sec. 5.570. The Restricted Call Registry Fund.

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


Approved August 9, 2002.

Effective August 9, 2002.

PUBLIC ACT 92-0796
(House Bill No. 1436)

AN ACT in relation to education.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 3. The School Code is amended by changing Sections 21-7.1 and 21-27 as follows:

(105 ILCS 5/21-7.1) (from Ch. 122, par. 21-7.1)

Sec. 21-7.1. Administrative certificate.

(a) After July 1, 1999, an administrative certificate valid for 5 years of supervising and administering in the public common schools (unless changed under subsection (a-5) of this Section) may be issued to persons who have graduated from a regionally accredited institution of higher learning with a master's degree and who have been recommended by a recognized institution of higher learning as having completed a program of preparation for one or more of these endorsements. Such programs of academic and professional preparation required for endorsement shall be administered by the institution in accordance with standards set forth by the State Superintendent of Education in consultation with the State Teacher Certification Board.

(a-5) Beginning July 1, 2003, if an administrative certificate holder holds a Standard Teaching Certificate, the validity period of the administrative certificate shall be changed, if necessary, so that the validity period of the administrative certificate coincides with the validity period of the Standard Teaching Certificate. Beginning July 1, 2003, if an administrative certificate holder holds a Master Teaching Certificate, the validity period of the administrative certificate shall be changed so that the validity period of the administrative certificate coincides with the validity period of the Master Teaching Certificate.

(b) No administrative certificate shall be issued for the first time after June 30, 1987 and no endorsement provided for by this Section shall be made or affixed to an administrative certificate for the first time after June 30, 1987 unless the person to whom such administrative certificate is to be issued or to whose administrative certificate such endorsement is to be affixed has been required to demonstrate as a part of a program of academic or professional preparation for such certification or endorsement: (i) an

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understanding of the knowledge called for in establishing productive parent-school relationships and of the procedures fostering the involvement which such relationships demand; and (ii) an understanding of the knowledge required for establishing a high quality school climate and promoting good classroom organization and management, including rules of conduct and instructional procedures appropriate to accomplishing the tasks of schooling; and (iii) a demonstration of the knowledge and skills called for in providing instructional leadership. The standards for demonstrating an understanding of such knowledge shall be set forth by the State Board of Education in consultation with the State Teacher Certification Board, and shall be administered by the recognized institutions of higher learning as part of the programs of academic and professional preparation required for certification and endorsement under this Section. As used in this subsection: "establishing productive parent-school relationships" means the ability to maintain effective communication between parents and school personnel, to encourage parental involvement in schooling, and to motivate school personnel to engage parents in encouraging student achievement, including the development of programs and policies which serve to accomplish this purpose; and "establishing a high quality school climate" means the ability to promote academic achievement, to maintain discipline, to recognize substance abuse problems among students and utilize appropriate law enforcement and other community resources to address these problems, to support teachers and students in their education endeavors, to establish learning objectives and to provide instructional leadership, including the development of policies and programs which serve to accomplish this purpose; and "providing instructional leadership" means the ability to effectively evaluate school personnel, to possess general communication and interpersonal skills, and to establish and maintain appropriate classroom learning environments. The provisions of this subsection shall not apply to or affect the initial issuance or making on or before June 30, 1987 of any administrative certificate or endorsement provided for under this Section, nor shall such provisions apply to or affect the renewal after June 30, 1987 of any such certificate or endorsement initially issued or made on or before June 30, 1987.

(c) Administrative certificates shall be renewed every 5 five years with the first renewal being 5 five years following the initial receipt of an administrative certificate, unless the validity period for the administrative certificate has been changed under subsection (a-5) of this Section, in which case the certificate shall be renewed at the same time that the Standard or Master Teaching Certificate is renewed.

(c-5) Before July 1, 2003, renewal requirements for administrators whose positions require certification shall be based upon evidence of continuing professional education which promotes the following goals: (1) improving administrators' knowledge of instructional practices and administrative procedures; (2) maintaining the basic level of competence required for initial certification; and (3) improving the mastery of skills and knowledge regarding the improvement of teaching performance in clinical settings and assessment of the levels of student performance in their schools. Evidence of continuing professional education must include verification of biennial attendance in a program developed by the Illinois Administrators' Academy and verification of annual participation in a school district.

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approved activity which contributes to continuing professional education.

(c-10) Beginning July 1, 2003, except as otherwise provided in subsection (c-15) of this Section, persons holding administrative certificates must follow the certificate renewal procedure set forth in this subsection (c-10), provided that those persons holding administrative certificates on June 30, 2003 who are renewing those certificates on or after July 1, 2003 shall be issued new administrative certificates valid for 5 years (unless changed under subsection (a-5) of this Section), which may be renewed thereafter as set forth in this subsection (c-10).

(1) A person holding an administrative certificate and employed in a position requiring administrative certification, including a regional superintendent of schools, must develop an administrative certificate renewal plan for satisfying the continuing professional development required to renew his or her administrative certificate. An administrative certificate renewal plan must include a minimum of 3 individual improvement goals developed by the certificate holder and must include without limitation the following continuing professional development purposes:

(A) To improve the administrator's knowledge of instructional practices and administrative procedures in accordance with the Illinois Professional School Leader Standards.

(B) To maintain the basic level of competence required for initial certification.

(C) To improve the administrator's mastery of skills and knowledge regarding the improvement of teaching performance in clinical settings and assessment of the levels of student performance in the schools.

An administrative certificate renewal plan must include a description of how the improvement goals are to be achieved and an explanation of the selected continuing professional development activities to be completed, each of which must meet one or more of the continuing professional development purposes specified in this paragraph (1).

(2) In addition to the requirements in paragraph (1) of this subsection (c-10), the administrative certificate renewal plan must include the following in order for the certificate to be renewed:

(A) Participation in continuing professional development activities, which must total a minimum of 100 hours of continuing professional development and which must meet all of the following requirements:

(i) The participation must consist of a minimum of 5 activities per validity period of the certificate.

(ii) The activities must address the goals in the certificate holder's professional development plan.

(iii) The activities must be aligned with the Illinois Professional School Leader Standards.

(iv) A portion of the activities must address the certificate holder's school improvement plan at either the district or school

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level.

(v) The participation must include a communication, dissemination, or application component.

(vi) There must be documentation of completion of each activity.

(B) Participation every year in an Illinois Administrators' Academy course, which participation must total a minimum of 36 continuing professional development hours during the period of the certificate’s validity and which must include all of the following:

(i) Completion of applicable required coursework, as defined by the State Board of Education.

(ii) Completion of a communication, dissemination, or application component.

(iii) Documentation of completion of each activity.

(3) Each administrator who is subject to the requirements of this subsection (c-10) but who is not serving as a district or regional superintendent, a director of a cooperative program or special education program, or a director of a State-operated school must submit his or her administrative certificate renewal plan for review to the superintendent of the employing school district or to the director of the cooperative or special education program or State-operated school (or to the superintendent's or director's designee). Each district or regional superintendent, director of a cooperative program or special education program, or director of a State-operated school must submit his or her administrative certificate renewal plan for review to a review panel comprised of peers established by the regional superintendent of schools for the geographic area where the certificate holder is employed as an administrator.

(4) If the certificate holder's plan does not conform to the requirements of this subsection (c-10), the reviewer or review panel must notify the certificate holder, who must revise the administrative certificate renewal plan. A certificate holder who is not a regional superintendent of schools may appeal that determination to the regional superintendent of schools for the geographic area where the certificate holder is employed as an administrator. A certificate holder who is a regional superintendent of schools may appeal that determination to the State Superintendent of Education. The regional superintendent of schools or the State Superintendent of Education (or the regional superintendent's or State Superintendent's designee) shall facilitate any modification of the plan, if necessary, to make it acceptable.

(5) A certificate holder may modify his or her administrative certificate renewal plan at any time during the validity period of the administrative certificate through the process outlined in paragraphs (3) and (4) of this subsection (c-10).

(6) Evidence of completion of the activities in the administrative certificate renewal plan must be submitted to the responsible reviewer or review panel. Before the expiration of the administrative certificate, the certificate holder must request

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from the responsible reviewer or review panel a signed verification form developed by the State Board of Education confirming that the certificate holder has met the requirements for renewal contained in this Section. A certificate holder who is not a regional superintendent of schools must submit this form to the responsible regional superintendent of schools (or his or her designee) at the time of application for renewal of the certificate. A certificate holder who is a regional superintendent of schools must submit this form for validation to the State Superintendent of Education (or his or her designee) at the time of application for renewal of the certificate.

(7) The regional superintendent of schools shall review and validate the verification form for a certificate holder. Based on compliance with all of the requirements for renewal, the regional superintendent of schools shall forward a recommendation for renewal or non-renewal to the State Superintendent of Education and shall notify the certificate holder of the recommendation. The State Superintendent of Education shall review the recommendation to renew or non-renew and shall notify, in writing, the certificate holder of a decision denying renewal of his or her certificate. Any decision regarding non-renewal of an administrative certificate may be appealed to the State Teacher Certification Board. The State Board of Education, in consultation with the State Teacher Certification Board, shall adopt rules to implement this subsection (c-10).

The regional superintendent of schools shall monitor the process for renewal of administrative certificates established in this subsection (c-10).

(c-15) This subsection (c-15) applies to the first period of an administrative certificate’s validity during which the holder becomes subject to the requirements of subsection (c-10) of this Section if the certificate has less than 5 years' validity or has less than 5 years' validity remaining when the certificate holder becomes subject to the requirements of subsection (c-10) of this Section. With respect to this period, the 100 hours of continuing professional development and 5 activities per validity period specified in clause (A) of paragraph (2) of subsection (c-10) of this Section shall instead be deemed to mean 20 hours of continuing professional development and one activity per year of the certificate’s validity or remaining validity and the 36 continuing professional development hours specified in clause (B) of paragraph (2) of subsection (c-10) of this Section shall instead be deemed to mean completion of at least one course per year of the certificate’s validity or remaining validity. If the certificate has 3 or fewer years of validity or 3 or fewer years of validity remaining, the certificate holder is not subject to the requirements for submission and approval of plans for continuing professional development described in paragraphs (1) through (4) of subsection (c-10) of this Section with respect to that period of the certificate’s validity.

(c-20) The State Board of Education, in consultation with the State Teacher Certification Board, shall develop procedures for implementing this Section and shall administer the renewal of administrative certificates. Failure to submit satisfactory evidence of continuing professional education which contributes to promoting the goals of this Section

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shall result in a loss of administrative certification.

(d) Any limited or life supervisory certificate issued prior to July 1, 1968 shall continue to be valid for all administrative and supervisory positions in the public schools for which it is valid as of that date as long as its holder meets the requirements for registration or renewal as set forth in the statutes or until revoked according to law.

(e) The administrative or supervisory positions for which the certificate shall be valid shall be determined by one or more of 3 endorsements: general supervisory, general administrative and superintendent.

Subject to the provisions of Section 21-1a, endorsements shall be made under conditions set forth in this Section. The State Board of Education shall, in consultation with the State Teacher Certification Board, adopt rules pursuant to the Illinois Administrative Procedure Act, establishing requirements for obtaining administrative certificates where the minimum administrative or supervisory requirements surpass those set forth in this Section.

The State Teacher Certification Board shall file with the State Board of Education a written recommendation when considering additional administrative or supervisory requirements. All additional requirements shall be based upon the requisite knowledge necessary to perform those tasks required by the certificate. The State Board of Education shall in consultation with the State Teacher Certification Board, establish standards within its rules which shall include the academic and professional requirements necessary for certification. These standards shall at a minimum contain, but not be limited to, those used by the State Board of Education in determining whether additional knowledge will be required. Additionally, the State Board of Education shall in consultation with the State Teacher Certification Board, establish provisions within its rules whereby any member of the educational community or the public may file a formal written recommendation or inquiry regarding requirements.

(1) Until July 1, 2003, the general supervisory endorsement shall be affixed to the administrative certificate of any holder who has at least 16 semester hours of graduate credit in professional education including 8 semester hours of graduate credit in curriculum and research and who has at least 2 years of full-time teaching experience or school service personnel experience in public schools, schools under the supervision of the Department of Corrections, schools under the administration of the Department of Rehabilitation Services, or nonpublic schools meeting the standards established by the State Superintendent of Education or comparable out-of-state recognition standards approved by the State Superintendent of Education.

Such endorsement shall be required for supervisors, curriculum directors and for such similar and related positions as determined by the State Superintendent of Education in consultation with the State Teacher Certification Board.

(2) The general administrative endorsement shall be affixed to the administrative certificate of any holder who has at least 20 semester hours of graduate credit in educational administration and supervision and who has at least 2 years of full-time teaching experience or school service personnel experience in public schools, schools under the supervision of the Department of Corrections,
schools under the administration of the Department of Rehabilitation Services, or nonpublic schools meeting the standards established by the State Superintendent of Education or comparable out-of-state recognition standards approved by the State Superintendent of Education.

Such endorsement shall be required for principal, assistant principal, assistant or associate superintendent, junior college dean and for related or similar positions as determined by the State Superintendent of Education in consultation with the State Teacher Certification Board.

Notwithstanding any other provisions of this Act, after January 1, 1990 and until January 1, 1991, any teacher employed by a district subject to Article 34 shall be entitled to receive an administrative certificate with a general administrative endorsement affixed thereto if he or she: (i) had at least 3 years of experience as a certified teacher for such district prior to August 1, 1985; (ii) obtained a Master's degree prior to August 1, 1985; (iii) completed at least 20 hours of graduate credit in education courses (including at least 12 hours in educational administration and supervision) prior to September 1, 1987; and (iv) has received a rating of superior for at least each of the last 5 years. Any person who obtains an administrative certificate with a general administrative endorsement affixed thereto under this paragraph shall not be qualified to serve in any administrative position except assistant principal.

(3) The chief school business official endorsement shall be affixed to the administrative certificate of any holder who qualifies by having a Master's degree, two years of administrative experience in school business management, and a minimum of 20 semester hours of graduate credit in a program established by the State Superintendent of Education in consultation with the State Teacher Certification Board for the preparation of school business administrators. Such endorsement shall also be affixed to the administrative certificate of any holder who qualifies by having a Master's Degree in Business Administration, Finance or Accounting from a regionally accredited institution of higher education.

After June 30, 1977, such endorsement shall be required for any individual first employed as a chief school business official.

(4) The superintendent endorsement shall be affixed to the administrative certificate of any holder who has completed 30 semester hours of graduate credit beyond the master's degree in a program for the preparation of superintendents of schools including 16 semester hours of graduate credit in professional education and who has at least 2 years experience as an administrator or supervisor in the public schools or the State Board of Education or education service regions or in nonpublic schools meeting the standards established by the State Superintendent of Education or comparable out-of-state recognition standards approved by the State Superintendent of Education and holds general supervisory or general administrative endorsement, or who has had 2 years of experience as a supervisor or administrator while holding an all-grade supervisory certificate or a certificate comparable in validity and educational and experience requirements.

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After June 30, 1968, such endorsement shall be required for a superintendent of schools, except as provided in the second paragraph of this Section and in Section 34-6.

Any person appointed to the position of superintendent between the effective date of this Act and June 30, 1993 in a school district organized pursuant to Article 32 with an enrollment of at least 20,000 pupils shall be exempt from the provisions of this paragraph Subsection (4) until June 30, 1996.

(f) All official interpretations or acts of issuing or denying administrative certificates or endorsements by the State Teacher's Certification Board, State Board of Education or the State Superintendent of Education, from the passage of P.A. 81-1208 on November 8, 1979 through September 24, 1981 are hereby declared valid and legal acts in all respects and further that the purported repeal of the provisions of this Section by P.A. 81-1208 and P.A. 81-1509 is declared null and void.

(Source: P.A. 91-102, eff. 7-12-99.)

(105 ILCS 5/21-27)

Sec. 21-27. The Illinois Teaching Excellence Program. The Illinois Teaching Excellence Program is hereby established to provide categorical funding for monetary incentives and bonuses for teachers who are employed by school districts and who hold a Master Certificate. The State Board of Education shall allocate and distribute to each school district an amount as annually appropriated by the General Assembly from federal funds for the Illinois Teaching Excellence Program. Unless otherwise provided by appropriation, each school district's annual allocation shall be the sum of the amounts earned for the following incentives and bonuses:

(1) An annual one-time payment of $3,000 to be paid to each teacher who successfully completes the program leading to and who receives a Master Certificate and is employed as a teacher by a school district. The school district shall distribute this payment to each eligible teacher as a single payment or in not more than 3 payments.

(2) An annual incentive equal to $1,000 shall be paid to each teacher who holds a Master Certificate, who is employed as a teacher by a school district, and who agrees, in writing, to provide 60 hours of mentoring during that year to classroom teachers. This mentoring may include, either singly or in combination, (i) providing high quality professional development for new and experienced teachers, and (ii) assisting National Board for Professional Teaching Standards (NBPTS) candidates through the NBPTS certification process. The school district shall distribute 50% of each annual incentive payment upon completion of 30 hours of the required mentoring and the remaining 50% of the incentive upon completion of the required 60 hours of mentoring. Credit may not be granted by a school district for mentoring or related services provided during a regular school day or during the total number of days of required service for the school year.

(3) An annual incentive equal to $3,000 shall be paid to each teacher who holds a Master Certificate, who is employed as a teacher by a school district, and

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who agrees, in writing, to provide 60 hours of mentoring during that year to classroom teachers in schools on the Academic Early Warning List or in schools in which 50% or more of the students receive free or reduced price lunches, or both. The school district shall distribute 50% of each annual incentive payment upon completion of 30 hours of the required mentoring and the remaining 50% of the incentive upon completion of the required 60 hours of mentoring. Credit may not be granted by a school district for mentoring or related services provided during a regular school day or during the total number of days of required service for the school year.

Each regional superintendent of schools shall provide information about the Master Certificate Program of the National Board for Professional Teaching Standards (NBPTS) and this amendatory Act of the 91st General Assembly to each individual seeking to register or renew a certificate under Section 21-14 of this Code.

(Source: P.A. 91-606, eff. 8-16-99.)

Section 5. The School Code is amended by changing Sections 21-2, 21-14, and 21-16 as follows:

(105 ILCS 5/21-2) (from Ch. 122, par. 21-2)
Sec. 21-2. Grades of certificates.

(a) Until February 15, 2000. All certificates issued under this Article shall be State certificates valid, except as limited in Section 21-1, in every school district coming under the provisions of this Act and shall be limited in time and designated as follows: Provisional vocational certificate, temporary provisional vocational certificate, early childhood certificate, elementary school certificate, special certificate, secondary high school certificate, school service personnel certificate, administrative certificate, provisional certificate, and substitute certificate. The requirement of student teaching under close and competent supervision for obtaining a teaching certificate may be waived by the State Teacher Certification Board upon presentation to the Board by the teacher of evidence of 5 years successful teaching experience on a valid certificate and graduation from a recognized institution of higher learning with a bachelor's degree with not less than 120 semester hours and a minimum of 16 semester hours in professional education.

(b) Initial Teaching Certificate. Beginning February 15, 2000. Persons who (1) have completed an approved teacher preparation program, (2) are recommended by an approved teacher preparation program, (3) have successfully completed the Initial Teaching Certification examinations required by the State Board of Education, and (4) have met all other criteria established by the State Board of Education in consultation with the State Teacher Certification Board, shall be issued an Initial Teaching Certificate valid for 4 years of teaching, as defined in Section 21-14 of this Code. Initial Teaching Certificates shall be issued for categories corresponding to Early Childhood, Elementary, Secondary, and Special K-12, with special certification designations for Special Education, Bilingual Education, fundamental learning areas (including Language Arts, Reading, Mathematics, Science, Social Science, Physical Development and Health, Fine Arts, and Foreign Language), and other areas designated by the State Board of Education, in consultation with the State Teacher
Certification Board.

(c) Standard Certificate. Beginning February 15, 2000,

(1) Persons who (i) have completed 4 years of teaching, as defined in Section 21-14 of this Code, with an Initial Certificate or an Initial Alternative Teaching Certificate and have met all other criteria established by the State Board of Education in consultation with the State Teacher Certification Board, (ii) have completed 4 years of teaching on a valid equivalent certificate in another State or territory of the United States, or have completed 4 years of teaching in a nonpublic Illinois elementary or secondary school with an Initial Certificate or an Initial Alternative Teaching Certificate, and have met all other criteria established by the State Board of Education, in consultation with the State Teacher Certification Board, or (iii) were issued teaching certificates prior to February 15, 2000 and are renewing those certificates after February 15, 2000, shall be issued a Standard Certificate valid for 5 years, which may be renewed thereafter every 5 years by the State Teacher Certification Board based on proof of continuing education or professional development. Beginning July 1, 2003, persons who have completed 4 years of teaching, as described in clauses (i) and (ii) of this paragraph (1) subsection (c), have successfully completed the requirements of paragraphs (2) through (4) of this subsection (c) Standard Teaching Certificate Examinations, and have met all other criteria established by the State Board of Education, in consultation with the State Teacher Certification Board, shall be issued Standard Certificates. Standard Certificates shall be issued for categories corresponding to Early Childhood, Elementary, Secondary, and Special K-12, with special certification designations for Special Education, Bilingual Education, fundamental learning areas (including Language Arts, Reading, Mathematics, Science, Social Science, Physical Development and Health, Fine Arts, and Foreign Language), and other areas designated by the State Board of Education, in consultation with the State Teacher Certification Board.

(2) This paragraph (2) applies only to those persons required to successfully complete the requirements of this paragraph under paragraph (1) of this subsection (c). In order to receive a Standard Teaching Certificate, a person must satisfy one of the following requirements, which the person must identify, in writing, as the requirement that the person has chosen to satisfy to the responsible local professional development committee established pursuant to subsection (f) of Section 21-14 of this Code:

(A) Completion of a program of induction and mentoring for new teachers that is based upon a specific plan approved by the State Board of Education, in consultation with the State Teacher Certification Board. The plan must describe the role of mentor teachers, the criteria and process for their selection, and how all the following components are to be provided:

(i) Assignment of a formally trained mentor teacher to each new teacher for a specified period of time, which shall be established by the employing school or school district but shall be at least 2 school years in duration, provided that a mentor teacher may not directly or indirectly participate in the evaluation of a new teacher pursuant to Article 24A of this Code or the evaluation procedure of the school.

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(ii) Formal mentoring for each new teacher.

(iii) Support for each new teacher in relation to the Illinois Professional Teaching Standards, the content-area standards applicable to the new teacher's area of certification, and any applicable local school improvement and professional development plans.

(iv) Professional development specifically designed to foster the growth of each new teacher's knowledge and skills.

(v) Formative assessment that is based on the Illinois Professional Teaching Standards and designed to provide feedback to the new teacher and opportunities for reflection on his or her performance, which must not be used directly or indirectly in any evaluation of a new teacher pursuant to Article 24A of this Code or the evaluation procedure of the school and which must include the activities specified in clauses (B)(i), (B)(ii), and (B)(iii) of this paragraph (2).

(vi) Assignment of responsibility for coordination of the induction and mentoring program within each school district participating in the program.

(B) Successful completion of 4 semester hours of graduate-level coursework on the assessment of one's own performance in relation to the Illinois Professional Teaching Standards. The coursework must be approved by the State Board of Education, in consultation with the State Teacher Certification Board; must be offered either by an institution of higher education, by such an institution in partnership with a teachers' association or union or with a regional office of education, or by another entity authorized to issue college credit; and must include demonstration of performance through all of the following activities for each of the Illinois Professional Teaching Standards:

(i) Observation, by the course instructor or another experienced teacher, of the new teacher's classroom practice (the observation may be recorded for later viewing) for the purpose of identifying and describing how the new teacher made content meaningful for students; how the teacher motivated individuals and the group and created an environment conducive to positive social interactions, active learning, and self-motivation; what instructional strategies the teacher used to encourage students' development of critical thinking, problem solving, and performance; how the teacher communicated using written, verbal, nonverbal, and visual communication techniques; and how the teacher maintained standards of professional conduct and provided leadership to improve students' learning.

(ii) Review and analysis, by the course instructor or another experienced teacher, of written documentation (i.e., lesson plans, assignments, assessment instruments, and samples of students' work) prepared by the new teacher for at least 2 lessons. The documentation must provide evidence of classroom performance related to Illinois Professional Teaching Standards 1 through 9, with an emphasis on how the teacher used
his or her understanding of students, assessment data, and subject matter to decide on learning goals; how the teacher designed or selected activities and instructional materials and aligned instruction to the relevant Illinois Learning Standards; how the teacher adapted or modified curriculum to meet individual students' needs; and how the teacher sequenced instruction and designed or selected student assessment strategies.

(iii) Demonstration of professional expertise on the part of the new teacher in reflecting on his or her practice, which was observed under clause (B)(i) of this paragraph (2) and documented under clause (B)(ii) of this paragraph (2), in terms of teaching strengths, weaknesses, and implications for improvement according to the Illinois Professional Teaching Standards.

(C) Successful completion of a minimum of 4 semester hours of graduate-level coursework addressing preparation to meet the requirements for certification by the National Board for Professional Teaching Standards (NBPTS). The coursework must be approved by the State Board of Education, in consultation with the State Teacher Certification Board, and must be offered either by an institution of higher education, by such an institution in partnership with a teachers' association or union or with a regional office of education, or by another entity authorized to issue college credit. The course must address the 5 NBPTS Core Propositions and relevant standards through such means as the following:

(i) Observation, by the course instructor or another experienced teacher, of the new teacher's classroom practice (the observation may be recorded for later viewing) for the purpose of identifying and describing how the new teacher made content meaningful for students; how the teacher motivated individuals and the group and created an environment conducive to positive social interactions, active learning, and self-motivation; what instructional strategies the teacher used to encourage students' development of critical thinking, problem solving, and performance; how the teacher communicated using written, verbal, nonverbal, and visual communication techniques; and how the teacher maintained standards of professional conduct and provided leadership to improve students' learning.

(ii) Review and analysis, by the course instructor or another experienced teacher, of written documentation (i.e., lesson plans, assignments, assessment instruments, and samples of students' work) prepared by the new teacher for at least 2 lessons. The documentation must provide evidence of classroom performance, including how the teacher used his or her understanding of students, assessment data, and subject matter to decide on learning goals; how the teacher designed or selected activities and instructional materials and aligned instruction to the relevant Illinois Learning Standards; how the teacher adapted or modified curriculum to meet individual students' needs; and how the teacher sequenced instruction and designed or selected student assessment strategies.

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(iii) Demonstration of professional expertise on the part of the new teacher in reflecting on his or her practice, which was observed under clause (C)(ii) of this paragraph (2) and documented under clause (C)(ii) of this paragraph (2), in terms of teaching strengths, weaknesses, and implications for improvement.

(D) Receipt of an advanced degree from an accredited institution of higher education in an education-related field, provided that at least 8 semester hours of the coursework completed count toward a degree, certificate, or endorsement in a teaching field.

(E) Accumulation of 60 continuing professional development units (CPDUs), earned by completing selected activities that comply with paragraphs (3) and (4) of this subsection (c). However, for an individual who holds an Initial Teaching Certificate on the effective date of this amendatory Act of the 92nd General Assembly, the number of CPDUs shall be reduced to reflect the teaching time remaining on the Initial Teaching Certificate.

(F) Completion of a nationally normed, performance-based assessment, if made available by the State Board of Education in consultation with the State Teacher Certification Board, provided that the cost to the person shall not exceed the cost of the coursework described in clause (B) of this paragraph (2).

(3) This paragraph (3) applies only to those persons required to successfully complete the requirements of this paragraph under paragraph (1) of this subsection (c). At least one-half the CPDUs a person must accrue in order to qualify for a Standard Teaching Certificate must be earned through completion of coursework, workshops, seminars, conferences, and other similar training events that are pre-approved by the State Board of Education, in consultation with the State Teacher Certification Board, for the purpose of reflection on teaching practices in order to address all of the Illinois Professional Teaching Standards necessary to obtain a Standard Teaching Certificate. These activities must meet all of the following requirements:

(A) Each activity must be designed to advance a person's knowledge and skills in relation to one or more of the Illinois Professional Teaching Standards or in relation to the content-area standards applicable to the teacher's field of certification.

(B) Taken together, the activities completed must address each of the Illinois Professional Teaching Standards as provided in clauses (B)(i), (B)(ii), and (B)(iii) of paragraph (2) of this subsection (c).

(C) Each activity must be provided by an entity approved by the State Board of Education, in consultation with the State Teacher Certification Board, for this purpose.

(D) Each activity, integral to its successful completion, must require participants to demonstrate the degree to which they have acquired new knowledge or skills, such as through performance, through preparation of a written product, through assembling samples of students' or teachers' work, or by some other means.
that is appropriate to the subject matter of the activity.

(E) One CPDU shall be available for each hour of direct participation by a holder of an Initial Teaching Certificate in a qualifying activity. An activity may be attributed to more than one of the Illinois Professional Teaching Standards, but credit for any activity shall be counted only once.

(4) This paragraph (4) applies only to those persons required to successfully complete the requirements of this paragraph under paragraph (1) of this subsection (c). The balance of the CPDUs a person must accrue in order to qualify for a Standard Teaching Certificate, in combination with those earned pursuant to paragraph (3) of this subsection (c), may be chosen from among the following, provided that an activity listed in clause (C) of this paragraph (4) shall be creditable only if its provider is approved for this purpose by the State Board of Education, in consultation with the State Teacher Certification Board:

(A) Collaboration and partnership activities related to improving a person's knowledge and skills as a teacher, including all of the following:

(i) Peer review and coaching.

(ii) Mentoring in a formal mentoring program, including service as a consulting teacher participating in a remediation process formulated under Section 24A-5 of this Code.

(iii) Facilitating parent education programs directly related to student achievement for a school, school district, or regional office of education.

(iv) Participating in business, school, or community partnerships directly related to student achievement.

(B) Teaching college or university courses in areas relevant to a teacher's field of certification, provided that the teaching may only be counted once during the course of 4 years.

(C) Conferences, workshops, institutes, seminars, and symposiums related to improving a person's knowledge and skills as a teacher, including all of the following:

(i) Completing non-university credit directly related to student achievement, the Illinois Professional Teaching Standards, or content-area standards.

(ii) Participating in or presenting at workshops, seminars, conferences, institutes, and symposiums.

(iii) Training as external reviewers for the State Board of Education.

(iv) Training as reviewers of university teacher preparation programs.

(D) Other educational experiences related to improving a person's knowledge and skills as a teacher, including all of the following:

(i) Participating in action research and inquiry projects.

(ii) Observing programs or teaching in schools, related businesses, or industry that is systematic, purposeful, and relevant to a teacher's field of
certification.

(iii) Participating in study groups related to student achievement, the Illinois Professional Teaching Standards, or content-area standards.

(iv) Participating in work/learn programs or internships.

(v) Developing a portfolio of students' and teacher's work.

(E) Professional leadership experiences related to improving a person's knowledge and skills as a teacher, including all of the following:

(i) Participating in curriculum development or assessment activities at the school, school district, regional office of education, State, or national level.

(ii) Participating in team or department leadership in a school or school district.

(iii) Participating on external or internal school or school district review teams.

(iv) Publishing educational articles, columns, or books relevant to a teacher's field of certification.

(v) Participating in non-strike related activities of a professional association or labor organization that are related to professional development.

(5) A person must complete his or her chosen requirement under paragraph (2) of this subsection (c) before the expiration of his or her Initial Teaching Certificate and must submit evidence of having done so to the local professional development committee. Within 30 days after receipt of a person's evidence of completion, the local professional development committee shall forward the evidence of completion to the responsible regional superintendent of schools along with the local professional development committee's recommendation, based on that evidence, as to whether the person is eligible to receive a Standard Teaching Certificate. The local professional development committee shall provide a copy of this recommendation to the affected person.

The regional superintendent of schools shall review the evidence of completion submitted by a person and, based upon compliance with all of the requirements for receipt of a Standard Teaching Certificate, shall forward to the State Board of Education a recommendation for issuance or non-issuance. The regional superintendent of schools shall notify the affected person of the recommendation forwarded.

Upon review of a regional superintendent of school's recommendations, the State Board of Education shall issue Standard Teaching Certificates to those who qualify and shall notify a person, in writing, of a decision denying a Standard Teaching Certificate. Any decision denying issuance of a Standard Teaching Certificate to a person may be appealed to the State Teacher Certification Board.

(6) The State Board of Education, in consultation with the State Teacher Certification Board, may adopt rules to implement this subsection (c) and may periodically evaluate any of the methods of qualifying for a Standard Teaching Certificate described in this subsection (c).

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(d) Master Certificate. Beginning February 15, 2000, Persons who have successfully achieved National Board certification through the National Board for Professional Teaching Standards shall be issued a Master Certificate, valid for 10 years and renewable thereafter every 10 years through compliance with requirements set forth by the State Board of Education, in consultation with the State Teacher Certification Board. However, each teacher who holds a Master Certificate shall be eligible for a teaching position in this State in the areas for which he or she holds a Master Certificate without satisfying any other requirements of this Code, except for those requirements pertaining to criminal background checks. A teacher who holds a Master Certificate shall be deemed to meet State certification renewal requirements in the area or areas for which he or she holds a Master Certificate for the 10-year term of the teacher’s Master Certificate. (Source: P.A. 91-102, eff. 7-12-99; 91-606, eff. 8-16-99; 91-609, eff. 1-1-00; 92-16, eff. 6-28-01.)

(105 ILCS 5/21-14) (from Ch. 122, par. 21-14)
(Text of Section before amendment by P.A. 92-510)
Sec. 21-14. Registration and renewal of certificates.
(a) A limited four-year certificate or a certificate issued after July 1, 1955, shall be renewable at its expiration or within 60 days thereafter by the county superintendent of schools having supervision and control over the school where the teacher is teaching upon certified evidence of meeting the requirements for renewal as required by this Act and prescribed by the State Board of Education in consultation with the State Teacher Certification Board. An elementary supervisory certificate shall not be renewed at the end of the first four-year period covered by the certificate unless the holder thereof has filed certified evidence with the State Teacher Certification Board that he has a master's degree or that he has earned 8 semester hours of credit in the field of educational administration and supervision in a recognized institution of higher learning. The holder shall continue to earn 8 semester hours of credit each four-year period until such time as he has earned a master's degree.

All certificates not renewed or registered as herein provided shall lapse after a period of 5 years from the expiration of the last year of registration. Such certificates may be reinstated for a one year period upon payment of all accumulated registration fees. Such reinstated certificates shall only be renewed: (1) by earning 5 semester hours of credit in a recognized institution of higher learning in the field of professional education or in courses related to the holder’s contractual teaching duties; or (2) by presenting evidence of holding a valid regular certificate of some other type. Any certificate may be voluntarily surrendered by the certificate holder. A voluntarily surrendered certificate shall be treated as a revoked certificate.

(b) When those teaching certificates issued before February 15, 2000 are renewed for the first time after February 15, 2000, all such teaching certificates shall be exchanged for Standard Teaching Certificates as provided in subsection (c) of Section 21-2. All Initial and Standard Teaching Certificates, including those issued to persons who previously held teaching certificates issued before February 15, 2000, shall be renewable under the

New matter indicated by italics - deletions by strikeout.
conditions set forth in this subsection (b).

Initial Teaching Certificates are nonrenewable and are valid for 4 years of teaching. Standard Teaching Certificates are renewable every 5 years as provided in subsection (c) of Section 21-2 and subsection (c) of this Section. For purposes of this Section, "teaching" is defined as employment and performance of services in an Illinois public or State-operated elementary school, secondary school, or cooperative or joint agreement with a governing body or board of control, in a certificated teaching position, or a charter school operating in compliance with the Charter Schools Law.

(c) In compliance with subsection (c) of Section 21-2 of this Code, which provides that a Standard Teaching Certificate may be renewed by the State Teacher Certification Board based upon proof of continuing professional development, the State Board of Education and the State Teacher Certification Board shall jointly:

(1) establish a procedure for renewing Standard Teaching Certificates, which shall include but not be limited to annual timelines for the renewal process and the components set forth in subsections (d) through (k) of this Section;

(2) establish the standards for certificate renewal;

(3) approve the providers of continuing professional development activities;

(4) determine the maximum credit for each category of continuing professional development activities, based upon recommendations submitted by a continuing professional development activity task force, which shall consist of 6 staff members from the State Board of Education, appointed by the State Superintendent of Education, and 6 teacher representatives, 3 of whom are selected by the Illinois Education Association and 3 of whom are selected by the Illinois Federation of Teachers;

(5) designate the type and amount of documentation required to show that continuing professional development activities have been completed; and

(6) provide, on a timely basis to all Illinois teachers, certificate holders, regional superintendents of schools, school districts, and others with an interest in continuing professional development, information about the standards and requirements established pursuant to this subsection (c).

(d) Any Standard Teaching Certificate held by an individual employed and performing services in an Illinois public or State-operated elementary school, secondary school, or cooperative or joint agreement with a governing body or board of control in a certificated teaching position or a charter school in compliance with the Charter Schools Law must be maintained Valid and Active through certificate renewal activities specified in the certificate renewal procedure established pursuant to subsection (c) of this Section, provided that a holder of a Valid and Active certificate who is only employed on either a part-time basis or day-to-day basis as a substitute teacher shall pay only the required registration fee to renew his or her certificate and maintain it as Valid and Active. All other Standard Teaching Certificates held may be maintained as Valid and Exempt through the registration process provided for in the certificate renewal procedure established pursuant to subsection (c) of this Section. A Valid and Exempt certificate must be immediately activated, through

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procedures developed jointly by the State Board of Education and the State Teacher Certification Board, upon the certificate holder becoming employed and performing services in an Illinois public or State-operated elementary school, secondary school, or cooperative or joint agreement with a governing body or board of control in a certificated teaching position or a charter school operating in compliance with the Charter Schools Law. A holder of a Valid and Exempt certificate may activate his or her certificate through procedures provided for in the certificate renewal procedure established pursuant to subsection (c) of this Section.

(e)(1) A Standard Teaching Certificate that has been maintained as Valid and Active for the 5 years of the certificate's validity shall be renewed as Valid and Active upon the certificate holder: (i) completing an advanced degree from an approved institution in an education-related field; (ii) completing at least 8 semester hours of coursework as described in subdivision (B) (A) of paragraph (3) of this subsection (e); (iii) earning at least 24 continuing education units as described in subdivision (C) (B) of paragraph (3) of this subsection (e); (iv) completing the National Board for Professional Teaching Standards process as described in subdivision (D) (C) of paragraph (3) of this subsection (e); or (v) earning 120 continuing professional development units ("CPDU") as described in subdivision (E) (D) of paragraph (3) of this subsection (e). The maximum continuing professional development units for each continuing professional development activity identified in subdivisions (F) (E) through (J) (G) of paragraph (3) of this subsection (e) shall be jointly determined by the State Board of Education and the State Teacher Certification Board. If, however, the certificate holder has maintained the certificate as Valid and Exempt for a portion of the 5-year period of validity, the number of continuing professional development units needed to renew the certificate as Valid and Active shall be proportionately reduced by the amount of time the certificate was Valid and Exempt. Furthermore, if a certificate holder is employed and performs teaching services on a part-time basis for all or a portion of the certificate's 5-year period of validity, the number of continuing professional development units needed to renew the certificate as Valid and Active shall be reduced by 50% for the amount of time the certificate holder has been employed and performed teaching services on a part-time basis. Part-time shall be defined as less than 50% of the school day or school term.

(2) Each Valid and Active Standard Teaching Certificate holder shall develop a certificate renewal plan for satisfying the continuing professional development requirement provided for in subsection (c) of Section 21-2 of this Code. Certificate holders with multiple certificates shall develop a certificate renewal plan that addresses only that certificate or those certificates that are required of his or her certificated teaching position, if the certificate holder is employed and performing services in an Illinois public or State-operated elementary school, secondary school, or cooperative or joint agreement with a governing body or board of control, or that certificate or those certificates most closely related to his or her teaching position, if the certificate holder is employed in a charter school. Except as otherwise provided in this subsection (e), a certificate renewal plan shall include a minimum of 3 individual improvement goals developed by the certificate holder and shall reflect purposes

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(A), (B), and (C) and may reflect purpose (D) of the following continuing professional development purposes:

(A) Advance both the certificate holder's knowledge and skills as a teacher consistent with the Illinois Professional Teaching Standards and the Illinois Content Area Standards in the certificate holder's areas of certification, endorsement, or teaching assignment in order to keep the certificate holder current in those areas.

(B) Develop the certificate holder's knowledge and skills in areas determined to be critical for all Illinois teachers, as defined by the State Board of Education, known as "State priorities".

(C) Address the knowledge, skills, and goals of the certificate holder's local school improvement plan, if the teacher is employed in an Illinois public or State-operated elementary school, secondary school, or cooperative or joint agreement with a governing body or board of control.

(D) Expand the certificate holder's knowledge and skills in an additional teaching field or toward the acquisition of another teaching certificate, endorsement, or relevant education degree.

A certificate renewal plan must include a description of how these goals are to be achieved and an explanation of selected continuing professional development activities to be completed, each of which must meet one or more of the continuing professional development purposes specified in this paragraph (2). The plan shall identify potential activities and include projected timelines for those activities that will assure completion of the plan before the expiration of the 5-year validity of the Standard Teaching Certificate. Except as otherwise provided in this subsection (e), at least 50% of continuing professional development units must relate to purposes (A) and (B) set forth in this paragraph (2): the advancement of a certificate holder's knowledge and skills as a teacher consistent with the Illinois Professional Teaching Standards and the Illinois Content Area Standards in the certificate holder's areas of certification, endorsement, or teaching assignment in order to keep the certificate holder current in those areas and the development of a certificate holder's knowledge and skills in the State priorities that exist at the time the certificate renewal plan is developed.

(3) Continuing professional development activities included in a certificate renewal plan may include, but are not limited to, the following activities:

(A) completion of an advanced degree from an approved institution in an education-related field;

(B) (A) at least 8 semester hours of coursework in an approved education-related program, of which at least 2 semester hours relate to the continuing professional development purpose set forth in purpose (A) of paragraph (2) of this subsection (e), provided that such a plan need not include any other continuing professional development activities nor reflect or contain activities related to the other continuing professional development purposes set forth in paragraph (2) of this subsection (e);

(C) (B) continuing education units that satisfy the continuing professional development purposes set forth in paragraph (2) of this subsection (e), with each
continuing education unit equal to 5 clock hours, provided that a plan that includes at least 24 continuing education units (or 120 clock/contact hours) need not include any other continuing professional development activities;

(D) completion of the National Board of Professional Teaching Standards ("NBPTS") process, provided that a plan that includes completion of the NBPTS process need not include any other continuing professional development activities nor reflect or contain activities related to the continuing professional development purposes set forth in paragraph (2) of subsection (e) of this Section;

(E) completion of 120 continuing professional development units that satisfy the continuing professional development purposes set forth in paragraph (2) of this subsection (e) and may include without limitation the activities identified in subdivisions (F) through (J) of this paragraph (3);

(F) collaboration and partnership activities related to improving the teacher's knowledge and skills as a teacher, including the following:

(i) participating on collaborative planning and professional improvement teams and committees;

(ii) peer review and coaching;

(iii) mentoring in a formal mentoring program, including service as a consulting teacher participating in a remediation process formulated under Section 24A-5 of this Code;

(iv) participating in site-based management or decision making teams, relevant committees, boards, or task forces directly related to school improvement plans;

(v) coordinating community resources in schools, if the project is a specific goal of the school improvement plan;

(vi) facilitating parent education programs for a school, school district, or regional office of education directly related to student achievement or school improvement plans;

(vii) participating in business, school, or community partnerships directly related to student achievement or school improvement plans; or

(viii) supervising a student teacher or teacher education candidate in clinical supervision, provided that the supervision may only be counted once during the course of 5 years;

(G) college or university coursework related to improving the teacher's knowledge and skills as a teacher as follows:

(i) completing undergraduate or graduate credit earned from a regionally accredited institution in coursework relevant to the certificate area being renewed, including coursework that incorporates induction activities and development of a portfolio of both student and teacher work that provides experience in reflective practices, provided the coursework meets Illinois Professional Teaching Standards or Illinois Content Area Standards and supports the essential characteristics of quality professional development;

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or

(ii) teaching college or university courses in areas relevant to the certificate area being renewed, provided that the teaching may only be counted once during the course of 5 years;

\( (H) \) conferences, workshops, institutes, seminars, and symposiums related to improving the teacher's knowledge and skills as a teacher, including the following:

(i) completing non-university credit directly related to student achievement, school improvement plans, or State priorities;

(ii) participating in or presenting at workshops, seminars, conferences, institutes, and symposiums;

(iii) training as external reviewers for Quality Assurance; or

(iv) training as reviewers of university teacher preparation programs;

\( (I) \) other educational experiences related to improving the teacher's knowledge and skills as a teacher, including the following:

(i) participating in action research and inquiry projects;

(ii) observing programs or teaching in schools, related businesses, or industry that is systematic, purposeful, and relevant to certificate renewal;

(iii) traveling related to ones teaching assignment, directly related to student achievement or school improvement plans and approved at least 30 days prior to the travel experience, provided that the traveling shall not include time spent commuting to destinations where the learning experience will occur;

(iv) participating in study groups related to student achievement or school improvement plans;

(v) serving on a statewide education-related committee, including but not limited to the State Teacher Certification Board, State Board of Education strategic agenda teams, or the State Advisory Council on Education of Children with Disabilities;

(vi) participating in work/learn programs or internships; or

(vii) developing a portfolio of student and teacher work;

\( (J) \) professional leadership experiences related to improving the teacher's knowledge and skills as a teacher, including the following:

(i) participating in curriculum development or assessment activities at the school, school district, regional office of education, State, or national level;

(ii) participating in team or department leadership in a school or school district;

(iii) participating on external or internal school or school district review teams;

(iv) publishing educational articles, columns, or books relevant to the certificate area being renewed; or

(v) participating in non-strike related professional association or labor

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organization service or activities related to professional development.

(4) A certificate renewal plan must initially be approved by the certificate holder's local professional development committee, as provided for in subsection (f) of this Section. If the local professional development committee does not approve the certificate renewal plan, the certificate holder may appeal that determination to the regional professional development review committee, as provided for in paragraph (2) of subsection (g) of this Section. If the regional professional development review committee disagrees with the local professional development committee's determination, the certificate renewal plan shall be deemed approved and the certificate holder may begin satisfying the continuing professional development activities set forth in the plan. If the regional professional development review committee agrees with the local professional development committee's determination, the certificate renewal plan shall be deemed disapproved and shall be returned to the certificate holder to develop a revised certificate renewal plan. In all cases, the regional professional development review committee shall immediately notify both the local professional development committee and the certificate holder of its determination.

(5) A certificate holder who wishes to modify the continuing professional development activities or goals in his or her certificate renewal plan must submit the proposed modifications to his or her local professional development committee for approval prior to engaging in the proposed activities. If the local professional development committee does not approve the proposed modification, the certificate holder may appeal that determination to the regional professional development review committee, as set forth in paragraph (4) of this subsection (e).

(6) When a certificate holder changes assignments or school districts during the course of completing a certificate renewal plan, the professional development and continuing education credit earned pursuant to the plan shall transfer to the new assignment or school district and count toward the total requirements. This certificate renewal plan must be reviewed by the appropriate local professional development committee and may be modified to reflect the certificate holder's new work assignment or the school improvement plan of the new school district or school building.

(f) Notwithstanding any other provisions of this Code, each school district, charter school, and cooperative or joint agreement with a governing body or board of control that employs certificated staff, shall establish and implement, in conjunction with its exclusive representative, if any, one or more local professional development committees, as set forth in this subsection (f), which shall perform the following functions:

(1) review and approve certificate renewal plans and any modifications made to these plans, including transferred plans;
(2) maintain a file of approved certificate renewal plans;
(3) monitor certificate holders' progress in completing approved certificate renewal plans, provided that a local professional development committee shall not be required to maintain materials submitted by certificate holders to demonstrate their progress in completing their certificate renewal plans after the committee has reviewed the materials and the credits have been awarded;

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(4) assist in the development of professional development plans based upon needs identified in certificate renewal plans;

(5) determine whether certificate holders have met the requirements of their certificate renewal plans and notify certificate holders of its determination;

(6) provide a certificate holder with the opportunity to address the committee when it has determined that the certificate holder has not met the requirements of his or her certificate renewal plan;

(7) issue and forward recommendations for renewal or nonrenewal of certificate holders' Standard Teaching Certificates to the appropriate regional superintendent of schools, based upon whether certificate holders have met the requirements of their approved certificate renewal plans, with 30-day written notice of its recommendation provided to the certificate holder prior to forwarding the recommendation to the regional superintendent of schools, provided that if the local professional development committee's recommendation is for certificate nonrenewal, the written notice provided to the certificate holder shall include a return receipt; and

(8) reconsider its recommendation of certificate nonrenewal, upon request of the certificate holder within 30 days of receipt of written notification that the local professional development committee will make such a recommendation, and forward to the regional superintendent of schools its recommendation within 30 days of receipt of the certificate holder's request.

Each local professional development committee shall consist of at least 3 classroom teachers; one superintendent or chief administrator of the school district, charter school, or cooperative or joint agreement or his or her designee; and one at-large member who shall be either (i) a parent, (ii) a member of the business community, (iii) a community member, or (iv) an administrator, with preference given to an individual chosen from among those persons listed in items (i), (ii), and (iii) in order to secure representation of an interest not already represented on the committee. Except in a school district in a city having a population exceeding 500,000, a local professional development committee shall be responsible for no more than 200 certificate renewal plans annually unless otherwise mutually agreed upon by the school district, charter school, or governing body or board of control of a cooperative or joint agreement and its exclusive representative, if any. If mutually agreed upon by the school district, charter school, or governing body or board of control of a cooperative or joint agreement and its exclusive representative, if any, additional members may be added to a local professional development committee, provided that a majority of members are classroom teachers. Except in a school district in a city having a population exceeding 500,000, if additional members are added to a local professional development committee, the maximum number of certificate renewal plans for which the committee shall annually be responsible may be increased by 50 plans for each additional member, unless otherwise mutually agreed upon by the school district, charter school, or governing body or board of control of a cooperative or joint agreement and its exclusive representative, if any. The school district, charter school, or governing body or board of control of a cooperative or joint agreement and its exclusive representative, if any, shall

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determine the term of service of the members of a local professional development committee. All individuals selected to serve on local professional development committees must be known to demonstrate the best practices in teaching or their respective field of practice.

The exclusive representative, if any, shall select the classroom teacher members of the local professional development committee. If no exclusive representative exists, then the classroom teacher members of a local professional development committee shall be selected by the classroom teachers that come within the local professional development committee’s authority. The school district, charter school, or governing body or board of control of a cooperative or joint agreement shall select the 2 non-classroom teacher members (the superintendent or chief administrator of the school district, charter school, or cooperative or joint agreement or his or her designee and the at-large member) of a local professional development committee. Vacancies in positions on a local professional development committee shall be filled in the same manner as the original selections. The members of a local professional development committee shall select a chairperson. Local professional development committee meetings shall be scheduled so as not to interfere with committee members’ regularly scheduled teaching duties, except when otherwise permitted by the policies of or agreed to or approved by the school district, charter school, or governing body or board of control of a cooperative or joint agreement, or its designee.

The board of education or governing board shall convene the first meeting of the local professional development committee. All actions taken by the local professional development committee shall require that a majority of committee members be present, and no committee action may be taken unless 50% or more of those present are teacher members.

The State Board of Education and the State Teacher Certification Board shall jointly provide local professional development committee members with a training manual, and the members shall certify that they have received and read the manual.

Notwithstanding any other provisions of this subsection (f), for a teacher employed and performing services in a nonpublic or State-operated elementary or secondary school, all references to a local professional development committee shall mean the regional superintendent of schools of the regional office of education for the geographic area where the teaching is done.

(g)(1) Each regional superintendent of schools shall review and concur or nonconcur with each recommendation for renewal or nonrenewal of a Standard Teaching Certificate he or she receives from a local professional development committee or, if a certificate holder appeals the recommendation to the regional professional development review committee, the recommendation for renewal or nonrenewal he or she receives from a regional professional development review committee and, within 14 days of receipt of the recommendation, shall provide the State Teacher Certification Board with verification of the following, if applicable:

(A) a certificate renewal plan was filed and approved by the appropriate local professional development committee;
(B) the professional development and continuing education activities set forth in the approved certificate renewal plan have been satisfactorily completed;

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(C) the local professional development committee has recommended the renewal of the certificate holder's Standard Teaching Certificate and forwarded the recommendation, along with all supporting documentation as jointly required by the State Board of Education and the State Teacher Certification Board, to the regional superintendent of schools;

(D) the certificate holder has appealed his or her local professional development committee's recommendation of nonrenewal to the regional professional development review committee and the result of that appeal;

(E) the regional superintendent of schools has concurred or nonconcurred with the local professional development committee's or regional professional development review committee's recommendation to renew or nonrenew the certificate holder's Standard Teaching Certificate and made a recommendation to that effect; and

(F) the established registration fee for the Standard Teaching Certificate has been paid. At the same time the regional superintendent of schools provides the State Teacher Certification Board with the notice required by this subsection (g), he or she shall also notify the certificate holder in writing that this notice has been provided to the State Teacher Certification Board, provided that if the notice provided by the regional superintendent of schools to the State Teacher Certification Board includes a recommendation of certificate nonrenewal, the written notice provided to the certificate holder shall be by certified mail, return receipt requested.

(2) Each certificate holder shall have the right to appeal his or her local professional development committee's recommendation of nonrenewal to the regional professional development review committee, within 14 days of receipt of notice that the recommendation has been sent to the regional superintendent of schools. Each regional superintendent of schools shall establish a regional professional development review committee or committees for the purpose of advising the regional superintendent of schools, upon request, and handling certificate holder appeals. This committee shall consist of at least 4 classroom teachers, one non-administrative certificated educational employee, 2 administrators, and one at-large member who shall be either (i) a parent, (ii) a member of the business community, (iii) a community member, or (iv) an administrator, with preference given to an individual chosen from among those persons listed in items (i), (ii), and (iii) in order to secure representation of an interest not already represented on the committee. The teacher and non-administrative certificated educational employee members of the review committee shall be selected by their exclusive representative, if any, and the administrators and at-large member shall be selected by the regional superintendent of schools. A regional superintendent of schools may add additional members to the committee, provided that the same proportion of teachers to administrators and at-large members on the committee is maintained. Any additional teacher and non-administrative certificated educational employee members shall be selected by their exclusive representative, if any. Vacancies in positions on a regional professional development review committee shall be filled in the same manner as the original selections. Committee members shall serve staggered 3-year terms. All

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individuals selected to serve on regional professional development review committees must be known to demonstrate the best practices in teaching or their respective field of practice.

The exclusive representative responsible for choosing the individuals that serve on a regional professional development review committee shall notify each school district, charter school, or governing body or board of control of a cooperative or joint agreement employing the individuals chosen to serve and provide their names to the appropriate regional superintendent of schools. Regional professional development review committee meetings shall be scheduled so as not to interfere with the committee members' regularly scheduled teaching duties, except when otherwise permitted by the policies of or agreed to or approved by the school district, charter school, or governing body or board of control of a cooperative or joint agreement, or its designee, provided that the school district, charter school, or governing body or board of control shall not unreasonably withhold permission for a committee member to attend regional professional development review committee meetings.

In a city having a population exceeding 500,000 that does not have a regional office of education, one or more separate regional professional development review committees shall be established as mutually agreed upon by the board of education of the school district organized under Article 34 of this Code and the exclusive representative. The composition of each committee shall be the same as for a regional professional development review committee, except that members of the committee shall be jointly appointed by the board of education and the exclusive representative. All other provisions of this Section concerning regional professional development review committees shall apply to these committees.

The regional professional development review committee may require information in addition to that received from a certificate holder's local professional development committee or request that the certificate holder appear before it, shall either concur or nonconcur with a local professional development committee's recommendation of nonrenewal, and shall forward to the regional superintendent of schools its recommendation of renewal or nonrenewal. All actions taken by the regional professional development review committee shall require a quorum and be by a simple majority of those present and voting. A record of all votes shall be maintained. The committee shall have 45 days from receipt of a certificate holder's appeal to make its recommendation to the regional superintendent of schools.

The State Board of Education and the State Teacher Certification Board shall jointly provide regional professional development review committee members with a training manual, and the members shall be required to attend one training seminar sponsored jointly by the State Board of Education and the State Teacher Certification Board.

(h)(1) The State Teacher Certification Board shall review the regional superintendent of schools' recommendations to renew or nonrenew Standard Teaching Certificates and notify certificate holders in writing whether their certificates have been renewed or nonrenewed within 90 days of receipt of the recommendations, unless a certificate holder has appealed a regional superintendent of schools' recommendation of nonrenewal, as provided in paragraph (2) of this subsection (h). The State Teacher Certification Board shall verify that
the certificate holder has met the renewal criteria set forth in paragraph (1) of subsection (g) of this Section.

(2) Each certificate holder shall have the right to appeal a regional superintendent of school's recommendation to nonrenew his or her Standard Teaching Certificate to the State Teacher Certification Board, within 14 days of receipt of notice that the decision has been sent to the State Teacher Certification Board, which shall hold an appeal hearing within 60 days of receipt of the appeal. When such an appeal is taken, the certificate holder's Standard Teaching Certificate shall continue to be valid until the appeal is finally determined. The State Teacher Certification Board shall review the regional superintendent of school's recommendation, the regional professional development review committee's recommendation, if any, and the local professional development committee's recommendation and all relevant documentation to verify whether the certificate holder has met the renewal criteria set forth in paragraph (1) of subsection (g) of this Section. The State Teacher Certification Board may request that the certificate holder appear before it. All actions taken by the State Teacher Certification Board shall require a quorum and be by a simple majority of those present and voting. A record of all votes shall be maintained. The State Teacher Certification Board shall notify the certificate holder in writing, within 7 days of completing the review, whether his or her Standard Teaching Certificate has been renewed or nonrenewed, provided that if the State Teacher Certification Board determines to nonrenew a certificate, the written notice provided to the certificate holder shall be by certified mail, return receipt requested. All certificate renewal or nonrenewal decisions of the State Teacher Certification Board are final and subject to administrative review, as set forth in Section 21-24 of this Code.

(i) Holders of Master Teaching Certificates shall meet the same requirements and follow the same procedures as holders of Standard Teaching Certificates, except that their renewal cycle shall be as set forth in subsection (d) of Section 21-2 of this Code.

(j) Holders of Valid and Exempt Standard and Master Teaching Certificates who are not employed and performing services in an Illinois public or State-operated elementary school, secondary school, or cooperative or joint agreement with a governing body or board of control, in a certificated teaching position, may voluntarily activate their certificates by developing and submitting a certificate renewal plan to the regional superintendent of schools of the regional office of education for the geographic area where their teaching is done, who, or whose designee, shall approve the plan and serve as the certificate holder's local professional development committee. These certificate holders shall follow the same renewal criteria and procedures as all other Standard and Master Teaching Certificate holders, except that their continuing professional development plans shall not be required to reflect or address the knowledge, skills, and goals of a local school improvement plan.

(k) Each school district, charter school, or cooperative or joint agreement shall be paid an annual amount of not less than $1,000, as determined by a formula based on the number of Standard Teaching and Master Teaching Certificate holders, subject to renewal and established by rule, not to exceed $1,000,000 annually for all school districts, charter schools, and cooperatives or joint agreements, for administrative costs associated with

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conducting the meetings of the local professional development committee, as determined in consultation with the committee. Each regional office of education shall receive $2,000 annually to pay school districts, charter schools, or cooperatives or joint agreements for costs, as defined by rule, incurred in staff attendance at regional professional development review committee meetings and the training seminar required under paragraph (2) of subsection (g) of this Section.

(l) The State Board of Education and the State Teacher Certification Board shall jointly contract with an independent party to conduct a comprehensive evaluation of the certificate renewal system pursuant to this Section. The first report of this evaluation shall be presented to the General Assembly on January 1, 2005 and on January 1 of every third year thereafter. (Source: P.A. 90-548, eff. 1-1-98; 90-653, eff. 7-29-98; 90-811, eff. 1-26-99; 91-102, eff. 7-12-99.)

(Text of Section after amendment by P.A. 92-510)

Sec. 21-14. Registration and renewal of certificates.

(a) A limited four-year certificate or a certificate issued after July 1, 1955, shall be renewable at its expiration or within 60 days thereafter by the county superintendent of schools having supervision and control over the school where the teacher is teaching upon certified evidence of meeting the requirements for renewal as required by this Act and prescribed by the State Board of Education in consultation with the State Teacher Certification Board. An elementary supervisory certificate shall not be renewed at the end of the first four-year period covered by the certificate unless the holder thereof has filed certified evidence with the State Teacher Certification Board that he has a master's degree or that he has earned 8 semester hours of credit in the field of educational administration and supervision in a recognized institution of higher learning. The holder shall continue to earn 8 semester hours of credit each four-year period until such time as he has earned a master's degree.

All certificates not renewed or registered as herein provided shall lapse after a period of 5 years from the expiration of the last year of registration. Such certificates may be reinstated for a one year period upon payment of all accumulated registration fees. Such reinstated certificates shall only be renewed: (1) by earning 5 semester hours of credit in a recognized institution of higher learning in the field of professional education or in courses related to the holder's contractual teaching duties; or (2) by presenting evidence of holding a valid regular certificate of some other type. Any certificate may be voluntarily surrendered by the certificate holder. A voluntarily surrendered certificate shall be treated as a revoked certificate.

(b) When those teaching certificates issued before February 15, 2000 are renewed for the first time after February 15, 2000, all such teaching certificates shall be exchanged for Standard Teaching Certificates as provided in subsection (c) of Section 21-2. All Initial and Standard Teaching Certificates, including those issued to persons who previously held teaching certificates issued before February 15, 2000, shall be renewable under the conditions set forth in this subsection (b).

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Initial Teaching Certificates are nonrenewable and are valid for 4 years of teaching. Standard Teaching Certificates are renewable every 5 years as provided in subsection (c) of Section 21-2 and subsection (c) of this Section. For purposes of this Section, "teaching" is defined as employment and performance of services in an Illinois public or State-operated elementary school, secondary school, or cooperative or joint agreement with a governing body or board of control, in a certificated teaching position, or a charter school operating in compliance with the Charter Schools Law.

(c) In compliance with subsection (c) of Section 21-2 of this Code, which provides that a Standard Teaching Certificate may be renewed by the State Teacher Certification Board based upon proof of continuing professional development, the State Board of Education and the State Teacher Certification Board shall jointly:

(1) establish a procedure for renewing Standard Teaching Certificates, which shall include but not be limited to annual timelines for the renewal process and the components set forth in subsections (d) through (k) of this Section;

(2) establish the standards for certificate renewal;

(3) approve the providers of continuing professional development activities;

(4) determine the maximum credit for each category of continuing professional development activities, based upon recommendations submitted by a continuing professional development activity task force, which shall consist of 6 staff members from the State Board of Education, appointed by the State Superintendent of Education, and 6 teacher representatives, 3 of whom are selected by the Illinois Education Association and 3 of whom are selected by the Illinois Federation of Teachers;

(5) designate the type and amount of documentation required to show that continuing professional development activities have been completed; and

(6) provide, on a timely basis to all Illinois teachers, certificate holders, regional superintendents of schools, school districts, and others with an interest in continuing professional development, information about the standards and requirements established pursuant to this subsection (c).

(d) Any Standard Teaching Certificate held by an individual employed and performing services in an Illinois public or State-operated elementary school, secondary school, or cooperative or joint agreement with a governing body or board of control in a certificated teaching position or a charter school in compliance with the Charter Schools Law must be maintained Valid and Active through certificate renewal activities specified in the certificate renewal procedure established pursuant to subsection (c) of this Section, provided that a holder of a Valid and Active certificate who is only employed on either a part-time basis or day-to-day basis as a substitute teacher shall pay only the required registration fee to renew his or her certificate and maintain it as Valid and Active. All other Standard Teaching Certificates held may be maintained as Valid and Exempt through the registration process provided for in the certificate renewal procedure established pursuant to subsection (c) of this Section. A Valid and Exempt certificate must be immediately activated, through procedures developed jointly by the State Board of Education and the State Teacher Certification Board.
Certification Board, upon the certificate holder becoming employed and performing services in an Illinois public or State-operated elementary school, secondary school, or cooperative or joint agreement with a governing body or board of control in a certificated teaching position or a charter school operating in compliance with the Charter Schools Law. A holder of a Valid and Exempt certificate may activate his or her certificate through procedures provided for in the certificate renewal procedure established pursuant to subsection (c) of this Section.

(e)(1) A Standard Teaching Certificate that has been maintained as Valid and Active for the 5 years of the certificate's validity shall be renewed as Valid and Active upon the certificate holder: (i) completing an advanced degree from an approved institution in an education-related field; (ii) completing at least 8 semester hours of coursework as described in subdivision (B) (A) of paragraph (3) of this subsection (e); (iii) earning at least 24 continuing education units as described in subdivision (C) (B) of paragraph (3) of this subsection (e); (iv) completing the National Board for Professional Teaching Standards process as described in subdivision (D) (C) of paragraph (3) of this subsection (e); or (v) earning 120 continuing professional development units ("CPDU") as described in subdivision (E) (D) of paragraph (3) of this subsection (e). The maximum continuing professional development units for each continuing professional development activity identified in subdivisions (F) (E) through (J) (F) of paragraph (3) of this subsection (e) shall be jointly determined by the State Board of Education and the State Teacher Certification Board. If, however, the certificate holder has maintained the certificate as Valid and Exempt for a portion of the 5-year period of validity, the number of continuing professional development units needed to renew the certificate as Valid and Active shall be proportionately reduced by the amount of time the certificate was Valid and Exempt. Furthermore, if a certificate holder is employed and performs teaching services on a part-time basis for all or a portion of the certificate's 5-year period of validity, the number of continuing professional development units needed to renew the certificate as Valid and Active shall be reduced by 50% for the amount of time the certificate holder has been employed and performed teaching services on a part-time basis. Part-time shall be defined as less than 50% of the school day or school term.

(2) Each Valid and Active Standard Teaching Certificate holder shall develop a certificate renewal plan for satisfying the continuing professional development requirement provided for in subsection (c) of Section 21-2 of this Code. Certificate holders with multiple certificates shall develop a certificate renewal plan that addresses only that certificate or those certificates that are required of his or her certificated teaching position, if the certificate holder is employed and performing services in an Illinois public or State-operated elementary school, secondary school, or cooperative or joint agreement with a governing body or board of control, or that certificate or those certificates most closely related to his or her teaching position, if the certificate holder is employed in a charter school. Except as otherwise provided in this subsection (e), a certificate renewal plan shall include a minimum of 3 individual improvement goals developed by the certificate holder and shall reflect purposes (A), (B), and (C) and may reflect purpose (D) of the following continuing professional
development purposes:

(A) Advance both the certificate holder's knowledge and skills as a teacher consistent with the Illinois Professional Teaching Standards and the Illinois Content Area Standards in the certificate holder's areas of certification, endorsement, or teaching assignment in order to keep the certificate holder current in those areas.

(B) Develop the certificate holder's knowledge and skills in areas determined to be critical for all Illinois teachers, as defined by the State Board of Education, known as "State priorities".

(C) Address the knowledge, skills, and goals of the certificate holder's local school improvement plan, if the teacher is employed in an Illinois public or State-operated elementary school, secondary school, or cooperative or joint agreement with a governing body or board of control.

(D) Expand the certificate holder's knowledge and skills in an additional teaching field or toward the acquisition of another teaching certificate, endorsement, or relevant education degree.

A certificate renewal plan must include a description of how these goals are to be achieved and an explanation of selected continuing professional development activities to be completed, each of which must meet one or more of the continuing professional development purposes specified in this paragraph (2). The plan shall identify potential activities and include projected timelines for those activities that will assure completion of the plan before the expiration of the 5-year validity of the Standard Teaching Certificate. Except as otherwise provided in this subsection (e), at least 50% of continuing professional development units must relate to purposes (A) and (B) set forth in this paragraph (2): the advancement of a certificate holder's knowledge and skills as a teacher consistent with the Illinois Professional Teaching Standards and the Illinois Content Area Standards in the certificate holder's areas of certification, endorsement, or teaching assignment in order to keep the certificate holder current in those areas and the development of a certificate holder's knowledge and skills in the State priorities that exist at the time the certificate renewal plan is developed.

A speech-language pathologist or audiologist who is licensed under the Illinois Speech-Language Pathology and Audiology Practice Act and who has met the continuing education requirements of that Act and the rules promulgated under that Act shall be deemed to have satisfied the continuing professional development requirements established by the State Board of Education and the Teacher Certification Board to renew a Standard Certificate.

(3) Continuing professional development activities included in a certificate renewal plan may include, but are not limited to, the following activities:

(A) completion of an advanced degree from an approved institution in an education-related field;

(B) (A) at least 8 semester hours of coursework in an approved education-related program, of which at least 2 semester hours relate to the continuing professional development purpose set forth in purpose (A) of paragraph (2) of this subsection (e), provided that such a plan need not include any other continuing

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professional development activities nor reflect or contain activities related to the other continuing professional development purposes set forth in paragraph (2) of this subsection (e);

(C) continuing education units that satisfy the continuing professional development purposes set forth in paragraph (2) of this subsection (e), with each continuing education unit equal to 5 clock hours, provided that a plan that includes at least 24 continuing education units (or 120 clock/contact hours) need not include any other continuing professional development activities;

(D) completion of the National Board of Professional Teaching Standards ("NBPTS") process, provided that a plan that includes completion of the NBPTS process need not include any other continuing professional development activities nor reflect or contain activities related to the continuing professional development purposes set forth in paragraph (2) of subsection (e) of this Section;

(E) completion of 120 continuing professional development units that satisfy the continuing professional development purposes set forth in paragraph (2) of this subsection (e) and may include without limitation the activities identified in subdivisions (F) through (J) of this paragraph (3);

(F) collaboration and partnership activities related to improving the teacher's knowledge and skills as a teacher, including the following:

(i) participating on collaborative planning and professional improvement teams and committees;

(ii) peer review and coaching;

(iii) mentoring in a formal mentoring program, including service as a consulting teacher participating in a remediation process formulated under Section 24A-5 of this Code;

(iv) participating in site-based management or decision making teams, relevant committees, boards, or task forces directly related to school improvement plans;

(v) coordinating community resources in schools, if the project is a specific goal of the school improvement plan;

(vi) facilitating parent education programs for a school, school district, or regional office of education directly related to student achievement or school improvement plans;

(vii) participating in business, school, or community partnerships directly related to student achievement or school improvement plans; or

(viii) supervising a student teacher or teacher education candidate in clinical supervision, provided that the supervision may only be counted once during the course of 5 years;

(G) college or university coursework related to improving the teacher's knowledge and skills as a teacher as follows:

(i) completing undergraduate or graduate credit earned from a regionally accredited institution in coursework relevant to the certificate area

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being renewed, including coursework that incorporates induction activities and development of a portfolio of both student and teacher work that provides experience in reflective practices, provided the coursework meets Illinois Professional Teaching Standards or Illinois Content Area Standards and supports the essential characteristics of quality professional development; or

(ii) teaching college or university courses in areas relevant to the certificate area being renewed, provided that the teaching may only be counted once during the course of 5 years;

(H)(G) conferences, workshops, institutes, seminars, and symposiums related to improving the teacher's knowledge and skills as a teacher, including the following:

(i) completing non-university credit directly related to student achievement, school improvement plans, or State priorities;

(ii) participating in or presenting at workshops, seminars, conferences, institutes, and symposiums;

(iii) training as external reviewers for Quality Assurance; or

(iv) training as reviewers of university teacher preparation programs;

(I) (H) other educational experiences related to improving the teacher's knowledge and skills as a teacher, including the following:

(i) participating in action research and inquiry projects;

(ii) observing programs or teaching in schools, related businesses, or industry that is systematic, purposeful, and relevant to certificate renewal;

(iii) traveling related to ones teaching assignment, directly related to student achievement or school improvement plans and approved at least 30 days prior to the travel experience, provided that the traveling shall not include time spent commuting to destinations where the learning experience will occur;

(iv) participating in study groups related to student achievement or school improvement plans;

(v) serving on a statewide education-related committee, including but not limited to the State Teacher Certification Board, State Board of Education strategic agenda teams, or the State Advisory Council on Education of Children with Disabilities;

(vi) participating in work/learn programs or internships; or

(vii) developing a portfolio of student and teacher work;

(J) (H) professional leadership experiences related to improving the teacher's knowledge and skills as a teacher, including the following:

(i) participating in curriculum development or assessment activities at the school, school district, regional office of education, State, or national level;

(ii) participating in team or department leadership in a school or school district;

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(iii) participating on external or internal school or school district review teams;
(iv) publishing educational articles, columns, or books relevant to the certificate area being renewed; or
(v) participating in non-strike related professional association or labor organization service or activities related to professional development.

(4) A certificate renewal plan must initially be approved by the certificate holder's local professional development committee, as provided for in subsection (f) of this Section. If the local professional development committee does not approve the certificate renewal plan, the certificate holder may appeal that determination to the regional professional development review committee, as provided for in paragraph (2) of subsection (g) of this Section. If the regional professional development review committee disagrees with the local professional development committee's determination, the certificate renewal plan shall be deemed approved and the certificate holder may begin satisfying the continuing professional development activities set forth in the plan. If the regional professional development review committee agrees with the local professional development committee's determination, the certificate renewal plan shall be deemed disapproved and shall be returned to the certificate holder to develop a revised certificate renewal plan. In all cases, the regional professional development review committee shall immediately notify both the local professional development committee and the certificate holder of its determination.

(5) A certificate holder who wishes to modify the continuing professional development activities or goals in his or her certificate renewal plan must submit the proposed modifications to his or her local professional development committee for approval prior to engaging in the proposed activities. If the local professional development committee does not approve the proposed modification, the certificate holder may appeal that determination to the regional professional development review committee, as set forth in paragraph (4) of this subsection (e).

(6) When a certificate holder changes assignments or school districts during the course of completing a certificate renewal plan, the professional development and continuing education credit earned pursuant to the plan shall transfer to the new assignment or school district and count toward the total requirements. This certificate renewal plan must be reviewed by the appropriate local professional development committee and may be modified to reflect the certificate holder's new work assignment or the school improvement plan of the new school district or school building.

(f) Notwithstanding any other provisions of this Code, each school district, charter school, and cooperative or joint agreement with a governing body or board of control that employs certificated staff, shall establish and implement, in conjunction with its exclusive representative, if any, one or more local professional development committees, as set forth in this subsection (f), which shall perform the following functions:

(1) review and approve certificate renewal plans and any modifications made to these plans, including transferred plans;
(2) maintain a file of approved certificate renewal plans;

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(3) monitor certificate holders' progress in completing approved certificate renewal plans, provided that a local professional development committee shall not be required to maintain materials submitted by certificate holders to demonstrate their progress in completing their certificate renewal plans after the committee has reviewed the materials and the credits have been awarded;

(4) assist in the development of professional development plans based upon needs identified in certificate renewal plans;

(5) determine whether certificate holders have met the requirements of their certificate renewal plans and notify certificate holders of its determination;

(6) provide a certificate holder with the opportunity to address the committee when it has determined that the certificate holder has not met the requirements of his or her certificate renewal plan;

(7) issue and forward recommendations for renewal or nonrenewal of certificate holders' Standard Teaching Certificates to the appropriate regional superintendent of schools, based upon whether certificate holders have met the requirements of their approved certificate renewal plans, with 30-day written notice of its recommendation provided to the certificate holder prior to forwarding the recommendation to the regional superintendent of schools, provided that if the local professional development committee's recommendation is for certificate nonrenewal, the written notice provided to the certificate holder shall include a return receipt; and

(8) reconsider its recommendation of certificate nonrenewal, upon request of the certificate holder within 30 days of receipt of written notification that the local professional development committee will make such a recommendation, and forward to the regional superintendent of schools its recommendation within 30 days of receipt of the certificate holder's request.

Each local professional development committee shall consist of at least 3 classroom teachers; one superintendent or chief administrator of the school district, charter school, or cooperative or joint agreement or his or her designee; and one at-large member who shall be either (i) a parent, (ii) a member of the business community, (iii) a community member, or (iv) an administrator, with preference given to an individual chosen from among those persons listed in items (i), (ii), and (iii) in order to secure representation of an interest not already represented on the committee. Except in a school district in a city having a population exceeding 500,000, a local professional development committee shall be responsible for no more than 200 certificate renewal plans annually unless otherwise mutually agreed upon by the school district, charter school, or governing body or board of control of a cooperative or joint agreement and its exclusive representative, if any. If mutually agreed upon by the school district, charter school, or governing body or board of control of a cooperative or joint agreement and its exclusive representative, if any, additional members may be added to a local professional development committee, provided that a majority of members are classroom teachers. Except in a school district in a city having a population exceeding 500,000, if additional members are added to a local professional development committee, the maximum number of certificate renewal plans for which the

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committee shall annually be responsible may be increased by 50 plans for each additional member, unless otherwise mutually agreed upon by the school district, charter school, or governing body or board of control of a cooperative or joint agreement and its exclusive representative, if any. The school district, charter school, or governing body or board of control of a cooperative or joint agreement and its exclusive representative, if any, shall determine the term of service of the members of a local professional development committee. All individuals selected to serve on local professional development committees must be known to demonstrate the best practices in teaching or their respective field of practice.

The exclusive representative, if any, shall select the classroom teacher members of the local professional development committee. If no exclusive representative exists, then the classroom teacher members of a local professional development committee shall be selected by the classroom teachers that come within the local professional development committee's authority. The school district, charter school, or governing body or board of control of a cooperative or joint agreement shall select the 2 non-classroom teacher members (the superintendent or chief administrator of the school district, charter school, or cooperative or joint agreement or his or her designee and the at-large member) of a local professional development committee. Vacancies in positions on a local professional development committee shall be filled in the same manner as the original selections. The members of a local professional development committee shall select a chairperson. Local professional development committee meetings shall be scheduled so as not to interfere with committee members' regularly scheduled teaching duties, except when otherwise permitted by the policies of or agreed to or approved by the school district, charter school, or governing body or board of control of a cooperative or joint agreement, or its designee.

The board of education or governing board shall convene the first meeting of the local professional development committee. All actions taken by the local professional development committee shall require that a majority of committee members be present, and no committee action may be taken unless 50% or more of those present are teacher members.

The State Board of Education and the State Teacher Certification Board shall jointly provide local professional development committee members with a training manual, and the members shall certify that they have received and read the manual.

Notwithstanding any other provisions of this subsection (f), for a teacher employed and performing services in a nonpublic or State-operated elementary or secondary school, all references to a local professional development committee shall mean the regional superintendent of schools of the regional office of education for the geographic area where the teaching is done.

(g)(1) Each regional superintendent of schools shall review and concur or nonconcur with each recommendation for renewal or nonrenewal of a Standard Teaching Certificate he or she receives from a local professional development committee or, if a certificate holder appeals the recommendation to the regional professional development review committee, the recommendation for renewal or nonrenewal he or she receives from a regional professional development review committee and, within 14 days of receipt of the recommendation, shall provide the State Teacher Certification Board with verification of the following, if
applicable:

(A) a certificate renewal plan was filed and approved by the appropriate local professional development committee;

(B) the professional development and continuing education activities set forth in the approved certificate renewal plan have been satisfactorily completed;

(C) the local professional development committee has recommended the renewal of the certificate holder's Standard Teaching Certificate and forwarded the recommendation, along with all supporting documentation as jointly required by the State Board of Education and the State Teacher Certification Board, to the regional superintendent of schools;

(D) the certificate holder has appealed his or her local professional development committee's recommendation of nonrenewal to the regional professional development review committee and the result of that appeal;

(E) the regional superintendent of schools has concurred or nonconcurred with the local professional development committee's or regional professional development review committee's recommendation to renew or nonrenew the certificate holder's Standard Teaching Certificate and made a recommendation to that effect; and

(F) the established registration fee for the Standard Teaching Certificate has been paid.

At the same time the regional superintendent of schools provides the State Teacher Certification Board with the notice required by this subsection (g), he or she shall also notify the certificate holder in writing that this notice has been provided to the State Teacher Certification Board, provided that if the notice provided by the regional superintendent of schools to the State Teacher Certification Board includes a recommendation of certificate nonrenewal, the written notice provided to the certificate holder shall be by certified mail, return receipt requested.

(2) Each certificate holder shall have the right to appeal his or her local professional development committee's recommendation of nonrenewal to the regional professional development review committee, within 14 days of receipt of notice that the recommendation has been sent to the regional superintendent of schools. Each regional superintendent of schools shall establish a regional professional development review committee or committees for the purpose of advising the regional superintendent of schools, upon request, and handling certificate holder appeals. This committee shall consist of at least 4 classroom teachers, one non-administrative certificated educational employee, 2 administrators, and one at-large member who shall be either (i) a parent, (ii) a member of the business community, (iii) a community member, or (iv) an administrator, with preference given to an individual chosen from among those persons listed in items (i), (ii), and (iii) in order to secure representation of an interest not already represented on the committee. The teacher and non-administrative certificated educational employee members of the review committee shall be selected by their exclusive representative, if any, and the administrators and at-large member shall be selected by the regional superintendent of schools. A regional
superintendent of schools may add additional members to the committee, provided that the same proportion of teachers to administrators and at-large members on the committee is maintained. Any additional teacher and non-administrative certificated educational employee members shall be selected by their exclusive representative, if any. Vacancies in positions on a regional professional development review committee shall be filled in the same manner as the original selections. Committee members shall serve staggered 3-year terms. All individuals selected to serve on regional professional development review committees must be known to demonstrate the best practices in teaching or their respective field of practice.

The exclusive representative responsible for choosing the individuals that serve on a regional professional development review committee shall notify each school district, charter school, or governing body or board of control of a cooperative or joint agreement employing the individuals chosen to serve and provide their names to the appropriate regional superintendent of schools. Regional professional development review committee meetings shall be scheduled so as not to interfere with the committee members' regularly scheduled teaching duties, except when otherwise permitted by the policies of or agreed to or approved by the school district, charter school, or governing body or board of control of a cooperative or joint agreement, or its designee, provided that the school district, charter school, or governing body or board of control shall not unreasonably withhold permission for a committee member to attend regional professional development review committee meetings.

In a city having a population exceeding 500,000 that does not have a regional office of education, one or more separate regional professional development review committees shall be established as mutually agreed upon by the board of education of the school district organized under Article 34 of this Code and the exclusive representative. The composition of each committee shall be the same as for a regional professional development review committee, except that members of the committee shall be jointly appointed by the board of education and the exclusive representative. All other provisions of this Section concerning regional professional development review committees shall apply to these committees.

The regional professional development review committee may require information in addition to that received from a certificate holder's local professional development committee or request that the certificate holder appear before it, shall either concur or nonconcur with a local professional development committee's recommendation of nonrenewal, and shall forward to the regional superintendent of schools its recommendation of renewal or nonrenewal. All actions taken by the regional professional development review committee shall require a quorum and be by a simple majority of those present and voting. A record of all votes shall be maintained. The committee shall have 45 days from receipt of a certificate holder's appeal to make its recommendation to the regional superintendent of schools.

The State Board of Education and the State Teacher Certification Board shall jointly provide regional professional development review committee members with a training manual, and the members shall be required to attend one training seminar sponsored jointly by the State Board of Education and the State Teacher Certification Board.

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(h)(1) The State Teacher Certification Board shall review the regional superintendent of schools' recommendations to renew or nonrenew Standard Teaching Certificates and notify certificate holders in writing whether their certificates have been renewed or nonrenewed within 90 days of receipt of the recommendations, unless a certificate holder has appealed a regional superintendent of schools' recommendation of nonrenewal, as provided in paragraph (2) of this subsection (h). The State Teacher Certification Board shall verify that the certificate holder has met the renewal criteria set forth in paragraph (1) of subsection (g) of this Section.

(2) Each certificate holder shall have the right to appeal a regional superintendent of school's recommendation to nonrenew his or her Standard Teaching Certificate to the State Teacher Certification Board, within 14 days of receipt of notice that the decision has been sent to the State Teacher Certification Board, which shall hold an appeal hearing within 60 days of receipt of the appeal. When such an appeal is taken, the certificate holder's Standard Teaching Certificate shall continue to be valid until the appeal is finally determined. The State Teacher Certification Board shall review the regional superintendent of school's recommendation, the regional professional development review committee's recommendation, if any, and the local professional development committee's recommendation and all relevant documentation to verify whether the certificate holder has met the renewal criteria set forth in paragraph (1) of subsection (g) of this Section. The State Teacher Certification Board may request that the certificate holder appear before it. All actions taken by the State Teacher Certification Board shall require a quorum and be by a simple majority of those present and voting. A record of all votes shall be maintained. The State Teacher Certification Board shall notify the certificate holder in writing, within 7 days of completing the review, whether his or her Standard Teaching Certificate has been renewed or nonrenewed, provided that if the State Teacher Certification Board determines to nonrenew a certificate, the written notice provided to the certificate holder shall be by certified mail, return receipt requested. All certificate renewal or nonrenewal decisions of the State Teacher Certification Board are final and subject to administrative review, as set forth in Section 21-24 of this Code.

(i) Holders of Master Teaching Certificates shall meet the same requirements and follow the same procedures as holders of Standard Teaching Certificates, except that their renewal cycle shall be as set forth in subsection (d) of Section 21-2 of this Code.

A holder of a teaching certificate endorsed as a speech-language pathologist who has been granted the Certificate of Clinical Competence by the American Speech-Language Hearing Association may renew his or her Standard Teaching Certificate pursuant to the 10-year renewal cycle set forth in subsection (d) of Section 21-2 of this Code.

(j) Holders of Valid and Exempt Standard and Master Teaching Certificates who are not employed and performing services in an Illinois public or State-operated elementary school, secondary school, or cooperative or joint agreement with a governing body or board of control, in a certificated teaching position, may voluntarily activate their certificates by developing and submitting a certificate renewal plan to the regional superintendent of schools of the regional office of education for the geographic area where their teaching is

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done, who, or whose designee, shall approve the plan and serve as the certificate holder's local professional development committee. These certificate holders shall follow the same renewal criteria and procedures as all other Standard and Master Teaching Certificate holders, except that their continuing professional development plans shall not be required to reflect or address the knowledge, skills, and goals of a local school improvement plan.

(k) Each school district, charter school, or cooperative or joint agreement shall be paid an annual amount of not less than $1,000, as determined by a formula based on the number of Standard Teaching and Master Teaching Certificate holders, subject to renewal and established by rule, not to exceed $1,000,000 annually for all school districts, charter schools, and cooperatives or joint agreements, for administrative costs associated with conducting the meetings of the local professional development committee, as determined in consultation with the committee. Each regional office of education shall receive $2,000 annually to pay school districts, charter schools, or cooperatives or joint agreements for costs, as defined by rule, incurred in staff attendance at regional professional development review committee meetings and the training seminar required under paragraph (2) of subsection (g) of this Section.

(l) The State Board of Education and the State Teacher Certification Board shall jointly contract with an independent party to conduct a comprehensive evaluation of the certificate renewal system pursuant to this Section. The first report of this evaluation shall be presented to the General Assembly on January 1, 2005 and on January 1 of every third year thereafter.

(Source: P.A. 91-102, eff. 7-12-99; 92-510, eff. 6-1-02.)

(105 ILCS 5/21-16) (from Ch. 122, par. 21-16)
Sec. 21-16. Fees - Requirement for registration.

(a) Until February 15, 2000, every applicant when issued a certificate shall pay to the regional superintendent of schools a fee of $1, which shall be paid into the institute fund. Every certificate issued under the provisions of this Act shall be registered annually or, at the option of the holder of the certificate, once every 3 years. The regional superintendent of schools having supervision and control over the school where the teaching is done shall register the certificate before the holder begins to teach, otherwise it shall be registered in any county in the State of Illinois; and one fee of $4 per year for registration or renewal of one or more certificates which have been issued to the same holder shall be paid into the institute fund.

Until February 15, 2000, requirements for registration of any certificate limited in time shall include evidence of professional growth defined as successful teaching experience since last registration of certificate, attendance at professional meetings, membership in professional organizations, additional credits earned in recognized teacher-training institutions, travel specifically for educational experience, reading of professional books and periodicals, filing all reports as required by the regional superintendent of schools and the State Superintendent of Education or such other professional experience or combination of experiences as are presented by the teacher and are approved by the State Superintendent of Education in consultation with the State Teacher Certification Board. A duplicate certificate

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may be issued to the holder of a valid life certificate or valid certificate limited in time by the State Superintendent of Education; however, it shall only be issued upon request of a regional superintendent of schools and upon payment to the regional superintendent of schools who requests such duplicate a fee of $4.

(b) Beginning February 15, 2000, all persons who are issued Standard Teaching Certificates pursuant to clause (ii) of paragraph (1) of subsection (c) of Section 21-2 and all persons who renew Standard Teaching Certificates shall pay a $25 fee for registration of all certificates held. All persons who are issued Standard Teaching Certificates under clause (i) of paragraph (1) of subsection (c) of Section 21-2 and all other applicants for Standard Teaching Certificates shall pay an original application fee, pursuant to Section 21-12, and a $25 fee for registration of all certificates held. These certificates shall be registered and the registration fee paid once every 5 years. Standard Teaching Certificate applicants and holders shall not be required to pay any other registration fees for issuance or renewal of their certificates, except as provided in Section 21-17 of this Code. Beginning February 15, 2000, Master Teaching Certificates shall be issued and renewed upon payment by the applicant or certificate holder of a $50 fee for registration of all certificates held. These certificates shall be registered and the fee paid once every 10 years. Master Teaching Certificate applicants and holders shall not be required to pay any other application or registration fees for issuance or renewal of their certificates, except as provided in Section 21-17 of this Code. All other certificates issued under the provisions of this Code shall be registered for the validity period of the certificate at the rate of $5 per year for the total number of years for which the certificate is valid for registration of all certificates held, or for a maximum of 5 years for life certificates. The regional superintendent of schools having supervision and control over the school where the teaching is done shall register the certificate before the holder begins to teach, otherwise it shall be registered in any county in the State of Illinois. Each holder shall pay the appropriate registration fee to the regional superintendent of schools. The regional superintendent of schools shall deposit the registration fees into the institute fund. Any certificate holder who teaches in more than one educational service region shall register the certificate or certificates in all regions where the teaching is done, but shall be required to pay one registration fee for all certificates held, provided holders of certificates issued pursuant to Section 21-9 of this Code shall be required to pay one registration fee, in each educational service region in which his or her certificate or certificates are registered, for all certificates held.

A duplicate certificate may be issued to the holder of a valid life certificate or valid certificate limited in time by the State Superintendent of Education; however, it shall only be issued upon request of a regional superintendent of schools and upon payment to the regional superintendent of schools who requests the duplicate a fee of $4, which shall be deposited into the institute fund.

(Source: P.A. 91-102, eff. 7-12-99.)

Section 95. No acceleration or delay. Where this Act makes changes in a statute that is represented in this Act by text that is not yet or no longer in effect (for example, a Section represented by multiple versions), the use of that text does not accelerate or delay the taking
effect of (i) the changes made by this Act or (ii) provisions derived from any other Public Act.

Section 99. Effective date. This Act takes effect upon becoming law, except that Section 3 takes effect on July 1, 2002.
Approved August 10, 2002.
Effective August 10, 2002.

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

Section 5. The Illinois Conservation Foundation Act is amended by changing Section 15 and by adding Section 20 as follows:

(20 ILCS 880/15)
Sec. 15. Organization, powers, and duties of Foundation. As soon as practical after the Foundation is created, the Board of Directors shall meet, organize, and designate, by majority vote, a treasurer, secretary, and any additional officers that may be needed to carry out the activities of the Foundation, and shall adopt bylaws of the Foundation. The Department of Natural Resources may adopt other rules deemed necessary to govern Foundation procedures.

The Foundation may accept gifts or grants from the federal government, its agencies or officers, or from any person, firm, or corporation, and may expend receipts on activities that it considers suitable to the performance of its duties under this Act and consistent with any requirement of the grant, gift, or bequest. Funds collected by the Foundation shall be considered private funds, except those received from public entities, and shall be held in an appropriate account outside of the State Treasury. Private funds collected by the Foundation are not subject to the Public Funds Investment Act. Foundation procurement is exempt from the Illinois Procurement Code when only private funds are used for procurement expenditures. The treasurer of the Foundation shall be custodian of all Foundation funds. The Foundation’s accounts and books shall be set up and maintained in a manner approved by the Auditor General; and the Foundation and its officers shall be responsible for the approval of recording of receipts, approval of payments, and the proper filing of required reports. The Foundation may be assisted in carrying out its functions by personnel of the Department of Natural Resources on matters falling within their scope and function. The Department shall provide reasonable assistance to the Foundation to achieve the purposes of the Foundation. The Foundation shall cooperate fully with the boards, commissions, agencies, departments, and institutions of the State. The funds held and made available by the Illinois Conservation Foundation shall be subject to financial and compliance audits by the Auditor General in compliance with the Illinois State Auditing Act.

New matter indicated by italics - deletions by strikeout.
The Foundation shall not have any power of eminent domain.
(Source: P.A. 88-591, eff. 8-20-94; 89-445, eff. 2-7-96.)

(20 ILCS 880/20 new)

Sec. 20. Disclosure to donors of exemption from Public Funds Investment Act. The Foundation must provide a written notice to any entity providing a gift, grant, or bequest to the Foundation that the Foundation is not subject to the provisions of the Public Funds Investment Act which Act places limitations on the types of securities in which a public agency may invest public funds.

Section 10. The Public Funds Investment Act is amended by changing Section 1 as follows:

(30 ILCS 235/1) (from Ch. 85, par. 901)
Sec. 1. The words "public funds", as used in this Act, mean current operating funds, special funds, interest and sinking funds, and funds of any kind or character belonging to or in the custody of any public agency.

The words "public agency", as used in this Act, mean the State of Illinois, the various counties, townships, cities, towns, villages, school districts, educational service regions, special road districts, public water supply districts, fire protection districts, drainage districts, levee districts, sewer districts, housing authorities, the Illinois Bank Examiners’ Education Foundation, the Chicago Park District, and all other political corporations or subdivisions of the State of Illinois, now or hereafter created, whether herein specifically mentioned or not. This Act does not apply to the Illinois Prepaid Tuition Trust Fund, private funds collected by the Illinois Conservation Foundation, or pension funds or retirement systems established under the Illinois Pension Code, except as otherwise provided in that Code.
(Source: P.A. 90-507, eff. 8-22-97; 91-669, eff. 1-1-00.)

Section 15. The Illinois Procurement Code is amended by changing Section 1-10 as follows:

(30 ILCS 500/1-10)
Sec. 1-10. Application.

(a) This Code applies only to procurements for which contractors were first solicited on or after July 1, 1998. This Code shall not be construed to affect or impair any contract, or any provision of a contract, entered into based on a solicitation prior to the implementation date of this Code as described in Article 99, including but not limited to any covenant entered into with respect to any revenue bonds or similar instruments. All procurements for which contracts are solicited between the effective date of Articles 50 and 99 and July 1, 1998 shall be substantially in accordance with this Code and its intent.

(b) This Code shall apply regardless of the source of the funds with which the contracts are paid, including federal assistance moneys. This Code shall not apply to:

(1) contracts between the State and its political subdivisions or other governments, or between State governmental bodies except as specifically provided in this Code.

(2) grants, except for the filing requirements of Section 20-80.

(3) purchase of care.

New matter indicated by italics - deletions by strikeout.
(4) hiring of an individual as employee and not as an independent contractor, whether pursuant to an employment code or policy or by contract directly with that individual.

(5) collective bargaining contracts.

(6) purchase of real estate.

(7) contracts necessary to prepare for anticipated litigation, enforcement actions, or investigations, provided that the chief legal counsel to the Governor shall give his or her prior approval when the procuring agency is one subject to the jurisdiction of the Governor, and provided that the chief legal counsel of any other procuring entity subject to this Code shall give his or her prior approval when the procuring entity is not one subject to the jurisdiction of the Governor.

(8) contracts for services to Northern Illinois University by a person, acting as an independent contractor, who is qualified by education, experience, and technical ability and is selected by negotiation for the purpose of providing non-credit educational service activities or products by means of specialized programs offered by the university.

(9) procurement expenditures by the Illinois Conservation Foundation when only private funds are used.

(Source: P.A. 90-572, eff. date - See Sec. 99-5; 91-627, eff. 8-19-99; 91-904, eff. 7-6-00.)

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


Approved August 15, 2002.

Effective August 15, 2002.

PUBLIC ACT 92-0798
(House Bill No. 5803)

AN ACT relating to auctions.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Auction License Act is amended by changing Section 10-1 and adding Section 10-27 as follows:

(225 ILCS 407/10-1)

(Section scheduled to be repealed on January 1, 2010)

Sec. 10-1. Necessity of license; exemptions.

(a) It is unlawful for any person, corporation, limited liability company, partnership, or other entity to conduct an auction, provide an auction service, hold himself or herself out as an auctioneer, or advertise his or her services as an auctioneer in the State of Illinois without a license issued by OBRE under this Act, except at:

(1) an auction conducted solely by or for a not-for-profit organization for charitable purposes;

(2) an auction conducted by the owner of the property, real or personal;

New matter indicated by italics - deletions by strikeout.
(3) an auction for the sale or lease of real property conducted by a licensee under the Real Estate License Act, or its successor Acts, in accordance with the terms of that Act; and

(4) an auction conducted by a business registered as a market agency under the federal Packers and Stockyards Act (7 U.S.C. 181 et seq.) or under the Livestock Auction Market Law;:

(5) an auction conducted by an agent, officer, or employee of a federal agency in the conduct of his or her official duties; and

(6) an auction conducted by an agent, officer, or employee of the State government or any political subdivision thereof performing his or her official duties.

(b) Nothing in this Act shall be construed to apply to a new or used vehicle dealer or a vehicle auctioneer licensed by the Secretary of State of Illinois, or to any employee of the licensee, who is a resident of the State of Illinois, while the employee is acting in the regular scope of his or her employment for the licensee while conducting an auction that is not open to the public, provided that only new or used vehicle dealers, rebuilders, automotive parts recyclers, scrap processors, or out-of-state salvage vehicle buyers licensed by the Secretary of State or licensed by another jurisdiction may buy property at the auction, or to sales by or through the licensee.

(c) Nothing in this Act shall be construed to prohibit a person under the age of 18 from selling property under $250 in value while under the direct supervision of a licensed auctioneer.

(d) Nothing in this Act, except Section 10-27, shall be construed to apply to a person while providing an Internet auction listing service as defined in Section 10-27.

(Source: P.A. 91-603, eff. 1-1-00.)

(225 ILCS 407/10-27 new)

Sec. 10-27. Registration of Internet Auction Listing Service.

(a) For the purposes of this Section:

(1) "Internet Auction Listing Service" means a website on the Internet, or other interactive computer service that is designed to allow or advertised as a means of allowing users to offer personal property or services for sale or lease to a prospective buyer or lessee through an on-line bid submission process using that website or interactive computer service and that does not examine, set the price, or prepare the description of the personal property or service to be offered, or in any way utilize the services of a natural person as an auctioneer.

(2) "Interactive computer service" means any information service, system, or access software provider that provides or enables computer access by multiple users to a computer server, including specifically a service or system that provides access to the Internet.

(b) It is unlawful for any person, corporation, limited liability company, partnership, or other entity to provide an Internet auction listing service in the State of Illinois for compensation without being registered with the Office of Banks and Real Estate (OBRE) when:

New matter indicated by italics - deletions by strikeout.
(1) the person, corporation, limited liability company, partnership, or other entity providing the Internet auction listing service is located in the State of Illinois;

(2) the prospective seller or seller, prospective lessor or lessor, or prospective purchaser or purchaser is located in the State of Illinois and is required to agree to terms with the person, corporation, limited liability company, partnership, or other entity providing the Internet auction listing service, no matter where that person, corporation, limited liability company, partnership, or other entity is located; or

(3) the personal property or services offered for sale or lease are located or will be provided in the State of Illinois.

(c) Any person, corporation, limited liability company, partnership, or other entity that provides an Internet auction listing service in the State of Illinois for compensation under any of the circumstances listed in subsection (b) shall register with OBRE on forms provided by OBRE accompanied by the required fee as provided by rule. Such registration shall include information as required by OBRE and established by rule as OBRE deems necessary to enable users of the Internet auction listing service in Illinois to identify the entity providing the service and to seek redress or further information from such entity. The fee shall be sufficient to cover the reasonable costs of OBRE in administering and enforcing the provisions of this Section. The registrant shall be required to certify:

(1) that the registrant does not act as the agent of users who sell items on its website, and acts only as a venue for user transactions;

(2) that the registrant requires sellers and bidders to register with the website and provide their name, address, telephone number and e-mail address;

(3) that the registrant retains such information for a period of at least 2 years;

(4) that the registrant retains transactional information consisting of at least seller identification, high bidder identification, and item sold for at least 2 years from the close of a transaction, and has a mechanism to identify all transactions involving a particular seller or buyer;

(5) that the registrant has a mechanism to receive complaints or inquiries from users;

(6) that the registrant adopts and reasonably implements a policy of suspending, in appropriate circumstances, the accounts of users who, based on the registrant's investigation, are proven to have engaged in a pattern of activity that appears to be deliberately designed to defraud consumers on the registrant's website; and

(7) that the registrant will comply with OBRE and law enforcement requests for stored data in its possession, subject to the requirements of applicable law.

(d) OBRE may refuse to accept a registration which is incomplete or not accompanied by the required fee. OBRE may impose a civil penalty not to exceed $10,000 upon any Internet auction listing service that intentionally fails to register as required by this Section, and may impose such penalty or revoke, suspend, or place on probation or

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administrative supervision the registration of any Internet auction listing service that:

(1) intentionally makes a false or fraudulent material representation or material misstatement or misrepresentation to OBRE in connection with its registration, including in the certification required under subsection (c);

(2) is convicted of any crime, an essential element of which is dishonesty, fraud, larceny, embezzlement, or obtaining money, property, or credit by false pretenses or by means of a confidence game; or is convicted in this or another state of a crime that is a felony under the laws of this State; or is convicted of a felony in a federal court;

(3) is adjudged to be a person under legal disability or subject to involuntary admission or to meet the standard for judicial admission as provided in the Mental Health and Developmental Disabilities Code;

(4) has been subject to discipline by another state, the District of Columbia, a territory of the United States, a foreign nation, a governmental agency, or any other entity authorized to impose discipline if at least one of the grounds for that discipline is the same as or equivalent to one of the grounds for discipline set forth in this Section or for failing to report to OBRE, within 30 days, any adverse final action taken against the registrant by any other licensing or registering jurisdiction, governmental agency, law enforcement agency, or court, or liability for conduct that would constitute grounds for action as set forth in this Section;

(5) fails to make available to OBRE personnel during normal business hours all records and related documents maintained in connection with the activities subject to registration under this Section;

(6) makes or files false records or reports in connection with activities subject to registration, including but not limited to false records or reports filed with State agencies;

(7) fails to provide information within 30 days in response to a written request made by the OBRE to a person designated in the registration for receipt of such requests; or

(8) fails to perform any act or procedure described in subsection (c) of this Section.

(e) Registrations issued pursuant to this Section shall expire on September 30 of odd-numbered years. A registrant shall submit a renewal application to OBRE on forms provided by OBRE along with the required fee as established by rule.

(f) Operating an Internet auction listing service under any of the circumstances listed in subsection (b) without being currently registered under this Section is declared to be adverse to the public welfare, to constitute a public nuisance, and to cause irreparable harm to the public welfare. The Commissioner of OBRE, the Attorney General of the State of Illinois, the State’s Attorney of any county in the State, or any other person may maintain an action and apply for injunctive relief in any circuit court to enjoin the person or entity from engaging in such practice.


New matter indicated by italics - deletions by strikeout.
and 20-75 of this Act shall apply to any actions of OBRE exercising its authority under subsection (d) as if a person required to register under this Section were a person holding or claiming to hold a license under this Act.

(h) OBRE shall have the authority to adopt such rules as may be necessary to implement or interpret the provisions of this Section.

Section 99. Effective date. This Act takes effect upon becoming law.
Approved August 15, 2002.
Effective August 15, 2002.

PUBLIC ACT 92-0799
(House Bill No. 1033)

AN ACT concerning Gulf War Veterans.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 1. This Act may be cited as the Gulf War Veterans Act.
Section 5. Gulf War Veterans Memorial. A Gulf War Veterans Memorial may be constructed by a private entity on a portion of the State property in Oak Ridge Cemetery in Springfield, Illinois.

Section 99. Effective date. This Act takes effect upon becoming law.
Passed in the General Assembly May 21, 2002.
Approved August 16, 2002.
Effective August 16, 2002.

PUBLIC ACT 92-0800
(House Bill No. 4365)

AN ACT in relation to highways.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Highway Code is amended by changing Sections 6-130, 6-508, and 6-701.8 as follows:

(605 ILCS 5/6-130) (from Ch. 121, par. 6-130)

Sec. 6-130. Notwithstanding any other provision of this Act to the contrary, no township road district may continue in existence if the roads forming a part of the district do not exceed a total of 4 miles in length. On the first Tuesday in April of 1975, or of any subsequent year next succeeding the reduction of a township road system to a total mileage of 4 miles or less, each such township road district shall, by operation of law, be abolished. The roads comprising that district at that time shall thereafter be administered by the township board of trustees by contracting with the county, a municipality or a private contractor. The township board of trustees shall assume all taxing authority of a township New matter indicated by italics - deletions by strikeout.
road district abolished under this Section.
(Source: P.A. 83-605.)

Sec. 6-508. (a) For the purpose of constructing or repairing bridges, culverts, drainage structures or grade separations, including approaches thereto, at the joint expense of a county and a road district and obtaining aid from the county as provided in Section 5-501 of this Code, there may be included in the annual tax levies provided for in Section 6-501 of this Code a tax of not to exceed .05% of the value of all the taxable property in the road district, as equalized or assessed by the Department of Revenue, which tax shall be in addition to and may be in excess of the maximum levy and may be extended at a rate in addition to and in excess of the tax rate for road purposes authorized under Section 6-501 of this Code.

Such tax, when collected, shall constitute and be held by the treasurer of the district as a separate fund to be expended for the construction or repair of bridges, culverts, drainage structures or grade separations, including approaches thereto, at the joint expense of the county and the road district. The highway commissioner shall separately specify in the certificate required by Section 6-501 the amount necessary to be raised by taxation for the purpose of constructing or repairing bridges, culverts, drainage structures or grade separations, including approaches thereto, at the joint expense of the county and the road district. Upon the approval by the county board of the amount so certified as provided in Section 6-501 of this Code, the county clerk shall extend the same against the taxable property of the road district, provided the amount thus approved shall not be extended at a rate in excess of .05% of value, as equalized or assessed by the Department of Revenue.

When any improvement project for which a tax may be levied under this Section has been ordered as provided in Section 5-501 and the estimated cost of such project to the road district is in excess of the amount that will be realized from the annual tax levy authorized by this Section when extended and collected, then the road district may accumulate the proceeds of such tax for such number of years as may be necessary to acquire the funds necessary to pay the district's share of the cost of such project. In counties in which a property tax extension limitation is imposed under the Property Tax Extension Limitation Law and the imposition of the property tax extension limitation prevents a road district from levying taxes for road purposes at the required rate, a road district may retain its eligibility if, at the time the property tax extension limitation was imposed, the road district was levying at the required rate and continues to levy the maximum allowable amount after the imposition of the property tax extension limitation. It shall not be a valid objection to any subsequent tax levy made under this Section that there remains unexpended money arising from a preceding levy of a prior year because of the accumulation provided for in this Section.

The rate limitation imposed by this Section may be increased for a 10 year period to up to 0.25% of the value of all the taxable property in the road district, as equalized or assessed by the Department of Revenue if the proposition for the increased tax rate is submitted under Sections 6-504 and 6-505 and receives a majority of all ballots cast on the proposition at the election held under Section 6-505.

New matter indicated by italics - deletions by strikeout.
(b) All surplus funds remaining in the hands of the treasurer of the road district after the completion of any construction or repairing of bridges, culverts, drainage structures or grade separations, including approaches thereto, under this Section, shall be turned over at the request of the highway commissioner, with the written consent of the county superintendent, to the regular road fund of the road district. Upon such request, no further levy under this Section is to be extended by the county clerk unless the proposition authorizing such further levy is submitted under Sections 6-504 and 6-505 and receives a majority of all ballots cast on the proposition at the election held under Section 6-505.

(c) The moneys from this tax may also be used for construction and maintenance of bridges, culverts and other drainage facilities, or grade separations, including approaches thereto, on, under, or over the district roads, without joint county funds being involved and without limitation as to size of project, but only if adequate funds are available for all projects for which the road district has petitioned the county for joint participation. If the project size is over $10,000, the road district commissioner shall also obtain the permission of the county engineer.

(Source: P.A. 92-268, eff. 1-1-02.)

(605 ILCS 5/6-701.8) (from Ch. 121, par. 6-701.8)

Sec. 6-701.8. The formula allocation for township and road districts for the distribution of motor fuel tax funds, provided for in Section 8 in the "Motor Fuel Tax Law", may be used by the highway commissioner, subject to the conditions set out in Sections 6-301, 6-701.1 and 6-701.2 as respects the methods, equipment and materials appropriate for such maintenance or improvement, and, in township counties, with the approval of the board of town trustees, for the maintenance or improvement of nondedicated subdivision roads established prior to July 23, 1959. Any such road improved becomes, by operation of law, a part of the township and district road system providing such road meets standards as established by the county. In township counties, the board of town trustees shall condition its approval, as required by this Section, upon proportional matching contributions, whether in cash, kind, services or otherwise, by property owners in the subdivision where such a road is situated. No more than the amount of the increase in allocation attributable to this amendatory Act of 1979 and any subsequent amendatory Act plus 50% of such funds otherwise allocated under the formula as provided in Section 8 in the "Motor Fuel Tax Law" and subsequently approved as provided in this Section, may be expended on eligible nondedicated subdivision roads.

(Source: P.A. 83-957.)

Section 99. Effective date. This Act takes effect upon becoming law.
Approved August 16, 2002.
Effective August 16, 2002.
AN ACT in relation to criminal law.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Abused and Neglected Child Reporting Act is amended by changing Sections 2, 3, 4, 4.02, 7, 7.1, 7.4, and 7.14 as follows:

(325 ILCS 5/2) (from Ch. 23, par. 2052)
Sec. 2. The Illinois Department of Children and Family Services shall, upon receiving reports made under this Act, protect the health, safety, and best interests of the child in all situations in which the child is vulnerable to child abuse or neglect, offer protective services in order to prevent any further harm to the child and to other children in the same environment or family, stabilize the home environment, and preserve family life whenever possible. Recognizing that children also can be abused and neglected while living in public or private residential agencies or institutions meant to serve them, while attending day care centers, or schools, or religious activities, or when in contact with adults who are responsible for the welfare of the child at that time, this Act also provides for the reporting and investigation of child abuse and neglect in such instances. In performing any of these duties, the Department may utilize such protective services of voluntary agencies as are available.
(Source: P.A. 90-28, eff. 1-1-98.)

(325 ILCS 5/3) (from Ch. 23, par. 2053)
Sec. 3. As used in this Act unless the context otherwise requires:
"Child" means any person under the age of 18 years, unless legally emancipated by reason of marriage or entry into a branch of the United States armed services.
"Department" means Department of Children and Family Services.
"Local law enforcement agency" means the police of a city, town, village or other incorporated area or the sheriff of an unincorporated area or any sworn officer of the Illinois Department of State Police.
"Abused child" means a child whose parent or immediate family member, or any person responsible for the child's welfare, or any individual residing in the same home as the child, or a paramour of the child's parent:

(a) inflicts, causes to be inflicted, or allows to be inflicted upon such child physical injury, by other than accidental means, which causes death, disfigurement, impairment of physical or emotional health, or loss or impairment of any bodily function;

(b) creates a substantial risk of physical injury to such child by other than accidental means which would be likely to cause death, disfigurement, impairment of physical or emotional health, or loss or impairment of any bodily function;

(c) commits or allows to be committed any sex offense against such child, as such sex offenses are defined in the Criminal Code of 1961, as amended, and extending those definitions of sex offenses to include children under 18 years of age;

New matter indicated by italics - deletions by strikeout.
(d) commits or allows to be committed an act or acts of torture upon such child;

(e) inflicts excessive corporal punishment;

(f) commits or allows to be committed the offense of female genital mutilation, as defined in Section 12-34 of the Criminal Code of 1961, against the child; or

(g) causes to be sold, transferred, distributed, or given to such child under 18 years of age, a controlled substance as defined in Section 102 of the Illinois Controlled Substances Act in violation of Article IV of the Illinois Controlled Substances Act, except for controlled substances that are prescribed in accordance with Article III of the Illinois Controlled Substances Act and are dispensed to such child in a manner that substantially complies with the prescription.

A child shall not be considered abused for the sole reason that the child has been relinquished in accordance with the Abandoned Newborn Infant Protection Act.

"Neglected child" means any child who is not receiving the proper or necessary nourishment or medically indicated treatment including food or care not provided solely on the basis of the present or anticipated mental or physical impairment as determined by a physician acting alone or in consultation with other physicians or otherwise is not receiving the proper or necessary support or medical or other remedial care recognized under State law as necessary for a child's well-being, or other care necessary for his or her well-being, including adequate food, clothing and shelter; or who is abandoned by his or her parents or other person responsible for the child's welfare without a proper plan of care; or who is a newborn infant whose blood, urine, or meconium contains any amount of a controlled substance as defined in subsection (f) of Section 102 of the Illinois Controlled Substances Act or a metabolite thereof, with the exception of a controlled substance or metabolite thereof whose presence in the newborn infant is the result of medical treatment administered to the mother or the newborn infant. A child shall not be considered neglected for the sole reason that the child's parent or other person responsible for his or her welfare has left the child in the care of an adult relative for any period of time. A child shall not be considered neglected for the sole reason that the child has been relinquished in accordance with the Abandoned Newborn Infant Protection Act. A child shall not be considered neglected or abused for the sole reason that such child's parent or other person responsible for his or her welfare depends upon spiritual means through prayer alone for the treatment or cure of disease or remedial care as provided under Section 4 of this Act. A child shall not be considered neglected or abused solely because the child is not attending school in accordance with the requirements of Article 26 of The School Code, as amended.

"Child Protective Service Unit" means certain specialized State employees of the Department assigned by the Director to perform the duties and responsibilities as provided under Section 7.2 of this Act.

"Person responsible for the child's welfare" means the child's parent; guardian; foster parent; relative caregiver; any person responsible for the child's welfare in a public or private residential agency or institution; any person responsible for the child's welfare within a

New matter indicated by italics - deletions by strikeout.
public or private profit or not for profit child care facility; or any other person responsible for the child's welfare at the time of the alleged abuse or neglect, or any person who came to know the child through an official capacity or position of trust, including but not limited to health care professionals, educational personnel, recreational supervisors, *members of the clergy*, and volunteers or support personnel in any setting where children may be subject to abuse or neglect.

"Temporary protective custody" means custody within a hospital or other medical facility or a place previously designated for such custody by the Department, subject to review by the Court, including a licensed foster home, group home, or other institution; but such place shall not be a jail or other place for the detention of criminal or juvenile offenders.

"An unfounded report" means any report made under this Act for which it is determined after an investigation that no credible evidence of abuse or neglect exists.

"An indicated report" means a report made under this Act if an investigation determines that credible evidence of the alleged abuse or neglect exists.

"An undetermined report" means any report made under this Act in which it was not possible to initiate or complete an investigation on the basis of information provided to the Department.

"Subject of report" means any child reported to the central register of child abuse and neglect established under Section 7.7 of this Act and his or her parent, guardian or other person responsible who is also named in the report.

"Perpetrator" means a person who, as a result of investigation, has been determined by the Department to have caused child abuse or neglect.

"Member of the clergy" means a clergyman or practitioner of any religious denomination accredited by the religious body to which he or she belongs.

(Source: P.A. 91-802, eff. 1-1-01; 92-408, eff. 8-17-01; 92-432, eff. 8-17-01.)

(325 ILCS 5/4) (from Ch. 23, par. 2054)

Sec. 4. Persons required to report; privileged communications; transmitting false report. Any physician, resident, intern, hospital, hospital administrator and personnel engaged in examination, care and treatment of persons, surgeon, dentist, dentist hygienist, osteopath, chiropractor, podiatrist, physician assistant, substance abuse treatment personnel, Christian Science practitioner, funeral home director or employee, coroner, medical examiner, emergency medical technician, acupuncturist, crisis line or hotline personnel, school personnel, educational advocate assigned to a child pursuant to the School Code, truant officers, social worker, social services administrator, domestic violence program personnel, registered nurse, licensed practical nurse, respiratory care practitioner, advanced practice nurse, home health aide, director or staff assistant of a nursery school or a child day care center, recreational program or facility personnel, law enforcement officer, registered psychologist and assistants working under the direct supervision of a psychologist, psychiatrist, or field personnel of the Illinois Department of Public Aid, Public Health, Human Services (acting as successor to the Department of Mental Health and Developmental Disabilities, Rehabilitation Services, or Public Aid), Corrections, Human Rights, or Children and Family Services, supervisor and administrator of general assistance under the Illinois

New matter indicated by italics - deletions by strikeout.
Public Aid Code, probation officer, or any other foster parent, homemaker or child care worker having reasonable cause to believe a child known to them in their professional or official capacity may be an abused child or a neglected child shall immediately report or cause a report to be made to the Department.

*Any member of the clergy having reasonable cause to believe that a child known to that member of the clergy in his or her professional capacity may be an abused child as defined in item (c) of the definition of "abused child" in Section 3 of this Act shall immediately report or cause a report to be made to the Department.*

Whenever such person is required to report under this Act in his capacity as a member of the staff of a medical or other public or private institution, school, facility or agency, or as a member of the clergy, he shall make report immediately to the Department in accordance with the provisions of this Act and may also notify the person in charge of such institution, school, facility or agency, or church, synagogue, temple, mosque, or other religious institution, or his designated agent that such report has been made. Under no circumstances shall any person in charge of such institution, school, facility or agency, or church, synagogue, temple, mosque, or other religious institution, or his designated agent to whom such notification has been made, exercise any control, restraint, modification or other change in the report or the forwarding of such report to the Department.

The privileged quality of communication between any professional person required to report and his patient or client shall not apply to situations involving abused or neglected children and shall not constitute grounds for failure to report as required by this Act.

*A member of the clergy may claim the privilege under Section 8-803 of the Code of Civil Procedure.*

In addition to the above persons required to report suspected cases of abused or neglected children, any other person may make a report if such person has reasonable cause to believe a child may be an abused child or a neglected child.

Any person who enters into employment on and after July 1, 1986 and is mandated by virtue of that employment to report under this Act, shall sign a statement on a form prescribed by the Department, to the effect that the employee has knowledge and understanding of the reporting requirements of this Act. The statement shall be signed prior to commencement of the employment. The signed statement shall be retained by the employer. The cost of printing, distribution, and filing of the statement shall be borne by the employer.

The Department shall provide copies of this Act, upon request, to all employers employing persons who shall be required under the provisions of this Section to report under this Act.

Any person who knowingly transmits a false report to the Department commits the offense of disorderly conduct under subsection (a)(7) of Section 26-1 of the "Criminal Code of 1961". Any person who violates this provision a second or subsequent time shall be guilty of a Class 4 felony.

Any person who knowingly and willfully violates any provision of this Section other than a second or subsequent violation of transmitting a false report as described in the

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preceding paragraph, is shall be guilty of a Class A misdemeanor for a first violation and a Class 4 felony for a second or subsequent violation.

A child whose parent, guardian or custodian in good faith selects and depends upon spiritual means through prayer alone for the treatment or cure of disease or remedial care may be considered neglected or abused, but not for the sole reason that his parent, guardian or custodian accepts and practices such beliefs.

A child shall not be considered neglected or abused solely because the child is not attending school in accordance with the requirements of Article 26 of the School Code, as amended.

(Source: P.A. 91-259, eff. 1-1-00; 91-516, eff. 8-13-99; 92-16, eff. 6-28-01.)

(325 ILCS 5/4.02) (from Ch. 23, par. 2054.02)

Sec. 4.02. Any physician who willfully fails to report suspected child abuse or neglect as required by this Act shall be referred to the Illinois State Medical Disciplinary Board for action in accordance with paragraph 22 of Section 22 of the Medical Practice Act of 1987. Any dentist or dental hygienist who willfully fails to report suspected child abuse or neglect as required by this Act shall be referred to the Department of Professional Regulation for action in accordance with paragraph 19 of Section 23 of the Illinois Dental Practice Act. Any other person required by this Act to report suspected child abuse and neglect who willfully fails to report such is shall be guilty of a Class A misdemeanor for a first violation and a Class 4 felony for a second or subsequent violation.

(Source: P.A. 91-197, eff. 1-1-00.)

(325 ILCS 5/7) (from Ch. 23, par. 2057)

Sec. 7. Time and manner of making reports. All reports of suspected child abuse or neglect made under this Act shall be made immediately by telephone to the central register established under Section 7.7 on the single, State-wide, toll-free telephone number established in Section 7.6, or in person or by telephone through the nearest Department office. The Department shall, in cooperation with school officials, distribute appropriate materials in school buildings listing the toll-free telephone number established in Section 7.6, including methods of making a report under this Act. The Department may, in cooperation with appropriate members of the clergy, distribute appropriate materials in churches, synagogues, temples, mosques, or other religious buildings listing the toll-free telephone number established in Section 7.6, including methods of making a report under this Act.

Wherever the Statewide number is posted, there shall also be posted the following notice:

"Any person who knowingly transmits a false report to the Department commits the offense of disorderly conduct under subsection (a)(7) of Section 26-1 of the Criminal Code of 1961. A first violation of this subsection is a Class A misdemeanor, punishable by a term of imprisonment for up to one year, or by a fine not to exceed $1,000, or by both such term and fine. A second or subsequent violation is a Class 4 felony."

The report required by this Act shall include, if known, the name and address of the child and his parents or other persons having his custody; the child's age; the nature of the child's condition including any evidence of previous injuries or disabilities; and any other
information that the person filing the report believes might be helpful in establishing the cause of such abuse or neglect and the identity of the person believed to have caused such abuse or neglect. Reports made to the central register through the State-wide, toll-free telephone number shall be immediately transmitted to the appropriate Child Protective Service Unit. The Department shall within 24 hours orally notify local law enforcement personnel and the office of the State's Attorney of the involved county of the receipt of any report alleging the death of a child, serious injury to a child including, but not limited to, brain damage, skull fractures, subdural hematomas, and, internal injuries, torture of a child, malnutrition of a child, and sexual abuse to a child, including, but not limited to, sexual intercourse, sexual exploitation, sexual molestation, and sexually transmitted disease in a child age twelve and under. All oral reports made by the Department to local law enforcement personnel and the office of the State's Attorney of the involved county shall be confirmed in writing within 48 hours of the oral report. All reports by persons mandated to report under this Act shall be confirmed in writing to the appropriate Child Protective Service Unit, which may be on forms supplied by the Department, within 48 hours of any initial report.

Written confirmation reports from persons not required to report by this Act may be made to the appropriate Child Protective Service Unit. Written reports from persons required by this Act to report shall be admissible in evidence in any judicial proceeding relating to child abuse or neglect. Reports involving known or suspected child abuse or neglect in public or private residential agencies or institutions shall be made and received in the same manner as all other reports made under this Act.

(Source: P.A. 89-187, eff. 7-19-95.)

(325 ILCS 5/7.1) (from Ch. 23, par. 2057.1)

Sec. 7.1. (a) To the fullest extent feasible, the Department shall cooperate with and shall seek the cooperation and involvement of all appropriate public and private agencies, including health, education, social service and law enforcement agencies, religious institutions, courts of competent jurisdiction, and agencies, organizations, or programs providing or concerned with human services related to the prevention, identification or treatment of child abuse or neglect.

Such cooperation and involvement shall include joint consultation and services, joint planning, joint case management, joint public education and information services, joint utilization of facilities, joint staff development and other training, and the creation of multidisciplinary case diagnostic, case handling, case management, and policy planning teams. Such cooperation and involvement shall also include consultation and planning with the Illinois Department of Human Services regarding referrals to designated perinatal centers of newborn children requiring protective custody under this Act, whose life or development may be threatened by a developmental disability or handicapping condition.

For implementing such intergovernmental cooperation and involvement, units of local government and public and private agencies may apply for and receive federal or State funds from the Department under this Act or seek and receive gifts from local philanthropic or other private local sources in order to augment any State funds appropriated for the

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purposes of this Act.

(b) The Department may establish up to 5 demonstrations of multidisciplinary teams to advise, review and monitor cases of child abuse and neglect brought by the Department or any member of the team. The Director shall determine the criteria by which certain cases of child abuse or neglect are brought to the multidisciplinary teams. The criteria shall include but not be limited to geographic area and classification of certain cases where allegations are of a severe nature. Each multidisciplinary team shall consist of 7 to 10 members appointed by the Director, including, but not limited to representatives from the medical, mental health, educational, juvenile justice, law enforcement and social service fields.

(Source: P.A. 89-507, eff. 7-1-97.)

(325 ILCS 5/7.4) (from Ch. 23, par. 2057.4)

Sec. 7.4. (a) The Department shall be capable of receiving reports of suspected child abuse or neglect 24 hours a day, 7 days a week. Whenever the Department receives a report alleging that a child is a truant as defined in Section 26-2a of The School Code, as now or hereafter amended, the Department shall notify the superintendent of the school district in which the child resides and the appropriate superintendent of the educational service region. The notification to the appropriate officials by the Department shall not be considered an allegation of abuse or neglect under this Act.

(b) (1) The following procedures shall be followed in the investigation of all reports of suspected abuse or neglect of a child, except as provided in subsection (c) of this Section.

(2) If it appears that the immediate safety or well-being of a child is endangered, that the family may flee or the child disappear, or that the facts otherwise so warrant, the Child Protective Service Unit shall commence an investigation immediately, regardless of the time of day or night. In all other cases, investigation shall be commenced within 24 hours of receipt of the report. Upon receipt of a report, the Child Protective Service Unit shall make an initial investigation and an initial determination whether the report is a good faith indication of alleged child abuse or neglect.

(3) If the Unit determines the report is a good faith indication of alleged child abuse or neglect, then a formal investigation shall commence and, pursuant to Section 7.12 of this Act, may or may not result in an indicated report. The formal investigation shall include: direct contact with the subject or subjects of the report as soon as possible after the report is received; an evaluation of the environment of the child named in the report and any other children in the same environment; a determination of the risk to such children if they continue to remain in the existing environments, as well as a determination of the nature, extent and cause of any condition enumerated in such report; the name, age and condition of other children in the environment; and an evaluation as to whether there would be an immediate and urgent necessity to remove the child from the environment if appropriate family preservation services were provided. After seeing to the safety of the child or children, the Department shall forthwith notify the subjects of the report in writing, of the existence of the report and their rights existing under this Act in regard to amendment or expungement. To fulfill the requirements of this Section, the Child Protective Service Unit shall have the capability of providing or arranging for comprehensive emergency services to children and

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families at all times of the day or night.

(4) If (i) at the conclusion of the Unit's initial investigation of a report, the Unit determines the report to be a good faith indication of alleged child abuse or neglect that warrants a formal investigation by the Unit, the Department, any law enforcement agency or any other responsible agency and (ii) the person who is alleged to have caused the abuse or neglect is employed or otherwise engaged in an activity resulting in frequent contact with children and the alleged abuse or neglect are in the course of such employment or activity, then the Department shall, except in investigations where the Director determines that such notification would be detrimental to the Department's investigation, inform the appropriate supervisor or administrator of that employment or activity that the Unit has commenced a formal investigation pursuant to this Act, which may or may not result in an indicated report. The Department shall also notify the person being investigated, unless the Director determines that such notification would be detrimental to the Department's investigation.

(c) In an investigation of a report of suspected abuse or neglect of a child by a school employee at a school or on school grounds, the Department shall make reasonable efforts to follow the following procedures:

(1) Investigations involving teachers shall not, to the extent possible, be conducted when the teacher is scheduled to conduct classes. Investigations involving other school employees shall be conducted so as to minimize disruption of the school day. The school employee accused of child abuse or neglect may have his superior, his association or union representative and his attorney present at any interview or meeting at which the teacher or administrator is present. The accused school employee shall be informed by a representative of the Department, at any interview or meeting, of the accused school employee's due process rights and of the steps in the investigation process. The information shall include, but need not necessarily be limited to the right, subject to the approval of the Department, of the school employee to confront the accuser, if the accuser is 14 years of age or older, or the right to review the specific allegations which gave rise to the investigation, and the right to review all materials and evidence that have been submitted to the Department in support of the allegation. These due process rights shall also include the right of the school employee to present countervailing evidence regarding the accusations.

(2) If a report of neglect or abuse of a child by a teacher or administrator does not involve allegations of sexual abuse or extreme physical abuse, the Child Protective Service Unit shall make reasonable efforts to conduct the initial investigation in coordination with the employee's supervisor.

If the Unit determines that the report is a good faith indication of potential child abuse or neglect, it shall then commence a formal investigation under paragraph (3) of subsection (b) of this Section.

(3) If a report of neglect or abuse of a child by a teacher or administrator involves an allegation of sexual abuse or extreme physical abuse, the Child Protective Unit shall commence an investigation under paragraph (2) of subsection (b) of this Section.
(d) If the Department has contact with an employer, or with a religious institution or religious official having supervisory or hierarchical authority over a member of the clergy accused of the abuse of a child, in the course of its investigation, the Department shall notify the employer or the religious institution or religious official, in writing, when a report is unfounded so that any record of the investigation can be expunged from the employee’s or member of the clergy’s personnel or other records. The Department shall also notify the employee or the member of the clergy, in writing, that notification has been sent to the employer or to the appropriate religious institution or religious official informing the employer or religious institution or religious official that the Department's investigation has resulted in an unfounded report.

(e) Upon request by the Department, the Department of State Police and law enforcement agencies are authorized to provide criminal history record information as defined in the Illinois Uniform Conviction Information Act and information maintained in the adjudicatory and dispositional record system as defined in Section 2605-355 of the Department of State Police Law (20 ILCS 2605/2605-355) to properly designated employees of the Department of Children and Family Services if the Department determines the information is necessary to perform its duties under the Abused and Neglected Child Reporting Act, the Child Care Act of 1969, and the Children and Family Services Act. The request shall be in the form and manner required by the Department of State Police. Any information obtained by the Department of Children and Family Services under this Section is confidential and may not be transmitted outside the Department of Children and Family Services other than to a court of competent jurisdiction or unless otherwise authorized by law. Any employee of the Department of Children and Family Services who transmits confidential information in violation of this Section or causes the information to be transmitted in violation of this Section is guilty of a Class A misdemeanor unless the transmittal of the information is authorized by this Section or otherwise authorized by law. (Source: P.A. 91-239, eff. 1-1-00.)

(325 ILCS 5/7.14) (from Ch. 23, par. 2057.14)

Sec. 7.14. All reports in the central register shall be classified in one of three categories: "indicated", "unfounded" or "undetermined", as the case may be. After the report is classified, the person making the classification shall determine whether the child named in the report is the subject of an action under Article II of the Juvenile Court Act of 1987. If the child is the subject of an action under Article II of the Juvenile Court Act, the Department shall transmit a copy of the report to the guardian ad litem appointed for the child under Section 2-17 of the Juvenile Court Act. All information identifying the subjects of an unfounded report shall be expunged from the register forthwith, except as provided in Section 7.7. Unfounded reports may only be made available to the Child Protective Service Unit when investigating a subsequent report of suspected abuse or maltreatment involving a child named in the unfounded report; and to the subject of the report, provided that the subject requests the report within 60 days of being notified that the report was unfounded. The Child Protective Service Unit shall not indicate the subsequent report solely based upon the existence of the prior unfounded report or reports. Notwithstanding any other provision

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of law to the contrary, an unfounded report shall not be admissible in any judicial or administrative proceeding or action. Identifying information on all other records shall be removed from the register no later than 5 years after the report is indicated. However, if another report is received involving the same child, his sibling or offspring, or a child in the care of the persons responsible for the child’s welfare, or involving the same alleged offender, the identifying information may be maintained in the register until 5 years after the subsequent case or report is closed.

Notwithstanding any other provision of this Section, identifying information in indicated reports involving the sexual abuse of a child, the death of a child, or serious physical injury to a child as defined by the Department in rules, may be retained longer than 5 years after the report is indicated or after the subsequent case or report is closed, and may not be removed from the register except as provided by the Department in rules.

(Source: P.A. 90-15, eff. 6-13-97.)

Section 10. The Criminal Code of 1961 is amended by changing Section 3-6 as follows:

(720 ILCS 5/3-6) (from Ch. 38, par. 3-6)
Sec. 3-6. Extended limitations. The period within which a prosecution must be commenced under the provisions of Section 3-5 or other applicable statute is extended under the following conditions:

(a) A prosecution for theft involving a breach of a fiduciary obligation to the aggrieved person may be commenced as follows:

1. If the aggrieved person is a minor or a person under legal disability, then during the minority or legal disability or within one year after the termination thereof.

2. In any other instance, within one year after the discovery of the offense by an aggrieved person, or by a person who has legal capacity to represent an aggrieved person or has a legal duty to report the offense, and is not himself or herself a party to the offense; or in the absence of such discovery, within one year after the proper prosecuting officer becomes aware of the offense. However, in no such case is the period of limitation so extended more than 3 years beyond the expiration of the period otherwise applicable.

(b) A prosecution for any offense based upon misconduct in office by a public officer or employee may be commenced within one year after discovery of the offense by a person having a legal duty to report such offense, or in the absence of such discovery, within one year after the proper prosecuting officer becomes aware of the offense. However, in no such case is the period of limitation so extended more than 3 years beyond the expiration of the period otherwise applicable.

(c) Except as otherwise provided in subdivision (i) or (j) of this Section, a prosecution for any offense involving sexual conduct or sexual penetration, as defined in Section 12-12 of this Code, where the victim and defendant are family members, as defined in Section 12-12 of this Code, may be commenced within one year of the victim attaining the age of 18 years.

(d) A prosecution for child pornography, indecent solicitation of a child, soliciting

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for a juvenile prostitute, juvenile pimping or exploitation of a child may be commenced within one year of the victim attaining the age of 18 years. However, in no such case shall the time period for prosecution expire sooner than 3 years after the commission of the offense. When the victim is under 18 years of age, a prosecution for criminal sexual abuse may be commenced within one year of the victim attaining the age of 18 years. However, in no such case shall the time period for prosecution expire sooner than 3 years after the commission of the offense.

(e) Except as otherwise provided in subdivision (j), a prosecution for any offense involving sexual conduct or sexual penetration, as defined in Section 12-12 of this Code, where the defendant was within a professional or fiduciary relationship or a purported professional or fiduciary relationship with the victim at the time of the commission of the offense may be commenced within one year after the discovery of the offense by the victim.

(f) A prosecution for any offense set forth in Section 44 of the "Environmental Protection Act", approved June 29, 1970, as amended, may be commenced within 5 years after the discovery of such an offense by a person or agency having the legal duty to report the offense or in the absence of such discovery, within 5 years after the proper prosecuting officer becomes aware of the offense.

(g) (Blank).

(h) (Blank).

(i) Except as otherwise provided in subdivision (j), a prosecution for criminal sexual assault, aggravated criminal sexual assault, or aggravated criminal sexual abuse may be commenced within 10 years of the commission of the offense if the victim reported the offense to law enforcement authorities within 2 years after the commission of the offense.

When the victim is under 18 years of age at the time of the offense and the offender is a family member as defined in Section 12-12, a prosecution for criminal sexual assault, aggravated criminal sexual assault, predatory criminal sexual assault of a child, or aggravated criminal sexual abuse may be commenced within 10 years of the victim attaining the age of 18 years:

When the victim is under 18 years of age at the time of the offense and the offender is not a family member as defined in Section 12-12, a prosecution for criminal sexual assault, aggravated criminal sexual assault, predatory criminal sexual assault of a child, or aggravated criminal sexual abuse may be commenced within 10 years of the victim attaining the age of 18 years, if the victim reported the offense to law enforcement authorities before he or she attained the age of 21 years. Nothing in this subdivision (i) shall be construed to shorten a period within which a prosecution must be commenced under any other provision of this Section.

(j) When the victim is under 18 years of age at the time of the offense, a prosecution for criminal sexual assault, aggravated criminal sexual assault, predatory criminal sexual assault of a child, or aggravated criminal sexual abuse or a prosecution for failure of a person who is required to report an alleged or suspected commission of any of these offenses under the Abused and Neglected Child Reporting Act may be commenced within 10 years after the child victim attains 18 years of age.

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Nothing in this subdivision (j) shall be construed to shorten a period within which a prosecution must be commenced under any other provision of this Section.
(Source: P.A. 91-475, eff. 1-1-00; 91-801, eff. 6-13-00.)

Section 99. Effective date. This Act takes effect upon becoming law.
Approved August 16, 2002.
Effective August 16, 2002.

PUBLIC ACT 92-0802
(House Bill No. 5654)

AN ACT concerning counties.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Counties Code is amended by adding Section 5-1085.5 as follows:
(55 ILCS 5/5-1085.5 new)
Sec. 5-1085.5. Homicide and questionable death protocol. Each county, except home rule counties, must establish a written protocol to deal with homicides and questionable deaths. The protocol must be promulgated by the Coroner, Sheriff, State's Attorney, all fire departments and fire protection districts located in the county, and all police departments located in the county. The protocol must include at least the following:
(a) the types of deaths that fall under the scope of the protocol;
(b) the agencies concerned with the death;
(c) the area of responsibility for each agency regarding the death; and
(d) uniform procedures concerning homicides and questionable deaths.
If, prior to the effective date of this amendatory Act of the 92nd General Assembly, a county has established a written protocol that was agreed to by the agencies specified in this Section to deal with homicides and questionable deaths, then that protocol is deemed to satisfy the requirements of this Section.
The protocol shall not interfere with reasonable attempts to preserve life, attempt resuscitation, or provide necessary medical services.
Approved August 16, 2002.

PUBLIC ACT 92-0803
(House Bill No. 6041)

AN ACT in relation to health facilities.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 2. The Department of Public Health Powers and Duties Law of the Civil

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Administrative Code of Illinois is amended by changing Section 2310-560 as follows:

(20 ILCS 2310/2310-560) (was 20 ILCS 2310/55.87)

Sec. 2310-560. Advisory committees committee concerning construction of facilities.

(a) The Director shall appoint an advisory committee. The committee shall be established by the Department by rule. The Director and the Department shall consult with the advisory committee concerning the application of building codes and Department rules related to those building codes to facilities under the Ambulatory Surgical Treatment Center Act and; the Nursing Home Care Act and the Hospital Licensing Act.

(b) The Director shall appoint an advisory committee to advise the Department and to conduct informal dispute resolution concerning the application of building codes for new and existing construction and related Department rules and standards under the Hospital Licensing Act, including without limitation rules and standards for (i) design and construction, (ii) engineering and maintenance of the physical plant, site, equipment, and systems (heating, cooling, electrical, ventilation, plumbing, water, sewer, and solid waste disposal), and (iii) fire and safety. The advisory committee shall be composed of all of the following members:

(1) The chairperson or an elected representative from the Hospital Licensing Board under the Hospital Licensing Act.

(2) Two health care architects with a minimum of 10 years of experience in institutional design and building code analysis.

(3) Two engineering professionals (one mechanical and one electrical) with a minimum of 10 years of experience in institutional design and building code analysis.

(4) One commercial interior design professional with a minimum of 10 years of experience.

(5) Two representatives from provider associations.

(6) The Director or his or her designee, who shall serve as the committee moderator.

Appointments shall be made with the concurrence of the Hospital Licensing Board. The committee shall submit recommendations concerning the application of building codes and related Department rules and standards to the Hospital Licensing Board for review and comment prior to submission to the Department. The committee shall submit recommendations concerning informal dispute resolution to the Director. The Department shall provide per diem and travel expenses to the committee members.

(Source: P.A. 90-327, eff. 8-8-97; 90-655, eff. 7-30-98; 91-239, eff. 1-1-00.)

Section 3. The Illinois Building Commission Act is amended by changing Sections 5, 25, and 50 and adding Section 47 as follows:

(20 ILCS 3918/5)

Sec. 5. Definitions. When used in this Act:


"State agency" has the same meaning as in Section 1-7 of the Illinois State Auditing Act.

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"State building requirements" means any law, rule, or executive order implemented by the State of Illinois affecting the construction of buildings in Illinois.

"Health care provider" means a hospital as defined in the Hospital Licensing Act.

(Source: P.A. 90-269, eff. 1-1-98.)

(20 ILCS 3918/25)

Sec. 25. Forum; dispute resolution. The Commission shall provide an ongoing forum for continuing dialogue regarding the purpose and duties of the Commission. The Commission shall also serve as a forum to suggest resolution of conflicts between State agencies, or between a State agency and another entity that consents to the resolution forum, concerning State building requirements. As used in this Section, for dispute resolution arising out of Section 8 or 8.5 of the Hospital Licensing Act, "building requirements" includes the application of building codes for new and existing construction and related Department rules and standards under the Hospital Licensing Act, including without limitation rules and standards for (i) design and construction, (ii) engineering and maintenance of the physical plant, site, equipment, and systems (heating, cooling, electrical, ventilation, plumbing, water, sewer, and solid waste disposal), and (iii) fire and safety.

If the suggested resolution of a conflict between the Department of Public Health and a health care provider is to (i) accept an equivalency determined by the Fire Safety Evaluation System, (ii) waive State rules or standards, or (iii) seek a waiver of federal rules or standards, the Commission may take steps it deems reasonably necessary to facilitate the suggested resolution, including preparing a waiver request and directing the Department of Public Health to recommend the request to the appropriate federal agency.

(Source: P.A. 90-269, eff. 1-1-98.)

(20 ILCS 3918/47 new)

Sec. 47. Rules. The Commission may adopt any rules necessary for the administration of this Act.

(20 ILCS 3918/50)

Sec. 50. The Illinois Building Commission Revolving Fund. The Illinois Building Commission Revolving Fund is created in the State treasury. The Illinois Building Commission may establish fees, each of which may not exceed $250 or an amount approved by the Joint Committee on Administrative Rules, for services provided in fulfilling its mandate under this Act, except that for dispute resolution between the Illinois Department of Public Health and a health care provider, the Commission may establish fees to be paid by the health care provider, which may not exceed $10,000. All fees collected by the Commission shall be deposited into the Illinois Building Commission Revolving Fund. The Commission may also accept donations or moneys from any other source for deposit into this fund. All interest accrued on the fees, donations, and other deposits to the Illinois Building Commission Revolving Fund shall be deposited into the fund. All moneys in the Illinois Building Commission Revolving Fund may be used, subject to appropriation by the General Assembly, to carry out the activities of the Act, including the expenses of the Illinois Building Commission, a clearinghouse on State building requirements, or other purposes consistent with this Act.

New matter indicated by italics - deletions by strikeout.
(Source: P.A. 91-581, eff. 8-14-99.)

Section 5. The Hospital Licensing Act is amended by changing Section 8 and adding Sections 7.5, 8.5, 9.2, and 9.3 as follows:

(210 ILCS 85/7.5 new)

Sec. 7.5. Fire Safety Evaluation System. Upon request by a hospital, the Department, if applicable, must evaluate or allow for an evaluation of compliance with the Life Safety Code using the Fire Safety Evaluation System.

(210 ILCS 85/8) (from Ch. 111 1/2, par. 149)

Sec. 8. Facility plan review; fees.

(a) Before commencing construction of new facilities or specified types of alteration or additions to an existing hospital involving major construction, as defined by rule by the Department, with an estimated cost greater than $100,000, architectural plans and specifications therefor shall be submitted by the licensee to the Department for review and approval. A hospital may submit architectural drawings and specifications for other construction projects for Department review according to subsection (b) that shall not be subject to fees under subsection (d). Review of drawings and specifications shall be conducted by an employee of the Department meeting the qualifications established by the Department of Central Management Services class specifications for such an individual's position or by a person contracting with the Department who meets those class specifications. Final approval of the plans and specifications for compliance with design and construction standards shall be obtained from the Department before the alteration, addition, or new construction is begun.

(b) The Department shall inform an applicant in writing within 10 working days after receiving drawings and specifications and the required fee, if any, from the applicant whether the applicant's submission is complete or incomplete. Failure to provide the applicant with this notice within 10 working days shall result in the submission being deemed complete for purposes of initiating the 60-day review period under this Section. If the submission is incomplete, the Department shall inform the applicant of the deficiencies with the submission in writing. If the submission is complete and the required fee, if any, has been paid, the Department shall approve or disapprove drawings and specifications submitted to the Department no later than 60 days following receipt by the Department. The drawings and specifications shall be of sufficient detail, as provided by Department rule, to enable the Department to render a determination of compliance with design and construction standards under this Act. If the Department finds that the drawings are not of sufficient detail for it to render a determination of compliance, the plans shall be determined to be incomplete and shall not be considered for purposes of initiating the 60-day review period. If a submission of drawings and specifications is incomplete, the applicant may submit additional information. The 60-day review period shall not commence until the Department determines that a submission of drawings and specifications is complete or the submission is deemed complete. If the Department has not approved or disapproved the drawings and specifications within 60 days, the construction, major alteration, or addition shall be deemed approved. If the drawings and specifications are disapproved, the Department shall state in writing, with

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specificity, the reasons for the disapproval. The entity submitting the drawings and specifications may submit additional information in response to the written comments from the Department or request a reconsideration of the disapproval. A final decision of approval or disapproval shall be made within 45 days of the receipt of the additional information or reconsideration request. If denied, the Department shall state the specific reasons for the denial and the applicant may elect to seek dispute resolution pursuant to Section 25 of the Illinois Building Commission Act, which the Department must participate in.

(c) The Department shall provide written approval for occupancy pursuant to subsection (g) and shall not issue a violation to a facility as a result of a licensure or complaint survey based upon the facility's physical structure if:

1. the Department reviewed and approved or deemed approved the drawing and specifications for compliance with design and construction standards;
2. the construction, major alteration, or addition was built as submitted;
3. the law or rules have not been amended since the original approval; and
4. the conditions at the facility indicate that there is a reasonable degree of safety provided for the patients.

(d) The Department shall charge the following fees in connection with its reviews conducted before June 30, 2004 under this Section:

1. (Blank).
2. (Blank).
3. If the estimated dollar value of the alteration, addition, or new construction is $100,000 or more but less than $500,000, the fee shall be the greater of $2,400 or 1.2% of that value.
4. If the estimated dollar value of the alteration, addition, or new construction is $500,000 or more but less than $1,000,000, the fee shall be the greater of $6,000 or 0.96% of that value.
5. If the estimated dollar value of the alteration, addition, or new construction is $1,000,000 or more but less than $5,000,000, the fee shall be the greater of $9,600 or 0.22% of that value.
6. If the estimated dollar value of the alteration, addition, or new construction is $5,000,000 or more, the fee shall be the greater of $11,000 or 0.11% of that value, but shall not exceed $40,000.

The fees provided in this subsection (d) shall not apply to major construction projects involving facility changes that are required by Department rule amendments or to projects related to homeland security.

The fees provided in this subsection (d) shall also not apply to major construction projects if 51% or more of the estimated cost of the project is attributed to capital equipment. For major construction projects where 51% or more of the estimated cost of the project is attributed to capital equipment, the Department shall by rule establish a fee that is reasonably related to the cost of reviewing the project.

Disproportionate share hospitals and rural hospitals shall only pay one-half of the fees required in this subsection (d). For the purposes of this subsection (d), (i)
"disproportionate share hospital" means a hospital described in items (1) through (5) of subsection (b) of Section 5-5.02 of the Illinois Public Aid Code and (ii) "rural hospital" means a hospital that is (A) located outside a metropolitan statistical area or (B) located 15 miles or less from a county that is outside a metropolitan statistical area and is licensed to perform medical/surgical or obstetrical services and has a combined total bed capacity of 75 or fewer beds in these 2 service categories as of July 14, 1993, as determined by the Department.

The Department shall not commence the facility plan review process under this Section until the applicable fee has been paid.

(e) All fees received by the Department under this Section shall be deposited into the Health Facility Plan Review Fund, a special fund created in the State treasury. All fees paid by hospitals under subsection (d) shall be used only to cover the costs relating to the Department's review of hospital projects under this Section. Moneys shall be appropriated from that Fund to the Department only to pay the costs of conducting reviews under this Section. None of the moneys in the Health Facility Plan Review Fund shall be used to reduce the amount of General Revenue Fund moneys appropriated to the Department for facility plan reviews conducted pursuant to this Section.

(f) (1) The provisions of this amendatory Act of 1997 concerning drawings and specifications shall apply only to drawings and specifications submitted to the Department on or after October 1, 1997.

(2) On and after the effective date of this amendatory Act of 1997 and before October 1, 1997, an applicant may submit or resubmit drawings and specifications to the Department and pay the fees provided in subsection (d). If an applicant pays the fees provided in subsection (d) under this paragraph (2), the provisions of subsection (b) shall apply with regard to those drawings and specifications.

(g) The Department shall conduct an on-site inspection of the completed project no later than 30 days after notification from the applicant that the project has been completed and all certifications required by the Department have been received and accepted by the Department. The Department shall provide written approval for occupancy to the applicant within 5 working days of the Department's final inspection, provided the applicant has demonstrated substantial compliance as defined by Department rule. Occupancy of new major construction is prohibited until Department approval is received, unless the Department has not acted within the time frames provided in this subsection (g), in which case the construction shall be deemed approved. Occupancy shall be authorized after any required health inspection by the Department has been conducted.

(h) The Department shall establish, by rule, a procedure to conduct interim on-site review of large or complex construction projects.

(i) The Department shall establish, by rule, an expedited process for emergency repairs or replacement of like equipment.

(j) Nothing in this Section shall be construed to apply to maintenance, upkeep, or renovation that does not affect the structural integrity of the building, does not add beds or services over the number for which the facility is licensed, and provides a reasonable degree

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Sec. 8.5. Waiver of compliance with rules or standards for construction or physical plant. Upon application by a hospital, the Department may grant or renew the waiver of the hospital's compliance with a construction or physical plant rule or standard, including without limitation rules and standards for (i) design and construction, (ii) engineering and maintenance of the physical plant, site, equipment, and systems (heating, cooling, electrical, ventilation, plumbing, water, sewer, and solid waste disposal), and (iii) fire and safety, for a period not to exceed the duration of the current license or, in the case of an application for license renewal, the duration of the renewal period. The waiver may be conditioned upon the hospital taking action prescribed by the Department as a measure equivalent to compliance. In determining whether to grant or renew a waiver, the Department shall consider the duration and basis for any current waiver with respect to the same rule or standard and the validity and effect upon patient health and safety of extending it on the same basis, the effect upon the health and safety of patients, the quality of patient care, the hospital's history of compliance with the rules and standards of this Act, and the hospital's attempts to comply with the particular rule or standard in question. The Department may provide, by rule, for the automatic renewal of waivers concerning construction or physical plant requirements upon the renewal of a license. The Department shall renew waivers relating to construction or physical plant standards issued pursuant to this Section at the time of the indicated reviews, unless it can show why such waivers should not be extended for the following reasons:

(1) the condition of the physical plant has deteriorated or its use substantially changed so that the basis upon which the waiver was issued is materially different; or

(2) the hospital is renovated or substantially remodeled in such a way as to permit compliance with the applicable rules and standards without substantial increase in cost.

A copy of each waiver application and each waiver granted or renewed shall be on file with the Department and available for public inspection.

The Department shall advise hospitals of any applicable federal waivers about which it is aware and for which the hospital may apply.

In the event that the Department does not grant or renew a waiver of a rule or standard, the Department must notify the hospital in writing detailing the specific reasons for not granting or renewing the waiver and must discuss possible options, if any, the hospital could take to have the waiver approved.

This Section shall apply to both new and existing construction.

Sec. 9.2. Disclosure. Prior to conducting a survey of a hospital operating under an approved waiver, equivalency, or other approval, a surveyor must be made aware of the waiver, equivalency, or other approval prior to entering the hospital. Prior to commencing
an inspection, the Department must provide the hospital with documentation that the survey is being conducted, with consideration of the relevant waiver, equivalency, or approval. After conducting the survey, the Department must conduct a comprehensive exit interview with designated hospital representatives at which the hospital may present additional information regarding findings.

(210 ILCS 85/9.3 new)

Sec. 9.3. Informal dispute resolution. The Department must offer an opportunity for informal dispute resolution concerning the application of building codes for new and existing construction and related Department rules and standards before the advisory committee under subsection (b) of Section 2310-560 of the Department of Public Health Powers and Duties Law of the Civil Administrative Code of Illinois. Participants in this process must include representatives from the Department, representatives of the hospital, and additional representatives deemed appropriate by both parties with expertise regarding the contested deficiencies and the management of health care facilities.

Section 99. Effective date. This Act takes effect upon becoming law.
Approved August 16, 2002.
Effective August 16, 2002.

PUBLIC ACT 92-0804
(House Bill No. 5941)

AN ACT in relation to alcoholic liquor.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Liquor Control Act of 1934 is amended by changing Section 4-4 as follows:

(235 ILCS 5/4-4) (from Ch. 43, par. 112)

Sec. 4-4. Each local liquor control commissioner shall also have the following powers, functions and duties with respect to licenses, other than licenses to manufacturers, importing distributors, distributors, foreign importers, non-resident dealers, non-beverage users, brokers, railroads, airplanes and boats.

1. To grant and or suspend for not more than thirty days or revoke for cause all local licenses issued to persons for premises within his jurisdiction;

2. To enter or to authorize any law enforcing officer to enter at any time upon any premises licensed hereunder to determine whether any of the provisions of this Act or any rules or regulations adopted by him or by the State Commission have been or are being violated, and at such time to examine said premises of said licensee in connection therewith;

3. To notify the Secretary of State where a club incorporated under the General Not for Profit Corporation Act of 1986 or a foreign corporation functioning as a club in this State under a certificate of authority issued under that Act has

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violated this Act by selling or offering for sale at retail alcoholic liquors without a retailer's license;

4. To receive complaint from any citizen within his jurisdiction that any of the provisions of this Act, or any rules or regulations adopted pursuant hereto, have been or are being violated and to act upon such complaints in the manner hereinafter provided;

5. To receive local license fees and pay the same forthwith to the city, village, town or county treasurer as the case may be.

Each local liquor commissioner also has the duty to notify the Secretary of State of any convictions for a violation of Section 6-20 of this Act or a similar provision of a local ordinance.

In counties and municipalities, the local liquor control commissioners shall also have the power to levy fines in accordance with Section 7-5 of this Act.

(Source: P.A. 91-357, eff. 7-29-99.)

Section 10. The Illinois Vehicle Code is amended by changing Section 6-206 as follows:

(625 ILCS 5/6-206) (from Ch. 95 1/2, par. 6-206)
Sec. 6-206. Discretionary authority to suspend or revoke license or permit; Right to a hearing.

(a) The Secretary of State is authorized to suspend or revoke the driving privileges of any person without preliminary hearing upon a showing of the person's records or other sufficient evidence that the person:

1. Has committed an offense for which mandatory revocation of a driver's license or permit is required upon conviction;

2. Has been convicted of not less than 3 offenses against traffic regulations governing the movement of vehicles committed within any 12 month period. No revocation or suspension shall be entered more than 6 months after the date of last conviction;

3. Has been repeatedly involved as a driver in motor vehicle collisions or has been repeatedly convicted of offenses against laws and ordinances regulating the movement of traffic, to a degree that indicates lack of ability to exercise ordinary and reasonable care in the safe operation of a motor vehicle or disrespect for the traffic laws and the safety of other persons upon the highway;

4. Has by the unlawful operation of a motor vehicle caused or contributed to an accident resulting in death or injury requiring immediate professional treatment in a medical facility or doctor's office to any person, except that any suspension or revocation imposed by the Secretary of State under the provisions of this subsection shall start no later than 6 months after being convicted of violating a law or ordinance regulating the movement of traffic, which violation is related to the accident, or shall start not more than one year after the date of the accident, whichever date occurs later;

5. Has permitted an unlawful or fraudulent use of a driver's license,
identification card, or permit;

6. Has been lawfully convicted of an offense or offenses in another state, including the authorization contained in Section 6-203.1, which if committed within this State would be grounds for suspension or revocation;

7. Has refused or failed to submit to an examination provided for by Section 6-207 or has failed to pass the examination;

8. Is ineligible for a driver's license or permit under the provisions of Section 6-103;

9. Has made a false statement or knowingly concealed a material fact or has used false information or identification in any application for a license, identification card, or permit;

10. Has possessed, displayed, or attempted to fraudulently use any license, identification card, or permit not issued to the person;

11. Has operated a motor vehicle upon a highway of this State when the person's driving privilege or privilege to obtain a driver's license or permit was revoked or suspended unless the operation was authorized by a judicial driving permit, probationary license to drive, or a restricted driving permit issued under this Code;

12. Has submitted to any portion of the application process for another person or has obtained the services of another person to submit to any portion of the application process for the purpose of obtaining a license, identification card, or permit not issued to the person;

13. Has operated a motor vehicle upon a highway of this State when the person's driver's license or permit was invalid under the provisions of Sections 6-107.1 and 6-110;

14. Has committed a violation of Section 6-301, 6-301.1, or 6-301.2 of this Act, or Section 14, 14A, or 14B of the Illinois Identification Card Act;

15. Has been convicted of violating Section 21-2 of the Criminal Code of 1961 relating to criminal trespass to vehicles in which case, the suspension shall be for one year;

16. Has been convicted of violating Section 11-204 of this Code relating to fleeing from a police officer;

17. Has refused to submit to a test, or tests, as required under Section 11-501.1 of this Code and the person has not sought a hearing as provided for in Section 11-501.1;

18. Has, since issuance of a driver's license or permit, been adjudged to be afflicted with or suffering from any mental disability or disease;

19. Has committed a violation of paragraph (a) or (b) of Section 6-101 relating to driving without a driver's license;

20. Has been convicted of violating Section 6-104 relating to classification of driver's license;

21. Has been convicted of violating Section 11-402 of this Code relating to

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leaving the scene of an accident resulting in damage to a vehicle in excess of $1,000, in which case the suspension shall be for one year;

22. Has used a motor vehicle in violating paragraph (3), (4), (7), or (9) of subsection (a) of Section 24-1 of the Criminal Code of 1961 relating to unlawful use of weapons, in which case the suspension shall be for one year;

23. Has, as a driver, been convicted of committing a violation of paragraph (a) of Section 11-502 of this Code for a second or subsequent time within one year of a similar violation;

24. Has been convicted by a court-martial or punished by non-judicial punishment by military authorities of the United States at a military installation in Illinois of or for a traffic related offense that is the same as or similar to an offense specified under Section 6-205 or 6-206 of this Code;

25. Has permitted any form of identification to be used by another in the application process in order to obtain or attempt to obtain a license, identification card, or permit;

26. Has altered or attempted to alter a license or has possessed an altered license, identification card, or permit;

27. Has violated Section 6-16 of the Liquor Control Act of 1934;

28. Has been convicted of the illegal possession, while operating or in actual physical control, as a driver, of a motor vehicle, of any controlled substance prohibited under the Illinois Controlled Substances Act or any cannabis prohibited under the provisions of the Cannabis Control Act, in which case the person's driving privileges shall be suspended for one year, and any driver who is convicted of a second or subsequent offense, within 5 years of a previous conviction, for the illegal possession, while operating or in actual physical control, as a driver, of a motor vehicle, of any controlled substance prohibited under the provisions of the Illinois Controlled Substances Act or any cannabis prohibited under the Cannabis Control Act shall be suspended for 5 years. Any defendant found guilty of this offense while operating a motor vehicle, shall have an entry made in the court record by the presiding judge that this offense did occur while the defendant was operating a motor vehicle and order the clerk of the court to report the violation to the Secretary of State;

29. Has been convicted of the following offenses that were committed while the person was operating or in actual physical control, as a driver, of a motor vehicle: criminal sexual assault, predatory criminal sexual assault of a child, aggravated criminal sexual assault, criminal sexual abuse, aggravated criminal sexual abuse, juvenile pimping, soliciting for a juvenile prostitute and the manufacture, sale or delivery of controlled substances or instruments used for illegal drug use or abuse in which case the driver's driving privileges shall be suspended for one year;

30. Has been convicted a second or subsequent time for any combination of the offenses named in paragraph 29 of this subsection, in which case the person's driving privileges shall be suspended for 5 years;

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31. Has refused to submit to a test as required by Section 11-501.6 or has submitted to a test resulting in an alcohol concentration of 0.08 or more or any amount of a drug, substance, or compound resulting from the unlawful use or consumption of cannabis as listed in the Cannabis Control Act, a controlled substance as listed in the Illinois Controlled Substances Act, or an intoxicating compound as listed in the Use of Intoxicating Compounds Act, in which case the penalty shall be as prescribed in Section 6-208.1;

32. Has been convicted of Section 24-1.2 of the Criminal Code of 1961 relating to the aggravated discharge of a firearm if the offender was located in a motor vehicle at the time the firearm was discharged, in which case the suspension shall be for 3 years;

33. Has as a driver, who was less than 21 years of age on the date of the offense, been convicted a first time of a violation of paragraph (a) of Section 11-502 of this Code or a similar provision of a local ordinance;

34. Has committed a violation of Section 11-1301.5 of this Code;

35. Has committed a violation of Section 11-1301.6 of this Code; or

36. Is under the age of 21 years at the time of arrest and has been convicted of not less than 2 offenses against traffic regulations governing the movement of vehicles committed within any 24 month period. No revocation or suspension shall be entered more than 6 months after the date of last conviction; or

37. Has committed a violation of subsection (c) of Section 11-907 of this Code; or:

38. Has been convicted of a violation of Section 6-20 of the Liquor Control Act of 1934 or a similar provision of a local ordinance.

For purposes of paragraphs 5, 9, 10, 12, 14, 19, 25, 26, and 27 of this subsection, license means any driver's license, any traffic ticket issued when the person's driver's license is deposited in lieu of bail, a suspension notice issued by the Secretary of State, a duplicate or corrected driver's license, a probationary driver's license or a temporary driver's license.

(b) If any conviction forming the basis of a suspension or revocation authorized under this Section is appealed, the Secretary of State may rescind or withhold the entry of the order of suspension or revocation, as the case may be, provided that a certified copy of a stay order of a court is filed with the Secretary of State. If the conviction is affirmed on appeal, the date of the conviction shall relate back to the time the original judgment of conviction was entered and the 6 month limitation prescribed shall not apply.

(c) 1. Upon suspending or revoking the driver's license or permit of any person as authorized in this Section, the Secretary of State shall immediately notify the person in writing of the revocation or suspension. The notice to be deposited in the United States mail, postage prepaid, to the last known address of the person.

2. If the Secretary of State suspends the driver's license of a person under subsection 2 of paragraph (a) of this Section, a person's privilege to operate a vehicle as an occupation shall not be suspended, provided an affidavit is properly completed, the appropriate fee received, and a permit issued prior to the effective date of the
suspension, unless 5 offenses were committed, at least 2 of which occurred while operating a commercial vehicle in connection with the driver's regular occupation. All other driving privileges shall be suspended by the Secretary of State. Any driver prior to operating a vehicle for occupational purposes only must submit the affidavit on forms to be provided by the Secretary of State setting forth the facts of the person's occupation. The affidavit shall also state the number of offenses committed while operating a vehicle in connection with the driver's regular occupation. The affidavit shall be accompanied by the driver's license. Upon receipt of a properly completed affidavit, the Secretary of State shall issue the driver a permit to operate a vehicle in connection with the driver's regular occupation only. Unless the permit is issued by the Secretary of State prior to the date of suspension, the privilege to drive any motor vehicle shall be suspended as set forth in the notice that was mailed under this Section. If an affidavit is received subsequent to the effective date of this suspension, a permit may be issued for the remainder of the suspension period.

The provisions of this subparagraph shall not apply to any driver required to obtain a commercial driver's license under Section 6-507 during the period of a disqualification of commercial driving privileges under Section 6-514.

Any person who falsely states any fact in the affidavit required herein shall be guilty of perjury under Section 6-302 and upon conviction thereof shall have all driving privileges revoked without further rights.

3. At the conclusion of a hearing under Section 2-118 of this Code, the Secretary of State shall either rescind or continue an order of revocation or shall substitute an order of suspension; or, good cause appearing therefor, rescind, continue, change, or extend the order of suspension. If the Secretary of State does not rescind the order, the Secretary may upon application, to relieve undue hardship, issue a restricted driving permit granting the privilege of driving a motor vehicle between the petitioner's residence and petitioner's place of employment or within the scope of his employment related duties, or to allow transportation for the petitioner, or a household member of the petitioner's family, to receive necessary medical care and if the professional evaluation indicates, provide transportation for alcohol remedial or rehabilitative activity, or for the petitioner to attend classes, as a student, in an accredited educational institution; if the petitioner is able to demonstrate that no alternative means of transportation is reasonably available and the petitioner will not endanger the public safety or welfare.

If a person's license or permit has been revoked or suspended due to 2 or more convictions of violating Section 11-501 of this Code or a similar provision of a local ordinance or a similar out-of-state offense, arising out of separate occurrences, that person, if issued a restricted driving permit, may not operate a vehicle unless it has been equipped with an ignition interlock device as defined in Section 1-129.1.

If a person's license or permit has been revoked or suspended 2 or more times within a 10 year period due to a single conviction of violating Section 11-501 of this Code or a similar provision of a local ordinance or a similar out-of-state offense, and
a statutory summary suspension under Section 11-501.1, or 2 or more statutory summary suspensions, or combination of 2 offenses, or of an offense and a statutory summary suspension, arising out of separate occurrences, that person, if issued a restricted driving permit, may not operate a vehicle unless it has been equipped with an ignition interlock device as defined in Section 1-129.1. The person must pay to the Secretary of State DUI Administration Fund an amount not to exceed $20 per month. The Secretary shall establish by rule the amount and the procedures, terms, and conditions relating to these fees. If the restricted driving permit was issued for employment purposes, then this provision does not apply to the operation of an occupational vehicle owned or leased by that person's employer. In each case the Secretary may issue a restricted driving permit for a period deemed appropriate, except that all permits shall expire within one year from the date of issuance. The Secretary may not, however, issue a restricted driving permit to any person whose current revocation is the result of a second or subsequent conviction for a violation of Section 11-501 of this Code or a similar provision of a local ordinance relating to the offense of operating or being in physical control of a motor vehicle while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds, or any similar out-of-state offense, or any combination of those offenses, until the expiration of at least one year from the date of the revocation. A restricted driving permit issued under this Section shall be subject to cancellation, revocation, and suspension by the Secretary of State in like manner and for like cause as a driver's license issued under this Code may be cancelled, revoked, or suspended; except that a conviction upon one or more offenses against laws or ordinances regulating the movement of traffic shall be deemed sufficient cause for the revocation, suspension, or cancellation of a restricted driving permit. The Secretary of State may, as a condition to the issuance of a restricted driving permit, require the applicant to participate in a designated driver remedial or rehabilitative program. The Secretary of State is authorized to cancel a restricted driving permit if the permit holder does not successfully complete the program.

(c-5) The Secretary of State may, as a condition of the reissuance of a driver's license or permit to an applicant whose driver's license or permit has been suspended before he or she reached the age of 18 years pursuant to any of the provisions of this Section, require the applicant to participate in a driver remedial education course and be retested under Section 6-109 of this Code.

(d) This Section is subject to the provisions of the Drivers License Compact.

(e) The Secretary of State shall not issue a restricted driving permit to a person under the age of 16 years whose driving privileges have been suspended or revoked under any provisions of this Code.

(Source: P.A. 92-283, eff. 1-1-02; 92-418, eff. 8-17-01; 92-458, eff. 8-22-01; revised 8-27-01.)

Approved August 19, 2002.

New matter indicated by italics - deletions by strikeout.
AN ACT in relation to timber.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Timber Buyers Licensing Act is amended by changing Sections 4, 7, 11, and 13 as follows:

(225 ILCS 735/4) (from Ch. 111, par. 704)

Sec. 4. Bond. Every person licensed as a timber buyer shall have on file with the Department, on a form prescribed and furnished by the Department, a performance surety bond payable to the State of Illinois by and through the Department and conditioned on the faithful performance of and compliance with all requirements of the license and this Act. The bond shall be a surety bond signed by the person to be licensed as principal and by a good and sufficient corporate surety authorized to engage in the business of executing surety bonds within the State of Illinois as surety thereon. In lieu of a corporate surety bond an applicant for a timber buyers license may, with the approval of the Department, deposit with the Department as security a file a bond signed by the applicant as principal and accompanied by a bank or savings and loan association certificate of deposit or irrevocable letter of credit of any bank organized or transacting business in the United States in a form approved by the Department, showing to the satisfaction of the Department that funds in an amount equal to or greater than the amount of the required bond are on deposit in a bank or savings and loan association to be held by the bank or savings and loan association for the period covered by the license. Such deposits shall be made, held, and disposed of as provided in this Act and by the Department by rule. A bond or certificate of deposit The funds shall be made payable upon demand to the Director, subject to the provisions of this Act, and any rules adopted under this Act, and shall be for the use and benefit of the people of the State of Illinois, and for the use and benefit of any timber grower from whom the applicant purchased timber and who is not paid by the applicant or for the use and benefit of any timber grower whose timber has been cut by the applicant or licensee or his or her agents; and who has not been paid therefor; and for the use and benefit of any person aggrieved by the actions of the timber buyer. the Department may, in its discretion, continue the existing bond of any applicant who has previously been licensed and posted a good and sufficient bond.

Except as otherwise provided, in this Section, such bond shall be in the principal amount of $500 for an applicant who paid timber growers $5,000 or less for timber during the immediate preceding year, and an additional $100 for each additional $1,000 or fraction thereof paid to timber growers for timber purchased during the preceding year, but shall not be more than $10,000. In the case of an applicant not previously engaged in business as a timber buyer, the amount of such bond shall be based on the estimated dollar amount to be paid by such timber buyer to timber growers for timber purchased during the next succeeding
year, as set forth in the application; such bond shall, in no event, be in the principal amount of less than $500. In the case of a timber buyer whose bond has previously been forfeited in Illinois or in any other state, the Department shall double the applicable minimum bond amounts under this Section.

A bond filed in accordance with this Act shall not be cancelled or altered during the period for which the timber buyer remains licensed by the Department except upon at least 60 days notice in writing to the Department; in the event that the applicant has deposited certificates of deposit in lieu of a corporate surety the Department may retain possession of such certificates of deposit for a period of 60 days following the expiration or revocation of his or her license.

At any such time as a licensee fails to have the necessary surety bonds, certificates of deposit, or irrevocable letters of credit on deposit with the Department as required herein, the Department may immediately, and without notice, suspend the privileges or revoke the license of such licensee. In the event of such suspension or revocation, the Department shall give immediate notice of the same to the licensee and shall further reinstate such license upon the posting of the required surety bond, or certificates of deposit, or irrevocable letters of credit.

Bonds shall be in such form and contain such terms and conditions as may be approved from time to time by the Director, be conditioned to secure an honest cutting and accounting for timber purchased by the licensee, secure payment to the timber growers and to insure the timber growers against all fraudulent acts of the licensee in the purchase and cutting of the timber of this State.

In the event the timber buyer fails to pay when owing due any amount due a timber grower for timber purchased, or fails to pay judicially determined damages for timber wrongfully cut by a timber buyer or his agent, whether such wrongful cutting has occurred on or adjacent to the land which was the subject of timber purchase from a timber grower, or commits any violation of this Act, then an action on the bond or deposit for forfeiture may be commenced. Such action is not exclusive and is in addition to any other judicial remedies available.

In the event that the timber grower or owner of timber cut considers himself or herself aggrieved by a timber buyer, he or she shall notify the Department in writing of such grievance and thereafter the Department shall within 10 days give written notice to the timber buyer of the alleged violation of this Act or of any violation or noncompliance with the regulations hereunder of which the timber grower or owner of timber complains. The written notice to the timber buyer shall be from the Department by registered or certified mail to the licensee and his or her sureties stating in general terms the nature of the violation and that an action seeking forfeiture of the bond may be commenced at any time after the 10 days from the date of said notice if at the end of that period the violation still remains. In the event the Department shall fail to give notice to the timber buyer as provided herein, the timber grower or owner of timber cut may commence his or her own action for forfeiture of the licensee's bond.

The timber buyer, after receiving notice from the Department as provided herein, may

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within 10 days from the date of such notice, request in writing to appear and be heard regarding the alleged violation.

Upon such request from the timber buyer, the Department shall schedule a hearing, designating the time and place thereof. At such hearing the timber buyer may present for consideration of the Department any evidence, statements, documents or other information relevant to the alleged violation. The hearing shall be presided over by the Director or by any hearing officer he or she may designate. The hearing officer shall take evidence offered by the timber buyer or the Department and shall, if requested by the Department, submit his or her conclusions and findings which shall be advisory to the Director. Any hearings provided for in this Section shall be commenced within 30 days from the request therefor.

Should the timber buyer fail to make timely request for a hearing after receipt of the notice from the Department as provided herein, or after a hearing is concluded, the Department may either withdraw the notice of violation or request the Attorney General to institute proceedings to have the bond of the timber buyer forfeited. The Attorney General, upon such request from the Department, shall institute proceedings to have the bond of the timber buyer forfeited for violation of any of the provisions of this Act or for noncompliance with any Department regulation.

In the event that the licensee's bond is forfeited, the proceeds thereof shall first be applied to any sums determined to be owed to the timber grower or owner of timber cut and then to the Department to defray expenses incurred by the Department in converting the security into money. Thereafter, the Department shall pay such excess to the timber buyer who furnished such security.

In the event the Department realizes less than the amount of liability from the security, after deducting expenses incurred by the Department in converting the security into money, it shall be grounds for the revocation of the timber buyer's license.

(225 ILCS 735/7) (from Ch. 111, par. 707)

Sec. 7. License; issuance, validity, and renewal; certificate. If the Department is satisfied that the applicant has fulfilled the requirements and if the bond and sureties or bank certificate of deposit filed by the applicant is approved, the Department may shall issue a license to the applicant. The licenses issued shall be valid for a calendar year and may be renewed annually. A copy of the license certificate issued by the Department shall be posted in the principal office of the licensee in this State. The timber buyer identification card issued by the Department shall be carried upon the person of the timber buyer when conducting activities covered under this Act for immediate presentation for inspection to the officers and authorized employees of the Department, any sheriff, deputy sheriff, or any other peace officer making demand for it. No person charged with violating this Section, however, shall be convicted if he or she produces in court satisfactory evidence that a timber buyer identification card that was valid at the time of the offense had been issued to the timber buyer.

Upon request for a license and payment of the fee, the Department shall issue to the licensee a certificate that a license has been granted and a bond filed as required by this Act.

New matter indicated by italics - deletions by strikeout.
Sec. 11. Penalties.

(a) Except as otherwise provided in this Section any person in violation of any of the provisions of this Act, or administrative rules thereunder, shall be guilty of a Class A misdemeanor.

(a-5) Any person convicted of violating Section 3 of this Act shall be guilty of a Class A misdemeanor and fined at least $500 for a first offense and guilty of a Class 4 felony and fined at least $1,000 for a second or subsequent offense.

(b) Any person convicted of violating subsections (a) or (b) of Section 5 of this Act is guilty of a Class 4 felony if the aggregate value of the timber purchased, cut, caused to be cut or appropriated is over $300 but not more than $2,500.

(b-5) Any person convicted of violating subsection (a) or (b) of Section 5 of this Act is guilty of a Class 3 felony if the aggregate value of the timber purchased, cut, caused to be cut, or appropriated is over $2,500 but not more than $10,000.

(b-10) Any person convicted of violating subsection (a) or (b) of Section 5 of this Act is guilty of a Class 2 felony if the aggregate value of the timber purchased, cut, caused to be cut, or appropriated is over $10,000.

(b-15) The aggregate value of the timber purchased, cut, caused to be cut, or appropriated shall be determined as provided by administrative rule.

(c) A person convicted of violating subsection (f) of Section 5 of this Act is guilty of a Class A misdemeanor. A person convicted of a second or subsequent violation is guilty of a Class 4 felony.

(d) All amounts collected as fines imposed as penalties for violation of this Act shall be deposited in the Illinois Forestry Development Fund for the purposes of the "Illinois Forestry Development Act".

(e) In case of a failure to pay any harvest fee required under Section 9a of this Act on the date as required by regulation of the Department, there shall be added as a penalty an amount equal to 7.5% of the harvest fee due the Department for each month or fraction thereof during which such failure continues, not to exceed 37.5% in the aggregate. This penalty shall be in addition to any other penalty determined under this Act.

(f) In case of failure to file the appropriate report of the purchase harvest fee form stipulated under Section 9a of this Act on the date prescribed therefore, a penalty in the amount of $25 for each individual report shall be added to the amount due the Department. This penalty shall be in addition to any other penalty determined under this Act.

Sec. 13. License revocation.

(a) The Department may revoke the license of any person who violates the provisions of this Act, and may refuse to issue any permit or license to such person for a period not to exceed 5 years following such revocation.

License revocation procedures shall be established by administrative rule.

New matter indicated by italics - deletions by strikeout.
(b) Whenever the holder of a license issued under this Act is found guilty of any misrepresentation in obtaining his or her license or of a violation of any of the provisions of this Act or rules adopted pursuant to this Act, the Department may:
   (1) revoke his or her license;
   (2) refuse to issue a license to that person; and
   (3) suspend the person from engaging in the activity requiring the license for up to 5 years following the revocation.

(c) Whenever the holder of a license issued under this Act is found guilty of any misrepresentation in obtaining his or her license or of a violation of any of the provisions of this Act or rules adopted pursuant to this Act, and his or her license has been previously revoked or his or her ability to engage in the activity requiring the license has been previously suspended, the Department may:
   (1) revoke his or her license;
   (2) refuse to issue any license to that person; and
   (3) suspend the person from engaging in the activity requiring the license for at least 5 years but not more than 10 years following the revocation or suspension.

(d) Whenever the holder of a license issued under this Act is found guilty of any misrepresentation in obtaining that license or of a violation of any of the provisions of this Act or rules adopted under this Act, and his or her license has been previously revoked or his or her ability to engage in the activity requiring the license has been suspended on 2 or more occasions, the Department may:
   (1) revoke his or her license;
   (2) refuse to issue any license to that person; and
   (3) suspend the person from engaging in the activity requiring the license for at least 10 years but not more than 75 years following the revocation or suspension.

Department revocation procedures shall be established by administrative rule.

If the holder of a license is found negligent with respect to any duty required under this Act, the Department may suspend or revoke his or her privilege to engage in the activity for which the license is required, his or her license, or both.

(e) Whenever a person who has not been issued a license under this Act is found guilty of a violation of the provisions of this Act or rules adopted under this Act, the Department may:
   (1) refuse to issue any license to that person; and
   (2) suspend that person from engaging in the activity requiring the license for up to 5 years following the revocation.

(f) Whenever a person who has not been issued a license under this Act is found guilty of a violation of this Act or rules adopted under this Act and his or her license has been previously revoked or his or her ability to engage in the activity requiring the license has been previously suspended, the Department may:
   (1) refuse to issue any license to that person; and
   (2) suspend that person from engaging in the activity requiring the license for at least 5 years but not more than 10 years following the revocation or suspension.

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(g) Whenever a person who has not been issued a license under this Act is found guilty of a violation of this Act or rules adopted under this Act and his or her license has been previously revoked or his or her ability to engage in the activity requiring the license has been suspended on 2 or more occasions, the Department may:

(1) refuse to issue any license to that person; and

(2) suspend that person from engaging in the activity requiring the license for at least 10 years but not more than 75 years following the revocation or suspension.

(h) Licenses authorized under this Act shall be prepared by the Department and be in such form as prescribed by the Department. The information required on each license shall be completed thereon by the issuing agent at the time of issuance and each license shall be signed by the licensee. All such licenses shall be supplied by the Department, subject to such rules as the Department may prescribe. Any license that is not properly prepared, obtained, and signed as required by this Act shall be void.

(i) Any person whose license to engage in an activity regulated by this Act has been revoked or whose ability to engage in the activity requiring the license has been suspended may not, during the period of suspension or revocation:

(1) hold any license authorized by this Act;

(2) perform directly or indirectly any privileges authorized by any license issued in accordance with this Act; or

(3) buy, sell, barter, trade, or take possession of any timber as defined in this Act, regardless of any contractual agreements entered into prior to the revocation or suspension.

(j) No person may be issued a license or engage in any activity regulated by this Act for which a license is required during the time that the person's privilege to engage in the same or similar activities is suspended or revoked by another state, by a federal agency, or by a province of Canada.

Any person who knowingly or intentionally violates any of the provisions of this Act, or administrative rules thereunder, when his or her license or permit has been revoked or denied or his or her ability to engage in the activity requiring the license has been suspended under this Section, is guilty of a Class 4 felony.

(Source: P.A. 85-287.)

Section 10. The Forest Products Transportation Act is amended by changing Sections 2.06, 6, and 10 and adding Section 14 as follows:

(225 ILCS 740/2.06) (from Ch. 96 1/2, par. 6908)

Sec. 2.06. "Proof of ownership" means a printed document provided by the Department that serves as a written bill of sale and bill of lading. The information required in this document shall be established by administrative rule. a written bill of lading or a written or printed document containing the minimum information required by the Department by rule.

(Source: P.A. 86-208.)

(225 ILCS 740/6) (from Ch. 96 1/2, par. 6913)

Sec. 6. Any person hauling or transporting 2 or more trees and forest products, or

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either of them, on any highway in this State shall be required to show proof of ownership as defined in Section 2.06 of this Act, except that interstate transporters originating outside of this State and traveling to destinations within or outside of this State may show documents in accordance with federal Motor Carrier Safety Administration rules in lieu of such proof of ownership.

If that person is unable to show proof of ownership, the timber and forest products so hauled or transported, and the vehicle or conveyance used as the means of transportation may be held by the Department for disposition subject to court order.

(Source: P.A. 86-208.)

(225 ILCS 740/10) (from Ch. 96 1/2, par. 6917)

Sec. 10. The Department of Natural Resources may promulgate such rules and regulations as may be necessary or desirable to effectuate the purposes of this Act. The Department may make available at a reasonable cost the decals, logos and tags authorized to be used by licensed timber growers under Section 8.

(Source: P.A. 89-445, eff. 2-7-96.)

(225 ILCS 740/14 new)

Sec. 14. Any timber, forestry, or wood cutting device or equipment, including vehicles and conveyances used or operated in violation of this Act or rules adopted under this Act or attempted to be used in violation of this Act or rules adopted under this Act shall be deemed a public nuisance and subject to seizure and confiscation by any authorized employee of the Department. Upon the seizure of such an item the Department shall take and hold the item until disposed of as provided in this Section.

Upon the seizure of any property pursuant to this Section, the authorized employee of the Department making the seizure shall forthwith cause a complaint to be filed before the circuit court and a summons to be issued requiring the person who illegally used or operated or attempted to use or operate the property and the owner and person in possession of the property to appear in court and show cause why the seized property should not be forfeited to the State. Upon the return of the summons duly served or other notice as provided in this Section, the court shall proceed to determine the question of the illegality of the use of the seized property and upon judgment being entered to the effect that the property was illegally used, an order may be entered providing for the forfeiture of the seized property to the Department, which shall thereupon become the property of the Department. However, the owner of the property may have a jury determine the illegality of its use and shall have the right of an appeal as in other cases. Such a confiscation or forfeiture shall not preclude or mitigate against prosecution and assessment of penalties otherwise provided in this Act.

Upon seizure of any property under circumstances supporting a reasonable belief that the property was abandoned, lost, stolen, or otherwise illegally possessed or used contrary to the provisions of this Act, except property seized during a search or arrest and ultimately returned, destroyed, or otherwise disposed of pursuant to a court order in accordance with this Act, the authorized employee of the Department shall make reasonable inquiry and efforts to identify and notify the owner or other person entitled to possession thereof and shall return the property after that person provides reasonable and satisfactory
proof of his or her ownership or right to possession and reimburses the Department for all reasonable expenses of such custody. If the identity or location of the owner or other person entitled to possession of the property has not been ascertained within 6 months after the Department obtains possession, the Department shall effectuate the sale of the property for cash to the highest bidder at a public auction. The owner or other person entitled to possession of the property may claim and recover possession of the property at any time before its sale at public auction upon providing reasonable and satisfactory proof of ownership or right of possession and after reimbursing the Department for all reasonable expenses of custody thereof.

Any property forfeited to the State by court order pursuant to this Section may be disposed of by public auction, except that any property that is the subject of such a court order shall not be disposed of pending appeal of the order. The proceeds of the sale at auction shall be deposited in the Illinois Forestry Development Fund.

The Department shall pay all costs of notices required by this Section.

(225 ILCS 740/4 rep.)
(225 ILCS 740/7 rep.)
(225 ILCS 740/8 rep.)

Section 15. The Forest Products Transportation Act is amended by repealing Sections 4, 7, and 8.

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

Passed in the General Assembly June 2, 2002.
Approved August 21, 2002.
Effective August 21, 2002.

PUBLIC ACT 92-0806
(House Bill No. 1961)

AN ACT in relation to criminal law.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Unified Code of Corrections is amended by changing Section 5-4-1 and adding Section 5-8-1.3 as follows:

(730 ILCS 5/5-4-1) (from Ch. 38, par. 1005-4-1)
Sec. 5-4-1. Sentencing Hearing.
(a) Except when the death penalty is sought under hearing procedures otherwise specified, after a determination of guilt, a hearing shall be held to impose the sentence. However, prior to the imposition of sentence on an individual being sentenced for an offense based upon a charge for a violation of Section 11-501 of the Illinois Vehicle Code or a similar provision of a local ordinance, the individual must undergo a professional evaluation to determine if an alcohol or other drug abuse problem exists and the extent of such a problem. Programs conducting these evaluations shall be licensed by the Department of Human Services. However, if the individual is not a resident of Illinois, the court may, in its

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discretion, accept an evaluation from a program in the state of such individual's residence. The court may in its sentencing order approve an eligible defendant for placement in a Department of Corrections impact incarceration program as provided in Section 5-8-1.1 or 5-8-1.3. At the hearing the court shall:

(1) consider the evidence, if any, received upon the trial;
(2) consider any presentence reports;
(3) consider the financial impact of incarceration based on the financial impact statement filed with the clerk of the court by the Department of Corrections;
(4) consider evidence and information offered by the parties in aggravation and mitigation;
(5) hear arguments as to sentencing alternatives;
(6) afford the defendant the opportunity to make a statement in his own behalf;
(7) afford the victim of a violent crime or a violation of Section 11-501 of the Illinois Vehicle Code, or a similar provision of a local ordinance, or a qualified individual affected by a violation of Section 405, 405.1, 405.2, or 407 of the Illinois Controlled Substances Act, committed by the defendant the opportunity to make a statement concerning the impact on the victim and to offer evidence in aggravation or mitigation; provided that the statement and evidence offered in aggravation or mitigation must first be prepared in writing in conjunction with the State's Attorney before it may be presented orally at the hearing. Any sworn testimony offered by the victim is subject to the defendant's right to cross-examine. All statements and evidence offered under this paragraph (7) shall become part of the record of the court. For the purpose of this paragraph (7), "qualified individual" means any person who (i) lived or worked within the territorial jurisdiction where the offense took place when the offense took place; and (ii) is familiar with various public places within the territorial jurisdiction where the offense took place when the offense took place. For the purposes of this paragraph (7), "qualified individual" includes any peace officer, or any member of any duly organized State, county, or municipal peace unit assigned to the territorial jurisdiction where the offense took place when the offense took place; and
(8) in cases of reckless homicide afford the victim's spouse, guardians, parents or other immediate family members an opportunity to make oral statements.

(b) All sentences shall be imposed by the judge based upon his independent assessment of the elements specified above and any agreement as to sentence reached by the parties. The judge who presided at the trial or the judge who accepted the plea of guilty shall impose the sentence unless he is no longer sitting as a judge in that court. Where the judge does not impose sentence at the same time on all defendants who are convicted as a result of being involved in the same offense, the defendant or the State's Attorney may advise the sentencing court of the disposition of any other defendants who have been sentenced.

(c) In imposing a sentence for a violent crime or for an offense of operating or being in physical control of a vehicle while under the influence of alcohol, any other drug or any

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combination thereof, or a similar provision of a local ordinance, when such offense resulted in the personal injury to someone other than the defendant, the trial judge shall specify on the record the particular evidence, information, factors in mitigation and aggravation or other reasons that led to his sentencing determination. The full verbatim record of the sentencing hearing shall be filed with the clerk of the court and shall be a public record.

(c-1) In imposing a sentence for the offense of aggravated kidnap ping for ransom, home invasion, armed robbery, aggravated vehicular hijacking, aggravated discharge of a firearm, or armed violence with a category I weapon or category II weapon, the trial judge shall make a finding as to whether the conduct leading to conviction for the offense resulted in great bodily harm to a victim, and shall enter that finding and the basis for that finding in the record.

(c-2) If the defendant is sentenced to prison, other than when a sentence of natural life imprisonment or a sentence of death is imposed, at the time the sentence is imposed the judge shall state on the record in open court the approximate period of time the defendant will serve in custody according to the then current statutory rules and regulations for early release found in Section 3-6-3 and other related provisions of this Code. This statement is intended solely to inform the public, has no legal effect on the defendant’s actual release, and may not be relied on by the defendant on appeal.

The judge's statement, to be given after pronouncing the sentence, other than when the sentence is imposed for one of the offenses enumerated in paragraph (a)(3) of Section 3-6-3, shall include the following:

"The purpose of this statement is to inform the public of the actual period of time this defendant is likely to spend in prison as a result of this sentence. The actual period of prison time served is determined by the statutes of Illinois as applied to this sentence by the Illinois Department of Corrections and the Illinois Prisoner Review Board. In this case, assuming the defendant receives all of his or her good conduct credit, the period of estimated actual custody is ... years and ... months, less up to 180 days additional good conduct credit for meritorious service. If the defendant, because of his or her own misconduct or failure to comply with the institutional regulations, does not receive those credits, the actual time served in prison will be longer. The defendant may also receive an additional one-half day good conduct credit for each day of participation in vocational, industry, substance abuse, and educational programs as provided for by Illinois statute."

When the sentence is imposed for one of the offenses enumerated in paragraph (a)(3) of Section 3-6-3, other than when the sentence is imposed for one of the offenses enumerated in paragraph (a)(2) of Section 3-6-3 committed on or after June 19, 1998, and other than when the sentence is imposed for reckless homicide as defined in subsection (e) of Section 9-3 of the Criminal Code of 1961 if the offense was committed on or after January 1, 1999, the judge's statement, to be given after pronouncing the sentence, shall include the following:

"The purpose of this statement is to inform the public of the actual period of time this defendant is likely to spend in prison as a result of this sentence. The actual period of prison time served is determined by the statutes of Illinois as applied to this sentence by the Illinois Department of Corrections and the Illinois Prisoner Review Board. In this case, assuming the
defendant receives all of his or her good conduct credit, the period of estimated actual custody is ... years and ... months, less up to 90 days additional good conduct credit for meritorious service. If the defendant, because of his or her own misconduct or failure to comply with the institutional regulations, does not receive those credits, the actual time served in prison will be longer. The defendant may also receive an additional one-half day good conduct credit for each day of participation in vocational, industry, substance abuse, and educational programs as provided for by Illinois statute."

When the sentence is imposed for one of the offenses enumerated in paragraph (a)(2) of Section 3-6-3, other than first degree murder, and the offense was committed on or after June 19, 1998, and when the sentence is imposed for reckless homicide as defined in subsection (e) of Section 9-3 of the Criminal Code of 1961 if the offense was committed on or after January 1, 1999, the judge's statement, to be given after pronouncing the sentence, shall include the following:

"The purpose of this statement is to inform the public of the actual period of time this defendant is likely to spend in prison as a result of this sentence. The actual period of prison time served is determined by the statutes of Illinois as applied to this sentence by the Illinois Department of Corrections and the Illinois Prisoner Review Board. In this case, the defendant is entitled to no more than 4 1/2 days of good conduct credit for each month of his or her sentence of imprisonment. Therefore, this defendant will serve at least 85% of his or her sentence. Assuming the defendant receives 4 1/2 days credit for each month of his or her sentence, the period of estimated actual custody is ... years and ... months. If the defendant, because of his or her own misconduct or failure to comply with the institutional regulations receives lesser credit, the actual time served in prison will be longer."

When a sentence of imprisonment is imposed for first degree murder and the offense was committed on or after June 19, 1998, the judge's statement, to be given after pronouncing the sentence, shall include the following:

"The purpose of this statement is to inform the public of the actual period of time this defendant is likely to spend in prison as a result of this sentence. The actual period of prison time served is determined by the statutes of Illinois as applied to this sentence by the Illinois Department of Corrections and the Illinois Prisoner Review Board. In this case, the defendant is not entitled to good conduct credit. Therefore, this defendant will serve 100% of his or her sentence."

(d) When the defendant is committed to the Department of Corrections, the State's Attorney shall and counsel for the defendant may file a statement with the clerk of the court to be transmitted to the department, agency or institution to which the defendant is committed to furnish such department, agency or institution with the facts and circumstances of the offense for which the person was committed together with all other factual information accessible to them in regard to the person prior to his commitment relative to his habits, associates, disposition and reputation and any other facts and circumstances which may aid such department, agency or institution during its custody of such person. The clerk shall within 10 days after receiving any such statements transmit a copy to such department, agency or institution and a copy to the other party, provided, however, that this shall not be
cause for delay in conveying the person to the department, agency or institution to which he has been committed.

(e) The clerk of the court shall transmit to the department, agency or institution, if any, to which the defendant is committed, the following:

1. the sentence imposed;
2. any statement by the court of the basis for imposing the sentence;
3. any presentence reports;
4. the number of days, if any, which the defendant has been in custody and for which he is entitled to credit against the sentence, which information shall be provided to the clerk by the sheriff;
4.1 any finding of great bodily harm made by the court with respect to an offense enumerated in subsection (c-1);
5. all statements filed under subsection (d) of this Section;
6. any medical or mental health records or summaries of the defendant;
7. the municipality where the arrest of the offender or the commission of the offense has occurred, where such municipality has a population of more than 25,000 persons;
8. all statements made and evidence offered under paragraph (7) of subsection (a) of this Section; and
9. all additional matters which the court directs the clerk to transmit.

(Source: P.A. 90-592, eff. 6-19-98; 90-593, eff. 6-19-98; 90-740, eff. 1-1-99; 91-357, eff. 7-29-99; 91-899, eff. 1-1-01.)

(730 ILCS 5/5-8-1.3 new)
Sec. 5-8-1.3. Pilot residential and transition treatment program for women.
(a) The General Assembly recognizes:
1. that drug-offending women with children who have been in and out of the criminal justice system for years are a serious problem;
2. that the intergenerational cycle of women continuously being part of the criminal justice system needs to be broken;
3. that the effects of drug offending women with children disrupts family harmony and creates an atmosphere that is not conducive to healthy childhood development;
4. that there is a need for an effective residential community supervision model to provide help to women to become drug free, recover from trauma, focus on healthy mother-child relationships, and establish economic independence and long-term support;
5. that certain non-violent women offenders with children eligible for sentences of incarceration, may benefit from the rehabilitative aspects of gender responsive treatment programs and services. This Section shall not be construed to allow violent offenders to participate in a treatment program.

(b) Under the direction of the sheriff and with the approval of the county board of commissioners, the sheriff, in any county with more than 3,000,000 inhabitants, may operate
a residential and transition treatment program for women established by the Illinois Department of Corrections if funding has been provided by federal, local or private entities. If the court finds during the sentencing hearing conducted under Section 5-4-1 that a woman convicted of a felony meets the eligibility requirements of the sheriff's residential and transition treatment program for women, the court may refer the offender to the sheriff's residential and transition treatment program for women for consideration as an participant as an alternative to incarceration in the penitentiary. The sheriff shall be responsible for supervising all women who are placed in the residential and transition treatment program for women for the 12-month period. In the event that the woman is not accepted for placement in the sheriff's residential and transition treatment program for women, the court shall proceed to sentence the woman to any other disposition authorized by this Code. If the woman does not successfully complete the residential and transition treatment program for women, the woman's failure to do so shall constitute a violation of the sentence to the residential and transition treatment program for women.

(c) In order to be eligible to be a participant in the pilot residential and transition treatment program for women, the participant shall meet all of the following conditions:

(1) The woman has not been convicted of a violent crime as defined in subsection (c) of Section 3 of the Rights of Crime Victims and Witnesses Act, a Class X felony, first or second degree murder, armed violence, aggravated kidnapping, criminal sexual assault, aggravated criminal sexual abuse or a subsequent conviction for criminal sexual abuse, forcible detention, or arson and has not been previously convicted of any of those offenses.

(2) The woman must undergo an initial assessment evaluation to determine the treatment and program plan.

(3) The woman was recommended and accepted for placement in the pilot residential and transition treatment program for women by the Department of Corrections and has consented in writing to participation in the program under the terms and conditions of the program. The Department of Corrections may consider whether space is available.

(d) The program may include a substance abuse treatment program designed for women offenders, mental health, trauma, and medical treatment; parenting skills and family relationship counseling, preparation for a GED or vocational certificate; life skills program; job readiness and job skill training, and a community transition development plan.

(e) With the approval of the Department of Corrections, the sheriff shall issue requirements for the program and inform the participants who shall sign an agreement to adhere to all rules and all requirements for the pilot residential and transition treatment program.

(f) Participation in the pilot residential and transition treatment program for women shall be for a period not to exceed 12 months. The period may not be reduced by accumulation of good time.

(g) If the woman successfully completes the pilot residential and transition treatment program for women, the sheriff shall notify the Department of Corrections, the court, and

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the State's Attorney of the county of the woman's successful completion.

(h) A woman may be removed from the pilot residential and transition treatment program for women for violation of the terms and conditions of the program or in the event she is unable to participate. The failure to complete the program shall be deemed a violation of the conditions of the program. The sheriff shall give notice to the Department of Corrections, the court, and the State's Attorney of the woman's failure to complete the program. The Department of Corrections or its designee shall file a petition alleging that the woman has violated the conditions of the program with the court. The State's Attorney may proceed on the petition under Section 5-4-1 of this Code.

(i) The conditions of the pilot residential and transition treatment program for women shall include that the woman while in the program:

(1) Not violate any criminal statute of any jurisdiction;
(2) Report or appear in person before any person or agency as directed by the court, the sheriff, or Department of Corrections;
(3) Refrain from possessing a firearm or other dangerous weapon;
(4) Consent to drug testing;
(5) Not leave the State without the consent of the court or, in circumstances in which reason for the absence is of such an emergency nature that prior consent by the court is not possible, without prior notification and approval of the Department of Corrections;
(6) Upon placement in the program, must agree to follow all requirements of the program;

(j) The Department of Corrections or the sheriff may terminate the program at any time by mutual agreement or with 30 days prior written notice by either the Department of Corrections or the sheriff.

(k) The Department of Corrections may enter into a joint contract with a county with more than 3,000,000 inhabitants to establish and operate a pilot residential and treatment program for women.

(l) The Director of the Department of Corrections shall have the authority to develop rules to establish and operate a pilot residential and treatment program for women that shall include criteria for selection of the participants of the program in conjunction and approval by the sentencing court. Violent crime offenders are not eligible to participate in the program.

(m) The Department shall report to the Governor and the General Assembly before September 30th of each year on the pilot residential and treatment program for women, including the composition of the program by offenders, sentence, age, offense, and race.

(n) The Department of Corrections or the sheriff may terminate the program with 30 days prior written notice.

(o) A county with more than 3,000,000 inhabitants is authorized to apply for funding from federal, local or private entities to create a Residential and Treatment Program for Women. This sentencing option may not go into effect until the funding is secured for the program and the program has been established.

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

Division 1. General provisions

Section 1. Short title. This Act may be cited as the Mobile Home Local Services Tax Enforcement Act.

Section 5. Definitions. As used in this Act:
"Mobile home" means that term as defined in the Mobile Home Local Services Tax Act.

Section 10. Application. This Act applies to delinquencies in payment of the tax imposed by the Mobile Home Local Services Tax Act.

Division 2. Enforcement actions

Section 15. Lien; payments by representative or agent. When a mobile home is taxed to any person as agent for another, or in a representative capacity, the agent or representative shall have a lien on the mobile home, or any mobile home of his or her principal in the agent's possession, until he or she is indemnified against the payment thereof, or, if he or she has paid the tax, until he or she is reimbursed for the payment.

Section 20. Lien for taxes. The taxes upon a mobile home, together with all penalties, interests, and costs that may accrue thereon, shall be a prior and first lien on the mobile home, superior to all other liens and encumbrances, from and including the first day of January in the year in which the taxes are imposed until the taxes are paid or until a court order transfers ownership of the mobile home.

(a) Foreclosure; mobile home forfeited for 2 or more years. A lien may be foreclosed, in the circuit court in the name of the People of the State of Illinois, whenever the taxes for 2 or more years on the same mobile home have been forfeited to the State and there is not an open scavenger buy. The mobile home may be sold under the order of the court by the person having authority to receive County taxes, with notice to interested parties and right of redemption from the sale, (except that the interest or any other amount to be paid upon redemption in addition to the amount for which the mobile home was sold shall be as provided herein), as provided in Sections 290 through 310 and 325.

In any action to foreclose the lien for delinquent taxes brought by the People of the State of Illinois when the taxes for 2 or more years on the same mobile home have been forfeited to the State, service of process shall be made in the manner now prescribed by law. All owners, parties interested, and occupants of any mobile home against which tax liens are sought to be foreclosed shall be named as parties defendant, and shall be served in the

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manner and form as provided by law for the service of defendants in foreclosures of lien or encumbrances upon real estate. In case there are other parties with ownership interests in the mobile home, they shall be named in the notice under the designation "unknown owners".

(b) Redemption interest. The interest to be paid upon redemption from all tax foreclosure sales held under this Section shall be:

1. If redeemed within 2 months from the date of the sale, 3% per month upon the amount for which the mobile home was sold for each of the first 2 months, or fraction thereof;
2. If redeemed between 2 and 6 months from the date of the sale, 12% of the amount of sale;
3. If redeemed between 6 and 12 months from the date of the sale, 24% of the amount of sale;
4. If redeemed between 12 and 18 months from the date of the sale, 36% of the amount of sale;
5. If redeemed between 18 and 24 months from the date of the sale, 48% of the amount of sale;
6. If redeemed after 24 months from the date of sale, the 48% for the 24 months plus interest at 6% per year thereafter.

(c) Enforcement of lien from rents and profits. A lien under this Section may be enforced at any time after 6 months from the day the tax becomes delinquent out of the rents and profits of the mobile home accruing, or accrued and under the control or jurisdiction of a court. This process may be initiated by the county board of the county or by the corporate authorities of any taxing body entitled to receive any part of the delinquent tax, by petition in any pending suit having jurisdiction of the mobile home, or in any application for judgment and order of sale of mobile homes for delinquent taxes in which the mobile home is included, in the name of the People of the State of Illinois.

The process, practice, and procedure under this subsection shall be the same as provided in the Civil Practice Law and the Supreme Court Rules adopted in relation to that Law, except that receivers may be appointed on not less than 3 days’ written notice to holders of certificate of title or persons in possession. In all petitions the court shall have power to appoint the county collector to take possession of the mobile home only for the purpose of collecting the rents, issues and profits therefrom, and to apply them in satisfaction of the tax lien. When the taxes set forth in the petition are paid in full, the receiver shall be discharged. If the taxes described in the petition are reduced by the final judgment of a court, the county collector shall immediately refund all moneys collected by him or her as receiver over and above the taxes as reduced, and shall deduct that amount from the moneys thereafter distributed to the taxing bodies which received the tax revenue.

In proceedings to foreclose the tax lien, or in petitions to enforce the lien, the amount due on the collector's books against the mobile home shall be prima facie evidence of the amount of taxes against the mobile home. When any taxes are collected, they shall be paid to the county collector, to be distributed by him or her to the authorities entitled to them. All sales made under this Section shall be conducted under the order and supervision of the court.

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by the county collector.

An action to foreclose the lien for delinquent taxes under this Act is an action in rem.

Section 25. Preventing waste to mobile homes; receiver. During the pendency of any tax foreclosure proceeding and until the time to redeem the mobile home sold expires, or redemption is made, from any sale made under any judgment foreclosing the lien of taxes, no waste shall be committed or suffered on any of the mobile homes involved. The mobile home shall be maintained in good condition and repair. When violations of local building, health, or safety codes or violations of mobile home park rules and regulations make the mobile home dangerous or hazardous, when taxes on the mobile home are delinquent for 2 years or more, or when in the judgment of the court it is to the best interest of the parties, the court may, upon the verified petition of any party to the proceeding, or the holder of the certificate of purchase, appoint a receiver for the mobile home with like powers and duties of receivers as in cases of foreclosure of mortgages or trust deeds. The court, in its discretion, may take any other action as may be necessary or desirable to prevent waste and maintain the mobile home in good condition and repair.

Section 30. No receiver for homestead dwelling. No receiver shall be appointed under the provisions of Section 25 for mobile homes used as a family dwelling and occupied by the owner as a residence at the time the unpaid taxes became a lien and continuously thereafter.

Section 35. Purchase and sale by county; distribution of proceeds. When any mobile home is delinquent, or is forfeited for each of 2 or more years, and is offered for sale under any of the provisions of this Act, the county board of the county in which the mobile home is located, in its discretion, if there are no other bids, may bid, or, in the case of a forfeited mobile home, may apply to purchase it, in the name of the county as trustee for all taxing districts having an interest in the mobile home's taxes for the nonpayment of which the mobile home is sold. The presiding officer of the county board, with the advice and consent of the board, may appoint on its behalf some officer or person to attend such sales and bid or, in the case of a forfeited mobile home, to apply to the county clerk to purchase. The county shall apply on the bid or purchase the unpaid taxes due upon the mobile home. No cash need be paid. The county shall take all steps necessary to acquire certificate of title to the mobile home and upon acquisition of the certificate of title may manage and operate the mobile home. When a county, or other taxing district within the county, is a petitioner for a tax certificate of title, no filing fee shall be required. When a county or other taxing district within the county is the petitioner for a tax certificate of title, one petition may be filed including all mobile homes that are tax delinquent within the county or taxing district, and any publication made under Section 380 of this Act may combine all such mobile homes within a single notice. The notice shall list the street or common address, and the mobile home park where the mobile home is sited, if known, of the mobile homes for informational purposes. The county, as tax creditor and as trustee for other tax creditors, or other taxing districts within the county, shall not be required to allege and prove that all taxes that become due and payable after the sale to the county have been paid nor shall the county be required to pay the subsequently accruing taxes at any time, except when subsequent taxes are sold to another buyer. The county board or its designee may prohibit the county collector from

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including the mobile home in the tax sale of one or more subsequent years. The lien of taxes that become due and payable after a sale to a county shall merge in the certificate of title of the county, or other taxing district within the county, on the issuance of a certificate of title.

The County may sell or assign the mobile home so acquired, or the certificate of purchase to it, to any party, including taxing districts. The proceeds of that sale or assignment, less all costs of the county incurred in the acquisition and sale or assignment of the mobile home, shall be distributed to the taxing districts in proportion to their respective interests therein.

Under Sections 55 and 60, a County may bid or purchase only in the absence of other bidders.

Section 40. Tax abatement after acquisition by a governmental unit. When any county or municipality acquires a mobile home through the foreclosure of a lien, through a judicial order, through the foreclosure of receivership certificate lien, or by acceptance of a certificate of title in lieu of foreclosing any lien against the mobile home, or when any county or other taxing district acquires a certificate of title for a mobile home under Section 35 or Sections 90 and 200, all due or unpaid mobile home taxes and existing liens for unpaid mobile home taxes imposed or pending under any law or ordinance of this State or any of its political subdivisions shall become null and void.

Section 45. Notice to county officials; voiding of tax bills. The county board or corporate authorities of the county, or other taxing district acquiring a mobile home under Section 35 shall give written notice of the acquisition to the chief county assessment officer and the county collector and the county clerk of the county in which the mobile home is located, and request the voiding of the tax liens as provided in this Section. The notice shall describe the acquired mobile home by the vehicle identification number of the mobile home, if there is one.

Upon receipt of the notice, the county collector and county clerk or county assessor, as appropriate shall void the current and all prior unpaid taxes on the records in their respective offices by entering the following statement upon their records for the mobile home: "Acquired by ... (name of county or municipality acquiring the mobile home under Section 35). Taxes due and unpaid on this mobile home ... (give vehicle identification number, if any, and location of the mobile home) ... are waived and null and void under Section 45 of the Mobile Home Local Services Tax Enforcement Act. The tax bills of this mobile home are hereby voided and liens for the taxes are extinguished."

Section 50. Liability of owner; rights of tax purchaser. Nothing in Sections 40 and 45 shall relieve any owner liable for delinquent mobile home taxes under the Mobile Home Local Services Tax Act from the payment of any delinquent taxes or liens which have become null and void under those Sections.

Sections 45 and 50 shall not adversely affect the rights or interests of the holder of any bona fide certificate of purchase of the mobile home for delinquent taxes. However, upon acquisition of a mobile home by a governmental unit as set forth in Section 40, the rights and interests of the holder of any bona fide certificate of purchase of the mobile home for delinquent taxes shall be limited to a sale in error and a refund as provided under Section

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Section 55. Published notice of annual application for judgment and sale; delinquent taxes. At any time after all taxes have become delinquent in any year, the Collector shall publish an advertisement, giving notice of the intended application for judgment and sale of the delinquent mobile homes. Except as provided below, the advertisement shall be in a newspaper published in the township or road district in which the mobile homes are located. If there is no newspaper published in the township or road district, then the notice shall be published in some newspaper in the same county as the township or road district, to be selected by the county collector. When the mobile home is in an incorporated town which has superseded a civil township, the advertisement shall be in a newspaper published in the incorporated town or if there is no such newspaper, then in a newspaper published in the county.

Section 60. Times of publication of notice. The advertisement shall be published once at least 10 days before the day on which judgment is to be applied for, and shall contain a list of the delinquent mobile homes upon which the taxes or any part thereof remain due and unpaid, the names of owners, and the street, common address, and mobile home park where the mobile home is sited, if known, the vehicle identification number, the model year of the home, the square footage of the home, the total amount due, and the year or years for which they are due. In counties of less than 3,000,000 inhabitants, advertisement shall include notice of the registration requirement for persons bidding at the sale. The collector shall give notice that he or she will apply to the circuit court on a specified day for judgment against the mobile homes for the taxes, and costs, and for an order to sell the mobile homes for the satisfaction of the amount due.

The collector shall also give notice of a date within the next 5 business days after the date of application on which all the mobile homes for the sale of which an order is made will be exposed to public sale at a location within the county designated by the county collector, for the amount of taxes and cost due. The advertisement published according to the provisions of this Section shall be deemed to be sufficient notice of the intended application for judgment and of the sale of mobile homes under the order of the court.

Section 65. Costs of publishing delinquent list. A county shall pay for the printer for advertising delinquent lists for mobile homes, $0.40 per column line, to be taxed and collected as costs.

The printer shall receive for printing the preamble, the descriptive headings, the affidavit, and any other matter accompanying the delinquent list, the sum of $0.40 per line, to be paid by the county.

No costs except printer’s fee shall be charged on any mobile homes forfeited to the State.

Section 70. Sale of mobile homes previously ordered sold. A mobile home ordered sold by unexecuted judgments and orders of sale, previously entered, shall be included in the advertisement for sale only under the previous orders, and shall be sold in the order in which they appear in the delinquent list contained in the advertisement. At any time between annual sales the county collector also may advertise for sale any mobile homes subject to sale under

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orders previously entered and not executed for any reason. The advertisement and sale shall be regulated by the provisions regulating the annual advertisement and sale of delinquent mobile homes, as far as applicable.

Section 75. Use of figures and letters in advertisement and other lists. In all advertisements for the sale of mobile homes for taxes, and in entries required to be made by the clerk of the court or other officer, letters, figures, or characters may be used to denote the year or the years for which the taxes were due and the amount of taxes, interest, and costs. The county collector may subsequently advertise and obtain judgment on mobile homes that have been omitted, or that have been erroneously advertised or described in the first advertisement.

Division 3. Notice and publication provisions

Section 80. Mailed notice of application for judgment and sale. Not less than 15 days before the date of application for judgment and sale of delinquent mobile homes, the county collector shall mail, by registered or certified mail, a notice of the forthcoming application for judgment and sale to the person shown by the current collector's warrant book to be the party in whose name the taxes were last computed. The notice shall include the intended dates of application for judgment and sale and commencement of the sale, and a description of the mobile homes. The county collector must present proof of the mailing to the court along with the application for judgement.

In counties with less than 3,000,000 inhabitants, a copy of this notice shall also be mailed by the county collector by registered or certified mail to any lienholder of record who annually requests a copy of the notice. The failure of the county collector to mail a notice or its non-delivery to the lienholder shall not affect the validity of the judgment.

The collector shall collect $10 from the proceeds of each sale to cover the costs of registered or certified mailing and the costs of advertisement and publication. If a taxpayer pays the taxes on the mobile home after the notice of the forthcoming application for judgment and sale is mailed but before the sale is made, then the collector shall collect $10 from the taxpayer to cover the costs of registered or certified mailing and the costs of advertisement and publication.

Section 85. Printer's error in advertisement. In all cases where there is a printer's error in the advertised list which prevents judgment from being obtained against any mobile home, or against all of the delinquent list, at the time stated in the advertisement, the printer shall lose the compensation allowed by this Act for those mobile homes containing errors, or for the entire list, as the case may be.

Section 90. Scavenger sale. At the same time the county collector annually publishes the collector's annual sale advertisement under Sections 55 and 60, the collector, if the county board so orders by resolution, must publish an advertisement giving notice of the intended application for judgment and sale of all mobile homes upon which all or a part of the taxes for each of 2 or more years, including the current tax year, are delinquent as of the date of the advertisement. In no event may there be more than 2 consecutive years without a sale under this Section. The term delinquent also includes forfeitures. The county collector shall include in the advertisement and in the application for judgment and sale under this...
Section and Section 200 the total amount of all taxes upon those mobile homes which are delinquent as of the date of the advertisement. In lieu of a single annual advertisement and application for judgment and sale under this Section and Section 200, the county collector may, from time to time, beginning on the date of the publication of the annual sale advertisement and before August 1 of the next year, publish separate advertisements and make separate applications on eligible mobile homes described in one or more volumes of the delinquent list. The separate advertisements and applications shall, in the aggregate, include all the mobile homes which otherwise would have been included in the single annual advertisement and application for judgment and sale under this Section. The advertisement and application for judgment and sale shall be in the manner prescribed by this Act relating to the annual advertisement and application for judgment and sale of delinquent mobile homes.

Division 3.5. Judgments and Sales
Section 95. Time of applying for judgment. Except as otherwise provided in this Section, all applications for judgment and order of sale for taxes on delinquent mobile homes shall be made during the month of October.

Within 30 days after the day specified for the application for judgment the court shall hear and determine the matter. If judgment is rendered, the sale shall begin on the date within 5 business days specified in the notice as provided in Section 60. If the collector is prevented from advertising and obtaining judgment during the month of October, the collector may obtain judgment at any time thereafter; but if the failure arises by the county collector's not complying with any of the requirements of this Act, he or she shall be held on his or her official bond for the full amount of all taxes charged against him or her. Any failure on the part of the county collector shall not be allowed as a valid objection to the collection of any tax, or to entry of a judgment against any delinquent mobile homes included in the application of the county collector.

Section 100. Annual tax judgment, sale, redemption, and forfeiture record. The collector shall transcribe into a record prepared for that purpose, and known as the annual tax judgment, sale, redemption, and forfeiture record, the list of delinquent mobile homes. The record shall contain all the information necessary to be recorded, at least 5 days before the day on which application for judgment is to be made.

The record shall set forth the name of the owner and the street, common address, and mobile home park where the mobile home is sited, if known; a description of the mobile home, including the vehicle identification number, model year, and square footage; the year or years for which the tax is due; the valuation on which the tax is extended; the amount of the consolidated and other taxes; the costs; and the total amount of charges against the mobile home.

The record shall also be ruled in columns to show the amount paid before entry of judgment; the amount of judgment and a column for remarks; the amount paid before sale and after entry of judgment; the amount of the sale; amount of interest or penalty; amount of cost; amount forfeited to the State; date of sale; name of purchaser; amount of sale and penalty; taxes of succeeding years; interest and when paid, interest and cost; total amount of

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redemption; date of redemption; when certificate of title executed; by whom redeemed; and a column for remarks or receipt of redemption money.

The record shall be kept in the office of the county clerk.

Section 105. Payment of delinquent tax before sale. Any person owning or claiming mobile homes upon which application for judgment is applied for may, in person or by agent, pay the taxes, and costs due to the county collector at any time before sale.

Section 110. Report of payments and corrections. On the day on which application for judgment on a delinquent mobile home is applied for, the collector, assisted by the county clerk, shall post all payments, compare and correct the list, and shall make and subscribe an affidavit, which shall be substantially in the following form:

State of Illinois

ss.

County of........................

I ...., collector of the county of ...., do solemnly swear (or affirm, as the case may be), that the foregoing is a true and correct list of the delinquent mobile homes within the county of ...., upon which I have been unable to collect the taxes (and interest and printer's fees, if any), charged thereon, as required by law, for the year or years therein set forth; and that the taxes, now remain due and unpaid, to the best of my knowledge and belief.

Dated ......................

The affidavit shall be entered at the end of the list, and signed by the collector.

Section 115. Proceedings by court. Defenses to the entry of judgment against mobile homes included in the delinquent list shall be entertained by the court only when the defense includes a writing specifying the particular grounds for the objection.

If any party objecting is entitled to a refund of all or any part of a tax paid, the court shall enter judgment accordingly, and also shall enter judgment for the taxes, in interest, and penalties as appear to be due. The judgment shall be considered as a several judgment against each mobile home, for each kind of tax included therein. The court shall direct the clerk to prepare and enter an order for the sale of the mobile home against which judgment is entered.

Section 120. Form of court order. A judgment and order of sale shall be substantially in the following form:

Whereas, due notice has been given of the intended application for a judgment against mobile homes, and no sufficient defense having been made or cause shown why judgment should not be entered against the mobile homes, for taxes, interest, penalties, and costs due and unpaid therefor for the year or years herein set forth, therefore the court hereby enters judgment against the above stated mobile homes, in favor of the People of the State of Illinois, for the amount of taxes, interest, penalties and costs due thereon. It is ordered by the court that the mobile homes be sold as the law directs.

The order shall be signed by the judge. In all judicial proceedings of any kind, for the collection of taxes, all amendments may be made which, by law, could be made in any personal action pending in that court.

Section 125. Cure of error or informality in computation of tax or collection of the taxes. No computation of the tax on a mobile home or charge for any of the taxes shall be
considered illegal on account of any irregularity in the computation, or on account of the computation not having been made within the time required by law, or on account of the mobile home having been charged without name, or in any other name than that of the rightful owner. No error or informality in the proceedings of any of the officers connected with the computation or collection of the taxes, not affecting the substantial justice of the tax itself, shall vitiate or in any manner affect the tax or the computation thereof. Any irregularity or informality in the computation of the tax, or in any of the proceedings connected with the computation of the taxes, or any omission or defective act of any other officer or officers connected with the computation of the taxes, may be, in the discretion of the court, corrected, supplied and made to conform to law by the court, or by the person (in the presence of the court) from whose neglect or default it was occasioned.

Division 4. Annual tax sale procedure

Section 130. Entry of judgment for sale. If judgment is rendered against any mobile home for any tax, the county collector shall, after publishing a notice for sale in compliance with the requirements of Sections 55 or 60, proceed to offer the mobile home for sale pursuant to the judgment. However, in the case of an appeal from the judgment, if the party, when filing notice of appeal deposits with the county collector the amount of the judgment and costs, the collector shall not sell the mobile home until the appeal is disposed of.

Section 135. Examination of record; certificate of correctness. On the day advertised for sale, the county clerk, assisted by the collector, shall examine the list upon which judgment has been entered and ascertain that all payments have been properly noted thereon. The county clerk shall make a certificate to be entered on the record, following the order of court that the record is correct, and that judgment was entered upon the mobile home therein mentioned for the taxes, interest, and costs due thereon. The certificate shall be attested by the circuit court clerk under seal of the court and shall be the process on which the mobile home or any interest therein shall be sold for taxes, interest, and costs due thereon, and may be substantially in the following form:

State of Illinois County of ...

I, ..., clerk of the circuit court, in and for the county of ..., do hereby certify that the foregoing is a true and correct record of the delinquent mobile home in the county, against which judgment and order of sale was duly entered in the circuit court for the county, on (insert date), for the amount of the taxes, interest, and costs due severally thereon as therein set forth, and that the judgment and order of court in relation thereto fully appears on the record.

Dated (insert date).

Section 140. County clerk assistance at sale. The county clerk, in person or by deputy, shall attend all sales for taxes, made by the collector, and shall assist at the sales.

Section 145. Tax sale procedures. The collector, in person or by deputy, shall attend, on the day and in the place specified in the notice for the sale of mobile homes for taxes, and shall, between 9:00 a.m. and 4:00 p.m., or later at the collector's discretion, proceed to offer for sale, separately and in consecutive order, all mobile homes in the list on which the taxes, interest, or costs have not been paid. The collector's office shall be kept open during all hours

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in which the sale is in progress. The sale shall be continued from day to day, until all mobile homes in the delinquent list have been offered for sale.

Section 150. Penalty bids. The person at the sale offering to pay the amount due on each mobile home for the least penalty percentage shall be the purchaser of that mobile home. No bid shall be accepted for a penalty exceeding 18% of the amount of the tax on a mobile home.

Section 155. Registration. In counties with less than 3,000,000 inhabitants, unless the county board provides otherwise, no person shall be eligible to bid who did not register with the county collector at least 10 business days prior to the first day of sale authorized under Section 60.

Section 160. Forfeited mobile home. Every mobile home offered at public sale, and not sold for want of bidders, shall be forfeited to the State of Illinois. However, when the court, county clerk, and county treasurer certify that the taxes on a forfeited mobile home equal or exceed the actual value of the mobile home, the county collector shall, on the receipt of such certificate, offer the mobile home for sale to the highest bidder, after first giving 10 days' notice, in the manner described in Sections 55 and 60, of the time and place of sale, together with a description of the mobile home to be offered. A certificate of purchase shall be issued to the purchaser at the sale as in other cases provided in this Act. The county collector shall receive credit in the settlement with the taxing bodies for which the tax was levied for the amount not realized by the sale. The amount received from the sale shall be paid by the collector, pro rata, to the taxing bodies entitled to it.

Section 165. Record of sales and redemptions. When any mobile home is sold, the county clerk shall enter on the Tax Judgment, Sale, Redemption and Forfeiture Record, in the blank columns provided for that purpose, the name of the purchaser and the final bid. When any mobile home is redeemed from sale, the county clerk shall enter the name of the person redeeming, the redemption date, and the amount of redemption, in the proper column.

Section 170. Record of forfeitures. All mobile homes forfeited to the State at the sale shall be noted on the Tax Judgment, Sale, Redemption and Forfeiture Record.

Section 175. Payment for mobile homes purchased at tax sale; reoffering for sale. Except as otherwise provided below, the person purchasing any mobile home shall be liable to the county for the amount due and shall forthwith pay to the county collector the amount charged on the mobile home. Upon failure to do so, the amount due shall be recoverable in a civil action brought in the name of the People of the State of Illinois in any court of competent jurisdiction. The person so purchasing shall be relieved of liability only by payment of the amount due together with interest and costs thereon, or if the mobile home is reoffered at the sale, purchased, and paid for. Reoffering of the mobile home for sale shall be at the discretion of the collector. The sale shall not be closed until payment is made or the mobile home again offered for sale. The purchaser then shall be entitled to a certificate of purchase. If a purchaser fails to complete his or her purchase as provided in this Section, the purchase shall become void, and be of no effect, but the collector shall not refund the amount paid in cash at the time of the sale, except in cases of sale in error. That amount shall be treated as a payment and distributed to the taxing bodies as other collections are distributed.
The lien for taxes for the amount paid shall remain on the mobile home, in favor of the purchaser, his or her heirs or assigns, until paid with 5% interest per year on that amount from the date the purchaser paid it. The amount and fact of such ineffective purchase shall be entered in the tax judgment, sale, redemption and forfeiture record opposite the mobile home upon which the lien remains. No redemption shall be made without payment of this amount for the benefit of the purchaser, and no future sale of the mobile home shall be made except subject to the lien of such purchaser.

Section 180. Automation fee. The county collector may assess to the purchaser of a mobile home for delinquent taxes an automation fee of not more than $10 per mobile home. In counties with less than 3,000,000 inhabitants:

(a) The fee shall be paid at the time of the purchase if the record keeping system used for processing the delinquent mobile home tax sales is automated or has been approved for automation by the county board. The fee shall be collected in the same manner as other fees or costs.

(b) Fees collected under this Section shall be retained by the county treasurer in a fund designated as the Tax Sale Automation Fund. The fund shall be audited by the county auditor. The county board shall make expenditures from the fund to pay any costs related to the automation of mobile home tax collections and delinquent mobile home tax sales, including the cost of hardware, software, research and development, and personnel.

Section 185. Certificate of purchase. The county clerk shall make out and deliver to the purchaser of any mobile home sold under Section 145, a certificate of purchase countersigned by the collector, describing the mobile home sold, including the vehicle identification number, the model year, and the square footage, the date of sale, the amount of taxes, interest, and cost for which it was sold, and that payment of the sale price has been made. If any person becomes the purchaser of more than one mobile home owned by one party or person, the purchaser may have the whole or one or more of them included in one certificate, but separate certificates shall be issued in all other cases. A certificate of purchase shall be assignable by endorsement. An assignment shall vest in the assignee or his or her legal representatives, all the right and title of the original purchaser.

If the tax certificate is lost or destroyed, the county clerk shall issue a duplicate certificate upon written request and a sworn affidavit by the tax sale purchaser, or his or her assignee, that the tax certificate is lost or destroyed. The county clerk shall cause a notation to be made in the tax sale and judgment book that a duplicate certificate has been issued, and redemption payments shall be made only to the holder of the duplicate certificate.

Section 190. Index of tax sale records. The county clerk may make an index of tax-sale records. The index shall be kept in the county clerk’s office as a public record, open to inspection during office hours.

Section 195. County clerk's books and records; prima facie evidence. The books and records of the county clerk, or copies thereof, certified by the clerk, shall be prima facie evidence to prove the sale of any mobile home for taxes, the redemption of the mobile home, or payment of taxes thereon.

Division 5. Scavenger sales; procedures
Section 200. Collector's scavenger sale. Upon the county collector's application under Section 90, to be known as the Scavenger Sale Application, the Court shall enter judgment for the taxes, interest, penalties, and costs as are included in the advertisement and appear to be due thereon after allowing an opportunity to object and a hearing upon the objections as provided in Section 115, and order those mobile homes sold by the county collector at public sale to the highest bidder for cash, notwithstanding the bid may be less than the full amount of taxes, interest, penalties, and costs for which judgment has been entered.

(a) Conducting the sale; bidding. All mobile homes shall be offered for sale in consecutive order as they appear in the delinquent list. The minimum bid for any mobile home shall be $250 or one-half of the tax if the total liability is less than $500. The successful bidder shall immediately pay the amount of minimum bid to the County Collector in cash, by certified or cashier's check, by money order, or, if the successful bidder is a governmental unit, by a check issued by that governmental unit. If the bid exceeds the minimum bid, the successful bidder shall pay the balance of the bid to the county collector in cash, by certified or cashier's check, by money order, or, if the successful bidder is a governmental unit, by a check issued by that governmental unit by the close of the next business day. If the minimum bid is not paid at the time of sale or if the balance is not paid by the close of the next business day, then the sale is void and the minimum bid, if paid, is forfeited to the county general fund. In that event, the mobile home shall be reoffered for sale within 30 days of the last offering of mobile homes in regular order. The collector shall make available to the public a list of all mobile homes to be included in any reoffering due to the voiding of the original sale. The collector is not required to serve or publish any other notice of the reoffering of those mobile homes. In the event that any of the mobile homes are not sold upon reoffering, or are sold for less than the amount of the original voided sale, the original bidder who failed to pay the bid amount shall remain liable for the unpaid balance of the bid in an action under Section 175. Liability shall not be reduced where the bidder upon reoffering also fails to pay the bid amount, and in that event both bidders shall remain liable for the unpaid balance of their respective bids. A sale of mobile homes under this Section shall not be final until confirmed by the court.

(b) Confirmation of sales. The county collector shall file his or her report of sale in the court within 30 days after the date of sale of each mobile home. No notice of the county collector's application to confirm the sales shall be required except as prescribed by rule of the court. Upon confirmation, except in cases where the sale becomes void under Section 430, or in cases where the order of confirmation is vacated by the court, a sale under this Section shall extinguish the in rem lien of the taxes, for which judgment has been entered and a redemption shall not revive the lien. Confirmation of the sale shall in no event affect the owner's personal liability to pay the taxes, interest, and penalties as provided in this Act or prevent institution of a proceeding under Section 355 to collect any amount that may remain due after the sale.

(c) Issuance of tax sale certificates. Upon confirmation of the sale, the county clerk and the county collector shall issue to the purchaser a certificate of purchase in the form prescribed by Section 185 as near as may be. A certificate of purchase shall not be issued to

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any person who is ineligible to bid at the sale or to receive a certificate of purchase under Section 205.

(d) Scavenger Tax Judgment, Sale and Redemption Record; sale of parcels not sold. The county collector shall prepare a Scavenger Tax Judgment, Sale and Redemption Record. The county clerk shall write or stamp on the scavenger tax judgment, sale, forfeiture and redemption record opposite the description of any mobile home offered for sale and not sold, or not confirmed for any reason, the words "offered but not sold". The mobile homes that are offered for sale under this Section and not sold or not confirmed shall be offered for sale annually thereafter in the manner provided in this Section until sold. At any time between annual sales the county collector may advertise for sale any mobile homes subject to sale under judgments for sale previously entered under this Section and not executed for any reason. The advertisement and sale shall be regulated by the provisions of this Act as far as applicable.

(e) Proceeding to tax certificate of title. The owner of the certificate of purchase shall give notice as required by Sections 365 through 390, and may extend the period of redemption as provided by Section 330. At any time within 5 months prior to expiration of the period of redemption from a sale under this Act, the owner of a certificate of purchase may file a petition and may obtain a tax certificate of title under Sections 390 through 410. All proceedings for the issuance of a tax certificate of title and all tax certificates of title for mobile homes sold under this Section shall be subject to Sections 390 through 410. This Section shall be liberally construed so that the certificates of title provided for in this Section convey merchantable title.

(f) Redemptions from scavenger sales. Redemptions may be made from sales under this Section in the same manner and upon the same terms and conditions as redemptions from sales made under the county collector's annual application for judgment and order of sale, except that in lieu of penalty the person redeeming shall pay interest on that part of the amount for which the mobile home was sold equal to or less than the full amount of delinquent taxes, penalties, interest, and costs, included in the judgment and order of sale as follows:

1. If redeemed within the first 2 months from the date of the sale, 3% per month upon the amount of taxes, penalties, interest, and costs due for each of the first 2 months, or fraction thereof.
2. If redeemed at any time between 2 and 6 months from the date of the sale, 12% of the amount of taxes, penalties, interest, and costs due.
3. If redeemed at any time between 6 and 12 months from the date of the sale, 24% of the amount of taxes, penalties, interest, and costs due.
4. If redeemed at any time between 12 and 18 months from the date of the sale, 36% of the amount of taxes, penalties, interest, and costs due.
5. If redeemed at any time between 18 and 24 months from the date of the sale, 48% of the amount of taxes, penalties, interest, and costs due.
6. If redeemed after 24 months from the date of sale, the 48% provided for the 24 months together with interest at 6% per annum thereafter on the amount of

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taxes, penalties, interest, and costs due.

The person redeeming shall not be required to pay any interest on any part of the amount for which the mobile home was sold that exceeds the full amount of delinquent taxes, penalties, interest, and costs included in the judgment and order of sale.

Notwithstanding any other provision of this Section, the amount required to be paid for redemption shall also include an amount equal to all delinquent taxes on the mobile home which taxes were delinquent at the time of sale. The delinquent taxes shall be apportioned by the county collector among the taxing districts in which the mobile home is situated in accordance with law. In the event that all moneys received from any sale held under this Section exceed an amount equal to all delinquent taxes on the mobile home sold, which taxes were delinquent at the time of sale, together with all publication and other costs associated with the sale, then, upon redemption, the county collector and the county clerk shall apply the excess amount to the cost of redemption.

(g) Bidding by county or other taxing districts. Any taxing district may bid at a scavenger sale. The county board of the county in which mobile homes offered for sale under this Section are located may bid as trustee for all taxing districts having an interest in the taxes for the nonpayment of which the mobile homes are offered. The county shall apply on the bid the unpaid taxes due upon the mobile home and no cash need be paid. The county or other taxing district acquiring a tax sale certificate shall take all steps necessary to acquire certificate of title to the mobile home and may manage and operate the mobile home so acquired.

When a county, or other taxing district within the county, is a petitioner for a tax certificate of title, no filing fee shall be required on the petition. The county as a tax creditor and as trustee for other tax creditors, or other taxing district within the county shall not be required to allege and prove that all taxes that become due and payable after the sale to the county have been paid. The county shall not be required to pay the subsequently accruing taxes at any time. Upon the written request of the county board or its designee, the county collector shall not offer the mobile home for sale at any tax sale subsequent to the sale of the mobile home to the county under this Section. The lien of taxes that become due and payable after a sale to a county shall merge in the certificate title of the county, or other taxing district, on the issuance of a certificate of title. The County may sell the mobile homes so acquired, or the certificate of purchase thereto, and the proceeds of the sale shall be distributed to the taxing districts in proportion to their respective interests therein. The presiding officer of the county board, with the advice and consent of the county board, may appoint some officer or person to attend scavenger sales and bid on its behalf.

(h) Miscellaneous provisions. In the event that a mobile home sold at any such sale is not redeemed within the time permitted by law and a tax certificate of title is issued, all moneys that may be received from the sale of mobile homes in excess of the delinquent taxes, together with all publication and other costs associated with the sale, shall, upon petition of any interested party to the court that issued the tax certificate of title, be distributed by the county collector pursuant to order of the court among the persons having legal or equitable interests in the mobile home according to the fair value of their interests

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in the mobile home. Appeals may be taken from the orders and judgments entered under this Section as in other civil cases. The remedy herein provided is in addition to other remedies for the collection of delinquent taxes.

Section 205. Scavenger sale; persons ineligible to bid or purchase.

(a) No person, except a unit of local government, shall be eligible to bid or receive a certificate of purchase at any sale under Section 200 unless that person has completed and delivered to the county clerk a true, accurate, and complete application for certificate of purchase which shall affirm that:

(1) the person has not bid upon or applied to purchase any mobile home at the sale for a person who is the party or agent of the party who owns the mobile home or is responsible for the payment of the delinquent taxes;

(2) the person is not, nor is he or she the agent for, the owner or party responsible for payment of the taxes on any mobile home which is located in the same county in which the sale is held and which is tax delinquent or forfeited for all or any part of each of 2 or more years; and

(3) the person, although otherwise eligible to bid, has not either directly or through an agent twice during the same sale failed to complete a purchase by the immediate payment of the minimum bid or the payment of the balance of a bid within the time provided by Section 200.

Section 210. Scavenger sale registration. No person, except a unit of local government, shall be eligible to bid or to receive a certificate of purchase who did not register with the county collector at least 5 business days in advance of the first day of the sale under Section 200. The collector may charge, for each registration, a fee of not more than $50 in counties with less than 3,000,000 inhabitants. Registration shall be made upon such forms and according to such regulations as the county collector deems necessary in order to effect complete and accurate disclosure of the identity of all persons beneficially interested, directly or indirectly, in each sale under Section 200. The information to be disclosed shall include, but not be limited to, the name, address, and telephone number of the purchaser to whom the clerk and collector will be requested to issue a certificate of purchase; if the purchaser is a corporation, the place of incorporation and the names and addresses of its shareholders unless the corporation is publicly held; if the purchaser is a partnership, the names and addresses of all general and limited partners; if the purchaser is doing business under an assumed business name, the county where such name is registered and the names, addresses, and telephone numbers of all persons having an ownership interest in the business; and the identity and location of any other tax delinquent mobile home owned by the bidder and purchaser.

Every application for certificate of purchase and form for registration authorized and required by this Section and Section 215 shall be executed under penalty of perjury as though under oath or affirmation, but no acknowledgement is required.

Section 215. Scavenger sale; application for certificate of purchase. The application for certificate of purchase shall be executed by the purchaser and by any individual bidder acting in the purchaser's behalf. The application shall be initially executed and delivered to
the county clerk at the time of registration for the sale as provided in this Section. Before receiving any certificate of purchase, each purchaser and individual bidder acting in the purchaser's behalf shall sign and deliver to the county clerk a schedule or schedules of the mobile homes for which that purchaser has successfully bid and is applying to purchase, which schedule or schedules shall be attached to and incorporated within the application. The schedule or schedules shall be accompanied by a fee, for each mobile home listed, of $10 in counties with less than 3,000,000 inhabitants. The application and schedule or schedules shall be in substantially the following form:

APPLICATION FOR CERTIFICATE OF PURCHASE

Date of Application: ...............
Name of Purchaser: .................
Address: ................................
Name of Bidder: ....................
Address: ...........................

I (we) hereby apply to the County Clerk and County Treasurer of ..... County for issuance of a certificate of purchase for each of the mobile homes on the attached schedule(s), and state as follows:

1. I (we) made (or authorized) the successful bid on each mobile home listed on the attached schedule or schedules at the sale of delinquent mobile homes under Section 200 of the Mobile Home Local Services Tax Enforcement Act conducted by the County Treasurer of ..... County, Illinois, on the dates indicated for each mobile home on the schedule(s).

2. At least 5 business days before the first day of this sale, I (we) submitted a truthful, accurate and complete registration to the Treasurer of ..... County on the form(s) and according to the regulations prescribed by the Treasurer's office.

3. Neither I (we) nor any person or firm identified in the registration submitted to the Treasurer of ..... County was an owner or agent of an owner, lienholder or agent of a lienholder (other than the mobile home park owner or his or her agent), holder of beneficial interest or agent of a holder of a beneficial interest in or of any mobile home identified on the schedule(s) attached to this application on January 1st of any years for which taxes were delinquent at the time of my (our) bid(s) described in the schedule(s).

4. Neither I (we) nor any person or firm identified in the registration submitted to the Treasurer of ..... County was an owner or agent of an owner, lienholder or agent of a lienholder (other than the mobile home park owner or his or her agent), holder of a beneficial interest or agent of a holder of a beneficial interest in or of the mobile home identified on the schedule(s) attached to this application at the time of the bid(s) described in the schedule.

5. Neither I (we) nor any person or firm identified in the registration submitted to the Treasurer of ..... County was an owner or agent for an owner, or party or agent for a party responsible for the payment of delinquent taxes, on any mobile home in the county that was tax delinquent or forfeited for all or any part of each of 2 or more years when the registration was submitted.

6. Neither I (we) nor any person acting in my (our) behalf has twice failed to complete a purchase at the sale during which the mobile homes on the attached schedule(s)
were offered by failing to immediately pay a minimum bid or by failing to pay the balance of a bid for any mobile home within one business day thereafter.

I (we) hereby affirm that I (we) have read this application and that the statements made in it are personally known by me (us) to be true, accurate and complete, under penalty of perjury as provided by law.

I (we) further understand that this application shall be void unless the schedule(s) of mobile homes referred to in the application is (are) completed and delivered to the County Clerk.

........................ Dated: .............
(Signature of Purchaser)
........................ Dated: .............
(Signature of Bidder)

SCHEDULE OF PROPERTIES

Mobile home vehicle identification number (or other identification) Date of Bid (insert number or other identification) (insert date)

I (we) hereby affirm that I (we) successfully bid upon the above mobile homes at the sale conducted by the County Treasurer of ..... County on the indicated dates, and I (we) request that the County Clerk of ..... County attach this schedule to my (our) application for certificate of purchase dated ......

Signed under penalty of perjury as provided by law:
........................ Dated: .............
(Signature of Purchaser)
........................ Dated: .............
(Signature of Bidder)

Section 220. Scavenger sale; ineligible bid; liability.

(a) Any person who is ineligible under Section 205 to bid or to receive a certificate of purchase from a sale under Section 200, who nevertheless registers to bid or bids or receives or acquires ownership of a certificate of purchase from a sale, and any person who registers to bid or bids at a sale on behalf of an ineligible person, shall be personally liable, jointly and severally, in a sum equal to the full amount of delinquent or forfeited taxes, interest, penalties, and costs for which the judgment for sale under Section 200 was entered.

(b) The State's Attorney of the county in which the sale under Section 200 was conducted may bring an action in the name of the People of the State of Illinois against the person and, upon a finding of liability under this Section, the court shall enter judgment against the person in a sum equal to the full amount of delinquent or forfeited taxes, interest, penalties, and costs for which judgment for sale under Section 200 was entered, together with the costs of the action and reasonable attorney's fees. The proceeds of any judgment under this Section shall be paid into the county general fund.

Section 225. Tax scavenger sale fraud; definitions. For purposes of Section 230:

(1) "Ownership interest" means any title or other interest in a mobile home, the holder of which is considered to be the owner of the mobile home for purposes

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of taxation under Section 3 of the Mobile Home Local Services Tax Act. Mobile home park owners are not deemed to have an ownership interest as defined in this Section.

(2) "Nonownership interest" means any interest in a mobile home other than a contingent interest and other than an ownership interest as defined in this Section, including without limitation an easement or lien.

(3) "Mobile home" has the same meaning as defined in Section 1 of the Mobile Home Local Services Tax Act. Section 230. Offense of scavenger sale fraud. A person commits the offense of tax sale fraud who knowingly:

(a) enters a bid or authorizes or procures the entry of a bid on any mobile home offered for sale under Section 200, when the person in whose behalf the bid is made or authorized or procured has an ownership interest or nonownership interest in the mobile home, or where that person had such an interest on January 1 of any year for which delinquent taxes were included within the judgment for sale under Section 200;

(b) acquires, or attempts to acquire, ownership of any certificate of purchase for a mobile home sold under Section 200, when the person in whose behalf such certificate of purchase is or would be acquired has an ownership interest or nonownership interest in the mobile home, or where that person had that interest on January 1 of any year for which delinquent taxes were included within the judgment for sale under Section 200;

(c) conveys or assigns any certificate of purchase for a mobile home sold under Section 200 to any person who has an ownership interest or nonownership interest in the mobile home, or who had that interest on January 1 of any year for which delinquent taxes were included within the judgment for sale under Section 200;

(d) makes a false statement in any application for certificate of purchase or registration form submitted under Sections 210 and 215; or

(e) forfeits 2 or more bids at any one sale under Section 200 by failing to pay the minimum cash bid timely or by failing to pay the balance of the bid timely as required by Section 200.

Tax sale fraud is a Class A misdemeanor. A subsequent conviction for tax sale fraud as defined in subsections (a) through (d) of this Section is a Class 4 felony.

Division 6. Indemnity fund; sales in error

Section 235. Creation of indemnity fund.

(a) Each person purchasing any mobile home at a sale under this Act shall pay to the county collector, prior to the issuance of any certificate of purchase, a fee of $20 for each item purchased. A like sum shall be paid for each year that all or a portion of subsequent taxes are paid by the tax purchaser and posted to the tax judgment, sale, redemption and forfeiture record where the underlying certificate of purchase is recorded.

(b) The amount paid prior to issuance of the certificate of purchase pursuant to subsection (a) shall be included in the purchase price of the mobile home in the certificate

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of purchase and all amounts paid under this Section shall be included in the amount required
to redeem under Section 300. Except as otherwise provided in subsection (b) of Section 240,
all money received under subsection (a) shall be paid by the collector to the county treasurer
of the county in which the mobile home is situated, for the purpose of an indemnity fund.
The county treasurer, as trustee of that fund, shall invest all of that fund, principal and
income, in his or her hands from time to time, if not immediately required for payments of
indemnities under subsection (a) of Section 245, in investments permitted by the Illinois
State Board of Investment under Article 22A of the Illinois Pension Act. The county collector
shall report annually to the circuit court on the condition and income of the fund. The
indemnity fund shall be held to satisfy judgments obtained against the county treasurer, as
trustee of the fund. No payment shall be made from the fund, except upon a judgment of the
court which ordered the issuance of a tax certificate of title.

Section 240. Amount to be retained in indemnity fund.
(a) The county board in each county shall determine the amount of the fund to be
maintained in that county, which amount shall not be less than $50,000 and shall not be
greater than $1,000,000 in counties with less than 3,000,000 inhabitants. Any moneys
accumulated by the county treasurer in excess of the amount so established, as trustee of the
fund, shall be paid by him or her annually to the general fund of the county.
(b) In counties in which a Tort Liability Fund is established, all sums of money
received under subsection (a) of Section 235 may be deposited in the general fund of the
county for general county governmental purposes, if the county board provides by ordinance
that the indemnity required by this Section shall be provided by the Tort Liability Fund.

Section 245. Payments from Indemnity Fund.
(a) Any owner of a mobile home sold under any provision of this Act who sustains
loss or damage by reason of the issuance of a tax certificate of title under Section 360 or 400
and who is barred or is in any way precluded from bringing an action for the recovery of the
mobile home shall have the right to indemnity for the loss or damage sustained, limited as
follows:

1. An owner who resided in a mobile home on the last day of the period of
redemption and who is equitably entitled to compensation for the loss or damage
sustained has the right to indemnity. An equitable indemnity award shall be limited
to the fair cash value of the mobile home as of the date the tax certificate of title was
issued less any liens on the mobile home, and the award will not exceed $99,000. The
court shall liberally construe this equitable entitlement standard to provide
compensation wherever, in the discretion of the court, the equities warrant the action.

An owner of a mobile home who requests an award in excess of $99,000 must
prove that the loss of his or her mobile home was not attributable to his or her own
fault or negligence before an award in excess of $99,000 will be granted.

2. An owner who sustains the loss or damage of any mobile home
occasioned by reason of the issuance of a tax certificate of title, without fault or
negligence of his or her own, has the right to indemnity limited to the fair cash value
of the mobile home less any liens on the mobile home. In determining the existence

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of fault or negligence, the court shall consider whether the owner exercised ordinary reasonable diligence under all of the relevant circumstances.

(3) In determining the fair cash value of a mobile home less any liens on the mobile home, the fair cash value shall be reduced by the principal amount of all taxes paid by the tax purchaser or his or her assignee before the issuance of the tax certificate of title.

(4) If an award made under paragraph (1) or (2) is subject to a reduction by the amount of an outstanding lien on the mobile home, other than the principal amount of all taxes paid by the tax purchaser or his or her assignee before the issuance of the tax certificate of title and the petitioner would be personally liable to the lienholder for all or part of that reduction amount, the court shall order an additional indemnity award to be paid directly to the lienholder sufficient to discharge the petitioner's personal liability. The court, in its discretion, may order the joinder of the lienholder as an additional party to the indemnity action.

(b) Indemnity fund; subrogation.

(1) Any person claiming indemnity hereunder shall petition the court which ordered the tax certificate of title to issue, shall name the county treasurer, as trustee of the indemnity fund, as defendant to the petition, and shall ask that judgment be entered against the county treasurer, as trustee, in the amount of the indemnity sought. The provisions of the Civil Practice Law shall apply to proceedings under the petition, except that neither the petitioner nor county treasurer shall be entitled to trial by jury on the issues presented in the petition. The court shall liberally construe this Section to provide compensation wherever in the discretion of the Court the equities warrant such action.

(2) The county treasurer, as trustee of the indemnity fund, shall be subrogated to all parties in whose favor judgment may be rendered against him or her, and by third party complaint may bring in as a defendant any person, other than the tax certificate of title grantee and its successors in title, not a party to the action who is or may be liable to him or her, as subrogee, for all or part of the petitioner's claim against him or her.

(c) Any contract involving the proceeds of a judgment for indemnity under this Section, between the tax certificate of title grantee or its successors in title and the indemnity petitioner or his or her successors, shall be in writing. In any action brought under this Section, the Collector shall be entitled to discovery regarding, but not limited to, the following:

(1) the identity of all persons beneficially interested in the contract, directly or indirectly, including at least the following information: the names and addresses of any natural persons; the place of incorporation of any corporation and the names and addresses of its shareholders unless it is publicly held; the names and addresses of all general and limited partners of any partnership; the names and addresses of all persons having an ownership interest in any entity doing business under an assumed name, and the county in which the assumed business name is registered; and the

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nature and extent of the interest in the contract of each person identified;

(2) the time period during which the contract was negotiated and agreed upon, from the date of the first direct or indirect contact between any of the contracting parties to the date of its execution;

(3) the name and address of each natural person who took part in negotiating the contract, and the identity and relationship of the party that the person represented in the negotiations; and

(4) the existence of an agreement for payment of attorney's fees by or on behalf of each party.

Any information disclosed during discovery may be subject to protective order as deemed appropriate by the court. The terms of the contract shall not be used as evidence of value. Section 250. Indemnity fund fraud.

(a) A person commits the offense of indemnity fund fraud when that person knowingly:

(1) offers or agrees to become a party to, or to acquire an interest in, a contract involving the proceeds of a judgment for indemnity under Section 245 before the end of the period of redemption from the tax sale to which the judgment relates;

(2) fraudulently induces a party to forego bringing an action for the recovery of the mobile home;

(3) makes a deceptive misrepresentation during the course of negotiating an agreement under subsection (c) of Section 245; or

(4) conspires to violate any of the provisions of this subsection.

(b) Commission of any one act described in subsection (a) is a Class A misdemeanor. Commission of more than one act described in subsection (a) during a single course of conduct is a Class 4 felony. A second or subsequent conviction for violation of any portion of this Section is a Class 4 felony.

(c) The State's Attorney of the county in which a judgment for indemnity under Section 245 is entered may bring a civil action in the name of the People of the State of Illinois against a person who violates paragraph (1), (2), or (3) of subsection (a). Upon a finding of liability in the action the court shall enter judgment in favor of the People in a sum equal to 3 times the amount of the judgment for indemnity, together with costs of the action and reasonable attorney's fees. The proceeds of any judgment under this subsection shall be paid into the general fund of the county.

Section 255. Sales in error.

(a) When, upon application of the county collector, the owner of the certificate of purchase, or a municipality that owns or has owned the mobile home ordered sold, it appears to the satisfaction of the court that ordered the mobile home sold that any of the following subsections are applicable, the court shall declare the sale to be a sale in error:

(1) the mobile home was not subject to taxation,

(1.5) the mobile home has been moved to a different location,

(2) the taxes had been paid prior to the sale of the mobile home,

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(3) there is a double computation of the tax,
(4) the description is void for uncertainty,
(5) the assessor, chief county assessment officer, board of review, board of appeals, or other county official has made an error (other than an error of judgment as to the value of any mobile home),
(5.5) the owner of the mobile home had tendered timely and full payment to the county collector that the owner reasonably believed was due and owing on the mobile home, and the county collector did not apply the payment to the mobile home; provided that this provision applies only to mobile home owners, not their agents or third-party payors, or
(6) prior to the tax sale a voluntary or involuntary petition has been filed by or against the legal or beneficial owner of the mobile home requesting relief under the provisions of 11 U.S.C. Chapter 7, 11, 12, or 13.

(b) When, upon application of the owner of the certificate of purchase only, it appears to the satisfaction of the court that ordered the mobile home sold that any of the following subsections are applicable, the court shall declare the sale to be a sale in error:

(1) A voluntary or involuntary petition under the provisions of 11 U.S.C. Chapter 7, 11, 12, or 13 has been filed subsequent to the tax sale and prior to the issuance of the tax certificate of title.

(2) The mobile home sold has been substantially destroyed or rendered uninhabitable or otherwise unfit for occupancy subsequent to the tax sale and prior to the issuance of the tax certificate of title.

If a sale is declared to be a sale in error, the county clerk shall make entry in the tax judgment, sale, redemption and forfeiture record, that the mobile home was erroneously sold, and the county collector shall, on demand of the owner of the certificate of purchase, refund the amount paid, pay any interest and costs as may be ordered under Sections 260 through 280, and cancel the certificate so far as it relates to the mobile home. The county collector shall deduct from the accounts of the appropriate taxing bodies their pro rata amounts paid.

Section 260. Interest on refund.

(a) In those cases which arise solely under grounds set forth in Section 255 or 395, and in no other cases, the court which orders a sale in error shall also award interest on the refund of the amount paid for the certificate of purchase, together with all costs paid by the owner of the certificate of purchase or his or her assignor which were posted to the tax judgment, sale, redemption and forfeiture record, except as otherwise provided in this Section. Except as otherwise provided in this Section, interest shall be awarded and paid at the rate of 1% per month from the date of sale to the date of payment to the tax purchaser, or in an amount equivalent to the penalty interest which would be recovered on a redemption at the time of payment pursuant to the order for sale in error, whichever is less.

(b) Interest on the refund to the owner of the certificate of purchase shall not be paid (i) in any case in which the mobile home sold has been substantially destroyed or rendered uninhabitable or otherwise unfit for occupancy, (ii) when the sale in error is made pursuant to Section 395, or (iii) in any other case where the court determines that the tax purchaser had

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actual knowledge prior to the sale of the grounds on which the sale is declared to be erroneous.

(c) When the county collector files a petition for sale in error under Section 255 and mails a notice thereof by certified or registered mail to the tax purcaher, any interest otherwise payable under this Section shall cease to accrue as of the date the petition is filed, unless the tax purchaser agrees to an order for sale in error upon the presentation of the petition to the court. Notices under this subsection may be mailed to the original owner of the certificate of purchase, or to the latest assignee, if known. When the owner of the certificate of purchase contests the collector's petition solely to determine whether the grounds for sale in error are such as to support a claim for interest, the court may direct that the principal amount of the refund be paid to the owner of the certificate of purchase forthwith. If the court thereafter determines that a claim for interest lies under this Section, it shall award such interest from the date of sale to the date the principal amount was paid.

Section 265. Refund of other taxes paid by holder of certificate of purchase. The court which orders a sale in error shall order the refund of all other taxes paid by the owner of the certificate of purchase or his or her assignor which were validly posted to the tax judgment, sale redemption and forfeiture record subsequent to the tax sale, together with interest on the other taxes under the same terms as interest is otherwise payable under Section 260. The interest under this Section shall be calculated at the rate of 1% per month from the date the other taxes were paid and not from the date of sale. The collector shall take credit in settlement of his or her accounts for the refund of the other taxes as in other cases of sale in error under Section 255.

Section 270. Orders for payment of interest. The county treasurer may determine in his or her discretion whether payment of interest and costs shall be made as provided in Section 275, 280, or 285. If the treasurer determines not to make payment as provided in those Sections, the treasurer shall pay any interest or costs awarded under this Section pro rata from those accounts where the principal refund of the tax sale purchase price under Section 275 is taken.

Section 275. Fund for payment of interest. In counties of under 3,000,000 inhabitants, the county board may impose a fee of up to $10, which shall be paid to the county collector, upon each person purchasing any mobile home at a sale held under this Act, prior to the issuance of any certificate of purchase. That amount shall be included in the price paid for the certificate of purchase and the amount required to redeem under Section 300.

All sums of money received under this Section shall be paid by the collector to the county treasurer of the county in which the mobile home is situated for deposit into a special fund. It shall be the duty of the county treasurer, as trustee of the fund, to invest the principal and income of the fund from time to time, if not immediately required for payments under this Section, in investments as are authorized by Sections 3-10009 and 3-11002 of the Counties Code. The fund shall be held to satisfy orders for payment of interest and costs obtained against the county treasurer as trustee of the fund. No payment shall be made from the fund except by order of the court declaring a sale in error under Section 255. Any moneys accumulated in the fund by the county treasurer in excess of $500,000 shall be paid each year

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prior to the commencement of the annual tax sale, first to satisfy any existing unpaid judgments entered pursuant to Section 235, and any funds remaining thereafter shall be paid to the general fund of the county.

Section 280. Claims for interest and costs. Any person claiming interest or costs under Sections 260 through 275 shall include the claim in his or her petition for sale in error under Section 255. Any claim for interest or costs which is not included in the petition is waived, except interest or costs may be awarded to the extent permitted by this Section upon a sale in error petition filed by the county collector, without requiring a separate filing by the claimant. Any order for interest or costs upon the petition for sale in error shall be deemed to be entered against the county treasurer as trustee of the fund created by Section 275. The fund shall be the sole source for payment and satisfaction of orders for interest or costs, except as otherwise provided in this Section. If the court determines that the fund has been depleted and will not be restored in time to pay an award with reasonable promptness, the court may authorize the collector to pay the interest portion of the award pro rata from those accounts where the principal refund of the tax sale purchase price under Section 255 is taken.

Section 285. Recovery of amount of tax paid by purchaser at erroneous sale. In addition to all other remedies, when the purchaser or assignee of a certificate of purchase that has been declared an erroneous sale, has paid any tax upon the mobile home sold, which was not paid by the owner of the mobile home and was not refunded to the tax purchaser or assignee by the county, the purchaser or assignee may recover from the owner the amount he or she paid, with 10% interest, as money paid for the owner's use.

Division 7. Redemption procedures and notice requirements

Section 290. Right of redemption.

(a) Mobile homes sold under this Act may be redeemed only by those persons having a right of redemption as defined in this Section and only in accordance with this Act.

A right to redeem a mobile home from any sale under this Act shall exist in any owner or person interested in that mobile home whether or not the interest in the mobile home sold is recorded or filed. Any redemption shall be presumed to have been made by or on behalf of the owners and persons interested in the mobile home and shall inure to the benefit of the persons having the certificate of title to the mobile home redeemed, subject to the right of the person making the redemption to be reimbursed by the persons benefited.

(b) Any person who desires to redeem and does not desire to contest the validity of a petition for tax certificate of title may redeem pursuant to this Section and related Sections of this Act without submitting a written protest under Section 21-380.

Section 295. Period of redemption. Mobile homes sold under this Act may be redeemed on or before the expiration of 2 years and 6 months from the date of sale. If, however, the court that ordered the mobile home sold, upon the verified petition of the holder of the certificate of purchase brought within 4 months from the date of sale, finds and declares that the mobile home is abandoned, then the court may order that the mobile home may be redeemed at any time on or before the expiration of 1 year from the date of sale. Notice of the hearing on a petition to declare the mobile home abandoned shall be given to the owner or owners of the mobile home and to the person in whose name the taxes were last

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assessed, by certified or registered mail sent to their last known addresses at least 5 days before the date of the hearing.

If the period of redemption has been extended by the certificate holder as provided in Section 330, the mobile home may be redeemed on or before the extended redemption date.

Section 300. Amount of redemption. Any person desiring to redeem shall deposit an amount specified in this Section with the county clerk of the county in which the mobile home is situated, in legal money of the United States, or by cashier's check, certified check, post office money order or money order, issued by a financial institution insured by an agency or instrumentality of the United States, payable to the county clerk of the proper county. The deposit shall be deemed timely only if actually received in person at the county clerk's office prior to the close of business as defined in Section 3-2007 of the Counties Code on or before the expiration of the period of redemption or by United States mail with a post office cancellation mark dated not less than one day prior to the expiration of the period of redemption. The deposit shall be in an amount equal to the total of the following:

(a) the certificate amount, which shall include all tax principal, interest, and penalties paid by the tax purchaser together with costs and fees of sale and fees paid under Sections 235 and 260 through 280;

(b) the accrued penalty, computed through the date of redemption as a percentage of the certificate amount, as follows:

(1) if the redemption occurs on or before the expiration of 6 months from the date of sale, the certificate amount times the penalty bid at sale;

(2) if the redemption occurs after 6 months from the date of sale, and on or before the expiration of 12 months from the date of sale, the certificate amount times 2 times the penalty bid at sale;

(3) if the redemption occurs after 12 months from the date of sale and on or before the expiration of 18 months from the date of sale, the certificate amount times 3 times the penalty bid at sale;

(4) if the redemption occurs after 18 months from the date of sale and on or before the expiration of 24 months from the date of sale, the certificate amount times 4 times the penalty bid at sale;

(5) if the redemption occurs after 24 months from the date of sale and on or before the expiration of 30 months from the date of sale, the certificate amount times 5 times the penalty bid at sale;

(6) if the redemption occurs after 30 months from the date of sale and on or before the expiration of 36 months from the date of sale, the certificate amount times 6 times the penalty bid at sale.

(c) The total of all taxes, accrued interest on those taxes, and costs charged in connection with the payment of those taxes, which have been paid by the tax certificate holder on or after the date those taxes became delinquent together with 12% penalty on each amount so paid for each year or portion thereof intervening between the date of that payment and the date of redemption. In counties with less

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than 3,000,000 inhabitants, however, a tax certificate holder may not pay the subsequent tax for any year, nor shall any tender of such a payment be accepted, until the subsequent tax has become delinquent or until after the holder of the certificate of purchase has filed a petition for a tax certificate of title under Section 390. The person redeeming shall also pay the amount of interest charged on the subsequent tax and paid as a penalty by the tax certificate holder.

(d) Any amount paid to redeem a forfeiture occurring subsequent to the tax sale together with 12% penalty thereon for each year or portion thereof intervening between the date of the forfeiture redemption and the date of redemption from the sale.

(e) Any amount paid by the certificate holder for redemption of a subsequently occurring tax sale.

(f) All fees paid to the county clerk under Section 22-5.

(g) All fees paid to the circuit clerk and the sheriff or coroner in connection with the filing of the petition for tax certificate of title and service of notices under Sections 375 through 390 and 400 in addition to (1) a fee of $35 if a petition for tax certificate of title has been filed, which fee shall be posted to the tax judgement, sale, redemption, and forfeiture record, to be paid to the purchaser or his or her assignee; (2) a fee of $4 if a notice under Section 365 has been filed, which fee shall be posted to the tax judgment, sale, redemption, and forfeiture record, to be paid to the purchaser or his or her assignee; and (3) all costs paid to record a lis pendens notice in connection with filing a petition under this Act. The fees in (1) and (2) of this paragraph (g) shall be exempt from the posting requirements of Section 305.

(h) All fees paid for publication of notice of the tax sale in accordance with Section 380.

(i) All sums paid to any city, village or incorporated town for reimbursement under Section 395.

(j) All costs and expenses of receivership under Section 350, to the extent that these costs and expenses exceed any income from the mobile home in question, if the costs and expenditures have been approved by the court appointing the receiver and a certified copy of the order or approval is filed and posted by the certificate holder with the county clerk. Only actual costs expended may be posted on the tax judgment, sale, redemption and forfeiture record.

Section 305. Posting requirements. Except as otherwise provided in Section 300, the county clerk shall not be required to include amounts described in paragraphs (c) through (j) of Section 300 in the payment for redemption or the amount received for redemption, nor shall payment thereof be a charge on the mobile home sold for taxes, unless the tax certificate holder has filed and posted with the county clerk prior to redemption and in any event not less than 30 days prior to the expiration of the period of redemption or extended period of redemption an official, original or duplicate receipt for payment of those fees, costs, and expenses permitted under paragraphs (c) through (j) of Section 300.

Section 310. Deficiency judgment. If the sold mobile home is not redeemed, a

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deficiency judgment shall not be taken on account of the receivership proceedings against the owner or owners of the mobile home. In the event that income to the receiver exceeds expenditures, net income is to be deposited with the clerk of the court ordering the tax sale and shall be distributed as determined by the court ordering the appointment of the receiver.

Section 315. Redemption of a forfeited mobile home. Except as otherwise provided in Section 320, any mobile home forfeited to the State may be redeemed or sold in the following manner:

When a mobile home has been forfeited for delinquent taxes, the person desiring to redeem shall apply to the county clerk who shall order the county collector to receive from the person the amount of the forfeited taxes, statutory costs, interest prior to forfeiture, printer's fees due thereon and, in addition, forfeiture interest at a rate of 12% per year or fraction thereof. Upon presentation of the county clerk's order to the county collector, the collector shall receive the amount due on account of forfeited taxes and give the person duplicate receipts, setting forth a description of the mobile home and amount received. One of the receipts shall be countersigned by the county clerk and, when so countersigned, shall be evidence of the redemption of the mobile home. The receipt shall not be valid until it is countersigned by the county clerk. The other receipt shall be filed by the county clerk in his or her office, and the clerk shall make a proper entry of the redemption of the mobile home on the appropriate books in his or her office and charge the amount of the redemption to the county collector.

Section 320. Partial redemption of forfeited mobile homes. In counties with less than 3,000,000 inhabitants, when forfeited taxes on a mobile home remain unpaid for one or more years, it is permissible to pay to the county or township collector, one or more full years of back or forfeited taxes, interest prior to forfeiture, statutory costs, printers' fees, and forfeiture interest or penalties, attaching thereto beginning with the earliest year for which the taxes are unpaid. In no case shall payment on account of a designated years' taxes be accepted unless the sums due for prior years have first been paid or are tendered at the same time.

Any person seeking to make payments under this Section shall notify the county clerk of his or her intention in person or by agent or in writing. If notice is given while the collector has possession of the collector's books, the county clerk shall prepare an addendum to be presented to the collector and attached, by the collector, to the collector's books on which the description of the mobile home involved appears, which addendum shall become a part of the collector's books. If notice is given after the tax sale, but before receipt by the county collector of the current collector's books, the county clerk shall prepare an addendum and attach it to the Tax Judgment, Sale, Redemption, and Forfeiture record, on which the mobile home involved appears, which addendum shall become a part of that record.

The addendum shall show separately, for the year or years to be paid, (a) the amount of back or forfeited taxes, (b) interest prior to forfeiture, (c) statutory costs and printers' fees, and (d) forfeiture interest or penalties attaching thereto. The county clerk shall, at the same time, order the county or town collector to receive from the person the amount due on account of the taxes, for the year or years determined as provided above, of the back or forfeited taxes, interest prior to forfeiture, statutory costs, printers' fees, and forfeiture interest

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or penalties to date attaching to the back or forfeited taxes.

Upon presentation of the order from the county clerk, and receipt of the addendum if the books are in the collector's possession, the collector shall receive the sum tendered on account of the taxes for the year or years designated, and make out duplicate receipts therefor. The receipts shall set forth a description of the mobile home, the year or years paid, and the total amount received. One copy of the receipt shall be given the person making payment and, when countersigned by the county clerk, shall be evidence of the payment therein set forth. The second copy shall be filed by the county clerk in his or her office.

If the collector's books are in the collector's possession, he or she shall enter the payment on the current collector's books or addendum, and he or she shall also enter any unpaid balance on the Tax Judgment, Sale, Redemption and Forfeiture record at the proper time.

After the tax sale and before receipt by the county collector of the current collector's books, the county clerk shall make a proper entry on the Tax Judgment, Sale, Redemption and Forfeiture record, and shall charge the county collector with the sum received. The county clerk shall also enter any unpaid balance on the county collector's books at the proper time.

The county collector shall distribute all sums received as required by law.

Section 325. Redemption under protest. Any person redeeming under this Section at a time subsequent to the filing of a petition under Section 390 or 360, who desires to preserve his or her right to defend against the petition for a tax certificate of title, shall accompany the deposit for redemption with a writing substantially in the following form:

Redemption Under Protest

Tax Deed Case No. ...........................................
Vol. No. ........................................................
Mobile Home Vehicle Identification No.
(or other unique description)............................... 
Original Amount of Tax $..................................
Amount Deposited for Redemption $....................
Name of Petitioner...........................................
Tax Year Included in Judgment.............................
Date of Sale.................................................. 
Expiration Date of the Period of Redemption.......... 
To the county clerk of ....... County:

This redemption is made under protest for the following reasons: (here set forth and specify the grounds relied upon for the objection)
Name of party redeeming................................. 
Address........................................................

Any grounds for the objection not specified at the time of the redemption under protest shall not be considered by the court. The specified grounds for the objections shall be limited to those defenses as would provide sufficient basis to deny entry of an order for issuance of a tax certificate of title. Nothing in this Section shall be construed to authorize
or revive any objection to the tax sale or underlying taxes which was estopped by entry of the order for sale as set forth in Section 420.

The person protesting shall present to the county clerk 3 copies of the written protest signed by himself or herself. The clerk shall write or stamp the date of receipt upon the copies and sign them. He or she shall retain one of the copies, another he or she shall deliver to the person making the redemption, who shall file the copy with the clerk of the court in which the tax certificate of title petition is pending, and the third he or she shall forward to the petitioner named therein.

The county clerk shall enter the redemption as provided in Section 165 and shall note the redemption under protest. The redemption money so deposited shall not be distributed to the holder of the certificate of purchase but shall be retained by the county clerk pending disposition of the petition filed under Section 390.

Redemption under protest constitutes the appearance of the person protesting in the proceedings under Sections 390 through 412 and that person shall present a defense to the petition for tax certificate of title at the time which the court directs. Failure to appear and defend shall constitute a waiver of the protest and the court shall order the redemption money distributed to the holder of the certificate of purchase upon surrender of that certificate and shall dismiss the proceedings.

When the party redeeming appears and presents a defense, the court shall hear and determine the matter. If the defense is not sustained, the court shall order the protest stricken and direct the county clerk to distribute the redemption money upon surrender of the certificate of purchase and shall order the party redeeming to pay the petitioner reasonable expenses, actually incurred, including the cost of withheld redemption money, together with a reasonable attorney's fee. Upon a finding sustaining the protest in whole or in part, the court may declare the sale to be a sale in error under Section 255 or Section 405, and shall direct the county clerk to return all or part of the redemption money or deposit to the party redeeming.

Section 330. Extension of period of redemption. The purchaser or his or her assignee of a mobile home sold for nonpayment of taxes may extend the period of redemption at any time before the expiration of the original period of redemption, or thereafter prior to the expiration of any extended period of redemption, for a period which will expire not later than 3 years from the date of sale, by filing with the county clerk of the county in which the mobile home is located a written notice to that effect describing the mobile home, stating the date of the sale and specifying the extended period of redemption. If prior to the expiration of the period of redemption or extended period of redemption a petition for tax certificate of title has been filed under Section 390, upon application of the petitioner, the court shall allow the purchaser or his or her assignee to extend the period of redemption after expiration of the original period or any extended period of redemption, provided that any extension allowed will expire not later than 3 years from the date of sale. If the period of redemption is extended, the purchaser or his or her assignee must give the notices provided for in Section 370 at the specified times prior to the expiration of the extended period of redemption by causing a sheriff (or if he or she is disqualified, a coroner) of the county in which the mobile

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home, or any part thereof, is located to serve the notices as provided in Sections 375 and 380. The notices may also be served as provided in Sections 375 and 380 by a special process server.

Section 335. Effect of receipt of redemption money, forfeiture, withdrawal, or return of certificate. The receipt of the redemption money on any mobile home by any purchaser or assignee, on account of any forfeiture or withdrawal, or the return of the certificate of purchase, withdrawal or forfeiture for cancellation, shall operate as a release of the claim to the mobile home under, or by virtue of, the purchase, withdrawal, or forfeiture.

Section 340. County clerk to pay successor redemption money collected. At the expiration of his or her term of office, the county clerk shall pay over to the successor in office all moneys in his or her hands received for redemption from sale for taxes on a mobile home.

Section 345. Notice of order setting aside redemption. The order shall provide that any person who was entitled to redeem may pay to the county clerk within 30 days after the entry of the order the amount necessary to redeem the mobile home from the sale as of the last day of the period of redemption. The county clerk shall make an entry in the annual tax judgment, sale, redemption, and forfeiture record reflecting the entry of the order and shall immediately upon request provide an estimate of the amount required to effect a redemption as of the last date of the period of redemption. If the amount is paid within 30 days after entry of the order, then the court shall enter an order declaring the taxes to be paid as if the mobile home had been redeemed within the time required by law and dismissing the petition for tax certificate of title. A tax certificate of title shall not be issued within the 30-day period. Upon surrender of the certificate of purchase, the county clerk shall distribute the funds deposited as if a timely redemption had been made.

Division 8. Other procedures

Section 350. Waste; appointment of receiver. After any sale of mobile homes under this Act and until a tax certificate of title has been issued or until redemption has been made, no waste shall be committed on any of the mobile homes involved. The court which ordered the mobile home to be sold may, upon verified petition of the holder of the certificate of purchase, take such action as the court deems necessary and desirable to prevent the commission of waste.

If the mobile home sold is abandoned or if any mobile home park owner, municipality or other local governmental body has legal action pending because the mobile home violates local building, housing, or fire ordinances, or mobile home park rules and regulations, or because the taxes on the mobile home are delinquent for 2 or more years, the court which ordered the mobile home to be sold may, upon verified petition of the holder of the certificate of purchase, enter an order for appointment of a receiver. Notice of the hearing for appointment of the receiver shall be given to the owner or owners of the mobile home and to the person in whose name the taxes were last assessed, by certified or registered mail sent to their last known addresses, at least 5 days prior to the date of the hearing.

The receiver may take only that action, subject to court approval, as is necessary for the preservation of the mobile home or is necessary to correct conditions at the mobile home

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that fail to conform to minimum standards of health and safety, as set forth in local ordinances or mobile home park rules and regulations. If a receiver is appointed, all costs and expenses advanced by the receiver shall be repaid as provided for in Section 300 before any redemption is considered complete. The receiver shall be discharged upon redemption from the tax sale or upon entry of an order directing issuance of a tax certificate of title. Nothing herein contained is intended to prevent a court from appointing the holder of the certificate of purchase as receiver. The holder of the certificate of purchase shall be made a party to any action or proceeding to demolish or destroy a mobile home where the mobile home has been sold for failure to pay taxes and the period of redemption has not expired.

Section 355. Action for collection of taxes. The county board may, at any time after final judgment and order of sale against a delinquent mobile home under Section 120, institute a civil action in the name of the People of the State of Illinois in the circuit court for the whole amount due for taxes on the delinquent or forfeited mobile home. Any county, city, village, incorporated town, school district or other municipal corporation to which any tax is due, may, at any time after final judgment under Section 120, institute a civil action in its own name, in the circuit court, for the amount of the tax due to it on the delinquent or forfeited mobile home, and prosecute the same to final judgment. On the sale of any mobile home following judgment in the civil action, the county, city, village, incorporated town, school district or other municipal corporation, interested in the collection of the tax, may become purchaser at the sale. If the mobile home so sold is not redeemed the purchaser may acquire, hold, sell or dispose of the title thereto, the same as individuals may do under the laws of this State. In any action for delinquent or forfeited taxes, the fact that the mobile home was assessed to a person shall be prima facie evidence that the person was the owner thereof, and was liable for the taxes for the year or years for which the assessment was made. That fact may be proved by the introduction in evidence of the proper assessment book or roll, or other competent proof. Any judgment rendered for delinquent or forfeited taxes under this Section shall include the costs of the action and reasonable attorney's fees.

Section 360. Tax foreclosure proceedings. In tax foreclosure proceedings, the purchaser or assignee shall file a petition for a certificate of title in the proceeding in which the foreclosure order was entered. Notice of the filing of the petition and of the hearing on the petition shall be given in conformity with rule or practice of court in regard to motions as in other civil actions.

Division 9. Tax certificates of title and procedures

Section 365. Notice of sale and redemption rights. In order to be entitled to a tax certificate of title, within 4 months and 15 days after any sale held under this Act, the purchaser or his or her assignee shall deliver to the county clerk a notice to be given to the party in whose name the taxes are last assessed as shown by the most recent tax collector's warrant books, in at least 10 point type in the following form completely filled in:

TAKE NOTICE

County of ............................................
Date Premises Sold ..................................
Certificate No. ......................................

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Sold for Taxes of (year) ............................
Warrant No. .................. Inst. No. .................

THIS PROPERTY HAS BEEN SOLD FOR
DELINQUENT TAXES

Property located at ........................................
Mobile Home Vehicle Identification No. (or other unique
description) ..............................................
........................................................................

This notice is to advise you that the above mobile home has been sold for delinquent
taxes and that the period of redemption from the sale will expire on .....................
This notice is also to advise you that a petition will be filed for a tax certificate of title
which will transfer certificate of title and the right to possession of this mobile home if
redemption is not made on or before ...........
At the date of this notice the total amount which you must pay in order to redeem the
above mobile home is ........

YOU ARE URGED TO REDEEM IMMEDIATELY TO
PREVENT LOSS OF PROPERTY

Redemption can be made at any time on or before .... by applying to the County Clerk
of .... County, Illinois at the County Court House in ...., Illinois.
The above amount is subject to increase at 6 month intervals from the date of sale.
Check with the county clerk as to the exact amount you owe before redeeming. Payment
must be made by certified check, cashier's check, money order, or in cash.
For further information contact the County Clerk. ...............................  
Purchaser or Assignee
Dated (insert date).
Within 10 days after receipt of said notice, the county clerk shall mail to the addresses
supplied by the purchaser or assignee, by registered or certified mail, copies of said notice
to the party in whose name the taxes are last assessed as shown by the most recent tax
collector's warrant books. The purchaser or assignee shall pay to the clerk postage plus the
sum of $10. The clerk shall write or stamp the date of receiving the notices upon the copies
of the notices, and retain one copy.

Section 370. Notice of expiration of period of redemption. A purchaser or assignee
shall not be entitled to a tax certificate of title to the mobile home sold unless, not less than
3 months nor more than 5 months prior to the expiration of the period of redemption, he or
she gives notice of the sale and the date of expiration of the period of redemption to the
owners, occupants, and parties interested in the mobile home as provided below.

The Notice to be given to the parties shall be in at least 10 point type in the following
form completely filled in:
TAX DEED NO. ...................... FILED ......................
TAKE NOTICE

County of ..............................................

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Date Premises Sold ......................................
Certificate No. ........................................
Sold for Taxes of (year) .............................
Warrant No. ................ Inst. No. ..............

THIS PROPERTY HAS BEEN SOLD FOR
DELINQUENT TAXES

Property located at ....................................
Mobile Home Vehicle Identification No. (or other unique description)
..........................................................
..........................................................

This notice is to advise you that the above mobile home has been sold for delinquent taxes and that the period of redemption from the sale will expire on ..................

The amount to redeem is subject to increase at 6 month intervals from the date of sale and may be further increased if the purchaser at the tax sale or his or her assignee pays any subsequently accruing taxes to redeem the mobile home from subsequent forfeitures or tax sales. Check with the county clerk as to the exact amount you owe before redeeming.

This notice is also to advise you that a petition has been filed for a tax certificate of title which will transfer certificate of title and the right to possession of this mobile home if redemption is not made on or before ..........

This matter is set for hearing in the Circuit Court of this county in ..... Illinois on ..... You may be present at this hearing but your right to redeem will already have expired at that time.

YOU ARE URGED TO REDEEM IMMEDIATELY
TO PREVENT LOSS OF PROPERTY

Redemption can be made at any time on or before .... by applying to the County Clerk of ..... County, Illinois at the County Court House in ..... Illinois.

For further information contact the County Clerk.

........................................

Purchaser or Assignee.

Section 375. Service of notice. The purchaser or his or her assignee shall give the notice required by Section 370 by causing it to be published in a newspaper as set forth in Section 380. In addition, the notice shall be served by a process server or sheriff (or if he or she is disqualified, by a coroner) of the county in which the mobile home is located upon owners who reside in the mobile home sold by leaving a copy of the notice with those owners personally.

The same form of notice shall also be served upon all other owners and parties interested in the mobile home, if upon diligent inquiry they can be found in the county, and upon the occupants of the mobile home in the following manner:

(a) as to individuals, by (1) leaving a copy of the notice with the person personally or (2) by leaving a copy at his or her usual place of residence with a

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person of the family, of the age of 13 years or more, and informing that person of its contents. The person making the service shall cause a copy of the notice to be sent by registered or certified mail, return receipt requested, to that party at his or her usual place of residence;

(b) as to public and private corporations, municipal, governmental and quasi-municipal corporations, partnerships, receivers and trustees of corporations, by leaving a copy of the notice with the person designated by the Civil Practice Law. When a party interested in the mobile home is a trustee, notice served upon the trustee shall be deemed to have been served upon any beneficiary or note holder thereunder unless the holder of the note is disclosed of record.

When a judgment is a lien upon the mobile home sold, the holder of the lien shall be served with notice if the name of the judgment debtor as shown in the transcript, certified copy or memorandum of judgment filed of record is identical, as to given name and surname, with the name of the party interested as it appears of record.

If any owner or party interested, upon diligent inquiry and effort, cannot be found or served with notice in the county as provided in this Section, and the person in actual occupancy and possession is tenant to, or in possession under the owners or the parties interested in the mobile home, then service of notice upon the tenant, occupant or person in possession shall be deemed service upon the owners or parties interested.

If any owner or party interested, upon diligent inquiry and effort cannot be found or served with notice in the county, then the person making the service shall cause a copy of the notice to be sent by registered or certified mail, return receipt requested, to that party at his or her residence, if ascertainable.

Section 380. Proof of service of notice; publication of notice. The sheriff or coroner serving notice under Section 375 shall endorse his or her return thereon and file it with the clerk of the circuit court and it shall be a part of the court record. A special process server appointed under Section 375 shall make his or her return by affidavit and shall file it with the clerk of the circuit court, where it shall be a part of the court record. If a sheriff, special process server, or coroner to whom any notice is delivered for service, neglects or refuses to make the return, the purchaser or his or her assignee may petition the court to enter a rule requiring the sheriff, special process server, or coroner to make return of the notice on a day to be fixed by the court, or to show cause on that day why he or she should not be attached for contempt of the court. The purchaser or assignee shall cause a written notice of the rule to be served upon the sheriff, special process server, or coroner. If good and sufficient cause to excuse the sheriff, special process server, or coroner is not shown, the court shall adjudge him or her guilty of contempt, and shall proceed to punish him as in other cases of contempt.

If the mobile home is located in a municipality in a county with less than 3,000,000 inhabitants, the purchaser or his or her assignee shall also publish a notice as to the owner or party interested, in some newspaper published in the municipality. If the mobile home is not in a municipality in a county with less than 3,000,000 inhabitants, or if no newspaper is published therein, the notice shall be published in some newspaper in the county. If no newspaper is published in the county, then the notice shall be published in the newspaper that

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is published nearest the county seat of the county in which the mobile home is located. If the owners and parties interested in the mobile home upon diligent inquiry are unknown to the purchaser or his or her assignee, the publication as to such owner or party interested, may be made to unknown owners or parties interested. Any notice by publication given under this Section shall be given 3 times at any time after filing a petition for tax certificate of title, but not less than 3 months nor more than 5 months prior to the expiration of the period of redemption. The publication shall contain (a) notice of the filing of the petition for tax certificate of title, (b) the date on which the petitioner intends to make application for an order on the petition that a tax certificate of title issue, (c) a description of the mobile home, (d) the date upon which the mobile home was sold, (e) the taxes for which it was sold and (f) the date on which the period of redemption will expire. The publication shall not include more than one mobile home listed and sold in one description, except as provided in Section 35, and except that when more than one mobile home is owned by one person, all of the mobile homes owned by that person may be included in one notice.

Section 385. Mailed notice. In addition to the notice required to be served not less than 3 months nor more than 5 months prior to the expiration of the period of redemption, the purchaser or his or her assignee shall prepare and deliver to the clerk of the circuit court of the county in which the mobile home is located, the notice provided for in this Section, together with the statutory costs for mailing the notice by certified mail, return receipt requested. The form of notice to be mailed by the clerk shall be identical in form to that provided by Section 370 for service upon owners residing in the mobile home sold, except that it shall bear the signature of the clerk and shall designate the parties to whom it is to be mailed. The clerk may furnish the form. The clerk shall promptly mail the notices delivered to him or her by certified mail, return receipt requested. The certificate of the clerk that he or she has mailed the notices, together with the return receipts, shall be filed in and made a part of the court record. The notices shall be mailed to the owners of the mobile home at their last known addresses, and to those persons who are entitled to service of notice as occupants.

Section 390. Petition for certificate of title. At any time within 5 months but not less than 3 months prior to the expiration of the redemption period for a mobile home sold pursuant to judgment and order of sale under Sections 55 through 65 or 200, the purchaser or his or her assignee may file a petition in the circuit court in the same proceeding in which the judgment and order of sale were entered, asking that the court direct the county clerk to issue a tax certificate of title if the mobile home is not redeemed from the sale. The petition shall be accompanied by the statutory filing fee.

Notice of filing the petition and the date on which the petitioner intends to apply for an order on the petition that a certificate of title be issued if the mobile home is not redeemed shall be given to occupants, owners, and persons interested in the mobile home as part of the notice provided in Sections 370 through 385, except that only one publication is required. The county clerk shall be notified of the filing of the petition and any person owning or interested in the mobile home may, if he or she desires, appear in the proceeding.

Section 395. Reimbursement of municipality before issuance of tax certificate of title. An order for the issuance of a tax certificate of title under this Act shall not be entered
affecting the title to or interest in any mobile home in which a city, village, or incorporated town has an interest under the police and welfare power by advancements made from public funds, until the purchaser or assignee makes reimbursement to the city, village, or incorporated town of the money so advanced or the city, village, or town waives its lien on the mobile home for the money so advanced. However, in lieu of reimbursement or waiver, the purchaser or his or her assignee may make application for and the court shall order that the tax purchase be set aside as a sale in error. A filing or appearance fee shall not be required of a city, village, or incorporated town seeking to enforce its claim under this Section in a tax certificate of title proceeding.

Section 400. Issuance of certificate of title; possession.

(a) If the redemption period expires and the mobile home has not been redeemed and all taxes which became due and payable subsequent to the sale have been paid and all forfeitures and sales which occur subsequent to the sale have been redeemed and the notices required by law have been given and all advancements of public funds under the police power made by a city, village, or town under Section 395 have been paid and the petitioner has complied with all the provisions of law entitling him or her to a certificate of title, the court shall so find and shall enter an order directing the Secretary of State on the production of the certificate of purchase and a certified copy of the order, to issue to the purchaser or his or her assignee a tax certificate of title. The court shall insist on strict compliance with Sections 370 through 385. Prior to the entry of an order directing the issuance of a tax certificate of title, the petitioner shall furnish the court with a report of proceedings of the evidence received on the application for tax certificate of title and the report of proceedings shall be filed and made a part of the court record.

(b) If taxes for years prior to the year sold remain delinquent at the time of the tax certificate of title hearing, those delinquent taxes may be merged into the tax certificate of title if the court determines that all other requirements for receiving an order directing the issuance of the tax certificate of title are fulfilled and makes a further determination under either paragraph (1) or (2).

(1) Incomplete estimate.

(A) The mobile home in question was purchased at an annual sale; and

(B) the statement and estimate of forfeited taxes furnished by the county clerk pursuant to Section 175 failed to include all delinquent taxes as of the date of that estimate's issuance. (2) Vacating order.

(A) The petitioner furnishes the court with a certified copy of an order vacating a prior sale for the subject mobile home;

(B) the order vacating the sale was entered after the date of purchase for the subject taxes;

(C) the sale in error was granted pursuant to paragraphs (1), (2), or (4) of subsection (b) of Section 255 or Section 395; and

(D) the tax purchaser who received the sale in error has no affiliation, direct or indirect, with the petitioner in the present proceeding and that

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petitioner has signed an affidavit attesting to the lack of affiliation.
If delinquent taxes are merged into the tax certificate of title pursuant to this subsection, a
declaration to that effect shall be included in the order directing issuance of the tax certificate
of title. Nothing contained in this Section shall relieve any owner liable for delinquent mobile
home taxes under the Mobile Home Local Services Tax Act from the payment of the taxes
that have been merged into the title upon issuance of the tax certificate of title.

(c) Upon application the court shall enter an order to place the tax certificate of title grantee
in possession of the mobile home and may enter orders and grant relief as may be
necessary or desirable to maintain the grantee in possession.

Section 402. Mobile homes located in manufactured home community; requirements.
The person who has a certificate of purchase and obtains a court order directing the issuance
of a tax certificate of title under Section 400 for a mobile home located on a lot in a
manufactured home community is liable for lot rent (at the prevailing rate) beginning on the
date of the entry of the court order and shall either (i) qualify for tenancy in the manufactured
home community in accordance with the community's normal tenant qualification and
screening procedures or (ii) remove the mobile home from the lot no later than 30 days after
the date of the entry of the court order.

Section 405. Tax certificate of title incontestable unless order appealed or relief
petitioned. Tax certificates of title issued under Section 395 are incontestable except by
appeal from the order of the court directing the county clerk to issue the tax certificate of
title. However, relief from such order may be had under Section 2-1401 of the Code of Civil
Procedure in the same manner and to the same extent as may be had under that Section with
respect to final orders and judgments in other proceedings. The grounds for relief under
Section 2-1401 shall be limited to:

(1) proof that the taxes were paid prior to sale;
(2) proof that the mobile home was exempt from taxation;
(3) proof by clear and convincing evidence that the tax certificate of title had been
procured by fraud or deception by the tax purchaser or his or her assignee; or
(4) proof by a person or party holding a recorded ownership or other recorded interest in the
mobile home that he or she was not named as a party in the publication notice as set forth in
Section 380, and that the tax purchaser or his or her assignee did not make a diligent inquiry
and effort to serve that person or party with the notices required by Sections 370 through 390.

The court hearing a petition filed under this Section or Section 2-1401 of the Code of Civil
Procedure may concurrently hear a petition filed under Section 235 and may grant
relief under either Section.

Section 410. Denial of certificate of title. If the court refuses to enter an order
directing the Secretary of State to execute and deliver the tax certificate of title, because of
the failure of the purchaser to fulfill any of the above provisions, and if the purchaser, or his
or her assignee has made a bona fide attempt to comply with the statutory requirements for
the issuance of the tax certificate of title, it shall order the return of the purchase price, and
subsequent taxes and posted costs forthwith, as in case of sales in error, except that no
interest shall be paid.

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Section 412. Tax certificate of titles to convey merchantable title. This Section shall be liberally construed so that tax certificate of titles shall convey merchantable title.

Section 415. Form of certificate of title. A tax certificate of title executed by the Secretary of State vests in the grantee the certificate of title of the mobile home therein described without further acknowledgment or evidence of the conveyance. The conveyance shall be substantially in the following form:

At a public sale of mobile homes for the nonpayment of taxes, held in the .... County, on (insert date), the following described mobile home was sold: (here place description of mobile home conveyed). The mobile home not having been redeemed from the sale, and it appearing that the holder of the certificate of purchase of the mobile home has complied with the laws of the State of Illinois necessary to entitle (insert him, her or them) to a certificate of title of the mobile home: I ...., (Secretary of State official) ...., in consideration of the mobile home and by virtue of the statutes of the State of Illinois in such cases provided, issue a certificate of title to .... for the mobile home described above.

Dated (insert date).

Signature of ....................

(Secretary of State)

Section 420. Certificate of title; prima facie evidence of regularity of sale.

(a) As to the mobile home conveyed therein, tax certificates of title executed by the Secretary of State are prima facie evidence of the following facts in all controversies and suits in relation to the rights of the tax certificate of title grantee and his or her heirs or assigns:

(1) the mobile home conveyed was subject to taxation at the time the tax was charged and was listed and charged in the time and manner required by law;
(2) the taxes were not paid at any time before the sale;
(3) the mobile home was advertised for sale in the manner and for the length of time required by law;
(4) the mobile home was sold for taxes as stated in the certificate of title;
(5) the sale was conducted in the manner required by law;
(6) the mobile home conveyed was not redeemed from the sale within the time permitted by law;
(7) the grantee in the certificate of title was the purchaser or assignee of the purchaser.

(b) Any order for the sale of a mobile home for delinquent taxes, except as otherwise provided in this Section, shall estop all parties from raising any objections to the order or to a tax certificate of title based thereon, which existed at or before the rendition of the order, and which could have been presented as a defense to the application for the order. The order itself is conclusive evidence of its regularity and validity in all collateral proceedings, except in cases where the tax was paid prior to the sale or the mobile home was exempt from taxes.

Section 425. Order of court setting aside tax certificate of title; payments to holder of certificate of title.

(a) Any order of court vacating an order directing the Secretary of State to issue a tax certificate of title to convey merchantable title to the mobile home...

New matter indicated by italics - deletions by strikeout.
certificate of title based upon a finding that the mobile home was not subject to taxation, or that the taxes had been paid prior to the sale of the mobile home, or that the tax sale was otherwise void, shall declare the tax sale to be a sale in error pursuant to Section 255 of this Act. The order shall direct the county collector to refund to the tax certificate of title grantee or his or her successors and assigns (or, if a tax certificate of title has not yet issued, the holder of the certificate of purchase) the following amounts:

1. all taxes purchased, paid, or redeemed by the tax purchaser or his or her assignee, or by the tax certificate of title grantee or his or her successors and assigns, whether before or after entry of the order for tax certificate of title, with interest at the rate of 1% per month from the date each amount was paid until the date of payment pursuant to this Section;
2. all costs paid and posted to the judgment record and not included in paragraph (1) of this subsection (a); and
3. court reporter fees for the hearing on the application for tax certificate of title and transcript thereof, cost of certification of tax certificate of title order, cost of issuance of tax certificate of title, and cost of transferring certificate of title to the tax purchaser.

(b) Except in those cases described in subsection (a) of this Section, and unless the court on motion of the tax certificate of title petitioner extends the redemption period to a date not later than 3 years from the date of sale, any order of court finding that an order directing the Secretary of State to issue a tax certificate of title should be vacated shall direct the party who successfully contested the entry of the order to pay to the tax certificate of title grantee or his or her successors and assigns (or, if a tax certificate of title has not yet issued, the holder of the certificate) within 90 days after the date of the finding:

1. the amount necessary to redeem the mobile home from the sale as of the last day of the period of redemption, except that, if the sale is a scavenger sale pursuant to Section 200 of this Act, the redemption amount shall not include an amount equal to all delinquent taxes on such mobile home which taxes were delinquent at the time of sale; and
2. amounts in satisfaction of municipal liens paid by the tax purchaser or his or her assignee, and the amounts specified in paragraphs (1) and (3) of subsection (a) of this Section, to the extent the amounts are not included in paragraph (1) of this subsection (b).

If the payment is not made within the 90-day period, the petition to vacate the order directing the Secretary of State to issue a tax certificate of title shall be denied with prejudice, and the order directing the Secretary of State to issue a tax certificate of title shall remain in full force and effect. No final order vacating any order directing the Secretary of State to issue a tax certificate of title shall be entered pursuant to this subsection (b) until the payment has been made.

Section 430. Failure to timely transfer certificate of title; tax certificate of title is void. Unless the holder of the certificate purchased at any tax sale under this Act transfers the certificate of title within one year from and after the time for redemption expires, the

New matter indicated by italics - deletions by strikeout.
certificate of purchase or order for tax certificate of title, and the sale on which it is based, shall, after the expiration of the one year period, be absolutely void with no right to reimbursement. If the holder of the certificate of purchase is prevented from obtaining a certificate of title by injunction or order of any court, or by the refusal or inability of any court to act upon the application for a tax certificate of title, or by the refusal of the Secretary of State to execute the same certificate of title, the time he or she is so prevented shall be excluded from computation of the one year period. Certificates of purchase and orders for tax certificates of title executed by the court shall recite the qualifications required in this Section.

Division 900. Amendatory provisions
Section 905. The Mobile Home Local Services Tax Act is amended by changing Sections 6, 8, 9, and 10.1 as follows:

(35 ILCS 515/6) (from Ch. 120, par. 1206)

Sec. 6. Computation, certification, and distribution of tax. Except as otherwise provided in this Section, within 60 days of receipt of each registration form, the county clerk or, in counties in which a county assessor is elected pursuant to Section 3-45 of the Property Tax Code, the county assessor shall compute the tax due, as provided in Section 3, and certify the tax to the county treasurer who shall mail the tax bill to the owner of such mobile home at the time he receives the certification or on the annual billing date, whichever occurs later. If the registration form is accompanied by a receipt for privilege taxes paid in Illinois for the current tax year, no further privilege tax shall be imposed for the remainder of the current tax year. If the mobile home is initially harbored after the annual liability date, as provided in Section 3 of this Act, the county clerk or county assessor shall reduce such tax 1/12 for each month that has passed since such annual liability date. A mobile home harbored after the first day of such month shall be considered to have been harbored for the entire month for the purposes of this Section. Thereafter, for taxable years prior to taxable year 2003, except for the year 1976, the county clerk or county assessor shall compute such tax as of the first day of June of each year and certify the tax to the county treasurer. For taxable year 2003 and thereafter, the county clerk or county assessor shall compute the tax as of the first day of March of each year and certify the tax to the county treasurer. Such tax shall be due and payable to the county treasurer within 60 days after the treasurer mails the tax bill to the address of record. The first tax bill mailed for taxable year 2003 shall include the following notice: "The manner in which delinquent taxes on mobile homes are collected has been changed by the enactment of the Mobile Home Local Services Tax Enforcement Act. Failure to pay this tax can result in a penalty of $25 per month." The county treasurer shall distribute such taxes to the local taxing districts within the boundaries of which such mobile homes are located, in the same proportion as the property taxes collectible for each such taxing district in the prior year.

In order to effect the change of the annual billing date and the date of liability, provided for by this amendatory Act of 1975, the county clerk shall compute such tax as of July 1, 1976, for the 1/2 year period from July 1, 1976, through December 31, 1976, at 1/2 the amount of the annual tax. The tax for such period shall be certified, billed, collected and

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distributed in the same manner as is provided in this Section as taxes for a full year, and shall be subject to a proportionate reduction if the mobile home is initially harbored after July 1, 1976 and before January 1, 1977. (Source: P.A. 88-670, eff. 12-2-94.)

(35 ILCS 515/8) (from Ch. 120, par. 1208)

Sec. 8. Failure to pay tax; lien. If any local services tax imposed by this Act is not paid when due, the county treasurer of the county in which the mobile home is located shall have a lien on the mobile home for the amount of the tax, addition to the tax, penalty and interest due. The treasurer shall notify the taxpayer in writing of the existence of the lien. Such lien shall terminate (i) unless the county treasurer files with the county recorder of the county in which the mobile home is located a notice of lien; within one year of such tax due date or (ii) if the county treasurer applies for judgment and order of sale for delinquent taxes on mobile homes pursuant to the provisions of the Mobile Home Local Services Tax Enforcement Act and the taxes are sold. From the time of the filing, the amount set forth in the certificate also constitutes a lien upon all property of the taxpayer then owned by him or thereafter acquired by him in the period before the expiration of the lien. Such liens have the same force, effect and priority as a judgment lien and continue for 10 years from the date of the recording unless sooner released or otherwise discharged. The county treasurer may, at any time, release all or any portion of the property subject to any lien provided for in this Act or subordinate the lien to other liens if he determines that the taxes are sufficiently secured by a lien or other property of the taxpayer or that the release or subordination of the lien will not endanger or jeopardize the collection of the taxes.

If the owner of a mobile home upon which the tax has not been paid does not make payment within 6 months after a lien has been filed, civil action may be instituted by the collector for the amount of the tax, plus interest, penalties and costs. If sale of the property is ordered, the court may direct the sale to be made in cash or on such terms as it may deem in the best interests of all parties. The court may direct that such sale be held by the sheriff or in open court. (Source: P.A. 83-871.)

(35 ILCS 515/9) (from Ch. 120, par. 1209)

Sec. 9. Additional charge for delinquent taxes; penalty for fraud. For taxable years prior to 2003, if any local services tax, or part thereof, imposed by this Act is not paid on or before the due date for such tax, interest on such amount at the rate of 1 1/2% per month shall be paid for the period from such due date to the date of payment of such amount. For taxable year 2003 and thereafter, if any local services tax, or part thereof, imposed by this Act is not paid on or before the due date for such tax, the taxpayer shall be required to pay a penalty of $25 per month, or any portion thereof, not to exceed $100. If such failure to pay such tax is the result of fraud, there shall be added to the tax as a penalty an amount equal to 50% of the deficiency. (Source: P.A. 83-546.)

(35 ILCS 515/10.1) (from Ch. 120, par. 1210.1)

Sec. 10.1. Notice to assessor of ownership change. An operator of a mobile home

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park licensed under the provisions of the Mobile Home Park Act and any land owner on which an inhabited mobile home is located "An Act to provide for, license and regulate mobile homes and mobile home parks and to repeal an Act named therein", approved September 8, 1971, as amended, shall notify the township assessor, if any, or the Supervisor of Assessments or county assessor if there is no township assessor, or the county assessor in those counties in which a county assessor is elected pursuant to Section 3-45 of the Property Tax Code, when a change in ownership occurs in a mobile home located in such a park or on such land. Such notification shall include the same information for the new owner as that contained in the registration form required of mobile home park operators and mobile home owners by Section 4 of this Act
(Source: P.A. 88-670, eff. 12-2-94.)

Section 910. The Illinois Vehicle Code is amended by changing Section 3-114 as follows:

(625 ILCS 5/3-114) (from Ch. 95 1/2, par. 3-114)
(Text of Section before amendment by P.A. 91-893)
Sec. 3-114. Transfer by operation of law.

(a) If the interest of an owner in a vehicle passes to another other than by voluntary transfer, the transferee shall, except as provided in paragraph (b), promptly mail or deliver within 20 days to the Secretary of State the last certificate of title, if available, proof of the transfer, and his application for a new certificate in the form the Secretary of State prescribes. It shall be unlawful for any person having possession of a certificate of title for a motor vehicle, semi-trailer, or house car by reason of his having a lien or encumbrance on such vehicle, to fail or refuse to deliver such certificate to the owner, upon the satisfaction or discharge of the lien or encumbrance, indicated upon such certificate of title.

(b) If the interest of an owner in a vehicle passes to another under the provisions of the Small Estates provisions of the Probate Act of 1975 the transferee shall promptly mail or deliver to the Secretary of State, within 120 days, the last certificate of title, if available, the documentation required under the provisions of the Probate Act of 1975, and an application for certificate of title. The Small Estate Affidavit form shall be furnished by the Secretary of State. The transfer may be to the transferee or to the nominee of the transferee.

(c) If the interest of an owner in a vehicle passes to another under other provisions of the Probate Act of 1975, as amended, and the transfer is made by a representative or guardian, such transferee shall promptly mail or deliver to the Secretary of State, the last certificate of title, if available, and a certified copy of the letters of office or guardianship, and an application for certificate of title. Such application shall be made before the estate is closed. The transfer may be to the transferee or to the nominee of the transferee.

(d) If the interest of an owner in joint tenancy passes to the other joint tenant with survivorship rights as provided by law, the transferee shall promptly mail or deliver to the Secretary of State, the last certificate of title, if available, proof of death of the one joint tenant and survivorship of the surviving joint tenant, and an application for certificate of title. Such application shall be made within 120 days after the death of the joint tenant. The transfer may be to the transferee or to the nominee of the transferee.

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(e) The Secretary of State shall transfer a decedent's vehicle title to any legatee, representative or heir of the decedent who submits to the Secretary a death certificate and an affidavit by an attorney at law on the letterhead stationery of the attorney at law stating the facts of the transfer.

(f) Repossession with assignment of title. In all cases wherein a lienholder has repossessed a vehicle by other than judicial process and holds it for resale under a security agreement, and the owner of record has executed an assignment of the existing certificate of title after default, the lienholder may proceed to sell or otherwise dispose of the vehicle as authorized under the Uniform Commercial Code. Upon selling the vehicle to another person, the lienholder need not send the certificate of title to the Secretary of State, but shall promptly and within 20 days mail or deliver to the purchaser as transferee the existing certificate of title for the repossessed vehicle, reflecting the release of the lienholder's security interest in the vehicle. The application for a certificate of title made by the purchaser shall comply with subsection (a) of Section 3-104 and be accompanied by the existing certificate of title for the repossessed vehicle. The lienholder shall execute the assignment and warranty of title showing the name and address of the purchaser in the spaces provided therefor on the certificate of title or as the Secretary of State prescribes. The lienholder shall complete the assignment of title in the certificate of title to reflect the transfer of the vehicle to the lienholder and also a reassignment to reflect the transfer from the lienholder to the purchaser. For this purpose, the lienholder is specifically authorized to complete and execute the space reserved in the certificate of title for a dealer reassignment, notwithstanding that the lienholder is not a licensed dealer. Nothing herein shall be construed to mean that the lienholder is taking title to the repossessed vehicle for purposes of liability for retailer occupation, vehicle use, or other tax with respect to the proceeds from the repossession sale. Delivery of the existing certificate of title to the purchaser shall be deemed disclosure to the purchaser of the owner of the vehicle.

(f-5) Repossession without assignment of title. In all cases wherein a lienholder has repossessed a vehicle by other than judicial process and holds it for resale under a security agreement, and the owner of record has not executed an assignment of the existing certificate of title, the lienholder shall comply with the following provisions:

(1) Prior to sale, the lienholder shall deliver or mail to the owner at the owner's last known address and to any other lienholder of record, a notice of redemption setting forth the following information: (i) the name of the owner of record and in bold type at or near the top of the notice a statement that the owner's vehicle was repossessed on a specified date for failure to make payments on the loan (or other reason), (ii) a description of the vehicle subject to the lien sufficient to identify it, (iii) the right of the owner to redeem the vehicle, (iv) the lienholder's intent to sell or otherwise dispose of the vehicle after the expiration of 21 days from the date of mailing or delivery of the notice, and (v) the name, address, and telephone number of the lienholder from whom information may be obtained concerning the amount due to redeem the vehicle and from whom the vehicle may be redeemed under Section 9-506 of the Uniform Commercial Code. At the lienholder's option,
the information required to be set forth in this notice of redemption may be made a part of or accompany the notification of sale or other disposition required under subsection (3) of Section 9-504 of the Uniform Commercial Code, but none of the information required by this notice shall be construed to impose any requirement under Article 9 of the Uniform Commercial Code.

(2) With respect to the repossession of a vehicle used primarily for personal, family, or household purposes, the lienholder shall also deliver or mail to the owner at the owner's last known address an affidavit of defense. The affidavit of defense shall accompany the notice of redemption required in subdivision (f-5)(1) of this Section. The affidavit of defense shall (i) identify the lienholder, owner, and the vehicle; (ii) provide space for the owner to state the defense claimed by the owner; and (iii) include an acknowledgment by the owner that the owner may be liable to the lienholder for fees, charges, and costs incurred by the lienholder in establishing the insufficiency or invalidity of the owner's defense. To stop the transfer of title, the affidavit of defense must be received by the lienholder no later than 21 days after the date of mailing or delivery of the notice required in subdivision (f-5)(1) of this Section. If the lienholder receives the affidavit from the owner in a timely manner, the lienholder must apply to a court of competent jurisdiction to determine if the lienholder is entitled to possession of the vehicle.

(3) Upon selling the vehicle to another person, the lienholder need not send the certificate of title to the Secretary of State, but shall promptly and within 20 days mail or deliver to the purchaser as transferee (i) the existing certificate of title for the repossessed vehicle, reflecting the release of the lienholder's security interest in the vehicle; and (ii) an affidavit of repossession made by or on behalf of the lienholder which provides the following information: that the vehicle was repossessed, a description of the vehicle sufficient to identify it, whether the vehicle has been damaged in excess of 33 1/3% of its fair market value as required under subdivision (b)(3) of Section 3-117.1, that the owner and any other lienholder of record were given the notice required in subdivision (f-5)(1) of this Section, that the owner of record was given the affidavit of defense required in subdivision (f-5)(2) of this Section, that the interest of the owner was lawfully terminated or sold pursuant to the terms of the security agreement, and the purchaser's name and address. If the vehicle is damaged in excess of 33 1/3% of its fair market value, the lienholder shall make application for a salvage certificate under Section 3-117.1 and transfer the vehicle to a person eligible to receive assignments of salvage certificates identified in Section 3-118.

(4) The application for a certificate of title made by the purchaser shall comply with subsection (a) of Section 3-104 and be accompanied by the affidavit of repossession furnished by the lienholder and the existing certificate of title for the repossessed vehicle. The lienholder shall execute the assignment and warranty of title showing the name and address of the purchaser in the spaces provided therefor on the certificate of title or as the Secretary of State prescribes. The lienholder shall
complete the assignment of title in the certificate of title to reflect the transfer of the vehicle to the lienholder and also a reassignment to reflect the transfer from the lienholder to the purchaser. For this purpose, the lienholder is specifically authorized to execute the assignment on behalf of the owner as seller if the owner has not done so and to complete and execute the space reserved in the certificate of title for a dealer reassignment, notwithstanding that the lienholder is not a licensed dealer. Nothing herein shall be construed to mean that the lienholder is taking title to the repossessed vehicle for purposes of liability for retailer occupation, vehicle use, or other tax with respect to the proceeds from the repossession sale. Delivery of the existing certificate of title to the purchaser shall be deemed disclosure to the purchaser of the owner of the vehicle. In the event the lienholder does not hold the certificate of title for the repossessed vehicle, the lienholder shall make application for and may obtain a new certificate of title in the name of the lienholder upon furnishing information satisfactory to the Secretary of State. Upon receiving the new certificate of title, the lienholder may proceed with the sale described in subdivision (f-5)(3), except that upon selling the vehicle the lienholder shall promptly and within 20 days mail or deliver to the purchaser the new certificate of title reflecting the assignment and transfer of title to the purchaser.

(5) Neither the lienholder nor the owner shall file with the Office of the Secretary of State the notice of redemption or affidavit of defense described in subdivisions (f-5)(1) and (f-5)(2) of this Section. The Office of the Secretary of State shall not determine the merits of an owner's affidavit of defense, nor consider any allegations or assertions regarding the validity or invalidity of a lienholder's claim to the vehicle or an owner's asserted defenses to the repossession action. (f-7) Notice of reinstatement in certain cases.

(1) If, at the time of repossession by a lienholder that is seeking to transfer title pursuant to subsection (f-5), the owner has paid an amount equal to 30% or more of the deferred payment price or total of payments due, the owner may, within 21 days of the date of repossession, reinstate the contract or loan agreement and recover the vehicle from the lienholder by tendering in a lump sum (i) the total of all unpaid amounts, including any unpaid delinquency or deferral charges due at the date of reinstatement, without acceleration; and (ii) performance necessary to cure any default other than nonpayment of the amounts due; and (iii) all reasonable costs and fees incurred by the lienholder in retaking, holding, and preparing the vehicle for disposition and in arranging for the sale of the vehicle. Reasonable costs and fees incurred by the lienholder include without limitation repossession and storage expenses and, if authorized by the contract or loan agreement, reasonable attorneys' fees and collection agency charges.

(2) Tender of payment and performance pursuant to this limited right of reinstatement restores to the owner his rights under the contract or loan agreement as though no default had occurred. The owner has the right to reinstate the contract or loan agreement and recover the vehicle from the lienholder only once under this

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subsection. The lienholder may, in the lienholder's sole discretion, extend the period during which the owner may reinstate the contract or loan agreement and recover the vehicle beyond the 21 days allowed under this subsection, and the extension shall not subject the lienholder to liability to the owner under the laws of this State.

(3) The lienholder shall deliver or mail written notice to the owner at the owner's last known address, within 3 business days of the date of repossession, of the owner's right to reinstate the contract or loan agreement and recover the vehicle pursuant to the limited right of reinstatement described in this subsection. At the lienholder's option, the information required to be set forth in this notice of reinstatement may be made part of or accompany the notice of redemption required in subdivision (f-5)(1) of this Section and the notification of sale or other disposition required under subsection (3) of Section 9-504 of the Uniform Commercial Code, but none of the information required by this notice of reinstatement shall be construed to impose any requirement under Article 9 of the Uniform Commercial Code.

(4) The reinstatement period, if applicable, and the redemption period described in subdivision (f-5)(1) of this Section, shall run concurrently if the information required to be set forth in the notice of reinstatement is part of or accompanies the notice of redemption. In any event, the 21 day redemption period described in subdivision (f-5)(1) of this Section shall commence on the date of mailing or delivery to the owner of the information required to be set forth in the notice of redemption, and the 21 day reinstatement period described in this subdivision, if applicable, shall commence on the date of mailing or delivery to the owner of the information required to be set forth in the notice of reinstatement.

(5) The Office of the Secretary of State shall not determine the merits of an owner's claim of right to reinstatement, nor consider any allegations or assertions regarding the validity or invalidity of a lienholder's claim to the vehicle or an owner's asserted right to reinstatement. Where a lienholder is subject to licensing and regulatory supervision by the State of Illinois, the lienholder shall be subject to all of the powers and authority of the lienholder's primary State regulator to enforce compliance with the procedures set forth in this subsection (f-7).

(f-10) Repossession by judicial process. In all cases wherein a lienholder has repossessed a vehicle by judicial process and holds it for resale under a security agreement, order for replevin, or other court order establishing the lienholder's right to possession of the vehicle, the lienholder may proceed to sell or otherwise dispose of the vehicle as authorized under the Uniform Commercial Code or the court order. Upon selling the vehicle to another person, the lienholder need not send the certificate of title to the Secretary of State, but shall promptly and within 20 days mail or deliver to the purchaser as transferee (i) the existing certificate of title for the repossessed vehicle reflecting the release of the lienholder's security interest in the vehicle; (ii) a certified copy of the court order; and (iii) a bill of sale identifying the new owner's name and address and the year, make, model, and vehicle identification number of the vehicle. The application for a certificate of title made by the purchaser shall comply with subsection (a) of Section 3-104 and be accompanied by the

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certified copy of the court order furnished by the lienholder and the existing certificate of title for the repossessed vehicle. The lienholder shall execute the assignment and warranty of title showing the name and address of the purchaser in the spaces provided therefor on the certificate of title or as the Secretary of State prescribes. The lienholder shall complete the assignment of title in the certificate of title to reflect the transfer of the vehicle to the lienholder and also a reassignment to reflect the transfer from the lienholder to the purchaser. For this purpose, the lienholder is specifically authorized to execute the assignment on behalf of the owner as seller if the owner has not done so and to complete and execute the space reserved in the certificate of title for a dealer reassignment, notwithstanding that the lienholder is not a licensed dealer. Nothing herein shall be construed to mean that the lienholder is taking title to the repossessed vehicle for purposes of liability for retailer occupation, vehicle use, or other tax with respect to the proceeds from the repossession sale. Delivery of the existing certificate of title to the purchaser shall be deemed disclosure to the purchaser of the owner of the vehicle. In the event the lienholder does not hold the certificate of title for the repossessed vehicle, the lienholder shall make application for and may obtain a new certificate of title in the name of the lienholder upon furnishing information satisfactory to the Secretary of State. Upon receiving the new certificate of title, the lienholder may proceed with the sale described in this subsection, except that upon selling the vehicle the lienholder shall promptly and within 20 days mail or deliver to the purchaser the new certificate of title reflecting the assignment and transfer of title to the purchaser.

(f-15) The Secretary of State shall not issue a certificate of title to a purchaser under subsection (f), (f-5), or (f-10) of this Section, unless the person from whom the vehicle has been repossessed by the lienholder is shown to be the last registered owner of the motor vehicle. The Secretary of State may provide by rule for the standards to be followed by a lienholder in assigning and transferring certificates of title with respect to repossessed vehicles.

(f-20) If applying for a salvage certificate or a junking certificate, the lienholder shall within 20 days make an application to the Secretary of State for a salvage certificate or a junking certificate, as set forth in this Code. The Secretary of State shall not issue a salvage certificate or a junking certificate to such lienholder unless the person from whom such vehicle has been repossessed is shown to be the last registered owner of such motor vehicle and such lienholder establishes to the satisfaction of the Secretary of State that he is entitled to such salvage certificate or junking certificate. The Secretary of State may provide by rule for the standards to be followed by a lienholder in order to obtain a salvage certificate or junking certificate for a repossessed vehicle.

(g) A person holding a certificate of title whose interest in the vehicle has been extinguished or transferred other than by voluntary transfer shall mail or deliver the certificate, within 20 days upon request of the Secretary of State. The delivery of the certificate pursuant to the request of the Secretary of State does not affect the rights of the person surrendering the certificate, and the action of the Secretary of State in issuing a new certificate of title as provided herein is not conclusive upon the rights of an owner or lienholder named in the old certificate.

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(h) The Secretary of State may decline to process any application for a transfer of an interest in a vehicle hereunder if any fees or taxes due under this Act from the transferor or the transferee have not been paid upon reasonable notice and demand.

(i) The Secretary of State shall not be held civilly or criminally liable to any person because any purported transferor may not have had the power or authority to make a transfer of any interest in any vehicle or because a certificate of title issued in error is subsequently used to commit a fraudulent act.

(Source: P.A. 90-212, eff. 1-1-98; 90-665, eff. 1-1-99.)

(Text of Section after amendment by P.A. 91-893)

Sec. 3-114. Transfer by operation of law.

(a) If the interest of an owner in a vehicle passes to another other than by voluntary transfer, the transferee shall, except as provided in paragraph (b), promptly mail or deliver within 20 days to the Secretary of State the last certificate of title, if available, proof of the transfer, and his application for a new certificate in the form the Secretary of State prescribes. It shall be unlawful for any person having possession of a certificate of title for a motor vehicle, semi-trailer, or house car by reason of his having a lien or encumbrance on such vehicle, to fail or refuse to deliver such certificate to the owner, upon the satisfaction or discharge of the lien or encumbrance, indicated upon such certificate of title.

(b) If the interest of an owner in a vehicle passes to another under the provisions of the Small Estates provisions of the Probate Act of 1975 the transferee shall promptly mail or deliver to the Secretary of State, within 120 days, the last certificate of title, if available, the documentation required under the provisions of the Probate Act of 1975, and an application for certificate of title. The Small Estate Affidavit form shall be furnished by the Secretary of State. The transfer may be to the transferee or to the nominee of the transferee.

(c) If the interest of an owner in a vehicle passes to another under other provisions of the Probate Act of 1975, as amended, and the transfer is made by a representative or guardian, such transferee shall promptly mail or deliver to the Secretary of State, the last certificate of title, if available, and a certified copy of the letters of office or guardianship, and an application for certificate of title. Such application shall be made before the estate is closed. The transfer may be to the transferee or to the nominee of the transferee.

(d) If the interest of an owner in joint tenancy passes to the other joint tenant with survivorship rights as provided by law, the transferee shall promptly mail or deliver to the Secretary of State, the last certificate of title, if available, proof of death of the one joint tenant and survivorship of the surviving joint tenant, and an application for certificate of title. Such application shall be made within 120 days after the death of the joint tenant. The transfer may be to the transferee or to the nominee of the transferee.

(e) The Secretary of State shall transfer a decedent's vehicle title to any legatee, representative or heir of the decedent who submits to the Secretary a death certificate and an affidavit by an attorney at law on the letterhead stationery of the attorney at law stating the facts of the transfer.

(f) Repossession with assignment of title. In all cases wherein a lienholder has repossessed a vehicle by other than judicial process and holds it for resale under a security agreement.
agreement, and the owner of record has executed an assignment of the existing certificate of title after default, the lienholder may proceed to sell or otherwise dispose of the vehicle as authorized under the Uniform Commercial Code. Upon selling the vehicle to another person, the lienholder need not send the certificate of title to the Secretary of State, but shall promptly and within 20 days mail or deliver to the purchaser as transferee the existing certificate of title for the repossessed vehicle, reflecting the release of the lienholder's security interest in the vehicle. The application for a certificate of title made by the purchaser shall comply with subsection (a) of Section 3-104 and be accompanied by the existing certificate of title for the repossessed vehicle. The lienholder shall execute the assignment and warranty of title showing the name and address of the purchaser in the spaces provided therefor on the certificate of title or as the Secretary of State prescribes. The lienholder shall complete the assignment of title in the certificate of title to reflect the transfer of the vehicle to the lienholder and also a reassignment to reflect the transfer from the lienholder to the purchaser. For this purpose, the lienholder is specifically authorized to complete and execute the space reserved in the certificate of title for a dealer reassignment, notwithstanding that the lienholder is not a licensed dealer. Nothing herein shall be construed to mean that the lienholder is taking title to the repossessed vehicle for purposes of liability for retailer occupation, vehicle use, or other tax with respect to the proceeds from the repossession sale. Delivery of the existing certificate of title to the purchaser shall be deemed disclosure to the purchaser of the owner of the vehicle.

(f-5) Repossession without assignment of title. In all cases wherein a lienholder has repossessed a vehicle by other than judicial process and holds it for resale under a security agreement, and the owner of record has not executed an assignment of the existing certificate of title, the lienholder shall comply with the following provisions:

(1) Prior to sale, the lienholder shall deliver or mail to the owner at the owner's last known address and to any other lienholder of record, a notice of redemption setting forth the following information: (i) the name of the owner of record and in bold type at or near the top of the notice a statement that the owner's vehicle was repossessed on a specified date for failure to make payments on the loan (or other reason), (ii) a description of the vehicle subject to the lien sufficient to identify it, (iii) the right of the owner to redeem the vehicle, (iv) the lienholder's intent to sell or otherwise dispose of the vehicle after the expiration of 21 days from the date of mailing or delivery of the notice, and (v) the name, address, and telephone number of the lienholder from whom information may be obtained concerning the amount due to redeem the vehicle and from whom the vehicle may be redeemed under Section 9-623 of the Uniform Commercial Code. At the lienholder's option, the information required to be set forth in this notice of redemption may be made a part of or accompany the notification of sale or other disposition required under Section 9-611 of the Uniform Commercial Code, but none of the information required by this notice shall be construed to impose any requirement under Article 9 of the Uniform Commercial Code.

(2) With respect to the repossession of a vehicle used primarily for personal,
family, or household purposes, the lienholder shall also deliver or mail to the owner at the owner's last known address an affidavit of defense. The affidavit of defense shall accompany the notice of redemption required in subdivision (f-5)(1) of this Section. The affidavit of defense shall (i) identify the lienholder, owner, and the vehicle; (ii) provide space for the owner to state the defense claimed by the owner; and (iii) include an acknowledgment by the owner that the owner may be liable to the lienholder for fees, charges, and costs incurred by the lienholder in establishing the insufficiency or invalidity of the owner's defense. To stop the transfer of title, the affidavit of defense must be received by the lienholder no later than 21 days after the date of mailing or delivery of the notice required in subdivision (f-5)(1) of this Section. If the lienholder receives the affidavit from the owner in a timely manner, the lienholder must apply to a court of competent jurisdiction to determine if the lienholder is entitled to possession of the vehicle.

(3) Upon selling the vehicle to another person, the lienholder need not send the certificate of title to the Secretary of State, but shall promptly and within 20 days mail or deliver to the purchaser as transferee (i) the existing certificate of title for the repossessed vehicle, reflecting the release of the lienholder's security interest in the vehicle; and (ii) an affidavit of repossession made by or on behalf of the lienholder which provides the following information: that the vehicle was repossessed, a description of the vehicle sufficient to identify it, whether the vehicle has been damaged in excess of 33 1/3% of its fair market value as required under subdivision (b)(3) of Section 3-117.1, that the owner and any other lienholder of record were given the notice required in subdivision (f-5)(1) of this Section, that the owner of record was given the affidavit of defense required in subdivision (f-5)(2) of this Section, that the interest of the owner was lawfully terminated or sold pursuant to the terms of the security agreement, and the purchaser's name and address. If the vehicle is damaged in excess of 33 1/3% of its fair market value, the lienholder shall make application for a salvage certificate under Section 3-117.1 and transfer the vehicle to a person eligible to receive assignments of salvage certificates identified in Section 3-118.

(4) The application for a certificate of title made by the purchaser shall comply with subsection (a) of Section 3-104 and be accompanied by the affidavit of repossession furnished by the lienholder and the existing certificate of title for the repossessed vehicle. The lienholder shall execute the assignment and warranty of title showing the name and address of the purchaser in the spaces provided therefor on the certificate of title or as the Secretary of State prescribes. The lienholder shall complete the assignment of title in the certificate of title to reflect the transfer of the vehicle to the lienholder and also a reassignment to reflect the transfer from the lienholder to the purchaser. For this purpose, the lienholder is specifically authorized to execute the assignment on behalf of the owner as seller if the owner has not done so and to complete and execute the space reserved in the certificate of title for a dealer reassignment, notwithstanding that the lienholder is not a licensed dealer.

New matter indicated by italics - deletions by strikeout.
Nothing herein shall be construed to mean that the lienholder is taking title to the repossessed vehicle for purposes of liability for retailer occupation, vehicle use, or other tax with respect to the proceeds from the repossession sale. Delivery of the existing certificate of title to the purchaser shall be deemed disclosure to the purchaser of the owner of the vehicle. In the event the lienholder does not hold the certificate of title for the repossessed vehicle, the lienholder shall make application for and may obtain a new certificate of title in the name of the lienholder upon furnishing information satisfactory to the Secretary of State. Upon receiving the new certificate of title, the lienholder may proceed with the sale described in subdivision (f-5)(3), except that upon selling the vehicle the lienholder shall promptly and within 20 days mail or deliver to the purchaser the new certificate of title reflecting the assignment and transfer of title to the purchaser.

(5) Neither the lienholder nor the owner shall file with the Office of the Secretary of State the notice of redemption or affidavit of defense described in subdivisions (f-5)(1) and (f-5)(2) of this Section. The Office of the Secretary of State shall not determine the merits of an owner's affidavit of defense, nor consider any allegations or assertions regarding the validity or invalidity of a lienholder's claim to the vehicle or an owner's asserted defenses to the repossession action. (f-7) Notice of reinstatement in certain cases.

(1) If, at the time of repossession by a lienholder that is seeking to transfer title pursuant to subsection (f-5), the owner has paid an amount equal to 30% or more of the deferred payment price or total of payments due, the owner may, within 21 days of the date of repossession, reinstate the contract or loan agreement and recover the vehicle from the lienholder by tendering in a lump sum (i) the total of all unpaid amounts, including any unpaid delinquency or deferral charges due at the date of reinstatement, without acceleration; and (ii) performance necessary to cure any default other than nonpayment of the amounts due; and (iii) all reasonable costs and fees incurred by the lienholder in retaking, holding, and preparing the vehicle for disposition and in arranging for the sale of the vehicle. Reasonable costs and fees incurred by the lienholder include without limitation repossession and storage expenses and, if authorized by the contract or loan agreement, reasonable attorneys' fees and collection agency charges.

(2) Tender of payment and performance pursuant to this limited right of reinstatement restores to the owner his rights under the contract or loan agreement as though no default had occurred. The owner has the right to reinstate the contract or loan agreement and recover the vehicle from the lienholder only once under this subsection. The lienholder may, in the lienholder's sole discretion, extend the period during which the owner may reinstate the contract or loan agreement and recover the vehicle beyond the 21 days allowed under this subsection, and the extension shall not subject the lienholder to liability to the owner under the laws of this State.

(3) The lienholder shall deliver or mail written notice to the owner at the owner's last known address, within 3 business days of the date of repossession, of the
owner's right to reinstate the contract or loan agreement and recover the vehicle pursuant to the limited right of reinstatement described in this subsection. At the lienholder's option, the information required to be set forth in this notice of reinstatement may be made part of or accompany the notice of redemption required in subdivision (f-5)(1) of this Section and the notification of sale or other disposition required under Section 9-611 of the Uniform Commercial Code, but none of the information required by this notice of reinstatement shall be construed to impose any requirement under Article 9 of the Uniform Commercial Code.

(4) The reinstatement period, if applicable, and the redemption period described in subdivision (f-5)(1) of this Section, shall run concurrently if the information required to be set forth in the notice of reinstatement is part of or accompanies the notice of redemption. In any event, the 21 day redemption period described in subdivision (f-5)(1) of this Section shall commence on the date of mailing or delivery to the owner of the information required to be set forth in the notice of redemption, and the 21 day reinstatement period described in this subdivision, if applicable, shall commence on the date of mailing or delivery to the owner of the information required to be set forth in the notice of reinstatement.

(5) The Office of the Secretary of State shall not determine the merits of an owner's claim of right to reinstatement, nor consider any allegations or assertions regarding the validity or invalidity of a lienholder's claim to the vehicle or an owner's asserted right to reinstatement. Where a lienholder is subject to licensing and regulatory supervision by the State of Illinois, the lienholder shall be subject to all of the powers and authority of the lienholder's primary State regulator to enforce compliance with the procedures set forth in this subsection (f-7).

(f-10) Repossession by judicial process. In all cases wherein a lienholder has repossessed a vehicle by judicial process and holds it for resale under a security agreement, order for replevin, or other court order establishing the lienholder's right to possession of the vehicle, the lienholder may proceed to sell or otherwise dispose of the vehicle as authorized under the Uniform Commercial Code or the court order. Upon selling the vehicle to another person, the lienholder need not send the certificate of title to the Secretary of State, but shall promptly and within 20 days mail or deliver to the purchaser as transferee (i) the existing certificate of title for the repossessed vehicle reflecting the release of the lienholder's security interest in the vehicle; (ii) a certified copy of the court order; and (iii) a bill of sale identifying the new owner's name and address and the year, make, model, and vehicle identification number of the vehicle. The application for a certificate of title made by the purchaser shall comply with subsection (a) of Section 3-104 and be accompanied by the certified copy of the court order furnished by the lienholder and the existing certificate of title for the repossessed vehicle. The lienholder shall execute the assignment and warranty of title showing the name and address of the purchaser in the spaces provided therefor on the certificate of title or as the Secretary of State prescribes. The lienholder shall complete the assignment of title in the certificate of title to reflect the transfer of the vehicle to the lienholder and also a reassignment to reflect the transfer from the lienholder to the purchaser.
For this purpose, the lienholder is specifically authorized to execute the assignment on behalf of the owner as seller if the owner has not done so and to complete and execute the space reserved in the certificate of title for a dealer reassignment, notwithstanding that the lienholder is not a licensed dealer. Nothing herein shall be construed to mean that the lienholder is taking title to the repossessed vehicle for purposes of liability for retailer occupation, vehicle use, or other tax with respect to the proceeds from the repossession sale. Delivery of the existing certificate of title to the purchaser shall be deemed disclosure to the purchaser of the owner of the vehicle. In the event the lienholder does not hold the certificate of title for the repossessed vehicle, the lienholder shall make application for and may obtain a new certificate of title in the name of the lienholder upon furnishing information satisfactory to the Secretary of State. Upon receiving the new certificate of title, the lienholder may proceed with the sale described in this subsection, except that upon selling the vehicle the lienholder shall promptly and within 20 days mail or deliver to the purchaser the new certificate of title reflecting the assignment and transfer of title to the purchaser.

(f-15) The Secretary of State shall not issue a certificate of title to a purchaser under subsection (f), (f-5), or (f-10) of this Section, unless the person from whom the vehicle has been repossessed by the lienholder is shown to be the last registered owner of the motor vehicle. The Secretary of State may provide by rule for the standards to be followed by a lienholder in assigning and transferring certificates of title with respect to repossessed vehicles.

(f-20) If applying for a salvage certificate or a junking certificate, the lienholder shall within 20 days make an application to the Secretary of State for a salvage certificate or a junking certificate, as set forth in this Code. The Secretary of State shall not issue a salvage certificate or a junking certificate to such lienholder unless the person from whom such vehicle has been repossessed is shown to be the last registered owner of such motor vehicle and such lienholder establishes to the satisfaction of the Secretary of State that he is entitled to such salvage certificate or junking certificate. The Secretary of State may provide by rule for the standards to be followed by a lienholder in order to obtain a salvage certificate or junking certificate for a repossessed vehicle.

(f-25) If the interest of an owner in a mobile home, as defined in the Mobile Home Local Services Tax Act, passes to another under the provisions of the Mobile Home Local Services Tax Enforcement Act, the transferee shall promptly mail or deliver to the Secretary of State (i) the last certificate of title, if available, (ii) a certified copy of the court order ordering the transfer of title, and (iii) an application for certificate of title.

(g) A person holding a certificate of title whose interest in the vehicle has been extinguished or transferred other than by voluntary transfer shall mail or deliver the certificate, within 20 days upon request of the Secretary of State. The delivery of the certificate pursuant to the request of the Secretary of State does not affect the rights of the person surrendering the certificate, and the action of the Secretary of State in issuing a new certificate of title as provided herein is not conclusive upon the rights of an owner or lienholder named in the old certificate.

(h) The Secretary of State may decline to process any application for a transfer of an

New matter indicated by italics - deletions by strikeout.
interest in a vehicle hereunder if any fees or taxes due under this Act from the transferor or
the transferee have not been paid upon reasonable notice and demand.

   (i) The Secretary of State shall not be held civilly or criminally liable to any person
because any purported transferor may not have had the power or authority to make a transfer
of any interest in any vehicle or because a certificate of title issued in error is subsequently
used to commit a fraudulent act.

(Source: P.A. 90-212, eff. 1-1-98; 90-665, eff. 1-1-99; 91-893, eff. 7-1-01.)

Section 995. No acceleration or delay. Where this Act makes changes in a statute that
is represented in this Act by text that is not yet or no longer in effect (for example, a Section
represented by multiple versions), the use of that text does not accelerate or delay the taking
effect of (i) the changes made by this Act or (ii) provisions derived from any other Public Act.

Division 999. Effective date

Section 999. Effective date. This Act takes effect on January 1, 2003.

Passed in the General Assembly June 1, 2002.

Approved August 21, 2002.


PUBLIC ACT 92-0808
(House Bill No. 4321)

AN ACT in relation to criminal law.

Be it enacted by the People of the State of Illinois, represented in the General
Assembly:

   Section 5. The Criminal Code of 1961 is amended by changing Section 16-1.3 as
follows:

   (720 ILCS 5/16-1.3) (from Ch. 38, par. 16-1.3)

   Sec. 16-1.3. Financial exploitation of an elderly person or a person with a disability.
   (a) A person commits the offense of financial exploitation of an elderly person or a
person with a disability when he or she stands in a position of trust or confidence with the
elderly person or a person with a disability and he or she knowingly and by deception or
intimidation obtains control over the property of an elderly person or a person with a
disability with the intent to permanently deprive the elderly person or the person with a
disability of the use, benefit, or possession of his or her property.

   Financial exploitation of an elderly person or a person with a disability is a Class 4
felony if the value of the property is $300 or less, a Class 3 felony if the value of the property
is more than $300 but less than $5,000, a Class 2 felony if the value of the property is $5,000
or more but less than $100,000 and a Class 1 felony if the value of the property is $100,000
or more or if the elderly person is over 70 years of age and the value of the property is
$15,000 or more or if the elderly person is 80 years of age or older and the value of the
property is $5,000 or more.

   (b) For purposes of this Section:

   New matter indicated by italics - deletions by strikeout.
(1) "Elderly person" means a person 60 years of age or older who is suffering from a disease or infirmity that impairs the individual's mental or physical ability to independently manage his or her property or financial resources, or both.

(2) "Person with a disability" means a person who suffers from a permanent physical or mental impairment resulting from disease, injury, functional disorder or congenital condition that impairs the individual's mental or physical ability to independently manage his or her property or financial resources, or both.

(3) "Intimidation" means the communication to an elderly person or a person with a disability that he or she shall be deprived of food and nutrition, shelter, prescribed medication or medical care and treatment.

(4) "Deception" means, in addition to its meaning as defined in Section 15-4 of this Code, a misrepresentation or concealment of material fact relating to the terms of a contract or agreement entered into with the elderly person or person with a disability or to the existing or pre-existing condition of any of the property involved in such contract or agreement; or the use or employment of any misrepresentation, false pretense or false promise in order to induce, encourage or solicit the elderly person or person with a disability to enter into a contract or agreement.

(c) For purposes of this Section, a person stands in a position of trust and confidence with an elderly person or person with a disability when he (1) is a parent, spouse, adult child or other relative by blood or marriage of the elderly person or person with a disability, (2) is a joint tenant or tenant in common with the elderly person or person with a disability, or (3) has a legal or fiduciary relationship with the elderly person or person with a disability, or (4) is a financial planning or investment professional.

(d) Nothing in this Section shall be construed to limit the remedies available to the victim under the Illinois Domestic Violence Act of 1986.

(e) Nothing in this Section shall be construed to impose criminal liability on a person who has made a good faith effort to assist the elderly person or person with a disability in the management of his or her property, but through no fault of his or her own has been unable to provide such assistance.

(f) It shall not be a defense to financial exploitation of an elderly person or person with a disability that the accused reasonably believed that the victim was not an elderly person or person with a disability.

(g) Civil Liability. A person who is charged by information or indictment with the offense of financial exploitation of an elderly person or person with a disability and who fails or refuses to return the victim's property within 60 days following a written demand from the victim or the victim's legal representative shall be liable to the victim or to the estate of the victim in damages of treble the amount of the value of the property obtained, plus reasonable attorney fees and court costs. The burden of proof that the defendant unlawfully obtained the victim's property shall be by a preponderance of the evidence. This subsection shall be operative whether or not the defendant has been convicted of the offense.

(Source: P.A. 91-236, eff. 7-22-99.)

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

New matter indicated by italics - deletions by strikeout.
AN ACT in relation to criminal law.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Criminal Code of 1961 is amended by adding Section 17-11.2 as follows:

(720 ILCS 5/17-11.2 new)

Sec. 17-11.2. Installation of object in lieu of air bag. Any person who for consideration knowingly installs or reinstalls in a vehicle any object in lieu of an air bag that was designed in accordance with federal safety regulations for the make, model, and year of the vehicle as part of a vehicle inflatable restraint system is guilty of a Class A misdemeanor.

Approved August 21, 2002.
notice must be in writing, and be filed in the office of the State's Attorney and also in the
office of the county clerk, either by himself or herself, his or her agent or attorney. The notice
shall state in substance, that the sheriff or deputy sheriff, as the case may be, (naming him
or her), has been served with process and made a party defendant to an action wherein it is
claimed that a person has suffered injury to his or her person or property caused by that
sheriff or deputy sheriff stating the title and number of the case; the Court wherein the action
is pending; and the date the sheriff or deputy sheriff was served with process in the action,
and made a party defendant thereto. The county which is or may be liable to indemnify the
sheriff or deputy sheriff, as the case may be, may intervene in the action against the sheriff
or deputy sheriff, as the case may be, and shall be permitted to appear and defend. The duty
of the county to indemnify any sheriff or deputy sheriff for any judgment recovered against
him or her is conditioned upon receiving notice of the filing of any such action in the manner
and form hereinabove described.
(Source: P.A. 86-962; 87-1141.)

Section 10. The Illinois Municipal Code is amended by changing Section 1-4-6 as
follows:

(65 ILCS 5/1-4-6) (from Ch. 24, par. 1-4-6)
Sec. 1-4-6. In case any injury to the person or property of another is caused by a
member of the police department of a municipality having a population of less than 500,000
while the member is engaged in the performance of his or her duties as a police officer, and
without the contributory negligence of the injured person or the owner of the injured
property, or the agent or servant of the injured person or owner, the municipality in whose
behalf the member of the municipal police department is performing his or her duties as
police officer shall indemnify the police officer for any judgment recovered against him or
her as the result of such injury, except where the injury results from the wilful misconduct
of the police officer, to the extent of not to exceed $1,000,000 $500,000 including costs of
the action. Any police officer, or any person who, at the time of performing such an act
complained of, was a police officer, who is made a party defendant to any such action shall,
within 10 days of service of process upon him or her, notify the municipality by whom he
or she is or was employed, of the fact that the action has been instituted, and that he or she
has been made a party defendant to the same. Such notice shall be in writing, and shall be
filed in the office of the city attorney or corporation counsel, if there is a city attorney or
corporation counsel, and also in the office of the municipal clerk, either by himself, his or
her agent, or attorney. The notice shall state in substance, that such police officer, (naming
him or her), has been served with process and made a party defendant to an action wherein
it is claimed that a person has suffered injury to his or her person or property caused by such
police officer; stating the title and number of the case; the court wherein the same is pending;
and the date such police officer was served with process in such action, and made a party
defendant thereto. The municipality which is or may be liable to indemnify the police officer
shall have the right to intervene in the suit against the police officer, and shall be permitted
to appear and defend. The duty of the city to indemnify any such policeman for any judgment
recovered against him shall be conditioned upon receiving notice of the filing of any such

New matter indicated by italics - deletions by strikeout.
action in the manner and form hereinabove described.

For the purposes of this Section, no civilian defense worker, nor any member of any agency engaged in any civilian defense activity, performing services as a part of any civilian defense program, shall be considered to be a member of a municipal police department.

If any person in obeying the command of any such policeman to assist in arresting or securing an offender is killed or injured, or his or her property or that of his or her employer is damaged, and such death, injury or damage arises out of and in the course of aiding such policeman in arresting, or endeavoring to arrest, a person or retaking or endeavoring to re-take a person who has escaped from legal custody, the person or employer so injured, or whose property is so damaged, or the personal representatives of the person so killed, shall have a cause of action to recover the amount of such damage or injury against the municipal corporation by which such police officer is employed at the time such command is obeyed.

If a police officer is acting within a municipality other than his or her employing municipality under an agreement pursuant to Section 11-1-2.1, the liability or obligation to indemnify imposed by this Section does not extend to both municipalities. Only that municipality designated by the agreement is subject to such liability or obligation to indemnify, but, if the agreement is silent as to such liability or obligation, then the municipality by which the police officer is employed is subject to such liability or obligation.

If a police officer is acting within a municipality other than his or her employing municipality under the provisions of Section 1-4-8, the liability or obligation to indemnify imposed by this Section shall be the liability or obligation of the requesting municipality only. The notice required in this Section 1-4-6 shall be given to the municipality in which he was acting if other than his employing municipality.

(Source: P.A. 86-470.)

Section 15. The Local Governmental and Governmental Employees Tort Immunity Act is amended by changing Sections 2-302 and 9-102 as follows:

(745 ILCS 10/2-302) (from Ch. 85, par. 2-302)

Sec. 2-302. If any claim or action is instituted against an employee of a local public entity based on an injury allegedly arising out of an act or omission occurring within the scope of his employment as such employee, the entity may elect to do any one or more of the following:

(a) appear and defend against the claim or action;
(b) indemnify the employee or former employee for his court costs or reasonable attorney's fees, or both, incurred in the defense of such claim or action;
(c) pay, or indemnify the employee or former employee for a judgment based on such claim or action; or
(d) pay, or indemnify the employee or former employee for, a compromise or settlement of such a claim or action.

It is hereby declared to be the public policy of this State, however, that no local public entity may elect to indemnify an employee for any portion of a judgment representing an award of punitive or exemplary damages.

New matter indicated by italics - deletions by strikeout.
Sec. 9-102. A local public entity is empowered and directed to pay any tort judgment or settlement for compensatory damages (and may pay any associated attorney's fees and costs) for which it or an employee while acting within the scope of his employment is liable in the manner provided in this Article. All other provisions of this Article, including but not limited to the payment of judgments and settlements in installments, the issuance of bonds, the maintenance of rates and charges, and the levy of taxes shall be equally applicable to judgments or settlements relating to both a local public entity or an employee and those undertakings assumed by a local public entity in intergovernmental joint self-insurance contracts. A local public entity may make payments to settle or compromise a claim or action which has been or might be filed or instituted against it when the governing body or person vested by law or ordinance with authority to make over-all policy decisions for such entity considers it advisable to enter into such a settlement or compromise.

Section 99. Effective date. This Act takes effect upon becoming law.
Approved August 21, 2002.
Effective August 21, 2002.

PUBLIC ACT 92-0811
(House Bill No. 4409)

AN ACT concerning financial institutions.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Metropolitan Transit Authority Act is amended by changing Section 25 as follows:

(70 ILCS 3605/25) (from Ch. 111 2/3, par. 325)
Sec. 25. All funds deposited by the treasurer in any bank, savings bank, or savings and loan association shall be placed in the name of the Authority and shall be withdrawn or paid out only by check or draft upon the bank, savings bank, or savings and loan association, signed by the treasurer or an assistant treasurer and countersigned by the chairman of the Board or a vice-chairman of the Board. The Board may designate any of its members or any officer or employee of the Authority to affix the signature of the chairman and another to affix the signature of the treasurer to any check or draft for payment of salaries or wages and for the payment of any other obligation of not more than $2500.00.

No bank, savings bank, or savings and loan association shall receive public funds as permitted by this Section, unless it has complied with the requirements established pursuant to Section 6 of "An Act relating to certain investments of public funds by public agencies", approved July 23, 1943, as now or hereafter amended.
(Source: P.A. 83-541.)

New matter indicated by italics - deletions by strikeout.
Section 10. The Illinois Banking Act is amended by changing Sections 5, 18, 46, and 48.4 as follows:

(205 ILCS 5/5) (from Ch. 17, par. 311)
Sec. 5. General corporate powers. A bank organized under this Act or subject hereto shall be a body corporate and politic and shall, without specific mention thereof in the charter, have all the powers conferred by this Act and the following additional general corporate powers:

(1) To sue and be sued, complain, and defend in its corporate name.
(2) To have a corporate seal, which may be altered at pleasure, and to use the same by causing it or a facsimile thereof to be impressed or affixed or in any manner reproduced, provided that the affixing of a corporate seal to an instrument shall not give the instrument additional force or effect, or change the construction thereof, and the use of a corporate seal is not mandatory.
(3) To make, alter, amend, and repeal bylaws, not inconsistent with its charter or with law, for the administration of the affairs of the bank. If this Act does not provide specific guidance in matters of corporate governance, the provisions of the Business Corporation Act of 1983 may be used if so provided in the bylaws.
(4) To elect or appoint and remove officers and agents of the bank and define their duties and fix their compensation.
(5) To adopt and operate reasonable bonus plans, profit-sharing plans, stock-bonus plans, stock-option plans, pension plans and similar incentive plans for its directors, officers and employees.
(5.1) To manage, operate and administer a fund for the investment of funds by a public agency or agencies, including any unit of local government or school district, or any person. The fund for a public agency shall invest in the same type of investments and be subject to the same limitations provided for the investment of public funds. The fund for public agencies shall maintain a separate ledger showing the amount of investment for each public agency in the fund. "Public funds" and "public agency" as used in this Section shall have the meanings ascribed to them in Section 1 of the Public Funds Investment Act.
(6) To make reasonable donations for the public welfare or for charitable, scientific, religious or educational purposes.
(7) To borrow or incur an obligation; and to pledge its assets:
(a) to secure its borrowings, its lease of personal or real property or its other nondeposit obligations;
(b) to enable it to act as agent for the sale of obligations of the United States;
(c) to secure deposits of public money of the United States, whenever required by the laws of the United States, including without being limited to, revenues and funds the deposit of which is subject to the control or regulation of the United States or any of its officers, agents, or employees and Postal Savings funds;
(d) to secure deposits of public money of any state or of any political corporation or subdivision thereof including, without being limited to, revenues and funds the deposit of which is subject to the control or regulation of any state or of any
political corporation or subdivisions thereof or of any of their officers, agents, or employees;

(e) to secure deposits of money whenever required by the National Bankruptcy Act;

(f) (blank); and

(g) to secure trust funds commingled with the bank's funds, whether deposited by the bank or an affiliate of the bank, pursuant to Section 2-8 of the Corporate Fiduciary Act.

(8) To own, possess, and carry as assets all or part of the real estate necessary in or with which to do its banking business, either directly or indirectly through the ownership of all or part of the capital stock, shares or interests in any corporation, association, trust engaged in holding any part or parts or all of the bank premises, engaged in such business and in conducting a safe deposit business in the premises or part of them, or engaged in any activity that the bank is permitted to conduct in a subsidiary pursuant to paragraph (12) of this Section 5.

(9) To own, possess, and carry as assets other real estate to which it may obtain title in the collection of its debts or that was formerly used as a part of the bank premises, but title to any real estate except as herein permitted shall not be retained by the bank, either directly or by or through a subsidiary, as permitted by subsection (12) of this Section for a total period of more than 10 years after acquiring title, either directly or indirectly.

(10) To do any act, including the acquisition of stock, necessary to obtain insurance of its deposits, or part thereof, and any act necessary to obtain a guaranty, in whole or in part, of any of its loans or investments by the United States or any agency thereof, and any act necessary to sell or otherwise dispose of any of its loans or investments to the United States or any agency thereof, and to acquire and hold membership in the Federal Reserve System.

(11) Notwithstanding any other provisions of this Act or any other law, to do any act and to own, possess, and carry as assets property of the character, including stock, that is at the time authorized or permitted to national banks by an Act of Congress, but subject always to the same limitations and restrictions as are applicable to national banks by the pertinent federal law and subject to applicable provisions of the Financial Institutions Insurance Sales Law.

(12) To own, possess, and carry as assets stock of one or more corporations that is, or are, engaged in one or more of the following businesses:

(a) holding title to and administering assets acquired as a result of the collection or liquidating of loans, investments, or discounts; or

(b) holding title to and administering personal property acquired by the bank, directly or indirectly through a subsidiary, for the purpose of leasing to others, provided the lease or leases and the investment of the bank, directly or through a subsidiary, in that personal property otherwise comply with Section 35.1 of this Act; or

(c) carrying on or administering any of the activities excepting the receipt of deposits or the payment of checks or other orders for the payment of money in which
a bank may engage in carrying on its general banking business; provided, however, that nothing contained in this paragraph (c) shall be deemed to permit a bank organized under this Act or subject hereto to do, either directly or indirectly through any subsidiary, any act, including the making of any loan or investment, or to own, possess, or carry as assets any property that if done by or owned, possessed, or carried by the State bank would be in violation of or prohibited by any provision of this Act.

The provisions of this subsection (12) shall not apply to and shall not be deemed to limit the powers of a State bank with respect to the ownership, possession, and carrying of stock that a State bank is permitted to own, possess, or carry under this Act.

Any bank intending to establish a subsidiary under this subsection (12) shall give written notice to the Commissioner 60 days prior to the subsidiary's commencing of business or, as the case may be, prior to acquiring stock in a corporation that has already commenced business. After receiving the notice, the Commissioner may waive or reduce the balance of the 60 day notice period. The Commissioner may specify the form of the notice and may promulgate rules and regulations to administer this subsection (12).

(13) To accept for payment at a future date not exceeding one year from the date of acceptance, drafts drawn upon it by its customers; and to issue, advise, or confirm letters of credit authorizing the holders thereof to draw drafts upon it or its correspondents.

(14) To own and lease personal property acquired by the bank at the request of a prospective lessee and upon the agreement of that person to lease the personal property provided that the lease, the agreement with respect thereto, and the amount of the investment of the bank in the property comply with Section 35.1 of this Act.

(15) (a) To establish and maintain, in addition to the main banking premises, branches offering any banking services permitted at the main banking premises of a State bank.

(b) To establish and maintain, after May 31, 1997, branches in another state that may conduct any activity in that state that is authorized or permitted for any bank that has a banking charter issued by that state, subject to the same limitations and restrictions that are applicable to banks chartered by that state.

(16) (Blank).

(17) To establish and maintain terminals, as authorized by the Electronic Fund Transfer Act.

(18) To establish and maintain temporary service booths at any International Fair held in this State which is approved by the United States Department of Commerce, for the duration of the international fair for the sole purpose of providing a convenient place for foreign trade customers at the fair to exchange their home countries' currency into United States currency or the converse. This power shall not be construed as establishing a new place or change of location for the bank providing the service booth.

(19) To indemnify its officers, directors, employees, and agents, as authorized for corporations under Section 8.75 of the Business Corporation Act of 1983.

(20) To own, possess, and carry as assets stock of, or be or become a member of, any

New matter indicated by italics - deletions by strikeout.
corporation, mutual company, association, trust, or other entity formed exclusively for the purpose of providing directors' and officers' liability and bankers' blanket bond insurance or reinsurance to and for the benefit of the stockholders, members, or beneficiaries, or their assets or businesses, or their officers, directors, employees, or agents, and not to or for the benefit of any other person or entity or the public generally.

(21) To make debt or equity investments in corporations or projects, whether for profit or not for profit, designed to promote the development of the community and its welfare, provided that the aggregate investment in all of these corporations and in all of these projects does not exceed 10% of the unimpaired capital and unimpaired surplus of the bank and provided that this limitation shall not apply to creditworthy loans by the bank to those corporations or projects. Upon written application to the Commissioner, a bank may make an investment that would, when aggregated with all other such investments, exceed 10% of the unimpaired capital and unimpaired surplus of the bank. The Commissioner may approve the investment if he is of the opinion and finds that the proposed investment will not have a material adverse effect on the safety and soundness of the bank.

(22) To own, possess, and carry as assets the stock of a corporation engaged in the ownership or operation of a travel agency or to operate a travel agency as a part of its business.

(23) With respect to affiliate facilities:

(a) to conduct at affiliate facilities for and on behalf of another commonly owned bank, if so authorized by the other bank, all transactions that the other bank is authorized or permitted to perform; and

(b) to authorize a commonly owned bank to conduct for and on behalf of it any of the transactions it is authorized or permitted to perform at one or more affiliate facilities.

Any bank intending to conduct or to authorize a commonly owned bank to conduct at an affiliate facility any of the transactions specified in this paragraph (23) shall give written notice to the Commissioner at least 30 days before any such transaction is conducted at the affiliate facility.

(24) To act as the agent for any fire, life, or other insurance company authorized by the State of Illinois, by soliciting and selling insurance and collecting premiums on policies issued by such company; and to receive for services so rendered such fees or commissions as may be agreed upon between the bank and the insurance company for which it may act as agent; provided, however, that no such bank shall in any case assume or guarantee the payment of any premium on insurance policies issued through its agency by its principal; and provided further, that the bank shall not guarantee the truth of any statement made by an assured in filing his application for insurance.

(25) Notwithstanding any other provisions of this Act or any other law, to offer any product or service that is at the time authorized or permitted to any insured savings association or out-of-state bank by applicable law, provided that powers conferred only by this subsection (25):

(a) shall always be subject to the same limitations and restrictions that are
applicable to the insured savings association or out-of-state bank for the product or service by such applicable law;

(b) shall be subject to applicable provisions of the Financial Institutions Insurance Sales Law;

(c) shall not include the right to own or conduct a real estate brokerage business for which a license would be required under the laws of this State; and

(d) shall not be construed to include the establishment or maintenance of a branch, nor shall they be construed to limit the establishment or maintenance of a branch pursuant to subsection (11).

Not less than 30 days before engaging in any activity under the authority of this subsection, a bank shall provide written notice to the Commissioner of its intent to engage in the activity. The notice shall indicate the specific federal or state law, rule, regulation, or interpretation the bank intends to use as authority to engage in the activity.

(Source: P.A. 91-330, eff. 7-29-99; 91-849, eff. 6-22-00; 92-483, eff. 8-23-01.)

(205 ILCS 5/18) (from Ch. 17, par. 325)

Sec. 18. Change in control.

(a) Before a change may occur in the ownership of outstanding stock of any State bank, whether by sale and purchase, gift, bequest or inheritance, or any other means, including the acquisition of stock of the State bank by any bank holding company, which will result in control or a change in the control of the bank or before a change in the control of a holding company having control of the outstanding stock of a State bank whether by sale and purchase, gift, bequest or inheritance, or any other means, including the acquisition of stock of such holding company by any other bank holding company, which will result in control or a change in control of the bank or holding company, or before a transfer of substantially all the assets or liabilities of the State bank, the Commissioner shall be of the opinion and find:

1. that the general character of proposed management or of the person desiring to purchase substantially all the assets or to assume substantially all the liabilities of the State bank, after the change in control, is such as to assure reasonable promise of successful, safe and sound operation;

1.1. that depositors’ interests will not be jeopardized by the purchase or assumption and that adequate provision has been made for all liabilities as required for a voluntary liquidation under Section 68 of this Act;

2. that the future earnings prospects of the person desiring to purchase substantially all assets or to assume substantially all the liabilities of the State bank, after the proposed change in control, are favorable;

3. that any prior involvement by the persons proposing to obtain control, to purchase substantially all the assets, or to assume substantially all the liabilities of the State bank or by the proposed management personnel with any other financial institution, whether as stockholder, director, officer or customer, was conducted in a safe and sound manner; and

4. that if the acquisition is being made by a bank holding company, the

New matter indicated by italics - deletions by strikeout.
acquisition is authorized under the Illinois Bank Holding Company Act of 1957. (b) Persons desiring to purchase control of an existing state bank, to purchase substantially all the assets, or to assume substantially all the liabilities of the State bank shall, prior to that purchase, submit to the Commissioner:

(1) a statement of financial worth;
(2) satisfactory evidence that any prior involvement by the persons and the proposed management personnel with any other financial institution, whether as stockholder, director, officer or customer, was conducted in a safe and sound manner; and

(3) such other relevant information as the Commissioner may request to substantiate the findings under subsection (a) of this Section.

A person who has submitted information to the Commissioner pursuant to this subsection (b) is under a continuing obligation until the Commissioner takes action on the application to immediately supplement that information if there are any material changes in the information previously furnished or if there are any material changes in any circumstances that may affect the Commissioner's opinion and findings. In addition, a person submitting information under this subsection shall notify the Commissioner of the date when the change in control is finally effected.

The Commissioner may impose such terms and conditions on the approval of the change in control application as he deems necessary or appropriate.

If an applicant, whose application for a change in control has been approved pursuant to subsection (a) of this Section, fails to effect the change in control within 180 days after the date of the Commissioner's approval, the Commissioner shall revoke that approval unless a request has been submitted, in writing, to the Commissioner for an extension and the request has been approved.

(b-1) Any person who obtains ownership of stock of an existing State bank or stock of a holding company that controls the State bank by gift, bequest, or inheritance such that ownership of the stock would constitute control of the State bank or holding company may obtain title and ownership of the stock, but may not exercise management or control of the business and affairs of the bank or vote his or her shares so as to exercise management or control unless and until the Commissioner approves an application for the change of control as provided in subsection (b) of this Section.

(c) Whenever a state bank makes a loan or loans, secured, or to be secured, by 25% or more of the outstanding stock of a state bank, the president or other chief executive officer of the lending bank shall promptly report such fact to the Commissioner upon obtaining knowledge of such loan or loans, except that no report need be made in those cases where the borrower has been the owner of record of the stock for a period of one year or more, or the stock is that of a newly organized bank prior to its opening.

(d) The reports required by subsections (b) and (c) of this Section 18, other than those relating to a transfer of assets or assumption of liabilities, shall contain the following information to the extent that it is known by the person making the report: (1) the number of shares involved; (2) the names of the sellers (or transferors); (3) the names of the
purchasers (or transferees); (4) the names of the beneficial owners if the shares are registered in another name; (5) the purchase price, if applicable; (6) the total number of shares owned by the sellers (or transferors), the purchasers (or transferees) and the beneficial owners both immediately before and after the transaction; and, (7) in the case of a loan, the name of the borrower, the amount of the loan, the name of the bank issuing the stock securing the loan and the number of shares securing the loan. In addition to the foregoing, such reports shall contain such other information which is requested by the Commissioner to inform the Commissioner of the effect of the transaction upon control of the bank whose stock is involved.

(d-1) The reports required by subsection (b) of this Section 18 that relate to purchase of assets and assumption of liabilities shall contain the following information to the extent that it is known by the person making the report: (1) the value, amount, and description of the assets transferred; (2) the amount, type, and to whom each type of liabilities are owed; (3) the names of the purchasers (or transferees); (4) the names of the beneficial owners if the shares of a purchaser or transferee are registered in another name; (5) the purchase price, if applicable; and, (6) in the case of a loan obtained to effect a purchase, the name of the borrower, the amount and terms of the loan, and the description of the assets securing the loan. In addition to the foregoing, these reports shall contain any other information that is requested by the Commissioner to inform the Commissioner of the effect of the transaction upon the bank from which assets are purchased or liabilities are transferred.

(e) Whenever such a change as described in subsection (a) of this Section 18 occurs, each state bank shall report promptly to the Commissioner any changes or replacement of its chief executive officer or of any director occurring in the next 12 month period, including in its report a statement of the past and current business and professional affiliations of the new chief executive officer or directors.

(f) (Blank).

(g) (1) Except as otherwise expressly provided in this subsection (g), the Commissioners shall not approve an application for a change in control if upon consummation of the change in control the persons applying for the change in control, including any affiliates of the persons applying, would control 30% or more of the total amount of deposits which are located in this State at insured depository institutions. For purposes of this subsection (g), the words "insured depository institution" shall mean State banks, national banks, and insured savings associations. For purposes of this subsection (g), the word "deposits" shall have the meaning ascribed to that word in Section 3(1) of the Federal Deposit Insurance Act. For purposes of this subsection (g), the total amount of deposits which are considered to be located in this State at insured depository institutions shall equal the sum of all deposits held at the main banking premises and branches in the State of Illinois of State banks, national banks, or insured savings associations. For purposes of this subsection (g), the word "affiliates" shall have the meaning ascribed to that word in Section 35.2 of this Act.

(2) Notwithstanding the provisions of subsection (g)(1) of this Section, the Commissioner may approve an application for a change in control for a bank that is

New matter indicated by italics - deletions by strikeout.
in default or in danger of default. Except in those instances in which an application for a change in control is for a bank that is in default or in danger of default, the Commissioner may not approve a change in control which does not meet the requirements of subsection (g)(1) of this Section. The Commissioner may not waive the provisions of subsection (g)(1) of this Section, whether pursuant to Section 3(d) of the federal Bank Holding Company Act of 1956 or Section 44(d) of the Federal Deposit Insurance Act, except as expressly provided in this subsection (g)(2).

(h) As used in this Section, the term "control" means the power, directly or indirectly, to direct the management or policies of the bank or to vote 25% or more of the outstanding stock of the bank. The ownership of such amount of stock or ability to direct the voting of such stock as to, directly or indirectly, give power to direct or cause the direction of the management or policies of the bank. A change in ownership of stock that would result in direct or indirect ownership by a stockholder, an affiliated group of stockholders, or a holding company of less than 10% of the outstanding stock shall not be considered a change in control. A change in ownership of stock that would result in direct or indirect ownership by a stockholder, an affiliated group of stockholders, or a holding company of 20% or such lesser amount that would entitle the holder by applying cumulative voting to elect one director shall be presumed to constitute a change of control for purposes of this Section 18. If there is any question as to whether a change in control is sufficient to result in obtaining control thereof or to effect a change in control thereof, the question shall be resolved in favor of filing the application and reporting the facts to the Commissioner.

As used in this Section, "substantially all" the assets or liabilities of a State bank means that portion of the assets or liabilities of a State bank such that their purchase or transfer will materially impair the ability of the State bank to continue successful, safe, and sound operations or to continue as a going concern or would cause the bank to lose its federal deposit insurance.

As used in this Section, "purchase" includes a transfer by gift, bequest, inheritance, or any other means.

(Source: P.A. 92-483, eff. 8-23-01.)

(205 ILCS 5/46) (from Ch. 17, par. 357)

Sec. 46. Misleading practices and names prohibited; penalty.

(a) No person, firm, partnership, or corporation that is not a bank shall transact business in this State in a manner which has a substantial likelihood of misleading the public by implying that the business is a bank, or shall use the word "bank", "banker", or "banking" in connection with the business. Any person, firm, partnership or corporation violating this Section shall be deemed guilty of a Class A misdemeanor, and the Attorney General or State's Attorney of the county in which any such violation occurs may restrain such violation by a complaint for injunctive relief.

(b) If the Commissioner is of the opinion and finds that a person, firm, partnership, or corporation that is not a bank has transacted or intends to transact business in this State in a manner which has a substantial likelihood of misleading the public by implying that the
business is a bank, or has used or intends to use the word "bank", "banker", or "banking" in connection with the business, then the Commissioner may direct that person, firm, partnership, or corporation to cease and desist from transacting the business or using the word "bank", "banker", or "banking". If that person, firm, partnership, or corporation persists in transacting the business or using the word "bank", "banker", or "banking", then the Commissioner may impose a civil penalty of up to $10,000 for each violation. Each day that the person, firm, partnership, or corporation continues transacting the business or using the word "bank", "banker", or "banking" in connection with the business shall constitute a separate violation of these provisions.

(c) A person, firm, partnership, or corporation that is not a bank, and is not transacting or intending to transact business in this State in a manner that has a substantial likelihood of misleading the public by implying that such business is a bank, may apply to the Commissioner for permission to use the word "bank", "banker", or "banking" in connection with the business. If the Commissioner determines that there is no substantial likelihood of misleading the public, and upon such conditions as the Commissioner may impose to prevent the person, firm, partnership, or corporation from holding itself out in a misleading manner, then such person, firm, partnership, or corporation may use the word "bank", "banker", or "banking".

(d) (1) Unless otherwise expressly permitted by law, no person, firm, partnership, or corporation may use the name of an existing bank, or a name deceptively similar to that of an existing bank, when marketing to or soliciting business from customers or prospective customers if the reference to the existing bank is made (i) without the consent of the existing bank and (ii) in a manner that could cause a reasonable person to believe that the marketing material or solicitation originated from or is endorsed by the existing bank or that the existing bank is in any other way responsible for the marketing material or solicitation.

(1.5) Unless otherwise expressly permitted by law, no person, firm, partnership, or corporation may use a name similar to that of an existing bank when marketing to or soliciting business from customers or prospective customers if the similar name is used in a manner that could cause a reasonable person to believe that the marketing material or solicitation originated from or is endorsed by the existing bank or that the existing bank is in any other way responsible for the marketing material or solicitation.

(2) An existing bank may, in addition to any other remedies available under the law, report an alleged violation of this subsection (d) to the Commissioner. If the Commissioner finds the marketing material or solicitation in question to be in violation of this subsection, the Commissioner may direct the person, firm, partnership, or corporation to cease and desist from using that marketing material or solicitation in Illinois. If that person, firm, partnership, or corporation persists in the use of the marketing material or solicitation, then the Commissioner may impose a civil penalty of up to $10,000 for each violation. Each instance in which the marketing material or solicitation is sent to a customer or prospective customer shall
constitute a separate violation of these provisions. The Commissioner is authorized
to promulgate rules to administer these provisions.

(3) (Blank) Nothing in this subsection (d) prohibits the use of or reference to
the name of an existing bank in marketing materials or solicitations, provided that the
use or reference would not deceive or confuse a reasonable person regarding whether
the marketing material or solicitation originated from or was endorsed by the existing
bank or whether the existing bank was in any other way responsible for the marketing
material or solicitation. The Commissioner is authorized to promulgate rules to
administer these provisions.

(205 ILCS 5/48.4)
Sec. 48.4. Administrative liens for past-due child support. Any
bank governed by this
Act shall encumber or surrender accounts or assets held by the bank on behalf of any
responsible relative who is subject to a child support lien, upon notice of the lien or levy of
the Illinois Department of Public Aid or its successor agency pursuant to Section 10-25.5 of
the Illinois Public Aid Code, or upon notice of interstate lien or levy from any other state’s
agency responsible for implementing the child support enforcement program set forth in Title
IV, Part D of the Social Security Act.

(205 ILCS 105/1-6d)
Sec. 1-6d. Administrative liens for past-due child support. Any
association governed by this Act shall encumber or surrender accounts or assets held by the association on behalf of any
responsible relative who is subject to a child support lien, upon notice of the lien or levy of the Illinois Department of Public Aid or its successor agency pursuant to Section 10-25.5 of the Illinois Public Aid Code, or upon notice of interstate lien or levy from any other state’s agency responsible for implementing the child support enforcement program set forth in Title IV, Part D of the Social Security Act.

(205 ILCS 205/7007)
Sec. 7007. Administrative liens for past-due child support. Any savings bank
governed by this Act shall encumber or surrender accounts or assets held by the savings bank on behalf of any responsible relative who is subject to a child support lien, upon notice of the lien or levy of the Illinois Department of Public Aid or its successor agency pursuant to Section 10-25.5 of the Illinois Public Aid Code, or upon notice of interstate lien or levy from any other state’s agency responsible for implementing the child support enforcement program set forth in Title IV, Part D of the Social Security Act.

Section 15. The Illinois Savings and Loan Act of 1985 is amended by changing
Section 1-6d as follows:

(205 ILCS 205/8015)
Sec. 8015. Administrative liens for past-due child support. Any savings bank
governed by this Act shall encumber or surrender accounts or assets held by the savings bank on behalf of any responsible relative who is subject to a child support lien, upon notice of the lien or levy of the Illinois Department of Public Aid or its successor agency pursuant to Section 10-25.5 of the Illinois Public Aid Code, or upon notice of interstate lien or levy from any other state’s agency responsible for implementing the child support enforcement program set forth in Title IV, Part D of the Social Security Act.
Sec. 8015. Change in control.

(a) Any person, whether acting directly or indirectly or through or in concert with one or more persons, shall give the Commissioner 60 days written notice of intent to acquire control of a savings bank or savings bank affiliate operating under this Act. The Commissioner shall promulgate rules to implement this provision including definitions, application, procedures, standards for approval or disapproval.

(b) The Commissioner may examine the books and records of any person giving notice of intent to acquire control of a savings bank operating under this Act.

(c) The Commissioner may approve or disapprove an application for change of control. In either case, the decision must be issued within 30 days of the filing of the initial application or the date of receipt of any additional information requested by the Commissioner that is necessary for his decision to be made. The request for additional information must be made within 20 days of the filing of the initial application.

(Source: P.A. 92-483, eff. 8-23-01.)

Section 25. The Consumer Deposit Account Act is amended by adding Section 3.5 as follows:

(205 ILCS 605/3.5 new)

Sec. 3.5. Notification to consumer of invalidated routing number. At least 30 days before a financial institution invalidates a routing number on a consumer deposit account, whether as a result of a merger, purchase and acquisition, or other transaction, the institution shall send a notice to each affected consumer deposit account holder advising the holder of the invalidation and the effect it will have on the account. The notice shall include, but shall not be limited to, the following information: the date on which the routing number will no longer be effective; procedures necessary to ensure that electronic funds transfers, including direct deposits, are processed correctly; and information on ordering new checks, debit cards, and similar items.

Section 30. The Electronic Fund Transfer Act is amended by changing Sections 20 and 45 as follows:

(205 ILCS 616/20)

Sec. 20. Powers and duties of Commissioner. The Commissioner shall have the following powers and duties:

(1) to promulgate reasonable rules in accordance with the Illinois Administrative Procedure Act for the administration of this Act;

(2) to issue orders for the enforcement of this Act and any rule promulgated under this Act;

(3) to appoint hearing officers or arbitrators to exercise any delegated powers;

(4) to subpoena witnesses, compel their attendance, administer oaths, examine any person under oath, and require the production of any relevant books, papers, accounts, and documents in the course of and pursuant to any investigation conducted or action taken by the Commissioner; and

(5) to conduct hearings, and

(6) to arbitrate disputes as provided in subsection (c) of Section 45 of this Act.

New matter indicated by italics - deletions by strikeout.
Sec. 45. Nondiscriminatory access.

(a) Subject to the provisions of Section 35 of this Act, use of a terminal through access to a switch and use of any switch shall be available on a nondiscriminatory basis to any switch or financial institution that has its principal place of business within this State. The terms and conditions of use shall be governed by a written agreement between the network and the financial institution or other switch obtaining the use. The written agreement shall specify all of the terms and conditions under which the network may be utilized, including commercially reasonable fees and charges. In case of a dispute under the terms of the written agreement, the parties shall be deemed to have agreed to accept the Commissioner as final arbitrator unless the aggrieved party seeks court action.

(b) The use and operation of each terminal served by a switch shall be governed by a written agreement between the network and the person establishing the terminal. The written agreement shall specify all the terms and conditions under which the network provides service to the terminal, including commercially reasonable fees and charges. In case of a dispute under the terms of the written agreement, the parties shall be deemed to have agreed to accept the Commissioner as final arbitrator unless the aggrieved party seeks court action.

(c) (Blank). The Commissioner shall have the power to arbitrate disputes arising under (1) contracts, in accordance with the terms of those contracts, governing the use, operation, and access to switches and terminals, and (2) the use, operation, and access to switches and terminals. Any decision by the Commissioner in connection with any arbitration shall be determined only after an opportunity for a hearing and shall be subject to judicial review pursuant to the provisions of the Administrative Review Law and the rules adopted pursuant to that Law. Anything to the contrary in this Act notwithstanding, any right of arbitration granted under this Act is subject to the right of either party to seek court action.

Section 35. The Corporate Fiduciary Act is amended by changing Sections 3-2, 4A-15, and 5-2 as follows:

Sec. 3-2. Change in control.

(a) Before a change may occur in the ownership of outstanding stock or membership interests of any trust company whether by sale and purchase, gift, bequest or inheritance, or any other means, which will result in control or a change in the control of the trust company or before a change in the control of a holding company having control of the outstanding stock or membership interests of a trust company whether by sale and purchase, gift, bequest or inheritance, or any other means, which will result in control or a change in control of the trust company or holding company, the Commissioner shall be of the opinion and find:

(1) that the general character of its proposed management, after the change in control, is such as to assure reasonable promise of competent, successful, safe and sound operation;

New matter indicated by italics - deletions by strikeout.
(2) that the future earnings prospects, after the proposed change in control, are favorable; and

(3) that the prior business affairs of the persons proposing to obtain control or by the proposed management personnel, whether as stockholder, director, member, officer, or customer, were conducted in a safe, sound, and lawful manner.

(b) Persons desiring to purchase control of an existing trust company and persons obtaining control by gift, bequest or inheritance, or any other means shall submit to the Commissioner:

(1) a statement of financial worth; and

(2) satisfactory evidence that the prior business affairs of the persons and the proposed management personnel, whether as stockholder, director, officer, or customer, were conducted in a safe, sound, and lawful manner.

(c) Whenever a bank makes a loan or loans, secured, or to be secured, by 25% or more of the outstanding stock of a trust company, the president or other chief executive officer of the lending bank shall promptly report such fact to the Commissioner upon obtaining knowledge of such loan or loans, except that no report need be made in those cases where the borrower has been the owner of record of the stock for a period of one year or more, or the stock is that of a newly-organized trust company prior to its opening.

(d) (1) Before a purchase of substantially all the assets and an assumption of substantially all the liabilities of a trust company or before a purchase of substantially all the trust assets and an assumption of substantially all the trust liabilities of a trust company, the Commissioner shall be of the opinion and find:

(i) that the general character of the acquirer's proposed management, after the transfer, is such as to assure reasonable promise of competent, successful, safe, and sound operation;

(ii) that the acquirer's future earnings prospects, after the proposed transfer, are favorable;

(iii) that any prior involvement by the acquirer or by the proposed management personnel, whether as stockholder, director, officer, agent, or customer, was conducted in a safe, sound, and lawful manner;

(iv) that customers' interests will not be jeopardized by the purchase and assumption; and

(v) that adequate provision has been made for all obligations and trusts as required under Section 7-1 of this Act.

(2) Persons desiring to purchase substantially all the assets and assume substantially all the liabilities of a trust company or to purchase substantially all the trust assets and assume substantially all the trust liabilities of a trust company shall submit to the Commissioner:

(i) a statement of financial worth; and

(ii) satisfactory evidence that the prior business affairs of the persons and the proposed management personnel, whether as stockholder, director, officer, or customer, were conducted in a safe, sound, and lawful manner.

New matter indicated by italics - deletions by strikeout.
(e) The reports required by subsections (a),(b), (c), and (d) of this Section 3-2 shall contain the following information to the extent that it is known by the person making the report: (1) the number of shares involved; (2) the names of the sellers (or transferors); (3) the names of the purchasers (or transferees); (4) the names of the beneficial owners if the shares are registered in another name; (5) the purchase price; (6) the total number of shares owned by the sellers (or transferors), the purchasers (or transferees) and the beneficial owners both immediately before and after the transaction; and, (7) in the case of a loan, the name of the borrower, the amount of the loan, and the name of the trust company issuing the stock securing the loan and the number of shares securing the loan. In addition to the foregoing, such reports shall contain such other information as may be available and which is requested by the Commissioner to inform the Commissioner of the effect of the transaction upon the trust company or trust companies whose stock or assets and liabilities are involved.

(f) Whenever such a change as described in subsection (a) of this Section 3-2 occurs, each trust company shall report promptly to the Commissioner any changes or replacement of its chief executive officer or of any director occurring in the next 12 month period, including in its report a statement of the past and current business and professional affiliations of the new chief executive officer or directors.

(g) The provisions of this Section do not apply when the change in control is the result of organizational restructuring under a holding company.

(h) As used in this Section, the term "control" means the power, directly or indirectly, to direct the management or policies of the trust company or to vote 25% or more of the outstanding stock of the trust company. Ownership of such amount of stock or membership interests or ability to direct the voting of such stock or membership interests as to, directly or indirectly, give power to direct or cause the direction of the management or policies of the trust company. A change in ownership of stock that would result in direct or indirect ownership by a stockholder or member, an affiliated group of stockholders or members, or a holding company of less than 10% of the outstanding stock or membership interests shall not be considered a change of control. A change in ownership of stock or membership interests that would result in direct or indirect ownership by a stockholder or member, an affiliated group of stockholders or members, or a holding company of 20% or such lesser amount which would entitle the holder by applying cumulative voting to elect one director shall be presumed to constitute a change of control for purposes of this Section. If there is any question as to whether a change in the ownership or control of the outstanding stock or membership interests is sufficient to result in obtaining control thereof or to effect a change in the control, application should be filed thereof, the question shall be resolved in favor of filing the application with reporting the facts to the Commissioner.

As used in this Section, "substantially all" the assets or liabilities or the trust assets or trust liabilities of a trust company means that portion such that their transfer will materially impair the ability of the trust company to continue successful, safe, and sound operations or to continue as a going concern.

(Source: P.A. 92-483, eff. 8-23-01.)

(205 ILCS 620/4A-15)
Sec. 4A-15. Representative offices. A foreign corporation not conducting fiduciary activities may establish a representative office under the Foreign Bank Representative Office Act. At these offices, the foreign corporation may market and solicit fiduciary services and provide back office and administrative support to the foreign corporation's fiduciary activities, but it may not engage in fiduciary activities.

(Source: P.A. 92-483, eff. 8-23-01.)

(205 ILCS 620/5-2) (from Ch. 17, par. 1555-2)

Sec. 5-2. Examinations of corporate fiduciaries.

(a) The Commissioner, no less frequently than 18 months following the preceding examination, and whenever in his judgment it is necessary or expedient, either personally or by one or more competent persons appointed by him, shall visit and examine every corporate fiduciary in this State and may, to the extent the Commissioner determines necessary, examine the affairs of the corporate fiduciary's subsidiaries, affiliates, parent companies and contractual service providers for fiduciary services of the corporate fiduciary as shall be necessary to fully disclose the condition of such subsidiaries, affiliates, parent companies and contractual service providers and the relation between the corporate fiduciary and such subsidiaries, affiliates, parent companies and contractual service providers and the effect of such relations upon the affairs of such corporate fiduciary. Instead of the Commissioner making the examination provided by this subsection or appointing a competent person to do so, the Commissioner may accept on an alternating basis the examination made by the corporate fiduciary's appropriate federal regulatory agency, provided the appropriate federal regulatory agency has made such an examination. Fiduciary services shall include, but not be limited to, clerical, accounting, bookkeeping, statistical, data processing, safekeeping or similar functions for a corporate fiduciary.

(b) The Commissioner and every such examiner may administer an oath to any person whose testimony is required on any such examination, and compel the appearance and attendance of any such person for the purpose of examination, by summons, subpoena or attachment, in the manner now authorized in respect to the attendance of persons as witnesses in the circuit court; and all books and papers which are necessary to be examined by the Commissioner or examiner so appointed shall be produced, and their production may be compelled in like manner.

(c) The expense of every examination, if any, shall be paid by the corporate fiduciary examined, in such amount as the Commissioner certifies to be just and reasonable.

(d) On every examination, inquiry shall be made as to the condition and resources of the corporate fiduciary generally, the mode of conducting and managing its affairs, the action of its directors or trustees, the investments of its funds, the safety and prudence of its management, the security afforded to those by whom its engagements are held, and whether the requirements of its charter and of the laws have been complied with in the administration of its affairs. The nature and condition of the assets in or investment of any bonus, pension, or profit sharing plan for officers or employees of a corporate fiduciary shall be deemed to be included in the affairs of that corporate fiduciary subject to examination by the Commissioner.

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(e) Whenever any corporate fiduciary causes to be performed, by contract or otherwise, any fiduciary services for itself, whether on or off its premises:

(1) such performance shall be subject to examination by the Commissioner to the same extent as if the services were being performed by the corporate fiduciary itself on its own premises; and

(2) the corporate fiduciary shall notify the Commissioner of the existence of the service relationship. Such notification shall be submitted within 30 days after the making of such service contract, or the performance of the service, whichever occurs first. The Commissioner shall be notified of each subsequent contract in the same manner.

For purposes of this subsection (e), the term "fiduciary services" shall include such services as the computation and posting of interest and other credits and charges; preparation and mailing of checks, statements, notices and similar items; clerical, bookkeeping, accounting, statistical or similar functions; and any other function which the corporate fiduciary, in the ordinary course of its business, could have performed itself.

Any report of examination pursuant to this Section and any copies thereof shall be the property of the Commissioner, confidential and may only be disclosed under the circumstances set forth in Section 48.3 of the Illinois Banking Act, as now or hereafter amended.

(Source: P.A. 89-364, eff. 8-18-95; 90-301, eff. 8-1-97.)

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


Approved August 21, 2002.

Effective August 21, 2002.

PUBLIC ACT 92-0812

(House Bill No. 4933)

AN ACT concerning vehicles.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Vehicle Code is amended by changing Sections 1-101.8 and 1-217 as follows:

(625 ILCS 5/1-101.8) (from Ch. 95 1/2, par. 1-102.02)

Sec. 1-101.8. All-terrain vehicle. Any motorized off-highway device designed to travel primarily off-highway, 50 inches or less in width, having a manufacturer's dry weight of 900 pounds or less, traveling on 3 or more low-pressure tires, designed with a seat or saddle for operator use, and handlebars or steering wheel for steering control, except equipment such as lawnmowers.

(Source: P.A. 90-89, eff. 1-1-98.)

(625 ILCS 5/1-217) (from Ch. 95 1/2, par. 1-217)

Sec. 1-217. Vehicle. Every device, in, upon or by which any person or property is or

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may be transported or drawn upon a highway or requiring a certificate of title under Section 3-101(d) of this Code, except devices moved by human power, devices used exclusively upon stationary rails or tracks and snowmobiles as defined in the Snowmobile Registration and Safety Act.

For the purposes of this Code, unless otherwise prescribed, a device shall be considered to be a vehicle until such time it either comes within the definition of a junk vehicle, as defined under this Code, or a junking certificate is issued for it.

For this Code, vehicles are divided into 2 divisions:
First Division: Those motor vehicles which are designed for the carrying of not more than 10 persons.
Second Division: Those vehicles which are designed for carrying more than 10 persons, those designed or used for living quarters and those vehicles which are designed for pulling or carrying property, freight or cargo, those motor vehicles of the First Division remodelled for use and used as motor vehicles of the Second Division, and those motor vehicles of the First Division used and registered as school buses.

(Source: P.A. 83-1473.)

Section 99. Effective date. This Act takes effect upon becoming law.
Approved August 21, 2002.
Effective August 21, 2002.

PUBLIC ACT 92-0813
(House Bill No. 5000)

AN ACT in relation to alcoholic liquor.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Liquor Control Act of 1934 is amended by changing Sections 3-12 and 6-11 as follows:
(235 ILCS 5/3-12) (from Ch. 43, par. 108)
Sec. 3-12. Powers and duties of State Commission.
(a) The State commission shall have the following powers, functions and duties:
(1) To receive applications and to issue licenses to manufacturers, foreign importers, importing distributors, distributors, non-resident dealers, on premise consumption retailers, off premise sale retailers, special event retailer licensees, special use permit licenses, auction liquor licenses, brew pubs, caterer retailers, non-beverage users, railroads, including owners and lessees of sleeping, dining and cafe cars, airplanes, boats, brokers, and wine maker's premises licensees in accordance with the provisions of this Act, and to suspend or revoke such licenses upon the State commission's determination, upon notice after hearing, that a licensee has violated any provision of this Act or any rule or regulation issued pursuant thereto and in effect for 30 days prior to such violation.

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

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

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

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

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

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

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

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

(6) To hear and determine appeals from orders of a local commission in accordance with the provisions of this Act, as hereinafter set forth. Hearings under this subsection shall be held in Springfield or Chicago, at whichever location is the more convenient for the majority of persons who are parties to the hearing.

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

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

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

(9) To investigate the administration of laws in relation to alcoholic liquors in this and other states and any foreign countries, and to recommend from time to time to the Governor and through him or her to the legislature of this State, such

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amendments to this Act, if any, as it may think desirable and as will serve to further the general broad purposes contained in Section 1-2 hereof.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(Source: P.A. 91-553, eff. 8-14-99; 91-922, eff. 7-7-00; 92-378, eff. 8-16-01.)

(235 ILCS 5/6-11) (from Ch. 43, par. 127)

Sec. 6-11. No license shall be issued for the sale at retail of any alcoholic liquor within 100 feet of any church, school other than an institution of higher learning, hospital, home for aged or indigent persons or for veterans, their spouses or children or any military or naval station, provided, that this prohibition shall not apply to hotels offering restaurant service, regularly organized clubs, or to restaurants, food shops or other places where sale of alcoholic liquors is not the principal business carried on if the place of business so exempted is not located in a municipality of more than 500,000 persons, unless required by local ordinance; nor to the renewal of a license for the sale at retail of alcoholic liquor on premises within 100 feet of any church or school where the church or school has been established within such 100 feet since the issuance of the original license. In the case of a church, the distance of 100 feet shall be measured to the nearest part of any building used for worship services or educational programs and not to property boundaries.

Nothing in this Section shall prohibit the issuance of a retail license authorizing the sale of alcoholic liquor to a restaurant, the primary business of which is the sale of goods baked on the premises if (i) the restaurant is newly constructed and located on a lot of not less than 10,000 square feet, (ii) the restaurant costs at least $1,000,000 to construct, (iii) the licensee is the titleholder to the premises and resides on the premises, and (iv) the construction of the restaurant is completed within 18 months of the effective date of this amendatory Act of 1998.

Nothing in this Section shall prohibit the issuance of a retail license authorizing the sale of alcoholic liquor incidental to a restaurant if (1) the primary business of the restaurant consists of the sale of food where the sale of liquor is incidental to the sale of food and the applicant is a completely new owner of the restaurant, (2) the immediately prior owner or

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operator of the premises where the restaurant is located operated the premises as a restaurant and held a valid retail license authorizing the sale of alcoholic liquor at the restaurant for at least part of the 24 months before the change of ownership, and (3) the restaurant is located 75 or more feet from a school.

In the interest of further developing Illinois’ economy in the area of commerce, tourism, convention, and banquet business, nothing in this Section shall prohibit issuance of a retail license authorizing the sale of alcoholic beverages to a restaurant, banquet facility, grocery store, or hotel having not fewer than 150 guest room accommodations located in a municipality of more than 500,000 persons, notwithstanding the proximity of such hotel, restaurant, banquet facility, or grocery store to any church or school, if the licensed premises described on the license are located within an enclosed mall or building of a height of at least 6 stories, or 60 feet in the case of a building that has been registered as a national landmark, or in a grocery store having a minimum of 56,010 square feet of floor space in a single story building in an open mall of at least 3.96 acres that is adjacent to a public school that opened as a boys technical high school in 1934, and in each of these cases if the sale of alcoholic liquors is not the principal business carried on by the licensee.

For purposes of this Section, a "banquet facility" is any part of a building that caters to private parties and where the sale of alcoholic liquors is not the principal business.

Nothing in this Section shall prohibit the issuance of a license to a church or private school to sell at retail alcoholic liquor if any such sales are limited to periods when groups are assembled on the premises solely for the promotion of some common object other than the sale or consumption of alcoholic liquors.

Nothing in this Section shall prohibit a church or church affiliated school located in a home rule municipality or in a municipality with 75,000 or more inhabitants from locating within 100 feet of a property for which there is a preexisting license to sell alcoholic liquor at retail. In these instances, the local zoning authority may, by ordinance adopted simultaneously with the granting of an initial special use zoning permit for the church or church affiliated school, provide that the 100-foot restriction in this Section shall not apply to that church or church affiliated school and future retail liquor licenses.

(Source: P.A. 90-617, eff. 7-10-98; 90-655, eff. 7-30-98; 91-357, eff. 7-29-99; 91-623, eff. 1-1-00.)

Section 99. Effective date. This Act takes effect upon becoming law.
Approved August 21, 2002.
Effective August 21, 2002.

PUBLIC ACT 92-0814
(House Bill No. 5240)

AN ACT in relation to transportation.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

New matter indicated by italics - deletions by strikeout.
Section 5. The Illinois Vehicle Code is amended by changing Sections 6-206, 11-1011, 11-1201, and 11-1201.1 as follows:

(625 ILCS 5/6-206) (from Ch. 95 1/2, par. 6-206)

Sec. 6-206. Discretionary authority to suspend or revoke license or permit; Right to a hearing.

(a) The Secretary of State is authorized to suspend or revoke the driving privileges of any person without preliminary hearing upon a showing of the person's records or other sufficient evidence that the person:

1. Has committed an offense for which mandatory revocation of a driver's license or permit is required upon conviction;
2. Has been convicted of not less than 3 offenses against traffic regulations governing the movement of vehicles committed within any 12 month period. No revocation or suspension shall be entered more than 6 months after the date of last conviction;
3. Has been repeatedly involved as a driver in motor vehicle collisions or has been repeatedly convicted of offenses against laws and ordinances regulating the movement of traffic, to a degree that indicates lack of ability to exercise ordinary and reasonable care in the safe operation of a motor vehicle or disrespect for the traffic laws and the safety of other persons upon the highway;
4. Has by the unlawful operation of a motor vehicle caused or contributed to an accident resulting in death or injury requiring immediate professional treatment in a medical facility or doctor's office to any person, except that any suspension or revocation imposed by the Secretary of State under the provisions of this subsection shall start no later than 6 months after being convicted of violating a law or ordinance regulating the movement of traffic, which violation is related to the accident, or shall start not more than one year after the date of the accident, whichever date occurs later;
5. Has permitted an unlawful or fraudulent use of a driver's license, identification card, or permit;
6. Has been lawfully convicted of an offense or offenses in another state, including the authorization contained in Section 6-203.1, which if committed within this State would be grounds for suspension or revocation;
7. Has refused or failed to submit to an examination provided for by Section 6-207 or has failed to pass the examination;
8. Is ineligible for a driver's license or permit under the provisions of Section 6-103;
9. Has made a false statement or knowingly concealed a material fact or has used false information or identification in any application for a license, identification card, or permit;
10. Has possessed, displayed, or attempted to fraudulently use any license, identification card, or permit not issued to the person;
11. Has operated a motor vehicle upon a highway of this State when the

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person's driving privilege or privilege to obtain a driver's license or permit was revoked or suspended unless the operation was authorized by a judicial driving permit, probationary license to drive, or a restricted driving permit issued under this Code;

12. Has submitted to any portion of the application process for another person or has obtained the services of another person to submit to any portion of the application process for the purpose of obtaining a license, identification card, or permit for some other person;

13. Has operated a motor vehicle upon a highway of this State when the person's driver's license or permit was invalid under the provisions of Sections 6-107.1 and 6-110;

14. Has committed a violation of Section 6-301, 6-301.1, or 6-301.2 of this Act, or Section 14, 14A, or 14B of the Illinois Identification Card Act;

15. Has been convicted of violating Section 21-2 of the Criminal Code of 1961 relating to criminal trespass to vehicles in which case, the suspension shall be for one year;

16. Has been convicted of violating Section 11-204 of this Code relating to fleeing from a police officer;

17. Has refused to submit to a test, or tests, as required under Section 11-501.1 of this Code and the person has not sought a hearing as provided for in Section 11-501.1;

18. Has, since issuance of a driver's license or permit, been adjudged to be afflicted with or suffering from any mental disability or disease;

19. Has committed a violation of paragraph (a) or (b) of Section 6-101 relating to driving without a driver's license;

20. Has been convicted of violating Section 6-104 relating to classification of driver's license;

21. Has been convicted of violating Section 11-402 of this Code relating to leaving the scene of an accident resulting in damage to a vehicle in excess of $1,000, in which case the suspension shall be for one year;

22. Has used a motor vehicle in violating paragraph (3), (4), (7), or (9) of subsection (a) of Section 24-1 of the Criminal Code of 1961 relating to unlawful use of weapons, in which case the suspension shall be for one year;

23. Has, as a driver, been convicted of committing a violation of paragraph (a) of Section 11-502 of this Code for a second or subsequent time within one year of a similar violation;

24. Has been convicted by a court-martial or punished by non-judicial punishment by military authorities of the United States at a military installation in Illinois of or for a traffic related offense that is the same as or similar to an offense specified under Section 6-205 or 6-206 of this Code;

25. Has permitted any form of identification to be used by another in the application process in order to obtain or attempt to obtain a license, identification card, or permit for some other person.
card, or permit;

26. Has altered or attempted to alter a license or has possessed an altered license, identification card, or permit;

27. Has violated Section 6-16 of the Liquor Control Act of 1934;

28. Has been convicted of the illegal possession, while operating or in actual physical control, as a driver, of a motor vehicle, of any controlled substance prohibited under the Illinois Controlled Substances Act or any cannabis prohibited under the provisions of the Cannabis Control Act, in which case the person's driving privileges shall be suspended for one year, and any driver who is convicted of a second or subsequent offense, within 5 years of a previous conviction, for the illegal possession, while operating or in actual physical control, as a driver, of a motor vehicle, of any controlled substance prohibited under the provisions of the Illinois Controlled Substances Act or any cannabis prohibited under the Cannabis Control Act shall be suspended for 5 years. Any defendant found guilty of this offense while operating a motor vehicle, shall have an entry made in the court record by the presiding judge that this offense did occur while the defendant was operating a motor vehicle and order the clerk of the court to report the violation to the Secretary of State;

29. Has been convicted of the following offenses that were committed while the person was operating or in actual physical control, as a driver, of a motor vehicle: criminal sexual assault, predatory criminal sexual assault of a child, aggravated criminal sexual assault, criminal sexual abuse, aggravated criminal sexual abuse, juvenile pimping, soliciting for a juvenile prostitute and the manufacture, sale or delivery of controlled substances or instruments used for illegal drug use or abuse in which case the driver's driving privileges shall be suspended for one year;

30. Has been convicted a second or subsequent time for any combination of the offenses named in paragraph 29 of this subsection, in which case the person's driving privileges shall be suspended for 5 years;

31. Has refused to submit to a test as required by Section 11-501.6 or has submitted to a test resulting in an alcohol concentration of 0.08 or more or any amount of a drug, substance, or compound resulting from the unlawful use or consumption of cannabis as listed in the Cannabis Control Act, a controlled substance as listed in the Illinois Controlled Substances Act, or an intoxicating compound as listed in the Use of Intoxicating Compounds Act, in which case the penalty shall be as prescribed in Section 6-208.1;

32. Has been convicted of Section 24-1.2 of the Criminal Code of 1961 relating to the aggravated discharge of a firearm if the offender was located in a motor vehicle at the time the firearm was discharged, in which case the suspension shall be for 3 years;

33. Has as a driver, who was less than 21 years of age on the date of the offense, been convicted a first time of a violation of paragraph (a) of Section 11-502 of this Code or a similar provision of a local ordinance;

New matter indicated by italics - deletions by strikeout.
34. Has committed a violation of Section 11-1301.5 of this Code;
35. Has committed a violation of Section 11-1301.6 of this Code; or
36. Is under the age of 21 years at the time of arrest and has been convicted of not less than 2 offenses against traffic regulations governing the movement of vehicles committed within any 24 month period. No revocation or suspension shall be entered more than 6 months after the date of last conviction; or
37. Has committed a violation of subsection (c) of Section 11-907 of this Code; or
38. Has committed a second or subsequent violation of Section 11-1201 of this Code.

For purposes of paragraphs 5, 9, 10, 12, 14, 19, 25, 26, and 27 of this subsection, license means any driver's license, any traffic ticket issued when the person's driver's license is deposited in lieu of bail, a suspension notice issued by the Secretary of State, a duplicate or corrected driver's license, a probationary driver's license or a temporary driver's license.

(b) If any conviction forming the basis of a suspension or revocation authorized under this Section is appealed, the Secretary of State may rescind or withhold the entry of the order of suspension or revocation, as the case may be, provided that a certified copy of a stay order of a court is filed with the Secretary of State. If the conviction is affirmed on appeal, the date of the conviction shall relate back to the time the original judgment of conviction was entered and the 6 month limitation prescribed shall not apply.

(c) 1. Upon suspending or revoking the driver's license or permit of any person as authorized in this Section, the Secretary of State shall immediately notify the person in writing of the revocation or suspension. The notice to be deposited in the United States mail, postage prepaid, to the last known address of the person.

2. If the Secretary of State suspends the driver's license of a person under subsection 2 of paragraph (a) of this Section, a person's privilege to operate a vehicle as an occupation shall not be suspended, provided an affidavit is properly completed, the appropriate fee received, and a permit issued prior to the effective date of the suspension, unless 5 offenses were committed, at least 2 of which occurred while operating a commercial vehicle in connection with the driver's regular occupation. All other driving privileges shall be suspended by the Secretary of State. Any driver prior to operating a vehicle for occupational purposes only must submit the affidavit on forms to be provided by the Secretary of State setting forth the facts of the person's occupation. The affidavit shall also state the number of offenses committed while operating a vehicle in connection with the driver's regular occupation. The affidavit shall be accompanied by the driver's license. Upon receipt of a properly completed affidavit, the Secretary of State shall issue the driver a permit to operate a vehicle in connection with the driver's regular occupation only. Unless the permit is issued by the Secretary of State prior to the date of suspension, the privilege to drive any motor vehicle shall be suspended as set forth in the notice that was mailed under this Section. If an affidavit is received subsequent to the effective date of this suspension, a permit may be issued for the remainder of the suspension period.

New matter indicated by italics - deletions by strikeout.
The provisions of this subparagraph shall not apply to any driver required to obtain a commercial driver's license under Section 6-507 during the period of a disqualification of commercial driving privileges under Section 6-514.

Any person who falsely states any fact in the affidavit required herein shall be guilty of perjury under Section 6-302 and upon conviction thereof shall have all driving privileges revoked without further rights.

3. At the conclusion of a hearing under Section 2-118 of this Code, the Secretary of State shall either rescind or continue an order of revocation or shall substitute an order of suspension; or, good cause appearing therefor, rescind, continue, change, or extend the order of suspension. If the Secretary of State does not rescind the order, the Secretary may upon application, to relieve undue hardship, issue a restricted driving permit granting the privilege of driving a motor vehicle between the petitioner's residence and petitioner's place of employment or within the scope of his employment related duties, or to allow transportation for the petitioner, or a household member of the petitioner's family, to receive necessary medical care and if the professional evaluation indicates, provide transportation for alcohol remedial or rehabilitative activity, or for the petitioner to attend classes, as a student, in an accredited educational institution; if the petitioner is able to demonstrate that no alternative means of transportation is reasonably available and the petitioner will not endanger the public safety or welfare.

If a person's license or permit has been revoked or suspended due to 2 or more convictions of violating Section 11-501 of this Code or a similar provision of a local ordinance or a similar out-of-state offense, arising out of separate occurrences, that person, if issued a restricted driving permit, may not operate a vehicle unless it has been equipped with an ignition interlock device as defined in Section 1-129.1.

If a person's license or permit has been revoked or suspended 2 or more times within a 10 year period due to a single conviction of violating Section 11-501 of this Code or a similar provision of a local ordinance or a similar out-of-state offense, and a statutory summary suspension under Section 11-501.1, or 2 or more statutory summary suspensions, or combination of 2 offenses, or of an offense and a statutory summary suspension, arising out of separate occurrences, that person, if issued a restricted driving permit, may not operate a vehicle unless it has been equipped with an ignition interlock device as defined in Section 1-129.1. The person must pay to the Secretary of State DUI Administration Fund an amount not to exceed $20 per month. The Secretary shall establish by rule the amount and the procedures, terms, and conditions relating to these fees. If the restricted driving permit was issued for employment purposes, then this provision does not apply to the operation of an occupational vehicle owned or leased by that person's employer. In each case the Secretary may issue a restricted driving permit for a period deemed appropriate, except that all permits shall expire within one year from the date of issuance. The Secretary may not, however, issue a restricted driving permit to any person whose current revocation is the result of a second or subsequent conviction for a violation.
of Section 11-501 of this Code or a similar provision of a local ordinance relating to
the offense of operating or being in physical control of a motor vehicle while under
the influence of alcohol, other drug or drugs, intoxicating compound or compounds,
or any similar out-of-state offense, or any combination of those offenses, until the
expiration of at least one year from the date of the revocation. A restricted driving
permit issued under this Section shall be subject to cancellation, revocation, and
suspension by the Secretary of State in like manner and for like cause as a driver's
license issued under this Code may be cancelled, revoked, or suspended; except that
a conviction upon one or more offenses against laws or ordinances regulating the
movement of traffic shall be deemed sufficient cause for the revocation, suspension,
or cancellation of a restricted driving permit. The Secretary of State may, as a
condition to the issuance of a restricted driving permit, require the applicant to
participate in a designated driver remedial or rehabilitative program. The Secretary
of State is authorized to cancel a restricted driving permit if the permit holder does
not successfully complete the program.

(c-5) The Secretary of State may, as a condition of the reissuance of a driver's license
or permit to an applicant whose driver's license or permit has been suspended before he or
she reached the age of 18 years pursuant to any of the provisions of this Section, require the
applicant to participate in a driver remedial education course and be retested under Section
6-109 of this Code.

(d) This Section is subject to the provisions of the Drivers License Compact.

(e) The Secretary of State shall not issue a restricted driving permit to a person under
the age of 16 years whose driving privileges have been suspended or revoked under any
provisions of this Code.

(Source: P.A. 92-283, eff. 1-1-02; 92-418, eff. 8-17-01; 92-458, eff. 8-22-01; revised
8-27-01.)

(625 ILCS 5/11-1011) (from Ch. 95 1/2, par. 11-1011)
Sec. 11-1011. Bridge and railroad signals.

(a) No pedestrian shall enter or remain upon any bridge or approach thereto beyond
the bridge signal, gate, or barrier after a bridge operation signal indication has been given.
(b) No pedestrian shall pass through, around, over, or under any crossing gate or
barrier at a railroad grade crossing or bridge while such gate or barrier is closed or is being
opened or closed.
(c) No pedestrian shall enter, remain upon or traverse over a railroad grade crossing
or pedestrian walkway crossing a railroad track when an audible bell or clearly visible
electric or mechanical signal device is operational giving warning of the presence, approach,
passage, or departure of a railroad train.
(d) A violation of any part of this Section is a petty offense for which a $250 fine
shall be imposed for a first violation, and a $500 fine shall be imposed for a second or
subsequent violation. The court may impose 25 hours of community service in place of the
$250 fine for a first violation of this Section. A second or subsequent violation of this
Section shall result in a mandatory fine of $500 or 50 hours of

community service.

New matter indicated by italics - deletions by strikeout.
(e) Local authorities shall impose fines as established in subsection (d) for pedestrians who fail to obey signals indicating the presence, approach, passage, or departure of a train. (Source: P.A. 89-186, eff. 1-1-96; 89-658, eff. 1-1-97.)

(625 ILCS 5/11-1201) (from Ch. 95 1/2, par. 11-1201)
Sec. 11-1201. Obedience to signal indicating approach of train.
(a) Whenever any person driving a vehicle approaches a railroad grade crossing such person must exercise due care and caution as the existence of a railroad track across a highway is a warning of danger, and under any of the circumstances stated in this Section, the driver shall stop within 50 feet but not less than 15 feet from the nearest rail of the railroad and shall not proceed until he can do so safely. The foregoing requirements shall apply when:

1. A clearly visible electric or mechanical signal device gives warning of the immediate approach of a railroad train;
2. A crossing gate is lowered or a human flagman gives or continues to give a signal of the approach or passage of a railroad train;
3. A railroad train approaching a highway crossing emits a warning signal and such railroad train, by reason of its speed or nearness to such crossing, is an immediate hazard;
4. An approaching railroad train is plainly visible and is in hazardous proximity to such crossing;
5. A railroad train is approaching so closely that an immediate hazard is created.

(b) No person shall drive any vehicle through, around or under any crossing gate or barrier at a railroad crossing while such gate or barrier is closed or is being opened or closed.

(c) The Department, and local authorities with the approval of the Department, are hereby authorized to designate particularly dangerous highway grade crossings of railroads and to erect stop signs thereat. When such stop signs are erected the driver of any vehicle shall stop within 50 feet but not less than 15 feet from the nearest rail of such railroad and shall proceed only upon exercising due care.

(d) At any railroad grade crossing provided with railroad crossbuck signs, without automatic, electric, or mechanical signal devices, crossing gates, or a human flagman giving a signal of the approach or passage of a train, the driver of a vehicle shall in obedience to the railroad crossbuck sign, yield the right-of-way and slow down to a speed reasonable for the existing conditions and shall stop, if required for safety, at a clearly marked stopped line, or if no stop line, within 50 feet but not less than 15 feet from the nearest rail of the railroad and shall not proceed until he or she can do so safely. If a driver is involved in a collision at a railroad crossing or interferes with the movement of a train after driving past the railroad crossbuck sign, the collision or interference is prima facie evidence of the driver's failure to yield right-of-way.

(d-5) No person may drive any vehicle through a railroad crossing if there is insufficient space to drive completely through the crossing without stopping.

(e) It is unlawful to violate any part of this Section.

New matter indicated by italics - deletions by strikeout.
(1) A violation of this Section is a petty offense for which a fine of $250 shall be imposed for a first violation, and a fine of $500 shall be imposed for a second or subsequent violation. The court may impose 25 hours of community service in place of the $250 fine for the first violation.

(2) For a second or subsequent violation, the Secretary of State may suspend the driving privileges of the offender for a minimum of 6 months.

A first conviction of a person for a violation of any part of this Section shall result in a mandatory fine of $250; all subsequent convictions of that person for any violation of any part of this Section shall each result in a mandatory fine of $500.

(f) Corporate authorities of municipal corporations regulating operators of vehicles that fail to obey signals indicating the presence, approach, passage, or departure of a train shall impose fines as established in subsection (e) of this Section.

(Source: P.A. 92-245, eff. 8-3-01; 92-249, eff. 1-1-02; revised 9-19-01)

(625 ILCS 5/11-1201.1)

Sec. 11-1201.1. Automated Railroad Crossing Enforcement System.

(a) For the purposes of this Section, an automated railroad grade crossing enforcement system is a system operated by a law enforcement agency that records a driver's response to automatic, electrical or mechanical signal devices and crossing gates. The system shall be designed to obtain a clear photograph or other recorded image of the vehicle, vehicle operator and the vehicle registration plate of a vehicle in violation of Section 11-1201. The photograph or other recorded image shall also display the time, date and location of the violation.

(b) Commencing on January 1, 1996, the Illinois Commerce Commission and the Commuter Rail Board of the Regional Transportation Authority shall, in cooperation with local law enforcement agencies, establish a 5 year pilot program within a county with a population of between 750,000 and 1,000,000 using an automated railroad grade crossing enforcement system. The Commission shall determine the 3 railroad grade crossings within that county that pose the greatest threat to human life based upon the number of accidents and fatalities at the crossings during the past 5 years and with approval of the local law enforcement agency equip the crossings with an automated railroad grade crossing enforcement system.

(b-1) Commencing on July 20, 2001 (the effective date of Public Act 92-98) this amendatory Act of the 92nd General Assembly, the Illinois Commerce Commission and the Commuter Rail Board may, in cooperation with the local law enforcement agency, establish in a county with a population of between 750,000 and 1,000,000 a 2 year pilot program using an automated railroad grade crossing enforcement system. This pilot program may be established at a railroad grade crossing designated by local authorities. No State moneys may be expended on the automated railroad grade crossing enforcement system established under this pilot program.

(c) For each violation of Section 11-1201 recorded by an automatic railroad grade crossing system, the local law enforcement agency having jurisdiction shall issue a written Uniform Traffic Citation of the violation to the registered owner of the vehicle as the alleged
violator. The Uniform Traffic Citation shall be delivered to the registered owner of the vehicle, by mail, within 30 days of the violation. The Uniform Traffic Citation shall include the name and address of vehicle owner, the vehicle registration number, the offense charged, the time, date, and location of the violation, the first available court date and that the basis of the citation is the photograph or other recorded image from the automated railroad grade crossing enforcement system.

(d) The Uniform Traffic Citation issued to the registered owner of the vehicle shall be accompanied by a written notice, the contents of which is set forth in subsection (d-1) of this Section, explaining how the registered owner of the vehicle can elect to proceed by either paying the fine or challenging the issuance of the Uniform Traffic Citation.

(d-1) The written notice explaining the alleged violator's rights and obligations must include the following text:

"You have been served with the accompanying Uniform Traffic Citation and cited with having violated Section 11-1201 of the Illinois Vehicle Code. You can elect to proceed by:

1. Paying the fine; or
2. Challenging the issuance of the Uniform Traffic Citation in court; or
3. If you were not the operator of the vehicle at the time of the alleged offense, notifying in writing the local law enforcement agency that issued the Uniform Traffic Citation of the number of the Uniform Traffic Citation received and the name and address of the person operating the vehicle at the time of the alleged offense. If you fail to so notify in writing the local law enforcement agency of the name and address of the operator of the vehicle at the time of the alleged offense, you may be presumed to have been the operator of the vehicle at the time of the alleged offense."

(d-2) If the registered owner of the vehicle was not the operator of the vehicle at the time of the alleged offense, and if the registered owner notifies the local law enforcement agency having jurisdiction of the name and address of the operator of the vehicle at the time of the alleged offense, the local law enforcement agency having jurisdiction shall then issue a written Uniform Traffic Citation to the person alleged by the registered owner to have been the operator of the vehicle at the time of the alleged offense. If the registered owner fails to notify in writing the local law enforcement agency having jurisdiction of the name and address of the operator of the vehicle at the time of the alleged offense, the registered owner may be presumed to have been the operator of the vehicle at the time of the alleged offense.

(e) Evidence.

(i) A certificate alleging that a violation of Section 11-1201 occurred, sworn to or affirmed by a duly authorized agency, based on inspection of recorded images produced by an automated railroad crossing enforcement system are evidence of the facts contained in the certificate and are admissible in any proceeding alleging a violation under this Section.

(ii) Photographs or recorded images made by an automatic railroad grade crossing enforcement system are confidential and shall be made available only to the alleged violator and governmental and law enforcement agencies for purposes of
adjudicating a violation of Section 11-1201 of the Illinois Vehicle Code. However, any photograph or other recorded image evidencing a violation of Section 11-1201 shall be admissible in any proceeding resulting from the issuance of the Uniform Traffic Citation when there is reasonable and sufficient proof of the accuracy of the camera or electronic instrument recording the image. There is a rebuttable presumption that the photograph or recorded image is accurate if the camera or electronic recording instrument was in good working order at the beginning and the end of the day of the alleged offense.

(f) Rail crossings equipped with an automatic railroad grade crossing enforcement system shall be posted with a sign visible to approaching traffic stating that the railroad grade crossing is being monitored, that citations will be issued, and the amount of the fine for violation.

(g) Except as provided in subsection (b-1), the cost of the installation and maintenance of each automatic railroad grade crossing enforcement system shall be paid from the Grade Crossing Protection Fund if the rail line is not owned by Commuter Rail Board of the Regional Transportation Authority. Except as provided in subsection (b-1), if the rail line is owned by the Commuter Rail Board of the Regional Transportation Authority, the costs of the installation and maintenance shall be paid from the Regional Transportation Authority’s portion of the Public Transportation Fund.

(h) The Illinois Commerce Commission shall issue a report to the General Assembly at the conclusion of the 5 year pilot program established under subsection (b) on the effectiveness of the automatic railroad grade crossing enforcement system.

(i) If any part or parts of this Section are held by a court of competent jurisdiction to be unconstitutional, the unconstitutionality shall not affect the validity of the remaining parts of this Section. The General Assembly hereby declares that it would have passed the remaining parts of this Section if it had known that the other part or parts of this Section would be declared unconstitutional.

(j) Penalty.

(i) A violation of this Section is a petty offense for which a fine of $250 shall be imposed for a first violation, and a fine of $500 shall be imposed for a second or subsequent violation. The court may impose 25 hours of community service in place of the $250 fine for the first violation.

(ii) For a second or subsequent violation, the Secretary of State may suspend the registration of the motor vehicle for a period of at least 6 months.

(Source: P.A. 92-98, eff. 7-20-01; 92-245, eff. 8-3-01;revised 10-18-01.)

Approved August 21, 2002.
PUBLIC ACT 92-0815  
(House Bill No. 5375)

AN ACT in relation to municipal government.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Municipal Code is amended by changing Section 8-11-1.2 as follows:

(65 ILCS 5/8-11-1.2) (from Ch. 24, par. 8-11-1.2)
Sec. 8-11-1.2. Definition. As used in Sections 8-11-1.3, 8-11-1.4 and 8-11-1.5 of this Act, "public infrastructure" means municipal roads and streets, access roads, bridges, and sidewalks; waste disposal systems; and water and sewer line extensions, water distribution and purification facilities, storm water drainage and retention facilities, and sewage treatment facilities. For purposes of referenda authorizing the imposition of taxes by the City of DuQuoin under Sections 8-11-1.3, 8-11-1.4, and 8-11-1.5 of this Act that are approved in November, 2002, "public infrastructure" shall also include public schools.
(Source: P.A. 91-51, eff. 6-30-99.)

Section 99. Effective date. This Act takes effect upon becoming law.
Passed in the General Assembly June 1, 2002.
Approved August 21, 2002.
Effective August 21, 2002.

PUBLIC ACT 92-0816  
(House Bill No. 5647)

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

Section 5. The Election Code is amended by changing Sections 4-6, 4-6.2, 4-6.3, 4-8, 4-8.03, 4-10, 4-16, 5-5, 5-7, 5-7.03, 5-16.2, 5-16.3, 6-29, 6-35, 6-35.03, 6-43, 6-50, 6-50.2, and 6-50.3 as follows:

(10 ILCS 5/4-6) (from Ch. 46, par. 4-6)
Sec. 4-6. For the purpose of registering voters under this Article in addition to the method provided for precinct registration under Section 4-7, the office of the county clerk shall be open every day, except Saturday, Sunday, and legal holidays, from 9:00 a.m. to 5:00 p.m. On Saturdays the hours of registration shall be from 9:00 a.m. to 12:00 noon, and such additional hours as the county clerk may designate. If, however, the county board otherwise duly regulates and fixes the hours of opening and closing of all county offices at the county seat of any county, such regulation shall control and supersede the hours herein specified. There shall be no registration at the office of the county clerk or at the office of municipal and township or road district clerks serving as deputy registrars during the 27 days preceding any regular or special election at which the cards provided in this Article are used,

New matter indicated by italics - deletions by strikeout.
or until the 2nd day following such regular or special election; provided, that if by reason of the proximity of any such elections to one another the effect of this provision would be to close registrations for all or any part of the 10 days immediately prior to such 27 28 day period, the county clerk shall accept, solely for use in the subsequent and not in any intervening election, registrations and transfers of registration within the period from the 27th 28th to the 38th days, both inclusive, prior to such subsequent election; provided, further that at the office of such clerks registration shall be permitted on the 28th day preceding the election in November of even-numbered years in any county in which such day is not designated as a day of precinct registration. In any election called for the submission of the revision or alteration of, or the amendments to the Constitution, submitted by a Constitutional Convention, the final day for registration at the office of the election authority charged with the printing of the ballot of this election shall be the 15th day prior to the date of election.

Any qualified person residing within the county or any portion thereof subject to this Article may register or re-register with the county clerk.

Each county clerk shall appoint one or more registration or re-registration teams for the purpose of accepting the registration or re-registration of any voter who files an affidavit that he is physically unable to appear at any appointed place of registration or re-registration. Each team shall consist of one member of each political party having the highest and second highest number of registered voters in the county. The county clerk shall designate a team to visit each disabled person and shall accept the registration or re-registration of each such person as if he had applied for registration or re-registration at the office of the county clerk.

As used in this Article, "deputy registrars" and "registration officers" mean any person authorized to accept registrations of electors under this Article.

(Source: P.A. 83-1059.)

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

Sec. 4-6.2. (a) The county clerk shall appoint all municipal and township or road district clerks or their duly authorized deputies as deputy registrars who may accept the registration of all qualified residents of their respective municipalities, townships and road districts. A deputy registrar serving as such by virtue of his status as a municipal clerk, or a duly authorized deputy of a municipal clerk, of a municipality the territory of which lies in more than one county may accept the registration of any qualified resident of the municipality, regardless of which county the resident, municipal clerk or the duly authorized deputy of the municipal clerk lives in.

The county clerk shall appoint all precinct committeepersons in the county as deputy registrars who may accept the registration of any qualified resident of the county, except during the 27 28 days preceding an election.

The election authority shall appoint as deputy registrars a reasonable number of employees of the Secretary of State located at driver's license examination stations and designated to the election authority by the Secretary of State who may accept the registration of any qualified residents of the county at any such driver's license examination stations. The appointment of employees of the Secretary of State as deputy registrars shall be made in the

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manner provided in Section 2-105 of the Illinois Vehicle Code.

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

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

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

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

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

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

6. The Director of the Illinois Department of Public Aid, or a reasonable number of employees designated by the Director and located at public aid offices, who may accept the registration of any qualified resident of the county at any such public aid office.

New matter indicated by italics - deletions by strikeout.
7. The Director of the Illinois Department of Employment Security, or a reasonable number of employees designated by the Director and located at unemployment offices, who may accept the registration of any qualified resident of the county at any such unemployment office.

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

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

The county clerk may appoint as many additional deputy registrars as he considers necessary. The county clerk shall appoint such additional deputy registrars in such manner that the convenience of the public is served, giving due consideration to both population concentration and area. Some of the additional deputy registrars shall be selected so that there are an equal number from each of the 2 major political parties in the election jurisdiction. The county clerk, in appointing an additional deputy registrar, shall make the appointment from a list of applicants submitted by the Chairman of the County Central Committee of the applicant's political party. A Chairman of a County Central Committee shall submit a list of applicants to the county clerk by November 30 of each year. The county clerk may require a Chairman of a County Central Committee to furnish a supplemental list of applicants.

Deputy registrars may accept registrations at any time other than the 27 28 day period preceding an election. All persons appointed as deputy registrars shall be registered voters within the county and shall take and subscribe to the following oath or affirmation:

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

..................

(Signature Deputy Registrar)"

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

Appointments of deputy registrars under this Section, except precinct committeemen, shall be for 2-year terms, commencing on December 1 following the general election of each even-numbered year; except that the terms of the initial appointments shall be until December 1st following the next general election. Appointments of precinct committeemen shall be for 2-year terms commencing on the date of the county convention following the general primary at which they were elected. The county clerk shall issue a certificate of New matter indicated by italics - deletions by strikeout.
appointment to each deputy registrar, and shall maintain in his office for public inspection a list of the names of all appointees.

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

(c) Completed registration materials under the control of deputy registrars, appointed pursuant to subsection (a), shall be returned to the proper election authority within 7 days, except that completed registration materials received by the deputy registrars during the period between the 35th and 28th day preceding an election shall be returned by the deputy registrars to the proper election authority within 48 hours after receipt thereof. The completed registration materials received by the deputy registrars on the 28th day preceding an election shall be returned by the deputy registrars within 24 hours after receipt thereof. Unused materials shall be returned by deputy registrars appointed pursuant to paragraph 4 of subsection (a), not later than the next working day following the close of registration.

(d) The county clerk shall not be required to provide additional forms to any deputy registrar having more than 200 registration forms unaccounted for during the preceding 12 month period.

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

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

(Source: P.A. 89-653, eff. 8-14-96.)

(10 ILCS 5/4-6.3) (from Ch. 46, par. 4-6.3)

Sec. 4-6.3. The county clerk may establish a temporary place of registration for such times and at such locations within the county as the county clerk may select. However, no temporary place of registration may be in operation during the 27 days preceding an election. Notice of the time and place of registration under this Section shall be published by the county clerk in a newspaper having a general circulation in the county not less than 3 nor more than 15 days before the holding of such registration.

Temporary places of registration shall be established so that the areas of concentration of population or use by the public are served, whether by facilities provided in places of private business or in public buildings or in mobile units. Areas which may be designated as temporary places of registration include, but are not limited to, facilities licensed or certified pursuant to the Nursing Home Care Act, Soldiers' and Sailors' Homes, shopping centers, business districts, public buildings and county fairs.

Temporary places of registration shall be available to the public not less than 2 hours per year for each 1,000 population or fraction thereof in the county.

All temporary places of registration shall be manned by deputy county clerks or
deputy registrars appointed pursuant to Section 4-6.2.
(Source: P.A. 86-820; 86-873; 86-1028.)

(10 ILCS 5/4-8) (from Ch. 46, par. 4-8)

Sec. 4-8. The county clerk shall provide a sufficient number of blank forms for the registration of electors, which shall be known as registration record cards and which shall consist of loose leaf sheets or cards, of suitable size to contain in plain writing and figures the data hereinafter required thereon or shall consist of computer cards of suitable nature to contain the data required thereon. The registration record cards, which shall include an affidavit of registration as hereinafter provided, shall be executed in duplicate.

The registration record card shall contain the following and such other information as the county clerk may think it proper to require for the identification of the applicant for registration:

Name. The name of the applicant, giving surname and first or Christian name in full, and the middle name or the initial for such middle name, if any.

Sex.

Residence. The name and number of the street, avenue, or other location of the dwelling, including the apartment, unit or room number, if any, and in the case of a mobile home the lot number, and such additional clear and definite description as may be necessary to determine the exact location of the dwelling of the applicant. Where the location cannot be determined by street and number, then the section, congressional township and range number may be used, or such other description as may be necessary, including post-office mailing address. In the case of a homeless individual, the individual's voting residence that is his or her mailing address shall be included on his or her registration record card.

Term of residence in the State of Illinois and precinct. This information shall be furnished by the applicant stating the place or places where he resided and the dates during which he resided in such place or places during the year next preceding the date of the next ensuing election.

Nativity. The state or country in which the applicant was born.

Citizenship. Whether the applicant is native born or naturalized. If naturalized, the court, place, and date of naturalization.

Date of application for registration, i.e., the day, month and year when applicant presented himself for registration.

Age. Date of birth, by month, day and year.

Physical disability of the applicant, if any, at the time of registration, which would require assistance in voting.

The county and state in which the applicant was last registered.

Signature of voter. The applicant, after the registration and in the presence of a deputy registrar or other officer of registration shall be required to sign his or her name in ink to the affidavit on both the original and duplicate registration record cards.

Signature of deputy registrar or officer of registration.

In case applicant is unable to sign his name, he may affix his mark to the affidavit. In such case the officer empowered to give the registration oath shall write a detailed
description of the applicant in the space provided on the back or at the bottom of the card or sheet; and shall ask the following questions and record the answers thereto:

Father's first name.
Mother's first name.
From what address did the applicant last register?
Reason for inability to sign name.

Each applicant for registration shall make an affidavit in substantially the following form:

**AFFIDAVIT OF REGISTRATION**

STATE OF ILLINOIS
COUNTY OF ........

I hereby swear (or affirm) that I am a citizen of the United States; that on the date of the next election I shall have resided in the State of Illinois and in the election precinct in which I reside 30 days and that I intend that this location shall be my residence; that I am fully qualified to vote, and that the above statements are true.

............................
(His or her signature or mark)

Subscribed and sworn to before me on (insert date).

..................................
Signature of registration officer.
(To be signed in presence of registrant.)

Space shall be provided upon the face of each registration record card for the notation of the voting record of the person registered thereon.

Each registration record card shall be numbered according to precincts, and may be serially or otherwise marked for identification in such manner as the county clerk may determine.

The registration cards shall be deemed public records and shall be open to inspection during regular business hours, except during the 27-28 days immediately preceding any election. On written request of any candidate or objector or any person intending to object to a petition, the election authority shall extend its hours for inspection of registration cards and other records of the election authority during the period beginning with the filing of petitions under Sections 7-10, 8-8, 10-6 or 28-3 and continuing through the termination of electoral board hearings on any objections to petitions containing signatures of registered voters in the jurisdiction of the election authority. The extension shall be for a period of hours sufficient to allow adequate opportunity for examination of the records but the election authority is not required to extend its hours beyond the period beginning at its normal opening for business and ending at midnight. If the business hours are so extended, the election authority shall post a public notice of such extended hours. Registration record cards may also be inspected, upon approval of the officer in charge of the cards, during the 27-28 days immediately preceding any election. Registration record cards shall also be open to inspection by certified judges and poll watchers and challengers at the polling place on election day, but only to the extent necessary to determine the question of the right of a

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person to vote or to serve as a judge of election. At no time shall poll watchers or challengers be allowed to physically handle the registration record cards.

Updated copies of computer tapes or computer discs or other electronic data processing information containing voter registration information shall be furnished by the county clerk within 10 days after December 15 and May 15 each year and within 10 days after each registration period is closed to the State Board of Elections in a form prescribed by the Board. For the purposes of this Section, a registration period is closed 27 to 28 days before the date of any regular or special election. Registration information shall include, but not be limited to, the following information: name, sex, residence, telephone number, if any, age, party affiliation, if applicable, precinct, ward, township, county, and representative, legislative and congressional districts. In the event of noncompliance, the State Board of Elections is directed to obtain compliance forthwith with this nondiscretionary duty of the election authority by instituting legal proceedings in the circuit court of the county in which the election authority maintains the registration information. The costs of furnishing updated copies of tapes or discs shall be paid at a rate of $.00034 per name of registered voters in the election jurisdiction, but not less than $50 per tape or disc and shall be paid from appropriations made to the State Board of Elections for reimbursement to the election authority for such purpose. The Board shall furnish copies of such tapes, discs, other electronic data or compilations thereof to state political committees registered pursuant to the Illinois Campaign Finance Act or the Federal Election Campaign Act at their request and at a reasonable cost. Copies of the tapes, discs or other electronic data shall be furnished by the county clerk to local political committees at their request and at a reasonable cost.

Reasonable cost of the tapes, discs, et cetera for this purpose would be the cost of duplication plus 15% for administration. The individual representing a political committee requesting copies of such tapes shall make a sworn affidavit that the information shall be used only for bona fide political purposes, including by or for candidates for office or incumbent office holders. Such tapes, discs or other electronic data shall not be used under any circumstances by any political committee or individuals for purposes of commercial solicitation or other business purposes. If such tapes contain information on county residents related to the operations of county government in addition to registration information, that information shall not be used under any circumstances for commercial solicitation or other business purposes. The prohibition in this Section against using the computer tapes or computer discs or other electronic data processing information containing voter registration information for purposes of commercial solicitation or other business purposes shall be prospective only from the effective date of this amended Act of 1979. Any person who violates this provision shall be guilty of a Class 4 felony.

The State Board of Elections shall promulgate, by October 1, 1987, such regulations as may be necessary to ensure uniformity throughout the State in electronic data processing of voter registration information. The regulations shall include, but need not be limited to, specifications for uniform medium, communications protocol and file structure to be employed by the election authorities of this State in the electronic data processing of voter registration information. Each election authority utilizing electronic data processing of voter

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registration information shall comply with such regulations on and after May 15, 1988.

If the applicant for registration was last registered in another county within this State, he shall also sign a certificate authorizing cancellation of the former registration. The certificate shall be in substantially the following form:

To the County Clerk of .... County, Illinois. (or)
To the Election Commission of the City of ...., Illinois.

This is to certify that I am registered in your (county) (city) and that my residence was ............................ Having moved out of your (county) (city), I hereby authorize you to cancel said registration in your office. Dated at ...., Illinois, on (insert date).

................................
(Signature of Voter)
Attest: ................., County Clerk, .............
County, Illinois.

The cancellation certificate shall be mailed immediately by the County Clerk to the County Clerk (or election commission as the case may be) where the applicant was formerly registered. Receipt of such certificate shall be full authority for cancellation of any previous registration.

(Source: P.A. 91-357, eff. 7-29-99; 92-465, eff. 1-1-02.)

(10 ILCS 5/4-8.03) (from Ch. 46, par. 4-8.03)

Sec. 4-8.03. The State Board of Elections shall design a registration record card which, except as otherwise provided in this Section, shall be used in triplicate by all election authorities in the State, except those election authorities adopting a computer-based voter registration file authorized under Section 4-33. The Board shall prescribe the form and specifications, including but not limited to the weight of paper, color and print of such cards. Such cards shall contain boxes or spaces for the information required under Sections 4-8 and 4-21 of this Code; provided, that such cards shall also contain a box or space for the applicant's social security number, which shall be required to the extent allowed by law but in no case shall the applicant provide fewer than the last 4 digits of the social security number, and a box for the applicant's telephone number, if available.

Except for those election authorities adopting a computer-based voter registration file authorized under Section 4-33, the original and duplicate cards shall respectively constitute the master file and precinct binder registration records of the voter. A copy shall be given to the applicant upon completion of his or her registration or completed transfer of registration.

Whenever a voter moves to another precinct within the same election jurisdiction or to another election jurisdiction in the State, such voter may transfer his or her registration by presenting his or her copy to the election authority or a deputy registrar. If such voter is not in possession of or has lost his or her copy, he or she may effect a transfer of registration by executing an Affidavit of Cancellation of Previous Registration.

In the case of a transfer of registration to a new election jurisdiction, the election authority shall transmit the voter's copy or such affidavit to the election authority of the voter's former election jurisdiction, which shall immediately cause the transmission of the voter's previous registration card to the voter's new election authority. No transfer of

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registration to a new election jurisdiction shall be complete until the voter's old election authority receives notification.

Deputy registrars shall return all copies of registration record cards or Affidavits of Cancellation of Previous Registration to the election authority within 7 working days after the receipt thereof, except that such copies or Affidavits of Cancellation of Previous Registration received by the deputy registrars between the 35th and 29th day preceding an election shall be returned by the deputy registrars to the election authority within 48 hours after receipt. The deputy registrars shall return the copies or Affidavits of Cancellation of Previous Registration received by them on the 28th day preceding an election to the election authority within 24 hours after receipt thereof.

(Source: P.A. 91-73, eff. 7-9-99.)

Sec. 4-10. Except as herein provided, no person shall be registered, unless he applies in person to a registration officer, answers such relevant questions as may be asked of him by the registration officer, and executes the affidavit of registration. The registration officer shall require the applicant to furnish two forms of identification, and except in the case of a homeless individual, one of which must include his or her residence address. These forms of identification shall include, but not be limited to, any of the following: driver's license, social security card, public aid identification card, utility bill, employee or student identification card, credit card, or a civic, union or professional association membership card. The registration officer shall require a homeless individual to furnish evidence of his or her use of the mailing address stated. This use may be demonstrated by a piece of mail addressed to that individual and received at that address or by a statement from a person authorizing use of the mailing address. The registration officer shall require each applicant for registration to read or have read to him the affidavit of registration before permitting him to execute the affidavit.

One of the registration officers or a deputy registration officer, county clerk, or clerk in the office of the county clerk, shall administer to all persons who shall personally apply to register the following oath or affirmation:

"You do solemnly swear (or affirm) that you will fully and truly answer all such questions as shall be put to you touching your name, place of residence, place of birth, your qualifications as an elector and your right as such to register and vote under the laws of the State of Illinois."

The registration officer shall satisfy himself that each applicant for registration is qualified to register before registering him. If the registration officer has reason to believe that the applicant is a resident of a Soldiers' and Sailors' Home or any facility which is licensed or certified pursuant to the Nursing Home Care Act, the following question shall be put, "When you entered the home which is your present address, was it your bona fide intention to become a resident thereof?" Any voter of a township, city, village or incorporated town in which such applicant resides, shall be permitted to be present at the place of any precinct registration and shall have the right to challenge any applicant who applies to be registered.

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In case the officer is not satisfied that the applicant is qualified he shall forthwith notify such applicant in writing to appear before the county clerk to complete his registration. Upon the card of such applicant shall be written the word "incomplete" and no such applicant shall be permitted to vote unless such registration is satisfactorily completed as hereinafter provided. No registration shall be taken and marked as incomplete if information to complete it can be furnished on the date of the original application.

Any person claiming to be an elector in any election precinct and whose registration card is marked "Incomplete" may make and sign an application in writing, under oath, to the county clerk in substance in the following form:

"I do solemnly swear that I, ...., did on (insert date) make application to the board of registry of the .... precinct of the township of .... (or to the county clerk of .... county) and that said board or clerk refused to complete my registration as a qualified voter in said precinct. That I reside in said precinct, that I intend to reside in said precinct, and am a duly qualified voter of said precinct and am entitled to be registered to vote in said precinct at the next election.

(Signature of applicant) ......................................"

All such applications shall be presented to the county clerk or to his duly authorized representative by the applicant, in person between the hours of 9:00 a.m. and 5:00 p.m. on any day after the days on which the 1969 and 1970 precinct re-registrations are held but not on any day within 27 days preceding the ensuing general election and thereafter for the registration provided in Section 4-7 all such applications shall be presented to the county clerk or his duly authorized representative by the applicant in person between the hours of 9:00 a.m. and 5:00 p.m. on any day prior to 27 days preceding the ensuing general election. Such application shall be heard by the county clerk or his duly authorized representative at the time the application is presented. If the applicant for registration has registered with the county clerk, such application may be presented to and heard by the county clerk or by his duly authorized representative upon the dates specified above or at any time prior thereto designated by the county clerk.

Any otherwise qualified person who is absent from his county of residence either due to business of the United States or because he is temporarily outside the territorial limits of the United States may become registered by mailing an application to the county clerk within the periods of registration provided for in this Article, or by simultaneous application for absentee registration and absentee ballot as provided in Article 20 of this Code.

Upon receipt of such application the county clerk shall immediately mail an affidavit of registration in duplicate, which affidavit shall contain the following and such other information as the State Board of Elections may think it proper to require for the identification of the applicant:

Name. The name of the applicant, giving surname and first or Christian name in full, and the middle name or the initial for such middle name, if any.

Sex.

Residence. The name and number of the street, avenue or other location of the dwelling, and such additional clear and definite description as may be necessary to determine
the exact location of the dwelling of the applicant. Where the location cannot be determined by street and number, then the Section, congressional township and range number may be used, or such other information as may be necessary, including post office mailing address.

Term of residence in the State of Illinois and the precinct.
Nativity. The State or country in which the applicant was born.
Citizenship. Whether the applicant is native born or naturalized. If naturalized, the court, place and date of naturalization.
Age. Date of birth, by month, day and year.
Out of State address of .......................:

AFFIDAVIT OF REGISTRATION

State of ...........) )ss
County of ...........) )

I hereby swear (or affirm) that I am a citizen of the United States; that on the day of the next election I shall have resided in the State of Illinois and in the election precinct 30 days; that I am fully qualified to vote, that I am not registered to vote anywhere else in the United States, that I intend to remain a resident of the State of Illinois and of the election precinct, that I intend to return to the State of Illinois, and that the above statements are true.

.......................... (His or her signature or mark)

Subscribed and sworn to before me, an officer qualified to administer oaths, on (insert date).

.......................... Signature of officer administering oath.

Upon receipt of the executed duplicate affidavit of Registration, the county clerk shall transfer the information contained thereon to duplicate Registration Cards provided for in Section 4-8 of this Article and shall attach thereto a copy of each of the duplicate affidavit of registration and thereafter such registration card and affidavit shall constitute the registration of such person the same as if he had applied for registration in person.

(Source: P.A. 91-357, eff. 7-29-99.)

(10 ILCS 5/4-16) (from Ch. 46, par. 4-16)

Sec. 4-16. Any registered voter who changes his residence from one address to another within the same county wherein this Article is in effect, may have his registration transferred to his new address by making and signing an application for change of residence address upon a form to be provided by the county clerk. Such application must be made to the office of the county clerk and may be made either in person or by mail. In case the person is unable to sign his name, the county clerk shall require him to execute the application in the presence of the county clerk or of his properly authorized representative, by his mark, and if satisfied of the identity of the person, the county clerk shall make the transfer.

Upon receipt of the application, the county clerk, or one of his employees deputized to take registrations shall cause the signature of the voter and the data appearing upon the application to be compared with the signature and data on the registration record card, and

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if it appears that the applicant is the same person as the person previously registered under that name the transfer shall be made.

No transfers of registration under the provisions of this Section shall be made during the 27 days preceding any election at which such voter would be entitled to vote. When a removal of a registered voter takes place from one address to another within the same precinct within a period during which a transfer of registration cannot be made before any election or primary, he shall be entitled to vote upon presenting the judges of election his affidavit substantially in the form prescribed in Section 17-10 of this Act of a change of residence address within the precinct on a date therein specified.

The county clerk may obtain information from utility companies, city, village, incorporated town and township records, the post office, or from other sources, regarding the removal of registered voters, and may treat such information, and information procured from his death and marriage records on file in his office, as an application to erase from the register any name concerning which he may so have information that the voter is no longer qualified to vote under the name, or from the address from which registered, and give notice thereof in the manner provided by Section 4--12 of this Article, and notify voters who have changed their address that a transfer of registration may be made in the manner provided in this Section enclosing a form therefor.

If any person be registered by error in a precinct other than that in which he resides, the county clerk may transfer his registration to the proper precinct, and if the error is or may be on the part of the registration officials, and is disclosed too late before an election or primary to mail the certificate required by Section 4--15, such certificate may be personally delivered to the voter and he may vote thereon as therein provided, but such certificates so issued shall be specially listed with the reason for the issuance thereof.

Where a revision or rearrangement of precincts is made by the county board, the county clerk shall immediately transfer to the proper precinct the registration of any voter affected by such revision or rearrangement of the precinct; make the proper notations on the registration cards of a voter affected by the revision or rearrangement and shall issue revised certificates to each registrant of such change.

Any registered voter who changes his or her name by marriage or otherwise shall be required to register anew and authorize the cancellation of the previous registration; but if the voter still resides in the same precinct and if the change of name takes place within a period during which a transfer of registration cannot be made, preceding any election or primary, the elector may, if otherwise qualified, vote upon making an affidavit substantially in the form prescribed in Section 17-10 of this Act.

The precinct election officials shall report to the county clerk the names and addresses of all persons who have changed their addresses and voted, which shall be treated as an application to change address accordingly, and the names and addresses of all persons otherwise voting by affidavit as in this Section provided, which shall be treated as an application to erase under Section 4--12 hereof.

(Source: P.A. 83-999.)

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

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Sec. 5-5. For the purpose of registering voters under this Article 5, in addition to the method provided for precinct registration under Sections 5-6 and 5-17 of this Article 5, the office of the county clerk shall be open between 9:00 a. m. and 5:00 p. m. on all days except Saturday, Sunday and holidays, but there shall be no registration at such office during the 35 days immediately preceding any election required to be held under the law but if no precinct registration is being conducted prior to any election then registration may be taken in the office of the county clerk up to and including the 28th day prior to an election. On Saturdays, the hours of registration shall be from 9:00 a. m. to 12:00 p. m. noon. During such 35 or 27 day period, registration of electors of political subdivisions wherein a regular, or special election is required to be held shall cease and shall not be resumed for the registration of electors of such political subdivisions until the second day following the day of such election. In any election called for the submission of the revision or alteration of, or the amendments to the Constitution, submitted by a Constitutional Convention, the final day for registration at the office of the election authority charged with the printing of the ballot of this election shall be the 15th day prior to the date of the election.

Each county clerk shall appoint one deputy for the purpose of accepting the registration of any voter who files an affidavit that he is physically unable to appear at any appointed place of registration. The county clerk shall designate a deputy to visit each disabled person and shall accept the registration of each such person as if he had applied for registration at the office of the county clerk.

The offices of city, village, incorporated town and town clerks shall also be open for the purpose of registering voters residing in the territory in which this Article is in effect, and also, in the case of city, village and incorporated town clerks, for the purpose of registering voters residing in a portion of the city, village or incorporated town not located within the county, on all days on which the office of the county clerk is open for the registration of voters of such cities, villages, incorporated towns and townships.

(Source: P.A. 84-762.)

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

Sec. 5-7. The county clerk shall provide a sufficient number of blank forms for the registration of electors which shall be known as registration record cards and which shall consist of loose leaf sheets or cards, of suitable size to contain in plain writing and figures the data hereinafter required thereon or shall consist of computer cards of suitable nature to contain the data required thereon. The registration record cards, which shall include an affidavit of registration as hereinafter provided, shall be executed in duplicate.

The registration record card shall contain the following and such other information as the county clerk may think it proper to require for the identification of the applicant for registration:

Name. The name of the applicant, giving surname and first or Christian name in full, and the middle name or the initial for such middle name, if any.

Sex.

Residence. The name and number of the street, avenue, or other location of the dwelling, including the apartment, unit or room number, if any, and in the case of a mobile

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home the lot number, and such additional clear and definite description as may be necessary to determine the exact location of the dwelling of the applicant, including post-office mailing address. In the case of a homeless individual, the individual's voting residence that is his or her mailing address shall be included on his or her registration record card.

Term of residence in the State of Illinois and the precinct. Which questions may be answered by the applicant stating, in excess of 30 days in the State and in excess of 30 days in the precinct.

Nativity. The State or country in which the applicant was born.

Citizenship. Whether the applicant is native born or naturalized. If naturalized, the court, place and date of naturalization.

Date of application for registration, i.e., the day, month and year when applicant presented himself for registration.

Age. Date of birth, by month, day and year.

Physical disability of the applicant, if any, at the time of registration, which would require assistance in voting.

The county and state in which the applicant was last registered.

Signature of voter. The applicant, after the registration and in the presence of a deputy registrar or other officer of registration shall be required to sign his or her name in ink to the affidavit on the original and duplicate registration record card.

Signature of Deputy Registrar.

In case applicant is unable to sign his name, he may affix his mark to the affidavit. In such case the officer empowered to give the registration oath shall write a detailed description of the applicant in the space provided at the bottom of the card or sheet; and shall ask the following questions and record the answers thereto:

Father's first name ....................

Mother's first name ....................

From what address did you last register?

Reason for inability to sign name.

Each applicant for registration shall make an affidavit in substantially the following form:

**AFFIDAVIT OF REGISTRATION**

State of Illinois)

)ss

County of  )

I hereby swear (or affirm) that I am a citizen of the United States; that on the date of the next election I shall have resided in the State of Illinois and in the election precinct in which I reside 30 days; that I am fully qualified to vote. That I intend that this location shall be my residence and that the above statements are true.

........................................

(His or her signature or mark)

Subscribed and sworn to before me on (insert date).

........................................

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Signature of Registration Officer.
(To be signed in presence of Registrant.)

Space shall be provided upon the face of each registration record card for the notation of the voting record of the person registered thereon.

Each registration record card shall be numbered according to towns and precincts, wards, cities and villages, as the case may be, and may be serially or otherwise marked for identification in such manner as the county clerk may determine.

The registration cards shall be deemed public records and shall be open to inspection during regular business hours, except during the 27 28 days immediately preceding any election. On written request of any candidate or objector or any person intending to object to a petition, the election authority shall extend its hours for inspection of registration cards and other records of the election authority during the period beginning with the filing of petitions under Sections 7-10, 8-8, 10-6 or 28-3 and continuing through the termination of electoral board hearings on any objections to petitions containing signatures of registered voters in the jurisdiction of the election authority. The extension shall be for a period of hours sufficient to allow adequate opportunity for examination of the records but the election authority is not required to extend its hours beyond the period beginning at its normal opening for business and ending at midnight. If the business hours are so extended, the election authority shall post a public notice of such extended hours. Registration record cards may also be inspected, upon approval of the officer in charge of the cards, during the 27 28 days immediately preceding any election. Registration record cards shall also be open to inspection by certified judges and poll watchers and challengers at the polling place on election day, but only to the extent necessary to determine the question of the right of a person to vote or to serve as a judge of election. At no time shall poll watchers or challengers be allowed to physically handle the registration record cards.

Updated copies of computer tapes or computer discs or other electronic data processing information containing voter registration information shall be furnished by the county clerk within 10 days after December 15 and May 15 each year and within 10 days after each registration period is closed to the State Board of Elections in a form prescribed by the Board. For the purposes of this Section, a registration period is closed 27 28 days before the date of any regular or special election. Registration information shall include, but not be limited to, the following information: name, sex, residence, telephone number, if any, age, party affiliation, if applicable, precinct, ward, township, county, and representative, legislative and congressional districts. In the event of noncompliance, the State Board of Elections is directed to obtain compliance forthwith with this nondiscretionary duty of the election authority by instituting legal proceedings in the circuit court of the county in which the election authority maintains the registration information. The costs of furnishing updated copies of tapes or discs shall be paid at a rate of $.00034 per name of registered voters in the election jurisdiction, but not less than $50 per tape or disc and shall be paid from appropriations made to the State Board of Elections for reimbursement to the election authority for such purpose. The Board shall furnish copies of such tapes, discs, other electronic data or compilations thereof to state political committees registered pursuant to

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the Illinois Campaign Finance Act or the Federal Election Campaign Act at their request and at a reasonable cost. Copies of the tapes, discs or other electronic data shall be furnished by the county clerk to local political committees at their request and at a reasonable cost. Reasonable cost of the tapes, discs, etcetera for this purpose would be the cost of duplication plus 15% for administration. The individual representing a political committee requesting copies of such tapes shall make a sworn affidavit that the information shall be used only for bona fide political purposes, including by or for candidates for office or incumbent office holders. Such tapes, discs or other electronic data shall not be used under any circumstances by any political committee or individuals for purposes of commercial solicitation or other business purposes. If such tapes contain information on county residents related to the operations of county government in addition to registration information, that information shall not be used under any circumstances for commercial solicitation or other business purposes. The prohibition in this Section against using the computer tapes or computer discs or other electronic data processing information containing voter registration information for purposes of commercial solicitation or other business purposes shall be prospective only from the effective date of this amended Act of 1979. Any person who violates this provision shall be guilty of a Class 4 felony.

The State Board of Elections shall promulgate, by October 1, 1987, such regulations as may be necessary to ensure uniformity throughout the State in electronic data processing of voter registration information. The regulations shall include, but need not be limited to, specifications for uniform medium, communications protocol and file structure to be employed by the election authorities of this State in the electronic data processing of voter registration information. Each election authority utilizing electronic data processing of voter registration information shall comply with such regulations on and after May 15, 1988.

If the applicant for registration was last registered in another county within this State, he shall also sign a certificate authorizing cancellation of the former registration. The certificate shall be in substantially the following form:

To the County Clerk of .... County, Illinois. To the Election Commission of the City of ...., Illinois.

This is to certify that I am registered in your (county) (city) and that my residence was ....

Having moved out of your (county) (city), I hereby authorize you to cancel said registration in your office.

Dated at .... Illinois, on (insert date).

............... 

(Signature of Voter)

Attest ...., County Clerk, ........ County, Illinois.

The cancellation certificate shall be mailed immediately by the county clerk to the county clerk (or election commission as the case may be) where the applicant was formerly registered. Receipt of such certificate shall be full authority for cancellation of any previous registration.

(Source: P.A. 91-357, eff. 7-29-99; 92-465, eff. 1-1-02.)

New matter indicated by italics - deletions by strikeout.
Sec. 5-7.03. The State Board of Elections shall design a registration record card which, except as otherwise provided in this Section, shall be used in triplicate by all election authorities in the State, except those election authorities adopting a computer-based voter registration file authorized under Section 5-43. The Board shall prescribe the form and specifications, including but not limited to the weight of paper, color and print of such cards. Such cards shall contain boxes or spaces for the information required under Sections 5-7 and 5-28.1 of this Code; provided, that such cards shall also contain a box or space for the applicant's social security number, which shall be required to the extent allowed by law but in no case shall the applicant provide fewer than the last 4 digits of the social security number, and a box for the applicant's telephone number, if available.

Except for those election authorities adopting a computer-based voter registration file authorized under Section 5-43, the original and duplicate cards shall respectively constitute the master file and precinct binder registration records of the voter. A copy shall be given to the applicant upon completion of his or her registration or completed transfer of registration.

Whenever a voter moves to another precinct within the same election jurisdiction or to another election jurisdiction in the State, such voter may transfer his or her registration by presenting his or her copy to the election authority or a deputy registrar. If such voter is not in possession of or has lost his or her copy, he or she may effect a transfer of registration by executing an Affidavit of Cancellation of Previous Registration. In the case of a transfer of registration to a new election jurisdiction, the election authority shall transmit the voter's copy or such affidavit to the election authority of the voter's former election jurisdiction, which shall immediately cause the transmission of the voter's previous registration card to the voter's new election authority. No transfer of registration to a new election jurisdiction shall be complete until the voter's old election authority receives notification.

Deputy registrars shall return all copies of registration record cards or Affidavits of Cancellation of Previous Registration to the election authority within 7 working days after the receipt thereof, except that such copies or Affidavits of Cancellation of Previous Registration received by the deputy registrars between the 35th and 28th day preceding an election shall be returned by the deputy registrars to the election authority within 48 hours after receipt. The deputy registrars shall return the copies or Affidavits of Cancellation of Previous Registration received by them on the 28th day preceding an election to the election authority within 24 hours after receipt thereof.

(Source: P.A. 91-73, eff. 7-9-99.)

Sec. 5-16.2. (a) The county clerk shall appoint all municipal and township clerks or their duly authorized deputies as deputy registrars who may accept the registration of all qualified residents of their respective counties. A deputy registrar serving as such by virtue of his status as a municipal clerk, or a duly authorized deputy of a municipal clerk, of a municipality the territory of which lies in more than one county may accept the registration of any qualified resident of any county in which the municipality is located, regardless of which county the resident, municipal clerk or the duly authorized deputy of the municipal
clerk lives in.

The county clerk shall appoint all precinct committeepersons in the county as deputy registrars who may accept the registration of any qualified resident of the county, except during the 27 to 28 days preceding an election.

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

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

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

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

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

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

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

6. The Director of the Illinois Department of Public Aid, or a reasonable number of employees designated by the Director and located at public aid offices, who may accept the registration of any qualified resident of the county at any such public aid office.

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

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

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

The county clerk may appoint as many additional deputy registrars as he considers necessary. The county clerk shall appoint such additional deputy registrars in such manner that the convenience of the public is served, giving due consideration to both population concentration and area. Some of the additional deputy registrars shall be selected so that there are an equal number from each of the 2 major political parties in the election jurisdiction. The county clerk, in appointing an additional deputy registrar, shall make the appointment from a list of applicants submitted by the Chairman of the County Central Committee of the applicant's political party. A Chairman of a County Central Committee shall submit a list of applicants to the county clerk by November 30 of each year. The county clerk may require a Chairman of a County Central Committee to furnish a supplemental list of applicants.

Deputy registrars may accept registrations at any time other than the 27-28 day period preceding an election. All persons appointed as deputy registrars shall be registered voters within the county and shall take and subscribe to the following oath or affirmation:

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

............................

(Signature of Deputy Registrar)"

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

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

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

(c) Completed registration materials under the control of deputy registrars, appointed pursuant to subsection (a), shall be returned to the proper election authority within 7 days, except that completed registration materials received by the deputy registrars during the period between the 35th and 28th 29th day preceding an election shall be returned by the deputy registrars to the proper election authority within 48 hours after receipt thereof. The completed registration materials received by the deputy registrars on the 28th 29th day preceding an election shall be returned by the deputy registrars within 24 hours after receipt thereof. Unused materials shall be returned by deputy registrars appointed pursuant to paragraph 4 of subsection (a), not later than the next working day following the close of registration.

(d) The county clerk shall not be required to provide additional forms to any deputy registrar having more than 200 registration forms unaccounted for during the preceding 12 month period.

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

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

(Source: P.A. 89-653, eff. 8-14-96.)

Sec. 5-16.3. The county clerk may establish temporary places of registration for such times and at such locations within the county as the county clerk may select. However, no temporary place of registration may be in operation during the 27 28 days preceding an election. Notice of time and place of registration at any such temporary place of registration under this Section shall be published by the county clerk in a newspaper having a general circulation in the county not less than 3 nor more than 15 days before the holding of such registration.

New matter indicated by italics - deletions by strikeout.
Temporary places of registration shall be established so that the areas of concentration of population or use by the public are served, whether by facilities provided in places of private business or in public buildings or in mobile units. Areas which may be designated as temporary places of registration include, but are not limited to, facilities licensed or certified pursuant to the Nursing Home Care Act, Soldiers' and Sailors' Homes, shopping centers, business districts, public buildings and county fairs.

Temporary places of registration shall be available to the public not less than 2 hours per year for each 1,000 population or fraction thereof in the county.

All temporary places of registration shall be manned by deputy county clerks or deputy registrars appointed pursuant to Section 5-16.2.

(10 ILCS 5/6-29) (from Ch. 46, par. 6-29)

Sec. 6-29. For the purpose of registering voters under this Article, the office of the Board of Election Commissioners shall be open during ordinary business hours of each weekday, from 9 a.m. to 12 o'clock noon on the last four Saturdays immediately preceding the end of the period of registration preceding each election, and such other days and such other times as the board may direct. During the 27 to 28 days immediately preceding any election there shall be no registration of voters at the office of the Board of Election Commissioners in cities, villages and incorporated towns of fewer than 200,000 inhabitants. In cities, villages and incorporated towns of 200,000 or more inhabitants, there shall be no registration of voters at the office of the Board of Election Commissioners during the 35 days immediately preceding any election; provided, however, where no precinct registration is being conducted prior to any election then registration may be taken in the office of the Board up to and including the 28th to 29th day prior to such election. The Board of Election Commissioners may set up and establish as many branch offices for the purpose of taking registrations as it may deem necessary, and the branch offices may be open on any or all dates and hours during which registrations may be taken in the main office. All officers and employees of the Board of Election Commissioners who are authorized by such board to take registrations under this Article shall be considered officers of the circuit court, and shall be subject to the same control as is provided by Section 14-5 of this Act with respect to judges of election.

In any election called for the submission of the revision or alteration of, or the amendments to the Constitution, submitted by a Constitutional Convention, the final day for registration at the office of the election authority charged with the printing of the ballot of this election shall be the 15th day prior to the date of election.

The Board of Election Commissioners shall appoint one or more registration teams, consisting of 2 of its employees for each team, for the purpose of accepting the registration of any voter who files an affidavit, within the period for taking registrations provided for in this article, that he is physically unable to appear at the office of the Board or at any appointed place of registration. On the day or days when a precinct registration is being conducted such teams shall consist of one member from each of the 2 leading political parties who are serving on the Precinct Registration Board. Each team so designated shall visit each disabled person and shall accept the registration of such person the same as if he had applied.
for registration in person.

Any otherwise qualified person who is absent from his county of residence due to business of the United States, or who is temporarily residing outside the territorial limits of the United States, may make application to become registered by mail to the Board of Election Commissioners within the periods for registration provided for in this Article or by simultaneous application for absentee registration and absentee ballot as provided in Article 20 of this Code.

Upon receipt of such application the Board of Election Commissioners shall immediately mail an affidavit of registration in duplicate, which affidavit shall contain the following and such other information as the State Board of Elections may think it proper to require for the identification of the applicant:

Name. The name of the applicant, giving surname and first or Christian name in full, and the middle name or the initial for such middle name, if any.

Sex.

Residence. The name and number of the street, avenue or other location of the dwelling, and such additional clear and definite description as may be necessary to determine the exact location of the dwelling of the applicant. Where the location cannot be determined by street and number, then the section, congressional township and range number may be used, or such other information as may be necessary, including post office mailing address.

Term of residence in the State of Illinois and the precinct.

Nativity. The state or country in which the applicant was born.

Citizenship. Whether the applicant is native born or naturalized. If naturalized, the court, place and date of naturalization.

Age. Date of birth, by month, day and year.

Out of State address of .................

AFFIDAVIT OF REGISTRATION

State of ........( )

) ) ss.

County of ........( )

I hereby swear (or affirm) that I am a citizen of the United States; that on the day of the next election I shall have resided in the State of Illinois and in the election precinct 30 days; that I am fully qualified to vote, that I am not registered to vote anywhere else in the United States, that I intend to remain a resident of the State of Illinois, and of the election precinct, that I intend to return to the State of Illinois, and that the above statements are true.

(His or her signature or mark)

Subscribed and sworn to before me, an officer qualified to administer oaths, on (insert date).

Signature of officer administering oath.

Upon receipt of the executed duplicate affidavit of Registration, the Board of Election Commissioners shall transfer the information contained thereon to duplicate Registration

New matter indicated by italics - deletions by strikeout.
Sec. 6-35. The Boards of Election Commissioners shall provide a sufficient number of blank forms for the registration of electors which shall be known as registration record cards and which shall consist of loose leaf sheets or cards, of suitable size to contain in plain writing and figures the data hereinafter required thereon or shall consist of computer cards of suitable nature to contain the data required thereon. The registration record cards, which shall include an affidavit of registration as hereinafter provided, shall be executed in duplicate. The duplicate of which may be a carbon copy of the original or a copy of the original made by the use of other method or material used for making simultaneous true copies or duplications.

The registration record card shall contain the following and such other information as the Board of Election Commissioners may think it proper to require for the identification of the applicant for registration:

Name. The name of the applicant, giving surname and first or Christian name in full, and the middle name or the initial for such middle name, if any.

Sex.

Residence. The name and number of the street, avenue, or other location of the dwelling, including the apartment, unit or room number, if any, and in the case of a mobile home the lot number, and such additional clear and definite description as may be necessary to determine the exact location of the dwelling of the applicant, including post-office mailing address. In the case of a homeless individual, the individual's voting residence that is his or her mailing address shall be included on his or her registration record card.

Term of residence in the State of Illinois and the precinct.

Nativity. The state or country in which the applicant was born.

Citizenship. Whether the applicant is native born or naturalized. If naturalized, the court, place, and date of naturalization.

Date of application for registration, i.e., the day, month and year when the applicant presented himself for registration.

Age. Date of birth, by month, day and year.

Physical disability of the applicant, if any, at the time of registration, which would require assistance in voting.

The county and state in which the applicant was last registered.

Signature of voter. The applicant, after registration and in the presence of a deputy registrar or other officer of registration shall be required to sign his or her name in ink to the affidavit on both the original and the duplicate registration record card.

Signature of deputy registrar.

In case applicant is unable to sign his name, he may affix his mark to the affidavit.

New matter indicated by italics - deletions by strikeout.
In such case the registration officer shall write a detailed description of the applicant in the space provided at the bottom of the card or sheet; and shall ask the following questions and record the answers thereto:

- Father's first name
- Mother's first name
- From what address did you last register?
- Reason for inability to sign name

Each applicant for registration shall make an affidavit in substantially the following form:

**AFFIDAVIT OF REGISTRATION**

State of Illinois )
)ss
County of ...... )

I hereby swear (or affirm) that I am a citizen of the United States, that on the day of the next election I shall have resided in the State of Illinois and in the election precinct 30 days and that I intend that this location is my residence; that I am fully qualified to vote, and that the above statements are true.

(His or her signature or mark)

Subscribed and sworn to before me on (insert date).

Signature of registration officer
(to be signed in presence of registrant).

Space shall be provided upon the face of each registration record card for the notation of the voting record of the person registered thereon.

Each registration record card shall be numbered according to wards or precincts, as the case may be, and may be serially or otherwise marked for identification in such manner as the Board of Election Commissioners may determine.

The registration cards shall be deemed public records and shall be open to inspection during regular business hours, except during the 27 28 days immediately preceding any election. On written request of any candidate or objector or any person intending to object to a petition, the election authority shall extend its hours for inspection of registration cards and other records of the election authority during the period beginning with the filing of petitions under Sections 7-10, 8-8, 10-6 or 28-3 and continuing through the termination of electoral board hearings on any objections to petitions containing signatures of registered voters in the jurisdiction of the election authority. The extension shall be for a period of hours sufficient to allow adequate opportunity for examination of the records but the election authority is not required to extend its hours beyond the period beginning at its normal opening for business and ending at midnight. If the business hours are so extended, the election authority shall post a public notice of such extended hours. Registration record cards may also be inspected, upon approval of the officer in charge of the cards, during the 27 28 days immediately preceding any election. Registration record cards shall also be open to inspection

New matter indicated by italics - deletions by strikeout.
inspection by certified judges and poll watchers and challengers at the polling place on election day, but only to the extent necessary to determine the question of the right of a person to vote or to serve as a judge of election. At no time shall poll watchers or challengers be allowed to physically handle the registration record cards.

Updated copies of computer tapes or computer discs or other electronic data processing information containing voter registration information shall be furnished by the Board of Election Commissioners within 10 days after December 15 and May 15 each year and within 10 days after each registration period is closed to the State Board of Elections in a form prescribed by the State Board. For the purposes of this Section, a registration period is closed 27-28 days before the date of any regular or special election. Registration information shall include, but not be limited to, the following information: name, sex, residence, telephone number, if any, age, party affiliation, if applicable, precinct, ward, township, county, and representative, legislative and congressional districts. In the event of noncompliance, the State Board of Elections is directed to obtain compliance forthwith with this nondiscretionary duty of the election authority by instituting legal proceedings in the circuit court of the county in which the election authority maintains the registration information. The costs of furnishing updated copies of tapes or discs shall be paid at a rate of $.00034 per name of registered voters in the election jurisdiction, but not less than $50 per tape or disc and shall be paid from appropriations made to the State Board of Elections for reimbursement to the election authority for such purpose. The State Board shall furnish copies of such tapes, discs, other electronic data or compilations thereof to state political committees registered pursuant to the Illinois Campaign Finance Act or the Federal Election Campaign Act at their request and at a reasonable cost. Copies of the tapes, discs or other electronic data shall be furnished by the Board of Election Commissioners to local political committees at their request and at a reasonable cost. Reasonable cost of the tapes, discs, et cetera for this purpose would be the cost of duplication plus 15% for administration. The individual representing a political committee requesting copies of such tapes shall make a sworn affidavit that the information shall be used only for bona fide political purposes, including by or for candidates for office or incumbent office holders. Such tapes, discs or other electronic data shall not be used under any circumstances by any political committee or individuals for purposes of commercial solicitation or other business purposes. If such tapes contain information on county residents related to the operations of county government in addition to registration information, that information shall not be used under any circumstances for commercial solicitation or other business purposes. The prohibition in this Section against using the computer tapes or computer discs or other electronic data processing information containing voter registration information for purposes of commercial solicitation or other business purposes shall be prospective only from the effective date of this amended Act of 1979. Any person who violates this provision shall be guilty of a Class 4 felony.

The State Board of Elections shall promulgate, by October 1, 1987, such regulations as may be necessary to ensure uniformity throughout the State in electronic data processing of voter registration information. The regulations shall include, but need not be limited to,
specifications for uniform medium, communications protocol and file structure to be employed by the election authorities of this State in the electronic data processing of voter registration information. Each election authority utilizing electronic data processing of voter registration information shall comply with such regulations on and after May 15, 1988.

If the applicant for registration was last registered in another county within this State, he shall also sign a certificate authorizing cancellation of the former registration. The certificate shall be in substantially the following form:

To the County Clerk of .... County, Illinois.
To the Election Commission of the City of ...., Illinois.

This is to certify that I am registered in your (county) (city) and that my residence was ..... Having moved out of your (county), (city), I hereby authorize you to cancel that registration in your office.

Dated at ...., Illinois, on (insert date).

....................
(Signature of Voter)

Attest ...., Clerk, Election Commission of the City of..., Illinois.

The cancellation certificate shall be mailed immediately by the clerk of the Election Commission to the county clerk, (or Election Commission as the case may be) where the applicant was formerly registered. Receipt of such certificate shall be full authority for cancellation of any previous registration.

(Source: P.A. 91-357, eff. 7-29-99; 92-465, eff. 1-1-02.)

(10 ILCS 5/6-35.03) (from Ch. 46, par. 6-35.03)

Sec. 6-35.03. The State Board of Elections shall design a registration record card which, except as otherwise provided in this Section, shall be used in triplicate by all election authorities in the State, except those election authorities adopting a computer-based voter registration file authorized under Section 6-79. The Board shall prescribe the form and specifications, including but not limited to the weight of paper, color and print of such cards. Such cards shall contain boxes or spaces for the information required under Sections 6-31.1 and 6-35 of this Code; provided, that such cards shall also contain a box or space for the applicant's social security number, which shall be required to the extent allowed by law but in no case shall the applicant provide fewer than the last 4 digits of the social security number, and a box for the applicant's telephone number, if available.

Except for those election authorities adopting a computer-based voter registration file authorized under Section 6-79, the original and duplicate cards shall respectively constitute the master file and precinct binder registration records of the voter. A copy shall be given to the applicant upon completion of his or her registration or completed transfer of registration.

Whenever a voter moves to another precinct within the same election jurisdiction or to another election jurisdiction in the State, such voter may transfer his or her registration by presenting his or her copy to the election authority or a deputy registrar. If such voter is not in possession of or has lost his or her copy, he or she may effect a transfer of registration by executing an Affidavit of Cancellation of Previous Registration.

New matter indicated by italics - deletions by strikeout.
In the case of a transfer of registration to a new election jurisdiction, the election authority shall transmit the voter's copy or such affidavit to the election authority of the voter's former election jurisdiction, which shall immediately cause the transmission of the voter's previous registration card to the voter's new election authority. No transfer of registration to a new election jurisdiction shall be complete until the voter's old election authority receives notification.

Deputy registrars shall return all copies of registration record cards or Affidavits of Cancellation of Previous Registration to the election authority within 7 working days after the receipt thereof. Such copies or Affidavits of Cancellation of Previous Registration received by the deputy registrars between the 35th and 28th 29th day preceding an election shall be returned by the deputy registrars within 48 hours after receipt thereof. Such copies or Affidavits of Cancellation of Previous Registration received by the deputy registrars on the 28th 29th day preceding an election shall be returned by the deputy registrars to the election authority within 24 hours after receipt thereof.

(Source: P.A. 91-73, eff. 7-9-99; 91-533, eff. 8-13-99.)

Sec. 6-43. Immediately after the completion of the revision by the Board of Election Commissioners, the board shall cause copies to be made of all names upon the registration record cards not marked or erased, with the address, and shall have the same arranged according to the streets, avenues, courts, or alleys, commencing with the lowest number, and arranging the same in order according to the street numbers, and shall then cause such precinct register, upon such arrangement, to be printed in plain, large type in sufficient numbers to meet all demands, and upon application a copy of the same shall be given to any person applying therefor. Provided, however, that in municipalities having a population of more than 500,000 and having a Board of Election Commissioners, as to all elections, excepting any elections held for the purpose of electing judges of the circuit courts, registrations for which are made solely before the Board of Election Commissioners, and where no general precinct registrations were provided for or held within 27 28 days before the election, the Board of Election Commissioners shall cause, within 10 days after the last day of registration before such board, copies to be made of all names of qualified electors appearing upon each registration record card in like manner as hereinabove provided, and upon application a copy of the same shall be given to any person applying therefor: Provided, further, that whenever an election is held within 90 days after a preceding election, or when any elections are held for the purpose of electing judges of the circuit courts, the printed list and the supplement thereto provided for the last preceding election shall constitute the Printed Precinct Register for the ensuing election, subject to such changes as shall be made, if any, as herein provided, which changes, if any, and the contents of any supplemental list, insofar as the latter have not been changed pursuant to this Act, shall be printed in a new supplemental list which shall supplant the prior supplemental list and shall be delivered to the judges of the respective precincts, with the printed register and the certification, in the manner and at the time provided in Sections 6-48 and 6-60 of this Article. Such list shall have printed on the bottom thereof the facsimile signatures of the members of the Board of
Election Commissioners certifying that the names on the list are the names of all voters entitled to vote in the precinct indicated on the top thereof. Such list shall be termed the "Printed Precinct Register" and shall be prima facie evidence that the electors whose names appear thereon are entitled to vote. Provided that if, on order of the Board of Election Commissioners a corrected or revised precinct register of voters in a precinct or precincts is printed, such list or lists shall have printed thereon the day and month of such revision and shall be designated "Revised Precinct Register of Voters."

Any elector whose name does not appear as a registered voter on such printed precinct register, supplemental list or any list provided for in this Article and whose name has not been erased or withdrawn shall be entitled to vote as hereinafter in this Article provided if his registration card is in the master file. Such elector shall within 7 days after the publication of such printed precinct register, file with the Board of Election Commissioners an application stating that he is a duly registered voter and that his registration card is in the master file. The Board shall hold a hearing upon such application within 2 days after the filing thereof and shall announce its decision thereon within 3 days after the hearing. If the name of such applicant appears upon the registration card in the master file, the board shall issue to such elector a certificate setting forth that his name does so appear and certifying that he has the right to vote at the next succeeding election. Such certificate shall be issued in duplicate, one to be retained in the files of the board, and the other to be issued to the elector.

The Board of Election Commissioners upon the issuance of such certificate shall see that the name of such elector appears upon the precinct registry list in the precinct. 

(Source: Laws 1965, p. 3481.)

(10 ILCS 5/6-50) (from Ch. 46, par. 6-50)

Sec. 6-50. The office of the board of election commissioners shall be open during ordinary business hours of each week day, from 9 a.m. to 12 o'clock noon on the last four Saturdays immediately preceding the end of the period of registration preceding each election, and such other days and such other times as the board may direct. There shall be no registration at the office of the board of election commissioners in cities, villages and incorporated towns of fewer than 200,000 inhabitants during the 27 days preceding any primary, regular or special election at which the cards provided for in this article are used, or until the second day following such primary, regular or special election. In cities, villages and incorporated towns of 200,000 or more inhabitants, there shall be no registration of voters at the office of the board of election commissioners during the 35 days immediately preceding any election; provided, however, where no precinct registration is being conducted prior to any election then registration may be taken in the office of the board up to and including the 28th day prior to such election. In any election called for the submission of the revision or alteration of, or the amendments to the Constitution, submitted by a Constitutional Convention, the final day for registration at the office of the election authority charged with the printing of the ballot of this election shall be the 15th day prior to the date of election.

The Board of Election Commissioners shall appoint one or more registration teams,

New matter indicated by italics - deletions by strikeout.
each consisting of one member from each of the 2 leading political parties, for the purpose
of accepting the registration of any voter who files an affidavit, within the period for taking
registrations provided for in this Article, that he is physically unable to appear at the office
of the Board or at any appointed place of registration. On the day or days when a precinct
registration is being conducted such teams shall consist of one member from each of the 2
leading political parties who are serving on the precinct registration board. Each team so
designated shall visit each disabled person and shall accept the registration of such person
the same as if he had applied for registration in person.

The office of the board of election commissioners may be designated as a place of
registration under Section 6-51 of this Article and, if so designated, may also be open for
purposes of registration on such day or days as may be specified by the board of election
commissioners under the provisions of that Section.
(Source: P.A. 79-1134.)

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

Sec. 6-50.2. (a) The board of election commissioners shall appoint all precinct
committeepersons in the election jurisdiction as deputy registrars who may accept the
registration of any qualified resident of the election jurisdiction, except during the 27-28 days
preceding an election.

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

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

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

2. The principal, or a qualified person designated by the principal, of any high
school, elementary school, or vocational school situated within the election
jurisdiction, who may accept the registrations of any resident of the election
jurisdiction, at such school. The board of election commissioners shall notify every
principal and vice-principal of each high school, elementary school, and vocational
school situated in the election jurisdiction of their eligibility to serve as deputy
registrars and offer training courses for service as deputy registrars at conveniently
located facilities at least 4 months prior to every election.

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

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

5. A duly elected or appointed official of a bona fide State civic organization, as defined and determined by rule of the State Board of Elections, or qualified members designated by such official, who may accept the registration of any qualified resident of the election jurisdiction. In determining the number of deputy registrars that shall be appointed, the board of election commissioners shall consider the population of the jurisdiction, the size of the organization, the geographic size of the jurisdiction, convenience for the public, the existing number of deputy registrars in the jurisdiction and their location, the registration activities of the organization and the need to appoint deputy registrars to assist and facilitate the registration of non-English speaking individuals. In no event shall a board of election commissioners fix an arbitrary number applicable to every civic organization requesting appointment of its members as deputy registrars. The State Board of Elections shall by rule provide for certification of bona fide State civic organizations. Such appointments shall be made for a period not to exceed 2 years, terminating on the first business day of the month following the month of the general election, and shall be valid for all periods of voter registration as provided by this Code during the terms of such appointments.

6. The Director of the Illinois Department of Public Aid, or a reasonable number of employees designated by the Director and located at public aid offices, who may accept the registration of any qualified resident of the election jurisdiction at any such public aid office.

7. The Director of the Illinois Department of Employment Security, or a reasonable number of employees designated by the Director and located at unemployment offices, who may accept the registration of any qualified resident of the election jurisdiction at any such unemployment office. If the request to be appointed as deputy registrar is denied, the board of election commissioners shall, within 10 days after the date the request is submitted, provide the affected individual or organization with written notice setting forth the specific reasons or criteria relied upon to deny the request to be appointed as deputy registrar.

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

The board of election commissioners may appoint as many additional deputy registrars as it considers necessary. The board of election commissioners shall appoint such additional deputy registrars in such manner that the convenience of the public is served, giving due consideration to both population concentration and area. Some of the additional deputy registrars shall be selected so that there are an equal number from each of the 2 major political parties in the election jurisdiction. The board of election commissioners, in appointing an additional deputy registrar, shall make the appointment from a list of

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applicants submitted by the Chairman of the County Central Committee of the applicant's political party. A Chairman of a County Central Committee shall submit a list of applicants to the board by November 30 of each year. The board may require a Chairman of a County Central Committee to furnish a supplemental list of applicants.

Deputy registrars may accept registrations at any time other than the 27th to 28th day preceding an election. All persons appointed as deputy registrars shall be registered voters within the election jurisdiction and shall take and subscribe to the following oath or affirmation:

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

........................................
Signature of Registration Officer"

This oath shall be administered and certified to by one of the commissioners or by the executive director or by some person designated by the board of election commissioners, and shall immediately thereafter be filed with the board of election commissioners. The members of the board of election commissioners and all persons authorized by them under the provisions of this Article to take registrations, after themselves taking and subscribing to the above oath, are authorized to take or administer such oaths and execute such affidavits as are required by this Article.

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

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

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

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preceding an election shall be returned by the deputy registrars within 24 hours after receipt thereof. Unused materials shall be returned by deputy registrars appointed pursuant to paragraph 4 of subsection (a), not later than the next working day following the close of registration.

(d) The board of election commissioners shall not be required to provide additional forms to any deputy registrar having more than 200 registration forms unaccounted for during the preceding 12 month period.

(e) No deputy registrar shall engage in any electioneering or the promotion of any cause during the performance of his or her duties.

(f) The board of election commissioners shall not be criminally or civilly liable for the acts or omissions of any deputy registrar. Such deputy registrars shall not be deemed to be employees of the board of election commissioners.

(Source: P.A. 89-653, eff. 8-14-96.)

Sec. 6-50.3. The board of election commissioners may establish temporary places of registration for such times and at such locations as the board may select. However, no temporary place of registration may be in operation during the 28 days preceding an election. Notice of the time and place of registration at any such temporary place of registration under this Section shall be published by the board of election commissioners in a newspaper having a general circulation in the city, village or incorporated town not less than 3 nor more than 15 days before the holding of such registration.

Temporary places of registration shall be established so that the areas of concentration of population or use by the public are served, whether by facilities provided in places of private business or in public buildings or in mobile units. Areas which may be designated as temporary places of registration include, but are not limited to facilities licensed or certified pursuant to the Nursing Home Care Act, Soldiers' and Sailors' Homes, shopping centers, business districts, public buildings and county fairs.

Temporary places of registration shall be available to the public not less than 2 hours per year for each 1,000 population or fraction thereof in the county.

All temporary places of registration shall be manned by employees of the board of election commissioners or deputy registrars appointed pursuant to Section 6-50.2.

(Source: P.A. 86-820; 86-873; 86-1028.)

Section 99. Effective date. This Act takes effect upon becoming law.
Passed in the General Assembly June 2, 2002.
Approved August 21, 2002.
Effective August 21, 2002.
Assembly:

Section 5. The Code of Civil Procedure is amended by changing Sections 2-1601 and 12-101 and adding Section 2-1602 as follows:

(735 ILCS 5/2-1601) (from Ch. 110, par. 2-1601)

Sec. 2-1601. Scire facias abolished. Any relief which heretofore might have been obtained by scire facias may be had by employing a petition filed in the case in which the original judgment was entered in accordance with Section 2-1602, and notice shall be given in accordance with rules.

(Source: P.A. 82-280.)

(735 ILCS 5/2-1602 new)

Sec. 2-1602. Revival of judgment.

(a) A judgment may be revived in the seventh year after its entry, or in the seventh year after its last revival, or at any other time thereafter within 20 years after its entry.

(b) A petition to revive a judgment shall be filed in the original case in which the judgment was entered. The petition shall include a statement as to the original date and amount of the judgment, court costs expended, accrued interest, and credits to the judgment, if any.

(c) Service of notice of the petition to revive a judgment shall be made in accordance with Supreme Court Rule 106.

(d) An order reviving a judgment shall be for the original amount of the judgment. The plaintiff may recover interest and court costs from the date of the original judgment. Credits to the judgment shall be reflected by the plaintiff in supplemental proceedings or execution.

(e) If a judgment debtor has filed for protection under the United States Bankruptcy Code and failed to successfully adjudicate and remove a lien filed by a judgment creditor, then the judgment may be revived only as to the property to which a lien attached before the filing of the bankruptcy action.

(f) A judgment may be revived as to fewer than all judgment debtors, and such order for revival of judgment shall be final, appealable, and enforceable.

(g) This Section does not apply to a child support judgment or to a judgment recovered in an action for damages for an injury described in Section 13-214.1, which need not be revived as provided in this Section and which may be enforced at any time as provided in Section 12-108.

(735 ILCS 5/12-101) (from Ch. 110, par. 12-101)

Sec. 12-101. Lien of judgment. With respect to the creation of liens on real estate by judgments, all real estate in the State of Illinois is divided into 2 classes.

The first class consists of all real property, the title to which is registered under "An Act concerning land titles", approved May 1, 1897, as amended.

The second class consists of all real property not registered under "An Act concerning land titles".

As to real estate in class one, a judgment is a lien on the real estate of the person against whom it is entered for the same period as in class two, when Section 85 of "An Act

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concerning land titles", has been complied with.

As to real estate included within class two, a judgment is a lien on the real estate of the person against whom it is entered in any county in this State, including the county in which it is entered, only from the time a transcript, certified copy or memorandum of the judgment is filed in the office of the recorder in the county in which the real estate is located. The lien may be foreclosed by an action brought in the name of the judgment creditor or its assignee of record under Article XV in the same manner as a mortgage of real property, except that the redemption period shall be 6 months from the date of sale and the real estate homestead exemption under Section 12-901 shall apply. A judgment resulting from the entry of an order requiring child support payments shall be a lien upon the real estate of the person obligated to make the child support payments, but shall not be enforceable in any county of this State until a transcript, certified copy, or memorandum of the lien is filed in the office of the recorder in the county in which the real estate is located. Any lien hereunder arising out of an order for support shall be a lien only as to and from the time that an installment or payment is due under the terms of the order. Further, the order for support shall not be a lien on real estate to the extent of payments made as evidenced by the records of the Clerk of the Circuit Court or State agency receiving payments pursuant to the order. In the event payments made pursuant to that order are not paid to the Clerk of the Circuit Court or a State agency, then each lien imposed by this Section may be released in the following manner:

(a) A Notice of Filing and an affidavit stating that all installments of child support required to be paid pursuant to the order under which the lien or liens were imposed have been paid shall be filed with the office of recorder in each county in which each such lien appears of record, together with proof of service of such notice and affidavit upon the recipient of such payments.

(b) Service of such affidavit shall be by any means authorized under Sections 2-203 and 2-208 of the Code of Civil Procedure or under Supreme Court Rules 11 or 105(b).

(c) The Notice of Filing shall set forth the name and address of the judgment debtor and the judgment creditor, the court file number of the order giving rise to the judgment and, in capital letters, the following statement:

YOU ARE HEREBY NOTIFIED THAT ON (insert date) THE ATTACHED AFFIDAVIT WAS FILED IN THE OFFICE OF THE RECORDER OF .... COUNTY, ILLINOIS, WHOSE ADDRESS IS .........., ILLINOIS. IF, WITHIN 28 DAYS OF THE DATE OF THIS NOTICE, YOU FAIL TO FILE AN AFFIDAVIT OBJECTING TO THE RELEASE OF THE STATED JUDGMENT LIEN OR LIENS, IN THE ABOVE OFFICE, SUCH JUDGMENT LIEN WILL BE DEEMED TO BE RELEASED AND NO LONGER SUBJECT TO FORECLOSURE. THIS RELEASE OF LIEN WILL NOT ACT AS A SATISFACTION OF SUCH JUDGMENT.

(d) If no affidavit objecting to the release of the lien or liens is filed within 28 days of the Notice described in paragraph (c) of this Section such lien or liens shall be deemed to be released and no longer subject to foreclosure.

A judgment is not a lien on real estate for longer than 7 years from the time it is

New matter indicated by italics - deletions by strikeout.
entered or revived, unless the judgment is revived within 7 years after its entry or last revival and a memorandum of judgment is filed before the expiration of the prior memorandum of judgment.

When a judgment is revived it is a lien on the real estate of the person against whom it was entered in any county in this State from the time a transcript, certified copy or memorandum of the order of revival is filed in the office of the recorder in the county in which the real estate is located.

A foreign judgment registered pursuant to Sections 12-601 through 12-618 of this Act is a lien upon the real estate of the person against whom it was entered in any county in this State from the time a transcript, certified copy or memorandum of the final judgment of the court of this State entered on that foreign judgment is filed in the office of the recorder in the county in which the real estate is located. However, no such judgment shall be a lien on any real estate registered under "An Act concerning land titles", as amended, until Section 85 of that Act has been complied with.

The release of any transcript, certified copy or memorandum of judgment or order of revival which has been recorded shall be filed by the person receiving the release in the office of the recorder in which such judgment or order has been recorded. Such release shall contain in legible letters a statement as follows:

FOR THE PROTECTION OF THE OWNER, THIS RELEASE SHALL BE FILED WITH THE RECORDER OR THE REGISTRAR OF TITLES IN WHOSE OFFICE THE LIEN WAS FILED.

The term "memorandum" as used in this Section means a memorandum or copy of the judgment signed by a judge or a copy attested by the clerk of the court entering it and showing the court in which entered, date, amount, number of the case in which it was entered, name of the party in whose favor and name and last known address of the party against whom entered. If the address of the party against whom the judgment was entered is not known, the memorandum or copy of judgment shall so state.

The term "memorandum" as used in this Section also means a memorandum or copy of a child support order signed by a judge or a copy attested by the clerk of the court entering it or a copy attested by the administrative body entering it.

This Section shall not be construed as showing an intention of the legislature to create a new classification of real estate, but shall be construed as showing an intention of the legislature to continue a classification already existing.

(Source: P.A. 90-18, eff. 7-1-97; 91-357, eff. 7-29-99.)

Section 99. Effective date. This Act takes effect upon becoming law.
Approved August 21, 2002.
Effective August 21, 2002.

New matter indicated by italics - deletions by strikeout.
AN ACT in relation to criminal law.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Criminal Code of 1961 is amended by adding Section 17-25 as follows:

(720 ILCS 5/17-25 new)
Sec. 17-25. Use of scanning device or reencoder to defraud.
(a) In this Section:
"Scanning device" means a scanner, reader, or any other electronic device that is used to access, read, scan, obtain, memorize, or store, temporarily or permanently, information encoded on the magnetic strip or stripe of a payment card.
"Reencoder" means an electronic device that places encoded information from the magnetic strip or stripe of a payment card onto the magnetic strip or stripe of a different payment card.
"Payment card" means a credit card, charge card, debit card, or any other card that is issued to an authorized card user and that allows the user to obtain, purchase, or receive goods, services, money, or anything else of value from a merchant.
"Merchant" means an owner or operator of any retail mercantile establishment or any agent, employee, lessee, consignee, officer, director, franchisee, or independent contractor of the owner or operator. "Merchant" also means a person who receives from an authorized user of a payment card, or someone the person believes to be an authorized user, a payment card or information from a payment card, or what the person believes to be a payment card or information from a payment card, as the instrument for obtaining, SB1577 Enrolled-2- LRB9213660RCed purchasing or receiving goods, services, money, or anything else of value from the person.
(b) It is unlawful for a person to use:
(1) a scanning device to access, read, obtain, memorize, or store, temporarily or permanently, information encoded on the magnetic strip or stripe of a payment card without the permission of the authorized user of the payment card and with the intent to defraud the authorized user, the issuer of the authorized user's payment card, or a merchant; or
(2) a reencoder to place information encoded on the magnetic strip or stripe of a payment card onto the magnetic strip or stripe of a different card without the permission of the authorized user of the card from which the information is being reencoded and with the intent to defraud the authorized user, the issuer of the authorized user's payment card, or a merchant.
(c) Sentence. A violation of this Section is a Class 4 felony. A second or subsequent violation of this Section is a Class 3 felony.

Section 99. Effective date. This Act takes effect upon becoming law.

New matter indicated by italics - deletions by strikeout.
AN ACT concerning liens.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Code of Civil Procedure is amended by changing Section 9-316 as follows:

(735 ILCS 5/9-316) (from Ch. 110, par. 9-316)
Sec. 9-316. Lien upon crops. Every landlord shall have a lien upon the crops grown or growing upon the demised premises for the rent thereof, whether the same is payable wholly or in part in money or specific articles of property or products of the premises, or labor, and also for the faithful performance of the terms of the lease. Such lien shall continue for the period of 6 months after the expiration of the term for which the premises are demised, and may be enforced by distraint as provided in Part 3 of Article IX of this Act.

A good faith purchaser shall, however, take such crops free of any landlord's lien unless, within 6 months prior to the purchase, the landlord provides written notice of his lien to the purchaser by registered or certified mail. Such notice shall contain the names and addresses of the landlord and tenant, and clearly identify the leased property.

A landlord may require that, prior to his tenant's selling any crops grown on the demised premises, the tenant disclose the name of the person to whom the tenant intends to sell those crops. Where such a requirement has been imposed, the tenant shall not sell the crops to any person other than a person who has been disclosed to the landlord as a potential buyer of the crops.

A lien arising under this Section and duly perfected under Article 9 of the Uniform Commercial Code shall have priority over any other agricultural lien as defined in, and over any security interest arising under, provisions of Article 9 of the Uniform Commercial Code.

(Source: P.A. 91-893, eff. 7-1-01.)

Section 10. The Uniform Commercial Code is amended by changing Sections 9-102 and 9-109 as follows:

(810 ILCS 5/9-102) (from Ch. 26, par. 9-102)
Sec. 9-102. Definitions and index of definitions.
(a) Article 9 definitions. In this Article:

(1) "Accession" means goods that are physically united with other goods in such a manner that the identity of the original goods is not lost.

(2) "Account", except as used in "account for", means a right to payment of a monetary obligation, whether or not earned by performance, (i) for property that has been or is to be sold, leased, licensed, assigned, or otherwise disposed of, (ii) for
services rendered or to be rendered, (iii) for a policy of insurance issued or to be issued, (iv) for a secondary obligation incurred or to be incurred, (v) for energy provided or to be provided, (vi) for the use or hire of a vessel under a charter or other contract, (vii) arising out of the use of a credit or charge card or information contained on or for use with the card, or (viii) as winnings in a lottery or other game of chance operated or sponsored by a State, governmental unit of a State, or person licensed or authorized to operate the game by a State or governmental unit of a State. The term includes health-care-insurance receivables. The term does not include (i) rights to payment evidenced by chattel paper or an instrument, (ii) commercial tort claims, (iii) deposit accounts, (iv) investment property, (v) letter-of-credit rights or letters of credit, or (vi) rights to payment for money or funds advanced or sold, other than rights arising out of the use of a credit or charge card or information contained on or for use with the card.

(3) "Account debtor" means a person obligated on an account, chattel paper, or general intangible. The term does not include persons obligated to pay a negotiable instrument, even if the instrument constitutes part of chattel paper.

(4) "Accounting", except as used in "accounting for", means a record:

(A) authenticated by a secured party;

(B) indicating the aggregate unpaid secured obligations as of a date not more than 35 days earlier or 35 days later than the date of the record; and

(C) identifying the components of the obligations in reasonable detail.

(5) "Agricultural lien" means an interest, other than a security interest, in farm products:

(A) which secures payment or performance of an obligation for: (i) goods or services furnished in connection with a debtor's farming operation; or (ii) rent on real property leased by a debtor in connection with its farming operation;

(B) which is created by statute in favor of a person that: (i) in the ordinary course of its business furnished goods or services to a debtor in connection with a debtor's farming operation; or (ii) leased real property to a debtor in connection with the debtor's farming operation; and

(C) whose effectiveness does not depend on the person's possession of the personal property.

(6) "As-extracted collateral" means:

(A) oil, gas, or other minerals that are subject to a security interest that:

(i) is created by a debtor having an interest in the minerals before extraction; and

(ii) attaches to the minerals as extracted; or

(B) accounts arising out of the sale at the wellhead or minehead of oil, gas, or other minerals in which the debtor had an interest before extraction.

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(7) "Authenticate" means:
   (A) to sign; or
   (B) to execute or otherwise adopt a symbol, or encrypt or similarly process a record in whole or in part, with the present intent of the authenticating person to identify the person and adopt or accept a record.

(8) "Bank" means an organization that is engaged in the business of banking. The term includes savings banks, savings and loan associations, credit unions, and trust companies.

(9) "Cash proceeds" means proceeds that are money, checks, deposit accounts, or the like.

(10) "Certificate of title" means a certificate of title with respect to which a statute provides for the security interest in question to be indicated on the certificate as a condition or result of the security interest's obtaining priority over the rights of a lien creditor with respect to the collateral.

(11) "Chattel paper" means a record or records that evidence both a monetary obligation and a security interest in specific goods, a security interest in specific goods and software used in the goods, a security interest in specific goods and license of software used in the goods, a lease of specific goods, or a lease of specified goods and a license of software used in the goods. In this paragraph, "monetary obligation" means a monetary obligation secured by the goods or owed under a lease of the goods and includes a monetary obligation with respect to software used in the goods. The term does not include (i) charters or other contracts involving the use or hire of a vessel or (ii) records that evidence a right to payment arising out of the use of a credit or charge card or information contained on or for use with the card. If a transaction is evidenced by records that include an instrument or series of instruments, the group of records taken together constitutes chattel paper.

(12) "Collateral" means the property subject to a security interest or agricultural lien. The term includes:
   (A) proceeds to which a security interest attaches;
   (B) accounts, chattel paper, payment intangibles, and promissory notes that have been sold; and
   (C) goods that are the subject of a consignment.

(13) "Commercial tort claim" means a claim arising in tort with respect to which:
   (A) the claimant is an organization; or
   (B) the claimant is an individual and the claim:
      (i) arose in the course of the claimant's business or profession; and
      (ii) does not include damages arising out of personal injury to or the death of an individual.

(14) "Commodity account" means an account maintained by a commodity intermediary in which a commodity contract is carried for a commodity customer.
(15) "Commodity contract" means a commodity futures contract, an option on a commodity futures contract, a commodity option, or another contract if the contract or option is:

(A) traded on or subject to the rules of a board of trade that has been designated as a contract market for such a contract pursuant to federal commodities laws; or

(B) traded on a foreign commodity board of trade, exchange, or market, and is carried on the books of a commodity intermediary for a commodity customer.

(16) "Commodity customer" means a person for which a commodity intermediary carries a commodity contract on its books.

(17) "Commodity intermediary" means a person that:

(A) is registered as a futures commission merchant under federal commodities law; or

(B) in the ordinary course of its business provides clearance or settlement services for a board of trade that has been designated as a contract market pursuant to federal commodities law.

(18) "Communicate" means:

(A) to send a written or other tangible record;

(B) to transmit a record by any means agreed upon by the persons sending and receiving the record; or

(C) in the case of transmission of a record to or by a filing office, to transmit a record by any means prescribed by filing-office rule.

(19) "Consignee" means a merchant to which goods are delivered in a consignment.

(20) "Consignment" means a transaction, regardless of its form, in which a person delivers goods to a merchant for the purpose of sale and:

(A) the merchant:

(i) deals in goods of that kind under a name other than the name of the person making delivery;

(ii) is not an auctioneer; and

(iii) is not generally known by its creditors to be substantially engaged in selling the goods of others;

(B) with respect to each delivery, the aggregate value of the goods is $1,000 or more at the time of delivery;

(C) the goods are not consumer goods immediately before delivery; and

(D) the transaction does not create a security interest that secures an obligation.

(21) "Consignor" means a person that delivers goods to a consignee in a consignment.

(22) "Consumer debtor" means a debtor in a consumer transaction.

New matter indicated by italics - deletions by strikeout.
(23) "Consumer goods" means goods that are used or bought for use primarily for personal, family, or household purposes.

(24) "Consumer-goods transaction" means a consumer transaction in which:
   (A) an individual incurs an obligation primarily for personal, family, or household purposes; and
   (B) a security interest in consumer goods secures the obligation.

(25) "Consumer obligor" means an obligor who is an individual and who incurred the obligation as part of a transaction entered into primarily for personal, family, or household purposes.

(26) "Consumer transaction" means a transaction in which (i) an individual incurs an obligation primarily for personal, family, or household purposes, (ii) a security interest secures the obligation, and (iii) the collateral is held or acquired primarily for personal, family, or household purposes. The term includes consumer-goods transactions.

(27) "Continuation statement" means an amendment of a financing statement which:
   (A) identifies, by its file number, the initial financing statement to which it relates; and
   (B) indicates that it is a continuation statement for, or that it is filed to continue the effectiveness of, the identified financing statement.

(28) "Debtor" means:
   (A) a person having an interest, other than a security interest or other lien, in the collateral, whether or not the person is an obligor;
   (B) a seller of accounts, chattel paper, payment intangibles, or promissory notes; or
   (C) a consignee.

(29) "Deposit account" means a demand, time, savings, passbook, nonnegotiable certificates of deposit, uncertificated certificates of deposit, nontransferrable certificates of deposit, or similar account maintained with a bank. The term does not include investment property or accounts evidenced by an instrument.

(30) "Document" means a document of title or a receipt of the type described in Section 7-201(2).

(31) "Electronic chattel paper" means chattel paper evidenced by a record or records consisting of information stored in an electronic medium.

(32) "Encumbrance" means a right, other than an ownership interest, in real property. The term includes mortgages and other liens on real property.

(33) "Equipment" means goods other than inventory, farm products, or consumer goods.

(34) "Farm products" means goods, other than standing timber, with respect to which the debtor is engaged in a farming operation and which are:
   (A) crops grown, growing, or to be grown, including:

New matter indicated by italics - deletions by strikeout.
(i) crops produced on trees, vines, and bushes; and
(ii) aquatic goods produced in aquacultural operations;
(B) livestock, born or unborn, including aquatic goods produced in
aquacultural operations;
(C) supplies used or produced in a farming operation; or
(D) products of crops or livestock in their unmanufactured states.

(35) "Farming operation" means raising, cultivating, propagating, fattening,
grazing, or any other farming, livestock, or aquacultural operation.

(36) "File number" means the number assigned to an initial financing
statement pursuant to Section 9-519(a).

(37) "Filing office" means an office designated in Section 9-501 as the place
to file a financing statement.

(38) "Filing-office rule" means a rule adopted pursuant to Section 9-526.

(39) "Financing statement" means a record or records composed of an initial
financing statement and any filed record relating to the initial financing statement.

(40) "Fixture filing" means the filing of a financing statement covering goods
that are or are to become fixtures and satisfying Section 9-502(a) and (b). The term
includes the filing of a financing statement covering goods of a transmitting utility
which are or are to become fixtures.

(41) "Fixtures" means goods that have become so related to particular real
property that an interest in them arises under real property law.

(42) "General intangible" means any personal property, including things in
action, other than accounts, chattel paper, commercial tort claims, deposit accounts,
documents, goods, instruments, investment property, letter-of-credit rights, letters of
credit, money, and oil, gas, or other minerals before extraction. The term includes
payment intangibles and software.

(43) "Good faith" means honesty in fact and the observance of reasonable
commercial standards of fair dealing.

(44) "Goods" means all things that are movable when a security interest
attaches. The term includes (i) fixtures, (ii) standing timber that is to be cut and
removed under a conveyance or contract for sale, (iii) the unborn young of animals,
(iv) crops grown, growing, or to be grown, even if the crops are produced on trees,
vines, or bushes, and (v) manufactured homes. The term also includes a computer
program embedded in goods and any supporting information provided in connection
with a transaction relating to the program if (i) the program is associated with the
goods in such a manner that it customarily is considered part of the goods, or (ii) by
becoming the owner of the goods, a person acquires a right to use the program in
connection with the goods. The term does not include a computer program embedded
in goods that consist solely of the medium in which the program is embedded. The
term also does not include accounts, chattel paper, commercial tort claims, deposit
accounts, documents, general intangibles, instruments, investment property,
letter-of-credit rights, letters of credit, money, or oil, gas, or other minerals before

New matter indicated by italics - deletions by strikeout.
(45) "Governmental unit" means a subdivision, agency, department, county, parish, municipality, or other unit of the government of the United States, a State, or a foreign country. The term includes an organization having a separate corporate existence if the organization is eligible to issue debt on which interest is exempt from income taxation under the laws of the United States.

(46) "Health-care-insurance receivable" means an interest in or claim under a policy of insurance which is a right to payment of a monetary obligation for health-care goods or services provided.

(47) "Instrument" means a negotiable instrument or any other writing that evidences a right to the payment of a monetary obligation, is not itself a security agreement or lease, and is of a type that in ordinary course of business is transferred by delivery with any necessary indorsement or assignment. The term does not include (i) investment property, (ii) letters of credit, (iii) nonnegotiable certificates of deposit, (iv) uncertificated certificates of deposit, (v) nontransferrable certificates of deposit, or (vi) writings that evidence a right to payment arising out of the use of a credit or charge card or information contained on or for use with the card.

(48) "Inventory" means goods, other than farm products, which:
   (A) are leased by a person as lessor;
   (B) are held by a person for sale or lease or to be furnished under a contract of service;
   (C) are furnished by a person under a contract of service; or
   (D) consist of raw materials, work in process, or materials used or consumed in a business.

(49) "Investment property" means a security, whether certificated or uncertificated, security entitlement, securities account, commodity contract, or commodity account.

(50) "Jurisdiction of organization", with respect to a registered organization, means the jurisdiction under whose law the organization is organized.

(51) "Letter-of-credit right" means a right to payment or performance under a letter of credit, whether or not the beneficiary has demanded or is at the time entitled to demand payment or performance. The term does not include the right of a beneficiary to demand payment or performance under a letter of credit.

(52) "Lien creditor" means:
   (A) a creditor that has acquired a lien on the property involved by attachment, levy, or the like;
   (B) an assignee for benefit of creditors from the time of assignment;
   (C) a trustee in bankruptcy from the date of the filing of the petition;
   or
   (D) a receiver in equity from the time of appointment.

(53) "Manufactured home" means a structure, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet.
feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein. The term includes any structure that meets all of the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the United States Secretary of Housing and Urban Development and complies with the standards established under Title 42 of the United States Code.

(54) "Manufactured-home transaction" means a secured transaction:
   (A) that creates a purchase-money security interest in a manufactured home, other than a manufactured home held as inventory; or
   (B) in which a manufactured home, other than a manufactured home held as inventory, is the primary collateral.

(55) "Mortgage" means a consensual interest in real property, including fixtures, which secures payment or performance of an obligation.

(56) "New debtor" means a person that becomes bound as debtor under Section 9-203(d) by a security agreement previously entered into by another person.

(57) "New value" means (i) money, (ii) money's worth in property, services, or new credit, or (iii) release by a transferee of an interest in property previously transferred to the transferee. The term does not include an obligation substituted for another obligation.

(58) "Noncash proceeds" means proceeds other than cash proceeds.

(59) "Obligor" means a person that, with respect to an obligation secured by a security interest in or an agricultural lien on the collateral, (i) owes payment or other performance of the obligation, (ii) has provided property other than the collateral to secure payment or other performance of the obligation, or (iii) is otherwise accountable in whole or in part for payment or other performance of the obligation. The term does not include issuers or nominated persons under a letter of credit.

(60) "Original debtor", except as used in Section 9-310(c), means a person that, as debtor, entered into a security agreement to which a new debtor has become bound under Section 9-203(d).

(61) "Payment intangible" means a general intangible under which the account debtor's principal obligation is a monetary obligation.

(62) "Person related to", with respect to an individual, means:
   (A) the spouse of the individual;
   (B) a brother, brother-in-law, sister, or sister-in-law of the individual;
   (C) an ancestor or lineal descendant of the individual or the individual's spouse; or
   (D) any other relative, by blood or marriage, of the individual or the individual's spouse who shares the same home with the individual.

New matter indicated by italics - deletions by strikeout.
(63) "Person related to", with respect to an organization, means:
   (A) a person directly or indirectly controlling, controlled by, or under common control with the organization;
   (B) an officer or director of, or a person performing similar functions with respect to, the organization;
   (C) an officer or director of, or a person performing similar functions with respect to, a person described in subparagraph (A);
   (D) the spouse of an individual described in subparagraph (A), (B), or (C); or
   (E) an individual who is related by blood or marriage to an individual described in subparagraph (A), (B), (C), or (D) and shares the same home with the individual.

(64) "Proceeds", except as used in Section 9-609(b), means the following property:
   (A) whatever is acquired upon the sale, lease, license, exchange, or other disposition of collateral;
   (B) whatever is collected on, or distributed on account of, collateral;
   (C) rights arising out of collateral;
   (D) to the extent of the value of collateral, claims arising out of the loss, nonconformity, or interference with the use of, defects or infringement of rights in, or damage to, the collateral; or
   (E) to the extent of the value of collateral and to the extent payable to the debtor or the secured party, insurance payable by reason of the loss or nonconformity of, defects or infringement of rights in, or damage to, the collateral.

(65) "Promissory note" means an instrument that evidences a promise to pay a monetary obligation, does not evidence an order to pay, and does not contain an acknowledgment by a bank that the bank has received for deposit a sum of money or funds.

(66) "Proposal" means a record authenticated by a secured party which includes the terms on which the secured party is willing to accept collateral in full or partial satisfaction of the obligation it secures pursuant to Sections 9-620, 9-621, and 9-622.

(67) "Public-finance transaction" means a secured transaction in connection with which:
   (A) debt securities are issued;
   (B) all or a portion of the securities issued have an initial stated maturity of at least 20 years; and
   (C) the debtor, obligor, secured party, account debtor or other person obligated on collateral, assignor or assignee of a secured obligation, or assignor or assignee of a security interest is a State or a governmental unit of a State.

New matter indicated by italics - deletions by strikeout.
(68) "Pursuant to commitment", with respect to an advance made or other value given by a secured party, means pursuant to the secured party's obligation, whether or not a subsequent event of default or other event not within the secured party's control has relieved or may relieve the secured party from its obligation.

(69) "Record", except as used in "for record", "of record", "record or legal title", and "record owner", means information that is inscribed on a tangible medium or which is stored in an electronic or other medium and is retrievable in perceivable form.

(70) "Registered organization" means an organization organized solely under the law of a single State or the United States and as to which the State or the United States must maintain a public record showing the organization to have been organized.

(71) "Secondary obligor" means an obligor to the extent that:
   (A) the obligor's obligation is secondary; or
   (B) the obligor has a right of recourse with respect to an obligation secured by collateral against the debtor, another obligor, or property of either.

(72) "Secured party" means:
   (A) a person in whose favor a security interest is created or provided for under a security agreement, whether or not any obligation to be secured is outstanding;
   (B) a person that holds an agricultural lien;
   (C) a consignor;
   (D) a person to which accounts, chattel paper, payment intangibles, or promissory notes have been sold;
   (E) a trustee, indenture trustee, agent, collateral agent, or other representative in whose favor a security interest or agricultural lien is created or provided for; or
   (F) a person that holds a security interest arising under Section 2-401, 2-505, 2-711(3), 2A-508(5), 4-210, or 5-118.

(73) "Security agreement" means an agreement that creates or provides for a security interest.

(74) "Send", in connection with a record or notification, means:
   (A) to deposit in the mail, deliver for transmission, or transmit by any other usual means of communication, with postage or cost of transmission provided for, addressed to any address reasonable under the circumstances; or
   (B) to cause the record or notification to be received within the time that it would have been received if properly sent under subparagraph (A).

(75) "Software" means a computer program and any supporting information provided in connection with a transaction relating to the program. The term does not include a computer program that is included in the definition of goods.

(76) "State" means a State of the United States, the District of Columbia,

New matter indicated by italics - deletions by strikeout.
Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.

(77) "Supporting obligation" means a letter-of-credit right or secondary obligation that supports the payment or performance of an account, chattel paper, a document, a general intangible, an instrument, or investment property.

(78) "Tangible chattel paper" means chattel paper evidenced by a record or records consisting of information that is inscribed on a tangible medium.

(79) "Termination statement" means an amendment of a financing statement which:

(A) identifies, by its file number, the initial financing statement to which it relates; and
(B) indicates either that it is a termination statement or that the identified financing statement is no longer effective.

(80) "Transmitting utility" means a person primarily engaged in the business of:

(A) operating a railroad, subway, street railway, or trolley bus;
(B) transmitting communications electrically, electromagnetically, or by light;
(C) transmitting goods by pipeline or sewer;
or
(D) transmitting or producing and transmitting electricity, steam, gas, or water.

(b) Definitions in other Articles. The following definitions in other Articles apply to this Article:

"Applicant". Section 5-102.
"Beneficiary". Section 5-102.
"Broker". Section 8-102.
"Certificated security". Section 8-102.
"Check". Section 3-104.
"Clearing corporation". Section 8-102.
"Contract for sale". Section 2-106.
"Customer". Section 4-104.
"Entitlement holder". Section 8-102.
"Financial asset". Section 8-102.
"Holder in due course". Section 3-302.
"Issuer" (with respect to a letter of credit or letter-of-credit right). Section 5-102.
"Issuer" (with respect to a security). Section 8-201.
"Lease". Section 2A-103.
"Lease agreement". Section 2A-103.
"Lease contract". Section 2A-103.
"Leasehold interest". Section 2A-103.
"Lessee". Section 2A-103.

New matter indicated by italics - deletions by strikeout.
"Lessee in ordinary course of business". Section 2A-103.
"Lessor". Section 2A-103.
"Lessor's residual interest". Section 2A-103.
"Letter of credit". Section 5-102.
"Merchant". Section 2-104.
"Negotiable instrument". Section 3-104.
"Nominated person". Section 5-102.
"Note". Section 3-104.
"Proceeds of a letter of credit". Section 5-114.
"Prove". Section 3-103.
"Sale". Section 2-106.
"Securities account". Section 8-501.
"Securities intermediary". Section 8-102.
"Security". Section 8-102.
"Security certificate". Section 8-102.
"Security entitlement". Section 8-102.
"Uncertificated security". Section 8-102.

(c) Article 1 definitions and principles. Article 1 contains general definitions and principles of construction and interpretation applicable throughout this Article.

(Source: P.A. 91-893, eff. 7-1-01.)

(810 ILCS 5/9-109) (from Ch. 26, par. 9-109)
Sec. 9-109. Scope.

(a) General scope of Article. Except as otherwise provided in subsections (c) and (d), this Article applies to:

(1) a transaction, regardless of its form, that creates a security interest in personal property or fixtures by contract;
(2) an agricultural lien;
(3) a sale of accounts, chattel paper, payment intangibles, or promissory notes;
(4) a consignment;
(5) a security interest arising under Section 2-401, 2-505, 2-711(3), or 2A-508(5), as provided in Section 9-110; and
(6) a security interest arising under Section 4-210 or 5-118.

(b) Security interest in secured obligation. The application of this Article to a security interest in a secured obligation is not affected by the fact that the obligation is itself secured by a transaction or interest to which this Article does not apply.

(c) Extent to which Article does not apply. This Article does not apply to the extent that:

(1) a statute, regulation, or treaty of the United States preempts this Article;
(2) another statute of this State expressly governs the creation, perfection, priority, or enforcement of a security interest created by this State or a governmental unit of this State;

New matter indicated by italics - deletions by strikeout.
(3) a statute of another State, a foreign country, or a governmental unit of another State or a foreign country, other than a statute generally applicable to security interests, expressly governs creation, perfection, priority, or enforcement of a security interest created by the State, country, or governmental unit;

(4) the rights of a transferee beneficiary or nominated person under a letter of credit are independent and superior under Section 5-114;

(5) this Article is in conflict with Section 205-410 of the Department of Agriculture Law of the Civil Administrative Code of Illinois or the Grain Code; or

(6) this Article is in conflict with Section 18-107 of the Public Utilities Act.

(d) Inapplicability of Article. This Article does not apply to:

(1) a landlord's lien, other than an agricultural lien;

(2) a lien, other than an agricultural lien, given by statute or other rule of law for services or materials, but Section 9-333 applies with respect to priority of the lien;

(3) an assignment of a claim for wages, salary, or other compensation of an employee;

(4) a sale of accounts, chattel paper, payment intangibles, or promissory notes as part of a sale of the business out of which they arose;

(5) an assignment of accounts, chattel paper, payment intangibles, or promissory notes which is for the purpose of collection only;

(6) an assignment of a right to payment under a contract to an assignee that is also obligated to perform under the contract;

(7) an assignment of a single account, payment intangible, or promissory note to an assignee in full or partial satisfaction of a preexisting indebtedness;

(8) a transfer of an interest in or an assignment of a claim under a policy of insurance, other than an assignment by or to a health-care provider of a health-care-insurance receivable and any subsequent assignment of the right to payment, but Sections 9-315 and 9-322 apply with respect to proceeds and priorities in proceeds;

(9) an assignment of a right represented by a judgment, other than a judgment taken on a right to payment that was collateral;

(10) a right of recoupment or set-off, but:

   (A) Section 9-340 applies with respect to the effectiveness of rights of recoupment or set-off against deposit accounts; and

   (B) Section 9-404 applies with respect to defenses or claims of an account debtor;

(11) the creation or transfer of an interest in or lien on real property, including a lease or rents thereunder, except to the extent that provision is made for:

   (A) liens on real property in Sections 9-203 and 9-308;

   (B) fixtures in Section 9-334;

   (C) fixture filings in Sections 9-501, 9-502, 9-512, 9-516, and 9-519; and

   (D) security agreements covering personal and real property in

New matter indicated by italics - deletions by strikeout.
Section 9-604;
(12) an assignment of a claim arising in tort, other than a commercial tort claim, but Sections 9-315 and 9-322 apply with respect to proceeds and priorities in proceeds;
(13) a transfer by a government or governmental subdivision or agency;
(14) a claim or a right to receive compensation for injuries or sickness as described in Section 104(a)(1) or (2) of Title 26 of the United States Code, as amended from time to time; or
(15) a claim or right to receive benefits under a special needs trust as described in Section 1396p(d)(4) of Title 42 of the United States Code, as amended from time to time.
(Source: P.A. 91-893, eff. 7-1-01.)

Section 99. Effective date. This Act takes effect upon becoming law.
Approved August 21, 2002.
Effective August 21, 2002.

PUBLIC ACT 92-0820
(Senate Bill No. 1880)

AN ACT in relation to vehicles.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Illinois Vehicle Code is amended by changing Sections 12-205.1 and 12-215 as follows:
(625 ILCS 5/12-205.1) (from Ch. 95 1/2, par. 12-205.1)
Sec. 12-205.1. Implements of husbandry or slow-moving vehicles-Display of amber signal lamp. Every animal drawn vehicle, farm tractor, implement of husbandry and special mobile equipment, except when used for road construction or maintenance within the limits of a construction or maintenance project where traffic control devices are used in compliance with the applicable provisions of the manual and specifications adopted under Section 11-301 of the Illinois Vehicle Code, when operated on a highway during a time when lighted lamps are required by Section 12-201 of this Chapter, shall display to the rear at least one flashing amber signal lamp mounted as high as practicable and of sufficient intensity to be visible for a distance of at least 500 feet in normal sunlight; provided, that only the rearmost vehicle of a combination of vehicles coupled together need display such lamp. The flashing amber signal lamp may be operated lighted during daylight hours when other lamps are not required to be lighted when vehicles authorized in this Section are operated on a highway. Implements of husbandry manufactured on or after January 1, 2003 and operated on public roads between sunset and sunrise shall display markings and lighting that meet or exceed the design, performance, and mounting specifications adopted by the American Society of Agricultural Engineers and published by that body as ASAE S279.11 APR01 S-279.10

New matter indicated by italics - deletions by strikeout.
(Source: P.A. 91-505, eff. 1-1-00.)
(625 ILCS 5/12-215) (from Ch. 95 1/2, par. 12-215)
Sec. 12-215. Oscillating, rotating or flashing lights on motor vehicles. Except as otherwise provided in this Code:
(a) The use of red or white oscillating, rotating or flashing lights, whether lighted or unlighted, is prohibited except on:
1. Law enforcement vehicles of State, Federal or local authorities;
2. A vehicle operated by a police officer or county coroner and designated or authorized by local authorities, in writing, as a law enforcement vehicle; however, such designation or authorization must be carried in the vehicle;
3. Vehicles of local fire departments and State or federal firefighting vehicles;
4. Vehicles which are designed and used exclusively as ambulances or rescue vehicles; furthermore, such lights shall not be lighted except when responding to an emergency call for and while actually conveying the sick or injured;
5. Tow trucks licensed in a state that requires such lights; furthermore, such lights shall not be lighted on any such tow truck while the tow truck is operating in the State of Illinois; and
(b) The use of amber oscillating, rotating or flashing lights, whether lighted or unlighted, is prohibited except on:
1. Second division vehicles designed and used for towing or hoisting vehicles; furthermore, such lights shall not be lighted except as required in this paragraph 1; such lights shall be lighted when such vehicles are actually being used at the scene of an accident or disablement; if the towing vehicle is equipped with a flat bed that supports all wheels of the vehicle being transported, the lights shall not be lighted while the vehicle is engaged in towing on a highway; if the towing vehicle is not equipped with a flat bed that supports all wheels of a vehicle being transported, the lights shall be lighted while the towing vehicle is engaged in towing on a highway during all times when the use of headlights is required under Section 12-201 of this Code;
2. Motor vehicles or equipment of the State of Illinois, local authorities and contractors; furthermore, such lights shall not be lighted except while such vehicles are engaged in maintenance or construction operations within the limits of construction projects;
3. Vehicles or equipment used by engineering or survey crews; furthermore, such lights shall not be lighted except while such vehicles are actually engaged in work on a highway;
4. Vehicles of public utilities, municipalities, or other construction, maintenance or automotive service vehicles except that such lights shall be lighted only as a means for indicating the presence of a vehicular traffic hazard requiring

New matter indicated by italics - deletions by strikeout.
unusual care in approaching, overtaking or passing while such vehicles are engaged in maintenance, service or construction on a highway;

5. Oversized vehicle or load; however, such lights shall only be lighted when moving under permit issued by the Department under Section 15-301 of this Code;

6. The front and rear of motorized equipment owned and operated by the State of Illinois or any political subdivision thereof, which is designed and used for removal of snow and ice from highways;

7. Fleet safety vehicles registered in another state, furthermore, such lights shall not be lighted except as provided for in Section 12-212 of this Code;

8. Such other vehicles as may be authorized by local authorities;

9. Law enforcement vehicles of State or local authorities when used in combination with red oscillating, rotating or flashing lights;

9.5. Propane delivery trucks;

10. Vehicles used for collecting or delivering mail for the United States Postal Service provided that such lights shall not be lighted except when such vehicles are actually being used for such purposes;

11. Any vehicle displaying a slow-moving vehicle emblem as provided in Section 12-205.1;

12. All trucks equipped with self-compactors or roll-off hoists and roll-on containers for garbage or refuse hauling. Such lights shall not be lighted except when such vehicles are actually being used for such purposes;

13. Vehicles used by a security company, alarm responder, or control agency, if the security company, alarm responder, or control agency is bound by a contract with a federal, State, or local government entity to use the lights; and

14. Security vehicles of the Department of Human Services; however, the lights shall not be lighted except when being used for security related purposes under the direction of the superintendent of the facility where the vehicle is located.

(c) The use of blue oscillating, rotating or flashing lights, whether lighted or unlighted, is prohibited except on:

1. Rescue squad vehicles not owned by a fire department and vehicles owned or fully operated by a:
   voluntary firefighter;
   paid firefighter;
   part-paid firefighter;
   call firefighter;
   member of the board of trustees of a fire protection district;
   paid or unpaid member of a rescue squad; or
   paid or unpaid member of a voluntary ambulance unit.

   However, such lights are not to be lighted except when responding to a bona fide emergency.

2. Police department vehicles in cities having a population of 500,000 or more inhabitants.

New matter indicated by italics - deletions by strikeout.
3. Law enforcement vehicles of State or local authorities when used in combination with red oscillating, rotating or flashing lights.

4. Vehicles of local fire departments and State or federal firefighting vehicles when used in combination with red oscillating, rotating or flashing lights.

5. Vehicles which are designed and used exclusively as ambulances or rescue vehicles when used in combination with red oscillating, rotating or flashing lights; furthermore, such lights shall not be lighted except when responding to an emergency call.

6. Vehicles that are equipped and used exclusively as organ transport vehicles when used in combination with red oscillating, rotating, or flashing lights; furthermore, these lights shall only be lighted when the transportation is declared an emergency by a member of the transplant team or a representative of the organ procurement organization.


(c-1) In addition to the blue oscillating, rotating, or flashing lights permitted under subsection (c), and notwithstanding subsection (a), a vehicle operated by a voluntary firefighter may be equipped with flashing white headlights and blue grill lights, which may be used only in responding to an emergency call.

(d) The use of a combination of amber and white oscillating, rotating or flashing lights, whether lighted or unlighted, is prohibited, except motor vehicles or equipment of the State of Illinois, local authorities and contractors may be so equipped; furthermore, such lights shall not be lighted except while such vehicles are engaged in highway maintenance or construction operations within the limits of highway construction projects.

(e) All oscillating, rotating or flashing lights referred to in this Section shall be of sufficient intensity, when illuminated, to be visible at 500 feet in normal sunlight.

(f) Nothing in this Section shall prohibit a manufacturer of oscillating, rotating or flashing lights or his representative from temporarily mounting such lights on a vehicle for demonstration purposes only.

(g) Any person violating the provisions of subsections (a), (b), (c) or (d) of this Section who without lawful authority stops or detains or attempts to stop or detain another person shall be guilty of a Class 4 felony.

(h) Except as provided in subsection (g) above, any person violating the provisions of subsections (a) or (c) of this Section shall be guilty of a Class A misdemeanor.

(Source: P.A. 91-357, eff. 7-29-99; 92-138, eff. 7-24-01; 92-407, eff. 8-17-01; revised 9-12-01)

Section 99. Effective date. This Act takes effect upon becoming law.

Approved August 21, 2002.
Effective August 21, 2002.
AN ACT in relation to vehicles.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Vehicle Code is amended by changing Sections 13B-5 and 13B-40 as follows:

(625 ILCS 5/13B-5)
Sec. 13B-5. Definitions. For the purposes of this Chapter:
"Affected counties" means Cook County; DuPage County; Lake County; those parts of Kane County that are not included within any of the following ZIP code areas, as designated by the U.S. Postal Service on the effective date of this amendatory Act of 1994: 60109, 60119, 60135, 60140, 60142, 60144, 60147, 60151, 60152, 60178, 60182, 60511, 60520, 60545, and 60554; those parts of Kendall County that are not included within any of the following ZIP code areas, as designated by the U.S. Postal Service on the effective date of this amendatory Act of 1994: 60447, 60512, 60536, 60537, 60541, those parts of 60543 that are not within the census defined urbanized area, 60545, and 60560; those parts of McHenry County that are not included within any of the following ZIP code areas, as designated by the U.S. Postal Service on the effective date of this amendatory Act of 1994: 60001, 60033, 60034, 60071, 60072, 60097, 60098, 60142, 60152, and 60180; those parts of Will County that are not included within any of the following ZIP code areas, as designated by the U.S. Postal Service on the effective date of this amendatory Act of 1994: 60401, 60407, 60408, 60410, 60416, 60418, 60421, 60442, 60447, 60468, 60481, 60935 and 60950; those parts of Madison County that are not included within any of the following ZIP code areas, as designated by the U.S. Postal Service on the effective date of this amendatory Act of 1994: 62001, 62012, 62021, 62026, 62046, 62058, 62061, 62067, 62074, 62088, 62097, 62249, 62275, and 62281; those parts of Monroe County that are not included within any of the following ZIP code areas, as designated by the U.S. Postal Service on the effective date of this amendatory Act of 1994: 62244, 62248, 62256, 62261, 62276, 62278, 62279, 62295, and 62298; and those parts of St. Clair County that are not included within any of the following ZIP code areas, as designated by the U.S. Postal Service on the effective date of this amendatory Act of 1994: 62224, 62243, 62248, 62254, 62255, 62257, 62258, 62260, 62264, 62265, 62269, 62278, 62282, 62285, 62289, and 62298.

"Board" means the Illinois Pollution Control Board. "Claim evaluation center" means an automotive diagnostic facility that meets the standards prescribed by the Agency for performing examinations of vehicle emissions inspection damage claims.

"Contractor" means the vehicle emissions test contractor for Official Inspection Stations described in Section 13B-45.

"Inspection area" means Cook County, DuPage County, Lake County and those portions of Kane, Kendall, Madison, McHenry, Monroe, Will, and St. Clair Counties included in the definition of "affected counties".

New matter indicated by italics - deletions by strikeout.
"Owner" means the registered owner of the vehicle, as indicated on the vehicle's registration. In the case of an unregistered vehicle, "owner" has the meaning set forth in Section 1-155 of this Code.

"Program" means the vehicle emission inspection program established under this Chapter.

"Resident" includes natural persons, foreign and domestic corporations, partnerships, associations, and all other commercial and governmental entities. For the purpose of determining residence, the owner of a vehicle shall be presumed to reside at the address indicated on the vehicle's registration. A governmental entity, including the federal government and its agencies, and any unit of local government or school district, any part of which is located within an affected county, shall be deemed a resident of an affected county for the purpose of any vehicle that is owned by the governmental entity and regularly operated in an affected county.

"Registration" of a vehicle means its registration under Article IV of Chapter 3 of this Code.

(Source: P.A. 90-89, eff. 1-1-98.)

(625 ILCS 5/13B-40)

Sec. 13B-40. Grievance and damage claim requirements and procedures.

(a) Emissions inspection and waiver denial grievance procedures. Any person aggrieved by a decision regarding the failure of an emissions test or the denial of a waiver may file a petition with the Agency within 30 days after the decision was made, and the Agency shall thereupon investigate the matter. Within 45 days after its receipt of the petition, the Agency shall submit to the petitioner and any affected inspector or station its written determination of the correctness or incorrectness of the decision complained of. The written determination shall include a statement of the facts relied upon and the legal and technical issues decided by the Agency in making its determination, and may also include an order directing the inspector (i) to issue an emission inspection certificate for the vehicle effective on such date as the Agency may specify, (ii) to reinspect the vehicle, (iii) to apply the standards that the Agency has determined to be applicable, or (iv) to take any other action that the Agency deems to be appropriate. In conducting the investigation, the Agency may require the petitioner to present the vehicle for inspection by the Agency or its designated agent. The written determination of the Agency shall be subject to review in circuit court in accordance with the provisions of the Administrative Review Law, except that no challenge to the validity of a rule adopted by the Board under subsection (a) of Section 13B-20 shall be heard by the circuit court if the challenge could have been raised in a timely petition for review under Section 13B-20.

(b) Vehicle damage claim requirements and procedures.

(1) The contractor shall make vehicle damage claim forms authorized by the Agency available for vehicle owners in sufficient quantities at all official inspection stations.

(2) Notice of the vehicle damage claim procedures and the vehicle owner's rights in relation to a vehicle damage claim shall be conspicuously posted at all inspection stations.

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official inspection stations.

(3) If a vehicle owner believes that his or her vehicle was damaged by an act or omission of the contractor during or as a result of an emissions inspection performed on or after August 1, 2002, the owner may initiate resolution of the damage claim under this subsection by complying with the following:

(A) Within 30 days of the date of the vehicle emissions inspection that allegedly caused the vehicle damage, the vehicle owner shall submit a vehicle damage claim to the contractor at the Official Inspection Station at which the vehicle damage allegedly occurred.

(B) Within 30 days of filing the claim, the owner shall submit to the contractor any relevant information relating to the owner's claim for vehicle damage, including but not limited to evaluations conducted by a claims evaluation center or automotive repair shop meeting standards prescribed by the Agency.

(4) The contractor shall promptly notify the Agency of each vehicle damage claim received by the contractor under subdivision (b)(3) and shall forward to the Agency any additional information provided by the owner.

(5) Within 60 days after the filing of a vehicle damage claim, the contractor shall notify the vehicle owner of its proposed resolution of the damage claim.

(6) Within 30 days after receiving the contractor's proposed resolution of the damage claim, the owner may petition the Agency for a review of the adequacy and completeness of the contractor's proposed resolution. The petition shall be in a form specified by the Agency.

(7) Upon receiving a petition for review, the Agency shall request the contractor to deliver to the Agency a copy of the contractor's proposed resolution of the damage claim, together with all documents, videotapes, and information relevant to the damage claim and the proposed resolution. The contractor shall provide the requested materials to the Agency within 15 days of receiving the Agency's request.

(8) Within 30 days after receiving the relevant materials from the contractor, the Agency shall review the materials and determine whether the contractor's proposed resolution of the damage claim is adequate and complete. The Agency may deem the proposed resolution of the damage claim to be adequate and complete. If the Agency does not deem the proposed resolution of the damage claim to be adequate and complete, it may request the contractor to further investigate and evaluate the damage claim and resubmit its proposed resolution of the claim. The contractor shall then have 30 days to respond in writing to the Agency with the results of its further evaluation of the damage claim and its proposed resolution.

(9) The Agency shall notify the vehicle owner in writing of the result of its review of the adequacy and completeness of the contractor’s proposed resolution of the damage claim. Copies of all correspondence between the Agency and the contractor relating to the damage claim shall also be sent to the vehicle owner.

(10) If, after the Agency's review, the vehicle owner still does not agree with

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all or a portion of the proposed resolution of the damage claim by the contractor, the
vehicle owner may further pursue the damage claim through the binding arbitration
process established by the contractor and accepted by the Agency, or in circuit court.

(11) The Agency's review of the adequacy and completeness of the
contractor's proposed resolution of a damage claim is not binding upon the vehicle
owner or the contractor and does not affect the rights of the vehicle owner or the
contractor under law. The Agency's review of the adequacy and completeness of the
contractor's proposed resolution of a damage claim is not a final action subject to
administrative review and is not subject to review by the Pollution Control Board or
otherwise appealable.

(Source: P.A. 88-533.)

Section 99. Effective date. This Act takes effect upon becoming law.
Approved August 21, 2002.
Effective August 21, 2002.

PUBLIC ACT 92-0822
(Senate Bill No. 1917)

AN ACT in relation to minors.
Be it enacted by the People of the State of Illinois, represented in the General
Assembly:

Section 1. Findings; validation; application.
(a) Public Act 90-456, effective January 1, 1998, was entitled "An Act in relation to
criminal law.". It contained provisions amending the Criminal Code of 1961, the Code of
Criminal Procedure of 1963, and the Emergency Telephone System Act, all pertaining to the
subject of criminal law. It also contained a provision amending subsection (b) of Section
2-14 of the Juvenile Court Act of 1987, relating to the commencement of civil adjudicatory
hearings in abuse, neglect, and dependency cases.

(b) The Illinois Supreme Court, in People v. Sypien, Docket No. 89265, has ruled that
the inclusion of the amendment to the Juvenile Court Act of 1987 violated the single subject
clause of the Illinois Constitution (Article IV, Section 8(d)), and that Public Act
90-456 is therefore unconstitutional in its entirety.

(c) This Act re-enacts Section 2-14 of the Juvenile Court Act of 1987. The text of that
Section includes both the changes made by Public Act 90-456 and changes made by
subsequent amendments. In order to avoid confusion with the changes made by subsequent
amendments, the Section that is re-enacted in this Act is shown as existing text (i.e., without
striking and underscoring). This Act is not intended to supersede any other Public Act that
amends the text of the re-enacted Section as set forth in this Act. This Act also amends
Section 2-22 of the Juvenile Court Act of 1987.

(d) All otherwise lawful actions taken before the effective date of this Act in reliance
on or pursuant to Section 2-14 of the Juvenile Court Act of 1987, as set forth in Public Act
90-456 or as subsequently amended, by any officer, employee, or agency of State government or by any other person or entity, are hereby validated.

(e) This Act applies to actions or proceedings pending on or after the effective date of Public Act 90-456 (January 1, 1998), as well as to actions or proceedings pending on or after the effective date of this Act.

Section 5. The Juvenile Court Act of 1987 is amended by re-enacting Section 2-14 and by changing Section 2-22 as follows:

(705 ILCS 405/2-14) (from Ch. 37, par. 802-14)
Sec. 2-14. Date for Adjudicatory Hearing.
(a) Purpose and policy. The legislature recognizes that serious delay in the adjudication of abuse, neglect, or dependency cases can cause grave harm to the minor and the family and that it frustrates the health, safety and best interests of the minor and the effort to establish permanent homes for children in need. The purpose of this Section is to insure that, consistent with the federal Adoption Assistance and Child Welfare Act of 1980, Public Law 96-272, as amended, and the intent of this Act, the State of Illinois will act in a just and speedy manner to determine the best interests of the minor, including providing for the safety of the minor, identifying families in need, reunifying families where the minor can be cared for at home without endangering the minor's health or safety and it is in the best interests of the minor, and, if reunification is not consistent with the health, safety and best interests of the minor, finding another permanent home for the minor.

(b) When a petition is filed alleging that the minor is abused, neglected or dependent, an adjudicatory hearing shall be commenced within 90 days of the date of service of process upon the minor, parents, any guardian and any legal custodian, unless an earlier date is required pursuant to Section 2-13.1. Once commenced, subsequent delay in the proceedings may be allowed by the court when necessary to ensure a fair hearing.

(c) Upon written motion of a party filed no later than 10 days prior to hearing, or upon the court's own motion and only for good cause shown, the Court may continue the hearing for a period not to exceed 30 days, and only if the continuance is consistent with the health, safety and best interests of the minor. When the court grants a continuance, it shall enter specific factual findings to support its order, including factual findings supporting the court's determination that the continuance is in the best interests of the minor. Only one such continuance shall be granted. A period of continuance for good cause as described in this Section shall temporarily suspend as to all parties, for the time of the delay, the period within which a hearing must be held. On the day of the expiration of the delay, the period shall continue at the point at which it was suspended.

The term "good cause" as applied in this Section shall be strictly construed and be in accordance with Supreme Court Rule 231 (a) through (f). Neither stipulation by counsel nor the convenience of any party constitutes good cause. If the adjudicatory hearing is not heard within the time limits required by subsection (b) or (c) of this Section, upon motion by any party the petition shall be dismissed without prejudice.

(d) The time limits of this Section may be waived only by consent of all parties and approval by the court.

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(e) For all cases filed before July 1, 1991, an adjudicatory hearing must be held within 180 days of July 1, 1991.
(Source: P.A. 90-28, eff. 1-1-98; 90-456, eff. 1-1-98; 90-608, eff. 6-30-98; 90-655, eff. 7-30-98.)

(705 ILCS 405/2-22) (from Ch. 37, par. 802-22)
Sec. 2-22. Dispositional hearing; evidence; continuance.

(1) At the dispositional hearing, the court shall determine whether it is in the best interests of the minor and the public that he be made a ward of the court, and, if he is to be made a ward of the court, the court shall determine the proper disposition best serving the health, safety and interests of the minor and the public. The court also shall consider the permanency goal set for the minor, the nature of the service plan for the minor and the services delivered and to be delivered under the plan. All evidence helpful in determining these questions, including oral and written reports, may be admitted and may be relied upon to the extent of its probative value, even though not competent for the purposes of the adjudicatory hearing.

(2) Once all parties respondent have been served in compliance with Sections 2-15 and 2-16, no further service or notice must be given to a party prior to proceeding to a dispositional hearing. Notice in compliance with Supreme Court Rule 11 must be given to all parties respondent prior to proceeding to a dispositional hearing. Before making an order of disposition the court shall advise the State's Attorney, the parents, guardian, custodian or responsible relative or their counsel of the factual contents and the conclusions of the reports prepared for the use of the court and considered by it, and afford fair opportunity, if requested, to controvert them. The court may order, however, that the documents containing such reports need not be submitted to inspection, or that sources of confidential information need not be disclosed except to the attorneys for the parties. Factual contents, conclusions, documents and sources disclosed by the court under this paragraph shall not be further disclosed without the express approval of the court pursuant to an in camera hearing.

(3) A record of a prior continuance under supervision under Section 2-20, whether successfully completed with regard to the child's health, safety and best interest, or not, is admissible at the dispositional hearing.

(4) On its own motion or that of the State's Attorney, a parent, guardian, custodian, responsible relative or counsel, the court may adjourn the hearing for a reasonable period to receive reports or other evidence, if the adjournment is consistent with the health, safety and best interests of the minor, but in no event shall continuances be granted so that the dispositional hearing occurs more than 6 months after the initial removal of a minor from his or her home. In scheduling investigations and hearings, the court shall give priority to proceedings in which a minor has been removed from his or her home before an order of disposition has been made.

(5) Unless already set by the court, at the conclusion of the dispositional hearing, the court shall set the date for the first permanency hearing, to be conducted under subsection (2) of Section 2-28, which shall be held: (a) within 12 months from the date temporary custody was taken, (b) if the parental rights of both parents have been terminated in

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accordance with the procedure described in subsection (5) of Section 2-21, within 30 days of the termination of parental rights and appointment of a guardian with power to consent to adoption, or (c) in accordance with subsection (2) of Section 2-13.1.

(6) When the court declares a child to be a ward of the court and awards guardianship to the Department of Children and Family Services, (a) the court shall admonish the parents, guardian, custodian or responsible relative that the parents must cooperate with the Department of Children and Family Services, comply with the terms of the service plans, and correct the conditions which require the child to be in care, or risk termination of their parental rights; and (b) the court shall inquire of the parties of any intent to proceed with termination of parental rights of a parent:
   (A) whose identity still remains unknown;
   (B) whose whereabouts remain unknown; or
   (C) who was found in default at the adjudicatory hearing and has not obtained an order setting aside the default in accordance with Section 2-1301 of the Code of Civil Procedure.

(Source: P.A. 89-17, eff. 5-31-95; 90-28, eff. 1-1-98; 90-87, eff. 9-1-97; 90-608, eff. 6-30-98; 90-655, eff. 7-30-98.)

Section 99. Effective date. This Act takes effect upon becoming law.
Approved August 21, 2002.
Effective August 21, 2002.

PUBLIC ACT 92-0823
(Senate Bill No. 1934)

AN ACT in relation to civil procedure.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Code of Civil Procedure is amended by changing Sections 9-104 and 9-107 and by adding Section 9-107.5 as follows:

(735 ILCS 5/9-104) (from Ch. 110, par. 9-104)

Sec. 9-104. Demand - Notice - Return. The demand required by Section 9-102 of this Act may be made by delivering a copy thereof to the tenant, or by leaving such a copy with some person of the age of 13 years or upwards, residing on, or being in charge of, the premises; or in case no one is in the actual possession of the premises, then by posting the same on the premises; or if those in possession are unknown occupants who are not parties to any written lease, rental agreement, or right to possession agreement for the premises, then by delivering a copy of the notice, directed to "unknown occupants", to the occupant or by leaving a copy of the notice with some person of the age of 13 years or upwards occupying the premises, or by posting a copy of the notice on the premises directed to "unknown occupants". When such demand is made by an officer authorized to serve process, his or her return is prima facie evidence of the facts therein stated, and if such demand is

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made by any person not an officer, the return may be sworn to by the person serving the same, and is then prima facie evidence of the facts therein stated. The demand for possession may be in the following form: To ....

I hereby demand immediate possession of the following described premises: (describing the same.)

The demand shall be signed by the person claiming such possession, his or her agent, or attorney.

(Source: P.A. 83-1362.)

(735 ILCS 5/9-107) (from Ch. 110, par. 9-107)

Sec. 9-107. Constructive service. If the plaintiff, his or her agent, or attorney files a forcible detainer action, with or without joinder of a claim for rent in the complaint, and is unable to obtain personal service on the defendant or unknown occupant and a summons duly issued in such action is returned without service stating that service can not be obtained, then the plaintiff, his or her agent or attorney may file an affidavit stating that the defendant or unknown occupant is not a resident of this State, or has departed from this State, or on due inquiry cannot be found, or is concealed within this State so that process cannot be served upon him or her, and also stating the place of residence of the defendant or unknown occupant, if known, or if not known, that upon diligent inquiry the affiant has not been able to ascertain the defendant's or unknown occupant's place of residence, then in all such forcible detainer cases whether or not a claim for rent is joined with the complaint for possession, the defendant or unknown occupant may be notified by posting and mailing of notices; or by publication and mailing, as provided for in Section 2-206 of this Act. However, in cases where the defendant or unknown occupant is notified by posting and mailing of notices or by publication and mailing, and the defendant or unknown occupant does not appear generally, the court may rule only on the portion of the complaint which seeks judgment for possession, and the court shall not enter judgment as to any rent claim joined in the complaint or enter personal judgment for any amount owed by a unit owner for his or her proportionate share of the common expenses, however, an in rem judgment may be entered against the unit for the amount of common expenses due, any other expenses lawfully agreed upon or the amount of any unpaid fine, together with reasonable attorney fees, if any, and costs. The claim for rent may remain pending until such time as the defendant or unknown occupant appears generally or is served with summons, but the order for possession shall be final, enforceable and appealable if the court makes an express written finding that there is no just reason for delaying enforcement or appeal, as provided by Supreme Court rule of this State.

Such notice shall be in the name of the clerk of the court, be directed to the defendant or unknown occupant, shall state the nature of the cause against the defendant or unknown occupant and at whose instance issued and the time and place for trial, and shall also state that unless the defendant or unknown occupant appears at the time and place fixed for trial, judgment will be entered by default, and shall specify the character of the judgment that will be entered in such cause. The sheriff shall post 3 copies of the notice in 3 public places in the neighborhood of the court where the cause is to be tried, at least 10 days prior to the day set

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for the appearance, and, if the place of residence of the defendant or unknown occupant is stated in any affidavit on file, shall at the same time mail one copy of the notice addressed to such defendant or unknown occupant at such place of residence shown in such affidavit. On or before the day set for the appearance, the sheriff shall file the notice with an endorsement thereon stating the time when and places where the sheriff posted and to whom and at what address he or she mailed copies as required by this Section. For want of sufficient notice any cause may be continued from time to time until the court has jurisdiction of the defendant or unknown occupant.

(Source: P.A. 83-1528.)

(735 ILCS 5/9-107.5 new)

Sec. 9-107.5. Notice to unknown occupants.

(a) Service of process upon an unknown occupant may be had by delivering a copy of the summons and complaint naming "unknown occupants" to the tenant or any unknown occupant or person of the age of 13 or upwards occupying the premises.

(b) If unknown occupants are not named in the initial summons and complaint and a judgment for possession in favor of the plaintiff is entered, but the order does not include unknown occupants and the sheriff determines when executing the judgment for possession that persons not included in the order are in possession of the premises, then the sheriff shall leave with a person of the age of 13 years or upwards occupying the premises, a copy of the order, or if no one is present in the premises to accept the order or refuses to accept the order, then by posting a copy of the order on the premises. In addition to leaving a copy of the order or posting of the order, the sheriff shall also leave or post a notice addressed to "unknown occupants" that states unless any unknown occupants file a written petition with the clerk that sets forth the unknown occupant’s legal claim for possession within 7 days of the date the notice is posted or left with any unknown occupant, the unknown occupants shall be evicted from the premises. If any unknown occupants file such a petition, a hearing on the merits of the unknown occupant’s petition shall be held by the court within 7 days of the filing of the petition with the clerk. The unknown occupants shall have the burden of proof in establishing a legal right to continued possession.

(c) The plaintiff may obtain a judgment for possession only and not for rent as to any unknown occupants.

(d) Nothing in this Section may be construed so as to vest any rights to persons who are criminal trespassers, nor may this Section be construed in any way that interferes with the ability of law enforcement officials removing persons or property from the premises when there is a criminal trespass.

Section 99. Effective date. This Act takes effect upon becoming law.
Approved August 21, 2002.
Effective August 21, 2002.
PUBLIC ACT 92-0824
(Senate Bill No. 2149)

AN ACT in relation to forest preserve districts.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Downstate Forest Preserve District Act is amended by changing Sections 6d and 6e as follows:

(70 ILCS 805/6d) (from Ch. 96 1/2, par. 6311.2)
Sec. 6d. Trading parcels of land. The board of a forest preserve district within a county which has a population of no more than 550,000 may trade any one or more parcels of land owned by the district for one or more parcels of land owned by one or more individuals or any public or private entity whenever the board determines the trade to be advantageous to the district. The board shall approve such trade by unanimous vote of the members of the board. No trade shall be approved by the board unless all parcels of land involved in the trade have been appraised by an MAI appraiser or a State certified real estate appraiser within one year before the date the trade is to take effect.
(Source: P.A. 87-709; 88-503.)

(70 ILCS 805/6e)
Sec. 6e. Counties under 550,000; sales of land. The board of a forest preserve district located in a county that has a population of no more than 550,000 may sell any one or more parcels of land owned by the district that are less than one acre in size whenever the board determines the sale to be advantageous to the district. The board shall approve the sale by a two-thirds vote of the members of the board then holding office. A sale may not be approved by the board unless all parcels of land involved in the sale have been appraised by an MAI appraiser or a State-certified real estate appraiser within one year before the date the sale is to take effect. The net proceeds of the sale of any parcel of land under this Section shall be set aside for the district's future land acquisitions and may not be utilized for any other purpose.
(Source: P.A. 89-89, eff. 6-30-95; 89-654, eff. 8-14-96.)
Approved August 21, 2002.

PUBLIC ACT 92-0825
(Senate Bill No. 2201)

AN ACT in relation to public aid.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Illinois Public Aid Code is amended by changing Sections 5-5.12 and 9A-11.5 as follows:

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Sec. 5-5.12. Pharmacy payments.

(a) Every request submitted by a pharmacy for reimbursement under this Article for prescription drugs provided to a recipient of aid under this Article shall include the name of the prescriber or an acceptable identification number as established by the Department.

(b) Pharmacies providing prescription drugs under this Article shall be reimbursed at a rate which shall include a professional dispensing fee as determined by the Illinois Department, plus the current acquisition cost of the prescription drug dispensed. The Illinois Department shall update its information on the acquisition costs of all prescription drugs no less frequently than every 30 days. However, the Illinois Department may set the rate of reimbursement for the acquisition cost, by rule, at a percentage of the current average wholesale acquisition cost.

(c) The Department shall not impose requirements for prior approval based on a preferred drug list for anti-retroviral or any atypical antipsychotics, conventional antipsychotics, or anticonvulsants used for the treatment of serious mental illnesses until 30 days after it has conducted a study of the impact of such requirements on patient care and submitted a report to the Speaker of the House of Representatives and the President of the Senate.

(305 ILCS 5/9A-11.5)

Sec. 9A-11.5. Investigate child care providers. Any child care provider receiving funds from the child care assistance program under this Code who is not required to be licensed under the Child Care Act of 1969 shall, as a condition of eligibility to participate in the child care assistance program under this Code, authorize in writing on a form prescribed by the Department of Children and Family Services, periodic investigations of the Central Register, as defined in the Abused and Neglected Child Reporting Act, to ascertain if the child care provider has been determined to be a perpetrator in an indicated report of child abuse or neglect.

The Department of Children and Family Services shall conduct an investigation of the Central Register at the request of the Department. The Department shall request the Department of Children and Family Services to conduct periodic investigations of the Central Register. The Department shall by rule determine when payment to an unlicensed child care provider may be withheld if there is an indicated finding against the provider in the Central Register.

(305 ILCS 5/9A-11.5)
AN ACT regarding taxes.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Department of Revenue Law of the Civil Administrative Code of Illinois is amended by changing Section 2505-275 as follows:

(20 ILCS 2505/2505-275) (was 20 ILCS 2505/39e)

Sec. 2505-275. Tax overpayments. In the case of overpayment of any tax liability arising from an Act administered by the Department, the Department may credit the amount of the overpayment and any interest thereon against any final tax liability arising under that or any other Act administered by the Department. The Department may enter into agreements with the Secretary of the Treasury of the United States (or his or her delegate) to offset all or part of an overpayment of such a tax liability against any liability arising from a tax imposed under Title 26 of the United States Code. The Department may collect a fee from the Secretary of the Treasury of the United States (or his or her delegate) to cover the full cost of offsets taken, to the extent allowed by federal law, or, if not allowed by federal law, from the taxpayer by offset of the overpayment.

(Source: P.A. 91-239, eff. 1-1-00; 92-492, eff. 1-1-02.)

Section 10. The Illinois Income Tax Act is amended by changing Sections 601, 911.2, 1102, 1103, and 1105 and by adding Section 911.3 as follows:

(35 ILCS 5/601) (from Ch. 120, par. 6-601)

Sec. 601. Payment on Due Date of Return.

(a) In general. Every taxpayer required to file a return under this Act shall, without assessment, notice or demand, pay any tax due thereon to the Department, at the place fixed for filing, on or before the date fixed for filing such return (determined without regard to any extension of time for filing the return) pursuant to regulations prescribed by the Department. If, however, the due date for payment of a taxpayer's federal income tax liability for a tax year (as provided in the Internal Revenue Code or by Treasury regulation, or as extended by the Internal Revenue Service) is later than the date fixed for filing the taxpayer's Illinois income tax return for that tax year, the Department may, by rule, prescribe a due date for payment that is not later than the due date for payment of the taxpayer's federal income tax liability. For purposes of the Illinois Administrative Procedure Act, the adoption of rules to prescribe a later due date for payment shall be deemed an emergency and necessary for the public interest, safety, and welfare.

(b) Amount payable. In making payment as provided in this section there shall remain payable only the balance of such tax remaining due after giving effect to the following:

(1) Withheld tax. Any amount withheld during any calendar year pursuant to Article 7 from compensation paid to a taxpayer shall be deemed to have been paid on account of any tax imposed by subsections 201(a) and (b) of this Act on such taxpayer for his taxable year beginning in such calendar year. If more than one taxable year begins in a calendar year, such

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amount shall be deemed to have been paid on account of such tax for the last taxable year so beginning.

(2) Estimated and tentative tax payments. Any amount of estimated tax paid by a taxpayer pursuant to Article 8 for a taxable year shall be deemed to have been paid on account of the tax imposed by this Act for such taxable year.

(3) Foreign tax. The aggregate amount of tax which is imposed upon or measured by income and which is paid by a resident for a taxable year to another state or states on income which is also subject to the tax imposed by subsections 201(a) and (b) of this Act shall be credited against the tax imposed by subsections 201(a) and (b) otherwise due under this Act for such taxable year. The aggregate credit provided under this paragraph shall not exceed that amount which bears the same ratio to the tax imposed by subsections 201(a) and (b) otherwise due under this Act as the amount of the taxpayer's base income subject to tax both by such other state or states and by this State bears to his total base income subject to tax by this State for the taxable year. For purposes of this subsection, no compensation received by a resident which qualifies as compensation paid in this State as determined under Section 304(a)(2)(B) shall be considered income subject to tax by another state or states. The credit provided by this paragraph shall not be allowed if any creditable tax was deducted in determining base income for the taxable year. Any person claiming such credit shall attach a statement in support thereof and shall notify the Director of any refund or reductions in the amount of tax claimed as a credit hereunder all in such manner and at such time as the Department shall by regulations prescribe.

(4) Accumulation and capital gain distributions. If the net income of a taxpayer includes amounts included in his base income by reason of Section 668 or 669 of the Internal Revenue Code (relating to accumulation and capital gain distributions by a trust, respectively), the tax imposed on such taxpayer by this Act shall be credited with his pro rata portion of the taxes imposed by this Act on such trust for preceding taxable years which would not have been payable for such preceding years if the trust had in fact made distributions to its beneficiaries at the times and in the amounts specified in Sections 666 and 669 of the Internal Revenue Code. The credit provided by this paragraph shall not reduce the tax otherwise due from the taxpayer to an amount less than that which would be due if the amounts included by reason of Sections 668 and 669 of the Internal Revenue Code were excluded from his base income.

(c) Cross reference. For application against tax due of overpayments of tax for a prior year, see Section 909.
(Source: P.A. 85-731.)

(35 ILCS 5/911.2)
Sec. 911.2. Refunds withheld; tax claims of other states.
(a) Definitions. In this Section the following terms have the meanings indicated.

"Claimant state" means any state or the District of Columbia that requests the withholding of a refund pursuant to this Section and that extends a like comity for the collection of taxes owed to this State.

"Income tax" means any amount of income tax imposed on taxpayers under the laws

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of the State of Illinois or the claimant state, including additions to tax for penalties and interest.

"Refund" means a refund of overpaid income taxes imposed by the State of Illinois or the claimant state.

"Tax officer" means a unit or official of the claimant state, or the duly authorized agent of that unit or official, charged with the imposition, assessment, or collection of state income taxes.

"Taxpayer" means any individual person identified by a claimant state under this Section as owing taxes to that claimant state, and in the case of a refund arising from the filing of a joint return, the taxpayer's spouse.

(b) In general. Except as provided in subsection (c) of this Section, a tax officer may:
   (1) certify to the Director the existence of a taxpayer's delinquent income tax liability; and
   (2) request the Director to withhold any refund to which the taxpayer is entitled.

(c) Comity. A tax officer may not certify or request the Director to withhold a refund unless the laws of the claimant state:
   (1) allow the Director to certify an income tax liability;
   (2) allow the Director to request the tax officer to withhold the taxpayer's tax refund; and
   (3) provide for the payment of the refund to the State of Illinois.

(d) Certification. A certification by a tax officer to the Director shall include:
   (1) the full name and address of the taxpayer and any other names known to be used by the taxpayer;
   (2) the social security number or federal tax identification number of the taxpayer;
   (3) the amount of the income tax liability; and
   (4) a statement that all administrative and judicial remedies and appeals have been exhausted or have lapsed and that the assessment of tax, interest, and penalty has become final.

(e) Notification. As to any taxpayer due a refund, the Director shall:
   (1) notify the taxpayer that a claimant state has provided certification of the existence of an income tax liability;
   (2) inform the taxpayer of the tax liability certified, including a detailed statement for each taxable year showing tax, interest, and penalty;
   (3) inform the taxpayer that failure to file a protest in accordance with subsection (f) of this Section shall constitute a waiver of any demand against this State for the amount certified;
   (3.5) inform the taxpayer that the refund has been withheld and that the tax liability has been paid to the claimant state as provided in subsection (i) of this Section and will result in payment to the claimant state as provided in subsection (i) of this Section;

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(4) provide the taxpayer with notice of an opportunity to request a hearing to challenge the certification; and

(5) inform the taxpayer that the hearing may be requested (i) pursuant to Section 910 of this Act, or (ii) with the tax officer, in accordance with the laws of the claimant state.

(f) Protest of withholding. A taxpayer may protest the withholding of a refund pursuant to Section 910 of this Act (except that the protest shall be filed within 30 days after the date of the Director's notice of certification pursuant to subsection (e) of this Section). If a taxpayer files a timely protest, the Director shall:

(1) suspend the proposed withholding and impound the claimed amount of the refund;

(2) pay to the taxpayer the unclaimed amount of the refund, if any;

(3) send a copy of the protest to the claimant state for determination of the protest on its merits in accordance with the laws of that state; and

(4) pay over to the taxpayer the impounded amount if the claimant state shall fail, within 45 days after the date of the protest, to re-certify to the Director (i) that the claimant state has reviewed the issues raised by taxpayer, (ii) that all administrative and judicial remedies provided under the laws of that state have been exhausted, and (iii) the amount of the income tax liability finally determined to be due.

(g) Certification as prima facie evidence. If the taxpayer requests a hearing pursuant to Section 910 of this Act, the certification of the tax officer shall be prima facie evidence of the correctness of the taxpayer's delinquent income tax liability to the certifying state.

(h) Rights of spouses to refunds from joint returns. If a certification is based upon the tax debt of only one taxpayer and if the refund is based upon a joint personal income tax return, the nondebtor spouse shall have the right to:

(1) notification, as provided in subsection (e) of this Section;

(2) protest, as to the withholding of such spouse's share of the refund, as provided in subsection (f) of this Section; and

(3) payment of his or her share of the refund, provided the amount of the overpayment refunded to the spouse shall not exceed the amount of the joint overpayment.

(i) Withholding and payment of refund. Subject to the taxpayer's rights of notice and protest. Upon receipt of a request for withholding in accordance with subsection (b) of this Section, the Director shall:

(1) withhold any refund that is certified by the tax officer;

(2) pay to the claimant state the entire refund or the amount certified, whichever is less;

(3) pay any refund in excess of the amount certified to the taxpayer; and

(4) if a refund is less than the amount certified, withhold amounts from subsequent refunds due the taxpayer, if the laws of the claimant state provide that the claimant state shall withhold subsequent refunds of taxpayers certified to that state.

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by the Director.

(j) Determination that withholding cannot be made. After receiving a certification from a tax officer, the Director shall notify the claimant state if the Director determines that a withholding cannot be made.

(k) Director's authority. The Director shall have the authority to enter into agreements with the tax officers of claimant state relating to:

1. procedures and methods to be employed by a claimant state with respect to the operation of this Section;
2. safeguards against the disclosure or inappropriate use of any information obtained or maintained pursuant to this Section that identifies, directly or indirectly, a particular taxpayer;
3. a minimum tax debt, amounts below which, in light of administrative expenses and efficiency, shall, in the Director's discretion, not be subject to the withholding procedures set forth in this Section.

(l) Remedy not exclusive. The collection procedures prescribed by this Section are in addition to, and not in substitution for, any other remedy available by law.

(Source: P.A. 92-492, eff. 1-1-02.)

(35 ILCS 5/911.3 new)
Sec. 911.3. Refunds withheld; order of honoring requests. The Department shall honor refund withholding requests in the following order:

1. a refund withholding request to collect an unpaid State tax;
2. a refund withholding request to collect certified past due child support amounts under Section 2505-650 of the Department of Revenue Law of the Civil Administrative Code of Illinois;
3. a refund withholding request to collect any debt owed to the State;
4. a refund withholding request made by the Secretary of the Treasury of the United States, or his or her delegate, to collect any tax liability arising from Title 26 of the United States Code; and
5. a refund withholding request pursuant to Section 911.2 of this Act.

(35 ILCS 5/1102) (from Ch. 120, par. 11-1102)
Sec. 1102. Jeopardy Assessments.
(a) Jeopardy assessment and lien.

1. Assessment. If the Department finds that a taxpayer is about to depart from the State, or to conceal himself or his property, or to do any other act tending to prejudice or to render wholly or partly ineffectual proceedings to collect any amount of tax or penalties imposed under this Act unless court proceedings are brought without delay, or if the Department finds that the collection of such amount will be jeopardized by delay, the Department shall give the taxpayer notice of such findings and shall make demand for immediate return and payment of such amount, whereupon such amount shall be deemed assessed and shall become immediately due and payable.

2. Filing of lien. If the taxpayer, within 5 days after such notice (or within
such extension of time as the Department may grant), does not comply with such notice or show to the Department that the findings in such notice are erroneous, the Department may file a notice of jeopardy assessment lien in the office of the recorder of the county in which any property of the taxpayer may be located and shall notify the taxpayer of such filing. Such jeopardy assessment lien shall have the same scope and effect as a statutory lien under this Act. The taxpayer is liable for the filing fee incurred by the Department for filing the lien and the filing fee incurred by the Department to file the release of that lien. The filing fees shall be paid to the Department in addition to payment of the tax, penalty, and interest included in the amount of the lien.

(b) Termination of taxable year. In the case of a tax for a current taxable year, the Director shall declare the taxable period of the taxpayer immediately terminated and his notice and demand for a return and immediate payment of the tax shall relate to the period declared terminated, including therein income accrued and deductions incurred up to the date of termination if not otherwise properly includible or deductible in respect of such taxable year.

(c) Protest. If the taxpayer believes that he does not owe some or all of the amount for which the jeopardy assessment lien against him has been filed, or that no jeopardy to the revenue in fact exists, he may protest within 20 days after being notified by the Department of the filing of such jeopardy assessment lien and request a hearing, whereupon the Department shall hold a hearing in conformity with the provisions of section 908 and, pursuant thereto, shall notify the taxpayer of its decision as to whether or not such jeopardy assessment lien will be released.

(Source: P.A. 83-358.)

(35 ILCS 5/1103) (from Ch. 120, par. 11-1103)

Sec. 1103. Filing and Priority of Liens. (a) Filing with Recorder. Nothing in this Article shall be construed to give the Department a preference over the rights of any bona fide purchaser, holder of a security interest, mechanics lienor, mortgagee, or judgment lien creditor arising prior to the filing of a regular notice of lien or a notice of jeopardy assessment lien in the office of the recorder in the county in which the property subject to the lien is located. For purposes of this section, the term "bona fide," shall not include any mortgage of real or personal property or any other credit transaction that results in the mortgagee or the holder of the security acting as trustee for unsecured creditors of the taxpayer mentioned in the notice of lien who executed such chattel or real property mortgage or the document evidencing such credit transaction. Such lien shall be inferior to the lien of general taxes, special assessments and special taxes heretofore or hereafter levied by any political subdivision of this State.

(b) Filing with Registrar. In case title to land to be affected by the notice of lien or notice of jeopardy assessment lien is registered under the provisions of "An Act concerning land titles," approved May 1, 1897, as amended, such notice shall be filed in the office of the Registrar of Titles of the county within which the property subject to the lien is situated and shall be entered upon the register of titles as a memorial of charge upon each folium of the
register of titles affected by such notice, and the Department shall not have a preference over the rights of any bona fide purchaser, mortgagee, judgment creditor or other lien holder arising prior to the registration of such notice.

(c) Index. The recorder of each county shall procure a file labeled "State Tax Lien Notices" and an index book labeled "State Tax Lien Index." When notice of any lien or jeopardy assessment lien is presented to him for filing, he shall file it in numerical order in the file and shall enter it alphabetically in the index. The entry shall show the name and last known address of the person named in the notice, the serial number of the notice, the date and hour of filing, whether it is a regular lien or a jeopardy assessment lien, and the amount of tax and penalty due and unpaid, plus the amount of interest due at the time when the notice of lien or jeopardy assessment is filed.

(d) No recorder or registrar of titles of any county shall require that the Department pay any costs or fees in connection with recordation of any notice or other document filed by the Department under this Act at the time such notice or other document is presented for recordation. The recorder or registrar of each county, in order to receive payment for fees or costs incurred by the Department, shall present the Department with monthly statements indicating the amount of fees and costs incurred by the Department and for which no payment has been received. This amendatory Act of 1987 applies to all liens heretofore or hereafter filed.

(e) The taxpayer is liable for the filing fee incurred by the Department for filing the lien and the filing fee incurred by the Department to file the release of that lien. The filing fees shall be paid to the Department in addition to payment of the tax, penalty, and interest included in the amount of the lien.

(Source: P.A. 86-905.)

(35 ILCS 5/1105) (from Ch. 120, par. 11-1105)
Sec. 1105. Release of Liens.

(a) In general. Upon payment by the taxpayer to the Department in cash or by guaranteed remittance of an amount representing the filing fees and charges for the lien and the filing fees and charges for the release of that lien, the Department shall release all or any portion of the property subject to any lien provided for in this Act and file that complete or partial release of lien with the recorder of the county where that lien was filed if it determines that the release will not endanger or jeopardize the collection of the amount secured thereby.

(b) Judicial determination. If on judicial review the final judgment of the court is that the taxpayer does not owe some or all of the amount secured by the lien against him, or that no jeopardy to the revenue exists, the Department shall release its lien to the extent of such finding of nonliability, or to the extent of such finding of no jeopardy to the revenue. The taxpayer shall, however, be liable for the filing fee paid by the Department to file the lien and the filing fee required to file a release of the lien. The filing fees shall be paid to the Department.

(c) Payment. The Department shall also release its jeopardy assessment lien against the taxpayer whenever the tax and penalty covered by such lien, plus any interest which may

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be due and an amount representing the filing fee to file the lien and the filing fee required
to file a release of that lien, are paid by the taxpayer to the Department in cash or by
 guaranteed remittance.

(d) Certificate of release. The Department shall issue a certificate of complete or
partial release of the lien upon payment by the taxpayer to the Department in cash or by
 guaranteed remittance of an amount representing the filing fee paid by the Department to
file the lien and the filing fee required to file the release of that lien:

(1) To the extent that the fair market value of any property subject to the lien exceeds
the amount of the lien plus the amount of all prior liens upon such property;

(2) To the extent that such lien shall become unenforceable;

(3) To the extent that the amount of such lien is paid by the person whose property
is subject to such lien, together with any interest and penalty which may become due under
this Act between the date when the notice of lien is filed and the date when the amount of
such lien is paid;

(4) To the extent that there is furnished to the Department on a form to be approved
and with a surety or sureties satisfactory to the Department a bond that is conditioned upon
the payment of the amount of such lien, together with any interest which may become due
under this Act after the notice of lien is filed, but before the amount thereof is fully paid;

(5) To the extent and under the circumstances specified in this section. A certificate
of complete or partial release of any lien shall be held conclusive that the lien upon the
property covered by the certificate is extinguished to the extent indicated by such certificate.
Such release of lien shall be issued to the person, or his agent, against whom the lien
was obtained and shall contain in legible letters a statement as follows:

FOR THE PROTECTION OF THE OWNER, THIS RELEASE SHALL
BE FILED WITH THE RECORDER OR THE REGISTRAR
OF TITLES, IN WHOSE OFFICE, THE LIEN WAS FILED.

(e) Filing. When a certificate of complete or partial release of lien issued by the
Department is presented for filing in the office of the recorder or Registrar of Titles where
a notice of lien or notice of jeopardy assessment lien was filed:

(1) The recorder, in the case of nonregistered property, shall permanently attach the
certificate of release to the notice of lien or notice of jeopardy assessment lien and shall enter
the certificate of release and the date in the "State Tax Lien Index" on the line where the
notice of lien or notice of jeopardy assessment lien is entered; and

(2) In the case of registered property, the Registrar of Titles shall file and enter upon
each folium of the register of titles affected thereby a memorial of the certificate of release
which memorial when so entered shall act as a release pro tanto of any memorial of such
notice of lien or notice of jeopardy assessment lien previously filed and registered.
(Source: P.A. 85-731.)

Section 15. The Retailers' Occupation Tax Act is amended by changing Sections 5a,
5b, and 5c as follows:

(35 ILCS 120/5a) (from Ch. 120, par. 444a)
Sec. 5a. The Department shall have a lien for the tax herein imposed or any portion

New matter indicated by italics - deletions by strikeout.
thereof, or for any penalty provided for in this Act, or for any amount of interest which may be due as provided for in Section 5 of this Act, upon all the real and personal property of any person to whom a final assessment or revised final assessment has been issued as provided in this Act, or whenever a return is filed without payment of the tax or penalty shown therein to be due, including all such property of such persons acquired after receipt of such assessment or filing of such return. The taxpayer is liable for the filing fee incurred by the Department for filing the lien and the filing fee incurred by the Department to file the release of that lien. The filing fees shall be paid to the Department in addition to payment of the tax, penalty, and interest included in the amount of the lien.

However, where the lien arises because of the issuance of a final assessment or revised final assessment by the Department, such lien shall not attach and the notice hereinafter referred to in this Section shall not be filed until all proceedings in court for review of such final assessment or revised final assessment have terminated or the time for the taking thereof has expired without such proceedings being instituted.

Upon the granting of a rehearing or departmental review pursuant to Section 4 or Section 5 of this Act after a lien has attached, such lien shall remain in full force except to the extent to which the final assessment may be reduced by a revised final assessment following such rehearing or review.

The lien created by the issuance of a final assessment shall terminate unless a notice of lien is filed, as provided in Section 5b hereof, within 3 years from the date all proceedings in court for the review of such final assessment have terminated or the time for the taking thereof has expired without such proceedings being instituted, or (in the case of a revised final assessment issued pursuant to a rehearing or departmental review) within 3 years from the date all proceedings in court for the review of such revised final assessment have terminated or the time for the taking thereof has expired without such proceedings being instituted; and where the lien results from the filing of a return without payment of the tax or penalty shown therein to be due, the lien shall terminate unless a notice of lien is filed, as provided in Section 5b hereof, within 3 years from the date when such return is filed with the Department: Provided that the time limitation period on the Department's right to file a notice of lien shall not run during any period of time in which the order of any court has the effect of enjoining or restraining the Department from filing such notice of lien.

If the Department finds that a taxpayer is about to depart from the State, or to conceal himself or his property, or to do any other act tending to prejudice or to render wholly or partly ineffectual proceedings to collect such tax unless such proceedings are brought without delay, or if the Department finds that the collection of the amount due from any taxpayer will be jeopardized by delay, the Department shall give the taxpayer notice of such findings and shall make demand for immediate return and payment of such tax, whereupon such tax shall become immediately due and payable. If the taxpayer, within 5 days after such notice (or within such extension of time as the Department may grant), does not comply with such notice or show to the Department that the findings in such notice are erroneous, the Department may file a notice of jeopardy assessment lien in the office of the recorder of the county in which any property of the taxpayer may be located and shall notify the taxpayer of

New matter indicated by italics - deletions by strikeout.
such filing. Such jeopardy assessment lien shall have the same scope and effect as the statutory lien hereinbefore provided for in this Section.

If the taxpayer believes that he does not owe some or all of the tax for which the jeopardy assessment lien against him has been filed, or that no jeopardy to the revenue in fact exists, he may protest within 20 days after being notified by the Department of the filing of such jeopardy assessment lien and request a hearing, whereupon the Department shall hold a hearing in conformity with the provisions of this Act and, pursuant thereto, shall notify the taxpayer of its findings as to whether or not such jeopardy assessment lien will be released. If not, and if the taxpayer is aggrieved by this decision, he may file an action for judicial review of such final determination of the Department in accordance with Section 12 of this Act and the Administrative Review Law.

If, pursuant to such hearing (or after an independent determination of the facts by the Department without a hearing), the Department determines that some or all of the tax covered by the jeopardy assessment lien is not owed by the taxpayer, or that no jeopardy to the revenue exists, or if on judicial review the final judgment of the court is that the taxpayer does not owe some or all of the tax covered by the jeopardy assessment lien against him, or that no jeopardy to the revenue exists, the Department shall release its jeopardy assessment lien to the extent of such finding of nonliability for the tax, or to the extent of such finding of no jeopardy to the revenue.

The Department shall also release its jeopardy assessment lien against the taxpayer whenever the tax and penalty covered by such lien, plus any interest which may be due, are paid and the taxpayer has paid the Department in cash or by guaranteed remittance an amount representing the filing fee for the lien and the filing fee for the release of that lien. The Department shall file that release of lien with the recorder of the county where that lien was filed.

Nothing in this Section shall be construed to give the Department a preference over the rights of any bona fide purchaser, holder of a security interest, mechanics lienholder, mortgagee, or judgment lien creditor arising prior to the filing of a regular notice of lien or a notice of jeopardy assessment lien in the office of the recorder in the county in which the property subject to the lien is located: Provided, however, that the word "bona fide", as used in this Section shall not include any mortgage of real or personal property or any other credit transaction that results in the mortgagee or the holder of the security acting as trustee for unsecured creditors of the taxpayer mentioned in the notice of lien who executed such chattel or real property mortgage or the document evidencing such credit transaction. Such lien shall be inferior to the lien of general taxes, special assessments and special taxes heretofore or hereafter levied by any political subdivision of this State.

In case title to land to be affected by the notice of lien or notice of jeopardy assessment lien is registered under the provisions of "An Act concerning land titles", approved May 1, 1897, as amended, such notice shall be filed in the office of the Registrar of Titles of the county within which the property subject to the lien is situated and shall be entered upon the register of titles as a memorial or charge upon each folium of the register of titles affected by such notice, and the Department shall not have a preference over the

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rights of any bona fide purchaser, mortgagee, judgment creditor or other lien holder arising prior to the registration of such notice: Provided, however, that the word "bona fide" shall not include any mortgage of real or personal property or any other credit transaction that results in the mortgagee or the holder of the security acting as trustee for unsecured creditors of the taxpayer mentioned in the notice of lien who executed such chattel or real property mortgage or the document evidencing such credit transaction.

Such regular lien or jeopardy assessment lien shall not be effective against any purchaser with respect to any item in a retailer's stock in trade purchased from the retailer in the usual course of such retailer's business.

(Source: P.A. 86-905.)

(35 ILCS 120/5b) (from Ch. 120, par. 444b)

Sec. 5b. The recorder of each county shall procure a file labeled "State Tax Lien Notices" and an index book labeled "State Tax Lien Index". When notice of any lien or jeopardy assessment lien is presented to him for filing, he shall file it in numerical order in the file and shall enter it alphabetically in the index. The entry shall show the name and last known business address of the person named in the notice, the serial number of the notice, the date and hour of filing, whether it is a regular lien or a jeopardy assessment lien, and the amount of tax and penalty due and unpaid, plus the amount of interest due under Section 5 of this Act at the time when the notice of lien or jeopardy assessment lien is filed.

No recorder or registrar of titles of any county shall require that the Department pay any costs or fees in connection with recordation of any notice or other document filed by the Department under this Act at the time such notice or other document is presented for recordation. The recorder or registrar of each county, in order to receive payment for fees or costs incurred by the Department, shall present the Department with monthly statements indicating the amount of fees and costs incurred by the Department and for which no payment has been received.

A notice of lien may be filed after the issuance of a revised final assessment pursuant to a rehearing or departmental review under Section 4 or Section 5 of this Act.

When the lien obtained pursuant to this Act has been satisfied and the taxpayer has paid the Department in cash or by guaranteed remittance an amount representing the filing fee for the lien and the filing fee for the release of that lien, the Department shall issue a release of lien and file that release of lien with the recorder of the county where that lien was filed. The to the person, or his agent, against whom the lien was obtained and such release of lien shall contain in legible letters a statement as follows:

FOR THE PROTECTION OF THE OWNER, THIS RELEASE SHALL 
BE FILED WITH THE RECORDER OR THE REGISTRAR 
OF TITLES, IN WHOSE OFFICE, THE LIEN WAS FILED.

When a certificate of complete or partial release of lien issued by the Department is presented for filing in the office of the recorder or Registrar of Titles where a notice of lien or notice of jeopardy assessment lien was filed, the recorder, in the case of nonregistered property, shall permanently attach the certificate of release to the notice of lien or notice of jeopardy assessment lien and shall enter the certificate of release and the date in the "State

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Tax Lien Index" on the line where the notice of lien or notice of jeopardy assessment lien is entered.

In the case of registered property, the Registrar of Titles shall file and enter upon each folium of the register of titles affected thereby a memorial of the certificate of release which memorial when so entered shall act as a release pro tanto of any memorial of such notice of lien or notice of jeopardy assessment lien previously filed and registered.

(Source: P.A. 84-221.)

(35 ILCS 120/5c) (from Ch. 120, par. 444c)

Sec. 5c. Upon payment by the taxpayer to the Department in cash or by guaranteed remittance of an amount representing the filing fee for the lien and the filing fee for the release of that lien, the Department shall issue a certificate of complete or partial release of the lien and file that complete or partial release of lien with the recorder of the county where the lien was filed:

(a) To the extent that the fair market value of any property subject to the lien exceeds the amount of the lien plus the amount of all prior liens upon such property;

(b) To the extent that such lien shall become unenforceable;

(c) To the extent that the amount of such lien is paid by the retailer whose property is subject to such lien, together with any interest which may become due under Section 5 of this Act between the date when the notice of lien is filed and the date when the amount of such lien is paid;

(d) To the extent that there is furnished to the Department on a form to be approved and with a surety or sureties satisfactory to the Department a bond that is conditioned upon the payment of the amount of such lien, together with any interest which may become due under Section 5 of this Act after the notice of lien is filed, but before the amount thereof is fully paid;

(e) To the extent and under the circumstances specified in Section 5a of this Act in the case of jeopardy assessment liens;

(f) To the extent to which an assessment is reduced pursuant to a rehearing or departmental review under Section 4 or Section 5 of this Act.

A certificate of complete or partial release of any lien shall be held conclusive that the lien upon the property covered by the certificate is extinguished to the extent indicated by such certificate.

(Source: Laws 1965, p. 531.)

Section 99. Effective date. This Act takes effect upon becoming law, except that the changes to Sections 1102, 1103, and 1105 of the Illinois Income Tax Act and Sections 5a, 5b, and 5c of the Retailer's Occupation Tax Act take effect on January 1, 2003.

Passed in the General Assembly June 2, 2002.
Approved August 21, 2002.
AN ACT in relation to criminal law.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Criminal Code of 1961 is amended by changing Sections 11-20.1, 12-3.2, 12-7.3, and 12-30 as follows:

(720 ILCS 5/11-20.1) (from Ch. 38, par. 11-20.1)
Sec. 11-20.1. Child pornography.
(a) A person commits the offense of child pornography who:
   (1) films, videotapes, photographs, or otherwise depicts or portrays by means of any similar visual medium or reproduction or depics by computer any child whom he knows or reasonably should know to be under the age of 18 or any severely or profoundly mentally retarded person where such child or severely or profoundly mentally retarded person is:
      (i) actually or by simulation engaged in any act of sexual penetration or sexual conduct intercourse with any person or animal; or
      (ii) actually or by simulation engaged in any act of sexual penetration or sexual conduct contact involving the sex organs of the child or severely or profoundly mentally retarded person and the mouth, anus, or sex organs of another person or animal; or which involves the mouth, anus or sex organs of the child or severely or profoundly mentally retarded person and the sex organs of another person or animal; or
      (iii) actually or by simulation engaged in any act of masturbation; or
      (iv) actually or by simulation portrayed as being the object of, or otherwise engaged in, any act of lewd fondling, touching, or caressing involving another person or animal; or
      (v) actually or by simulation engaged in any act of excretion or urination within a sexual context; or
      (vi) actually or by simulation portrayed or depicted as bound, fettered, or subject to sadistic, masochistic, or sadomasochistic abuse in any sexual context; or
      (vii) depicted or portrayed in any pose, posture or setting involving a lewd exhibition of the unclothed genitals, pubic area, buttocks, or, if such person is female, a fully or partially developed breast of the child or other person; or
   (2) with the knowledge of the nature or content thereof, reproduces, disseminates, offers to disseminate, exhibits or possesses with intent to disseminate any film, videotape, photograph or other similar visual reproduction or depiction by computer of any child or severely or profoundly mentally retarded person whom the person knows or reasonably should know to be under the age of 18 or to be a severely
or profoundly mentally retarded person, engaged in any activity described in subparagraphs (i) through (vii) of paragraph (1) of this subsection; or

(3) with knowledge of the subject matter or theme thereof, produces any stage play, live performance, film, videotape or other similar visual portrayal or depiction by computer which includes a child whom the person knows or reasonably should know to be under the age of 18 or a severely or profoundly mentally retarded person engaged in any activity described in subparagraphs (i) through (vii) of paragraph (1) of this subsection; or

(4) solicits, uses, persuades, induces, entices, or coerces any child whom he knows or reasonably should know to be under the age of 18 or a severely or profoundly mentally retarded person to appear in any stage play, live presentation, film, videotape, photograph or other similar visual reproduction or depiction by computer in which the child or severely or profoundly mentally retarded person is or will be depicted, actually or by simulation, in any act, pose or setting described in subparagraphs (i) through (vii) of paragraph (1) of this subsection; or

(5) is a parent, step-parent, legal guardian or other person having care or custody of a child whom the person knows or reasonably should know to be under the age of 18 or a severely or profoundly mentally retarded person and who knowingly permits, induces, promotes, or arranges for such child or severely or profoundly mentally retarded person to appear in any stage play, live performance, film, videotape, photograph or other similar visual presentation, portrayal or simulation or depiction by computer of any act or activity described in subparagraphs (i) through (vii) of paragraph (1) of this subsection; or

(6) with knowledge of the nature or content thereof, possesses any film, videotape, photograph or other similar visual reproduction or depiction by computer of any child or severely or profoundly mentally retarded person whom the person knows or reasonably should know to be under the age of 18 or to be a severely or profoundly mentally retarded person, engaged in any activity described in subparagraphs (i) through (vii) of paragraph (1) of this subsection; or

(7) solicits, uses, persuades, induces, entices, or coerces a person to provide a child under the age of 18 or a severely or profoundly mentally retarded person to appear in any videotape, photograph, film, stage play, live presentation, or other similar visual reproduction or depiction by computer in which the child or severely or profoundly mentally retarded person will be depicted, actually or by simulation, in any act, pose, or setting described in subparagraphs (i) through (vii) of paragraph (1) of this subsection.

(b) (1) It shall be an affirmative defense to a charge of child pornography that the defendant reasonably believed, under all of the circumstances, that the child was 18 years of age or older or that the person was not a severely or profoundly mentally retarded person but only where, prior to the act or acts giving rise to a prosecution under this Section, he took some affirmative action or made a bonafide inquiry designed to ascertain whether the child was 18 years of age or older or that the person was not a severely or profoundly mentally

New matter indicated by italics - deletions by strikeout.
retarded person and his reliance upon the information so obtained was clearly reasonable.

(2) (Blank).

(3) The charge of child pornography shall not apply to the performance of official duties by law enforcement or prosecuting officers, court personnel or attorneys, nor to bonafide treatment or professional education programs conducted by licensed physicians, psychologists or social workers.

(4) Possession by the defendant of more than one of the same film, videotape or visual reproduction or depiction by computer in which child pornography is depicted shall raise a rebuttable presumption that the defendant possessed such materials with the intent to disseminate them.

(5) The charge of child pornography does not apply to a person who does not voluntarily possess a film, videotape, or visual reproduction or depiction by computer in which child pornography is depicted. Possession is voluntary if the defendant knowingly procures or receives a film, videotape, or visual reproduction or depiction for a sufficient time to be able to terminate his or her possession.

(c) Violation of paragraph (1), (4), (5), or (7) of subsection (a) is a Class 1 felony with a mandatory minimum fine of $2,000 and a maximum fine of $100,000. Violation of paragraph (3) of subsection (a) is a Class 1 felony with a mandatory minimum fine of $1500 and a maximum fine of $100,000. Violation of paragraph (2) of subsection (a) is a Class 1 felony with a mandatory minimum fine of $1000 and a maximum fine of $100,000. Violation of paragraph (6) of subsection (a) is a Class 3 felony with a mandatory minimum fine of $1000 and a maximum fine of $100,000.

(d) If a person is convicted of a second or subsequent violation of this Section within 10 years of a prior conviction, the court shall order a presentence psychiatric examination of the person. The examiner shall report to the court whether treatment of the person is necessary.

(e) Any film, videotape, photograph or other similar visual reproduction or depiction by computer which includes a child under the age of 18 or a severely or profoundly mentally retarded person engaged in any activity described in subparagraphs (i) through (vii) or paragraph 1 of subsection (a), and any material or equipment used or intended for use in photographing, filming, printing, producing, reproducing, manufacturing, projecting, exhibiting, depiction by computer, or disseminating such material shall be seized and forfeited in the manner, method and procedure provided by Section 36-1 of this Code for the seizure and forfeiture of vessels, vehicles and aircraft.

(e-5) Upon the conclusion of a case brought under this Section, the court shall seal all evidence depicting a victim or witness that is sexually explicit. The evidence may be unsealed and viewed, on a motion of the party seeking to unseal and view the evidence, only for good cause shown and in the discretion of the court. The motion must expressly set forth the purpose for viewing the material. The State's attorney and the victim, if possible, shall be provided reasonable notice of the hearing on the motion to unseal the evidence. Any person entitled to notice of a hearing under this subsection (e-5) may object to the motion.

(f) Definitions. For the purposes of this Section:

New matter indicated by italics - deletions by strikeout.
(1) "Disseminate" means (i) to sell, distribute, exchange or transfer possession, whether with or without consideration or (ii) to make a depiction by computer available for distribution or downloading through the facilities of any telecommunications network or through any other means of transferring computer programs or data to a computer.

(2) "Produce" means to direct, promote, advertise, publish, manufacture, issue, present or show.

(3) "Reproduce" means to make a duplication or copy.

(4) "Depict by computer" means to generate or create, or cause to be created or generated, a computer program or data that, after being processed by a computer either alone or in conjunction with one or more computer programs, results in a visual depiction on a computer monitor, screen, or display.

(5) "Depiction by computer" means a computer program or data that, after being processed by a computer either alone or in conjunction with one or more computer programs, results in a visual depiction on a computer monitor, screen, or display.

(6) "Computer", "computer program", and "data" have the meanings ascribed to them in Section 16D-2 of this Code.

(7) "Child" includes a film, videotape, photograph, or other similar visual medium or reproduction or depiction by computer that is, or appears to be, that of a person, either in part, or in total, under the age of 18, regardless of the method by which the film, videotape, photograph, or other similar visual medium or reproduction or depiction by computer is created, adopted, or modified to appear as such. "Child" also includes a film, videotape, photograph, or other similar visual medium or reproduction or depiction by computer that is advertised, promoted, presented, described, or distributed in such a manner that conveys the impression that the film, videotape, photograph, or other similar visual medium or reproduction or depiction by computer is of a person under the age of 18.

(8) "Sexual penetration" and "sexual conduct" have the meanings ascribed to them in Section 12-12 of this Code.

(g) Re-enactment; findings; purposes.

(1) The General Assembly finds and declares that:


(ii) In addition, Public Act 88-680 was entitled "AN ACT to create a Safe Neighborhoods Law". (A) Article 5 was entitled JUVENILE JUSTICE and amended the Juvenile Court Act of 1987. (B) Article 15 was entitled GANGS and amended various provisions of the Criminal Code of 1961 and the Unified Code of Corrections. (C) Article 20 was entitled ALCOHOL ABUSE and amended various provisions of the Illinois Vehicle Code. (D)

(iii) On September 22, 1998, the Third District Appellate Court in People v. Dainty, 701 N.E. 2d 118, ruled that Public Act 88-680 violates the single subject clause of the Illinois Constitution (Article IV, Section 8 (d)) and was unconstitutional in its entirety. As of the time this amendatory Act of 1999 was prepared, People v. Dainty was still subject to appeal.

(iv) Child pornography is a vital concern to the people of this State and the validity of future prosecutions under the child pornography statute of the Criminal Code of 1961 is in grave doubt.

(2) It is the purpose of this amendatory Act of 1999 to prevent or minimize any problems relating to prosecutions for child pornography that may result from challenges to the constitutional validity of Public Act 88-680 by re-enacting the Section relating to child pornography that was included in Public Act 88-680.

(3) This amendatory Act of 1999 re-enacts Section 11-20.1 of the Criminal Code of 1961, as it has been amended. This re-enactment is intended to remove any question as to the validity or content of that Section; it is not intended to supersede any other Public Act that amends the text of the Section as set forth in this amendatory Act of 1999. The material is shown as existing text (i.e., without underscoring) because, as of the time this amendatory Act of 1999 was prepared, People v. Dainty was subject to appeal to the Illinois Supreme Court.

(4) The re-enactment by this amendatory Act of 1999 of Section 11-20.1 of the Criminal Code of 1961 relating to child pornography that was amended by Public Act 88-680 is not intended, and shall not be construed, to imply that Public Act 88-680 is invalid or to limit or impair any legal argument concerning whether those provisions were substantially re-enacted by other Public Acts.

(Source: P.A. 91-54, eff. 6-30-99; 91-229, eff. 1-1-00; 91-357, eff. 7-29-99; 92-16, eff. 6-28-01; 92-434, eff. 1-1-02.)

(720 ILCS 5/12-3.2) (from Ch. 38, par. 12-3.2)
Sec. 12-3.2. Domestic Battery.

New matter indicated by italics - deletions by strikeout.
(a) A person commits domestic battery if he intentionally or knowingly without legal justification by any means:

(1) Causes bodily harm to any family or household member as defined in subsection (3) of Section 112A-3 of the Code of Criminal Procedure of 1963, as amended;

(2) Makes physical contact of an insulting or provoking nature with any family or household member as defined in subsection (3) of Section 112A-3 of the Code of Criminal Procedure of 1963, as amended.

(b) Sentence. Domestic battery is a Class A Misdemeanor. Domestic battery is a Class 4 felony if the defendant has any prior conviction under this Code for domestic battery (Section 12-3.2) or violation of an order of protection (Section 12-30). Domestic battery is a Class 4 felony if the defendant has any prior conviction under this Code for first degree murder (Section 9-1), attempt to commit first degree murder (Section 8-4), aggravated domestic battery (Section 12-3.3), aggravated battery (Section 12-4), heinous battery (Section 12-4.1), aggravated battery with a firearm (Section 12-4.2), aggravated battery of a child (Section 12-4.3), aggravated battery of an unborn child (Section 12-4.4), aggravated battery of a senior citizen (Section 12-4.6), stalking (Section 12-7.3), aggravated stalking (Section 12-7.4), criminal sexual assault (Section 12-13), aggravated criminal sexual assault (12-14), kidnapping (Section 10-1), aggravated kidnapping (Section 10-2), predatory criminal sexual assault of a child (Section 12-14.1), aggravated criminal sexual abuse (Section 12-14), unlawful restraint (Section 10-3), or aggravated unlawful restraint (Section 10-3.1), aggravated arson (Section 20-1.1), or aggravated discharge of a firearm (Section 24-1.2), when any of these offenses have been committed against a family or household member as defined in Section 112A-3 of the Code of Criminal Procedure of 1963. In addition to any other sentencing alternatives, for any second conviction of violating this Section within 5 years of a previous conviction for violating this Section, the offender shall be mandatorily sentenced to a minimum of 48 consecutive hours of imprisonment. The imprisonment shall not be subject to suspension, nor shall the person be eligible for probation in order to reduce the sentence.

(c) Domestic battery committed in the presence of a child. In addition to any other sentencing alternatives, a defendant who commits, in the presence of a child, a felony domestic battery (enhanced under subsection (b)), aggravated domestic battery (Section 12-3.3), aggravated battery (Section 12-4), unlawful restraint (Section 10-3), or aggravated unlawful restraint (Section 10-3.1) against a family or household member, as defined in Section 112A-3 of the Code of Criminal Procedure of 1963, shall be required to serve a mandatory minimum imprisonment of 10 days or perform 300 hours of community service, or both. The defendant shall further be liable for the cost of any counseling required for the child at the discretion of the court in accordance with subsection (b) of Section 5-5-6 of the Unified Code of Corrections. For purposes of this Section, "child" means a person under 16 years of age who is the defendant's or victim's child or step-child or who is a minor child residing within the household of the defendant or victim. For purposes of this Section, "in the presence of a child" means in the physical presence of a child or knowing or having
reason to know that a child is present and may see or hear an act constituting one of the offenses listed in this subsection.
(Source: P.A. 91-112, eff. 10-1-99; 91-262, eff. 1-1-00; 91-928, eff. 6-1-01; 92-16, eff. 6-28-01.)
(720 ILCS 5/12-7.3) (from Ch. 38, par. 12-7.3)
Sec. 12-7.3. Stalking.
(a) A person commits stalking when he or she, knowingly and without lawful justification, on at least 2 separate occasions follows another person or places the person under surveillance or any combination thereof and:

(1) at any time transmits a threat of immediate or future bodily harm, sexual assault, confinement or restraint and the threat is directed towards that person or a family member of that person; or
(2) places that person in reasonable apprehension of immediate or future bodily harm, sexual assault, confinement or restraint; or
(3) places that person in reasonable apprehension that a family member will receive immediate or future bodily harm, sexual assault, confinement, or restraint.

(a-5) A person commits stalking when he or she has previously been convicted of stalking another person and knowingly and without lawful justification on one occasion:

(1) follows that same person or places that same person under surveillance; and
(2) transmits a threat of immediate or future bodily harm, sexual assault, confinement or restraint; and
(3) the threat is directed towards that person or a family member of that person.

(b) Sentence. Stalking is a Class 4 felony. A second or subsequent conviction for stalking is a Class 3 felony.

(b-5) The incarceration of a person in a penal institution who transmits a threat is not a bar to prosecution under this Section.

(c) Exemption. This Section does not apply to picketing occurring at the workplace that is otherwise lawful and arises out of a bona fide labor dispute, or any exercise of the right of free speech or assembly that is otherwise lawful.

(d) For the purpose of this Section, a defendant "places a person under surveillance" by remaining present outside the person's school, place of employment, vehicle, other place occupied by the person, or residence other than the residence of the defendant.

(e) For the purpose of this Section, "follows another person" means (i) to move in relative proximity to a person as that person moves from place to place or (ii) to remain in relative proximity to a person who is stationary or whose movements are confined to a small area. "Follows another person" does not include a following within the residence of the defendant.

(f) For the purposes of this Section and Section 12-7.4, "bona fide labor dispute" means any controversy concerning wages, salaries, hours, working conditions, or benefits, including health and welfare, sick leave, insurance, and pension or retirement provisions, the

New matter indicated by italics - deletions by strikeout.
making or maintaining of collective bargaining agreements, and the terms to be included in those agreements.

(g) For the purposes of this Section, "transmits a threat" means a verbal or written threat or a threat implied by a pattern of conduct or a combination of verbal or written statements or conduct.

(h) For the purposes of this Section, "family member" means a parent, grandparent, brother, sister, or child, whether by whole blood, half-blood, or adoption and includes a step-grandparent, step-parent, step-brother, step-sister or step-child. "Family member" also means any other person who regularly resides in the household, or who, within the prior 6 months, regularly resided in the household.

(Source: P.A. 91-640, eff. 8-20-99.)

(720 ILCS 5/12-30) (from Ch. 38, par. 12-30)
Sec. 12-30. Violation of an order of protection.
(a) A person commits violation of an order of protection if:

(1) He or she commits an act which was prohibited by a court or fails to commit an act which was ordered by a court in violation of:

(i) a remedy in a valid order of protection authorized under paragraphs (1), (2), (3), (14), or (14.5) of subsection (b) of Section 214 of the Illinois Domestic Violence Act of 1986,

(ii) a remedy, which is substantially similar to the remedies authorized under paragraphs (1), (2), (3), (14) or (14.5) of subsection (b) of Section 214 of the Illinois Domestic Violence Act of 1986, in a valid order of protection, which is authorized under the laws of another state, tribe or United States territory,

(iii) any other remedy when the act constitutes a crime against the protected parties as the term protected parties is defined in Section 112A-4 of the Code of Criminal Procedure of 1963; and

(2) Such violation occurs after the offender has been served notice of the contents of the order, pursuant to the Illinois Domestic Violence Act of 1986 or any substantially similar statute of another state, tribe or United States territory, or otherwise has acquired actual knowledge of the contents of the order.

An order of protection issued by a state, tribal or territorial court related to domestic or family violence shall be deemed valid if the issuing court had jurisdiction over the parties and matter under the law of the state, tribe or territory. There shall be a presumption of validity where an order is certified and appears authentic on its face.

(a-5) Failure to provide reasonable notice and opportunity to be heard shall be an affirmative defense to any charge or process filed seeking enforcement of a foreign order of protection.

(b) For purposes of this Section, an "order of protection" may have been issued in a criminal or civil proceeding.

(c) Nothing in this Section shall be construed to diminish the inherent authority of the courts to enforce their lawful orders through civil or criminal contempt proceedings.
(d) Violation of an order of protection under subsection (a) of this Section is a Class A misdemeanor. Violation of an order of protection under subsection (a) of this Section is a Class 4 felony if the defendant has any prior conviction under this Code for first degree murder (Section 9-1), attempt to commit first degree murder (Section 8-4), aggravated domestic battery (Section 12-3.3), aggravated battery (Section 12-4), heinous battery (Section 12-4.1), aggravated battery with a firearm (Section 12-4.2), aggravated battery of a child (Section 12-4.3), aggravated battery of an unborn child (Section 12-4.4), aggravated battery of a senior citizen (Section 12-4.6), stalking (Section 12-7.3), aggravated stalking (Section 12-7.4), criminal sexual assault (Section 12-13), aggravated criminal sexual assault (12-14), kidnapping (Section 10-1), aggravated kidnapping (Section 10-2), predatory criminal sexual assault of a child (Section 12-14.1), aggravated criminal sexual abuse (Section 12-16), unlawful restraint (Section 10-3), or aggravated unlawful restraint (Section 10-3.1), aggravated arson (Section 20-1.1), or aggravated discharge of a firearm (Section 24-1.2), when any of these offenses have been committed against a family or household member as defined in Section 112A-3 of the Code of Criminal Procedure of 1963. The court shall impose a minimum penalty of 24 hours imprisonment for defendant's second or subsequent violation of any order of protection; unless the court explicitly finds that an increased penalty or such period of imprisonment would be manifestly unjust. In addition to any other penalties, the court may order the defendant to pay a fine as authorized under Section 5-9-1 of the Unified Code of Corrections or to make restitution to the victim under Section 5-5-6 of the Unified Code of Corrections. In addition to any other penalties, including those imposed by Section 5-9-1.5 of the Unified Code of Corrections, the court shall impose an additional fine of $20 as authorized by Section 5-9-1.11 of the Unified Code of Corrections upon any person convicted of or placed on supervision for a violation of this Section. The additional fine shall be imposed for each violation of this Section.

(e) The limitations placed on law enforcement liability by Section 305 of the Illinois Domestic Violence Act of 1986 apply to actions taken under this Section.

(Source: P.A. 90-241, eff. 1-1-98; 90-732, eff. 8-11-98; 91-357, eff. 7-29-99.)

Section 10. The Wrongs to Children Act is amended by changing Section 5.1 as follows:

(720 ILCS 150/5.1) (from Ch. 23, par. 2355.1)
Sec. 5.1. Permitting sexual abuse of a child.
(a) A person responsible for a child's welfare commits the offense of permitting sexual abuse of a child if he or she has actual knowledge of and permits an act of sexual abuse upon the child, or permits the child to engage in prostitution as defined in Section 11-14 of the Criminal Code of 1961.
(b) In this Section:
"Child" means a minor under the age of 17 years.

New matter indicated by italics - deletions by strikeout.
"Person responsible for the child's welfare" means the child's parent, step-parent, legal guardian, or other person having custody of a child, who is responsible for the child's care at the time of the alleged sexual abuse.

"Sexual abuse" includes criminal sexual abuse or criminal sexual assault as defined in Section 12-13, 12-14, 12-14.1, 12-15, or 12-16 of the Criminal Code of 1961.

"Prostitution" means prostitution as defined in Section 11-14 of the Criminal Code of 1961.

"Actual knowledge" includes credible allegations made by the child.

(c) This Section does not apply to a person responsible for the child's welfare who, having reason to believe that sexual abuse has occurred, makes timely and reasonable efforts to stop the sexual abuse by reporting the sexual abuse in conformance with the Abused and Neglected Child Reporting Act or by reporting the sexual abuse, or causing a report to be made, to medical or law enforcement authorities or anyone who is a mandated reporter under Section 4 of the Abused and Neglected Child Reporting Act.

(d) Whenever a law enforcement officer has reason to believe that the child or the person responsible for the child's welfare has been abused by a family or household member as defined by the Illinois Domestic Violence Act of 1986, the officer shall immediately use all reasonable means to prevent further abuse under Section 112A-30 of the Code of Criminal Procedure of 1963.

(e) An order of protection under Section 111-8 of the Code of Criminal Procedure of 1963 shall be sought in all cases where there is reason to believe that a child has been sexually abused by a family or household member. In considering appropriate available remedies, it shall be presumed that awarding physical care or custody to the abuser is not in the child's best interest.

(f) A person may not be charged with the offense of permitting sexual abuse of a child under this Section until the person who committed the offense is charged with criminal sexual assault, aggravated criminal sexual assault, predatory criminal sexual assault of a child, criminal sexual abuse, aggravated criminal sexual abuse, or prostitution.

(g) A person convicted of permitting the sexual abuse of a child is guilty of a Class 1 felony. As a condition of any sentence of supervision, probation, conditional discharge, or mandatory supervised release, any person convicted under this Section shall be ordered to undergo child sexual abuse, domestic violence, or other appropriate counseling for a specified duration with a qualified social or mental health worker.

(h) It is an affirmative defense to a charge of permitting sexual abuse of a child under this Section that the person responsible for the child's welfare had a reasonable apprehension that timely action to stop the abuse or prostitution would result in the imminent infliction of death, great bodily harm, permanent disfigurement, or permanent disability to that person or another in retaliation for reporting. A. A parent, step-parent, legal guardian, or other person having custody of a child who knowingly allows or permits an act of criminal sexual abuse or criminal sexual assault as defined in Section 12-13, 12-14, 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961, upon his or her child, or knowingly permits, induces, promotes, or arranges for the child to engage in prostitution as defined in

New matter indicated by italics - deletions by strikeout.
Section 11-14 of the Criminal Code of 1961, and fails to take reasonable steps to prevent its commission or future occurrences of such acts commits the offense of permitting the sexual abuse of a child. For purposes of this Section, "child" means a minor under the age of 17 years.

B. Any person convicted of permitting the sexual abuse of a child is guilty of a Class 1 felony.

(Source: P.A. 91-696, eff. 4-13-00.)

Section 99. Effective date. This Act takes effect upon becoming law.
Approved August 22, 2002.
Effective August 22, 2002.

PUBLIC ACT 92-0828
(House Bill No. 5874)

AN ACT in relation to sex offenders.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 2. The Criminal Code of 1961 is amended by changing Section 11-9.4 as follows:

(720 ILCS 5/11-9.4)

Sec. 11-9.4. Approaching, contacting, residing, or communicating with a child within certain places by child sex offenders prohibited.

(a) It is unlawful for a child sex offender to knowingly be present in any public park building or on real property comprising any public park when persons under the age of 18 are present in the building or on the grounds and to approach, contact, or communicate with a child under 18 years of age, unless the offender is a parent or guardian of a person under 18 years of age present in the building or on the grounds.

(b) It is unlawful for a child sex offender to knowingly loiter on a public way within 500 feet of a public park building or real property comprising any public park while persons under the age of 18 are present in the building or on the grounds and to approach, contact, or communicate with a child under 18 years of age, unless the offender is a parent or guardian of a person under 18 years of age present in the building or on the grounds.

(b-5) It is unlawful for a child sex offender to knowingly reside within 500 feet of a playground or a facility providing programs or services exclusively directed toward persons under 18 years of age. Nothing in this subsection (b-5) prohibits a child sex offender from residing within 500 feet of a playground or a facility providing programs or services exclusively directed toward persons under 18 years of age if the property is owned by the child sex offender and was purchased before the effective date of this amendatory Act of the 91st General Assembly.

(b-6) It is unlawful for a child sex offender to knowingly reside within 500 feet of the victim of the sex offense. Nothing in this subsection (b-6) prohibits a child sex offender from

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residing within 500 feet of the victim if the property in which the child sex offender resides is owned by the child sex offender and was purchased before the effective date of this amendatory Act of the 92nd General Assembly.

This subsection (b-6) does not apply if the victim of the sex offense is 21 years of age or older.

(c) It is unlawful for a child sex offender to knowingly operate, manage, be employed by, volunteer at, be associated with, or knowingly be present at any facility providing programs or services exclusively directed towards persons under the age of 18. This does not prohibit a child sex offender from owning the real property upon which the programs or services are offered, provided the child sex offender refrains from being present on the premises for the hours during which the programs or services are being offered.

(d) Definitions. In this Section:

(1) "Child sex offender" means any person who:

(i) has been charged under Illinois law, or any substantially similar federal law or law of another state, with a sex offense set forth in paragraph (2) of this subsection (d) or the attempt to commit an included sex offense, and:

(A) is convicted of such offense or an attempt to commit such offense; or

(B) is found not guilty by reason of insanity of such offense or an attempt to commit such offense; or

(C) is found not guilty by reason of insanity pursuant to subsection (c) of Section 104-25 of the Code of Criminal Procedure of 1963 of such offense or an attempt to commit such offense; or

(D) is the subject of a finding not resulting in an acquittal at a hearing conducted pursuant to subsection (a) of Section 104-25 of the Code of Criminal Procedure of 1963 for the alleged commission or attempted commission of such offense; or

(E) is found not guilty by reason of insanity following a hearing conducted pursuant to a federal law or the law of another state substantially similar to subsection (c) of Section 104-25 of the Code of Criminal Procedure of 1963 of such offense or of the attempted commission of such offense; or

(F) is the subject of a finding not resulting in an acquittal at a hearing conducted pursuant to a federal law or the law of another state substantially similar to subsection (a) of Section 104-25 of the Code of Criminal Procedure of 1963 for the alleged violation or attempted commission of such offense; or

(ii) is certified as a sexually dangerous person pursuant to the Illinois Sexually Dangerous Persons Act, or any substantially similar federal law or the law of another state, when any conduct giving rise to such certification is committed or attempted against a person less than 18 years of age; or

New matter indicated by italics - deletions by strikeout.
(iii) is subject to the provisions of Section 2 of the Interstate Agreements on Sexually Dangerous Persons Act.

Convictions that result from or are connected with the same act, or result from offenses committed at the same time, shall be counted for the purpose of this Section as one conviction. Any conviction set aside pursuant to law is not a conviction for purposes of this Section.

(2) Except as otherwise provided in paragraph (2.5), "sex offense" means:

   (i) A violation of any of the following Sections of the Criminal Code of 1961: 10-7 (aiding and abetting child abduction under Section 10-5(b)(10)), 10-5(b)(10) (child luring), 11-6 (indecent solicitation of a child), 11-6.5 (indecent solicitation of an adult), 11-9 (public indecency when committed in a school, on the real property comprising a school, on a conveyance owned, leased, or contracted by a school to transport students to or from school or a school related activity, or in a public park), 11-9.1 (sexual exploitation of a child), 11-15.1 (soliciting for a juvenile prostitute), 11-17.1 (keeping a place of juvenile prostitution), 11-18.1 (patronizing a juvenile prostitute), 11-19.1 (juvenile pimping), 11-19.2 (exploitation of a child), 11-20.1 (child pornography), 11-21 (harmful material), 12-14.1 (predatory criminal sexual assault of a child), 12-33 (ritualized abuse of a child), 11-20 (obscenity) (when that offense was committed in any school, on real property comprising any school, on any conveyance owned, leased, or contracted by a school to transport students to or from school or a school related activity, or in a public park). An attempt to commit any of these offenses.

   (ii) A violation of any of the following Sections of the Criminal Code of 1961, when the victim is a person under 18 years of age: 12-13 (criminal sexual assault), 12-14 (aggravated criminal sexual assault), 12-15 (criminal sexual abuse), 12-16 (aggravated criminal sexual abuse). An attempt to commit any of these offenses.

   (iii) A violation of any of the following Sections of the Criminal Code of 1961, when the victim is a person under 18 years of age and the defendant is not a parent of the victim:

       10-1 (kidnapping),
       10-2 (aggravated kidnapping),
       10-3 (unlawful restraint),
       10-3.1 (aggravated unlawful restraint).

       An attempt to commit any of these offenses.

   (iv) A violation of any former law of this State substantially equivalent to any offense listed in clause (2)(i) of this subsection (d).

(2.5) For the purposes of subsection (b-5) only, a sex offense means:

   (i) A violation of any of the following Sections of the Criminal Code of 1961:

       10-5(b)(10) (child luring), 10-7 (aiding and abetting child

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abduction under Section 10-5(b)(10)), 11-6 (indecent solicitation of a child), 11-6.5 (indecent solicitation of an adult), 11-15.1 (soliciting for a juvenile prostitute), 11-17.1 (keeping a place of juvenile prostitution), 11-18.1 (patronizing a juvenile prostitute), 11-19.1 (juvenile pimping), 11-19.2 (exploitation of a child), 11-20.1 (child pornography), 12-14.1 (predatory criminal sexual assault of a child), or 12-33 (ritualized abuse of a child). An attempt to commit any of these offenses.

(ii) A violation of any of the following Sections of the Criminal Code of 1961, when the victim is a person under 18 years of age: 12-13 (criminal sexual assault), 12-14 (aggravated criminal sexual assault), 12-16 (aggravated criminal sexual abuse), and subsection (a) of Section 12-15 (criminal sexual abuse). An attempt to commit any of these offenses.

(iii) A violation of any of the following Sections of the Criminal Code of 1961, when the victim is a person under 18 years of age and the defendant is not a parent of the victim:
10-1 (kidnapping),
10-2 (aggravated kidnapping),
10-3 (unlawful restraint),
10-3.1 (aggravated unlawful restraint).
An attempt to commit any of these offenses.

(iv) A violation of any former law of this State substantially equivalent to any offense listed in this paragraph (2.5) of this subsection.

(3) A conviction for an offense of federal law or the law of another state that is substantially equivalent to any offense listed in paragraph (2) of this subsection (d) shall constitute a conviction for the purpose of this Section. A finding or adjudication as a sexually dangerous person under any federal law or law of another state that is substantially equivalent to the Sexually Dangerous Persons Act shall constitute an adjudication for the purposes of this Section.

(4) "Public park" includes a park, forest preserve, or conservation area under the jurisdiction of the State or a unit of local government.

(5) "Facility providing programs or services directed towards persons under the age of 18" means any facility providing programs or services exclusively directed towards persons under the age of 18.

(6) "Loiter" means:

(i) Standing, sitting idly, whether or not the person is in a vehicle or remaining in or around public park property.

(ii) Standing, sitting idly, whether or not the person is in a vehicle or remaining in or around public park property, for the purpose of committing or attempting to commit a sex offense.

(7) "Playground" means a piece of land owned or controlled by a unit of local government that is designated by the unit of local government for use solely or

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primarily for children's recreation.

(e) Sentence. A person who violates this Section is guilty of a Class 4 felony.

(Source: P.A. 91-458, eff. 1-1-00; 91-911, eff. 7-7-00.)

Section 5. The Sex Offender Registration Act is amended by changing Sections 2, 3, 4, 5, 5-5, 6, 7, 8-5, and 10 as follows:

(730 ILCS 150/2) (from Ch. 38, par. 222)
Sec. 2. Definitions.
(A) As used in this Article, the following definitions apply. (A) "sex offender" means any person who is:

(1) charged pursuant to Illinois law, or any substantially similar federal, Uniform Code of Military Justice, sister state, or foreign country law, with a sex offense set forth in subsection (B) of this Section or the attempt to commit an included sex offense, and:

(a) is convicted of such offense or an attempt to commit such offense; or

(b) is found not guilty by reason of insanity of such offense or an attempt to commit such offense; or

(c) is found not guilty by reason of insanity pursuant to Section 104-25(c) of the Code of Criminal Procedure of 1963 of such offense or an attempt to commit such offense; or

(d) is the subject of a finding not resulting in an acquittal at a hearing conducted pursuant to Section 104-25(a) of the Code of Criminal Procedure of 1963 for the alleged commission or attempted commission of such offense; or

(e) is found not guilty by reason of insanity following a hearing conducted pursuant to a federal, Uniform Code of Military Justice, sister state, or foreign country law substantially similar to Section 104-25(c) of the Code of Criminal Procedure of 1963 of such offense or of the attempted commission of such offense; or

(f) is the subject of a finding not resulting in an acquittal at a hearing conducted pursuant to a federal, Uniform Code of Military Justice, sister state, or foreign country law substantially similar to Section 104-25(a) of the Code of Criminal Procedure of 1963 for the alleged violation or attempted commission of such offense; or

(2) certified as a sexually dangerous person pursuant to the Illinois Sexually Dangerous Persons Act, or any substantially similar federal, Uniform Code of Military Justice, sister state, or foreign country law; or

(3) subject to the provisions of Section 2 of the Interstate Agreements on Sexually Dangerous Persons Act; or

(4) found to be a sexually violent person pursuant to the Sexually Violent Persons Commitment Act or any substantially similar federal, Uniform Code of Military Justice, sister state, or foreign country law.

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(5) adjudicated a juvenile delinquent as the result of committing or attempting to commit an act which, if committed by an adult, would constitute any of the offenses specified in item (B), (C), or (C-5) of this Section or a violation of any substantially similar federal, Uniform Code of Military Justice, sister state, or foreign country law, or found guilty under Article V of the Juvenile Court Act of 1987 of committing or attempting to commit an act which, if committed by an adult, would constitute any of the offenses specified in item (B), (C), or (C-5) of this Section or a violation of any substantially similar federal, Uniform Code of Military Justice, sister state, or foreign country law.

Convictions that result from or are connected with the same act, or result from offenses committed at the same time, shall be counted for the purpose of this Article as one conviction. Any conviction set aside pursuant to law is not a conviction for purposes of this Article.

(A-5) "Juvenile sex offender" means any person who is adjudicated a juvenile delinquent as the result of the commission of or attempt to commit a violation set forth in item (B), (C), or (C-5) of this Section or a violation of any substantially similar federal, sister state, or foreign country law. For purposes of this Section, "convicted" shall have the same meaning as "adjudicated".

(B) As used in this Article Section, "sex offense" means:

(1) A violation of any of the following Sections of the Criminal Code of 1961:

11-20.1 (child pornography),
11-6 (indecent solicitation of a child),
11-9.1 (sexual exploitation of a child),
11-15.1 (soliciting for a juvenile prostitute),
11-18.1 (patronizing a juvenile prostitute),
11-17.1 (keeping a place of juvenile prostitution),
11-19.1 (juvenile pimping),
11-19.2 (exploitation of a child),
12-13 (criminal sexual assault),
12-14 (aggravated criminal sexual assault),
12-14.1 (predatory criminal sexual assault of a child),
12-15 (criminal sexual abuse),
12-16 (aggravated criminal sexual abuse),
12-33 (ritualized abuse of a child).
An attempt to commit any of these offenses.

(1.5) A felony violation of any of the following Sections of the Criminal Code of 1961, when the victim is a person under 18 years of age, the defendant is not a parent of the victim, and the offense was committed on or after January 1, 1996:
10-1 (kidnapping),
10-2 (aggravated kidnapping),
10-3 (unlawful restraint),

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10-3.1 (aggravated unlawful restraint).
An attempt to commit any of these offenses.

(1.6) First degree murder under Section 9-1 of the Criminal Code of 1961, when the victim was a person under 18 years of age, the defendant was at least 17 years of age at the time of the commission of the offense, and the offense was committed on or after June 1, 1996.

(1.7) (Blank).

(1.8) A violation or attempted violation of Section 11-11 (sexual relations within families) of the Criminal Code of 1961, when the victim was a person under 18 years of age and the offense was committed on or after June 1, 1997.

(1.9) Child abduction under paragraph (10) of subsection (b) of Section 10-5 of the Criminal Code of 1961 committed by luring or attempting to lure a child under the age of 16 into a motor vehicle, building, house trailer, or dwelling place without the consent of the parent or lawful custodian of the child for other than a lawful purpose and the offense was committed on or after January 1, 1998.

(1.10) A violation or attempted violation of any of the following Sections of the Criminal Code of 1961 when the offense was committed on or after July 1, 1999, the effective date of this amendatory Act of the 91st General Assembly:

- 10-4 (forcible detention, if the victim is under 18 years of age),
- 11-6.5 (indecent solicitation of an adult),
- 11-15 (soliciting for a prostitute, if the victim is under 18 years of age),
- 11-16 (pandering, if the victim is under 18 years of age),
- 11-18 (patronizing a prostitute, if the victim is under 18 years of age),
- 11-19 (pimping, if the victim is under 18 years of age).

(1.11) A violation or attempted violation of any of the following Sections of the Criminal Code of 1961 when the offense was committed on or after the effective date of this amendatory Act of the 92nd General Assembly:

- 11-9 (public indecency for a third or subsequent conviction),
- 11-9.2 (custodial sexual misconduct).

(1.12) A violation or attempted violation of Section 5.1 of the Wrongs to Children Act (permitting sexual abuse) when the offense was committed on or after the effective date of this amendatory Act of the 92nd General Assembly.

(2) A violation of any former law of this State substantially equivalent to any offense listed in subsection (B) of this Section.

(C) A conviction for an offense of federal law, Uniform Code of Military Justice, or the law of another state or a foreign country that is substantially equivalent to any offense listed in subsections (B), (C), and (E) of this Section shall constitute a conviction for the purpose of this Article. A finding or adjudication as a sexually dangerous person or a sexually violent person under any federal law, Uniform Code of Military Justice, or the law of another state or foreign country that is substantially equivalent to the Sexually Dangerous Persons Act or the Sexually Violent Persons Commitment Act shall constitute an

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adjudication for the purposes of this Article.

(C-5) A person at least 17 years of age at the time of the commission of the offense who is convicted of first degree murder under Section 9-1 of the Criminal Code of 1961, committed on or after June 1, 1996 against a person under 18 years of age, shall be required to register for natural life. A conviction for an offense of federal, Uniform Code of Military Justice, sister state, or foreign country law that is substantially equivalent to any offense listed in subsection (C-5) of this Section shall constitute a conviction for the purpose of this Article.

(D) As used in this Article, "law enforcement agency having jurisdiction" means the Chief of Police in each of the municipalities in which the sex offender expects to reside, work, or attend school (1) upon his or her discharge, parole or release or (2) during the service of his or her sentence of probation or conditional discharge, or the Sheriff of the county, in the event no Police Chief exists or if the offender intends to reside, work, or attend school in an unincorporated area. "Law enforcement agency having jurisdiction" includes the location where out-of-state students attend school and where out-of-state employees are employed or are otherwise required to register.

(E) As used in this Article, "sexual predator" means any person who, after July 1, 1999, the effective date of this amendatory Act of the 91st General Assembly, is:

(1) Convicted of an offense of federal, Uniform Code of Military Justice, sister state, or foreign country law that is substantially equivalent to any offense listed in subsection (E) of this Section shall constitute a conviction for the purpose of this Article. Convicted of a violation or attempted violation of any of the following Sections of the Criminal Code of 1961, if and the conviction occurred after July 1, 1999, the effective date of this amendatory Act of the 91st General Assembly:
   11-17.1 (keeping a place of juvenile prostitution),
   11-19.1 (juvenile pimping),
   11-19.2 (exploitation of a child),
   11-20.1 (child pornography),
   12-13 (criminal sexual assault, if the victim is a person under 12 years of age),
   12-14 (aggravated criminal sexual assault),
   12-14.1 (predatory criminal sexual assault of a child),
   12-16 (aggravated criminal sexual abuse),
   12-33 (ritualized abuse of a child); or

(2) convicted of first degree murder under Section 9-1 of the Criminal Code of 1961, when the victim was a person under 18 years of age and the defendant was at least 17 years of age at the time of the commission of the offense; or

(3) certified as a sexually dangerous person pursuant to the Sexually Dangerous Persons Act or any substantially similar federal, Uniform Code of Military Justice, sister state, or foreign country law; or

(4) found to be a sexually violent person pursuant to the Sexually Violent Persons Commitment Act or any substantially similar federal, Uniform Code of
Military Justice, sister state, or foreign country law; or
(5) convicted of a second or subsequent offense which requires registration pursuant to this Act. The conviction for the second or subsequent offense must have occurred after July 1, 1999 the effective date of this amendatory Act of the 91st General Assembly. For purposes of this paragraph (5), "convicted" shall include a conviction under any substantially similar Illinois, federal, Uniform Code of Military Justice, sister state, or foreign country law.

(F) As used in this Article, "out-of-state student" means any sex offender, as defined in this Section, or sexual predator who is enrolled in Illinois, on a full-time or part-time basis, in any public or private educational institution, including, but not limited to, any secondary school, trade or professional institution, or institution of higher learning.

(G) As used in this Article, "out-of-state employee" means any sex offender, as defined in this Section, or sexual predator who works in Illinois, regardless of whether the individual receives payment for services performed, for a period of time of 10 or more exceeding 14 days or for an aggregate period of time of exceeding 30 or more days during any calendar year. Persons who operate motor vehicles in the State accrue one day of employment time for any portion of a day spent in Illinois.

(Source: P.A. 90-193, eff. 7-24-97; 90-494, eff. 1-1-98; 90-655, eff. 7-30-98; 91-48, eff. 7-1-99; revised 12-9-99.)

(730 ILCS 150/3) (from Ch. 38, par. 223)
Sec. 3. Duty to register.
(a) A sex offender, as defined in Section 2 of this Act, or sexual predator shall, within the time period prescribed in subsections (b) and subsection (c), register in person and provide accurate information as required by the Department of State Police. Such information shall include current address, current place of employment, and school attended. The sex offender or sexual predator shall register:

(1) with the chief of police in each of the municipalities in which he or she attends school, is employed, resides or is temporarily domiciled for a period of time of 10 or more days, unless the municipality is the City of Chicago, in which case he or she shall register at the Chicago Police Department Headquarters; or

(2) with the sheriff in each of the counties in which he or she attends school, is employed, resides or is temporarily domiciled for more than 10 days in an unincorporated area or, if incorporated, no police chief exists.

For purposes of this Article, the place of residence or temporary domicile is defined as any and all places where the sex offender resides for an aggregate period of time of 10 or more days during any calendar year.

The sex offender or sexual predator shall provide accurate information as required by the Department of State Police. That information shall include the sex offender's or sexual predator's current place of employment.

(a-5) An out-of-state student or out-of-state employee shall, within 10 days after beginning school or employment in this State, register in person and provide accurate

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information as required by the Department of State Police. Such information will include current place of employment, school attended, and address in state of residence:

   (1) with the chief of police in each of the municipalities municipality in which he or she is employed or attends school or is employed for a period of time of 10 or more days exceeding 14 days or for an aggregate period of time of more than exceeding 30 days during any calendar year, unless the municipality is the City of Chicago, in which case he or she shall register at the Chicago Police Department Headquarters; or

   (2) with the sheriff in each of the counties county in which he or she attends school or is employed for a period of time of 10 or more days exceeding 14 days or for an aggregate period of time of more than exceeding 30 days during any calendar year in an unincorporated area; or, if incorporated, no police chief exists.

The out-of-state student or out-of-state employee shall provide accurate information as required by the Department of State Police. That information shall include the out-of-state student's current place of school attendance or the out-of-state employee's current place of employment.

(a-5) In addition to the registration requirements imposed upon a sex offender by subsection (a), a sex offender who is required to register under this Article and who is employed on the effective date of this amendatory Act of 1999 within 10 days after the effective date of this amendatory Act of 1999 and a sex offender who is convicted on or after the effective date of this amendatory Act of 1999, within 10 days after employment shall submit in person or in writing the business name and address where he or she is employed. Multiple businesses or work locations must be reported to the agency having jurisdiction.

(c) The registration for any person required to register under this Article shall be as follows:

   (1) Any person registered under the Habitual Child Sex Offender Registration Act or the Child Sex Offender Registration Act prior to January 1, 1996, shall be deemed initially registered as of January 1, 1996; however, this shall not be construed to extend the duration of registration set forth in Section 7 .

   (2) Except as provided in subsection (c)(4), any person convicted or adjudicated prior to January 1, 1996, whose liability for registration under Section 7 has not expired, shall register in person prior to January 31, 1996.

   (2.5) Except as provided in subsection (c)(4), any person who has not been notified of his or her responsibility to register shall be notified by a criminal justice entity of his or her responsibility to register. Upon notification the person must then

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register within 10 days of notification of his or her requirement to register. If notification is not made within the offender's 10 year registration requirement, and the Department of State Police determines no evidence exists or indicates the offender attempted to avoid registration, the offender will no longer be required to register under this Act.

(3) Except as provided in subsection (c)(4), any person convicted on or after January 1, 1996, shall register in person within 10 days after the entry of the sentencing order based upon his or her conviction. ;

(4) Any person unable to comply with the registration requirements of this Article because he or she is confined, institutionalized, or imprisoned in Illinois on or after January 1, 1996, shall register in person within 10 days of discharge, parole or release.;

(5) The person shall provide positive identification and documentation that substantiates proof of residence at the registering address.; and

(6) The person shall pay a $10 initial registration fee and a $5 annual renewal fee. The fees shall be used by the registering agency for official purposes. The agency shall establish procedures to document receipt and use of the funds. The law enforcement agency having jurisdiction may waive the registration fee if it determines that the person is indigent and unable to pay the registration fee.

(d) Within 10 days after obtaining or changing employment and, if employed on January 1, 2000, within 10 days after that date, a person required to register under this Section must report, in person or in writing to the law enforcement agency having jurisdiction, the business name and address where he or she is employed. If the person has multiple businesses or work locations, every business and work location must be reported to the law enforcement agency having jurisdiction.

(Source: P.A. 90-193, eff. 7-24-97; 91-48, eff. 7-1-99; 91-394, eff. 1-1-00; revised 12-9-99.)

(730 ILCS 150/4) (from Ch. 38, par. 224)

Sec. 4. Discharge of sex offender, as defined in Section 2 of this Act, or sexual predator from Department of Corrections facility or other penal institution; duties of official in charge. Any sex offender, as defined in Section 2 of this Act, or sexual predator, as defined by this Article, who is discharged, paroled or released from a Department of Corrections facility, a facility where such person was placed by the Department of Corrections or another penal institution, and whose liability for registration has not terminated under Section 7 shall, prior to discharge, parole or release from the facility or institution, be informed of his or her duty to register in person within 10 days under this Article by the facility or institution in which he or she was confined. The facility or institution shall also inform any person who must register that if he or she establishes a residence outside of the State of Illinois, is employed outside of the State of Illinois, or attends school outside of the State of Illinois, he or she must register in the new state within 10 days after establishing the residence, beginning employment, or beginning school.

The facility shall require the person to read and sign such form as may be required by the Department of State Police stating that the duty to register and the procedure for

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registration has been explained to him or her and that he or she understands the duty to register and the procedure for registration. The facility shall further advise the person in writing that the failure to register or other violation of this Article shall result in revocation of parole, mandatory supervised release or conditional release. The facility shall obtain information about the address where the person expects to reside, work, and attend school upon his or her discharge, parole or release and shall report the information address to the Department of State Police. The facility shall give one copy of the form to the person and shall send one copy to each of two copies to the Department of State Police which shall notify the law enforcement agencies agency having jurisdiction where the person expects to reside, work, and attend school upon his or her discharge, parole or release and retain one copy for the files. Electronic data files which includes all notification form information and photographs of sex offenders being released from an Illinois Department of Corrections facility will be shared on a regular basis as determined between the Department of State Police and the Department of Corrections.

(Source: P.A. 90-193, eff. 7-24-97; 91-48, eff. 7-1-99.)

(730 ILCS 150/5) (from Ch. 38, par. 225)

Sec. 5. Release of sex offender, as defined in Section 2 of this Act, or sexual predator; duties of the Court. Any sex offender, as defined in Section 2 of this Act, or sexual predator, as defined by this Article, who is released on probation or discharged upon payment of a fine because of the commission of one of the offenses defined in subsection (B) of Section 2 of this Article, shall, prior to such release be informed of his or her duty to register under this Article by the Court in which he or she was convicted. The Court shall also inform any person who must register that if he or she establishes a residence outside of the State of Illinois, is employed outside of the State of Illinois, or attends school outside of the State of Illinois, he or she must register in the new state within 10 days after establishing the residence, beginning employment, or beginning school. The Court shall require the person to read and sign such form as may be required by the Department of State Police stating that the duty to register and the procedure for registration has been explained to him or her and that he or she understands the duty to register and the procedure for registration. The Court shall further advise the person in writing that the failure to register or other violation of this Article shall result in probation revocation. The Court shall obtain information about the address where the person expects to reside, work, and attend school upon his or her release, and shall report the information address to the Department of State Police. The Court shall give one copy of the form to the person and retain the original in the court records. The Department of State Police shall notify the law enforcement agencies agency having jurisdiction where the person expects to reside, work and attend school upon his or her release.

(Source: P.A. 90-193, eff. 7-24-97; 91-48, eff. 7-1-99.)

(730 ILCS 150/5-5)

Sec. 5-5. Discharge of sex offender or sexual predator from a hospital or other treatment facility; duties of the official in charge. Any sex offender, as defined in Section 2 of this Act, or sexual predator, as defined in this Article, who is discharged or released from

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a hospital or other treatment facility where he or she was confined shall be informed by the hospital or treatment facility in which he or she was confined, prior to discharge or release from the hospital or treatment facility, of his or her duty to register under this Article.

The facility shall require the person to read and sign such form as may be required by the Department of State Police stating that the duty to register and the procedure for registration has been explained to him or her and that he or she understands the duty to register and the procedure for registration. The facility shall give one copy of the form to the person, retain one copy for their records, and forward the original to the Department of State Police. The facility shall obtain information about the address where the person expects to reside, work, and attend school upon his or her discharge, parole, or release and shall report the information address to the Department of State Police within 3 days. The facility or institution shall also inform any person who must register that if he or she establishes a residence outside of the State of Illinois, is employed outside of the State of Illinois, or attends school outside of the State of Illinois, he or she must register in the new state within 10 days after establishing the residence, beginning school, or beginning employment. The Department of State Police shall notify the law enforcement agencies agency having jurisdiction where the person expects to reside, work, and attend school upon his or her release.

(Source: P.A. 90-193, eff. 7-24-97; 91-48, eff. 7-1-99.)

(730 ILCS 150/6) (from Ch. 38, par. 226)

Sec. 6. Duty to report; change of address, school, or employment; duty to inform. A person who has been adjudicated to be sexually dangerous or is a sexually violent person and is later released, found to be no longer sexually dangerous or no longer a sexually violent person and discharged, shall must report in person to the law enforcement agency with whom he or she last registered no later than 90 days after the date of his or her last registration and every 90 days thereafter. Any other person who is required to register under this Article shall report in person to the appropriate law enforcement agency with whom he or she last registered within one year from the date of last that registration and every year thereafter. If any person required to register under this Article changes his or her residence address, or place of employment, or school, he or she shall, in writing, within 10 days inform the law enforcement agency with whom he or she last registered of his or her new address, change in or new place of employment, or school and register with the appropriate law enforcement agency within the time period specified in Section 3. The law enforcement agency shall, within 3 days of receipt, notify the Department of State Police and the law enforcement agency having jurisdiction of the new place of residence, change in or new place of employment, or school.

If any person required to register under this Article establishes a residence or employment outside of the State of Illinois, within 10 days after establishing that residence or employment, he or she shall, in writing, inform the law enforcement agency with which he or she last registered of his or her out-of-state residence or employment. The law enforcement agency with which such person last registered shall, within 3 days notice of an address or employment change, notify the Department of State Police. The Department of

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State Police shall forward such information to the out-of-state law enforcement agency *having jurisdiction* in the form and manner prescribed by the Department of State Police.  
(Source: P.A. 91-48, eff. 7-1-99; 91-394, eff. 1-1-00; 92-16, eff. 6-28-01.)  
(730 ILCS 150/7) (from Ch. 38, par. 227)

Sec. 7. Duration of registration. A person who has been adjudicated to be sexually dangerous and is later released or found to be no longer sexually dangerous and discharged, shall register for the period of his or her natural life. A sexually violent person or sexual predator shall register for the period of his or her natural life after conviction or adjudication if not confined to a penal institution, hospital, or other institution or facility, and if confined, for the period of his or her natural life after parole, discharge, or release from any such facility. Any other person who is required to register under this Article shall be required to register for a period of 10 years after conviction or adjudication if not confined to a penal institution, hospital or any other institution or facility, and if confined, for a period of 10 years after parole, discharge or release from any such facility. A *sex offender who is allowed to leave a county, State, or federal facility for the purposes of work release, education, or overnight visitations shall be required to register within 10 days of beginning such a program.* Liability for registration terminates at the expiration of 10 years from the date of conviction or adjudication if not confined to a penal institution, hospital or any other institution or facility and if confined, at the expiration of 10 years from the date of parole, discharge or release from any such facility, providing such person does not, during that period, again become liable to register under the provisions of this Article. The Director of State Police, consistent with administrative rules, shall extend for 10 years the registration period of any sex offender, *as defined in Section 2 of this Act,* who fails to comply with the provisions of this Article.  
(Source: P.A. 90-193, eff. 7-24-97; 91-48, eff. 7-1-99.)  
(730 ILCS 150/8-5)

Sec. 8-5. Address verification requirements. The agency having jurisdiction shall verify the address of sex offenders, *as defined in Section 2 of this Act,* or sexual predators required to register with their agency at least once per calendar year. The verification must be documented in LEADS in the form and manner required by the Department of State Police.  
(730 ILCS 150/10) (from Ch. 38, par. 230)

Sec. 10. Penalty. Any person who is required to register under this Article who violates any of the provisions of this Article and any person who is required to register under this Article who seeks to change his or her name under Article 21 of the Code of Civil Procedure is guilty of a Class 4 felony. Any person who is required to register under this Article who knowingly or willfully gives material information required by this Article that is false is guilty of a Class 3 felony. Any person convicted of a violation of any provision of this Article shall, in addition to any other penalty required by law, be required to serve a minimum period of 7 days confinement in the local county jail. The court shall impose a mandatory minimum fine of $500 for failure to comply with any provision of this Article. These fines shall be deposited in the Sex Offender Registration Fund. Any sex offender, *as
defined in Section 2 of this Act, or sexual predator who violates any provision of this Article may be tried in any Illinois county where the sex offender can be located.
(Source: P.A. 91-48, eff. 7-1-99; 91-221, eff. 7-22-99; 92-16, eff. 6-28-01.)

Section 10. The Sex Offender and Child Murderer Community Notification Law is amended by changing Sections 105, 117, and 120 as follows:

(730 ILCS 152/105)

Sec. 105. Definitions. As used in this Article, the following definitions apply:
"Child care facilities" has the meaning set forth in the Child Care Act of 1969, but does not include licensed foster homes.

"Law enforcement agency having jurisdiction" means the Chief of Police in the municipality in which the sex offender expects to reside (1) upon his or her discharge, parole or release or (2) during the service of his or her sentence of probation or conditional discharge, or the Sheriff of the county, in the event no Police Chief exists or if the offender intends to reside in an unincorporated area. "Law enforcement agency having jurisdiction" includes the location where out-of-state students attend school and where out-of-state employees are employed or are otherwise required to register.

"Sex offender" means any sex offender as defined in the Sex Offender Registration Act whose offense or adjudication as a sexually dangerous person occurred on or after June 1, 1996, and whose victim was under the age of 18 at the time the offense was committed but does not include the offenses set forth in subsection (b)(1.5) of Section 2 of that Act; and any sex offender as defined in the Sex Offender Registration Act whose offense or adjudication as a sexually dangerous person occurred on or after June 1, 1997, and whose victim was 18 years of age or older at the time the offense was committed but does not include the offenses set forth in subsection (b)(1.5) of Section 2 of that Act.

"Sex offender" also means any sex offender as defined in the Sex Offender Registration Act whose offense or adjudication as a sexually dangerous person occurred before June 1, 1996, and whose victim was under the age of 18 at the time the offense was committed but does not include the offenses set forth in subsection (b)(1.5) of Section 2 of that Act; and any sex offender as defined in the Sex Offender Registration Act whose offense or adjudication as a sexually dangerous person occurred before June 1, 1997, and whose victim was 18 years of age or older at the time the offense was committed but does not include the offenses set forth in subsection (b)(1.5) of Section 2 of that Act.

"Juvenile sex offender" means any person who is adjudicated a juvenile delinquent as the result of the commission of or attempt to commit a violation set forth in item (B), (C), or (C-5) of Section 2 of the Sex Offender Registration Act, or a violation of any substantially similar federal, Uniform Code of Military Justice, sister state, or foreign country law, and whose adjudication occurred on or after the effective date of this amendatory Act of the 91st General Assembly.
(Source: P.A. 90-193, eff. 7-24-97; 91-48, eff. 7-1-99.)

(730 ILCS 152/117)

Sec. 117. The Department of State Police shall promulgate rules to develop a list of sex offenders covered by this Act and a list of child care facilities, and schools, and

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The sheriffs shall disclose to the following the name, address, date of birth, place of employment, school attended, and offense or adjudication of all sex offenders required to register under Section 3 of the Sex Offender Registration Act:

1. The boards of institutions of higher education or other appropriate administrative offices of each non-public institution of higher education located in the county where the sex offender is required to register, resides, is employed, or is attending an institution of higher education (blank); and

2. School boards of public school districts and the principal or other appropriate administrative officer of each nonpublic school located in the county where the sex offender is required to register or is employed; and

3. Child care facilities located in the county where the sex offender is required to register or is employed.

(a-2) The sheriff of Cook County shall disclose to the following the name, address, date of birth, place of employment, school attended, and offense or adjudication of all sex offenders required to register under Section 3 of the Sex Offender Registration Act:

1. School boards of public school districts and the principal or other appropriate administrative officer of each nonpublic school located within the region of Cook County, as those public school districts and nonpublic schools are identified in LEADS, other than the City of Chicago, where the sex offender is required to register or is employed; and

2. Child care facilities located within the region of Cook County, as those child care facilities are identified in LEADS, other than the City of Chicago, where the sex offender is required to register or is employed; and

3. The boards of institutions of higher education or other appropriate administrative offices of each non-public institution of higher education located in the county, other than the City of Chicago, where the sex offender is required to register, resides, is employed, or attending an institution of higher education.

(a-3) The Chicago Police Department shall disclose to the following the name, address, date of birth, place of employment, school attended, and offense or adjudication of all sex offenders required to register under Section 3 of the Sex Offender Registration Act:

1. School boards of public school districts and the principal or other appropriate administrative officer of each nonpublic school located in the police district where the sex offender is required to register or is employed if the offender is required to register or is employed in the City of Chicago; and

2. Child care facilities located in the police district where the sex offender is required to register or is employed if the offender is required to register or is
employed in the City of Chicago; and

(3) The boards of institutions of higher education or other appropriate administrative offices of each non-public institution of higher education located in the police district where the sex offender is required to register, resides, is employed, or attending an institution of higher education in the City of Chicago.

(a-4) The Department of State Police shall provide a list of sex offenders required to register to the Illinois Department of Children and Family Services.

(b) The Department of State Police and any law enforcement agency may disclose, in the Department's or agency's discretion, the following information to any person likely to encounter a sex offender, or sexual predator required to register under Section 3 of the Sex Offender Registration Act:

(1) The offender's name, address, and date of birth.
(2) The offense for which the offender was convicted.
(3) Adjudication as a sexually dangerous person.
(4) The offender's photograph or other such information that will help identify the sex offender.
(5) Offender employment information, to protect public safety.

(c) The name, address, date of birth, and offense or adjudication for sex offenders required to register under Section 3 of the Sex Offender Registration Act shall be open to inspection by the public as provided in this Section. Every municipal police department shall make available at its headquarters the information on all sex offenders who are required to register in the municipality under the Sex Offender Registration Act. The sheriff shall also make available at his or her headquarters the information on all sex offenders who are required to register under that Act and who live in unincorporated areas of the county. Sex offender information must be made available for public inspection to any person, no later than 72 hours or 3 business days from the date of the request. The request must be made in person, in writing, or by telephone. Availability must include giving the inquirer access to a facility where the information may be copied. A department or sheriff may charge a fee, but the fee may not exceed the actual costs of copying the information. An inquirer must be allowed to copy this information in his or her own handwriting. A department or sheriff must allow access to the information during normal public working hours. The sheriff or a municipal police department may publish the photographs of sex offenders where any victim was 13 years of age or younger and who are required to register in the municipality or county under the Sex Offender Registration Act in a newspaper or magazine of general circulation in the municipality or county or may disseminate the photographs of those sex offenders on the Internet or on television. The law enforcement agency may make available the information on all sex offenders residing within any county.

(d) The Department of State Police and any law enforcement agency having jurisdiction may, in the Department's or agency's discretion, place the information specified in subsection (b) on the Internet or in other media.

(e) The Department of State Police and any law enforcement agency having jurisdiction may, in the Department's or agency's discretion, only provide the information
PUBLIC ACT 92-0828

AN ACT in relation to criminal law.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Unified Code of Corrections is amended by changing Section 5-4-3 as follows:

(730 ILCS 5/5-4-3) (from Ch. 38, par. 1005-4-3)
Sec. 5-4-3. Persons convicted of, or found delinquent for, certain qualifying offenses or institutionalized as sexually dangerous; blood specimens; genetic marker groups.

(a) Any person convicted of, found guilty under the Juvenile Court Act of 1987 for, or who received a disposition of court supervision for, a qualifying offense or attempt of a qualifying offense, convicted or found guilty of any offense classified as a felony under Illinois law, found guilty or given supervision for any offense classified as a felony under the Juvenile Court Act of 1987, or institutionalized as a sexually dangerous person under the Sexually Dangerous Persons Act, or committed as a sexually violent person under the Sexually Violent Persons Commitment Act shall, regardless of the sentence or disposition imposed, be required to submit specimens of blood, saliva, or tissue to the Illinois Department of State Police in accordance with the provisions of this Section, provided such person is:

(1) convicted of a qualifying offense or attempt of a qualifying offense on or after the effective date of this amendatory Act of 1989, and sentenced to a term of imprisonment, periodic imprisonment, fine, probation, conditional discharge or any other form of sentence, or given a disposition of court supervision for the offense, or

(1.5) found guilty or given supervision under the Juvenile Court Act of 1987 for a qualifying offense or attempt of a qualifying offense on or after the effective date of this amendatory Act of 1996, or

(2) ordered institutionalized as a sexually dangerous person on or after the effective date of this amendatory Act of 1989, or

(3) convicted of a qualifying offense or attempt of a qualifying offense before the effective date of this amendatory Act of 1989 and is presently confined as a result

New matter indicated by italics - deletions by strikeout.
of such conviction in any State correctional facility or county jail or is presently serving a sentence of probation, conditional discharge or periodic imprisonment as a result of such conviction,

(3.5) convicted or found guilty of any offense classified as a felony under Illinois law or found guilty or given supervision for such an offense under the Juvenile Court Act of 1987 on or after the effective date of this amendatory Act of the 92nd General Assembly, or

(4) presently institutionalized as a sexually dangerous person or presently institutionalized as a person found guilty but mentally ill of a sexual offense or attempt to commit a sexual offense; or

(4.5) ordered committed as a sexually violent person on or after the effective date of the Sexually Violent Persons Commitment Act; or

(5) seeking transfer to or residency in Illinois under Sections 3-3-11 through 3-3-11.5 of the Unified Code of Corrections (Interstate Compact for the Supervision of Parolees and Probationers) or the Interstate Agreements on Sexually Dangerous Persons Act.

Notwithstanding other provisions of this Section, any person incarcerated in a facility of the Illinois Department of Corrections on or after the effective date of this amendatory Act of the 92nd General Assembly shall be required to submit a specimen of blood, saliva, or tissue prior to his or her release on parole or mandatory supervised release, as a condition of his or her parole or mandatory supervised release.

(a-5) Any person who was otherwise convicted of or received a disposition of court supervision for any other offense under the Criminal Code of 1961 or any offense classified as a felony under Illinois law or who was found guilty or given supervision for such a violation under the Juvenile Court Act of 1987, may, regardless of the sentence imposed, be required by an order of the court to submit specimens of blood, saliva, or tissue to the Illinois Department of State Police in accordance with the provisions of this Section.

(b) Any person required by paragraphs (a)(1), (a)(1.5), (a)(2), (a)(3.5), and (a-5) to provide specimens of blood, saliva, or tissue shall provide specimens of blood, saliva, or tissue within 45 days after sentencing or disposition at a collection site designated by the Illinois Department of State Police.

(c) Any person required by paragraphs (a)(3), (a)(4), and (a)(4.5) to provide specimens of blood, saliva, or tissue shall be required to provide such samples prior to final discharge, parole, or release at a collection site designated by the Illinois Department of State Police.

(c-5) Any person required by paragraph (a)(5) to provide specimens of blood, saliva, or tissue shall, where feasible, be required to provide the specimens before being accepted for conditioned residency in Illinois under the interstate compact or agreement, but no later than 45 days after arrival in this State.

(c-6) The Illinois Department of State Police may determine which type of specimen or specimens, blood, saliva, or tissue, is acceptable for submission to the Division of Forensic Services for analysis.

New matter indicated by italics - deletions by strikeout.
(d) The Illinois Department of State Police shall provide all equipment and instructions necessary for the collection of blood samples. The collection of samples shall be performed in a medically approved manner. Only a physician authorized to practice medicine, a registered nurse or other qualified person trained in venipuncture may withdraw blood for the purposes of this Act. The samples shall thereafter be forwarded to the Illinois Department of State Police, Division of Forensic Services, for analysis and categorizing into genetic marker groupings.

(d-1) The Illinois Department of State Police shall provide all equipment and instructions necessary for the collection of saliva samples. The collection of saliva samples shall be performed in a medically approved manner. Only a person trained in the instructions promulgated by the Illinois State Police on collecting saliva may collect saliva for the purposes of this Act. The samples shall thereafter be forwarded to the Illinois Department of State Police, Division of Forensic Services, for analysis and categorizing into genetic marker groupings.

(d-2) The Illinois Department of State Police shall provide all equipment and instructions necessary for the collection of tissue samples. The collection of tissue samples shall be performed in a medically approved manner. Only a person trained in the instructions promulgated by the Illinois State Police on collecting tissue may collect tissue for the purposes of this Section. The samples shall thereafter be forwarded to the Illinois Department of State Police, Division of Forensic Services, for analysis and categorizing into genetic marker groupings.

(e) The genetic marker groupings shall be maintained by the Illinois Department of State Police, Division of Forensic Services.

(f) The genetic marker grouping analysis information obtained pursuant to this Act shall be confidential and shall be released only to peace officers of the United States, of other states or territories, of the insular possessions of the United States, of foreign countries duly authorized to receive the same, to all peace officers of the State of Illinois and to all prosecutorial agencies. The genetic marker grouping analysis information obtained pursuant to this Act shall be used only for (i) valid law enforcement identification purposes and as required by the Federal Bureau of Investigation for participation in the National DNA database or (ii) technology validation purposes. Notwithstanding any other statutory provision to the contrary, all information obtained under this Section shall be maintained in a single State data base, which may be uploaded into a national database, and which information may not be subject to expungement only as set forth in subsection (f-1).

(f-1) Upon receipt of notification of a reversal of a conviction based on actual innocence, or of the granting of a pardon pursuant to Section 12 of Article V of the Illinois Constitution, if that pardon document specifically states that the reason for the pardon is the actual innocence of an individual whose DNA record has been stored in the State or national DNA identification index in accordance with this Section by the Illinois Department of State Police, the DNA record shall be expunged from the DNA identification index, and the Department shall by rule prescribe procedures to ensure that the record and any samples, analyses, or other documents relating to such record, whether in the possession of the
Department or any law enforcement or police agency, or any forensic DNA laboratory, including any duplicates or copies thereof, are destroyed and a letter is sent to the court verifying the expungement is completed.

(f-5) Any person who intentionally uses genetic marker grouping analysis information, or any other information derived from a DNA sample, beyond the authorized uses as provided under this Section, or any other Illinois law, is guilty of a Class 4 felony, and shall be subject to a fine of not less than $5,000.

(g) For the purposes of this Section, "qualifying offense" means any of the following:


(1.1) Any violation or inchoate violation of Section 9-1, 9-2, 10-1, 10-2, 12-11, 12-11.1, 18-1, 18-2, 18-3, 18-4, 19-1, or 19-2 of the Criminal Code of 1961 for which persons are convicted on or after January 1, 2001, or

(2) Any former statute of this State which defined a felony sexual offense, or

(3) (Blank), or Any violation of paragraph (10) of subsection (b) of Section 10-5 of the Criminal Code of 1961 when the sentencing court, upon a motion by the State's Attorney or Attorney General, makes a finding that the child luring involved an intent to commit sexual penetration or sexual conduct as defined in Section 12-12 of the Criminal Code of 1961, or


(g-5) (Blank). The Department of State Police is not required to provide equipment to collect or to accept or process blood specimens from individuals convicted of any offense listed in paragraph (1.1) or (4) of subsection (g), until acquisition of the resources necessary to process such blood specimens, or in the case of paragraph (1.1) of subsection (g) prior to July 1, 2003, whichever is earlier.

Upon acquisition of necessary resources, including an appropriation for the purpose of implementing this amendatory Act of the 91st General Assembly, but in the case of paragraph (1.1) of subsection (g) no later than July 1, 2003, the Department of State Police shall notify the Department of Corrections, the Administrative Office of the Illinois Courts, and any other entity deemed appropriate by the Department of State Police, to begin blood specimen collection from individuals convicted of offenses enumerated in paragraphs (1.1) and (4) of subsection (g) that the Department is prepared to provide collection equipment and receive and process blood specimens from individuals convicted of offenses enumerated in paragraph (1.1) of subsection (g).

Until the Department of State Police provides notification, designated collection agencies are not required to collect blood specimen from individuals convicted of offenses enumerated in paragraphs (1.1) and (4) of subsection (g).

(h) The Illinois Department of State Police shall be the State central repository for all genetic marker grouping analysis information obtained pursuant to this Act. The Illinois
Department of State Police may promulgate rules for the form and manner of the collection of blood, saliva, or tissue samples and other procedures for the operation of this Act. The provisions of the Administrative Review Law shall apply to all actions taken under the rules so promulgated.

(i) A person required to provide a blood, saliva, or tissue specimen shall cooperate with the collection of the specimen and any deliberate act by that person intended to impede, delay or stop the collection of the blood, saliva, or specimen is a Class A misdemeanor.

(j) Any person required by subsection (a) to submit specimens of blood, saliva, or tissue to the Illinois Department of State Police for analysis and categorization into genetic marker grouping, in addition to any other disposition, penalty, or fine imposed, shall pay an analysis fee of $200. If the analysis fee is not paid at the time of sentencing, the court shall establish a fee schedule by which the entire amount of the analysis fee shall be paid in full, such schedule not to exceed 24 months from the time of conviction. The inability to pay this analysis fee shall not be the sole ground to incarcerate the person. Upon verified petition of the person, the court may suspend payment of all or part of the fee if it finds that the person does not have the ability to pay the fee.

(k) All analysis and categorization fees provided for by subsection (j) shall be regulated as follows:

(1) The State Offender DNA Identification System Fund is hereby created as a special fund in the State Treasury.

(2) All fees shall be collected by the clerk of the court and forwarded to the State Offender DNA Identification System Fund for deposit. The clerk of the circuit court may retain the amount of $10 from each collected analysis fee to offset administrative costs incurred in carrying out the clerk's responsibilities under this Section.

(3) Fees deposited into the State Offender DNA Identification System Fund shall be used by Illinois State Police crime laboratories as designated by the Director of State Police. These funds shall be in addition to any allocations made pursuant to existing laws and shall be designated for the exclusive use of State crime laboratories. These uses may include, but are not limited to, the following:

(A) Costs incurred in providing analysis and genetic marker categorization as required by subsection (d).

(B) Costs incurred in maintaining genetic marker groupings as required by subsection (e).

(C) Costs incurred in the purchase and maintenance of equipment for use in performing analyses.

(D) Costs incurred in continuing research and development of new techniques for analysis and genetic marker categorization.

(E) Costs incurred in continuing education, training, and professional development of forensic scientists regularly employed by these laboratories.

(l) The failure of a person to provide a specimen, or of any person or agency to collect a specimen, within the 45 day period shall in no way alter the obligation of the person to
submit such specimen, or the authority of the Illinois Department of State Police or persons designated by the Department to collect the specimen, or the authority of the Illinois Department of State Police to accept, analyze and maintain the specimen or to maintain or upload results of genetic marker grouping analysis information into a State or national database.

(Source: P.A. 91-528, eff. 1-1-00; 92-16, eff. 6-28-01; 92-40, eff. 6-29-01.)

Section 99. Effective date. This Act takes effect upon becoming law.

Approved August 22, 2002.
Effective August 22, 2002.

PUBLIC ACT 92-0830
(House Bill No. 0136)

AN ACT in relation to hate crimes.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Criminal Code of 1961 is amended by changing Sections 12-7.1 and 21-1.2 and adding Section 8-2.1 as follows:

(720 ILCS 5/8-2.1 new)

Sec. 8-2.1. Conspiracy against civil rights.

(a) Offense. A person commits conspiracy against civil rights when, without legal justification, he or she, with the intent to interfere with the free exercise of any right or privilege secured by the Constitution of the United States, the Constitution of the State of Illinois, the laws of the United States, or the laws of the State of Illinois by any person or persons, agrees with another to inflict physical harm on any other person or the threat of physical harm on any other person and either the accused or a co-conspirator has committed any act in furtherance of that agreement.

(b) Co-conspirators. It shall not be a defense to conspiracy against civil rights that a person or persons with whom the accused is alleged to have conspired:

(1) has not been prosecuted or convicted; or
(2) has been convicted of a different offense; or
(3) is not amenable to justice; or
(4) has been acquitted; or
(5) lacked the capacity to commit an offense.

(c) Sentence. Conspiracy against civil rights is a Class 4 felony for a first offense and a Class 2 felony for a second or subsequent offense.

(720 ILCS 5/12-7.1) (from Ch. 38, par. 12-7.1)
Sec. 12-7.1. Hate crime.

(a) A person commits hate crime when, by reason of the actual or perceived race, color, creed, religion, ancestry, gender, sexual orientation, physical or mental disability, or national origin of another individual or group of individuals, regardless of the existence of
any other motivating factor or factors, he commits assault, battery, aggravated assault, misdemeanor theft, criminal trespass to residence, misdemeanor criminal damage to property, criminal trespass to vehicle, criminal trespass to real property, mob action or disorderly conduct as these crimes are defined in Sections 12-1, 12-2, 12-3, 16-1, 19-4, 21-1, 21-2, 21-3, 25-1, and 26-1 of this Code, respectively, or harassment by telephone as defined in Section 1-1 of the Harassing and Obscene Communications Act against a victim who is: (i) the other individual; (ii) a member of the group of individuals; (iii) a person who has an association with, is married to, or has a friendship with the other individual or a member of the group of individuals; or (iv) a relative (by blood or marriage) of a person described in clause (i), (ii), or (iii).

(b) Except as provided in subsection (b-5), hate crime is a Class 4 felony for a first offense and a Class 2 felony for a second or subsequent offense. Any order of probation or conditional discharge entered following a conviction for an offense under this Section shall include, a condition that the offender perform public or community service of no less than 200 hours if that service is established in the county where the offender was convicted of hate crime. In addition the court may impose any other condition of probation or conditional discharge under this Section.

(b-5) Hate crime is a Class 3 felony for a first offense and a Class 2 felony for a second or subsequent offense if committed:

(1) in a church, synagogue, mosque, or other building, structure, or place used for religious worship or other religious purpose;
(2) in a cemetery, mortuary, or other facility used for the purpose of burial or memorializing the dead;
(3) in a school or other educational facility;
(4) in a public park or an ethnic or religious community center;
(5) on the real property comprising any location specified in clauses (1) through (4) of this subsection (b-5); or
(6) on a public way within 1,000 feet of the real property comprising any location specified in clauses (1) through (4) of this subsection (b-5).

(b-10) Upon imposition of any sentence, the trial court shall also either order restitution paid to the victim or impose a fine up to $1,000. In addition, any order of probation or conditional discharge entered following a conviction or an adjudication of delinquency shall include a condition that the offender perform public or community service of no less than 200 hours if that service is established in the county where the offender was convicted of hate crime. The court may also impose any other condition of probation or conditional discharge under this Section.

(c) Independent of any criminal prosecution or the result thereof, any person suffering injury to his person or damage to his property as a result of hate crime may bring a civil action for damages, injunction or other appropriate relief. The court may award actual damages, including damages for emotional distress, or punitive damages. A judgment may include attorney's fees and costs. The parents or legal guardians, other than guardians appointed pursuant to the Juvenile Court Act or the Juvenile Court Act of 1987, of an

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unemancipated minor shall be liable for the amount of any judgment for actual damages rendered against such minor under this subsection (c) in any amount not exceeding the amount provided under Section 5 of the Parental Responsibility Law.

(d) "Sexual orientation" means heterosexuality, homosexuality, or bisexuality.

(Source: P.A. 89-689, eff. 12-31-96; 90-578, eff. 6-1-98.)

(720 ILCS 5/21-1.2) (from Ch. 38, par. 21-1.2)

Sec. 21-1.2. Institutional vandalism.

(a) A person commits institutional vandalism when, by reason of the actual or perceived race, color, creed, religion or national origin of another individual or group of individuals, regardless of the existence of any other motivating factor or factors, he or she knowingly and without consent inflicts damage to any of the following properties:

(1) A church, synagogue, mosque, or other building, structure or place used for religious worship or other religious purpose;

(2) A cemetery, mortuary, or other facility used for the purpose of burial or memorializing the dead;

(3) A school, educational facility or community center;

(4) The grounds adjacent to, and owned or rented by, any institution, facility, building, structure or place described in paragraphs (1), (2) or (3) of this subsection (a); or

(5) Any personal property contained in any institution, facility, building, structure or place described in paragraphs (1), (2) or (3) of this subsection (a).

(b) Institutional vandalism is a Class 3 felony if the damage to the property does not exceed $300. Institutional vandalism is a Class 2 felony if the damage to the property exceeds $300. Institutional vandalism is a Class 2 felony for any second or subsequent offense.

(b-5) Upon imposition of any sentence, the trial court shall also either order restitution paid to the victim or impose a fine up to $1,000. In addition, any order of probation or conditional discharge entered following a conviction or an adjudication of delinquency shall include a condition that the offender perform public or community service of no less than 200 hours if that service is established in the county where the offender was convicted of institutional vandalism. The court may also impose any other condition of probation or conditional discharge under this Section.

(c) Independent of any criminal prosecution or the result of that prosecution, a person suffering damage to property or injury to his or her person as a result of institutional vandalism may bring a civil action for damages, injunction or other appropriate relief. The court may award actual damages, including damages for emotional distress, or punitive damages. A judgment may include attorney's fees and costs. The parents or legal guardians of an unemancipated minor, other than guardians appointed under the Juvenile Court Act or the Juvenile Court Act of 1987, shall be liable for the amount of any judgment for actual damages rendered against the minor under this subsection (e) in an amount not exceeding the amount provided under Section 5 of the Parental Responsibility Law.

(Source: P.A. 88-659.)

New matter indicated by italics - deletions by strikeout.
Approved August 22, 2002.

PUBLIC ACT 92-0831
(House Bill No. 4090)

AN ACT in relation to property.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Code of Civil Procedure is amended by adding Sections 7-103.97, 7-103.98, 7-103.99, 7-103.100, and 7-103.101 as follows:

(735 ILCS 5/7-103.97 new)
Sec. 7-103.97. Quick-take; Village of Baylis. Quick-take proceedings under Section 7-103 may be used for a period of 12 months after the effective date of this amendatory Act of the 92nd General Assembly by the Village of Baylis for the acquisition of the following described property for the purpose of constructing a sewer project:

A part of the North One-Half of the Northwest Quarter of the Southeast Quarter of Section Seven (7), Township Four (4) South, Range Four (4) West of the New Salem Township, Pike County, Illinois specifically described as follows: COMMENCING: At a point of beginning 540.35 feet South 00 degrees 33 minutes 30 seconds West of center of Section Seven (7), Township Four (4) South, Range Four (4) West of the New Salem Township, Pike County, Illinois, Thence 1,481.74 feet North 64 degrees 56 minutes 58 seconds East Thence 800.0 feet North 90 degrees 00 minutes 00 seconds West Thence 172.61 feet North 00 degrees 33 minutes 30 seconds East to the point of beginning, said area to contain 15.00 acres.

PROPOSED ACCESS RIGHT OF WAY: Fifty (50) feet wide by Three hundred eighty six and 77 hundred feet, said area containing 0.44 Acres more or less.

(735 ILCS 5/7-103.98 new)
Sec. 7-103.98. Quick-take; County of Lake. Quick-take proceedings under Section 7-103 may be used for a period of 12 months after the effective date of this amendatory Act of the 92nd General Assembly, by the County of Lake, for the acquisition of the following described property as necessary right-of-way to complete the improvement of County Highway 45 (Washington Street) from Route 45 to Hunt Club Road:

PARCEL 014

New matter indicated by italics - deletions by strikeout.
2348877, BEING ALSO THE POINT OF INTERSECTION OF A LINE DRAWN 15.240 METERS (50.00 FEET) SOUTH OF AND PARALLEL WITH THE EAST-WEST CENTERLINE OF SAID SECTION 20, WITH THE EAST LINE OF SAID WEST HALF OF THE SOUTHEAST QUARTER OF SECTION 20; THENCE WEST ALONG SAID PARALLEL LINE, ON AN ASSUMED BEARING OF NORTH 89 DEGREES 49 MINUTES 09 SECONDS WEST, A DISTANCE OF 151.292 METERS (493.08 FEET) TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 89 DEGREES 49 MINUTES 09 SECONDS WEST, A DISTANCE OF 73.395 METERS (240.80 FEET); THENCE ON THE ARC OF A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 7.620 METERS (25.00 FEET) AND THE CHORD BEARING OF SOUTH 45 DEGREES 10 MINUTES 51 SECONDS WEST, AN ARC DISTANCE OF 11.969 METERS (39.27 FEET); THENCE SOUTH 00 DEGREES 10 MINUTES 30 SECONDS WEST, A DISTANCE OF 6.614 METERS (21.70 FEET); THENCE ON THE ARC OF A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 63.514 METERS (208.38 FEET) AND THE CHORD BEARING OF SOUTH 11 DEGREES 55 MINUTES 52 SECONDS EAST, AN ARC DISTANCE OF 26.853 METERS (88.10 FEET) TO THE POINT OF REVERSE CURVATURE; THENCE ON THE ARC OF A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 241.176 METERS (791.26 FEET) AND THE CHORD BEARING OF SOUTH 22 DEGREES 33 MINUTES 41 SECONDS EAST, AN ARC DISTANCE OF 12.473 METERS (40.92 FEET); THENCE NORTH 00 DEGREES 10 MINUTES 30 SECONDS EAST, A DISTANCE OF 70.607 METERS (231.65 FEET); THENCE NORTH 00 DEGREES 10 MINUTES 30 SECONDS EAST, A DISTANCE OF 51.789 METERS (169.91 FEET) TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINING 0.4043 HECTARE (0.999 ACRE), MORE OR LESS. PERMANENT INDEX NUMBER: 07-20-400-032 THRU -049. PARCEL 017

THE SOUTH 18.288 METERS (60.00 FEET) OF THE EAST HALF (EXCEPT THE EAST 203.912 METERS (669.00 FEET) OF THE NORTHEAST QUARTER SECTION) OF THE FOLLOWING PARCEL (TAKEN AS A TRACT): THE NORTHEAST QUARTER (EXCEPT EAST 22 RODS AND THE WEST 60 RODS THEREOF) OF SECTION 20, TOWNSHIP 45 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN LAKE COUNTY, ILLINOIS.

SAID PARCEL CONTAINING 0.2206 HECTARE (0.545 ACRE), MORE OR LESS, OF WHICH 0.1471 HECTARE (0.363 ACRE), MORE OR LESS, WAS PREVIOUSLY USED FOR HIGHWAY PURPOSES. PERMANENT INDEX NUMBER: 07-20-200-003.

PARCEL 019

THE SOUTH 18.288 METERS (60.00 FEET) OF THE EAST 155.144 METERS (509.00 FEET) (EXCEPT EAST 22 RODS THEREOF) OF THE NORTHEAST QUARTER OF SECTION 20, TOWNSHIP 45 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN LAKE COUNTY, ILLINOIS.

New matter indicated by italics - deletions by strikeout.
SAID PARCEL CONTAINING 0.0814 HECTARE (0.201 ACRE), MORE OR LESS, OF WHICH 0.0546 HECTARE (0.135 ACRE), MORE OR LESS, WAS PREVIOUSLY USED FOR HIGHWAY PURPOSES.
PERMANENT INDEX NUMBER: 07-20-200-003.
(735 ILCS 5/7-103.99 new)
Sec. 7-103.99. Quick-take; Village of Bartlett. Quick-take proceedings under Section 7-103 may be used for a period of 12 months after the effective date of this amendatory Act of the 92nd General Assembly by the Village of Bartlett for the acquisition of the following described easements for the purpose of the construction of an asphalt bicycle and multi-purpose public path:
1. PERMANENT EASEMENT. A permanent easement appurtenant, 20 feet to 30 feet in width, over, upon, across, through and under that portion of the Alperin Property legally described as follows:
Parcel 1:
That part of the East Half of the Northwest Quarter of Section Thirty-Three, Township Forty-One North, Range Nine, East of the Third Principal Meridian, bounded and described as follows: Commencing at the Southwest corner of the East Half of the Northwest Quarter of said Section Thirty-Three; thence North 00 degrees 26 minutes 35 seconds East, being an assumed bearing on the West line of the East Half of the Northwest Quarter of said Section Thirty-Three, a distance of 1273.66 feet; thence South 89 degrees 33 minutes 25 seconds East, perpendicular to the last described West line, a distance of 40.0 feet to the point of beginning; thence continuing South 89 degrees 33 minutes 25 seconds East, on said perpendicular line, a distance of 20.0 feet; thence South 00 degrees 26 minutes 35 seconds West, on a line 60.0 feet East of and parallel with the West line of the East Half of the Northwest Quarter of said Section Thirty-Three, a distance of 949.0 feet; thence South 89 degrees 33 minutes 25 seconds East, perpendicular to the last described West line, a distance of 10.0 feet; thence South 00 degrees 26 minutes 35 seconds West, on a line 70.0 feet East of and parallel with the West line of the East Half of the Northwest Quarter of said Section Thirty-Three, a distance of 323.28 feet to the South line of the East Half of the Northwest Quarter of said Section Thirty-Three; thence South 89 degrees 18 minutes, 39 seconds West, on the last described South line, a distance of 30.01 feet; thence North 00 degrees 26 minutes 35 seconds East, on a line 40.0 feet East of and parallel with West line of the East Half of the Northwest Quarter of said Section Thirty-Three, a distance of 1272.87 feet to the point of beginning, all in Cook County, Illinois.
Parcel 2:
That part of the East Half of the Northwest Quarter of Section Thirty-Three, Township Forty-One North, Range Nine, East of the Third Principal Meridian, bounded and described as follows: Commencing at the Northwest corner of the East Half of the Northwest Quarter of said Section Thirty-Three; thence North 89 degrees 23 minutes 39 seconds East, being an assumed bearing on the North line of the East
Half of the Northwest Quarter of said Section Thirty-Three, a distance of 40.0 feet to the point of beginning; thence continuing North 89 degrees 23 minutes 39 seconds East, on the last described North line, a distance of 20.0 feet; thence South 00 degrees 26 minutes 35 seconds West, on a line 60.0 feet East of and parallel with the West line of the East Half of the Northwest Quarter of said Section Thirty-Three, a distance of 1392.66 feet; thence North 89 degrees 33 minutes 25 seconds West, perpendicular to the last described West line, a distance of 20.0 feet; thence North 00 degrees 26 minutes 35 seconds East, on a line 40.0 feet East of and parallel with the West line of the East Half of the Northwest Quarter of said Section Thirty-Three, a distance of 1392.29 feet to the point of beginning, excepting therefrom that part described as follows: Commencing at the Northwest corner of the East Half of the Northwest Quarter of said Section Thirty-Three; thence South 00 degrees 26 minutes 35 seconds West, on the West line of the East Half of the Northwest Quarter of said Section Thirty-Three, a distance of 453.71 feet to the North right-of-way line of the Chicago, Milwaukee, St. Paul and Pacific Railroad; thence South 79 degrees 38 minutes 52 seconds East, on said North railroad right-of-way line, a distance of 40.61 feet to the point of beginning for said exception; thence continuing South 79 degrees 38 minutes 52 seconds East, on said North railroad right-of-way line, a distance of 20.30 feet; thence South 00 degrees 26 minutes 35 seconds West, on a line 60.0 feet East of and parallel with the West line of the East Half of the Northwest Quarter of said Section Thirty-Three, a distance of 101.51 feet to the South right-of-way line of said railroad; thence North 79 degrees 38 minutes 52 seconds West, on said South railroad right-of-way line, a distance of 20.30 feet; thence North 00 degrees 26 minutes 35 seconds East, on a line 40.0 feet East of and parallel with the West line of the East Half of the Northwest Quarter of said Section Thirty-Three, a distance of 101.51 feet to the point of beginning, all in Cook County, Illinois. (the "Permanent Easement Parcels") for the purpose of constructing, maintaining, repairing, replacing, gaining access to and use by the public of a 12 foot +/ - wide, asphalt multi-purpose path.

2. ACCESS EASEMENT. A non-exclusive easement appurtenant, 25 feet to 27 feet in width, over, upon and across that portion of the Alperin Property legally described as follows:

Parcel 1:
That part of the East Half of the Northwest Quarter of Section Thirty-Three, Township Forty-One North, Range Nine, East of the Third Principal Meridian, bounded and described as follows: Commencing at the Southwest corner of the East Half of the Northwest Quarter of said Section Thirty-Three; thence North 00 degrees 26 minutes 35 seconds East, being an assumed bearing on the West line of the East Half of the Northwest Quarter of said Section Thirty-Three, a distance of 1273.66 feet; thence South 89 degrees 33 minutes 25 seconds East, perpendicular to the last described West line, a distance of 13.11 feet to the point of beginning; thence continuing South 89 degrees 33 minutes 25 seconds East, on said perpendicular line,
a distance of 26.89 feet; thence South 00 degrees 26 minutes 35 seconds West, on a line 40.0 feet East of and parallel with the West line of the East Half of the Northwest Quarter of said Section Thirty-Three, a distance of 1243.53 feet to a point on a curve concave to the Northeast and having a radius of 45.87 feet; thence Northwesterly 43.45 feet on the arc of the aforementioned curve, having a chord bearing of North 26 degrees 46 minutes 35 seconds West and a chord distance of 41.84 feet; thence North 00 degrees 21 minutes 44 seconds East, a distance of 310.0 feet; thence North 1 degree 18 minutes 37 seconds West, a distance of 238.87 feet; thence North 00 degrees 26 minutes 07 seconds East, a distance of 383.83 feet; thence North 00 degrees 27 minutes 07 seconds East, a distance of 273.74 feet to the point of beginning, all in Cook County, Illinois.

Parcel 2:
That part of the East Half of the Northwest Quarter of Section Thirty-Three, Township Forty-One North, Range Nine, East of the Third Principal Meridian, bounded and described as follows: Commencing at the Northwest corner of the East Half of the Northwest Quarter of said Section Thirty-Three; thence North 89 degrees 23 minutes 39 seconds East, being an assumed bearing on the North line of the East Half of the Northwest Quarter of said Section Thirty-Three, a distance of 40.0 feet to the point of beginning; thence South 00 degrees 26 minutes 35 seconds West, on a line 40.0 feet East of and parallel with the West line of the East Half of the Northwest Quarter of said Section Thirty-Three, a distance of 1392.29 feet; thence North 89 degrees 33 minutes 25 seconds West, perpendicular to the last described West line, a distance of 26.89 feet; thence North 00 degrees 27 minutes 07 seconds East, a distance of 9.53 feet; thence North 00 degrees 10 minutes 41 seconds East, a distance of 216.59 feet; thence North 00 degrees 51 minutes 33 seconds East, a distance of 154.56 feet; thence North 00 degrees 24 minutes 25 seconds East, a distance of 260.39 feet; thence North 00 degrees 21 minutes 48 seconds East, a distance of 144.80 feet; thence North 00 degrees 04 minutes 10 seconds West, a distance of 21.74 feet; thence North 00 degrees 41 minutes 33 seconds East, a distance of 50.42 feet; thence North 00 degrees 03 minutes 26 seconds East, a distance of 44.54 feet; thence North 00 degrees 51 minutes 20 seconds East, a distance of 84.53 feet; thence North 1 degree 41 minutes 45 seconds East, a distance of 291.25 feet; thence North 00 degrees 56 minutes 03 seconds East, a distance of 113.65 feet to the North line of the East Half of the Northwest Quarter of said Section Thirty-Three; thence North 89 degrees 23 minutes 39 seconds East, on the last described North line, a distance of 19.47 feet to the point of beginning, excepting therefrom that part falling within the 100.0 foot wide right-of-way of the Chicago, Milwaukee, St. Paul and Pacific Railroad, all in Cook County, Illinois.

(new "Access Easement Parcels") for the purpose of providing access to the public from the center of Naperville Road to the bicycle/multi-purpose asphalt path that will be constructed on the Permanent Easement.

3. CONSTRUCTION EASEMENT. A temporary construction easement, 57 feet to 67
feet in width, over, upon, across, through and under that portion of the Alperin Property legally described as follows:

Parcel 1:
That part of the East Half of the Northwest Quarter of Section Thirty-Three, Township Forty-One North, Range Nine, East of the Third Principal Meridian, bounded and described as follows: Commencing at the Southwest corner of the East Half of the Northwest Quarter of said Section Thirty-Three; thence North 00 degrees 26 minutes 35 seconds East, being an assumed bearing on the West line of the East Half of the Northwest Quarter of said Section Thirty-Three, a distance of 1273.66 feet; thence South 89 degrees 33 minutes 25 seconds East, perpendicular to the last described West line, a distance of 13.11 feet to the point of beginning; thence continuing South 89 degrees 33 minutes 25 seconds East, on said perpendicular line, a distance of 56.89 feet; thence South 00 degrees 26 minutes 35 seconds West, on a line 70.0 feet East of and parallel with the West line of the East Half of the Northwest Quarter of said Section Thirty-Three, a distance of 939.0 feet; thence South 89 degrees 33 minutes 25 seconds East, perpendicular to the last described West line, a distance of 10.0 feet; thence South 00 degrees 26 minutes 35 seconds West, on a line 80.0 feet East of and parallel with the West line of the East Half of the Northwest Quarter of said Section Thirty-Three, a distance of 313.12 feet; thence North 89 degrees 33 minutes 25 seconds West, a distance of 13.27 feet to a point of curve; thence Northwesterly 71.99 feet on the arc of a curve, concave to the Northeast, having a radius of 45.87 feet with a chord bearing of North 44 degrees 35 minutes 51 seconds West and a chord distance of 64.82 feet; thence North 00 degrees 21 minutes 44 seconds East, a distance of 310.0 feet; thence North 00 degrees 18 minutes 37 seconds West, a distance of 238.87 feet; thence North 00 degrees 26 minutes 07 seconds East, a distance of 383.83 feet; thence North 00 degrees 27 minutes 07 seconds East, a distance of 273.74 feet to the point beginning, all in Cook County, Illinois.

Parcel 2:
That part of the East Half of the Northwest Quarter of Section Thirty-Three, Township Forty-One North, Range Nine, East of the Third Principal Meridian, bounded and described as follows: Commencing at the Northwest corner of the East Half of the Northwest Quarter of said Section Thirty-Three; thence North 89 degrees 23 minutes 39 seconds East, being an assumed bearing on the North line of the East Half of the Northwest Quarter of said Section Thirty-Three, a distance of 70.0 feet to the point of beginning; thence South 00 degrees 26 minutes 35 seconds West, on a line 70.0 feet East of and parallel with the West line of the East Half of the Northwest Quarter of said Section Thirty-Three, a distance of 1392.84 feet; thence North 89 degrees 33 minutes 25 seconds West, perpendicular to the last described West line, a distance of 56.89 feet; thence North 00 degrees 27 minutes 07 seconds East, a distance of 9.53 feet; thence North 00 degrees 10 minutes 41 seconds East, a distance of 216.59 feet; thence North 00 degrees 51 minutes 33 seconds East, a

New matter indicated by italics - deletions by strikeout.
distance of 154.56 feet; thence North 00 degrees 24 minutes 25 seconds East, a
distance of 260.39 feet; thence North 00 degrees 21 minutes 48 seconds East, a
distance of 144.80 feet; thence North 00 degrees 04 minutes 10 seconds West, a
distance of 21.74 feet; thence North 00 degrees 41 minutes 33 seconds East, a
distance of 50.42 feet; thence North 00 degrees 03 minutes 26 seconds East, a
distance of 44.54 feet; thence North 00 degrees 51 minutes 20 seconds East, a
distance of 84.53 feet; thence North 1 degree 41 minutes 45 seconds East, a
distance of 291.25 feet; thence North 00 degrees 56 minutes 03 seconds East, a distance of
113.65 feet to the North line of the East Half of the Northwest Quarter of said
Section Thirty-Three; thence North 89 degrees 23 minutes 39 seconds East, on the
last described North line, a distance of 49.47 feet to the point of beginning, excepting
therefrom that part falling within the 100.0 foot wide right-of-way of the Chicago,
Milwaukee, St. Paul and Pacific Railroad, all in Cook County, Illinois.

(735 ILCS 5/7-103.100 new)

Sec. 7-103.100. Quick-take; Illinois Department of Natural Resources.
(a) Quick-take proceedings under Section 7-103 may be used for a period of 24
months after the effective date of this amendatory Act of the 92nd General Assembly by the
Illinois Department of Natural Resources for the acquisition of the following described
property for the purpose of flood control:

NINE (9) TRACTS OF LAND, HEREINAFTER DESCRIBED AS PARCELS, BEING
ONE PARCEL FOR FEE SIMPLE TITLE AND EIGHT (8) PARCELS FOR
PERMANENT EASEMENTS, ALL BEING LOCATED IN SECTIONS 28 AND 29,
T17N-R8W OF THE 3RD PRINCIPAL MERIDIAN AND ALL BEING DESCRIBED
AS FOLLOWS:

PARCEL A (FEE SIMPLE TITLE)
COMMENCING AT AN EXISTING STONE BEING THE NORTHEAST CORNER
OF SECTION 29, T17N-R8W OF THE 3RD PRINCIPAL MERIDIAN; THENCE,
S00~17'58"E BEING THE EAST LINE OF SAID SECTION 29, A DISTANCE OF
2456.35 FEET TO A PK NAIL DRIVEN IN THE PAVEMENT; THENCE,
N89~48'00"E A DISTANCE OF 32.99 FEET TO THE INTERSECTION WITH A
CONCRETE HIGHWAY R.O.W. MONUMENT (DAMAGED) LYING ON THE
EASTERLY R.O.W. LINE OF 3 MILE LANE TO BE HEREINAFTER KNOWN AS
THE POINT OF BEGINNING OF PARCEL A; THENCE, S51~22'44"E A DISTANCE OF
33.50 FEET TO AN IRON PIN; THENCE, N89~04'24"E A DISTANCE OF
1025.09 FEET TO AN IRON PIN; THENCE, S87~13'56"E A DISTANCE OF
306.24 FEET TO AN IRON PIN; THENCE, S79~29'07"E A DISTANCE OF
311.29 FEET TO AN IRON PIN LYING ON THE INTERSECTION

New matter indicated by italics - deletions by strikeout.
WITH THE NORTHERLY R.O.W. LINE OF IL. RTE. 125; THENCE, N81°59'11"W ALONG THE NORTHERLY R.O.W. LINE OF IL. RTE. 125 A DISTANCE OF 243.13 FEET TO AN IRON PIN; THENCE, S89°48'00"W ALONG SAID NORTHERLY R.O.W. LINE OF IL. RTE. 125 A DISTANCE OF 1396.06 FEET TO AN IRON PIN; THENCE, N29°15'08"W ALONG THE NORTHERLY R.O.W. LINE OF IL. RTE. 125 A DISTANCE OF 53.76 FEET TO THE POINT OF BEGINNING, SAID PARCEL A CONTAINING 1.046 ACRES, MORE OR LESS; ALSO

PARCEL B (PERMANENT EASEMENT)

COMMENCING AT AN EXISTING STONE BEING THE NORTHEAST CORNER OF SECTION 29, T17N-R8W OF THE 3RD PRINCIPAL MERIDIAN; THENCE, S00°17'58"E BEING THE EAST LINE OF SAID SECTION 29, A DISTANCE OF 2456.35 FEET TO A PK NAIL DRIVEN IN THE PAVEMENT; THENCE, N89°48'00"E A DISTANCE OF 32.99 FEET TO THE INTERSECTION WITH A CONCRETE HIGHWAY R.O.W. MONUMENT (DAMAGED) LYING ON THE EASTERLY R.O.W. LINE OF 3 MILE LANE TO BE HEREINAFTER KNOWN AS THE POINT OF BEGINNING OF PARCEL B; THENCE, S51°22'44"E A DISTANCE OF 33.50 FEET TO AN IRON PIN; THENCE, N89°04'24"E A DISTANCE OF 112.73 FEET TO AN IRON PIN; THENCE, N44°49'15"E A DISTANCE OF 343.99 FEET TO AN IRON PIN; THENCE N17°37'15"W A DISTANCE OF 223.84 FEET TO AN IRON PIN; THENCE, S47°06'00"W A DISTANCE OF 428.80 FEET TO AN IRON PIN LOCATED AT THE INTERSECTION WITH THE EASTERLY R.O.W. LINE OF 3 MILE LANE; THENCE, S00°12'00"E ALONG THE EASTERLY R.O.W. LINE OF 3 MILE LANE A DISTANCE OF 146.36 FEET TO THE POINT OF BEGINNING, SAID PARCEL B CONTAINING 2.108 ACRES, MORE OR LESS; ALSO

PARCEL C (PERMANENT EASEMENT)

COMMENCING AT AN EXISTING STONE BEING THE NORTHEAST CORNER OF SECTION 29, T17N-R8W OF THE 3RD PRINCIPAL MERIDIAN; THENCE, S00°17'58"E BEING THE EAST LINE OF SAID SECTION 29, A DISTANCE OF 2456.35 FEET TO A PK NAIL DRIVEN IN THE PAVEMENT; THENCE, S89°48'00"W A DISTANCE OF 27.01 FEET TO THE INTERSECTION WITH A CONCRETE HIGHWAY R.O.W. MONUMENT LYING ON THE WESTERLY R.O.W. LINE OF 3 MILE LANE TO BE HEREINAFTER KNOWN AS THE POINT OF BEGINNING FOR PARCEL C; THENCE, N00°12'00"W ALONG THE WESTERLY R.O.W. LINE OF 3 MILE LANE A DISTANCE OF 16.25 FEET TO AN IRON PIN; THENCE, N46°47'54"W A DISTANCE OF 84.98 FEET TO AN IRON PIN; THENCE, S47°52'31"W A DISTANCE OF 73.09 FEET TO AN IRON PIN; THENCE, S29°59'17"E A DISTANCE OF 72.48 FEET TO THE INTERSECTION WITH AN IRON PIN ON THE NORTHERLY R.O.W. LINE OF IL. RTE. 125; THENCE, N64°57'00"E ALONG THE NORTHERLY R.O.W. LINE OF IL. RTE. 125 A DISTANCE OF 88.29 FEET TO THE POINT OF BEGINNING, SAID PARCEL C CONTAINING 0.166 ACRES, MORE OR LESS; ALSO

New matter indicated by italics - deletions by strikeout.
PARCEL D (PERMANENT EASEMENT)

COMMENCING AT AN EXISTING STONE BEING THE NORTHEAST CORNER OF SECTION 29, T17N-R8W OF THE 3RD PRINCIPAL MERIDIAN; THENCE, S00°17'58"E ALONG THE EAST LINE OF SECTION 29 A DISTANCE OF 2633.53 FEET TO A PK NAIL DRIVEN INTO THE PAVEMENT BEING AN INTERSECTION WITH THE SOUTH R.O.W. LINE, AS EXTENDED, OF IL. RTE. 125; THENCE, S89°48'00"W ALONG THE SOUTH R.O.W. LINE OF SAID IL. RTE. 125 A DISTANCE OF 107.69 FEET TO AN IRON PIN TO BE HEREINAFTER KNOWN AS THE EASTERLY PERMANENT EASEMENT LINE AND THE POINT OF BEGINNING FOR PARCEL D; THENCE S89°48'00"W ALONG THE SOUTH R.O.W. LINE OF IL. RTE. 125 A DISTANCE OF 81.06 FEET TO A POINT LOCATED AT THE INTERSECTION WITH THE CENTERLINE OF AN EXISTING DITCH; THENCE, S55°58'52"W ALONG THE CENTERLINE OF THE DITCH A DISTANCE OF 209.47 FEET TO A POINT; THENCE, S53°45'52"W ALONG THE CENTERLINE OF THE DITCH A DISTANCE OF 365.47 FEET TO A POINT; THENCE, S65°19'43"W ALONG THE CENTERLINE OF THE DITCH A DISTANCE OF 113.11 FEET TO A POINT; THENCE, S30°34'40"W ALONG THE CENTERLINE OF THE DITCH A DISTANCE OF 75.27 FEET TO A POINT; THENCE, S12°53'03"W ALONG THE CENTERLINE OF THE DITCH A DISTANCE OF 116.75 FEET TO A POINT; THENCE, S08°04'16"E ALONG THE CENTERLINE OF THE DITCH A DISTANCE OF 168.20 FEET TO A POINT; THENCE, S27°51'33"W ALONG THE CENTERLINE OF THE DITCH A DISTANCE OF 46.96 FEET TO A POINT; THENCE, S65°24'06"W ALONG THE CENTERLINE OF THE DITCH A DISTANCE OF 67.97 FEET TO A POINT; THENCE, S36°00'49"W ALONG THE CENTERLINE OF THE DITCH A DISTANCE OF 59.69 FEET TO A POINT; THENCE, S85°46'17"W ALONG THE CENTERLINE OF THE DITCH A DISTANCE OF 69.25 FEET TO A POINT; THENCE, S54°45'52"W ALONG THE CENTERLINE OF THE DITCH A DISTANCE OF 98.13 FEET TO A POINT; THENCE, S87°00'39"W ALONG THE CENTERLINE OF THE DITCH A DISTANCE OF 40.02 FEET TO A POINT; THENCE, S28°51'55"W ALONG THE CENTERLINE OF THE DITCH A DISTANCE OF 21.60 FEET TO A POINT ALSO BEING THE INTERSECTION WITH THE NORTHERLY R.O.W. LINE OF FREMONT STREET; THENCE, S73°36'39"E ALONG THE NORTHERLY R.O.W. LINE OF FREMONT STREET A DISTANCE OF 66.26 FEET TO AN IRON PIN, ALSO BEING THE INTERSECTION WITH THE EASTERLY EASEMENT LINE; THENCE, N69°11'51"E ALONG THE EASTERLY EASEMENT LINE A DISTANCE OF 259.39 FEET TO AN IRON PIN; THENCE, N29°51'00"E ALONG THE EASTERLY EASEMENT LINE A DISTANCE OF 206.51 FEET TO AN IRON PIN; THENCE, N13°03'29"W ALONG THE EASTERLY EASEMENT LINE A DISTANCE OF 222.40 FEET TO AN IRON PIN; THENCE, N54°58'36"E ALONG THE EASTERLY EASEMENT LINE A DISTANCE OF 797.16 FEET TO THE POINT OF BEGINNING, SAID PARCEL D

New matter indicated by italics - deletions by strikeout.
CONTAINING 1.878 ACRES, MORE OR LESS; ALSO
PARCEL E (PERMANENT EASEMENT)
COMMENCING AT A PK NAIL DRIVEN INTO THE PAVEMENT BEING AN
INTERSECTION WITH THE SOUTH R.O.W. LINE OF SAID IL. RTE. 125, AS
EXTENDED, AS PREVIOUSLY DESCRIBED IN PARCEL D; THENCE,
S89°48'00"W ALONG THE SOUTH R.O.W. LINE OF IL. RTE. 125 A DISTANCE
OF 280.19 FEET TO AN IRON PIN ALSO BEING THE INTERSECTION WITH
THE WESTERLY EASEMENT LINE TO BE HEREINAFTER Known AS THE
POINT OF BEGINNING FOR PARCEL E; THENCE, S61°41'32"W ALONG THE
WESTERLY EASEMENT LINE A DISTANCE OF 544.25 FEET TO AN IRON PIN;
THENCE, S27°23'57"W ALONG THE WESTERLY EASEMENT LINE A DISTANCE
OF 309.17 FEET TO AN IRON PIN; THENCE, S10°40'01"E ALONG THE
WESTERLY EASEMENT LINE A DISTANCE OF 197.30 FEET TO AN IRON PIN;
THENCE, S56°43'56"W ALONG THE WESTERLY EASEMENT LINE A DISTANCE
OF 78.07 FEET TO AN IRON PIN; THENCE, N59°23'46"W ALONG THE
WESTERLY EASEMENT LINE A DISTANCE OF 124.54 FEET TO AN IRON PIN;
THENCE, S38°40'25"W ALONG THE WESTERLY EASEMENT LINE A DISTANCE
OF 253.15 FEET TO AN IRON PIN LOCATED AT THE NORTHERLY R.O.W. LINE
OF FREMONT STREET; THENCE, S73°36'39"E ALONG THE NORTHERLY
R.O.W. LINE OF FREMONT STREET A DISTANCE OF 79.92 FEET TO A POINT
LOCATED AT THE INTERSECTION WITH THE CENTERLINE OF AN EXISTING
DITCH; THENCE, N28°51'55"E ALONG THE CENTERLINE OF THE DITCH A
DISTANCE OF 21.60 FEET TO A POINT; THENCE, N87°00'39"E ALONG THE
CENTERLINE OF THE DITCH A DISTANCE OF 40.02 FEET TO A POINT;
THENCE, N54°45'52"E ALONG THE CENTERLINE OF THE DITCH A
DISTANCE OF 98.13 FEET TO A POINT; THENCE, N85°46'17"E ALONG THE
CENTERLINE OF THE DITCH A DISTANCE OF 69.25 FEET TO A POINT;
THENCE, N36°00'49"E ALONG THE CENTERLINE OF THE DITCH A
DISTANCE OF 59.69 FEET TO A POINT; THENCE, N65°24'06"E ALONG THE
CENTERLINE OF THE DITCH A DISTANCE OF 67.97 FEET TO A POINT;
THENCE, N27°51'33"E ALONG THE CENTERLINE OF THE DITCH A
DISTANCE OF 46.96 FEET TO A POINT; THENCE, N08°04'16"W ALONG THE
CENTERLINE OF THE DITCH A DISTANCE OF 168.20 FEET TO A POINT;
THENCE, N12°53'03"E ALONG THE CENTERLINE OF THE DITCH A
DISTANCE OF 116.75 FEET TO A POINT; THENCE, N30°34'40"E ALONG THE
CENTERLINE OF THE DITCH A DISTANCE OF 75.27 FEET TO A POINT;
THENCE, N65°19'43"E ALONG THE CENTERLINE OF THE DITCH A
DISTANCE OF 113.11 FEET TO A POINT; THENCE, N53°45'52"E ALONG THE
CENTERLINE OF THE DITCH A DISTANCE OF 365.47 FEET TO A POINT;
THENCE, N55°58'52"E ALONG THE CENTERLINE OF THE DITCH A
DISTANCE OF 209.47 FEET TO A POINT LOCATED AT THE INTERSECTION
WITH THE SOUTH R.O.W. LINE OF IL. RTE. 125; THENCE, S89°48'00"W

New matter indicated by italics - deletions by strikeout.
ALONG SAID SOUTH R.O.W. LINE OF IL. RTE. 125 A DISTANCE OF 91.44 FEET TO THE POINT OF BEGINNING, SAID PARCEL E CONTAINING 2.628 ACRES, MORE OR LESS; ALSO
PARCEL F (PERMANENT EASEMENT)
COMMENCING AT AN IRON PIN BEING THE INTERSECTION OF THE NORTH R.O.W. LINE OF FREMONT STREET AND THE WEST EASEMENT LINE, AS PREVIOUSLY DESCRIBED IN PARCEL E; THENCE S15~35'22"W ACROSS SAID FREMONT STREET A DISTANCE OF 60.01 FEET TO AN IRON PIN BEING THE INTERSECTION OF THE WESTERLY PERMANENT EASEMENT LINE AND THE SOUTHERLY R.O.W. LINE OF FREMONT STREET TO BE HEREINAFTER KNOWN AS THE POINT OF BEGINNING OF PARCEL F; THENCE, S19~32'27"W ALONG THE EASEMENT LINE A DISTANCE OF 316.50 FEET TO AN IRON PIN; THENCE, S13~42'05"W ALONG THE EASEMENT LINE A DISTANCE OF 424.35 FEET TO AN IRON PIN; THENCE, S12~12'06"W ALONG THE EASEMENT LINE A DISTANCE OF 53.67 FEET TO AN IRON PIN; THENCE, S06~54'45"E ALONG THE EASEMENT LINE A DISTANCE OF 270.76 FEET TO AN IRON PIN; THENCE, S29~05'13"E ALONG THE EASEMENT LINE A DISTANCE OF 140.63 FEET TO AN IRON PIN; THENCE, S44~58'33"W ALONG THE EASEMENT LINE A DISTANCE OF 268.58 FEET TO AN IRON PIN; THENCE, S05~01'56"E ALONG THE EASEMENT LINE A DISTANCE OF 228.73 FEET TO AN IRON PIN; THENCE, S65~36'08"W ALONG THE EASEMENT LINE A DISTANCE OF 79.03 FEET TO AN IRON PIN; THENCE, S01~45'38"W ALONG THE EASEMENT LINE A DISTANCE OF 67.29 FEET TO AN IRON PIN LOCATED AT THE INTERSECTION WITH THE NORTH R.O.W. LINE OF CEMETERY ROAD; THENCE, S89~54'53"E ALONG THE NORTHERLY R.O.W. LINE A DISTANCE OF 153.89 FEET TO AN IRON PIN; THENCE, N11~39'38"E ALONG THE EASTERLY EASEMENT LINE A DISTANCE OF 391.73 FEET TO AN IRON PIN; THENCE, N44~53'07"E ALONG THE EASEMENT LINE A DISTANCE OF 130.86 FEET TO AN IRON PIN; THENCE, N00~00'11"E A DISTANCE OF 131.73 FEET TO AN EXISTING REINFORCEMENT BAR; THENCE, N00~00'11"E A DISTANCE OF 148.55 FEET TO AN IRON PIN; THENCE, N08~44'27"W ALONG THE EASEMENT LINE A DISTANCE OF 266.45 FEET TO AN IRON PIN; THENCE, N08~13'22"E ALONG THE EASEMENT LINE A DISTANCE OF 305.08 FEET TO AN IRON PIN; THENCE, N24~29'54"E ALONG THE EASEMENT LINE A DISTANCE OF 202.57 FEET TO AN IRON PIN; THENCE, S73~35'10"E ALONG THE EASEMENT LINE A DISTANCE OF 158.04 FEET TO AN IRON PIN; THENCE, N20~27'57"E ALONG THE EASEMENT LINE A DISTANCE OF 58.70 FEET TO AN IRON PIN; THENCE, N65~18'27"W ALONG THE EASEMENT LINE A DISTANCE OF 138.22 FEET TO AN IRON PIN; THENCE, N19~41'58"E ALONG THE EASEMENT LINE A DISTANCE OF 66.62 FEET TO AN IRON PIN BEING THE INTERSECTION WITH THE SOUTHERLY R.O.W. LINE OF FREMONT STREET; THENCE, N73~36'39"W ALONG THE SOUTHERLY R.O.W. LINE OF

New matter indicated by italics - deletions by strikeout.
FREMONT STREET A DISTANCE OF 126.11 FEET TO THE POINT OF BEGINNING, SAID PARCEL F CONTAINING 5.060 ACRES, MORE OR LESS; ALSO

PARCEL G (PERMANENT EASEMENT)
COMMENCING AT AN EXISTING REINFORCEMENT BAR LOCATED AT S00~00'11"W A DISTANCE OF 30.00 FEET FROM THE SOUTHWEST CORNER OF LOT 4 IN BLOCK 3 OF THE NORTHWEST ADDITION TO THE VILLAGE OF ASHLAND; THENCE, N89~59'49"W A DISTANCE OF 331.32 FEET TO AN EXISTING REINFORCEMENT BAR; THENCE, N00~00'11"E A DISTANCE OF 157.00 FEET TO AN EXISTING REINFORCEMENT BAR TO BE HEREINAFTER KNOWN AS THE POINT OF BEGINNING OF PARCEL G; THENCE, S89~59'49"E A DISTANCE OF 29.56 FEET TO AN IRON PIN AT THE INTERSECTION WITH THE EASEMENT LINE; THENCE, N13~10'52"W ALONG THE EASEMENT LINE A DISTANCE OF 85.69 FEET TO AN IRON PIN; THENCE, N08~44'27"W ALONG THE EASEMENT LINE A DISTANCE OF 65.89 FEET TO AN IRON PIN; THENCE, S00~00'11"W A DISTANCE OF 148.55 FEET TO THE POINT OF BEGINNING, SAID PARCEL G CONTAINING 0.045 ACRES, MORE OR LESS; ALSO

PARCEL H (PERMANENT EASEMENT)
COMMENCING AT AN EXISTING REINFORCEMENT BAR LOCATED AT S00~00'11"W A DISTANCE OF 30.00 FEET FROM THE SOUTHWEST CORNER OF LOT 4 IN BLOCK 3 OF THE NORTHWEST ADDITION TO THE VILLAGE OF ASHLAND; THENCE, N89~59'49"W A DISTANCE OF 331.32 FEET TO AN EXISTING REINFORCEMENT BAR; THENCE, N00~00'11"E A DISTANCE OF 157.00 FEET TO AN EXISTING REINFORCEMENT BAR TO BE HEREINAFTER KNOWN AS THE POINT OF BEGINNING OF PARCEL H; THENCE, S89~59'49"E A DISTANCE OF 29.56 FEET TO AN IRON PIN BEING THE INTERSECTION OF THE EASEMENT LINE; THENCE, S12~39'02"W ALONG THE EASEMENT LINE A DISTANCE OF 135.01 FEET TO AN IRON PIN; THENCE, N00~00'11"E A DISTANCE OF 131.73 FEET TO THE POINT OF BEGINNING, SAID PARCEL H CONTAINING 0.045 ACRES, MORE OR LESS; ALSO

PARCEL I (PERMANENT EASEMENT)
COMMENCING AT AN EXISTING IRON PIN DESCRIBED ABOVE IN PARCEL F BEING THE INTERSECTION OF THE NORTH R.O.W. LINE OF CEMETERY ROAD WITH THE WESTERLY EASEMENT LINE; THENCE, S18~00'15"E ACROSS CEMETERY ROAD A DISTANCE OF 63.12 FEET TO AN IRON PIN LOCATED AT THE INTERSECTION WITH THE SOUTH R.O.W. LINE OF CEMETERY ROAD, TO BE HEREINAFTER KNOWN AS THE POINT OF BEGINNING OF PARCEL I; THENCE, S38~53'00"W ALONG THE EASEMENT LINE A DISTANCE OF 78.50 FEET TO AN IRON PIN; THENCE, S71~07'03"E ALONG THE EASEMENT LINE A DISTANCE OF 98.61 FEET TO AN IRON PIN; THENCE, N30~48'26"E ALONG THE EASEMENT LINE A DISTANCE OF 108.13 FEET TO AN IRON PIN LOCATED AT THE INTERSECTION WITH THE SOUTH

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R.O.W. LINE OF CEMETERY ROAD; THENCE, N89°54’52”W ALONG THE SOUTH R.O.W. LINE OF CEMETERY ROAD A DISTANCE OF 99.40 FEET TO THE POINT OF BEGINNING OF PARCEL I, SAID PARCEL CONTAINING 0.190 ACRES, MORE OR LESS.

(735 ILCS 5/7-103.101 new)

Sec. 7-103.101. Quick-take; County of Monroe. Quick-take proceedings under Section 7-103 may be used for a period of 12 months after the effective date of this amendatory Act of the 92nd General Assembly, by the County of Monroe, to acquire right-of-way for the proposed Rogers Street Extension project as follows:

A part of Tax lots 3-A and 3-B of U.S. Survey 720, Claim 516, in Township 2 South, Range 9 West of the 3rd Principal Meridian, Monroe County, Illinois, as shown at page 122 of the Surveyor's Official Plat Record "A" in the Recorder's office of Monroe County, Illinois, and being more particularly described as follows, to wit: BEGINNING at the Southwest corner of Tax Lot 7 of U.S. Survey 641, Claim 1645, Township 2 South, Range 9 West of the 3rd Principal Meridian, Monroe County, Illinois, as shown at page 115 of the Surveyor's Official Plat Record "A" in the Recorder's office of Monroe County, Illinois; thence South 89 degrees 41 minutes 50 seconds East, an assumed bearing along the South line of U.S. Survey 641, Claim 1645 (said line also being the North line of U.S. Survey 720, Claim 516), a distance of 80.00 feet to a point; thence South 00 degrees 10 minutes 08 seconds West, a distance of 72.49 feet to a point; thence South 00 degrees 49 minutes 52 seconds East, a distance of 103.44 feet to a point; thence North 89 degrees 10 minutes 08 seconds East, a distance of 10.00 feet to a point; thence South 00 degrees 49 minutes 52 seconds East, a distance of 140.00 feet to a point; thence North 89 degrees 10 minutes 08 seconds East, a distance of 10.00 feet to a point; thence South 00 degrees 49 minutes 52 seconds East, a distance of 40.00 feet to a point; thence South 89 degrees 10 minutes 08 seconds West, a distance of 85.00 feet to a point; thence South 00 degrees 49 minutes 52 seconds East, a distance of 228.94 feet to a point; thence North 89 degrees 10 minutes 08 seconds East, a distance of 10.00 feet to a point; thence South 00 degrees 49 minutes 52 seconds East, a distance of 34 minutes 48 seconds East, a chord distance of 499.05 feet to a point; thence South

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02 degrees 19 minutes 43 seconds East, a distance of 60.17 feet to a point; thence South 18 degrees 45 minutes 15 seconds East, a distance of 58.28 feet to a point on the Northerly right-of-way line of Hamacher Street (45.00 feet left of station 15+80.12) as shown on the PLAT OF RIGHT-OF-WAY for Hamacher Street, City of Waterloo, in Envelope 195-B in the Recorder's office of Monroe County, Illinois; thence Southwesterly along said Northerly right-of-way line of Hamacher Street along a curve to the right having a radius of 3072.40 feet, a delta of 02 degrees 00 minutes 54 seconds, an arc length of 108.05 feet, and a chord which bears South 77 degrees 54 minutes 14 seconds West, a chord distance of 108.05 feet to a point (45.00 feet left of station 14+70.48); thence leaving said Northerly right-of-way line of Hamacher Street, North 02 degrees 19 minutes 43 seconds West, a distance of 134.41 feet to a point; thence Northwesterly, along a curve to the right having a radius of 19,187.61 feet, a delta of 01 degrees 29 minutes 50 seconds, an arc length of 501.41 feet, and a chord which bears North 01 degrees 34 minutes 48 seconds West, a chord distance of 501.40 feet to a point; thence North 00 degrees 49 minutes 52 seconds West, a distance of 978.94 feet to a point; thence South 89 degrees 10 minutes 08 seconds West, a distance of 10.00 feet to a point; thence North 00 degrees 49 minutes 52 seconds West, a distance of 40.00 feet to a point; thence North 89 degrees 10 minutes 08 seconds East, a distance of 10.00 feet to a point; thence North 00 degrees 49 minutes 52 seconds West, a distance of 190.00 feet to a point; thence South 89 degrees 10 minutes 08 seconds West, a distance of 10.00 feet to a point; thence North 00 degrees 49 minutes 52 seconds West, a distance of 30.00 feet to a point; thence North 89 degrees 10 minutes 08 seconds East, a distance of 10.00 feet to a point; thence North 00 degrees 49 minutes 52 seconds West, a distance of 73.37 feet to the POINT OF BEGINNING, containing 208,032 square feet more or less, or 4.776 acres, more or less.

Section 99. Effective date. This Act takes effect upon becoming law.
Approved August 22, 2002.
Effective August 22, 2002.

PUBLIC ACT 92-0832
(House Bill No. 4117)

AN ACT concerning schools.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Silent Reflection Act is amended by changing Section 0.01 and adding Section 5 as follows:

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Sec. 0.01. Short title. This Act may be cited as the Silent Reflection and Student Prayer Act.
(Source: P.A. 86-1324.)

Sec. 5. Student prayer. In order that the right of every student to the free exercise of religion is guaranteed within the public schools and that each student has the freedom to not be subject to pressure from the State either to engage in or to refrain from religious observation on public school grounds, students in the public schools may voluntarily engage in individually initiated, non-disruptive prayer that, consistent with the Free Exercise and Establishment Clauses of the United States and Illinois Constitutions, is not sponsored, promoted, or endorsed in any manner by the school or any school employee.

Approved August 22, 2002.

PUBLIC ACT 92-0833
(House Bill No. 4879)

AN ACT concerning the regulation of professions.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Private Detective, Private Alarm, Private Security, and Locksmith Act of 1993 is amended by changing Sections 75, 80, and 185 as follows:

Sec. 75. Qualifications for licensure and agency certification.

(a) Private Detective. A person is qualified to receive a license as a private detective if he or she meets all of the following requirements:

(1) Is at least 21 years of age.

(2) Has not been convicted in any jurisdiction of any felony or at least 10 years have expired from the time of discharge from any sentence imposed for a felony.

(3) Is of good moral character. Good character is a continuing requirement of licensure. Conviction of crimes not listed in paragraph (2) of subsection (a) of this Section may be used in determining moral character, but does not operate as an absolute bar to licensure.

(4) Has not been declared by any court of competent jurisdiction to be incompetent by reason of mental or physical defect or disease unless a court has since declared him or her to be competent.

(5) Is not suffering from habitual drunkenness or from narcotic addiction or dependence.

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(6) Has a minimum of 3 years experience out of the 5 years immediately preceding his or her application working full-time for a licensed private detective agency as a registered private detective employee or with 3 years experience out of the 5 years immediately preceding his or her application employed as a full-time investigator for a licensed attorney or in a law enforcement agency of a federal or State political subdivision, which shall include a State's Attorney's office or a Public Defender's office, such full-time investigator experience to be approved by the Board and the Department. An applicant who has obtained a baccalaureate degree in police science or a related field or a business degree from an accredited college or university shall be given credit for 2 of the 3 years experience required under this Section. An applicant who has obtained an associate degree in police science or a related field or in business from an accredited college or university shall be given credit for one of the 3 years experience required under this Section.

(7) Has not been dishonorably discharged from the armed services of the United States.

(8) Has successfully passed an examination authorized by the Department. The examination shall include subjects reasonably related to the activities licensed so as to provide for the protection of the health and safety of the public.

(9) Has not violated Section 15, 20, or 25 of this Act, but this requirement does not operate as an absolute bar to licensure. It is the responsibility of the applicant to obtain liability insurance in an amount and coverage type appropriate as determined by rule for the applicant's individual business circumstances. The applicant shall provide evidence of insurance to the Department before being issued a license. This insurance requirement is a continuing requirement for licensure. Failure to maintain insurance shall result in cancellation of the license by the Department.

(b) Private security contractor. A person is qualified to receive a license as a private security contractor if he or she meets all of the following requirements:

(1) Is at least 21 years of age.

(2) Has not been convicted in any jurisdiction of any felony or at least 10 years have expired from the time of discharge from any sentence imposed for a felony.

(3) Is of good moral character. Good moral character is a continuing requirement of licensure. Convictions of crimes not listed in paragraph (2) of subsection (b) of this Section may be used in determining moral character, but do not operate as an absolute bar to licensure.

(4) Has not been declared by any court of competent jurisdiction to be incompetent by reason of mental or physical defect or disease unless a court has since declared him or her to be competent.

(5) Is not suffering from habitual drunkenness or from narcotic addiction or dependence.

(6) Has a minimum of 3 years experience out of the 5 years immediately preceding his or her application as a full-time manager or administrator for a licensed private detective agency as a registered private detective employee or with 3 years experience out of the 5 years immediately preceding his or her application employed as a full-time investigator for a licensed attorney or in a law enforcement agency of a federal or State political subdivision, which shall include a State's Attorney's office or a Public Defender's office, such full-time investigator experience to be approved by the Board and the Department. An applicant who has obtained a baccalaureate degree in police science or a related field or a business degree from an accredited college or university shall be given credit for 2 of the 3 years experience required under this Section. An applicant who has obtained an associate degree in police science or a related field or in business from an accredited college or university shall be given credit for one of the 3 years experience required under this Section.

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private security contractor agency or a manager or administrator of a proprietary security force of 30 or more persons registered with the Department, or with 3 years experience out of the 5 years immediately preceding his or her application as a full-time supervisor in a law enforcement agency of a federal or State political subdivision, which shall include a State's Attorney's office or Public Defender's office, such full-time supervisory experience to be approved by the Board and the Department. An applicant who has obtained a baccalaureate degree in police science or a related field or a business degree from an accredited college or university shall be given credit for 2 of the 3 years experience required under this Section. An applicant who has obtained an associate degree in police science or a related field or in business from an accredited college or university shall be given credit for one of the 3 years experience required under this Section.

(7) Has not been dishonorably discharged from the armed services of the United States.

(8) Has successfully passed an examination authorized by the Department. The examination shall include subjects reasonably related to the activities licensed so as to provide for the protection of the health and safety of the public.

(9) Has not violated Section 15, 20, or 25 of this Act, but this requirement does not operate as an absolute bar to licensure.

It is the responsibility of the applicant to obtain liability insurance in amount and coverage type appropriate as determined by rule for the applicant's individual business circumstances. The applicant shall provide evidence of insurance to the Department before being issued a license. This insurance requirement is a continuing requirement for licensure. Failure to maintain insurance shall result in cancellation of the license by the Department.

(c) Private alarm contractor. A person is qualified to receive a license as a private alarm contractor if he or she meets all of the following requirements:

(1) Is at least 21 years of age.

(2) Has not been convicted in any jurisdiction of any felony or at least 10 years have expired from the time of discharge from any sentence imposed for a felony.

(3) Is of good moral character. Good moral character is a continuing requirement of licensure. Convictions of crimes not listed in paragraph (2) of subsection (c) of this Section may be used in determining moral character, but do not operate as an absolute bar to licensure.

(4) Has not been declared by any court of competent jurisdiction to be incompetent by reason of mental or physical defect or disease unless a court has since declared him or her to be competent.

(5) Is not suffering from habitual drunkenness or from narcotic addiction or dependence.

(6) Has not been dishonorably discharged from the armed services of the United States.

(7) Has a minimum of 3 years experience out of the 5 years immediately before the application.

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preceding application as a full time manager or administrator for an agency licensed as a private alarm contractor agency, or for an entity that designs, sells, installs, services, or monitors alarm systems which in the judgment of the Board satisfies standards of alarm industry competence. An individual who has received a 4 year degree in electrical engineering or a related field from a program approved by the Board shall be given credit for 2 years of experience under this item (7). An individual who has successfully completed a national certification program approved by the Board shall be given credit for one year of experience under this item (7).

(8) Has successfully passed an examination authorized by the Department. The examination shall include subjects reasonably related to the activities licensed so as to provide for the protection of the health and safety of the public.

(9) Has not violated Section 15, 20, or 25 of this Act, but this requirement does not operate as an absolute bar to licensure.

It is the responsibility of the applicant to obtain liability insurance in an amount and coverage type appropriate as determined by rule for the applicant's individual business circumstances. The applicant shall provide evidence of insurance to the Department before being issued a license. This insurance requirement is a continuing requirement for licensure. Failure to maintain insurance shall result in cancellation of the license by the Department.

Alternatively, a person is qualified to receive a license as a private alarm contractor without meeting the requirements of items (7), (8), and (9) of this subsection, if he or she:

(i) applies for a license between September 2, 2002 and September 5, 2002, in writing, on forms supplied by the Department;

(ii) provides proof to the Department that he or she was engaged in the alarm contracting business on or before July 1, 1975;

(iii) submits the photographs, fingerprints, proof of insurance, and current license fee required by the Department;

(iv) has not violated Section 25 of this Act; and

(v) has held a Permanent Employee Registration Card for a minimum of 12 months.

(d) Locksmith. A person is qualified to receive a license as a locksmith if he or she meets all of the following requirements:

(1) Is at least 18 years of age.

(2) Has not violated any provisions of Section 120 of this Act.

(3) Has not been convicted in any jurisdiction of any felony or at least 10 years have expired from the time of discharge from any sentence imposed for a felony.

(4) Is of good moral character. Good moral character is a continuing requirement of licensure. Convictions of crimes not listed in paragraph (3) of subsection (d) of this Section may be used in determining moral character, but do not operate as an absolute bar to licensure.

(5) Has not been declared by any court of competent jurisdiction to be...
incompetent by reason of mental or physical defect or disease unless a court has since declared him or her to be competent.

(6) Is not suffering from habitual drunkenness or from narcotic addiction or dependence.

(7) Has not been dishonorably discharged from the armed services of the United States.

(8) Has passed an examination authorized by the Department in the theory and practice of the profession.

(9) Has submitted to the Department proof of insurance sufficient for the individual's business circumstances. The Department, with input from the Board, shall promulgate rules specifying minimum insurance requirements. This insurance requirement is a continuing requirement for licensure. Failure to maintain insurance shall result in the cancellation of the license by the Department. A locksmith employed by a licensed locksmith agency or employed by a private concern may provide proof that his or her actions as a locksmith are covered by the insurance of his or her employer.

(e) Private detective agency. Upon payment of the required fee and proof that the applicant has a full-time Illinois licensed private detective in charge, which is a continuing requirement for agency certification, the Department shall issue, without examination, a certificate as a private detective agency to any of the following:

(1) An individual who submits an application in writing and who is a licensed private detective under this Act.

(2) A firm or association that submits an application in writing and all of the members of the firm or association are licensed private detectives under this Act.

(3) A duly incorporated or registered corporation allowed to do business in Illinois that is authorized by its articles of incorporation to engage in the business of conducting a detective agency, provided at least one officer or executive employee is licensed as a private detective under this Act and all unlicensed officers and directors of the corporation are determined by the Department to be persons of good moral character.

No private detective may be the private detective in charge for more than one agency. Upon written request by a representative of an agency within 10 days after the loss of a licensee in charge of an agency because of the death of that individual or because of an unanticipated termination of the employment of that individual, the Department shall issue a temporary permit allowing the continuing operation of a previously licensed agency. No temporary permit shall be valid for more than 90 days. An extension of an additional 90 days may be granted by the Department for good cause shown upon written request by the representative of the agency. No more than 2 extensions may be granted to any agency. No temporary permit shall be issued for the loss of the detective in charge because of disciplinary action by the Department.

(f) Private alarm contractor agency. Upon receipt of the required fee and proof that the applicant has a full-time Illinois licensed private alarm contractor in charge, which is a

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continuing requirement for agency certification, the Department shall issue, without examination, a certificate as a private alarm contractor agency to any of the following:

1. An individual who submits an application in writing and who is a licensed private alarm contractor under this Act.

2. A firm or association that submits an application in writing that all of the members of the firm or association are licensed private alarm contractors under this Act.

3. A duly incorporated or registered corporation allowed to do business in Illinois that is authorized by its articles of incorporation to engage in the business of conducting a private alarm contractor agency, provided at least one officer or executive employee is licensed as a private alarm contractor under this Act and all unlicensed officers and directors of the corporation are determined by the Department to be persons of good moral character.

No private alarm contractor may be the private alarm contractor in charge for more than one agency. Upon written request by a representative of an agency within 10 days after the loss of a licensed private alarm contractor in charge of an agency because of the death of that individual or because of the unanticipated termination of the employment of that individual, the Department shall issue a temporary permit allowing the continuing operation of a previously licensed agency. No temporary permit shall be valid for more than 90 days. An extension of an additional 90 days may be granted by the Department for good cause shown and upon written request by the representative of the agency. No more than 2 extensions may be granted to any agency. No temporary permit shall be issued for the loss of the licensee in charge because of disciplinary action by the Department.

(g) Private security contractor agency. Upon receipt of the required fee and proof that the applicant has a full-time Illinois licensed private security contractor in charge, which is a continuing requirement for agency certification, the Department shall issue, without examination, a certificate as a private security contractor agency to any of the following:

1. An individual who submits an application in writing and who is a licensed private security contractor under this Act.

2. A firm or association that submits an application in writing that all of the members are licensed private security contractors under this Act.

3. A duly incorporated or registered corporation allowed to do business in Illinois that is authorized by its articles of incorporation to engage in the business of conducting a private security contractor agency, provided at least one officer or executive employee is licensed as a private security contractor under this Act and all unlicensed officers and directors of the corporation are determined by the Department to be persons of good moral character.

No private security contractor may be the private security contractor in charge for more than one agency. Upon written request by a representative of the agency within 10 days after the loss of a licensee in charge of an agency because of the death of that individual or because of the unanticipated termination of the employment of that individual, the Department shall issue a temporary permit allowing the continuing operation of a previously licensed agency.

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licensed agency. No temporary permit shall be valid for more than 90 days. An extension of an additional 90 days may be granted upon written request by the representative of the agency. No more than 2 extensions may be granted to any agency. No temporary permit shall be issued for the loss of the licensee in charge because of disciplinary action by the Department.

(h) Licensed locksmith agency. Upon receipt of the required fee and proof that the applicant is an Illinois licensed locksmith who shall assume full responsibility for the operation of the agency and the directed actions of the agency's employees, which is a continuing requirement for agency licensure, the Department shall issue, without examination, a certificate as a Locksmith Agency to any of the following:

(1) An individual who submits an application in writing and who is a licensed locksmith under this Act.

(2) A firm or association that submits an application in writing and certifies that all of the members of the firm or association are licensed locksmiths under this Act.

(3) A duly incorporated or registered corporation or limited liability company allowed to do business in Illinois that is authorized by its articles of incorporation or organization to engage in the business of conducting a locksmith agency, provided that at least one officer or executive employee of a corporation or one member of a limited liability company is licensed as a locksmith under this Act, and provided that person agrees in writing on a form acceptable to the Department to assume full responsibility for the operation of the agency and the directed actions of the agency's employees, and further provided that all unlicensed officers and directors of the corporation or members of the limited liability company are determined by the Department to be persons of good moral character.

An individual licensed locksmith operating under a business name other than the licensed locksmith's own name shall not be required to obtain a locksmith agency license if that licensed locksmith does not employ any persons to engage in the practice of locksmithing.

An applicant for licensure as a locksmith agency shall submit to the Department proof of insurance sufficient for the agency's business circumstances. The Department shall promulgate rules specifying minimum insurance requirements. This insurance requirement is a continuing requirement for licensure.

No licensed locksmith may be the licensed locksmith responsible for the operation of more than one agency except for any individual who submits proof to the Department that, on the effective date of this amendatory Act of 1995, he or she is actively responsible for the operations of more than one agency. A licensed private alarm contractor who is responsible for the operation of a licensed private alarm contractor agency and who is a licensed locksmith may also be the licensed locksmith responsible for the operation of a locksmith agency.

Upon written request by a representative of an agency within 10 days after the loss of a responsible licensed locksmith of an agency, because of the death of that individual or New matter indicated by italics - deletions by strikeout.
because of the unanticipated termination of the employment of that individual, the Department shall issue a temporary permit allowing the continuing operation of a previously licensed locksmith agency. No temporary permit shall be valid for more than 90 days. An extension for an additional 90 days may be granted by the Department for good cause shown and upon written request by a representative of the agency. No more than 2 extensions may be granted to any agency. No temporary permit shall be issued to any agency due to the loss of the responsible locksmith because of disciplinary action by the Department.

(i) Proprietary Security Force. All commercial or industrial operations that employ 5 or more persons as armed security guards and all financial institutions that employ armed security guards shall register their security forces with the Department on forms provided by the Department.

All armed security guard employees of the registered proprietary security force shall be required to complete a 20-hour basic training course and 20-hour firearm training course in accordance with administrative rules.

Each proprietary security force shall be required to apply to the Department, on forms supplied by the Department, for the issuance of a firearm authorization card, in accordance with administrative rules, for each armed employee of the security force.

The Department shall prescribe rules for the administration of this Section.

(j) Any licensed agency that operates a branch office as defined in this Act shall apply for a branch office license.

(Section scheduled to be repealed on December 31, 2003)

Sec. 80. Employee requirements. All employees of a licensed agency, other than those exempted, shall apply for a Permanent Employee Registration Card. The holder of an agency certificate issued under this Act, known in this Act as "employer", may employ in the conduct of his or her business employees under the following provisions:

(a) No person shall be issued a permanent employee registration card who:
   (1) Is under 18 years of age.
   (2) Is under 21 years of age if the services will include being armed.
   (3) Has been determined by the Department to be unfit by reason of conviction of an offense in this or another state, other than a minor traffic offense. The Department shall promulgate rules for procedures by which those circumstances shall be determined and that afford the applicant due process of law.
   (4) Has had a license or permanent employee registration card refused, denied, suspended, or revoked under this Act.
   (5) Has been declared incompetent by any court of competent jurisdiction by reason of mental disease or defect and has not been restored.
   (6) Has been dishonorably discharged from the armed services of the United States.

(b) No person may be employed by a private detective agency, private security
contractor agency, or private alarm contractor agency, or locksmith agency under this Section until he or she has executed and furnished to the employer, on forms furnished by the Department, a verified statement to be known as "Employee's Statement" setting forth:

1. The person's full name, age, and residence address.
2. The business or occupation engaged in for the 5 years immediately before the date of the execution of the statement, the place where the business or occupation was engaged in, and the names of employers, if any.
3. That the person has not had a license or employee registration refused, revoked, or suspended under this Act.
4. Any conviction of a felony or misdemeanor.
5. Any declaration of incompetency by a court of competent jurisdiction that has not been restored.
6. Any dishonorable discharge from the armed services of the United States.
7. Any other information as may be required by any rule of the Department to show the good character, competency, and integrity of the person executing the statement.

(c) Each applicant for a permanent employee registration card shall have his or her fingerprints submitted to the Department of State Police in an electronic format that complies with the form and manner for requesting and furnishing criminal history record information as prescribed by the Department of State Police. These fingerprints shall be checked against the Department of State Police and Federal Bureau of Investigation criminal history record databases now and hereafter filed. The Department of State Police shall charge applicants a fee for conducting the criminal history records check, which shall be deposited in the State Police Services Fund and shall not exceed the actual cost of the records check. The Department of State Police shall furnish, pursuant to positive identification, records of Illinois convictions to the Department. The Department may require applicants to pay a separate fingerprinting fee, either to the Department or directly to the vendor. The Department, in its discretion, may allow an applicant who does not have reasonable access to a designated vendor to provide his or her fingerprints in an alternative manner. The Department, in its discretion, may also use other procedures in performing or obtaining criminal background checks of applicants. Submit to the Department with the applicable fees, on fingerprint cards furnished by the Department, 2 complete sets of fingerprints that are verified to be those of the applicant. If an applicant's fingerprint cards are returned to the Department as unclassifiable by the screening agency, the applicant has 90 days after notification is sent by the Department to submit additional fingerprint cards taken by a different technician to replace the unclassifiable fingerprint cards.

The Department shall notify the submitting licensed agency within 10 days if the applicant's fingerprint cards are returned to the Department as unclassifiable. However, instead of submitting his or her fingerprints, an individual may submit proof that is satisfactory to the Department that an equivalent security clearance has been conducted. Also, a full-time peace officer or an individual who has retired as a peace officer within 12 months of application may submit verification, on forms provided by the Department and

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signed by one's employer, of his or her full-time employment as a peace officer. "Peace officer" means any person who by virtue of his or her office or public employment is vested by law with a duty to maintain public order or to make arrests for offenses, whether that duty extends to all offenses or is limited to specific offenses; officers, agents, or employees of the federal government commissioned by federal statute to make arrests for violations of federal criminal laws are considered peace officers.

(d) Upon receipt of the verified fingerprint cards, the Department shall cause the fingerprints to be compared with fingerprints of criminals now or hereafter filed with the Illinois Department of State Police. The Department may also cause the fingerprints to be checked against the fingerprints of criminals now or hereafter filed in the records of other official fingerprint files within or without this State. The Department shall issue a permanent employee registration card, in a form the Department prescribes, to all qualified applicants. The Department shall notify the submitting licensed agency within 10 days upon the issuance of or intent to deny the permanent employee registration card. The holder of a permanent employee registration card shall carry the card at all times while actually engaged in the performance of the duties of his or her employment. Expiration and requirements for renewal of permanent employee registration cards shall be established by rule of the Department. Possession of a permanent employee registration card does not in any way imply that the holder of the card is employed by an agency unless the permanent employee registration card is accompanied by the employee identification card required by subsection (g) of this Section.

(e) (Blank). Within 5 days of the receipt of the application materials, the Department shall institute an investigation for a criminal record by checking the applicant's name with immediately available criminal history information systems.

(f) Each employer shall maintain a record of each employee that is accessible to the duly authorized representatives of the Department. The record shall contain the following information:

(1) A photograph taken within 10 days of the date that the employee begins employment with the employer. The photograph shall be replaced with a current photograph every 3 calendar years.

(2) The employee's statement specified in subsection (b) of this Section.

(3) All correspondence or documents relating to the character and integrity of the employee received by the employer from any official source or law enforcement agency.

(4) In the case of former employees, the employee identification card of that person issued under subsection (g) of this Section.

Each employee record shall duly note if the employee is employed in an armed capacity. Armed employee files shall contain a copy of an active Firearm Owners Identification Card and a copy of an active Firearm Authorization Card.

Each employer shall maintain a record for each armed employee of each instance in which the employee's weapon was discharged during the course of his or her professional duties or activities. The record shall be maintained on forms provided by the Department, a
copy of which must be filed with the Department within 15 days of an instance. The record shall include the date and time of the occurrence, the circumstances involved in the occurrence, and any other information as the Department may require. Failure to provide this information to the Department or failure to maintain the record as a part of each armed employee's permanent file is grounds for disciplinary action. The Department, upon receipt of a report, shall have the authority to make any investigation it considers appropriate into any occurrence in which an employee's weapon was discharged and to take disciplinary action as may be appropriate.

The Department may, by rule, prescribe further record requirements.

(g) Every employer shall furnish an employee identification card to each of his or her employees. This employee identification card shall contain a recent photograph of the employee, the employee's name, the name and agency certification number of the employer, the employee's personal description, the signature of the employer, the signature of that employee, the date of issuance, and an employee identification card number.

(h) No employer may issue an employee identification card to any person who is not employed by the employer in accordance with this Section or falsely state or represent that a person is or has been in his or her employ. It is unlawful for an applicant for registered employment to file with the Department the fingerprints of a person other than himself or herself, or to fail to exercise due diligence in resubmitting replacement fingerprints for those employees who have had original fingerprint submissions returned as unclassifiable.

(i) Every employer shall obtain the identification card of every employee who terminates employment with him or her.

(j) Every employer shall maintain a separate roster of the names of all employees currently working in an armed capacity and submit the roster to the Department on request.

(k) No agency may employ any person to perform a licensed activity under this Act unless:

(1) the person possesses a valid permanent employee registration card, or the person has a valid license under this Act, or the person is exempt pursuant to subsection (o). or

(k-5) Notwithstanding the provisions of subsection (k), an agency may employ a person in a temporary capacity if the following conditions are met:

(1) The agency completes in its entirety and submits to the Department an application for a permanent employee registration card, including the required fingerprint receipt and fees;

(2) The agency has verification from the Department that the applicant has no record of any criminal conviction pursuant to the criminal history check conducted by the Department of State Police. The agency shall maintain the verification of the results of the Department of State Police criminal history check as part of the employee record as required under subsection (f) of this Section;

(3) The agency exercises due diligence to ensure that the person is qualified under the requirements of the Act to be issued a permanent employee registration card; and

(4) The agency maintains a separate roster of the names of all employees whose applications are currently pending with the Department and submits the
roster to the Department on a monthly basis. Rosters are to be maintained by the agency for a period of at least 24 months.

An agency may employ only a permanent employee applicant for which it either submitted a permanent employee application and all required forms and fees or it confirms with the Department that a permanent employee application and all required forms and fees have been submitted by another agency and all other requirements of this Section are met.

The Department shall have the authority to revoke, without a hearing, the temporary authority of an individual to work upon receipt of Federal Bureau of Investigation fingerprint data or a report of another official authority indicating a criminal conviction. If the Department has not received a temporary employee's Federal Bureau of Investigation fingerprint data within 120 days of the date the Department received the Department of State Police fingerprint data, the Department may, at its discretion, revoke the employee's temporary authority to work with 15 days written notice to the individual and the employing agency.

An agency may not employ a person in a temporary capacity if it knows or reasonably should have known that the person has been convicted of a crime under the laws of this State, who has been convicted in another state of any crime that is a crime under the laws of this State, who has been convicted of any crime in a federal court, or who has been posted as an unapproved applicant by the Department. Notice by the Department to the agency, via certified mail, personal delivery, electronic mail, or posting on an internet site accessible to the agency that the person has been convicted of a crime shall be deemed constructive knowledge of the conviction on the part of the agency.

The Department may adopt rules to implement this subsection (k-5).

(2) The agency:

(i) on behalf of each person completes in its entirety and submits to the Department an application for a permanent employee registration card, including the required fingerprint card and fees;

(ii) exercises due diligence to ensure that the person is qualified under the requirements of the Act to be issued a permanent employee registration card; and

(iii) maintains a separate roster of the names of all employees whose applications are currently pending with the Department and submits the roster to the Department on a monthly basis. Rosters are to be maintained by the agency for a period of at least 24 months.

(1) (Blank). Failure by an agency to submit the application, fees, and fingerprints specified in this Section before scheduling the person for work shall result in a fine, in an amount up to $1,000, or other disciplinary action being imposed against the agency. Failure to maintain and submit the specified rosters is grounds for discipline under this Act.

(m) No person may be employed under this Section in any capacity if:

(i) The person while so employed is being paid by the United States or any political subdivision for the time so employed in addition to any payments he or she may receive from the employer.

(ii) The person wears any portion of his or her official uniform, emblem of
authority, or equipment while so employed except as provided in Section 30.

(n) If information is discovered affecting the registration of a person whose fingerprints were submitted under this Section, the Department shall so notify the agency that submitted the fingerprints on behalf of that person.

(o) Peace officers, as defined in subsection (c), shall be exempt from the requirements of this Section relating to permanent employee registration cards. The agency shall remain responsible for any peace officer employed under this exemption, regardless of whether the peace officer is compensated as an employee or an independent contractor and as further defined by rule.

(Source: P.A. 91-357, eff. 7-29-99; 91-815, eff. 6-13-00.)

(225 ILCS 446/185)

(Section scheduled to be repealed on December 31, 2003)

Sec. 185. Firearm authorization; training courses.

(a) No person shall perform duties that include the use, carrying, or possession of a firearm in the performance of those duties without fully complying with this Section and having been issued a valid firearm authorization card by the Department. This Act permits only the following to carry firearms while actually engaged in the performance of their duties or while commuting directly to or from their places of employment: persons licensed as private alarm contractors; persons licensed as private detectives; persons licensed as private security contractors and their registered employees; and registered armed proprietary security forces and their registered employees.

(b) No employer shall employ any person to perform the duties for which employee registration is required under Section 80 and allow that person to carry a firearm in the performance of those duties unless that person has fully complied with the firearm training requirements specified in this Section and has been issued a valid firearm authorization card by the Department.

Actual possession of a valid firearm authorization card allows an employee to carry a firearm not otherwise prohibited by law, while the employee is actually engaged in the performance of his or her duties or while the employee is commuting directly to or from the employee's place or places of employment, provided that this commuting is accomplished within one hour from departure from home or a place of employment.

(c) The Department shall evaluate and either approve or disapprove training programs for the basic firearm training course. The determination by the Department shall be reasonably made.

The firearm training course shall be taught by an instructor qualified to give the instruction. Reasonable qualifications shall be determined by the Department.

The firearm training course may be conducted by agencies or institutions approved by the Department or may be conducted by a licensee or any agency certified by this Act so long as the course is approved by the Department. The firearm course shall consist of the following:

(1) A minimum of 40 hours of training, 20 of which shall be as described in Section 180, and 20 of which shall be as follows:

New matter indicated by italics - deletions by strikeout.
(i) instruction in the dangers of and misuse of the firearm, safety rules, and care and cleaning of the firearm;
(ii) practice firing on a range with live ammunition;
(iii) instruction in the legal use of firearms under the provisions of the Criminal Code of 1961, and relevant court decisions;
(iv) a forceful presentation of the ethical and moral consideration assumed by any person who uses a firearm;
(v) a review of the current law regarding arrest, search, and seizure; and
(vi) liability for acts.

(2) An examination shall be given at the completion of the course. The examination shall be in 2 parts which shall consist of a firearms qualification course and a written examination, which shall be approved by the Department. Successful completion shall be determined by the Department.

(d) The firearm training requirement shall be waived for an employee who has completed training provided by the Illinois Law Enforcement Training Standards Board, or the equivalent public body in another state, provided supporting documentation showing requalification with the weapon on the firing range is submitted to the Department. Notwithstanding any other provision of this Act to the contrary, all requirements relating to firearms authorization cards do not apply to a peace officer as defined in subsection (c) of Section 80 of this Act; or for an employee who is also employed as a law enforcement officer as defined in the Illinois Police Training Act.

(e) The Department shall issue a firearm authorization card to a person who has passed an approved basic firearm training course, who is currently employed by an agency certified under this Act, who is authorized under subsection (a) of this Section, who has met all the requirements of the Act, and who possesses a valid Firearm Owner Identification Card. Application for the card shall be made by the employer to the Department on forms provided by the Department. The Department shall forward this card to the employer who shall be responsible for its issuance. The firearm authorization card shall be issued by the Department in the form of a pocket card designed by the Department and shall identify the person holding the card and the name of the course where the employee received firearm instruction; the card shall specify the type of weapon or weapons that the person is authorized by the Department to carry and for which the person has been trained.

(f) Expiration and requirements for renewal of firearm authorization cards shall be established by rule of the Department.

(g) The Department may, in addition to any other discipline allowed under this Act, refuse to issue, suspend, or revoke a firearm authorization card if the applicant or holder has been convicted of any felony or any crime involving the illegal use, carrying, or possession of a deadly weapon, or for violation of this Act or rules promulgated under this Act. The procedures in this Act for disciplining a licensee shall be followed in taking action under this paragraph.

The Department shall refuse to issue or shall revoke a Firearm Authorization Card if the applicant or holder fails to hold a valid Firearm Owners Identification Card.
The Director shall summarily suspend a firearm authorization card if the Director finds that continued use of the card would constitute an immediate danger to the public health, safety, or welfare. A prompt hearing on the charges shall be held before the Board if the Director summarily suspends a Firearm Authorization Card.

(Source: P.A. 88-363; 88-586, eff. 8-12-94; 89-694, eff. 12-31-96.)

Section 99. Effective date. This Act takes effect upon becoming law.
Approved August 22, 2002.
Effective August 22, 2002.

PUBLIC ACT 92-0834
(House Bill No. 4953)

AN ACT concerning motor vehicles.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Vehicle Code is amended by changing Sections 1-197.5, 6-205, 6-500, 6-506, 6-514, and 11-1201 as follows:

(625 ILCS 5/1-197.5) (from Ch. 95 1/2, par. 1-203.1)
Sec. 1-197.5. Statutory summary alcohol or other drug related suspension of driver's privileges. The withdrawal by the circuit court of a person's license or privilege to operate a motor vehicle on the public highways for the periods provided in Section 6-208.1. Reinstatement after the suspension period shall occur after all appropriate fees have been paid, unless the court notifies the Secretary of State that the person should be disqualified. The bases for this withdrawal of driving privileges shall be the individual's refusal to submit to or failure to complete a chemical test or tests following an arrest for the offense of driving under the influence of alcohol, or other drugs, or intoxicating compounds, or any combination thereof, or both, or submission to such a test or tests indicating an alcohol concentration of 0.08 or more as provided in Section 11-501.1 of this Code.

(Source: P.A. 90-89, eff. 1-1-98; incorporates 90-43, eff. 7-2-97; 90-655, eff. 7-30-98.)
(625 ILCS 5/6-205) (from Ch. 95 1/2, par. 6-205)
Sec. 6-205. Mandatory revocation of license or permit; Hardship cases.
(a) Except as provided in this Section, the Secretary of State shall immediately revoke the license, or permit, or driving privileges of any driver upon receiving a report of the driver's conviction of any of the following offenses:

1. Reckless homicide resulting from the operation of a motor vehicle;
2. Violation of Section 11-501 of this Code or a similar provision of a local ordinance relating to the offense of operating or being in physical control of a vehicle while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds, or any combination thereof;
3. Any felony under the laws of any State or the federal government in the commission of which a motor vehicle was used;

New matter indicated by italics - deletions by strikeout.
4. Violation of Section 11-401 of this Code relating to the offense of leaving the scene of a traffic accident involving death or personal injury;

5. Perjury or the making of a false affidavit or statement under oath to the Secretary of State under this Code or under any other law relating to the ownership or operation of motor vehicles;

6. Conviction upon 3 charges of violation of Section 11-503 of this Code relating to the offense of reckless driving committed within a period of 12 months;

7. Conviction of any the offense of automobile theft as defined in Section 4-102 of this Code;

8. Violation of Section 11-504 of this Code relating to the offense of drag racing;

9. Violation of Chapters 8 and 9 of this Code;

10. Violation of Section 12-5 of the Criminal Code of 1961 arising from the use of a motor vehicle;

11. Violation of Section 11-204.1 of this Code relating to aggravated fleeing or attempting to elude a police officer;

12. Violation of paragraph (1) of subsection (b) of Section 6-507, or a similar law of any other state, relating to the unlawful operation of a commercial motor vehicle;

13. Violation of paragraph (a) of Section 11-502 of this Code or a similar provision of a local ordinance if the driver has been previously convicted of a violation of that Section or a similar provision of a local ordinance and the driver was less than 21 years of age at the time of the offense.

(b) The Secretary of State shall also immediately revoke the license or permit of any driver in the following situations:

1. Of any minor upon receiving the notice provided for in Section 5-901 of the Juvenile Court Act of 1987 that the minor has been adjudicated under that Act as having committed an offense relating to motor vehicles prescribed in Section 4-103 of this Code;

2. Of any person when any other law of this State requires either the revocation or suspension of a license or permit.

(c) Whenever a person is convicted of any of the offenses enumerated in this Section, the court may recommend and the Secretary of State in his discretion, without regard to whether the recommendation is made by the court may, upon application, issue to the person a restricted driving permit granting the privilege of driving a motor vehicle between the petitioner's residence and petitioner's place of employment or within the scope of the petitioner's employment related duties, or to allow transportation for the petitioner or a household member of the petitioner's family for the receipt of necessary medical care or, if the professional evaluation indicates, provide transportation for the petitioner for alcohol remedial or rehabilitative activity, or for the petitioner to attend classes, as a student, in an accredited educational institution; if the petitioner is able to demonstrate that no alternative means of transportation is reasonably available and the petitioner will not endanger the

New matter indicated by italics - deletions by strikeout.
public safety or welfare; provided that the Secretary's discretion shall be limited to cases where undue hardship would result from a failure to issue the restricted driving permit.

If a person's license or permit has been revoked or suspended due to 2 or more convictions of violating Section 11-501 of this Code or a similar provision of a local ordinance or a similar out-of-state offense, arising out of separate occurrences, that person, if issued a restricted driving permit, may not operate a vehicle unless it has been equipped with an ignition interlock device as defined in Section 1-129.1.

If a person's license or permit has been revoked or suspended 2 or more times within a 10 year period due to a single conviction of violating Section 11-501 of this Code or a similar provision of a local ordinance or a similar out-of-state offense, and a statutory summary suspension under Section 11-501.1, or 2 or more statutory summary suspensions, or combination of 2 offenses, or of an offense and a statutory summary suspension, arising out of separate occurrences, that person, if issued a restricted driving permit, may not operate a vehicle unless it has been equipped with an ignition interlock device as defined in Section 1-129.1. The person must pay to the Secretary of State DUI Administration Fund an amount not to exceed $20 per month. The Secretary shall establish by rule the amount and the procedures, terms, and conditions relating to these fees. If the restricted driving permit was issued for employment purposes, then this provision does not apply to the operation of an occupational vehicle owned or leased by that person's employer. In each case the Secretary of State may issue a restricted driving permit for a period he deems appropriate, except that the permit shall expire within one year from the date of issuance. The Secretary may not, however, issue a restricted driving permit to any person whose current revocation is the result of a second or subsequent conviction for a violation of Section 11-501 of this Code or a similar provision of a local ordinance relating to the offense of operating or being in physical control of a motor vehicle while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds, or any similar out-of-state offense, or any combination thereof, until the expiration of at least one year from the date of the revocation. A restricted driving permit issued under this Section shall be subject to cancellation, revocation, and suspension by the Secretary of State in like manner and for like cause as a driver's license issued under this Code may be cancelled, revoked, or suspended; except that a conviction upon one or more offenses against laws or ordinances regulating the movement of traffic shall be deemed sufficient cause for the revocation, suspension, or cancellation of a restricted driving permit. The Secretary of State may, as a condition to the issuance of a restricted driving permit, require the applicant to participate in a designated driver remedial or rehabilitative program. The Secretary of State is authorized to cancel a restricted driving permit if the permit holder does not successfully complete the program. However, if an individual's driving privileges have been revoked in accordance with paragraph 13 of subsection (a) of this Section, no restricted driving permit shall be issued until the individual has served 6 months of the revocation period.

(d) Whenever a person under the age of 21 is convicted under Section 11-501 of this Code or a similar provision of a local ordinance, the Secretary of State shall revoke the driving privileges of that person. One year after the date of revocation, and upon application,
the Secretary of State may, if satisfied that the person applying will not endanger the public safety or welfare, issue a restricted driving permit granting the privilege of driving a motor vehicle only between the hours of 5 a.m. and 9 p.m. or as otherwise provided by this Section for a period of one year. After this one year period, and upon reapplication for a license as provided in Section 6-106, upon payment of the appropriate reinstatement fee provided under paragraph (b) of Section 6-118, the Secretary of State, in his discretion, may issue the applicant a license, or extend the restricted driving permit as many times as the Secretary of State deems appropriate, by additional periods of not more than 12 months each, until the applicant attains 21 years of age.

If a person's license or permit has been revoked or suspended due to 2 or more convictions of violating Section 11-501 of this Code or a similar provision of a local ordinance or a similar out-of-state offense, arising out of separate occurrences, that person, if issued a restricted driving permit, may not operate a vehicle unless it has been equipped with an ignition interlock device as defined in Section 1-129.1.

If a person's license or permit has been revoked or suspended 2 or more times within a 10 year period due to a single conviction of violating Section 11-501 of this Code or a similar provision of a local ordinance or a similar out-of-state offense, and a statutory summary suspension under Section 11-501.1, or 2 or more statutory summary suspensions, or combination of 2 offenses, or of an offense and a statutory summary suspension, arising out of separate occurrences, that person, if issued a restricted driving permit, may not operate a vehicle unless it has been equipped with an ignition interlock device as defined in Section 1-129.1. The person must pay to the Secretary of State DUI Administration Fund an amount not to exceed $20 per month. The Secretary shall establish by rule the amount and the procedures, terms, and conditions relating to these fees. If the restricted driving permit was issued for employment purposes, then this provision does not apply to the operation of an occupational vehicle owned or leased by that person's employer. A restricted driving permit issued under this Section shall be subject to cancellation, revocation, and suspension by the Secretary of State in like manner and for like cause as a driver's license issued under this Code may be cancelled, revoked, or suspended; except that a conviction upon one or more offenses against laws or ordinances regulating the movement of traffic shall be deemed sufficient cause for the revocation, suspension, or cancellation of a restricted driving permit. The revocation periods contained in this subparagraph shall apply to similar out-of-state convictions.

(e) This Section is subject to the provisions of the Driver License Compact.

(f) Any revocation imposed upon any person under subsections 2 and 3 of paragraph (b) that is in effect on December 31, 1988 shall be converted to a suspension for a like period of time.

(g) The Secretary of State shall not issue a restricted driving permit to a person under the age of 16 years whose driving privileges have been revoked under any provisions of this Code.

(h) The Secretary of State shall require the use of ignition interlock devices on all vehicles owned by an individual who has been convicted of a second or subsequent offense

New matter indicated by italics - deletions by strikeout.
under Section 11-501 of this Code or a similar provision of a local ordinance. The Secretary shall establish by rule and regulation the procedures for certification and use of the interlock system.

(i) The Secretary of State may not issue a restricted driving permit for a period of one year after a second or subsequent revocation of driving privileges under clause (a)(2) of this Section; however, one year after the date of a second or subsequent revocation of driving privileges under clause (a)(2) of this Section, the Secretary of State may, upon application, issue a restricted driving permit under the terms and conditions of subsection (c).

(Source: P.A. 91-357, eff. 7-29-99; 92-248, eff. 8-3-01; 92-418, eff. 8-17-01; revised 8-24-01.)

(625 ILCS 5/6-500) (from Ch. 95 1/2, par. 6-500)

Sec. 6-500. Definitions of words and phrases. Notwithstanding the definitions set forth elsewhere in this Code, for purposes of the Uniform Commercial Driver's License Act (UCDLA), the words and phrases listed below shall have the meanings ascribed to them as follows:

(1) Alcohol. "Alcohol" means any substance containing any form of alcohol, including but not limited to: ethanol; methanol; propanol, and isopropanol.

(2) Alcohol concentration. "Alcohol concentration" means:

(A) the number of grams of alcohol per 210 liters of breath; or

(B) the number of grams of alcohol per 100 milliliters of blood; or

(C) the number of grams of alcohol per 67 milliliters of urine.

Alcohol tests administered within 2 hours of the driver being "stopped or detained" shall be considered that driver's "alcohol concentration" for the purposes of enforcing this UCDLA.

(3) (Blank).

(4) (Blank).

(5) (Blank).

(6) Commercial Motor Vehicle.

(A) "Commercial motor vehicle" means a motor vehicle, except those referred to in subdivision (B) paragraph (d), designed to transport passengers or property if:

(i) the vehicle has a GVWR of 26,001 pounds or more or such a lesser GVWR as subsequently determined by federal regulations or the Secretary of State; or any combination of vehicles with a GCWR of 26,001 pounds or more, provided the GVWR of any vehicle or vehicles being towed is 10,001 pounds or more; or

(ii) the vehicle is designed to transport 16 or more persons; or

(iii) the vehicle is transporting hazardous materials and is required to be placarded in accordance with 49 C.F.R. Part 172, subpart F.

(B) Pursuant to the interpretation of the Commercial Motor Vehicle Safety Act of 1986 by the Federal Highway Administration, the definition of "commercial motor vehicle" does not include:

(i) recreational vehicles, when operated primarily for personal use;

New matter indicated by italics - deletions by strikeout.
(ii) United States Department of Defense vehicles being operated by non-civilian personnel. This includes any operator on active military duty; members of the Reserves; National Guard; personnel on part-time training; and National Guard military technicians (civilians who are required to wear military uniforms and are subject to the Code of Military Justice); or

(iii) firefighting and other emergency equipment with audible and visual signals, owned or operated by or for a governmental entity, which is necessary to the preservation of life or property or the execution of emergency governmental functions which are normally not subject to general traffic rules and regulations.

(7) Controlled Substance. "Controlled substance" shall have the same meaning as defined in Section 102 of the Illinois Controlled Substances Act, and shall also include cannabis as defined in Section 3 of the Cannabis Control Act.

(8) Conviction. "Conviction" means an unvacated adjudication of guilt or a determination that a person has violated or failed to comply with the law in a court of original jurisdiction or an authorized administrative tribunal; an unvacated forfeiture of bail or collateral deposited to secure the person's appearance in court; the payment of a fine or court cost regardless of whether the imposition of sentence is deferred and ultimately a judgment dismissing the underlying charge is entered; or a violation of a condition of release without bail, regardless of whether or not the penalty is rebated, suspended or probated.

(9) (Blank).

(10) (Blank).

(11) (Blank).

(12) (Blank).

(13) Driver. "Driver" means any person who drives, operates, or is in physical control of a commercial motor vehicle, or who is required to hold a CDL.

(14) Employee. "Employee" means a person who is employed as a commercial motor vehicle driver. A person who is self-employed as a commercial motor vehicle driver must comply with the requirements of this UCDLA pertaining to employees. An owner-operator on a long-term lease shall be considered an employee.

(15) Employer. "Employer" means a person (including the United States, a State or a local authority) who owns or leases a commercial motor vehicle or assigns employees to operate such a vehicle. A person who is self-employed as a commercial motor vehicle driver must comply with the requirements of this UCDLA.

(16) (Blank).

(17) Foreign jurisdiction. "Foreign jurisdiction" means a sovereign jurisdiction that does not fall within the definition of "State".

(18) (Blank).

(19) (Blank).

(20) Hazardous Material. Upon a finding by the United States Secretary of Transportation, in his or her discretion, under 49 App. U.S.C. 5103(a), that the transportation of a particular quantity and form of material in commerce may pose an unreasonable risk to

New matter indicated by italics - deletions by strikeout.
health and safety or property, he or she shall designate the quantity and form of material or group or class of the materials as a hazardous material. The materials so designated may include but are not limited to explosives, radioactive materials, etiologic agents, flammable liquids or solids, combustible liquids or solids, poisons, oxidizing or corrosive materials, and compressed gases.

(21) Long-term lease. "Long-term lease" means a lease of a commercial motor vehicle by the owner-lessee to a lessee, for a period of more than 29 days.

(22) Motor Vehicle. "Motor vehicle" means every vehicle which is self-propelled, and every vehicle which is propelled by electric power obtained from overhead trolley wires but not operated upon rails, except vehicles moved solely by human power and motorized wheel chairs.

(23) Non-resident CDL. "Non-resident CDL" means a commercial driver's license issued by a state to an individual who is domiciled in a foreign jurisdiction.

(24) Blank.

(25) Blank.

(25.5) Railroad-Highway Grade Crossing Violation. "Railroad-highway grade crossing violation" means a violation, while operating a commercial motor vehicle, of any of the following:

(A) Section 11-1201, 11-1202, or 11-1425 of this Code. (1) An offense listed in subsection (j) of Section 6-514 of this Code.
(2) Section 11-1201 of this Code.
(3) Section 11-1201.1 of this Code.
(4) Section 11-1202 of this Code.
(5) Section 11-1203 of this Code.
(6) 92 Illinois Administrative Code 392.10.
(7) 92 Illinois Administrative Code 392.11.

(B) Any local ordinance that is other similar law or local ordinance of any state relating to railroad-highway grade crossing. to any of items (1) through (7).

(26) Serious Traffic Violation. "Serious traffic violation" means:

(A) (a) a violation when operating a commercial motor vehicle of:
(i) a violation relating to excessive speeding, involving a single speeding charge of 15 miles per hour or more above the legal speed limit; or
(ii) a violation relating to reckless driving; or
(iii) a violation of any State law or local ordinance relating to motor vehicle traffic control (other than parking violations) arising in connection with a fatal traffic accident; or
(iv) a violation of Section 6-501, relating to having multiple driver's licenses; or
(v) a violation of paragraph (a) of Section 6-507, relating to the requirement to have a valid CDL; or
(vi) a violation relating to improper or erratic traffic lane changes; or

New matter indicated by italics - deletions by strikeout.
(vi) a violation relating to following another vehicle too closely; or

(B) (b) any other similar violation of a law or local ordinance of any state

relating to motor vehicle traffic control, other than a parking violation, which the

Secretary of State determines by administrative rule to be serious.

(27) State. "State" means a state of the United States, the District of Columbia and

any province or territory of Canada.

(28) (Blank).

(29) (Blank).

(30) (Blank).

(31) (Blank).

(Source: P.A. 92-249, eff. 1-1-02; revised 9-19-01.)

625 ILCS 5/6-506 (from Ch. 95 1/2, par. 6-506)

Sec. 6-506. Commercial motor vehicle driver - employer/owner responsibilities.

(a) No employer or commercial motor vehicle owner shall knowingly allow, permit,
or authorize an employee to drive a commercial motor vehicle on the highways during any

period in which such employee:

(1) has a driver's license suspended, revoked or cancelled by any state; or

(2) has lost the privilege to drive a commercial motor vehicle in any state; or

(3) has been disqualified from driving a commercial motor vehicle; or

(4) has more than one driver's license, except as provided by this UCDLA;

or

(5) is subject to or in violation of an "out-of-service" order.

(b) No employer or commercial motor vehicle owner shall knowingly allow,
permit, authorize, or require a driver to operate a commercial motor vehicle in violation of

any law or regulation pertaining to railroad-highway grade crossings.

(c) Any employer convicted of violating subsection (a) of this Section, whether
individually or in connection with one or more other persons, or as principal agent, or
accessory, shall be guilty of a Class A misdemeanor.

(Source: P.A. 92-249, eff. 1-1-02.)

625 ILCS 5/6-514 (from Ch. 95 1/2, par. 6-514)

Sec. 6-514. Commercial Driver's License (CDL) - Disqualifications.

(a) A person shall be disqualified from driving a commercial motor vehicle for a

period of not less than 12 months for the first violation of:

(1) Refusing to submit to or failure to complete a test or tests to determine the
driver's blood concentration of alcohol, other drug, or both, while driving a
commercial motor vehicle; or

(2) Operating a commercial motor vehicle while the alcohol concentration of
the person's blood, breath or urine is at least 0.04, or any amount of a drug, substance,
or compound in the person's blood or urine resulting from the unlawful use or
consumption of cannabis listed in the Cannabis Control Act or a controlled substance
listed in the Illinois Controlled Substances Act as indicated by a police officer's
sworn report or other verified evidence; or

New matter indicated by italics - deletions by strikeout.
(3) Conviction for a first violation of:
   (i) Driving a commercial motor vehicle while under the influence of alcohol, or any other drug, or combination of drugs to a degree which renders such person incapable of safely driving; or
   (ii) Knowingly and willfully leaving the scene of an accident while operating a commercial motor vehicle; or
   (iii) Driving a commercial motor vehicle while committing any felony.

If any of the above violations or refusals occurred while transporting hazardous material(s) required to be placarded, the person shall be disqualified for a period of not less than 3 years.

(b) A person is disqualified for life for a second conviction of any of the offenses specified in paragraph (a), or any combination of those offenses, arising from 2 or more separate incidents.

(c) A person is disqualified from driving a commercial motor vehicle for life who uses a commercial motor vehicle in the commission of any felony involving the manufacture, distribution, or dispensing of a controlled substance, or possession with intent to manufacture, distribute or dispense a controlled substance.

(d) The Secretary of State may, when the United States Secretary of Transportation so authorizes, issue regulations in which a disqualification for life under paragraph (b) may be reduced to a period of not less than 10 years. If a reinstated driver is subsequently convicted of another disqualifying offense, as specified in subsection (a) of this Section, he or she shall be permanently disqualified for life and shall be ineligible to again apply for a reduction of the lifetime disqualification.

(e) A person is disqualified from driving a commercial motor vehicle for a period of not less than 2 months if convicted of 2 serious traffic violations, committed in a commercial motor vehicle, arising from separate incidents, occurring within a 3 year period. However, a person will be disqualified from driving a commercial motor vehicle for a period of not less than 4 months if convicted of 3 serious traffic violations, committed in a commercial motor vehicle, arising from separate incidents, occurring within a 3 year period.

(f) Notwithstanding any other provision of this Code, any driver disqualified from operating a commercial motor vehicle, pursuant to this UCDLA, shall not be eligible for restoration of commercial driving privileges during any such period of disqualification.

(g) After suspending, revoking, or cancelling a commercial driver's license, the Secretary of State must update the driver's records to reflect such action within 10 days. After suspending or revoking the driving privilege of any person who has been issued a CDL or commercial driver instruction permit from another jurisdiction, the Secretary shall originate notification to such issuing jurisdiction within 10 days.

(h) The "disqualifications" referred to in this Section shall not be imposed upon any commercial motor vehicle driver, by the Secretary of State, unless the prohibited action(s) occurred after March 31, 1992.

(i) A person is disqualified from driving a commercial motor vehicle in accordance

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with the following:

(1) For 6 months upon a first conviction of paragraph (2) of subsection (b) of Section 6-507 of this Code.

(2) For one year upon a second conviction of paragraph (2) of subsection (b) of Section 6-507 of this Code within a 10-year period.

(3) For 3 years upon a third or subsequent conviction of paragraph (2) of subsection (b) of Section 6-507 of this Code within a 10-year period.

(4) For one year upon a first conviction of paragraph (3) of subsection (b) of Section 6-507 of this Code.

(5) For 3 years upon a second conviction of paragraph (3) of subsection (b) of Section 6-507 of this Code within a 10-year period.

(6) For 5 years upon a third or subsequent conviction of paragraph (3) of subsection (b) of Section 6-507 of this Code within a 10-year period.

(j) Disqualification for railroad-highway grade crossing violation.

(1) General rule. A driver who is convicted of a violation of a federal, State, or local law or regulation pertaining to one of the following 6 offenses at a railroad-highway grade crossing must be disqualified from operating a commercial motor vehicle for the period of time specified in paragraph (2) of this subsection (j) if the offense was committed while operating a commercial motor vehicle:

(i) For drivers who are not required to always stop, failing to slow down and check that the tracks are clear of an approaching train, as described in subsection (a-5) of Section 11-1201 of this Code;

(ii) For drivers who are not required to always stop, failing to stop before reaching the crossing, if the tracks are not clear, as described in subsection (a) of Section 11-1201 of this Code;

(iii) For drivers who are always required to stop, failing to stop before driving onto the crossing, as described in Section 11-1202 of this Code;

(iv) For all drivers, failing to have sufficient space to drive completely through the crossing without stopping, as described in subsection (b) of Section 11-1425 of this Code;

(v) For all drivers, failing to obey a traffic control device or the directions of an enforcement official at the crossing, as described in subdivision (a)2 of Section 11-1201 of this Code;

(vi) For all drivers, failing to negotiate a crossing because of insufficient undercarriage clearance, as described in subsection (d-1) of Section 11-1201 of this Code.

(2) Duration of disqualification for railroad-highway grade crossing violation.

(i) First violation. A driver must be disqualified from operating a commercial motor vehicle for not less than 60 days if the driver is convicted of a violation described in paragraph (1) of this subsection (j) and, in the

New matter indicated by italics - deletions by strikeout.
three-year period preceding the conviction, the driver had no convictions for a violation described in paragraph (1) of this subsection (j).

(ii) Second violation. A driver must be disqualified from operating a commercial motor vehicle for not less than 120 days if the driver is convicted of a violation described in paragraph (1) of this subsection (j) and, in the three-year period preceding the conviction, the driver had one other conviction for a violation described in paragraph (1) of this subsection (j) that was committed in a separate incident.

(iii) Third or subsequent violation. A driver must be disqualified from operating a commercial motor vehicle for not less than one year if the driver is convicted of a violation described in paragraph (1) of this subsection (j) and, in the three-year period preceding the conviction, the driver had 2 or more other convictions for violations described in paragraph (1) of this subsection (j) that were committed in separate incidents.

(j) (1) A driver shall be disqualified for the applicable period specified in paragraph (2) for any violation of a federal, State, or local law or regulation pertaining to one of the following offenses at a railroad-highway grade crossing while operating a commercial motor vehicle:

(i) For drivers who are not always required to stop, failing to slow down and check that the tracks are clear of an approaching train;

(ii) For drivers who are not always required to stop, failing to stop before reaching the crossing, if the tracks are not clear.

(iii) For drivers who are always required to stop, failing to stop before driving onto the crossing.

(iv) For all drivers, failing to have sufficient space to drive completely through the crossing without stopping.

(v) For all drivers, failing to obey a traffic control device or the directions of an enforcement official at the crossing.

(vi) For all drivers, failing to negotiate a crossing because of insufficient undercarriage clearance.

(2) The length of the disqualification shall be:

(i) Not less than 60 days in the case of a conviction for any of the offenses described in paragraph (1) if the person had no convictions for any of the offenses described in paragraph (1) during the 3-year period immediately preceding the conviction.

(ii) Not less than 120 days in the case of a conviction for any of the offenses described in paragraph (1) if the person had one conviction for any of the offenses described in paragraph (1) during the 3-year period immediately preceding the conviction.

(iii) Not less than one year in the case of a conviction for any of the offenses described in paragraph (1) if the person had 2 or more convictions, based on separate incidents, for any of the offenses described in paragraph (1)
during the 3-year period immediately preceding the conviction.
(Source: P.A. 92-249, eff. 1-1-02.)

(625 ILCS 5/11-1201) (from Ch. 95 1/2, par. 11-1201)
Sec. 11-1201. Obedience to signal indicating approach of train.
(a) Whenever any person driving a vehicle approaches a railroad grade crossing where the driver is not always required to stop, the such person must exercise due care and caution as the existence of a railroad track across a highway is a warning of danger, and under any of the circumstances stated in this Section, the driver shall stop within 50 feet but not less than 15 feet from the nearest rail of the railroad and shall not proceed until the tracks are clear and he or she can do so safely. The foregoing requirements shall apply when:

1. A clearly visible electric or mechanical signal device gives warning of the immediate approach of a railroad train;
2. A crossing gate is lowered or a human flagman gives or continues to give a signal of the approach or passage of a railroad train;
3. A railroad train approaching a highway crossing emits a warning signal and such railroad train, by reason of its speed or nearness to such crossing, is an immediate hazard;
4. An approaching railroad train is plainly visible and is in hazardous proximity to such crossing;
5. A railroad train is approaching so closely that an immediate hazard is created.

(a-5) Whenever a person driving a vehicle approaches a railroad grade crossing where the driver is not always required to stop but must slow down, the person must exercise due care and caution as the existence of a railroad track across a highway is a warning of danger, and under any of the circumstances stated in this Section, the driver shall slow down within 50 feet but not less than 15 feet from the nearest rail of the railroad and shall not proceed until he or she checks that the tracks are clear of an approaching train.

(b) No person shall drive any vehicle through, around or under any crossing gate or barrier at a railroad crossing while such gate or barrier is closed or is being opened or closed.

(c) The Department, and local authorities with the approval of the Department, are hereby authorized to designate particularly dangerous highway grade crossings of railroads and to erect stop signs thereat. When such stop signs are erected the driver of any vehicle shall stop within 50 feet but not less than 15 feet from the nearest rail of such railroad and shall proceed only upon exercising due care.

(d) At any railroad grade crossing provided with railroad crossbuck signs, without automatic, electric, or mechanical signal devices, crossing gates, or a human flagman giving a signal of the approach or passage of a train, the driver of a vehicle shall in obedience to the railroad crossbuck sign, yield the right-of-way and slow down to a speed reasonable for the existing conditions and shall stop, if required for safety, at a clearly marked stopped line, or if no stop line, within 50 feet but not less than 15 feet from the nearest rail of the railroad and shall not proceed until he or she can do so safely. If a driver is involved in a collision at a railroad crossing or interferes with the movement of a train after driving past the railroad

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crossbuck sign, the collision or interference is prima facie evidence of the driver's failure to yield right-of-way.

(d-1) No person shall, while driving a commercial motor vehicle, fail to negotiate a railroad-highway grade railroad crossing because of insufficient undercarriage clearance.

(d-5) (Blank). No person may drive any vehicle through a railroad crossing if there is insufficient space to drive completely through the crossing without stopping.

(e) It is unlawful to violate any part of this Section. A first conviction of a person for a violation of any part of this Section shall result in a mandatory fine of $250; all subsequent convictions of that person for any violation of any part of this Section shall each result in a mandatory fine of $500.

(f) Corporate authorities of municipal corporations regulating operators of vehicles that fail to obey signals indicating the presence, approach, passage, or departure of a train shall impose fines as established in subsection (e) of this Section.

(Source: P.A. 92-245, eff. 8-3-01; 92-249, eff. 1-1-02; revised 9-19-01.)

Section 99. Effective date. This Act takes effect upon becoming law.


Approved August 22, 2002.

Effective August 22, 2002.

PUBLIC ACT 92-0835
(House Bill No. 4975)

AN ACT regarding vehicles.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Vehicle Code is amended by changing Sections 5-101 and 5-102 as follows:

(625 ILCS 5/5-101) (from Ch. 95 1/2, par. 5-101)

Sec. 5-101. New vehicle dealers must be licensed.

(a) No person shall engage in this State in the business of selling or dealing in, on consignment or otherwise, new vehicles of any make, or act as an intermediary or agent or broker for any licensed dealer or vehicle purchaser other than as a salesperson, or represent or advertise that he is so engaged or intends to so engage in such business unless licensed to do so in writing by the Secretary of State under the provisions of this Section.

(b) An application for a new vehicle dealer's license shall be filed with the Secretary of State, duly verified by oath, on such form as the Secretary of State may by rule or regulation prescribe and shall contain:

1. The name and type of business organization of the applicant and his established and additional places of business, if any, in this State.

2. If the applicant is a corporation, a list of its officers, directors, and shareholders having a ten percent or greater ownership interest in the corporation, setting forth the residence address of each; if the applicant is a sole proprietorship,
a partnership, an unincorporated association, a trust, or any similar form of business organization, the name and residence address of the proprietor or of each partner, member, officer, director, trustee, or manager.

3. The make or makes of new vehicles which the applicant will offer for sale at retail in this State.

4. The name of each manufacturer or franchised distributor, if any, of new vehicles with whom the applicant has contracted for the sale of such new vehicles. As evidence of this fact, the application shall be accompanied by a signed statement from each such manufacturer or franchised distributor. If the applicant is in the business of offering for sale new conversion vehicles, trucks or vans, except for trucks modified to serve a special purpose which includes but is not limited to the following vehicles: street sweepers, fertilizer spreaders, emergency vehicles, implements of husbandry or maintenance type vehicles, he must furnish evidence of a sales and service agreement from both the chassis manufacturer and second stage manufacturer.

5. A statement that the applicant has been approved for registration under the Retailers' Occupation Tax Act by the Department of Revenue: Provided that this requirement does not apply to a dealer who is already licensed hereunder with the Secretary of State, and who is merely applying for a renewal of his license. As evidence of this fact, the application shall be accompanied by a certification from the Department of Revenue showing that that Department has approved the applicant for registration under the Retailers' Occupation Tax Act.

6. A statement that the applicant has complied with the appropriate liability insurance requirement. A Certificate of Insurance in a solvent company authorized to do business in the State of Illinois shall be included with each application covering each location at which he proposes to act as a new vehicle dealer. The policy must provide liability coverage in the minimum amounts of $100,000 for bodily injury to, or death of, any person, $300,000 for bodily injury to, or death of, two or more persons in any one accident, and $50,000 for damage to property. Such policy shall expire not sooner than December 31 of the year for which the license was issued or renewed. The expiration of the insurance policy shall not terminate the liability under the policy arising during the period for which the policy was filed. Trailer and mobile home dealers are exempt from this requirement.

If the permitted user has a liability insurance policy that provides automobile liability insurance coverage of at least $100,000 for bodily injury to or the death of any person, $300,000 for bodily injury to or the death of any 2 or more persons in any one accident, and $50,000 for damage to property, then the permitted user's insurer shall be the primary insurer and the dealer's insurer shall be the secondary insurer. If the permitted user does not have a liability insurance policy that provides automobile liability insurance coverage of at least $100,000 for bodily injury to or the death of any person, $300,000 for bodily injury to or the death of any 2 or more persons in any one accident, and $50,000 for damage to property, or does not have

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any insurance at all, then the dealer's insurer shall be the primary insurer and the permitted user's insurer shall be the secondary insurer.

When a permitted user is "test driving" a new vehicle dealer's automobile, the new vehicle dealer's insurance shall be primary and the permitted user's insurance shall be secondary.

As used in this paragraph 6, a "permitted user" is a person who, with the permission of the new vehicle dealer or an employee of the new vehicle dealer, drives a vehicle owned and held for sale or lease by the new vehicle dealer which the person is considering to purchase or lease, in order to evaluate the performance, reliability, or condition of the vehicle. The term "permitted user" also includes a person who, with the permission of the new vehicle dealer, drives a vehicle owned or held for sale or lease by the new vehicle dealer for loaner purposes while the user's vehicle is being repaired or evaluated.

As used in this paragraph 6, "test driving" occurs when a permitted user who, with the permission of the new vehicle dealer or an employee of the new vehicle dealer, drives a vehicle owned and held for sale or lease by a new vehicle dealer that the person is considering to purchase or lease, in order to evaluate the performance, reliability, or condition of the vehicle.

As used in this paragraph 6, "loaner purposes" means when a person who, with the permission of the new vehicle dealer, drives a vehicle owned or held for sale or lease by the new vehicle dealer while the user's vehicle is being repaired or evaluated.

7. (A) An application for a new motor vehicle dealer's license shall be accompanied by the following license fees:

$100 for applicant's established place of business, and $50 for each additional place of business, if any, to which the application pertains; but if the application is made after June 15 of any year, the license fee shall be $50 for applicant's established place of business plus $25 for each additional place of business, if any, to which the application pertains. License fees shall be returnable only in the event that the application is denied by the Secretary of State. All moneys received by the Secretary of State as license fees under this Section shall be deposited into the Motor Vehicle Review Board Fund and shall be used to administer the Motor Vehicle Review Board under the Motor Vehicle Franchise Act.

(B) An application for a new vehicle dealer's license, other than for a new motor vehicle dealer's license, shall be accompanied by the following license fees:

$50 for applicant's established place of business, and $25 for each additional place of business, if any, to which the application pertains; but if the application is made after June 15 of any year, the license fee shall be $25 for applicant's established place of business plus $12.50 for each additional place of business, if any, to which the application pertains. License fees shall
be returnable only in the event that the application is denied by the Secretary of State.

8. A statement that the applicant's officers, directors, shareholders having a 10% or greater ownership interest therein, proprietor, a partner, member, officer, director, trustee, manager or other principals in the business have not committed in the past 3 years any one violation as determined in any civil, criminal or administrative proceedings of any one of the following Acts:
   (A) The Anti Theft Laws of the Illinois Vehicle Code;
   (B) The Certificate of Title Laws of the Illinois Vehicle Code;
   (C) The Offenses against Registration and Certificates of Title Laws of the Illinois Vehicle Code;
   (E) Section 21-2 of the Criminal Code of 1961, Criminal Trespass to Vehicles; or
   (F) The Retailers’ Occupation Tax Act.

9. A statement that the applicant's officers, directors, shareholders having a 10% or greater ownership interest therein, proprietor, partner, member, officer, director, trustee, manager or other principals in the business have not committed in any calendar year 3 or more violations, as determined in any civil, criminal or administrative proceedings, of any one or more of the following Acts:
   (A) The Consumer Finance Act;
   (B) The Consumer Installment Loan Act;
   (C) The Retail Installment Sales Act;
   (D) The Motor Vehicle Retail Installment Sales Act;
   (E) The Interest Act;
   (F) The Illinois Wage Assignment Act;
   (G) Part 8 of Article XII of the Code of Civil Procedure; or
   (H) The Consumer Fraud Act.

10. A bond or certificate of deposit in the amount of $20,000 for each location at which the applicant intends to act as a new vehicle dealer. The bond shall be for the term of the license, or its renewal, for which application is made, and shall expire not sooner than December 31 of the year for which the license was issued or renewed. The bond shall run to the People of the State of Illinois, with surety by a bonding or insurance company authorized to do business in this State. It shall be conditioned upon the proper transmittal of all title and registration fees and taxes (excluding taxes under the Retailers’ Occupation Tax Act) accepted by the applicant as a new vehicle dealer.

11. Such other information concerning the business of the applicant as the Secretary of State may by rule or regulation prescribe.

12. A statement that the applicant understands Chapter One through Chapter Five of this Code.
(c) Any change which renders no longer accurate any information contained in any application for a new vehicle dealer's license shall be amended within 30 days after the occurrence of such change on such form as the Secretary of State may prescribe by rule or regulation, accompanied by an amendatory fee of $2.

(d) Anything in this Chapter 5 to the contrary notwithstanding no person shall be licensed as a new vehicle dealer unless:

1. He is authorized by contract in writing between himself and the manufacturer or franchised distributor of such make of vehicle to so sell the same in this State, and

2. Such person shall maintain an established place of business as defined in this Act.

(e) The Secretary of State shall, within a reasonable time after receipt, examine an application submitted to him under this Section and unless he makes a determination that the application submitted to him does not conform with the requirements of this Section or that grounds exist for a denial of the application, under Section 5-501 of this Chapter, grant the applicant an original new vehicle dealer's license in writing for his established place of business and a supplemental license in writing for each additional place of business in such form as he may prescribe by rule or regulation which shall include the following:

1. The name of the person licensed;

2. If a corporation, the name and address of its officers or if a sole proprietorship, a partnership, an unincorporated association or any similar form of business organization, the name and address of the proprietor or of each partner, member, officer, director, trustee or manager;

3. In the case of an original license, the established place of business of the licensee;

4. In the case of a supplemental license, the established place of business of the licensee and the additional place of business to which such supplemental license pertains;

5. The make or makes of new vehicles which the licensee is licensed to sell.

(f) The appropriate instrument evidencing the license or a certified copy thereof, provided by the Secretary of State, shall be kept posted conspicuously in the established place of business of the licensee and in each additional place of business, if any, maintained by such licensee.

(g) Except as provided in subsection (h) hereof, all new vehicle dealer's licenses granted under this Section shall expire by operation of law on December 31 of the calendar year for which they are granted unless sooner revoked or cancelled under the provisions of Section 5-501 of this Chapter.

(h) A new vehicle dealer's license may be renewed upon application and payment of the fee required herein, and submission of proof of coverage under an approved bond under the "Retailers' Occupation Tax Act" or proof that applicant is not subject to such bonding requirements, as in the case of an original license, but in case an application for the renewal of an effective license is made during the month of December, the effective license shall

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remain in force until the application is granted or denied by the Secretary of State.

(i) All persons licensed as a new vehicle dealer are required to furnish each purchaser of a motor vehicle:

1. In the case of a new vehicle a manufacturer's statement of origin and in the case of a used motor vehicle a certificate of title, in either case properly assigned to the purchaser;
2. A statement verified under oath that all identifying numbers on the vehicle agree with those on the certificate of title or manufacturer's statement of origin;
3. A bill of sale properly executed on behalf of such person;
4. A copy of the Uniform Invoice-transaction reporting return referred to in Section 5-402 hereof;
5. In the case of a rebuilt vehicle, a copy of the Disclosure of Rebuilt Vehicle Status; and
6. In the case of a vehicle for which the warranty has been reinstated, a copy of the warranty.

(j) Except at the time of sale or repossession of the vehicle, no person licensed as a new vehicle dealer may issue any other person a newly created key to a vehicle unless the new vehicle dealer makes a copy of the driver's license or State identification card of the person requesting or obtaining the newly created key. The new vehicle dealer must retain the copy for 30 days.

A new vehicle dealer who violates this subsection (j) is guilty of a petty offense. Violation of this subsection (j) is not cause to suspend, revoke, cancel, or deny renewal of the new vehicle dealer's license.

This amendatory Act of 1983 shall be applicable to the 1984 registration year and thereafter.

(Source: P.A. 92-391, eff. 8-16-01.)

(625 ILCS 5/5-102) (from Ch. 95 1/2, par. 5-102)
Sec. 5-102. Used vehicle dealers must be licensed.

(a) No person, other than a licensed new vehicle dealer, shall engage in the business of selling or dealing in, on consignment or otherwise, 5 or more used vehicles of any make during the year (except house trailers as authorized by paragraph (j) of this Section and rebuilt salvage vehicles sold by their rebuilders to persons licensed under this Chapter), or act as an intermediary, agent or broker for any licensed dealer or vehicle purchaser (other than as a salesperson) or represent or advertise that he is so engaged or intends to so engage in such business unless licensed to do so by the Secretary of State under the provisions of this Section.

(b) An application for a used vehicle dealer's license shall be filed with the Secretary of State, duly verified by oath, in such form as the Secretary of State may by rule or regulation prescribe and shall contain:

1. The name and type of business organization established and additional places of business, if any, in this State.
2. If the applicant is a corporation, a list of its officers, directors, and

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shareholders having a ten percent or greater ownership interest in the corporation, setting forth the residence address of each; if the applicant is a sole proprietorship, a partnership, an unincorporated association, a trust, or any similar form of business organization, the names and residence address of the proprietor or of each partner, member, officer, director, trustee or manager.

3. A statement that the applicant has been approved for registration under the Retailers' Occupation Tax Act by the Department of Revenue. However, this requirement does not apply to a dealer who is already licensed hereunder with the Secretary of State, and who is merely applying for a renewal of his license. As evidence of this fact, the application shall be accompanied by a certification from the Department of Revenue showing that the Department has approved the applicant for registration under the Retailers' Occupation Tax Act.

4. A statement that the applicant has complied with the appropriate liability insurance requirement. A Certificate of Insurance in a solvent company authorized to do business in the State of Illinois shall be included with each application covering each location at which he proposes to act as a used vehicle dealer. The policy must provide liability coverage in the minimum amounts of $100,000 for bodily injury to, or death of, any person, $300,000 for bodily injury to, or death of, two or more persons in any one accident, and $50,000 for damage to property. Such policy shall expire not sooner than December 31 of the year for which the license was issued or renewed. The expiration of the insurance policy shall not terminate the liability under the policy arising during the period for which the policy was filed. Trailer and mobile home dealers are exempt from this requirement.

If the permitted user has a liability insurance policy that provides automobile liability insurance coverage of at least $100,000 for bodily injury to or the death of any person, $300,000 for bodily injury to or the death of any 2 or more persons in any one accident, and $50,000 for damage to property, then the permitted user's insurer shall be the primary insurer and the dealer's insurer shall be the secondary insurer. If the permitted user does not have a liability insurance policy that provides automobile liability insurance coverage of at least $100,000 for bodily injury to or the death of any person, $300,000 for bodily injury to or the death of any 2 or more persons in any one accident, and $50,000 for damage to property, or does not have any insurance at all, then the dealer's insurer shall be the primary insurer and the permitted user's insurer shall be the secondary insurer.

When a permitted user is "test driving" a used vehicle dealer's automobile, the used vehicle dealer's insurance shall be primary and the permitted user's insurance shall be secondary.

As used in this paragraph 4, a "permitted user" is a person who, with the permission of the used vehicle dealer or an employee of the used vehicle dealer, drives a vehicle owned and held for sale or lease by the used vehicle dealer which the person is considering to purchase or lease, in order to evaluate the performance, reliability, or condition of the vehicle. The term "permitted user" also includes a
person who, with the permission of the used vehicle dealer, drives a vehicle owned or held for sale or lease by the used vehicle dealer for loaner purposes while the user's vehicle is being repaired or evaluated.

As used in this paragraph 4, "test driving" occurs when a permitted user who, with the permission of the used vehicle dealer or an employee of the used vehicle dealer, drives a vehicle owned and held for sale or lease by a used vehicle dealer that the person is considering to purchase or lease, in order to evaluate the performance, reliability, or condition of the vehicle.

As used in this paragraph 4, "loaner purposes" means when a person who, with the permission of the used vehicle dealer, drives a vehicle owned or held for sale or lease by the used vehicle dealer while the user's vehicle is being repaired or evaluated.

5. An application for a used vehicle dealer's license shall be accompanied by the following license fees:

$50 for applicant's established place of business, and $25 for each additional place of business, if any, to which the application pertains; however, if the application is made after June 15 of any year, the license fee shall be $25 for applicant's established place of business plus $12.50 for each additional place of business, if any, to which the application pertains. License fees shall be returnable only in the event that the application is denied by the Secretary of State.

6. A statement that the applicant's officers, directors, shareholders having a 10% or greater ownership interest therein, proprietor, partner, member, officer, director, trustee, manager or other principals in the business have not committed in the past 3 years any one violation as determined in any civil, criminal or administrative proceedings of any one of the following Acts:

(A) The Anti Theft Laws of the Illinois Vehicle Code;
(B) The Certificate of Title Laws of the Illinois Vehicle Code;
(C) The Offenses against Registration and Certificates of Title Laws of the Illinois Vehicle Code;
(E) Section 21-2 of the Illinois Criminal Code of 1961, Criminal Trespass to Vehicles; or

7. A statement that the applicant's officers, directors, shareholders having a 10% or greater ownership interest therein, proprietor, partner, member, officer, director, trustee, manager or other principals in the business have not committed in any calendar year 3 or more violations, as determined in any civil or criminal or administrative proceedings, of any one or more of the following Acts:

(A) The Consumer Finance Act;
(B) The Consumer Installment Loan Act;
(C) The Retail Installment Sales Act;

New matter indicated by italics - deletions by strikeout.
(D) The Motor Vehicle Retail Installment Sales Act;
(E) The Interest Act;
(F) The Illinois Wage Assignment Act;
(G) Part 8 of Article XII of the Code of Civil Procedure; or
(H) The Consumer Fraud Act.

8. A bond or Certificate of Deposit in the amount of $20,000 for each location at which the applicant intends to act as a used vehicle dealer. The bond shall be for the term of the license, or its renewal, for which application is made, and shall expire not sooner than December 31 of the year for which the license was issued or renewed. The bond shall run to the People of the State of Illinois, with surety by a bonding or insurance company authorized to do business in this State. It shall be conditioned upon the proper transmittal of all title and registration fees and taxes (excluding taxes under the Retailers' Occupation Tax Act) accepted by the applicant as a used vehicle dealer.

9. Such other information concerning the business of the applicant as the Secretary of State may by rule or regulation prescribe.

10. A statement that the applicant understands Chapter 1 through Chapter 5 of this Code.

(c) Any change which renders no longer accurate any information contained in any application for a used vehicle dealer's license shall be amended within 30 days after the occurrence of each change on such form as the Secretary of State may prescribe by rule or regulation, accompanied by an amendatory fee of $2.

(d) Anything in this Chapter to the contrary notwithstanding, no person shall be licensed as a used vehicle dealer unless such person maintains an established place of business as defined in this Chapter.

(e) The Secretary of State shall, within a reasonable time after receipt, examine an application submitted to him under this Section. Unless the Secretary makes a determination that the application submitted to him does not conform to this Section or that grounds exist for a denial of the application under Section 5-501 of this Chapter, he must grant the applicant an original used vehicle dealer's license in writing for his established place of business and a supplemental license in writing for each additional place of business in such form as he may prescribe by rule or regulation which shall include the following:

1. The name of the person licensed;
2. If a corporation, the name and address of its officers or if a sole proprietorship, a partnership, an unincorporated association or any similar form of business organization, the name and address of the proprietor or of each partner, member, officer, director, trustee or manager;
3. In case of an original license, the established place of business of the licensee;
4. In the case of a supplemental license, the established place of business of the licensee and the additional place of business to which such supplemental license pertains.

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(f) The appropriate instrument evidencing the license or a certified copy thereof, provided by the Secretary of State shall be kept posted, conspicuously, in the established place of business of the licensee and in each additional place of business, if any, maintained by such licensee.

(g) Except as provided in subsection (h) of this Section, all used vehicle dealer's licenses granted under this Section expire by operation of law on December 31 of the calendar year for which they are granted unless sooner revoked or cancelled under Section 5-501 of this Chapter.

(h) A used vehicle dealer's license may be renewed upon application and payment of the fee required herein, and submission of proof of coverage by an approved bond under the "Retailers' Occupation Tax Act" or proof that applicant is not subject to such bonding requirements, as in the case of an original license, but in case an application for the renewal of an effective license is made during the month of December, the effective license shall remain in force until the application for renewal is granted or denied by the Secretary of State.

(i) All persons licensed as a used vehicle dealer are required to furnish each purchaser of a motor vehicle:
   1. A certificate of title properly assigned to the purchaser;
   2. A statement verified under oath that all identifying numbers on the vehicle agree with those on the certificate of title;
   3. A bill of sale properly executed on behalf of such person;
   4. A copy of the Uniform Invoice-transaction reporting return referred to in Section 5-402 of this Chapter;
   5. In the case of a rebuilt vehicle, a copy of the Disclosure of Rebuilt Vehicle Status; and
   6. In the case of a vehicle for which the warranty has been reinstated, a copy of the warranty.

(j) A real estate broker holding a valid certificate of registration issued pursuant to "The Real Estate Brokers and Salesmen License Act" may engage in the business of selling or dealing in house trailers not his own without being licensed as a used vehicle dealer under this Section; however such broker shall maintain a record of the transaction including the following:
   (1) the name and address of the buyer and seller,
   (2) the date of sale,
   (3) a description of the mobile home, including the vehicle identification number, make, model, and year, and
   (4) the Illinois certificate of title number. The foregoing records shall be available for inspection by any officer of the Secretary of State's Office at any reasonable hour.

(k) Except at the time of sale or repossession of the vehicle, no person licensed as a used vehicle dealer may issue any other person a newly created key to a vehicle unless the used vehicle dealer makes a copy of the driver's license or State identification card of the

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person requesting or obtaining the newly created key. The used vehicle dealer must retain the copy for 30 days.

A used vehicle dealer who violates this subsection (k) is guilty of a petty offense. Violation of this subsection (k) is not cause to suspend, revoke, cancel, or deny renewal of the used vehicle dealer's license.

(Source: P.A. 92-391, eff. 8-16-01.)

Passed in the General Assembly June 1, 2002.
Approved August 22, 2002.
Effective June 1, 2003.

PUBLIC ACT 92-0836
(Senate Bill No. 1556)

AN ACT concerning airport authorities.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Airport Authorities Act is amended by adding Sections 13.2 and 13.3 as follows:

(70 ILCS 5/13.2 new)

Sec. 13.2. Capital improvement program and budget. Each airport authority organized under this Act may annually prepare and update a 5-year capital improvement program and yearly capital budgets based on the program. The purposes of the program are to (i) inventory the airport authority's capital assets, (ii) determine the match between needs and resources, (iii) plan for capital investments and the maintenance of existing facilities, (iv) analyze the relationships between capital maintenance and operating spending, and (v) assist the airport authority in competing for its fair share of State and federal moneys.

(70 ILCS 5/13.3 new)

Sec. 13.3. Appropriations for capital improvements. An airport authority that has prepared a capital improvement program under Section 13.2 may, in its annual appropriation ordinance, appropriate an amount not to exceed 3% of the equalized assessed value of property subject to taxation by the airport authority for the purpose of making specified capital improvements, acquisitions, repairs, or replacements of the airport authority's real property or equipment or tangible personal property. The amount appropriated for that purpose shall be deposited into a special fund known as the Capital Program Fund. Expenditures from the Capital Program Fund must be budgeted in the fiscal year in which the capital improvement, acquisition, repair, or replacement will occur. If any surplus moneys remain after the completion or abandonment of any object for which the Capital Program Fund was established, the moneys no longer necessary for capital improvement, acquisition, repair, or replacement shall be transferred into the airport authority's general corporate funds on the first day of the fiscal year following the abandonment or completion of the project or the discovery of the surplus moneys.

Section 99. Effective date. This Act takes effect upon becoming law.

New matter indicated by italics - deletions by strikeout.
AN ACT concerning the regulation of professions.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Regulatory Sunset Act is amended by changing Sections 4.13 and 4.17 as follows:

Sec. 4.13. Acts repealed on December 31, 2002. The following Acts are repealed on December 31, 2002:
The Environmental Health Practitioner Licensing Act.
The Naprapathic Practice Act.
The Dietetic and Nutrition Services Practice Act.
The Funeral Directors and Embalmers Licensing Code.
The Professional Counselor and Clinical Professional Counselor Licensing Act.
(Source: P.A. 88-45; 89-61, eff. 6-30-95; revised 8-22-01.)

Sec. 4.17. Acts repealed on January 1, 2007. The following are repealed on January 1, 2007:
The Boiler and Pressure Vessel Repairer Regulation Act.
The Structural Pest Control Act.
Articles II, III, IV, V, VI, VII, VIII, IX, X, XI, XII, XIII, XIV, XV, XVI, XVII, XXX, XXXI, XXXI 1/4,
The Clinical Psychologist Licensing Act.
The Environmental Health Practitioner Licensing Act.
(Source: P.A. 89-467, eff. 1-1-97; 89-484, eff. 6-21-96; 89-594, eff. 8-1-96; 89-702, eff. 7-1-97.)

Section 10. The Environmental Health Practitioner Licensing Act is amended by changing Sections 10, 15, 16, 18, 21, 25, 26, 35, and 50 and adding Sections 20.1, 22, 23, and 56 as follows:

"Board" means the Environmental Health Practitioners Board as created in this Act.
"Department" means the Department of Professional Regulation.
"Director" means the Director of Professional Regulation.

"Environmental health inspector" means an individual who, in support of and under the general supervision of a licensed environmental health practitioner or licensed professional engineer, practices environmental health and meets the educational qualifications of an environmental health inspector.

"Environmental health practice" is the practice of environmental health by licensed environmental health practitioners within the meaning of this Act and includes, but is not limited to, the following areas of professional activities: milk and food sanitation; protection and regulation of private water supplies; private waste water management; domestic solid waste disposal practices; institutional health and safety; and consultation and education in these fields.

"Environmental health practitioner in training" means a person licensed under this Act who meets the educational qualifications of a licensed environmental health practitioner and practices environmental health in support of and under the general supervision of a licensed environmental health practitioner or licensed professional engineer, but has not passed the licensed environmental health practitioner examination administered by the Department.

"License" means the authorization issued by the Department permitting the person named on the authorization to practice environmental health as defined in this Act.

"Licensed environmental health practitioner" is a person who, by virtue of education and experience in the physical, chemical, biological, and environmental health sciences, is especially trained to organize, implement, and manage environmental health programs, trained to carry out education and enforcement activities for the promotion and protection of the public health and environment, and is licensed as an environmental health practitioner under this Act.

(Source: P.A. 89-61, eff. 6-30-95.)

(225 ILCS 37/15)
(Section scheduled to be repealed on December 31, 2002)
Sec. 15. License requirement.
(a) It shall be unlawful for any person to engage in an environmental health practice after the effective date of this amendatory Act of the 92nd General Assembly December 31, 1996 unless the person is licensed by the Department as an environmental health practitioner or an environmental health practitioner in training or is an environmental health inspector as defined in this Act.

(b) It is the responsibility of an individual required to be licensed under this Act to obtain a license and to pay all necessary fees, not the responsibility of his or her employer.

(Source: P.A. 89-61, eff. 6-30-95.)

(225 ILCS 37/16)
(Section scheduled to be repealed on December 31, 2002)
Sec. 16. Exemptions. This Act does not prohibit or restrict any of the following:
(1) A person performing the functions and duties of an environmental health
practitioner under the general direct supervision of a licensed environmental health practitioner or licensed professional engineer if that person (i) is not responsible for the administration or supervision of one or more employees engaged in an environmental health program, (ii) establishes a method of verbal communication with the licensed environmental health practitioner or licensed professional engineer to whom they can refer and report questions, problems, and emergency situations encountered in environmental health practice, and (iii) has his or her written reports reviewed monthly by a licensed environmental health practitioner or licensed professional engineer.

(2) A person licensed in this State under any other Act from engaging in the practice for which he or she is licensed.
(3) A person working in laboratories licensed by, registered with, or operated by the State of Illinois.
(4) A person employed by a State-licensed health care facility who engages in the practice of environmental health or whose job responsibilities include ensuring that the environment in the health care facility is healthy and safe for employees, patients, and visitors.
(5) A person employed with the Illinois Department of Agriculture who engages in meat and poultry inspections or environmental inspections under the authority of the Department of Agriculture.
(6) A person holding a degree of Doctor of Veterinary Medicine and Surgery and licensed under the Veterinary Medicine and Surgery Practice Act.

(Source: P.A. 89-61, eff. 6-30-95.)

(225 ILCS 37/18)
(Section scheduled to be repealed on December 31, 2002)
Sec. 18. Board of Environmental Health Practitioners.
The Board of Environmental Health Practitioners is created and shall exercise its duties as provided in this Act. The Board shall consist of 57 members appointed by the Director. Of the 57 members, 34 shall be environmental health practitioners, one a Public Health Administrator who meets the minimum qualifications for public health personnel employed by full time local health departments as prescribed by the Illinois Department of Public Health and is actively engaged in the administration of a local health department within this State, one full time professor teaching in the field of environmental health practice and one member of the general public. In making the appointments to the Board, the Director shall consider the recommendations of related professional and trade associations including the Illinois Environmental Health Association and the Illinois Public Health Association and of the Director of Public Health. Each of the environmental health practitioners shall have at least 5 years of full time employment in the field of environmental health practice before the date of appointment. Each appointee filling the seat of an environmental health practitioner appointed to the Board must be licensed under this Act, however, in appointing the environmental health practitioner members of the first Board, the Director may appoint any environmental health practitioner who possesses the qualifications set forth in Section 20 of this Act. Of the initial appointments, 3 members shall be appointed for 3-year terms, 2
members for 2-year terms, and 2 members for one-year terms. Each succeeding member shall serve for a 3-year term.

The membership of the Board shall reasonably reflect representation from the various geographic areas of the State.

A vacancy in the membership of the Board shall not impair the right of a quorum to exercise all the rights and perform all the duties of the Board.

The members of the Board are entitled to receive as compensation a reasonable sum as determined by the Director for each day actually engaged in the duties of the office and all legitimate and necessary expenses incurred in attending the meetings of the Board.

Members of the Board shall be immune from suit in any action based upon any disciplinary proceedings or other activities performed in good faith as members of the Board.

The Director may remove any member of the Board for any cause that, in the opinion of the Director, reasonably justifies termination.

(Source: P.A. 91-724, eff. 6-2-00; 91-798, eff. 7-9-00.)

(225 ILCS 37/20.1 new)

(Section scheduled to be repealed on December 31, 2002)
Sec. 20.1. Qualifications for an environmental health inspector. An environmental health inspector must have an associate’s degree or its equivalent, including a minimum of 9 credit hours of science.

(225 ILCS 37/21)

(Section scheduled to be repealed on December 31, 2002)
Sec. 21. Grandfather provision. (a) A person who, on the effective date of this amendatory Act of the 92nd General Assembly June 30, 1995, was certified by his or her employer as serving as a sanitarian or environmental health practitioner in environmental health practice in this State may be issued a license as an environmental health practitioner in training upon filing an application by July 1, 2003 and paying the required fees; and by passing the examination.

(b) The Department may, upon application and payment of the required fee within 12 months, issue a license to a person who holds a current license as a sanitarian or environmental health practitioner issued by the Illinois Environmental Health Association or National Environmental Health Association.

(Source: P.A. 89-61, eff. 6-30-95; 90-602, eff. 6-26-98.)

(225 ILCS 37/22 new)

(Section scheduled to be repealed on December 31, 2002)
Sec. 22. Environmental health practitioner in training.

(a) Any person who meets the educational qualifications specified in Section 20, but does not meet the experience requirement specified in that Section, may make application to the Department on a form prescribed by the Department for licensure as an environmental health practitioner in training. The Department shall license that person as an environmental health practitioner in training upon payment of the fee required by this Act.

(b) An environmental health practitioner in training shall apply for licensure as an environmental health practitioner within 3 years of his or her licensure as an environmental health practitioner.

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health practitioner in training. The license may be renewed or extended as defined by rule of the Department. The Board may extend the licensure of any environmental health practitioner in training who furnishes, in writing, sufficient cause for not applying for examination as an environmental health practitioner within the 3-year period.

(c) An environmental health practitioner in training may engage in the practice of environmental health for a period not to exceed 6 years provided that he or she is supervised by a licensed professional engineer or a licensed environmental health practitioner as prescribed in this Act.

(225 ILCS 37/23 new)
(Section scheduled to be repealed on December 31, 2002)
Sec. 23. Supervision.
(a) A licensed environmental health practitioner in training or an environmental health inspector may perform the duties and functions of environmental health practice under the supervision of a licensed environmental health practitioner or licensed professional engineer.

(b) A licensed environmental health practitioner or a licensed professional engineer may serve as a supervisor to any licensed environmental health practitioner in training or environmental health inspector. The supervisor shall fulfill the minimum supervisor requirements, including but not limited to:
(1) being available for consultation on a daily basis;
(2) reviewing and advising on law enforcement proceedings; and
(3) evaluating the practice of environmental health performed by the licensed environmental health practitioner in training or the environmental health inspector.

(c) A licensed environmental health practitioner or licensed professional engineer is responsible for assuring that a licensed environmental health practitioner in training or environmental health inspector that he or she is supervising properly engages in the practice of environmental health.

(225 ILCS 37/25)
(Section scheduled to be repealed on December 31, 2002)
Sec. 25. Application for original license. Applications for original licenses shall be made to the Department on forms prescribed by the Department and accompanied by the required nonrefundable fee. All applications shall contain information that, in the judgment of the Department, will enable the Department to pass on the qualifications of the applicant for a license as an environmental health practitioner or environmental health practitioner in training.

If an applicant for a license as an environmental health practitioner neglects, fails, or refuses to take an examination or fails to pass an examination for a license under this Act within 3 years after filing an application, the application is denied. However, the applicant may thereafter make a new application, accompanied by the required fee, if the applicant meets the requirements in force at the time of making the new application.

(Source: P.A. 89-61, eff. 6-30-95.)

(225 ILCS 37/26)
Sec. 26. Examination for registration as an environmental health practitioner.

(a) Beginning on the effective date of this amendatory Act of the 92nd General Assembly, June 30, 1995, only persons who meet the educational and experience requirements of Section 20 and who pass the examination authorized by the Department shall be licensed as environmental health practitioners. Persons who meet the requirements of subsection (b) of Section 21 or Section 30 shall not be required to take and pass the examination.

(b) Applicants for examination as environmental health practitioners shall be required to pay, either to the Department or the designated testing service, a fee covering the cost of providing the examination.

(Source: P.A. 89-61, eff. 6-30-95; 89-706, eff. 1-31-97; 90-14, eff. 7-1-97.)

(225 ILCS 37/35)

Sec. 35. Grounds for discipline.

(a) The Department may refuse to issue or renew, or may revoke, suspend, place on probation, reprimand, or take other disciplinary action with regard to any license issued under this Act as the Department may consider proper, including the imposition of fines not to exceed $5,000 for each violation, for any one or combination of the following causes:

(1) Material misstatement in furnishing information to the Department.

(2) Violations of this Act or its rules.

(3) Conviction of any felony under the laws of any U.S. jurisdiction, any misdemeanor or an essential element of which is dishonesty, or any crime that is directly related to the practice of the profession.

(4) Making any misrepresentation for the purpose of obtaining a certificate of registration.

(5) Professional incompetence.

(6) Aiding or assisting another person in violating any provision of this Act or its rules.

(7) Failing to provide information within 60 days in response to a written request made by the Department.

(8) Engaging in dishonorable, unethical, or unprofessional conduct of a character likely to deceive, defraud, or harm the public as defined by rules of the Department.

(9) Habitual or excessive use or addiction to alcohol, narcotics, stimulants, or any other chemical agent or drug that results in an environmental health practitioner’s inability to practice with reasonable judgment, skill, or safety.

(10) Discipline by another U.S. jurisdiction or foreign nation, if at least one of the grounds for a discipline is the same or substantially equivalent to those set forth in this Act.

(11) A finding by the Department that the registrant, after having his or her license placed on probationary status, has violated the terms of probation.

(12) Willfully making or filing false records or reports in his or her practice,
including, but not limited to, false records filed with State agencies or departments.

(13) Physical illness, including, but not limited to, deterioration through the aging process or loss of motor skills that result in the inability to practice the profession with reasonable judgment, skill, or safety.

(14) Failure to comply with rules promulgated by the Illinois Department of Public Health or other State agencies related to the practice of environmental health.

(15) The Department shall deny any application for a license or renewal of a license under this Act, without hearing, to a person who has defaulted on an educational loan guaranteed by the Illinois Student Assistance Commission; however, the Department may issue a license or renewal of a license if the person in default has established a satisfactory repayment record as determined by the Illinois Student Assistance Commission.

(16) Solicitation of professional services by using false or misleading advertising.

(17) A finding that the license has been applied for or obtained by fraudulent means.

(18) Practicing or attempting to practice under a name other than the full name as shown on the license or any other legally authorized name.

(19) Gross overcharging for professional services including filing statements for collection of fees or moneys for which services are not rendered.

(b) The Department may refuse to issue or may suspend the license of any person who fails to (i) file a return, (ii) pay the tax, penalty, or interest shown in a filed return; or (iii) pay any final assessment of the tax, penalty, or interest as required by any tax Act administered by the Illinois Department of Revenue until the requirements of the tax Act are satisfied.

(c) The determination by a circuit court that a licensee is subject to involuntary admission or judicial admission to a mental health facility as provided in the Mental Health and Developmental Disabilities Code operates as an automatic suspension. The suspension may end only upon a finding by a court that the licensee is no longer subject to involuntary admission or judicial admission, the issuance of an order so finding and discharging the patient, and the recommendation of the Board to the Director that the licensee be allowed to resume practice.

(d) In enforcing this Section, the Department, upon a showing of a possible violation, may compel any person licensed to practice under this Act or who has applied for licensure or certification pursuant to this Act to submit to a mental or physical examination, or both, as required by and at the expense of the Department. The examining physicians shall be those specifically designated by the Department. The Department may order the examining physician to present testimony concerning this mental or physical examination of the licensee or applicant. No information shall be excluded by reason of any common law or statutory privilege relating to communications between the licensee or applicant and the examining physician. The person to be examined may have, at his or her own expense, another physician of his or her choice present during all aspects of the examination. Failure

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of any person to submit to a mental or physical examination, when directed, shall be grounds for suspension of a license until the person submits to the examination if the Department finds, after notice and hearing, that the refusal to submit to the examination was without reasonable cause.

If the Department finds an individual unable to practice because of the reasons set forth in this Section, the Department may require that individual to submit to care, counseling, or treatment by physicians approved or designated by the Department, as a condition, term, or restriction for continued, reinstated, or renewed licensure to practice or, in lieu of care, counseling, or treatment, the Department may file a complaint to immediately suspend, revoke, or otherwise discipline the license of the individual.

Any person whose license was granted, continued, reinstated, renewed, disciplined, or supervised subject to such terms, conditions, or restrictions and who fails to comply with such terms, conditions, or restrictions shall be referred to the Director for a determination as to whether the person shall have his or her license suspended immediately, pending a hearing by the Department.

In instances in which the Director immediately suspends a person's license under this Section, a hearing on that person's license must be convened by the Department within 15 days after the suspension and completed without appreciable delay. The Department shall have the authority to review the subject person's record of treatment and counseling regarding the impairment, to the extent permitted by applicable federal statutes and regulations safeguarding the confidentiality of medical records.

A person licensed under this Act and affected under this Section shall be afforded an opportunity to demonstrate to the Department that he or she can resume practice in compliance with acceptable and prevailing standards under the provisions of his or her license.

(Source: P.A. 89-61, eff. 6-30-95.)

(225 ILCS 37/50)

(Sec. 50. Use of title. Only a person who has qualified as a licensed environmental health practitioner and who is currently licensed by the State has the right and privilege of using the title "Environmental Health Practitioner", "Licensed Environmental Health Practitioner", or the initials "L.E.H.P." after his or her name. Only a person who has qualified as a licensed environmental health practitioner in training and who is currently licensed by the State has the right and privilege of using the title "environmental health practitioner in training", "licensed environmental health practitioner in training", or "L.E.H.P. in training" after his or her name.

(Source: P.A. 89-61, eff. 6-30-95.)

(225 ILCS 37/56 new)

(Sec. 56. Unlicensed practice; violation; civil penalty.

(a) Any person who practices, offers to practice, attempts to practice, or holds himself or herself out to practice environmental health without being licensed under this Act

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shall, in addition to any other penalty provided by law, pay a civil penalty to the Department in an amount not to exceed $5,000 for each offense as determined by the Department. The civil penalty shall be assessed by the Department after a hearing is held in accordance with the provisions set forth in this Act regarding the provision of a hearing for the discipline of a licensee.

(b) The Department has the authority and power to investigate any and all unlicensed activity.

(c) The civil penalty shall be paid within 60 days after the effective date of the order imposing the civil penalty. The order shall constitute a judgment and may be filed and execution had thereon in the same manner as any judgment from any court of record.

Section 99. Effective date. This Act takes effect upon becoming law.
Passed in the General Assembly June 1, 2002
Approved August 22, 2002
Effective August 22, 2002

PUBLIC ACT 92-0838
(Senate Bill No. 1697)

AN ACT in relation to trusts.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Trusts and Trustees Act is amended by adding Section 5.3 as follows:
(760 ILCS 5/5.3 new)

Sec. 5.3. Total return trusts.
(a) Conversion by trustee. A trustee may convert a trust to a total return trust as described in this Section if all of the following apply:

(1) The trust describes the amount that may or must be distributed to a beneficiary by referring to the trust's income, and the trustee determines that conversion to a total return trust will enable the trustee to better carry out the purposes of the trust and the conversion is in the best interests of the beneficiaries;

(2) conversion to a total return trust means the trustee will invest and manage trust assets seeking a total return without regard to whether that return is from income or appreciation of principal, and will make distributions in accordance with this Section (such a trust is called a "total return trust" in this Section);

(3) the trustee sends a written notice of the trustee's decision to convert the trust to a total return trust, specifying a prospective effective date for the conversion and including a copy of this Section, to the following beneficiaries, determined as of the date the notice is sent and assuming nonexercise of all powers of appointment:

(A) all of the legally competent beneficiaries who are currently receiving or eligible to receive income from the trust; and

(B) all of the legally competent beneficiaries who would receive or be eligible to receive a distribution of principal or income if the current interests

New matter indicated by italics - deletions by strikeout.
of beneficiaries currently receiving or eligible to receive income ended;

(4) there are one or more legally competent income beneficiaries under subdivision (3)(A) of this subsection (a) and one or more legally competent remainder beneficiaries under subdivision (3)(B) of this subsection (a), determined as of the date of sending the notice;

(5) no beneficiary objects to the conversion to a total return trust in a writing delivered to the trustee within 60 days after the notice is sent; and

(6) the trustee has signed acknowledgments of receipt confirming that notice was received by each beneficiary required to be sent notice under subdivision (3) of this subsection (a).

(b) Conversion by agreement. Conversion to a total return trust may be made by agreement between a trustee and all the primary beneficiaries of the trust under the virtual representation provisions of Section 16.1 of this Act if those provisions otherwise apply. The agreement may include any actions a court could properly order under subsection (g) of this Section; however, any distribution percentage determined by the agreement may not be less than 3% nor greater than 5%.

(c) Conversion or reconversion by court.

(1) The trustee may for any reason elect to petition the court to order conversion to a total return trust, including without limitation the reason that conversion under subsection (a) is unavailable because:

(A) a beneficiary timely objects to the conversion to a total return trust;

(B) there are no legally competent beneficiaries described in subdivision (3)(A) of subsection (a); or

(C) there are no legally competent beneficiaries described in subdivision (3)(B) of subsection (a).

(2) A beneficiary may request the trustee to convert to a total return trust or adjust the distribution percentage. If the trustee declines or fails to act within 6 months after receiving a written request to do so, the beneficiary may petition the court to order the conversion or adjustment.

(3) The trustee may petition the court prospectively to reconvert from a total return trust or adjust the distribution percentage if the trustee determines that the reconversion or adjustment will enable the trustee to better carry out the purposes of the trust. A beneficiary may request the trustee to petition the court prospectively to reconvert from a total return trust or adjust the distribution percentage. If the trustee declines or fails to act within 6 months after receiving a written request to do so, the beneficiary may petition the court to order the reconversion or adjustment.

(4) In a judicial proceeding under this subsection (c), the trustee may, but need not, present the trustee’s opinions and reasons (A) for supporting or opposing conversion to (or reconversion from or adjustment of the distribution percentage of) a total return trust, including whether the trustee believes conversion (or reconversion or adjustment of the distribution percentage) would enable the trustee

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to better carry out the purposes of the trust, and (B) about any other matters relevant to the proposed conversion (or reconversion or adjustment of the distribution percentage). A trustee's actions in accordance with this subsection (c) shall not be deemed improper or inconsistent with the trustee's duty of impartiality unless the court finds from all the evidence that the trustee acted in bad faith.

(5) The court shall order conversion to (or reconversion prospectively from or adjustment of the distribution percentage of) a total return trust if the court determines that the conversion (or reconversion or adjustment of the distribution percentage) will enable the trustee to better carry out the purposes of the trust and the conversion (or reconversion or adjustment of the distribution percentage) is in the best interests of the beneficiaries.

(6) Notwithstanding any other provision of this Section, a trustee has no duty to inform beneficiaries about the availability of this Section and has no duty to review the trust to determine whether any action should be taken under this Section unless requested to do so in writing by a beneficiary described in subdivision (3) of subsection (a).

(d) Post conversion. While a trust is a total return trust, all of the following shall apply to the trust:

(1) the trustee shall make income distributions in accordance with the governing instrument subject to the provisions of this Section;

(2) the term "income" in the governing instrument means an annual amount (the "distribution amount") equal to a percentage (the "distribution percentage") of the net fair market value of the trust's assets, whether the assets are considered income or principal under the Principal and Income Act, averaged over the lesser of:

   (i) the 3 preceding years; or

   (ii) the period during which the trust has been in existence;

(3) the distribution percentage for any trust converted to a total return trust by a trustee in accordance with subsection (a) shall be 4%; and

(4) the trustee shall pay to a beneficiary (in the case of an underpayment) and shall recover from a beneficiary (in the case of an overpayment) an amount equal to the difference between the amount properly payable and the amount actually paid, plus interest compounded annually at a rate per annum equal to the distribution percentage in the year or years while the underpayment or overpayment exists.

(e) Administration. The trustee, in the trustee's discretion, may determine any of the following matters in administering a total return trust as the trustee from time to time determines necessary or helpful for the proper functioning of the trust:

(1) the effective date of a conversion to a total return trust;

(2) the manner of prorating the distribution amount for a short year in which a beneficiary's interest commences or ceases;

(3) whether distributions are made in cash or in kind;

(4) the manner of adjusting valuations and calculations of the distribution

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amount to account for other payments from or contributions to the trust;
(5) whether to value the trust’s assets annually or more frequently;
(6) what valuation dates and how many valuation dates to use;
(7) valuation decisions about any asset for which there is no readily available
market value, including:
   (A) how frequently to value such an asset;
   (B) whether and how often to engage a professional appraiser to
value such an asset; and
   (C) whether to exclude the value of such an asset from the net fair
market value of the trust’s assets under subdivision (d)(2) for purposes of
determining the distribution amount. Any such asset so referred to as an "excluded asset" in this subsection (e), and the trustee shall
distribute any net income received from the excluded asset as provided for
in the governing instrument subject to the following principles:
   (i) unless the trustee determines there are compelling reasons
to the contrary considering all relevant factors including the best
interests of the beneficiaries, the trustee shall treat each asset for
which there is no readily available market value as an excluded
asset;
   (ii) if tangible personal property or real property is possessed
or occupied by a beneficiary, the trustee shall not limit or restrict any
right of the beneficiary to use the property in accordance with the
governing instrument whether or not the trustee treats the property
as an excluded asset;
   (iii) examples of assets for which there is a readily available
market value include: cash and cash equivalents; stocks, bonds, and
other securities and instruments for which there is an established
market on a stock exchange, in an over-the-counter market, or
otherwise; and any other property that can reasonably be expected
to be sold within one week of the decision to sell without
extraordinary efforts by the seller;
   (iv) examples of assets for which there is no readily available
market value include: stocks, bonds, and other securities and instruments for which there is no established market on a stock
exchange, in an over-the-counter market, or otherwise; real property;
tangible personal property; and artwork and other collectibles; and
(8) any other administrative matters as the trustee determines necessary or
helpful for the proper functioning of the total return trust.

(f) Allocations.
   (1) Expenses, taxes, and other charges that would be deducted from income
if the trust were not a total return trust shall not be deducted from the distribution
amount.

New matter indicated by italics - deletions by strikeout.
(2) Unless otherwise provided by the governing instrument, the trustee shall fund the distribution amount each year from the following sources for that year in the order listed: first from net income (as the term would be determined if the trust were not a total return trust), then from other ordinary income as determined for federal income tax purposes, then from net realized short-term capital gains as determined for federal income tax purposes, then from net realized long-term capital gains as determined for federal income tax purposes, then from trust principal comprised of assets for which there is a readily available market value, and then from other trust principal.

(g) Court orders. The court may order any of the following actions in a proceeding brought by a trustee or a beneficiary in accordance with subdivision (c)(1), (c)(2), or (c)(3):
   (1) select a distribution percentage other than 4%;
   (2) average the valuation of the trust's net assets over a period other than 3 years;
   (3) reconvert prospectively from or adjust the distribution percentage of a total return trust;
   (4) direct the distribution of net income (determined as if the trust were not a total return trust) in excess of the distribution amount as to any or all trust assets if the distribution is necessary to preserve a tax benefit; or
   (5) change or direct any administrative procedure as the court determines necessary or helpful for the proper functioning of the total return trust.

Nothing in this subsection (g) limits the equitable powers of the court to grant other relief.

(h) Restrictions. The distribution amount may not be less than the net income of the trust, determined without regard to the provisions of this Section, for either a trust for which an estate tax or a gift tax marital deduction was or may be claimed in whole or in part (but only during the lifetime of the spouse for whom the trust was created), or a trust that was exempt in whole or in part from generation-skipping transfer tax on the effective date of this amendatory Act of the 92nd General Assembly by reason of any effective date or transition rule. Conversion to a total return trust does not affect any provision in the governing instrument:
   (1) directing or authorizing the trustee to distribute principal;
   (2) directing or authorizing the trustee to distribute a fixed annuity or a fixed fraction of the value of trust assets;
   (3) authorizing a beneficiary to withdraw a portion or all of the principal; or
   (4) in any manner that would diminish an amount permanently set aside for charitable purposes under the governing instrument unless both income and principal are so set aside.

(i) Tax limitations. If a particular trustee is a beneficiary of the trust and conversion or failure to convert would enhance or diminish the beneficial interest of the trustee, or if possession or exercise of the conversion power by a particular trustee would alone cause any individual to be treated as owner of a part of the trust for income tax purposes or cause
a part of the trust to be included in the gross estate of any individual for estate tax purposes, then that particular trustee may not participate as a trustee in the exercise of the conversion power; however:

(1) the trustee may petition the court under subdivision (c)(1) to order conversion in accordance with this Section; and

(2) if the trustee has one or more co-trustees to whom this subsection (i) does not apply, the co-trustee or co-trustees may convert the trust to a total return trust in accordance with this Section.

(j) Releases. A trustee may irrevocably release the power granted by this Section if the trustee reasonably believes the release is in the best interests of the trust and its beneficiaries. The release may be personal to the releasing trustee or may apply generally to some or all subsequent trustees, and the release may be for any specified period, including a period measured by the life of an individual.

(k) Remedies. A trustee who reasonably and in good faith takes or omits to take any action under this Section is not liable to any person interested in the trust. If a trustee reasonably and in good faith takes or omits to take any action under this Section and a person interested in the trust opposes the act or omission, the person's exclusive remedy is to obtain an order of the court directing the trustee to convert the trust to a total return trust, to reconvert from a total return trust, to change the distribution percentage, or to order any administrative procedures the court determines necessary or helpful for the proper functioning of the trust. An act or omission by a trustee under this Section is presumed taken or omitted reasonably and in good faith unless it is determined by the court to have been an abuse of discretion. Any claim by any person interested in the trust that an act or omission by a trustee under this Section was an abuse of discretion is barred if not asserted in a proceeding commenced by or on behalf of the person within 2 years after the trustee has sent to the person or the person's personal representative a notice or report in writing sufficiently disclosing facts fundamental to the claim such that the person knew or reasonably should have known of the claim. The preceding sentence shall not apply to a person who was under a legal disability at the time the notice or report was sent and who then had no personal representative. For purposes of this subsection (k), a personal representative refers to a court appointed guardian or conservator of the estate of a person.

(l) Application. This Section is available to trusts in existence on the effective date of this amendatory Act of the 92nd General Assembly or created after that date. This Section shall be construed as pertaining to the administration of a trust and shall be available to any trust that is administered in Illinois under Illinois law or that is governed by Illinois law with respect to the meaning and effect of its terms unless:

(1) the trust is a trust described in Internal Revenue Code Section 170(f)(2)(B), 664(d), 1361(d), 2702(a)(3), or 2702(b); or

(2) the governing instrument expressly prohibits use of this Section by specific reference to this Section. A provision in the governing instrument in the form: "Neither the provisions of Section 5.3 of the Trusts and Trustees Act nor any corresponding provision of future law may be used in the administration of this

New matter indicated by italics - deletions by strikeout.
trust" or a similar provision demonstrating that intent is sufficient to preclude the use of this Section.

Section 99. Effective date. This Act takes effect upon becoming law.
Approved August 22, 2002.
Effective August 22, 2002.

PUBLIC ACT 92-0839
(Senate Bill No. 1936)

AN ACT in relation to firearms.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Firearm Owners Identification Card Act is amended by changing Sections 2 and 4 and by adding Section 15b as follows:

(430 ILCS 65/2) (from Ch. 38, par. 83-2)
Sec. 2. Firearm Owner's Identification Card required; exceptions.
(a) (1) No person may acquire or possess any firearm within this State without having in his or her possession a Firearm Owner's Identification Card previously issued in his or her name by the Department of State Police under the provisions of this Act.

(2) No person may acquire or possess firearm ammunition within this State without having in his or her possession a Firearm Owner's Identification Card previously issued in his or her name by the Department of State Police under the provisions of this Act.

(b) The provisions of this Section regarding the possession of firearms and firearm ammunition do not apply to:

(1) United States Marshals, while engaged in the operation of their official duties;

(2) Members of the Armed Forces of the United States or the National Guard, while engaged in the operation of their official duties;

(3) Federal officials required to carry firearms, while engaged in the operation of their official duties;

(4) Members of bona fide veterans organizations which receive firearms directly from the armed forces of the United States, while using the firearms for ceremonial purposes with blank ammunition;

(5) Nonresident hunters during hunting season, with valid nonresident hunting licenses and while in an area where hunting is permitted; however, at all other times and in all other places these persons must have their firearms unloaded and enclosed in a case;

(6) Those hunters exempt from obtaining a hunting license who are required to submit their Firearm Owner's Identification Card when hunting on Department of Natural Resources owned or managed sites;

(7) Nonresidents while on a firing or shooting range recognized by the

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Department of State Police; however, these persons must at all other times and in all other places have their firearms unloaded and enclosed in a case;

(8) Nonresidents while at a firearm showing or display recognized by the Department of State Police; however, at all other times and in all other places these persons must have their firearms unloaded and enclosed in a case;

(9) Nonresidents whose firearms are unloaded and enclosed in a case;

(10) Nonresidents who are currently licensed or registered to possess a firearm in their resident state;

(11) Unemancipated minors while in the custody and immediate control of their parent or legal guardian or other person in loco parentis to the minor if the parent or legal guardian or other person in loco parentis to the minor has a currently valid Firearm Owner's Identification Card;

(12) Color guards of bona fide veterans organizations or members of bona fide American Legion bands while using firearms for ceremonial purposes with blank ammunition;

(13) Nonresident hunters whose state of residence does not require them to be licensed or registered to possess a firearm and only during hunting season, with valid hunting licenses, while accompanied by, and using a firearm owned by, a person who possesses a valid Firearm Owner's Identification Card and while in an area within a commercial club licensed under the Wildlife Code where hunting is permitted and controlled, but in no instance upon sites owned or managed by the Department of Natural Resources; and

(14) Resident hunters who are properly authorized to hunt and, while accompanied by a person who possesses a valid Firearm Owner's Identification Card, hunt in an area within a commercial club licensed under the Wildlife Code where hunting is permitted and controlled; and:

(15) A person who is otherwise eligible to obtain a Firearm Owner's Identification Card under this Act and is under the direct supervision of a holder of a Firearm Owner's Identification Card who is 21 years of age or older while the person is on a firing or shooting range or is a participant in a firearms safety and training course recognized by a law enforcement agency or a national, statewide shooting sports organization.

(c) The provisions of this Section regarding the acquisition and possession of firearms and firearm ammunition do not apply to law enforcement officials of this or any other jurisdiction, while engaged in the operation of their official duties.

(Source: P.A. 91-694, eff. 4-13-00.)

(430 ILCS 65/4) (from Ch. 38, par. 83-4)

Sec. 4. (a) Each applicant for a Firearm Owner's Identification Card must:

(1) Make application on blank forms prepared and furnished at convenient locations throughout the State by the Department of State Police, or by electronic means, if and when made available by the Department of State Police; and

(2) Submit evidence to the Department of State Police that:

New matter indicated by italics - deletions by strikeout.
(i) He or she is 21 years of age or over, or if he or she is under 21 years of age that he or she has the written consent of his or her parent or legal guardian to possess and acquire firearms and firearm ammunition and that he or she has never been convicted of a misdemeanor other than a traffic offense or adjudged delinquent, provided, however, that such parent or legal guardian is not an individual prohibited from having a Firearm Owner's Identification Card and files an affidavit with the Department as prescribed by the Department stating that he or she is not an individual prohibited from having a Card;

(ii) He or she has not been convicted of a felony under the laws of this or any other jurisdiction;

(iii) He or she is not addicted to narcotics;

(iv) He or she has not been a patient in a mental institution within the past 5 years;

(v) He or she is not mentally retarded;

(vi) He or she is not an alien who is unlawfully present in the United States under the laws of the United States;

(vii) He or she is not subject to an existing order of protection prohibiting him or her from possessing a firearm;

(viii) He or she has not been convicted within the past 5 years of battery, assault, aggravated assault, violation of an order of protection, or a substantially similar offense in another jurisdiction, in which a firearm was used or possessed;

(ix) He or she has not been convicted of domestic battery or a substantially similar offense in another jurisdiction committed on or after the effective date of this amendatory Act of 1997; and

(x) He or she has not been convicted within the past 5 years of domestic battery or a substantially similar offense in another jurisdiction committed before the effective date of this amendatory Act of 1997; and

(3) Upon request by the Department of State Police, sign a release on a form prescribed by the Department of State Police waiving any right to confidentiality and requesting the disclosure to the Department of State Police of limited mental health institution admission information from another state, the District of Columbia, any other territory of the United States, or a foreign nation concerning the applicant for the sole purpose of determining whether the applicant is or was a patient in a mental health institution and disqualified because of that status from receiving a Firearm Owner's Identification Card. No mental health care or treatment records may be requested. The information received shall be destroyed within one year of receipt.

(a-5) Each applicant for a Firearm Owner's Identification Card who is over the age of 18 shall furnish to the Department of State Police either his or her driver's license number or Illinois Identification Card number.

(a-10) Each applicant for a Firearm Owner's Identification Card, who is employed

New matter indicated by italics - deletions by strikeout.
as an armed security officer at a nuclear energy, storage, weapons, or development facility regulated by the Nuclear Regulatory Commission and who is not an Illinois resident, shall furnish to the Department of State Police his or her driver's license number or state identification card number from his or her state of residence. The Department of State Police may promulgate rules to enforce the provisions of this subsection (a-10).

(b) Each application form shall include the following statement printed in bold type: "Warning: Entering false information on an application for a Firearm Owner's Identification Card is punishable as a Class 2 felony in accordance with subsection (d-5) of Section 14 of the Firearm Owners Identification Card Act."

(c) Upon such written consent, pursuant to Section 4, paragraph (a) (2) (i), the parent or legal guardian giving the consent shall be liable for any damages resulting from the applicant's use of firearms or firearm ammunition.

(Source: P.A. 91-514, eff. 1-1-00; 91-694, eff. 4-13-00; 92-442, eff. 8-17-01.)

(430 ILCS 65/15b new)

Sec. 15b. Certified abstracts. Any certified abstract issued by the Director of State Police or transmitted electronically by the Director of State Police under this Section to a court or on request of a law enforcement agency for the record of a named person as to the status of the person's Firearm Owner's Identification Card is prima facie evidence of the facts stated in the certified abstract and if the name appearing in the abstract is the same as that of a person named in an information or warrant, the abstract is prima facie evidence that the person named in the information or warrant is the same person as the person named in the abstract and is admissible for any prosecution under this Act or any other applicable violation of law and may be admitted as proof of any prior conviction or proof of records, notices, or orders recorded on individual Firearm Owner's Identification Card records maintained by the Department of State Police.

Section 10. The Criminal Code of 1961 is amended by changing Section 24-3.1 as follows:

(720 ILCS 5/24-3.1) (from Ch. 38, par. 24-3.1)

Sec. 24-3.1. Unlawful possession of firearms and firearm ammunition.

(a) A person commits the offense of unlawful possession of firearms or firearm ammunition when:

(1) He is under 18 years of age and has in his possession any firearm of a size which may be concealed upon the person; or

(2) He is under 21 years of age, has been convicted of a misdemeanor other than a traffic offense or adjudged delinquent and has any firearms or firearm ammunition in his possession; or

(3) He is a narcotic addict and has any firearms or firearm ammunition in his possession; or

(4) He has been a patient in a mental hospital within the past 5 years and has any firearms or firearm ammunition in his possession; or

(5) He is mentally retarded and has any firearms or firearm ammunition in his possession; or

New matter indicated by italics - deletions by strikeout.
(6) He has in his possession any explosive bullet. For purposes of this paragraph "explosive bullet" means the projectile portion of an ammunition cartridge which contains or carries an explosive charge which will explode upon contact with the flesh of a human or an animal. "Cartridge" means a tubular metal case having a projectile affixed at the front thereof and a cap or primer at the rear end thereof, with the propellant contained in such tube between the projectile and the cap; or

(b) Sentence.

Unlawful possession of firearms, other than handguns, and firearm ammunition is a Class A misdemeanor. Unlawful possession of handguns is a Class 4 felony.

(c) Nothing in paragraph (1) of subsection (a) of this Section prohibits a person under 18 years of age from participating in any lawful recreational activity with a firearm such as, but not limited to, practice shooting at targets upon established public or private target ranges or hunting, trapping, or fishing in accordance with the Wildlife Code or the Fish and Aquatic Life Code.

(6) He has in his possession any explosive bullet. For purposes of this paragraph "explosive bullet" means the projectile portion of an ammunition cartridge which contains or carries an explosive charge which will explode upon contact with the flesh of a human or an animal. "Cartridge" means a tubular metal case having a projectile affixed at the front thereof and a cap or primer at the rear end thereof, with the propellant contained in such tube between the projectile and the cap; or

(b) Sentence.

Unlawful possession of firearms, other than handguns, and firearm ammunition is a Class A misdemeanor. Unlawful possession of handguns is a Class 4 felony.

(c) Nothing in paragraph (1) of subsection (a) of this Section prohibits a person under 18 years of age from participating in any lawful recreational activity with a firearm such as, but not limited to, practice shooting at targets upon established public or private target ranges or hunting, trapping, or fishing in accordance with the Wildlife Code or the Fish and Aquatic Life Code.

(6) He has in his possession any explosive bullet. For purposes of this paragraph "explosive bullet" means the projectile portion of an ammunition cartridge which contains or carries an explosive charge which will explode upon contact with the flesh of a human or an animal. "Cartridge" means a tubular metal case having a projectile affixed at the front thereof and a cap or primer at the rear end thereof, with the propellant contained in such tube between the projectile and the cap; or

(b) Sentence.

Unlawful possession of firearms, other than handguns, and firearm ammunition is a Class A misdemeanor. Unlawful possession of handguns is a Class 4 felony.

(c) Nothing in paragraph (1) of subsection (a) of this Section prohibits a person under 18 years of age from participating in any lawful recreational activity with a firearm such as, but not limited to, practice shooting at targets upon established public or private target ranges or hunting, trapping, or fishing in accordance with the Wildlife Code or the Fish and Aquatic Life Code.

(6) He has in his possession any explosive bullet. For purposes of this paragraph "explosive bullet" means the projectile portion of an ammunition cartridge which contains or carries an explosive charge which will explode upon contact with the flesh of a human or an animal. "Cartridge" means a tubular metal case having a projectile affixed at the front thereof and a cap or primer at the rear end thereof, with the propellant contained in such tube between the projectile and the cap; or

(b) Sentence.

Unlawful possession of firearms, other than handguns, and firearm ammunition is a Class A misdemeanor. Unlawful possession of handguns is a Class 4 felony.

(c) Nothing in paragraph (1) of subsection (a) of this Section prohibits a person under 18 years of age from participating in any lawful recreational activity with a firearm such as, but not limited to, practice shooting at targets upon established public or private target ranges or hunting, trapping, or fishing in accordance with the Wildlife Code or the Fish and Aquatic Life Code.
and the receipt of periodic reports from all individuals and agencies, public or private, providing care or related services to the ward.

(b) Placement of a ward outside of the ward's home may be made only after the public guardian or his representative has visited the facility in which placement is proposed.

(c) The public guardian shall prepare an inventory of the ward's belongings and assets and shall maintain insurance on all of the ward's real and personal property. No personal property shall be removed from the ward's possession except for storage pending final placement or for liquidation in accordance with this Act.

(d) The public guardian shall make no substantial distribution of the ward's estate without a court order.

(e) The public guardian may liquidate assets of the ward to pay for the costs of the ward's care and for storage of the ward's personal property only after notice of such pending action is given to all potential heirs at law, unless notice is waived by the court; provided, however, that a person who has been so notified may elect to pay for care or storage or to pay fair market value of the asset or assets sought to be sold in lieu of liquidation.

(f) Real property of the ward may be sold at fair market value after an appraisal of the property has been made by a licensed appraiser; provided, however, that the ward's residence may be sold only if the court finds that the ward is not likely to be able to return home at a future date.

(g) The public guardian shall, at such intervals as the court may direct, submit to the court an affidavit setting forth in detail the services he has provided for the benefit of the ward. The court shall set reasonable and appropriate fees for such services. Except in a county that has a population exceeding 3,000,000 people, the public guardian may petition the court for the payment of reasonable and appropriate fees on not less than a quarterly basis, or sooner as approved by the court.

(h) Upon the death of the ward, the public guardian shall turn over to the court-appointed administrator all of the ward's assets and an account of his receipt and administration of the ward's property. A guardian ad litem shall be appointed for an accounting when the estate exceeds the amount set in Section 25-1 of this Act for administration of small estates.

(i) (1) On petition of any person who appears to have an interest in the estate, the court by temporary order may restrain the public guardian from performing specified acts of administration, disbursement or distribution, or from exercise of any powers or discharge of any duties of his office, or make any other order to secure proper performance of his duty, if it appears to the court that the public guardian might otherwise take some action contrary to the best interests of the ward. Persons with whom the public guardian may transact business may be made parties.

(2) The matter shall be set for hearing within 10 days unless the parties otherwise agree or unless for good cause shown the court determines that additional time is required. Notice as the court directs shall be given to the public guardian and his attorney of record, if any, and to any other parties named defendant in the petition.
(j) On petition of the public guardian, the court in its discretion may for good cause shown transfer guardianship to the State guardian.

(k) No later than January 31 of each year, the public guardian shall file an annual report with the clerk of the Circuit Court, indicating, with respect to the period covered by the report, the number of cases which he has handled, the date on which each case was assigned, the date of termination of each case which has been closed during the period, the disposition of each terminated case, and the total amount of fees collected during the period from each ward.

(l) When the public guardian is appointed temporary guardian of a disabled adult pursuant to an emergency petition under circumstances where the court finds that the immediate establishment of a temporary guardianship is necessary to protect the disabled adult’s health, welfare, or estate, the public guardian shall be entitled to reasonable and appropriate fees, as determined by the court, for the period of the temporary guardianship, including fees directly associated with establishing the temporary guardianship.

(Source: P.A. 87-287.)

Section 99. Effective date. This Act takes effect upon becoming law.
Approved August 22, 2002.
Effective August 22, 2002.

PUBLIC ACT 92-0841
(Senate Bill No. 2030)

AN ACT in relation to criminal law.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Criminal Code of 1961 is amended by changing Sections 12-2, 12-4, and 31-1 as follows:
(720 ILCS 5/12-2) (from Ch. 38, par. 12-2)
Sec. 12-2. Aggravated assault.
(a) A person commits an aggravated assault, when, in committing an assault, he:

(1) Uses a deadly weapon or any device manufactured and designed to be substantially similar in appearance to a firearm, other than by discharging a firearm in the direction of another person, a peace officer, a person summoned or directed by a peace officer, a correctional officer or a fireman or in the direction of a vehicle occupied by another person, a peace officer, a person summoned or directed by a peace officer, a correctional officer or a fireman while the officer or fireman is engaged in the execution of any of his official duties, or to prevent the officer or fireman from performing his official duties, or in retaliation for the officer or fireman performing his official duties;

(2) Is hooded, robed or masked in such manner as to conceal his identity or any device manufactured and designed to be substantially similar in appearance to

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a firearm;

(3) Knows the individual assaulted to be a teacher or other person employed in any school and such teacher or other employee is upon the grounds of a school or grounds adjacent thereto, or is in any part of a building used for school purposes;

(4) Knows the individual assaulted to be a supervisor, director, instructor or other person employed in any park district and such supervisor, director, instructor or other employee is upon the grounds of the park or grounds adjacent thereto, or is in any part of a building used for park purposes;

(5) Knows the individual assaulted to be a caseworker, investigator, or other person employed by the State Department of Public Aid, a County Department of Public Aid, or the Department of Human Services (acting as successor to the Illinois Department of Public Aid under the Department of Human Services Act) and such caseworker, investigator, or other person is upon the grounds of a public aid office or grounds adjacent thereto, or is in any part of a building used for public aid purposes, or upon the grounds of a home of a public aid applicant, recipient or any other person being interviewed or investigated in the employees' discharge of his duties, or on grounds adjacent thereto, or is in any part of a building in which the applicant, recipient, or other such person resides or is located;

(6) Knows the individual assaulted to be a peace officer, or a community policing volunteer, or a fireman while the officer or fireman is engaged in the execution of any of his official duties, or to prevent the officer, community policing volunteer, or fireman from performing his official duties, or in retaliation for the officer, community policing volunteer, or fireman performing his official duties, and the assault is committed other than by the discharge of a firearm in the direction of the officer or fireman or in the direction of a vehicle occupied by the officer or fireman;

(7) Knows the individual assaulted to be an emergency medical technician - ambulance, emergency medical technician - intermediate, emergency medical technician - paramedic, ambulance driver or other medical assistance or first aid personnel employed by a municipality or other governmental unit engaged in the execution of any of his official duties, or to prevent the emergency medical technician - ambulance, emergency medical technician - intermediate, emergency medical technician - paramedic, ambulance driver, or other medical assistance or first aid personnel from performing his official duties, or in retaliation for the emergency medical technician - ambulance, emergency medical technician - intermediate, emergency medical technician - paramedic, ambulance driver, or other medical assistance or first aid personnel performing his official duties;

(8) Knows the individual assaulted to be the driver, operator, employee or passenger of any transportation facility or system engaged in the business of transportation of the public for hire and the individual assaulted is then performing in such capacity or then using such public transportation as a passenger or using any area of any description designated by the transportation facility or system as a vehicle

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boarding, departure, or transfer location;

(9) Or the individual assaulted is on or about a public way, public property, or public place of accommodation or amusement;

(10) Knows the individual assaulted to be an employee of the State of Illinois, a municipal corporation therein or a political subdivision thereof, engaged in the performance of his authorized duties as such employee;

(11) Knowingly and without legal justification, commits an assault on a physically handicapped person;

(12) Knowingly and without legal justification, commits an assault on a person 60 years of age or older;

(13) Discharges a firearm;

(14) Knows the individual assaulted to be a correctional officer, while the officer is engaged in the execution of any of his or her official duties, or to prevent the officer from performing his or her official duties, or in retaliation for the officer performing his or her official duties; or

(15) Knows the individual assaulted to be a correctional employee or an employee of the Department of Human Services supervising or controlling sexually dangerous persons or sexually violent persons, while the employee is engaged in the execution of any of his or her official duties, or to prevent the employee from performing his or her official duties, or in retaliation for the employee performing his or her official duties, and the assault is committed other than by the discharge of a firearm in the direction of the employee or in the direction of a vehicle occupied by the employee.

(a-5) A person commits an aggravated assault when he or she knowingly and without lawful justification shines or flashes a laser gunsight or other laser device that is attached or affixed to a firearm, or used in concert with a firearm, so that the laser beam strikes near or in the immediate vicinity of any person.

(b) Sentence.

Aggravated assault as defined in paragraphs (1) through (5) and (7) through (12) of subsection (a) of this Section is a Class A misdemeanor. Aggravated assault as defined in paragraphs (13), (14), and (15) of subsection (a) of this Section and as defined in subsection (a-5) of this Section is a Class 4 felony. Aggravated assault as defined in paragraph (6) of subsection (a) of this Section is a Class A misdemeanor if a firearm is not used in the commission of the assault. Aggravated assault as defined in paragraph (6) of subsection (a) of this Section is a Class 4 felony if a firearm is used in the commission of the assault.

(Source: P.A. 90-406, eff. 8-15-97; 90-651, eff. 1-1-99; 91-672, eff. 1-1-00.)

(720 ILCS 5/12-4) (from Ch. 38, par. 12-4)
Sec. 12-4. Aggravated Battery.

(a) A person who, in committing a battery, intentionally or knowingly causes great bodily harm, or permanent disability or disfigurement commits aggravated battery.

(b) In committing a battery, a person commits aggravated battery if he or she:

(1) Uses a deadly weapon other than by the discharge of a firearm;
(2) Is hooded, robed or masked, in such manner as to conceal his identity;

(3) Knows the individual harmed to be a teacher or other person employed in any school and such teacher or other employee is upon the grounds of a school or grounds adjacent thereto, or is in any part of a building used for school purposes;

(4) Knows the individual harmed to be a supervisor, director, instructor or other person employed in any park district and such supervisor, director, instructor or other employee is upon the grounds of the park or grounds adjacent thereto, or is in any part of a building used for park purposes;

(5) Knows the individual harmed to be a caseworker, investigator, or other person employed by the State Department of Public Aid, a County Department of Public Aid, or the Department of Human Services (acting as successor to the Illinois Department of Public Aid under the Department of Human Services Act) and such caseworker, investigator, or other person is upon the grounds of a public aid office or grounds adjacent thereto, or is in any part of a building used for public aid purposes, or upon the grounds of a home of a public aid applicant, recipient, or any other person being interviewed or investigated in the employee's discharge of his duties, or on grounds adjacent thereto, or is in any part of a building in which the applicant, recipient, or other such person resides or is located;

(6) Knows the individual harmed to be a peace officer, a community policing volunteer, a correctional institution employee, an employee of the Department of Human Services supervising or controlling sexually dangerous persons or sexually violent persons, or a fireman while such officer, volunteer, employee or fireman is engaged in the execution of any official duties including arrest or attempted arrest, or to prevent the officer, volunteer, employee or fireman from performing official duties, or in retaliation for the officer, volunteer, employee or fireman performing official duties, and the battery is committed other than by the discharge of a firearm;

(7) Knows the individual harmed to be an emergency medical technician - ambulance, emergency medical technician - intermediate, emergency medical technician - paramedic, ambulance driver, other medical assistance, first aid personnel, or hospital emergency room personnel engaged in the performance of any of his or her official duties, or to prevent the emergency medical technician - ambulance, emergency medical technician - intermediate, emergency medical technician - paramedic, ambulance driver, other medical assistance, first aid personnel, or hospital emergency room personnel from performing official duties, or in retaliation for performing official duties;

(8) Is, or the person battered is, on or about a public way, public property or public place of accommodation or amusement;

(9) Knows the individual harmed to be the driver, operator, employee or passenger of any transportation facility or system engaged in the business of transportation of the public for hire and the individual assaulted is then performing in such capacity or then using such public transportation as a passenger or using any area of any description designated by the transportation facility or system as a vehicle

New matter indicated by italics - deletions by strikeout.
boarding, departure, or transfer location;
   (10) Knowingly and without legal justification and by any means causes bodily harm to an individual of 60 years of age or older;
   (11) Knows the individual harmed is pregnant;
   (12) Knows the individual harmed to be a judge whom the person intended to harm as a result of the judge's performance of his or her official duties as a judge;
   (13) Knows the individual harmed to be an employee of the Illinois Department of Children and Family Services engaged in the performance of his authorized duties as such employee;
   (14) Knows the individual harmed to be a person who is physically handicapped;
   (15) Knowingly and without legal justification and by any means causes bodily harm to a merchant who detains the person for an alleged commission of retail theft under Section 16A-5 of this Code. In this item (15), "merchant" has the meaning ascribed to it in Section 16A-2.4 of this Code; or
   (16) Is, or the person battered is, in any building or other structure used to provide shelter or other services to victims or to the dependent children of victims of domestic violence pursuant to the Illinois Domestic Violence Act of 1986 or the Domestic Violence Shelters Act, or the person battered is within 500 feet of such a building or other structure while going to or from such a building or other structure. "Domestic violence" has the meaning ascribed to it in Section 103 of the Illinois Domestic Violence Act of 1986. "Building or other structure used to provide shelter" has the meaning ascribed to "shelter" in Section 1 of the Domestic Violence Shelters Act. For the purpose of paragraph (14) of subsection (b) of this Section, a physically handicapped person is a person who suffers from a permanent and disabling physical characteristic, resulting from disease, injury, functional disorder or congenital condition.
   (c) A person who administers to an individual or causes him to take, without his consent or by threat or deception, and for other than medical purposes, any intoxicating, poisonous, stupefying, narcotic, anesthetic, or controlled substance commits aggravated battery.
   (d) A person who knowingly gives to another person any food that contains any substance or object that is intended to cause physical injury if eaten, commits aggravated battery.
   (d-3) A person commits aggravated battery when he or she knowingly and without lawful justification shines or flashes a laser gunsight or other laser device that is attached or affixed to a firearm, or used in concert with a firearm, so that the laser beam strikes upon or against the person of another.
   (d-5) An inmate of a penal institution or a sexually dangerous person or a sexually violent person in the custody of the Department of Human Services who causes or attempts to cause a correctional employee of the penal institution or an employee of the Department of Human Services to come into contact with blood, seminal fluid, urine, or feces, by

New matter indicated by italics - deletions by strikeout.
throwing, tossing, or expelling that fluid or material commits aggravated battery. For purposes of this subsection (d-5), "correctional employee" means a person who is employed by a penal institution.

(e) Sentence.

Aggravated battery is a Class 3 felony, except a violation of subsection (a) is a Class 2 felony when the person knows the individual harmed to be a peace officer engaged in the execution of any of his or her official duties, or the battery is to prevent the officer from performing his or her official duties, or in retaliation for the officer performing his or her official duties.

(Source: P.A. 91-357, eff. 7-29-99; 91-488, eff. 1-1-00; 91-619, eff. 1-1-00; 91-672, eff. 1-1-00; 92-16, eff. 6-28-01; 92-516, eff. 1-1-02.)

(720 ILCS 5/31-1) (from Ch. 38, par. 31-1)

Sec. 31-1. Resisting or obstructing a peace officer or correctional institution employee.

(a) A person who knowingly resists or obstructs the performance by one known to the person to be a peace officer or correctional institution employee of any authorized act within his official capacity commits a Class A misdemeanor.

(a-5) In addition to any other sentence that may be imposed, a court shall order any person convicted of resisting or obstructing a peace officer to be sentenced to a minimum of 48 consecutive hours of imprisonment or ordered to perform community service for not less than 100 hours as may be determined by the court. The person shall not be eligible for probation in order to reduce the sentence of imprisonment or community service.

(a-7) A person convicted for a violation of this Section whose violation was the proximate cause of an injury to a peace officer is guilty of a Class 4 felony.

(b) For purposes of this Section, "correctional institution employee" means any person employed to supervise and control inmates incarcerated in a penitentiary, State farm, reformatory, prison, jail, house of correction, police detention area, half-way house, or other institution or place for the incarceration or custody of persons under sentence for offenses or awaiting trial or sentence for offenses, under arrest for an offense, a violation of probation, a violation of parole, or a violation of mandatory supervised release, or awaiting a bail setting hearing or preliminary hearing, or who are sexually dangerous persons or who are sexually violent persons.

(Source: P.A. 87-1198.)

Section 99. Effective date. This Act takes effect upon becoming law.
Approved August 22, 2002.
Effective August 22, 2002.

PUBLIC ACT 92-0842
(Senate Bill No. 2130)

AN ACT concerning historic preservation.

New matter indicated by italics - deletions by strikeout.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois State Agency Historic Resources Preservation Act is amended by changing Section 5 as follows:

(20 ILCS 3420/5) (from Ch. 127, par. 133c25)

Sec. 5. Responsibilities of the Historic Preservation Agency, Division of Preservation Services.

(a) The Director shall include in the Agency's annual report an outline of State agency actions on which comment was requested or issued under this Act.

(b) The Director shall maintain a current list of all historic resources owned, operated, or leased by the State and appropriate maps indicating the location of all such resources. These maps shall be in a form available to the public and State agencies, except that the location of archaeological resources shall be excluded.

(c) The Director shall make rules and issue appropriate guidelines to implement this Act. These shall include, but not be limited to, regulations for holding on-site inspections, public information meetings and procedures for consultation, mediation, and resolutions by the Committee pursuant to subsections (e) and (f) of Section 4.

(d) The Director shall (1) assist, to the fullest extent possible, the State agencies in their identification of properties for inclusion in an inventory of historic resources, including provision of criteria for evaluation;

(2) provide information concerning professional methods and techniques for preserving, improving, restoring, and maintaining historic resources when requested by State agencies;

and (3) help facilitate State agency compliance with this Act.

(e) The Director shall monitor the implementation of actions of each State agency which have an effect, either adverse or beneficial, on an historic resource.

(f) The Agency shall manage and control the preservation, conservation, inventory, and analysis of fine and decorative arts, furnishings, and artifacts of the Illinois Executive Mansion in Springfield, the Governor's offices in the Capitol in Springfield and the James R. Thompson Center in Chicago, and the Hayes House in DuQuoin. The Agency shall manage the preservation and conservation of the buildings and grounds of the Illinois Executive Mansion in Springfield. The Governor shall appoint a Curator of the Executive Mansion, with the advice and consent of the Senate, to assist the Agency in carrying out the duties under this item (f). The person appointed Curator must have experience in historic preservation or as a curator. The Curator shall serve at the pleasure of the Governor. The Governor shall determine the compensation of the Curator, which shall not be diminished during the term of appointment.

(Source: P.A. 86-707.)

Section 99. Effective date. This Act takes effect on July 1, 2002.
Passed in the General Assembly June 2, 2002.
Approved August 22, 2002.
Effective August 22, 2002.

New matter indicated by italics - deletions by strikeout.
PUBLIC ACT 92-0843
(Senate Bill No. 2214)

AN ACT in relation to certain land.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

ARTICLE 1

Section 1-5. Upon the payment of the sum of $12,000.00 to the State of Illinois, the rights or easements of access, crossing, light, air and view from, to and over the following described line and FAP Route 12 (US 40) are restored subject to permit requirements of the State of Illinois, Department of Transportation.
Parcel No. 800XA86
A line in the Southeast Quarter of the Southwest Quarter of Section 14, Township 5 North, Range 3 West of the Third Principal Meridian, Bond County, Illinois, more particularly described as follows: Commencing at a stone at the south quarter corner of said Section 14; thence on an assumed bearing of South 88 degrees 45 minutes 55 seconds West on the south line of said Section 14, a distance of 700.38 feet to an iron rod; thence North 01 degree 45 minutes 03 seconds West, 576.33 feet to an iron rod on the south right of way line of old U.S. Route 40, also being the Point of Beginning. From said Point of Beginning; thence North 63 degrees 47 minutes 57 seconds East on said right of way line, 564.92 feet to an iron rod, being the point of terminus.

Section 1-10. Upon the payment of the sum of $200.00 to the State of Illinois, and subject to the conditions set forth in Section 1-900 of this Article, the easement for highway purposes acquired by the People of the State of Illinois is released over and through the following described land in Kendall County, Illinois:
Parcel No. 3LR0073
That part of Section 8, Township 36 North, Range 7 East of the Third Principal Meridian described as follows: Commencing at the northwest corner of Woodland Acres Subdivision as recorded September 23, 1971, in Book 14 of Plats at pages 1 and 2 in the Recorder's Office of Kendall County, Illinois; thence North 00 degrees 21 minutes 00 seconds East along the westerly line of said Woodland Acres Subdivision extended a distance of 314.70 feet; thence South 73 degrees 19 minutes 39 seconds West, 520.13 feet; thence North 11 degrees 46 minutes 45 seconds West, 208.80 feet; thence South 73 degrees 19 minutes 39 seconds West, 208.80 feet to the westerly line of High Point Road; thence North 11 degrees 47 seconds West, 512.10 feet along said westerly line of High Point Road; thence North 78 degrees 08 minutes 12 seconds East, 43.80 feet to the existing southerly right of way line of Illinois Route 71 and the Point Of Beginning; thence North 29 degrees 18 minutes 34 seconds East, 136.44 feet; thence North 73 degrees 00 minutes 53 seconds East, 50.09 feet to the existing southerly right of way line of said Illinois Route 71; thence southwesterly 24.64 feet along a 4,441.27 foot radius curve to the

New matter indicated by italics - deletions by strikeout.
left having a chord of South 70 degrees 20 minutes 54 seconds West, 24.64 feet on said right of way line; thence South 36 degrees 07 minutes 57 seconds West, 155.17 feet on said right of way line to the Point Of Beginning, containing 0.030 acre, more or less, and all being situated in Kendall Township, Kendall County, Illinois.

Section 1-15. Upon the payment of the sum of $1,300.00 to the State of Illinois, and subject to the conditions set forth in Section 1-900 of this Article, the easement for highway purposes acquired by the People of the State of Illinois is released over and through the following described land in Woodford County, Illinois:

Parcel No. 3LR0015

A part of the Southwest Quarter of Section 16, Township 27 North, Range 2 West of the Third Principal Meridian, and also being a part of a tract of land described in the Dedication Of Right Of Way For Public Road Purposes recorded as Document Number 118539 in Book 113 of Deeds on page 103 in the Recorder's Office of Woodford County, Illinois, described as follows: Commencing at the intersection of the west line of the East Half of the Northeast Quarter of the Northeast Quarter of Section 20, Township 27 North, Range 2 West of the Third Principal Meridian and the southerly right of way line of Partridge Street in the Village of Metamora, Illinois, as shown on a Plat of Honeysuckle Point Subdivision recorded as Document Number 287476 in Book 26, Page 89, in the Recorder's Office of Woodford County, Illinois; thence, on a basis of bearings from an assumed north used on the aforesaid plat, North 00 degrees 07 minutes 52 seconds East, 60.00 feet to the northerly right of way line of said Partridge Street; thence South 89 degrees 56 minutes 13 seconds, East 714.00 feet along said northerly right of way line of Partridge Street to the northerly existing right of way line of former S.B.I. Route 116 and the Point Of Beginning; thence South 82 degrees 34 minutes 49 seconds West, 25.99 feet; thence North 89 degrees 50 minutes 50 seconds East, 77.01 feet; thence South 89 degrees 30 minutes 46 seconds East, 550.00 feet; thence South 89 degrees 58 minutes 54 seconds East, 100.00 feet; thence South 89 degrees 24 minutes 31 seconds East, 325.74 feet to a point being 60.00 feet radially distant from the existing centerline of Illinois Route 116; thence North 84 degrees 25 minutes 38 seconds East, 98.56 feet to the northerly existing right of way line of Illinois Route 116; thence North 88 degrees 43 minutes 38 seconds West, 875.79 feet along the northerly existing right of way line of former S.B.I. Route 116; thence South 88 degrees 32 minutes 46 seconds West, 140.09 feet along said northerly existing right of way line of former S.B.I. Route 116; thence South 82 degrees 34 minutes 49 seconds West, 110.34 feet along said northerly existing right of way line of former S.B.I. Route 116 to the Point Of Beginning, containing 17,846 square feet or 0.410 acre, more or less.

Section 1-20. Upon the payment of the sum of $500.00 to the State of Illinois, the rights or easements of access, crossing, light, air and view from, to and over the following described line and IL Route 116 are restored subject to permit requirements of the State of Illinois, Department of Transportation:

Parcel No. 3LR0071

New matter indicated by italics - deletions by strikeout.
A part of the Northeast Quarter of Section 21, Township 27 North, Range 1 West of the Third Principal Meridian, Woodford County, Illinois, more particularly described as follows:
Commencing at the intersection of the westerly right of way line of Township Road 1700E and the southerly right of way line of S.B.I. Route 116 as the Point Of Beginning of the Release Of Access Control, said Point Of Beginning being 112.00 feet South of Survey Line Station 414+72; thence in a northwesterly direction to a point 60.00 feet South of Survey Line Station 414+42; thence West, a distance of 492.50 feet, more or less, to the termination of said Release, said point being 60.00 feet south of Station 409+49.5, containing 552.53 lineal feet, more or less, situated in Roanoke Township, Woodford County, Illinois.
Section 1-25. Upon the payment of $525.00 to the State of Illinois and subject to the conditions set forth in Section 1-900 of this Article, the easement for highway purposes acquired by the People of the State of Illinois is released over and through the following described land in Lawrence County, Illinois:
Parcel No. 7LA010X
Part of the South Half (S.1/2) of Section 36, T4N, R12W of the Second Principal Meridian, Lawrence County, Illinois, being all that part of City of Lawrenceville Tract Number 11, as shown on Pages 3 and 4 in Road Deed Book 7 in the Lawrence County Recorder’s Office, lying North of a line being 185 feet North of and parallel to the centerline of Federal Aid Interstate Route 08 (U.S. Route 50), as recorded in Road Deed Book 6, Pages 208-209 in said Recorder's Office, more particularly described as follows:
Commencing at Station 543+64 on the centerline of Federal Aid Interstate Route 08 (U.S. Route 50), as recorded in Road Deed Book 6, Pages 208-209, Lawrence County Recorder's Office; thence North 209.11 feet with the west line of the former Cemetery of the City of Lawrenceville, Illinois, now State of Illinois public road right of way, to the Point of Beginning, being a point 185 feet northwesterly of and normal to centerline Station 544+58 of said Route 08, thence N-00μ-19'-24"-E 232.09 feet; thence S-89μ-06'-49"-E 432.41 feet to a point 185 feet northwesterly of and normal to centerline Station 549+47 of said Route 08; thence southwesterly along a line 185 feet northwesterly of and parallel with said centerline of Route 08 to the Point of Beginning, containing 1.15 acres, more or less.
The above described real estate is not located in the Special Flood Hazard Area identified for Lawrence County, Illinois by the Federal Emergency Management Agency on the Flood Insurance Rate Map, Panel No. 80 of 150 dated February 1, 1985.
The described real estate is within 1 1/2 miles of the corporate limits of the City of Lawrenceville which has adopted a City Plan and is exercising the special powers authorized by Division 12 of Article 11 of the Illinois Municipal Code, as now or hereafter amended.
Section 1-30. Upon the payment of the sum of $2,000.00 to the State of Illinois, the

New matter indicated by italics - deletions by strikeout.
rights or easements of access, crossing, light, air and view from, to and over the following described line and FA Route 5 (Old U.S. 66) are restored subject to permit requirements of the State of Illinois, Department of Transportation:

Parcel No. 3LR0074

A part of the South Half of Section 34, Township 31 North, Range 7 East of the Third Principal Meridian, Grundy County, Illinois, more particularly described as follows:

Commencing at the southeast corner of the First Addition Northbrook Subdivision; thence South 88 degrees 13 minutes 26 seconds West, along the south line of said First Addition Northbrook Subdivision, 119.57 feet; thence South 01 degree 47 minutes 21 seconds East, 388.58 feet, to a point on the northerly right of way line of F.A. 5 (U.S. Route 66) per plat recorded in Road Plat Record No. 1, Pages 66 and 67, said point being 125.00 feet right of Transit Line Station 387+24.5, more or less, for said F.A. 5 (U.S. Route 66); thence North 70 degrees 03 minutes 50 seconds East, 373.75 feet along said northerly line of F.A. 5 (U.S. Route 66), to the point of curvature of a 8469.42 foot radius curve to the left at Station 383+50.72, 125.00 feet northerly of the Transit Line; thence northeasterly, along said northerly line of F.A. 5 (U.S. Route 66), on a curve, tangent to the last described course, concave northwesterly, having a radius of 8469.42 feet, an arc distance of 96.32 feet and a chord of North 69 degrees 44 minutes 17 seconds East, 96.32 feet, to the Point Of Beginning of the Release Of Access Control, said point being 125.00 feet northerly of said Transit Line Station 382+53, more or less; thence continuing along the aforedescribed curve, along said northerly line of F.A. Route 5, having a radius of 8469.42 feet, an arc distance of 200.00 feet and a chord of North 68 degrees 44 minutes 09 seconds East, 200.00 feet, to the termination of said Release, said point being 125.00 feet northerly of said Transit Line Station 380+50, more or less, containing 200.00 lineal feet, more or less, situated in Grundy County, Illinois.

Section 1-35. Upon the payment of the sum of $3,000.00 to the State of Illinois, and subject to the conditions set forth in Section 1-900 of this Act, the Secretary of the Department of Transportation is authorized to convey by quitclaim deed all right, title, and interest in and to the following described land in Morgan County, Illinois, to George H. Perbix Jr. Trust dated March 22, 1991; Jo Ellen Perbix Kuzila Trust dated November 30, 1998; Jill Perbix Chabut Trust dated December 24, 1991.

Parcel No. 675X218

A part of the East Half of the West Half of Section 26, Township 15 North, Range 11 West of the Third Principal Meridian, Morgan County, Illinois, described as follows:

Commencing at a found stone at the southwest corner of the Southeast Quarter of the Southwest Quarter of aforesaid Section 26; thence North 00 degrees 50 minutes 20 seconds East (bearings based on the Illinois State Plane Coordinate System NAD83-West Zone), 1324.84 feet; thence North 00 degrees 32 minutes 00 seconds East, 1327.74 feet; thence North 00 degrees 41 minutes 11 seconds East, 354.98 feet; thence South 89 degrees 18 minutes 49 seconds East, 295.10 feet to the Point of
Beginning; thence North 08 degrees 47 minutes 02 seconds East, 233.91 feet; thence North 18 degrees 09 minutes 01 second East, 315.12 feet; thence North 31 degrees 15 minutes 06 seconds East, 407.45 feet; thence North 09 degrees 15 minutes 32 seconds East, 345.11 feet to the existing southerly right of way line of U.S. 36; thence along said right of way line, North 68 degrees 31 minutes 06 seconds East, 288.25 feet; thence South 06 degrees 29 minutes 15 seconds West, 119.09 feet; thence South 11 degrees 55 minutes 55 seconds West, 206.65 feet; thence South 39 degrees 16 minutes 07 seconds West, 206.65 feet; thence South 51 degrees 55 minutes 59 seconds West, 577.52 feet; thence South 14 degrees 48 minutes 19 seconds West, 257.29 feet; thence South 74 degrees 29 minutes 23 seconds West, 17.49 feet to the Point of Beginning, containing 6.883 acres, more or less.

Section 1-40. Upon the payment of the sum of $44,200.00 to the State of Illinois, and subject to the conditions set forth in Section 1-900 of this Act, the easement for highway purposes acquired by the People of the State of Illinois is released over and through the following described land in Monroe County, Illinois:

Parcel No. 800XB09

That part of Tax Lot 4 in the Northeast Quarter of the Northwest Quarter of Fractional Section 21, Township 1 South, Range 10 West of the Third Principal Meridian, Monroe County, Illinois, described as follows:

Commencing at the northwest corner of said Tax Lot 4, also being the northwest corner of Lot 1 in Admiral Parkway Center, a subdivision recorded January 23, 1997 in Envelope 2-48A in the Monroe County, Illinois Recorder's Office; thence on an assumed bearing of North 89 degrees 45 minutes 43 seconds East on the north line of said Tax Lot 4, also being the north line of said Lot 1 of Admiral Parkway Center, 75.35 feet to the most northerly northeast corner of said Lot 1 of Admiral Parkway Center, said most northerly northeast corner being on the southwesterly right of way line of FA Route 4 (Illinois Route 3), said most northerly northeast corner also being the Point of Beginning.

From said Point of Beginning; thence North 89 degrees 45 minutes 43 seconds East on said north line of Tax Lot 4, a distance of 98.81 feet to a point 100.00 feet radially distant southwesterly of the centerline of said FA Route 4 (Illinois Route 3); thence southeasterly 225.92 feet on a curve to the left, having a radius of 3,680.99 feet, said curve being 100.00 feet southwesterly of and concentric with the centerline of survey of said FA Route 4 (Illinois Route 3), the chord of said curve bears South 51 degrees 26 minutes 20 seconds East, 225.88 feet; thence South 12 degrees 47 minutes 21 seconds West, 71.05 feet to a point on said southwesterly right of way line of FA Route 4 (Illinois Route 3), said point also being on the northeasterly line of said Lot 1 in Admiral Parkway Center; thence northwesterly 333.90 feet on said southwesterly right of way line, also being the northeasterly line of said Lot 1, being a curve to the right, having a radius of 3,745.99 feet, the chord of said curve bears North 51 degrees 05 minutes 04 seconds West, 333.78 feet to the Point of Beginning.

New matter indicated by italics - deletions by strikeout.
Parcel 800XB09 herein described contains 0.418 acre (18,208 sq. ft.).

Revised Southeasterly Access Control Line
A line through part of Tax Lot 4 in the Northeast Quarter of the Northwest Quarter of Fractional Section 21, Township 1 South, Range 10 West of the Third Principal Meridian, Monroe County, Illinois, described as follows:
Commencing at the northwest corner of said Tax Lot 4, also being the northwest corner of Lot 1 in Admiral Parkway Center, a subdivision recorded January 23, 1997 in Envelope 2-48A in the Monroe County, Illinois Recorder's Office; thence on an assumed bearing of North 89 degrees 45 minutes 43 seconds East on the north line of said Tax Lot 4, also being the north line of said Lot 1 of Admiral Parkway Center, 75.35 feet to the most northerly northeast corner of said Lot 1 of Admiral Parkway Center, said most northerly northeast corner being on the southwesterly right of way line of FA Route 4 (Illinois Route 3), said most northerly northeast corner also being the Point of Beginning.
From said Point of Beginning; thence North 89 degrees 45 minutes 43 seconds East on said north line of Tax Lot 4, a distance of 98.81 feet to a point 100.00 feet radially distant southwesterly of the centerline of said FA Route 4 (Illinois Route 3); thence southeasterly 225.92 feet on a curve to the left, having a radius of 3,680.99 feet, said curve being 100.00 feet southwesterly of and concentric with the centerline of survey of said FA Route 4 (Illinois Route 3), the chord of said curve bears South 51 degrees 26 minutes 20 seconds East, 225.88 feet; thence South 12 degrees 47 minutes 21 seconds West, 71.05 feet to a point on said southwesterly right of way line of FA Route 4 (Illinois Route 3), said point also being on the northeasterly line of said Lot 1 in Admiral Parkway Center; thence southeasterly 15.27 feet on said southwesterly right of way line, also being the northeasterly line of said Lot 1, being a curve to the left, having a radius of 3,745.99 feet, the chord of said curve bears South 53 degrees 48 minutes 07 seconds East, 15.27 feet to the most easterly northeast corner of said Lot 1 in Admiral Parkway Center for the Point of Terminus.
It is understood and agreed that there is no existing right of access nor will access be permitted in the future by the State of Illinois, Department of Transportation, from or over the premises above described to and from FA Route 4, previously declared a freeway.
Section 1-45. Upon the payment of the sum of $1,140.00 to the State of Illinois, and subject to the conditions set forth in Section 1-900 of this Act, the easement for highway purposes acquired by the People of the State of Illinois is released over and through the following described land in Ogle County, Illinois:

Parcel No. 2DOG037
A parcel of land in the Southwest Quarter of Section 4, Township 22 North, Range 8 East of the Fourth Principal Meridian, Ogle County, Illinois, described as follows: Commencing at the South Quarter Corner of said Section 4; thence northerly on the east line of the Southwest Quarter of said Section 4, said line having a bearing of North 0 degrees 48 minutes 27 seconds East, a distance of 332.94 feet to a point;
thence westerly on a line having a bearing of North 89 degrees 13 minutes 29 seconds West, a distance of 67.24 feet to a point in the northwesterly right-of-way line of a public highway designated S.B.I. Route 87 (Sterling Road), said point being the Point of Beginning of the hereinafter described parcel of land; thence southerly on a line having a bearing of South 0 degrees 46 minutes 31 seconds West, a distance of 234.02 feet to a point; thence southwesterly on a line having a bearing of South 33 degrees 09 minutes 47 seconds West, a distance of 32.95 feet to a point; thence westerly on a line having a bearing of South 88 degrees 54 minutes 10 seconds West, a distance of 235.92 feet to a point in said northwesterly right-of-way line; thence northeasterly on said northwesterly right-of-way line, a distance of 379.95 feet on a curve to the left, having a radius of 477.18 feet, a central angle of 45 degrees 17 seconds and the long chord of said curve bears North 44 degrees 00 minutes 40 seconds East, a chord distance of 369.99 feet to the Point of Beginning, containing 0.542 acre, more or less. For the purpose of this description, said east line of the Southwest Quarter of Section 4 has been assigned the bearing of North 0 degrees 48 minutes 27 seconds East.

Section 1-900. The Secretary of Transportation shall obtain a certified copy of the portions of this Act containing the title, enacting clause, the effective date, the appropriate Section or Sections containing the land descriptions of the property to be transferred or otherwise affected under this Article, and this Section within 60 days after its effective date and, upon receipt of payment required by the Section or Sections, if any payment is required, shall record the certified document in the Recorder's Office in the county which the land is located.

ARTICLE 2

Section 2-5. The Department of Natural Resources is authorized to convey an easement to the owner of record of the real estate described in this Section. The easement may be permanent and is to provide access to the real estate and shall not be for other purposes. The easement shall be conveyed in such form and with such conditions as may be determined by the Department to be necessary. The real estate that is the subject of this Section is described as follows:

Part of the West Half (W 1/2) of the Northeast Quarter (NE 1/4) of Section Numbered Two (2), Township Numbered Eight (8) North, Range Numbered Six (6) West of the Third Principal Meridian, described in detail as follows;

Commencing at an iron pin at the Northwest corner of the Northeast Quarter (NE 1/4) of said Section Numbered Two (2);

Thence South 0 degree 29 minutes 30 seconds West along the Quarter Section line one hundred twenty-six and sixty-one hundredths (126.61) feet to the point of beginning. Said point of beginning being located in the South line of the old railroad right of way.

From the point of beginning South 89 degrees 21 minutes 24 seconds East along said right of way line thirteen hundred thirty-five and seventy-six hundredths (1335.76) feet;

Thence South 0 degrees 29 minutes 30 seconds West eleven hundred ninety-five and fifty-four hundredths (1195.54) feet;

New matter indicated by italics - deletions by strikeout.
Thence West thirteen hundred thirty-five and sixty-seven hundredths (1335.67) feet; Thence North 0 degrees 29 minutes 30 seconds East twelve hundred eleven and thirty-eight hundredths (1211.38) feet along the Quarter Section line to the point of beginning.

All in the County of Macoupin, State of Illinois.

Section 2-900. The Director of Natural Resources shall obtain a certified copy of the portions of this Act containing the title, enacting clause, the effective date, the appropriate Section or Sections containing the land descriptions of the property to be transferred or otherwise affected under this Article, and this Section within 60 days after its effective date and, upon receipt of payment required by the Section or Sections, if any payment is required, shall record the certified document in the Recorder's Office in the county in which the land is located.

ARTICLE 3

Section 3-5. Upon the payment of the sum of $1 to the State of Illinois, and subject to the conditions set forth in Sections 3-10 and 3-900 of this Article, the Secretary of Human Services is authorized to convey by quitclaim deed all right, title, and interest in and to the following described land to the Kankakee River Valley Forest Preserve District:

Commencing at the intersection of the low water line of the Southerly bank of the Kankakee River with the West line of the East 330 feet of the North Half of the Southeast Quarter of the Northeast Quarter of Section 8 lying South of the River in Township 30 North, Range 13 West of the 2nd P.M. in Kankakee County, Illinois; thence South 00° 00' 25" East a distance of approximately 35 feet to a point; thence continuing South 00° 00' 25" East a distance of 230.20 feet to a point; thence North 87° 27' 25" West a distance of 672.20 feet to a point; thence South 00° 02' 10" East a distance of 326.10 feet to a point; thence North 87° 29' 35" West a distance of 662.87 feet to a point; thence South 00° 01' 35" West a distance of 1,324.89 feet to a point; thence North 88° 05' 30" West a distance of 675.44 feet to a point; thence South 00° 00' 05" West a distance of 660.28 feet to a point; thence North 88° 38' 15" West along the North line of the South Half of the South Half of the Southwest Quarter of said Section 8 a distance of 1,466.37 feet to a point; thence North 50° 32' 00" East a distance of 1,100.44 feet to a point; thence North 50° 49' 10" East a distance of 381.20 feet to a point; thence North 50° 09' 00" East a distance of 514.58 feet to a point; thence North 36° 58' 20" East a distance of 325.23 feet to a point; thence North 43° 57' 40" East a distance of 251.02 feet to a point; thence North 11° 39' 00" East a distance of 184.90 feet to a point; thence North 34° 55' 30" West a distance of 201.57 feet to a point; thence North 23° 55' 30" West a distance of 328.46 feet to a point; thence North 32° 34' 30" East a distance of 149.30 feet to a point; thence North 55° 00' 50" East a distance of 184.90 feet to a point; thence North 28° 18' 20" East a distance of 139.82 feet to a point; thence North 48° 50' 30" East a distance of 90.93 feet to a point; thence North 84° 08' 00" East a distance of 126.90 feet to a point; thence South 36° 43' 00" East a distance of 76.78 feet to a point; thence South 00° 18' 20" East a distance of 85.85 feet to a point; thence North

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Section 3-10. The Secretary of Human Services and the Kankakee River Valley Forest Preserve District are authorized to enter into an intergovernmental agreement that sets forth the conditions for the use and occupancy of the land subject to Section 3-5. The Secretary of Human Services and the Kankakee River Valley Forest Preserve District must enter into the intergovernmental agreement prior to the transfer of said land. If the Kankakee River Valley Forest Preserve District breaches a condition of the intergovernmental agreement, then the State of Illinois shall have the right of entry upon said land upon written demand submitted by the Secretary of Human Services or his or her successor on behalf of the State of Illinois and upon return of the purchase price.

Section 3-900. The Secretary of Human Services shall obtain a certified copy of the portions of this Act containing the title, the enacting clause, the effective date, the appropriate Section or Sections containing the land descriptions of the property to be transferred or otherwise affected, Section 3-10, and this Section within 60 days after its effective date and, upon receipt of payment required by the Section or Sections, if any payment is required, shall record the certified document in the Recorder's Office in the county in which the land is located.

ARTICLE 4

Section 4-5. Upon payment of the sum of $1, the Director of Veterans' Affairs, on behalf of the State of Illinois, is authorized to convey by quitclaim deed to the Manteno Fire Protection District all right, title, and interest in and to the following described real property located in Kankakee County, Illinois:

A part of the East Half of the Southwest Quarter of Section 23, Township 32 North, Range 12 East of Third Principal Meridian in Kankakee County, Illinois, described as follows: Commencing at the Southwest corner of the East Half of the Southwest Quarter of said Section 23; thence South 89 degrees 53 minutes 18 seconds East along the South line of the Southwest Quarter of said Section 23 a distance of 502.30 feet (as previously described) to an iron rod, said point to be known as the point of beginning. From said point of beginning; thence North 00 degrees 04 minutes 05 seconds East a distance of 519.07 feet (previously described as North 00 degrees 11 minutes 50 seconds East a distance of 518.98 feet) to an iron rod; thence North 89 degrees 58 minutes 11 seconds East (previously described as South 89 degrees 53 minutes 18 seconds East) a distance of 643.04 feet to an iron rod; thence North 89 degrees 32 minutes 27 seconds East a distance of 520.70 feet to an iron rod on the South line of the Southwest Quarter of said Section 23; thence North 89 degrees 53 minutes 18 seconds West a distance of 648.57 feet to the point of beginning, EXCEPT the South 65.00 feet thereof, containing 6.74 acres more or less, SUBJECT TO rights-of-way for roads, drainage and easements apparent or of record.

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Section 4-10. The conveyance of real property authorized by Section 4-5 shall be made subject to the express condition that the property must be used for public or educational purposes and that if the property ceases to be used for public or educational purposes, it shall revert to the State of Illinois without further action on the part of the State.

Section 4-15. The Director of Veterans' Affairs shall obtain a certified copy of the portions of this Act containing the title, the enacting clause, the effective date, the appropriate Sections containing the land descriptions of property to be transferred, Section 4-10, and this Section within 60 days after this Act's effective date and, upon receipt of payment required by the appropriate Sections, shall record the certified document in the Recorder's Office in the county in which the land is located.

ARTICLE 5

Section 5-5. Upon payment of the sum of $1, the Director of the Historic Preservation Agency, on behalf of the State of Illinois, is authorized to convey by quitclaim deed to Lewis University all right, title, and interest in and to the following described real property located in Will County, Illinois:

That part of Lot 8 in Fitzpatrick Subdivision, being a subdivision of part of Section 15, Township 36 North, Range 10 East of the Third Principal Meridian, according to the plat thereof recorded May 12, 1933, in Plat Book 23, pages 30 and 31 as document no. 464335, described as follows: commencing at the southwest corner of the southeast 1/4 of said Section 15; thence north along the north-south center line of said Section 15, for a distance of 1,089 feet; thence west and perpendicular to the last described line for a distance of 155.13 feet to the east right-of-way line of Illinois State Route 53; thence north along said right-of-way line for a distance of 110 feet for a point of beginning; thence east and perpendicular to the last described line for a distance of 300 feet; thence north and perpendicular to the last described line for a distance of 350 feet; thence west and perpendicular to the last described line a distance of 300 feet to the east right-of-way line of Illinois State Route 53; thence south along said right-of-way line for a distance of 350 feet to the point of beginning, all in Will County, Illinois.

Section 5-10. The conveyance of real property authorized by Section 5-5 shall be made subject to the express condition that the property must be maintained as a historic property in accordance with the Secretary of the Interior's Standards for the Rehabilitation of Historic Buildings, and the property must be used for public or educational purposes and that if the property ceases to be used for public or educational purposes, or is not maintained as a historic building it shall revert to the State of Illinois without further action on the part of the State.

ARTICLE 10

Section 10-5. The Metropolitan Water Reclamation District Act is amended by adding Section 288 as follows:

(70 ILCS 2605/288 new)

Sec. 288. District enlarged. Upon the effective date of this amendatory Act of the 92nd General Assembly, the corporate limits of the Metropolitan Water Reclamation District are extended to include within those limits the following described tract of land, and that

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tract is annexed to the District.

LEGAL DESCRIPTION

5.425 ACRES

THAT PART OF THE NORTHWEST QUARTER OF SECTION 25, TOWNSHIP 42 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 25; THENCE NORTH 00'00"00" EAST ALONG THE EAST LINE OF SAID NORTHWEST QUARTER OF SECTION 25, A DISTANCE OF 1314.40 FEET TO THE NORTH LINE OF THE SOUTH HALF OF SAID NORTHWEST QUARTER OF SECTION 25; THENCE SOUTH 89'15'17" WEST ALONG THE NORTH LINE OF SAID SOUTH HALF OF THE NORTHWEST QUARTER OF SECTION 25, A DISTANCE OF 170.00 FEET; THENCE SOUTH 44'22'03" WEST, 410.93 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 89'15'17" WEST PARALLEL WITH THE NORTH LINE OF SAID SOUTH HALF OF THE NORTHWEST QUARTER OF SECTION 25, A DISTANCE OF 420.04 FEET TO A LINE 1755.25 FEET EAST OF, MEASURED AT RIGHT ANGLES, AND PARALLEL WITH THE WEST LINE OF SAID NORTHWEST QUARTER OF SECTION 25; THENCE NORTH 00'02'28" WEST ALONG SAID PARALLEL LINE, 105.23 FEET; THENCE SOUTH 89'15'17" WEST PARALLEL WITH THE NORTH LINE OF SAID SOUTH HALF OF THE NORTHWEST QUARTER OF SECTION 25, A DISTANCE OF 300.13 FEET; THENCE SOUTH 00'02'28" EAST, 150.68 FEET; THENCE NORTH 89'57'32" EAST 120.37 FEET; THENCE SOUTH 00'02'28" EAST PARALLEL WITH THE WEST LINE OF SAID NORTHWEST QUARTER OF SECTION 25, A DISTANCE OF 353.10 FEET; THENCE NORTH 89'15'17" EAST PARALLEL WITH THE NORTH LINE OF SAID SOUTH HALF OF THE NORTHWEST QUARTER OF SECTION 25, A DISTANCE OF 479.77 FEET; THENCE NORTH 00'02'28" WEST, 278.99 FEET; THENCE NORTH 44'22'03" EAST, 171.50 FEET TO THE PLACE OF BEGINNING, IN COOK COUNTY, ILLINOIS.

ARTICLE 20

Section 20-1. The Director of the Department of Natural Resources, on behalf of the State of Illinois, is authorized to Convey and Quit Claim unto the City of Granite City, an Illinois unit of local government, its successors and assigns, for and in consideration of $1.00 paid to said Department, a non-exclusive, unobstructed, perpetual easement for the purpose of constructing, installing, or laying, and thereafter using, operating, inspecting, repairing, maintaining, and replacing a storm water ditch or sewer on, over, under, and across all or part of the following described real property, subject to such conditions as may be deemed necessary by said Department to protect the public interest, to wit:

An 80-foot wide tract of land being 40 feet wide on either side of a centerline located in the West Half of Section 15, Township 3 North, Range 9 West of the Third Principal Meridian, Madison County, Illinois, said centerline being more fully

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described as follows:

Commencing at the Southeast corner of the Northwest Quarter of the Northwest Quarter of said Section 15; thence North along the East line of said Northwest Quarter of the Northwest Quarter of Section 15, a distance of 574.2 feet to a point on the southeasterly right-of-way line of the former Nickel Plate Railroad; thence Southwesterly along said right-of-way line, a distance of 69.04 feet to a point on the centerline of a tract of land conveyed to the Alton and Southern Railroad Company by deed recorded in Book 550, Page 167 in the records of Madison County, Illinois, and being the Point of Beginning of the centerline being described; thence South along the centerline of said tract conveyed to the Alton and Southern Railroad Company, a distance of 2700 feet, more or less, to a point on the Northerly shoreline of Horseshoe Lake, being the Termination Point of the centerline being described;

Said 80-foot wide tract being bounded on the North by the Southeasterly right-of-way line of the former Nickel Plate Railroad, and on the South by the Northerly shoreline of Horseshoe Lake.

Section 20-900. The Director of Natural Resources shall obtain a certified copy of the portions of this Act containing the title, enacting clause, the effective date, the appropriate Section or Sections containing the land descriptions of the property to be transferred or otherwise affected under this Article, and this Section within 60 days after its effective date and, upon receipt of the payment required by the Section or Sections, if any payment is required, shall record the certified document in the Recorder's Office in the county in which the land is located.

ARTICLE 25

Section 25-5. The Director of the Department of Natural Resources, on behalf of the State of Illinois, is authorized to execute and deliver to the Plainfield Township Park District, for and in consideration of $1 paid to said Department, a quit claim deed to the following described real property, to wit:

TRACT IA (EAST):

That part of the following described parcel lying North of the Indian Boundary Line of the North 22 chains of the Northwest fractional 1/4 of Section 3, in Township 36 North and in Range 9 East of the Third Principal Meridian, described as follows:

Commencing at a point 22 chains South of the Northwest corner of said Northwest fractional 1/4 of Section 3, thence East parallel with the North line of said Section 3, (North 90 degrees East) 975.64 feet, to a point of beginning; thence North 90 degrees East, 1667.55 feet, to the East line of Northwest fractional 1/4 of said Section 3; thence North 00 degrees 09 minutes 46 seconds West, 22 chains, to the North line of Northwest fractional 1/4 of said Section 3; thence South 90 degrees West, 928.19 feet; thence South 08 degrees west, 100.0 feet; thence South 10 degrees 32 minutes West 67.97 feet; thence South 25 degrees West, 500.0 feet; thence South 36 degrees West, 300.0 feet; thence South 30 degrees West, 300.0 feet; thence South 23 degrees 30 minutes West, 300.0 feet; thence South 43 degrees West, 75.70 feet to the Point of Beginning;

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TRACT 1B:
That part of the following described parcel lying South of the Indian Boundary Line:
The North 22 chains of the Northwest fractional Quarter of Section 3, in Township 36 North and in Range 9 East of the Third Principal Meridian;
TRACT 2A (EAST):
That part of the following described parcel lying North of the Indian Boundary Line and that part of said Northwest fractional 1/4 of Section 3, Township 36 North and in Range 9 East of the Third Principal Meridian, described as follows: Commencing at a point 22 chains South of the Northwest corner of said Northwest fractional 1/4 of Section 3, running thence South 3.82 1/3 chains (South 00 degrees 09 minutes 46 seconds East); thence East parallel with the North line of said Section 3, (North 90 degrees East) 755.0 feet, to a point of beginning; thence North 90 degrees East 894.14 feet; thence South parallel with the West line of said Section 3, 8.19 chains to a stone on the West Bank of the DuPage River; thence East, 6.50 chains; thence North 70 degrees East, 8.50 chains; thence West, 2.80 chains to the center thread of the DuPage River; thence along the center thread of the said river North 32 degrees East, 6 chains; thence North 13 degrees East, 4.25 chains to the Northeast corner of said tract in the center thread of the said river; thence West parallel to the North Section line, 1698.68 feet; thence South 43 degrees West, 224.3 feet; thence South 28 degrees West, 100.0 feet to the Point of Beginning;
TRACT 2B:
That part of the following described parcel lying South of the Indian Boundary Line:
That part of said Northwest fractional 1/4 of Section 3, Township 36 North and in Range 9 East of the Third Principal Meridian, described as follows: Beginning at a point 22 chains South of the Northwest corner of said Northwest fractional 1/4 of Section 3, running thence South 3.82 1/3 chains; thence East parallel with the North line of said Section, 25.29 chains; thence South parallel with the West line of said Section, 8.19 chains to a stone on the West bank of the DuPage River; thence East 6.50 chains; thence North 70 degrees East, 8.50 chains; thence West 2.80 chains to the center thread of the DuPage River; thence along the center thread of the said river North 32 degrees East, 6 chains; thence North 13 degrees East, 4.25 chains to the Northeast corner of said tract in the center thread of the river; thence West parallel to the North Section line, 40.52 chains to the Point of Beginning;
TRACT 3A:
That part of the following described parcel lying North of the Indian Boundary Line:
That part of the West 1/2 of the Northeast 1/4 of said Section 3, lying West of the center thread of the DuPage River, in Township 36 North and in Range 9 East of the Third Principal Meridian;
TRACT 3B:
That part of the following described parcel lying South of the Indian Boundary Line:
That part of the West 1/2 of the Northeast 1/4 of said Section 3, lying West of the center thread of the DuPage River, in Township 36 North and in Range 9 East of the

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Third Principal Meridian;
Containing in all 74.771 acres, more or less, all situated in Will County, Illinois.

Section 25-10. The conveyance of real property authorized by Section 25-5 shall be made subject to the condition that said real property shall be used for the promotion, protection and preservation of wildlife and the setting aside of the real property for open space and outdoor recreational activities specifically that the part of the 74.771 acres lying in the flood plain and adjacent to the DuPage River shall be set aside and left as best it can in its natural state, though permitting its limited development with walking and hiking paths and that that part of the 74.771 acres lying west of the west flood plain line adjacent to the DuPage River may be used for open space and outdoor recreational activities, including the construction of parking lots, washrooms, picnic grounds and outdoor recreational facilities and buildings ancillary thereto, reference being had to that Order of Distribution and Settlement entered May 14, 1997, in the Circuit Court of the 12th Judicial Circuit, Will County, Illinois, in Case Number 95-PE-3202.

ARTICLE 30

Section 30-10. The Director of Natural Resources, on behalf of the State of Illinois, is authorized to execute and deliver to Elmer L. Hamson, his successors and assigns, for and in consideration of $8,580.00 paid to said Department, a quit claim deed to the following described real property, to wit:

Parcel 1: A strip of land 160 feet in width, described as follows: Beginning at the Southeast corner of the Southeast Quarter of the Southwest Quarter of Section 11; thence North, a distance of 1478.41 feet to a point on the South line of the existing township road right of way; thence running North 55 degrees 4 minutes West along said South line of the township road right of way a distance of 195.16 feet to a point; thence running South to the South line of the Southeast Quarter of Section 11; thence East 160 feet to the point of beginning; ALSO, a strip of land 160 feet in width extending over and across the East 3/4ths of the North Half of the Southwest Quarter of Section 11, the South boundary of same being the South line of the existing township road right of way, said 160 foot strip being more particularly described as follows, to-wit: Beginning at a point being 1478.41 feet North of the Southeast corner of the Southeast Quarter of the Southwest Quarter, said point being on the South line of the existing township road right of way; thence running North 55 degrees 4 minutes West along said South township road right of way line, a distance of 2015.07 feet to a point on the North line of the Northwest Quarter of the Southwest Quarter of said Section 11; thence East a distance of 279.42 feet to a point; thence running South 55 degrees 4 minutes East to a point on the East line of the Northeast Quarter of the Southwest Quarter of Section 11; thence South a distance of 195.16 feet to the point of beginning; all situated in Township 4 South, Range 4 East of the Third Principal Meridian, In JEFFERSON COUNTY, ILLINOIS; EXCEPT all minerals and all rights and easements in favor of said mineral estate;

ALSO,

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Parcel 1 minerals: An undivided 1/2 interest in all coal within 150 feet of the surface as to the following: A strip of land 160 feet in width, described as follows: Beginning at the Southeast corner of the Southwest Quarter of the Northwest Quarter of Section 11; thence North, a distance of 1478.41 feet to a point on the South line of the existing township road right of way; thence running North 55 degrees 4 minutes West along said South line of the township road right of way, a distance of 195.16 feet to a point; thence running South to the South line of the Southwest Quarter of the Northwest Quarter; thence East 160 feet to the point of beginning; ALSO, as to a strip of land 160 feet in width extending over and across the East 3/4ths of the North Half of the Southwest Quarter of Section 11, the South boundary of same being the South line of the existing township road right of way, said 160 foot strip being more particularly described as follows, to-wit; Beginning at a point being 1478.41 feet North of the Southeast corner of the Southwest Quarter of the Northwest Quarter, said point being on the South line of the existing township road right of way; thence running North 55 degrees 4 minutes West along said South township road right of way line, a distance of 2015.07 feet to a point on the North line of the Northwest Quarter of the Southwest Quarter of said Section 11; thence East, a distance of 279.42 feet to a point; thence running South 55 degrees 4 minutes East to a point on the East line of the Northeast Quarter of the Southwest Quarter of said Section 11; thence South a distance of 195.16 feet to the point of beginning; all situated in Township 4 South, Range 4 East of the Third Principal Meridian, in JEFFERSON COUNTY, ILLINOIS.

Section 30-15. The Director of Natural Resources, on behalf of the State of Illinois, is authorized to execute and deliver to Harold Haile, his successors and assigns, for and in consideration of $3,460.00 paid to said Department, a quit claim deed to the following described real property, to wit:

Parcel 2: A strip of land 160 feet in width extending over and across the Southwest Quarter of the Northwest Quarter of Section 11, running in a Southeasterly direction, the South line of same being the South line of the existing township road right of way, said 160 foot strip being more particularly described as follows: Beginning at a point being 627 feet South of the Northwest corner of the Southwest Quarter of the Northwest Quarter of Section 11, said point being on the South line of the existing township road right of way; thence running South 55 degrees 4 minutes East along said South line of the township road right of way, a distance of 1193.93 feet to a point on the South line of the Southwest Quarter of the Northwest Quarter of said Section 11; thence East, a distance of 279.42 feet to a point; thence running South 55 degrees 4 minutes West to the West line of the Southwest Quarter of the Northwest Quarter of said Section 11 at a point being 195.16 feet North of the point of beginning; thence South, a distance of 195.16 feet to the point of beginning; in Township 4 South, Range 4 East of the Third Principal Meridian, all situated in JEFFERSON COUNTY, ILLINOIS. EXCEPT all minerals and all rights and easements in favor of said mineral estate;

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ALSO,
Parcel 2 minerals: All coal within 150 feet of the surface as to the following: A strip of land 160 feet in width extending over and across the Southwest Quarter of the Northwest Quarter of Section 11, running in a Southeasterly direction, the South line of same being the South line of the existing township road right of way, said 160 foot strip being more particularly described as follows: Beginning at a point being 627 feet South of the Northwest corner of the Southwest Quarter of the Northwest Quarter of Section 11, said point being on the South line of the existing township road right of way; thence running South 55 degrees 4 minutes East along said South line of the township road right of way, a distance of 1193.93 feet to a point on the South line of the Southwest Quarter of the Northwest Quarter of said Section 11; thence East, a distance of 279.42 feet to a point; thence running North 55 degrees 4 minutes West to the West line of the Southwest Quarter of the Northwest quarter of said Section 11 at a point being 195.16 feet North of the point of beginning; thence South a distance of 195.16 feet to the point of beginning; in Township 4 South, Range 4 East of the Third Principal Meridian, all situated in JEFFERSON COUNTY, ILLINOIS.

Section 30-900. The Director of Natural Resources shall obtain a certified copy of the portions of this Act containing the title, enacting clause, the effective date, the appropriate Section or Sections containing the land descriptions of the property to be transferred or otherwise affected under this Article, and this Section within 60 days after its effective date and, upon receipt of payment required by the Section or Sections, if any payment is required, shall record the certified document in the Recorder's Office in the county in which the land is located.

ARTICLE 999
Section 999-5. Effective date. This Act takes effect upon becoming law.
Passed in the General Assembly June 1, 2002.
Approved August 22, 2002.
Effective August 22, 2002.

PUBLIC ACT 92-0844
(House Bill No. 1276)

AN ACT in relation to taxes.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Property Tax Code is amended by changing Sections 9-195 and 15-60 as follows:
(35 ILCS 200/9-195)
Sec. 9-195. Leasing of exempt property.
(a) Except as provided in Sections 15-35, 15-55, 15-60, 15-100, and 15-103, when property which is exempt from taxation is leased to another whose property is not exempt,

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and the leasing of which does not make the property taxable, the leasehold estate and the appurtenances shall be listed as the property of the lessee thereof, or his or her assignee. Taxes on that property shall be collected in the same manner as on property that is not exempt, and the lessee shall be liable for those taxes. However, no tax lien shall attach to the exempt real estate. The changes made by this amendatory Act of 1997 and by this amendatory Act of the 91st General Assembly are declaratory of existing law and shall not be construed as a new enactment. The changes made by Public Acts 88-221 and 88-420 that are incorporated into this Section by this amendatory Act of 1993 are declarative of existing law and are not a new enactment.

(b) The provisions of this Section regarding taxation of leasehold interests in exempt property do not apply to any leasehold interest created pursuant to any transaction described in subsection (e) of Section 15-35, subsection (c-5) of Section 15-60, subsection (b) of Section 15-100, or Section 15-103.

(Source: P.A. 90-562, eff. 12-16-97; 91-513, eff. 8-13-99.)

35 ILCS 200/15-60

Sec. 15-60. Taxing district property. All property belonging to any county or municipality used exclusively for the maintenance of the poor is exempt, as is all property owned by a taxing district that is being held for future expansion or development, except if leased by the taxing district to lessees for use for other than public purposes.

Also exempt are:

(a) all swamp or overflowed lands belonging to any county;
(b) all public buildings belonging to any county, township, or municipality, with the ground on which the buildings are erected;
(c) all property owned by any municipality located within its incorporated limits. Any such property leased by a municipality shall remain exempt, and the leasehold interest of the lessee shall be assessed under Section 9-195 of this Act, (i) for a lease entered into on or after January 1, 1994, unless the lease expressly provides that this exemption shall not apply; (ii) for a lease entered into on or after the effective date of Public Act 87-1280 and before January 1, 1994, unless the lease expressly provides that this exemption shall not apply or unless evidence other than the lease itself substantiates the intent of the parties to the lease that this exemption shall not apply; and (iii) for a lease entered into before the effective date of Public Act 87-1280, if the terms of the lease do not bind the lessee to pay the taxes on the leased property or if, notwithstanding the terms of the lease, the municipality has filed or hereafter files a timely exemption petition or complaint with respect to property consisting of or including the leased property for an assessment year which includes part or all of the first 12 months of the lease period. The foregoing clause (iii) added by Public Act 87-1280 shall not operate to exempt property for any assessment year as to which no timely exemption petition or complaint has been filed by the municipality or as to which an administrative or court decision denying exemption has become final and nonappealable. For each assessment year or portion thereof that property is made exempt by operation of the foregoing clause (iii), whether such year or portion is before or after the effective date of Public Act 87-1280, the leasehold interest of the lessee shall, if necessary, be considered
omitted property for purposes of this Act;

(c-5) Notwithstanding clause (i) of subsection (c), all property owned by a municipality with a population of over 500,000 that is used for toll road or toll bridge purposes and that is leased for those purposes to another entity whose property is not exempt shall remain exempt, and any leasehold interest in the property shall not be subject to taxation under Section 9-195 of this Act;

(d) all property owned by any municipality located outside its incorporated limits but within the same county when used as a tuberculosis sanitarium, farm colony in connection with a house of correction, or nursery, garden, or farm, or for the growing of shrubs, trees, flowers, vegetables, and plants for use in beautifying, maintaining, and operating playgrounds, parks, parkways, public grounds, buildings, and institutions owned or controlled by the municipality; and

(e) all property owned by a township and operated as senior citizen housing under Sections 35-50 through 35-50.6 of the Township Code.

All property owned by any municipality outside of its corporate limits is exempt if used exclusively for municipal or public purposes.

For purposes of this Section, "municipality" means a municipality, as defined in Section 1-1-2 of the Illinois Municipal Code.

(Source: P.A. 89-165, eff. 1-1-96; 90-176, eff. 1-1-98.)

Section 10. The Illinois Municipal Code is amended by changing Section 8-11-6 as follows:

(65 ILCS 5/8-11-6) (from Ch. 24, par. 8-11-6)


(a) The corporate authorities of a home rule municipality may impose a tax upon the privilege of using, in such municipality, any item of tangible personal property which is purchased at retail from a retailer, and which is titled or registered at a location within the corporate limits of such home rule municipality with an agency of this State's government, at a rate which is an increment of 1/4% and based on the selling price of such tangible personal property, as "selling price" is defined in the Use Tax Act. In home rule municipalities with less than 2,000,000 inhabitants, the tax shall be collected by the municipality imposing the tax from persons whose Illinois address for titling or registration purposes is given as being in such municipality.

(b) In home rule municipalities with 2,000,000 or more inhabitants, the corporate authorities of the municipality may additionally impose a tax beginning July 1, 1991 upon the privilege of using in the municipality, any item of tangible personal property, other than tangible personal property titled or registered with an agency of the State's government, that is purchased at retail from a retailer located outside the corporate limits of the municipality, at a rate that is an increment of 1/4% not to exceed 1% and based on the selling price of the tangible personal property, as "selling price" is defined in the Use Tax Act. Such tax shall be collected from the purchaser or the retailer either by the municipality imposing such tax or by the Department of Revenue pursuant to an agreement between the Department and the municipality.

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To prevent multiple home rule taxation, the use in a home rule municipality of tangible personal property that is acquired outside the municipality and caused to be brought into the municipality by a person who has already paid a home rule municipal tax in another municipality in respect to the sale, purchase, or use of that property, shall be exempt to the extent of the amount of the tax properly due and paid in the other home rule municipality.

(c) If a municipality having 2,000,000 or more inhabitants imposes the tax authorized by subsection (a), then the tax shall be collected by the Illinois Department of Revenue when the property is purchased at retail from a retailer in the county in which the home rule municipality imposing the tax is located, and in all contiguous counties. The tax shall be remitted to the State, or an exemption determination must be obtained from the Department before the title or certificate of registration for the property may be issued. The tax or proof of exemption may be transmitted to the Department by way of the State agency with which, or State officer with whom, the tangible personal property must be titled or registered if the Department and that agency or State officer determine that this procedure will expedite the processing of applications for title or registration.

The Department shall have full power to administer and enforce this Section to collect all taxes, penalties and interest due hereunder, to dispose of taxes, penalties and interest so collected in the manner hereinafter provided, and determine all rights to credit memoranda or refunds arising on account of the erroneous payment of tax, penalty or interest hereunder. In the administration of and compliance with this Section the Department and persons who are subject to this Section shall have the same rights, remedies, privileges, immunities, powers and duties, and be subject to the same conditions, restrictions, limitations, penalties and definitions of terms, and employ the same modes of procedure as are prescribed in Sections 2 (except the definition of “retailer maintaining a place of business in this State”), 3 (except provisions pertaining to the State rate of tax, and except provisions concerning collection or refunding of the tax by retailers), 4, 11, 12, 12a, 14, 15, 19, 20, 21 and 22 of the Use Tax Act, which are not inconsistent with this Section, as fully as if provisions contained in those Sections of the Use Tax Act were set forth herein.

Whenever the Department determines that a refund shall be made under this Section to a claimant instead of issuing a credit memorandum, the Department shall notify the State Comptroller, who shall cause the order to be drawn for the amount specified, and to the person named, in such notification from the Department. Such refund shall be paid by the State Treasurer out of the home rule municipal retailers’ occupation tax fund.

The Department shall forthwith pay over to the State Treasurer, ex officio, as trustee, all taxes, penalties and interest collected hereunder. On or before the 25th day of each calendar month, the Department shall prepare and certify to the State Comptroller the disbursement of stated sums of money to named municipalities, the municipality in each instance to be that municipality from which the Department during the second preceding calendar month, collected municipal use tax from any person whose Illinois address for titling or registration purposes is given as being in such municipality. The amount to be paid to each municipality shall be the amount (not including credit memoranda) collected hereunder during the second preceding calendar month by the Department, and not including
an amount equal to the amount of refunds made during the second preceding calendar month by the Department on behalf of such municipality, less the amount expended during the second preceding month by the Department to be paid from the appropriation to the Department from the Home Rule Municipal Retailers' Occupation Tax Trust Fund. The appropriation to cover the costs incurred by the Department in administering and enforcing this Section shall not exceed 2% of the amount estimated to be deposited into the Home Rule Municipal Retailers' Occupation Tax Trust Fund during the fiscal year for which the appropriation is made. Within 10 days after receipt by the State Comptroller of the disbursement certification to the municipalities provided for in this Section to be given to the State Comptroller by the Department, the State Comptroller shall cause the orders to be drawn for the respective amounts in accordance with the directions contained in that certification.

Any ordinance imposing or discontinuing any tax to be collected and enforced by the Department under this Section shall be adopted and a certified copy thereof filed with the Department on or before October 1, whereupon the Department of Revenue shall proceed to administer and enforce this Section on behalf of the municipalities as of January 1 next following such adoption and filing. Beginning April 1, 1998, any ordinance imposing or discontinuing any tax to be collected and enforced by the Department under this Section shall either (i) be adopted and a certified copy thereof filed with the Department on or before April 1, whereupon the Department of Revenue shall proceed to administer and enforce this Section on behalf of the municipalities as of July 1 next following the adoption and filing; or (ii) be adopted and a certified copy thereof filed with the Department on or before October 1, whereupon the Department of Revenue shall proceed to administer and enforce this Section on behalf of the municipalities as of January 1 next following the adoption and filing.

Nothing in this subsection (c) shall prevent a home rule municipality from collecting the tax pursuant to subsection (a) in any situation where such tax is not collected by the Department of Revenue under this subsection (c).

(d) Any unobligated balance remaining in the Municipal Retailers’ Occupation Tax Fund on December 31, 1989, which fund was abolished by Public Act 85-1135, and all receipts of municipal tax as a result of audits of liability periods prior to January 1, 1990, shall be paid into the Local Government Tax Fund, for distribution as provided by this Section prior to the enactment of Public Act 85-1135. All receipts of municipal tax as a result of an assessment not arising from an audit, for liability periods prior to January 1, 1990, shall be paid into the Local Government Tax Fund for distribution before July 1, 1990, as provided by this Section prior to the enactment of Public Act 85-1135, and on and after July 1, 1990, all such receipts shall be distributed as provided in Section 6z-18 of the State Finance Act.

(e) As used in this Section, "Municipal" and "Municipality" means a city, village or incorporated town, including an incorporated town which has superseded a civil township.

(f) This Section shall be known and may be cited as the Home Rule Municipal Use Tax Act.

(Source: P.A. 91-51, eff. 6-30-99; 92-221, eff. 8-2-01.)

Section 90. The State Mandates Act is amended by adding Section 8.26 as follows:

New matter indicated by italics - deletions by strikeout.
Sec. 8.26. Exempt mandate. Notwithstanding Sections 6 and 8 of this Act, no reimbursement by the State is required for the implementation of any mandate created by this amendatory Act of the 92nd General Assembly.

Section 99. Effective date. This Act takes effect upon becoming law.
Passed in the General Assembly June 1, 2002.
Approved August 23, 2002.
Effective August 23, 2002.

PUBLIC ACT 92-0845
(House Bill No. 4912)

AN ACT concerning higher education student assistance.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Higher Education Student Assistance Act is amended by changing Sections 50, 52, and 65.15 as follows:

Sec. 50. Minority Teachers of Illinois scholarship program.
(a) As used in this Section:
"Eligible applicant" means a minority student who has graduated from high school or has received a General Educational Development Certification and has maintained a cumulative grade point average at the postsecondary level of no less than 2.5 on a 4.0 scale, and who by reason thereof is entitled to apply for scholarships to be awarded under this Section.
"Minority student" means a student who is either (i) Black (a person having origins in any of the black racial groups in Africa); (ii) Hispanic (a person of Spanish or Portuguese culture with origins in Mexico, South or Central America, or the Caribbean islands, regardless of race); (iii) Asian American (a person with origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent, including Pakistan, and the Pacific Islands, including, among others, Hawaii, Melanesia, Micronesia and Polynesia); or (iv) Native American (a person who is a member of a federally or state recognized Indian tribe, or whose parents or grandparents have such membership) and to include the native people of Alaska.
"Qualified student" means a person (i) who is a resident of this State and a citizen or permanent resident of the United States; (ii) who is a minority student, as defined in this Section; (iii) who, as an eligible applicant, has made a timely application for a minority teaching scholarship under this Section; (iv) who is enrolled on at least a half-time full time basis at the sophomore level or above until his or her last semester at a qualified Illinois institution of higher learning as an undergraduate student and has not received a baccalaureate degree, except that last semester seniors must enroll only for a minimum of 6 credit hours in order to retain...
minority scholarship eligibility under this Section; (v) who is enrolled in a course of study leading to teacher certification, including alternative teacher certification; (vi) who maintains a grade point average of no less than 2.5 on a 4.0 scale while enrolled at the postsecondary level; and (vii) who continues to advance satisfactorily toward the attainment of a degree.

(b) In order to encourage academically talented Illinois minority students to pursue teaching careers at the preschool or elementary or secondary school level, each qualified student shall be awarded a minority teacher scholarship to any qualified Illinois institution of higher learning. However, preference may be given to qualified applicants enrolled at or above the junior level.

(c) Each minority teacher scholarship awarded under this Section shall be in an amount sufficient to pay the tuition and fees and room and board costs of the qualified Illinois institution of higher learning at which the recipient is enrolled, up to an annual maximum of $5,000; except that in the case of a recipient who does not reside on-campus at the institution at which he or she is enrolled, the amount of the scholarship shall be sufficient to pay tuition and fee expenses and a commuter allowance, up to an annual maximum of $5,000.

(d) The total amount of minority teacher scholarship assistance awarded by the Commission under this Section to an individual in any given fiscal year, when added to other financial assistance awarded to that individual for that year, shall not exceed the cost of attendance at the institution at which the student is enrolled. If the amount of minority teacher scholarship to be awarded to a qualified student as provided in subsection (c) of this Section exceeds the cost of attendance at the institution at which the student is enrolled, the minority teacher scholarship shall be reduced by an amount equal to the amount by which the combined financial assistance available to the student exceeds the cost of attendance.

(e) The maximum number of academic terms for which a qualified student can receive minority teacher scholarship assistance shall be 8 semesters or 12 quarters of undergraduate study.

(f) In any academic year for which an eligible applicant under this Section accepts financial assistance through the Paul Douglas Teacher Scholarship Program, as authorized by Section 551 et seq. of the Higher Education Act of 1965, the applicant shall not be eligible for scholarship assistance awarded under this Section.

(g) All applications for minority teacher scholarships to be awarded under this Section shall be made to the Commission on forms which the Commission shall provide for eligible applicants. The form of applications and the information required to be set forth therein shall be determined by the Commission, and the Commission shall require eligible applicants to submit with their applications such supporting documents or recommendations as the Commission deems necessary.

(h) Subject to a separate appropriation for such purposes, payment of any minority teacher scholarship awarded under this Section shall be determined by the Commission. All scholarship funds distributed in accordance with this subsection shall be paid to the institution and used only for payment of the tuition and fee and room and board expenses

New matter indicated by italics - deletions by strikeout.
incurred by the student in connection with his or her attendance at a qualified Illinois institution of higher learning. Any minority teacher scholarship awarded under this Section shall be applicable to 2 semesters or 3 quarters of enrollment. If a qualified student withdraws from enrollment prior to completion of the first semester or quarter for which the minority teacher scholarship is applicable, the school shall refund to the Commission the full amount of the minority teacher scholarship.

(i) The Commission shall administer the minority teacher scholarship aid program established by this Section and shall make all necessary and proper rules not inconsistent with this Section for its effective implementation.

(j) When an appropriation to the Commission for a given fiscal year is insufficient to provide scholarships to all qualified students, the Commission shall allocate the appropriation in accordance with this subsection. If funds are insufficient to provide all qualified students with a scholarship as authorized by this Section, the Commission shall allocate the available scholarship funds for that fiscal year on the basis of the date the Commission receives a complete application form.

(k) Notwithstanding the provisions of subsection (j) or any other provision of this Section, at least 30% of the funds appropriated for scholarships awarded under this Section in each fiscal year shall be reserved for qualified male minority applicants. If the Commission does not receive enough applications from qualified male minorities on or before January 1 of each fiscal year to award 30% of the funds appropriated for these scholarships to qualified male minority applicants, then the Commission may award a portion of the reserved funds to qualified female minority applicants.

(l) Prior to receiving scholarship assistance for any academic year, each recipient of a minority teacher scholarship awarded under this Section shall be required by the Commission to sign an agreement under which the recipient pledges that, within the one-year period following the termination of the undergraduate program for which the recipient was awarded a minority teacher scholarship, the recipient (i) shall begin teaching for a period of not less than one year for each year of scholarship assistance he or she was awarded under this Section; and (ii) shall fulfill this teaching obligation at a nonprofit Illinois public, private, or parochial preschool, elementary school, or secondary school at which no less than 30% of the enrolled students are minority students in the year during which the recipient begins teaching at the school; and (iii) shall, upon request by the Commission, provide the Commission with evidence that he or she is fulfilling or has fulfilled the terms of the teaching agreement provided for in this subsection.

(m) If a recipient of a minority teacher scholarship awarded under this Section fails to fulfill the teaching obligation set forth in subsection (l) of this Section, the Commission shall require the recipient to repay the amount of the scholarships received, prorated according to the fraction of the teaching obligation not completed, at a rate of interest equal to 5%, and, if applicable, reasonable collection fees. The Commission is authorized to establish rules relating to its collection activities for repayment of scholarships under this Section. All repayments collected under this Section shall be forwarded to the State Comptroller for deposit into the State's General Revenue Fund.

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(n) A recipient of minority teacher scholarship shall not be considered in violation of the agreement entered into pursuant to subsection (l) if the recipient (i) enrolls on a full time basis as a graduate student in a course of study related to the field of teaching at a qualified Illinois institution of higher learning; (ii) is serving, not in excess of 3 years, as a member of the armed services of the United States; (iii) is temporarily totally disabled for a period of time not to exceed 3 years as established by sworn affidavit of a qualified physician; (iv) is seeking and unable to find full time employment as a teacher at an Illinois public, private, or parochial preschool or elementary or secondary school that satisfies the criteria set forth in subsection (l) of this Section and is able to provide evidence of that fact; or, (v) becomes permanently totally disabled as established by sworn affidavit of a qualified physician.

(o) Scholarship recipients under this Section who withdraw from a program of teacher education the Minority Teachers of Illinois scholarship program but remain enrolled in school to continue their postsecondary studies in another academic discipline shall not be required to commence repayment of their Minority Teachers of Illinois scholarship so long as they remain enrolled in school on a full-time basis or if they can document for the Commission special circumstances that warrant extension of repayment.

(Source: P.A. 91-670, eff. 12-22-99.)

(110 ILCS 947/52)
Sec. 52. ITEACH David A. DeBoit Teacher Shortage Scholarship Program. 
(a) In order to encourage academically talented Illinois students, especially minority students, to pursue teaching careers in teacher shortage disciplines, the Commission shall, each year, receive and consider applications for scholarship assistance under this Section. An applicant is eligible for a scholarship under this Section when the Commission finds that the applicant is:

(1) a United States citizen or eligible noncitizen;
(2) a resident of Illinois;
(3) a high school graduate or a person who has received a General Educational Development Certificate;
(4) enrolled or accepted for enrollment, on at least a half-time basis at the sophomore level or above, at an Illinois institution of higher learning; and
(5) pursuing a postsecondary course of study leading to initial certification in a teacher shortage discipline or pursuing additional course work needed to gain State Board of Education approval to teach, including alternative teacher certification, in an approved specialized area in which a teacher shortage exists.

(b) Recipients shall be selected from among applicants qualified pursuant to subsection (a) based on a combination of the following criteria as set forth by the Commission: (1) academic excellence; (2) status as a minority student as defined in Section 50; and (3) financial need. Preference may be given to previous recipients of assistance under this Section, provided they continue to maintain eligibility and maintain satisfactory academic progress as determined by the institution of higher learning at which they enroll. Preference may also be given to qualified applicants enrolled at or above the junior level.

New matter indicated by italics - deletions by strikeout.
(c) Each scholarship awarded under this Section shall be in an amount sufficient to pay the tuition and fees and room and board costs of the Illinois institution of higher learning at which the recipient is enrolled, up to an annual maximum of $5,000; except that in the case of a recipient who does not reside on-campus at the institution of higher learning at which he or she is enrolled, the amount of the scholarship shall be sufficient to pay tuition and fee expenses and a commuter allowance, up to an annual maximum of $5,000.

(d) The total amount of scholarship assistance awarded by the Commission under this Section to an individual in any given fiscal year, when added to other financial assistance awarded to that individual for that year, shall not exceed the cost of attendance at the institution of higher learning at which the student is enrolled.

(e) A recipient may receive up to 8 semesters or 12 quarters of scholarship assistance under this Section.

(f) All applications for scholarship assistance to be awarded under this Section shall be made to the Commission in a form as set forth by the Commission. The form of application and the information required to be set forth therein shall be determined by the Commission, and the Commission shall require eligible applicants to submit with their applications such supporting documents as the Commission deems necessary.

(g) Subject to a separate appropriation made for such purposes, payment of any scholarship awarded under this Section shall be determined by the Commission. All scholarship funds distributed in accordance with this Section shall be paid to the institution on behalf of the recipients. Scholarship funds are applicable toward 2 semesters or 3 quarters of enrollment within an academic year.

(h) The Commission shall administer the **ITEACH** David A. DeBolt Teacher Shortage Scholarship Program established by this Section and shall make all necessary and proper rules not inconsistent with this Section for its effective implementation.

(i) Prior to receiving scholarship assistance for any academic year, each recipient of a scholarship awarded under this Section shall be required by the Commission to sign an agreement under which the recipient pledges that, within the **one-year 5-year** period following the termination of the academic program for which the recipient was awarded a scholarship, the recipient: (i) shall **begin teaching teach** in a teacher shortage discipline for a period of not less than one year for each year of scholarship assistance awarded under this Section, (ii) shall fulfill this teaching obligation at a **nonprofit an** Illinois public, private, or parochial preschool or elementary or secondary school, and (iii) shall, upon request of the Commission, provide the Commission with evidence that he or she is fulfilling or has fulfilled the terms of the teaching agreement provided for in this subsection.

(j) If a recipient of a scholarship awarded under this Section fails to fulfill the teaching obligation set forth in subsection (i) of this Section, the Commission shall require the recipient to repay the amount of the scholarships received, prorated according to the fraction of the teaching obligation not completed, plus interest at a rate of **5% no greater than the highest rate applicable for educational loans made pursuant to Title IV, Part B of the Higher Education Act of 1965, as amended**, and if applicable, reasonable collection fees. The

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Commission is authorized to establish rules relating to its collection activities for repayment of scholarships under this Section.

(k) A recipient of a scholarship awarded by the Commission under this Section shall not be in violation of the agreement entered into pursuant to subsection (i) if the recipient (i) enrolls on a full-time basis as a graduate student in a course of study related to the field of teaching at an institution of higher learning; (ii) is serving as a member of the armed services of the United States; (iii) is temporarily totally disabled, as established by sworn affidavit of a qualified physician; or (iv) is seeking and unable to find full-time employment as a teacher at a school that satisfies the criteria set forth in subsection (i) and is able to provide evidence of that fact. Any such extension of the period during which the teaching requirement must be fulfilled shall be subject to limitations of duration as established by the Commission.

(Source: P.A. 90-201, eff. 7-24-97; 91-670, eff. 12-22-99.)

(110 ILCS 947/65.15)

Sec. 65.15. Special education teacher scholarships.

(a) There shall be awarded annually 250 scholarships to persons qualifying as members of either of the following groups:

(1) Students who are otherwise qualified to receive a scholarship as provided in subsections (b) and (c) of this Section and who make application to the Commission for such scholarship and agree to take courses that will prepare the student for the teaching of children described in Section 14-1 of the School Code.

(2) Persons holding a valid certificate issued under the laws relating to the certification of teachers and who make application to the Commission for such scholarship and agree to take courses that will prepare them for the teaching of children described in Section 14-1 of the School Code.

Scholarships awarded under this Section shall be issued pursuant to regulations promulgated by the Commission; provided that no rule or regulation promulgated by the State Board of Education prior to the effective date of this amendatory Act of 1993 pursuant to the exercise of any right, power, duty, responsibility or matter of pending business transferred from the State Board of Education to the Commission under this Section shall be affected thereby, and all such rules and regulations shall become the rules and regulations of the Commission until modified or changed by the Commission in accordance with law.

For the purposes of this Section scholarships awarded each school year shall be deemed to be issued on July 1 of the year prior to the start of the postsecondary school term and all calculations for use of the scholarship shall be based on such date. Each scholarship shall entitle its holder to exemption from fees as provided in subsection (a) of Section 65.40 while enrolled in a special education program of teacher education, for a period of not more than 4 calendar years and shall be available for use at any time during such period of study except as provided in subsection (b) of Section 65.40.

Scholarships issued to holders of a valid certificate issued under the laws relating to the certification of teachers as provided in paragraph (2) of this subsection may also entitle the holder thereof to a program of teacher education that will prepare the student for the teaching of children described in Section 14-1 of the School Code at the graduate level.

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(b) Each year, the principal, or his or her designee, of each recognized public, private and parochial high school maintaining the twelfth grade shall certify to the Commission the names and addresses of students who are completing an application with the intent to prepare to teach in any recognized public, private, or parochial school of Illinois and ranked scholastically in the upper one-half of their graduating class or, for those not yet graduated, whose scholastic rank in the 4-year high school course of study at the end of the sixth seventh semester is in the upper one-half of their class.

(c) Each holder of a scholarship must furnish proof to the Commission, in such form and at such intervals as the Commission prescribes, of the holder's continued enrollment in a teacher education program qualifying the holder for the scholarship. Any holder of a scholarship who fails to register in a special education program of teacher education at the university within 10 days after the commencement of the term, quarter or semester immediately following the receipt of the scholarship or who, having registered, withdraws from the university or transfers out of teacher education, shall thereupon forfeit the right to use it and it may be granted to the person having the next highest rank as shown on the list held by the Commission. If the person having the next highest rank, within 10 days after notification thereof by the Commission, fails to register at any such university in a special education program of teacher education, or who, having registered, withdraws from the university or transfers out of teacher education, the scholarship may then be granted to the person shown on the list as having the rank next below such person.

(d) Any person who has accepted a scholarship under the preceding subsections of this Section must, within one year after graduation from or termination of enrollment in a teacher education program, begin teaching at a nonprofit Illinois public, private, or parochial preschool or elementary or secondary school in this State for a period of at least 2 of the 5 years immediately following that graduation or termination, excluding, however, from the computation of that 5 year period (i) any time up to 3 years spent in the military service, whether such service occurs before or after the person graduates; (ii) any time that person is enrolled full-time in an academic program related to the field of teaching leading to a graduate or postgraduate degree; (iii) the time that person is temporarily totally disabled for a period of time not to exceed 3 years, as established by the sworn affidavit of a qualified physician; (iv) the time that person is seeking and unable to find full time employment as a teacher at an Illinois public, private, or parochial school; or (v) the time that person is taking additional courses, on at least a half-time basis, needed to obtain certification as a teacher in Illinois.

A person who has accepted a scholarship under the preceding subsections of this Section and who has been unable to fulfill the teaching requirements of this Section may receive a deferment from the obligation of repayment under this subsection (d) under guidelines established by the Commission; provided that no guideline established for any such purpose by the State Board of Education prior to the effective date of this amendatory Act of 1993 shall be affected by the transfer to the Commission of the responsibility for administering and implementing the provisions of this Section, and all guidelines so established shall become the guidelines of the Commission until modified or changed by the Commission.

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Commission.

Any such person who fails to fulfill this teaching requirement shall pay to the Commission the amount of tuition waived by virtue of his or her acceptance of the scholarship, together with interest at 5% per year on that amount. However, this obligation to repay the amount of tuition waived plus interest does not apply when the failure to fulfill the teaching requirement results from the death or adjudication as a person under legal disability of the person holding the scholarship, and no claim for repayment may be filed against the estate of such a decedent or person under legal disability. Payments received by the Commission under this subsection (d) shall be remitted to the State Treasurer for deposit in the general revenue fund. Each person receiving a scholarship shall be provided with a description of the provisions of this subsection (d) at the time he or she qualifies for the benefits of such a scholarship.

(e) This Section is basically the same as Sections 30-1, 30-2, 30-3, and 30-4a of the School Code, which are repealed by this amendatory Act of 1993, and shall be construed as a continuation of the teacher scholarship program established by that prior law, and not as a new or different teacher scholarship program. The State Board of Education shall transfer to the Commission, as the successor to the State Board of Education for all purposes of administering and implementing the provisions of this Section, all books, accounts, records, papers, documents, contracts, agreements, and pending business in any way relating to the teacher scholarship program continued under this Section; and all scholarships at any time awarded under that program by, and all applications for any such scholarships at any time made to, the State Board of Education shall be unaffected by the transfer to the Commission of all responsibility for the administration and implementation of the teacher scholarship program continued under this Section. The State Board of Education shall furnish to the Commission such other information as the Commission may request to assist it in administering this Section.
(Source: P.A. 91-496, eff. 8-13-99.)

Section 10. The Illinois Vehicle Code is amended by changing Section 3-648 as follows:

(625 ILCS 5/3-648)
Sec. 3-648. Education license plates.

(a) The Secretary, upon receipt of an application made in the form prescribed by the Secretary, may issue special registration plates designated as Education license plates. The special plates issued under this Section shall be affixed only to passenger vehicles of the first division and motor vehicles of the second division weighing not more than 8,000 pounds. Plates issued under this Section shall expire according to the multi-year procedure established by Section 3-414.1 of this Code.

(b) The design and color of the plates shall be determined by a contest that every elementary school pupil in the State of Illinois is eligible to enter. The designs submitted for the contest shall be judged on September 30, 2002, and the winning design shall be selected by a committee composed of the Secretary, the Director of State Police, 2 members of the Senate, one member chosen by the President of the Senate and one member chosen by the
Senate Minority Leader, and 2 members of the House of Representatives, one member chosen by the Speaker of the House and one member chosen by the House Minority Leader. The Secretary may allow the plates to be issued as vanity or personalized plates under Section 3-405.1 of the Code. The Secretary shall prescribe stickers or decals as provided under Section 3-412 of this Code.

(c) An applicant for the special plate shall be charged a $40 fee for original issuance, in addition to the appropriate registration fee. Of this $40 additional original issuance fee, $15 shall be deposited into the Secretary of State Special License Plate Fund, to be used by the Secretary to help defray the administrative processing costs, and $25 shall be deposited into the Illinois Future Teacher Corps Scholarship Fund. For each registration renewal period, a $40 fee, in addition to the appropriate registration fee, shall be charged. Of this $40 additional renewal fee, $2 shall be deposited into the Secretary of State Special License Plate Fund and $38 shall be deposited into the Illinois Future Teacher Corps Scholarship Fund. Each fiscal year, once deposits from the additional original issuance and renewal fees into the Secretary of State Special License Plate Fund have reached $500,000, all the amounts received for the additional fees for the balance of the fiscal year shall be deposited into the Illinois Future Teacher Corps Scholarship Fund.

(d) The Illinois Future Teacher Corps Scholarship Fund is created as a special fund in the State treasury. Ninety-five percent of the moneys in the Illinois Future Teacher Corps Scholarship Fund shall be appropriated to the Illinois Student Assistance Commission for scholarships under Section 52 or 65.65 of the Higher Education Student Assistance Act, and 5% of the moneys in the Illinois Future Teacher Corps Scholarship Fund shall be appropriated to the State Board of Education for grants to the Golden Apple Foundation for Excellence in Teaching, a recognized charitable organization that meets the requirements of Title 26, Section 501(c)(3) of the United States Code.

(Source: P.A. 92-445, eff. 8-17-01.)

Section 99. Effective date. This Act takes effect on January 1, 2003.
Approved August 23, 2002.

PUBLIC ACT 92-0846
(Senate Bill No. 2212)

AN ACT in relation to taxes.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Income Tax Act is amended by changing Sections 201, 202, 203, 209, 502, 506, 601.1, 701, 905, 911, and 1501 as follows:
(35 ILCS 5/201) (from Ch. 120, par. 2-201) Sec. 201. Tax Imposed.
(a) In general. A tax measured by net income is hereby imposed on every individual, corporation, trust and estate for each taxable year ending after July 31, 1969 on the privilege

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of earning or receiving income in or as a resident of this State. Such tax shall be in addition to all other occupation or privilege taxes imposed by this State or by any municipal corporation or political subdivision thereof.

(b) Rates. The tax imposed by subsection (a) of this Section shall be determined as follows, except as adjusted by subsection (d-1):

(1) In the case of an individual, trust or estate, for taxable years ending prior to July 1, 1989, an amount equal to 2 1/2% of the taxpayer's net income for the taxable year.

(2) In the case of an individual, trust or estate, for taxable years beginning prior to July 1, 1989 and ending after June 30, 1989, an amount equal to the sum of (i) 2 1/2% of the taxpayer's net income for the period prior to July 1, 1989, as calculated under Section 202.3, and (ii) 3% of the taxpayer's net income for the period after June 30, 1989, as calculated under Section 202.3.

(3) In the case of an individual, trust or estate, for taxable years beginning after June 30, 1989, an amount equal to 3% of the taxpayer's net income for the taxable year.

(4) (Blank).

(5) (Blank).

(6) In the case of a corporation, for taxable years ending prior to July 1, 1989, an amount equal to 4% of the taxpayer's net income for the taxable year.

(7) In the case of a corporation, for taxable years beginning prior to July 1, 1989 and ending after June 30, 1989, an amount equal to the sum of (i) 4% of the taxpayer's net income for the period prior to July 1, 1989, as calculated under Section 202.3, and (ii) 4.8% of the taxpayer's net income for the period after June 30, 1989, as calculated under Section 202.3.

(8) In the case of a corporation, for taxable years beginning after June 30, 1989, an amount equal to 4.8% of the taxpayer's net income for the taxable year.

(c) Personal Property Tax Replacement Income Tax. Beginning on July 1, 1979 and thereafter, in addition to such income tax, there is also hereby imposed the Personal Property Tax Replacement Income Tax measured by net income on every corporation (including Subchapter S corporations), partnership and trust, for each taxable year ending after June 30, 1979. Such taxes are imposed on the privilege of earning or receiving income in or as a resident of this State. The Personal Property Tax Replacement Income Tax shall be in addition to the income tax imposed by subsections (a) and (b) of this Section and in addition to all other occupation or privilege taxes imposed by this State or by any municipal corporation or political subdivision thereof.

(d) Additional Personal Property Tax Replacement Income Tax Rates. The personal property tax replacement income tax imposed by this subsection and subsection (c) of this Section in the case of a corporation, other than a Subchapter S corporation and except as adjusted by subsection (d-1), shall be an additional amount equal to 2.85% of such taxpayer's net income for the taxable year, except that beginning on January 1, 1981, and thereafter, the rate of 2.85% specified in this subsection shall be reduced to 2.5%, and in the case of a

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partnership, trust or a Subchapter S corporation shall be an additional amount equal to 1.5% of such taxpayer's net income for the taxable year.

(d-1) Rate reduction for certain foreign insurers. In the case of a foreign insurer, as defined by Section 35A-5 of the Illinois Insurance Code, whose state or country of domicile imposes on insurers domiciled in Illinois a retaliatory tax (excluding any insurer whose premiums from reinsurance assumed are 50% or more of its total insurance premiums as determined under paragraph (2) of subsection (b) of Section 304, except that for purposes of this determination premiums from reinsurance do not include premiums from inter-affiliate reinsurance arrangements), beginning with taxable years ending on or after December 31, 1999, the sum of the rates of tax imposed by subsections (b) and (d) shall be reduced (but not increased) to the rate at which the total amount of tax imposed under this Act, net of all credits allowed under this Act, shall equal (i) the total amount of tax that would be imposed on the foreign insurer's net income allocable to Illinois for the taxable year by such foreign insurer's state or country of domicile if that net income were subject to all income taxes and taxes measured by net income imposed by such foreign insurer's state or country of domicile, net of all credits allowed or (ii) a rate of zero if no such tax is imposed on such income by the foreign insurer's state of domicile. For the purposes of this subsection (d-1), an inter-affiliate includes a mutual insurer under common management.

(1) For the purposes of subsection (d-1), in no event shall the sum of the rates of tax imposed by subsections (b) and (d) be reduced below the rate at which the sum of:

(A) the total amount of tax imposed on such foreign insurer under this Act for a taxable year, net of all credits allowed under this Act, plus

(B) the privilege tax imposed by Section 409 of the Illinois Insurance Code, the fire insurance company tax imposed by Section 12 of the Fire Investigation Act, and the fire department taxes imposed under Section 11-10-1 of the Illinois Municipal Code,

equals 1.25% of the net taxable premiums written for the taxable year, as described by subsection (1) of Section 409 of the Illinois Insurance Code. This paragraph will in no event increase the rates imposed under subsections (b) and (d).

(2) Any reduction in the rates of tax imposed by this subsection shall be applied first against the rates imposed by subsection (b) and only after the tax imposed by subsection (a) net of all credits allowed under this Section other than the credit allowed under subsection (i) has been reduced to zero, against the rates imposed by subsection (d).

This subsection (d-1) is exempt from the provisions of Section 250.

(e) Investment credit. A taxpayer shall be allowed a credit against the Personal Property Tax Replacement Income Tax for investment in qualified property.

(1) A taxpayer shall be allowed a credit equal to .5% of the basis of qualified property placed in service during the taxable year, provided such property is placed in service on or after July 1, 1984. There shall be allowed an additional credit equal to .5% of the basis of qualified property placed in service during the taxable year,

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provided such property is placed in service on or after July 1, 1986, and the taxpayer's base employment within Illinois has increased by 1% or more over the preceding year as determined by the taxpayer's employment records filed with the Illinois Department of Employment Security. Taxpayers who are new to Illinois shall be deemed to have met the 1% growth in base employment for the first year in which they file employment records with the Illinois Department of Employment Security. The provisions added to this Section by Public Act 85-1200 (and restored by Public Act 87-895) shall be construed as declaratory of existing law and not as a new enactment. If, in any year, the increase in base employment within Illinois over the preceding year is less than 1%, the additional credit shall be limited to that percentage times a fraction, the numerator of which is .5% and the denominator of which is 1%, but shall not exceed .5%. The investment credit shall not be allowed to the extent that it would reduce a taxpayer's liability in any tax year below zero, nor may any credit for qualified property be allowed for any year other than the year in which the property was placed in service in Illinois. For tax years ending on or after December 31, 1987, and on or before December 31, 1988, the credit shall be allowed for the tax year in which the property is placed in service, or, if the amount of the credit exceeds the tax liability for that year, whether it exceeds the original liability or the liability as later amended, such excess may be carried forward and applied to the tax liability of the 5 taxable years following the excess credit years if the taxpayer (i) makes investments which cause the creation of a minimum of 2,000 full-time equivalent jobs in Illinois, (ii) is located in an enterprise zone established pursuant to the Illinois Enterprise Zone Act and (iii) is certified by the Department of Commerce and Community Affairs as complying with the requirements specified in clause (i) and (ii) by July 1, 1986. The Department of Commerce and Community Affairs shall notify the Department of Revenue of all such certifications immediately. For tax years ending after December 31, 1988, the credit shall be allowed for the tax year in which the property is placed in service, or, if the amount of the credit exceeds the tax liability for that year, whether it exceeds the original liability or the liability as later amended, such excess may be carried forward and applied to the tax liability of the 5 taxable years following the excess credit years. The credit shall be applied to the earliest year for which there is a liability. If there is credit from more than one tax year that is available to offset a liability, earlier credit shall be applied first.

(2) The term "qualified property" means property which:

(A) is tangible, whether new or used, including buildings and structural components of buildings and signs that are real property, but not including land or improvements to real property that are not a structural component of a building such as landscaping, sewer lines, local access roads, fencing, parking lots, and other appurtenances;

(B) is depreciable pursuant to Section 167 of the Internal Revenue Code, except that "3-year property" as defined in Section 168(c)(2)(A) of that Code is not eligible for the credit provided by this subsection (e);

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(C) is acquired by purchase as defined in Section 179(d) of the Internal Revenue Code;

(D) is used in Illinois by a taxpayer who is primarily engaged in manufacturing, or in mining coal or fluorite, or in retailing; and

(E) has not previously been used in Illinois in such a manner and by such a person as would qualify for the credit provided by this subsection (e) or subsection (f).

(3) For purposes of this subsection (e), "manufacturing" means the material staging and production of tangible personal property by procedures commonly regarded as manufacturing, processing, fabrication, or assembling which changes some existing material into new shapes, new qualities, or new combinations. For purposes of this subsection (e) the term "mining" shall have the same meaning as the term "mining" in Section 613(c) of the Internal Revenue Code. For purposes of this subsection (e), the term "retailing" means the sale of tangible personal property or services rendered in conjunction with the sale of tangible consumer goods or commodities.

(4) The basis of qualified property shall be the basis used to compute the depreciation deduction for federal income tax purposes.

(5) If the basis of the property for federal income tax depreciation purposes is increased after it has been placed in service in Illinois by the taxpayer, the amount of such increase shall be deemed property placed in service on the date of such increase in basis.

(6) The term "placed in service" shall have the same meaning as under Section 46 of the Internal Revenue Code.

(7) If during any taxable year, any property ceases to be qualified property in the hands of the taxpayer within 48 months after being placed in service, or the situs of any qualified property is moved outside Illinois within 48 months after being placed in service, the Personal Property Tax Replacement Income Tax for such taxable year shall be increased. Such increase shall be determined by (i) recomputing the investment credit which would have been allowed for the year in which credit for such property was originally allowed by eliminating such property from such computation and, (ii) subtracting such recomputed credit from the amount of credit previously allowed. For the purposes of this paragraph (7), a reduction of the basis of qualified property resulting from a redetermination of the purchase price shall be deemed a disposition of qualified property to the extent of such reduction.

(8) Unless the investment credit is extended by law, the basis of qualified property shall not include costs incurred after December 31, 2003, except for costs incurred pursuant to a binding contract entered into on or before December 31, 2003.

(9) Each taxable year ending before December 31, 2000, a partnership may elect to pass through to its partners the credits to which the partnership is entitled under this subsection (e) for the taxable year. A partner may use the credit allocated to him or her under this paragraph only against the tax imposed in subsections (c) and

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(d) of this Section. If the partnership makes that election, those credits shall be allocated among the partners in the partnership in accordance with the rules set forth in Section 704(b) of the Internal Revenue Code, and the rules promulgated under that Section, and the allocated amount of the credits shall be allowed to the partners for that taxable year. The partnership shall make this election on its Personal Property Tax Replacement Income Tax return for that taxable year. The election to pass through the credits shall be irrevocable.

For taxable years ending on or after December 31, 2000, a partner that qualifies its partnership for a subtraction under subparagraph (I) of paragraph (2) of subsection (d) of Section 203 or a shareholder that qualifies a Subchapter S corporation for a subtraction under subparagraph (S) of paragraph (2) of subsection (b) of Section 203 shall be allowed a credit under this subsection (e) equal to its share of the credit earned under this subsection (e) during the taxable year by the partnership or Subchapter S corporation, determined in accordance with the determination of income and distributive share of income under Sections 702 and 704 and Subchapter S of the Internal Revenue Code. This paragraph is exempt from the provisions of Section 250.

(f) Investment credit; Enterprise Zone.

(1) A taxpayer shall be allowed a credit against the tax imposed by subsections (a) and (b) of this Section for investment in qualified property which is placed in service in an Enterprise Zone created pursuant to the Illinois Enterprise Zone Act. For partners, shareholders of Subchapter S corporations, and owners of limited liability companies, if the liability company is treated as a partnership for purposes of federal and State income taxation, there shall be allowed a credit under this subsection (f) to be determined in accordance with the determination of income and distributive share of income under Sections 702 and 704 and Subchapter S of the Internal Revenue Code. The credit shall be .5% of the basis for such property. The credit shall be available only in the taxable year in which the property is placed in service in the Enterprise Zone and shall not be allowed to the extent that it would reduce a taxpayer's liability for the tax imposed by subsections (a) and (b) of this Section to below zero. For tax years ending on or after December 31, 1985, the credit shall be allowed for the tax year in which the property is placed in service, or, if the amount of the credit exceeds the tax liability for that year, whether it exceeds the original liability or the liability as later amended, such excess may be carried forward and applied to the tax liability of the 5 taxable years following the excess credit year. The credit shall be applied to the earliest year for which there is a liability. If there is credit from more than one tax year that is available to offset a liability, the credit accruing first in time shall be applied first.

(2) The term qualified property means property which:

(A) is tangible, whether new or used, including buildings and structural components of buildings;

(B) is depreciable pursuant to Section 167 of the Internal Revenue Code.
Code, except that "3-year property" as defined in Section 168(c)(2)(A) of that Code is not eligible for the credit provided by this subsection (f);

(C) is acquired by purchase as defined in Section 179(d) of the Internal Revenue Code;

(D) is used in the Enterprise Zone by the taxpayer; and

(E) has not been previously used in Illinois in such a manner and by such a person as would qualify for the credit provided by this subsection (f) or subsection (e).

(3) The basis of qualified property shall be the basis used to compute the depreciation deduction for federal income tax purposes.

(4) If the basis of the property for federal income tax depreciation purposes is increased after it has been placed in service in the Enterprise Zone by the taxpayer, the amount of such increase shall be deemed property placed in service on the date of such increase in basis.

(5) The term "placed in service" shall have the same meaning as under Section 46 of the Internal Revenue Code.

(6) If during any taxable year, any property ceases to be qualified property in the hands of the taxpayer within 48 months after being placed in service, or the situs of any qualified property is moved outside the Enterprise Zone within 48 months after being placed in service, the tax imposed under subsections (a) and (b) of this Section for such taxable year shall be increased. Such increase shall be determined by (i) recomputing the investment credit which would have been allowed for the year in which credit for such property was originally allowed by eliminating such property from such computation, and (ii) subtracting such recomputed credit from the amount of credit previously allowed. For the purposes of this paragraph (6), a reduction of the basis of qualified property resulting from a redetermination of the purchase price shall be deemed a disposition of qualified property to the extent of such reduction.

(g) Jobs Tax Credit; Enterprise Zone and Foreign Trade Zone or Sub-Zone.

(1) A taxpayer conducting a trade or business in an enterprise zone or a High Impact Business designated by the Department of Commerce and Community Affairs conducting a trade or business in a federally designated Foreign Trade Zone or Sub-Zone shall be allowed a credit against the tax imposed by subsections (a) and (b) of this Section in the amount of $500 per eligible employee hired to work in the zone during the taxable year.

(2) To qualify for the credit:

(A) the taxpayer must hire 5 or more eligible employees to work in an enterprise zone or federally designated Foreign Trade Zone or Sub-Zone during the taxable year;

(B) the taxpayer's total employment within the enterprise zone or federally designated Foreign Trade Zone or Sub-Zone must increase by 5 or more full-time employees beyond the total employed in that zone at the end of the previous tax year for which a jobs tax credit under this Section was
taken, or beyond the total employed by the taxpayer as of December 31, 1985, whichever is later; and

(C) the eligible employees must be employed 180 consecutive days in order to be deemed hired for purposes of this subsection.

(3) An "eligible employee" means an employee who is:

(A) Certified by the Department of Commerce and Community Affairs as "eligible for services" pursuant to regulations promulgated in accordance with Title II of the Job Training Partnership Act, Training Services for the Disadvantaged or Title III of the Job Training Partnership Act, Employment and Training Assistance for Dislocated Workers Program.

(B) Hired after the enterprise zone or federally designated Foreign Trade Zone or Sub-Zone was designated or the trade or business was located in that zone, whichever is later.

(C) Employed in the enterprise zone or Foreign Trade Zone or Sub-Zone. An employee is employed in an enterprise zone or federally designated Foreign Trade Zone or Sub-Zone if his services are rendered there or it is the base of operations for the services performed.

(D) A full-time employee working 30 or more hours per week.

(4) For tax years ending on or after December 31, 1985 and prior to December 31, 1988, the credit shall be allowed for the tax year in which the eligible employees are hired. For tax years ending on or after December 31, 1988, the credit shall be allowed for the tax year immediately following the tax year in which the eligible employees are hired. If the amount of the credit exceeds the tax liability for that year, whether it exceeds the original liability or the liability as later amended, such excess may be carried forward and applied to the tax liability of the 5 taxable years following the excess credit year. The credit shall be applied to the earliest year for which there is a liability. If there is credit from more than one tax year that is available to offset a liability, earlier credit shall be applied first.

(5) The Department of Revenue shall promulgate such rules and regulations as may be deemed necessary to carry out the purposes of this subsection (g).

(6) The credit shall be available for eligible employees hired on or after January 1, 1986.

(h) Investment credit; High Impact Business.

(1) Subject to subsections (b) and (b-5) of Section 5.5 of the Illinois Enterprise Zone Act, a taxpayer shall be allowed a credit against the tax imposed by subsections (a) and (b) of this Section for investment in qualified property which is placed in service by a Department of Commerce and Community Affairs designated High Impact Business. The credit shall be .5% of the basis for such property. The credit shall not be available (i) until the minimum investments in qualified property set forth in subdivision (a)(3)(A) of Section 5.5 of the Illinois Enterprise Zone Act have been satisfied or (ii) until the time authorized in subsection (b-5) of the Illinois Enterprise Zone Act for entities designated as High Impact Businesses under

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subdivisions (a)(3)(B), (a)(3)(C), and (a)(3)(D) of Section 5.5 of the Illinois Enterprise Zone Act, and shall not be allowed to the extent that it would reduce a taxpayer's liability for the tax imposed by subsections (a) and (b) of this Section to below zero. The credit applicable to such investments shall be taken in the taxable year in which such investments have been completed. The credit for additional investments beyond the minimum investment by a designated high impact business authorized under subdivision (a)(3)(A) of Section 5.5 of the Illinois Enterprise Zone Act shall be available only in the taxable year in which the property is placed in service and shall not be allowed to the extent that it would reduce a taxpayer's liability for the tax imposed by subsections (a) and (b) of this Section to below zero. For tax years ending on or after December 31, 1987, the credit shall be allowed for the tax year in which the property is placed in service, or, if the amount of the credit exceeds the tax liability for that year, whether it exceeds the original liability or the liability as later amended, such excess may be carried forward and applied to the tax liability of the 5 taxable years following the excess credit year. The credit shall be applied to the earliest year for which there is a liability. If there is credit from more than one tax year that is available to offset a liability, the credit accruing first in time shall be applied first.

Changes made in this subdivision (h)(1) by Public Act 88-670 restore changes made by Public Act 85-1182 and reflect existing law.

(2) The term qualified property means property which:
    (A) is tangible, whether new or used, including buildings and structural components of buildings;
    (B) is depreciable pursuant to Section 167 of the Internal Revenue Code, except that "3-year property" as defined in Section 168(c)(2)(A) of that Code is not eligible for the credit provided by this subsection (h);
    (C) is acquired by purchase as defined in Section 179(d) of the Internal Revenue Code; and
    (D) is not eligible for the Enterprise Zone Investment Credit provided by subsection (f) of this Section.

(3) The basis of qualified property shall be the basis used to compute the depreciation deduction for federal income tax purposes.

(4) If the basis of the property for federal income tax depreciation purposes is increased after it has been placed in service in a federally designated Foreign Trade Zone or Sub-Zone located in Illinois by the taxpayer, the amount of such increase shall be deemed property placed in service on the date of such increase in basis.

(5) The term "placed in service" shall have the same meaning as under Section 46 of the Internal Revenue Code.

(6) If during any taxable year ending on or before December 31, 1996, any property ceases to be qualified property in the hands of the taxpayer within 48 months after being placed in service, or the situs of any qualified property is moved outside Illinois within 48 months after being placed in service, the tax imposed under

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subsections (a) and (b) of this Section for such taxable year shall be increased. Such increase shall be determined by (i) recomputing the investment credit which would have been allowed for the year in which credit for such property was originally allowed by eliminating such property from such computation, and (ii) subtracting such recomputed credit from the amount of credit previously allowed. For the purposes of this paragraph (6), a reduction of the basis of qualified property resulting from a redetermination of the purchase price shall be deemed a disposition of qualified property to the extent of such reduction.

(7) Beginning with tax years ending after December 31, 1996, if a taxpayer qualifies for the credit under this subsection (h) and thereby is granted a tax abatement and the taxpayer relocates its entire facility in violation of the explicit terms and length of the contract under Section 18-183 of the Property Tax Code, the tax imposed under subsections (a) and (b) of this Section shall be increased for the taxable year in which the taxpayer relocated its facility by an amount equal to the amount of credit received by the taxpayer under this subsection (h).

(i) Credit for Personal Property Tax Replacement Income Tax. A credit shall be allowed against the tax imposed by subsections (a) and (b) of this Section for the tax imposed by subsections (c) and (d) of this Section. This credit shall be computed by multiplying the tax imposed by subsections (c) and (d) of this Section by a fraction, the numerator of which is base income allocable to Illinois and the denominator of which is Illinois base income, and further multiplying the product by the tax rate imposed by subsections (a) and (b) of this Section.

Any credit earned on or after December 31, 1986 under this subsection which is unused in the year the credit is computed because it exceeds the tax liability imposed by subsections (a) and (b) for that year (whether it exceeds the original liability or the liability as later amended) may be carried forward and applied to the tax liability imposed by subsections (a) and (b) of the 5 taxable years following the excess credit year. This credit shall be applied first to the earliest year for which there is a liability. If there is a credit under this subsection from more than one tax year that is available to offset a liability the earliest credit arising under this subsection shall be applied first.

If, during any taxable year ending on or after December 31, 1986, the tax imposed by subsections (c) and (d) of this Section for which a taxpayer has claimed a credit under this subsection (i) is reduced, the amount of credit for such tax shall also be reduced. Such reduction shall be determined by recomputing the credit to take into account the reduced tax imposed by subsections (c) and (d). If any portion of the reduced amount of credit has been carried to a different taxable year, an amended return shall be filed for such taxable year to reduce the amount of credit claimed.

(j) Training expense credit. Beginning with tax years ending on or after December 31, 1986, a taxpayer shall be allowed a credit against the tax imposed by subsections (a) and (b) under this Section for all amounts paid or accrued, on behalf of all persons employed by the taxpayer in Illinois or Illinois residents employed outside of Illinois by a taxpayer, for educational or vocational training in semi-technical or technical fields or
semi-skilled or skilled fields, which were deducted from gross income in the computation of taxable income. The credit against the tax imposed by subsections (a) and (b) shall be 1.6% of such training expenses. For partners, shareholders of subchapter S corporations, and owners of limited liability companies, if the liability company is treated as a partnership for purposes of federal and State income taxation, there shall be allowed a credit under this subsection (j) to be determined in accordance with the determination of income and distributive share of income under Sections 702 and 704 and subchapter S of the Internal Revenue Code.

Any credit allowed under this subsection which is unused in the year the credit is earned may be carried forward to each of the 5 taxable years following the year for which the credit is first computed until it is used. This credit shall be applied first to the earliest year for which there is a liability. If there is a credit under this subsection from more than one tax year that is available to offset a liability the earliest credit arising under this subsection shall be applied first.

(k) Research and development credit.

Beginning with tax years ending after July 1, 1990, a taxpayer shall be allowed a credit against the tax imposed by subsections (a) and (b) of this Section for increasing research activities in this State. The credit allowed against the tax imposed by subsections (a) and (b) shall be equal to 6 1/2% of the qualifying expenditures for increasing research activities in this State. For partners, shareholders of subchapter S corporations, and owners of limited liability companies, if the liability company is treated as a partnership for purposes of federal and State income taxation, there shall be allowed a credit under this subsection to be determined in accordance with the determination of income and distributive share of income under Sections 702 and 704 and subchapter S of the Internal Revenue Code.

For purposes of this subsection, "qualifying expenditures" means the qualifying expenditures as defined for the federal credit for increasing research activities which would be allowable under Section 41 of the Internal Revenue Code and which are conducted in this State, "qualifying expenditures for increasing research activities in this State" means the excess of qualifying expenditures for the taxable year in which incurred over qualifying expenditures for the base period, "qualifying expenditures for the base period" means the average of the qualifying expenditures for each year in the base period, and "base period" means the 3 taxable years immediately preceding the taxable year for which the determination is being made.

Any credit in excess of the tax liability for the taxable year may be carried forward. A taxpayer may elect to have the unused credit shown on its final completed return carried over as a credit against the tax liability for the following 5 taxable years or until it has been fully used, whichever occurs first.

If an unused credit is carried forward to a given year from 2 or more earlier years, that credit arising in the earliest year will be applied first against the tax liability for the given year. If a tax liability for the given year still remains, the credit from the next earliest year will then be applied, and so on, until all credits have been used or no tax liability for the given year remains. Any remaining unused credit or credits then will be carried forward to
the next following year in which a tax liability is incurred, except that no credit can be
carried forward to a year which is more than 5 years after the year in which the expense for
which the credit is given was incurred.

 Unless extended by law, the credit shall not include costs incurred after December
31, 2004, except for costs incurred pursuant to a binding contract entered into on or before

 No inference shall be drawn from this amendatory Act of the 91st General Assembly
in construing this Section for taxable years beginning before January 1, 1999.

 (l) Environmental Remediation Tax Credit.

  (i) For tax years ending after December 31, 1997 and on or before December
31, 2001, a taxpayer shall be allowed a credit against the tax imposed by subsections
(a) and (b) of this Section for certain amounts paid for unreimbursed eligible
remediation costs, as specified in this subsection. For purposes of this Section,
"unreimbursed eligible remediation costs" means costs approved by the Illinois
Environmental Protection Agency ("Agency") under Section 58.14 of the
Environmental Protection Act that were paid in performing environmental
remediation at a site for which a No Further Remediation Letter was issued by the
Agency and recorded under Section 58.10 of the Environmental Protection Act. The
credit must be claimed for the taxable year in which Agency approval of the eligible
remediation costs is granted. The credit is not available to any taxpayer if the
taxpayer or any related party caused or contributed to, in any material respect, a
release of regulated substances on, in, or under the site that was identified and
addressed by the remedial action pursuant to the Site Remediation Program of the
Environmental Protection Act. After the Pollution Control Board rules are adopted
pursuant to the Illinois Administrative Procedure Act for the administration and
enforcement of Section 58.9 of the Environmental Protection Act, determinations as
to credit availability for purposes of this Section shall be made consistent with those
rules. For purposes of this Section, "taxpayer" includes a person whose tax attributes
the taxpayer has succeeded to under Section 381 of the Internal Revenue Code and
"related party" includes the persons disallowed a deduction for losses by paragraphs
(b), (c), and (f)(1) of Section 267 of the Internal Revenue Code by virtue of being a
related taxpayer, as well as any of its partners. The credit allowed against the tax
imposed by subsections (a) and (b) shall be equal to 25% of the unreimbursed
eligible remediation costs in excess of $100,000 per site, except that the $100,000
threshold shall not apply to any site contained in an enterprise zone as determined
by the Department of Commerce and Community Affairs. The total credit allowed shall
not exceed $40,000 per year with a maximum total of $150,000 per site. For partners
and shareholders of subchapter S corporations, there shall be allowed a credit under
this subsection to be determined in accordance with the determination of income and
distributive share of income under Sections 702 and 704 and subchapter S of the
Internal Revenue Code.

  (ii) A credit allowed under this subsection that is unused in the year the credit

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is earned may be carried forward to each of the 5 taxable years following the year for which the credit is first earned until it is used. The term "unused credit" does not include any amounts of unreimbursed eligible remediation costs in excess of the maximum credit per site authorized under paragraph (i). This credit shall be applied first to the earliest year for which there is a liability. If there is a credit under this subsection from more than one tax year that is available to offset a liability, the earliest credit arising under this subsection shall be applied first. A credit allowed under this subsection may be sold to a buyer as part of a sale of all or part of the remediation site for which the credit was granted. The purchaser of a remediation site and the tax credit shall succeed to the unused credit and remaining carry-forward period of the seller. To perfect the transfer, the assignor shall record the transfer in the chain of title for the site and provide written notice to the Director of the Illinois Department of Revenue of the assignor's intent to sell the remediation site and the amount of the tax credit to be transferred as a portion of the sale. In no event may a credit be transferred to any taxpayer if the taxpayer or a related party would not be eligible under the provisions of subsection (i).

(iii) For purposes of this Section, the term "site" shall have the same meaning as under Section 58.2 of the Environmental Protection Act.

(m) Education expense credit.

Beginning with tax years ending after December 31, 1999, a taxpayer who is the custodian of one or more qualifying pupils shall be allowed a credit against the tax imposed by subsections (a) and (b) of this Section for qualified education expenses incurred on behalf of the qualifying pupils. The credit shall be equal to 25% of qualified education expenses, but in no event may the total credit under this subsection claimed by a family that is the custodian of qualifying pupils exceed $500. In no event shall a credit under this subsection reduce the taxpayer's liability under this Act to less than zero. This subsection is exempt from the provisions of Section 250 of this Act.

For purposes of this subsection:

"Qualifying pupils" means individuals who (i) are residents of the State of Illinois, (ii) are under the age of 21 at the close of the school year for which a credit is sought, and (iii) during the school year for which a credit is sought were full-time pupils enrolled in a kindergarten through twelfth grade education program at any school, as defined in this subsection.

"Qualified education expense" means the amount incurred on behalf of a qualifying pupil in excess of $250 for tuition, book fees, and lab fees at the school in which the pupil is enrolled during the regular school year.

"School" means any public or nonpublic elementary or secondary school in Illinois that is in compliance with Title VI of the Civil Rights Act of 1964 and attendance at which satisfies the requirements of Section 26-1 of the School Code, except that nothing shall be construed to require a child to attend any particular public or nonpublic school to qualify for the credit under this Section.

"Custodian" means, with respect to qualifying pupils, an Illinois resident who is a...
parent, the parents, a legal guardian, or the legal guardians of the qualifying pupils. (Source: P.A. 91-9, eff. 1-1-00; 91-357, eff. 7-29-99; 91-643, eff. 8-20-99; 91-644, eff. 8-20-99; 91-860, eff. 6-22-00; 91-913, eff. 1-1-01; 92-12, eff. 7-1-01; 92-16, eff. 6-28-01; revised 12-3-01.)

(35 ILCS 5/202) (from Ch. 120, par. 2-202)
Sec. 202. Net Income Defined. In general. For purposes of this Act, a taxpayer's net income for a taxable year shall be that portion of his base income for such year except money and other benefits, other than salary, received by a driver in a ridesharing arrangement using a motor vehicle, which is allocable to this State under the provisions of Article 3, less the standard exemption allowed by Section 204 and the deduction allowed by Section 207.
(Source: P.A. 85-731.)

(35 ILCS 5/203) (from Ch. 120, par. 2-203)
Sec. 203. Base income defined.
(a) Individuals.

(1) In general. In the case of an individual, base income means an amount equal to the taxpayer's adjusted gross income for the taxable year as modified by paragraph (2).

(2) Modifications. The adjusted gross income referred to in paragraph (1) shall be modified by adding thereto the sum of the following amounts:

(A) An amount equal to all amounts paid or accrued to the taxpayer as interest or dividends during the taxable year to the extent excluded from gross income in the computation of adjusted gross income, except stock dividends of qualified public utilities described in Section 305(e) of the Internal Revenue Code;

(B) An amount equal to the amount of tax imposed by this Act to the extent deducted from gross income in the computation of adjusted gross income for the taxable year;

(C) An amount equal to the amount received during the taxable year as a recovery or refund of real property taxes paid with respect to the taxpayer's principal residence under the Revenue Act of 1939 and for which a deduction was previously taken under subparagraph (L) of this paragraph (2) prior to July 1, 1991, the retrospective application date of Article 4 of Public Act 87-17. In the case of multi-unit or multi-use structures and farm dwellings, the taxes on the taxpayer's principal residence shall be that portion of the total taxes for the entire property which is attributable to such principal residence;

(D) An amount equal to the amount of the capital gain deduction allowable under the Internal Revenue Code, to the extent deducted from gross income in the computation of adjusted gross income;

(D-5) An amount, to the extent not included in adjusted gross income, equal to the amount of money withdrawn by the taxpayer in the taxable year from a medical care savings account and the interest earned on the account

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in the taxable year of a withdrawal pursuant to subsection (b) of Section 20 of the Medical Care Savings Account Act or subsection (b) of Section 20 of the Medical Care Savings Account Act of 2000; and

(D) For taxable years ending after December 31, 1997, an amount equal to any eligible remediation costs that the individual deducted in computing adjusted gross income and for which the individual claims a credit under subsection (l) of Section 201;

and by deducting from the total so obtained the sum of the following amounts:

(E) For taxable years ending before December 31, 2001, any amount included in such total in respect of any compensation (including but not limited to any compensation paid or accrued to a serviceman while a prisoner of war or missing in action) paid to a resident by reason of being on active duty in the Armed Forces of the United States and in respect of any compensation paid or accrued to a resident who as a governmental employee was a prisoner of war or missing in action, and in respect of any compensation paid to a resident in 1971 or thereafter for annual training performed pursuant to Sections 502 and 503, Title 32, United States Code as a member of the Illinois National Guard. For taxable years ending on or after December 31, 2001, any amount included in such total in respect of any compensation (including but not limited to any compensation paid or accrued to a serviceman while a prisoner of war or missing in action) paid to a resident by reason of being a member of any component of the Armed Forces of the United States and in respect of any compensation paid or accrued to a resident who as a governmental employee was a prisoner of war or missing in action, and in respect of any compensation paid to a resident in 2001 or thereafter by reason of being a member of the Illinois National Guard. The provisions of this amendatory Act of the 92nd General Assembly are exempt from the provisions of Section 250;

(F) An amount equal to all amounts included in such total pursuant to the provisions of Sections 402(a), 402(c), 403(a), 403(b), 406(a), 407(a), and 408 of the Internal Revenue Code, or included in such total as distributions under the provisions of any retirement or disability plan for employees of any governmental agency or unit, or retirement payments to retired partners, which payments are excluded in computing net earnings from self employment by Section 1402 of the Internal Revenue Code and regulations adopted pursuant thereto;

(G) The valuation limitation amount;

(H) An amount equal to the amount of any tax imposed by this Act which was refunded to the taxpayer and included in such total for the taxable year;

(I) An amount equal to all amounts included in such total pursuant to the provisions of Section 111 of the Internal Revenue Code as a recovery of
items previously deducted from adjusted gross income in the computation of taxable income;

(J) An amount equal to those dividends included in such total which were paid by a corporation which conducts business operations in an Enterprise Zone or zones created under the Illinois Enterprise Zone Act, and conducts substantially all of its operations in an Enterprise Zone or zones;

(K) An amount equal to those dividends included in such total that were paid by a corporation that conducts business operations in a federally designated Foreign Trade Zone or Sub-Zone and that is designated a High Impact Business located in Illinois; provided that dividends eligible for the deduction provided in subparagraph (J) of paragraph (2) of this subsection shall not be eligible for the deduction provided under this subparagraph (K);

(L) For taxable years ending after December 31, 1983, an amount equal to all social security benefits and railroad retirement benefits included in such total pursuant to Sections 72(r) and 86 of the Internal Revenue Code;

(M) With the exception of any amounts subtracted under subparagraph (N), an amount equal to the sum of all amounts disallowed as deductions by (i) Sections 171(a) (2), and 265(2) of the Internal Revenue Code of 1954, as now or hereafter amended, and all amounts of expenses allocable to interest and disallowed as deductions by Section 265(1) of the Internal Revenue Code of 1954, as now or hereafter amended; and (ii) for taxable years ending on or after August 13, 1999, Sections 171(a)(2), 265, 280C, and 832(b)(5)(B)(i) of the Internal Revenue Code; the provisions of this subparagraph are exempt from the provisions of Section 250;

(N) An amount equal to all amounts included in such total which are exempt from taxation by this State either by reason of its statutes or Constitution or by reason of the Constitution, treaties or statutes of the United States; provided that, in the case of any statute of this State that exempts income derived from bonds or other obligations from the tax imposed under this Act, the amount exempted shall be the interest net of bond premium amortization;

(O) An amount equal to any contribution made to a job training project established pursuant to the Tax Increment Allocation Redevelopment Act;

(P) An amount equal to the amount of the deduction used to compute the federal income tax credit for restoration of substantial amounts held under claim of right for the taxable year pursuant to Section 1341 of the Internal Revenue Code of 1986;

(Q) An amount equal to any amounts included in such total, received by the taxpayer as an acceleration in the payment of life, endowment or annuity benefits in advance of the time they would otherwise be payable as an indemnity for a terminal illness;

New matter indicated by italics - deletions by strikeout.
(R) An amount equal to the amount of any federal or State bonus paid to veterans of the Persian Gulf War;

(S) An amount, to the extent included in adjusted gross income, equal to the amount of a contribution made in the taxable year on behalf of the taxpayer to a medical care savings account established under the Medical Care Savings Account Act or the Medical Care Savings Account Act of 2000 to the extent the contribution is accepted by the account administrator as provided in that Act;

(T) An amount, to the extent included in adjusted gross income, equal to the amount of interest earned in the taxable year on a medical care savings account established under the Medical Care Savings Account Act or the Medical Care Savings Account Act of 2000 on behalf of the taxpayer, other than interest added pursuant to item (D-5) of this paragraph (2);

(U) For one taxable year beginning on or after January 1, 1994, an amount equal to the total amount of tax imposed and paid under subsections (a) and (b) of Section 201 of this Act on grant amounts received by the taxpayer under the Nursing Home Grant Assistance Act during the taxpayer's taxable years 1992 and 1993;

(V) Beginning with tax years ending on or after December 31, 1995 and ending with tax years ending on or before December 31, 2004, an amount equal to the amount paid by a taxpayer who is a self-employed taxpayer, a partner of a partnership, or a shareholder in a Subchapter S corporation for health insurance or long-term care insurance for that taxpayer or that taxpayer's spouse or dependents, to the extent that the amount paid for that health insurance or long-term care insurance may be deducted under Section 213 of the Internal Revenue Code of 1986, has not been deducted on the federal income tax return of the taxpayer, and does not exceed the taxable income attributable to that taxpayer's income, self-employment income, or Subchapter S corporation income; except that no deduction shall be allowed under this item (V) if the taxpayer is eligible to participate in any health insurance or long-term care insurance plan of an employer of the taxpayer or the taxpayer's spouse. The amount of the health insurance and long-term care insurance subtracted under this item (V) shall be determined by multiplying total health insurance and long-term care insurance premiums paid by the taxpayer times a number that represents the fractional percentage of eligible medical expenses under Section 213 of the Internal Revenue Code of 1986 not actually deducted on the taxpayer's federal income tax return;

(W) For taxable years beginning on or after January 1, 1998, all amounts included in the taxpayer's federal gross income in the taxable year from amounts converted from a regular IRA to a Roth IRA. This paragraph is exempt from the provisions of Section 250;

(X) For taxable year 1999 and thereafter, an amount equal to the
amount of any (i) distributions, to the extent includible in gross income for federal income tax purposes, made to the taxpayer because of his or her status as a victim of persecution for racial or religious reasons by Nazi Germany or any other Axis regime or as an heir of the victim and (ii) items of income, to the extent includible in gross income for federal income tax purposes, attributable to, derived from or in any way related to assets stolen from, hidden from, or otherwise lost to a victim of persecution for racial or religious reasons by Nazi Germany or any other Axis regime immediately prior to, during, and immediately after World War II, including, but not limited to, interest on the proceeds receivable as insurance under policies issued to a victim of persecution for racial or religious reasons by Nazi Germany or any other Axis regime by European insurance companies immediately prior to and during World War II; provided, however, this subtraction from federal adjusted gross income does not apply to assets acquired with such assets or with the proceeds from the sale of such assets; provided, further, this paragraph shall only apply to a taxpayer who was the first recipient of such assets after their recovery and who is a victim of persecution for racial or religious reasons by Nazi Germany or any other Axis regime or as an heir of the victim. The amount of and the eligibility for any public assistance, benefit, or similar entitlement is not affected by the inclusion of items (i) and (ii) of this paragraph in gross income for federal income tax purposes. This paragraph is exempt from the provisions of Section 250; and

(Y) For taxable years beginning on or after January 1, 2002, moneys contributed in the taxable year to a College Savings Pool account under Section 16.5 of the State Treasurer Act. This subparagraph (Y) is exempt from the provisions of Section 250; and

(Z) Any amount included in adjusted gross income, other than salary, received by a driver in a ridesharing arrangement using a motor vehicle.

(b) Corporations.

(1) In general. In the case of a corporation, base income means an amount equal to the taxpayer's taxable income for the taxable year as modified by paragraph (2).

(2) Modifications. The taxable income referred to in paragraph (1) shall be modified by adding thereto the sum of the following amounts:

(A) An amount equal to all amounts paid or accrued to the taxpayer as interest and all distributions received from regulated investment companies during the taxable year to the extent excluded from gross income in the computation of taxable income;

(B) An amount equal to the amount of tax imposed by this Act to the extent deducted from gross income in the computation of taxable income for the taxable year;

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(C) In the case of a regulated investment company, an amount equal to the excess of (i) the net long-term capital gain for the taxable year, over (ii) the amount of the capital gain dividends designated as such in accordance with Section 852(b)(3)(C) of the Internal Revenue Code and any amount designated under Section 852(b)(3)(D) of the Internal Revenue Code, attributable to the taxable year (this amendatory Act of 1995 (Public Act 89-89) is declarative of existing law and is not a new enactment);

(D) The amount of any net operating loss deduction taken in arriving at taxable income, other than a net operating loss carried forward from a taxable year ending prior to December 31, 1986;

(E) For taxable years in which a net operating loss carryback or carryforward from a taxable year ending prior to December 31, 1986 is an element of taxable income under paragraph (1) of subsection (e) or subparagraph (E) of paragraph (2) of subsection (e), the amount by which addition modifications other than those provided by this subparagraph (E) exceeded subtraction modifications in such earlier taxable year, with the following limitations applied in the order that they are listed:

(i) the addition modification relating to the net operating loss carried back or forward to the taxable year from any taxable year ending prior to December 31, 1986 shall be reduced by the amount of addition modification under this subparagraph (E) which related to that net operating loss and which was taken into account in calculating the base income of an earlier taxable year, and

(ii) the addition modification relating to the net operating loss carried back or forward to the taxable year from any taxable year ending prior to December 31, 1986 shall not exceed the amount of such carryback or carryforward;

For taxable years in which there is a net operating loss carryback or carryforward from more than one other taxable year ending prior to December 31, 1986, the addition modification provided in this subparagraph (E) shall be the sum of the amounts computed independently under the preceding provisions of this subparagraph (E) for each such taxable year; and

(E-5) For taxable years ending after December 31, 1997, an amount equal to any eligible remediation costs that the corporation deducted in computing adjusted gross income and for which the corporation claims a credit under subsection (l) of Section 201;

and by deducting from the total so obtained the sum of the following amounts:

(F) An amount equal to the amount of any tax imposed by this Act which was refunded to the taxpayer and included in such total for the taxable year;

(G) An amount equal to any amount included in such total under Section 78 of the Internal Revenue Code;

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(H) In the case of a regulated investment company, an amount equal to the amount of exempt interest dividends as defined in subsection (b) (5) of Section 852 of the Internal Revenue Code, paid to shareholders for the taxable year;

(I) With the exception of any amounts subtracted under subparagraph (J), an amount equal to the sum of all amounts disallowed as deductions by (i) Sections 171(a) (2), and 265(a)(2) and amounts disallowed as interest expense by Section 291(a)(3) of the Internal Revenue Code, as now or hereafter amended, and all amounts of expenses allocable to interest and disallowed as deductions by Section 265(a)(1) of the Internal Revenue Code, as now or hereafter amended; and (ii) for taxable years ending on or after August 13, 1999, Sections 171(a)(2), 265, 280C, 291(a)(3), and 832(b)(5)(B)(i) of the Internal Revenue Code; the provisions of this subparagraph are exempt from the provisions of Section 250;

(J) An amount equal to all amounts included in such total which are exempt from taxation by this State either by reason of its statutes or Constitution or by reason of the Constitution, treaties or statutes of the United States; provided that, in the case of any statute of this State that exempts income derived from bonds or other obligations from the tax imposed under this Act, the amount exempted shall be the interest net of bond premium amortization;

(K) An amount equal to those dividends included in such total which were paid by a corporation which conducts business operations in an Enterprise Zone or zones created under the Illinois Enterprise Zone Act and conducts substantially all of its operations in an Enterprise Zone or zones;

(L) An amount equal to those dividends included in such total that were paid by a corporation that conducts business operations in a federally designated Foreign Trade Zone or Sub-Zone and that is designated a High Impact Business located in Illinois; provided that dividends eligible for the deduction provided in subparagraph (K) of paragraph 2 of this subsection shall not be eligible for the deduction provided under this subparagraph (L);

(M) For any taxpayer that is a financial organization within the meaning of Section 304(c) of this Act, an amount included in such total as interest income from a loan or loans made by such taxpayer to a borrower, to the extent that such a loan is secured by property which is eligible for the Enterprise Zone Investment Credit. To determine the portion of a loan or loans that is secured by property eligible for a Section 201(f) investment credit to the borrower, the entire principal amount of the loan or loans between the taxpayer and the borrower should be divided into the basis of the Section 201(f) investment credit property which secures the loan or loans, using for this purpose the original basis of such property on the date that it was placed in service in the Enterprise Zone. The subtraction modification

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available to taxpayer in any year under this subsection shall be that portion of the total interest paid by the borrower with respect to such loan attributable to the eligible property as calculated under the previous sentence;

(M-1) For any taxpayer that is a financial organization within the meaning of Section 304(c) of this Act, an amount included in such total as interest income from a loan or loans made by such taxpayer to a borrower, to the extent that such a loan is secured by property which is eligible for the High Impact Business Investment Credit. To determine the portion of a loan or loans that is secured by property eligible for a Section 201(h) investment credit to the borrower, the entire principal amount of the loan or loans between the taxpayer and the borrower should be divided into the basis of the Section 201(h) investment credit property which secures the loan or loans, using for this purpose the original basis of such property on the date that it was placed in service in a federally designated Foreign Trade Zone or Sub-Zone located in Illinois. No taxpayer that is eligible for the deduction provided in subparagraph (M) of paragraph (2) of this subsection shall be eligible for the deduction provided under this subparagraph (M-1). The subtraction modification available to taxpayers in any year under this subsection shall be that portion of the total interest paid by the borrower with respect to such loan attributable to the eligible property as calculated under the previous sentence;

(N) Two times any contribution made during the taxable year to a designated zone organization to the extent that the contribution (i) qualifies as a charitable contribution under subsection (c) of Section 170 of the Internal Revenue Code and (ii) must, by its terms, be used for a project approved by the Department of Commerce and Community Affairs under Section 11 of the Illinois Enterprise Zone Act;

(O) An amount equal to: (i) 85% for taxable years ending on or before December 31, 1992, or, a percentage equal to the percentage allowable under Section 243(a)(1) of the Internal Revenue Code of 1986 for taxable years ending after December 31, 1992, of the amount by which dividends included in taxable income and received from a corporation that is not created or organized under the laws of the United States or any state or political subdivision thereof, including, for taxable years ending on or after December 31, 1988, dividends received or deemed received or paid or deemed paid under Sections 951 through 964 of the Internal Revenue Code, exceed the amount of the modification provided under subparagraph (G) of paragraph (2) of this subsection (b) which is related to such dividends; plus (ii) 100% of the amount by which dividends, included in taxable income and received, including, for taxable years ending on or after December 31, 1988, dividends received or deemed received or paid or deemed paid under Sections 951 through 964 of the Internal Revenue Code, from any such corporation.

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specified in clause (i) that would but for the provisions of Section 1504 (b) (3) of the Internal Revenue Code be treated as a member of the affiliated group which includes the dividend recipient, exceed the amount of the modification provided under subparagraph (G) of paragraph (2) of this subsection (b) which is related to such dividends;

(P) An amount equal to any contribution made to a job training project established pursuant to the Tax Increment Allocation Redevelopment Act;

(Q) An amount equal to the amount of the deduction used to compute the federal income tax credit for restoration of substantial amounts held under claim of right for the taxable year pursuant to Section 1341 of the Internal Revenue Code of 1986;

(R) In the case of an attorney-in-fact with respect to whom an interinsurer or a reciprocal insurer has made the election under Section 835 of the Internal Revenue Code, 26 U.S.C. 835, an amount equal to the excess, if any, of the amounts paid or incurred by that interinsurer or reciprocal insurer in the taxable year to the attorney-in-fact over the deduction allowed to that interinsurer or reciprocal insurer with respect to the attorney-in-fact under Section 835(b) of the Internal Revenue Code for the taxable year; and

(S) For taxable years ending on or after December 31, 1997, in the case of a Subchapter S corporation, an amount equal to all amounts of income allocable to a shareholder subject to the Personal Property Tax Replacement Income Tax imposed by subsections (c) and (d) of Section 201 of this Act, including amounts allocable to organizations exempt from federal income tax by reason of Section 501(a) of the Internal Revenue Code. This subparagraph (S) is exempt from the provisions of Section 250.

(3) Special rule. For purposes of paragraph (2)

(A), "gross income" in the case of a life insurance company, for tax years ending on and after December 31, 1994, shall mean the gross investment income for the taxable year.

(c) Trusts and estates.

(1) In general. In the case of a trust or estate, base income means an amount equal to the taxpayer's taxable income for the taxable year as modified by paragraph (2).

(2) Modifications. Subject to the provisions of paragraph (3), the taxable income referred to in paragraph (1) shall be modified by adding thereto the sum of the following amounts:

(A) An amount equal to all amounts paid or accrued to the taxpayer as interest or dividends during the taxable year to the extent excluded from gross income in the computation of taxable income;

(B) In the case of (i) an estate, $600; (ii) a trust which, under its governing instrument, is required to distribute all of its income currently, $300; and (iii) any other trust, $100, but in each such case, only to the extent New matter indicated by italics - deletions by strikeout.
such amount was deducted in the computation of taxable income;

(C) An amount equal to the amount of tax imposed by this Act to the extent deducted from gross income in the computation of taxable income for the taxable year;

(D) The amount of any net operating loss deduction taken in arriving at taxable income, other than a net operating loss carried forward from a taxable year ending prior to December 31, 1986;

(E) For taxable years in which a net operating loss carryback or carryforward from a taxable year ending prior to December 31, 1986 is an element of taxable income under paragraph (1) of subsection (e) or subparagraph (E) of paragraph (2) of subsection (e), the amount by which addition modifications other than those provided by this subparagraph (E) exceeded subtraction modifications in such taxable year, with the following limitations applied in the order that they are listed:

(i) the addition modification relating to the net operating loss carried back or forward to the taxable year from any taxable year ending prior to December 31, 1986 shall be reduced by the amount of addition modification under this subparagraph (E) which related to that net operating loss and which was taken into account in calculating the base income of an earlier taxable year, and

(ii) the addition modification relating to the net operating loss carried back or forward to the taxable year from any taxable year ending prior to December 31, 1986 shall not exceed the amount of such carryback or carryforward;

For taxable years in which there is a net operating loss carryback or carryforward from more than one other taxable year ending prior to December 31, 1986, the addition modification provided in this subparagraph (E) shall be the sum of the amounts computed independently under the preceding provisions of this subparagraph (E) for each such taxable year;

(F) For taxable years ending on or after January 1, 1989, an amount equal to the tax deducted pursuant to Section 164 of the Internal Revenue Code if the trust or estate is claiming the same tax for purposes of the Illinois foreign tax credit under Section 601 of this Act;

(G) An amount equal to the amount of the capital gain deduction allowable under the Internal Revenue Code, to the extent deducted from gross income in the computation of taxable income; and

(G-5) For taxable years ending after December 31, 1997, an amount equal to any eligible remediation costs that the trust or estate deducted in computing adjusted gross income and for which the trust or estate claims a credit under subsection (l) of Section 201;

and by deducting from the total so obtained the sum of the following amounts:

(H) An amount equal to all amounts included in such total pursuant

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to the provisions of Sections 402(a), 402(c), 403(a), 403(b), 406(a), 407(a)
and 408 of the Internal Revenue Code or included in such total as
distributions under the provisions of any retirement or disability plan for
employees of any governmental agency or unit, or retirement payments to
retired partners, which payments are excluded in computing net earnings
from self employment by Section 1402 of the Internal Revenue Code and
regulations adopted pursuant thereto;

(I) The valuation limitation amount;

(J) An amount equal to the amount of any tax imposed by this Act
which was refunded to the taxpayer and included in such total for the taxable
year;

(K) An amount equal to all amounts included in taxable income as
modified by subparagraphs (A), (B), (C), (D), (E), (F) and (G) which are
exempt from taxation by this State either by reason of its statutes or
Constitution or by reason of the Constitution, treaties or statutes of the United
States; provided that, in the case of any statute of this State that exempts
income derived from bonds or other obligations from the tax imposed under
this Act, the amount exempted shall be the interest net of bond premium
amortization;

(L) With the exception of any amounts subtracted under subparagraph
(K), an amount equal to the sum of all amounts disallowed as deductions by
(i) Sections 171(a) (2) and 265(a)(2) of the Internal Revenue Code, as now
or hereafter amended, and all amounts of expenses allocable to interest and
disallowed as deductions by Section 265(1) of the Internal Revenue Code of
1954, as now or hereafter amended; and (ii) for taxable years ending on or
after August 13, 1999, Sections 171(a)(2), 265, 280C, and 832(b)(5)(B)(i) of
the Internal Revenue Code; the provisions of this subparagraph are exempt
from the provisions of Section 250;

(M) An amount equal to those dividends included in such total which
were paid by a corporation which conducts business operations in an
Enterprise Zone or zones created under the Illinois Enterprise Zone Act and
conducts substantially all of its operations in an Enterprise Zone or Zones;

(N) An amount equal to any contribution made to a job training
project established pursuant to the Tax Increment Allocation Redevelopment
Act;

(O) An amount equal to those dividends included in such total that
were paid by a corporation that conducts business operations in a federally
designated Foreign Trade Zone or Sub-Zone and that is designated a High
Impact Business located in Illinois; provided that dividends eligible for the
deduction provided in subparagraph (M) of paragraph (2) of this subsection
shall not be eligible for the deduction provided under this subparagraph (O);

(P) An amount equal to the amount of the deduction used to compute
the federal income tax credit for restoration of substantial amounts held under
claim of right for the taxable year pursuant to Section 1341 of the Internal
Revenue Code of 1986; and

(Q) For taxable year 1999 and thereafter, an amount equal to the
amount of any (i) distributions, to the extent includible in gross income for
federal income tax purposes, made to the taxpayer because of his or her status
as a victim of persecution for racial or religious reasons by Nazi Germany or
any other Axis regime or as an heir of the victim and (ii) items of income, to
the extent includible in gross income for federal income tax purposes,
attributable to, derived from or in any way related to assets stolen from,
hidden from, or otherwise lost to a victim of persecution for racial or
religious reasons by Nazi Germany or any other Axis regime immediately
prior to, during, and immediately after World War II, including, but not
limited to, interest on the proceeds receivable as insurance under policies
issued to a victim of persecution for racial or religious reasons by Nazi
Germany or any other Axis regime by European insurance companies
immediately prior to and during World War II; provided, however, this
subtraction from federal adjusted gross income does not apply to assets
acquired with such assets or with the proceeds from the sale of such assets;
provided, further, this paragraph shall only apply to a taxpayer who was the
first recipient of such assets after their recovery and who is a victim of
persecution for racial or religious reasons by Nazi Germany or any other Axis
regime or as an heir of the victim. The amount of and the eligibility for any
public assistance, benefit, or similar entitlement is not affected by the
inclusion of items (i) and (ii) of this paragraph in gross income for federal
income tax purposes. This paragraph is exempt from the provisions of
Section 250.

(3) Limitation. The amount of any modification otherwise required under this
subsection shall, under regulations prescribed by the Department, be adjusted by any
amounts included therein which were properly paid, credited, or required to be
distributed, or permanently set aside for charitable purposes pursuant to Internal
Revenue Code Section 642(c) during the taxable year.

(d) Partnerships.

(1) In general. In the case of a partnership, base income means an amount
equal to the taxpayer's taxable income for the taxable year as modified by paragraph
(2).

(2) Modifications. The taxable income referred to in paragraph (1) shall be
modified by adding thereto the sum of the following amounts:

(A) An amount equal to all amounts paid or accrued to the taxpayer
as interest or dividends during the taxable year to the extent excluded from
gross income in the computation of taxable income;

(B) An amount equal to the amount of tax imposed by this Act to the

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extent deducted from gross income for the taxable year;

(C) The amount of deductions allowed to the partnership pursuant to Section 707 (c) of the Internal Revenue Code in calculating its taxable income; and

(D) An amount equal to the amount of the capital gain deduction allowable under the Internal Revenue Code, to the extent deducted from gross income in the computation of taxable income; and by deducting from the total so obtained the following amounts:

(E) The valuation limitation amount;

(F) An amount equal to the amount of any tax imposed by this Act which was refunded to the taxpayer and included in such total for the taxable year;

(G) An amount equal to all amounts included in taxable income as modified by subparagraphs (A), (B), (C) and (D) which are exempt from taxation by this State either by reason of its statutes or Constitution or by reason of the Constitution, treaties or statutes of the United States; provided that, in the case of any statute of this State that exempts income derived from bonds or other obligations from the tax imposed under this Act, the amount exempted shall be the interest net of bond premium amortization;

(H) Any income of the partnership which constitutes personal service income as defined in Section 1348 (b) (1) of the Internal Revenue Code (as in effect December 31, 1981) or a reasonable allowance for compensation paid or accrued for services rendered by partners to the partnership, whichever is greater;

(I) An amount equal to all amounts of income distributable to an entity subject to the Personal Property Tax Replacement Income Tax imposed by subsections (c) and (d) of Section 201 of this Act including amounts distributable to organizations exempt from federal income tax by reason of Section 501(a) of the Internal Revenue Code;

(J) With the exception of any amounts subtracted under subparagraph (G), an amount equal to the sum of all amounts disallowed as deductions by (i) Sections 171(a) (2), and 265(2) of the Internal Revenue Code of 1954, as now or hereafter amended, and all amounts of expenses allocable to interest and disallowed as deductions by Section 265(1) of the Internal Revenue Code, as now or hereafter amended; and (ii) for taxable years ending on or after August 13, 1999, Sections 171(a)(2), 265, 280C, and 832(b)(5)(B)(i) of the Internal Revenue Code; the provisions of this subparagraph are exempt from the provisions of Section 250;

(K) An amount equal to those dividends included in such total which were paid by a corporation which conducts business operations in an Enterprise Zone or zones created under the Illinois Enterprise Zone Act, enacted by the 82nd General Assembly, and conducts substantially all of its

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operations which does not conduct such operations other than in an Enterprise Zone or Zones;

(L) An amount equal to any contribution made to a job training project established pursuant to the Real Property Tax Increment Allocation Redevelopment Act;

(M) An amount equal to those dividends included in such total that were paid by a corporation that conducts business operations in a federally designated Foreign Trade Zone or Sub-Zone and that is designated a High Impact Business located in Illinois; provided that dividends eligible for the deduction provided in subparagraph (K) of paragraph (2) of this subsection shall not be eligible for the deduction provided under this subparagraph (M); and

(N) An amount equal to the amount of the deduction used to compute the federal income tax credit for restoration of substantial amounts held under claim of right for the taxable year pursuant to Section 1341 of the Internal Revenue Code of 1986.

(e) Gross income; adjusted gross income; taxable income.

(1) In general. Subject to the provisions of paragraph (2) and subsection (b)(3), for purposes of this Section and Section 803(e), a taxpayer's gross income, adjusted gross income, or taxable income for the taxable year shall mean the amount of gross income, adjusted gross income or taxable income properly reportable for federal income tax purposes for the taxable year under the provisions of the Internal Revenue Code. Taxable income may be less than zero. However, for taxable years ending on or after December 31, 1986, net operating loss carryforwards from taxable years ending prior to December 31, 1986, may not exceed the sum of federal taxable income for the taxable year before net operating loss deduction, plus the excess of addition modifications over subtraction modifications for the taxable year. For taxable years ending prior to December 31, 1986, taxable income may never be an amount in excess of the net operating loss for the taxable year as defined in subsections (c) and (d) of Section 172 of the Internal Revenue Code, provided that when taxable income of a corporation (other than a Subchapter S corporation), trust, or estate is less than zero and addition modifications, other than those provided by subparagraph (E) of paragraph (2) of subsection (b) for corporations or subparagraph (E) of paragraph (2) of subsection (c) for trusts and estates, exceed subtraction modifications, an addition modification must be made under those subparagraphs for any other taxable year to which the taxable income less than zero (net operating loss) is applied under Section 172 of the Internal Revenue Code or under subparagraph (E) of paragraph (2) of this subsection (e) applied in conjunction with Section 172 of the Internal Revenue Code.

(2) Special rule. For purposes of paragraph (1) of this subsection, the taxable income properly reportable for federal income tax purposes shall mean:

(A) Certain life insurance companies. In the case of a life insurance

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company subject to the tax imposed by Section 801 of the Internal Revenue Code, life insurance company taxable income, plus the amount of distribution from pre-1984 policyholder surplus accounts as calculated under Section 815a of the Internal Revenue Code;

(B) Certain other insurance companies. In the case of mutual insurance companies subject to the tax imposed by Section 831 of the Internal Revenue Code, insurance company taxable income;

(C) Regulated investment companies. In the case of a regulated investment company subject to the tax imposed by Section 852 of the Internal Revenue Code, investment company taxable income;

(D) Real estate investment trusts. In the case of a real estate investment trust subject to the tax imposed by Section 857 of the Internal Revenue Code, real estate investment trust taxable income;

(E) Consolidated corporations. In the case of a corporation which is a member of an affiliated group of corporations filing a consolidated income tax return for the taxable year for federal income tax purposes, taxable income determined as if such corporation had filed a separate return for federal income tax purposes for the taxable year and each preceding taxable year for which it was a member of an affiliated group. For purposes of this subparagraph, the taxpayer's separate taxable income shall be determined as if the election provided by Section 243(b) (2) of the Internal Revenue Code had been in effect for all such years;

(F) Cooperatives. In the case of a cooperative corporation or association, the taxable income of such organization determined in accordance with the provisions of Section 1381 through 1388 of the Internal Revenue Code;

(G) Subchapter S corporations. In the case of: (i) a Subchapter S corporation for which there is in effect an election for the taxable year under Section 1362 of the Internal Revenue Code, the taxable income of such corporation determined in accordance with Section 1363(b) of the Internal Revenue Code, except that taxable income shall take into account those items which are required by Section 1363(b)(1) of the Internal Revenue Code to be separately stated; and (ii) a Subchapter S corporation for which there is in effect a federal election to opt out of the provisions of the Subchapter S Revision Act of 1982 and have applied instead the prior federal Subchapter S rules as in effect on July 1, 1982, the taxable income of such corporation determined in accordance with the federal Subchapter S rules as in effect on July 1, 1982; and

(H) Partnerships. In the case of a partnership, taxable income determined in accordance with Section 703 of the Internal Revenue Code, except that taxable income shall take into account those items which are required by Section 703(a)(1) to be separately stated but which would be

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taken into account by an individual in calculating his taxable income.

(f) Valuation limitation amount.
   (1) In general. The valuation limitation amount referred to in subsections (a)
   (2) (G), (c) (2) (I) and (d)(2) (E) is an amount equal to:
   
   (A) The sum of the pre-August 1, 1969 appreciation amounts (to the
   extent consisting of gain reportable under the provisions of Section 1245 or
   1250 of the Internal Revenue Code) for all property in respect of which such
   gain was reported for the taxable year; plus
   
   (B) The lesser of (i) the sum of the pre-August 1, 1969 appreciation
   amounts (to the extent consisting of capital gain) for all property in respect
   of which such gain was reported for federal income tax purposes for the
   taxable year, or (ii) the net capital gain for the taxable year, reduced in either
   case by any amount of such gain included in the amount determined under
   subsection (a) (2) (F) or (c) (2) (H).
   
   (2) Pre-August 1, 1969 appreciation amount.
   
   (A) If the fair market value of property referred to in paragraph (1)
   was readily ascertainable on August 1, 1969, the pre-August 1, 1969
   appreciation amount for such property is the lesser of (i) the excess of such
   fair market value over the taxpayer's basis (for determining gain) for such
   property on that date (determined under the Internal Revenue Code as in
   effect on that date), or (ii) the total gain realized and reportable for federal
   income tax purposes in respect of the sale, exchange or other disposition of
   such property.
   
   (B) If the fair market value of property referred to in paragraph (1)
   was not readily ascertainable on August 1, 1969, the pre-August 1, 1969
   appreciation amount for such property is that amount which bears the same
   ratio to the total gain reported in respect of the property for federal income
   tax purposes for the taxable year, as the number of full calendar months in
   that part of the taxpayer's holding period for the property ending July 31,
   1969 bears to the number of full calendar months in the taxpayer's entire
   holding period for the property.
   
   (C) The Department shall prescribe such regulations as may be
   necessary to carry out the purposes of this paragraph.
   
   (g) Double deductions. Unless specifically provided otherwise, nothing in this
   Section shall permit the same item to be deducted more than once.
   
   (h) Legislative intention. Except as expressly provided by this Section there shall be
   no modifications or limitations on the amounts of income, gain, loss or deduction taken into
   account in determining gross income, adjusted gross income or taxable income for federal
   income tax purposes for the taxable year, or in the amount of such items entering into the
   computation of base income and net income under this Act for such taxable year, whether
   in respect of property values as of August 1, 1969 or otherwise.
   
   (Source: P.A. 91-192, eff. 7-20-99; 91-205, eff. 7-20-99; 91-357, eff. 7-29-99; 91-541, eff.

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Sec. 209. Tax Credit for "TECH-PREP" youth vocational programs.

(a) Beginning with tax years ending on or after June 30, 1995, every taxpayer who is primarily engaged in manufacturing is allowed a credit against the tax imposed by subsections (a) and (b) of Section 201 in an amount equal to 20% of the taxpayer's direct payroll expenditures for which a credit has not already been claimed under subsection (j) of Section 201 of this Act, in the tax year for which the credit is claimed, for cooperative secondary school youth vocational programs in Illinois which are certified as qualifying TECH-PREP programs by the State Board of Education and the Department of Revenue because the programs prepare students to be technically skilled workers and meet the performance standards of business and industry and the admission standards of higher education. The credit may also be claimed for personal services rendered to the taxpayer by a TECH-PREP student or instructor (i) which would be subject to the provisions of Article 7 of this Act if the student or instructor was an employee of the taxpayer and (ii) for which no credit under this Section is claimed by another taxpayer.

(b) If the amount of the credit exceeds the tax liability for the year, the excess may be carried forward and applied to the tax liability of the 2 taxable years following the excess credit year. The credit shall be applied to the earliest year for which there is a tax liability. If there are credits from more than one tax year that are available to offset a liability, the earlier credit shall be applied first.

(c) A taxpayer claiming the credit provided by this Section shall maintain and record such information regarding its participation in a qualifying TECH-PREP program as the Department may require by regulation. When claiming the credit provided by this Section, the taxpayer shall provide such information regarding the taxpayer's participation in a qualifying TECH-PREP program as the Department of Revenue may require by regulation.

(d) This Section does not apply to those programs with national standards that have been or in the future are approved by the U.S. Department of Labor, Bureau of Apprenticeship Training or any federal agency succeeding to the responsibilities of that Bureau.

(Source: P.A. 88-505; 89-399, eff. 8-20-95.)

(35 ILCS 5/502) (from Ch. 120, par. 5-502)
Sec. 502. Returns and notices.
(a) In general. A return with respect to the taxes imposed by this Act shall be made by every person for any taxable year:

(1) For which such person is liable for a tax imposed by this Act, or
(2) In the case of a resident or in the case of a corporation which is qualified to do business in this State, for which such person is required to make a federal income tax return, regardless of whether such person is liable for a tax imposed by this Act. However, this paragraph shall not require a resident to make a return if such person has an Illinois base income of the basic amount in Section 204(b) or less and

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is either claimed as a dependent on another person's tax return under the Internal Revenue Code of 1986, or is claimed as a dependent on another person's tax return under this Act.

(b) Fiduciaries and receivers.

(1) Decedents. If an individual is deceased, any return or notice required of such individual under this Act shall be made by his executor, administrator, or other person charged with the property of such decedent.

(2) Individuals under a disability. If an individual is unable to make a return or notice required under this Act, the return or notice required of such individual shall be made by his duly authorized agent, guardian, fiduciary or other person charged with the care of the person or property of such individual.

(3) Estates and trusts. Returns or notices required of an estate or a trust shall be made by the fiduciary thereof.

(4) Receivers, trustees and assignees for corporations. In a case where a receiver, trustee in bankruptcy, or assignee, by order of a court of competent jurisdiction, by operation of law, or otherwise, has possession of or holds title to all or substantially all the property or business of a corporation, whether or not such property or business is being operated, such receiver, trustee, or assignee shall make the returns and notices required of such corporation in the same manner and form as corporations are required to make such returns and notices.

(c) Joint returns by husband and wife.

(1) Except as provided in paragraph (3), if a husband and wife file a joint federal income tax return for a taxable year they shall file a joint return under this Act for such taxable year and their liabilities shall be joint and several, but if the federal income tax liability of either spouse is determined on a separate federal income tax return, they shall file separate returns under this Act.

(2) If neither spouse is required to file a federal income tax return and either or both are required to file a return under this Act, they may elect to file separate or joint returns and pursuant to such election their liabilities shall be separate or joint and several.

(3) If either husband or wife is a resident and the other is a nonresident, they shall file separate returns in this State on such forms as may be required by the Department in which event their tax liabilities shall be separate; but they may elect to determine their joint net income and file a joint return as if both were residents and in such case, their liabilities shall be joint and several.

(4) Innocent spouses.

(A) However, for tax liabilities arising and paid prior to August 13, 1999, the effective date of this amendatory Act of the 91st General Assembly, an innocent spouse shall be relieved of liability for tax (including interest and penalties) for any taxable year for which a joint return has been made, upon submission of proof that the Internal Revenue Service has made a determination under Section 6013(e) of the Internal Revenue Code, for the

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same taxable year, which determination relieved the spouse from liability for federal income taxes. If there is no federal income tax liability at issue for the same taxable year, the Department shall rely on the provisions of Section 6013(e) to determine whether the person requesting innocent spouse abatement of tax, penalty, and interest is entitled to that relief.

(B) For tax liabilities arising on and after August 13, 1999 the effective date of this amendatory Act of the 91st General Assembly or which arose prior to that effective date, but remain unpaid as of that effective date, if an individual who filed a joint return for any taxable year has made an election under this paragraph, the individual's liability for any tax shown on the joint return shall not exceed the individual's separate return amount and the individual's liability for any deficiency assessed for that taxable year shall not exceed the portion of the deficiency properly allocable to the individual. For purposes of this paragraph:

(i) An election properly made pursuant to Section 6015 of the Internal Revenue Code shall constitute an election under this paragraph, provided that the election shall not be effective until the individual has notified the Department of the election in the form and manner prescribed by the Department.

(ii) If no election has been made under Section 6015, the individual may make an election under this paragraph in the form and manner prescribed by the Department, provided that no election may be made if the Department finds that assets were transferred between individuals filing a joint return as part of a scheme by such individuals to avoid payment of Illinois income tax and the election shall not eliminate the individual's liability for any portion of a deficiency attributable to an error on the return of which the individual had actual knowledge as of the date of filing.

(iii) In determining the separate return amount or portion of any deficiency attributable to an individual, the Department shall follow the provisions in subsections (c) and (d) of Section 6015(b) and (c) of the Internal Revenue Code.

(iv) In determining the validity of an individual's election under subparagraph (ii) and in determining an electing individual's separate return amount or portion of any deficiency under subparagraph (iii), any determination made by the Secretary of the Treasury, by the United States Tax Court on petition for review of a determination by the Secretary of the Treasury, or on appeal from the United States Tax Court under Section 6015(a) of the Internal Revenue Code regarding criteria for eligibility or under subsection (d) of Section 6015(b) or (c) of the Internal Revenue Code regarding the allocation of any item of income, deduction, payment,
or credit between an individual making the federal election and that individual's spouse shall be conclusively presumed to be correct. With respect to any item that is not the subject of a determination by the Secretary of the Treasury or the federal courts, in any proceeding involving this subsection, the individual making the election shall have the burden of proof with respect to any item except that the Department shall have the burden of proof with respect to items in subdivision(ii).

(v) Any election made by an individual under this subsection shall apply to all years for which that individual and the spouse named in the election have filed a joint return.

(vi) After receiving a notice that the federal election has been made or after receiving an election under subdivision (ii), the Department shall take no collection action against the electing individual for any liability arising from a joint return covered by the election until the Department has notified the electing individual in writing that the election is invalid or of the portion of the liability the Department has allocated to the electing individual. Within 60 days (150 days if the individual is outside the United States) after the issuance of such notification, the individual may file a written protest of the denial of the election or of the Department's determination of the liability allocated to him or her and shall be granted a hearing within the Department under the provisions of Section 908. If a protest is filed, the Department shall take no collection action against the electing individual until the decision regarding the protest has become final under subsection (d) of Section 908 or, if administrative review of the Department's decision is requested under Section 1201, until the decision of the court becomes final.

(d) Partnerships. Every partnership having any base income allocable to this State in accordance with section 305(c) shall retain information concerning all items of income, gain, loss and deduction; the names and addresses of all of the partners, or names and addresses of members of a limited liability company, or other persons who would be entitled to share in the base income of the partnership if distributed; the amount of the distributive share of each; and such other pertinent information as the Department may by forms or regulations prescribe. The partnership shall make that information available to the Department when requested by the Department.

(e) For taxable years ending on or after December 31, 1985, and before December 31, 1993, taxpayers that are corporations (other than Subchapter S corporations) having the same taxable year and that are members of the same unitary business group may elect to be treated as one taxpayer for purposes of any original return, amended return which includes the same taxpayers of the unitary group which joined in the election to file the original return, extension, claim for refund, assessment, collection and payment and determination of the

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group’s tax liability under this Act. This subsection (e) does not permit the election to be made for some, but not all, of the purposes enumerated above. For taxable years ending on or after December 31, 1987, corporate members (other than Subchapter S corporations) of the same unitary business group making this subsection (e) election are not required to have the same taxable year.

For taxable years ending on or after December 31, 1993, taxpayers that are corporations (other than Subchapter S corporations) and that are members of the same unitary business group shall be treated as one taxpayer for purposes of any original return, amended return which includes the same taxpayers of the unitary group which joined in filing the original return, extension, claim for refund, assessment, collection and payment and determination of the group’s tax liability under this Act.

(f) The Department may promulgate regulations to permit nonresident individual partners of the same partnership, nonresident Subchapter S corporation shareholders of the same Subchapter S corporation, and nonresident individuals transacting an insurance business in Illinois under a Lloyds plan of operation, and nonresident individual members of the same limited liability company that is treated as a partnership under Section 1501 (a)(16) of this Act, to file composite individual income tax returns reflecting the composite income of such individuals allocable to Illinois and to make composite individual income tax payments. The Department may by regulation also permit such composite returns to include the income tax owed by Illinois residents attributable to their income from partnerships, Subchapter S corporations, insurance businesses organized under a Lloyds plan of operation, or limited liability companies that are treated as partnership under Section 1501 (a)(16) of this Act, in which case such Illinois residents will be permitted to claim credits on their individual returns for their shares of the composite tax payments. This paragraph of subsection (f) applies to taxable years ending on or after December 31, 1987.

For taxable years ending on or after December 31, 1999, the Department may, by regulation, also permit any persons transacting an insurance business organized under a Lloyds plan of operation to file composite returns reflecting the income of such persons allocable to Illinois and the tax rates applicable to such persons under Section 201 and to make composite tax payments and shall, by regulation, also provide that the income and apportionment factors attributable to the transaction of an insurance business organized under a Lloyds plan of operation by any person joining in the filing of a composite return shall, for purposes of allocating and apportioning income under Article 3 of this Act and computing net income under Section 202 of this Act, be excluded from any other income and apportionment factors of that person or of any unitary business group, as defined in subdivision (a)(27) of Section 1501, to which that person may belong.

(g) The Department may adopt rules to authorize the electronic filing of any return required to be filed under this Section.

(Source: P.A. 90-613, eff. 7-9-98; 91-541, eff. 8-13-99; 91-913, eff. 1-1-01.)

(35 ILCS 5/506) (from Ch. 120, par. 5-506)
Sec. 506. Federal Returns.

(a) In general. Any person required to make a return for a taxable year under this Act

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may, at any time that a deficiency could be assessed or a refund claimed under this Act in respect of any item reported or properly reportable on such return or any amendment thereof, be required to furnish to the Department a true and correct copy of any return which may pertain to such item and which was filed by such person under the provisions of the Internal Revenue Code.

(b) Changes affecting federal income tax. A person shall notify the Department if:

1. the taxable income, any item of income or deduction, the income tax liability, or any tax credit reported in a federal income tax return of that any person for any year is altered by amendment of such return or as a result of any other recomputation or redetermination of federal taxable income or loss, and such alteration reflects a change or settlement with respect to any item or items, affecting the computation of such person's net income, net loss, or of any credit provided by Article 2 of this Act for any year under this Act, or in the number of personal exemptions allowable to such person under Section 151 of the Internal Revenue Code, or

2. the amount of tax required to be withheld by that person from compensation paid to employees and required to be reported by that person on a federal return is altered by amendment of the return or by any other recomputation or redetermination that is agreed to or finally determined on or after January 1, 2003, and the alteration affects the amount of compensation subject to withholding by that person under Section 701 of this Act such person shall notify the Department of such alteration.

Such notification shall be in the form of an amended return or such other form as the Department may by regulations prescribe, shall contain the person's name and address and such other information as the Department may by regulations prescribe, shall be signed by such person or his duly authorized representative, and shall be filed not later than 120 days after such alteration has been agreed to or finally determined for federal income tax purposes or any federal income tax deficiency or refund, tentative carryback adjustment, abatement or credit resulting therefrom has been assessed or paid, whichever shall first occur.

(Source: P.A. 90-491, eff. 1-1-98.)

(35 ILCS 5/601.1) (Ch. 120, par. 6-601.1)

Sec. 601.1. Payment by electronic funds transfer.

(a) Beginning on October 1, 1993, a taxpayer who has an average monthly tax liability of $150,000 or more under Article 7 of this Act shall make all payments required by rules of the Department by electronic funds transfer. Beginning October 1, 1993, a taxpayer who has an average quarterly estimated tax payment obligation of $450,000 or more under Article 8 of this Act shall make all payments required by rules of the Department by electronic funds transfer. Beginning on October 1, 1994, a taxpayer who has an average monthly tax liability of $100,000 or more under Article 7 of this Act shall make all payments required by rules of the Department by electronic funds transfer. Beginning October 1, 1994, a taxpayer who has an average quarterly estimated tax payment obligation of $300,000 or

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more under Article 8 of this Act shall make all payments required by rules of the Department by electronic funds transfer. Beginning on October 1, 1995, a taxpayer who has an average monthly tax liability of $50,000 or more under Article 7 of this Act shall make all payments required by rules of the Department by electronic funds transfer. Beginning October 1, 1995, a taxpayer who has an average quarterly estimated tax payment obligation of $150,000 or more under Article 8 of this Act shall make all payments required by rules of the Department by electronic funds transfer. Beginning on October 1, 2000, and for all liability periods thereafter, a taxpayer who has an average annual tax liability of $200,000 or more under Article 7 of this Act shall make all payments required by rules of the Department by electronic funds transfer. Beginning October 1, 2000, a taxpayer who has an average quarterly estimated tax payment obligation of $50,000 or more under Article 8 of this Act shall make all payments required by rules of the Department by electronic funds transfer. Beginning on October 1, 2002, a taxpayer who has a tax liability in the amount set forth in subsection (b) of Section 2505-210 of the Department of Revenue Law shall make all payments required by rules of the Department by electronic funds transfer. Beginning on October 1, 2002, a taxpayer who has a tax liability in the amount set forth in subsection (b) of Section 2505-210 of the Department of Revenue Law shall make all payments required by rules of the Department by electronic funds transfer.

(b) Any taxpayer who is not required to make payments by electronic funds transfer may make payments by electronic funds transfer with the permission of the Department.

(c) All taxpayers required to make payments by electronic funds transfer and any taxpayers who wish to voluntarily make payments by electronic funds transfer shall make those payments in the manner authorized by the Department.

(d) The Department shall notify all taxpayers required to make payments by electronic funds transfer. All taxpayers notified by the Department shall make payments by electronic funds transfer for a minimum of one year beginning on October 1. In determining the threshold amounts under subsection (a), the Department shall calculate the averages as follows:

(1) the total liability under Article 7 for the preceding tax year (and, prior to October 1, 2000, divided by 12); or
(2) for purposes of estimated payments under Article 8, the total tax obligation of the taxpayer for the previous tax year divided by 4.

(e) The Department shall adopt such rules as are necessary to effectuate a program of electronic funds transfer and the requirements of this Section.

(Source: P.A. 91-541, eff. 8-13-99; 92-492, eff. 1-1-02.)

Sec. 701. Requirement and Amount of Withholding.

(a) In General. Every employer maintaining an office or transacting business within this State and required under the provisions of the Internal Revenue Code to withhold a tax on:

(1) compensation paid in this State (as determined under Section 304 (a) (2) (B) to an individual; or

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(2) payments described in subsection (b) shall deduct and withhold from such compensation for each payroll period (as defined in Section 3401 of the Internal Revenue Code) an amount equal to the amount by which such individual's compensation exceeds the proportionate part of this withholding exemption (computed as provided in Section 702) attributable to the payroll period for which such compensation is payable multiplied by a percentage equal to the percentage tax rate for individuals provided in subsection (b) of Section 201.

(b) Payment to Residents.

Any payment (including compensation) to a resident by a payor maintaining an office or transacting business within this State (including any agency, officer, or employee of this State or of any political subdivision of this State) and on which withholding of tax is required under the provisions of the Internal Revenue Code shall be deemed to be compensation paid in this State by an employer to an employee for the purposes of Article 7 and Section 601 (b) (1) to the extent such payment is included in the recipient's base income and not subjected to withholding by another state.

(c) Special Definitions.

Withholding shall be considered required under the provisions of the Internal Revenue Code to the extent the Internal Revenue Code either requires withholding or allows for voluntary withholding the payor and recipient have entered into such a voluntary withholding agreement. For the purposes of Article 7 and Section 1002 (c) the term "employer" includes any payor who is required to withhold tax pursuant to this Section.

(d) Reciprocal Exemption.

The Director may enter into an agreement with the taxing authorities of any state which imposes a tax on or measured by income to provide that compensation paid in such state to residents of this State shall be exempt from withholding of such tax; in such case, any compensation paid in this State to residents of such state shall be exempt from withholding. All reciprocal agreements shall be subject to the requirements of Section 2505-575 of the Department of Revenue Law (20 ILCS 2505/2505-575).

(e) Notwithstanding subsection (a) (2) of this Section, no withholding is required on payments for which withholding is required under Section 3405 or 3406 of the Internal Revenue Code of 1954.

(Source: P.A. 90-491, eff. 1-1-98; 91-239, eff. 1-1-00.)

(35 ILCS 5/905) (from Ch. 120, par. 9-905)

Sec. 905. Limitations on Notices of Deficiency.

(a) In general. Except as otherwise provided in this Act:

(1) A notice of deficiency shall be issued not later than 3 years after the date the return was filed, and

(2) No deficiency shall be assessed or collected with respect to the year for which the return was filed unless such notice is issued within such period.

(b) Omission of more than 25% of income. If the taxpayer omits from base income an amount properly includible therein which is in excess of 25% of the amount of base income stated in the return, a notice of deficiency may be issued not later than 6 years after

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the return was filed. For purposes of this paragraph, there shall not be taken into account any amount which is omitted in the return if such amount is disclosed in the return, or in a statement attached to the return, in a manner adequate to apprise the Department of the nature and the amount of such item.

(c) No return or fraudulent return. If no return is filed or a false and fraudulent return is filed with intent to evade the tax imposed by this Act, a notice of deficiency may be issued at any time.

(d) Failure to report federal change. If a taxpayer fails to notify the Department in any case where notification is required by Section 304(c) or 506(b), or fails to report a change or correction which is treated in the same manner as if it were a deficiency for federal income tax purposes, a notice of deficiency may be issued (i) at any time or (ii) on or after August 13, 1999 the effective date of this amendatory Act of the 91st General Assembly, at any time for the taxable year for which the notification is required or for any taxable year to which the taxpayer may carry an Article 2 credit, or a Section 207 loss, earned, incurred, or used in the year for which the notification is required; provided, however, that the amount of any proposed assessment set forth in the notice shall be limited to the amount of any deficiency resulting under this Act from recomputation of the taxpayer's net income, Article 2 credits, or Section 207 loss earned, incurred, or used in the taxable year for which the notification is required after giving effect to the item or items required to be reported.

(e) Report of federal change.

(1) Before August 13, 1999 the effective date of this amendatory Act of the 91st General Assembly, in any case where notification of an alteration is given as required by Section 506(b), a notice of deficiency may be issued at any time within 2 years after the date such notification is given, provided, however, that the amount of any proposed assessment set forth in such notice shall be limited to the amount of any deficiency resulting under this Act from recomputation of the taxpayer's net income, net loss, or Article 2 credits for the taxable year after giving effect to the item or items reflected in the reported alteration.

(2) On and after August 13, 1999 the effective date of this amendatory Act of the 91st General Assembly, in any case where notification of an alteration is given as required by Section 506(b), a notice of deficiency may be issued at any time within 2 years after the date such notification is given for the taxable year for which the notification is given or for any taxable year to which the taxpayer may carry an Article 2 credit, or a Section 207 loss, earned, incurred, or used in the year for which the notification is given, provided, however, that the amount of any proposed assessment set forth in such notice shall be limited to the amount of any deficiency resulting under this Act from recomputation of the taxpayer's net income, Article 2 credits, or Section 207 loss earned, incurred, or used in the taxable year for which the notification is given after giving effect to the item or items reflected in the reported alteration.

(f) Extension by agreement. Where, before the expiration of the time prescribed in this section for the issuance of a notice of deficiency, both the Department and the taxpayer
shall have consented in writing to its issuance after such time, such notice may be issued at any time prior to the expiration of the period agreed upon. In the case of a taxpayer who is a partnership, Subchapter S corporation, or trust and who enters into an agreement with the Department pursuant to this subsection on or after January 1, 2003, a notice of deficiency may be issued to the partners, shareholders, or beneficiaries of the taxpayer at any time prior to the expiration of the period agreed upon. Any proposed assessment set forth in the notice, however, shall be limited to the amount of any deficiency resulting under this Act from recomputation of items of income, deduction, credits, or other amounts of the taxpayer that are taken into account by the partner, shareholder, or beneficiary in computing its liability under this Act. The period so agreed upon may be extended by subsequent agreements in writing made before the expiration of the period previously agreed upon.

(g) Erroneous refunds. In any case in which there has been an erroneous refund of tax payable under this Act, a notice of deficiency may be issued at any time within 2 years from the making of such refund, or within 5 years from the making of such refund if it appears that any part of the refund was induced by fraud or the misrepresentation of a material fact, provided, however, that the amount of any proposed assessment set forth in such notice shall be limited to the amount of such erroneous refund.

Beginning July 1, 1993, in any case in which there has been a refund of tax payable under this Act attributable to a net loss carryback as provided for in Section 207, and that refund is subsequently determined to be an erroneous refund due to a reduction in the amount of the net loss which was originally carried back, a notice of deficiency for the erroneous refund amount may be issued at any time during the same time period in which a notice of deficiency can be issued on the loss year creating the carryback amount and subsequent erroneous refund. The amount of any proposed assessment set forth in the notice shall be limited to the amount of such erroneous refund.

(h) Time return deemed filed. For purposes of this Section a tax return filed before the last day prescribed by law (including any extension thereof) shall be deemed to have been filed on such last day.

(i) Request for prompt determination of liability. For purposes of Subsection (a)(1), in the case of a tax return required under this Act in respect of a decedent, or by his estate during the period of administration, or by a corporation, the period referred to in such Subsection shall be 18 months after a written request for prompt determination of liability is filed with the Department (at such time and in such form and manner as the Department shall by regulations prescribe) by the executor, administrator, or other fiduciary representing the estate of such decedent, or by such corporation, but not more than 3 years after the date the return was filed. This Subsection shall not apply in the case of a corporation unless:

(1) (A) Such written request notifies the Department that the corporation contemplates dissolution at or before the expiration of such 18-month period, (B) the dissolution is begun in good faith before the expiration of such 18-month period, and (C) the dissolution is completed;

(2) (A) Such written request notifies the Department that a dissolution has in good faith been begun, and (B) the dissolution is completed; or

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(3) A dissolution has been completed at the time such written request is made.

(j) Withholding tax. In the case of returns required under Article 7 of this Act (with respect to any amounts withheld as tax or any amounts required to have been withheld as tax) a notice of deficiency shall be issued not later than 3 years after the 15th day of the 4th month following the close of the calendar year in which such withholding was required.

(k) Penalties for failure to make information reports. A notice of deficiency for the penalties provided by Subsection 1405.1(c) of this Act may not be issued more than 3 years after the due date of the reports with respect to which the penalties are asserted.

(l) Penalty for failure to file withholding returns. A notice of deficiency for penalties provided by Section 1004 of this Act for taxpayer's failure to file withholding returns may not be issued more than three years after the 15th day of the 4th month following the close of the calendar year in which the withholding giving rise to taxpayer's obligation to file those returns occurred.

(m) Transferee liability. A notice of deficiency may be issued to a transferee relative to a liability asserted under Section 1405 during time periods defined as follows:

1) Initial Transferee. In the case of the liability of an initial transferee, up to 2 years after the expiration of the period of limitation for assessment against the transferor, except that if a court proceeding for review of the assessment against the transferor has begun, then up to 2 years after the return of the certified copy of the judgment in the court proceeding.

2) Transferee of Transferee. In the case of the liability of a transferee, up to 2 years after the expiration of the period of limitation for assessment against the preceding transferee, but not more than 3 years after the expiration of the period of limitation for assessment against the initial transferor; except that if, before the expiration of the period of limitation for the assessment of the liability of the transferee, a court proceeding for the collection of the tax or liability in respect thereof has been begun against the initial transferor or the last preceding transferee, as the case may be, then the period of limitation for assessment of the liability of the transferee shall expire 2 years after the return of the certified copy of the judgment in the court proceeding.

(n) Notice of decrease in net loss. On and after the effective date of this amendatory Act of the 92nd General Assembly, no notice of deficiency shall be issued as the result of a decrease determined by the Department in the net loss incurred by a taxpayer under Section 207 of this Act unless the Department has notified the taxpayer of the proposed decrease within 3 years after the return reporting the loss was filed or within one year after an amended return reporting an increase in the loss was filed, provided that in the case of an amended return, a decrease proposed by the Department more than 3 years after the original return was filed may not exceed the increase claimed by the taxpayer on the original return.

(Source: P.A. 90-491, eff. 1-1-98; 91-541, eff. 8-13-99.)

(35 ILCS 5/911) (from Ch. 120, par. 9-911)
Sec. 911. Limitations on Claims for Refund.
(a) In general. Except as otherwise provided in this Act:

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(1) A claim for refund shall be filed not later than 3 years after the date the return was filed (in the case of returns required under Article 7 of this Act respecting any amounts withheld as tax, not later than 3 years after the 15th day of the 4th month following the close of the calendar year in which such withholding was made), or one year after the date the tax was paid, whichever is the later; and

(2) No credit or refund shall be allowed or made with respect to the year for which the claim was filed unless such claim is filed within such period.

(b) Federal changes.

(1) In general. In any case where notification of an alteration is required by Section 506 (b), a claim for refund may be filed within 2 years after the date on which such notification was due (regardless of whether such notice was given), but the amount recoverable pursuant to a claim filed under this Section shall be limited to the amount of any overpayment resulting under this Act from recomputation of the taxpayer's net income, net loss, or Article 2 credits for the taxable year after giving effect to the item or items reflected in the alteration required to be reported.

(2) Tentative carryback adjustments paid before January 1, 1974. If, as the result of the payment before January 1, 1974 of a federal tentative carryback adjustment, a notification of an alteration is required under Section 506 (b), a claim for refund may be filed at any time before January 1, 1976, but the amount recoverable pursuant to a claim filed under this Section shall be limited to the amount of any overpayment resulting under this Act from recomputation of the taxpayer's base income for the taxable year after giving effect to the federal alteration resulting from the tentative carryback adjustment irrespective of any limitation imposed in paragraph (l) of this subsection.

(c) Extension by agreement. Where, before the expiration of the time prescribed in this section for the filing of a claim for refund, both the Department and the claimant shall have consented in writing to its filing after such time, such claim may be filed at any time prior to the expiration of the period agreed upon. The period so agreed upon may be extended by subsequent agreements in writing made before the expiration of the period previously agreed upon. In the case of a taxpayer who is a partnership, Subchapter S corporation, or trust and who enters into an agreement with the Department pursuant to this subsection on or after January 1, 2003, a claim for refund may be issued to the partners, shareholders, or beneficiaries of the taxpayer at any time prior to the expiration of the period agreed upon. Any refund allowed pursuant to the claim, however, shall be limited to the amount of any overpayment of tax due under this Act that results from recomputation of items of income, deduction, credits, or other amounts of the taxpayer that are taken into account by the partner, shareholder, or beneficiary in computing its liability under this Act.

(d) Limit on amount of credit or refund.

(1) Limit where claim filed within 3-year period. If the claim was filed by the claimant during the 3-year period prescribed in subsection (a), the amount of the credit or refund shall not exceed the portion of the tax paid within the period, immediately preceding the filing of the claim, equal to 3 years plus the period of any
extension of time for filing the return.

(2) Limit where claim not filed within 3-year period. If the claim was not filed within such 3-year period, the amount of the credit or refund shall not exceed the portion of the tax paid during the one year immediately preceding the filing of the claim.

(e) Time return deemed filed. For purposes of this section a tax return filed before the last day prescribed by law for the filing of such return (including any extensions thereof) shall be deemed to have been filed on such last day.

(f) No claim for refund based on the taxpayer's taking a credit for estimated tax payments as provided by Section 601 (b) (2) or for any amount paid by a taxpayer pursuant to Section 602(a) or for any amount of credit for tax withheld pursuant to Section 701 may be filed more than 3 years after the due date, as provided by Section 505, of the return which was required to be filed relative to the taxable year for which the payments were made or for which the tax was withheld. The changes in this subsection (f) made by this amendatory Act of 1987 shall apply to all taxable years ending on or after December 31, 1969.

(g) Special Period of Limitation with Respect to Net Loss Carrybacks. If the claim for refund relates to an overpayment attributable to a net loss carryback as provided by Section 207, in lieu of the 3 year period of limitation prescribed in subsection (a), the period shall be that period which ends 3 years after the time prescribed by law for filing the return (including extensions thereof) for the taxable year of the net loss which results in such carryback (or, on and after August 13, 1999, the effective date of this amendatory Act of the 91st General Assembly, with respect to a change in the carryover of an Article 2 credit to a taxable year resulting from the carryback of a Section 207 loss incurred in a taxable year beginning on or after January 1, 2000, the period shall be that period that ends 3 years after the time prescribed by law for filing the return (including extensions of that time) for that subsequent taxable year), or the period prescribed in subsection (c) in respect of such taxable year, whichever expires later. In the case of such a claim, the amount of the refund may exceed the portion of the tax paid within the period provided in subsection (d) to the extent of the amount of the overpayment attributable to such carryback. On and after August 13, 1999, the effective date of this amendatory Act of the 91st General Assembly, if the claim for refund relates to an overpayment attributable to the carryover of an Article 2 credit, or of a Section 207 loss, earned, incurred (in a taxable year beginning on or after January 1, 2000), or used in a year for which a notification of a change affecting federal taxable income must be filed under subsection (b) of Section 506, the claim may be filed within the period prescribed in paragraph (1) of subsection (b) in respect of the year for which the notification is required. In the case of such a claim, the amount of the refund may exceed the portion of the tax paid within the period provided in subsection (d) to the extent of the amount of the overpayment attributable to the recomputation of the taxpayer's Article 2 credits, or Section 207 loss, earned, incurred, or used in the taxable year for which the notification is given.

(h) Claim for refund based on net loss. On and after the effective date of this amendatory Act of the 92nd General Assembly, no claim for refund shall be allowed to the extent the refund is the result of an amount of net loss incurred under Section 207 of this Act.
that was not reported to the Department within 3 years of the due date (including extensions) of the return for the loss year on either the original return filed by the taxpayer or on amended return.

(Source: P.A. 90-491, eff. 1-1-98; 91-541, eff. 8-13-99.)

(35 ILCS 5/1501) (from Ch. 120, par. 15-1501)

Sec. 1501. Definitions.

(a) In general. When used in this Act, where not otherwise distinctly expressed or manifestly incompatible with the intent thereof:

(1) Business income. The term "business income" means income arising from transactions and activity in the regular course of the taxpayer's trade or business, net of the deductions allocable thereto, and includes income from tangible and intangible property if the acquisition, management, and disposition of the property constitute integral parts of the taxpayer's regular trade or business operations. Such term does not include compensation or the deductions allocable thereto. For each taxable year beginning on or after January 1, 2003, a taxpayer may elect to treat all income other than compensation as business income. This election shall be made in accordance with rules adopted by the Department and, once made, shall be irrevocable.

(2) Commercial domicile. The term "commercial domicile" means the principal place from which the trade or business of the taxpayer is directed or managed.

(3) Compensation. The term "compensation" means wages, salaries, commissions and any other form of remuneration paid to employees for personal services.

(4) Corporation. The term "corporation" includes associations, joint-stock companies, insurance companies and cooperatives. Any entity, including a limited liability company formed under the Illinois Limited Liability Company Act, shall be treated as a corporation if it is so classified for federal income tax purposes.

(5) Department. The term "Department" means the Department of Revenue of this State.

(6) Director. The term "Director" means the Director of Revenue of this State.

(7) Fiduciary. The term "fiduciary" means a guardian, trustee, executor, administrator, receiver, or any person acting in any fiduciary capacity for any person.

(8) Financial organization.

(A) The term "financial organization" means any bank, bank holding company, trust company, savings bank, industrial bank, land bank, safe deposit company, private banker, savings and loan association, building and loan association, credit union, currency exchange, cooperative bank, small loan company, sales finance company, investment company, or any person which is owned by a bank or bank holding company. For the purpose of this Section a "person" will include only those persons which a bank holding company may acquire and hold an interest in, directly or indirectly, under the provisions of the Bank Holding Company Act of 1956 (12 U.S.C. 1841, et

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seq.), except where interests in any person must be disposed of within certain required time limits under the Bank Holding Company Act of 1956.

(B) For purposes of subparagraph (A) of this paragraph, the term "bank" includes (i) any entity that is regulated by the Comptroller of the Currency under the National Bank Act, or by the Federal Reserve Board, or by the Federal Deposit Insurance Corporation and (ii) any federally or State chartered bank operating as a credit card bank.

(C) For purposes of subparagraph (A) of this paragraph, the term "sales finance company" has the meaning provided in the following item (i) or (ii):

(i) A person primarily engaged in one or more of the following businesses: the business of purchasing customer receivables, the business of making loans upon the security of customer receivables, the business of making loans for the express purpose of funding purchases of tangible personal property or services by the borrower, or the business of finance leasing. For purposes of this item (i), "customer receivable" means:

(a) a retail installment contract or retail charge agreement within the meaning of the Sales Finance Agency Act, the Retail Installment Sales Act, or the Motor Vehicle Retail Installment Sales Act;

(b) an installment, charge, credit, or similar contract or agreement arising from the sale of tangible personal property or services in a transaction involving a deferred payment price payable in one or more installments subsequent to the sale; or

(c) the outstanding balance of a contract or agreement described in provisions (a) or (b) of this item (i).

A customer receivable need not provide for payment of interest on deferred payments. A sales finance company may purchase a customer receivable from, or make a loan secured by a customer receivable to, the seller in the original transaction or to a person who purchased the customer receivable directly or indirectly from that seller.

(ii) A corporation meeting each of the following criteria:

(a) the corporation must be a member of an "affiliated group" within the meaning of Section 1504(a) of the Internal Revenue Code, determined without regard to Section 1504(b) of the Internal Revenue Code;

(b) more than 50% of the gross income of the corporation for the taxable year must be interest income derived from qualifying loans. A "qualifying loan" is a loan made to a member of the corporation's affiliated group that originates customer receivables (within the meaning of item (i)) or to whom customer receivables

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originated by a member of the affiliated group have been transferred, to the extent the average outstanding balance of loans from that corporation to members of its affiliated group during the taxable year do not exceed the limitation amount for that corporation. The "limitation amount" for a corporation is the average outstanding balances during the taxable year of customer receivables (within the meaning of item (i)) originated by all members of the affiliated group. If the average outstanding balances of the loans made by a corporation to members of its affiliated group exceed the limitation amount, the interest income of that corporation from qualifying loans shall be equal to its interest income from loans to members of its affiliated groups times a fraction equal to the limitation amount divided by the average outstanding balances of the loans made by that corporation to members of its affiliated group;

(c) the total of all shareholder's equity (including, without limitation, paid-in capital on common and preferred stock and retained earnings) of the corporation plus the total of all of its loans, advances, and other obligations payable or owed to members of its affiliated group may not exceed 20% of the total assets of the corporation at any time during the tax year; and

(d) more than 50% of all interest-bearing obligations of the affiliated group payable to persons outside the group determined in accordance with generally accepted accounting principles must be obligations of the corporation.

This amendatory Act of the 91st General Assembly is declaratory of existing law.

(D) Subparagraphs (B) and (C) of this paragraph are declaratory of existing law and apply retroactively, for all tax years beginning on or before December 31, 1996, to all original returns, to all amended returns filed no later than 30 days after the effective date of this amendatory Act of 1996, and to all notices issued on or before the effective date of this amendatory Act of 1996 under subsection (a) of Section 903, subsection (a) of Section 904, subsection (e) of Section 909, or Section 912. A taxpayer that is a "financial organization" that engages in any transaction with an affiliate shall be a "financial organization" for all purposes of this Act.

(E) For all tax years beginning on or before December 31, 1996, a taxpayer that falls within the definition of a "financial organization" under subparagraphs (B) or (C) of this paragraph, but who does not fall within the definition of a "financial organization" under the Proposed Regulations issued by the Department of Revenue on July 19, 1996, may irrevocably elect to apply the Proposed Regulations for all of those years as though the Proposed Regulations had been lawfully promulgated, adopted, and in effect for all of
those years. For purposes of applying subparagraphs (B) or (C) of this paragraph to all of those years, the election allowed by this subparagraph applies only to the taxpayer making the election and to those members of the taxpayer's unitary business group who are ordinarily required to apportion business income under the same subsection of Section 304 of this Act as the taxpayer making the election. No election allowed by this subparagraph shall be made under a claim filed under subsection (d) of Section 909 more than 30 days after the effective date of this amendatory Act of 1996.

(F) Finance Leases. For purposes of this subsection, a finance lease shall be treated as a loan or other extension of credit, rather than as a lease, regardless of how the transaction is characterized for any other purpose, including the purposes of any regulatory agency to which the lessor is subject. A finance lease is any transaction in the form of a lease in which the lessee is treated as the owner of the leased asset entitled to any deduction for depreciation allowed under Section 167 of the Internal Revenue Code.

(9) Fiscal year. The term "fiscal year" means an accounting period of 12 months ending on the last day of any month other than December.

(10) Includes and including. The terms "includes" and "including" when used in a definition contained in this Act shall not be deemed to exclude other things otherwise within the meaning of the term defined.

(11) Internal Revenue Code. The term "Internal Revenue Code" means the United States Internal Revenue Code of 1954 or any successor law or laws relating to federal income taxes in effect for the taxable year.

(12) Mathematical error. The term "mathematical error" includes the following types of errors, omissions, or defects in a return filed by a taxpayer which prevents acceptance of the return as filed for processing:

(A) arithmetic errors or incorrect computations on the return or supporting schedules;

(B) entries on the wrong lines;

(C) omission of required supporting forms or schedules or the omission of the information in whole or in part called for thereon; and

(D) an attempt to claim, exclude, deduct, or improperly report, in a manner directly contrary to the provisions of the Act and regulations thereunder any item of income, exemption, deduction, or credit.

(13) Nonbusiness income. The term "nonbusiness income" means all income other than business income or compensation.

(14) Nonresident. The term "nonresident" means a person who is not a resident.

(15) Paid, incurred and accrued. The terms "paid", "incurred" and "accrued" shall be construed according to the method of accounting upon the basis of which the person's base income is computed under this Act.

(16) Partnership and partner. The term "partnership" includes a syndicate,
group, pool, joint venture or other unincorporated organization, through or by means of which any business, financial operation, or venture is carried on, and which is not, within the meaning of this Act, a trust or estate or a corporation; and the term "partner" includes a member in such syndicate, group, pool, joint venture or organization.

The term "partnership" includes any entity, including a limited liability company formed under the Illinois Limited Liability Company Act, classified as a partnership for federal income tax purposes.

The term "partnership" does not include a syndicate, group, pool, joint venture, or other unincorporated organization established for the sole purpose of playing the Illinois State Lottery.

(17) Part-year resident. The term "part-year resident" means an individual who became a resident during the taxable year or ceased to be a resident during the taxable year. Under Section 1501 (a) (20) (A) (i) residence commences with presence in this State for other than a temporary or transitory purpose and ceases with absence from this State for other than a temporary or transitory purpose. Under Section 1501 (a) (20) (A) (ii) residence commences with the establishment of domicile in this State and ceases with the establishment of domicile in another State.

(18) Person. The term "person" shall be construed to mean and include an individual, a trust, estate, partnership, association, firm, company, corporation, limited liability company, or fiduciary. For purposes of Section 1301 and 1302 of this Act, a "person" means (i) an individual, (ii) a corporation, (iii) an officer, agent, or employee of a corporation, (iv) a member, agent or employee of a partnership, or (v) a member, manager, employee, officer, director, or agent of a limited liability company who in such capacity commits an offense specified in Section 1301 and 1302.

(18A) Records. The term "records" includes all data maintained by the taxpayer, whether on paper, microfilm, microfiche, or any type of machine-sensible data compilation.

(19) Regulations. The term "regulations" includes rules promulgated and forms prescribed by the Department.

(20) Resident. The term "resident" means:

(A) an individual (i) who is in this State for other than a temporary or transitory purpose during the taxable year; or (ii) who is domiciled in this State but is absent from the State for a temporary or transitory purpose during the taxable year;

(B) The estate of a decedent who at his or her death was domiciled in this State;

(C) A trust created by a will of a decedent who at his death was domiciled in this State; and

(D) An irrevocable trust, the grantor of which was domiciled in this State at the time such trust became irrevocable. For purpose of this

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subparagraph, a trust shall be considered irrevocable to the extent that the grantor is not treated as the owner thereof under Sections 671 through 678 of the Internal Revenue Code.

(21) Sales. The term "sales" means all gross receipts of the taxpayer not allocated under Sections 301, 302 and 303.

(22) State. The term "state" when applied to a jurisdiction other than this State means any state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, any Territory or Possession of the United States, and any foreign country, or any political subdivision of any of the foregoing. For purposes of the foreign tax credit under Section 601, the term "state" means any state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States, or any political subdivision of any of the foregoing, effective for tax years ending on or after December 31, 1989.

(23) Taxable year. The term "taxable year" means the calendar year, or the fiscal year ending during such calendar year, upon the basis of which the base income is computed under this Act. "Taxable year" means, in the case of a return made for a fractional part of a year under the provisions of this Act, the period for which such return is made.

(24) Taxpayer. The term "taxpayer" means any person subject to the tax imposed by this Act.

(25) International banking facility. The term international banking facility shall have the same meaning as is set forth in the Illinois Banking Act or as is set forth in the laws of the United States or regulations of the Board of Governors of the Federal Reserve System.

(26) Income Tax Return Preparer.

(A) The term "income tax return preparer" means any person who prepares for compensation, or who employs one or more persons to prepare for compensation, any return of tax imposed by this Act or any claim for refund of tax imposed by this Act. The preparation of a substantial portion of a return or claim for refund shall be treated as the preparation of that return or claim for refund.

(B) A person is not an income tax return preparer if all he or she does is

(i) furnish typing, reproducing, or other mechanical assistance;
(ii) prepare returns or claims for refunds for the employer by whom he or she is regularly and continuously employed;
(iii) prepare as a fiduciary returns or claims for refunds for any person; or
(iv) prepare claims for refunds for a taxpayer in response to any notice of deficiency issued to that taxpayer or in response to any waiver of restriction after the commencement of an audit of that taxpayer or of another taxpayer if a determination in the audit of the

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other taxpayer directly or indirectly affects the tax liability of the
taxpayer whose claims he or she is preparing.

(27) Unitary business group. The term "unitary business group" means a
group of persons related through common ownership whose business activities are
integrated with, dependent upon and contribute to each other. The group will not
include those members whose business activity outside the United States is 80% or
more of any such member's total business activity; for purposes of this paragraph and
clause (a) (3) (B) (ii) of Section 304, business activity within the United States shall
be measured by means of the factors ordinarily applicable under subsections (a), (b),
(c), (d), or (h) of Section 304 except that, in the case of members ordinarily required
to apportion business income by means of the 3 factor formula of property, payroll
and sales specified in subsection (a) of Section 304, including the formula as
weighted in subsection (h) of Section 304, such members shall not use the sales
factor in the computation and the results of the property and payroll factor
computations of subsection (a) of Section 304 shall be divided by 2 (by one if either
the property or payroll factor has a denominator of zero). The computation required
by the preceding sentence shall, in each case, involve the division of the member's
property, payroll, or revenue miles in the United States, insurance premiums on
property or risk in the United States, or financial organization business income from
sources within the United States, as the case may be, by the respective worldwide
figures for such items. Common ownership in the case of corporations is the direct
or indirect control or ownership of more than 50% of the outstanding voting stock of
the persons carrying on unitary business activity. Unitary business activity can
ordinarily be illustrated where the activities of the members are: (1) in the same
general line (such as manufacturing, wholesaling, retailing of tangible personal
property, insurance, transportation or finance); or (2) are steps in a vertically
structured enterprise or process (such as the steps involved in the production of
natural resources, which might include exploration, mining, refining, and marketing);
and, in either instance, the members are functionally integrated through the exercise
of strong centralized management (where, for example, authority over such matters
as purchasing, financing, tax compliance, product line, personnel, marketing and
capital investment is not left to each member). In no event, however, will any unitary
business group include members which are ordinarily required to apportion business
income under different subsections of Section 304 except that for tax years ending
on or after December 31, 1987 this prohibition shall not apply to a unitary business
group composed of one or more taxpayers all of which apportion business income
pursuant to subsection (b) of Section 304, or all of which apportion business income
pursuant to subsection (d) of Section 304, and a holding company of such
single-factor taxpayers (see definition of "financial organization" for rule regarding
holding companies of financial organizations). If a unitary business group would, but
for the preceding sentence, include members that are ordinarily required to apportion
business income under different subsections of Section 304, then for each subsection

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of Section 304 for which there are two or more members, there shall be a separate unitary business group composed of such members. For purposes of the preceding two sentences, a member is "ordinarily required to apportion business income" under a particular subsection of Section 304 if it would be required to use the apportionment method prescribed by such subsection except for the fact that it derives business income solely from Illinois. If the unitary business group members' accounting periods differ, the common parent's accounting period or, if there is no common parent, the accounting period of the member that is expected to have, on a recurring basis, the greatest Illinois income tax liability must be used to determine whether to use the apportionment method provided in subsection (a) or subsection (h) of Section 304. The prohibition against membership in a unitary business group for taxpayers ordinarily required to apportion income under different subsections of Section 304 does not apply to taxpayers required to apportion income under subsection (a) and subsection (h) of Section 304. The provisions of this amendatory Act of 1998 apply to tax years ending on or after December 31, 1998.

(28) Subchapter S corporation. The term "Subchapter S corporation" means a corporation for which there is in effect an election under Section 1362 of the Internal Revenue Code, or for which there is a federal election to opt out of the provisions of the Subchapter S Revision Act of 1982 and have applied instead the prior federal Subchapter S rules as in effect on July 1, 1982.

(b) Other definitions.

(1) Words denoting number, gender, and so forth, when used in this Act, where not otherwise distinctly expressed or manifestly incompatible with the intent thereof:

(A) Words importing the singular include and apply to several persons, parties or things;
(B) Words importing the plural include the singular; and
(C) Words importing the masculine gender include the feminine as well.

(2) "Company" or "association" as including successors and assigns. The word "company" or "association", when used in reference to a corporation, shall be deemed to embrace the words "successors and assigns of such company or association", and in like manner as if these last-named words, or words of similar import, were expressed.

(3) Other terms. Any term used in any Section of this Act with respect to the application of, or in connection with, the provisions of any other Section of this Act shall have the same meaning as in such other Section.

(Source: P.A. 90-613, eff. 7-9-98; 91-535, eff. 1-1-00; 91-913, eff. 1-1-01.)

Section 7. The Property Tax Code is amended by changing Sections 9-195 and 15-60 as follows:

(35 ILCS 200/9-195)
Sec. 9-195. Leasing of exempt property.

New matter indicated by italics - deletions by strikeout.
(a) Except as provided in Sections 15-35, 15-55, 15-60, 15-100, and 15-103, when property which is exempt from taxation is leased to another whose property is not exempt, and the leasing of which does not make the property taxable, the leasehold estate and the appurtenances shall be listed as the property of the lessee thereof, or his or her assignee. Taxes on that property shall be collected in the same manner as on property that is not exempt, and the lessee shall be liable for those taxes. However, no tax lien shall attach to the exempt real estate. The changes made by this amendatory Act of 1997 and by this amendatory Act of the 91st General Assembly are declaratory of existing law and shall not be construed as a new enactment. The changes made by Public Acts 88-221 and 88-420 that are incorporated into this Section by this amendatory Act of 1993 are declarative of existing law and are not a new enactment.

(b) The provisions of this Section regarding taxation of leasehold interests in exempt property do not apply to any leasehold interest created pursuant to any transaction described in subsection (e) of Section 15-35, subsection (c-5) of Section 15-60, subsection (b) of Section 15-100, or Section 15-103.

(Source: P.A. 90-562, eff. 12-16-97; 91-513, eff. 8-13-99.)

(35 ILCS 200/15-60)

Sec. 15-60. Taxing district property. All property belonging to any county or municipality used exclusively for the maintenance of the poor is exempt, as is all property owned by a taxing district that is being held for future expansion or development, except if leased by the taxing district to lessees for use for other than public purposes.

Also exempt are:

(a) all swamp or overflowed lands belonging to any county;

(b) all public buildings belonging to any county, township, or municipality, with the ground on which the buildings are erected;

(c) all property owned by any municipality located within its incorporated limits. Any such property leased by a municipality shall remain exempt, and the leasehold interest of the lessee shall be assessed under Section 9-195 of this Act, (i) for a lease entered into on or after January 1, 1994, unless the lease expressly provides that this exemption shall not apply; (ii) for a lease entered into on or after the effective date of Public Act 87-1280 and before January 1, 1994, unless the lease expressly provides that this exemption shall not apply or unless evidence other than the lease itself substantiates the intent of the parties to the lease that this exemption shall not apply; and (iii) for a lease entered into before the effective date of Public Act 87-1280, if the terms of the lease do not bind the lessee to pay the taxes on the leased property or if, notwithstanding the terms of the lease, the municipality has filed or hereafter files a timely exemption petition or complaint with respect to property consisting of or including the leased property for an assessment year which includes part or all of the first 12 months of the lease period. The foregoing clause (iii) added by Public Act 87-1280 shall not operate to exempt property for any assessment year as to which no timely exemption petition or complaint has been filed by the municipality or as to which an administrative or court decision denying exemption has become final and nonappealable. For each assessment year or portion thereof that property is made exempt by operation of the
foregoing clause (iii), whether such year or portion is before or after the effective date of Public Act 87-1280, the leasehold interest of the lessee shall, if necessary, be considered omitted property for purposes of this Act;

(c-5) Notwithstanding clause (i) of subsection (c), all property owned by a municipality with a population over 500,000 that is used for toll road or toll bridge purposes and that is leased for those purposes to another entity whose property is not exempt shall remain exempt, and any leasehold interest in the property shall not be subject to taxation under Section 9-195 of this Act;

(d) all property owned by any municipality located outside its incorporated limits but within the same county when used as a tuberculosis sanitarium, farm colony in connection with a house of correction, or nursery, garden, or farm, or for the growing of shrubs, trees, flowers, vegetables, and plants for use in beautifying, maintaining, and operating playgrounds, parks, parkways, public grounds, buildings, and institutions owned or controlled by the municipality; and

(e) all property owned by a township and operated as senior citizen housing under Sections 35-50 through 35-50.6 of the Township Code.

All property owned by any municipality outside of its corporate limits is exempt if used exclusively for municipal or public purposes.

For purposes of this Section, "municipality" means a municipality, as defined in Section 1-1-2 of the Illinois Municipal Code.

(Source: P.A. 89-165, eff. 1-1-96; 90-176, eff. 1-1-98.)

Section 10. The Illinois Municipal Code is amended by changing Section 8-11-6 as follows:

(65 ILCS 5/8-11-6) (from Ch. 24, par. 8-11-6)

(a) The corporate authorities of a home rule municipality may impose a tax upon the privilege of using, in such municipality, any item of tangible personal property which is purchased at retail from a retailer, and which is titled or registered at a location within the corporate limits of such home rule municipality with an agency of this State's government, at a rate which is an increment of 1/4% and based on the selling price of such tangible personal property, as "selling price" is defined in the Use Tax Act. In home rule municipalities with less than 2,000,000 inhabitants, the tax shall be collected by the municipality imposing the tax from persons whose Illinois address for titling or registration purposes is given as being in such municipality.

(b) In home rule municipalities with 2,000,000 or more inhabitants, the corporate authorities of the municipality may additionally impose a tax beginning July 1, 1991 upon the privilege of using in the municipality, any item of tangible personal property, other than tangible personal property titled or registered with an agency of the State's government, that is purchased at retail from a retailer located outside the corporate limits of the municipality, at a rate that is an increment of 1/4% not to exceed 1% and based on the selling price of the tangible personal property, as "selling price" is defined in the Use Tax Act. Such tax shall be collected from the purchaser or the retailer either by the municipality imposing such tax.
or by the Department of Revenue pursuant to an agreement between the Department and the municipality.

To prevent multiple home rule taxation, the use in a home rule municipality of tangible personal property that is acquired outside the municipality and caused to be brought into the municipality by a person who has already paid a home rule municipal tax in another municipality in respect to the sale, purchase, or use of that property, shall be exempt to the extent of the amount of the tax properly due and paid in the other home rule municipality.

(c) If a municipality having 2,000,000 or more inhabitants imposes the tax authorized by subsection (a), then the tax shall be collected by the Illinois Department of Revenue when the property is purchased at retail from a retailer in the county in which the home rule municipality imposing the tax is located, and in all contiguous counties. The tax shall be remitted to the State, or an exemption determination must be obtained from the Department before the title or certificate of registration for the property may be issued. The tax or proof of exemption may be transmitted to the Department by way of the State agency with which, or State officer with whom, the tangible personal property must be titled or registered if the Department and that agency or State officer determine that this procedure will expedite the processing of applications for title or registration.

The Department shall have full power to administer and enforce this Section to collect all taxes, penalties and interest due hereunder, to dispose of taxes, penalties and interest so collected in the manner hereinafter provided, and determine all rights to credit memoranda or refunds arising on account of the erroneous payment of tax, penalty or interest hereunder. In the administration of and compliance with this Section the Department and persons who are subject to this Section shall have the same rights, remedies, privileges, immunities, powers and duties, and be subject to the same conditions, restrictions, limitations, penalties and definitions of terms, and employ the same modes of procedure as are prescribed in Sections 2 (except the definition of "retailer maintaining a place of business in this State"), 3 (except provisions pertaining to the State rate of tax, and except provisions concerning collection or refunding of the tax by retailers), 4, 11, 12, 12a, 14, 15, 19, 20, 21 and 22 of the Use Tax Act, which are not inconsistent with this Section, as fully as if provisions contained in those Sections of the Use Tax Act were set forth herein.

Whenever the Department determines that a refund shall be made under this Section to a claimant instead of issuing a credit memorandum, the Department shall notify the State Comptroller, who shall cause the order to be drawn for the amount specified, and to the person named, in such notification from the Department. Such refund shall be paid by the State Treasurer out of the home rule municipal retailers’ occupation tax fund.

The Department shall forthwith pay over to the State Treasurer, ex officio, as trustee, all taxes, penalties and interest collected hereunder. On or before the 25th day of each calendar month, the Department shall prepare and certify to the State Comptroller the disbursement of stated sums of money to named municipalities, the municipality in each instance to be that municipality from which the Department during the second preceding calendar month, collected municipal use tax from any person whose Illinois address for titling or registration purposes is given as being in such municipality. The amount to be paid

New matter indicated by italics - deletions by strikeout.
to each municipality shall be the amount (not including credit memoranda) collected hereunder during the second preceding calendar month by the Department, and not including an amount equal to the amount of refunds made during the second preceding calendar month by the Department on behalf of such municipality, less the amount expended during the second preceding month by the Department to be paid from the appropriation to the Department from the Home Rule Municipal Retailers' Occupation Tax Trust Fund. The appropriation to cover the costs incurred by the Department in administering and enforcing this Section shall not exceed 2% of the amount estimated to be deposited into the Home Rule Municipal Retailers' Occupation Tax Trust Fund during the fiscal year for which the appropriation is made. Within 10 days after receipt by the State Comptroller of the disbursement certification to the municipalities provided for in this Section to be given to the State Comptroller by the Department, the State Comptroller shall cause the orders to be drawn for the respective amounts in accordance with the directions contained in that certification.

Any ordinance imposing or discontinuing any tax to be collected and enforced by the Department under this Section shall be adopted and a certified copy thereof filed with the Department on or before October 1, whereupon the Department of Revenue shall proceed to administer and enforce this Section on behalf of the municipalities as of January 1 next following such adoption and filing. Beginning April 1, 1998, any ordinance imposing or discontinuing any tax to be collected and enforced by the Department under this Section shall either (i) be adopted and a certified copy thereof filed with the Department on or before April 1, whereupon the Department of Revenue shall proceed to administer and enforce this Section on behalf of the municipalities as of July 1 next following the adoption and filing; or (ii) be adopted and a certified copy thereof filed with the Department on or before October 1, whereupon the Department of Revenue shall proceed to administer and enforce this Section on behalf of the municipalities as of January 1 next following the adoption and filing.

Nothing in this subsection (c) shall prevent a home rule municipality from collecting the tax pursuant to subsection (a) in any situation where such tax is not collected by the Department of Revenue under this subsection (c).

(d) Any unobligated balance remaining in the Municipal Retailers' Occupation Tax Fund on December 31, 1989, which fund was abolished by Public Act 85-1135, and all receipts of municipal tax as a result of audits of liability periods prior to January 1, 1990, shall be paid into the Local Government Tax Fund, for distribution as provided by this Section prior to the enactment of Public Act 85-1135. All receipts of municipal tax as a result of an assessment not arising from an audit, for liability periods prior to January 1, 1990, shall be paid into the Local Government Tax Fund for distribution before July 1, 1990, as provided by this Section prior to the enactment of Public Act 85-1135, and on and after July 1, 1990, all such receipts shall be distributed as provided in Section 6z-18 of the State Finance Act.

(e) As used in this Section, "Municipal" and "Municipality" means a city, village or incorporated town, including an incorporated town which has superseded a civil township.

(f) This Section shall be known and may be cited as the Home Rule Municipal Use Tax Act.

New matter indicated by italics - deletions by strikeout.
Section 90. The State Mandates Act is amended by adding Section 8.26 as follows:

Sec. 8.26. Exempt mandate. Notwithstanding Sections 6 and 8 of this Act, no reimbursement by the State is required for the implementation of any mandate created by this amendatory Act of the 92nd General Assembly.

Section 99. Effective date. This Act takes effect upon becoming law.

INDEX

Statutes amended in order of appearance

35 ILCS 5/201         from Ch. 120, par. 2-201
35 ILCS 5/202         from Ch. 120, par. 2-202
35 ILCS 5/203         from Ch. 120, par. 2-203
35 ILCS 5/209         from Ch. 120, par. 5-502
35 ILCS 5/502         from Ch. 120, par. 5-506
35 ILCS 5/506         from Ch. 120, par. 6-601.1
35 ILCS 5/506         from Ch. 120, par. 7-701
35 ILCS 5/905         from Ch. 120, par. 9-905
35 ILCS 5/911         from Ch. 120, par. 9-911
35 ILCS 5/1501        from Ch. 120, par. 15-1501

Passed in the General Assembly June 2, 2002.
Approved August 23, 2002.
Effective August 23, 2002.

PUBLIC ACT 92-0847
(House Bill No. 4720)

AN ACT in relation to business transactions.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Equipment Fair Dealership Law is amended by adding Section 4.5 as follows:

Sec. 4.5. Warranty work. Retailers who do warranty repair work for a consumer under the provisions of a manufacturer's express warranty shall be reimbursed by the manufacturer for warranty work at an hourly rate that is the same as or greater than the hourly labor rate that the retailer charges consumers for non-warranty repair work.

The provisions of this Section shall not apply to a supplier or dealer where a written dealer agreement provides for compensation to a dealer for warranty labor costs either as part of the pricing of the equipment to the dealer or in the form of a lump sum payment, provided the payment is not less than 5% of the suggested retail price of the equipment.


New matter indicated by italics - deletions by strikeout.
AN ACT in relation to public aid.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Public Aid Code is amended by changing Section 5-5.4 as follows:

(305 ILCS 5/5-5.4) (from Ch. 23, par. 5-5.4)

Sec. 5-5.4. Standards of Payment - Department of Public Aid. The Department of Public Aid shall develop standards of payment of skilled nursing and intermediate care services in facilities providing such services under this Article which:

1) Provide for the determination of a facility's payment for skilled nursing and intermediate care services on a prospective basis. The amount of the payment rate for all nursing facilities certified under the medical assistance program shall be prospectively established annually on the basis of historical, financial, and statistical data reflecting actual costs from prior years, which shall be applied to the current rate year and updated for inflation, except that the capital cost element for newly constructed facilities shall be based upon projected budgets. The annually established payment rate shall take effect on July 1 in 1984 and subsequent years. Rate increases shall be provided annually thereafter on July 1 in 1984 and on each subsequent July 1 in the following years, except that No rate increase and no update for inflation shall be provided on or after July 1, 1994 and before July 1, 2002, unless specifically provided for in this Section.

For facilities licensed by the Department of Public Health under the Nursing Home Care Act as Intermediate Care for the Developmentally Disabled facilities or Long Term Care for Under Age 22 facilities, the rates taking effect on July 1, 1998 shall include an increase of 3%. For facilities licensed by the Department of Public Health under the Nursing Home Care Act as Skilled Nursing facilities or Intermediate Care facilities, the rates taking effect on July 1, 1998 shall include an increase of 3% plus $1.10 per resident-day, as defined by the Department.

For facilities licensed by the Department of Public Health under the Nursing Home Care Act as Intermediate Care for the Developmentally Disabled facilities or Long Term Care for Under Age 22 facilities, the rates taking effect on July 1, 1999 shall include an increase of 1.6% plus $3.00 per resident-day, as defined by the Department. For facilities licensed by the Department of Public Health under the Nursing Home Care Act as Skilled Nursing facilities or Intermediate Care facilities, the rates taking effect on July 1, 1999 shall include an increase of 1.6% and, for services provided on or after October 1, 1999, shall be increased by $4.00 per resident-day, as defined by the Department.

For facilities licensed by the Department of Public Health under the Nursing Home Care Act as Intermediate Care for the Developmentally Disabled facilities or Long Term Care for Under Age 22 facilities, the rates taking effect on July 1, 1999 shall include an increase of 1.6% and, for services provided on or after October 1, 1999, shall be increased by $4.00 per resident-day, as defined by the Department.

New matter indicated by italics - deletions by strikeout.
Care Act as Intermediate Care for the Developmentally Disabled facilities or Long Term Care for Under Age 22 facilities, the rates taking effect on July 1, 2000 shall include an increase of 2.5% per resident-day, as defined by the Department. For facilities licensed by the Department of Public Health under the Nursing Home Care Act as Skilled Nursing facilities or Intermediate Care facilities, the rates taking effect on July 1, 2000 shall include an increase of 2.5% per resident-day, as defined by the Department.

For facilities licensed by the Department of Public Health under the Nursing Home Care Act as skilled nursing facilities or intermediate care facilities, a new payment methodology must be implemented for the nursing component of the rate effective July 1, 2003. The Department of Public Aid shall develop the new payment methodology using the Minimum Data Set (MDS) as the instrument to collect information concerning nursing home resident condition necessary to compute the rate. The Department of Public Aid shall develop the new payment methodology to meet the unique needs of Illinois nursing home residents while remaining subject to the appropriations provided by the General Assembly. A transition period from the payment methodology in effect on June 30, 2003 to the payment methodology in effect on July 1, 2003 shall be provided for a period not exceeding 2 years after implementation of the new payment methodology as follows:

(A) For a facility that would receive a lower nursing component rate per patient day under the new system than the facility received effective on the date immediately preceding the date that the Department implements the new payment methodology, the nursing component rate per patient day for the facility shall be held at the level in effect on the date immediately preceding the date that the Department implements the new payment methodology until a higher nursing component rate of reimbursement is achieved by that facility.

(B) For a facility that would receive a higher nursing component rate per patient day under the payment methodology in effect on July 1, 2003 than the facility received effective on the date immediately preceding the date that the Department implements the new payment methodology, the nursing component rate per patient day for the facility shall be adjusted.

(C) Notwithstanding paragraphs (A) and (B), the nursing component rate per patient day for the facility shall be adjusted subject to appropriations provided by the General Assembly.

For facilities licensed by the Department of Public Health under the Nursing Home Care Act as Intermediate Care for the Developmentally Disabled facilities or Long Term Care for Under Age 22 facilities, the rates taking effect on March 1, 2001 shall include a statewide increase of 7.85%, as defined by the Department.

For facilities licensed by the Department of Public Health under the Nursing Home Care Act as Intermediate Care for the Developmentally Disabled facilities or Long Term Care for Under Age 22 facilities, the rates taking effect on April 1, 2002 shall include a statewide increase of 2.0%, as defined by the Department.

For facilities licensed by the Department of Public Health under the Nursing Home Care Act as skilled nursing facilities or intermediate care facilities, the rates taking effect on
July 1, 2001, and each subsequent year thereafter, shall be computed using the most recent cost reports on file with the Department of Public Aid no later than April 1, 2000 updated for inflation to January 1, 2001. For rates effective July 1, 2001 only, rates shall be the greater of the rate computed for July 1, 2001 or the rate effective on June 30, 2001.

Rates established effective each July 1 shall govern payment for services rendered throughout that fiscal year, except that rates established on July 1, 1996 shall be increased by 6.8% for services provided on or after January 1, 1997. Such rates will be based upon the rates calculated for the year beginning July 1, 1990, and for subsequent years thereafter until June 30, 2001 shall be based on the facility cost reports for the facility fiscal year ending at any point in time during the previous calendar year, updated to the midpoint of the rate year. The cost report shall be on file with the Department no later than April 1 of the current rate year. Should the cost report not be on file by April 1, the Department shall base the rate on the latest cost report filed by each skilled care facility and intermediate care facility, updated to the midpoint of the current rate year. In determining rates for services rendered on and after July 1, 1985, fixed time shall not be computed at less than zero. The Department shall not make any alterations of regulations which would reduce any component of the Medicaid rate to a level below what that component would have been utilizing in the rate effective on July 1, 1984.

(2) Shall take into account the actual costs incurred by facilities in providing services for recipients of skilled nursing and intermediate care services under the medical assistance program.

(3) Shall take into account the medical and psycho-social characteristics and needs of the patients.

(4) Shall take into account the actual costs incurred by facilities in meeting licensing and certification standards imposed and prescribed by the State of Illinois, any of its political subdivisions or municipalities and by the U.S. Department of Health and Human Services pursuant to Title XIX of the Social Security Act.

The Department of Public Aid shall develop precise standards for payments to reimburse nursing facilities for any utilization of appropriate rehabilitative personnel for the provision of rehabilitative services which is authorized by federal regulations, including reimbursement for services provided by qualified therapists or qualified assistants, and which is in accordance with accepted professional practices. Reimbursement also may be made for utilization of other supportive personnel under appropriate supervision.

(Source: P.A. 91-24, eff. 7-1-99; 91-712, eff. 7-1-00; 92-10, eff. 6-11-01; 92-31, eff. 6-28-01; revised 12-13-01.)

Approved August 23, 2002.
AN ACT in relation to vehicles.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Vehicle Code is amended by changing Section 6-104 as follows:

(625 ILCS 5/6-104) (from Ch. 95 1/2, par. 6-104)

Sec. 6-104. Classification of Driver - Special Restrictions.

(a) A driver's license issued under the authority of this Act shall indicate the classification for which the applicant therefor has qualified by examination or by such other means that the Secretary of State shall prescribe. Driver's license classifications shall be prescribed by rule or regulation promulgated by the Secretary of State and such may specify classifications as to operation of motor vehicles of the first division, or of those of the second division, whether operated singly or in lawful combination, and whether for-hire or not-for-hire, and may specify such other classifications as the Secretary deems necessary.

No person shall operate a motor vehicle unless such person has a valid license with a proper classification to permit the operation of such vehicle, except that any person may operate a motorized pedalcycle if such person has a valid current Illinois driver's license, regardless of classification.

(b) No person who is under the age of 21 years or has had less than 1 year of driving experience shall drive: (1) in connection with the operation of any school, day camp, summer camp, or nursery school, any public or private motor vehicle for transporting children to or from any school, day camp, summer camp, or nursery school, or (2) any motor vehicle of the second division when in use for the transportation of persons for compensation.

(c) No person who is under the age of 18 years shall be issued a license for the purpose of transporting property for hire, or for the purpose of transporting persons for compensation in a motor vehicle of the first division.

(d) No person shall drive: (1) a school bus when transporting school children unless such person possesses a valid school bus driver permit or is accompanied and supervised, for the specific purpose of training prior to routine operation of a school bus, by a person who has held a valid school bus driver permit for at least one year; or (2) any other vehicle owned or operated by or for a public or private school, or a school operated by a religious institution, where such vehicle is being used over a regularly scheduled route for the transportation of persons enrolled as a student in grade 12 or below, in connection with any activity of the entities unless such person possesses a valid school bus driver permit.

(d-5) No person may drive a bus that has been chartered for the sole purpose of transporting students regularly enrolled in grade 12 or below to or from interscholastic athletic or interscholastic or school sponsored activities unless the person has a valid school bus driver permit in addition to any other permit or license that is required to operate that bus. This subsection (d-5) does not apply to any bus driver employed by a public

New matter indicated by italics - deletions by strikeout.
transportation provider authorized to conduct local or interurban transportation of passengers when the bus is not traveling a specific school bus route but is on a regularly scheduled route for the transporting of other fare paying passengers.

(e) No person shall drive a religious organization bus unless such person has a valid and properly classified drivers license or a valid school bus driver permit.

(f) No person shall drive a motor vehicle for the purpose of providing transportation for the elderly in connection with the activities of any public or private organization unless such person has a valid and properly classified driver's license issued by the Secretary of State.

(g) No person shall drive a bus which meets the special requirements for school buses provided in Section 12-801, 12-802, 12-803 and 12-805 of this Code for the purpose of transporting persons 18 years of age or less in connection with any youth camp licensed under the Youth Camp Act or any child care facility licensed under the Child Care Act of 1969 unless such person possesses a valid school bus driver permit or is accompanied and supervised, for the specific purpose of training prior to routine operation of a school bus, by a person who has held a valid school bus driver permit for at least one year; however, a person who has a valid and properly classified driver's license issued by the Secretary of State may operate a school bus for the purpose of transporting persons 18 years of age or less in connection with any such youth camp or child care facility if the "SCHOOL BUS" signs are covered or concealed and the stop signal arm and flashing signal systems are not operable through normal controls.

(Source: P.A. 88-612, eff. 7-1-95.)


Approved August 23, 2002.


PUBLIC ACT 92-0850
(House Bill No. 1640)

AN ACT in relation to State government.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The State Budget Law of the Civil Administrative Code of Illinois is amended by changing Section 50-15 as follows:

(15 ILCS 20/50-15) (was 15 ILCS 20/38.2)

Sec. 50-15. Department accountability reports; Budget Advisory Panel.

(a) Beginning in the fiscal year which begins July 1, 1992, each department of State government as listed in Section 5-15 of the Departments of State Government Law (20 ILCS 5/5-15) shall submit an annual accountability report to the Bureau of the Budget at times designated by the Director of the Bureau of the Budget. Each accountability report shall be designed to assist the Bureau of the Budget in its duties under Sections 2.2 and 2.3 of the Bureau of the Budget Act and shall measure the department's performance based on criteria,

New matter indicated by italics - deletions by strikeout.
goals, and objectives established by the department with the oversight and assistance of the Bureau of the Budget. Each department shall also submit interim progress reports at times designated by the Director of the Bureau of the Budget.

(b) (Blank). There is created a Budget Advisory Panel, consisting of 10 representatives of private business and industry appointed each by the Governor, the President of the Senate, the Minority Leader of the Senate, the Speaker of the House of Representatives, and the Minority Leader of the House of Representatives. The Budget Advisory Panel shall aid the Bureau of the Budget in the establishment of the criteria, goals, and objectives by the departments for use in measuring their performance in accountability reports. The Budget Advisory Panel shall also assist the Bureau of the Budget in reviewing accountability reports and assessing the effectiveness of each department's performance measures. The Budget Advisory Panel shall submit to the Bureau of the Budget a report of its activities and recommendations for change in the procedures established in subsection (a) at the time designated by the Director of the Bureau of the Budget, but in any case no later than the third Friday of each November.

(c) The Director of the Bureau of the Budget shall select not more than 3 departments for a pilot program implementing the procedures of subsection (a) for budget requests for the fiscal years beginning July 1, 1990 and July 1, 1991, and each of the departments elected shall submit accountability reports for those fiscal years.

By April 1, 1991, the Bureau of the Budget with the assistance of the Budget Advisory Panel shall recommend in writing to the Governor any changes in the budget review process established pursuant to this Section suggested by its evaluation of the pilot program. The Governor shall submit changes to the budget review process that the Governor plans to adopt, based on the report, to the President and Minority Leader of the Senate and the Speaker and Minority Leader of the House of Representatives.

(Source: P.A. 91-239, eff. 1-1-00.)

(20 ILCS 230/15 rep.)
(20 ILCS 230/20 rep.)

Section 10. The Biotechnology Sector Development Act is amended by repealing Sections 15 and 20.

(20 ILCS 605/605-450 rep.)

Section 15. The Department of Commerce and Community Affairs Law of the Civil Administrative Code of Illinois is amended by repealing Section 605-450.

(20 ILCS 670/Act rep.)

Section 20. The Military Base Reuse Advisory Board Act is repealed.

Section 25. The State Officers and Employees Money Disposition Act is amended by changing Section 1 as follows:

(30 ILCS 230/1) (from Ch. 127, par. 170)

Sec. 1. Application of Act; exemptions. The officers of the Executive Department of the State Government, the Clerk of the Supreme Court, the Clerks of the Appellate Courts, the Departments of the State government created by the Civil Administrative Code of Illinois, and all other officers, boards, commissions, commissioners, departments,

New matter indicated by italics - deletions by strikeout.
institutions, arms or agencies, or agents of the Executive Department of the State government except the University of Illinois, Southern Illinois University, Chicago State University, Eastern Illinois University, Governors State University, Illinois State University, Northeastern Illinois University, Northern Illinois University, Western Illinois University, the Cooperative Computer Center, and the Board of Trustees of the Illinois Bank Examiners’ Education Foundation for moneys collected pursuant to subsection (11) of Section 48 of the Illinois Banking Act for purposes of the Illinois Bank Examiners’ Education Program are subject to this Act. This Act shall not apply, however, to any of the following: (i) the receipt by any such officer of federal funds made available under such conditions as precluded the payment thereof into the State Treasury, (ii) (blank) income derived from the operation of State parks which is required to be deposited in the State Parks Revenue Bond Fund pursuant to the State Parks Revenue Bond Act, (iii) the Director of Insurance in his capacity as rehabilitator or liquidator under Article XIII of the Illinois Insurance Code, (iv) funds received by the Illinois State Scholarship Commission from private firms employed by the State to collect delinquent amounts due and owing from a borrower on any loans guaranteed by such Commission under the Higher Education Student Assistance Law or on any “eligible loans” as that term is defined under the Education Loan Purchase Program Law, or (v) moneys collected on behalf of lessees of facilities of the Department of Agriculture located on the Illinois State Fairgrounds at Springfield and DuQuoin. This Section 1 shall not apply to the receipt of funds required to be deposited in the Industrial Project Fund pursuant to Section 12 of the Disabled Persons Rehabilitation Act.

(Source: P.A. 88-571, eff. 8-11-94; 89-4, eff. 1-1-96.)

(20 ILCS 805/805-310 rep.)

Section 30. The Department of Natural Resources (Conservation) Law of the Civil Administrative Code of Illinois is amended by repealing Section 805-310.

(30 ILCS 380/Act rep.)

Section 35. The State Parks Revenue Bond Act is repealed.

(30 ILCS 150/8 rep.)

Section 40. The Natural Heritage Fund Act is amended by repealing Section 8.

(70 ILCS 200/Art. 135 rep.)

Section 45. The Civic Center Code is amended by repealing Article 135.

(605 ILCS 10/3.1 rep.)

Section 55. The Toll Highway Act is amended by repealing Section 3.1.

(730 ILCS 5/3-6-3.1 rep.)

Section 60. The Unified Code of Corrections is amended by repealing Section 3-6-3.1.

Section 999. Effective date. This Act takes effect upon becoming law.

Passed in the General Assembly June 1, 2002.

Approved August 26, 2002.

Effective August 26, 2002.
AN ACT concerning the State Treasurer.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 1. Short title. This Act may be cited as the Technology Development Act.

Section 5. Policy. The Illinois General Assembly finds that it is important for the State to encourage technology development in the State. The purpose of this Act is to attract, assist, and retain quality technology businesses in Illinois. The creation of the Technology Development Account will allow the State to bring together, and add to, Illinois' rich science, technology, and business communities.

Section 10. Technology Development Account.
(a) The State Treasurer may segregate a portion of the Treasurer's investment portfolio, that at no time shall be greater than 1% of the portfolio, in the Technology Development Account, an account that shall be maintained separately and apart from other moneys invested by the Treasurer. The Treasurer may make investments from the Account that help attract, assist, and retain quality technology businesses in Illinois. The earnings on the Account shall be accounted for separately from other investments made by the Treasurer.

(b) Moneys in the Account may be invested by the State Treasurer to provide venture capital to technology businesses seeking to locate, expand, or remain in Illinois by placing money with Illinois venture capital firms for investment by the venture capital firms in technology businesses. "Venture capital", as used in this Act, means equity financing that is provided for starting up, expanding, or relocating a company, or related purposes such as financing for seed capital, research and development, introduction of a product or process into the marketplace, or similar needs requiring risk capital. "Technology business", as used in this Act, means a company that has as its principal function the providing of services including computer, information transfer, communication, distribution, processing, administrative, laboratory, experimental, developmental, technical, testing services, manufacture of goods or materials, the processing of goods or materials by physical or chemical change, computer related activities, robotics, biological or pharmaceutical industrial activity, or technology oriented or emerging industrial activity. "Illinois venture capital firms", as used in this Act, means an entity that has a majority of its employees in Illinois or that has at least one managing partner domiciled in Illinois that has made significant capital investments in Illinois companies and that provides equity financing for starting up or expanding a company, or related purposes such as financing for seed capital, research and development, introduction of a product or process into the marketplace, or similar needs requiring risk capital.

(c) Any fund created by an Illinois venture capital firm in which the State Treasurer places money pursuant to this Act shall be required by the State Treasurer to seek investments in technology businesses seeking to locate, expand, or remain in Illinois.

(d) The investment of the State Treasurer in any fund created by an Illinois venture
capital firm in which the State Treasurer places money pursuant to this Act shall not exceed 10% of the total investments in the fund.

(e) The State Treasurer shall not invest more than one-third of the Technology Development Account in any given calendar year.

Section 15. Rules. The State Treasurer may promulgate rules to implement this Act.

Section 90. The Deposit of State Moneys Act is amended by changing Section 22.5 as follows:

(15 ILCS 520/22.5) (from Ch. 130, par. 41a)

Sec. 22.5. The State Treasurer may, with the approval of the Governor, invest and reinvest any State money in the treasury which is not needed for current expenditures due or about to become due, in obligations of the United States government or its agencies or of National Mortgage Associations established by or under the National Housing Act, 1201 U.S.C. 1701 et seq., or in mortgage participation certificates representing undivided interests in specified, first-lien conventional residential Illinois mortgages that are underwritten, insured, guaranteed, or purchased by the Federal Home Loan Mortgage Corporation or in Affordable Housing Program Trust Fund Bonds or Notes as defined in and issued pursuant to the Illinois Housing Development Act. All such obligations shall be considered as cash and may be delivered over as cash by a State Treasurer to his successor.

The State Treasurer may, with the approval of the Governor, purchase any state bonds with any money in the State Treasury that has been set aside and held for the payment of the principal of and interest on the bonds. The bonds shall be considered as cash and may be delivered over as cash by the State Treasurer to his successor.

The State Treasurer may, with the approval of the Governor, invest or reinvest any State money in the treasury that is not needed for current expenditure due or about to become due, or any money in the State Treasury that has been set aside and held for the payment of the principal of and the interest on any State bonds, in shares, withdrawable accounts, and investment certificates of savings and building and loan associations, incorporated under the laws of this State or any other state or under the laws of the United States; provided, however, that investments may be made only in those savings and loan or building and loan associations the shares and withdrawable accounts or other forms of investment securities of which are insured by the Federal Deposit Insurance Corporation.

The State Treasurer may not invest State money in any savings and loan or building and loan association unless a commitment by the savings and loan (or building and loan) association, executed by the president or chief executive officer of that association, is submitted in the following form:

The ................ Savings and Loan (or Building and Loan) Association pledges not to reject arbitrarily mortgage loans for residential properties within any specific part of the community served by the savings and loan (or building and loan) association because of the location of the property. The savings and loan (or building and loan) association also pledges to make loans available on low and moderate income residential property throughout the community within the limits of its legal restrictions and prudent financial practices.

New matter indicated by italics - deletions by strikeout.
The State Treasurer may, with the approval of the Governor, invest or reinvest, at a price not to exceed par, any State money in the treasury that is not needed for current expenditures due or about to become due, or any money in the State Treasury that has been set aside and held for the payment of the principal of and interest on any State bonds, in bonds issued by counties or municipal corporations of the State of Illinois.

The State Treasurer may, with the approval of the Governor, invest or reinvest any State money in the Treasury which is not needed for current expenditure, due or about to become due, or any money in the State Treasury which has been set aside and held for the payment of the principal of and the interest on any State bonds, in participations in loans, the principal of which participation is fully guaranteed by an agency or instrumentality of the United States government; provided, however, that such loan participations are represented by certificates issued only by banks which are incorporated under the laws of this State or any other state or under the laws of the United States, and such banks, but not the loan participation certificates, are insured by the Federal Deposit Insurance Corporation.

The State Treasurer may, with the approval of the Governor, invest or reinvest any State money in the Treasury that is not needed for current expenditure, due or about to become due, or any money in the State Treasury that has been set aside and held for the payment of the principal of and the interest on any State bonds, in any of the following:

1. Bonds, notes, certificates of indebtedness, Treasury bills, or other securities now or hereafter issued that are guaranteed by the full faith and credit of the United States of America as to principal and interest.
2. Bonds, notes, debentures, or other similar obligations of the United States of America, its agencies, and instrumentalities.
3. Interest-bearing savings accounts, interest-bearing certificates of deposit, interest-bearing time deposits, or any other investments constituting direct obligations of any bank as defined by the Illinois Banking Act.
4. Interest-bearing accounts, certificates of deposit, or any other investments constituting direct obligations of any savings and loan associations incorporated under the laws of this State or any other state or under the laws of the United States.
5. Dividend-bearing share accounts, share certificate accounts, or class of share accounts of a credit union chartered under the laws of this State or the laws of the United States; provided, however, the principal office of the credit union must be located within the State of Illinois.
6. Bankers’ acceptances of banks whose senior obligations are rated in the top 2 rating categories by 2 national rating agencies and maintain that rating during the term of the investment.
7. Short-term obligations of corporations organized in the United States with assets exceeding $500,000,000 if (i) the obligations are rated at the time of purchase at one of the 3 highest classifications established by at least 2 standard rating services and mature not later than 180 days from the date of purchase, (ii) the purchases do not exceed 10% of the corporation's outstanding obligations, and (iii) no more than one-third of the public agency's funds are invested in short-term obligations of

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corporations.

(8) Money market mutual funds registered under the Investment Company Act of 1940, provided that the portfolio of the money market mutual fund is limited to obligations described in this Section and to agreements to repurchase such obligations.

(9) The Public Treasurers' Investment Pool created under Section 17 of the State Treasurer Act or in a fund managed, operated, and administered by a bank.

(10) Repurchase agreements of government securities having the meaning set out in the Government Securities Act of 1986 subject to the provisions of that Act and the regulations issued thereunder.

(11) Investments made in accordance with the Technology Development Act.
For purposes of this Section, "agencies" of the United States Government includes:

(i) the federal land banks, federal intermediate credit banks, banks for cooperatives, federal farm credit banks, or any other entity authorized to issue debt obligations under the Farm Credit Act of 1971 (12 U.S.C. 2001 et seq.) and Acts amendatory thereto;

(ii) the federal home loan banks and the federal home loan mortgage corporation;

(iii) the Commodity Credit Corporation; and

(iv) any other agency created by Act of Congress.

The Treasurer may, with the approval of the Governor, lend any securities acquired under this Act. However, securities may be lent under this Section only in accordance with Federal Financial Institution Examination Council guidelines and only if the securities are collateralized at a level sufficient to assure the safety of the securities, taking into account market value fluctuation. The securities may be collateralized by cash or collateral acceptable under Sections 11 and 11.1.
(Source: P.A. 90-655, eff. 7-30-98.)

Section 99. Effective date. This Act takes effect upon becoming law.
Approved August 26, 2002.
Effective August 26, 2002.

PUBLIC ACT 92-0852
(House Bill No. 4667)

AN ACT in relation to utilities.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Public Utilities Act is amended by changing Sections 19-105, 19-110, 19-115, and 19-120 and adding Sections 7-208, 7-209, 19-125, 19-130, and 19-135 as follows:

(220 ILCS 5/7-208 new)

New matter indicated by italics - deletions by strikeout.
Sec. 7-208. HVAC affiliate marketing.

(a) "HVAC affiliate" means all affiliated interests of a gas utility that provide heating, ventilating, or air conditioning services to customers within the service territory of the affiliated gas utility.

(b) When an HVAC affiliate advertises or markets heating, ventilating, or air conditioning services to the public, it shall include a disclaimer that, if audible, is conspicuous and if printed is of sufficient size to be clearly legible, and that states:

(Insert name of affiliate) is an affiliate of (insert name of gas utility) and is not regulated by the Illinois Commerce Commission. Customers are not required to buy products or services from (insert name of affiliate) in order to receive the same quality of service from the gas utility.

(c) The requirements in subsection (b) apply to all forms of advertising and marketing, including, but not limited to, print, television, radio, internet, telephonic, bill inserts, and newsletters.

(220 ILCS 5/7-209 new)

Sec. 7-209. Marketing limitation; gas utilities. If a gas utility has an HVAC affiliate, the prohibition contained in this Section applies to the employees of the gas utility. While a gas utility employee is responding to a service call related to services provided under tariffs on file with the Illinois Commerce Commission, the employee of the gas utility is prohibited from marketing the services of an HVAC affiliate; provided, however, the gas utility employee may refer the customer to the telephone directory in response to specific requests for referrals. If a customer's gas appliance or gas service has been disconnected due to an emergency situation that requires immediate attention, a gas utility employee may provide to that customer a list, including contact phone numbers, that includes HVAC affiliates and non-affiliated entities that provide heating, ventilating, or air conditioning services.

(220 ILCS 5/19-105)

Sec. 19-105. Definitions. For the purposes of this Article, the following terms shall be defined as set forth in this Section.

"Alternative gas supplier" means every person, cooperative, corporation, municipal corporation, company, association, joint stock company or association, firm, partnership, individual, or other entity, their lessees, trustees, or receivers appointed by any court whatsoever, that offers gas for sale, lease, or in exchange for other value received to one or more customers, or that engages in the furnishing of gas to one or more customers, and shall include affiliated interests of a gas utility, resellers, aggregators and marketers, but shall not include (i) gas utilities (or any agent of the gas utility to the extent the gas utility provides tariffed services to customers through an agent); (ii) public utilities that are owned and operated by any political subdivision, public institution of higher education or municipal corporation of this State, or public utilities that are owned by a political subdivision, public institution of higher education, or municipal corporation and operated by any of its lessees or operating agents; (iii) residential natural gas cooperatives that are not-for-profit corporations established for the purpose of administering and operating, on a cooperative basis, the furnishing of natural gas to residences for the benefit of their members who are

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residential consumers of natural gas; and (iv) the ownership or operation of a facility that sells compressed natural gas at retail to the public for use only as a motor vehicle fuel and the selling of compressed natural gas at retail to the public for use only as a motor vehicle fuel.

"Gas utility" means a public utility, as defined in Section 3-105 of this Act, that has a franchise, license, permit, or right to furnish or sell gas or transportation services to customers within a service area.

"Residential customer" means a customer who receives gas utility service for household purposes distributed to a dwelling of 2 or fewer units which is billed under a residential rate or gas utility service for household purposes distributed to a dwelling unit or units which is billed under a residential rate and is registered by a separate meter for each dwelling unit.

"Service area" means (i) the geographic area within which a gas utility was lawfully entitled to provide gas to customers as of the effective date of this amendatory Act of the 92nd General Assembly and includes (ii) the location of any customer to which the gas utility was lawfully providing gas utility services on such effective date.

"Small commercial customer" means a nonresidential retail customer of a natural gas utility who is identified by the alternative gas supplier, prior to becoming a customer of the alternative gas supplier, as consuming 5,000 or fewer therms of natural gas during the previous year; provided that any alternative gas supplier may remove the customer from designation as a "small commercial customer" if the customer consumes more than 5,000 therms of natural gas in any calendar year after becoming a customer of the alternative gas supplier.

"Tariffed service" means a service provided to customers by a gas utility as defined by its rates on file with the Commission pursuant to the provisions of Article IX of this Act.

"Transportation services" means those services provided by the gas utility that are necessary in order for the storage, transmission and distribution systems to function so that customers located in the gas utility's service area can receive gas from suppliers other than the gas utility and shall include, without limitation, standard metering and billing services. (Source: P.A. 92-529, eff. 2-8-02.)

Sec. 19-110. Certification of alternative gas suppliers.

(a) The provisions of this Section shall apply only to alternative gas suppliers serving or seeking to serve residential or small commercial customers and only to the extent such alternative gas suppliers provide services to residential or small commercial customers.

(b) An alternative gas supplier must obtain a certificate of service authority from the Commission in accordance with this Section before serving any customer or other user located in this State. An alternative gas supplier may request, and the Commission may grant, a certificate of service authority for the entire State or for a specified geographic area of the State. A person, corporation, or other entity acting as an alternative gas supplier on the effective date of this amendatory Act of the 92nd General Assembly shall have 180 days from the effective date of this amendatory Act of the 92nd General Assembly to comply with New matter indicated by italics - deletions by strikeout.
(c) An alternative gas supplier seeking a certificate of service authority shall file with
the Commission a verified application containing information showing that the applicant
meets the requirements of this Section. The alternative gas supplier shall publish notice of
its application in the official State newspaper within 10 days following the date of its filing.
No later than 45 days after the application is properly filed with the Commission, and such
notice is published, the Commission shall issue its order granting or denying the application.

(d) An application for a certificate of service authority shall identify the area or areas
in which the applicant intends to offer service and the types of services it intends to offer.
Applicants that seek to serve residential or small commercial customers within a geographic
area that is smaller than a gas utility's service area shall submit evidence demonstrating that
the designation of this smaller area does not violate Section 19-115. An applicant may state
in its application for certification any limitations that will be imposed on the number of
customers or maximum load to be served.

(e) The Commission shall grant the application for a certificate of service authority
if it makes the findings set forth in this subsection based on the verified application and such
other information as the applicant may submit.

(1) That the applicant possess sufficient technical, financial, and managerial
resources and abilities to provide the service for which it seeks a certificate of service
authority. In determining the level of technical, financial, and managerial resources
and abilities which the applicant must demonstrate, the Commission shall consider
the characteristics, including the size and financial sophistication of the customers
that the applicant seeks to serve, and shall consider whether the applicant seeks to
provide gas using property, plant, and equipment that it owns, controls, or operates.

(2) That the applicant will comply with all applicable federal, State, regional,
and industry rules, policies, practices, and procedures for the use, operation, and
maintenance of the safety, integrity, and reliability of the gas transmission system.

(3) That the applicant will comply with such informational or reporting
requirements as the Commission may by rule establish.

(4) That the area to be served by the applicant and any limitations it proposes
on the number of customers or maximum amount of load to be served meet the
provisions of Section 19-115, provided, that if the applicant seeks to serve an area
smaller than the service area of a gas utility or proposes other limitations on the
number of customers or maximum amount of load to be served, the Commission can
extend the time for considering such a certificate request by up to 90 days, and can
schedule hearings on such a request.

(5) That the applicant will comply with all other applicable laws and rules.

(f) The Commission shall have the authority to promulgate rules to carry out the
provisions of this Section. Within 30 days after the effective date of this amendatory Act of
the 92nd General Assembly, the Commission shall adopt an emergency rule or rules
applicable to the certification of those gas suppliers that seek to serve residential customers.
Within 180 days of the effective date of this amendatory Act of the 92nd General Assembly,

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the Commission shall adopt rules that specify criteria which, if met by any such alternative gas supplier, shall constitute the demonstration of technical, financial, and managerial resources and abilities to provide service required by item (1) of subsection (e) of this Section, such as a requirement to post a bond or letter of credit, from a responsible surety or financial institution, of sufficient size for the nature and scope of the services to be provided, demonstration of adequate insurance for the scope and nature of the services to be provided, and experience in providing similar services in other jurisdictions.

(Source: P.A. 92-529, eff. 2-8-02.)

(220 ILCS 5/19-115)
Sec. 19-115. Obligations of alternative gas suppliers.
(a) The provisions of this Section shall apply only to alternative gas suppliers serving or seeking to serve residential or small commercial customers and only to the extent such alternative gas suppliers provide services to residential or small commercial customers.
(b) An alternative gas supplier shall:
   (1) comply with the requirements imposed on public utilities by Sections 8-201 through 8-207, 8-301, 8-505 and 8-507 of this Act, to the extent that these Sections have application to the services being offered by the alternative gas supplier; and
   (2) continue to comply with the requirements for certification stated in Section 19-110.
(c) An alternative gas supplier shall obtain verifiable authorization from a customer, in a form or manner approved by the Commission, before the customer is switched from another supplier.
(d) No alternative gas supplier shall:
   (1) enter into or employ any arrangements which have the effect of preventing any customer from having access to the services of the gas utility in whose service area the customer is located; or
   (2) charge customers for such access.
(e) An alternative gas supplier that is certified to serve residential or small commercial customers shall not:
   (1) deny service to a customer or group of customers nor establish any differences as to prices, terms, conditions, services, products, facilities, or in any other respect, whereby such denial or differences are based upon race, gender, or income; or
   (2) deny service based on locality, nor establish any unreasonable difference as to prices, terms, conditions, services, products, or facilities as between localities.
(f) An alternative gas supplier shall comply with the following requirements with respect to the marketing, offering, and provision of products or services:
   (1) Any marketing materials which make statements concerning prices, terms, and conditions of service shall contain information that adequately discloses the prices, terms and conditions of the products or services.
   (2) Before any customer is switched from another supplier, the alternative gas supplier shall:

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supplier shall give the customer written information that adequately discloses, in plain language, the prices, terms, and conditions of the products and services being offered and sold to the customer.

(3) The alternative gas supplier shall provide to the customer:
   
   (A) accurate, timely, and itemized billing statements that describe the products and services provided to the customer and their prices and that specify the gas consumption amount and any service charges and taxes; provided that this item (f)(3)(A) does not apply to small commercial customers; and
   
   (B) an additional statement, at least annually, that adequately discloses the average monthly prices, and the terms and conditions, of the products and services sold to the customer; provided that this item (f)(3)(B) does not apply to small commercial customers;
   
   (C) refunds of any deposits with interest within 30 days after the date that the customer changes gas suppliers or discontinues service if the customer has satisfied all of his or her outstanding financial obligations to the alternative gas supplier at an interest rate set by the Commission which shall be the same as that required of gas utilities; and
   
   (D) refunds, in a timely fashion, of all undisputed overpayments upon the oral or written request of the customer.

(g) An alternative gas supplier may limit the overall size or availability of a service offering by specifying one or more of the following:

(1) a maximum number of customers and maximum amount of gas load to be served;

(2) time period during which the offering will be available; or

(3) other comparable limitation, but not including the geographic locations of customers within the area which the alternative gas supplier is certificated to serve.

The alternative gas supplier shall file the terms and conditions of such service offering including the applicable limitations with the Commission prior to making the service offering available to customers.

(h) Nothing in this Section shall be construed as preventing an alternative gas supplier that is an affiliate of, or which contracts with, (i) an industry or trade organization or association, (ii) a membership organization or association that exists for a purpose other than the purchase of gas, or (iii) another organization that meets criteria established in a rule adopted by the Commission from offering through the organization or association services at prices, terms and conditions that are available solely to the members of the organization or association.

(Source: P.A. 92-529, eff. 2-8-02.)

(220 ILCS 5/19-120)

Sec. 19-120. Commission oversight of services provided by gas suppliers.

(a) The provisions of this Section shall apply only to alternative gas suppliers serving or seeking to serve residential or small commercial customers and only to the extent such

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alternative gas suppliers provide services to residential or small commercial customers.

(b) The Commission shall have jurisdiction in accordance with the provisions of Article X of this Act to entertain and dispose of any complaint against any alternative gas supplier alleging that:

(1) the alternative gas supplier has violated or is in nonconformance with any applicable provisions of Section 19-110 or Section 19-115;
(2) an alternative gas supplier has failed to provide service in accordance with the terms of its contract or contracts with a customer or customers;
(3) the alternative gas supplier has violated or is in nonconformance with the transportation services tariff of, or any of its agreements relating to transportation services with, the gas utility or municipal system providing transportation services; or
(4) the alternative gas supplier has violated or failed to comply with the requirements of Sections 8-201 through 8-207, 8-301, 8-505, or 8-507 of this Act as made applicable to alternative gas suppliers.

(c) The Commission shall have authority after notice and hearing held on complaint or on the Commission's own motion to:

(1) order an alternative gas supplier to cease and desist, or correct, any violation of or nonconformance with the provisions of Section 19-110 or 19-115;
(2) impose financial penalties for violations of or nonconformances with the provisions of Section 19-110 or 19-115, not to exceed (i) $10,000 per occurrence or (ii) $30,000 per day for those violations or nonconformances which continue after the Commission issues a cease-and-desist order; and
(3) alter, modify, revoke, or suspend the certificate of service authority of an alternative gas supplier for substantial or repeated violations of or nonconformances with the provisions of Section 19-110 or 19-115.

(d) Nothing in this Act shall be construed to limit, restrict, or mitigate in any way the power and authority of the State's Attorneys or the Attorney General under the Consumer Fraud and Deceptive Business Practices Act.

(Source: P.A. 92-529, eff. 2-8-02.)

Sec. 19-125. Consumer education.

(a) The Commission shall make available upon request and at no charge, and shall make available to the public on the Internet through the State of Illinois World Wide Web site:

(1) a list of all certified alternative gas suppliers serving residential and small commercial customers within the service area of each gas utility including, in the case of the Internet, computer links to available web sites of the certified alternative gas suppliers;
(2) a list of all certified alternative gas suppliers serving residential or small commercial customers that have been found in the last 3 years by the Commission pursuant to Section 10-108 to have failed to provide service in accordance with this

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Act;

(3) guidelines to assist customers in determining which gas supplier is most appropriate for each customer; and

(4) Internet links to providers of information that enables customers to compare prices and services of gas utilities and alternative gas suppliers, if and when that information is available.

(b) In any service area where customers are able to choose their natural gas supplier, the Commission shall require gas utilities and alternative gas suppliers to inform customers of how they may contact the Commission in order to obtain information about the customer choice program.

(220 ILCS 5/19-130 new)
Sec. 19-130. Commission study and report. Beginning in 2003, and ending in 2007, the Commission shall prepare an annual report regarding the development of natural gas markets in Illinois. The report shall be filed by July 1 of each year with the Joint Committee on Legislative Support Services of the General Assembly and the Governor and shall be publicly available. The report shall include, at a minimum, the following information:

(1) the aggregate annual demand of retail natural gas customers in the State of Illinois in the preceding calendar year;

(2) the total annual therms delivered and sold to retail customers in the State of Illinois by each gas utility and each alternative gas supplier in the preceding calendar year;

(3) the percentage of therms delivered and sold to customers in the State of Illinois in the preceding calendar year by each gas utility and each alternative gas supplier;

(4) the total number of customers in the State of Illinois served in the preceding calendar year by each gas utility and each alternative gas supplier;

(5) an analysis of the status and development of the retail natural gas market in the State of Illinois; and

(6) any other information the Commission considers significant in assessing the development of gas markets in the State of Illinois.

(220 ILCS 5/19-135 new)
Sec. 19-135. Single billing. It is the intent of the General Assembly that in any service area where customers are able to choose their natural gas supplier, a single billing option shall be offered to customers for both the services provided by the alternative gas supplier and the delivery services provided by the gas utility. A gas utility shall file a tariff pursuant to Article IX of this Act that allows alternative gas suppliers to issue single bills to residential and small commercial customers for both the services provided by the alternative gas supplier and the delivery services provided by the gas utility to customers; provided that if a form of single billing is being offered in a gas utility’s service area on the effective date of this amendatory Act of the 92nd General Assembly, that form of single billing shall remain in effect unless and until otherwise ordered by the Commission.

Section 99. Effective date. This Act takes effect upon becoming law.
AN ACT in relation to elections.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 3. The State Gift Ban Act is amended by changing Section 15 as follows:

(5 ILCS 425/15)

Sec. 15. Exceptions. The restriction in Section 10 does not apply to the following:

(1) Anything for which the member, officer, employee, or judge pays the market value or anything not used and promptly disposed of as provided in Section 25.

(2) A contribution, as defined in Article 9 of the Election Code that is lawfully made under that Act or attendance at a fundraising event sponsored by a political organization.

(3) A gift from a relative, meaning those people related to the individual as father, mother, son, daughter, brother, sister, uncle, aunt, great aunt, great uncle, first cousin, nephew, niece, husband, wife, grandfather, grandmother, grandson, granddaughter, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, half sister, and including the father, mother, grandfather, or grandmother of the individual's spouse and the individual's fiance or fiancee.

(4) Anything provided by an individual on the basis of a personal friendship unless the member, officer, employee, or judge has reason to believe that, under the circumstances, the gift was provided because of the official position or employment of the member, officer, employee, or judge and not because of the personal friendship.

In determining whether a gift is provided on the basis of personal friendship, the member, officer, employee, or judge shall consider the circumstances under which the gift was offered, such as:

(i) the history of the relationship between the individual giving the gift and the recipient of the gift, including any previous exchange of gifts between those individuals;

(ii) whether to the actual knowledge of the member, officer, employee, or judge the individual who gave the gift personally paid for the gift or sought a tax deduction or business reimbursement for the gift; and

(iii) whether to the actual knowledge of the member, officer, employee, or judge the individual who gave the gift also at the same time gave the same or similar gifts to other members, officers, employees, or judges.

(5) A commercially reasonable loan evidenced in writing with repayment due by a date certain made in the ordinary course of the lender's business.

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(6) A contribution or other payments to a legal defense fund established for the benefit of a member, officer, employee, or judge that is otherwise lawfully made.

(7) Intra-office and inter-office gifts. For the purpose of this Act, "intra-office gifts" means:

   (i) any gift given to a member or employee of the legislative branch from another member or employee of the legislative branch;
   (ii) any gift given to a judge or employee of the judicial branch from another judge or employee of the judicial branch;
   (iii) any gift given to an officer or employee of the executive branch from another officer or employee of the executive branch;
   (iv) any gift given to an officer or employee of a unit of local government, home rule unit, or school district, from another employee of that unit of local government, home rule unit, or school district;
   (v) any gift given to an officer or employee of any other governmental entity not included in item (i), (ii), (iii), or (iv), from another employee of that governmental entity; or
   (vi) any gift given to a member or employee of the legislative branch, a judge or employee of the judicial branch, an officer or employee of the executive branch, an officer or employee of a unit of local government, home rule unit, or school district, or an officer or employee of any other governmental entity not included in item (i), (ii), (iii), or (iv) from a member or employee of the legislative branch, a judge or employee of the judicial branch, an officer or employee of the executive branch, an officer or employee of a unit of local government, home rule unit, or school district, or an officer or employee of any other governmental entity.

(8) Food, refreshments, lodging, transportation, and other benefits:

   (i) resulting from the outside business or employment activities (or outside activities that are not connected to the duties of the member, officer, employee, or judge, as an office holder or employee) of the member, officer, employee, judge, or the spouse of the member, officer, employee, or judge, if the benefits have not been offered or enhanced because of the official position or employment of the member, officer, employee, or judge and are customarily provided to others in similar circumstances;
   (ii) customarily provided by a prospective employer in connection with bona fide employment discussions; or
   (iii) provided by a political organization in connection with a fundraising or campaign event sponsored by that organization.

(9) Pension and other benefits resulting from continued participation in an employee welfare and benefits plan maintained by a former employer.

(10) Informational materials that are sent to the office of the member, officer, employee, or judge in the form of books, articles, periodicals, other written materials, audiotapes, videotapes, or other forms of communication.

(11) Awards or prizes that are given to competitors in contests or events open to the

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public, including random drawings.

(12) Honorary degrees (and associated travel, food, refreshments, and entertainment provided in the presentation of degrees and awards).

(13) Training (including food and refreshments furnished to all attendees as an integral part of the training) provided to a member, officer, employee, or judge, if the training is in the interest of the governmental entity.

(14) Educational missions, including meetings with government officials either foreign or domestic, intended to educate public officials on matters of public policy, to which the member, officer, employee, or judge may be invited to participate along with other federal, state, or local public officials and community leaders.

(15) Bequests, inheritances, and other transfers at death.

(16) Anything that is paid for by the federal government, the State, or a governmental entity, or secured by the government or governmental entity under a government contract.

(17) A gift of personal hospitality of an individual other than a registered lobbyist or agent of a foreign principal, including hospitality extended for a nonbusiness purpose by an individual, not a corporation or organization, at the personal residence of that individual or the individual's family or on property or facilities owned by that individual or the individual's family.

(18) Free attendance at a widely attended event permitted under Section 20.

(19) Opportunities and benefits that are:

(i) available to the public or to a class consisting of all employees, officers, members, or judges, whether or not restricted on the basis of geographic consideration;

(ii) offered to members of a group or class in which membership is unrelated to employment or official position;

(iii) offered to members of an organization such as an employee's association or credit union, in which membership is related to employment or official position and similar opportunities are available to large segments of the public through organizations of similar size;

(iv) offered to any group or class that is not defined in a manner that specifically discriminates among government employees on the basis of branch of government or type of responsibility, or on a basis that favors those of higher rank or rate of pay;

(v) in the form of loans from banks and other financial institutions on terms generally available to the public; or

(vi) in the form of reduced membership or other fees for participation in organization activities offered to all government employees by professional organizations if the only restrictions on membership relate to professional qualifications.

(20) A plaque, trophy, or other item that is substantially commemorative in nature and that is extended for presentation.

(21) Golf or tennis; food or refreshments of nominal value and catered food or

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refreshments; meals or beverages consumed on the premises from which they were purchased.

(22) Donations of products from an Illinois company that are intended primarily for promotional purposes, such as display or free distribution, and are of minimal value to any individual recipient.

(23) Any item or items from any one prohibited source during any calendar year having a cumulative total value of less than $100. An item of nominal value such as a greeting card, baseball cap, or T-shirt.

(Source: P.A. 90-737, eff. 1-1-99.)

Section 5. The Election Code is amended by adding Section 9-25.2 as follows:

(10 ILCS 5/9-25.2 new)

Sec. 9-25.2. Contributions; candidate or treasurer of political committee.

(a) No candidate may knowingly receive any contribution solicited or received in violation of Section 33-3.1 or Section 33-3.2 of the Criminal Code of 1961.

(b) The receipt of political contributions in violation of this Section shall constitute a Class A misdemeanor.

The appropriate State's Attorney or the Attorney General shall bring actions in the name of the people of the State of Illinois.

Section 10. The Criminal Code of 1961 is amended by adding Sections 33-3.1 and 33-3.2 as follows:

(720 ILCS 5/33-3.1 new)

Sec. 33-3.1. Solicitation misconduct (State government).

(a) An employee of an executive branch constitutional officer commits solicitation misconduct (State government) when, at any time, he or she knowingly solicits or receives contributions, as that term is defined in Section 9-1.4 of the Election Code, from a person engaged in a business or activity over which the person has regulatory authority.

(b) For the purpose of this Section, "employee of an executive branch constitutional officer" means a full-time or part-time salaried employee, full-time or part-time salaried appointee, or any contractual employee of any office, board, commission, agency, department, authority, administrative unit, or corporate outgrowth under the jurisdiction of an executive branch constitutional officer; and "regulatory authority" means having the responsibility to investigate, inspect, license, or enforce regulatory measures necessary to the requirements of any State or federal statute or regulation relating to the business or activity.

(c) An employee of an executive branch constitutional officer, including one who does not have regulatory authority, commits a violation of this Section if that employee knowingly acts in concert with an employee of an executive branch constitutional officer who does have regulatory authority to solicit or receive contributions in violation of this Section.

(d) Solicitation misconduct (State government) is a Class A misdemeanor. An employee of an executive branch constitutional officer convicted of committing solicitation misconduct (State government) forfeits his or her employment.

(e) An employee of an executive branch constitutional officer who is discharged,
demoted, suspended, threatened, harassed, or in any other manner discriminated against in the terms and conditions of employment because of lawful acts done by the employee or on behalf of the employee or others in furtherance of the enforcement of this Section shall be entitled to all relief necessary to make the employee whole.

(f) Any person who knowingly makes a false report of solicitation misconduct (State government) to the State Police, the Attorney General, a State's Attorney, or any law enforcement official is guilty of a Class C misdemeanor.

(720 ILCS 5/33-3.2 new)
Sec. 33-3.2. Solicitation misconduct (local government).

(a) An employee of a chief executive officer of a local government commits solicitation misconduct (local government) when, at any time, he or she knowingly solicits or receives contributions, as that term is defined in Section 9-1.4 of the Election Code, from a person engaged in a business or activity over which the person has regulatory authority.

(b) For the purpose of this Section, "chief executive officer of a local government" means an executive officer of a county, township or municipal government or any administrative subdivision under jurisdiction of the county, township, or municipal government including but not limited to: chairman or president of a county board or commission, mayor or village president, township supervisor, county executive, municipal manager, assessor, auditor, clerk, coroner, recorder, sheriff or State's Attorney; "employee of a chief executive officer of a local government" means a full-time or part-time salaried employee, full-time or part-time salaried appointee, or any contractual employee of any office, board, commission, agency, department, authority, administrative unit, or corporate outgrowth under the jurisdiction of a chief executive officer of a local government; and "regulatory authority" means having the responsibility to investigate, inspect, license, or enforce regulatory measures necessary to the requirements of any State, local, or federal statute or regulation relating to the business or activity.

(c) An employee of a chief executive officer of a local government, including one who does not have regulatory authority, commits a violation of this Section if that employee knowingly acts in concert with an employee of a chief executive officer of a local government who does have regulatory authority to solicit or receive contributions in violation of this Section.

(d) Solicitation misconduct (local government) is a Class A misdemeanor. An employee of a chief executive officer of a local government convicted of committing solicitation misconduct (local government) forfeits his or her employment.

(e) An employee of a chief executive officer of a local government who is discharged, demoted, suspended, threatened, harassed, or in any other manner discriminated against in the terms and conditions of employment because of lawful acts done by the employee or on behalf of the employee or others in furtherance of the enforcement of this Section shall be entitled to all relief necessary to make the employee whole.

(f) Any person who knowingly makes a false report of solicitation misconduct (local government) to the State Police, the Attorney General, a State's Attorney, or any law enforcement official is guilty of a Class C misdemeanor.

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Section 99. Effective date. This Act takes effect upon becoming law.
Passed in the General Assembly June 2, 2002.
Approved August 28, 2002.
Effective August 28, 2002.

PUBLIC ACT 92-0854
(House Bill No. 2058)

December 5, 2002

Honorable Jesse White
Secretary of State
111 East Monroe
Springfield, IL 62756

Attention: Index Division
Re: House Bill 2058

Dear Sir:

Attached herewith is the enrolled copy of House Bill 2058.

This bill was returned by the Governor and filed in your office with his Specific Recommendations for Change thereto for transmittal to the House of Representatives upon reconvening on November 7, 2002. Having passed both Houses by the required constitutional majority of three-fifths of the Members elected to each House, the bill has become law, the Governor’s Specific Recommendations for Change notwithstanding.

Sincerely,

ANTHONY D. ROSSI
Clerk of the House

AN ACT in relation to terrorism.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Solicitation for Charity Act is amended by adding Section 16.5 as follows:

(225 ILCS 460/16.5 new)
Sec. 16.5. Terrorist acts.
(a) Any person or organization subject to registration under this Act, who knowingly

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acts to further, directly or indirectly, or knowingly uses charitable assets to conduct or further, directly or indirectly, an act or actions as set forth in Article 29D of the Criminal Code of 1961, is thereby engaged in an act or actions contrary to public policy and antithetical to charity, and all of the funds, assets, and records of the person or organization shall be subject to temporary and permanent injunction from use or expenditure and the appointment of a temporary and permanent receiver to take possession of all of the assets and related records.

(b) An ex parte action may be commenced by the Attorney General, and, upon a showing of probable cause of a violation of this Section or Article 29D of the Criminal Code of 1961, an immediate seizure of books and records by the Attorney General by and through his or her assistants or investigators or the Department of State Police and freezing of all assets shall be made by order of a court to protect the public, protect the assets, and allow a full review of the records.

c) Upon a finding by a court after a hearing that a person or organization has acted or is in violation of this Section, the person or organization shall be permanently enjoined from soliciting funds from the public, holding charitable funds, or acting as a trustee or fiduciary within Illinois. Upon a finding of violation all assets and funds held by the person or organization shall be forfeited to the People of the State of Illinois or otherwise ordered by the court to be accounted for and marshaled and then delivered to charitable causes and uses within the State of Illinois by court order.

(d) A determination under this Section may be made by any court separate and apart from any criminal proceedings and the standard of proof shall be that for civil proceedings.

e) Any knowing use of charitable assets to conduct or further, directly or indirectly, an act or actions set forth in Article 29D of the Criminal Code of 1961 shall be a misuse of charitable assets and breach of fiduciary duty relative to all other Sections of this Act.

Section 10. The Firearm Owners Identification Card Act is amended by changing Sections 4 and 8 as follows:

(430 ILCS 65/4) (from Ch. 38, par. 83-4)
Sec. 4. (a) Each applicant for a Firearm Owner's Identification Card must:

(1) Make application on blank forms prepared and furnished at convenient locations throughout the State by the Department of State Police, or by electronic means, if and when made available by the Department of State Police; and

(2) Submit evidence to the Department of State Police that:

(i) He or she is 21 years of age or over, or if he or she is under 21 years of age that he or she has the written consent of his or her parent or legal guardian to possess and acquire firearms and firearm ammunition and that he or she has never been convicted of a misdemeanor other than a traffic offense or adjudged delinquent, provided, however, that such parent or legal guardian is not an individual prohibited from having a Firearm Owner's Identification Card and files an affidavit with the Department as prescribed by the Department stating that he or she is not an individual prohibited from having a Card;

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(ii) He or she has not been convicted of a felony under the laws of this or any other jurisdiction;
(iii) He or she is not addicted to narcotics;
(iv) He or she has not been a patient in a mental institution within the past 5 years;
(v) He or she is not mentally retarded;
(vi) He or she is not an alien who is unlawfully present in the United States under the laws of the United States;
(vii) He or she is not subject to an existing order of protection prohibiting him or her from possessing a firearm;
(viii) He or she has not been convicted within the past 5 years of battery, assault, aggravated assault, violation of an order of protection, or a substantially similar offense in another jurisdiction, in which a firearm was used or possessed;
(ix) He or she has not been convicted of domestic battery or a substantially similar offense in another jurisdiction committed on or after the effective date of this amendatory Act of 1997; and
(x) He or she has not been convicted within the past 5 years of domestic battery or a substantially similar offense in another jurisdiction committed before the effective date of this amendatory Act of 1997; and
(xi) He or she is not an alien who has been admitted to the United States under a non-immigrant visa (as that term is defined in Section 101(a)(26) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(26))), or that he or she is an alien who has been lawfully admitted to the United States under a non-immigrant visa if that alien is:

(1) admitted to the United States for lawful hunting or sporting purposes;
(2) an official representative of a foreign government who is:
   (A) accredited to the United States Government or the Government's mission to an international organization having its headquarters in the United States; or
   (B) en route to or from another country to which that alien is accredited;
(3) an official of a foreign government or distinguished foreign visitor who has been so designated by the Department of State;
(4) a foreign law enforcement officer of a friendly foreign government entering the United States on official business; or
(5) one who has received a waiver from the Attorney General of the United States pursuant to 18 U.S.C. 922(y)(3); and

(3) Upon request by the Department of State Police, sign a release on a form prescribed by the Department of State Police waiving any right to confidentiality and New matter indicated by italics - deletions by strikeout.
requesting the disclosure to the Department of State Police of limited mental health institution admission information from another state, the District of Columbia, any other territory of the United States, or a foreign nation concerning the applicant for the sole purpose of determining whether the applicant is or was a patient in a mental health institution and disqualified because of that status from receiving a Firearm Owner's Identification Card. No mental health care or treatment records may be requested. The information received shall be destroyed within one year of receipt.

(a-5) Each applicant for a Firearm Owner's Identification Card who is over the age of 18 shall furnish to the Department of State Police either his or her driver's license number or Illinois Identification Card number.

(b) Each application form shall include the following statement printed in bold type: "Warning: Entering false information on an application for a Firearm Owner's Identification Card is punishable as a Class 2 felony in accordance with subsection (d-5) of Section 14 of the Firearm Owners Identification Card Act."

(c) Upon such written consent, pursuant to Section 4, paragraph (a) (2) (i), the parent or legal guardian giving the consent shall be liable for any damages resulting from the applicant's use of firearms or firearm ammunition.

(430 ILCS 65/8) (from Ch. 38, par. 83-8)

Sec. 8. The Department of State Police has authority to deny an application for or to revoke and seize a Firearm Owner's Identification Card previously issued under this Act only if the Department finds that the applicant or the person to whom such card was issued is or was at the time of issuance:

(a) A person under 21 years of age who has been convicted of a misdemeanor other than a traffic offense or adjudged delinquent;

(b) A person under 21 years of age who does not have the written consent of his parent or guardian to acquire and possess firearms and firearm ammunition, or whose parent or guardian has revoked such written consent, or where such parent or guardian does not qualify to have a Firearm Owner's Identification Card;

(c) A person convicted of a felony under the laws of this or any other jurisdiction;

(d) A person addicted to narcotics;

(e) A person who has been a patient of a mental institution within the past 5 years;

(f) A person whose mental condition is of such a nature that it poses a clear and present danger to the applicant, any other person or persons or the community;

For the purposes of this Section, "mental condition" means a state of mind manifested by violent, suicidal, threatening or assaultive behavior.

(g) A person who is mentally retarded;

(h) A person who intentionally makes a false statement in the Firearm Owner's Identification Card application;

(i) An alien who is unlawfully present in the United States under the laws of the United States;

(i-5) An alien who has been admitted to the United States under a non-immigrant visa

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(as that term is defined in Section 101(a)(26) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(26))), except that this subsection (i-5) does not apply to any alien who has been lawfully admitted to the United States under a non-immigrant visa if that alien is:

(1) admitted to the United States for lawful hunting or sporting purposes;
(2) an official representative of a foreign government who is:
   (A) accredited to the United States Government or the Government's mission to an international organization having its headquarters in the United States; or
   (B) en route to or from another country to which that alien is accredited;
(3) an official of a foreign government or distinguished foreign visitor who has been so designated by the Department of State;
(4) a foreign law enforcement officer of a friendly foreign government entering the United States on official business; or
(5) one who has received a waiver from the Attorney General of the United States pursuant to 18 U.S.C. 922(y)(3);

(j) A person who is subject to an existing order of protection prohibiting him or her from possessing a firearm;
(k) A person who has been convicted within the past 5 years of battery, assault, aggravated assault, violation of an order of protection, or a substantially similar offense in another jurisdiction, in which a firearm was used or possessed;
(l) A person who has been convicted of domestic battery or a substantially similar offense in another jurisdiction committed on or after January 1, 1998;
(m) A person who has been convicted within the past 5 years of domestic battery or a substantially similar offense in another jurisdiction committed before January 1, 1998; or
(n) A person who is prohibited from acquiring or possessing firearms or firearm ammunition by any Illinois State statute or by federal law.

(Source: P.A. 90-130, eff. 1-1-98; 90-493, eff. 1-1-98; 90-655, eff. 7-30-98; 91-694, eff. 4-13-00.)

Section 15. The Criminal Code of 1961 is amended by changing Sections 9-1, 14-3, and 29B-1 and adding Article 29D as follows:

(720 ILCS 5/9-1) (from Ch. 38, par. 9-1)
Sec. 9-1. First degree Murder - Death penalties - Exceptions - Separate Hearings - Proof - Findings - Appellate procedures - Reversals.
(a) A person who kills an individual without lawful justification commits first degree murder if, in performing the acts which cause the death:
   (1) he either intends to kill or do great bodily harm to that individual or another, or knows that such acts will cause death to that individual or another; or
   (2) he knows that such acts create a strong probability of death or great bodily harm to that individual or another; or
   (3) he is attempting or committing a forcible felony other than second degree murder.

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(b) Aggravating Factors. A defendant who at the time of the commission of the offense has attained the age of 18 or more and who has been found guilty of first degree murder may be sentenced to death if:

(1) the murdered individual was a peace officer or fireman killed in the course of performing his official duties, to prevent the performance of his official duties, or in retaliation for performing his official duties, and the defendant knew or should have known that the murdered individual was a peace officer or fireman; or

(2) the murdered individual was an employee of an institution or facility of the Department of Corrections, or any similar local correctional agency, killed in the course of performing his official duties, to prevent the performance of his official duties, or in retaliation for performing his official duties, or the murdered individual was an inmate at such institution or facility and was killed on the grounds thereof, or the murdered individual was otherwise present in such institution or facility with the knowledge and approval of the chief administrative officer thereof; or

(3) the defendant has been convicted of murdering two or more individuals under subsection (a) of this Section or under any law of the United States or of any state which is substantially similar to subsection (a) of this Section regardless of whether the deaths occurred as the result of the same act or of several related or unrelated acts so long as the deaths were the result of either an intent to kill more than one person or of separate acts which the defendant knew would cause death or create a strong probability of death or great bodily harm to the murdered individual or another; or

(4) the murdered individual was killed as a result of the hijacking of an airplane, train, ship, bus or other public conveyance; or

(5) the defendant committed the murder pursuant to a contract, agreement or understanding by which he was to receive money or anything of value in return for committing the murder or procured another to commit the murder for money or anything of value; or

(6) the murdered individual was killed in the course of another felony if:

(a) the murdered individual:

(i) was actually killed by the defendant, or

(ii) received physical injuries personally inflicted by the defendant substantially contemporaneously with physical injuries caused by one or more persons for whose conduct the defendant is legally accountable under Section 5-2 of this Code, and the physical injuries inflicted by either the defendant or the other person or persons for whose conduct he is legally accountable caused the death of the murdered individual; and

(b) in performing the acts which caused the death of the murdered individual or which resulted in physical injuries personally inflicted by the defendant on the murdered individual under the circumstances of subdivision (ii) of subparagraph (a) of paragraph (6) of subsection (b) of this Section, the

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defendant acted with the intent to kill the murdered individual or with the knowledge that his acts created a strong probability of death or great bodily harm to the murdered individual or another; and

(c) the other felony was one of the following: armed robbery, armed violence, robbery, predatory criminal sexual assault of a child, aggravated criminal sexual assault, aggravated kidnapping, aggravated vehicular hijacking, forcible detention, arson, aggravated arson, aggravated stalking, burglary, residential burglary, home invasion, calculated criminal drug conspiracy as defined in Section 405 of the Illinois Controlled Substances Act, streetgang criminal drug conspiracy as defined in Section 405.2 of the Illinois Controlled Substances Act, or the attempt to commit any of the felonies listed in this subsection (c); or

(7) the murdered individual was under 12 years of age and the death resulted from exceptionally brutal or heinous behavior indicative of wanton cruelty; or

(8) the defendant committed the murder with intent to prevent the murdered individual from testifying in any criminal prosecution or giving material assistance to the State in any investigation or prosecution, either against the defendant or another; or the defendant committed the murder because the murdered individual was a witness in any prosecution or gave material assistance to the State in any investigation or prosecution, either against the defendant or another; or

(9) the defendant, while committing an offense punishable under Sections 401, 401.1, 401.2, 405, 405.2, 407 or 407.1 or subsection (b) of Section 404 of the Illinois Controlled Substances Act, or while engaged in a conspiracy or solicitation to commit such offense, intentionally killed an individual or counseled, commanded, induced, procured or caused the intentional killing of the murdered individual; or

(10) the defendant was incarcerated in an institution or facility of the Department of Corrections at the time of the murder, and while committing an offense punishable as a felony under Illinois law, or while engaged in a conspiracy or solicitation to commit such offense, intentionally killed an individual or counseled, commanded, induced, procured or caused the intentional killing of the murdered individual; or

(11) the murder was committed in a cold, calculated and premeditated manner pursuant to a preconceived plan, scheme or design to take a human life by unlawful means, and the conduct of the defendant created a reasonable expectation that the death of a human being would result therefrom; or

(12) the murdered individual was an emergency medical technician - ambulance, emergency medical technician - intermediate, emergency medical technician - paramedic, ambulance driver, or other medical assistance or first aid personnel, employed by a municipality or other governmental unit, killed in the course of performing his official duties, to prevent the performance of his official duties, or in retaliation for performing his official duties, and the defendant knew or should have known that the murdered individual was an emergency medical

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technician - ambulance, emergency medical technician - intermediate, emergency medical technician - paramedic, ambulance driver, or other medical assistance or first aid personnel; or

(13) the defendant was a principal administrator, organizer, or leader of a calculated criminal drug conspiracy consisting of a hierarchical position of authority superior to that of all other members of the conspiracy, and the defendant counseled, commanded, induced, procured, or caused the intentional killing of the murdered person; or

(14) the murder was intentional and involved the infliction of torture. For the purpose of this Section torture means the infliction of or subject to extreme physical pain, motivated by an intent to increase or prolong the pain, suffering or agony of the victim; or

(15) the murder was committed as a result of the intentional discharge of a firearm by the defendant from a motor vehicle and the victim was not present within the motor vehicle; or

(16) the murdered individual was 60 years of age or older and the death resulted from exceptionally brutal or heinous behavior indicative of wanton cruelty; or

(17) the murdered individual was a disabled person and the defendant knew or should have known that the murdered individual was disabled. For purposes of this paragraph (17), "disabled person" means a person who suffers from a permanent physical or mental impairment resulting from disease, an injury, a functional disorder, or a congenital condition that renders the person incapable of adequately providing for his or her own health or personal care; or

(18) the murder was committed by reason of any person's activity as a community policing volunteer or to prevent any person from engaging in activity as a community policing volunteer; or

(19) the murdered individual was subject to an order of protection and the murder was committed by a person against whom the same order of protection was issued under the Illinois Domestic Violence Act of 1986; or

(20) the murdered individual was known by the defendant to be a teacher or other person employed in any school and the teacher or other employee is upon the grounds of a school or grounds adjacent to a school, or is in any part of a building used for school purposes; or-

(21) the murder was committed by the defendant in connection with or as a result of the offense of terrorism as defined in Section 29D-30 of this Code.

(c) Consideration of factors in Aggravation and Mitigation.

The court shall consider, or shall instruct the jury to consider any aggravating and any mitigating factors which are relevant to the imposition of the death penalty. Aggravating factors may include but need not be limited to those factors set forth in subsection (b). Mitigating factors may include but need not be limited to the following:

(1) the defendant has no significant history of prior criminal activity;

New matter indicated by italics - deletions by strikeout.
(2) the murder was committed while the defendant was under the influence of extreme mental or emotional disturbance, although not such as to constitute a defense to prosecution;
(3) the murdered individual was a participant in the defendant's homicidal conduct or consented to the homicidal act;
(4) the defendant acted under the compulsion of threat or menace of the imminent infliction of death or great bodily harm;
(5) the defendant was not personally present during commission of the act or acts causing death.

(d) Separate sentencing hearing. Where requested by the State, the court shall conduct a separate sentencing proceeding to determine the existence of factors set forth in subsection (b) and to consider any aggravating or mitigating factors as indicated in subsection (c). The proceeding shall be conducted:
(1) before the jury that determined the defendant's guilt; or
(2) before a jury impanelled for the purpose of the proceeding if:
   A. the defendant was convicted upon a plea of guilty; or
   B. the defendant was convicted after a trial before the court sitting without a jury; or
   C. the court for good cause shown discharges the jury that determined the defendant's guilt; or
(3) before the court alone if the defendant waives a jury for the separate proceeding.

(e) Evidence and Argument.
During the proceeding any information relevant to any of the factors set forth in subsection (b) may be presented by either the State or the defendant under the rules governing the admission of evidence at criminal trials. Any information relevant to any additional aggravating factors or any mitigating factors indicated in subsection (c) may be presented by the State or defendant regardless of its admissibility under the rules governing the admission of evidence at criminal trials. The State and the defendant shall be given fair opportunity to rebut any information received at the hearing.

(f) Proof.
The burden of proof of establishing the existence of any of the factors set forth in subsection (b) is on the State and shall not be satisfied unless established beyond a reasonable doubt.

(g) Procedure - Jury.
If at the separate sentencing proceeding the jury finds that none of the factors set forth in subsection (b) exists, the court shall sentence the defendant to a term of imprisonment under Chapter V of the Unified Code of Corrections. If there is a unanimous finding by the jury that one or more of the factors set forth in subsection (b) exist, the jury shall consider aggravating and mitigating factors as instructed by the court and shall determine whether the sentence of death shall be imposed. If the jury determines unanimously that there are no mitigating factors sufficient to preclude the imposition of the death sentence, the court shall
sentence the defendant to death.

Unless the jury unanimously finds that there are no mitigating factors sufficient to preclude the imposition of the death sentence the court shall sentence the defendant to a term of imprisonment under Chapter V of the Unified Code of Corrections.

(h) Procedure - No Jury.

In a proceeding before the court alone, if the court finds that none of the factors found in subsection (b) exists, the court shall sentence the defendant to a term of imprisonment under Chapter V of the Unified Code of Corrections.

If the Court determines that one or more of the factors set forth in subsection (b) exists, the Court shall consider any aggravating and mitigating factors as indicated in subsection (c). If the Court determines that there are no mitigating factors sufficient to preclude the imposition of the death sentence, the Court shall sentence the defendant to death.

Unless the court finds that there are no mitigating factors sufficient to preclude the imposition of the sentence of death, the court shall sentence the defendant to a term of imprisonment under Chapter V of the Unified Code of Corrections.

(i) Appellate Procedure.

The conviction and sentence of death shall be subject to automatic review by the Supreme Court. Such review shall be in accordance with rules promulgated by the Supreme Court.

(j) Disposition of reversed death sentence.

In the event that the death penalty in this Act is held to be unconstitutional by the Supreme Court of the United States or of the State of Illinois, any person convicted of first degree murder shall be sentenced by the court to a term of imprisonment under Chapter V of the Unified Code of Corrections.

In the event that any death sentence pursuant to the sentencing provisions of this Section is declared unconstitutional by the Supreme Court of the United States or of the State of Illinois, the court having jurisdiction over a person previously sentenced to death shall cause the defendant to be brought before the court, and the court shall sentence the defendant to a term of imprisonment under Chapter V of the Unified Code of Corrections.

(Source: P.A. 90-213, eff. 1-1-98; 90-651, eff. 1-1-99; 90-668, eff. 1-1-99; 91-357, eff. 7-29-99; 91-434, eff. 1-1-00.)

(720 ILCS 5/14-3) (from Ch. 38, par. 14-3)

Sec. 14-3. Exemptions. The following activities shall be exempt from the provisions of this Article:

(a) Listening to radio, wireless and television communications of any sort where the same are publicly made;

(b) Hearing conversation when heard by employees of any common carrier by wire incidental to the normal course of their employment in the operation, maintenance or repair of the equipment of such common carrier by wire so long as no information obtained thereby is used or divulged by the hearer;

(c) Any broadcast by radio, television or otherwise whether it be a broadcast or
recorded for the purpose of later broadcasts of any function where the public is in attendance and the conversations are overheard incidental to the main purpose for which such broadcasts are then being made;

(d) Recording or listening with the aid of any device to any emergency communication made in the normal course of operations by any federal, state or local law enforcement agency or institutions dealing in emergency services, including, but not limited to, hospitals, clinics, ambulance services, fire fighting agencies, any public utility, emergency repair facility, civilian defense establishment or military installation;

(e) Recording the proceedings of any meeting required to be open by the Open Meetings Act, as amended;

(f) Recording or listening with the aid of any device to incoming telephone calls of phone lines publicly listed or advertised as consumer "hotlines" by manufacturers or retailers of food and drug products. Such recordings must be destroyed, erased or turned over to local law enforcement authorities within 24 hours from the time of such recording and shall not be otherwise disseminated. Failure on the part of the individual or business operating any such recording or listening device to comply with the requirements of this subsection shall eliminate any civil or criminal immunity conferred upon that individual or business by the operation of this Section;

(g) With prior notification to the State's Attorney of the county in which it is to occur, recording or listening with the aid of any device to any conversation where a law enforcement officer, or any person acting at the direction of law enforcement, is a party to the conversation and has consented to it being intercepted or recorded under circumstances where the use of the device is necessary for the protection of the law enforcement officer or any person acting at the direction of law enforcement, in the course of an investigation of a forcible felony, a felony violation of the Illinois Controlled Substances Act, a felony violation of the Cannabis Control Act, or any "streetgang related" or "gang-related" felony as those terms are defined in the Illinois Streetgang Terrorism Omnibus Prevention Act. Any recording or evidence derived as the result of this exemption shall be inadmissible in any proceeding, criminal, civil or administrative, except (i) where a party to the conversation suffers great bodily injury or is killed during such conversation, or (ii) when used as direct impeachment of a witness concerning matters contained in the interception or recording. The Director of the Department of State Police shall issue regulations as are necessary concerning the use of devices, retention of tape recordings, and reports regarding their use;

(g-5) With approval of the State's Attorney of the county in which it is to occur, recording or listening with the aid of any device to any conversation where a law enforcement officer, or any person acting at the direction of law enforcement, is a party to the conversation and has consented to it being intercepted or recorded in the course of an investigation of any offense defined in Article 29D of this Code. In all such cases, an application for an order approving the previous or continuing use of an eavesdropping device must be made within 48 hours of the commencement of such use. In the absence of such an order, or upon its denial, any continuing use shall immediately terminate. The Director of State Police shall issue rules as are necessary concerning the use of devices.
retention of tape recordings, and reports regarding their use.

Any recording or evidence obtained or derived in the course of an investigation of any offense defined in Article 29D of this Code shall, upon motion of the State's Attorney or Attorney General prosecuting any violation of Article 29D, be reviewed in camera with notice to all parties present by the court presiding over the criminal case, and, if ruled by the court to be relevant and otherwise admissible, it shall be admissible at the trial of the criminal case.

This subsection (g-5) is inoperative on and after January 1, 2005. No conversations recorded or monitored pursuant to this subsection (g-5) shall be inadmissible in a court of law by virtue of the repeal of this subsection (g-5) on January 1, 2005.

(h) Recordings made simultaneously with a video recording of an oral conversation between a peace officer, who has identified his or her office, and a person stopped for an investigation of an offense under the Illinois Vehicle Code;

(i) Recording of a conversation made by or at the request of a person, not a law enforcement officer or agent of a law enforcement officer, who is a party to the conversation, under reasonable suspicion that another party to the conversation is committing, is about to commit, or has committed a criminal offense against the person or a member of his or her immediate household, and there is reason to believe that evidence of the criminal offense may be obtained by the recording; and

(j) The use of a telephone monitoring device by either (1) a corporation or other business entity engaged in marketing or opinion research or (2) a corporation or other business entity engaged in telephone solicitation, as defined in this subsection, to record or listen to oral telephone solicitation conversations or marketing or opinion research conversations by an employee of the corporation or other business entity when:

(i) the monitoring is used for the purpose of service quality control of marketing or opinion research or telephone solicitation, the education or training of employees or contractors engaged in marketing or opinion research or telephone solicitation, or internal research related to marketing or opinion research or telephone solicitation; and

(ii) the monitoring is used with the consent of at least one person who is an active party to the marketing or opinion research conversation or telephone solicitation conversation being monitored.

No communication or conversation or any part, portion, or aspect of the communication or conversation made, acquired, or obtained, directly or indirectly, under this exemption (j), may be, directly or indirectly, furnished to any law enforcement officer, agency, or official for any purpose or used in any inquiry or investigation, or used, directly or indirectly, in any administrative, judicial, or other proceeding, or divulged to any third party.

When recording or listening authorized by this subsection (j) on telephone lines used for marketing or opinion research or telephone solicitation purposes results in recording or listening to a conversation that does not relate to marketing or opinion research or telephone solicitation; the person recording or listening shall, immediately upon determining that the

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conversation does not relate to marketing or opinion research or telephone solicitation, terminate the recording or listening and destroy any such recording as soon as is practicable.

Business entities that use a telephone monitoring or telephone recording system pursuant to this exemption (j) shall provide current and prospective employees with notice that the monitoring or recordings may occur during the course of their employment. The notice shall include prominent signage notification within the workplace.

Business entities that use a telephone monitoring or telephone recording system pursuant to this exemption (j) shall provide their employees or agents with access to personal-only telephone lines which may be pay telephones, that are not subject to telephone monitoring or telephone recording.

For the purposes of this subsection (j), "telephone solicitation" means a communication through the use of a telephone by live operators:

(i) soliciting the sale of goods or services;
(ii) receiving orders for the sale of goods or services;
(iii) assisting in the use of goods or services; or
(iv) engaging in the solicitation, administration, or collection of bank or retail credit accounts.

For the purposes of this subsection (j), "marketing or opinion research" means a marketing or opinion research interview conducted by a live telephone interviewer engaged by a corporation or other business entity whose principal business is the design, conduct, and analysis of polls and surveys measuring the opinions, attitudes, and responses of respondents toward products and services, or social or political issues, or both.

(Source: P.A. 91-357, eff. 7-29-99.)

(720 ILCS 5/29B-1) (from Ch. 38, par. 29B-1)
Sec. 29B-1. (a) A person commits the offense of money laundering:

(1) when he knowingly engages or attempts to engage in a financial transaction in criminally derived property with either the intent to promote the carrying on of the unlawful activity from which the criminally derived property was obtained or where he knows or reasonably should know that the financial transaction is designed in whole or in part to conceal or disguise the nature, the location, the source, the ownership or the control of the criminally derived property; or:

(2) when, with the intent to:

(A) promote the carrying on of a specified criminal activity as defined in this Article; or

(B) conceal or disguise the nature, location, source, ownership, or control of property believed to be the proceeds of a specified criminal activity as defined by subdivision (b) (6), he or she conducts or attempts to conduct a financial transaction involving property he or she believes to be the proceeds of specified criminal activity as defined by subdivision (b) (6) or property used to conduct or facilitate specified criminal activity as defined by subdivision (b) (6).

(b) As used in this Section:

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(1) "Financial transaction" means a purchase, sale, loan, pledge, gift, transfer, delivery or other disposition utilizing criminally derived property, and with respect to financial institutions, includes a deposit, withdrawal, transfer between accounts, exchange of currency, loan, extension of credit, purchase or sale of any stock, bond, certificate of deposit or other monetary instrument or any other payment, transfer or delivery by, through, or to a financial institution. For purposes of clause (a)(2) of this Section, the term "financial transaction" also means a transaction which without regard to whether the funds, monetary instruments, or real or personal property involved in the transaction are criminally derived, any transaction which in any way or degree: (1) involves the movement of funds by wire or any other means; (2) involves one or more monetary instruments; or (3) the transfer of title to any real or personal property. The receipt by an attorney of bona fide fees for the purpose of legal representation is not a financial transaction for purposes of this Section.

(2) "Financial institution" means any bank; saving and loan association; trust company; agency or branch of a foreign bank in the United States; currency exchange; credit union, mortgage banking institution; pawnbroker; loan or finance company; operator of a credit card system; issuer, redeemer or cashier of travelers checks, checks or money orders; dealer in precious metals, stones or jewels; broker or dealer in securities or commodities; investment banker; or investment company.

(3) "Monetary instrument" means United States coins and currency; coins and currency of a foreign country; travelers checks; personal checks, bank checks, and money orders; investment securities; bearer negotiable instruments; bearer investment securities; or bearer securities and certificates of stock in such form that title thereto passes upon delivery.

(4) "Criminally derived property" means any property constituting or derived from proceeds obtained, directly or indirectly, pursuant to a violation of the Criminal Code of 1961, the Illinois Controlled Substances Act or the Cannabis Control Act.

(5) "Conduct" or "conducts" includes, in addition to its ordinary meaning, initiating, concluding, or participating in initiating or concluding a transaction.

(6) "Specified criminal activity" means any violation of Section 20.5-5 (720 ILCS 5/20.5-5) and any violation of Article 29D of this Code.

(c) Sentence.

(1) Laundering of criminally derived property of a value not exceeding $10,000 is a Class 3 felony;

(2) Laundering of criminally derived property of a value exceeding $10,000 but not exceeding $100,000 is a Class 2 felony;

(3) Laundering of criminally derived property of a value exceeding $100,000 is a Class 1 felony;

(4) Money laundering in violation of subsection (a)(2) of this Section is a Class X felony.

(Source: P.A. 88-258.)

(720 ILCS 5/Article 29D heading new)
ARTICLE 29D. TERRORISM

(720 ILCS 5/29D-5 new)

Sec. 29D-5. Legislative findings. The devastating consequences of the barbaric attacks on the World Trade Center and the Pentagon on September 11, 2001 underscore the compelling need for legislation that is specifically designed to combat the evils of terrorism. Terrorism is inconsistent with civilized society and cannot be tolerated.

A comprehensive State law is urgently needed to complement federal laws in the fight against terrorism and to Enrolled better protect all citizens against terrorist acts. Accordingly, the legislature finds that our laws must be strengthened to ensure that terrorists, as well as those who solicit or provide financial and other support to terrorists, are prosecuted and punished in State courts with appropriate severity. The legislature further finds that due to the grave nature and global reach of terrorism that a comprehensive law encompassing State criminal statutes and strong civil remedies is needed.

An investigation may not be initiated or continued for activities protected by the First Amendment to the United States Constitution, including expressions of support or the provision of financial support for the nonviolent political, religious, philosophical, or ideological goals or beliefs of any person or group.

(720 ILCS 5/29D-10 new)

Sec. 29D-10. Definitions. As used in this Article, where not otherwise distinctly expressed or manifestly incompatible with the intent of this Article:

(a) "Computer network" means a set of related, remotely connected devices and any communications facilities including more than one computer with the capability to transmit data among them through communication facilities.

(b) "Computer" means a device that accepts, processes, stores, retrieves, or outputs data, and includes, but is not limited to, auxiliary storage and telecommunications devices.

(c) "Computer program" means a series of coded instruction or statements in a form acceptable to a computer which causes the computer to process data and supply the results of data processing.

(d) "Data" means representations of information, knowledge, facts, concepts or instructions, including program documentation, that are prepared in a formalized manner and are stored or processed in or transmitted by a computer. Data may be in any form, including but not limited to magnetic or optical storage media, punch cards, or data stored internally in the memory of a computer.

(e) "Biological products used in or in connection with agricultural production" includes, but is not limited to, seeds, plants, and DNA of plants or animals altered for use in crop or livestock breeding or production or which are sold, intended, designed, or produced for use in crop production or livestock breeding or production.

(f) "Agricultural products" means crops and livestock.

(g) "Agricultural production" means the breeding and growing of livestock and crops.

(h) "Livestock" means animals bred or raised for human consumption.

(i) "Crops" means plants raised for: (1) human consumption, (2) fruits that are

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intended for human consumption, (3) consumption by livestock, and (4) fruits that are intended for consumption by livestock.

(j) "Communications systems" means any works, property, or material of any radio, telegraph, telephone, microwave, or cable line, station, or system.

(k) "Substantial damage" means monetary damage greater than $100,000.

(l) "Terrorist act" or "act of terrorism" means: (1) any act that is intended to cause or create a risk and does cause or create a risk of death or great bodily harm to one or more persons; (2) any act that disables or destroys the usefulness or operation of any communications system; (3) any act or any series of 2 or more acts committed in furtherance of a single intention, scheme, or design that disables or destroys the usefulness or operation of a computer network, computers, computer programs, or data used by any industry, by any class of business, or by 5 or more businesses or by the federal government, State government, any unit of local government, a public utility, a manufacturer of pharmaceuticals, a national defense contractor, or a manufacturer of chemical or biological products used in or in connection with agricultural production; (4) any act that disables or causes substantial damage to or destruction of any structure or facility used in or used in connection with ground, air, or water transportation; the production or distribution of electricity, gas, oil, or other fuel; the treatment of sewage or the treatment or distribution of water; or controlling the flow of any body of water; (5) any act that causes substantial damage to or destruction of livestock or to crops or a series of 2 or more acts committed in furtherance of a single intention, scheme, or design which, in the aggregate, causes substantial damage to or destruction of livestock or crops; (6) any act that causes substantial damage to or destruction of any hospital or any building or facility used by the federal government, State government, any unit of local government or by a national defense contractor or by a public utility, a manufacturer of pharmaceuticals, a manufacturer of chemical or biological products used in or in connection with agricultural production or the storage or processing of agricultural products or the preparation of agricultural products for food or food products intended for resale or for feed for livestock; or (7) any act that causes substantial damage to any building containing 5 or more businesses of any type or to any building in which 10 or more people reside.

(m) "Terrorist" and "terrorist organization" means any person who engages or is about to engage in a terrorist act with the intent to intimidate or coerce a significant portion of a civilian population.

(n) "Material support or resources" means currency or other financial securities, financial services, lodging, training, safe houses, false documentation or identification, communications equipment, facilities, weapons, lethal substances, explosives, personnel, transportation, any other kind of physical assets or intangible property, and expert services or expert assistance.

(o) "Person" has the meaning given in Section 2-15 of this Code and, in addition to that meaning, includes, without limitation, any charitable organization, whether incorporated or unincorporated, any professional fund raiser, professional solicitor, limited liability company, association, joint stock company, association, trust, trustee, or any group

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of people formally or informally affiliated or associated for a common purpose, and any officer, director, partner, member, or agent of any person.

(p) "Render criminal assistance" means to do any of the following with the intent to prevent, hinder, or delay the discovery or apprehension of, or the lodging of a criminal charge against, a person who he or she knows or believes has committed an offense under this Article or is being sought by law enforcement officials for the commission of an offense under this Article, or with the intent to assist a person in profiting or benefiting from the commission of an offense under this Article:

(1) harbor or conceal the person;
(2) warn the person of impending discovery or apprehension;
(3) provide the person with money, transportation, a weapon, a disguise, false identification documents, or any other means of avoiding discovery or apprehension;
(4) prevent or obstruct, by means of force, intimidation, or deception, anyone from performing an act that might aid in the discovery or apprehension of the person or in the lodging of a criminal charge against the person;
(5) suppress, by any act of concealment, alteration, or destruction, any physical evidence that might aid in the discovery or apprehension of the person or in the lodging of a criminal charge against the person;
(6) aid the person to protect or expeditiously profit from an advantage derived from the crime; or
(7) provide expert services or expert assistance to the person. Providing expert services or expert assistance shall not be construed to apply to: (1) a licensed attorney who discusses with a client the legal consequences of a proposed course of conduct or advises a client of legal or constitutional rights and (2) a licensed medical doctor who provides emergency medical treatment to a person whom he or she believes has committed an offense under this Article if, as soon as reasonably practicable either before or after providing such treatment, he or she notifies a law enforcement agency.

(720 ILCS 5/29D-15 new)
Sec. 29D-15. Soliciting material support for terrorism; providing material support for a terrorist act.

(a) A person is guilty of soliciting material support for terrorism if he or she knowingly raises, solicits, or collects material support or resources knowing that the material support or resources will be used, in whole or in part, to plan, prepare, carry out, or avoid apprehension for committing terrorism as defined in Section 29D-30 or causing a catastrophe as defined in Section 20.5-5 (720 ILCS 5/20.5-5) of this Code, or who knows and intends that the material support or resources so raised, solicited, or collected will be used in the commission of a terrorist act as defined in Section 29D-10(1) of this Code by an organization designated under 8 U.S.C. 1189, as amended. It is not an element of the offense that the defendant actually knows that an organization has been designated under 8 U.S.C. 1189, as amended.

(b) A person is guilty of providing material support for terrorism if he or she

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knowingly provides material support or resources to a person knowing that the person will use that support or those resources in whole or in part to plan, prepare, carry out, facilitate, or to avoid apprehension for committing terrorism as defined in Section 29D-30 or to cause a catastrophe as defined in Section 20.5-5 (720 ILCS 5/20.5-5) of this Code.

(c) Sentence. Soliciting material support for terrorism is a Class X felony for which the sentence shall be a term of imprisonment of no less than 9 years and no more than 40 years. Providing material support for a terrorist act is a Class X felony for which the sentence shall be a term of imprisonment of no less than 9 years and no more than 40 years.

(720 ILCS 5/29D-20 new)

Sec. 29D-20. Making a terrorist threat.

(a) A person is guilty of making a terrorist threat when, with the intent to intimidate or coerce a significant portion of a civilian population, he or she in any manner knowingly threatens to commit or threatens to cause the commission of a terrorist act as defined in Section 29D-10(1) and thereby causes a reasonable expectation or fear of the imminent commission of a terrorist act as defined in Section 29D-10(1) or of another terrorist act as defined in Section 29D-10(1).

(b) It is not a defense to a prosecution under this Section that at the time the defendant made the terrorist threat, unknown to the defendant, it was impossible to carry out the threat, nor is it a defense that the threat was not made to a person who was a subject or intended victim of the threatened act.

(c) Sentence. Making a terrorist threat is a Class X felony.

(720 ILCS 5/29D-25 new)

Sec. 29D-25. Falsely making a terrorist threat.

(a) A person is guilty of falsely making a terrorist threat when in any manner he or she knowingly makes a threat to commit or cause to be committed a terrorist act as defined in Section 29D-10(1) or otherwise knowingly creates the impression or belief that a terrorist act is about to be or has been committed, or in any manner knowingly makes a threat to commit or cause to be committed a catastrophe as defined in Section 20.5-5 (720 ILCS 5/20.5-5) of this Code which he or she knows is false.

(b) Sentence. Falsely making a terrorist threat is a Class 1 felony.

(720 ILCS 5/29D-30 new)

Sec. 29D-30. Terrorism.

(a) A person is guilty of terrorism when, with the intent to intimidate or coerce a significant portion of a civilian population:

(1) he or she knowingly commits a terrorist act as defined in Section 29D-10(1) of this Code within this State; or

(2) he or she, while outside this State, knowingly commits a terrorist act as defined in Section 29D-10(1) of this Code that takes effect within this State or produces substantial detrimental effects within this State.

(b) Sentence. Terrorism is a Class X felony. If no deaths are caused by the terrorist act, the sentence shall be a term of 20 years to natural life imprisonment; however, if the terrorist act caused the death of one or more persons, a mandatory term of natural life

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imprisonment shall be the sentence in the event the death penalty is not imposed.

Sec. 29D-35. Hindering prosecution of terrorism.

(a) A person is guilty of hindering prosecution of terrorism when he or she renders criminal assistance to a person who has committed terrorism as defined in Section 29D-30 or caused a catastrophe, as defined in Section 20.5-5 of this Code when he or she knows that the person to whom he or she rendered criminal assistance engaged in an act of terrorism or caused a catastrophe.

(b) Hindering prosecution of terrorism is a Class X felony, the sentence for which shall be a term of 20 years to natural life imprisonment if no death was caused by the act of terrorism committed by the person to whom the defendant rendered criminal assistance and a mandatory term of natural life imprisonment if death was caused by the act of terrorism committed by the person to whom the defendant rendered criminal assistance.

Sec. 29D-40. Restitution.

In addition to any other penalty that may be imposed, a court shall sentence any person convicted of any violation of this Article to pay all expenses incurred by the federal government, State government, or any unit of local government in responding to any violation and cleaning up following any violation.

Sec. 29D-45. Limitations.

A prosecution for any offense in this Article may be commenced at any time.

Sec. 29D-65. Asset freeze, seizure, and forfeiture.

(a) Asset freeze, seizure, and forfeiture in connection with a violation of this Article.

(1) Whenever it appears that there is probable cause to believe that any person used, is using, is about to use, or is intending to use property in any way that constitutes or would constitute a violation of this Article, the Attorney General or any State's Attorney may make an ex parte application to the circuit court to freeze or seize all the assets of that person and, upon a showing of probable cause in the ex parte hearing, the circuit court shall issue an order to freeze or seize all assets of that person. A copy of the freeze or seize order shall be served upon the person whose assets have been frozen or seized and that person or any person claiming an interest in the property may, at any time within 30 days of service, file a motion to release his or her assets. Within 10 days that person is entitled to a hearing. In any proceeding to release assets, the burden of proof shall be by a preponderance of evidence and shall be on the State to show that the person used, was using, is about to use, or is intending to use any property in any way that constitutes or would
constitute a violation of this Article. If the court finds that any property was being used, is about to be used, or is intended to be used in violation of or in any way that would constitute a violation of this Article, the court shall order such property frozen or held until further order of the court. Any property so ordered held or frozen shall be subject to forfeiture under the following procedure. Upon the request of the defendant, the court may release frozen or seized assets sufficient to pay attorney’s fees for representation of the defendant at a hearing conducted under this Section.

(2) If, within 60 days after any seizure or asset freeze under subparagraph (1) of this Section, a person having any property interest in the seized or frozen property is charged with an offense, the court which renders judgment upon the charge shall, within 30 days after the judgment, conduct a forfeiture hearing to determine whether the property was used, about to be used, or intended to be used in violation of this Article or in connection with any violation of this Article, or was integrally related to any violation or intended violation of this Article. The hearing shall be commenced by a written petition by the State, including material allegations of fact, the name and address of every person determined by the State to have any property interest in the seized or frozen property, a representation that written notice of the date, time, and place of the hearing has been mailed to every such person by certified mail at least 10 days before the date, and a request for forfeiture. Every such person may appear as a party and present evidence at the hearing. The quantum of proof required shall be preponderance of the evidence, and the burden of proof shall be on the State. If the court determines that the seized or frozen property was used, about to be used, or intended to be used in violation of this Article or in connection with any violation of this Article, or was integrally related to any violation or intended violation of this Article, an order of forfeiture and disposition of the seized or frozen money and property shall be entered. All property forfeited may be liquidated and the resultant money together with any money forfeited shall be allocated among the participating law enforcement agencies in such proportions as may be determined to be equitable by the court entering the forfeiture order, any such property so forfeited shall be received by the State’s Attorney or Attorney General and upon liquidation shall be allocated among the participating law enforcement agencies in such proportions as may be determined equitable by the court entering the forfeiture order.

(3) If a seizure or asset freeze under subparagraph (1) of this subsection (a) is not followed by a charge under this Article within 60 days, or if the prosecution of the charge is permanently terminated or indefinitely discontinued without any judgment of conviction or a judgment of acquittal is entered, the State’s Attorney or Attorney General shall immediately commence an in rem proceeding for the forfeiture of any seized money or other things of value, or both, in the circuit court and any person having any property interest in the money or property may commence separate civil proceedings in the manner provided by law. Any property so forfeited shall be allocated among the participating law enforcement agencies in

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such proportions as may be determined to be equitable by the court entering the forfeiture order.

(b) Forfeiture of property acquired in connection with a violation of this Article.

(1) Any person who commits any offense under this Article shall forfeit, according to the provisions of this Section, any moneys, profits, or proceeds, and any interest or property in which the sentencing court determines he or she has acquired or maintained, directly or indirectly, in whole or in part, as a result of, or used, was about to be used, or was intended to be used in connection with the offense. The person shall also forfeit any interest in, security, claim against, or contractual right of any kind which affords the person a source of influence over any enterprise which he or she has established, operated, controlled, conducted, or participated in conducting, where his or her relationship to or connection with any such thing or activity directly or indirectly, in whole or in part, is traceable to any item or benefit which he or she has obtained or acquired through an offense under this Article or which he or she used, about to use, or intended to use in connection with any offense under this Article. Forfeiture under this Section may be pursued in addition to or in lieu of proceeding under subsection (a) of this Section.

(2) Proceedings instituted under this subsection shall be subject to and conducted in accordance with the following procedures:

(A) The sentencing court shall, upon petition by the prosecuting agency, whether it is the Attorney General or the State’s Attorney, at any time following sentencing, conduct a hearing to determine whether any property or property interest is subject to forfeiture under this subsection. At the forfeiture hearing the People of the State of Illinois shall have the burden of establishing, by a preponderance of the evidence, that the property or property interests are subject to forfeiture.

(B) In any action brought by the People of the State of Illinois under this Section, the court shall have jurisdiction to enter such restraining orders, injunctions, or prohibitions, or to take such other action in connection with any real, personal, or mixed property, or other interest, subject to forfeiture, as it shall consider proper.

(C) In any action brought by the People of the State of Illinois under this subsection in which any restraining order, injunction, or prohibition or any other action in connection with any property or interest subject to forfeiture under this subsection is sought, the circuit court presiding over the trial of the person or persons charged with a violation under this Article shall first determine whether there is probable cause to believe that the person or persons so charged have committed an offense under this Article and whether the property or interest is subject to forfeiture under this subsection. In order to make this determination, prior to entering any such order, the court shall conduct a hearing without a jury in which the People shall establish: (i) probable cause that the person or persons so charged

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have committed an offense under this Article; and (ii) probable cause that any property or interest may be subject to forfeiture under this subsection. The hearing may be conducted simultaneously with a preliminary hearing if the prosecution is commenced by information, or by motion of the People at any stage in the proceedings. The court may enter a finding of probable cause at a preliminary hearing following the filing of information charging a violation of this Article or the return of an indictment by a grand jury charging an offense under this Article as sufficient probable cause for purposes of this subsection. Upon such a finding, the circuit court shall enter such restraining order, injunction, or prohibition or shall take such other action in connection with any such property or other interest subject to forfeiture under this subsection as is necessary to ensure that the property is not removed from the jurisdiction of the court, concealed, destroyed, or otherwise disposed of by the owner or holder of that property or interest prior to a forfeiture hearing under this subsection. The Attorney General or State's Attorney shall file a certified copy of the restraining order, injunction, or other prohibition with the recorder of deeds or registrar of titles of each county where any such property of the defendant may be located. No such injunction, restraining order, or other prohibition shall affect the rights of any bona fide purchaser, mortgagee, judgment creditor, or other lien holder arising prior to the date of such filing. The court may, at any time, upon verified petition by the defendant, conduct a hearing to release all or portions of any such property or interest which the court previously determined to be subject to forfeiture or subject to any restraining order, injunction, prohibition, or other action. The court may release the property to the defendant for good cause shown and within the sound discretion of the court.

(D) Upon a conviction of a person under this Article, the court shall authorize the Attorney General or State's Attorney to seize and sell all property or other interest declared forfeited under this Article, unless the property is required by law to be destroyed or is harmful to the public. The court may order the Attorney General or State's Attorney to segregate funds from the proceeds of the sale sufficient: (1) to satisfy any order of restitution, as the court may deem appropriate; (2) to satisfy any legal right, title, or interest which the court deems superior to any right, title, or interest of the defendant at the time of the commission of the acts which gave rise to forfeiture under this subsection; or (3) to satisfy any bona-fide purchaser for value of the right, title, or interest in the property who was without reasonable notice that the property was subject to forfeiture. Following the entry of an order of forfeiture, the Attorney General or State's Attorney shall publish notice of the order and his or her intent to dispose of the property. Within 30 days following the publication, any person may petition the court

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to adjudicate the validity of his or her alleged interest in the property. After
the deduction of all requisite expenses of administration and sale, the
Attorney General or State’s Attorney shall distribute the proceeds of the sale,
along with any moneys forfeited or seized, among participating law
enforcement agencies in such equitable portions as the court shall determine.

(E) No judge shall release any property or money seized under
subdivision (A) or (B) for the payment of attorney’s fees of any person
claiming an interest in such money or property.

(c) Exemptions from forfeiture. A property interest is exempt from forfeiture under
this Section if its owner or interest holder establishes by a preponderance of evidence that
the owner or interest holder:

(A)(i) in the case of personal property, is not legally accountable for the
conduct giving rise to the forfeiture, did not acquiesce in it, and did not know and
could not reasonably have known of the conduct or that the conduct was likely to
occur, or

(ii) in the case of real property, is not legally accountable for the conduct
giving rise to the forfeiture, or did not solicit, conspire, or attempt to commit the
conduct giving rise to the forfeiture; and

(B) had not acquired and did not stand to acquire substantial proceeds from
the conduct giving rise to its forfeiture other than as an interest holder in an arms
length commercial transaction; and

(C) with respect to conveyances, did not hold the property jointly or in
common with a person whose conduct gave rise to the forfeiture; and

(D) does not hold the property for the benefit of or as nominee for any person
whose conduct gave rise to its forfeiture, and, if the owner or interest holder
acquired the interest through any such person, the owner or interest holder acquired
it as a bona fide purchaser for value without knowingly taking part in the conduct
giving rise to the forfeiture; and

(E) that the owner or interest holder acquired the interest:

(i) before the commencement of the conduct giving rise to its
forfeiture and the person whose conduct gave rise to its forfeiture did not
have the authority to convey the interest to a bona fide purchaser for value
at the time of the conduct; or

(ii) after the commencement of the conduct giving rise to its forfeiture,
and the owner or interest holder acquired the interest as a mortgagee,
secured creditor, lien holder, or bona fide purchaser for value without
knowledge of the conduct which gave rise to the forfeiture; and

(a) in the case of personal property, without knowledge of the
seizure of the property for forfeiture; or

(b) in the case of real estate, before the filing in the office of
the Recorder of Deeds of the county in which the real estate is located
of a notice of seizure for forfeiture or a lis pendens notice.

New matter indicated by italics - deletions by strikeout.
Sec. 29D-70. Severability. If any clause, sentence, Section, provision, or part of this Article or the application thereof to any person or circumstance shall be adjudged to be unconstitutional, the remainder of this Article or its application to persons or circumstances other than those to which it is held invalid, shall not be affected thereby.

Section 17. The Boarding Aircraft With Weapon Act is amended by changing Section 7 as follows:

(720 ILCS 545/7) (from Ch. 38, par. 84-7)
Sec. 7. Sentence. Violation of this Act is a Class 4 felony. A misdemeanor.
(Source: P.A. 82-662.)


(725 ILCS 5/108-4) (from Ch. 38, par. 108-4)
Sec. 108-4. Issuance of search warrant. (a) All warrants upon written complaint shall state the time and date of issuance and be the warrants of the judge issuing the same and not the warrants of the court in which he is then sitting and such warrants need not bear the seal of the court or clerk thereof. The complaint on which the warrant is issued need not be filed with the clerk of the court nor with the court if there is no clerk until the warrant has been executed or has been returned "not executed".

The search warrant upon written complaint may be issued electronically or electromagnetically by use of a facsimile transmission machine and any such warrant shall have the same validity as a written search warrant.

(b) Warrant upon oral testimony.

(1) General rule. When the offense in connection with which a search warrant is sought constitutes terrorism or any related offense as defined in Article 29D of the Criminal Code of 1961, and if the circumstances make it reasonable to dispense, in whole or in part, with a written affidavit, a judge may issue a warrant based upon sworn testimony communicated by telephone or other appropriate means, including facsimile transmission.

(2) Application. The person who is requesting the warrant shall prepare a document to be known as a duplicate original warrant and shall read such duplicate original warrant, verbatim, to the judge. The judge shall enter, verbatim, what is so read to the judge on a document to be known as the original warrant. The judge may direct that the warrant be modified.

(3) Issuance. If the judge is satisfied that the offense in connection with which the search warrant is sought constitutes terrorism or any related offense as defined in Article 29D of the Criminal Code of 1961, that the circumstances are such as to make it reasonable to dispense with a written affidavit, and that grounds for the application exist or that there is probable cause to believe that they exist, the judge shall order the issuance of a warrant by directing the person requesting the warrant to sign the judge’s name on the duplicate original warrant. The judge shall
immediately sign the original warrant and enter on the face of the original warrant the exact time when the warrant was ordered to be issued. The finding of probable cause for a warrant upon oral testimony may be based on the same kind of evidence as is sufficient for a warrant upon affidavit.

(4) Recording and certification of testimony. When a caller informs the judge that the purpose of the call is to request a warrant, the judge shall immediately place under oath each person whose testimony forms a basis of the application and each person applying for that warrant. If a voice recording device is available, the judge shall record by means of the device all of the call after the caller informs the judge that the purpose of the call is to request a warrant, otherwise a stenographic or longhand verbatim record shall be made. If a voice recording device is used or a stenographic record made, the judge shall have the record transcribed, shall certify the accuracy of the transcription, and shall file a copy of the original record and the transcription with the court. If a longhand verbatim record is made, the judge shall file a signed copy with the court.

(5) Contents. The contents of a warrant upon oral testimony shall be the same as the contents of a warrant upon affidavit.

(6) Additional rule for execution. The person who executes the warrant shall enter the exact time of execution on the face of the duplicate original warrant.

(7) Motion to suppress based on failure to obtain a written affidavit. Evidence obtained pursuant to a warrant issued under this subsection (b) is not subject to a motion to suppress on the ground that the circumstances were not such as to make it reasonable to dispense with a written affidavit, absent a finding of bad faith. All other grounds to move to suppress are preserved.

(8) This subsection (b) is inoperative on and after January 1, 2005.

(9) No evidence obtained pursuant to this subsection (b) shall be inadmissible in a court of law by virtue of subdivision (8).

(Source: P.A. 87-523.)

(725 ILCS 5/108A-6) (from Ch. 38, par. 108A-6)

Sec. 108A-6. Emergency Exception to Procedures. (a) Notwithstanding any other provisions of this Article, any investigative or law enforcement officer, upon approval of a State's Attorney, or without it if a reasonable effort has been made to contact the appropriate State's Attorney, may use an eavesdropping device in an emergency situation as defined in this Section. Such use must be in accordance with the provisions of this Section and may be allowed only where the officer reasonably believes that an order permitting the use of the device would issue were there a prior hearing.

An emergency situation exists when, without previous notice to the law enforcement officer sufficient to obtain prior judicial approval, the conversation to be overheard or recorded will occur within a short period of time, the use of the device is necessary for the protection of the law enforcement officer or it will occur in a situation involving a clear and present danger of imminent death or great bodily harm to persons resulting from: (1) a kidnapping or the holding of a hostage by force or the threat of the imminent use of force;

New matter indicated by italics - deletions by strikeout.
or (2) the occupation by force or the threat of the imminent use of force of any premises, place, vehicle, vessel or aircraft; or (3) any violation of Article 29D.

(b) In all such cases, an application for an order approving the previous or continuing use of an eavesdropping device must be made within 48 hours of the commencement of such use. In the absence of such an order, or upon its denial, any continuing use shall immediately terminate.

In order to approve such emergency use, the judge must make a determination (1) that he would have granted an order had the information been before the court prior to the use of the device and (2) that there was an emergency situation as defined in this Section.

(c) In the event that an application for approval under this Section is denied the contents of the conversations overheard or recorded shall be treated as having been obtained in violation of this Article.

(725 ILCS 5/108B-1) (from Ch. 38, par. 108B-1)
Sec. 108B-1. Definitions. For the purpose of this Article:

(a) "Aggrieved person" means a person who was a party to any intercepted private wire or oral communication or any person against whom the intercept was directed.

(b) "Chief Judge" means, when referring to a judge authorized to receive application for, and to enter orders authorizing, interceptions of private oral communications, the Chief Judge of the Circuit Court wherein the application for order of interception is filed, or a Circuit Judge designated by the Chief Judge to enter these orders. In circuits other than the Cook County Circuit, "Chief Judge" also means, when referring to a judge authorized to receive application for, and to enter orders authorizing, interceptions of private oral communications, an Associate Judge authorized by Supreme Court Rule to try felony cases who is assigned by the Chief Judge to enter these orders. After assignment by the Chief Judge, an Associate Judge shall have plenary authority to issue orders without additional authorization for each specific application made to him by the State's Attorney until the time the Associate Judge's power is rescinded by the Chief Judge.

(c) "Communications common carrier" means any person engaged as a common carrier for hire in the transmission of communications by wire or radio, not including radio broadcasting.

(d) "Contents" includes information obtained from a private oral communication concerning the existence, substance, purport or meaning of the communication, or the identity of a party of the communication.

(e) "Court of competent jurisdiction" means any circuit court.

(f) "Department" means Illinois Department of State Police.

(g) "Director" means Director of the Illinois Department of State Police.

(g-1) "Electronic communication" means any transfer of signs, signals, writing, images, sounds, data, or intelligence of any nature transmitted in whole or part by a wire, radio, pager, computer, or electromagnetic, photo electronic, or photo optical system where the sending and receiving parties intend the electronic communication to be private and the interception, recording, or transcription of the electronic communication is accomplished.

New matter indicated by italics - deletions by strikeout.
by a device in a surreptitious manner contrary to the provisions of this Article. "Electronic
communication" does not include:

(1) any wire or oral communication; or
(2) any communication from a tracking device.

(h) "Electronic criminal surveillance device" or "eavesdropping device" means any
device or apparatus, or computer program including an induction coil, that can be used to
intercept private communication human speech other than:

(1) Any telephone, telegraph or telecommunication instrument, equipment or
facility, or any component of it, furnished to the subscriber or user by a
communication common carrier in the ordinary course of its business, or purchased
by any person and being used by the subscriber, user or person in the ordinary course
of his business, or being used by a communications common carrier in the ordinary
course of its business, or by an investigative or law enforcement officer in the
ordinary course of his duties; or

(2) A hearing aid or similar device being used to correct subnormal hearing
to not better than normal.

(i) "Electronic criminal surveillance officer" means any law enforcement officer of
the United States or of the State or political subdivision of it, or of another State, or of a
political subdivision of it, who is certified by the Illinois Department of State Police to
intercept private oral communications.

(j) "In-progress trace" means to determine the origin of a wire communication to a
telephone or telegraph instrument, equipment or facility during the course of the
communication.

(k) "Intercept" means the aural or other acquisition of the contents of any private oral
communication through the use of any electronic criminal surveillance device.

(l) "Journalist" means a person engaged in, connected with, or employed by news
media, including newspapers, magazines, press associations, news agencies, wire services,
radio, television or other similar media, for the purpose of gathering, processing,
transmitting, compiling, editing or disseminating news for the general public.

(m) "Law enforcement agency" means any law enforcement agency of the United
States, or the State or a political subdivision of it.

(n) "Oral communication" means human speech used to communicate by one party
to another, in person, by wire communication or by any other means.

(o) "Private oral communication" means a wire, or oral, or electronic communication
uttered or transmitted by a person exhibiting an expectation that the communication is not
subject to interception, under circumstances reasonably justifying the expectation.
Circumstances that reasonably justify the expectation that a communication is not subject to
interception include the use of a cordless telephone or cellular communication device.

(p) "Wire communication" means any human speech used to communicate by one
party to another in whole or in part through the use of facilities for the transmission of
communications by wire, cable or other like connection between the point of origin and the
point of reception furnished or operated by a communications common carrier. (q)
"Privileged communications" means a private oral communication between:

1. A licensed and practicing physician and a patient within the scope of the profession of the physician;
2. A licensed and practicing psychologist to a patient within the scope of the profession of the psychologist;
3. A licensed and practicing attorney-at-law and a client within the scope of the profession of the lawyer;
4. A practicing clergyman and a confidant within the scope of the profession of the clergyman;
5. A practicing journalist within the scope of his profession;
6. Spouses within the scope of their marital relationship; or
7. A licensed and practicing social worker to a client within the scope of the profession of the social worker.

(Source: P.A. 86-391; 86-763; 86-1028; 86-1206; 87-530.)

Sec. 108B-2. Request for application for interception.
(a) A State's Attorney may apply for an order authorizing interception of private oral communications in accordance with the provisions of this Article.

(b) The head of a law enforcement agency, including, for purposes of this subsection, the acting head of such law enforcement agency if the head of such agency is absent or unable to serve, may request that a State's Attorney apply for an order authorizing interception of private oral communications in accordance with the provisions of this Article.

Upon request of a law enforcement agency, the Department may provide technical assistance to such an agency which is authorized to conduct an interception.

(Source: P.A. 85-1203.)

Sec. 108B-3. Authorization for the interception of private oral communication.
(a) The State's Attorney, or a person designated in writing or by law to act for him and to perform his duties during his absence or disability, may authorize, in writing, an ex parte application to the chief judge of a court of competent jurisdiction for an order authorizing the interception of a private oral communication when no party has consented to the interception and (i) the interception may provide evidence of, or may assist in the apprehension of a person who has committed, is committing or is about to commit, a violation of Section 8-1.1 (solicitation of murder), 8-1.2 (solicitation of murder for hire), 9-1 (first degree murder), or 29B-1 (money laundering) of the Criminal Code of 1961, Section 401, 401.1 (controlled substance trafficking), 405, 405.1 (criminal drug conspiracy) or 407 of the Illinois Controlled Substances Act, a violation of Section 24-2.1, 24-2.2, 24-3, 24-3.1, 24-3.3, 24-3.4, 24-4, or 24-5 or subsection 24-1(a)(4), 24-1(a)(6), 24-1(a)(7), 24-1(a)(9), 24-1(a)(10), or 24-1(c) of the Criminal Code of 1961 or conspiracy to commit money laundering or conspiracy to commit first degree murder; (ii) in response to a clear and present danger of imminent death or great bodily harm to persons resulting from: (1) a kidnapping or the holding of a hostage by force or the threat of the imminent use of force; or (2) the
occupation by force or the threat of the imminent use of force of any premises, place, vehicle, vessel or aircraft; (iii) to aid an investigation or prosecution of a civil action brought under the Illinois Streetgang Terrorism Omnibus Prevention Act when there is probable cause to believe the interception of the private oral communication will provide evidence that a streetgang is committing, has committed, or will commit a second or subsequent gang-related offense or that the interception of the private oral communication will aid in the collection of a judgment entered under that Act; or (iv) upon information and belief that a streetgang has committed, is committing, or is about to commit a felony.

(b) The State’s Attorney or a person designated in writing or by law to act for the State’s Attorney and to perform his or her duties during his or her absence or disability, may authorize, in writing, an ex parte application to the chief judge of a circuit court for an order authorizing the interception of a private communication when no party has consented to the interception and the interception may provide evidence of, or may assist in the apprehension of a person who has committed, is committing or is about to commit, a violation of an offense under Article 29D of the Criminal Code of 1961.

(b-1) Subsection (b) is inoperative on and after January 1, 2005.
(b-2) No conversations recorded or monitored pursuant to subsection (b) shall be made inadmissible in a court of law by virtue of subsection (b-1).

(c) As used in this Section, "streetgang" and "gang-related" have the meanings ascribed to them in Section 10 of the Illinois Streetgang Terrorism Omnibus Prevention Act. (Source: P.A. 88-249; 88-677, eff. 12-15-94.)

(725 ILCS 5/108B-4) (from Ch. 38, par. 108B-4)

Sec. 108B-4. Application for order of interception. (a) Each application for an order of authorization to intercept a private oral communication shall be made in writing upon oath or affirmation and shall include:

(1) The authority of the applicant to make the application;
(2) The identity of the electronic criminal surveillance officer for whom the authority to intercept a private oral communication is sought;
(3) The facts relied upon by the applicant including:
   (i) The identity of the particular person, if known, who is committing, is about to commit, or has committed the offense and whose private communication is to be intercepted;
   (ii) The details as to the particular offense that has been, is being, or is about to be committed;
   (iii) The particular type of private communication to be intercepted;
(4) Except as provided in Section 108B-7.5, a showing that there is probable cause to believe that the private communication will be communicated on the particular wire or electronic communication facility involved or at the particular place where the oral communication is to be intercepted;
(5) Except as provided in Section 108B-7.5, the character and location of the particular wire or electronic communication facilities involved or the particular place where the oral communication is to be intercepted;
(6) The objective of the investigation;

New matter indicated by italics - deletions by strikeout.
(vii) A statement of the period of time for which the interception is required to be maintained, and, if the objective of the investigation is such that the authorization for interception should not automatically terminate when the described type of communication has been first obtained, a particular statement of facts establishing probable cause to believe that additional communications of the same type will continue to occur;

(viii) A particular statement of facts showing that other normal investigative procedures with respect to the offense have been tried and have failed, or reasonably appear to be unlikely to succeed if tried, or are too dangerous to employ;

(4) Where the application is for the extension of an order, a statement of facts showing the results obtained from the interception, or a reasonable explanation of the failure to obtain results;

(5) A statement of the facts concerning all previous applications known to the applicant made to any court for authorization to intercept a private oral, electronic, or wire communication involving any of the same facilities or places specified in the application or involving any person whose communication is to be intercepted, and the action taken by the court on each application;

(6) A proposed order of authorization for consideration by the judge; and

(7) Such additional statements of facts in support of the application on which the applicant may rely or as the chief judge may require.

(b) As part of the consideration of that part of an application for which there is no corroborative evidence offered, the chief judge may inquire in camera as to the identity of any informant or request any other additional information concerning the basis upon which the State's Attorney, or the head of the law enforcement agency has relied in making an application or a request for application for the order of authorization which the chief judge finds relevant to the determination of probable cause under this Article.

(Source: P.A. 85-1203.)

(725 ILCS 5/108B-5) (from Ch. 38, par. 108B-5)

Sec. 108B-5. Requirements for order of interception. Upon consideration of an application, the chief judge may enter an ex parte order, as requested or as modified, authorizing the interception of a private oral communication, if the chief judge determines on the basis of the application submitted by the applicant, that:

(1) There is probable cause for belief that (a) the person whose private communication is to be intercepted is committing, has committed, or is about to commit an offense enumerated in Section 108B-3, or (b) the facilities from which, or the place where, the private oral communication is to be intercepted, is, has been, or is about to be used in connection with the commission of the offense, or is leased to, listed in the name of, or commonly used by, the person; and

(2) There is probable cause for belief that a particular private communication concerning such offense may be obtained through the interception; and

(3) Normal investigative procedures with respect to the offense have been tried and have failed or reasonably appear to be unlikely to succeed if tried or too dangerous to employ; and

New matter indicated by italics - deletions by strikeout.
(4) The electronic criminal surveillance officers to be authorized to supervise the interception of the private oral communication have been certified by the Department.

(b) In the case of an application, other than for an extension, for an order to intercept a communication of a person or on a wire communication facility that was the subject of a previous order authorizing interception, the application shall be based upon new evidence or information different from and in addition to the evidence or information offered to support the prior order, regardless of whether the evidence was derived from prior interceptions or from other sources.

(c) The chief judge may authorize interception of a private oral communication anywhere in the judicial circuit. If the court authorizes the use of an eavesdropping device with respect to a vehicle, watercraft, or aircraft that is within the judicial circuit at the time the order is issued, the order may provide that the interception may continue anywhere within the State if the vehicle, watercraft, or aircraft leaves the judicial circuit.

(Source: P.A. 85-1203.)

(725 ILCS 5/108B-7) (from Ch. 38, par. 108B-7)

Sec. 108B-7. Contents of order for use of eavesdropping device. (a) Each order authorizing the interception of a private oral communication shall state:

1. The chief judge is authorized to issue the order;
2. The identity of, or a particular description of, the person, if known, whose private communications are to be intercepted;
3. The character and location of the particular wire communication facilities as to which, or the particular place of the communications as to which, authority to intercept is granted;
4. A particular description of the type of private communication to be intercepted and a statement of the particular offense to which it relates;
5. The identity and certification of the electronic criminal surveillance officers to whom the authority to intercept a private oral communication is given and the identity of the person who authorized the application; and
6. The period of time during which the interception is authorized, including a statement as to whether or not the interception shall automatically terminate when the described communication has been first obtained.

(b) No order entered under this Section shall authorize the interception of private oral communications for a period of time in excess of that necessary to achieve the objective of the authorization. Every order entered under this Section shall require that the interception begin and terminate as soon as practicable and be conducted in such a manner as to minimize the interception of communications not otherwise subject to interception. No order, other than for an extension, entered under this Section may authorize the interception of private oral communications for any period exceeding 30 days. Extensions of an order may be granted for periods of not more than 30 days. No extension shall be granted unless an application for it is made in accordance with Section 108B-4 and the judge makes the findings required by Section 108B-5 and, where necessary, Section 108B-6.

(c) Whenever an order authorizing an interception is entered, the order shall require

New matter indicated by italics - deletions by strikeout.
reports to be made to the chief judge who issued the order showing what progress has been made toward achievement of the authorized objective and the need for continued interception. The reports shall be made at such intervals as the judge may require.

(d) An order authorizing the interception of a private oral communication shall, upon request of the applicant, direct that a communications common carrier, landlord, owner, building operator, custodian, or other person furnish the applicant forthwith all information, facilities and technical assistance necessary to accomplish the interception unobtrusively and with a minimum of interference with the services that the carrier, owner, building operator, landlord, custodian, or person is affording the person whose communication is to be intercepted. The obligation of a communications common carrier under the order may include conducting an in-progress trace during an interception. Any communications common carrier, landlord, owner, building operator, custodian, or person furnishing the facilities or technical assistance shall be compensated by the applicant at the prevailing rates.

(e) A communications common carrier, landlord, owner, building operator, custodian, or other person who has been provided with an order issued under this Article shall not disclose the existence of the order of interception, or of a device used to accomplish the interception unless:
   (1) He is required to do so by legal process; and
   (2) He has given prior notification to the State's Attorney, who has authorized the application for the order.

(f) An order authorizing the interception of a private oral communication shall, upon the request of the applicant, authorize the entry into the place or facilities by electronic criminal surveillance officers as often as necessary for the purpose of installing, maintaining or removing an intercepting device where the entry is necessary to conduct or complete the interception. The chief judge who issues the order shall be notified of the fact of each entry prior to entry, if practicable, and, in any case, within 48 hours of entry.

(g) (1) Notwithstanding any provision of this Article, any chief judge of a court of competent jurisdiction to which any application is made under this Article may take any evidence, make any finding, or issue any order to conform the proceedings or the issuance of any order to the Constitution of the United States, or of any law of the United States or to the Constitution of the State of Illinois or to the laws of Illinois.

(2) When the language of this Article is the same or similar to the language of Title III of P.L. 90-351 (82 Stat. 211 et seq., codified at, 18 U.S.C. 2510 et seq.), the courts of this State in construing this Article shall follow the construction given to Federal law by the United States Supreme Court or United States Court of Appeals for the Seventh Circuit.

(Source: P.A. 85-1203.)

(725 ILCS 5/108B-7.5 new)

Sec. 108B-7.5. Applicability.

(a) The requirements of subdivisions (a)(3)(iv) and (a)(3)(v) of Section 108B-4, subdivision (1)(b) of Section 108B-5, and subdivision (a)(3) of Section 108B-7 of this Article relating to the specification of the facilities from which, or the place where, the communication is to be intercepted do not apply if:

New matter indicated by italics - deletions by strikeout.
(1) in the case of an application with respect to the interception of an oral communication:

   (A) the application is by the State's Attorney, or a person designated in writing or by law to act for the State's Attorney and to perform his or her duties during his or her absence or disability;
   (B) the application contains a full and complete statement as to why such specification is not practical and identifies the person committing the offense and whose communications are to be intercepted;
   (C) the judge finds that such specification is not practical; and
   (D) the order sought is in connection with an investigation of a violation of Article 29D of the Criminal Code of 1961.

(2) in the case of an application with respect to a wire or electronic communication:

   (A) the application is by the State's Attorney, or a person designated in writing or by law to act for the State's Attorney and to perform his or her duties during his or her absence or disability;
   (B) the application identifies the person believed to be committing the offense and whose communications are to be intercepted and the applicant makes a showing that there is probable cause to believe that the person's actions could have the effect of thwarting interception from a specified facility;
   (C) the judge finds that such showing has been adequately made;
   (D) the order authorizing or approving the interception is limited to interception only for such time as it is reasonable to presume that the person identified in the application is or was reasonably proximate to the instrument through which such communication will be or was transmitted; and
   (E) the order sought is in connection with an investigation of a violation of Article 29D of the Criminal Code of 1961.

(b) An interception of a communication under an order with respect to which the requirements of subdivisions (a)(3)(iv) and (a)(3)(v) of Section 108B-4, subdivision (1)(b) of Section 108B-5, and subdivision (a)(3) of Section 108B-7 of this Article do not apply by reason of this Section shall not begin until the place where the communication is to be intercepted is ascertained by the person implementing the interception order. A provider of wire or electronic communications service that has received an order as provided for in subdivision (a)(2) may upon notice to the People move the court to modify or quash the order on the ground that its assistance with respect to the interception cannot be performed in a timely or reasonable fashion. The court shall decide such a motion expeditiously.

(725 ILCS 5/108B-8) (from Ch. 38, par. 108B-8)

Sec. 108B-8. Emergency use of eavesdropping device. (a) Whenever, upon informal application by the State's Attorney, a chief judge of competent jurisdiction determines that:

(1) There may be grounds upon which an order could be issued under this Article;
(2) There is probable cause to believe that an emergency situation exists with respect

New matter indicated by italics - deletions by strikeout.
to the investigation of an offense enumerated in Section 108B-3; and

(3) There is probable cause to believe that a substantial danger to life or limb exists justifying the authorization for immediate interception of a private communication before formal application for an order could with due diligence be submitted to him and acted upon; the chief judge may grant oral approval for an interception, without an order, conditioned upon the filing with him, within 48 hours, of an application for an order under Section 108B-4 which shall also recite the oral approval under this Section and be retroactive to the time of the oral approval. (b) Interception under oral approval under this Section shall immediately terminate when the communication sought is obtained or when the application for an order is denied, whichever is earlier.

(c) In the event no formal application for an order is subsequently made under this Section, the content of any private communication intercepted under oral approval under this Section shall be treated as having been obtained in violation of this Article.

(d) In the event no application for an order is made under this Section or an application made under this Section is subsequently denied, the judge shall cause an inventory to be served under Section 108B-11 of this Article and shall require the tape or other recording of the intercepted communication to be delivered to, and sealed by, the judge. The evidence shall be retained by the court, and it shall not be used or disclosed in any legal proceeding, except a civil action brought by an aggrieved person under Section 14-6 of the Criminal Code of 1961, or as otherwise authorized by the order of a court of competent jurisdiction. In addition to other remedies or penalties provided by law, failure to deliver any tape or other recording to the chief judge shall be punishable as contempt by the judge directing the delivery.

(Source: P.A. 85-1203.)

(725 ILCS 5/108B-9) (from Ch. 38, par. 108B-9)

Sec. 108B-9. Recordings, records and custody.

(a) Any private communication intercepted in accordance with this Article shall, if practicable, be recorded by tape or other comparable method. The recording shall, if practicable, be done in such a way as will protect it from editing or other alteration. During an interception, the interception shall be carried out by an electronic criminal surveillance officer, and, if practicable, such officer shall keep a signed, written record, including:

(1) The date and hours of surveillance;
(2) The time and duration of each intercepted communication;
(3) The parties, if known, to each intercepted conversation; and
(4) A summary of the contents of each intercepted communication.

(b) Immediately upon the expiration of the order or its extensions, the tapes and other recordings shall be transferred to the chief judge issuing the order and sealed under his direction. Custody of the tapes, or other recordings, shall be maintained wherever the chief judge directs. They shall not be destroyed except upon an order of a court of competent jurisdiction and in any event shall be kept for 10 years. Duplicate tapes or other recordings may be made for disclosure or use under paragraph (a) of Section 108B-2a of this Article. The presence of the seal provided by this Section, or a satisfactory explanation for its

New matter indicated by italics - deletions by strikeout.
absence, shall be a prerequisite for the disclosure of the contents of any private oral communication, or evidence derived from it, under paragraph (b) of Section 108B-2 of this Article.

(Source: P.A. 86-763.)

(725 ILCS 5/108B-10) (from Ch. 38, par. 108B-10)

Sec. 108B-10. Applications, orders, and custody.

(a) Applications made and orders granted under this Article for the interception of private oral communications shall be sealed by the chief judge issuing or denying them and held in custody as the judge shall direct. The applications and orders shall be kept for a period of 10 years. Destruction of the applications and orders prior to the expiration of that period of time may be made only upon the order of a court of competent jurisdiction. Disclosure of the applications and orders may be ordered by a court of competent jurisdiction on a showing of good cause.

(b) The electronic criminal surveillance officer shall retain a copy of applications and orders for the interception of private oral communications. The applications and orders shall be kept for a period of 10 years. Destruction of the applications and orders prior to the expiration of that period of time may be made only upon an order of a court of competent jurisdiction. Disclosure and use of the applications and orders may be made by an electronic criminal surveillance officer only in the proper performance of his official duties.

(c) In addition to any other remedies or penalties provided by law, any violation of this Section shall be punishable as contempt of court.

(Source: P.A. 85-1203.)

(725 ILCS 5/108B-11) (from Ch. 38, par. 108B-11)

Sec. 108B-11. Inventory.

(a) Within a reasonable period of time but not later than 90 days after the termination of the period of the order, or its extensions, or the date of the denial of an application made under Section 108B-8, the chief judge issuing or denying the order or extension shall cause an inventory to be served on any person:

(1) Named in the order;
(2) Arrested as a result of the interception of his private oral communication;
(3) Indicted or otherwise charged as a result of the interception of his private oral communication;
(4) Any person whose private oral communication was intercepted and who the judge issuing or denying the order or application may in his discretion determine should be informed in the interest of justice.

(b) The inventory under this Section shall include:

(1) Notice of the entry of the order or the application for an order denied under Section 108B-8;
(2) The date of the entry of the order or the denial of an order applied for under Section 108B-8;
(3) The period of authorized or disapproved interception; and
(4) The fact that during the period a private oral communication was or was not

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intercepted.

(c) A court of competent jurisdiction, upon filing of a motion, may in its discretion make available to those persons or their attorneys for inspection those portions of the intercepted communications, applications and orders as the court determines to be in the interest of justice.

(d) On an ex parte showing of good cause to a court of competent jurisdiction, the serving of the inventories required by this Section may be postponed for a period not to exceed 12 months.

(Source: P.A. 85-1203.)

(725 ILCS 5/108B-12) (from Ch. 38, par. 108B-12)

Sec. 108B-12. Approval, notice, suppression.

(a) If an electronic criminal surveillance officer, while intercepting a private oral communication in accordance with the provision of this Article, intercepts a private oral communication that relates to an offense other than an offense enumerated in Section 108B-3 of the Act, or relates to an offense enumerated in Section 108B-3 but not specified in the order of authorization, the State's Attorney, or a person designated in writing or by law to act for him, may, in order to permit the disclosure or use of the information under Section 108B-2a of this Act, make a motion for an order approving the interception. The chief judge of a court of competent jurisdiction shall enter an order approving the interception if he finds that at the time of the application, there existed probable cause to believe that a person whose private oral communication was intercepted was committing or had committed an offense and the content of the communication relates to that offense, and that the communication was otherwise intercepted in accordance with the provisions of this Article.

(b) An intercepted private oral communication, or evidence derived from it, may not be received in evidence or otherwise disclosed in an official proceeding unless each aggrieved person who is a party in the official proceeding, including any proceeding before a legislative, judicial, administrative or other governmental agency or official authorized to hear evidence under oath or other person taking testimony or depositions in any such proceeding, other than a grand jury, has, not less than 10 days before the official proceeding, been furnished with a copy of the court order, and the accompanying application, under which the interception was authorized or approved. The 10 day period may be waived by the presiding official if he finds that it was not practicable to furnish the person with the information 10 days before the proceeding, and that the person will not be or has not been prejudiced by delay in receiving the information.

(c) An aggrieved person in an official proceeding may make a motion under this Section to suppress the contents of an intercepted private oral communication, or evidence derived from it, on the grounds that:

1. The communication was unlawfully intercepted;
2. The order of authorization or approval under which it was intercepted is insufficient on its face; or
3. The interception was not made in conformity with the order of authorization or approval or at the time of the application there was not probable cause to believe that the

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aggrieved person was committing or had committed the offense to which the content of the private communication relates.

(d) If a motion under this Section duly alleges that the evidence sought to be suppressed in an official proceeding, including a grand jury, has been derived from an unlawfully intercepted private oral communication, and if the aggrieved person who is a party has not been served with notice of the interception under this Section, the opponent of the allegation shall, after conducting a thorough search of its files, affirm or deny the occurrence of the alleged unlawful interception, but no motion shall be considered if the alleged unlawful interception took place more than 5 years before the event to which the evidence relates.

(e) Where a motion is duly made under this Section prior to the appearance of a witness before a grand jury, the opponent of the motion may make such applications and orders as it has available to the chief judge of a court of competent jurisdiction in camera, and if the judge determines that there is no defect in them sufficient on its face to render them invalid, the judge shall inform the witness that he has not been the subject of an unlawful interception. If the judge determines that there is a defect in them sufficient on its face to render them invalid, he shall enter an order prohibiting any question being put to the witness based on the unlawful interception.

(f) Motions under this Section shall be made prior to the official proceeding unless there was no opportunity to make the motion or unless the aggrieved person who is a party was not aware of the grounds for the motion. Motions by co-indictees shall, on motion of the People, be heard in a single consolidated hearing.

(g) A chief judge of a court of competent jurisdiction, upon the filing of a motion by an aggrieved person who is a party under this Section, except before a grand jury, may make available for inspection by the aggrieved person or his attorney such portions of the intercepted private communications, applications and orders or the evidence derived from them as the judge determines to be in the interest of justice.

(h) If a motion under this Section is granted, the intercepted private oral communication, and evidence derived from it, may not be received in evidence in an official proceeding, including a grand jury.

(i) In addition to any other right of appeal, the People shall have the right to appeal from an order granting a motion to suppress if the official to whom the order authorizing the interception was granted certifies to the court that the appeal is not taken for purposes of delay. The appeal shall otherwise be taken in accordance with the law.

(Source: P.A. 85-1203.)

(725 ILCS 5/108B-14) (from Ch. 38, par. 108B-14)
Sec. 108B-14. Training.
(a) The Director of the Illinois Department of State Police shall:

   (1) Establish a course of training in the legal, practical, and technical aspects of the interception of private oral communications and related investigation and prosecution techniques;

   (2) Issue regulations as he finds necessary for the training program;

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(3) In cooperation with the Illinois Law Enforcement Training Standards Board, set minimum standards for certification and periodic recertification of electronic criminal surveillance officers as eligible to apply for orders authorizing the interception of private oral communications, to conduct the interceptions, and to use the private communications or evidence derived from them in official proceedings; and

(4) In cooperation with the Illinois Law Enforcement Training Standards Board, revoke or suspend the certification of any electronic criminal surveillance officer who has violated any law relating to electronic criminal surveillance, or any of the guidelines established by the Department for conducting electronic criminal surveillance.

(b) The Executive Director of the Illinois Law Enforcement Training Standards Board shall:

(1) Pursuant to the Illinois Police Training Act, review the course of training prescribed by the Department for the purpose of certification relating to reimbursement of expenses incurred by local law enforcement agencies participating in the electronic criminal surveillance officer training process, and

(2) Assist the Department in establishing minimum standards for certification and periodic recertification of electronic criminal surveillance officers as being eligible to apply for orders authorizing the interception of private oral communications, to conduct the interpretations, and to use the communications or evidence derived from them in official proceedings.

(Source: P.A. 88-586, eff. 8-12-94.)

Section 21. The Statewide Grand Jury Act is amended by changing Sections 2, 3, 4, and 10 as follows:

(725 ILCS 215/2) (from Ch. 38, par. 1702)

Sec. 2. (a) County grand juries and State's Attorneys have always had and shall continue to have primary responsibility for investigating, indicting, and prosecuting persons who violate the criminal laws of the State of Illinois. However, in recent years organized terrorist activity directed against innocent civilians and certain criminal enterprises have developed that require investigation, indictment, and prosecution on a statewide or multicounty level. The criminal enterprises exist as a result of the allure of profitability present in narcotic activity, the unlawful sale and transfer of firearms, and streetgang related felonies and organized terrorist activity is supported by the contribution of money and expert assistance from geographically diverse sources. In order to shut off the life blood of terrorism and weaken or eliminate the criminal enterprises, assets, and property used to further these offenses must be frozen, and any the profit must be removed. State statutes exist that can accomplish that goal. Among them are the offense of money laundering, the Cannabis and Controlled Substances Tax Act, violations of Article 29D of the Criminal Code of 1961, the Narcotics Profit Forfeiture Act, and gunrunning. Local prosecutors need investigative personnel and specialized training to attack and eliminate these profits. In light of the transitory and complex nature of conduct that constitutes these criminal activities, the

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many diverse property interests that may be used, acquired directly or indirectly as a result of these criminal activities, and the many places that illegally obtained property may be located, it is the purpose of this Act to create a limited, multicounty Statewide Grand Jury with authority to investigate, indict, and prosecute: narcotic activity, including cannabis and controlled substance trafficking, narcotics racketeering, money laundering, and violations of the Cannabis and Controlled Substances Tax Act, and violations of Article 29D of the Criminal Code of 1961; the unlawful sale and transfer of firearms; gunrunning; and streetgang related felonies.

(b) A Statewide Grand Jury may also investigate, indict, and prosecute violations facilitated by the use of a computer of any of the following offenses: indecent solicitation of a child, sexual exploitation of a child, soliciting for a juvenile prostitute, keeping a place of juvenile prostitution, juvenile pimping, or child pornography.

(Source: P.A. 91-225, eff. 1-1-00.)

(725 ILCS 215/3) (from Ch. 38, par. 1703)

Sec. 3. Written application for the appointment of a Circuit Judge to convene and preside over a Statewide Grand Jury, with jurisdiction extending throughout the State, shall be made to the Chief Justice of the Supreme Court. Upon such written application, the Chief Justice of the Supreme Court shall appoint a Circuit Judge from the circuit where the Statewide Grand Jury is being sought to be convened, who shall make a determination that the convening of a Statewide Grand Jury is necessary.

In such application the Attorney General shall state that the convening of a Statewide Grand Jury is necessary because of an alleged offense or offenses set forth in this Section involving more than one county of the State and identifying any such offense alleged; and

(a) that he or she believes that the grand jury function for the investigation and indictment of the offense or offenses cannot effectively be performed by a county grand jury together with the reasons for such belief, and

(b)(1) that each State's Attorney with jurisdiction over an offense or offenses to be investigated has consented to the impaneling of the Statewide Grand Jury, or

(2) if one or more of the State's Attorneys having jurisdiction over an offense or offenses to be investigated fails to consent to the impaneling of the Statewide Grand Jury, the Attorney General shall set forth good cause for impaneling the Statewide Grand Jury.

If the Circuit Judge determines that the convening of a Statewide Grand Jury is necessary, he or she shall convene and impanel the Statewide Grand Jury with jurisdiction extending throughout the State to investigate and return indictments:

(a) For violations of any of the following or for any other criminal offense committed in the course of violating any of the following: Article 29D of the Criminal Code of 1961, the Illinois Controlled Substances Act, the Narcotics Profit Forfeiture Act, or the Cannabis and Controlled Substances Tax Act; a streetgang related felony offense; Section 24-2.1, 24-2.2, 24-3, 24-3A, 24-3.1, 24-3.3, 24-3.4, 24-4, or 24-5 or subsection 24-1(a)(4), 24-1(a)(6), 24-1(a)(7), 24-1(a)(9), 24-1(a)(10), or 24-1(c) of the Criminal Code of 1961; or a money
laundring offense; provided that the violation or offense involves acts occurring in
more than one county of this State; and

(a-5) For violations facilitated by the use of a computer, including the use of
the Internet, the World Wide Web, electronic mail, message board, newsgroup, or
any other commercial or noncommercial on-line service, of any of the following
offenses: indecent solicitation of a child, sexual exploitation of a child, soliciting for
a juvenile prostitute, keeping a place of juvenile prostitution, juvenile pimping, or
child pornography; and

(b) For the offenses of perjury, subornation of perjury, communicating with
jurors and witnesses, and harassment of jurors and witnesses, as they relate to matters
before the Statewide Grand Jury.

"Streetgang related" has the meaning ascribed to it in Section 10 of the Illinois
Streetgang Terrorism Omnibus Prevention Act.

Upon written application by the Attorney General for the convening of an additional
Statewide Grand Jury, the Chief Justice of the Supreme Court shall appoint a Circuit Judge
from the circuit for which the additional Statewide Grand Jury is sought. The Circuit Judge
shall determine the necessity for an additional Statewide Grand Jury in accordance with the
provisions of this Section. No more than 2 Statewide Grand Juries may be empaneled at any
time.

(Source: P.A. 91-225, eff. 1-1-00; 91-947, eff. 2-9-01.)

(725 ILCS 215/4) (from Ch. 38, par. 1704)

Sec. 4. (a) The presiding judge of the Statewide Grand Jury will receive
recommendations from the Attorney General as to the county in which the Grand Jury will
sit. Prior to making the recommendations, the Attorney General shall obtain the permission
of the local State's Attorney to use his or her county for the site of the Statewide Grand Jury.
Upon receiving the Attorney General's recommendations, the presiding judge will choose one
of those recommended locations as the site where the Grand Jury shall sit.

Any indictment by a Statewide Grand Jury shall be returned to the Circuit Judge
presiding over the Statewide Grand Jury and shall include a finding as to the county or
counties in which the alleged offense was committed. Thereupon, the judge shall, by order,
designate the county of venue for the purpose of trial. The judge may also, by order, direct
the consolidation of an indictment returned by a county grand jury with an indictment
returned by the Statewide Grand Jury and set venue for trial.

(b) Venue for purposes of trial for the offense of narcotics racketeering shall be
proper in any county where:

(1) Cannabis or a controlled substance which is the basis for the charge of
narcotics racketeering was used; acquired; transferred or distributed to, from or
through; or any county where any act was performed to further the use; acquisition,
transfer or distribution of said cannabis or controlled substance; or

(2) Any money, property, property interest, or any other asset generated by
narcotics activities was acquired, used, sold, transferred or distributed to, from or
through; or,

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(3) Any enterprise interest obtained as a result of narcotics racketeering was acquired, used, transferred or distributed to, from or through, or where any activity was conducted by the enterprise or any conduct to further the interests of such an enterprise.

(c) Venue for purposes of trial for the offense of money laundering shall be proper in any county where any part of a financial transaction in criminally derived property took place, or in any county where any money or monetary interest which is the basis for the offense, was acquired, used, sold, transferred or distributed to, from, or through.

(d) A person who commits the offense of cannabis trafficking or controlled substance trafficking may be tried in any county.

(e) Venue for purposes of trial for any violation of Article 29D of the Criminal Code of 1961 may be in the county in which an act of terrorism occurs, the county in which material support or resources are provided or solicited, the county in which criminal assistance is rendered, or any county in which any act in furtherance of any violation of Article 29D of the Criminal Code of 1961 occurs.

(Source: P.A. 87-466.)

(725 ILCS 215/10) (from Ch. 38, par. 1710)

Sec. 10. The Attorney General shall, at the earliest opportunity, upon initiation of Grand Jury action, consult with and advise the State's Attorney of any county involved in a Statewide Grand Jury terrorist or narcotics investigation. Further, the State's Attorney may attend the Grand Jury proceedings or the trial of any party being investigated or indicted by the Statewide Grand Jury, and may assist in the prosecution, which in his or her judgment, is in the interest of the people of his or her county. Prior to granting transactional immunity to any witness before the Statewide Grand Jury, any State's Attorney with jurisdiction over the offense or offenses being investigated by the Statewide Grand Jury must consent to the granting of immunity to the witness. Prior to granting use immunity to any witness before the Statewide Grand Jury, the Attorney General shall consult with any State's Attorney with jurisdiction over the offense or offenses being investigated by the Statewide Grand Jury.

(Source: P.A. 87-466.)

Section 25. The Unified Code of Corrections is amended by changing Sections 3-6-3 and 5-4-3 as follows:

(730 ILCS 5/3-6-3) (from Ch. 38, par. 1003-6-3)
Sec. 3-6-3. Rules and Regulations for Early Release.

(a) (1) The Department of Corrections shall prescribe rules and regulations for the early release on account of good conduct of persons committed to the Department which shall be subject to review by the Prisoner Review Board.

(2) The rules and regulations on early release shall provide, with respect to offenses committed on or after June 19, 1998, the following:

(i) that a prisoner who is serving a term of imprisonment for first degree murder or for the offense of terrorism shall receive no good conduct credit and shall serve the entire sentence imposed by the court;

(ii) that a prisoner serving a sentence for attempt to commit first
degree murder, solicitation of murder, solicitation of murder for hire, intentional homicide of an unborn child, predatory criminal sexual assault of a child, aggravated criminal sexual assault, criminal sexual assault, aggravated kidnapping, aggravated battery with a firearm, heinous battery, aggravated battery of a senior citizen, or aggravated battery of a child shall receive no more than 4.5 days of good conduct credit for each month of his or her sentence of imprisonment; and

(iii) that a prisoner serving a sentence for home invasion, armed robbery, aggravated vehicular hijacking, aggravated discharge of a firearm, or armed violence with a category I weapon or category II weapon, when the court has made and entered a finding, pursuant to subsection (c-1) of Section 5-4-1 of this Code, that the conduct leading to conviction for the enumerated offense resulted in great bodily harm to a victim, shall receive no more than 4.5 days of good conduct credit for each month of his or her sentence of imprisonment.

(2.1) For all offenses, other than those enumerated in subdivision (a)(2) committed on or after June 19, 1998, and other than the offense of reckless homicide as defined in subsection (e) of Section 9-3 of the Criminal Code of 1961 committed on or after January 1, 1999, the rules and regulations shall provide that a prisoner who is serving a term of imprisonment shall receive one day of good conduct credit for each day of his or her sentence of imprisonment or recommitment under Section 3-3-9. Each day of good conduct credit shall reduce by one day the prisoner's period of imprisonment or recommitment under Section 3-3-9.

(2.2) A prisoner serving a term of natural life imprisonment or a prisoner who has been sentenced to death shall receive no good conduct credit.

(2.3) The rules and regulations on early release shall provide that a prisoner who is serving a sentence for reckless homicide as defined in subsection (e) of Section 9-3 of the Criminal Code of 1961 committed on or after January 1, 1999 shall receive no more than 4.5 days of good conduct credit for each month of his or her sentence of imprisonment.

(2.4) The rules and regulations on early release shall provide with respect to the offenses of aggravated battery with a machine gun or a firearm equipped with any device or attachment designed or used for silencing the report of a firearm or aggravated discharge of a machine gun or a firearm equipped with any device or attachment designed or used for silencing the report of a firearm, committed on or after the effective date of this amendatory Act of 1999, that a prisoner serving a sentence for any of these offenses shall receive no more than 4.5 days of good conduct credit for each month of his or her sentence of imprisonment.

(2.5) The rules and regulations on early release shall provide that a prisoner who is serving a sentence for aggravated arson committed on or after the effective date of this amendatory Act of the 92nd General Assembly shall receive no more than 4.5 days of good conduct credit for each month of his or her sentence of imprisonment.

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imprisonment.

(3) The rules and regulations shall also provide that the Director may award up to 180 days additional good conduct credit for meritorious service in specific instances as the Director deems proper; except that no more than 90 days of good conduct credit for meritorious service shall be awarded to any prisoner who is serving a sentence for conviction of first degree murder, reckless homicide while under the influence of alcohol or any other drug, aggravated kidnapping, kidnapping, predatory criminal sexual assault of a child, aggravated criminal sexual assault, criminal sexual assault, deviate sexual assault, aggravated criminal sexual abuse, aggravated indecent liberties with a child, indecent liberties with a child, child pornography, heinous battery, aggravated battery of a spouse, aggravated battery of a spouse with a firearm, stalking, aggravated stalking, aggravated battery of a child, endangering the life or health of a child, cruelty to a child, or narcotic racketeering. Notwithstanding the foregoing, good conduct credit for meritorious service shall not be awarded on a sentence of imprisonment imposed for conviction of: (i) one of the offenses enumerated in subdivision (a)(2) when the offense is committed on or after June 19, 1998, (ii) reckless homicide as defined in subsection (e) of Section 9-3 of the Criminal Code of 1961 when the offense is committed on or after January 1, 1999, (iii) one of the offenses enumerated in subdivision (a)(2.4) when the offense is committed on or after the effective date of this amendatory Act of 1999, or (iv) aggravated arson when the offense is committed on or after the effective date of this amendatory Act of the 92nd General Assembly.

(4) The rules and regulations shall also provide that the good conduct credit accumulated and retained under paragraph (2.1) of subsection (a) of this Section by any inmate during specific periods of time in which such inmate is engaged full-time in substance abuse programs, correctional industry assignments, or educational programs provided by the Department under this paragraph (4) and satisfactorily completes the assigned program as determined by the standards of the Department, shall be multiplied by a factor of 1.25 for program participation before August 11, 1993 and 1.50 for program participation on or after that date. However, no inmate shall be eligible for the additional good conduct credit under this paragraph (4) while assigned to a boot camp, mental health unit, or electronic detention, or if convicted of an offense enumerated in paragraph (a)(2) of this Section that is committed on or after June 19, 1998, or if convicted of reckless homicide as defined in subsection (e) of Section 9-3 of the Criminal Code of 1961 if the offense is committed on or after January 1, 1999, or if convicted of an offense enumerated in paragraph (a)(2.4) of this Section that is committed on or after the effective date of this amendatory Act of 1999, or first degree murder, a Class X felony, criminal sexual assault, felony criminal sexual abuse, aggravated criminal sexual abuse, aggravated battery with a firearm, or any predecessor or successor offenses with the same or substantially the same elements, or any inchoate offenses relating to the foregoing offenses. No inmate shall be eligible for the additional good conduct credit under this paragraph (4) who

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(i) has previously received increased good conduct credit under this paragraph (4) and has subsequently been convicted of a felony, or (ii) has previously served more than one prior sentence of imprisonment for a felony in an adult correctional facility.

Educational, vocational, substance abuse and correctional industry programs under which good conduct credit may be increased under this paragraph (4) shall be evaluated by the Department on the basis of documented standards. The Department shall report the results of these evaluations to the Governor and the General Assembly by September 30th of each year. The reports shall include data relating to the recidivism rate among program participants.

Availability of these programs shall be subject to the limits of fiscal resources appropriated by the General Assembly for these purposes. Eligible inmates who are denied immediate admission shall be placed on a waiting list under criteria established by the Department. The inability of any inmate to become engaged in any such programs by reason of insufficient program resources or for any other reason established under the rules and regulations of the Department shall not be deemed a cause of action under which the Department or any employee or agent of the Department shall be liable for damages to the inmate.

(5) Whenever the Department is to release any inmate earlier than it otherwise would because of a grant of good conduct credit for meritorious service given at any time during the term, the Department shall give reasonable advance notice of the impending release to the State's Attorney of the county where the prosecution of the inmate took place. (b) Whenever a person is or has been committed under several convictions, with separate sentences, the sentences shall be construed under Section 5-8-4 in granting and forfeiting of good time.

(c) The Department shall prescribe rules and regulations for revoking good conduct credit, or suspending or reducing the rate of accumulation of good conduct credit for specific rule violations, during imprisonment. These rules and regulations shall provide that no inmate may be penalized more than one year of good conduct credit for any one infraction.

When the Department seeks to revoke, suspend or reduce the rate of accumulation of any good conduct credits for an alleged infraction of its rules, it shall bring charges therefor against the prisoner sought to be so deprived of good conduct credits before the Prisoner Review Board as provided in subparagraph (a)(4) of Section 3-3-2 of this Code, if the amount of credit at issue exceeds 30 days or when during any 12 month period, the cumulative amount of credit revoked exceeds 30 days except where the infraction is committed or discovered within 60 days of scheduled release. In those cases, the Department of Corrections may revoke up to 30 days of good conduct credit. The Board may subsequently approve the revocation of additional good conduct credit, if the Department seeks to revoke good conduct credit in excess of 30 days. However, the Board shall not be empowered to review the Department's decision with respect to the loss of 30 days of good conduct credit within any calendar year for any prisoner or to increase any penalty beyond the length requested by the Department.

The Director of the Department of Corrections, in appropriate cases, may restore up

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to 30 days good conduct credits which have been revoked, suspended or reduced. Any restoration of good conduct credits in excess of 30 days shall be subject to review by the Prisoner Review Board. However, the Board may not restore good conduct credit in excess of the amount requested by the Director.

Nothing contained in this Section shall prohibit the Prisoner Review Board from ordering pursuant to Section 3-3-9(a)(3)(i)(B), that a prisoner serve up to one year of the sentence imposed by the court that was not served due to the accumulation of good conduct credit.

(d) If a lawsuit is filed by a prisoner in an Illinois or federal court against the State, the Department of Corrections, or the Prisoner Review Board, or against any of their officers or employees, and the court makes a specific finding that a pleading, motion, or other paper filed by the prisoner is frivolous, the Department of Corrections shall conduct a hearing to revoke up to 180 days of good conduct credit by bringing charges against the prisoner sought to be deprived of the good conduct credits before the Prisoner Review Board as provided in subparagraph (a)(8) of Section 3-3-2 of this Code. If the prisoner has not accumulated 180 days of good conduct credit at the time of the finding, then the Prisoner Review Board may revoke all good conduct credit accumulated by the prisoner.

For purposes of this subsection (d):

(1) "Frivolous" means that a pleading, motion, or other filing which purports to be a legal document filed by a prisoner in his or her lawsuit meets any or all of the following criteria:

(A) it lacks an arguable basis either in law or in fact;

(B) it is being presented for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation;

(C) the claims, defenses, and other legal contentions therein are not warranted by existing law or by a nonfrivolous argument for the extension, modification, or reversal of existing law or the establishment of new law;

(D) the allegations and other factual contentions do not have evidentiary support or, if specifically so identified, are not likely to have evidentiary support after a reasonable opportunity for further investigation or discovery; or

(E) the denials of factual contentions are not warranted on the evidence, or if specifically so identified, are not reasonably based on a lack of information or belief.

(2) "Lawsuit" means a petition for post-conviction relief under Article 122 of the Code of Criminal Procedure of 1963, a motion pursuant to Section 116-3 of the Code of Criminal Procedure of 1963, a habeas corpus action under Article X of the Code of Civil Procedure or under federal law (28 U.S.C. 2254), a petition for claim under the Court of Claims Act or an action under the federal Civil Rights Act (42 U.S.C. 1983).


(Source: P.A. 91-121, eff. 7-15-99; 91-357, eff. 7-29-99; 92-176, eff. 7-27-01.)

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Sec. 5-4-3. Persons convicted of, or found delinquent for, qualifying offenses or institutionalized as sexually dangerous; blood specimens; genetic marker groups.

(a) Any person convicted of, found guilty under the Juvenile Court Act of 1987 for, or who received a disposition of court supervision for, a qualifying offense or attempt of a qualifying offense, or institutionalized as a sexually dangerous person under the Sexually Dangerous Persons Act, or committed as a sexually violent person under the Sexually Violent Persons Commitment Act shall, regardless of the sentence or disposition imposed, be required to submit specimens of blood to the Illinois Department of State Police in accordance with the provisions of this Section, provided such person is:

(1) convicted of a qualifying offense or attempt of a qualifying offense on or after the effective date of this amendatory Act of 1989, and sentenced to a term of imprisonment, periodic imprisonment, fine, probation, conditional discharge or any other form of sentence, or given a disposition of court supervision for the offense, or

(1.5) found guilty or given supervision under the Juvenile Court Act of 1987 for a qualifying offense or attempt of a qualifying offense on or after the effective date of this amendatory Act of 1996, or

(2) ordered institutionalized as a sexually dangerous person on or after the effective date of this amendatory Act of 1989, or

(3) convicted of a qualifying offense or attempt of a qualifying offense before the effective date of this amendatory Act of 1989 and is presently confined as a result of such conviction in any State correctional facility or county jail or is presently serving a sentence of probation, conditional discharge or periodic imprisonment as a result of such conviction, or

(4) presently institutionalized as a sexually dangerous person or presently institutionalized as a person found guilty but mentally ill of a sexual offense or attempt to commit a sexual offense; or

(4.5) ordered committed as a sexually violent person on or after the effective date of the Sexually Violent Persons Commitment Act; or

(5) seeking transfer to or residency in Illinois under Sections 3-3-11 through 3-3-11.5 of the Unified Code of Corrections (Interstate Compact for the Supervision of Parolees and Probationers) or the Interstate Agreements on Sexually Dangerous Persons Act.

(a-5) Any person who was otherwise convicted of or received a disposition of court supervision for any other offense under the Criminal Code of 1961 or any offense classified as a felony under Illinois law or who was found guilty or given supervision for such a violation under the Juvenile Court Act of 1987, may, regardless of the sentence imposed, be required by an order of the court to submit specimens of blood to the Illinois Department of State Police in accordance with the provisions of this Section.

(b) Any person required by paragraphs (a)(1), (a)(1.5), (a)(2), and (a-5) to provide specimens of blood shall provide specimens of blood within 45 days after sentencing or disposition at a collection site designated by the Illinois Department of State Police.

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(c) Any person required by paragraphs (a)(3), (a)(4), and (a)(4.5) to provide specimens of blood shall be required to provide such samples prior to final discharge, parole, or release at a collection site designated by the Illinois Department of State Police.

(c-5) Any person required by paragraph (a)(5) to provide specimens of blood shall, where feasible, be required to provide the specimens before being accepted for conditioned residency in Illinois under the interstate compact or agreement, but no later than 45 days after arrival in this State.

(d) The Illinois Department of State Police shall provide all equipment and instructions necessary for the collection of blood samples. The collection of samples shall be performed in a medically approved manner. Only a physician authorized to practice medicine, a registered nurse or other qualified person trained in venipuncture may withdraw blood for the purposes of this Act. The samples shall thereafter be forwarded to the Illinois Department of State Police, Division of Forensic Services, for analysis and categorizing into genetic marker groupings.

(e) The genetic marker groupings shall be maintained by the Illinois Department of State Police, Division of Forensic Services.

(f) The genetic marker grouping analysis information obtained pursuant to this Act shall be confidential and shall be released only to peace officers of the United States, of other states or territories, of the insular possessions of the United States, of foreign countries duly authorized to receive the same, to all peace officers of the State of Illinois and to all prosecutorial agencies. Notwithstanding any other statutory provision to the contrary, all information obtained under this Section shall be maintained in a single State data base, which may be uploaded into a national database, and may not be subject to expungement.

(g) For the purposes of this Section, "qualifying offense" means any of the following:


1.1 Any violation or inchoate violation of Section 9-1, 9-2, 10-1, 10-2, 12-11, 12-11.1, 18-1, 18-2, 18-3, 18-4, 19-1, or 19-2 of the Criminal Code of 1961 for which persons are convicted on or after July 1, 2001, or

2. Any former statute of this State which defined a felony sexual offense, or

3. Any violation of paragraph (10) of subsection (b) of Section 10-5 of the Criminal Code of 1961 when the sentencing court, upon a motion by the State's Attorney or Attorney General, makes a finding that the child luring involved an intent to commit sexual penetration or sexual conduct as defined in Section 12-12 of the Criminal Code of 1961, or


(g-5) The Department of State Police is not required to provide equipment to collect

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or to accept or process blood specimens from individuals convicted of any offense listed in paragraph (1.1) or (4) of subsection (g), until acquisition of the resources necessary to process such blood specimens, or in the case of paragraph (1.1) of subsection (g) until July 1, 2003, whichever is earlier.

Upon acquisition of necessary resources, including an appropriation for the purpose of implementing this amendatory Act of the 91st General Assembly, but in the case of paragraph (1.1) of subsection (g) no later than July 1, 2003, the Department of State Police shall notify the Department of Corrections, the Administrative Office of the Illinois Courts, and any other entity deemed appropriate by the Department of State Police, to begin blood specimen collection from individuals convicted of offenses enumerated in paragraphs (1.1) and (4) of subsection (g) that the Department is prepared to provide collection equipment and receive and process blood specimens from individuals convicted of offenses enumerated in paragraph (1.1) of subsection (g).

Until the Department of State Police provides notification, designated collection agencies are not required to collect blood specimen from individuals convicted of offenses enumerated in paragraphs (1.1) and (4) of subsection (g).

(h) The Illinois Department of State Police shall be the State central repository for all genetic marker grouping analysis information obtained pursuant to this Act. The Illinois Department of State Police may promulgate rules for the form and manner of the collection of blood samples and other procedures for the operation of this Act. The provisions of the Administrative Review Law shall apply to all actions taken under the rules so promulgated.

(i) A person required to provide a blood specimen shall cooperate with the collection of the specimen and any deliberate act by that person intended to impede, delay or stop the collection of the blood specimen is a Class A misdemeanor.

(j) Any person required by subsection (a) to submit specimens of blood to the Illinois Department of State Police for analysis and categorization into genetic marker grouping, in addition to any other disposition, penalty, or fine imposed, shall pay an analysis fee of $500. Upon verified petition of the person, the court may suspend payment of all or part of the fee if it finds that the person does not have the ability to pay the fee.

(k) All analysis and categorization fees provided for by subsection (j) shall be regulated as follows:

(1) The State Offender DNA Identification System Fund is hereby created as a special fund in the State Treasury.

(2) All fees shall be collected by the clerk of the court and forwarded to the State Offender DNA Identification System Fund for deposit. The clerk of the circuit court may retain the amount of $10 from each collected analysis fee to offset administrative costs incurred in carrying out the clerk's responsibilities under this Section.

(3) Fees deposited into the State Offender DNA Identification System Fund shall be used by Illinois State Police crime laboratories as designated by the Director of State Police. These funds shall be in addition to any allocations made pursuant to existing laws and shall be designated for the exclusive use of State crime
laboratories. These uses may include, but are not limited to, the following:

(A) Costs incurred in providing analysis and genetic marker categorization as required by subsection (d).

(B) Costs incurred in maintaining genetic marker groupings as required by subsection (e).

(C) Costs incurred in the purchase and maintenance of equipment for use in performing analyses.

(D) Costs incurred in continuing research and development of new techniques for analysis and genetic marker categorization.

(E) Costs incurred in continuing education, training, and professional development of forensic scientists regularly employed by these laboratories.

(1) The failure of a person to provide a specimen, or of any person or agency to collect a specimen, within the 45 day period shall in no way alter the obligation of the person to submit such specimen, or the authority of the Illinois Department of State Police or persons designated by the Department to collect the specimen, or the authority of the Illinois Department of State Police to accept, analyze and maintain the specimen or to maintain or upload results of genetic marker grouping analysis information into a State or national database.

(Source: P.A. 91-528, eff. 1-1-00; 92-16, eff. 6-28-01; 92-40, eff. 6-29-01.)

Section 30. The Charitable Trust Act is amended by adding Section 16.5 as follows:

(760 ILCS 55/16.5 new)

Sec. 16.5. Terrorist acts.

(a) Any person or organization subject to registration under this Act, who knowingly acts to further, directly or indirectly, or knowingly uses charitable assets to conduct or further, directly or indirectly, an act or actions as set forth in Article 29D of the Criminal Code of 1961, is thereby engaged in an act or actions contrary to public policy and antithetical to charity, and all of the funds, assets, and records of the person or organization shall be subject to temporary and permanent injunction from use or expenditure and the appointment of a temporary and permanent receiver to take possession of all of the assets and related records.

(b) An ex parte action may be commenced by the Attorney General, and, upon a showing of probable cause of a violation of this Section or Article 29D of the Criminal Code of 1961, an immediate seizure of books and records by the Attorney General by and through his or her assistants or investigators or the Department of State Police and freezing of all assets shall be made by order of a court to protect the public, protect the assets, and allow a full review of the records.

(c) Upon a finding by a court after a hearing that a person or organization has acted or is in violation of this Section, the person or organization shall be permanently enjoined from soliciting funds from the public, holding charitable funds, or acting as a trustee or fiduciary within Illinois. Upon a finding of violation all assets and funds held by the person or organization shall be forfeited to the People of the State of Illinois or otherwise ordered by the court to be accounted for and marshaled and then delivered to charitable causes and

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uses within the State of Illinois by court order.

(d) A determination under this Section may be made by any court separate and apart from any criminal proceedings and the standard of proof shall be that for civil proceedings.

(e) Any knowing use of charitable assets to conduct or further, directly or indirectly, an act or actions set forth in Article 29D of the Criminal Code of 1961 shall be a misuse of charitable assets and breach of fiduciary duty relative to all other Sections of this Act.

Section 40. The Code of Civil Procedure is amended by changing Section 8-802 as follows:

(735 ILCS 5/8-802) (from Ch. 110, par. 8-802)

(Text of Section WITHOUT the changes made by P.A. 89-7, which has been held unconstitutional)

Sec. 8-802. Physician and patient. No physician or surgeon shall be permitted to disclose any information he or she may have acquired in attending any patient in a professional character, necessary to enable him or her professionally to serve the patient, except only (1) in trials for homicide when the disclosure relates directly to the fact or immediate circumstances of the homicide, (2) in actions, civil or criminal, against the physician for malpractice, (3) with the expressed consent of the patient, or in case of his or her death or disability, of his or her personal representative or other person authorized to sue for personal injury or of the beneficiary of an insurance policy on his or her life, health, or physical condition, (4) in all actions brought by or against the patient, his or her personal representative, a beneficiary under a policy of insurance, or the executor or administrator of his or her estate wherein the patient's physical or mental condition is an issue, (5) upon an issue as to the validity of a document as a will of the patient, (6) in any criminal action where the charge is either first degree murder by abortion, attempted abortion or abortion, (7) in actions, civil or criminal, arising from the filing of a report in compliance with the Abused and Neglected Child Reporting Act, (8) to any department, agency, institution or facility which has custody of the patient pursuant to State statute or any court order of commitment, (9) in prosecutions where written results of blood alcohol tests are admissible pursuant to Section 11-501.4 of the Illinois Vehicle Code, or (10) in prosecutions where written results of blood alcohol tests are admissible under Section 5-11a of the Boat Registration and Safety Act, or (11) in criminal actions arising from the filing of a report of suspected terrorist offense in compliance with Section 29D-10(p)(7) of the Criminal Code of 1961.

In the event of a conflict between the application of this Section and the Mental Health and Developmental Disabilities Confidentiality Act to a specific situation, the provisions of the Mental Health and Developmental Disabilities Confidentiality Act shall control.

(Source: P.A. 87-803.)

(720 ILCS 5/Article 29C rep.)

Section 95. The Criminal Code of 1961 is amended by repealing Article 29C.

Section 96. The provisions of this Act are severable under Section 1.31 of the Statute on Statutes.

Section 99. Effective date. This Act takes effect upon becoming law.

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AN ACT with regard to education.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Property Tax Code is amended by adding Sections 18-50.1, 18-92 and 18-101.47 as follows:

(35 ILCS 200/18-50.1 new)
Sec. 18-50.1. Notwithstanding any other law to the contrary, any levy adopted by a School Finance Authority created under Article 1F of the School Code is valid and shall be extended by the county clerk if it is certified to the county clerk by the Authority in sufficient time to allow the county clerk to include the levy in the extension for the taxable year.

(35 ILCS 200/18-92 new)
Sec. 18-92. Downstate School Finance Authority for Elementary Districts Law. The provisions of the Truth in Taxation Law are subject to the Downstate School Finance Authority for Elementary Districts Law.

(35 ILCS 200/18-101.47 new)
Sec. 18-101.47. Downstate School Finance Authority for Elementary Districts Law. The provisions of the Cook County Truth in Taxation Law are subject to the Downstate School Finance Authority for Elementary Districts Law.

Section 10. The School Code is amended by changing Sections 1B-6 and 1B-8 and adding Article 1F and Section 17-11.2 as follows:

(105 ILCS 5/1B-6) (from Ch. 122, par. 1B-6)
Sec. 1B-6. General powers. The purpose of the Financial Oversight Panel shall be to exercise financial control over the board of education, and, when approved by the State Board and the State Superintendent of Education, to furnish financial assistance so that the board can provide public education within the board’s jurisdiction while permitting the board to meet its obligations to its creditors and the holders of its notes and bonds. Except as expressly limited by this Article, the Panel shall have all powers necessary to meet its responsibilities and to carry out its purposes and the purposes of this Article, including, but not limited to, the following powers:

(a) to sue and be sued;
(b) to provide for its organization and internal management;
(c) to appoint a Financial Administrator to serve as the chief executive officer of the Panel. The Financial Administrator may be an individual, partnership, corporation, including

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an accounting firm, or other entity determined by the Panel to be qualified to serve; and to 
appoint other officers, agents, and employees of the Panel, define their duties and 
qualifications and fix their compensation and employee benefits;

(d) to approve the local board of education appointments to the positions of treasurer 
in a Class I county school unit and in each school district which forms a part of a Class II 
county school unit but which no longer is subject to the jurisdiction and authority of a 
township treasurer or trustees of schools of a township because the district has withdrawn 
from the jurisdiction and authority of the township treasurer and the trustees of schools of 
the township or because those offices have been abolished as provided in subsection (b) or 
(c) of Section 5-1, and chief school business official, if such official is not the superintendent 
of the district. Either the board or the Panel may remove such treasurer or chief school 
business official;

(e) to approve any and all bonds, notes, teachers orders, tax anticipation warrants, and 
other evidences of indebtedness prior to issuance or sale by the school district; and 
notwithstanding any other provision of The School Code, as now or hereafter amended, no 
bonds, notes, teachers orders, tax anticipation warrants or other evidences of indebtedness 
shall be issued or sold by the school district or be legally binding upon or enforceable against 
the local board of education unless and until the approval of the Panel has been received;

(f) to approve all property tax levies of the school district and require adjustments 
thereto as the Panel deems necessary or advisable;

(g) to require and approve a school district financial plan;

(h) to approve and require revisions of the school district budget;

(i) to approve all contracts and other obligations as the Panel deems necessary and 
appropriate;

(j) to authorize emergency State financial assistance, including requirements 
regarding the terms and conditions of repayment of such assistance, and to require the board 
of education to levy a separate local property tax, subject to the limitations of Section 1B-8, 
sufficient to repay such assistance consistent with the terms and conditions of repayment and 
the district's approved financial plan and budget;

(k) to request the regional superintendent to make appointments to fill all vacancies 
on the local school board as provided in Section 10-10;

(l) to recommend dissolution or reorganization of the school district to the General 
Assembly if in the Panel's judgment the circumstances so require;

(m) to direct a phased reduction in the oversight responsibilities of the Financial 
Administrator and of the Panel as the circumstances permit;

(n) to determine the amount of emergency State financial assistance to be made 
available to the school district, and to establish an operating budget for the Panel to be 
supported by funds available from such assistance, with the assistance and the budget 
required to be approved by the State Superintendent;

(o) to procure insurance against any loss in such amounts and from such insurers as 
it deems necessary;

(p) to engage the services of consultants for rendering professional and technical 

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assistance and advice on matters within the Panel's power;

(q) to contract for and to accept any gifts, grants or loans of funds or property or financial or other aid in any form from the federal government, State government, unit of local government, school district or any agency or instrumentality thereof, or from any other private or public source, and to comply with the terms and conditions thereof;

(r) to pay the expenses of its operations based on the Panel's budget as approved by the State Superintendent from emergency financial assistance funds available to the district or from deductions from the district's general State aid; and

(s) to do any and all things necessary or convenient to carry out its purposes and exercise the powers given to the Panel by this Article; and:

(t) to recommend the creation of a school finance authority pursuant to Article 1F of this Code.

(Source: P.A. 91-357, eff. 7-29-99.)

(105 ILCS 5/1B-8) (from Ch. 122, par. 1B-8)

Sec. 1B-8. There is created in the State Treasury a special fund to be known as the School District Emergency Financial Assistance Fund (the "Fund"). The School District Emergency Financial Assistance Fund shall consist of appropriations, grants from the federal government and donations from any public or private source. Moneys in the Fund may be appropriated only to the State Board for the purposes of this Article and for the purposes of Section 1F-62 of this Code. The appropriation may be allocated and expended by the State Board as grants or loans to school districts which are the subject of an approved petition for emergency financial assistance under Section 1B-4. From the amount allocated to each such school district the State Board shall identify a sum sufficient to cover all approved costs of the Financial Oversight Panel established for the respective school district. If the State Board and State Superintendent of Education have not approved emergency financial assistance in conjunction with the appointment of a Financial Oversight Panel, the Panel's approved costs shall be paid from deductions from the district's general State aid.

The Financial Oversight Panel may prepare and file with the State Superintendent a proposal for emergency financial assistance for the school district and for the operations budget of the Panel. No expenditures shall be authorized by the State Superintendent until he has approved the proposal of the Panel, either as submitted or in such lesser amount determined by the State Superintendent.

The maximum amount of an emergency financial assistance loan which may be allocated to any school district under this Article, including moneys necessary for the operations of the Panel, shall not exceed $1000 times the number of pupils enrolled in the school district during the school year ending June 30 prior to the date of approval by the State Board of petition for emergency financial assistance, as certified to the local board and the Panel by the State Superintendent. An emergency financial assistance grant shall not exceed $250 times the number of such pupils. A district may receive both a loan and a grant.

The payment of an emergency State financial assistance grant or loan shall be subject to appropriation by the General Assembly. Emergency State financial assistance allocated and paid to a school district under this Article may be applied to any fund or funds from

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which the local board of education of that district is authorized to make expenditures by law.

Any emergency financial assistance proposed by the Financial Oversight Panel and approved by the State Superintendent may be paid in its entirety during the initial year of the Panel's existence or spread in equal or declining amounts over a period of years not to exceed the period of the Panel's existence. All loan payments made from the School District Emergency Financial Assistance Fund for a school district shall be required to be repaid, with simple interest over the term of the loan at a rate equal to 50% of the one-year Constant Maturity Treasury (CMT) yield as last published by the Board of Governors of the Federal Reserve System before the Panel's existence or spread in equal or declining amounts over a period of years not to exceed the period of the Panel's existence. All loan payments made from the School District Emergency Financial Assistance Fund for a school district shall be required to be repaid, with simple interest over the term of the loan at a rate equal to 50% of the one-year Constant Maturity Treasury (CMT) yield as last published by the Board of Governors of the Federal Reserve System before the last auction of those one-year bills that precede the date on which the district's loan is approved by the State Board of Education, not later than the date the Financial Oversight Panel ceases to exist. The Panel shall establish and the State Superintendent shall approve the terms and conditions, including the schedule, of repayments. The schedule shall provide for repayments commencing July 1 of each year. Repayment shall be incorporated into the annual budget of the school district and may be made from any fund or funds of the district in which there are moneys available. When moneys are repaid as provided herein they shall not be made available to the local board for further use as emergency financial assistance under this Article at any time thereafter. All repayments required to be made by a school district shall be received by the State Board and deposited in the School District Emergency Financial Assistance Fund.

In establishing the terms and conditions for the repayment obligation of the school district the Panel shall annually determine whether a separate local property tax levy is required. The board of any school district with a tax rate for educational purposes for the prior year of less than 120% of the maximum rate for educational purposes authorized by Section 17-2 shall provide for a separate tax levy for emergency financial assistance repayment purposes. Such tax levy shall not be subject to referendum approval. The amount of the levy shall be equal to the amount necessary to meet the annual repayment obligations of the district as established by the Panel, or 20% of the amount levied for educational purposes for the prior year, whichever is less. However, no district shall be required to levy the tax if the district's operating tax rate as determined under Section 18-8 or 18-8.05 exceeds 200% of the district's tax rate for educational purposes for the prior year.

(Source: P.A. 90-548, eff. 1-1-98; 90-802, eff. 12-15-98.)

(ARTICLE 1F. DOWNSTATE SCHOOL FINANCE AUTHORITY FOR ELEMENTARY DISTRICTS)

Sec. 1F-1. Short title. This Article may be cited as the Downstate School Finance Authority for Elementary Districts Law.

Sec. 1F-5. Findings; purpose; intent.
(a) The General Assembly finds all of the following:
   (1) A fundamental goal of the people of this State, as expressed in Section 1
of Article X of the Illinois Constitution, is the educational development of all persons to the limits of their capacities. When a board of education faces financial difficulties, continued operation of the public school system is threatened.

(2) A sound financial structure is essential to the continued operation of any school system. It is vital to commercial, educational, and cultural interests that public schools remain in operation. To achieve that goal, public school systems must have effective access to the private market to borrow short and long term funds.

(3) To promote the financial integrity of districts, as defined in this Article, it is necessary to provide for the creation of school finance authorities with the powers necessary to promote sound financial management and to ensure the continued operation of the public schools.

(b) It is the purpose of this Article to provide a secure financial basis for the continued operation of public schools. The intention of the General Assembly, in creating this Article, is to establish procedures, provide powers, and impose restrictions to ensure the financial and educational integrity of the public schools, while leaving principal responsibility for the educational policies of public schools to the boards of education within the State, consistent with the requirements for satisfying the public policy and purpose set forth in this Article.

(105 ILCS 5/1F-10 new)
Sec. 1F-10. Definitions. As used in this Article:
"Authority" means a School Finance Authority created under this Article.
"Bonds" means bonds authorized to be issued by the Authority under Section 1F-65 of this Code.
"Budget" means the annual budget of the district required under Section 17-1 of this Code, as in effect from time to time.
"Chairperson" means the Chairperson of the Authority.
"District" means any elementary school district having a population of not more than 500,000 that prior to December 1, 2002 has had a Financial Oversight Panel established for the district under Section 1B-4 of this Code following the district's petitioning of the State Board of Education for the creation of the Financial Oversight Panel.
"Financial plan" means the financial plan of the district to be developed pursuant to this Article, as in effect from time to time.
"Fiscal year" means the fiscal year of the district.
"State Board" means the State Board of Education.
"State Superintendent" means the State Superintendent of Education.
"Obligations" means bonds and notes of the Authority.

(105 ILCS 5/1F-15 new)
Sec. 1F-15. Establishment of Authority; duties of district.
(a) A Financial Oversight Panel created under Article 1B of this Code for a district may petition the State Board for the establishment of a School Finance Authority for the district. The petition shall cite the reasons why the creation of a School Finance Authority for the district is necessary. The State Board may grant the petition upon determining that

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the approval of the petition is in the best educational and financial interests of the district. The State Board may establish an Authority without a petition from a Financial Oversight Panel. In any event, an Authority may only be established by resolution of the State Board within 5 days after the effective date of this amendatory Act of the 92nd General Assembly.

(b) Upon establishment of the Authority, all of the following shall occur:

(1) There is established a body both corporate and politic to be known as the "(Name of School District) School Finance Authority", which in this name shall exercise all authority vested in an Authority by this Article.

(2) The Financial Oversight Panel is abolished, and all of its rights, property, assets, contracts, and liabilities shall pass to and be vested in the Authority.

(3) The duties and obligations of the district under Article 1B of this Code shall be transferred and become duties and obligations owed by the district to the School Finance Authority.

(c) In the event of a conflict between the provisions of this Article and the provisions of Article 1B of this Code, the provisions of this Article control.

105 ILCS 5/1F-20 new)
Sec. 1F-20. Members of Authority; meetings.

(a) Upon establishment of a School Finance Authority under Section 1F-15 of this Code, the State Superintendent shall within 15 days thereafter appoint 5 members to serve on a School Finance Authority for the district. Of the initial members, 2 shall be appointed to serve a term of 2 years and 3 shall be appointed to serve a term of 3 years. Thereafter, each member shall serve for a term of 3 years and until his or her successor has been appointed. The State Superintendent shall designate one of the members of the Authority to serve as its Chairperson. In the event of vacancy or resignation, the State Superintendent shall, within 10 days after receiving notice, appoint a successor to serve out that member's term. The State Superintendent may remove a member for incompetence, malfeasance, neglect of duty, or other just cause.

Members of the Authority shall be selected primarily on the basis of their experience and education in financial management, with consideration given to persons knowledgeable in education finance. Two members of the Authority shall be residents of the school district that the Authority serves. A member of the Authority may not be a member of the district's school board or an employee of the district nor may a member have a direct financial interest in the district.

Authority members shall serve without compensation, but may be reimbursed by the State Board for travel and other necessary expenses incurred in the performance of their official duties. Unless paid from bonds issued under Section 1F-65 of this Code, the amount reimbursed members for their expenses shall be charged to the school district as part of any emergency financial assistance and incorporated as a part of the terms and conditions for repayment of the assistance or shall be deducted from the district's general State aid as provided in Section 1B-8 of this Code.

The Authority may elect such officers as it deems appropriate.

(b) The first meeting of the Authority shall be held at the call of the Chairperson. The New matter indicated by italics - deletions by strikeout.
Authority shall prescribe the times and places for its meetings and the manner in which regular and special meetings may be called and shall comply with the Open Meetings Act. Three members of the Authority shall constitute a quorum. When a vote is taken upon any measure before the Authority, a quorum being present, a majority of the votes of the members voting on the measure shall determine the outcome.

(105 ILCS 5/1F-25 new)

Sec. 1F-25. General powers. The purposes of the Authority shall be to exercise financial control over the district and to furnish financial assistance so that the district can provide public education within the district’s jurisdiction while permitting the district to meet its obligations to its creditors and the holders of its debt. Except as expressly limited by this Article, the Authority shall have all powers granted to a voluntary or involuntary Financial Oversight Panel and to a Financial Administrator under Article 1B of this Code and all other powers necessary to meet its responsibilities and to carry out its purposes and the purposes of this Article, including without limitation all of the following powers, provided that the Authority shall have no power to terminate any employee without following the statutory procedures for such terminations set forth in this Code:

(1) To sue and to be sued.

(2) To make, cancel, modify, and execute contracts, leases, subleases, and all other instruments or agreements necessary or convenient for the exercise of the powers and functions granted by this Article, subject to Section 1F-45 of this Code. The Authority may at a regular or special meeting find that the district has insufficient or inadequate funds with respect to any contract, other than collective bargaining agreements.

(3) To purchase real or personal property necessary or convenient for its purposes; to execute and deliver deeds for real property held in its own name; and to sell, lease, or otherwise dispose of such of its property as, in the judgment of the Authority, is no longer necessary for its purposes.

(4) To appoint officers, agents, and employees of the Authority, including a chief executive officer, a chief fiscal officer, and a chief educational officer; to define their duties and qualifications; and to fix their compensation and employee benefits.

(5) To transfer to the district such sums of money as are not required for other purposes.

(6) To borrow money, including without limitation accepting State loans, and to issue obligations pursuant to this Article; to fund, refund, or advance refund the same; to provide for the rights of the holders of its obligations; and to repay any advances.

(6.5) To levy all property tax levies that otherwise could be levied by the district, and to make levies pursuant to Section 1F-62 of this Code. This levy or levies shall be exempt from the Truth in Taxation Law and the Cook County Truth in Taxation Law.

(7) Subject to the provisions of any contract with or for the benefit of the holders of its obligations, to purchase or redeem its obligations.

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(8) To procure all necessary goods and services for the Authority in compliance with the purchasing laws and requirements applicable to the district.

(9) To do any and all things necessary or convenient to carry out its purposes and exercise the powers given to it by this Article.

(10) To recommend annexation, consolidation, dissolution, or reorganization of the district, in whole or in part, to the State Board if in the Authority's judgment the circumstances so require. No such proposal for annexation, consolidation, dissolution, or reorganization shall occur unless the Authority and the school boards of all other districts directly affected by the annexation, consolidation, dissolution, or reorganization have each approved by majority vote the annexation, consolidation, dissolution, or reorganization. Notwithstanding any other law to the contrary, upon approval of the proposal by the State Board, the State Board and all other affected entities shall forthwith implement the proposal. When a dissolution and annexation becomes effective for purposes of administration and attendance, the positions of teachers in contractual continued service in the district being dissolved shall be transferred to the annexing district or districts, pursuant to the provisions of Section 24-12 of this Code. In the event that the territory is added to 2 or more districts, the decision on which positions shall be transferred to which annexing districts shall be made by giving consideration to the proportionate percentage of pupils transferred and the annexing districts' staffing needs, and the transfer of teachers in contractual continued service into positions shall be based upon the request of those teachers in contractual continued service in order of seniority in the dissolving district. The status of all teachers in contractual continued service transferred to an annexing district shall not be lost, and the board of the annexing district is subject to this Code with respect to teachers in contractual continued service who are transferred in the same manner as if the person were the annexing district's employee and had been its employee during the time the person was actually employed by the board of the dissolving district from which the position was transferred.

(105 ILCS 5/1F-30 new)

Sec. 1F-30. Chief executive officer. The Authority may appoint a chief executive officer who, under the direction of the Authority, shall supervise the Authority's staff, including the chief educational officer and the chief fiscal officer, and shall have ultimate responsibility for implementing the policies, procedures, directives, and decisions of the Authority.

(105 ILCS 5/1F-35 new)

Sec. 1F-35. Chief educational officer. The Authority may at a regular or special meeting find that cause exists to cancel the contract of the school district's superintendent who is serving at the time the Authority is established. If there is no superintendent, then the Authority shall, following consultation with the district, employ a chief educational officer for the district, who shall have all of the powers and duties of a school district superintendent under this Code and such other duties as may be assigned by the Authority.
in accordance with this Code. The chief educational officer shall report to the Authority or the chief executive officer appointed by the Authority.

The district shall not thereafter employ a superintendent during the period that a chief educational officer is serving in the district. The chief educational officer shall hold a certificate with a superintendent endorsement issued under Article 21 of this Code.

(105 ILCS 5/1F-40 new)

Sec. 1F-40. Chief fiscal officer. The Authority may appoint a chief fiscal officer who, under the direction of the Authority, shall have all of the powers and duties of the district's chief school business official and any other duties regarding budgeting, accounting, and other financial matters that are assigned by the Authority, in accordance with this Code. The district may not employ a chief school business official during the period that the chief fiscal officer is serving in the district. The chief fiscal officer may but is not required to hold a certificate with a chief school business official endorsement issued under Article 21 of this Code.

(105 ILCS 5/1F-45 new)

Sec. 1F-45. Collective bargaining agreements. The Authority shall have the power to negotiate collective bargaining agreements with the district's employees in lieu of and on behalf of the district. Upon concluding bargaining, the district shall execute the agreements negotiated by the Authority, and the district shall be bound by and shall administer the agreements in all respects as if the agreements had been negotiated by the district itself.

(105 ILCS 5/1F-50 new)

Sec. 1F-50. Deposits and investments.

(a) The Authority shall have the power to establish checking and whatever other banking accounts it may deem appropriate for conducting its affairs.

(b) Subject to the provisions of any contract with or for the benefit of the holders of its obligations, the Authority may invest any funds not required for immediate use or disbursement, as provided in the Public Funds Investment Act.

(105 ILCS 5/1F-55 new)

Sec. 1F-55. Cash accounts and bank accounts.

(a) The Authority shall require the district or any officer of the district, including the district's treasurer, to establish and maintain separate cash accounts and separate bank accounts in accordance with such rules, standards, and procedures as the Authority may prescribe.

(b) The Authority shall have the power to assume exclusive administration of the cash accounts and bank accounts of the district, to establish and maintain whatever new cash accounts and bank accounts it may deem appropriate, and to withdraw funds from these accounts for the lawful expenditures of the district.

(105 ILCS 5/1F-60 new)

Sec. 1F-60. Financial, management, and budgetary structure. Upon direction of the Authority, the district shall reorganize the financial accounts, management, and budgetary systems of the district in whatever manner the Authority deems appropriate to achieve greater financial responsibility and to reduce financial inefficiency.

New matter indicated by italics - deletions by strikeout.

(a) Moneys in the School District Emergency Financial Assistance Fund established under Section 1B-8 of this Code may be allocated and expended by the State Board for emergency financial assistance loans to an Authority that petitions for emergency financial assistance. An emergency financial assistance loan to an Authority or borrowing from sources other than the State shall not be considered as part of the calculation of a district's debt for purposes of the limitation specified in Section 19-1 of this Code.

(b) The amount of an emergency financial assistance loan that may be allocated to an Authority under this Article, including moneys necessary for the operations of the Authority, and borrowing from sources other than the State shall not exceed, in the aggregate, $4,000 times the number of pupils enrolled in the district during the school year ending June 30 prior to the date of approval by the State Board of the petition for emergency financial assistance, as certified to the school board and the Authority by the State Superintendent. However, this limitation does not apply to borrowing by the district secured by amounts levied by the district prior to establishment of the Authority.

(c) The payment of a State emergency financial assistance loan shall be subject to appropriation by the General Assembly. State emergency financial assistance allocated and paid to an Authority under this Article may be applied to any fund or funds from which the Authority is authorized to make expenditures by law.

(d) Any State emergency financial assistance proposed by the Authority and approved by the State Superintendent may be paid in its entirety during the initial year of the Authority's existence or spread in equal or declining amounts over a period of years not to exceed the period of the Authority's existence. The State Superintendent shall not approve any loan to the Authority unless the Authority has been unable to borrow sufficient funds to operate the district.

All loan payments made from the School District Emergency Financial Assistance Fund to an Authority shall be required to be repaid not later than the date the Authority ceases to exist, with simple interest over the term of the loan at a rate equal to 50% of the one-year Constant Maturity Treasury (CMT) yield as last published by the Board of Governors of the Federal Reserve System before the date on which the Authority's loan is approved by the State Board.

The Authority shall establish and the State Superintendent shall approve the terms and conditions of the loan, including the schedule of repayments. The schedule shall provide for repayments commencing July 1 of each year. Repayment shall be incorporated into the annual budget of the district and may be made from any fund or funds of the district in which there are moneys available. When moneys are repaid as provided in this Section, they shall not be made available to the Authority for further use as emergency financial assistance under this Article at any time thereafter. All repayments required to be made by an Authority shall be received by the State Board and deposited in the School District Emergency Financial Assistance Fund.

In establishing the terms and conditions for the repayment obligation of the Authority,
Authority, the Authority shall annually determine whether a separate local property tax levy is required to meet that obligation. The Authority shall provide for a separate tax levy for emergency financial assistance repayment purposes. This tax levy shall not be subject to referendum approval. The amount of the levy shall not exceed the amount necessary to meet the annual emergency financial repayment obligations of the district, including principal and interest, as established by the Authority.

(105 ILCS 5/1F-90 new)
Sec. 1F-90. Tax anticipation warrants. An Authority shall have the same power to issue tax anticipation warrants as a school board under Section 17-16 of this Code. Tax anticipation warrants are considered borrowing from sources other than the State and are subject to Section 1F-62 of this Code.

(105 ILCS 5/1F-115 new)
Sec. 1F-115. State or district not liable on obligations. Obligations shall not be deemed to constitute (i) a debt or liability of the State, the district, or any political subdivision of the State or district other than the Authority or (ii) a pledge of the full faith and credit of the State, the district, or any political subdivision of the State or district other than the Authority but shall be payable solely from the funds and revenues provided for in this Article. The issuance of obligations shall not directly, indirectly, or contingently obligate the State, the district, or any political subdivision of the State or district other than the Authority to levy any form of taxation therefor or to make any appropriation for their payment. Nothing in this Section shall prevent or be construed to prevent the Authority from pledging its full faith and credit to the payment of obligations. Nothing in this Article shall be construed to authorize the Authority to create a debt of the State or the district within the meaning of the Constitution or laws of Illinois, and all obligations issued by the Authority pursuant to the provisions of this Article are payable and shall state that they are payable solely from the funds and revenues pledged for their payment in accordance with the resolution authorizing their issuance or any trust indenture executed as security therefor. The State or the district shall not in any event be liable for the payment of the principal of or interest on any obligations of the Authority or for the performance of any pledge, obligation, or agreement of any kind whatsoever that may be undertaken by the Authority. No breach of any such pledge, obligation, or agreement may impose any liability upon the State or the district or any charge upon their general credit or against their taxing power.

(105 ILCS 5/1F-120 new)
Sec. 1F-120. Obligations as legal investments. The obligations issued under the provisions of this Article are hereby made securities in which all public officers and bodies of this State, all political subdivisions of this State, all persons carrying on an insurance business, all banks, bankers, trust companies, savings banks, and savings associations (including savings and loan associations, building and loan associations, investment companies, and other persons carrying on a banking business), and all credit unions, pension funds, administrators, and guardians who are or may be authorized to invest in bonds or in other obligations of the State may properly and legally invest funds, including capital, in their control or belonging to them. The obligations are also hereby made

New matter indicated by italics - deletions by strikeout.
securities that may be deposited with and may be received by all public officers and bodies of the State, all political subdivisions of the State, and public corporations for any purpose for which the deposit of bonds or other obligations of the State is authorized.

(105 ILCS 5/1F-130 new)
Sec. 1F-130. Reports.
(a) The Authority, upon taking office and annually thereafter, shall prepare and submit to the Governor, General Assembly, and State Superintendent a report that includes the audited financial statement for the preceding fiscal year, an approved financial plan, and a statement of the major steps necessary to accomplish the objectives of the financial plan.
(b) Annual reports shall be submitted on or before March 1 of each year.
(c) The requirement for reporting to the General Assembly shall be satisfied by filing copies of the report as provided in Section 3.1 of the General Assembly Organization Act and by filing additional copies with the State Government Report Distribution Center for the General Assembly as required under subdivision (t) of Section 7 of the State Library Act.

(105 ILCS 5/1F-135 new)
Sec. 1F-135. Audit of Authority. The Authority shall be subject to audit in the manner provided for the audit of State funds and accounts. A copy of the audit report shall be submitted to the State Superintendent, the Governor, the Speaker and Minority Leader of the House of Representatives, and the President and Minority Leader of the Senate.

(105 ILCS 5/1F-140 new)
Sec. 1F-140. Assistance by State agencies, units of local government, and school districts. The district shall render such services to and permit the use of its facilities and resources by the Authority at no charge as may be requested by the Authority. Any State agency, unit of local government, or school district may, within its lawful powers and duties, render such services to the Authority as may be requested by the Authority. Upon request of the Authority, any State agency, unit of local government, or school district is authorized and empowered to loan to the Authority such officers and employees as the Authority may deem necessary in carrying out its functions and duties. Officers and employees so transferred shall not lose or forfeit their employment status or rights.

(105 ILCS 5/1F-145 new)
Sec. 1F-145. Property of Authority exempt from taxation. The property of the Authority is exempt from taxation.

(105 ILCS 5/1F-150 new)
Sec. 1F-150. Sanctions.
(a) No member, officer, employee, or agent of the district may commit the district to any contract or other obligation or incur any liability on behalf of the district for any purpose if the amount of the contract, obligation, or liability is in excess of the amount authorized for that purpose then available under the financial plan and budget then in effect.
(b) No member, officer, employee, or agent of the district may commit the district to any contract or other obligation on behalf of the district for the payment of money for any purpose required to be approved by the Authority unless the contract or other obligation has been approved by the Authority.

New matter indicated by italics - deletions by strikeout.
(c) No member, officer, employee, or agent of the district may take any action in violation of any valid order of the Authority, may fail or refuse to take any action required by any such order, may prepare, present, certify, or report any information, including any projections or estimates, for the Authority or any of its agents that is false or misleading, or, upon learning that any such information is false or misleading, may fail promptly to advise the Authority or its agents.

(d) In addition to any penalty or liability under any other law, any member, officer, employee, or agent of the district who violates subsection (a), (b), or (c) of this Section is subject to appropriate administrative discipline as may be imposed by the Authority, including, if warranted, suspension from duty without pay, removal from office, or termination of employment.

(105 ILCS 5/1F-155 new)
Sec. 1F-155. Abolition of Authority. The Authority shall be abolished 10 years after its creation or one year after all its obligations issued under the provisions of this Article have been fully paid and discharged, whichever comes later. However, the State Board, upon recommendation of the Authority and if no obligations are outstanding, may abolish the Authority at any time after the Authority has been in existence for 3 years. Upon the abolition of the Authority, all of its records shall be transferred to the State Board and any property of the Authority shall pass to and be vested in the State Board.

(105 ILCS 5/1F-160 new)
Sec. 1F-160. Limitations of actions after abolition; indemnification; legal representation.

(a) Abolition of the Authority pursuant to Section 1F-155 of this Code shall bar any remedy available against the Authority, its members, employees, or agents for any right or claim existing or any liability incurred prior to the abolition unless the action or other proceeding is commenced prior to the expiration of 2 years after the date of the abolition.

(b) The Authority may indemnify any member, officer, employee, or agent who was or is a party or is threatened to be made a party to any threatened, pending, or completed action, suit, or proceeding, whether civil, criminal, administrative, or investigative, by reason of the fact that he or she was a member, officer, employee, or agent of the Authority, against expenses (including attorney's fees, judgments, fines, and amounts paid in settlement actually and reasonably incurred by him or her in connection with the action, suit, or proceeding) if he or she acted in good faith and in a manner that he or she reasonably believed to be in or not opposed to the best interests of the Authority and, with respect to any criminal action or proceeding, had no reasonable cause to believe his or her conduct was unlawful. The termination of any action, suit, or proceeding by judgment, order, settlement, or conviction or upon a plea of nolo contendere or its equivalent, shall not, of itself, create a presumption that the person did not act in good faith in a manner that he or she reasonably believed to be in or not opposed to the best interests of the Authority and, with respect to any criminal action or proceeding, had reasonable cause to believe that his or her conduct was unlawful.

To the extent that a member, officer, employee, or agent of the Authority has been

New matter indicated by italics - deletions by strikeout.
successful, on the merits or otherwise, in the defense of any such action, suit, or proceeding referred to in this subsection (b) or in defense of any claim, issue, or matter therein, he or she shall be indemnified against expenses, including attorney’s fees, actually and reasonably incurred by him or her in connection therewith. Any such indemnification shall be made by the Authority only as authorized in the specific case, upon a determination that indemnification of the member, officer, employee, or agent is proper in the circumstances because he or she has met the applicable standard of conduct. The determination shall be made (i) by the Authority by a majority vote of a quorum consisting of members who are not parties to the action, suit, or proceeding or (ii) if such a quorum is not obtainable or, even if obtainable, a quorum of disinterested members so directs, by independent legal counsel in a written opinion.

Reasonable expenses incurred in defending an action, suit, or proceeding shall be paid by the Authority in advance of the final disposition of the action, suit, or proceeding, as authorized by the Authority in the specific case, upon receipt of an undertaking by or on behalf of the member, officer, employee, or agent to repay the amount, unless it is ultimately determined that he or she is entitled to be indemnified by the Authority as authorized in this Section.

Any member, officer, employee, or agent against whom any action, suit, or proceeding is brought may employ his or her own attorney to appear on his or her behalf.

The right to indemnification accorded by this Section shall not limit any other right to indemnification to which the member, officer, employee, or agent may be entitled. Any rights under this Section shall inure to the benefit of the heirs, executors, and administrators of any member, officer, employee, or agent of the Authority.

The Authority may purchase and maintain insurance on behalf of any person who is or was a member, officer, employee, or agent of the Authority against any liability asserted against him or her and incurred by him or her in any such capacity or arising out of his or her status as such, whether or not the Authority would have the power to indemnify him or her against the liability under the provisions of this Section.

The Authority shall be considered a State agency for purposes of receiving representation by the Attorney General. Members, officers, employees, and agents of the Authority shall be entitled to representation and indemnification under the State Employee Indemnification Act.

(105 ILCS 5/17-11.2 new)

Sec. 17-11.2. Notwithstanding any other law to the contrary, any levy adopted by a School Finance Authority created under Article 1F of this Code is valid and shall be extended by the county clerk if it is certified to the county clerk by the Authority in sufficient time to allow the county clerk to include the levy in the extension for the taxable year.

Section 99. Effective date. This Act takes effect upon becoming law.

Passed in the General Assembly December 5, 2002.

Approved December 6, 2002.

Effective December 6, 2002.
AN ACT regarding appropriations.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. "An Act regarding appropriations", Public Act 92-538, approved June 10, 2002, is amended by adding Section 24 to Article 1 and by changing Section 25 of Article 1 as follows:

(P.A. 92-538, Article 1, Section 24 new)

Sec. 24. The amount of $4,528,000, or so much of that amount as may be necessary, is appropriated from the General Revenue Fund to the State Board of Education for deposit into the School District Emergency Financial Assistance Fund.

(P.A. 92-538, Article 1, Section 25)

Sec. 25. The following amounts, or so much of those amounts as may be necessary, respectively, for the objects and purposes named, are appropriated to the Illinois State Board of Education for Grants-In-Aid and loans:

From the General Revenue Fund:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For orphanage tuition claims and State owned housing claims as provided under Section 18-3 of the School Code</td>
<td>$13,988,200</td>
</tr>
<tr>
<td>For financial assistance to Local Education Agencies for the Philip J. Rock Center and School as provided by Section 14-11.02 of the School Code</td>
<td>2,855,500</td>
</tr>
<tr>
<td>For financial assistance to Local Education Agencies for the purpose of maintaining an educational materials coordinating unit as provided for by Section 14-11.01 of the School Code</td>
<td>1,121,000</td>
</tr>
<tr>
<td>For Reimbursement to School Districts for Services and Materials for Programs Under Section 14A-5 of the School Code</td>
<td>19,000,600</td>
</tr>
<tr>
<td>For tuition of disabled children attending schools under Section 14-7.02 of the School Code</td>
<td>47,134,400</td>
</tr>
<tr>
<td>For reimbursement to school districts for extraordinary special education and facilities under Section 14-7.02a of the School Code</td>
<td>225,712,000</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout.
For reimbursement to school districts for services and materials used in programs for disabled children under Section 14-13.01 of the School Code.......................... 303,506,900

For reimbursement on a current basis only to school districts that provide for education of handicapped orphans from residential institutions as well as foster children who are mentally impaired or behaviorally disordered as provided under Section 14-7.03 of the School Code................. 104,763,200

For Financial Assistance to Local Education Agencies with over 500,000 Population to Meet the Needs of those Children who come from Environments where the Dominant Language is other than English under Section 34-18.2 of the School Code.......................... 33,792,800

For Financial Assistance to Local Education Agencies with under 500,000 Population to meet the Needs of those Children who come from Environments where the Dominant Language is other than English under Section 10-22.38a of the School Code.......................... 26,551,500

For reimbursement to school districts qualifying under Section 29-5 of the School Code for a portion of the cost of transporting common school pupils.......................... 219,908,500

For reimbursement to school districts for a portion of the cost of transporting disabled students under subsection (b) of Section 14-13.01 of the School Code.......................... 218,097,000

For reimbursement to school districts for providing free lunch and breakfast programs under the provision of the School Breakfast and Lunch Program Act.......................... 20,741,200

For the Tax-equivalent Grants pursuant

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to Section 18-4.4 of
the School Code ......................... 222,600
For the Block Grants to School Districts
for School Safety and Educational
Improvement Programs Pursuant to
Section 2-3.51.5 of the School Code........ 67,529,400
For Grants Associated with the School Breakfast
Incentive Program......................... 723,500
For grants for Reading for blind and
dyslexic persons for programs
and services in support of
Illinois citizens with visual and
reading impairments....................... 168,800
For Grants to the Local Education
Agencies to Conduct Agricultural
Education Programs....................... 1,881,200
For grants associated with the Illinois
Economic Education program............ 144,700
For a grant to the Illinois Learning
Partnership program...................... 385,900
For the Association of Illinois Middle-Level
Schools Program........................ 72,400
For Metro East Consortium for
Child Advocacy............................ 217,100
For the Regional Offices of Education,
including, but not limited to, ROE
School Bus Driver Training, ROE School
Services, and ROE Supervisory Expense..... 12,070,400
For the Transition of Minority Students..... 578,800
For the Golden Apple/Illinois
Scholars Program......................... 2,914,300
For Teachers’ Academy for Math and Science.... 5,307,700
For Supplementary Payments (General State Aid -
Hold Harmless) to School Districts under
Subsection (J) of Section 18-8.05 of the
School Code............................. 65,700,000
For summer school payments as provided
by Section 18-4.3 of the
School Code.............................. 5,830,400
For costs associated with Teach for
America .................................. 450,000
For all costs associated with

New matter indicated by italics - deletions by strikeout.
the supplementary payments to school districts as provided in Section 18-8.2, Section 18-8.3, Section 18-8.5, and Section 18-8.05(1) of the School Code.............. 1,669,400
For all costs associated with a Universal preschool program ................. 5,220,000
From the Common School Fund:
For compensation of Regional Superintendents of Schools and Assistants under Section 18-5 of the School Code..................... 7,850,000
For payment of one-time employer's contribution to Teachers' Retirement system as provided in the Early Retirement Option under Section 16-133.2 of the Illinois Pension Code, including prior year claims ............ 300,000
For general apportionment (General State Aid) as provided by Section 18-8.05 of the School Code.................. 2,635,300,000
From the School District Emergency Financial Assistance Fund:
For emergency financial assistance pursuant to Sections 1B-8 and 1F-62 of the School Code......................... $5,333,000
For the following purposes:
For a loan to the Hazel Crest School District No. 152 1/2 School Finance Authority....................... $4,528,000
For school district emergency financial assistance................ $805,000
For emergency financial assistance pursuant to Section 1B-8 of the School Code...................... 805,000
From the Education Assistance Fund:
For general apportionment (General State Aid) as provided by Section 18-8.05 of the School Code ............... 485,000,000
From the School Technology Revolving Fund:
For the Statewide Educational Network........... 500,000

New matter indicated by italics - deletions by strikeout.
From the Temporary Relocation Expenses Revolving Grant Fund:
   For temporary relocation expenses as provided in Section 2-3.77 of the School Code........ 1,130,000
From the State Board of Education Fund:
   For expenses as provided in Section 2-3.126 of the School Code.............................. 800,000
From the State Board of Education Special Purpose Trust Fund:
   For expenses as provided in Section 2-3.127 of the School Code................................. 700,000
In addition to the amount appropriated in Section 25 of this Act, the sum of $33,428,200, or so much thereof as may be necessary, is appropriated to the State Board of Education for additional expenses incurred in connection with the following purposes: for orphanage tuition claims and State owned housing claims as provided under Section 18-3 of the School Code, for tuition of disabled children attending schools under Section 14-7.02 of the School Code, for reimbursement to school districts for extraordinary special education and facilities under Section 14-7.02a of the School Code, for reimbursement to school districts for services and materials used in programs for disabled children under Section 14-13.01 of the School Code, for reimbursement on a current basis only to school districts that provide for education of handicapped orphans from residential institutions as well as foster children who are mentally impaired or behaviorally disordered as provided under Section 14-7.03 of the School Code, for reimbursement to school districts qualifying under Section 29-5 of the School Code for a portion of the cost of transporting common school pupils, for reimbursement to school districts for a portion of the cost of transporting disabled students under subsection (b) of Section 14-13.01 of the School Code, for reimbursement to school districts for providing free lunch and breakfast programs under the provision of the School Breakfast and Lunch Program Act, and for summer school payments as provided by Section 18-4.3 of the School Code.
(Source: P.A. 92-538, eff. 7-1-02.)

Section 99. Effective date. This Act takes effect upon becoming law.
Passed in the General Assembly December 5, 2002.
Approved December 6, 2002.
Effective December 6, 2002.

PUBLIC ACT 92-0857
(Senate Bill No. 2155)

December 10, 2002

The Honorable Jesse White
Secretary of State
State of Illinois
111 East Monroe Street

New matter indicated by italics - deletions by strikeout.
Springfield, Illinois

Attention: Index Division

Dear Mr. Secretary

Attached hereto is the enrolled copy of Senate Bill 2155, along with certification by the President of the Senate and Speaker of the House of Representatives of its passage by the required Constitutional majority of the three-fifths vote of the members elected to each House, the veto of the Governor to the contrary notwithstanding.

Sincerely,

Jim Harry
Secretary of the Senate

AN ACT in relation to civil liabilities.

Be it enacted by the People of the State of Illinois, represented in the General Assembly: Section 5. The Premises Liability Act is amended by adding Section 4.1 as follows:

(740 ILCS 130/4.1 new)
Sec. 4.1. Off-road riding facilities; liability.
(a) As used in this Section, "off-road riding facility" means:
   (1) an area of land, consisting of a closed course, designed for use of off-highway vehicles in events such as, but not limited to, dirt track, short track, flat track, speedway, drag racing, grand prix, hare scrambles, hill climb, ice racing, observed trails, mud and snow scrambles, tractor pulls, sled pulls, truck pulls, mud runs, or other contests of a side-by-side nature in a sporting event for practice, instruction, testing, or competition of off-highway vehicles; or
   (2) a thoroughfare or track across land or snow used for off-highway motorcycles or all-terrain vehicles.
(b) An owner or operator of an off-road riding facility in existence on January 1, 2002 is immune from any criminal liability arising out of or as a consequence of noise or sound emissions resulting from the normal use of the off-road riding facility. An owner or operator of a off-road riding facility is not subject to any action for public or private nuisance or trespass, and no court in this State may enjoin the use or operation of a off-road riding facility on the basis of noise or sound emissions resulting from the normal use of the off-road riding facility.
(c) An owner or operator of a off-road riding facility placed in operation after January 1, 2002 is immune from any criminal liability and is not subject to any action for public or private nuisance or trespass arising out of or as a consequence of noise or sound

New matter indicated by italics - deletions by strikeout.
emissions resulting from the normal use of the off-road riding facility, if the off-road riding facility conforms to any one of the following requirements:

(1) All areas from which an off-road vehicle may be properly operated are at least 1,000 feet from any occupied permanent dwelling on adjacent property at the time the facility was placed into operation.

(2) The off-road riding facility is situated on land otherwise subject to land use zoning, and the off-road riding facility was not prohibited by the zoning authority at the time the facility was placed into operation.

(3) The off-road riding facility is operated by a governmental entity or the off-road riding facility was the recipient of grants under the Recreational Trails of Illinois Act. (d) The civil immunity in subsection (c) does not apply if there is willful or wanton misconduct outside the normal use of the off-road riding facility.


PUBLIC ACT 92-0858
(House Bill No. 0002)

AN ACT in relation to alternate fuels.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Alternate Fuels Act is amended by changing Sections 10, 25, 30, 35, 40, and 45 and adding Sections 21, 31, and 32 as follows:
(415 ILCS 120/10)
Sec. 10. Definitions. As used in this Act:
"Agency" means the Environmental Protection Agency.
"Alternate fuel" means liquid petroleum gas, natural gas, E85 blend fuel, fuel composed of a minimum 80% ethanol, bio-based methanol, fuels that are at least 70% derived from biomass, or electricity, excluding on-board electric generation.
"Alternate fuel vehicle" means any vehicle that is operated in Illinois and is capable of using an alternate fuel.
"Conventional", when used to modify the word "vehicle", "engine", or "fuel", means gasoline or diesel or any reformulations of those fuels.
"Covered Area" means the counties of Cook, Du Page, Kane, Lake, Mc Henry, and Will and those portions of Grundy County and Kendall County that are included in the following ZIP code areas, as designated by the U.S. Postal Service on the effective date of this amendatory Act of 1998: 60416, 60444, 60447, 60450, 60481, 60538, and 60543.
"Director" means the Director of the Environmental Protection Agency.
"Domestic renewable fuel" means a fuel, produced in the United States, composed

New matter indicated by italics - deletions by strikeout.
of a minimum 80% ethanol, bio-based methanol, and fuels derived from bio-mass.

"E85 blend fuel" means fuel that contains 85% ethanol and 15% gasoline.

"GVWR" means Gross Vehicle Weight Rating.

"Location" means (i) a parcel of real property or (ii) multiple, contiguous parcels of real property that are separated by private roadways, public roadways, or private or public rights-of-way and are owned, operated, leased, or under common control of one party.

"Original equipment manufacturer" or "OEM" means a manufacturer of alternate fuel vehicles or a manufacturer or remanufacturer of alternate fuel engines used in vehicles greater than 8500 pounds GVWR.

"Rental vehicle" means any motor vehicle that is owned or controlled primarily for the purpose of short-term leasing or rental pursuant to a contract.

(Source: P.A. 90-726, eff. 8-7-98; 90-797, eff. 12-15-98; 91-357, eff. 7-29-99.)

(415 ILCS 120/21 new)

Sec. 21. Alternate Fuel Infrastructure Advisory Board. The Governor shall appoint an Alternate Fuel Infrastructure Advisory Board. The Advisory Board shall be chaired by the Director of the Department of Commerce and Community Affairs, who may be represented at all meetings by a designee. Other members appointed by the Governor shall consist of one representative from the ethanol industry, one representative from the natural gas industry, one representative from the auto manufacturing industry, one representative from the liquid petroleum gas industry, one representative from the Agency, one representative from the heavy duty engine manufacturing industry, one representative from Illinois private fleet operators, and one representative of local government from the Chicago nonattainment area.

The Advisory Board shall (1) prepare and recommend to the Department of Commerce and Community Affairs a program implementing Section 31 of this Act and (2) recommend criteria and procedures to be followed in awarding grants.

Members of the Advisory Board shall not be reimbursed their costs and expenses of participation. All decisions of the Advisory Board shall be decided on a one vote per member basis with a majority of the Advisory Board membership to rule.

(415 ILCS 120/25)

Sec. 25. Ethanol fuel research program. The Department of Commerce and Community Affairs shall administer a research program to reduce the costs of producing ethanol fuels and increase the viability of ethanol fuels, new ethanol engine technologies, and ethanol refueling infrastructure. This research shall be funded from the Alternate Fuels Fund. The research program shall remain in effect, subject to appropriation after calendar year until December 31, 2002, or until funds are no longer available.

(Source: P.A. 90-726, eff. 8-7-98; 90-797, eff. 12-15-98; 91-357, eff. 7-29-99.)

(415 ILCS 120/30)

Sec. 30. Rebate program. Beginning January 1, 1997, and as long as funds are available, each owner of an alternate fuel vehicle shall be eligible to apply for a rebate. The Agency shall cause rebates to be issued under the provisions of this Act. The Alternate Fuels Advisory Board shall develop and recommend to the Agency rules that provide incentives
or other measures to ensure that small fleet operators and owners participate in, and benefit from, the rebate program. Such rules shall define and identify small fleet operators and owners in the covered area and make provisions for the establishment of criteria to ensure that funds from the Alternate Fuels Fund specified in this Act are made readily available to these entities. The Advisory Board shall, in the development of its rebate application review criteria, make provisions for preference to be given to applications proposing a partnership between the fleet operator or owner and a fueling service station to make alternate fuels available to the public. An owner may apply for only one of 3 types of rebates with regard to an individual alternate fuel vehicle: (i) a conversion cost rebate, (ii) an OEM differential cost rebate, or (iii) a fuel cost differential rebate. Only one rebate may be issued with regard to a particular alternate fuel vehicle during the life of that vehicle. A rebate shall not exceed $4,000 per vehicle. Over the life of this rebate program, an owner of an alternate fuel vehicle may not receive rebates for more than 150 vehicles per location or for 300 vehicles in total.

(a) A conversion cost rebate may be issued to an owner or his or her designee in order to reduce the cost of converting of a conventional vehicle to an alternate fuel vehicle. Conversion of a conventional vehicle to alternate fuel capability must take place in Illinois for the owner to be eligible for the conversion cost rebate. Amounts spent by applicants within a calendar year may be claimed on a rebate application submitted during that calendar year. Approved conversion cost rebates applied for during or after calendar year years 1997, 1998, 1999, 2000, 2001, and 2002 shall be 80% of all approved conversion costs claimed and documented. Approval of conversion cost rebates may continue after calendar year 2002, if funds are still available. An applicant may include on an application submitted in 1997 all amounts spent within that calendar year on the conversion, even if the expenditure occurred before promulgation of the Agency rules.

(b) An OEM differential cost rebate may be issued to an owner or his or her designee in order to reduce the cost differential between a conventional vehicle or engine and the same vehicle or engine, produced by an original equipment manufacturer, that has the capability to use alternate fuels. A new OEM vehicle or engine must be purchased in Illinois and must either be an alternate fuel vehicle or used in an alternate fuel vehicle, respectively, for the owner to be eligible for an OEM differential cost rebate. Amounts spent by applicants within a calendar year may be claimed on a rebate application submitted during that calendar year. Approved OEM differential cost rebates applied for during or after calendar year years 1997, 1998, 1999, 2000, 2001, and 2002 shall be 80% of all approved cost differential claimed and documented. Approval of OEM differential cost rebates may continue after calendar year 2002, if funds are still available. An applicant may include on an application submitted in 1997 all amounts spent within that calendar year on OEM equipment, even if the expenditure occurred before promulgation of the Agency rules.

(c) A fuel cost differential rebate may be issued to an owner or his or her designee in order to reduce the cost differential between conventional fuels and domestic renewable fuels purchased to operate an alternate fuel vehicle that runs on domestic renewable fuel. The fuel cost differential shall be based on a 3-year life cycle cost analysis developed by the

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Agency by rulemaking. The rebate shall apply to and be payable during a consecutive 3-year period commencing on the date the application is approved by the Agency. Approved fuel cost differential rebates may be applied for during or after calendar years 1997, 1998, 1999, 2000, and 2001 and approved rebates shall be 80% of the cost differential for a consecutive 3-year period. Approval of fuel cost differential rebates may continue after calendar year 2002 if funds are still available. Twenty-five percent of the amount appropriated under Section 40 to be used to fund the programs authorized by this Section during calendar year 1998 shall be designated to fund fuel cost differential rebates. If the total dollar amount of approved fuel cost differential rebate applications as of October 1, 1998 is less than the amount designated for that calendar year, the balance of designated funds shall be immediately available to fund any rebate authorized by this Section and approved in the calendar year. An applicant may include on an application submitted in 1997 all amounts spent within that calendar year on fuel cost differential, even if the expenditure occurred before the promulgation of the Agency rules.

Twenty-five percent of the amount appropriated under Section 40 to be used to fund the programs authorized by this Section during calendar year 1999 shall be designated to fund fuel cost differential rebates. If the total dollar amount of approved fuel cost differential rebate applications as of July 1, 1999 is less than the amount designated for that calendar year, the balance of designated funds shall be immediately available to fund any rebate authorized by this Section and approved in the calendar year.

Twenty-five percent of the amount appropriated under Section 40 to be used to fund programs authorized by this Section during calendar year 2000 shall be designated to fund fuel cost differential rebates. If the total dollar amount of approved fuel cost differential rebate applications as of July 1, 2000 is less than the amount designated for that calendar year, the balance of designated funds shall be immediately available to fund any rebate authorized by this Section and approved in the calendar year.

Twenty-five percent of the amount that is appropriated under Section 40 to be used to fund programs authorized by this Section during calendar year 2001 shall be designated to fund fuel cost differential rebates. If the total dollar amount of approved fuel cost differential rebate applications as of July 1, 2001 is less than the amount designated for that calendar year, the balance of designated funds shall be immediately available to fund any rebate authorized by this Section and approved in the calendar year.

An approved fuel cost differential rebate shall be paid to an owner in 3 annual installments on or about the anniversary date of the approval of the application. Owners receiving a fuel cost differential rebate shall be required to demonstrate, through recordkeeping, the use of domestic renewable fuels during the 3-year period commencing on the date the application is approved by the Agency. If the alternate fuel vehicle ceases to be registered to the original applicant owner, a prorated installment shall be paid to that owner or the owner's designee and the remainder of the rebate shall be canceled.

(d) Vehicles owned by the federal government or vehicles registered in a state outside Illinois are not eligible for rebates.

(Source: P.A. 89-410; 90-726, eff. 8-7-98.)
Sec. 31. Alternate Fuel Infrastructure Program. Subject to appropriation, the Department of Commerce and Community Affairs shall establish a grant program to provide funding for the building of E85 blend, propane, and compressed natural gas (CNG) fueling facilities, including private on-site fueling facilities, to be built within the covered area or in Illinois metropolitan areas over 100,000 in population. The Department of Commerce and Community Affairs shall be responsible for reviewing the proposals and awarding the grants.

Sec. 32. Clean Fuel Education Program. Subject to appropriation, the Department of Commerce and Community Affairs, in cooperation with the Agency and Chicago Area Clean Cities, shall administer the Clean Fuel Education Program, the purpose of which is to educate fleet administrators and Illinois' citizens about the benefits of using alternate fuels. The program shall include a media campaign.

Sec. 35. User fees.

(a) During fiscal years 1999, 2000, 2001, and 2002 the Office of the Secretary of State shall collect annual user fees from any individual, partnership, association, corporation, or agency of the United States government that registers any combination of 10 or more of the following types of motor vehicles in the Covered Area: (1) Vehicles of the First Division, as defined in the Illinois Vehicle Code; (2) Vehicles of the Second Division registered under the B, D, F, H, MD, MF, MG, MH and MJ plate categories, as defined in the Illinois Vehicle Code; and (3) Commuter vans and livery vehicles as defined in the Illinois Vehicle Code. This Section does not apply to vehicles registered under the International Registration Plan under Section 3-402.1 of the Illinois Vehicle Code. The user fee shall be $20 for each vehicle registered in the Covered Area for each fiscal year. The Office of the Secretary of State shall collect the $20 when a vehicle's registration fee is paid.

(b) Owners of State, county, and local government vehicles, rental vehicles, antique vehicles, electric vehicles, and motorcycles are exempt from paying the user fees on such vehicles.

(c) The Office of the Secretary of State shall deposit the user fees collected into the Alternate Fuels Fund.

Sec. 40. Appropriations from the Alternate Fuels Fund.

(a) User Fees Funds. The Agency shall estimate the amount of user fees expected to be collected under Section 35 of this Act for fiscal years 1999, 2000, 2001, and 2002. User fee funds shall be deposited into and distributed from the Alternate Fuels Fund in the following manner:

(1) In each of fiscal years 1999, 2000, 2001, and 2002, an amount not to exceed $200,000 may be appropriated to the Agency from the Alternate Fuels Fund to pay its costs of administering the programs authorized by Section 30 of this Act.
Up to $200,000 may be appropriated to the Office of the Secretary of State in each of fiscal years 1999, 2000, 2001, and 2002 from the Alternate Fuels Fund to pay the Secretary of State's costs of administering the programs authorized under this Act.

(2) In fiscal years 1999, 2000, 2001, and 2002, after appropriation of the amounts authorized by item (1) of subsection (a) of this Section, the remaining moneys estimated to be collected during each fiscal year shall be appropriated as follows: 80% of the remaining moneys shall be appropriated to fund the programs authorized by Section 30, and 20% shall be appropriated to fund the programs authorized by Section 25.

(3) Additional appropriations to the Agency from the Alternate Fuels Fund to pay its costs of administering the programs authorized by Section 30 of this Act may be made in fiscal years following 2002, not to exceed the amount of $200,000 in any fiscal year, if funds are still available and program costs are still being incurred.

(4) Moneys appropriated to fund the programs authorized in Sections 25 and 30 shall be expended only after they have been collected and deposited into the Alternate Fuels Fund.

(b) General Revenue Fund Appropriations. General Revenue Fund amounts appropriated to and deposited into the Alternate Fuels Fund shall be distributed from the Alternate Fuels Fund in the following manner:

(1) In each of fiscal years 2003 and 2004, an amount not to exceed $50,000 may be appropriated to the Department of Commerce and Community Affairs from the Alternate Fuels Fund to pay its costs of administering the programs authorized by Sections 31 and 32.

(2) In each of fiscal years 2003 and 2004, an amount not to exceed $50,000 may be appropriated to the Department of Commerce and Community Affairs to fund the programs authorized by Section 32.

(3) In each of fiscal years 2003 and 2004, after appropriation of the amounts authorized in items (1) and (2) of subsection (b) of this Section, the remaining moneys received from the General Revenue Fund shall be appropriated as follows: 52.632% of the remaining moneys shall be appropriated to fund the programs authorized by Sections 25 and 30 and 47.368% of the remaining moneys shall be appropriated to fund the programs authorized by Section 31. The moneys appropriated to fund the programs authorized by Sections 25 and 30 shall be used as follows: 20% shall be used to fund the programs authorized by Section 25, and 80% shall be used to fund the programs authorized by Section 30.

Moneys appropriated to fund the programs authorized in Section 31 shall be expended only after they have been deposited into the Alternate Fuels Fund.

The Agency shall estimate the amount of user fees expected to be collected for fiscal years 1999, 2000, 2001, and 2002. Moneys shall be deposited into and distributed from the Alternate Fuels Fund in the following manner:

(1) In each of fiscal years 1999, 2000, 2001, 2002 an amount not to exceed $200,000

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may be appropriated to the Agency from the Alternate Fuels Fund to pay its costs of administering the programs authorized by this Act. Up to $200,000 may be appropriated to the Office of the Secretary of State in each of fiscal years 1999, 2000, 2001, and 2002 from the Alternate Fuels Fund to pay the Secretary of State's costs of administering the programs authorized under this Act.

(2) In fiscal year 1999, after appropriation of the amounts authorized by paragraph (1), the remaining moneys estimated to be collected during fiscal year 1999 shall be appropriated as follows: 80% of each such remaining moneys shall be appropriated to fund the programs authorized in Section 30 and 20% shall be appropriated to fund the programs authorized in Section 25.

(3) In fiscal years 2000, 2001, and 2002, after appropriation of the amounts authorized by paragraph (1), the remaining estimated amount of user fees expected to be collected shall be appropriated as follows: 80% of such estimated moneys shall be appropriated to fund the programs authorized in Section 30 and 20% shall be appropriated to fund the programs authorized in Section 25.

(4) Moneys appropriated to fund the programs authorized in Sections 25 and 30 shall be expended only after they have been collected and deposited into the Alternate Fuels Fund.

(Source: P.A. 89-410; 90-726, eff. 8-7-98.)

Sec. 45. Alternate Fuels Fund; creation; deposit of user fees. A separate fund in the State Treasury called the Alternate Fuels Fund is created, into which shall be transferred the user fees as provided in Section 35 and any other revenues, deposits, State appropriations, contributions, grants, gifts, bequests, legacies of money and securities, or transfers as provided by law from, without limitation, governmental entities, private sources, foundations, trade associations, industry organizations, and not-for-profit organizations.

(Source: P.A. 89-410.)

Passed in the General Assembly June 2, 2002.
General Assembly Accepts Changes December 4, 2002.

PUBLIC ACT 92-0859
(House Bill No. 1264)

AN ACT regarding taxes.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Property Tax Code is amended by changing Section 10-355 and adding Section 10-360 as follows:

(35 ILCS 200/10-355)

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Sec. 10-355. Fraternal organization assessment freeze.

(a) For the taxable year 2002 and thereafter, the assessed value of real property owned and used by a fraternal organization that on December 31, 1926 had its national headquarters in Illinois or that was chartered in Illinois in July 1896 February 1898, or its subordinate organization or entity, that is exempt under Section 501(c)(8) of the Internal Revenue Code and whose members provide, directly or indirectly, financial support for charitable works, which may include medical care, drug rehabilitation, or education, shall be established by the chief county assessment officer as follows:

(1) if the property meets the qualifications set forth in this Section on January 1, 2002 and on January 1 of each subsequent assessment year, for assessment year 2002 and each subsequent assessment year, the final assessed value of the property shall be 15% of the final assessed value of the property for the assessment year 2001; or

(2) if the property first meets the qualifications set forth in this Section on January 1 of any assessment year after assessment year 2002 and on January 1 of each subsequent assessment year, for that first assessment year and each subsequent assessment year, the final assessed value shall be 15% of the final assessed value of the property for the assessment year in which the property first meets the qualifications set forth in this Section.

If, in any year, additions or improvements are made to property subject to assessment under this Section and the additions or improvements would increase the assessed value of the property, then 15% of the final assessed value of the additions or improvements shall be added to the final assessed value of the property for the year in which the additions or improvements are completed and for all subsequent years that the property is eligible for assessment under this Section.

(b) For purposes of this Section, "final assessed value" means the assessed value after final board of review action.

(c) Fraternal organizations whose property is assessed under this Section must annually submit an application to the chief county assessment officer on or before (i) January 31 of the assessment year in counties with a population of 3,000,000 or more and (ii) December 31 of the assessment year in all other counties. The initial application must contain the information required by the Department of Revenue, which shall prepare the form, including:

(1) a copy of the organization's charter from the State of Illinois, if applicable;
(2) the location or legal description of the property on which is located the principal building for the organization, including the PIN number, if available;
(3) a written instrument evidencing that the organization is the record owner or has a legal or equitable interest in the property;
(4) an affidavit that the organization is liable for paying the real property taxes on the property; and
(5) the signature of the organization's chief presiding Subsequent applications shall include any changes in the initial application and shall affirm the ownership,

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use, and liability for taxes for the year in which it is submitted. All applications shall be notarized.
(d) This Section does not apply to parcels exempt from property taxes under this Code.
(Source: P.A. 92-388, eff. 1-1-02.)
(35 ILCS 200/10-360 new)
Sec. 10-360. Fraternal organization assessment freeze.
(a) For the taxable year 2003 and thereafter, the assessed value of real property owned and used by a fraternal organization or its affiliated Illinois not for profit corporation chartered prior to 1920 that is an exempt entity under Section 501(c)(2), 501(c)(8) or 501(c)(10) of the Internal Revenue Code and whose members provide, directly or indirectly, financial support for charitable works, which may include medical care, drug rehabilitation, or education, shall be established by the chief county assessment officer as follows:

(1) if the property meets the qualifications set forth in this Section on January 1, 2003 and on January 1 of each subsequent assessment year, for assessment year 2003 and each subsequent assessment year, the final assessed value of the property shall be 15% of the final assessed value of the property for the assessment year 2002; or

(2) if the property first meets the qualifications set forth in this Section on January 1 of any assessment year after assessment year 2003 and on January 1 of each subsequent assessment year, for that first assessment year and each subsequent assessment year, the final assessed value shall be 15% of the final assessed value of the property for the assessment year in which the property first meets the qualifications set forth in this Section.

If, in any year, additions or improvements are made to property subject to assessment under this Section and the additions or improvements would increase the assessed value of the property, then 15% of the final assessed value of the additions or improvements shall be added to the final assessed value of the property for the year in which the additions or improvements are completed and for all subsequent years that the property is eligible for assessment under this Section.

(b) For purposes of this Section, "final assessed value" means the assessed value after final board of review action.
(c) Fraternal organizations or their affiliated not for profit corporations whose property is assessed under this Section must annually submit an application to the chief county assessment officer on or before (i) January 31 of the assessment year in counties with a population of 3,000,000 or more and (ii) December 31 of the assessment year in all other counties. The initial application must contain the information required by the Department of Revenue, which shall prepare the form, including:

(1) the location or legal description of the property on which is located the principal building for the organization, including the PIN number, if available;
(2) a written instrument evidencing that the organization or not for profit corporation is the record owner or has a legal or equitable interest in the property;

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(3) an affidavit that the organization or not for profit corporation is liable for paying the real property taxes on the property; and
(4) the signature of the organization's or not for profit corporation's chief presiding officer. Subsequent applications shall include any changes in the initial application and shall affirm the ownership, use, and liability for taxes for the year in which it is submitted. All applications shall be notarized.
(d) This Section does not apply to parcels exempt from property taxes under this Code.

Section 99. Effective date. This Act takes effect upon becoming law.
Passed in the General Assembly December 5, 2002.

PUBLIC ACT 92-0860
(House Bill No. 2271)

AN ACT concerning the regulation of professions.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 1. Short title. This Act may be cited as the Massage Licensing Act.
Section 5. Declaration of public policy. The practice of massage therapy is hereby declared to affect the public health, safety, and welfare and to be subject to regulation in the public interest. The purpose of this Act is to protect and benefit the public by setting standards of qualifications, education, training, and experience for those who seek to practice massage therapy, to promote high standards of professional performance for those licensed to practice massage therapy in the State of Illinois, and to protect the public from unprofessional conduct by persons licensed to practice massage therapy.
Section 10. Definitions. As used in this Act:
"Approved massage school" means a facility which meets minimum standards for training and curriculum as determined by the Department.
"Board" means the Massage Therapy Board appointed by the Director.
"Compensation" means the payment, loan, advance, donation, contribution, deposit, or gift of money or anything of value.
"Department" means the Department of Professional Regulation.
"Director" means the Director of Professional Regulation.
"Massage" or "massage therapy" means a system of structured palpation or movement of the soft tissue of the body. The system may include, but is not limited to, techniques such as effleurage or stroking and gliding, petrissage or kneading, tapotement or percussion, friction, vibration, compression, and stretching activities as they pertain to massage therapy. These techniques may be applied by a licensed massage therapist with or without the aid of lubricants, salt or herbal preparations, hydromassage, thermal massage, or a massage device that mimics or enhances the actions possible by human hands. The purpose of the practice

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of massage, as licensed under this Act, is to enhance the general health and well-being of the mind and body of the recipient. "Massage" does not include the diagnosis of a specific pathology. "Massage" does not include those acts of physical therapy or therapeutic or corrective measures that are outside the scope of massage therapy practice as defined in this Section.

"Massage therapist" means a person who is licensed by the Department and administers massage for compensation. "Professional massage or bodywork therapy association" means a state or nationally chartered organization that is devoted to the massage specialty and therapeutic approach and meets the following requirements:

(1) The organization requires that its members meet minimum educational requirements. The educational requirements must include anatomy, physiology, hygiene, sanitation, ethics, technical theory, and application of techniques. (2) The organization has an established code of ethics and has procedures for the suspension and revocation of membership of persons violating the code of ethics. Section 15. Licensure requirements. Beginning January 1, 2004, persons engaged in massage for compensation must be licensed by the Department. The Department shall issue a license to an individual who meets all of the following requirements:

(1) The applicant has applied in writing on the prescribed forms and has paid the required fees.

(2) The applicant is at least 18 years of age and of good moral character. In determining good moral character, the Department may take into consideration conviction of any crime under the laws of the United States or any state or territory thereof that is a felony or a misdemeanor or any crime that is directly related to the practice of the profession. Such a conviction shall not operate automatically as a complete bar to a license, except in the case of any conviction for prostitution, rape, or sexual misconduct, or where the applicant is a registered sex offender.

(3) The applicant has met one of the following requirements:

(A) has successfully completed the curriculum or curriculums of one or more massage therapy schools approved by the Department that require a minimum of 500 hours and has passed a competency examination approved by the Department;

(B) holds a current license from another jurisdiction having licensure requirements that meet or exceed those defined within this Act; or

(C) has moved to Illinois from a jurisdiction with no licensure requirement and has provided documentation that he or she has successfully passed the National Certification Board of Therapeutic Massage and Bodywork's examination or another massage therapist certifying examination approved by the Department and maintains current certification.

Section 20. Grandfathering provision.
(a) For a period of one year after the effective date of the rules adopted under this Act, the Department may issue a license to an individual who, in addition to meeting the
requirements set forth in paragraphs (1) and (2) of Section 15, produces proof that he or she has met at least one of the following requirements before the effective date of this Act:

(1) has been an active member, for a period of at least one year prior to the application for licensure, of a national professional massage therapy organization established prior to the year 2000, which offers professional liability insurance and a code of ethics;

(2) has passed the National Certification Exam of Therapeutic Massage and Bodywork and has kept his or her certification current;

(3) has practiced massage therapy an average of at least 10 hours per week for at least 10 years; or

(4) has practiced massage therapy an average of at least 10 hours per week for at least one year prior to the effective date of this Act and has completed at least 100 hours of formal training in massage therapy.

(b) An applicant who can show proof of having engaged in the practice of massage therapy for at least 10 hours per week for a minimum of one year prior to the effective date of this Act and has less than 100 hours of formal training or has been practicing for less than one year with 100 hours of formal training must complete at least 100 additional hours of formal training consisting of at least 25 hours in anatomy and physiology by January 1, 2004.

(c) An applicant who has training from another state or country may qualify for a license under subsection (a) by showing proof of meeting the requirements of that state or country and demonstrating that those requirements are substantially the same as the requirements in this Section.

(d) For purposes of this Section, "formal training" means a massage therapy curriculum approved by the Illinois State Board of Education or the Illinois Board of Higher Education or coursework provided by continuing education sponsors approved by the Department.

Section 25. Exemptions.

(a) This Act does not prohibit a person licensed under any other Act in this State from engaging in the practice for which he or she is licensed.

(b) Persons exempted under this Section include, but are not limited to, physicians, podiatrists, naprapaths, and physical therapists.

(c) Nothing in this Act prohibits qualified members of other professional groups, including but not limited to nurses, occupational therapists, cosmetologists, and estheticians, from performing massage in a manner consistent with their training and the code of ethics of their respective professions.

(d) Nothing in this Act prohibits a student of an approved massage school or program from performing massage, provided that the student does not hold himself or herself out as a licensed massage therapist and does not charge a fee for massage therapy services.

(e) Nothing in this Act prohibits practitioners that do not involve intentional soft tissue manipulation, including but not limited to Alexander Technique, Feldenkrais, Reike, and Therapeutic Touch, from practicing.

(f) Practitioners of certain service marked bodywork approaches that do involve

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intentional soft tissue manipulation, including but not limited to Rolfing, Trager Approach, Polarity Therapy, and Orthobionomy, are exempt from this Act if they are approved by their governing body based on a minimum level of training, demonstration of competency, and adherence to ethical standards.

(g) Practitioners of Asian bodywork approaches are exempt from this Act if they are members of the American Organization of Bodywork Therapies of Asia as certified practitioners or if they are approved by an Asian bodywork organization based on a minimum level of training, demonstration of competency, and adherence to ethical standards set by their governing body.

(h) Practitioners of other forms of bodywork who restrict manipulation of soft tissue to the feet, hands, and ears, and who do not have the client disrobe, such as reflexology, are exempt from this Act.

(i) Nothing in this Act applies to massage therapists from other states or countries when providing educational programs or services for a period not exceeding 30 days within a calendar year.

(j) Nothing in this Act prohibits a person from treating ailments by spiritual means through prayer alone in accordance with the tenets and practices of a recognized church or religious denomination.

Section 30. Title protection.
(a) Persons regulated by this Act are designated as massage therapists and therefore are exclusively entitled to utilize the terms "massage", "massage therapy", and "massage therapist" when advertising or printing promotional material.

(b) Anyone who knowingly aids and abets one or more persons not authorized to use a professional title regulated by this Act or knowingly employs persons not authorized to use the regulated professional title in the course of their employment, commits a violation of this Act.

(c) Anyone not authorized, under the definitions of this Act, to utilize the term "massage", "massage therapy", or "massage therapist" and who knowingly utilizes these terms when advertising commits a violation of this Act.

Section 35. Massage Licensing Board.
(a) The Director shall appoint a Massage Licensing Board, which shall serve in an advisory capacity to the Director. The Board shall consist of 7 members, of whom 6 shall be massage therapists with at least 3 years of experience in massage. One of the massage therapist members shall represent a massage therapy school from the private sector and one of the massage therapist members shall represent a massage therapy school from the public sector. One member of the Board shall be a member of the public who is not licensed under this Act or a similar Act in Illinois or another jurisdiction. Membership on the Board shall reasonably reflect the various massage therapy and non-exempt bodywork organizations. Membership on the Board shall reasonably reflect the geographic areas of the State.

(b) Members shall be appointed to a 3-year term, except that initial appointees shall serve the following terms: 2 members including the non-voting member shall serve for one year, 2 members shall serve for 2 years, and 3 members shall serve for 3 years. A member

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whose term has expired shall continue to serve until his or her successor is appointed. No member shall be reappointed to the Board for a term that would cause his or her continuous service on the Board to exceed 9 years. Appointments to fill vacancies shall be made in the same manner as the original appointments for the unexpired portion of the vacated term.

(c) The members of the Board are entitled to receive compensation for all legitimate and necessary expenses incurred while attending Board and Department meetings.

(d) Members of the Board shall be immune from suit in any action based upon any disciplinary proceedings or other activities performed in good faith as members of the Board.

(e) The Director shall consider the recommendations of the Board on questions involving the standards of professional conduct, discipline, and qualifications of candidates and licensees under this Act. Nothing shall limit the ability of the Board to provide recommendations to the Director in regard to any matter affecting the administration of this Act. The Director shall give due consideration to all recommendations of the Board. If the Director takes action contrary to a recommendation of the Board, the Director shall provide a written explanation of that action.

(f) The Director may terminate the appointment of any member for cause which, in the opinion of the Director reasonably justifies termination, which may include, but is not limited to, a Board member who does not attend 2 consecutive meetings. Section 40. Duties of the Department. Subject to provisions of this Act, the Department shall:

(1) Formulate rules required for the administration of this Act. Notice of proposed rule making shall be transmitted to the Board and the Department shall review the Board’s response and any recommendations made in the response.

(2) Determine the qualifications of an applicant for licensure by endorsement.

(3) Conduct hearings or proceedings to refuse to issue or renew or to revoke a license or to suspend, place on probation, reprimand, or otherwise discipline a person licensed under this Act.

(4) Solicit the advice and expert knowledge of the Board on any matter relating to the administration and enforcement of this Act.

(5) Maintain a roster of the names and addresses of all licensees and all persons whose licenses have been suspended, revoked, or denied renewal for cause within the previous calendar year. The roster shall be available upon written request and payment of the required fee.

Section 45. Grounds for discipline.

(a) The Department may refuse to issue or renew, or may revoke, suspend, place on probation, reprimand, or take other disciplinary action, as the Department considers appropriate, including the imposition of fines not to exceed $1,000 for each violation, with regard to any license or licensee for any one or more of the following:

(1) being convicted of any crime under the laws of the United States or any state or territory thereof that is a felony or a misdemeanor, an essential element of which is dishonesty, or any that is directly related to the practice of massage. Conviction, as used in this paragraph, shall include a finding or verdict of guilty, an admission of guilt, or a plea of nolo contendere;

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(2) advertising in a false, deceptive, or misleading manner;
(3) aiding, assisting, procuring, or advising any unlicensed person to practice massage contrary to any rules or provisions of this Act;
(4) engaging in immoral conduct in the commission of any act, such as sexual abuse, sexual misconduct, or sexual exploitation, related to the licensee’s practice;
(5) engaging in dishonorable, unethical, or unprofessional conduct of a character likely to deceive, defraud, or harm the public;
(6) practicing or offering to practice beyond the scope permitted by law or accepting and performing professional responsibilities which the licensee knows or has reason to know that he or she is not competent to perform;
(7) knowingly delegating professional responsibilities to a person unqualified by training, experience, or licensure to perform;
(8) failing to provide information in response to a written request made by the Department within 60 days;
(9) having a habitual or excessive use of or addiction to alcohol, narcotics, stimulants, or any other chemical agent or drug which results in the inability to practice with reasonable judgment, skill, or safety;
(10) having a pattern of practice or other behavior that demonstrates incapacity or incompetence to practice under this Act;
(11) making a material misstatement in furnishing information to the Department or otherwise making misleading, deceptive, untrue, or fraudulent representations in violation of this Act or otherwise in the practice of the profession;
(12) making any misrepresentation for the purpose of obtaining a license; or
(13) having a physical illness, including but not limited to deterioration through the aging process or loss of motor skills, that results in the inability to practice the profession with reasonable judgment, skill, or safety.

(b) The Department may refuse to issue or may suspend the license of any person who fails to file a tax return, to pay the tax, penalty, or interest shown in a filed tax return, or to pay any final assessment of tax, penalty, or interest, as required by any tax Act administered by the Illinois Department of Revenue, until such time as the requirements of the tax Act are satisfied.

(c) The determination by a circuit court that a licensee is subject to involuntary admission or judicial admission, as provided in the Mental Health and Developmental Disabilities Code, operates as an automatic suspension. The suspension will end only upon (i) a finding by a court that the patient is no longer subject to involuntary admission or judicial admission and the issuance of a court order so finding and discharging the patient and (ii) the recommendation of the Board to the Director that the licensee be allowed to resume his or her practice.

(d) In enforcing this Section, the Department or Board upon a showing of a possible violation may compel an individual licensed to practice under this Act, or who has applied for licensure under this Act, to submit to a mental or physical examination, or both, as required by and at the expense of the Department. The Department or Board may order the

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examining physician to present testimony concerning the mental or physical examination of the licensee or applicant. No information shall be excluded by reason of any common law or statutory privilege relating to communications between the licensee or applicant and the examining physician. The examining physicians shall be specifically designated by the Board or Department. The individual to be examined may have, at his or her own expense, another physician of his or her choice present during all aspects of this examination. The examination shall be performed by a physician licensed to practice medicine in all its branches. Failure of an individual to submit to a mental or physical examination, when directed, shall be grounds for suspension of his or her license until the individual submits to the examination if the Department finds, after notice and hearing, that the refusal to submit to the examination was without reasonable cause.

If the Department or Board finds an individual unable to practice because of the reasons set forth in this Section, the Department or Board may require that individual to submit to care, counseling, or treatment by physicians approved or designated by the Department or Board, as a condition, term, or restriction for continued, reinstated, or renewed licensure to practice; or, in lieu of care, counseling, or treatment, the Department may file, or the Board may recommend to the Department to file, a complaint to immediately suspend, revoke, or otherwise discipline the license of the individual. An individual whose license was granted, continued, reinstated, renewed, disciplined or supervised subject to such terms, conditions, or restrictions, and who fails to comply with such terms, conditions, or restrictions, shall be referred to the Director for a determination as to whether the individual shall have his or her license suspended immediately, pending a hearing by the Department.

In instances in which the Director immediately suspends a person's license under this Section, a hearing on that person's license must be convened by the Department within 15 days after the suspension and completed without appreciable delay. The Department and Board shall have the authority to review the subject individual's record of treatment and counseling regarding the impairment to the extent permitted by applicable federal statutes and regulations safeguarding the confidentiality of medical records.

An individual licensed under this Act and affected under this Section shall be afforded an opportunity to demonstrate to the Department or Board that he or she can resume practice in compliance with acceptable and prevailing standards under the provisions of his or her license.

Section 50. Advertising. It is a misdemeanor for any person, organization, or corporation to advertise massage services unless the person providing the service holds a valid license under this Act, except for those excluded licensed professionals who are allowed to include massage in their scope of practice. A massage therapist may not advertise unless he or she has a current license issued by this State. "Advertise" as used in this Section includes, but is not limited to, the issuance of any card, sign, or device to any person; the causing, permitting, or allowing of any sign or marking on or in any building, vehicle, or structure; advertising in any newspaper or magazine; any listing or advertising in any directory under a classification or heading that includes the words "massage", "massage therapist", "therapeutic massage", or "massage therapeutic"; or commercials broadcast by any

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means.

Section 55. Exclusive jurisdiction. Beginning January 1, 2004, the regulation and licensing of massage therapy is an exclusive power and function of the State. Beginning January 1, 2004, a home rule unit may not regulate or license massage therapists. This Section is a denial and limitation of home rule powers and functions under subsection (h) of Section 6 of Article VII of the Illinois Constitution.

Section 60. Administrative Procedure Act. The Illinois Administrative Procedure Act is hereby expressly adopted and incorporated herein as if all of the provisions of that Act were included in this Act, except that the provision of subsection (d) of Section 10-65 of the Illinois Administrative Procedure Act that provides that at hearings the licensee has the right to show compliance with all lawful requirements for retention, continuation, or renewal of the license is specifically excluded. For the purposes of this Act the notice required under Section 10-25 of the Administrative Procedure Act is deemed sufficient when mailed to the last known address of a party.

Section 65. Renewal of licenses. The expiration date and renewal period for each license issued under this Act shall be set by rule.

Section 67. Continuing education. The Department shall adopt rules for continuing education for persons licensed under this Act that require a completion of 24 hours of approved continuing education per license renewal period. The Department shall establish by rule a means for the verification of completion of the continuing education required by this Section. This verification may be accomplished through audits of records maintained by the licensee, by requiring the filing of continuing education certificates with the Department, or by other means established by the Department.

Section 70. Restoration of expired licenses. A massage therapist who has permitted his or her license to expire or who has had his or her license on inactive status may have his or her license restored by making application to the Department and filing proof acceptable to the Department of his or her fitness to have his or her license restored, including sworn evidence certifying to active practice in another jurisdiction satisfactory to the Department, and by paying the required restoration fee and showing proof of completion of required continuing education. Licensees must provide proof of completion of 24 hours approved continuing education to renew their license.

If the massage therapist has not maintained an active practice in another jurisdiction satisfactory to the Department, the Board shall determine, by an evaluation program established by rule his or her fitness to resume active status and may require the massage therapist to complete a period of evaluated clinical experience and may require successful completion of an examination.

A massage therapist whose license has been expired or placed on inactive status for more than 5 years may have his or her license restored by making application to the Department and filing proof acceptable to the Department of his or her fitness to have his or her license restored, including sworn evidence certifying to active practice in another jurisdiction, by paying the required restoration fee, and by showing proof of the completion of 24 hours of continuing education.
However, a massage therapist whose license has expired while he or she has been engaged (i) in active duty with the Army of the United States, the United States Navy, the Marine Corps, the Air Force, the Coast Guard, or the State Militia called into the service or training of the United States of America, or (ii) in training or education under the supervision of the United States preliminary to induction into the military service, may have his or her license restored without paying any lapsed renewal fees or restoration fee if, within 2 years after termination of the service, training, or education, other than by dishonorable discharge, he or she furnishes the Department with an affidavit to the effect that he or she has been so engaged and that his or her service, training, or education has been terminated.

Section 75. Inactive licenses. Any massage therapist who notifies the Department in writing on forms prescribed by the Department may elect to place his or her license on inactive status and shall, subject to rules of the Department, be excused from payment of renewal fees until he or she notifies the Department in writing of his or her desire to resume active status.

A massage therapist requesting restoration from inactive status shall be required to pay the current renewal fee and shall be required to restore his or her license as provided in Section 70 of this Act.

Any massage therapist whose license is on inactive status shall not practice massage therapy in the State, and any practice conducted shall be deemed unlicensed practice. Section 80. Fees. The fees assessed under this Act shall be set by rule.

Section 85. Deposit of fees and fines; appropriations. All fees and fines collected under this Act shall be deposited into the General Professions Dedicated Fund. All moneys in the Fund shall be used by the Department of Professional Regulation, as appropriated, for the ordinary and contingent expenses of the Department.

Section 90. Violations; injunction; cease and desist order.

(a) If any person violates a provision of this Act, the Director may, in the name of the People of the State of Illinois, through the Attorney General of the State of Illinois or the State's Attorney in the county in which the offense occurs, petition for an order enjoining the violation or for an order enforcing compliance with this Act. Upon the filing of a verified petition in court, the court may issue a temporary restraining order, without notice or bond, and may preliminarily and permanently enjoin the violation. If it is established that the person has violated or is violating the injunction, the court may punish the offender for contempt of court. Proceedings under this Section shall be in addition to, and not in lieu of, all other remedies and penalties provided by this Act.

(b) If, after January 1, 2004, any person practices as a massage therapist or holds himself or herself out as a massage therapist without being licensed under the provisions of this Act, then the Director, any licensed massage therapist, any interested party, or any person injured thereby may petition for relief as provided in subsection (a) of this Section or may apply to the circuit court of the county in which the violation or some part thereof occurred, or in which the person complained of has his or her principal place of business or resides, to prevent the violation. The court has jurisdiction to enforce obedience by injunction or by other process restricting the person complained of from further violation and enjoining upon

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him or her obedience.

(c) Whenever, in the opinion of the Department, a person violates any provision of this Act, the Department may issue a rule to show cause why an order to cease and desist should not be entered against him. The rule shall clearly set forth the grounds relied upon by the Department and shall provide a period of 7 days from the date of the rule to file an answer to the satisfaction of the Department. Failure to answer to the satisfaction of the Department shall cause an order to cease and desist to be issued immediately.

Section 95. Investigations; notice and hearing. The Department may investigate the actions of any applicant or of any person holding or claiming to hold a license. The Department shall, before refusing to issue or renew a license or to discipline a licensee pursuant to Section 45, notify the applicant or holder of a license in writing, at least 30 days prior to the date set for the hearing, of the nature of the charges and that a hearing will be held on the date designated. The notice shall direct the applicant or licensee to file an answer to the Board under oath within 20 days after the service of the notice, and shall inform the applicant or licensee that failure to file an answer will result in a default judgment being entered against the applicant or licensee. A default judgment may result in the license being suspended, revoked, or placed on probationary status, or other disciplinary action may be taken, including limiting the scope, nature, or extent of practice, as the Director may deem proper. Written notice may be served by personal delivery or certified or registered mail to the respondent at the address of his or her last notification to the Department. In case the person fails to file an answer after receiving notice, his or her license or certificate may, in the discretion of the Department, be suspended, revoked, or placed on probationary status and the Department may take whatever disciplinary action it deems proper, including limiting the scope, nature, or extent of the person's practice or the imposition of a fine, without a hearing, if the act or acts charged constitute sufficient grounds for that action under this Act. At the time and place fixed in the notice, the Board shall proceed to hear the charges and the parties or their counsel shall be accorded ample opportunity to present statements, testimony, evidence and argument that may be pertinent to the charges or to the licensee's defense. The Board may continue a hearing from time to time.

Section 100. Stenographer; transcript. The Department, at its expense, shall preserve a record of all proceedings at the formal hearing of any case involving the refusal to issue or renew a license or the discipline of a licensee. The notice of hearing, complaint and all other documents in the nature of pleadings and written motions filed in the proceedings, the transcript of testimony, the report of the Board, and the order of the Department shall be the record of the proceeding.

Section 105. Compelling testimony. Any circuit court, upon application of the Department or its designee or of the applicant or licensee against whom proceedings pursuant to Section 95 of this Act are pending, may enter an order requiring the attendance of witnesses and their testimony and the production of documents, papers, files, books, and records in connection with any hearing or investigation. The court may compel obedience to its order by proceedings for contempt.

Section 110. Findings and recommendations. At the conclusion of the hearing, the  

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Board shall present to the Director a written report of its findings and recommendations. The report shall contain a finding of whether or not the accused person violated this Act or failed to comply with the conditions required in this Act. The Board shall specify the nature of the violation or failure to comply and shall make its recommendations to the Director.

The report of findings and recommendations of the Board shall be the basis for the Department's order or refusal or for the granting of a license unless the Director shall determine that the Board's report is contrary to the manifest weight of the evidence, in which case the Director may issue an order in contravention of the Board's report. The finding is not admissible in evidence against the person in a criminal prosecution brought for the violation of this Act, but the hearing and finding are not a bar to a criminal prosecution brought for the violation of this Act.

Section 115. Rehearing. In any case involving the refusal to issue or renew a license or discipline of a licensee, a copy of the Board's report shall be served upon the respondent by the Department, either personally or as provided in this Act for the service of the notice of hearing. Within 20 days after service, the respondent may present to the Department a motion, in writing and specifying particular grounds, for a rehearing. If no motion for rehearing is filed, then upon the expiration of the time specified for filing the motion, or if a motion for rehearing is denied, then upon the denial, the Director may enter an order in accordance with recommendations of the Board, except as provided in Section 110 of this Act. If the respondent shall order from the reporting service and pay for a transcript of the record within the time for filing a motion for rehearing, the 20 day period within which the motion may be filed shall commence upon the delivery of the transcript to the respondent.

Section 120. Director; rehearing. Whenever the Director is satisfied that substantial justice has not been done in the revocation, suspension, or refusal to issue or renew a license, the Director may order a rehearing by the same or other examiners.

Section 125. Appointment of a hearing officer. The Director shall have the authority to appoint any attorney duly licensed to practice law in this State to serve as the hearing officer in any action for refusal to issue or renew a license or permit or for the discipline of a licensee. The hearing officer shall have full authority to conduct the hearing. At least one member of the Board shall attend each hearing. The hearing officer shall report his or her findings and recommendations to the Board and the Director. The Board shall have 60 days after receipt of the report to review the report of the hearing officer and present its findings of fact, conclusions of law, and recommendations to the Director. If the Board fails to present its report within the 60-day period, the Director shall issue an order based on the report of the hearing officer. If the Director determines that the Board's report is contrary to the manifest weight of the evidence, he or she may issue an order in contravention of the Board's report.

Section 130. Order or certified copy; prima facie proof. An order or a certified copy thereof, over the seal of the Department and purporting to be signed by the Director, shall be prima facie proof that:

(1) the signature is the genuine signature of the Director;
(2) the Director is duly appointed and qualified; and

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(3) the Board and the members of the Board are qualified to act.

Section 135. Restoration of suspended or revoked license. At any time after the suspension or revocation of a license, the Department may restore it to the accused person upon the written recommendation of the Board, unless after an investigation and a hearing, the Board determines that restoration is not in the public interest.

Section 140. Surrender of license. Upon the revocation or suspension of any license, the licensee shall surrender the license to the Department and, if the licensee fails to do so, the Department shall have the right to seize the license.

Section 145. Temporary suspension of a license. The Director may temporarily suspend the license of a massage therapist without a hearing, simultaneously with the institution of proceedings for a hearing provided for in Section 95 of this Act, if the Director finds that the evidence in his or her possession indicates that continuation in practice would constitute an imminent danger to the public. In the event that the Director temporarily suspends the license of a massage therapist without a hearing, a hearing by the Board must be held within 30 calendar days after the suspension has occurred.

Section 150. Administrative review; venue. All final administrative decisions of the Department are subject to judicial review pursuant to the Administrative Review Law and its rules. The term "administrative decision" is defined as in Section 3-101 of the Code of Civil Procedure.

Proceedings for judicial review shall be commenced in the circuit court of the county in which the party applying for relief resides; but if the party is not a resident of this State, the venue shall be in Sangamon County.

The Department shall not be required to certify any record to the court or file any answer in court or otherwise appear in any court in a judicial review proceeding, unless there is filed in the court, with the complaint, a receipt from the Department acknowledging payment of the costs of furnishing and certifying the record. Failure on the part of the plaintiff to file a receipt in court shall be grounds for dismissal of the action.

Section 155. Violations. A person who is found to have violated any provision of this Act is guilty of a Class A misdemeanor for the first offense and a Class 4 felony for the second and any subsequent offense.

Section 160. Returned checks; fines. Any person who delivers a check or other payment to the Department that is returned to the Department unpaid by the financial institution upon which it is drawn shall pay to the Department, in addition to the amount already owed to the Department, a fine of $50. If the check or other payment was for a renewal or issuance fee and that person practices without paying the renewal fee or issuance fee and the fine due, an additional fine of $100 shall be imposed. The fines imposed by this Section are in addition to any other discipline provided under this Act for unlicensed practice or practice on a nonrenewed license. The Department shall notify the person that payment of fees and fines shall be paid to the Department by certified check or money order within 30 calendar days of the notification. If, after the expiration of 30 days from the date of the notification, the person has failed to submit the necessary remittance, the Department shall automatically terminate the license or deny the application, without hearing. If, after
termination or denial, the person seeks a license, he or she shall apply to the Department for restoration or issuance of the license and pay all fees and fines due to the Department. The Department may establish a fee for the processing of an application for restoration of a license to pay all expenses of processing this application. The Director may waive the fines due under this Section in individual cases where the Director finds that the fines would be unreasonable or unnecessarily burdensome.

Section 165. Unlicensed practice; violation; civil penalty.
(a) Any person who practices, offers to practice, attempts to practice, or holds himself or herself out to practice massage therapy or as a massage therapist without being licensed under this Act shall, in addition to any other penalty provided by law, pay a civil penalty to the Department in an amount not to exceed $5,000 for each offense as determined by the Department. The civil penalty shall be assessed by the Department after a hearing is held in accordance with the provisions set forth in this Act regarding the provision of a hearing for the discipline of a licensee.

(b) The Department has the authority and power to investigate any unlicensed activity.
(c) The civil penalty shall be paid within 60 days after the effective date of the order imposing the civil penalty. The order shall constitute a judgment and may be filed and execution had thereon in the same manner as any judgment from any court of record.

Section 170. Severability. If any provision of this Act or the application of any provision of this Act to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the Act that can be given effect without the invalid provision or application, and for this purpose the provisions of this Act are severable.

Section 950. The Regulatory Sunset Act is amended by adding Section 4.22 as follows:

(5 ILCS 80/4.22 new)
Sec. 4.22. Act repealed on January 1, 2012. The following Act is repealed on January 1, 2012:
The Massage Licensing Act.
General Assembly Accepts Changes December 4, 2002.

PUBLIC ACT 92-0861
(House Bill No. 2643)

AN ACT concerning contracts.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

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Section 5. The Architectural, Engineering, and Land Surveying Qualifications Based Selection Act is amended by changing Section 45 as follows:

(30 ILCS 535/45) (from Ch. 127, par. 4151-45)

Sec. 45. Small contracts. The provisions of Sections 25, 30, and 35 do not apply to architectural, engineering, and land surveying contracts with an estimated basic professional services fee of less than $25,000.
(Source: P.A. 87-673.)

Section 99. Effective date. This Act takes effect upon becoming law.

PUBLIC ACT 92-0862
(House Bill No. 3080)

AN ACT in relation to public employee benefits.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The State Employees Group Insurance Act of 1971 is amended by changing Section 6.5 as follows:
(5 ILCS 375/6.5)

Sec. 6.5. Health benefits for TRS benefit recipients and TRS dependent beneficiaries.

(a) Purpose. It is the purpose of this amendatory Act of 1995 to transfer the administration of the program of health benefits established for benefit recipients and their dependent beneficiaries under Article 16 of the Illinois Pension Code to the Department of Central Management Services.

(b) Transition provisions. The Board of Trustees of the Teachers' Retirement System shall continue to administer the health benefit program established under Article 16 of the Illinois Pension Code through December 31, 1995. Beginning January 1, 1996, the Department of Central Management Services shall be responsible for administering a program of health benefits for TRS benefit recipients and TRS dependent beneficiaries under this Section. The Department of Central Management Services and the Teachers' Retirement System shall cooperate in this endeavor and shall coordinate their activities so as to ensure a smooth transition and uninterrupted health benefit coverage.

(c) Eligibility. All persons who were enrolled in the Article 16 program at the time of the transfer shall be eligible to participate in the program established under this Section without any interruption or delay in coverage or limitation as to pre-existing medical conditions. Eligibility to participate shall be determined by the Teachers' Retirement System. Eligibility information shall be communicated to the Department of Central Management Services in a format acceptable to the Department.

A TRS dependent beneficiary who is an unmarried child age 19 or over and mentally or physically handicapped does not become ineligible to participate by reason of (i)

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becoming ineligible to be claimed as a dependent for Illinois or federal income tax purposes or (ii) receiving earned income, so long as those earnings are insufficient for the child to be fully self-sufficient.

(d) Coverage. The level of health benefits provided under this Section shall be similar to the level of benefits provided by the program previously established under Article 16 of the Illinois Pension Code.

Group life insurance benefits are not included in the benefits to be provided to TRS benefit recipients and TRS dependent beneficiaries under this Act.

The program of health benefits under this Section may include any or all of the benefit limitations, including but not limited to a reduction in benefits based on eligibility for federal medicare benefits, that are provided under subsection (a) of Section 6 of this Act for other health benefit programs under this Act.

(e) Insurance rates and premiums. The Director shall determine the insurance rates and premiums for TRS benefit recipients and TRS dependent beneficiaries. For Fiscal Year 1996, the premium shall be equal to the premium actually charged in Fiscal Year 1995. In subsequent years, the premium shall never be lower than the premium charged in Fiscal Year 1995.

Rates and premiums may be based in part on age and eligibility for federal medicare coverage. However, the cost of participation for a TRS dependent beneficiary who is an unmarried child age 19 or over and mentally or physically handicapped shall not exceed the cost for a TRS dependent beneficiary who is an unmarried child under age 19 and participates in the same major medical or managed care program.

The cost of health benefits under the program shall be paid as follows:

(1) For a TRS benefit recipient selecting a managed care program, up to 75% of the total insurance rate shall be paid from the Teacher Health Insurance Security Fund.

(2) For a TRS benefit recipient selecting the major medical coverage program, up to 50% of the total insurance rate shall be paid from the Teacher Health Insurance Security Fund if a managed care program is accessible, as determined by the Teachers' Retirement System.

(3) For a TRS benefit recipient selecting the major medical coverage program, up to 75% of the total insurance rate shall be paid from the Teacher Health Insurance Security Fund if a managed care program is not accessible, as determined by the Teachers' Retirement System.

(4) The balance of the rate of insurance, including the entire premium of any coverage for TRS dependent beneficiaries that has been elected, shall be paid by deductions authorized by the TRS benefit recipient to be withheld from his or her monthly annuity or benefit payment from the Teachers' Retirement System; except that (i) if the balance of the cost of coverage exceeds the amount of the monthly annuity or benefit payment, the difference shall be paid directly to the Teachers' Retirement System by the TRS benefit recipient, and (ii) all or part of the balance of the cost of coverage may, at the school board's option, be paid to the Teachers' Retirement System.
Retirement System by the school board of the school district from which the TRS benefit recipient retired, in accordance with Section 10-22.3b of the School Code. The Teachers' Retirement System shall promptly deposit all moneys withheld by or paid to it under this subdivision (e)(4) into the Teacher Health Insurance Security Fund. These moneys shall not be considered assets of the Retirement System.

(f) Financing. Beginning July 1, 1995, all revenues arising from the administration of the health benefit programs established under Article 16 of the Illinois Pension Code or this Section shall be deposited into the Teacher Health Insurance Security Fund, which is hereby created as a nonappropriated trust fund to be held outside the State Treasury, with the State Treasurer as custodian. Any interest earned on moneys in the Teacher Health Insurance Security Fund shall be deposited into the Fund.

Moneys in the Teacher Health Insurance Security Fund shall be used only to pay the costs of the health benefit program established under this Section, including associated administrative costs, and the costs associated with the health benefit program established under Article 16 of the Illinois Pension Code, as authorized in this Section. Beginning July 1, 1995, the Department of Central Management Services may make expenditures from the Teacher Health Insurance Security Fund for those costs.

After other funds authorized for the payment of the costs of the health benefit program established under Article 16 of the Illinois Pension Code are exhausted and until January 1, 1996 (or such later date as may be agreed upon by the Director of Central Management Services and the Secretary of the Teachers' Retirement System), the Secretary of the Teachers' Retirement System may make expenditures from the Teacher Health Insurance Security Fund as necessary to pay up to 75% of the cost of providing health coverage to eligible benefit recipients (as defined in Sections 16-153.1 and 16-153.3 of the Illinois Pension Code) who are enrolled in the Article 16 health benefit program and to facilitate the transfer of administration of the health benefit program to the Department of Central Management Services.

(g) Contract for benefits. The Director shall by contract, self-insurance, or otherwise make available the program of health benefits for TRS benefit recipients and their TRS dependent beneficiaries that is provided for in this Section. The contract or other arrangement for the provision of these health benefits shall be on terms deemed by the Director to be in the best interest of the State of Illinois and the TRS benefit recipients based on, but not limited to, such criteria as administrative cost, service capabilities of the carrier or other contractor, and the costs of the benefits.

(h) Continuation of program. It is the intention of the General Assembly that the program of health benefits provided under this Section be maintained on an ongoing, affordable basis. The program of health benefits provided under this Section may be amended by the State and is not intended to be a pension or retirement benefit subject to protection under Article XIII, Section 5 of the Illinois Constitution.

(Source: P.A. 89-21, eff. 6-21-95; 89-25, eff. 6-21-95.)

Section 99. Effective date. This Act takes effect upon becoming law.

AN ACT in relation to criminal law.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Code of Criminal Procedure of 1963 is amended by changing Section 108B-1 and adding Section 108B-1.5 as follows:

(725 ILCS 5/108B-1) (from Ch. 38, par. 108B-1)
Sec. 108B-1. Definitions. For the purpose of this Article:
(a) "Aggrieved person" means a person who was a party to any intercepted wire or oral communication or any person against whom the intercept was directed.
(b) "Chief Judge" means, when referring to a judge authorized to receive application for, and to enter orders authorizing, interceptions of private oral communications, the Chief Judge of the Circuit Court wherein the application for order of interception is filed, or a Circuit Judge designated by the Chief Judge to enter these orders. In circuits other than the Cook County Circuit, "Chief Judge" also means, when referring to a judge authorized to receive application for, and to enter orders authorizing, interceptions of private oral communications, an Associate Judge authorized by Supreme Court Rule to try felony cases who is assigned by the Chief Judge to enter these orders. After assignment by the Chief Judge, an Associate Judge shall have plenary authority to issue orders without additional authorization for each specific application made to him by the State's Attorney until the time the Associate Judge's power is rescinded by the Chief Judge.
(c) "Communications common carrier" means any person engaged as a common carrier for hire in the transmission of communications by wire or radio, not including radio broadcasting.
(d) "Contents" includes information obtained from a private oral communication concerning the existence, substance, purport or meaning of the communication, or the identity of a party of the communication.
(e) "Court of competent jurisdiction" means any circuit court.
(f) "Department" means Illinois Department of State Police.
(g) "Director" means Director of the Illinois Department of State Police.
(h) "Electronic criminal surveillance device" or "eavesdropping device" means any device or apparatus, including an induction coil, that can be used to intercept human speech other than:

(1) Any telephone, telegraph or telecommunication instrument, equipment or facility, or any component of it, furnished to the subscriber or user by a communication common carrier in the ordinary course of its business, or purchased by any person and being used by the subscriber, user or person in the ordinary course

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of his business, or being used by a communications common carrier in the ordinary course of its business, or by an investigative or law enforcement officer in the ordinary course of his duties; or

(2) A hearing aid or similar device being used to correct subnormal hearing to not better than normal.

(i) "Electronic criminal surveillance officer" means any law enforcement officer or retired law enforcement officer of the United States or of the State or political subdivision of it, or of another State, or of a political subdivision of it, who is certified by the Illinois Department of State Police to intercept private oral communications. A retired law enforcement officer may be certified by the Illinois State Police only to (i) prepare petitions for the authority to intercept private oral communications in accordance with the provisions of this Act; (ii) intercept and supervise the interception of private oral communications; (iii) handle, safeguard, and use evidence derived from such private oral communications; and (iv) operate and maintain equipment used to intercept private oral communications.

(j) "In-progress trace" means to determine the origin of a wire communication to a telephone or telegraph instrument, equipment or facility during the course of the communication.

(k) "Intercept" means the aural acquisition of the contents of any oral communication through the use of any electronic criminal surveillance device.

(l) "Journalist" means a person engaged in, connected with, or employed by news media, including newspapers, magazines, press associations, news agencies, wire services, radio, television or other similar media, for the purpose of gathering, processing, transmitting, compiling, editing or disseminating news for the general public.

(m) "Law enforcement agency" means any law enforcement agency of the United States, or the State or a political subdivision of it.

(n) "Oral communication" means human speech used to communicate by one party to another, in person, by wire communication or by any other means.

(o) "Private oral communication" means a wire or oral communication uttered by a person exhibiting an expectation that the communication is not subject to interception, under circumstances reasonably justifying the expectation. Circumstances that reasonably justify the expectation that a communication is not subject to interception include the use of a cordless telephone or cellular communication device.

(p) "Wire communication" means any human speech used to communicate by one party to another in whole or in part through the use of facilities for the transmission of communications by wire, cable or other like connection between the point of origin and the point of reception furnished or operated by a communications common carrier.

(q) "Privileged communications" means a private oral communication between:

(1) a licensed and practicing physician and a patient within the scope of the profession of the physician;

(2) a licensed and practicing psychologist to a patient within the scope of the profession of the psychologist;

(3) a licensed and practicing attorney-at-law and a client within the scope of

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the profession of the lawyer;
    (4) a practicing clergyman and a confidant within the scope of the profession
    of the clergyman;
    (5) a practicing journalist within the scope of his profession;
    (6) spouses within the scope of their marital relationship; or
    (7) a licensed and practicing social worker to a client within the scope of the
    profession of the social worker.
    (r) "Retired law enforcement officer" means a person: (1) who is a graduate of a
    police training institute or academy, who after graduating served for at least 15 consecutive
    years as a sworn, full-time peace officer qualified to carry firearms for any federal or State
    department or agency or for any unit of local government of Illinois; (2) who has retired as
    a local, State, or federal peace officer in a publicly created peace officer retirement system;
    and (3) whose service in law enforcement was honorably terminated through retirement or
disability and not as a result of discipline, suspension, or discharge.
(Source: P.A. 86-391; 86-763; 86-1028; 86-1206; 87-530.)
(725 ILCS 5/108B-1.5 new)
Sec. 108B-1.5. Retired law enforcement officer. Nothing in this Article authorizes a
retired law enforcement officer to display or use a firearm at any time.
Section 99. Effective date. This Act takes effect upon becoming law.
Passed in the General Assembly May 7, 2002.
Governor Returns Bill With Recommendation For Change (Amendatory Veto Of
General Assembly Accepts Changes December 4, 2002.

PUBLIC ACT 92-0864
(House Bill No. 4157)

AN ACT concerning community development financial institutions.
Be it enacted by the People of the State of Illinois, represented in the General
Assembly:

Section 1. Short title. This Act may be cited as the Illinois Investment and
Development Authority Act.

Section 5. Purpose. The purpose of this Act is to create a State entity to support the
creation and growth of community development financial institutions, which provide access
to capital for business development, capital investments, and other financing to expand
private sector activities in economically disadvantaged communities and for low income
people, by providing grants, loans, and technical assistance to CDFIs. Assistance by this
entity would (i) expand financial services and capital access in economically disadvantaged
communities, (ii) provide support for the creation of new small businesses and new jobs in
economically disadvantaged communities, (iii) create opportunities for banks to get a federal

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incentive for investments in a CDFI, (iv) increase this State's share of the money distributed annually by the federal Community Development Financial Institutions Fund, and (v) create a new partnership between the State, banks and thrifts, and CDFIs.

Section 10. Definitions. In this Act:
"Authority" means the Illinois Investment and Development Authority.
"Community development financial institution" or "CDFI" means an Illinois community development financial institution certified in accordance with the federal Community Development Banking and Financial Institutions Act of 1994 (Public Law 103-325) and accredited by the Authority under Section 50 of this Act.

Section 15. Creation of Illinois Investment and Development Authority; members.
(a) There is created a political subdivision, body politic and corporate, to be known as the Illinois Investment and Development Authority. The exercise by the Authority of the powers conferred by law shall be an essential public function. The governing powers of the Authority shall be vested in a body consisting of 11 members, including, as ex officio members, the Commissioner of Banks and Real Estate and the Director of Commerce and Community Affairs or their designees. The other 9 members of the Authority shall be appointed by the Governor, with the advice and consent of the Senate, and shall be designated "public members". The public members shall include representatives from banks and other private financial services industries, community development finance experts, small business development experts, and other community leaders. Not more than 6 members of the Authority may be of the same political party. The Chairperson of the Authority shall be designated by the Governor from among its public members.

(b) Six members of the Authority shall constitute a quorum. However, when a quorum of members of the Authority is physically present at the meeting site, other Authority members may participate in and act at any meeting through the use of a conference telephone or other communications equipment by means of which all persons participating in the meeting can hear each other. Participation in such meeting shall constitute attendance and presence in person at the meeting of the person or persons so participating. All official acts of the Authority shall require the approval of at least 5 members.

(c) Of the members initially appointed by the Governor pursuant to this Act, 3 shall serve until the third Monday in January, 2004, 3 shall serve until the third Monday in January, 2005, and 3 shall serve until the third Monday in January, 2006 and all shall serve until their successors are appointed and qualified. All successors shall hold office for a term of 3 years commencing on the third Monday in January of the year in which their term commences, except in case of an appointment to fill a vacancy. Each member appointed under this Section who is confirmed by the Senate shall hold office during the specified term and until his or her successor is appointed and qualified. In case of vacancy in the office when the Senate is not in session, the Governor may make a temporary appointment until the next meeting of the Senate, when the Governor shall nominate such person to fill the office, and any person so nominated who is confirmed by the Senate, shall hold his or her office during the remainder of the term and until his or her successor is appointed and qualified.

(d) Members of the Authority shall not be entitled to compensation for their services

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as members, but shall be entitled to reimbursement for all necessary expenses incurred in connection with the performance of their duties as members.

(e) The Governor may remove any public member of the Authority in case of incompetency, neglect of duty, or malfeasance in office, after service on the member of a copy of the written charges against him or her and an opportunity to be publicly heard in person or by counsel in his or her own defense upon not less than 10 days notice.

Section 20. Executive Director; other employees. The members of the Authority shall appoint an Executive Director to hold office at the pleasure of the members. The Executive Director shall be the chief administrative and operational officer of the Authority, shall direct and supervise its administrative affairs and general management and perform such other duties as may be prescribed from time to time by the members, and shall receive compensation fixed by the Authority. The Executive Director or any committee of the members may carry out such responsibilities of the members as the members by resolution may delegate. The Executive Director shall attend all meetings of the Authority; however, no action of the Authority shall be invalid on account of the absence of the Executive Director from a meeting. The Authority may engage the services of such other agents and employees, including legal and technical experts and other consultants, as it may deem advisable and may prescribe these persons' duties and fix their compensation.

Section 25. Powers of Authority.
(a) The Authority possesses all the powers as a body corporate necessary and convenient to accomplish the purposes of this Act, including, without any intended limitation upon the general powers hereby conferred, all of the following:

(1) To enter into loans, contracts, and agreements in any matter connected with any of its corporate purposes and to invest its funds.

(2) To sue and be sued.

(3) To employ those agents, employees, and independent contractors necessary to carry out its purposes, and to fix their compensation, their benefits, and the terms and conditions of their employment.

(4) To have and use a common seal and to alter the seal at pleasure.

(5) To adopt all needful resolutions, by-laws, and rules for the conduct of its business and affairs.

(6) To have and exercise all powers and be subject to all duties usually incident to boards of directors of corporations.

(b) The Authority shall not have the power to levy taxes for any purpose whatsoever.

Section 30. Office. The Authority may maintain an office or branch office anywhere in this State and may utilize, without the payment of rent, any office facilities that the State may conveniently make available to the Authority.

Section 35. Secretary; treasurer; funds.
(a) The Authority shall appoint a secretary and treasurer, who may be a member or members of the Authority, to hold office at the pleasure of the Authority. Before entering upon the duties of the respective offices, the person or persons shall take and subscribe to the constitutional oath of office, and the treasurer shall execute a bond with corporate sureties.

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to be approved by the Authority. The bond shall be payable to the Authority in whatever penal sum may be directed by the Authority, conditioned upon the faithful performance of the duties of the office and the payment of all money received by him or her according to law and the orders of the Authority. The Authority may, at any time, require a new bond from the treasurer in such penal sum as may then be determined by the Authority. The obligation of the sureties shall not extend to any loss sustained by the insolvency, failure, or closing of any savings and loan association or national or state bank wherein the treasurer has deposited funds if the bank or savings and loan association has been approved by the Authority as a depository for these funds. The oaths of office and the treasurer's bond shall be filed in the principal office of the Authority.

(b) All funds of the Authority, including without limitation (i) grants or loans from the federal government, the State, or any agency or instrumentality of the State or federal government, (ii) fees, service charges, interest, or other investment earnings on its funds, (iii) payments of principal of and interest on loans of its funds, and (iv) revenue from any other source, except funds the application of which is otherwise specifically provided for by appropriation, resolution, grant agreement, lease agreement, loan agreement, indenture, mortgage, trust agreement, or other agreement, may be held by the Authority in its treasury and be generally available for expenditure by the Authority for any of the purposes authorized by this Act.

(c) In addition to investments authorized by Section 2 of the Public Funds Investment Act, funds of the Authority may be invested in (i) obligations issued by any state, unit of local government, or school district, which obligations are rated at the time of purchase by a national rating service within the 2 highest rating classifications without regard to any rating refinement or gradation by numerical or other modifier, or (ii) equity securities of an investment company registered under the federal Investment Company Act of 1940 whose sole assets, other than cash and other temporary investments, are obligations that are eligible investments for the Authority, provided that not more than 20% of the assets of the investment company may consist of unrated obligations of the type described in clause (i) of this subsection (c) that the board of directors of the investment company has determined to be of comparable quality to rated obligations described in clause (i) of this subsection (c).

(d) Moneys appropriated by the General Assembly to the Authority shall be held in the State treasury unless the Act making the appropriation specifically states that the moneys are appropriated to the Authority's treasury. Such funds as are authorized to be held in the Authority's treasury, deposited in any bank or savings and loan association, and placed in the name of the Authority shall be withdrawn or paid out only by check or draft upon the bank or savings and loan association, signed by the treasurer and countersigned by the Chairperson of the Authority. The Authority may designate any of its members or any officer or employee of the Authority to affix the signature of the Chairperson and may designate another to affix the signature of the treasurer to any check or draft for payment of salaries or wages and for payment of any other obligations of not more than $2,500. In case any person whose signature appears upon any check or draft, issued pursuant to this Act, ceases to hold his or her office before the delivery of the check or draft to the payee, the signature nevertheless

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shall be valid and sufficient for all purposes with the same effect as if the person had remained in office until delivery of the check or draft. A bank or savings and loan association may not receive public funds as permitted by this Section unless it has complied with the requirements established pursuant to Section 6 of the Public Funds Investment Act.

Section 40. Conflict of interest.

(a) No member, officer, agent, or employee of the Authority shall, in his or her own name or in the name of a nominee, be an officer or director or hold an ownership interest of more than 7.5% in any person, association, trust, corporation, partnership, or other entity that is, in its own name or in the name of a nominee, a party to a contract or agreement upon which the member, officer, agent, or employee may be called upon to act or vote. The prohibition of this subsection (a) does not apply, however, to contracts or agreements between the Authority and entities qualified under Section 501 of the Internal Revenue Code of 1986 due to a member of the Authority serving as an officer or director of that entity.

(b) With respect to any direct or indirect interest, other than an interest prohibited in subsection (a) of this Section, in a contract or agreement upon which the member, officer, agent, or employee may be called upon to act or vote, a member, officer, agent, or employee of the Authority shall disclose the interest to the secretary of the Authority before the taking of final action by the Authority concerning the contract or agreement and shall so disclose the nature and extent of the interest and his or her acquisition of it, and those disclosures shall be publicly acknowledged by the Authority and entered upon the minutes of the Authority. If a member, officer, agent, or employee of the Authority holds such an interest, then he or she shall refrain (i) from any further official involvement in regard to the contract or agreement, (ii) from voting on any matter pertaining to the contract or agreement, and (iii) from communicating with members of the Authority or its officers, agents, and employees concerning the contract or agreement. Notwithstanding any other provision of law, any contract or agreement entered into in conformity with this subsection (b) shall not be void or invalid by reason of the interest described in this subsection (b), nor shall any person so disclosing the interest and refraining from further official involvement as provided in this subsection (b) be guilty of an offense, be removed from office, or be subject to any other penalty on account of that interest.

(c) Any contract or agreement made in violation of subsection (a) or (b) of this Section shall be null and void, but shall not give rise to any action against the Authority.

Section 45. Audit; fiscal year; report. The accounts and books of the Authority, including its receipts, disbursements, contracts, and other matters relating to its finances, operation, and affairs shall be examined and audited at least once within each 2-year period by a firm of certified public accountants, who shall certify its audit to the State Comptroller. The fiscal year for the Authority shall commence on July 1. As soon after the end of each fiscal year as may be expedient, the Authority shall cause to be prepared and printed a complete report and financial statement of its operations and of its assets and liabilities. A reasonably sufficient number of copies of this report shall be printed for distribution to persons interested, upon request, and a copy of the report shall be filed with the Governor, the Secretary of State, the

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Section 50. Accreditation.
(a) A CDFI must be accredited by the Authority in order to receive assistance from the Authority, unless otherwise specified in this Act. The Authority may revoke accreditation from a CDFI that no longer meets the Authority's accreditation criteria. Accreditation of a CDFI under this Act does not, in and of itself, qualify the CDFI to participate in a financing program administered by the Authority.
(b) Authority criteria for accreditation must include certification under the federal Community Development Banking and Financial Institutions Act of 1994 (Public Law 103-325) and any other criteria that the Authority deems appropriate.
(c) The Authority shall accredit CDFIs in a manner to ensure the use of CDFIs in all geographic regions of this State to the greatest extent possible.

Section 55. Authority's responsibilities.
(a) The Authority shall make grants and low-rate loans to CDFIs so that CDFIs may fill a credit gap by engaging in below market rate financing in economically disadvantaged communities and to low income people. As part of a grant or loan agreement, a CDFI may request and the Authority may consent to having the grant or loan proceeds paid directly to a CDFI's creditor. As part of a loan agreement, the Authority may require additional security from the CDFI, including without limitation a pledge of a certain percentage of the CDFI's assets or future earnings.
(b) The Authority shall provide technical assistance to CDFIs to (i) expand the financial services the CDFI sector offers, such as micro-business lending, facilities financing, low income housing financing, and personal financial services for low income persons, (ii) encourage the establishment of downstate CDFIs, and (iii) provide technical assistance and training to CDFIs' borrowers.

Section 60. Authority grants. The Authority may issue grants to CDFIs or to nonprofit organizations that are attempting to obtain federal certification or Authority accreditation as a CDFI. The Authority may issue, in a manner consistent with subsection (c) of Section 50 of this Act, grants for the purpose of developing or enhancing the ability of the CDFI or nonprofit organization to be accredited as a CDFI under Section 50 of this Act and to receive loans from the Authority under Section 65 of this Act. The Authority may also issue grants or loans to nonprofit organizations that have entered into a written contract with a CDFI or a nonprofit organization receiving grants from the Authority to obtain federal certification or Authority accreditation as a CDFI.

In areas of this State where no CDFI exists and no nonprofit organization is working to obtain certification or accreditation as a CDFI, the Authority may issue grants to a nonprofit organization deemed by the Authority to be performing activities consistent with the goals of the federal Community Development Banking and Financial Institutions Act of 1994 (Public Law 103-325). The grants shall be used by the nonprofit organization to provide technical assistance, training, or other support to small businesses or other for-profit or not-for-profit organizations.

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Section 65. Authority loans. The Authority may make loans to CDFIs, from moneys appropriated for this purpose, on such terms and conditions as the Authority may determine. Loans shall be made and used in a manner consistent with the requirements of the federal Community Development Banking and Financial Institutions Act of 1994 (Public Law 103-325). Loans to CDFIs may be made by the Authority as the sole lender or in cooperation with participating investors pursuant to agreements entered into in accordance with this Act. Loan repayments shall be used by the Authority to make new loans to CDFIs.

Section 70. Community development loans. 
(a) CDFIs that receive loans from the Authority under Section 65 of this Act shall make and use community development loans pursuant to guidelines established by the Authority and in a manner consistent with the federal Community Development Banking and Financial Institutions Act of 1994 (Public Law 103-325). The guidelines shall include criteria for the approval of a portfolio of loans submitted by CDFIs.

(b) In connection with community development loans under this Section, the recipient of a loan must provide certification to the Authority that the recipient does not have any outstanding debts in the form of delinquent real estate taxes or utility bills that are more than one year outstanding.

Section 75. Report to General Assembly. Within 90 days after the end of each fiscal year, the Authority shall prepare a report for that fiscal year and file it with the General Assembly as provided in Section 3.1 of the General Assembly Organization Act. The report shall include the amount of funds appropriated to the Authority that were deposited by the Authority in special accounts in banks or trust companies, the amount of disbursements made from the special accounts, the number, name, and location of CDFIs accredited by the Authority, and the number and amount of grants to CDFIs or nonprofit organizations.

Passed in the General Assembly December 5, 2002.
Effective June 1, 2003.

PUBLIC ACT 92-0865
(House Bill No. 4179)

AN ACT in relation to criminal law.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Criminal Code of 1961 is amended by changing Sections 12-2 and 12-4 as follows:

(720 ILCS 5/12-2) (from Ch. 38, par. 12-2) Sec. 12-2. Aggravated assault.
(a) A person commits an aggravated assault, when, in committing an assault, he:

(1) Uses a deadly weapon or any device manufactured and designed to be substantially similar in appearance to a firearm, other than by discharging a firearm in the direction of another person, a peace officer, a person summoned or directed by a peace officer, a correctional officer or a fireman or in the direction of a vehicle

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occupied by another person, a peace officer, a person summoned or directed by a peace officer, a correctional officer or a fireman while the officer or fireman is engaged in the execution of any of his official duties, or to prevent the officer or fireman from performing his official duties, or in retaliation for the officer or fireman performing his official duties;

(2) Is hooded, robed or masked in such manner as to conceal his identity or any device manufactured and designed to be substantially similar in appearance to a firearm;

(3) Knows the individual assaulted to be a teacher or other person employed in any school and such teacher or other employee is upon the grounds of a school or grounds adjacent thereto, or is in any part of a building used for school purposes;

(4) Knows the individual assaulted to be a supervisor, director, instructor or other person employed in any park district and such supervisor, director, instructor or other employee is upon the grounds of the park or grounds adjacent thereto, or is in any part of a building used for park purposes;

(5) Knows the individual assaulted to be a caseworker, investigator, or other person employed by the State Department of Public Aid, a County Department of Public Aid, or the Department of Human Services (acting as successor to the Illinois Department of Public Aid under the Department of Human Services Act) and such caseworker, investigator, or other person is upon the grounds of a public aid office or grounds adjacent thereto, or is in any part of a building used for public aid purposes, or upon the grounds of a home of a public aid applicant, recipient or any other person being interviewed or investigated in the employees' discharge of his duties, or on grounds adjacent thereto, or is in any part of a building in which the applicant, recipient, or other such person resides or is located;

(6) Knows the individual assaulted to be a peace officer, or a community policing volunteer, or a fireman while the officer or fireman is engaged in the execution of any of his official duties, or to prevent the officer, community policing volunteer, or fireman from performing his official duties, or in retaliation for the officer, community policing volunteer, or fireman performing his official duties, and the assault is committed other than by the discharge of a firearm in the direction of the officer or fireman or in the direction of a vehicle occupied by the officer or fireman;

(7) Knows the individual assaulted to be an emergency medical technician - ambulance, emergency medical technician - intermediate, emergency medical technician - paramedic, ambulance driver or other medical assistance or first aid personnel employed by a municipality or other governmental unit engaged in the execution of any of his official duties, or to prevent the emergency medical technician - ambulance, emergency medical technician - intermediate, emergency medical technician - paramedic, ambulance driver, or other medical assistance or first aid personnel from performing his official duties, or in retaliation for the emergency medical technician - ambulance, emergency medical technician - intermediate,
emergency medical technician - paramedic, ambulance driver, or other medical assistance or first aid personnel performing his official duties;

(8) Knows the individual assaulted to be the driver, operator, employee or passenger of any transportation facility or system engaged in the business of transportation of the public for hire and the individual assaulted is then performing in such capacity or then using such public transportation as a passenger or using any area of any description designated by the transportation facility or system as a vehicle boarding, departure, or transfer location;

(9) Or the individual assaulted is on or about a public way, public property, or public place of accommodation or amusement;

(10) Knows the individual assaulted to be an employee of the State of Illinois, a municipal corporation therein or a political subdivision thereof, engaged in the performance of his authorized duties as such employee;

(11) Knowingly and without legal justification, commits an assault on a physically handicapped person;

(12) Knowingly and without legal justification, commits an assault on a person 60 years of age or older;

(13) Discharges a firearm;

(14) Knows the individual assaulted to be a correctional officer, while the officer is engaged in the execution of any of his or her official duties, or to prevent the officer from performing his or her official duties, or in retaliation for the officer performing his or her official duties; or

(15) Knows the individual assaulted to be a correctional employee, while the employee is engaged in the execution of any of his or her official duties, or to prevent the employee from performing his or her official duties, or in retaliation for the employee performing his or her official duties, and the assault is committed other than by the discharge of a firearm in the direction of the employee or in the direction of a vehicle occupied by the employee; or

(16) Knows the individual assaulted to be an employee of a police or sheriff’s department engaged in the performance of his or her official duties as such employee.

(a-5) A person commits an aggravated assault when he or she knowingly and without lawful justification shines or flashes a laser gunsight or other laser device that is attached or affixed to a firearm, or used in concert with a firearm, so that the laser beam strikes near or in the immediate vicinity of any person.

(b) Sentence.

Aggravated assault as defined in paragraphs (1) through (5) and (8) through (12) of subsection (a) of this Section is a Class A misdemeanor. Aggravated assault as defined in paragraphs (13), (14), and (15) of subsection (a) of this Section and as defined in subsection (a-5) of this Section is a Class 4 felony. Aggravated assault as defined in paragraphs (6), (7), and (16) of subsection (a) of this Section is a Class A misdemeanor if a firearm is not used in the commission of the assault. Aggravated assault as defined in

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paragraphs (6), (7), and (16) of subsection (a) of this Section is a Class 4 felony if a firearm is used in the commission of the assault.

(Source: P.A. 90-406, eff. 8-15-97; 90-651, eff. 1-1-99; 91-672, eff. 1-1-00.)

(720 ILCS 5/12-4) (from Ch. 38, par. 12-4)
Sec. 12-4. Aggravated Battery.

(a) A person who, in committing a battery, intentionally or knowingly causes great bodily harm, or permanent disability or disfigurement commits aggravated battery.

(b) In committing a battery, a person commits aggravated battery if he or she:

(1) Uses a deadly weapon other than by the discharge of a firearm;

(2) Is hooded, robed or masked, in such manner as to conceal his identity;

(3) Knows the individual harmed to be a teacher or other person employed in any school and such teacher or other employee is upon the grounds of a school or grounds adjacent thereto, or is in any part of a building used for school purposes;

(4) Knows the individual harmed to be a supervisor, director, instructor or other person employed in any park district and such supervisor, director, instructor or other employee is upon the grounds of the park or grounds adjacent thereto, or is in any part of a building used for park purposes;

(5) Knows the individual harmed to be a caseworker, investigator, or other person employed by the State Department of Public Aid, a County Department of Public Aid, or the Department of Human Services (acting as successor to the Illinois Department of Public Aid under the Department of Human Services Act) and such caseworker, investigator, or other person is upon the grounds of a public aid office or grounds adjacent thereto, or is in any part of a building used for public aid purposes, or upon the grounds of a home of a public aid applicant, recipient, or any other person being interviewed or investigated in the employee's discharge of his duties, or on grounds adjacent thereto, or is in any part of a building in which the applicant, recipient, or other such person resides or is located;

(6) Knows the individual harmed to be a peace officer, a community policing volunteer, a correctional institution employee, or a fireman while such officer, volunteer, employee or fireman is engaged in the execution of any official duties including arrest or attempted arrest, or to prevent the officer, volunteer, employee or fireman from performing official duties, or in retaliation for the officer, volunteer, employee or fireman performing official duties, and the battery is committed other than by the discharge of a firearm;

(7) Knows the individual harmed to be an emergency medical technician - ambulance, emergency medical technician - intermediate, emergency medical technician - paramedic, ambulance driver, other medical assistance, first aid personnel, or hospital emergency room personnel engaged in the performance of any of his or her official duties, or to prevent the emergency medical technician - ambulance, emergency medical technician - intermediate, emergency medical technician - paramedic, ambulance driver, other medical assistance, first aid personnel, or hospital emergency room personnel from performing official duties, or
in retaliation for performing official duties;

(8) Is, or the person battered is, on or about a public way, public property or public place of accommodation or amusement;

(9) Knows the individual harmed to be the driver, operator, employee or passenger of any transportation facility or system engaged in the business of transportation of the public for hire and the individual assaulted is then performing in such capacity or then using such public transportation as a passenger or using any area of any description designated by the transportation facility or system as a vehicle boarding, departure, or transfer location;

(10) Knowingly and without legal justification and by any means causes bodily harm to an individual of 60 years of age or older;

(11) Knows the individual harmed is pregnant;

(12) Knows the individual harmed to be a judge whom the person intended to harm as a result of the judge's performance of his or her official duties as a judge;

(13) Knows the individual harmed to be an employee of the Illinois Department of Children and Family Services engaged in the performance of his authorized duties as such employee;

(14) Knows the individual harmed to be a person who is physically handicapped;

(15) Knowingly and without legal justification and by any means causes bodily harm to a merchant who detains the person for an alleged commission of retail theft under Section 16A-5 of this Code. In this item (15), "merchant" has the meaning ascribed to it in Section 16A-2.4 of this Code; or

(16) Is, or the person battered is, in any building or other structure used to provide shelter or other services to victims or to the dependent children of victims of domestic violence pursuant to the Illinois Domestic Violence Act of 1986 or the Domestic Violence Shelters Act, or the person battered is within 500 feet of such a building or other structure while going to or from such a building or other structure. "Domestic violence" has the meaning ascribed to it in Section 103 of the Illinois Domestic Violence Act of 1986. "Building or other structure used to provide shelter" has the meaning ascribed to "shelter" in Section 1 of the Domestic Violence Shelters Act; or:

(17) Knows the individual harmed to be an employee of a police or sheriff's department engaged in the performance of his or her official duties as such employee.

For the purpose of paragraph (14) of subsection (b) of this Section, a physically handicapped person is a person who suffers from a permanent and disabling physical characteristic, resulting from disease, injury, functional disorder or congenital condition.

(c) A person who administers to an individual or causes him to take, without his consent or by threat or deception, and for other than medical purposes, any intoxicating, poisonous, stupefying, narcotic, anesthetic, or controlled substance commits aggravated battery.

New matter indicated by italics - deletions by strikeout.
(d) A person who knowingly gives to another person any food that contains any substance or object that is intended to cause physical injury if eaten, commits aggravated battery.

(d-3) A person commits aggravated battery when he or she knowingly and without lawful justification shines or flashes a laser gunsight or other laser device that is attached or affixed to a firearm, or used in concert with a firearm, so that the laser beam strikes upon or against the person of another.

(d-5) An inmate of a penal institution who causes or attempts to cause a correctional employee of the penal institution to come into contact with blood, seminal fluid, urine, or feces, by throwing, tossing, or expelling that fluid or material commits aggravated battery. For purposes of this subsection (d-5), "correctional employee" means a person who is employed by a penal institution.

(e) Sentence.
Aggravated battery is a Class 3 felony.
(Source: P.A. 91-357, eff. 7-29-99; 91-488, eff. 1-1-00; 91-619, eff. 1-1-00; 91-672, eff. 1-1-00; 92-16, eff. 6-28-01; 92-516, eff. 1-1-02.)

Section 99. Effective date. This Act takes effect on January 1, 2003.
General Assembly Accepts Changes December 4, 2002.

PUBLIC ACT 92-0866
(House Bill No. 4938)

AN ACT concerning State records.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The State Records Act is amended by changing Sections 2, 3, 3.5, 4, 7, 9, 11, 12, 13, 15, 16, 17, 18, 22c, and 24 and adding Section 1.5 as follows:

(5 ILCS 160/1.5 new)
Sec. 1.5. Purpose. Pursuant to the fundamental philosophy of the American constitutional form of government, it is declared to be the public policy of the State of Illinois (i) that government records are a form of property whose ownership lies with the citizens and with the State of Illinois; (ii) that those records are to be created, maintained, and administered in support of the rights of those citizens and the operation of the State; (iii) that those records are, with very few exemptions, to be available for the use, benefit, and information of the citizens; and (iv) that those records may not be disposed of without compliance to the regulations in this Act.

(5 ILCS 160/2) (from Ch. 116, par. 43.5)

New matter indicated by italics - deletions by strikeout.
Sec. 2. For the purposes of this Act:

"Secretary" means Secretary of State.

"Record" or "records" means all books, papers, digitized electronic material, maps, photographs, databases, or other official documentary materials, regardless of physical form or characteristics, made, produced, executed or received by any agency in the State in pursuance of state law or in connection with the transaction of public business and preserved or appropriate for preservation by that agency or its successor as evidence of the organization, function, policies, decisions, procedures, operations, or other activities of the State or of the State Government, or because of the informational data contained therein. Library and museum material made or acquired and preserved solely for reference or exhibition purposes, extra copies of documents preserved only for convenience of reference, and stocks of publications and of blank forms processed documents are not included within the definition of records as used in this Act. Reports of impaired physicians under Section 16.04 of the Medical Practice Act or Section 23 of the Medical Practice Act of 1987 are not included within the definition of records as used in this Act.

"Agency" means all parts, boards, and commissions of the executive branch of the State government including but not limited to State colleges and universities and their governing boards and all departments established by the "Civil Administrative Code of Illinois," as heretofore or hereafter amended.

"Public Officer" or "public officers" means all officers of the executive branch of the State government, all officers created by the "Civil Administrative Code of Illinois," as heretofore or hereafter amended, and all other officers and heads, presidents, or chairmen of boards, commissions, and agencies of the State government.

"Commission" means the State Records Commission.

"Archivist" means the Secretary of State.

(Source: P.A. 85-1209.)

(5 ILCS 160/3) (from Ch. 116, par. 43.6)

Sec. 3. Records as property of State.

(a) All records created or received by or under the authority of or coming into the custody, control, or possession of public officials of this State in the course of their public duties are the property of the State. These records may not be mutilated, destroyed, transferred, removed, or otherwise damaged or disposed of, in whole or in part, except as provided by law. Any person shall have the right of access to any public records, unless access to the records is otherwise limited or prohibited by law.

(b) Reports and records of the obligation, receipt and use of public funds of the State are public records available for inspection by the public, except as access to such records is otherwise limited or prohibited by law or pursuant to law. These records shall be kept at the official place of business of the State or at a designated place of business of the State. These records shall be available for public inspection during regular office hours except when in immediate use by persons exercising official duties which require the use of those records. The person in charge of such records may require a notice in writing to be submitted 24 hours prior to inspection and may require that such notice specify which records are to be

New matter indicated by italics - deletions by strikeout.
Nothing in this section shall require the State to invade or assist in the invasion of any person's right to privacy. Nothing in this Section shall be construed to limit any right given by statute or rule of law with respect to the inspection of other types of records.

Warrants and vouchers in the keeping of the State Comptroller may be destroyed by him as authorized in "An Act in relation to the reproduction and destruction of records kept by the Comptroller", approved August 1, 1949, as now or hereafter amended after obtaining the approval of the State Records Commission.

(Source: P.A. 83-663.)

(5 ILCS 160/3.5)

Sec. 3.5. Confidentiality of foster placement records. All records concerning foster placement and foster parent identifying information shall not be considered records under this Act. These records shall be released only in accordance with Section 35.3 of the Children and Family Services Act.

(Source: P.A. 90-15, eff. 6-13-97.)

(5 ILCS 160/4) (from Ch. 116, par. 43.7)

Sec. 4. Any person shall have the right of access to any public records of the expenditure or receipt of public funds as defined in Section 3 for the purpose of obtaining copies of the same or of making photographs of the same while in the possession, custody and control of the lawful custodian thereof, or his authorized deputy. The photographing shall be done under the supervision of the lawful custodian of said records, who has the right to adopt and enforce reasonable rules governing such work. The work of photographing shall, when possible, be done in the room where the records, documents or instruments are kept. However, if in the judgment of the lawful custodian of the records, documents or instruments, it would be impossible or impracticable to perform the work in the room in which the records, documents or instruments are kept, the work shall be done in some other room or place as nearly adjacent as possible to the room where kept. Where the providing of a separate room or place is necessary, the expense of providing for the same shall be borne by the person or persons desiring to photograph the records, documents or instruments. The lawful custodian of the records, documents or instruments may charge the same fee for the services rendered by him or his assistant in supervising the photographing as may be charged for furnishing a certified copy or copies of the said record, document or instrument. In the event that the lawful custodian of said records shall deem it advisable in his judgment to furnish photographs of such public records, instruments or documents in lieu of allowing the same to be photographed, then in such event he may furnish photographs of such records and charge a fee of $1.00 per page when the page to be photographed exceeds legal size and where the fees and charges therefor are not otherwise fixed by law.

(Source: Laws 1957, p. 1687.)

(5 ILCS 160/7) (from Ch. 116, par. 43.10)

Sec. 7. The Secretary:

(1) whenever it appears to him to be in the public interest, may accept for deposit in the State Archives the records of any agency or of the Legislative or Judicial branches of the
State government that are determined by him to have sufficient historical or other value to warrant the permanent preservation of such records by the State of Illinois;

(2) may accept for deposit in the State Archives official papers, photographs, microfilm, electronic and digital records, drawings, maps, writings, and records of every description of counties, municipal corporations, political subdivisions and courts of this State, and records of the federal government pertaining to Illinois, when such materials are deemed by the Secretary to have sufficient historical or other value to warrant their continued preservation by the State of Illinois.

(3) whenever he deems it in the public interest, may accept for deposit in the State Archives motion picture films, still pictures, and sound recordings that are appropriate for preservation by the State government as evidence of its organization, functions and policies.

(4) shall be responsible for the custody, use, servicing and withdrawal of records transferred for deposit in the State Archives. The Secretary shall observe any rights, limitations, or restrictions imposed by law relating to the use of records, including the provisions of the Mental Health and Developmental Disabilities Confidentiality Act which limit access to certain records or which permit access to certain records only after the removal of all personally identifiable data. Access to restricted records shall be at the direction of the depositing State agency or, in the case of records deposited by the legislative or judicial branches of State government at the direction of the branch which deposited them, but no limitation on access to such records shall extend more than 75 years after the creation of the records, except as provided in the Mental Health and Developmental Disabilities Confidentiality Act. The Secretary shall not impose restrictions on the use of records that are defined by law as public records or as records open to public inspection;

(5) shall make provision for the preservation, arrangement, repair, and rehabilitation, duplication and reproduction, description, and exhibition of records deposited in the State Archives as may be needed or appropriate;

(6) shall make or reproduce and furnish upon demand authenticated or unauthenticated copies of any of the documents, photographic material or other records deposited in the State Archives, the public examination of which is not prohibited by statutory limitations or restrictions or protected by copyright. The Secretary shall charge a fee therefor in accordance with the schedule of fees in Section 10 of "An Act concerning fees and salaries, and to classify the several counties of this state with reference thereto," approved March 29, 1872, as amended, except that there shall be no charge for making or authentication of such copies or reproductions furnished to any department or agency of the State for official use. When any such copy or reproduction is authenticated by the Great Seal of the State of Illinois and is certified by the Secretary, or in his name by his authorized representative, such copy or reproduction shall be admitted in evidence as if it were the original.

(7) any official of the State of Illinois may turn over to the Secretary of State, with his consent, for permanent preservation in the State Archives, any official books, records, documents, original papers, or files, not in current use in his office, taking a receipt therefor.

(8) (Blank). shall require of all persons, firms, corporations or other legal entities who

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desire access to information not defined as public records or as records open to public inspection, but open to the public, as provided in this Act, an affidavit dated and signed by the person making the request or his representative, notarized by a notary public, and containing substantially the following:

"Application and Agreement for Release of Information

The Secretary of State, State of Illinois, agrees to release the following described information subject to the following agreement:

It is hereby agreed by, known as the User, that the information, lists, names and other material provided by the Office of the Secretary of State shall not be made available to other persons, firms, corporations or other legal entities. The User agrees that it shall preserve the confidentiality of any person or persons named in these records:

The information contained shall not be exchanged with any other person, firm or corporation for other information or lists unless the identity of any person or persons named in these records has been removed. Such an act shall constitute a material breach of this agreement and all information previously received by the User shall be returned to the Office of the Secretary of State, State of Illinois.

The user understands that any violation of this agreement is a Class A misdemeanor, punishable by imprisonment in a penal institution other than a penitentiary for not more than one year or a fine not exceeding $1,000, or both.

"Description of information:________________________________________________________

____________________________________________________________

Date Date

Signature Signature

____________________ Secretary of State, State of Illinois

User or his representative by

__________________________ Director

User's name, if not above Archives and Records Division

__________________________

User's Address

A violation of the provisions of an agreement under this paragraph (8) is a Class A misdemeanor.

(9) may cooperate with the Illinois State Genealogical Society, or its successor organization, for the mutual benefit of the Society and the Illinois State Archives, with the State Archives furnishing necessary space for the society to carry on its functions and keep its records, to receive publications of the Illinois State Genealogical Society, to use members of the Illinois State Genealogical Society as volunteers in various archival projects and to store the Illinois State Genealogical Society's film collections.

(Source: P.A. 85-1238.)

(5 ILCS 160/9) (from Ch. 116, par. 43.12)

Sec. 9. The head of each agency shall establish, and maintain an active, continuing
program for the economical and efficient management of the records of the agency.

Such program:

(1) shall provide for effective controls over the creation, maintenance, and use of records in the conduct of current business and shall ensure that agency electronic records, as specified in Section 5-135 of the Electronic Commerce Security Act, are retained in a trustworthy manner so that the records, and the information contained in the records, are accessible and usable for reference for the duration of the retention period; all computer tape or disk maintenance and preservation procedures must be fully applied and, if equipment or programs providing access to the records are updated or replaced, the existing data must remain accessible in the successor format for the duration of the approved retention period;

(2) shall provide for cooperation with the Secretary in appointing a records officer and in applying standards, procedures, and techniques to improve the management of records, promote the maintenance and security of records deemed appropriate for preservation, and facilitate the segregation and disposal of records of temporary value; and

(3) shall provide for compliance with the provisions of this Act and the rules and regulations issued thereunder.

This Section shall not apply to State colleges and universities and their governing boards.

(Source: P.A. 83-663.)

(5 ILCS 160/11) (from Ch. 116, par. 43.14)
Sec. 11. Violation. All records made or received by or under the authority of or coming into the custody, control or possession of public officials of this State in the course of their public duties are the property of the State and shall not be mutilated, destroyed, transferred, removed or otherwise damaged or disposed of, in whole or in part except as provided by law. Any person who knowingly and without lawful authority alters, destroys, defaces, removes, or conceals any public record commits a Class 4 felony.

(Source: Laws 1957, p. 1687.)

(5 ILCS 160/12) (from Ch. 116, par. 43.15)
Sec. 12. The Secretary shall make continuing surveys of State records management and disposal practices and obtain reports thereon from agencies and their staff.

(Source: Laws 1957, p. 1687.)

(5 ILCS 160/13) (from Ch. 116, par. 43.16)
Sec. 13. The Secretary, with due regard to the program activities of the agencies concerned, shall make provision for the economical and efficient management of records of State agencies by analyzing, developing, promoting, coordinating, and promulgating standards, procedures, and techniques designed to improve the management of records, to insure the maintenance and security of records deemed appropriate for preservation, and to facilitate the segregation and disposal of records of temporary value. The Secretary shall aid also in promoting the efficient and economical utilization of space, equipment, and supplies needed for the purpose of creating, maintaining, storing, and servicing records.

This Section shall not apply to State colleges and universities and their governing boards.

New matter indicated by italics - deletions by strikeout.
Sec. 15. The Secretary shall establish, maintain, and operate records centers for the storage, care, and servicing of records of State agencies pending their deposit in the State Archives or the disposition of such records in any other manner authorized by law. The Secretary may establish, maintain, and operate centralized microfilming and digital reproduction services for agencies.

Sec. 16. The State Records Commission shall consist of the following State officials or their authorized representatives: the Secretary of State, or his representative; the State Historian, or his authorized representative; the State Treasurer, or his authorized representative; the Director of Central Management Services, or his authorized representative; the Attorney General, or his authorized representative; and the State Comptroller, or his authorized representative. The Commission shall meet whenever called by the chairman, who shall have no vote on matters considered by the Commission. It shall be the duty of the Commission to determine what records no longer have any administrative, fiscal, legal, research, or historical value and should be destroyed or disposed of otherwise.

Sec. 17. Regardless of other authorization to the contrary, no record shall be disposed of by any agency of the State, unless approval of the State Records Commission is first obtained. The Commission shall issue regulations, not inconsistent with this Act, which shall be binding on all agencies. Such regulations shall establish procedures for compiling and submitting to the Commission lists and schedules of records proposed for disposal; procedures for the physical destruction or other disposition of records proposed for disposal; and standards for the reproduction of records by digital, photographic, photography or microphotographic processes with the view to the disposal of the original records. Such standards shall relate to the electronic digital process and format, quality of film used, preparation of the records for reproduction filming, proper identification matter on the records so that an individual document or series of documents can be located on the film or electronic medium with reasonable facility, and that the copies contain all significant record detail, to the end that the photographic, or microphotographic, or digital copies will be adequate.

Such regulations shall also provide that the State archivist may retain any records which the Commission has authorized to be destroyed, where they have a historical value, and that the State archivist may deposit them in the State Archives Library or State Historical Library Museum or with a historical society, museum or library.
Sec. 18. The head of each agency shall submit to the Commission, in accordance with the regulations of the Commission, lists or schedules of records in his or her custody and his or her proposal for those that are not needed in the transaction of current business and that do not have sufficient administrative, legal or fiscal value to warrant their further preservation. The head of each agency also shall submit lists or schedules proposing the length of time each record series warrants retention for administrative, legal or fiscal purposes after it has been created or received by the agency.
(Source: Laws 1957, p. 1687.)

(5 ILCS 160/22c) (from Ch. 116, par. 43.25c)
Sec. 22c. The State Archives Advisory Board shall also serve as the Illinois State Historical Records Advisory Board. This Board shall:
(1) serve as the State advisory body required by federal agencies to approve historical record grant applications;
(2) promote the identification, preservation, access to, and use of historical records in Illinois; and
(3) meet at least once each year.

The Director of the State Archives shall serve as the coordinator of this Board and assist the Board in its functions. The Secretary may appoint additional assistants, who must be technically qualified and experienced in records management and historic records preservation, as necessary to carry out the functions of this Board. The Secretary, no later than April 1, 1992, shall provide the General Assembly with his recommendations for the archiving of local government documents on optical disk media.
(Source: P.A. 87-825.)

(5 ILCS 160/24) (from Ch. 116, par. 43.27)
Sec. 24. Auditor General. The Auditor General shall audit agencies for compliance with this Act when conducting compliance audits and shall report his or her findings to the agency and the Secretary.

Any officer or employee who violates the provisions of subsection (b) of Section 3 of this Act is guilty of a Class B misdemeanor.
(Source: P.A. 77-2221.)

Section 99. Effective date. This Act takes effect upon becoming law.

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Statutes amended in order of appearance

5 ILCS 160/1.5 new
5 ILCS 160/2 from Ch. 116, par. 43.5
5 ILCS 160/3 from Ch. 116, par. 43.6
5 ILCS 160/3.5
5 ILCS 160/4 from Ch. 116, par. 43.7
5 ILCS 160/7 from Ch. 116, par. 43.10
5 ILCS 160/9 from Ch. 116, par. 43.12
5 ILCS 160/11 from Ch. 116, par. 43.14
5 ILCS 160/12 from Ch. 116, par. 43.15

New matter indicated by italics - deletions by strikeout.
AN ACT in relation to public employee benefits.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Illinois Pension Code is amended by changing Sections 16-127 and 16-128 as follows:
(40 ILCS 5/16-127) (from Ch. 108 1/2, par. 16-127)
Sec. 16-127. Computation of creditable service.
(a) Each member shall receive regular credit for all service as a teacher from the date membership begins, for which satisfactory evidence is supplied and all contributions have been paid.
(b) The following periods of service shall earn optional credit and each member shall receive credit for all such service for which satisfactory evidence is supplied and all contributions have been paid as of the date specified:
   (1) Prior service as a teacher.
   (2) Service in a capacity essentially similar or equivalent to that of a teacher, in the public common schools in school districts in this State not included within the provisions of this System, or of any other State, territory, dependency or possession of the United States, or in schools operated by or under the auspices of the United States, or under the auspices of any agency or department of any other State, and service during any period of professional speech correction or special education experience for a public agency within this State or any other State, territory, dependency or possession of the United States, and service prior to February 1, 1951 as a recreation worker for the Illinois Department of Public Safety, for a period not exceeding the lesser of 2/5 of the total creditable service of the member or 10 years. The maximum service of 10 years which is allowable under this paragraph shall be
reduced by the service credit which is validated by other retirement systems under paragraph (i) of Section 15-113 and paragraph 1 of Section 17-133. Credit granted under this paragraph may not be used in determination of a retirement annuity or disability benefits unless the member has at least 5 years of creditable service earned subsequent to this employment with one or more of the following systems: Teachers' Retirement System of the State of Illinois, State Universities Retirement System, and the Public School Teachers' Pension and Retirement Fund of Chicago. Whenever such service credit exceeds the maximum allowed for all purposes of this Article, the first service rendered in point of time shall be considered. The changes to this subdivision (b)(2) made by Public Act 86-272 shall apply not only to persons who on or after its effective date (August 23, 1989) are in service as a teacher under the System, but also to persons whose status as such a teacher terminated prior to such effective date, whether or not such person is an annuitant on that date.

(3) Any periods immediately following teaching service, under this System or under Article 17, (or immediately following service prior to February 1, 1951 as a recreation worker for the Illinois Department of Public Safety) spent in active service with the military forces of the United States; periods spent in educational programs that prepare for return to teaching sponsored by the federal government following such active military service; if a teacher returns to teaching service within one calendar year after discharge or after the completion of the educational program, a further period, not exceeding one calendar year, between time spent in military service or in such educational programs and the return to employment as a teacher under this System; and a period of up to 2 years of active military service not immediately following employment as a teacher.

The changes to this Section and Section 16-128 relating to military service made by P.A. 87-794 shall apply not only to persons who on or after its effective date are in service as a teacher under the System, but also to persons whose status as a teacher terminated prior to that date, whether or not the person is an annuitant on that date. In the case of an annuitant who applies for credit allowable under this Section for a period of military service that did not immediately follow employment, and who has made the required contributions for such credit, the annuity shall be recalculated to include the additional service credit, with the increase taking effect on the date the System received written notification of the annuitant's intent to purchase the credit, if payment of all the required contributions is made within 60 days of such notice, or else on the first annuity payment date following the date of payment of the required contributions. In calculating the automatic annual increase for an annuity that has been recalculated under this Section, the increase attributable to the additional service allowable under P.A. 87-794 shall be included in the calculation of automatic annual increases accruing after the effective date of the recalculation.

Credit for military service shall be determined as follows: if entry occurs during the months of July, August, or September and the member was a teacher at the end of the immediately preceding school term, credit shall be granted from July 1 of

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the year in which he or she entered service; if entry occurs during the school term and
the teacher was in teaching service at the beginning of the school term, credit shall
be granted from July 1 of such year. In all other cases where credit for military
service is allowed, credit shall be granted from the date of entry into the service.

The total period of military service for which credit is granted shall not exceed 5 years for any member unless the service: (A) is validated before July 1, 1964, and (B) does not extend beyond July 1, 1963. Credit for military service shall be granted under this Section only if not more than 5 years of the military service for which credit is granted under this Section is used by the member to qualify for a military retirement allotment from any branch of the armed forces of the United States. The changes to this subdivision (b)(3) made by Public Act 86-272 shall apply not only to persons who on or after its effective date (August 23, 1989) are in service as a teacher under the System, but also to persons whose status as such a teacher terminated prior to such effective date, whether or not such person is an annuitant on that date.

(4) Any periods served as a member of the General Assembly.

(5)(i) Any periods for which a teacher, as defined in Section 16-106, is granted a leave of absence, provided he or she returns to teaching service creditable under this System or the State Universities Retirement System following the leave;
(ii) periods during which a teacher is involuntarily laid off from teaching, provided he or she returns to teaching following the lay-off; (iii) periods prior to July 1, 1983 during which a teacher ceased covered employment due to pregnancy, provided that the teacher returned to teaching service creditable under this System or the State Universities Retirement System following the pregnancy and submits evidence satisfactory to the Board documenting that the employment ceased due to pregnancy; and (iv) periods prior to July 1, 1983 during which a teacher ceased covered employment for the purpose of adopting an infant under 3 years of age or caring for a newly adopted infant under 3 years of age, provided that the teacher returned to teaching service creditable under this System or the State Universities Retirement System following the adoption and submits evidence satisfactory to the Board documenting that the employment ceased for the purpose of adopting an infant under 3 years of age or caring for a newly adopted infant under 3 years of age. However, total credit under this paragraph (5) may not exceed 3 years.

Any qualified member or annuitant may apply for credit under item (iii) or (iv) of this paragraph (5) without regard to whether service was terminated before the effective date of this amendatory Act of 1997. In the case of an annuitant who establishes credit under item (iii) or (iv), the annuity shall be recalculated to include the additional service credit. The increase in annuity shall take effect on the date the System receives written notification of the annuitant’s intent to purchase the credit, if the required evidence is submitted and the required contribution paid within 60 days of that notification, otherwise on the first annuity payment date following the System’s receipt of the required evidence and contribution. The increase in an annuity

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recalculated under this provision shall be included in the calculation of automatic annual increases in the annuity accruing after the effective date of the recalculation.

Optional credit may be purchased under this subsection (b)(5) for periods during which a teacher has been granted a leave of absence pursuant to Section 24-13 of the School Code. A teacher whose service under this Article terminated prior to the effective date of P.A. 86-1488 shall be eligible to purchase such optional credit. If a teacher who purchases this optional credit is already receiving a retirement annuity under this Article, the annuity shall be recalculated as if the annuitant had applied for the leave of absence credit at the time of retirement. The difference between the entitled annuity and the actual annuity shall be credited to the purchase of the optional credit. The remainder of the purchase cost of the optional credit shall be paid on or before April 1, 1992.

The change in this paragraph made by Public Act 86-273 shall be applicable to teachers who retire after June 1, 1989, as well as to teachers who are in service on that date.

(6) Any days of unused and uncompensated accumulated sick leave earned by a teacher. The service credit granted under this paragraph shall be the ratio of the number of unused and uncompensated accumulated sick leave days to 170 days, subject to a maximum of 2 years one year of service credit. Prior to the member's retirement, each former employer shall certify to the System the number of unused and uncompensated accumulated sick leave days credited to the member at the time of termination of service. The period of unused sick leave shall not be considered in determining the effective date of retirement. A member is not required to make contributions in order to obtain service credit for unused sick leave.

Credit for sick leave shall, at retirement, be granted by the System for any retiring regional or assistant regional superintendent of schools at the rate of 6 days per year of creditable service or portion thereof established while serving as such superintendent or assistant superintendent.

(7) Periods prior to February 1, 1987 served as an employee of the Illinois Mathematics and Science Academy for which credit has not been terminated under Section 15-113.9 of this Code.

(8) Service as a substitute teacher for work performed prior to July 1, 1990.

(9) Service as a part-time teacher for work performed prior to July 1, 1990.

(10) Up to 2 years of employment with Southern Illinois University - Carbondale from September 1, 1959 to August 31, 1961, or with Governors State University from September 1, 1972 to August 31, 1974, for which the teacher has no credit under Article 15. To receive credit under this item (10), a teacher must apply in writing to the Board and pay the required contributions before May 1, 1993 and have at least 12 years of service credit under this Article.

(b-1) A member may establish optional credit for up to 2 years of service as a teacher or administrator employed by a private school recognized by the Illinois State Board of Education, provided that the teacher (i) was certified under the law governing the
certification of teachers at the time the service was rendered, (ii) applies in writing on or after June 1, 2002 and on or before June 1, 2005, (iii) supplies satisfactory evidence of the employment, (iv) completes at least 10 years of contributing service as a teacher as defined in Section 16-106, and (v) pays the contribution required in subsection (d-5) of Section 16-128. The member may apply for credit under this subsection and pay the required contribution before completing the 10 years of contributing service required under item (iv), but the credit may not be used until the item (iv) contributing service requirement has been met.

(c) The service credits specified in this Section shall be granted only if: (1) such service credits are not used for credit in any other statutory tax-supported public employee retirement system other than the federal Social Security program; and (2) the member makes the required contributions as specified in Section 16-128. Except as provided in subsection (b-1) of this Section, the service credit shall be effective as of the date the required contributions are completed.

Any service credits granted under this Section shall terminate upon cessation of membership for any cause.

Credit may not be granted under this Section covering any period for which an age retirement or disability retirement allowance has been paid.

(Source: P.A. 89-430, eff. 12-15-95; 90-32, eff. 6-27-97.)

(40 ILCS 5/16-128) (from Ch. 108 1/2, par. 16-128)

Sec. 16-128. Creditable service - required contributions.

(a) In order to receive the creditable service specified under subsection (b) of Section 16-127, a member is required to make the following contributions: (i) an amount equal to the contributions which would have been required had such service been rendered as a member under this System; (ii) for military service not immediately following employment and for service established under subdivision (b)(10) of Section 16-127, an amount determined by the Board to be equal to the employer's normal cost of the benefits accrued for such service; and (iii) interest from the date the contributions would have been due (or, in the case of a person establishing credit for military service under subdivision (b)(3) of Section 16-127, the date of first membership in the System, if that date is later) to the date of payment, at the following rate of interest, compounded annually: for periods prior to July 1, 1965, regular interest; from July 1, 1965 to June 30, 1977, 4% per year; on and after July 1, 1977, regular interest.

(b) In order to receive creditable service under paragraph (2) of subsection (b) of Section 16-127 for those who were not members on June 30, 1963, the minimum required contribution shall be $420 per year of service together with interest at 4% per year compounded annually from July 1, preceding the date of membership until June 30, 1977 and at regular interest compounded annually thereafter to the date of payment.

(c) In determining the contribution required in order to receive creditable service under paragraph (3) of subsection (b) of Section 16-127, the salary rate for the remainder of the school term in which a member enters military service shall be assumed to be equal to the member's salary rate at the time of entering military service. However, for military

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service not immediately following employment, the salary rate on the last date as a participating teacher prior to such military service, or on the first date as a participating teacher after such military service, whichever is greater, shall be assumed to be equal to the member's salary rate at the time of entering military service. For each school term thereafter, the member's salary rate shall be assumed to be 5% higher than the salary rate in the previous school term.

(d) In determining the contribution required in order to receive creditable service under paragraph (5) of subsection (b) of Section 16-127, a member's salary rate during the period for which credit is being established shall be assumed to be equal to the member's last salary rate immediately preceding that period.

(d-5) For each year of service credit to be established under subsection (b-1) of Section 16-127, a member is required to contribute to the System (i) 16.5% of the annual salary rate during the first year of full-time employment as a teacher under this Article following the private school service, plus (ii) interest thereon from the date of first full-time employment as a teacher under this Article following the private school service to the date of payment, compounded annually, at the rate of 8.5% per year for periods before the effective date of this amendatory Act of the 92nd General Assembly, and for subsequent periods at a rate equal to the System's actuarially assumed rate of return on investments.

(e) The contributions required under this Section may be made from the date the statement for such creditable service is issued until retirement date. All such required contributions must be made before any retirement annuity is granted.

(Source: P.A. 89-430, eff. 12-15-95.)

Section 99. Effective date. This Act takes effect upon becoming law.
Passed in the General Assembly December 5, 2002.

PUBLIC ACT 92-0868
(House Bill No. 5610)

AN ACT in relation to vehicles.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Illinois Vehicle Code is amended by adding Sections 1-117.7, 11-1005.1, and 11-1412.2 and changing Sections 11-208.2 and 11-1412.1 as follows:

(625 ILCS 5/1-117.7 new)
Sec. 1-117.7. Electric personal assistive mobility device. A self-balancing 2 non-tandem wheeled device designed to transport only one person with an electric propulsion system that limits the maximum speed of the device to 15 miles per hour or less.

(625 ILCS 5/11-208.2) (from Ch. 95 1/2, par. 11-208.2)
Sec. 11-208.2. Limitation on home rule units.
The provisions of this Chapter of this Act limit the authority of home rule units to

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adopt local police regulations inconsistent herewith except pursuant to Sections 11-208, 11-209, 11-1005.1, 11-1412.1, and 11-1412.2 of this Chapter of this Act.

(Source: P.A. 77-706.)

(625 ILCS 5/11-1005.1 new)

Sec. 11-1005.1. Electric personal assistive mobility devices. Every person operating an electric personal assistive mobility device upon a sidewalk or roadway has all the rights and is subject to all the duties applicable to a pedestrian. Nothing in this Section shall be deemed to limit or preempt the authority of any home rule or non-home rule unit of local government from regulating or prohibiting the use of electric personal assistive mobility devices.

(625 ILCS 5/11-1412.1) (from Ch. 95 1/2, par. 11-1412.1)

Sec. 11-1412.1. Driving upon sidewalk. No person shall drive any vehicle upon a sidewalk or sidewalk area except upon a permanent or duly authorized temporary driveway. This Section does not apply to any vehicle moved exclusively by human power, to any electric personal assistive mobility device, nor to any motorized wheelchair. Nothing in this Section shall be deemed to limit or preempt the authority of any home rule or non-home rule unit of local government from regulating or prohibiting the use of electric personal assistive mobility devices.

(Source: P.A. 84-672.)

(625 ILCS 5/11-1412.2 new)

Sec. 11-1412.2. Operating an electric personal assistive mobility device on a public sidewalk. A person may not operate an electric personal assistive mobility device upon a public sidewalk at a speed greater than 8 miles per hour. Nothing in this Section shall be deemed to limit or preempt the authority of any home rule or non-home rule unit of local government from regulating or prohibiting the use of electric personal assistive mobility devices.

Passed in the General Assembly May 21, 2002.
General Assembly Accepts Changes December 4, 2002.
Certified By the Governor January 3, 2003.
Effective June 1, 2003.
any educational service region.

(a) The regional superintendent to be elected under Section 3A-5 shall be elected at the time provided in the general election law and must possess the qualifications described in Section 3-1 of this Act.

(b) The bond required under Section 3-2 shall be filed in the office of the county clerk in the county where the regional office is situated, and a certified copy of that bond shall be filed in the office of the county clerk in each of the other counties in the region.

(c) When a vacancy occurs in the office of regional superintendent of schools of any educational service region which is not located in a county which is a home rule unit, such vacancy shall be filled within 60 days (i) by appointment of the chairman of the county board, with the advice and consent of the county board, when such vacancy occurs in a single county educational service region; or (ii) by appointment of a committee composed of the chairmen of the county boards of those counties comprising the affected educational service region when such vacancy occurs in a multicounty educational service region, each committeeman to be entitled to one vote for each vote that was received in the county represented by such committeeman on the committee by the regional superintendent of schools whose office is vacant at the last election at which a regional superintendent was elected to such office, and the person receiving the highest number of affirmative votes from the committeemen for such vacant office to be deemed the person appointed by such committee to fill the vacancy. The appointee shall be a member of the same political party as the regional superintendent of schools the appointee succeeds was at the time such regional superintendent of schools last was elected. The appointee shall serve for the remainder of the term. However, if more than 28 months remain in that term, the appointment shall be until the next general election, at which time the vacated office shall be filled by election for the remainder of the term. Nominations shall be made and any vacancy in nomination shall be filled as follows:

(1) If the vacancy in office occurs before the first date provided in Section 7-12 of the Election Code for filing nomination papers for county offices for the primary in the next even-numbered year following commencement of the term of office in which the vacancy occurs, nominations for the election for filling the vacancy shall be made pursuant to Article 7 of the Election Code.

(2) If the vacancy in office occurs during the time provided in Section 7-12 of the Election Code for filing nomination papers for county offices for the primary in the next even-numbered year following commencement of the term of office in which the vacancy occurs, the time for filing nomination papers for the primary shall not be more than 91 days nor less than 85 days prior to the date of the primary.

(3) If the vacancy in office occurs after the last day provided in Section 7-12 of the Election Code for filing nomination papers for county offices for the primary in the next even-numbered year following commencement of the term of office in which the vacancy occurs, a vacancy in nomination shall be deemed to have occurred and the county central committee of each established political party (if the vacancy occurs in a single county educational service region) or the multi-county educational

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service region committee of each established political party (if the vacancy occurs in a multi-county educational service region) shall nominate, by resolution, a candidate to fill the vacancy in nomination for election to the office at the general election. In the nomination proceedings to fill the vacancy in nomination, each member of the county central committee or the multi-county educational service region committee, whichever applies, shall have the voting strength as set forth in Section 7-8 or 7-8.02 of the Election Code, respectively. The name of the candidate so nominated shall not appear on the ballot at the general primary election. The vacancy in nomination shall be filled prior to the date of certification of candidates for the general election.

(4) The resolution to fill the vacancy shall be duly acknowledged before an officer qualified to take acknowledgments of deeds and shall include, upon its face, the following information: (A) the name of the original nominee and the office vacated; (B) the date on which the vacancy occurred; and (C) the name and address of the nominee selected to fill the vacancy and the date of selection. The resolution to fill the vacancy shall be accompanied by a statement of candidacy, as prescribed in Section 7-10 of the Election Code, completed by the selected nominee, a certificate from the State Board of Education, as prescribed in Section 3-1 of this Code, and a receipt indicating that the nominee has filed a statement of economic interests as required by the Illinois Governmental Ethics Act.

The provisions of Sections 10-8 through 10-10.1 of the Election Code relating to objections to nomination papers, hearings on objections, and judicial review shall also apply to and govern objections to nomination papers and resolutions for filling vacancies in nomination filed pursuant to this Section. Unless otherwise specified in this Section, the nomination and election provided for in this Section is governed by the general election law.

Except as otherwise provided by applicable county ordinance or by law, if a vacancy occurs in the office of regional superintendent of schools of an educational service region that is located in a county that is a home rule unit and that has a population of less than 2,000,000 inhabitants, that vacancy shall be filled by the county board of such home rule county.

Until July 1, 2003 or until the regional superintendent of schools elected in 2002 takes office, whichever occurs first, if a vacancy exists in the office of regional superintendent of schools of an educational service region that is located in a county that is a home rule unit and that has a population of 2,000,000 or more inhabitants, then that vacancy shall be filled by the first assistant superintendent/deputy superintendent until the end of the term to which the regional superintendent was elected. Until July 1, 1994, if a vacancy occurs in the office of regional superintendent of schools of an educational service region that is located in a county that is a home rule unit and that has a population of 2,000,000 or more inhabitants, that vacancy shall be filled by the county board of that home rule county unless otherwise provided by applicable county ordinance or by law. On and after July 1, 1994, the provisions of this Section shall have no application in any educational service region that is located in any county, including a county that is a home rule unit, if that educational service region has a population of 2,000,000 or more inhabitants:

New matter indicated by italics - deletions by strikeout.
Any person appointed to fill a vacancy in the office of regional superintendent of schools of any educational service region must possess the qualifications required to be elected to the position of regional superintendent of schools, and shall obtain a certificate of eligibility from the State Superintendent of Education and file same with the county clerk of the county in which the regional superintendent's office is located.

If the regional superintendent of schools is called into the active military service of the United States, his office shall not be deemed to be vacant, but a temporary appointment shall be made as in the case of a vacancy. The appointee shall perform all the duties of the regional superintendent of schools during the time the regional superintendent of schools is in the active military service of the United States, and shall be paid the same compensation apportioned as to the time of service, and such appointment and all authority thereunder shall cease upon the discharge of the regional superintendent of schools from such active military service. The appointee shall give the same bond as is required of a regularly elected regional superintendent of schools.

(Source: P.A. 92-277, eff. 8-7-01.)

Section 99. Effective date. This Act takes effect upon becoming law.
Passed in the General Assembly December 5, 2002.

PUBLIC ACT 92-0870
(Senate Bill No. 1609)

AN ACT concerning health facilities.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 1. Short title. This Act may be cited as the Illinois Medical District at Springfield Act.

Section 5. Creation of District. There is created in the City of Springfield a medical center district, the Illinois Medical District at Springfield, whose boundaries are 11th Street on the east, North Grand Avenue on the north, Walnut Street on the west, and Madison Street on the south. The District is created to attract and retain academic centers of excellence, viable health care facilities, medical research facilities, emerging high technology enterprises, and other facilities and uses as permitted by this Act.

Section 10. Illinois Medical District at Springfield Commission.
(a) There is created a body politic and corporate under the corporate name of the Illinois Medical District at Springfield Commission whose general purpose, in addition to and not in limitation of those purposes and powers set forth in this Act, is to:

(1) maintain the proper surroundings for a medical center and a related technology center in order to attract, stabilize, and retain within the District hospitals, clinics, research facilities, educational facilities, or other facilities permitted under this Act; and

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(2) provide for the orderly creation, maintenance, development, and expansion of (i) health care facilities and other ancillary or related facilities that the Commission may from time to time determine are established and operated (A) for any aspect of the carrying out of the Commission's purposes as set forth in this Act, (B) for the study, diagnosis, and treatment of human ailments and injuries, whether physical or mental, or (C) to promote medical, surgical, and scientific research and knowledge as permitted under this Act; and (ii) medical research and high technology parks, together with the necessary lands, buildings, facilities, equipment, and personal property for those parks.

(b) The Commission has perpetual succession and the power to contract and be contracted with, to sue and be sued except in actions sounding in tort, to plead and be impounded, to have and use a common seal, and to alter the same at pleasure. All actions sounding in tort against the Commission shall be prosecuted in the Court of Claims. The principal office of the Commission shall be in the City of Springfield.

c) The Commission shall consist of the following members: 4 members appointed by the Governor, with the advice and consent of the Senate; 4 members appointed by the Mayor of Springfield, with the advice and consent of the Springfield city council; and one member appointed by the Chairperson of the County Board of Sangamon County. The initial members of the Commission appointed by the Governor shall be appointed for terms ending, respectively on the second, third, fourth, and fifth anniversaries of their appointments. The initial members appointed by the Mayor of Springfield shall be appointed 2 each for terms ending, respectively, on the second and third anniversaries of their appointments. The initial member appointed by the Chairperson of the County Board of Sangamon County shall be appointed for a term ending on the fourth anniversary of the appointment. Thereafter, all the members shall be appointed to hold office for a term of 5 years and until their successors are appointed as provided in this Act.

d) Any vacancy in the membership of the Commission occurring by reason of the death, resignation, disqualification, removal, or inability or refusal to act of any of the members of the Commission shall be filled by the authority that had appointed the particular member, and for the unexpired term of office of that particular member. A vacancy caused by the expiration of the period for which the member was appointed shall be filled by a new appointment for a term of 5 years from the date of the expiration of the prior 5-year term notwithstanding when the appointment is actually made. The Commission shall obtain, under the provisions of the Personnel Code, such personnel as to the Commission shall deem advisable to carry out the purposes of this Act and the work of the Commission.

e) The Commission shall hold regular meetings annually for the election of a President, Vice-President, Secretary, and Treasurer, for the adoption of a budget, and for such other business as may properly come before it. The Commission shall elect as the President a member of the Commission appointed by the Mayor of Springfield and as the Vice-President a member of the Commission appointed by the Governor. The Commission shall establish the duties and responsibilities of its officers by rule. The President or any 3 members of the Commission may call special meetings of the Commission. Each
Commissioner shall take an oath of office for the faithful performance of his or her duties. The Commission may not transact business at a meeting of the Commission unless there is present at the meeting a quorum consisting of at least 5 Commissioners. Meetings may be held by telephone conference or other communications equipment by means of which all persons participating in the meeting can communicate with each other.

(f) The Commission shall submit to the General Assembly, not later than March 1 of each odd-numbered year, a detailed report covering its operations for the 2 preceding calendar years and a statement of its program for the next 2 years. The requirement for reporting to the General Assembly shall be satisfied by filing copies of the report with the Speaker, the Minority Leader, and the Clerk of the House of Representatives and the President, the Minority Leader, and the Secretary of the Senate and with the Legislative Research Unit, as required by Section 3.1 of the General Assembly Organization Act, and by filing such additional copies with the State Government Report Distribution Center for the General Assembly as is required under paragraph (t) of Section 7 of the State Library Act.

(g) The Auditor General shall conduct audits of the Commission in the same manner as the Auditor General conducts audits of State agencies under the Illinois State Auditing Act.

(h) Neither the Commission nor the District have any power to tax.

(i) The Commission is a public body and subject to the Open Meetings Act and the Freedom of Information Act.

Section 15. Grants; loans; contracts. The Commission may apply for and accept grants, loans, or appropriations from the State of Illinois, the federal government, any State or federal agency or instrumentality, any unit of local government, or any other person or entity to be used for any of the purposes of the District. The Commission may enter into any agreement with the State of Illinois, the federal government, any State or federal instrumentality, any unit of local government, or any other person or entity in relation to the grants, matching grants, loans, or appropriations. The Commission also may, by contractual agreement, accept and collect assessments or fees from entities who enter into such a contractual agreement for District enhancement and improvements, common area shared services, shared facilities, or other activities or expenditures in furtherance of the purposes of this Act. The Commission may make grants to neighborhood organizations within the District for the purpose of benefitting the community.

Section 20. Property; acquisition. The Commission is authorized to acquire the fee simple title to real property lying within the District and personal property required for its purposes, by gift, purchase, or otherwise. Title shall be taken in the corporate name of the Commission. The Commission may acquire by lease any real property lying within the District and personal property found by the Commission to be necessary for its purposes and to which the Commission finds that it need not acquire the fee simple title for carrying out of those purposes. All real and personal property within the District, except that owned and used for purposes authorized under this Act by medical institutions or allied educational institutions, hospitals, dispensaries, clinics, dormitories or homes for the nurses, doctors, students, instructors, or other officers or employees of those institutions located in the
District, or any real property that is used for offices or for recreational purposes in connection with those institutions, or any improved residential property within a currently effective historical district properly designated under a federal statute or a State or local statute that has been certified by the Secretary of the Interior to the Secretary of the Treasury as containing criteria that will substantially achieve the purpose of preserving and rehabilitating buildings of historical significance to the district, may be acquired by the Commission in its corporate name under the provisions for the exercise of the right of eminent domain under Article VII of the Code of Civil Procedure. The Commission has no quick-take powers, no zoning powers, and no power to establish or enforce building codes. The Commission may not acquire any property pursuant to this Section before a comprehensive master plan has been approved under Section 70.

Section 25. Construction. The Commission may, in its corporate capacity, construct or cause to be constructed within the District, hospitals, sanitariums, clinics, laboratories, or any other institution, building, or structure or other ancillary or related facilities that the Commission may, from time to time, determine are established and operated (i) for the carrying out of any aspect of the Commission's purposes as set forth in this Act, for the study, diagnosis, and treatment of human ailments and injuries, whether physical or mental, or to promote medical, surgical, and scientific research and knowledge, for any uses the Commission shall determine will support and nurture facilities and uses permitted by this Act, or for such nursing, extended care, or other facilities as the Commission shall find useful in the study of, research in, or treatment of illnesses or infirmities peculiar to aged people, after a public hearing to be held by any Commissioner or other person authorized by the Commission to conduct the hearing, which Commissioner or other person has the power to administer oaths and affirmations and take the testimony of witnesses and receive such documentary evidence as shall be pertinent, the record of which hearing he or she shall certify to the Commission, which record shall become part of the records of the Commission, notice of the time, place, and purpose of the hearings to be given by a single publication notice in a secular newspaper of general circulation in the City of Springfield at least 10 days before the date of the hearing, or (ii) for such institutions as shall engage in the training, education, or rehabilitation of persons who by reason of illness or physical infirmity are wholly or partially deprived of their powers of vision or hearing or of the use of such other part or parts of their bodies as prevent them from pursuing normal activities of life, for office buildings for physicians or dealers in medical accessories, for dormitories, homes, or residences for the medical profession, including interns, nurses, students, or other officers or employees of the institutions within the District, for the use of relatives of patients in the hospitals or other institutions within the District, for the rehabilitation or establishment of residential structures within a historic district properly designated under a federal statute or a State or local statute that has been certified by the Secretary of the Interior to the Secretary of the Treasury as containing criteria that will substantially achieve the purpose of preserving and rehabilitating buildings of historic significance to the district, or such other areas of the District as the Commission shall designate, for research, development, and resultant production in any of the fields of medicine, chemistry, pharmaceuticals, physics, and

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genetically engineered products, for biotechnology, information technology, medical technology, or environmental technology, for the research and development of engineering, or for computer technology related to any of the purposes for which the Commission may construct structures and improvements within the District. All such structures and improvements shall be erected and constructed in accordance with the provisions of the Illinois Procurement Code that apply to State agencies. No construction may be undertaken pursuant to this Section before a comprehensive master plan has been approved under Section 70.

Section 30. Relocation assistance. The Commission shall provide relocation assistance to persons and entities displaced by the Commission's acquisition of property and improvement of the District. Relocation assistance shall not be less than provided under the federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 and the regulations under that Act, including the eligibility criteria. Relocation assistance may include assistance with the moving of a residential unit to a new location. The Commission shall establish a single point of contact for all relocation assistance under this Section.

Section 35. Bonds. To obtain the funds necessary for financing the acquisition of land, for the acquisition, construction, maintenance, and rehabilitation of facilities and equipment within the District, and for the operation of the District as set forth in this Act, the Commission may borrow money from any public or private agency, department, corporation, or person. In evidence of and as security for funds borrowed, the Commission may issue revenue bonds in its corporate capacity to be payable from the revenues derived from the operation of the institutions or buildings owned, leased, or operated by or on behalf of the Commission, but the bonds shall in no event constitute an indebtedness of the Commission or a claim against the property of the Commission. The bonds may be issued in such denominations as may be expedient, in such amounts, and at such rates of interest as the Commission shall deem necessary to provide sufficient funds to pay all the costs authorized under this Section. The bonds shall be executed by the President of the Commission, attested by the Secretary, and sealed with the Commission's corporate seal. If either of those officers of the Commission who shall have signed or attested any of the bonds shall have ceased to be such officer before delivery of the bonds, the signature of the officer shall be valid and sufficient to the same effect as if the officer had remained in office at the time of delivery. The Commission shall furnish the State Comptroller with a record of all bonds issued under this Act.

Section 40. Power to sell or lease. The Commission may sell, convey, transfer, or lease, all at fair market value, any title or interest in real property owned by it to any person or persons, to be used, subject to the restrictions of this Act, for the purposes stated in Section 25, or for the purpose of serving persons using the facilities offered within the District or for carrying out of any aspect of the Commission's purposes as set forth in Section 10 of this Act, subject to such restrictions as to the use of the real property as the Commission shall determine will carry out the purpose of this Act. To assure that the use of the real property so sold or leased is in accordance with the provisions of this Act, the
Commission shall inquire into and satisfy itself concerning the financial ability of the purchaser to complete the project for which the real property is sold or leased in accordance with a plan to be presented by the purchaser or lessee, which plan shall be submitted, in writing, to the Commission. Under the plan, the purchaser or lessee shall undertake (1) to use the land for the purposes designated in the plan so presented; (2) to commence and complete the construction of the buildings or other structures to be included in the project within such periods of time as the Commission fixes as reasonable; and (3) to comply with such other conditions as the Commission shall determine are necessary to carry out the project. All conveyances and leases authorized in this Section shall be on condition that, in the event of use for other than the purposes prescribed in this Act, or of nonuse for a period of one year, title to the property shall revert to the Commission. All conveyances and leases made by the Commission to any corporation or person for the use of serving the residents or any person using the facilities offered within the District shall be on condition that in the event of violation of any of the restrictions as to the use of the property as the Commission shall have determined will carry out the purposes of this Act, that title to the property shall revert to the Commission. If, however, the Commission finds that financing necessary for the acquisition or lease of any real estate or for the construction of any building or improvement to be used for purposes prescribed in this Act cannot be obtained if title to the land or building or improvement is subject to such a reverter provision, which finding shall be made by the Commission after public hearing held pursuant to a single publication notice given in a secular newspaper of general circulation in the City of Springfield at least 10 days before the date of the hearing, the notice to specify the time, place, and purpose for the hearing, and upon that finding being made, the Commission may cause the real property to be conveyed free of a reverter provision, provided that at least 7 members of the Commission vote in favor thereof. The Commission may also provide in the conveyances, leases, or other documentation provisions for notice of such violations or default and the cure thereof for the benefit of any lender or mortgagee as the Commission shall determine are appropriate. If, at a regularly scheduled meeting, the Commission resolves that a parcel of real estate leased by it, or in which it has sold the fee simple title or any lesser estate, is not being used for the purposes prescribed in this Act or has been in nonuse for a period of one year, the Commission may file a law suit in the circuit court of Sangamon County to enforce the terms of the sale or lease. If a reverter of title to any property is ordered by the court under the terms of this Act, the interest of the Commission shall be subject to any then existing valid mortgage or trust deed in the nature of a mortgage, but if the title is acquired through foreclosure of that mortgage or trust deed or by deed in lieu of foreclosure of that mortgage or trust deed, then the title to the property shall not revert, but shall be subject to the restrictions as to use, but not any penalty for nonuse, contained in this Act with respect to any mortgagee in possession or its successor or assigns.

No conveyance of real property shall be executed by the Commission without the prior written approval of the Governor. The Commission may not sell, convey, transfer, or lease any property pursuant to this Section before a comprehensive master plan has been approved under Section 70.

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Section 45. Notice. Before holding any public hearing prescribed in Section 40 of this Act, or any meeting regarding the passage of any resolution to file a law suit, the Commission shall give notice to the grantee or lessee, or his or her legal representatives, successors, or assigns, of the time and place of the proceeding. The notice shall be accompanied by a statement signed by the Secretary of the Commission, or by any person authorized by the Commission to sign the same, setting forth any act or things done or omitted to be done in violation, or claimed to be in violation, of any restriction as to the use of the property, whether the restriction be prescribed in any of the terms of this Act or by any restriction as to the use of the property determined by the Commission under the terms of this Act. The notice of the time and place fixed for the proceeding shall also be given to such person or persons as the Commission shall deem necessary. The notice may be given by registered mail, addressed to the grantee, lessee, or legal representatives, successors, or assigns, at the last known address of the grantee, lessee, or legal representatives, successors, or assigns.

Section 50. Rules. The Commission may adopt reasonable and proper rules, in accordance with the Illinois Administrative Procedure Act, relative to the exercise of its powers, and proper rules to govern its proceedings, to regulate the mode and manner of all hearings held by it or at its direction, and to alter and amend those rules.

Section 55. Official documents. Copies of all official documents, findings, and orders of the Commission, certified by a Commissioner or by the Secretary of the Commission to be true copies of the originals, under the official seal of the Commission, shall be evidence in like manner as the originals.

Section 60. Judicial review. Any party may obtain a judicial review of a final order or decision of the Commission in the circuit court of Sangamon County only under and in accordance with the provisions of the Administrative Review Law and the rules adopted under that Law. The circuit court shall take judicial notice of all the rules of practice and procedure of the Commission.

Section 65. Parks. The Commission may set apart any part of the District as a park, except those areas owned, operated, or used for purposes authorized under this Act by organizations or institutions engaged in the delivery or conduct of health care services, education, or research, and may construct, control, and maintain the same or may provide by contract with the Springfield Park District or the City of Springfield for the construction, control, and maintenance of any area within the District set apart as a park.

Section 70. Master plan; improvement and management of District. The Commission shall prepare and approve a comprehensive master plan for the orderly development and management of all property within the District. The master plan, and any amendment to the master plan, shall not take effect, however, until it has been approved by the advisory council and the Springfield city council. The Commission shall take the actions permitted to be taken by it under this Act as it may determine are appropriate to provide conditions most favorable for the special care and treatment of the sick and injured and for the study of disease and for any other purpose in Section 25 of this Act. In the master plan, the Commission may provide for shared services and facilities within the District for the accredited schools of medicine.

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and the licensed non-profit acute care hospitals within the District.

Section 75. Advisory Council. The Commission must establish an advisory council consisting of 2 representatives, appointed for one-year terms by the Mayor of Springfield, of each recognized neighborhood organization that the Mayor determines has a legitimate interest in the development and improvement of the District. There is no limit on the number of terms to which a person may be appointed as a member. The advisory council shall review and make recommendations to the Commission with respect to the comprehensive master plan to be adopted by the Commission. The advisory council may fulfill such other responsibilities as the Commission may request in furtherance of the purposes of this Act. The advisory council shall meet at the call of the President of the Commission and shall conduct its affairs in accordance with the rules that the Commission may adopt from time to time for the governance and operation of the advisory council.

Section 80. Public hearing. The Commission shall conduct a public hearing prior to either acquiring through eminent domain under Section 20 of this Act real or personal property within the District or approving under Section 70 of this Act a comprehensive master plan. The Commission shall also conduct a public hearing whenever it is otherwise required by law to do so, and may conduct a public hearing whenever it may elect to do so. The Commission shall conduct the public hearing called by it in accordance with the requirements of the law mandating it, if any, or in accordance with the provisions of this Section if either the law mandating it is silent as to the procedures for its holding or if the Commission elects to hold a public hearing in the absence of any law mandating it.

In the absence of any law, or of any procedures in any law, mandating the holding of a public hearing, the Commission may authorize a Commissioner or other person of legal age to conduct a hearing. The Commissioner or other authorized person has the power to administer oaths and affirmations, take the testimony of witnesses, take and receive the production of papers, books, records, accounts, and documents, receive pertinent evidence, and certify the record of the hearing. The record of the hearing shall become part of the Commission's record. Notice of the time, place, and purpose of the hearing shall be given by a single publication notice in a secular newspaper of general circulation in the City of Springfield at least 10 days before the date of the hearing.

Section 85. Jurisdiction. This Act shall not be construed to limit the jurisdiction of the City of Springfield to territory outside the limits of the District nor to impair any power now possessed by or hereafter granted to the City of Springfield or to cities generally. Property owned by and exclusively used by the Commission shall be exempt from taxation and shall be subject to condemnation by the State and any municipal corporation or agency of the State for any State or municipal purpose under the provisions for the exercise of the right of eminent domain under Article VII of the Code of Civil Procedure.

Section 90. Disposition of money; income fund. All money received by the Commission from the sale or lease of any property, in excess of the amount expended by the Commission for authorized purposes under this Act or as may be necessary to satisfy the obligation of any revenue bond issued pursuant to Section 35, shall be paid into the State treasury for deposit into the Illinois Medical District at Springfield Income Fund. The
Commission is authorized to use all money received as rentals for the purposes of planning, acquisition, and development of property within the District, for the operation, maintenance, and improvement of property of the Commission, and for all purposes and powers set forth in this Act. All moneys held pursuant to this Section shall be maintained in a depository approved by the State Treasurer. The Auditor General shall, at least biennially, audit or cause to be audited all records and accounts of the Commission pertaining to the operation of the District.

Section 95. Attorney General. The Attorney General of the State of Illinois is the legal advisor to the Commission and shall prosecute or defend, as the case may be, all actions brought by or against the Commission.

Section 900. The State Finance Act is amended by adding Sections 5.595 and 6z-60 as follows:

(30 ILCS 105/5.595 new)
Sec. 5.595. The Illinois Medical District at Springfield Income Fund.

(30 ILCS 105/6z-60 new)
Sec. 6z-60. Illinois Medical District at Springfield Income Fund. All payments received from the Illinois Medical District at Springfield Commission for deposit into the Illinois Medical District at Springfield Income Fund shall be expended only pursuant to appropriation. Amounts in the Fund may be appropriated to the Commission for use in purchasing real estate.

Section 999. Effective date. This Act takes effect on January 1, 2003.

Passed in the General Assembly December 5, 2002.


PUBLIC ACT 92-0871
(Senate Bill No. 1622)

AN ACT creating the Fire Sprinkler Contractor Licensing Act.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 1. Short title. This Act may be cited as the Fire Sprinkler Contractor Licensing Act.

Section 5. Legislative intent. It is declared that within the State of Illinois there are, and may continue to be, locations where the improper installation or repair of fire sprinkler systems creates conditions that may adversely affect the public health and general welfare. Therefore, the purpose of this Act is to protect, promote, and preserve the public health and general welfare by providing for the establishment of minimum standards for licensure of fire sprinkler installation contractors.

Section 10. Definitions. As used in this Act, unless the context otherwise requires:

"Designated certified person" means an individual who has met the qualifications set

New matter indicated by italics - deletions by strikeout.
"Fire sprinkler contractor" means a person who holds himself or herself out to be in the business of or contracts with a person to install or repair a fire sprinkler system.

"Fire sprinkler system" means any water-based automatic fire extinguishing system employing fire sprinklers, including accessory fire pumps and associated piping, fire standpipes, or underground fire main systems starting at the connection to the water service after the approved backflow device is installed under the requirements of the Illinois Plumbing Code and ending at the most remote fire sprinkler. "Fire sprinkler system" includes but is not limited to a fire sprinkler system in a residential, commercial, institutional, educational, public, or private occupancy. "Fire sprinkler system" does not include single sprinkler heads that are in a loop of the potable water system, as referenced in 77 Ill. Adm. Code 890.1130 and 890.1200.

"Licensee" means a person or business organization licensed in accordance with this Act.

"NICET" means the National Institute for Certification in Engineering Technologies.

"Person" means an individual, group of individuals, association, trust, partnership, corporation, person doing business under an assumed name, the State of Illinois, or department thereof, any other state-owned and operated institution, or any other entity.

"Supervision" means the direction and management by a designated certified person of the activities of non-certified personnel in the installation or repair of fire sprinkler systems.

Section 12. License; enforcement; failure to pay tax. No person shall act as a fire sprinkler contractor, or advertise or assume to act as such, or use any title implying that such person is engaged in such practice or occupation unless licensed by the State Fire Marshal.

No firm, association, or corporation shall act as an agency licensed under this Act, or advertise or assume to act as such, or use any title implying that the firm, association, or corporation is engaged in such practice, unless licensed by the State Fire Marshal.

The State Fire Marshal, in the name of the People and through the Attorney General, the State's Attorney of any county, any resident of the State, or any legal entity within the State may apply for injunctive relief in any court to enjoin any person who has not been issued a license or whose license has been suspended, revoked, or not renewed from practicing a licensed activity, and upon the filing of a verified petition, the court, if satisfied by affidavit or otherwise, that such person is or has been practicing in violation of this Act may enter a temporary restraining order or preliminary injunction, without bond, enjoining the defendant from such further activity. A copy of the verified complaint shall be served upon the defendant and the proceedings shall thereafter be conducted as in other civil cases. If it is established that the defendant has been or is practicing in violation of this Act, the court may enter a judgment perpetually enjoining the defendant from such further activity. In case of violation of any injunctive order or judgment entered under the provisions of this Section, the court may summarily try and punish the offender for contempt of court. Such injunctive proceeding shall be in addition to all penalties and other remedies in this Act.

The State Fire Marshal may refuse to issue a license to, or may suspend the license...
of, any person who fails to file a return, to pay the tax, penalty, or interest shown in a filed return, or to pay any final assessment of tax, penalty, or interest, as required by any tax Act administered by the Illinois Department of Revenue, until such time as the requirements of any such tax Act are satisfied.

Section 15. Licensing requirements.
(a) It shall be unlawful for any person or business to engage in, advertise, or hold itself out to be in the business of installing or repairing fire sprinkler systems in this State after 6 months after the effective date of this Act, unless such person or business is licensed by the State Fire Marshal. This license must be renewed every year.
(b) In order to obtain a license, a person or business must submit an application to the State Fire Marshal, on a form provided by the State Fire Marshal containing the information prescribed, along with the application fee.
(c) A business applying for a license must have a designated certified person employed at the business location and the designated certified person shall be identified on the license application.
(d) A person or business applying for a license must show proof of having liability and property damage insurance in such amounts and under such circumstances as may be determined by the State Fire Marshal. The amount of liability and property damage insurance, however, shall not be less than the amount specified in Section 35 of this Act.
(e) A person or business applying for a license must show proof of having workers’ compensation insurance covering its employees or be approved as a self-insurer of workers’ compensation in accordance with the laws of this State.
(f) A person or business so licensed shall have a separate license for each business location within the State or outside the State when the business location is responsible for any installation or repair of fire sprinkler systems performed within the State.
(g) When an individual proposes to do business in her or his own name, a license, when granted, shall be issued only to that individual.
(h) If the applicant requesting licensure to engage in contracting is a business organization, such as a partnership, corporation, business trust, or other legal entity, the application shall state the name of the partnership and its partners, the name of the corporation and its officers and directors, the name of the business trust and its trustees, or the name of such other legal entity and its members and shall furnish evidence of statutory compliance if a fictitious name is used. Such application shall also show that the business entity employs a designated certified person as required under Section 20. The license, when issued upon application of a business organization, shall be in the name of the business organization and the name of the qualifying designated certified person shall be noted thereon.
(i) No license is required for a person or business that is engaged in the installation of fire sprinkler systems only in single family or multiple family residential dwellings up to and including 8 family units that do not exceed 2 1/2 stories in height from the lowest grade level.

Section 20. Designated certified person requirements.

New matter indicated by italics - deletions by strikeout.
(a) A designated certified person must either be a current Illinois licensed professional engineer or hold a valid NICET level 3 or higher certification in "fire protection technology, automatic sprinkler system layout".

(b) At least one member of every firm, association, or partnership and at least one corporate officer of every corporation engaged in the installation and repair of fire sprinkler systems must be a designated certified person.

(c) A designated certified person must be employed by the licensee at a business location with a valid license.

(d) A designated certified person must perform his or her normal duties at a business location with a valid license.

(e) A designated certified person may only be the designated certified person for one business location and one business entity.

(f) A designated certified person must be directly involved in supervision. The designated certified person does not, however, have to be at the site of the installation or repair of the fire sprinkler system at all times.

Section 25. Change of a designated certified person. When a licensee is without a designated certified person, the licensee shall notify the State Fire Marshal in writing within 30 days and shall employ a designated certified person no later than 180 days from the time the position of designated certified person becomes vacant. Failing to fill the vacant position shall cause the license of the person or of the business organization to expire without further operation of law.

Section 30. Requirements for the installation and repair of fire protection systems.

(a) Equipment shall be listed by a nationally recognized testing laboratory, such as Underwriters Laboratories, Inc. or Factory Mutual Laboratories, Inc., or shall comply with nationally accepted standards. The State Fire Marshal shall adopt by rule procedures for determining whether a laboratory is nationally recognized, taking into account the laboratory's facilities, procedures, use of nationally recognized standards, and any other criteria reasonably calculated to reach an informed determination.

(b) Equipment shall be installed in accordance with the applicable standards of the National Fire Protection Association and the manufacturer's specifications.

(c) The contractor shall furnish the user with operating instructions for all equipment installed, together with a diagram of the final installation.

(d) All fire sprinkler systems shall have a backflow prevention device or, in a municipality with a population over 500,000, a double detector check assembly installed by a licensed plumber before the fire sprinkler system connection to the water service. Connection to the backflow prevention device or, in a municipality with a population over 500,000, a double detector assembly shall be done in a manner consistent with the Department of Public Health's Plumbing Code.

(e) This licensing Act is not intended to require any additional fire inspections at State level.

Section 35. Fees and required insurance.

(a) The fees for an original license and each renewal and for duplicate copies of
licenses shall be determined by the State Fire Marshal by rule.

(b) Any person who fails to file a renewal application by the date of expiration of a license shall be assessed a late filing charge, which shall be determined by the State Fire Marshal by rule.

(c) All fees shall be paid by check or money order. Any fee required by this Act is not refundable in the event that the original application or application for renewal is denied.

(d) Every application for an original license shall be accompanied by a certificate of insurance issued by an insurance company authorized to do business in the State of Illinois or by a risk retention or purchasing group formed pursuant to the federal Liability Risk Retention Act of 1986, which provides primary, first dollar public liability coverage of the applicant or licensee for personal injuries for not less than $500,000 per person or $1,000,000 per occurrence, and, in addition, for not less than $1,000,000 per occurrence for property damage. The insurance policy shall be in effect at all times during the license year and a new certificate of insurance shall be filed with the State Fire Marshal within 30 days after the renewal of the insurance policy.

Section 40. Deposit of fines and fees; appropriation. All administrative civil fines and fees collected pursuant to the Act shall be deposited into the Fire Prevention Fund, a special fund in the State treasury. The General Assembly shall appropriate the amount annually collected as administrative civil fines and fees to the State Fire Marshal for the purposes of administering this Act.

Section 45. Home rule. A home rule unit may not regulate the installation and repair of fire sprinkler systems in a manner less restrictive than the regulation by the State on the installation and repair of fire sprinkler systems under this Act. This Section is a limitation under subsection (i) of Section 6 of Article VII of the Illinois Constitution on the concurrent exercise by home rule units of powers and functions exercised by the State.

Section 50. Powers and duties of the State Fire Marshal. The State Fire Marshal has all of the following powers and duties:

(a) To prescribe and furnish application forms, licenses, and any other forms necessary under this Act.

(b) To suspend, revoke, or refuse to issue or renew licenses for cause.

(c) To conduct hearings concerning the suspension, revocation, or refusal to issue or renew licenses.

(d) To levy and collect fines pursuant to this Act.

(e) To promulgate rules and regulations necessary for the administration of this Act.

Section 55. Rules; public hearing. Subject to the requirement for public hearings as provided in this Section, the State Fire Marshal shall promulgate, publish, and adopt, and may, from time to time, amend such rules as may be necessary for the proper enforcement of this Act, to protect the health and safety of the public. The State Fire Marshal shall hold a public hearing prior to the adoption or amendment of rules required under this Act. The State Fire Marshal may, when necessary, utilize the services of any other State agency to assist in carrying out the purposes of this Act.

Section 60. Grounds for disciplinary action. The following constitute grounds for
disciplinary action by the State Fire Marshal:

(1) Violation of any provision of this Act or of any rule adopted pursuant thereto.

(2) Violation of the applicable building codes or laws of this State or any municipality or county thereof.

(3) Diversion of funds or property received for prosecution or completion of a specified construction project or operation when, as a result of the diversion, the contractor is, or will be, unable to fulfill the terms of her or his obligation or contract.

(4) Disciplinary action by any municipality or county, which action shall be reviewed by the State Fire Marshal before taking any disciplinary action.

(5) Failure to supervise the installation of the fire protection system covered by the installation permit signed by the contractor.

(6) Rendering a fire protection system, standpipe system, or underground water supply main connecting to the system inoperative except when the fire protection system, standpipe system, or underground water supply main is being inspected, serviced, tested, or repaired or pursuant to court order.

(7) Improperly servicing, repairing, testing, or inspecting a fire protection system, standpipe system, or underground water supply main connecting to the system.

(8) Failing to provide proof of insurance to the State Fire Marshal or failing to maintain in force the insurance coverage required by this Act.

(9) Failing to obtain, retain, or maintain one or more of the qualifications for a designated certified person as specified in this Act.

(10) Making a material misstatement or misrepresentation or committing a fraud in obtaining or attempting to obtain a license.

(11) Failing to notify the State Fire Marshal, in writing, within 30 days after a change of residence address, principal business address, or name.

(12) Failure to supply within a reasonable time, upon request from the State Fire Marshal or its authorized representative, true information regarding material used, work performed, or other information essential to the administration of this Act.

(13) Aiding or abetting a person to violate a provision of this Act, conspiring with any person to violate a provision of this Act, or allowing a license to be used by another person.

Section 65. Notice; suspension, revocation, or refusal to renew a license.

(a) Whenever the State Fire Marshal determines that there are reasonable grounds to believe that a licensee has violated a provision of this Act or the rules adopted under this Act, the State Fire Marshal shall give notice of the alleged violation to the person whom the license was issued. The notice shall (i) be in writing; (ii) include a statement of the alleged violation which necessitates issuance of the notice; (iii) contain an outline of remedial action that, if taken, will effect compliance with the provisions of this Act and the rules adopted under this Act; (iv) prescribe a reasonable time, as determined by the State Fire Marshal, for the performance of any action required by the notice; and (v) be served upon the licensees. The notice shall be deemed to have been properly served upon the person when a copy of the notice has been sent by registered or certified mail to his or her last known address as
furnished to the State Fire Marshal or when he or she has been served the notice by any other method authorized by law.

(b) If the person to whom the notice is served does not comply with the terms of the notice within the time limitations specified in the notice, the State Fire Marshal may proceed with action to suspend, revoke, or refuse to issue a license as provided in this Section.

(c) Other requirements of this Act notwithstanding, when the State Fire Marshal determines that reasonable grounds exist to indicate that a violation of this Act has been committed and the violation is the third separate violation by that person in an 18-month period, the notice requirement of subsection (a) of this Section is waived and the State Fire Marshal may proceed immediately with action to suspend, revoke, or refuse to issue a license.

(d) In any proceeding to suspend, revoke, or refuse to issue a license, the State Fire Marshal shall first serve or cause to be served upon the licensee a written notice of the State Fire Marshal's intent to take action. The notice shall specify the way in which the person has failed to comply with this Act or any other rules or standards of the State Fire Marshal.

(e) In the case of revocation or suspension, the notice shall require the person to remove or abate the violation or objectionable condition specified in the notice within 5 days. The State Fire Marshal may specify a longer period of time as it deems necessary. If the person fails to comply with the terms and conditions of the revocation or suspension notice within the time specified by the State Fire Marshal, the State Fire Marshal may revoke or suspend the license.

(f) In the case of refusal to issue a license, if the person fails to comply with the Act or rules or standards promulgated under the Act, the State Fire Marshal may refuse to issue a license.

Section 70. Administrative hearing. The State Fire Marshal shall give written notice by certified or registered mail to an applicant or licensee of the State Fire Marshal's intent to suspend, revoke, or refuse to issue a license or to assess a fine. Such person has a right to a hearing before the State Fire Marshal. A written notice of a request for a hearing shall be served on the State Fire Marshal within 10 days of notice of the refusal, suspension, or revocation of a license or imposition of a fine. The hearing shall be conducted by the State Fire Marshal or a hearing officer designated in writing by the State Fire Marshal. A stenographic record shall be made of the hearing and the cost of the hearing shall be borne by the State Fire Marshal. A transcript of the hearing shall be made only upon request of the applicant or licensee and shall be transcribed at the cost of that person.

Section 75. Subpoena powers; administration of oath. The State Fire Marshal or hearing officer may compel by subpoena or subpoena duces tecum the attendance and testimony of witnesses and the production of books and papers. All subpoenas issued by the State Fire Marshal or hearing officer may be served as provided for in a civil action. The fees of witnesses for attendance and travel shall be the same as the fees for witnesses before the circuit court and shall be paid by the party at whose request the subpoena is issued. If such subpoena is issued at the request of the State Fire Marshal, the witness fee shall be paid as an administrative expense.

New matter indicated by italics - deletions by strikeout.
In the case of refusal of a witness to attend or testify or to produce books or papers concerning any matter upon which he or she might be lawfully examined, the circuit court of the county where the hearing is held, upon application of any party to the proceeding, may compel obedience by a proceeding for contempt.

The State Fire Marshal or hearing officer has the authority to administer oaths to witnesses.

Section 80. Deposition of witnesses; testimony at hearing recorded. In the event of the inability of any party or the State Fire Marshal to procure the attendance of witnesses to give testimony or produce books and papers, the party or the State Fire Marshal may take the deposition of witnesses in accordance with the laws of this State. All testimony taken at a hearing shall be reduced to writing and all such testimony and other evidence introduced at the hearing shall be a part of the record of the hearing.

Section 85. Certification of record. The State Fire Marshal is not required to certify any record or file any answer or otherwise appear in any proceeding for judicial review unless the party filing the complaint deposits with the clerk of the court the sum of one dollar per page representing the costs of the certification. Failure on the part of the plaintiff to make the deposit shall be grounds for dismissal of the action.

Section 90. Injunction. Faulty fire sprinkler installation and repair is declared a violation of this Act and inimical to the public health, welfare, and safety and a deceptive business practice. The State Fire Marshal, in the name of the People of the State, through the Attorney General or the State's Attorney of the county in which the violation occurs may, in addition to other remedies herein provided, bring an action for an injunction to restrain such violation or enjoin the future performance of the person who committed the violation until compliance with the provisions of this Act has been obtained.

Section 95. Penalty. Any person who violates this Act or any rule adopted by the State Fire Marshal, or who violates any determination or order of the State Fire Marshal under this Act shall be guilty of a Class A misdemeanor and shall be fined a sum not less than $100.

Each day's violation constitutes a separate offense. The State's Attorney of the county in which the violation occurred or the Attorney General shall bring such actions in the name of the people of the State of Illinois.

Section 100. Administrative civil fines. The State Fire Marshal is empowered to assess administrative civil fines against a licensee for violations of this Act or its rules. These fines shall not be greater than $1,000 for each offense. These fines shall be in addition to, or in lieu of, license suspensions and revocations. Rules to implement this Section shall be adopted by the State Fire Marshal within 6 months after the effective date of this Act.

The hearing officer shall, upon determination that a violation of the Act or rules has occurred, determine the amount of these fines. Any fine assessed and not paid within 60 days after receiving notice of the fine from the State Fire Marshal may be submitted to the Attorney General's office for collection. Failure to pay a fine shall also be grounds for immediate suspension or revocation of a license issued under this Act.

Section 105. Judicial review of final administrative decision. The Administrative
Review Law and the rules adopted under the Administrative Review Law apply to and govern all proceedings for judicial review of final administrative decisions of the State Fire Marshal under this Act. Such judicial review shall be had in the circuit court of the county in which the cause of the action arose. The term "administrative decision" is defined in Section 3-101 of the Code of Civil Procedure.

Section 110. Illinois Administrative Procedure Act. The provisions of the Illinois Administrative Procedure Act are hereby expressly adopted and shall apply to all administrative rules and procedures of the State Fire Marshal under this Act, except that, in the case of conflict between the Illinois Administrative Procedure Act and this Act, the provisions of this Act shall control, and except that Section 5-35 of the Illinois Administrative Procedure Act relating to procedures for rule-making does not apply to the adoption of any rule required by federal law in connection with which the State Fire Marshal is precluded by law from exercising any discretion.

Section 115. Severability clause. If any part of this Act is adjudged invalid, such adjudication shall not affect the validity of the Act as a whole or of any other part.

Section 120. Grandfather clause. Any person or business that, as of the effective date of this Act, is installing or repairing fire sprinkler systems in the State of Illinois and has a minimum of 3 years of experience in installing or repairing fire sprinkler systems is exempt from having a designated certified person as required in Section 20.

Section 999. Effective date. This Act takes effect upon becoming law.

General Assembly Accepts Changes December 4, 2002.
Certified by the Governor January 3, 2003.

PUBLIC ACT 92-0872
(Senate Bill No. 1657)

AN ACT in relation to vehicles.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Vehicle Code is amended by changing Sections 11-907, 11-908, and 12-215 as follows:

(625 ILCS 5/11-907) (from Ch. 95 1/2, par. 11-907)
Sec. 11-907. Operation of vehicles and streetcars on approach of authorized emergency vehicles.
(a) Upon the immediate approach of an authorized emergency vehicle making use of audible and visual signals meeting the requirements of this Code or a police vehicle properly and lawfully making use of an audible or visual signal,

(1) the driver of every other vehicle shall yield the right-of-way and shall

New matter indicated by italics - deletions by strikeout.
immediately drive to a position parallel to, and as close as possible to, the right-hand edge or curb of the highway clear of any intersection and shall, if necessary to permit the safe passage of the emergency vehicle, stop and remain in such position until the authorized emergency vehicle has passed, unless otherwise directed by a police officer and

(2) the operator of every streetcar shall immediately stop such car clear of any intersection and keep it in such position until the authorized emergency vehicle has passed, unless otherwise directed by a police officer.

(b) This Section shall not operate to relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway.

(c) Upon approaching a stationary authorized emergency vehicle, when the authorized emergency vehicle is giving a signal by displaying alternately flashing red, red and white, blue, or red and blue lights or amber or yellow warning lights, a person who drives an approaching vehicle shall:

(1) proceeding with due caution, yield the right-of-way by making a lane change into a lane not adjacent to that of the authorized emergency vehicle, if possible with due regard to safety and traffic conditions, if on a highway having at least 4 lanes with not less than 2 lanes proceeding in the same direction as the approaching vehicle; or

(2) proceeding with due caution, reduce the speed of the vehicle, maintaining a safe speed for road conditions, if changing lanes would be impossible or unsafe. As used in this subsection (c), "authorized emergency vehicle" includes any vehicle authorized by law to be equipped with oscillating, rotating, or flashing lights under Section 12-215 of this Code, while the owner or operator of the vehicle is engaged in his or her official duties.

(d) A person who violates subsection (c) of this Section commits a business offense punishable by a fine of not more than $10,000. A person charged with the offense must appear in court to answer the charges. It is a factor in aggravation if the person committed the offense while in violation of Section 11-501 of this Code.

(e) If a violation of subsection (c) of this Section results in damage to the property of another person, in addition to any other penalty imposed, the person's driving privileges shall be suspended for a fixed period of not less than 90 days and not more than one year.

(f) If a violation of subsection (c) of this Section results in injury to another person, in addition to any other penalty imposed, the person's driving privileges shall be suspended for a fixed period of not less than 180 days and not more than 2 years.

(g) If a violation of subsection (c) of this Section results in the death of another person, in addition to any other penalty imposed, the person's driving privileges shall be suspended for 2 years.

(h) The Secretary of State shall, upon receiving a record of a judgment entered against a person under subsection (c) of this Section:

(1) suspend the person's driving privileges for the mandatory period; or

(2) extend the period of an existing suspension by the appropriate mandatory

New matter indicated by italics - deletions by strikeout.
(Source: P.A. 92-283, eff. 1-1-02.)

Sec. 11-908. Vehicle approaching or entering a highway construction or maintenance area or zone.

(a) The driver of a vehicle shall yield the right of way to any authorized vehicle or pedestrian actually engaged in work upon a highway within any highway construction or maintenance area indicated by official traffic-control devices.

(a-1) Upon entering a construction or maintenance zone when workers are present, a person who drives a vehicle shall:

(1) proceeding with due caution, make a lane change into a lane not adjacent to that of the workers present, if possible with due regard to safety and traffic conditions, if on a highway having at least 4 lanes with not less than 2 lanes proceeding in the same direction as the approaching vehicle; or

(2) proceeding with due caution, reduce the speed of the vehicle, maintaining a safe speed for road conditions, if changing lanes would be impossible or unsafe.

(a-2) A person who violates subsection (a-1) of this Section commits a business offense punishable by a fine of not more than $10,000. A person charged with the offense must appear in court to answer the charges. It is a factor in aggravation if the person committed the offense while in violation of Section 11-501 of this Code.

(a-3) If a violation of subsection (a-1) of this Section results in damage to the property of another person, in addition to any other penalty imposed, the person’s driving privileges shall be suspended for a fixed period of not less than 90 days and not more than one year.

(a-4) If a violation of subsection (a-1) of this Section results in injury to another person, in addition to any other penalty imposed, the person's driving privileges shall be suspended for a fixed period of not less than 180 days and not more than 2 years.

(a-5) If a violation of subsection (a-1) of this Section results in the death of another person, in addition to any other penalty imposed, the person's driving privileges shall be suspended for 2 years.

(a-6) The Secretary of State shall, upon receiving a record of a judgment entered against a person under subsection (a-1) of this Section:

(1) suspend the person’s driving privileges for the mandatory period; or

(2) extend the period of an existing suspension by the appropriate mandatory period.

(b) The driver of a vehicle shall yield the right of way to any authorized vehicle obviously and actually engaged in work upon a highway whenever the vehicle engaged in construction or maintenance work displays flashing lights as provided in Section 12-215 of this Act.

(c) The driver of a vehicle shall stop if signaled to do so by a flagger or a traffic control signal and remain in such position until signaled to proceed. If a driver of a vehicle fails to stop when signaled to do so by a flagger, the flagger is authorized to report such

New matter indicated by italics - deletions by strikeout.
offense to the State's Attorney or authorized prosecutor. *The penalties imposed for a violation of this subsection (c) shall be in addition to any penalties imposed for a violation of subsection (a-1).*

(Source: P.A. 86-611.)

(625 ILCS 5/12-215) (from Ch. 95 1/2, par. 12-215)

Sec. 12-215. Oscillating, rotating or flashing lights on motor vehicles. Except as otherwise provided in this Code:

(a) The use of red or white oscillating, rotating or flashing lights, whether lighted or unlighted, is prohibited except on:

1. Law enforcement vehicles of State, Federal or local authorities;
2. A vehicle operated by a police officer or county coroner and designated or authorized by local authorities, in writing, as a law enforcement vehicle; however, such designation or authorization must be carried in the vehicle;
3. Vehicles of local fire departments and State or federal firefighting vehicles;
4. Vehicles which are designed and used exclusively as ambulances or rescue vehicles; furthermore, such lights shall not be lighted except when responding to an emergency call for and while actually conveying the sick or injured;
5. Tow trucks licensed in a state that requires such lights; furthermore, such lights shall not be lighted on any such tow truck while the tow truck is operating in the State of Illinois; and

(b) The use of amber oscillating, rotating or flashing lights, whether lighted or unlighted, is prohibited except on:

1. Second division vehicles designed and used for towing or hoisting vehicles; furthermore, such lights shall not be lighted except as required in this paragraph 1; such lights shall be lighted when such vehicles are actually being used at the scene of an accident or disablement; if the towing vehicle is equipped with a flat bed that supports all wheels of the vehicle being transported, the lights shall not be lighted while the vehicle is engaged in towing on a highway; if the towing vehicle is not equipped with a flat bed that supports all wheels of a vehicle being transported, the lights shall be lighted while the towing vehicle is engaged in towing on a highway during all times when the use of headlights is required under Section 12-201 of this Code;
2. Motor vehicles or equipment of the State of Illinois, local authorities and contractors; furthermore, such lights shall not be lighted except while such vehicles are engaged in maintenance or construction operations within the limits of construction projects;
3. Vehicles or equipment used by engineering or survey crews; furthermore, such lights shall not be lighted except while such vehicles are actually engaged in work on a highway;
4. Vehicles of public utilities, municipalities, or other construction,

New matter indicated by italics - deletions by strikeout.
maintenance or automotive service vehicles except that such lights shall be lighted only as a means for indicating the presence of a vehicular traffic hazard requiring unusual care in approaching, overtaking or passing while such vehicles are engaged in maintenance, service or construction on a highway;

5. Oversized vehicle or load; however, such lights shall only be lighted when moving under permit issued by the Department under Section 15-301 of this Code;

6. The front and rear of motorized equipment owned and operated by the State of Illinois or any political subdivision thereof, which is designed and used for removal of snow and ice from highways;

7. Fleet safety vehicles registered in another state, furthermore, such lights shall not be lighted except as provided for in Section 12-212 of this Code;

8. Such other vehicles as may be authorized by local authorities;

9. Law enforcement vehicles of State or local authorities when used in combination with red oscillating, rotating or flashing lights;

10. Vehicles used for collecting or delivering mail for the United States Postal Service provided that such lights shall not be lighted except when such vehicles are actually being used for such purposes;

11. Any vehicle displaying a slow-moving vehicle emblem as provided in Section 12-205.1;

12. All trucks equipped with self-compactors or roll-off hoists and roll-on containers for garbage or refuse hauling. Such lights shall not be lighted except when such vehicles are actually being used for such purposes;

13. Vehicles used by a security company, alarm responder, or control agency, if the security company, alarm responder, or control agency is bound by a contract with a federal, State, or local government entity to use the lights; and

14. Security vehicles of the Department of Human Services; however, the lights shall not be lighted except when being used for security related purposes under the direction of the superintendent of the facility where the vehicle is located; and

15. Vehicles of union representatives, except that the lights shall be lighted only while the vehicle is within the limits of a construction project.

(c) The use of blue oscillating, rotating or flashing lights, whether lighted or unlighted, is prohibited except on:

1. Rescue squad vehicles not owned by a fire department and vehicles owned or fully operated by a:
   voluntary firefighter;
   paid firefighter;
   part-paid firefighter;
   call firefighter;
   member of the board of trustees of a fire protection district;
   paid or unpaid member of a rescue squad; or
   paid or unpaid member of a voluntary ambulance unit.

However, such lights are not to be lighted except when responding to a bona
fide emergency.

2. Police department vehicles in cities having a population of 500,000 or more inhabitants.

3. Law enforcement vehicles of State or local authorities when used in combination with red oscillating, rotating or flashing lights.

4. Vehicles of local fire departments and State or federal firefighting vehicles when used in combination with red oscillating, rotating or flashing lights.

5. Vehicles which are designed and used exclusively as ambulances or rescue vehicles when used in combination with red oscillating, rotating or flashing lights; furthermore, such lights shall not be lighted except when responding to an emergency call.

6. Vehicles that are equipped and used exclusively as organ transport vehicles when used in combination with red oscillating, rotating, or flashing lights; furthermore, these lights shall only be lighted when the transportation is declared an emergency by a member of the transplant team or a representative of the organ procurement organization.


(c-1) In addition to the blue oscillating, rotating, or flashing lights permitted under subsection (c), and notwithstanding subsection (a), a vehicle operated by a voluntary firefighter, a voluntary member of a rescue squad, or a member of a voluntary ambulance unit may be equipped with flashing white headlights and blue grill lights, which may be used only in responding to an emergency call.

(d) The use of a combination of amber and white oscillating, rotating or flashing lights, whether lighted or unlighted, is prohibited except motor vehicles or equipment of the State of Illinois, local authorities, and contractors, and union representatives may be so equipped; furthermore, such lights shall not be lighted on vehicles of the State of Illinois, local authorities, and contractors except while such vehicles are engaged in highway maintenance or construction operations within the limits of highway construction projects, and shall not be lighted on the vehicles of union representatives except when those vehicles are within the limits of a construction project.

(e) All oscillating, rotating or flashing lights referred to in this Section shall be of sufficient intensity, when illuminated, to be visible at 500 feet in normal sunlight.

(f) Nothing in this Section shall prohibit a manufacturer of oscillating, rotating or flashing lights or his representative from temporarily mounting such lights on a vehicle for demonstration purposes only.

(g) Any person violating the provisions of subsections (a), (b), (c) or (d) of this Section who without lawful authority stops or detains or attempts to stop or detain another person shall be guilty of a Class 4 felony.

(h) Except as provided in subsection (g) above, any person violating the provisions of subsections (a) or (c) of this Section shall be guilty of a Class A misdemeanor.

New matter indicated by italics - deletions by strikeout.
AN ACT in relation to professional regulation.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 1. Short title. This Act may be cited as the Elevator Safety and Regulation Act.

Section 5. Purpose. The purpose of this Act is to provide for the public safety of life and limb and to promote public safety awareness. The use of unsafe and defective lifting devices imposes a substantial probability of serious and preventable injury to employees and the public exposed to unsafe conditions. The prevention of these injuries and protection of employees and the public from unsafe conditions is in the best interest of the people of this State. Elevator personnel performing work covered by this Act shall, by documented training or experience or both, be familiar with the operation and safety functions of the components and equipment. Training and experience shall include, but not be limited to, recognizing the safety hazards and performing the procedures to which they are assigned in conformance with the requirements of the Act. This Act shall establish the minimum standards for elevator personnel.

This Act is not intended to interfere with the powers of municipalities or the home rule powers of a municipality with a population over 500,000, including the power to license and regulate any profession or occupation.

The provisions of this Act are not intended to prevent the use of systems, methods, or devices of equivalent or superior quality, strength, fire resistance, code effectiveness, durability, and safety to those required by the Act, provided that there is technical documentation to demonstrate the equivalency of the system, method, or device, as prescribed in ASME A17.1, ASME A18.1, or ASCE 21.

Section 10. Applicability.
(a) This Act covers the design, construction, operation, inspection, testing, maintenance, alteration, and repair of the following equipment, its associated parts, and its hoistways (except as modified by subsection (c) of this Section):

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(1) Hoisting and lowering mechanisms equipped with a car or platform, which move between 2 or more landings. This equipment includes, but is not limited to, the following (also see ASME A17.1, ASME A17.3, ASME A18.1, and ANSI A10.4):

(A) Elevators.
(B) Platform lifts and stairway chair lifts.

(2) Power driven stairways and walkways for carrying persons between landings. This equipment includes, but is not limited to, the following (also see ASME A17.1 and ASME A17.3):

(A) Escalators.
(B) Moving walks.

(3) Hoisting and lowering mechanisms equipped with a car, which serves 2 or more landings and is restricted to the carrying of material by its limited size or limited access to the car. This equipment includes, but is not limited to, the following (also see ASME A17.1 and ASME A17.3):

(A) Dumbwaiters.
(B) Material lifts and dumbwaiters with automatic transfer devices.

(b) This Act covers the design, construction, operation, inspection, maintenance, alteration, and repair of automatic guided transit vehicles on guideways with an exclusive right-of-way. This equipment includes, but is not limited to, automated people movers (also see ASCE 21).

(c) This Act does not apply to the following equipment:

(1) Material hoists.
(2) Belt manlifts.
(3) Mobile scaffolds, towers, and platforms, except those covered by ANSI A10.4.
(4) Powered platforms and equipment for exterior and interior maintenance.
(5) Conveyors and related equipment.
(6) Cranes, derricks, hoists, hooks, jacks, and slings.
(7) Industrial trucks.
(8) Portable equipment, except for portable escalators.
(9) Tiering or piling machines used to move materials to and from storage located and operating entirely within one story.
(10) Equipment for feeding or positioning materials at machine tools, printing presses, etc.
(11) Skip or furnace hoists.
(12) Wharf ramps.
(13) Railroad car lifts or dumpers.
(14) Line jacks, false cars, shafters, moving platforms, and similar equipment used for installing an elevator by a contractor licensed in this State.
(15) Railway and Transit Systems.

Section 15. Definitions. For the purpose of this Act: "Administrator" means the

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Office of the State Fire Marshal.

"ANSI A10.4" means the safety requirements for personnel hoists, an American National Standard.

"ASCE 21" means the American Society of Civil Engineers Automated People Mover Standards.


"ASME A17.3" means the Safety Code for Existing Elevators and Escalators, an American National Standard.


"Automated people mover" means an installation as defined as an "automated people mover" in ASCE 21.

"Board" means the Elevator Safety Review Board.

"Certificate of operation" means a certificate issued by the Administrator that indicates that the conveyance has passed the required safety inspection and tests and fees have been paid as set forth in this Act. The Administrator may issue a temporary certificate of operation that permits the temporary use of a non-compliant conveyance by the general public for a limited time of 30 days while minor repairs are being completed.

"Conveyance" means any elevator, dumbwaiter, escalator, moving sidewalk, platform lifts, stairway chairlifts and automated people movers.

"Elevator" means an installation defined as an "elevator" in ASME A17.1.

"Elevator contractor" means any person, firm, or corporation who possesses an elevator contractor's license in accordance with the provisions of Sections 40 and 55 of this Act and who is engaged in the business of erecting, constructing, installing, altering, servicing, repairing, or maintaining elevators or related conveyance covered by this Act.

"Elevator contractor's license" means a license issued to an elevator contractor who has proven his or her qualifications and ability and has been authorized by the Elevator Safety Review Board to possess this type of license. It shall entitle the holder thereof to engage in the business of erecting, constructing, installing, altering, servicing, testing, repairing, or maintaining elevators or related conveyance covered by this Act. The Administrator may issue a limited elevator contractor's license authorizing a firm or company that employs individuals to carry on a business of erecting, constructing, installing, altering, servicing, repairing, or maintaining platform lifts and stairway chairlifts within any building or structure, including but not limited to private residences.

"Elevator inspector" means any person who possesses an elevator inspector's license in accordance with the provisions of this Act or any person who performs the duties and functions of an elevator inspector for any unit of local government with a population greater than 500,000 prior to or on the effective date of this Act.

"Elevator mechanic" means any person who possesses an elevator mechanic's license in accordance with the provisions of Sections 40 and 45 of this Act and who is engaged in erecting, constructing, installing, altering, servicing, repairing, or maintaining elevators or

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related conveyance covered by this Act.

"Elevator mechanic’s license" means a license issued to a person who has proven his or her qualifications and ability and has been authorized by the Elevator Safety Review Board to work on conveyance equipment. It shall entitle the holder thereof to install, construct, alter, service, repair, test, maintain, and perform electrical work on elevators or related conveyance covered by this Act.

"Escalator" means an installation defined as an "escalator" in ASME A17.1.

"Existing installation" means an installation defined as an "installation, existing" in ASME A17.1.

"Inspector's license" means a license issued to a person who has proven his or her qualifications and ability and has been authorized by the Elevator Safety Review Board to possess this type of license. It shall entitle the holder thereof to engage in the business of inspecting elevators or related conveyance covered by this Act.

"License" means a written license, duly issued by the Administrator, authorizing a person, firm, or company to carry on the business of erecting, constructing, installing, altering, servicing, repairing, maintaining, or performing inspections of elevators or related conveyance covered by this Act.

"Material alteration" means an "alteration" as defined by the Board.

"Moving walk" means an installation as defined a "moving walk" in ASME A17.1.

"Private residence" means a separate dwelling or a separate apartment in a multiple dwelling that is occupied by members of a single-family unit.

"Repair" has the meaning defined by the Board, which does not require a permit.

"Temporarily dormant" means an elevator, dumbwaiter, or escalator:

1. with a power supply that has been disconnected by removing fuses and placing a padlock on the mainline disconnect switch in the "off" position;
2. with a car that is parked and hoistway doors that are in the closed and latched position;
3. with a wire seal on the mainline disconnect switch installed by a licensed elevator inspector;
4. that shall not be used again until it has been put in safe running order and is in condition for use;
5. requiring annual inspections for the duration of the temporarily dormant status by a licensed elevator inspector;
6. that has a "temporarily dormant" status that is renewable on an annual basis, not to exceed a one-year period;
7. requiring the inspector to file a report with the chief elevator inspector describing the current conditions; and
8. with a wire seal and padlock that shall not be removed for any purpose without permission from the elevator inspector.

Section 20. License required.

(a) After July 1, 2003, no person shall erect, construct, wire, alter, replace, maintain, remove, or dismantle any conveyance contained within buildings or structures in the
jurisdiction of this State unless he or she possesses an elevator mechanic's license under this Act and unless he or she works under the direct supervision of a person, firm, or company having an elevator contractor's license in accordance with Section 40 of this Act or exempted by that Section. However, a licensed elevator contractor is not required for removal or dismantling of conveyances that are destroyed as a result of a complete demolition of a secured building or structure or where the hoistway or wellway is demolished back to the basic support structure and where no access is permitted that would endanger the safety and welfare of a person.

(b) After July 1, 2003, no person shall inspect any conveyance within buildings or structures, including, but not limited, to private residences, unless he or she has an inspector's license.

Section 25. Elevator Safety Review Board.

(a) There is hereby created within the Office of the State Fire Marshal the Elevator Safety Review Board, consisting of 13 members. The Administrator shall appoint 3 members who shall be representatives of a fire service communities. The Governor shall appoint the remaining 10 members of the Board as follows: one representative from a major elevator manufacturing company or its authorized representative; one representative from an elevator servicing company; one representative of the architectural design profession; one representative of the general public; one representative of a municipality in this State with a population over 500,000; one representative of a municipality in this State with a population under 25,000; one representative of a municipality in this State with a population of 25,000 or over but under 50,000; one representative of a municipality in this State with a population of 50,000 or over but under 500,000; one representative of a building owner or manager; and one representative of labor involved in the installation, maintenance, and repair of elevators.

(b) The members constituting the Board shall be appointed for initial terms as follows:

  (1) Of the members appointed by the Administrator, 2 shall serve for a term of 2 years, and one for a term of 4 years.

  (2) Of the members appointed by the Governor, 2 shall serve for a term of one year, 2 for terms of 2 years, 2 for terms of 3 years, and 4 for terms of 4 years.

At the expiration of their initial terms of office, the members or their successors shall be appointed for terms of 4 years each. Upon the expiration of a member's term of office, the officer who appointed that member shall reappoint that member or appoint a successor who is a representative of the same interests with which his or her predecessor was identified. The Administrator and the Governor may at any time remove any of their respective appointees for inefficiency or neglect of duty in office. Upon the death or incapacity of a member, the officer who appointed that member shall fill the vacancy for the remainder of the vacated term by appointing a member who is a representative of the same interests with which his or her predecessor was identified. The members shall serve without salary, but shall receive from the State expenses necessarily incurred by them in performance of their duties. The Governor shall appoint one of the members to serve as chairperson. The chairperson shall

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be the deciding vote in the event of a tie vote.

Section 30. Meeting of the Board. The Board shall meet and organize within 10 days after the appointment of its members and at such meeting shall elect one secretary of the Board to serve during the term to be fixed by the rules adopted by the Board. The Board shall meet regularly once each quarter or as often as deemed necessary by the Administrator at a time and place to be fixed by it and at such times as it is deemed necessary for the consideration of code regulations, appeals, variances, and for the transaction of any other business as properly may come before it. Special meetings shall be called as provided in Board rules.

Section 35. Powers and duties of the Board.
(a) The Board shall consult with engineering authorities and organizations and adopt rules consistent with the provisions of this Act for the administration and enforcement of this Act. The Board may prescribe forms to be issued in connection with the administration and enforcement of this Act. The rules shall establish standards and criteria consistent with this Act for licensing of elevator mechanics, inspectors, and installers of elevators, including the provisions of the Safety Code for Elevators and Escalators (ASME A17.1), the Safety Code for Existing Elevators (ASME A18.1), the Standard for the Qualification of Elevator Inspectors (ASME QEI-1), the Automated People Mover Standards (ASCE 21), and the safety requirements for personnel hoists (ANSI A10.4).

(b) The Board shall have the authority to grant exceptions and variances from the literal requirements of applicable State codes, standards, and regulations in cases where such variances would not jeopardize the public safety and welfare. The Board shall have the authority to hear appeals, hold hearings, and decide upon such within 30 days of the appeal.

(c) The Board shall establish fee schedules for licenses, permits, certificates, and inspections. The fees shall be set at an amount necessary to cover the actual costs and expenses to operate the Board and to conduct the duties as described in this Act.

(d) The Board shall be authorized to recommend the amendments of applicable legislation, when appropriate, to legislators.

(e) The Administrator may solicit the advice and expert knowledge of the Board on any matter relating to the administration and enforcement of this Act.

(f) The Administrator may employ professional, technical, investigative, or clerical help, on either a full-time or part-time basis, as may be necessary for the enforcement of this Act.

(g) The Board shall not have authority within municipalities with a population over 500,000 that have a municipal code that covers the design, construction, operation, inspection, testing, maintenance, alteration, and repair of elevators, dumbwaiters, escalators, and moving walks.

Section 40. Application for contractor's license.
(a) Any person, firm, or company wishing to engage in the business of installing, altering, repairing, servicing, replacing, or maintaining elevators, dumbwaiters, escalators, or moving walks within this State shall make application for a license with the Administrator.

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(b) All applications shall contain the following information:

(1) if the applicant is a person, the name, residence, and business address of the applicant;
(2) if the applicant is a partnership, the name, residence, and business address of each partner;
(3) if the applicant is a domestic corporation, the name and business address of the corporation and the name and residence address of the principal officer of the corporation;
(4) if the applicant is a corporation other than a domestic corporation, the name and address of an agent locally located who shall be authorized to accept service of process and official notices;
(5) the number of years the applicant has engaged in the business of installing, inspecting, maintaining, or servicing elevators or platform lifts or both;
(6) if applying for an elevator contractor's license, the approximate number of persons, if any, to be employed by the elevator contractor applicant and, if applicable, satisfactory evidence that the employees are or will be covered by workers' compensation insurance;
(7) satisfactory evidence that the applicant is or will be covered by general liability, personal injury, and property damage insurance;

(c) This Section does not apply to a person, firm, or company located in a municipality with a population over 500,000 that provides for the licensure of contractors for work performed within the corporate boundaries of a municipality with a population over 500,000.

Section 45. Qualifications for elevator mechanic's license.
(a) No license shall be granted to any person who has not paid the required application fee.
(b) No license shall be granted to any person who has not proven his or her qualifications and abilities. Applicants for an elevator mechanic's license must demonstrate one of the following qualifications:

(1) an acceptable combination of documented experience and education credits consisting of: (A) not less than 3 years work experience in the elevator industry, in construction, maintenance, and service or repair, as verified by current and previous employers licensed to do business in this State; and (B) satisfactory completion of a written examination administered by the Elevator Safety Review Board on the adopted rules, referenced codes, and standards;

(2) acceptable proof that he or she has worked as an elevator constructor, maintenance, or repair person; acceptable proof shall consist of documentation that he or she worked without direct and immediate supervision for an elevator contractor who has worked on elevators in this State for a period of not less than 3 years immediately prior to the effective date of this Act; the person must make application

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within one year of the effective date of this Act;

(3) a certificate of successful completion of the mechanic examination of a nationally recognized training program for the elevator industry such as the National Elevator Industry Educational Program or its equivalent;

(4) a certificate of completion of an elevator mechanic apprenticeship program with standards substantially equal to those of this Act and registered with the Bureau of Apprenticeship and Training, U.S. Department of Labor, or a State apprenticeship council; or

(5) a valid license from a state having standards substantially equal to those of this State.

Section 50. Qualifications for elevator inspector's license.
(a) No inspector's license shall be granted to any person who has not paid the required application fee.

(b) No inspector's license shall be granted to any person, unless he or she proves to the satisfaction of the Administrator that he or she meets the current ASME QEI-1, Standards for the Qualifications of Elevator Inspectors.

(c) Notwithstanding the provisions of subsections (a) and (b) of this Section, the Administrator shall grant an elevator inspector's license to a person engaged in the practice of inspecting elevators in a municipality with a population over 500,000 who is engaged in business as an elevator inspector on the effective date of this Act.

Section 55. Qualifications for elevator contractor's license.
(a) No license shall be granted to a person or firm unless the appropriate application fee is paid.

(b) No license shall be granted to any person or firm who has not proven the required qualifications and abilities. An applicant must demonstrate one of the following qualifications:

(1) five years work experience in the elevator industry in construction, maintenance, and service or repair, as verified by current and previous elevator contractor's licenses to do business, or satisfactory completion of a written examination administered by the Elevator Safety Review Board on the most recent referenced codes and standards; or

(2) proof that the individual or firm holds a valid license from a state having standards substantially equal to those of this State.

(c) This Section does not apply to a person or firm engaged in business as an elevator contractor in a municipality with a population over 500,000 that provides for the licensure of elevator contractors for work performed within the corporate boundaries of a municipality with a population over 500,000.

Section 60. Issuance and renewal of licenses; fees.
(a) Upon approval of an application, the Administrator may issue a license that must be renewed biannually. The renewal fee for the license shall be set by the Board.

(b) Whenever an emergency exists in the State due to disaster or work stoppage and the number of persons in the State holding licenses granted by the Board is insufficient to

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cope with the emergency, the licensed elevator contractor shall respond as necessary to assure the safety of the public. Any person certified by a licensed elevator contractor to have an acceptable combination of documented experience and education to perform elevator work without direct and immediate supervision shall seek an emergency elevator mechanic's license from the Administrator within 5 business days after commencing work requiring a license. The Administrator shall issue emergency elevator mechanic's licenses. The applicant shall furnish proof of competency as the Administrator may require. Each license shall recite that it is valid for a period of 30 days from the date thereof and for such particular elevators or geographical areas as the Administrator may designate and otherwise shall entitle the licensee to the rights and privileges of a elevator mechanic's license issued under this Act. The Administrator shall renew an emergency elevator mechanic's license during the existence of an emergency. No fee shall be charged for any emergency elevator mechanic's license or renewal thereof.

(c) A licensed elevator contractor shall notify the Administrator when there are no licensed personnel available to perform elevator work. The licensed elevator contractor may request that the Administrator issue temporary elevator mechanic's licenses to persons certified by the licensed elevator contractor to have an acceptable combination of documented experience and education to perform elevator work without direct and immediate supervision. Any person certified by a licensed elevator contractor to have an acceptable combination of documented experience and education to perform elevator work without direct and immediate supervision shall immediately seek a temporary elevator mechanic's license from the Administrator and shall pay such fee as the Board shall determine. Each license shall recite that it is valid for a period of 30 days from the date of issuance and while employed by the licensed elevator contractor that certified the individual as qualified. It shall be renewable as long as the shortage of license holders shall continue.

(d) The renewal of all licenses granted under the provisions of this Section shall be conditioned upon the submission of a certificate of completion of a course designed to ensure the continuing education of licensees on new and existing provisions of the rules of the Elevator Safety Review Board. Such course shall consist of not less than 8 hours of instruction that shall be attended and completed within one year immediately preceding any such license renewal.

(e) The courses referred to in subsection (d) of this Section shall be taught by instructors through continuing education providers that may include, but shall not be limited to, association seminars and labor training programs. The Elevator Safety Review Board shall approve the continuing education providers. All instructors shall be approved by the Board and shall be exempt from the requirements of subsection(d) of this Section with regard to their applications for license renewal, provided that such applicant was qualified as an instructor at any time during the one year immediately preceding the scheduled date for such renewal.

(f) A licensee who is unable to complete the continuing education course required under this Section prior to the expiration of his or her license due to a temporary disability may apply for a waiver from the Board. This shall be on a form provided by the Board, which

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shall be signed under the penalty of perjury and accompanied by a certified statement from a competent physician attesting to such temporary disability. Upon the termination of such temporary disability, the licensee shall submit to the Board a certified statement from the same physician, if practicable, attesting to the termination of the temporary disability, at which time a waiver sticker, valid for 90 days, shall be issued to the licensee and affixed to his or her license.

(g) Approved training providers shall keep for a period of 10 years uniform records of attendance of licensees following a format approved by the Board. These records shall be available for inspection by the Board at its request. Approved training providers shall be responsible for the security of all attendance records and certificates of completion, provided that falsifying or knowingly allowing another to falsify attendance records or certificates of completion shall constitute grounds for suspension or revocation of the approval required under this Section.

Section 65. Penalties; suspension and revocation of licenses. A license issued pursuant to this Act may be suspended, revoked, or subjected to a penalty by the Administrator upon verification that any one or more of the following reasons exist:

(1) any false statement as to material matter in the application;
(2) fraud, misrepresentation, or bribery in securing a license;
(3) failure to notify the Administrator and the owner or lessee of an elevator or related mechanisms of any condition not in compliance with this Act; or
(4) violation of any provisions of this Act or the rules promulgated hereunder.

Section 67. Fire Prevention Fund. All fees and fines received by the Administrator under this Act shall be deposited into the Fire Prevention Fund. All fees and fines deposited pursuant to this Section shall be used for the duties and administration of this Act.

Section 70. Administrative Procedure Act. The Illinois Administrative Procedure Act is hereby expressly adopted and incorporated herein as if all of the provisions of that Act were included in this Act, except that the provision of subsection (d) of Section 10-65 of the Illinois Administrative Procedure Act that provides that at hearings the licensee has the right to show compliance with all lawful requirements for retention, or continuation or renewal of the license, is specifically excluded. For the purposes of this Act, the notice required under Section 10-25 of the Illinois Administrative Procedure Act is deemed sufficient when mailed to the last known address of a party.

Section 75. Administrative Review Law. All final administrative decisions of the Administrator or the Board are subject to judicial review under the Administrative Review Law and its rules. The term "administrative decision" is defined as in Section 3-101 of the Code of Civil Procedure.

Proceedings for judicial review shall be commenced in the circuit court of the county in which the party applying for review resides, but if the party is not a resident of this State, the venue shall be in Sangamon County.

Section 80. Registration of existing elevators, platform lifts, dumbwaiters, escalators, moving walks, and any other conveyance. Within 6 months after the date of the appointment of the Board, the owner or lessee of every existing conveyance shall register with the

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Administrator each elevator, dumbwaiter, platform lift, escalator, or other device described in Section 10 of this Act and provide the type, rated load and speed, name of manufacturer, its location, the purpose for which it is used, and such additional information as the Administrator may require. Elevators, dumbwaiters, platform lifts, escalators, moving walks, or other conveyances of which construction has begun subsequent to the date of the creation of the Board shall be registered at the time they are completed and placed in service.

Section 85. Compliance. It shall be the responsibility of individuals, firms, or companies licensed as described in this Act to ensure that installation or service and maintenance of elevators and devices described in Section 10 of this Act is performed in compliance with the provisions contained in this Act and local regulations.

Section 90. Permits.

(a) No conveyance covered by this Act shall be erected, constructed, installed, or altered within buildings or structures within this State unless a permit has been obtained from the Administrator or a municipality or other unit of local government. If the permit is obtained from a municipality or other unit of local government, the municipality or other unit of local government that issued the permit shall keep the permit on file for a period of not less than one year from the date of issuance and send a copy to the Administrator for inspection. Where any material alteration is made, the device shall conform to applicable requirements in ASME A17.1, ASME A18.1, ASCE 21, or ANSI A10.4. No permit required under this Section shall be issued except to a person, firm, or corporation holding a current elevator contractor's license, duly issued pursuant to this Act. A copy of the permit shall be kept at the construction site at all times while the work is in progress.

(b) The permit fee shall be as set by the Board. Permit fees collected are non-refundable.

(c) Each application for a permit shall be accompanied by applicable fees and by copies of specifications and accurately scaled and fully dimensioned plans showing the location of the installation in relation to the plans and elevation of the building, the location of the machinery room and the equipment to be installed, relocated, or altered, and all structural supporting members, including foundations. The applicant shall also specify all materials to be employed and all loads to be supported or conveyed. These plans and specifications shall be sufficiently complete to illustrate all details of construction and design.

(d) Permits may be revoked for the following reasons:

(1) Any false statements or misrepresentation as to the material facts in the application, plans, or specifications on which the permit was based.

(2) The permit was issued in error and should not have been issued in accordance with the code.

(3) The work detailed under the permit is not being performed in accordance with the provisions of the application, plans, or specifications or with the code or conditions of the permit.

(4) The elevator contractor to whom the permit was issued fails or refuses to comply with a "stop work" order.

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If the work authorized by a permit is not commenced within 6 months after the date of issuance, or within a shorter period of time as the Administrator or his or her duly authorized representative in his or her discretion may specify at the time the permit is issued.

If the work is suspended or abandoned for a period of 60 days, or shorter period of time as the Administrator or his or her duly authorized representative in his or her discretion may specify at the time the permit is issued, after the work has been started. For good cause, the Administrator or his or her representative may allow an extension of this period at his or her discretion.

This Section does not apply to conveyances located in a municipality with a population over 500,000 that provides for permits of such conveyances.

New installations; annual inspections and registrations.

(a) All new conveyance installations shall be performed by a person, firm, or company to which a license to install or service conveyances has been issued. Subsequent to installation, the licensed person, firm, or company must certify compliance with the applicable Sections of this Act. Prior to any conveyance being used, the property owner or lessee must obtain a certificate of operation from the Administrator, unless the property is located within a municipality with a population greater than 500,000. A fee as set forth in this Act shall be paid for the certificate of operation. It shall be the responsibility of the licensed elevator contractor to complete and submit first time registration for new installations. The certificate of operation fee for newly installed platform lifts and stairway chair lifts for private residences shall be subsequent to an inspection by a licensed third party inspection firm.

(b) The certificate of operation fee for all new and existing platform and stairway chair lifts for private residences and any renewal certificate fees shall be waived. The Administrator or his or her designee shall inspect, in accordance with the requirements set forth in this Act, all newly installed and existing platform lifts and stairway chair lifts for private residences subsequent to an inspection by a person, firm, or company to which a license to inspect conveyances has been issued, unless the private residence is located within a municipality with a population greater than 500,000.

(c) A certificate of operation referenced in subsections (a) and (b) of this Section is renewable annually, except for certificates issued for platform and stairway chair lifts for private residences, which shall be valid for a period of 3 years. Certificates of operation must be clearly displayed on or in each conveyance or in the machine room for use for the benefit of code enforcement staff.

Insurance requirements.

(a) Elevator contractors shall submit to the Administrator an insurance policy or certified copy thereof, issued by an insurance company authorized to do business in the State, to provide general liability coverage of at least $2,000,000 for injury or death of any one person and $2,000,000 for injury or death of any number of persons in any one occurrence, with coverage of at least $1,000,000 for property damage in any one occurrence and statutory workers compensation insurance coverage.

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(b) Private elevator inspectors shall submit to the Administrator an insurance policy or certified copy thereof, issued by an insurance company authorized to do business in the State, to provide general liability coverage of at least $2,000,000 for injury or death of any one person and $2,000,000 for injury or death of any number of persons in any one occurrence, with coverage of at least $1,000,000 for property damage in any one occurrence and statutory workers compensation insurance coverage.

(c) These policies, or duly certified copies thereof, or an appropriate certificate of insurance, approved as to form by the Department of Insurance, shall be delivered to the Administrator before or at the time of the issuance of a license. In the event of a material alteration or cancellation of a policy, at least 10 days notice thereof shall be given to the Administrator.

Section 105. Enforcement.

(a) It shall be the duty of the Elevator Safety Review Board to develop an enforcement program to ensure compliance with rules and requirements referenced in this Act. This shall include, but shall not be limited to, rules for identification of property locations that are subject to the rules and requirements; issuing notifications to violating property owners or operators, random on-site inspections, and tests on existing installations; witnessing periodic inspections and testing in order to ensure satisfactory performance by licensed persons, firms, or companies; and assisting in development of public awareness programs.

(b) Any person may make a request for an investigation into an alleged violation of this Act by giving notice to the Administrator of such violation or danger. The notice shall be in writing, shall set forth with reasonable particularity the grounds for the notice, and shall be signed by the person making the request. Upon the request of any person signing the notice, the person's name shall not appear on any copy of the notice or any record published, released, or made available.

(c) If, upon receipt of such notification, the Administrator determines that there are reasonable grounds to believe that such violation or danger exists, the Administrator shall cause to be made an investigation in accordance with the provisions of this Act as soon as practicable to determine if such violation or danger exists. If the Administrator determines that there are no reasonable grounds to believe that a violation or danger exists, he or she shall notify the party in writing of such determination.

(d) This Section does not apply within a municipality with a population over 500,000.

Section 110. Liability.

(a) This Act shall not be construed to relieve or lessen the responsibility or liability of any person, firm, or corporation owning, operating, controlling, maintaining, erecting, constructing, installing, altering, inspecting, testing, or repairing any elevator or other related mechanisms covered by this Act for damages to person or property caused by any defect therein, nor does the State or any unit of local government assume any such liability or responsibility therefore or any liability to any person for whatever reason whatsoever by the adoption of this Act or any acts or omissions arising under this Act.

(b) Any owner or lessee who violates any of the provisions of this Act shall be fined
in an amount not to exceed $1,500.

(c) Compliance with this Act is not a defense to a legal proceeding.

Section 115. Provisions not retroactive. The provisions of this Act are not retroactive unless otherwise stated, and equipment shall be required to comply with the applicable code at the date of its installation or within the period determined by the Board for compliance with ASME A17.3, whichever is more stringent. If, upon the inspection of any device covered by this Act, the equipment is found in dangerous condition or there is an immediate hazard to those riding or using such equipment or if the design or the method of operation in combination with devices used is considered inherently dangerous in the opinion of the Administrator, he or she shall notify the owner of the condition and shall order such alterations or additions as may be deemed necessary to eliminate the dangerous condition.

Section 120. Inspection and testing.

(a) It shall be the responsibility of the owner of all new and existing conveyances located in any building or structure to have the conveyance inspected annually by a person, firm, or company to which a license to inspect conveyances has been issued. Subsequent to inspection, the licensed person, firm, or company must supply the property owner or lessee and the Administrator with a written inspection report describing any and all violations. Property owners shall have 30 days from the date of the published inspection report to be in full compliance by correcting the violations.

(b) It shall be the responsibility of the owner of all conveyances to have a firm or company licensed as described in this Act to ensure that the required inspection and test are performed at intervals in compliance with ASME A17.1, ASME A18.1, and ASCE 21.

(c) All tests shall be performed by a licensed elevator mechanic.

Section 125. State law, code, or regulation. Whenever a provision in this Act is found to be inconsistent with any provision of another applicable State law, code, or rule, the State law shall prevail. This Act, unless specifically stated otherwise, is not intended to establish more stringent or more restrictive standards than standards set forth in other applicable State laws.

Section 130. Accidents. The owner of each conveyance shall notify the Administrator of any accident causing personal injury or property damage in excess of $1,000 that involves a conveyance, on or before the close of business the next business day following the accident. The Administrator shall investigate and report to the Board the cause of any conveyance accident that may occur in the State, the injuries sustained, and any other data that may be of benefit in preventing other similar accidents.

Section 135. Elevators in private residences. The owner of a conveyance located in his or her private residence may register, pay the required fee, and have his or her existing conveyance inspected. The Administrator shall provide notice to the owner of the private residence where the conveyance is located with relevant information about conveyance safety requirements, including the need to have the elevator periodically and timely inspected and made safe. Any inspection performed shall be done solely at the request and with the consent of the private residence owner. No penalty provision of this Act shall apply to private residence owners.

New matter indicated by italics - deletions by strikeout.
Section 140. Local regulation; home rule.

(a) A municipality within its corporate limits and a county within unincorporated areas within its boundaries may inspect, license, or otherwise regulate elevators and devices described in Section 10 of this Act, but any safety standards or regulations adopted by a municipality or county under this subsection must be at least as stringent as those provided for in this Act and the rules adopted under this Act. A municipality or county that inspects, licenses, or otherwise regulates elevators and devices described in Section 10 of this Act may impose reasonable fees to cover the cost of the inspection, licensure, or other regulation.

(b) Except as otherwise provided in subsection (c), a home rule unit may not regulate the inspection or licensure of, or otherwise regulate, elevators and devices described in Section 10 of this Act in a manner less restrictive than the regulation by the State of those matters under this Act. This subsection is a limitation under subsection (i) of Section 6 of Article VII of the Illinois Constitution on the concurrent exercise by home rule units of powers and functions exercised by the State.

(c) This Act does not limit the home rule powers of a municipality with a population over 500,000, and this Act shall not apply within such a municipality if that application would be inconsistent with an ordinance adopted under those home rule powers.

Section 900. The Regulatory Sunset Act is amended by adding Section 4.23 as follows:

(5 ILCS 80/4.23 new)

Sec. 4.23. Act repealed on January 1, 2013. The following Act is repealed on January 1, 2013:

The Elevator Safety and Regulation Act.
Passed in the General Assembly December 5, 2002.
Approved January 3, 2003
Effective June 1, 2003.

AN ACT in relation to taxes.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Property Tax Code is amended by changing Section 31-35 as follows:

(35 ILCS 200/31-35)

Sec. 31-35. Deposit of tax revenue.

(a) Beginning on the effective date of this amendatory Act of the 92nd General Assembly and through June 30, 2003, of the moneys collected under Section 31-15, 50% shall be deposited into the Illinois Affordable Housing Trust Fund, 20% into the Open Space Lands Acquisition and Development Fund, 5% into the Natural Areas Acquisition Fund, and 25% into the General Revenue Fund.

(b) Beginning July 1, 2003, of the moneys collected under Section 31-15, 50% shall...
be deposited into the Illinois Affordable Housing Trust Fund, 35% into the Open Space Lands Acquisition and Development Fund, and 15% into the Natural Areas Acquisition Fund.

(Source: P.A. 91-555, eff. 1-1-00; 92-536, eff. 6-6-02.)

Section 99. Effective date. This Act takes effect July 1, 2003.
Passed in the General Assembly December 5, 2002.
Approved January 3, 2003
Effective July 1, 2003.

PUBLIC ACT 92-0875
(Senate Bill No. 1976)

AN ACT concerning insurance.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Insurance Code is amended by changing Sections 205 and 226.1 as follows:
(215 ILCS 5/205) (from Ch. 73, par. 817)
Sec. 205. Priority of distribution of general assets.
(1) The priorities of distribution of general assets from the company's estate is to be as follows:

(a) The costs and expenses of administration, including the expenses of the Illinois Insurance Guaranty Fund, the Illinois Life and Health Insurance Guaranty Association, the Illinois Health Maintenance Organization Guaranty Association and of any similar organization in any other state as prescribed in subsection (c) of Section 545.

(b) Secured claims, including claims for taxes and debts due the federal or any state or local government, that are secured by liens perfected prior to the filing of the complaint.

(c) Claims for wages actually owing to employees for services rendered within 3 months prior to the date of the filing of the complaint, not exceeding $1,000 to each employee unless there are claims due the federal government under paragraph (f), then the claims for wages shall have a priority of distribution immediately following that of federal claims under paragraph (f) and immediately preceding claims of general creditors under paragraph (g).

(d) Claims by policyholders, beneficiaries, and insureds, under insurance policies, annuity contracts, and funding agreements, and liability claims against insureds covered under insurance policies and insurance contracts issued by the company, and claims of the Illinois Insurance Guaranty Fund, the Illinois Life and Health Insurance Guaranty Association, the Illinois Health Maintenance Organization Guaranty Association and any similar organization in another state as prescribed in Section 545. For purposes of this Section, "funding agreement" means an agreement

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whereby an insurer authorized to write business under Class 1 of Section 4 of this Code may accept and accumulate funds and make one or more payments at future dates in amounts that are not based upon mortality or morbidity contingencies.

(e) Claims by policyholders, beneficiaries, and insureds, the allowed values of which were determined by estimation under paragraph (b) of subsection (4) of Section 209.

(f) Any other claims due the federal government.

(g) All other claims of general creditors not falling within any other priority under this Section including claims for taxes and debts due any state or local government which are not secured claims and claims for attorneys' fees incurred by the company in contesting its conservation, rehabilitation, or liquidation.

(h) Claims of guaranty fund certificate holders, guaranty capital shareholders, capital note holders, and surplus note holders.

(i) Proprietary claims of shareholders, members, or other owners.

Every claim under a written agreement, statute, or rule providing that the assets in a separate account are not chargeable with the liabilities arising out of any other business of the insurer shall be satisfied out of the funded assets in the separate account equal to, but not to exceed, the reserves maintained in the separate account under the separate account agreement, and to the extent, if any, the claim is not fully discharged thereby, the remainder of the claim shall be treated as a priority level (d) claim under paragraph (d) of this subsection to the extent that reserves have been established in the insurer's general account pursuant to statute, rule, or the separate account agreement.

For purposes of this provision, "separate account policies, contracts, or agreements" means any policies, contracts, or agreements that provide for separate accounts as contemplated by Section 245.21.

To the extent that any assets of an insurer, other than those assets properly allocated to and maintained in a separate account, have been used to fund or pay any expenses, taxes, or policyholder benefits that are attributable to a separate account policy, contract, or agreement that should have been paid by a separate account prior to the commencement of receivership proceedings, then upon the commencement of receivership proceedings, the separate accounts that benefited from this payment or funding shall first be used to repay or reimburse the company's general assets or account for any unreimbursed net sums due at the commencement of receivership proceedings prior to the application of the separate account assets to the satisfaction of liabilities or the corresponding separate account policies, contracts, and agreements.

To the extent, if any, reserves or assets maintained in the separate account are in excess of the amounts needed to satisfy claims under the separate account contracts, the excess shall be treated as part of the general assets of the insurer's estate.

(2) Within 120 days after the issuance of an Order of Liquidation with a finding of insolvency against a domestic company, the Director shall make application to the court requesting authority to disburse funds to the Illinois Insurance Guaranty Fund, the Illinois Life and Health Insurance Guaranty Association, the Illinois Health Maintenance

New matter indicated by italics - deletions by strikeout.
Organization Guaranty Association and similar organizations in other states from time to time out of the company's marshaled assets as funds become available in amounts equal to disbursements made by the Illinois Insurance Guaranty Fund, the Illinois Life and Health Insurance Guaranty Association, the Illinois Health Maintenance Organization Guaranty Association and similar organizations in other states for covered claims obligations on the presentation of evidence that such disbursements have been made by the Illinois Insurance Guaranty Fund, the Illinois Life and Health Insurance Guaranty Association, the Illinois Health Maintenance Organization Guaranty Association and similar organizations in other states.

The Director shall establish procedures for the ratable allocation and distribution of disbursements to the Illinois Insurance Guaranty Fund, the Illinois Life and Health Insurance Guaranty Association, the Illinois Health Maintenance Organization Guaranty Association and similar organizations in other states. In determining the amounts available for disbursement, the Director shall reserve sufficient assets for the payment of the expenses of administration described in paragraph (1) (a) of this Section. All funds available for disbursement after the establishment of the prescribed reserve shall be promptly distributed. As a condition to receipt of funds in reimbursement of covered claims obligations, the Director shall secure from the Illinois Insurance Guaranty Fund, the Illinois Life and Health Insurance Guaranty Association, the Illinois Health Maintenance Organization Guaranty Association and each similar organization in other states, an agreement to return to the Director on demand funds previously received as may be required to pay claims of secured creditors and claims falling within the priorities established in paragraphs (a), (b), (c), and (d) of subsection (1) of this Section in accordance with such priorities.

(3) The provisions of this Section are severable under Section 1.31 of the Statute on Statutes.

(215 ILCS 5/226.1) (from Ch. 73, par. 838.1)
Sec. 226.1. Entitled annuity payment options. Annuity contracts and funding agreements may be issued without a life contingency annuity payment option in the following circumstances: (1) to fund benefits under an employee benefit plan as defined in the Employee Retirement Income Security Act of 1974, as now or hereafter amended; (2) to fund the activities of an organization exempt from taxation under Internal Revenue Code Section 501(c), as now or hereafter amended; (3) to fund a program of a governmental entity or of an agency or instrumentality thereof; (4) to fund an agreement providing for periodic payments entered into in satisfaction of a claim; or (5) to fund a program of an institution having assets in excess of $25,000,000.

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AN ACT in relation to child support.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 1. This Act may be cited as the Unified Child Support Services Act.

Section 5. Definitions. In this Act:
"Child support services" mean any services provided with respect to parentage establishment, support establishment, medical support establishment, support modification, or support enforcement.
"Child support specialist" means a paralegal, attorney, or other staff member with specialized training in child support services.
"Current child support case" means a case that is pending in the IV-D Child Support Program for which any action is being taken by a Unified Child Support Services Program.
"Department" means the Illinois Department of Public Aid.
"IV-D Child Support Program" means the child support enforcement program established pursuant to Title IV, Part D of the federal Social Security Act and Article X of the Illinois Public Aid Code.
"KIDS" means the Key Information Delivery System that includes a statewide database of all cases in the IV-D Child Support Program.
"Medicaid" means the medical assistance program under Article V of the Illinois Public Aid Code.
"Obligor" and "obligee" mean those terms as defined in the Income Withholding for Support Act.
"Plan" means a plan for a Unified Child Support Services Program.
"Program" means the Unified Child Support Services Program in a county or group of counties.
"State Disbursement Unit" means the State Disbursement Unit established under Section 10-26 of the Illinois Public Aid Code.
"State's Attorney" means the duly elected State's Attorney of an Illinois county or 2 or more State's Attorneys who have formed a consortium for purposes of managing a Unified Child Support Services Program within a specific region of the State.
"Temporary Assistance for Needy Families" means the Temporary Assistance for Needy Families (TANF) program under Article IV of the Illinois Public Aid Code.

(a) By July 1, 2003 and by July 1 of each subsequent year, a State's Attorney, in cooperation with the appropriate county officials, may submit to the Department a Plan for a Unified Child Support Services Program that includes all of the components set forth in Section 15 of this Act and that includes a projected budget of the necessary and reasonable direct and indirect costs for operation of the Program. The Plan may provide for phasing in the Program with different implementation dates.

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(b) By December 1 of the year in which a Plan is submitted, the Department shall approve or reject the Plan. If the Plan is approved, the Department and the State's Attorney shall enter into an intergovernmental agreement incorporating the Plan, subject to the approval of the Attorney General and the appropriate county board. If the Plan is rejected, the Department must set forth (i) specific reasons that the Plan fails to satisfy the specific goals and requirements of this Act or other State or federal requirements and (ii) specific reasons that the necessary and reasonable costs for operation of the Plan could not be agreed upon.

(c) Any State's Attorney who submits a Plan pursuant to this Act shall commit to manage the Program for a period of no less than 3 years.

(d) If a Plan is rejected, or if for any reason an intergovernmental agreement is not signed, the prior agreement under this Act shall continue in effect until a new intergovernmental agreement is signed or the agreement is terminated.

(e) The Department may impose a restriction that no more than 3 State's Attorneys may begin operating a Program in a given year. The Department shall develop a procedure for fair and orderly consideration of Plans as they are submitted or as interest by a State's Attorney is otherwise demonstrated.

(f) In any county in which a Unified Child Support Services Program is operating, the Clerk of the Circuit Court may submit to the Department a plan for filing, recording, and making available for retrieval all administrative orders of parentage and administrative orders setting, modifying, or terminating child support obligations for all IV-D cases pending in the county on the implementation date of the Program and all new cases in the IV-D Child Support Program. The Department shall approve or reject the plan, according to the criteria set forth in subsection (b), and shall enter into the appropriate intergovernmental agreement incorporating the plan unless the Department can demonstrate that it has an alternative approach.

Section 15. Components of a Unified Child Support Services Program.

(a) Any intergovernmental agreement incorporating an approved Plan under this Act must provide that the State's Attorney shall create and manage a Program offering child support services in all IV-D cases pending in the county as of the approval date of the Plan and all new cases in the Department's IV-D Child Support Program, based upon the jurisdiction of the case and in accordance with all relevant laws or Department policies.

(b) The child support services offered by each Program and incorporated in the State's Attorney's Plan must comply with the Department's approved Title IV, Part D State Plan and, except as provided in Section 35, must include, but need not be limited to, the following:

1. Accepting applications for child support services from private parties or referrals from any State agency that submits information to KIDS, and providing for the conducting of initial interviews with applicants by telephone or other electronic means.

2. Maintaining flexible office hours, including evening or weekend hours for in-person or telephone appointments, or any other appropriate means in order to meet customer service demands.

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(3) Providing for a staffing plan that includes assigning cases to a child support specialist who is responsible for coordinating child support services for the case, receiving new and updated information about the case and forwarding that information to all relevant persons and agencies, responding to parents’ inquiries and requests in a timely manner, and making appropriate referrals as specified in paragraph (12) of this subsection.

(4) Assessing each case for child support services by determining the status of the case and the necessary steps appropriate for the case, including establishing and following standards for determining whether to use judicial or administrative processes for child support services, and establishing and following standards for seeking cooperation from the parties before invoking other enforcement mechanisms.

(5) Taking all necessary steps identified in paragraph (4) of this subsection as appropriate for the case, whether by use of judicial or administrative processes, and making appropriate referrals to the Department to follow agency processes for which it is responsible under Section 35 of this Act.

(6) Offering genetic testing to determine parentage at the site of the unified child support services operations or near the county courthouse or administrative hearing office where proceedings to establish parentage are conducted.

(7) Obtaining identified cases that have moved into non-compliance with obligations set forth in an order involving a child support case and taking steps necessary to bring the case into compliance, including investigating sources of income and the location and type of assets of child support obligors who are in arrears in the payment of support.

(8) Obtaining information to provide for periodic or other review of administrative and court orders for support consistent with federal guidelines to determine whether a modification of the order should be sought.

(9) Taking responsibility for using KIDS, for entering data with respect to a current child support case into KIDS and editing that data, and for having conflicting or incorrect data reconciled with respect to a current child support case.

(10) Reporting cooperation or the circumstances for lack of cooperation with child support services by recipients of public aid under Temporary Assistance for Needy Families or Medicaid.

(11) Conducting account reviews and redeterminations with respect to a current child support case in accordance with Department policies and federal guidelines.

(12) Establishing referral procedures and making appropriate referrals for programs such as voluntary mediation on custody and visitation, domestic violence, employment and training, child care, and governmental benefits such as Temporary Assistance for Needy Families and Medicaid.

(13) Establishing and maintaining a separate, impartial, and independent administrative process for parentage establishment, support establishment, and support modification that affords due process of law to alleged fathers and custodial parents.

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and non-custodial parents; and furnishing copies of all such administrative orders to the clerk of the circuit court and the Department.

(14) Providing all information on the Program's operation needed by the Department to satisfy the Department's reporting requirements to the State and federal governments on a timely basis.

(15) Responding to requests for Administrative Accountability Analyses under Article X of the Illinois Public Aid Code, for State's Attorney cases as of the effective date of the approved Plan, and reporting final determinations to the Department.

(16) Marketing the Program within the county in which it is operating so that potential applicants learn about child support services offered.

(17) Appointing a local, unpaid child support advisory board, with the State's Attorney operating the Program as the chair, that meets at least quarterly.

(18) Establishing procedures for referral to the Illinois Attorney General of designated child support cases brought by non-custodial parents.

(19) Conducting all operations in accordance with any applicable State or federal laws and regulations and the Plan.

Section 20. Subcontracts. A Plan submitted by a State's Attorney for approval to manage a Program must include those subcontracts and intergovernmental agreements necessary for the provision of any components of child support services under the Plan. The Plan must also include a copy of each signed subcontract or intergovernmental agreement or other evidence of the proposed subcontract or other local governmental entity's intent to perform the services covered by the subcontract or intergovernmental agreement. The subcontract or intergovernmental agreement may be approved by the Department only if the subcontractor or other intergovernmental entity's services are fully integrated into the Program and the subcontractor or other intergovernmental entity's services enhance the efficiency, accessibility, and effectiveness of child support services.

Section 25. Performance standards.

(a) In consultation with the Department's statewide Child Support Advisory Committee and a designated representative of the Illinois State's Attorneys Association, the Department shall establish the following by rule:

(1) Measures of performance for all State's Attorneys operating a program and contractors and local governmental entities providing child support services in the IV-D Child Support Program with respect to parentage establishment, support order establishment, current support collections, arrearage collections, cost-effectiveness, or any other measures used by the federal government or as set forth by the Department.

(2) Procedures for apportioning any projected incentive funding between any eligible contractors or local governmental entities.

(b) Once each year, the Department shall estimate the total State and federal incentive funding that will be available for distribution under this subsection during the following year. Any State's Attorney operating a program and a contractor or local governmental entity

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providing child support services in the IV-D Child Support Program are eligible to earn incentive payments, based on the score received for performance standards required under this Section and the amount available for that year under this subsection.

(c) Once each year, the Department shall apply the performance standards to all State's Attorneys operating a program and contractors and local governmental entities providing child support services in the IV-D Child Support Program, and shall publish a report of such performance levels and corresponding scores used in calculating the incentive payment amount.

Section 30. Annual report to General Assembly. The Department shall submit to the General Assembly an annual report on the operation of Programs during the preceding State fiscal year. The annual report must include, but need not be limited to, the following:

(1) The report of performance levels and corresponding scores used in calculating the incentive payment amounts under Section 20.

(2) A narrative description of each Program operating in the State, including (i) the manner in which a State's Attorney complied or failed to comply with each assurance included in the applicable Plan and (ii) the Program's annual budget and staffing.

Section 35. IV-D Child Support Program responsibilities.

(a) The Department has the authority and responsibility for administering the IV-D Child Support Program in compliance with Title IV, Part D of the federal Social Security Act.

(b) The Department may enter into agreements with contractors or local governmental entities to manage any services provided by the IV-D Child Support Program in counties in which the State's Attorney is not operating a Program. All contractors or local governmental entities entering into agreements with the Department must meet the applicable performance standards set forth in Section 25.

(c) In all counties, whether or not the State's Attorney in a county is operating a Program, the Department must, at a minimum, fulfill its responsibilities under Title IV, Part D of the federal Social Security Act and Article X of the Illinois Public Aid Code in connection with the following:

(1) Operation of a statewide toll free telephone number that refers parties to the appropriate contact as established by a Plan.

(2) Management and supervision of the State Disbursement Unit.

(3) Management and supervision of KIDS and the State Case Registry established under Section 10-27 of the Illinois Public Aid Code, including the responsibility (i) for entering and editing data for activities being conducted by the Department with respect to a current child support case and (ii) for having conflicting or incorrect data reconciled with respect to those activities. A State's Attorney operating a Program, however, must be able to enter data directly into KIDS with respect to any current child support cases for which the State's Attorney is responsible and must be able to edit that data when necessary.

(4) Federal income tax refund intercepts.
(5) State income tax refund and other payment intercepts.

(6) Sending notices required by law to parents, except as otherwise provided in a Plan.

(7) Submitting past due support information to licensing agencies.

(8) Notifying the Illinois Department of Public Health of parentage establishments and acknowledgments.

(9) Maintaining the Central Case Registry with respect to interstate cases, and taking any necessary actions that are not otherwise specified in a Plan.

(10) Submittal of past-due support information to the Illinois Department of Revenue.

(11) Requests for data matches with financial institutions.

(12) Account reviews and redeterminations for any child support cases in which administrative processes are utilized by the Department under this Section.

(13) Reports to the federal government.

(14) All other duties required under Title IV, Part D of the federal Social Security Act that are not otherwise included in a Plan.

(d) To the extent that the provisions of this Act are inconsistent with the responsibilities or requirements imposed on the IV-D Child Support Program under Article X of the Illinois Public Aid Code, the provisions of this Act shall control, unless doing so violates Title IV, Part D of the federal Social Security Act.

Section 905. The Illinois Public Aid Code is amended by changing Sections 10-2, 10-8.1, 10-10, and 10-11 as follows:

(305 ILCS 5/10-2) (from Ch. 23, par. 10-2)
Sec. 10-2. Extent of Liability. A husband is liable for the support of his wife and a wife for the support of her husband. Unless the child is otherwise emancipated, the parents are severally liable for the support of any child under age 18, and for any child aged 18 who is attending high school, until that child graduates from high school, or attains the age of 19, whichever is earlier 21, except that a parent is not liable for a child age 18 or over if such child is not living with the parent or parents, and a parent is not liable for a child of any age if the child has married and is not living with the parent or parents. A child shall be considered to be living with the parent or parents if such child is absent from the parent's or parents' home only in order to regularly attend a school, college or university or to receive technical training designed for preparation for gainful employment. The term "child" includes a child born out of wedlock, or legally adopted child.

In addition to the primary obligation of support imposed upon responsible relatives, such relatives, if individually or together in any combination they have sufficient income or other resources to support a needy person, in whole or in part, shall be liable for any financial aid extended under this Code to a person for whose support they are responsible, including amounts expended for funeral and burial costs. (Source: P.A. 89-641, eff. 8-9-96; 90-18, eff. 7-1-97.)

(305 ILCS 5/10-8.1)
Sec. 10-8.1. Temporary order for child support. Notwithstanding any other law to the

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contrary, pending the outcome of an administrative determination of parentage, the Illinois Department shall issue a temporary order for child support, upon motion by a party and a showing of clear and convincing evidence of paternity. In determining the amount of the temporary child support award, the Illinois Department shall use the guidelines and standards set forth in subsection (a) of Section 505 and in Section 505.2 of the Illinois Marriage and Dissolution of Marriage Act.

Any new or existing support order entered by the Illinois Department under this Section shall be deemed to be a series of judgments against the person obligated to pay support thereunder, each such judgment to be in the amount of each payment or installment of support and each judgment to be deemed entered as of the date the corresponding payment or installment becomes due under the terms of the support order. Each such judgment shall have the full force, effect, and attributes of any other judgment of this State, including the ability to be enforced. Any such judgment is subject to modification or termination only in accordance with Section 510 of the Illinois Marriage and Dissolution of Marriage Act. A lien arises by operation of law against the real and personal property of the noncustodial parent for each installment of overdue support owed by the noncustodial parent.

All orders for support entered or modified in a case in which a party is receiving child and spouse support services under this Article X shall include a provision requiring the non-custodial parent to notify the Illinois Department, within 7 days, (i) of the name, address, and telephone number of any new employer of the non-custodial parent, (ii) whether the non-custodial parent has access to health insurance coverage through the employer or other group coverage, and, if so, the policy name and number and the names of persons covered under the policy, and (iii) of any new residential or mailing address or telephone number of the non-custodial parent.

In any subsequent action to enforce a support order, upon sufficient showing that diligent effort has been made to ascertain the location of the non-custodial parent, service of process or provision of notice necessary in that action may be made at the last known address of the non-custodial parent, in any manner expressly provided by the Code of Civil Procedure or this Act, which service shall be sufficient for purposes of due process.

An order for support shall include a date on which the current support obligation terminates. The termination date shall be no earlier than the date on which the child covered by the order will attain the age of 18. However, if the child will not graduate from high school until after attaining the age of 18, then the termination date shall be no earlier than the earlier of the date on which the child’s high school graduation will occur or the date on which the child will attain the age of 19 majority or is otherwise emancipated. The order for support shall state that the termination date does not apply to any arrearage that may remain unpaid on that date. Nothing in this paragraph shall be construed to prevent the Illinois Department from modifying the order or terminating the order in the event the child is otherwise emancipated. (Source: P.A. 90-18, eff. 7-1-97.)

(305 ILCS 5/10-10) (from Ch. 23, par. 10-10)

Sec. 10-10. Court enforcement; applicability also to persons who are not applicants or recipients. Except where the Illinois Department, by agreement, acts for the local
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to report to the obligee and to the clerk of court within 10 days each time the obligor obtains new employment, and each time the obligor's employment is terminated for any reason. The report shall be in writing and shall, in the case of new employment, include the name and address of the new employer. Failure to report new employment or the termination of current employment, if coupled with nonpayment of support for a period in excess of 60 days, is indirect criminal contempt. For any obligor arrested for failure to report new employment bond shall be set in the amount of the child support that should have been paid during the period of unreported employment. An order entered under this Section shall also include a provision requiring the obligor and obligee parents to advise each other of a change in residence within 5 days of the change except when the court finds that the physical, mental, or emotional health of a party or that of a minor child, or both, would be seriously endangered by disclosure of the party's address.

The Court shall determine the amount of maintenance using the standards set forth in Section 504 of the Illinois Marriage and Dissolution of Marriage Act.

Any new or existing support order entered by the court under this Section shall be deemed to be a series of judgments against the person obligated to pay support thereunder, each such judgment to be in the amount of each payment or installment of support and each such judgment to be deemed entered as of the date the corresponding payment or installment becomes due under the terms of the support order. Each such judgment shall have the full force, effect and attributes of any other judgment of this State, including the ability to be enforced. Any such judgment is subject to modification or termination only in accordance with Section 510 of the Illinois Marriage and Dissolution of Marriage Act. A lien arises by operation of law against the real and personal property of the noncustodial parent for each installment of overdue support owed by the noncustodial parent.

When an order is entered for the support of a minor, the court may provide therein for reasonable visitation of the minor by the person or persons who provided support pursuant to the order. Whoever willfully refuses to comply with such visitation order or willfully interferes with its enforcement may be declared in contempt of court and punished therefor.

Except where the local governmental unit has entered into an agreement with the Illinois Department for the Child and Spouse Support Unit to act for it, as provided in Section 10-3.1, support orders entered by the court in cases involving applicants or recipients under Article VI shall provide that payments thereunder be made directly to the local governmental unit. Orders for the support of all other applicants or recipients shall provide that payments thereunder be made directly to the Illinois Department. In accordance with federal law and regulations, the Illinois Department may continue to collect current maintenance payments or child support payments, or both, after those persons cease to receive public assistance and until termination of services under Article X. The Illinois Department shall pay the net amount collected to those persons after deducting any costs incurred in making the collection or any collection fee from the amount of any recovery made. In both cases the order shall permit the local governmental unit or the Illinois Department, as the case may be, to direct the responsible relative or relatives to make support
payments directly to the needy person, or to some person or agency in his behalf, upon removal of the person from the public aid rolls or upon termination of services under Article X.

If the notice of support due issued pursuant to Section 10-7 directs that support payments be made directly to the needy person, or to some person or agency in his behalf, and the recipient is removed from the public aid rolls, court action may be taken against the responsible relative hereunder if he fails to furnish support in accordance with the terms of such notice.

Actions may also be brought under this Section in behalf of any person who is in need of support from responsible relatives, as defined in Section 2-11 of Article II who is not an applicant for or recipient of financial aid under this Code. In such instances, the State’s Attorney of the county in which such person resides shall bring action against the responsible relatives hereunder. If the Illinois Department, as authorized by Section 10-1, extends the support services provided by this Article to spouses and dependent children who are not applicants or recipients under this Code, the Child and Spouse Support Unit established by Section 10-3.1 shall bring action against the responsible relatives hereunder and any support orders entered by the court in such cases shall provide that payments thereunder be made directly to the Illinois Department.

Whenever it is determined in a proceeding to establish or enforce a child support or maintenance obligation that the person owing a duty of support is unemployed, the court may order the person to seek employment and report periodically to the court with a diary, listing or other memorandum of his or her efforts in accordance with such order. Additionally, the court may order the unemployed person to report to the Department of Employment Security for job search services or to make application with the local Job Training Partnership Act provider for participation in job search, training or work programs and where the duty of support is owed to a child receiving support services under this Article X, the court may order the unemployed person to report to the Illinois Department for participation in job search, training or work programs established under Section 9-6 and Article IXA of this Code.

Whenever it is determined that a person owes past-due support for a child receiving assistance under this Code, the court shall order at the request of the Illinois Department:

1. that the person pay the past-due support in accordance with a plan approved by the court; or

2. if the person owing past-due support is unemployed, is subject to such a plan, and is not incapacitated, that the person participate in such job search, training, or work programs established under Section 9-6 and Article IXA of this Code as the court deems appropriate.

A determination under this Section shall not be administratively reviewable by the procedures specified in Sections 10-12, and 10-13 to 10-13.10. Any determination under these Sections, if made the basis of court action under this Section, shall not affect the de novo judicial determination required under this Section.

A one-time charge of 20% is imposable upon the amount of past-due child support

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owed on July 1, 1988 which has accrued under a support order entered by the court. The charge shall be imposed in accordance with the provisions of Section 10-21 of this Code and shall be enforced by the court upon petition.

All orders for support, when entered or modified, shall include a provision requiring the non-custodial parent to notify the court and, in cases in which a party is receiving child and spouse support services under this Article X, the Illinois Department, within 7 days, (i) of the name, address, and telephone number of any new employer of the non-custodial parent, (ii) whether the non-custodial parent has access to health insurance coverage through the employer or other group coverage and, if so, the policy name and number and the names of persons covered under the policy, and (iii) of any new residential or mailing address or telephone number of the non-custodial parent. In any subsequent action to enforce a support order, upon a sufficient showing that a diligent effort has been made to ascertain the location of the non-custodial parent, service of process or provision of notice necessary in the case may be made at the last known address of the non-custodial parent in any manner expressly provided by the Code of Civil Procedure or this Code, which service shall be sufficient for purposes of due process.

An order for support shall include a date on which the current support obligation terminates. The termination date shall be no earlier than the date on which the child covered by the order will attain the age of 18. However, if the child will not graduate from high school until after attaining the age of 18, then the termination date shall be no earlier than the earlier of the date on which the child's high school graduation will occur or the date on which the child will attain the age of 19 majority or is otherwise emancipated. The order for support shall state that the termination date does not apply to any arrearage that may remain unpaid on that date. Nothing in this paragraph shall be construed to prevent the court from modifying the order or terminating the order in the event the child is otherwise emancipated.

Upon notification in writing or by electronic transmission from the Illinois Department to the clerk of the court that a person who is receiving support payments under this Section is receiving services under the Child Support Enforcement Program established by Title IV-D of the Social Security Act, any support payments subsequently received by the clerk of the court shall be transmitted in accordance with the instructions of the Illinois Department until the Illinois Department gives notice to the clerk of the court to cease the transmittal. After providing the notification authorized under this paragraph, the Illinois Department shall be entitled as a party to notice of any further proceedings in the case. The clerk of the court shall file a copy of the Illinois Department's notification in the court file. The clerk's failure to file a copy of the notification in the court file shall not, however, affect the Illinois Department's right to receive notice of further proceedings.

Payments under this Section to the Illinois Department pursuant to the Child Support Enforcement Program established by Title IV-D of the Social Security Act shall be paid into the Child Support Enforcement Trust Fund. All payments under this Section to the Illinois Department of Human Services shall be deposited in the DHS Recoveries Trust Fund. Disbursements from these funds shall be as provided in Sections 12-9.1 and 12-10.2 of this Code. Payments received by a local governmental unit shall be deposited in that unit's

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General Assistance Fund.

To the extent the provisions of this Section are inconsistent with the requirements pertaining to the State Disbursement Unit under Sections 10-10.4 and 10-26 of this Code, the requirements pertaining to the State Disbursement Unit shall apply.

(Source: P.A. 91-24, eff. 7-1-99; 91-212, eff. 7-20-99; 91-357, eff. 7-29-99; 91-767, eff. 6-9-00; 92-16, eff. 6-28-01.)

(305 ILCS 5/10-11) (from Ch. 23, par. 10-11)

Sec. 10-11. Administrative Orders. In lieu of actions for court enforcement of support under Section 10-10, the Child and Spouse Support Unit of the Illinois Department, in accordance with the rules of the Illinois Department, may issue an administrative order requiring the responsible relative to comply with the terms of the determination and notice of support due, determined and issued under Sections 10-6 and 10-7. The Unit may also enter an administrative order under subsection (b) of Section 10-7. The administrative order shall be served upon the responsible relative by United States registered or certified mail. In cases in which the responsible relative appeared at the office of the Child and Spouse Support Unit in response to the notice of support obligation issued under Section 10-4, however, or in cases of default in which the notice was served on the responsible relative by certified mail, return receipt requested, or by any method provided by law for service of summons, the administrative determination of paternity or administrative support order may be sent to the responsible relative by ordinary mail addressed to the responsible relative's last known address.

If a responsible relative or a person receiving child and spouse support services under this Article fails to petition the Illinois Department for release from or modification of the administrative order, as provided in Section 10-12 or Section 10-12.1, the order shall become final and there shall be no further administrative or judicial remedy. Likewise a decision by the Illinois Department as a result of an administrative hearing, as provided in Sections 10-13 to 10-13.10, shall become final and enforceable if not judicially reviewed under the Administrative Review Law, as provided in Section 10-14.

Any new or existing support order entered by the Illinois Department under this Section shall be deemed to be a series of judgments against the person obligated to pay support thereunder, each such judgment to be in the amount of each payment or installment of support and each such judgment to be deemed entered as of the date the corresponding payment or installment becomes due under the terms of the support order. Each such judgment shall have the full force, effect and attributes of any other judgment of this State, including the ability to be enforced. Any such judgment is subject to modification or termination only in accordance with Section 510 of the Illinois Marriage and Dissolution of Marriage Act. A lien arises by operation of law against the real and personal property of the noncustodial parent for each installment of overdue support owed by the noncustodial parent.

An order entered under this Section shall include a provision requiring the obligor to report to the obligee and to the clerk of court within 10 days each time the obligor obtains new employment, and each time the obligor's employment is terminated for any reason. The report shall be in writing and shall, in the case of new employment, include the name and

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address of the new employer. Failure to report new employment or the termination of current employment, if coupled with nonpayment of support for a period in excess of 60 days, is indirect criminal contempt. For any obligor arrested for failure to report new employment bond shall be set in the amount of the child support that should have been paid during the period of unreported employment. An order entered under this Section shall also include a provision requiring the obligor and obligee parents to advise each other of a change in residence within 5 days of the change except when the court finds that the physical, mental, or emotional health of a party or that of a minor child, or both, would be seriously endangered by disclosure of the party's address.

A one-time charge of 20% is imposable upon the amount of past-due child support owed on July 1, 1988, which has accrued under a support order entered by the Illinois Department under this Section. The charge shall be imposed in accordance with the provisions of Section 10-21 and shall be enforced by the court in a suit filed under Section 10-15.

An order for support shall include a date on which the support obligation terminates. The termination date shall be no earlier than the date on which the child covered by the order will attain the age of 18. However, if the child will not graduate from high school until after attaining the age of 18, then the termination date shall be no earlier than the earlier of the date that the child's graduation will occur or the date on which the child will attain the age of 19. The order for support shall state that the termination date does not apply to any arrearage that may remain unpaid on that date. Nothing in this paragraph shall be construed to prevent the Illinois Department from modifying the order or terminating the order in the event the child is otherwise emancipated.

(Source: P.A. 90-18, eff. 7-1-97; 90-539, eff. 6-1-98; 90-655, eff. 7-30-98; 90-790, eff. 8-14-98; 91-212, eff. 7-20-99.)

Section 910. The Illinois Marriage and Dissolution of Marriage Act is amended by changing Sections 505, 505.2, 510, and 513 as follows:

(750 ILCS 5/505) (from Ch. 40, par. 505)

Sec. 505. Child support; contempt; penalties.

(a) In a proceeding for dissolution of marriage, legal separation, declaration of invalidity of marriage, a proceeding for child support following dissolution of the marriage by a court which lacked personal jurisdiction over the absent spouse, a proceeding for modification of a previous order for child support under Section 510 of this Act, or any proceeding authorized under Section 501 or 601 of this Act, the court may order either or both parents owing a duty of support to a child of the marriage to pay an amount reasonable and necessary for his support, without regard to marital misconduct. The duty of support owed to a minor child includes the obligation to provide for the reasonable and necessary physical, mental and emotional health needs of the child. For purposes of this Section, the term "child" shall include any child under age 18 and any child under age 19 who is still attending high school.

(1) The Court shall determine the minimum amount of support by using the following guidelines:

<table>
<thead>
<tr>
<th>Number of Children</th>
<th>Percent of Supporting Party's</th>
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<td>New matter indicated by italics - deletions by strikeout.</td>
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Net Income
1  20%
2  25%
3  32%
4  40%
5  45%
6 or more  50%

(2) The above guidelines shall be applied in each case unless the court makes a finding that application of the guidelines would be inappropriate, after considering the best interests of the child in light of evidence including but not limited to one or more of the following relevant factors:

(a) the financial resources and needs of the child;
(b) the financial resources and needs of the custodial parent;
(c) the standard of living the child would have enjoyed had the marriage not been dissolved;
(d) the physical and emotional condition of the child, and his educational needs; and
(e) the financial resources and needs of the non-custodial parent.

If the court deviates from the guidelines, the court's finding shall state the amount of support that would have been required under the guidelines, if determinable. The court shall include the reason or reasons for the variance from the guidelines.

(3) "Net income" is defined as the total of all income from all sources, minus the following deductions:

(a) Federal income tax (properly calculated withholding or estimated payments);
(b) State income tax (properly calculated withholding or estimated payments);
(c) Social Security (FICA payments);
(d) Mandatory retirement contributions required by law or as a condition of employment;
(e) Union dues;
(f) Dependent and individual health/hospitalization insurance premiums;
(g) Prior obligations of support or maintenance actually paid pursuant to a court order;
(h) Expenditures for repayment of debts that represent reasonable and necessary expenses for the production of income, medical expenditures necessary to preserve life or health, reasonable expenditures for the benefit of the child and the other parent, exclusive of gifts. The court shall reduce net income in determining the minimum amount of support to be ordered only for the period that such payments are due and shall enter an order containing

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provisions for its self-executing modification upon termination of such payment period.

(4) In cases where the court order provides for health/hospitalization insurance coverage pursuant to Section 505.2 of this Act, the premiums for that insurance, or that portion of the premiums for which the supporting party is responsible in the case of insurance provided through an employer's health insurance plan where the employer pays a portion of the premiums, shall be subtracted from net income in determining the minimum amount of support to be ordered.

(4.5) In a proceeding for child support following dissolution of the marriage by a court that lacked personal jurisdiction over the absent spouse, and in which the court is requiring payment of support for the period before the date an order for current support is entered, there is a rebuttable presumption that the supporting party's net income for the prior period was the same as his or her net income at the time the order for current support is entered.

(5) If the net income cannot be determined because of default or any other reason, the court shall order support in an amount considered reasonable in the particular case. The final order in all cases shall state the support level in dollar amounts. However, if the court finds that the child support amount cannot be expressed exclusively as a dollar amount because all or a portion of the payor's net income is uncertain as to source, time of payment, or amount, the court may order a percentage amount of support in addition to a specific dollar amount and enter such other orders as may be necessary to determine and enforce, on a timely basis, the applicable support ordered.

(6) If (i) the non-custodial parent was properly served with a request for discovery of financial information relating to the non-custodial parent's ability to provide child support, (ii) the non-custodial parent failed to comply with the request, despite having been ordered to do so by the court, and (iii) the non-custodial parent is not present at the hearing to determine support despite having received proper notice, then any relevant financial information concerning the non-custodial parent's ability to provide child support that was obtained pursuant to subpoena and proper notice shall be admitted into evidence without the need to establish any further foundation for its admission.

(a-5) In an action to enforce an order for support based on the respondent's failure to make support payments as required by the order, notice of proceedings to hold the respondent in contempt for that failure may be served on the respondent by personal service or by regular mail addressed to the respondent’s last known address. The respondent’s last known address may be determined from records of the clerk of the court, from the Federal Case Registry of Child Support Orders, or by any other reasonable means.

(b) Failure of either parent to comply with an order to pay support shall be punishable as in other cases of contempt. In addition to other penalties provided by law the Court may, after finding the parent guilty of contempt, order that the parent be:

(1) placed on probation with such conditions of probation as the Court deems

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advisable;

(2) sentenced to periodic imprisonment for a period not to exceed 6 months;

provided, however, that the Court may permit the parent to be released for periods of time during the day or night to:

(A) work; or

(B) conduct a business or other self-employed occupation.

The Court may further order any part or all of the earnings of a parent during a sentence of periodic imprisonment paid to the Clerk of the Circuit Court or to the parent having custody or to the guardian having custody of the minor children of the sentenced parent for the support of said minor children until further order of the Court.

If there is a unity of interest and ownership sufficient to render no financial separation between a non-custodial parent and another person or persons or business entity, the court may pierce the ownership veil of the person, persons, or business entity to discover assets of the non-custodial parent held in the name of that person, those persons, or that business entity. The following circumstances are sufficient to authorize a court to order discovery of the assets of a person, persons, or business entity and to compel the application of any discovered assets toward payment on the judgment for support:

(1) the non-custodial parent and the person, persons, or business entity maintain records together.

(2) the non-custodial parent and the person, persons, or business entity fail to maintain an arms length relationship between themselves with regard to any assets.

(3) the non-custodial parent transfers assets to the person, persons, or business entity with the intent to perpetrate a fraud on the custodial parent.

With respect to assets which are real property, no order entered under this paragraph shall affect the rights of bona fide purchasers, mortgagees, judgment creditors, or other lien holders who acquire their interests in the property prior to the time a notice of lis pendens pursuant to the Code of Civil Procedure or a copy of the order is placed of record in the office of the recorder of deeds for the county in which the real property is located.

The court may also order in cases where the parent is 90 days or more delinquent in payment of support or has been adjudicated in arrears in an amount equal to 90 days obligation or more, that the parent's Illinois driving privileges be suspended until the court determines that the parent is in compliance with the order of support. The court may also order that the parent be issued a family financial responsibility driving permit that would allow limited driving privileges for employment and medical purposes in accordance with Section 7-702.1 of the Illinois Vehicle Code. The clerk of the circuit court shall certify the order suspending the driving privileges of the parent or granting the issuance of a family financial responsibility driving permit to the Secretary of State on forms prescribed by the Secretary. Upon receipt of the authenticated documents, the Secretary of State shall suspend the parent's driving privileges until further order of the court and shall, if ordered by the court, subject to the provisions of Section 7-702.1 of the Illinois Vehicle Code, issue a family financial responsibility driving permit to the parent.

In addition to the penalties or punishment that may be imposed under this Section,
any person whose conduct constitutes a violation of Section 15 of the Non-Support Punishment Act may be prosecuted under that Act, and a person convicted under that Act may be sentenced in accordance with that Act. The sentence may include but need not be limited to a requirement that the person perform community service under Section 50 of that Act or participate in a work alternative program under Section 50 of that Act. A person may not be required to participate in a work alternative program under Section 50 of that Act if the person is currently participating in a work program pursuant to Section 505.1 of this Act.

A support obligation, or any portion of a support obligation, which becomes due and remains unpaid for 30 days or more shall accrue simple interest at the rate of 9% per annum. An order for support entered or modified on or after January 1, 2002 shall contain a statement that a support obligation required under the order, or any portion of a support obligation required under the order, that becomes due and remains unpaid for 30 days or more shall accrue simple interest at the rate of 9% per annum. Failure to include the statement in the order for support does not affect the validity of the order or the accrual of interest as provided in this Section.

(c) A one-time charge of 20% is imposable upon the amount of past-due child support owed on July 1, 1988 which has accrued under a support order entered by the court. The charge shall be imposed in accordance with the provisions of Section 10-21 of the Illinois Public Aid Code and shall be enforced by the court upon petition.

(d) Any new or existing support order entered by the court under this Section shall be deemed to be a series of judgments against the person obligated to pay support thereunder, each such judgment to be in the amount of each payment or installment of support and each such judgment to be deemed entered as of the date the corresponding payment or installment becomes due under the terms of the support order. Each such judgment shall have the full force, effect and attributes of any other judgment of this State, including the ability to be enforced. A lien arises by operation of law against the real and personal property of the noncustodial parent for each installment of overdue support owed by the noncustodial parent.

(e) When child support is to be paid through the clerk of the court in a county of 1,000,000 inhabitants or less, the order shall direct the obligor to pay to the clerk, in addition to the child support payments, all fees imposed by the county board under paragraph (3) of subsection (u) of Section 27.1 of the Clerks of Courts Act. Unless paid in cash or pursuant to an order for withholding, the payment of the fee shall be by a separate instrument from the support payment and shall be made to the order of the Clerk.

(f) All orders for support, when entered or modified, shall include a provision requiring the obligor to notify the court and, in cases in which a party is receiving child and spouse services under Article X of the Illinois Public Aid Code, the Illinois Department of Public Aid, within 7 days, (i) of the name and address of any new employer of the obligor, (ii) whether the obligor has access to health insurance coverage through the employer or other group coverage and, if so, the policy name and number and the names of persons covered under the policy, and (iii) of any new residential or mailing address or telephone number of the non-custodial parent. In any subsequent action to enforce a support order, upon a sufficient showing that a diligent effort has been made to ascertain the location of the non-custodial parent, a court shall have the power to enter an order directing the obligor to pay the amount of support due from the obligor to the person entitled to receive the support and all fees imposed by paragraph (3) of subsection (u) of Section 27.1 of the Clerks of Courts Act shall be payable as provided in that section.
non-custodial parent, service of process or provision of notice necessary in the case may be made at the last known address of the non-custodial parent in any manner expressly provided by the Code of Civil Procedure or this Act, which service shall be sufficient for purposes of due process.

(g) An order for support shall include a date on which the current support obligation terminates. The termination date shall be no earlier than the date on which the child covered by the order will attain the age of 18. However, if the child will not graduate from high school until after attaining the age of 18, then the termination date shall be no earlier than the earlier of the date on which the child's high school graduation will occur or the date on which the child will attain the age of 19 majority or is otherwise emancipated. The order for support shall state that the termination date does not apply to any arrearage that may remain unpaid on that date. Nothing in this subsection shall be construed to prevent the court from modifying the order or terminating the order in the event the child is otherwise emancipated.

(h) An order entered under this Section shall include a provision requiring the obligor to report to the obligee and to the clerk of court within 10 days each time the obligor obtains new employment, and each time the obligor's employment is terminated for any reason. The report shall be in writing and shall, in the case of new employment, include the name and address of the new employer. Failure to report new employment or the termination of current employment, if coupled with nonpayment of support for a period in excess of 60 days, is indirect criminal contempt. For any obligor arrested for failure to report new employment bond shall be set in the amount of the child support that should have been paid during the period of unreported employment. An order entered under this Section shall also include a provision requiring the obligor and obligee parents to advise each other of a change in residence within 5 days of the change except when the court finds that the physical, mental, or emotional health of a party or that of a minor child, or both, would be seriously endangered by disclosure of the party's address.

(i) The court does not lose the powers of contempt, driver's license suspension, or other child support enforcement mechanisms, including, but not limited to, criminal prosecution as set forth in this Act, upon the emancipation of the minor child or children.

(Source: P.A. 91-113, eff. 7-15-99; 91-397, eff. 1-1-00; 91-655, eff. 6-1-00; 91-767, eff. 6-9-00; 92-16, eff. 6-28-01; 92-203, eff. 8-1-01; 92-374, eff. 8-15-01; revised 10-15-01.)

(750 ILCS 5/505.2) (from Ch. 40, par. 505.2)
Sec. 505.2. Health insurance.
(a) Definitions. As used in this Section:

(1) "Obligee" means the individual to whom the duty of support is owed or the individual's legal representative.

(2) "Obligor" means the individual who owes a duty of support pursuant to an order for support.

(3) "Public office" means any elected official or any State or local agency which is or may become responsible by law for enforcement of, or which is or may become authorized to enforce, an order for support, including, but not limited to: the Attorney General, the Illinois Department of Public Aid, the Illinois Department of

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Human Services, the Illinois Department of Children and Family Services, and the various State's Attorneys, Clerks of the Circuit Court and supervisors of general assistance.

(4) "Child" shall have the meaning ascribed to it in Section 505.

(b) Order.

(1) Whenever the court establishes, modifies or enforces an order for child support or for child support and maintenance the court shall include in the order a provision for the health care coverage of the child which shall, upon request of the obligee or Public Office, require that any child covered by the order be named as a beneficiary of any health insurance plan that is available to the obligor through an employer or labor union or trade union. If the court finds that such a plan is not available to the obligor, or that the plan is not accessible to the obligee, the court may, upon request of the obligee or Public Office, order the obligor to name the child covered by the order as a beneficiary of any health insurance plan that is available to the obligor on a group basis, or as a beneficiary of an independent health insurance plan to be obtained by the obligor, after considering the following factors:

(A) the medical needs of the child;
(B) the availability of a plan to meet those needs; and
(C) the cost of such a plan to the obligor.

(2) If the employer or labor union or trade union offers more than one plan, the order shall require the obligor to name the child as a beneficiary of the plan in which the obligor is enrolled.

(3) Nothing in this Section shall be construed to limit the authority of the court to establish or modify a support order to provide for payment of expenses, including deductibles, copayments and any other health expenses, which are in addition to expenses covered by an insurance plan of which a child is ordered to be named a beneficiary pursuant to this Section.

(c) Implementation and enforcement.

(1) When the court order requires that a minor child be named as a beneficiary of a health insurance plan, other than a health insurance plan available through an employer or labor union or trade union, the obligor shall provide written proof to the obligee or Public Office that the required insurance has been obtained, or that application for insurability has been made, within 30 days of receiving notice of the court order. Unless the obligor was present in court when the order was issued, notice of the order shall be given pursuant to Illinois Supreme Court Rules. If an obligor fails to provide the required proof, he may be held in contempt of court.

(2) When the court requires that a minor child be named as a beneficiary of a health insurance plan available through an employer or labor union or trade union, the court's order shall be implemented in accordance with the Income Withholding for Support Act.

(d) Failure to maintain insurance. The dollar amount of the premiums for court-ordered health insurance, or that portion of the premiums for which the obligor is
responsible in the case of insurance provided under a group health insurance plan through an employer or labor union or trade union where the employer or labor union or trade union pays a portion of the premiums, shall be considered an additional child support obligation owed by the obligor. Whenever the obligor fails to provide or maintain health insurance pursuant to an order for support, the obligor shall be liable to the obligee for the dollar amount of the premiums which were not paid, and shall also be liable for all medical expenses incurred by the minor child which would have been paid or reimbursed by the health insurance which the obligor was ordered to provide or maintain. In addition, the obligee may petition the court to modify the order based solely on the obligor's failure to pay the premiums for court-ordered health insurance.

(e) Authorization for payment. The signature of the obligee is a valid authorization to the insurer to process a claim for payment under the insurance plan to the provider of the health care services or to the obligee.

(f) Disclosure of information. The obligor's employer or labor union or trade union shall disclose to the obligee or Public Office, upon request, information concerning any dependent coverage plans which would be made available to a new employee or labor union member or trade union member. The employer or labor union or trade union shall disclose such information whether or not a court order for medical support has been entered.

(g) Employer obligations. If a parent is required by an order for support to provide coverage for a child's health care expenses and if that coverage is available to the parent through an employer who does business in this State, the employer must do all of the following upon receipt of a copy of the order of support or order for withholding:

(1) The employer shall, upon the parent's request, permit the parent to include in that coverage a child who is otherwise eligible for that coverage, without regard to any enrollment season restrictions that might otherwise be applicable as to the time period within which the child may be added to that coverage.

(2) If the parent has health care coverage through the employer but fails to apply for coverage of the child, the employer shall include the child in the parent's coverage upon application by the child's other parent or the Illinois Department of Public Aid.

(3) The employer may not eliminate any child from the parent's health care coverage unless the employee is no longer employed by the employer and no longer covered under the employer's group health plan or unless the employer is provided with satisfactory written evidence of either of the following:

(A) The order for support is no longer in effect.

(B) The child is or will be included in a comparable health care plan obtained by the parent under such order that is currently in effect or will take effect no later than the date the prior coverage is terminated.

The employer may eliminate a child from a parent's health care plan obtained by the parent under such order if the employer has eliminated dependent health care coverage for all of its employees.

(Source: P.A. 92-16, eff. 6-28-01)

New matter indicated by italics - deletions by strikeout.
Sec. 510. Modification and termination of provisions for maintenance, support, educational expenses, and property disposition.

(a) Except as otherwise provided in paragraph (f) of Section 502 and in subsection (b) (d), clause (3) of Section 505.2, the provisions of any judgment respecting maintenance or support may be modified only as to installments accruing subsequent to due notice by the moving party of the filing of the motion for modification and, with respect to maintenance, only upon a showing of a substantial change in circumstances. An order for child support may be modified as follows:

(1) upon a showing of a substantial change in circumstances; and

(2) without the necessity of showing a substantial change in circumstances, as follows:

(A) upon a showing of an inconsistency of at least 20%, but no less than $10 per month, between the amount of the existing order and the amount of child support that results from application of the guidelines specified in Section 505 of this Act unless the inconsistency is due to the fact that the amount of the existing order resulted from a deviation from the guideline amount and there has not been a change in the circumstances that resulted in that deviation; or

(B) Upon a showing of a need to provide for the health care needs of the child under the order through health insurance or other means. In no event shall the eligibility for or receipt of medical assistance be considered to meet the need to provide for the child's health care needs.

The provisions of subparagraph (a)(2)(A) shall apply only in cases in which a party is receiving child and spouse support services from the Illinois Department of Public Aid under Article X of the Illinois Public Aid Code, and only when at least 36 months have elapsed since the order for child support was entered or last modified.

(b) The provisions as to property disposition may not be revoked or modified, unless the court finds the existence of conditions that justify the reopening of a judgment under the laws of this State.

(c) Unless otherwise agreed by the parties in a written agreement set forth in the judgment or otherwise approved by the court, the obligation to pay future maintenance is terminated upon the death of either party, or the remarriage of the party receiving maintenance, or if the party receiving maintenance cohabits with another person on a resident, continuing conjugal basis.

(d) Unless otherwise provided in this Act, or as agreed in writing or expressly provided in the judgment, provisions for the support of a child are terminated by emancipation of the child, or if the child has attained the age of 18 and is still attending high school, provisions for the support of the child are terminated upon the date that the child graduates from high school or the date the child attains the age of 19, whichever is earlier, but not by the death of a parent obligated to support or educate the child. Unless otherwise agreed in writing or expressly provided in a judgment, provisions for the support of a child...
are terminated by emancipation of the child, except as otherwise provided herein, but not by the death of a parent obligated to support or educate the child. An existing obligation to pay for support or educational expenses, or both, is not terminated by the death of a parent. When a parent obligated to pay support or educational expenses, or both, dies, the amount of support or educational expenses, or both, may be enforced, modified, revoked or commuted to a lump sum payment, as equity may require, and that determination may be provided for at the time of the dissolution of the marriage or thereafter.

(e) The right to petition for support or educational expenses, or both, under Sections 505 and 513 is not extinguished by the death of a parent. Upon a petition filed before or after a parent’s death, the court may award sums of money out of the decedent's estate for the child's support or educational expenses, or both, as equity may require. The time within which a claim may be filed against the estate of a decedent under Sections 505 and 513 and subsection (d) and this subsection shall be governed by the provisions of the Probate Act of 1975, as a barrable, noncontingent claim.

(f) A petition to modify or terminate child support, custody, or visitation shall not delay any child support enforcement litigation or supplementary proceeding on behalf of the obligee, including, but not limited to, a petition for a rule to show cause, for non-wage garnishment, or for a restraining order. (Source: P.A. 92-289, eff. 8-9-01; revised 12-07-01.)

Sec. 513. Support for Non-minor Children and Educational Expenses.

(a) The court may award sums of money out of the property and income of either or both parties or the estate of a deceased parent, as equity may require, for the support of the child or children of the parties who have attained majority in the following instances:

(1) When the child is mentally or physically disabled and not otherwise emancipated, an application for support may be made before or after the child has attained majority.

(2) The court may also make provision for the educational expenses of the child or children of the parties, whether of minor or majority age, and an application for educational expenses may be made before or after the child has attained majority, or after the death of either parent. The authority under this Section to make provision for educational expenses extends not only to periods of college education or professional or other training after graduation from high school, but also to any period during which the child of the parties is still attending high school, even though he or she attained the age of 19 or even 18. The educational expenses may include, but shall not be limited to, room, board, dues, tuition, transportation, books, fees, registration and application costs, medical expenses including medical insurance, dental expenses, and living expenses during the school year and periods of recess, which sums may be ordered payable to the child, to either parent, or to the educational institution, directly or through a special account or trust created for that purpose, as the court sees fit.

If educational expenses are ordered payable, each parent and the child shall sign any consents necessary for the educational institution to provide the supporting
parent with access to the child's academic transcripts, records, and grade reports. The consents shall not apply to any non-academic records. Failure to execute the required consent may be a basis for a modification or termination of any order entered under this Section.

The authority under this Section to make provision for educational expenses, except where the child is mentally or physically disabled and not otherwise emancipated, terminates when the child receives a baccalaureate degree.

(b) In making awards under paragraph (1) or (2) of subsection (a), or pursuant to a petition or motion to decrease, modify, or terminate any such award, the court shall consider all relevant factors that appear reasonable and necessary, including:

1. The financial resources of both parents.
2. The standard of living the child would have enjoyed had the marriage not been dissolved.
3. The financial resources of the child.
4. The child's academic performance. (Source: P.A. 91-204, eff. 1-1-00.)

Section 915. The Non-Support Punishment Act is amended by changing Sections 15 and 20 as follows:

(750 ILCS 16/15)
Sec. 15. Failure to support.
(a) A person commits the offense of failure to support when he or she:
1. Willfully, without any lawful excuse, refuses to provide for the support or maintenance of his or her spouse, with the knowledge that the spouse is in need of such support or maintenance, or, without lawful excuse, deserts or willfully refuses to provide for the support or maintenance of his or her child or children under the age of 18 years, in need of support or maintenance and the person has the ability to provide the support; or
2. Willfully fails to pay a support obligation required under a court or administrative order for support, if the obligation has remained unpaid for a period longer than 6 months, or is in arrears in an amount greater than $5,000, and the person has the ability to provide the support; or
3. Leaves the State with the intent to evade a support obligation required under a court or administrative order for support, if the obligation, regardless of when it accrued, has remained unpaid for a period longer than 6 months, or is in arrears in an amount greater than $10,000; or
4. Willfully fails to pay a support obligation required under a court or administrative order for support, if the obligation has remained unpaid for a period longer than one year, or is in arrears in an amount greater than $20,000, and the person has the ability to provide the support.
(a-5) Presumption of ability to pay support. The existence of a court or administrative order of support that was not based on a default judgment and was in effect for the time period charged in the indictment or information creates a rebuttable presumption that the obligor has the ability to pay the support obligation for that time period.

New matter indicated by italics - deletions by strikeout.
(b) Sentence. A person convicted of a first offense under subdivision (a)(1) or (a)(2) is guilty of a Class A misdemeanor. A person convicted of an offense under subdivision (a)(3) or (a)(4) or a second or subsequent offense under subdivision (a)(1) or (a)(2) is guilty of a Class 4 felony.

(c) Expungement. A person convicted of a first offense under subdivision (a)(1) or (a)(2) who is eligible for the Earnfare program, shall, in lieu of the sentence prescribed in subsection (b), be referred to the Earnfare program. Upon certification of completion of the Earnfare program, the conviction shall be expunged. If the person fails to successfully complete the Earnfare program, he or she shall be sentenced in accordance with subsection (b).

(d) Fine. Sentences of imprisonment and fines for offenses committed under this Act shall be as provided under Articles 8 and 9 of Chapter V of the Unified Code of Corrections, except that the court shall order restitution of all unpaid support payments and may impose the following fines, alone, or in addition to a sentence of imprisonment under the following circumstances:

(1) from $1,000 to $5,000 if the support obligation has remained unpaid for a period longer than 2 years, or is in arrears in an amount greater than $1,000 and not exceeding $10,000;

(2) from $5,000 to $10,000 if the support obligation has remained unpaid for a period longer than 5 years, or is in arrears in an amount greater than $10,000 and not exceeding $20,000; or

(3) from $10,000 to $25,000 if the support obligation has remained unpaid for a period longer than 8 years, or is in arrears in an amount greater than $20,000.

(e) Restitution shall be ordered in an amount equal to the total unpaid support obligation as it existed at the time of sentencing. Any amounts paid by the obligor shall be allocated first to current support and then to restitution ordered and then to fines imposed under this Section.

(f) For purposes of this Act, the term "child" shall have the meaning ascribed to it in Section 505 of the Illinois Marriage and Dissolution of Marriage Act. (Source: P.A. 91-613, eff. 10-1-99.)

(750 ILCS 16/20)

Sec. 20. Entry of order for support; income withholding.

(a) In a case in which no court or administrative order for support is in effect against the defendant:

(1) at any time before the trial, upon motion of the State's Attorney, or of the Attorney General if the action has been instituted by his office, and upon notice to the defendant, or at the time of arraignment or as a condition of postponement of arraignment, the court may enter such temporary order for support as may seem just, providing for the support or maintenance of the spouse or child or children of the defendant, or both, pendente lite; or

(2) before trial with the consent of the defendant, or at the trial on entry of a plea of guilty, or after conviction, instead of imposing the penalty provided in this

New matter indicated by italics - deletions by strikeout.
Act, or in addition thereto, the court may enter an order for support, subject to modification by the court from time to time as circumstances may require, directing the defendant to pay a certain sum for maintenance of the spouse, or for support of the child or children, or both.

(b) The court shall determine the amount of child support by using the guidelines and standards set forth in subsection (a) of Section 505 and in Section 505.2 of the Illinois Marriage and Dissolution of Marriage Act.

If (i) the non-custodial parent was properly served with a request for discovery of financial information relating to the non-custodial parent's ability to provide child support, (ii) the non-custodial parent failed to comply with the request, despite having been ordered to do so by the court, and (iii) the non-custodial parent is not present at the hearing to determine support despite having received proper notice, then any relevant financial information concerning the non-custodial parent's ability to provide support that was obtained pursuant to subpoena and proper notice shall be admitted into evidence without the need to establish any further foundation for its admission.

(c) The court shall determine the amount of maintenance using the standards set forth in Section 504 of the Illinois Marriage and Dissolution of Marriage Act.

(d) The court may, for violation of any order under this Section, punish the offender as for a contempt of court, but no pendente lite order shall remain in effect longer than 4 months, or after the discharge of any panel of jurors summoned for service thereafter in such court, whichever is sooner.

(e) Any order for support entered by the court under this Section shall be deemed to be a series of judgments against the person obligated to pay support under the judgments, each such judgment to be in the amount of each payment or installment of support and each judgment to be deemed entered as of the date the corresponding payment or installment becomes due under the terms of the support order. Each judgment shall have the full force, effect, and attributes of any other judgment of this State, including the ability to be enforced. Each judgment is subject to modification or termination only in accordance with Section 510 of the Illinois Marriage and Dissolution of Marriage Act. A lien arises by operation of law against the real and personal property of the noncustodial parent for each installment of overdue support owed by the noncustodial parent.

(f) An order for support entered under this Section shall include a provision requiring the obligor to report to the obligee and to the clerk of the court within 10 days each time the obligor obtains new employment, and each time the obligor's employment is terminated for any reason. The report shall be in writing and shall, in the case of new employment, include the name and address of the new employer.

Failure to report new employment or the termination of current employment, if coupled with nonpayment of support for a period in excess of 60 days, is indirect criminal contempt. For any obligor arrested for failure to report new employment, bond shall be set in the amount of the child support that should have been paid during the period of unreported employment.

An order for support entered under this Section shall also include a provision

New matter indicated by italics - deletions by strikeout.
requiring the obligor and obligee parents to advise each other of a change in residence within 5 days of the change except when the court finds that the physical, mental, or emotional health of a party or of a minor child, or both, would be seriously endangered by disclosure of the party's address.

(g) An order for support entered or modified in a case in which a party is receiving child and spouse support services under Article X of the Illinois Public Aid Code shall include a provision requiring the noncustodial parent to notify the Illinois Department of Public Aid, within 7 days, of the name and address of any new employer of the noncustodial parent, whether the noncustodial parent has access to health insurance coverage through the employer or other group coverage and, if so, the policy name and number and the names of persons covered under the policy.

(h) In any subsequent action to enforce an order for support entered under this Act, upon sufficient showing that diligent effort has been made to ascertain the location of the noncustodial parent, service of process or provision of notice necessary in that action may be made at the last known address of the noncustodial parent, in any manner expressly provided by the Code of Civil Procedure or in this Act, which service shall be sufficient for purposes of due process.

(i) An order for support shall include a date on which the current support obligation terminates. The termination date shall be no earlier than the date on which the child covered by the order will attain the age of 18. However, if the child will not graduate from high school until after attaining the age of 18, then the termination date shall be no earlier than the earlier of the date on which the child's high school graduation will occur or the date on which the child will attain the age of 19 majority or is otherwise emancipated. The order for support shall state that the termination date does not apply to any arrearage that may remain unpaid on that date. Nothing in this subsection shall be construed to prevent the court from modifying the order or terminating the order in the event the child is otherwise emancipated.

(j) A support obligation, or any portion of a support obligation, which becomes due and remains unpaid for 30 days or more shall accrue simple interest at the rate of 9% per annum. An order for support entered or modified on or after January 1, 2002 shall contain a statement that a support obligation required under the order, or any portion of a support obligation required under the order, that becomes due and remains unpaid for 30 days or more shall accrue simple interest at the rate of 9% per annum. Failure to include the statement in the order for support does not affect the validity of the order or the accrual of interest as provided in this Section.

(Source: P.A. 91-613, eff. 10-1-99; 91-767, eff. 6-9-00; 92-374, eff. 8-15-01.)

Section 920. The Illinois Parentage Act of 1984 is amended by changing Section 14 as follows:

(750 ILCS 45/14) (from Ch. 40, par. 2514)
(a) (1) The judgment shall contain or explicitly reserve provisions concerning any duty and amount of child support and may contain provisions concerning the custody and guardianship of the child, visitation privileges with the child, the furnishing of bond or other

New matter indicated by italics - deletions by strikeout.
security for the payment of the judgment, which the court shall determine in accordance with the relevant factors set forth in the Illinois Marriage and Dissolution of Marriage Act and any other applicable law of Illinois, to guide the court in a finding in the best interests of the child. In determining custody, joint custody, or visitation, the court shall apply the relevant standards of the Illinois Marriage and Dissolution of Marriage Act. Specifically, in determining the amount of any child support award, the court shall use the guidelines and standards set forth in subsection (a) of Section 505 and in Section 505.2 of the Illinois Marriage and Dissolution of Marriage Act. For purposes of Section 505 of the Illinois Marriage and Dissolution of Marriage Act, "net income" of the non-custodial parent shall include any benefits available to that person under the Illinois Public Aid Code or from other federal, State or local government-funded programs. The court shall, in any event and regardless of the amount of the non-custodial parent's net income, in its judgment order the non-custodial parent to pay child support to the custodial parent in a minimum amount of not less than $10 per month. In an action brought within 2 years after a child's birth, the judgment or order may direct either parent to pay the reasonable expenses incurred by either parent related to the mother's pregnancy and the delivery of the child. The judgment or order shall contain the father's social security number, which the father shall disclose to the court; however, failure to include the father's social security number on the judgment or order does not invalidate the judgment or order.

(2) If a judgment of parentage contains no explicit award of custody, the establishment of a support obligation or of visitation rights in one parent shall be considered a judgment granting custody to the other parent. If the parentage judgment contains no such provisions, custody shall be presumed to be with the mother; however, the presumption shall not apply if the father has had physical custody for at least 6 months prior to the date that the mother seeks to enforce custodial rights.

(b) The court shall order all child support payments, determined in accordance with such guidelines, to commence with the date summons is served. The level of current periodic support payments shall not be reduced because of payments set for the period prior to the date of entry of the support order. The Court may order any child support payments to be made for a period prior to the commencement of the action. In determining whether and the extent to which the payments shall be made for any prior period, the court shall consider all relevant facts, including the factors for determining the amount of support specified in the Illinois Marriage and Dissolution of Marriage Act and other equitable factors including but not limited to:

(1) The father's prior knowledge of the fact and circumstances of the child's birth.
(2) The father's prior willingness or refusal to help raise or support the child.
(3) The extent to which the mother or the public agency bringing the action previously informed the father of the child's needs or attempted to seek or require his help in raising or supporting the child.
(4) The reasons the mother or the public agency did not file the action earlier.
(5) The extent to which the father would be prejudiced by the delay in

New matter indicated by italics - deletions by strikeout.
For purposes of determining the amount of child support to be paid for any period before the date the order for current child support is entered, there is a rebuttable presumption that the father's net income for the prior period was the same as his net income at the time the order for current child support is entered.

If (i) the non-custodial parent was properly served with a request for discovery of financial information relating to the non-custodial parent's ability to provide child support, (ii) the non-custodial parent failed to comply with the request, despite having been ordered to do so by the court, and (iii) the non-custodial parent is not present at the hearing to determine support despite having received proper notice, then any relevant financial information concerning the non-custodial parent's ability to provide child support that was obtained pursuant to subpoena and proper notice shall be admitted into evidence without the need to establish any further foundation for its admission.

(c) Any new or existing support order entered by the court under this Section shall be deemed to be a series of judgments against the person obligated to pay support thereunder, each judgment to be in the amount of each payment or installment of support and each such judgment to be deemed entered as of the date the corresponding payment or installment becomes due under the terms of the support order. Each judgment shall have the full force, effect and attributes of any other judgment of this State, including the ability to be enforced. A lien arises by operation of law against the real and personal property of the noncustodial parent for each installment of overdue support owed by the noncustodial parent.

(d) If the judgment or order of the court is at variance with the child's birth certificate, the court shall order that a new birth certificate be issued under the Vital Records Act.

(e) On request of the mother and the father, the court shall order a change in the child's name. After hearing evidence the court may stay payment of support during the period of the father's minority or period of disability.

(f) If, upon a showing of proper service, the father fails to appear in court, or otherwise appear as provided by law, the court may proceed to hear the cause upon testimony of the mother or other parties taken in open court and shall enter a judgment by default. The court may reserve any order as to the amount of child support until the father has received notice, by regular mail, of a hearing on the matter.

(g) A one-time charge of 20% is imposable upon the amount of past-due child support owed on July 1, 1988 which has accrued under a support order entered by the court. The charge shall be imposed in accordance with the provisions of Section 10-21 of the Illinois Public Aid Code and shall be enforced by the court upon petition.

(h) All orders for support, when entered or modified, shall include a provision requiring the non-custodial parent to notify the court and, in cases in which party is receiving child and spouse support services under Article X of the Illinois Public Aid Code, the Illinois Department of Public Aid, within 7 days, (i) of the name and address of any new employer of the non-custodial parent, (ii) whether the non-custodial parent has access to health insurance coverage through the employer or other group coverage and, if so, the policy name and number and the names of persons covered under the policy, and (iii) of any new

New matter indicated by italics - deletions by strikeout.
residential or mailing address or telephone number of the non-custodial parent. In any subsequent action to enforce a support order, upon a sufficient showing that a diligent effort has been made to ascertain the location of the non-custodial parent, service of process or provision of notice necessary in the case may be made at the last known address of the non-custodial parent in any manner expressly provided by the Code of Civil Procedure or this Act, which service shall be sufficient for purposes of due process.

(i) An order for support shall include a date on which the current support obligation terminates. The termination date shall be no earlier than the date on which the child covered by the order will attain the age of 18. **However, if the child will not graduate from high school until after attaining the age of 18, then the termination date shall be no earlier than the earlier of the date on which the child's high school graduation will occur or the date on which the child will attain the age of 19 majority or is otherwise emancipated.** The order for support shall state that the termination date does not apply to any arrearage that may remain unpaid on that date. Nothing in this subsection shall be construed to prevent the court from modifying the order or terminating the order in the event the child is otherwise emancipated.

(j) An order entered under this Section shall include a provision requiring the obligor to report to the obligee and to the clerk of court within 10 days each time the obligor obtains new employment, and each time the obligor's employment is terminated for any reason. The report shall be in writing and shall, in the case of new employment, include the name and address of the new employer. Failure to report new employment or the termination of current employment, if coupled with nonpayment of support for a period in excess of 60 days, is indirect criminal contempt. For any obligor arrested for failure to report new employment bond shall be set in the amount of the child support that should have been paid during the period of unreported employment. An order entered under this Section shall also include a provision requiring the obligor and obligee parents to advise each other of a change in residence within 5 days of the change except when the court finds that the physical, mental, or emotional health of a party or that of a minor child, or both, would be seriously endangered by disclosure of the party's address.

(Source: P.A. 90-18, eff. 7-1-97; 90-539, eff. 6-1-98; 90-655, eff. 7-30-98; 91-767, eff. 6-9-00.)

Passed in the General Assembly December 5, 2002.
Effective June 1, 2003.

PUBLIC ACT 92-0877
(House Bill No. 1445)

AN ACT relating to education.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The School Code is amended by changing Section 14-7.03 as follows:
(105 ILCS 5/14-7.03) (from Ch. 122, par. 14-7.03)

New matter indicated by italics - deletions by strikeout.
Sec. 14-7.03. Special Education Classes for Children from Orphanages, Foster Family Homes, Children's Homes, or in State Housing Units. If a school district maintains special education classes on the site of orphanages and children's homes, or if children from the orphanages, children's homes, foster family homes, other State agencies, or State residential units for children attend classes for children with disabilities in which the school district is a participating member of a joint agreement, or if the children from the orphanages, children's homes, foster family homes, other State agencies, or State residential units attend classes for the children with disabilities maintained by the school district, then reimbursement shall be paid to eligible districts in accordance with the provisions of this Section by the Comptroller as directed by the State Superintendent of Education.

The amount of tuition for such children shall be determined by the actual cost of maintaining such classes, using the per capita cost formula set forth in Section 14-7.01, such program and cost to be pre-approved by the State Superintendent of Education.

On forms prepared by the State Superintendent of Education, the district shall certify to the regional superintendent the following:

(1) The name of the home or State residential unit with the name of the owner or proprietor and address of those maintaining it;

(2) That no service charges or other payments authorized by law were collected in lieu of taxes therefrom or on account thereof during either of the calendar years included in the school year for which claim is being made;

(3) The number of children qualifying under this Act in special education classes for instruction on the site of the orphanages and children's homes;

(4) The number of children attending special education classes for children with disabilities in which the district is a participating member of a special education joint agreement;

(5) The number of children attending special education classes for children with disabilities maintained by the district;

(6) The computed amount of tuition payment claimed as due, as approved by the State Superintendent of Education, for maintaining these classes.

If a school district makes a claim for reimbursement under Section 18-3 or 18-4 of this Act it shall not include in any claim filed under this Section a claim for such children. Payments authorized by law, including State or federal grants for education of children included in this Section, shall be deducted in determining the tuition amount.

Nothing in this Act shall be construed so as to prohibit reimbursement for the tuition of children placed in for profit facilities. Private facilities shall provide adequate space at the facility for special education classes provided by a school district or joint agreement for children with disabilities who are residents of the facility at no cost to the school district or joint agreement upon request of the school district or joint agreement. If such a private facility provides space at no cost to the district or joint agreement for special education classes provided to children with disabilities who are residents of the facility, the district or joint agreement shall not include any costs for the use of those facilities in its claim for reimbursement.

New matter indicated by italics - deletions by strikeout.
Reimbursement for tuition may include the cost of providing summer school programs for children with severe and profound disabilities served under this Section. Claims for that reimbursement shall be filed by November 1 and shall be paid on or before December 15 from appropriations made for the purposes of this Section.

The State Board of Education shall establish such rules and regulations as may be necessary to implement the provisions of this Section.

Claims filed on behalf of programs operated under this Section housed in a jail, or detention center, or county-owned shelter care facility shall be on an individual student basis only for eligible students with disabilities. These claims shall be in accordance with applicable rules.

Each district claiming reimbursement for a program operated as a group program shall have an approved budget on file with the State Board of Education prior to the initiation of the program's operation. On September 30, December 31, and March 31, the State Board of Education shall voucher payments to group programs based upon the approved budget during the year of operation. Final claims for group payments shall be filed on or before July 15. Final claims for group programs received at the State Board of Education on or before June 15 shall be vouchered by June 30. Final claims received at the State Board of Education between June 16 and July 15 shall be vouchered by August 30. Claims for group programs received after July 15 shall not be honored.

Each district claiming reimbursement for individual students shall have the eligibility of those students verified by the State Board of Education. On September 30, December 31, and March 31, the State Board of Education shall voucher payments for individual students based upon an estimated cost calculated from the prior year's claim. Final claims for individual students for the regular school term must be received at the State Board of Education by July 15. Claims for individual students received after July 15 shall not be honored. Final claims for individual students shall be vouchered by August 30.

Reimbursement shall be made based upon approved group programs or individual students. The State Superintendent of Education shall direct the Comptroller to pay a specified amount to the district by the 30th day of September, December, March, June, or August, respectively. However, notwithstanding any other provisions of this Section or the School Code, beginning with fiscal year 1994 and each fiscal year thereafter through fiscal year 2002, if the amount appropriated for any fiscal year is less than the amount required for purposes of this Section, the amount required to eliminate any insufficient reimbursement for each district claim under this Section shall be reimbursed on August 30 of the next fiscal year, and the payments required to eliminate any insufficiency for prior fiscal year claims shall be made before any claims are paid for the current fiscal year. Notwithstanding any other provision of this Section or this Code, beginning with fiscal year 2003, total reimbursement under this Section in any fiscal year is limited to the amount appropriated for that purpose for that fiscal year, and if the amount appropriated for any fiscal year is less than the amount required for purposes of this Section, the insufficiency shall be apportioned pro rata among the school districts seeking reimbursement.

The claim of a school district otherwise eligible to be reimbursed in accordance with

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Section 14-12.01 for the 1976-77 school year but for this amendatory Act of 1977 shall not be paid unless the district ceases to maintain such classes for one entire school year.

If a school district's current reimbursement payment for the 1977-78 school year only is less than the prior year's reimbursement payment owed, the district shall be paid the amount of the difference between the payments in addition to the current reimbursement payment, and the amount so paid shall be subtracted from the amount of prior year's reimbursement payment owed to the district.

Regional superintendents may operate special education classes for children from orphanages, foster family homes, children's homes or State housing units located within the educational services region upon consent of the school board otherwise so obligated. In electing to assume the powers and duties of a school district in providing and maintaining such a special education program, the regional superintendent may enter into joint agreements with other districts and may contract with public or private schools or the orphanage, foster family home, children's home or State housing unit for provision of the special education program. The regional superintendent exercising the powers granted under this Section shall claim the reimbursement authorized by this Section directly from the State Board of Education.

Any child who is not a resident of Illinois who is placed in a child welfare institution, private facility, foster family home, State operated program, orphanage or children's home shall have the payment for his educational tuition and any related services assured by the placing agent.

Commencing July 1, 1992, for each disabled student who is placed residually by a State agency or the courts for care or custody or both care and custody, welfare, medical or mental health treatment or both medical and mental health treatment, rehabilitation, and protection, whether placed there on, before, or after July 1, 1992, the costs for educating the student are eligible for reimbursement under this Section providing the placing agency or court has notified the appropriate school district authorities of the status of student residency where applicable prior to or upon placement.

The district of residence of the parent, guardian, or disabled student as defined in Sections 14-1.11 and 14-1.11a is responsible for the actual costs of the student's special education program and is eligible for reimbursement under this Section when placement is made by a State agency or the courts. Payments shall be made by the resident district to the district wherein the facility is located no less than once per quarter unless otherwise agreed to in writing by the parties.

When a dispute arises over the determination of the district of residence, the district or districts may appeal the decision in writing to the State Superintendent of Education. The decision of the State Superintendent of Education shall be final.

In the event a district does not make a tuition payment to another district that is providing the special education program and services, the State Board of Education shall immediately withhold 125% of the then remaining annual tuition cost from the State aid or categorical aid payment due to the school district that is determined to be the resident school district. All funds withheld by the State Board of Education shall immediately be forwarded.
to the school district where the student is being served.

When a child eligible for services under this Section 14-7.03 must be placed in a nonpublic facility, that facility shall meet the programmatic requirements of Section 14-7.02 and its regulations, and the educational services shall be funded only in accordance with this Section 14-7.03.

(Source: P.A. 92-597, eff. 7-1-02.)

Section 99. Effective date. This Act takes effect upon becoming law.


PUBLIC ACT 92-0878
(House Bill No. 1273)

AN ACT in relation to taxes.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Telecommunications Excise Tax Act is amended by changing Section 2 as follows:

(35 ILCS 630/2) (from Ch. 120, par. 2002)

Sec. 2. As used in this Article, unless the context clearly requires otherwise:

(a) "Gross charge" means the amount paid for the act or privilege of originating or receiving telecommunications in this State and for all services and equipment provided in connection therewith by a retailer, valued in money whether paid in money or otherwise, including cash, credits, services and property of every kind or nature, and shall be determined without any deduction on account of the cost of such telecommunications, the cost of materials used, labor or service costs or any other expense whatsoever. In case credit is extended, the amount thereof shall be included only as and when paid. "Gross charges" for private line service shall include charges imposed at each channel point within this State, charges for the channel mileage between each channel point within this State, and charges for that portion of the interstate inter-office channel provided within Illinois. Charges for that portion of the interstate inter-office channel provided in Illinois shall be determined by the retailer as follows: (i) for interstate inter-office channels having 2 channel termination points, only one of which is in Illinois, 50% of the total charge imposed; (ii) for interstate inter-office channels having more than 2 channel termination points, one or more of which are in Illinois, an amount equal to the total charge multiplied by a fraction, the numerator of which is the number of channel termination points within Illinois and the denominator of which is the total number of channel termination points; or (iii) any other method that reasonably apportions the total charges for interstate inter-office channels among the states in which channel termination points are located. Prior to June 1, 2003, any apportionment method consistent with this paragraph shall be accepted as a reasonable method to determine the charges for that portion of the interstate inter-office channel provided within

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Illinois for that period. However, "gross charges" shall not include any of the following:

(1) Any amounts added to a purchaser's bill because of a charge made pursuant to (i) the tax imposed by this Article; (ii) charges added to customers' bills pursuant to the provisions of Sections 9-221 or 9-222 of the Public Utilities Act, as amended, or any similar charges added to customers' bills by retailers who are not subject to rate regulation by the Illinois Commerce Commission for the purpose of recovering any of the tax liabilities or other amounts specified in such provisions of such Act; (iii) the tax imposed by Section 4251 of the Internal Revenue Code; (iv) 911 surcharges; or (v) the tax imposed by the Simplified Municipal Telecommunications Tax Act; 

(2) Charges for a sent collect telecommunication received outside of the State; 

(3) Charges for leased time on equipment or charges for the storage of data or information for subsequent retrieval or the processing of data or information intended to change its form or content. Such equipment includes, but is not limited to, the use of calculators, computers, data processing equipment, tabulating equipment or accounting equipment and also includes the usage of computers under a time-sharing agreement; 

(4) Charges for customer equipment, including such equipment that is leased or rented by the customer from any source, wherein such charges are disaggregated and separately identified from other charges; 

(5) Charges to business enterprises certified under Section 9-222.1 of the Public Utilities Act, as amended, to the extent of such exemption and during the period of time specified by the Department of Commerce and Community Affairs; 

(6) Charges for telecommunications and all services and equipment provided in connection therewith between a parent corporation and its wholly owned subsidiaries or between wholly owned subsidiaries when the tax imposed under this Article has already been paid to a retailer and only to the extent that the charges between the parent corporation and wholly owned subsidiaries or between wholly owned subsidiaries represent expense allocation between the corporations and not the generation of profit for the corporation rendering such service; 

(7) Bad debts. Bad debt means any portion of a debt that is related to a sale at retail for which gross charges are not otherwise deductible or excludable that has become worthless or uncollectable, as determined under applicable federal income tax standards. If the portion of the debt deemed to be bad is subsequently paid, the retailer shall report and pay the tax on that portion during the reporting period in which the payment is made; 

(8) Charges paid by inserting coins in coin-operated telecommunication devices; 

(9) Amounts paid by telecommunications retailers under the Telecommunications Municipal Infrastructure Maintenance Fee Act. 

(10) Charges for nontaxable services or telecommunications if (i) those
charges are aggregated with other charges for telecommunications that are taxable, (ii) those charges are not separately stated on the customer bill or invoice, and (iii) the retailer can reasonably identify the nontaxable charges on the retailer's books and records kept in the regular course of business. If the nontaxable charges cannot reasonably be identified, the gross charge from the sale of both taxable and nontaxable services or telecommunications billed on a combined basis shall be attributed to the taxable services or telecommunications. The burden of proving nontaxable charges shall be on the retailer of the telecommunications.

(b) "Amount paid" means the amount charged to the taxpayer's service address in this State regardless of where such amount is billed or paid.

(c) "Telecommunications", in addition to the meaning ordinarily and popularly ascribed to it, includes, without limitation, messages or information transmitted through use of local, toll and wide area telephone service; private line services; channel services; telegraph services; teletypewriter; computer exchange services; cellular mobile telecommunications service; specialized mobile radio; stationary two way radio; paging service; or any other form of mobile and portable one-way or two-way communications; or any other transmission of messages or information by electronic or similar means, between or among points by wire, cable, fiber-optics, laser, microwave, radio, satellite or similar facilities. As used in this Act, "private line" means a dedicated non-traffic sensitive service for a single customer, that entitles the customer to exclusive or priority use of a communications channel or group of channels, from one or more specified locations to one or more other specified locations. The definition of "telecommunications" shall not include value added services in which computer processing applications are used to act on the form, content, code and protocol of the information for purposes other than transmission. "Telecommunications" shall not include purchases of telecommunications by a telecommunications service provider for use as a component part of the service provided by him to the ultimate retail consumer who originates or terminates the taxable end-to-end communications. Carrier access charges, right of access charges, charges for use of inter-company facilities, and all telecommunications resold in the subsequent provision of, used as a component of, or integrated into end-to-end telecommunications service shall be non-taxable as sales for resale.

(d) "Interstate telecommunications" means all telecommunications that either originate or terminate outside this State.

(e) "Intrastate telecommunications" means all telecommunications that originate and terminate within this State.

(f) "Department" means the Department of Revenue of the State of Illinois.

(g) "Director" means the Director of Revenue for the Department of Revenue of the State of Illinois.

(h) "Taxpayer" means a person who individually or through his agents, employees or permittees engages in the act or privilege of originating or receiving telecommunications in this State and who incurs a tax liability under this Article.

(i) "Person" means any natural individual, firm, trust, estate, partnership, association,

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joint stock company, joint venture, corporation, limited liability company, or a receiver, trustee, guardian or other representative appointed by order of any court, the Federal and State governments, including State universities created by statute or any city, town, county or other political subdivision of this State.

(j) "Purchase at retail" means the acquisition, consumption or use of telecommunication through a sale at retail.

(k) "Sale at retail" means the transmitting, supplying or furnishing of telecommunications and all services and equipment provided in connection therewith for a consideration to persons other than the Federal and State governments, and State universities created by statute and other than between a parent corporation and its wholly owned subsidiaries or between wholly owned subsidiaries for their use or consumption and not for resale.

(l) "Retailer" means and includes every person engaged in the business of making sales at retail as defined in this Article. The Department may, in its discretion, upon application, authorize the collection of the tax hereby imposed by any retailer not maintaining a place of business within this State, who, to the satisfaction of the Department, furnishes adequate security to insure collection and payment of the tax. Such retailer shall be issued, without charge, a permit to collect such tax. When so authorized, it shall be the duty of such retailer to collect the tax upon all of the gross charges for telecommunications in this State in the same manner and subject to the same requirements as a retailer maintaining a place of business within this State. The permit may be revoked by the Department at its discretion.

(m) "Retailer maintaining a place of business in this State", or any like term, means and includes any retailer having or maintaining within this State, directly or by a subsidiary, an office, distribution facilities, transmission facilities, sales office, warehouse or other place of business, or any agent or other representative operating within this State under the authority of the retailer or its subsidiary, irrespective of whether such place of business or agent or other representative is located here permanently or temporarily, or whether such retailer or subsidiary is licensed to do business in this State.

(n) "Service address" means the location of telecommunications equipment from which the telecommunications services are originated or at which telecommunications services are received by a taxpayer. In the event this may not be a defined location, as in the case of mobile phones, paging systems, maritime systems, service address means the customer's place of primary use as defined in the Mobile Telecommunications Sourcing Conformity Act. For air-to-ground systems and the like, service address shall mean the location of a taxpayer's primary use of the telecommunications equipment as defined by telephone number, authorization code, or location in Illinois where bills are sent.

(o) "Prepaid telephone calling arrangements" mean the right to exclusively purchase telephone or telecommunications services that must be paid for in advance and enable the origination of one or more intrastate, interstate, or international telephone calls or other telecommunications using an access number, an authorization code, or both, whether manually or electronically dialed, for which payment to a retailer must be made in advance,

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provided that, unless recharged, no further service is provided once that prepaid amount of service has been consumed. Prepaid telephone calling arrangements include the recharge of a prepaid calling arrangement. For purposes of this subsection, "recharge" means the purchase of additional prepaid telephone or telecommunications services whether or not the purchaser acquires a different access number or authorization code. "Prepaid telephone calling arrangement" does not include an arrangement whereby a customer purchases a payment card and pursuant to which the service provider reflects the amount of such purchase as a credit on an invoice issued to that customer under an existing subscription plan.

(Source: P.A. 91-870, eff. 6-22-00; 92-474, eff. 8-1-02; 92-526, eff. 1-1-03.)

Section 10. The Telecommunications Infrastructure Maintenance Fee Act is amended by changing Section 10 as follows:

(35 ILCS 635/10)

Sec. 10. Definitions.

(a) "Gross charges" means the amount paid to a telecommunications retailer for the act or privilege of originating or receiving telecommunications in this State and for all services rendered in connection therewith, valued in money whether paid in money or otherwise, including cash, credits, services, and property of every kind or nature, and shall be determined without any deduction on account of the cost of such telecommunications, the cost of the materials used, labor or service costs, or any other expense whatsoever. In case credit is extended, the amount thereof shall be included only as and when paid. "Gross charges" for private line service shall include charges imposed at each channel point within this State, charges for the channel mileage between each channel point within this State, and charges for that portion of the interstate inter-office channel provided within Illinois. Charges for that portion of the interstate inter-office channel provided in Illinois shall be determined by the retailer as follows: (i) for interstate inter-office channels having 2 channel termination points, only one of which is in Illinois, 50% of the total charge imposed; (ii) for interstate inter-office channels having more than 2 channel termination points, one or more of which are in Illinois, an amount equal to the total charge multiplied by a fraction, the numerator of which is the number of channel termination points within Illinois and the denominator of which is the total number of channel termination points; or (iii) any other method that reasonably apportions the total charges for interstate inter-office channels among the states in which channel termination points are located. Prior to June 1, 2003, any apportionment method consistent with this paragraph shall be accepted as a reasonable method to determine the charges for that portion of the interstate inter-office channel provided within Illinois for that period. However, "gross charges" shall not include any of the following:

(1) Any amounts added to a purchaser's bill because of a charge made under: (i) the fee imposed by this Section, (ii) additional charges added to a purchaser's bill under Section 9-221 or 9-222 of the Public Utilities Act, (iii) the tax imposed by the Telecommunications Excise Tax Act, (iv) 911 surcharges, (v) the tax imposed by Section 4251 of the Internal Revenue Code, or (vi) the tax imposed by the Simplified Municipal Telecommunications Tax Act.

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(2) Charges for a sent collect telecommunication received outside of this State.;

(3) Charges for leased time on equipment or charges for the storage of data or information or subsequent retrieval or the processing of data or information intended to change its form or content. Such equipment includes, but is not limited to, the use of calculators, computers, data processing equipment, tabulating equipment, or accounting equipment and also includes the usage of computers under a time-sharing agreement.;

(4) Charges for customer equipment, including such equipment that is leased or rented by the customer from any source, wherein such charges are disaggregated and separately identified from other charges.;

(5) Charges to business enterprises certified under Section 9-222.1 of the Public Utilities Act to the extent of such exemption and during the period of time specified by the Department of Commerce and Community Affairs.;

(6) Charges for telecommunications and all services and equipment provided in connection therewith between a parent corporation and its wholly owned subsidiaries or between wholly owned subsidiaries, and only to the extent that the charges between the parent corporation and wholly owned subsidiaries or between wholly owned subsidiaries represent expense allocation between the corporations and not the generation of profit other than a regulatory required profit for the corporation rendering such services.;

(7) Bad debts ("bad debt" means any portion of a debt that is related to a sale at retail for which gross charges are not otherwise deductible or excludable that has become worthless or uncollectible, as determined under applicable federal income tax standards; if the portion of the debt deemed to be bad is subsequently paid, the retailer shall report and pay the tax on that portion during the reporting period in which the payment is made).; or

(8) Charges paid by inserting coins in coin-operated telecommunication devices.

(9) Charges for nontaxable services or telecommunications if (i) those charges are aggregated with other charges for telecommunications that are taxable, (ii) those charges are not separately stated on the customer bill or invoice, and (iii) the retailer can reasonably identify the nontaxable charges on the retailer's books and records kept in the regular course of business. If the nontaxable charges cannot reasonably be identified, the gross charge from the sale of both taxable and nontaxable services or telecommunications billed on a combined basis shall be attributed to the taxable services or telecommunications. The burden of proving nontaxable charges shall be on the retailer of the telecommunications.

(a-5) "Department" means the Illinois Department of Revenue.

(b) "Telecommunications" includes, but is not limited to, messages or information transmitted through use of local, toll, and wide area telephone service, channel services, telegraph services, teletypewriter service, computer exchange services, private line services,

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specialized mobile radio services, or any other transmission of messages or information by electronic or similar means, between or among points by wire, cable, fiber optics, laser, microwave, radio, satellite, or similar facilities. Unless the context clearly requires otherwise, "telecommunications" shall also include wireless telecommunications as hereinafter defined. "Telecommunications" shall not include value added services in which computer processing applications are used to act on the form, content, code, and protocol of the information for purposes other than transmission. "Telecommunications" shall not include purchase of telecommunications by a telecommunications service provider for use as a component part of the service provided by him or her to the ultimate retail consumer who originates or terminates the end-to-end communications. Retailer access charges, right of access charges, charges for use of intercompany facilities, and all telecommunications resold in the subsequent provision and used as a component of, or integrated into, end-to-end telecommunications service shall not be included in gross charges as sales for resale. "Telecommunications" shall not include the provision of cable services through a cable system as defined in the Cable Communications Act of 1984 (47 U.S.C. Sections 521 and following) as now or hereafter amended or through an open video system as defined in the Rules of the Federal Communications Commission (47 C.D.F. 76.1550 and following) as now or hereafter amended. Beginning January 1, 2001, prepaid telephone calling arrangements shall not be considered "telecommunications" subject to the tax imposed under this Act. For purposes of this Section, "prepaid telephone calling arrangements" means that term as defined in Section 2-27 of the Retailers' Occupation Tax Act.

(c) "Wireless telecommunications" includes cellular mobile telephone services, personal wireless services as defined in Section 704(C) of the Telecommunications Act of 1996 (Public Law No. 104-104) as now or hereafter amended, including all commercial mobile radio services, and paging services.

(d) "Telecommunications retailer" or "retailer" or "carrier" means and includes every person engaged in the business of making sales of telecommunications at retail as defined in this Section. The Department may, in its discretion, upon applications, authorize the collection of the fee hereby imposed by any retailer not maintaining a place of business within this State, who, to the satisfaction of the Department, furnishes adequate security to insure collection and payment of the fee. When so authorized, it shall be the duty of such retailer to pay the fee upon all of the gross charges for telecommunications in the same manner and subject to the same requirements as a retailer maintaining a place of business within this State.

(e) "Retailer maintaining a place of business in this State", or any like term, means and includes any retailer having or maintaining within this State, directly or by a subsidiary, an office, distribution facilities, transmission facilities, sales office, warehouse, or other place of business, or any agent or other representative operating within this State under the authority of the retailer or its subsidiary, irrespective of whether such place of business or agent or other representative is located here permanently or temporarily, or whether such retailer or subsidiary is licensed to do business in this State.

(f) "Sale of telecommunications at retail" means the transmitting, supplying, or

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furnishing of telecommunications and all services rendered in connection therewith for a consideration, other than between a parent corporation and its wholly owned subsidiaries or between wholly owned subsidiaries, when the gross charge made by one such corporation to another such corporation is not greater than the gross charge paid to the retailer for their use or consumption and not for sale.

(g) "Service address" means the location of telecommunications equipment from which telecommunications services are originated or at which telecommunications services are received. If this is not a defined location, as in the case of wireless telecommunications, paging systems, maritime systems, service address means the customer's place of primary use as defined in the Mobile Telecommunications Sourcing Conformity Act. For air-to-ground systems, and the like, "service address" shall mean the location of the customer's primary use of the telecommunications equipment as defined by the location in Illinois where bills are sent.

(Source: P.A. 91-870, eff. 6-22-00; 92-474, eff. 8-1-02; 92-526, eff. 1-1-03.)

Section 15. The Simplified Municipal Telecommunications Tax Act is amended by changing Section 5-7 as follows:

(35 ILCS 636/5-7)
Sec. 5-7. Definitions. For purposes of the taxes authorized by this Act:
"Amount paid" means the amount charged to the taxpayer's service address in such municipality regardless of where such amount is billed or paid.
"Department" means the Illinois Department of Revenue.
"Gross charge" means the amount paid for the act or privilege of originating or receiving telecommunications in such municipality and for all services and equipment provided in connection therewith by a retailer, valued in money whether paid in money or otherwise, including cash, credits, services and property of every kind or nature, and shall be determined without any deduction on account of the cost of such telecommunications, the cost of the materials used, labor or service costs or any other expense whatsoever. In case credit is extended, the amount thereof shall be included only as and when paid. "Gross charges" for private line service shall include charges imposed at each channel point within this State, charges for the channel mileage between each channel point within this State, and charges for that portion of the interstate inter-office channel provided within Illinois.
Charges for that portion of the interstate inter-office channel provided in Illinois shall be determined by the retailer as follows: (i) for interstate inter-office channels having 2 channel termination points, only one of which is in Illinois, 50% of the total charge imposed; (ii) for interstate inter-office channels having more than 2 channel termination points, one or more of which are in Illinois, an amount equal to the total charge multiplied by a fraction, the numerator of which is the number of channel termination points within Illinois and the denominator of which is the total number of channel termination points; or (iii) any other method that reasonably apportions the total charges for interstate inter-office channels among the states in which channel termination points are located. Prior to June 1, 2003, any apportionment method consistent with this paragraph shall be accepted as a reasonable method to determine the charges for that portion of the interstate inter-office channel provided in Illinois.

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provided within Illinois for that period. However, "gross charge" shall not include any of the following:

(1) Any amounts added to a purchaser's bill because of a charge made pursuant to: (i) the tax imposed by this Act, (ii) the tax imposed by the Telecommunications Excise Tax Act, (iii) the tax imposed by Section 4251 of the Internal Revenue Code, (iv) 911 surcharges, or (v) charges added to customers' bills pursuant to the provisions of Section 9-221 or 9-222 of the Public Utilities Act, as amended, or any similar charges added to customers' bills by retailers who are not subject to rate regulation by the Illinois Commerce Commission for the purpose of recovering any of the tax liabilities or other amounts specified in those provisions of the Public Utilities Act.

(2) Charges for a sent collect telecommunication received outside of such municipality.

(3) Charges for leased time on equipment or charges for the storage of data or information for subsequent retrieval or the processing of data or information intended to change its form or content. Such equipment includes, but is not limited to, the use of calculators, computers, data processing equipment, tabulating equipment or accounting equipment and also includes the usage of computers under a time-sharing agreement.

(4) Charges for customer equipment, including such equipment that is leased or rented by the customer from any source, wherein such charges are disaggregated and separately identified from other charges.

(5) Charges to business enterprises certified as exempt under Section 9-222.1 of the Public Utilities Act to the extent of such exemption and during the period of time specified by the Department of Commerce and Community Affairs.

(6) Charges for telecommunications and all services and equipment provided in connection therewith between a parent corporation and its wholly owned subsidiaries or between wholly owned subsidiaries when the tax imposed under this Act has already been paid to a retailer and only to the extent that the charges between the parent corporation and wholly owned subsidiaries or between wholly owned subsidiaries represent expense allocation between the corporations and not the generation of profit for the corporation rendering such service.

(7) Bad debts ("bad debt" means any portion of a debt that is related to a sale at retail for which gross charges are not otherwise deductible or excludable that has become worthless or uncollectible, as determined under applicable federal income tax standards; if the portion of the debt deemed to be bad is subsequently paid, the retailer shall report and pay the tax on that portion during the reporting period in which the payment is made).

(8) Charges paid by inserting coins in coin-operated telecommunication devices.

(9) Amounts paid by telecommunications retailers under the Telecommunications Infrastructure Maintenance Fee Act.

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(10) **Charges for nontaxable services or telecommunications** if (i) those charges are aggregated with other charges for telecommunications that are taxable, (ii) those charges are not separately stated on the customer bill or invoice, and (iii) the retailer can reasonably identify the nontaxable charges on the retailer’s books and records kept in the regular course of business. If the nontaxable charges cannot reasonably be identified, the gross charge from the sale of both taxable and nontaxable services or telecommunications billed on a combined basis shall be attributed to the taxable services or telecommunications. The burden of proving nontaxable charges shall be on the retailer of the telecommunications.

"Interstate telecommunications" means all telecommunications that either originate or terminate outside this State.

"Intrastate telecommunications" means all telecommunications that originate and terminate within this State.

"Person" means any natural individual, firm, trust, estate, partnership, association, joint stock company, joint venture, corporation, limited liability company, or a receiver, trustee, guardian, or other representative appointed by order of any court, the Federal and State governments, including State universities created by statute, or any city, town, county, or other political subdivision of this State.

"Purchase at retail" means the acquisition, consumption or use of telecommunications through a sale at retail.

"Retailer" means and includes every person engaged in the business of making sales at retail as defined in this Section. The Department may, in its discretion, upon application, authorize the collection of the tax hereby imposed by any retailer not maintaining a place of business within this State, who, to the satisfaction of the Department, furnishes adequate security to insure collection and payment of the tax. Such retailer shall be issued, without charge, a permit to collect such tax. When so authorized, it shall be the duty of such retailer to collect the tax upon all of the gross charges for telecommunications in this State in the same manner and subject to the same requirements as a retailer maintaining a place of business within this State. The permit may be revoked by the Department at its discretion.

"Retailer maintaining a place of business in this State", or any like term, means and includes any retailer having or maintaining within this State, directly or by a subsidiary, an office, distribution facilities, transmission facilities, sales office, warehouse or other place of business, or any agent or other representative operating within this State under the authority of the retailer or its subsidiary, irrespective of whether such place of business or agent or other representative is located here permanently or temporarily, or whether such retailer or subsidiary is licensed to do business in this State.

"Sale at retail" means the transmitting, supplying or furnishing of telecommunications and all services and equipment provided in connection therewith for a consideration, to persons other than the Federal and State governments, and State universities created by statute and other than between a parent corporation and its wholly owned subsidiaries or between wholly owned subsidiaries for their use or consumption and not for resale.

"Service address" means the location of telecommunications equipment from which

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telecommunications services are originated or at which telecommunications services are received by a taxpayer. In the event this may not be a defined location, as in the case of mobile phones, paging systems, and maritime systems, service address means the customer's place of primary use as defined in the Mobile Telecommunications Sourcing Conformity Act. For air-to-ground systems and the like, "service address" shall mean the location of a taxpayer's primary use of the telecommunications equipment as defined by telephone number, authorization code, or location in Illinois where bills are sent.

"Taxpayer" means a person who individually or through his or her agents, employees, or permittees engages in the act or privilege of originating or receiving telecommunications in a municipality and who incurs a tax liability as authorized by this Act.

"Telecommunications", in addition to the meaning ordinarily and popularly ascribed to it, includes, without limitation, messages or information transmitted through use of local, toll, and wide area telephone service, private line services, channel services, telegraph services, teletypewriter, computer exchange services, cellular mobile telecommunications service, specialized mobile radio, stationary two-way radio, paging service, or any other form of mobile and portable one-way or two-way communications, or any other transmission of messages or information by electronic or similar means, between or among points by wire, cable, fiber optics, laser, microwave, radio, satellite, or similar facilities. As used in this Act, "private line" means a dedicated non-traffic sensitive service for a single customer, that entitles the customer to exclusive or priority use of a communications channel or group of channels, from one or more specified locations to one or more other specified locations. The definition of "telecommunications" shall not include value added services in which computer processing applications are used to act on the form, content, code, and protocol of the information for purposes other than transmission. "Telecommunications" shall not include purchases of telecommunications by a telecommunications service provider for use as a component part of the service provided by such provider to the ultimate retail consumer who originates or terminates the taxable end-to-end communications. Carrier access charges, right of access charges, charges for use of inter-company facilities, and all telecommunications resold in the subsequent provision of, used as a component of, or integrated into, end-to-end telecommunications service shall be non-taxable as sales for resale. Prepaid telephone calling arrangements shall not be considered "telecommunications" subject to the tax imposed under this Act. For purposes of this Section, "prepaid telephone calling arrangements" means that term as defined in Section 2-27 of the Retailers' Occupation Occupations Tax Act.

(Source: P.A. 92-526, eff. 7-1-02; revised 2-25-02.)


PUBLIC ACT 92-0879
(House Bill No. 2277)

AN ACT in relation to local government bonds.

New matter indicated by italics - deletions by strikeout.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Local Government Debt Reform Act is amended by changing Sections 3, 9, 15, 16.5, and 17 and by adding Section 5.5 as follows:

(30 ILCS 350/3) (from Ch. 17, par. 6903)

Sec. 3. Definitions. In this Act words or terms shall have the following meanings unless the context or usage clearly indicates that another meaning is intended. (a) "Alternate bonds" means bonds issued in lieu of revenue bonds or payable from a revenue source as provided in Section 15.

(b) "Applicable law" means any provision of law, including this Act, authorizing governmental units to issue bonds.

(c) "Backdoor referendum" means the submission of a public question to the voters of a governmental unit, initiated by a petition of voters, residents or property owners of such governmental unit, to determine whether an action by the governing body of such governmental unit shall be effective, adopted or rejected.

(d) "Bond" means any instrument evidencing the obligation to pay money authorized or issued by or on behalf of a governmental unit under applicable law, including without limitation, bonds, notes, installment or financing contracts, leases, certificates, tax anticipation warrants or notes, vouchers, and any other evidences of indebtedness.

(e) "Debt service" on bonds means the amount of principal, interest and premium, if any, when due either at stated maturity or upon mandatory redemption. (f) "Enterprise revenues" means the revenues of a utility or revenue producing enterprise from which revenue bonds may be payable.

(g) "General obligation bonds" means bonds of a governmental unit for the payment of which the governmental unit is empowered to levy ad valorem property taxes upon all taxable property in a governmental unit without limitation as to rate or amount.

(h) "Governing body" means the legislative body, council, board, commission, trustees, or any other body, by whatever name it is known, having charge of the corporate affairs of a governmental unit.

(h-5) "Governmental revenue source" means a revenue source that is either (1) federal or State funds that the governmental unit has received in some amount during each of the 3 fiscal years preceding the issuance of alternate bonds or (2) revenues to be received from another governmental unit under an intergovernmental cooperation agreement.

(i) "Governmental unit" means a county, township, municipality, municipal corporation, unit of local government, school district, special district, public corporation, body corporate and politic, forest preserve district, fire protection district, conservation district, park district, sanitary district, and all other local governmental agencies, including any entity created by intergovernmental agreement among any of the foregoing governmental units, but does not include any office, officer, department, division, bureau, board, commission, university, or similar agency of the State. (j) "Ordinance" means an ordinance duly adopted by a governing body or, if appropriate under applicable law, a resolution so adopted.

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(k) "Revenue bonds" means any bonds of a governmental unit other than general obligation bonds, but "revenue bonds" does include any debt authorized under Section 11-29.3-1 of the Illinois Municipal Code.

(l) "Revenue source" means a source of funds, other than enterprise revenues, received or available to be received by a governmental unit and available for any one or more of its corporate purposes.

(m) "Limited bonds" means bonds, excluding leases, notes, installment or financing contracts, certificates, tax anticipation warrants or notes, vouchers, and any other evidences of indebtedness, issued under Section 15.01 of this Act.

(Source: P.A. 89-385, eff. 8-18-95; 89-658, eff. 1-1-97.)

(30 ILCS 350/5.5 new)

Sec. 5.5. Notices.

(a) Whenever applicable law requires notice in connection with the issuance of bonds, the notice shall be sufficient if the notice appears above the name or title of the person required to give the notice.

(b) Whenever applicable law requires any notice of a hearing or meeting held in connection with the issuance of bonds to be supplied to the members of the governing body or news media, such notice may be supplied by facsimile transmission (commonly referred to as fax) or electronic transmission (commonly referred to as e-mail).

(30 ILCS 350/9) (from Ch. 17, par. 6909)

Sec. 9. Provisions for interest. (a) The proceeds of bonds may be used to provide for the payment of interest upon such bonds for a period not to exceed the greater of 2 years or a period ending 6 months after the estimated date of completion of the acquisition and construction of the project or accomplishment of the purpose for which such bonds are issued.

(b) In addition it shall be lawful for the governing body of any governmental unit issuing bonds to appropriate money for the purpose of paying interest on such bonds during the period stated in subsection (a) of this Section. Such appropriation may be made in the ordinance authorizing such bonds and shall be fully effective upon the effective date of such ordinance without any further notice, publication or approval whatsoever.

(c) The governing body of any governmental unit may authorize the transfer of interest earned on any of the moneys of the governmental unit, including moneys set aside to pay debt service, into the fund of the governmental unit that is most in need of the interest. This subsection does not apply to any interest earned that has been earmarked or restricted by the governing body for a designated purpose. This subsection does not apply to any interest earned on any funds for the purpose of municipal retirement under the Illinois Pension Code and tort immunity under the Local Governmental and Governmental Employees Tort Immunity Act. Interest earned on those funds may be used only for the purposes authorized for the respective funds from which the interest earnings were derived. (Source: P.A. 85-1419.)

(30 ILCS 350/15) (from Ch. 17, par. 6915)

Sec. 15. Double-barrelled bonds. Whenever revenue bonds have been authorized to

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be issued pursuant to applicable law or whenever there exists for a governmental unit a revenue source, the procedures set forth in this Section may be used by a governing body. General obligation bonds may be issued in lieu of such revenue bonds as authorized, and general obligation bonds may be issued payable from any revenue source. Such general obligation bonds may be referred to as "alternate bonds". Alternate bonds may be issued without any referendum or backdoor referendum except as provided in this Section, upon the terms provided in Section 10 of this Act without reference to other provisions of law, but only upon the conditions provided in this Section. Alternate bonds shall not be regarded as or included in any computation of indebtedness for the purpose of any statutory provision or limitation except as expressly provided in this Section.

Such conditions are:

(a) Alternate bonds shall be issued for a lawful corporate purpose. If issued in lieu of revenue bonds, alternate bonds shall be issued for the purposes for which such revenue bonds shall have been authorized. If issued payable from a revenue source in the manner hereinafter provided, which revenue source is limited in its purposes or applications, then the alternate bonds shall be issued only for such limited purposes or applications. Alternate bonds may be issued payable from either enterprise revenues or revenue sources, or both.

(b) Alternate bonds shall be subject to backdoor referendum. The provisions of Section 5 of this Act shall apply to such backdoor referendum, together with the provisions hereof. The authorizing ordinance shall be published in a newspaper of general circulation in the governmental unit. Along with or as part of the authorizing ordinance, there shall be published a notice of (1) the specific number of voters required to sign a petition requesting that the issuance of the alternate bonds be submitted to referendum, (2) the time when such petition must be filed, (3) the date of the prospective referendum, and (4), with respect to authorizing ordinances adopted on or after January 1, 1991, a statement that identifies any revenue source that will be used to pay debt service the principal of and interest on the alternate bonds. The clerk or secretary of the governmental unit shall make a petition form available to anyone requesting one. If no petition is filed with the clerk or secretary within 30 days of publication of the authorizing ordinance and notice, the alternate bonds shall be authorized to be issued. But if within this 30 days period, a petition is filed with such clerk or secretary signed by electors numbering the greater of (i) 7.5% of the registered voters in the governmental unit or (ii) 200 of those registered voters or 15% of those registered voters, whichever is less, asking that the issuance of such alternate bonds be submitted to referendum, the clerk or secretary shall certify such question for submission at an election held in accordance with the general election law. The question on the ballot shall include a statement of any revenue source that will be used to pay debt service the principal of and interest on the alternate bonds. The alternate bonds shall be authorized to be issued if a majority of the votes cast on the question at such election are in favor thereof provided that notice of the bond referendum, if held before July 1, 1999, has been given in accordance with the provisions of Section 12-5 of the Election Code in effect at the time of the bond referendum, at least 10 and not more than 45 days before the date of the election, notwithstanding the time for publication otherwise imposed by Section 12-5.

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required in connection with the submission of public questions on or after July 1, 1999 shall
be as set forth in Section 12-5 of the Election Code. Backdoor referendum proceedings for
bonds and alternate bonds to be issued in lieu of such bonds may be conducted at the same
time.

(c) To the extent payable from enterprise revenues, such revenues shall have been
determined by the governing body to be sufficient to provide for or pay in each year to final
maturity of such alternate bonds all of the following: (1) costs of operation and maintenance
of the utility or enterprise, but not including depreciation, (2) debt service on all outstanding
revenue bonds payable from such enterprise revenues, (3) all amounts required to meet any
fund or account requirements with respect to such outstanding revenue bonds, (4) other
contractual or tort liability obligations, if any, payable from such enterprise revenues, and (5)
in each year, an amount not less than 1.25 times debt service of all (i) alternate bonds payable
from such enterprise revenues previously issued and outstanding and (ii) alternate bonds
proposed to be issued. To the extent payable from one or more revenue sources, such sources
shall have been determined by the governing body to provide in each year, an amount not
less than 1.25 times debt service of all alternate bonds payable from such revenue sources
previously issued and outstanding and alternate bonds proposed to be issued. The 1.25 figure
in the preceding sentence shall be reduced to 1.10 if the revenue source is a governmental
revenue source. The conditions enumerated in this subsection (c) need not be met for that
amount of debt service provided for by the setting aside of proceeds of bonds or other
moneys at the time of the delivery of such bonds.

(c-1) In the case of alternate bonds issued as variable rate bonds (including refunding
bonds), debt service shall be projected based on the rate for the most recent date shown in
the 20 G.O. Bond Index of average municipal bond yields as published in the most recent
dition of The Bond Buyer published in New York, New York (or any successor publication
or index, or if such publication or index is no longer published, then any index of long-term
municipal tax-exempt bond yields selected by the governmental unit), as of the date of
determination referred to in subsection (c) of this Section. Any interest or fees that may be
payable to the provider of a letter of credit, line of credit, surety bond, bond insurance,
or other credit enhancement relating to such alternate bonds and any fees that may be payable
to any remarketing agent need not be taken into account for purposes of such projection. If
the governmental unit enters into an agreement in connection with such alternate bonds at
the time of issuance thereof pursuant to which the governmental unit agrees for a specified
period of time to pay an amount calculated at an agreed-upon rate or index based on a
notional amount and the other party agrees to pay the governmental unit an amount
calculated at an agreed-upon rate or index based on such notional amount, interest shall be
projected for such specified period of time on the basis of the agreed-upon rate payable by
the governmental unit.

(d) The determination of the sufficiency of enterprise revenues or a revenue source,
as applicable, shall be supported by reference to the most recent audit of the governmental
unit, which shall be for a fiscal year ending not earlier than 18 months previous to the time
of issuance of the alternate bonds. If such audit does not adequately show such enterprise

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revenues or revenue source, as applicable, or if such enterprise revenues or revenue source, as applicable, are shown to be insufficient, then the determination of sufficiency shall be supported by the report of an independent accountant or feasibility analyst, the latter having a national reputation for expertise in such matters, demonstrating the sufficiency of such revenues and explaining, if appropriate, by what means the revenues will be greater than as shown in the audit. Whenever such sufficiency is demonstrated by reference to a schedule of higher rates or charges for enterprise revenues or a higher tax imposition for a revenue source, such higher rates, charges or taxes shall have been properly imposed by an ordinance adopted prior to the time of delivery of alternate bonds. The reference to and acceptance of an audit or report, as the case may be, and the determination of the governing body as to sufficiency of enterprise revenues or a revenue source shall be conclusive evidence that the conditions of this Section have been met and that the alternate bonds are valid.

(e) The enterprise revenues or revenue source, as applicable, shall be in fact pledged to the payment of the alternate bonds; and the governing body shall covenant, to the extent it is empowered to do so, to provide for, collect and apply such enterprise revenues or revenue source, as applicable, to the payment of the alternate bonds and the provision of not less than an additional .25 (or .10 for governmental revenue sources) times debt service. The pledge and establishment of rates or charges for enterprise revenues, or the imposition of taxes in a given rate or amount, as provided in this Section for alternate bonds, shall constitute a continuing obligation of the governmental unit with respect to such establishment or imposition and a continuing appropriation of the amounts received. All covenants relating to alternate bonds and the conditions and obligations imposed by this Section are enforceable by any bondholder of alternate bonds affected, any taxpayer of the governmental unit, and the People of the State of Illinois acting through the Attorney General or any designee, and in the event that any such action results in an order finding that the governmental unit has not properly set rates or charges or imposed taxes to the extent it is empowered to do so or collected and applied enterprise revenues or any revenue source, as applicable, as required by this Act, the plaintiff in any such action shall be awarded reasonable attorney’s fees. The intent is that such enterprise revenues or revenue source, as applicable, shall be sufficient and shall be applied to the payment of debt service on such alternate bonds so that taxes need not be levied, or if levied need not be extended, for such payment. Nothing in this Section shall inhibit or restrict the authority of a governing body to determine the lien priority of any bonds, including alternate bonds, which may be issued with respect to any enterprise revenues or revenue source.

In the event that alternate bonds shall have been issued and taxes, other than a designated revenue source, shall have been extended pursuant to the general obligation, full faith and credit promise supporting such alternate bonds, then the amount of such alternate bonds then outstanding shall be included in the computation of indebtedness of the governmental unit for purposes of all statutory provisions or limitations until such time as an audit of the governmental unit shall show that the alternate bonds have been paid from the enterprise revenues or revenue source, as applicable, pledged thereto for a complete fiscal year.

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Alternate bonds may be issued to refund or advance refund alternate bonds without meeting any of the conditions set forth in this Section, except that the term of the refunding bonds shall not be longer than the term of the refunded bonds and that the debt service payable in any year on the refunding bonds shall not exceed the debt service payable in such year on the refunded bonds.

Once issued, alternate bonds shall be and forever remain until paid or defeased the general obligation of the governmental unit, for the payment of which its full faith and credit are pledged, and shall be payable from the levy of taxes as is provided in this Act for general obligation bonds.

The changes made by this amendatory Act of 1990 do not affect the validity of bonds authorized before September 1, 1990.

(Source: P.A. 90-812, eff. 1-26-99; 91-57, eff. 6-30-99; 91-493, eff. 8-13-99; 91-868, eff. 6-22-00.)

(30 ILCS 350/16.5)

Sec. 16.5. Proposition for bonds. For all elections held after July 1, 2000, the form of a proposition to authorize the issuance of bonds pursuant to either a referendum or backdoor referendum may be as set forth in this Section as an alternative to the form of proposition as otherwise set forth by applicable law. The proposition authorized by this Section shall be in substantially the following form:

Shall (name of governmental unit) (state purpose for the bond issue) and issue its bonds to the amount of $ (state amount) for the purpose of paying the costs thereof?

If a school district expects to receive a school construction grant from the State of Illinois has received a grant entitlement from the Illinois State Board of Education pursuant to the School Construction Law for a school construction project to be financed in part with proceeds of a bond authorized by referendum, then the form of proposition may at the option of the school district additionally contain substantially the following language:

(Name of school district) expects to receive a school construction grant from the State of Illinois has received a grant entitlement in the amount of $ (state amount) from the Illinois State Board of Education pursuant to the School Construction Law for the school construction project to be financed in part with proceeds of the bonds, based on (i) a grant entitlement from the State Board of Education and (ii) current recognized project costs determined by the Capital Development Board.

(Source: P.A. 91-868, eff. 6-22-00.)

(30 ILCS 350/17) (from Ch. 17, par. 6917)

Sec. 17. Leases and installment contracts.

(a) Interest not debt; debt on leases and installment contracts. Interest on bonds shall not be included in any computation of indebtedness of a governmental unit for the purpose of any statutory provision or limitation. For bonds consisting of leases and installment or financing contracts, (1) that portion of payments made by a governmental unit under the terms of a bond designated as interest in the bond or the ordinance authorizing such bond shall be treated as interest for purposes of this Section (2) where portions of payments due

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under the terms of a bond have not been designated as interest in the bond or the ordinance authorizing such bond, and all or a portion of such payments is to be used for the payment of principal of and interest on other bonds of the governmental unit or bonds issued by another unit of local government, such as a public building commission, the payments equal to interest due on such corresponding bonds shall be treated as interest for purposes of this Section and (3) where portions of payments due under the terms of a bond have not been designated as interest in the bond or ordinance authorizing such bond and no portion of any such payment is to be used for the payment of principal of and interest on other bonds of the governmental unit or another unit of local government, a portion of each payment due under the terms of such bond shall be treated as interest for purposes of this Section; such portion shall be equal in amount to the interest that would have been paid on a notional obligation of the governmental unit (bearing interest at the highest rate permitted by law for bonds of the governmental unit at the time the bond was issued or, if no such limit existed, 12%) on which the payments of principal and interest were due at the same times and in the same amounts as payments are due under the terms of the bonds. The rule set forth in this Section shall be applicable to all interest no matter when earned or accrued or at what interval paid, and whether or not a bond bears interest which compounds at certain intervals. For purposes of bonds sold at amounts less than 95% of their stated value at maturity, interest for purposes of this Section includes the difference between the amount set forth on the face of the bond as the original principal amount and the bond's stated value at maturity.

This subsection may be made applicable to bonds issued prior to the effective date of this Act by passage of an ordinance to such effect by the governing body of a governmental unit.

(b) Purchase or lease of property. The governing body of each governmental unit may purchase or lease either real or personal property, including investments, investment agreements, or investment services, through agreements that provide that the consideration for the purchase or lease may be paid through installments made at stated intervals for a period of no more than 20 years or another period of time authorized by law, whichever is greater; provided, however, that investments, investment agreements, or investment services purchased in connection with a bond issue may be paid through installments made at stated intervals for a period of time not in excess of the maximum term of such bond issue. Each governmental unit may issue certificates evidencing the indebtedness incurred under the lease or agreement. The governing body may provide for the treasurer, comptroller, finance officer, or other officer of the governing body charged with financial administration to act as counter-party to any such lease or agreement, as nominee lessor or seller. When the lease or agreement is executed by the officer of the governmental unit authorized by the governing body to bind the governmental unit thereon by the execution thereof and is filed with and executed by the nominee lessor or seller, the lease or agreement shall be sufficiently executed so as to permit the governmental unit to issue certificates evidencing the indebtedness incurred under the lease or agreement. The certificates shall be valid whether or not an appropriation with respect thereto is included in any annual or supplemental budget adopted by the governmental unit. From time to time, as the governing body executes contracts for

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the purpose of acquiring and constructing the services or real or personal property that is a part of the subject of the lease or agreement, including financial, legal, architectural, and engineering services related to the lease or agreement, the governing body shall order the contracts filed with its nominee officer, and that officer shall identify the contracts to the lease or agreement; that identification shall permit the payment of the contract from the proceeds of the certificates; and the nominee officer shall duly apply or cause to be applied proceeds of the certificates to the payment of the contracts. The governing body of each governmental unit may sell, lease, convey, and reacquire either real or personal property, or any interest in real or personal property, upon any terms and conditions and in any manner, as the governing body shall determine, if the governmental unit will lease, acquire by purchase agreement, or otherwise reacquire the property, as authorized by this subsection or any other applicable law.

All indebtedness incurred under this subsection, when aggregated with the existing indebtedness of the governmental unit, may not exceed the debt limits provided by applicable law.

(Source: P.A. 91-493, eff. 8-13-99; 91-868, eff. 6-22-00.)

Section 99. Effective date. This Act takes effect upon becoming law.


PUBLIC ACT 92-0880
(House Bill No. 2463)

AN ACT concerning the regulation of professions.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Pharmacy Practice Act of 1987 is amended by changing Sections 3, 10, 14, 15, 18, 19, 22, 27, and 30 and adding Section 17.1 as follows:

(225 ILCS 85/3) (from Ch. 111, par. 4123)

(Section scheduled to be repealed on January 1, 2008)

Sec. 3. Definitions. For the purpose of this Act, except where otherwise limited therein:

(a) "Pharmacy" or "drugstore" means and includes every store, shop, pharmacy department, or other place where pharmaceutical care is provided by a pharmacist (1) where drugs, medicines, or poisons are dispensed, sold or offered for sale at retail, or displayed for sale at retail; or (2) where prescriptions of physicians, dentists, veterinarians, podiatrists, or therapeutically certified optometrists, within the limits of their licenses, are compounded, filled, or dispensed; or (3) which has upon it or displayed within it, or affixed to or used in connection with it, a sign bearing the word or words "Pharmacist", "Druggist", "Pharmacy", "Pharmaceutical Care", "Apothecary", "Drugstore", "Medicine Store", "Prescriptions", "Drugs", "Medicines", or any word or words of similar or like import, either in the English

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language or any other language; or (4) where the characteristic prescription sign (Rx) or similar design is exhibited; or (5) any store, or shop, or other place with respect to which any of the above words, objects, signs or designs are used in any advertisement.

(b) "Drugs" means and includes (1) articles recognized in the official United States Pharmacopoeia/National Formulary (USP/NF), or any supplement thereto and being intended for and having for their main use the diagnosis, cure, mitigation, treatment or prevention of disease in man or other animals, as approved by the United States Food and Drug Administration, but does not include devices or their components, parts, or accessories; and (2) all other articles intended for and having for their main use the diagnosis, cure, mitigation, treatment or prevention of disease in man or other animals, as approved by the United States Food and Drug Administration, but does not include devices or their components, parts, or accessories; and (3) articles (other than food) having for their main use and intended to affect the structure or any function of the body of man or other animals; and (4) articles having for their main use and intended for use as a component or any articles specified in clause (1), (2) or (3); but does not include devices or their components, parts or accessories.

(c) "Medicines" means and includes all drugs intended for human or veterinary use approved by the United States Food and Drug Administration.

(d) "Practice of pharmacy" means the provision of pharmaceutical care to patients as determined by the pharmacist's professional judgment in the following areas, which may include but are not limited to (1) patient counseling, (2) interpretation and assisting in the monitoring of appropriate drug use and prospective drug utilization review, (3) providing information on the therapeutic values, reactions, drug interactions, side effects, uses, selection of medications and medical devices, and outcome of drug therapy, (4) participation in drug selection, drug monitoring, drug utilization review, evaluation, administration, interpretation, application of pharmacokinetic and laboratory data to design safe and effective drug regimens, (5) drug research (clinical and scientific), and (6) compounding and dispensing of drugs and medical devices.

(e) "Prescription" means and includes any written, oral, facsimile, or electronically transmitted order for drugs or medical devices, issued by a physician licensed to practice medicine in all its branches, dentist, veterinarian, or podiatrist, or therapeutically certified optometrist, within the limits of their licenses, by a physician assistant in accordance with subsection (f) of Section 4, or by an advanced practice nurse in accordance with subsection (g) of Section 4, containing the following: (1) name of the patient; (2) date when prescription was issued; (3) name and strength of drug or description of the medical device prescribed; and (4) quantity, (5) directions for use, (6) prescriber's name, address and signature, and (7) DEA number where required, for controlled substances. DEA numbers shall not be required on inpatient drug orders.

(f) "Person" means and includes a natural person, copartnership, association, corporation, government entity, or any other legal entity.

(g) "Department" means the Department of Professional Regulation.

(h) "Board of Pharmacy" or "Board" means the State Board of Pharmacy of the
Department of Professional Regulation.

(i) "Director" means the Director of Professional Regulation.

(j) "Drug product selection" means the interchange for a prescribed pharmaceutical product in accordance with Section 25 of this Act and Section 3.14 of the Illinois Food, Drug and Cosmetic Act.

(k) "Inpatient drug order" means an order issued by an authorized prescriber for a resident or patient of a facility licensed under the Nursing Home Care Act or the Hospital Licensing Act, or "An Act in relation to the founding and operation of the University of Illinois Hospital and the conduct of University of Illinois health care programs", approved July 3, 1931, as amended, or a facility which is operated by the Department of Human Services (as successor to the Department of Mental Health and Developmental Disabilities) or the Department of Corrections.

(k-5) "Pharmacist" means an individual currently licensed by this State to engage in the practice of pharmacy.

(l) "Pharmacist in charge" means the licensed pharmacist whose name appears on a pharmacy license and who is responsible for all aspects of the operation related to the practice of pharmacy.

(m) "Dispense" means the delivery of drugs and medical devices, in accordance with applicable State and federal laws and regulations, to the patient or the patient's representative authorized to receive these products, including the compounding, packaging, and labeling necessary for delivery, and any recommending or advising concerning the contents and therapeutic values and uses thereof. "Dispense" does not mean the physical delivery to a patient or a patient's representative in a home or institution by a designee of a pharmacist or by common carrier. "Dispense" also does not mean the physical delivery of a drug or medical device to a patient or patient's representative by a pharmacist's designee within a pharmacy or drugstore while the pharmacist is on duty and the pharmacy is open.

(n) "Mail-order pharmacy" means a pharmacy that is located in a state of the United States, other than Illinois, that delivers, dispenses or distributes, through the United States Postal Service or other common carrier, to Illinois residents, any substance which requires a prescription.

(o) "Compounding" means the preparation, mixing, assembling, packaging, or labeling of a drug or medical device: (1) as the result of a practitioner's prescription drug order or initiative that is dispensed pursuant to a prescription in the course of professional practice; or (2) for the purpose of, or incident to, research, teaching, or chemical analysis; or (3) in anticipation of prescription drug orders based on routine, regularly observed prescribing patterns.

(p) "Confidential information" means information, maintained by the pharmacist in the patient's records, released only (i) to the patient or, as the patient directs, to other practitioners and other pharmacists or (ii) to any other person authorized by law to receive the information.

(q) "Prospective drug review" or "drug utilization evaluation" means a screening for potential drug therapy problems due to therapeutic duplication, drug-disease

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contraindications, drug-drug interactions (including serious interactions with nonprescription or over-the-counter drugs), drug-food interactions, incorrect drug dosage or duration of drug treatment, drug-allergy interactions, and clinical abuse or misuse.

(r) "Patient counseling" means the communication between a pharmacist or a student pharmacist under the direct supervision of a pharmacist and a patient or the patient's representative about the patient's medication or device for the purpose of optimizing proper use of prescription medications or devices. The offer to counsel by the pharmacist or the pharmacist's designee, and subsequent patient counseling by the pharmacist or student pharmacist, shall be made in a face-to-face communication with the patient or patient's representative unless, in the professional judgment of the pharmacist, a face-to-face communication is deemed inappropriate or unnecessary. In that instance, the offer to counsel or patient counseling may be made in a written communication, by telephone, or in a manner determined by the pharmacist to be appropriate.

(s) "Patient profiles" or "patient drug therapy record" means the obtaining, recording, and maintenance of prescription and personal information.

(t) "Pharmaceutical care" includes, but is not limited to, the act of monitoring drug use and other patient care services intended to achieve outcomes that improve the patient's quality of life but shall not include the sale of over-the-counter drugs by a seller of goods and services who does not dispense prescription drugs.

(u) "Medical device" means an instrument, apparatus, implement, machine, contrivance, implant, in vitro reagent, or other similar or related article, including any component part or accessory, required under federal law to bear the label "Caution: Federal law requires dispensing by or on the order of a physician". A seller of goods and services who, only for the purpose of retail sales, compounds, sells, rents, or leases medical devices shall not, by reasons thereof, be required to be a licensed pharmacy.

(v) "Unique identifier" means an electronic signature, handwritten signature or initials, thumb print, or other acceptable individual biometric or electronic identification process as approved by the Department.

(Source: P.A. 89-202, eff. 7-21-95; 89-507, eff. 7-1-97; 90-116, eff. 7-14-97; 90-253, eff. 7-29-97; 90-655, eff. 7-30-98; 90-742, eff. 8-13-98.)

(225 ILCS 85/10) (from Ch. 111, par. 4130)

(Section scheduled to be repealed on January 1, 2008)

Sec. 10. State Board of Pharmacy. There is created in the Department the State Board of Pharmacy. It shall consist of 9 members, 7 of whom shall be licensed pharmacists. Each of those 7 members must be a licensed pharmacist in good standing in this State, a graduate of an accredited college of pharmacy or hold a Bachelor of Science degree in Pharmacy and have at least 5 years' practical experience in the practice of pharmacy subsequent to the date of his licensure as a licensed pharmacist in the State of Illinois. There shall be 2 public members, who shall be voting members, who shall not be licensed pharmacists in this State or any other state.

Each member shall be appointed by the Governor.

The terms of all members serving as of March 31, 1999 shall expire on that date. The

New matter indicated by italics - deletions by strikeout.
Governor shall appoint 3 persons to serve one-year terms, 3 persons to serve 3-year terms, and 3 persons to serve 5-year terms to begin April 1, 1999. Otherwise, members shall be appointed to 5 year terms. No member shall be eligible to serve more than 12 consecutive years.

In making the appointment of members on the Board, the Governor shall give due consideration to recommendations by the members of the profession of pharmacy and by pharmaceutical organizations therein. The Governor shall notify the pharmaceutical organizations promptly of any vacancy of members on the Board and in appointing members shall give consideration to individuals engaged in all types and settings of pharmacy practice.

The Governor may remove any member of the Board for misconduct, incapacity or neglect of duty and he shall be the sole judge of the sufficiency of the cause for removal.

Every person appointed a member of the Board shall take and subscribe the constitutional oath of office and file it with the Secretary of State. Each member of the Board shall be reimbursed for such actual and legitimate expenses as he may incur in going to and from the place of meeting and remaining thereat during sessions of the Board. In addition, each member of the Board shall receive a per diem payment in an amount determined from time to time by the Director for attendance at meetings of the Board and conducting other official business of the Board.

The Board shall hold quarterly meetings and an annual meeting in January of each year and such other meetings at such times and places and upon such notice as the Board may determine and as its business may require. Five members of the Board shall constitute a quorum for the transaction of business. The Director shall appoint a pharmacy coordinator, who shall be someone other than a member of the Board. The pharmacy coordinator shall be a registered pharmacist in good standing in this State, shall be a graduate of an accredited college of pharmacy, or hold at a minimum a Bachelor of Science degree in Pharmacy and shall have at least 5 years' experience in the practice of pharmacy immediately prior to his appointment. The pharmacy coordinator shall be the executive administrator and the chief enforcement officer of the Pharmacy Practice Act of 1987.

The Board shall exercise the rights, powers and duties which have been vested in the Board under this Act, and any other duties conferred upon the Board by law.

The Director shall, in conformity with the Personnel Code, employ not less than 7 pharmacy investigators and 2 pharmacy supervisors. Each pharmacy investigator and each supervisor shall be a registered pharmacist in good standing in this State, and shall be a graduate of an accredited college of pharmacy and have at least 5 years of experience in the practice of pharmacy. The Department shall also employ at least one attorney who is a pharmacist to prosecute violations of this Act and its rules. The Department may, in conformity with the Personnel Code, employ such clerical and other employees as are necessary to carry out the duties of the Board.

The duly authorized pharmacy investigators of the Department shall have the right to enter and inspect during business hours any pharmacy or any other place in the State of Illinois holding itself out to be a pharmacy where medicines or drugs or drug products or proprietary medicines are sold, offered for sale, exposed for sale, or kept for sale. The

New matter indicated by italics - deletions by strikeout.
pharmacy investigators shall be the only Department investigators authorized to inspect, investigate, and monitor probation compliance of pharmacists; and pharmacies, and pharmacy technicians.

(Source: P.A. 91-827, eff. 6-13-00; 92-651, eff. 7-11-02.)

(225 ILCS 85/14) (from Ch. 111, par. 4134)

(Section scheduled to be repealed on January 1, 2008)

Sec. 14. Structural and equipment requirements. No person shall establish or move to a new location any pharmacy unless the pharmacy is licensed with the Department and has on file with the Department a verified statement that:

(1) such pharmacy is or will be engaged in the practice of pharmacy; and

(2) such pharmacy will have in stock and shall maintain sufficient drugs and materials as to protect the public it serves within 30 days after the issuance of the registration of the pharmacy.

Division I, II, III, IV, or V pharmacies shall be in a suitable, well-lighted and well-ventilated area with at least 300 square feet of clean and sanitary contiguous space and shall be suitably equipped for compounding prescriptions, storage of drugs and sale of drugs and to otherwise conduct the practice of pharmacy. The space occupied shall be equipped with a sink with hot and cold water or facilities for heating water, proper sewage outlet, refrigeration storage equipment, and such fixtures, facilities, drugs, equipment and material, which shall include the current editions of the United States Pharmacopoeia/DI, Facts and Comparisons, or any other current compendium approved by the Department, and other such reference works, as will enable a pharmacist to practice pharmacy, including this Act and the rules promulgated under this Act. Such pharmacy shall have the following items: accurate weights of 0.5 gr. to 4 oz. and 20 mg to 100 Gm; and a prescription balance equipped with balance indicator and with mechanical means of arresting the oscillations of the mechanism and which balance shall be sensitive to 0.5 grain (32 mg) or less or an alternative weighing device as approved by the Department, and such other measuring devices as may be necessary for the conduct of the practice of pharmacy.

The provisions of this Section with regard to 300 square feet of space shall apply to any pharmacy which is opened after the effective date of this Act. Nothing shall require a pharmacy in existence on the effective date of this Act which is comprised of less than 300 square feet to provide additional space to meet these requirements.

(Source: P.A. 90-253, eff. 7-29-97.)

(225 ILCS 85/15) (from Ch. 111, par. 4135)

(Section scheduled to be repealed on January 1, 2008)

Sec. 15. Pharmacy requirements. It shall be unlawful for the owner of any pharmacy, as defined in this Act, to operate or conduct the same, or to allow the same to be operated or conducted, unless:

(a) It has a licensed pharmacist, authorized to practice pharmacy in this State under the provisions of this Act, on duty whenever the practice of pharmacy is conducted;

(b) Security provisions for all drugs and devices, as determined by rule of the Department, are provided during the absence from the licensed pharmacy of all licensed

New matter indicated by italics - deletions by strikeout.
pharmacists. Maintenance of security provisions is the responsibility of the licensed registered pharmacist in charge; and

(c) The pharmacy is licensed under this Act to do business.

The Department shall, by rule, provide requirements for each division of pharmacy license and shall, as well provide guidelines for the designation of a registered pharmacist in charge for each division.

Division I. Retail Licenses for pharmacies which are open to, or offer pharmacy services to, the general public. Division II. Licenses for pharmacies whose primary pharmacy service is provided to patients or residents of facilities licensed under the Nursing Home Care Act or the Hospital Licensing Act, or "An Act in relation to the founding and operation of the University of Illinois Hospital and the conduct of University of Illinois health care programs", approved July 3, 1931, as amended, and which are not located in the facilities they serve.

Division III. Licenses for pharmacies which are located in a facility licensed under the Nursing Home Care Act or the Hospital Licensing Act, or "An Act in relation to the founding and operation of the University of Illinois Hospital and the conduct of University of Illinois health care programs", approved July 3, 1931, as amended, or a facility which is operated by the Department of Human Services (as successor to the Department of Mental Health and Developmental Disabilities) or the Department of Corrections, and which provide pharmacy services to residents or patients of the facility, as well as employees, prescribers and students of the facility.

Division IV. Licenses for pharmacies which provide or offer for sale radioactive materials.

Division V. Licenses for pharmacies which hold licenses in Division II or Division III which also provide pharmacy services to the general public, or pharmacies which are located in or whose primary pharmacy service is to ambulatory care facilities or schools of veterinary medicine or other such institution or facility.

The Director may waive the requirement for a pharmacist to be on duty at all times for State facilities not treating human ailments.

It shall be unlawful for any person, who is not a licensed pharmacy or health care facility, to purport to be such or to use in name, title, or sign designating, or in connection with that place of business, any of the words: "pharmacy", "pharmacist", "pharmacy department", "apothecary", "druggist", "drug", "drugs", "medicines", "medicine store", "drug sundries", "prescriptions filled", or any list of words indicating that drugs are compounded or sold to the lay public, or prescriptions are dispensed therein. Each day during which, or a part which, such representation is made or appears or such a sign is allowed to remain upon or in such a place of business shall constitute a separate offense under this Act. The holder of any license or certificate of registration shall conspicuously display it in the pharmacy in which he is engaged in the practice of pharmacy. The registered pharmacist in charge shall conspicuously display his name in such pharmacy. The pharmacy license shall also be conspicuously displayed.

(Source: P.A. 89-507, eff. 7-1-97; 90-253, eff. 7-29-97.)

New matter indicated by italics - deletions by strikeout.
Section 17.1. Pharmacy technician training.

(a) Beginning January 1, 2004, it shall be the joint responsibility of a pharmacy and its pharmacist in charge to have trained all of its pharmacy technicians or obtain proof of prior training in all of the following topics as they relate to the practice site:

1. The duties and responsibilities of the technicians and pharmacists.
2. Tasks and technical skills, policies, and procedures.
3. Compounding, packaging, labeling, and storage.
4. Pharmaceutical and medical terminology.
5. Record keeping requirements.
6. The ability to perform and apply arithmetic calculations.

(b) Within 6 months after initial employment or changing the duties and responsibilities of a pharmacy technician, it shall be the joint responsibility of the pharmacy and the pharmacist in charge to train the pharmacy technician or obtain proof of prior training in the areas listed in subsection (a) of this Section as they relate to the practice site.

(c) All divisions of pharmacies shall maintain an up-to-date training program describing the duties and responsibilities of a pharmacy technician.

(d) All divisions of pharmacies shall create and maintain retrievable records of training or proof of training as required in this Section.

Section 18. Record retention. There shall be kept in every drugstore or pharmacy a suitable book, file, or electronic record keeping system in which shall be preserved for a period of not less than 5 years the original of every written prescription and the original transcript or copy of every verbal prescription filled, compounded, or dispensed, in such pharmacy; and such book or file of prescriptions shall at all reasonable times be open to inspection to the pharmacy coordinator and the duly authorized agents or employees of the Department.

Every prescription filled or refilled shall contain the unique identifier of the person authorized to practice pharmacy under the provision of this Act who fills or refills the prescription.

Records kept pursuant to this Section may be maintained in an alternative data retention system, such as a direct digital imaging system, provided that:

1. the records maintained in the alternative data retention system contain all of the information required in a manual record;
2. the data processing system is capable of producing a hard copy of the electronic record on the request of the Board, its representative, or other authorized local, State, or federal law enforcement or regulatory agency; and
3. the digital images are recorded and stored only by means of a technology that does not allow subsequent revision or replacement of the images.

As used in this Section, "digital imaging system" means a system, including people,
machines, methods of organization, and procedures, that provides input, storage, processing, communications, output, and control functions for digitized representations of original prescription records.

Inpatient drug orders may be maintained within an institution in a manner approved by the Department.

(Source: P.A. 90-253, eff. 7-29-97.)

(225 ILCS 85/19) (from Ch. 111, par. 4139)

Sec. 19. Nothing contained in this Act shall be construed to prohibit a pharmacist licensed in this State from filling or refilling a valid prescription for prescription drugs which is on file in a pharmacy licensed in any state and has been transferred from one pharmacy to another by any means, including by way of electronic data processing equipment upon the following conditions and exceptions:

(1) Prior to dispensing pursuant to any such prescription, the dispensing pharmacist shall:

(a) Advise the patient that the prescription on file at such other pharmacy must be canceled before he will be able to fill or refill it.

(b) Determine that the prescription is valid and on file at such other pharmacy and that such prescription may be filled or refilled, as requested, in accordance with the prescriber's intent expressed on such prescription.

(c) Notify the pharmacy where the prescription is on file that the prescription must be canceled.

(d) Record in writing the prescription order, the name of the pharmacy at which the prescription was on file, the prescription number, the name of the drug and the original amount dispensed, the date of original dispensing, and the number of remaining authorized refills.

(e) Obtain the consent of the prescriber to the refilling of the prescription when the prescription, in the professional judgment of the dispensing pharmacist, so requires. Any interference with the professional judgment of the dispensing pharmacist by any other registered pharmacist, his agents, or employees shall be grounds for revocation or suspension of the permit issued to the pharmacy.

(2) Upon receipt of a request for prescription information set forth in subparagraph (d) of paragraph (1) of this Section, if the requested pharmacist is satisfied in his professional judgment that such request is valid and legal, the requested pharmacist shall:

(a) Provide such information accurately and completely.

(b) Record on the face of the prescription the name of the requesting pharmacy and pharmacist and the date of request.

(c) Cancel the prescription on file by writing the word "void" on its face. No further prescription information shall be given or medication dispensed pursuant to such original prescription.

(3) In the event that, after the information set forth in subparagraph (d) of paragraph (1) of this Section has been provided, a prescription is not dispensed by the requesting pharmacist, the prescribing pharmacist shall:

New matter indicated by italics - deletions by strikeout.
pharmacist, then such pharmacist shall provide notice of this fact to the pharmacy from which such information was obtained; such notice shall then cancel the prescription in the same manner as set forth in subparagraph (c) of paragraph (2) of this Section.

(4) When filling or refilling a valid prescription on file in another state, the dispensing pharmacist shall be required to follow all the requirements of Illinois law which apply to the dispensing of prescription drugs. If anything in Illinois law prevents the filling or refilling of the original prescription it shall be unlawful to dispense pursuant to this Section.

(5) Prescriptions for drugs in Schedules III, IV, and V of the Illinois Controlled Substances Act may be transferred only once and may not be further transferred.

(Source: P.A. 88-428.)

(225 ILCS 85/22) (from Ch. 111, par. 4142)

Sec. 22. Except only in the case of a drug, medicine or poison which is lawfully sold or dispensed, at retail, in the original and unbroken package of the manufacturer, packer, or distributor thereof, and which package bears the original label thereon showing the name and address of the manufacturer, packer, or distributor thereof, and the name of the drug, medicine, or poison therein contained, and the directions for its use, no person shall sell or dispense, at retail, any drug, medicine, or poison, without affixing to the box, bottle, vessel, or package containing the same, a label bearing the name of the article distinctly shown, and the directions for its use, with the name and address of the pharmacy wherein the same is sold or dispensed. However, in the case of a drug, medicine, or poison which is sold or dispensed pursuant to a prescription of a physician licensed to practice medicine in all of its branches, licensed dentist, licensed veterinarian, licensed podiatrist, or therapeutically or diagnostically certified optometrist authorized by law to prescribe drugs or medicines or poisons, the label affixed to the box, bottle, vessel, or package containing the same shall show: (a) the name and address of the pharmacy wherein the same is sold or dispensed; (b) the name or initials of the person, authorized to practice pharmacy under the provisions of this Act, selling or dispensing the same; (c) the date on which such prescription was filled; (d) the name of the patient; (e) the serial number of such prescription as filed in the prescription files; (f) the last name of the practitioner who prescribed such prescriptions; (g) the directions for use thereof as contained in such prescription; and (h) the proprietary name or names or the established name or names of the drugs, the dosage and quantity, except as otherwise authorized by regulation of the Department. Any person who sells or dispenses any drug, medicine or poison shall sell or dispense such drug, medicine or poison in good faith. "Good faith", for purposes of this Section, has the meaning ascribed to it in subsection (u) of Section 102 of the "Illinois Controlled Substances Act", approved August 16, 1971, as amended. The Department shall establish rules governing labeling in Division II and Division III pharmacies.

(Source: P.A. 90-253, eff. 7-29-97.)

(225 ILCS 85/27) (from Ch. 111, par. 4147)

(Section scheduled to be repealed on January 1, 2008)
Sec. 27. Fees. The following fees are not refundable.

(A) Certificate of pharmacy technician.
   (1) The fee for application for a certificate of registration as a pharmacy technician is $40.
   (2) The fee for the renewal of a certificate of registration as a pharmacy technician shall be calculated at the rate of $25 per year.

(B) License as a pharmacist.
   (1) The fee for application for a license is $75.
   (2) In addition, applicants for any examination as a registered pharmacist shall be required to pay, either to the Department or to the designated testing service, a fee covering the cost of determining an applicant's eligibility and providing the examination. Failure to appear for the examination on the scheduled date, at the time and place specified, after the applicant's application for examination has been received and acknowledged by the Department or the designated testing service, shall result in the forfeiture of the examination fee.
   (3) The fee for a license as a registered pharmacist registered or licensed under the laws of another state or territory of the United States is $200.
   (4) The fee upon the renewal of a license shall be calculated at the rate of $75 per year.
   (5) The fee for the restoration of a certificate other than from inactive status is $10 plus all lapsed renewal fees.
   (6) Applicants for the preliminary diagnostic examination shall be required to pay, either to the Department or to the designated testing service, a fee covering the cost of determining an applicant's eligibility and providing the examination. Failure to appear for the examination on the scheduled date, at the time and place specified, after the application for examination has been received and acknowledged by the Department or the designated testing service, shall result in the forfeiture of the examination fee.
   (7) The fee to have the scoring of an examination authorized by the Department reviewed and verified is $20 plus any fee charged by the applicable testing service.

(C) License as a pharmacy.
   (1) The fee for application for a license for a pharmacy under this Act is $100.
   (2) The fee for the renewal of a license for a pharmacy under this Act shall be calculated at the rate of $100 per year.
   (3) The fee for the change of a pharmacist-in-charge is $25.

(D) General Fees.
   (1) The fee for the issuance of a duplicate license, for the issuance of a replacement license for a license that has been lost or destroyed or for the issuance of a license with a change of name or address other than during the renewal period is $20. No fee is required for name and address changes on Department records when no duplicate certification is issued.

New matter indicated by italics - deletions by strikeout.
(2) The fee for a certification of a registrant's record for any purpose is $20.

(3) The fee to have the scoring of an examination administered by the Department reviewed and verified is $20.

(4) The fee for a wall certificate showing licensure or registration shall be the actual cost of producing the certificate.

(5) The fee for a roster of persons registered as pharmacists or registered pharmacies in this State shall be the actual cost of producing the roster.

(6) The fee for pharmacy licensing, disciplinary or investigative records obtained pursuant to a subpoena is $1 per page.

(E) Except as provided in subsection (F), all moneys received by the Department under this Act shall be deposited in the Illinois State Pharmacy Disciplinary Fund hereby created in the State Treasury and shall be used only for the following purposes: (a) by the State Board of Pharmacy in the exercise of its powers and performance of its duties, as such use is made by the Department upon the recommendations of the State Board of Pharmacy, (b) for costs directly related to license renewal of persons licensed under this Act, and (c) for direct and allocable indirect costs related to the public purposes of the Department of Professional Regulation.

Moneys in the Fund may be transferred to the Professions Indirect Cost Fund as authorized under Section 2105-300 of the Department of Professional Regulation Law (20 ILCS 2105/2105-300).

The moneys deposited in the Illinois State Pharmacy Disciplinary Fund shall be invested to earn interest which shall accrue to the Fund. The Department shall present to the Board for its review and comment all appropriation requests from the Illinois State Pharmacy Disciplinary Fund. The Department shall give due consideration to any comments of the Board in making appropriation requests.

(F) From the money received for license renewal fees, $5 from each pharmacist fee, and $2.50 from each pharmacy technician fee, shall be set aside within the Illinois State Pharmacy Disciplinary Fund for the purpose of supporting a substance abuse program for pharmacists and pharmacy technicians. The State Board of Pharmacy shall, pursuant to all provisions of the Illinois Procurement Code, determine how and to whom the money set aside under this subsection is disbursed.

(G) (Blank).

(Source: P.A. 90-372, eff. 7-1-98; 91-239, eff. 1-1-00.)

(225 ILCS 85/30) (from Ch. 111, par. 4150)

(Section scheduled to be repealed on January 1, 2008)

Sec. 30. (a) In accordance with Section 11 of this Act, the Department may refuse to issue, restore, or renew, or may revoke, suspend, place on probation, reprimand or take other disciplinary action as the Department may deem proper with regard to any license or certificate of registration for any one or combination of the following causes:

1. Material misstatement in furnishing information to the Department.
2. Violations of this Act, or the rules promulgated hereunder.
3. Making any misrepresentation for the purpose of obtaining licenses.

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4. A pattern of conduct which demonstrates incompetence or unfitness to practice.
5. Aiding or assisting another person in violating any provision of this Act or rules.
6. Failing, within 60 days, to respond to a written request made by the Department for information.
7. Engaging in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public.
8. Discipline by another U.S. jurisdiction or foreign nation, if at least one of the grounds for the discipline is the same or substantially equivalent to those set forth herein.
9. Directly or indirectly giving to or receiving from any person, firm, corporation, partnership or association any fee, commission, rebate or other form of compensation for any professional services not actually or personally rendered.
10. A finding by the Department that the licensee, after having his license placed on probationary status has violated the terms of probation.
11. Selling or engaging in the sale of drug samples provided at no cost by drug manufacturers.
12. Physical illness, including but not limited to, deterioration through the aging process, or loss of motor skill which results in the inability to practice the profession with reasonable judgment, skill or safety.
13. A finding that licensure or registration has been applied for or obtained by fraudulent means.
14. The applicant, or licensee has been convicted in state or federal court of any crime which is a felony or any misdemeanor related to the practice of pharmacy, of which an essential element is dishonesty.
15. Habitual or excessive use or addiction to alcohol, narcotics, stimulants or any other chemical agent or drug which results in the inability to practice with reasonable judgment, skill or safety.
16. Willfully making or filing false records or reports in the practice of pharmacy, including, but not limited to false records to support claims against the medical assistance program of the Department of Public Aid under the Public Aid Code.
17. Gross and willful overcharging for professional services including filing false statements for collection of fees for which services are not rendered, including, but not limited to, filing false statements for collection of monies for services not rendered from the medical assistance program of the Department of Public Aid under the Public Aid Code.
18. Repetitiously dispensing prescription drugs without receiving a written or oral prescription.
19. Upon a finding of a substantial discrepancy in a Department audit of a prescription drug, including controlled substances, as that term is defined in this Act

New matter indicated by italics - deletions by strikeout.
or in the Illinois Controlled Substances Act.

20. Physical illness which results in the inability to practice with reasonable judgment, skill or safety, or mental incompetency as declared by a court of competent jurisdiction.


22. Failing to sell or dispense any drug, medicine, or poison in good faith. "Good faith", for the purposes of this Section, has the meaning ascribed to it in subsection (u) of Section 102 of the Illinois Controlled Substances Act.

23. Interfering with the professional judgment of a pharmacist by any registrant under this Act, or his or her agents or employees.

(b) The Department may refuse to issue or may suspend the license or registration of any person who fails to file a return, or to pay the tax, penalty or interest shown in a filed return, or to pay any final assessment of tax, penalty or interest, as required by any tax Act administered by the Illinois Department of Revenue, until such time as the requirements of any such tax Act are satisfied.

(c) The Department shall revoke the license or certificate of registration issued under the provisions of this Act or any prior Act of this State of any person who has been convicted a second time of committing any felony under the Illinois Controlled Substances Act, or who has been convicted a second time of committing a Class 1 felony under Sections 8A-3 and 8A-6 of the Illinois Public Aid Code. A person whose license or certificate of registration issued under the provisions of this Act or any prior Act of this State is revoked under this subsection (c) shall be prohibited from engaging in the practice of pharmacy in this State.

(d) In any order issued in resolution of a disciplinary proceeding, the Board may request any licensee found guilty of a charge involving a significant violation of subsection (a) of Section 5, or paragraph 19 of Section 30 as it pertains to controlled substances, to pay to the Department a fine not to exceed $2,000.

(e) In any order issued in resolution of a disciplinary proceeding, in addition to any other disciplinary action, the Board may request any licensee found guilty of noncompliance with the continuing education requirements of Section 12 to pay the Department a fine not to exceed $1000.

(f) The Department shall issue quarterly to the Board a status of all complaints related to the profession received by the Department.

(Source: P.A. 86-596; 86-1434; 86-1472; 87-1207.)


PUBLIC ACT 92-0881
(House Bill No. 2721)

AN ACT in relation to water reclamation.
Be it enacted by the People of the State of Illinois, represented in the General

New matter indicated by italics - deletions by strikeout.
Assembly:

Section 5. The Metropolitan Water Reclamation District Act is amended by adding Section 267 as follows:

(70 ILCS 2605/267 new)

Sec. 267. District enlarged. Upon the effective date of this amendatory Act of the 92nd General Assembly, the corporate limits of the Metropolitan Water Reclamation District are extended to include within those limits the following described tract, and this tract is annexed to the District:

THAT PART OF THE SOUTHWEST QUARTER OF SECTION 21, TOWNSHIP 41 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN THE TOWNSHIP OF HANOVER IN COOK COUNTY, ILLINOIS DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 21; THENCE SOUTH 88 DEGREES 53 MINUTES 45 SECONDS WEST 1,255.98 FEET TO A POINT ON THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 21, SAID POINT ALSO, BEING THE SOUTHWEST CORNER OF LOT 17 IN COUNTY CLERKS DIVISION OF SECTION 21 RECORDED MAY 31, 1895 AS DOCUMENT NUMBER 2227312; THENCE NORTH 00 DEGREES 24 MINUTES 19 SECONDS EAST 1,170.79 FEET, ALONG THE WEST LINE OF SAID LOT 17 TO A POINT ON THE SOUTHEASTERLY LINE OF SHERWOOD OAKS SUBDIVISION UNIT 7, RECORDED JULY 12, 1988 AS DOCUMENT NO. 88307607; THENCE NORTH 42 DEGREES 50 MINUTES 43 SECONDS EAST 129.40 FEET, ALONG SAID SOUTHEASTERLY LINE TO THE SOUTHWESTERLY CORNER OF CASTLE WOODS ESTATES SUBDIVISION, RECORDED DECEMBER 20, 1990 AS DOCUMENT NO. 90617272; THENCE SOUTH 88 DEGREES 46 MINUTES 02 SECONDS EAST 1,170.34 FEET, ALONG THE SOUTH LINE OF SAID CASTLE WOODS ESTATES SUBDIVISION TO THE EAST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 21; THENCE SOUTH 00 DEGREES 28 MINUTES 45 SECONDS WEST 1,266.65 FEET TO THE POINT OF BEGINNING, CONTAINING 1,585,483.72, MORE OR LESS (36.40 ACRES, MORE OR LESS).

Section 99. Effective date. This Act takes effect upon becoming law.


PUBLIC ACT 92-0882
(House Bill No. 5159)

AN ACT in relation to executive agencies.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

New matter indicated by italics - deletions by strikeout.
Section 5. The Rural Bond Bank Act is amended by changing Section 3-3 as follows:
(30 ILCS 360/3-3) (from Ch. 17, par. 7203-3)
Sec. 3-3. Bonds and notes of the Bank.
(a) The Bank may issue its bonds and notes from time to time in any principal amounts that it considers necessary to provide funds for any of the purposes authorized by this Act, including:

(1) the making of loans;
(2) the payment, funding or refunding of the principal of, or interest or redemption premiums on, any bonds issued by the Bank, whether the bonds or interest to be funded or refunded have or have not become due or subject to redemption before maturity in accordance with their terms;

(3) the establishment or increase of reserves to secure or to pay bonds or interest on the bonds; and

(4) all other costs or expenses of the Bank incident to and necessary or convenient to carry out its corporate purposes and powers.

(b) Except as expressly provided otherwise in this Act or by the Bank, every issue of bonds shall be general obligations of the Bank payable out of any revenues or funds of the Bank, subject only to any agreements with the holders of particular bonds pledging any particular revenues or funds. General obligation bonds may be additionally secured by a pledge of any grants, subsidies, contributions, funds or money from the federal government, the State, any governmental unit, any person or a pledge of any income or revenues, funds or money of the Bank from any source.

Not less than 30 days prior to the commitment to issue its bonds, or the making of loans or the purchasing of securities for the purpose of financing residential properties or related improvements, the Bank shall provide notice to the Executive Director of the Illinois Housing Development Authority. Within 30 days after notice is provided, the Illinois Housing Development Authority shall either in writing express interest in financing the residential property or related improvements or notify the Bank that it is not interested in providing such financing and the Bank may finance it or seek alternative financing.

(c)(1) The Bank may issue its notes for any corporate purpose of the Bank from time to time, in any principal amounts that it considers necessary, and may renew or pay and retire or refund the notes from the proceeds of bonds or of other notes, or from any other funds or money of the Bank available or to be made available for that purpose in accordance with any contract between the Bank and the noteholders, not otherwise pledged. The notes shall be issued in the same manner as bonds. The notes and the resolution or resolutions authorizing the notes may contain any provisions, conditions or limitations which the bonds or a bond resolution of the Bank may contain.

(2) Unless provided otherwise in any contract between the Bank and the noteholders, and unless the notes have been otherwise paid, funded or refunded, the proceeds of any bonds of the Bank issued, among other things, to fund such outstanding notes, shall be held, used and applied by the Bank to the payment and

New matter indicated by italics - deletions by strikeout.
retirement of the principal of these notes and the interest due and payable on the notes.

(3) The Bank may make contracts for the future sale from time to time of the notes under which the purchaser is committed to purchase the notes from time to time on terms and conditions stated in the contracts. The Bank may pay any consideration that it determines proper for these commitments.

(d) Whether or not the bonds or notes of the Bank are of such form and character as to be negotiable instruments under Article 8 of the Uniform Commercial Code, the bonds and notes shall be and are made negotiable instruments within the meaning of and for all the purposes of the Uniform Commercial Code, subject only to the provisions of the bonds and notes for registration.

(e) Bonds or notes of the Bank shall be authorized by resolution of the Bank and may be issued in one or more series. The resolution or resolutions may provide:

(1) the date or dates the bonds or notes will bear;
(2) the time or times the bonds or notes will mature;
(3) the rate or rates of interest per year the bonds or notes will bear;
(4) the denomination or denominations of the bonds or notes;
(5) the form of the bonds or notes, either coupon or registered;
(6) the conversion or registration privileges carried by the bonds or notes;
(7) the rank or priority of the bonds or notes;
(8) the manner of execution of the bonds or notes;
(9) the sources, medium and place or places, within or outside this State, of payment; and
(10) the terms of redemption of the bonds or notes, with or without premium.

(f) Bonds or notes of the Bank may be sold at public or private sale at the time or times and at the price or prices determined by the Bank.

(g) Upon approval of the Governor, except as otherwise provided herein, bonds or notes of the Bank may be issued under this Act without obtaining the consent of any other department, division, commission, board, bureau or agency of the State, and without any other proceeding or the happening of any other conditions or things than those proceedings, conditions or things which are specifically required by this Act. Approval of the Governor is not required for issuances of bonds or notes as to which the Bank has determined that subsection (c) of Section 2-6 shall not apply.

(h) The Bank may from time to time issue its notes as provided in this Act and pay and retire or fund or refund those notes from proceeds of bonds or of other notes, or from any other funds or money of the Bank available or to be made available for those purposes in accordance with any contract between the Bank and the noteholders. Unless provided otherwise in any contract between the Bank and the holders of notes, and unless the notes have been otherwise paid, funded or refunded, the proceeds of any bonds of the Bank issued, among other things, to fund those outstanding notes, shall be held, used and applied by the Bank to the payments and retirement of the principal of the notes and the interest due and payable on the notes.
(i) The total aggregate original principal amount of all bonds and notes issued by the Bank shall not exceed $245,000,000, excluding bonds and notes issued to refund outstanding bonds and notes, $200,000,000. No more than $60,000,000 $50,000,000 in aggregate original principal amount of all bonds and notes issued by the Bank shall be used to purchase local governmental securities issued by governmental units located in a county having a population in excess of 3,000,000 or in a County contiguous with a county having a population in excess of 3,000,000. All bonds and notes issued by the Bank heretofore shall be deemed to be included in said limits.

The bonds and notes issued by the Bank may bear interest at such rate or rates not exceeding the maximum rate permitted by the Bond Authorization Act.

(j) The State of Illinois pledges to and agrees with the holders of the bonds and notes of the Bank issued pursuant to this Act that the State will not limit or alter the rights and powers vested in the Bank by this Act so as to impair the terms of any contract made by the Bank with those holders or in any way impair the rights and remedies of those holders until those bonds and notes, together with interest thereon, with interest on any unpaid installments of interest, and all costs and expenses in connection with any action or proceedings by or on behalf of such holders, are fully met and discharged. In addition, the State pledges to and agrees with the holders of the bonds and notes of the Bank issued pursuant to this Act that the State will not limit or alter the basis on which State funds are to be paid to the Bank as provided in this Act, or the use of such funds, so as to impair the terms of any such contract. The Bank is authorized to include these pledges and agreements of the State in any contract with the holders of bonds or notes issued pursuant to this Act.

(Source: P.A. 89-211, eff. 8-3-95; 90-709, eff. 8-7-98.)

Section 99. Effective date. This Act takes effect upon becoming law.

PUBLIC ACT 92-0883
(House Bill No. 5222)

AN ACT in relation to vehicles.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Vehicle Code is amended by re-enacting Section 6-301 and changing Sections 6-601 and 15-107 as follows:

(625 ILCS 5/6-301) (from Ch. 95 1/2, par. 6-301)
Sec. 6-301. Unlawful use of license or permit.
(a) It is a violation of this Section for any person:
1. To display or cause to be displayed or have in his possession any cancelled, revoked or suspended license or permit;
2. To lend his license or permit to any other person or knowingly allow the
use thereof by another;
3. To display or represent as his own any license or permit issued to another;
4. To fail or refuse to surrender to the Secretary of State or his agent or any peace officer upon his lawful demand, any license or permit, which has been suspended, revoked or cancelled;
5. To allow any unlawful use of a license or permit issued to him;
6. To submit to an examination or to obtain the services of another person to submit to an examination for the purpose of obtaining a driver's license or permit for some other person.
(b) Sentence.
1. Any person convicted of a violation of this Section shall be guilty of a Class A misdemeanor and shall be sentenced to a minimum fine of $500 or 50 hours of community service, preferably at an alcohol abuse prevention program, if available.
2. Any person convicted of a second or subsequent violation of this Section shall be guilty of a Class 4 felony.
3. In addition to any other sentence imposed under paragraph 1 or 2 of this subsection (b), a person convicted of a violation of paragraph 6 of subsection (a) shall be imprisoned for not less than 7 days.
(c) This Section does not prohibit any lawfully authorized investigative, protective, law enforcement or other activity of any agency of the United States, State of Illinois or any other state or political subdivision thereof.
(d) This Section does not apply to licenses and permits invalidated under Section 6-301.3 of this Code.
(Source: P.A. 92-647, eff. 1-1-03.)
(625 ILCS 5/6-601) (from Ch. 95 1/2, par. 6-601)
If a licensee under this Code is convicted of violating Section 6-101 for operating a motor vehicle during a time when such licensee's driver's license was invalid under the provisions of Section 6-110, then conviction under such circumstances shall be punishable by a fine of not more than $25.

If a licensee under this Code is convicted of violating Section 6-303 for operating a motor vehicle during a time when such licensee's driver's license was suspended under the provisions of Section 6-306.3, then such act shall be a petty offense (provided the licensee has answered the charge which was the basis of the suspension under Section 6-306.3), and there shall be imposed no additional like period of suspension as provided in paragraph (b) of Section 6-303.

Any person convicted of a violation of subsection 6 of Section 6-301 shall be guilty of a Class B misdemeanor and shall be imprisoned for not less than 7 days.

(Source: P.A. 92-622, eff. 1-1-03.)

(Text of Section from P.A. 92-647)

Sec. 6-601. Penalties.

(a) It is a petty offense for any person to violate any of the provisions of this Chapter unless such violation is by this Code or other law of this State declared to be a misdemeanor or a felony.

(b) General penalties. Unless another penalty is in this Code or other laws of this State, every person convicted of a petty offense for the violation of any provision of this Chapter shall be punished by a fine of not more than $500.

(c) Unlicensed driving. Except as hereinafter provided a violation of Section 6-101 shall be:

1. A Class A misdemeanor if the person failed to obtain a driver's license or permit after expiration of a period of revocation.

2. A Class B misdemeanor if the person has been issued a driver's license or permit, which has expired, and if the period of expiration is greater than one year 6 months; or if the person has never been issued a driver's license or permit, or is not qualified to obtain a driver's license or permit because of his age.

If a licensee under this Code is convicted of violating Section 6-101 for operating a motor vehicle during a time when such licensee's driver's license was invalid under the provisions of Section 6-110, then conviction under such circumstances shall be punishable by a fine of not more than $25.

If a licensee under this Code is convicted of violating Section 6-303 for operating a motor vehicle during a time when such licensee's driver's license was suspended under the provisions of Section 6-306.3, then such act shall be a petty offense (provided the licensee has answered the charge which was the basis of the suspension under Section 6-306.3), and there shall be imposed no additional like period of suspension as provided in paragraph (b) of Section 6-303.

(Source: P.A. 92-647, eff. 1-1-03.)

(625 ILCS 5/15-107) (from Ch. 95 1/2, par. 15-107)

Sec. 15-107. Length of vehicles.

New matter indicated by italics - deletions by strikeout.
(a) The maximum length of a single vehicle on any highway of this State may not exceed 42 feet except the following:
   (1) Semitrailers.
   (2) Charter or regulated route buses may be up to 45 feet in length, not including energy absorbing bumpers.
   (a-1) A motor home as defined in Section 1-145.01 may be up to 45 feet in length, not including energy absorbing bumpers. The length limitations described in this subsection (a-1) shall be exclusive of energy-absorbing bumpers and rear view mirrors.
(b) On all non-State highways, the maximum length of vehicles in combinations is as follows:
   (1) A truck tractor in combination with a semitrailer may not exceed 55 feet overall dimension.
   (2) A truck tractor-semitrailer-trailer may not exceed 60 feet overall dimension.
   (3) Combinations specially designed to transport motor vehicles or boats may not exceed 60 feet overall dimension.
   Vehicles operating during daylight hours when transporting poles, pipes, machinery, or other objects of a structural nature that cannot readily be dismembered are exempt from length limitations, provided that no object may exceed 80 feet in length and the overall dimension of the vehicle including the load may not exceed 100 feet. This exemption does not apply to operation on a Saturday, Sunday, or legal holiday. Legal holidays referred to in this Section are the days on which the following traditional holidays are celebrated: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; and Christmas Day.
   Vehicles and loads operated by a public utility while en route to make emergency repairs to public service facilities or properties are exempt from length limitations, provided that during night operations every vehicle and its load must be equipped with a sufficient number of clearance lamps on both sides and marker lamps on the extreme ends of any projecting load to clearly mark the dimensions of the load.
   A tow truck in combination with a disabled vehicle or combination of disabled vehicles, as provided in paragraph (6) of subsection (c) of this Section, is exempt from length limitations.
   All other combinations not listed in this subsection (b) may not exceed 60 feet overall dimension.
   (c) Combinations of vehicles may not exceed a total of 2 vehicles except the following:
   (1) A truck tractor semitrailer may draw one trailer.
   (2) A truck tractor semitrailer may draw one converter dolly.
   (3) A truck tractor semitrailer may draw one vehicle that is defined in Chapter 1 as special mobile equipment, provided the overall dimension does not exceed 60 feet.
   (4) A truck in transit may draw 3 trucks in transit coupled together by the
triple saddlemount method.
(5) Recreational vehicles consisting of 3 vehicles, provided the following:
   (A) The total overall dimension does not exceed 60 feet.
   (B) The towing vehicle is a properly registered vehicle capable of towing another vehicle using a fifth-wheel type assembly.
   (C) The second vehicle in the combination of vehicles is a recreational vehicle that is towed by a fifth-wheel assembly. This vehicle must be properly registered and must be equipped with brakes, regardless of weight.
   (D) The third vehicle must be the lightest of the 3 vehicles and be a trailer or semitrailer designed or used for transporting a boat, all-terrain vehicle, personal watercraft, or motorcycle.
   (E) The towed vehicles may be only for the use of the operator of the towing vehicle.
   (F) All vehicles must be properly equipped with operating brakes and safety equipment required by this Code, except the additional brake requirement in subdivision (C) of this subparagraph (5).
(6) A tow truck in combination with a disabled vehicle or combination of disabled vehicles, provided the towing vehicle:
   (A) Is specifically designed as a tow truck having a gross vehicle weight rating of at least 18,000 pounds and equipped with air brakes, provided that air brakes are required only if the towing vehicle is towing a vehicle, semitrailer, or tractor-trailer combination that is equipped with air brakes. For the purpose of this subsection, gross vehicle weight rating, or GVWR, means the value specified by the manufacturer as the loaded weight of the tow truck.
   (B) Is equipped with flashing, rotating, or oscillating amber lights, visible for at least 500 feet in all directions.
   (C) Is capable of utilizing the lighting and braking systems of the disabled vehicle or combination of vehicles.
   (D) Does not engage a tow exceeding 50 highway miles from the initial point of wreck or disablement to a place of repair. Any additional movement of the vehicles may occur only upon issuance of authorization for that movement under the provisions of Sections 15-301 through 15-319 of this Code.

The Department may by rule or regulation prescribe additional requirements regarding length limitations for a tow truck towing another vehicle.

For purposes of this Section, a tow-dolly that merely serves as substitute wheels for another legally licensed vehicle is considered part of the licensed vehicle and not a separate vehicle.

(d) On Class I highways there are no overall length limitations on motor vehicles operating in combinations provided:

New matter indicated by italics - deletions by strikeout.
(1) The length of a semitrailer, unladen or with load, in combination with a truck tractor may not exceed 53 feet.

(2) The distance between the kingpin and the center of the rear axle of a semitrailer longer than 48 feet, in combination with a truck tractor, may not exceed 45 feet 6 inches.

(3) The length of a semitrailer or trailer, unladen or with load, operated in a truck tractor-semitrailer-trailer combination, may not exceed 28 feet 6 inches.

(4) Maxi-cube combinations, as defined in Chapter 1, may not exceed 65 feet overall dimension.

(5) Combinations of vehicles specifically designed to transport motor vehicles or boats may not exceed 65 feet overall dimension. The length limitation is inclusive of front and rear bumpers but exclusive of the overhang of the transported vehicles, as provided in paragraph (i) of this Section.

(6) Stinger steered semitrailer vehicles as defined in Chapter 1, specifically designed to transport motor vehicles or boats, may not exceed 75 feet overall dimension. The length limitation is inclusive of front and rear bumpers but exclusive of the overhang of the transported vehicles, as provided in paragraph (i) of this Section.

(7) A truck in transit transporting 3 trucks coupled together by the triple saddlemount method may not exceed 75 feet overall dimension.

Vehicles operating during daylight hours when transporting poles, pipes, machinery, or other objects of a structural nature that cannot readily be dismembered are exempt from length limitations, provided that no object may exceed 80 feet in length and the overall dimension of the vehicle including the load may not exceed 100 feet. This exemption does not apply to operation on a Saturday, Sunday, or legal holiday. Legal holidays referred to in this Section are the days on which the following traditional holidays are celebrated: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; and Christmas Day.

Vehicles and loads operated by a public utility while en route to make emergency repairs to public service facilities or properties are exempt from length limitations, provided that during night operations every vehicle and its load must be equipped with a sufficient number of clearance lamps on both sides and marker lamps on the extreme ends of any projecting load to clearly mark the dimensions of the load.

A tow truck in combination with a disabled vehicle or combination of disabled vehicles, as provided in paragraph (6) of subsection (c) of this Section, is exempt from length limitations.

The length limitations described in this paragraph (d) shall be exclusive of safety and energy conservation devices, such as bumpers, refrigeration units or air compressors and other devices, that the Department may interpret as necessary for safe and efficient operation; except that no device excluded under this paragraph shall have by its design or use the capability to carry cargo.

Section 5-35 of the Illinois Administrative Procedure Act relating to procedures for
rulemaking shall not apply to the designation of highways under this paragraph (d).

(e) On Class II highways there are no overall length limitations on motor vehicles operating in combinations, provided:

(1) The length of a semitrailer, unladen or with load, in combination with a truck tractor, may not exceed 53 feet overall dimension.

(2) The distance between the kingpin and the center of the rear axle of a semitrailer longer than 48 feet, in combination with a truck tractor, may not exceed 45 feet 6 inches.

(3) A truck tractor-semitrailer-trailer combination may not exceed 65 feet in overall dimension from front axle to rear axle.

(4) The length of a semitrailer or trailer, unladen or with load, operated in a truck tractor-semitrailer-trailer combination, may not exceed 28 feet 6 inches.

(5) Maxi-cube combinations, as defined in Chapter 1, may not exceed 65 feet overall dimension.

(6) A combination of vehicles, specifically designed to transport motor vehicles or boats, may not exceed 65 feet overall dimension. The length limitation is inclusive of front and rear bumpers but exclusive of the overhang of the transported vehicles, as provided in paragraph (i) of this Section.

(7) Stinger steered semitrailer vehicles, as defined in Chapter 1, specifically designed to transport motor vehicles or boats, may not exceed 75 feet overall dimension. The length limitation is inclusive of front and rear bumpers but exclusive of the overhang of the transported vehicles, as provided in paragraph (i) of this Section.

(8) A truck in transit transporting 3 trucks coupled together by the triple saddlemount method may not exceed 75 feet overall dimension.

Vehicles operating during daylight hours when transporting poles, pipes, machinery, or other objects of a structural nature that cannot readily be dismembered are exempt from length limitations, provided that no object may exceed 80 feet in length and the overall dimension of the vehicle including the load may not exceed 100 feet. This exemption does not apply to operation on a Saturday, Sunday, or legal holiday. Legal holidays referred to in this Section are the days on which the following traditional holidays are celebrated: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; and Christmas Day.

Vehicles and loads operated by a public utility while en route to make emergency repairs to public service facilities or properties are exempt from length limitations, provided that during night operations every vehicle and its load must be equipped with a sufficient number of clearance lamps on both sides and marker lamps on the extreme ends of any projecting load to clearly mark the dimensions of the load.

A tow truck in combination with a disabled vehicle or combination of disabled vehicles, as provided in paragraph (6) of subsection (c) of this Section, is exempt from length limitations.

Local authorities and road district commissioners, with respect to streets and

New matter indicated by italics - deletions by strikeout.
highways under their jurisdiction, may also by ordinance or resolution allow length
limitations of this subsection (e).

The length limitations described in this paragraph (e) shall be exclusive of safety and
energy conservation devices, such as bumpers, refrigeration units or air compressors and
other devices, that the Department may interpret as necessary for safe and efficient operation;
except that no device excluded under this paragraph shall have by its design or use the
capability to carry cargo.

(e-1) Combinations of vehicles not exceeding 65 feet overall length are allowed
access as follows:

(1) From any State designated highway onto any county, township, or
municipal highway for a distance of 5 highway miles for the purpose of loading and
unloading, provided:

(A) The vehicle does not exceed 73,280 pounds in gross weight and
8 feet 6 inches in width.

(B) There is no sign prohibiting that access.

(C) The route is not being used as a thoroughfare between State
designated highways.

(2) From any State designated highway onto any county or township highway
for a distance of 5 highway miles or onto any municipal highway for a distance of
one highway mile for the purpose of food, fuel, repairs, and rest, provided:

(A) The vehicle does not exceed 73,280 pounds in gross weight and
8 feet 6 inches in width.

(B) There is no sign prohibiting that access.

(C) The route is not being used as a thoroughfare between State
designated highways.

(e-2) Except as provided in subsection (e-3), combinations of vehicles over 65 feet
in length, with no overall length limitation except as provided in subsections (d) and (e)
of this Section, are allowed access as follows:

(1) From a Class I highway onto any street or highway for a distance of one
highway mile for the purpose of loading, unloading, food, fuel, repairs, and rest,
provided there is no sign prohibiting that access.

(2) From a Class I or Class II highway onto any State highway or any locally
designated highway for a distance of 5 highway miles for the purpose of loading,
unloading, food, fuel, repairs, and rest.

(e-3) Combinations of vehicles over 65 feet in length operated by household goods
carriers, with no overall length limitations except as provided in subsections (d) and (e)
of this Section, have unlimited access to points of loading and unloading.

Section 5-35 of the Illinois Administrative Procedure Act relating to procedures for
rulemaking shall not apply to the designation of highways under this paragraph (e).

(f) On Class III and other non-designated State highways, the length limitations for
vehicles in combination are as follows:

(1) Truck tractor-semitrailer combinations, must comply with either a

New matter indicated by italics - deletions by strikeout.
maximum 55 feet overall wheel base or a maximum 65 feet extreme overall dimension.

(2) Semitrailers, unladen or with load, may not exceed 53 feet overall dimension.

(3) No truck tractor-semitrailer-trailer combination may exceed 60 feet extreme overall dimension.

(4) The distance between the kingpin and the center axle of a semitrailer longer than 48 feet, in combination with a truck tractor, may not exceed 42 feet 6 inches.

(g) Length limitations in the preceding subsections of this Section 15-107 do not apply to the following:

(1) Vehicles operated in the daytime, except on Saturdays, Sundays, or legal holidays, when transporting poles, pipe, machinery, or other objects of a structural nature that cannot readily be dismembered, provided the overall length of vehicle and load may not exceed 100 feet and no object exceeding 80 feet in length may be transported unless a permit has been obtained as authorized in Section 15-301.

(2) Vehicles and loads operated by a public utility while en route to make emergency repairs to public service facilities or properties, but during night operation every vehicle and its load must be equipped with a sufficient number of clearance lamps on both sides and marker lamps upon the extreme ends of any projecting load to clearly mark the dimensions of the load.

(3) A tow truck in combination with a disabled vehicle or combination of disabled vehicles, provided the towing vehicle meets the following conditions:

   (A) It is specifically designed as a tow truck having a gross vehicle weight rating of at least 18,000 pounds and equipped with air brakes, provided that air brakes are required only if the towing vehicle is towing a vehicle, semitrailer, or tractor-trailer combination that is equipped with air brakes.

   (B) It is equipped with flashing, rotating, or oscillating amber lights, visible for at least 500 feet in all directions.

   (C) It is capable of utilizing the lighting and braking systems of the disabled vehicle or combination of vehicles.

   (D) It does not engage in a tow exceeding 50 miles from the initial point of wreck or disablement.

The Department may by rule or regulation prescribe additional requirements regarding length limitations for a tow truck towing another vehicle.

For the purpose of this subsection, gross vehicle weight rating, or GVWR, shall mean the value specified by the manufacturer as the loaded weight of the tow truck. Legal holidays referred to in this Section shall be specified as the day on which the following traditional holidays are celebrated:

New Year's Day;
Memorial Day;

New matter indicated by italics - deletions by strikeout.
Independence Day;
Labor Day;
Thanksgiving Day; and
Christmas Day.

(h) The load upon any vehicle operated alone, or the load upon the front vehicle of a combination of vehicles, shall not extend more than 3 feet beyond the front wheels of the vehicle or the front bumper of the vehicle if it is equipped with a front bumper. The provisions of this subsection (h) shall not apply to any vehicle or combination of vehicles specifically designed for the collection and transportation of waste, garbage, or recyclable materials during the vehicle's operation in the course of collecting garbage, waste, or recyclable materials if the vehicle is traveling at a speed not in excess of 15 miles per hour during the vehicle's operation and in the course of collecting garbage, waste, or recyclable materials. However, in no instance shall the load extend more than 7 feet beyond the front wheels of the vehicle or the front bumper of the vehicle if it is equipped with a front bumper.

(i) The load upon the front vehicle of a combination of vehicles specifically designed to transport motor vehicles shall not extend more than 3 feet beyond the foremost part of the transporting vehicle and the load upon the rear transporting vehicle shall not extend more than 4 feet beyond the rear of the bed or body of the vehicle. This paragraph shall only be applicable upon highways designated in paragraphs (d) and (e) of this Section.

(j) Articulated vehicles comprised of 2 sections, neither of which exceeds a length of 42 feet, designed for the carrying of more than 10 persons, may be up to 60 feet in length, not including energy absorbing bumpers, provided that the vehicles are:

1. operated by or for any public body or motor carrier authorized by law to provide public transportation services; or
2. operated in local public transportation service by any other person and the municipality in which the service is to be provided approved the operation of the vehicle.

(j-1) (Blank).

(k) Any person who is convicted of violating this Section is subject to the penalty as provided in paragraph (b) of Section 15-113.

(l) (Blank).

(Source: P.A. 92-417, eff. 1-1-02; 92-766, eff. 1-1-03.)

Section 99. Effective date. This Act takes effect upon becoming law.

Assembly:

ARTICLE 5

Section 5-1. Short title. This Article may be cited as the Municipal Validation Law of 2002.

Section 5-5. Redevelopment actions; validation. All actions taken before the effective date of this Law by any municipality pursuant to the Tax Increment Allocation Redevelopment Act for purposes of approving a redevelopment plan and redevelopment project, designating a redevelopment project area, and adopting tax increment allocation financing are validated, ratified, and confirmed as valid actions in full force and effect as of the date of adoption of the ordinance of the municipality approving the redevelopment plan and project, notwithstanding that an ordinance designating the redevelopment project area was not adopted on that date and an ordinance adopting tax increment allocation financing was not adopted on that date, provided that, no later than 180 days after the effective date of this Law, the governing body of the municipality adopts an ordinance designating the redevelopment project area and an ordinance adopting tax increment allocation financing for the redevelopment project area.

Section 5-10. Election validation. All actions taken before the effective date of this Law with respect to a public question authorizing the issuance of general obligation bonds of a municipality that was submitted to and approved by the electors of that municipality at the general primary election held on March 19, 2002 and all bonds issued or to be issued by that municipality pursuant to that approval are ratified, validated, and confirmed as lawful actions to authorize the issuance of those bonds and any such bonds shall be lawful, valid, and binding general obligations of that municipality, notwithstanding that the notice of election and the form of public question approved by the electors at that election did not conform to the requirements of applicable law, provided that the notice of election and the public question did set forth the principal amount of the bonds and the capital improvements to be financed by the bonds and that no bond issued by virtue of the approval of the public question shall bear interest at a rate exceeding 7% per annum.

ARTICLE 10

Section 10-1. Short title. This Article may be cited as the Maywood Public Library District Tax Levy Validation (2002) Law.

Section 10-5. Tax levy ordinances of the Maywood Public Library District. If the Maywood Public Library District has, during the fiscal years 2001 and 2002, within the time required by law adopted annual appropriation ordinances for those years but failed to adopt its annual tax levy ordinance for the tax year 2001 (collectible in 2002), but adopts its 2001 tax levy or a supplemental or deficiency 2001 tax levy, or both, by the last Tuesday of December 2002, and duly files the same with the county clerk of the county in which the district is located, then any such tax levy ordinances and supplemental or deficiency tax levy ordinance and the taxes assessed, levied, and extended thereon are hereby validated notwithstanding any failure to comply with the Truth in Taxation Law or the Cook County Truth in Taxation Law and further notwithstanding any failure to comply with the provisions of the Property Tax Extension Limitation Law or any other law. No 2001 tax levy or

New matter indicated by italics - deletions by strikeout.
supplemental or deficiency levy, however, is validated to the extent it would have exceeded the maximum amount the district could have levied under the Property Tax Extension Limitation Law if the tax levy ordinance or supplemental or deficiency levy ordinance had been adopted and filed in due time in calendar year 2001. Any such tax levy or supplemental or deficiency levy shall be extended by the county clerk of the county in which the public library district is located by adding the amount of the 2001 tax levy or supplemental or deficiency levy to the district’s validly enacted 2002 tax levy, regardless of whether that 2001 tax levy is in the form of a customary annual tax levy or in the form of a supplemental or deficiency tax levy. Moreover, if the district has received any tax revenue for the calendar year 2001 intended for the payment of principal and interest on outstanding bonds of the district and the district has used any portion or all of that tax revenue for normal operating expenses, that use of those funds is hereby validated if the district issues either tax anticipation warrants or notes to provide funds sufficient to replace that bond revenue used for operating expenses prior to default on any bond payments; further, the use of the proceeds of the issuance of those notes or warrants to make the bond payments when due is further hereby validated.

Section 10-905. The Property Tax Code is amended by adding Sections 18-92, 18-101.47, and 18-197 as follows:

(35 ILCS 200/18-92 new)

(35 ILCS 200/18-101.47 new)

(35 ILCS 200/18-197 new)

ARTICLE 99

Section 99-99. Effective date. This Act takes effect upon becoming law.

PUBLIC ACT 92-0885
(Senate Bill No. 2023)

AN ACT concerning capital litigation.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

New matter indicated by italics - deletions by strikeout.
Section 5. The State Finance Act is amended by changing Sections 13.2 and 25 as follows:

(30 ILCS 105/13.2) (from Ch. 127, par. 149.2)
Sec. 13.2. Transfers among line item appropriations.
(a) Transfers among line item appropriations from the same treasury fund for the objects specified in this Section may be made in the manner provided in this Section when the balance remaining in one or more such line item appropriations is insufficient for the purpose for which the appropriation was made.

No transfers may be made from one agency to another agency, nor may transfers be made from one institution of higher education to another institution of higher education. Transfers may be made only among the objects of expenditure enumerated in this Section, except that no funds may be transferred from any appropriation for personal services, from any appropriation for State contributions to the State Employees' Retirement System, from any separate appropriation for employee retirement contributions paid by the employer, nor from any appropriation for State contribution for employee group insurance. Further, if an agency receives a separate appropriation for employee retirement contributions paid by the employer, any transfer by that agency into an appropriation for personal services must be accompanied by a corresponding transfer into the appropriation for employee retirement contributions paid by the employer, in an amount sufficient to meet the employer share of the employee contributions required to be remitted to the retirement system.

(b) In addition to the general transfer authority provided under subsection (c), the following agencies have the specific transfer authority granted in this subsection:

The Illinois Department of Public Aid is authorized to make transfers representing savings attributable to not increasing grants due to the births of additional children from line items for payments of cash grants to line items for payments for employment and social services for the purposes outlined in subsection (f) of Section 4-2 of the Illinois Public Aid Code.

The Department of Children and Family Services is authorized to make transfers not exceeding 2% of the aggregate amount appropriated to it within the same treasury fund for the following line items among these same line items: Foster Home and Specialized Foster Care and Prevention, Institutions and Group Homes and Prevention, and Purchase of Adoption and Guardianship Services.

The Department on Aging is authorized to make transfers not exceeding 2% of the aggregate amount appropriated to it within the same treasury fund for the following Community Care Program line items among these same line items: Homemaker and Senior Companion Services, Case Coordination Units, and Adult Day Care Services.

The State Treasurer is authorized to make transfers among line item appropriations from the Capital Litigation Trust Fund, with respect to costs incurred in fiscal years 2002 and 2003 only, when the balance remaining in one or more such line item appropriations is insufficient for the purpose for which the appropriation was made, provided that no such transfer may be made unless the amount transferred is no longer required for the purpose for which that appropriation was made.

New matter indicated by italics - deletions by strikeout.
(c) The sum of such transfers for an agency in a fiscal year shall not exceed 2% of the aggregate amount appropriated to it within the same treasury fund for the following objects: Personal Services; Extra Help; Student and Inmate Compensation; State Contributions to Retirement Systems; State Contributions to Social Security; State Contribution for Employee Group Insurance; Contractual Services; Travel; Commodities; Printing; Equipment; Electronic Data Processing; Operation of Automotive Equipment; Telecommunications Services; Travel and Allowance for Committed, Paroled and Discharged Prisoners; Library Books; Federal Matching Grants for Student Loans; Refunds; Workers' Compensation, Occupational Disease, and Tort Claims; and, in appropriations to institutions of higher education, Awards and Grants. Notwithstanding the above, any amounts appropriated for payment of workers' compensation claims to an agency to which the authority to evaluate, administer and pay such claims has been delegated by the Department of Central Management Services may be transferred to any other expenditure object where such amounts exceed the amount necessary for the payment of such claims.

(c-1) Special provisions for State fiscal year 2003. Notwithstanding any other provision of this Section to the contrary, for State fiscal year 2003 only, transfers among line item appropriations to an agency from the same treasury fund may be made provided that the sum of such transfers for an agency in State fiscal year 2003 shall not exceed 3% of the aggregate amount appropriated to that State agency for State fiscal year 2003 for the following objects: personal services, except that no transfer may be approved which reduces the aggregate appropriations for personal services within an agency; extra help; student and inmate compensation; State contributions to retirement systems; State contributions to social security; State contributions for employee group insurance; contractual services; travel; commodities; printing; equipment; electronic data processing; operation of automotive equipment; telecommunications services; travel and allowance for committed, paroled, and discharged prisoners; library books; federal matching grants for student loans; refunds; workers' compensation, occupational disease, and tort claims; and, in appropriations to institutions of higher education, awards and grants.

(d) Transfers among appropriations made to agencies of the Legislative and Judicial departments and to the constitutionally elected officers in the Executive branch require the approval of the officer authorized in Section 10 of this Act to approve and certify vouchers. Transfers among appropriations made to the University of Illinois, Southern Illinois University, Chicago State University, Eastern Illinois University, Governors State University, Illinois State University, Northeastern Illinois University, Northern Illinois University, Western Illinois University, the Illinois Mathematics and Science Academy and the Board of Higher Education require the approval of the Board of Higher Education and the Governor. Transfers among appropriations to all other agencies require the approval of the Governor.

The officer responsible for approval shall certify that the transfer is necessary to carry out the programs and purposes for which the appropriations were made by the General Assembly and shall transmit to the State Comptroller a certified copy of the approval which shall set forth the specific amounts transferred so that the Comptroller may change his
records accordingly. The Comptroller shall furnish the Governor with information copies of all transfers approved for agencies of the Legislative and Judicial departments and transfers approved by the constitutionally elected officials of the Executive branch other than the Governor, showing the amounts transferred and indicating the dates such changes were entered on the Comptroller's records.

(Source: P.A. 92-600, eff. 6-28-02.)

(30 ILCS 105/25) (from Ch. 127, par. 161)

Sec. 25. Fiscal year limitations.

(a) All appropriations shall be available for expenditure for the fiscal year or for a lesser period if the Act making that appropriation so specifies. A deficiency or emergency appropriation shall be available for expenditure only through June 30 of the year when the Act making that appropriation is enacted unless that Act otherwise provides.

(b) Outstanding liabilities as of June 30, payable from appropriations which have otherwise expired, may be paid out of the expiring appropriations during the 2-month period ending at the close of business on August 31. Any service involving professional or artistic skills or any personal services by an employee whose compensation is subject to income tax withholding must be performed as of June 30 of the fiscal year in order to be considered an "outstanding liability as of June 30" that is thereby eligible for payment out of the expiring appropriation.

However, payment of tuition reimbursement claims under Section 14-7.03 or 18-3 of the School Code may be made by the State Board of Education from its appropriations for those respective purposes for any fiscal year, even though the claims reimbursed by the payment may be claims attributable to a prior fiscal year, and payments may be made at the direction of the State Superintendent of Education from the fund from which the appropriation is made without regard to any fiscal year limitations.

Medical payments may be made by the Department of Veterans' Affairs from its appropriations for those purposes for any fiscal year, without regard to the fact that the medical services being compensated for by such payment may have been rendered in a prior fiscal year.

Medical payments may be made by the Department of Public Aid and child care payments may be made by the Department of Human Services (as successor to the Department of Public Aid) from appropriations for those purposes for any fiscal year, without regard to the fact that the medical or child care services being compensated for by such payment may have been rendered in a prior fiscal year; and payments may be made at the direction of the Department of Central Management Services from the Health Insurance Reserve Fund and the Local Government Health Insurance Reserve Fund without regard to any fiscal year limitations.

Additionally, payments may be made by the Department of Human Services from its appropriations, or any other State agency from its appropriations with the approval of the Department of Human Services, from the Immigration Reform and Control Fund for purposes authorized pursuant to the Immigration Reform and Control Act of 1986, without regard to any fiscal year limitations.

New matter indicated by italics - deletions by strikeout.
Further, with respect to costs incurred in fiscal years 2002 and 2003 only, payments may be made by the State Treasurer from its appropriations from the Capital Litigation Trust Fund without regard to any fiscal year limitations.

(c) Further, payments may be made by the Department of Public Health and the Department of Human Services (acting as successor to the Department of Public Health under the Department of Human Services Act) from their respective appropriations for grants for medical care to or on behalf of persons suffering from chronic renal disease, persons suffering from hemophilia, rape victims, and premature and high-mortality risk infants and their mothers and for grants for supplemental food supplies provided under the United States Department of Agriculture Women, Infants and Children Nutrition Program, for any fiscal year without regard to the fact that the services being compensated for by such payment may have been rendered in a prior fiscal year.

(d) The Department of Public Health and the Department of Human Services (acting as successor to the Department of Public Health under the Department of Human Services Act) shall each annually submit to the State Comptroller, Senate President, Senate Minority Leader, Speaker of the House, House Minority Leader, and the respective Chairmen and Minority Spokesmen of the Appropriations Committees of the Senate and the House, on or before December 31, a report of fiscal year funds used to pay for services provided in any prior fiscal year. This report shall document by program or service category those expenditures from the most recently completed fiscal year used to pay for services provided in prior fiscal years.

(e) The Department of Public Aid and the Department of Human Services (acting as successor to the Department of Public Aid) shall each annually submit to the State Comptroller, Senate President, Senate Minority Leader, Speaker of the House, House Minority Leader, the respective Chairmen and Minority Spokesmen of the Appropriations Committees of the Senate and the House, on or before November 30, a report that shall document by program or service category those expenditures from the most recently completed fiscal year used to pay for services provided in prior fiscal years.

(f) The Department of Human Services (as successor to the Department of Public Aid) shall annually submit to the State Comptroller, Senate President, Senate Minority Leader, Speaker of the House, House Minority Leader, and the respective Chairmen and Minority Spokesmen of the Appropriations Committees of the Senate and the House, on or before December 31, a report of fiscal year funds used to pay for services (other than medical care) provided in any prior fiscal year. This report shall document by program or service category those expenditures from the most recently completed fiscal year used to pay for services provided in prior fiscal years.

(g) In addition, each annual report required to be submitted by the Department of Public Aid under subsection (e) shall include the following information with respect to the State’s Medicaid program:

1. Explanations of the exact causes of the variance between the previous year’s estimated and actual liabilities.

New matter indicated by italics - deletions by strikeout.
(2) Factors affecting the Department of Public Aid's liabilities, including but not limited to numbers of aid recipients, levels of medical service utilization by aid recipients, and inflation in the cost of medical services.

(3) The results of the Department's efforts to combat fraud and abuse.

(h) As provided in Section 4 of the General Assembly Compensation Act, any utility bill for service provided to a General Assembly member's district office for a period including portions of 2 consecutive fiscal years may be paid from funds appropriated for such expenditure in either fiscal year.

(i) An agency which administers a fund classified by the Comptroller as an internal service fund may issue rules for:

1. billing user agencies in advance based on estimated charges for goods or services;
2. issuing credits during the subsequent fiscal year for all user agency payments received during the prior fiscal year which were in excess of the final amounts owed by the user agency for that period; and
3. issuing catch-up billings to user agencies during the subsequent fiscal year for amounts remaining due when payments received from the user agency during the prior fiscal year were less than the total amount owed for that period.

User agencies are authorized to reimburse internal service funds for catch-up billings by vouchers drawn against their respective appropriations for the fiscal year in which the catch-up billing was issued.

(Source: P.A. 89-235, eff. 8-4-95; 89-507, eff. 7-1-97; 89-511, eff. 1-1-97; 90-14, eff. 7-1-97; 90-168, eff. 7-23-97.)

Section 99. Effective date. This Act takes effect upon becoming law.

PUBLIC ACT 92-0886
(House Bill No. 2742)

AN ACT in relation to taxation.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Military Code of Illinois is amended by adding Section 22-9 as follows:

(20 ILCS 1805/22-9 new)

Sec. 22-9. Power to make grants from the Illinois Military Family Relief Fund. Subject to appropriation, the Department of Military Affairs shall have the power to make grants from the Illinois Military Family Relief Fund, a special fund created in the State treasury, to families of persons who are members of the Illinois National Guard or Illinois residents who are members of the reserves of the armed forces of the United States and who

New matter indicated by italics - deletions by strikeout.
have been called to active duty as a result of the September 11, 2001 terrorist attacks. The Department of Military Affairs shall establish eligibility criteria for the grants by rule.

Section 10. The State Finance Act is amended by adding Section 5.570 as follows:

(30 ILCS 105/5.570 new)
Sec. 5.570. The Illinois Military Family Relief Fund.

Section 15. The Illinois Income Tax Act is amended by changing Sections 509 and 510 and by adding Section 507X as follows:

(35 ILCS 5/507X new)
Sec. 507X. The Illinois Military Family Relief checkoff. Beginning with taxable years ending on or after December 31, 2003, the Department shall print on its standard individual income tax form a provision indicating that if the taxpayer wishes to contribute to the Illinois Military Family Relief Fund, as authorized by this amendatory Act of the 92nd General Assembly, he or she may do so by stating the amount of the contribution (not less than $1) on the return and that the contribution will reduce the taxpayer's refund or increase the amount of payment to accompany the return. Failure to remit any amount of increased payment shall reduce the contribution accordingly. This Section shall not apply to any amended return.

(35 ILCS 5/509) (from Ch. 120, par. 5-509)
(Text of Section before amendment by P.A. 92-84)
Sec. 509. Tax checkoff explanations. All individual income tax return forms shall contain appropriate explanations and spaces to enable the taxpayers to designate contributions to the Child Abuse Prevention Fund, to the Community Health Center Care Fund, to the Illinois Wildlife Preservation Fund as required by the Illinois Non-Game Wildlife Protection Act, to the Alzheimer's Disease Research Fund as required by the Alzheimer's Disease Research Act, to the Assistance to the Homeless Fund as required by this Act, to the Heritage Preservation Fund as required by the Heritage Preservation Act, to the Child Care Expansion Program Fund as required by the Child Care Expansion Program Act, to the Ryan White AIDS Victims Assistance Fund, to the Assistive Technology for Persons with Disabilities Fund, to the Domestic Violence Shelter and Service Fund, to the United States Olympians Assistance Fund, to the Youth Drug Abuse Prevention Fund, to the Persian Gulf Conflict Veterans Fund, to the Literacy Advancement Fund, to the Ryan White Pediatric and Adult AIDS Fund, to the Illinois Special Olympics Checkoff Fund, to the Penny Severns Breast and Cervical Cancer Research Fund, to the Korean War Memorial Fund, to the Heart Disease Treatment and Prevention Fund, to the Hemophilia Treatment Fund, to the Mental Health Research Fund, to the Children's Cancer Fund, to the American Diabetes Association Fund, to the National World War II Memorial Fund, to the Prostate Cancer Research Fund, to the Korean War Veterans National Museum and Library Fund, to the Illinois Military Family Relief Fund, and to the Meals on Wheels Fund. Each form shall contain a statement that the contributions will reduce the taxpayer's refund or increase the amount of payment to accompany the return. Failure to remit any amount of increased payment shall reduce the contribution accordingly.

If, on October 1 of any year, the total contributions to any one of the funds made

New matter indicated by italics - deletions by strikeout.
under this Section do not equal $100,000 or more, the explanations and spaces for designating contributions to the fund shall be removed from the individual income tax return forms for the following and all subsequent years and all subsequent contributions to the fund shall be refunded to the taxpayer.

(Source: P.A. 91-104, eff. 7-13-99; 91-107, eff. 7-13-99; 91-357, eff. 7-29-99; 91-833, eff. 1-1-01; 91-836, eff. 1-1-01; 92-198, eff. 8-1-01.)

(Text of Section after amendment by P.A. 92-84)

Sec. 509. Tax checkoff explanations. All individual income tax return forms shall contain appropriate explanations and spaces to enable the taxpayers to designate contributions to the Child Abuse Prevention Fund, to the Illinois Wildlife Preservation Fund as required by the Illinois Non-Game Wildlife Protection Act, to the Alzheimer's Disease Research Fund as required by the Alzheimer's Disease Research Act, to the Assistance to the Homeless Fund as required by this Act, to the Penny Severns Breast and Cervical Cancer Research Fund, to the National World War II Memorial Fund, and to the Prostate Cancer Research Fund, to the Illinois Military Family Relief Fund, and to the Korean War Veterans National Museum and Library Fund. Each form shall contain a statement that the contributions will reduce the taxpayer's refund or increase the amount of payment to accompany the return. Failure to remit any amount of increased payment shall reduce the contribution accordingly.

If, on October 1 of any year, the total contributions to any one of the funds made under this Section do not equal $100,000 or more, the explanations and spaces for designating contributions to the fund shall be removed from the individual income tax return forms for the following and all subsequent years and all subsequent contributions to the fund shall be refunded to the taxpayer.

(Source: P.A. 91-104, eff. 7-13-99; 91-107, eff. 7-13-99; 91-357, eff. 7-29-99; 91-833, eff. 1-1-01; 91-836, eff. 1-1-01; 92-198, eff. 8-1-01; revised 9-12-01.)

(35 ILCS 5/510) (from Ch. 120, par. 5-510)

(Text of Section before amendment by P.A. 92-84)

Sec. 510. Determination of amounts contributed. The Department shall determine the total amount contributed to each of the following: the Child Abuse Prevention Fund, the Illinois Wildlife Preservation Fund, the Community Health Center Care Fund, the Assistance to the Homeless Fund, the Alzheimer's Disease Research Fund, the Heritage Preservation Fund, the Child Care Expansion Program Fund, the Ryan White AIDS Victims Assistance Fund, the Assistive Technology for Persons with Disabilities Fund, the Domestic Violence Shelter and Service Fund, the United States Olympians Assistance Fund, the Youth Drug Abuse Prevention Fund, the Persian Gulf Conflict Veterans Fund, the Literacy Advancement Fund, the Ryan White Pediatric and Adult AIDS Fund, the Illinois Special Olympics Checkoff Fund, the Penny Severns Breast and Cervical Cancer Research Fund, the Korean War Memorial Fund, the Heart Disease Treatment and Prevention Fund, the Hemophilia Treatment Fund, the Mental Health Research Fund, the Children's Cancer Fund, the American Diabetes Association Fund, the National World War II Memorial Fund, the Prostate Cancer Research Fund, the Korean War Veterans National Museum and Library.
Fund, to the Illinois Military Family Relief Fund, and the Meals on Wheels Fund; and shall notify the State Comptroller and the State Treasurer of the amounts to be transferred from the General Revenue Fund to each fund, and upon receipt of such notification the State Treasurer and Comptroller shall transfer the amounts.

(Source: P.A. 91-104, eff. 7-13-99; 91-107, eff. 7-13-99; 91-833, eff. 1-1-01; 91-836, eff. 1-1-01; 92-198, eff. 8-1-01.)

(Text of Section after amendment by P.A. 92-84)

Sec. 510. Determination of amounts contributed. The Department shall determine the total amount contributed to each of the following: the Child Abuse Prevention Fund, the Illinois Wildlife Preservation Fund, the Assistance to the Homeless Fund, the Alzheimer's Disease Research Fund, the Penny Severns Breast and Cervical Cancer Research Fund, the National World War II Memorial Fund, and the Prostate Cancer Research Fund, to the Illinois Military Family Relief Fund, and the Korean War Veterans National Museum and Library Fund; and shall notify the State Comptroller and the State Treasurer of the amounts to be transferred from the General Revenue Fund to each fund, and upon receipt of such notification the State Treasurer and Comptroller shall transfer the amounts.

(Source: P.A. 91-104, eff. 7-13-99; 91-107, eff. 7-13-99; 91-833, eff. 1-1-01; 91-836, eff. 1-1-01; 92-84, eff. 7-1-02; 92-198, eff. 8-1-01; revised 9-12-01.)

Section 95. No acceleration or delay. Where this Act makes changes in a statute that is represented in this Act by text that is not yet or no longer in effect (for example, a Section represented by multiple versions), the use of that text does not accelerate or delay the taking effect of (i) the changes made by this Act or (ii) provisions derived from any other Public Act.

Section 99. Effective date. This Act takes effect upon becoming law.


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ANTI-CANCER DRUGS
(Senate Joint Resolution No. 57)

WHEREAS, Cancer is a leading cause of morbidity and mortality in the State of Illinois and throughout the Nation; and

WHEREAS, Cancer is disproportionately a disease of the elderly, with more than half of all cancer diagnoses occurring in persons age 65 or older, who are thus dependent on the federal Medicare program for provision of cancer care; and

WHEREAS, Treatment with anti-cancer drugs is the cornerstone of modern cancer care; elderly cancer patients must have access to potentially life-extending drug therapy, but the Medicare program’s coverage of drugs is limited to injectable drugs or oral drugs that have an injectable version; and

WHEREAS, The Nation’s investment in biomedical research has begun to bear fruit with a compelling array of new oral anti-cancer drugs that are less toxic, more effective and more cost-effective than existing therapies, but, because such drugs do not have an injectable equivalent, they are not covered by Medicare; and

WHEREAS, Non-coverage of these important new products leaves many Medicare beneficiaries confronting the choice of either substantial out-of-pocket personal costs or selection of more toxic, less effective treatments that are covered by the program; and

WHEREAS, Medicare’s failure to cover oral anti-cancer drugs leaves at risk many beneficiaries suffering from blood-related cancers like leukemia, lymphoma, and myeloma, as well as cancers of the breast, lung, and prostate; and

WHEREAS, Certain Members of the United States Congress have recognized the necessity of Medicare coverage for all oral anti-cancer drugs and introduced legislation in the 107th Congress to achieve that result (H.R. 1624: S. 913); therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-SECOND GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, that we respectfully urge the Congress of the United States to adopt legislation requiring the Medicare program to cover all oral anti-cancer drugs; and be it further

RESOLVED, That copies of this resolution be transmitted to the President of the United States, Members of the United States Congress, the Secretary of Health and Human Services, and the Administrator of the Centers for Medicare and Medicaid Services.

Adopted by the Senate, April 18, 2002.
Concurred in by the House of Representatives, May 31, 2002.

AUDIT FOR THE ILLINOIS STATE TOLL HIGHWAY AUTHORITY
(Senate Joint Resolution No. 72)

WHEREAS, The mission of the Illinois State Toll Highway Authority is to provide and promote a safe and efficient system of toll highway; and
WHEREAS, The Tollway, comprised of the Northwest, the Tri-State, the East-West, and the North-South Tollways, consists of 274 miles (1,650 lane miles), 539 bridge structures, 20 mainline plazas, and 47 ramp plazas; and

WHEREAS, The Toll Highway Authority reported a $374,100,000 budget for 2002, consisting of revenue of $353,900,000 from tolls, $15,200,000 from interest income, and $5,000,000 from concessions and other sources, and expenditures of $180,200,000 for maintenance and operations, $105,500,000 for renewal and replacement, $79,700,000 for debt service, and $8,700,000 for improvements; and

WHEREAS, Thousands of Illinois citizens travel the Tollway system on a daily basis and pay the tolls used to finance Tollway operations; and

WHEREAS, Given the impact of the Tollway on its users, as well as on the transportation needs of the State, it is important that the management and operation of the Tollway be reviewed to ensure that it is making efficient and economical use of its resources; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-SECOND GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, that we respectfully direct the Illinois Auditor General to undertake a management audit of the Illinois State Toll Highway Authority to determine whether the Toll Highway Authority is managing or using its resources, including toll and investment-generated revenue, personnel, property, equipment, and space, in an economical and efficient manner; and be it further

RESOLVED, That the audit shall make recommendations to correct any inefficiencies or uneconomical practices; and be it further

RESOLVED, That the audit shall, in addition, examine the process by which the Authority collects, transports, counts, and deposits toll collections; and be it further

RESOLVED, That the Auditor General shall complete this audit within one year of the date of final passage of this resolution; and be it further

RESOLVED, That the Authority shall pay for the cost of this management audit; and be it further

RESOLVED, That copies of this resolution be delivered to the Auditor General and the Illinois State Toll Highway Authority.

Adopted by the Senate, May 21, 2002.
Concurred in by the House of Representatives, June 2, 2002.

COMMISSION ON MEDICAL INSTRUMENTS
(Senate Joint Resolution No. 58)

WHEREAS, Medical instruments are continuously being used outside the medical or hospital setting by patients; and

WHEREAS, Many citizens have conditions, illnesses or diseases that require the use of medical instruments such as sterile hypodermic syringes or needles; and

WHEREAS, The Illinois laws concerning the availability and use of medical instruments were enacted when most medical procedures and treatments were done in an
RESOLVED, BY THE SENATE OF THE NINETY-SECOND GENERAL
ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES
CONCURRING HEREIN, that there is created the Commission on Medical Instruments; this
commission shall review scientific literature regarding availability of sterile hypodermic
syringes and needles and disease prevention and other available information and make
recommendation to the Illinois General Assembly on appropriate standards for the sale and
possession of sterile hypodermic syringes and needles; and be it further
RESOLVED, That the Commission shall include one representative from the
following organizations: Allied Waste Industries, the AIDS Foundation of Chicago, the
Chicago Department of Public Health, the Cook County Department of Public Health, the
Cook County State’s Attorney’s Office, the Illinois Academy of Family Physicians, Illinois
Chapter, the American Academy of Pediatrists, the Illinois Department of Public Health,
the Illinois Family Institute, the Illinois Nurses Association, the Illinois Pharmacists
Association, the Illinois Public Health Association, the Illinois Retail Merchants Association,
the Illinois State Medical Society, the Illinois Department of State Police, and the Illinois
State’s Attorneys Association; and be it further
RESOLVED, That the Commission shall conduct at least 2 public hearings, one in
Chicago and one in Springfield; and be it further
RESOLVED, That the members of the Commission shall adopt bylaws and elect a
chairperson; members of the Commission shall serve without compensation; the Illinois
Department of Public Health shall provide administrative support for the Commission; and
be it further
RESOLVED, That the Commission shall report its recommendations to the General
Assembly and Governor on or before December 1, 2002.
Adopted by the Senate, May 9, 2002.
Concurred in by the House of Representatives, May 9, 2002.

DISAPPROVAL OF SCHOOL DISTRICT WAIVER REQUESTS
(Senate Joint Resolution No. 75)

WHEREAS, The State Board of Education has filed its report, dated April 30, 2002,
with the Senate, the House of Representatives, and the Secretary of State of Illinois as
required by Section 2-3.25g of the School Code; therefore, be it
RESOLVED, BY THE SENATE OF THE NINETY-SECOND GENERAL
ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES
CONCURRING HEREIN, that the Waukegan PSD 60 - Lake, WM100-2269, Substitute
Certificates is approved for only one year and disapproved for the remaining four years; and
be it further
RESOLVED, That each of the school district waiver requests identified below by
school district name and by the identifying number and subject area of the waiver request as
summarized in the report filed by the State Board of Education is disapproved:
(1) Antioch CHSD 117- Lake, WM 100-2184, Assessment- Prairie State
Achievement Examination;
(2) Lyons ESD 103- Cook, WM100-2211, Limitation of Administrative Costs;
(3) Zion ESD 6- Lake, WM100-2204, Substitute Certificates;
(4) Harvard CUSD 50- McHenry, WM100-2223, Substitute Certificates.
Adopted by the Senate, May 23, 2002.
Concurred in by the House of Representatives, May 31, 2002.

IN MEMORY OF THE DECEASED PATRICIA A. JONES
(Senate Joint Resolution No. 46)

WHEREAS, The Members of the Illinois General Assembly are deeply saddened to
learn of the death of Patricia A. Jones, beloved wife of Senate Minority Leader Emil Jones,
Jr., on December 2, 2001; and
WHEREAS, She was born in New Orleans, Louisiana, on August 9, 1938, the third
of eleven children of Leon and Lucille Sterling; and
WHEREAS, Mrs. Jones was educated in the Catholic school system in New Orleans,
where she lived and became a teacher; and
WHEREAS, As a young adult, Mrs. Jones moved with her family to Chicago, where
she attended Loyola University and graduated from Chicago State University; and
WHEREAS, She counted among the many accomplishments in her life the ability she
had to make a difference in the lives of children, a volunteer at a local day care center and
as a curriculum coordinator for pre-school and Head Start programs for the Title 20 program
for the Department of Human Services in Chicago; and
WHEREAS, She loved reading, traveling with her family, cooking New Orleans-style
Cajun dishes and volunteering for special programs at various organizations even when she
was not a member of these groups; and
WHEREAS, In addition to her employment at the City of Chicago Department of
Human Services as a curriculum coordinator for the Title 20 program, she also taught in the
pre-school program at the YMCA in Chicago; she was later employed by the Chicago Transit
Authority and as an assistant general superintendent for the Department of Streets and
Sanitation for the City of Chicago; and
WHEREAS, Community service was an integral part of her life, Patricia Jones served
as the school board president at Holy Name of Mary Catholic School in Morgan Park; she
was active in her church, Holy Name of Mary Catholic Church in Morgan Park, where she
was a former member of the Ladies Guild and an active member of the Pastoral Ministers
of Care; and
WHEREAS, She was also a member of the Alpha Kappa Alpha Sorority, an
organization devoted to public service, and a board member of the Beverly Arts Center; and
WHEREAS, Patricia “Pat” Sterling married Emil Jones, Jr., on December 14, 1974;
and she was very devoted to their children, John Sterling, Emil III, Renee Jones Rose, Emil
Alvarez Jones and Debra Jones, and grandchildren, Jonathan and Alexandria Sterling; and
WHEREAS, She was as much a partner in her husband’s public life as she was in his
private life, so much in fact that he often referred to her “as the wind beneath my wings”; and

WHEREAS, Pat shared in her husband’s passion for public life, helping him build coalitions, advising him on key decisions, helping with problem solving and traveling with him to many places throughout the world, including China, Italy, and the recent trip to South Africa in which they met Nelson Mandela, and joining him in every aspect of his calling that ultimately became their calling; and

WHEREAS, She will be deeply missed by all who knew and loved her, especially her husband, Senate Minority Leader Emil Jones Jr.; their children, John Sterling, Emil III, Renee Jones Rose, Emil Alvarez Jones and Debra Jones; two grandchildren, Jonathan and Alexandria Sterling; four brothers, Leon Sterling, Sr., Charles Sterling, Sr., Michelle Sterling and Andre Sterling; and three sisters, Nona Honore, Lucille Williams and Maria Stevenson; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-SECOND GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, that we mourn the passing of Patricia A. Jones with her family and all those who knew and loved her; and be it further

RESOLVED, That suitable copies of this preamble and resolution be presented to the family of Patricia A. Jones with our most heartfelt sympathies.

Adopted by the Senate, January 10, 2002.
Concurred in by the House of Representatives, January 10, 2001.

IN MEMORY OF THE DECEASED RICHARD H. NEWHOUSE, JR.
(Senate Joint Resolution No. 78)

WHEREAS, The Members of the Illinois General Assembly are deeply saddened to learn of the death of Richard H. Newhouse, Jr., who was a friend, colleague, mentor and trailblazer to many with whom he served in the Illinois State Senate; and

WHEREAS, Richard H. Newhouse, Jr., was born January 24, 1924, in Louisville, Kentucky, to Richard H. and Annie Singleton Newhouse; and

WHEREAS, He departed this world on Thursday, April 25, 2002; and

WHEREAS, He was educated in public schools in Louisville and received both his bachelor’s and master’s degrees from Boston University and graduated from the University of Chicago Law School with a Juris Doctorate; and

WHEREAS, He was a decoder for the U.S. Air Force intelligence during World War II and was among the troops in the Normandy invasion; he also served in the National Guard from 1950 to 1952; and

WHEREAS, Senator Newhouse began his distinguished law career as legal counsel to the United States Department of Housing and donated his considerable legal expertise to many community groups in Chicago, including the Maremount Foundation and the Community Renewal Society; and

WHEREAS, He married his beloved wife, Katherine, in 1958 and their union was blessed with three children, Suzanne, Holly and Richard; and

WHEREAS, Richard H. Newhouse, Jr., was elected to the Illinois Senate and served
as State Senator from 1967 to 1991; he served as Assistant Majority Leader, retiring as the Dean of the Senate; and

WHEREAS, During his 24 years in the Illinois Senate, he served as the Chairman of the Senate Committee on Commerce and Economic Development, the Senate Committee on Higher Education, the Senate Committee on Pensions, the Legislative Advisory Committee on Public Aid, and the subcommittee on Minority Concerns in Higher Education; and

WHEREAS, Senator Newhouse also served on the Senate Committees on Elementary and Secondary Education, Appropriations I and II, Revenue, and Consumer Affairs, and served on the Senate Operations Commission; and

WHEREAS, Senator Newhouse continually sought to open doors and keep them open for others who came after him; and

WHEREAS, Senator Richard Newhouse, Jr., founded and served as Chairman of the Black Legislative Clearing House, which became the National Black Conference of Black Legislators; and

WHEREAS, Senator Newhouse will be forever known as the trailblazer for minorities in Chicago politics because he holds the distinction of being the first minority to run for the office of Mayor of the City of Chicago; and

WHEREAS, Senator Newhouse’s abilities and accomplishments were reflected in his many prestigious roles and positions; all of which he undertook with honor and dedication, including his service as a Commissioner on the Education Commission of the States, duties as the legal counsel for the Chief Plaintiffs in the Chicago Ward District reapportionment case, service on the Board of Directors of the Joint Center for Political and Economic Studies, membership of the Committees on Health and Human Resources and Arts, Tourism and Cultural Resources in the National Conference of State Legislatures, and most recently his service on the exploratory committee for former Chicago Schools CEO Paul Vallas in his bid for the Democratic nomination for Governor; and

WHEREAS, Senator Newhouse was the originator of the very successful Newhouse Architectural Competition for students in Chicago Public High Schools, now in its 20th year; and

WHEREAS, Senator Newhouse was also honored in 1991 by the National Conference of Christians and Jews for his long career of public service; and

WHEREAS, Senator Newhouse is survived by his wife, Katherine; children, Suzanne, Holly and Richard; and a sister, Eloise Frayser; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-SECOND GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURING HEREIN, that we mourn the passing of Richard H. Newhouse, Jr., with his family and all those who knew and loved him; and be it further

RESOLVED, That suitable copies of this preamble and resolution be presented to the family of Richard H. Newhouse, Jr., with our most heartfelt sympathies.

Adopted by the Senate, May 9, 2002.
Concurred in by the House of Representatives, May 15, 2002.
NEW HOUSING PROJECT FOR THE UNIVERSITY OF ILLINOIS  
(Senate Joint Resolution No. 56)

WHEREAS, The State College Housing Construction Act limits the authority of the governing boards of State colleges and universities to construct or operate, directly or indirectly through any other public or private organization, any new housing project without the prior approval and determination of the General Assembly that the specific project is in the public interest; and

WHEREAS, The General Assembly and the cities of Champaign and Urbana have encouraged the University of Illinois to expand its role in economic development and its efforts to work with appropriate State and private agencies, local community leaders, and others interested in economic development; and

WHEREAS, The General Assembly finds that the Board of Trustees of the University of Illinois is selecting a developer through a competitive process to develop a commercial district on the east side of campus that would contain private apartment-style housing and has selected a different developer, after a competitive process, to develop a research park that could include a hotel-conference center, both of which meet this economic development interest; and

WHEREAS, These facilities would serve the community, promote economic development, and provide other benefits to the East-Central Illinois area; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-SECOND GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, that we approve and determine to be in the public interest, pursuant to the State College Housing Construction Act, projects on land owned by the Board of Trustees of the University of Illinois and leased for the purpose of construction, maintenance, and operation of a residential housing complex and a hotel and conference facility by a private firm, partnership, or corporation selected through a competitive process, under such terms and conditions as the Board of Trustees may deem advisable; and be it further

RESOLVED, That a suitable copy of this resolution be presented to the Board of Trustees of the University of Illinois.

Adopted by the Senate, April 18, 2002.
Concurred in by the House of Representatives, December 5, 2002.

REPORT OF THE COMPENSATION REVIEW BOARD  
(Senate Joint Resolution No. 63)

RESOLVED, BY THE SENATE OF THE NINETY-SECOND GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRENCE HEREIN, that the report of the Compensation Review Board filed in the year 2002 as provided in the Compensation Review Act is hereby disapproved in whole in accordance with Section 5 of that Act; as be it further

RESOLVED, That a copy of this resolution be directed to the Compensation Review
WHEREAS, Section 3 of Article VIII of the Constitution of the State of Illinois provides that the General Assembly, by a vote of three-fifths of the members elected to each house, shall appoint an Auditor General; and

WHEREAS, The General Assembly has, by Section 2-3 of the Illinois State Auditing Act, charged the Legislative Audit Commission with the responsibility of diligently searching out qualified candidates for the office and making recommendations to the General Assembly, and, pursuant to this statutory mandate, the Legislative Audit Commission has conducted a diligent search and has recommended to the General Assembly the appointment of William G. Holland of Springfield, Illinois, as Auditor General; therefore, be it


Adopted by the Senate, May 15, 2002.
Concurred in by the House of Representatives, May 22, 2002.
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EXECUTIVE ORDER CREATING
THE ILLINOIS AGENDA FOR EXCELLENCE IN EDUCATION

WHEREAS, in 1998 the top priority of this administration was established as “excellence in education” for all Illinoisans of all ages who need training to keep pace in the skills required in the 21st Century economy, and

WHEREAS, the top budget priority for this administration was established as “education and workforce training,” with a four-year pledge to earmark at least 51 percent of all new general revenue to these areas, and

WHEREAS, since January of 1999, this administration, on behalf of the people of the State of Illinois, has fulfilled its commitment to these top priorities and made significant strides in improving education and workforce development at all levels, including:

• More than $1.4 billion in new funding for education
• The construction of 12,000 new classrooms
• The hiring of 10,423 new teachers, strengthened efforts to recruit, train and retain good teachers
• A renewed emphasis on high standards for students and regular testing to measure success against those standards
• An expansion of reading instruction, particularly in the lower primary grades
• The promotion of parental involvement
• An increase in educational “choice” for families
• A strong investment in classroom technology
• The creation of three career academies for high school students to facilitate advanced education in economics and finance, international studies and public policy
• Improved leadership in education and policy coordination under the auspices of a Deputy Governor for Education and Workforce Training and a Joint Education Committee composed of the Governor’s Office, the Illinois State Board of Education, the Illinois Board of Higher Education, the Illinois Community College Board and the Workforce Investment Board, and

WHEREAS, Illinois’ system of higher education is rated as the best in the nation by the National Center for Public Policy and Higher Education and

WHEREAS, Illinois received an “A” in Education Week’s “Quality Counts 2002” survey in recognition of the learning standards and accountability procedures that have been put in place since 1999, and since 1999, on average more than 60 percent of Illinois students tested have met or exceeded Illinois learning standards, and

WHEREAS, Illinois students and schools are headed in the right direction toward educational excellence, and it is imperative that the progress in educational excellence made over the last three years by the students of Illinois be maintained and strengthened,
and

WHEREAS, the progress of Illinois students in educational excellence would be enhanced in the years to come by maintaining sufficient resources and a strong commitment to the aforementioned policies established since 1999, and

WHEREAS, the progress of Illinois students would be further enhanced by also focusing sufficient resources and a strong commitment on:

1. Stringent learning standards and accountability procedures for students, teachers and schools.
   • In January of 2002, President George W. Bush and the Congress of the United States enacted a landmark reform of the federal government’s programs affecting elementary and secondary education in Illinois and all other states known as the “No Child Left Behind Act.”
   • The “No Child Left Behind Act” requires Illinois and all states to, among other things, initiate, by the 2005-2006 school year, the annual testing of elementary students in grades three, four, five six seven and eight in reading and mathematics.
   • The act requires Illinois schools to show, through the use of annual tests, steady progress in student achievement, based on foundation information collected in the 2001-2002 school year.
   • The act requires Illinois to establish, starting in the 2002-2003 school year, greater educational choice options for the parents of students in chronically-failing public schools, including upon-request transfers to other public or charter schools and upon-request supplemental services from public or private sources that would be paid for by the federal government.

2. Providing a universal access to early childhood education.
   • Scientific studies provide strong evidence that quality early education plays a critical role in the healthy development of children, including the positive stimulation of the brain during the early years that creates the foundation for lifelong thinking, attitudes and behavior, as well as greater success in school and work.
   • Studies estimate that every $1 invested in quality preschool results in benefits of $7.16 for taxpayers. If these benefits are applied to Illinois and if 60 percent of four-year-olds and 50 percent of three-year-olds participate, the estimated savings to taxpayers would total $3.3 billion during the lifetimes of these children.
   • Illinois is among the leaders nationally in early education programs. Since 1999 Illinois has expanded state government support for Prekindergarten, Head Start and child care programs by 53 percent to more than $533 million in Fiscal Year 2001. Nonetheless, only 36 percent of the total age group population are being served.
   • Surveys and community forums consistently show that many parents in Illinois cannot access or afford quality preschool programs in their communities, and a lack of cooperation and existing regulatory barriers result in service gaps and the inefficient use of tax dollars, making it difficult for providers to maintain stable, quality programs.
The enhanced recruitment, training, retention and professional development of teachers and administrators.

Between 1999 and 2001, the number of public and private school teachers in Illinois has increased by 10,423.

Nonetheless, during the next four years, Illinois’ 4,200 schools will have to hire approximately 55,000 new teachers and 3,500 new administrators to meet the classroom needs of more than 2 million students in kindergarten through high school.

The full implementation of universal preschool will require the addition of 5,000 certified early childhood teachers and the need to develop a coherent system for recruitment, training and retention.

There were 12,600 teaching openings in Illinois during the 2001-2002 school year and approximately 1,600 teaching jobs went unfilled. Of the 13,000 people certified to teach in Illinois in 2000, only 6,600 accepted jobs in teaching.

The most acute need for teaching is found in school districts that are culturally and economically diverse in cities and rural areas. More than 70 percent of elementary school teachers, 52 percent of middle school teachers and 34 percent of high school teachers do not have college majors in the subjects they are teaching. Only 25 percent of English teachers and 33 percent of math teachers majored or minored in those subjects.

The rate of attrition among Illinois teachers is 7.3 percent per year.

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, order:

The establishment of the Illinois Agenda for Excellence In Education to promote, encourage and foster long-term improvement in elementary and secondary schools that will lead to consistently high student achievement, exemplary instruction and the well-rounded preparation of future generations.

The components of the Illinois Agenda for Excellence in Education shall be:

1. Creation of “Illinois Preschool” - a program that shall give all Illinois families a choice of quality preschool options for children age three and four.

A. Illinois Preschool shall coordinate, improve and expand existing programs so that every community can offer high-quality preschool in a variety of settings that include, but are not limited to, child care centers, family child care homes, schools, Head Start programs and community centers.

B. An “Illinois Preschool Council” will develop the implementation framework for universal access to quality preschool that shall be submitted for approval by the Governor and General Assembly by January 1, 2003. The Council shall:
   • Assess all needs and resources for early childhood education in Illinois.
   • Determine what supports are currently available for each type of program, and where gaps in services exist.
   • Develop recommendations to maximize opportunities to blend funding and partnerships across programs to meet program goals.
• Develop a multi-year state strategic plan for early childhood education and specify action steps to be taken.

• Encourage local collaboration and flexibility among early childhood education programs, and shall establish quality standards in key areas, such as teacher qualifications, curriculum and parent involvement.

The implementation plan, if funded by the General Assembly, shall begin in Fiscal Year 2004.

2. The T.E.A.C.H. and Great START programs shall be expanded through a cooperative effort of the Joint Education Committee to work with the General Assembly for increased funding commitments beginning with FY 2003.

3. The State Board of Education, in accordance with the federal “No Child Left Behind Act” shall develop and submit to the Governor and General Assembly by January 1, 2003 a detailed plan and implementation strategy for annual student testing in grades three, four, five, six, seven, eight, nine, ten and eleven that expands upon existing state testing programs. The testing plan shall be fully operational for the 2005-2006 school year.

4. The State Board of Education shall develop and submit to the Governor and General Assembly by January 1, 2003 a detailed plan and implementation strategy to bring the State of Illinois into compliance with the National Assessment of Educational Progress program, as required of all states in the “No Child Left Behind Act.”

5. The State Board of Education shall develop and submit to the Governor and General Assembly by January 1, 2003 a detailed plan and implementation strategy to set stringent accountability standards for all elementary and secondary schools that include closing achievement gaps between disadvantaged students and other student groups, as well as a multifaceted intervention program for schools that do not meet these standards.

6. The Joint Education Committee shall develop and submit to the Governor and General Assembly by January 1, 2003 a detailed plan and implementation strategy for a statewide system of mentoring and induction for all new teachers and administrators that will be initiated in stages over the next five school years, starting with the schools and school districts in Illinois with the most severe teacher retention problems.

7. The Joint Education Committee shall develop and submit to the Governor and General Assembly by January 1, 2003 a detailed plan and implementation strategy to reconfigure the State’s current DeBolt Scholarship Program into a new incentive program named the Illinois Teacher Education Assistance Campaign, The ITEACH program shall provide scholarships of up to $5,000 each year for students studying to become teachers in subject areas that have been designated by the ISBE as an area where there is a shortage of teachers.

8. The Joint Education Committee shall develop and submit to the Governor and General Assembly by January 1, 2003 a detailed plan and implementation strategy
that increases accountability for all providers of professional development services for teachers and administrators. All standards in this accountability system shall be based on reliable data concerning program effectiveness and the content knowledge needs of teachers.

9. The Joint Education Committee shall develop and submit to the Governor and General Assembly by January 1, 2003 a detailed plan and implementation strategy that brings administrator certificate renewal in Illinois into line with standards as recognized by the ISBE, the IBHE and the ICCB.

10. The Illinois State Board of Education, the Illinois Board of Higher Education, the Illinois Community College Board the Illinois Student Assistance Commission, the Illinois Workforce Investment Board and all other associated agencies, boards and commissions dealing with education and workforce training within state government shall maintain a strong commitment and sufficient resources to the aforementioned education and workforce policies established by this administration since 1999.

This Executive Order shall be effective immediately.

Issued by the Governor February 26, 2002.

Filed by the Secretary of State February 26, 2002.

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2002-2

EXECUTIVE ORDER TO EXTEND AFRICAN-AMERICAN FAMILY COMMISSION

WHEREAS, it is the policy of this State to promote family preservation and to preserve and strengthen families both within and outside of the child welfare system,

WHEREAS, there are 598,557 African-American children living in the State of Illinois, which is 18.8% of the total population of the State’s children;

WHEREAS, African-American children represent 71.4% of the child welfare population in the State of Illinois;

WHEREAS, these statistics indicate problems in the State of Illinois among African-American children and their families which is created by the disproportionately high numbers of African-American children entering the child welfare system;

WHEREAS, all of the above indicators point to the need for better coordination and implementation of existing policies, procedures and programs as well as the development of new policies, procedures and programs which will enhance and strengthen African-American families;

THEREFORE, pursuant to the power vested in me by Article V, Section 11 of the Illinois Constitution, I, George H. Ryan, hereby order the following:

I. CREATION

There shall be established the African-American Family Commission.

II. MEMBERSHIP

A. The Commission shall be composed of 30 members who shall be appointed by the Governor and each of whom shall have a working knowledge of the child welfare system in Illinois. Members shall serve two-
year terms. The chairperson(s) of the Commission shall be selected by the Governor.

B. Members shall be selected on a statewide basis but shall be predominately (85%) residents of the County of Cook. They shall be representative of a broad segment of communities and neighborhoods, and shall be selected from a variety of human service and related disciplines. They shall be representative of a partnership and collaborative effort between child welfare agencies, community-based agencies and organizations and leadership from the public/private sector and the community.

C. The Director of the Department of Children and Family Services shall serve on an ex-officio basis.

D. Members will serve without compensation but may be reimbursed for expenses.

E. Staff services and resources shall be provided to the Commission by the Department of Children and Family Services.

III. PURPOSE

The Commission shall advocate and promote family preservation consistent with the best interests of the child and community advancement by developing and recommending to the Illinois Department of Children and Family Services ("DCFS") culturally specific child welfare policies and practices that will strengthen African-American families and communities. Using a multidisciplinary, community-based approach, the Commission shall:

(a) assist DCFS in developing placement and program strategies for African-American children and families;
(b) assist DCFS in designing and ensuring implementation of culturally specific programs for African-American children and families;
(c) assist with needs assessment, recommend development activities and help develop community-based resources to prevent placement of African-American children into the child welfare system;
(d) assist DCFS in ensuring implementation of reform efforts relating to African-American children and families;
(e) serve as a resource with respect to legislative strategies;
(f) provide networking assistance with existing coalitions and interaction with other state agencies; and
(g) assist DCFS in formulating policy and legislation relating to African-American children, including strategies to reduce the number of African-American children in the child welfare system.

The African-American Family Commission shall document its efforts and recommendations and shall report its findings to the Governor by December 31 each year.

IV. EFFECTIVE DATE

This Executive Order Number 2 shall be effective upon filing with the Secretary State and shall be repealed by March 1, 2006.

Issued by the Governor March 04, 2002.

Filed by the Secretary of State March 04, 2002.
EXECUTIVE ORDER TO REORGANIZE AGENCIES BY THE ABOLISHMENT OF CERTAIN ENTITIES OF THE EXECUTIVE BRANCH

WHEREAS, Article V, Section 11 of the Illinois Constitution authorizes the Governor to reassign functions or reorganize executive agencies that are directly responsible to him to simplify the structure of the Executive Branch, achieve effectiveness, and expedite efficiency; and

WHEREAS, Section 3.2 of the Executive Reorganization Implementation Act, 15 ILCS 15/3.2, provides that “Reorganization” includes “the abolition of the whole or any part of any agency which does not have, or upon the taking effect of reorganization will not have, any functions”; and

WHEREAS, This Executive Order abolishes those agency entities directly responsible to the Governor that do not have any function, which abolishment decreases agency bureaucracy, streamlines the executive branch, and dissolves inactive entities; therefore

BE IT ORDERED, Pursuant to the power vested in me by Article V, Section 11 of the Illinois Constitution, that the following agency reorganization shall be executed:

I. Abolishment:
The entities listed under Part II of this Executive Order and all accompanying administrative units, boards, councils, advisory bodies, or related entities of these agencies are abolished. The corresponding terms of appointed members on these entities are also terminated, and their appointed offices are subsequently abolished. These entities or offices may be temporarily reorganized or reconstituted, if necessary, under the Department of Central Management Services or another appropriate agency to facilitate the winding up and termination of their administration. The Director of Central Management Services shall determine in the winding up or termination of the abolished entities’ affairs if the consultation or consolidation with another agency’s administration is appropriate.

II. Affected Entities and Corresponding Enabling Authorities:
The entities listed in this Part II are abolished. The rights, powers, duties, and functions vested by law in these entities, or any office, division, council, committee, bureau, board, commission, officer, employee, or associated individual, person, or entity by the following Executive Orders, Acts, or Sections of the Acts, and all rights, powers, and duties incidental to these provisions including funding mechanisms, are also abolished:

A. Advisory Board for Conservation Education: Sections 3, 4, and 7 of the Conservation Education Act, 105 ILCS 415/3, 4, and 7.

B. Advisory Council on Reclamation: Section 1.04 of the Surface Coal Mining Land Conservation and Reclamation Act, 225 ILCS 720/1.04.

E. Board of Trustees of the Illinois Summer School for the Arts: Illinois Summer School for the Arts Act, 105 ILCS 310/Act.
F. Cattle Disease Research Committee: Section 2 of the Animal Gastroenteritis Act, 510 ILCS 15/2.
G. Clinical Laboratory and Blood Bank Advisory Board: Sections 5-101, 5-102, and 5-103 of the Illinois Clinical Laboratory and Blood Bank Act, 210 ILCS 25/5-101, 5-102, and 5-103.
H. Coordinating Committee of State Agencies Serving Older Persons: Section 5-520 of the Civil Administrative Code of Illinois, 20 ILCS 5/5-520, and Sections 3.04, 4.01, 7.02, 8, 8.01, 8.02, and 8.03 of the Illinois Act on Aging, 20 ILCS 105/3.04, 4.01, 7.02, 8, 8.01, 8.02, and 8.03.
I. Corn Marketing Program Temporary Operating Committee: Sections 6 and 7 of the Illinois Corn Marketing Act, 505 ILCS 40/6 and 7.
L. Governor’s Commission on Gangs in Illinois: Executive Order 95-4.
M. Hemophilia Advisory Committee: Sections 1 and 4 of the Hemophilia Care Act, 410 ILCS 420/1 and 4.
O. Illinois Distance Learning Foundation: Section 405-500 of the Department of Central Management Services Law of the Civil Administrative Code of Illinois, 20 ILCS 405/405-500; Section 3-1 of the Illinois State Auditing Act, 30 ILCS 5/3-1; and the Illinois Distance Learning Foundation Act, 105 ILCS 40/Act.
Q. Illinois Electronic Data Processing Advisory Committee: Section of the Electronic Fund Transfer Act, 205 ILCS 616/75.
R. Illinois Electronic Fund Transfer Advisory Committee: Section 70 of the Electronic Fund Transfer Act, 205 ILCS 616/70.
T. Illinois Fiduciary Advisory Committee: Sections 1-5.04, 9-1, 9-2, 9-3, and 9-4 of the Corporate Fiduciary Act, 205 ILCS 620/1-5.04, 9-1, 9-2, 9-3, and 9-4.
V. Interagency Board for Children who are Deaf or Hard-of-Hearing and have an Emotional or Behavioral Disorder: Interagency Board for Children who are Deaf or Hard-of-Hearing and have an Emotional or Behavioral Disorder Act, 325 ILCS35/Act.

W. Laboratory Review Board: Laboratory Review Board Act, 20 ILCS 3980/Act.


AA. One Church One Child Advisory Board: Section 7.1 of the Children and Family Services Act, 20 ILCS 505/7.1.

BB. Sheep and Wool Production Development and Marketing Temporary Operating Committee: Sections 6 and 7 of the Illinois Sheep and Wool Production Development and Marketing Act, 505 ILCS 115/6 and 7.

CC. Soybean Marketing Program Temporary Operating Committee: Sections 7 and 8 of the Soybean Marketing Act, 505 ILCS 130/7 and 8.

DD. State Sanitary District Observer: Section 4b of the Metropolitan Water Reclamation District Act, 70 ILCS 2605/4b.


III. Savings Clause:
A. The rights, powers, duties, and functions of the entities abolished by this Executive Order shall be vested in and shall continue to be exercised by the Department of Central Management Services or another appropriate agency to the extent necessary to effectuate the termination or winding up of affected administrative affairs. Each act done in the exercise of these rights, powers, and duties shall have the same legal effect as if done by the former agencies, and by the officers and employees of those agencies.

B. Every person or corporation shall be subject to the same obligations and duties and to the associated penalties, if any, and shall have the same rights arising from the exercise of these obligations and duties as if exercised subject to the former agency or the officers and employees of that agency.

C. Every person shall be subject to the same penalty for offenses as prescribed by existing law for the same offense by any person whose powers or duties were abolished or transferred under this Executive Order.

D. Whenever reports or notices are now required to be made or given or papers or documents furnished or served by any person or entity, then those requirements shall be waived or, if completed, then those reports and notices
shall be delivered, immediately after the effective date of this Executive Order.

E. This Executive Order shall not affect any act done, ratified, or cancelled or any right occurring or established or any action or proceeding had or commenced in an administrative, civil, or criminal cause, before this Executive Order takes effect, but these actions or proceedings may be prosecuted and continued by the Department of Central Management Services in cooperation with another agency, if necessary.

F. This Executive Order shall not affect the legality of any rules in the Illinois Administrative Code that are in force on the effective date of this Executive Order, which rules have been duly adopted by the pertinent agencies. If necessary, however, the affected agencies shall propose, adopt, or repeal rules, rule amendments, and rule recodifications as appropriate to effectuate this Executive Order. These rule modifications shall coincide with, if applicable, the termination and winding up of the abolished entities’ affairs.

G. Whenever any provision of any previous Executive Order, any Act, or any Act’s Section transferred by this Executive Order provides for membership of an individual from an abolished entity or their respective designee, on any board, commission, authority, or other entity, the Director of Central Management Services, the head of another appropriate agency, or a Director’s designee shall serve in that place, if necessary. If more than one such director is required by law to serve on any board, commission, authority, or other entity, then an equivalent number of representatives of the Department of Central Management Services or another appropriate agency shall so serve, if necessary.

H. All employees, if any, of the abolished entities are transferred to the Department of Central Management Services or to another appropriate agency as determined by the Director of Central Management Services. All employees engaged in the performance of a function or in the administration of a law transferred by this Executive Order are transferred to the Department of Central Management Services. Personnel exercising rights, powers, and duties in the abolished entities are now transferred to the Department of Central Management Services. The rights of the employees, the State, and the transferring agencies under the Personnel Code or any collective bargaining agreement, or under any pension, retirement, or annuity plan, shall not be affected by this Executive Order. Personnel employed by the abolished agencies to perform functions that are not clearly classifiable within the areas referred to in this Executive Order shall be assigned and transferred to appropriate departments by the Director of Central Management Services.

I. All personnel records, documents, books, correspondence, papers, real and personal property, and other associated items in any way pertaining to the rights, powers, duties, and functions of the abolished entities shall be
delivered and transferred to the Department of Central Management Services, another appropriate agency, or the State Archives.

J. All pending business and affairs in any way pertaining to the rights, powers, duties, and functions of the abolished entities shall be transferred to the Department of Central Management Services or to another appropriate agency for continuation, modification, winding up, or termination, as appropriate.

K. The unexpended balances of any appropriations or funds, grants, donations, or other moneys available for use by the abolished entities shall be transferred to the Department of Central Management Services or other appropriate agency and shall be expended for similar purposes for which the appropriations, funds, grants, or other moneys were originally made or given to those entities. If those purposes are no longer feasible, then the remaining balances shall be deposited into the General Revenue Fund.

IV. Severability:
If any provision of this Executive Order or its application to any person or circumstance is held invalid, then the invalidity of that provision or application does not affect other provisions or applications of this Executive Order that can be given effect without the invalid provision or application.

V. Filing:
This Executive Order shall be filed with Clerk of the House of Representatives and the Secretary of the Senate. In addition, this Executive Order shall be filed with (i) the Secretary of State for publishing in the Illinois Register and (ii) the Legislative Reference Bureau for preparation of a revisory bill effectuating these provisions.

VI. Further action:
The abolishment of these entities does not foreclose further action in that the Governor may review additional executive entities for abolishment and conduct that abolishment by Executive Order. Future entities created by Executive Order should include an expiration date for automatic termination of those entities.

VII. Effective Date:
This Executive Order is effective 60 days after delivery to the General Assembly, which delivery is executed by filing copies of the document with the Clerk of the House of Representatives and the Secretary of the Senate.

This Executive Order shall be effective immediately.
Issued by the Governor April 01, 2002.
Filed by the Secretary of State April 01, 2002.
EXECUTIVE ORDER TO MERGE THE OFFICE OF STATEWIDE PERFORMANCE REVIEW AND THE ILLINOIS OFFICE OF STRATEGIC PLANNING WITH THE BUREAU OF THE BUDGET

WHEREAS, The citizens and industry of Illinois are best served when State government operates as efficiently and effectively as possible; and

WHEREAS, Executive Order #7 (1999) and Executive Order #8 (1999) created, respectively, the Office of Statewide Performance Review and the Illinois Office of Strategic Planning, both within the Office of the Governor; and

WHEREAS, The Office of Statewide Performance Review and the Illinois Office of Strategic Planning have made great progress in improving the effectiveness and efficiency of State agency operations and ensuring a higher level of accountability in state government through strategic management; and

WHEREAS, The State Budget Law of the Civil Administrative Code of Illinois, 15 ILCS 20/Art. 50, mandates the Bureau of the Budget to work with State agencies to provide departmental performance measures, accountability reports and strategic plans as part of the annual budget process; and

WHEREAS, The federal Government Accounting Standards Board requires the State agencies to submit annual performance data to the Illinois Office of the Comptroller; and

WHEREAS, The Illinois General Assembly has demonstrated strong support for strengthening and expanding the duties and responsibilities of the Bureau of the Budget in this regard; and

WHEREAS, Incorporating the official duties and responsibilities of the Office of Statewide Performance Review and the Illinois Office of Strategic Planning within the Bureau of the Budget will enhance the coordination of budgetary, performance review and strategic planning functions within the Office of the Governor; therefore

BE IT ORDERED, that the following action shall be executed:

1. Under the authority of the Bureau of the Budget Act, 20 ILCS 3005/Act, the Bureau of the Budget, the Office of Statewide Performance Review and the Illinois Office of Strategic Planning shall immediately begin the process of merging the duties and responsibilities set forth in Executive Order #7 (1999) and Executive Order #8 (1999) within the Bureau of the Budget.

2. The transfer to the Bureau of the Budget of personnel, records, and administrative functions of the Office of Statewide Performance Review and the Illinois Office of Strategic Planning shall begin upon the effective date of this Executive Order and be completed on or before June 30, 2002. In addition, the currently-funded positions within the Capital Development Board intended to perform long-term capital planning shall be transferred to the Bureau of the Budget on or before June 30, 2002.

3. Beginning with FY2004 and every year thereafter, in accordance with the State Budget Law of the Civil Administrative Code of Illinois, 15 ILCS 20/Art. 50, the Bureau of the Budget shall:
a) Assist in setting the strategic direction for state government by compiling state level strategic issues
b) Require that executive agencies electronically provide an annual update of their strategic plan.
c) Annually identify key issues related to the updated agency strategic plans that will significantly impact state finance during the next fiscal year.
d) Annually compile a state level strategic direction, by functional area, to be included in the yearly Budget Book prepared by the Bureau of the budget.
e) Require that executive agencies provide an annual management plan consisting of key elements from agency strategic plans and performance review data, combined with preliminary budget allocations for the next fiscal year. The annual management plan shall serve as the primary document for constructing the next fiscal year’s State budget proposal.

4. This Executive Order is effective upon filing with the Secretary of State.
   Issued by the Governor April 01, 2002.
   Filed by the Secretary of State April 01, 2002.

2002-5
EXECUTIVE ORDER FOR THE INTERAGENCY COORDINATING COMMITTEE ON GROUNDWATER TO ESTABLISH A WATER QUANTITY PLANNING PROGRAM

WHEREAS, The protection of the surface waters of the State of Illinois is inextricably connected to the protection of groundwater as a common resource for water needs; and

WHEREAS, The quantity of surface water and groundwater in Illinois must be properly assessed as an essential part of water resources management for the citizens of the State; and

WHEREAS, The citizens of Illinois rely on surface water and groundwater for personal consumption, and industries of the State use a significant amount of that water; and

WHEREAS, The demand on Illinois' water resources may lead to conflicts among multiple users, may adversely affect the health of the State's citizens, and may adversely impact the environment and the economy of the State; and

WHEREAS, Planning for the protection and management of adequate supplies of Illinois' water resources is an essential necessity for the future generations of citizens, industry, and wildlife of the State; therefore

BE IT ORDERED, That the following action shall be executed:

1. Under Section 4 of the Illinois Groundwater Protection Act, 415 ILCS 55/4, the Interagency Coordinating Committee on Groundwater shall designate a subcommittee to develop an integrated groundwater and surface-water resources
agenda and assessment report. The report shall analyze the burdens on Illinois’ finite water-resources, quantify Illinois’ water-resources, and prioritize an agenda to plan for the protection of these water-resources. The subcommittee shall be chaired by the Director of the Department of Natural Resources or the Director’s designee. The subcommittee’s agenda and report shall be considered by the Interagency Coordinating Committee on Groundwater and shall also be considered by the Groundwater Advisory Council created under Section 5 of the Illinois Groundwater Protection Act, 415 ILCS 55/5. The Interagency Coordinating Committee on Groundwater and the Groundwater Advisory Council shall use the subcommittee’s agenda and report to establish a water-quantity planning procedure for the State by implementing the following programs:

a. A coordinated groundwater and surface-water resource program with information that is accessible and usable by governmental agencies and the public to support the State’s water-resources quantity programs.

b. A statewide groundwater and surface-water resource program to serve as the basis for the formation of priority water-quantity planning areas.

c. A statewide program for the identification and recommendation of the appropriate organizational structure for priority water-quantity planning areas.

2. Before January 1st of each calendar year, the Interagency Coordinating Committee on Groundwater shall report to the Governor on the progress of the assessments and programs mandated by this Executive Order.

3. This Executive Order is effective upon the date filed with the Secretary of State.

Issued by the Governor April 22, 2002.
Filed by the Secretary of State April 22, 2002.

2002-6
RENEWABLE ENERGY EXECUTIVE ORDER FOR STATE GOVERNMENT

WHEREAS, pursuant to Executive Orders No. 2 (2001) and No. 6 (2000), I created, respectively, both the Illinois Energy Cabinet and the Green Illinois Government Coordinating Council to help the State of Illinois create a sound energy policy designed to improve energy efficiency and reduce environmental impacts of state facilities and operations;

WHEREAS, the Green Illinois Government Coordinating Council, in conjunction with the Energy Cabinet, has compiled information on the purchase of renewable energy which will support the Illinois Energy Policy as well as enhance the State’s energy future by diversifying the mix of energy sources and producing environmental improvement;

WHEREAS, newly deregulated markets for electricity in the United States are providing energy companies, consumers, entrepreneurs and businesses with opportunities to stimulate emerging markets for renewable energy;

WHEREAS, the use of renewable energy provides a number of benefits, including but not limited to: increased energy diversity and security, reduction in air emissions and
greenhouse gases, economic development opportunities and on-site power generation;

WHEREAS, State government is a major consumer of energy, and state investments in renewable energy resources will help provide stable long-term markets and reduce the manufacturing costs of promising new technologies;

WHEREAS, Illinois passed the Renewable Energy, Energy Efficiency and Coal Resources Development Law of 1997 to develop programs to promote the use of renewable energy resources and diversify the State’s energy portfolio;

WHEREAS, the Illinois Resource Development and Energy Security Act, states that renewable forms of energy should be promoted as an important element of the energy and environmental polices of the State and that it is a goal of the State that at least 5 percent of the State’s energy production and use be derived from renewable forms of energy by 2010 and at least 15 percent from renewable forms of energy by 2020; and

WHEREAS, State government should assume a leadership role in renewable energy development by helping meet critical national fuel diversity, energy security, environmental and economic goals.

NOW THEREFORE, BE IT RESOLVED THAT I, George H. Ryan, by virtue of the power vested in me as Governor, do hereby order as follows:

1. Purchase of Energy from Renewable Sources

Executive state agencies with responsibility for purchasing energy shall investigate policies and programs to incrementally increase their purchase of energy from renewable energy resources. The Department of Central Management Services and affected executive state agencies, taking into account costs and price competitiveness, shall also work together to purchase sufficient quantities of energy from renewable energy resources so that at least 5 percent of the overall annual electricity requirements of buildings owned or operated by executive state agencies will be met through renewable energy resources by 2010, increasing to at least 15 percent by 2020.

2. Definitions

As used in this executive order, “renewable energy resources” includes energy from wind, solar thermal, photovoltaic cells and panels, dedicated crops grown for energy production, organic waste biomass, hydropower that does not involve new construction or significant expansion of hydropower dams, and other such alternative sources of environmentally preferable energy. “Renewable energy resources” does not include, however, energy from the incineration, burning or heating of waste wood; tires; garbage; general household, institutional and commercial waste; industrial lunchroom or office waste; landscape waste; or construction and demolition debris.

3. Effective Date

This order shall be effective upon filing with the Secretary of State.

4. Termination Date

This order shall remain in effect unless revised or rescinded by the Governor.

Issued by the Governor April 22, 2002.

Filed by the Secretary of State April 22, 2002.
2002-7
AN EXECUTIVE ORDER CREATING THE ILLINOIS DISABILITIES SERVICES ADVISORY COMMITTEE

WHEREAS, in June of 1999, the U.S. Supreme Court in Olmstead v L.C. delivered an opinion regarding Title II of the Americans with Disabilities Act (ADA) pertaining to public services and programs provided by governmental entities, and
WHEREAS, the Department of Human Services, in collaboration with the Departments of Public Aid, Public Health, Aging, the Housing Development Authority and other concerned Departments of Illinois Government worked in cooperation with a group of Illinois citizens with disabilities, advocates and other interested parties to survey the service delivery system in the State through a series of meetings and public forums; and
WHEREAS, the Department of Human Services, in collaboration with the Departments of Public Aid, Aging and the Housing Development Authority, and through the cooperation of Illinois citizens and advocate groups have developed a Community Living and Disabilities Plan for Illinois;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, hereby order the following:
There is created the Illinois Disabilities Services Advisory Committee to provide guidance and monitor the progress of the Community Living and Disabilities Plan.
The membership of the Committee shall be composed of:
A minimum of 20 individuals appointed by the Governor, including persons with disabilities, family members of persons with disabilities, representatives of various advisory councils, and other non-governmental organizations and individuals concerned with services for persons with disabilities.
The Committee shall:
Meet quarterly or more often as is deemed necessary.
Serve in an advisory capacity to those State agencies charged with implementation of the Disabilities Services Plan, including but not limited to: the Illinois Department of Human Services, Department of Public Aid, Department on Aging, and the Illinois Housing Development Authority.
Provide ongoing oversight of progress to the Governor and General Assembly and periodic reports to those State agencies that are responsible for the Plan’s implementation, as well as periodic recommendations for possible revisions to the Community Living and Disabilities Plan.
Work in collaboration with state agencies to develop and facilitate a model of individual choice, utilizing a person centered planning approach.
Identify opportunities for change through advances in technology, techniques or promising practices.
Assist in analyzing the impact on service delivery of private sector and market forces and changing demographics.
Examine ways to have funding for services follow the consumer’s choice for
services.

This Executive Order Number 7 (2002) shall become effective upon filing with the Secretary of State.

Issued by the Governor April 24, 2002.

Filed by the Secretary of State April 22, 2002.

2002-8

EXECUTIVE ORDER TO CONTINUE THE ESTABLISHMENT OF (I) THE ILLINOIS DELEGATION TO THE MIDWESTERN HIGHER EDUCATION COMMISSION AND (II) THE BOARD OF TRUSTEES OF THE ILLINOIS SUMMER SCHOOL FOR THE ARTS

WHEREAS, An unintended consequence of Executive Order Number 3 (2002) "Executive Order to Reorganize Agencies by the Abolishment of Certain Entities of the Executive Branch" was the inadvertent dissolution of the Illinois contingent of the Midwestern Higher Education Commission under the Midwestern Higher Education Compact Act, 45 ILCS 155/Act, and the inadvertent withdrawal from the Midwestern Higher Education Compact; and

WHEREAS, Another unintended consequence of Executive Order Number 3 (2002)"Executive Order to Reorganize Agencies by the Abolishment of Certain Entities of the Executive Branch" was the inadvertent dissolution of the Board of Trustees of the Illinois Summer School for the Arts and the inadvertent listing of the corresponding Illinois Summer School for the Arts Act, 105 ILCS 310/Act; and

WHEREAS, The Illinois Commission on Intergovernmental Cooperation has suggested reasons for continued participation in the Midwestern Higher Education Compact under the evaluation procedure established in Section 2a of the Midwestern Higher Education Compact Act, 45 ILCS 155/2a; and

WHEREAS, The policy of the State in implementing the Illinois Summer School for the Arts Act, 105 ILCS 310/2, should be continued to seek and nurture the artistic talent of Illinois high school students to preserve the State’s historic cultural richness for our residents and to enhance our quality of life in enjoying all expressions of art; and

WHEREAS, To the extent that the Midwestern Higher Education Commission, Board of Trustees of the Illinois Summer School for the Arts, their members, and their accompanying administrative units, offices, entities, and individuals were terminated or abolished by Executive Order Number 3 (2002), this Executive Order reverses that effect to ensure that the (i) Midwestern Higher Education Compact Act, 45 ILCS 155/Act, and corresponding Commission delegation from Illinois, (ii) Illinois Summer School for the Arts Act, 105 ILCS 310/Act, and corresponding Board of Trustees, and (iii) their members, and accompanying administrative units, offices, entities, and individuals continue to remain established and functioning without interruption as if never included in Executive Order Number 3 (2002); and

WHEREAS, Article V, Section 8 of the Constitution of the State of Illinois, ILCON Art.V Sec.8, provides that "The Governor shall have the supreme executive
power, and shall be responsible for the faithful execution of the laws[.].", and the Governor is hereby faithfully ensuring the continued operation of the following laws: the Midwestern Higher Education Compact Act, 45 ILCS 155/Act, and the Illinois Summer School for the Arts Act, 105 ILCS 310/Act; therefore

BE IT ORDERED, Pursuant to the power vested in the Governor under the Constitution of the State of Illinois, that the following action shall be executed:

I. Midwestern Higher Education Commission:
   A. Delegation to the Midwestern Higher Education Commission: The Illinois delegation to the Midwestern Higher Education Commission as listed in item Y of Part II of Executive Order Number 3 (2002), Commission members, and accompanying administrative units, offices, entities, and individuals continue to remain established and functioning as if never listed in Executive Order Number 3 (2002).
   B. Enabling Act for the Midwestern Higher Education Compact: The rights, powers, duties, functions, and funding vested by law under the Midwestern Higher Education Compact Act, 45 ILCS 155/Act, continue to be established as if never included in Executive Order Number 3 (2002). In addition, the unchanged provisions of the Act shall be construed as a continuation of the current provisions, and shall not be construed as a new enactment. In this manner, the enabling Act is not affected by Executive Order Number 3 (2002), and this Executive Order continues the uninterrupted participation by the State of Illinois in the Midwestern Higher Education Compact.

II. Illinois Summer School for the Arts:
   A. Board of Trustees of the Illinois Summer School for the Arts: The Board of Trustees of the Illinois Summer School for the Arts as listed in item E of Part II of Executive Order Number 3 (2002), Board members, and accompanying administrative units, offices, entities, and individuals continue to remain established and functioning as if never listed in Executive Order Number 3 (2002).
   B. Enabling Act for the Summer School for the Arts: The rights, powers, duties, functions, and funding vested by law under the Illinois Summer School for the Arts Act, 105 ILCS 310/Act, continue to be established as if never included in Executive Order Number 3 (2002). In addition, the unchanged provisions of the Act shall be construed as a continuation of the current provisions, and shall not be construed as a new enactment. In this manner, the enabling Act is not affected by Executive Order Number 3 (2002), and this Executive Order continues the uninterrupted operation by the State of Illinois of this Act.

III. Effective Date:
This Executive Order is effective immediately upon the same date and at the same time as Executive Order Number 3 (2002). The simultaneous effective dates of these Executive Orders are to ensure the continued establishment and functioning of (i) the Midwestern Higher Education Compact, its enabling Act, and the corresponding Illinois contingent to the Midwestern Higher Education Commission, without lapse, (ii) the Board of Trustees of the Illinois Summer School for the Arts and its corresponding enabling Act, without lapse, and (iii) their members, and accompanying administrative units, offices, entities, and individuals, without lapse.

Issued by the Governor June 05, 2002.
Filed by the Secretary of State June 05, 2002.

2002-9
EXECUTIVE ORDER FOR DISASTER FUNDING

WHEREAS, a violent tornadoes, severe thunderstorms and flash flooding that occurred throughout the State in the months of April and May caused extensive damage to homes, businesses, farms local roads and other properties in various communities and rural unincorporated areas in Illinois; and,

WHEREAS, in April and May, 2002 I made declarations of disasters for numerous Illinois counties and, thereafter requested the President of the United States to declare a major disaster in Illinois for the purpose of capturing federal aid; and,

WHEREAS, I hereby find the demands placed on funds regularly appropriated to the Illinois Emergency Management Agency in coping with these events are unexpectedly great; and,

WHEREAS, I hereby find that monies available from the Disaster Relief fund are insufficient to meet the needs of the Illinois Emergency Management Agency in coping with this disaster; and,

WHEREAS, Section 9 of the Illinois Emergency Management Act, 20 ILCS 3305/9, authorizes the Governor to transfer and expend monies appropriated for other purposes to cope with a disaster when other sources of money are insufficient or to borrow for a term not to exceed 2 years from the United States government or other public or private source, until such time as a quorum of the General Assembly can convene to enact legislation as it may deem necessary; and

WHEREAS, the President of the Senate and the Speaker of the House have certified that the Senate and House are not in session; and

WHEREAS, pursuant to the power vested in me by the Illinois Constitution, and Section 9 of the Illinois Emergency Management Act, I, George H. Ryan, hereby order the following:
A total of $37,250 of expenditure authority shall be transferred from the funds appropriated to the Department of Transportation, Article 51, Section 18b of Public Act 92-538 to the Illinois Emergency Management Agency into the line "Disaster Relief, Individual, Payable
from the General Revenue Fund, State Share of the Individual and Family Grant Program for Disaster Declarations in Prior years”, Article 90, Section 5 of P.A. 92-538.

This order shall take effect immediately.

Issued by the Governor October 07, 2002.

Filed by the Secretary of State October 07, 2002.

2002-10
EXECUTIVE ORDER FOR DISASTER FUNDING

WHEREAS, a severe weather system moved through south central Illinois resulting in two deaths, multiple injuries and extensive damage to homes, power lines and trees in the community of Centralis in Marion county; and,

WHEREAS, on May 9, 2002, I proclaimed Marion County a disaster area; and,

WHEREAS, I hereby find that the demands placed on funds regularly appropriated to the Illinois Emergency Management Agency in coping with this disaster are unexpectedly great; and,

WHEREAS, I hereby find that monies available from the Disaster Relief fund are insufficient to meet the needs of the Illinois Emergency Management Agency in coping with this disaster; and,

WHEREAS, Section 9 of the Illinois Emergency Management Act, 20 ILCS 3305/9, authorizes the Governor to transfer and expend monies appropriated for other purposes to cope with a disaster when other sources of money are insufficient or to borrow for a term not to exceed 2 years from the United States government or other public or private source, until such time as a quorum of the General Assembly can convene to enact legislation as it may deem necessary; and,

WHEREAS, the President of the Senate and the Speaker of the House have certified that the Senate and House are not in session;

THEREFORE, pursuant to the power vested in me by the Illinois Constitution, and Section 9 of the Illinois Emergency Management Act, I, George H. Ryan, hereby order the following:

A total of $27,600 of expenditure authority shall be transferred from the Department of Transportation, Article 51, Section 18b of P.A. 92-538 to the Illinois Emergency Management Agency into the line “Payable from General Revenue Fund, For costs incurred in the prior years,” Article 90, Section 4 of P.A. 92-538.

This order shall take effect immediately.

Issued by the Governor December 12, 2002.

Filed by the Secretary of State December 12, 2002.
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2002-1
NGERIAN ISLAMIC ASSOCIATION OF U.S.A. DAY

WHEREAS, for the past 13 years the Nigerian Islamic Association has celebrated the end of the month of Ramadan with a dinner aimed at raising funds for the maintenance of their Islamic Center and to carry out various community programs and free Quranic school for their children; and
WHEREAS, the Nigerian Islamic Association was incorporated as a not-for-profit corporation on January 19, 1988; and
WHEREAS, the Nigerian Islamic Association aims to propagate the teachings of Islam, further the education, social, cultural and charitable interest of the Nigerian Community, and improve the general welfare of all Nigerians;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim December 29, 2001, as NIGERIAN ISLAMIC ASSOCIATION OF U.S.A. DAY in Illinois.

Issued by the Governor December 26, 2001.
Filed by the Secretary of State January 2, 2002.

2002-2
CHICAGO MUSIC AWARDS DAY

WHEREAS, the Annual Chicago Music Awards has been the primary or the only organ that expressly honors Illinois entertainers in the various music genres, such as: Pop, Rock, Gospel, R&B, Blues, Jazz, Reggae, Country Western, Latin, Opera, Classical, Polka, Kids and other World Music; and
WHEREAS, on February 9, 2002, Martin’s Inter-Culture, in association with several sponsors will present the 21st Annual Chicago Music Awards at the Congress Plaza Hotel; and
WHEREAS, the Awards Ceremony encourages high standards of performance, conduct and professionalism, and exhibits the wealth of talent Illinois has to offer; and
WHEREAS, Martin’s Inter-Culture will dedicate its 21st Annual Chicago Music Awards to the fallen fire fighters and police officers;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim February 9, 2002, as CHICAGO MUSIC AWARDS DAY in Illinois.

Issued by the Governor December 26, 2001.
Filed by the Secretary of State January 2, 2002.

2002-3
ST. SAVA DAY

WHEREAS, St. Sava endowed the Serbian Orthodox Church and the Serbian nation with the spirit and identity of a rich religious cultural heritage; and
WHEREAS, the religious cultural heritage of the Serbian Orthodox Church and Schools organized by St. Sava is a special contribution to Serbian culture; and
WHEREAS, St. Sava is the patron saint of Serbian Orthodox Sunday Schools and Children; and
WHEREAS, St. Sava was the first Serbian Bishop who organized the Serbian National Church in 1219; and
WHEREAS, St. Sava’s love for the people of the Serbian Orthodox Church are the foundation of Serbian Orthodox Sunday School and its students; and
WHEREAS, the life and works of St. Sava shall be honored on or about January 27 by children of the Serbian Orthodox Church who honor and thank him with songs, poems, dance, and programs about his greatness;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim January 27, 2002, as ST. SAVA DAY in Illinois.
Issued by the Governor December 26, 2001.
Filed by the Secretary of State January 2, 2002.

2002-4
RONALD REAGAN DAY

WHEREAS, President Ronald Wilson Reagan, a man of humble background, worked throughout his life serving the cause of freedom and advancing the public good, having been employed as an entertainer, union leader, corporate spokesman, Governor of California, and President of the United States; and
WHEREAS, Ronald Reagan served with honor and distinction for two terms as the 40th President of the United States of America, the second of which he was victorious in 49 out of the 50 states in the general election, earning the confidence of three-fifths of the electorate - a record unsurpassed in the history of American presidential elections; and
WHEREAS, in 1981, when Ronald Reagan was inaugurated President, he inherited a disillusioned nation shackled by rampant inflation and high unemployment; and
WHEREAS, during Mr. Reagan’s presidency, he worked in a bipartisan manner to enact his bold agenda of restoring accountability and common sense to Government, which led to an unprecedented economic expansion and opportunity for millions of Americans; and
WHEREAS, Mr. Reagan’s commitment to an active social policy agenda for the nation’s children helped lower crime and drug use in our neighborhoods; and
WHEREAS, President Reagan’s commitment to our armed forces contributed to the restoration of pride in America, her values, and those cherished by the free world and prepared America’s Armed Forces to win the Gulf War, and;
WHEREAS, President Reagan’s vision of “peace through strength” led to the end of the Cold War and the ultimate demise of the Soviet Union, guaranteeing basic human rights for millions of people; and
WHEREAS, on February 6, 2002, Ronald Reagan will celebrate his 91st birthday, thus becoming the oldest living former President; 
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim February 6, 2002, as RONALD REAGAN DAY in Illinois. 
Issued by the Governor December 28, 2001. 
Filed by Secretary of State January 2, 2002.

2002-5
CHILDREN’S DENTAL HEALTH MONTH

WHEREAS, it is important that families maintain good health and good dental health; and
WHEREAS, good health can be achieved in part through good dental habits learned early in childhood and reinforced throughout life; and
WHEREAS, Children’s Dental Health Month was initiated over 50 years ago in an effort to promote good oral health for children; and
WHEREAS, although children’s oral hygiene is improving, many children still do not receive proper oral care; and
WHEREAS, one in ten children ages 5 to 11, has not visited a dentist;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim February 2002 as CHILDREN’S DENTAL HEALTH MONTH in Illinois. 
Issued by the Governor December 28, 2001. 
Filed by the Secretary of State January 2, 2002.

2002-6
LAND SURVEYORS’ MONTH

WHEREAS, land surveying is one of the oldest technical services of mankind and our complex civilization depends more and more on surveyors’ skills and accuracy to determine property rights and methods of design and construction; and
WHEREAS, the surveying skills of George Washington, The Commander-in-Chief of our Revolutionary Forces, may have had considerable influence on the winning of our national independence since Washington, a land surveyor before the war, directed the planning of military operations and selected battle sites; and
WHEREAS, more than 80 years later when the states were threatened by a cruel division, another great president and former surveyor, Abraham Lincoln, was recognized as the “Savior of Our Country” after directing the campaigns that preserved our nation; 
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim February 2002 as LAND SURVEYORS’ MONTH in Illinois in recognition of the two “Land Surveyor Presidents,” George Washington and Abraham Lincoln, whose birthdays are observed this month. 
Issued by the Governor December 28, 2001. 
Filed by the Secretary of State January 2, 2002.
2002-7

VOLUNTEER BLOOD DONOR MONTH

WHEREAS, the demand for blood is greater today than ever, with patients in need of a blood transfusion every three seconds; and
WHEREAS, an estimated 8 million people donate blood each year, but many more donors are needed because accident victims, surgical patients, and Leukemia and other cancer patients all utilize donated blood; and
WHEREAS, donating blood is a fast and safe way to help our fellow citizens;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim January 2002 as VOLUNTEER BLOOD DONOR MONTH in Illinois.
Issued by the Governor January 9, 2002.
Filed by the Secretary of State January 14, 2002.

2002-8

FINANCIAL AID/ADMISSIONS AWARENESS MONTH

WHEREAS, the State of Illinois maintains a strong commitment to the intellectual growth and career development of its citizens; and
WHEREAS, the State of Illinois has fostered the development of an impressive complement of public and private programs of higher education; and
WHEREAS, a network of student financial assistance programs consisting of grants, scholarships, loans, and work-study provides access to educational opportunities for thousands of citizens each year; and
WHEREAS, the Illinois Student Assistance Commission’s (ISAC) responsibilities include administering grant, scholarship, and loan programs and providing programs and initiatives to encourage families to begin saving early for postsecondary education; and
WHEREAS, the Illinois Student Assistance Commission, the Illinois Association of Student Financial Aid Administrators, Inc., and the Illinois Association for College Admissions Counseling are conducting a series of informational programs to boost awareness among parents, students, and adult learners concerning college admissions and financial aid resources; and
WHEREAS, ISAC, the state’s student financial aid community, and the state’s college admission community will assist families with the Free Application for Federal Student Aid by providing 57 FAFSA Workshops as a public service at sites throughout the State of Illinois during the month of February and provide a calendar of community programs and a wealth of college planning information for families with students of all ages on a Web site at www.faam.org;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim February 2002 as FINANCIAL AID/ADMISSIONS AWARENESS MONTH in Illinois.
Issued by the Governor January 9, 2002.
Filed by the Secretary of State January 14, 2002.
2002-9  
FREEDOM DAY

WHEREAS, National Freedom Day was established in 1941 to honor the emancipation of African-Americans; and
WHEREAS, this program is held each year to commemorate the adoption of the 13th Amendment to our Constitution of the United States of America, which abolished slavery in this country, and for the annual re-dedication of all citizens to the ideals of freedom, the basis of our democracy; and
WHEREAS, the annual celebration is intended to bring to the attention of every citizen of this country that this nation is dedicated to universal freedom; and
WHEREAS, on February 1, 1948, President Harry Truman signed National Freedom Day into law; and
WHEREAS, the National Freedom Day Association will celebrate its 60th anniversary in observance of National Freedom Day on Friday, February 1, 2002; and
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim February 1, 2002, as FREEDOM DAY in Illinois.

Issued by the Governor January 9, 2002.
Filed by the Secretary of State January 14, 2002.

2002-10  
BLACK HISTORY MONTH

WHEREAS, Southern Illinois University at Carbondale has made a commitment to diversity; and
WHEREAS, the African American population at SIUC is approximately 14 percent; and
WHEREAS, the campus shows that commitment through the local commemoration and celebration of Black History Month in February 2002; and
WHEREAS, to recognize and celebrate the African American population on the SIUC campus, students, faculty, staff, and others should take advantage of the opportunity to learn more about the African American culture through the lectures, movies, discussions, art displays, and cultural performances that fill the month;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim February 2002 as BLACK HISTORY MONTH in Illinois.

Issued by the Governor January 9, 2002.
Filed by the Secretary of State January 14, 2002.

2002-11  
FOUR CHAPLAINS SUNDAY

WHEREAS, each year a memorial program is sponsored by the Combined Veterans Association of Illinois. This year it is hosted by the Korean War Veterans
WHEREAS, in a final act of love and dedication, four U.S. Army Chaplains representing the Methodist, Roman Catholic, Jewish, and Dutch Reformed faiths, gave their own life jackets, the only ones that remained, to four soldiers. The four chaplains then linked arms and prayed as they sank with the torpedoed U.S.A.T. Dorchester in the North Atlantic; and

WHEREAS, February 3, 2002, marks the 59th Anniversary of “Four Chaplains Sunday,” one of the most inspiring acts of heroism in World War II;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim February 3, 2002, as FOUR CHAPLAINS SUNDAY in Illinois, in an effort to perpetrate the memory of these men who so convincingly demonstrated their boundless love for others.

Issued by the Governor January 15, 2002.
Filed by the Secretary of State January 17, 2002.

2002-12
SAM MCGAW DAY

WHEREAS, Sam McGaw began his career with Illinois state government in 1972 as a commodities and equipment buyer in the state’s Office of Procurement; and

WHEREAS, Sam later worked for Secretary of State Jim Edgar between 1984 and 1991, serving as Director of Purchasing and later as Director of Vehicle Services; and

WHEREAS, Sam served Governor Jim Edgar as Deputy Director of the Department of Revenue from 1991 to 1995, including five months as Director of the Department, and as Executive Director of the Capital Development Board from 1995 to 1999; and

WHEREAS, Sam’s latest and final position with Illinois state government was his appointment by Governor George H. Ryan as Executive Director of the Illinois Building Commission on May 1, 1999; and

WHEREAS, Sam retired from state government on December 31, 2001; and

WHEREAS, Sam’s talents, commitment and dedication to his job have always been evident and appreciated during his nearly 30 years of service to the State of Illinois;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim January 26, 2002, the day his family, friends and colleagues are honoring him, to be SAM MCGAW DAY in Illinois and wish him all the best in his retirement, Carolee’s long “honey-do” list of chores and projects notwithstanding.

Issued by the Governor January 15, 2002.
Filed by the Secretary of State January 17, 2002.

2002-13
MARY AND BENNY KOZIOL DAY

WHEREAS, Mary and Benny Koziol were married on February 2, 1952, at St.
Pius Church in Chicago; and
WHEREAS, they were residents of the Garfield Ridge area in Chicago until six
years ago when they moved and now reside in the Village of Justice; and
WHEREAS, Mary and Benny have three children, six grandchildren, and four
great grandchildren;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim
February 2, 2002, as MARY AND BENNY KOZIOL DAY in Illinois, in honor of their
50th wedding anniversary.
Issued by the Governor January 15, 2002.
Filed by the Secretary of State January 17, 2002.

2002-14
MIM PRIDE DAY

WHEREAS, Miriam “Mim” Pride became president of Blackburn College in
1991, the 20th person to lead the school throughout its illustrious history and the
college’s first female president; and
WHEREAS, Pride came to Blackburn in 1989 as Assistant to the President for
Campus Life, and then served as Vice President of Administration before her
appointment as the college’s first female President in 1991. Prior to coming to
Blackburn, Pride spent 16 years at Berea College in Kentucky, another school that
features, like Blackburn, a student work program; and
WHEREAS, Pride received her Bachelor of Arts in English and Secondary
Education from the College of Wooster in Wooster, Ohio, and a Master of Business
Administration from the University of Kentucky at Lexington. Last April, in recognition
of her tireless effort, on behalf of private higher education, she was awarded the degree of
Doctor of Letters, Honoris Causa, by Alma College in Alma, Michigan;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim
February 8, 2002, as MIM PRIDE DAY in Illinois.
Issued by the Governor January 17, 2002.
Filed by the Secretary of State January 24, 2002.

2002-15
SOUTH ELGIN AREA JUNIOR CHAMBER WEEK

WHEREAS, the South Elgin Area Junior Chamber has actively involved itself in
the life of our community for the future development of community leaders as an
organization, nationally, and in the State of Illinois for the past 25 years; and
WHEREAS, the South Elgin Area Junior Chamber has contributed humanitarian
projects such as donating food, clothes and toys to the needy; Christmas caroling to
residents in care centers; bringing the Easter bunny and more than 2,000 colored eggs to
residents; doing park/playground improvements; raising money for children affected by
HIV/AIDS; and sending handicapped children to camp; and
WHEREAS, the South Elgin Area Junior Chamber has adopted the basic tenets of purpose of brotherhood, free enterprise, government of laws, human personality, and service to humanity;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim January 20-26, 2002, as SOUTH ELGIN AREA JUNIOR CHAMBER WEEK in Illinois.

Issued by the Governor January 17, 2002.
Filed by the Secretary of State January 24, 2002.

2002-16
CHICAGO URBAN LEAGUE DAY

WHEREAS, the Chicago Urban League was established in 1916 to eliminate racial discrimination and segregation and to work for the achievement of equal opportunity and parity for African Americans, other minorities and the poor in every phase of American life; and

WHEREAS, during the League’s Annual Report Luncheon, Chicago Urban League President and CEO James W. Compton will deliver the “Compton Report: The State of Racial Progress in Chicago” on Friday, February 8, 2002, at the Hilton Chicago & Towers; and

WHEREAS, the report, which details the League’s work throughout fiscal year 2001, will also cover the socioeconomic impact of race and class issues on the quality of life for African Americans, the poor and other minorities; and

WHEREAS, during the year, the league’s programs and initiatives in its key areas of education, economic development and community empowerment were instrumental in encouraging the development of minority businesses, job training for economically disadvantaged and welfare-dependent individuals, youth programs and computer instruction;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim February 8, 2002, as CHICAGO URBAN LEAGUE DAY in Illinois.

Issued by the Governor January 17, 2002.
Filed by the Secretary of State January 24, 2002.

2002-17
AMBUCS VISIBILITY MONTH

WHEREAS, February is AMBUCS National Visibility Month; and
WHEREAS, this month is specially set aside to recognize the hard work accomplished by AMBUCS organizations across the country; and
WHEREAS, AMBUCS is a non-profit, volunteer organization the includes 135 clubs spread across the United States; and
WHEREAS, AMBUCS is dedicated to creating independence for people with disabilities by performing community service, creating scholarships for therapy students, and providing therapeutic tricycles called AmTrykes to children with disabilities; and
WHEREAS, in Illinois the Decatur AMBUCS organization is actively involved in the community, helping at Special Olympic events, staging AmTrykes races, and raising funds for Easter Seals and Special Olympics;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim February 2002 as AMBUCS VISIBILITY MONTH in Illinois.

Issued by the Governor January 17, 2002.
Filed by the Secretary of State January 24, 2002.

2002-18
DAVID PETERSON DAY

WHEREAS, David Peterson joined the staff of the Chicago Teachers Union in 1972, becoming its lobbyist and the Assistant to the President for Legislation and Technical Projects after only three years; and
WHEREAS, Mr. Peterson and Pamelyn Massarsky were married in 1986, and are the proud parents of their children Kristen, Andrew, Gretchen and Eric Peterson, and of grandchildren Taylor and David Peterson; and
WHEREAS, Mr. Peterson has proven himself a diligent and tireless worker as he helped to improve public education and the professional livelihood of CTU members; and
WHEREAS, Mr. Peterson retired from the Chicago Teachers Union on June 30, 2001, after a total of 29 years of service; and
WHEREAS, Mr. Peterson’s generous and positive character will be sorely missed by his many friends and colleagues;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim January 30, 2002, as DAVID PETERSON DAY in Illinois.

Issued by the Governor January 17, 2002.
Filed by the Secretary of State January 24, 2002.

2002-19
EDWARD J. AUGUSTIN, III DAY

WHEREAS, Edward J. Augustin, III started in the Home Building industry in the 70’s, following his father’s lead; and
WHEREAS, Edward J Augustin, III became Director of Purchasing for James Construction in 1986. And is now Vice President of Purchasing for Kenneth James Builders LLC; and
WHEREAS, as a member of the Lake county Chapter of the Home Builders Association of Greater Chicago, Edward J. Augustin, III served as their 2001 President, while serving as the Vice President of the Home Builders Association of Greater Chicago; and
WHEREAS, Edward J Augustin, III also serves as a Director in Large, Regional membership Committee Chairman, Ethics & Complaints Committee Chairman, and was named Builder of the Year in 2000; and
WHEREAS, Edward J Augustin, III is admired and appreciated by his industry peers, as well as the staff at the Home Builders Association; and
WHEREAS, on January 26, 2002 Edward J. Augustin, III will be inaugurated as the President of the Home Builders Association of Greater Chicago, the largest local association within the Home Builders Association of Illinois;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim January 26, 2002, as EDWARD J. AUGUSTIN, III DAY in Illinois.
Issued by the Governor January 23, 2002.
Filed by the Secretary of State January 24, 2002.

2002-20
AFRICAN AMERICAN HISTORY MONTH

WHEREAS, Dr. Carter G. Woodson, coal miner, teacher, and author founded the Association for the Study of Afro-American Life and History, Inc. in 1915 in Chicago; and
WHEREAS, Dr. Woodson also initiated Negro History Week in 1926 to recognize the past and present contributions made by African Americans in the development of our city and country; and
WHEREAS, African American History Month is commemorated throughout the month of February in Chicago with seminars, storytelling, plays, concerts, music, dancing, art, films, family workshops, and other expressions of creativity and pride; and
WHEREAS, Dr. Woodson's dream for the Association was to achieve sociological and historical data, publish books, promote the study of Black History through clubs and schools, and encourage racial harmony; and
WHEREAS, African American History inspires all Americans to be more aware of African Americans and their experiences and achievements in every area or endeavor;
THEREFORE, I, George Ryan, Governor of the State of Illinois, proclaim February 2002 as AFRICAN AMERICAN HISTORY MONTH in Illinois.
Issued by the Governor January 30, 2002.
Filed by the Secretary of State January 31, 2002.

2002-21
BLACK HISTORY MONTH

WHEREAS, Black History Month was founded in 1965 by Dr. Robert Starling Pritchard, II; and
WHEREAS, this special month focuses on bringing people together and breaking down the barriers that have divided us as a nation; and
WHEREAS, by observing African American History Month each year, we not only remember the tragedies of our past, but also celebrate the achievements of African Americans and their future in this state; and
WHEREAS, there are many African American leaders that have enriched our
lives and shaped the character of our state. They have challenged us to recognize that America's racial, cultural, and ethnic diversity will be among our greatest strengths in the 21st century;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim February 2002 as BLACK HISTORY MONTH in Illinois.

Issued by the Governor January 30, 2002.
Filed by the Secretary of State January 31, 2002.

2002-22
YEAR OF THE MEDICAL HOME

WHEREAS, the American Academy of Pediatrics (AAP) believes that every child and family is guaranteed quality, comprehensive health services through a "medical home"; and
WHEREAS, through this "medical home," care is accessible, family-centered, comprehensive, continuous, coordinated, compassionate and culturally competent; and
WHEREAS, in keeping with the American Academy of Pediatrics’ position, the Illinois Chapter of the AAP has created a network of primary care physicians and pediatric specialists who care for children with chronic health conditions;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim 2002 as the YEAR OF THE MEDICAL HOME in Illinois.

Issued by the Governor January 30, 2002.
Filed by the Secretary of State January 31, 2002.

2002-23
A DAY FOR HEARTS: CONGENITAL HEART DEFECT AWARENESS DAY

WHEREAS, the well-being of our children "our most precious commodity" s of paramount importance and maintaining excellent health among children is one of the top priorities in our state and nation, however, each year in the United States, there are more than 40,000 infants who are born with a congenital heart defect; and
WHEREAS, congenital heart defects exist at the time of a child's birth and were originally thought to be a rare occurrence. Today, the medical community has identified congenital heart defects as one of the most common birth defects and as the leading cause of defect-related deaths; and
WHEREAS, medical research has identified more than 35 different types of congenital heart defects. Unfortunately, due to the severity of the defect, failure to detect it in time, lack of heart transplant donors, and insufficient medical intervention options, many children and adults die as a result of a congenital heart defect; and
WHEREAS, until recently, congenital heart defects were thought to be irreparable, however, as the medical community increases its scientific knowledge and understanding of these types of disorders, a great number of diagnoses are being made; and
WHEREAS, through medical research, the origins and symptoms of congenital heart defects have become more identifiable and the range of surgical options to correct them or alleviate their damaging effects has been expanded; and
WHEREAS, it is crucial that parents, pediatricians and all people who work in health professions have greater awareness of the potential for congenital heart defects among newborn babies, and all are encouraged to learn more about congenital heart defects, to participate in this special observance, and to support its valuable goal of raising public awareness of a serious health matter that affects many newborn babies, and children and adults living with a heart defect today;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim February 14, 2002, as A DAY FOR HEARTS: CONGENITAL HEART DEFECT AWARENESS DAY in Illinois.

Issued by the Governor January 30, 2002.
Filed by the Secretary of State January 31, 2002.

2002-24
JAY B. ROSS DAY

WHEREAS, Jay B. Ross has lectured throughout the nation and the world on a myriad of topics, and has won the Gottlieb Award from Columbia College on the three occasions the award was given, as well as Outstanding Attorney and Outstanding Manager in the Illinois area; and
WHEREAS, Mr. Ross was elected President and/or National Trustee of the National Academy of Recording Arts and Sciences Chicago chapter on eight occasions; and
WHEREAS, for his religious associations, he served two terms as the President of B’naï B’rith Near North Lodge; and
WHEREAS, he was active politically in the Presidential campaigns of Senator Paul Simon, Mayor John Lindsey, and Congressman John Anderson; and
WHEREAS, he has taught in the City of Chicago Public Schools, and is currently a member of Columbia College’s staff as a Lecturer in the Management Department in the area of Negotiation Techniques;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim February 15, 2002, as JAY B. ROSS DAY in Illinois.

Issued by the Governor January 30, 2002.
Filed by the Secretary of State January 31, 2002.

2002-25
C.R.O.E. DAY

WHEREAS, February 10, 2002, will mark the 15th anniversary of the establishment of the Coalition for the Remembrance of the Honorable Elijah Muhammad (C.R.O.E.); and
WHEREAS, C.R.O.E. was founded in 1987 by Halif Muhammad, who now serves as the organization's Secretary, Shahid Muslim, who serves as Director, and Munir Muhammad, who serves as Business Manager; and
WHEREAS, C.R.O.E. continues to serve as an invaluable institution and important voice in the black community and in the general public; and
WHEREAS, in 1994, C.R.O.E became involved in the field of television production and today boasts nine television shows with an audience ranging from 300,000-400,000;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim February 10, 2002, as C.R.O.E. DAY in Illinois, in honor of the organization's 15 years of service to the people of Chicago and Illinois.
Issued by the Governor January 30, 2002.
Filed by the Secretary of State January 31, 2002.

2002-26

DRISCOLL CATHOLIC HIGH SCHOOL DAY

WHEREAS, Driscoll Catholic High School opened its doors in 1966 as a joint project of the Brothers of the Christian Schools and the Sisters of St. Francis; and
WHEREAS, Driscoll Catholic High School students routinely score above state average on standardized tests; and
WHEREAS, the 88 members of the class of 2001 received a total of 202 letters of acceptance from college and universities across the country and scholarship offers in excess $1.7 million; and
WHEREAS, on average, more than 95 percent of Driscoll Catholic High students attend college after graduation; and
WHEREAS, last year 47 Driscoll students were named IHSA student athletes and 36 varsity athletes were named to the conference all-academic team. This year 44 students were named IHSA student athletes; and
WHEREAS, this year, the 477 Driscoll students logged in excess of 4,000 hours of voluntary community service; and
WHEREAS, the 2001 school year will mark the 35th anniversary of the founding of Driscoll Catholic High School;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 19, 2002, as DRISCOLL CATHOLIC HIGH SCHOOL DAY in Illinois.
Issued by the Governor January 29, 2002.
Filed by the Secretary of State January 31, 2002.

2002-27

JIM PITCAIRN DAY

WHEREAS, Mr. Jim Pitcairn was born December 17, 1939, in Joliet, Illinois; and
WHEREAS, he married Kathryn Kalden in 1960 and has 2 children and 5
grandchildren; and

WHEREAS, Mr. Pitcairn started his career at Lincoln-Way High School District #210 as a classroom art teacher and later became a School District Administrator; and
WHEREAS, Mr. Pitcairn retired in 1995 after 32 years of service; and
WHEREAS, he developed many programs, including a work program of independent study, specialized programs for slow learners and hard to manage students, a program that brought military recruiters into the school to work with those students interested in joining the various services, and substance programs for the students with the help of the Guidance Department for Drug and Alcohol Abuse; and
WHEREAS, Mr. Pitcairn became the only member from the educational community to be a member of the Will County Juvenile Association; and
WHEREAS, he organized a community partnership between New Lenox Cable Access Channel 6 and the New Lenox Fire Department to film and produce "Roadside Roulette," an award winning video on substance abuse on Prom Night; and
WHEREAS, Mr. Pitcairn was involved in SICA Conference activities for 20 years, and eight years he sat on the Board of Control representing Lincoln-Way in the 32-school conference. The eight-person board governed all extra curricular and co-curricular activities in the conference schools; and
WHEREAS, Mr. Jim Pitcairn is the New Lenox Chamber of Commerce's Citizen of the Year;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim February 5, 2002, as JIM PITCAIRN DAY in Illinois.

Issued by the Governor January 29, 2002.
Filed by the Secretary of State January 31, 2002.

2002-28
INTERNATIONAL WEEK

WHEREAS, the International Student Council at Southern Illinois University at Carbondale is celebrating its 28th anniversary of cultural, social, and educational contributions to the community; and
WHEREAS, SIUC has student representatives from 115 countries and ranks within the top 20 of the nation's universities for foreign enrollment; and
WHEREAS, the International Student Council is sponsoring International Festival 2002 from February 13-16 to offer cultural exhibitions and activities;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim February 10-16, 2002, as INTERNATIONAL WEEK in Illinois.

Issued by the Governor January 25, 2002.
Filed by the Secretary of State January 31, 2002.
2002-29
CAREER AND TECHNICAL EDUCATION WEEK

WHEREAS, the Illinois Association for Career and Technical Education has designated the week of February 10-16, 2002, as Career and Technical Education Week; and

WHEREAS, the theme for Career and Technical Education Week is "Preparing Today's Students for Tomorrow's Careers"; and

WHEREAS, career and technical education supplies Illinois with a strong, well-trained work force that enhances productivity in business and industry and contributes to the state's leadership on the national and international marketplace; and

WHEREAS, career and technical education stimulates the growth and vitality of businesses and industries by preparing workers for the occupations forecast to experience the largest and fastest growth in the next decade; and

WHEREAS, career and technical education serves individual citizens by enabling them to find satisfying careers suited to their own skills and interests, by providing technical skills that allow them to excel in their chosen careers. The Illinois Association for Career and Technical Education also teaches leadership skills that serve citizens on the job, at home and in the community; and

WHEREAS, a strong career and technical education program planned and carried out by trained career and technical educators is vital to the future economic development of our state and well-being of its citizens;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim February 10-16, 2002, as CAREER AND TECHNICAL EDUCATION WEEK in Illinois.

Issued by the Governor January 25, 2002.
Filed by the Secretary of State January 31, 2002.

2002-30
ARCHBISHOP FULTON SHEEN DAY

WHEREAS on February 12, 2002, Archbishop Fulton John Sheen will celebrate the 50th anniversary of his television series "Life is Worth Living," which is still being televised today; and

WHEREAS, Fulton Sheen was a "Man for All Media," broadcasting on radio beginning in 1928 and started nationally on NBC the "Catholic Hour" and soon became known as the greatest orator of his time; and

WHEREAS, Fulton Sheen wrote over 90 books and pamphlets that spiritually healed people of all faiths and led many to a faith filled life; and

WHEREAS, Fulton Sheen was a defender of human rights as well as a defender for American freedom; and

WHEREAS, Fulton Sheen was the first American to graduate with the Very Highest Distinction of Agrege from the University of Louvain in Belgium; and

WHEREAS, Fulton Sheen, as teacher and preacher, would fill the Cathedrals such
as New York's St. Patrick's and lecture halls with hundreds of people to overflowing until outdoor speakers served the hundreds standing outside to hear his humor and self-esteem messages; and

WHEREAS, Fulton Sheen, as Director of the Propagation of Faith, would distribute monetary and material contributions to health and teaching institutions in the U.S. and Third World countries; and

WHEREAS, Fulton John Sheen was a "Treasure in Clay" when born in El Paso, Illinois;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim February 12, 2002, as ARCHBISHOP FULTON SHEEN DAY in Illinois.

Issued by the Governor January 25, 2002.
Filed by the Secretary of State January 31, 2002.

2002-31
WORLD VISION 30-HOUR FAMINE FRIDAY

WHEREAS, World Vision is a nonprofit Christian relief and development organization committed to assisting the poor and working in thousands of projects worldwide in nearly 100 countries at the community level to enable, educate and encourage people toward a better future; and

WHEREAS, during the month of February, World Vision has identified some of the world's neediest children as living in Peru and Tanzania and will disseminate information about sponsorship and Famine relief; and

WHEREAS, when more than 600,000 teens across the nation make some noise for hungry and hurting children, incredible things can be accomplished; and

WHEREAS, on February 22-23, 2002, for 30 hours, more than 4,000 teens participating in churches, youth groups and civic organizations will go without food, consuming only liquids while learning compassion and developing a heart for caring for others; and

WHEREAS, 1.2 million teens worldwide will participate in similar Famine efforts, hoping to raise more than $9 million in sponsorship pledges to fight hunger; and

WHEREAS, for every 2002 30-Hour Famine participant, the lives of more than 100 children and families will be changed forever; and

WHEREAS, Famine funds provide emergency relief, as well as long-term assistance, to help people overcome widespread poverty overseas and in the United States; and

WHEREAS, orange is the color of hope;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim Friday, February 22, 2002, as WORLD VISION 30-HOUR FAMINE FRIDAY in Illinois.

Issued by the Governor January 25, 2002.
Filed by the Secretary of State January 31, 2002.
2002-32
BARBARA BUSCHMAN DAY

WHEREAS, Barbara Buschman has been an active and devoted member of the community of Lemont more than 30 years; and
WHEREAS, in 1971, Ms. Buschman served on a committee to plan Lemont's centennial celebration, and also on Lemont's I & M Canal National Heritage Corridor Advisory Commission when the Village was preparing to purchase the historic reserve strip in the early 1970s; and
WHEREAS, two years later, Ms. Buschman worked as editor of Lemont's first community history, The Centennial Book. In 1997, she again agreed to edit a new volume of community history to commemorate the 125th anniversary of the Village of Lemont; and
WHEREAS, after being elected to the Lemont Village Board in 1981, Ms. Buschman tirelessly campaigned for the preservation of Lemont's historic downtown area, and served as the Board's liaison to begin a Historic Preservation Program in conjunction with the Lemont Area Historical Society; and
WHEREAS, in 2001, Ms. Buschman's efforts to formalize a Historic District for Lemont were realized, creating a real gift to the Village's citizens; and
WHEREAS, Ms. Buschman currently serves as President of the Lemont Area Historical Society, as Chair of the Historic Preservation Commission, as a member of the Police Pension Board and as a Trustee of Schools; and
WHEREAS, the Lemont Area Chamber of Commerce named Ms. Buschman as "Outstanding Citizen of the Year" in 2001, in gratitude for all her hard work and dedication to the Village of Lemont;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim February 2, 2002, as BARBARA BUSCHMAN DAY in Illinois.

Issued by the Governor January 24, 2002.
Filed by the Secretary of State January 31, 2002.

2002-33
DRISCOLL CATHOLIC HIGH SCHOOL HIGHLANDERS DAY

WHEREAS, the coaches and team members of the Driscoll Catholic High School Highlanders are to be congratulated on earning their new title as Division 4A State Football Champions; and
WHEREAS, the remarkable season demonstrates the team's commitment to work together and persevere, making them outstanding role models for Illinois youth; and
WHEREAS, Driscoll is the only Chicago area small school to win a football state championship twice; and
WHEREAS, this championship title, which the Highlanders earned on November 23, 2001, is a testament to the hard work and perseverance of the coaches and team members as they set their goals and, ultimately reached them;

Issued by the Governor January 24, 2002.
Filed by the Secretary of State January 31, 2002.

2002-34
DESERST STORM REMEMBRANCE DAY

WHEREAS, today many Illinois citizens will assemble in the Illinois State House to remember the 11th Anniversary of those military service people who served in Operation Desert Storm; and
WHEREAS, American service men and women risked their lives in the Persian Gulf while performing their military duties, and some made the supreme sacrifice during their service to protect the right of freedom; and
WHEREAS, the Illinois Department of Veterans’ Affairs and various military veteran organizations organized the Desert Storm Remembrance Ceremony to honor those who died and those who were fortunate enough to survive the conflict; and
WHEREAS, Illinois calls upon the citizens of this great state to observe the day by pausing to remember those who served in Operation Desert Storm in an effort to secure the opportunity for people to be free from aggression against their way of life;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim February 28, 2002, as DESERT STORM REMEMBRANCE DAY in Illinois.

Issued by the Governor January 31, 2002.
Filed by the Secretary of State February 7, 2002.

2002-35
JOSEPH A. TECSON DAY

WHEREAS, Joseph A. Tecson was born in Chicago on April 4, 1928; and
WHEREAS, Mr. Tecson received his Bachelor of Arts degree from Ripon College in 1952, and graduated from the University of Wisconsin with his juris doctor degree in 1954; and
WHEREAS, as the senior member of Chuhak & Tecson, P.C., Mr. Tecson has been a tireless public servant to the people and to the State of Illinois; and
WHEREAS, Mr. Tecson has accomplished many great things over the course of his career, including being named as Delegate and Chairman of the Executive Article Committee for the Illinois Constitutional Convention in 1969; and
WHEREAS, Mr. Tecson also served as the Special Assistant Attorney General from 1969 to 1973; and
WHEREAS, Mr. Tecson continued his public service from 1976 to 1982, when he served as Commissioner on the Cook County Board of Commissioners; and
WHEREAS, Mr. Tecson has served as special counsel to a number of state
agencies throughout his career, including the Illinois Department of Insurance, the Illinois Department of Professional Regulation, the Illinois Medical Disciplinary Board, the Illinois Department of Public Aid and the Illinois Department of Public Health; and

WHEREAS, Mr. Tecson currently serves on the board of Directors of Metra, and as a member of the Board of Trustees of the Lincoln Academy of Illinois; and

WHEREAS, Mr. Tecson is also a member of the Illinois State and American Bar Associations, the Trial Lawyers Club of Chicago and the American Academy of Hospital Attorneys;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim February 22, 2002, as JOSEPH A. TECSON DAY in Illinois.

Issued by the Governor January 31, 2002.
Filed by the Secretary of State February 7, 2002.

2002-36
SUICIDE AWARENESS DAY

WHEREAS, suicide is a silent killer, one whose very presence is not acknowledged easily by family and friends, the survivors; and

WHEREAS, one person takes his or her life every seventeen minutes; and

WHEREAS, suicide is the third leading cause of death among teenagers in the United States; and

WHEREAS, suicide is the eighth leading cause of death in the United States;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim February 20, 2002, as SUICIDE AWARENESS DAY in Illinois.

Issued by the Governor January 31, 2002.
Filed by the Secretary of State February 7, 2002.

2002-37
BELARUSIAN INDEPENDENCE DAY

WHEREAS, on March 25, 1918, the Belarusian Democratic Republic was proclaimed; and

WHEREAS, Belarus has courageously struggled for independence for more than 50 years; and

WHEREAS, Belarusian Americans have played a significant part in the progress of Illinois and have proudly shared their culture, heritage, and talents with our state; and

WHEREAS, events are being held in the Belarusian community to commemorate the 84th anniversary of Belarusian independence;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim March 25, 2002, as BELARUSIAN INDEPENDENCE DAY in Illinois.

Issued by the Governor February 1, 2002.
Filed by the Secretary of State February 7, 2002.
2002-38
BLACK FAMILY TECHNOLOGY AWARENESS WEEK

WHEREAS, the issue of the Digital Divide remains a critical challenge for minorities, as it means far more than simple access to computers; and
WHEREAS, as a state, we must continue to narrow the gap in the level of computer skills, in the relevance of Web content, in the quality of Internet connections in poor communities, as well as the quality of technology-based education in disadvantaged schools; and
WHEREAS, in 2000, the latest year with statistics provided by the national Telecommunications and Information Administration, 55 percent of white families owned a computer and 50 percent used the Internet. By comparison, 32.6 percent of black households owned a home computer with only 29 percent using the Internet; and
WHEREAS, for these reasons, IBM is once again serving as the lead corporate sponsor of Black Family Technology Awareness Week, and plans to partner with schools, churches and community organizations nationwide to sponsor forums that demonstrate how technology is best used to improve quality of life;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim February 10-16, 2002, as BLACK FAMILY TECHNOLOGY AWARENESS WEEK in Illinois.

Issued by the Governor February 1, 2002.
Filed by the Secretary of State February 7, 2002.

2002-39
BLACK HIV/AIDS AWARENESS DAY

WHEREAS, AIDS is killing the African-American community globally, nationally and locally; and
WHEREAS, AIDS is the number one killer of African-American men and women ages 25-44; and
WHEREAS, we need to join the organizer of the National Black HIV/AIDS Awareness Day to mobilize the faith, civic and black community with the State Black Caucus in declaring HIV/AIDS a state of emergency; and
WHEREAS, the Presidential Advisory Council on HIV/AIDS (PACHA) recently released its final report entitled, “AIDS: No time to Spare”; and
WHEREAS, the National Black HIV/AIDS Awareness Day encourages the scheduling of events, e.g. rallies marches, free HIV testing and community forums to help stop the spread of AIDS;

Issued by the Governor February 1, 2002.
Filed by the Secretary of State February 7, 2002.
WHEREAS, according to 1990 census data, only 12.36 percent of Illinois’ residents had a college degree; and
WHEREAS, the majority of Illinois people need developmental course work, tutoring and counseling to succeed in secondary school and in postsecondary freshman-level courses because those people are one or more of the following; low-income, or children of parents with no postsecondary experience, non-traditional students, disabled and/or culturally disadvantage; and
WHEREAS, the TRIO Programs were established and funded by the federal government in 1965. In 2001, TRIO programs in Illinois brought $24,996,632 in federal funding for educational opportunity services, and have provided those support services that enhance the prospects of educational excellence for those who are in any way disadvantaged; and
WHEREAS, Illinois has 99 TRIO programs (18 Talent Search, five Upward Bound Math & Science, one Educational Opportunity Center, six McNair, 29 Upward bound, and 40 Student Support Service) located throughout the state on college campuses and in community agencies;
THEREFORE, I, George Ryan, Governor of the State of Illinois, proclaim February 23, 2002, as TRIO DAY in Illinois.

Issued by the Governor February 1, 2002.
Filed by the Secretary of State February 7, 2002.

2002-41
FFA WEEK

WHEREAS, agriculture, the single largest industry in Illinois, is vital to the prosperity and the future progress of our state; and
WHEREAS, the Illinois Association of FFA is the largest youth organization in the state; and
WHEREAS, Illinois prepares 24,000 students for diverse and highly technical agricultural careers; and
WHEREAS, over 16,000 FFA members are provided positive learning experiences that develop premier leadership, personal growth, and career success; and
WHEREAS, millions of Americans, both rural and urban, have benefited from the FFA program; and
WHEREAS, Illinois FFA unites members from all walks of life; and
WHEREAS, the 2001-2002 state FFA theme is “Journey of a Lifetime,” and the future of agriculture is dependent upon students taking that journey to make the agricultural industry prosperous; and
WHEREAS, the week of February 16-23 has been set as National FFA Week throughout the United States, Puerto Rico, Guam, and the Virgin Islands;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim February 16-23, 2002, as FFA WEEK in Illinois, and urge all citizens to strive to recognize the dedication, and support the ideals of the Illinois Association FFA, agriculture, and agricultural education.

Issued by the Governor February 5, 2002.
Filed by the Secretary of State February 7, 2002.

2002-42

LITHUANIAN INDEPENDENCE DAY

WHEREAS, Lithuania’s history as a nation dates back to the 13th century; and WHEREAS, Lithuania has courageously struggled for independence for more than 50 years; and WHEREAS, Lithuanian-Americans have played a significant part in the progress of the Illinois and have proudly shared their culture, heritage, and talents with our state; and WHEREAS, Chicago is home to a large Lithuanian community that is still strongly connected to its homeland; and WHEREAS, we are grateful for their contributions to our state and our individual lives; and WHEREAS, many events are being held to commemorate the 84th anniversary of Lithuania’s independence;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim February 16, 2002, as LITHUANIAN INDEPENDENCE DAY in Illinois, Commemorating the anniversary of this special day.

Issued by the Governor February 5, 2002.
Filed by the Secretary of State February 7, 2002.

2002-43

SENATOR JOHN MAITLAND DAY

WHEREAS, John W. Maitland, Jr. was born July 29, 1936 to John and Elsa Maitland of Normal, IL; and WHEREAS, John attended Illinois State University and served in U. S. Marine Corps. He married Joanne Sieg and together they had three children and seven grandchildren; and WHEREAS, John is one of the deans of the Illinois Senate. He has represented the 44th Senate District since 1979 and has served as Assistant Majority Leader since 1993; and WHEREAS, John embodies the true meaning of a statesman. He has devoted his life to public service, and holds true to his beliefs but always listens and considers the opinions of others. When he rose to speak in the Senate, people recognized his command of the issues-especially agriculture and education; and
WHEREAS, a nationally recognized expert on agricultural issues, John has first-hand knowledge of the needs of farmers. He has spent long hours in the fields raising grain. He was president of the local county Farm Bureau and has studied agriculture and conservation issues in other states. His expertise was the driving force behind the long-sought compromise in the regulation of large livestock production facilities in Illinois;

WHEREAS, a strong advocate and tireless champion of quality education, John served in leadership roles on numerous committees and commissions that analyzed and set education policy affecting Illinois students across the state; and

WHEREAS, John is held in the highest esteem by his colleagues from both parties. When he retires, his legacy to the State of Illinois will be one of excellence and commitment to the greater good;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim February 16, 2002, as SENATOR JOHN MAITLAND DAY in Illinois.

Issued by the Governor February 5, 2002.
Filed by the Secretary of State February 7, 2002.

2002-44
NUTRITION MONTH

WHEREAS, the Illinois Department of Human Services, along with the Illinois Interagency Nutrition Council and nutrition professionals throughout Illinois and the United States, is promoting good nutrition; and

WHEREAS, there is a need to encourage our citizens to practice sound eating habits throughout the year in order to achieve optimum health; and

WHEREAS, more than 33 percent of Illinoisans are at risk because of obesity, and only 24 percent eat the recommended five or more servings of fruits and vegetables a day; and

WHEREAS, in keeping with the theme of the state observance, “March For Your Health-Feed Your Need to Read” all Illinoisans should become aware of the importance of proper nutrition;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim March 2002 as NUTRITION MONTH in Illinois.

Issued by the Governor February 5, 2002.
Filed by the Secretary of State February 7, 2002.

2002-45
COLORECTAL CANCER AWARENESS MONTH

WHEREAS, colorectal cancer is the second leading cause of cancer deaths in males and females combined in Illinois; and

WHEREAS, nearly 7,400 Illinoisans will be diagnosed in 2002 with colorectal cancer and 2,850 men and women will die from the disease this year; and
WHEREAS, research shows that regular exercise can help to reduce one’s risk for colorectal cancer; and
WHEREAS, colorectal cancer is highly preventable because regular screening can detect pre-cancerous polyps before the cancer even starts; and
WHEREAS, while colorectal cancer is easy to treat and often curable when detected early, fewer than one-third of Americans at risk-including those 50 years of age and older-have been tested for the disease; and
WHEREAS, the Illinois Department of Public Health strives to promote public awareness of colorectal cancer and to inform the public of methods of prevention and early detection in order to improve quality of life and to save lives;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim March 2002 as COLORECTAL CANCER AWARENESS MONTH in Illinois and I encourage people throughout the state to protect themselves by eating a healthy diet, engaging in regular exercise and undergoing regular screening to detect colorectal cancer at its earliest and most curable stage.
Issued by the Governor February 6, 2002.
Filed by the Secretary of State February 7, 2002.

2002-46
ELGIN DAY

WHEREAS, founded in 1835, the City of Elgin is located 38 miles northwest of Chicago: it is the 8th largest city in the State of Illinois and the 8th fastest growing city, with a population of 94,487; and
WHEREAS, the City of Elgin has a very diverse population with 35 percent being Hispanic and the largest Laotian population in the state; and
WHEREAS, the City of Elgin is the original home of the Borden Milk Company, the first city in the United States to produce condensed milk; it was also the former home of the Elgin National Watch Company, which was one of the largest producers of watches in the United States; and
WHEREAS, Elgin has been declared the “City of Churches” for the number of established churches; the city is home to more than 100 churches, synagogues, and temples; and
WHEREAS, now in its 51st anniversary year, the Elgin Symphony Orchestra was awarded “Orchestra of the Year” in 1999 by the Illinois Council of Orchestras; other events taking place in Elgin include Shakespear in the Park, Fiesta Salsa, and the International Olympic qualifying Four Bridges of Elgin Bike Race; the City of Elgin is also home to the new $29 million recreation center slated to open in 2002, the largest municipally-owned facility in the State of Illinois and the Midwest; and
WHEREAS, the City of Elgin is home to the nation’s most successful River Boat; the River Boat Foundation has donated $35 million to programs benefiting the entire Chicagoland area; in addition, the Riverfront Center City Master Plan was named by the Illinois Chapter of American Planning Association in 2001; and
WHEREAS, the City of Elgin is home to Elgin Academy, the oldest coeducational, non-sectarian college preparatory school west of the Allegheny Mountains; and

WHEREAS, located in the City of Elgin is the Wing Park Aquatic Center, winner of the Best Aquatic Facility Award from Illinois Parks and Recreation Association for 2002; and

WHEREAS, the residents of Elgin are proud of Bluff Spring Fen, Trout Park Nature Preserve, and Sleepy Hollow Ravine, some of the most unique natural areas and the largest acreage of pristine wetlands and prairie in the State of Illinois; in addition, Bluff Spring Fen, located at Bluff City Cemetery, has the largest population and variety of butterfly species in the state; and

WHEREAS, the City of Elgin has three Historic Districts and most recently was designated an Illinois Main Street Community;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim February 21, 2002, as ELGIN DAY in Illinois.

Issued by the Governor February 6, 2002.

Filed by the Secretary of State February 7, 2002.

2002-47

WOMEN’S HISTORY MONTH

WHEREAS, women have been influential and have made substantial contributions in the intellectual, educational, social and economical growth and development in the State of Illinois since its inception as a state in 1818; and

WHEREAS, in 1870, Illinois Women Suffrage Association held its first annual convention in the State Capital of Springfield to coincide with the Illinois State Constitutional Convention; and

WHEREAS, on June 5, 1911, Illinois became the first state to pass “mothers’ aid” legislation, by providing a fund for the care of dependent and neglected children; and

WHEREAS, on June 26, 1913, the General Assembly granted women the right to vote in presidential elections, making Illinois the first state east of the Mississippi to do so; and

WHEREAS, on August 26, 1920, the Nineteenth Amendment was signed into law by U. S. Secretary of State Bainbridge Colby, granting women the right to vote; and

WHEREAS, more women today hold elected positions highlighted by Illinois’ first-elected female Lieutenant Governor Corinne Wood; and

WHEREAS, recognizing the importance of women in our state as Governor of Illinois, my first Executive Order was to re-create the Governor’s Commission on the Status of Women in Illinois; and

WHEREAS, to draw attention to Illinois women’s accomplishments, several activities will be held during March;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim March 2002 as WOMEN’S HISTORY MONTH in Illinois.
WHEREAS, T. Tolbert Chisum was almost born in Indiana near the confluence of the Wabash and White rivers in Mount Carmel, Illinois; and
WHEREAS, Mr. Chisum graduated from high school in Texas and following service in the United States Marine Corps received a bachelor of business administration degree from Sam Houston State University in Huntsville, Texas; and
WHEREAS, for 27 years, Mr. Chisum worked for Aetna Life & Casualty and The Travelers, focusing his work on pensions and healthcare operations and the management of his firm’s Midwest operations; and
WHEREAS, in 1994, Mr. Chisum and a group of business leaders from Chicago’s northern suburbs formed North Shore Community Bank & Trust Company in Wilmette, eventually adding banks in Glencoe and Winnetka, where Mr. Chisum served as president; and
WHEREAS, in 1997, North Shore Community Bank & Trust merged with competitors in Lake, DuPage and McHenry counties to form Wintrust Financial Corporation, of which Mr. Chisum serves as managing director of Wintrust Asset Management; and
WHEREAS, Mr. Chisum has served his community and neighbors for years, volunteering his expertise and time to the boards and executive committees of a multitude of worthy organizations, causes and institutions, including Kenilworth Union Church, The Metropolitan Club, Heartland Alliance, The Samaritan Institute, Athletes Against Drugs, The Junior League-Evanston/North Shore, The Haven-Youth and Family Services, The State Treasurer’s Business Roundtable, The Michigan Shores Club, and the Skokie Country Club; and
WHEREAS, Mr. Chisum has a long-standing interest and a deep commitment to helping people overcome the ravages and dangers of substance abuse and has fought for years and resources for drug abuse prevention programs; and
WHEREAS, Mr. Chisum also finds time to serve as the Village Clerk of Kenilworth, as the treasurer of the Cook County Republican Central Committee and as Republican Township Committeeman for New Trier Township; and
WHEREAS, one of Mr. Chisum’s latest passions involves the construction and development of the Abraham Lincoln Presidential Library and Museum in Springfield and serving as a founding member of the Lincoln Library Foundation Board of Directors; and
WHEREAS, Mr. Chisum was asked to lend his talents to the Lincoln Presidential Library by his very good friends, Governor George H. Ryan and First Lady Lura Lynn Ryan of Illinois, for whom he has been very helpful and a true friend, advisor and
supporter; and
WHEREAS, Mr. Chisum is a steadfast friend to many and a wonderful family man who resides in Kenilworth with his wife Carrie;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim February 12, 2002, as T. Tolbert Chisum Day in Illinois and ask all of Mr. Chisum’s many friends and colleagues to salute him, to recognize his many gifts and to honor his commitment to the betterment of all people in our great state.
Issued by the Governor February 8, 2002.
Filed by the Secretary of State February 11, 2002.

2002-49
STEVE EVANS DAY

WHEREAS, Steve Evans, IBM’s Vice-President of Sales for the Central U. S. Public Sector, having been blessed with the State of Illinois in his territory, has helped nurture Big Blue into one of corporate America’s true success stories; and
WHEREAS, the whipping February winds of Chicago’s lakefront welcome Steve Evans to Illinois with open arms and cold ears; and
WHEREAS, despite being Florida’s Senior State Executive and a Vice-President for one of the world’s most respected companies, Steve finally “arrived” when he became the answer to a trivia question during the 2002 Public Sector Americas Kickoff Call; and
WHEREAS, the State of Illinois Client Team appreciates Steve harboring no ill will for their frequent and fiery indictments of Steve’s beloved alma mater and our arch-rival, the Michigan Wolverines; and
WHEREAS, it has been rumored that on rare occasions, Steve has in fact stopped working to enjoy some well-deserved rest and relaxation on Mackinac Island, an occurrence his colleagues both support and encourage; and
WHEREAS, because Steve is known to be an aficionado of world history with an affinity for travel, he will certainly want to extend his stay in the Land of Lincoln to include visits to the renown and worldly Illinois towns of Berlin, Athens, Cairo and Paris; and
WHEREAS, Steve’s friends and colleagues throughout the great State of Illinois join together to wish him continues success and thank him for his guidance, support, patience friendship;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim February 13, 2002, as STEVE EVANS DAY in Illinois.
Issued by the Governor February 8, 2002.
Filed by the Secretary of State February 11, 2002.

2002-50
ST. JOHN UNITED CHURCH OF CHRIST OF ARLINGTON HEIGHTS DAY

WHEREAS, on March 2, 1902, a dozen Christian men, along with their families,
founded St. John Evangelische Kirche in Arlington Heights, Illinois; and

WHEREAS, on Sunday, March 3, 2002, St. John United Church of Christ of Arlington Heights will celebrate its 100th year of ministry to the community; and

WHEREAS, St. John has grown and changed over those 100 years by meeting the challenges of modernization; and

WHEREAS, St. John has undergone many additions and alterations over the years, but remains a vibrant congregation of more than 400 members;


Issued by the Governor February 8, 2002.

Filed by the Secretary of State February 11, 2002.

2002-51
JOHN H. STROGER, JR. DAY

WHEREAS, John H. Stroger, Jr. brings an extraordinary history of nearly three decades in public service, leadership and vision to the Office of President of the Cook County Board to which he was elected President of the Board and Forest Preserve District in November 1994, the first African-American to attain these offices, and re-elected to a second term in November 1998; and

WHEREAS, Cook County Board President Stroger has been committed to fighting crime, particularly juvenile and gang crime, with strong emphasis on crime prevention; has developed programs to enhance law enforcement efforts to stop domestic violence; and has been dedicated to health care and access to quality health care; and

WHEREAS, Stroger, has provided exemplary service to the Chicago community; and

WHEREAS, without his kind of commitment, expertise, initiatives and dedication, the effectiveness of community programs such as those provided by the One Church One Family network would diminish; and

WHEREAS, in light of this commitment to the Cook County Community, John H. Stroger, Jr. will be presented with the One Church One Family’s 2002 Millennium “Lifetime Achievement Award” on March 1, 2002, at their Millennium gala; and

WHEREAS, his leadership and tireless commitment to those issues prevalent in the community, including juvenile crime prevention and economic development, make John H. Stroger, Jr. An excellent candidate for this prestigious award;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim March 1, 2002, as JOHN H. STROGER, JR. DAY in Illinois.

Issued by the Governor February 8, 2002.

Filed by the Secretary of State February 11, 2002.
2002-52
CASIMIR PULASKI DAY

WHEREAS, Polish war hero Brigadier General Casimir Pulaski fought and died valiantly and helped Colonial America win its battle for independence during the Revolutionary War; and
WHEREAS, born in Poland on March 4, 1747, Casimir Pulaski symbolizes the courage, patriotism and determination of Polish Americans and Slavic Americans who have worked and fought to help make our country great; and
WHEREAS, this individual was willing to make the supreme sacrifice through his death in battle while defending our nation and it is fitting that we set aside the first Monday in March to honor him, just as early Illinois settlers honored him by naming Pulaski County in Southern Illinois and Mt. Pulaski in Central Illinois; and
WHEREAS, many observances are being held in honor of Casimir Pulaski in Illinois, including celebrations at Truman College and the City of Fairview Heights; and
WHEREAS, Christopher Kurczaba, President of the Polish American Congress-Illinois Division, announces the organization will sponsor the Annual Pulaski Day Banquet with a special focus on contributions to the freedom and victory of the United States. The 2002 award recipients are Dr. Ewa Radwanska, M.D., President of the Kosciuszko Foundation Chicago Chapter, and Dr. Eugene Lazowski, M.D., World War II hero; and
WHEREAS, Henry Mikolajczyk, President of the Polish Highlanders Alliance announces a Pulaski Day Ceremony & Cultural Program will take place by the Pulaski Statue in the Polish Highlander Home; and
WHEREAS, Wallace Ozog, President of the Polish Museum in America announces that the 2002 official State of Illinois Pulaski Day Program, featuring speeches by government officials and Polonia Leaders as well as a wreath-laying ceremony, will take place for the 15th consecutive year at the Polish Museum of America in Chicago, which is also celebrating the 65th anniversary of its opening this year;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim March 4, 2002, as CASIMIR PULASKI DAY in Illinois.

Issued by the Governor February 13, 2002.
Filed by the Secretary of State February 14, 2002.

2002-53
SCHOOL SOCIAL WORK WEEK

WHEREAS, the more than 2,200 school social workers in Illinois provide services to thousands of school children in regular and special education settings to help these children maximize their learning potential and experience school success; and
WHEREAS, school social workers assist the most vulnerable children and adolescents, including children with handicaps, abused and neglected children, low-income and minority children, pregnant teens, suicidal teens, potential dropouts,
substance abusers, and other at-risk children and youths; and
WHEREAS, school social workers help parents and school personnel bridge the gap between home and school coordinating community; and
WHEREAS, school social workers work closely with school administrators, teachers, and other education professionals to help schools develop programs that are flexible and responsive to individual student needs; and
WHEREAS, school social workers advocate for schools, families, children, and youth in the legislative arena by supporting proposals to stabilize school funding, improve programs for at-risk children and youth, and offer training in conflict resolution and peer mediation to school children;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim March 24-30, 2002, as SCHOOL SOCIAL WORK WEEK in Illinois.

Issued by the Governor February 14, 2002.
Filed by the Secretary of State February 21, 2002.

2002-54
FOREIGN LANGUAGE WEEK

WHEREAS, the Illinois Council on the Teaching of Foreign Languages and Alpha Mu Gamma, the national foreign language honor society, work together to promote a week dedicated to the recognition of the importance of foreign language study; and
WHEREAS, the Illinois Council on the Teaching of Foreign Languages prints and distributes posters celebrating National Foreign Language Week for Illinois teachers from elementary through university levels; and
WHEREAS, foreign language skills help promote the economic development of the State of Illinois through international trade and cultural understanding; and
WHEREAS, foreign languages substantially help to further the careers of Illinois citizens as a skill that is used in many employment environments; and
WHEREAS, foreign language skills help enhance understanding among the diverse ethnic and cultural groups of Illinois citizens; and
WHEREAS, to promote foreign language study, National Foreign Language Week will take place March 4-10, 2002, by foreign language teachers across the State of Illinois;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim March 4-10, 2002, as FOREIGN LANGUAGE WEEK in Illinois.

Issued by the Governor February 14, 2002.
Filed by the Secretary of State February 21, 2002.

2002-55
YOUTH ART MONTH

WHEREAS, art education contributes powerful educational benefits to all elementary, middle, and secondary students; and
WHEREAS, art education develops students' creative problem-solving and critical
WHEREAS, art education teaches sensitivity to beauty, order, and other expressive qualities; and
WHEREAS, art education gives students a deeper understanding of multi-cultural values and beliefs; and
WHEREAS, art education reinforces and brings to life what students learn in other subjects; and
WHEREAS, art education interrelates student learning in art production, art history, art criticism, and aesthetics; and
WHEREAS, our national leaders have acknowledged the necessity of including arts experiences in all students' education; and
WHEREAS, support should be given to art teachers as they attempt to strengthen art education in their schools and communities;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim March 2002 as YOUTH ART MONTH in Illinois.

Issued by the Governor February 14, 2002.
Filed by the Secretary of State February 21, 2002.

2002-56
ESTONIAN INDEPENDENCE DAY

WHEREAS, Estonia became an independent republic on February 24, 1918; and
WHEREAS, their independence lasted until the 1940's when the Soviet Union occupied Estonia; and
WHEREAS, Estonia regained its freedom and became an independent republic in August of 1991; and
WHEREAS, persons of Estonian heritage are exemplary American citizens who still preserve their traditions, take pride in their history of freedom, believe in human rights and seek self-determination for their homeland; and
WHEREAS, Chicago enjoys one of the largest communities of Estonians in the United States today;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim February 24, 2002, as ESTONIAN INDEPENDENCE DAY in Illinois in recognition of the 84th anniversary of Estonian independence.

Issued by the Governor February 20, 2002.
Filed by the Secretary of State February 21, 2002.

2002-57
IRANIAN HERITAGE DAY

WHEREAS, as one of the great ancient civilizations, Persians/Iranians have made major achievements in literature, philosophy, politics, mathematics, astronomy, music medicine, architecture, and fine arts; and
WHEREAS, proud citizens and residents of the United States, over a million
strong, continually strive to maintain the legacy of their forefathers; and

WHEREAS, thousands of Americans with Iranian ancestry are astir in educational, cultural, social, economic and governmental institutions impacting their communities; and

WHEREAS, Iranians all over the world celebrate New Years Day, or "Now Rouz," a tradition from nearly 3,000 years ago, on the first day of spring, March 20; and

WHEREAS, the significance of Iranian’s cultural legacy and the contributions of Iranian Americans to the vitality of Illinois have had an important impact on our state; and

WHEREAS, the Governor's Office of Ethnic Affairs will sponsor an Iranian Cultural exhibit in James R. Thompson Center, March 18-29, 2002;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim March 20, 2002, as IRANIAN HERITAGE DAY in Illinois.

Issued by the Governor February 20, 2002.
Filed by the Secretary of State February 21, 2002.

2002-58
JIM TURPIN DAY

WHEREAS, Jim Turpin has entertained University of Illinois fans throughout the State of Illinois with his broadcasts of Fighting Illini football and men's basketball games since 1959; and

WHEREAS, Turpin has broadcast more than 1,300 University of Illinois sporting events, including games, coaches shows, team banquets and celebrations; and

WHEREAS, Turpin has received national and statewide recognition as one of the top collegiate sports broadcasters, including the Illinois Broadcasters Association Golden Dome Award and Dick Vitale's "Sweet Sixteen," as one of the nation's top 16 college basketball announcers; and

WHEREAS, Turpin has benefited the citizens of Champaign County and the State of Illinois with his daily "Penny for Your Thoughts" and weekly "Saturday Sportsline" programs for more than 20 years, providing listeners with insightful commentary and an opportunity to express their views; and

WHEREAS, Turpin began broadcasting Illinois athletics on WILL-AM-FM in 1959, joined the Purity Sunbeam Illinois Network on WDWS-AM in 1977 and has been the regular "Voice of the Illini" on the Illini Sports Network since 1980; and

WHEREAS, the 1961 University of Illinois graduate recently retired as the longtime vice president and general manager of WDWS and WHMS radio in Champaign; and

WHEREAS, Turpin has been honored and recognized for his countless hours of charitable and community work, earning the 2002 Champaign County "Most Valuable Citizen" Award and having an honorary street named "Jim Turpin's Penny Lane" in Champaign; and

WHEREAS, Turpin has contributed significantly to the quality of life among residents throughout the State of Illinois throughout his broadcast career;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim February 20, 2002, as JIM TURPIN DAY in Illinois.
Issued by the Governor February 20, 2002.
Filed by the Secretary of State February 21, 2002.

2002-59
DR. CLAUDETTE MCFARLAND-WINSTEAD DAY

WHEREAS, Dr. Claudette McFarland-Winstead was internationally, nationally and locally known for her many involvements in civic organizations, humanitarian contributions, organizations and business ventures; and
WHEREAS, at the age of 66, Dr. McFarland-Winstead passed away at home on February 13, 2002, due to complications with pneumonia; and
WHEREAS, Dr. McFarland-Winstead received numerous citations and commendations including "Outstanding Business Woman and Civic Volunteer and Leader" from the Chicago Daily Defender Newspaper, Co-Founder and charter member of the South Shore Senior Citizens commendation, and Life membership for "Outstanding Community Service Citation" from the National Council of Jewish Women; and
WHEREAS, in 1976, Dr. McFarland-Winstead received a special commendation from the Governor of Illinois for her work with the Illinois Planning Committee for E.R.A. conference management, and was later invited to the White House by President Jimmy Carter for the First White House briefing on the E.R.A.; and
WHEREAS, Dr. McFarland-Winstead earned a J.D. from the University of North Carolina College of Law, Graduate Studies in Social Work, Economics and Business from the University of Illinois, Bachelor of Science from Roosevelt University, Doctorate of Sociology from the University of Illinois and Honorary Doctorate of Divinity from Universal Life Church Institute; and
WHEREAS, Dr. McFarland-Winstead is survived by her husband, Vernon Winstead, Sr., her son Vernon Winstead, Jr., her daughter Claudette Winstead-Thomas, her son-in-law Marion C. Thomas, Jr., her granddaughter Raquel Simone Thomas and brother Charles Johnson, Jr.;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim February 20, 2002, as DR. CLAUDETTE McFARLAND-WINSTEAD DAY in Illinois.
Issued by the Governor February 20, 2002.
Filed by the Secretary of State February 21, 2002.

2002-60
AFRICAN AMERICAN HERITAGE MONTH

WHEREAS, Black History Month was founded in 1965 by Dr. Robert Starling Pritchard, II; and
WHEREAS, this special month focuses on bringing people together and breaking
whereas, by observing African American Heritage Month each year, we not only remember the tragedies of our past, but also celebrate the achievements of African Americans and their future in this state; and

whereas, there are so many African American leaders that have enriched our lives and shaped the character of our state. They have challenged us to recognize that America's racial, cultural, and ethnic diversity will be among our greatest strengths in the 21st century;

therefore, I, George H. Ryan, Governor of the State of Illinois, proclaim February 2002 as African American HERITAGE MONTH in Illinois.

Issued by the Governor February 21, 2002.
Filed by the Secretary of State February 25, 2002.

2002-61
PURCHASING MONTH

whereas, the National Association of Purchasing Management (NAPM) strives to improve the standards and performance of purchasing professionals; and

whereas, the Purchasing Management Association of Chicago (PMAC) is a non-for-profit organization, founded in 1913, that stresses teaching professionals how to increase their organization’s bottom line; and

whereas, PMAC is dedicated to helping purchasing professionals improve their job performance and advancement opportunities through educational programs and interaction with one another; and

whereas, NAPM produces the National Report on Business, and PMAC produces the Chicago Report, monthly economic reports, which have earned national and international recognition;

therefore, I, George H. Ryan, Governor of the State of Illinois, proclaim March 2002 as PURCHASING MONTH in Illinois.

Issued by the Governor February 21, 2002.
Filed by the Secretary of State February 25, 2002.

2002-62
AMERICAN RED CROSS MONTH

whereas, the American Red Cross was founded in 1881 by a visionary woman named Clara Barton and was chartered by Congress in 1905 to act in times of need, providing compassionate assistance to those afflicted by personal, local, national, and international disasters; and

whereas, the American Red Cross annually responds to more than 67,000 disasters nationwide, ranging from high-profile natural disasters, single-family fires that rarely make the news, and man-made emergencies like the brutal terrorist attacks of September 11, 2001. The American Red Cross was among the first to respond to this
unprecedented national crisis with direct assistance to more than 48,000 families, shelter for those displaced from their homes, over 13 million meals served to victims and heroic rescue workers, and grief counseling for more than 200,000 individuals; and

WHEREAS, other services of the American Red Cross include recruiting millions of people annually across America to donate blood, ensuring the highest standards and safety and providing hospitals with nearly half the nation’s blood supply; and

WHEREAS, Red Cross workers continue to serve alongside of our men and women in the military, fighting terrorism a world away, and working around the clock to fulfill a historical role: keeping our service members and their families in touch and offering other small comforts to ease the strain of being so far from home; and

WHEREAS, the American Red Cross is an enduring institution that restores hope at home and across the world every day and its vital services would not be possible without the generous contributions of time, money and blood of the American people; and

WHEREAS, we are indeed fortunate to have 36 chapters and 5 blood regions of the American Red Cross providing service in every county and every community in Illinois; and

WHEREAS, last year in communities across Illinois, the American Red Cross ensured that Illinois residents received the information necessary to prevent and prepare for emergencies, and to maintain healthy lifestyles. Illinois Red Cross chapters provided critical training in lifesaving skills such as CPR, first aid, water safety, and more, educating 453,585 individuals in health and safety areas. Other Red Cross programs are providing hot meals and transportation for the homebound, housing and job training for those who are homeless, and other programs to address unmet community needs; and

WHEREAS, in the last year, the American Red Cross dispatched as many as 140 emergency messages each week across the nation and the world, providing the means for active Illinois military personnel to maintain contact with their families and loved ones in times of personal crisis; and

WHEREAS, the American Red Cross plays a crucial role and is a valued partner with state government in emergency management, serving at the State Emergency Operations Center and as a voting member of the Illinois Terrorism Task Force; and

WHEREAS, with its network of over 600 employees, 17,000 volunteers, responding to nearly 2,500 emergencies, provided critical first aid training, collecting over 230,000 units of blood, and providing opportunities for 20 AmeriCorps members to serve in schools and on disaster response teams, the American Red Cross has continually demonstrated its commitment and dedication to relieving human suffering and to saving lives;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim March 2002 as AMERICAN RED CROSS MONTH in Illinois and urge all Illinoisans to support the American Red Cross in its efforts to help our communities prevent, prepare and respond to emergencies and to save lives through the gift of blood, time or money.

Issued by the Governor February 21, 2002.

Filed by the Secretary of State February 25, 2002.
WHEREAS, one-third of the world's population is infected with tuberculosis (TB); and
WHEREAS, 10 percent of those infected with tuberculosis will develop TB disease in their lifetime; and
WHEREAS, each year, more than 8 million people around the world will develop tuberculosis disease and more than 2 million will die from the disease; and
WHEREAS, in Illinois, TB disease afflicts six of every 100,000 people in the state, a rate slightly higher than the nation's; and
WHEREAS, those at higher risk for progressing from TB infection to disease are individuals with HIV and other medical conditions that compromise the immune system, persons recently infected with the TB bacillus, those with a history of inadequately treated TB and persons who inject illicit drugs; and
WHEREAS, tuberculosis is the leading opportunistic infection for people living with HIV/AIDS; and
WHEREAS, World TB Day commemorates the discovery of the TB bacillus by Dr. Robert Koch in 1882; and
WHEREAS, World TB Day focuses attention on the fact that TB is a highly curable disease that still affects millions of people worldwide;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim March 25, 2002, as WORLD TB DAY in Illinois and urge all citizens to increase their awareness and understanding of tuberculosis infection and disease and to join the global effort to stop the spread of this disease.

Issued by the Governor February 22, 2002.
Filed by the Secretary of State February 25, 2002.

2002-64
AAA DAY

WHEREAS, March 5, 2002, will mark the 100th Anniversary of AAA. Established in 1902, AAA was founded in Chicago by a federation of touring and auto clubs; and
WHEREAS, AAA’s earliest goal was to improve the nation’s roads to better accommodate the automobile. In 1910, AAA sought passage of the Federal Registration Bill, legislation to eliminate state barriers to interstate travel; and
WHEREAS, emergency road service has been the hallmark of AAA. Over the years, AAA clubs across the nation have come to the rescue of nearly 30 million stranded motorists. The association provides a variety of emergency vehicle services, including flat tire service, towing, battery boosts and lockout assistance. In response to motorists’ concern as to the price and availability of gasoline, AAA initiated the Fuel Gauge Report. The Report is issued weekly and advises motorists of gasoline availability, prices and station hours of operation; and
WHEREAS, AAA is the largest travel publisher in the world, publishing nearly 300 million copies of travel-related materials each year. With nearly 1,000 accredited, full-service travel agencies, AAA Travel is one of the largest leisure travel agencies in the United States. In 1963, AAA adopted a rating system that would evolve into the AAA Diamond Rating System; and

WHEREAS, AAA pioneered the concept of driver education. In response to an increasing number of automobiles on city streets, AAA formed the School Safety Patrol program. Today, this program includes more than a half-million student patrollers in 50,000 schools across the nation; and

WHEREAS, today, AAA is the largest association in America, comprised of a not-for-profit federation offering an array of automotive, travel, insurance and financial services to its 44 million members nationwide;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim March 5, 2002, as AAA DAY in Illinois, in honor of the association’s 100th anniversary.

Issued by the Governor February 22, 2002.
Filed by the Secretary of State February 25, 2002.

2002-65

IRISH AMERICAN HERITAGE MONTH

WHEREAS, by 1776, nearly 300,000 natives of Ireland had immigrated to the United States; and

WHEREAS, at least eight signers of the Declaration of Independence were of Irish origin; and

WHEREAS, the Irish and their descendants have helped to enrich the quality of life in the United States and have served with distinction in all areas of American society; and

WHEREAS, Irish Americans such as Thomas O’Shaughnessy, Louis Sullivan, Walter Farrell and Finley Peter Dunne have added to Illinois’ Culture; and

WHEREAS, Irish Americans have helped to construct several major Illinois projects including the Illinois Michigan Canal; and

WHEREAS, James J. Sullivan, General Chairman of the St. Patrick’s Day Parade Committee of Chicago announced the 47th Annual St. Patrick’s Day Parade will be Saturday, March 16, 2002, and the 2002 Parade Queen is Megan Eileen Connelly. Gerald M. Sullivan, Parade Coordinator, announced the theme is “Trust in God, Faith in Our Country & Pride in Our Irish American Heritage”; and

WHEREAS, more than 10 St. Patrick parades will take place across Illinois including the Grand Parade XVI sponsored by the St. Patrick Society Quad Cities USA, and numerous other St. Patrick’s Day Parades sponsors by the Irish Marching Society of Rockford, the St. Patrick Society of Peoria, the West Suburban Irish, the Elmhurst St. Patrick’s Day Parade Committee, the Southside Irish St. Patrick’s Day Parade Committee, the Lee County Irish Heritage Club, the Downtown St. Charles Partnership and Greater St. Charles Area Chamber of Commerce, the Oak Park Avenue Main Street Association, and the Manhattan Youth Athletic Association; and
WHEREAS, the Governor’s Office will sponsor the annual Irish cultural program, Friday, March 15 at the James R. Thompson Center, featuring the Shannon Rovers Pipe Band, Trinity Irish Dancers and Maureen O’Looney, Producer & Host WSBC-1240AM American Irish Radio Network;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim March 2002 as IRISH AMERICAN HERITAGE MONTH and March 17, 2002, as ST. PATRICK’S DAY in Illinois.
Issued by the Governor February 22, 2002.
Filed by the Secretary of State February 25, 2002.

2002-66
BICENTENNIAL OF THE UNITED STATES MILITARY ACADEMY

WHEREAS, the United States Military Academy is celebrating 200 years of leadership and service to the United States of America; and
WHEREAS, distinguished graduates of the United States Military Academy have led our nation’s Armed Forces in peace and war; and
WHEREAS, graduates of West Point played a major role in developing the State of Illinois; and
WHEREAS, graduates currently serving in the Armed Forces are deployed worldwide protecting and defending our country; and
WHEREAS, cadets of the United States Corps of Cadets are being trained and educated to be our nation’s top leaders as West Point moves into its third century of service;
Issued by the Governor February 22, 2002.
Filed by the Secretary of State February 25, 2002.

2002-67
CHICAGO BUSINESS OPPORTUNITY DAYS

WHEREAS, the 35th Anniversary Chicago Business Opportunity Fair, which is of special interest to Chicago-based businesses, will be April 3-4, 2002; and
WHEREAS, the fair will provide minority suppliers and purchasing personnel from major buying organizations the opportunity to meet and exchange information about mutual buying and selling needs; and
WHEREAS, Robert S. Morrison, Chairman, President, and CEO of The Quaker Oats Company and Vice Chairman of PepsiCo, will serve as Chairperson of the fair’s Sponsors Committee; and
WHEREAS, the 35th Anniversary Chicago Business Opportunity Fair assists in advancing the year-round efforts of the Chicago Minority Business Development Council, Inc., an organization devoted to stimulating minority purchasing in Chicago and the
sponsore of the fair; and

WHEREAS, the Minority Business Committee of the Chicago Minority Business Development Council will hold its 24th Annual Awards Program on April 4, 2002, in honor of public and private sector representatives for their contributions to minority suppliers' growth and development;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 3-4, 2002, as CHICAGO BUSINESS OPPORTUNITY DAYS in Illinois.

Issued by the Governor February 22, 2002.

Filed by the Secretary of State February 25, 2002.

2002-68

ASSYRIAN NEW YEAR DAY

WHEREAS, the Assyrian New Year is one of the most important religious and celebrated holidays of the Assyrian community; and

WHEREAS, the color green will dominate the New Year festivities, as it stands for "New Life"; and

WHEREAS, the Assyrian American community has made significant contributions in all areas of life including education, medicine, science, business, arts, government and public service in Illinois; and

WHEREAS, Joseph Tamraz, the Midwest Regional Director for the Assyrian American National Federation, announces the federation has many activities to mark this New Year; and

WHEREAS, the Assyrian New Year Parade will be held Sunday, April 7, 2002, on King Sargon Boulevard, between Peterson and Pratt Roads, in Chicago, Illinois; and

WHEREAS, the Assyrian New Year celebration will be held at the O'Hare Expo Center in Rosemont; and

WHEREAS, the Governor's Office of Ethnic Affairs will sponsored an Assyrian Cultural exhibit at the James R. Thompson Center, 100 W. Randolph, April 1-5, 2002; and

WHEREAS, on April 1, 2002, the Assyrian community will celebrate their New Year 6752;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 1, 2002, as ASSYRIAN NEW YEAR DAY in Illinois.

Issued by the Governor February 22, 2002.

Filed by the Secretary of State February 25, 2002.

2002-69

DONNA LAPIETRA DAY

WHEREAS, the Illinois Eye-Bank was founded in 1947 and makes the gift of sight possible by providing corneal tissue from donors to the people for who a corneal transplant is a second chance for sight; and

WHEREAS, the Illinois Eye-Bank accomplishes its mission through public and
professional education, donor coordination, and distribution of eye tissue for transplantation, research and training; and

WHEREAS, in 2001, the Illinois Eye-Bank was instrumental in restoring sight to 1,500 men, women and children; and

WHEREAS, this year, the Illinois Eye-Bank is presenting its “Gift of Sight Gala 2002” benefit on March 15, 2002, at the Ritz Carlton in Chicago; and

WHEREAS, this year, the Illinois Eye-Bank is honoring Donna LaPietra as the “2002 Woman of Vision” for her outstanding community involvement and her strong civic leadership in the City of Chicago; and

WHEREAS, Donna LaPietra is the Executive Producer of Kurtis Productions, Ltd., a television documentary production company based in Chicago; and

WHEREAS, Donna LaPietra is Executive Producer of Come Out and Play, a program for the Municipal Television Channel, and serves on the Futures for Kids Advisory Panel, chaired by First Lady Lura Lynn Ryan; and

WHEREAS, she has chaired or been a committee member for many Chicago civic and charitable events and organizations, including the Millennium Park Garden Project, The Steppenwolf Theatre, John G. Shedd Aquarium, and the Chicago Botanic Garden;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim March 15, 2002, as DONNA LaPIETRA DAY in Illinois and urge all Illinoisans to follow her example of dedication to the arts, culture and to the well-being of those around her.

Issued by the Governor February 27, 2002.
Filed by the Secretary of State February 28, 2002.

2002-70

RITA HAYWORTH GALA AND ALZHEIMER’S ASSOCIATION DAY

WHEREAS, Alzheimer’s disease is a degenerative neurological disorder that slowly destroys brain cells, ultimately rendering the brain inoperable. Individuals with Alzheimer’s cannot recognize the world around them, leaving affected individuals vulnerable to illness and infection; and

WHEREAS, currently, 4 million Americans suffer from Alzheimer’s and it has been estimated that this number will grow to 14 million by the year 2050; and

WHEREAS, the Alzheimer’s Association is the only national health organization dedicated to research to conquer Alzheimer’s disease and to provide support and assistance to people with the disease, their families, and caregivers; and

WHEREAS, the Association has provided more than $82 million in funding for hundreds of research studies; and

WHEREAS, the Association has developed an aggressive strategic plan that calls for mobilizing resources worldwide, creating public and private partnerships to stimulate scientific discoveries, increasing federal research funding to $500 million, increasing research funding by the Association to $30 million, raising public knowledge of and about the disease, and expanding access to services, information and training for professionals and families; and
WHEREAS, the Chicago Rita Hayworth Gala is a fundraiser to honor the great actress and benefit the Alzheimer’s Association to find the causes and cures for the disease; and
WHEREAS, Princess Yasmin Aga Khan, daughter of Rita Hayworth, has been a true inspiration in her work to support and raise awareness for the Alzheimer’s Association; and
WHEREAS, the 15th Annual Rita Hayworth Gala will be held on Saturday, May 11, 2002;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 11, 2002, as RITA HAYWORTH GALA AND ALZHEIMER'S ASSOCIATION DAY in Illinois.
Issued by the Governor February 27, 2002.
Filed by the Secretary of State February 28, 2002.

2002-71
MARCH FOR MEALS WEEK

WHEREAS, the month of March is celebrated as Nutrition Month in Illinois and all across the country; and
WHEREAS, the year 2002 marks the 30th year anniversary of Senior Nutrition Programs of the Older Americans Act; and
WHEREAS, community nutrition programs for older people provide nourishing meals, companionship, nutrition education, and long term care protections to older people in communities across Illinois and the nation; and
WHEREAS, in 2002, nearly 87,000 older Illinoisans will receive about 3.5 million meals, served in some 600 community sites, and another 7.5 million meals will be delivered to more than 49,000 homebound older persons in Illinois; and
WHEREAS, the success of these programs is dependent upon thousands of caring volunteers who deliver meals and provide a helping hand to those in need; and
WHEREAS, this public-private partnership program is also supported by local participant contributions and by federal, state and private funds; and
WHEREAS, Meals on Wheels Association of America has selected the theme for this year's anniversary celebration as "March for Meals;"
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim March 11-15, 2002, as MARCH FOR MEALS WEEK in Illinois to celebrate 30 years of community nutrition programs for older persons and encourage all Illinoisans to join with their local community nutrition programs in recognizing this momentous occasion.
Issued by the Governor February 27, 2002.
Filed by the Secretary of State February 28, 2002.

2002-72
CHARTER FOR ILLINOIS CHILDREN DAY

WHEREAS, Illinois families and communities came together and wrote a
comprehensive vision for the future of Illinois’ children; and

WHEREAS, the Charter for Illinois Children was created because the people of Illinois believe that every child counts and we should invest in children and families; and

WHEREAS, the Charter for Illinois Children examines the needs, talents and hopes for children in the key areas of health, education, safety, family, economic security and arts, recreation and culture; and

WHEREAS, thousands of endorsers have joined a growing grassroots movement in support of the Charter for Illinois Children; and

WHEREAS, the Charter unites hundreds of individuals and communities under one common banner and inspires us to work together to make the vision and goals of the Charter a reality;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim March 14, 2002, as CHARTER FOR ILLINOIS CHILDREN DAY in Illinois.

Issued by the Governor February 27, 2002.
Filed by the Secretary of State February 28, 2002.

2002-73
SENATOR HARLAN RIGNEY DAY

WHEREAS, Harlan Rigney was born in Freeport, Illinois, on June 27, 1933, and graduated from Freeport High School and the University of Illinois; and

WHEREAS, prior to his distinguished service with the United States Army from 1954 to 1956, Harlan Rigney served as the state president of the Illinois Future Farmers of America and as national vice president of FFA; and

WHEREAS, Harlan Rigney for many years was a successful grain and livestock farmer in Stephenson County; and

WHEREAS, Harlan Rigney served his community with distinction as a township supervisor and as chairman of the Stephenson County Board of Supervisors and the Stephenson County Board of Review; and

WHEREAS, Harlan Rigney was elected from Stephenson County to the sixth Illinois Constitutional Convention and served as one of the state's "founding fathers" on the committee which drafted an Executive Article that over a 30-year period has proven to be a model for other states; and

WHEREAS, in 1972, following the adoption of the 1970 Illinois Constitution, Harlan Rigney was elected to the Illinois House of Representatives, where he served honorably until his election in 1982 to the Illinois Senate; and

WHEREAS, during his time in the General Assembly, Harlan Rigney was an effective advocate for Northwestern Illinois, environmental protection, conservation, family farmers, school children, fairness, integrity and a business-like approach to government; and

WHEREAS, Harlan Rigney left this world too soon following his retirement and is survived by his wife Margie and their children and grandchildren; and

WHEREAS, Harlan Rigney's impact on his family friends and neighbors will never be forgotten and is commemorated annually through the awarding of the Harlan
Rigney Memorial Scholarship;

THEREFORE, I, George H. Ryan, Govern of the State of Illinois, proclaim February 28, 2002, as SENATOR HARLAN RIGNEY DAY in Illinois and urge all within receipt of this proclamation to observe a moment of silence during the annual Stephenson County Lincoln Day Dinner to honor a quiet man who made a big impact on so many in Northwestern Illinois.

Issued by the Governor February 27, 2002.
Filed by the Secretary of State February 28, 2002.

2002-74
U.S. NAVY ASIATIC FLEET MEMORIAL DAY

WHEREAS, the U.S. Navy Asiatic Fleet has a proud heritage of bravery and honor, beginning from the time of its establishment in 1902, and ending with its climactic battle in the Sunda Strait in 1942; and
WHEREAS, over the course of the U.S. Asiatic Fleet's service, countless American lives, as well as our nation's interests along the China coast, were protected and defended; and
WHEREAS, the U.S. Asiatic Fleet also provided humanitarian and diplomatic assistance to regions devastated by natural disasters and civil wars; and
WHEREAS, while defending the Philippine Islands during the first 85 days of World War II, the U.S. Asiatic Fleet lost 32 ships and hundreds of soldiers, ultimately succumbing to the Japanese forces in 1942; and
WHEREAS, though it is no more, the U.S. Asiatic Fleet contributed greatly to the success of the Allies in WWII, and continues to be a source of pride and honor for all Americans;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim March 1, 2002, as U.S. NAVY ASIATIC FLEET MEMORIAL DAY in Illinois.

Issued by the Governor February 27, 2002.
Filed by the Secretary of State March 07, 2002.

2002-75
HADASSAH DAY

WHEREAS, in 1912, Henrietta Szold founded what is now the largest women's and largest Jewish membership in the United States: Hadassah, the Women's Zionist Organization of America; and
WHEREAS, there are more than 14,000 members of Hadassah in Illinois alone; and
WHEREAS, Hadassah's greatest achievement to date is their network of world-renowned medical and educational institutions in Israel; and
WHEREAS, the Hadassah Medical Organization provides the highest quality health care to countless individuals from throughout the Middle East "regardless of race, religion or nationality" and is a resource for training health care professionals around the
world; and
WHEREAS, Hadassah also works on issues of concern to women and the American Jewish community and on educational issues nationwide;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim March 3, 2002, as HADASSAH DAY in Illinois, in recognition of the organization's 90th anniversary.
Issued by the Governor February 28, 2002.
Filed by the Secretary of State March 07, 2002.

2002-76
PAUL LEROY TRUAX DAY

WHEREAS, Paul LeRoy Truax was born in Springfield on March 1, 1942; and WHEREAS, Paul lived his entire life in Illinois, marrying his wife Linda in June 1975, on Friday the 13th; and WHEREAS, Paul was a graduate of Feitshans High School where he was known by his classmates as “Tall Paul” and loved his classmates so much he organized many reunions; and WHEREAS, Paul devoted his life to Linda and his three children: Paul Jr., Mary Elizabeth and Lindsay, and to his grandchildren: Lauren and Gage; and WHEREAS, Paul was an avid follower of NASCAR, especially Jeff Gordon, and enjoyed watching races with family and friends, and if you could not find Paul, he was probably watching NASCAR in Rick's Garage; and WHEREAS, Paul was also a member of the Elks Club, and served tirelessly as the President of the Men's Auxiliary of the Lake Springfield Boat Women's Association; and WHEREAS, Paul loved playing softball for many years for Papa Joe's, and sponsored a women's softball team when he owned Trucking by Truax. This was a natural fit because the players, like Paul, were more concerned about having a good time than actually winning or losing; and WHEREAS, Paul spent his professional life as a truck-driver, serving as an unofficial ambassador of the City of Springfield and all of central Illinois, spending time on his journeys unexpectedly visiting people transplanted from his native city; and WHEREAS, as a trucker, Paul always emphasized safety on our nation's highways and did whatever was possible to protect other people's lives while he was behind the wheel;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim March 1, 2002, as PAUL LeROY TRUAX DAY in Illinois.
Issued by the Governor February 28, 2002.
Filed by the Secretary of State March 07, 2002.
2002-77

VITAS HOSPICE INPATIENT UNIT AT MERCY HOSPITAL AND MEDICAL CENTER

WHEREAS, VITAS Healthcare Corporation has 20 programs in seven states providing hospice care to 6,000 terminally ill patients per day and more than 43,000 annually across the country; and

WHEREAS, VITAS Healthcare Corporation, Chicago's largest hospice provider, has four hospice programs which service Chicago and the surrounding community, caring for more than 4,700 patients annually; and

WHEREAS, VITAS Healthcare Corporation is committed to improving the quality of life of its patients and their loved ones during the final stages of a patient's life; and

WHEREAS, VITAS Healthcare Corporation treats a patient's and family's physical and emotional pain with an interdisciplinary team that includes physicians, registered nurses, social workers, chaplains, home health aides, bereavement specialists and volunteers; and

WHEREAS, VITAS Healthcare Corporation's Chicagoland central program will operate an 18 bed in-patient unit for terminally ill patients at Mercy Hospital and Medical Center, located at 2525 S. Michigan Avenue in Chicago, which will serve the hospice care needs of Chicago and the surrounding community; and

WHEREAS, VITAS Hospice Inpatient Unit at Mercy Hospital and Medical Center will include a special home-like environment for hospice patients and their families, including a kitchen, quiet room and a family room with beautiful views of Lake Michigan;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, do hereby extend, on behalf of the citizens of the State of Illinois, our sincere appreciation and thanks to VITAS Healthcare Corporation and Mercy Hospital and Medical Center for opening the VITAS Hospice Unit at Mercy Hospital and Medical Center and providing hospice care to the citizens of Illinois on the occasion of this ribbon-cutting ceremony which marks the opening of the VITAS Hospice Inpatient Unit at Mercy Hospital and Medical Center.

Issued by the Governor February 28, 2002.
Filed by the Secretary of State March 07, 2002.

2002-78

CHILD ABUSE PREVENTION MONTH

WHEREAS, child abuse and neglect affect families, communities and society; and

WHEREAS, finding solutions to child abuse and neglect depends on involvement among people throughout Illinois; and

WHEREAS, effective child abuse prevention programs have contributed to the states dramatic decline in reports of child abuse and neglect, from 139,720 child reports
in Fiscal Year 1995 to 100,421 child reports in Fiscal Year 2001; and

WHEREAS, effective child abuse prevention programs succeed because of partnerships created by the Illinois Department of Children and Family Services, Prevent Child Abuse Illinois and other government entities, social service agencies, schools, religious and social service organizations, law enforcement agencies, businesses and individual citizens; and

WHEREAS, the Illinois Department of Children and Family Services is a nationally recognized leader in developing innovations aimed at protecting children from abuse and re-abuse and is the nation's largest child welfare agency whose quality services have earned accreditation from the Council on Accreditation for Children and Family Services; and

WHEREAS, all citizens throughout Illinois should learn the warning signs of child abuse and neglect and report suspected cases to the Illinois Child Abuse Hotline at (800) 25-ABUSE; and,

WHEREAS, all communities should support child abuse prevention programs and support parents to raise their children in safe nurturing environments;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 2002 as CHILD ABUSE PREVENTION MONTH in Illinois

Issued by the Governor March 01, 2002.
Filed by the Secretary of State March 07, 2002.

2002-79
BANGLADESH DAY

WHEREAS, Illinois is home to several thousand Bangladeshi emigrants; and

WHEREAS, those individuals and families that struggled for the freedom of their country should be commended; and

WHEREAS, the Bangladeshi community in the State of Illinois hopes to enhance Bangladeshi culture, assist Bangladeshi emigrant students and visitors, and develop and promote friendship and relationships among the citizens of Illinois; and

WHEREAS, the 31st Independence Day of Bangladesh will be celebrated in Illinois on March 26, 2002, on the anniversary of the country's independence;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim March 26, 2002, as BANGLADESH DAY in Illinois.

Issued by the Governor March 05, 2002.
Filed by the Secretary of State March 07, 2002.

2002-80
PAT MCLAUGHLIN DAY

WHEREAS, Pat McLaughlin was born in Litchfield, Illinois, and moved to Springfield in 1961 from Champaign; and

WHEREAS, she has been in the association management business since 1972 and has been an honorable, hardworking, dedicated and loyal employee of the Illinois
Movers’ and Warehousemen’s Association for the past 30 years, serving as their Executive Director since 1989; and

WHEREAS, Pat has served her association and the public by helping to create the Illinois Movers’ and Warehousemen’s Risk Management Group (a self-funded workers’ compensation pool) where she still serves as its Executive Director; by organizing the Governmental Oversight Information Network, a coalition to provide consumer protection against fraudulent moving and storage practices; and serving as Executive Director of the Illinois Movers Tariff Bureau; and

WHEREAS, she has served her organization at the national level in various capacities including three terms as chair of the National Council of Moving Associations and three terms on the Board of Directors of the National Moving and Storage Association, and in 2000 was named a member of the editorial advisory board for MOVER Magazine; and

WHEREAS, she has been acknowledged by her peers in association management by serving from 1975-1980 as the Executive Director of the Illinois Society of Association Executives (ISAE); serving on the ISAE Board of Directors from 1981-1986, during which she served as the ISAE President; and Pat received the ISAE Distinguished Member award in 1991; and

WHEREAS, Pat is a registered lobbyist in Illinois, a member of the Illinois Commerce Commission’s Household Goods Advisory Committee, and in 1995-1996 served as President of the Rotary Club of Springfield South; and

WHEREAS, Pat is a friend and mentor, a creative problem solver with poise, insight and a positive attitude; she faithfully served the moving industry with the highest degree of integrity and professionalism, and demonstrates a deep enthusiasm and genuine caring for this industry;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim March 12, 2002, as PAT McLAUGHLIN DAY in Illinois.

Issued by the Governor March 05, 2002.
Filed by the Secretary of State March 07, 2002.

2002-81  
KRISHAN SANT DAY

WHEREAS, Krishan "Kris" Sant is a charter member of the Darien Lions Club and has served as its President in 1973. During his involvement in the Lions Clubs, Kris received virtually every award that can be given to Lions at a local level; and

WHEREAS, Mr. Sant also founded the West Suburban India Society. Its purpose is to bring together Indians and Pakistanis living in the West Suburbs by providing them with programs to make them better citizens to their communities; and

WHEREAS, Kris Sant is a member of the Asian American Coalition, an Illinois organization which conducts several functions to keep Asian communities together so that they can work in harmony and help each other; and

WHEREAS, Mr. Sant helps coordinate the annual Asian Parade; and

WHEREAS, Mr. Sant is a Board member of the Alliance of Midwest Indians
Association; and
WHEREAS, Kris Sant has taken several trips to India to bring together Lions of Ulhasnagar (a small community outside of Bombay), a local hospital and a group of ophthalmologists to provide free services to poor people who need cataract surgery. Some 287 people received this free service in 1999, 316 people in 2000 and 264 people in 2001; and
WHEREAS, Mr. Sant helped start the Darien Blood Drive Assurance Program; and
WHEREAS, in 1973, he received a Good Citizenship award from General Motors Corporation for his civic and charitable contributions to communities; and
WHEREAS, Kris Sant is very involved in the DuPage County Center for Independent Living in Wheaton which specializes in resident housing and support for the visually impaired. He also furnishes transportation for not only his wife, Krishna, but also two other visually handicapped persons to attend support meetings in Glen Ellyn; and
WHEREAS, the City of Darien has chosen Mr. Krishan “Kris” Sant as the “2002 Citizen of the Year”; THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim March 9, 2002, as KRISHAN SANT DAY in Illinois.

Issued by the Governor March 05, 2002.
Filed by the Secretary of State March 07, 2002.

2002-82
SLOVENIAN WOMEN’S UNION DAYS

WHEREAS, the Slovenian Women's Union was founded 75 years ago on December 19, 1926, in the city of Chicago by a group of Slovenian women who were new citizens of the U.S.; and
WHEREAS, the Slovenian Women's Union does charitable work, supports churches, the Slovenian library, foundations through the community and also provide scholarship grants for their members and promote the rich Slovenian heritage and culture; and
WHEREAS, the Slovenian Women's Union Heritage Museum is celebrating its 25 anniversary and was opened on March 6, 1977. The museum features the Slovenian immigrant history from its earliest years with exhibits, a library and genealogy center; and
WHEREAS, Mrs. Corrine Leskovar has been the editor of Slovenian Women's Unions publication, “Zarja-The Down” since 1952 and she is celebrating her 50th anniversary as editor. The magazine has been in continuous print since 1929, originally under the editorship of Chorine's mother Albina Novak; and
WHEREAS, Theresa Rozman Lockwood, President of Slovenian Women's Union, and the Jubilee Committee announce the 75th Jubilee Year Celebrations which include programs at St. Joseph's Park Hall in Joliet, the Heritage Museum Library & Home Office in Joliet and the Dinner Reception at the Slovenian Cultural Center in Lemont; and
WHEREAS, prominent guests from Slovenia will join the celebration including Dr. Matjaz Klemencic, Andrej Kurent, Oktet Lesna and Bostjan Konicnik; 
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim March 8-9, 2002, as SLOVENIAN WOMEN’S UNION DAYS in Illinois
Issued by the Governor March 05, 2002.
Filed by the Secretary of State March 07, 2002.

**2002-83**
**ST. DAVID’S DAY**

WHEREAS, St. David or Dewi Sant is the patron saint of Wales; and
WHEREAS, David was born circa 520 to Sanctus, a king of Ceredigion, an ancient kingdom in Western Wales, and Nonnita or Non, whose virtue was well-known in Wales, Cornwall, Devon, and Brittany. He is believed to be the grandson of Ceredig, who was the son of Cunedda Wledig. Ceredig and Cunedda were both major rulers in Celtic and Roman Britain; and
WHEREAS, both Geoffrey of Monmouth and Gerald of Wales, two famous medieval writers/historians, said St. David is also said to be the uncle of King Arthur; and
WHEREAS, David was a major figure in the Celtic Church during what is called the Age of Saints and is said to have been a devout ascetic credited with several miracles; and
WHEREAS, his heroic reputation for sanctity grew and was documented in the 9th century in Ireland and England, and continued to flourish throughout the Middle Ages; and
WHEREAS, March 1 commemorates David's death in circa 589, a date commemorated in early liturgical calendars. He was officially canonized by Rome in 1123;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim March 1, 2002, as ST. DAVID’S DAY in Illinois.
Issued by the Governor March 05, 2002.
Filed by the Secretary of State March 07, 2002.

**2002-84**
**TREE CITY USA MONTH**

WHEREAS, our nation has come alive with a new sense of pride and patriotism where we celebrate our grandeur in knowing that community trees and forests add to our nation's sense of stability; and
WHEREAS, 90 percent of Illinois municipal officials agree that trees are important for maintaining a healthy community environment and enhancing the quality of life in a community; and
WHEREAS, trees provide citizens the service of energy conservation, cooler summer temperatures, protection from winter winds, wildlife habitats, water runoff reduction and oxygen; and
WHEREAS, management of our community's urban forests is cost-effective and necessary in providing a safe place for our citizens; and

WHEREAS, Illinois citizens who participated in the first Urban and Community Forestry Critical Issues Forum identified the top three issues as: 1) encourage local decision makers, planners, developers and foresters to develop an integrated approach that includes trees as an essential part of development, 2) public education on urban forestry and green industry issues, and 3) residual wood utilization and marketing; and

WHEREAS, Critical Issues Forum participants set priority to the following issues: 4) youth education on urban forests, 5) tree care, 6) tree planting stock and planting standards, 7) awareness of the value of open space, 8) technical assistance, 9) information to state and local decision makers on the positive cost benefit ratio of tree care programs, 10) healthy urban forests, 11) financial resources and assistance in urban and community forestry and 12) quality university programs as high priority; and

WHEREAS, the state Urban And Community Forestry Program has been successful in building local capacities to manage the forest resources within our populated areas; and

WHEREAS, Tree City USA communities have made significant contributions toward enhancing the quality of life by improving the forest resources of Illinois and Illinois has been second in the nation for the number of Tree City USA Communities for six consecutive years and had more than 165 participants last year; and

WHEREAS, Illinois has been number one or two in the nation for the number of communities achieving the “GROWTH AWARD” for the past nine years;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 2002 as TREE CITY USA MONTH in Illinois, and ask all citizens to work together to preserve through proper management the integrity of our community forests this month and throughout the year.

Issued by the Governor March 05, 2002.

Filed by the Secretary of State March 07, 2002.

2002-85

VOLUNTEER WEEK

WHEREAS, "Celebrate the American Sprit-VOLUNTEER!" is the theme for the 29th annual Volunteer Week; and

WHEREAS, our nation was built upon a spirit of volunteerism, and the talents and energies of American volunteers continue to be one of our greatest resources; and

WHEREAS, America cannot depend on government alone to solve all of its societal problems; and

WHEREAS, volunteerism is increasingly recognized as an important partner with government and industry; and

WHEREAS, the active involvement of citizens in Illinois is needed today more than ever to combat growing human and social problems, to renew our belief that these problems can be solved, and to strengthen our sense of community; and

WHEREAS, volunteering offers all citizens the opportunity to participate in the
life of their community and lend their talents and resources, making change possible, to address some to the major issues facing our state; and

WHEREAS, it is fitting for all citizens to join in this celebration of our rich volunteer heritage and recognize the dedicated volunteers and volunteer programs that contribute immeasurably to communities;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 21-27, 2002, as VOLUNTEER WEEK in Illinois.

Issued by the Governor March 05, 2002.
Filed by the Secretary of State March 07, 2002.

2002-86
CATHERINE BERTINI DAY

WHEREAS, Catherine A. Bertini, although a native New Yorker, called Illinois her home for many years; and
WHEREAS, Ms. Bertini brought her moderate Republican spirit to floor of the Illinois Legislature as a government relations director for Container Corporation; and
WHEREAS, Ms. Bertini served the State of Illinois well in her capacity as board member of the Illinois Human Rights Commission and the Illinois State Scholarship Commission; and
WHEREAS, Ms. Bertini served her country and especially the women and children of our nation well in her capacity as Assistant Secretary of the United States Department of Agriculture; and
WHEREAS, Ms. Bertini has brought her compassion for her fellow man and woman to her post as the United Nations World Food Program’s Executive Director since 1992; and
WHEREAS, serving as the Chief Executive Officer of the world's leading humanitarian organization and the leader in providing aid in emergencies such as those in Afghanistan, Kosovo, North Korea, and the Horn of Africa, Ms. Bertini has managed the work of emergency, refugee, and development food aid operations in 83 countries around the world; and
WHEREAS, as the WFP Executive Director, Ms. Bertini is an Under Secretary General of the United Nations, the first American and the first female to hold the post; and
WHEREAS, during her 10 year tenure at the WFP, Ms. Bertini raised $15 million in voluntary contributions, allowing 31 million tons of food to be shipped to the hungry poor around the world; and
WHEREAS, Ms. Bertini has made a significant contribution in raising awareness and arousing action in response to the needs of the hungry poor, particularly in working to close the “gender gap” in Afghanistan, where the WFP created bakeries run by women and supported school based feeding programs; and
WHEREAS, Ms. Bertini will complete the maximum 10-year, two-term tenure as Executive Director of the WFP in April 2002, completing a remarkable and distinguished
career increasing awareness, financial and food contributions, as well as health and nutrition to the hungry poor of the world; and

WHEREAS, Lura Lynn and I are proud of all of Catherine's outstanding contributions to this state, nation and the world and wish her continued success;

THEREFORE, I George H. Ryan, Governor of the State of Illinois, proclaim March 8, 2002, as CATHERINE BERTINI DAY in Illinois.

Issued by the Governor March 05, 2002.
Filed by the Secretary of State March 07, 2002.

2002-87
CERTIFIED ATHLETIC TRAINERS WEEK

WHEREAS, the State of Illinois recognizes the importance of certified athletic trainers as health care practitioners who provide quality care and promote injury prevention for the physically active; and

WHEREAS, Illinois certified athletic trainers are trained and responsible individuals whose duties include the prevention, recognition, treatment and rehabilitation of injuries caused during physical activities or athletics; and

WHEREAS, the certified athletic trainer has become a vitally important part of health care in this country;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim March 9-16, 2002, as CERTIFIED ATHLETIC TRAINERS WEEK in Illinois.

Issued by the Governor March 06, 2002.
Filed by the Secretary of State March 07, 2002.

2002-88
BETHLEHEM STAR MISSIONARY BAPTIST CHURCH DAY

WHEREAS, Bethlehem Star Missionary Baptist Church has stood as a beacon of light on the South side of Chicago since March 4, 1934; and

WHEREAS, under the guidance of the church’s pastor, Reverend Roosevelt Watkins has helped Bethlehem Star Missionary Baptist Church continue to grow and prosper; and

WHEREAS, during its 68 years, Bethlehem Star Missionary Baptist Church has truly been a church changing a community;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim March 4, 2002, as BETHLEHEM STAR MISSIONARY BAPTIST CHURCH DAY in Illinois, in honor of the church's 68th anniversary.

Issued by the Governor March 06, 2002.
Filed by the Secretary of State March 07, 2002.
THE JUNIOR LEAGUE OF GREATER DUKANE, INC. DAY

WHEREAS, the Junior League of Greater DuKane, Inc., an affiliate of the Association of Junior Leagues International, is an organization of women committed to promoting volunteerism, developing the potential of women, and improving the community through the effective action and leadership of trained volunteers; and
WHEREAS, the projects supported by the League touch on a wide range of needs within the community, emphasizing prevention and rehabilitative services; and
WHEREAS, women from DuPage, Kane, Kendall, and Will counties of Illinois serve as volunteers, providing hours of valuable support and expertise in their local communities; and
WHEREAS, the Junior League of Greater DuKane, Inc. is celebrating its work to improve the quality of life for children at risk on March 9, 2002, at the annual gala Winterflight: “Brazil, Brazil”;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim March 9, 2002, as THE JUNIOR LEAGUE OF GREATER DUKANE, INC. DAY in Illinois.

Issued by the Governor March 06, 2002.
Filed by the Secretary of State March 07, 2002.

ALDEN-HEBRON GREEN GIANT DAY

WHEREAS, 50 years ago, Alden-Hebron High School Green Giants became Illinois State Basketball Champions; and
WHEREAS, Alden-Hebron, a school of 98 students, bravely faced and defeated the biggest and best teams in the State of Illinois, including Elgin, Champaign, Lawrenceville and Rock Island before beating Quincy 64-59 in overtime of the championship game; and
WHEREAS, this 1952 championship game was the first overtime championship and the first shown on television; and
WHEREAS, the 1952 Alden-Hebron Green Giants State Championship team was coached by Russ Ahearn and consisted of players Ken Spooner, Paul Judson, Phil Judson, Bill Schultz, Don Wilbrandt, Jim Wilbrandt, Jim Bergin, Joe Schmidt, Bill Thayer and Clayton Ihrke; and
WHEREAS, the Illinois High School Athletic Association will honor the team during the Class A and Class AA state championships in Peoria on March 9, 2002, and the town of Hebron and the Alden-Hebron District 19 will honor the team in Hebron on March 10, 2002;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim March 10, 2002, as ALDEN-HEBRON GREEN GIANT DAY in Illinois.

Issued by the Governor March 06, 2002.
2002-91
GOVERNOR LAJOS KOSSUTH DAY

WHEREAS, this year marks the 200th anniversary of Lajos Kossuth's birth and the 150th anniversary of his visit to the United States of America; and
WHEREAS, Governor Kossuth was invited by President Fillmore and was the second statesman to visit this country; and
WHEREAS, Governor Kossuth sought help in fighting the tyranny of Central Europe and believed that America would be his best ally; and
WHEREAS, the Great Committee of Hungarian Associations and Churches of New York State will hold their Commemorative Celebration of the 154th Anniversary of the 1848-1849 Revolution and Freedom Fight of Hungary on March 10, 2002; and
WHEREAS, Governor Kossuth and his commitment to improving the lives of the people of Hungary left a lasting impression in America during his six month visit;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim March 10, 2002, as GOVERNOR LAJOS KOSSUTH DAY in Illinois.

Issued by the Governor March 06, 2002.
Filed by the Secretary of State March 07, 2002.

2002-92
CHICAGO LATINO CINEMA WEEK

WHEREAS, the Chicago Latino Cinema seeks to develop, promote and increase awareness of Latino cultures among Latinos and other communities through film and video events, education and other art forms; and
WHEREAS, the Chicago Latino Cinema is celebrating the 18th Chicago Latino Film Festival at Northwestern University, Thorne Auditorium from April 5-17, 2002; and
WHEREAS, the festival will feature approximately 100 films and videos, including comedies, dramas, documentaries, animation and experimental programs; and
WHEREAS, approximately 20 countries will be represented at the film festival, with directors, actors and producers hosting post-screening discussions about their work;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 5-17, 2002, as CHICAGO LATINO CINEMA WEEK in Illinois.

Issued by the Governor March 06, 2002.
Filed by the Secretary of State March 07, 2002.

2002-93
AFFORDABLE HOUSING WEEK

WHEREAS, securing decent, safe, accessible, and affordable housing is a part of the American dream and a goal of Illinois citizens; and
WHEREAS, efforts to help citizens secure affordable home ownership and rental housing opportunities are legitimate and necessary activities of both state government and the private sector, as witnessed by the many Illinois citizens who have benefited from state programs; and
WHEREAS, affordable housing remains only a dream to thousands of Illinois citizens; and
WHEREAS, reductions in federal housing assistance and rising housing costs have contributed to high rent burdens on senior citizens, low-income families, and others; and
WHEREAS, access to affordable housing can be achieved through cooperative local, state, and federal efforts; and
WHEREAS, the talents of grassroots organizations, non-profit housing professionals, financial institutions, elected officials, state agencies, and others must be combined to address the immense challenge of increased affordable housing;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim March 10-16, 2002, as AFFORDABLE HOUSING WEEK in Illinois.

Issued by the Governor March 7, 2002.
Filed by the Secretary of State March 11, 2002.

2002-94
PI DAY

WHEREAS, mathematics is an integral part of society, and students can greatly benefit from the study of mathematics; and
WHEREAS, in succeeding in mathematics, students will contribute to the continuing development of Illinois and its people; and
WHEREAS, mathematics should be enjoyed and celebrated at Clarendon Hills Middle School and all schools across the state; and
WHEREAS, many students should be encouraged in their pursuit of mathematical knowledge;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim March 14, 2002, as PI DAY in Illinois.

Issued by the Governor March 7, 2002.
Filed by the Secretary of State March 11, 2002.

2002-95
AREA III TOP LADIES OF DISTINCTION, INC. DAYS

WHEREAS, the Top Ladies of Distinction, Inc. Was chartered in the State of Texas on September 8, 1964, as a non-profit, educational and humanitarian organization; and
WHEREAS, TLOD provides community service by volunteer efforts, fund raising and collaboration with other groups and agencies; and
WHEREAS, the North Shore Chapter of TLOD is a local chapter made up of ladies and teenagers from the North Shore from Zion to Evanston. Members are also from Gurnee, Vernon Hills and Ivanhoe; and
WHEREAS, membership in TLOD has grown to include thousands of dedicated, concerned, hard-working women. The ladies represent a cross section of resourceful womanpower who work in the interest of the more than three thousand Top Teens. Top Ladies support other major thrusts of the organization geared toward enhancing the quality of life for our fellow human beings; and
WHEREAS, the national organization is divided into Areas across the United States and we are in Area III, which consists of centrally located cities and states (i.e. St. Louis and suburban chapters, Milwaukee and Madison, WI, Chicago and its seven chapters). Each Area is required to host an annual conference. The North Shore Chicago Chapter has been selected to host the Area III 26th Anniversary Conference;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim March 14-17, 2002, as AREA III TOP LADIES OF DISTINCTION, INC. DAYS in Illinois.
Issued by the Governor March 7, 2002.
Filed by the Secretary of State March 11, 2002.

2002-96
MUSIC EDUCATION DAY

WHEREAS, music in the schools of Illinois is designed to bring about recognition of the vital place of music in the education process; and
WHEREAS, music is a powerful and aesthetic force that gives our young people a sense of civilization because it dignifies the realm of feeling by merging intellect and emotion in the search for a humane way of life; and
WHEREAS, music is a basic influence in the lives of millions of people who participate in performing, listening, and observing experiences developed through music in the schools; and
WHEREAS, it is fitting for the State of Illinois to recognize music in our schools as an essential part of the learning process and to encourage and support this basic art form in the curriculums of the schools of Illinois; and
WHEREAS, Music Education Day at our Capitol is a special opportunity for citizens to understand and support the ongoing process of music education;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim March 13, 2002, as MUSIC EDUCATION DAY in Illinois.
Issued by the Governor March 07, 2002.
Filed by the Secretary of State March 11, 2002.
2002-97
SISTER CITIES DAY

WHEREAS, in light of the tragedy of September 11, 2001, Sister Cities of Illinois is planning a special day of remembrance on March 11, 2002; and
WHEREAS, there are now approximately 60 Illinois cities involved in the Sister Cities program; and
WHEREAS, many of Illinois’ sister cities abroad sent messages of condolences to Illinois’ mayors and to local sister cities chapters within days of the terrorist attacks on the World Trade Center and the Pentagon;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim March 11, 2002, as SISTER CITIES DAY in Illinois.
Issued by the Governor March 07, 2002.
Filed by the Secretary of State March 11, 2002.

2002-98
R. BRUCE MCMILLAN DAY

WHEREAS, R. Bruce McMillan has served with distinction as Director of the Illinois State Museum for 25 years; and
WHEREAS, R. Bruce McMillan first came to the Illinois State Museum in 1969 as Associate Curator of Anthropology, became Assistant Museum Director in 1973, and was appointed Museum Director on January 1, 1977; and
WHEREAS, R. Bruce McMillan has been committed to the highest professional standards; and
WHEREAS, R. Bruce McMillan has served the people of Illinois by significantly expanding Museum facilities, research endeavors and educational programs; and
WHEREAS, R. Bruce McMillan has played a leadership role in national, regional, and state museum associations, including the American Association of Museums, Association of Midwest Museums, Illinois Association of Museums, and Association of Science museum Directors; and
WHEREAS, R. Bruce McMillan has served as a peer reviewer for the American Association of Museums Accreditation Committee, thereby providing assistance to museums throughout the country; and
WHEREAS, R. Bruce McMillan has served on the Illinois and Michigan Canal National Heritage Corridor Commission and granting agency panels for the National Science Foundation, National Endowment for the Humanities, and Institute of Museum Services; and
WHEREAS, R. Bruce McMillan has been instrumental in the planning of the expansion of the new Illinois State Museum, which will be one of the finest exhibits available for state museums in the country; and
WHEREAS, the Illinois State Museum has developed a national reputation for excellence in interdisciplinary research, curation of collections, distance learning, and
educational programs as a result of R. Bruce Macmillan's leadership;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim
March 11, 2002, as R. BRUCE McMillan DAY in Illinois, in honor of his outstanding
leadership over 25 years as Director of the Illinois State Museum and extend sincere
congratulations and appreciation for his contributions to the Illinois State Museum and
enhancing people's understanding of the natural, cultural, and artistic heritage of Illinois.
Issued by the Governor March 08, 2002.
Filed by the Secretary of State March 11, 2002.

2002-99
MOTORCYCLE AWARENESS MONTH

WHEREAS, Illinois is a national leader in motorcycle education; and
WHEREAS, the Illinois Department of Transportation has been conducting the
Illinois Cycle Rider Safety Training Program since 1976; and
WHEREAS, the program is supported by state motorcycle registration fees and
has been responsible for training more than 177,000 cyclists; and
WHEREAS, there is a need to enhance public awareness of the increased presence
of motorcyclists on our roadways;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May
2002 as MOTORCYCLE AWARENESS MONTH in Illinois.
Issued by the Governor March 08, 2002.
Filed by the Secretary of State March 11, 2002.

2002-100
A DAY OF PRAYER

WHEREAS, the National Day of Prayer is a tradition first proclaimed by the
continental Congress in 1775, and established as an annual observance by the United
States Congress in 1952; and
WHEREAS, we regard our liberties as a heritage inspired by God's word to
humankind, imbedded in our national documents and traditions, and inscribed on the
historical Liberty Bell; and
WHEREAS, it is appropriate in this jubilee year that we humbly acknowledge our
failures as a nation, and as citizens thereof, we prayerfully recommit ourselves to liberty
and justice for all; and
WHEREAS, we desire to acknowledge openly our national dependence on
Almighty God for our economic, mental, physical, social, moral, and spiritual well-being;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May
2, 2002, as A DAY OF PRAYER in Illinois.
Issued by the Governor March 08, 2002.
Filed by the Secretary of State March 11, 2002.
2002-101
LIBERAL ARTS FOR LEADERSHIP WEEK

WHEREAS, the State of Illinois recognizes that, within 15 years, 80 percent of college-age students will represent ethnic minorities and qualify as first-generation graduates—the first in their families to attend and/or graduate from college; and

WHEREAS, research suggests that, unless we act now to prepare minority, low-income and first-generation students as future leaders in business and community, within 25 years there will be 19 million more American jobs than workers prepared to fill them; and

WHEREAS, liberal arts colleges offer students of diverse backgrounds the nurturing environment, financial aid, and superior quality, student-centered education that promotes success in college and careers; and

WHEREAS, the liberal arts tradition is represented in Illinois by the member colleges and universities that comprise the Associated Colleges of Illinois (ACI); and

WHEREAS, ACI member colleges and universities have shown dedication to making education affordable for disadvantaged youth by offering financial assistance to 90 percent of their students and doubling available financial aid during the past decade; and

WHEREAS, ACI member college and universities respond to Illinois’ growing demand for a well-educated and technically-literate workforce, sending more than 10,000 graduates into the workplace each year, providing the teachers, nurses, managers, government, and community leaders who will shape Illinois’ future; and

WHEREAS, these vital institutions also stimulate the economic, intellectual, and cultural life of the Illinois communities in which they reside;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim March 18-22, 2002, as LIBERAL ARTS FOR LEADERSHIP WEEK in Illinois, recognizing the success of ACI member colleges and universities in enabling first-generation and low-income students to succeed in college and become productive members of our 21st Century society.

Issued by the Governor March 11, 2002.
Filed by the Secretary of State March 15, 2002.

2002-102
ACCESS LIVING DAY

WHEREAS, the largest minority in the United States comprises nearly one-fifth of the nation’s population, all of whom are Americans living with a disability, including the more than 1,500,000 people with disabilities living in Illinois; and

WHEREAS, the Office of Human Services is working to make Illinois the nation’s most accessible state through advocacy, education, training and direct services for people with disabilities of all ages in all aspects of life; and

WHEREAS, Access Living, an organization involved in education and advocacy
efforts across the city, state and country, which is governed and staffed by a majority of people with disabilities, shares the State of Illinois’ goals of independence, empowerment and inclusion of people with disabilities; and

WHEREAS, Access Living fosters the dignity, pride and self esteem of people with disabilities and enhances the opportunities available to them by offering peer-oriented independent living services, public education and awareness, individual and systematic advocacy and the enforcement of civil rights on behalf of people with disabilities; and

WHEREAS, for more than 20 years, Access Living has served nearly 3,000 people annually through its innovative programs within the community; and

WHEREAS, on May 16, 2002, Access Living will hold its 2002 Annual Benefit, featuring Al Hunt, executive Washington editor for the Wall Street Journal, and Judy Woodruff, prime anchor at CNN;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 16, 2002, as ACCESS LIVING DAY in Illinois.

Issued by the Governor March 11, 2002.
Filed by the Secretary of State March 15, 2002.

2002-103
SISTER FRANCIS HENRY SCHENK DAY

WHEREAS, Sister Francis Henry Schenk has been a volunteer for the Illinois Guardianship and Advocacy Commission, Rockford Regional Office for 21 years, offering kindness and support to persons with disabilities; and

WHEREAS, Sister takes a personal interest in the lives of wards of the Commission by assisting them with their shopping, attending their care plans and staffing, making special items for their homes, helping them move and assuring they are comfortably settled in their new surroundings; and

WHEREAS, she has proven herself to be a friend and confidant to many wards by listening to their problems and helping them find solutions; and

WHEREAS, Sister has also been a source of inspiration and support for Commission staff, both personally and professionally; and

WHEREAS, Sister touched the lives of hundreds of people with disabilities, making their lives more enjoyable;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim March 20, 2002, as SISTER FRANCIS HENRY SCHENK DAY in Illinois.

Issued by the Governor March 11, 2002.
Filed by the Secretary of State March 15, 2002.

2002-104
ABSOLUTELY INCREDIBLE KID DAY

WHEREAS, the Metropolitan Chicago Council of Camp Fire, founded in 1912,
and the Illinois Prairie Council of Camp Fire, founded in 1917, teaches boys and girls to become caring, confident youths and future leaders; and

WHEREAS, Camp Fire USA is commended for the valuable programs offered to young people in the State of Illinois and throughout the nation, and for the many services these young people perform for their communities through Camp Fire; and

WHEREAS, through contemporary programs and by speaking out on issues affecting youth and their families, Camp Fire USA helps youths cope with their changing world; and

WHEREAS, in Camp Fire, the choices and opportunities are inclusive to boys and girls; and

WHEREAS, Camp Fire USA, the national organization, will sponsor Absolutely Incredible Kid Day on March 21, 2002; and

WHEREAS, Camp Fire USA has issued a call to action, asking every adult in America to write a letter to a child or children on March 21, 2002; and

WHEREAS, Camp Fire USA has established the goal that every child receive a letter on March 21, 2002;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim March 21, 2002, as ABSOLUTELY INCREDIBLE KID DAY in Illinois.

Issued by the Governor March 11, 2002.
Filed by the Secretary of State March 15, 2002.

2002-105
WILLIAM DILLON DAY

WHEREAS, with the help of his wife Sandy, Bill Dillon founded Inner City Impact 30 years ago, and has served as the organization’s Executive Director ever since; and

WHEREAS, today, Inner City Impact finds itself in two significant inner city communities (Humboldt Park and Logan Square), is working with area local churches, has a staff of more than 30 full-time staff and is completely without debt; and

WHEREAS, in addition to providing administrative and teaching skills, Bill has authored three books and is a frequent speaker on Bible College campuses, churches and for other Christian ministries; and

WHEREAS, Bill also serves as President of People Raising with a focus on providing fundraising training for missionaries and Christian organizations; and

WHEREAS, through all his work, Bill has remained devoted to his wife Sandy and their three children;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim March 18, 2002, as WILLIAM DILLON DAY in Illinois.

Issued by the Governor March 13, 2002.
Filed by the Secretary of State March 15, 2002.
2002-106
LIGHTING THE PATHWAY FOR THE REAL MILLENNIUM YEAR AND MEDICAL ASSISTANTS WEEK

WHEREAS, the health of our citizens is directly affected by the many professional medical assistants who support and assist physicians in rendering life-saving services; and
WHEREAS, many medical assistants seek to maintain the highest standards of professional excellence by taking advantage of educational programs offered by professional organizations such as the American Association of Medical Assistants. This involvement ensures that our citizens receive the best medical care possible; and
WHEREAS, we should commend the dedication of those in medical fields who seek to upgrade their profession and improve their careers as valuable members of medical teams;
Issued by the Governor March 13, 2002.
Filed by the Secretary of State March 15, 2002.

2002-107
MANFRED THULLEN INTERNATIONAL EDUCATION DAY

WHEREAS, Dr. Manfred Thullen has dedicated over 20 years of his work life to the advancement of international education and global understanding at Michigan State University and Northern Illinois University; and
WHEREAS, Dr. Thullen has worked tirelessly to benefit the State of Illinois through his leadership role in the Illinois Consortium for International Education; and
WHEREAS, Dr. Thullen, through many professional organizations at the state, national and international level, has advanced the philosophy of international education, global understanding and peace; and
WHEREAS, Dr. Thullen has distinguished himself as an effective spokesman on the importance of international education for the security of our nation and preparation of our students to compete for our state and nation in the global marketplace; and
WHEREAS, Dr. Thullen’s many professional and personal friends in the international community of higher education will miss his thoughtful counsel as he begins yet another of life’s journeys;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim March 22, 2002, as MANFRED THULLEN INTERNATIONAL EDUCATION DAY, and encourage students everywhere to enhance their knowledge of foreign cultures, history and current events in order to make Illinois a leader in international affairs.
WHEREAS, the Peoria County Regional Office of Education is committed to the establishment and continuation of school programs that provide students with the opportunity to achieve academic excellence; and
WHEREAS, the Peoria County Regional Office of Education is committed to supporting the development and promotion of fine and applied arts programs; and
WHEREAS, the Arts in Education Spring Celebration, held at the Peoria County Courthouse, provides a venue for students in grades Pre-K through 12 to showcase their works and talents; and
WHEREAS, the 2002 Arts in Education Spring Celebration will be held April 15 through May 28, 2002;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April and May 2002 as ARTS IN EDUCATION SPRING CELEBRATION MONTHS in Illinois.

Issued by the Governor March 13, 2002.
Filed by the Secretary of State March 15, 2002.

2002-109
STUDENT COUNCIL WEEK

WHEREAS, the Illinois Association of Student Councils (IASC) works constantly to encourage student leadership; and
WHEREAS, the IASC will hold its 68th Annual Convention on May 2-4, 2002, in Springfield; and
WHEREAS, the IASC chose Springfield as the site for its annual convention to give their delegates a closer look at the operations of state government; and
WHEREAS, the convention is an opportunity for student leaders across the State of Illinois to exchange ideas and build leadership skills;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 28-May 4, 2002, as STUDENT COUNCIL WEEK in Illinois.

Issued by the Governor March 13, 2002.
Filed by the Secretary of State March 15, 2002.

2002-110
REPRESENTATIVE ART TENHOUSE DAY

WHEREAS, Representative Art Tenhouse has represented West Central Illinois in the House of Representatives since 1989; and
WHEREAS, Representative Tenhouse is a Deputy Republican Leader and also serves as an ex-officio member of all House Committees; and
WHEREAS, in 1996, Representative Tenhouse was named as the Abraham Lincoln Legislator of the Year, and he has been honored by numerous groups for his commitment to education, health care and business issues; and
WHEREAS, in addition to Representative Tenhouse’s work and duties in the General Assembly, he is also a partner in Four-Ten Farms. The farm has been in the Tenhouse family for more than 100 years; and
WHEREAS, Representative Tenhouse has been very active in his community, serving on the Board of Directors for the Adams County Farm Bureau, Quincy March of Dimes, Quincy Independent Network Center, Adams Electric Cooperative and the Pleasant Grove United Methodist Church; and
WHEREAS, Representative Tenhouse is married to Sharon and has three children;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim March 15, 2002, as REPRESENTATIVE ART TENHOUSE DAY in Illinois.

Issued by the Governor March 13, 2002.
Filed by the Secretary of State March 15, 2002.

2002-111
AUTISM AWARENESS MONTH

WHEREAS, autism is a severely incapacitating, lifelong developmental disability resulting in significant impairment of an individual’s ability to learn, develop healthy interactive behaviors, and understand verbal, nonverbal and reciprocal communication; and
WHEREAS, autism is the third most common developmental disability affecting an estimated 500,000 individuals nationally and one in every 500 individuals in the State of Illinois; and
WHEREAS, autism is the result of a neurological disorder affecting the functioning of the brain, however, few members of the general public understand this complex syndrome; and
WHEREAS, although a cure for autism has not been discovered, persons with autism can be helped to reach their greatest potential. Accurate, early diagnosis and appropriate education and intervention are vital to the future growth and development of the individual; and
WHEREAS, support groups, such as the Autism Society of Illinois and Illinois Chapters of the Autism Society of America, have dedicated years of service in the avocation for the rights, humane treatment and appropriate education of all persons with autism; and
WHEREAS, these groups remain committed to their cause and to educating families, professionals and the public to better understand this disability; and
WHEREAS, autism is a complex disability that requires increased research to one
Therefore, I, George H. Ryan, Governor of the State of Illinois, proclaim April 2002 as AUTISM AWARENESS MONTH in Illinois.

Issued by the Governor March 13, 2002.
Filed by the Secretary of State March 15, 2002.

2002-112
SUMNER NATIONAL BANK DAY

WHEREAS, in 1902, Jesse Sumner started the Sumner National Bank in Stockland, Illinois. The bank was later moved to Sheldon, Illinois, when the Citizens Bank of Sheldon sold its building to the Sumners; and
WHEREAS, John Sumner is the current President of Sumner National Bank; and
WHEREAS, the Sumner National Bank is the smallest in the county, but one of the oldest; its motto is "Some large, fewer older, none better"; and
WHEREAS, the Sumner National Bank recently celebrated its 100th Anniversary with coffee at the bank and will host a picnic to be held at a later date;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim February 20, 2002, as SUMNER NATIONAL BANK DAY in Illinois.

Issued by the Governor March 14, 2002.
Filed by the Secretary of State March 15, 2002.

2002-113
APPRENTICESHIP WEEK

WHEREAS, apprenticeship training is a key component of developing skilled workers in various trades and crafts. It is a part of a continuing program initiated by the government in 1937 and supported by industry and labor; and
WHEREAS, these supporters make cooperative efforts to encourage and improve apprenticeship training in Illinois in order to provide skilled journeymen in all trades; and
WHEREAS, the Biannual Illinois State Apprenticeship Conference will be held April 29, 2002, to promote the exchange of information and ideas to all crafts and trades;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 29, May 2, 2002, as APPRENTICESHIP WEEK in Illinois in recognition of our continuing need for qualified journeymen who provide excellent craftsmanship.

Issued by the Governor March 14, 2002.
Filed by the Secretary of State March 15, 2002.

2002-114
LICENSED PRACTICAL NURSE WEEK

WHEREAS, the maintenance of good health is of primary concern to everyone; and
WHEREAS, the role of the licensed practical nurse, in caring for people's health
needs, has advanced in responsibility and complexity; and
WHEREAS, the Licensed Practical Nurse Association of Illinois encourages the
continuance of education to ensure competency among its members; and
WHEREAS, the Licensed Practical Nurse Association of Illinois is the voice for
LPNs in the health care field and maintains the welfare of the LPN; and
WHEREAS, the Licensed Practical Nurse Association of Illinois is a member of
National Federation of Licensed Practical Nurses; and
WHEREAS, the Licensed Practical Nurse Association of Illinois is holding its
53rd annual convention April 21-27, 2002, in Effingham, Illinois, at the Keller Ramada Inn. This year's theme is "LPN's Progressive View for 2002;"
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim
April 21-27, 2002, as LICENSED PRACTICAL NURSE WEEK in Illinois.
Issued by the Governor March 14, 2002.
Filed by the Secretary of State March 15, 2002.

2002-115
COMMUNITY BANKING WEEK

WHEREAS, for more than a century, Illinois community banks and thrifts have
acted as the community partner for local business, industry and individuals; and
WHEREAS, the Community Bankers Association of Illinois is celebrating its
28th year of serving Illinois community banks; and
WHEREAS, more than 900 locally owned and/or operated community banks and
thrifts with thousands of banking offices in Illinois have upheld a tradition to give back to
their communities; and
WHEREAS, Illinois community banks and thrifts employ more than 20,000
workers and serve more than two million account holders conscientiously and
competitively; and
WHEREAS, on the average, more than 95 percent of a community financial
institution's loan portfolio is reinvested in the local area as farm, commercial, small
business and residential loans; and
WHEREAS, Illinois community banks and thrifts are among the safest and most
well-capitalized banks in the nation;
WHEREAS, in recognition of their contributions to the economic vitality of the
State of Illinois and their continuing dedication to fulfilling the credit needs of citizens
throughout the state, the Community Bankers Association of Illinois will celebrate Illinois Community Banking Week from April 1-6, 2002;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim
April 1-6, 2002, as COMMUNITY BANKING WEEK in Illinois.
Issued by the Governor March 18, 2002.
Filed by the Secretary of State March 22, 2002.
2002-116
EMERGENCY MEDICAL SERVICES FOR CHILDREN DAY

WHEREAS, Emergency Medical Services for Children (EMSC) recognizes that children have unique physiological responses to illness and injury; and
WHEREAS, EMSC promotes a specialized approach to pediatric care; and
WHEREAS, Illinois' emergency medical services system strives to integrate pediatric emergency care needs across a wide spectrum; and
WHEREAS, in Illinois there are 155,000 nurses, 31,000 physicians, 12,100 first responders, 21,800 basic emergency medical technicians (EMTs), 300 coal miner EMTs, 2,300 intermediate EMTs, 10,600 paramedic EMTs and 230 hospitals dedicated to promoting preventive measures, pre-hospital care, outpatient and specialized services, and inpatient and rehabilitative care; and
WHEREAS, Illinois champions the nation's EMSC commitment to reduce childhood morbidity and mortality associated with severe illness and trauma;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 22, 2002, as EMERGENCY MEDICAL SERVICES FOR CHILDREN DAY in Illinois.
Issued by the Governor March 18, 2002.
Filed by the Secretary of State March 22, 2002.

2002-117
MARY WILSON DAYS

WHEREAS, Mary Wilson is a founding member of the legendary Motown recording group the Supremes; and
WHEREAS, Mary Wilson is an accomplished solo artist with three chart topping albums; and
WHEREAS, Mary Wilson has starred before sold out audiences on and off Broadway, across the U.S. and Canada; and
WHEREAS, Mary Wilson has penned two best-selling autobiographies and has critically acclaimed appearances in film and on television; and
WHEREAS, Mary Wilson is currently fostering the legacy of the incomparable Duke Ellington and her presentation of the two-time Tony Award winning musical "Sophisticated Ladies," a retrospective of Ellington's beginning at the Cotton Club to his life as an American legend, will take place on April 26 & 27, 2002, at the New Regal Theatre in Chicago;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 26-27, 2002, as MARY WILSON DAYS in Illinois.
Issued by the Governor March 18, 2002.
Filed by the Secretary of State March 22, 2002.
2002-118
HOME EDUCATION WEEK

WHEREAS, the State of Illinois is committed to excellence in education; and
WHEREAS, the State of Illinois recognizes the importance of family support in educational programs; and
WHEREAS, home education was proven successful in the lives of George Washington, Thomas Edison, Helen Keller, Agatha Christie, Franklin Roosevelt, and others and may be administered in Illinois under statutory requirements of the school code;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 1-5, 2002, as HOME EDUCATION WEEK in Illinois.
Issued by the Governor March 19, 2002.
Filed by the Secretary of State March 22, 2002.

2002-119
TAI CHI AND QIGONG DAY

WHEREAS, the citizens of Illinois need methods to improve health, reduce stress, and prevent disease; and
WHEREAS, people have practiced Tai Chi and Qigong for centuries in other parts of the world for health, rejuvenation, and longevity; and
WHEREAS, the people of Illinois deserve to know that these techniques are available for their health and enjoyment; and
WHEREAS, the State of Illinois wishes to foster cultural awareness; and
WHEREAS, in conjunction with UN World Health Day on April 7, April 6, 2002, is observed as World Tai Chi and Qigong Day in every time zone across the world;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 6, 2002, as TAI CHI AND QIGONG DAY in Illinois.
Issued by the Governor March 19, 2002.
Filed by the Secretary of State March 22, 2002.

2002-120
DR. MAE C. JEMISON DAY

WHEREAS, the Rotary Club of Chicago will host its annual ROTARY/One Charity Ball on April 6, 2002; and
WHEREAS, this year, the Rotary Club will honor Dr. Mae C. Jemison for her outstanding contributions to her community, nation, and to the world; and
WHEREAS, Dr. Jemison was raised in Chicago, graduating from Morgan Park High School and entering Stanford University at only 16; and
WHEREAS, during her service as a NASA astronaut for six years, Dr. Jemison became the first woman of color to travel to space when she worked on a mission aboard
the space shuttle Endeavor; and

WHEREAS, Dr. Jemison started The Earth We Share, or (TEWS), an international science camp where student from around the world can work together to solve current global dilemmas; and

WHEREAS, now Founder and President of a technology company in Houston, Texas, Dr. Jemison also currently serves as Director of the Jemison Institute for Advancing Technology in Developing Countries and Professor of Environmental Studies at Dartmouth College; and

WHEREAS, in addition to being a noted lecturer and trailblazer, Dr. Jemison was selected in 1999 as one of the top seven women leaders in a Presidential Ballot national straw poll conducted by the White House Project;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 6, 2002, as DR. MAE C. JEMISON DAY in Illinois.

Issued by the Governor March 19, 2002.
Filed by the Secretary of State March 22, 2002.

2002-121
KERMIT D. SMIDDY DAY

WHEREAS, Kermit D. Smiddy is retiring as Highway Commissioner for Cuba Township; and

WHEREAS, Mr. Smiddy has been an active member of the Barrington community since 1958; and

WHEREAS, Mr. Smiddy has been involved with the local Little League, Precinct Committeeman, President of the Cuba Township Republican Club and the Highway Commissioner of Cuba Township since October of 1990; and

WHEREAS, for the last 12 years Mr. Smiddy has been responsible for the success of the annual Cuba Township Republican Club golf outing and dinner; and

WHEREAS, Mr. Smiddy is devoted to his wife, Donna, and to their two daughters, Deborah and Christine, and to their grandchildren, Zack, Meredith, Abby and Sarah; and

WHEREAS, those who have worked with Mr. Smiddy know that he is a devoted member of the community and a special friend;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 6, 2002, as KERMIT D. SMIDDY DAY in Illinois.

Issued by the Governor March 19, 2002.
Filed by the Secretary of State March 22, 2002.

2002-122
PUBLIC HEALTH WEEK

WHEREAS, the improvement in the quality of life and health of our citizens depends on programs and services that emphasize the prevention of disease, disability,
and dependence; and
WHEREAS, April 1-7, 2002, has been designated as National Public Health Week by the American Public Health Association and other distinguished state and national organizations; and
WHEREAS, the Illinois Public Health Association, together with many other state organizations, has dedicated the first full week of April to showcase public health accomplishments and to hold special events; and
WHEREAS, all observances during the first full week of April will be used as a means to improve understanding about and appreciation for the essential role that public health and population-based programs have in the health care system; and
WHEREAS, the observation is a cooperative effort of the state and local health departments, academic institutions, allied organizations, community groups, and professional and trade associations which have joined together to promote a common interest in public health and a population-focused, community prevention approach to better health care; and
WHEREAS, the Illinois Public Health Association is a voluntary professional society whose members strive to protect and promote personal, community, and environmental health through organized activities in the areas of education, research, and health policy development;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 1-7, 2002, as PUBLIC HEALTH WEEK in Illinois.
Issued by the Governor March 19, 2002.
Filed by the Secretary of State March 22, 2002.

2002-123
THE WEEK OF THE YOUNG CHILD

WHEREAS, the State of Illinois, in conjunction with the National Association for the Education of Young Children, will celebrate the Week of the Young Child from April 7-12, 2002; and
WHEREAS, by calling attention to the need for high-quality early childhood services for all children and families within our state, we hope to improve the quality and availability of such services; and
WHEREAS, the future of our state depends on the quality of the early childhood experiences provided to young children today; and
WHEREAS, high-quality early education services represent a worthy commitment to our children's future;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 7-12, 2002, as THE WEEK OF THE YOUNG CHILD in Illinois and urge all citizens to recognize and support the needs of young children in our state.
Issued by the Governor March 20, 2002.
Filed by the Secretary of State March 22, 2002.
2002-124
AMERICAN EX-POW RECOGNITION DAY

WHEREAS, many loyal and brave Americans who served in the wars of this nation were captured by the enemy or listed as missing in action; and
WHEREAS, American Prisoners of War have often suffered unconscionable treatment despite international codes on the subject and many have died as a result of cruel and inhumane acts by the enemy captors; and
WHEREAS, it is fitting that we recognize the sacrifices of American Prisoners of War and those missing in action; and
WHEREAS, the Illinois Department of Veterans’ Affairs will host an Ex-POW Recognition Day ceremony on April 9, 2002, at the Executive Mansion in Springfield to honor our American soldiers;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 9, 2002, as AMERICAN EX-POW RECOGNITION DAY in Illinois.
Issued by the Governor March 20, 2002.
Filed by the Secretary of State March 22, 2002.

2002-125
AFRICA WEEK

WHEREAS, the African Student Council at Southern Illinois University Carbondale is celebrating the cultural, social, and educational contributions of Africa; and
WHEREAS, the African Student Council consists of 150 students representing 40 African countries, and ranks within the top 50 of the nation's universities for the enrollment of African students; and
WHEREAS, the African Student Council is sponsoring Africa Week 2002 from April 8-13 to offer cultural exhibitions and activities;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 8-13, 2002, as AFRICA WEEK in Illinois.
Issued by the Governor March 20, 2002.
Filed by the Secretary of State March 22, 2002.

2002-126
DAYS OF REMEMBRANCE OF VICTIMS OF THE HOLOCAUST

WHEREAS, the Holocaust was the state-sponsored, systematic persecution and annihilation of European Jewry by Nazi Germany and its collaborators between 1933 and 1945; and
WHEREAS, Jews were the primary victims - six million were murdered, while many others were also targeted for destruction or decimation for racial, ethnic or national reasons; and
WHEREAS, the history of the Holocaust offers an opportunity to reflect on the
moral responsibilities of individuals, societies, and governments; and
WHEREAS, the people of the State of Illinois should always remember the terrible events of the Holocaust and remain vigilant against hatred, persecution, and tyranny; and
WHEREAS, we the people of the State of Illinois should actively redescribe ourselves to the principles of individual freedom in a just society; and
WHEREAS, the Days of Remembrance have been set aside for the people of the State of Illinois to remember the victims of the Holocaust, as well as to reflect on the need for respect of all peoples; and
WHEREAS, April 9, 2002, has been designated, pursuant to an Act of Congress, as a Day of Remembrance of Victims of the Holocaust, known internationally as Yom Hashoah;

Issued by the Governor March 20, 2002.
Filed by the Secretary of State March 22, 2002.

2002-127
DAYS OF REMEMBRANCE OF VICTIMS OF THE HOLOCAUST

WHEREAS, the Holocaust was the state sponsored, systematic persecution and annihilation of European Jews by Nazi Germany and its collaborators between 1933 and 1945; and
WHEREAS, while Jews were the primary victims--six million were murdered--many others were also targeted for destruction or decimation for racial, ethnic national reasons; and
WHEREAS, the year 2002 marks the 56th anniversary of the international Military Tribunal's trial at Nuremberg of 22 major Nazi leaders, and the continuation of subsequent military tribunals at Nuremberg as well as in other allied-occupied sectors of Germany, to try additional Nazi criminals; and
WHEREAS, the charter for the Nuremberg trials established, for the first time in international law, that crimes against humanity and peace were war crimes and were punishable, thus making the individuals who were responsible for promulgating government policies that resulted in aggressive war and genocide accountable for their actions; and
WHEREAS, Americans recognize that, in addition to the need for international law to provide judicial accountability for crimes against humanity, each citizen is responsible for eternal vigilance against all tyranny; and
WHEREAS, April 9, 2002, has been designated, pursuant to an Act of Congress, as a Day of Remembrance of Victims of the Holocaust, known internationally as Yom Hashoah;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim
April 7-14, 2002, as DAYS OF REMEMBRANCE OF VICTIMS OF THE HOLOCAUST in Illinois.

Issued by the Governor March 20, 2002.
Filed by the Secretary of State March 22, 2002.

2002-128
RON ONESTI DAY

WHEREAS, Ron Onesti is President of the Onesti Entertainment Corporation, a company that produces concerts, festivals and corporate events across the United States; and
WHEREAS, Ron Onesti has produced successful music and television projects, most recently garnering three Emmy Awards; and
WHEREAS, Ron Onesti has produced top level events including many at the Executive Mansion in Springfield, Illinois, for Governors Thompson, Edgar and Ryan; and
WHEREAS, Ron Onesti is Editor of Red White & Green magazine, the official publication of the National Italian American Sports Hall of Fame and has also hosted his own FM radio show in Chicago; and
WHEREAS, Ron Onesti is a respected member of the community, most recently honored by Chicago Mayor Richard M. Daley for his service to the community and by the National Italian American Sports Hall of Fame with their Friendship Award for his efforts in support of the endeavors of the Hall of Fame; and
WHEREAS, aside from the many ethnic organizations with which he has held office, he supports Lydia Home for Children, Chicago's Inner City Youth Sports Program, several homes for the aged and the American Cancer Society; and
WHEREAS, Ron Onesti, his wife Elena and their family hold an annual fundraising event benefiting the institution that saved Elena's life when she was stricken with Leukemia as a child. They have raised over $150,000 and all proceeds go to St. Jude Children's Research Hospital; and
WHEREAS, Ron Onesti will be honored by family and friends at a reception for his 40th birthday May 8, 2002;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 8, 2002, as RON ONESTI DAY in Illinois.

Issued by the Governor March 15, 2002.
Filed by the Secretary of State March 22, 2002.

2002-129
MDA DISABILITY AWARENESS MONTH

WHEREAS, it is estimated that 1 million Americans are affected by a form of neuromuscular disease that is physically disabling; and
WHEREAS, the Muscular Dystrophy Association (MDA) assists thousands in Illinois with neuromuscular disease through eight MDA chapters; and
WHEREAS, it is the responsibility of all citizens of Illinois to assist in meeting the physical and emotional needs of individuals with disabilities; and
WHEREAS, as citizens of Illinois, we must value the worth, dignity and rights of these individuals;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 2002 as MDA DISABILITY AWARENESS MONTH in Illinois.
Issued by the Governor March 15, 2002.
Filed by the Secretary of State March 22, 2002.

2002-130
DIG SAFELY ILLINOIS MONTH

WHEREAS, the Joint Utility Locating Information for Excavators (JULIE), promotes the use of the Illinois One-Call System, which prevents damage to underground utility facilities, property and the environment, reduces service interruptions and costly repairs, and saves lives; and
WHEREAS, JULIE, Inc. represents more than 900 member companies in Illinois and serves the entire State of Illinois outside the City of Chicago; and
WHEREAS, Illinois law requires all persons digging to call JULIE at least two working days prior to the start of excavation and to begin that project within 14 calendar days from the call; and
WHEREAS, in addition to calling JULIE at least two days prior to excavation, excavators in Illinois are urged to wait for the site to be marked with paint, flags or stakes, to respect and protect the facility operator's marks, and to dig with care, always hand digging within 18 inches of marked lines;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 2002 as DIG SAFELY ILLINOIS MONTH.
Issued by the Governor March 15, 2002.
Filed by the Secretary of State March 22, 2002.

2002-131
ASSOCIATE DEGREE NURSING DAY

WHEREAS, 2002 marks the 50th anniversary of associate degree nursing (ADN); and
WHEREAS, associate degree nursing is the brainchild of Mildred Montag, who set forth in a doctoral dissertation a proposal to create a new entry into nursing practice; and
WHEREAS, Mildred's dissertation would likely have been forgotten except for the interest of Mrs. Nelson Rockefeller who believed this concept could address a post-war nursing shortage; and
WHEREAS, the first classes of ADN nurses had a different face from previous nursing graduates' they ranged in age from 17-72 and included men and minorities; and
WHEREAS, it also marked the first time that hospital patients were not expected
to subsidize nursing education; and

WHEREAS, when associate degree nursing education began, it marked a significant shift from a disease-centered approach to healthcare to a wellness approach; and

WHEREAS, today there are 97,000 associate degree nurses in Illinois, and associate degree nurses make up more than 62 percent of the registered nurse workforce who continue to dedicate their careers to working odd hours and carrying out tough assignments;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim March 25, 2002, as ASSOCIATE DEGREE NURSING DAY in Illinois.

2002-132
GREEK INDEPENDENCE DAY

WHEREAS, Illinois residents of Greek ancestry have been closely identified with the educational, professional, economic, religious, and cultural progress of our state since its earliest days; and

WHEREAS, Greece is universally acknowledged to have been "the cradle of democracy" and people of independent nations everywhere are indebted to the Greek formulation of principles of self-government; and

WHEREAS, the nation of Greece has contributed immeasurably to the ideals of freedom and democracy and to the rich heritage that forms the foundation of western civilization; and

WHEREAS, on March 25, 2002, the people of Greek origin will celebrate the 181st Anniversary of Greek Independence to commemorate their freedom of western civilization; and

WHEREAS, Ted Spyropoulos, Chairman of the 2002 Greek Parade, announces a parade commemorating the Hellenic Spirit will take place in Greek Town in Chicago on March 24, 2002, and the theme is "United We Stand;"

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim March 25, 2002, as GREEK INDEPENDENCE DAY in Illinois.

2002-133
DIVERSITY EMPLOYMENT DAY

WHEREAS, a diverse workplace is an economic necessity; and

WHEREAS, the success of a company in the 21st century depends on its ability to maintain a workforce that mirrors the diverse community it serves; and

WHEREAS, the NAACP Diversity Career Fair will unite Illinois’ leading employers with thousands of talented diversity professionals; and
WHEREAS, the NAACP Diversity Career Fair will be held at Navy Pier in Chicago on July 30, 2002; and
WHEREAS, the NAACP Diversity Career Fair will offer employment opportunities and career guidance for professionals in accounting, administration, customer service, engineering, finance, human resources, Internet, IT, networking/communications, management, marketing, pharmaceutical, programming, retail, sales and more;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim July 30, 2002, as DIVERSITY EMPLOYMENT DAY in Illinois.
Issued by the Governor March 21, 2002.
Filed by the Secretary of State March 28, 2002.

2002-134
FEDERAL EMPLOYEE OF THE YEAR AWARDS DAY

WHEREAS, the Department of Veterans Affairs is hosting the 45th Annual Federal Employee of the Year Awards Ceremony on May 19, 2002; and
WHEREAS, this prestigious ceremony recognizes the continuous efforts and impact of all federal government employees in the Chicagoland area; and
WHEREAS, federal employees who have dedicated themselves to giving superior service to the American public will be honored and awarded; and
WHEREAS, over 1,300 guests are expected to attend the celebration held at Navy Pier in Chicago; and
WHEREAS, this year’s program theme is “Dedicated to Leadership...Community...Service”; and
WHEREAS, in conjunction with the ceremony, two college scholarships totaling $4,000 will be awarded to students attending the University of Illinois, Chicago campus;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 9, 2002, as FEDERAL EMPLOYEE OF THE YEAR AWARDS DAY in Illinois.
Issued by the Governor March 21, 2002.
Filed by the Secretary of State March 28, 2002.

2002-135
DAY OF HOPE

WHEREAS, shocking numbers of children in our country suffer injury and death each day due to abuse and neglect; and
WHEREAS, Childhelp USA, one of the oldest and largest national non-profits dedicated to the treatment and prevention of child abuse and neglect, is working hard to bring these tragedies to an end; and
WHEREAS, to focus the nation’s attention on the plight of abuse victims, the organization created the Childhelp USA National Day of Hope; and
WHEREAS, observed on the first Wednesday of April, its purpose is to raise consciousness of child abuse issues and create hope for those who are victimized; and
WHEREAS, on the National Day of Hope, people across the country light three-wick candles and observe three minutes of silence or prayer in recognition of the three children who die each day and the millions more who suffer;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim the first Wednesday in April 2002 as DAY OF HOPE in Illinois.
Issued by the Governor March 21, 2002.
Filed by the Secretary of State March 28, 2002.

2002-136
TAKE OUR CHILDREN TO WORK DAY

WHEREAS, ten years ago, inspired by a vision of making girls visible, valued and heard, the Ms. Foundation created Take Our Daughters To Work Day; and
WHEREAS, over the years the program has expanded to include 44 million people, with adults from millions of workplaces, government offices and universities participating in the program; and
WHEREAS, today all children can benefit from seeing first hand the accomplishments that women have made in all levels of the workplace; and
WHEREAS, by taking part in Take Our Children To Work Day, adults expose children to new and different employment options and help them to raise their educational and personal goals;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 25, 2002, as TAKE OUR CHILDREN TO WORK DAY in Illinois.
Issued by the Governor March 21, 2002.
Filed by the Secretary of State March 28, 2002.

2002-137
GREATER DUPAGE MYM DAY

WHEREAS, Greater DuPage MYM, Inc. serves adolescent mothers and fathers as well as the children of these teen parents by supporting the young men and women in nurturing their babies; and
WHEREAS, the mission of Greater DuPage MYM, Inc. is to strengthen families and prevent child abuse; and
WHEREAS, building on the base of peer group support, Greater DuPage MYM, Inc. now serves more than 300 families and another 5,000 adolescents through educational programming; and
WHEREAS, Greater DuPage MYM, Inc. is the only agency in DuPage County to focus exclusively on adolescent pregnancy and parenting; and
WHEREAS, Greater DuPage MYM, Inc. will hold its annual event and awards ceremony on April 6, 2002;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 6, 2002, as GREATER DuPAGE MYM DAY in Illinois.
Issued by the Governor March 25, 2002.
2002-138

EMERGENCY SERVICES PERSONNEL DAY

WHEREAS, the Chicago area is recognized as a preeminent medical resource, and its commitment to the community is evident in its health care organizations; and
WHEREAS, emergency health care depends on the split-second reflexes of emergency services personnel and the ability to handle extraordinary situations on a 24-hour basis; and
WHEREAS, health care employees such as emergency services/trauma coordinators, emergency medical technicians, emergency department directors, administrators, nurses, physicians, nurses aides, first responders (firefighters, police officers and paramedics), transporters, unit clerks, social workers, pastoral care workers, ancillary personnel, volunteers and others involved in providing emergency services are an integral part of the health care team; and
WHEREAS, these individuals’ contributions enhance the metropolitan Chicago area’s reputation for health care excellence; and
WHEREAS, the more than 130 hospitals and health care organizations that are members of the Metropolitan Chicago Healthcare Council salute emergency personnel and the important role they play in maintaining the Chicago area as a healthy and productive community;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 10, 2002, as EMERGENCY SERVICES PERSONNEL DAY in Illinois and urge all citizens to recognize the achievements of these dedicated people.

Issued by the Governor March 25, 2002.
Filed by the Secretary of State March 28, 2002.

2002-139

V103'S EXPO FOR TODAY'S BLACK WOMAN DAYS

WHEREAS, WVAZ-FM (V103) will present the Tenth Annual V103's Expo For today’s Black Woman, Chicago’s premier educational, inspirational and entertaining annual event, on April 5-7, 2002, at the McCormick Convention Center; and
WHEREAS, V103’s Expo for today’s Black Woman strives to address issues concerning black women and the black community; and
WHEREAS, the Expo is a forum for educators, writers, and community leaders to address and find solutions to issues challenging African American families; and
WHEREAS, highlights of this year’s seminars and events include the “Aging Gracefully,” “The New AIDS Threat,” “The Disappearance of Black Media,” “Black & Incarcerated,” and “In Search of Spirituality”; and
WHEREAS, visitors to V103’s Expo For today’s Black Woman will have the opportunity to visit hundreds of booths offering priceless information on such topics as buying a home, insurance rates and plans, automobile shopping, health care, and
telecommunications;
  THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 5-7, 2002, as V103’s EXPO FOR TODAY’S BLACK WOMAN DAYS in Illinois.
  Issued by the Governor March 25, 2002.
  Filed by the Secretary of State March 28, 2002.

2002-140
PARALYZED VETERANS OF AMERICA AWARENESS WEEK

WHEREAS, America would not be the great, free nation it is today if not for the citizens who came to its defense in times of conflict; and
WHEREAS, no one who serves his or her country ever forgets the experience, but some made sacrifices that forever altered their lives; and
WHEREAS, special events are observed to recognize the men and women who have served in the Armed Forces and have experienced paralysis; and
WHEREAS, it is important to remember those who have served our country and suffered irreparable harm and recognize them at this time;
  THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 14-20, 2002, as PARALYZED VETERANS OF AMERICA AWARENESS WEEK in Illinois.
  Issued by the Governor March 27, 2002.
  Filed by the Secretary of State March 28, 2002.

2002-141
TELECOMMUNICATOR WEEK

WHEREAS, public safety telecommunicators, specialists in operating state-of-the-art radio and computer-aided communications systems, are a cornerstone of the public safety community; and
WHEREAS, every hour of every day telecommunicators access, monitor and disseminate information of critical importance to the safety of public officials and the success of public safety goals; and
WHEREAS, these professional men and women effectively and efficiently function to help ensure the safety and protection of life, property and individual rights of the citizens of the State of Illinois; and
WHEREAS, it is appropriate that we demonstrate our appreciation of their knowledge, training, service and dedication;
  THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 14-20, 2002, as TELECOMMUNICATOR WEEK in Illinois.
  Issued by the Governor March 27, 2002.
  Filed by the Secretary of State March 28, 2002.
2002-142
I.O.F. PREVENTION OF CHILD ABUSE WEEK

WHEREAS, the Independent Order of Foresters, founded in 1874 and dedicated to the preservation of family life, is one of the oldest and largest fraternal benefit societies in the world with more than one million members; and
WHEREAS, to accomplish one of its major goals of eradicating the blight of child abuse, the Order established its I.O.F. Prevention of the Child Abuse Fund in 1975, which has contributed cash grants to 260 agencies across the United States, Canada and England; and
WHEREAS, the Independent Order of Foresters’ strong commitment to public education includes distribution of a series of informative brochures, booklets and films used widely by schools, clinics, libraries, social service and counseling organizations; and
WHEREAS, the National Center for the Prevention of Child Abuse estimates that more than three million children will be victims of maltreatment this year; and
WHEREAS, there were 32 grants presented in the State of Illinois by the Independent Order of Foresters in 2000 and 15 in 2001; and
WHEREAS, the Independent Order of Foresters is the largest non-sectarian fraternal benefit society in the world with prevention of child abuse as its number one priority;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 14-20, 2002, as I.O.F. PREVENTION OF CHILD ABUSE WEEK in Illinois.

Issued by the Governor March 27, 2002.
Filed by the Secretary of State March 28, 2002.

2002-143
MEDICAL LABORATORY WEEK

WHEREAS, the health and protection of all Americans depends upon educated minds and trained hands; and
WHEREAS, professionals who practice in medical and public health laboratories, including clinical laboratory scientists/medical technologists, clinical laboratory technicians/medical laboratory technicians, histologic technicians, cytotechnologists, phlebotomists, clinical chemists, clinical microbiologists, pathologists, assistants, pathologists and forensic scientists are invaluable members of the health care team; and
WHEREAS, these well-educated and highly trained health professionals, who perform and evaluate medical laboratory tests to detect, diagnose, monitor treatment, and help prevent diseases, save countless lives each day; and
WHEREAS, the practice of modern medicine at the exacting standards we now enjoy would be impossible without the numerous types of scientific tests performed daily in the medical laboratory;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 14-21, 2002, as MEDICAL LABORATORY WEEK in Illinois.

Issued by the Governor March 27, 2002.
SHEERIT HAPLEITAH HOLOCAUST MEMORIAL DAY

WHEREAS, Sheerit Hapleitah of Metropolitan Chicago includes a dozen organizations which provide programs and services to Holocaust survivors and their families, and is organizing this memorial service; and
WHEREAS, on this day in a candle-lighting ceremony, we will memorialize and honor the 6 million victims including 1.2 million children, who perished in the Holocaust; and
WHEREAS, the memorial is expected to be attended by more than 1,500 people, including an estimated 1,000 Holocaust survivors; and
WHEREAS, Sheerit Hapleitah organized this solemn event in order to remember the victims of the Holocaust and to provide eyewitness testimony so that the atrocity of the Holocaust will be remembered by present and future generations and will never happen again;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 14, 2002, as SHEERIT HAPLEITAH HOLOCAUST MEMORIAL DAY in Illinois.

MUSEUM DAY

WHEREAS, museums throughout the State of Illinois play a meaningful role in promoting cultural awareness through educational programming and the development of resources, exhibits, collections, and special events; and
WHEREAS, museums exhibit the distinguished heritage of Illinois by acquiring, preserving, studying, and utilizing specimens, artifacts, and documents for public enjoyment and enlightenment; and
WHEREAS, museums bring the past alive and stimulate the exploration of historical, archeological, anthropological, industrial, scientific, and artistic subjects; and
WHEREAS, museums play a critical role in enhancing education by providing vital services that supplement the learning process of Illinois school children; and
WHEREAS, museums foster innovative partnerships between scholars, researchers, educators and community leaders; and
WHEREAS, museums serve as statewide, national, and international attractions and represent special economic development opportunities that enrich the quality of life for Illinois citizens; and
WHEREAS, in 1977, the International Committee on Museums (ICOM) called for International Museum Day to be designated annually; and

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 17, 2002, as MUSEUM DAY in Illinois.
museums as places to acquire knowledge and as sites that provide leisure, pleasure, and entertainment to individuals of all ages;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 16, 2002, as MUSEUM DAY in Illinois.

Issued by the Governor April 03, 2002.

Filed by the Secretary of State April 04, 2002.

2002-146
RADIOLOGIC TECHNOLOGISTS WEEK

WHEREAS, expanding health services and advancing knowledge are creating an increasing demand for the services of qualified radiological technologists; and

WHEREAS, radiological technologists are concerned with the conservation of life and health and the prevention of disease; and

WHEREAS, radiological technology offers skilled and capable individuals an opportunity for leadership in the development of health programs and the personal satisfaction that comes from helping others; and

WHEREAS, the Illinois State Society of Radiological Technologists is holding its 67th Annual State Conference April 17-20, 2002, in Peoria, Illinois;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 17-20, 2002, as RADIOLOGIC TECHNOLOGISTS WEEK in Illinois.

Issued by the Governor April 03, 2002.

Filed by the Secretary of State April 04, 2002.

2002-147
ELECTRIC AND TELEPHONE COOPERATIVES YOUTH DAY

WHEREAS, for the past 43 years, the Electric and Telephone Cooperatives of Illinois have sponsored a paid tour of Washington, DC, for approximately 60 outstanding Illinois high school students who are selected on the basis of essay and youth leadership contests sponsored by the member cooperatives; and

WHEREAS, students from Illinois, along with nearly 1,500 contest winners from other states will have an opportunity to witness their federal government in action during the “Youth to Washington” tour, June 14-21, 2002; and

WHEREAS, in an effort to provide a broader educational experience for more students throughout the state, the Electric and Telephone Cooperatives of Illinois will also sponsor a trip to our State Capitol on April 17, for 300 contest finalists;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 17, 2002, as ELECTRIC AND TELEPHONE COOPERATIVES YOUTH DAY in Illinois.

Issued by the Governor April 03, 2002.

Filed by the Secretary of State April 04, 2002.
2002-148
STOP THE VIOLENCE MONTH

WHEREAS, every person can move the world in the direction of peace through their daily nonviolent choice and action; and
WHEREAS, an awareness of nonviolent principles and practice is a powerful way to heal, transform, and empower our lives and communities; and
WHEREAS, Stop the Violence Month serves as an opportunity to recognize the individuals, programs, and organizations that are making a difference in our communities and to join in their efforts to move our society into a more peaceful era; and
WHEREAS, the State of Illinois is pleased to join with the National Stop the Violence Alliance in helping educate the public regarding the impact of crime on society and serve as a call to action to help prevent violence wherever and whenever possible; and
WHEREAS, community crime and violence prevention efforts such as this can significantly reduce victimization and help rebuild a sense of mutual responsibility and shared pride in our neighborhoods, communities, state and nation;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 2002 as STOP THE VIOLENCE MONTH in Illinois.

Issued by the Governor April 03, 2002.
Filed by the Secretary of State April 04, 2002.

2002-149
EMERGENCY MEDICAL SERVICES WEEK

WHEREAS, emergency medical services (EMS) embody the true concept of teamwork by recognizing the interdependent relationship among trauma centers, EMS system hospitals, ambulance providers, emergency and trauma physicians, emergency nurses, emergency medical technicians (EMTs) - basic, coal miner, intermediate and paramedic - field nurses, emergency communication nurses, trauma nurse specialists, emergency dispatchers and first responders who are dedicated to saving lives; and
WHEREAS, Illinois is blessed with top quality resource hospitals and trauma centers, as well as first responders, basic EMTs, coal miner EMTs, intermediate EMTs and paramedic EMTs, selflessly providing 24-hour service to the people of Illinois; and
WHEREAS, this year’s national theme, “EMS - Help is a Heartbeat Away,” underscores the immediate nature of the situations to which EMS personnel must respond;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 19-25, 2002, as EMERGENCY MEDICAL SERVICES WEEK in Illinois.

Issued by the Governor April 01, 2002.
Filed by the Secretary of State April 04, 2002.
WHEREAS, the use of credit has become increasingly important to the American consumer and to the nation’s economy; and
WHEREAS, the country’s economic health rests in part on the consumer’s wise use of credit and good money management; and
WHEREAS, the prompt payment of bills and loans will help prevent higher prices and curb inflation, as well as give the consumer peace of mind and the right to use credit; and
WHEREAS, the education and awareness of the importance of paying educational loans in a timely manner helps prevent borrowers from defaulting on their student loans and consequently damaging their credit; and
WHEREAS, the Illinois Student Assistance Commission, in cooperation with the Association of Credit and Collection Professionals, is sponsoring National Credit Education Week, an educational program designed to help consumers use credit with caution, spend money wisely, and pay bills promptly;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 15-20, 2002, as CREDIT EDUCATION WEEK in Illinois.

Issued by the Governor April 01, 2002.
Filed by the Secretary of State April 04, 2002.

WHEREAS, the well-being of every Illinois citizen depends on the safety of the buildings in which they live, work and play; and
WHEREAS, code compliance in these buildings is the joint responsibility of building owners, building managers, architects, engineers, contractors and building officials; and
WHEREAS, the general public should recognize the importance of building safety codes, which protect the public’s health and safety by regulating the structural, electrical, plumbing, mechanical, fire safety, energy efficiency, accessibility and other aspects of both newly constructed and existing buildings; and
WHEREAS, units of state and local government throughout the world are joining in expressing appreciation to the conscientious members of the building industry who ensure the safety of buildings throughout this state, the nation and the entire world; and
WHEREAS, the theme for this year's International Building Safety Week is "Setting the Standards for Building Safety”;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 7-13, 2002, as BUILDING SAFETY WEEK in Illinois and urge all citizens to recognize the importance of modern building safety codes.

Issued by the Governor March 28, 2002.
Filed by the Secretary of State April 04, 2002.
2002-152
JERRY D. JONES DAY

WHEREAS, Jerry D. Jones assumed the office of Vice President of the United Mine Workers of America on December 22, 1995, after serving as the Union’s Secretary-Treasurer since 1991; and

WHEREAS, born in Franklin County, Illinois, in 1939, Jones was raised in a coal mining family and graduated from Sesser High School before taking his first mining job as a shuttle car operator in 1966 at the Old Ben No. 21 mine near Sesser; and

WHEREAS, as a member of UMWA Local Union 1124, Jones was elected to serve on the local’s safety committee, and first elected to L.U. 1124 vice president in the early 1970s and was later elected president of the local; and

WHEREAS, in 1985 Jones was elected to the first of two terms he would serve as president of UMWA District 12 in Illinois; and

WHEREAS, having represented Illinois miners at every UMWA convention since 1973, Jones was the first member of the United Mine Workers to be elected a vice president of the Illinois AFL-CIO; and

WHEREAS, in 1995 Jones became a founding Vice President of the International Federation of Chemical, Energy, Mine and General Workers’ Unions (ICEM), which was formed through the merger of the Miners International Federation (MIF) and the International Federation of Chemical, Energy and General Workers (ICEF); and

WHEREAS, today Jones lives in Sesser, Illinois, with his wife Judy, and they are the proud parents of Jerry, Jana, Jon and Jamie, and seven grandchildren;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 23, 2002, as JERRY D. JONES DAY in Illinois.

Issued by the Governor March 28, 2002.

Filed by the Secretary of State April 04, 2002.

2002-153
MAJOR EDWIN J. KORCZYNSKI DAY

WHEREAS, Major Edwin J. “SKI” Korczynski’s thousands of hours have left an indelible imprint on the meaning of VOLUNTEERISM; and

WHEREAS, Major E.J. Korczynski serves as Squadron Commander with dedication, increasing the squadron’s roster as well as enhancing future programs; and

WHEREAS, Major E.J. Korczynski, even after quadruple bypass surgery during November 2000 returned prematurely to continue this Squadron commander’s responsibility; and

WHEREAS, Major E.J. Korczynski continues to foster the missions of Civil Air Patrol with his dedication to education in Aero Space, Cadet programs and Emergency Rescue; and

WHEREAS, Major E.J. Korczynski demonstrated his patriotism during the Viet Nam War crisis and the Desert Shield/Desert Storm effort; and

WHEREAS, Major Korczynski’s new duties will be to serve Group 22 of the
CAP Illinois Wing as Homeland Security Officer as well as Inspector General; and
WHEREAS, Major Korczynski is married to Diane and has five daughters;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim March 26, 2002, as MAJOR EDWIN J. KORCZYNSKI DAY in Illinois.
Issued by the Governor March 28, 2002.
Filed by the Secretary of State April 04, 2002.

2002-154
SELFRELIANCE UKRAINIAN AMERICAN FEDERAL CREDIT UNION DAY

WHEREAS, in 1951, several brave innovators, Anton Artymowycz, Alexander Atanowsky, Bohdan Bilynsky, Joseph Datzko, Gregory Masnyk, Roman Mycyk, Stefan Sambirsky, Elias Semianczuk, Walter Tymciurak, Elias Wytanowycz and Omalan Pleszkewycz, with only $350,000 in assets, took upon themselves the responsibility of creating a new financial institution Selfreliance Ukrainian Federal Credit Union to assist the financially underprivileged; and
WHEREAS, over the past 50 years Selfreliance Ukrainian American Federal Credit Union has grown into an institution in excess of $400 million in assets with offices in Illinois, Indiana and New Jersey; and
WHEREAS, Selfreliance Ukrainian American Federal Credit Union provides nationwide lifeline and regular financial services to over 20,000 members; and
WHEREAS, Selfreliance Ukrainian American Federal Credit Union provides substantial support to the community, investing over one half million dollars yearly to churches, youth organizations, schools, museums, community television, radio, press and other cultural and civic organizations; and
WHEREAS, Selfreliance Ukrainian American Federal Credit Union works in conjunction with national and international organizations to assist in the development and promotion of viable financial services in Illinois, the United States, Ukraine and worldwide; and
WHEREAS, in 2001 and 2002, Selfreliance Ukrainian American Federal Credit Union is celebrating its 50th anniversary in service to the community; and
WHEREAS, on April 14, 2002, Selfreliance Ukrainian American Federal Credit Union will commemorate the opening of its new three-story, 23,000 square-feet home office, located at 2332 W. Chicago Avenue in Chicago's Ukrainian Village; and
WHEREAS, the new facility will help provide long-term stability to the community and will include a community financial learning and training center; and
WHEREAS, the people of Illinois wish to join in the celebration of the credit union's accomplishments over the past 50 years and the beginning of their new millennium of services in their new location with Omelan Pleszkewycz, one of the co-founders of the credit union, with Bohdan Watral, Chief Executive Officer since 1980 and with Michael R. Kos, Chairman of the Board of Directors and with all others gathered at this auspicious occasion;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 14, 2002, as SELFRELIANCE UKRAINIAN AMERICAN FEDERAL CREDIT UNION DAY in Illinois.
Issued by the Governor April 04, 2002.
Filed by the Secretary of State April 11, 2002.

2002-155
OAK LAWN HOMETOWN SCHOOL DISTRICT 123 DAY

WHEREAS, public schools are the backbone of our democracy, providing young people with the tools they need to maintain our nation's precious values of freedom, civility, and equality; and
WHEREAS, by equipping our young Americans with both practical skills and broader intellectual abilities, schools give them hope for, and access to, a productive future; and
WHEREAS, Oak Lawn-Hometown School District 123 provides outstanding educational opportunities and celebrates the 100th anniversary of its charter on April 21; and
WHEREAS, the district's first school was a one-room frame house and had an enrollment of 8 students. Today, the school district provides quality education to approximately 2,700 students at five elementary schools and one junior high school; and
WHEREAS, the success of the district can be attributed to the combined efforts of dedicated school board members, supportive parents, talented teachers, and committed principals; and
WHEREAS, the school district is committed to an ongoing, comprehensive, educational program that is responsive to the needs of the community and continues to produce academically and socially competent students who can meet the challenges that lie ahead;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 21, 2002, as OAK LAWN-HOMETOWN SCHOOL DISTRICT 123 DAY in recognition of the 100th anniversary of the district's charter.
Issued by the Governor April 05, 2002.
Filed by the Secretary of State April 11, 2002.

2002-156
BRONZEVILLE CHILDREN'S MUSEUM DAY

WHEREAS, the Bronzeville Children's Museum was founded on August 20, 1993, by Peggy A. Montes and a group of dedicated business, civic, cultural, and educational leaders who saw the need of having a ‘children friendly’ museum to educate all children, from birth to age 10, of the contributions and experiences of African-Americans; and
WHEREAS, while there are more than 300 children's museums in this country, none are designed to reach and cultivate African-American children at the earliest ages;
and

WHEREAS, the Bronzeville Children's Museum aims to fill that void by being the first and only African American children's museum in the United States; and
WHEREAS, the Bronzeville Children's Museum offers participatory, hands-on exhibits that encourage children to create, discover, explore and learn; and
WHEREAS, this environment engages children mentally and physically, thereby fulfilling the Museum's goal of letting children experience the excitement of learning for themselves;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 15, 2002, as BRONZEVILLE CHILDREN'S MUSEUM DAY in Illinois.

Issued by the Governor April 05, 2002.
Filed by the Secretary of State April 11, 2002.

2002-157

DUPAGE MAYORS AND MANAGERS CONFERENCE DAY

WHEREAS, the DuPage Mayors and Managers Conference was established in June 1962 by the communities of Elmhurst, Glen Ellyn, Lombard, Villa Park and Wheaton to formalize their working relationship into the DuPage Mayors and Managers Conference; and
WHEREAS, by 1969, the Conference was representing the interests of more than 300,000 people living in the region; and
WHEREAS, the value that those communities saw in the Conference was working together to jointly address problems faced by all municipalities in the DuPage County area; and
WHEREAS, some examples of early problems needing municipal attention were insufficient and inferior water supplies, waste water treatment and transportation woes; and
WHEREAS, a clear and directed objective remains in sight to this day: to jointly study mutual problems, and whenever feasible, to unite to pursue a course of action which will prove beneficial to the citizens of the area; and
WHEREAS, the 36 municipal members of the DuPage Mayors and Managers Conference have grown into over one million citizens of the great State of Illinois; and
WHEREAS, these early intentions live on today, changing only in the enhancements that time and complexity indicate. Ever renewed by strategic planning and initiatives responsive to the day, the potential of the Conference's founding is realized, reinvented and reinvigorated to this day:
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 10, 2002, as DUPAGE MAYORS AND MANAGERS CONFERENCE DAY in Illinois, in honor of the association's 40th anniversary.

Issued by the Governor April 05, 2002.
Filed by the Secretary of State April 11, 2002.
2002-158
SOUTH SIDE HELP CENTER DAY

WHEREAS, the South Side Help Center is a not-for-profit social service agency serving the south side of Chicago; and
WHEREAS, the South Side Help Center has benefited more than 72,000 youth and their families over the past decade; and
WHEREAS, the South Side Help Center is committed to preparing children, teens and young adults to make positive health and life choices by providing a plethora of free services that address specific, critical risks of inner-city youths; and
WHEREAS, the South Side Help Center has provided numerous programs such as substance abuse prevention, HIV/AIDS education and risk prevention, mentoring, case management and mental health; and
WHEREAS, the South Side Help Center will hold its annual fundraiser on July 18, 2002, at the South Shore Cultural Center;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim July 18, 2002, as SOUTH SIDE HELP CENTER DAY in Illinois.

Issued by the Governor April 05, 2002.
Filed by the Secretary of State April 11, 2002.

2002-159
FOSTER PARENT APPRECIATION MONTH

WHEREAS, to foster means to nourish, cherish and encourage, which is what foster parents do for emotionally needy children whose natural parents can no longer provide them with care; and
WHEREAS, foster parents meet a very special need in our society by ensuring these children receive attention, respect, love, understanding, compassion, and health and educational services; and
WHEREAS, thousands of caring adults in Illinois have opened their hearts as well as their homes to provide a loving and stable environment for more than 22,000 children; and
WHEREAS, the contributions of Illinois foster parents to the welfare of these children are incalculable and irreplaceable; and
WHEREAS, for three consecutive years, Illinois has out-distanced all other states in adoptions primarily due to the commitment shown by the state's licensed and home of relative foster parents, who are responsible for the vast majority of adoptions of DCFS wards; and
WHEREAS, foster parents throughout the state helped the Illinois Department of Children and Family Services become the nation's largest child welfare agency accredited by the Council on Accreditation for Children and Family Services; and
WHEREAS, there remains a great demand for additional caring adults in Illinois to consider opening their homes to children in need of foster care; and
WHEREAS, Illinois foster parents deserve our gratitude and respect for the work
they do every day to ensure our children receive the support they need at a traumatic time in their lives;

   THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 2002 as FOSTER PARENT APPRECIATION MONTH in Illinois.

   Issued by the Governor April 05, 2002.
   Filed by the Secretary of State April 11, 2002.

   2002-160
   MAYOR HAROLD WASHINGTON COMMEMORATIVE STAMP DAY

   WHEREAS, Harold Washington was born in Chicago on April 15, 1922, to attorney Roy and Bertha Washington, and like his father, was active in politics. He began a lifetime of service to his city, state and country; and

   WHEREAS, Harold Washington was drafted into the United States Army in 1939, and served his country in World War II as a Soil Technician in the Guam Theater, earning the rank of First Sergeant; and

   WHEREAS, Harold Washington enrolled in Roosevelt University where he became the President of the Student Council in 1947, graduated in 1949 and earned his Juris Doctor degree at Northwestern University School of Law; and

   WHEREAS, Harold Washington served as an Assistant City Attorney from 1954 to 1958, a member of the Illinois House of Representatives from 1965 through 1976, a member of the Illinois Senate from 1976 to 1980, and a member of the United States House of Representatives from 1980 until 1983; and

   WHEREAS, on April 22, 1983, Harold Washington was elected to the Office of Mayor of the City of Chicago, thereby making him the first African-American to be elected to that position; and

   WHEREAS, Mayor Harold Washington left a legacy of programs and accomplishments, some of which have been adopted nationally; and

   WHEREAS, the Harold Washington Commemorative Stamp Project Steering Committee Chair Bennett Johnson and Co-Chairs Jim Bidwill and Dolores Woods will give a report at the annual Mayor Harold Washington birthday celebration sponsored by the Chicago Public Library at the Harold Washington Library; and

   WHEREAS, Illinois leaders, organizations and the Chicago City Council urge citizens to be cognizant of the contributions of Mayor Harold Washington, and to write the United States Postal Service Citizens’ Stamp Advisory Committee urging them to issue a Commemorative Stamp in honor of Mayor Harold Washington;

   THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 15, 2002, as MAYOR HAROLD WASHINGTON COMMEMORATIVE STAMP DAY in Illinois.

   Issued by the Governor April 08, 2002.
   Filed by the Secretary of State April 11, 2002.
2002-161
QUENTIS B. GARTH FOUNDATION AND CITIZEN NEWSPAPER CHAIN DAY

WHEREAS, the Quentis B. Garth Foundation and the Citizen Newspaper Chain will jointly celebrate their 6th and 36th anniversaries, respectively, at the Hyatt Regency Hotel on May 18, 2002; and
WHEREAS, the QBG Foundation will extend an honorary tribute to all former scholarship award recipients and publicly introduce by name each of the three students awarded scholarships for the 2001 school year; and
WHEREAS, a total of 36 Chicago area students have been awarded scholarships by the QBG Foundation, 16 of whom have graduated from an accredited college or university, while the remaining students are currently enrolled at their respective schools; and
WHEREAS, the QBG Foundation will present initial scholarship grants to three academically qualified students enrolled at their respective colleges or universities; and
WHEREAS, the QBG Foundation administers its scholarship grants on an incremental basis renewable upon each student meeting the school's academic graduate levels, as applicable to any given discipline or field of study; and
WHEREAS, the QBG Foundation was founded in 1995 by the Publisher and CEO of the Citizen Newspaper Group, William Garth, to develop and implement an annual Scholarship Award Program for the economically deprived and disadvantaged urban youth seeking opportunities to achieve higher educational goals; and
WHEREAS, the Founder envisioned the establishment of a foundation to serve as a self-perpetuating memorial tribute to his young son, Quentis B. Garth, whose youthful aspirations were prematurely terminated upon his untimely passing at quite a young age; and
WHEREAS, the QBG Foundation has a new home at 806 East 78th Street, Chicago, at which to not only administer its annual Scholarship Award Program, but also to coordinate a diversity of community-oriented programs, specifically designed to improve the quality-of-life for all community residents;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 18, 2002, as QUENTIS B. GARTH FOUNDATION AND CITIZEN NEWSPAPER CHAIN DAY in Illinois.

Issued by the Governor April 08, 2002.
Filed by the Secretary of State April 11, 2002.

2002-162
NATIONAL ASSOCIATION OF WOMEN BUSINESS OWNERS DAY

WHEREAS, the Chicago Area Chapter of the National Association of Women Business Owners (NAWBO), is one of the largest of the more than 90 chapters throughout the United States; and
WHEREAS, NAWBO serves as a voice for the 9.1 million women business
owners who employ 27.5 million people and do more than $3.6 trillion in business each year; and

WHEREAS, NAWBO is an educational and business opportunity resource, and through participation in NAWBO, women business owners have the ability to network and mentor others; and

WHEREAS, NAWBO members provide valuable research data showing elected officials the economic impact of women; and

WHEREAS, on April 26, 2002, the Chicago Area Chapter of NAWBO will hold its 24th Annual Gala to honor and celebrate the achievements of women in business and present the "Women Business Owner of the Year," "Member of the Year," and "Corporate Woman of Achievement" awards;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 26, 2002, as NATIONAL ASSOCIATION OF WOMEN BUSINESS OWNERS DAY in Illinois.

Issued by the Governor April 09, 2002.
Filed by the Secretary of State April 11, 2002.

2002-163
ILLINOIS SYMPHONY GUILD OF SPRINGFIELD DAY

WHEREAS, April 30, 2002, marks the 50th anniversary of creation of the Illinois Symphony Guild of Springfield; and

WHEREAS, over the years more than 2,000 women and men have served in the Guild, and have worked to ensure that live symphonic music remains alive and supported in Central Illinois; and

WHEREAS, the hard work and dedication of the members of the Illinois Symphony Guild of Springfield has resulted in numerous community projects, such as well-known symphony balls and wine festivals; and

WHEREAS, the Guild also works to promote and raise funds for the progress of the Illinois Symphony Orchestra; and

WHEREAS, with the help of the Illinois Symphony Orchestra, the largest annual financial contributor to the Guild, the Illinois Symphony Guild of Springfield is able to provide many projects and programs that further the cultivation of the art of music;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 30, 2002, as ILLINOIS SYMPHONY GUILD OF SPRINGFIELD DAY in Illinois, in honor of the guild’s 50th Anniversary.

Issued by the Governor April 12, 2002.
Filed by the Secretary of State April 18, 2002.

2002-164
NICHELLE NICHOLS DAY

WHEREAS, Ms. Nichelle Nichols is arguably one of the most gifted entertainers of the past century; and
WHEREAS, born in Robbins, Illinois, Ms. Nichols began her professional career at the age of 15 when she was discovered by Duke Ellington; and
WHEREAS, Ms. Nichols became the first African-American actress to portray a non-stereotypical role on television as Lt. Uhura in the TV series “Star Trek,” becoming a role model and inspiration for many African American women today; and
WHEREAS, Ms. Nichols has received numerous awards for her roles in musical theatre, and was awarded a star on the Hollywood Walk of Fame. She also was one of the first African-Americans to place her handprints and signature at Mann’s Chinese Theatre; and
WHEREAS, under contract to NASA, Ms. Nichols recruited the first women and minority astronauts for the U.S. Space Shuttle Program. For this pioneering effort, Nichols was granted NASA’s “Distinguished Public Service Award,” becoming the first African-American civilian to receive this prestigious national honor; and
WHEREAS, on April 27, 2002, the Giving Back Corporation will present the 4th Annual Celebrity Spring/Toast, honoring Nichelle Nichols for her contributions to the African-American community;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 27, 2002, as NICHELLE NICHOLS DAY in Illinois.

WHEREAS, Congress passed into law the Fair Housing Act on April 11, 1968, which prohibits discrimination in the sale and rental of housing within the constitutional limitations of the United States, regardless of ownership or management, based on race, color, national origin, and religion; and
WHEREAS, the Fair Housing Law was amended by the Housing and Community Development Act of 1974 to include prohibition against discrimination based on sex, and subsequently amended March 13, 1989, to expand the coverage of the Fair Housing Law to persons with a handicap and familial status; and
WHEREAS, the St. Louis Regional Fair Housing Collaborative is a regional fair housing umbrella organization which was organized in December 1998 to promote fair housing compliance through education of the collaborative members as well as the community. These initiatives are designed to promote diverse communities and the development and implementation of fair housing strategies to increase fair housing compliance and/or enforcement; and
WHEREAS, April 2002 marks the 34th anniversary of the enactment of the Fair Housing Act, and the St. Louis Regional Fair Housing Collaborative is sponsoring the 4th annual event to commemorate the passage of the Fair Housing Act;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 2002 as FAIR HOUSING MONTH in Illinois.

2002-165

FAIR HOUSING MONTH

WHEREAS, Congress passed into law the Fair Housing Act on April 11, 1968, which prohibits discrimination in the sale and rental of housing within the constitutional limitations of the United States, regardless of ownership or management, based on race, color, national origin, and religion; and
WHEREAS, the Fair Housing Law was amended by the Housing and Community Development Act of 1974 to include prohibition against discrimination based on sex, and subsequently amended March 13, 1989, to expand the coverage of the Fair Housing Law to persons with a handicap and familial status; and
WHEREAS, the St. Louis Regional Fair Housing Collaborative is a regional fair housing umbrella organization which was organized in December 1998 to promote fair housing compliance through education of the collaborative members as well as the community. These initiatives are designed to promote diverse communities and the development and implementation of fair housing strategies to increase fair housing compliance and/or enforcement; and
WHEREAS, April 2002 marks the 34th anniversary of the enactment of the Fair Housing Act, and the St. Louis Regional Fair Housing Collaborative is sponsoring the 4th annual event to commemorate the passage of the Fair Housing Act;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 2002 as FAIR HOUSING MONTH in Illinois.

Issued by the Governor April 12, 2002.
WHEREAS, Richard Northern was born September 1, 1927, in Quincy, Illinois; and
WHEREAS, in September 2000, Mr. Northern was raised to a 33-degree Mason; and
WHEREAS, Richard Northern is a Retired Brigadier General in the Illinois Army National Guard; and
WHEREAS, Mr. Northern was the National Director of the United States Jaycees; and
WHEREAS, he has been very active in various organizations and clubs, including the Elks Lodge #100, Shrine Temple of Ansar, National Association of State Veterans Homes, Republican County Chairman Association of Illinois and the American Red Cross; and
WHEREAS, Mr. Northern has been the Adams County Republican Chairman for 38 years; and
WHEREAS, he has worked for the Illinois Selective Service System for 40 years, and is currently the State Director;
WHEREAS, he was married to Shirlee for 36 years, until he was widowed in October 1994; and
WHEREAS, Mr. and Mrs. Northern brought into this world two remarkable children, Nicole and Rick;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 1, 2002, RICHARD NORTHERN DAY in Illinois, in honor of his retirement.
Issued by the Governor April 12, 2002.
Filed by the Secretary of State April 18, 2002.

2002-167
DEAN KOLDENHOVEN DAY

WHEREAS, the John F. Kennedy Library Foundation will present Dean Koldenhoven, the former mayor of Palos Heights, with the prestigious John F. Kennedy Profile in Courage Award on May 6, 2002; and
WHEREAS, the John F. Kennedy Profile in Courage Award is presented annually to an elected official who has withstood strong opposition from constituents, powerful interest groups or adversaries to follow what he or she believes is the right course of action; and
WHEREAS, Mayor Koldenhoven was chosen among thousands of nominees for the courageous stance he took against bigotry and religious intolerance, speaking out against those who aimed to prevent an Islamic community from converting a local church into a mosque; and
WHEREAS, the Foundation will honor Mayor Koldenhoven alongside Kofi Annan, Secretary General of the United Nations, who was selected for his continuing fight for international peace and human rights; and

WHEREAS, the citizens of Palos Heights deprived themselves of a great leader of unsurpassable strength and conviction when they voted not to reelect Koldenhoven for a second term in 2001; and

WHEREAS, though no longer an elected official, Mayor Koldenhoven continues to hold the respect and appreciation of his wife, Ruth, their four children, ten grandchildren and the national and international communities;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 6, 2002, as DEAN KOLDENHOVEN DAY in Illinois.

Issued by the Governor April 16, 2002.

Filed by the Secretary of State April 18, 2002.

2002-168

VICTIM RIGHTS WEEK

WHEREAS, the personal safety of people living in the United States is a top priority for both policy makers and the American public; and

WHEREAS, in 1996, although the nation's crime rate underwent an historic drop, U.S. residents still experienced nearly 37 million criminal victimization's, including over nine million violent crimes; and

WHEREAS, when one man, woman or child in America is harmed by crime, all Americans are touched by the devastating results; and

WHEREAS, our nation's victim's rights discipline has contributed enormously to crime prevention, victim assistance, and community safety; and

WHEREAS, crime victims and those who serve them are a significant force for positive changes that have resulted in improved victims' rights and services, and laws that truly promote justice for all; and

WHEREAS, during the week of April 21-27, 2002, and throughout the year, our State of Illinois joins together to celebrate "Victim Rights Week";

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 21-27, 2002, as VICTIM RIGHTS WEEK in Illinois.

Issued by the Governor April 16, 2002.

Filed by the Secretary of State April 18, 2002.

2002-169

DR. MARY ANN LOUDERBACK DAY

WHEREAS, Mary Ann Louderback is about to celebrate - or attempt to forget - her 50th birthday; and

WHEREAS, Mary Ann Louderback earned her doctoral degree in education from Illinois State University, causing her to enjoy being called "Doctor Louderback"; and

WHEREAS, Mary Ann Louderback since has served the citizens of Illinois for a
quarter century, working in the front offices and administrations of three Illinois governors - Jim Thompson, Jim Edgar and George H. Ryan; and

WHEREAS, Mary Ann Louderback's many achievements in her state government career are legendary, including hiding the State of Illinois’ application for the Superconducting Super Collider in her apartment freezer, being chased through the Capitol by Mike Flannery and a CBS news crew, and refusing to divulge to the state's best investigative reporters the mysterious whereabouts of such newsworthy luminaries as Vicki Sands and Bob and Kathy Kustra; and

WHEREAS, she married Senator Jack Schaffer, giving her even greater access and influence in the Capitol, as if she needed any more; and

WHEREAS, Jack and Mary Ann in 1998 expanded their political family by welcoming beautiful twin daughters - Katie and Tori Louderback Schaffer - into the world, leading them to trade politicking for Pampers and legislative receptions for late-night feedings; and

WHEREAS, Mary Ann Louderback was born in Genoa, Illinois, the daughter of Clarence and Ruth Louderback, on April 26, 1952, meaning that she is about to celebrate the golden anniversary of her birth, a sure signal she is definitely now on the downward slide of life;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, hereby proclaim April 26, 2002, as DR. MARY ANN LOUDERBACK DAY in Illinois and join her many friends and family in wishing her a happy 50th birthday, her lack of enthusiasm for it notwithstanding.

Issued by the Governor April 16, 2002.
Filed by the Secretary of State April 18, 2002.

2002-170
RAY SHROYER DAY

WHEREAS, Ray Shroyer has been a member of the coin operating business for 40 years, and now proudly owns Metro Amusements, a small coin operating business employing 18 people, located in Streator, Illinois; and

WHEREAS, Mr. Shroyer is known throughout the industry to be independent-minded, dedicated to the coin operating business and improving its reputation; and

WHEREAS, in recognition of Mr. Shroyer's contributions to the industry, Play Meter magazine, the nation's largest trade publication covering the coin machine industry, has named Ray Shroyer as "Operator of the Year" for 2002; and

WHEREAS, there are more than 8,000 coin machine operators in this country, making the honor of being named "Operator of the Year" all the more impressive;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 16, 2002, as RAY SHROYER DAY in Illinois.

Issued by the Governor April 16, 2002.
Filed by the Secretary of State April 18, 2002.
PLAYGROUND SAFETY WEEK

WHEREAS, the safety and well-being of children is a priority of this state; and
WHEREAS, more than 200,000 children are injured on playgrounds in the United States each year, equaling an average of one playground-related emergency room visit every two-and-one-half minutes; and
WHEREAS, the National Program for Playground Safety has been created at the University of Northern Iowa to help inform the nation about playground injuries and possible ways to reduce these injuries; and
WHEREAS, the National Program for Playground Safety has identified key areas that could help substantially reduce the number of playground injuries and keep our children safe, providing proper supervision, age appropriate equipment, materials to soften falls to the surface, and equipment maintenance; and
WHEREAS, it is appropriate to set aside a week each year for the direction and thought on how to keep our children safer on playgrounds; and
WHEREAS, spring is often a time that children head to the playground and a large percentage of playground injuries occur from April through June; and
WHEREAS, schools, parks, and other public facilities are preparing for the summer season and playground participants; and
WHEREAS, all of us that care about children make the commitment that no Illinois child shall play on an unsafe playground; and
WHEREAS, the National Program for Playground Safety has designated April 22-26, 2002, as National Playground Safety Week;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 22-26, 2002, as PLAYGROUND SAFETY WEEK in Illinois.

Issued by the Governor April 17, 2002.
Filed by the Secretary of State April 18, 2002.

PAUL E. KELLER DAY

WHEREAS, Paul E. Keller served his country honorably in Vietnam with the 24th Medical Evacuation Hospital, United States Army; and
WHEREAS, he served the Illinois Secretary of State's office under five different secretaries-John Lewis, Michael Howlett, Alan Dixon, Jim Edgar and George Ryan—for more than 20 years, rising from a clerk in the Department of Vehicle Services to the rank of Chief Deputy Director; and
WHEREAS, he served the state through his work with the American Association of Motor Vehicle Administrators, the National Association of Surveillance Officials, and the Association of Inspectors General; and
WHEREAS, he served his community through the Knights of Columbus, the Veterans of Foreign Wars and the American Legion; and
WHEREAS, he has made countless invaluable contributions to the Office of...
Inspector General, Illinois Department of Public Aid, for more than 10 years, beginning as Chief of the Bureau of Medical Quality Assurance and retiring as Deputy Inspector General for Operations; and

WHEREAS, he served as the first co-chair of the Medicaid Fraud Prevention Executive Workgroup, which fostered improved communications between the Office of Inspector General and the Department of Public Aid's Division of Medical Programs and developed innovative solutions to many complex program integrity issues; and

WHEREAS, throughout his entire 31-year career as an employee of Illinois state government, he has earned the respect and admiration of his colleagues with his thoughtful, low-key approach, his broad understanding of complex issues and his commitment to working with others in the highest spirit of cooperation;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 25, 2002, as PAUL E. KELLER DAY in Illinois, and extend congratulations to Paul on his retirement after his long and honorable service to the people of Illinois.

Issued by the Governor April 17, 2002.
Filed by the Secretary of State April 18, 2002.

2002-173
ARMENIAN MARTYRS DAY

WHEREAS, the Armenian community is commemorating the 87th Anniversary of the Armenian Genocide; and

WHEREAS, the extermination of 1.5 million Armenians and the forced deportation of countless others between the years of 1915 and 1923 is recognized every year; and

WHEREAS, Armenians continue to be a people of hope, working side-by-side for the future of Armenia. Through their faith and pride in their heritage, Armenians remain a strong and courageous people working toward rebuilding a firm foundation for Armenia; and

WHEREAS, Armenian-Americans have been forthright in their efforts to preserve their culture, heritage and language; and

WHEREAS, the Armenian-American community has made significant contributions in all areas of life including education, medicine, science, business, arts, government and public service in Illinois;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 24, 2002, as ARMENIAN MARTYRS DAY in Illinois in remembrance of the 87th Anniversary of the Armenian Genocide.

Issued by the Governor April 17, 2002.
Filed by the Secretary of State April 18, 2002.

2002-174
DISASTER AREA - STATE OF ILLINOIS

Tornadoes and severe thunderstorms moved across southeastern Illinois on April
21, 2002, which resulted in one death and more than 50 people were injured requiring medical treatment. The tornado inflicted heavy damage in Fairfield, Keenes, Sims and Wayne City in Wayne County. There was extensive damage to homes, businesses, farms, local roads and other properties in these communities and rural unincorporated areas. Power outages and extensive damage to power lines and trees also occurred throughout the area.

In the interest of responding to the threat imposed to public health and safety as a result of the tornado, I hereby declare that a disaster exists within the State of Illinois, and specifically identify Wayne County as a disaster area, pursuant to the provisions of Section 3305/7 of the Illinois Emergency Management Agency Act, 20 ILCS 3305/7.

This gubernatorial declaration of disaster will aid the Illinois Emergency Management Agency in coordinating the state effort to assist local governments in disaster response and recovery operations, and to assist volunteer resources in providing reasonable and necessary emergency measure for disaster response. This declaration will also provide for the assessment of damages and the determination of a need to request supplemental Federal assistance.

Issued by the Governor April 22, 2002.
Filed by the Secretary of State April 22, 2002.

2002-176
DIRECT DEPOSIT AND DIRECT PAYMENT MONTH

WHEREAS, our nation's payments system costs more than that of other industrialized nations; and

WHEREAS, Direct Deposit and Direct Payment, electronic payment methods that allow consumers and businesses to get paid and to pay their bills automatically, can reduce the nation's costs considerably; and

WHEREAS, Direct Deposit and Direct Payment also help individuals and businesses save time and manage their finances more efficiently and securely;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 2002 as DIRECT DEPOSIT AND DIRECT PAYMENT MONTH in Illinois.

Issued by the Governor April 25, 2002.
Filed by the Secretary of State April 26, 2002.

2002-177
AMUSEMENT RIDE SAFETY AWARENESS MONTH

WHEREAS, the State of Illinois is committed to the safety of all its citizens and visitors; and

WHEREAS, this commitment encompasses the amusement riding public; and

WHEREAS, the Illinois Department of Labor is responsible for the safety of over 26 million patrons on the more than 1,800 amusement rides in Illinois each year; and

WHEREAS, the State of Illinois is one of the founding members of both the National Association of Amusement Ride Safety Officials and the Council for
Amusement and Recreational Equipment Safety; and
WHEREAS, this commitment to safety benefits the amusement riding public, including the citizens, communities, and visitors of Illinois;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 2002 as AMUSEMENT RIDE SAFETY AWARENESS MONTH in Illinois.
Issued by the Governor April 25, 2002.
Filed by the Secretary of State April 26, 2002.

2002-178
PROM AND GRADUATION SAFETY MONTH

WHEREAS, recent statistics provided by the National Highway Traffic Safety Administration show that there were 493 alcohol-related traffic fatalities among youths under the age of 21 in April and May 2000; and
WHEREAS, there is an average of 8 alcohol-related traffic death among drivers under 21 every day; and
WHEREAS, the potential danger for young people to be involved in alcohol-related crashes escalates during the summer months; and
WHEREAS, the Century Council, a not-for-profit organization funded by America's leading distillers and committed to fighting drunk driving and underage drinking, has planned a series of initiatives aimed at educating students, parents, teachers and lawmakers throughout the month; and
WHEREAS, the American School Counselor Association has partnered with The Century Council to bring this important message to teens and their parents throughout the country; and
WHEREAS, Illinois is working to enlist support to reduce the potential for alcohol-related fatalities by providing the public with information aimed at achieving this goal;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 2002 as PROM AND GRADUATION SAFETY MONTH in Illinois.
Issued by the Governor April 25, 2002.
Filed by the Secretary of State April 26, 2002.

2002-179
COMMUNITY ACTION MONTH

WHEREAS, community action agencies were created through the Economic Opportunity Act of 1964; and
WHEREAS, community action agencies have a 38-year history of promoting self-sufficiency to those individuals with limited income; and
WHEREAS, community action agencies have made an essential contribution to individuals and families in Illinois by providing them with innovative and cost-effective programs; and
WHEREAS, community action agencies are needed as major participants in the
reform of the welfare system as we know it through programs such as the Family and Community Development Program; and

WHEREAS, welfare reform in Illinois has benefited from the state's partnership with the Illinois Community Action Association and its 40 member agencies; and

WHEREAS, those with limited income continue to need opportunities to improve their lives and their living conditions, thus ensuring that all citizens are able to live in dignity; and

WHEREAS, on May 5-7, 2002, the Illinois Community Action Association will host its Annual Membership Conference in Springfield;

THEREFORE, I, George H. Ryan, Governor of Illinois, proclaim May 2002 as COMMUNITY ACTION MONTH in Illinois.

Issued by the Governor April 25, 2002.
Filed by the Secretary of State April 26, 2002.

2002-180
WOMEN’S BUSINESS DEVELOPMENT DAYS

WHEREAS, the Women's Business Development Center (WBDC) is a nationally recognized nonprofit women's business assistance organization devoted to providing services and programs that support and accelerate women's business ownership and strengthen the impact of women on the economy; and

WHEREAS, the Women's Business Development Center will hold its 16th Annual Entrepreneurial Women's Conference on September 4-5, 2002, at Chicago's Navy Pier; and

WHEREAS, this conference marks the continuation of the second decade of the WBDC's commitment to the demands of women entrepreneurs for greater opportunities in business ownership and development; and

WHEREAS, the WBDC has, in response, put forth creative and innovative approaches to empowering women and their families, striving to influence the larger political and economic environment in a way that encourages and supports women's economic empowerment; and

WHEREAS, the WBDC was founded in 1986 by Carol Dougal and Hedy Ratner, and since then more than 30,000 women business owners have used its programs and services: one-on-one counseling, workshops, entrepreneurial training, the Women's Business Enterprise certification program, Procurement and Technical Assistance program and Child Care Initiatives; and

WHEREAS, there are now over 5.4 million women-owned businesses in the United States, employing over 7.1 million workers, and over 350,000 of those business are in Illinois. Minority-owned businesses are growing faster than all firms, and one in eight women-owned firms in the U.S. is owned by a woman of color. Women-owned businesses nationally generate over $819 billion in sales;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim September 4-5, 2002, as WOMEN'S BUSINESS DEVELOPMENT DAYS in Illinois.

Issued by the Governor April 25, 2002.
2002-181

DR. VERNON O. CRAWLEY DAY

WHEREAS, as president of Moraine Valley Community College since 1991, Dr. Vernon O. Crawley has exhibited unparalleled leadership and vision, guiding the school in its achievement of numerous outstanding accomplishments; and
WHEREAS, a few of these accomplishments include increasing student enrollment and establishing Moraine Valley's Virtual College, an Associate of Fine Arts degree and off-campus centers in Blue Island and Summit; and
WHEREAS, during his administration, Dr. Crawley has made it his priority to ensure that students have access to all the resources available to them, ensuring they receive a well-rounded education suited to their specific needs; and
WHEREAS, as a result of his tireless service, Moraine Valley Community College maintains its position as a competitive institution, offering quality programs and enriching the lives of all its students, past and present;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 25, 2002, as DR. VERNON O. CRAWLEY DAY in Illinois.

Issued by the Governor April 25, 2002.
Filed by the Secretary of State April 26, 2002.

2002-182

ST. MARGARET MARY’S SNACK THEATRE MONTH

WHEREAS, St Margaret Mary's Snack Theatre was founded in May 1983 when the original production was "Love Is Here To Stay." The producer was Don Skiba and the directors were Noreen and Martin Brady; and
WHEREAS, May 2002, the 20th Snack Theatre's production will be "And The Winner Is"- when the producer Julie Kent and the director Steve Burke announce the cast will include members of St. Margaret Mary Church and the Pastor Rev. Mark Sorvillo; and
WHEREAS, more than 23,000 people have attended Snack Theatre Productions during the past 20 years with approximately 100 people in the Company each year; and
WHEREAS, Snack Theatre's past productions have included "Puttin' On The Glitz" in 1985, "Putting It Together" in 1987, "Henry Street" in 1991, "Stairway To Paradise" in 1996 and "With A Song In My Heart" in 2000; and
WHEREAS, cast members Jinx Kotowski and Mary Colletti have been in all 20 Snack Theatre's productions; and
WHEREAS, the company of Snack Theatre includes generations such as John and Nancy ipriani and their daughters, Susan Cipriani and Tracy Cipriani Ryan, and Pat Meegan, her daughter Julie Meegan, her son Jeff Meegan and his wife Trish Meegan; and
WHEREAS, other generations include cast members John and Clara Littau and their daughter Susan, lighting crew, and Julie Kent, producer, Jack Kent, technical
director, their daughter Jessica Kent, stage manager and their granddaughter Melissa Weiss, sound production;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 2002 as ST. MARGARET MARY’S SNACK THEATRE MONTH in Illinois.

Issued by the Governor April 24, 2002.

Filed by the Secretary of State April 26, 2002.

2002-183

ALS AWARENESS MONTH

WHEREAS, one of the best ways to help fight ALS, or "Lou Gehrig's Disease," is by raising public awareness; and

WHEREAS, the ALS association has plans for National ALS Awareness Month activities in May 2002. In recognition, the Les Turner ALS Foundation has funded important research and provided invaluable patient services to thousands of ALS patients and their families; and

WHEREAS, having raised $19 million since its inception, the Les Turner ALS Foundation is the nation's largest independent, publicly supported, non-profit ALS organization, serving more than 550 patients annually; and

WHEREAS, every May, in observance of National ALS Awareness Month, the Foundation sponsors its famous Tag Days fundraiser in the Chicagoland area, which raises more than $100,000 for ALS research and patient services every year;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 2002 as ALS AWARENESS MONTH in Illinois.

Issued by the Governor April 24, 2002.

Filed by the Secretary of State April 26, 2002.

2002-184

VAL BOLINGER DAY

WHEREAS, Val Bolinger has been a member of the Springfield Jaycees since 1987, holding such elective offices within the organization as President, New Member Director, Personnel Vice President, Illinois Jaycees Assistant Regional Director, Assistant to the President, Individual Awards State Chairman and Distinguished Awards Chairman; and

WHEREAS, in those capacities, Ms. Bolinger has chaired such major committees as the Jaycees Haunted House, the International Beerfest, Senior Prom, Easter Egg Hunt and the Capital Street Celebration; and

WHEREAS, Ms. Bolinger was awarded the prestigious Senatorship Award from the Jaycees on Thursday, April 18, 2002; and

WHEREAS, the Senatorship Award was last given in 1998, proving that Ms. Bolinger and her example of hard work and dedication is rare and extremely appreciated;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 24, 2002, as VAL BOLINGER DAY in Illinois.
Issued by the Governor April 24, 2002.
Filed by the Secretary of State April 26, 2002.

2002-185
PHI-ALPHA ZETA OF LAMBDA CHI ALPHA FRATERNITY DAY

WHEREAS, in 1975, Lambda Chi Alpha International Fraternity established a colony of Lambda Chi Alpha Fraternity at Eastern Illinois University; and
WHEREAS, a core group of enthusiastic young men worked for two years to receive the Charter designation of Phi-Alpha Zeta of Lambda Chi Alpha International Fraternity on February 5, 1977, at a banquet held at the Mattoon Holiday Inn; and
WHEREAS, Phi-Alpha Zeta of Lambda Chi Alpha has initiated a total of 616 men into the Bond of Brotherhood at Eastern Illinois University; and
WHEREAS, Phi-Alpha Zeta of Lambda Chi Alpha is one of the strongest Greek organizations on the campus of Eastern Illinois University and has brought great honor to the University and Lambda Chi Alpha International Fraternity through participation in philanthropic activities, extra curricular student activities, and many leadership positions on campus; and
WHEREAS, the alumni of Phi-Alpha Zeta have become valuable citizens in Illinois and throughout the world with careers in the military, business, industry, philanthropy, religion, medicine and academia, and are continuing their obligations to Lambda Chi Alpha with service in philanthropy, community service and to their Fraternity; and
WHEREAS, in continuing to stress scholarship, the Brothers of Phi-Alpha Zeta of Lambda Chi Alpha have created the Lambda Chi Alpha Fraternity Founders Scholarship through the Eastern Illinois University Foundation with a corpus of more than $16,000 to support an annual scholarship to Brothers pursing their degrees; and
WHEREAS, the Brothers of Phi-Alpha Zeta of Lambda Chi Alpha Fraternity have created the Phi-Alpha Zeta-Ron Wilson Fund with the Lambda Chi Alpha International Fraternity Foundation with a corpus of more than $41,000 to support continuing education and participation of chapter members in General Assemblies, Leadership Seminars, and regional conclaves; and
WHEREAS, it is fitting that Phi-Alpha Zeta of Lambda Chi Alpha is honored for their impact and success in helping men reach their full potential both during their education at Eastern Illinois University and in their careers after receiving their degrees; and
WHEREAS, a banquet in celebrate of the Phi-Alpha Zeta of Lambda Chi Alpha's 25th Anniversary of receiving their charter is being held on Saturday, April 27, 2002, in Charleston, Illinois; and
WHEREAS, recognition of such a prestigious milestone and happy event is warranted;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 27, 2002, as PHI-ALPHA ZETA OF LAMBDA CHI ALPHA FRATERNITY DAY
in Illinois.
Issued by the Governor April 23, 2002.
Filed by the Secretary of State April 26, 2002.

2002-186
STAND FOR FAMILY AND SAVE THE NATION DAY

WHEREAS, the American Clergy Leadership Conference will sponsor a multicultural, inter-religious and international convocation of clergy in a marriage rededication ceremony on April 27, 2002; and
WHEREAS, such couples united in sharing unconditional love for each other and their children are the key to establishing strong and stable families; and
WHEREAS, the family is the cornerstone of civilization and the common denominator that unites all people regardless of nationality, religion, race or cultural background; and
WHEREAS, the family is the school of love wherein we learn the values and virtues that enable us to become tolerant and compassionate peacemakers in our communities, nation and world; and
WHEREAS, while many of our nation's and world's families are fragmenting and suffering enormous stress, it is incumbent on our nation's religious, political, cultural and community leaders to launch a moral social campaign for family renewal; and
WHEREAS, by making a pledge to rededicate their marriages and promote religious harmony and cooperation, these religious leaders and their spouses serve as an inspiring example worthy of emulation by all in our society; and
WHEREAS, we invite all people to join together in recommitting themselves to building strong marriages and stable families;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 27, 2002, as STAND FOR FAMILY AND SAVE THE NATION DAY in Illinois.
Issued by the Governor April 23, 2002.
Filed by the Secretary of State April 26, 2002.

2002-187
CHRISTMAS IN APRIL DAY

WHEREAS, Christmas in April provides assistance to senior citizens, the disabled and low income families who own their own home, but who, because of physical limitation or income, are not able to cover the costs of home repair or rehab; and
WHEREAS, Christmas in April began in 1973 in Texas and has spread throughout all 50 states; and
WHEREAS, today, there are 265 chapters serving 865 communities in all 50 states; and
WHEREAS, under the direction of their “House Captain”, these volunteers scrape, paint, clean and repair plumbing and electrical problems. They also replace roofs,
install new bathrooms and make the houses handicap accessible; and

WHEREAS, Christmas in April performs these repairs and additions at no cost to the homeowner--it is only asked that they participate as much as they are physically able to rehabilitate their home;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 28, 2002, as CHRISTMAS IN APRIL DAY in Illinois.

Issued by the Governor April 23, 2002.
Filed by the Secretary of State April 26, 2002.

2002-188
MUNICIPAL CLERK’S WEEK

WHEREAS, the office of the Municipal Clerk, a time-honored and vital part of local government, exists in countries throughout the world; and

WHEREAS, this office consistently and efficiently serves its local legislative body, the municipal staff and the general public by recording the actions of the council, commissions and committees, while maintaining records for reference, inspection and preservation; and

WHEREAS, this office most often performs one or more additional important functions, including election administration, finance management, records administration and general administrative services; and

WHEREAS, the Municipal Clerk and staff have continuously updated their skills and technical knowledge to prepare for the challenges of the future; and

WHEREAS, it is appropriate that we recognize the accomplishments of this office and call the public's attention to the many services that it performs;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 28-May 4, 2002, as MUNICIPAL CLERKS WEEK in Illinois.

Issued by the Governor April 23, 2002.
Filed by the Secretary of State April 26, 2002.

2002-189
CHARTER SCHOOLS WEEK

WHEREAS, Illinois Charter Schools have been authorized by the Illinois State Legislature; and

WHEREAS, Illinois Charter Schools offer new choices and new accountability in public education; and

WHEREAS, there are 28 Charter School campuses operating in Illinois, serving more than 5,000 students; and

WHEREAS, the pioneering developers, parents, teachers, and students responsible for the success of Charter Public Schools have earned the respect and acknowledgement of the citizens of Illinois;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim
April 29-May 3, 2002, as CHARTER SCHOOLS WEEK in Illinois.
Issued by the Governor April 23, 2002.
Filed by the Secretary of State April 26, 2002.

2002-190
MONEY SMART WEEK

WHEREAS, the financial well-being of individuals is linked to the nation's economic progress; and
WHEREAS, improved financial literacy results in a higher standard of living for individuals; and
WHEREAS, financial literacy among individuals results in more stable communities; and
WHEREAS, becoming financially literate is a long-term process that, for most people, requires the assistance of institutions outside the home; and
WHEREAS, consumers have many choices on how they manage their financial affairs; and
WHEREAS, educational and financial institutions, government entities and community-based organizations can work together to help consumers make informed choices about their personal finances;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 29-May 4, 2002, as MONEY SMART WEEK in Illinois.
Issued by the Governor April 23, 2002.
Filed by the Secretary of State April 26, 2002.

2002-191
EVERYDAY HEROES WEEK

WHEREAS, heroism is common in all those individuals who respond to the call for help, going beyond the call of duty and risking their lives, their fortunes and their reputations for the causes they believe in; and
WHEREAS, the tragic events of September 11th highlighted the bravery and heroism of thousands of men and women; and
WHEREAS, these rescue workers, police officers, fire fighters and private citizens should be recognized as everyday heroes; and
WHEREAS, we should honor those who lost their lives in the terrorist attacks, dead but also embrace those living heroes as well;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim September 8-14, 2002, as EVERYDAY HEROES WEEK in Illinois.
Issued by the Governor April 23, 2002.
Filed by the Secretary of State April 26, 2002.
2002-192
DAVID WILHOUR DAY

WHEREAS, David Wilhour has worked for Caterpillar for 43 years; and
WHEREAS, Mr. Wilhour has worked tirelessly for his company and city, serving in areas ranging from political to philanthropic; and
WHEREAS, David Wilhour has been a member of the Macon County Board, a precinct committeeman, and has been involved in many lobbying initiatives; and
WHEREAS, he is a member of the Rotary Club and serves on the boards of the Decatur Earthmover Credit Union and Decatur Memorial Hospital; and
WHEREAS, Mr. Wilhour has been involved in the Decatur Celebration and Summer Start; and
WHEREAS, he has been deeply involved with the United Way, Race for the Cure, and the American Heart Association's Heart Walk; and
WHEREAS, David Wilhour is an American that all citizens can look up to and is a true mentor;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 26, 2002, as DAVID WILHOUR DAY in Illinois.

Issued by the Governor April 23, 2002.
Filed by the Secretary of State April 26, 2002.

2002-193
ORGAN AND TISSUE DONOR AWARENESS WEEK

WHEREAS, one donor can save or enhance the lives of more than 25 people; and
WHEREAS, currently 80,000 men, women, and children nationwide are on transplant waiting lists, and 16 Americans die each day due to the lack of available organs; and
WHEREAS, 5,000 people in Illinois are on a transplant waiting list; and
WHEREAS, there are approximately 15,000 potential donors nationwide each year, but only about 6,000 families consent to donation; and
WHEREAS, the need for organ donation greatly exceeds the number of organs being donated; and
WHEREAS, caring Illinois families have consented to give the gift of hope and life by donating organs and tissue upon the death of a loved one; and
WHEREAS, thousands of men, women, and children in Illinois along with their families have celebrated new life though organ and tissue donations; and
WHEREAS, the Illinois Coalition on Donation, which includes the American Liver Foundation Illinois Chapter, American Red Cross Tissue Services, American Transplant Association, Central Illinois Lions Eye Bank, Illinois Eye Bank/Midwest Eye Bank and Transplantation Center, Illinois Department of Public Health, Illinois Secretary of State's Office, Juvenile Diabetes Research Foundation, Mid-America Transplant Services, Minority Organ/Tissue Transplant Education Program, National Kidney
Foundation of Illinois, Organ Transplant Support, and the Regional Organ Bank of Illinois, are working together to encourage the people of Illinois to consider donation and to discuss their decision with family members who will ensure their wishes are carried out;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 21-27, 2002, as ORGAN AND TISSUE DONOR AWARENESS WEEK in Illinois.

Issued by the Governor April 19, 2002.
Filed by the Secretary of State April 26, 2002.

THE YEAR OF CLEAN WATER AND CLEAN WATER MONTH

WHEREAS, abundant surface and groundwater resources for drinking water, industry, agriculture, and recreation are essential to Illinois; and
WHEREAS, increasing population and water demands require that these resources be protected and conserved; and
WHEREAS, it is the common responsibility to protect these resources for the benefit of this and future generations; and
WHEREAS, Illinois has had water protection programs in place since approximately 1900; and
WHEREAS, since July 1, 1970, the Illinois Environmental Protection Agency has been a leader in the protection of the Illinois waterways, and a partner with citizens, environmental groups and other State agencies toward that goal; and
WHEREAS, since the 1972 Federal Water Pollution Control Act (Clean Water Act) was enacted in October 1972, the number of assessed Illinois river and stream miles rated in good condition has risen from 34.7 percent to 62.5 percent; and
WHEREAS, inland Illinois lake acres rated “poor” have declined from 27.8 percent in 1972 to 2.6 percent in the year 2000, with approximately 97 percent now rated as "fair" or "good"; and
WHEREAS, between 1992 and 2000, there has been a 20 percent increase in the number of assessed streams with no use impairments from non-point source pollution; and
WHEREAS, the Illinois Environmental Protection Agency has set a goal of increasing by 5 percent the number of Illinois waterways rated with good water quality conditions by the year 2005;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim 2002 as THE YEAR OF CLEAN WATER and October 2002 as CLEAN WATER MONTH in Illinois.

Issued by the Governor April 19, 2002.
Filed by the Secretary of State April 26, 2002.
2002-195
HAROLD “LYNN” FORBES DAY

WHEREAS, Harold "Lynn" Forbes was born July 5, 1944, in Barnhill, Illinois; and
WHEREAS, Mr. Forbes attended Southern Illinois University-Carbondale, 1962-1967, and graduated with a BS in Engineering Technology; and
WHEREAS, in June 1967, Lynn Forbes started his employment with the Illinois Department of Transportation, District 9, as a Civil Engineer I; and
WHEREAS, in 1985, he was awarded the Engineer of the Year Award from District 9; and
WHEREAS, Mr. Forbes was promoted to Civil Engineer VIII and District Engineer at District 5 in 1994; and
WHEREAS, on April 30, 2002, Lynn Forbes will retire from the Illinois Department of Transportation, completing 34 years and 10 months of service;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 30, 2002, as HAROLD "LYNN" FORBES DAY in Illinois.

Issued by the Governor April 19, 2002.
Filed by the Secretary of State April 26, 2002.

2002-196
DELTA SIGMA THETA JABBERWOCK DAY

WHEREAS, the Chicago Alumnae Chapter of Delta Sigma Theta Sorority, Inc. will host Jabberwock 2002, "The Glass Slipper: Stepping Toward Success," on Saturday, June 22, 2002; and
WHEREAS, Delta Sigma Theta Sorority, Inc., was founded in 1913 with emphases in education and scholarship, physical and mental health, economic development, political and international awareness; and
WHEREAS, Delta Sigma Theta Sorority, Inc., is comprised of 200,000 college-educated women in more than 900 chapters, located in 44 states and several foreign countries; and
WHEREAS, these women hold key leadership positions and are dedicated to public service throughout the world; and
WHEREAS, the Chicago Alumnae Chapter remains committed to today's youth and Jabberwock 2002 will provide scholarships and continuous involvement in the community;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim June 22, 2002, as DELTA SIGMA THETA JABBERWOCK DAY in Illinois.

Issued by the Governor April 18, 2002.
Filed by the Secretary of State April 26, 2002.
2002-197

CHILDREN’S MEMORIAL DAY

WHEREAS, the Child Welfare League of America has promoted the Children's Memorial Flag as a way of memorializing the thousands of children and teenagers in the United States who die violently each year; and
WHEREAS, the Children's Memorial Flag has become a recognizable symbol of the need to do a better job of protecting children; and
WHEREAS, the response of the public has been overwhelmingly positive as the program progresses each year; and
WHEREAS approximately 3 million children are reported abused and neglected in this country each year; and
WHEREAS, the effects of child abuse are felt by whole communities, and they need to be addressed by the entire community; and
WHEREAS, effective child abuse prevention programs succeed because of partnerships created among social service agencies, schools, religious and civic organizations, law enforcement agencies and the business community; and
WHEREAS, all citizens should become more aware of the negative effects of child abuse and its prevention within their communities and become involved in supporting parents to raise their children in a safe, nurturing environment;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 26, 2002, as CHILDREN’S MEMORIAL DAY in Illinois.

Issued by the Governor April 18, 2002.
Filed by the Secretary of State April 26, 2002.

2002-198

PARENTS WITHOUT PARTNERS DAYS

WHEREAS, Parents Without Partners was founded in 1957 in New York City by two single parents: Jim Egleson, a non-custodial parent, and Jacqueline Bernard, a custodial parent; and
WHEREAS, as concerned parents they felt isolated from society because of their marital status, and decided to form a mutual support organization; and
WHEREAS, 25 single parents attended the first meeting of Parents Without Partners in a Greenwich Village church basement; and
WHEREAS, with more than 50,000 members in the United States and Canada, Parents Without Partners, Inc. has become the largest international, nonprofit membership organization devoted to the welfare and interests of single parents and their children; and
WHEREAS, Zone F of Parents Without Partners is comprised of nine states: Illinois, Missouri, Iowa, Minnesota, Wisconsin, Kansas, Nebraska, South Dakota and Colorado; and
WHEREAS, the Parents Without Partners, Inc. Zone F Conference will be held in
PROCLAMATIONS

Springfield, Illinois, on April 26-28, 2002;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 26-28, 2002, as PARENTS WITHOUT PARTNERS DAYS in Illinois.

Issued by the Governor April 18, 2002.

Filed by the Secretary of State April 26, 2002.

2002-199

POLISH CONSTITUTION DAY

WHEREAS, the Polish Constitution of 1791 was the first liberal declaration in Europe which called for rule by majority and democratic principals of liberty and religious freedom; and

WHEREAS, Polish Americans contribute greatly to the State of Illinois in all areas including art, education, business, science, medicine, law, government, and public service; and

WHEREAS, the Polish American Police Association's 38th Annual Awards Banquet and Polish Constitution Day Celebration will honor the heroes of September 11, the New York City and Port Authority Police Departments, and celebrate the life of Vanessa Lynn Przybylo Kolpak; and

WHEREAS, the Polish Constitution Day Parade, honoring the 211th anniversary of the adoption of the Polish Constitution of 1791, will take place Saturday, May 4, 2002, and its theme will be "A United Polonia;" and

WHEREAS, Adam Ocytko, Chairman of the Polish Constitution Day Committee, announced Joseph Zyzda, Metropolitan Soccer League President is the Parade Grand Marshal; and

WHEREAS, Chairman Romuald E. Matuszczak and Co-Chairmen T. Ron Jasinski Herbert and Matt Kutza of the Chicago Society of the Polish National Alliance announced that the association will host the Annual Pre-Parade Brunch in the Gold Room of the Congress Plaza Hotel in Chicago; and

WHEREAS, Ed Moskal, National President of the Polish National Alliance, announced that the Annual Wreath Laying Ceremony will take place at the Tadeusz Kosciuszko Statue on May 5, 2002, at the Solidarity Parkway in Chicago; and

WHEREAS, following the ceremony, the Polish National Alliance will sponsor the Annual Commemorative Mass at Chicago's Holy Trinity Church, celebrated by Bishop Wojciech Ziemba from Bialystok, Poland; and

WHEREAS, on May 5th, the Polish Constitution Day Committee will sponsor a Holy Mass at Chicago's St. James Church and host a banquet at Jolly Inn, Chicago; and

WHEREAS, St. Albert the Great Catholic Church of Burbank will celebrate Polish Constitution Day with a mass followed by a concert of Polish sacred, patriotic and folk music provided by the Lira Singers, Lucyna Migala, co-founder, artistic director, and general manager of the Lira Ensemble;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 3, 2002, as POLISH CONSTITUTION DAY in Illinois.

Issued by the Governor April 18, 2002.
2002-200
DISASTER AREA STATE OF ILLINOIS

Tornadoes and severe thunderstorms moved across the southern tip of Illinois on April 28, 2002, causing extensive damage to homes, business, farms, and local roads in the communities of Sesser in Franklin County and Belleville, Swansea and Shiloh in St. Clair County. After surveying the damage and with confirmation from local officials, it has been determined that this severe weather system destroyed 7 homes and caused major damage to 47 homes and other properties. Power outages and damage to power lines and trees also occurred throughout the area.

In the interest of responding to the threat imposed to public health and safety as a result of the tornadoes and severe thunderstorms, I hereby declare that a distress exists within the State of Illinois, and Specifically identify Franklin and St. Clair counties as disaster areas, pursuant to the provisions of Section 3305/7 of the Illinois Emergency Management Agency Act, 20 ILCS 3305/7.

This gubernatorial declaration of disaster will aid the Illinois Emergency Management Agency in coordinating the state's efforts to assist local governments in disaster response and recovery operations, and to assist volunteer resources in providing reasonable and necessary emergency measures for disaster response. This declaration will also provide for the assessment of damages and the determination of a need to request supplemental Federal assistance.

Issued by the Governor April 30, 2002.
Filed by the Secretary of State April 30, 2002.

2002-201
ASSOCIATION OF AGENCIES AND COMMUNITY ORGANIZATIONS UNITED TO SERVE MULTI-CULTURAL COMMUNITIES DAYS

WHEREAS, the Illinois Association of Agencies and Community Organizations for Migrant Advocacy, formally known as IAACOMA, was created in 1977 and is a committee of state agency programs and not-for-profit organizations dedicated to providing advocacy for migrant seasonal farm workers and other under-served and under-represented rural and downstate Latinos and/or immigrant communities; and

WHEREAS, IAACOMA functions as the primary networking vehicle among agencies and organizations that provide services and/or advocacy on behalf of migrant, seasonal farm workers, immigrants and Latino families in Illinois. In light of diminishing state and federal resources, it is essential that organizations coordinate activities and act cooperatively to yield the greatest benefit for the families we serve; and

WHEREAS, migrant and seasonal farm workers are valuable assets to the agricultural industry that employs them, as well as an economic boost to the communities where they earn and spend their wages. Also, migrants, farm workers and immigrants ethnic background and language ought to be considered as a positive contribution to the
diversity and plurality that makes this country; and

WHEREAS, IAACOMA, in collaboration with the Illinois Department of Public Health and the Illinois Department of Human Services, will host the annual statewide conference on May 1-3, 2002, at the Holiday Inn Conference Hotel in Decatur. The conference will provide a forum where problems and issues of general concerns to the migrant, seasonal farm workers, minority, immigrant and refugee communities can be raised and the problem solving process can begin, with input from appropriate state and community-based organizations personnel; and

WHEREAS, the conference planning committee has prepared an exciting, educative, and informative program with training sessions, workshops, and general session. Dynamic keynote speakers and presenters will provide diverse, multi-cultural topics and issues that will enhance attendees’ knowledge and understanding of the needed services of the multi-cultural communities in Illinois. It will challenge the attendees, create an atmosphere for staff development, networking and help develop partnerships with the many difference service providing agencies staff that will be attending;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 1-3, 2002 as ASSOCIATION OF AGENCIES AND COMMUNITY ORGANIZATIONS UNITED TO SERVE MULTI-CULTURAL COMMUNITIES DAYS in Illinois.

Issued by the Governor April 29, 2002.
Filed by the Secretary of State May 02, 2002.

2002-202
EVANSTON TEACHER APPRECIATION DAY

WHEREAS, the city of Evanston, Illinois, acknowledges and appreciates our teachers who represent one of the most immediate influences upon the young people of our city because they do more than teach basic skills, they nurture and inspire their students; and

WHEREAS, our dedicated and committed teachers touch and enrich the lives of virtually every citizen in our city, both academically and personally, help students throughout their lives, and are essential in producing enlightened, capable, and responsible citizens; and

WHEREAS, I am proud to join the community in saying thank you to teachers, providing them with much needed encouragement and well-deserved praise for a job well-done, and recognizing and rewarding their efforts, accomplishments, and important contributions to educating our citizenry;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 5, 2002, as EVANSTON TEACHER APPRECIATION DAY in Illinois.

Issued by the Governor April 29, 2002.
Filed by the Secretary of State May 02, 2002.
WHEREAS, this year marks the 31st anniversary of the enactment of the Federal Boat Safety Act of 1971, which was designed to improve boating safety and to foster greater use and enjoyment of our rivers, lakes, bays and waters; and
WHEREAS, the coordinated efforts over the past 31 years by the federal government, including the U.S. Coast Guard and the U.S. Coast Guard Auxiliary, along with numerous other recreational boating organizations have made the waterways of America and the State of Illinois dramatically safer; and
WHEREAS, as a direct result of the combined efforts of President George Bush and Illinois Governor George Ryan, Team Coast Guard has increased operations to support homeland security through Operation Patriot Readiness an Operation Noble Eagle, Coast Guard Auxiliary Operation Orders designed to bring the U.S. Coast Guard Auxiliary to an ever increased state of readiness; and
WHEREAS, the U.S Coast Guard Auxiliary provides public education, vessel examinations, safety patrols, search and rescue (SAR) patrols, harbor patrols, aids to navigation verification and other important missions in support of the U.S. Coast Guard; and
WHEREAS, the members of the U.S. Coast Guard Auxiliary Waukegan Flotilla 3-5, under the direction of its Flotilla Commander Randy D. Podolsky, have gone above and beyond in its efforts to rise to the request of our state and federal governments in support of our homeland security efforts. As volunteers, they donate their time and resources freely and extensively to assist the boating public, the regular duty Coast Guard and other local maritime law enforcement agencies; and
WHEREAS, on this day they dedicate a new SAR patrol vessel for operations in and around Waukegan Harbor and Southern Lake Michigan providing the seamanship, navigation and rescue skills commensurate with their motto “Semper Paratu,” “Always Prepared”; and
WHEREAS, their exceptional efforts in arranging for the dedication of this new vessel and its equipment will serve to benefit the boating public in this region for years to come;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 11, 2002, as U.S. COAST GUARD AUXILIARY WAUKEGAN FLOTILLA 3-5 DAY in Illinois.

Issued by the Governor April 29, 2002.
Filed by the Secretary of State May 02, 2002.

2002-204
SAFE KIDS WEEK

WHEREAS, unintentional injury is the No. 1 killer of Illinois children ages 14 and younger; and
WHEREAS, in 2000, 1,276 children between the ages of 1 and 14 were treated in hospital emergency departments for bicycle-related injuries; and
WHEREAS, more than 40 percent of all bicycle-related deaths are due to head injuries and approximately three-fourths of all bicycle-related head injuries occur among children ages 14 and younger; and
WHEREAS, the single most effective safety device available to reduce head injury and death from bicycle crashes is a helmet; and
WHEREAS, estimates report that helmet use among child bicyclists ranges from only 15 percent to 25 percent; and
WHEREAS, every dollar spent on a bicycle helmet saves $30 in direct medical costs and other costs to society; and
WHEREAS, the National SAFE KIDS Campaign, promotes childhood injury prevention by uniting diverse groups into state and local coalitions, developing innovative educational tools and strategies, initiating legislative changes, promoting new technology and raising awareness through the media; and
WHEREAS, the National SAFE KIDS Campaign, with the support of its founding sponsor Johnson & Johnson, launches SAFE KIDS Week 2002, “Use Your Head; Wear a Helmet,” which focuses on the prevention of bicycle-related traumatic brain injury; and
WHEREAS, the Illinois SAFE KIDS Coalition has planned special childhood injury prevention activities and community-based events for SAFE KIDS Week 2002 in an effort to educate families about bicycle-related traumatic brain injury;
WHEREAS, Illinois residents will benefit greatly from funds raised on Caramel Day;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 4-11, 2002, as SAFE KIDS WEEK in Illinois and call upon all the residents of this state to join with me in supporting the efforts of the Illinois SAFE KIDS Coalition to prevent childhood injury.

Issued by the Governor April 29, 2002.
Filed by the Secretary of State May 02, 2002.

2002-205
LIONESS CARAMEL DAY

WHEREAS, the Lioness Clubs of Illinois tirelessly donate their time to ongoing efforts to help the blind, visually impaired, deaf, and hearing impaired; and
WHEREAS, the Lioness Clubs of Illinois are sponsoring Lioness Caramel Day for Sight and Sound throughout our state May 3, 2002; and
WHEREAS, Caramel Day is being held under the auspices of the Lioness of Illinois Foundation a nonprofit organization, and
WHEREAS, Illinois residents will benefit greatly from funds raised on Caramel Day;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 3, 2002, as LIONESS CARAMEL DAY in Illinois.

Issued by the Governor April 29, 2002.
Filed by the Secretary of State May 02, 2002.
WHEREAS, Space Day is the culminating event of the year-round Embrace Space educational initiative, celebrating the extraordinary achievements, benefits and opportunities in the exploration and use of space; and
WHEREAS, Space Day encourages people of all ages from around the globe to advance science, math and technology education, and to inspire future generations to continue the vision of our space pioneers; and
WHEREAS, Space Day is an exciting time for all mankind as we stand at the threshold of a new age of space science and exploration, where the vision of our forefathers will become a reality through the hopes and dreams of our young people; and
WHEREAS, the Embrace Space initiative is supported by more than 60 partners representing a broad cross section of educational, professional and trade associations, youth groups, corporations and space-related organizations; and
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 2, 2002, as SPACE DAY in Illinois.
Issued by the Governor April 29, 2002.
Filed by the Secretary of State May 02, 2002.

WHEREAS, when Mirron “Mike” Alexandroff took over as president of Columbia College in 1963, the institution had an enrollment of 175 students, 25 part-time faculty and financial assets of zero; and
WHEREAS, under his tutelage, Columbia College grew into a major educational force in Chicago, and today serves as the largest arts and communications college in the nation with an enrollment of more than 9,000; and
WHEREAS, as president, Mike established an open admissions policy, recruited working arts professionals as faculty, encouraged minority students to enroll and geared his marketing to the first-college-generation urban working and middle class; and
WHEREAS, Mike believed that a college education should be affordable and available to anyone with a high school diploma; and
WHEREAS, though he retired as president in August of 1992 after a 41-year association with the college, Mike’s influence continues to be felt today; and
WHEREAS, it is a fitting tribute to Mike’s memory that Columbia College should name its main campus building the “Alexandroff Campus Center”;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 1, 2002, as MIRRON “MIKE” ALEXANDROFF DAY in Illinois.
Issued by the Governor April 29, 2002.
Filed by the Secretary of State May 02, 2002.
WHEREAS, the period of May 5-12, 2002, will mark the 79th annual observance of National Music Week; and
WHEREAS, music is a vital part of the culture of every civilized nation, and the people of the United States are proving themselves to be a great music-producing and music-loving nation; and
WHEREAS, it is incumbent upon all of us to join together to advance the cause of music as an art and harmonious force, and to extend the radius of its influence among nations, groups, and individuals; and
WHEREAS, the pursuit of music, whether it be through study, composing, listening, performing, or participating, gives rich experience in human life; and
WHEREAS, the National Federation of Music Clubs through National Music Week provides an opportunity for the organized musical forces of the century, as well as religious and educational and civic groups, to join music lovers in emphasizing the joys and pleasures to be gained from making music;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 5-12, 2002, as MUSIC WEEK in Illinois.

Issued by the Governor April 30, 2002.
Filed by the Secretary of State May 02, 2002.

2002-209
EXCEPTIONAL CHILDREN’S WEEK

WHEREAS, children with exceptionalities may be identified as children having: superior intellectual abilities and rare creative talents, mental disabilities, hearing loss, deafness, orthopedic impairment, speech impairment, serious emotional disturbance or learning disabilities who require special education and related services; and
WHEREAS, educators have developed instructional and educational materials and programs enabling individuals with exceptionalities to develop academic, social, and vocational skills to use in coping with today’s world; and
WHEREAS, the disabling tendency of an exceptionality can be prevented by properly trained professionals in conjunction with community awareness, knowledge, interest in and understanding of exceptional individuals; and
WHEREAS, being consistent with demographic ideals, it is essential that all children, regardless of their differences, receive an equal opportunity to an education; and
WHEREAS, The Council for Exceptional Children, a professional organization that promotes the advancement and education of all exceptional infants, toddlers, children, and youth, has helped and will continue to help make advancements in the field of special education;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 5-11, 2002, as EXCEPTIONAL CHILDREN’S WEEK in Illinois.
WHEREAS, the North American Brain Tumor Coalition is a network of charitable organizations dedicated to eradicating brain tumors; and
WHEREAS, the Coalition represents the interests of its combined constituency by raising awareness of the problem and by advocating for increased research funding and other issues affecting brain tumor patients; and
WHEREAS, in 2002, more than 100,000 individuals in the United States will be diagnosed with a primary or metastatic brain tumor; and
WHEREAS, the treatment of these tumors, which include over 120 different types, is very difficult, and the effects of brain tumors, which are located at the control center for thought, emotion and movement can be devastating; and
WHEREAS, advances in understanding and treating brain tumors depend on a strong brain tumor research partnership between the public and private sectors; and
WHEREAS, achievements in basic science may ultimately lead to improved brain tumor treatments, but much work is required to complete the translation from basic science to new therapies;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 5-11, 2002, as BRAIN TUMOR ACTION WEEK in Illinois.

Issued by the Governor April 30, 2002.
Filed by the Secretary of State May 02, 2002.

2002-211
FOOD ALLERGY AWARENESS WEEK

WHEREAS, hundreds of Americans die each year due to food-induced anaphylaxis. The deaths are caused by individuals unknowingly eating a food containing an ingredient, to which they were allergic; and
WHEREAS, anaphylaxis is a sudden, severe allergic reaction which involves major organs in the body simultaneously. In severely allergic individuals, it can cause death in a matter of minutes; and
WHEREAS, children are the largest group affected by food allergies. Researchers estimate 6 to 7 million Americans have food allergies. Symptoms can include hives, vomiting, diarrhea, respiratory distress, and swelling of the throat and
WHEREAS, eight foods cause 90 percent of food allergy reactions. These foods are shellfish, milk, eggs, nuts, peanuts, soy and wheat; and
WHEREAS, there is no cure for potentially fatal food allergies. Strict avoidance of the offending food is the only way to avoid a reaction; and
WHEREAS, the Food Allergy & Anaphylaxis Network (FAAN) is a national, nonprofit organization dedicated to educating the public about food allergies and anaphylaxis, a potentially life threatening allergic reaction;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 5-11, 2002, as FOOD ALLERGY AWARENESS WEEK in Illinois.

Issued by the Governor April 30, 2002.
Filed by the Secretary of State May 02, 2002.

2002-212

ARSON AWARENESS WEEK

WHEREAS, arson is a serious crime that affects each and every person and can only be stopped when citizens realize the severe damage that arson causes; and
WHEREAS, cities, communities and neighborhoods are blighted by arson, which results in erosion of the tax base and loss of employment; and
WHEREAS, arson has disrupted our educational and manufacturing systems with the destruction of irreplaceable buildings and artifacts; and
WHEREAS, natural resources are rendered useless for long periods of time or are completely destroyed; and
WHEREAS, countless human injuries and deaths result in the needless tragedies caused by acts of arson; and
WHEREAS, a large percentage of property insurance premiums are used to cover the losses from arson, and tax dollars must be used to pay for fire extinguishment and the investigation of these malicious acts, which are a senseless waste of our precious resources when the majority of the public must directly bare the burden of an individual’s criminal action; and
WHEREAS, the annual financial loss due to arson reaches billions of dollars, which does not include indirect losses, both emotional and financial, including funerals, medical and legal cost, wages, business interruption, fire fighting and law enforcement efforts, which together exceed the direct losses many fold; and
WHEREAS, public awareness is one of the specific responsibilities of the International Association of Arson Investigators, Inc. and the Illinois State Fire Marshal’s Division of Arson;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 5-11, 2002, as ARSON AWARENESS WEEK in Illinois.

Issued by the Governor April 30, 2002.
Filed by the Secretary of State May 02, 2002.

2002-213

NURSES WEEK

WHEREAS, arson is a serious crime that affects each and every person and can only be stopped when citizens realize the severe damage that arson causes; and
WHEREAS, cities, communities and neighborhoods are blighted by arson, which results in erosion of the tax base and loss of employment; and

WHEREAS, arson has disrupted our educational and manufacturing systems with the destruction of irreplaceable buildings and artifacts; and

WHEREAS, natural resources are rendered useless for long periods of time or are completely destroyed; and

WHEREAS, countless human injuries and deaths result in the needless tragedies caused by acts of arson; and

WHEREAS, a large percentage of property insurance premiums are used to cover the losses from arson, and tax dollars must be used to pay for fire extinguishment and the investigation of these malicious acts, which are a senseless waste of our precious resources when the majority of the public must directly bare the burden of an individual’s criminal action; and

WHEREAS, the annual financial loss due to arson reaches billions of dollars, which does not include indirect losses, both emotional and financial, including funerals, medical and legal cost, wages, business interruption, fire fighting and law enforcement efforts, which together exceed the direct losses many fold; and

WHEREAS, public awareness is one of the specific responsibilities of the International Association of Arson Investigators, Inc. and the Illinois State Fire Marshal’s Division of Arson;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 5-11, 2002, as ARSON AWARENESS WEEK in Illinois.

Issued by the Governor April 30, 2002.

Filed by the Secretary of State May 02, 2002.

2002-214
WEEK OF THE CLASSROOM TEACHER

WHEREAS, the Association for Childhood Education International actively works to promote the inherent rights, education and well-being of all children; and

WHEREAS, the Association for Childhood Education International promotes desirable conditions, programs and practices for children; and

WHEREAS, the Association for Childhood Education International seeks to bring into active cooperation all individuals and groups concerned with children; and

WHEREAS, the Association for Childhood Education International strives to raise the standards of preparation for those actively involved with the care and development of children; and

WHEREAS, the Association for Childhood Education International encourages continuous professional development of educators, including training, in-service education, certification and recognition; and

WHEREAS, the Association for Childhood Education International supports developmentally appropriate curriculum and practice and seeks constructive methods of evaluating and assessing children’s progress; and
WHEREAS, the Association for Childhood Education International is concerned about and actively addresses vital issues that affect childhood education in the home, school and community;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 5-11, 2002 as WEEK OF THE CLASSROOM TEACHER in Illinois.
Issued by the Governor April 30, 2002.
Filed by the Secretary of State May 02, 2002.

2002-215
DRINKING WATER WEEK

WHEREAS, safe drinking water is essential to human life; and
WHEREAS, Illinois is blessed with abundant quantities of surface and groundwater resources providing drinking water in amounts adequate to the health, comfort and safety of Illinois residents; and
WHEREAS, protection of drinking water sources were among the first community projects undertaken as new settlers moved into the Illinois Territory two centuries ago; and
WHEREAS, dedicated water treatment operators for generations since have worked both to protect existing drinking water and improve the quantity and quality of safe drinking water available to Illinois residents and millions of visitors annually; and
WHEREAS, programs to regulate safety of drinking water have been in place in Illinois for approximately a century; and
WHEREAS, there are 4,579 dedicated men and women currently certified as drinking water operators in Illinois; and
WHEREAS, Illinois citizens can confidently look forward to safe, clean drinking water delivered in amounts satisfactory to meet everyday human needs as well as the demands of thriving industries;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 5-11, 2002, as DRINKING WATER WEEK in Illinois and encourage our citizens to broaden their understanding of the goals and services of the water operations professionals and the water utilities in our state.
Issued by the Governor May 1, 2002.
Filed by the Secretary of State May 02, 2002.

2002-216
CHILDHOOD STROKE AWARENESS DAY

WHEREAS, a stroke occurs when the blood supply to any part of the brain is interrupted, resulting in tissue death and loss of brain function; and
WHEREAS, more than 25 out of every 100,000 children in the United States suffer from stroke each year; and
WHEREAS, signs of stroke in children can include headaches, speech difficulties,
seizures and numbness; and
WHEREAS, early detection and treatment of childhood stroke can minimize its adverse effects as well as increase chances of recovery;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 4, 2002, as CHILDHOOD STROKE AWARENESS DAY in Illinois.
Issued by the Governor May 01, 2002.
Filed by the Secretary of State May 02, 2002.

2002-217
RONALD MCDONALD HOUSE CHARITIES DAY

WHEREAS, the first Ronald McDonald House opened in 1974 as a result of the experiences of former Philadelphia Eagles football player Fred Hill and his wife when their 3-year old Kim was diagnosed with leukemia and underwent treatment at a local hospital; and
WHEREAS, their experiences included camping out on hospital chairs and benches, eating food from vending machines and trying to hide their exhaustion from Kim. The Hill’s noticed all around them parents doing the same thing because accommodations were prohibitively expensive. The Hill’s were determined to help families experiencing the same emotional and financial trauma; and
WHEREAS, Fred Hill’s efforts attracted the support of the Philadelphia Eagles and the McDonalds Corporation. This support led to the first Ronald McDonald House in cooperation with Children’s Hospital of Philadelphia; and
WHEREAS, by 1979, ten more Ronald McDonald Houses had opened, 60 in the next five years and 53 more in the five years after that. Today there are 216 Ronald McDonald Houses in 20 countries with more than 5,000 bedrooms available for families every night; and
WHEREAS, there are four Ronald McDonald Houses in Illinois with two in Chicago, one in Springfield, and one in Maywood; and
WHEREAS, the Ronald McDonald House near Children’s Memorial Hospital in Chicago was the second House in the world to open and is celebrating its 25th Anniversary on April 28, 2002; and
WHEREAS, each Ronald McDonald House is run by a local nonprofit organization comprised of members of the medical community, business and civic leaders, parent/volunteers, and McDonald’s owner/operators, supported by nearly 25,000 volunteers who donate over one million hours of their time annually. These volunteers provide the backbone of the Ronald McDonald House program and help with all aspects of House operations, including fundraising, program development, and services to families;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 8, 2002, as RONALD MCDONALD HOUSE CHARITIES DAY in Illinois.
Issued by the Governor May 01, 2002.
Filed by the Secretary of State May 02, 2002.
2002-218
BEN KININGHAM DAY

WHEREAS, Ben Kiningham, Capitol Bureau Chief for the Illinois Radio Network and President of the Illinois Legislative Correspondents Association, has been a State Capitol reporter for 28 years and a leader in Illinois’ news reporting community; and

WHEREAS, Ben's integrity and strong work ethic are highly regarded within the Capitol pressroom and throughout the state; and

WHEREAS, when Ben is not working long hours covering the news at the Capitol, he is known to operate his ham radio and spend time with his wife, Beth and their three grown children; and

WHEREAS, as a result of his dedication and commitment to reporting the news quickly and accurately, thousands of Illinoisans are able to rely on Ben to receive their information on the daily news of the Capitol;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 1, 2002, as BEN KININGHAM DAY in Illinois, in honor of his 60th birthday.

Issued by the Governor May 01, 2002.
Filed by the Secretary of State May 02, 2002.

2002-219
LONG-TERM CARE NURSES WEEK

WHEREAS, Long-Term Care Nurses have committed themselves to provide the highest quality care to the young, old and disabled; and

WHEREAS, Long-Term Care Nurses are faced with ever increasing medical demands to rehabilitate and provide the best possible quality of life for their residents; and

WHEREAS, more than 1,000 licensed and extended care facilities look to Long-Term Care Nurses for support and leadership;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 6-12, 2002, as LONG-TERM CARE NURSES WEEK in Illinois.

Issued by the Governor May 01, 2002.
Filed by the Secretary of State May 02, 2002.

2002-220
ADOLESCENT SUICIDE PREVENTION WEEK

WHEREAS, "Kids Under Twenty One" is a unique organization of youth and adult volunteers who promote youth-focused and peer facilitated crisis prevention, suicide intervention and postvention support services to young people; and

WHEREAS, KUTO works with youth in the Illinois counties of Madison, Monroe and St. Clair; and
WHEREAS, the Illinois Department of Public Health reports that on average, 162 young Illinoisans complete suicide each year; and
WHEREAS, the risk for human self-destruction can be reduced through awareness, education and treatment; and
WHEREAS, it is necessary to regard suicide as a major health problem and to support educational programs, research projects and intervention services;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 6-10, 2002, as ADOLESCENT SUICIDE PREVENTION WEEK in Illinois.

Issued by the Governor May 01, 2002.
Filed by the Secretary of State May 02, 2002.

2002-221
NATIONAL ASSOCIATION OF INSURANCE WOMEN WEEK

WHEREAS, professional insurance women make a significant contribution to the risk and insurance industry; and
WHEREAS, they are increasingly effective locally and statewide in promoting public awareness of important issues such as automobile safety and drunk driving; and
WHEREAS, this highly esteemed association is comprised of 342 local organizations numbering approximately 13,000 women and men employed in various fields of the insurance industry; and
WHEREAS, constantly creating good will through integrity and dedication, the National Association of Insurance Women, International has grown remarkably since it was founded in 1940, with some 39 women representing 17 regional insurance clubs; and
WHEREAS, these insurance professionals have earned recognition for their outstanding accomplishments in the economically vital insurance industry;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 19-25, 2002, as NATIONAL ASSOCIATION OF INSURANCE WOMEN WEEK in Illinois in honor of their important and diverse roles throughout the risk and insurance industry.

Issued by the Governor May 01, 2002.
Filed by the Secretary of State May 02, 2002.

2002-222
GFWC ILLINOIS FEDERATION OF WOMEN'S CLUBS WEEK

WHEREAS, the GFWC Illinois Federation of Women's Clubs is a member State of the General Federation of Women's Clubs, the world's largest volunteer organization; and
WHEREAS, women throughout are attending the GFWC Illinois One Hundred Fifth Annual Convention in Springfield, Illinois; and
WHEREAS, clubs will be recognized for outstanding achievement in areas of Art, Conservation, Education, Health, Home Life, International Affairs, Public Affairs, Native
American Affairs and Veterans Affairs. Awards will also be presented for achievement in membership, leadership and public relations; and

WHEREAS, special emphasis will be placed on GFWC Illinois Presidents’ project - Prevent Child Abuse – “Our Promise A Safe Place for Every Child” and GFWC Illinois Junior Director's projects “Light the Way for the Children” the Children's Research Foundation and Organ Donor Awareness;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim the week of May 13, 2002, as GFWC ILLINOIS FEDERATION OF WOMEN’S CLUBS WEEK in Illinois.

Issued by the Governor May 08, 2002.
Filed by the Secretary of State May 09, 2002.

2002-223
FRANK WSOL DAY

WHEREAS, Frank Wsol has served on the Board of Directors of the Little City Foundation since 1989; and

WHEREAS, Frank Wsol has provided leadership both to the Little City Foundation, its board of directors, its staff and the clients they serve; and

WHEREAS, Frank Wsol, during this service, has been instrumental in the fund-raising efforts of the Little City Foundation, helping to make possible its continued service to children and adults with developmental challenges such as mental retardation, cerebral palsy, autism, Down Syndrome, epilepsy, visual and hearing challenges and emotional disturbance; and

WHEREAS, Frank Wsol has worked to foster the continuation of such service as the provision of housing, employment, recreation, foster care, adoption, home-based support, service coordination, media and studio arts, advocacy and public education; and

WHEREAS, Frank Wsol has been a leader in his community and in his field of endeavor, becoming a member of the International Brotherhood of Teamsters, Local #761 in 1946 following his discharge from the Armed Forces of the United States, transferring later to Local #710, which he served as an officer of the Local for more than 30 years; and

WHEREAS, Frank Wsol has shown his deeper concern for the well-being of others as a trustee and later chairman of the Local #710 Health, Welfare and Pension funds; and

WHEREAS, Frank Wsol also has been a member of All-Teamster Neer-Goudie American Legion Post #846; and

WHEREAS, Frank Wsol has served with distinction on the board of directors of the Children's Advocacy Center; and

WHEREAS, Frank Wsol has been selected as Board Member of the Year by the Little City Foundation and will be feted at a gala dinner in his honor at the Hilton Chicago & Towers Hotel on Wednesday, May 22, 2002;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 22, 2002, as FRANK WSOL DAY in Illinois.
WHEREAS, Dr. James H. Clark received his Bachelor's degree from Manchester College, a Master's degree from Purdue University, and his Educational Doctorate from the University of Illinois; and

WHEREAS, Dr. Clark began his illustrious career in education in 1965 in Marion, Indiana, as a teacher of speech, drama and English at Marion Community High School; and

WHEREAS, over the years, Dr. Clark has risen within the ranks of secondary education, serving as Department Chair and Assistant Principal at Thornton Township High School in Harvey, Illinois; a Principal at Lockport Township High School in Lockport; Assistant Superintendent and finally becoming Superintendent of the Joliet Township High School on July 1, 1996; and

WHEREAS, throughout his years of service, Dr. Clark has unfailingly exemplified the importance of hard work and perseverance to his many students; and

WHEREAS, as Dr. Clark leaves secondary education after 37 years for a much-deserved retirement, his dedication and love for the teaching profession will greatly be missed;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 13, 2002, as DR. JAMES H. CLARK DAY in Illinois.

Issued by the Governor May 08, 2002.
Filed by the Secretary of State May 09, 2002.

2002-225
CYTOTECHNOLOGY DAY

WHEREAS, cytotechnologists are specialists in the field of medical technology whose primary responsibility is to examine cells to detect a variety of diseases, including cancer and pre-cancerous changes; and

WHEREAS, these skilled professionals are called upon daily to examine various medical specimens and advise physicians, who in turn use this vital information to chart the course of treatment for their patients; and

WHEREAS, through the diagnostic skill of cytotechnologists, it is possible to detect cancer in the early stages of development; greatly contributing to the chances of survival, eliminating uterine cancer as the number one cause of death in women; and

WHEREAS, there are a few hundred cytotechnologists in the State of Illinois, and only about 9,000 nationwide; and

WHEREAS, the Illinois Society of Cytology will join the American Society of Cytotechnology in observing National Cytotechnology Day on May 13, 2002;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 13, 2002, as CYTOTECHNOLOGY DAY in Illinois.
Issued by the Governor May 08, 2002.
Filed by the Secretary of State May 09, 2002.

2002-226
WOMEN’S HEALTH WEEK

WHEREAS, Women's Health Week celebrates the extraordinary progress in women's health and recognizes that more needs to be done to safeguard the health of women for generations to come; and
WHEREAS, women from all walks of life and at every stage of life have unique health needs that should be addressed in their own right; and
WHEREAS, keeping women healthy and safe and promoting awareness of women's health issues depends on partnerships with social, health, and other services; and
WHEREAS, women can promote health and prevent disease and illness by taking simple steps to improve their physical, mental, social and spiritual health; and
WHEREAS, women's health remains a priority for families, communities and government, and our commitment to keeping women healthy is stronger than ever;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 12-18, 2002, as WOMEN’S HEALTH WEEK in Illinois.
Issued by the Governor May 08, 2002.
Filed by the Secretary of State May 09, 2002.

2002-227
PEPSICO DAY

WHEREAS, The Quaker Oats Company and its affiliates have been located in Chicago since 1879; and
WHEREAS, Quaker Foods and Beverages has become a division of PepsiCo, Inc., making it the fourth largest food and beverage company in the world; and
WHEREAS, PepsiCo, through its Frito-Lay, Tropicana and six independent Pepsi-Cola bottlers already employs 5,100 Illinoisans; and
WHEREAS, Quaker Foods and Beverages and Gatorade divisions will maintain significant headquarters, manufacturing and research facilities in the State of Illinois, employing an additional 2,100 Illinoisans; and
WHEREAS, the new PepsiCo/Quaker combination purchases tens of millions of dollars of supplies from other Illinois businesses, including significant purchases from Illinois farmers; and
WHEREAS, Illinois consumers enjoy PepsiCo's many fine quality bands including Pepsi-Cola, Mountain Dew, Quaker Oats, Gatorade, Rice-a Roni, Fritos, Cheetos, Doritos and Lay's Potato Chips and Tropicana juices, many of which are manufactured in Illinois;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 13, 2002, as PEPSICO DAY in Illinois.
Issued by the Governor May 08, 2002.
Filed by the Secretary of State May 09, 2002.

2002-228
NURSING HOME WEEK

WHEREAS, the residents of long-term care facilities have led exceptional and extraordinary lives which have made this state great; and
WHEREAS, the long-term care facilities in Illinois are dedicated to providing the finest in health care and rehabilitation for our convalescent, aged and chronically ill citizens; and
WHEREAS, this dedication has been demonstrated through continual striving to upgrade standards of care and improve service; and
WHEREAS, long-term care facility staff in Illinois assist residents to "Celebrate Seasons of Life";
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 12-18, 2002, as NURSING HOME WEEK in Illinois.
Issued by the Governor May 08, 2002.
Filed by the Secretary of State May 09, 2002.

2002-229
MULTIPLE CHEMICAL SENSITIVITY AWARENESS WEEK

WHEREAS, Multiple Chemical Sensitivity (MCS) is a condition caused by exposure to toxic chemicals in our air, water and food; and
WHEREAS, MCS is a condition that can affect people of all ages and backgrounds; and
WHEREAS, the health of the general population may be at risk from chemical exposures that may be minimized by reducing or avoiding chemical use in our environment when possible;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 12-18, 2002, as MULTIPLE CHEMICAL SENSITIVITY AWARENESS WEEK in Illinois.
Issued by the Governor May 08, 2002.
Filed by the Secretary of State May 09, 2002.

2002-230
REVEREND PANDURANG SHASTRI ATHAVALE DAY

WHEREAS, the Honorable Reverend Panduring Shastri Athavale was the 1997 Templeton Award Winner for Progress in Religion; and
WHEREAS, having founded a school combining India's sacred knowledge with Western learning, he began meeting regularly with a group of earnest young truth seekers-entrepreneurs, doctors, engineers and lawyers. He led them to cultivate self-awareness (Swadhyaya) and to devote a portion of their free time to acts of devotion and gratitude to God; and
WHEREAS, his followers have taken up the call since 1958 and ventured into rural villages to propagate Swadhyaya and to advance their teacher's belief that barriers of caste, gender and religion must be transcended in order to recognize the true equality of all people; and
WHEREAS, today, Athavale, or Dada (elder brother) as he is popularly known, guides a huge spiritual movement that courses through thousands of villages and touches millions of urban and rural Indians; and
WHEREAS, the attendees of the celebration will celebrate the presence of God in our lives and thank Him for His gifts;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 11, 2002, as REVERAND PANDURANG SHASTRI ATHAVALE DAY in Illinois.
Issued by the Governor May 08, 2002.
Filed by the Secretary of State May 09, 2002.

2002-231
TAIWANESE AMERICAN HERITAGE WEEK

WHEREAS, there are more than 500,000 Taiwanese Americans in the United States today; and
WHEREAS, more than 40 percent of Taiwanese Americans in this country are college graduates; and
WHEREAS, eight percent of Taiwanese Americans have doctoral degrees; and
WHEREAS, 71 percent of Taiwanese Americans own homes; and
WHEREAS, 48 percent of Taiwanese Americans are professionals or hold managerial positions; and
WHEREAS, Taiwanese Americans have made significant contributions to the diversity and prosperity of Illinois;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 11-18, 2002, as TAIWANESE AMERICAN HERITAGE WEEK in Illinois.
Issued by the Governor May 08, 2002.
Filed by the Secretary of State May 09, 2002.

2002-232
TOURISM WEEK

WHEREAS, travel and tourism is one of America's largest service exports providing a trade surplus of $7 billion last year and it is one of the nation's largest employers with a total of 18 million jobs, that is one in every seven people; and
WHEREAS, including the $90 billion spent in the U.S. by international visitors,
travel and tourism generated $545 billion last year, providing $94.4 billion in tax revenue to local, state and federal governments; and

WHEREAS, the travel and tourism industry supports the vital interests of Illinois, contributing to our employment, economic prosperity, international trade and relations, peace, understanding, goodwill, and over-all quality of life; and

WHEREAS, travel and tourism ranks as one of Illinois largest industries in terms of revenues generated; and

WHEREAS, 80.1 million travelers visited Illinois contributing $23.7 billion to the economy in our state; and

WHEREAS, travel and tourism provided employment for 669,100 people in Illinois, generating a payroll of $14.7 billion; and

WHEREAS, as people throughout the world become more aware of the outstanding cultural and recreational resources available in Illinois and the United States, travel and tourism will become an increasingly important aspect in the lives of our citizens; and

WHEREAS, given these laudable contributions to the economic, social, and cultural well being of the citizens of Illinois, it is fitting that we recognize the importance of travel and tourism;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 4-12, 2002, as TOURISM WEEK in Illinois.

Issued by the Governor May 07, 2002.
Filed by the Secretary of State May 09, 2002.

2002-233
CHILDREN’S MENTAL HEALTH MONTH

WHEREAS, the Surgeon General's published report on mental illness states that mental illness is a “critical public health problem that must be addressed by the nation”; and

WHEREAS, the Surgeon General also points out that mental health issues affect children differently than adults; and

WHEREAS, 21 percent of five-year-old children suffer from mental health disorders at a minimum level of impairment, 11 percent at the moderate to significant level of impairment and five percent at the extreme level of impairment; and

WHEREAS, these statistics apply to children who have been diagnosed with mental health illness, but many more go undiagnosed; and

WHEREAS, the Illinois Federation of Families is greatly concerned about the future of our youth and the necessity to inform the public about children's mental health issues;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 2002 as CHILDREN’S MENTAL HEALTH MONTH in Illinois.

Issued by the Governor May 07, 2002.
Filed by the Secretary of State May 09, 2002.
2002-234

TURN BEAUTY INSIDE OUT DAY

WHEREAS, it is more important to be internally beautiful than physically attractive; and
WHEREAS, the body’s physical composition is not within our control, but one can always become more beautiful within; and
WHEREAS, by emphasizing to our children the insignificant role that physical beauty plays, we can help them to have greater self esteem and self worth; and
WHEREAS, it is important that we set an example to the youth of Illinois by placing priority on becoming a more worthwhile, substantive and internally beautiful human being than becoming more attractive physically;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 15, 2002, as TURN BEAUTY INSIDE OUT DAY in Illinois.

Issued by the Governor May 07, 2002.
Filed by the Secretary of State May 13, 2002.

2002-235

UNITED COMMUNITY LABOR FORCE DAY

WHEREAS, for the past 35 years the Coalition for United Community Labor Force, under the direction of Rev. John C. Hatchett, has been a strong grassroots leader in the pursuit of economic parity for Chicago’s minority residents; and
WHEREAS, over the years, the Coalition has worked with numerous organizations, leading corporations and government agencies to obtain meaningful jobs, legitimate construction contracts, adequate housing and quality education for Chicago’s African American residents; and
WHEREAS, in the process the Coalition has been privileged to form effective and lasting relationships with many who share its mission; and
WHEREAS, on Thursday, May 9, 2002, the Coalition for United Community Labor Force will hold its 14th Annual Grassroots Awards Reception, honoring Illinois State Senator Emil Jones, Anderline Jones Cowan of Turner Construction, Tribco/Riteway JV, and Pepper Construction;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 9, 2002, as UNITED COMMUNITY LABOR FORCE DAY in Illinois.

Issued by the Governor May 07, 2002.
Filed by the Secretary of State May 09, 2002.

2002-236

INTERGENERATIONAL WEEK

WHEREAS, the Illinois Department on Aging is a strong proponent of intergenerational programs and encourages Illinoisans of all ages to participate in a
WHEREAS, generations of all ages learn from one another and benefit by sharing life experiences; and
WHEREAS, students who have older mentors gain self-respect, show sensitivity to others, and improve their academic performance; and
WHEREAS, children should be exposed to the wisdom and talent of seniors to whom they look upon as role models; and
WHEREAS, intergenerational programs provide role models for young people and improve communication between generations; and
WHEREAS, children benefit from interaction with older adults to have a realistic perception of the aging process; and
WHEREAS, intergenerational programs address crucial social challenges for both seniors and children; and
WHEREAS, Intergenerational Week is celebrated throughout the United States the third week of May 2002;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 19-25, 2002, as INTERGENERATIONAL WEEK in Illinois.
Issued by the Governor May 07, 2002.
Filed by the Secretary of State May 09, 2002.

2002-237
MASHDOTS COLLEGE DAY

WHEREAS, Mashdots College, an independent, non-sectarian institution of higher education, was founded 10 years ago in Glendale, California; and
WHEREAS, Mashdots College is the only institution of higher education in the United States offering a Bachelor of Arts program in Armenian Studies and Bilingual Teacher Education; and
WHEREAS, through its academic and co-curricular programs, the College provides rich educational opportunities that relate to both the academic and personal development of its students; and
WHEREAS, among the aims of the College is the commitment to propagate the rich Armenian heritage through the preparation of school teachers and as leaders for community organizations;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim June 16, 2002, as MASHDOTS COLLEGE DAY in Illinois.
Issued by the Governor May 03, 2002.
Filed by the Secretary of State May 09, 2002.

2002-238
JOHN W. ROWE DAY

WHEREAS, John W. Rowe has served as President and CEO of Exelon
Corporation since its formation in October 2000; and

WHEREAS, prior to this position, Mr. Rowe served as Chairman, President and CEO of Unicom Corporation and Commonwealth Edison; and

WHEREAS, from 1989-1998, Mr. Rowe was President and CEO of New England Electric System, and from 1984-1989 he served as President and CEO of Central Maine Power Company; and

WHEREAS, a native of Wisconsin, Mr. Rowe is a graduate of the University of Wisconsin and the University of Wisconsin Law School; and

WHEREAS, Mr. Rowe has been a valuable member of the Chicago community, and his consistent dedication to his work has benefited the citizens of the Chicago immensely; and

WHEREAS, it is a great pleasure to congratulate Mr. Rowe as he is honored by the City Club of Chicago as the 2002 Citizen of the Year;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 8, 2002, as JOHN W. ROWE DAY in Illinois.

Issued by the Governor May 03, 2002.
Filed by the Secretary of State May 09, 2002.

2002-239
KATIE UNDERWOOD DAY

WHEREAS, Kathryn Lenore Underwood, aka "Katie", is a product of Illinois having successfully graduated from Wheaton North High School in 1996, North Central College in 2000 and the University of Illinois at Springfield in 2001; and

WHEREAS, after serving in state government for nearly one faithful and dedicated year, she is moving on to bigger and better things as a big time editor for the Illinois Bar Association; and

WHEREAS, Katie had the privilege to work in the press office for Gov. George H. Ryan, an achievement that most people will never accomplish; and

WHEREAS, Katie moved from a lowly Public Affairs Reporting intern in the State Capitol Pressroom to her current position as Associate Press Secretary; and

WHEREAS, Katie's duties have included writing heart-wrenching, tear-jerking speeches, producing earth-shattering press releases, talking to (and occasionally avoiding) high-strung reporters who are “on a deadline,” writing proclamations for all sorts of events and individuals, and running to and from the Governor's press office to the State Capitol Pressroom at the blink of an eye; and

WHEREAS, the Governor's Press Office will never be quite the same without Katie there to make the big decisions such as whether the schedule will be “Activities to be Determined”, or “Springfield/Chicago Office Time”; and

WHEREAS, Katie's co-workers hope that the Illinois State Bar Association will be a little less stressful for Katie; and

WHEREAS, the bottom line is that Katie has been an important member of the Ryan press office, always willing to go the extra mile to accommodate staff and co-
workers. Everyone is sorry to see her go, but we wish her continued success and the best of luck;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 3, 2002, as KATIE UNDERWOOD DAY in Illinois.

Issued by the Governor May 02, 2002.

Filed by the Secretary of State May 09, 2002.

2002-240

STUDENT TECHNOLOGY DAY

WHEREAS, technology plays an ever increasingly important role in the lives of students, providing them a key to better learning, working smarter, and improving their lives; and

WHEREAS, incorporating new technologies into a child's learning is crucial to creating a rich and challenging educational environment; and

WHEREAS, there is still a need to provide ongoing programs that enable teachers to stay ahead of the learning curve as well as empower students to learn in new ways and solve problems through technology; and

WHEREAS, the TECH 2002/AT&T Students for the Information Age program demonstration gives students the opportunity to demonstrate their to state legislators the exceptional ways in which technology is improving the process of learning; and

WHEREAS, several hundred students and teachers from nearly 140 schools statewide will come to the State Capitol on May 7, 2002, to increase public awareness of the role technology plays in preparing students for the workplace of the future;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 7, 2002, as STUDENT TECHNOLOGY DAY in Illinois.

Issued by the Governor May 02, 2002.

Filed by the Secretary of State May 09, 2002.

2002-241

GIRL SCOUT DAY

WHEREAS, 2002 marks the 90th anniversary of Girl Scouts of the USA, founded by Juliette Gordon Low in 1912 in Savannah, Georgia; and

WHEREAS, throughout its long and distinguished history, Girl Scouts' the preeminent organization for girls' has inspired millions of girls with the highest ideals of character, conduct and patriotism; and

WHEREAS, Girl Scouting will lead businesses and communities to teach girls the skills needed to take active roles in math, science and technology careers and to fulfill our country's economic needs; and

WHEREAS, through Girl Scouting, every girl everywhere grows strong, gains self-confidence and skills for success, and learns her duty to the world around her; and
WHEREAS, through participation in Girls’ Voices, a national community service project, every girl will learn to use her own voice to address an issue of concern to her and perhaps make a change for the better in her community; and
WHEREAS, some 50 million women have enjoyed the benefits of the Girl Scouts program as an American tradition for 90 years;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 8, 2002, as GIRL SCOUT DAY in Illinois.
Issued by the Governor May 02, 2002.
Filed by the Secretary of State May 09, 2002.

2002-242
SARAH BUSH LINCOLN HEALTH CENTER DAY

WHEREAS, the Sarah Bush Lincoln Health Center opened its doors on Mother's Day 1977 as a facility committed to medical excellence for the people of East Central Illinois; and
WHEREAS, Sarah Bush Lincoln was President Abraham Lincoln's stepmother. She and President Lincoln's father, Thomas, made their home in southern Coles County from the early 1830s until their deaths; and
WHEREAS, the Health Center is a testimonial to the concern and cooperation of the individuals and communities who helped raise funds for its construction; and
WHEREAS, the Sarah Bush Lincoln Health Center has grown into a comprehensive and modern health care organization serving more than 55,000 patients each year; and
WHEREAS, the mission of Sarah Bush Lincoln Health Center is to provide medical care and improve the health status of people in East Central Illinois; and
WHEREAS, on May 10, 2002, the Sarah Bush Lincoln Health Center will be celebrating its 25th anniversary of service to the residents of East Central Illinois;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 10, 2002, as SARAH BUSH LINCOLN HEALTH CENTER DAY in Illinois.
Issued by the Governor May 02, 2002.
Filed by the Secretary of State May 09, 2002.

2002-243
PROVIDER APPRECIATION DAY

WHEREAS, the State of Illinois and organizations nationwide recognize Child Care Providers on the Friday before Mother's Day; and
WHEREAS, of the 21 million children under age 6 in America, 13 million are in child care at least part time and an additional 24 million school-age children are in some form of child care outside of school time; and
WHEREAS, by calling attention to the importance of high-quality child care services for all children and families in our state, these groups hope to improve the
WHEREAS, the future of our state depends on the quality of the early childhood experiences provided to young children today; and
WHEREAS, high-quality early childhood services such as child care represent a worthy commitment to our children's future; and
WHEREAS, it takes special people to work in this field, and their contributions to the quality of family life frequently go unnoticed;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 10, 2002, as PROVIDER APPRECIATION DAY in Illinois.

Issued by the Governor May 02, 2002.
Filed by the Secretary of State May 09, 2002.

2002-244
CORNELIA DE LANGE SYNDROME AWARENESS DAY

WHEREAS, the good health and general well-being of the people of Illinois is strengthened by our knowledge and understanding of a rare birth defect known as Cornelia de Lange Syndrome (CdLS); and
WHEREAS, Cornelia de Lange Syndrome can result in low birth weight, a slow rate of mental and physical development, and other physical complications; and
WHEREAS, although a cause has not yet been discovered, dedicated medical professionals are presently involved in valuable research and education activities to explore new possibilities and to offer hope; and
WHEREAS, the Cornelia de Lange Syndrome Foundation, Inc., is a non-profit family support organization founded by concerned parents of children with CdLS, and is a leading advocate of increased public awareness about the syndrome; and
WHEREAS, the mission of the Cornelia de Lange Syndrome Foundation includes promoting research, ensuring early and accurate diagnosis, and helping people with a diagnosis of CdLS, and others with similar characteristics, to make informed decisions throughout their lifetime; and
WHEREAS, Illinois is pleased to join people throughout our state and around the world in promoting a special celebration, which seeks to raise awareness of Cornelia de Lange Syndrome, designed to have a positive and productive impact on the lives and experiences of people with CdLS and their caregivers;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 11, 2002, as CORNELIA DE LANGE SYNDROME AWARENESS DAY in Illinois.

Issued by the Governor May 02, 2002.
Filed by the Secretary of State May 09, 2002.

2002-245
NORWEGIAN CONSTITUTION DAY

WHEREAS, Norway has the longest standing democratic constitution in Europe,
and it has defended and maintained democracy over this long period; and

WHEREAS, Norwegian Americans have played a significant role in the progress of Illinois and have proudly shared their culture, heritage and talents with our state; and

WHEREAS, to commemorate the 188th Anniversary of the signing of the Norwegian Constitution, May 17, 1814, or “Syttende Mai,” several celebrations are being planned; and

WHEREAS, the Norwegian National League of Chicagoland, founded in 1899, sponsors the annual Norwegian Parade in Park Ridge, which will be held May 19, 2002, and the theme is "Keeping Culture Alive;" and

WHEREAS, on May 19, 2002 the pre parade festivities in Hodges Park will include crafts, refreshment and entertainment by Forgat-Mig-Ej and special entertainment by Stanghelle/Rybak-Music Group from Norway; and

WHEREAS, many organizations will march in the parade, including Sons of Norway’s Lodges, Men’s and Women’s Choruses, a Norwegian nursing home, and the Norwegian Elkhounds; and

WHEREAS, Ray Nielsen, who will be honored for many years of dedication and commitment to the Norwegian American community, will preside over the 2002 Norwegian Parade as Grand Marshal and the Honorary Grand Marshal is Lodve Solholm, member of the Norwegian Parliament; and

WHEREAS, the annual banquet of the Norwegian National League of Chicagoland will be held May 18, 2002, at the Watercress Restaurant in Palatine where the Illinois Norsk Rosemalers will be honored; and

WHEREAS, the Norwegian American Chamber of Commerce will sponsor a luncheon and the keynote speaker will be Lodve Solholm, member of the Norwegian Parliament; and

WHEREAS, honoring the Norwegian Constitution Day there will be a service at the Norwegian Lutheran Memorial Church on May 17, 2002, and also a Polse Festival on May 19, 2002;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 17, 2002, as NORWEGIAN CONSTITUTION DAY in Illinois.

Issued by the Governor May 02, 2002
Filed by the Secretary of State May 09,2002.

2002-246

CLAUDE J. KRACIK DAY

WHEREAS, Claude J. Kracik has served as a member of the faculty of Lincoln Land Community College since 1969; and

WHEREAS, Claude has played an integral and much-appreciated role in the development of the LLCC Physical Education Department and Program; and

WHEREAS, during his years of service, Claude accomplished the establishment and development of the LLCC Men's Baseball Program; and
WHEREAS, Claude's unparalleled dedication and commitment to coaching helped lead the baseball team to two NJCAA national championships and many regional and divisional championships; and
WHEREAS, Claude has continuously approached his duties with dedication, humor and professionalism, qualities that will be richly missed by his co-workers and the students he influenced;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 4, 2002, as CLAUDE J. KRACIK DAY in Illinois.
Issued by the Governor May 02, 2002.
Filed by the Secretary of State May 09, 2002.

2002-247
DISASTER AREA - STATE OF ILLINOIS

A severe weather system producing thunderstorms and damaging winds moved across south central Illinois May 9, 2002, which resulted in 2 fatalities and as many as 10 injuries. This weather system also caused extensive damage to homes and mobile homes in the community of Centralia in Marion County. Power outages and damage to power lines and trees also occurred in the area.

In the interest of responding to the threat imposed to public health and safety as a result of the severe weather system, I hereby declare that a disaster exists within the State of Illinois, and specifically identify Marion County as a disaster area, pursuant to the provisions of Section 3305/7 of the Illinois Emergency Management Agency Act, 20 ILCS 3305/7.

This gubernatorial declaration of disaster will aid the Illinois Emergency Management Agency in coordinating the state's efforts to assist local governments in disaster response and recovery operations, and to assist volunteer resources in providing reasonable and necessary emergency measures for disaster response. This declaration will also provide for the assessment of damages and the determination of a need to request supplemental Federal assistance.

Issued by the Governor May 09, 2002.
Filed by the Secretary of State May 09, 2002.

2002-248
SHARED HOUSING WEEK

WHEREAS, shared housing programs offer a housing alternative that enables older adults, people with disabilities, and other special populations to remain in their communities; and
WHEREAS, shared housing is an affordable housing option available to senior citizens who wish to either stay in their homes or live with other seniors; and
WHEREAS, such an option is also available to people of all ages in transitional periods, such as divorce, loss of a spouse, educational pursuits, or job relocation; and
WHEREAS, shared housing offers opportunities for persons from diverse cultural backgrounds to forge new cross-cultural ties; and
WHEREAS, shared housing makes efficient use of existing housing stock in areas with insufficient affordable housing resources; and
WHEREAS, shared housing is available to Illinois residents through a wide range of reputable not-for-profit agencies; and
WHEREAS, both group shared residences and match-up homesharing programs offer a degree of security through careful screening of applicants to ensure a comfortable group living arrangement or a compatible match for both the home provider and the homeseeker; and
WHEREAS, shared housing offers homesharers in both group shared residences and match-up homesharing, benefits of companionship and the sharing of responsibilities, which promote independence and self-determination;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 19-26, 2002, as SHARED HOUSING WEEK in Illinois.
Issued by the Governor May 09, 2002.
Filed by the Secretary of State May 13, 2002.

2002-249
CHILDREN’S DAY

WHEREAS, each child is a part of the human family which guarantees them a sense of dignity and worth; and
WHEREAS, each child should be guaranteed equal attention and respect as a unique individual; and
WHEREAS, each child should feel secure in his/her natural innocence with the promise of protection by trusted adults; and
WHEREAS, each child should be given the promise of the continued search for peace by all concerned citizens; and
WHEREAS, each child should be given the opportunity to live in the precious present, draw knowledge from the past and hope for the future; and
WHEREAS, we understand that children are our hope for the future;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim June 1, 2002, as CHILDREN’S DAY in Illinois.
Issued by the Governor May 09, 2002.
Filed by the Secretary of State May 13, 2002.

2002-250
SAVE A LIFE WEEK

WHEREAS, the Save A Life Foundation is dedicated to promoting and providing basic life supporting emergency first aid/CPR training to reduce deaths and disabling injuries; and
WHEREAS, Save A Life Foundation's mission is to heighten public awareness and train individuals in Basic Life Saving techniques for emergency situations; and
WHEREAS, the administration of Basic Life Saving techniques, including Cardiopulmonary-Resuscitation (CPR) and Automatic External Defibrillation (AED) helps to maintain life until professionals arrive, thus significantly reducing deaths and disabling injuries; and
WHEREAS, Save A Life Foundation, in conjunction with Fire/Police/Emergency Medical Services Professionals, institutes the training of Basic Life Saving First Aid techniques to school age children and adults;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 19-25, 2002, as SAVE A LIFE WEEK in Illinois.
Issued by the Governor May 09, 2002.
Filed by the Secretary of State May 13, 2002.

2002-251
CERTIFICATION WEEK

WHEREAS, consumers, businesses, and the economy all benefit when practitioners delivering services strive to improve their performance; and
WHEREAS, one widely recognized way for practitioners to improve their performance is through voluntary study, with verification through monitored testing; and
WHEREAS, placement and staffing professionals, who link workers with jobs, have been eligible for this recognition for the past 40 years through the Certified Personnel Consultant program operated by the National Association of Personnel Services (NAPS), which established a similar program for temporary services contractors 10 years ago; and
WHEREAS, placement professionals and temporary services contractors who have been studying to become designated Certified Personnel Consultants (CPC) or Certified Temporary Staffing Specialists (CTS) will be recognized for these awards during the week of May 19-25, 2002; and
WHEREAS, the study and effort toward greater professional growth exemplified by these applicants and the certification process is deserving of encouragement;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 19-25, 2002, as CERTIFICATION WEEK in Illinois.
Issued by the Governor May 09, 2002.
Filed by the Secretary of State May 13, 2002.

2002-252
PUBLIC WORKS WEEK

WHEREAS, public works infrastructure, facilities and services are of vital importance to the health, safety and well-being of the people of Illinois; and
WHEREAS, such facilities and services could not be provided without the
dedicated efforts of public works professionals, engineers and administrators, representing state and local units of government, who are responsible for and must design, build, operate and maintain the transportation, water supply, sewage and refuse disposal systems, public buildings, and other structures and facilities essential to serving our citizens; and

WHEREAS, it is in the public interest for the citizens and civic leaders of this country to gain knowledge of and to maintain a progressive interest in the public works needs and programs of their respective communities;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 19-25, 2002, as PUBLIC WORKS WEEK in Illinois.

Issued by the Governor May 09, 2002.
Filed by the Secretary of State May 13, 2002.

2002-253
PROBATION AND COURT SERVICES OFFICER DAY

WHEREAS, the safety of Illinois citizens and the rights of crime victims require a competent and thorough administration of the criminal justice system; and

WHEREAS, Illinois law requires that all counties must provide full-time probation and court services to provide a wide range of sentencing options and a continuum of sanctions to protect and safeguard every Illinois community; and

WHEREAS, the continuum of sanctions provided by Illinois probation and courts services departments include: pretrial investigations and supervision, intensive supervision, juvenile intake screening, home confinement, detention, electronic monitoring, community service, teen courts, drug monitoring, drug courts, community corrections, pre-sentencing investigations and victim services, such as dispute resolution and collection of restitution, among many other services; and

WHEREAS, probation and court service professionals work in collaboration with police, prosecutors, the circuit court and community organizations to provide supervision, programs and services to both juvenile and adult offenders; and

WHEREAS, more than 100,000 juvenile and adult offenders are currently sentenced to a continuum of sanctions, receive active probation supervision or are participating in court-ordered programs; and

WHEREAS, approximately 3,000 dedicated probation, detention and court services officers supervise the vast majority of Illinois’ juvenile and adult offenders; and

WHEREAS, these probation, detention and court services officers work in a professional and diligent manner and continuously seek avenues to improve the administration of criminal justice in Illinois;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 18, 2002, as PROBATION AND COURT SERVICES OFFICER DAY in Illinois.

Issued by the Governor May 09, 2002.
Filed by the Secretary of State May 13, 2002.
2002-254
TYSON ROAN DAY

WHEREAS, Tyson Roan, after serving in state government for nearly five faithful and dedicated months, is moving on to bigger and better things as a student at the University of Illinois-Springfield; and

WHEREAS, Tyson had the privilege to work in the press office for Gov. George H. Ryan, an achievement that most people will never accomplish; and

WHEREAS, Tyson is moving from a lowly Illinois Governmental intern to become a student of higher learning; and

WHEREAS, Tyson's duties included writing proclamations and taking telephone messages from high-strung reporters who are “on a deadline,” and running to the State Capitol Pressroom to post the Governor's schedule; and

WHEREAS, the bottom line is that Tyson has been an important member of the Ryan press office, always willing to go the extra mile to accommodate staff and co-workers. Everyone is sorry to see him go, but we wish him continued success and the best of luck;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 9, 2002, as TYSON ROAN DAY in Illinois.

Issued by the Governor May 09, 2002.
Filed by the Secretary of State May 13, 2002.

2002-255
NURSING HOME RESIDENTS DAY

WHEREAS, Illinois nursing home residents have made invaluable contributions by imparting wisdom, tradition and cultural history, and by enriching the lives of families and citizens throughout our great state; and

WHEREAS, it is fitting that we honor nursing home residents, who have worked in Illinois’ schools, industries, businesses, and professions to improve the quality of life for all our citizens; and

WHEREAS, more than 100,000 persons reside in Illinois long-term care facilities; and

WHEREAS, nearly two million older persons reside in Illinois, according to the 1990 census. The number of elderly in Illinois now ranks sixth among the states, behind California, New York, Texas, Florida and Pennsylvania; and

WHEREAS, Nursing Home Residents Day is a wonderful opportunity to celebrate and recognize the tremendous contributions that nursing home residents have made to the growth, prosperity and cultural richness in Illinois;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 16, 2002, as NURSING HOME RESIDENTS DAY in Illinois.

Issued by the Governor May 09, 2002.
Filed by the Secretary of State May 13, 2002.
2002-256
ORDER SONS OF ITALY/ALZHEIMER’S ASSOCIATION
“PARTNERS IN PROGRESS” DAY

WHEREAS, the Order Sons of Italy in America is the largest organization of Americans of Italian descent; and
WHEREAS, in addition to preserving and sharing the rich cultural heritage of Italy with all Americans, the Order Sons of Italy in America promotes the image of Italian Americans within the frame-work of American society through their involvement in community, charitable, educational, cultural, social, youth and civic activities; and
WHEREAS, the National Council of the Order Sons of Italy in America approved the adoption of Alzheimer’s Disease as one of its primary charities, and plans to support this cause by implementing a fund raising “coin drop” campaign throughout the state and local chapters across the nation; and
WHEREAS, the date chosen for this event in Illinois is Saturday, May 18, 2002; and
WHEREAS, at that time, Members of the Order and other volunteers will be collecting donations to help the 2.5 million people affected by this debilitating disease;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 18, 2002, as ORDER SONS OF ITALY/ALZHEIMER’S ASSOCIATION “PARTNERS IN PROGRESS” DAY in Illinois.
Issued by the Governor May 09, 2002.
Filed by the Secretary of State May 13, 2002.

2002-257
ETHNIC HERITAGE MUSEUM OF ROCKFORD DAY

WHEREAS, the Ethnic Heritage Museum of Rockford will hold its 12th Annual International Music Festival on June 2, 2002, honoring ethnic fathers and celebrating the ethnic and cultural diversity of Rockford; and
WHEREAS, the Ethnic Heritage Museum has permanent cultural exhibits and cultural programs representing the African American, Irish, Italian, Lithuanian, Polish and Hispanic communities; and
WHEREAS, the Annual International Music Festival will include a cultural program, awards ceremony, dinner and museum tours with costumed docents; and
WHEREAS, the Ethnic Heritage Museum of Rockford brings governmental, political, religious leaders and families together, thereby strengthening the relationships in the community; and
WHEREAS, Shirley Martignoni Fedeli, President and Menroy Mills, Curator of the Ethnic Heritage Museum of Rockford, announced the event celebrates the newly named Cultural Corridor to preserve the early Rockford beginnings;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim June 2, 2002, as ETHNIC HERITAGE MUSEUM OF ROCKFORD DAY in Illinois.
The continuing effects of severe storms in the months of April and May, 2002 have caused hardships and threatened public health and safety throughout the State of Illinois. Excessive rains falling on saturated watersheds in all regions of the state have resulted in flooding of homes, businesses, local roads, bridges, and other critical infrastructure. The threat of rainfall within the next week may result in additional flooding throughout the state.

In the Interest of responding to and recovering from the impact of this series of severe storms and the resulting flooding and flash flooding, I hereby declare that a disaster exists in the State of Illinois, pursuant to the provisions of Section 3305/7 of the Illinois Emergency management Act, 20 ILCS 3305/7.

This gubernatorial declaration of disaster authorizes the Illinois Emergency Management Agency to coordinate and provide state agency resources to assist local governments impacted by the recent series of severe storms throughout the state. This declaration will also provide for the assessment of damages and the determination of a need to request supplemental federal assistance.

Issued by the Governor May 15, 2002.
Filed by the Secretary of State May 15, 2002.

2002-259
ASSOCIATION OF MINISTERS’ WIVES AND MINISTERS’ WIDOWS DAY

WHEREAS, the International Association of Ministers’ Wives and Ministers’ Widows, Incorporated is a non-profit Christian organization founded on April 8, 1941, at the Second Baptist Church in Richmond, Virginia; and

WHEREAS, the organization's membership exceeds 43,000 people and 103 denominations in 41 states, the District of Columbia, and 18 nations on five continents; and

WHEREAS, the purposes of the organization are to unite into one Christian fellowship, develop relationships and a communication network, sponsor an annual conference that provides information and inspiration, and promote cultural exchange between ministers’ wives and widows; and

WHEREAS, the International AMWMW serves to cultivate international goodwill and implement the charitable purposes of the organization, including a $50,000 scholarship at the Interdenominational Theological Center in Atlanta, a $250,000 perpetual endowment fund, and a $50,000 endowed scholarship at Virginia Union University in Richmond; and
WHEREAS, the 20th annual central regional conference of “The International Association of Ministers’ Wives and Ministers’ Widows, Inc.” will be held May 17, 2002, in Downer's Grove, Illinois;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 17, 2002, as the ASSOCIATION OF MINISTERS’ WIVES AND MINISTERS’ WIDOWS DAY in Illinois.

Issued by the Governor May 10, 2002.
Filed by the Secretary of State May 20, 2002.

2002-260
ASTHMA MONTH

WHEREAS, asthma is a chronic disease with associated significant morbidity and mortality; and
WHEREAS, while asthma affects all segments of the population, statistics suggest the impact of this disease is felt disproportionately by young children; and
WHEREAS, the number of persons in Illinois affected by asthma has greatly increased during the past decade and continues to rise; and
WHEREAS, preventative health interventions and health education can effectively help to control asthma and to control its occurrence; and
WHEREAS, in an effort to coordinate with other initiatives, including Asthma and Allergy Awareness Day, and to increase general awareness of this disease;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 2002 as ASTHMA MONTH in Illinois.

Issued by the Governor May 10, 2002.
Filed by the Secretary of State May 20, 2002.

2002-261
WE REMEMBER, WE CARE FOR INDIGENT PERSONS DAY

WHEREAS, poverty, loneliness, and anonymity are ever present realities in our society; and
WHEREAS, many citizens, visitors, and strangers, at any given time, are victims of these tragic conditions that often lead to suffering, abandonment, and death; and
WHEREAS, various individuals, groups, and organizations (public, private, and religious) make heroic efforts to remember and care for these indigent, disabled, lonely, and unknown persons who live and die among us; and
WHEREAS, the unselfish acts of these caregivers and the contributions to our society of caregivers are not always known nor formally recognized; and
WHEREAS, citizens of the State of Illinois are encouraged to participate in various community awareness exhibits and seminars, to visit the sick, elderly, confined, orphaned and dying, attend interfaith memorial services, and visit and preserve the Potter's Field in their area; and
WHEREAS, the hope and noble desire of all is to share equally in the blessings of liberty, justice, and prosperity granted by Almighty God;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 22, 2002, as WE REMEMBER, WE CARE FOR INDIGENT PERSONS DAY in Illinois.

Issued by the Governor May 10, 2002.
Filed by the Secretary of State May 20, 2002.

2002-262
SHARON BLUNK DAY

WHEREAS, Sharon Blunk is a member of the Class of 1960 at Trinity High School in Bloomington, Illinois; and
WHEREAS, in 1965, Mrs. Blunk graduated from Illinois State University with a teaching degree; and WHEREAS, Mrs. Blunk resides in Danvers, Illinois, with David, her husband of 40 years; and WHEREAS, Mrs. Blunk was named "primary level" Teacher of the Year for McLean County by the Centrillio Council of the Girl Scouts in Bloomington, Illinois and
WHEREAS, dedicated and committed teachers are important to the academic and personal enrichment of the lives of our students; and
WHEREAS, Mrs. Blunk is retiring after 35 years teaching second grade at Fairview School in Normal, Illinois; and
WHEREAS, the state joins in saying thank you for a job well-done and recognizes your efforts, accomplishments and contributions to educating our children; and
WHEREAS, May 6-10, 2002, is Teacher Appreciation Week in the State of Illinois;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 19, 2002, as SHARON BLUNK DAY in Illinois.

Issued by the Governor May 10, 2002.
Filed by the Secretary of State May 20, 2002.

2002-263
DR. KEITH R. SANDERS DAY

WHEREAS, Dr. Keith R. Sanders will end his distinguished service as Executive Director of the Illinois Board of Higher Education on May 31, 2002; and
WHEREAS, Dr. Sanders has had a distinguished higher education career spanning four decades as a professor, dean, chancellor, and state higher education executive in Wisconsin and Illinois; and
WHEREAS, Dr. Sanders has had an extraordinarily dynamic and productive tenure as the Board's Executive Director; and
WHEREAS, Dr. Sanders’ strong leadership in the area of technology and the
development of the Illinois Century Network will increase access to higher education for students across Illinois; and

WHEREAS, the Executive Branch of State Government has been fortunate to have worked with a person of Keith's talent and good nature as the head of the Illinois Board of Higher Education these past four and one-half years; and

WHEREAS, under Keith's stewardship, Illinois higher education became the number one system of higher education in the nation; and

WHEREAS, Keith's knowledge, vision, and leadership in guiding the Board's initiatives these past years have produced an impressive roster of accomplishments; including The Illinois Commitment which has provided a set of guiding principles that made Illinois higher education more responsive to the needs of the Governor and the State of Illinois; and

WHEREAS, the people of the State of Illinois duly acknowledge deep gratitude, appreciation and thanks to Dr. Keith R. Sanders for his record of accomplishment and service, and congratulate Dr. Keith R. Sanders for his commitment to Illinois students, his dedication to the Illinois system of higher education, and his outstanding leadership therein;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 19, 2002, as DR. KEITH R. SANDERS DAY in Illinois.

Issued by the Governor May 10, 2002.
Filed by the Secretary of State May 20, 2002.

2002-264
FLOYD DEMING DAY

WHEREAS, Floyd Deming, a veteran of World War I and a retired farmer, was born on May 15, 1894, in Adams County in the State of Illinois; and

WHEREAS, Mr. Deming enlisted in the United State Army on June 26, 1918, in an effort to provide honorable service to the citizens of the United States of America; he was discharged with an excellent character on January 4, 1919; and

WHEREAS, Mr. Deming and his late wife Anna were joined together in matrimony on May 13, 1919, and devoted 81 years to each other as loving partners, parents, and friends; and

WHEREAS, on April 25, 1991, Mr. Deming became a member of the State of Illinois Veterans Home at Quincy; and

WHEREAS, according to the Illinois Department of Veterans Affairs, Mr. Deming is the most senior veteran in the State of Illinois and possibly the nation; and

WHEREAS, Mr. Deming celebrates his 108th year of life today;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, congratulate Mr. Deming on his 108th birthday, commend him for serving his country as a veteran of World War I, and, in his honor, proclaim May 15, 2002, as FLOYD DEMING DAY in Illinois.

Issued by the Governor May 10, 2002.
2002-265
COUNSELOR APPRECIATION AND RECOGNITION DAY

WHEREAS, counseling professionals provide an invaluable service to people of all ages and walks of life who seek their assistance, including individuals, couples, children, families, groups, and organizations; and
WHEREAS, counselors help to prevent the tragic loss of life and/or waste of human potential and talent, and their work benefits society as a whole; and
WHEREAS, counselors are employed or volunteer in a variety of settings in Illinois, including private practice, schools, hospitals, community agencies, rehabilitation facilities, correctional facilities, substance abuse treatment centers, religious institutions, and career centers; and
WHEREAS, it is appropriate that counselors be honored for the contribution to the quality of life in Illinois during a day of recognition;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 29, 2002, as COUNSELOR APPRECIATION AND RECOGNITION DAY in Illinois.
Issued by the Governor May 14, 2002.
Filed by the Secretary of State May 20, 2002.

2002-266
ED NEIGHBORS DAY

WHEREAS, after 33 years of successful coaching at Mt. Zion High School, Coach Ed Neighbors is retiring; and
WHEREAS, Coach Neighbors has 669 victories and became the fourth most-winning high school baseball coach in Illinois history; and
WHEREAS, he has coached Mount Zion to 15 Apollo Conference titles, eight regional championships and a berth to the 1986 Class AA state tournament; and
WHEREAS, Coach Neighbors was named to the Illinois Baseball Coaches Hall of Fame; and
WHEREAS, he was also named to the Millikin University Hall of Fame;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 18, 2002, as ED NEIGHBORS DAY in Illinois.
Issued by the Governor May 14, 2002.
Filed by the Secretary of State May 20, 2002.

2002-267
SCHOOL COUNSELOR WEEK

WHEREAS, school counselors are advocates for children in providing guidance services for thousands of children in elementary and high school and in regular and
special education settings; and
WHEREAS, school counselors help children and adolescents realize their potential both academically and socially; and
WHEREAS, school counselors help children and adolescents learn to solve problems, settle differences in a peaceful manner, negotiate, make good decisions, and set appropriate goals for their futures; and
WHEREAS, school counselors help teachers and administrators provide curricula which stress developmental and career goals in order that students transition from school to work successfully; and
WHEREAS, school counselors work with parents and outside agencies to advocate for the best interest of children by coordinating their efforts; and
WHEREAS, school counselors provide opportunities for students to develop leadership skills, to apply for scholarships, to develop special interests, and to understand their strengths and weaknesses;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 27-31, 2002, as SCHOOL COUNSELOR WEEK in Illinois.
Issued by the Governor May 14, 2002.
Filed by the Secretary of State May 20, 2002.

2002-268
ILLINOIS NATIONAL GUARD DAY

WHEREAS, the Illinois National Guard and its militia forebears have faithfully served the state and the nation for more than 300 years, quickly answering the call to arms with pride and professionalism; and
WHEREAS, Illinois provided the Union with leaders such as President Lincoln and Generals Grant, Logan, and McClernand, as well as more than 250,000 men during the Civil War, the largest contingent of any state; and
WHEREAS, 25,000 Illinois National Guard troops were mobilized during WWI and nine Illinois soldiers of the 33rd Infantry Division received Medals of Honor for their heroic conduct; and
WHEREAS, Illinois National Guard units served in both the Korean Conflict and the Vietnam War; and
WHEREAS, in recent years, 1,200 Illinois Army and Air National Guard members have been deployed to support operations in Macedonia, Kosovo and Iraq; and
WHEREAS, since late September 2001, when Governor Ryan activated nearly 300 soldiers to augment security forces at the state's 11 commercial airports, this vital reserve component with a unique dual state and federal mission has played an increasingly greater role in defending the homeland and contributing to the nation's war on terrorism; and
WHEREAS, more than 1,300 soldiers of the 66th Infantry Brigade have been mobilized to deploy to United States Army Europe in support of Operation Enduring Freedom as part of our nation's war on terrorism, representing the single largest
mobilization of the Illinois Army National Guard to federal service since the Korean War; and

WHEREAS, more than 470 members of the Air National Guard are on active duty, fulfilling federal missions worldwide, including patrolling the no-fly zone over Southern Iraq; and

WHEREAS, the State of Illinois recognizes the continued dedicated service of Illinois’ 13,000 Army and Air National Guard members who, like the founders of the colonial militias before them, serve the state and the nation by protecting the lives and property of their families, friends and neighbors;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 16, 2002, as ILLINOIS NATIONAL GUARD DAY in Illinois.

Issued by the Governor May 14, 2002.
Filed by the Secretary of State May 20, 2002.

2002-269
OUR LADY OF PERPETUAL HELP SCHOOL KINDERGARTEN CLASS OF 2002 BLAST OFF TO FIRST GRADE DAY

WHEREAS, children represent the brightest hope for the future of our communities, our state and nation; and

WHEREAS, early childhood education, in particular, has been shown to be of very positive effect in serving as a springboard for child development and successful adult lives, and these students have worked hard all year to master the educational material that their teachers have presented; and

WHEREAS, the young members of the kindergarten Class of 2002 at Our Lady of Perpetual Help School have also demonstrated that it's never too early to start opening hearts to others though school events and their own contributions to help those who are less fortunate; and

WHEREAS, these students and their families are also celebrating a tremendous sense of patriotism via a red, white and blue theme that has been chosen for this year’s kindergarten class graduation;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 22, 2002, as OUR LADY OF PERPETUAL HELP SCHOOL KINDERGARTEN CLASS OF 2002 BLAST OFF TO FIRST GRADE DAY in Illinois.

Issued by the Governor May 14, 2002.
Filed by the Secretary of State May 20, 2002.

2002-270
KING CITY BARBECUE SHOWDOWN DAYS

WHEREAS, the King City Barbecue Showdown will be held in Mt. Vernon, Illinois, beginning in 2003 and will continue for years to come; and

WHEREAS, the King City Barbecue Showdown is a non-profit event, open to all
and dedicated to furthering the art of smoking and barbecuing meats and poultry through public education; and

WHEREAS, the King City Barbecue Showdown is a sanctioned event of the Kansas City Barbecue Society (KCBS), and as such will draw contestants from all over the State of Illinois, as well as other states to Mt. Vernon, Illinois, to participate in this event; and

WHEREAS, the greatest recognition a barbecue cook can obtain are the opportunities to cook in the American Royal Invitational Cook-off and be entered into the Jack Daniels Barbecue Contest Pool, which is open to all winners of the KCBS sanctioned State Championship Barbecue Contests; and

WHEREAS, the grand champion of the King City Barbecue Showdown will receive an automatic invitation to the American Royal Barbecue Cook-off and be entered into the Jack Daniels Barbecue Contest Pool;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 16-17, 2002, as KING CITY BARBEQUE SHOWDOWN DAYS in Illinois.

Issued by the Governor May 13, 2002.

Filed by the Secretary of State May 20, 2002.

2002-271
PARK VIEW SCIENCE OLYMPIAD TEAM DAY

WHEREAS, Science Olympiad was founded 18 years ago; and

WHEREAS, currently, 14,000 schools throughout Canada and the United States compete in Science Olympiad; and

WHEREAS, from these schools, a little over 100 earn the right to compete in the National Competition; and

WHEREAS, events in Science Olympiad include Bridge Building, Egg Drop, Battery Buggy, Reach for the Stars, Rocks and Minerals and Water Quality; and

WHEREAS, students at Park View, a small K-8 school located in Morton Grove, Illinois, have participated in Science Olympiad since 1993, when they won only one medal; and

WHEREAS, this year, students from Park View medalled almost 20 times and took home First Place in the Regional Science Olympiad; and

WHEREAS, competing against 36 schools from all over Illinois, the Park View team took First Place at the State Competition for the third time in six years; and

WHEREAS, the students will be traveling to the University of Delaware for the 2002 National Science Olympiad Competition; and

WHEREAS, the team is faced with the huge task of raising $15,000, which would cover the cost of transportation, lodging and food for the team of 19 students and four faculty;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 15, 2002, as PARK VIEW SCIENCE OLYMPIAD TEAM DAY in Illinois.

Issued by the Governor May 13, 2002.
WHEREAS, the Ukrainian National Association (UNA) was founded in 1894 as a fraternal benefit society to provide affordable life insurance for its members as well as to advance unity, moral and mental development, and social relations in the Ukrainian American community through education and the promotion of American laws and institutions; and
WHEREAS, the UNA is the oldest Ukrainian secular organization in North America; and
WHEREAS, the UNA publishes two weekly newspapers: Svoboda (Liberty) in Ukrainian and The Ukrainian Weekly in English. Celebrating 109 years of existence this year, Svoboda is the oldest continuously published Ukrainian language newspaper in the world; and
WHEREAS, the Ukrainian National Association sponsors annual scholarships for deserving students and subsidizes the Ukrainian National Estate (Soyuzivka), a summer resort for members located in the Catskill Mountains of upper New York State; and
WHEREAS, over 225 delegates, representing over 50,000 members from throughout the U.S. and Canada, will be in attendance at this year's quadrennial UNA convention in Chicago; and
WHEREAS, according to the 2000 U.S. Census, some 30,000 Americans of Ukrainian descent live in the State of Illinois;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 26, 2002, as UKRAINIAN NATIONAL ASSOCIATION DAY in Illinois.

Issued by the Governor May 13, 2002.
Filed by the Secretary of State May 20, 2002.

2002-273
MARTIN H. ROSENBERG DAY

WHEREAS, Martin H. Rosenberg, President and CEO of the Illinois CPA Society, has decided he will retire after 25 years of exceptional service; and
WHEREAS, during that time, Mr. Rosenberg helped the Illinois CPA Society to become one of the premier state societies in the country; and
WHEREAS, prior to this position, Mr. Rosenberg has served in management positions with the American Institute of CPAs in the areas of Examinations & Education, State Society Relations and Professional Ethics, helping to develop and implement the profession's National Joint Ethics Enforcement Plan; and
WHEREAS, Mr. Rosenberg currently serves as a member of numerous organizations, including the Chicago Workforce Board; the Chicago Association of Commerce and Industry; DePaul University's School of Accountancy Visiting Advisory
Committee; the Youth Council of New Mexico; and on the Board of Directors of the Santa Fe Fine Arts for Children and Teens; and

WHEREAS, Mr. Rosenberg should be proud of the accomplishments he has made throughout his 25 years, including being named President of the CPA Society Executives Association, Secretary of the Arthritis Foundation of Illinois Board of Directors, Director of the American Society of Association Executives Foundation Board of Directors, Director of the Chicago Society of Association Executives, and Director of the Organic Touchstone Theater; and

WHEREAS, in 1989, Mr. Rosenberg received the Chicago Society of Association Executives’ highest honor: the Samuel B. Shapiro Award for Outstanding Service and Accomplishments in Association Management; he was selected by Accounting Today as among the 100 most influential people in accounting every year from 1994-2001; he earned the Arthritis Foundation’s Distinguished Service Award in 1991 and Outstanding Chapter Development Award in 1987; and DePaul University Ledge & Quill Society’s Award for Outstanding Service to the Accounting Profession in 1984; and

WHEREAS, in addition to his many other contributions and accomplishments, Mr. Rosenberg once again advanced the accounting profession when he authored the widely-regarded book, Opportunities in Accounting;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 23, 2002, as MARTIN H. ROSENBERG DAY in Illinois.

Issued by the Governor May 13, 2002.
Filed by the Secretary of State May 20, 2002.

2002-274
MARITIME DAY

WHEREAS, National Maritime Day has been observed since 1933, marking the date of the first successful Atlantic crossing by a ship using steam propulsion; and

WHEREAS, today we honor the American Merchant Marine, whose men and women served in time of war and peace, contributing to the waterborne commerce of our state and nation; and

WHEREAS, men and women from each of our states who are serving in the American Merchant Marines are honored on this day each year along with many seamen who lost their lives in the World Wars and those who served with such courage and dedication in the Korean, Vietnam, and Persian Gulf conflicts; and

WHEREAS, these ocean-going merchant ships greatly benefit the economic standing of Illinois by carrying their cargoes through the Great Lakes and its inland waterways; and

WHEREAS, the Propeller Club of the United States, with 54 member clubs throughout the country, annually celebrates this day with a variety of functions;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 22, 2002, as MARITIME DAY in Illinois.

Issued by the Governor May 13, 2002.
WHEREAS, there are more than 12,000 Illinois residents of Latvian descent, who have chosen Illinois as their home and have proudly shared their culture, heritage and talents with our state; and

WHEREAS, XI Latvian Song Festival Chairman Ilmar Bergmanis and the Festival Committee announce that the festival will take place in Chicago, Illinois, from July 18 through 21 with about 12,000 out-of-town visitors participating in the festival activities. The main festival hotel is the Marriott Downtown Chicago, and there will be art, craft, and historical exhibits throughout the festival; and

WHEREAS, more than 1,000 singers, dancers, musicians and actors from across North American, Europe, and Latvia will perform. The festival will celebrate traditional and modern Latvian culture, which will include soloists from the Latvian National Opera and renowned Latvian-American artists; and

WHEREAS, the Latvian youth choir “Kamer”, concert will be Thursday, July 18, at the Fourth Presbyterian Church. This youth choir from Latvia has toured throughout Europe and has won many awards and leading critics call it “one of the four best choirs in Europe;” and

WHEREAS, the Men’s Choir and Distinguished Artists concert will be Friday, July 19 in Orchestra Hall at Symphony Center and the Festival Choir concert with more than 600 will be Sunday, July 21 at the University of Illinois at Chicago Pavilion; and

WHEREAS, the Chamber Music Concert will be Saturday, July 20 at Fourth Presbyterian Church with more than 100 singers who will perform Latvian religious music accompanied by the organ and a string ensemble; and

WHEREAS, the Main Folk Dance Performance will be Saturday, July 20 at the University of Illinois at Chicago Pavilion. Over 400 dancers from around the world will come together to dance traditional and newly choreographed folk dances; and

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim July 18-21, 2002, as XI LATVIAN SONG FESTIVAL DAYS in Illinois.

Issued by the Governor May 22, 2002.
Filed by the Secretary of State May 24, 2002.

2002-276
MYASTHENIA GRAVIS MONTH

WHEREAS, Myasthenia Gravis, often referred to as “the disease nobody knows,” is a neuro-muscular disorder that can affect anyone, regardless of age, race or sex; and

WHEREAS, originally diagnosed in the 17th century, this potentially fatal disorder currently afflicts about 240,000 Americans. Only in the last few decades has any real progress been made in diagnosing and treating this disease, largely through the
efforts of the Myasthenia Gravis Foundation; and
WHEREAS, since diagnosis of Myasthenia Gravis is difficult, due to its
similarities to other disorders, public awareness must be heightened. Medical
professionals and physicians also need further education in its symptoms so that our
citizens may be assured of proper care and treatment;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim June
2002 as MYASTHENIA GRAVIS MONTH in Illinois.
Issued by the Governor May 22, 2002.
Filed by the Secretary of State May 24, 2002.

2002-277
AMATEUR RADIO AWARENESS MONTH

WHEREAS, the State of Illinois has more than 23,000 licensed Amateur Radio
operators also known as hams, and 68 Radio clubs, putting Illinois among the top five
states in terms of the number of hams; and
WHEREAS, hams have demonstrated their value in public assistance by
providing emergency radio communications networks; and
WHEREAS, after disasters, including 9/11/2001, hams aid communication efforts
among emergency officials by operating organized communication networks; and
WHEREAS, the Amateur Radio Emergency Service has formed agreements with
the Federal Emergency Management Agency, the National Communications System, the
American Red Cross, the Salvation Army, the National Weather Service and the
Association of Public Safety Communications Officials; and
WHEREAS, over the years, amateur radio has contributed to technology by
developing early mobile gear for automobiles and aircraft, developing the use of
frequencies beyond the High Frequency bands, developing early packet radio networks,
building the first civilian communications satellite, pioneering the use of inexpensive
“microstats”, experimenting with the use of the Single Sideband mode and experimenting
in digital signal processing circuitry and software; and
WHEREAS, this year’s Amateur Radio Field Day will take place on June 22-23,
2002;
THEREFORE, I George H. Ryan, Governor of the State of Illinois, proclaim June
2002 as AMATEUR RADIO AWARENESS MONTH in Illinois.
Issued by the Governor May 22, 2002.
Filed by the Secretary of State May 24, 2002.

2002-278
BEEP BASEBALL WEEK

WHEREAS, the best blind and visually-impaired athletes in the world will
converge on Chicagoland this summer, as teams from cities across the country and
Taiwan will be traveling to Glenview, Illinois, to compete in the 27th Annual World
Series of Beep Baseball; and

WHEREAS, organized by the National Beep Baseball Association, a non-profit, charitable organization, beep baseball is a modified game of baseball that uses a ball that beeps and bases that buzz; and

WHEREAS, spectators who witness a beep baseball game are generally amazed at the speed and bravery of the players. They see blind athletes dive onto the ground to stop a beeping ball and run full speed toward the sound of a buzzing base to score a run; and

WHEREAS, players demonstrate desire, determination, teamwork and in many cases skilled performances of sightless players having fun in the midst of extreme competition;

THEREFORE, I, George H. Ryan, Governor of Illinois, proclaim July 28-August 4, 2002, as BEEP BASEBALL WEEK in Illinois.

Issued by the Governor May 22, 2002.
Filed by the Secretary of State May 24, 2002.

2002-279
JIM BEAUMONT DAY

WHEREAS, Jim Beaumont was an editor at the Des Moines Register; and
WHEREAS, Jim Beaumont was a principal in Tabor Securities; and
WHEREAS, Jim Beaumont was appointed by Governor Edgar to the State Rehabilitation Advisory Council; and
WHEREAS, Jim Beaumont began working with the Illinois State Chamber of Commerce as a Research Assistant in 1972; and
WHEREAS, Jim Beaumont has fostered the relationship between the state chamber and all of the 300 local chambers of commerce throughout the state; and
WHEREAS, Jim Beaumont serves as the President of the Illinois Association of Chamber of Commerce Executives; and
WHEREAS, Jim Beaumont has been active in recruiting local chambers for the Drug-Free Illinois Workplace program; and
WHEREAS, Jim Beaumont has been a source of strength, inspiration and knowledge for co-workers at the state chamber and a source of support for the local chambers throughout the State of Illinois; and
WHEREAS, Jim Beaumont's work to expand and increase business development throughout Illinois will continue to improve our great state;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 23, 2002, as JIM BEAUMONT DAY in Illinois.

Issued by the Governor May 22, 2002.
Filed by the Secretary of State May 24, 2002.
2002-280
KNIGHTS OF COLUMBUS DAY

WHEREAS, the Knights of Columbus was founded in Connecticut in 1882 as a Catholic fraternal service organization with a commitment to church, community, council, family and youth; and
WHEREAS, over the last 120 years the Knights of Columbus has grown to become the largest Catholic lay organization in the world with 1.6 million members organized into 12,000 local councils; and
WHEREAS, in the last year the Knights of Columbus world-wide donated nearly $116 million to charitable causes and volunteered 57 million hours to worthy efforts that help families; and
WHEREAS, in Illinois, more than 71,400 Knights of Columbus spread good works and the spirit of fellowship, charity, family and faith to every part of our great state from 382 local councils, contributing more than $5 million to charities in the last year, including contributions to aid the education of many of Illinois’ sons and daughters; and
WHEREAS, one portion of the Illinois’ Knights good works came in the form of $200,000 to the Special Olympics of Illinois and a five-year commitment to donate $250,000 for the construction of the Darrell and Ursula Beck Special Olympics Training Center in Bloomington; and
WHEREAS, over the course of the 2002 Memorial Day weekend, our State Capital of Springfield will play host for the first time in 23 years to the Illinois Knights of Columbus annual statewide convention; and
WHEREAS, more than 1,200 Knights and family members will be led through their 104th state convention by State Deputy William “Bill” Spainhour of Springfield and his fellow state officers; and
WHEREAS, it is proper for the entire state to recognize and celebrate with the Knights of Columbus a long and distinguished record of sacrifice and achievement; and
WHEREAS, during this year’s state convention, the brother Knights and their families will “Open Wide the Doors to the Knights of Columbus;”
THEREFORE, I George H. Ryan, Governor of the State of Illinois, proclaim Saturday, May 25, 2002, as KNIGHTS OF COLUMBUS DAY in Illinois and call on everyone to congratulate the Knights and their families on the faith, hope, and charity that they bring to our great state.
Issued by the Governor May 21, 2002.
Filed by the Secretary of State May 24, 2002.

2002-281
CHAMBER OF COMMERCE WEEK

WHEREAS, chambers of commerce work with Illinois businesses, merchants, and industry to advance the civic, economic, industrial, professional, and cultural life of our state; and
WHEREAS, chambers of commerce have contributed to the civic and economic life of Illinois for 164 years, since the Galena Chamber of Commerce was founded in 1838; and

WHEREAS, this year marks the 83rd anniversary of the founding of the Illinois State Chamber of Commerce, the state’s leading broad-based business organization; and

WHEREAS, chambers of commerce encourage the growth of existing industries, services, and commercial firms and encourage new businesses and individuals to locate in Illinois, acting as a liaison with the State of Illinois, local governments, schools, and the business community; and

WHEREAS, this year marks the 87th anniversary of the Illinois Association of Chamber of Commerce Executives, a career development organization for chamber of commerce professionals; and

WHEREAS, Illinois is the home to international chambers of commerce, the Great Lakes Region of the U.S. Chamber of Commerce, the Illinois State Chamber of Commerce, and more than 350 local chambers of commerce;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim September 22-28, 2002, as CHAMBER OF COMMERCE WEEK in Illinois.

Issued by the Governor May 21, 2002.
Filed by the Secretary of State May 24, 2002.

2002-282
RAMALLAH PALESTINIAN DAYS

WHEREAS, there are more than 400,000 Illinois residents of Arab descent, which includes Ramallah Palestinians, who have chosen Illinois as their home and have proudly shared their culture, heritage and talents with our state; and

WHEREAS, the American Federation of Ramallah, Palestine will hold their 44th Annual National Convention on July 3-7, 2002, at the Hyatt Regency O’Hare, Chicago; and

WHEREAS, the theme of the convention is “Passing the Torch to the Younger Generation” and the goal of the convention is for family reunions of people who derive their ancestry from Ramallah, Palestine; and

WHEREAS, Yacoub Zayed, Chairman of the 44th Convention announced there are more than 800 Ramallah Palestinian Families in the Chicago area and their club is located at 2700 N. Central Avenue in Chicago; and

WHEREAS, there are over 30,000 Ramallah Palestinians living in United States with 22 clubs around the country;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim July 3-7, 2002 as RAMALLAH PALESTINIAN DAYS in Illinois.

Issued by the Governor May 21, 2002.
Filed by the Secretary of State May 24, 2002.
2002-283
DOROTHY RURSCH DAY

WHEREAS, Dorothy Rursch began her teaching career September 2, 1941, three
months before the bombing of Pearl Harbor; and
WHEREAS, Dorothy Rursch taught nine years in Milan, one year in River Forest,
21 years at Hoffman Elementary in East Moline and is completing her 29th year at
Bowlesburg Elementary in Silvis— that’s 60 years with the last 50 years in the East Moline
School District, and
WHEREAS, Dorothy Rursch is one of a kind, a teacher who has a passion for
trying to make a difference in the lives of the children she has taught, by her estimation
more than
2,000 young people and three generations of family members; and
WHEREAS, Dorothy Rursch continues to be passionate about her job and
excellent at what she does. She is appreciated by her students, parents, faculty, and staff
and has a positive influence on everyone around her; and
WHEREAS, Dorothy Rursch summarized her thoughts several years ago stating,
"I’m excited about a new school year. I’ve been excited for 58 years about school. Now
who can say that?"; and
WHEREAS, Dorothy Rursch will conclude her 60th year of teaching on June 5,
2002. Even though the school year is winding down, she knows there is business to be
done, fresh faces to see, minds to mold, and hearts to touch;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim June
5, 2002, as DOROTHY RURSCH DAY in Illinois.
Issued by the Governor May 21, 2002.
Filed by the Secretary of State May 24, 2002.

2002-284
POPPY DAYS

WHEREAS, America is the land of freedom, preserved and protected willingly
and freely by citizen soldiers; and
WHEREAS, millions who have answered the call to arms have died on the field
of battle; and
WHEREAS, a nation at peace must be reminded of the price of war and the debt
owed to those who have died in war; and
WHEREAS, the red poppy has been designated as a symbol of sacrifice of lives in
all wars; and
WHEREAS, the American Legion and American Legion Auxiliary have pledged
to remind America annually of this debt through the distribution of the memorial flower;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May
23-25, 2002, as POPPY DAYS in Illinois and ask that all citizens pay tribute to those
who have made the ultimate sacrifice in the name of freedom by wearing the Memorial Poppy on those days.

Issued by the Governor May 17, 2002.
Filed by the Secretary of State May 24, 2002.

2002-285
JAN COSTELLO DAY

WHEREAS, Janet Grosboll Costello serves as Manager of the Division of Communications and Training for the Illinois Department on Aging; and
WHEREAS, Jan Costello is a wonderful human being, boss and employee; and
WHEREAS, Jan Costello uses her media experience and professionalism to fight for the rights of senior citizens throughout Illinois and even hosts radio and television shows to keep them informed about how to stay healthy and independent; and
WHEREAS, Jan Costello writes speeches for Director Margo Schreiber that are extraordinarily passionate; and
WHEREAS, Jan Costello has a loving family, has been married to Billy Costello for two decades and is the loving “mom” to Cheyenne; and
WHEREAS, Jan Costello’s favorite pastime is eating Coz’s pizza and drinking cold frothy beverages; and
WHEREAS, Jan Costello has finally found her dream house and sold her present house to help finance the new one; and
WHEREAS, Jan Costello is the proud owner of a classic VW bug; and
WHEREAS, Jan Costello has a world-renowned collection of pigs which she closely guards and keeps on display in her office and home; and
WHEREAS, Jan Costello is a “Master Communicator”; and
WHEREAS, Jan Costello’s birth caused family members to run off and join the circus; and
WHEREAS, Jan Costello’s search for her “roots” led her to stagger down the streets of Copenhagen; and
WHEREAS, Jan Costello “completes” the special people in her life; and
WHEREAS, Jan Costello is now officially a half-century old as she turns 50 years of age on May 31, 2002, and is only 50 years away from receiving a Certificate of Lifetime Achievement from the Department on Aging;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 31, 2002, as JAN COSTELLO DAY in Illinois.

Issued by the Governor May 17, 2002.
Filed by the Secretary of State May 24, 2002.

2002-286
LATIN AMERICAN CHAMBER OF COMMERCE DAY

WHEREAS, the Latin American Chamber of Commerce was founded in 1976 by
18 small business and has grown in excess of 1,000 members, making it the largest Hispanic Trade Association in the Midwest; and

WHEREAS, the LACC is one of the largest Minority Business Consulting Groups in Illinois with expertise in such areas as business financing, contract procurement, general business and management development; and

WHEREAS, among some of the more notable accomplishments of the LACC include the establishment of the Hispanic Entrepreneurial Training and Support Institute in cooperation with the City of Chicago, establishment of the Chicago Small Business Development Center through a cooperative agreement with the Illinois Department of Commerce and Community Affairs, signing an agreement with the U.S. Small Business Administration as partner in the SBA’s Pre-Qualification Loan Program and becoming a Census Information Center for the U.S. Department of Commerce Bureau of the Census;


Issued by the Governor May 17, 2002.
Filed by the Secretary of State May 24, 2002.

2002-287
FIREFIGHTER DAY

WHEREAS, Illinois will honor some of its bravest members of the firefighting profession for their heroic actions at the Fallen Firefighter Medal of Honor Ceremony; and

WHEREAS, over 300 firefighters lost their lives while heroically endeavoring to save the lives of others on September 11th of this past year; and

WHEREAS, firefighters continue to put their lives on the line everyday despite the increased threats of terrorist and bioterrorist attacks; and

WHEREAS, the Illinois Firefighter Memorial stands on the lawn of the Illinois State Capitol and symbolizes our gratitude to the men and women who risk their lives everyday to protect people and their property; and

WHEREAS, at the site of the memorial, final respects will be paid to the six firefighters who lost their lives in the line of duty in 2001: Lieutenant Robert A. Augustyn of the Cicero Fire Department, Firefighter Willard Charles Christoffer of the Western Springs Fire Department, Firefighter Kenneth James Frayne of the Channahon Fire Department, Firefighter/EMT Mike L. McKean of the Ashton Fire Protection District, Firefighter Donald Dean Myrick of the Ludlow Fire Protection District, and Lieutenant/EMT Clint Anderson Talley of the Ashton Fire Protection District; and

WHEREAS, the families of these fallen heroes will receive the Line of Duty Death Gold Badge Award; and

WHEREAS, Lieutenant Robert J. Martin of the Chicago Fire Department, Lieutenant Clarence R. Wagner of the Lansing Fire Department and Firefighter Paramedic Matthew Nagy of the Palatine Fire Department will receive the Medal of
Honor, the highest award given by the State of Illinois to a firefighter for an act of outstanding bravery; and

WHEREAS, the Medal of Valor, the second highest award given to a firefighter for an act of heroism will be awarded to Firefighter Shannon Jones of the Ashton Fire Protection District; Captain Thomas Gaertner of the Broadview Fire Department; Lieutenant John L. McErlean of the Chicago Fire Department; Chief John Pat Hilliker of the Franklin Grove Fire Department; Firefighter Paramedics Steve Ausmann, Ryan Marinier and Charles Moss of the Oak Park Fire Department; Firefighters John Abel and Rodney Scovil of the Pekin Fire Department; and Firefighters Jeffrey H. Kier and Joseph C. Ostrander, Jr. of the Tri-State Fire Protection District;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 17, 2002, as FIREFIGHTER DAY in Illinois.

Issued by the Governor May 15, 2002.
Filed by the Secretary of State May 24, 2002.

2002-288
WABASH RIBBERFEST BARBECUE CONTEST DAYS

WHEREAS, Wabash Ribberfest is a Memphis in May nationally sanctioned barbecue cook off; and

WHEREAS, held in Mt. Carmel, Illinois, during the first weekend in September, this contest draws teams and judges from all over the nation; and

WHEREAS, the teams not only compete for awards and prize money but also to become qualified to enter the Memphis in May BBQ national finals; and

WHEREAS, there are only 11 states in the union that hold Memphis in May sanctioned contests, only two of which are held in Illinois; and

WHEREAS, visitors can enjoy live entertainment, an art exhibit, craft booths, the Tasker's choice competition, a local backyard BBQ contest, garage sales, a customer car show, a pizza eating contest, activities for children, trade secrets from the professionals, and of course, excellent BBQ sandwiches served by the tourism committee;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim September 6-7, 2002, as WABASH RIBBERFEST BARBECUE CONTEST DAYS in Illinois.

Issued by the Governor May 15, 2002.
Filed by the Secretary of State May 24, 2002.

2002-289
TRAINING AND EDUCATION FOR ADULT LEARNER (TEAL) DAY

WHEREAS, Adult Education and Family Literacy is a priority in the State of Illinois and

WHEREAS, the Illinois Community College Board reports that more than 180,000 students enroll annually in Adult Education and Family Literacy programs statewide; and
WHEREAS, Lincoln Land Community College is recognized as a capable and effective advocate of Adult Education and Family Literacy; and
WHEREAS, Lincoln Land Community College exemplified its role as an advocate in 1986 by hiring Rosalind “Roz” Bruce to direct the College’s Adult Education and Family Literacy programs; and
WHEREAS, Lincoln Land Community College further demonstrated support for Adult Education and Family Literacy by establishing TEAL (Training and Education for Adult Learners) as the program designed to meet the learning needs of adults in the college district; and
WHEREAS, Roz, as a labor of love, has dedicated 16 years of her time, talents and energy to making TEAL the best Adult Education and Family Literacy program in the State of Illinois; and
WHEREAS, TEAL has a dedicated staff who pour their hearts and souls into their work to ensure that the needs of the learners are met; and
WHEREAS, TEAL students have overcome many obstacles to continue the journey of lifelong learning; and
WHEREAS, Lincoln Land Community College is celebrating May 15, 2002, by hosting the largest TEAL graduation ceremony in the history of the program;
THEREFORE I, George H. Ryan, Governor of the State of Illinois, proclaim May 15, 2002, as TRAINING AND EDUCATION FOR ADULT LEARNER (TEAL) DAY in Illinois.

Issued by the Governor May 15, 2002.
Filed by the Secretary of State May 24, 2002.

2002-290
KENNY BERNSTEIN DAY

WHEREAS, Kenny Bernstein has spent more than three decades in drag racing, the past 23 seasons driving the fabled Budweiser King dragster and funny car in the NHRA POWERade Drag Racing Series; and
WHEREAS, Mr. Bernstein has put together a storied driving career, with six NHRA championships, more than 60 event victories and numerous NHRA records, including the first man to break the 300-mph barrier in 1992; and
WHEREAS, Mr. Bernstein has thrilled fans at drag strips throughout Illinois with his skill and determination, including thousands at Gateway International Raceway, the "home track" of this longtime sponsor, Anheuser-Busch, one of the largest employers in Southwestern Illinois; and
WHEREAS, today's Sears Craftsman NHRA National mark the final driving appearance for Bernstein at Gateway International Raceway;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim June 30, 2002, as KENNY BERNSTEIN DAY in Illinois.

 Issued by the Governor May 30, 2002.
 Filed by the Secretary of State June 06, 2002.
2002-291

ILLINOIS ASSOCIATION MEDICAL STAFF SERVICES WEEK

WHEREAS, in 1981, medical staff service professionals throughout the state founded the Illinois Association of Medical Staff Services (IAMSS), an affiliate of the National Association of Medical Staff Services; and

WHEREAS, their objectives in forming the organization were to provide professional and personal development, networking opportunities, communication resources, career advancement, and education for medical staff services professionals; and

WHEREAS, IAMSS boasts a membership from hospitals statewide in Illinois, a significant number of managed care organizations, and physician office practices. IAMSS continues to promote the goals and objectives of their founding members; and

WHEREAS, a medical staff services professional is defined as an individual who coordinates medical staff activities and is primarily involved in supporting the accreditation status of the healthcare facility or who provides consulting services and/or educational programs for healthcare providers related to the medical staff services;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim June 23-29, 2002, as ILLINOIS ASSOCIATION MEDICAL STAFF SERVICES WEEK in Illinois.

Issued by the Governor May 30, 2002.
Filed by the Secretary of State June 06, 2002.

2002-292

ROYAL ARCANUM DAY

WHEREAS, the Royal Arcanum was founded on June 23, 1877, in Massachusetts and expanded to Illinois on March 17, 1880; and

WHEREAS, the Royal Arcanum is one of the oldest fraternal benefit societies in the United States today, and the only surviving founding member of the National Fraternal Congress of America; and WHEREAS, the Royal Arcanum is dedicated to uniting their fraternal members, giving moral and material aid to members and their dependents, teaching morality without religious distinction, and educating socially and intellectually; and

WHEREAS, the long history of the Royal Arcanum includes many distinguished members, including a former Governor of Illinois, members who have served in Congress, and one member who served as Vice-President of the United States; and

WHEREAS, Illinois is the fourth-largest Grand Council in the Royal Arcanum and boasts of three members serving as elected officials for the Supreme Council;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim June 23, 2002, as ROYAL ARCANUM DAY in Illinois, in honor of the organization's 125th anniversary.

Issued by the Governor May 30, 2002.
Filed by the Secretary of State June 06, 2002.
2002-293
FAMILY HERITAGE DAYS

WHEREAS, family heritage is the backbone of today's society, for it allows us to see where we have been and shapes the way we view the world; and
WHEREAS, the State of Illinois is richly endowed with historic places, museums and parks that can help us appreciate our family heritage; and
WHEREAS, many of these historic places, museums and parks from all areas of the state are participating in Family Heritage Days on June 22-23, 2002, an event organized by the Illinois Association of Museums and the Illinois Heritage Association; and
WHEREAS, Family Heritage Days will help us to celebrate and preserve our unique, diverse heritage, and visiting one or more of the participating historic places, museums and parks during Family Heritage Days will provide education and enjoyment;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim June 22-23, 2002, as FAMILY HERITAGE DAYS in Illinois and do hereby urge all Illinoisans to visit one or more of the participating places during this time to better appreciate our wonderfully diverse heritage.

Issued by the Governor May 30, 2002.
Filed by the Secretary of State June 06, 2002.

2002-294
DR. ROBERT E. WOOTEN, SR. DAY

WHEREAS, Dr. Robert E. Wooten, Sr. has re-introduced the congregation of Beth Eden Baptist Church to the potential and possibilities of musical worship during his 59 years of service as Minister of Music; and
WHEREAS, because of his work, countless people have been inspired and moved through music; and
WHEREAS, the Wooten Choral Ensemble has reached unanticipated success as a result of Dr. Wooten's unwavering dedication and commitment; and
WHEREAS, Dr. Wooten's much-deserved retirement will leave a void in the Chicago community that will never truly be filled;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim June 22, 2002, as DR. ROBERT E. WOOTEN, SR. DAY in Illinois, and wish him the best of luck in all his future endeavors.

Issued by the Governor May 30, 2002.
Filed by the Secretary of State June 06, 2002.

2002-295
SAFER FOUNDATION DAY

WHEREAS, the Safer Foundation is a premier provider for ex-offenders in the Midwest. Since its inception in 1972 as a non-profit organization, Safer has provided a
full array of innovative and effective programs designed to address the diverse social and personal needs of the men, women and youth who seek its services; and

WHEREAS, Safer's primary goal is to reduce recidivism (return to prison) by helping ex-offenders live productive, law-abiding lives with dignity and responsibility; and

WHEREAS, the Safer Foundation is a vigorous supporter and advocate of ex-offenders in their efforts to secure gainful employment at a livable wage; and

WHEREAS, over its 30 year history, Safer has placed over 40,000 ex-offenders in jobs so that they might secure a financial future without resorting to crime; and

WHEREAS, Safer's programs enable clients to better function in the social environment of the work place and community. Inclusive in program outreach is supportive services, basic skills enhancement and academic enrichment, vocational guidance, job placement, intensive case management, substance abuse counseling and AIDS prevention; and

WHEREAS, the Safer Foundation's newest strategic intervention is a Scholarship Endowment that will offer scholarship assistance to men and women who have demonstrated the ability to be successful as well as the desire to pursue post-secondary educational opportunities and each scholar will receive individual guidance and encouragement from a volunteer mentor; and

WHEREAS, on June 5, 2002, the Safer Foundation is celebrating its 30th Anniversary;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim June 5, 2002, as SAFER FOUNDATION DAY in Illinois.

Issued by the Governor May 28, 2002.

Filed by the Secretary of State June 06, 2002.

2002-296

OUR LADY OF THE WAYSIDE DAY

WHEREAS, Our Lady of the Wayside Parish was founded in 1952, when the Reverend Harold T. O'Hara was assigned by Archbishop Samuel Cardinal Stritch to establish a second parish in Arlington Heights; and

WHEREAS, the parish, devoted to Our Lady, was named after a 5th century image of Mary, the Virgin Mother, frescoed on a piece of stone taken from an ancient Roman building. The stone was moved from one road to another, hence the name, "Our Lady of the Wayside"; and

WHEREAS, the Mass was first celebrated in July 1952 in the small gym of a nearby junior high school. On September 10, 1954, the school opened with 300 students and by 1956, 1,000 students filled the school to capacity; and

WHEREAS, the parish celebrated its first Mass in the permanent church on Sunday, September 29, 1957. The beautiful structure was built in a modified Romanesque style with an exterior of Indiana limestone. The entire OLW campus includes a grade school, middle school, parish "gathering space" and newly renovated Parish Life Center; and
WHEREAS, Our Lady of the Wayside Parish has been an invaluable member of the Village of Arlington Heights for half a century with many outreach programs that benefit our community, including a weekly homeless shelter, senior ministries, St. Vincent DePaul Society and many youth activities. Currently more than 3,000 families are registered to the parish with more than 750 students educated at the school;
Issued by the Governor May 28, 2002.
Filed by the Secretary of State June 06, 2002.

2002-297
SWEDISH FLAG DAY

WHEREAS, the Swedish Flag Day has been celebrated on June 6 since 1916 and the same day also became Sweden's National Day in 1983; and
WHEREAS, Swedish Flag Day has traditionally been celebrated on this day because the election of Gustav Vasa as the King of Sweden took place on June 6, 1523, and on the same date in 1809, Sweden adopted a new constitution which included the establishment of civil rights and liberties; and
WHEREAS, in 1846, the first Swedes came to Illinois and settled in Bishop Hill and over one million Swedes migrated to the United States with many of them settling in the Quad Cities, Rockford and Chicago; and
WHEREAS, Swedish Americans have played a significant role in the progress of Illinois and have proudly shared their culture, heritage and talents with our state; and
WHEREAS, the Swedish Central Committee of Chicago will sponsor a Swedish Flag Day program at North Park University; and
WHEREAS, Linnea Tully, President of the Swedish Central Committee announces that Christine Kilstrom, Award Chair of Swedish Flag Day Celebration, will present the "2002 Swede of the Year Award" to Karl Olle Eriksson;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim June 6, 2002, as SWEDISH FLAG DAY in Illinois.
Issued by the Governor May 28, 2002.
Filed by the Secretary of State June 06, 2002.

2002-298
LUXEMBOURG AMERICAN DAYS

WHEREAS, Dr. Bernard J. Cigrand, whose father was an immigrant from Luxembourg, was born on October 1, 1866; and
WHEREAS, as citizen of Chicago, he continue his plight for an annual American Flag Day, writing close to a thousand articles entitled “The Fourteenth of June,” published in the Chicago Argus; and
WHEREAS, President Woodrow Wilson issued a proclamation on June 14, 1885, calling for the first national observance of Flag Day, after years of lobbying by Dr.
Cigrand, and in 1949, President Harry S. Truman signed a bill formally recognizing June 14 as National Flag Day; and

WHEREAS, the Honorary Consul General of Luxembourg, Donald J. Hansen, announces that the Luxembourg American community of Illinois will honor Dr. Bernard J. Cigrand, Founder of American Flag Day, from June 14-18, 2002, with several ceremonies; and

WHEREAS, the Chicago program will take place at the Daley Civic Plaza with a 30-man band from Luxembourg, a 50 member chorus, a flag presentation and participation by police, veterans, fireman, and a US Army Color Guard and speaker, Mayor Richard M. Daley; and

WHEREAS, the Aurora program will include a dedication of a Cigrand Bust, on a stand of steel, to the State of Illinois from Madam Erna Hennicot-Schoepges, Minister of Culture and Higher Education from Luxembourg. The speakers will include, the Honorable Dennis J. Hastert, Speaker of the House and Ambassador of Luxembourg Arlette Conzemius, from Washington; and

WHEREAS, the family of Dr. Cigrand was raised in Chicago, Batavia and Aurora, Illinois, where family gravesites are located. Granddaughters and other members of the Cigrand family will attend the Aurora Ceremony; and

WHEREAS, the Luxembourg American community has made significant contributions in all areas of life including education, medicine, science, business, arts, technology, government and public service in Illinois

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim June 14-18, 2002, as LUXEMBOURG AMERICAN DAYS in Illinois and encourage all citizens of Illinois to recognize Dr. Bernard J. Cigrand for his numerous contributions as well as all distinguished Americans of Luxembourg heritage.

Issued by the Governor May 28, 2002.

Filed by the Secretary of State June 06, 2002.

2002-299

FLAG DAY

WHEREAS, by act of Congress of the United States, dated June 14, 1777, the first official flag of the United States was adopted; and

WHEREAS, by act of Congress, dated August 3, 1949, June 14th of each year was designated National Flag Day; and

WHEREAS, the blue field of the flag is indicative of God's heaven under which it flies; and

WHEREAS, the stars of the flag are clustered together, unifying 50 states as one, for God and country; and

WHEREAS, the red stripes symbolize the blood spilled in defense of this glorious nation; and

WHEREAS, the white stripes signify the burning tears shed by Americans who lost their children in war; and
WHEREAS, the flag has flown through peace and war, strife and prosperity; and amidst it all, it has been respected; and
WHEREAS, Flag Day celebrates our nation's symbol of unity, a democracy in a republic, and stands for our country's devotion to freedom, to the rule of all, and to equal rights for all;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim June 14, 2002, as FLAG DAY in Illinois.
Issued by the Governor May 28, 2002.
Filed by the Secretary of State June 06, 2002.

2002-300
FLAG DAY

WHEREAS, fraternal benefit societies and state fraternal congresses have long proclaimed their patriotism and will demonstrate it by celebrating National Flag Day on June 14; and
WHEREAS, the fraternal benefit system performs many educational, charitable, religious, cultural and patriotic activities through its societies and their local lodges; and
WHEREAS, the fraternalists of these societies and state congresses render great service to our state and nation through civic and patriotic projects; and
WHEREAS, the National Fraternal Congress of America calls upon leaders of its 85 member societies and 36 state fraternal congresses to apprise the nation of the ideals and objectives of the fraternal benefit societies and to unite in observation of National Flag Day;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim June 14, 2002, as FLAG DAY in Illinois.
Issued by the Governor May 24, 2002.
Filed by the Secretary of State June 06, 2002.

2002-301
DISCOVER BOATING DAY

WHEREAS, the City of Chicago has been selected to host one of the Discover Boating tour stops for the Boat Across America Tour, a cross country trip to promote boating organized by the recreational boating industry's Discover Boating program; and
WHEREAS, the Boat Across America tour launches from New York on June 5, 2002, arriving in Chicago, the first of six Discover Boating tour stops, on June 11; and
WHEREAS, additional stops include St. Louis, New Orleans, St. Petersburg and Baltimore; and
WHEREAS, Jim Carlin, president of the Boaters Against Drunk Driving (BADD), will captain the boat during its three-week cruise; and
WHEREAS, through its 5,400-mile course along "The Great Loop," organizers will promote the keys to boating fun and safety, including the importance of wearing a
life jacket; knowing and following the rules of the waterways; taking a boater education course; and being or designating a sober boater;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim June 11, 2002, as DISCOVER BOATING DAY in Illinois.
Issued by the Governor May 24, 2002.
Filed by the Secretary of State June 06, 2002.

2002-302
MEN'S HEALTH WEEK

WHEREAS, National Men's Health Week is sponsored each year to raise public awareness of the importance of a healthy lifestyle, and of early detection and treatment of health problems affecting men and their families; and

WHEREAS, Illinoisans value their health as well as that of their families and their fellow citizens, making them proud to support observances such as Men's Health Week; and

WHEREAS, the Illinois Department of Public Health is committed to the prevention of illness and to the promotion of good health among all residents of the state; and

WHEREAS, despite advances in medical technology and research, men continue to live an average of seven years less than women, and African-American men have an even lower life expectancy; and

WHEREAS, although prevention is the key to maintaining good health, many men are reluctant to visit their health care provider or physician for regular screening examinations due to such reasons as fear of gender-related health problems, lack of information, and cost factors; and

WHEREAS, each year, thousands of men needlessly die from heart disease, prostate cancer, lung cancer, testicular cancer, diabetes and other health problems even though preventive health checkups and screenings might have detected the early warning signs of these diseases during their treatable stages and extended the lives of these men; and

WHEREAS, screening methods - including the prostate specific antigen (PSA) exam and blood pressure and cholesterol checks - in conjunction with clinical examinations and self-exams for problems such as testicular cancer can detect many health concerns in their early stages, thereby increasing survival rates to nearly 100 percent; and

WHEREAS, educating men to recognize and prevent men's health problems is not just a man's issue, since poor health also has an impact on all family members;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim June 10-16, 2002, as MEN'S HEALTH WEEK in Illinois.
Issued by the Governor May 24, 2002.
Filed by the Secretary of State June 06, 2002.
2002-303
POLISH ARTS CLUB OF CHICAGO DAY

WHEREAS, the Polish Arts Club of Chicago, founded in 1926 to promote Polish arts and culture is celebrating its 76th anniversary this year; and
WHEREAS, the mission the Polish Arts Club of Chicago is popularizing the knowledge, appreciation, and enjoyment of the arts; and
WHEREAS, Konrad Miczko, President of the Polish Arts Club announced the 76th anniversary celebration with an Installation Dinner taking place on Sunday, June 9, 2002, at the Ridgemoor Country Club, and Justice Mary Ann G. McMorrow of the Supreme Court of Illinois will be the inducting officer and Guest of Honor; and
WHEREAS, there are over 1 million Polish Americans living in the State of Illinois; and
WHEREAS, Polish American contributed greatly to the State of Illinois in all areas including arts, business, science, medicine, law, government, education and public services;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim June 9, 2002, as POLISH ARTS CLUB OF CHICAGO DAY in Illinois.

Issued by the Governor May 24, 2002.
Filed by the Secretary of State June 06, 2002.

2002-304
NURSING ASSISTANTS’ WEEK

WHEREAS, Illinois has more than 200,000 Nursing Assistants; and
WHEREAS, Nursing Assistants working in long-term care facilities provide compassionate care for residents and their families; and
WHEREAS, Nursing Assistants provide nearly 90 percent of the direct nursing care given to residents in long-term care facilities; and
WHEREAS, Nursing Assistants are the "Hearts & Hands of Caring" for tens of thousands of frail and elderly citizens of Illinois; and
WHEREAS, Nursing Assistants help restore residents to their highest functioning level;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim June 6-13, 2002, as NURSING ASSISTANTS’ WEEK in Illinois.

Issued by the Governor May 24, 2002.
Filed by the Secretary of State June 06, 2002.

2002-305
GEORGETOWN DAY

WHEREAS, in 1827, the City of Georgetown received its charter; and
WHEREAS, Georgetown's population is nearly 4,000, with some of the original
WHEREAS, the Interurban is also a well-known aspect of Georgetown's history as it served people from Danville to Ridgefarm and had a turn-around terminal on the square in Georgetown; and

WHEREAS, the Georgetown Fair has been a major event in the area since 1938; and

WHEREAS, there have been famous people who were natives of Georgetown including Roy O. West, Secretary of Interior for President Coolidge's Cabinet; Clarence Stasavich, who became the most winning coach at a North Carolina University; and Pete Guadauskas, who played for the Chicago Bears and invented the "square toed" football shoe for kicking; and

WHEREAS, Georgetown will celebrate its 175th Birthday on June 5, 2002; THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim June 5, 2002, as GEORGETOWN DAY in Illinois.

Issued by the Governor May 24, 2002.
Filed by the Secretary of State June 06, 2002.

2002-306
CHRISTOPHER MICHAEL PETERS DAY

WHEREAS, Christopher Michael Peters was born on July 12, 1988, in Hinsdale, Illinois; and

WHEREAS, he attended Blessed Sacrament Grade School in Springfield, Illinois, for eight years where he excelled in his studies; and

WHEREAS, Christopher will no longer receive "pink slips" because of his hair; and

WHEREAS, he may now purchase pants in a color other than khaki; and

WHEREAS, he will no longer be serenaded by Michael W. Smith in music class; and

WHEREAS, Christopher graduated from Blessed Sacrament Grade School on May 24, 2002; and

WHEREAS, he is loved by his family members and friends who wish him luck in his high school career at Downers Grove South;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim Friday, May 24th, 2002, as CHRISTOPHER MICHAEL PETERS DAY in Illinois.

Issued by the Governor May 24, 2002.
Filed by the Secretary of State June 06, 2002.

2002-307
DON A. TURNER DAY

WHEREAS, Don A. Turner, a long-time labor leader in Chicago, has retired after serving as the President of the Chicago Federation of Labor; and
WHEREAS, Mr. Turner, worked his way through college and was a member of the Steelworkers and Baggage Handlers Unions, and went on to become a high school business teacher in Chicago; and

WHEREAS, Mr. Turner became active in the Chicago Teachers Union and was elected a union delegate in 1968, later serving as the Union's Administrative Director from 1977 to 1984. In 1984 Mr. Turner was elected Chicago Teachers Union Vice President and he also worked with the Illinois Federation of Teachers serving as Vice President. He then left the Chicago Teachers Union to join the Chicago Federation of Labor as Assistant to the President and Project Coordinator, then as Secretary-Treasurer, and assuming the President’s post in 1995; and

WHEREAS, Mr. Turner has served a Co-Chair of the Chicagoland Labor Management committee, a unique partnership the CFL and the Chicagoland Chamber of Commerce established to help resolve shared employee issues in the workplace. He has served on the boards of the Metropolis 2020, the Chicago Workforce Board and serves as a Commissioner of the Public Building Commission and as an Advisory Council member of the University of Illinois-Chicago School of Public Health. He also served as an election observer in Nicaragua in 1989 and represented the AFL-CIO on visits in Poland; and

WHEREAS, Mr. Turner’s charitable endeavors include serving as the Labor Chairperson for the United Way since 1995 and also serving on the Board of Directors of the Red Cross and the Board of Directors of the Boy Scouts of America; and

WHEREAS, Mr. Turner and his wife, Bernadette, who was an English teacher and has served as a scholarship consultant, are the parents of Joshua and Matthew;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim June 3, 2002, as DON A. TURNER DAY in Illinois.

Issued by the Governor May 23, 2002.
Filed by the Secretary of State June 06, 2002.

2002-308
RACE UNITY WEEK

WHEREAS, racism is one of today's most vital and challenging issues; and
WHEREAS, the well-being of mankind, its peace and security are unattainable unless and until its unity is firmly established; and
WHEREAS, the unity of humankind must be nurtured through genuine love, extreme patience, true humility, consummate tact, sound initiative, mature wisdom and deliberate, persistent, and prayerful effort; and
WHEREAS, people of goodwill throughout Illinois are working tirelessly to promote the unity of mankind; and
WHEREAS, Race Unity Day was inaugurated in 1957 by the National Spiritual Assembly of Baha'is of the United States, which is based in Wilmette, Illinois; and
WHEREAS, the sacred writings of the Baha'i Faith provide hope that a unified humanity will be a precursor to world peace; and
WHEREAS, the June 2, 2002 Race Unity Rally held in the State Capitol is a worthy endeavor to promote unity among all the people of Illinois;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim June 2-9, 2002, as RACE UNITY WEEK in Illinois.
Issued by the Governor May 23, 2002.
Filed by the Secretary of State June 06, 2002.

2002-309
VICKII COFFEY DAY

WHEREAS, every two years the Alumni Association of the School of Social Service Administration, University of Chicago, recognizes an alumnus for distinguished service to society or outstanding professional contributions at the local, national, or international level; and
WHEREAS, Vickii Coffey is the recipient of the 2002 Elizabeth Butler Award and will be recognized Saturday, June 1, 2002; and
WHEREAS, Coffey has been a tireless advocate for abused women and children for the past 15 years; and
WHEREAS, during her 15 years, Coffey has expanded services and advocacy, influenced public policy through her membership on numerous federal committees, testified before Congress urging the passage of the Violence Against Women Act and served as the executive director of the Chicago Abused Women Coalition; and
WHEREAS, as President of Vickii Coffey and Associates, she provides programmatic, policy, advocacy, and community organizing services for clients working in domestic violence prevention and intervention; and
WHEREAS, Ms. Coffey has been awarded the President's Crime Victim Service Award and the Human Dignity Award from the Illinois Coalition Against Domestic Violence; and
WHEREAS, Coffey was honored by the National Institute on Domestic Violence in the African American Community;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim June 1, 2002, as VICKII COFFEY DAY in Illinois.
Issued by the Governor May 23, 2002.
Filed by the Secretary of State June 06, 2002.

2002-310
SAFETY MONTH

WHEREAS, even though advancements in safety, such as improvements in technology and new legislation have created a safer environment for Americans, the unintentional-injury death toll continues to rise; and
WHEREAS, citizens deserve a solution to these nationwide safety and health threats; and
WHEREAS, such a solution requires the cooperation of all levels of government,
as well as the general public; and
WHEREAS, the summer season, traditionally a time of increased unintentional-injury fatalities, is an appropriate time to focus attention on both the problems and the solutions;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim June 2002 as SAFETY MONTH in Illinois.
Issued by the Governor May 23, 2002.
Filed by the Secretary of State June 06, 2002.

2002-311
ANNE BERMIER DAY

WHEREAS, Anne Bermier is retiring from the teaching profession after 37 years at St. John of the Cross School in Western Springs; and
WHEREAS, Ms. Bermier is a Who's Who Among American Teachers; and
WHEREAS, she received the Outstanding Teacher Award from St. Ignatius High School and Nazareth Academy; and
WHEREAS, Ms. Bermier was a Gold Apple Teacher Award Nominee; and
WHEREAS, she was a crossing guard for over 25 years, School Year Book Moderator for 13 years and Student Council Moderator for 16 years; and
WHEREAS, Anne Bermier is serving her 6th term as a Village Trustee in the Village of Indian Head Park; and
WHEREAS, in 2000, she received Outstanding Woman of the Year - Illinois Women of Achievement Award by Lieutenant Governor Corrine Wood; and
WHEREAS, Ms. Bermier was a Woman of the Century Nominee for the Southwest Suburban Chamber of Commerce;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim June 2, 2002, as ANNE BERMIER DAY in Illinois.
Issued by the Governor May 23, 2002.
Filed by the Secretary of State June 06, 2002.

2002-312
SANGAMON COUNTY AMERICAN CANCER SOCIETY
RELAY FOR LIFE DAYS

WHEREAS, the Sangamon County American Cancer Society (ACS) will hold its sixth annual Relay for Life, a team fundraiser to fight cancer, on June 8 and 9, 2002, at the Illinois Department of Transportation facility in Springfield; and
WHEREAS, Linda Renee Baker, Secretary of the Illinois Department of Human Services has been named the Honorary Chair for the 2002 Relay for Life; and
WHEREAS, Drinda O'Connor, Illinois Department of Human Services, and Dick Poynter, Nudo Products, have been named Co-Chairs for the 2002 Relay for Life; and
WHEREAS, more than 80 teams, consisting of nearly 1,000 individuals, are actively working to raise significant dollars for cancer research; and
WHEREAS, more than 5,000 volunteers and 1,000 cancer survivors have participated in Relay for Life since 1996; and
WHEREAS, in 2001, the Sangamon County Relay for Life event was honored for selling 4,400 luminarias, which was more luminarias than any other county in the State of Illinois; and
WHEREAS, Sangamon County donations combined with National American Cancer Society Relay events, increased research grants from nearly $75 million in 1990 to more than $120 million in 2002;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim June 8-9, 2002, as SANGAMON COUNTY AMERICAN CANCER SOCIETY RELAY FOR LIFE DAYS in Illinois.

Issued by the Governor June 03, 2002.
Filed by the Secretary of State June 10, 2002.

2002-313

DECATUR BREAKFAST SERTOMA CLUB DAY

WHEREAS, the Decatur Breakfast Sertoma Club was organized on June 5, 1972; and
WHEREAS, the Decatur Breakfast Sertoma Club is a service club whose primary mission is to give service to mankind, especially in the area of speech and hearing, using funds raised primarily by selling elephant ears; and
WHEREAS, there are currently 34 members and 180 alumni members; and
WHEREAS, the Decatur area has been greatly served by the Decatur Breakfast Sertoma Club. The generosity and hard work of its membership throughout the years is to be commended; and
WHEREAS, the Decatur Breakfast Sertoma Club is wished many more years of goodwill towards their community; and
WHEREAS, the Decatur Breakfast Sertoma Club is celebrating its 30th anniversary on June 14, 2002;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim June 14, 2002, DECATUR BREAKFAST SERTOMA CLUB DAY in Illinois.

Issued by the Governor June 05, 2002.
Filed by the Secretary of State June 10, 2002.

2002-314

CHRISTOPHER RYAN SMITH DAY

WHEREAS, Christopher Ryan Smith was born on November 21, 1983, in Springfield, Illinois; and
WHEREAS, he attended Southeast High School in Springfield, Illinois, for four years where he excelled in his studies; and
WHEREAS, Christopher was an advanced musician playing in the concert and marching bands; and
WHEREAS, during his Senior year was selected to play in the Jazz Band; and
WHEREAS, Chris played four years of football and baseball, playing varsity in
each his Junior and Senior years and starting in both his Senior year; and
WHEREAS, Christopher graduates from Southeast High School on June 8, 2002; and
WHEREAS, he is loved by his family members and friends who wish him God's Blessing on his commencement day and as he pursues his college education;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim Saturday June 8, 2002, as CHRISTOPHER RYAN SMITH DAY in Illinois.
Issued by the Governor June 05, 2002.
Filed by the Secretary of State June 10, 2002.

2002-315
TARGET HOPE CLASS OF 2002 DAY

WHEREAS, Target Hope: Healing, Opportunity, Pride, Empowerment, is a not-for-profit, tax-exempt organization committed to enhancing opportunities for at-risk minority students; and
WHEREAS, Target Hope seeks to increase high school graduation rates, scholastic achievement and leadership development for students attending Chicago Public Schools; and
WHEREAS, Target Hope received the BP Amoco Educational Solutions Award for Best Practices in Pre-College Education in 2001; and
WHEREAS, Target Hope will be honoring it's 2002 graduates on June 22, 2002; and
WHEREAS, these 85 students have completed their course curriculum at a range of Chicagoland area high schools, including Gwendolyn Brooks College Preparatory Academy, Morgan Park High School, Kenwood Academy, Whitney Young Magnet High School, Thornwood High School and Hillcrest High School; and
WHEREAS, the Target Hope Class of 2002 averaged an ACT score of 24 and a grade point average of 3.3 on a 4.0 scale and procured, of their own merit and tenacity, a total of over $5.7 million in scholarships from several nationally recognized universities;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim, June 22, 2002, as TARGET HOPE CLASS OF 2002 DAY in Illinois.
Issued by the Governor June 03, 2002.
Filed by the Secretary of State June 10, 2002.

2002-316
FRANK GIGLIO DAY

WHEREAS, Frank Giglio was born in Chicago, Illinois, on November 9 - way back in 1933; graduating from Perry Elementary School and Leo High School; and
WHEREAS, Frank Giglio attended Calumet College before serving in the United State Army between 1955 and 1957 as a troop information education officer; and finally
WHEREAS, Frank Giglio is a licensed plumber, a member of Local 130 Journeymen Plumbers and retired from the plumbing business after 26 years; and
WHEREAS, Frank Giglio began his second career in public service by representing his neighbors before the City Council regarding the repair and installation of alley drains and, on the strength of his ability to represent his neighbors well, was elected alderman and served in the City Council between 1963 and 1965; and
WHEREAS, Frank Giglio won election to the Illinois House of Representatives in 1972 and served on various committees during his 20 years in the legislature, chairing five different committees and serving in majority leadership as the House Democratic Conference Chair; and
WHEREAS, during his time in the General Assembly, Frank Giglio actively sought funding for local schools, the erection of a new Burnham Avenue bridge, the addition of new streets, the repaving of older streets, new cars for the South Shore railroad, the repair of the Burnham Railroad crossing and the passage of a 10-minute maximum rule for trains that tie up rail crossings; and
WHEREAS, Frank Giglio served as the Thornton Township Democratic Committeeman between 1973 and 2002, reversing decades of Republican control of township offices and helping organize and initiate man, many improvements within the largest township in Illinois; and
WHEREAS, Frank Giglio was widely respected on both sides of the political aisle for his legislative skills, the value of his word as a gentleman, his low-key and even-tempered manner and the fact that he was the best Italian chef ever to serve in the legislature -now or ever; and
WHEREAS, Frank Giglio has been married to Eileen for 46 years, a union of love and mutual support that has produced five children and four grandchildren, including one son -Michael- who followed his father into the Illinois House; and
WHEREAS, on this night the many, many friends of Frank Giglio gathered for a surprise reception at Villa DeBruno to honor his 35-plus years of public service and the fact that everybody think that’s one of the best guys around;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim June 5, 2002, as FRANK GIGLIO DAY in Illinois and encourage all who meet him to congratulate him on his many accomplishments.
Issued by the Governor June 03, 2002.
Filed by the Secretary of State June 10, 2002.

2002-317
LINDA HAGERMAN ELEMENTARY EDUCATION DAY

WHEREAS, Linda Sue Hagerman was born June 17, 1943, in Peoria, Illinois, to Charles A. and Doris Harris; and
WHEREAS, Linda Sue Clark graduated from Clinton High School in May 1961, ranked #5 in a class of 114 and Illinois State University with a Bachelor's Degree in Education in August 1965; and
WHEREAS, Ms. Hagerman is the proud mother of twin sons, Michael and Matthew, and three grandchildren, with another on the way; and

WHEREAS, Ms. Hagerman began her teaching career with Springfield School District 186 in 1972 at Hazel Dell and in 1977 at Laketown Elementary, where she has dedicated herself for the past 25 years in the same classroom; and

WHEREAS, Ms. Hagerman is highly respected by her peers, students and families, and has been a mentor and a role-model for students and teachers alike; and

WHEREAS, Ms. Hagerman is a firm believer in the public school system and has been an active member of the Springfield Education Association, serving on the Executive Committee. She was a strong proponent of the Student Assistance Program, an advocate of the Second Step Curriculum and she fully embraced Multi-age and Looping: classroom philosophies which embody developing students' character and improving self-esteem; and

WHEREAS, Ms. Hagerman embodies what teaching is all about -- love, encouragement, hugs, reading, understanding, advancement, caring, learning and kindness; and

WHEREAS, Ms. Hagerman's many professional and personal friends in the educational community will miss her thoughtfulness, her wise counsel and her selflessness; and

WHEREAS, Ms. Hagerman will soon be relocating to Wisconsin to be near her grandchildren and will be missed by so many;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim June 17, 2002, as LINDA HAGERMAN ELEMENTARY EDUCATION DAY in Illinois.
Issued by the Governor June 06, 2002.
Filed by the Secretary of State June 10, 2002.

2002-318
ARTS WEEK

WHEREAS, the arts in all forms are treasures that bring joy to everyone; and

WHEREAS, our lives are enriched by the art that surrounds us in everyday environments - the art that is part of our history, and the art of far-away places that we bring into our hearts and minds; and

WHEREAS, the arts in Illinois deserve recognition and support so they may continue to flourish in abundant variety; and

WHEREAS, the Illinois Arts Council and the National Endowment for the Arts are two organizations that play a vital role in bringing the arts to our citizenry; and

WHEREAS, central to that partnership is the shared belief that freedom of artistic expression must remain unfettered by government interference in its content; and

WHEREAS, since 1978, Illinois has annually celebrated Arts Week, focusing attention on the value of the arts in our lives;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 6-12, 2002, as ARTS WEEK in Illinois.

Issued by the Governor June 06, 2002.
WHEREAS, acclaimed Italian tenor, Andrea Bocelli, is performing in Chicago as part of his spring North America tour; and
WHEREAS, following the Chicago appearance he will attend the National Italian American Foundation reception for people who purchased premium concert tickets through the Foundation to benefit the NIAF/Bocelli Scholarship in Music; and
WHEREAS, in October 2000, Bocelli received the national Italian American Foundation’s U.S./Italy Friendship Award during the NIAF gala awards dinner in Washington, D.C., and he also performed via satellite with the Boccherino Institute Youth Orchestra from Lucca, Italy during the NIAF gala in honor of the Foundation’s 25th anniversary; and
WHEREAS, Bocelli has sold more than 20 million albums worldwide since he entered the American music scene in 1977 with the release of his CD, Romanza and the single “Con Te Partiro” (Time To Say Goodbye). Romanza topped the charts in more than 13 countries and sold more than 500,000 copies in the U.S. alone during the first three months of its release; and
WHEREAS, in 1990, Bocelli received his first Grammy nomination for Best New Artist while four of his albums charted simultaneously on the Billboard Top 200 chart, a feat achieved only twice in recent memory by Garth Brooks and U2. Last year also marked Bocelli’s American opera debut with the Detroit Opera Company;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim June 7, 2002, as ANDREA BOCELLI DAY in Illinois.
Issued by the Governor June 06, 2002.
Filed by the Secretary of State June 10, 2002.

2002-320
GENERAL ASSEMBLY RECONVENED

WHEREAS, the Illinois Constitution requires the General Assembly to make appropriations for a fiscal year that shall not exceed the funds estimated by the General Assembly to be available during that fiscal year; and
WHEREAS, the Illinois Constitution authorizes the Governor to veto a bill by returning such bill with his objections to the house in which it originated.
THEREFORE, pursuant to Article IV, Section 5 (b) of the Illinois Constitution of 1970, I hereby call and convene the 92nd General Assembly in special session to commence on Monday, June 10, 2002 at 2:00 p.m. to consider my reductions and vetoes of items of appropriations in Senate Bill 2393 and to consider my veto of House Bill 3714.
Issued by the Governor June 07, 2002.
Filed by the Secretary of State June 07, 2002.
2002-321
WIC APPRECIATION MONTH

WHEREAS, in 1974, the United States Congress established a Special Supplemental Food program for women, infants, and children. That program is better known today as the WIC program; and
WHEREAS, WIC has an extraordinary 28-year record of preventing children’s health problems and improving growth and development in order for WIC children to be ready to learn when they enter school; and
WHEREAS, quality nutrition services, which provide nutrition and breast-feeding education, nutritious foods and improved healthcare access for low and moderate income women and children, are the center pieces of WIC; and
WHEREAS, committed staff in 99 local WIC agencies throughout the state serve more than 260,000 eligible women and children each month; and
WHEREAS, WIC works closely with health-related programs such as Family Case Management, Medicaid, KidCare and Immunization programs to provide Illinois families with the tools they need to attain good health; and
WHEREAS, as the nation’s premier public health nutrition program, WIC is a cost-effective, sound investment that insures the health of our children;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim June 2002 as WIC APPRECIATION MONTH in Illinois.

Issued by the Governor June 13, 2002.
Filed by the Secretary of State June 17, 2002.

2002-322
HOWARD BROWN DAY

WHEREAS, Howard E. Brown was born on June 22, 1922, in Springfield, Illinois; and
WHEREAS, in 1948, Mr. Brown received his Baccalaureate Degree from Illinois State University. Since then he has received a Master’s Degree in educational administration from Colorado State University and specialist degree in educational administration from Eastern Illinois University; and
WHEREAS, he began his teaching career at Blue Mound High School in Blue Mound, Illinois, where he taught history and industrial arts, and coached; and
WHEREAS, after receiving his master’s degree from Colorado State University, he was offered and accepted the position of Superintendent of Schools for the Blue Mound District in 1956; and
WHEREAS, in 1965, Howard Brown was appointed Superintendent of Schools of Macon County; and
WHEREAS, from 1985-1989, he was President of Richland Community College; and
WHEREAS, Mr. Howard Brown is married to Helen and they have 3 children; and
WHEREAS, Howard Brown will be celebrating his 80th Birthday on June 22nd;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim June 22, 2002, as HOWARD BROWN DAY in Illinois.

Issued by the Governor June 13, 2002.
Filed by the Secretary of State June 17, 2002.

2002-323
HOMEOWNERSHIP MONTH

WHEREAS, homeownership is the American Dream, as it represents a place where children can grow, learn, and feel safe; an opportunity to save money and build equity for the future; and a sense of stability and belonging to the greater community; and

WHEREAS, thanks to the prosperity this nation has enjoyed over the past decade, more Americans are homeowners today than at any time in our history; even so, less than half of African-American and Hispanic families own their homes; and

WHEREAS, the Department of Housing and Urban Development is providing families with tools and information they can use to overcome the barriers that deny homeownership to far too many Americans; and

WHEREAS, the Department is working in partnership with state and local governments, community groups, and the private sector to make the most effective use of federal funds. Through a combination of housing counseling, down payment assistance, and tax incentives, thousands of Americans are helped to buy homes;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim June 2002 as HOMEOWNERSHIP MONTH in Illinois.

Issued by the Governor June 12, 2002.
Filed by the Secretary of State June 17, 2002.

2002-324
IRISH FEST DAY

WHEREAS, beginning from the earliest years of settlement, millions of Ireland’s people have immigrated to America’s shores, reaching a particular peak during the Great Famine more than 150 years ago. Irish immigrants, from professionals to laborers, made an enormous contribution to the building of our nation; and

WHEREAS, nine of the signers of the Declaration of Independence were of Irish origin, and 19 Presidents of the United States have proudly claimed Irish heritage, including George Washington, Andrew Jackson, John F. Kennedy and Ronald Reagan; and

WHEREAS, the 1990 census showed that the second-largest population in Arlington Heights, 15,682, were of Irish descent and today more than 44 million Americans claim Irish heritage and have distinguished themselves in every sector of American life; and
WHEREAS, in the Village of Arlington Heights, through the combined efforts of the Park District, Village and Historical Society, the fourth annual Irish Fest will be held on Sunday, July 14, 2002, on the Arlington Heights Historical Museum grounds; and

WHEREAS, Tom McDonnell, co-chairman, announces Irish entertainment and cultural information will be provided to the public by Anish, Bohola, Donnybrook, Glengael Pipe Band, Brendan Loughry, Pipes and Drums of the Emerald Society, McNulty School of Irish Dance, Trinity Irish Dancers in cooperation with the Irish American Heritage Center, Ed Murnane, Celtic Interludes, Great Lakes Irish Wolfhounds Association, Dgeigen Balloons and Barbara G. Meyer. Food and drink by Peggy Kinnane’s Irish Restaurant and Pub will be available together with shops featuring Irish goods such as Ballyea Jewelry Designs, Encore, Ireland’s Outlet, Michael Carroll Celtic Design, Murray’s Irish Outfitters, and Paddy’s on the Square; and

WHEREAS, the committee gives thanks to those persons who make this event possible, including the volunteer membership of the Arlington Heights Historical Society, Arlington Heights Park District, Kristina Christie, Cathy Robertson, Melody Smith, Eileen Daday, Kathy Hahn, Mike Fitton, Tickets to Travel and the Illinois Arts Council and others;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim July 14, 2002, as IRISH FEST DAY in Illinois.

Issued by the Governor June 12, 2002.

Filed by the Secretary of State June 17, 2002.

2002-325

AFRICAN/CARIBBEAN INTERNATIONAL FESTIVAL OF LIFE DAYS

WHEREAS, on July 4-7, 2002, the 10th Annual African/Caribbean International Festival of Life, will be hosted by Martin’s International Culture Inc. and its sponsors: Chicago Park District, Western Union, Pepsi-Cola, WGCI FM, WGCI AM 1390, V103, African Spectrum, Chicago Defender and Upscale Magazine, among others; and

WHEREAS, this year’s African/Caribbean International Festival of Life, under the banner of “LIVING TOGETHER AS ONE,” is dedicated to Peace, Love, and Unity among all Nations, furthering the belief that Out Of Many Nationalities We Are One People; and

WHEREAS, the primary objective of the festival is to bring together under one umbrella people of various nationalities, cultures, and ethnic backgrounds; and

WHEREAS, the African/Caribbean International Festival of Life, will feature a variety of music, including reggae, calypso, gospel, salsa, blues, rhythm & blues, highlife, soukous, hip-hop, rap, and more, with such performances as Third World, Mr. Cheeks, Gregory Isaacs and the Queen of Calypso, Calypso Rose; and

WHEREAS, exhibitors/vendors will offer a large variety of international crafts, cultural clothing, other ethnic items, and international food from Africa, Caribbean, and around the globe;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim July 4-7, 2002, as AFRICAN/CARIBBEAN INTERNATIONAL FESTIVAL OF LIFE DAYS in Illinois.

Issued by the Governor June 12, 2002.
Filed by the Secretary of State June 17, 2002.

2002-326
ST. JOHN THE BAPTIST SERBIAN ORTHODOX CHURCH DAY

WHEREAS, the St. John the Baptist Serbian Orthodox Church located in Bellwood, Illinois, is celebrating its 50th Anniversary on September 8, 2002; and
WHEREAS, St. John the Baptist Serbian Orthodox Church serves as a religion and cultural center for the Serbian American community and has several organizations including the Serbian Sister Circle, President Sonja Vukanic, the Choir, Director Marko Magazinovic, the “Oplenac” Folkdancing Group, President Slavica Ivovic and an athletic division, Director Jovica Vukosavljevic; and
WHEREAS, members of the St. John the Baptist Serbian Orthodox Church do charitable work and promote Serbian American causes; and
WHEREAS, the St. John the Baptist Serbian Orthodox Church continues to promote the rich Serbian heritage and culture including worship services in the Serbian language and spiritual-liturgical tradition that dates over a thousand years; and
WHEREAS, the Parish Priest Father Cedomir Kostic is to be commended for his commitment and dedication to the St. John the Baptist Serbian Orthodox Church and the Serbian American community; and
WHEREAS, President of the Church, Dan Ivanicevic, and Miroslav and Smiljana Mrksich, Co-Chairpersons of the 50th Anniversary Committee announces that the anniversary celebration will take place, September 7, 2002, with a picnic dance at the church’s new property in Lockport, Illinois, and the Golden Jubilee Banquet will be held on September 8, 2002, at the Diplomat West in Elmhurst, Illinois;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, September 8, 2002, as ST. JOHN THE BAPTIST SERBIAN ORTHODOX CHURCH DAY in Illinois.

Issued by the Governor June 12, 2002.
Filed by the Secretary of State June 17, 2002.

2002-327
ARCHPRIEST NICHOLAS DAHDAL DAY

WHEREAS, Archpriest Nicholas Dahdal, Pastor of the St. George Antiochian Orthodox Church “Shrine of Our Miraculous Lady of Cicero, Illinois” is celebrating his 25th Anniversary of service in the Holy Priesthood on August 14, 2002; and
WHEREAS, Archpriest Nicholas Dahdal completed his education at the Greek Orthodox School in Taybeh, Al-Ahlih College in Ramallah and Beir Zeit College in Beir Zeit, Palestine; and
WHEREAS, Archpriest Nicholas Dahdal came to the United States in June 1971 and graduated from Beckley College, Iona College in 1975 and Vladimir Seminary in 1977; and
WHEREAS, Archpriest Nicholas Dahdal married in 1977 to Diane Yaser Jacob and they are blessed with three children, Michele, Nicole and Michael and two grandchildren, Marisa Nicole Zayed and Anthony Dean Zayed; and
WHEREAS, Archpriest Nicholas Dahdal was ordained to the Holy Diaconate in Washington, D.C., July 31, 1977, to the Holy Priesthood in Yonkers, New York, on August 14, 1977, and elevated to the dignity of Archpriest on June 12, 1988; and
WHEREAS, Archpriest Nicholas Dahdal worked at the Archdiocese Headquarters in Englewood, New Jersey, and assumed the pastorate of St. Michael Orthodox Church in Greensburg, Pennsylvania, and St. George Orthodox Church in Detroit, Michigan, and St. George Orthodox Church in Jacksonville, Florida; and
WHEREAS, Archpriest Nicholas Dahdal was assigned to the pastorate of St. George Orthodox Church in Chicago, Illinois, July 1986 and during his pastorate the church’s membership increased from 150 to 750 families; and
WHEREAS, in Archpriest Nicholas Dahdal honor, the Divine Liturgy of Thanksgiving will be offered at St. George Antiochian Orthodox Church, presided by His Grace Bishop Demetri and followed by a banquet in the Diplomat West Banquet Hall in Elmhurst on July 21, 2002;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim July 21, 2002, as ARCHPRIEST NICHOLAS DAHDAL DAY in Illinois.

2002-328

INSTITUTE FOR DIVERSITY IN HEALTH MANAGEMENT DAYS

WHEREAS, the Institute for Diversity in Health Management (IFD) is holding the third Annual Leadership and Educational Conference on Diversity in Chicago on July 10-12, 2002; and
WHEREAS, this year’s conference, Creating a Diverse Organization: Leadership in the New Era, is designed to share initiatives, techniques and strategies between senior executives, human resource officers, trustees and other leaders; and
WHEREAS, the conference will include talks on the need to develop effective, high-caliber mentoring programs, implement strategies for recruiting diverse employees, and integrate a diversity plan into business; and
WHEREAS, IFD was founded in 1994 and is supported by the American Hospital Association, the American College of Healthcare Executives, the National Association of Health Services Executives, and the Association of Hispanic Healthcare Executives; and
WHEREAS, as a not-for-profit organization, IFD’s mission is to increase the number of ethnic minorities in health service administration and improve opportunities for professionals already in the field; and
WHEREAS, the Institute’s activities are designed to generate significant long-term results through educational programs, summer enrichment internships and fellowships, professional development, and leadership conferences;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim July 10-13, 2002, as INSTITUTE FOR DIVERSITY IN HEALTH MANAGEMENT DAYS in Illinois.

Issued by the Governor June 12, 2002.
Filed by the Secretary of State June 17, 2002.

2002-328
INSTITUTE FOR DIVERSITY IN HEALTH MANAGEMENT DAYS (REVISED)

WHEREAS, the Institute for Diversity in Health Management (IFD) is holding the fourth Annual Leadership and Educational Conference on Diversity in Chicago on July 10-12, 2002; and

WHEREAS, this year's conference, Creating a Diverse Organization: Leadership in the New Era, is designed to share initiatives, techniques and strategies between senior executives, human resource officers, trustees and other leaders; and

WHEREAS, the conference will include talks on the need to develop effective, high-caliber mentoring programs, implement strategies for recruiting diverse employees, and integrate a diversity plan into business; and

WHEREAS, IFD was founded in 1994 and is supported by the American Hospital Association, the American College of Healthcare Executives, the National Association of Health Services Executives, the Association of Hispanic Healthcare Executives, and the Catholic Health Association of the United States; and

WHEREAS, as a not-for-profit organization, IFD's mission is to increase the number of ethnic minorities in health service administration and improve opportunities for professionals already in the field; and

WHEREAS, the Institute’s activities are designed to generate significant long-term results through educational programs, summer enrichment internships and fellowships, professional development, and leadership conferences;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim July 10-13, 2002, as INSTITUTE FOR DIVERSITY IN HEALTH MANAGEMENT DAYS in Illinois.

Issued by the Governor June 12, 2002.
Filed by the Secretary of State July 07, 2002.

2002-329
LEADER EMIL JONES JR. “MAN OF THE YEAR” DAY IN ILLINOIS

WHEREAS, Sen. Emil Jones, Jr., has served ably in the Illinois General Assembly since 1973; and

WHEREAS, Sen. Jones has built a reputation as an independent-minded and
progressive legislator with a solid reputation of fairness and advocacy for the disadvantaged and is a strong proponent of social justice, and fair and adequate funding of public education in Illinois; and

WHEREAS, Sen. Jones was unanimously selected on Jan. 13, 1993, as the Leader of his fellow Democratic Senate members and as their Leader he has helped his fellow Democratic senators in protecting the interests of their constituents and plays a key role in ensuring that fairness prevails in the Senate; and

WHEREAS, Leader Jones, elected to the State Senate in 1982, serves as a member of the Senate’s Executive Committee and has served as Vice Chairman of the General Assembly’s Retirement System’s Board of Trustees, and as a member of the Illinois House from 1973-1983, he was an Assistant Democratic Leader and Chairman of the Insurance Committee; and

WHEREAS, Leader Jones counts among his proudest legislative victories the passage into law of a bill that directed millions of state dollars for disadvantaged public school students to classroom needs, rather than administrative needs. He passed the first legislation ensuring that minority and small businesses received their fair share of state construction contracts. He fought for individuals’ right to choose a clinical social worker over a psychiatrist and to have a third party reimburse the expenses in cases involving the state. Leader Jones also passed legislation that encourages Illinois public pension systems to use minority and female investment managers for their pension investments; and

WHEREAS, because of his many legislative and community endeavors, Leader Jones has received numerous awards from educational, business and labor organizations; and

WHEREAS, a 1953 graduate of Chicago’s Tilden Technical High School, Leader Jones graduated from Loop Junior College, and then attended Roosevelt University, majoring in Business Administration. He is a life-long resident of Chicago’s South Side, and he is a member of Holy Name of Mary Church, the Morgan Park Civic League, Knights of St. Peter Claver, the 111th Street YMCA Board of Directors, the National Black Caucus of State Legislators, the National Conference of State Legislators and the Shriners. He is a 32nd degree Mason and a former Boy Scout Master. Leader Jones and his late wife, Patricia, have four children;


Issued by the Governor June 11, 2002.
Filed by the Secretary of State June 17, 2002.

2002-330
ILLINOIS-WISCONSIN STATE ASSOCIATION OF THE IMPROVED BENEVOLENT ORDER OF ELKS OF THE WORLD WEEK

WHEREAS, the Illinois-Wisconsin State Association of the Improved Benevolent Order of Elks of the World is celebrating its 75th anniversary; and

WHEREAS, the Association was organized on June 17, 1925, by the late Grand
Exalted Ruler J. Finley Wilson and the late PGDR. Ella G. Berry at Springfield, Illinois, with the now defunct Charles Young Lodge and the Charles Young Temple as host. While the Association has separated into two groups, Brother T. L. Stevens worked untiringly to bring them together and at the same time the lodge and temple (Juneau Fidelity) of Milwaukee joined the group and the Illinois-Wisconsin State Association was formed. Michigan joined briefly and then withdrew; and

WHEREAS, in 1930, Dr. A. L. Frazier of Danville, Illinois, was elected president and he proceeded to bring into the Association the ideals of Elkdom and became a champion of the Education, Civil Liberties and Health Departments; and
WHEREAS, at this time, there are 17 lodges, two P. E. R. Councils, 26 temples, and four P. D. R. Councils, with Brother Thomas Heard serving as the state president; and
WHEREAS, in 1959, Daughter Alfrenia Y. Hampton was elected as president of the Daughters of the Association and served for 30 years continuing the work in the four cardinal principles of Elkdom and she has been followed by Yvonne Brown, who has continued untiringly the same work; and
WHEREAS, the Association will hold its annual convention in Peoria, Illinois;
Issued by the Governor June 11, 2002.
Filed by the Secretary of State June 17, 2002.

2002-331
DAUGHTERS OF THE IMPROVED BENEVOLENT AND PROTECTIVE ORDER OF ELKS WEEK

WHEREAS, The Daughters of the Improved Benevolent and Protective Order of Elks of the World is the largest women’s organization in the world with more than 450,000 members; and
WHEREAS, the late Dgt. Emma V. Kelley founded the organization 100 years ago in Norfolk, Virginia, upon the four cardinal principles of Charity, Justice, Sisterly Love and Fidelity; and
WHEREAS, there are many working components in the organization including scholarship programs under the Beauty and Talent Department, Education Department and the Karen L. Wilson Scholarship program. Recognizing the need to be visible in the Civil Rights movement, the organization has a support program within the Civil Liberties Department of the Elks and further recognizing the need to motivate our youth, a National Easter Egg Hunt is held annually, in addition to the Computer/Leadership Camp and services to handicapped children through the Special People’s Department; and
WHEREAS, under the dynamic and diverse leadership of Dr. Jean C. Smith the organization is composed of many temples throughout the United States, Bahamas and West Indies. Dr. Smith has worked to enhance the organization with her vision and a strong sense of community commitment; and
WHEREAS, the Daughters of Elks are proud of their heritage while embarking on the organization’s 100th anniversary;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim August 2-9, 2002, as DAUGHTERS OF THE IMPROVED BENEVOLENT AND PROTECTIVE ORDER OF ELKS WEEK in Illinois.

Issued by the Governor June 11, 2002.
Filed by the Secretary of State June 17, 2002.

2002-332
MEXICAN FOLKLORIC DANCE COMPANY OF CHICAGO 20TH ANNIVERSARY

WHEREAS, the Mexican Folkloric Dance Company of Chicago was founded February 17, 1982, and incorporated on March 28, 1983; and

WHEREAS, the Mexican Folkloric Dance Company of Chicago will be celebrating its 20th Anniversary on the Skyline Stage at Chicago’s Navy Pier on July 13, 2002, doing what it loves to do: performing the inspirational and tradition rich folkloric dances of Mexico; and

WHEREAS, the Mexican Folkloric Dance Company of Chicago, through its authentic dance performances, has been successful in its efforts to educate the public in its vast dance repertoire and in preserving this heritage among the Mexican progeny; and

WHEREAS, the Mexican Folkloric Dance Company of Chicago has toured nationally and in Mexico and has had the honor of performing for President Reagan’s 1985 visit to Chicago Heights, the 1987 Pan Am Games before Vice-President Bush, Governor Thompson, Mayors Daley and Washington, Steve Lawrence and Eydie Gorme the 1994 World Cup before many world leaders including President Clinton, Chicago Bulls half-times, Bob McGrath of Sesame Street and Mexican President Vicente Fox’s visit to Chicago in 2001; and

WHEREAS, the Mexican Folkloric Dance Company of Chicago has received 128 awards, grants and honors since 1983;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim July 13, 2002, as MEXICAN FOLKLORIC DANCE COMPANY OF CHICAGO 20th ANNIVERSARY DAY in Illinois.

Issued by the Governor June 11, 2002.
Filed by the Secretary of State June 17, 2002.

2002-333
UNITED STATES ARMY WEEK

WHEREAS, the United States Army was established by the First Continental Congress on the 14th day of June, 1775; and

WHEREAS, the United States Army exists to defend the freedom of our citizens and our nation’s security interests; and
WHEREAS, many citizens of Illinois have served their nation and given the ultimate sacrifice in defense of our freedoms, as members of the United States Army; and
WHEREAS, it is proper to recognize the United States Army annually on its birthday, and to thank those who have served and those presently serving;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim June 14, 2002, as the United States Army’s 227th birthday and declare the period from June 12-18, 2002, as UNITED STATES ARMY WEEK in Illinois and invite all citizens to join me in this salute as we express our gratitude to those who have served and those who are now serving to protect our nation and freedoms.

Issued by the Governor June 11, 2002.
Filed by the Secretary of State June 17, 2002.

2002-334
TOM MCCUE DAY

WHEREAS, the United States Army was established by the First Continental Congress on the 14th day of June, 1775; and
WHEREAS, the United States Army exists to defend the freedom of our citizens and our nation’s security interests; and
WHEREAS, many citizens of Illinois have served their nation and given the ultimate sacrifice in defense of our freedoms, as members of the United States Army; and
WHEREAS, it is proper to recognize the United States Army annually on its birthday, and to thank those who have served and those presently serving;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim June 14, 2002, as the United States Army’s 227th birthday and declare the period from June 12-18, 2002, as UNITED STATES ARMY WEEK in Illinois and invite all citizens to join me in this salute as we express our gratitude to those who have served and those who are now serving to protect our nation and freedoms.

Issued by the Governor June 11, 2002.
Filed by the Secretary of State June 17, 2002.

2002-335
FESTA ITALIANA DAYS

WHEREAS, thousands of Italian Americans have been living in Illinois for generations and have contributed much to the progress and development of the state; and
WHEREAS, Festa Italiana will be a celebration of Italian folk dancing, singing entertainment, crafts, food and will include a Bocce tournament; and
WHEREAS, Chair Mitchell LaMonica announces that the year 2002 marks the 24th anniversary of the Festa Italiana. The theme of the Festival is "Salute to America"; and
WHEREAS, Festa Italiana will be held at Boylan Catholic High School grounds; and


WHEREAS, the Italian community of Rockford, Illinois, will celebrate with the largest ethnic festival in Northern Illinois on August 2-4, 2002;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim August 2-4, 2002, as FESTA ITALIANA DAYS in Illinois.

Issued by the Governor June 17, 2002.
Filed by the Secretary of State June 20, 2002.

2002-336

TOTAL CHRISTIAN NETWORK AND GOSPEL MUSIC MONTH

WHEREAS, the Total Christian Network that is headquartered in Marion, Illinois, is celebrating 25 years of providing the very best in Christian Family Programming to the state of Illinois and to viewers throughout American; and

WHEREAS, the Total Christian Network honors the State of Illinois in having the ability to share the gospel on a worldwide basis through the web and nationwide by way of satellite and enjoys 22 television stations in 13 states and in the province of Ontario, Canada; and

WHEREAS, Dr. Garth and Dr. Tina Coonce have contributed much to the blessing of our state by their many years of devotion in the broadcasting of Christian programs,

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim September 2002 as TOTAL CHRISTIAN NETWORK AND GOSPEL MUSIC MONTH in Illinois.

Issued by the Governor June 17, 2002.
Filed by the Secretary of State June 20, 2002.

2002-337

SIGN LANGUAGE INTERPRETER AWARENESS MONTH

WHEREAS, there are approximately 986,648 deaf and hard-of-hearing people in Illinois; and

WHEREAS, statewide, interpreters provide hundreds of thousands of hours of interpreting service every year; and

WHEREAS, interpreters enable deaf, hard-of-hearing and hearing people to communicate effectively in a wide range of situations; hospitals, schools, businesses, government offices, courts, police departments, theaters, museums, parks and many other settings; and

WHEREAS, we need to create an awareness of the interpreting profession because the need for qualified interpreters exceeds the supply;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim August 2002 as SIGN LANGUAGE INTERPRETER AWARENESS MONTH in Illinois.

Issued by the Governor June 17, 2002.
Filed by the Secretary of State June 20, 2002.
2002-338
SANDRA FISK DAY

WHEREAS, Mrs. Sandra Fisk is retiring as Executive Director of Leadership Greater Galesburg, a post she has held since 1994; and
WHEREAS, Mrs. Fisk first got involved as a volunteer chairman of the program; and
WHEREAS, she dedicated herself to the belief that everyone needs to be taught the tools of 21st Century leadership in order to develop leaders and effective communities; and
WHEREAS, the mission of Leadership Greater Galesburg is to empower citizens with the leadership skills that strengthen and transform communities; and
WHEREAS, Mrs. Fisk acts as a champion for involving the entire community, building collaborative relationships, and teaching leadership skills to new generation of citizens; and
WHEREAS, Sandra Fisk has provided an atmosphere of learning how to get things done through inclusive processes that lead to the shared vision;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim June 19, 2002, as SANDRA FISK DAY in Illinois.

Issued by the Governor June 19, 2002.
Filed by the Secretary of State June 20, 2002.

2002-339
CULTURAL WEEK OF MICHOACAN

WHEREAS, the Michoacanos represent the largest group of Mexicans living in the United States; and
WHEREAS, of the 500,000 Michoacanos living in the Midwest, 250,000 of those live in the Chicago Metropolitan Area; and
WHEREAS, The Federation of Michoacanos is a non-profit organization that promotes the well-being and progress of the Michoacanos in the Midwest as well as Mexico through educational, cultural, civic and social projects in a bi-national content to promote the formation of proactive citizens that seek a complete participation in the society in which they live; and
WHEREAS, the Honorable Gobernador of Michoacan, Mexico, C. Lazaro Cardenas Batel, will be present to participate in this historical, cultural and civic event;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim June 20-29, 2002, as CULTURAL WEEK OF MICHOACAN in Illinois.

Issued by the Governor June 19, 2002.
Filed by the Secretary of State June 20, 2002.
2002-340
6015TH GARRISON SUPPORT UNIT FAMILY SUPPORT GROUP DAY

WHEREAS, the 6015th Garrison Support Unit’s Family Support Group is to provide assistance to soldiers and their families during their association with the Army Reserve; and
WHEREAS, the support is needed during times of long separation or short time periods such as weekend drills and annual training; and
WHEREAS, the 6015th Garrison Support Unit seeks to provide communications between the Unit and families, improve family awareness and help prepare families during the time of mobilization; and
WHEREAS, the 6015TH Garrison Support Group will hold its annual Family Day on July 14th in recognition of the Group’s volunteers who make up its membership;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim July 14, 2002, as 6015TH GARRISON SUPPORT UNIT FAMILY SUPPORT GROUP DAY in Illinois.

Issued by the Governor June 19, 2002.
Filed by the Secretary of State June 20, 2002.

2002-341
GHANAFEST DAY

WHEREAS, the Ghana National Council of Metropolitan Chicago was registered as a not-for-profit corporation with the Illinois Secretary of State’s Office on January 4, 1984; and
WHEREAS, the corporation is community-based and seeks to promote general welfare and unity, establish and maintain friendly relations, promote better understanding and educate the general community about Ghanaian, African, African-American and the Caribbean cultures; and
WHEREAS, volunteer members of the Ghana National Council of Metropolitan Chicago organize an annual festival to promote and educate the general public about Ghanaian and African cultural heritage, featuring programs that educate and enlighten the public and youth; and
WHEREAS, on Saturday, July 27, 2002, the Ghana National Council of Metropolitan Chicago will celebrate the 14th annual Ghanafest in Washington Park;
THEREFORE, I George H. Ryan, Governor of the State of Illinois, proclaim July 28, 2002, as GHANAFEST DAY in Illinois.

Issued by the Governor June 19, 2002.
Filed by the Secretary of State June 20, 2002.

2002-342
ORGANIC HARVEST MONTH

WHEREAS, organic farmers and processors throughout the State of Illinois will
join consumers and retailers in an abundant harvest; and
WHEREAS, Illinois members of the Organic Trade Association, the business association for the organic industry in North America, will join with others of similar interest to prepare for the fall harvest; and
WHEREAS, organic agriculture benefits both the environment and economy;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim September 2002 as ORGANIC HARVEST MONTH in Illinois.
Issued by the Governor June 19, 2002.
Filed by the Secretary of State June 20, 2002.

2002-343
ANDRE J. MOSTERT DAY

WHEREAS, Andre J. Mostert has served the people of the State of Illinois with dedication and distinction for 27 years; and
WHEREAS, Andre has not only endured, but been integral in Illinois' implementation and operation of employment and training programs under the Comprehensive Employment and Training Act, Job Training Partnership Act, and current Workforce Investment Act; and
WHEREAS, Andre’s leadership of the Land of Lincoln Consortium has resulted in thousands of Illinoisans obtaining and advancing in their jobs, and Local Workforce Investment Area 20 consistently exceeding all performance measurements; and
WHEREAS, Andre has served as a mentor, role model, and friend to many; and
WHEREAS, it is now time for Andre to relax and spend time with his grandchildren; and
WHEREAS, on June 24, 2002, a reception will be held by the Local Workforce Investment Board to honor Andre Mostert’s retirement;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim June 24, 2002, as ANDRE J. MOSTERT DAY in Illinois.
Issued by the Governor June 24, 2002.
Filed by the Secretary of State June 26, 2002.

2002-344
TRIAD MIDDLE SCHOOL BAND DAY

WHEREAS, the Triad Middle School Band from St. Jacob, Illinois, has been chosen to represent the State of Illinois in the 2002 Musical Salute to America in Washington, D.C. from July 3-5, 2002; and
WHEREAS, under the direction of Dennis Carter, the Triad Middle School was selected to attend on the basis of superior performance ratings and recommendations from state and local music educators; and
WHEREAS, a successful band performance requires a great deal of dedication, practice, and self discipline; and
WHEREAS, the life-long lessons that these students have learned while perfecting their skills will continue to benefit them later in life as they confront the challenges of college and a career; and

WHEREAS, it is appropriate to set aside time to recognize the talent and dedication of each member of this band, who have earned a reputation for excellence and whose performances bring great credit to themselves, their families, their school, their community and their state;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim July 3, 2002, as TRIAD MIDDLE SCHOOL BAND DAY in Illinois.

Issued by the Governor June 24, 2002.
Filed by the Secretary of State June 26, 2002.

2002-345
CAREER AND TECHNICAL ORGANIZATIONS WEEK

WHEREAS, the Triad Middle School Band from St. Jacob, Illinois, has been chosen to represent the State of Illinois in the 2002 Musical Salute to America in Washington, D.C. from July 3-5, 2002; and

WHEREAS, under the direction of Dennis Carter, the Triad Middle School was selected to attend on the basis of superior performance ratings and recommendations from state and local music educators; and

WHEREAS, a successful band performance requires a great deal of dedication, practice, and self discipline; and

WHEREAS, the life-long lessons that these students have learned while perfecting their skills will continue to benefit them later in life as they confront the challenges of college and a career; and

WHEREAS, it is appropriate to set aside time to recognize the talent and dedication of each member of this band, who have earned a reputation for excellence and whose performances bring great credit to themselves, their families, their school, their community and their state;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim July 3, 2002, as TRIAD MIDDLE SCHOOL BAND DAY in Illinois.

Issued by the Governor June 24, 2002.
Filed by the Secretary of State June 26, 2002.

2002-346
BRACHIAL PLEXUS INJURY AWARENESS WEEK

WHEREAS, brachial plexus injuries affect the network of nerves that control the muscles of the shoulder, arm, elbow, wrist, hand, and fingers and can result in full to partial paralysis of one or both arms; and

WHEREAS, brachial plexus injuries can occur as a result of trauma from automobile, motorcycle or boating accidents, sports injuries, animal bites, and gunshot or puncture wounds; and
WHEREAS, persons affected by brachial plexus injuries experience pain in muscles, joints and ligaments, as well as weakness, atrophy, numbness of the affected limb, and respiratory difficulties; and
WHEREAS, those affected by brachial plexus injuries often experience delayed diagnosis and lack of access to information related to current and groundbreaking treatment options, including surgical procedures available that could enhance function of the affected limb; and
WHEREAS, early intervention by specialized physicians and experienced occupational and physical therapists is essential for optimum functional improvement related to a brachial plexus injury; and
WHEREAS, the Chicago Brachial Plexus Injury Support Group, Inc. is planning various activities to promote to inform and educate the general public, the medical community, and individuals with brachial plexus injuries and their families during Brachial Plexus Injury Awareness Week 2002; and
WHEREAS, increased understanding and awareness of brachial plexus injuries will ensure hope of a better future for people affected, as well as possibly prevent this injury from occurring;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 13-19, 2002, as BRACHIAL PLEXUS INJURY AWARENESS WEEK in Illinois.
Issued by the Governor June 24, 2002.
Filed by the Secretary of State June 26, 2002.

2002-347
PHILLIP D. ROBBINS EDUCATION DAY

WHEREAS, Phillip D. Robbins was born in a tar paper shack to tenant farmers in abject poverty in the farm fields of Illinois, and his life in education began as a student in a rural, one-room Macoupin County school house near Carlinville, Illinois; and
WHEREAS, Phillip D. Robbins graduated from Carlinville High School in 1958, from Blackburn College with a degree in mathematics in 1964 and earned a master's degree from the Alton campus (formerly Shurtleff College) of Southern Illinois University at Edwardsville in 1971; and
WHEREAS, he overcame many painful obstacles and hardships in life to pursue his career in education and those who know him well and have believed in and supported him have always known he would achieve his dream and make a difference in his community and in the lives of his 21,150 or so students; and
WHEREAS, Phillip's major supporters have always been his family; his devoted mother, Maudie, his wife, Carolyn, a professor of English at Lewis and Clark Community College, his daughter, Jennifer Winson, a Monsanto genetic engineer, and his son, Jonathon, an aeronautical engineer for Boeing; and
WHEREAS, a special advocate and friend of Phillip's was Annie Laurie Robbins, who has always believed he would someday make a difference and was so proud of him and his many achievements; and
WHEREAS, after spending nearly four decades in education as a teacher, principal and administrator, Phillip will retire on June 30, 2002, after spending his entire professional career in public and private schools in Alton, Illinois; and

WHEREAS, Phillip's belief is that American public education is the key to success, because if he could do it, then anyone could, so every child has value and unlimited potential; and

WHEREAS, he believes that if America has a future, then it would be the children in his class, where everyone has a chance to succeed, and did! He expected the best from kids and didn't settle for anything less; and

WHEREAS, his leadership and tireless commitment to those issues prevalent in the public school system today, including bond issues, improved pay and working conditions for teachers, educational budgets, and most importantly providing a good quality education for young people, make Phillip D. Robbins an excellent candidate for recognition;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim June 30, 2002, as PHILLIP D. ROBBINS EDUCATION DAY in Illinois.

Issued by the Governor June 20, 2002.
Filed by the Secretary of State June 26, 2002.

2002-348
TED "DOUBLE-DUTY" RADCLIFFE DAY

WHEREAS, Theodore Roosevelt Radcliffe was born on July 7, 1902, in Mobile Alabama; and

WHEREAS, in 1919, Ted began his long illustrious baseball career in the Negro Leagues, going on to play and manage for over 40 teams; and

WHEREAS, in 1932, Ted earned the nickname “Double Duty” from famed writer Damon Runyon who watched him both catch in the first game of a doubleheader, and go on to pitch a shutout in the second game; and

WHEREAS, in 1934, Ted become the first black man in U.S. history to manage an integrated professional baseball team; and

WHEREAS, "Double Duty" pitched and caught two no-hitters amassed 4000 hits, 400 homers, 500 wins, and 4,000 strikeouts; and pitched and caught in the same game more than 100 times; and

WHEREAS, on June 19, 1999, just days before his 97th birthday, Ted took the field for the Schaumburg Flyers, making him the oldest player ever to appear on the roster of a professional baseball team; and

WHEREAS, on November 3, 2002, “Double Duty” will be inducted into the Afro-American Sports Hall of Fame in Detroit;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim July 7, 2002, as TED "DOUBLE DUTY" RADCLIFFE DAY in Illinois.

Issued by the Governor June 21, 2002.
Filed by the Secretary of State June 26, 2002.
2002-349
DELORES HOLMES DAY

WHEREAS, Mrs. Delores Holmes has dedicated over 30 years to the well-being of the residents of the City of Evanston; and

WHEREAS, Mrs. Holmes began her dedication to social services in 1971 as the Family Activities Coordinator for the Community Economic Development Association, going on to serve as Director of programs for Family Focus/Our Place of Evanston since 1976 and Director of the Weissbourd-Holmes Community Center since 1983; and

WHEREAS, Family Focus has expanded its programming, starting as an adult parenting program and expanding to teen pregnancy support services and prevention programming, to touch the lives of thousands and become a second family and source of stability and strength for many children and teenagers of the City of Evanston; and

WHEREAS, under the direction of Mrs. Holmes, the Weissbourd-Holmes Community Center has become home to numerous community organizations, including Connections for the homeless, PEER services, Foster Reading Center, the Youth Services Bureau of the Evanston Police Department, and the Alternative School for School District 65 among countless others; and

WHEREAS, Mrs. Holmes has been honored by many organizations for her commitment to the youth of Evanston, including the NAACP, Ebenezer AME Church, Giving Tree, the Chessman Club, Delta Sigma Theta Sorority, and the National Organization on Adolescence Pregnancy Parenting; and

WHEREAS, Mrs. Holmes, in her example of unselfish leadership and dedication, has served as a role model to both the youth she has served and community leaders she has worked with; and

WHEREAS, after many years of selfless service to the community, Mrs. Delores Holmes is retiring as Director of the Family Focus/Our Place and the Weissbourd-Holmes Community Center, but will continue her services to the public by focusing on developing a project to promote parental and teen education in the Republic of Ghana;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim July 13, 2002, as DELORES HOLMES DAY in Illinois.

Issued by the Governor June 21, 2002.
Filed by the Secretary of State June 26, 2002.

2002-350
PUBLIC HEALTH DAY

WHEREAS, the State Board of Health was organized in 1877 with a staff of three and a budget of $5,000, plus $1,000 for contingencies, to license physicians in an effort to rid the state of “quacks” and to help local communities improve sanitation; and

WHEREAS, this initial agency evolved into the present day Illinois Department of Public Health with more than 1,300 staff, 200 programs and an annual budget of $300 million which has responsibility for protecting the state's 12.4 million residents, as well as countless visitors, through the prevention and control of disease and injury; and
WHEREAS, from its beginning, the agency has worked with local health agencies and the private sector to establish a public health system that protects and enhances the health and well-being of individuals, families and communities; and
WHEREAS, "preventing disease, promoting health," the 125th anniversary theme of the Department, describes its wide range of services to protect the health and well-being of all Illinoisans; and
WHEREAS, on July 1, 2002, the Department of Public Health will begin its 125th year of providing services to the citizens of Illinois; and
WHEREAS, the Department will officially kick off its year of celebration on July 1, 2002, with a commemorative flag raising ceremony at its Springfield headquarters;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim July 1, 2002, as PUBLIC HEALTH DAY in Illinois.

Issued by the Governor June 21, 2002.
Filed by the Secretary of State June 26, 2002.

2002-351
THE CHILDREN'S HOSPITAL - TEMPLE STREET, DUBLIN IRELAND, “ROUTE 66 CHALLENGE” DAY

WHEREAS, The Children's Hospital - Temple Street located in Dublin, Ireland, was established in 1872 as a hospital for the poor children of Dublin; and
WHEREAS, The Children's Hospital - Temple Street has been under the care of The Sisters of Charity for over 100 years and is now one of the major pediatric hospitals catering to children from all over the country; and
WHEREAS, as a teaching hospital, it is one of the leading educators of pediatric nurses in Ireland and provides medical training for doctors at both undergraduate and postgraduate levels; and
WHEREAS, The Children's Hospital - Temple Street continues to rely on external support to assist it in the purchase of vital equipment and to help establish and fund research to ensure that the best service possible is provided to the children in its care; and
WHEREAS, in October 2002, approximately 50 people from Ireland will "get their kicks on Route 66" in a "Challenge" to cover the 2,448 mile voyage from the downtown City of Chicago to Los Angeles, California, via Route 66 on rented Harley Davidson's with a goal of raising in excess of _200,000 for The Children's Hospital - Temple Street;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 2, 2002, as THE CHILDREN'S HOSPITAL - TEMPLE STREET, DUBLIN, IRELAND, "ROUTE 66 CHALLENGE" DAY in Illinois.

Issued by the Governor June 21, 2002.
Filed by the Secretary of State June 26, 2002.
2002-352

MASSONIC COMMUNITY DAYS

WHEREAS, the Masonic Community Days is a designated two-week period during which the nearly 80,000 members of the Masonic fraternity in the State of Illinois can demonstrate and reaffirm their active support of civic and charitable projects in their communities; and

WHEREAS, the Masonic fraternity is a local, grass-roots organization with Masons meeting regularly in lodges located in 505 cities, towns and villages in 100 of the 102 counties of the state; and

WHEREAS, all local Masonic lodges help in supporting Grand Lodge programs for the youth and elderly in Illinois; and

WHEREAS, thousands of people in need are helped each year thanks to blood and food drives, youth programs, school assistance, community programs and assistance to individuals with special needs by Masonic lodges throughout the state; and

WHEREAS, Masonic Community Days is an opportunity to recognize the good works done by all members of the Masonic family, which also includes such organizations as the Shrine, York and Scottish Rites, Eastern Star, White Shrine and Masonic youth groups;


Issued by the Governor June 21, 2002.

Filed by the Secretary of State June 26, 2002.

2002-353

QUEBEC WEEK

WHEREAS, Illinois' links with Quebec extend back to the colonial period with the explorations of Père Jacques Marquette and Louis Joliet, whose names are commemorated in the streets and towns of our state; and

WHEREAS, La Saint-Jean-Baptist, the national Holiday of the Quebec people, falls each year on June 24, the feast day of Saint John the Baptist; and

WHEREAS, La Saint-Jean-Baptist is a day marked by family celebrations, including parades, fireworks, and popular concerts; and

WHEREAS, symbolizing its environmental and commercial, links with the Midwest, Quebec is an associate member in the Council of Great Lakes Governors and the Great Lakes Commission; and

WHEREAS, Quebec is an important and growing business partner of Illinois; and

WHEREAS, the Governor’s Office of Ethnic Affairs with the Quebec Delegation in Chicago will sponsor a Quebec exhibit at the James R. Thompson Center;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim June 23-29, 2002, as QUEBEC WEEK in Illinois.

Issued by the Governor June 20, 2002.

Filed by the Secretary of State June 26, 2002.
2002-354
GOVERNOR JOHN PETER ALTGELD DAY

WHEREAS, John Peter Altgeld was born in Germany on December 30, 1847, and was elected Governor of Illinois in 1892. He established a policy agenda that included the eight-hour day, factory safety legislation, child labor laws, reform of the penal system and the establishment of truly higher education throughout the state university system; and

WHEREAS, six years prior to Altgeld's election, the Haymarket Tragedy occurred in Chicago resulting in the regrettable death of seven police officers and injury of 67 others. Eight leaders of the so-called anarchists were accused of a conspiracy without an investigation and without any evidence to tie those individuals to the violence - all while being subject to the treatment of over zealous police officials; and

WHEREAS, seven of the convicted anarchists were condemned to death and one was sentenced to 15 years of prison, and of those, one committed suicide and four were quickly hung, leaving three remaining in prison; and

WHEREAS, Governor Altgeld, encouraged by prominent supporters including Clarence Darrow, on June 26, 1893, made a politically difficult but moral and just decision to pardon the three remaining anarchists saying, "No man's ambitions had a right to stand in the way of performing a simple act of justice." The pardon decision was met with great public dissatisfaction across the country, causing the demise of Altgeld’s political ambitions and future career pursuits including the loss of his considerable fortune. The distress contributed to his already poor health; and

WHEREAS, Altgeld was never celebrated within his own lifetime for his tremendous act of courage in the interest of insuring justice for all, however, Governor Altgeld is today recognized as being one of the great Governors in Illinois history for his bold and honorable action in pardoning those three men; and

WHEREAS, the schoolchildren of Illinois should be taught, as part of their social studies education, of the decision of conscience that marks the noble legacy of Governor Altgeld;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim June 26, 2002, as GOVERNOR JOHN PETER ALTGELD DAY in Illinois.

Issued by the Governor June 20, 2002.
Filed by the Secretary of State June 26, 2002.

2002-355
AQUATIC WEEK

WHEREAS, individuals and organized forms of recreation and the creative use of free time are vital to the happy lives of all our citizens; and

WHEREAS, education, athletic, and recreation programs throughout the State of Illinois encompass a multitude of activities that can result in personal accomplishment, self-satisfaction and family unity for all citizens, regardless of their background, ability level or age; and
WHEREAS, citizens of Illinois should recognize the vital role that swimming and aquatic-related activities relate to good physical and mental health and enhance the quality of life for all people; and

WHEREAS, the State of Illinois is extremely proud of the swimming facilities, aquatic programs and other related activities of our state and their contribution to providing to all ages a healthy place to recreate, a place to learn and grow, to swim, build self-esteem, confidence and sense of self-worth which contributes to the quality of life in the community;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim July 14-20, 2002, as AQUATIC WEEK in Illinois, and do urge all those in the State of Illinois to support and promote this observance.

Issued by the Governor June 24, 2002.
Filed by the Secretary of State July 07, 2002.

2002-356
MICHAEL J. MAHONEY DAY

WHEREAS, Michael J. Mahoney is retiring as President and ending a 27-year term of service to the John Howard Association; and

WHEREAS, before the John Howard Association, Mr. Mahoney, served as a regional director and adult probation administrator with the National Council on Crime and Delinquency, as a juvenile institution administrator for the Illinois Department of Corrections and a juvenile probation officer in Kentucky; and

WHEREAS, Michael J. Mahoney has won the respect and admiration of many while working as a tireless advocate for the right and treatment of one of society's most unpopular sectors---the incarcerated; and

WHEREAS, Michael Mahoney's expertise can be best acknowledged by noting that corrections officials in 43 other states and several foreign countries have sought his counsel and advice; and

WHEREAS, he served on countless gubernatorial panels, legislative committees and national task forces to fight for humane treatment, the need for access to substance abuse treatment; and

WHEREAS, in addition to his knowledge of the criminal justice system and passion for fairness, Michael J. Mahoney will always be remembered as a person who brought his Irish sense of humor and major dose of good will to the task of solving the problems and challenges of our times;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 1, 2002, as MICHAEL J. MAHONEY DAY in Illinois.

Issued by the Governor June 24, 2002.
Filed by the Secretary of State July 07, 2002.
2002-357

DR. JAMES M. HOWARD DAY

WHEREAS, Dr. James M. Howard taught seventh and eighth grade in San Jose, Illinois, from 1956 to 1963; and
   WHEREAS, Dr. James M. Howard served as an elementary and junior high principal in San Jose, Illinois, from 1963 to 1967; and
   WHEREAS, Dr. James M. Howard served as graduate assistant at Illinois State University from 1967 to 1968; and
   WHEREAS, Dr. James M. Howard served as assistant director of Admissions for Illinois State University from 1968 to 1970; and
   WHEREAS, Dr. James M. Howard served as a research associate for the Illinois State Board of Higher Education from 1970 to 1971; and
   WHEREAS, Dr. James M. Howard served as director of research at State of Illinois Office of the Superintendent of Public Instruction from 1971 to 1973; and
   WHEREAS, Dr. James M. Howard served as Associate Director for Budgets for the Illinois Community College Board from 1973 to 1977; and
   WHEREAS, Dr. James M. Howard served as Deputy Executive Director and Senior Deputy Director at the Illinois Community College Board from 1973 to 1994; and
   WHEREAS, Dr. James M. Howard served as a consultant to the City Colleges of Chicago, Kaskaskia College, Illinois Community College Presidents' Council, Metropolitan Community College, John Wood Community College and Lincoln Land Community College from 1994 to 1997; and
   WHEREAS, Dr. James M. Howard served as vice president of finance and administration at Lincoln Land Community College from 1997 to 1999; and
   WHEREAS, Dr. James M. Howard served as president of Lincoln Land Community College from 1999 to 2002;
   THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim June 27, 2002, as DR. JAMES M. HOWARD DAY in Illinois.

Issued by the Governor June 26, 2002.
Filed by the Secretary of State July 07, 2002.

2002-358

THE WABASH RIBBERFEST BARBECUE CHAMPIONSHIP AS A STATE BARBECUE CONTEST

WHEREAS, Wabash Ribberfest is a Memphis-in-May nationally sanctioned barbecue cook-off; and
   WHEREAS, held in Mt. Carmel, Illinois, during the first weekend in September, this contest draws teams and judges from all over the nation; and
   WHEREAS, there are only 10 states in the Union that hold Memphis-in-May sanctioned contests, only two of which are held in Illinois; and
   WHEREAS, by proclaiming the Wabash Ribberfest Barbecue Championship as a state contest, this will allow this contest to be entered into Jack Daniels World
Championship Invitational Barbecue contest in Lynchburg, Tennessee; and
WHEREAS, this proclamation will bring more notoriety to this contest and to the City of Mt. Carmel, Illinois, and will promote tourism in Southern Illinois;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim the Wabash Ribberfest Barbecue Championship as a State Barbecue Contest in the State of Illinois.

Issued by the Governor May 15, 2002.
Filed by the Secretary of State July 05, 2002.

2002-359
FIRST DAY COVER COLLECTING WEEK

WHEREAS, the American First Day Cover Society is the FIRST and ONLY not-for-profit, non-commercial, International Society devoted exclusively to First Day Covers and First Day Cover Collecting; and
WHEREAS, the American First Day Cover Society will be holding its 47th Annual Convention & Exhibition, AMERICOVER 2002, Stamp & Cover Fest, at the Chicago Marriott Oak Brook Hotel, Oak Brook, Illinois, July 12-14, 2002; and
WHEREAS, the United States Postal Service (USPS) will hold a First Day Ceremony on July 12, 2002, at AMERICOVER 2002, to dedicate the new 60-cent Coverlet Eagle stamp, a stamp for the prepayment second-ounce first class mail; and
WHEREAS, in the State of Illinois there resides many First Day Cover Collectors, and stamp collectors alike; as retirees, school children, home makers, and executives;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim July 8-14, 2002, as FIRST DAY COVER COLLECTING WEEK in Illinois.

Issued by the Governor July 05, 2002.
Filed by the Secretary of State July 10, 2002.

2002-360
THE NEW FREEDOM CHURCH DAY

WHEREAS, The New Freedom Church is a Bible-believing, Christ-centered, faith-focused ministry of spiritual and economic growth and development; and
WHEREAS, The New Freedom Church is a Ministry of Presence focused on home, world, community, and church affairs; and
WHEREAS, The New Freedom Church reaches out to the community and provides them the opportunity for learning, growth, arts, recreation, worship, praise and prayer; and
WHEREAS, The New Freedom Church is celebrating its seventh anniversary on Sunday, July 7, 2002;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim July 7, 2002, as THE NEW FREEDOM CHURCH DAY in Illinois.

Issued by the Governor July 05, 2002.
Filed by the Secretary of State July 10, 2002.
2002-361
FRONTIERS INTERNATIONAL, INC. 61ST ANNUAL CONVENTION DAYS

WHEREAS, Frontiers of America was founded in Columbus, Ohio, on November 10, 1936, by Nimrod B. Allen and Frontiers International, Inc. was incorporated on December 24, 1938; and
WHEREAS, Frontiers International, Inc. was formed to provide men of varied backgrounds an opportunity to offer community leadership and community service; and
WHEREAS, Frontiers International, Inc.’s belief is “advancement through service”; and
WHEREAS, Frontiers International, Inc. is a national, nonprofit, nonsectarian, service organization present in over 40 cities throughout the United States; and
WHEREAS, Frontiers International, Inc. will be holding its 61st Annual Convention in East St. Louis on July 16-20, 2002; and
WHEREAS, the Frontiers International, Inc., Coordinating Council and Frontiers International, Inc. Junior Frontiers will be holding their respective conventions concurrently;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim July 16-20, 2002, as FRONTIERS INTERNATIONAL, INC. 61ST ANNUAL CONVENTION DAYS in Illinois.
Issued by the Governor July 05, 2002.
Filed by the Secretary of State July 10, 2002.

2002-362
AGMA DAY

WHEREAS, the American Guild of Musical Artists is a labor organization affiliated with the AFL-CIO, representing performing artists and others working in the fields of opera, dance, concert, and recital, all of which are essential to the cultural life of the State of Illinois; and
WHEREAS, the American Guild of Musical Artists, as a labor union, has secured better wages and working conditions for its members -- singers, dancers, stage directors, stage managers, actors and supernumeraries -- through collective bargaining and contract enforcement, continuing the great tradition and adding to the rich history of the labor movement in the State of Illinois; and
WHEREAS, the American Guild of Musical Artists and its members have continually championed the furtherance of the performing arts in our state, establishing the State of Illinois as one of the preeminent artistic centers in the United States; and
WHEREAS, the American Guild of Musical Artists has chosen the City of Chicago as the site for its first regional conference;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim August 3, 2002, as AGMA DAY in Illinois in recognition of the contribution that the American Guild of Musical Artists and its members make to the cultural life of the State of Illinois.
2002-363
MDA FIREFIGHTER APPRECIATION MONTH

WHEREAS, firefighters are prepared to sacrifice their lives at all times in their professional service to their communities; and
WHEREAS, their immense contributions, both of personal risk and time devoted to public service, should be acknowledged; and
WHEREAS, last year, firefighters in 170 Illinois communities raised and donated more than $400,000 to the Muscular Dystrophy Association (MDA); and
WHEREAS, as citizens of Illinois, we must value the worth, dignity and rights of these individuals;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim August 2002 as MDA FIREFIGHTER APPRECIATION MONTH in Illinois in conjunction with MDA's recognition

2002-364
USS RANGER REUNION DAYS

WHEREAS, the seventh Ranger (CVA 61), a Forrestal-class carrier, was laid down August 2, 1954, by Newport News Shipbuilding & Drydock Co., and was launched on September 29, 1956; and
WHEREAS, after being commissioned at the Norfolk Naval Shipyard on August 10, 1957, with Captain Charles T. Booth II in command, the USS Ranger joined the Atlantic Fleet 3 and soon after received the men and attack planes of Squadron 85’ and
WHEREAS, the USS Ranger and her embarked Carrier Air Wing received the Navy Unit Commendation for exceptionally meritorious service during combat operations in Southeast Asia From January 10 to August 6, 1966; and
WHEREAS, the USS Ranger was the first carrier to deploy the Cosair II jetattack plane and the UH-2C Seasprite turboprop rescue helicopter; and
WHEREAS, the USS Ranger received 13 battle stars for service in Vietnam; and
WHEREAS, the Ranger Reunion Association is having its 2002 reunion in Chicago on July 24-27, 2002;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim July 24-28, 2002, as USS RANGER REUNION DAYS in Illinois.
2002-365  

CHICAGO INTERNATIONAL CHILDREN’S FILM FESTIVAL DAYS

WHEREAS, the 19th annual Chicago International Children's Film Festival (CICFF) will run from October 24-November 3; and

WHEREAS, during the last 19 years, the Chicago International Children’s film Festival has become the foremost festival of children’s film in the United States; and


WHEREAS, receiving over 600 international entries, the Chicago International Children's Film Festival invites over 100 celebrities and filmmakers from around the globe to the Festival each year. Many of these honored guests, as part of the Festival, will lead workshops for the children which range from question and answer sessions, to hands-on workshops where the children learn about an aspect of filmmaking or animation; and

WHEREAS, the festival has been honored to host nearly 90 filmmakers, media professionals, and celebrities including Harold Ramis, Sissy Spacek, Timothy Hutton, Lou Diamond, Terry and Roger Ebert, and representatives from Miramax, Nickelodeon, Starz/Encore, Noggin, Sesame Workshop, YLE-Sveriges Television, and many other national and international organizations, who attended the Festival to scout films for possible distribution or presentation rights;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 24-November 3, 2002, as CHICAGO INTERNATIONAL CHILDREN’S FILM FESTIVAL DAYS in Illinois.

Issued by the Governor July 09, 2002.

Filed by the Secretary of State July 11, 2002.
### 2002-366

**NORTH AMERICAN MANX ASSOCIATION DAY**

WHEREAS, the North American Manx Association is holding their bi-annual convention in Northwest Illinois on July 19-22, 2002; and

WHEREAS, the North American Manx Association (NAMA) is a genealogy/history group of people from almost all of the states in the United States and from Canada; and

WHEREAS, this is the first time that the bi-annual convention has been in a rural community where the focus will be on learning about the history of our forefathers; and

WHEREAS, many people from the Isle of Man, England and Ireland will be attending the convention; and

WHEREAS the Isle of Man is located in the Irish Sea about 40 miles from Dublin, Ireland; and

WHEREAS, there is a high concentration of Manx people residing in Galva, Illinois. Many also settled in Galena, Shullsborg, Mineral Point, New Diggins, Peoria and Dixon;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim July 22, 2002, as NORTH AMERICAN MANX ASSOCIATION DAY in Illinois.

Issued by the Governor July 09, 2002
Filed by the Secretary of State July 11, 2002

### 2002-377

**CHILD SUPPORT AWARENESS MONTH**

WHEREAS, Illinois recognizes that our children are our future and their well-being is our highest priority; and

WHEREAS, the Department of Public Aid has been given the responsibility of providing child support services to all Illinois families; and

WHEREAS, Illinois recognizes that children need strong family support; and

WHEREAS, Illinois works to focus attention on the needs of children to both parents' involvement in their lives; and

WHEREAS, the Department of Public Aid is working closely with the Departments of Human Services, Public Health, Children & Family Services, Corrections, Aging, Revenue, other state and county agencies as well as community groups to increase the number of children for whom paternity is established and whose families receive child support services; and

WHEREAS, Illinois is playing a leading role in national Child Support and Head Start initiatives to help Illinois families gain independence;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim August 2002 as CHILD SUPPORT AWARENESS MONTH in Illinois.

Issued by the Governor July 18, 2002.
Filed by the Secretary of State July 19, 2002.
2002-378

LUNG CANCER AWARENESS MONTH

WHEREAS, lung cancer is the leading cause of cancer death in both men and women in Illinois, the United States and the world, this year killing more Americans than breast, prostate, and colon cancer combined; and

WHEREAS, more than 80 to 90 percent of lung cancers are a result of smoking; and

WHEREAS, a person living with a smoker has a 30 percent greater risk of developing lung cancer than a person living in a nonsmoking environment; and

WHEREAS, there is currently no standard screening for lung cancer, and funding for lung cancer medical research falls far short of that for other less fatal diseases; and

WHEREAS, the Alliance for Lung Cancer Advocacy, Support, and Education (ALCASE) is dedicated to informing and helping people living with lung cancer or those at risk for the disease;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim November 2002 as LUNG CANCER AWARENESS MONTH in Illinois.

Issued by the Governor July 18, 2002.
Filed by the Secretary of State July 19, 2002.

2002-379

HINDI DAY

WHEREAS, the Indian Hindi Association has published several Hindi books and has organized numerous yearly cultural events commemorating eminent poets and scholars and the important ideologies, philosophies and literature of India; and

WHEREAS, Hindi, an official language of India, is spoken by two-thirds of the population -- some 700 million people -- and by approximately 350,000 Indians in the United States; and

WHEREAS, to commemorate one's language is to commemorate one's heritage, culture, and society;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim September 14, 2002, as HINDI DAY in Illinois.

Issued by the Governor July 18, 2002.
Filed by the Secretary of State July 19, 2002.

2002-380

GFWC ILLINOIS JUNIOR WOMEN’S CLUB WEEK

WHEREAS, the GFWC Illinois Federation of Women's Clubs Junior Organization has served the communities of Illinois for over 55 years; and

WHEREAS, the GFWC Illinois Federation of Women's Clubs Junior Organization has more than 2,500 members in 100 clubs spread throughout the State of Illinois; and
WHEREAS, during 2002, clubs reported 295,465 volunteer hours on 15,882 projects and programs and donated more than $1.9 million dollars; and
WHEREAS, in the past 23 years, more than $320,000 has been donated to the Children's Research Foundation; and
WHEREAS, during this administration, the focus is on Advocates for Children, Very Special Arts, Youth Literacy, Safety for Older Americans and Libraries 2000; and
WHEREAS, GFWC has 250,000 members in 6,500 clubs across the United States and millions of other members in over 20 countries around the world making it the largest volunteer women's service organization in the world;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 13-19, 2002, as GFWC ILLINOIS JUNIOR WOMEN’S CLUB WEEK in Illinois.

Issued by the Governor July 18, 2002.
Filed by the Secretary of State July 19, 2002.

2002-381
BARBARA LEVY KIPPER DAY

WHEREAS, Barbara Levy Kipper lives in Chicago, Illinois; and
WHEREAS, Barbara was the prime force in bringing the acclaimed Joffrey Ballet to Chicago as its permanent home; and
WHEREAS, Barbara is a well-known civic leader as the Past President of the Spertus Institute for Jewish Studies, a member of the Board of Trustees of the Chicago Historical Society and of the Golden Apple Foundation, and former member of the Board of Directors of the Chicago Foundation for Women; and
WHEREAS, Barbara is a business leader as Chairman of the Board of the Charles Levy Company of Chicago; and
WHEREAS, Barbara shares her business acumen as a member of the Economic Club, the Chicago Women's Network, and the Committee of 200; and
WHEREAS, Barbara celebrates her 60th birthday on July 16, 2002;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim July 16, 2002, as BARBARA LEVY KIPPER DAY and wish her many more in the years to come.

Issued by the Governor July 18, 2002.
Filed by the Secretary of State July 19, 2002.

2002-382
DR. ARNITA YOUNG BOSWELL DAY

WHEREAS, Dr. Arnita Young Boswell was born in Detroit, Michigan, to Whitney and Laura Young; and
WHEREAS, Dr. Arnita Young Boswell earned her Bachelor of Science in Home Economics from Kentucky State University, a Masters in Social Work from Atlanta University, and an Honorary Doctorate from the University of Colorado; and
WHEREAS, Dr. Arnita Young Boswell was a professor at the University of Chicago for 19 years, and in her lifetime served as Director of the Family Resources Center at Robert Taylor Homes, National Director for Project Head Start and Director of Social Workers for the Chicago Public Schools; and

WHEREAS, under her leadership, the League of Black Women, The National Hook-Up of Black Women and the Alpha Gamma Pi Sorority were all founded; and

WHEREAS, Dr. Arnita Young Boswell was a member of Protestants for the Common Good, Chicago Network, Chicago Sinfonietta, Alpha Gamma Pi Sorority, Chicago Chapter of Links, National Hook-Up of Black Women, Rainbow Push Coalition and the Women's Board of the Chicago Urban League while serving as Co-Chair of the Friends of Elam House and supporting the center for New Horizons;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim July 13, 2002, as DR. ARNITA YOUNG BOSWELL DAY in Illinois.

Issued by the Governor July 18, 2002.

Filed by the Secretary of State July 19, 2002.

2002-383

P&H MANUFACTURING DAY

WHEREAS, P & H Manufacturing was founded in 1946 in Shelbyville, Illinois; and

WHEREAS, shortly after the end of World War II, Deck Peifer and Earl Holland began their business to focus on farmers and their needs; and

WHEREAS, Deck and Earl became specialists at two other skills, knowing the farmer and fixing agricultural equipment; and

WHEREAS, P & H has built items such as a five row anhydrous ammonia applicator, farm wagons, a rear-towing bumper and other related agricultural items; and

WHEREAS, Earl "Butch" Peifer became P & H's leader in 1980; and

WHEREAS, P & H continues to make key components for Fleet Equipment, Caterpillar, Kentucky Trailer, Morton Metalcraft, Hendirkson, Trailmobile and Team Fenkex; and

WHEREAS, Shelbyville is fortunate to have P & H as one of its key industrial employers; and

WHEREAS, P & H is celebrating its 56th anniversary;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim July 11, 2002, as P & H MANUFACTURING DAY in Illinois.

Issued by the Governor July 18, 2002.

Filed by the Secretary of State July 19, 2002.

2002-384

ALPHA-1 AWARENESS MONTH

WHEREAS, Alpha-1-Antitrypsin Deficiency (Alpha-1) is a relatively common genetic disorder characterized by low levels of Alpha 1-Antitrypsin, a protein found in the
blood, whose absence causes lung disease, liver disease, or more rarely, a skin condition called panniculitis; and

WHEREAS, several lines of evidence suggest 80,000 to 100,000 Americans have severe Alpha-1 or approximately 1 in 3,000 individuals, of which an alarming 95 percent of those estimated to have Alpha-1, have not been identified; and

WHEREAS, the Alpha 1 Association believes that early identification of this genetic disease is of great importance because early identification can provide people with the education needed to allow them to effectively evaluate career options, lifestyle choices and insurance needs; and

WHEREAS, the mission of the Alpha 1 Association is "to improve through support, education, and research, the quality of life of those affected by Alpha1-Antitrypsin Deficiency";

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 2002 as ALPHA-1 AWARENESS MONTH in Illinois.

Issued by the Governor July 18, 2002.
Filed by the Secretary of State July 19, 2002.

2002-385
AMERICANS WITH DISABILITIES ACT DAY

WHEREAS, under the Americans with Disabilities Act (ADA), the state dedicates itself to increasing the opportunities for Illinois citizens with disabilities in order to be more fully included in employment, transportation, education, communication and community opportunities; and

WHEREAS, Illinois has promoted independence, equal opportunity practices and self-sufficiency initiatives for people with disabilities as full participants in our society through the passage of the ADA; and

WHEREAS, Illinois continues to be a leader in promoting accessibility and independence by implementing civil rights legislation; and

WHEREAS, the year 2002 marks the 12th anniversary of the ADA's civil rights guarantee for individuals with disabilities; and

WHEREAS, this year’s theme, “ADA Celebrate Progress,” highlights the accomplishments made in opening doors for people with disabilities to public access, communication, employment, recreation, government and transportation; and

WHEREAS, the year 2002 marks the 27th anniversary of the Individuals with Disabilities Education Act;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim July 26, 2002, as AMERICANS WITH DISABILITIES ACT DAY in Illinois.

Issued by the Governor July 19, 2002.
Filed by the Secretary of State July 22, 2002.
2002-386
AMERICAN GUILD OF MUSICAL ARTISTS DAY

WHEREAS, the American Guild of Musical Artists, a labor organization affiliated with the AFL-CIO, representing performing artists and others working in the fields of opera, dance, concert, and recital, all of which are essential to the cultural life of the State of Illinois; and

WHEREAS, the American Guild of Musical Artists, as a labor union, has secured better wages and working conditions for its members - singers, dancers, state directors, state managers, and supernumeraries - though collective bargaining and contract enforcement, continuing the great tradition and adding to the rich history of the labor movement in the State of Illinois; and

WHEREAS, the American Guild of Musical Artists and its members have continually championed the furtherance of the performing arts in the State of Illinois, establishing the State of Illinois as one of the preeminent artistic centers in the United States; and

WHEREAS, the American Guild of Musical Artists has chosen the City of Chicago as the site for its first regional conference;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, recognizing the contribution that the American Guild of Musical Artists and its members make to the cultural life of the State of Illinois, proclaim August 3, 2002, as AMERICAN GUILD OF MUSICAL ARTISTS DAY in Illinois.

Issued by the Governor July 19, 2002
Filed by the Secretary of State July 22, 2002.

2002-387
IRV KUPCINET DAY

WHEREAS, Irv Kupcinet has served with distinction as a working reporter and columnist, celebrity watcher, society writer, book reviewer, financial writer, sportswriter, feature writer, music critic, art critic and drama critic in Chicago for 67 years; and

WHEREAS, his “Kup’s Column,” which began in the Chicago Times in 1943 (which later became the Chicago Sun-Times), has become the most widely read feature in Chicago; and

WHEREAS, his television show “At Random” premiered in Chicago on WBBM-TV in February 1959, and ran for a record 27 years as “Kup’s Show” on three other television stations; and

WHEREAS, he officiated in the National Football League for 10 years and made his broadcasting debut on WGN radio, announcing the Bears games with Jack Brickhouse for 24 years; and

WHEREAS, his never-ending quest for the truth and the facts to further his story have taken him from coast to coast and abroad, but his undying love and dedication to the city he has called home his entire life always brings him back to Chicago; and
WHEREAS, his love for the field of journalism has led him to contribute his time as a leader and mentor, nurturing the next generation of journalists; and
WHEREAS, he has with dedication and generosity fought for, and contributed to, causes including serving as a founder of the United Cerebral Palsy Telethon and, the cause for which he is best known, the Purple Heart Cruise which he began in 1945 and sponsored for 50 years; and
WHEREAS, as a testament to his lifetime achievements and personal investment in the future of journalism, the Irv Kupcinet Scholarship Fund in Journalism, Radio, and Television was established at Columbia College Chicago; and
WHEREAS, on the 31st day of July, Kup’s colleagues and friends will gather for a birthday celebration in his honor at the Empire Room in the Palmer House Hilton;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, wish Irv Kupcinet happiness, good health and Godspeed on his 90th birthday and proclaim July 31, 2002, as IRV KUPCINET DAY in Illinois.
Issued by the Governor July 19, 2002.
Filed by the Secretary of State July 22, 2002.

2002-388
BATON TWIRLING WEEK

WHEREAS, the baton twirling movement has affected the lives of American girls and boys, and now has nearly one-half million active participants; and
WHEREAS, baton twirling has been instrumental in building the confidence and character of these young people, and has provided guidance and training so that they might become better qualified citizens; and
WHEREAS, the art of baton twirling is today one of the largest nationwide beneficial youth movements for girls; and
WHEREAS, baton twirling plays an important part in children’s hospitals as a unique and effective method of physical therapy; and
WHEREAS, baton twirlers lend so much color and inspiration to our community; and
WHEREAS, champion twirlers from all over the United States will gather at the University of Notre Dame July 23-27, 2002, to conduct a colorful youth pageant called “America's Youth on Parade”; and
WHEREAS, the Grand National Baton Twirling Championships will be conducted as part of the big Notre Dame festival;
Issued by the Governor July 19, 2002.
Filed by the Secretary of State July 22, 2002.
WHEREAS, Churches of Christ are located worldwide and have almost three million members; and
WHEREAS, through the efforts of the Churches of Christ, residents of Illinois have been offered uplifting messages and spiritual guidance; and
WHEREAS, Churches of Christ have sponsored disaster relief drives, community youth activities, and programs dealing with issues like literacy, child abuse and clothing the needy; and
WHEREAS, Churches of Christ also offer Christian education, prison reform programs, gang prevention programs and healthcare;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim August 18-22, 2002, as CHURCHES OF CHRIST WEEK in Illinois.

Issued by the Governor July 19, 2002.
Filed by the Secretary of State July 22, 2002.

2002-390
TEMPORARY HELP WEEK

WHEREAS, the temporary help industry is a major contributor to a strong U.S. economy; and
WHEREAS, the temporary help industry provides millions of people with diversified, flexible employment and job training; and
WHEREAS, the temporary help industry provided more than 2.18 million jobs daily in 2001; and
WHEREAS, the temporary help industry was responsible for a payroll that was approximately $56.2 billion in 2001; and
WHEREAS, temporary help companies provide our state’s businesses with efficient, qualified people to solve temporary staff shortages; and
WHEREAS, this immediacy in solving staff shortages is so important that nine out of ten companies, ranging from small local businesses to major corporations, use temporary help services for their additional staffing needs; and
WHEREAS, the temporary help industry provides tens of thousands of full-time jobs by acting as a bridge to those jobs;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 21-27, 2002, as TEMPORARY HELP WEEK in Illinois.

Issued by the Governor July 19, 2002.
Filed by the Secretary of State July 22, 2002.

2002-391
SAFE SCHOOLS WEEK

WHEREAS, schools make substantial contributions to the future of America and
to the development of our nation’s young people as knowledgeable, responsible, and productive citizens; and

WHEREAS, excellence in education is dependent on safe, secure, and peaceful school settings; and

WHEREAS, the safety and well-being of many students, teachers, and staff members are unnecessarily jeopardized by crime and violence, such as substance abuse, gangs, bullying, vandalism, and absenteeism in our schools; and

WHEREAS, it is the responsibility of all citizens to enhance the learning experiences of young people by helping to ensure fair and effective discipline, promote good citizenship, and generally make schools safe and secure; and

WHEREAS, all leaders, especially those in education, law enforcement, government and business, should eagerly collaborate with each other, the National School Safety Center, the U.S. Department of Education, and the U.S. Department of Justice, to identify, develop, and promote innovative solutions to these critical school safety issues; and

WHEREAS, numerous schools and school districts throughout the country, along with national programs are among those innovative solutions; and

WHEREAS, the observance of America’s Safe Schools Week will substantially promote efforts to provide all of our nation’s schools with positive and safe learning environments;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 20-26, 2002, as SAFE SCHOOLS WEEK in Illinois.

Issued by the Governor July 19, 2002
Filed by the Secretary of State July 22, 2002.

2002-392

EVERETTE FAMILY WEEKEND

WHEREAS, the Everette Family is having its Second Family Reunion; and
WHEREAS, family reunions allow family to stay in touch and meet new members; and
WHEREAS, occasions like this help to preserve family heritage and stress the importance of family; and
WHEREAS, the Everette Family can enjoy the sites that the City of Springfield and Illinois have to offer; and
WHEREAS, it is a pleasure to welcome this family to our wonderful state;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim July 19-21, 2002, as EVERETTE FAMILY WEEKEND in Illinois.

Issued by the Governor July 19, 2002.
Filed by the Secretary of State July 22, 2002.
WHEREAS, September 11, 2002, will be the first anniversary of unprecedented terrorist attacks resulting in a momentous loss of life and property; and
WHEREAS, the terrorist hoped to bring Americans to their knees demoralized and intimidated, instead they brought Americans to their feet with more resolute in their commitment to cherished democratic and humanitarian principles that form the moral foundation of this nation; and
WHEREAS, this anniversary of tragedy is also an anniversary of triumph, a triumph of character - courage over cowardice, kindness over cruelty, service over selfishness, responsibility over indifference, love over hate, hope over fear, and freedom over repression; and
WHEREAS, we should demonstrate our respect for the victims of this terrible day by commemorating the lives lost and damaged, but we should also honor and celebrate the countless acts of courage, compassion, loyalty, responsibility and other qualities that represent the best in human nature and American character; and
WHEREAS, September 11th should be remembered not only as a day of great misfortune, but as a reminder of the great fortune we possess in the character of our people and in living in a country where character counts; and
WHEREAS, it should be a day of reflection and education involving activities that strengthen appreciation of and dedication to the core ethical values that constitute the pillars of American character such as trustworthiness, respect, responsibility, fairness, caring and good citizenship; and
WHEREAS, it should be a day of community service which improves neighborhoods, eases suffering and reduces injustices while enhancing the lives and strengthening the characters of those who render it;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim September 6-14, 2002, as AMERICAN CHARACTER WEEK in Illinois.

Issued by the Governor July 23, 2002.
Filed by the Secretary of State July 24, 2002.

2002-394
WHITTAKER/WHITAKER/BRATTON FAMILY DAY

WHEREAS, the Whittaker/Whitaker/Bratton family can trace its history to the 1850’s; and
WHEREAS, said family's ancestors can be traced to great-great-great grandparents, Osborne and Dolly Whittaker, who were slaves in Louisiana; and
WHEREAS, Chicago pioneer in business, Lugemus Bratton, was the grandson of Osborne and Dolly Whittaker and the son of Ellen Whitaker and Streffon Bratton; and
WHEREAS, Lugemus Bratton founded the Star Detective & Security Agency, Inc. in 1923, one of the first Black-owned businesses in Chicago; and
WHEREAS, Star Detective & Security Agencies, Inc. has provided employment to hundreds of our fellow citizens, and also has provided security and protection services to economic endeavors of all sizes, from “mom and pop” neighborhood stores to some of the largest corporations in the area; and
WHEREAS, Lugemus and his wife, Effie, have four children, one of whom, Vivian Wilson, still heads Star Detective & Security Agency, Inc., which continues to be managed by Lugemus Bratton's descendants; and
WHEREAS, the Whittaker/Whitaker/Bratton families will host a Family Reunion from Thursday, July 25th to Sunday, July 28th; and
WHEREAS, more than 50 family members will be attending including persons from Louisiana, Illinois, Texas, North Carolina, California, Washington, Massachusetts and New Hampshire;
Issued by the Governor July 23, 2002.
Filed by the Secretary of State July 24, 2002.

2002-395
PERU DAY

WHEREAS, the Peruvian community celebrates July 28 in recognition of the Proclamation of Independence by Don Jose de San Martin, an important event in their culmination for independence; and
WHEREAS, it is further recognized as the Day of Independence of the Country of Peru and the holiday of Peruvian nationals throughout the world; and
WHEREAS, Peruvians and Peruvian-Americans make significant contributions to the strength, diversity, and prosperity of Illinois, as friendly relations exist between Peru and Illinois;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim July 28, 2002, as PERU DAY in Illinois.
Issued by the Governor July 22, 2002.
Filed by the Secretary of State July 24, 2002.

2002-396
UKRAINIAN INDEPENDENCE DAY

WHEREAS, Ukrainian-Americans are exemplary citizens who still preserve their traditions, take pride in the history of freedom, and believe in equality and human rights; and
WHEREAS, Ukrainian-Americans have made significant contributions in all areas of life including education, medicine, technology, science, business, arts, government and public service in Illinois; and
WHEREAS, the Ukrainian community of the Chicago metropolitan area will commemorate the 11th anniversary of Ukraine's Declaration of Independence; and
WHEREAS, there will be a Ukrainian independence program on Sunday, August 25, 2002, at Smith Park in Chicago; and
WHEREAS, the program will include a religious service, dignitaries will speak, and Ukrainian-American singing and dancing groups will perform;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim August 24, 2002, as UKRAINIAN INDEPENDENCE DAY in Illinois.
Issued by the Governor July 22, 2002.
Filed by the Secretary of State July 24, 2002.

2002-397
RUSSIAN DAY

WHEREAS, there are several thousand Russian-Americans who reside in Illinois and more than one million throughout the United States; and
WHEREAS, the Russian-American community has made significant contributions in all areas of life including education, medicine, science, business, arts, government and public service in Illinois; and
WHEREAS, Russian-Americans have proudly shared their culture, heritage and talents with our state; and
WHEREAS, the State of Illinois is a diverse community composed of many ethnic cultures including rich Russian heritage; and
WHEREAS, the third Sunday in August we celebrate Russian Community Day in Illinois and the Russian Picnic-2002, sponsored by the New Life Russian Radio WKTA-1330 AM, will be held August 18, 2002, in the Harms Woods Forest Preserve; and
WHEREAS, Russian Picnic-2002 will include Taste of Russia, a Business Expo and performances by local talents and from abroad;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim August 18, 2002, as RUSSIAN DAY in Illinois.
Issued by the Governor July 22, 2002.
Filed by the Secretary of State July 24, 2002.

2002-398
CIVIC PARTICIPATION WEEK

WHEREAS, September 11-17, 2002, has been proclaimed National Civic Participation Week; and
WHEREAS, this week will showcase American Democracy and civic participation, honor the courageous spirit of the American people and pay tribute to those we lost on September 11th; and
WHEREAS, communities across the country will come together to celebrate our democracy at local and national events during the week; and
WHEREAS, this celebration serves to encourage Americans to participate in their communities and in their government by committing to four acts of citizenship - volunteering, contributing to worthy causes, communicating ideas with government
officials and voting; and  
WHEREAS, the citizens of Illinois are encouraged to join in the week-long observance;  
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim September 11-17, 2002, as CIVIC PARTICIPATION WEEK in Illinois and urge all citizens to participate in the events arranged for this week and to commit to volunteer, contribute, communicate and vote in the coming year.  
Issued by the Governor July 22, 2002.  
Filed by the Secretary of State July 24, 2002.  

2002-399  
350TH ANNIVERSARY OF THE ARRIVAL OF TOMYS SWARTWOUT IN THE NEW WORLD DAY  

WHEREAS, on Labor Day Weekend 2002, the Swarthout/Swartwout/Swartout/Swartwood Family Reunion will be held to celebrate the arrival of their common ancestor, Tomys Swartwout, to New Amsterdam 350 years ago; and  
WHEREAS, since that time, Tomys' descendants have played a major part of the history of the United States of America; and  
WHEREAS, actors, writers, architects and painters have added to the cultural improvement of the country and soldiers and sailors bearing the name have fought and died for this country, from the earliest Indian Wars through the Revolution, the Civil War, the World Wars and the more recent conflicts; and  
WHEREAS, Ensign Swartwout gave up his blue cloak to make the field for the stars and stripes that flew over the Lake Erie flotilla; and  
WHEREAS, the Chicago Opera featured Gladys Swarthout for four years before she moved on to the Metropolitan Opera in New York; and  
WHEREAS, from 1847 to 1849, E.H. Swarthout was the County Clerk for Kane County, Illinois; and  
WHEREAS, Cherie Swarthout is the Assistant Coach for the Illinois State Women's basketball team; and  
WHEREAS, much time, effort and pride is involved in preserving this family and its rich heritage, which can be seen at, http://www.swarthoutfamily.org;  
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim August 31, 2002, as the 350TH ANNIVERSARY OF THE ARRIVAL OF TOMYS SWARTWOUT IN THE NEW WORLD DAY in Illinois.  
Issued by the Governor July 22, 2002.  
Filed by the Secretary of State July 24, 2002.  

2002-400  
CSA FRATERNAL LIFE CONVENTION DAYS  

WHEREAS, CSA Fraternal Life was founded in 1854 by Czech immigrants to provide means of mutual support at times of sickness, provide for widows and children
and arrange social activity; and

WHEREAS, the organization became a center of National Life, with writers, journalists, founders of educational and social societies, a theatrical group, a Czech library and a Czech newspaper, and the first American Unit of Sokol Organizations; and

WHEREAS, CSA Fraternal Life today has 86 lodges with 28,000 members in 20 states, with assets over $109 million; and

WHEREAS, CSA Fraternal Life's purposes is to foster fraternity, charity, and patriotism among its members; to promote the social, recreational, and spiritual welfare of its members and mankind in general; and encourage its members to practice physical fitness and to cooperate with and support organizations promoting such programs; and

WHEREAS, CSA Fraternal Life has numerous charitable programs including the national charitable project which provides matching funds for the charity of the members’ choice; and

WHEREAS, CSA Fraternal Life National President Vera Wilt announces the 37th Quadrennial Convention will be held in August 4-6, 2002, at the Lisle Naperville Hilton Hotel; and

WHEREAS, Czech Americans contributed greatly to the State of Illinois in all areas including arts, business, science, medicine, law, government, education and public services;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim August 4-6, 2002, as CSA FRATERNAL LIFE CONVENTION DAYS in Illinois.

Issued by the Governor July 22, 2002.

Filed by the Secretary of State July 24, 2002.

2002-401
CONSTITUTION WEEK

WHEREAS, September 17, 2002, marks the 215th anniversary of the drafting of the Constitution of the United States of America by the Constitutional Convention; and

WHEREAS, our Founding Fathers ordained and established the Constitution of the United States of America to secure the blessings of liberty for themselves and their posterity; and

WHEREAS, it is commendable to honor their staunch courage and wise counsel by studying the Constitution, knowing our rights, and fulfilling our responsibilities entitled to us by the American Colonists who sacrificed and died to establish the freedoms guaranteed to us all by this great document; and

WHEREAS, it is fitting and proper to accord official recognition to this magnificent document and its memorable anniversary, and to the patriotic celebrations which will commemorate the occasion; and

WHEREAS, the National Society of the Daughters of the American Revolution will be celebrating Constitution Week from September 17-23, 2002;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim September 17-23, 2002, as CONSTITUTION WEEK in Illinois and ask our citizens to reaffirm the ideas the framers of the Constitution had in 1787 by vigilantly protecting the
freedoms guaranteed to us through this guardian of our liberties, remembering that lost rights may never be regained.

Issued by the Governor July 24, 2002.
Filed by the Secretary of State July 29, 2002.

2002-402
THE CHICAGO DEFENDER CHARITIES BUD BILLIKEN DAY

WHEREAS, for 73 years, the annual Chicago Defender Charities Bud Billiken® Parade and Picnic has provided wholesome fun and entertainment without charge to thousands of children; and
WHEREAS, the Bud Billiken® observance gives adults an opportunity to share fun and fellowship with youth; and
WHEREAS, this year's Bud Billiken® Parade marks the 73rd year of this noteworthy, neighborly celebration; and
WHEREAS, the Bud Billiken® Parade and Picnic has been one of the most distinguished and outstanding events in Illinois, worthy of the wholehearted support of all citizens;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim August 10, 2002, as THE CHICAGO DEFENDER CHARITIES BUD BILLIKEN® DAY in Illinois, and in so doing, urge all to participate in the splendid spirit and purpose for which this occasion is designated.

Issued by the Governor July 24, 2002.
Filed by the Secretary of State July 29, 2002.

2002-403
FARMERS' MARKET WEEK

WHEREAS, eating a diet low in fat and high in fiber, which includes at least 5 servings of fruits and vegetables daily, can reduce the risk of many chronic diseases; and
WHEREAS, only 24 percent of Illinoisans eat five servings of fruit and vegetables a day; and
WHEREAS, farmers' markets are an excellent community source for seasonal fruits and vegetables and promotes the efforts of local growers; and
WHEREAS, the WIC Farmers' Market Nutrition Program and the Senior Farmers' Market Nutrition Program, administered by the Illinois Department of Human Services, join with the United States Department of Agriculture to encourage all Americans to recognize and participate in these wonderful displays of American agriculture and community;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim August 4-10, 2002, as FARMERS' MARKET WEEK in Illinois.

Issued by the Governor July 24, 2002.
Filed by the Secretary of State July 29, 2002.
2002-404
HELPING CITIZENS WITH DEVELOPMENTAL DISABILITIES DAYS

WHEREAS, the Illinois State Council of the Knights of Columbus will celebrate and conduct the 33rd annual fund drive for the Mental Retardation/Learning Disabilities Program. This 33rd Anniversary Drive will be held September 20-21 to benefit our citizens with developmental disabilities. Last fall, the Knights of Columbus raised more than $1.8 million, which was distributed to more than 300 organizations throughout Illinois; and

WHEREAS, the Illinois State Council of the Knights of Columbus has provided funds and personal assistance to help youngsters to participate in the local and statewide Special Olympics programs; and

WHEREAS, the Illinois State Council of the Knights of Columbus has provided more than $5 million to build and construct 37 homes for citizens with mental retardation in all six Diocese in Illinois; and

WHEREAS, since the Illinois State Council of the Knights of Columbus initiated this program, 48 other states have begun similar campaigns to provide much needed financial assistance for the developmentally disabled;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim September 20-21, 2002, as HELPING CITIZENS WITH DEVELOPMENTAL DISABILITIES DAYS in Illinois.

Issued by the Governor July 24, 2002.

Filed by the Secretary of State July 29, 2002.

2002-405
SCHOOL’S OPEN SAFETY WEEK

WHEREAS, motorists need to remember that students will be walking or biking to school on neighborhood sidewalks and streets, approaching or walking at school bus stops, and boarding or alighting from buses; and

WHEREAS, AAA School Safety Patrol members in bright patrol belts will be on duty, guiding their fellow students as they cross busy intersections near schools, and safeguarding students as they arrive in school buses and private vehicles; and

WHEREAS, motorists can help protect children by being especially careful near schools and in residential areas, watching their speed, observing traffic control devices and obeying school crossing guards; and

WHEREAS, it is important to increase all motorists' awareness of the need to be alert for children at school crossings, to review and follow the rules of the road as they apply to school zones and school buses, and to be respectful of the AAA School Safety Patrol members as they perform their important duties;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim August 26-September 1, 2002, as SCHOOL’S OPEN SAFETY WEEK in Illinois.

Issued by the Governor July 25, 2002.

Filed by the Secretary of State July 29, 2002.
2002-406
HUNTING AND FISHING DAYS

WHEREAS, conserving our state's natural and wildlife resources is one of the most important responsibilities we have to this and future generations; and
WHEREAS, hunters and anglers were among the first to realize this responsibility nearly 100 years ago when they saw firsthand how expanding civilization and unregulated exploitation had caused disastrous declines in wildlife population throughout Illinois; and
WHEREAS, Illinois hunters and anglers took steps to reverse this trend, helping found the conservation movement, supporting laws to stop uncontrolled exploitation of wildlife and helping establish game and fish laws, enforcement and management practices; and
WHEREAS, they also suggested and supported laws to establish special hunting and fishing license fees and special taxes on their equipment to pay for conservation programs; and
WHEREAS, hunters and anglers have contributed some $2.2 billion for conservation through these fees and taxes as well as through private contributions of time, labor and money; and
WHEREAS, the conservation programs supported and financed by Illinois hunters and anglers have benefited hundreds of wildlife species, from deer, elk and wild turkeys to otters, bald eagles and songbirds-wildlife that all Illinois can enjoy;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim September 28-29, 2002, as HUNTING AND FISHING DAYS in Illinois.
Issued by the Governor July 25, 2002.
Filed by the Secretary of State July 29, 2002.

2002-407
CONNIE SUE KNEPP DAY

WHEREAS, Connie Sue (Miller) Knepp was born on August 11, 1951, in Peoria, Illinois; and
WHEREAS, Connie Sue Knepp has dedicated the past decade to making a difference in the lives of cancer victims through her involvement within the American Cancer Society serving on the Woodford County Board of Directors; and
WHEREAS, Connie Sue Knepp has promoted community involvement in the fight against cancer by successfully serving as Chair of Woodford County's "Relay For Life" for three separate terms and serving on the planning committee all seven years of the events history; and
WHEREAS, Connie Sue Knepp has expanded her leadership role to pursue the fight for all Illinois cancer victims, serving for three years as a member of the Illinois Division Relay Task Force, as well as being the Illinois Division Relay Task Force Chair for two years, helping to promote community sponsored events throughout the state; and
WHEREAS, Connie Sue Knepp has honorably represented Illinois’ dedication to
promoting a cure for cancer, serving on the American Cancer Society Regionalization Planning Committee and the American Cancer Society National Relay Task Force; and

WHEREAS, Connie Sue Knepp is an Illinois Ambassador to the National "Relay For Life" event, "Celebration On the Hill," held in Washington, D.C., to promote cancer awareness and advocacy;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim August 11, 2002, as CONNIE SUE KNEPP DAY in Illinois.

Issued by the Governor July 25, 2002.

Filed by the Secretary of State July 29, 2002.

2002-408
IRV KUPCINET DAY

WHEREAS, Irv Kupcinet has distinguished himself through his excellence as a working reporter and columnist, society writer, book reviewer, financial writer, sportswriter, feature writer, music, art, film and drama critic in Chicago for 67 years; and

WHEREAS, his "Kup's Column," which began in the Chicago Times in 1943, has become the most widely read feature in Chicago and is the longest-running column in the country; and

WHEREAS, his distinctive voice and quest for candor was a prominent feature of his television show "At Random" that premiered in Chicago on WBBM-TV in February 1959 and ran for a record 27 years as "Kup's Show" on three other television stations; and

WHEREAS, he is a member of four Halls of Fame and has received numerous awards and citations for both journalistic and philanthropic activities; and

WHEREAS, he has with dedication and generosity fought for, and contributed to, causes including serving as a founder of the United Cerebral Palsy Telethon, the Little City Foundation, the Chicago Academy For the Arts and the Weizmann Institute of Science; and

WHEREAS, he has provided innumerable hours of honor, recognition, remembrance and fun for thousands of veterans through his Purple Heart Cruise, which he began in 1945 and sponsored for 50 years; and

WHEREAS, he has dedicated his time and effort in mentoring and nurturing future journalists, imparting the wisdom and love of the field he had garnered through his valuable experiences; and

WHEREAS, as testament to his lifetime achievements and personal investment in the future of journalism, the Irv Kupcinet Scholarship Fund in Journalism, Radio and Television was established at Columbia College Chicago; and

WHEREAS, he received a unique tribute when, for the first time in the history of the City of Chicago, a bridge was named for a living person when the Wabash Avenue Bridge was named in his honor; and

WHEREAS, on the 31st day of July, Kup's colleagues and friends will gather for a birthday celebration in his honor at the Empire Room in the Palmer House Hilton;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim July 31, 2002, as IRV KUPCINET DAY in Illinois.
2002-409

BREASTFEEDING PROMOTION MONTH

WHEREAS, breastfeeding plays an important role in protecting the health of infants as well as strengthening the bond between mother and child; and
WHEREAS, physicians, dietitians, nurses, lactation consultants, public health officials and other health professionals recognize breastfeeding as the normal and preferred infant feeding method; and
WHEREAS, communities, employers, families, friends and health professionals are encouraged to support breastfeeding; and
WHEREAS, the federal government, through the “Healthy People 2010” program, has set a national goal to increase the number of breastfed babies to 75 percent by the year 2010; and
WHEREAS, during the month of August, the Illinois Department of Human Services in conjunction with regional breastfeeding task forces, public and private organizations, physicians and hospitals throughout Illinois will be promoting the importance of breastfeeding;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim August 2002 BREASTFEEDING PROMOTION MONTH in Illinois.

Issued by the Governor July 31, 2002.
Filed by the Secretary of State August 02, 2002.

2002-410

OVARIAN CANCER AWARENESS MONTH

WHEREAS, ovarian cancer is the sixth most common cancer among women, excluding non-melanoma skin cancers; and
WHEREAS, the American Cancer Society estimate that about 26,000 new cases of ovarian cancer will be diagnosed in the United States during 2002; and
WHEREAS, ovarian cancer is the fifth most common cause of cancer deaths among women, causing more deaths than any other cancer of the female reproductive system; and
WHEREAS, it is estimated there will be about 14,000 deaths from ovarian cancer in the United States during 2002; and
WHEREAS, about 78 percent of ovarian cancer patients survive one year after diagnosis and over 50 percent survive longer than five years after diagnosis; and
WHEREAS, if diagnosis and treatment begins before the cancer spreads outside the ovary, the five-year survival rate is 95 percent; and
WHEREAS, only 25 percent of all ovarian cancers are found at an early stage;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois proclaim September 2002 as OVARIAN CANCER AWARENESS MONTH in Illinois.
2002-411
DELTA SIGMA THETA 44TH ANNUAL EBONY FASHION SHOW DAY

WHEREAS, the Joliet Area South Suburban Chapter of Delta Sigma Theta Sorority, Inc., is welcoming the 27th Annual Premier Showing of the Ebony Fashion Fair; and

WHEREAS, Delta Sigma Theta Sorority, Inc., was founded in 1913 with emphases in education and scholarship, physical and mental health, economic development, political and international awareness; and

WHEREAS, Delta Sigma Theta Sorority, Inc., is comprised of 210,000 women around the world, of which 5,000 are active in the State of Illinois; and

WHEREAS, these 5,000 college educated Sorors hold key leadership positions and are dedicated to public service throughout the state; and

WHEREAS, Joliet Area South Suburban Chapter remains committed to today’s youth and the 44th Annual Ebony Fashion Show will provide scholarships and continuous involvement in the community;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim September 11, 2002, as DELTA SIGMA THETA 44th ANNUAL EBONY FASHION SHOW DAY in Illinois.

Issued by the Governor July 31, 2002.
Filed by the Secretary of State August 02, 2002.

2002-412
FATHER MAC DAY

WHEREAS, Monsignor Ignatius D. McDermott, has dedicated his life to caring for individuals who suffer from substance abuse and alcoholism in the Chicago area; and

WHEREAS, Father Mac, as Monsignor McDermott is affectionately known, entered his first assignment in the priesthood on the staff of a home for children, Maryville Academy in Des Plaines, Illinois, and learned first-hand of the devastating effects of alcoholism on families; and

WHEREAS, Father Mac has also served with distinction, grace and honor throughout the Chicagoland community at Our Lady of Peace, Catholic Charities, the Catholic Dependent Children Commission, and Holy Cross Mission, before founding several groups that serve both those afflicted by substance abuse and those who treat them; and

WHEREAS, Father Mac founded the Central States Institute of Addiction which provides training for those who counsel and treat alcoholics; and

WHEREAS, Father Mac founded Haymarket House, a treatment center that also served to bring about a change in the public perception of alcoholism; and

WHEREAS, Father Mac also established the McDermott Foundation to support
the work of the McDermott Center and expand services to assist over 500 men and women; and

WHEREAS, the people of the State of Illinois owe Father Mac a debt of gratitude for his continual work to treat those who suffer with alcoholism and substance abuse and for his successful mission to change the attitudes of lawmakers, citizens, educators and others towards the working poor and alcoholism; and

WHEREAS, Father Mac has been celebrated as the “Apostle to the Alcoholics” and continues to be a source of inspiration for all of us who desire to make a positive change in our society;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim July 31, 2002, as FATHER MAC DAY in Illinois, on the occasion of Monsignor McDermott’s 93rd birthday.

Issued by the Governor July 30, 2002.
Filed by the Secretary of State August 02, 2002.

2002-413
CHATHAM RAILROAD MUSEUM DAY

WHEREAS, the Chicago and Alton railroad depot in Chatham, Illinois, is owned by the Village of Chatham and was restored by community volunteers in 1991-1993; the depot now houses the Chatham Railroad Museum, which is operated by the Chicago and Illinois Midland Chapter of the National Railway Historical Society and displays artifacts and research materials relating to the history of railroads in Central Illinois; and

WHEREAS, one hundred and fifty years ago, in 1852, the Chicago & Mississippi Railroad ran the first railroad train between the cities of Alton and Springfield, passing through the Village of Chatham; and

WHEREAS, one hundred years ago, in 1902, the Chicago & Alton Railroad, successor to the Chicago & Mississippi, rebuilt its depot in Chatham; and

WHEREAS, fifty years ago, in 1952, railroad passenger service at the Chatham depot ended on the Gulf, Mobile & Ohio Railroad, successor to the Chicago & Alton; and

WHEREAS, on September 7, 2002, the Chatham Railroad Museum will mark these significant anniversaries in Chatham’s railroad history by holding the museum’s grand opening celebration;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim September 7, 2002, as CHATHAM RAILROAD MUSEUM DAY in Illinois

Issued by the Governor July 30, 2002.
Filed by the Secretary of State August 02, 2002.

2002-414
ALPHA KAPPA ALPHA SORORITY DAY

WHEREAS, the Monarch Awards Foundation of Xi Nu Omega Chapter of Alpha Kappa Alpha Sorority, Inc., will host its 20th Annual Monarch Awards Gala on Saturday, November 2, 2002; and
WHEREAS, the theme for the event is “A Tribute to Black Men”, and will salute outstanding African-American men in the Chicagoland area whose contributions to their profession, society and mankind have long merited special recognition; and
WHEREAS, all monies raised for the program will be channeled back into the community for scholarships and donations to not-for-profit organizations;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim November 2, 2002, as ALPHA KAPPA ALPHA SORORITY DAY in Illinois.
Issued by the Governor July 30, 2002.
Filed by the Secretary of State August 02, 2002.

2002-415
ALCOHOL AND ADDICTION RECOVERY MONTH

WHEREAS, the Department of Human Services/Office of Alcoholism and Substance Abuse celebrates September 2002 as National Alcohol and Drug Recovery Month; and
WHEREAS, acknowledging September 2002 offers advocates of substance abuse treatment an opportunity to educate the public and policymakers about the effectiveness of treatment, both societal and financial; and
WHEREAS, substance abuse is a major public health problem that affects millions of Americans of all ages, races, and ethnic backgrounds and in all communities, and which has a huge medical, societal and economic cost; and
WHEREAS, thousands of health care providers have dedicated their lives to the recovery process and to the education of the public about alcoholism, drug dependence, and treatment issues; and
WHEREAS, substance abuse is a treatable disease and treatment of addiction is as successful as the treatment of other chronic diseases such as diabetes, hypertension, and asthma;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim September 2002 as ALCOHOL AND ADDICTION RECOVERY MONTH in Illinois and encourage all citizens to support this year’s theme - "Join the Voices of Recovery: A call to Action" - by supporting men, women and youth who are in alcohol and other drug addiction treatment and recovery.
Issued by the Governor July 30, 2002.
Filed by the Secretary of State August 02, 2002.

2002-416
MAKE A DIFFERENCE DAY

WHEREAS, each year USA WEEKEND magazine and the Points of Light Foundation challenge Americans to spend the fourth Saturday of October "making a difference" in their communities and in the lives of those in need; and
WHEREAS, Make a Difference Day was founded to promote volunteer efforts that make our communities a better place to live, work and play; and
WHEREAS, Make A Difference Day is the most encompassing national day of helping others -- a celebration of neighbors helping neighbors; and
WHEREAS, more than 2 million people volunteered during Make a Difference Day last year, accomplishing thousands of projects in hundreds of towns and helping an estimated 25 million people; and
WHEREAS, this year marks the 12th annual Make A Difference Day and millions of volunteers, corporations, government leaders and charitable organizations are expected to participate in Make a Difference Day activities; and
WHEREAS, a day of volunteerism and community service projects provide individuals and groups with an awareness of civic responsibility and a sense of personal accomplishment;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 26, 2002, as MAKE A DIFFERENCE DAY in Illinois.

Issued by the Governor July 30, 2002.
Filed by the Secretary of State August 02, 2002.

2002-417
NANCY LOPEZ DAY

WHEREAS, in 1980, Nancy Lopez, at the age of 23, became the youngest player ever to obtain 20 wins with her first victory at the Rail Charity Golf Classic, and later in 1992, would achieve a career low round of 64 with a second Rail Charity Golf Classic victory; and
WHEREAS, with a total of 48 career victories, Ms. Lopez was inducted into the LPGA Hall of Fame in 1987 and the PGA World Golf Hall of Fame in 1989; and
WHEREAS, Ms. Lopez was named “Golfer of the Decade” by GOLF Magazine for the years 1978-1987; and
WHEREAS, Ms. Lopez received the Flo Hyman Award from the Women’s Sports Foundation in 1992 and the USGA Bob Jones Award for distinguished sportsmanship in the game of golf in 1998; and
WHEREAS, Ms. Lopez received the Golf Writer’s Association Richardson Award in 2000; and
WHEREAS, Ms. Lopez was named one of the LPGA’s top 50 players of all-time in 2000;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim August 31, 2002, as NANCY LOPEZ DAY in Illinois.

Issued by the Governor July 29, 2002.
Filed by the Secretary of State August 02, 2002.

2002-418
SCHWABEN VEREIN DAYS

WHEREAS, the Schwaben Verein will be celebrating its 125th Schwaben Fest (Cannstatter Volksfest), this year on August 17-18, 2002, at The Schwaben Center in
Buffalo Grove, Illinois; and

WHEREAS, thanks to the hard work of President George Boehm and the Board of Directors of the Schwaben Verein, as well as the individual members who donate their time, the Festival will be successful; and

WHEREAS, the Schwaben Verein was founded in the year 1878 in Chicago to promote and protect the Schwaben heritage and culture; and

WHEREAS, the Schwaben Verein is still promoting their heritage today by sponsoring many functions each year. Those functions, in addition to the Schwaben Fest, include an Anniversary Dance, an Octoberfest, and a Christmas Party; and

WHEREAS, the Schwaben Verein also participates in various events sponsored by the German community in Chicago including the Von Steuben Parade, the German American Fest, and the German Day Commemoration; and

WHEREAS, this year's feature at the Schwaben Verein Fest, will be the "Evergreens," from Germany playing traditional German and American musical favorites; and

WHEREAS, local German dance and singing youth groups will perform throughout the weekend;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim August 17-18, 2002, as SCHWABEN VEREIN DAYS in Illinois.

Issued by the Governor July 29, 2002.
Filed by the Secretary of State August 02, 2002.

2002-419
CARBONDALE MAIN STREET BARBECUE COOKOFF DAYS

WHEREAS, the 6th annual Main Street Pig Out Barbecue Cookoff will be hosted by Carbondale Main Street, an Illinois Main Street Community, in Carbondale, Illinois, on Friday, September 13 and Saturday, September 14, 2002; and

WHEREAS, Main Street Pig Out encourages partnerships between the City of Carbondale, the Carbondale Chamber of Commerce, Southern Illinois University, Carbondale Convention & Tourism, businesses of Downtown Carbondale, several corporate sponsors, and over 300 private citizens serving as volunteers; and

WHEREAS, the Carbondale Main Street Pig Out is a festival centered on a Kansas City Barbecue Society sanctioned barbecue contest; and

WHEREAS, last year's Pig Out drew 10,000 people to Downtown Carbondale to enjoy excellent food, outstanding music, and variety of family and children activities;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim September 13-14, 2002, as CARBONDALE MAIN STREET BARBECUE COOKOFF DAYS in Illinois.

Issued by the Governor July 29, 2002.
Filed by the Secretary of State August 02, 2002.
2002-420
HONORABLE MS. SHEIKH HASINA DAY

WHEREAS, the Honorable Ms. Sheikh Hasina is the oldest child of the Father of the Nation Sheikh Mujibur Rahman, the founder of the independent Bangladesh; and
WHEREAS, the Honorable Ms. Sheikh Hasina was unanimously elected President of the Bangladesh Awamy League in 1981, and in 1986, was elected Leader of the Opposition while winning three seats in the parliamentary elections; and
WHEREAS, on June 23, 1996, the Honorable Ms. Sheikh Hasina assumed the office of the Prime Minister of Bangladesh where she would adopt numerous pragmatic policies for overall development of the nation including poverty alleviation; and
WHEREAS, the Honorable Ms. Sheikh Hasina has been awarded numerous times for her work, including the UNESCO’s Houphouet-Boigny Peace Prize in 1998 for her outstanding contribution in bringing peace through ending the 25 years of local conflict, and the UN Food and Agriculture Organizations’ prestigious ‘CERES’ medal in recognition for her fight against hunger; and
WHEREAS, the Honorable Ms. Sheikh Hasina will be visiting Chicago upon the request of the Bangladeshi community on July 30, 2002;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim July 30, 2002, as the HONORABLE MS. SHEIKH HASINA DAY in Illinois.
Issued by the Governor July 29, 2002.
Filed by the Secretary of State August 02, 2002.

2002-421
BARBARA JEAN NEWMAN

WHEREAS, Barbara Jean Newman first began working with the Illinois Student Assistance Commission, then known as the Illinois State Scholarship Commission, on August 5, 1976; and
WHEREAS, Ms. Newman first began her employment as a Clerk Typist 1, advancing through the Clerk Typist Series, before becoming a Secretary in 1983; and
WHEREAS, Ms. Newman was promoted to Office Coordinator in 1988 for the Illinois Student Assistance Commission and now serves as the Springfield Office Manager; and
WHEREAS, Ms. Newman’s superlative customer service to clients and colleagues alike has been recognized and praised by both the Commission and the people she has helped; and
WHEREAS, Ms. Newman has exhibited an unparalleled work ethic and dedication to the Commission and her responsibilities; and
WHEREAS, Ms. Newman is beloved and respected by everyone with whom she works; and
WHEREAS, Ms. Newman's ever-present smile and easy laugh have brightened the days of many ISAC coworkers; and
WHEREAS, Ms. Newman's dedication is not limited to her work, but is reflected
as well in her personal life, as evidenced by her devotion to God, her loving family, and her countless friends;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, congratulate Barbara Jean Newman on her 25 years of exemplary service to the Illinois Student Assistance Commission and the State of Illinois.

Issued by the Governor July 29, 2002.
Filed by the Secretary of State August 02, 2002.

2002-422
THE FIRST DAY OF SCHOOL HOLIDAY

WHEREAS, Illinois families and communities have been working to improve the educational system through parent involvement and community support for schools; and

WHEREAS, the Partnership for Family Involvement in Education (PFIE) has been working to support learning right from the first day of the school year and strengthen family-school partnerships in Illinois; and

WHEREAS, the Partnership for Family Involvement in Education has been working to expand the FIRST DAY OF SCHOOL HOLIDAY into a state-wide initiative; and

WHEREAS, the State of Illinois will be leading the way as the first state to promote the FIRST DAY OF SCHOOL HOLIDAY across the state; and

WHEREAS, the State of Illinois is a leader in strengthening the educational system in this country and in ensuring that the education of our children involves both schools and parents;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim each first day of each school as THE FIRST DAY OF SCHOOL HOLIDAY in Illinois.

Issued by the Governor July 29, 2002.
Filed by the Secretary of State August 02, 2002.

2002-423
GERMAN CARNIVAL DAY

WHEREAS, the German American community has made significant contributions in all areas of life including education, medicine, science, business, arts, technology, government and public service in Illinois; and

WHEREAS, the K.G. Rheinischer Verein Chicago, German Mardi Gras Society, celebrates its 113th anniversary season, 2002-2003, with the crowning of the new Prince and Princess of Karneval in the ball on November 2, 2002, at the Rosemont Convention Center; and

WHEREAS, the Karneval has long been a tradition observed for hundreds of years in all parts of Germany. Karneval is most prevalent around the beautiful Rhineland in the heart of Germany; and
WHEREAS, each year the K.G. Rheinischer Verein elects a Prince and the Prince
in turn selects a Princess to represent the club, the City of Chicago, and head the fun and
frivolity; and
WHEREAS, this season’s Prince, Prinz Wilfried I, and his lovely Princess,
Prinzessin Wilma I, are the Prinzessen Paar to represent the Rheinischer Verein; and
WHEREAS, the Prince and Princess will preside over the following fun-filled
functions of the 2003 Karneval season; Maskenball (Masquerade Ball) on February 22,
2003, at the Rosemont Convention Center and the Rosemontag (Rose Monday) at the
D.A.N.K House on February 24, 2003;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim
November 2, 2002, as GERMAN CARNIVAL DAY in Illinois.

Issued by the Governor August 02, 2002.
Filed by the Secretary of State August 08, 2002.

2002-424
CHRISTIAN HERITAGE WEEK

WHEREAS, the Preamble to the Constitution of the State of Illinois states that
"We the people of the State of Illinois, grateful to Almighty God for the civil, political
and religious liberty which He has permitted us to enjoy and seeking His blessing upon
our endeavors...and secure the blessings of freedom and liberty to ourselves and our
posterity, do ordain and establish this Constitution for the State of Illinois"; and
WHEREAS, at the Constitutional Convention in 1787, Benjamin Franklin stated,
"It is impossible to build an empire without our Father's aid. I believe the sacred writings
which say that "Except the Lord build the house, they labor in vain that build it."
(Psalm 127:1); and
WHEREAS, George Washington enunciated "animated alone by the pure spirit of
Christianity, and conducting ourselves as the faithful subjects of our free government, we
may enjoy every temporal and spiritual felicity"; and
WHEREAS, Thomas Jefferson, author of the Declaration of Independencewrote:
"Can the liberties of a nation be secure when we have removed the conviction that these
liberties are the gift of God"; and
WHEREAS, James Madison, father of the U.S. Constitution, advocated “the
diffusion of the light of Christianity in our nation” in his Memorial and Remonstrance;
and
WHEREAS, Patrick Henry quoted Proverbs14:34 for our nation, which says
"Righteousness alone can exalt a nation, but sin is a disgrace to any people"; and
WHEREAS, George Mason, in his Virginia Declaration of Rights, forerunner to
our U.S. Bill of Rights, affirmed "That it is the mutual duty of all to practice Christian
forbearance, love, and charity towards each other"; and
WHEREAS, these, and many other truly great men and women of America, giants
in the structuring of American history, were Christian statesmen of caliber and integrity
who did not hesitate to express their faith;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim September 15-21, 2002, as CHRISTIAN HERITAGE WEEK in Illinois.

Issued by the Governor August 02, 2002.
Filed by the Secretary of State August 08, 2002.

2002-425
CHANGE THE WORLD OF A CHILD WEEK

WHEREAS, within the State of Illinois, approximately 30 percent of students currently enrolled in school suffer from learning delays that impair the progress of these students throughout their educational careers and further impair their abilities to become employed gainfully; and
WHEREAS, The Michael Allen LeGrand Memorial Scholarship and Neuroscience Research Foundation has been established to alter the course of education for the learning delayed population throughout the United States of America; and
WHEREAS, The Michael Allen LeGrand Memorial Scholarship and Neuroscience Research Foundation has committed to fund-raising activities for the State of Illinois and has further committed to returning these dollars to the students of Illinois in the form of scholarships to attend community college, research treatments for learning delays and provisions of professional development opportunities to those educating the learning delayed in Illinois; and
WHEREAS, the citizens, businesses and educators, both public and private, of the State of Illinois are called upon to celebrate Change the World of a Child Week in acknowledging and rewarding the efforts children and adults in the State of Illinois;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 6-12, 2002, as CHANGE THE WORLD OF A CHILD WEEK in Illinois.

Issued by the Governor August 02, 2002.
Filed by the Secretary of State August 08, 2002.

2002-426
CLEAN HANDS MONTH

WHEREAS, National Clean Hands Month is a back-to-school community service initiative, sponsored by the Georgia-Pacific Health Smart Institute and Sparkle® paper towels, designed to raise awareness in young children of the importance of their personal hygiene during the new school year; and
WHEREAS, National Clean Hands Month was developed by the Georgia-Pacific Smart™ Institute as an educational initiative dedicated to evaluating and facilitating ways to improve personal and family hygiene practices, including the use of disposable paper products, such as paper towels, toilet paper and paper napkins; and
WHEREAS, during National Clean Hands Month, Sparkle® will donate copies of Mike's Dirty, Yucky, Icky Sticky Adventure, paper towels and educational resources to kindergarten through first grade students and teachers in cities nationwide; and
WHEREAS, National Clean Hands Month is bringing educational resources and information, primarily lesson plans developed in conjunction with the National Association of Student Nurses (NASN), to schools in the Chicago metropolitan area; and
WHEREAS, according to the Center for Disease Control, each year there are approximately 52 million cases of the common cold in children under 17 years old, leading to almost 22 million lost school days for children in the United States; and
WHEREAS, educating students on proper hand washing and hygiene can lower alarming statistics like these and improve school attendance;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim September 2002 as CLEAN HANDS MONTH in Illinois.
Issued by the Governor August 06, 2002.
Filed by the Secretary of State August 12, 2002.

2002-427
SHIP WEEK

WHEREAS, aging and disabled populations in Illinois are growing dramatically each year; and
WHEREAS, Senior Health Insurance Program (SHIP) volunteers are essential to the Illinois Insurance Department's efforts to educate and assist Medicare beneficiaries; and
WHEREAS, more than 800 volunteers have contributed nearly 165,000 hours to assist more than 130,000 clients, thereby saving Illinois’ citizens an excess of $8 million; and
WHEREAS, SHIP volunteers are valuable citizens who contribute both their time and talents to improve the lives of Illinois’ Medicare beneficiaries;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim September 9-13, 2002, as SHIP WEEK in Illinois.
Issued by the Governor August 06, 2002.
Filed by the Secretary of State August 12, 2002.

2002-428
GYMNASTICS DAY

WHEREAS, USA Gymnastics is celebrating National Gymnastics Day on August 24, 2002, to unite the millions of children who participate in the sport; and
WHEREAS, National Gymnastics Day seeks to introduce the value of physical fitness for every age, race, gender, and ability level; and
WHEREAS, gymnastics provides a strong foundation developing physical and mental skills that enrich the quality of life; and
WHEREAS, the participation in gymnastics is a fun way to build strength, flexibility and coordination and enhance self-esteem and goal setting abilities; and
WHEREAS, on National Gymnastics Day, gymnastics clubs across the United
States partner with USA Gymnastics to heighten the visibility of the sport and encourage participation at the grassroots level; and

WHEREAS, collectively, our nation strives to encourage greatness and achievement in our young people, helping them all to become champions in life;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim August 24, 2002, as GYMNASTICS DAY in Illinois.

Issued by the Governor August 06, 2002.
Filed by the Secretary of State August 12, 2002.

2002-429

MINORITY ENTERPRISE DEVELOPMENT WEEK

WHEREAS, Minority Enterprise Development Week is an annual celebration of the contributions and achievements made by minority businesses in Illinois and throughout the United States; and

WHEREAS, our state's growth and prosperity depend on the full participation of all Illinois citizens; and

WHEREAS, it is the policy in Illinois to promote and encourage the economic development of minority-owned businesses; and

WHEREAS, for the past 20 years, this state has made great advances in increasing the participation of the minority community in state business; and

WHEREAS, on September 19, business and professional leaders from across the region ill join together at the 20th Annual Minority Enterprise Development Week awards ceremony to honor Chicago's outstanding minority business entrepreneurs throughout the state for 2002;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim September 16-20, 2002, as MINORITY ENTERPRISE DEVELOPMENT WEEK in Illinois.

Issued by the Governor August 08, 2002.
Filed by the Secretary of State August 12, 2002.

2002-430

MOTHERS OF MULTIPLES WEEK

WHEREAS, every year, more than 90,000 sets of twins and 4,000 sets of triplets and higher order multiples are born in the United States; and

WHEREAS, a multiple pregnancy is statistically more likely to cause complications; and

WHEREAS, the Illinois Organization of Mothers of Twins Club, Inc. (IOMOTC) was founded in 1962 as an Illinois non-profit, educational, public service organization for mothers of twins and higher order multiple birth children; and

WHEREAS, IOMOTC provides support, information and networking services to parents of twins and higher order multiples; and

WHEREAS, IOMOTC is holding its annual convention October 18-20, 2002, in
Downers Grove;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 14-20, 2002, as MOTHERS OF MULTIPLES WEEK in Illinois.

Issued by the Governor August 08, 2002.
Filed by the Secretary of State August 12, 2002.

2002-431

YOUNG ADOLESCENTS MONTH

WHEREAS, the period of early adolescence (ages 10-15) is a distinct, developmental period between childhood and full adolescence; and
WHEREAS, this period has been little understood, nor has its importance been recognized; and
WHEREAS, youth between the ages of approximately 10-15 years undergo more extensive physical, mental, social, moral, and emotional changes than at any other time of life, with the possible exception of infancy; and
WHEREAS, the attitudes and values that young adolescents develop during these formative years largely determine their later behavior; and
WHEREAS, parents continue as primary models and guides, even as young adolescents give increased attention to the peer group; and
WHEREAS, the community itself is also a “classroom” in which young adolescents learn many lessons; and
WHEREAS, much valuable information and research about this important age group now exists and Illinoisans should celebrate by extending their knowledge about these critical years and support the health development of young adolescents;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 2002 as YOUNG ADOLESCENTS MONTH in Illinois.

Issued by the Governor August 08, 2002.
Filed by the Secretary of State August 12, 2002.

2002-432

DR. A. EDWARD DAVIS, JR. DAY

WHEREAS, Dr. A. Edward Davis, Jr. was born on May 2, 1951, to the Reverend A. Edward Davis, Sr. and Vianna F. Davis; and
WHEREAS, Dr. A Edward Davis, Jr. earned his Bachelor of Arts Degree from Trinity College, his Master’s Degree in Theology from Trinity School of Divinity in Deerfield, Illinois, and his Doctorate Degree in Ministry from the Gospel Outreach Theology Institute of Houston, Texas; and
WHEREAS, Dr. A Edward Davis, Jr. preached his first sermon in 1969, and was later elected Pastor of the St. John Missionary Baptist Church in 1976; and
WHEREAS, Dr. A Edward Davis, Jr. has served as President of the Nehemiah Restoration Coalition (NRC), Chairman of the Zoning Department for the City of Chicago, Vice-Chairman for the Industrial Area Foundation, Co-Chairman of the African-
American Baptist Caucus and Delegate to the National Democratic Convention representing the 2nd Congressional District; and

WHEREAS, Dr. A Edward Davis, Jr. is actively involved with the National Baptist Convention USA, Operation PUSH, Roseland Clergy Association, the Baptist Pastor's Developing Communities Project, the South Suburban Ministers Alliance, the New Era District and is also Assistant Dean to the Chicago Minister Alliance and Vicinity;


Issued by the Governor August 08, 2002.

Filed by the Secretary of State August 12, 2002.

2002-433
TOM HERNDON DAY

WHEREAS, Thomas R. Herndon is ending 35 years of distinguished state service in August 2002 and will avail himself of an advantageous early retirement; and

WHEREAS, Tom Herndon was born on August 12, 1943, in Eldorado, Illinois, and subsequently graduated from Southern Illinois University and the University of Illinois at Springfield; and

WHEREAS, Tom Herndon is known throughout state government as one of the top experts in budget and fiscal management, having served numerous elected officials as an internal auditor and director of budget and fiscal management in the Secretary of State's office; and

WHEREAS, Tom Herndon always maintained an exacting commitment to accuracy and integrity, as well as a well-deserved reputation as a "straight shooter;" and

WHEREAS, Tom Herndon, upon the election in 1998 of Governor George H. Ryan, undertook one of the most daunting challenges initiated by the Governor - the creation of the first government-wide strategic plan; and

WHEREAS, Tom Herndon, over the course of three years, did a masterful job of creating the Illinois Office of Strategic Planning and the first-ever interagency strategic planning think tank - better known as the "Skunkworks" - and convincing, prodding and instructing skeptical state agency officials into using his principles; and

WHEREAS, Tom Herndon, through considerable effort, demonstrated that solid strategic planning can have a major effect on budgeting and the delivery of state services - saving taxpayers more than $1 million and drastically improving the coordination of state services; and

WHEREAS, Tom Herndon, in the spring of 2002, delivered to Governor Ryan state government's first-ever strategic plan - Illinois Strategic Direction 2002 - and oversaw the merger of the Illinois Office of Strategic Planning within the Bureau of the Budget; and

WHEREAS, Tom Herndon, upon his retirement from state government, will no doubt travel widely in a Thunderbird and indulge his love of automobiles, the Los Angeles Dodgers, the Washington Redskins and the Duke University Blue Devils; and
WHEREAS, Tom Herndon also will spend more time at his Springfield estate with his wife Connie, visiting daughters Sheri, Angela and Karyn and his grandchildren Courtney, Morgan, Bianca and Austin;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim August 31, 2002, as TOM HERNDON DAY in Illinois and ask that all who greet Tom to congratulate him for his exemplary service on behalf of the people of the State of Illinois and to extend their best wishes on his retirement.

Issued by the Governor August 07, 2002.
Filed by the Secretary of State August 12, 2002.

2002-434
PUBLIC LANDS DAY

WHEREAS, Illinois’ system of public lands includes parks, unique landscapes, forests, wildlife refuges, historic trails, natural streams and wetlands, nature centers, gardens and other landmark areas that individually and collectively represent irreplaceable national resources; and

WHEREAS, public lands provide locally accessible natural and cultural resources for environmental learning, wildlife appreciation and recreation; and

WHEREAS, public lands promote civic ideals that include shared stewardship and recognition of public ownership; and

WHEREAS, shared stewardship requires the good will, cooperation and active support of citizens, community, city, and state officials, business leaders, children and adults; and

WHEREAS, the Civilian Conservation Corps gave our nation a magnificent legacy of stewardship of our treasured natural resources that is being passed to younger generations; and

WHEREAS, land conservation builds awareness among urban dwellers with concerns about planned development, shared land use, preservation of wild areas and natural habitats, and the benefits realized by diligent restoration and enhancement efforts; and

WHEREAS, an alliance between private citizens, land managers and community leaders improves the condition of publicly held lands for the greater enjoyment and enrichment of all Americans;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim September 28, 2002, as PUBLIC LANDS DAY in Illinois.

Issued by the Governor August 13, 2002.
Filed by the Secretary of State August 16, 2002.

2002-435
FOOD SAFETY AWARENESS MONTH

WHEREAS, the United States has one of the safest food supplies in the world; and
WHEREAS, safe food handling by employees is emphasized on a continual basis in the retail sector at a tremendous cost to the retailer; and
WHEREAS, such training has gone on for decades; and
WHEREAS, retailers have been at the cutting edge of the development of safe food handling procedures; and
WHEREAS, despite the constant training and evolution of safe food handling procedures, as many as 5,000 deaths and 76 million cases of food-borne illnesses occur each year in the U.S.; and
WHEREAS, 250,000 food-borne illnesses occur in Illinois each year; and
WHEREAS, the vast majority of these food-borne illnesses occur in the home and might be avoided with appropriate consumer education; and
WHEREAS, the retail sector in Illinois continues to work with the appropriate state and local health agencies to better educate consumers on good food safety procedures, as well as develop even better food handling procedures; and
WHEREAS, September has been designated as National Food Safety Awareness Month; and
WHEREAS, the citizens of Illinois are encouraged to join the Illinois Retail Merchants Association and their members, the Illinois Food Retailers Association and their members, the Illinois Department of Public Health and Illinois’ local health departments, the Illinois Department of Agriculture, the Illinois Press Association and their members, the Illinois Association of Convenience Stores and their members and the Illinois Restaurant Association and their members in recognizing September 2002 as Food Safety Awareness Month in Illinois;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois proclaim September 2002 as FOOD SAFETY AWARENESS MONTH in Illinois.

Issued by the Governor August 13, 2002.
Filed by the Secretary of State August 16, 2002.

2002-436
ALISON BAIR DAY

WHEREAS, ALISON L. BAIR was born on May 24, 1977, in Quincy, Illinois, and spent her formative years forming an attachment to outdoor activities; especially swimming and diving; and
WHEREAS, ALISON BAIR, by the time she was 18, was well prepared for college life via a peculiar Bair Family ritual known as the "Gin Bucket;" and
WHEREAS, ALISON BAIR so excelled at the fine art of using the Gin Bucket "as well as various assorted mixers and fermented hops and grains " that her college career became a gypsy caravan of learning that started in Quincy, weaving through Eureka and ending in Macomb at the world's largest community college, Western Illinois University; and
WHEREAS, ALISON BAIR, while at WIU, gave new meaning to the phrase, "I've got your leatherneck right here;" and graduated with a degree in criminal justice in 2000; and
WHEREAS, ALISON BAIR postponed a promising career as a state prison guard at the Tamms Correctional Center to enter the Dunn Fellowship program in the Governor’s Office, where she made many new lifelong friends and redefined the phrase, “Oh yes, I’m with your FELLOW”; and

WHEREAS, ALISON BAIR shacked up with Rachel, flew primarily with a wingman code-named "Hair" and tried mightily to steer her little sister Tiffany away from the evils of the curse of the "Gin Bucket" (to no avail); and

WHEREAS, ALISON BAIR finally discovered true happiness in the Governor’s Office by rescuing a down-on-his-luck-washed-up-ballplayer-turned-college mascot-turned-political hack-turned-bagboy-turned-pimp for the Medical Society who used to use the unbelievably classy pick-up line, “wanna see my six-foot Willie?” and

WHEREAS, ALISON BAIR will marry the aforementioned James Jacobsohn in 2003, after first leaving the safety of Central Illinois and the Governor’s office for the wasteland of outer state government; the evils of the City of Chicago and the shark pit of law school to share her life with a schlep from Jersey; and

WHEREAS, ALISON BAIR’S contributions, energy, intelligence, cheerful disposition, quick wit and other attributes made government work better and brightened the day for many of her co-workers, including Ray, Susan, Dan, Marie " and especially Steve " and she will be missed;

THEREFORE, I, GEORGE H. RYAN, Governor of the State of Illinois proclaim August 15, 2002, as ALISON BAIR DAY in Illinois and encourage all who meet her to remind her exactly who is she is planning to "love, honor and OBEY."

Issued by the Governor August 13, 2002.

Filed by the Secretary of State August 16, 2002.

2002-437
INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS LOCAL 309 DAY

WHEREAS, the International Brotherhood of Electrical Workers Local 309 is celebrating its centennial from September 11-28, 2002; and

WHEREAS, September 11 marks 100 years of Pride for Local 309 and its members who have been leaders in producing the most highly trained and skilled journeymen in the country; and

WHEREAS, for 100 years Local 309 has helped build and shape the Metro-east area as well as the surrounding counties of Southern Illinois with its expertise and craftsmanship; and

WHEREAS, Local 309 is prepared to continue being a leader in the electrical industry with advancements in training, organizing, market recovery, and service to its members;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim September 11, 2002, as INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS LOCAL 309 DAY in Illinois.

Issued by the Governor August 14, 2002.
WHEREAS, as Illinois prepares to compete in the global economy of the 21st century, our citizens recognize the challenges ahead and accept the responsibility of providing their children with the education and skills that will enable them to compete successfully as individuals and as a state; and

WHEREAS, since 1980, the constantly rising cost of higher education has out-paced inflation, the rate of increase in public assistance to students and the growth in family income, posing a serious threat to the ability of our citizens to ensure their children's access to postsecondary education; and

WHEREAS, since 1992, the annual amount of student loan debt has risen from $15 billion to $35 billion, leaving college graduates with the ever-increasing burden of paying for their college education long after they have completed their education; and

WHEREAS, it is in the state's interest that access to postsecondary education for our children be maintained and that encouraging parents to save for their children's education promotes that public purpose; and

WHEREAS, government, at both the federal and state levels, needs to encourage savings versus borrowing and assisting rather than hindering parents, grandparents, friends and businesses, as they seek to support the education of children, grandchildren and others in need of help to meet their higher education goals; and

WHEREAS, the State of Illinois provides two section 529 Qualified Tuition Plans through duly enacted laws passed by the state's legislature (Bright Start and College Illinois!); and

WHEREAS, many states have offered state tax incentives as deductions and/or exemptions for their citizens as a recognition of the value of higher education opportunity;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim September 2002 as COLLEGE SAVINGS MONTH in Illinois.

Issued by the Governor August 14, 2002.
Filed by the Secretary of State August 16, 2002.

2002-439
FINANCIAL PLANNING WEEK

WHEREAS, the financial planning process allows individuals to achieve their dreams by empowering them to identify and manage realistic financial goals and negotiate the financial barriers that arise at every stage of life; and

WHEREAS, everyone can benefit from knowing the value of financial planning and where to turn for objective financial advice; and

WHEREAS, the Financial Planning Association is the membership organization for the financial planning community, representing 28,000 members dedicated to
supporting the financial planning process as a way to help individuals achieve their goals and dreams; and

WHEREAS, the Financial Planning Association believes that individuals need objective financial planning advice from a Certified Financial Planner professional to improve their quality of life; and

WHEREAS, the Financial Planning Association is dedicated to helping individuals discover the value of financial planning;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 7-13, 2002, as FINANCIAL PLANNING WEEK in Illinois.

Issued by the Governor August 14, 2002.

Filed by the Secretary of State August 16, 2002.

2002-440
ASSYRIAN MARTYR’S DAY

WHEREAS, the Assyrian-American community of Illinois is commemorating the 69th Anniversary of the Assyrian Genocide; and

WHEREAS, the loss of over 750,000 Assyrians and the forced deportation of countless others during the early 20th Century is recognized each year; and

WHEREAS, Joseph Tamraz, the Midwest Regional Director of the Assyrian American National Federation, has announced that the Federation has several commemorative events to mark this Assyrian Martyrs Day; and

WHEREAS, a special tribute by the Assyrian Martyrs Monument at Montrose Cemetery, the Assyrian Martyrs Day Commemoration program at the Assyrian Social Club, Wednesday August 7, 2002, and drama “Semelle Genocide” will be played on Sunday August 11, 2002, at Auditorium of Northside College Preparatory High School; and

WHEREAS, Assyrians continue to be a people of faith and pride working side-by-side for the future of the Assyrian community; and

WHEREAS, Assyrian-Americans have been forthright in their efforts to preserve their culture, heritage, and language; and

WHEREAS, the Assyrian-American community has made significant contributions in all areas of life including education, medicine, science, business, arts, government, and public service in Illinois;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim August 7, 2002, as ASSYRIAN MARTYR’S DAY in Illinois.

Issued by the Governor August 12, 2002.

Filed by the Secretary of State August 16, 2002.

2002-441
RANDALE R. VALENTI

WHEREAS, it is fitting for all citizens to join in this celebration of public service and recognize the dedication that contributes immeasurably to our communities; and
WHEREAS, America cannot solve societal problems without dedicated citizens; and

WHEREAS, positive involvement in state government is needed more today than ever to combat growing human and societal problems; and

WHEREAS, Randale R. Valenti began his dedication to public service in 1968, as a devoted caseworker in the Garfield Local Office; and

WHEREAS, under Randale R. Valenti's leadership, Illinois developed one of the most comprehensive efforts to address the needs of immigrants, including the nation's first state-funded citizenship program, a comprehensive interpretation program, and bilingual support for needy; and

WHEREAS, Randale R. Valenti dedicated himself to meeting the needs of impoverished people seeking food assistance through the Emergency Food Program. Over the past five years, Randale's leadership has helped to distribute more than 74 million pounds of food to hungry children, families and single persons in Illinois; and

WHEREAS, Randale R. Valenti's commitment to housing and homeless prevention led to the establishment of the Homeless Prevention and Supportive Housing programs which enable thousands of people to have a place to call home; and

WHEREAS, Randale R. Valenti became Associate Director, Office of Child Care and Family Services in the newly established Illinois Department of Human Services in 1997. Under Randale's guidance, the Child Care program implemented the GREAT START program which addresses the staffing crisis of child care programs in Illinois; and

WHEREAS, Randale R. Valenti was instrumental in shaping this Administration's commitment to children and families and the creation of Illinois Preschool; and

WHEREAS, Randale R. Valenti has dedicated 35 years of service to the State of Illinois by assisting children and families to achieve self-sufficiency, independence and provide them with the tools to improve the quality of their lives; and

WHEREAS, Randale R. Valenti plans to spend his time accumulating additional 1st prize citations for his extraordinary apple pie at the Illinois State Fair and Fairs nationally; and

WHEREAS, during his retirement, Randale will have ample time to continue his passion for raising and showing Irish Wolf Hounds;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, recognize and congratulate Randale on his 35 years of exemplary service and many accomplishments on behalf of the citizens of Illinois.

Issued by the Governor August 12, 2002.
Filed by the Secretary of State August 16, 2002.

2002-442
NIRANJAN S. SHAH DAY

WHEREAS, Niranjan S. Shah, Co-Founder and Chairman of Globetrotters Engineering, originally from Gujarat, India, is not only committed to public service and community service in Illinois, but also to USA - India relations for over 20 years; and

WHEREAS, Niranjan S. Shah assists foreign exchange university students and
has served on Educational Boards including University of Chicago's Visiting Committee on University-School Relations, Laboratory Schools of the University of Chicago and the Illinois Board of Regents, the governing board for three state universities; and

WHEREAS, President Clinton appointed Niranjan S. Shah to the Barry Goldwater Scholarship and Excellence in Education Foundation; and

WHEREAS, Senator Paul Simon appointed Niranjan S. Shah as Vice Chairman of his Asian American Advisory Committee; and

WHEREAS, Governor Jim Edgar appointed Niranjan S. Shah to his Transition Team and to serve on the Transportation and Capital Construction Committee; and

WHEREAS, Governor George H. Ryan appointed Niranjan S. Shah to his Transition Team and to serve on the Northeastern Illinois University Board; and

WHEREAS, Mayor Richard Daley appointed Niranjan S. Shah as Vice Chair of Chicago Delhi Sister Cities Program and to the Economic Development Commission of Chicago; and

WHEREAS, Niranjan S. Shah has coordinated local Asian community affairs such as Chicago's Annual India Independence Day Parade, is the Past President of the Federation of Indian Associations and coordinated relief efforts for victims of the Gujarat Earthquake; and

WHEREAS, Niranjan S. Shah is the recipient of numerous awards including "Citizen Engineer of the Year," by the Illinois Section of the American Society of Civil Engineers; International Award from Vishwa Gurjari in Gujarat, India; Man of the Year Award, News India Times; Man of the Year Award, Federation of India Associations; Chicago and Indian Ambassador Award, Indian Reporter & World Report Newspaper;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim August 15, 2002, as NIRANJAN S. SHAH DAY in Illinois.

Issued by the Governor August 12, 2002.

Filed by the Secretary of State August 16, 2002.

2002-443
CONSTITUTION DAY

WHEREAS, September 17, 2002, marks the 215th anniversary of the drafting of the Constitution of the United States of America by the Constitutional Convention; and

WHEREAS, our Founding Fathers ordained and established the Constitution of the United States of America to secure the blessings of liberty for themselves and their posterity; and

WHEREAS, it is commendable to honor their staunch courage and wise counsel by studying the Constitution, knowing our rights, and fulfilling our responsibilities entitled to us by the American Colonists who sacrificed and died to establish the freedoms guaranteed to us all by this great document; and

WHEREAS, it is fitting and proper to accord official recognition to this magnificent document and its memorable anniversary, and to the patriotic celebrations which will commemorate the occasion;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim September 17, 2002, as CONSTITUTION DAY in Illinois and ask our citizens to reaffirm the ideas the framers of the Constitution had in 1787 by vigilanty protecting the freedoms guaranteed to us through this guardian of our liberties, remembering that lost rights may never be regained.

Issued by the Governor August 16, 2002.
Filed by the Secretary of State August 19, 2002.

2002-444
OUTSTANDING YOUNG FARMERS WEEK

WHEREAS, the agricultural industry, and farming in particular, is a critical component of the economy and culture of Illinois; and
WHEREAS, the Outstanding Young Farmer award honors one outstanding young farmer between the ages of 21-40 for the entire State of Illinois; and
WHEREAS, the Outstanding Young Farmer Program attempts to foster better urban-rural relations by creating a greater public interest in, and understanding of, today’s farmers and their challenges; and
WHEREAS, the Outstanding Young Farmer Program has recognized farmers for their outstanding achievements for more than 40 years; and
WHEREAS, winners of the Illinois Outstanding Young Farmers award are honored with the opportunity to represent our great state in the National Outstanding Young Farmers Awards;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim August 19-24, 2002, as OUTSTANDING YOUNG FARMERS WEEK in Illinois.

Issued by the Governor August 16, 2002.
Filed by the Secretary of State August 19, 2002.

2002-445
VISION REHABILITATION DAYS

WHEREAS, more than 468,208 people in Illinois have some form of impaired vision; and
WHEREAS, thanks to the benefit of training, education and community support persons with vision impairments lead independent, productive lives; and
WHEREAS, October 10, 2002, has been proclaimed by George W. Bush as National Rehabilitation Day; and
WHEREAS, the Illinois Department of Human Services' Office of Rehabilitation Services, Bureau of Blind Services and numerous partners and providers will host a conference entitled Discovery, the Low Vision Conference, from September 26-28, 2002, in Chicago; and
WHEREAS, the conference will bring together people with vision impairments, educators, and rehabilitation professionals and vendors to offer a regional perspective on low vision, vision rehabilitation and low vision education;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim September 26-October 10, 2002, as VISION REHABILITATION DAYS in Illinois.
Issued by the Governor August 21, 2002.
Filed by the Secretary of State August 26, 2002.

2002-446
NATIONAL BUSINESS ASSOCIATION DAY

WHEREAS, the National Business Association, with members in Springfield, Illinois, is celebrating more than a decade of continuous service to the self-employed and small business community; and
WHEREAS, no group of individuals better exemplifies the spirit that has built this great nation than the self-employed Americans, whose determination, courage and hard work enabled them to start their own businesses and take control of their own destiny; and
WHEREAS, the National Business Association is a non-profit association dedicated to assisting the self-employed and small business owners in achieving their professional and personal goals; and
WHEREAS, the National Business Association offers their members cost and time savings benefits and services in the area of business, lifestyle, health, and education; and
WHEREAS, the National Business Association provides a united voice to the small business owner and self-employed American, thereby providing the vital support needed for small businesses to grow;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim September 10, 2002, as NATIONAL BUSINESS ASSOCIATION DAY in Illinois, in recognition of the association's continued service to its citizens.
Issued by the Governor August 21, 2002.
Filed by the Secretary of State August 26, 2002.

2002-447
OLDER WORKER WEEK

WHEREAS, older workers bring stability to the workforce and serve as role models to their younger counterparts; and
WHEREAS, employers benefit from the older worker’s maturity, life experience, productivity and dependability; and
WHEREAS, older workers are conscientious, have much patience and low absenteeism; and
WHEREAS, older workers have high morale and job satisfaction; and
WHEREAS, Illinois and the nation cherish the contribution of older workers, and the state celebrates the work ethics and examples set by our elders; and
WHEREAS, the theme of National Employ the Older Worker Week is “Mature Workers ...Red, White and True Blue;”
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim September 22-28, 2002, as OLDER WORKER WEEK in Illinois.

Issued Governor August 22, 2002.
Filed by the Secretary of State August 26, 2002.

2002-448
SCHWEIDSBENG WINE FESTIVAL DAYS

WHEREAS, the "Schweidsbenger Waifescht" which was first published in September 1953, continues today without interruption and is celebrating its 50th anniversary; and
WHEREAS, the "Schweidsbenger Waifescht" publication's purpose is to promote the Village of Schweidsbeng in Luxembourg; and
WHEREAS, the Village of Schweidsbeng is noted for its quality "Letzeborger Wain" wine; and
WHEREAS, Nicholas Strotz, Mayor of Schweidsbeng, announced the Annual Wine Festival will be the first weekend in September; and
WHEREAS, Charles Urbany, President of the Annual Schweidsbeng Wine Festival announced the United States Air Force in Europe Music Band is featured in the program at the celebration; and
WHEREAS, Jim and Anita Madler and John Josee Schlink will present this proclamation on behalf of the descendants of the Rock, Madler, Schmidt and Lulling families, and the 12 million citizens of Illinois; and
WHEREAS, the Luxembourg American community has made significant contributions in all areas of life including education, medicine, science, business, arts, technology, government and public service in Illinois, including Speaker of the House Dennis Hastert and former President of the Senate Philip J. Rock;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim September 1-2, 2002, as SCHWEIDSBENG WINE FESTIVAL DAYS in Illinois.

Issued by the Governor August 22, 2002.
Filed by the Secretary of State August 26, 2002.

2002-449
LEUKEMIA & LYMPHOMA AWARENESS MONTH

WHEREAS, blood-related cancers currently afflict more than 700,000 Americans with an estimated 110,000 new cases diagnosed each year; and
WHEREAS, leukemia, lymphoma, and myeloma will kill an estimated 60,500 people in the United States this year; and
WHEREAS, the Leukemia & Lymphoma Society, through voluntary contributions, is dedicated to finding cures for these diseases through research efforts and the support for those that suffer from them; and
WHEREAS, the Leukemia & Lymphoma Society maintains an office in Illinois to support patients with these diseases and their family members in the State of Illinois; and
WHEREAS, the State of Illinois is similarly committed to the eradication of these diseases and supports the treatment of its citizens that suffer from them; and
WHEREAS, the State of Illinois encourages private efforts to enhance research funding and education programs that address these diseases;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim September 2002 as LEUKEMIA & LYMPHOMA AWARENESS MONTH in Illinois.
Issued by the Governor August 22, 2002.
Filed by the Secretary of State August 26, 2002.

2002-450
PAYROLL WEEK

WHEREAS, the American Payroll Association and its 20,000 members have launched a nationwide public awareness campaign that pays tribute to the more than 135 million people who work in the United States and the payroll professionals who support the American system by paying wages, reporting worker earnings and withholding federal employment taxes; and
WHEREAS, payroll professionals in Illinois play a key role in maintaining Illinois' economic health, carrying out such diverse tasks as paying into the unemployment insurance system, providing information for child support enforcement and carrying out tax withholding, reporting and depositing; and
WHEREAS, payroll departments collectively spend more than $15 billion annually complying with a myriad of federal and state wage and tax laws; and
WHEREAS, payroll professionals play an increasingly important role ensuring the economic security of American families by helping to identify noncustodial parents and making sure they comply with their child support mandates; and
WHEREAS, payroll professionals have become increasingly proactive in educating both the business community and the public at large about the payroll tax withholding systems; and
WHEREAS, payroll professionals meet regularly with federal and state tax officials to discuss both improving compliance with government procedures and how compliance can be achieved at less cost to both government and businesses;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim September 3-7, 2002, as PAYROLL WEEK in Illinois, and give additional support to the efforts of the people who work in Illinois and of the payroll profession.
Issued by the Governor August 28, 2002.
Filed by the Secretary of State September 03, 2002.

2002-451
ROBERT J. HOWLETT DAY

WHEREAS, Robert J. Howlett is a 29-year veteran of the Illinois Secretary of State, Department of Police and was appointed Director of the Department of Police on January 1, 1997; and
WHEREAS, Director Howlett has held many assignments within the Department of Police which include Commander of District 3, Commander of the Auto Theft Unit, Assistant Director of Training and Special Operations Commander; and

WHEREAS, Director Howlett has specialized in the management of Emergency Response and has designed training programs for those that manage Emergency Response, Critical Incident and Crowd Management. He has been requested to consult police in several difficult large crowd situations. Security of public property has been a major part of his career. He has more recently specialized in Domestic Terrorism and has become an expert in the field; and

WHEREAS, Director Howlett is very active with the law enforcement community; has been a member of the Coordinating Counsel Against Auto Theft, the Steering Committee that established the Illinois Law Enforcement Intelligence Network, the Program Evaluation Committee for the Lincolnland Police Training Center; and is the Vice-Chairman of the Illinois Police Memorial Committee; and

WHEREAS, Director Howlett is a graduate of the State Police Academy, Chicago Police Academy, and the FBI Academy;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim September 6, 2002, as ROBERT J. HOWLETT DAY in Illinois.

Issued by the Governor August 28, 2002.

Filed by the Secretary of State September 03, 2002.

2002-452

PROSTATE CANCER AWARENESS MONTH

WHEREAS, prostate cancer is the most commonly diagnosed non-skin form of cancer and the second leading cause of cancer-related deaths among men; and

WHEREAS, the American Cancer Society estimates that 56,800 new cancer cases will be diagnosed this year in Illinois and 9,000 will involve cancer of the prostate, resulting in an estimated 1,400 deaths from prostate cancer; and

WHEREAS, this issue needs to be brought to the forefront, not only in educating men about the disease, but reminding them of the importance of early screening;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim September 2002 as PROSTATE CANCER AWARENESS MONTH in Illinois.

Issued by the Governor August 28, 2002.

Filed by the Secretary of State September 03, 2002.

2002-453

GYNECOLOGIC CANCER AWARENESS MONTH

WHEREAS, the Gynecologic Cancer Foundation (GCF) is a not-for-profit charitable foundation that committed to advancing the care of women who are at risk or have been diagnosed with cancer of the reproductive organs; and

WHEREAS, GCF exemplifies this commitment through gynecologic cancer research grants and programs, readily accessible information and resources, and by
spreading the message of prevention, early detection and empowerment through knowledge to the public; and

WHEREAS, GCF is headquartered in Chicago and was formed by and is the philanthropic arm of the Society of Gynecologic Oncologists (SGO), a professional society of physicians who specialize in gynecologic oncology; and

WHEREAS, SGO is the only U.S. medical organization dedicated to the prevention, detection, and cure of reproductive cancers; and

WHEREAS, gynecologic cancer is a study in contrasts as some forms are declining while others are increasing, detection can be incredibly simple, or nearly impossible until the cancer is in advanced stages; and

WHEREAS, despite the fact that more than 80,000 women nationwide are diagnosed each year, gynecologic cancer is shrouded in mystery and misunderstanding;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim September 2002 as GYNECOLOGIC CANCER AWARENESS MONTH in Illinois.

Issued by the Governor August 28, 2002.

Filed by the Secretary of State September 03, 2002.

2002-454

FLIGHT ACROSS AMERICA DAY

WHEREAS, Flight Across America is a national initiative that honors the memory of those killed in the terrorist attacks of September 11, 2001; and

WHEREAS, one pilot from each of the 50 states will fly official state flags to New York City on September 11, 2002; and

WHEREAS, the act of 50 pilots carrying their state flags across the country into New York is symbolic of a nation coming together to stand in solidarity;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim September 11, 2002, as FLIGHT ACROSS AMERICA DAY in Illinois.

Issued by the Governor August 20, 2002.

Filed by the Secretary of State September 03, 2002.

2002-455

MATTHEW E. POWERS DAY

WHEREAS, Matthew E. Powers, youngest child of Leo and Mary Rita Powers, was born April 9, 1967, in Clinton, Illinois; and

WHEREAS, Matt grew up in Wapella, Illinois, one of four children, in a hard-working family of sharecroppers; and

WHEREAS, Matt earned his Bachelor of Arts degree from the University of Illinois-Urbana-Champaign in political science in May 1989; and

WHEREAS, Matt currently lives in Springfield with his lovely wife, Beth, and their two young sons, Billy and Tommy; and
WHEREAS, Matt has devoted more than 10 years of his life to state government, beginning as a Dunn Fellow in 1989 (with a brief earlier stint doing yard maintenance at the Illinois State Fair); and
WHEREAS, Smitty held various positions at the Illinois Bureau of the Budget for a total of 5* years, including working as a Medicaid analyst and Division Chief of the division which oversees fiscal and policy issues for the Department of Public Aid; and
WHEREAS, Matt also contributed to other areas of state government, such as the Department of Corrections; and
WHEREAS, Matt joined the Department of Public Aid as Medical Programs Administrator in February 1999; and
WHEREAS, the Medicaid program has undergone several important changes under Matt's leadership, including implementation of the SeniorCare waiver to provide a comprehensive prescription benefit to eligible seniors and a major effort to enroll children in the KidCare health benefit plans; and
WHEREAS, Matt has provided the Division of Medical Programs with integrity, creative ideas, consistent leadership, fiscal responsibility, and humor throughout his tenure; and
WHEREAS, Matt is leaving the Division, effective September 6, 2002, to spend more time with his family and pursue other interests, such as enhancing his pipes, lounging in his orange unitard, and perfecting his jump shot; and
WHEREAS, Matt has been a player in the administrations of three Illinois governors; and
WHEREAS, employees of the Department will miss his love of Pop Tarts, the call to "rally", the creaking of his Star Wars chair, and his detailed accounts of "hot dog finger" and other ailments (too numerous to list); and
WHEREAS, Matt will be greatly missed by all those throughout state government who have had the opportunity to work with him;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim Friday, September 6, 2002, as MATTHEW E. POWERS DAY in Illinois.

Issued by the Governor August 27, 2002.
Filed by the Secretary of State September 03, 2002.

2002-456
SONOGRAPHY AWARENESS MONTH

WHEREAS, the health of all citizens is a major concern and responsibility of healthcare professionals serving the citizens of the State of Illinois; and
WHEREAS, qualified professionals who specialize in the use of diagnostic medical ultrasound to aid the physician in the diagnosis of disease, share a commitment to provide quality healthcare for the people of this state; and
WHEREAS, professionals in sonography are dedicated to the highest standards of professionalism and maintain these standards through continuing education, credentialing and a personal commitment; and
WHEREAS, October 2002 has been designated Sonography Awareness Month to focus on the use of diagnostic medical ultrasound examinations provided through the skilled and conscientious efforts of Diagnostic Medical Sonographers in the state;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 2002 as SONOGRAPHY AWARENESS MONTH in Illinois.

Issued by the Governor September 03, 2002.
Filed by the Secretary of State September 06, 2002.

2002-457
SICKLE CELL MONTH

WHEREAS, Sickle Cell Anemia is a disease characterized by the red blood cells changing from round to sickle shape; and
WHEREAS, it is a painful, life-shortening disease that is currently incurable, though it can be controlled by medical treatment; and
WHEREAS, one in every 500 African-Americans born each year, including 4,000 in Illinois, are affected by it; and
WHEREAS, the Sickle Cell Disease Association of Illinois provides community education, patient services, genetic counseling and funds for research to combat this mysterious problem;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim September 2002 as SICKLE CELL MONTH in Illinois, in cooperation with efforts to raise public awareness about the needs engendered by this disease.

Issued by the Governor September 03, 2002.
Filed by the Secretary of State September 06, 2002.

2002-458
ABMPP/ABDA DAYS

WHEREAS, on July 12-13, 2003, there will be for the first time a joint medical congress of the American Board of Medical Psychotherapists and Psychodiagnosticians (AMBPP) together with the American Board of Disability Analysts (ABDA) in Chicago, Illinois; and
WHEREAS, these two organizations are among the largest continuing education and credentialing associations for healthcare and rehabilitation professionals in North America; and
WHEREAS, the State of Illinois is one of the largest membership states of these organizations in the United States;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim July 12-13, 2003, as ABMPP/ABDA DAYS in Illinois.

Issued by the Governor September 03, 2002.
Filed by the Secretary of State September 06, 2002.
2002-459
PUBLIC POWER WEEK

WHEREAS, the citizens of Springfield place high value on local control over community services and therefore have chosen to operate a community-owned, locally-controlled, not-for-profit electric utility and, as consumers and owners of their electric utility, have a direct say in utility operations and policies; and

WHEREAS, City Water, Light and Power provides Springfield's homes, businesses, social services, and government agencies with reliable, efficient, and cost-effective electricity while employing sound business practices designed to ensure the best possible service at not-for-profit rates; and

WHEREAS, City Water, Light and Power is a valuable community asset that contributes substantially to the well-being of the citizens of Springfield through energy-efficiency, customer service, environmental protection, economic development, and safety awareness; and

WHEREAS, City Water, Light and Power is a dependable and trustworthy institution whose local operations provide consumer protections and continues to make the Springfield community a better place in which to work and live; and

WHEREAS, City Water, Light and Power will continue to work to bring lower-cost, safe, reliable electricity to community homes and businesses just as it has since 1916, the year when the utility was created to serve all the citizens of Springfield; and

WHEREAS, City Water, Light and Power should be honored for its contributions to the community and for making its consumer-owners, policy makers, and employees more aware of its overall contributions to their well-being;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 6-12, 2002, as PUBLIC POWER WEEK in Illinois.

Issued by the Governor September 03, 2002.
Filed by the Secretary of State September 06, 2002.

2002-460
YELLOW RIBBON YOUTH SUICIDE AWARENESS AND PREVENTION WEEK

WHEREAS, youth suicide is one of the most disruptive and tragic events a family and a community can experience; and

WHEREAS, suicide is one of the leading causes of death for young people between the ages of 15 and 24 in the United States, claiming over 5,000 lives a year; and

WHEREAS, public awareness of this terrible problem is the key to preventing further suffering and loss of life; and

WHEREAS, the Yellow Ribbon Suicide Prevention Program is recognized as the symbol for awareness and prevention of youth suicide by suicide prevention groups, crisis centers, schools, churches, youth centers, hospitals, counselors, teachers, parents and youth throughout the world;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, September 15-21, 2002, as YELLOW RIBBON YOUTH SUICIDE AWARENESS AND PREVENTION WEEK in Illinois, and do urge all citizens to work to prevent youth suicide, wear a yellow ribbon and to raise awareness and tolerance around all people affected by this tragedy.

Issued by the Governor September 03, 2002.
Filed by the Secretary of State September 06, 2002.

2002-461
COMBINED FEDERAL CAMPAIGN DAY

WHEREAS, President John F. Kennedy formally authorized funding in the Federal service in signing Executive Order 10927; and
WHEREAS, the Combined Federal Campaign is the only authorized charitable campaign in the Federal workplace; and
WHEREAS, the Chicago Area Combined Federal Campaign has raised tens of millions of dollars for charities, thereby providing opportunities for the disadvantaged, further work on cures for diseases, environmental protection, and better lives and renewed hope for millions of people in the global community;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim September 12, 2002, as COMBINED FEDERAL CAMPAIGN DAY in Illinois.

Issued by the Governor September 03, 2002.
Filed by the Secretary of State September 06, 2002.

2002-462
WILLIAM WARFIELD DAY

WHEREAS, the State of Illinois recognizes the extraordinary talents of Mr. William Warfield as both a performer and music educator; and
WHEREAS, a star in every field open to a singer's art, he has taken part in countless concerts, recitals, soloist appearances with symphony orchestras and even performances as a non-singing narrator. As America's Musical Ambassador, he has made frequent appearances in foreign countries, and six separate tours for the US Department of State; and
WHEREAS, in March 1984, Mr. Warfield was the winner of a Grammy Award in the "Spoken Word" category for outstanding narration of Aaron Copland's A Lincoln Portrait accompanied by the Eastman Philharmonic Orchestra; and
WHEREAS, as an educator he has taught at the University of Illinois, given countless master classes at institutions of higher learning and has been a professor of voice at Northwestern University since 1994; and
WHEREAS, William Warfield is most certainly “A Legend Among Us”;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim September 27, 2002, as WILLIAM WARFIELD DAY in Illinois.

Issued by the Governor August 30, 2002.
WHEREAS, Patricia Coker has been called to eternal life by the Wisdom of God at the age of 60 on August 14, 2002, in Toledo Hospital; and
WHEREAS, the Governor and the Illinois General Assembly have been informed of her passing by former Illinois House Representative Jerry Washington; and
WHEREAS, a native of Toledo, Ohio, Patricia Coker had resided in Toledo’s community for 60 years; and
WHEREAS, Patricia Coker was educated in Toledo's Public School System where she graduated from Libbey High School. She furthered her education by attending Toledo University where she earned an Associate degree; and
WHEREAS, Patricia Coker was employed by Lucas County and Family Services for 32 years; and
WHEREAS, Patricia Coker was an active member of Bethel Apostolic Church for 30 years. During her last four years, she was a member of the Church of New Beginnings where she served as a Sunday school teacher, led praise and worship, sang in the choir utilizing her singing gift and wrote the welcome song for the Church of New Beginnings; and
WHEREAS, Patricia Coker was a close and dear relative of former Representative Washington, who was elected to serve in the 84th session of the Illinois House in 1985; and
WHEREAS, Jerry Washington served one term in the Illinois House and now serves as an elected Local School Council member at Englewood Technical Preparatory Academy since the 1989 Illinois School Reform Act was passed by the Illinois General Assembly; and
WHEREAS, all who knew Patricia Coker considered her a bright beacon of holiness and thoughtfulness toward others; and
WHEREAS, Patricia Coker leaves to cherish her memory a husband of 40 years, Stephen Coker; two sons, Stephen Jr. and Gregory; three daughters, Dana, Melony and Monica; 12 grandchildren; one brother, Clay White Jr.; six sisters, Bessy, Myrtle, Susanne, Eloise, Josalyn and Barbara; a mother-in-law, Minerva Coker; eight brothers-in-law; two sisters-in-law and a host of nieces, nephews and other relatives;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim August 23, 2002, as PATRICIA COKER DAY in Illinois, for her grace filled life, and do extend condolence to her family.

Issued by the Governor August 30, 2002.
Filed by the Secretary of State September 06, 2002.
LITERACY MONTH

WHEREAS, literacy is a priority in Illinois; and
WHEREAS, the Illinois Office on Literacy and the Governor's Advisory Council on Literacy were created to focus on the goal of making Illinois a state of readers; and
WHEREAS, literacy is the key to life-long self-sufficiency, prosperity and enjoyment for all; and
WHEREAS, the Illinois Reads initiative, launched on September 12, 2000, has coordinated and improved literacy policies and programs as well as existing services and state level partnerships; and
WHEREAS, Illinois families and educators have much to be proud of in their current efforts to ensure universal literacy throughout the state; and
WHEREAS, in 2001 over 180,000 adults received over 5.5 million hours of literacy instruction; and
WHEREAS, the Illinois Community College Board reports that more than 180,000 students enroll annually in Adult Education and Family Literacy programs statewide; and
WHEREAS, the Building Summer Bridges program through Illinois Reads has provided new learning experiences to children at risk of academic failure and encouraged them to improve their reading skills, and that 60 percent of students tested improved at least one grade level; and
WHEREAS, 90,000 Illinois Reading Kits have been distributed to schools and child care providers throughout the state; and
WHEREAS, the Illinois Reading Passport program, held at the Illinois State Fair, distributed over 31,000 books to Illinois children; and
WHEREAS, Illinois was designated as the first Five-Star Literacy Program Award winner by the International Reading Association for the adoption and implementation of policies to support literacy instruction;

THEREFORE I, George H. Ryan, Governor of the State of Illinois, proclaim September 2002 as LITERACY MONTH in Illinois.

Issued by the Governor August 30, 2002.
Filed by the Secretary of State September 06, 2002.

DISABILITY EMPLOYMENT AWARENESS MONTH

WHEREAS, Illinoisans with disabilities have an unemployment rate of nearly 70 percent in spite of the Americans with Disabilities Act; and
WHEREAS, the U.S. Census Bureau estimates that there are more than 800,000 individuals with disabilities in the state who are of working age; and
WHEREAS, approximately 7 out of 10 unemployed working-age citizens with disabilities indicate that they would prefer to work; and
WHEREAS, citizens with disabilities live in poverty at a rate roughly three times the state average; and
WHEREAS, the Illinois Department of Human Services, Office of Rehabilitation Services has helped approximately 8,000 individuals find quality employment last year; and
WHEREAS, the Department has a goal of doubling the number of people they help in obtaining employment by June 30, 2003; and
WHEREAS, people and disabilities are dedicated, skilled employees who are a positive influence in the workforce; and
WHEREAS, there are numerous tax incentives for Illinois employers to hire and provide accommodations to qualified workers with disabilities; and
WHEREAS, the Illinois Department of Human Services, Office of Rehabilitation Services is holding numerous statewide events to promote the employment of citizens with disabilities and to thank employers who have excelled in employing workers with disabilities;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 2002 as DISABILITY EMPLOYMENT AWARENESS MONTH in Illinois.
Issued by the Governor August 30, 2002.
Filed by the Secretary of State September 06, 2002.

2002-466
ALICE FAYE NAYLOR DAY

WHEREAS, Alice Faye Washington-Naylor was born in Crowville, Louisiana, on September 25, 1941; and
WHEREAS, after completing her education from Grambling State University, Alice left Louisiana in 1967 to teach in Chicago; and
WHEREAS, Alice has taught in the Chicago Public School District for the past 35 years, of which 30 years have been spent at the Wendell E. Green Middle School; and
WHEREAS, Alice has received numerous awards for excellent teaching ability including several Teacher of the Month awards and Teacher of the Year in District #299; and
WHEREAS, Alice is retiring after three and a half decades of service on September 27, 2002;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim September 27, 2002, as ALICE FAYE NAYLOR DAY in Illinois.
Issued by the Governor August 30, 2002.
Filed by the Secretary of State September 06, 2002.

2002-467
DAUGHTERS OF THE AMERICAN COLONISTS/GREAT INDIAN-WARRIOR TRADING PATH DAY

WHEREAS, on September 14, 2002, an historic marker will be unveiled at the
WHEREAS, the Society, totaling more than 12,000 members, has from its incorporation in 1921 a continuing commitment to erect memorials commemorating the history and deeds of American colonists and those whose lives were intertwined with those of the nation's earliest settlers; and

WHEREAS, the Society has chosen for its 2002-03 project the marking of the Great Indian Warrior/Trading Path in all 48 states in which the Daughters of the American Colonists is represented; and

WHEREAS, Macktown, the first multi-ethnic town settled in northern Illinois, was heavily engaged in trading with Indian tribes in the area; and

WHEREAS, through historical research it has been proven that the Indian trail south and southeast of Macktown connected with the Great Indian/Trading Path in the eastern part of the nation;


Issued by the Governor August 29, 2002.

Filed by the Secretary of State September 06, 2002.

2002-468
JENS JENSEN DAY

WHEREAS, Jens Jensen was born September 13, 1860, in Denmark and emigrated to Chicago in 1886; and

WHEREAS, September 13, 1999, the Danish American Cultural Foundation celebrates the 142nd anniversary of his birth; and

WHEREAS, Jens Jensen made a lasting contributions to Illinois culture through his service to Chicago’s park system by celebrating the natural beauty of the prairie in his landscape design; and

WHEREAS, he served as Superintendent of Chicago's Union, Garfield, Humboldt and West Park Districts for more than 20 years; and

WHEREAS, as Superintendent of the Chicago West Park District, Jens Jensen designed the elaborate system of wide, tree-shaded boulevards and laid out 35 parklands composing more than 1,000 acres; and

WHEREAS, Mr. Jensen conceived and built the Chicago Landmark Garfield Park Conservatory, and he designed and built Columbus Park which is widely recognized as the finest example of prairie landscape architecture in the United States; and

WHEREAS, during the 60-year span of his career, Mr. Jensen, the Dean of American Landscape Architecture, designed in excess of 1,000 municipal and private properties and pioneered environmental consciousness;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim September 13, 2002, as JENS JENSEN DAY in Illinois.
Rehabilitation Awareness Week

WHEREAS, Marianjoy Rehabilitation Hospital has been providing rehabilitation care to people in the Chicagoland community for 30 years and continues to be a valuable resource to these communities; and

WHEREAS, rehabilitation services are a vital component in modern health care; and

WHEREAS, health care employees such as physicians, nurses, physical and occupational therapists, social services personnel, administrators, support staff, volunteers and others involved in providing rehabilitation services are an integral part of the health care team; and

WHEREAS, these individuals' hard work and dedication help people recover from illness or injury and improve the quality of life in the community; and

WHEREAS, Marianjoy Rehabilitation Hospital salutes rehabilitative care personnel and the important role they play in maintaining the Chicagoland area as a healthy and productive community;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim September 15-21, 2002, as REHABILITATION AWARENESS WEEK in Illinois.

Krista Haines Day

WHEREAS, Krista K. Haines was born on March 11, 1964, and spent the formative years of her life in Macoupin County, and specifically in an alternate dimension known as Virden; and used her talents, charm and effective communication skills to advance through a variety of positions in retail, bookkeeping and management, including a "shady" operation called "Tans by Endless Summer"; and

WHEREAS, Krista Haines began life as a state employee in 1985 with the Illinois Department of Revenue in Springfield, advancing through the ranks until 1991 when family obligations whisked her away to the capital of Southern Wisconsin, Rockford, Illinois; and

WHEREAS, Krista Haines rejoined the workforce in 1996, eventually landing with the Secretary of State's Belvidere facility in 1998 until family obligations brought her back to Central Illinois, where she started work in the Governor's Office of Citizens Assistance fielding the complaints and compliments (yeah, right) of concerned citizens; and
WHEREAS, Krista Haines, while at GOCA, coined the classic phrase, "Susan, which citizen I assist is my business," and performed her assigned tasks so well that she came under the intense scrutiny of the Governor's Executive Office; and
WHEREAS, Krista Haines made the big jump to the Governor's Communications Office in 2000, assisting nobly in the uphill battle to preserve and defend the Governor's honor and legacy; and
WHEREAS, Krista Haines, in short order, became the "go-to girl" not only in Communications, but in the press office, cleaning up after everyone and making sure that all little details were righted; and
WHEREAS, Krista Haines would, twice a day (sometimes more) take it upon herself to personally "check the weather" with her sidekick Hillary so that her fellow workers could keep their feet dry and their heads warm, as well as advising numerous rookies about the arts and sciences of the press office including Amanda, Tyson, John, Marilyn and, of course, Emily; and
WHEREAS, Krista Haines’ devotion to her job and responsibilities is surpassed only by her love for her family, especially her sons Michael and Steven, as well as her parents, siblings and nieces and nephews; and
WHEREAS, Krista Haines is leaving the Governor's Office for the safe harbor of the Illinois Department of Transportation and she will be missed by all of us, especially Dave, Dennis, Ray, Matt and Karen:

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim Saturday, August 31, 2002, as KRISTA HAINES DAY in Illinois and encourage all who meet Krista to congratulate her on her new position and on a job well done in the Governor’s Office.

Issued by the Governor August 29, 2002.
Filed by the Secretary of State September 06, 2002.

2002-471
HISPANIC STATE EMPLOYEE DAY

WHEREAS, by the year 2010 the Hispanic population has been projected to become the largest minority group in the United States; and
WHEREAS, according to the Bureau of the Census, Illinois ranks among the top five states with sizable Hispanic populations; and
WHEREAS, state government is committed to providing services to the Hispanic population in the areas of education, housing, health, employment, and training opportunities; and
WHEREAS, the Illinois Association of Hispanic State Employees is sponsoring the 15th Annual Conference on Hispanic State Employment in Chicago on October 4;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 4, 2002, as HISPANIC STATE EMPLOYEE DAY in Illinois.

Issued by the Governor September 10, 2002.
Filed by the Secretary of State September 11, 2002.
SMILES TAG DAYS

WHEREAS, throughout the past 43 years, Little City Foundation has been a nationally recognized leader in providing programs and services for persons with developmental challenges; and

WHEREAS, on October 3-5, 2002, Little City Foundation will hold its 28th annual "Smiles for Little City" Tag Days throughout the state; and

WHEREAS, this annual tradition is made possible through the efforts of hundreds of Illinois residents who unselfishly volunteer their time and effort under the leadership of the Little City Foundation Parent/Family/Guardian Group; and

WHEREAS, the Little City Foundation has remained dedicated to helping individuals reach their full potential and live meaningful and productive lives with dignity and respect; and

WHEREAS, they are ably supported by government, business and labor leaders across the state;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 3-5, 2002, as SMILES TAG DAYS in Illinois.

GEOLOGY AWARENESS WEEK

WHEREAS, the Midwest Federation of Mineralogical and Geological Societies will hold its annual meeting, convention, and show in Springfield, Illinois, from October 4-6, 2002, and the show will provide information and programs on the geology, minerals, and fossils of Illinois to schoolchildren and the general public; and

WHEREAS, thousands of Illinois residents are involved with the Midwest Federation of Mineralogical and Geological Societies through 36 active societies in the state; and

WHEREAS, Illinois produces many important mineral and mineral products, including fluorite, the state mineral; and

WHEREAS, members of the societies have shared, and will continue to share with others, their avid interest in rock, mineral, and fossil collecting; and

WHEREAS, members of the individual societies also work with Boy and Girl Scout programs, 4-H programs, literacy programs, and various senior citizens groups, as well as provide counseling and lapidary crafts at homes for the elderly;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim September 29-October 6, 2002, as GEOLOGY AWARENESS WEEK in Illinois.
2002-474

RICHARD R. HEIBERGER STUDIOS DAY

WHEREAS, the Richard R. Heiberger Studios are committed to providing high quality arts instruction to persons from all segments of the community, regardless of age, ability or financial circumstances; and
WHEREAS, the Richard R. Heiberger Studios are dedicated to providing instruction to foster creative and artistic expression at every level, from beginning to advanced study; and
WHEREAS, Richard R. Heiberger believes the arts can build bridges between people of different cultures and lifestyles, and that natural understanding is enhanced through sharing in study and performance; and
WHEREAS, the Richard R. Heiberger Studios value cooperation with the greater arts community, both local and national, to foster and strengthen advocacy for arts education, enrich cultured life, and encourage artistic achievement; and
WHEREAS, July 1, 2002, marks the 25th anniversary of the Richard R. Heiberger Studios;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim July 1, 2002, as RICHARD R. HEIBERGER STUDIOS DAY in Illinois.

Issued by the Governor September 10, 2002.
Filed by the Secretary of State September 11, 2002.

2002-475

KIDS DAY AMERICA/INTERNATIONAL

WHEREAS, the health and well-being of Illinois children is our responsibility; and
WHEREAS, the safety of our children is a significant concern for parents, community leaders and health care givers; and
WHEREAS, environmental welfare is of universal concern and deserves the utmost attention; and
WHEREAS, if started during childhood, proper health, safety and environmental habits can be maintained for a lifetime, producing a valued member of society and enhancing our community;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim September 21, 2002, as KIDS DAY AMERICA/INTERNATIONAL in Illinois.

Issued by the Governor September 09, 2002.
Filed by the Secretary of State September 11, 2002.

2002-476

PRINCIPALS’ WEEK AND PRINCIPAL APPRECIATION DAY

WHEREAS, the Principal is the recognized educational leader of a school; and
WHEREAS, the Principal communicates the vision and sets the expectation for a
high level of student achievement and faculty performance; and
WHEREAS, the Principal keeps a positive climate for learning and the attainment of educational goals; and
WHEREAS, the State of Illinois recognizes and salutes the accomplishments, skills and commitment to the excellence of its Principals; and
WHEREAS, the Illinois Principals Association, under the leadership of its President, Robert B. Swanson, will hold its annual Principals Professional Conference in Peoria;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 20-26, 2002, as PRINCIPALS' WEEK and Friday, October 25, 2002, as PRINCIPAL APPRECIATION DAY in Illinois.
Issued by the Governor September 09, 2002.
Filed by the Secretary of State September 11, 2002.

2002-477
NURSE APPRECIATION DAY

WHEREAS, on October 11, 2002, the Nursing Institute will host the 5th annual Power of Nursing Leadership celebration in Chicago; and
WHEREAS, the purpose of this event is to acknowledge nurses as leaders in providing the care that sustains and heals people, while inspiring nurses to consider their own personal health and energy; and
WHEREAS, the nation is facing a critical shortage of nurses that is worsening due to the eligibility of retirement for current nurses; and
WHEREAS, maintaining an adequate nurse workforce is bleak without serious attention to keeping nurses healthy and practicing, as well attracting younger men and women to the profession; and
WHEREAS, the theme of this year's event is "Powering Our Spirit," with Dr. Maya Angelou serving as keynote speaker and J. Dennis Hastert, Speaker of the U.S. House of Representatives, serving as Honorary Event Chair;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 11, 2002, as NURSE APPRECIATION DAY in Illinois.
Issued by the Governor September 09, 2002.
Filed by the Secretary of State September 11, 2002.

2002-478
CHIROPRACTIC HEALTH CARE MONTH

WHEREAS, doctors of chiropractic throughout the United States provide the needed services that improve the health of our citizens; and
WHEREAS, chiropractors have long stressed that exercise, good posture, and balanced nutrition are essential to proper growth, development and a fulfilling lifestyle; and
WHEREAS, under the educational and legislative leadership of the Illinois
Chiropractic Society, chiropractic physicians have contributed greatly to the better health of millions of our state’s citizens; and

WHEREAS, the Illinois Chiropractic Society will hold its fall convention October 11-13, 2002, in Peoria to further enhance the quality of chiropractic health care available to the public;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 2002 as CHIROPRACTIC HEALTH CARE MONTH in Illinois.

Issued by the Governor September 09, 2002.
Filed by the Secretary of State September 11, 2002.

2002-479
PRAYER AND REMEMBRANCE DAY

WHEREAS, September 11, 2002, marks the one year anniversary of the terrorist attacks on our nation; and

WHEREAS, as we remember the tragic events of September 11, 2001, we honor the memory of the many innocent men and women who died; and

WHEREAS, the American people are united in the war against terrorism; and

WHEREAS, President George W. Bush has declared September 6-8, 2002, the weekend prior to the anniversary of the tragedy, as "National Days of Prayer and Remembrance," asking the people of the United States to mark this period with memorial services, ringing of bells, and evening candlelight remembrance vigils; and

WHEREAS, President Bush has also ordered that federal flags fly at half-staff on September 11, 2002, and requested that all Americans also fly their flags at half-staff; and

WHEREAS, as a further sign that we, as a state and as a country, are united in our remembrance of those who lost their lives as a result of these despicable acts of terrorists, all flags in the State of Illinois will also fly at half-staff on September 11, 2002;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim September 11, 2002, as PRAYER AND REMEMBRANCE DAY in Illinois, and order that all flags within the state be flown at half-staff on this day in honor and memory of those who lost their lives as a result of the tragedy of September 11, 2001.

Issued by the Governor September 09, 2002.
Filed by the Secretary of State September 11, 2002.

2002-480
GERMAN AMERICAN DAY

WHEREAS, the first German immigrants arrived in the United States October 1683; and

WHEREAS, today more than 60 million Americans trace at least a part of their ancestry to Germany; and

WHEREAS, the German American community accounts for the largest ethnic group in Illinois; and

WHEREAS, Erich Himmel, President of the United German American Societies
of Greater Chicago announces that the Annual German Heritage Ceremony and Program
will take place at St. Benedict's Church, Sunday, October 6, 2002, and the guest speaker
will be Dr. Alexander Petri, Consul General of the Federal Republic of Germany; and
WHEREAS, German Americans contributed greatly to the State of Illinois in all
areas including arts, business, science, medicine, law, government, education and public
services;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim
October 6, 2002, as GERMAN AMERICAN DAY in Illinois.
Issued by the Governor September 09, 2002.
Filed by the Secretary of State September 11, 2002.

2002-481
ELK GROVE VILLAGE ITALIAN SISTER CITIES, INC. MONTH

WHEREAS, under the leadership of its founder, Giovanni Gullo, the Elk Grove
Village Italian Sister Cities, Inc., a not-for profit organization, was formed in October
2000 between Elk Grove Village, Illinois, and Terminilmerese, Sicily; and
WHEREAS, the purpose of the Elk Grove Village Italian Sister Cities, Inc. is to
improve international relationship, enhance economic development and foster cultural
exchanges between the two cities; and
WHEREAS, as Governor of the State of Illinois and on behalf of the citizens of
Illinois, we wish to extend our support and best wishes to both Elk Grove Village and
Terminilmerese for achieving their goal in forming the Elk Grove Village Italian Sister
Cities, Inc.; and
WHEREAS, as Governor of the State of Illinois and on behalf of the citizens of
Illinois, we wish to congratulate the Delegation of Elk Grove Village in its travel
endeavors this September 2002 to Terminilmerese, Sicily; and
WHEREAS, as Governor of the State of Illinois, I commend the members of the
Elk Grove Village Italian Sister Cities, Inc. for their leadership, inspiration, and vision to
enhance the quality of life in their respective communities;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim
October 2002 as ELK GROVE VILLAGE ITALIAN SISTER CITIES, INC. MONTH in
Illinois.
Issued by the Governor September 09, 2002.
Filed by the Secretary of State September 11, 2002.

2002-482
PREGNANCY AND INFANT LOSS AWARENESS MONTH AND
PREGNANCY AND INFANT LOSS REMEMBRANCE DAY

WHEREAS, in 1988 President Ronald Reagan proclaimed October as National
Pregnancy and Infant Loss Awareness Month; and
WHEREAS, in 1996, 183,000 babies died due to miscarriage or stillbirth; and
WHEREAS, for every 1,000 births in the United States, the infant mortality rate is 6.82; and
WHEREAS, the availability of information and support is of the utmost importance to families who suffer from pregnancy and infant loss to better help them cope; and
WHEREAS, a public that is informed and educated about pregnancy and infant loss can better learn how to respond with compassion to affected families; and
WHEREAS, professionals who come in contact with families who have suffered pregnancy or infant loss, such as physicians, clergy, emergency medical technicians, funeral directors, police officers, public health nurses, and employers, can better serve families if they have special training and better knowledge of pregnancy and infant loss;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 2002 as PREGNANCY AND INFANT LOSS AWARENESS MONTH, and October 15, 2002, as PREGNANCY AND INFANT LOSS REMEMBRANCE DAY in Illinois.

Issued by the Governor September 09, 2002.
Filed by the Secretary of State September 11, 2002.

2002-483
RAMAYANA DAY

WHEREAS, the Ramayana is the lyrical story of Rama, who embodies the goodness of Man. It is also the story of love and devotion of a wife towards her husband; and
WHEREAS, this is the 4th historical event for Chicago when communities from Thailand, Indonesia, and India will jointly present a major cultural event; and
WHEREAS, the objective of the performance is to feature the common cultural thread among these three Southeastern Asian communities, promoting good will and a better understanding of each other's cultural traditions; and
WHEREAS, approximately 95 Chicagoland artists from these three international communities presented episodes from Ramayana in 1999, celebrating their common heritage; and
WHEREAS, Thailand, Indonesia, and India will present a joint international dance drama program featuring the ancient epic, Ramayana, Saturday, September 21, 2002, at the Skokie's North Shore Center for the Performing Arts;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim September 21, 2002, as RAMAYANA DAY in Illinois.

Issued by the Governor September 09, 2002.
Filed by the Secretary of State September 11, 2002.

2002-484
STEPFAMILY DAY

WHEREAS, Stepfamily Day is enhanced by our strong commitment to support
the stepfamilies of our nation in their mission to raise their children, create strong family structures to support the individual members of the family, and instill in them a sense of responsibility to all extended family members; and

WHEREAS, approximately half of all Americans are currently involved in some form of stepfamily and it is the vision of the Stepfamily Association of America that all stepfamilies in the United States be accepted, supported, and successful; and

WHEREAS, our nation has been blessed by thousands upon thousands of loving stepparents and stepchildren who are daily reminders of the joy, trials, and triumphs of the stepfamily experience and of the boundless love contained in the bond between all types of parents and children; and

WHEREAS, Stepfamily Day is a day to celebrate the many invaluable contributions stepfamilies have made to enriching the lives and life experience of the children and parents of America and to strengthening the fabric of American families and society;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim September 16, 2002, as STEPFAMILY DAY in Illinois.

Issued by the Governor September 05, 2002.

Filed by the Secretary of State September 11, 2002.

2002-485
HACEMOS DAY

WHEREAS, HACEMOS, an organization composed of employees of SBC Communications, Inc. and its subsidiaries, are celebrating the seventh annual HACEMOS Day on September 18, 2002; and

WHEREAS, HACEMOS Day was established in 1996 to promote the objectives and mission of the organization, both internally and externally, as well as to help usher in National Hispanic Heritage Month, which will be celebrated September 15 through October 15; and

WHEREAS, HACEMOS' primary objectives are to promote the progress of its members, to assist SBC in reaching its corporate goals, and to improve the quality of life in the Hispanic community; and

WHEREAS, HACEMOS has chapters in Illinois, California, Connecticut, Missouri, Nevada, Ohio, Oklahoma and Texas; and

WHEREAS, over the past year HACEMOS has hosted over 800 high school students during its National High Technology Day; awarded over $500,000 in HACEMOS scholarships; represented SBC at community events; participated in service projects in Hispanic communities across the country; and continued to assist its members in their personal and professional growth;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim September 18, 2002, as HACEMOS DAY in Illinois.

Issued by the Governor September 05, 2002.

Filed by the Secretary of State September 11, 2002.
CA&E #20 CENTENNIAL DAY

WHEREAS, the Aurora Elgin & Chicago R.R. began operation between Chicago and Aurora on August 25, 1902; and

WHEREAS, interurban car #20 helped inaugurate service that day and continued to serve the residents of Chicago, its western suburbs and the Fox Valley for the AE&C and successor Chicago Aurora & Elgin Railway for 55 years; and

WHEREAS, on July 4, 1966, CA&E #20 inaugurated museum passenger service on the rail line of the Fox River Trolley Museum, in South Elgin, built in 1896; and

WHEREAS, CA&E #20 has become the cornerstone of a historical collection of railway equipment representing a century of electric transit in the Chicago metropolitan area; and

WHEREAS, the Fox River Trolley Museum has dedicated itself to preserving and interpreting the colorful history of the Chicago area's electric railways, using CA&E #20 as a tool to illustrate the importance of mass transit past and present to visitors each year; and

WHEREAS, CA&E #20 is embarking upon its second century of carrying passengers and is the centerpiece of the museum's plans to expand its educational and historical mission;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim September 15, 2002, as CA&E #20 CENTENNIAL DAY in Illinois.

Issued by the Governor September 05, 2002.
Filed by the Secretary of State September 11, 2002.

RIVERSIDE MASONIC TEMPLE DAY

WHEREAS, the Riverside Lodge was instituted, under Dispensation, on July 23, 1901. Riverside Lodge No. 862 was chartered on October 8, 1902, as one of 29 charter members; and

WHEREAS, the Lodge met on the 3rd floor of the Riverside Village Hall until 1960, when a new Temple was constructed at 40 Forest Avenue, and ground-breaking ceremonies took place on July 30; and

WHEREAS, the Grand Lodge officers of Illinois, Riverside Lodge Members, and many members of the Masonic bodies assembled in front of the Riverside Village Hall and formed a parade to march to the new building site for the cornerstone laying ceremony on September 10, 1960; and

WHEREAS, on October 31, 1952, Riverside Lodge celebrated its 50th anniversary with a special program held at the Riverside Village Hall. The Landmark Restaurant, in Bridgeview, Illinois, was the site of the Lodge's 75th anniversary ceremony, which took place on March 12, 1977; and
WHEREAS, the centennial celebration will take place on Sunday, September 22, 2002, at the Riverside Masonic Temple, 40 Forest Avenue, Riverside, Illinois, at 2:00 p.m.;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim September 22, 2002, as RIVERSIDE MASONIC TEMPLE DAY in Illinois.

Issued by the Governor September 05, 2002.
Filed by the Secretary of State September 11, 2002.

2002-488(REvised)

RIVERSIDE MASONIC TEMPLE DAY

WHEREAS, the Riverside Lodge was instituted, under Dispensation, on July 23, 1901. Riverside Lodge No. 862 was chartered on October 8, 1902; and

WHEREAS, the Lodge met on the 3rd floor of the Riverside Village Hall until 1960 when a new Temple was constructed at 40 Forest Avenue, and ground-breaking ceremonies took place on July 30; and

WHEREAS, the Grand Lodge officers of Illinois, Riverside Lodge Members, and many members of the Masonic bodies assembled in front of the Riverside Township Hall and formed a parade to march to the new building site for the cornerstone laying ceremony on September 10, 1960; and

WHEREAS, on October 31, 1952, Riverside Lodge celebrated its 50th anniversary with a special program held at the Riverside Village Hall. The Landmark Restaurant, in Bridgeview, Illinois, was the site of the Lodge's 75th anniversary ceremony, which took place on March 12, 1977; and

WHEREAS, the centennial celebration will take place on Sunday, September 22, 2002, at the Riverside Masonic Temple, 40 Forest Avenue, Riverside, Illinois, at 2:00 p.m.;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim September 22, 2002, as RIVERSIDE MASONIC TEMPLE DAY in Illinois.

Issued by the Governor September 05, 2002.
Filed by the Secretary of State September 19, 2002.

2002-488

ILLINOIS SOCIETY FOR RESPIRATORY CARE WEEK

WHEREAS, the Illinois Society for Respiratory Care is a well-known, prestigious organization of respiratory care practitioners who practice throughout our state; and

WHEREAS, respiratory care practitioners are involved in an extensive number of lifesaving and life-supporting activities, including care for patients diagnosed with asthma, emphysema, pneumonia, and various lung disorders, as well as for seriously ill patients who have suffered cardiac or respiratory arrest; and

WHEREAS, Respiratory Care Practitioners are a vital and important link in our nation's health care delivery system;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 20-26, 2002, as ILLINOIS SOCIETY FOR RESPIRATORY CARE WEEK in Illinois, in recognition of the many years of service this selfless group of medical professionals has provided to our citizens.

Issued by the Governor September 17, 2002.
Filed by the Secretary of State September 19, 2002.

2002-489
METRIC WEEK

WHEREAS, the Metric Conversion Act of 1975 established a national policy of coordinating and planning increased voluntary usage of the entire metric system in the United States; and

WHEREAS, the United States Metric Association is a non-profit organization dedicated to helping the American people, industry, and government adopt the international metric system as their primary means of measurement; and

WHEREAS, the United States has taken many important steps toward metrification, including requiring metric labeling on all consumer packaging; and

WHEREAS, the Goals 2000 bill passed Congress last year and was signed into law, which stipulates for the first time that SI metric should be taught in all science and math classes in the United States;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 6-12, 2002, as METRIC WEEK in Illinois and urge citizens to use the metric system whenever possible.

Issued by the Governor September 17, 2002.
Filed by the Secretary of State September 19, 2002.

2002-490
POLISH AMERICAN HERITAGE MONTH

WHEREAS, during October, more than one million Illinois residents of Polish descent celebrate their precious heritage of love of democracy, humanitarianism, and appreciation of the arts and education; and

WHEREAS, October is a national observance focusing on the many contributions of Polish Americans to the fields of science, medicine, business, law, industry, public service, education, and the arts; and

WHEREAS, the Polish American Congress, Illinois Division, salutes Polish American artists and the arts at the 34th Annual Heritage Award Gala Celebration bestowing the prestigious Heritage Awards upon world renowned sculptor Jerzy Kenar, internationally acclaimed modern painter Ed Paschke, and philanthropist and artist Lady Blanka Aldona Rosenstiel; and

WHEREAS, the Polish American Heritage Committee of the PAC, Illinois Division, in cooperation with the Office of the Governor is inaugurating the First Annual Poster Art Contest honoring Polish American Heritage Month; and
WHEREAS, the Harold Washington Library sponsors a month-long celebration of Polish American Heritage through special programs and exhibits highlighting the culture and contributions of Poles; and

WHEREAS, the Polish Museum of America sponsors a Polish American Heritage Celebration and Polish American Heritage Children's Art Contest; and

WHEREAS, the Office of Alumni Affairs and the Council of Educators in Polonia sponsor the heritage celebration at the Northeastern Illinois University; and

WHEREAS, in 2002 we will observe the anniversaries of two outstanding community organizations. For 80 years, the Polish American Association has been providing resources for bettering the lives of thousands of Polish immigrants. For 75 years, the Chicago Intercollegiate Council has promoted Polish culture and advanced the education of Polish Americans through its scholarship program;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 2002 as POLISH AMERICAN HERITAGE MONTH in Illinois.

Issued by the Governor September 17, 2002.
Filed by the Secretary of State September 19, 2002.

2002-491
LICENSED PRACTICAL NURSES WEEK

WHEREAS, the maintenance of good health is of primary concern to everyone; and

WHEREAS, the role of the licensed practical nurse, in caring for people's health needs, has advanced in responsibility and complexity; and

WHEREAS, the National Licensed Practical Nurse Association encourages the continuance of education to ensure competency among its members; and

WHEREAS, the National Licensed Practical Nurse Association is the voice for LPNs in the health care field and maintains the welfare of the LPN; and


Issued by the Governor September 17, 2002.
Filed by the Secretary of State September 19, 2002.

2002-492
YEAR OF KOREAN IMMIGRATION

WHEREAS, the first Korean immigrants arrived in Honolulu, Hawaii, on the S.S. Gaelic on January 13, 1903; and

WHEREAS, the Korean community is now composed of approximately 2 million individuals living throughout the United States; and

WHEREAS, according to the 2000 United States Census, Korean-Americans own
and operate 135,571 businesses across the country that have gross sales receipts of $16 billion and employ 333,649 individuals with a payroll of $5.8 billion; and
WHEREAS, the Korean-American Association of Chicago (KAAC), which was established in 1962 as a tax-exempt educational and service organization, seeks to honor the first immigrants and the contributions they and those who followed them have made to American society in celebration of the 100th anniversary of Korean immigration to the United States;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim 2003 as YEAR OF KOREAN IMMIGRATION in Illinois.
Issued by the Governor September 17, 2002.
Filed by the Secretary of State September 19, 2002.

2002-493
DYSTONIA AWARENESS WEEK

WHEREAS, dystonia is a neurological disorder in which powerful, involuntary muscle spasms twist parts or all of the body; and
WHEREAS, such spasms are always disabling and often very painful; and
WHEREAS, the cause of dystonia is unknown and there is no cure; and
WHEREAS, those who suffer from dystonia, their families, and their friends have formed the Dystonia Medical Research Foundation to help one another and to seek a cause and cure; and
WHEREAS, the public knows little about dystonia, which may affect as many as 300,000 people in North America; and
WHEREAS, many citizens react to the physical manifestations of dystonia by avoiding those who have this disorder, causing them to experience isolation and often deep psychological distress; and
WHEREAS, greater recognition and understanding of dystonia, both in the medical and the lay communities, is highly desirable; and
WHEREAS, widespread public support of efforts to find the causes and cure of dystonia is needed;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 13-20, 2002, as DYSTONIA AWARENESS WEEK in Illinois.
Issued by the Governor September 17, 2002.
Filed by the Secretary of State September 19, 2002.

2002-494
SPINAL HEALTH MONTH

WHEREAS, 80 percent of Americans will suffer from back pain at some point in their lives; and
WHEREAS, the majority of school-age children carry backpack loads that are too heavy for their developing bodies; and
WHEREAS, overweight backpacks have been contribution to spinal problems in children; and
WHEREAS, spinal health is essential to proper growth and development; and
WHEREAS, chiropractic examinations can reveal spinal problems; and
WHEREAS, good spinal health makes it possible for all the organs in the body to function efficiently; and
WHEREAS, every individual should be made aware of the benefits of spinal health;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 2002 as SPINAL HEALTH MONTH in Illinois.
Issued by the Governor September 13, 2002.
Filed by the Secretary of State September 19, 2002.

2002-495
FAMILY DAY

WHEREAS, communication among family members is an important component in preventing substance abuse and addiction; and
WHEREAS, research conducted by the National Center on Addiction and Substance Abuse at Columbia University has demonstrated a correlation between the frequency that children eat dinner with their parents and the likelihood they are to smoke, use illegal drugs, or abuse alcohol; and
WHEREAS, reserving time to be spent each day as a family has shown to discourage illegal substance and alcohol abuse by more than 30 percent of adolescents; and
WHEREAS, teens from families who do not regularly eat dinner together are 70 percent more likely to engage in such behavior;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim September 23, 2002, as FAMILY DAY in Illinois.
Issued by the Governor September 11, 2002.
Filed by the Secretary of State September 19, 2002.

2002-496
LIONS CANDY DAY

WHEREAS, Lions of Illinois have spearheaded efforts to protect our citizens against the ravages of blindness and deafness for many years; and
WHEREAS, presently, 24,000 Illinois citizens are blind and 106,000 Illinois residents are deaf or hearing impaired; and
WHEREAS, Lions have expended millions of dollars in recent years for diabetic eye centers, low vision clinics and hearing screenings, camping programs, hearing aid and eyeglass collections, and hundreds of other local programs; and
WHEREAS, on Friday, October 11, 2002, Lions are observing Candy Day, their primary fund-raising event of the year;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 11, 2002, as LIONS CANDY DAY in Illinois.

Issued by the Governor September 11, 2002.

Filed by the Secretary of State September 19, 2002.

2002-497

LOCKPORT WOMAN’S CLUB MONTH

WHEREAS, the Lockport Woman's Club was organized in October 1902, and serves as a member of the Greater Federation of Woman's Clubs, Illinois Federation of Woman's Clubs and District 11 Woman's Clubs; and

WHEREAS, the objectives of LWC stand today as they did 100 years ago: to foster the interest of its members in literary, scientific, musical, historical and other topics of general interest; to promote culture and cordial relations among women; to improve members’ homes and to contribute to the welfare of the community; and

WHEREAS, over the years the LWC has provided many services to the community, including the planting of 400 trees along a Memorial Highway within the city at the end of WWI to honor our military, establishment of the Lockport Library in the early 1900s, Grand Charity Balls, and the support of the Guardian Angel Home and Lutheran Orphans Home; and

WHEREAS, during WWII, members of the LWC were active in the Red Cross, Motor Cross Service, Ambulance Fund, USO and USA Rehabilitation Fund. Following the war, the LWC made contributions for a chapel for veterans in Danville, Illinois, for construction of a green house at Vaughn Hospital, and for shipments of baby food to be sent to orphans overseas; and

WHEREAS, today LWC continues its philanthropic work by helping young people continue their education and by supporting local and national charities;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 2002 as LOCKPORT WOMAN’S CLUB MONTH in Illinois, in honor of the club’s 100th anniversary.

Issued by the Governor September 11, 2002.

Filed by the Secretary of State September 19, 2002.

2002-498

5-A-DAY WEEK 2002, “EATING 5 TO 9 AND FEELING FINE, FRUITS AND VEGETABLES ANYTIME”

WHEREAS, the prevention of cancer and heart disease are two of the most urgent health challenges of our day, with heart disease being the leading cause of death in Illinois; and

WHEREAS, the Illinois Department of Human Services and the Illinois Department of Public Health recommend that people should reduce their intake of fats and increase their consumption of high fiber foods, such as fruits and vegetables, to help reduce the risk of cancer and heart disease; and
WHEREAS, only 23 percent of Illinoisans eat five fruits and vegetables a day and only 40 percent of Illinoisans get the recommended 30 minutes of physical activity a day; and

WHEREAS, the National Cancer Institute has launched the 5-A-Day for Better Health national disease prevention and health promotion program; and

WHEREAS, the Illinois Department of Human Services and the Illinois Department of Public Health support the 5-A-Day goal;


Issued by the Governor September 12, 2002.

Filed by the Secretary of State September 19, 2002.

2002-499

CHIROPRACTIC HEALTH CARE MONTH

WHEREAS, doctors of chiropractic throughout the United States are active in community programs targeted at improving the health of our citizens; and

WHEREAS, chiropractors have long stressed that exercise, good posture, and balanced nutrition are essential to proper growth, development and health maintenance; and

WHEREAS, the science of chiropractic and the physicians who practice it have contributed greatly to the better health of some 2 million of our state's citizens; and

WHEREAS, the Illinois Chiropractic Society and the Illinois Prairie State Chiropractic Association will hold fall conventions to further enhance the quality of chiropractic health care available to the public;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 2002 as CHIROPRACTIC HEALTH CARE MONTH in Illinois.

Issued by the Governor September 12, 2002.

Filed by the Secretary of State September 19, 2002.

2002-500

CHRISTOPHER COLUMBUS DAY

WHEREAS, Christopher Columbus and other distinguished Italians have played a significant role in the growth of American civilization; and

WHEREAS, the Italian American community has preserved and proudly shared their rich culture, heritage and talents with our state and its citizens; and

WHEREAS, Italian Americans have contributed greatly to Illinois in all areas of life including education, business, science, medicine, arts, sport, entertainment, and government; and

WHEREAS, the Joint Civic Committee of Italian Americans, founded in 1950, is an umbrella organization for more than 75 organizations dedicated to charitable causes and promoting Italian heritage and culture; and
WHEREAS, Vito P. Cali, President of the Joint Civic Committee of Italian Americans, announces the 50th Annual Christopher Columbus Day Parade will be held October 14, 2002, in Chicago; and

WHEREAS, Robert G. Cimo is the Chairman of Christopher Columbus Day Parade and Paul Butera, Dominic Gambino, James T. Glimco and Frank Mazza are Co-Chairmen; and

WHEREAS, Mario "Motts" Tonelli, Second World War hero and professional football player, will precede the 2002 Christopher Columbus Day Parade as Grand Marshal;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 14, 2002, as CHRISTOPHER COLUMBUS DAY in Illinois.

Issued by the Governor September 12, 2002.
Filed by the Secretary of State September 19, 2002.

2002-487 (REVISED)
RIVERSIDE MASONIC TEMPLE DAY

WHEREAS, the Riverside Lodge was instituted, under Dispensation, on July 23, 1901. Riverside Lodge No. 862 was chartered on October 8, 1902; and

WHEREAS, the Lodge met on the 3rd floor of the Riverside Village Hall until 1960 when a new Temple was constructed at 40 Forest Avenue, and ground-breaking ceremonies took place on July 30; and

WHEREAS, the Grand Lodge officers of Illinois, Riverside Lodge Members, and many members of the Masonic bodies assembled in front of the Riverside Township Hall and formed a parade to march to the new building site for the cornerstone laying ceremony on September 10, 1960; and

WHEREAS, on October 31, 1952, Riverside Lodge celebrated its 50th anniversary with a special program held at Riverside Village Hall. The Landmark Restaurant, in Bridgeview, Illinois, was the site of the Lodge’s 75th anniversary ceremony, which took place on March 12, 1977; and

WHEREAS, the centennial celebration will take place on Sunday, September 22, 2002, at the Riverside Masonic Temple, 40 Forest Avenue, Riverside, Illinois, at 2:00 p.m.;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim September 22, 2002, as RIVERSIDE MASONIC TEMPLE DAY in Illinois.

Issued by the Governor September 20, 2002.
Filed by the Secretary of State September 20, 2002.

2002-501
EDITH EWING LONG DAY

WHEREAS, Edith Long was born in Carmel, California, on September 9, 1960; and

WHEREAS, after studying Art and Psychology at Monterey Peninsula College,
Monterey, California, Edith left California to accompany her husband’s military assignment in Wahiawa, Hawaii; and

WHEREAS, Edith gave birth to a son on September 5, 1986, in Tripler Army Medical Center, Honolulu, Hawaii; and

WHEREAS, after completing their tour of duty in the military, Edith accompanied her family to Illinois to begin her career with the State of Illinois; and

WHEREAS, Edith gave birth to a second son on January 11, 1991, in Memorial Hospital, Springfield, Illinois; and

WHEREAS, Edith spent the next few years raising the boys and instilling the solid values that has nurtured them into productive young adults with Christian values; and

WHEREAS, Edith began employment with the Secretary of States Office on April 17, 1995; and

WHEREAS, Edith did distinguish herself and received numerous awards for excellence and numerous personal letters of thanks from the public for her assistance; and

WHEREAS, Edith has spent the last 20 years with her husband and cared and loved him and her children;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim September 29, 2002, as EDITH EWING LONG DAY in Illinois.

Issued by the Governor September 23, 2002.
Filed by the Secretary of State September 23, 2002.

2002-502
LIGHTS ON AFTER SCHOOL! DAY

WHEREAS, the citizens of Illinois stand firmly committed to quality afterschool programs because they provide a safe, friendly learning environment for children and support working families by ensuring that their children are safe and productive after the regular school day ends; and

WHEREAS, these afterschool programs build stronger communities by involving our students, parents, business leaders and adult volunteers into the lives of our young people and encouraging families to become more effective partners in their children’s education; and

WHEREAS, Lights on Afterschool!, a national celebration of afterschool programs on October 10, promotes the critical importance of quality afterschool programs in the lives of children, their families and their communities;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 10, 2002, as LIGHTS ON AFTER SCHOOL! DAY in Illinois.

Issued by the Governor September 23, 2002.
Filed by the Secretary of State September 23, 2002.
2002-503

WORLD FOOD DAY

WHEREAS, every year since 1981 government officials at all levels have given special attention to an annual worldwide endeavor to alleviate hunger and insure food security for all; and
WHEREAS, the U.S. National Committee for the World Food Day and their 450 national sponsors are involved in planning World Food Day; and
WHEREAS, a World Food Day Teleconference will be held on October 16, 2002, with the theme being “Hungry Farmers: A National Security Issue for All”; and
WHEREAS, the program will feature Dr. Michael Lipton, director of the Poverty Institute at the University of Sussex;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 16, 2002, as WORLD FOOD DAY in Illinois.
Issued by the Governor September 23, 2002.
Filed by the Secretary of State September 23, 2002.

2002-504

PEDIATRIC CANCER AWARENESS MONTH

WHEREAS, pediatric cancer is, by far, the number one cause of death by disease in our children and sadly diagnosis has grown to over 12,400 children annually; and
WHEREAS, Bear Necessities Pediatric Cancer Foundation, a not-for-profit organization, is dedicated to fight this devastating disease by improving the equality of life for pediatric cancer patients and their families; and
WHEREAS, Bear Necessities is furthering advancements in research and in general, raising awareness of pediatric cancer;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 2002 as PEDIATRIC CANCER AWARENESS MONTH in Illinois.
Issued by the Governors September 23, 2002.
Filed by the Secretary of State September 23, 2002.

2002-505

HISPANIC/LATINO MENTAL HEALTH WEEK

WHEREAS, more than 40 million Americans of all ages, races and ethnic groups suffer from mental health problems; and
WHEREAS, mental illness is often perceived as a social stigma in the Hispanic community, and it is of the utmost importance to increase public awareness and understanding of mental wellness; and
WHEREAS, the Latino Family Institute and the Latin International Network of Mental Health have forged partnerships with the Illinois Department of Human Services, the Chicago Department of Public Health and other agencies, organizations and institutions at an international level to provide mental and emotional disorder screenings,
WHEREAS, Alex Ferguson began his career in Public Service within the State of Illinois in August 1997 as Assistant to the Director, Illinois State Police. In that position Alex planned and executed comprehensive agency programs, and represented the agency in various program negotiations with staff of the Governor's Office and the General Assembly; and

WHEREAS, throughout his career, Alex Ferguson has held several positions within the Illinois State Police, as well as working as a managing consultant to various state agencies in Illinois, Connecticut and North Carolina; and

WHEREAS, Alex Ferguson is retiring from the Illinois State Police in 2002 after 25 years of dedicated public service, the last two years served as Deputy Director of the Illinois State Police. As Deputy Director, Alex oversaw direct operations and activities of the Bureaus of Firearm Services, Information Services, Identification, Research and Development, and Strategic Management; and

WHEREAS, with his convivial nature and intellectual wit, Alex Ferguson has turned the page, refocused the argument, excited the emotions and calmed the fears, in a continual quest to find the optimal approach to meeting the needs and expectations of citizens served by his agency; and

WHEREAS, along the way, Alex Ferguson has been honored with numerous awards and appointments, including: 1998 Award of Achievement, Illinois State Police; 1998 Problem Solving Award, Illinois State Police; Adjunct Professor, University of Illinois at Springfield; Lecturer, Institute of Government and Public Affairs, University of Illinois at Urbana-Champaign; Visiting Lecturer, University of Louisville, Southern Police Institute; Lecturer, Leadership Institute, Illinois State Police; 1987 PARADE Magazine, Top Ten, Police Officer of the Year; Presidential Citation, President Reagan's Child Safety Partnership; and Award of Merit, National Center for Missing and Exploited Children;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, do hereby issue this certificate of commendation to Alex Ferguson for his devotion to public service, his inviolate principles and his contributions to state government.

Issued by the Governor September 25, 2002.
Filed by the Secretary of State September 30, 2002.
2002-507
LAKE FOREST WOMEN’S CLUB DAY

WHEREAS, the Lake Forest Women's Club was organized on November 13, 1902, joined the State Federation in 1904, was incorporated May 19, 1909, joined the General Federation in 1916, and currently has approximately 340 members; and

WHEREAS, the Lake Forest Women's Club objectives are to bring together those interested in the intellectual and cultural improvement of women along practical lines, to promote agreeable and useful relations among its members, to improve the moral and social conditions of the community, to advance the general welfare of humanity, and to exclusively promote charitable and educational purposes; and

WHEREAS, for the past 100 years, the Lake Forest Women's Club has sponsored a spectrum of meritorious community services including initiating the first Lake Forest Day; setting up a maternity trust fund for deprived mothers; organizing Visiting Nurses for the needy; facilitating the Lake Forest Parent Teachers Association; opening of the Lake Forest High School; participating in World War I and World War II programs making bandages, knitting sweaters, selling and buying liberty bonds and thrift stamps; supplying "knapsack libraries" for servicemen; sponsoring free tuberculoses mobile x-ray units; initiating the College Scholarship Program and in recent years helping to fund a new addition to the Lake Forest Training Station; awarding college scholarships to the Lake Forest High School graduating seniors and the adult women in the re-entry program at Barat College; participating in the General Federation of Women's Clubs activities, both in the State of Illinois and nationally; participating in the Lake Forest Day Parade; participating in special member volunteer events and donation initiatives to Pebble Brook Nursing and Rehabilitation Center, North Chicago Veterans Affairs Medical Center, A Safe Place, Canine Companions, Lake County's Children's Advocacy Center, and Arbor Day Tree Planting; sponsoring a Lake Forest Historic Silk Scarf; and donating the Lake Forest Women's Club historical records to the Lake Forest-Lake Bluff Historical Society;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim November 13, 2002, as LAKE FOREST WOMEN'S CLUB DAY in Illinois.

Issued by the Governor September 25, 2002.
Filed by the Secretary of State September 30, 2002.

2002-508
PARENTS OF MURDERED CHILDREN, INC. DAY OF REMEMBRANCE

WHEREAS, the Fourth Annual Parents of Murdered Children, Inc. National Day of Remembrance will be held September 25, 2002; and

WHEREAS, Parents of Murdered Children, Inc. is the only national self-help organization devoted solely to the aftermath and prevention of murder; and

WHEREAS, Parents of Murdered Children, Inc. provides the ongoing emotional support needed to help parents and other survivors facilitate the reconstruction of a "new life" and promote a healthy resolution; and
WHEREAS, the National Day of Remembrance brings its members together for a day of remembering their loved ones who have died by violence; and
WHEREAS, Parents of Murdered Children, Inc. provides an opportunity for public awareness of the need to stop violence; and
WHEREAS, the National Day of remembrance is open to all survivors, advocates, professionals and the general public;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim September 25, 2002, as PARENTS OF MURDERED CHILDREN, INC. DAY OF REMEMBRANCE in Illinois.
Issued by the Governor September 24, 2002.
Filed by the Secretary of State September 30, 2002.

2002-509
MAHATMA GANDHI DAY

WHEREAS, Mahatma Gandhi was born on October 2, 1869, at Porbandr, Kathiawar, India, and died January 30, 1948; and
WHEREAS, he was an apostle of peace, an epitome of all that is true, good, and noble in India's ageless culture, a symbol of the immortal, authentic voice of India, and a sage who dedicated his whole life to serve and save mankind, sparing no opportunity to spare man from evil; and
WHEREAS, Gandhi was the Father of the Indian nation whose powerful weapons were non-violence and Satyagraha in their fight against the British; and
WHEREAS, he made it possible for the Government of India to pass back out of British into Indian hands without mutual bloodshed, and for the Indian and British peoples to become friends on a footing of equality; and
WHEREAS, he has suffered with those he has seen suffer, and has taken all the tribulation of his people upon himself, fighting for their freedom and fasting for their sins; and
WHEREAS, Gandhi once said, “my work will be finished if I succeed in carrying the conviction of the human family that every man or woman, however weak in body, is the guardian of his or her self-respect and liberty;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 2, 2002, as MAHATMA GANDHI DAY in Illinois.
Issued by the Governor September 24, 2002.
Filed by the Secretary of State September 30, 2002.

2002-510
USS HANNA DAYS

WHEREAS, the USS Hanna DE-449 was launched July 4, 1944, by Federal Shipbuilding and Drydock Co., Port Newark, New Jersey, and commissioned January 27, 1945, Lieutenant Commander Means Johnson, Jr., in command; and
WHEREAS, after shakedown out of Bermuda and Guantanamo Bay, Hanna
returned to New York March 24, 1945. Departing New York April 9, she escorted
ammunition ship Akutan (AE-13) to Cristobal, Canal Zone, then sailed via San Diego
arriving at Pearl Harbor May 4; and

WHEREAS, after more intense training and various escort missions in Hawaiian
waters, Hanna sailed June 9 for Eniwetok where she took up duty with Marshall-Gilberts
Surface Patrol and Escort Group. This duty continued until September 28 after the
Japanese surrender; and

WHEREAS, then she and the U.S. prize Tachibana Maru formed the task unit to
evacuate Japanese soldiers and sailors from Wake Island. Embarking 700 passengers,
they arrived in Tokyo October 12. The U.S. Navy crew was withdrawn, the United States
ensign hauled down, and Tachibana Maru was turned over to the Japanese. Departing
Tokyo October 24, 1945, Hanna returned to Eniwetok and then sailed to Guam, where
she took up duty as an air-sea rescue and weather reporting ship. She continued this
important task until her return to the States, where she decommissioned at San Diego
May 31, 1946, and joined the Pacific Reserve Fleet; and

WHEREAS, shipmates who served on the USS Hanna while commissioned
during World War II have gathered in Springfield, Illinois, to celebrate their 20th official
reunion October 3-6, 2002. This is the third such reunion held in our great state, having
also celebrated the seventh reunion in 1989 in Springfield and the 18th reunion in 2000 in
Delavan;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim
October 3-6, 2002, as USS HANNA DAYS in Illinois.

Issued by the Governor September 24, 2002.
Filed by the Secretary of State September 30, 2002.

2002-511
UNION BAPTIST CHURCH DAY

WHEREAS, Union Baptist Church was founded in 1871 and has established itself
as a place to worship God and as an instrument to promote Christian living and
fellowship; and

WHEREAS, in 1970, Union Baptist Church began providing day care services for
infants and children, offering a safe, nurturing, and educational environment which
allows parents the opportunity to seek employment without the worry of quality care for
their children; and

WHEREAS, in 1988 the "Union" began the Soup Kitchen Ministry which is now
known as the Food Pantry offering food for those in need; and

WHEREAS, Union Baptist Church has been a leader in the Springfield
community to fight for the rights of the underprivileged members of the city; and

WHEREAS, the Union Baptist Church ended its search for a new pastor on July
31, 2002, and extended a pastoral call to Rev. T. Ray McJunkins; and

WHEREAS, Rev. McJunkins previously served as pastor of St. Jon's Missionary
Baptist Church in Salina, Kansas, and pastor of Bethel Missionary Baptist Church in
Longview, Texas; and
WHEREAS, Union Baptist Church is installing Rev. T. Ray McJunkins as the fourth pastor since 1940 to continue to lead the church forward in the work of the Lord;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim, September 22, 2002, as Union Baptist Church Day in Illinois.
Issued by the Governor September 19, 2002.
Filed by the Secretary of State September 30, 2002.

2002-512
CITY OF BENTON DAY

WHEREAS, Benton, Illinois was incorporated as a village in 1841. Benton, the County Seat of Franklin County, was incorporated as a city under the mayor/commissioner form of government in 1902; and
WHEREAS, on October 12, 2002, the City of Benton will celebrate its 100th year as a city with a centennial celebration making note of the municipal history and the individuals who built the city; and
WHEREAS, at the centennial celebration, Mayor Patricia Bauer will cut the ribbon on the city's streetscape improvement program, the $427,000 project that will renovate much of Benton's public square; and
WHEREAS, the public square is part of Benton's unique heritage. It is the retail center, and the investment in renovation will attract new businesses and assist existing businesses to grow and prosper; and
WHEREAS, in the face of extreme poverty, the residents of Benton have looked for the positive attributes of the community and made a long-lasting financial investment for the future;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 12, 2002, as CITY OF BENTON DAY in Illinois.
Issued by the Governor October 02, 2002.
Filed by the Secretary of State October 07, 2002.

2002-513
AMERICAN CANCER SOCIETY, ILLINOIS DIVISION, INC. DAY

WHEREAS, the American Cancer Society is the nationwide community-based voluntary health organization dedicated to eliminating cancer as a major health problem by preventing cancer, saving lives and diminishing suffering from cancer through research, education, advocacy and service; and
WHEREAS, the American Cancer Society has the largest non-governmental cancer research program in the United States, funding over $130 million in research in 2001; and
WHEREAS, the American Cancer Society has set three nationwide goals for the year 2015: to reduce cancer incidence rates by 25 percent, to reduce cancer mortality rates by 50 percent, and to improve the overall quality of life for cancer patients; and
WHEREAS, the American Cancer Society, Illinois Division, Inc. will be
celebrating the 50th anniversary of its Cancer Research Program on October 5, 2002, at the Fairmont Hotel in Chicago;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 5, 2002, as AMERICAN CANCER SOCIETY, ILLINOIS DIVISION, INC. DAY in Illinois.

Issued by the Governor October 02, 2002.
Filed by the Secretary of State October 07, 2002.

2002-514
WORLD POPULATION AWARENESS WEEK

WHEREAS, world population stands today at more than 6.1 billion and increases by some one billion every thirteen years; and
WHEREAS, the most significant feature of the 20th century phenomenon of unprecedented world population growth was rapid urbanization; and
WHEREAS, cities and urban areas today occupy only two percent of the earth's land, but contain 50 percent of its population and consume 75 percent of its resources; and
WHEREAS, the most rapid urban growth over the next two decades is expected in cities with populations ranging from 250,000 to one million; and
WHEREAS, along with advantages and amenities, the rapid growth of cities leads to substantial pressure on their infrastructure, manifested in sanitary, health, and crime problems, as well as deterring the provision of basic social services; and
WHEREAS, in the interest of national and environmental security, nations must redouble voluntary and humanitarian efforts to stabilize their population growth at sustainable levels, while at all times respecting the cultural and religious beliefs and values of their citizens;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 20-26, 2002, as WORLD POPULATION AWARENESS WEEK in Illinois.
Issued by the Governor September 30, 2002.
Filed by the Secretary of State October 07, 2002.

2002-515
LASALLE BANK OF CHICAGO MARATHON WEEK

WHEREAS, the LaSalle Bank and more than 30 other corporate sponsors have joined together to ensure the success of the 2002 LaSalle Bank Chicago Marathon; and
WHEREAS, more than 37,000 participants are expected to run in the 25th Annual Marathon; and
WHEREAS, 7,500 volunteers, including more than 1,500 members of Chicago's Police, Park District, Public Works and Streets and Sanitation Departments will be on-site to help stage a technically sound event; and
WHEREAS, over 900,000 spectators will line 26.2 miles of the city's streets from Grant Park to Lincoln Park to cheer on the marathoners;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 7-13, 2002, as the LASALLE BANK OF CHICAGO MARATHON WEEK in Illinois.

Issued by the Governor September 30, 2002.
Filed by the Secretary of State October 07, 2002.

2002-516
PREGNANCY AND INFANT LOSS REMEMBRANCE DAY

WHEREAS, according to a 1996 study by the C.D.C. 16 percent of 6 million-plus pregnancies ended in either a miscarriage or a stillbirth, that's almost a million prenatal losses. Of those 6 million plus pregnancies, 62 percent (3,720,000) ended in live births, and 26,784 of those births ended in infant deaths from 11 months and younger; and

WHEREAS, the availability of information and support is of the utmost importance to families who suffer from Pregnancy and Infant Loss to better help them cope; and

WHEREAS, a public that is informed and educated about Pregnancy and Infant Loss can better learn how to respond with compassion to affected families; and

WHEREAS, professionals who come in contact with families who have suffered Pregnancy or Infant Loss, such as physicians, clergy, emergency medical technicians, funeral directors, police officers, public health nurses, and employers, can better serve families if they have special training and better knowledge of Pregnancy and Infant Loss; and

WHEREAS, a Pregnancy and Infant Loss Remembrance Day, October 15, 2002, is set aside to remember all of the Pregnancies and Infants lost in order to heal and be comforted in a time of pain and heartache, and to have hope for the future;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 15, 2002, as PREGNANCY AND INFANT LOSS REMEMBRANCE DAY in Illinois.

Issued by the Governor September 30, 2002.
Filed by the Secretary of State October 07, 2002.

2002-517
BREAST CANCER AWARENESS MONTH IN ILLINOIS
AND MAMMOGRAPHY DAY

WHEREAS, nearly 9,000 Illinois women will be diagnosed in 2002 with breast cancer and approximately 2,000 women in Illinois will die from the disease; and

WHEREAS, breast cancer can be cured if detected early; and

WHEREAS, only about 68 percent of breast cancer cases in Illinois are detected at
the earliest and most curable stages, which can increase the survival rate to 96 percent to 98 percent; and

WHEREAS, research shows that deaths from breast cancer could be reduced if women follow breast cancer screening recommendations and obtain routine mammography, regular examinations by a physician and monthly self-examinations; and

WHEREAS, the Illinois Department of Public Health's Office of Women's Health strives to promote public awareness of breast health; and

WHEREAS, October is National Breast Cancer Awareness Month;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 2002 as BREAST CANCER AWARENESS MONTH in Illinois and October 18, 2002, as MAMMOGRAPHY DAY in Illinois, and I encourage women throughout the state to protect themselves through early detection.

Issued by the Governor September 27, 2002.
Filed by the Secretary of State October 07, 2002.

2002-518
RESPECT LIFE WEEK

WHEREAS, the Preamble of the Constitution of the United States was designated for the people of this land to "secure the blessings of liberty to ourselves and our posterity"; and

WHEREAS, the Declaration of Independence states that we are endowed by our creator with certain inalienable rights, including the right to life; and

WHEREAS, the life of each person is sacred--the young and the old, the healthy and the sick, the gifted and disadvantaged; and

WHEREAS, the purpose of Respect Life Week is to remind the American people of the dignity of human life;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 6-13, 2002, as RESPECT LIFE WEEK in Illinois.

Issued by the Governor September 27, 2002.
Filed by the Secretary of State October 07, 2002.

2002-519
EDELMAN PUBLIC RELATIONS DAY

WHEREAS, Edelman Public Relations was founded in Chicago by its still active chairman, Dan Edelman, in 1952; and

WHEREAS, Edelman Public Relations is the largest independent public relations company in the world, with 38 offices and 1,900 employees worldwide. Its Chicago office alone employs 350 people; and

WHEREAS, Edelman has pioneered the practices that define the public relations industry. Its heritage of innovation, independence and a strong entrepreneurial spirit has allowed Edelman to create programs for its clients that help them "stand apart" in their
WHEREAS, Edelman is dedicated to building long-term, rewarding partnerships that add value to its clients and its people; and

WHEREAS, October 1, 2002, marks the 50th anniversary of Edelman Public Relations;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 1, 2002, as EDELMAN PUBLIC RELATIONS DAY in Illinois.

Issued by the Governor September 26, 2002.
Filed by the Secretary of State October 07, 2002.

2002-520
COUNTRY MUSIC DAY

WHEREAS, the Illinois Country Music Association (ICMA) was founded to promote country, gospel, bluegrass, and western music, along with square and clog dancing in our state; and

WHEREAS, the ICMA believes in the entertainment of fans and the recognition of Illinois artists; and

WHEREAS, the ICMA is celebrating its 13th anniversary with a show and concert on October 20. During the show, the Illinois Country Music Entertainer of the Year, along with 35 other awards will be announced;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 20, 2002, as COUNTRY MUSIC DAY in Illinois.

Issued by the Governor October 07, 2002.
Filed by the Secretary of State October 11, 2002.

2002-521
BLOOMINGTON ELKS CLUB #281 DAY

WHEREAS, the Benevolent and Protective Order of Elks of the United States is one of the oldest and largest fraternal organizations in the country. Since its inception in 1868, the Order of the Elks has grown to include nearly 1.2 million men and women in nearly 2,200 communities; and

WHEREAS, in those communities, local Elks lodges work valiantly to promote civic pride, regularly holding functions to recognize and celebrate the achievements of local emergency services personnel, teachers, leading citizens, students and government officials; and

WHEREAS, the Elks also assist the efforts of local charitable organizations through volunteer work and financial contributions. Since its founding in 1868, the Elks have donated over $3 billion in cash, goods and services to charitable organizations; and

WHEREAS, in 1907 the BPO Grand Elks Lodge designated by resolution June 14 as Flag Day. This spawned President Harry Truman, himself a member of the Elks, to proclaim thereafter that June 14 would be a day of national observance for the symbol of
WHEREAS, in times of war and international conflict, the Benevolent and Protective Order of Elks makes considerable contributions to the nation's armed forces. The Order considers its work done to aid in defense of the nation as one of its proudest and most lasting achievements;

WHEREAS, since 1917, the Benevolent and Protective Order of Elks has demonstrated compassion for the veterans of our armed forces through a number of programs and activities; and

WHEREAS, the Bloomington Elks Club #281 was founded in Bloomington, Illinois, in 1902. The Club will be celebrating its 100th anniversary on October 20, 2002;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 20, 2002, as BLOOMINGTON ELKS CLUB # 281 DAY in Illinois.

Issued by the Governor October 07, 2002.

Filed by the Secretary of State October 11, 2002.

2002-522
HOSPICE MONTH

WHEREAS, 2002 marks the 20th anniversary of the establishment of the Medicare Hospice Benefit, which has enabled more than 4 million American patients and families to receive hospice's comprehensive array of services at little or no cost; and

WHEREAS, each year approximately 775,000 terminally ill patients and their families rely on end-of-life care provided by approximately 3,200 hospice locations in communities throughout the United States; and

WHEREAS, hospice care allows patients and families to receive professional medical services, pain and symptom control, and emotional and spiritual support, without hospitalization; and

WHEREAS, hospices create a compassionate atmosphere, where patients are able to die with dignity, wherever they call home, surrounded and supported by loved ones, familiar friends, and committed caregivers; and

WHEREAS, professional and compassionate hospice staff and volunteers--including physicians, nurses, social workers, therapists, and clergy--provide comprehensive care and attend to the particular needs and wishes of each patient, and family members and friends also receive counseling and bereavement care that help them cope with the loss of their loved one; and

WHEREAS, providing high-quality hospice care reaffirms our belief in the essential dignity of every person, regardless of age, health, or social status, and that every stage of human life deserves to be treated with the utmost respect and care; and

WHEREAS, Hospice Month recognizes those who serve in our nation's hospices, often as caregivers in the patients' homes, and caring for patients at the end of life can be emotionally painful, physically exhausting, and financially difficult; and

WHEREAS, this observance is an opportunity to encourage, honor, and support the professionals, volunteers, and family caregivers who take on the challenge of caring
for patients at the end of life;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim November 2002 as HOSPICE MONTH in Illinois and encourage citizens to increase their awareness of the importance and availability of hospice services and to observe this month with the appropriate activities and programs.

Issued by the Governor October 07, 2002.
Filed by the Secretary of State October 11, 2002.

2002-523

UNITARIAN UNIVERSALIST COMMUNITY CHURCH OF PARK FOREST

WHEREAS, the Unitarian Universalist Community Church began in 1952 when Georgiana Raygor and Elaine Garretson got together to organize a liberal religious Sunday school for their children. As the Sunday school began, the adults formed a Unitarian Fellowship and held adult services in a home in the Talala School District; and

WHEREAS, in 1954, the Fellowship incorporated and, in August 1955, welcomed its first minister, Reverend John Alexie Crane, while continuing to meet in the rented homes. By 1956, the church had grown and was renting classroom space for the Sunday school at Blackhawk Elementary School and Sunday morning adult services were held in the gymnasium; and

WHEREAS, in 1958, the church purchased five acres of land in Park Forest on Western Avenue for future use, Reverend Crane resigned and was followed in 1959 by Rev. Robert Hoagland and the congregation decided to buy Temple Anshe Shalom on Scott Street in Chicago Heights; and

WHEREAS, in 1964, Rev. David Bumbaugh became the minister and a special memorial service by Rev. Bumbaugh for Martin Luther King in 1968 was presented to a packed sanctuary on Scott Street. In 1969, Reverend Bumbaugh resigned and was followed by Rev. James A. Hobart, who was followed by Rev. Ellen Harvell Dohner; and

WHEREAS, in 1978, the Scott Street church was sold and the congregation held services in rented space at Mohawk School until 1980, when Sunday morning services were held in the Community Room of the Park Forest Plaza and Sunday school classes were held in second floor office spaces. The church on Sycamore Street was constructed in 1982 and dedicated on November 21, 1982; and

WHEREAS, Rev. Dohner left in 1987 and was replaced in 1988 by Rev. Edgar Peara, who started Edgar's Coffee House as a once-a-month live music venue which is open to the public and continues to the present time. Rev. Peara resigned in 1997 and was followed by Rev. Valerie Mapstone Ackerman, who left in 2001 and was followed by Rev. Martin Woulfe, interim minister; and

WHEREAS, members of the Unitarian Universalist Community Church have maintained a vital presence in Park Forest for 50 years, working for the peaceful racial integration of Park Forest; co-sponsoring the Committee for Non-Partisan Government; hosting readings of the play In White America, including one performance at the annual meeting of the Southern Christian Leadership Conference; supporting the Village's
recycling efforts; and becoming members of the Library Board, League of Women Voters and other civic organizations; and

WHEREAS, the Unitarian Universalist Community Church is a welcoming congregation that affirms the worth of all people regardless of age, race, gender, gender preference, or other "differences";

THEREFORE, I George H. Ryan, Governor of the State of Illinois, congratulate the Unitarian Universalist Community Church of Park Forest on its 50 years of dedicated service to the community and its worshipers, and wish the church great success in achieving its mission for many years to come.

Issued by the Governor October 08, 2002.
Filed by the Secretary of State October 11, 2002.

2002-524
RUTH FRIEDLAND DAY

WHEREAS, the great State of Illinois from time to time recognizes the contributions of its citizens; and

WHEREAS, Ruth Friedland is an extraordinary citizen of Illinois, with compassion, caring, commitment and undying optimism; and

WHEREAS, Ruth Friedland served exemplary for three years as the first woman chair of the Board of Directors of West Central Illinois Education Telecommunications Corporation, the community licensee of public television stations WSEC (Jacksonville/Springfield), WMEC (Macomb) and WQEC (Quincy), and also served in leadership roles on nominating, personnel, membership, finance and long-range planning committees; and

WHEREAS, Ruth Friedland has been recognized among her peers on the Board as the first woman to be a Lifelong Member of the Board; and

WHEREAS, Ruth Friedland along with her partner, the late Milton Friedland has been an Illinois pioneer and visionary in starting the first commercial television station in Springfield and nurturing three public television stations serving central and western Illinois; and

WHEREAS, Ruth Friedland has been a kind and everlasting voice for diversity, religion, housing, education, culture and the arts, through her service as chairwoman of the board of the Springfield Housing Authority, and her leadership participation in the Illinois Symphony Orchestra, the Springfield Area Arts Council, Hadassah, B'nai B'rith Temple, the Springfield Jewish Federation and the Springfield Public Schools;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 12, 2002, as RUTH FRIEDLAND DAY in Illinois.

Issued by the Governor October 08, 2002.
Filed by the Secretary of State October 11, 2002.
2002-525
ONE CHURCH ONE SCHOOL WEEK

WHEREAS, after it's founding in 1991 by Reverend Doctor Henry M. Williamson, Sr., One Church One School has met with striking success across the nation; and

WHEREAS, One Church One School Community Partnership is a non-denominational community organization that mobilizes churches, schools, businesses, governmental agencies, media and other community-based organizations to enable improved educational and social outcomes for our children and youth; and

WHEREAS, the central theme to this collaboration is the teaching of "The Value of Life and the Value of Learning"; and

WHEREAS, One Church One School has been implanted throughout the Chicago Public Schools Interfaith Partnership Program; and

WHEREAS, One Church One School Community Partnership Program is celebrating its 7th Annual Midwest Regional Conference;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 13-19, 2002, as ONE CHURCH ONE SCHOOL WEEK in Illinois.

Issued by the Governor October 08, 2002.
Filed by the Secretary of State October 11, 2002.

2002-526
SHANNON ROVERS IRISH PIPE BAND DAY

WHEREAS, founded in 1926 by 12 Irish immigrants from the banks of the Shannon River, the Shannon Rovers Irish Pipe Band has grown in number and popularity. The Rovers have been named "The Official Band of Chicago's St. Patrick's Day Parade"; and

WHEREAS, the purpose of the Rovers is to "celebrate" the traditions and the folkways of the Gael and the banks of the Shannon River. The Shannon Rovers proudly do so into the new millennium; and

WHEREAS, having greeted visiting presidents, royalty and other distinguished visitors throughout the years, and having performed at many conventions and celebrations around the United States and throughout the many parts of the world, the Rovers are most proud of their continued service to the people of Chicago; and

WHEREAS, on October 26, 2002, the Shannon Rovers will be celebrating their Diamond Jubilee;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 26, 2002, as SHANNON ROVERS IRISH PIPE BAND DAY in Illinois.

Issued by the Governor October 09, 2002.
Filed by the Secretary of State October 11, 2002.
WHEREAS, on October 30, 2002, the Wadsworth Elementary School's Local School Council is honoring and saluting Dr. Milton S. Albritton, its Principal, a member of "Wadsworth Elementary School Local School Council's Dream Team," for being a distinguished, proficient educational leader with an open door policy to students, parents, staff and community at large; and

WHEREAS, Dr. Albritton, seventh of 16 children, attended Gailor High School of Mason, Tennessee, and graduated as valedictorian of his class. He began his teaching career with the Chicago Public Schools in 1964 at Stephen F. Douglas Elementary School, where he taught 7th grade for one year; and

WHEREAS, Dr. Albritton became the Physical Education teacher at the Oliver S. Westcott School in September 1965, serving 10 years and providing his students a well-rounded program of physical education. In 1973, he earned a Master's Degree in Urban Education from Governors State University; and

WHEREAS, Dr. Albritton began his administrative career with the Chicago Public Schools as a teaching assistant principal in September 1975 at Avalon Park School, where he was administratively responsible for grades 4, 5 and 6 under the tutelage of Principal Evelyn Green, and taught physical education to grades 5 and 6; and

WHEREAS, in June 1979, Dr. Albritton obtained a sabbatical leave from the Chicago Public Schools to earn a degree in Educational Administration from Atlanta University. He returned to Chicago in February 1983, serving as a physical education teacher at Avalon from February 1983 to March 1984; and

WHEREAS, in March 1984, Dr. Albritton became the teaching assistant principal at Medgar Evers Elementary School under the outstanding mentoring of principal Evelyn Clarkston. In June 1988, the Chicago Board of Examiners certified its final class of principals approved through examination; Dr. Albritton was a member of that class; and

WHEREAS in August 1988, Dr. Albritton was selected principal of James Wadsworth Elementary School from a pool of 37 candidates, having the distinction of being the first principal appointed from the class of 1988; and

WHEREAS, the unity that Dr. Albritton has created within the walls of Wadsworth has strength enough to construct a colossus. Wadsworth continues to prosper because of the synergism of the educational team where he is an important member and the Wadsworth teachers who individually and collectively provide solidarity; and

WHEREAS, Dr. Albritton has a strong sense of self and compassion for others, and he has dedicated his experiences to the educational advancement of Wadsworth Elementary School's students collectively for over 13 years;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 30, 2002, as DR. MILTON S. ALBRITTEN DAY in Illinois.

Issued by the Governor October 09, 2002.

Filed by the Secretary of State October 11, 2002.
WHEREAS, on October 30, 2002 the Wadsworth Elementary School's Local School Council is honoring and saluting Mrs. Velma Elese Cooksey, its Assistant Principal, a member of the "Wadsworth Elementary School Local School Council's Dream Team" for being a distinguished, proficient educational leader with an open door policy to students, parents, staff and community at large; and

WHEREAS, Mrs. Cooksey is known for being a flexible administrator and for her outstanding communication, motivation and leadership abilities. Mrs. Cooksey, seventh of 10 children, attended Eisenhower High School of Blue Island, Illinois, and graduated in June 1974. She became the first child in her family to graduate from college when she received two masters degrees from Chicago State University; and

WHEREAS, Mrs. Cooksey began her teaching career with the Chicago Public Schools in 1978 as a classroom teacher where she used a wide variety of teaching aids and motivational strategies to engage students in active learning. In June 1990, she was selected "Best Teacher in Her School." Mrs. Cooksey began her administrative career with the Chicago Public Schools as a teaching assistant principal in 1993 at the Donoghue Elementary School, where she was administratively responsible for a staff of 60 in a school with approximately 500 students; and

WHEREAS, in 1993, Mrs. Cooksey was selected from a field of 110 nominees as one of the most talented teachers in the City of Chicago by the Whirlwind Performance Company. In 1994, she became head teacher at the Wadsworth Child-Parent Center where she provided leadership for all activities at the center; and

WHEREAS, in 1999, Mrs. Cooksey became Assistant Principal at the Wadsworth Elementary School under the outstanding mentoring of Principal Dr. Milton S. Albritton; and

WHEREAS, Mrs. Cooksey has a strong since of self and compassion for others. As Assistant Principal of Wadsworth Elementary School, has demonstrated untiring commitment to providing the students of Wadsworth the best education possible; and

WHEREAS, the unity that Mrs. Cooksey has created within the walls of Wadsworth has strength enough to construct a colossus. Wadsworth continues to prosper because of the synergism of the educational team where she is an important member and the Wadsworth's teachers who individually and collectively provide solidarity; and

WHEREAS, Mrs. Cooksey dedicated her genius, aesthetic and pedagogy experiences to the educational advancement of Wadsworth Child-Parent Center and Wadsworth Elementary School's students collectively for over eight years;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 30, 2002, as MRS. VELMA ELESE COOKSEY DAY in Illinois.

Issued by the Governor October 09, 2002.
Filed by the Secretary of State October 11, 2002.
2002-529
CREDIT UNION DAY

WHEREAS, credit unions are individual, independent cooperatives founded by people working together toward economic advancement, uniting people seeking a way to improve their future; and

WHEREAS, credit unions call for the pooling of personal resources and leadership abilities for the good of the cooperative, encourage a regular habit of saving so those in need may borrow, and foster the desire to repay loans so members may have access to credit when it is required; and

WHEREAS, credit unions empower people to improve their economic situations in 90 nations around the world, through 37,000 credit unions currently serving the financial needs of 112 million members, including 2.3 million members in Illinois, associated through local, state, regional, and international organizations sharing the same commitment to serving credit union members; and

WHEREAS, credit unions are developing strong alliances that make financial democracy possible in many countries such as China, Poland, Russia, Ghana, Argentina, Ukraine, and the rest of the world;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 17, 2002, as CREDIT UNION DAY in Illinois, and encourage all citizens to recognize the many contributions credit unions have made to the communities in this state, both tangible and intangible, through the years, and honor and express appreciation for the service and commitment of Illinois' credit unions.

Issued by the Governor October 09, 2002.
Filed by the Secretary of State October 11, 2002.

2002-530
REFLEX SYMPATHETIC DYSTROPHY SYNDROME AWARENESS MONTH

WHEREAS, Reflex Sympathetic Dystrophy Syndrome, also known as Complex Regional Pain Syndrome, affects more than six million Americans; and

WHEREAS, Reflex Sympathetic Dystrophy Syndrome (RSD) is an extremely painful neuro-muscular disease that is primarily characterized by intense, chronic, burning pain; and

WHEREAS, RSD results from an injury or trauma and can simultaneously affect the nerves, muscles, blood vessels, skin, joints and bones in progressively severe stages; and

WHEREAS, detection and treatment are vital to preventing the disabling effects of RSD, which in its most severe stages can result in total dysfunction of an extremity or the entire body; and

WHEREAS, in the State of Illinois thousands of men, women and children suffer from RSD; and

WHEREAS, the RSDCare Network of Illinois offers support and vital
information to the victims of the disease and their loved ones; and

WHEREAS, the month of April marks a focused effort on behalf of the RSDCare Network of Illinois to increase the awareness of RSD in the hope of early diagnosis and treatment through information, support and comfort to those inflicted with RSD, their families and friends;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 2002 as REFLEX SYMPATHETIC DYSTROPHY SYNDROME AWARENESS MONTH in Illinois.

Issued by the Governor October 03, 2002.
Filed by the Secretary of State October 11, 2002.

2002-531
GIS DAY AND GEOGRAPHY AWARENESS WEEK

WHEREAS, Geography Awareness Week and Geographic Information Science (GIS) Day were started in 1999 with 35 states and more than 91 countries recognizing the importance of geography; and

WHEREAS, global participation helped make Geography Awareness Week and GIS Day an overwhelming success, educating more than 2 million people; and

WHEREAS geography plays an important role in the understanding and shaping of the Illinois economy which interacts with evermore distant lands and peoples; and

WHEREAS, in this time of national crisis, a knowledge of distant places and peoples is also particularly important; and

WHEREAS, geography, and GIS technology, provide the tools for economic and environmental development in Illinois and they accord well with our initiatives on education, workforce development and the development of overseas trade based on high-technology exports; and

WHEREAS, over 1,400 organizations around the world are already signed up to host a GIS Day event in their community;


Issued by the Governor October 03, 2002.
Filed by the Secretary of State October 11, 2002.

2002-532
MARTIAL ARTS DAY

WHEREAS, the National Association of Professional Martial Artists is celebrating National Martial Arts Day on October 19, 2002, to unite millions of children and adults who participate in the martial arts; and

WHEREAS, National Martial Arts Day seeks to introduce the values of self-control, self-discipline, personal defense and physical fitness for every age, race, gender
and ability level; and
WHEREAS, martial arts provides a powerful foundation for emotional development and success skills that last a lifetime; and
WHEREAS, the participation in martial arts builds strength, character, focus, flexibility and coordination while enhancing performance in other sports, in the workplace, at home and in school; and
WHEREAS, martial arts enhances self-esteem, goal-setting abilities, anger management and the skills of non-violent conflict resolution in people of all ages, helping them to become more productive and healthy people; and
WHEREAS, on National Martial Arts Day, martial arts schools across the United States partner with the National Association of Professional Martial Artists to heighten the visibility of the arts and encourage participation at the grassroots level;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 19, 2002, as MARTIAL ARTS DAY in Illinois.

Issued by the Governor October 03, 2002.
Filed by the Secretary of State October 11, 2002.

2002-533
EARTH SCIENCE WEEK

WHEREAS, geology and the other earth sciences are fundamental to society; and
WHEREAS, the earth sciences are integral to finding, developing, and conserving mineral, energy, and water resources needed for society; and
WHEREAS, the earth sciences provide the basis for preparing for and mitigating natural hazards such as floods, landslides, earthquakes, volcanic eruptions, sinkholes, and coastal erosion; and
WHEREAS, the earth sciences are crucial to understanding environmental and ecological issues ranging from water and air quality to waste disposal; and
WHEREAS, knowledge about geological factors regarding earth resources, hazards, and the environment are vital to land management and land use decisions at local, state, regional, national, international, and global levels; and
WHEREAS, the earth sciences contribute critical elements to our understanding of Nature;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 13-19, 2002, as EARTH SCIENCE WEEK in Illinois.

Issued by the Governor October 03, 2002.
Filed by the Secretary of State October 11, 2002.

2002-534
ORA HIGGINS’ YOUTH FOUNDATION DAY

WHEREAS, the Ora Higgins' Youth Foundation was founded in 1976 by Ora Higgins, a woman of great vision and dedication to the cause of higher education for
WHEREAS, Glen Freeberg began his career with the State of Illinois in 1974 at
the Department of Mental Health and Developmental Disabilities working at Chester
Mental Health Center as an Activity Therapist in the security hospital and also the
maximum security forensic hospital after it was created; and
WHEREAS, Mr. Freeberg also worked as a Labor Relations Administrator at
Chester Mental Health Center where he was successful at the difficult task of forging
good relationships with employees, unions and administration; and
WHEREAS, Glen Freeberg’s excellent people skills and established work record
resulted in his promotion to the Department of Mental Health and Developmental
disabilities central office in Springfield where he held various high level positions,
including serving as an Assistant to the Director; and
WHEREAS, Mr. Freeberg was a member of the Reorganization Project Team,
analyzing data about the human services system in Illinois and developing
recommendations for the new Illinois Department of Human Services (DHS); and
WHEREAS, Glen Freeberg served on the Personnel Committee for the creation of
DHS, at which time he worked to ensure a smooth transition for employees involved with
the reorganization of all or parts of six state human service agencies; and
WHEREAS, Mr. Freeberg was appointed as the first Manager of the Office of
Human Resources at DHS, overseeing benefit and insurance programs, personnel
transactions, labor relations, recruitment and selection, worker’s compensation, training,
the employee assistance program and payroll services for 20,000 employees; and
WHEREAS, Glen Freeberg’s accomplishments at DHS include negotiating the
first statewide labor relations agreements for DHS, implementing a single payroll system with the same scheduled pay date for all employees, negotiating the new Human Services Caseworker title, implementing the Mental Health Technician Trainee agency select hiring program and developing a DHS policy handbook for all employees; and

WHEREAS, Mr. Freeberg has earned a reputation for being professional, hard working, knowledgeable, a humanitarian and a team player in the fields of mental health, labor relations, human resources, policy design and implementation and management; and

WHEREAS, Glen Freeberg has served the citizens of the State of Illinois as a dedicated employee, providing quality services to both employees and clients for 28 years;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, do hereby issue this certificate of commendation to Mr. Glen Freeberg for his devotion to public service and his many contributions to the citizens of this state.

Issued by the Governor October 04, 2002.
Filed by the Secretary of State October 11, 2002.

2002-536
TONY SAURO DAY

WHEREAS, Tony Sauro is a past President of the Italian American Labor Council of Greater Chicago and currently serves as the organization's First Vice President; and

WHEREAS, Tony Sauro, raised in a strong union family, has put his talent and devotion to the American Labor Movement to work with the admirable and genuine aim of helping members. He has been a dynamic and influential force in formulating a wide range of practical, affordable and cost-effective health care and pension programs for numerous labor unions, their members, retirees and their families; and

WHEREAS, during his time as President of the IALC, Tony Sauro made two groundbreaking selections for the organization's prestigious "Person of the Year" award. In 1995, Margaret Blackshere, currently the President of the Illinois State AFL CIO, became the first woman ever chosen to receive the award. Another history-making honoree was the late Cardinal Joseph Bernadin, who accepted Tony's heartfelt request to accept the honor just weeks before his passing; and

WHEREAS, celebrating his 30th year as a proud member of the United Food and Commercial Workers International Union, Tony Sauro has been instrumental in obtaining recognition for the IALC throughout the Midwest and the nation; and

WHEREAS, on October 18, 2002, the IALC will honor Tony Sauro as the organization's Person of the Year at its Annual Banquet Dinner Dance in Des Plaines, Illinois;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 18, 2002, as TONY SAURO DAY in Illinois, in honor of his hard work and dedication toward the advancement of labor and his tireless efforts to promote the IALC.

Issued by the Governor October 04, 2002.
2002-537
PARALEGAL/ILLINOIS PARALEGAL ASSOCIATION DAY

WHEREAS, in keeping with the distinguished practice of law and the delivery of legal services, paralegals have made substantial strides in the recognition of their profession as an integral part of the legal community; and
WHEREAS, paralegals are an active and vital part of the legal profession in the State of Illinois, performing high-quality professional services under the direction and supervision of attorneys, resulting in greater access to legal services and in a reduction of legal costs to the public; and
WHEREAS, it is fitting to recognize the meritorious efforts and contributions made by these professionals toward the betterment of our society;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim November 7, 2002, as PARALEGAL/ILLINOIS PARALEGAL ASSOCIATION DAY in Illinois.

Issued by the Governor October 15, 2002.
Filed by the Secretary of State October 21, 2002.

2002-538
ERIKA HAROLD DAY

WHEREAS, Erika Harold is the fifth Miss Illinois to win the coveted Miss America title in the 82-year history of the Miss America Pageant, which now makes over $40 million available annually in scholarship assistance, making it the largest scholarship program for young women today; and
WHEREAS, Erika Harold has exhibited a genuine concern of those affected by youth violence, and she has volunteered many hours of her time to this worthwhile cause, and will continue to do so during her year of service as Miss America; and
WHEREAS, Erika Harold has continually demonstrated her devotion and commitment to her fellow citizens, and in doing so has earned the respect and admiration of her fellow Americans as well as the citizens of the State of Illinois; and
WHEREAS, the State of Illinois is proud that its representative to the Miss America Pageant won the title of Miss America 2003; and

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 12, 2002, as ERIKA HAROLD DAY in Illinois.

Issued by the Governor October 11, 2002.
Filed by the Secretary of State October 21, 2002.
2002-539
SPRINGFIELD BUDDY WALK DAY

WHEREAS, Down Syndrome is a genetic condition that occurs in approximately one out of every 800 to 1,000 births and affects people of all ages, races and economic levels; and

WHEREAS people with Down Syndrome, despite health problems, possess many strengths and talents, attend school, develop friendships, maintain jobs, participate in important personal decisions and make positive contributions to their communities; and

WHEREAS The National Down Syndrome Society was established in 1979 to help all people with Down Syndrome achieve their full potential in life; and

WHEREAS, The National Down Syndrome Society developed the "Buddy Walk" in 1995 as a way for communities around the country to promote awareness and inclusion for people with Down Syndrome; and

WHEREAS the number of "Buddy Walks" in the United States has grown from 17 in 1995 to more than 120 in recent years with more than 50,000 walkers in 48 states; and

WHEREAS a "Buddy Walk" will take place in Illinois' state capitol of Springfield on October 19, 2002, following many hours of hard work by parents, family and friends of people with Down Syndrome in Springfield; and

WHEREAS everyone needs a buddy;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 19, 2002, as SPRINGFIELD BUDDY WALK DAY in Illinois and encourage everyone in our state to walk on behalf of people with Down Syndrome.

Issued by the Governor October 11, 2002.
Filed by the Secretary of State October 21, 2002.

2002-540
NAPER SETTLEMENT DAY

WHEREAS, the Accreditation Commission of the American Association of Museums, in accordance with the highest standards of excellence, awarded the Accreditation to Naper Settlement; and

WHEREAS, the Naper settlement is being accredited because of its professional operation and adherence to current and evolving standards and best practices. The Naper Settlement has shown its commitment to continue institutional improvement; and

WHEREAS, of the nearly 8,500 museums nationwide, only 770 are accredited; and

WHEREAS, the Naper Settlement is the first accredited outdoor museum in Illinois; and

WHEREAS, accreditation certifies that a museum operates according to standards set forth by the museum profession, manages its collections responsibly, and provides quality service to the public; and
WHEREAS, the Naper Settlement, located in Naperville, Illinois, has been serving visitors for 33 years, by preserving Naperville’s past and sharing its history through education;  
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 30, 2002, as NAPER SETTLEMENT DAY in Illinois.

Issued by the Governor October 23, 2002.
Filed by the Secretary of State October 28, 2002.

2002-541
REPUBLIC OF TURKEY DAY

WHEREAS, on October 29, 1923, the Modern Turkish Republic was founded from the ashes of the Ottoman Empire by the strong will and vision of Mustafa Kemal Ataturk and the Turkish people that followed him; and
WHEREAS, the Republic of Turkey will be celebrating the 79th Anniversary of the Turkish Republic on October 29, 2002; and
WHEREAS, this event has a special significance for all Turks and the Turkish American Community in Illinois; and
WHEREAS, Turkish Americans have contributed greatly to Illinois in all areas of life including education, business, science, medicine, arts and entertainment; and
WHEREAS, Turkish Americans have proudly shared their culture, heritage and talents with our state;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 29, 2002, as REBUBLIC OF TURKEY DAY in Illinois.

Issued by the Governor October 23, 2002.
Filed by the Secretary of State October 28, 2002.

2002-542
HOSPITAL INSURANCE MEDICARE COVERAGE, CITY OF SYCAMORE

WHEREAS, the City of Sycamore desires to provide Hospital Insurance (Medicare) coverage for its Police Officers and Firefighters not mandatorily covered for Hospital Insurance pursuant to Public Law 99-272 and to Public Law 101-508; and
WHEREAS, a referendum must be conducted in accordance with the Federal Social Security Act and Illinois Pension Code, Article 21, as amended, which requires that each eligible employee who is a participant in the City of Sycamore's retirement plan be given the opportunity to register his/her personal choice by written ballot as to whether he/she elects Hospital Insurance coverage; and
WHEREAS, the referendum procedure requires that each eligible employee shall be given a detailed description of the two choices available to him/her and allowed 90 days notice prior to the exercise of his/her right to choose; and
WHEREAS, I hereby designate the Executive Secretary of the State Employees’ Retirement System and the City Administrator of the City of Sycamore as the officials who are jointly responsible for the distribution of the details of the proclamation pursuant to the provisions of the Federal Social Security Act and the Illinois Pension Code, Article 21, as amended. I hereby confer upon such officials the authority to jointly certify the results of the referendum to be conducted as herein proclaimed in accordance with said statutes; to allocate their other duties under this proclamation among themselves; and to delegate such other duties to others as they shall deem appropriate;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, do hereby proclaim a period of at least 90 days notice between the dates of November 1, 2002, through January 31, 2003, to eligible employees of the City of Sycamore that their choice shall be expressed by written ballot in conformity with the referendum procedure under the Federal Social Security Act and the Illinois Pension Code. The ballots shall be returned to the City Administrator and the referendum concluded not later than January 31, 2003.

Issued by the Governor October 23, 2002.
Filed by the Secretary of State October 28, 2002.

2002-543
HIGH TECH WEEK

WHEREAS, the State of Illinois supports the creation of a climate for business growth so that Illinois citizens will enjoy more jobs, better pay, and a stronger economy; and

WHEREAS, Illinois is recognized nationally for its renowned research institutes and universities including the Fermi National Accelerator Laboratory, University of Illinois, Northwestern University, Illinois Institute of Technology, University of Chicago and Argonne National Laboratory; and

WHEREAS, VentureTECH, a nearly $2 billion, five year commitment to technology investment in Illinois, is the largest single commitment ever made to technology development, especially infrastructure; and

WHEREAS, Illinois Technology Enterprise Corporations (ITECs), one essential aspect of VentureTECH, help create more technology-based enterprises in Illinois. Eight new ITECs have recently been announced; and

WHEREAS, Illinois is being recognized as a leader in biotechnology, as evidenced by the announcement that BIO 2006, the international biotech forum, will be held in Chicago; and

WHEREAS, Illinois is also emerging as a world leader in the area of nanotechnology, again with significant investments through VentureTECH, such as the Argonne Center for Nanoscale Materials and Northwestern University’s Nanotech Center; and
PROCLAMATIONS

WHEREAS, the Chicago metropolitan region has more high tech jobs than any other urban area in the country, lending credence to Illinois’ leadership role and the driving force behind the rising technology economy in the Midwest; and

WHEREAS, on November 25, 2002, the annual High Tech Awards ceremony will be held;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim November 25-29, 2002, as HIGH TECH WEEK in Illinois.

Issued by the Governor October 23, 2002.

Filed by the Secretary of State October 28, 2002.

2002-544

LOU AND SYBIL MERVIS DAY

WHEREAS, Lou Mervis is President and Chief Executive Officer of Mervis Industries, Inc.; and

WHEREAS, Lou Mervis has received many civic awards, which include: Danville's First Citizen, The Jaycee’s Distinguished Service Award, the Danville Education Association Citizen Participation, The Vocational Service Person of the Year, The Lou Mervis Distinguished Service to Illinois Educators (an award which was created by the State Board of Education) and the National Association of State School Boards named him as one of three outstanding state board members in the United States; and

WHEREAS, Lou Mervis purchased the local ice hockey team and renamed it the Danville Wings in 1995. The Wings have sent more boys to colleges and universities on scholarships as Division I players than anyone else in the United States. He currently is chairman of the North American Hockey League; and

WHEREAS, Sybil Mervis has been active in politics at the local, state, and national levels; and

WHEREAS, Sybil Mervis received the “Woman of the Year” from the Business & Professional Women’s Organization, the “Woman of Distinction” awarded by the Girl Scout of Champaign-Danville, and the “Woman of Achievement” award from the Danville branch of the American Association of University Women; and

WHEREAS, Sybil Mervis has been actively involved in the following organizations: Congregation Israel Synagogue, Leadership Danville, Vermilion County Museum Board of Trustees, The Rubella Inoculation Program and Board of Trustees for the Danville Public Library; and

WHEREAS, Lou and Sybil Mervis have five children and seven grandchildren. They have helped many more children to obtain scholarships to further their education and have worked tirelessly to ensure that the children of Danville have the best possible educational opportunities; and

WHEREAS, Lou and Sybil Mervis have embraced their local community and are determined to make it a better place in which to live;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim September 27, 2002, as LOU AND SYBIL MERVIS DAY in Illinois.
2002-545

HELLENIC SOCIETY OF KASTRITANS "ST. GEORGE" DAY

WHEREAS, Illinois residents of Greek ancestry have been closely identified with the educational, professional, economic, religious, and cultural progress of our state since its earliest days; and

WHEREAS, the nation of Greece has contributed immeasurably to the ideals of freedom and democracy and to the rich heritage that forms the foundation of western civilization; and

WHEREAS, the Hellenic Society of Kastritans ASt. George@ was founded in 1902 and is one of the oldest Hellenic organizations in Illinois; and

WHEREAS, the Hellenic Society of Kastritans ASt. George@ is to be commended for their dedication and commitment to Hellenic causes and promotion of Hellenic heritage and culture; and

WHEREAS, George Gritsonis, President the Hellenic Society of Kastritans "St. George" and Manny A. Gianakakos, General Chairman of the Centennial Celebration Committee, announce the Centennial Grand Banquet will take place November 3, 2002, at the Chateau Ritz, in Niles, Illinois;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim November 3, 2002, as HELLENIC SOCIETY OF KASTRITANS AST. "ST. GEORGE" DAY in Illinois.

Issued by the Governor October 23, 2002.
Filed by the Secretary of State October 28, 2002.

2002-546

JULIE K. HUGHES MEMORIAL EXTERNSHIP

WHEREAS, Julie K. Hughes was born in Des Moines, Iowa, and graduated from Drake University in 1972; and

WHEREAS, she demonstrated her commitment to education and her zeal for learning by teaching high school journalism in Council Bluffs, Iowa, while obtaining her masters degree in education; and

WHEREAS, she pursued further education by attending and graduating from the Creighton University College of Law in 1978; and

WHEREAS, she began her formal work with the labor relations community when she took a position at the National Labor Relations Board in Kansas City and later in Chicago; and

WHEREAS, she became General Counsel to the Illinois Educational Labor Relations Board and introduced her principled work ethic to the educational labor relations community by clearing out a backlogged docket within one year; and
WHEREAS, she demonstrated leadership as a chairman of the Education Law Section Council of the Illinois State Bar Association and as a member of the advisory board for the annual Public Sector Labor Law Conference; and
WHEREAS, she continued her dedication to education by serving as an adjunct professor at DePaul University College of Law and as a 12-year board member and a president of the Evanston Township High School Booster Club; and
WHEREAS, she served as a leader, mentor, and mediator not only as General Counsel for the Illinois Educational Labor Relations Board but also as president of the Association of Labor Relations Agencies; and
WHEREAS, she dedicated her life to public service and improving diverse relationships; and
WHEREAS, she carried out her professional and personal commitments with grace, and had an extraordinary ability to make and maintain friendships, putting the needs of others before her own; and
WHEREAS, so many who loved, respected and admired her have been affected by her untimely death and want her exemplary life to be remembered; and
WHEREAS, the Illinois Educational Labor Relations Board has established an externship in her memory;
THEREFORE, I, Governor George H. Ryan, wish to honor Julie Hughes for her outstanding commitment to the State of Illinois, and proclaim July 9, 2002 as the date of the establishment of the Julie K. Hughes Memorial Externship.

Issued by the Governor October 23, 2002.
Filed by the Secretary of State October 28, 2002.

2002-547
PHI THETA KAPPA DAYS

WHEREAS, Phi Theta Kappa was founded in 1918 at Stephens College in Columbia, Missouri, to promote scholarship, leadership, fellowship and service among students in two-year community colleges; and
WHEREAS, Phi Theta Kappa is the only International Honor Society for two-year colleges with memberships extending as far as Alaska, Hawaii, Puerto Rico, Western Europe, Japan and the Canal Zone; and
WHEREAS, Phi Theta Kappa is a fellowship of students pursuing the ideals of scholarship, leadership and service that extends beyond a particular campus to regional and international networks; and
WHEREAS, Phi Theta Kappa serves to nurture the members and associates by sponsoring meetings that educate, stimulate and enrich, according international recognition to students of distinguished achievement and providing a vehicle that reflects the academic integrity of the associated degree program; and
WHEREAS, from November 1-3, 2002, the Theta Omega Chapter of Phi Theta Kappa at Wilbur Wright College will host the Regional Convention for the State of
Illinois, with the theme of “Dimensions and Directions of Health: Choices in the Maze with a Focus on Cancer;”

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim November 1-3, 2002, as PHI THETA KAPPA DAYS in Illinois.

Issued by the Governor October 22, 2002.
Filed by the Secretary of State October 28, 2002.

2002-548

PROVIDENT FOUNDATION DAY

WHEREAS, on October 19, 2002, the Provident Foundation will host its 111th Anniversary Gala Celebration of the Provident Hospital at the DuSable Museum of African American history; and

WHEREAS, the mission of the Provident Foundation is to perpetuate the legacy of the historic Provident Hospital and its founder, Dr. Daniel Hale Williams; and

WHEREAS, in 1890, Reverend Louis Reynolds, pastor of St. Stephen AME Church, approached Dr. Daniel Hale Williams to help his sister Emma Reynolds attend a nursing school; and

WHEREAS, in 1891, Provident Hospital and Training School was established to provide "proper care of sick and injured without regard to race, creed or color"; and

WHEREAS, ComEd and Provident Foundation will award scholarships to seven students who are pursuing careers in a medical or healthcare profession; and

WHEREAS, the Provident Foundation will recognize the contribution of Katherine Williams, M.D. to receive the Provident Foundation Lifetime Achievement Award; Niva Lubin-Johnson, M.D., Maurice Rabb, M.D., Reggie Williams, Ph.D., Albert L. Gunn, D.N., and Linda Murray, M.D. to receive Provident Foundation 2002 Living Legacy Awards; and all have exemplified excellence in the fields of medicine and healthcare while unselfishly giving their time and resources to serve their community;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 19, 2002, as PROVIDENT FOUNDATION DAY in Illinois, and commend the Provident Foundation Board of Trustees and staff for their commitment to the health and welfare of the citizens of Chicago.

Issued by the Governor October 22, 2002.
Filed by the Secretary of State October 28, 2002.

2002-549

EIGHT BLACKBIRD DAY

WHEREAS, eight blackbird, hailed as ambassadors of new music, has a growing reputation for its astounding musical versatility as well as for its dedication to the works of today’s composers. “Round Nut Tool,” its debut CD, was released in 1999; and

WHEREAS, eight blackbird is active in teaching young artists about contemporary music and has taught master classes and conducted outreach activities in
the art of contemporary performance and interpretation; and

WHEREAS, in 1996, the year it was founded at the Oberlin Conservatory, eight blackbird was awarded first prize at the Fischoff National Chamber Music Competition and shortly afterward received first prize at the Coleman Chamber Music Competition; and

WHEREAS, in 1998, eight blackbird became the first contemporary ensemble to win first prize at the Concert Artists Guild International Competition, where it also was awarded the Rockport Chamber Musical First Prize; and

WHEREAS, eight blackbird, currently ensemble-in-residence at Northwestern University and the University of Chicago, was honored in 2000 with the prestigious Naumburg Chamber Music Award and the first BMI/Boudleaux-Bryant Fund Commission. The sextet has also claimed the 1998 and 2000 CMA/ASCAP Award for Adventurous Programming;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 31, 2002, as eight blackbird DAY in Illinois.
Issued by the Governor October 22, 2002.
Filed by the Secretary of State October 28, 2002.

2002-550
MIKE MCFERRON DAY

WHEREAS, Mike McFerron, assistant professor of music and composer-in-residence at Lewis University, received a doctoral of musical arts in composition from the Conservatory of Music at the University of Missouri Kansas City in 2000; and

WHEREAS, Mike McFerron is founder and co-director of Electronic Music Midwest, a festival of electroacoustic music (formerly "Electronic Music at Lewis"), and in 2000 hosted the Kansas City Festival of Electronic Music; and

WHEREAS, Mike McFerron won the Louisville Orchestra Composition Competition in 2002 and was a recipient of the Chicago Symphony Orchestra’s “First Hearing” Program in 2001. Recently, he was chosen the winner of the Cantus commissioning residency program; and

WHEREAS, Mike McFerron’s music has been featured at the 2001 SCI National Conference, SEAMUS National Conferences, the 9th Annual Florida Electroacoustic Music Festival, Spring in Havana-2000 in Cuba, the MAVerick Festival, several SCI regional conferences, and concerts and radio broadcasts across the United States; and

WHEREAS, Mike McFerron is the winning composer of Indiana State University’s annual orchestral composition contest for 2002. His orchestral work, “Perspectives for Orchestra,” will be performed by the Louisville Orchestra during ISU’s 36th Contemporary Music Festival October 30-November 1;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 31, 2002, as MIKE MCFERRON DAY in Illinois.
Issued by the Governor October 22, 2002.
Filed by the Secretary of State October 28, 2002.
2002-551
DIVERSITY WEEK

WHEREAS, diversity is the backbone of our nation and it is essential that we, as individuals and communities, continue to advance and promote our time-honored traditions, cultures, and heritages; and

WHEREAS, as we strive for a future in which all people recognize and appreciate the invaluable treasure of diversity and the intrinsic capacity of difference, let us remember that the future lies in the unity of our vision; and

WHEREAS, at the dawn of the 21st Century, we seek to increase awareness, educate and celebrate the diversity of America;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 13-19, 2002, as DIVERSITY WEEK in Illinois, in special recognition of the diversity of our state and I encourage all citizens to recognize this important observance.

Issued by the Governor October 22, 2002.
Filed by the Secretary of State October 28, 2002.

2002-552
HISPANOCARE DAY

WHEREAS, formed in 1988 by the Illinois Masonic Medical Center, HISPANOCARE is a not-for-profit PPO network of nearly 300 bilingual providers; and

WHEREAS, the goal of HISPANOCARE is to provide quality, cost-effective healthcare to Chicago’s Latino Community in a culturally sensitive manner; and

WHEREAS, to fulfill its mission of community outreach and provide health care in a bilingual, bicultural, user friendly and quality atmosphere, HISPANOCARE coordinates community health fairs where preventative services such as mammography, HIV testing, diabetes testing, cholesterol checks, eye exams, foot exams, and thyroid screenings are offered free of charge; and

WHEREAS, another major component of HISPANOCARE=s community outreach effort is educating the Latino community about health and means of promoting wellness and disease prevention; and

WHEREAS, HISPANOCARE's success is based upon an intimate understanding of Chicago’s diverse Latino community and its ability to partner with hospitals, physicians, and other health care providers; and

WHEREAS, on November 9, 2002, HISPANOCARE, Inc. will celebrate its 14th annual gala “Nuestro Compromiso” at the Chicago Downtown Marriott;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim November 9, 2002, as HISPANOCARE DAY in Illinois.

Issued by the Governor October 17, 2002.
Filed by the Secretary of State October 28, 2002.
WHEREAS, Bruce J. Finne has been a dedicated, hard working state employee for more than 33 years, and has served under five Governors; and
WHEREAS, Bruce has always served with the highest degree of professionalism in an uncomplaining manner, bolstered by a deep integrity and ethical sense framed by a steady moral compass; and
WHEREAS, Bruce has been employed by the Illinois Civil Service Commission since August 1970 and has been the Executive Director of the Commission since October 1973; and
WHEREAS, Bruce has provided leadership to the Commission, firmly believing in the principles and Merit of the Civil Service system for the benefit of employees and the State of Illinois; and
WHEREAS, Bruce has served his community by committing his time and energies to several organizations including the Rotary Club and the Ball Chatham School Board; and
WHEREAS, Bruce has announced his retirement from the Illinois Civil Service Commission and the State of Illinois; and
WHEREAS, Bruce is leaving state service to follow his love of travel and exploration, to spend more time with his wife Karen, his son Chris, daughter Jennifer and his granddaughter;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, do hereby issue this certificate of commendation to Bruce Finne for his devotion to public service, his inviolate principles and his contributions to state government.
Issued by the Governor October 16, 2002.
Filed by the Secretary of State October 28, 2002.

WHEREAS, the Zeta Phi Beta Sorority was founded in 1920 on the campus of Howard University; and
WHEREAS, Zeta Phi Beta Inc. encourages the highest standards of scholarship through scientific, literary, cultural and educational programs; promotes service projects on college campuses and in the community; fosters sisterhood; and exemplifies the ideal of finer womanhood; and
WHEREAS, a private nonprofit organization, Zeta Phi Beta Sorority is incorporated in Washington, D.C. and in the State of Illinois; and
WHEREAS, Zeta Phi Beta Sorority was the first to charter international chapters, like those in West Africa and Germany, and formed adult and youth auxiliary groups, the Amicae Archonettes, Amicettes and Pearlettes; and
WHEREAS, Zeta Phi Beta’s purpose is to foster the ideals of service, charity, scholarship, civic and cultural endeavors, sisterhood, and finer womanhood. These ideals are reflected in the sorority’s national programs for which its members and auxiliary groups provide untold hours of voluntary service to community outreach programs, scholarship funds, organized charities and legislation for social and raising civic change; and

WHEREAS, Zeta sponsors a state conference each year to allow members the opportunity to generate ideas and create programs to carry on the tradition of the organization’s founding principles. This year’s conference will take place on November 8-10 at the Sheraton Hotel in Chicago;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim November 8-10, 2002, as ZETA PHI BETA SORORITY DAYS in Illinois.

Issued by the Governor October 18, 2002.
Filed by the Secretary of State October 28, 2002.

2002-555
PEARL HARBOR REMEMBRANCE DAY

WHEREAS, on December 7, 1941, the Imperial Japanese Navy and Air Force attacked units of the Armed Forces of the United States stationed at Pearl Harbor, Hawaii; and

WHEREAS, more than 2,000 citizens of the United States were killed and more than 1,000 citizens of the United States were wounded in the attack on Pearl Harbor; and

WHEREAS, the attack on Pearl Harbor marked the entry of the United States into World War II; and

WHEREAS, the veterans of World War II and all other people of the United States commemorate December 7 in the remembrance of the attack on Pearl Harbor; and

WHEREAS, commemoration of the attack on Pearl Harbor will instill in all people of the United States a greater understanding and appreciation of the selfless sacrifice of the individuals who served in the Armed Forces of the United States during World War II;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim December 7, 2002, as PEARL HARBOR REMEMBRANCE DAY in Illinois and call upon the people of our state to observe this solemn occasion with appropriate ceremonies.

Issued by the Governor October 18, 2002.
Filed by the Secretary of State October 28, 2002.

2002-556
SURVEYOR RECOGNITION WEEK

WHEREAS, the Illinois Department of Public Health's 267 health and safety surveyors have the important task of visiting hospitals, nursing homes, hospice centers, dialysis centers, home health agencies, prisons, blood centers, laboratories, group homes
and other facilities for the developmentally disabled to ensure that they are complying with state and federal regulations; and

WHEREAS, each day a surveyor may be found in any one of the more than 10,000 health care facilities across the state talking with residents and patients, staff and family; observing the administration of medications; watching meal preparations; reviewing clinical records; and examining laboratory protocols; and

WHEREAS, these surveyors have diverse backgrounds, including social work, nutrition, psychiatry, life safety, administration and nursing; and

WHEREAS, these surveyors travel to all corners of the state at all hours of the day to visit health care facilities; and

WHEREAS, October 28-November 1, 2002, has been designated National Surveyor Recognition Week;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 28-November 1, 2002, as SURVEYOR RECOGNITION WEEK in Illinois and urge my fellow citizens to join me in recognizing the state’s surveyors for their dedication to the health, safety, rights and well-being of patients and residents in health care facilities.

Issued by the Governor October 18, 2002.
Filed by the Secretary of State October 28, 2002.

2002-557
ARAB AMERICAN MONTH

WHEREAS, there are more than 400,000 Illinois residents of Arab descent, both Muslim and Christian faiths, who have chosen Illinois as their home and have proudly shared their culture, heritage and talents with our state; and

WHEREAS, citizens of Arab descent have contributed in all walks of life, including government, education, science, culture, business, medicine and the civic well-being of our nation and of our community; and

WHEREAS, Arab Americans have made contributions to our society and have included among their ranks such notable Americans as Michael DeBakey, the first heart transplant surgeon; John Sununu, Chief of Staff to President George H.W. Bush; Senator George Mitchell, former majority leader and chief negotiator for Ireland’s Peace Conference; the late Sharon Christa McAuliffe, teacher and American patriot who was among the victims of the Space Shuttle Challenger disaster; Casey Kassem, popular music radio host; Danny Thomas, well known TV sitcom actor, entertainer and founder of St. Jude Children’s Research Hospital; Kathy Najimy, movie actress; and many other Arab Americans who serve as positive role models in our society; and

WHEREAS, many Arab Americans have also served in the Armed Forces of the United States, including World War II, the Korean War and the Vietnam War; and

WHEREAS, the State of Illinois is a diverse community composed of many ethnic cultures including the rich Arab American culture;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim
November 2002 as ARAB AMERICAN MONTH in Illinois.
Issued by the Governor October 18, 2002.
Filed by the Secretary of State October 28, 2002.

2002-558
DR. RICHARD L. PHILLIS DAY

WHEREAS, Pfizer will hold its Quality of Care Awards Dinner and Program on
Saturday, November 16, 2002, in Springfield, Illinois; and
WHEREAS, the Quality of Care Awards recognize the service and dedication of
extraordinary individuals who consistently go above and beyond their daily routines to
give to others, making the State of Illinois a better place to live; and
WHEREAS, the Quality of Care Awards honor individuals who provide a patient-focused approach to the delivery of healthcare; hold themselves to the highest standard of integrity and respect for others; strive to improve performance, seeking humanistic and scientific solutions that ensure positive outcomes; and work as a servant to the community, providing education and leadership while acting as a positive role model; and
WHEREAS, Dr. Richard L. Phillis, M.D., is a recipient of the 2002 Pfizer Quality of Care Award for his unconditional devotion to his patients and to the community. His dedication to helping the citizens of Illinois makes him a role model for the medical profession;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim
November 16, 2002, as DR. RICHARD L. PHILLIS DAY in Illinois.
Issued by the Governor October 30, 2002.
Filed by the Secretary of State November 01, 2002.

2002-559
DR. URETZ J. OLIPHANT DAY

WHEREAS, Pfizer will hold its Quality of Care Awards Dinner and Program on
Saturday, November 16, 2002, in Springfield, Illinois; and
WHEREAS, the Quality of Care Awards recognize the service and dedication of
extraordinary individuals who consistently go above and beyond their daily routines to
give to others, making the State of Illinois a better place to live; and
WHEREAS, the Quality of Care Awards honor individuals who provide a patient-focused approach to the delivery of healthcare; hold themselves to the highest standard of integrity and respect for others; strive to improve performance, seeking humanistic and scientific solutions that ensure positive outcomes; and work as a servant to the community, providing education and leadership while acting as a positive role model; and
WHEREAS, Dr. Uretz J. Oliphant, M.D., is a recipient of the 2002 Pfizer Quality of Care Award for his unconditional devotion to his patients, students and the
community. His dedication to helping the citizens of Illinois makes him a role model for the medical profession;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim November 16, 2002, as DR. URETZ J. OLIPHANT DAY in Illinois.

Issued by the Governor October 30, 2002.
Filed by the Secretary of State November 01, 2002.

2002-560
DR. RUSSELL R. DOHNER DAY

WHEREAS, Pfizer will hold its Quality of Care Awards Dinner and Program on Saturday, November 16, 2002, in Springfield, Illinois; and

WHEREAS, the Quality of Care Awards recognize the service and dedication of extraordinary individuals who consistently go above and beyond their daily routines to give to others, making the State of Illinois a better place to live; and

WHEREAS, the Quality of Care Awards honor individuals who provide a patient-focused approach to the delivery of healthcare; hold themselves to the highest standard of integrity and respect for others; strive to improve performance, seeking humanistic and scientific solutions that ensure positive outcomes; and work as a servant to the community, providing education and leadership while acting as a positive role model; and

WHEREAS, Dr. Russell R. Dohner, M.D., is a recipient of the 2002 Pfizer Quality of Care Award for his unconditional devotion to his patients and to the community. His dedication to helping the citizens of Illinois makes him a role model for the medical profession;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim November 16, 2002, as DR. RUSSELL R. DOHNER DAY in Illinois.

Issued by the Governor October 30, 2002.
Filed by the Secretary of State November 01, 2002.

2002-561
SOYLAND ACCESS TO INDEPENDENT LIVING DAY

WHEREAS, Soyland Access to Independent Living (SAIL) is a non-profit organization that helps people with disabilities live independently; and

WHEREAS, SAIL serves Macon, Moultrie, Coles, Cumberland, Clark and Shelby Counties; and

WHEREAS, SAIL opened its Macon County office in Decatur in October 1992, becoming the state's 20th Center for Independent Living (CIL); and

WHEREAS, SAIL teaches Braille and sign language, trains personal assistants, holds self-confidence and self-sufficiency workshops, and assists people with disabilities find accessible housing; and

WHEREAS, SAIL will be celebrating its 10th Anniversary on November 1, 2002;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim November 1, 2002, as SOYLAND ACCESS TO INDEPENDENT LIVING DAY in Illinois.

Issued by the Governor October 30, 2002.
Filed by the Secretary of State November 01, 2002.

2002-562
DR. THOMAS G. SHANAHAN DAY

WHEREAS, Pfizer will hold its Quality of Care Awards Dinner and Program on Saturday, November 16, 2002, in Springfield, Illinois; and
WHEREAS, the Quality of Care Awards recognize the service and dedication of extraordinary individuals who consistently go above and beyond their daily routines to give to others, making the State of Illinois a better place to live; and
WHEREAS, the Quality of Care Awards honor individuals who provide a patient-focused approach to the delivery of healthcare; hold themselves to the highest standard of integrity and respect for others; strive to improve performance, seeking humanistic and scientific solutions that ensure positive outcomes; and work as a servant to the community, providing education and leadership while acting as a positive role model; and
WHEREAS, Dr. Thomas G. Shanahan, M.D., is a recipient of the 2002 Pfizer Quality of Care Award for his unconditional devotion to cancer patients and community organizations. His dedication to helping the citizens of Illinois makes him a role model for the medical profession;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim November 16, 2002, as DR. THOMAS G. SHANAHAN DAY in Illinois.

Issued by the Governor October 30, 2002.
Filed by the Secretary of State November 01, 2002.

2002-563
FRENCH WEEK

WHEREAS, foreign language skills help promote the economic development of the State of Illinois through international trade and cultural understanding; and
WHEREAS, foreign language substantially helps to further the careers of Illinois citizens as a skill that is used in many employment environments; and
WHEREAS, knowledge of a foreign language helps to enhance understanding among the diverse ethnic and cultural groups of Illinois citizens; and
WHEREAS, the study of the French language helps to bring people together from the United States and people from French-speaking parts of the world who might otherwise never recognize their similarities; and
WHEREAS, Illinois is connected to a strong French heritage with explorers such as Marquette and Joliet, Chicago’s sister city relationship with Paris, and many historical sites around the state such as Starved Rock;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim November 7-13, 2002, as FRENCH WEEK in Illinois.
Issued by the Governor October 25, 2002.
Filed by the Secretary of State November 01, 2002.

2002-564
DISABLED VETERAN OUTREACH PROGRAM (DVOP) MONTH

WHEREAS, President Carter, following his swearing-in ceremony in 1977, put among his highest priorities the plight of hundreds of unemployed Vietnam-era and disabled veterans across the country. He implemented the hiring of 2,000 disabled Vietnam-era veterans in a program called the Disabled Veterans Outreach Program (DVOP) in 100 major cities across the country, as one of his initiatives to bring disabled and Vietnam-era veterans back into the mainstream of the labor market; and
WHEREAS, the DVOP has continued to change over the past 25 years with the focus on the Disabled Veterans. The program was instrumental in helping to place thousands of veterans in jobs after the Desert Storm military downsizing; and
WHEREAS, 2002 marks the 25th anniversary of the DVOP program which has touched the lives of hundreds of thousands of veterans across the country. DVOP has become an intricate part of the community by working with other veterans service providers to secure veteran benefits, training and employment, saving taxpayers millions of dollars each year, thus making a difference in improving the quality of life for veterans, their families and the community; and
WHEREAS, the State of Illinois is committed to providing quality employment assistance to disabled and all eligible veterans;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim November 2002 as DISABLED VETERAN OUTREACH PROGRAM (DVOP) MONTH in Illinois.
Issued by the Governor October 25, 2002.
Filed by the Secretary of State November 01, 2002.

2002-565
PARALYZED VETERANS OF AMERICA RECOGNITION DAY

WHEREAS, America would not be the great, free nation it is today if not for the citizens who came to its defense in times of conflict; and
WHEREAS, no one who serves his or her country ever forgets the experience, but some made sacrifices that forever altered their lives; and
WHEREAS, special events are observed to recognize the men and women who have served in the Armed Forces and have experienced paralysis; and
WHEREAS, it is important to remember those who have served our country and suffered irreparable harm and recognize them at this time;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim November 15, 2002, as PARALYZED VETERANS OF AMERICA RECOGNITION DAY in Illinois.

Issued by the Governor October 25, 2002.
Filed by the Secretary of State November 01, 2002.

2002-566
ADOPITION AWARENESS MONTH

WHEREAS every child deserves a chance to grow up in a loving, stable family; and
WHEREAS, adoption is a rewarding and enriching experience for all involved; and
WHEREAS, an adoptive family provides a child with a stable, loving home; and
WHEREAS, Illinois is recognized as a national leader in finding permanent homes for waiting children, placing nearly 35,000 foster children into adoptive and subsidized guardianship homes since Fiscal Year 1997; and
WHEREAS, largely because of its success in adoption recruitment, Illinois has become the first state in the nation to support more children in permanent adoption and guardianship placements than in substitute care; and
WHEREAS, the Illinois Department of Children and Family Services, One Church, One Child, the Child Care Association of Illinois, Adoption Information Center of Illinois, Corporate Partnership for the Recruitment of Adoptive Families, the Illinois Foster and Adoptive Parent Organization, the Council of Adoptable Children, the Freddie Mac Foundation, and the many Illinois adoptive parent groups encourage all families to consider adopting a child in need of a home; and
WHEREAS, on any given day, approximately 500 children in Illinois are still awaiting adoption;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim November 2002 as ADOPTION AWARENESS MONTH in Illinois.

Issued by the Governor October 24, 2002.
Filed by the Secretary of State November 01, 2002.

2002-567
BOB BEHRMAN MONTH

WHEREAS, Bob Behrman has been Effingham County’s longest serving county clerk. After 20 years of public service, Mr. Behrman will retire at the end of his term in November; and
WHEREAS, Bob Behrman’s most significant change at the county clerk’s office has been the complete automation of the office and county records; and
WHEREAS, the clerk’s office holds records of birth certificates, marriage
licenses, divorces, mortgages and other records dating back to the establishment of Effingham County in 1853; and

WHEREAS, upon retirement, Bob Behrman plans to keep busy by traveling with his wife of 50 years, Marcella;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim November 2002 as BOB BEHRMAN MONTH in Illinois.

Issued by the Governor October 24, 2002.
Filed by the Secretary of State November 01, 2002.

2002-568
WEATHERIZATION DAY

WHEREAS, the average American family spends more than $1,400 annually on utility bills; and

WHEREAS, that figure represents nearly 20 percent of the income for a low-income family and could approach 25 percent as fuel costs steadily rise; and

WHEREAS, the average energy cost savings for each home weatherized is more than $300 annually, allowing families to spend the money saved on groceries, doctor bills, prescriptions, and other needs, thereby making them more self-sufficient; and

WHEREAS, carbon dioxide emissions are reduced by an average of one ton per weatherized household, reducing pollution levels in Illinois by an average of 6,100 tons annually; and

WHEREAS, 52 direct jobs are created within the nation's communities for each $1 million invested, resulting in 1,300 jobs in Illinois in the past year; and

WHEREAS, for every $1 invested by the federal Department of Energy, another $3.39 is leveraged from other sources; and

WHEREAS, the Illinois Home Weatherization Assistance Program works with partners such as the statewide network of 35 community action agencies/community-based organizations to help reduce the energy burden faced by the state's low-income families; and

WHEREAS, 250,000 homes have been weatherized in Illinois since the program began in 1977;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 30, 2002, as WEATHERIZATION DAY in Illinois.

Issued by the Governor October 24, 2002.
Filed by the Secretary of State November 01, 2002.

2002-569
MEMORIAL MISSION BAPTIST CHURCH DAY

WHEREAS, the late Reverend James P. Tillman, Sr. founded the Memorial Mission Baptist Church nearly 45 years ago; and
WHEREAS, for nearly 45 years, the Memorial Mission Baptist Church has provided dedicated services to its members and the community; and
WHEREAS, the Memorial Mission Baptist Church and Reverend Nathan L. Schaffer, Jr., Memorial's Pastor for the past six years, will hold a 45th Anniversary Celebration with a banquet on Sunday, November 10, 2002, at the Hickory Hills Country Club in Hickory Hills, Illinois;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim November 10, 2002, as MEMORIAL MISSION BAPTIST CHURCH DAY in Illinois.

Issued by the Governor October 28, 2002.
Filed by the Secretary of State November 01, 2002.

2002-570
LOUISE HOSKINS BROADNAX DAY

WHEREAS, the Eta Phi Beta Sorority, Incorporated is a non-profit, national business and professional women's organization founded in Detroit, Michigan in 1942; and
WHEREAS, the Eta Phi Beta Sorority sponsors and promotes programs and activities designed to improve the standards of business and professional women, and aids students aspiring to higher educational training and broader educational opportunities in business, professional fields and special education; and
WHEREAS, Louise Hoskins Broadnax, a resident of Chicago's South Shore, has served as the National Vice President of Eta Phi Beta Sorority, and has brought a wealth of knowledge, skills, talent and dedication to the organization; and
WHEREAS, Ms. Broadnax is a member and past President of Alpha Lambda Chapter of Chicago, and has participated in local and state board committees. She currently serves as a member of the Illinois Nursing Home Administrators Licensing and Disciplinary Board and President of Provident Hospital Nurses Alumni Association. Ms. Broadnax is also a member and past President of Lambda Phi Alpha Nurses Sorority; and
WHEREAS, Ms. Broadnax has recently been elected as National President of Eta Phi Beta Sorority, the first time in the 60-year history of the organization that a Chicagoan has held the Sorority's highest office; and
WHEREAS, a reception will be held in honor of Ms. Broadnax on Sunday, November 3, 2002, at the South Shore Culture Center in Chicago;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim November 3, 2002, as LOUISE HOSKINS BROADNAX DAY in Illinois.

Issued by the Governor October 28, 2002.
Filed by the Secretary of State November 01, 2002.

2002-571
HOMECARE AND HOSPICE MONTH

WHEREAS, the Illinois Home Care Council is the nation's first home care
PROCLAMATIONS

association; and

WHEREAS, the Illinois Home Care Council has been a part of the growth and change in home health care throughout the last 42 years; and

WHEREAS, the Illinois Home Care Council represents the needs of more than 170 providers of home health care; and

WHEREAS, the Illinois Home Care Council is dedicated to shaping and supporting the entire spectrum of home health care providers and related services; and

WHEREAS, home health care has grown in scope over the past 42 years and is now available for a wide variety of services including: skilled nursing, hospice care, physical therapy, speech therapy, occupational therapy, infusion services, private duty, durable medical equipment, as well as traditional bathing and general care; and

WHEREAS, if not for home health care, most of these patients would not be able to remain in their homes; and

WHEREAS, November is National Home Care Month, recognizing the important role that home health care plays in the American health care system; and

WHEREAS, November is National Hospice Month, recognizing the important contributions of those who care for the terminally ill; and

WHEREAS, November is National Family Caregivers Month, recognizing the value of people who care for sick family members;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim November 2002 as HOMECARE AND HOSPICE MONTH in Illinois.

Issued by the Governor October 28, 2002.

Filed by the Secretary of State November 01, 2002.

2002-572
SNUG HUGS FOR KIDS DAYS

WHEREAS, Snug Hugs for Kids, now in its 11th year, is an annual event designed to help underprivileged children obtain much needed clothing and outerwear; and

WHEREAS, last year alone, this effort resulted in more than 26,000 pounds of new coats, gloves, mittens, hats, scarves and boots being donated through the Children's Home and Aid Society of Illinois (CHASI); and

WHEREAS, the Society provides adoption, foster care, residential treatment, child and family counseling, research and professional training programs in the Chicago area and four regions throughout Illinois; and

WHEREAS, Snug Hugs for Kids employees and volunteers, as well as community leaders, participate in this cause, thereby furthering the efforts to help those in need within our communities; and

WHEREAS, drop boxes for donated items will be located at more than 50 Merlin Muffler and Brake locations from November 1st through December 12th. The clothing will then be distributed to more than 27,000 children and their families supported by CHASI;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim November 1-December 12, 2002, as SNUG HUGS FOR KIDS DAYS in Illinois.

Issued by the Governor October 28, 2002.

Filed by the Secretary of State November 01, 2002.

2002-573

FUTURES AND OPTIONS DAYS

WHEREAS, the City of Chicago is a world leader in futures and options trading; and

WHEREAS, Chicago has been a center of futures and options trading almost since the city's founding; and

WHEREAS, Chicago was the birthplace of financial futures and options, which have helped transform the global economy; and

WHEREAS, today, Chicago's futures and options exchanges are powerful forces of economic development, generating trillions of dollars in capital to Illinois and providing thousands of jobs; and

WHEREAS, Chicago's futures and options exchanges contribute tremendously to Illinois' reputation as a global financial center; and

WHEREAS, the Futures Industry Association, a professional group representing the futures and options industry, for the 18th consecutive year will hold its "Futures and Options Expo 2002" in Chicago, Illinois, during the week of November 4, 2002; and

WHEREAS, the Futures and Options Expo is the largest futures industry event in the world, with more than 4,000 trade participants from around the world in attendance;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim November 4-8, 2002, as FUTURES AND OPTIONS DAYS in Illinois.

Issued by the Governor October 29, 2002.

Filed by the Secretary of State November 01, 2002.

2002-574

GENEVA SCOTT OUTREACH SERVICES DAY

WHEREAS, Geneva Scott was born in Durant, Mississippi, where she was taught the art of sharing. Mrs. Scott came to Chicago and immediately started working with Metropolitan Better Chicago, focusing on youths involved with gangs and crimes; and

WHEREAS, Mrs. Scott worked diligently with her constituents to award scholarships to students who were in need of continuing their education. In 1982, Mrs. Scott founded an organization comprised of individuals of various backgrounds who volunteered their services for the goal of helping people. This organization was formerly known as the Geneva Scott Foundation, now presently known as Geneva Scott Outreach Services; and

WHEREAS, Geneva Scott Outreach Services, a non-profit organization, has provided numerous services over the past 21 years, including: providing over
100 scholarships to students with high scholastic achievements, free legal clinics, health screenings and wellness counseling, housing retention, clothing and food donations, and adopt-a-school programming; and

WHEREAS, Mrs. Scott's organization has worked with various organizations, such as: Women's Treatment Center, Sadie Walford Homes, Carver Baptist Church Food Pantry, Henry Horner Boy's Club, Robert Taylor Homes, New Sounds of Chicago, Inc. and many others; and

WHEREAS, Geneva Scott Outreach Services is celebrating 21 years of providing community services in the greater Chicago area with a scholarship award event on Saturday, November 23, 2002. The theme for the Scholarship award is "My Heart Says Yes;"

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim November 23, 2002, as GENEVA SCOTT OUTREACH SERVICES DAY in Illinois.

Issued by the Governor October 29, 2002
Filed by the Secretary of State November 01, 2002

2002-575
GORDON TECH HIGH SCHOOL DAY

WHEREAS, in September 1952, at the request of Samuel Cardinal Stritch, the Fathers and Brothers of the Congregation of the Resurrection established Gordon Tech High School as the first Catholic college preparatory and technical high school in the Archdiocese of Chicago; and

WHEREAS, the namesake of the school, the Very Rev. Francis Gordon, CR (1860-1931), was an outstanding religious and civic leader of the Resurrectionists in the United States with great concern for the development of young people in the service of the Church and society; and

WHEREAS, Gordon Tech models Gospel values in the Roman Catholic tradition, and in the spirit of the Congregation of the Resurrection, works “for the resurrection of society,” which is also the school motto; and

WHEREAS, since its founding, Gordon Tech has promoted the Gospel values of: Faith, Respect, Discipline and Excellence, and these core values have laid an ethical and moral foundation for each student and alumnus; and

WHEREAS, in the 2002-2003 school year, Gordon Tech celebrated 50 years of educational service to the young men of Chicago and, now in its golden anniversary year, expands its mission becoming a coeducational high school offering a college preparatory and high tech education in a Catholic environment; and

WHEREAS, Gordon Tech is proudly a Roman Catholic high school, embracing a student body of varied racial, ethnic, socio-economic and religious backgrounds and proudly serving the immigrant and working class families of Chicago since its founding; and
WHEREAS, Gordon Tech is a superior academic institution, as demonstrated by over 16,000 alumni members, proudly contributing to the service of the common good as responsible and productive citizens; and
WHEREAS, the Gordon Tech Rams have excelled in athletic competitions bringing home numerous championships in both the Chicago Catholic League and the Illinois High School Association; and
WHEREAS, Gordon Tech is under the leadership of Rev. Joseph Glab, CP, President and alumnus of the graduating class of 1963, and by Ms. JoAnn Rapp, Ph.D., Principal, sponsored by the Congregation of the Resurrection, together with its outstanding faculty and staff, as well as the benefactors and friends of Gordon Tech;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim November 15, 2002, as GORDON TECH HIGH SCHOOL DAY in Illinois.
Issued by the Governor October 29, 2002.
Filed by the Secretary of State November 01, 2002.

2002-576
DR. MARSHALL GOLDIN DAY

WHEREAS, Marshall Goldin was born in Chicago and is a product of the Chicago Public School System during a period when unique and dedicated teachers were numerous; and
WHEREAS, Dr. Goldin received his undergraduate and medical school degrees from the University of Illinois. His general surgery residency and cardiovascular thoracic surgery fellowship were completed at Presbyterian-St. Luke’s Hospital and included a rotation at the Chicago State Tuberculosis Sanitarium; and
WHEREAS Dr. Goldin is currently Associate Professor of Cardiovascular Thoracic Surgery at Rush Presbyterian-St. Luke's Medical Center. During the last year of his general surgery training, 1967, Dr. Goldin was appointed Director of the Surgical Intensive Care Unit, a title which he has maintained to the present time; and
WHEREAS, Dr. Goldin has a bibliography of 81 articles, and has lectured extensively throughout the United States and Europe. He has participated in multiple research projects in the field of cardiovascular and vascular surgery; and
WHEREAS, Dr. Goldin's volume of surgery is among the largest in the Chicago area and the Midwest. He attracts patients from throughout the U.S., Europe, the Middle East and South America. Dr. Goldin also serves as a referral source and consultant for other surgeons in the community; and
WHEREAS, Dr. Goldin will be honored on November 17, 2002, as the Israel Bonds Medical Division Man of the Year;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim November 17, 2002, as DR. MARSHALL GOLDIN DAY in Illinois.
Issued by the Governor October 29, 2002.
Filed by the Secretary of State November 01, 2002.
2002-577
WANXIANG AMERICA CORPORATION

WHEREAS, Wanxiang America Corporation, one of China's top 120 companies and China's second-largest non-state-owned enterprise, is a wholly-owned subsidiary of Wanxiang Group Corp.; and
WHEREAS, Wanxiang America was founded in 1993 with a mission of further developing markets and serving customers in North America, South America and Europe; and
WHEREAS, Wanxiang America, under the leadership if Mr. Pin Ni, serves automotive and industrial customers in North America, South America and Europe through its headquarters in Chicago and warehouses in Chicago, Mexico and England; and
WHEREAS, Wanxiang America has been awarded QS9000 and ISO 9002 certification, the business world's highest standard for quality operations—something none of its direct competitors has achieved; and
WHEREAS, Wanxiang America has enjoyed tremendous success, with assets of over $1.2 billion US and annual sales in the range of $2 billion; and
WHEREAS, Illinois is fortunate to attract and keep companies like Wanxiang America, whose performance and goal accomplishments are outstanding;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, do hereby issue this certificate of commendation to the Wanxiang America Corporation, for its much-deserved success and the dedication it has shown to serving the people of Illinois and the world.

Issued by the Governor November 01, 2002.
Filed by the Secretary of State November 07, 2002.

2002-578
GERRI SCOTT DAY

WHEREAS, Gerri Scott began her public service career as a very young woman in the seat of state government in Springfield, Illinois; and
WHEREAS, during the early years of her career, Gerri worked for and with legislators and legislative leaders developing lasting friendships; and
WHEREAS, as a single mother and woman of substance, Gerri continually sought to expand her educational and professional careers, in her case by leaving Springfield and moving to Chicago, and
WHEREAS, as a member of the newly organized Regional Transportation Authority, Gerri began a new phase of her career as a leader in the public transit field; and
WHEREAS, Gerri simultaneously balanced her professional life with her life as a mother and as a student, earning her degree at Roosevelt University; and
WHEREAS, Gerri became a founding member of Pace's organization, taking on successively more responsible positions as the years passed; and
WHEREAS, the provision of mass transit services throughout the R.T.A. region have been immeasurably enhanced by Gerri’s contributions over the years, and
WHEREAS, Gerri’s contributions within her profession are matched by the generosity of her time, talent and energy to her community and church; and
WHEREAS, Gerri’s greatest contribution can be reflected in the person of her son, Bill, a man any mother would be proud to claim; and
WHEREAS, Gerri’s character, integrity, and industry have always been dedicated to serving the people of Illinois; and
WHEREAS, Gerri has decided to enter a new phase of her life;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 30, 2002, as GERRI SCOTT DAY in Illinois in honor of her many years of dedicated service to the people of Illinois, and wish her the very best in the years ahead.
Issued by the Governor October 31, 2002.
Filed by the Secretary of State November 07, 2002.

2002-579
HILTON CHICAGO DAY

WHEREAS, in 1927, the Stevens Hotel, now the Hilton Chicago, opened its doors as the largest hotel in world with 3,000 guest rooms and the nation’s most spectacular ballroom; and
WHEREAS, in the ensuing decades the hotel has played an integral role in the history of Chicago by hosting some of the city’s most famous events; and
WHEREAS, the Hilton Chicago has accommodated every United States President since Franklin D. Roosevelt; numerous foreign heads of state, including Queen Elizabeth II and Emperor Hirohito; and veritable icons of Americana such as Charles Lindbergh and Babe Ruth; and
WHEREAS, in order to celebrate the hotel’s illustrious past, the Hotel Chicago will be hosting a gala reception for the benefit of friends and clients in the Grand Ballroom on Thursday, November 14, 2002;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim November 14, 2002, as HILTON CHICAGO DAY in Illinois, in honor of the hotel’s 75th anniversary.
Issued by the Governor October 31, 2002.
Filed by the Secretary of State November 07, 2002.

2002-580
C. GRIER DAVIS, JR.

WHEREAS, C. Grier Davis, Jr. began his service as a faculty member of Northwestern University in 1968 and joined the administration of Northwestern University in 1975; and
WHEREAS, since joining the Northwestern administration, culminating in his
appointment in 1997 as Special Assistant to the President for Government and Community Relations, C. Grier Davis, Jr. has made significant contributions not only to Northwestern University, but also to the higher education community throughout Illinois; and

WHEREAS, the Northwestern University Office of Government and Community Relations, under the direction of C. Grier Davis, Jr. has led efforts within the State of Illinois to increase investments in research universities, including advocacy for such programs as State Matching Grants, the X-ray Collaboration for Illinois Technology and Education, and other programs benefiting research universities, both public and private, throughout Illinois; and

WHEREAS, C. Grier Davis, Jr., through his leadership in organizations such as the Network for Charitable Giving, Charitable Accord, and the Donors Forum of Chicago, has assisted a wide range of nonprofit organizations in the State of Illinois by his advocacy before the U.S. government of tax provisions favorable to charitable giving, and

WHEREAS, the strength and vitality of the state's higher education, research and nonprofit enterprises are a source of great pride for the people of Illinois; and

WHEREAS, C. Grier Davis, Jr. has announced his retirement from Northwestern University;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, commend the outstanding efforts and long service of C. Grier Davis, Jr. on behalf of the higher education, research and nonprofit communities of Illinois.

Issued by the Governor October 31, 2002.
Filed by the Secretary of State November 07, 2002.

2002-581
DIABETES AWARENESS DAY

WHEREAS, diabetes has reached epidemic proportions in the United States. In Illinois alone, more than 513,735 adults (age 18 and older) have diabetes, and another 3 million people are at increased risk for developing diabetes due to age, obesity and sedentary lifestyle; and

WHEREAS, more than 397,000 people in Illinois have been unable to achieve adequate blood sugar control and therefore remain at increased risk for the serious consequences associated with uncontrolled diabetes such as blindness, amputation, kidney failure, heart disease and stroke; and

WHEREAS, a commitment to helping the diabetes community at large requires a strong effort to raise awareness about A1c, a standard for measuring blood sugar control over a three-month period, and to educate people about the need for and the benefits of reaching an A1c of less than seven percent; and

WHEREAS, an A1c level of less than seven percent is a standard set by the American Diabetes Association and is important to reduce the risk of serious
complications. However, more than half of Americans with diabetes undergoing treatment have unacceptably high blood sugar levels; and

WHEREAS, in Illinois, diabetes-both type 2 and type 1Caccount for nearly $7.3 billion in total healthcare costs every year. It is estimated that the direct medical care costs per person per year with diabetes is 4.3 times higher than the person without diabetes; and

WHEREAS, getting patients to an A1c of less than seven percent could produce significant savings to the Illinois' healthcare budget. Studies estimate that a one percent reduction in A1c can reduce total healthcare costs for a patient with type 2 diabetes by up to $950 per year; and

WHEREAS, there is a great need for the community at large to commit to ensuring that diabetes is properly monitored and treated in the United States, and especially in the State of Illinois;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim November 14, 2002, as DIABETES AWARENESS DAY in Illinois.

Issued by the Governor November 07, 2002.
Filed by the Secretary of State November 18, 2002.

2002-582
RECOGNITION OF THE MEN AND WOMEN OF COMMONWEALTH EDISON

WHEREAS, the history of our nation reflects the memories of the men and women who have endeavored to preserve our freedom, an indescribable task in terms of sacrifice and commitment; and

WHEREAS, these heroes selflessly relinquished a part of their lives in defense of the United States, and it is our responsibility as a nation to ensure that their struggles will never be forgotten, overlooked or underestimated; and

WHEREAS, these veterans gave dedicated and patriotic service to our country, and the gratitude owed to those men and women could never be fully expressed through words; and

WHEREAS, the men and women of Commonwealth Edison who are veterans of the United States Armed Forces have represented the State of Illinois in heroic fashion; and

WHEREAS, Veterans' Day is dedicated to recognizing the efforts of the men and women of Commonwealth Edison, along with all other United States veterans;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, do hereby issue this certificate of commendation to the men and women of Commonwealth Edison for their sacrifice and courage as we recognize their efforts on Veterans' Day, November 11, 2002.

Issued by the Governor November 08, 2002.
Filed by the Secretary of State November 18, 2002.
2002-583
ULTRASOUND AWARENESS MONTH

WHEREAS, much of the public is familiar with the use of ultrasonography during pregnancy, however, many people are unaware of ultrasound's safety in relation to other imaging modalities; and

WHEREAS, the safety of ultrasound has allowed this noninvasive imaging modality to become increasingly popular as a screening tool in medicine diagnoses; and

WHEREAS, educating the public about the credentialing of those who perform diagnostic ultrasound examinations will help them to make more informed health care decisions; and

WHEREAS, familiarizing the public about the significance of ultrasound practice accreditation will help ensure that nationally accepted standards in patient care are met; and

WHEREAS, technological advancements in diagnostic ultrasound have had a tremendous impact on the quality of health care over the past 50 years; and

WHEREAS, ultrasound professionals will have the opportunity to educate their patients about diagnostic ultrasound through specially planned activities and educational materials;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 2002 as ULTRASOUND AWARENESS MONTH in Illinois.

Issued by the Governor November 08, 2002.

Filed by the Secretary of State November 18, 2002.

2002-584
FAMILY WEEK

WHEREAS, the State of Illinois is blessed with a multitude of families -- an essential part of the cultural, social, and spiritual fabric that is Illinois; and

WHEREAS, Illinois recognizes strong families are at the center of strong communities; and

WHEREAS, everyone has a role to play in making families successful, including neighborhood organizations, businesses, nonprofit agencies, policymakers and, of course, families themselves; and

WHEREAS, during Thanksgiving week we all should take time to honor the importance of families, and recognize the special connections that support and strengthen families year-round; and

WHEREAS, we all should recommit to enhancing and extending all of the connections that strengthen and enrich families; and

WHEREAS, with the assistance and resources of agencies and organizations such as the Alliance for Children and Families and its local member agencies, we can help families of all shapes and sizes create a better future for all of Illinois and America;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim November 24-30, 2002, as FAMILY WEEK in Illinois.

Issued by the Governor November 08, 2002.
Filed by the Secretary of State November 18, 2002.

2002-585
ANNUNCIATION GREEK ORTHODOX CHURCH DAYS

WHEREAS, the Annunciation Greek Orthodox Church will celebrate its 75th anniversary the weekend of October 4-7, 2002; and
WHEREAS, the Greek community began planning the establishment of a brotherhood, with the intent to build a church. The State of Illinois granted a charter on April 14, 1919, to the organization of the Hellenic Society of Decatur, which became the first step in the building of the church; and
WHEREAS, in 1800s and early 1900s, Greek immigrants migrated to Decatur to work on the Wabash Railroad; and
WHEREAS, over the years, the Greek business community has thrived in the Decatur area. Many early businesses showed their love for their new country by using the words "American" or "Lincoln" in their names; and
WHEREAS, Christine Kareotes, Dino Balamos, Penny Frank, and Bess Greanias, Co-Chairmen of the celebration have worked tirelessly for over a year to insure success of the Diamond Anniversary of the Annunciation Greek Orthodox Church;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 4-7, 2002, as ANNUNCIATION GREEK ORTHODOX CHURCH DAYS in Illinois

Issued by the Governor November 08, 2002.
Filed by the Secretary of State November 18, 2002.

2002-586
CHRONIC OBSTRUCTIVE PULMONARY DISEASE AWARENESS MONTH

WHEREAS, the State of Illinois has long been concerned with the health of its citizens; and
WHEREAS, chronic lung diseases, known collectively as chronic obstructive pulmonary diseases (COPD), are the fourth leading cause of death in the United States; and
WHEREAS, chronic obstructive pulmonary diseases cost the United States an estimated $31.9 billion each year; and
WHEREAS, 16 million people in the United States have been diagnosed with some form of COPD with a similar number undiagnosed; and
WHEREAS, awareness, early detection and treatment are crucial in the prevention or slowing of the spread of lung disease in this country; and
WHEREAS, the citizens of Illinois deserve the opportunity to grow, thrive, be healthy and be informed and aware of their respiratory health and of the factors that affect that health;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim November 2002 as CHRONIC OBSTRUCTIVE PULMONARY DISEASE AWARENESS MONTH in Illinois.

Issued by the Governor November 08, 2002.
Filed by the Secretary of State November 18, 2002.

2002-587

DR. ROBERT GAYLEN GOOD DAY

WHEREAS, Robert Gaylen Good graduated from the University of Northern Iowa with a Bachelor of Arts degree in Biology in 1974, and from the University of Osteopathic Medicine and Health Sciences in 1977; and
WHEREAS, Dr. Robert Gaylen Good, DO, continued his medical education with a rotating internship at Sun Coast Hospital in Largo, Florida, from 1993-1995; and
WHEREAS, Dr. Good has served as Chairman of Adult Medicine, Mattoon/Charleston Branch of the Carle Clinic Association in Urbana from 1996 until the present; and
WHEREAS, Dr. Good has held staff appointments at numerous hospitals and health centers, and has been licensed to practice medicine in the States of Illinois, Florida and Iowa; and
WHEREAS, Dr. Good has received numerous honors and awards throughout his career, including: 2001 Physician of the Year, Illinois Osteopathic Medical Society; 2000 Distinguished Service Award, Illinois Osteopathic Medical Society; 1993 Trailblazer Award for Service and Dedication, Camp Courageous of Iowa; 1988-89 Physician of the Year, Iowa Osteopathic Medical Association; Who's Who in the Midwest, 1988-1993; Who's Who in America, 1990-1998; Who's Who in Medicine and Healthcare, 1997-98; and Outstanding Young Man of America, 1984; and
WHEREAS, the Illinois Osteopathic Medical Society will be hosting their Presidential Banquet to honor outgoing President Robert Good, DO, on December 7, 2002, at the Oak Brook Hills Resort in Oak Brook, Illinois;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim December 7, 2002, as DR. ROBERT GAYLEN GOOD DAY in Illinois.

Issued by the Governor November 08, 2002.
Filed by the Secretary of State November 18, 2002.

2002-588

"TRICK-OR-TREAT FOR UNICEF" DAY

WHEREAS, "Trick-or-Treat for UNICEF" began in Philadelphia in 1950 when a youth group collected $17 in decorated milk cartons on Halloween to help children
overseas; and

WHEREAS, since that time, the children of the United States have collected more than $115 million by going door-to-door with the U.S. Fund for UNICEF’s trademark orange collection boxes on October 31; and

WHEREAS, today, "Trick-or-Treat for UNICEF” provides the opportunity for school children and young adults to learn about their peers in the developing world, while also raising funds to help improve their lives; and

WHEREAS, fund-raising efforts like "Trick-or-Treat for UNICEF" have helped 80 percent of the world's children become immunized against the top six deadliest diseases, saving three million lives each year, making way for the two-thirds of the world's children that now have completed primary school; and

WHEREAS, in 2001, $4 million was collected in the nearly five million "Trick-or-Treat for UNICEF" collection boxes that were distributed across the United States in every state; and

WHEREAS, the "Trick-or-Treat for UNICEF" program provides children in the United States the chance to perform a selfless deed and gain a valuable educational experience, giving them a better sense of the world in which they live and the lives of other children around the world;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 31, 2002, as "TRICK-OR-TREAT FOR UNICEF” DAY in Illinois.

Issued by the Governor November 08, 2002.
Filed by the Secretary of State November 18, 2002.

2002-589
POSTPARTUM DEPRESSION AWARENESS DAY

WHEREAS, postpartum depression is a debilitating disease that occurs in one in every eight women after delivery; and

WHEREAS, four out of five women will experience significant change in their mental health within one year after delivery, and of those, 10-20 percent will experience a severe postpartum depression episode; and

WHEREAS, of those women, one or two out of every thousand will experience postpartum psychosis, a rare but life-threatening illness that needs to be treated as a medical emergency; and

WHEREAS, according to Postpartum Support International, over 400,000 women nationally will struggle with postpartum depression. With over 180,000 births in the State of Illinois annually, every year over 22,000 women will suffer from postpartum depression in Illinois alone; and

WHEREAS, Joan and Charlie Mudd, in conjunction with Evanston Northwestern Healthcare, have formed the Jennifer Mudd Houghtaling Program for Postpartum Depression in memory of their daughter, whose battle with postpartum depression took her life; and
WHEREAS, the Jennifer Mudd Houghtaling Program for Postpartum Depression aims to increase awareness of postpartum depression, educate families and healthcare providers, develop methods to enhance early detection and improve treatment options for those suffering from the disease; and
WHEREAS, increased awareness, along with advancements in diagnosis and treatment, will significantly aid the fight against postpartum depression;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim November 13, 2002, as POSTPARTUM DEPRESSION AWARENESS DAY in Illinois.

Issued by the Governor November 08, 2002.
Filed by the Secretary of State November 18, 2002.

2002-590
INTERNATIONAL EDUCATION WEEK

WHEREAS, in partnership with the U.S. Department of State and the U.S. Department of Education, the State of Illinois will celebrate International Education Week November 18-22, 2002. Let us recommit ourselves to promoting tolerance and building friendships between the United States and other nations; and
WHEREAS, international education and exchange include thousands of programs, public and private, campus-based and national, that promote the sharing of ideas and experiences across borders. These include study abroad programs, citizen and scholarly exchanges, foreign students on U.S. campuses, area and foreign language studies, and global approaches to U.S. education. Currently, over 25,400 foreign students are studying at Illinois colleges and universities; and
WHEREAS, in support of U.S. Secretary of State Colin L. Powell and U.S. Secretary of Education Roderick R. Paige, I call upon the citizens and institutions of Illinois to participate in celebrating this week and to recognize the importance of international education in our lives and communities and to promote international educational exchange as a way to enhance mutual understanding and acceptance;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim November 18-22, 2002, as INTERNATIONAL EDUCATION WEEK in Illinois and encourage all citizens of Illinois to join in this observance.

Issued by the Governor November 15, 2002.
Filed by the Secretary of State November 22, 2002.

2002-591
PETER JOHNSON DAY

WHEREAS, Peter Johnson was born in Sycamore, Illinois, on November 18, 1922; and
WHEREAS, Mr. Johnson, a life-long resident of Sycamore who served in the U.S. Army during World War II, is one of the most beloved educators and coaches in Sycamore High School history; and
WHEREAS, Mr. Johnson began his employment with the Sycamore School District in 1946 as a middle school teacher, started the seventh-eighth grade football program in 1947, and continued to coach middle school sports for two years; and
WHEREAS, Mr. Johnson then made his way to the freshman-sophomore level, coaching football, basketball and track. He coached sophomore basketball through the 1958 season; and
WHEREAS, Mr. Johnson served as varsity football coach from 1951 through 1967, compiling a record of 115 wins, 22 losses and five ties. Included in that tenure were eight undefeated seasons and 10 conference championships; and
WHEREAS, Mr. Johnson was named Sycamore High School Assistant Principal in 1967 and Principal in 1969. He remained Principal until 1980, when Governor Jim Thompson's staff contracted with Sycamore Schools to have Mr. Johnson serve as Executive Director of the Governor's Council on Vocational Adult and Technical Education; and
WHEREAS, Mr. Johnson served as Executive Director until his retirement in 1995. He has advised the Governor, Legislature, Congress, and U.S. Departments of Labor and Education on educational issues affecting our state and nation's workforce, testifying before the U.S. Senate at their request; and
WHEREAS, Mr. Johnson will celebrate his 80th birthday on November 18, 2002; THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim November 18, 2002, as PETER JOHNSON DAY in Illinois, in honor of his distinguished career at the Sycamore School District and many years of dedicated service to the State of Illinois.

Issued by the Governor November 14, 2002.
Filed by the Secretary of State November 22, 2002.

2002-592
FAMILY LIFE WEEK

WHEREAS, the Scottish Rite-Valley of Peoria will celebrate Family Life Week from November 24-30, 2002; and
WHEREAS, the Scottish Rite Masonic Family Life program is intended to strengthen all families within the Peoria community; and
WHEREAS, the program for this year is entitled "America's Greatest Treasure"; and
WHEREAS, Masonic and community families will be honored during this special event;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim November 24-30, 2002, as FAMILY LIFE WEEK in Illinois, on behalf of the members of the Scottish Rite-Valley of Peoria.
Issued by the Governor November 14, 2002.
Filed by the Secretary of State November 22, 2002.
2002-593
ALZHEIMER’S DISEASE AWARENESS MONTH

WHEREAS, Alzheimer's disease is a progressive, degenerative disease of the brain and the most common form of dementia. It results in impaired memory, thinking and behavior. Alzheimer's disease usually begins gradually, causing a person to forget recent events and to have difficulty performing familiar tasks; and

WHEREAS, how rapidly the disease advances varies from person to person, causing confusion, personality and behavior changes and impaired judgment. Communication becomes difficult as the person with Alzheimer's disease struggles to find words, finish thoughts or follow directions. Eventually, persons with Alzheimer's disease become totally unable to care for themselves; and

WHEREAS, one in 10 persons over 65 and nearly half of those over 85 have Alzheimer's and a small percentage of people as young as their 30's and 40's get the disease. A person with Alzheimer's disease will live an average of eight years and as many as 20 years or more from the onset of symptoms; and

WHEREAS, today there are more than 4 million Americans with Alzheimer's disease. Unless cure prevention is found, that number will jump to 14 million by the year 2050. In the State of Illinois, there are more than 200,000 people with Alzheimer's disease;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim November 2002 as ALZHEIMER’S DISEASE AWARENESS MONTH in Illinois.

Issued by the Governor November 13, 2002.
Filed by the Secretary of State November 22, 2002.

2002-594
TREE TRUST DAY

WHEREAS, Illinois residents are pleased to congratulate the National Tree Trust on the auspicious milestone of its 10 millionth tree planting; and

WHEREAS, the National Tree Trust has celebrated this milestone by planting the State Tree in Illinois and in every other United States capital city on the 21st day of November, to commemorate the achievement; and

WHEREAS, the Illinois State Tree is a white oak; and

WHEREAS, a tree propagated by Guy and Edie Sternberg from an historically significant white oak tree located near the Lincoln Tomb in Springfield has been grown, nurtured and provided for this special event; and

WHEREAS, the National Tree Trust works hand in hand with national tree planting organizations to ensure broad participation in tree planting programs in Illinois and across the United States; and

WHEREAS, the time and energy of the National Tree Trust staff, in cooperation with the Illinois Department of Natural Resources Urban and Community Forestry program outreach and Southern Illinois University Urban Forestry Volunteer
Coordination, has helped 149 groups by providing 211,427 seedlings toward local urban forest management; and

WHEREAS, the work of the National Tree Trust and its partners is beneficial to the overall well-being of citizens of Illinois;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim November 21, 2002, as TREE TRUST DAY in Illinois, in an effort to acknowledge, recognize and show appreciation of the past, present and future work of the National Tree Trust in Illinois.

Issued by the Governor November 14, 2002.
Filed by the Secretary of State November 22, 2002.

2002-595
TIMOTHY L. BYRNES

WHEREAS, Timothy L. Byrnes served the Illinois Secretary of State's Office under four different secretaries-Michael Howlett, Alan Dixon, Jim Edgar and George H. Ryan-for more than 17 years, rising from a government intern in the Department of Vehicle Services to the position of Chief Deputy Director; and

WHEREAS, Mr. Byrnes contributed to motor vehicle safety through his work on the titling and registration of Illinois vehicles and coordinated the replating of 6.5 million automobiles; and

WHEREAS, for another 11 years, Mr. Byrnes continued his state service through his work as Tax Processing Program Administrator at the Department of Revenue, Deputy Director of Operations for the Capital Development Board and Chief of Medicaid Integrity for the Department of Public Aid's Office of Inspector General; and

WHEREAS, Mr. Byrnes was recognized in 1986 in Outstanding Young Men of America and in 1990 in Who's Who in Government; and

WHEREAS, Mr. Byrnes performed yeoman's service to professional associations such as American Association of Motor Vehicle Administrators, the Federation of Tax Administrators, the National Governor's Association and the Employers' Association on Illinois; and

WHEREAS, Mr. Byrnes coordinated the implementation of electronic tax filing while at the Department of Revenue and increased Medicaid overpayment collections by 12 percent while at the Department of Public Aid; and

WHEREAS, Mr. Byrnes has been active in his community through service to the Big Brother/Big Sister Program of Sangamon County since 1982; and

WHEREAS, throughout his career, Mr. Byrnes has diligently served the citizens of Illinois every day and lent his considerable personal skills and experience to every task he has undertaken for 28 years;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, issue this certificate of commendation to TIMOTHY L. BYRNES, extending my thanks for his long and honorable service to the State of Illinois.
Issued by the Governor November 14, 2002.
Filed by the Secretary of State November 22, 2002.

2002-596

PERIOPERATIVE NURSES WEEK

WHEREAS, surgery today is highly technical, sophisticated and exacting; and
WHEREAS, the operative registered nurse is highly skilled in providing nursing care and managing the perioperative environment in which the patient needs expert care for the mind, body and spirit; and
WHEREAS, the surgical patient and family are experiencing a major event in their lives and the perioperative registered nurse is an expert in allaying the patient's fears, preparing the patient for what will happen during surgery, providing family support, and discussing how the patient will feel during the entire surgical experience; and
WHEREAS, perioperative registered nurses have a long tradition of working toward patient safety and improving the quality of patient care, and surgical patients rely on the skills, knowledge and expertise of perioperative registered nurses;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim November 10-16, 2002, as PERIOPERATIVE NURSES WEEK in Illinois, recognizing the perioperative registered nurses who care for patients before, during and after surgery.

Issued by the Governor November 13, 2002.
Filed by the Secretary of State November 22, 2002.

2002-597

DAN WILLIAMS

WHEREAS, Dan Williams has accrued over 27 years of experience in the Executive and Legislative branches of government, including a nearly 15-year reign as Deputy Director of the Office of the State Fire Marshal, along with stints at the Department of Transportation, Department of Nuclear Safety, Commission on Atomic Energy, Emergency Management Agency and the FBI; and
WHEREAS, Dan Williams received training in Firefighting, Computer Aided Management of Emergency Operations, Radiological Monitoring Instruction and Aerial Radiological Monitoring, management, personnel, strategic planning, professional development and a host of Hazmat/Emergency courses; and
WHEREAS, Dan Williams has served on too many committees and task forces to list in a single proclamation; and
WHEREAS, Dan Williams nearly single-handedly developed the Office of the State Fire Marshal's state-of-the-art command center; and
WHEREAS, Dan Williams is the creator of the State Fire Marshal video conferencing network; and
WHEREAS, Dan Williams' expertise in the fire service and homeland security arenas have made him a highly sought after speaker for statewide, national, and even international conferences; and
WHEREAS, Dan Williams received his Bachelor's of Science Degree in Law Enforcement Administration from Western Illinois University in 1974; and
WHEREAS, the pressures of the Deputy Directorship at the Fire Marshal's Office and the tireless dedication exhibited by Mr. Williams in that position has aged him far beyond the tender age of 49 at which he elected to retire; and
WHEREAS, Dan Williams was an outstanding public servant and his efforts and work will be sorely missed by the State of Illinois and in particular by this administration; and
WHEREAS, his retirement will allow him the well-deserved time to spend with his wife, Judy, and his three children Erin, Janelle and Jarred; and
WHEREAS, Dan Williams's retirement means that his family will have greater access to himCat least in those rare moments not taken up by golfing, hunting and fishing; and
WHEREAS, Dan's numerous friends and loving family will be celebrating his invaluable years of service to the State of Illinois on Thursday, November 14, 2002, at a "Dan-O-Roast" retirement party in Springfield, Illinois;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, do hereby issue this certificate of commendation to DAN WILLIAMS for his many years of dedicated service to the State of Illinois and bestow best wishes for a wonderful life after retirement.
Issued by the Governor November 14, 2002.
Filed by the Secretary of State November 22, 2002.

2002-598
PAM MCDONOUGH DAY

WHEREAS, in January 1999, Pam McDonough was appointed as the first woman Director of the Illinois Department of Commerce and Community Affairs (DCCA); and
WHEREAS, as DCCA Director, Ms. McDonough has presided over the state's premier economic development agency, ably administering more than $2 billion annually in programs and services and directing a staff of more than 500 people; and
WHEREAS, she has implemented programs that successfully market Illinois as a business and tourist destination, retain and attract businesses, train workers, promote technology, assist communities, encourage wise use of our resources, and promote international trade and the Illinois coal and film industries; and
WHEREAS, her outstanding leadership helped Illinois achieve the nation's top ranking from Site Selection magazine as the best state for business development in 2001; and
WHEREAS, her successes have been impressive, leading efforts to bring The Boeing Company's world headquarters to Chicago, convincing Ford Motor Company to locate its Automotive Supplier Manufacturing Campus in Chicago, assisting Solo Cup to expand on a former Brownfield site, helping ATA choose Midway Airport for its new training center, converting a portion of the Joliet Arsenal to the North America's largest
intermodal hub, attracting ABN AMRO to unify operations at a new office complex in Chicago’s West Loop, convincing Unilever to locate a 1.3 million distribution/repackaging facility in Pontoon Beach, and helping ALCOA choose Illinois when consolidating headquarters facilities, among others; and

WHEREAS, because of her efforts, the Biotechnology Industry Association will hold its international conference in Chicago in 2006; and

WHEREAS, during her tenure at DCCA, businesses in Illinois have created or retained more than 110,000 jobs for Illinois workers; and

WHEREAS, Ms. McDonough’s service as DCCA Director is just one chapter in a long career of dedicated service to the people of Illinois, including positions as deputy director of legislative affairs in the Thompson Administration, chief of staff for the Illinois House Minority Leader, and in senior legislative/policy positions for four Illinois state agencies; and

WHEREAS, she also has brought her considerable talents to a number of major task forces, among them serving as Chair of the Governor’s Transition Team on Economic Development, as well as serving on several subcabinets and numerous state boards and commissions; and

WHEREAS, in the midst of this busy schedule, she has continued to provide leadership to a number of professional and charitable organizations, earning recognition for her contributions; and

WHEREAS, Ms. McDonough now prepares to continue her state service as Chair of the Local Panel of the Illinois Labor Relations Board;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, do hereby proclaim November 20, 2002, as PAM MCDONOUGH DAY in Illinois, and urge citizens of our state to join with me in recognizing her outstanding leadership and dedication to the economic well-being of the people of Illinois.

Issued by the Governor November 19, 2002.

Filed by the Secretary of State November 22, 2002.

2002 GENERAL ELECTION CANVASS - U. S. SENATOR AND STATE OFFICERS

WHEREAS, on the 5th day of November, 2002, an election was held in the State of Illinois for the election of the following officers, to-wit:

One (1) United States Senator for the full term of six years.
One (1) Governor for the full term of four years.
One (1) Lieutenant Governor for the full term of four years.
One (1) Attorney General for the full term of four years.
One (1) Secretary of State for the full term of four years.
One (1) Comptroller for the full term of four years.
One (1) Treasurer for the full term of four years.

WHEREAS, in pursuance of Law, the State Board of Elections appointed to
canvass the returns of such election and to declare the results thereof, did, on this the 25th day of November, 2002, canvass the same, and as a result of such canvass, did declare elected the following named persons to the following named offices:

**UNITED STATES SENATOR**
- Richard J. Durbin

**GOVERNOR**
- Rod R. Blagojevich

**LIEUTENANT GOVERNOR**
- Pat Quinn

**ATTORNEY GENERAL**
- Lisa Madigan

**SECRETARY OF STATE**
- Jesse White

**COMPTROLLER**
- Daniel W. Hynes

**TREASURER**
- Judy Baar Topinka

NOW, THEREFORE, I, GEORGE H. RYAN, Governor of the State of Illinois, in conformity to statute in such case made and provided, do hereby make public proclamation, declaring as a result of such canvass the foregoing persons duly elected to the offices as set out above.

Issued by the Governor November 25, 2002.

Filed by the Secretary of State November 25, 2002.

**2002-600**

**2002 GENERAL ELECTION CANVASS - U. S. CONGRESS AND SENATE AND REPRESENTATIVES IN THE GENERAL ASSEMBLY**

WHEREAS, On the 5th day of November, 2002, an election was held in the State of Illinois for the election of the following officers, to-wit:

Nineteen (19) Representatives in Congress, to-wit: One (1) Representative in Congress from each of the nineteen (19) Congressional Districts of the State for the full term of two years.

Twenty (20) State Senators, to wit: One (1) State Senator from the 2nd, 5th, 8th, 11th, 14th, 17th, 20th, 23rd, 26th, 29th, 32nd, 35th, 38th, 41st, 44th, 47th, 50th, 53rd, 56th and 59th Legislative District for the full term of two years; Thirty-nine (39) State Senator from the 1st, 3rd, 4th, 6th, 7th, 9th, 10th, 12th, 13th, 15th, 16th, 18th, 19th, 21st, 22nd, 24th, 25th, 27th, 28th, 30th, 31st, 33rd, 34th, 36th, 37th, 39th, 40th, 42nd, 43rd, 45th, 46th, 48th, 49th, 51st, 52nd, 54th, 55th, 57th and 58th Legislative District of the State for the full term of four years.

One Hundred Eighteen (118) Representatives in the General Assembly, to-wit: One (1) Representative from each of the one hundred eighteen (118) Representative Districts of the State for the full term of two years.
WHEREAS, In pursuance of Law, the State Board of Elections appointed to canvass the returns of such election and to declare the results thereof, did, on this 25th day of November, 2002, canvass the same, and as a result of such canvass, did declare elected the following named persons to the following named offices.

REPRESENTATIVES TO REPRESENT THE PEOPLE OF THE STATE OF ILLINOIS IN THE 108th CONGRESS OF THE UNITED STATES

FIRST CONGRESSIONAL DISTRICT
  Bobby L. Rush
SECOND CONGRESSIONAL DISTRICT
  Jesse L. Jackson, Jr.
THIRD CONGRESSIONAL DISTRICT
  William O. Lipinski
FOURTH CONGRESSIONAL DISTRICT
  Luis V. Gutierrez
FIFTH CONGRESSIONAL DISTRICT
  Rahm Emanuel
SIXTH CONGRESSIONAL DISTRICT
  Henry J. Hyde
SEVENTH CONGRESSIONAL DISTRICT
  Danny K. Davis
EIGHTH CONGRESSIONAL DISTRICT
  Philip M. Crane
NINTH CONGRESSIONAL DISTRICT
  Janice D Schakowsky
TENTH CONGRESSIONAL DISTRICT
  Mark Steven Kirk
ELEVENTH CONGRESSIONAL DISTRICT
  Gerald C. “Jerry” Weller
TWELFTH CONGRESSIONAL DISTRICT
  Jerry F. Costello
THIRTEENTH CONGRESSIONAL DISTRICT
  Judy Biggert
FOURTEENTH CONGRESSIONAL DISTRICT
  J. Dennis Hastert
FIFTEENTH CONGRESSIONAL DISTRICT
  Timothy V. Johnson
SIXTEENTH CONGRESSIONAL DISTRICT
  Donald A. Manzullo
SEVENTEENTH CONGRESSIONAL DISTRICT
  Lane Evans
EIGHTEENTH CONGRESSIONAL DISTRICT
  Ray LaHood
NINETEENTH CONGRESSIONAL DISTRICT
John M. Shimkus
STATE SENATORS TO REPRESENT THE PEOPLE OF THE STATE OF ILLINOIS
IN THE 93rd GENERAL ASSEMBLY OF THE STATE
FIRST LEGISLATIVE DISTRICT
Antonio “Tony” Munoz
SECOND LEGISLATIVE DISTRICT
Miguel Del Valle
THIRD LEGISLATIVE DISTRICT
Margaret Smith
FOURTH LEGISLATIVE DISTRICT
Kimberly A. Lightford
FIFTH LEGISLATIVE DISTRICT
Rickey R. Hendon
SIXTH LEGISLATIVE DISTRICT
John J. Cullerton
SEVENTH LEGISLATIVE DISTRICT
Carol Ronen
EIGHTH LEGISLATIVE DISTRICT
Ira I. Silverstein
NINTH LEGISLATIVE DISTRICT
Jeffrey M. Schoenberg
TENTH LEGISLATIVE DISTRICT
James A. DeLeo
ELEVENTH LEGISLATIVE DISTRICT
Louis S. Viverito
TWELFTH LEGISLATIVE DISTRICT
Martin A. Sandoval
THIRTEENTH LEGISLATIVE DISTRICT
Barack Obama
FOURTEENTH LEGISLATIVE DISTRICT
Emil Jones, Jr.
FIFTEENTH LEGISLATIVE DISTRICT
James T. Meeks
SIXTEENTH LEGISLATIVE DISTRICT
Jacqueline “Jacqui” Y. Collins
SEVENTEENTH LEGISLATIVE DISTRICT
Donne E. Trotter
EIGHTEENTH LEGISLATIVE DISTRICT
Edward D. Maloney
NINETEENTH LEGISLATIVE DISTRICT
M. Maggie Crotty
TWENTIETH LEGISLATIVE DISTRICT
Iris Y. Martinez
TWENTY-FIRST LEGISLATIVE DISTRICT
  Dan Cronin
TWENTY-SECOND LEGISLATIVE DISTRICT
  Steven J. Rauschenberger
TWENTY-THIRD LEGISLATIVE DISTRICT
  James ‘Pate’ Philip
TWENTY-FOURTH LEGISLATIVE DISTRICT
  Kirk W. Dillard
TWENTY-FIFTH LEGISLATIVE DISTRICT
  Chris Lauzen
TWENTY-SIXTH LEGISLATIVE DISTRICT
  William E. Peterson
TWENTY-SEVENTH LEGISLATIVE DISTRICT
  Wendell E. Jones
TWENTY-EIGHTH LEGISLATIVE DISTRICT
  Doris C. Karpiel
TWENTY-NINTH LEGISLATIVE DISTRICT
  Susan Garrett
THIRTIETH LEGISLATIVE DISTRICT
  Terry Link
THIRTY-FIRST LEGISLATIVE DISTRICT
  Adeline Jay Geo-Karis
THIRTY-SECOND LEGISLATIVE DISTRICT
  Dick Klemm
THIRTY-THIRD LEGISLATIVE DISTRICT
  Dave Sullivan
THIRTY-FOURTH LEGISLATIVE DISTRICT
  Dave Syverson
THIRTY-FIFTH LEGISLATIVE DISTRICT
  J. Bradley Burzynski
THIRTY-SIXTH LEGISLATIVE DISTRICT
  Denny Jacobs
THIRTY-SEVENTH LEGISLATIVE DISTRICT
  Dale E. Risinger
THIRTY-EIGHTH LEGISLATIVE DISTRICT
  Pat Welch
THIRTY-NINTH LEGISLATIVE DISTRICT
  Don Harmon
FORTIETH LEGISLATIVE DISTRICT
  Debbie DeFrancesco Halvorson
FORTY-FIRST LEGISLATIVE DISTRICT
  Christine Radogno
FORTY-SECOND LEGISLATIVE DISTRICT
Edward Petka  
FORTY-THIRD LEGISLATIVE DISTRICT  
Lawrence M. “Larry” Walsh  
FORTY-FOURTH LEGISLATIVE DISTRICT  
Bill Brady  
FORTY-FIFTH LEGISLATIVE DISTRICT  
Todd Sieben  
FORTY-SIXTH LEGISLATIVE DISTRICT  
George P. Shadid  
FORTY-SEVENTH LEGISLATIVE DISTRICT  
John M. Sullivan  
FORTY-EIGHTH LEGISLATIVE DISTRICT  
Peter J. Roskam  
FORTY-NINTH LEGISLATIVE DISTRICT  
Vince Demuzio  
FIFTIETH LEGISLATIVE DISTRICT  
Larry K. Bomke  
FIFTY-FIRST LEGISLATIVE DISTRICT  
Frank Watson  
FIFTY-SECOND LEGISLATIVE DISTRICT  
Richard J. (Rick) Winkel, Jr.  
FIFTY-THIRD LEGISLATIVE DISTRICT  
Dan Rutherford  
FIFTY-FOURTH LEGISLATIVE DISTRICT  
John O. Jones  
FIFTY-FIFTH LEGISLATIVE DISTRICT  
Dale A. Righter  
FIFTY-SIXTH LEGISLATIVE DISTRICT  
William R. “Bill” Haine  
FIFTY-SEVENTH LEGISLATIVE DISTRICT  
James F. Clayborne, Jr. II  
FIFTY-EIGHTH LEGISLATIVE DISTRICT  
David Luechtefeld  
FIFTY-NINTH LEGISLATIVE DISTRICT  
Larry D. Woolard

REPRESENTATIVES TO REPRESENT THE PEOPLE OF THE STATE OF ILLINOIS IN THE 93rd GENERAL ASSEMBLY OF THE STATE  
FIRST REPRESENTATIVE DISTRICT  
Susana Mendoza  
SECOND REPRESENTATIVE DISTRICT  
Edward J. Acevedo  
THIRD REPRESENTATIVE DISTRICT  
William Delgado
FOURTH REPRESENTATIVE DISTRICT
  Cynthia Soto
FIFTH REPRESENTATIVE DISTRICT
  Kenneth “Ken” Dunkin
SIXTH REPRESENTATIVE DISTRICT
  Patricia Bailey
SEVENTH REPRESENTATIVE DISTRICT
  Karen A. Yarbrough
EIGHTH REPRESENTATIVE DISTRICT
  Calvin L. Giles
NINTH REPRESENTATIVE DISTRICT
  Arthur L. Turner
TENTH REPRESENTATIVE DISTRICT
  Annazette Collins
ELEVENTH REPRESENTATIVE DISTRICT
  John A. Fritchey
TWELFTH REPRESENTATIVE DISTRICT
  Sara Feigenholtz
THIRTEENTH REPRESENTATIVE DISTRICT
  Larry McKeon
FOURTEENTH REPRESENTATIVE DISTRICT
  Harry Osterman
FIFTEENTH REPRESENTATIVE DISTRICT
  Ralph C. Capparelli
SIXTEENTH REPRESENTATIVE DISTRICT
  Lou Lang
SEVENTEENTH REPRESENTATIVE DISTRICT
  Elizabeth Coulson
EIGHTEENTH REPRESENTATIVE DISTRICT
  Julie Hamos
NINTEENTH REPRESENTATIVE DISTRICT
  Joseph M. Lyons
TWENTIETH REPRESENTATIVE DISTRICT
  Michael P. McAuliffe
TWENTY-FIRST REPRESENTATIVE DISTRICT
  Robert S. Molaro
TWENTY-SECOND REPRESENTATIVE DISTRICT
  Michael J. Madigan
TWENTY-THIRD REPRESENTATIVE DISTRICT
  Daniel J. Burke
TWENTY-FOURTH REPRESENTATIVE DISTRICT
  Frank Aguilar
TWENTY-FIFTH REPRESENTATIVE DISTRICT
Barbara Flynn Currie
TWENTY-SIXTH REPRESENTATIVE DISTRICT
Lovana S. “Lou” Jones
TWENTY-SEVENTH REPRESENTATIVE DISTRICT
Monique D. Davis
TWENTY-EIGHTH REPRESENTATIVE DISTRICT
Robert “Bob” Rita
TWENTY-NINTH REPRESENTATIVE DISTRICT
David E. Miller
THIRTIETH REPRESENTATIVE DISTRICT
William “Will” Davis
THIRTY-FIRST REPRESENTATIVE DISTRICT
Mary E. Flowers
THIRTY-SECOND REPRESENTATIVE DISTRICT
Charles G. Morrow III
THIRTY-THIRD REPRESENTATIVE DISTRICT
Marlow H. Colvin
THIRTY-FOURTH REPRESENTATIVE DISTRICT
Constance A. “Connie” Howard
THIRTY-FIFTH REPRESENTATIVE DISTRICT
Kevin Carey Joyce
THIRTY-SIXTH REPRESENTATIVE DISTRICT
James D. Brosnahan
THIRTY-SEVENTH REPRESENTATIVE DISTRICT
Kevin A. McCarthy
THIRTY-EIGHTH REPRESENTATIVE DISTRICT
Robin Kelly
THIRTY-NINTH REPRESENTATIVE DISTRICT
Maria Antonia (Toni) Berrios
FORTIETH REPRESENTATIVE DISTRICT
Richard T. Bradley
FORTY-FIRST REPRESENTATIVE DISTRICT
Robert A. “Bob” Biggins
FORTY-SECOND REPRESENTATIVE DISTRICT
Sandra M. Pihos
FORTY-THIRD REPRESENTATIVE DISTRICT
Douglas L. Hoeft
FORTY-FOURTH REPRESENTATIVE DISTRICT
Terry R. Parke
FORTY-FIFTH REPRESENTATIVE DISTRICT
Carole Pankau
FORTY-SIXTH REPRESENTATIVE DISTRICT
Lee A. Daniels
FORTY-SEVENTH REPRESENTATIVE DISTRICT
Patricia R. “Patti” Bellock

FORTY-EIGHTH REPRESENTATIVE DISTRICT
James H. “Jim” Meyer

FORTY-NINTH REPRESENTATIVE DISTRICT
Timothy L. Schmitz

FIFTIETH REPRESENTATIVE DISTRICT
Patricia Reid Lindner

FIFTY-FIRST REPRESENTATIVE DISTRICT
Ed Sullivan, Jr.

FIFTY-SECOND REPRESENTATIVE DISTRICT
Mark H. Beaubien, Jr.

FIFTY-THIRD REPRESENTATIVE DISTRICT
Sidney H. Mathias

FIFTY-FOURTH REPRESENTATIVE DISTRICT
Suzanne “Suzie” Bassi

FIFTY-FIFTH REPRESENTATIVE DISTRICT
John J. Millner

FIFTY-SIXTH REPRESENTATIVE DISTRICT
Kathleen L. “Kay” Wojcik

FIFTY-SEVENTH REPRESENTATIVE DISTRICT
Elaine Nekritz

FIFTY-EIGHTH REPRESENTATIVE DISTRICT
Karen May

FIFTY-NINTH REPRESENTATIVE DISTRICT
Kathleen A. Ryg

SIXTIETH REPRESENTATIVE DISTRICT
Eddie Washington

SIXTY-FIRST REPRESENTATIVE DISTRICT
Timothy H. Osmond

SIXTY-SECOND REPRESENTATIVE DISTRICT
Robert W. Churchill

SIXTY-THIRD REPRESENTATIVE DISTRICT
Jack D. Franks

SIXTY-FOURTH REPRESENTATIVE DISTRICT
Rosemary Kurtz

SIXTY-FIFTH REPRESENTATIVE DISTRICT
Rosemary Mulligan

SIXTY-SIXTH REPRESENTATIVE DISTRICT
Carolyn H. Krause

SIXTY-SEVENTH REPRESENTATIVE DISTRICT
Charles E. “Chuck” Jefferson

SIXTY-EIGHTH REPRESENTATIVE DISTRICT
Dave Winters
SIXTY-NINTH REPRESENTATIVE DISTRICT
Ronald A. Wait
SEVENTIETH REPRESENTATIVE DISTRICT
David A. Wirsing
SEVENTY-FIRST REPRESENTATIVE DISTRICT
Mike Boland
SEVENTY-SECOND REPRESENTATIVE DISTRICT
Joel Brunsvold
SEVENTY-THIRD REPRESENTATIVE DISTRICT
David R. Leitch
SEVENTY-FOURTH REPRESENTATIVE DISTRICT
Donald L. Moffitt
SEVENTY-FIFTH REPRESENTATIVE DISTRICT
Mary K. O'Brien
SEVENTY-SIXTH REPRESENTATIVE DISTRICT
Frank J. Mautino
SEVENTY-SEVENTH REPRESENTATIVE DISTRICT
Angelo "Skip" Saviano
SEVENTY-EIGHTH REPRESENTATIVE DISTRICT
Deborah L. Graham
SEVENTY-NINTH REPRESENTATIVE DISTRICT
John “Phil” Novak
EIGHTIETH REPRESENTATIVE DISTRICT
George Scully
EIGHTY-FIRST REPRESENTATIVE DISTRICT
Renée Kosel
EIGHTY-SECOND REPRESENTATIVE DISTRICT
Eileen Lyons
EIGHTY-THIRD REPRESENTATIVE DISTRICT
Linda Chapa-LaVia
EIGHTY-FOURTH REPRESENTATIVE DISTRICT
Tom Cross
EIGHTY-FIFTH REPRESENTATIVE DISTRICT
Brent Hassert
EIGHTY-SIXTH REPRESENTATIVE DISTRICT
Jack McGuire
EIGHTY-SEVENTH REPRESENTATIVE DISTRICT
Bill Mitchell
EIGHTY-EIGHTH REPRESENTATIVE DISTRICT
Dan Brady
EIGHTY-NINTH REPRESENTATIVE DISTRICT
Jim Sacia
NINETIETH REPRESENTATIVE DISTRICT  
Jerry L. Mitchell

NINETY-FIRST REPRESENTATIVE DISTRICT  
Michael K. Smith

NINETY-SECOND REPRESENTATIVE DISTRICT  
Ricca Slone

NINETY-THIRD REPRESENTATIVE DISTRICT  
Art Tenhouse

NINETY-FOURTH REPRESENTATIVE DISTRICT  
Richard P. “Rich” Myers

NINETY-FIFTH REPRESENTATIVE DISTRICT  
Randall M. “Randy” Hultgren

NINETY-SIXTH REPRESENTATIVE DISTRICT  
Joe Dunn

NINETY-SEVENTH REPRESENTATIVE DISTRICT  
Jim Watson

NINETY-EIGHTH REPRESENTATIVE DISTRICT  
Gary Hannig

NINETY-NINTH REPRESENTATIVE DISTRICT  
Raymond Poe

ONE HUNDREDTH REPRESENTATIVE DISTRICT  
Rich Brauer

ONE HUNDRED AND FIRST REPRESENTATIVE DISTRICT  
Julie A. Curry

ONE HUNDRED AND SECOND REPRESENTATIVE DISTRICT  
Ron Stephens

ONE HUNDRED AND THIRD REPRESENTATIVE DISTRICT  
Naomi D. Jakobsson

ONE HUNDRED AND FOURTH REPRESENTATIVE DISTRICT  
William B. “Bill” Black

ONE HUNDRED AND FIFTH REPRESENTATIVE DISTRICT  
Shane Cultra

ONE HUNDRED AND SIXTH REPRESENTATIVE DISTRICT  
Keith P. Sommer

ONE HUNDRED AND SEVENTH REPRESENTATIVE DISTRICT  
Kurt M. Granberg

ONE HUNDRED AND EIGHTH REPRESENTATIVE DISTRICT  
Charles A. "Chuck" Hartke

Issued by the Governor November 25, 2002.  
Filed by the Secretary of State November 25, 2002.
WHEREAS, On the 5th day of November, 2002, an election was held in the State of Illinois for the election of the following officers, to-wit:

Twenty-eight (28) Regional Superintendents of Schools, to-wit: One (1) Regional Superintendent of Schools from the Adams and Pike Region; Alexander, Johnson, Massac, Pulaski and Union Region; Bond, Effingham and Fayette Region; Boone and Winnebago Region; Brown, Cass, Morgan and Scott Region; Bureau, Henry and Stark Region; Calhoun, Greene, Jersey and Macoupin Region; Carroll, JoDaviess and Stephenson Region; Champaign and Ford Region; Christian and Montgomery Region; Clay, Coles, Cumberland, Douglas, Edgar, Moultrie and Shelby Region; Clay, Crawford, Jasper, Lawrence and Richland Region; Clinton, Marion and Washington Region; DeWitt, Livingston and McLean Region; Edwards, Gallatin, Hardin, Pope, Saline, Wabash, Wayne and White Region; Franklin and Williamson Region; Fulton and Schuyler Region; Grundy and Kendall Region; Hamilton and Jefferson Region; Hancock and McDonough Region; Henderson, Mercer and Warren Region; Iroquois and Kankakee Region; Jackson and Perry Region; Lee and Ogle Region; Logan, Mason and Menard Region; Macon and Piatt Region; Marshall, Putnam and Woodford Region; Monroe and Randolph Region; for the full term of four years.

WHEREAS, In pursuance of Law, the State Board of Elections appointed to canvass the returns of such election and to declare the results thereof, did, on this the 25th day of November, 2002, canvass the same, and as a result of such canvass, did declare elected the following named persons to the following named offices:

REGIONAL SUPERINTENDENT OF SCHOOLS
ADAMS AND PIKE
Raymond A. Scheiter

ALEXANDER, JOHNSON, MASSAC, PULASKI AND UNION
Dan Anderson

BOND, EFFINGHAM AND FAYETTE
Delbert L. Maroon

BOONE AND WINNEBAGO
Richard L. Fairgrieve

BROWN, CASS, MORGAN AND SCOTT
Don Kording

BUREAU, HENRY AND STARK
Bruce Dennison

CALHOUN, GREENE, JERSEY AND MACOUPIN
Larry Pfeiffer

CARROLL, JoDAVIESS AND STEPHENSON
John B. Lang

CHAMPAIGN AND FORD
Judy Pacey
CHRISTIAN AND MONTGOMERY
Greg Springer
CLARK, COLES, CUMBERLAND, DOUGLAS, EDGAR, MOULTRIE AND SHELBY
John McNary
CLAY, CRAWFORD, JASPER, LAWRENCE AND RICHLAND
Samuel T. White
CLINTON, MARION AND WASHINGTON
Danny L. Garrett
DeWITT, LIVINGSTON AND McLEAN
Larry Daghe
EDWARDS, GALLATIN, HARDIN, POPE, SALINE, WABASH, WAYNE AND WHITE
Linda L. Blackman
FRANKLIN AND WILLIAMSON
Barry Kohl
FULTON AND SCHUYLER
Alan L. Coleman
GRUNDY AND KENDALL
Thomas J. Centowski
HAMILTON AND JEFFERSON
P. E. Cross
HANCOCK AND McDONOUGH
Robert Baumann
HENDERSON, MERCER AND WARREN
R. Bruce Hall
IROQUOIS AND KANKAKEE
Kay M. Pangle
JACKSON AND PERRY
Donald L. “Don” Brewer
LEE AND OGLE
Delight H. Pitman
LOGAN, MASON AND MENARD
Jean R. Anderson
MACON AND PIATT
Charles A. Shonkwiler
MARSHALL, PUTNAM AND WOODFORD
Rolland “Dave” Marshall
MONROE AND RANDOLPH
Marc L. Kiehna

NOW, THEREFORE, I, GEORGE H. RYAN, Governor of the State of Illinois, in conformity to statute in such case made and provided, do hereby make public proclamation, declaring as a result of such canvass the foregoing persons duly elected to
WHEREAS, On the 5th day of November, 2002, an election was held in the State of Illinois for the election of the following judges, to-wit:

Supreme Court Judges to fill the vacancy of the Honorable Benjamin K. Miller, Fourth Judicial District.

Appellate Court Judges to fill the vacancy of the Honorable Robert Chapman Buckley, to fill the vacancy of the Honorable William Cousins, Jr., to fill the vacancy of the Honorable Thomas R. Rakowski, First Judicial District; to fill the vacancy of the Honorable Lawrence D. Inglis, to fill the vacancy of the Honorable Robert R. Thomas, Second Judicial District; to fill the vacancy of the Honorable Peg Breslin, Third Judicial District; to fill the vacancy of the Honorable Rita B. Garman, Fourth Judicial District; to fill the vacancy of the Honorable Charles W. Chapman, Fifth Judicial District.

Circuit Court Judges to fill the vacancy of the Honorable Michael B. Bolan, to fill the vacancy of the Honorable Thomas P. Durkin, to fill the vacancy of the Honorable Thomas R. Fitzgerald, to fill the vacancy of the Honorable Thomas A. Hett, to fill the vacancy of the Honorable Aubrey F. Kaplan, to fill the vacancy of the Honorable Leonard L. Levin, to fill the vacancy of the Honorable Donald P. O'Connell, to fill the vacancy of the Honorable Willie Whiting, Cook County Judicial Circuit.

Circuit Court Judges to fill additional judgeship A, Second Subcircuit; to fill additional judgeship A, Third Subcircuit; to fill additional judgeship A, Fourth Subcircuit; to fill additional judgeship A, Fifth Subcircuit; to fill additional judgeship A, Sixth Subcircuit; to fill additional judgeship A, Seventh Subcircuit; to fill the vacancy of the Honorable Morton Zwick, to fill additional judgeship A, Eighth Subcircuit; to fill the vacancy of the Honorable Judith Cohen, to fill additional judgeship A, Ninth Subcircuit; to fill additional judgeship A, Tenth Subcircuit; to fill additional judgeship A, Eleventh Subcircuit; to fill additional judgeship A, Twelfth Subcircuit, to fill the vacancy of the Honorable Adrienne M. Geary, to fill additional judgeship A, Fourteenth Subcircuit; to fill additional judgeship A, Fifteenth Subcircuit, Cook County Judicial Circuit.

Circuit Court Judges to fill the vacancy of the Honorable George Oros, Pulaski County, First Judicial Circuit; to fill the vacancy of the Honorable David L. Underwood, Hamilton County, to fill the vacancy of the Honorable Robert M. Keenan, Jr., Wabash County, Second Judicial Circuit; to fill the vacancy of the Honorable Paul C. Komada, Fifth Judicial Circuit; to fill the vacancy of the Honorable James A. Hendrian, to fill the vacancy of the Honorable Jerry L. Patton, Macon County, Sixth Judicial Circuit; to fill the vacancy of the Honorable Ronald F. Robinson, Scott County, Seventh Judicial Circuit; to fill the vacancy of the Honorable Fred W. Reither, Cass County, to fill the vacancy of the Honorable Stephen G. Evans, Henderson County, Ninth Judicial Circuit;
to fill the vacancy of the Honorable Bruce W. Black, to fill the vacancy of the Honorable Donald C. Courson, to fill the vacancy of the Honorable Robert A. Barnes, Jr., Marshall County, Tenth Judicial Circuit; to fill additional judgeship A, to fill the vacancy of the Honorable W. Charles Witte, McLean County, Eleventh Judicial Circuit; to fill additional judgeship A, to fill additional judgeship B, to fill additional judgeship C, to fill additional judgeship D, Twelfth Judicial Circuit; to fill the vacancy of the Honorable Louis J. Perona, to fill the vacancy of the Honorable Robert H. Adcock, Grundy County, Thirteenth Judicial Circuit; to fill the vacancy of the Honorable Ronald C. Taber, to fill the vacancy of the Honorable Clarke C. Barnes, Henry County, Fourteenth Judicial Circuit; to fill the vacancy of the Honorable John W. Rapp, Jr., Carroll County, to fill the vacancy of the Honorable John B. Roe, Ogle County, Fifteenth Judicial Circuit; to fill the vacancy of the Honorable Thomas E. Hogan, to fill the vacancy of the Honorable John W. Countryman, DeKalb County, to fill the vacancy of the Honorable Patrick J. Dixon, Kane County, Sixteenth Judicial Circuit; to fill the vacancy of the Honorable Michael R. Morrison, to fill the vacancy of the Honorable K. Craig Peterson, Seventeenth Judicial Circuit; to fill the vacancy of the Honorable Thomas E. Callum, to fill the vacancy of the Honorable Michael R. Galasso, to fill the vacancy of the Honorable John W. Darrah, DuPage County, Eighteenth Judicial Circuit; to fill the vacancy of the Honorable Bernard E. Drew, Jr., to fill the vacancy of the Honorable Fred A. Geiger, to fill the vacancy of the Honorable Thomas A. Schermerhorn, to fill the vacancy of the Honorable Charles F. Scott, Lake County, Nineteenth Judicial Circuit; to fill the vacancy of the Honorable Roger M. Scrivner, to fill the vacancy of the Honorable Dennis J. Jacobsen, Monroe County, to fill the vacancy of the Honorable Stephen M. Kernan, St. Clair County, Twentieth Judicial Circuit; to fill the vacancy of the Honorable Fred S. Carr, Jr., to fill the vacancy of the Honorable Daniel W. Gould, Twenty-First Judicial Circuit.

WHEREAS, In pursuance of Law, the State Board of Elections appointed to canvass the returns of such election and to declare the results thereof, did, on this the 25th day of November, 2002, canvass the same, and as a result of such canvass, did declare elected the following named persons to the following named offices:

SUPREME COURT JUDGES
FOURTH JUDICIAL DISTRICT
(To fill the vacancy of the Honorable Benjamin K. Miller)
Rita B. Garman
APPELLATE COURT JUDGES
FIRST JUDICIAL DISTRICT
(To fill the vacancy of the Honorable Robert Chapman Buckley)
Neil F. Hartigan
(To fill the vacancy of the Honorable William Cousin, Jr.)
Denise Margaret O’Malley
(To fill the vacancy of the Honorable Thomas R. Rakowski)
James Fitzgerald Smith
SECOND JUDICIAL DISTRICT
(To fill the vacancy of the Honorable Lawrence D. Inglis)
Barbara Gilleran Johnson
(To fill the vacancy of the Honorable Robert R. Thomas)

Thomas E. Callum
THIRD JUDICIAL DISTRICT
(To fill the vacancy of the Honorable Peg Breslin)

Dan Schmidt
FOURTH JUDICIAL DISTRICT
(To fill the vacancy of the Honorable Rita B. Garman)

John Turner
FIFTH JUDICIAL DISTRICT
(To fill the vacancy of the Honorable Charles W. Chapman)

Melissa Chapman
JUDGES OF THE CIRCUIT COURT
COOK COUNTY JUDICIAL CIRCUIT
(To fill the vacancy of the Honorable Michael B. Bolan)

Noreen Valeria Love
(To fill the vacancy of the Honorable Thomas P. Durkin)

Kerry M. Kennedy
(To fill the vacancy of the Honorable Thomas R. Fitzgerald)

Eileen Mary Brewer
(To fill the vacancy of the Honorable Thomas A. Hett)

Laura Marie Sullivan
(To fill the vacancy of the Honorable Aubrey F. Kaplan)

Sheila McGinnis
(To fill the vacancy of the Honorable Leonard L. Levin)

Margaret Ann Brennan
(To fill the vacancy of the Honorable Donald P. O'Connell)

Mary Anne Mason
(To fill the vacancy of the Honorable Willie Whiting)

Lewis Nixon
SECOND SUBCIRCUIT
(To fill additional judgeship A)

Valarie E. Turner
THIRD SUBCIRCUIT
(To fill additional judgeship A)

Janet Adams Brosnahan
FOURTH SUBCIRCUIT
(To fill additional judgeship A)

Peter A. Felice
FIFTH SUBCIRCUIT
(To fill additional judgeship A)

Casandra Lewis
SIXTH SUBCIRCUIT
(To fill additional judgeship A)  
Raul Vega  
SEVENTH SUBCIRCUIT  
(To fill additional judgeship A)  
Anthony Lynn Burrell  
EIGHTH SUBCIRCUIT  
(To fill the vacancy of the Honorable Morton Zwick)  
Thomas J. Lipscomb  
(To fill additional judgeship A)  
Robert E. Gordon  
NINTH SUBCIRCUIT  
(To fill the vacancy of the Honorable Judith Cohen)  
Barbara M Meyer  
(To fill additional judgeship A)  
Sandra Otaka  
TENTH SUBCIRCUIT  
(To fill additional judgeship A)  
William Timothy O’Brien  
ELEVENTH SUBCIRCUIT  
(To fill additional judgeship A)  
Dennis Michael McGuire  
TWELFTH SUBCIRCUIT  
(To fill additional judgeship A)  
Sandra Tristano  
FOURTEENTH SUBCIRCUIT  
(To fill the vacancy of the Honorable Adrienne M. Geary)  
Lawrence O’Gara  
(To fill additional judgeship A)  
James R. Brown  
FIFTEENTH SUBCIRCUIT  
(To fill additional judgeship A)  
John Thomas Doody, Jr.  
FIRST JUDICIAL CIRCUIT  
(To fill the vacancy of the Honorable George Oros)  
PULASKI COUNTY  
William J. “Bill” Thurston  
SECOND JUDICIAL CIRCUIT  
(To fill the vacancy of the Honorable David L. Underwood)  
Barry Leon Vaughan  
(To fill the vacancy of the Honorable Robert M. Keenan, Jr.)  
WABASH COUNTY  
Stephen G. Sawyer  
FIFTH JUDICIAL CIRCUIT
(To fill the vacancy of the Honorable Paul C. Komada)
Mitchell K. Shick
SIXTH JUDICIAL CIRCUIT
(To fill the vacancy of the Honorable James A. Hendrian)
A. G. Webber
(To fill the vacancy of the Honorable Jerry L. Patton)
MACON COUNTY
Katherine (Kitty) McCarthy
SEVENTH JUDICIAL CIRCUIT
(To fill the vacancy of the Honorable Ronald F. Robinson)
SCOTT COUNTY
Lois A. Bell
EIGHTH JUDICIAL CIRCUIT
(To fill the vacancy of the Honorable Fred W. Reither)
CASS COUNTY
Bob Hardwick Jr.
NINTH JUDICIAL CIRCUIT
(To fill the vacancy of the Honorable Stephen G. Evans)
HENDERSON COUNTY
David L. Vancil, Jr.
TENTH JUDICIAL CIRCUIT
(To fill the vacancy of the Honorable Bruce W. Black)
Stephen A. Kouri
(To fill the vacancy of the Honorable Donald C. Courson)
James E. Shadid
(To fill the vacancy of the Honorable Robert A. Barnes, Jr.)
MARSHALL COUNTY
Kevin R. Galley
ELEVENTH JUDICIAL CIRCUIT
(To fill additional judgeship A)
Charles G. Reynard
(To fill the vacancy of the Honorable W. Charles Witte)
McLEAN COUNTY
James E. Souk
TWELFTH JUDICIAL CIRCUIT
(To fill additional judgeship A)
Richard C. Schoenstedt
(To fill additional judgeship B)
Susan T. O’Leary
(To fill additional judgeship C)
Carla Alessio Goode
(To fill additional judgeship D)
Dick Siegel
THIRTEENTH JUDICIAL CIRCUIT
(To fill the vacancy of the Honorable Louis J. Perona)
Eugene P. “Gene” Daugherity
(To fill the vacancy of the Honorable Robert H. Adcock)
GRUNDY COUNTY
Robert C. Marsaglia

FOURTEENTH JUDICIAL CIRCUIT
(To fill the vacancy of the Honorable Ronald C. Taber)
Walter D. Braud
(To fill the vacancy of the Honorable Clarke C. Barnes)
HENRY COUNTY
Ted Hamer

FIFTEENTH JUDICIAL CIRCUIT
(To fill the vacancy of the Honorable John W. Rapp, Jr.)
CARROLL COUNTY
Val Gunnarsson
(To fill the vacancy of the Honorable John B. Roe)
OGLE COUNTY
Michael T. Mallon

SIXTEENTH JUDICIAL CIRCUIT
(To fill the vacancy of the Honorable Thomas E. Hogan)
Joseph M. Grady
(To fill the vacancy of the Honorable John W. Countryman)
DeKALB COUNTY
Kurt P. Klein
(To fill the vacancy of the Honorable Patrick J. Dixon)
KANE COUNTY
Judy Brawka

SEVENTEENTH JUDICIAL CIRCUIT
(To fill the vacancy of the Honorable Michael R. Morrison)
Joseph G. McGraw
(To fill the vacancy of the Honorable K. Craig Peterson)
Rosemary Collins

EIGHTEENTH JUDICIAL CIRCUIT
(To fill the vacancy of the Honorable Thomas E. Callum)
Kathryn Creswell
(To fill the vacancy of the Honorable Michael R. Galasso)
Michael J. Burke
(To fill the vacancy of the Honorable John W. Darrah)
DuPAGE COUNTY
John T. Elsner

NINETEENTH JUDICIAL CIRCUIT
(To fill the vacancy of the Honorable Bernard E. Drew, Jr.)
Christopher C. “Kip” Starck
(To fill the vacancy of the Honorable Fred A. Geiger)
Mary S. Schostok
(To fill the vacancy of the Honorable Thomas A. Schermerhorn)
Michael T. Caldwell
(To fill the vacancy of the Honorable Charles F. Scott)
LAKE COUNTY
James K. “Jimmy” Booras
TWENTIETH JUDICIAL CIRCUIT
(To fill the vacancy of the Honorable Roger M. Scrivner)
James K. Donovan

Issued by the Governor November 25, 2002.
Filed by the Secretary of State November 25, 2002.

2002-603
2002 GENERAL ELECTION CANVASS - RETAINED JUDGES

WHEREAS, On the 5th day of November, 2002, an election was held in the State
of Illinois for the retention of the following judges, to-wit:
Supreme Court Judge from the First Judicial District;
Appellate Court Judges from the First and Third Judicial Districts;
Circuit Court Judges from the First, Second, Third, Fourth, Fifth, Sixth, Seventh,
Eighth, Ninth, Tenth, Eleventh, Twelfth, Fourteenth, Fifteenth, Sixteenth, Seventeenth,
Eighteenth, Nineteenth, Twentieth, Twenty-first, and Cook County Judicial Circuits.
WHEREAS, In pursuance of Law, the State Board of Elections appointed to
canvass the returns of such election and to declare the results thereof, did, on this the 25th
day of November, 2002, canvass the same, and as a result of such canvass, did declare
retained the following named persons to the following named offices:

RETENTION
JUDGE OF THE SUPREME COURT
FIRST JUDICIAL DISTRICT
Mary Ann G. McMorrow
JUDGE OF THE APPELLATE COURT
FIRST JUDICIAL DISTRICT
Robert Cahill
THIRD JUDICIAL DISTRICT
Tom Lytton
JUDGES OF THE CIRCUIT COURT
FIRST JUDICIAL CIRCUIT
Michael J. Henshaw
James R. “Jim” Williamson
Stephen L. Spomer
Paul S. Murphy
Bruce D. Stewart
Phillip G. Palmer
SECOND JUDICIAL CIRCUIT
  Don A. Foster
  Loren P. Lewis
  E. Kyle Vantrease
  Bennie Joe Harrison
THIRD JUDICIAL CIRCUIT
  Nicholas G. Byron
  Edward C. Ferguson
  Phillip J. Kardis
FOURTH JUDICIAL CIRCUIT
  Michael Ross Weber
  Steven P. Seymour
  S. Gene Schwarm
  Patrick L. Duke
FIFTH JUDICIAL CIRCUIT
  Ashton C. Waller
  Tracy W. Resch
  Dale A. Cini
SIXTH JUDICIAL CIRCUIT
  Frank W. Lincoln
  John G. Townsend
  Thomas J. Difanis
  Harry E. Clem
  Arnold F. Blockman
SEVENTH JUDICIAL CIRCUIT
  Thomas P. Carmody
  James W. Day
  Thomas G. Russell
  Robert J. Eggers
EIGHTH JUDICIAL CIRCUIT
  Robert L. Welch
  Dennis K. Cashman
  Michael R. Roseberry
  Mark A. Schuering
  Scott H. Walden
  Richard D. Greenlief
NINTH JUDICIAL CIRCUIT
  James B. Stewart
  Ronald C. Tenold
TENTH JUDICIAL CIRCUIT
  Richard E. Grawey
Scott A. Shore  
ELEVENTH JUDICIAL CIRCUIT  
Don Bernardi  
G. Michael Prall  
TWELFTH JUDICIAL CIRCUIT  
Herman S. Haase  
Gerald R. Kinney  
Amy M. Bertani-Tomczak  
Stephen D. White  
FOURTEENTH JUDICIAL CIRCUIT  
Joseph F. Beatty  
Danny A. Dunagan  
Charles “Casey” Stengel  
FIFTEENTH JUDICIAL CIRCUIT  
William A. Kelly  
David T. Fritts  
SIXTEENTH JUDICIAL CIRCUIT  
Michael J. Colwell  
Gene Nottolini  
Douglas R. Engel  
Grant S. Wegner  
Timothy Q. Sheldon  
F. Keith Brown  
SEVENTEENTH JUDICIAL CIRCUIT  
Ronald L. Pirrello  
Gerald F. Grubb  
EIGHTEENTH JUDICIAL CIRCUIT  
Edward “Ted” R. Duncan, Jr.  
Robert J. Anderson  
Perry R. Thompson  
Hollis L. Webster  
George J. Bakalis  
Kenneth Moy  
NINETEENTH JUDICIAL CIRCUIT  
Michael J. Sullivan  
Stephen E. Walter  
Ward S. Arnold  
Jane D. Waller  
Sharon Prather  
TWENTIETH JUDICIAL CIRCUIT  
Michael J. O’Malley  
James W. Campanella  
TWENTY-FIRST JUDICIAL CIRCUIT
Clark Erickson
Gordon L. Lustfeldt
J. Gregory Householter

COOK COUNTY JUDICIAL CIRCUIT
Anthony S. Montelione
Francis W. Glowacki
Thomas E. Flanagan
   Daniel J. Kelley
   Daniel J. Lynch
Michael P. Toomin
Richard J. Elrod
Themis N. Karnezis
Philip L. Bronstein
Loretta Carol Douglas
James Patrick Flannery
Judy I. Mitchell-Davis
Mary Ellen Coglan
Sebastian Thomas Patti
Michele Francene Lowrance
Kathleen Marie McGury
James P. O’Malley
Shelley Lynn Sutker-Dermer
   Gay-Lloyd Lott
   Lynn Marie Egan
   Gerald C. Bender
   Andrew Berman
Patricia Martin Bishop
Diane Gordon Cannon
   Evelyn B. Clay
Sharon Johnson Coleman
   Clayton J. Crane
   Wilbur E. Crooks
   Daniel P. Darcy
   Donald M. Devlin
David Riley Donnersberger
   Candace Jean Fabri
   John J. Fleming
Rodolfo (Rudy) Garcia
   James J. Gavin
Shelli Williams Hayes
Vanessa A. Hopkins
   Rickey Jones
   James J. Jorzak
WHEREAS, State Representative Thomas Holbrook will celebrate his birthday November 23, 2002; and

WHEREAS, Representative Holbrook has served as a State Representative for the 113th District from 1995 to present; and

WHEREAS, he has been the recipient of the 3rd Annual Senator Kenneth Hall Leadership & Service Award for his outstanding record on senior issues and for the advocacy of seniors of Southwestern Illinois; and

WHEREAS, he has been the recipient of the Sister City Award for his continued enthusiastic support and untiring efforts in assisting and promoting the programs of Belleville Sister Cities; and

WHEREAS, Representative Holbrook serves as Chairperson for the Tourism Committee, Vice-Chairperson for Veterans Affairs Committee, member of the Constitutional Officers Committee, Environment and Energy Committee, and the Telecom Rewrite Committee. He also serves on the Metro-East Tourism Task Force and Fire Protection Funding Task Force;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim November 23, 2002, as THOMAS HOLBROOK DAY in Illinois.

Issued by the Governor November 22, 2002.

Filed by the Secretary of State November 27, 2002.
2002-605
SUSAN J. ROHRER DAY

WHEREAS, Susan J. Rohrer has devoted most of her life to serving the public through various capacities in education and government; and
WHEREAS, Susan Rohrer holds degrees from MacMurray College and the University of Illinois at Urbana-Champaign and in 1973 was awarded a Ph.D. in educational administration; and
WHEREAS, Susan Rohrer dedicated 22 years of her life to teaching in Jacksonville and Virden, including work with blind and emotionally disturbed children, rising through skill and hard work to the role of principal in 1984 at Virden Junior and Senior High School; and
WHEREAS, Susan Rohrer entered elective public office in 1991 by winning a four-year term on the Virden District 4 school board, and serving two years as board secretary; and
WHEREAS, Susan Rohrer, in 1993, was elected to the first of two terms as Mayor of Virden, serving with distinction and dedication; and
WHEREAS, Susan Rohrer began her service in state government with the Illinois State Police in 1997; and
WHEREAS, Susan Rohrer was named assistant director of the Governor’s Office of Citizens Assistance in 1998 by this governor; and
WHEREAS, Susan Rohrer’s organizational abilities and personnel skills won her high praise and advancement to the post of director of the Governor’s Office of Citizens Assistance in 2001; and
WHEREAS, Susan Rohrer continues her fine record of public service now with the Illinois Department of Revenue;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 1, 2002, as SUSAN J. ROHRER DAY in Illinois in recognition of Susan’s outstanding personal and professional achievements.

Issued by the Governor November 26, 2002.
Filed by the Secretary of State December 12, 2002.

2002-606
PHILLIP GZESH

WHEREAS, Phillip Gzesh has dedicated his life to service in the name of the United States of America and the State of Illinois; and
WHEREAS, he was a member of the armed forces serving with the United States Army Reserve beginning in September 1970 and retiring as Senior Intelligence Sergeant in October 1994; and
WHEREAS, he joined the Illinois Department of Public Aid as a caseworker in May 1971 and assisted persons residing in long term care facilities, including an 18-month special assignment with the Illinois Department of Public Health; and
WHEREAS, after graduating from law school in June 1975 while maintaining his full-time position with the Department of Public Aid, he became an attorney for the Department of Public Aid, supervising as many as 43 hearing officers and ancillary staff; and

WHEREAS, he helped create the department’s first program integrity unit, joining it to litigate administrative hearing cases against Medicaid providers which improperly charged for services or provided poor quality care; and

WHEREAS, he rose through the ranks of that unit to become the Chief of the Bureau of Administrative Litigation in May 2000; and

WHEREAS, he has continuously provided invaluable advice and counsel to the Office of Inspector General, ensuring the success of its many efforts to prevent, detect and eliminate fraud, waste, abuse, misconduct and mismanagement in the programs administered by the Department of Public Aid; and

WHEREAS, he has consistently acted in an honest and ethical manner befitting the image to which all state employees should aspire; and

WHEREAS, he has made personal sacrifices too numerous to mention to serve his nation and his fellow Illinoisans;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, do hereby issue this certificate of commendation to PHILLIP GZESH for his long and honorable service to the people of Illinois, and bestow my best wishes for a wonderful life after retirement.

Issued by the Governor November 26, 2002.
Filed by the Secretary of State December 12, 2002.

2002-607
TRUE FAMILY VALUES DAY

WHEREAS, the Family Federation for World Peace of Illinois will celebrate its 7th annual True Family Values Banquet on December 14, 2002; and

WHEREAS, the participants will consist of a multi-cultural, inter-religious convocation of clergy, political, economic, civic, community and women’s leaders; and

WHEREAS, the family is the cornerstone of civilization and the common denominator that unites all people regardless of nationality, religion, race or cultural background; and

WHEREAS, the family is the school of love wherein we learn the values and virtues that enable us to become tolerant and compassionate peacemakers in our communities, nation and world; and

WHEREAS, many of our nation’s and world’s families are fragmenting and suffering enormous stress, and it is incumbent on our nation’s religious, political, cultural and community leaders to launch a moral, social campaign for family renewal; and

WHEREAS, we invite all people to join together in recommitting themselves to building strong marriages and stable families;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim
December 14, 2002, as TRUE FAMILY VALUES DAY in Illinois, and encourage all state and local officials to recognize similar observances and civic initiatives throughout our communities.

Issued by the Governor December 26, 2002.
Filed by the Secretary of State December 12, 2002.

2002-608
WORLD AIDS DAY

WHEREAS, the global epidemic of HIV infection and AIDS requires a worldwide effort to increase communication, education and united action to stop the spread of HIV/AIDS; and
WHEREAS, the Joint United Nations Programme on HIV/AIDS (UNAIDS) observes December 1 of each year as World AIDS Day, a day to expand and strengthen worldwide efforts to stop the spread of HIV/AIDS; and
WHEREAS, UNAIDS estimates that over 36 million individuals worldwide are currently living with HIV/AIDS with young people under the age of 25 accounting for more than half of all new infections; and
WHEREAS, the American Association for World Health is encouraging a better understanding of the challenge of HIV/AIDS nationally as it recognizes the number of people diagnosed with HIV and AIDS in the United States continues to increase, with up to 900,000 individuals in the U.S. now infected; and
WHEREAS, World AIDS Day provides an opportunity to focus local, national and international attention on HIV infection and AIDS and to disseminate information on how to prevent the spread of HIV; and
WHEREAS, the World AIDS Day theme, AAIDS Does Not Discriminate, urges all youth and those who influence them to increase their awareness of the risk of HIV/AIDS for themselves and to use their influence in their families, among their friends and in their communities to help stem the tide of the HIV/AIDS pandemic;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim December 1, 2002, as WORLD AIDS DAY in Illinois, and urge all citizens to take part in activities and observances designed to increase awareness and understanding of HIV/AIDS as a global challenge, to take part in HIV/AIDS prevention and activities, and to join in the global effort to prevent the further spread of HIV/AIDS.

Issued by the Governor December 02, 2002.
Filed by the Secretary of State December 12, 2002.

2002-609
HAROLD "BUD" FORD DAY

WHEREAS, Harold "Bud" Ford has served in the position of Illinois State Fair Manager since February 1999; and
WHEREAS, in the four years Mr. Ford has been Manager, two State Fair
attendance records have been broken; and
WHEREAS, Mr. Ford was influential in creating five different themed areas, the Gate 2 Archway, and the 150th Anniversary Time Capsule at the State Fair; and
WHEREAS, Mr. Ford also initiated the process of improving the cleanliness and beautification of the Fairgrounds; and
WHEREAS, Mr. Ford has shown a remarkable ability to work with all people, a trait that helped make the Illinois State Fair one of the top five State Fairs in the United States;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim December 11, 2002, as HAROLD “BUD” FORD DAY in Illinois.

Issued by the Governor December 11, 2002.
Filed by the Secretary of State December 13, 2002.

2002-610

CHIEF CARL FLAGG DAY

WHEREAS, Chief Carl Flagg is a product of the Chicago Schools, having attended Sherwood Grammar School, Tilden Technical High School, Wilson Junior College and Roosevelt University; and
WHEREAS, Carl Flagg joined the Illinois Department of Corrections as an investigator in February 1979. In 1985, Mr. Flagg became a shift supervisor in the Department’s Fugitive Apprehension Unit, where he served until April 1993. At that time, he became Chief of the Fugitive Apprehension Unit, a position he filled until September 1999, when IDOC Director Donald N. Snyder Jr. named Mr. Flagg Special Assistant to the Director. Prior to his career at the IDOC, Mr. Flagg served in the United States Air Force and the Chicago Police Department, achieving the rank of Sergeant in both forces; and
WHEREAS, Mr. Flagg has received numerous honors for dedicated service and bravery in the four decades in which he has worked for organizations that serve and protect the public, including being named IDOC Employee of the Year in 1991 for successfully resolving a hostage situation instigated by a fugitive. He has also received numerous citations and recognition from the Chicago Police Department, Federal Bureau of Investigation and United States Marshall Service for his work within the law enforcement community; and
WHEREAS, Mr. Flagg was directly involved in the apprehension of prison escapees from Illinois, and particularly cases involving dangerous, desperate and cunning criminals from the maximum security Stateville Correctional Center. Several cases required detailed, creative use of street contacts, court ordered surveillance, specialized investigative techniques and threats to his own personal safety; and
WHEREAS, Mr. Flagg will be retiring from the Illinois Department of Corrections after 24 years of faithful and dedicated service;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim December 12, 2002, as CHIEF CARL FLAGG DAY in Illinois, bestowing my deepest
WHEREAS, Evelyn Handler, a product of the Chicago Public Schools, is the oldest active teacher in the State of Illinois; and

WHEREAS, Mrs. Handler, a graduate of Von Humboldt Elementary and Tuley High School, received her bachelor's degree from the University of Chicago at the age of 19; and

WHEREAS, Mrs. Handler began her career as a social worker, later making a career change to become a teacher, fulfilling her life-long dream; and

WHEREAS, after teaching for five years at Mather High School, Mrs. Handler came to Lake View High School, where she has remained for over 40 years. During this time she has worked for five principals and served as chairperson of the Social Studies Department, sponsor of the National Honor Society, sponsor of the Student Council, and advisor of Mayor Daley's Book Club. She participates in the Partners-in-Law Program with DePaul University and is the liaison with the local universities in placing student teachers; and

WHEREAS, Mrs. Handler's students have been introduced to the world beyond the classroom by their involvement in the annual Mock Trial that culminates with actual courtroom participation. Her students have had priceless history lessons listening to and questioning her guest speakers, who come from a wide variety of experiences and backgrounds; and

WHEREAS, Mrs. Handler was one of 15 Chicago Social Studies teachers selected to spend two weeks in Germany, where she spoke at businesses and schools. She has also traveled to Russia, China, Eastern and Northern Europe, always bringing what she learned back to the classroom; and

WHEREAS, Mrs. Handler has been featured on the front page of the Chicago Tribune, was ABC TV's Harry Posterfield's Someone You Should Know, the subject of a Chicago Educator spot on Cable TV 23, highlighted in the Lerner Booster and Region One news, guest speaker at Wright College's Future Teacher's Recognition Ceremony, recipient of the Beacon of Light Award at Wright College, the subject of CBS TV's Burleigh Hynes' interview, and recognized by Mayor Daley at the City Council; and

WHEREAS, Mrs. Evelyn Handler will celebrate her 85th birthday at a surprise party at Lake View High School on January 8, 2003;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim January 8, 2003, as EVELYN HANDLER DAY in Illinois.

Issued by the Governor December 09, 2002.
Filed by the Secretary of State December 13, 2002.
2002-612

VERNON L. "BUD" SCHAFER DAY

WHEREAS, Vernon L. "Bud" Schafer was born in Springfield, Illinois on November 21, 1922, and has resided in Springfield his entire life; and
WHEREAS, born to John and Alma Schafer, Bud was one of five children, three boys and two girls; and
WHEREAS, Bud Schafer married Mary M. Kienzler on January 7, 1950, in Springfield; and
WHEREAS, Bud Schafer is the father of 14 children, including four sets of twins, and has 26 grandchildren; and
WHEREAS, Bud Schafer was a carrier pilot with the U.S. Navy from 1943-1947, was employed with Schafer Gainer Mills and Hatchery from 1948-1972 and with Ace Hardware from 1972 until his retirement in 1990; and
WHEREAS, Bud Schafer will be celebrating his 80th birthday on Sunday, November 24, 2002, with an open house at the Church of the Little Flower Quonset Hut from 1-4 p.m.;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, do hereby proclaim November 21, 2002, as VERNON L. “BUD” SCHAFER DAY in Illinois.

Issued by the Governor November 22, 2002.
Filed by the Secretary of State December 13, 2002.

2002-613

DISASTER AREA STATE OF ILLINOIS

Tornadoes and severe thunderstorms moved across the southern tip of Illinois on April 28, 2002, which resulted in one death and 7 injuries, some of which required medical treatment. Initial reports indicate that this severe weather system destroyed 16 homes, and caused major damage to 33 homes and minor damage to 107 homes. The tornado inflicted heavy damage to Flora in Clay County, Cypress in Johnson County, Golconda in Pope County, Galatia in Saline County and Dongola in Union County. There was extensive damage to homes, businesses, farms, local roads and other properties in these communities. Power outages and damage to power lines and trees also occurred throughout the area.

In the interest of responding to the threat imposed to public health and safety as a result of the tornado, I hereby declare that a disaster exists within the State of Illinois, and specifically identify Clay, Johnson, Pope, Saline, and Union counties as disaster areas, pursuant to the provisions of Section 3305/7 of the Illinois Emergency Management Agency Act, 20 ILCS 3305/7.

This gubernatorial declaration of disaster will aid the Illinois Emergency Management Agency in coordinating the state effort to assist local governments in disaster response and recovery operations, and to assist volunteer resources in providing reasonable and necessary emergency measures for disaster response. This declaration will
also provide for the assessment of damages and the determination of a need to request supplemental Federal assistance.

Issued by the Governor April 29, 2002.
Filed by the Secretary of State April 29, 2002.

2002-614
DR. HAK JA HAN MOON DAY

WHEREAS, the Family Federation for World Peace in Illinois will sponsor a multicultural, inter-religious convocation of clergy, political, economic, civic and women leaders on September 24, 2002; and

WHEREAS, the family is the cornerstone of civilization and the common denominator that unites all people regardless of nationality, religion, race or cultural background; and

WHEREAS, the family is the school of love wherein we learn the values and virtues that enable us to become tolerant and compassionate peacemakers in our communities, nation and world; and

WHEREAS, many of our nation’s and world’s families are fragmented and suffering enormous stress it is incumbent on our nation’s religious, political, cultural and community leaders to launch a moral social campaign for family renewal; and

WHEREAS, all people should join together in recommitting themselves to building strong marriages and stable families; and

WHEREAS, Dr. Hak Ja Han Moon, Co-founder of the Foundation of the Family Federation for World Peace will be speaking on the topic, “The Origin of Peace is God,” as part of a 12-city speaking tour across America;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, do hereby proclaim September 24, 2002 as DR. HAK JA HAN MOON DAY in Illinois.

Issued by the Governor September 20, 2002.
Filed by the Secretary of State September 20, 2002.

2002-615
ECONOMIC EDUCATION WEEK

WHEREAS, the future of our state and nation is highly dependent on the health and strength of our economy; and

WHEREAS, economic understanding and personal finance skills for all citizens are essential to furthering a strong economy; and

WHEREAS, economic and personal finance education prepare our youth to be effective participants in the economy of our communities, state, nation, and world; and

WHEREAS, economic and personal finance education prepare our youth to be wise consumers, creative business owners, productive workers, prudent savers and investors, and knowledgeable voters in our economy; and
WHEREAS, economic and personal finance education provide our youth with the tools to be successful in an increasingly competitive world economy; and
WHEREAS, the Illinois Council on Economic Education is the premier provider in the State of Illinois of economic and personal finance education programs for citizens of all ages; and
WHEREAS, the Illinois Council on Economic Education accomplishes its goals primarily through working with teachers and administrators to integrate the teaching of economics and entrepreneurship into the school curriculum K-12; and
WHEREAS, the programs of the Illinois Council of Economic Education help students meet the educational standards of the Illinois State Board of Education; and
WHEREAS, the Illinois Council on Economic Education represents strong partnerships between education, business, labor, and government that offer a cost-efficient, effective educational process with proven and lasting impact;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 28-November 1, 2002, as ECONOMIC EDUCATION WEEK in Illinois.
Issued by the Governor October 14, 2002.
Filed by the Secretary of State October 21, 2002.
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* - Generally effective this date, some sections other dates
I, Jesse White, Secretary of State of the State of Illinois, do hereby certify that the foregoing Public Acts and Joint Resolutions of the Ninety-Second General Assembly of the State of Illinois and the Executive Orders and Proclamations of the Governor, are true and correct copies of the originals now on file in the office of the Secretary of State.

IN WITNESS WHEREOF, I hereto set my hand and affix the Great Seal of the State of Illinois, at the city of Springfield, this 31st day of January 2003.

(SEAL)

JESSE WHITE
Secretary of State